



LAKESWOOD CITY COUNCIL STUDY SESSION AGENDA

Monday, September 9, 2013

7:00 P.M.

City of Lakewood
City Council Chambers
6000 Main Street SW
Lakewood, WA 98499

Page No.

Call to Order

Items for Discussion:

- (1) 1. Joint meeting with the Landmarks and Heritage Advisory Board.
- (26) 2. Comprehensive Plan Update. -(Memorandum)

Briefing by the City Manager

- Overview of September 15, 2013 4/2 Stryker Brigade Parade and Community Festival

Items Tentatively Scheduled for the September 16, 2013 Regular City Council Meeting:

1. Proclamation in remembrance of Mike Carrell, former Senator of the 28th Legislative District. - *Mrs. Charlotte Carrell*
2. Authorizing the sale of Lakewood Police Canine Astor as surplus property. - (Resolution - Consent Agenda)
3. Authorizing the execution of an agreement with Lakeview Light and Power relative to the installation of fiber optic cabling along Bridgeport Way from Pacific Highway to 100th Street; Pacific Highway from Bridgeport way to 108th Street; South Tacoma Way from Pacific Highway to 96th Street; 100th Street from 59th Avenue to Bridgeport Way; and 59th Avenue from 100th Street to Lake Grove. - (Motion - Regular Agenda)

City Council Comments

Adjournment

The City Council Chambers is accessible to persons with disabilities. Equipment is available for the hearing impaired. Persons requesting special accommodations or language interpreters should contact the City Clerk's Office, 589-2489, as soon as possible in advance of the Council meeting so that an attempt to provide the special accommodations can be made.

<http://www.cityoflakewood.us>

The Council Chambers will be closed 15 minutes after adjournment of the meeting.

LAKWOOD CITY HALL
6000 Main Street SW, Lakewood, WA 98499-5027
(253) 589-2489

MEETING SCHEDULE
September 9, 2013 – September 13, 2013

Date	Time	Meeting	Location
September 9	4:30 P.M.	Arts Commission	Lakewood City Hall 3 rd Floor, Executive Conference Room 3A
	6:00 P.M.	Youth Council	Lakewood City Hall 3 rd Floor, Executive Conference Room 3A
	7:00 P.M.	City Council Study Session	Lakewood City Hall Council Chambers
September 10	No Meetings Scheduled		
September 11	9:30 A.M.	Lakewood Community Collaboration	Lakewood City Hall Council Chambers
September 12	7:30 A.M.	Lakewood's Promise Advisory Board	Lakewood City Hall 3 rd Floor, Executive Conference Room 3A
	3:30 P.M. By Appointment Only	City Talk with the Mayor (or another Councilmember) Please call (253) 589-2489 for an appointment.	Lakewood City Hall Mayor's Office, 3 rd Floor
	5:30 P.M.	Lakewood Sister Cities Association	Lakewood City Hall 1 st Floor, Conference Room 1E
	7:00 P.M.	Lake City Neighborhood Association	Lake City Fire Station 8517 Washington Blvd. SW
	7:00 P.M.	Community Development Block Grant Citizens' Advisory Board	Lakewood City Hall Council Chambers
September 13	No Meetings Scheduled		

TENTATIVE MEETING SCHEDULE
September 16, 2013 – September 20, 2013

Date	Time	Meeting	Location
September 16	6:00 P.M.	Youth Council	Clover Park School District Student Services Center, Room 18
	7:00 P.M.	City Council	Lakewood City Hall Council Chambers
September 17	7:30 A.M.	Coffee with the Mayor	St. Clare Hospital Resource Center 4908 112 th Street SW
September 18	5:30 P.M.	Community Development Block Grant Citizens' Advisory Board	Lakewood City Hall 1 st Floor, Conference Room 1E
	6:00 P.M.	Pt. Defiance Rail Bypass	Tillicum Community Center 14916 Washington Ave SW
	6:30 P.M.	Planning Advisory Board	Lakewood City Hall Council Chambers
September 19	4:00 P.M.	Human Services Funding Advisory Board	Lakewood City Hall 3 rd Floor, Executive Conference Room 3A
September 20	No Meetings Scheduled		

NOTE: The City Clerk's Office has made every effort to ensure the accuracy of this information. Please confirm any meeting with the sponsoring City department or entity.

Landmarks and Heritage Advisory Board 2013 Summary & Work Plan

Members:

Steve Dunkelberger, Chairperson
Stephanie Walsh, Vice-Chairperson
Bill Harrison
Walter Neary
Glen Spieth
Joan Cooley
Beth Campbell
Darrell Nelson

Council Liaison:

Helen McGovern-Pilant

Staff Support:

Principal Planner Dan Catron

Technical Support:

Preservation Consultant Jennifer Schreck

Administrative Support:

Community Development Secretary Staci Vukovich

Meeting Schedule:

Fourth Thursday of every other month at 6:00 PM in City Hall Room 3A.

Significant Accomplishments and Workplan 2013:

In 2013 the Landmarks and Heritage Advisory Board has continued to try to find ways to promote its mission beyond the formal designations of specific properties. The Board has been involved with the following issues in 2012-13 :

- Historical Preservation Consultant Jennifer Schreck has been working under a Lodging Tax grant to design and produce a map and supplementary materials for a self-guided automobile tour of historic points of interest in Lakewood. The map will be supplemented with on-line information accessed through the use of QR codes on the map.
- The Board has made contact with the Woodbrook Hunt Club, which may be the next nominee for Landmark designation. The Hunt Club has been in existence since 1924 and is already on both the State and National Register of Historic Places. The membership of the Club seem excited about securing local designation.
- The Board continues to engage in the on-going management of cultural resources at Western State Hospital. LHAB members and staff participate in the Western State Hospital Cultural Resources Stakeholders Group, which is working towards protecting the many historical resources at WSH through

implementation of a Cultural Resources Management Plan (CRMP) that was developed in August 2011. The Board has also discussed the possibility of granting the hospital a "Community Landmark" designation.

This past year the LHAB reviewed proposals for the redevelopment of the historic parade-ground into a parking lot (this proposal was withdrawn), repaving of the existing access road around the parade ground and in front of the Fort Steilacoom Officer's Quarters, demolition of several historic cottages, proposals for the stabilization of the historic Bakery and Old Morgue buildings, and restoration of the Governor William Wallace headstone (which had been overturned).

- The Board is exploring the use of the Community Landmark designation for certain properties. This designation provides recognition for historic properties without carrying the tax benefits or development limitations of the standard Landmark designation. The Board is considering whether this designation may be more appropriate for publicly owned properties or other structures and places where the standard landmark designation is problematic.
- The Board has continued discussion regarding the design of plaques presented to properties designated as Landmarks and Community Landmarks. The Board would like to coordinate with the Lakewood Historical Society on the design, placement, and procurement of the plaques.
- The Board is interested in developing and hosting a public outreach activity, possibly in conjunction with the Lakewood Historical Society, the Arts Commission, and/or Lakewood Gardens. Ideas included an "open house" with other historically minded groups, a facilitated bus tour of historic places and structures throughout Lakewood, and/or creation of a map with references and additional information provided regarding historic sites.
- The Board would like to create a more robust presence on the City's website. The internet provides a potentially very powerful platform for organizing and showcasing information about Lakewood's history. The internet can deliver photos, maps, audio/visual and textual information to a wide audience with a minimum amount of effort and expense. This is proposed in conjunction with the self-guided tour map discussed above.

Amendments to LMC Chapter 2.48

The Board has noted that changes have been proposed to LMC Chapter 2.48. The Board would like to have input with regard to these changes. It appears that changes are necessary to reinforce the code, however the Board is also concerned that some of the proposed changes could weaken the protections for designated historic structures and compromise the balance between the benefits of designation and the concurrent responsibilities imposed on the owner(s) of the property. The Board would appreciate the opportunity to be involved in any discussions regarding these proposed code changes.

