

AN ORDINANCE OF THE CITY OF MILLWOOD, WASHINGTON, ADOPTING MILLWOOD MUNICIPAL CODE TITLE 15, CHAPTER 15.22, HISTORIC PRESERVATION, REGARDING DESIGNATION OF THE CITY AS A CERTIFIED LOCAL GOVERNMENT AND ESTABLISHMENT OF THE MILLWOOD HISTORIC PRESERVATION COMMISSION; AND PROVIDING FOR OTHER MATTERS RELATED THERETO

WHEREAS, the City of Millwood (the “City”), Spokane County, Washington, is a non-charter code city, by virtue of the Constitution and the laws of the State of Washington; and

WHEREAS, pursuant to chapter 35A.11 RCW, the City Council (the “Council”) may adopt and enforce ordinances of all kinds relating to and regulating its local or municipal affairs and appropriate to the good government of the City; and

WHEREAS, the Council finds it is in the best interest of the City to be designated as a certified local government, create an historic preservation commission, and provide for the special valuation for improvements to historic property in accordance with chapter 84.26 RCW, as amended, and chapter 254-20 WAC.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF MILLWOOD DO ORDAIN AS FOLLOWS:

Section 1. Adoption of New Millwood Municipal Code Chapter 15.22. A new Millwood Municipal Code Chapter 15.22 is hereby added to the Millwood Municipal Code to read as follows:

Chapter 15.22 Historic Preservation

Sections:

- 15.22.010 Purpose
- 15.22.020 Authority and Applicability
- 15.22.030 Definitions
- 15.22.040 Historic Preservation Commission
- 15.22.050 Millwood Register of Historic Places
- 15.22.060 Review of Alterations to Register Properties
- 15.22.070 Special Property Tax Valuation
- 15.22.080 Violation—Penalty
- 15.22.090 Severability

15.22.010 Purpose.

The purpose of this Chapter is to provide for the identification, evaluation, designation, and protection of significant historic and prehistoric resources within the city of Millwood and preserve and rehabilitate eligible historic properties for future generations through special valuation, a property tax incentive, as provided in Chapter 84.26 RCW in order to:

- (1) safeguard the heritage of the community as represented by those buildings, objects, sites and structures which reflect significant elements of its history;
- (2) foster civic and neighborhood pride in the beauty and accomplishments of the past, and a sense of identity based on the community’s history;
- (3) encourage the stabilization or improvement of the aesthetic and economic vitality and values of such sites, improvements and objects;
- (4) assist, encourage and provide incentives to private owners for preservation, restoration, redevelopment and use of outstanding historic buildings, objects, sites and structures; and
- (5) promote and facilitate the conservation of valuable material and energy resources through ongoing use and maintenance of the existing built environment.

15.22.020 Authority and Applicability.

The Planning Director or his/her designee is authorized to administer the provisions of this Chapter and to take all steps necessary to obtain CLG status for the City.

15.22.030 Definitions.

Words used in this Chapter shall have their ordinary and customary meaning, unless specifically defined otherwise. The definitions below shall be used in the interpretation and administration of this Chapter.

- (1) “Actual cost of rehabilitation” means costs incurred within twenty-four (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 useable 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.
- (2) “Alter” or “Alteration” means modification of a building by changing its use, building a new structure, or reconstructing, modifying, restoring, remodeling, repairing, moving, or demolishing all or part of a structure, except as otherwise provided in this Chapter.
- (3) “Building” means a structure constructed by human beings; the term includes both residential and nonresidential buildings, principal and accessory buildings.
- (4) “Building Official” means the City Planner or his/her designee who is responsible for the administration of Chapter 15.04 of the Millwood Municipal Code (Construction Code).
- (5) “Certificate of Alteration” means the document indicating that the commission has reviewed the proposed changes to an individual property on the Millwood Register of Historic Places or any property within an historic district on the register and, by way of recommendation to the building official, determined the changes will not adversely affect the historic characteristics of the property which contribute to its designation, in accordance with the provisions of Section 15.22.060.
- (6) “Certificate of Demolition” means the document indicating that the commission has reviewed the proposed whole or partial demolition of a structure(s) on an individual property on the Millwood Register of Historic Places or any property within an historic district on the register and, by way of recommendation to the building official, determined the changes will not adversely affect the historic characteristics of the property which contribute to its designation, in accordance with the provisions of Section 15.22.060.
- (7) “Certified Local Government” or “CLG” means the designation reflecting that the local government has been jointly certified by the State Historic Preservation Officer and the National Park Service as having established its own Historic Preservation Commission and a program meeting Federal and State standards.
- (8) “Cost” means the actual cost of rehabilitation, which cost shall be at least twenty-five percent (25%) of the assessed valuation of the historic property, exclusive of the assessed value attributable to the land, prior to rehabilitation.
- (9) “Distinct property” means a parcel of land that is separate from other parcels of land by means of a designated lot shown on an official recorded subdivision, a recorded deed, or other appropriate document filed or recorded with the Spokane County Auditor.
- (10) “Emergency measures” means: (a) 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; or (b) work necessary to abate an unsafe condition associated with a structure formally determined by the building official to be an unsafe structure pursuant to Chapter 15.04 of the Millwood Municipal Code (Construction Code).

