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SNOHOMISH COUNTY COUNCIL  
SNOHOMISH COUNTY, WASHINGTON

**AMENDED ORDINANCE No. 02-007  
ADOPTING A NEW SNOHOMISH COUNTY CODE TITLE 33,  
RELATING TO THE PROTECTION AND PRESERVATION OF  
SNOHOMISH COUNTY ARCHAEOLOGICAL AND HISTORIC  
RESOURCES, SITES, AND DISTRICTS**

BE IT ORDAINED:

**Section 1. Title**

A new Title, Title 33, "Protection and Preservation of Snohomish County Archaeological and Historic Resources, Sites, and Districts," is added to the Snohomish County Code as follows:

Title 33

PROTECTION AND PRESERVATION OF SNOHOMISH COUNTY  
ARCHAEOLOGICAL AND HISTORIC RESOURCES, SITES, AND DISTRICTS

CHAPTERS

- 33.01 General Provisions
- 33.03 Definitions
- 33.05 Snohomish County Historic Preservation Commission
- 33.07 Snohomish County Register of Historic Places
- 33.09 Modifications to Properties Listed on the Local Register
- 33.11 Special Valuation for Historic Properties
- 33.13 Class of Historic Property Eligible for Special Valuation
- 33.15 Zoning Requirements
- 33.17 Protection of Archaeological Resources

Chapter 33.01  
GENERAL PROVISIONS

Sections:

- 33.01.010 Purpose
- 33.01.020 Short title

**33.01.010 Purpose.**

The purpose of this Title is to identify, evaluate, and protect archaeological and historic resources within Snohomish county and to preserve and rehabilitate eligible historic properties within Snohomish county for future generations through special valuation, a property tax incentive, as provided in chapter 84.26 RCW, in order to

- (1) Safeguard the heritage of Snohomish county as represented by those buildings, sites, structures, objects and districts which reflect significant elements of Snohomish county history;
- (2) Foster civic pride in the beauty and accomplishments of the past, and a sense of identity with Snohomish county history;
- (3) Stabilize and improve the aesthetic and economic vitality and values of such sites, improvements and objects;
- (4) Assist, encourage and provide incentives to private owners for preservation, restoration, rehabilitation and use of outstanding historic buildings, sites, structures, objects, and districts; and
- (5) Promote and facilitate the early identification and resolution of conflicts between preservation of archaeological and historic resources and land uses.

**33.01.020 Short title.**

The following chapters shall be known and may be cited as the "Snohomish county historic preservation ordinance."

Chapter 33.03  
DEFINITIONS

**33.03 Definitions.**

The following definitions apply throughout this Title, unless a different meaning is clearly intended.

- 33.03.010 Actual cost of rehabilitation
- 33.03.020 Archaeological resources
- 33.03.030 Certificate of appropriateness
- 33.03.040 Certification of historic structure
- 33.03.050 Commission
- 33.03.060 Emergency repair
- 33.03.070 Historic district
- 33.03.080 Historic property
- 33.03.090 Local register
- 33.03.100 Local review board
- 33.03.105 Monitor

- 33.03.110 National register of historic places
- 33.03.120 Ordinary repair and maintenance
- 33.03.130 Rehabilitation
- 33.03.140 Snohomish county historic resources inventory
- 33.03.150 Special valuation
- 33.03.160 Waiver of a certificate of appropriateness
- 33.03.170 Washington state advisory council standards for the rehabilitation and maintenance of historic properties

33.03.010 Actual cost of rehabilitation. "Actual cost of rehabilitation" means costs incurred within twenty-four months prior to the date of application for special valuation and directly resulting from one or more of the following:

- a) improvements to an existing building located on or within the perimeters of the original structure; or
- b) improvements outside of, but directly attached to, the original structure which are necessary to make the building fully useable, but shall not include rentable/habitable floor space attributable to new construction; or
- c) architectural and engineering services attributable to the design of the improvements; or
- d) all costs defined as "qualified rehabilitation expenditures" for purposes of the federal historic preservation investment tax credit.

33.03.020 Archaeological resources. "Archaeological resources" means all sites, objects, structures, artifacts, implements, and locations of prehistoric or archaeological interest, whether previously recorded or still unrecognized, including, but not limited to, those pertaining to prehistoric and historic American Indian or aboriginal burials, campsites, dwellings, and habitation sites, including rock shelters and caves, artifacts and implements of culture such as projectile points, arrowheads, skeletal remains, grave goods, basketry, pestles, mauls and grinding stones, knives, scrapers, rock carvings and paintings, and other implements and artifacts of any material connected with history.

33.03.030 Certificate of appropriateness. "Certificate of appropriateness" means that certificate issued by the commission after review of the proposed changes to a local register property or to a property certified as contributing to a Snohomish county historic district.