Landmark Designations in Lakewood

(2012)

Currently Designated:

1. Boatman-Ainsworth House (11/2002)
2. Lakewold Gardens (11/2002)
3. Rhodesleigh Carriage House (5/2003)
4. Chauncey Griggs House (8/2003)
5. Hopkins House (12/2006)
6. Cole/Smith (Huber) House (2/2008)
7. Old Settlers Cemetery (1/2011)

Potential Candidates:

- Fort Steilacoom
- Western State Hospital
- Woodbrook Hunt Club
- Rhodesleigh House
- Lakewood Colonial Center
- Villa Carman (Madera)
- Flett House
- Little Church on the Prairie
- Little Red Schoolhouse
- Thornewood
- Mueller-Harkins Hangar
- Tacoma Country and Golf Club
- Alan Liddle House



FROM: Matt Kaser, Acting City Attorney
TO: Mayor and City Council
THROUGH: Heidi Wachter, Interim City Manager
MEETING DATE: June 10, 2013
SUBJECT: Study Session Memo on Ordinance 566 Relative to the Protection and Preservation of Landmarks

The Council Subcommittee on Citizens Advisory Boards and Committees (CABCs) is reviewing the functions of the Landmarks & Heritage Advisory Board (LMC Chapter 2.48) and is seeking the input of the full Council. Recently the Committee found that the Reclaiming Our Youth Advisory Board was defunct and the Council subsequently approved Ordinance 562 on May 20, 2013 repealing Chapter 2.45 that had created this Committee.

The Landmarks & Heritage Advisory Board

In 2000, the City Council passed Ordinance 251 which created chapter 2.48 of the Lakewood Municipal Code – Protection and Preservation of Landmarks. Ordinance 251 created a framework to designate certain properties of local historical significance as local landmarks. Under this framework, any individual can nominate a property to serve as a local landmark. Following review by City staff, an “Agency,” holds a hearing to determine whether the property should serve as a landmark.

The current Code provides an ambiguous definition of “Agency.” It may be an advisory board, the City Council, a committee of the City Council or through a contract with a private agency to act on behalf of the City.

The owner of a property identified as a landmark, who desires to make certain classes of restorations, repairs and demolition is required to apply for a “certificate of appropriateness,” which fall into one of three Types (Type I, Type II and Type III). A Type I permit, involving restorations and major repairs which involve in-kind materials, may be handled administratively without public hearing or be referred to the “Agency.” A Type II permit, involving alterations in appearance and Type III permits involving demolition,

would be decided by the "Agency." Appeals of the decision whether to designate a property as a landmark or for any one of these permits would be to the City Council. The failure to comply with the chapter will result in \$500 per day civil penalty.

In addition, the "Agency," serves as the "Local Review Board," for determining special valuation for historic purposes under several provisions of the State tax law.

Chapter 2.48 LMC has been twice amended since 2000. Those amendments, via Ordinances 368 (2004) and 512 (2010) have addressed only the membership of the Landmarks and Heritage Advisory Board (LMC 2.48.030). However, in reviewing these three Ordinances, no enabling language creating the Landmarks and Heritage Advisory Board has been uncovered, despite the LHAB having met over the years.

Summary of Proposed Changes

Creation of Landmarks and Heritage Advisory Board (LHAB). LHAB will now formally be created as an advisory board of the City. It will consist of no more than nine members, with three constituting a quorum. Its role will also be specifically limited to (1) holding public hearings on nominations for designation and applications for certificates of appropriateness; and (2) reviewing proposals submitted to the City for funds made available for grants under various provisions of state and federal law. It is also identified as the "Local Review Board," for purposes of state landmarks law. All acts undertaken by the Board to-date will be given retroactive approval.

Change in Procedures to Classify Landmark Properties. In recognition of various property rights, only a property owner may now make application for a property to be a landmark.

Appeal Procedures. Appeals from a decision under chapter 2.48 LMC is before the Hearing Examiner. The Hearing Examiner's decision would now be final twenty-one days after issuance, to align with the state Land Use Procedures Act (LUPA).

Penalties. LMC 2.48.110 is deleted in its entirety. As the designation of a property as historic would be owner-driven, disincentives to landmark designation are removed.

Changes of a Technical Nature. The following are technical changes:

- All prior references to "Agency," are removed and replaced with "Board."

- A cross-reference in LMC 2.48.020(K) is corrected.
- LMC 2.48.030(I) is deleted to conform with the Washington Public Records Act.

Ordinance No. 566

AN ORDINANCE of the City Council of the City of Lakewood, Washington, amending Chapter 2.48 of the Lakewood Municipal Code relative to the Protection and Preservation of Landmarks.

WHEREAS, the City of Lakewood has a strong interest to ensure the protection, enhancement, perpetuation, and use of buildings, sites, districts, structures and objects of historical, cultural, architectural, engineering, geographic, ethnic and archaeological significance located in Lakewood in the interest of the prosperity, civic pride and general welfare of the people of Lakewood, while balancing the rights of property owners; and,

WHEREAS, in 2000, Ordinance 251 created several options to identify a body to implement the City's landmarks preservation program, one of which was the creation of a Landmarks and Heritage Advisory Board (LHAB); and,

WHEREAS, despite the lack of a formal implementing ordinance creating the LHAB, the LHAB has continuously met since 2000; and

WHEREAS, it is desirable to bring the appeal provisions of Chapter 2.48 LMC in line with other provisions of the Code providing for appeals before the City's Hearing Examiner; and

WHEREAS, it is the intention of the City Council to work collaboratively with and assist property owners in the preservation of historic properties and to have designations be owner requested;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF LAKEWOOD, WASHINGTON DO ORDAIN as follows:

Section 1: Chapter 2.48 of the Lakewood Municipal Code is amended to read as follows:

02.48.000 - Protection and Preservation of Landmarks.

Chapter 2.48
Protection and Preservation of Landmarks

Sections:

2.48.010 Purpose.

2.48.020 Definitions.

2.48.030 Landmarks and Heritage Advisory Board-~~authorized~~created.

2.48.035 Powers of Lakewood Landmarks and Heritage Advisory Board

2.48.040 Designation criteria.

2.48.050 Nomination procedure.

- 2.48.060 Designation procedure.
- 2.48.070 Certificate of appropriateness procedure.
- 2.48.080 Evaluation of economic impact.
- 2.48.090 Appeal procedure.
- ~~2.48.100 Funding.~~
- ~~2.48.110 Penalty for violation of this chapter.~~
- 2.48.120 Special valuation for historic properties.
- 2.48.130 Severability.

02.48.010 - Purpose.

The purposes of this Chapter are to:

- A. Designate, preserve, protect, enhance, and perpetuate those sites, buildings, districts, structures and objects which reflect significant elements of the city's, county's state's and nation's cultural, aesthetic, social, economic, political, architectural, ethnic, archaeological, engineering, historic and other heritage;
- B. Foster civic pride in the beauty and accomplishments of the past;
- C. Stabilize and improve the economic values and vitality of landmarks;
- D. Protect and enhance the city's tourist industry by promoting heritage-related tourism;
- E. Promote the continued use, exhibition and interpretation of significant sites, districts, buildings, structures, objects, artifacts, materials and records for the education, inspiration and welfare of the people of Lakewood;
- F. Promote and continue incentives for ownership and utilization of landmarks;
- G. Assist, encourage and provide incentives to public and private owners for preservation, restoration, rehabilitation and use of landmark buildings, sites, districts, structures and objects;
- H. Assist, encourage, and provide technical assistance to public agencies, public and private museums, archives and historic preservation associations and other organizations involved in the preservation, exhibition, protection and interpretation of Lakewood's heritage.
- I. Work cooperatively to identify, evaluate and protect historic resources in furtherance of the purposes of this chapter.

(Ord. 251 § 1 (part), 2000.)

02.48.020 - Definitions.

The following words and terms shall, when used in this Chapter, be defined as follows unless a different meaning clearly appears from the context:

- A. "Alteration" is any construction, demolition, removal, modification, excavation, restoration or remodeling of a landmark.
- B. "Building" is a structure created to shelter any form of human activity, such as a house, barn, church, hotel, or similar structure. Building may refer to a historically related complex, such as a courthouse and jail or a house and barn.

