

BY-LAWS
(Updated 4/23/2015)

**LANDMARKS AND HERITAGE ADVISORY BOARD
CITY OF LAKEWOOD, WASHINGTON**

WE, THE MEMBERS OF THE CITY OF LAKEWOOD LANDMARKS AND HERITAGE ADVISORY BOARD, STATE OF WASHINGTON, do hereby adopt and declare the following By-Laws:

Section I: Powers and Duties

The powers and duties of the Lakewood Landmarks and Heritage Advisory Board are to implement the specific provisions and intent of Lakewood Municipal Code Chapter 2.48 (Ordinance No. 251 and 578), "Protection and Preservation of Landmarks". These include, but are not limited to designation of properties to the Lakewood Landmarks Register, promotion of incentives for ownership and utilization of landmark properties, and assist public and private agencies and owners in the preservation and interpretation of Lakewood's heritage.

Section II: Mission

The mission of the City of Lakewood's Landmarks and Heritage Advisory Board is to preserve, protect and promote the unique heritage and historic resources of the City of Lakewood.

Section III: Membership

The membership, terms, and qualifications of Advisory Board members shall be as specifically provided in Lakewood Municipal Code Chapter 2.48.030.

- A. The Board is composed of no more than nine (9) members, three of which shall be professionals who have experience in the identification, evaluation and protection of historic resources. Board members should have experience in the fields of history, architecture, architectural history, historic preservation, planning, cultural anthropology, archaeology, cultural geography, landscape architecture, American studies, or law. Members may also have demonstrated or widely recognized expertise in the history of Lakewood.
- B. The Lakewood mayor shall appoint board members, with appointment subject to confirmation by the city council.

- C. Terms of members shall be for three years. Each member shall serve until his or her successor is duly appointed and confirmed. Any member may be reappointed regardless of the number of terms previously served.

Section IV: Chair, Vice Chair and Committees

As provided in Lakewood Municipal Code Chapter 2.48.030, Section D, the Chair shall be a member of the Advisory Board elected by his/her fellow Board Members. A Vice Chair shall be elected in the same manner by his /her fellow Board Members. The Chair and Vice Chair shall both be so elected on an annual basis. Either officer may be removed at any time by a majority vote of the Board. The Vice Chair will serve in place of the Chair in case of his/her absence and will have the same powers and duties while so serving in that capacity. (Or “shall perform such additional duties as may be delegated to him/her by the Chair”.) In the absence of the Chair and Vice Chair, the Board Members present shall elect a Board Member to act as Chair Pro Tem.

Consistent with Lakewood Municipal Code Chapter 2.48.030, the Chair:

- A. Shall preside over all meetings of the Board, and retain the full right to vote in all board deliberations.
- B. Decides all points of order and procedural matters subject to the rules and By-Laws.
- C. May appoint such ad hoc committees as may be established by the Board per Section F to conduct research and report on specific matters of interest to the Board.
- D. May appoint, subject to the confirmation by a majority of the Board, such standing committees as may be established by the Board to perform its functions in accordance with the purpose of protection and preservation of landmarks as found in the Lakewood Municipal Code section 2.48.010.
- E. May from time to time appoint members of the Board as Board representatives on joint committees made up of representatives of other public and private organizations. Should the member so appointed be authorized to make commitments on behalf of the Board, such appointment and the extent of such authority shall be subject to confirmation by a majority of the Board.

Section V: Conduct of Business

- A. Official meetings of the Advisory Board shall be held in the Lakewood City Hall unless otherwise determined by the Board, subject to public meeting and noticing requirements. Frequency of meetings, determination of a quorum, and voting procedures shall be as determined by the Board. The Board shall meet at least once each quarter. All meetings shall be open to the public. For purposes of transaction of board business, a

majority of the members, but no less than three (3) members shall constitute a quorum. A majority of that quorum is required for official action of the board. No official business may be conducted in the absence of a quorum, however, the Board Members present may establish the time and place for an adjourned meeting. Meetings without a quorum will be adjourned to the earliest possible date.