33.03.040 Certification of historic structure. "Certification of historic structure" is the process by which a determination is made that a structure within an historic district contributes to the significance of the historic district.

33.03.050 Commission. "Commission" means the Snohomish county historic preservation commission created by chapter 33.05 SCC.

33.03.060 Emergency repair. "Emergency repair" means work necessary to prevent destruction or disrepair to real property immediately threatened or damaged by fire, flood, earthquake, vandalism or other disaster.

33.03.070 Historic district. "Historic district" means historic property consisting of multiple buildings, structures, sites or objects located in proximity to one another and related in historic period or theme.

33.03.080 Historic property. "Historic property" means real property together with improvements thereon, except property listed in a register primarily for objects buried below ground, which is listed in the local register, certified by the secretary of the interior as provided in 16 U.S.C. 470, or listed in the national register of historic places.

33.03.090 Local register. "Local register" means the Snohomish county register of historic places created by chapter 33.07 SCC.

33.03.100 Local review board. "Local review board" as referenced in chapter 84.26 RCW and chapter 254-20 WAC for the special valuation of historic properties refers to the Snohomish county historic preservation commission created in chapter 33.05 SCC.

33.03.110 Monitor. "Monitor" means to have the commission review proposed modification to properties listed on the local register in accordance with SCC 33.09.030.

33.03.110 National register of historic places. "National register of historic places" means the register maintained by the secretary of the interior composed of districts, sites, buildings, structures and objects significant in American history, architectural history, archaeology, engineering, and culture.

33.03.120 Ordinary repair and maintenance. "Ordinary repair and maintenance" means work for which a permit issued by Snohomish county is not required by law, and where the purpose and effect of such work is to correct any deterioration or decay of, or damage to, the real property or structure appurtenances thereto and to restore the same, as nearly as may be practicable, to the condition prior to the occurrence of such deterioration, decay, or damage.

33.03.130 Rehabilitation. "Rehabilitation" is the process of returning a property to a state of utility through repair or alteration, which makes possible an efficient contemporary use while preserving those portions and features of the property which are significant to its architectural and cultural values.

33.03.140 Snohomish county historic resources inventory. "Snohomish county historic resources inventory" means the comprehensive inventory of historic resources within the boundaries of Snohomish county, including properties listed on the state and national registers of historic places and also those not yet listed but worthy of evaluation by the commission for future listing on the local, state or national registers.

33.03.150 Special valuation. "Special valuation" means the determination of the assessed value of the historic property subtracting, for up to ten years, such cost as is approved by the commission.

33.03.160 Waiver of a certificate of appropriateness. "Waiver of a certificate of appropriateness" or "waiver" means that document which states that the commission has reviewed the proposed whole or partial demolition of a local register property or property in a local register historic district and, failing to find alternatives to demolition, has issued a waiver of a certificate of appropriateness which allows the building or zoning official to issue a permit for demolition.

33.03.170 Washington state advisory council standards for the rehabilitation and maintenance of historic properties. "Washington state advisory council standards for the rehabilitation and maintenance of historic properties" means the rehabilitation and maintenance standards used by the Snohomish county historic preservation commission as set forth in WAC 254-20-100 as presently enacted or hereinafter amended as minimum requirements for determining whether or not an historic property is eligible for special valuation and whether or not the property continues to be eligible for special valuation once it has been so classified.

Chapter 33.05  
SNOHOMISH COUNTY HISTORIC PRESERVATION COMMISSION

Sections:

- 33.05.010 Creation and purpose
- 33.05.020 Membership
- 33.05.030 Powers and duties
- 33.05.040 Notice of commission meeting
- 33.05.050 Compensation
- 33.05.060 Rules
- 33.05.070 Officers
- 33.05.080 Staff

### **33.05.010 Creation and purpose.**

There is hereby established a Snohomish county historic preservation commission to

- (1) identify, evaluate, and designate historic resources;
- (2) protect archaeological and historic resources;
- (3) provide historic preservation information services; and
- (4) establish one or more classes of historic property eligible for special valuation pursuant to chapter 84.26 RCW.