- C. "Certificate of appropriateness" is written authorization issued by the Agency Board or its designee permitting an alteration to a significant feature of a designated landmark.
- D. "Agency Board" is the Landmarks and Heritage ~~Agency Advisory Board authorized and empowered by this Chapter, whether through an Advisory Board of the City created through Ordinance or Resolution, through the Lakewood City Council or a Committee thereof, or through a Contract with a public or private entity qualified to act on behalf of the City in connection herewith.~~
- E. "Community landmark" is ~~an~~ historic resource which has been designated pursuant to ~~terms of this ordinance this chapter~~ but which may be altered or changed without application for or approval of a certificate of appropriateness.
- F. "Council" is the Lakewood City Council.
- G. "Designation" is the act of the Agency Board determining that a historic resource meets the criteria established by this chapter.
- H. "Designation report" is a report issued by the Agency Board after a public hearing setting forth its determination to designate a landmark and specifying the significant feature or features thereof.
- I. "District" is a geographically definable area, urban or rural, possessing a significant concentration, linkage, or continuity of sites, buildings, structures, or objects united by past events or aesthetically by plan or physical development. A district may also comprise individual elements separated geographically but linked by association or history.
- J. "Heritage" is a discipline relating to history, ethnic history, traditional cultures, folklore, archaeology and historic preservation.
- K. "Historic preservation officer" is the Lakewood historic preservation officer or his or her designee, as provided in Paragraph ~~GF~~ of Section 2.48.030 of this Chapter or its successor provision.
- L. "Historic resource" is a district, site, building, structure or object significant in American and/or local history, architecture, archaeology and/or culture.
- M. "Incentives" are such compensation, rights or privileges or combination thereof, which the Council or other local, state or federal public body or agency, by virtue of applicable present or future legislation, may be authorized to grant to or obtain for the owner(s) of designated landmarks. Examples of economic incentives include but are not limited to tax relief, conditional use permits, rezoning, street, vacation, planned unit development, transfer of development rights, façade easements, gifts, preferential leasing policies, private or public grants-in-aid, beneficial placement of public improvements or amenities, or the like.
- N. "Interested person of record" is any individual, corporation, partnership or association which notifies the Agency Board or the Council in writing of his/her/its interest in any matter before the Agency Board.
- O. "Landmark" is ~~an~~ historic resource designated as a landmark pursuant to this chapter.
- P. "Nomination" is a proposal that a historic resource be designated a landmark.
- Q. "Object" is a material 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.
- R. "Owner" is a person having a fee simple interest, a substantial beneficial interest of record or a substantial beneficial interest known to the Agency Board in a historic

resource. Where the owner is a public agency or government, that agency shall specify the person or persons to receive notices hereunder.

- S. "Person" is any individual, partnership, corporation, group or association.
- T. "Person in charge" is the person or persons in possession of a landmark, including, but not limited to, a mortgagee, or vendee in possession, an assignee of rents, a receiver, executor, trustee, lessee, tenant, agent, or any other person directly or indirectly in control of the landmark.
- U. "Preliminary determination" is a decision of the Agency Board determining that a historic resource which has been nominated for designation is of significant value and is likely to satisfy the criteria for designation.
- V. "Significant feature" is any element of a landmark which the Agency Board has designated pursuant to this chapter as of important tee to the historic, architectural or archaeological value of the landmark.
- W. "Site" is the location of a significant event, a prehistoric or historic occupation or activity, or a building or structure, whether standing, ruined, or vanished, where the location itself maintains a historical or archaeological value regardless of the value of any existing structures.
- X. "Structure" is any functional construction in addition to that which is described as a "building" hereinabove.

~~Y. "Lakewood Landmarks and Heritage Advisory Board (the 'Advisory Board')" is an option reserved by the Lakewood City Council as a method of accomplishing the purposes hereof, which if created, may be empowered to act as the Landmarks and Heritage Agency, as described herein.~~

(Ord. 251 § 1(part), 2000.)

02.48.030 - Landmarks and Heritage Advisory Board ~~authorized~~ created.

~~The City Council here identifies its authority, as an option to provide the purposes hereof, to create and empower a citizens' committee to act as the Agency for and on the City's behalf, which if so created shall be empowered to function and act as the Agency herein.~~

~~If such Advisory Board is created by separate Ordinance or Resolution, whether as a standing advisory board or an ad hoc committee, its organizational structure shall be governed by the following, unless specifically provided otherwise in the Ordinance or Resolution:~~

~~Membership and organization.~~

- A. ~~There hereby is created a~~ The Lakewood Landmarks and Heritage Advisory Board (Advisory Board), ~~if created, It~~ shall consist of eight no more than nine regular members selected as follows:
 - 1. ~~Of the eight regular members of the Advisory Board a~~ At least three shall be professionals who have experience in identification, evaluation, and protection of historic resources and have been selected from among the fields of history, architecture, architectural history, historic preservation, planning, cultural

anthropology, archaeology, cultural geography, landscape architecture, American studies, law or other historic preservation-related disciplines.

2. The ~~eight regular~~ members of the ~~Advisory~~ Board shall be appointed by the Lakewood Mayor, subject to confirmation by the council. All regular members shall have a demonstrated interest in historic preservation.

~~3. In addition to the eight regular members, the Mayor may, at his/her sole discretion, appoint one Landmarks and Heritage Board Member Emeritus. This individual shall be selected based on past Board experience and demonstrated proficiency in the history of the area. The Board Member Emeritus shall serve as a voting member of the Board for whatever term is deemed appropriate by the Mayor.~~

- B. Appointments of ~~Advisory~~ Board members shall be made for a three-year term. Each regular member shall serve until his or her successor is duly appointed and confirmed. Appointments shall be effective on January 1 of each year. In the event of a vacancy, an appointment shall be made to fill the vacancy in the same manner and with the same qualifications as if at the beginning of the term, and the person appointed to fill the vacancy shall hold the position for the remainder of the unexpired term. Any members may be reappointed regardless of the number of terms previously served. The members of the ~~Advisory~~ Board shall serve without compensation.
- C. The chair shall be a member of the ~~Advisory~~ Board and shall be elected annually by the regular ~~Advisory~~ Board members. The ~~Advisory~~ Board shall adopt rules and regulations, including procedures consistent with this chapter. The ~~Advisory~~ Board shall not conduct any public hearing required under this chapter until rules and regulations have been filed with the City Clerk.
- D. ~~Three (3)~~ A majority of the ~~Advisory~~ Board members ~~(5)~~ shall constitute a quorum for the transaction of business. All official actions of the ~~Advisory~~ Board shall require a majority vote of the members present and eligible to vote on the action voted upon. No member shall be eligible to vote upon any matter which requires a hearing unless that member has attended the hearing or familiarized him or herself with the record. Members must be present to vote; no absentee ballots are allowed.
- E. The ~~Advisory~~ Board may from time to time establish one or more committees to further the policies of the ~~Advisory~~ Board, each with such powers as may be lawfully delegated to it by the ~~Advisory~~ Board.
- F. The director of the City of Lakewood department with authority over landmarks and cultural resources, as designated by the City Manager, shall provide staff support to the ~~Advisory~~ Board, and shall serve as a “historic preservation officer” for the City, or supervise a person functioning in that capacity, as authorized by the City Manager ~~and approved by the City Council~~. The historic preservation officer shall further perform such tasks and provide such other services as are consistent with the City Manager’s direction, including, as applies, use of employment resources, act as custodian of the ~~Advisory~~ Board’s records, and other duties as assigned.
- ~~G. The Advisory Board shall meet at least once each quarter for the purpose of considering and holding public hearings on nominations for designation and applications for certificates of appropriateness. Where no business is scheduled to come before the Advisory Board seven days before the scheduled monthly meeting, the chair of the Advisory Board may cancel the meeting. All meetings of the Advisory Board shall be~~

~~open to the public. The Advisory Board shall keep minutes of its proceedings, showing the action of the Advisory Board upon each question, and shall keep records of all official actions taken by it, all of which shall be filed in the office of the historic preservation officer and shall be public records.~~

~~H.G.~~ At all hearings before and meetings of the ~~Advisory~~ Board, all oral proceedings shall be electronically recorded. Such proceedings may also be recorded stenographically by a court reporter if any interested persons at his or her expense shall provide a court reporter for that purpose. A tape recorded copy of the electronic record of any hearing or part thereof shall be furnished to any person upon request and payment of the reasonable expense thereof.

