



TOWN OF BEAUX ARTS VILLAGE

PLANNING COMMISSION

MINUTES

November 17, 2016

Dix

Present: Commissioners Paula Dix, Jan Johnston and Jeff Kendall

Excused: Chairperson Bennet Yen, Commissioner Hans Juhle

Staff: Planner Mona Green, Deputy Clerk Angela Kulp

Guests: Resident Julia Morse

Commissioner Dix called the meeting to order at 7:10pm.

MINUTES: Commissioner Johnston moved to approve the October 20, 2016 minutes as amended. Commissioner Kendall seconded. Vote: 3 For, 0 Against. Motion carried.

OLD BUSINESS: Historic Preservation-Certified Local Governments (CLG's), and Private Covenants

Commissioner Dix explained the CLG concept. Planner Green introduced the final draft of the CLG ordinance.

The Public Hearing opened at 7:23pm. Resident Julia Morse expressed lending support for the first step of creating a Certified Local Government. As a WABA History Committee Representative, Ms. Morse shared her experiences of identifying village homes for public plaques honoring their Centennial designation as a source of pride throughout the community. She noted the balance of property preservation as a testament to those properties that have lasted this long so far. She inquired if the CLG provision would run with the land, and expressed that increased public awareness would be good to have in place before any other historical homes are lost. Ms. Morse thanked the commissioners for their work on this effort. The Public Hearing closed at 7:26pm.

Commissioner Dix answered that once an owner has voluntarily listed the home on the historic register, the designation runs with the property. An owner can remove their home from the program, but there are stiff penalties if qualified modifications have been made to the home and the owner has received the benefit of the tax incentive.

Discussion continued with the commissioners, who noted a home would most likely be removed from the CLG program at the time of ownership change. Therefore, the designation of historic home may slow down the removal of old homes, but may not prevent it. Discussion enforced the understanding that the CLG program focuses on raising awareness. It gives a voluntary process for homeowners wishing to

preserve/restore their old home and the State offers motivation through their 10-year tax exemption on qualifying improvements.

Commissioner Dix reported she contacted the towns of Newcastle, Millwood and Cheney for their CLG participation feedback. She communicated their responses as follows, which will also be shared with the Council per their request.

Newcastle: Contact Jennifer Misener. Commissioner Dix reported Ms. Misener is the King County coordinator, and Newcastle's CLG program is fee-based through an interlocal agreement with King County. A fee-based program would not work for the Town of Beaux Arts, as our Town is trying to avoid costs to the Town and homeowner wherever possible.

Millwood: Contact Tom Richardson. Commissioner Dix reported that Mr. Richardson also worked with Cheney's program. Millwood has 700 homes that meet CLG qualification requirements and so far two homeowners have been interested over the last 10 years. She also reported learning of other ways to train others, and the challenge to review proposed plans for either present homes or remodels.

Cheney: Contact Susan Beaman. Commissioner Dix reported that this town has 11K residents and this contact has experienced the process. Ms. Beaman shared with Ms. Dix examples, steps to take, and suggestions on how to manage the CLG process which Commissioner Dix found very encouraging. She learned that those that pursue the CLG process are two types of homeowners:

- 1) Those that just love their home and simply want it recorded as historic with the hope towards preservation.
- 2) Those who wish to take advantage of the tax incentive and might otherwise tear down rather than preserve the home.

Of the seven volunteer panelists for the Cheney CLG program, Commissioner Dix noted four are experts and can be drawn from outside the local area, and three are locals. She also shared that while the Town must comply with the Department of the Interior and the State's standards, there can be local discretion and the Village could focus more on a home's exterior. Commissioner Kendall inquired about who would review a CLG applicant for compliance. Commissioner Dix replied the State's auditor reviews for qualification for the tax incentive, but otherwise the local CLG Commission reviews proposed changes for compliance. Planner Green interjected the State DAHP would also have to approve the Town's CLG proposal prior to adoption. Commissioner Johnston added the CLG process gives homeowners room to manage all that needs to be done to a home and there is no downside. Commissioner Johnston moved to recommend the CLG program to the Council for review. Commissioner Kendall seconded. Vote: 3 For, 0 Against. Motion carried.

Commissioner Johnston reported current residential private covenant templates and procedures or voluntary deeds are much more complicated than she previously realized. She shared learning this is not a land use issue but real estate law where a private covenant must run with the property and if ignored, one party must be able to show injury. Discussion ensued over the difficulty of proving injury and how that would be defined. Commissioner Dix noted the only purpose in having this type of voluntary

document available is to show a property as unique through a future owner's title search and noted she would talk further with Tom Stowe, resident appraiser and Councilmember about understanding this process. Planner Green noted the Town doesn't enforce deeds. Commissioner Johnston summarized this private covenant as an excellent idea, but needing more work to understand. The Commissioners agreed to table this idea until they were finished with the Zoning Code amendments. In the meantime, inquiry was made about the Mission Statement the Planning Commission had created. Since the Council already heard and approved this Mission Statement, the commissioners asked Deputy Clerk Kulp to check the status of adding the Mission Statement to the Town's website. Deputy Clerk Kulp agreed to check with Clerk Treasurer Sue Ann Spens who manages the website.

OLD BUSINESS: Zoning Code

- **Ceiling Height:** Commissioner Johnston led this discussion, about revisiting the wording on the Zoning Code's Gross Floor Area section. The wording on section 6 was amended again for measurement of mass as continued from the last meeting.
- **Construction time frames and limits:** Commissioner Johnston shared her concern over disruption to the neighborhood with continual ongoing construction on some streets. As a relief to surrounding neighbors, she suggested the 3 year period that was assumed to commence from date of permit issuance instead be stated to measure from date of final inspection, forcing a further time delay between permits. Discussion ensued over conforming and non-conforming structures but they agreed the conformance doesn't matter as it still counts as disruption to the neighborhood. Deputy Clerk Kulp tried to show the homeowner doing their own work should not be penalized with further time constraints, while Planner Green noted the variance criteria that may come into play was structured in such a way to keep homeowners from continually remodeling when perhaps a variance would be warranted for a reconstruction. After further discussion, the commissioners agreed to leave this issue alone and let it stand as-is.

Commissioner Kendall's schedule prevented a quorum from continuing this discussion, which will continue in December's meeting.

NEW BUSINESS: There was (no) new business.

Adjourn: Commissioner Kendall moved to adjourn the meeting upon his departure. Commissioner Johnston seconded. Meeting adjourned at 8:50pm. Vote: 3 For, 0 Against. Motion carried.

Next Meeting: The next meeting will be at Commissioner Kendall's home on Thursday, December 15, 2016, at 7:00pm.

Respectfully submitted,
Angela Kulp, Deputy Town Clerk