

# MEMORANDUM

## Community Development



City of Bothell

**DATE:** November 26, 2019

**TO:** Landmark Preservation Board (LPB)

**FROM:** Sarah Desimone, Historic Preservation Consultant

**SUBJECT:** Landmark Preservation Board meeting agenda and supporting materials for November 26, 2019.

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The next LPB meeting will be held on November 26, 2019 at 6:00pm as scheduled. The board will be making a recommendation regarding proposed amendments to Bothell Municipal Code Title 22. Board will also discuss the LPB Work Plan for 2020. This memo transmits to the Board the following information:

- Att-1 Agenda for November 26, 2019
- Att-2 Draft Minutes from October 22, 2019 regular meeting
- Att-3 Comparison sheet for proposed Title 22 amendments
- Att-4 Proposed 2020 Work Plan
- Att-5 Email comments from Eric Hoierman

### PROPOSED AMENDMENTS TO BOTHELL MUNICIPAL CODE TITLE 22

#### **Purpose/Action**

The board shall make a recommendation to City Council with regard to the proposed Title 22 amendments. The board shall take the recommendation(s) of the Planning Commission into consideration when determining whether or not to recommend approval of the proposed amendments.

#### **Background**

September 27, 2016 - the board initiated a review of Title 22 as it pertained to historic districts in response to the nomination of the Graham-Fries local historic district.

March 28, 2017 - the board held a study session to review Title 22 and discuss possible amendments. After the study session, the board instructed staff to incorporate their comments into proposed amendments and return for a final review.

October 22, 2019 - after legal review, staff presented the proposed Title 22 amendments to the board at their regularly scheduled meeting.

November 20, 2019 - staff presented proposed Title 22 amendments that pertain to land use regulations to a joint meeting of the Planning Commission and Landmark Preservation Board.

### **Proposed Amendments (unchanged from 10/22/2019)**

The *substantive changes* within the amendments proposed by staff include modifications to the designation criteria, historic district nomination procedures and requirements, and the demolition permit requirements. Other changes throughout the chapter serve to clarify the existing regulations and/or update the code to be consistent with current historic preservation and legal best practices. Review Att-5 for explanation of all proposed changes. See below for explanations of substantive changes.

- 22.16.010 Designation Criteria: removal of current criterion M per DAHP request; addition of new criterion M allowing nomination of properties less than fifty years old in certain circumstances
- 22.20.020 Submittal Requirements (formerly titled Bothell register submittal process): expanded to include specifics about obtaining consent for individual and district nominations
- 22.08.060 Request for Demolition: modified demolition permit application process in the following ways:
  - i. Requires the submittal of a historical report for all properties prior to staff review
  - ii. Requires staff to make a determination of Bothell Register eligibility based on information presented in the historical report submitted by the applicant
  - iii. Requires that a consideration of alternatives be submitted ONLY for properties in a historic district, on the historic register or eligible for the historic register.
  - iv. Removed alternative nine, “documenting the structure. . .” as documentation will be submitted by every applicant prior to review.
  - v. Added paragraph (F) requiring “imminent threat to public safety” in order to waive the requirements of 22.28.060(A).

#### 22.16.010 Designation Criteria

Current designation criteria allow for properties to be nominated to the BRHL based on the fact that they are already listed on the state or national registers. DAHP requested that all references to the state and national registers be removed because those designations are purely honorary and should not have any regulations attached to them. In addition, a local register nomination form needs to explain how and why a property is significant in order to determine how controls are applied, i.e. what characteristics are significant and should be protected. If a nomination just says “it is on the national or state register,” that does not give the City a basis for protection of the resource.

Proposed new designation criteria would allow properties less than fifty years old to be nominated to the BRHL if they are of exceptional importance. This is in line with current historic preservation

practice and is outlined in the National Park Service document, *Guidelines for Evaluating and Nominating Properties that Have Achieved Significance Within the Past Fifty Years* (Sherfy & Luce, 1998). This would also allow properties that are less than fifty years old to be considered contributing properties in a historic district if they fit within the district's historic context.

### Historic Districts

The current historic district language is rather vague. In 22.20.020 Nomination Procedures, the code states that the property owner must give consent for individual nominations and that a simple majority of property owners shall be adequate for district nominations. Section 22.24.020 Contract Agreement then states that an owner who wants their property to be listed on the BRHL shall enter into a contract with the City. The code language in the section on nomination procedures implies that a district is a landmark but the contract agreement section does not specify whether or not owners in a district have to sign a management contract with the City or what to do with the properties in the district that do not consent to being in the district. The current language also does not address how design standards for historic districts would be implemented or applied. When controls are to be applied to an individual local landmark or landmark district, as they are in Bothell, it is important to be specific about how those controls will be applied and to whom.

Proposed amendments separate the contract agreement section into a section outlining contract procedures for individual landmarks and a section that explains consent requirements for historic districts. The proposed historic district language keeps the requirement for consent at "a simple majority" and specifies that each property in a district gets one vote. It also specifies that each owner of the consenting property must give consent in writing. Although the threshold for consent remains the same, this is a substantial change from the current language.

### 22.28.060 Changes to property on register or inventory (demolition permit requirements)

This section has a substantial change. Currently, everyone who applies for a demolition permit for a property on the HRI must submit a consideration of alternatives to demolition for that property. The proposed changes remove that requirement unless the property is determined eligible for the Bothell Register of Historic Landmarks. In other words, only properties that are listed in or eligible for the BRHL will need to submit a consideration of alternatives to demolition. The goal here is to reduce the burden on applicants who have properties that are not significant, for example those that have been heavily modified, and reduce the staff time required for review.

The historical report, currently required per alternative nine, will now be required prior to staff review and will be used as a basis to determine eligibility for the BRHL. This change would ensure that adequate historical reports will be submitted for every historic building that is demolished. Currently, the regulations do not give staff a legal basis to request a specific level of documentation but the revisions will put a specific documentation requirement in place resulting in better documentation overall.

See Att-3 for further explanation of proposed changes.

### **Relevant Attachments:**

## 2020 WORK PLAN

### **Purpose/Action**

The LPB work plan for 2020 will be added to the 2020 Planning Docket for Council review in early 2020. Board shall create a work plan based on the consultant's available hours, considering both regular and grant hours. This will be for discussion only. No action is required at this meeting. Staff will present final work plan for approval at the board's regular scheduled December 17, 2019 meeting.

### **Review of 2019 Work Plan**

#### Downtown Historic District and landmark feasibility study - *grant funded*

Study of historic buildings in the Downtown Special Review Area (DSRA). The project is wrapping up and will be completed by December 31, 2019

*170 staff hours allocated per grant funding*

*Additional staff hours will be allocated as needed during regular staff time*

#### Finish the post-WWII Historic Resource Inventory (HRI) update - *regular staff time/grant funded*

Large-scale update to the Bothell Historic Resources Inventory. The majority of the properties have been visited and photographed and some of the Historic Property Inventory forms have been entered into WISAARD. Staff will finish Historic Property Inventory forms and write final survey report in 2020.

*Staff hours allocated: 150-260 hours (3-5hrs per week depending upon consultant work load)*

*Grant hours allocated: 136 hours (3hrs per week) Actual: 52 hours (1 hour per week)*

*\*remainder used for other LPB and Historic Preservation tasks as allowed by the grant contract*

#### Bothell Then & Now book update - Phase I (research and outline) - *pending Snohomish County Grant*

*No grant funds awarded. Work has not been initiated on this project.*

#### Native People's Project

*Regular staff hours - 3 hours per month*

*Schedule and Deliverables TBD*

### **2020 Potential Work Plan Items**

- Post-World War II Era Landmark Nominations - *grant funded*
- Finish the post-WWII Historic Resource Inventory (HRI) update - *regular staff time & grant funds*
- Bothell Then & Now book update - Phase I (research and outline) - *regular staff time & grant funds*
- Native People's Project

Board members may bring proposals for other potential work plan items.

### **Projected Staff Hours for 2020**

Regular staff hours - 520 total hours

10hrs per week

LPB and administrative tasks, demo and project review, code amendments, HRI update, etc.

4Culture Special Project grant (post-WWII era Landmark Nominations) - (complete by 12-31-20)

80 hrs awarded

3 hrs additional staff time per week

4Culture Sustained Support grant - (reimbursed 12-31-20)

Can be used for any project or regular consultant tasks (not project specific)

136 hrs

3 hrs additional staff time per week

(grant awards will fund an additional 6 staff hours per week)

### **Relevant Attachments**

Att-4 Potential 2020 Work Plan items



City of Bothell™

**A G E N D A**

**LANDMARK PRESERVATION BOARD**

**City Hall, 18415 101<sup>st</sup> Ave NE., Bothell, WA 98011  
Conference Room 107/108  
Regular Meeting Tuesday, November 26, 2019 6:00pm**

- I. CALL TO ORDER**
- II. PUBLIC COMMENT**
- III. APPROVAL OF MINUTES**
  - October 22, 2019 regular minutes
- IV. NEW BUSINESS**
  - A.** 2020 Work Plan
- V. OLD BUSINESS**
  - A.** Proposed Title 22 Amendments
- VI. REPORTS**
- VII. REPORTS FROM STAFF**
- VIII. OPEN TOPIC DISCUSSION**
- IX. ADJOURNMENT**

**DRAFT MINUTES**  
**LANDMARK PRESERVATION BOARD**  
**Regular Meeting – Tuesday, October 22, 2019 6:00 pm**  
**Location: City Hall, Conference Room 107/108**  
**18415 101<sup>st</sup> Ave NE, Bothell, WA 98011**

**I. CALL TO ORDER**

**Cary Westerbeck** called the regular meeting of the City of Bothell Landmark Preservation Board to order at 6:00 pm. In attendance were members **Vicki Somppi, Bill Moritz, Sean Gehrke, Sharron Dimmitt** and **Ray Thomas** who arrived at 6:02 pm. The meeting was staffed by **Sarah Desimone**, Historic Preservation Consultant.

Guests in attendance were:

Michael Kattermann, Director of Community Development, City of Bothell  
Sharon Nuss, 18901 101<sup>st</sup> Ave. NE, Bothell, WA 98011

**II. PUBLIC COMMENTS**

None

**III. APPROVAL OF MINUTES**

**MOTION** by Gehrke to approve the July 23, 2019 regular minutes.

**SECOND** by Somppi

Secretary Dimmitt certified the minutes

**APPROVED** unanimously

**IV. NEW BUSINESS**

- a. Consideration of Alternatives to Demolition for 18904 and 18912 101<sup>st</sup> Ave. NE, Bothell, WA, 98011

Sharon Nuss explained that she is the owner of 18904 and co-owner of 18912 and plans to demolish all of the structures on the lots in order to create four lots. She will build her personal home on the southeastern lot and either sell the other three lots as vacant land or build homes on them prior to selling. Nuss presented the information in her historical reports.