~~I.H.~~ The ~~Advisory~~ Board is authorized, subject to the availability of funds budgeted for that purpose and approval of the expenditure by the City Council, to expend monies to compensate experts, in whole or in part, to provide technical assistance to property owners in connection with requests for certificates of appropriateness upon a showing by the property owner that the need for such technical assistance imposes an unreasonable financial hardship on such property owner.

~~J. — Advisory Board records, maps, or other information identifying the location or archaeological sites and potential sites shall be exempt from public access in order to avoid looting and depredation of such sites.~~

(Ord. 512 § 1, 2010; Ord. 368 § 1, 2004; Ord. 251 § 1(part), 2000.)

02.48.035 – Powers of Lakewood Landmarks and Heritage Advisory Board

The Lakewood Landmarks and Heritage Advisory Board shall have the following powers:

A. The Board shall meet at least once each quarter for the purpose of considering and holding public hearings on nominations for designation and applications for certificates of appropriateness. Where no business is scheduled to come before the Board seven days before the scheduled monthly meeting, the chair of the Board may cancel the meeting. All meetings of the Board shall be open to the public. The Board shall keep minutes of its proceedings, showing the action of the Advisory Board upon each question, and shall keep records of all official actions taken by it, all of which shall be filed in the office of the historic preservation officer and shall be public records.

B. The Board may, at the request of the historic preservation officer or the City Manager review proposals submitted to the City for funds made available for grants to be made to the City through the Housing and Community Development Act of 1974, 42 U.S.C. 5301 et seq, the State and Local Fiscal Assistance Act of 1971, 31 U.S.C. 1221 et seq., the Museum Assistance Program and other applicable local, state, federal and private foundations funding programs. Upon review of such grant proposals, the Board shall make recommendations to the Council concerning which proposals should be funded, the amount of the grants that should be awarded, the conditions that should be placed on the grant, and such other matters that the Board deems appropriate. The historic preservation officer shall keep the Board apprised of the status of grant proposals, deadlines for submission of proposals and the recipients of grant funds.

02.48.040 - Designation criteria.

- A. An historic resource may be designated as a Lakewood landmark if it is more than fifty years old or, in the case of a landmark district, contains resources that are more than fifty years old, and possesses integrity of location, design, setting, materials, workmanship, feeling and association, and:
1. Is associated with events that have made a significant contribution to the broad patterns of national, state or local history; or
 2. Is associated with the lives of persons significant in national, state or local history; or
 3. Embodies the distinctive characteristics of a type, period, style or method of design or construction, or that represents a significant and distinguishable entity whose components may lack individual distinction; or
 4. Has yielded or may be likely to yield information important in prehistory or history; or
 5. Is an outstanding work of a designer or builder who has made a substantial contribution to the art.
- B. A historic resource may be designated a community landmark because it is an easily identifiable visual feature of a neighborhood or city and contributes to the distinctive quality or identity of such neighborhood or the city or because of its association with a significant historical events or historic themes, association with important or prominent persons in the community or county, or recognition by local citizens for substantial contribution to the neighborhood or community. An improvement or site qualifying for designation solely by virtue of satisfying criteria set out in this section shall be designated a community landmark.
- C. Cemeteries, birthplaces or graves of historical figures, properties owned by religious institutions or used for religious purposes, structures that have been moved from their original locations, reconstructed historic buildings, properties primarily commemorative in nature, and properties that have achieved significance within the past forty years shall not be considered eligible for designation. However, such a property shall be eligible for designation if it is:
1. An integral part of districts that meet the criteria set out in this chapter or if it is:
 2. A religious property deriving primary significance from architectural or artistic distinction or historical importance; or
 3. A building or structure removed from its original location but which is significant primarily for its architectural value, or which is the surviving structure most importantly associated with a historic person or event; or
 4. A birthplace, grave or residence of a historical figure of outstanding importance if there is no other appropriate site or building directly associated with his or her productive life; or

5. A cemetery that derives its primary significance from graves of persons of transcendent importance, from age, from distinctive design features, or from association with historic events; or
6. A reconstructed building when accurately executed in a suitable environment and presented in a dignified manner or as part of a restoration master plan, and when no other building or structure with the same association has survived; or
7. A property commemorative in intent of design, age, tradition, or symbolic value has invested it with its own historical significance; or
8. A property achieving significance within the past forty years if it is of exceptional importance.

(Ord. 251 § 1(part), 2000.)

02.48.050 - Nomination procedure.

- A. ~~Any person, including any member of the Agency~~Only the property owner, may nominate an historic resource for designation as a landmark or community landmark. Procedures set forth may be used to amend existing designations or to terminate an existing designation based on changes which affect the applicability of the criteria for designation. The nomination or designation of an historic resource as a landmark shall constitute nomination or designation of the land which is occupied by the historic resource unless the nomination provides otherwise. Nominations shall be made on official nomination forms provided by the historic preservation officer, shall be filed with the historic preservation officer and shall include all data required.
- B. Upon receipt by the historic preservation officer of any nomination for designation, the officer shall review the nomination, consult with the person or persons submitting the nomination, ~~and the owner,~~ and prepare any amendments to or additional information on the nomination deemed necessary by the officer. The historic preservation officer may refuse to accept any nomination for which inadequate information is provided by the person or persons submitting the nomination. It is the responsibility of the person or persons submitting the nomination to perform such research as is necessary for consideration by the AgencyBoard. The historic preservation officer may assume responsibility for gathering the required information or appoint an expert or experts to carry out this research in the interest of expediting the consideration.
- C. When the historic preservation officer is satisfied that the nomination contains sufficient information and complies with the AgencyBoard's regulations for nomination, the officer shall give notice in writing, ~~certified mail/return receipt requested, to the owner of the property or object,~~ to the person submitting the nomination and any interested persons of record that a preliminary or a designation determination on the nomination will be made by the AgencyBoard. The notice shall include:
 1. The date, time and place of hearing;
 2. The address and description of the historic resource and the boundaries of the nominated resource;
 3. A statement that, upon a designation or upon a preliminary determination of significance, the certificate of appropriateness procedure set forth will apply;

4. A statement that, upon a designation or a preliminary determination of significance, no significant feature may be changed without first obtaining a certificate of appropriateness from the AgencyBoard, whether or not a building or other permit is required. A copy of the provisions of this code shall be included with the notice;
5. A statement that all proceedings to review the action of the AgencyBoard at the hearing on a preliminary determination or a designation will be based on the record made at such hearing and that no further right to present evidence on the issue of preliminary determination or designation is afforded pursuant to this chapter.

D. The historic preservation officer shall, after mailing the notice required herein, refer the nomination and all supporting information to the AgencyBoard for consideration on the date specified in the notice. No nomination shall be considered by the AgencyBoard less than thirty nor more than forty-five calendar days after notice setting the hearing date has been mailed ~~except where the historic preservation officer or members of the Agency have reason to believe that immediate action is necessary to prevent destruction, demolition or defacing of a historic resource, in which case the notice setting the hearing shall so state~~. Notice of hearings must be published in a local paper at least 10 days in advance.

(Ord. 251 § 1(part), 2000.)

02.48.060 - Designation procedure.