### **33.05.020 Membership.**

- (1) The commission shall consist of nine members, at least one from each council district, recommended by the county executive and appointed by the county council pursuant to chapter 2.03 SCC.
- (2) Names may be submitted to the county executive from any source. The county executive shall notify Snohomish county heritage and development-related organizations of vacancies so that names of interested and qualified individuals may be submitted by such organizations for consideration.
- (3) Where possible at least two members shall have professional experience in identifying, evaluating, and protecting historic resources and be selected from among the disciplines of history, architecture, architectural history, historic preservation, planning, cultural anthropology, archaeology, cultural geography, American studies, law or real estate.
- (4) Members shall be residents of Snohomish county except as approved by the county executive and Snohomish county council, PROVIDED that exception to the residency requirement for commission members may be granted in order to obtain representatives from the disciplines of history, architecture, architectural history, historic preservation, planning, cultural anthropology, archaeology, cultural geography, American studies, law or real estate.
- (5) Members of the commission shall have a demonstrated interest and competence in historic preservation and heritage issues and possess qualities of impartiality and broad judgment.
- (6) Members shall be selected without respect to political affiliations.
- (7) The original appointment of members to the commission shall be as follows: three for two years, three for three years, and three for four years. Thereafter, appointments shall be made for a three year term.
- (8) Vacancies for any unexpired term shall be filled for the remainder of the unexpired term.
- (9) Commission action that would otherwise be valid shall not be rendered invalid by the temporary vacancy of one or more positions as long as a quorum of five members is present.

**33.05.030 Powers and duties.**

The commission shall have the following powers and duties:

- (1) Survey historic resources and maintain a comprehensive inventory of those resources within the boundaries of Snohomish county to be known as the Snohomish county historic resource inventory; publicize and periodically update the inventory.
- (2) Solicit, review, and evaluate nominations to the local register and National Register as provided in chapter 33.07 SCC and in the National Historic Preservation Act, 16 U.S.C. 470. Designate to the local register, with owner consent, such buildings, sites, structures, objects, and districts identified by the commission as having historic significance worthy of recognition by Snohomish county according to the criteria listed in SCC 33.07.030.
- (3) Review proposals to modify, remodel, move, demolish, or significantly affect properties or districts on the register as provided in chapter 33.09 SCC, and issue certificates of appropriateness or waivers of certificates of appropriateness.
- (4) Review and make recommendations to staff and/or county council regarding applications for approvals, permits, environmental assessments or impact statements and other similar documents pertaining to identified state-registered archaeological sites or properties listed on the local register.
- (5) Conduct and participate in public information, educational, interpretive, and recognition-of-excellence programs pertaining to archaeological sites and historic properties.
- (6) Exercise the powers and duties contained in SCC 33.05.030(1)-(5) for incorporated cities which have executed interlocal agreements with Snohomish county for historic preservation services.
- (7) Serve as the local review board for special valuation pursuant to chapter 84.26 RCW, WAC 254-20-060, and WAC 254-20-070 as presently enacted or hereinafter amended as follows:
  - (a) Make determinations concerning the eligibility of individual properties for special valuation.
  - (b) Verify that improvements are consistent with the commission's standards for rehabilitation and maintenance as set forth in WAC 254-20-100 as presently enacted or hereinafter amended.
  - (c) Enter into agreements pursuant to WAC 254-20-070(2).
  - (d) Approve or deny applications for special valuation.
  - (e) Monitor property for continued compliance with the agreement and statutory eligibility requirements.
  - (f) Following receipt of an application for special valuation from the county assessor, the commission shall, consistent with

its adopted administrative rules, determine if the property meets the criteria for special valuation as set forth in SCC 33.11.020 as presently enacted or hereinafter amended, and has not been altered in any way that adversely affects those elements which qualify it as historically significant.

- (g) If the commission finds that the property satisfies the criteria set forth in SCC 33.05.030(7)(f) as presently enacted or hereinafter amended, it shall, on behalf of Snohomish county, enter into an agreement with the owner which, at a minimum, includes the provisions set forth in WAC 254-20-120 as presently enacted or hereinafter amended. Upon execution of said agreement between the owner and the commission, the commission shall approve the application.
- (h) If the commission determines that the property does not meet all of the requirements for special valuation, then it shall deny the application.
- (i) An application for special valuation meeting the criteria set forth in SCC 33.11.040 shall be approved or denied by the commission before December 31 of the calendar year in which the application is made. The commission shall certify its decision in writing and state the facts upon which the approval or denial is based. The commission shall file a copy of the certification with the county assessor within ten days of issuing a decision.
- (j) If the application is approved, the commission shall forward a copy of the agreement, the application, and supporting documentation as required by WAC 254-20-090(4) to the county assessor for recording and shall notify the state review board that the property has been approved for special valuation.
- (k) Once an application for special valuation has been approved, the commission shall determine, according to its bylaws and rules of procedure, whether or not the property has become disqualified, either because of the owner's failure to comply with the terms of the agreement, or because of a loss of historic value resulting from physical changes to the building or site. In the event that the commission concludes that a property is no longer qualified for special valuation, it shall notify the owner, the county assessor, and the state review board in writing and state the facts supporting its findings.



