

# **BY-LAWS OF THE COWLITZ COUNTY HISTORIC PRESERVATION COMMISSION**

## **SECTION I: GENERAL RULES AND PROCEDURES**

**These By-Laws establish the rules and procedures under which the Cowlitz County Historic Preservation Commission (CCHPC or Commission) executes those duties and functions set forth in Chapter No. 18.80; Cowlitz County Historic Preservation Ordinance.**

### **A. NAME**

1. The name of the organization shall be the COWLITZ COUNTY HISTORIC PRESERVATION COMMISSION (“CCHPC” or “Commission”).

### **B. PURPOSE**

1. The purpose is to provide for the identification, evaluation and protection of historic resources; raise community awareness; and serve as the County’s primary resource in matters of history, historic planning and preservation in a manner prescribed by Cowlitz County Historic Preservation Ordinance No. 16-089.

### **C. MEMBERSHIP**

1. The Commission shall consist of five (5) voting members appointed by the Board of County Commissioners and one (1) non-voting ex officio member as prescribed in Chapter No. 18.80; Cowlitz County Historic Preservation Ordinance. Information regarding the CCHPC, including creation and size, composition of the Commission and terms of members will be found by referencing Section 18.80.040.A-C in the Cowlitz County Code.

### **D. ATTENDANCE OF MEMBERS**

1. All members shall attend regularly scheduled meetings and shall be on time. If three consecutive, regularly scheduled meetings are missed without good cause as determined by the Commission, resignation shall be encouraged.

### **E. QUORUM**

1. A quorum is a simple majority of the five (5) members eligible to vote at a meeting. Should there be less than five (5) voting members on the Commission at any given time, a quorum of three (3) shall still be required. A quorum is necessary to transact any official business.

### **F. OFFICERS AND STAFF**

1. The officers of this organization shall be the Chairperson and Deputy Chairperson. The Chairperson and Deputy Chairperson shall be supported by the Staff Secretary. The Staff Secretary will coordinate with and seek advisement from an Officer(s) of separate, Historic Preservation Commissions within Cowlitz County. Officers beyond those mentioned are

not a functional need of the Commission. Should the need for an additional officer arise on a permanent or temporary basis, the necessary office shall be voted in by a majority vote.

- 2.** All officers shall perform their duties as prescribed by these By-Laws and by parliamentary authority adopted by the organization.
  - a.** The election for Chairperson and Deputy Chairperson shall be held at the regularly scheduled December meeting. Nominations shall be made from the floor and election held immediately before new business. The officers shall be elected for a one-year term or until their successors are elected, with their term of office beginning immediately after election.
  - b.** The Chairperson shall preside over all regularly scheduled and all special or called meetings of the Commission. The Chairperson shall appoint members to specific committees on an ad hoc basis, which terms shall end when the task is completed. All tasks presented to a committee shall be executed in a timely manner as determined by the CCHPC.
  - c.** The Deputy Chairperson assumes the duties of the Chairperson in the absence of the Chairperson. In the absence of the Chairperson, the Deputy Chairperson will have the same powers and duties as those of the Chairperson.
  - d.** The Staff Secretary will be a member of the Cowlitz County Department of Building and Planning. The Staff Secretary shall assure that the notes of all Commission meetings are taken and provided to the appropriate persons. The Staff Secretary shall distribute information to members including meeting notes, information pertinent to tasks at hand, and all current and updated materials that members are in need of in order to carry out their tasks; five (5) days before a regularly scheduled meeting. Also, the Staff Secretary shall act as an advisor to the Commission and shall notify members of meeting dates and times not less than five (5) days before a regularly scheduled meeting. In cases of special or called meetings, the Staff Secretary shall only be required to give notice and distribute all materials three (3) days in advance of the meeting.
  - e.** The Staff Secretary and professional staff assistance shall be provided by the County Department of Building and Planning to the Commission, and additional assistance and information may be provided by other County departments as necessary to aid the Commission in carrying out its duties and responsibilities as prescribed in Chapter No. 18.80; Cowlitz County Historic Preservation Ordinance.

- f. The Staff Secretary will seek advisement from an Officer(s) of other Historic Preservation Commissions located in Cowlitz County. As an ad hoc advisor to the Cowlitz County Historic Preservation Commission, this individual(s) will assist the Staff Secretary in guiding the Commission when requested.

#### **G. POWERS AND DUTIES**

1. Powers and duties of the Commission shall be held and executed as provided in Section 18.80.040.D in the Cowlitz County Code.

