

AGENDA

LANDMARKS & DESIGN COMMISSION

September 19, 2023

Hybrid Meeting In-person and via Zoom



Join Zoom Meeting

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Meeting ID: 867 8911 7621

Passcode: 742834

AMERICANS WITH DISABILITIES ACT

**CITY OF ELLENSBURG
LANDMARKS & DESIGN COMMISSION AGENDA**

**Council Chambers
501 North Anderson Street
Ellensburg, WA 98926
And remotely via Zoom
Tuesday, September 19, 2023
5:45 PM - Regular Meeting**

- 1. Call to Order and Roll Call of Members**
- 2. Approval of Agenda** (No Public Comment)
- 3. Unfinished Business**
 - 3.A Demo ordinance presentation update
 - 3.B Landmarks and Design Commission City website discussion.
- 4. Citizen Comment**
- 5. Staff Update/Discussion Items**
 - 5.A Upcoming Meetings
- 6. Commission Representative Update**
 - 6.A EDA Representative Update
- 7. Adjournment**



For more information on the Landmarks & Design Commission, contact Senior Planner Stacey Henderson at 509-925-8608.



Meeting Date: September 19, 2023

**City of Ellensburg
Landmarks & Design Commission Agenda Report**

Agenda Subject: Demo ordinance presentation update
Submitted by:
Department: Community Development

Suggested Motion/Action:

Background/Summary:
Demo ordinance update to commission.

Previous Council Action:

Analysis:

Financial Impact:

Budget Adjustment: No

Attachments:

1. LDC Ch. 15.280 Demo Code- Draft (09-01; updated 09-07)
2. FINAL Presentation PDF

Chapter 15.280
ELLENSBURG LANDMARKS REGISTER AND PROCEDURES

Sections:

15.280.010	Short title.
15.280.020	Declaration of purpose.
15.280.030	Definitions
15.280.040	Creation of Ellensburg landmarks and design commission.
15.280.050	Members, qualifications and terms.
15.280.060	Powers and duties.
15.280.070	Officers and records.
15.280.080	Landmarks and design commission staff.
15.280.090	Ellensburg landmarks register.
15.280.100	Review of changes to landmarks register properties.
15.280.110	Application for demolition permit; demolition review standards
15.280.120	Evaluation of economic impact.
15.280.130	Special valuation for historic properties.

15.280.010 Short title.

The following sections shall be known and may be cited as the “landmarks and design ordinance” of the city of Ellensburg. [Ord. 4656 § 1 (Exh. O2), 2013.]

15.280.020 Declaration of purpose.

This chapter is intended to identify, evaluate, designate, protect, enhance, and perpetuate historic places within the city of Ellensburg in order to:

- A. Safeguard the heritage of the city as represented by those buildings, districts, objects, sites, and structures which reflect significant elements of Ellensburg’s history;
- B. Foster civic pride in the beauty and accomplishments of the past;
- C. Stabilize and improve the economic vitality of buildings, neighborhoods, and the community as a whole;
- D. Strengthen the city’s tourism industry by enhancing its historic character;
- E. Facilitate early resolution of conflicts between preservation of historic resources and alternative land uses;
- F. Protect property values and public and private investment in the existing built environment;

G. Provide incentives to property owners for the acquisition, preservation, restoration, redevelopment, and continued use of outstanding historic properties; and

H. Encourage the rehabilitation of eligible historic properties through the “special valuation for improvements to historic property” program, a property tax incentive, as provided in Chapter 84.26 RCW. [Ord. 4656 § 1 (Exh. O2), 2013.]

15.280.030 Definitions

The following definitions are specific to this chapter and shall have the following meanings:

“Commission” means the city’s landmarks and design commission.

“Imminently Dangerous” means a condition that could cause serious or life-threatening injury or death at any time and is typically intended to describe situations that pose a danger in an occupied building.

“Landmark property” means real property together with improvements thereon, except property listed in a register primarily for objects buried below ground, which is listed on the Ellensburg Landmarks Register, stops at the parcel boundary, and does not include public right of way.

“Neglect” means the lack of proper maintenance for a building or structure, that contributes to the building being deemed structurally deficient.

“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 building or structure appurtenant 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.

“Structure” for the purpose of this chapter, means anything constructed or erected with a fixed location on the ground or attached to something having a fixed location on the ground.

“Structurally Deficient” means any failure or deviation from the intended structural performance of a building element due to defective design, workmanship, material, or caused by the age of the building.

15.280.040 Creation of Ellensburg landmarks and design commission.

There is hereby created an Ellensburg landmarks and design commission which shall have the powers, duties and functions provided in this chapter. [Ord. 4656 § 1 (Exh. O2), 2013.]

15.280.050 Members, qualifications and terms.

A. The Ellensburg landmarks and design commission shall consist of seven members appointed by a majority of the Ellensburg city council. A majority of members so appointed shall be residents of the city of Ellensburg.