A. The AgencyBoard may approve, deny, amend or terminate the designation of a historic resource as a landmark or community landmark only after a public hearing. At the designation hearing the AgencyBoard shall receive evidence and hear argument only on the issues of (1) whether the historic resource meets the criteria for designation of landmark or community landmark as specified in this chapter and merits designation as a landmark or community landmark, and (2) the significant features of the landmark. The hearing may be continued from time to time at the discretion of the AgencyBoard. In the event the hearing is continued, the AgencyBoard may make a preliminary determination of significance if the AgencyBoard determines, based on the record before it, that the historic resource is of significant value and likely to satisfy the criteria for designation set out in this chapter. Such preliminary determination shall be effective as of the date of the public hearing at which it is made. Where the AgencyBoard makes a preliminary determination, it shall specify the boundaries of the nominated resource, the significant features thereof and such other description of the historic resource as it deems appropriate. Within five working days after the AgencyBoard has made a preliminary determination, the historic preservation officer shall file a written notice of such action with the City Manager and mail copies of the same, ~~certified mail/return receipt requested,~~ to the ~~owner,~~ the person submitting the nomination and interested persons of record. Such notice shall include:

1. A copy of the AgencyBoard's preliminary determination;
2. A statement that while proceedings pursuant to this chapter are pending, or six months from the date of the notice, whichever is shorter, and thereafter if the

designation is approved by the AgencyBoard, the certificate of appropriateness procedures set out in this chapter, a copy of which shall be enclosed, shall apply to the described historic resource whether or not a building or other permit is required. The decision of the AgencyBoard shall be made after the close of the public hearing or at the next regularly scheduled public meeting of the AgencyBoard thereafter.

- B. Whenever the AgencyBoard approves the designation of an historic resource under consideration for designation as a landmark, it shall, within fourteen calendar days of the public meeting at which the decision is made, issue a written designation report which shall include:
1. The boundaries of the nominated resource and such other description of the resource sufficient to identify its ownership and location.
 2. The significant features and such other information concerning the historic resource as the AgencyBoard deems appropriate;
 3. Findings of fact and reasons supporting the designation with specific reference to the criteria for designation set forth in this chapter;
 4. A statement that no significant feature may be changed, whether or not a building or other permit is required, without first obtaining a certificate of appropriateness from the AgencyBoard pursuant to the provisions of this chapter, a copy of which shall be included in the designation report. The subsection shall not apply to historic resources designated as community landmarks.
- C. Whenever the AgencyBoard rejects the nomination of an historic resource under consideration for designation as a landmark, it shall, within fourteen calendar days of the public meeting at which the decision is made, issue a written decision including findings of fact and reasons supporting its determination that the criteria set forth in this chapter have not been met. If an historic resource has been nominated as a landmark and the AgencyBoard designates such historic resource as a community landmark, such designation shall be treated as a rejection of the nomination for Lakewood landmark status and the foregoing requirement for a written decision shall apply. Nothing contained herein shall prevent renominating any historic resource rejected under this subsection as a Lakewood landmark at a future time.
- D. A copy of the AgencyBoard's designation report or decision rejecting a nomination shall be delivered or mailed to the owner, to interested persons of record and the City Manager within five working days after it is issued. If the AgencyBoard rejects the nomination and it has made preliminary determination of significance with respect to such nomination, it shall include in the notice to the City Manager a statement that the provisions of this chapter no longer apply to the subject historic resources.
- E. If the AgencyBoard approves or amends a landmark designation, the provisions of this chapter shall apply as approved or amended. A copy of the AgencyBoard's designation report or designation amendment shall be filed with the appropriate City office together with a legal description of the designated resource and notification that the provisions of this chapter apply. If the AgencyBoard terminates the designation of an historic resource, the provisions of this chapter shall no longer apply to said historic resource.

(Ord. 251 § 1 (part), 2000.)

02.48.070 - Certificate of appropriate procedure.

- A. At any time after a designation report and notice have been filed with the City Manager and for a period of six months after notice of a preliminary determination of significance has been mailed to the owner and filed with the City Manager, a certificate of appropriateness must be obtained from the AgencyBoard before any alterations may be made to the significant features of the landmark identified in the preliminary determination report or thereafter in the designation report. The designation report shall supersede the preliminary determination report. This requirement shall apply whether or not the proposed alteration also requires a building or other permit.
- B. Ordinary repairs and maintenance which do not alter the appearance of a significant feature and do not utilize substitute materials do not require a certificate of appropriateness. Repairs to or replacement of utility systems do not require a certificate of appropriateness provided that such work does not alter a significant exterior feature.
- C. There shall be three types of certificates of appropriateness, as follows:
 - 1. Type I, for restorations and major repairs which utilize in-kind materials.
 - 2. Type II, for alterations in appearance, replacement of historic materials and new construction.
 - 3. Type III, for demolition, moving and excavation of archaeological sites.
- ~~D. In addition, the Agency shall establish and adopt an appeals process concerning Type I decisions made by the historic preservation officer with respect to the applications for certificates of appropriateness.~~
- ~~E. The historic preservation officer may approve Type I certificates of appropriateness administratively without public hearing, subject to procedures adopted by the AgencyBoard. Alternatively the historic preservation officer may refer applications for Type I certificates of appropriateness to the AgencyBoard for decision. ~~The Agency shall adopt an appeals procedure concerning Type I decisions made by the historic preservation officer.~~~~
- ~~F.E.~~ _____ Type II and III certificates of appropriateness shall be decided by the AgencyBoard and the following general procedures shall apply to such AgencyBoard actions:
 - 1. Application for a certificate of appropriateness shall be made by filling out an application for such certificate with the historic preservation officer on forms provided by the AgencyBoard.
 - 2. If an application is made to the City Manager or designee for a permit for any action which affects a landmark, the City Manager shall promptly refer such application to the historic preservation officer and such application shall be deemed an application for a certificate of appropriateness. The City Manager or designee may continue to process such permit application, but shall not issue any such permit until the time has expired for filing with the City Manager the notice of denial of a certificate of

appropriateness or a certificate of appropriateness has been issued pursuant to this chapter.

3. After the AgencyBoard has commenced proceedings for the consideration of any application for a certificate of appropriateness by giving notice of a hearing pursuant to subsection 3 of this section, no other application for the same or similar alteration may be made until such proceedings and all administrative appeals therefrom pursuant to this chapter have been concluded.
4. Within forty-five calendar days after the filing of an application for a certificate of appropriateness with the AgencyBoard or the referral of an application to the AgencyBoard by the City Manager, except those decided administratively by the historic preservation officer pursuant to subsection 2 of this section, the AgencyBoard shall hold a public hearing thereon. The historic preservation officer shall mail notice of the hearing to ~~owner,~~ the applicant, ~~if the applicant is not the owner,~~ and parties of record at the designation proceedings, not less than ten calendar days before the date of the hearing. No hearing shall be required if the AgencyBoard, ~~the owner~~ and the applicant, ~~if the applicant is not the owner~~, agree in writing to a stipulated certificate approving the requested alterations thereof. This agreement shall be ratified by the AgencyBoard in a public meeting and reflected in the AgencyBoard meeting minutes. If the AgencyBoard grants a certificate of appropriateness, such certificate shall be issued forthwith and the historic preservation officer shall promptly file a copy of such certificate with the City Manager.
5. If the AgencyBoard denies the application for a certificate of appropriateness, in whole or in part, it shall so notify the applicant owner, ~~the person submitting the application~~ and interested persons of record setting forth the reasons why approval of the application is not warranted.

G. F. The AgencyBoard shall adopt such other supplementary procedures consistent with the City Code as it determines are necessary to carry out the intent of this section.

(Ord. 251 § 1(part), 2000.)

02.48.080 - Evaluation of economic impact.