#### **H. MEETINGS**

1. The regularly scheduled meeting of this Commission shall be held monthly, on the first Thursday of each month at 10:00am, at the County Administration Building, unless otherwise directed by the Chairperson or a Commission vote in compliance with Chapter 42-30 RCW, Open Public Meeting Act, to provide for adequate public participation and adopt standards to guide this action. All meetings shall start on time and shall be executed expeditiously by the Chairperson.
2. Special meetings may be called by the Chairperson. The purpose of the meeting will be stated in the call. Except in emergencies, at least three (3) days' notice shall be given for special meetings and five (5) days' notice for regularly scheduled meetings.
3. Parliamentary authority of the meetings shall be executed by using the current edition of "Robert's Rules of Order Newly Revised."
4. Procedures for conducting regular meetings:
  - a. Pre-Meeting
    - i. If there are agenda items, regular meetings will be held monthly. In case of scheduling conflicts, the meeting place, date and time may be changed at the discretion of the Chairperson with five (5) days advance notice given to CCHPC members and the public. If the meeting date falls on an official holiday, the meeting may be changed to a time and place as determined by the CCHPC at the preceding month's meeting. If such a change occurs, the regular meeting place shall be posted with information as to the new time and place.
    - ii. If there are no agenda items, the Chairperson may cancel the regular meeting after giving all CCHPC members and the public 24 hours advance notice. However, if a majority of voting CCHPC members express the desire to hold the meeting, it shall convene as scheduled. If the meeting is canceled, a notice to that effect will be posted at the regular meeting place at the regular time.
    - iii. Special meetings may be called by the Chairperson or by a majority of the voting CCHPC members. Commission

- members will be given at least three (3) days' notice of the time and place of such meetings.
- iv.** All regular and special meetings will be open to the public and the date, place and agenda will be publicized in accordance with the Open Public Meetings Act (Chapter 42.30 RCW) except when a majority of voting Commission members determine that an executive session is necessary as detailed in the Open Public Meeting Act (Chapter 42.30.110). The agenda for regularly scheduled meetings shall be posted and advertised 24 hours prior to the regularly scheduled meetings.
  - v.** The order of review items will be determined by their order of receipt. All applications, including Designation Review and Special Valuation Review must be filed at least 30 days before the meeting at which the case is to be considered. This allows staff sufficient time to copy and distribute materials to CCHPC members. Design Review applications must be filed at least fourteen (14) days prior to the regularly scheduled meeting at which they are to be considered.
  - vi.** Staff shall be responsible for notifying principles in each case as specified under the rules for review procedures.
  - vii.** Staff shall advise other local and regional Historic Preservation Commissions and Certified Local Governments within Cowlitz County of the date and time of all regularly scheduled and special meetings according to noticing procedures as outlined in this document.
- b. Regular Order of Business for Meetings**
- i.** Business will be conducted under “Robert’s Rules of Order Newly Revised.” All issues will be decided by simple majority vote except amendments to the By-Laws, which require a vote of four out of five members.
  - ii.** Three (3) voting members of the non-vacant membership on the CCHPC constitute a quorum. Meetings without quorum will be recessed to the earliest possible date.
  - iii.** Notes will be taken during all CCHPC proceedings. Additionally, the meetings may be recorded to further clarify the meeting notes.
  - iv.** The regular order of business shall be as follows:
    - a.** Call to Order
    - b.** Roll Call
    - c.** Agenda Reading and Acceptance
    - d.** Public Comment Period for Items not on the Agenda
    - e.** Adoption of Meeting Notes
    - f.** Unfinished Business

- g. New Business
- h. Other Business
- i. Adjournment
- v. The CCHPC shall act on each application at the meeting unless a majority of the voting Commission members decide to defer consideration to a later date. Requests for continuance may be granted if all parties agree. The Chairperson will publicly announce the continuance, and the case 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 case.
- c. In the event of an uncontrollable disruption of the meeting, the CCHPC 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.
- d. During the course of the meeting, the above procedures may be temporarily modified by the concurrence of all parties and the CCHPC.
- 5. Plan for copying and distributing implementation rules:
  - a. The master copies of all Historic Preservation related rules and procedures, application standards, criteria, and standard forms will remain on file with the Cowlitz County Department of Building and Planning. Complete copies of these documents will be forwarded to the Board of County Commissioners. Copies of Design and Designation Review process documents will be forwarded to the Director of Building and Planning. Complete copies of all documents will be provided for the members of the CCHPC, the Department of Building and Planning staff, and the Washington Department of Archeology and Historic Preservation.

**I. CORRESPONDENCE**

- 1. All correspondence to the Commission shall be received at the following:  
 Cowlitz County Building and Planning Department  
 207 4<sup>th</sup> Ave. N., Suite 100  
 Kelso, WA 98626

**J. APPEARANCE OF FAIRNESS**

- 1. Ex Parte Communication:
  - a. In accordance with RCW 42.36.060, proceedings before the Commission are subject to the appearance of fairness doctrine.