B. Absence of Members

1. Any Board Member with three consecutive unexcused absences shall be considered to have resigned from the Board. An unexcused absence is defined as a failure by the Member to notify the Chair or City staff of the anticipated absence prior to the meeting, except in the case of a bona fide emergency. In the case of an ongoing, extended absence, whether or not excused, replacement of the Member will be recommended.
2. The temporary vacancy of any professional Board Members, as defined by Certified Local Government requirements, shall not invalidate any Board action unless such action is related to meeting CLG responsibilities as cited in the Certification Agreement between the City and the State Historic Preservation Officer.

C. A Board Member shall not vote on any application or determination unless he/she has been in attendance at previous deliberations on the subject or that Member has obtained the approval of the Chair that the Member has become sufficiently familiar with the subject and the minutes of any meetings at which the subject was discussed.

D. Following nomination and designation hearings, before a vote is taken on designation, the Chair shall ascertain if all members present are informed on the matter of the vote. The Chair shall also ask if any member has a conflict of interest in the question. The Board will decide if such conflict is valid, and if such is affirmed by vote of the Board, the member with the conflict shall abstain from the main vote.

E. No standing or ad hoc committee shall have the authority to commit the Board to the endorsement of any plan or program or any course of action without approval of a majority of the board at an official meeting of the Board unless the Board specifically delegates such authority.

F. Board Acts Collectively – The Advisory Board acts as a body. Therefore no individual Board Member has authority to act in his/her individual capacity for and on behalf of the Board, unless, from time to time, the Board delegates specific authority to do so. Board Members should also refrain from discussing or expressing opinions on matters on the Board's

agenda outside of Board meetings. The Chair is the official spokesperson for the Board, except to the extent he/she may delegate specific matters to other Board Members.

- G. Training Sessions – At such times that the board convenes for training sessions or educational workshops, such meetings are open to the public but no prior notice is required, and no minutes need be kept or electronic recordings made.
- H. At the request of any Board Member or the Historic Preservation Officer, the Board may go into executive session to discuss personnel matters or potential or actual litigation.
- I. Correspondence – Under the direction of the Board, the Historic Preservation Officer or his/her designee shall conduct all official correspondence. Correspondence to elected officials, or to the Chair's counterparts in other jurisdictions, will generally be signed by the Chair or his/her designee.
- J. Pre-Meeting Procedures
 1. If there are agenda items, regular meetings will be held on at least a quarterly basis at 6:00 p.m. on the fourth Thursday of the month at Lakewood City Hall.
 2. If there are no agenda items, but the board has planning or other business to conduct, it shall convene as provided in Lakewood Municipal Code Chapter 2.48.
 3. Special meetings may be called by the Chair or a majority of Board Members subject to a minimum of 24 hours advance notice of the time and place of such meetings and the business to be transacted, except in the event of a bona fide emergency.
 4. Public notice of all hearings shall be published no more than 20 days nor less than 10 days prior to such hearing and shall state the purpose of the hearing.
 5. The agenda for regular meetings shall be posted and submitted for newspaper publication at least three days in advance of that meeting.
 6. Consistent with Lakewood Municipal Code Chapter 2.48, the Historic Preservation Officer shall cause notice of any meeting or hearing or of the cancellation, rescheduling or adjournment of any meeting or hearing to be mailed to any persons or organizations

who have requested in writing that they be notified. Such request may be for all meetings of the Board or for only those meetings with certain subjects on the agenda. Notice shall be given as provided above.