- A. At the public hearing on any application for a Type II or Type III certificate of appropriateness, or Type I if referred to the AgencyBoard by the historic preservation officer, the AgencyBoard shall, when requested by the property owner, consider evidence of the economic impact on the owner of the denial or partial denial of a certificate. In no case may a certificate be denied, in whole or in part, when it is established that the denial or partial denial will, when available incentives are utilized, deprive the owner of a reasonable economic use of the landmark and there is no viable and reasonable alternative which would have less impact on the features of significance specified in the preliminary determination section of the designation report.
- B. To prove the existence of a condition of unreasonable economic return, the applicant must establish, and the AgencyBoard must find, both of the following:

1. The landmark is incapable of earning a reasonable economic return without making the alterations proposed. This finding shall be made by considering, and the applicant shall submit to the Agency Board evidence establishing, each of the following factors:

a. The current level of economic return on the landmark as considered in relation to the following:

1. The amount paid for the landmark, the date of purchase, and party from whom purchased, including a description of the relationship, if any, between the owner and the person from whom the landmark was purchased;
2. The annual gross and net income, if any, from the landmark for the previous five years; itemized operating and maintenance expenses for the previous five years; and depreciation deduction and annual cash flow before and after debt service, if any, during the same period;
3. The remaining balance on any mortgage or other financing secured by the landmark and annual debt service, if any, during the prior five years;
4. Real estate taxes for the previous four years and assessed value of the landmark according to the two most recent valuations;
5. All appraisals obtained within the previous three years by the owner in connection with the purchase, financing or ownership of the landmark;
6. The fair market value of the landmark immediately prior to its designation and the fair market value of the landmark (in its protected status as a designated landmark) at the time the application is filed;
7. Form of ownership or operation of the landmark, whether sole proprietorship, for profit or not-for-profit corporation, limited partnership, joint venture, or both;
8. Any state or federal income tax returns on or relating to the landmark for the past two years.

b. The landmark is not marketable or able to be sold when listed for sale or lease. The sale price asked, and offers received, if any, within the previous two years, including testimony and relevant documents, shall be submitted by the property owner. The following also shall be considered:

1. Any real estate broker or firm engaged to sell or lease the landmark;
2. Reasonableness of the price or lease sought by the owner;

3. Any advertisements placed for the sale or lease of the landmark.
- c. The unfeasibility of alternative uses that can earn a reasonable economic return for the landmark as considered in relation to the following:
1. A report from a licensed engineer or architect (each with experience in historic restoration or rehabilitation) as to the structural soundness of the landmark and its suitability for restoration or rehabilitation;
 2. Estimates of the proposed cost of the proposed alteration and an estimate of any additional cost that would be incurred to comply with the recommendation and decision of the Agency Board concerning the appropriateness of the proposed alteration;
 3. Estimated market value of the landmark in the current condition after completion of the proposed alteration; and, in the case of proposed demolition, after renovation of the landmark for continued use;
 4. In the case of proposed demolition, the testimony of an architect, developer, real estate consultant, appraiser or other real estate professional experienced in historic restoration or rehabilitation as to the economic feasibility of rehabilitation or reuse of the existing landmark;
 5. The infeasibility of new construction around, above, or below the historic resource.
- d. Potential economic incentives and/or funding available to the owner through federal, state, county, city or private programs.
2. The owner has the present intent and the secured financial ability, demonstrated by appropriate documentary evidence, to compete the alteration.
- C. Notwithstanding the foregoing enumerated factors, the property owner may demonstrate other appropriate factors applicable to economic return.
- D. Upon reasonable notice to the owner, and subject to the availability of funds budgeted for that purpose and approval of the expenditure by the City Council, the Agency Board may appoint and hire an expert or experts to provide advice and/or testimony concerning the value of the landmark, the availability of incentives and the economic impacts of approval, the potential for public acquisition, denial or partial denial of a certificate of appropriateness.
- E. Any adverse economic impact caused intentionally or by willful neglect shall not constitute a basis for granting a certificate of appropriateness.

(Ord. 251 § 1(part), 2000.)

02.48.090 - Appeal procedure.

~~A.—Any person aggrieved by a decision of the AgencyBoard designating or rejecting a nomination for designation of a landmark or issuing or denying a certificate of appropriateness may, within thirty-five calendar days of mailing of notice of such designation or rejection of nomination, or of such issuance of denial or approval of a certificate of appropriateness appeal such decision in writing to the councilHearing Examiner. The written notice of appeal shall be filed with the historic preservation officer and the City Clerk, and shall be accompanied by a statement setting forth the grounds of the appeal, supporting documents and argument, and an appeal fee in accordance with the City's fee schedule as set forth in LMC 3.20.010. Unless an appeal fee is set by the City Council specifically applicable to appeals under this Section, the general City of Lakewood fee for filing appeals of administrative decisions shall apply to appeals hereunder.~~

~~B.A. _____ If after examination of the written appeal and the record, the City Council Hearing Examiner determines that an error in fact exists in the record, it may remand the proceeding back to the AgencyBoard for reconsideration. Otherwise, it shall accept the facts as determined by the AgencyBoard. If the City Council Hearing Examiner determines that the decision of the AgencyBoard is based on an error in the application of City Code provisions, it may modify or reverse the decision of the AgencyBoard.~~

~~C.B. _____ The City Council Hearing Examiner's decision shall be based solely upon the closed record, provided that the City Council Hearing Examiner may at its-his/her discretion permit the appellant and the AgencyBoard or the historic preservation officer, or their representatives to submit argument, and statements explaining their positions, either in writing or orally at a public hearing held for the purpose, or both.~~

~~D.—The City Council shall take final action on any appeal from a decision of the Agency by passage of a Resolution, setting forth its findings, conclusions and decision, based on the record.~~

~~E.C. _____ The action of the City Council Hearing Examiner sustaining, reversing, modifying or remanding a decision of the AgencyBoard shall be final unless within twenty-one calendar days from the date of the action an aggrieved person obtains a Writ of Certiorari from seeks review by the Pierce County Superior Court for the purpose of review of the action taken.~~

~~F.— It is provided, however, that if the Agency consists of the entire City Council, appeal of any Agency decisions shall be directly to the Superior Court through a Writ of Certiorari.~~

(Ord. 251 § 1(part), 2000.)

02.48.100 – Funding.

~~A.—The AgencyBoard shall have the power to make and administer grants of funds received by it from private sources and from local, state and federal programs for purposes of:~~

- ~~1.—Maintaining, purchasing or restoring historic resources located within the City of Lakewood which it deems significant pursuant to the goals, objectives and criteria set forth in this chapter if such historic resources have been nominated or designated~~

~~as landmarks pursuant to this chapter or have been designated as landmarks by the State of Washington or are listed on the National Historic Landmarks Register, the National Register of Historic Places; and~~

~~2. Developing and conducting programs relating to archaeology, cultural heritage and technical assistance to heritage museums, heritage organizations and public agencies. The AgencyBoard shall establish rules and regulations consistent with City Code provisions and policies governing procedures for applying for and awarding of grant monies pursuant to this section.~~

~~B. The AgencyBoard may, at the request of the historic preservation officer or the City Manager review proposals submitted to the City for funds made available for grants to be made to the City through the Housing and Community Development Act of 1974, 42 U.S.C. 5301 et seq, the State and Local Fiscal Assistance Act of 1971, 31 U.S.C. 1221 et seq., the Museum Assistance Program and other applicable local, state, federal and private foundations funding programs. Upon review of such grant proposals, the AgencyBoard shall make recommendations to the department concerning which proposals should be funded, the amount of the grants that should be awarded, the conditions that should be placed on the grant, and such other matters that the AgencyBoard deems appropriate. The historic preservation officer shall keep the AgencyBoard apprised of the status of grant proposals, deadlines for submission of proposals and the recipients of grant funds.~~

(Ord. 251 § 1(part), 2000.)

~~**02.48.110 – Penalties for violating this chapter.**~~

~~A. Any person violating or failing to comply with the provisions of this chapter shall incur a civil penalty of up to five hundred dollars per day, and each day’s violation or failure to comply shall constitute a separate offense; provided, however, that no penalty shall be imposed for any violation or failure to comply which occurs during the pendency of legal proceedings filed in any court challenging the validity of the provision or provisions of this chapter as to which such violations or failure to comply is charged.~~

(Ord. 251 § 1(part), 2000.)

02.48.120 - Special valuation for historic properties.

- A. There is hereby established and implemented a special valuation for historic properties as provided in Chapter 221, 1986 Laws of Washington and Chapter 84.26 RCW.
- B. The Lakewood Landmark Heritage AgencyBoard is hereby designated as the “Local Review Board” for the purposes related to Chapter 221, 1986 Laws of Washington, and is authorized to perform all functions required by Chapter 221, 1986 Laws of Washington, Chapter 84.26 RCW, and Chapter 254.20 WAC.
- C. All Lakewood landmarks designated and protected under authority of City Ordinance shall be eligible for special valuation as set forth in Chapter 221, 1986 Laws of Washington and Chapter 84.26 RCW.