B. All members of the commission shall have demonstrated an active interest in historic preservation and design review.

C. The commission shall include at least two owners of property from within the downtown and First Railroad Addition historic districts, as defined in ECC 15.300.070(B) and (C), or a property individually listed on the Ellensburg landmarks register. One member shall be a member of the Ellensburg Downtown Association (EDA) for a term of four years. One member shall be a general at-large position. The commission shall include at least three professionals (active or retired) who work or worked among the related fields of history, architecture, construction, landscape design, historic preservation, planning, anthropology, archaeology, cultural geography, American studies, land use law, or real estate.

D. A commission action that would otherwise be valid shall not be rendered invalid by the temporary vacancy of one or all of the professional positions, unless the commission action is related to meeting certified local government (CLG) responsibilities cited in the certification agreement between the Ellensburg city council and the State Historic Preservation Officer.

E. Appointment of new members to the commission shall be for a period of four years. Vacancies shall be filled by the Ellensburg city council for any unexpired term in the same manner as the original appointment. [Ord. 4887 § 15, 2022; Ord. 4883 § 43, 2022; Ord. 4656 § 1 (Exh. O2), 2013.]

15.280.060 Powers and duties.

The primary role of the commission is twofold: 1) encourage the preservation of Ellensburg historic landmarks, and 2) to review proposed changes to Ellensburg landmarks properties.

A. Encourage the Preservation of Ellensburg Historic Landmarks. In the area of historic landmarks preservation, the primary role of the commission is to identify and actively encourage the conservation of Ellensburg's historic resources through a register of landmarks and historic resources and a review of proposed changes to landmarks; to raise community awareness of Ellensburg's history and built environment; and to serve as the city's primary resource in matters of heritage, historic planning, and preservation. In carrying out these responsibilities, the commission shall engage in the following:

1. Conduct and maintain a comprehensive Ellensburg historic resource inventory; publicize and periodically update inventory findings. Properties included in the

inventory shall be noted on official zoning records with an “HI” (for historic inventory). This notation shall not modify the underlying zone classification;

2. Initiate and maintain the Ellensburg landmarks register. This official register shall be compiled of buildings, structures, sites, objects, and districts evaluated by the commission as possessing historic significance worthy of recognition by the city of Ellensburg and worthy of preservation;

3. Review citizen nominations to the Ellensburg landmarks register according to evaluation criteria set forth in ECC 15.280.080, and adopt standards in its rules to guide this review;

4. Develop incentive programs to assist landmark owners with the use, reuse, and redevelopment of historic buildings. Such incentives may include façade design assistance, revolving loan funds, and tax or building code relief;

5. Review proposals to alter or demolish landmark buildings, landmark sites, or landmark districts listed in the register as provided in ECC 15.280.100; and adopt standards in its rules to guide this review and the issuance of certificates of appropriateness and demolition applications;

6. Conduct all commission meetings in compliance with Chapter 42.30 RCW, Open Public Meetings Act, provide for adequate public participation, and adopt standards in its rules to guide this action;

7. Submit nominations to the Washington Heritage Register and the National Register of Historic Places and adopt standards in its rules to guide this action;

8. Through staff, provide review and comment to the department of community development on development proposals affecting historic resources within the boundaries of the city of Ellensburg;

9. Provide review and comment to the Ellensburg city council on land use planning, housing, transportation, municipal improvements, and other activities proposed by any agency of the city of Ellensburg, Kittitas County, Washington State, or the federal government, as they relate to the historic resources of Ellensburg;

10. Advise the Ellensburg city council generally on matters of historic preservation and heritage tourism, and perform other related functions as assigned by the Ellensburg city council;

11. Investigate and report to the Ellensburg city council on current federal, state, local and private funding sources available to promote public and private historic preservation projects and heritage tourism in the city of Ellensburg;

12. Establish working liaisons with existing nonprofit organizations and with federal, state, and local government entities to further historic preservation objectives in Ellensburg;
13. Provide current information to property owners on techniques and appropriate treatments for maintaining and rehabilitating historic properties. This may take the form of pamphlets, newsletters, workshops, or similar activities;
14. Compile a list of historic preservation consultants, building movers, and available vacant lots to assist in avoiding demolition of historic buildings. Consider proposing a property maintenance ordinance to assist with mothballing vacant historic buildings;
15. Conduct educational and interpretive programs pertaining to Ellensburg's historic resources;
16. Review nominations to the State and National Register of Historic Places.
17. Serve as the local review board for special valuation as provided under Chapter 84.26 RCW and ECC 15.280.130; and
18. Administer the historic preservation grant program in accordance with procedures authorized and approved by the city council.

B. Review Proposed Changes to Ellensburg Landmarks Properties. In the area of design review, a primary role of the commission is to review and make the decisions on proposed changes (including signage) to landmark properties. See ECC 15.280.090 for the design review process for landmark property/district related projects.