Westerbeck, Nuss and Director Kattermann discussed the possibility of reducing the setbacks and determined it would most likely require a code change.

Thomas asked if there is a compelling reason to save either of the houses and noted that it does not seem warranted in this case.

Somppi noted that because it is in a historic neighborhood she is glad to see that the project will maintain the small lot sizes and walkability and would like to see the scale of the neighborhood remain the same.

Gehrke stated that he is inclined to keep the houses intact in order to maintain the streetscape of the historic neighborhood.

Westerbeck noted that the house is not an excellent example and its historical associations are not strong and is therefore not worthy of preservation.

Dimmitt inquired as to the style of the new house to be built and Nuss said she has not decided but it will be high end and in scale with the neighborhood.

Somppi noted that there are other historic homes in the neighborhood that she could use as an example for design elements and scale but that she would not be opposed to a

modern style as eclectic neighborhoods are desirable. It is the walkability and scale that should be maintained.

Thomas asked if mitigation is necessary in this case. Desimone noted that salvage would be appropriate as there are historical materials and architectural features present. Westerbeck agreed that salvage is the only necessary mitigation.

Somppi explained to Nuss that many of other projects in Bothell that required the demolition of historic buildings have interpretive signage on site to memorialize those historic buildings and she could do something like that if she chose to.

MOTION by Thomas to approve the demolition permit without conditions.

SECONDED by Gherke

No further discussion

APPROVED unanimously

Board noted that although they approved the demolition without conditions, they strongly encourage Nuss to salvage historical materials and architectural features in the house and recommended she contact a salvage company prior to demolition.

b. Proposed Title 22 Amendments

Desimone and Director Kattermann went over the proposed amendments line-by-line with board.

The following comments were provided by board members:

- Moritz asked if 22.24.060 should reference LUPA standards
- Sompii noted that references to 2009 International Existing Building Code (IEBC) should be removed as versions change periodically
- Somppi questioned if 22.24.080 should be removed or the Secretary of the Interior Standards be added. Desimone will look into it.
- Somppi noted that in 22.28.060(F) it should be added that the board be notified in the event of an emergency situation
- Westerbeck asked Director Kattermann for clarification of 22.24.080. Discussion ensued.

Director Kattermann asked about the format for presenting the amendments and board agreed that it was very easy to understand in this format.

**V. OLD BUSINESS**

- a. None

**VI. REPORTS**

- a. Thomas reported that the David Buerge presentation has been moved to the library with board co-sponsorship. Library will provide space, handouts, etc. He will look into getting a panel together and aim for February or March for program. Per board request, Desimone will check minutes for discussion of board paying Buerge's honorarium in the amount of \$300.00.
- b. Dimmitt shared that the Bothell Museum will be co-hosting a talk by David Evans of the Snohomish tribe at the library on November 2<sup>nd</sup>.
- c.

**VII. REPORTS FROM STAFF**

- a. Desimone noted that the December LPB meeting is on December 24<sup>th</sup> and asked if they would like to move the meeting. They agreed to meet on December 17<sup>th</sup>. Desimone also handed out a proposed 2020 meeting calendar to review for a later meeting.

**VIII. OPEN TOPIC DISCUSSION**

- a. Board discussed Derek Shelton's nonattendance. Position will be filled during the regular boards and commissions recruitment period.

**IX. ADJOURNMENT**

MOTION by **Somppi** to adjourn the meeting at 7:38 pm.

SECONDED by **Dimmitt**

APPROVED unanimously

Proposed Amendments	Explanatory Comments
<p><b>Chapters:</b></p> <ul style="list-style-type: none"> <li><b>22.04 General Provisions</b></li> <li><b>22.08 Definitions</b></li> <li><b>22.12 Landmark Preservation Board Created</b></li> <li><b>22.16 Designation Criteria</b></li> <li><b>22.20 Nomination Procedures</b></li> <li><b>22.24 Designation Procedures</b></li> <li><b>22.28 Changes to Property on Register or Inventory</b></li> <li><b>22.32 Special Property Tax Valuation</b></li> </ul> <p>* Code reviser’s note: Title 22 was recodified from Title 14 by Ord. 1635.</p>	<p>No amendments proposed in this Section.</p>

Proposed Amendments	Explanatory Comments
<p style="text-align: center;"><b>Chapter 22.04 GENERAL PROVISIONS</b></p> <p>Sections: 22.04.010 Short title. 22.04.020 Purpose.</p> <p><b>22.04.010 Short title.</b> The ordinance codified in this title shall be known as the Bothell landmark preservation ordinance. (Ord. 2069 § 2 (Exh. B), 2011; Ord. 1635 § 1, 1996; Ord. 1258 § 1, 1987).</p> <p><b>22.04.020 Purpose.</b> The purpose of this title is to provide for the identification, enhancement, perpetuation and use of historic resources within the city in order to:</p> <p>A. Safeguard the heritage of the city as represented by those buildings, districts, objects, sites and structures which reflect significant elements of the city’s history;</p> <p>B. Foster civic and neighborhood pride in the beauty and accomplishments of the past, and a sense of identity based on the city’s history;</p> <p>C. Stabilize or improve the aesthetic and economic vitality and value of such sites, improvements and objects;</p> <p>D. Assist, encourage and provide incentives to private owners for preservation, restoration, redevelopment and use of outstanding historic buildings, districts, objects, sites and structures;</p> <p>E. Promote and facilitate the early identification and resolution of conflicts between preservation of historic resources and alternative land uses; and</p> <p>F. Conserve valuable material and energy resources by ongoing use and maintenance of the existing built environment. (Ord. 2069 § 2 (Exh. B), 2011; Ord. 1635 § 1, 1996; Ord. 1258 § 1, 1987).</p>	<p>No amendments proposed in this section.</p>

Proposed Amendments	Explanatory Comments
<p style="text-align: center;"><b>Chapter 22.08 DEFINITIONS</b></p> <p>Sections:                      22.08.010 Generally.                      22.08.020 Bothell historic inventory.                      22.08.030 Bothell landmark preservation board.                      22.08.040 Bothell register of historic landmarks.                      22.08.050 Building.                      22.08.060 Certificate of appropriateness.                      22.08.065 Certified local government.                      22.08.070 Class of properties eligible for special valuation.  <u>22.08.071 Contributing Property</u></p>	<p>Addition of “Contributing Property” for historic districts.</p>
<p>                     22.08.075 Cost, rehabilitation.                      22.08.080 District.                      22.08.090 Emergency repair.                      22.08.095 Facade easement.                      22.08.100 Historic landmark.                      22.08.110 Incentives.                      22.08.120 National Register.  <u>22.08.125 Non-Contributing Property</u>                      22.08.130 Object.                      22.08.140 Ordinary repair and maintenance.                      22.08.150 Owner.                      22.08.155 Property.                      22.08.160 Significance or significant.                      22.08.170 Site.                      22.08.175 Special valuation for historic properties.                      22.08.180 State Register of Historic Places.                      22.08.190 Structure.                      22.08.200 Washington State Advisory Council’s Standards for the Rehabilitation and Maintenance of Historic Properties.</p>	<p>Addition of “Non-Contributing Property” for historic districts.</p>

Proposed Amendments	Explanatory Comments
<p><b>22.08.010 Generally.</b>                      Within the context of this title, the terms, phrases, words and their derivations shall be interpreted as contained in this chapter. (Ord. 2069 § 2 (Exh. B), 2011; Ord. 1635 § 1, 1996; Ord. 1258 § 1, 1987).</p> <p><b>22.08.020 Bothell historic inventory.</b>                      “Bothell historic inventory” or “inventory” means the <u>database containing building descriptions and evaluations of potential historic resources</u> <del>comprehensive inventory of historic resources</del> within the city of Bothell and/or the planning area of the city. (Ord. 2069 § 2 (Exh. B), 2011; Ord. 1635 § 1, 1996; Ord. 1258 § 1, 1987).</p> <p><b>22.08.030 Bothell landmark preservation board.</b>                      “Bothell landmark preservation board” or “board” means the board created by BMC 22.12.010. (Ord. 2069 § 2 (Exh. B), 2011; Ord. 1635 § 1, 1996; Ord. 1258 § 1, 1987).</p> <p><b>22.08.040 Bothell register of historic landmarks.</b>                      “Bothell register of historic landmarks” or “register” means the local listing of properties <u>and historic districts</u> provided for in Chapters 22.16, 22.20 and 22.24 BMC. (Ord. 2069 § 2 (Exh. B), 2011; Ord. 1635 § 1, 1996; Ord. 1258 § 1, 1987).</p> <p><b>22.08.050 Building.</b>                      “Building” means a structure as defined in the International Building Code, as adopted by the city. (Ord. 2069 § 2 (Exh. B), 2011; Ord. 1635 § 1, 1996; Ord. 1258 § 1, 1987).</p> <p><b>22.08.060 Certificate of appropriateness.</b>                      “Certificate of appropriateness” means the action of the board after it has reviewed the proposed changes to the exterior of a register property; <u>or a property within a historic district,</u> or to the interior of a register property if interior features were a contributing factor in the property’s designation, and certified the changes as not adversely affecting the historic characteristics of the property which contribute to its designation. The exterior of a property may include any significant outside features that contributed to the property’s listing, such as, but not limited to, outbuildings, garden features, etc. (Ord. 2069 § 2 (Exh. B), 2011; Ord. 1635 § 1, 1996; Ord. 1258 § 1, 1987).</p> <p><b>22.08.065 Certified local government.</b>                      “Certified local government” means a local government that has been certified by the State <del>Historical</del> <u>Historic</u> Preservation Officer as having established its own preservation commission</p>	<p>Clarification of definition, purpose and content of inventory.</p> <p>Adding “historic districts” to definition of “Bothell Register”</p> <p>Including reference to “historic district” for purposes of Certificate of Appropriateness.</p> <p>Scrivener’s error</p>

Proposed Amendments	Explanatory Comments
<p>and program meeting state and federal standards. (Ord. 2069 § 2 (Exh. B), 2011; Ord. 1635 § 1, 1996; Ord. 1258 § 1, 1987).</p> <p><b>22.08.070 Class of properties eligible for special valuation.</b>                      The class of properties eligible for special valuation pursuant to Chapter 84.26 RCW, as it now exists or is hereafter amended, shall be properties listed on the Bothell register of historic landmarks or properties certified as contributing to a Bothell register historic landmark district. (Ord. 2069 § 2 (Exh. B), 2011; Ord. 1635 § 1, 1996; Ord. 1484 § 1, 1992; Ord. 1258 § 1, 1987).</p> <p><b><u>22.08.071 Contributing Property</u></b>  <u>Any building, object, site or structure within the boundaries of a historic district that dates from the historic period of significance and contributes to the significance and character of the district through its historical associations and/or architectural values.</u></p>	<p>Addition of “Contributing Property” for historic districts.</p>