**33.05.040 Notice of commission meeting.**

Notice shall be given at least 15 days before a public meeting to the public, the owners, and lessees of any property to be affected by commission action. Such notice shall include a letter to the property owner and lessee, publication in the official county newspaper, and publication in a newspaper of general circulation in the local area of any properties to be affected by commission action. The notice shall include the date, time and place of the public meeting and the street address of properties to be reviewed.

**33.05.050 Compensation.**

All members shall serve without compensation.

**33.05.060 Rules.**

The commission shall adopt bylaws and/or administrative rules governing

- (1) Compliance with the Open Public Meetings Act (chapter 42.30 RCW);
- (2) Rules of parliamentary procedure utilizing *Robert's Rules of Order*;
- (3) Order and conduct of business; and
- (4) Frequency of meetings.

**33.05.070 Officers.**

The commission shall select from among its members a chairperson and such other officers as may be necessary to conduct the commission's business.

**33.05.080 Staff.**

Staff assistance shall be provided for the commission by the county subject to annual budget review and appropriation by the county council.

Chapter 33.07

**SNOHOMISH COUNTY REGISTER OF HISTORIC PLACES**

Sections:

- 33.07.010 Creation and purpose
- 33.07.020 Designation of properties or districts
- 33.07.030 Criteria for designation
- 33.07.040 Removal of properties from the register
- 33.07.050 Effects of listing

**33.07.010 Creation and purpose.**

There is hereby established a Snohomish county register of historic places that identifies historic buildings, sites, structures, objects, and districts within the county.

**33.07.020 Designation of properties for the local register.**

- (1) Listing on the local register is an honorary designation denoting significant association with the historic, architectural, archaeological, engineering, or cultural heritage of the community. Properties are listed individually or as properties which contribute to the historical integrity of an historic district.
- (2) A building, site, structure, object, or district may be nominated for inclusion in the local register.
- (3) The commission shall, after receiving the property owner's consent, consider the nomination at a public meeting. If the commission finds that the nominated property should be included on the register, it shall so designate the property.
- (4) The public, property owner, lessee, and nominator shall be notified of the commission's decision.
- (5) Properties listed shall be designated "HR" on Snohomish county zoning maps and property listings or other documentation.

**33.07.030 Criteria for designation.**

Any building, site, structure, object, or district may, with owner consent, be designated for inclusion in the local register. The criterion for age is at least fifty years or, in the event exceptional historical significance is determined by the commission, at least forty years. In addition to meeting the criterion for age the following minimum criteria will be considered:

- (1) Significant and, in the judgement of the commission, important association with the history, architecture, archaeology, engineering, or cultural heritage of the county as documented in texts used as standard references by professionals in these disciplines;
- (2) Historical integrity of location, design, materials, and/or workmanship:
  - (a) Integrity of location means the building, structure or object has remained on the same site for fifty years or more;
  - (b) Integrity of design means the design of the building, structure, object, or the structures contributing to a district have remained unchanged for fifty years or more;
  - (c) Integrity of materials means the materials used in the building, object or structure are either original or have been reproduced to replicate, as closely as possible, the original materials;
  - (d) Integrity of workmanship means the building must exhibit original workmanship; or if repairs or reconstruction of a building, structure, site or object have been or need to be carried out, the methods used are as similar to the original construction methods as possible. If modern construction methods must be utilized, the resulting repair or reconstruction must replicate the original workmanship as closely as possible;

- (3) Inclusion in at least one of the following categories:
- (a) Association with events that, in the judgement of the commission, made an important contribution to national, state, or local history;
  - (b) Embodying architectural characteristics of a distinctive and defined type, period, style, or method of design or construction, as documented in professional architectural and historic preservation publications, or representing a significant and distinguishable entity whose components may lack individual distinction;
  - (c) An outstanding work of a recognized designer, builder, or architect whose work has been documented in professional publications as having made a substantial contribution to the artistic and aesthetic values of the community;
  - (d) Exemplifying or reflecting elements of Snohomish county's cultural, social, economic, political, aesthetic, engineering or architectural history;
  - (e) Association with the life of a person of documented importance in national, state, or local history;
  - (f) Yielding or being likely to yield important archaeological information related to history or prehistory;
  - (g) A building or structure removed from its original location but which has significant and documented architectural value, or which is the only surviving building or structure associated with an historic person or event;
  - (h) A birthplace or grave of an historical figure of documented importance which is the only surviving building, structure or site associated with that person;
  - (i) A cemetery which derives its primary significance from age, design features, or association with historic events or cultural patterns;
  - (j) A building that has been reconstructed in an historically accurate manner on the original site; or
  - (k) An example of folk architecture and design which, in the judgement of the commission, is creative and unique, but which does not fit into formal architectural or historical categories.