Commission members shall take actions that are not only fair in fact, but also appear to be fair. Members shall abstain from any and all communications with persons or governmental or private entities which are, or expected to be, parties to an action before the Commission. This restriction is limited to matters before the Commission, or which may come before the Commission. If a member receives a letter or other written communication related to a matter before the Commission from a source other than the Cowlitz County Department of Building and Planning, that member shall transmit the material to the Staff Secretary for inclusion in the record. Members shall avoid conversations with any party to the action except when such conversation is on the record. It shall be the duty and responsibility of each member to publicly disclose at the earliest opportunity any communication between said member and a party to a matter before the Commission.

**2. Disclosure:**

- a.** It shall be the duty and responsibility of each member to disclose at the earliest opportunity any possible ex parte communications thereof to the Chairperson and Staff Secretary. Upon such disclosure, the member may withdraw from the Commission proceedings and shall leave the room in which such proceedings ensue. If a member chooses not to withdraw, the Chairperson shall, at the earliest opportunity upon the opening of a public hearing, disclose to the parties present the occurrence and nature of the communication.

**3. Procedures:**

- a.** Upon discovery of the existence of ex parte communications, the Chairperson shall, at each and every subsequent hearing on the proposal request that the member:
  - i.** Place on the record the substance of any written or oral ex parte communication concerning the action; and
  - ii.** Provide a public announcement of the content of the communication. The party's rights to rebut the substance of the communication shall be made at each hearing where action is considered or taken on the subject to which the communication related.

**K. AMENDING BY-LAWS**

- 1.** These By-Laws may be amended at any regularly scheduled meeting of the Cowlitz County Historic Preservation Commission by a vote of four out of five attending, voting members, provided the amendment has been submitted in writing to the Staff Secretary.

## **SECTION II: RULES AND PROCEDURES FOR DESIGNATIONS REVIEWS**

**Under the provisions in Chapter No. 18.80; Cowlitz County Historic Preservation Ordinance; the Cowlitz County Historic Preservation Commission (CCHPC or Commission) is directed to initiate and maintain a Cowlitz County Register of Historic Places (Register) and to review nominations to the Register.**

### **A. COWLITZ COUNTY HISTORIC REGISTER CRITERIA FOR LISTING**

1. Members of the Cowlitz County Historic Preservation Commission shall refer to Section 5 of Chapter No. 18.80; Cowlitz County Historic Preservation Ordinance; to identify criteria for the inclusion of properties on the Cowlitz County Register of Historic Places (Register).

### **B. APPLICATION REQUIREMENTS FOR COWLITZ COUNTY HISTORIC REGISTER**

1. An acceptable Cowlitz County Register of Historic Places application is a complete nomination packet, available at the Department of Building and Planning. The complete packet shall include:
  - a. Historic Register Nomination Form.
  - b. Historic Narrative.
  - c. Historic and current photographs.
  - d. Supplementary materials as available.
2. Members of the Cowlitz County Historic Preservation Commission shall refer to Chapter No. 18.80.050; Cowlitz County Historic Preservation Ordinance to identify criteria for inclusion of properties on the Cowlitz County Register of Historic Places.
3. Incomplete forms or those with insufficient documentation will not be considered and will be returned to the applicant with recommendations.

### **C. PROCEDURES FOR DESIGNATION REVIEW MEETINGS**

1. Pre-Meeting
  - a. Applicant or Designated Agent:
    - i. Meets with Department of Building and Planning staff concerning the application form and necessary documentation.
    - ii. Submits the completed master application, nomination form and supplemental materials to the Staff Secretary at least 30 days in advance of the regularly scheduled meeting at which the application is to be considered.
  - b. Staff:
    - i. Meets with the applicant concerning the application forms and necessary documentation.

- ii.** Reviews the application for completeness and includes the case on the next meeting agenda based on determination that the application is complete.
- iii.** Submits case materials to Historic Preservation Commissioners at least fourteen (14) days in advance of the meeting for review.
- iv.** Schedules site visits with the applicant and liaisons to arrange site visits from Historic Preservation Commission members.