Proposed Amendments	Explanatory Comments
<p><b>22.08.075 Cost, rehabilitation.</b>                      “Cost” means the actual cost of rehabilitation, as defined by Chapter 84.26 RCW, which cost shall be at least 25 percent of the assessed valuation of the historic property, exclusive of the assessed value attributable to the land, prior to rehabilitation. The costs shall be incurred within 24 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 usable but shall not include rentable/habitable floor space attributable to new construction; or (C) architectural and engineering services attributable to the design of the improvements; or (D) all costs defined as “qualified rehabilitation expenditures” for purposes of the federal historic preservation investment tax credit. (Ord. 2069 § 2 (Exh. B), 2011).</p> <p><b>22.08.080 District.</b>                      “District” or “historic district” means a <a href="#">designated</a>, geographically <a href="#">definable-defined</a> area, urban or rural, small or large, possessing a significant concentration, linkage or continuity of buildings, objects, sites and/or structures united by past events or aesthetically by plan or physical development <a href="#">that has been listed in the Bothell Register of Historic Landmarks.</a> (Ord. 2069 § 2 (Exh. B), 2011; Ord. 1635 § 1, 1996; Ord. 1258 § 1, 1987).</p> <p><b>22.08.090 Emergency repair.</b>                      “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. (Ord. 2069 § 2 (Exh. B), 2011; Ord. 1635 § 1, 1996; Ord. 1258 § 1, 1987).</p> <p><b>22.08.095 Facade easement.</b>                      “Facade easement” is a use interest, as opposed to an ownership interest, in the land of another. The easement is granted by the landowner to the city and restricts the landowner’s exercise of the general and natural rights of the property on which the easement lies. The purpose of the easement is the continued preservation of significant exterior features of a structure. (Ord. 2069 § 2 (Exh. B), 2011).</p> <p><b>22.08.100 Historic landmark.</b></p>	<p>Clarification of definition.</p>

Proposed Amendments	Explanatory Comments
<p>“Historic landmark” or “landmark” means a historic building, district, object, site or structure listed on the Bothell register of historic landmarks. (Ord. 2069 § 2 (Exh. B), 2011; Ord. 1635 § 1, 1996; Ord. 1258 § 1, 1987).</p> <p><b>22.08.110 Incentives.</b>                      “Incentives” are such rights or privileges, or combination thereof, which the city or other local, state or federal public body or agency, by virtue of applicable present or future legislation, may be authorized to grant or obtain for the owner(s) of register properties. Examples of economic incentives include but are not limited to tax relief, conditional use permits, rezoning, street vacation, planned unit development, transfer of development rights, facade easements, gifts, preferential leasing policies, beneficial placement of public improvements or amenities, or the like. (Ord. 2069 § 2 (Exh. B), 2011; Ord. 1635 § 1, 1996; Ord. 1258 § 1, 1987).</p> <p><b>22.08.120 National Register.</b>                      “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. (Ord. 2069 § 2 (Exh. B), 2011; Ord. 1635 § 1, 1996; Ord. 1258 § 1, 1987).</p> <p><b><u>22.08.125 Non-Contributing Property</u></b>  <u>Any building, object, site or structure within the boundaries of a historic district that does not date from the historic period of significance or due to alterations, or other factors, does not contribute to the district’s historic significance or character.</u></p> <p><b>22.08.130 Object.</b>                      “Object” means 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. (Ord. 2069 § 2 (Exh. B), 2011; Ord. 1635 § 1, 1996; Ord. 1258 § 1, 1987).</p> <p><b>22.08.140 Ordinary repair and maintenance.</b>                      “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 appurtenant thereto and to restore the same, as nearly as may be practicable, to the condition prior to the occurrence of such deterioration, decay or damage. (Ord. 2069 § 2 (Exh. B), 2011; Ord. 1635 § 1, 1996; Ord. 1258 § 1, 1987).</p>	<p>Addition of “Non-Contributing Property” for historic districts.</p>

<b>Proposed Amendments</b>	<b>Explanatory Comments</b>
<p><b>22.08.150 Owner.</b>                      “Owner” of property means the fee simple owner of record as exists on the county assessor’s records, unless the property is being purchased and financed pursuant to a real estate contract. In that case the owner shall be the vendee of that contract. An owner may also be that person or entity that holds legal ownership of property other than real estate, as defined in BMC 22.08.155. (Ord. 2069 § 2 (Exh. B), 2011; Ord. 1635 § 1, 1996; Ord. 1258 § 1, 1987).</p> <p><b>22.08.155 Property.</b>                      “Property” means something to which a person or entity has legal ownership, as in real estate, a structure, or an object. (Ord. 2069 § 2 (Exh. B), 2011).</p> <p><b>22.08.160 Significance or significant.</b>                      “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 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 of Bothell, King County, or western Washington, or a modest geographical or cultural area, such as a neighborhood. Local significance may apply to a property that illustrates a theme that is important to one or more localities; state significance to a theme important to the history of the state; and national significance to property of exceptional value in representing or illustrating an important theme in the history of the nation. (Ord. 2069 § 2 (Exh. B), 2011; Ord. 1635 § 1, 1996; Ord. 1258 § 1, 1987).</p> <p><b>22.08.170 Site.</b>                      “Site” means 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 a ruined or now nonexistent building or structure if the location itself possesses historic, cultural or archaeological significance. (Ord. 2069 § 2 (Exh. B), 2011; Ord. 1635 § 1, 1996; Ord. 1258 § 1, 1987).</p> <p><b>22.08.175 Special valuation for historic properties.</b>                      “Special valuation for historic properties” or “special valuation” means the local option program which when implemented makes available to property owners a special tax valuation for rehabilitation of historic properties under which the assessed value of an eligible historic</p>	<p>No amendments proposed in this section</p>

Proposed Amendments	Explanatory Comments
<p>property is determined at a rate that excludes, for up to 10 years, the actual cost of the rehabilitation. (Chapter 84.26 RCW). (Ord. 2069 § 2 (Exh. B), 2011).</p> <p><b>22.08.180 State Register of Historic Places.</b>                      “State Register of Historic Places” means the state listing of properties significant to the community, state or nation <del>but which do not meet the criteria of the National Register</del>. (Ord. 2069 § 2 (Exh. B), 2011; Ord. 1635 § 1, 1996; Ord. 1258 § 1, 1987).</p> <p><b>22.08.190 Structure.</b>                      “Structure” means a work made up of interdependent and interrelated parts in a definite pattern of organization. Generally constructed by human resources, it is often an engineering project. (Ord. 2069 § 2 (Exh. B), 2011; Ord. 1635 § 1, 1996; Ord. 1258 § 1, 1987).</p> <p><b>22.08.200 Washington State Advisory Council’s Standards for the Rehabilitation and Maintenance of Historic Properties.</b>                      “Washington State Advisory Council’s Standards for the Rehabilitation and Maintenance of Historic Properties” or “State Advisory’s Council’s Standards” means the rehabilitation and maintenance standards used by the Bothell Landmark Preservation Board as minimum requirements for determining whether or not a 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, <del>as defined by the Secretary of the Interior’s Standards for Rehabilitation (Department of the Interior’s Regulations, 36 CFR 67)</del>. (Ord. 2069 § 2 (Exh. B), 2011).</p>	<p>Remove references to State and National register and Standards per DAHP recommendation.</p> <p>Remove references to State and National register and Standards per DAHP recommendation.</p>

Proposed Amendments	Explanatory Comments
<p style="text-align: center;"><b>Chapter 22.12</b> <b>LANDMARK PRESERVATION BOARD CREATED</b></p> <p>Sections:                      22.12.010 Creation – Members – Terms.                      22.12.020 Vacancies.                      22.12.030 Meetings – Quorum – Rules and regulations.                      22.12.040 Powers and duties.</p> <p><b>22.12.010 Creation – Members – Terms.</b></p> <p>A. Creation. There is created a city of Bothell landmark preservation board.</p> <p>B. Members.</p> <p>1. The landmark preservation board shall consist of seven members. A majority of the board members shall be residents of the city. Members shall be residents of the city’s urban growth area; provided, however, the required professional members of said board may reside outside the city or the urban growth area or city planning area.</p> <p>2. Members shall have familiarity with the comprehensive plan and zoning codes of the city, have knowledge of the city’s history and demonstrate an interest and competence in historic preservation.</p> <p>3. The membership of the board shall always include at least two professionals selected from among the disciplines of engineering, history, architecture, architectural history, historic preservation, planning, cultural anthropology, archaeology, cultural geography or American studies. Board action that would otherwise be valid shall not be rendered invalid by the temporary vacancy of one or both of the professional positions, unless the board action is related to meeting certified local government responsibilities cited in the certification agreement between the city and the State Historic Preservation Officer.</p> <p>4. Members shall be appointed and subject to removal by the city council. No board member shall receive any compensation.</p> <p>C. Terms. Except as otherwise provided herein, a board member’s term of office shall be five years. All terms shall expire March 31st of the year of expiration for the individual term. (Ord. 2069 § 2 (Exh. B), 2011; Ord. 1781 § 1, 1999; Ord. 1766 § 1, 1999; Ord. 1763 § 1, 1999;</p>	<p>No amendments this section</p>

Proposed Amendments	Explanatory Comments
<p>Ord. 1677 § 7, 1997; Ord. 1544 § 1, 1994; Ord. 1510 § 3, 1993; Ord. 1484 § 2, 1992; Ord. 1464 § 4, 1992; Ord. 1428 § 3, 1991; Ord. 1258 § 1, 1987).</p> <p><b>22.12.020 Vacancies.</b>                      Vacancies in the board shall be filled for the unexpired terms or for new terms by the city council. (Ord. 2069 § 2 (Exh. B), 2011; Ord. 1635 § 1, 1996; Ord. 1258 § 1, 1987).</p> <p><b>22.12.030 Meetings – Quorum – Rules and regulations.</b>                      A regular meeting shall be held. A majority of the board constitutes a quorum for the transaction of business and the votes of a majority of the quorum shall be necessary to carry out any proposition. The board shall adopt rules for the transaction of its business and shall keep written minutes of its meetings and findings. Members of the board shall elect one of the members to serve as chair <u>and another member to serve as vice-chair. The vice-chair shall serve as chair in the absence of the chair.</u> (Ord. 2069 § 2 (Exh. B), 2011; Ord. 1635 § 1, 1996; Ord. 1258 § 1, 1987).</p>	<p>Addition of board offices for purposes of clarification.</p>