(Ord. 251 § 1 (part), 2000.)

02.48.130 - Severability.

- A. If any provisions of this ordinance or its application to any person or circumstance is held invalid, the remainder of the ordinance or the application of the provision to other persons or circumstances is not affected.

(Ord. 251 § 1 (part), 2000.)

02.48.140 – Retroactive Approval of Acts

Actions undertaken by the Landmarks and Heritage Advisory Board before the effective date of this Ordinance are hereby ratified.

Section 2. The membership and terms of those members of the Landmarks and Heritage Advisory Board who have been appointed under prior acts of the City Council remain unaffected by this Ordinance and those members shall continue to serve the terms to which they were appointed.

Section 3. Severability. If any section, sentence, clause, or phrase of this ordinance should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity of any other section, sentence, clause, or phrase of this ordinance.

Section 4. Effective Date. This ordinance shall take place thirty (30) days after its publication or publication of a summary of its intent and contents.

ADOPTED by the City Council this ____ day of _____, 2013.

Don Anderson, Mayor

Attest:

Alice M. Bush, MMC, City Clerk

Approved as to Form:

Matthew S. Kaser, Acting City Attorney



Allyson Brooks Ph.D., Director
State Historic Preservation Officer

June 26, 2013

The Honorable Don Anderson
Mayor
Lakewood City Hall
6000 Main Street SW
Lakewood, WA 98499-5027

Dear Mayor Anderson,

I am writing to express the support of the Department of Archaeology and Historic Preservation (DAHP) for the Lakewood Landmarks and Heritage Board (LAHB). In 2005, the City signed an agreement with DAHP stating Lakewood's interest in partnering with our office and the National Park Service (NPS) as a Certified Local Government (CLG). That designation was given to the City shortly thereafter by the NPS and has maintained standing as a CLG ever since.

One of the benefits of the City's CLG designation is that Lakewood has access to Federal pass-through grant funds that DAHP releases each year for projects such as survey and inventory documentation of historic properties, designation of historic sites, historic preservation planning efforts or even educational materials like brochures, websites and workshops. Another key benefit of CLG status is that properties that are listed on the Lakewood Register of Historic Places are eligible to take advantage of an important property tax reduction when the owner makes a substantial investment in their property. Known as Special Tax Valuation reduces the property tax of an eligible property by the dollar amount spent on a significant rehabilitation for a period of ten years – the LAHB is responsible for reviewing the work done on the project to make sure that it meets the standards set up in the City's Historic Preservation Ordinance (2.48). Special Tax Valuation is a wonderful economic development tool that can be used for both residential and commercial properties and not only impacts the City's outward appearance, but adds sales tax dollars on material purchases and employs local contractors. Since 2000, over 800 million dollars has been spent in CLGs in Washington state on Special Valuation projects.

I hope that Lakewood will continue to recognize the importance of protecting your local historic resources by fully authorizing the LAHB within your municipal code. If I can offer any assistance, feel free to contact me at 360-586-3074 or by email at megan.duvall@dahp.wa.gov.

Sincerely,

Megan Duvall
Certified Local Government Coordinator

Enclosure

cc: Dan Catron, City of Lakewood
Steve Dunkelberger, Chair, LAHB



RECEIVED

AUG 29 2005

Archaeology and
Historic Preservation

CERTIFICATION AGREEMENT

Pursuant to the provisions of the National Historic Preservation Act, as amended, to applicable federal regulations (36 CFR 61), and to the State of Washington's Certified Local Government Program Requirements and Procedures, as amended 2002, the City of Lakewood agrees to:

1. Enforce appropriate state or local legislation for the designation and protection of historic properties [Section 101(c)(1)(A)].
2. Establish an adequate and qualified historic preservation review commission by state or local law [Section 101(c)(1)(B)].
3. Maintain a system for the survey and inventory of historic properties [Section 101(c)(1)(C)]. Agrees to employ the use of Statewide Historic Property Inventory Database for future survey work within the City of Lakewood.
4. Provide for adequate public participation in the local preservation program, including the process of recommending properties to the National Register [Sections 101 (c)(1)(D), (c)(2)(A) and (c)(2)(B)].
5. Satisfactorily perform the responsibilities delegated to it under the National Historic Preservation Act, as amended [Section 101(c)(1)(E)].
6. To employ sufficient professional staff to carry out its federal historic preservation responsibilities.
7. Adhere to requirements outlined in the State of Washington's Certified Local Government Program Requirements and Procedures, as amended 2002, issued by the Department of Archaeology and Historic Preservation.

Upon its designation as a Certified Local Government, the City of Lakewood shall be eligible for all rights and privileges of a Certified Local Government specified in the Act, federal procedures, and the procedures of the State of Washington. These rights include eligibility to apply for available CLG grant funds in competition only with other Certified Local Governments.

The following signatures imply consent to this Certification Agreement and any attachments herein.

STATE:



Dr. Allyson Brooks, Director
Department of Archaeology
& Historic Preservation

July 22, 2005

Date

LOCAL GOVERNMENT:



Doug Richardson
Mayor, City of Lakewood

8/25/2005

Date



FROM: M. David Bugher, Assistant City Manager / Community Development Director

TO: Mayor and City Council

THROUGH: John Caulfield, City Manager

MEETING DATE: September 9, 2013

SUBJECT: 2015 Comprehensive Plan Update

Background: On July 8, 2013, the community development department submitted to the City Council a report outlining the process by which the City would undergo updating its comprehensive plan. A PowerPoint document, a public participation plan, and work plan were submitted for review. City Council also discussed a visioning process to be conducted this fall, and after the "new" city manager, Mr. Caulfield, had arrived.

Another topic was the Joint Base Lewis McChord (JBLM) Joint Land Use Study (JLUS) which will be in-progress at the same time as the comprehensive plan update. The JLUS will not be completed until the end of 2015.

Status Report: The purpose of this memorandum is twofold. First, it provides the Council with the opportunity to comment on the on the future of this community in relation to the update that is currently underway. Second, the memorandum serves as a report card. Staff would note that the work to-date has focused for the most part on meeting the technical aspects of the update.

One of the interesting aspects of performing this review is how many existing current comprehensive plan policies have been accomplished since the Plan's original adoption 13 years ago. The resulting effect is that the update process is much more extensive than what had been anticipated. This Council, in turn, is given an extraordinary opportunity to direct this community over the next 20-years.

The following list provides the City Council with the work that is currently underway.

- 1) In April, 2013, the community development staff attended a workshop sponsored by the Washington State Department of Commerce and the Puget Sound Regional Council to review their requirements regarding the update process and expectations pertaining to VISION 2040. These agencies

provided detailed checklists outlining the process by which comprehensive plans would be reviewed for consistency with the Growth Management Act (GMA) and the Puget Sound Regional Council's (PSRC's) VISION 2040.

- 2) City departments have met from time-to-time to review assignments and coordinate work tasks.
- 3) On August 28, 2013, the community development staff submitted a grant application to the Department of Defense Office of Economic Adjustment to perform a JLUS in the amount of \$477,000. Award of the grant should occur this month. The grant requires a 10% match. City staff is currently in the process of collecting the matching funds through the South Sound Military Communities Partnership communities.

A JLUS consultant selection would be the next step with kick-off meetings scheduled for January 2014.

However, the JLUS process would not be completed until after the June 15, 2015 deadline date for Lakewood's Comprehensive Plan update; this poses a challenge.

City staff has had contact with the State Department of Commerce who administers the GMA. A course of action has been suggested. As part of the Update, Lakewood would review its current Air Corridor land use, zoning and other regulations, and, find them still consistent with GMA at the time it adopts the updated comprehensive plan on or before June 30, 2015. The Plan would specifically recognize the ongoing JLUS process, and may recommend a subarea plan or overlay district (which already exists) that would be later implemented to carry out the JLUS recommendations. This process could be accomplished as long as the JLUS process does not require wholesale, significant changes to underlying land use designations, but would provide to, or add more specific development regulations if needed at a later date. For example, areas may remain zoned for commercial uses, but have added restrictions for lighting, height, or other important factors. If there are areas of existing residential uses that are recommended for land use changes to other uses, there still may be a need for some amendments to the comprehensive plan land use designations the next year, but this alternative may help reduce the scope of such changes to a more manageable process. It should also help reduce the scope of necessary changes during the 2015 GMA Periodic Update.