- (11) “Historic district” means historic property consisting of multiple buildings, sites, structures, or objects located in proximity to one another and related in historic period or theme and listed on the Millwood Register of Historic Places.
- (12) “Historic Preservation Commission” or “commission” means the commission created by Section 15.22.040 and acting as the “Local Review Board” or “Board” as used in Chapter 84.26 RCW and Chapter 254-20 WAC for the special valuation of historic properties.
- (13) “Historic property” means real property together with improvements thereon which is listed on the Millwood Register of Historic Places.
- (14) “Incentives” means certain rights or privileges which the City Council, or other local, state, or federal public body, by virtue of applicable present or future legislation, may be authorized to grant or obtain for the owner(s) of Register properties, including, but not limited to, tax relief, conditional use permits, rezoning, street vacation, planned unit development, transfer of development rights, facade easements, gifts, preferential leasing policies, or beneficial placement of public improvements or amenities.
- (15) “Millwood Register of Historic Places” or “Register” or “local register” means the listing of locally designated historic properties provided for in Section 15.22.050.
- (16) “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.
- (17) “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.
- (18) “Ordinary repair and maintenance” means work for which a permit is not required under to Chapter 15.04 of the Millwood Municipal Code (Construction Code), as it now exists or may hereafter be amended, and where the purpose and effect of such work is to correct any deterioration or decay of or damage to the real property or structure appurtenance therein and to restore the same, as nearly as may be practicable, to the condition prior to the occurrence of such deterioration, decay, or damage; the term includes painting or repainting of interior or exterior surfaces of structures.
- (19) “Owner means the legal owner of record according to the Spokane County Assessor’s records.
- (20) “Professional staff” means the city Planning Director or his/her designee(s).
- (21) “Rehabilitation” means the process of returning a property to a state of utility through repair or alteration, which makes possible an efficient contemporary use while preserving those portions and features of the property which are significant to its architectural and cultural values.
- (22) “Significance” or “significant” used in the context of historic significance means a property with local, state, or national significance which helps in the understanding of the history or prehistory of the local area, state, or nation 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 Millwood, Spokane County or neighboring or adjacent jurisdictions, or a modest geographic or cultural area, such as a neighborhood. Local significance may apply to a property that illustrates a theme that is important to one or more localities; state significance to a theme important to the history of the state; and national significance to property of exceptional value in representing or illustrating an important theme in the history of the nation.
- (23) “Site” means a place where a significant event or pattern of events occurred, and may include the location of prehistoric or historic occupation or activities that may be marked by physical remains, or a place that is the symbolic focus of a significant event or pattern of events and may not have been actively occupied, or the location of a ruined or now non-extant building or structure if the location itself possesses historic cultural or archaeological significance.
- (24) “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 property is determined at a rate that excludes, for up to ten (10) years, the actual cost of the rehabilitation under the provisions of Section 15.22.070 and Chapter 84.26 RCW.

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

(26) “State review board” means the advisory council on historic preservation established under Chapter 27.34 RCW, or any successor agency designated by the state to act as the state historic preservation review board under federal law.

(27) “Structure” means an edifice or building of any kind, or any piece of work artificially built up or composed of parts joined together.

(28) “Universal Transverse Mercator” or “UTM” means the grid zone in metric measurement providing for an exact point of numerical reference.

