



DAYTON HISTORIC PRESERVATION COMMISSION

111 South First Street, Dayton, WA 99328
Contact – 509-540-6747

SPECIAL MEETING MINUTES Monday, May 2, 2016 at 7 PM

City Hall 111 S. 1st Street, Dayton, WA

1. **CALL TO ORDER** – 7:01 PM

2. **ROLL CALL**

Michael L. Smith, Chair	Present	James McCary	Absent
Chrissy Talbott	Present	Carole Lane	Present
Matt Zanger	Present	Vacant Position	
Ginny Butler	Absent		

Staff- Karen Scharer, AICP, Planning Director

3. **ACCEPTANCE OF MINUTES** - 3/23/16 and 4/13/16

Matt moved to accept the 3/23/2016 minutes and Chrissy seconded the motion. All voted to accept.

Matt moved to accept the 4/13/2016 minutes with correction (deletion of text) and Mike seconded the motion. All voted to accept with correction.

There were no Minutes for April 27, 2016 as there was no quorum of Commission.

4. **COA DESIGN/SPECIAL VALUATION REVIEW:**

308 S 1st St. – Eric Turbak – COA16-001

Revision to COA - adding a deck and stairs on the rear of house.

Matt answered a question from the audience regarding design guidelines, clarifying that the SSHD does not have adopted design guidelines which would allow the commission to permit the deck without a COA.

The DHPC discussed the revision. The applicant was not present.

Matt moved to approve the findings and Chrissy seconded the motion. All were in favor. Matt moved to approve the revised COA and Chrissy seconded the motion. All were in favor.

5. **CONSULTATION REGARDING HISTORIC REGISTER ELIGIBILITY:**

Karen updated the commission regarding the eligibility of the house at 300 N Cottonwood to be placed in an historic register. Michael Houser, Department of Archeology and Historic Preservation (DAHP) was consulted and with his assistance, the City determined that the house is ineligible. As a result, the home demolition is exempt from SEPA review.

Karen also reconfirmed with DAHP that the DHPC may be used for consultation in such cases.

Shane Loper questioned the need for SEPA review based on his understanding of the State RCW's. Karen explained the requirement under the RCW's for SEPA review, City process to determine eligibility, and coordination with DAHP and/or DHPC. *See City bulletin available on the City website.*

6. UNFINISHED BUSINESS:

a. HPP16 – Ballot #1 - Advisory Vote to the City Council

Ballot # 1 Vote Results

Dayton Register Washington Street Historic District	VOTES	Dayton Register South Side Historic District	VOTES
" <u>Dissolve</u> the local Dayton Register Washington Street Historic District."	7	" <u>Dissolve</u> the local Dayton Register South Side Historic District."	37
"Retain the local Dayton Register Washington Street Historic District and change the process to <u>Advisory Review</u> ."	2	"Retain the local Dayton Register South Side Historic District and change the process to <u>Advisory Review</u> ."	15
"Retain local Dayton Register Washington Street Historic District and the <u>Existing Process</u> for Certificates of Appropriateness approval."	1	"Retain local Dayton Register South Side Historic District and the <u>Existing Process</u> for Certificates of Appropriateness approval."	8
Ballots Sent	14	Ballots Sent	78
Ballots Returned & Validated	10	Ballots Returned & Validated (3 Ballots received late & not counted)	60
Required Ballots for a super majority	8	Required Ballots for a super majority	45

b. HPP16 – Ballot #2 - Advisory Vote to the City Council

Next Steps –Scheduling for 2nd ballot or code updating.

The commission confirmed that they will review assessor records before sending the 2nd Ballot. Mike & Chrissy agreed to review property ownerships by 5/6/16

With the steps of preparing envelopes, flyer with 1st Ballot results, the subcommittee agreed to stuff ballots on 5/12/16 and mail on 5/13/16. Mike, Carol & Matt agreed to assist in sending.

Karen explained that the first ballots came in fairly consistently. There were not sufficient ballots received before the Voter forum (Special Meeting) to validate the vote (51%).

For Ballot # 2 - The commission confirmed a 3 week timeframe (**June 6th**) for the 2nd ballot return. Mailed ballots must be returned by Tuesday, 6/14/16 at 3:30 pm by mail.

June 14, 2016 ballot validation and count will occur at 6 pm. (*No DHPC Special Meeting for Count*)

Discussion ensued regarding the 51 % return needed to validate the 2nd Ballot and the commission discussed scenarios resulting from the 2nd ballot.

Matt commented that City used the Federal process to establish the local district. With this process a majority of the owners of the properties within a district must be given the opportunity to agree or object to the nomination of a district. If the majority of owners object, the district will not be designated. Using the same process, a National Historic District can be dissolved. Matt agreed to forward the email referred to the DHPC and Karen will print for the next meeting.

Karen commented that any decision regarding the National Historic District Register would be a separate process and that the current advisory vote is in reference to the local register WSHD & SSHD.

c. Standard procedure for notice of absence to assure meeting quorums.

The commissioners agreed to give written email notice to Karen confirming if they will be absent at a scheduled meeting. In the case of Jim McCary, Jim may call Karen.

Karen also requested that a New Subject line in the email be listed rather than a repeat, old subject line.

7. NEW BUSINESS:

The email from Chrissy on 4/27/16 regarding absence notification procedures will be added to the meeting minutes of 5/2/16.