**2. Meeting:**

- a.** Designation review will occur at regularly scheduled meetings as detailed in the rules for conducting CCHPC meetings.
- b.** The regular order of business for consideration of applications to the Register shall be as follows:
  - i.** The Chairperson or designee shall offer a preliminary statement concerning the application.
  - ii.** The applicant or designee presents statements in favor of the application including relevant photographs, historic documentation etc.
  - iii.** Questions by Commissioners.
  - iv.** Statements in opposition to the application.
  - v.** Comments by the CCHPC, interested persons, organizations or legal entities.
  - vi.** Rebuttal by all concerned parties.
  - vii.** Staff comments
  - viii.** Summary of above by Chairperson.
  - ix.** Deliberation by Commission
  - x.** A motion should be made to formally make a determination or withhold determinations until the next regularly scheduled meeting to allow for extra review time. The motion for the recommendation should be based on the designation criteria. Criteria should be included in the motion.
  - xi.** Vote and recording.
- c.** During the course of the meeting, the above procedures may be temporarily modified by the concurrence of all parties and the CCHPC.
- d.** Commission members must apply designation criteria to the property to evaluate the nomination. The members should consider information related to the designation criteria as presented above during the designation meeting and from the site visit. The Commission must:
  - i.** Determine the category of historic property.
  - ii.** Establishes a context for evaluating the property.

- iii. Identifies the level of significance (National, State, Local).
  - iv. Evaluates the integrity of the property.
  - v. Determines if there are special conditions that might make the property eligible.
  - vi. Determines if the property meets the criteria.
  - vii. Makes a determination and votes on the recommendation.
- 3. Post Meeting:**
- a. Staff:
    - i. Notify the owner/applicant in writing of the CCHPC's determination within seven (7) days of the meeting. Staff shall include a restrictive covenant and determination letter if necessary.
    - ii. Notify applicant of the appeals process if the recommendation is against placement of the property on the Register.
    - iii. Advise the applicant in writing that they must record the determination and restrictive covenant with the County Auditor's office for the property to be listed on the Register.
    - iv. Notifies the CCHPC if the property is listed on the Register.
    - v. Notifies the Director of Building and Planning if the property is listed on the Register.
    - vi. Once confirmation from the Auditor is received, adds property to the Official Register and updates necessary documents.
  - b. Cowlitz County Historic Preservation Commission:
    - i. If the Commission approves the property with a positive determination, the CCHPC shall advise the Staff Secretary that the property is to be listed on the Register.
    - ii. If the Commission denies the property with a negative determination, the CCHPC shall advise the Staff Secretary that the property is not to be listed on the Register.
    - iii. If the application is rejected by the CCHPC, at the next regularly scheduled meeting, the Commission shall decide whether any other protections for the property is necessary or possible.
  - c. Applicant or Designee:
    - i. Record determination letter and restrictive covenant with the County Auditor.
    - ii. Sends confirmation of recording to Staff Secretary.

#### **D. APPEALS OR RESUBMISSION**

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

2. If any party disagrees with the Commission's final determination, the party may appeals to the Cowlitz County Hearing Examiner pursuant to CCC 2.05.

#### **E. MISCELLANEOUS**

1. In the event that any listed property is no longer deemed appropriate for designation to the Cowlitz County Register of Historic Places, the CCHPC may initiate removal by following the same procedure as provided for listing.
2. In its designation recommendation, the Commission shall consider the Cowlitz County Inventory of Historic Places and the County Comprehensive Plan.

### **SECTION III: RULES AND PROCEDURES FOR DESIGN REVIEW AND ISSUANCE OF A CERTIFICATE OF APPROPRIATENESS**

**Design review is the process through which the Cowlitz County Historic Preservation Commission (CCHPC or Commission) reviews proposed changes to Cowlitz County historic resources. Once a property is listed on the Cowlitz County Register of Historic Places (Register), any work done on the exterior of the property that would ordinarily necessitate a building permit will, in addition, require a Certificate of Appropriateness.**

**The Certificate of Appropriateness is approved by the CCHPC as required under powers granted to it by Chapter No. 18.80 of the Cowlitz County Code.**

#### **A. PROCEDURES FOR CONDUCTING MEETINGS**

1. Pre-Meeting
  - a. Applicant or Designee:
    - i. Applies to the Building Official according to usual procedure.
    - ii. Applies to the Staff Secretary for a review of proposed changes on a listed property.
    - iii. May meet with CCHPC or Staff Secretary to review design guidelines.
    - iv. Submits application for design review at least fourteen (14) days in advance of a regularly scheduled meeting.
  - b. Building Official:
    - i. Report to the Staff Secretary on any application for a permit to work on a listed property.
    - ii. Continues processing permit.
    - iii. Works with the Staff Secretary in considering fire and building codes.