(29) “WAC” means Washington Administrative Code.

15.22.040 Historic Preservation Commission.

(1) Creation. There is hereby established an Historic Preservation Commission, as provided in Subsection 15.22.040(2). Said Commission shall serve as the local review board pursuant to Chapter 84.26 RCW.

(2) Organization. The Historic Preservation Commission shall be organized in accordance with the following provisions.

(a) The commission shall consist of no more than five (5) members appointed by the Mayor and confirmed by the City Council. All members of the commission shall have a demonstrated interest and/or competence in historic preservation and possess qualities of impartiality and broad judgment.

(b) Members of the commission shall either be residents of the city of Millwood or own real property within the city of Millwood.

(c) A minimum of two (2) positions on the commission shall be reserved for persons who have experience in identifying, evaluating, and protecting historic resources and are selected from among the disciplines of architecture, history, architectural history, planning, prehistoric and historic archaeology, folklore, cultural anthropology, curation, conservation, and landscape architecture, or related disciplines. Any commission action that would otherwise be valid shall not be rendered invalid by the temporary vacancy of any or all of the two positions, unless the commission action is related to meeting Certified Local Government (CLG) responsibilities cited in the Certification Agreement between the Mayor and the State Historic Preservation Officer. Exception to the residency requirement in Subsection 15.22.040(2)(b) may be granted by the Mayor and confirmed by the City Council in order to provide for members of the commission from the necessary disciplines.

(d) The original appointment of members to the commission shall be as follows: one (1) member for two (2) years, two (2) members for three (3) years; and two (2) members for four (4) years. Thereafter, appointments shall be made for a three (3) year term. Members may be appointed to successive terms. Vacancies shall be filled for the unexpired term in the same manner as the original appointment. Members may be removed by the Mayor with the approval of the City Council.

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

(3) Duties and Responsibilities. The primary responsibilities of the Historic Preservation Commission are to identify and actively encourage the conservation of the city’s historic resources by initiating and maintaining a register of historic places and reviewing proposed changes to register properties; to raise community awareness of the city’s history and historic resources; and to serve as the city’s primary resource in matters of history, historic planning, and preservation.

In carrying out these responsibilities, the historic preservation commission shall engage in the following activities:

- (a) conduct and maintain a comprehensive inventory of historic resources within the boundaries of the city and adopt standards in its rules to guide this activity;
 - (b) initiate and administer the Millwood Register of Historic Places as set forth in Section 15.22.050 and adopt standards in its rules to guide this activity;
 - (c) review and make recommendations regarding proposals to construct, modify, remodel, move, demolish, or significantly affect properties or districts on the register as provided in Section 15.22.060 and adopt standards in its rules to guide this review and the issuance of a Certificate of Alteration or Certificate of Demolition;
 - (d) serve as the local review board for special property tax valuation in accordance with the provisions of Section 15.22.070 and adopt standards in its rules to guide this activity;
 - (e) review nominations to the State and National Registers of Historic Places;
 - (f) conduct and promote public educational and interpretive programs regarding historic and prehistoric resources, addressing such topics as maintenance and rehabilitation of historic properties to encourage appropriate use and preservation of historic resources and discourage the deterioration of historic properties due to neglect, abandonment, or other cause;
 - (g) cooperate with federal, state, and other local government entities on matters that further historic preservation objectives in the community;
 - (h) advise the Mayor and City Council on matters pertaining to history and historic preservation, including recommendations on land use, housing, and capital improvement proposals that may affect local historic resources, and communication about various federal, state, local or private funding sources available to promote historic preservation in the community;
 - (i) officially recognize excellence in the rehabilitation of historic buildings, structures and sites, and new construction in historic areas, and encourage appropriate measures for such recognition;
 - (j) conduct all commission meetings in compliance with Chapter 42.30 RCW, Open Public Meetings Act, to provide for adequate public participation, and adopt standards in its rules to guide this action; and
 - (k) perform such other duties and responsibilities as may be conferred by city ordinance or as directed by the City Council.
- (4) Rules of Procedure. The historic preservation commission shall establish, rules for its own self- government, including provisions regarding:
- (a) rules of procedure to address the activities described in Sections 15.22.040(3)(a)-(d);
 - (b) compliance with the Open Public Meetings Act (Chapter 42.30 RCW);
 - (c) rules of parliamentary procedure; and
 - (d) frequency of meetings.