7. The order of agenda items, including application for designation review, National Register review, special valuation review and certificates of appropriateness will be determined by their order of receipt, subject to the review and referral periods provided for in Lakewood Municipal Code Chapter 2.48.050, 2.48.060, 2.48.070, and 2.48.080.
- K. Meetings will be conducted in accordance with the Procedures of Small Boards in Roberts Rules of Order, Newly Revised, except to the extent they may be in conflict with Lakewood Municipal Code Chapter 2.48 or these By-Laws. The Historic Preservation Officer or his/her designee shall keep minutes of all Board meetings, and electronically record oral proceedings of all public hearings as provided in Lakewood Municipal Code Chapter 2.48.030, Section G, which shall be filed with the minutes of the meeting.
- L. Regular Order of Business for Meetings
1. Public participation. Members of the public may speak to matters on the agenda at the invitation of or the approval of the Chair.
 2. The regular order of business shall be as follows:
 - a. Roll Call
 - b. Approval of Agenda
 - c. Reading and Adoption of Minutes
 - d. Public Comments
 - e. Public Hearings (if any)
 - f. Reports of Committees
 - g. Reports by Historic Preservation Officer
 - h. Unfinished Business
 - i. New Business
 - j. Next Meeting
 - k. Adjournment
 3. Public Hearings. A public hearing is a meeting or part of a meeting of the Commission held for receiving information from the public on a matter that may affect the public interest, which is on the Commission agenda.
 - a. Public hearings shall be held prior to a decision of the Board

(i) on the designation of a landmark, including, but not limited to, amendments and terminations of designation; (ii) on a request for a Certificate of Appropriateness, except requests for a Type I Certificate, unless referred to the Commission by the Historic Preservation Officer or on an appeal by the applicant from an adverse decision of the Historic Preservation Officer and; (iii) when sitting as a Local Review Board for purposes related to Chapter 221, 1986 Laws of Washington (Special Valuation for Historic Properties). The Commission, at its discretion, may hold public hearings on other matters on which it desires general public input.

- b. The Applicant for a landmark designation, amendment or termination, or for Certificate of Appropriateness, and the owner, if not the applicant, will be allotted reasonable time to present their case. Applicants or owners may use a personal representative for the hearing.
- c. The order of speaking at a public hearing shall be:
 - 1) Staff and Board's experts
 - 2) The Applicant and Applicant's experts
 - 3) The Owner and Owner's experts
 - 4) Members of the public (with those who have signed in on a list provided by Board staff to speak going first)
 - 5) The Applicant and the Owner will have five minutes at the end of the hearing to summarize and close, or at the discretion of the Chair, somewhat longer based on the number and complexity of the issues.
- d. The Chair may limit the time for public comment (e.g. three minutes per speaker) but may not prevent relevant public comment by any person making a timely request to speak unless such person is disorderly or attempts to disrupt the meeting.
- e. The Chair shall maintain order at all public hearings. The Chair may request any persons who are disorderly or attempt to disrupt the meeting to leave the meeting and may, if necessary, adjourn the meeting until order can be restored.

M. In accordance with Lakewood Municipal Code Chapter 2.48.060, the Board shall hold public hearings on the approval of designations and may hold public hearings prior to making recommendations on controls and incentives. At a public hearing on approval of designation, Board action

will be based on the record made at such hearing and no further right to present evidence on the issue of designation will be afforded.

- N. Procedures Governing Consent Proceedings: The Board shall review and take action on approval of designation and on controls and incentives for the nominated landmark or landmark site by way of separate motions for each action. The owner may, however, brief the Board on the progress of controls and incentives after the Board has voted on designation under a separate agenda item.
- O. Nomination and Designation of Landmarks. The procedures for nomination and designation of landmarks shall be as provided in Lakewood Municipal Code Chapter 2.48.050 and 2.48.060.

1. NOMINATION PROCEDURE

- a. Anyone may nominate an historic resource for designation as landmark or community landmark.
 - i. Use official nomination forms
 - ii. File with historic preservation officer
- b. The preservation officer determines if the application is complete, and adds information if needed. The HPO can reject the nomination if inadequate information is provided.
- c. The HPO provides written notice, via certified mail/return receipt requested, to the property owner, to the person submitting the nomination and to interested persons of record that a preliminary or designation determination on the nomination will be made by the agency. Notice must contain information listed in section 2.48.050.C. of the Lakewood Code, including the date time and place of the hearing, the address and description of the resource, and advice of the applicability of the certificate of appropriateness procedure to designated properties.
- d. Before the historic preservation officer shall refer the nomination to the Board, the historic preservation officer shall obtain confirmation from the owner of a parcel of private property that the owner is in agreement with the nomination. If such owner is not in agreement with the nomination, the nomination shall not be forwarded to the Board for consideration. (LMC 02.48.050.E)