- iv. Does not issue permits until the CCHPC determination is received.
  - c. Staff:
    - i. Notify the applicant of the Commission review requirements.
    - ii. May meet with the applicant to transmit information on necessary documentation and completion of the application form.
    - iii. After the documentation is submitted, review it for completeness.
    - iv. If the documentation is complete, place the case on the agenda for the next regularly scheduled meeting.
    - v. Make arrangements, if necessary, for the Staff and CCHPC to visit the property. This may include interior visitation.
    - vi. Review the modifications and prepare a recommendation for the Commission.
  - d. Cowlitz County Historic Preservation Commission:
    - i. Review the application and Staff report.
    - ii. May visit the property.
- 2. Meeting:
  - a. Design review will occur at regularly scheduled meetings. Design review applications will be considered in the order in which the Commission received them.
  - b. The regular order of business for consideration of Design Review applications shall be as follows:
    - i. The Chairperson shall offer a preliminary statement concerning the application.
    - ii. The applicant or designee presents statements in favor of the application, including relevant pictures models, testimony etc.
    - iii. Questions by Commissioners.
    - iv. Statements in opposition to the application.
    - v. Comments by interested parties, organizations and legal entities.
    - vi. Rebuttal by all concerned parties.
    - vii. Staff comments.
    - viii. Summary of above by Chairperson.
    - ix. Deliberation by Commission.
    - x. Motion for action.
    - xi. Vote and recording.
  - c. During the course of the meeting, the above procedures may be temporarily modified by the concurrence of all parties and the CCHPC.
  - d. As part of this deliberation, the CCHPC shall review the proposed work, using information from the site visit and application

materials and comparing this information with the Design Review criteria as established in Cowlitz County Code 18.80.050.

- i.** If the alterations meet the standards as outlines in CCC 18.80.050, a Certificate of Appropriateness is issued.
- ii.** If the alterations fail to meet the standards as outlined in CCC 18.80.050, the Certificate of Appropriateness is not issued. The CCHPC will then notify the Building Official that the recommendation is against the issuance of a permit.
- iii.** If the alterations would meet standards as outlined in CCC 18.80.050 with modification, the Certificate of Appropriateness is issued with Conditions of Approval.

**3. Post Meeting:**

**a. Applicant or Designee:**

- i.** If the applicant agrees in writing to comply with the CCHPC's recommendations and Conditions of Approval (if any), she or he receives a Certificate of Appropriateness.
- ii.** If the applicant disagrees with the recommendation, they may drop the case and reapply with modifications. The applicant should be encouraged to reapply to the Commission with modified plans.
- iii.** The applicant may appeal the decision to the CCHPC to the Hearings Examiner as outlined in CCC 2.05.
- iv.** The applicant may request removal of a property from the Cowlitz County Register of Historic Places; however, a building permit is still required through the Building Official and the applicant must still go through the de-listing process with the CCHPC.

**b. Staff:**

- i.** Issue the Commission's recommendation as a finding of fact, clearly stating the intended modification and how they meet or fail the standards as outlined in CCC 18.80.050.
- ii.** Within seven (7) days of the meeting, notify the applicant in writing of the Commission's determination.
- iii.** Acquire the applicant's signature on the Certificate of Appropriateness.
- iv.** Acquire any compliance promise in writing if necessary.
- v.** Within thirty (30) days of the receipt of the complete determination notice, forward the Commission's recommendation, the Certificate of Appropriateness (if issued) and any Conditions of Approval to the Building Official.

- c. Building Official:**
  - i.** After receipt of the complete determination notice and any supporting documents, the Building Official may issue the permit.
  - ii.** Notify the CCHPC and Staff Secretary of any further permit issuance.

## **B. APPLICATION STANDARDS**

- 1.** Documentation is required for alterations to a property on the Cowlitz County Register of Historic Places. Required documentation shall minimally include all of the materials identified that illustrate:
  - a.** Existing Conditions.
  - b.** Proposed Alterations.
  - c.** Effect or Impact on Historic Properties.
- 2.** At least one (1) copy of the documents detailed below must be submitted with the application. These will remain on file with the Staff Secretary. All drawings, mean plans and elevations must be drawn to scale or have the measurements included and be signed by the architect or draftsman. For phased projects, one (1) copy of all required documentation shall be submitted for each phase of the project.
- 3. Alterations:**
  - a. Existing Conditions:**
    - i.** A copy of the Cowlitz County Register of Historic Places nomination packet.
    - ii.** Photographs that are clearly labeled to identify case, locations, subjects and the direction from which the photograph was taken. Necessary photographs include the building on lot, elevations and facades that are to be altered.
  - b. Proposed Alterations:**
    - i.** A precise written statement describing the proposed work on the listed property.
    - ii.** Working drawings if applicable.
    - iii.** Historic photographs (if available) and statement of physical or documentary evidence for proposed changes. Particularly if replacement is proposed.
    - iv.** Materials, samples and additional photographs may be required by the CCHPC.
    - v.** Descriptions of proposed signs, re-roofing plans, fences, parking lots and landscaping changes.
    - vi.** Other information as required.
  - c. Impact:**
    - i.** Show how proposed alterations would affect historic elements identified in the property nomination packet.