All rules and/or standards established and amended pursuant to this subsection and Chapter shall not become effective until the City Council adopts a resolution approving such rules and/or standards.

(5) Minutes. The Historic Preservation Commission shall keep minutes of its proceedings showing the action of the commission upon each matter. Such minutes shall include the names of interested persons who provide comments regarding a matter under consideration and the respective position of each. In addition, the minutes shall document the commission's decisions and reference any conditions imposed by the commission. These minutes shall be filed with the city clerk and shall be public records.

15.22.050 Millwood Register of Historic Places.(1) Criteria for Determining Designation in the Register.

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

- (a) is associated with events that have made a significant contribution to the broad patterns of national, state, or local history;
- (b) embodies the distinctive architectural characteristics of a type, period, style, or method of design or construction, or represents a significant and distinguishable entity whose components may lack individual distinction;
- (c) is an outstanding work of a designer, builder, or architect who has made a substantial contribution to the art;
- (d) exemplifies or reflects special elements of the city's cultural, special, economic, political, aesthetic, engineering, or architectural history;
- (e) is associated with the lives of persons significant in national, state, or local history;
- (f) has yielded or may be likely to yield important archaeological information related to history or prehistory;
- (g) 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 an historic person or event;
- (h) is a birthplace or grave of an historical figure of outstanding importance and is the only surviving structure or site associated with that person;
- (i) is a cemetery which derives its primary significance from age, from distinctive design features, or from association with historic events, or cultural patterns;
- (j) is a reconstructed building that has been executed in an historically accurate manner on the original site; or
- (k) 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.

(2) Process for Designating Properties or Districts to the Register.

- (a) Any person may nominate a building, structure, site, object or district for inclusion in the Millwood Register of Historic Places. Members of the Historic Preservation Commission or the commission as a whole may generate nominations. In its nomination decision, the commission shall consider the Millwood inventory of historic resources and the city comprehensive plan.
- (b) In the case of individual properties, the nomination shall include the written consent of the owner(s) of the subject property. The nomination documentation shall also include the UTM reference and all features (interior and exterior) of principal structures and accessory buildings that contribute to its significance.
- (c) In the case of districts, the nomination shall include a description of the boundaries of the district; the characteristics of the district which justify its inclusion on the register; and a list of all properties including features, structures, sites, and objects which contribute to the significance of the district. The nomination documentation shall also include the written consent of all owner(s) of the subject property located within the proposed district.
- (d) The commission shall consider the nomination at a public meeting. Notice of the nomination shall be given to the public, the owner(s) of all properties that are the subject of the nomination and the authors of the nomination, if different, and lessees, if any, of any subject property, at least 30 days prior to the public meeting in accordance with rules established by the commission pursuant to Subsection 15.22.040(4). Such notice shall include publication in a newspaper of general circulation in the city and posting of the property.

(e) The Historic Preservation Commission shall consider the merits of the nomination, according to the criteria in Subsection 15.22.050(1), and according to nomination review standards that may be established by the commission pursuant to Subsection 15.22.040(4). If the commission finds that the nominated property or district is eligible for the register, the commission shall list the property or district in the register. The public, the authors of the nomination, and the owner(s) of the subject property(ies) shall be notified of the listing.

(3) Effects of Listing on the Register.

(a) Listing on the Millwood Register of Historic Places is an honorary designation denoting significant association with the historic, archaeological, engineering, or cultural heritage of the community. Properties are listed individually or as located within an historic district.

(b) Prior to the commencement of any work on an historic property as defined herein or any property located within an historic district as defined herein, excluding ordinary repair and maintenance and emergency measures defined in Section 15.22.030, the owner or his/her authorized agent shall request and receive a Certificate of Alteration. Violation of this provision shall be grounds for the commission to review the historic property or historic district for removal from the Register.

(c) Prior to whole or partial demolition of an historic property as defined herein or any property located within an historic district, the owner must request and receive a Certificate of Demolition. Violation of this provision shall be grounds for the commission to review the historic property or historic district for removal from the Register.