**33.07.040 Removal of properties from the register.**

- (1) A property owner may request review of a property for removal from the local register by submitting a written request to the commission. Upon such request the commission will schedule a public meeting for consideration of the removal within 30 days of the date of receipt of the request. The property owner must notify the commission within one week of the conclusion of the public meeting that the property will be removed from the local register or that the removal request has been rescinded. Failure by the property owner to so notify the commission will result in the property remaining on the register.

- (2) A property may be removed from the local register if alterations to the property result in loss of historical integrity.
- (3) In the event that a property is no longer deemed appropriate for designation to the local register, the commission may initiate removal from such designation by the same procedure set forth in this chapter for designation.
- (4) A property may be removed from the local register without the owner's consent.

**33.07.050 Effects of listing.**

- (1) Prior to the commencement of any physical alteration or rehabilitation of the exterior of a register property, or of interior features which are listed as contributing to the significance of the property, excluding ordinary repair, maintenance and emergency repairs, the owner must request and receive a certificate of appropriateness from the commission for the proposed work. If a building permit is required for the work, issuance of a certificate of appropriateness will be a precondition to issuance of a building permit.
- (2) Prior to whole or partial demolition of a register property, the owner must request and receive a waiver of a certificate of appropriateness as a precondition to issuance of a permit for demolition.

Chapter 33.09  
**MODIFICATIONS TO PROPERTIES  
 LISTED ON THE LOCAL REGISTER**

Sections:

- |           |   |
|-----------|---|
| 33.09.010 | Certificate of appropriateness or waiver required |
| 33.09.020 | Exemptions  |
| 33.09.030 | Review process                                    |
| 33.09.040 | Waiver  |
| 33.09.050 | Mitigation  |
| 33.09.060 | Removal from register                             |
| 33.09.070 | Appeal  |

**33.09.010 Certificate of appropriateness or waiver required.**

- (1) A certificate of appropriateness or waiver thereof shall be required to change use, construct a new building or structure, or reconstruct, alter, restore, remodel, repair, move, or demolish any existing property listed on the register or which is a contributing property within an historic district.
- (2) The applicant for a permit to perform any work described in subsection (1) shall submit a copy of such application to the commission along with a request to be considered for a certificate of appropriateness or waiver.

- (3) The building or zoning official shall not issue any such permit until a certificate of appropriateness or waiver is issued.

**33.09.020 Exemptions.**

Ordinary repair and maintenance and emergency repair do not require a certificate of appropriateness or review by the commission.

**33.09.030 Review process.**

- (1) The owner of a property listed on the local register shall submit a copy of all applications for permits to work on said property. The owner shall apply to the commission for a certificate of appropriateness or waiver thereof.
- (2) Commission review shall apply to all features of the property which are listed as contributing to the property's designation on the local register nomination form.
- (3) Information required by the commission to review the proposed changes is established in the Washington state advisory council standards for the rehabilitation and maintenance of historic properties as set forth in WAC 254-20-100 as presently enacted or hereinafter amended. A copy of the standards will be available from commission staff.
- (4) The applicant for a permit shall submit an application which includes such information as is established in commission rules for review.
- (5) The commission shall meet with the applicant and review the proposed work according to the design review criteria established in the commission rules.
- (6) The commission shall complete its review and make its recommendations within forty-five days of the date of receipt of the application or within an additional twenty days extension if deemed necessary by the commission. If no recommendations have been made within sixty-five days, the commission is deemed to have given its approval.
- (7) The commission will provide the applicant with its written recommendations, stating the findings of fact and conclusions leading to the recommendations. Any conditions agreed to by the applicant in the review process and accepted by the commission shall become conditions of approval for the permits granted and be incorporated in the commission's decision to grant a certificate of appropriateness.
- (8) If the owner agrees to the commission's recommendations, a certificate of appropriateness shall be awarded and transmitted by the owner to the building official.
- (9) If the owner does not agree to the commission's recommendations and changes to the property are deemed inappropriate, the property may be removed by the commission from the local register.

**33.09.040 Waiver.**

A waiver of the certificate of appropriateness is required before a permit will be issued to allow whole or partial demolition of a register property.

**33.09.050 Mitigation.**

The commission may require the applicant to mitigate the demolition of register property. Mitigation may include, but is not limited to, an identification plaque, use of an architectural element of an historic building in new construction, and/or buffering or protection of remaining elements of an historic resource. All conditions incorporated in the commission recommendations shall become conditions of approval of the permit granted.

**33.09.060 Removal from register.**

After the property is demolished, or if the commission finds proposed changes to the property inappropriate and has refused to issue a certificate of appropriateness within the timeframe set forth in SCC 33.09.030, the commission shall remove the property from the register.