Karen handed out information regarding the open meeting act and encouraged the commissioner to contact her only if unsure whether or not the email might be in violation of the open meeting act.

8. OTHER BUSINESS:

Revised date for the regular May Meeting is June 1, 2016, 6 pm at City Hall. Mike, Matt Chrissy & Ginny have responded. June 1 is the only date which Matt would be able to attend.

Community Council Visioning Meeting scheduled 5/25/16 at the Dayton Elementary School (more information will follow).

9. **ADJOURNMENT**

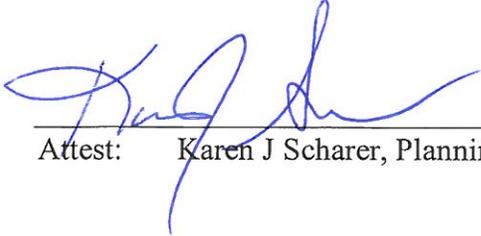
Carole moved to adjourn and Chrissy seconded the motion. All were in favor of adjournment at 8:15 pm.

Next Scheduled Meeting: June 1, 2016 @ 6 pm



Mike Smith, Chairman

6/1/2016
date



Attest: Karen J Scharer, Planning Director

From: chrissy@williamsteamhomes.com
To: [Karen Scharer](#)
Cc: [Carole Lane](#); [Ginny Butler](#); [Matt Zanger](#); [Mike Smith](#)
Subject: Re: Special Mtg Mon. 5/2/16 & Reschedule of Reg. May Mtg.
Date: Wednesday, April 27, 2016 8:14:51 PM

Hi Karen, I am available Monday after the ballot count 7pm. My schedule is open on any of the suggested dates for rescheduling of our May 25th meeting...just let me know the final consensus.

Also, my personal opinion when a board member is going to be absent...even if it's last minute which is understandable. As we all know you do email our agenda that day or before...if we can respond to all recipients if we are unable to attend, that way we should have a heads up if we have a quorum...just a suggestion. As this evening was very disappointing, we had one important item on the agenda regarding the demolition of a home and determining if a SEPA applies...and the parties of this request were present. I just felt bad they were unable to get any answer from us because of no quorum....I hope if Karen can't expedite and get to the answer for them sooner we can address this Monday at the latest.

Thanks,
Chrissy

Sent from my iPad
Chrissy Talbott/Broker
Williams Team Homes

On Apr 27, 2016, at 6:51 PM, Karen Scharer <kscharer@daytonwa.com> wrote:

Commissioners –

I apologize if I lost your email or notice that you would not be attending this evening's meeting. Three commissioners were absent and there was no quorum.

Mike has rescheduled the meeting for May 2nd at 7 pm after the ballot count at 6 pm. Please confirm your attendance. (See April 27th agenda for the May 2nd meeting).

Additionally, the May 25th meeting is to be rescheduled. **Please confirm your availability for the following dates by emailing me, and Mike will let you know of the date chosen:**

Tues., May 24th at 6 pm _____
Thurs., May 26th at 6 pm _____
June 1, at 6 pm _____

Thanks

Karen J Scharer, AICP

Planning Director

Direct Line & Cell **509-540-6747**

kscharer@daytonwa.com

Office Hours – M-TH 9 am – 4 pm

Alternative Appointment Times by Request

City of Dayton - 111 S. 1st Street - Dayton, WA 99328

City Hall 509-382-2361 - City Fax 509-382-2539

www.daytonwa.com

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Karen Scharer

From: Karen Scharer <kscharer@daytonwa.com>
Sent: Wednesday, May 13, 2015 11:29 AM
To: Mike Smith
Subject: FW: Implied consent and the National Register

Karen J Scharer, AICP
Planning Director
Direct & Cell: 509-540-6747

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From: Duvall, Megan [mailto:mduvall@spokanecity.org]
Sent: Wednesday, May 13, 2015 11:04 AM
To: Karen Scharer
Subject: Implied consent and the National Register

Here is some explanation of the implied consent language – basically, it is reverse psychology, you have to have a majority of property owners object to a district listing in order to consider it “killed”:

Under paragraph (6) of section 101(a) of the NHPA as amended by the 1980 Amendments, the Act provides that: The Secretary shall promulgate regulations requiring that before any property or district may be included on the National Register or designated as a National Historic Landmark, the owner or owners of such property, or a majority of the owners of the properties within the district in the case of an historic district, shall be given the opportunity (including a reasonable period of time) to concur in, or object to, the nomination of the property or district for such inclusion or designation. If the owner or owners of any privately owned property, or a majority of the owners of such properties within the district in the case of an historic district, object to such inclusion or designation, such property shall not be included on the National Register or designated as a National Historic Landmark until such objection is withdrawn.¹⁷ In clear and simple terms, then, the consent provision provides that no individual property may be included on the National Register if its owner objects and no historic district shall be included on the National Register if a majority of the property owners in the district object.

Here is the footnote in the paper I found this in:

This consent provision is often referred to as an owner-objection or negative consent provision given that it does not actually require consent for a property or district to be listed but rather gives the owner an opportunity to object. If the owner objects, the property is not listed, but, if the owner does not or fails to object, then the property can be listed. See *id.* However, for descriptive convenience, this paper will refer to this provision as simply an owner consent provision



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