(d) Once the city of Millwood is approved as a Certified Local Government, only historic properties listed on the Millwood Register of Historic Places are eligible for special tax valuation in accordance with the provisions of Section 15.22.070.

(4) Process for Removing Properties from the Register. In the event that any property or district is no longer deemed appropriate for designation on the Millwood Register of Historic Places, the Historic Preservation Commission or the owner of the subject property may propose the removal of that property or district from the register by the same procedure set forth in Subsection 15.22.050(2) for designating a property or district on the register. Owner consent for removal of a property or district from the register is not required.

(5) Appeal of Decisions to Designate or Remove Properties on Register. Any aggrieved party may appeal a decision of the Historic Preservation Commission to designate or remove a property or district on the Millwood Register of Historic Places. Said appeal shall be filed with the City Clerk and shall be accompanied by an appeal fee, the amount of which shall be set by resolution of the City Council. An appeal of such a decision shall be heard by the city hearing examiner pursuant to chapter 2.56 of the Millwood Municipal Code

15.22.060 Review of Alterations to Register Properties.

Except as otherwise provided in this section, no person shall alter an individual property on the Millwood Register of Historic Places or any property within an historic district on the register without receipt from the Historic Preservation Commission of a Certificate of Alteration, or in the case of demolition, a Certificate of Demolition. The review process shall apply to all features of the property, interior and exterior, that contribute to the designation of the property or an historic district as listed on the nomination form. The requirements below shall apply to review of property alterations or demolitions under this Section.

(1) Requests for Review. The building official shall notify the historic preservation commission or professional staff of any application for a permit to work on an individual property on the Millwood Register of Historic Places or any property within an historic district on the register. If the activity is not exempt from review, the commission or professional staff shall notify the applicant of the review requirements. The building official shall not issue any such permit until a Certificate of Alteration or Certificate of Demolition is received from the commission but shall work with the

commission as appropriate to provide information regarding applicable building and fire code regulations. Said regulations shall include the Washington State Historic Building Code provisions authorized in Chapter 19.27 RCW. Applications for a Certificate of Alteration or a Certificate of Demolition shall be filed with the Planning Director.

(2) Review of Applications for Certificate of Alteration.

(a) Application Materials. Applications for a Certificate of Alteration shall include the following information and materials:

- (i) the applicant's name and address, and the owner's name, address, and written consent if the applicant is not the owner;
- (ii) proof of ownership of the property;
- (iii) a legal description of the property;
- (iv) comprehensive exterior and interior photographs of the property;
- (v) a scaled plot plan exhibiting dimensions and orientation of the property, location and dimensions of existing and proposed structures, and location and layout of parking areas, walkways, and landscaping, provided the proposal involves alterations to the exterior dimensions of any structure on the property;
- (vi) architectural plans or other legible drawings, drawn to scale, depicting the proposed alteration activity, including a description of existing and proposed building materials and colors; and
- (vii) an application fee, the amount of which shall be set by resolution of the City Council.

(b) Exemptions. The following activities do not require a Certificate of Alteration or review by the commission:

- (i) ordinary repair and maintenance, as defined in Section 15.22.030;
- (ii) emergency measures, as defined in Section 15.22.030; or
- (iii) work involving interior features of a property that the commission has not designated as historic features unless the interior work is being considered for Special Tax Valuation.

(c) Commission Review.

- (i) The commission shall meet with the applicant and review the proposed work according to the design review criteria in its rules established pursuant to Subsection 15.22.040(4). Unless legally required, there shall be no notice, posting, or publication requirements for action on the application, but all such actions shall be made at regular or special meetings of the commission. The commission shall complete its review and make its recommendations within 45 calendar days of the date of receipt of a complete application. If the commission is unable to process the request, the commission may ask for an extension of time.
- (ii) The commission's recommendations shall be in writing and shall state the findings of fact and reasons relied upon in reaching its decision. Any conditions agreed to by the applicant in this review process shall become conditions of approval of the permits granted. If the owner agrees to the commission's recommendations, a Certificate of Alteration shall be granted by the commission according to standards established in the commission's rules.
- (iii) The commission's recommendations shall be transmitted to the building official, who shall have final determination on whether to issue a Certificate of Alteration. If a Certificate of Alteration is granted, the building official may then issue the permit.

(3) Review of Applications for Certificate of Demolition.