**33.09.070 Appeal.**

The commission's decision regarding mitigation of the demolition of register property under Section 33.09.050 or of a certificate of appropriateness under this chapter may be appealed by the property owner to the Snohomish county hearing examiner within fourteen days of issuance of the decision in accordance with SCC 2.02.125. Appeals to the hearing examiner shall be in writing, based upon the commission record, and shall state the grounds on which the appeal is based. Appeals of the hearing examiner decision are to Superior Court.

Chapter 33.11  
SPECIAL VALUATION FOR HISTORIC PROPERTIES

Sections:

- 33.11.010 Establishment of special valuation
- 33.11.020 Special valuation criteria
- 33.11.030 Eligibility of historic properties
- 33.11.040 Application – fees
- 33.11.050 Referral of application to local review board
- 33.11.060 Agreement
- 33.11.070 Notice to assessor – certification and filing – notation
- 33.11.080 Valuation
- 33.11.090 Duration of special valuation – notice of disqualification
- 33.11.100 Disqualification—additional tax—lien—exceptions

- 33.11.110 Payment of additional tax – distribution
- 33.11.120 Appeals from decisions under this chapter
- 33.11.130 Severability

**33.11.010 Establishment of special valuation.**

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.

**33.11.020 Special valuation criteria.**

Four criteria must be met for special valuation under this chapter. The property must

- (1) Be an historic property;
- (2) Fall within a class of historic property determined eligible for special valuation;
- (3) Be rehabilitated at a cost which meets the definition set forth in RCW 84.26.020(2) within twenty-four months prior to the application for special valuation; and
- (4) Be protected by an agreement between the owner and the commission as described in RCW 84.26.050(2) and WAC 254-20-120.

**33.11.030 Eligibility of historic properties.**

All properties listed on the local and national registers shall be eligible to apply for special valuation as set forth in chapter 84.26 RCW as presently existing or hereinafter amended.

**33.11.040 Application – fees.**

An owner of property desiring special valuation under this chapter shall apply to the Snohomish county assessor upon forms prescribed by the department of revenue and supplied by the assessor. The application form shall include a statement that the applicant is aware of the potential tax liability involved when the property ceases to be eligible for special valuation. Applications shall be made no later than October 1 of the calendar year preceding the first assessment year for which classification is requested. The assessor may charge only such fees as are necessary to process and record documents pursuant to this chapter.

**33.11.050 Referral of application to commission.**

- (1) Within ten days after the filing of the application in the county assessor's office, the county assessor shall refer each application for classification to the commission.
- (2) The commission shall approve the application if the property meets the criteria contained in RCW 84.26.030 and is not altered in a way which adversely affects those elements which qualify it as historically significant, and the owner enters into an agreement with the commission which requires the owner for the ten-year period of the agreement to:

- (a) Monitor the property for its continued qualification for the special valuation;
  - (b) Comply with rehabilitation plans and minimum standards of maintenance as defined in the agreement;
  - (c) Make the historic aspects of the property accessible to public view one day a year, if not visible from the public right of way;
  - (d) Apply to the commission for approval or denial of any demolition or alteration; and
  - (e) Comply with any other provisions in the original agreement as may be appropriate.
- (3) Once an agreement between the owner and the commission has become effective pursuant to this chapter, there shall be no changes in standards of maintenance, public access, alteration, or report requirements, or any other provisions of the agreement during the period of the classification without the approval of all parties to the agreement.
  - (4) An application for classification as an eligible historic property shall be approved or denied by the commission before December 31 of the calendar year in which the application is timely made.
  - (5) The commission is authorized to examine the property records of applicants.

**33.11.060 Agreement.**

The historic preservation special valuation agreement contained in Title 254-20-120 WAC shall be used by the commission as the minimum agreement necessary to comply with the requirements of this chapter.

**33.11.070 Notice to assessor – certification and filing – notation.**

- (1) The commission shall notify the county assessor and the applicant of the approval or denial of the application.
- (2) If the commission determines that the property qualifies as eligible historic property, the commission shall certify the fact in writing and shall file a copy of the certificate with the county assessor within ten days of said determination. The certificate shall state the facts upon which the approval is based.
- (3) The assessor shall record the certificate with the county auditor.
- (4) The assessor, as to any historic property, shall value the property under RCW 84.26.070 and, each year the historic property is classified and so valued, shall enter on the assessment list and tax roll that the property is being specially valued as historic property.