C. Demolition Review. In the area of demolition review, the role of the commission is to review and make decisions on the proposed whole or partial demolition of a landmark property or property located within an Ellensburg Landmark District boundary.

15.280.070 Officers and records.

The commission shall select from among its membership a chairperson and such other officers as may be necessary to conduct the commission's business. A majority of the membership will constitute a quorum for the purpose of transacting business. Action by the commission shall be by majority vote. A tie vote on a motion to approve shall constitute a failure of the motion and denial of the application. All meetings shall be open to the public and the commission shall keep minutes of its proceedings, and the minutes and a copy of its adopted kept on file in the office of the city clerk and be open to inspection by the public. [Ord. 4656 § 1 (Exh. O2), 2013.]

15.280.080 Landmarks and design commission staff.

Assistance to the commission shall be provided by the department of community development, which shall assign a professionally qualified member of the department's staff, or a qualified consultant, to act as a preservation planner to assist the commission in fulfilling its historic landmarks preservation duties. Under direction of the commission, the preservation planner shall be the custodian of the commission's historic landmarks records. The preservation planner shall conduct official correspondence, assist in organizing the commission, and carry out the technical work of the commission in all historic landmarks preservation activities. [Ord. 4656 § 1 (Exh. O2), 2013.]

15.280.090 Ellensburg landmarks register.

There is hereby created an Ellensburg landmarks register.

A. Criteria for Eligibility to the Register. Any building, structure, site, object, or district may be designated for listing in the Ellensburg landmarks register if it is significantly associated with the settlement, development, architecture, politics, economy, social history, archaeology, or cultural heritage of the community; retains integrity of location, setting, design, materials, workmanship, feeling, and association; is at least 50 years old; and if it meets at least one of the following criteria:

1. Is associated with events that have made a significant contribution to the broad patterns of local, state, or national history;
2. Is closely linked with the life of a person important in the history of the city, state, or nation;
3. Embodies the distinctive visual characteristics of an architectural type, period, style, or method of construction;
4. Is an outstanding work of a designer, builder, or architect;
5. Has yielded, or may be likely to yield, important archaeological information related to history or prehistory; and/or
6. Because of prominent spatial location, contrasts of siting, age, or scale, it is an easily identifiable visual feature of its neighborhood and contributes to the distinctive identity of that neighborhood.

B. Process for Designating Properties to the Landmarks Register (a Type II Review Process Exception).

1. Any person may nominate a building, structure, site, object, or district for inclusion in the Ellensburg landmarks register. Members of the commission or the commission as a whole may generate nominations. In its designation

program, the commission shall consider the Ellensburg historic resource inventory and the Ellensburg comprehensive plan. Owner(s)' consent is required before the commission shall consider the nomination.

2. Nominations shall be made on forms provided by the commission. Completed nominations received by the commission will be scheduled for review within 15 working days of receipt.

3. The commission shall consider the merits of the nomination at a public hearing, in accordance with the criteria for eligibility set forth in subsection (A) of this section, and according to the nomination review process.

4. Adequate notice shall be given to the general public, the property owner(s), the author of the nomination, and lessees, if any, prior to the public hearing. Such notice shall include publication in a newspaper of general circulation in Ellensburg.

5. Within 10 days of holding the public hearing, the commission shall render a decision on whether a nominated property meets the criteria set forth in subsection (A) of this section. If the finding is that the nominated property meets the criteria set forth in subsection (A) of this section, the property shall be officially listed as a landmark, landmark site, or landmark district or part thereof. Notice of the decision shall be sent to the property owner(s), the author of the nomination, any occupants of the building, the preservation planner, and the Ellensburg city council. If the listed property is adjacent to the boundary of an existing landmark district, said boundary shall be amended accordingly. If the listed property will create a new landmark district, then the listed area shall be designated on the official zoning map with the notation "LR" to indicate the district is on the landmarks register. An isolated property shall be designated on the official zoning map with the notation "LR" to indicate the property is on the landmarks register.

6. For individual landmark designations, the commission shall include in its designation the applicable criteria on which the listing is based, a legal description of the property, and a list of all significant features that contribute to its historic character.

7. For landmark district designations, the commission shall include in its designation recommendation the applicable criteria, a description of the boundaries of the district, and a list of all buildings, structures, sites, and objects which contribute to its historic character.

8. Whenever the commission rejects the nomination of all or any part of a property, the commission shall, within 10 working days, issue a written decision including reasons supporting the determination that the criteria set forth in subsection (A) of this section have not been met. Notice of the decision shall be

sent to the property owner(s), author of the nomination, any lessees, the preservation planner, and the Ellensburg city council.