(a) Application Materials. Applications for a Certificate of Demolition shall include the following information and materials:

- (i) the applicant's name and address, and the owner's name, address, and written consent if the applicant is not the owner;

- (ii) proof of ownership of the property;
- (iii) a legal description of the property;
- (iv) comprehensive exterior and interior photographs of the property;
- (v) a scaled plot plan exhibiting dimensions and orientation of the property; location and dimensions of existing structures, with an indication of which structure(s) is proposed to be demolished; and location and layout of parking areas, walkways, and landscaping; and
- (vi) an application fee, the amount of which shall be set by resolution of the City Council.

(b) Exemption. Emergency measures, as defined in Section 15.22.030, do not require a Certificate of Demolition or review by the commission.

(c) Commission Review.

(i) The commission shall meet with the applicant in an attempt to find alternatives to demolition. Unless legally required, there shall be no notice, posting, or publication requirements for action on the application, but all such actions shall be made at regular or special meetings of the commission. Negotiations between the commission and applicant may last no longer than 45 calendar days from the initial meeting of the commission, unless the applicant requests an extension of time. If no request for an extension is made and there is no agreement on an alternative to demolition, the commission shall act to approve or deny the Certificate of Demolition.

(ii) The commission's decision to approve or deny a Certificate of Demolition shall be in writing and shall state the findings of fact and reasons relied upon in reaching its decision. When issuing a Certificate of Demolition, the board may require the owner to mitigate the loss of the structure(s) by means determined by the commission at the meeting including the possible requirement to deconstruct and salvage building materials as part of the demolition process.

(iii) The commission's decision and, if granted, the Certificate of Demolition shall be transmitted to the building official, who shall have final determination on whether to issue a Certificate of Alteration. If a Certificate of Demolition is granted, the building official may then issue the permit.

(iv) After demolition is accomplished, the commission shall review the property to determine if it should be removed from the register.

(4) Commission Rules. The Historic Preservation Commission is authorized to establish rules to guide its review of applications for a Certificate of Alteration or Certificate of Demolition.

(5) Appeal of Decisions on Certificates of Alteration or Demolition. Any aggrieved party may appeal a decision regarding a Certificate of Alteration or Certificate of Demolition to the City's hearing examiner within ten (10) calendar days after the date of the decision being appealed. The appeal must state the grounds upon which the appeal is based. The appeal shall be reviewed by the hearing examiner pursuant to chapter 2.56 of the Millwood Municipal Code. Appeal of the hearing examiner's decision regarding a Certificate of Alteration or Certificate of Demolition may be made pursuant to Chapter 36.70C RCW, the Land Use Petition Act, in compliance with the statute and through the Spokane County Superior Court.

15.22.070 Special Property Tax Valuation.

(1) Eligible Property. In order to be eligible to apply for special valuation in accordance with the provisions of this Chapter, a property must be individually listed on the Millwood Register of Historic Places or must be certified by the Historic Preservation Commission as a contributing property within an historic district on the Millwood Register of Historic Places and said property must have undergone qualifying rehabilitation work within the standards set forth in this Section. The actual cost of rehabilitation work shall be calculated on the basis of expenses incurred for improvements or work elements completed during the 24 month period prior to the date of application. Properties subject to ongoing or phased rehabilitation work shall be eligible for special valuation so long as the property meets the criteria of Subsection 15.22.070(3)(a).

(2) Application Requirements. The requirements below shall apply to applications for special valuation.

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

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

(c) Applications for special valuation shall be accompanied by the applicable fee(s) established for such applications, provided a resolution and/or interlocal agreement(s) has been approved by the City Council for this purpose.

(d) Applications for special valuation shall include the following information and materials:

- (i) the applicant's name and address, and the owner's name, address, and written consent if the applicant is not the owner;
- (ii) proof of ownership of the property;
- (iii) a legal description of the property;
- (iv) comprehensive exterior and interior photographs of the property before and after rehabilitation;
- (v) architectural plans or other legible drawings, drawn to scale, depicting the completed rehabilitation work, including a description of applicable building materials and colors; and
- (vi) documentation as to the actual cost of the rehabilitation project and the period of time during which the rehabilitation took place, and a notarized affidavit attesting to the accuracy of this information.