## **C. APPROVAL CONSIDERATIONS**

- 1.** Many features define the historic character of a property. These may include:
  - a.** Cladding, whether of wood or masonry.
  - b.** Style, composition and decorative features of the roof.
  - c.** The presence of architectural metals.
  - d.** Window number, arrangements and styles.
  - e.** Entrances, porches and storefronts on commercial buildings.
  - f.** Internal floorplan arrangement and detailing.
  - g.** The historic relationship between buildings, landscape features and open space.
- 2.** Retention and preservation of defining features is the primary goal of the Design Review process. Prioritized measures shall consist of the following:
  - a.** The protection and maintenance of defining features.
  - b.** The repair of damaged or degraded features. Duplication of the appearance, strength, composition, color and texture should be sought when making repairs. Acceptable repair methods include the following:
    - i.** Patching
    - ii.** Splicing
    - iii.** Reinforcement
    - iv.** In-Kind replacement with a compatible material.
  - c.** The replacement of a structure or feature if it is too deteriorated to repair or is absent. The replacement should attempt to replicate the original piece of work, using the physical evidence to guide the new work. If using the exact material or method is not technically or economically feasible, a compatible substitute may be considered.
  - d.** New additions to historic buildings should be a last resort and should be placed to minimize loss, damage or the obscuring of character defining features. Both internal and external alterations should be as inconspicuous as possible from public right-of-ways and from main interior spaces. Such new features should be compatible with overall building design in terms of size, scale, material and color, but should not try to duplicate existing historical features.
  - e.** Alterations for health and safety codes or for energy retrofitting should be done so that the historic building's character defining spaces and features are impacted as little as possible.

**SECTION IV: RULES AND PROCEDURES FOR DESIGN REVIEW AND  
ISSUANCE OF A WAIVER OF CERTIFICATE OF APPROPRIATENESS FOR  
DEMOLITION**

**Once a property is listed on the Cowlitz County Register of Historic Places (Register), any demolition of the property will require a Waiver of Certificate of Appropriateness.**

**The Waiver of Certificate of Appropriateness is approved by the Cowlitz County Historic Preservation Commission (CCHPC or Commission) as required under powers granted to it by Chapter No. 18.80 of the Cowlitz County Code.**

**A. PROCEDURES FOR CONDUCTING MEETINGS**

**1. Pre-Meeting:**

**a. Applicant or Designee:**

- i.** Applies to the Building Official according to usual procedure.
- ii.** Applies to the Staff Secretary for a review of demolition of the listed property.
- iii.** May meet with the CCHPC to review guidelines.
- iv.** Submits an application for review at least fourteen (14) days in advance of a regularly scheduled meeting.

**b. Building Official:**

- i.** Report to the Staff Secretary on any application for a permit to work on a listed property.
- ii.** Continues processing permit.
- iii.** Works with the Staff Secretary in considering fire and building codes.
- iv.** Does not issue permits until the CCHPC recommendations are received.

**c. Staff:**

- i.** Notify the applicant of the Commission review requirements.
- ii.** May meet with the applicant to transmit information on necessary documentation and the completion of the application form.
- iii.** After the documentation is submitted, review it for completeness.
- iv.** If the documentation is complete, place the case on the agenda for the next regularly scheduled meeting.
- v.** Make arrangements, if necessary, for the Staff Secretary and CCHPC to visit the property. This may include interior visitation.
- vi.** Review the demolition plans and prepare a report for the Commission.

- d.** Cowlitz County Historic Preservation Commission:
  - i.** Review application and staff report.
  - ii.** May visit the property.
- 2.** Meeting:
  - a.** Waiver Review will occur at regularly scheduled meetings. Waiver Review applications will be considered in the order in which the Commission received them.
  - b.** The regular order of business for consideration of Waiver Review applications shall be as follows:
    - i.** The Chairperson shall offer a preliminary statement considering the application.
    - ii.** The applicant or designee presents statements in favor of the application, including relevant pictures, testimony, models etc.
    - iii.** Questions by Commissioners.
    - iv.** Statements in opposition to the application.
    - v.** Comments by interested parties, organizations and legal entities.
    - vi.** Rebuttal by all concerned parties.
    - vii.** Staff comments.
    - viii.** Summary of above by Chairperson.
    - ix.** Deliberation by Commission.
    - x.** Motion for action.
    - xi.** Vote and recording.
  - c.** During the course of the meeting, the above procedure may be temporarily modified by the concurrence of all parties and the CCHPC.
  - d.** As part of this deliberation, the CCHPC shall review the proposed demolition, using information from the site visit and application materials and comparing this information with the criteria established in CCC 18.80.050.
- 3.** Post Meeting:
  - a.** Applicant or Designee:
    - i.** If the applicant agrees in writing with the CCHPC's recommendation, she or he receives a Waiver of Certificate of Appropriateness.
    - ii.** If the applicant disagrees with the recommendation, they may drop the case and reapply with modifications. The applicant should be encouraged to reapply to the Commission with modified plans.
    - iii.** The owner may appeal the decision of the CCHPC to the Hearings Examiner as outlined in CCC 2.05.

