



DEVELOPMENT SERVICES

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MEMORANDUM

TO: Jim Nugent, City Attorney
Marty Rehbein, City Clerk
Jason Diehl and Gordy Hughes, City Fire Department
Shannon Therriault, Health Department
Donna Gaukler and Elizabeth Erickson, City Parks Department
Mike Brady, City Police Department
Ellen Buchanan, MRA
Eran Pehan, Housing and Community Development

CC: John Engen, Mayor
City Council Members
Dale Bickell, City CAO
John Newman, Chair, Planning Board
Matt Loomis, Chair, Design Review Board
Missoula Organization of Realtors
Chamber of Commerce
Missoula Building Industry Association
Office of Neighborhoods
CAPS
Jim McDonald, Chair, Historic Preservation Commission
Missoula Downtown Association
Interested citizens

FROM: Emy Scherrer, Historic Preservation Officer, Development Services

DATE: May 8, 2018

RE: Ordinance amending Title 20 City Zoning updating Chapter 20.85.085 Section J.
Criteria and Procedure for Review of Relocation and Demolition of Historic Resources

This is a City Council initiated request to amend Title 20 City Zoning Ordinance, Chapter 20.85.085 Historic Preservation Permit (HPP), updating Section J. regarding historic preservation permitting requirements for relocation and demolition of historic resources.

While recently using the historic preservation demolition permit process, it became clear that Section J. of Chapter 20.85.085 lacked sufficient detail to guide the Historic Preservation Commission (HPC), and that the regulations could benefit from greater clarity and refinement. The HPC and Historic Preservation Officer (HPO) expressed the need to clarify and refine the process. On August 17th, 2017, City Council member Gwen Jones met with the HPC to gain a better understanding of their concerns. Ms. Jones has since been working with the HPO in drafting appropriate revisions. The HPO has presented potential

revisions to council members at an LUP meeting on January 17th, 2018, and council members supported bringing revisions to Planning Board. A letter seeking comment was sent to all property owners of individually listed properties on the National Register of Historic Places on April 17th, 2018, and the HPO hosted an informational open house for interested property owners on April 30th, 2018. No concerns were raised during this time.

The proposed amendments expand the existing Section J. to include:

- Additional subsections including Intent, Applicability, Definitions and Application Overview
- Definitions for Demolish, Demolition, Deconstruction, Economic Hardship, Evidence, Bona Fide, Consultation and Relocation
- A visual step by step process and timeline, and an increased maximum timeframe for HPC review from 90 days to 120 days
- More detailed pre-application requirements
- More detailed consultation requirements with the HPO, HPC and SHPO
- Expanded detail for acceptable and typical types of information that addresses economic feasibility
- Expanded detail for mitigation techniques including a redevelopment plan, documentation plan, and deconstruction plan
- And ultimately, a clause that the final demolition/relocation/and building permit will be granted only after a final building permit application has been submitted to the City, as well as evidence that all other requirements for final approval have been completed.

The attached documents provide proposed amendment language as well as the existing language.

For additional reference, the current Historic Preservation Permit (HPP) 20.85.085, can be viewed at:

https://library.municode.com/mt/missoula/codes/code_of_ordinances?nodeId=TIT20ZO_CH20.85REAPP_R_20.85.085HIPRPEHP

Agency and interested citizen comments are requested. Comments received by **Monday, May 21, 2018** will be included in an informational packet to the Planning Board prior to their public hearing. Comments will continue to be taken by Planning Board after this time until the public hearing is closed. Written comments received by noon on June 4, 2018 will be forwarded under separate cover to Planning Board prior to their meeting.

After agency input, the Planning Board will review and provide recommendations to the City Council for their final review, recommendation, and decision. Should you wish to attend, the Planning Board will hold a public hearing on **Tuesday, June 5, 2018** beginning at 7:00 p.m., in the Missoula City Council Chambers, 140 W. Pine Street, Missoula, MT. Printed material is available for inspection at Development Services, 435 West Ryman Street, Missoula, MT 59802.