<b>Proposed Amendments</b>	<b>Explanatory Comments</b>
<p><b>22.12.040 Powers and duties.</b>                      The major responsibility of the landmark preservation board is to identify and actively encourage the conservation of the city’s historic resources by initiating and maintaining a register of historic landmarks and reviewing proposed changes to register properties; to raise community awareness of the city’s history and historic resources; and to serve as the city’s primary resource in matters of history, historic planning and preservation.</p> <p>In carrying out these responsibilities, the landmark preservation board shall engage in the following:</p> <p>A. Conduct and maintain a comprehensive inventory of historic resources within the planning boundaries of the city (Bothell historic inventory); publicize and periodically update inventory results. Properties listed on the inventory shall be recorded on the official zoning records for historic inventory designation. This designation shall not change or modify the underlying zone classification;</p> <p>B. Initiate and maintain the Bothell register of historic landmarks. This official register shall be compiled of buildings, districts, objects, sites or structures identified by the board as having historic significance worthy of recognition by the city and encouragement of efforts by owners to maintain, rehabilitate and preserve properties;</p> <p>C. Review nominations to the Bothell register of historic landmarks according to the criteria in BMC 22.16.010 and adopt standards in its rules to be used to guide this review;</p> <p>D. Review proposals to construct, change, alter, modify, remodel, move, demolish and significantly affect properties on the register or within districts on the register as provided in Chapter 22.28 BMC and adopt standards in its rules to be used to guide this review and the issuance of a certificate of appropriateness;</p> <p>E. Provide for the review either by the board 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;</p> <p>F. Conduct all board meetings in compliance with Chapter 42.30 RCW, the Open Public Meetings Act, as it now exists or is hereafter amended, to provide for adequate public participation and adopt standards in its rules to guide this action;</p>	<p>No amendments proposed in this section.</p>

<b>Proposed Amendments</b>	<b>Explanatory Comments</b>
<p>G. Participate in, promote and conduct public information, educational and interpretive programs pertaining to historic resources;</p> <p>H. Provide information to the public on methods of maintaining and rehabilitating historic properties;</p> <p>I. Be informed about and provide 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;</p> <p>J. Investigate and report to the city council on the use of various federal, state, local or private funding sources available to promote historic resource preservation in the city;</p> <p>K. 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 Bothell area;</p> <p>L. Review and comment to the city council on land use, housing and redevelopment, municipal improvement and other types of planning and programs undertaken by any agency of the city, other neighboring communities, the county, the state or federal governments, as they relate to historic resources of the city;</p> <p>M. Serve as the local review board for the purpose of approving applications for special property tax valuation per Chapter 84.26 RCW as it now exists or is hereafter amended and entering into an agreement with the property owner for the duration of the special valuation during which time the review board monitors the property for continued qualification for the special valuation per requirements of state law;</p> <p>N. Advise the city council generally on matters of city history and historic preservation;</p> <p>O. Perform other related functions assigned to the board by the city council;</p> <p>P. The board shall adopt rules of procedure to address subsections C, D and F of this section. (Ord. 2069 § 2 (Exh. B), 2011; Ord. 1635 § 1, 1996; Ord. 1258 § 1, 1987).</p>	

Proposed Amendments	Explanatory Comments
<p style="text-align: center;"><b>Chapter 22.16</b> <b>DESIGNATION CRITERIA</b></p> <p>Sections: 22.16.010 Criteria for historic landmark designation. <b>22.16.010 Criteria for historic landmark designation.</b> Any building, district, object, site or structure which is more than 50 years old may be designated for inclusion in the Bothell register if it is significantly associated with the history, architecture, archaeology, engineering or cultural heritage of the community. The property must also possess integrity of location, design, materials, workmanship and association and must fall into one or more of the following categories:</p> <p>A. It is associated with events that have made a significant contribution to the broad patterns of local, state or national history;</p> <p>B. It is associated with the lives of persons significant in the local, state or national history;</p> <p>C. It exemplifies or reflects special elements of the city’s cultural, political, special, aesthetic, engineering, architectural or economic history;</p> <p>D. It embodies the distinctive architectural characteristics of a type, style, period or method of designing or construction, or represents a significant and distinguishable entity whose components may lack individual distinction;</p> <p>E. It is the outstanding work of an architect, designer or builder who has made a substantial contribution to the art;</p> <p>F. It has yielded, or may be likely to yield, information important in prehistory or history;</p> <p>G. Because of its prominence of spatial location, contrasts of siting, age or scale, it is an easily identifiable visual feature of its neighborhood or the identity of such neighborhood or the city;</p> <p>H. It is a building or structure removed from its original location but which is significant primarily for architectural value, or which is the only surviving structure significantly associated with a historic person or event;</p>	

Proposed Amendments	Explanatory Comments
<p>I. It is a birthplace or grave of a historical figure of outstanding importance and is the only surviving structure or site associated with that person;</p> <p>J. It is a cemetery which derives its primary significance from age, from distinctive design features, or from association with historic events or cultural patterns;</p> <p>K. It is a reconstructed building that has been executed in a historically accurate manner on the original site;</p> <p>L. It is a creative and unique example of folk architecture and design created by persons not formally trained in the architectural or design professions, and which does not fit into formal architectural or historical categories;</p>	
<p><del>M. It is on the State or National Register.</del></p> <p><u>M. It is a property achieving significance within the past 50 years if it is of exceptional importance or if it is an integral part of a district <del>eligibelf or eligible</del> for listing in the Bothell Register of Historic Landmarks</u>(Ord. 2069 § 2 (Exh. B), 2011; Ord. 1635 § 1, 1996; Ord. 1258 § 1, 1987).</p>	<p>Remove references to State and National register and Standards per DAHP recommendation. Add description of Bothell Register criteria.</p>

Proposed Amendments	Explanatory Comments
<p><b>Chapter 22.20</b>  <b>NOMINATION PROCEDURES</b>                      Sections:                      22.20.010 <del>Bothell register nomination process</del>Source of nominations.                      22.20.020 <del>Bothell register submittal process</del>Submittal requirements.</p>	<p>Clarification</p>
<p><b>22.20.010 <del>Bothell register nomination process</del>Source of nominations.</b>  <del>The board or Any any</del> person may nominate any building, district, object, site or structure for inclusion in the Bothell register.<del>In cases where the board nominates a building, district, object, site or structure with the consent of the property owner for inclusion in the State and/or National Register, or becomes aware via notification from the Washington State Office of Archaeology and Historic Preservation or other means of such a nomination submitted by another party, the board may initiate proceedings to nominate said building, district, object, site or structure for inclusion in the local register,</del> in accordance with BMC 22.20.020 and 22.24.010 through 22.24.090. (Ord. 2069 § 2 (Exh. B), 2011; Ord. 1946 § 5, 2005; Ord. 1635 § 1, 1996; Ord. 1258 § 1, 1987).</p>	<p>Remove references to State and National register per DAHP request.</p>
<p><b>22.20.020 <del>Bothell register s</del>Submittal <del>process</del>requirements.</b>                      A. The city’s community development department shall provide a nomination form to the applicant. <del>For individual property nominations, the</del>The application must bear the signature of the private property owner(s).<del>each property owner that would be reflected by a title report.</del>  <del>For nomination of</del>In the case of historic districts, a <b>simple</b> majority of <del>private property owners’ properties within the district</del> will be adequate for <del>owner consent</del>nomination. <del>Each property in the district will be allocated one (1) vote for such purpose regardless of the number of owners, but the application must be signed for each supporting property in the manner set forth above for individual properties.</del> <b>For district nominations, a complete listing of contributing and non-contributing properties is required.</b><del>—</del></p>	<p>Clarification of process, consent for individual and district nominations</p>
<p>B. When the community development department is satisfied as to the completeness and accuracy of the information, the nomination shall be referred <del>within one month</del>to the board <del>for a at their next regular public</del>meeting. Once the nomination is scheduled for a public meeting, the community development department will notify the owner(s) and the applicant of the nominated property of the date of the meeting and of the benefits and conditions which may</p>	<p>Clarification of process</p>

<b>Proposed Amendments</b>	<b>Explanatory Comments</b>
result from designation. Prior to the board’s meeting, the community development department shall transmit to board members copies of the nominations of properties to be considered for designation with any other appropriate materials. (Ord. 2069 § 2 (Exh. B), 2011; Ord. 1946 § 5, 2005; Ord. 1635 § 1, 1996; Ord. 1484 § 3, 1992; Ord. 1258 § 1, 1987).	

Proposed Amendments	Explanatory Comments
<p style="text-align: center;"><b>Chapter 22.24</b></p> <p style="text-align: center;"><b>DESIGNATION PROCEDURES</b></p> <p>Sections:</p> <p>22.24.010 <a href="#">Preliminary Board review of designation to the Bothell register nomination.</a></p> <p><del>22.24.020</del> <del>Contract agreement.</del></p> <p><del>22.24.030</del> <del>020</del> Findings of fact.</p> <p><del>22.24.040</del> <del>030</del> Notification of <del>results</del> <a href="#">recommendation.</a></p> <p><del>22.24.040</del> <a href="#">Requirements of designation.</a></p> <p>22.24.050 Council action.</p> <p>22.24.060 Appeal.</p> <p>22.24.070 Effects of listing on the register.</p> <p>22.24.080 Economic incentives and negotiated standards.</p> <p>22.24.090 Removal <a href="#">of designation.</a></p>	<p>Clarify and reflect changes in chapter 22.24</p>
<p><b>22.24.010</b> <del>Preliminary designation to the Bothell register</del> <a href="#">Board review of nomination.</a></p> <p>At a public <del>meeting</del> <a href="#">hearing</a>, the board shall take testimony concerning the nomination and, based on findings of fact, shall make a recommendation to the council as to the designation. The board may decide to:</p> <p>A. Recommend approval of the designation <del>of the property</del>;</p> <p>B. Recommend approval of the designation with conditions;</p> <p>C. <a href="#">Recommend denial of the</a> <del>Deny</del> <del>designation of the property</del>; or</p> <p>D. Defer the consideration of the nomination to a continued public <del>meeting or a public hearing, if necessary,</del> <a href="#">in order to receive additional information or testimony or take additional time to prepare a recommendation.</a> (Ord. 2069 § 2 (Exh. B), 2011; Ord. 1635 § 1, 1996; Ord. 1258 § 1, 1987).</p>	<p>Change title for purposes of clarification Addition of public hearing requirement for nominations</p> <p>Clarification</p> <p>Clarification of process</p> <p>Clarification of process</p>