**33.11.080 Valuation.**

- (1) The county assessor shall, for ten consecutive assessment years following the calendar year in which application is made, place a special valuation on property classified as eligible historic property.
- (2) The entitlement of property to the special valuation provisions of this section shall be determined as of January 1. If property becomes disqualified for the special valuation for any reason, the property shall receive the special valuation for that part of any year during which it remained qualified or the owner was acting in the good faith belief that the property was qualified.
- (3) At the conclusion of special valuation, the cost of the rehabilitation shall be considered as new construction.

**33.11.090 Duration of special valuation – notice of disqualification.**

- (1) When property has once been classified and valued as eligible historic property, it shall remain so classified and be granted the special valuation provided by this chapter for ten years or until the property is disqualified by:
  - (a) Notice by the owner to the assessor to remove the special valuation;
  - (b) Sale or transfer to an ownership making it exempt from property taxation; or
  - (c) Removal of the special valuation by the assessor upon determination by the commission that the property no longer qualifies as historic property or that the owner has failed to comply with the conditions established by this chapter.
- (2) The sale or transfer to a new owner or transfer by reason of death of a former owner does not disqualify the property from the special valuation provided by RCW 84.26.070 if:
  - (a) The property continues to qualify as historic property; and
  - (b) The new owner files a notice of compliance with the Snohomish county assessor. Notice of compliance forms prescribed by the state department of revenue will be available from the county assessor. The notice shall contain a statement that the new owner is aware of the special valuation and of the potential tax liability when the property ceases to be valued as historic property under this chapter. The signed notice of compliance shall be attached to the real estate excise tax affidavit provided for in RCW 82.45.150. If the notice of compliance is not signed by the new owner and attached to the real estate excise tax affidavit, all additional taxes calculated pursuant to RCW 84.26.090 shall become due and payable by the seller or transferor at time of sale. The county auditor shall not accept an instrument of conveyance of specially

valued historic property for filing or recording unless the new owner has signed the notice of compliance or the additional tax has been paid, as evidenced by the real estate excise tax stamp affixed thereto by the treasurer.

- (3) When the property ceases to qualify for the special valuation the owner shall immediately notify the commission.
- (4) Before the additional tax or penalty imposed by RCW 84.26.090 is levied in the case of disqualification, the assessor shall notify the taxpayer by mail, return receipt requested, of the disqualification.

**33.11.100 Disqualification—additional tax—lien—exceptions.**

- (1) Except as provided in subsection (3) of this section, whenever property classified and valued as eligible historic property under RCW 84.26.070 becomes disqualified for the valuation, there shall be added to the tax an additional tax equal to:
  - (a) The cost multiplied by the levy rate for each year in which the property was subject to special valuation; plus
  - (b) Interest on the amounts of the additional tax at the statutory rate charged on delinquent property taxes from the dates on which the additional tax could have been paid without penalty if the property had not been valued as historic property under this chapter; plus
  - (c) A penalty equal to twelve percent of the amount determined in (a) and (b) of this subsection.
- (2) The additional tax and penalties, together with applicable interest thereon, shall become a lien on the property which shall have priority over and shall be fully paid and satisfied before any recognizance, mortgage, judgement, debt, obligation, or other responsibility which may be imposed upon the property.
- (3) The additional tax, interest, and penalty shall not be imposed if the disqualification resulted solely from:
  - (a) Sale or transfer of the property to an ownership making it exempt from taxation;
  - (b) Alteration or destruction through no fault of the owner, or
  - (c) A taking through the exercise of the power of eminent domain.

**33.11.110 Payment of additional tax – distribution.**

The additional tax, penalties, and/or interest provided by RCW 84.26.090 shall be payable in full thirty days after the date on which the treasurer's statement therefor is rendered. Such additional tax when collected shall be distributed by the county treasurer in the same manner in which current taxes applicable to the subject land are distributed.

**33.11.120 Appeals from decisions under this chapter.**

Any decision by the commission on an application for classification as historic property eligible for special valuation may be appealed directly to superior court under RCW 34.05.510 through 34.05.598. Any decision on the disqualification of historic property eligible for special valuation may be appealed to the county board of equalization.

**33.11.130 Severability.**

If any provision of this chapter is held invalid, the remainder of the Title is not affected.

Chapter 33.13  
CLASS OF HISTORIC PROPERTY  
ELIGIBLE FOR SPECIAL VALUATION

Sections:

- 33.13.010 Defining the class of historic property eligible for special valuation
- 33.13.020 Criteria for designation
- 33.13.030 Eligible properties within an historic district

**33.13.010 Defining the class of eligible historic property.**

Each class of historic property eligible for special valuation shall be defined by the commission using objective criteria which lead to consistent decisions on determinations of eligibility.

**33.13.020 Criteria for designation.**

In order for an historic property to be considered eligible for special valuation the property must be listed in the local or national register of historic places. Listing of any building, structure, site, object or district in the local register is determined using the criteria set forth in SCC 33.07.030.