Please forward your comments to Emy Scherrer, escherrer@ci.missoula.mt.us. Send a notice of *no comment* if you have none so the Planning Board and City Council are aware of your participation. If you have problems viewing the document or have questions, please contact Emy Scherrer via email or telephone at 552-6638.

Attachments

May 8 Draft, amendments to 20.85.085.J Criteria and Procedure for Review of Relocation and Demolition of Historic Resources

20.85.085.J Criteria and Procedure for Review of Relocation and Demolition of Historic Resources - Historic Demolition/Relocation Permit

Editor's Note: The current subsection J of 20.85.085 (Criteria and Procedure for Review of Relocation and Demolition Historic Preservation Permit) is proposed to be replaced in its entirety with the following language:

1. Intent:

- a. The demolition or relocation of properties individually listed on the National Register of Historic Places are considered significant actions, as historic sites and structures are community resources and contributing elements to the character of Missoula. The removal of historic resources alters the established character of the neighborhoods of which they are a part. An application to demolish or relocate an historic resource is held to a very high standard, requiring submittal of comprehensive and detailed application materials.
- b. The purpose of this permit process is to evaluate and ensure that the applicant has considered reasonable and economically feasible alternatives to demolition or relocation, and sufficiently mitigate the effects of the potential removal of a historic resource.
- c. To obtain an historic demolition/relocation permit, herein after referred to as "permit," the applicant must demonstrate that:
 - (1) Denying the application will cause unreasonable economic hardship to the viability of the property;
 - (2) That the applicant has made a bona fide effort to find a reasonable alternative that would result in the preservation, renovation, or adaptive reuse of the historic resource;
 - (3) That conditions necessary to mitigate the effects of approved demolition/relocation are developed.
- d. This permit process also ensures that if a historic resource is removed, redevelopment of the site occurs in a way that mitigates the loss and enhances the many elements that are unique to the fabric, theme and character of each neighborhood and area within Missoula, and is sensitive to the significance of the site.

2. Applicability:

- a. Any property proposed for demolition or relocation which is individually listed on the National Register of Historic Places requires an historic demolition/relocation permit.
- b. Subsequent redevelopment requires a building permit and shall not include plans which leave the site without building(s) or structure(s), unless the existing character of the area does not include building(s) or structure(s).
- c. All other provisions apply within the Historic Preservation Permit section (20.85.085) including Notice.
- d. It is anticipated that every application will have a set of factual circumstances unique unto itself, and that proportionality of the type and scale of the proposed project will be considered during review. The Historic Preservation Commission and historic preservation officer acknowledge that requirements will vary from one context to another and should be assessed on an individual basis.

3. Definitions:

For the purposes of this [sub]section, the following definitions apply:

Bona Fide consists of a diligent effort on behalf of the applicant resulting in substantive and collaborative dialogue between all parties involved regarding economic and public interest, and a willingness of the applicant to provide any information requested and as required.

Consultation: means the act or process of formally engaging in a meaningful discussion and collaboration. Depending on the circumstances, further consultation may be required on matters and issues that initial consultation may not have acknowledged.

Demolish, demolition, deconstruction means the razing, destruction, or dismantling of an Historic Resource to the degree that its character defining features are substantially obliterated.

Economic Hardship means that the structure has no viable economic life remaining. "No viable economic life" means the costs of repair/and or rehabilitation to bring the structure to an occupiable condition is unreasonable. Hardships may not be caused by the owner's neglect or intentional lack of appropriate maintenance (refer to 20.85.085.K), nor is the owner's desire to increase the property's economic return adequate grounds for relief.

Evidence means requested and/or required information regarding the history of the site, economic hardship and feasible alternatives, and shall be weighed by the Historic Preservation Commission as to whether denying the application will cause unreasonable economic hardship to the viability of the property and whether reasonable alternatives exist.