9. The commission's decision on a COA may be appealed to the hearing examiner in a closed record appeal hearing.

10. Properties listed in the Ellensburg landmarks register shall be recorded on official zoning records with an "LR" (for landmarks register). This designation shall not change or modify the underlying zone classification.

C. Downtown and Residential Historic Districts.

1. The existing downtown historic district, defined in ECC 15.300.070(B) and hereafter known as the "downtown historic district," and the existing residential historic district, defined in ECC 15.300.070(C) and hereafter known as the "First Railroad Addition historic district," are hereby designated as Ellensburg landmark districts. The geographic area encompassed by each district is identified on the map attached to the ordinance codified in this chapter and made a part of this chapter by reference.

2. The commission shall compile existing historical data and property records, prepare Ellensburg landmarks register nomination forms, and create complete landmark files for each of the landmark districts.

3. The provisions of ECC 15.280 shall hereafter apply to the downtown historic district and the First Railroad Addition historic district.

D. Change of Status from Noncontributing to Contributing within a District. The owner(s) of record of noncontributing property within a district may submit a COA application to the department for change of status of the property from noncontributing to contributing. The application shall identify all features of historical significance of the property in accordance with subsection A of this section and shall include the legal description and description of all interior and exterior features, and outbuildings, that contribute to its proposed designation as a contributing property.

E. Effects of Listing on the Ellensburg Landmarks Register.

1. Listing on the Landmarks 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 contributing properties to a historic district.

2. Prior to the commencement of any exterior work visible from a public right of way on a Landmarked building or any property located within the boundaries of a district, excluding ordinary repair and maintenance, the owner must apply for and receive a COA from the commission for the proposed work. Violation of this rule

shall be grounds for the commission to review the property for removal from the register.

3. This city is a certified local government (CLG), and therefore all qualifying properties listed on the Ellensburg and National Registers of Historic Places may be eligible for special tax valuation on their rehabilitation under ECC 15.280.130.

4. Prior to whole or partial demolition of a register property or contributing property within a district, the owner must apply for and receive a demolition approval pursuant to the requirements of ECC 15.280.110.

F. Removal of Properties from the Register. In the event that any designated landmark property is no longer deemed eligible for inclusion on the Landmarks Register by City staff or the commission, per requirements of subsections A.1-6 of this section, the commission may initiate removal of such designation by the same procedure as provided for in establishing the designation in subsection (B) of this section.

15.280.100 Review of changes to landmarks register properties.

A. Review Required.

1. No person shall alter, repair, enlarge, newly construct, relocate, or demolish any registered landmark building, or any structure located on a property within a landmark district, nor install any exterior sign or mural pursuant to subsection (A)(2) of this section, without review by the commission and issuance of a COA or a demolition permit (ECC15.280.110).

2. In the case of murals, the arts commission shall first review and provide recommendations to the commission regarding any proposal for a mural to be located on a registered landmark or within a landmark district. Factors to be considered by the arts commission include media to be used, method of application, stability, building/site, mural location and practicability of project.

3. This review shall apply to all exterior features of the building visible from a public right-of-way. This review applies whether or not a permit from the city of Ellensburg is required.

4. Review of alterations to Ellensburg landmarks register properties under this chapter is in lieu of design review required for projects and sign review per ECC 15.210.050(B).

B. Exemptions. The following activities are exempted from landmarks review and do not require a COA:

1. Ordinary repair and maintenance which does not visually alter exterior features of a building visible from a public right-of-way, and does not utilize substitute materials.
2. Repairs to or replacement of utility systems which do not alter exterior features visible from a public right-of-way.
3. Interior building construction, maintenance, remodeling, decoration, or other activities located within the building envelope.
4. Painting of previously painted exterior surfaces.
5. Construction on a Landmarked property or within a Landmark district that is not considered a structure per ECC 15.280.030, or a building per ECC 15.130. By way of example and not limitation, such work might include landscaping, fences, and detached arbors or gazebos.

C. Review Process for Proposed Changes to Registered Landmark Properties and Properties Located within a Landmark District (a Type II Review Process Exception 15.210.030(B)).

1. Requests for Review and Issuance of a COA for proposed changes to a Landmarked property, which can include demolition within the overall scope of work.
2. Application for a COA to a landmark property shall be made by filing an application with the preservation planner on forms provided by the department. A written description of materials required for the commission's review include but are not limited to; site plans, narratives, elevations, and material samples, and shall be provided to the applicant. Preliminary plans may be submitted to the preservation planner for review and an advisory opinion.
3. If an application is submitted to the department for any permit which affects a designated landmark, or a property located in a landmark district, the building official shall promptly refer such application to the preservation planner, and such shall be deemed an application for a COA if accompanied by the additional materials required for COA review. No city permit shall be issued, nor work begun, until the landmarks and design review process has been completed and a COA has been issued pursuant to this chapter.
4. Landmarks and Design Commission Review.
 - a. At a regularly scheduled public hearing, the commission shall review the proposed work according to the relevant design provisions set forth in Divisions IV and V of this title. After concluding the public hearing, the commission shall approve or disapprove the application. Approval of