- e. The public hearing date must be not sooner than 30 nor later than 45 days after the date of mailing of the notice required in subsection C above, unless immediate action is necessary to prevent destruction, demolition or defacing of the historic resource, in which case the notice for the hearing shall state such reason for the shorter notice period.
- f. Notice of hearings must be published in a local paper at least 10 days in advance of that hearing.

2. DESIGNATION PROCEDURE

- a. Public hearing. The Board can only make a designation, approval, amendment, denial or termination after a duly-noticed public hearing.
- b. Evidence and argument at the hearing are limited to whether the historic resource meets the criteria for designation and identification of significant features of the landmark.
- c. Preliminary determination
- d. If the hearing is continued, the Board may make a preliminary determination of significance based on the record.
- e. A preliminary determination is effective the date of the public hearing, and must specify the boundaries, the significant features and description of the resource.
- f. Within five working days of a preliminary determination, the HPO shall file a written notice of the action with the City Manager and mail copies to the owner, the person submitting the nomination and interested persons of record, by certified mail/return receipt. The notice shall include a copy of the preliminary determination and advice that the certificate of appropriateness procedures apply.
- g. While the proceedings are pending or six months from the date of the notice, the certificate of appropriateness procedures shall apply to the property.
- h. Designation - Within fourteen calendar days of the public hearing, the board must issue a written designation report, which includes:
 - i. Boundaries and description of the nominated resource sufficient to identify its ownership and location.
 - ii. Significant features and other appropriate information concerning the historic resource.
 - iii. Findings of fact and reasons supporting the designation with specific reference to the criteria for designation found in chapter 2.48.040 of the Lakewood Municipal Code.
 - iv. 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 board. This is not included if the historic resource is designated as a community landmark.

P. Landmark Districts

1. A landmark district may be designated if as an entire area, it meets the criteria for designation provided in Lakewood Municipal Code Chapter 2.48.040.
2. Landmark districts shall be subject to the procedures for nomination and designation, Certificates of Appropriateness, and design guidelines provided in Lakewood Municipal Code Chapter 2.48.
3. All contributing buildings, structures or properties in a designated landmark district shall be considered potentially eligible for incentives, including, but not limited to the special valuation tax program.

Q. Certificate of Appropriateness Review

1. The Landmarks Preservation Board hereby adopts the “Secretary of the Interior’s Standards for Treatment of Historic Properties” for its use in reviewing and making decisions on Certificates of Appropriateness applications.
2. The Landmarks Preservation Board, in consultation with the City of Lakewood Community Development Director, may adopt design guidelines to be used in determination of appropriate treatments for historic properties.
3. Ordinary repairs and maintenance that do not alter the appearance of a significant feature and do not utilize substitute materials do not require a certificate of appropriateness.
4. There are three types of certificates of appropriateness.

- a. Type I for restorations and major repairs which utilize in-kind materials. The HPO may approve Type I certificates administratively or refer them to the board.
 - b. Type II for alterations in appearance, replacement of historic materials and new construction.
 - c. Type II for demolitions, moving of buildings or structures and excavation of archaeological sites.
5. The procedures for Certificates of Appropriateness, for both designated properties and those subject to a preliminary determination of significance, shall be as provided in Lakewood Municipal Code Chapter 2.48.070
- R. The following procedure shall apply to Board deliberations on controls and incentives:
- 1. Following Board approval of nomination, the owner may file written notice with Board staff indicating a desire to confer and consult with staff, with a view toward reaching agreement on specific features and characteristics of the site, improvement, or object to be preserved, and methods of achieving such preservation, including controls and incentives.
 - 2. Staff may ask members of the Board for their comments on controls negotiations prior to designation.