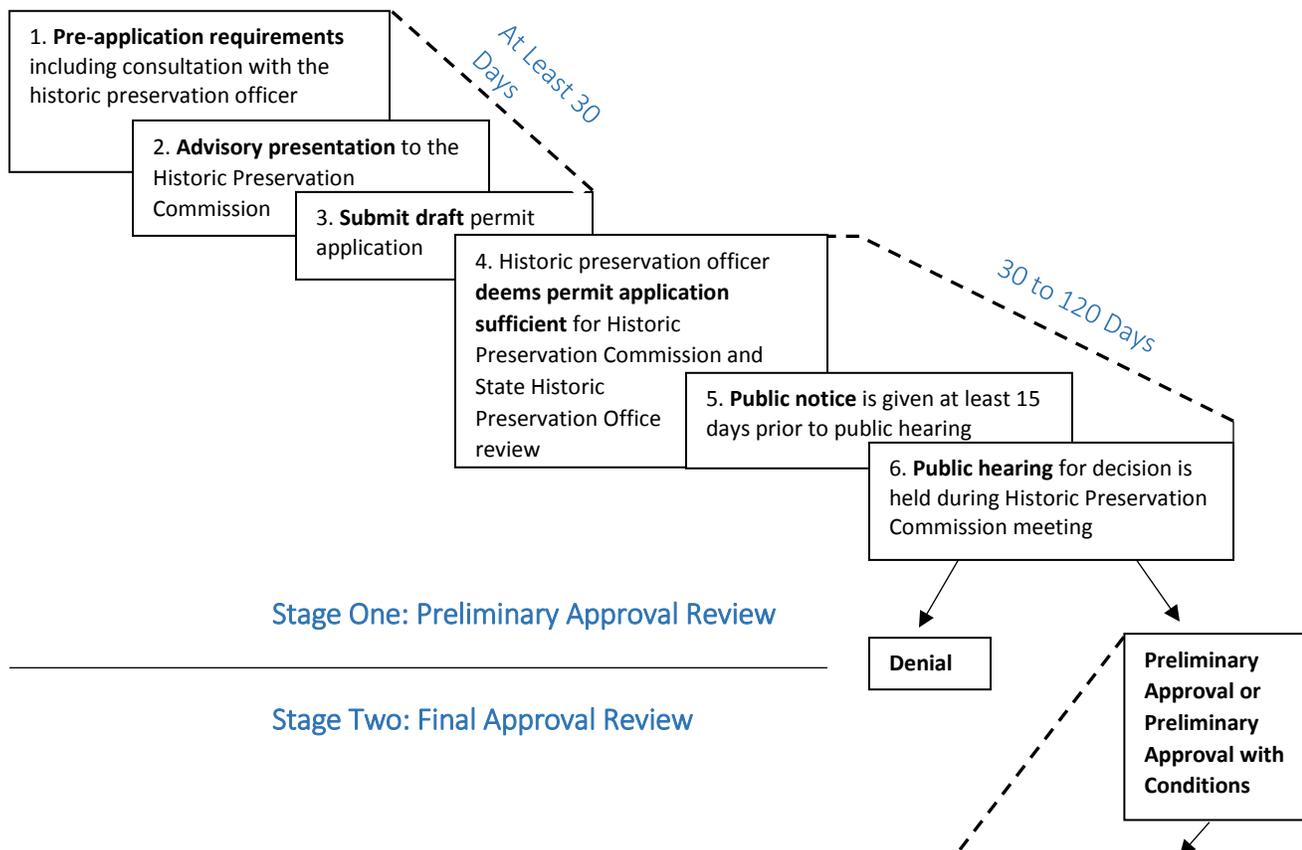
Relocation, in addition to the definition in 20.30.030, means moving the structure from its original location and setting to a different location and setting of any distance. For a proposed relocation, the Historic Preservation Commission and historic preservation officer shall consider setting, location, feeling, and association as it applies to its National Register nomination, whether the structure will maintain its historic significance and integrity having been relocated, and the economic and physical feasibility associated with relocating the structure.