Proposed Amendments	Explanatory Comments
<p><b><del>22.24.020</del> Contract agreement.</b>  <del>A. Any owner(s) who desires to have their property designated individually as a historic landmark shall enter into a contractual agreement with the city upon the approval of the city council. The owner(s) shall agree to appropriate management standards for the exterior of the property, including those listed in BMC 22.28.010, or to the interior of a register property if interior features were a contributing factor in the property’s designation, in consideration for the board’s recommendation that the owner’s property be designated in the Bothell register. The exterior of a property may include any significant outside features that contributed to the property’s listing, such as, but not limited to, outbuildings, garden features, etc. The contractual arrangement may include economic incentives and negotiated standards as specified in BMC 22.24.080.</del></p> <p><del>B. In the case of historic districts, an inventory identifying contributing and non-contributing properties shall be adopted upon designation of each historic district. Design standards specific to each historic district for historic districts shall be compiled as part of the designation process and be included in the contract agreement and used as a basis for approving or modifying any proposed construction plans and development proposals for both contributing and non-contributing properties and new construction within the district boundaries. Upon adoption by City Council, these standards guidelines shall supersede the city’s core development and design standards within the historic district. All permitted actions within the boundaries of the historic district that affect a condition upon which historic preservation was granted and that also require a city permit within the boundaries of the historic district shall be subject to Landmark Preservation Board review prior to issuance of said permit. (Ord. 2069 § 2 (Exh. B), 2011; Ord. 1635 § 1, 1996; Ord. 1258 § 1, 1987).</del></p>	<p>Move to 22.24.040 to reflect process.</p> <p>Modify to address requirements of designation for individual and district designations.</p>
<p><b>22.24.030020 Findings of fact.</b>                      After the public <del>meeting</del>hearing, the board shall enter findings of fact with reference to the designation criteria. These findings of fact will be forwarded, along with the recommendation, to the council with the <del>proposed contract</del>requirements of designation. (Ord. 2069 § 2 (Exh. B), 2011; Ord. 1635 § 1, 1996; Ord. 1258 § 1, 1987).</p>	<p>Modify to reflect new public hearing requirement and language in 22.24.010</p>

Proposed Amendments	Explanatory Comments
<p><b>22.24.040030 Notification of <del>results</del> recommendation.</b>                      The community development department shall inform the owner(s) of the board’s recommendation and reasons therefor and provide a copy of all materials forwarded to the council, <u>including</u>. <del>The owner(s) shall also be notified of the recommended requirements of the designation. necessity of applying for a certificate of appropriateness for action which would alter the exterior of the property if the recommendation is for approval, or to the interior of a register property if interior features were a contributing factor in the property’s designation. The exterior of a property may include any significant outside features that contributed to the property’s listing, such as, but not limited to, outbuildings, garden features, etc.</del> All interested parties of record and all affected city agencies shall be informed of the <del>preliminary designation recommendation</del> and, if the recommendation is for approval, of any responsibilities they may have in regard to a certificate of appropriateness. The owner(s) shall be informed of any incentives which may be available for the maintenance of the property. <u>Recommendations that include specific design standards that will be codified shall be reviewed and approved by the Planning Commission prior to Council action on the board’s recommendation.</u> (Ord. 2069 § 2 (Exh. B), 2011; Ord. 1635 § 1, 1996; Ord. 1484 § 5, 1992; Ord. 1258 § 1, 1987).</p>	<p>Clarification</p> <p>Addition of Planning Commission review requirement for design standards</p>
<p><b>22.24.040 Requirements of designation.</b>  <u>A. Any owner(s) who desires to have their property designated individually as a historic landmark shall enter into a contractual agreement with the city upon the approval of the city council. The owner(s) shall agree to appropriate management standards for the exterior of the property, including those listed in BMC 22.28.010, or to the interior of a register property if interior features were a contributing factor in the property’s designation, in consideration for the board’s recommendation that the owner’s property be designated in the Bothell register. The exterior of a property may include any significant outside features that contributed to the property’s listing, such as, but not limited to, outbuildings, garden features, etc. The contractual arrangement may include economic incentives and negotiated standards as specified in BMC 22.24.080.</u>  <u>B. In the case of historic districts, <del>an inventory identifying contributing and non-contributing properties shall be adopted upon designation of each historic district. Design-</del> design standards specific to each historic district shall be compiled as part of the designation process and used as a basis for approving or modifying any proposed construction plans and development proposals for both contributing and non-contributing properties and new construction within the district boundaries. Upon adoption by City Council, these standards</u></p>	<p>Clarification to reflect process</p> <p>Clarification of individual designation requirements</p> <p>Clarification of historic district designation requirements</p>

<b>Proposed Amendments</b>	<b>Explanatory Comments</b>
<p><u>shall supersede the city's corresponding development and design standards within the historic district. All actions within the boundaries of the historic district that affect a condition upon which historic landmark designation was granted and that also require a city permit shall be subject to Landmark Preservation Board review prior to issuance of said permit. (Ord. 2069 § 2 (Exh. B), 2011; Ord. 1635 § 1, 1996; Ord. 1258 § 1, 1987).</u></p>	

Proposed Amendments	Explanatory Comments
<p><b>22.24.050 Council action.</b></p> <p>A. The council should act on the recommendation of the board within <del>30</del> <u>9120</u> days of the recommendation. Once a final decision is made, the community development department shall notify the board, the property owner and affected city agencies.</p> <p>B. <u>Final designation occurs when the City Council executes a</u> <del>After a</del> contractual agreement <u>for an</u> <del>is executed</del> individual property, <u>or adopts</u> <del>–a</del> district inventory and specific design standards for a historic district <del>submitted, final designation shall.</del> <u>Upon such designation, the</u> <del>be made and the</del> property, <del>or district,</del> shall be placed upon the Bothell register of historic landmarks. Properties listed on the Bothell register of historic landmarks shall be recorded on official zoning records with an “HR” for historic register designation. This designation shall <u>not change or modify be in addition to</u> the underlying zone classification. (Ord. 2069 § 2 (Exh. B), 2011; Ord. 1635 § 1, 1996; Ord. 1484 § 5, 1992; Ord. 1258 § 1, 1987).</p>	<p>Lengthen time period to allow for staff and PC review of design standards for historic districts</p> <p>Clarification, reflects changes to district designation requirements</p>
<p><b>22.24.060 Appeal.</b></p> <p>The action of the city council approving or disapproving a designation to the historic register shall be final and conclusive unless <del>within 10 days of the date of the decision the applicant or adverse party makes application to the superior court for a writ of certiorari, writ of prohibition or writ of mandamus. Upon granting the writ the city clerk shall prepare, at the expense of the appellant, a certified copy of the record of the city and file the same with the clerk of the superior court under the case number of the application for writ</del> <u>appealed to the superior court.</u> (Ord. 2069 § 2 (Exh. B), 2011; Ord. 1635 § 1, 1996; Ord. 1258 § 1, 1987).</p>	<p>Reflective of current process</p>

<b>Proposed Amendments</b>	<b>Explanatory Comments</b>
<p><b>22.24.070 Effects of listing on the register.</b>                      Prior to the commencement of any work on an <a href="#">individual</a> register property <a href="#">or property within a historic district</a>, excluding the exemptions listed in BMC 22.28.020, the owner shall request a certificate of appropriateness from the board for the proposed work. <a href="#">A certificate of appropriateness could be required for work including, but not limited to, altering the exterior of the property or to the interior of a register property if interior features were a contributing factor in the property’s or district’s designation. The exterior of a property may include any significant outside features that contributed to the property’s listing, such as, but not limited to, outbuildings, garden features, etc.</a> No required building or other construction-level permits shall be issued by the city prior to issuance of a certificate of appropriateness, <a href="#">if required</a>. (Ord. 2069 § 2 (Exh. B), 2011; Ord. 1635 § 1, 1996; Ord. 1258 § 1, 1987).</p>	<p>Added for purposes of clarification</p>

<b>Proposed Amendments</b>	<b>Explanatory Comments</b>
<p><b>22.24.080 Economic incentives and negotiated standards.</b>                      In order to promote the preservation, restoration, and rehabilitation of historic landmarks, the city may grant property owners certain economic incentives and/or negotiate the relaxation or modification of certain land use or design standards. Opportunities include (but are not limited to):</p> <p>A. Properties on the register or within a historic district may apply for tax relief through the special property tax valuation, Chapter 22.32 BMC.</p> <p>B. Properties on the register or within a historic district may apply for a change of use through the zoning special exception, BMC 22.28.055.</p> <p>C. Properties on the register or within a historic district may be eligible, if requested by the private property owner, for relaxation of certain building code requirements through the application of the 2009 International Existing Building Code (IEBC). However, no such application shall cause any building or structure to be more hazardous, based on life safety, fire safety, and sanitation, than the existing building.</p> <p>D. Properties on the register or within a historic district may be eligible for further negotiation and flexibility in the easing of other building construction, design, and zoning regulations on a case-by-case basis. In such cases, the board may make a recommendation to the city council and the council should consider this information prior to determining whether to grant the requested action.</p> <p>E. Properties on the register or within a historic district may be eligible for certain grants. (Ord. 2069 § 2 (Exh. B), 2011; Ord. 1635 § 1, 1996; Ord. 1258 § 1, 1987).</p>	<p>No amendments proposed in this section</p>
<p><b>22.24.090 Removal <u>of designation</u>.</b>                      In the event that any property is no longer deemed appropriate for designation as a historic landmark, such designation may be removed by the same procedure as provided for establishing the designation, except that owner consent is not needed. (Ord. 2069 § 2 (Exh. B), 2011; Ord. 1635 § 1, 1996; Ord. 1258 § 1, 1987).</p>	<p>Clarification</p>

Proposed Amendments	Explanatory Comments
<p style="text-align: center;"><b>Chapter 22.28</b></p> <p style="text-align: center;"><b>CHANGES TO PROPERTY ON REGISTER OR INVENTORY</b></p> <p>Sections:</p> <p>22.28.010 <del>Changes to properties on register—Changes to properties on inventory</del><u>Applicability.</u></p> <p>22.28.020 Exemptions from review requirements for register properties.</p> <p>22.28.030 Requests for review and issuance of a certificate of appropriateness.</p> <p>22.28.040 <del>Transmittal</del> <u>Submittal</u> of request.</p> <p>22.28.050 Board review.</p> <p>22.28.055 Zoning special exception.</p> <p>22.28.060 <del>Requests for Demolition-demolition—Consideration of alternatives—Applicable process for properties on the historic register or within a district on the historic register—Applicable process for properties on the historic inventory but not on the register.</del></p> <p>22.28.070 Appeal of <del>certificate of appropriateness</del><u>board action</u>.</p> <p>22.28.080 Appeal of council action.</p>	<p>Clarification</p> <p>Clarification</p> <p>Clarification</p> <p>Reflective of changes proposed for 22.28.060</p>