COAs or demolition permits shall be based upon appropriateness of proposal as reflected in said design provisions, and upon review of demolition standards per ECC 15.280.120.

b. The commission may approve with or without conditions or disapprove an application. The decision of the commission shall be rendered within 30 working days of the date of receipt of a completed application, unless the parties agree to an extension. The commission's findings in support of any decision shall be in writing and shall cite the applicable design provisions.

c. If the commission makes a decision to issue a COA, such certificate shall be promptly issued to the applicant by the preservation planner and a copy of such certificate shall be transmitted to the building official.

d. If the commission denies the application, the applicant and the building official shall be notified of such denial, including the reasons why approval of the application is not warranted.

e. In the case of proposed demolition of a building or structure within a COA application that is listed in the landmarks register, the commission may require conditions of approval including, but not limited to, mitigation measures (e.g., to document the property, salvage significant architectural features of the building, install historical markers or plaques, prepare publications, etc., that provide historical context for the site).

f. The commission's decision on a COA may be appealed to the hearing examiner in a closed record appeal hearing.

15.280.110 Application for demolition permit; demolition review standards.

A. Permitted Reasons for Demolition. The proposed full or partial demolition of buildings or structures listed on the Ellensburg landmarks register individually or within a district, is disfavored in order to preserve the integrity of the city's historic landmarks and districts. Notwithstanding the foregoing, an application for a demolition permit under this chapter may be submitted for the following reasons:

1. Structural Deficiencies;
2. Economic Infeasibility; or
3. No longer meets the criteria for being considered as contributing to a district per 15.280.090(A).

B. Application.

1. An applicant proposing the full or partial demolition of any building or structure listed on the Ellensburg landmarks register or located within a landmark district,

shall supply the information required in this section. The information to be provided relates only to the property or building under review, but does not require information concerning an owner's assets or income except as it specifically relates to the property or building under review.

2. An application for full or partial demolition of a building or structure listed on the Ellensburg landmarks register, shall be deemed incomplete unless the application provides the following:

- a. A narrative explaining the reasons for the proposed demolition and how the proposed demolition satisfies the standards listed in subsection C.1;
- b. Photographs documenting the existing condition of the structure;
- c. Analysis of possible alternatives to demolition considered, including but not limited to one or more of the following:
 - i. Redesigning the project to avoid any impact to the structure or setting;
 - ii. Conversion of the structure into another use (adaptive reuse);
 - iii. Relocation of the structure on the property;
 - iv. Relocation of the structure to another property;
 - v. Salvaging from the structure historically significant architectural features and building materials; or
 - vi. Possible design alternatives.
- d. Where demolition is sought due to structural deficiencies or is so deteriorated, and there is so little historical fabric, that it would be unreasonably costly to retain the historic, cultural, and architectural significance of the structure through rehabilitation or renovation., the applicant shall supply a report from a Washington-licensed structural engineer supporting this claim; and
- e. Where demolition is sought for reasons of economic infeasibility and the applicant requests that the commission consider evidence of economic impact on the owner from denial or partial denial of a demolition permit,

the applicant shall supply a report that includes, but is not limited to, the requirements set forth in section 15.280.120.

f. Where demolition is sought within a Landmarks district due to the structure's ineligibility to be classified as contributing within the district, the applicant shall provide a written assessment of this claim supported by historical research demonstrating that the structure does not qualify to be reclassified as contributing per criteria set forth in ECC 15.280.090(A).

C. Demolition Permit Review Standards. An application for the partial or full demolition of a landmark property or structure in a landmark district, shall be granted if the application material provided pursuant to subsection B.2 satisfies one or more of the following criteria;

1. The applicant has demonstrated through the submitted materials and a report from a Washington-licensed structural engineer, that the building is considered structurally deficient, and the needed repairs prevent reasonable use of the structure. Notwithstanding the foregoing, neglect shall not constitute a basis for granting a demolition permit for a landmark building, or structure within the Landmark district boundaries;

2. The applicant has demonstrated through the submitted materials per section 15.280.120 Evaluation of Economic Impact, that the building cannot support the intended use or alternative uses prohibiting reasonable use of the structure;

3. The applicant has provided sufficient historical documentation to demonstrate that the subject building does not qualify to be relisted as contributing within the district per requirements of ECC 15.280.090(A); or

4. Emergency Conditions. If application of the criteria for demolition results in a denial, but the proposed action is necessary to correct an unsafe condition on the property, then the director may issue a permit strictly limited to correcting emergency conditions in accordance with ECC 15.280.110(C)(1)(e)(ii).

D. Exemptions. The following demolition activities do not require a demolition permit under this chapter:

1. Demolition review included as part of an approved COA design review application pursuant to 15.280.090 subsection (C).