**33.13.030 Eligible properties within an historic district.**

Within historic districts, only certified historic structures may be included in the class of eligible historic property.

Chapter 33.15  
ZONING REQUIREMENTS

Section:

- 33.15.010 Applicability of zoning requirements

**33.15.010 Applicability of zoning requirements.**

Properties designated to the local register shall be subject to the provisions set forth in this Title. Nothing contained herein shall be construed as repealing, modifying, or waiving any provisions of Title 18 SCC.

Chapter 33.17  
PROTECTION OF ARCHAEOLOGICAL RESOURCES

Sections:

- 33.17.010 Archaeology site report
- 33.17.020 Project approval and permit
- 33.17.030 Human remains or archaeological resources
- 33.17.040 Appeal

**33.17.010 Archaeology site report.**

If any construction, earth movement, clearing, or other site disturbance is proposed to be located on a registered archaeological site, the property owner or project proponent shall engage a qualified professional archaeologist to investigate and submit a written report to the Snohomish county department of planning and development services regarding the location, condition, and extent of the site, and any recommendations in regard to treatment. Such report shall include consultation with affected Indian Tribes on proposed actions to avoid, protect, or mitigate impacts of the proposed project. A copy of the archaeologist's report shall be provided by the commission to the affected Tribes and the state office of archaeology and historic preservation.

**33.17.020 Project approval and permit.**

No permit for an application requiring an archeologist's report will be issued prior to the receipt by Snohomish county of the report and any comments submitted thereto by the Tribes. Based on the information contained in the written report of the archaeologist, including the recommendations of the affected Indian Tribe(s) obtained during the consultation process, project approval will be conditioned in a manner to avoid or minimize impacts to the site consistent with federal and state law.

**33.17.030 Human remains or archaeological resources.**

- (1) If, during the course of construction, earth movement, clearing, or other site disturbance, human remains or archaeological resources are encountered, all work shall immediately halt, and the applicant or his/her representative shall immediately notify the director of Snohomish county planning and development services. The property owner or project proponent shall promptly notify the affected Tribes and the state office of archaeology and historic preservation.

- (2) If, after consultation with the affected Tribes and the state office of archaeology and historic preservation, an area is determined to contain archaeological resources, Snohomish county will designate such area as a Preservation Area by designation "PA" on appropriate zoning and plat maps. No ground disturbance will be allowed within a Preservation Area. This designation shall not affect underlying zoning. When human remains and/or archaeological resources have been completely removed from the property, or otherwise in accordance with the agreement reached after consultation with the affected Tribes, the Preservation Area designation shall be removed.

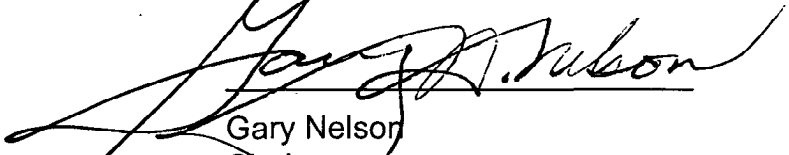
**33.17.040 Appeal.** The commission's decisions under this chapter may be appealed pursuant to the provisions of 33.09.070.

**Section 2. Severability.**

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

PASSED this 3rd day of April, 2002.

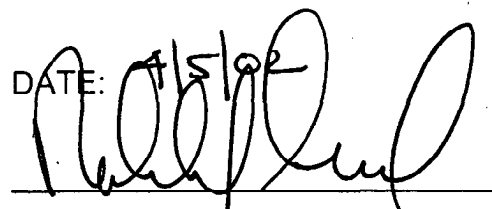
SNOHOMISH COUNTY COUNCIL  
Snohomish County, Washington

  
\_\_\_\_\_  
Gary Nelson  
Chairperson

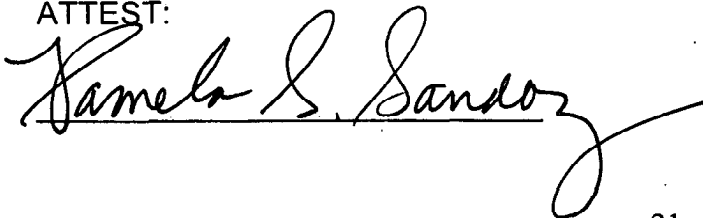
ATTEST:

  
\_\_\_\_\_  
Sheila McCallister  
Asst. Clerk of the Council

- APPROVED  
 VETOED  
 EMERGENCY

DATE: 4/5/02  
  
\_\_\_\_\_  
County Executive

ATTEST:

  
\_\_\_\_\_  
Pamela S. Sandoz