Proposed Amendments	Explanatory Comments
<p><b>22.28.010 <del>Changes to properties on register – Changes to properties on inventory</del> <u>Applicability</u>.</b></p> <p>A. No person shall construct any new building or structure or reconstruct, alter, restore, remodel, repair, move or demolish any existing property on the register or within a historic district on the register without review by the board 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 exterior <u>and interior</u> features of the property that contribute to its designation.</p> <p>B. Any proposal to demolish a property which is on the Bothell historic inventory but not on the register or within a historic district on the register shall not require a waiver of a certificate of appropriateness but shall be subject to the applicable regulations in BMC 22.28.060 through the permit review process. Any other change to a property which is on the inventory but not on the register or within a historic district on the register is not subject to the regulations in this chapter. (Ord. 2069 § 2 (Exh. B), 2011; Ord. 1798 § 1, 2000; Ord. 1635 § 1, 1996; Ord. 1258 § 1, 1987).</p>	<p>Clarification</p>
<p><b>22.28.020 Exemptions from review requirements for register properties.</b></p> <p>The following activities are exempt from review and a certificate of appropriateness:</p> <p>A. Proposals to change the color of a building or structure;</p> <p>B. Proposals to perform ordinary maintenance or repair. Materials used to perform such maintenance and repairs should replicate those present on the structure;</p> <p>C. Emergency repairs;</p> <p>D. Any property interior unless character-defining features of the interior or other applicable areas were specified in the landmark <del>nomination</del> <u>designation</u>. (Ord. 2069 § 2 (Exh. B), 2011; Ord. 1798 § 1, 2000; Ord. 1635 § 1, 1996; Ord. 1258 § 1, 1987).</p>	<p>Clarification</p>

Proposed Amendments	Explanatory Comments
<p><b>22.28.030 Requests for review and issuance of a certificate of appropriateness.</b>                      Any time the owner of property which is designated as a historic landmark <u>or is within a historic district</u> submits an application to the city for an action requiring a certificate of appropriateness, a request shall be made to the board for review of the proposed action. <del>The request may be made by the city agency charged with jurisdiction for permitting or denying the application or by the property owner prior to approaching the city.</del> No permits which will affect a register property as listed in BMC 22.28.010 will be issued until a certificate of appropriateness or waiver has been issued. (Ord. 2069 § 2 (Exh. B), 2011; Ord. 1798 § 1, 2000; Ord. 1635 § 1, 1996; Ord. 1258 § 1, 1987).</p>	<p>Clarification</p> <p>Clarification of process</p>
<p><b>22.28.040 <del>Transmittal</del> Submittal of request.</b>  <del>Copies of t</del>The request for a certificate of appropriateness and any supplemental information shall be <del>forwarded submitted</del> to the <del>board</del><u>community development department</u>. <u>The community development department will review the material for completeness and request additional information from the applicant as necessary. Upon determination of a complete application, community development staff shall forward the materials to the board.</u> property owner(s) and/or applicant and interested parties of record prior to the board meeting. (Ord. 2069 § 2 (Exh. B), 2011; Ord. 1635 § 1, 1996; Ord. 1258 § 1, 1987).</p>	<p>Clarification</p> <p>Clarification of process</p>
<p><b>22.28.050 Board review.</b>                      At its next scheduled meeting, the board should review the request and decide whether to issue a certificate of appropriateness. The board shall transmit its findings <u>of fact</u> to the appropriate administrator. Any conditions agreed to by the applicant in this review process shall become conditions of the approval of the permits granted. If the owner agrees to the board’s recommendations, a certificate of appropriateness shall be awarded by the board according to the standards established in the board’s rules. (Ord. 2069 § 2 (Exh. B), 2011; Ord. 1635 § 1, 1996; Ord. 1258 § 1, 1987).</p>	<p>Clarification</p>

Proposed Amendments	Explanatory Comments
<p><del>22.28.055 Zoning special exception.</del>  <del>A change to any use other than a use listed as permitted in the underlying zoning may be considered for a zoning special exception if all of the following criteria are met:</del></p> <p><del>A. The property is listed on the local historic register or within a district on the historic register.</del></p> <p><del>B. All proposed changes to the property have been approved by the board as being compatible with the historical designation of the property through the board’s certificate of appropriateness process, as detailed elsewhere in this chapter.</del></p> <p><del>C. The change in use is demonstrated as necessary to ensure that the historic nature of the property/district will be preserved, considering all uses allowed in the underlying zone.</del></p> <p><del>D. Zoning special exceptions are permitted, provided the community development director determines on a case-by-case basis that such use possesses no characteristics which would adversely impact surrounding neighborhoods, or that any potentially adverse characteristics can be adequately minimized and/or mitigated so as not to be materially detrimental to the community. Zoning special exceptions can vary widely in their characteristics, depending upon the type of use being sought. Accordingly, certain types of zoning special exception may require the imposition of extensive conditions to mitigate potential adverse impacts to the community, while others may not; in some cases, adequate mitigation of impacts may not be feasible, and a proposed zoning special exception consequently may not be allowed. The community development director shall therefore have the authority to approve, approve with conditions, or deny a request for a zoning special exception, after consideration of the performance criteria set forth herein.</del></p> <p><del>1. Process.</del></p> <p><del>a. A zoning special exception permit shall be required prior to the commencement of such a use.</del></p> <p><del>b. A zoning special exception permit is a Type II action and shall be processed accordingly, as set forth in BMC Title 11, Administration of Development Regulations, except that the community development director shall determine whether a pre-application conference shall be required. Proposed zoning special exception applications meeting the requirements for transportation concurrency review in</del></p>	<p>No amendments proposed in this section                  Move to 22.28.085 for clarification</p>

Proposed Amendments	Explanatory Comments
<p><del>accordance with Chapter 17.03 BMC shall obtain concurrency approval prior to a zoning special exception being approved. The permit fee for a zoning special exception shall be established by resolution of the city council.</del></p> <p><del>2.— Performance Criteria.</del></p> <p><del>a.— Parking Requirements.</del></p> <p><del>(1) — The layout, design and sizing of parking areas shall be consistent with the requirements of Chapter 12.16 BMC;</del></p> <p><del>(2) — Shared parking as provided for within BMC 12.16.040 may be used to satisfy the parking requirements;</del></p> <p><del>(3) — No on-street parking shall be allowed.</del></p> <p><del>b.— Architectural standards shall be addressed as part of the board’s certificate of appropriateness process, as specified elsewhere in this chapter.</del></p> <p><del>c.— Landscaping Standards. Zoning special exception uses shall be required to install landscaping as required under Chapter 12.18 BMC. Modifications may be made by the community development director to match a specific historic-based landscape design, to preserve existing trees, or to ensure compatibility with the surrounding neighborhood.</del></p> <p><del>d.— Other Structures. Outdoor recreation facilities such as decks, patios, or sports facilities shall be oriented away from adjacent detached residential properties. Exterior patios and decks shall be screened with landscaping and solid fencing at the discretion of the community development director.</del></p> <p><del>e.— Lighting. Outdoor lighting fixtures for uses approved under the zoning special exception shall be directed away from single-family residences and kept as low in elevation as is consistent with providing adequate light levels for safety and security while minimizing the impact on single-family residences.</del></p> <p><del>f.— Signage. Any signage associated with a zoning special exception shall comply with Chapter 12.22 BMC, Signs, except that the director shall have the authority to</del></p>	<p>No amendments proposed in this section Move to 22.28.085 for clarification</p>

<b>Proposed Amendments</b>	<b>Explanatory Comments</b>
<p><del>make minor modifications to Chapter 12.22 BMC as appropriate to ensure compatibility with the surrounding neighborhood.</del></p> <p><del>g. — Hours of Operation. The director shall determine whether proposed hours of operation associated with a zoning special exception are compatible with the surrounding neighborhood and shall have the authority to modify any proposed hours of operation.</del></p> <p><del>h. — The performance criteria detailed above are the minimum necessary to provide compatibility with surrounding neighborhoods. The community development director may require additional mitigation measures if they are deemed necessary to provide such compatibility. (Ord. 2069 § 2 (Exh. B), 2011).</del></p>	<p>No amendments proposed in this section Move to 22.28.085 for clarification</p>

Proposed Amendments	Explanatory Comments
<p><b>22.28.060</b> <del>Requests for Demolition—demolition—Consideration of alternatives—Applicable process for properties on the historic register or within a district on the historic register—Applicable process for properties on the historic inventory but not on the register.</del></p> <p>A. Anyone applying for a demolition permit for a property on the historic register or within a district on the historic register, or for a property on the historic inventory but not on the historic register, shall <del>prepare</del> <u>submit the following information with the request for demolition.</u></p> <ol style="list-style-type: none"> <li>1. <del>a</del>-A report <u>documenting the structure as a whole and its individual architectural features in photographs, drawings, and text in accordance with Bothell’s Property Research Guide as maintained by the community development department;</u></li> <li>2. <u>For properties on the historic inventory but not on the historic register, staff will make a determination of eligibility for the <del>National, State or</del> Bothell registers based on the documentation above;</u></li> <li>3. <u>For contributing properties within a historic district, or for properties on the historic register or eligible for the historic register, the report shall also contain a thorough, deliberative analysis of each of the <del>analyzing the</del> following alternatives (listed in descending order of preference) as to their feasibility:</u> <ol style="list-style-type: none"> <li>a. <del>1.</del>—Redesigning the project to avoid any impact to the structure or its setting;</li> <li>b. <del>2.</del>—Incorporating the structure into the overall design of the project;</li> <li>c. <del>3.</del>—Converting the structure into another use (adaptive reuse);</li> <li>d. <del>4.</del>—Relocating the structure on the property;</li> <li>e. <del>5.</del>—Relocating the structure to another property within the city of Bothell or its planning area; <del>or</del></li> <li>f. <del>6.</del>—<u>Relocating the structure to another property within</u> King <del>or</del> Snohomish County; <del>or</del></li> <li>g. <del>7.</del>—<u>Relocating the structure to another property within</u> Washington State;</li> <li>h. <del>8.</del>—Salvaging from the structure historically significant architectural features and building materials.;</li> <li><del>9.</del>—<del>Documenting the structure as a whole and its individual architectural features in photographs, drawings, and/or text in accordance with Bothell’s the Property Research Guide as maintained by the Community Development Department. Such documentation shall be submitted to, and archived by, the city, prior to the issuance of a demolition permit or review by the Landmark Preservation Board.</del></li> </ol> </li> </ol>	<p>Clarification of title</p> <p>Require a historical report for all demolition applications</p> <p>Strengthen requirements for historical reports</p> <p>Require staff determination of Bothell Register eligibility, use staff determination to determine process</p> <p>Remove requirement that all demolition permit applications include an analysis of alternatives to demolition</p> <p>Require an analysis of alternatives to demolition for properties that contribute to a historic district, are on the Bothell register or are eligible for the Bothell Register</p> <p>Remove from nine alternatives, require for all applications</p>