2. City Abatement of Unsafe Conditions. In the event of a finding by the city building official of an unsafe condition or imminent danger, the building official may issue an abatement order allowing partial or complete demolition of a building or structure listed in the Ellensburg landmarks register provided, that all

reasonable efforts have first been made to preserve and correct unsafe conditions rather than to partially or completely demolish historic buildings or structures.

E. Review Process for Proposed Full or Partial Demolitions to Registered Landmark Properties and Properties Located within a Landmark District (a Type II Review Process Exception 15.210.030(B)).

1. Application for a demolition to a landmark property or property within a Landmark district shall be made by filing an application with the preservation planner on forms provided by the department. The application shall include a written description of materials required for the commission's review, including but not limited to the requirements listed in subsection B.2 of this section. Preliminary plans may be submitted to the preservation planner for consultation prior to the preapplication conference required by this subsection.

2. If a demolition application is submitted to the department for any permit which affects a designated landmark or a property located in a landmark district, the building official shall promptly refer such application to the preservation planner to initially determine whether the application is complete per the requirements of subsection B.2. of this section. An applicant may not commence any demolition work until the landmarks and design review process has been completed and permit for the proposed demolition has been issued by the department.

3. Landmarks and Design Commission Review.

- a. Mandatory preapplication conference. Applicants for a demolition permit under this chapter shall attend a preapplication conference with community development department staff including a historic preservation planner. The preapplication meeting shall occur before the proposal is reviewed by the commission. The purpose of the preapplication conference is to review with the applicant the requirements of this chapter, to provide preliminary comments on the acceptability of the proposal, and to discuss alternatives to demolition including available financial incentives.
- b. A scheduled public hearing on the application shall be scheduled within thirty (30) days of the preapplication conference unless the applicant requests a delay. The commission shall review the proposed demolition at the hearing. After concluding the public hearing, the commission shall approve or disapprove the application. Approval of demolition permits shall be based upon demolition standards set forth in this section.
- c. The commission may approve with or without conditions or disapprove an application. The decision of the commission shall be rendered

within fourteen (14) days of the date of hearing, unless the parties agree to an extension. The commission's findings in support of any decision shall be in writing and shall cite the applicable design provisions.

- d. If the commission makes a decision to approve a proposed demolition, such approval shall be promptly issued to the applicant by the preservation planner and a copy of such certificate shall be transmitted to the building official. The building official shall include any conditions for demolition required by city ordinance or state law (e.g., disconnection of utilities, rodent abatement and similar conditions).
- e. If the commission denies the application, the applicant and the building official shall be notified of such denial, including the reasons why approval of the application is not warranted.
- f. In the case of demolition of a building or structure listed in the landmarks register, the commission may require conditions of approval including, but not limited to, mitigation measures (e.g., to document the property, salvage significant architectural features of the building, install historical markers or plaques, prepare publications, etc., that provide historical context for the site).
- g. The commission's decision on a demolition permit may be appealed to a hearing examiner in a closed record appeal hearing.

F. Demolition permit expiration. A demolition permit issued under this chapter expires if the work authorized by the permit is not commenced within 180 days from the date of issuance of the demolition permit. The director may extend the time for commencement of work upon written request by the applicant showing circumstances beyond their reasonable control. Once a demolition permit expires, a new application for demolition must be submitted and approval obtained before work can be commenced.

G. Appeal. Any person aggrieved by any action of the commission denying or approving a demolition permit application may file a notice of appeal as set forth in Chapter 15.230 ECC.

15.280.120 Evaluation of economic impact.

A. In making its decision, the commission shall, when requested by the property owner, consider evidence of economic impact on the owner from the denial or partial denial of a COA or demolition permit. The commission may not deny a COA or demolition permit, in whole or in part, when it is established that the denial will, when available economic incentives are utilized, deprive the owner of a reasonable economic use of the property, and there is no viable and reasonable alternative which would have less impact on the significant features specified in the designation.

B. Where demolition of the building is sought for reasons of economic infeasibility, the applicant shall supply a report from the owner or a qualified professional such as a financial analyst or accountant. The report shall demonstrate that maintenance of the building or structure or any important features thereof proposed for demolition will impose an economic hardship upon the owner, rendering it impracticable to renovate, restore or reuse the structure, and rendering it economically infeasible to renovate, restore, or reuse the structure in comparison to the economic value of the proposed redevelopment. The report shall analyze the following:

1. Current level of economic return including the amount paid for the property, date of purchase, party from whom purchased and the relationship between the current owner of record, the applicant and the person from whom the property was purchased;
2. Annual gross income from the property for the previous three years, itemized operating and maintenance expenses for the previous three years, and depreciation deduction and annual cash flow before and after debt service, if any, during the same period;
3. Remaining balance on the mortgage or other financing secured by the property, real estate taxes paid on the property for the previous four years, and the most recent assessed value of the property;
4. Fair market value of the property at the time of application;
5. Whether the remainder of the site is capable of economically viable development even if the structure is required to remain on the site.
6. Consideration of available and applicable economic incentives for rehabilitation.