A Hearing on controls and incentives will take place only after the City Historic Preservation Officer and the owner have signed the Controls and Incentives Agreement. If agreed to by the Board, the Agreement will be forwarded to the City Attorney for the preparation of the ordinance and on to the City Council.

If Board staff and the owner fail to reach an agreement on controls and incentives, staff will inform the owner and the Board that an impasse has been reached. In the event that the Agreement reached by Board staff and the owner is disapproved by the Board, the Board shall file its objections with the owner.

- S. Evaluation of Economic Impact
1. The procedures for evaluation of economic impact associated with applications for Certificates of Appropriateness shall be as provided in Lakewood Municipal Code Chapter 2.48.080.
- T. Appeal Procedure
1. Appeals of any decisions of the Board shall follow the procedures provided in Lakewood Municipal Code Chapter 2.48.090.
- U. Post Meeting
1. The Historic Preservation Officer will be responsible for notifying, and forwarding materials to, applicants and participants as provided in Lakewood Municipal Code Chapter 2.48.050, 2.48.060, and 2.48.070.
- V. Review of Nominations for National Register of Historic Places per the State of Washington Program Requirements and Procedures for Certified Local Governments. Upon notice from the State Historic Preservation Officer the Board shall consider the eligibility of the subject property at a public meeting and provide a reasonable opportunity for public comment. The Board shall prepare a report as to whether or not the property, in its opinion, meets the criteria of the National Register and transmit that report to the mayor. Within sixty days of receiving the notice from the State Historic Preservation Officer, the mayor shall transmit the report of the Board and her/his recommendation to the State Historic Preservation Officer. Participation of the City of Lakewood shall be in accord with section 101 of the National Historic Preservation Act of 1966 as amended.
- W. Special Valuation for Historic Properties
1. Special valuation for historic properties shall be undertaken as provided in Lakewood Municipal Code Chapter 2.48.120, and in accordance with Chapter 84.26 RCW and Chapter 254.20 WAC.
 2. For purposes of special valuation, the Lakewood Landmarks and Heritage Advisory Board is the local review board that holds the authority for determining compliance with the Washington State Advisory Council's Standards for Rehabilitation.

3. Any building individually listed in the National Register of Historic Places, certified as contributing to the significance of a National Register Historic District, individually listed on the Lakewood Register of Historic Places, or determined to be contributing to the significance of a Lakewood Historic District is eligible to apply for special valuation, subject to the requirements of that program.

X. Design Guidelines

1. Design guidelines shall be consistent with the “Secretary of the Interior’s Standards for Rehabilitation and Illustrated Guidelines for Rehabilitating Historic Buildings,” as adopted by the Board.
2. The development of design guidelines shall be conducted in consultation with the City of Lakewood Community Development Director.
3. Design guideline booklets and leaflets may be adopted as policy by the Lakewood Landmarks and Heritage Advisory Board and used as criteria, along with the Secretary of the Interior’s Standards for Treatment of Historic Properties, in issuing certificates of appropriateness. Such design guidelines may be published and circulated to inform owners of historic properties, applicants and interested parties.

Y. Funding Grants, and the Development and Conduct of Programs

1. These shall be administered as provided in Lakewood Municipal Code Section 2.48.035.
2. The Board may provide grants for purposes of maintaining, purchasing or restoring historic resources located within the City of Lakewood that are listed on a national, state or the city’s register of historic places.
3. The Board may also fund programs related to archaeology, cultural heritage and technical assistance to heritage museums, heritage organizations and public agencies.
4. Procedures for application to the Board for funding
5. Criteria for award
6. The board may apply for grants from applicable local, state, federal and private foundations.

7. The board shall advise the city on administration or fulfillment of any grants, which conduct, affects historic properties within the City of Lakewood.
- Z. The Board may, at a regular meeting and at its pleasure, add to, subtract from, or amend these Rules and Regulations as adopted.