Proposed Amendments	Explanatory Comments
<p><del>The report shall consist of thorough, deliberative analyses of each of the alternatives, explaining why each alternative is or is not feasible and shall include documentation of the structure in accordance with alternative 9 above.</del></p> <p><del>In rare circumstances where public safety is a concern, the report requirement may be waived by the Director of Community Development in consultation with the City Attorney, when there are narrow, objective and definite concerns to be reviewed. In the case of properties listed on the Bothell Register of Historic Landmarks, the National Register of Historic Places, the Washington Heritage Register, or those located within the boundaries of a historic district, the report requirements may not be waived.</del></p>	<p>Remove, address in 22.28.060(F)</p>
<p>B. Any application for a demolition permit for a property on the historic register or within a historic district on the register shall be referred to the landmark preservation board for consideration of a waiver of a certificate of appropriateness prior to any action on the demolition permit. Such waiver shall be processed as follows:</p> <ol style="list-style-type: none"> <li>1. An applicant for a permit to demolish a historic landmark shall meet with the board in an attempt to find alternatives to demolition of the property. Alternatives to be considered include but are not limited to those identified in subsection A of this section. These negotiations may last no longer than 45 days from the initial meeting of the board, unless either party requests an extension.</li> <li>2. If no such request for an extension is made and no alternative to demolition has been agreed to, the board shall act and advise the official in charge of issuing a demolition permit of the approval or denial of the waiver of a certificate of appropriateness for demolition.</li> <li>3. Conditions in the case of granting a demolition permit may include allowing the board up to 45 additional days to consider alternatives to demolition, including but not limited to the alternatives set forth in subsection A of this section.</li> <li>4. When issuing a waiver, the board may require the landowner to mitigate the loss of the historic landmark by means determined by the board at the meeting.</li> </ol>	<p>No amendments proposed in this section</p>

Proposed Amendments	Explanatory Comments
<p>5. After the property is demolished, the board shall initiate removal of the property from the register.</p>	
<p>C. Any application for a demolition permit for a property <u>on the historic inventory that meets the criteria necessary to be listed on the local has been determined to be eligible for the National, State or Bothell registers</u> (BMC 22.16.010) <u>but has not been listed</u> shall be referred to the board <u>for negotiation of alternatives to demolition.</u> <del>At at</del> the next regularly scheduled meeting <u>of</u> the board <del>shall meet with the applicant in an attempt to find alternatives to demolition of the property.</del> These negotiations may last no longer than 45 days unless both parties agree to an extension. If no alternative to demolition can be found, the board may take up to 45 additional days to develop <u>mitigative-mitigating</u> measures (e.g., <del>to encourage the landowner to</del> salvage significant architectural features of the building, <del>or require install historical markers or, plaques, prepare publications, etc. that provide historical context for the site</del>) and to <u>require confirm sufficient</u> documentation of the building as set forth in subsection (A)<del>(9)</del> of this section before the demolition permit is issued.</p>	<p>Clarification, reflect proposed changes in 22.28.060; remove references to State and National registers per DAHP</p> <p>Clarification of process; reflect proposed changes in 22.28.060;</p>
<p>D. Subsequent to issuance of the waiver of certificate of appropriateness or the director’s determination, a demolition permit may be issued; provided, that a building permit has been issued for a new structure on the property occupied by the structure to be demolished; <del>and provided further, that the applicant provides proof of construction financing for said new structure.</del> In the case where a demolition permit is sought because the structure has deteriorated to the point where it has become a safety hazard, this subsection shall not apply.</p>	<p>Remove, per legal department</p>
<p>E. No public funds shall be used to cause or contribute to the demolition of a property on the historic register, within a historic district on the register, or on the historic inventory unless and until all alternatives to demolition have been explored in accordance with this section. (Ord. 2069 § 2 (Exh. B), 2011; Ord. 1798 § 1, 2000; Ord. 1635 § 1, 1996; Ord. 1258 § 1, 1987).</p>	<p>No amendments proposed in this section</p>

<b>Proposed Amendments</b>	<b>Explanatory Comments</b>
<u>F. In circumstances where an imminent threat to public safety has been documented, the report requirement may be waived by the director of community development in consultation with the city attorney.</u>	Addition for purposes of public safety

<b>Proposed Amendments</b>	<b>Explanatory Comments</b>
<p><b>22.28.070 Appeal of <del>certificate of appropriateness</del>board action.</b>                      The board’s decision granting, denying or waiving a certificate of appropriateness <u>or conditioning a demolition permit</u> may be appealed to the council within 10 days of the board’s decision. The appeal must state the grounds upon which appeal is based. The appeal shall be reviewed by the council only on the records of the board. (Ord. 2069 § 2 (Exh. B), 2011; Ord. 1635 § 1, 1996; Ord. 1258 § 1, 1987).</p>	<p>Modification to reflect proposed changes to demolition permit process</p>
<p><b>22.28.080 Appeal of council action.</b>                      The action of the council ruling on the board’s decision on a certificate of appropriateness may be challenged only pursuant to the method set out in BMC 22.24.060. (Ord. 2069 § 2 (Exh. B), 2011; Ord. 1635 § 1, 1996; Ord. 1258 § 1, 1987).</p>	<p>No amendments proposed in this section</p>

Proposed Amendments	Explanatory Comments
<p><b><u>22.28.085 Zoning special exception.</u></b>  <u>A change to any use other than a use listed as permitted in the underlying zoning may be considered for a zoning special exception if all of the following criteria are met:</u></p> <p><u>A. The property is listed on the local historic register or within a district on the historic register.</u></p> <p><u>B. All proposed changes to the property have been approved by the board as being compatible with the historical designation of the property through the board’s certificate of appropriateness process, as detailed elsewhere in this chapter.</u></p> <p><u>C. The change in use is demonstrated as necessary to ensure that the historic nature of the property/district will be preserved, considering all uses allowed in the underlying zone.</u></p> <p><u>D. Zoning special exceptions are permitted, provided the community development director determines on a case-by-case basis that such use possesses no characteristics which would adversely impact surrounding neighborhoods, or that any potentially adverse characteristics can be adequately minimized and/or mitigated so as not to be materially detrimental to the community. Zoning special exceptions can vary widely in their characteristics, depending upon the type of use being sought. Accordingly, certain types of zoning special exception may require the imposition of extensive conditions to mitigate potential adverse impacts to the community, while others may not; in some cases, adequate mitigation of impacts may not be feasible, and a proposed zoning special exception consequently may not be allowed. The community development director shall therefore have the authority to approve, approve with conditions, or deny a request for a zoning special exception, after consideration of the performance criteria set forth herein.</u></p> <p><u>1. Process.</u></p> <p><u>a. A zoning special exception permit shall be required prior to the commencement of such a use.</u></p> <p><u>b. A zoning special exception permit is a Type II action and shall be processed accordingly, as set forth in BMC Title 11, Administration of Development Regulations, except that the community development director shall determine whether a pre-application conference shall be required. Proposed zoning special exception applications meeting the requirements for transportation concurrency review in</u></p>	<p>No amendments proposed in this section                  Move from 22.28.055 for purposes of organization</p>

Proposed Amendments	Explanatory Comments
<p><u>accordance with Chapter 17.03 BMC shall obtain concurrency approval prior to a zoning special exception being approved. The permit fee for a zoning special exception shall be established by resolution of the city council.</u></p> <p>2. <u>Performance Criteria.</u></p> <p>a. <u>Parking Requirements.</u></p> <p>(1) <u>The layout, design and sizing of parking areas shall be consistent with the requirements of Chapter 12.16 BMC;</u></p> <p>(2) <u>Shared parking as provided for within BMC 12.16.040 may be used to satisfy the parking requirements;</u></p> <p>(3) <u>No on-street parking shall be allowed.</u></p> <p>b. <u>Architectural standards shall be addressed as part of the board’s certificate of appropriateness process, as specified elsewhere in this chapter.</u></p> <p>c. <u>Landscaping Standards. Zoning special exception uses shall be required to install landscaping as required under Chapter 12.18 BMC. Modifications may be made by the community development director to match a specific historic-based landscape design, to preserve existing trees, or to ensure compatibility with the surrounding neighborhood.</u></p> <p>d. <u>Other Structures. Outdoor recreation facilities such as decks, patios, or sports facilities shall be oriented away from adjacent detached residential properties. Exterior patios and decks shall be screened with landscaping and solid fencing at the discretion of the community development director.</u></p> <p>e. <u>Lighting. Outdoor lighting fixtures for uses approved under the zoning special exception shall be directed away from single-family residences and kept as low in elevation as is consistent with providing adequate light levels for safety and security while minimizing the impact on the surrounding neighborhood.</u></p> <p>f. <u>Signage. Any signage associated with a zoning special exception shall comply with Chapter 12.22 BMC, Signs, except that the director shall have the authority to</u></p>	<p>No amendments proposed in this section Move from 22.28.055 for purposes of organization</p>

<b>Proposed Amendments</b>	<b>Explanatory Comments</b>
<p><u>make minor modifications to Chapter 12.22 BMC as appropriate to ensure compatibility with the surrounding neighborhood.</u></p> <p><u>g. Hours of Operation. The director shall determine whether proposed hours of operation associated with a zoning special exception are compatible with the surrounding neighborhood and shall have the authority to modify any proposed hours of operation.</u></p> <p><u>h. The performance criteria detailed above are the minimum necessary to provide compatibility with surrounding neighborhoods. The community development director may require additional mitigation measures if they are deemed necessary to provide such compatibility. (Ord. 2069 § 2 (Exh. B), 2011).</u></p>	<p>No amendments proposed in this section                      Move from 22.28.055 for purposes of organization</p>