C. Upon reasonable notice to the owner, the landmarks and design commission may appoint an expert to provide advice and testimony concerning the value of the landmark, the availability of incentives, and the economic impacts of approval, denial, or partial denial of a COA or demolition permit.

D. Any adverse economic impact caused due to neglect shall not constitute a basis for granting a demolition permit. [Ord. 4656 § 1 (Exh. O2), 2013.]

15.280.130 Special valuation for historic properties.

A. There is hereby established and implemented a special valuation program for historic properties as provided in Chapter 84.26 RCW and Chapter 254-20 WAC.

B. The Ellensburg landmarks and design commission is hereby designated as the local review board for the purposes set forth in Chapter 84.26 RCW and is authorized to perform all functions of a local review board authorized by Chapter 84.26 RCW and Chapter 254-20 WAC.

C. The class of properties eligible to apply for special valuation in the city of Ellensburg means all properties listed on the Ellensburg landmarks register, or properties contributing to an Ellensburg landmarks register historic district, which have been substantially rehabilitated at a cost and within a time period which meets the requirements set forth in Chapter 84.26 RCW.

D. As used in this chapter, "Actual Cost of Rehabilitation" means costs incurred within twenty-four months prior to the date of an application for Special Valuation directly resulting from one or more of the following:

1. Improvements to an existing building located on or within the perimeters of the original structure; or
2. 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
3. Architectural and engineering services attributable to the design of the improvements; or
4. All costs defined as qualified rehabilitation expenditures for purposes of the federal historic preservation investment tax credit.

E. The landmarks and design commission shall comply with all other local review board responsibilities identified in Chapter 84.26 RCW and Chapter 254-20 WAC.

F. Any decision of the landmarks and design commission acting on any application for classification as historic property eligible for special valuation may be appealed to superior court under RCW 34.05.510 through 34.05.598 in addition to any other remedy of law. Any decision on the disqualification of historic property eligible for special valuation, or any other dispute, may be appealed to the county board of equalization. [Ord. 4656 § 1 (Exh. O2), 2013.]

Proposed Changes to ECC 15.280

New and Revised Sections

15.280.010 Short Title

15.280.020 Declaration of purpose

15.280.030 Definitions

15.280.040 Creation of Ellensburg Landmarks and Design Commission

15.280.050 Members, qualifications, and terms.

15.280.060 Powers and duties

15.280.070 Rules, officers, and records

15.280.080 Landmarks and design commission staff

15.280.090 Ellensburg Landmarks register

15.280.100 Review of changes to Landmarks register properties

15.280.110 Application for demolition permit; demolition review standards

15.280.120 Evaluation of Economic Impact

15.280.130 Special Valuation for historic properties



Proposed Changes to ECC 15.280

Demolition Code: Existing process under ECC 15.280.090(D)

1. Submit COA application to Community Development for proposed demolition for a Landmarked building.
2. Preliminary public meeting between applicant and commission to discuss demolition alternatives.
3. Public hearing to review the proposed COA application for demolition
4. LDC approves or denies COA request
5. Persons aggrieved may file appeal reviewed by City Council
6. No expiration of COA approval or denial

Proposed Changes to ECC 15.280

Commission Goals

1. Improve demolition review process for applicants and commission

Clear submittal and review guidelines- What needs to be submitted to make a good case for demolition of a Landmark, and what criteria can support consistent review.

2. Revise the requirement for the preliminary public meeting.

Improve process to create a more helpful environment for discussing alternatives and preparing applicants for the proposed demolition process.

3. Demolition by neglect.

To help encourage preservation and discourage demolition by way of harmful neglect of a building.

4. Include “Eligible” properties in demolition review.

Interested in preventing the demolition of more than Landmark Register properties.

- Historic Inventory -



Proposed Changes to ECC 15.280

Existing Process ECC 15.280.090(D)

1. Applicant submits COA application for proposed demolition to community development.
2. Preliminary public meeting between applicant and commission to discuss demolition alternatives.
3. Public Hearing for review of COA.
** LDC can require mitigation conditions*
4. LDC approves or denies COA request to demolish landmark property.
5. Persons aggrieved may file appeal reviewed by City Council.
6. No expiration on COA approval or denial.