- iv. The owner may request removal of a property from the Cowlitz County Register of Historic Places; however a demolition permit will still be required from the Building Official and the applicant must still go through the de-listing process with the CCHPC.
  - b. Staff:
    - i. Issue the Commission's recommendation as a finding of fact, clearly stating the intended demolition and its impact on the historic preservation program.
    - ii. Within seven (7) days of the meeting, notify the applicant in writing of the Commission's determination.
    - iii. Acquire the applicant's signature on the Waiver of Certificate of Appropriateness.
    - iv. Within thirty (30) days of the receipt of the complete determination notice, forward the Commission's recommendation, the Waiver of Certificate of Appropriateness (if issued) and any Conditions of Approval to the Building Official.
  - c. Building Official:
    - i. After receiving the complete determination notice and any supporting documents, the Building Official may issue the demolition permit.
    - ii. Notify the CCHPC of further permit issuance.

## **B. APPLICATION STANDARDS**

1. Documentation is required for demolition of a property on the Cowlitz County Register of Historic Places. Required documentation shall minimally include all of the materials identified that illustrate:
  - a. Existing Conditions.
  - b. Effect or Impact on Historic Properties.
2. At least one (1) copy of the documents detailed below must be submitted with the application. These will remain on file with the Staff Secretary. All drawings, mean plans and elevations must be drawn to scale or have the measurements included and be signed by the architect or draftsman. For phased projects, one (1) copy of all required documentation shall be submitted for each phase of the project.
3. Demolition:
  - a. A copy of the Cowlitz County Register of Historic Places nomination packet.
  - b. Description of structural integrity.
  - c. Reason or justification for demolition (should include statements of why the property is not salvageable or why it cannot be maintained).
  - d. Any planned new construction.

- e. Photographs of all sides of the structure, the interior and landscape context.
- f. Any additional documentation required by the Commission.

## **SECTION V: SPECIAL VALUATION**

**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 ensure 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 amendments do not become effective for two (2) years following October 1<sup>st</sup> of the year they were enacted. This means that owners of certain types of historic properties have the potential to realize substantial tax savings.**

**Only properties on the Cowlitz County Register of Historic Places are eligible for Special Valuation. Members of the Cowlitz County Historic Preservation Commission shall refer to Section 7 in Chapter No. 18.80 of the Cowlitz County Code for instruction on reviewing and monitoring properties for Special Valuation.**

### **A. PROCEDURES FOR CONDUCTING MEETINGS**

#### **1. Pre-Meeting:**

- a.** Applicant or Designee must, at least thirty (30) days in advance of a regularly scheduled meeting:
  - i.** Consult with the Staff Secretary regarding process and application completion.
  - ii.** Submit the complete Special Valuation application to the County Assessor on a Department of Revenue Form no later than 24 months after initiating work. The application must be submitted before October 1<sup>st</sup> for action before December 31<sup>st</sup> of that year.
  - iii.** Monitor construction work to ensure that it conforms to the Washington Advisory Council on Historic Preservation Standards for the Rehabilitation and Maintenance of Historic Properties (WACHP Standards; 254-20-100).
  - iv.** Maintain accurate records (including photographs) of project costs, construction and dates.
- b.** County Assessor:
  - i.** Reviews the application for completeness.
  - ii.** Verifies the legal owner and description.
  - iii.** Submits the application to the Staff Secretary within ten (10) days of receipt.