(e) The Historic Preservation Commission is authorized to examine the applicant's records and may require the applicant to provide information in addition to the material required in Section 15.22.070(2)(d) to assist in its review.

(3) Application Procedures. The procedures below shall be followed with regard to applications for special valuation.

(a) Following receipt of an application for special valuation from the Spokane County Assessor, the Historic Preservation Commission shall conduct a public meeting to review the application consistent with the provisions of this Section and the commission's rules. At said public meeting, the commission shall determine if the application is complete and if the property in question meets the following criteria:

- (i) the property is historic property;
- (ii) the property is included within a class of historic property determined eligible for special valuation by the provisions of this Section;
- (iii) the property has been rehabilitated at a cost which meets the definition of "cost" set forth in Section 15.22.030; and
- (iv) the property has not been altered in any way that adversely affects those elements that qualify it as historically significant, utilizing for this purpose the Washington State Advisory Council's Standards for the Rehabilitation and Maintenance of Historic Properties set forth in WAC 254-20-100, as amended.

(b) If the Historic Preservation Commission determines that the application for special valuation is complete and the property in question satisfies all of the criteria set forth in Subsection 15.22.070(3)(a), it shall, on behalf of the city of Millwood, enter into an agreement with the owner that meets the specifications of WAC 254-20-120, as amended. Upon execution of said agreement between the commission and the owner, the commission shall approve the application for special valuation.

- (c) If the Historic Preservation Commission determines that the property in question does not meet all of the requirements for special valuation, including the criteria set forth in Section 15.22.070(3)(a), it shall deny the application.
- (d) The Historic Preservation Commission shall certify its decision in writing and state the facts upon which the approval or denial is based. Within ten days of issuing a decision, the commission shall file a copy of its certified written decision, all application materials, and any pertinent agreement(s) with the county assessor for recording. The commission shall also transmit a copy of the certification to the applicant. If the commission has approved an application for special valuation, the commission shall notify the state review board of such approval.
- (e) Complete applications for special valuation filed on or before October 1 shall be approved or denied by the Historic Preservation Commission before December 31 of the calendar year in which the application is made.
- (4) Monitoring and Disqualification.
- (a) Following the execution of a special valuation agreement between the Historic Preservation Commission and the property owner, no changes in standards of maintenance, public access, alteration, report requirements, or any other provisions of the agreement shall be allowed during the special valuation period without the approval of all parties to the agreement.
- (b) The Historic Preservation Commission shall monitor properties for which special valuation has been approved, and, if it suspects any irregularities, it shall conduct a public meeting in accordance with its rules to determine whether or not a property is disqualified from special valuation due to:
- (i) the owner's failure to comply with the terms of the agreement, or
 - (ii) a loss of historic value resulting from physical changes to the building or site, utilizing for this purpose the Washington State Advisory Council's Standards for the Rehabilitation and Maintenance of Historic Properties set forth in WAC 254-20-100.
- (c) In the event that the Historic Preservation Commission concludes that a property is no longer qualified for special valuation, it shall notify the owner(s), the Spokane County Assessor, and the state review board in writing and state the facts supporting its findings.
- (5) Appeals.
- (a) Any decision of the Historic Preservation Commission acting on an application for classification as historic property eligible for special valuation may be appealed to Superior Court of Spokane County under Chapter 34.05.510 through 34.05.598 RCW in addition to any other remedy of law.
- (b) Any decision on the disqualification of historic property eligible for special valuation, or any other dispute, may be appealed to the County Board of Equalization in accordance with 84.40.038 RCW.
- (6) Intergovernmental Agreement. The city of Millwood may enter into an agreement with Spokane County to establish specific procedures by which applications for special valuation shall be processed. This agreement may include, but shall not be limited to, provisions regarding fees and administrative responsibilities.

15.22.080 Violation – Penalty.

Any violation of this Chapter shall be a civil infraction, subject to enforcement pursuant to Chapter 8.14 of the Millwood Municipal Code.

15.22.090 Severability.

The provisions of this Chapter are hereby declared to be severable. If any section, subsection, sentence, clause, or phrase of this Chapter or its application to any person or circumstance is for any reason held to be invalid or unconstitutional, the remainder of this Chapter shall not as a result of said section, subsection, sentence, clause, or phrase be held unconstitutional or invalid.