Proposed Amendments	Explanatory Comments
<p style="text-align: center;"><b>Chapter 22.32</b></p> <p style="text-align: center;"><b>SPECIAL PROPERTY TAX VALUATION</b></p> <p>Sections:</p> <p>22.32.010 Eligible properties.                  22.32.020 Applications.                  22.32.030 Board approval.                  22.32.040 Requirements.                  22.32.050 Time lines.                  22.32.060 Notification.                  22.32.070 Appeals.</p> <p><b>22.32.010 Eligible properties.</b>                  The class of properties eligible for special valuation shall be limited to properties listed on the Bothell register of historic landmarks or properties certified as contributing to a Bothell register historic landmark district. (Ord. 2069 § 2 (Exh. B), 2011; Ord. 1635 § 1, 1996; Ord. 1484 § 6, 1992; Ord. 1258 § 1, 1987).</p> <p><b>22.32.020 Applications.</b>                  Applications for special property tax valuation in connection with substantial improvement of historic properties as defined in Chapter 84.26 RCW or as hereafter amended shall be submitted to the board by the county assessor within 10 days of filing. (Ord. 2069 § 2 (Exh. B), 2011; Ord. 1635 § 1, 1996; Ord. 1258 § 1, 1987).</p> <p><b>22.32.030 Board approval.</b>                  The board shall approve applications, agreements and supporting documentation (as required by WAC 254-20-090(4)) for special valuation if the property meets the criteria of Chapter 84.26 RCW or as hereafter amended, and is not altered in a way which adversely affects those elements which contribute to its designation and the owner(s) enters into an agreement with the board which requires the owner(s) for the 10-year period of classification to:</p> <p>A. Monitor the property for its continued qualification for special valuation;</p>	<p>No amendments to this section</p>

Proposed Amendments	Explanatory Comments
<p>B. Comply with rehabilitation plans and minimum standards of maintenance as defined in the <a href="#">special valuation</a> agreement;</p> <p>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;</p> <p>D. Apply to the board for approval or denial of any demolition or alteration;</p> <p>E. Comply with any other provisions in the original agreement as may be appropriate. (Ord. 2069 § 2 (Exh. B), 2011; Ord. 1635 § 1, 1996; Ord. 1258 § 1, 1987).</p> <p><b>22.32.040 Requirements.</b> Once an agreement between an owner and the board has become effective pursuant to Chapter 84.26 RCW or as hereafter amended, 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. (Ord. 2069 § 2 (Exh. B), 2011; Ord. 1635 § 1, 1996; Ord. 1258 § 1, 1987).</p> <p><b>22.32.050 Time lines.</b> An application for classification as an eligible historic property shall be approved or denied by the board before December 31st of the calendar year in which application is made. (Ord. 2069 § 2 (Exh. B), 2011; Ord. 1635 § 1, 1996; Ord. 1258 § 1, 1987).</p> <p><b>22.32.060 Notification.</b> The community development department shall notify the county assessor and the applicant of the board’s approval or denial of the application. If the board determines that the property qualifies as an eligible historic property, the board shall certify the fact in writing and the community development department shall file a copy of the certificate with the county assessor within 10 days of the determination and no later than December 31st. The certificate shall state the facts upon which the approval is based. (Ord. 2069 § 2 (Exh. B), 2011; Ord. 1635 § 1, 1996; Ord. 1484 § 7, 1992; Ord. 1258 § 1, 1987).</p> <p><b>22.32.070 Appeals.</b> Any decision of the board, acting as the local review board on any application for classification as historic property eligible for special valuation, may be appealed to the superior court under RCW 34.04.130 in addition to any other remedy of law. Any decision on the disqualification of</p>	<p>Clarification</p>

<b>Proposed Amendments</b>	<b>Explanatory Comments</b>
historic property eligible for special valuation, or any other dispute, may be appealed to the county board of equalization. (Ord. 2069 § 2 (Exh. B), 2011; Ord. 1258 § 1, 1987).	







**Landmark Preservation Board  
2020 Potential Work Plan Items**

**Title 22 Revisions per 2018 Docket – *going to Council for approval in early 2020***

**Post-World War II Era Landmark Nomination(s) – *grant funded***

The board has received a grant to write landmark nominations for two post-World War II Era properties.

*80 staff hours allocated per grant funding*

*Additional staff hours will be allocated as needed during regular staff time*

**Finish the post-WWII Historic Resource Inventory (HRI) update – *regular staff time OR grant funded***

As a Certified Local Government, the board is required to maintain an inventory of properties over fifty years old. The majority of the properties have been visited and photographed.

Historic Property Inventory forms must be entered into WISAARD and the final survey report written.

**Bothell Then & Now book update - Phase I (research and design)**

Seeing how much Bothell's built environment has changed over the last ten years and how much development continues, the board has been working on an update to their 2009 book. The new version will include corrections, new photographs, a revised Main Street and downtown section, a section on McMenamins and a section on Bothell's Mid-Century Modern architecture and architects. *Without grant award, staff will allocate hours as time allows*

*A minimum of 160 hours needed*

Deliverables:

- Outline of updated book with new chapters for McMenamins and Mid-Century architecture, new photographs, revised chapters and corrected text as needed
- Present to board for comment/approval
- forward to graphic designer once board approves
- Present board with draft of design and book layout
- Send to printer once board approves

*40hrs. offsite research*

*40hrs. online research*

*40hrs. writing and compiling data*

*40hrs. online component*

*Plus approx. \$6,000 in graphic design fees*

**Native Peoples Project**

*Regular staff hours - 3 hours per month*

The board would like to develop a project that will recognize the history and culture of native people in the Bothell area as it is largely missing from our local histories. The board will be developing a work program in the coming months. Staff will assist board members with

administrative tasks as needed and provide coordination between departments and project participants as needed but the bulk of this project will be performed by LPB members and other volunteers.

\*Schedule and Deliverables TBD

**Total Projected staff hours for 2020**

Regular staff hours - 520 total hours

10hrs per week

LPB and administrative tasks, demo and project review, code amendments, HRI update, etc.

4Culture Special Project grant (post-WWII era Landmark Nominations) – (completion by 12-31-20)

80 hrs awarded

3 hrs additional staff time per week

4Culture Sustained Support grant – (reimbursed 12-31-19)

Application pending (will be notified mid-December)

136 hrs

3 hrs additional staff time per week

(grant awards will fund an additional 6 staff hours per week)

administrative tasks as needed and provide coordination between departments and project participants as needed but the bulk of this project will be performed by LPB members and other volunteers.

\*Schedule and Deliverables TBD

**Projected staff hours**

Regular staff hours - 520 total hours

10hrs per week

LPB and administrative tasks, demo and project review, code amendments, HRI update, etc.

4Culture Special Project grant – (completion by 12-31-19)

170 hrs awarded

5hrs additional staff time per week

Downtown Historic Resources Study

4Culture Sustained Support grant – (reimbursed 12-31-19)

Application pending (will be notified mid-December)

68-136hrs expected

2-4hrs additional staff time per week

HRI update

Snohomish County Community Heritage grant – application due 1-31-19; if awarded, project completion by 12-31-19

160hrs needed

3hrs additional staff time per week

Then & Now book update

(grant awards will fund an addition 10-15 staff hours per week)

## [EXTERNAL] Comments - 20Nov2019 Joint Planning Commission and Landmark Preservation Board meeting

Eric Hoierman <ethoierman@yahoo.com>

Sun 11/17/2019 5:11 PM

To: David Boyd <David.Boyd@bothellwa.gov>; Sarah Desimone <sarah.desimone@bothellwa.gov>

**Stop! Look! Think before you click!** This message originated from outside the City of Bothell network. Use caution when clicking links or opening attachments.

Hi David... Eric Hoierman here (voice from the past) with public comments back to the PC/LPB concerning the Title 22 changes. Hope things are going well for you.

Hi Sarah... I don't think we have met but I see a lot of good things in the Title 22 changes -- knowing that some of this was unfortunately triggered by some of my actions a few years ago :-)

Public Comments from: Eric Hoierman, 9917 NE 190th Street, Bothell, WA 98011

My background:

- A term with the Bothell Planning Commission (B-PC)
- Two terms with the Bothell Landmark Preservation Board (B-LPB) – including one as Chair
- I played a fairly substantial role in crafting some of the language for previous updates to Title 22
- My wife and I currently own a home on the Bothell Historic Inventory and we have considered at various times nominating the property to the Bothell Registry
- We previously owned a rental property that was being considered for inclusion into a historic districts in Bothell. Unfortunately, several unanswered questions with Title 22 caused me to withdraw our support for inclusion.

General Comments:

- I agree with many of the suggested Title 22 changes/clarifications that are being proposed by staff/B-LPB – with specific focus on trying to clarify how historic districts play a part in creating a cohesive fabric of historic/architecturally significant properties rather than a “patch work quilt”
- In general, I **AGREE** that nomination of a historic district should be based on a majority but not necessarily 100% of all property owners. I personally think a supra-majority would be better than a simple majority but I won't quibble.
- **HOWEVER, I DO NOT agree that property owners (or future owners) that find themselves within a historic district thru no action of their own should now find themselves controlled by the language suggested in the new paragraph 22.24.040(B) regardless of whether their property is considered “contributing” or “non-contributing”.**
- When I actively participated in changes to Title 22 (both on B-PC and B-LPB), I always viewed the “carrot” of incentives to gain active participation by property owners as being a lot more effective than the “stick” of forced reviews on property owners that never asked to be included in the district.
- *I strongly suggest that staff/B-PC/B-LPB consider a less “heavy-handed” two-step approach:*

- Historic Districts can be nominated via a majority of property owners. This sets in motion the evaluation of the group of properties having a cohesive historic theme and the B-LPB work with B-PC and Council to establish reasonable design standards to help retain this cohesiveness. BUT – THERE ARE NO SPECIFIC RESTRICTIONS ON NON-PARTICIPATING PROPERTY OWNERS – NOR DO THEY QUALIFY FOR ANY ECONOMIC INCENTIVES/NEGOTIATED STANDARDS
- THEN, any specific individual property owner within the district can use a STREAMLINED nomination process to be ADDED to the Historic Register and qualify for various economic incentives (special tax valuation, negotiated standards, etc.). The intent here is that since their property is already inside a designated historic district it should be easier to determine what is contributing/non-contributing and (therefore) what they might qualify for in terms of incentives should they decide to participate. They still need to have written AGREEMENT to abide by the review/design standards and to be able to qualify for any economic incentives.

Specific Scenarios of Concern:

- Older properties (the kind that likely end up in historic districts) are typically on larger lots than the underlying zoning. So, it is not unusual to expect that the property may be sub-divided at some point. Since the original property was (perhaps) included in the historic district against the property owner's wishes is the short-plat now "held hostage" to the B-LPB to decide that one person's short-plat might "destroy historic character" while another person's short-plat is "non-contributing"?
- Given property A and adjoining property B. A ends up in a short-plat (but owner did not concur). Both properties end up going through a 2-lot short plat. Yet now one new property owner can simply meet the normal BMC in order to build a new home on their empty lot while the other property owner has to go through additional hurdles – and potentially may need to compromise on "highest and best use" due to the additional layer of B-LPB design standards – AND YET THERE IS NO GUARANTEE THAT THEY CAN RECEIVE ANY ECONOMIC INCENTIVES AS AN OFFSET.