- c. Staff:**
    - i.** Places the case on the agenda for the next regularly scheduled meeting as long as there is at least thirty (30) days review period before that meeting. If there is not thirty (30) days before the next meeting, the case will be scheduled for the next month's regularly scheduled meeting.
    - ii.** Reviews the case and prepares a report for the Commission.
    - iii.** If necessary, arranges property visitation with the applicant.
  - d. Cowlitz County Historic Preservation Commission:**
    - i.** Reviews the application and the staff report.
    - ii.** If necessary, visits the property.
- 2. Meeting:**
- a.** Special Valuation will occur at regularly scheduled Cowlitz County Historic Preservation Commission meetings. The Special Valuation cases shall be considered in the order they are received.
  - b.** The regular order of business for consideration of Special Valuation applications shall be as follows:
    - i.** The Chairperson shall offer a preliminary statement concerning the application.
    - ii.** The applicant or designee presents statements in favor of the application including relevant pictures, testimony, schedules etc.
    - iii.** Questions by Commissioners.
    - iv.** Statements in opposition to the application.
    - v.** Comments by interested parties, organizations and legal entities.
    - vi.** Rebuttal by all concerned parties.
    - vii.** Staff comments.
    - viii.** Summary of above by Chairperson.
    - ix.** Deliberation by Commission.
    - x.** Motion for action.
    - xi.** Vote and recording.
  - c.** During the course of the meetings, the above procedure may be temporarily modified by the concurrence of all parties and the CCHPC.
  - d.** The Cowlitz County Historic Preservation Commission must make several determinations:
    - i.** The property is listed on the Cowlitz County Register of Historic Places.
    - ii.** The work was done within 24 months prior to the application date. The applicant must submit evidence to this effect.
    - iii.** The work complies with the WACHP Standards by not adversely affecting those elements that contribute to the property's historic significance.

- iv. The “qualified rehabilitation expenditures” constitute at least twenty-five percent (25%) of the assessed value of the property prior to rehabilitation.
  - e. If all the above conditions are satisfied, the CCHPC votes to make a determination.
- 3. Post Meeting:
  - a. Staff:
    - i. Notifies the applicant in writing within seven (7) days of the meeting of the Commission’s recommendation.
    - ii. If the property is ineligible, advise the applicant of the reasons for the denial and inform her/him of the appeals process.
    - iii. If the applicant signs the terms of agreement and the Commission approves the application, the Staff Secretary shall transmit the application and agreement to the County Assessor’s office.
    - iv. Monitors, at least once a year during the Special Valuation 10-year period, the applicant’s compliance with the terms of agreement.
    - v. If the applicant fails to comply with the terms of agreement, or, because of the rehabilitation, the property loses historic value to such an extent that it is no longer deemed appropriate for inclusion on the Cowlitz County Register of Historic Places by a majority of the CCHPC members, Staff shall notify the applicant and the assessor of the disqualification.

**B. APPEALS OR RESUBMISSION**

- 1. A negative recommendation or a non-acceptance of an application by the CCHPC is not irrevocable. If new information becomes available or if the applicant wishes, the application may be resubmitted to the CCHPC. In such a case, the entire procedure must be repeated.
- 2. If the applicant disagrees with the CCHPC’s recommendation, the applicant may present the case to the Hearings Examiner pursuant to CCC 2.05.

**C. APPLICATION STANDARDS**

- 1. Documentation shall include, at a minimum, all identified materials that illustrate:
  - a. Eligibility for Special Valuation status.
  - b. When the rehabilitation work started.
  - c. Whether Special Valuation financial requirements have been fulfilled.
  - d. If the rehabilitation work complies with WACHP Standards.
- 2. To properly document each of these divisions, as least one (1) copy of the following documents must be submitted with the application. These will

remain on file with the Staff Secretary. Phased development plans, the complete process as detailed in the By-Laws must be followed and documentation submitted for each phase. All drawings, plans and elevations must be drawn to scale or have the measurement included and be signed by the architect or draftsman.

- a.** A copy of the nomination form to the Cowlitz County Register of Historic Places, indicating when the property was officially listed.
- b.** A notarized affidavit of completion of rehabilitation work within 24 months of the date of application.
- c.** Special Valuation financial requirements documentation:
  - i.** Notarized affidavit attesting to the actual costs of the rehabilitation work.
  - ii.** The most recent Cowlitz County Assessor's assessment of the value of the rehabilitated structure.
- d.** Evidence of compliance with WACHP Standards. To ensure that the applicant has complied with WACHP Standards, the following materials are necessary:
  - i.** Precise written statement describing the completed rehabilitation work on the Cowlitz County Historic Preservation Commission's application form.
  - ii.** A copy of the Design Review application and accompanying documentation, Certificate of Appropriateness for the rehabilitation work from the Cowlitz County Historic Preservation Commission, and a copy of the terms of agreement as specified under the Special Valuation rules and procedures.
  - iii.** Materials as specified in Application Standards for Design Review illustrating conditions prior to construction (Existing Conditions) and Proposed Alterations.
  - iv.** Other information as required, including but not limited to samples of materials.

#### **D. CRITERIA**

- 1.** New construction is not eligible for Special Valuation.

**SECTION VI: ADOPTION**

**ADOPTED AS AMENDED THIS 2<sup>nd</sup> day of March, 2017.**



Commission Member



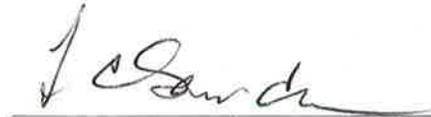
Commission Member



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