Proposed new demolition section ECC 15.280.110

1. Applicant submits demolition application to Community Development.
** Exceptions: Imminent Danger/ Emergency Conditions/Unsafe Conditions - (pg 13 of 17)*
2. Demolition permit routed to planning triggering LDC review of proposed demolition.
3. Pre-Application meeting with preservation planner and Community Development staff to discuss demolition alternatives and application requirements.
** Application Submittal Requirements (pg 12 of 17)*
4. Public Hearing for review of Demolition Permit
** Decision Criteria (pg 11 of 17)*
** Mitigation Measures (pg 12 of 17)*
5. LDC issues a demolition approval or denial based on criteria in code (pg 15 of 17)
6. Persons aggrieved may file appeal to **Hearing Examiner** (pg 15 of 17)
7. Demolition permit decision expires (pg 15 of 17)



Proposed Changes to ECC 15.280

Proposed new definition section ECC 15.280.030

Commission	Means the city's landmarks and design commission.
Imminently Dangerous	Means a condition that could cause serious or life-threatening injury or death at any time and is typically intended to describe situations that pose a danger in an occupied building.
Landmark Property	Means real property together with improvements thereon, except property listed in a register primarily for objects buried below ground, which is listed on the Ellensburg Landmarks Register, stops at the parcel boundary, and does not include public right of way.
Neglect	Means the lack of proper maintenance for a building or structure, that contributes to the building being deemed structurally deficient.
Ordinary repair and Maintenance	Means a condition that could cause serious or life-threatening injury or death at any time and is typically intended to describe situations that pose a danger in an occupied building.
Structure	For the purpose of this chapter, means anything constructed or erected with a fixed location on the ground or attached to something having a fixed location on the ground.
Structurally Deficient	Means any failure or deviation from the intended structural performance of a building element due to defective design, workmanship, material, or caused by the age of the building.



Proposed Changes to ECC 15.280

Review Exemptions ECC 15.280.090(B)

Existing Exemptions

B. Exemptions. The following activities are exempted from landmarks review and do not require a COA: maintenance and repairs in-kind which do not alter the historic character-defining exterior features visible from a public right-of-way and do not utilize substitute materials; repairs to or replacement of utility systems which do not alter exterior features visible from a public right-of-way; and all interior work.

Proposed Exemptions

1. **Ordinary repair and maintenance** which does not visually alter exterior features of a building visible from a public right-of-way, and does not utilize substitute materials.
2. Repairs to or replacement of utility systems which do not alter exterior features visible from a public right-of-way.
3. Interior building construction, maintenance, remodeling, decoration, or other activities located within the building envelope.
4. **Painting of previously painted exterior surfaces.**
5. **Construction on a Landmarked property or within a Landmark district that is not considered a structure per ECC 15.280.030, or a building per ECC 15.130. By way of example and not limitation, such work might include landscaping, fences, and detached arbors or gazebos.**



Research

	CLG	Paint Review	Demo Review of “Eligible” Non-Listed Properties	
Walla Walla	YES	NO	NO	
Pullman	YES	NO	NO	
Spokane	YES	BOTH*	NO (Special boundary map)	* Some paint is not reviewed,
Wenatchee	YES	NO	NO	
Yakima	YES	NO	NO	
Bellingham	YES	NO*	NO	* No painting unpainted surfaces
Bothell	YES	NO	YES (Inventory)	
Vancouver	YES	NO	YES (Inventory)	
Pasco	YES	NO	NO	
Olympia	YES	NO	NO (can be any registry, not just local)	
Anacortes	YES	NO	NO	
Port Townsend	YES	YES	YES	
Chelan	NO (Advisory)	NO	NO	





Meeting Date: September 19, 2023

**City of Ellensburg
Landmarks & Design Commission Agenda Report**

Agenda Subject: Landmarks and Design Commission City website discussion.
Submitted by:
Department: Community Development

Suggested Motion/Action:

Staff is requesting a preliminary/draft decision regarding what information should be included on the Landmarks and Design Commission City webpage.

Background/Summary:

Staff is requesting a list of items, resources, and information the commission would like to provide on the City website LDC page. Staff plans to bring examples and items that can be included, and suggests commissioners come with ideas to add. Discussion will include WHAT to add, and possible page layout.

Previous Council Action:

Analysis:

Financial Impact:

Budget Adjustment: No

Attachments:

None



Meeting Date: September 19, 2023

**City of Ellensburg
Landmarks & Design Commission Agenda Report**

Agenda Subject: Upcoming Meetings
Submitted by:
Department: Community Development

Suggested Motion/Action:

Background/Summary:

October 3: 2 (COA) to review, and further demo and website discussion

October 17: Review submitted City of Ellensburg Historic Preservation Grants

November or December: 2024 Work Planning Meeting

Previous Council Action:

Analysis:

Financial Impact:

Budget Adjustment: No

Attachments:

None



Meeting Date: September 19, 2023

**City of Ellensburg
Landmarks & Design Commission Agenda Report**

Agenda Subject: EDA Representative Update
Submitted by:
Department: Community Development

Suggested Motion/Action:

Background/Summary:

Previous Council Action:

Analysis:

Financial Impact:

Budget Adjustment: No

Attachments:
None