- 4) The community development department is in the process of hiring an intern to assist with the comprehensive plan update. The intern is not paid, but instead receives course credits. The intern will not be available until the first week of October.
- 5) The comprehensive plan goals and policies have gone through an internal review. The policies that have been accomplished, or those policies which

need to be modified, have been identified and marked. Further, a first round of revisions have been drafted for chapters 1 (Introduction) and 3 (Land Use which includes housing, parks and open space) of the comprehensive plan.

Chapter 1 also contains the City's vision and guiding principles statement. These sections have not been updated.

- 6) Comprehensive maps and figures are in the process of being updated. These are numerous documents. With only one GIS technician available, and whose resources are shared with other departments, this process will take 12 months.
- 7) The entire economic development chapter of the comprehensive plan has been rewritten.
- 8) A new rail services chapter has been added to the existing conditions report.
- 9) New rail service policies have been added to the transportation section of the comprehensive plan.
- 10) The sewer service chapter of the existing conditions has been updated.
- 11) The water service chapter of the existing conditions report has been updated.
- 12) Community development staff is struggling with updating the population and housing sections of the existing conditions report. The principal reason is that the federal government has changed how it collects these types of data. Staff is examining how other cities have approached this problem.
- 13) Community development staff is in the process of updating its electronic land use inventory. This update will take at least six weeks, and is based on the one GIS technician's work load and availability.
- 14) Once the inventory has been updated, community development staff is preparing a capacity analysis to determine if Lakewood meets its population, housing and employment targets as determined by VISION 2040, the Office of Financial Management (OFM), and the Pierce County Council. This task is significant. If the City does not meet its 2030 targets (Population, 72,000; Housing, 8,380 new housing units¹; and 9,285 new jobs), then it would require land use amendments that would increase density in existing single family neighborhoods and could change the fundamental structure of commercial and industrial zoning districts.

Topics to Anticipate: Throughout this Update process, many different subjects will emerge, but there are certain key topics. This section of the report lists what

¹ Housing unit count may be incorrect. Amending the number will require action by Pierce County Council.

staff considers as important items, and divides them into major and minor categories. This list may also change as the Update process moves forward.

Major

Begin a Visioning Process for Lakewood - Community visioning is the process of developing consensus about what future the community wants, and then deciding what is necessary to achieve it. A vision statement captures what community members most value about their community, and the shared image of what they want their community to become. It inspires community members to work together to achieve the vision. A thoughtful vision statement is one of the elements needed to form a forward looking strategic framework that gives councils or boards the long-term-comprehensive perspective necessary to make rational and disciplined tactical/incremental decisions on community issues as they arise. Community vision statements are typically crafted through a collaborative process that involves a wide variety of community residents, stakeholders and elected officials².

Maintain Schedule! Staffing is tight; the day-to-day operations of the departments provide little time to devote to the comprehensive plan update. It is easy to miss deadlines if department heads are not vigilant. Nevertheless, failing to do so would risk appeal and jeopardize potential state infrastructure funding sources. Departments must manage their resources and work collaboratively to complete assignments on-time.

Capital Facilities Plan - Excepting for transportation, the current plan is out-of-date. The plan is a significant work item which has not been programmed at this time. This is a subject which requires the attention of senior management.

Revised Shoreline Management Regulations - The Update requires revised shoreline regulations. These were submitted to the Department of Ecology and staff is waiting on comments.

Revised Subdivision Code - Staff has been working on a revised code that is about 30% complete. As part of the Update, staff will introduce new code provisions and introduce cottage style provisions similar to what was adopted for the City of Shoreline.

Transit Oriented Commercial (TOC) - The TOC zone, in part, is located between Pacific Highway SW and I-5, between 108th Street SW and Bridgeport Way SW. At times, it has been difficult to allow for commercial development which meets the criteria of the TOC zone. There has been some discussion about amending the zone, yet, TOC also allows for high density residential development which is needed to meet the City's residential capacity analysis.

Urban Renewal Overlay - The City approved a land use policy to establish an urban renewal area in accordance with state law. This area included the Towne Center,

² MRSC website.

the Bridgeport Way Corridor, the Pacific Highway Corridor, parts of Lakeview, and all of Springbrook. The area chosen was based on the existence of "blight." However, much of the blight has been removed. It would appear reasonable for the City reconsider whether or not the overlay is still necessary.

New Lakewood Towne Center Policies – The Towne Center has been a regular Council topic of late. It can be anticipated that new policies will emerge in consultation with the Towne Center owner, RPAI. The central hurdle remains the underlying real estate restrictions (contracts with the tenants and landlords) that prohibit mixed use development.

Neighborhood Plans – The City has one neighborhood plan in Tillicum that has shown to be rather successful. Neighborhood plans help identify a neighborhood's demographic and cultural influences. It facilitates trusting relationships and can be an effective tool in promoting frequent feedback. Neighborhood plans could also be used as a tool in revitalizing older residential neighborhoods and promoting various housing types in distinct parts of the City. Does the Council wish to entertain neighborhood plans in Lakewood and, if so, where? Neighborhood plans require regular updating. If these plans are desired, then there should be in place a long-term commitment for adequate funding.

Mobile Home Parks – Lakewood has about 1,500 mobile home units. The current policy is to develop strategies to modernize and/or upgrade existing mobile home parks. Some of the parks are located in adjacent to commercial corridors in areas of redevelopment. Several of the parks are in a dilapidated state. City staff regularly receives reports about predatory lending practices in some of the parks. Because of their age, many of the mobile units cannot be relocated. Five parks have closed since Lakewood's incorporation, and one more is in the process of closure.

Updated Transportation Modeling – New traffic modeling will occur once the capacity analysis has been completed.

Minor

Revised Landscape Code – The current code uses a suburban standard for commercial development. The community may want to reevaluate this approach and instead choose a more urban style which uses less space and promotes redevelopment.

Revised Housing Incentives Regulations – These are found in Title 18A (land use and development regulations). The regulations were promulgated as part of a settlement agreement with a housing advocacy group stemming from the adoption of Lakewood's Comprehensive Plan in 2000. They have not worked as designed and review is warranted.

Integration of the Non-Motorized Plan with the Comprehensive Plan – The City Council adopted a resolution approving the Non-Motorized Plan, but the policies

within that document were never brought forward into formal Plan policy. The Update would address this issue.

Integration of the Parks Legacy Plan with the Comprehensive Plan – The City Council has previously adopted the Legacy Plan, so placing the revised goals and policies is relatively straightforward process. However, there is the capital facilities piece which will prove to be more difficult given current funding sources at the state and local levels.

Revised Sewer Policies – The current comprehensive plan provided policy direction for the installation of a main sewer lines into Tillicum and Woodbrook. The main lines have been installed and properties adjacent are now in the process of connecting. The City Council may want to consider additional sewer policies designed to fund and install additional lines into the outlying neighborhoods including properties adjacent to American Lake.

Revisit the Commercial Zoning Districts in Lake City – Some of the non-conforming commercial districts along Washington Boulevard have been more viable than expected and others have not. Council may want to reconsider current land use policy in these areas.

American Lake Seaplane Base - Lakewood maintains an “active airport” on American Lake even though the level of activity is very low. In years past, this has been been a topic with the community development department as there is a concern that the Washington Department of Transportation Division of Aviation may desire to impose additional land use restrictions or require special studies. American Lake Seaplane Base is discussed in PSRC’s Airport Compatible Land Use Plan. This is a subject that staff will monitor throughout the Update process.

Next Steps: City staff needs feedback from the Council on visioning and strategic planning. In the mean time, community development staff will continue to move forward with updating the technical aspects of the Plan concentrating on environmental and community scans. Beginning in late October/November, plan revisions will be submitted to various boards for initial review. Completing the capacity analysis will remain a high priority.