4. Application Overview

- a. The applicant shall work with the historic preservation officer in creating and submitting a permit application which is accurate and sufficient for Historic Preservation Commission preliminary approval review and historic preservation officer final review.
- b. Application sufficiency is determined based on review of accuracy and completeness of the application consistent with section 20.85.020.2 and 3.
- c. The review and approval process for the permit application is developed in two stages:
 - (1) The first stage is preliminary approval review and requires action by the Historic Preservation Commission during a public hearing. Action shall take place in the form of preliminary approval, preliminary approval with conditions, or denial of the permit. Submittal material for preliminary approval review is described in section 20.85.085.J.10.
 - (2) If the permit is preliminarily approved or preliminarily approved with conditions in stage one, then the application proceeds to stage two. The second stage is final approval review and requires submittal of additional information including a redevelopment plan, and the consideration of advice from the Historic Preservation Commission. The historic preservation officer either finally approves or denies the permit. Submittal material for Final Approval Review is described in section 20.85.085.J.11.
- d. The permit is not finalized and action on the permit cannot go forward until the final approval occurs during stage two.
- e. No demolition/relocation permit shall be issued unless a permit for subsequent redevelopment is issued simultaneously under section 20.85.085.J.
- f. An application filing fee is required for processing the permit application and is due at the time of preliminary review application submittal. The fee is established through Resolution and is non-refundable.

5. Application Timeline:

- a. A complete and accurate application for the permit preliminary approval review must be filed with the historic preservation officer in Development Services no sooner than 30 days after a pre-application meeting.
- b. Once the historic preservation officer has deemed the permit application sufficient for preliminary approval review, a period of no less than 30 days and no more than 120 days is initiated for the Historic Preservation Commission to reach a decision regarding the permit application for preliminary approval.
- c. The Historic Preservation Commission may request an extension of time from the applicant. If the Historic Preservation Commission fails to reach a preliminary decision within the time frame specified herein, and if no time extension has been granted, the application will stand as preliminarily approved.
- d. The applicant has two years from the date of preliminary approval, or preliminary approval with conditions, to substantially complete conditions for final approval. If the applicant has not continued to pursue a demolition permit at the end of the two years from the inception of the application, the application will be deemed denied by the historic preservation officer and the applicant may start the process again.
- e. The applicant may request an extension from the historic preservation officer if they are unable to complete requirements for final approval within the time frame specified herein, and if no time extension has been granted, the application will stand as denied.
- f. The following figure indicates the steps associated with each stage of application review:



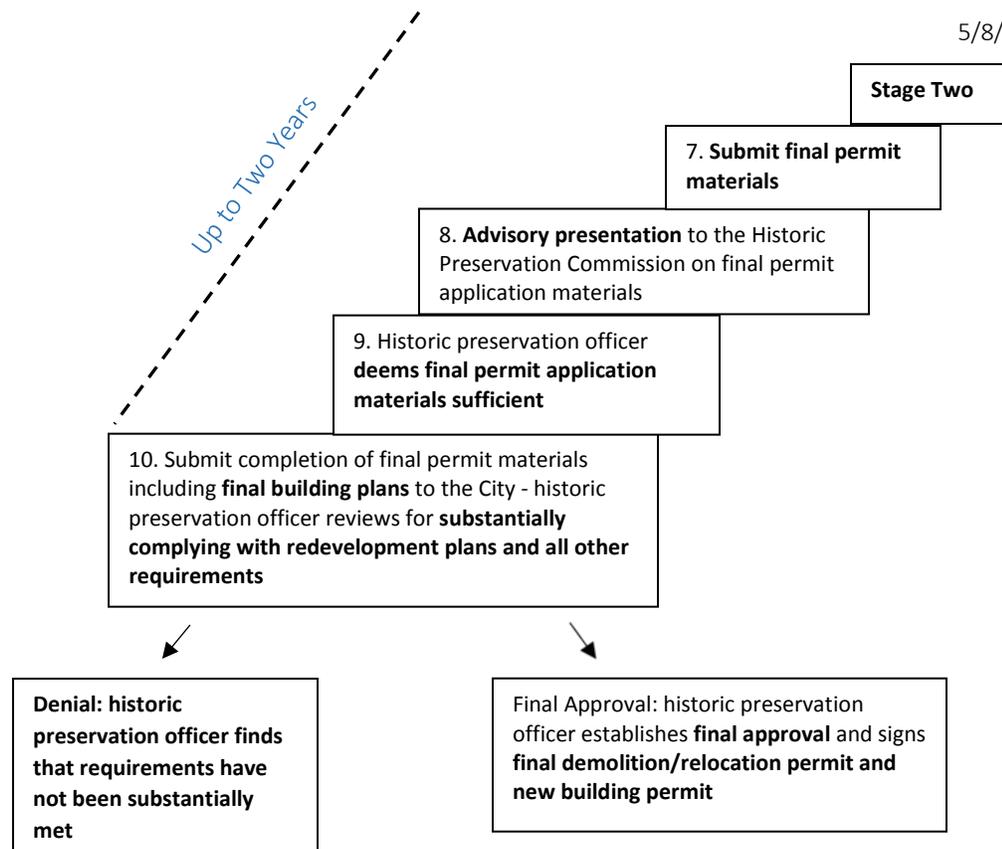


Figure 20.85.085-1

6. Pre-Application Requirements:

- The intent of pre-application requirements is to initiate active mandatory consultation, review permit application materials, and outline the review process.
- At least 30 days prior to submitting a permit application, the applicant shall initiate consultation by scheduling a pre-application meeting with the historic preservation officer.
- After the pre-application meeting, the applicant shall provide an advisory presentation at an Historic Preservation Commission meeting, in order to gather information and consider comments on the permit proposal.
- After the pre-application meeting, the historic preservation officer may notify the State Historic Preservation Office that the process for a potential permit application has been initiated.

Commentary: If the applicant is not the building owner, such as an architect or consultant, it is strongly encouraged that the building owner be willing and available to work with the historic preservation officer and Historic Preservation Commission throughout the permit application process.

7. Historic Preservation Officer Review:

- The historic preservation officer shall meet with the applicant in a pre-application meeting to discuss the proposal, review permit application material, and outline the review process.

Note: This section expands the existing concept of J.1.a, regarding consultation.

b. The historic preservation officer shall review and deem the application sufficient in accordance with 20.85.085.D and F as applicable, and this section for preliminary approval review (stage one). Once deemed sufficient, the historic preservation officer shall send a letter of sufficiency to the applicant.

c. The historic preservation officer shall send a copy of the application to the State Historic Preservation Office, together with a cover letter requesting review and comment. The State Historic Preservation Office shall have 15 days from the receipt of the letter to provide comment.

d. The historic preservation officer reserves the right to seek outside (third-party) consult from qualified professionals in western Montana, in determining whether the submittal material accurately and sufficiently addresses the required application information, at no cost to the applicant.

e. If a permit is preliminarily approved or preliminarily approved with conditions by the Historic Preservation Commission pursuant to 20.85.085.J8, the applicant shall submit application requirements for final approval to the historic preservation officer for review and to be deemed as sufficient (stage two, 20.85.085.J.11).

f. The historic preservation officer shall determine whether the conditions of preliminary approval and requirements of final approval have been substantially met, including but not limited to redevelopment plan review, mitigation, documentation and deconstruction plan review.

g. If the historic preservation officer finds substantial compliance, the historic preservation officer shall finally approve the permit for demolition and subsequent redevelopment (building permit).

h. The historic preservation officer may consult with the Historic Preservation Commission Chair, the Director of Development Services and relevant city staff in reviewing final application materials and reaching a final decision.

8. Historic Preservation Commission Review:

a. The Historic Preservation Commission shall review the permit application for preliminary approval consideration (stage one). Once the historic preservation officer has deemed the permit application sufficient for preliminary approval review, a period of no less than 30 days and no more than 120 days is initiated for the Historic Preservation Commission to reach a decision regarding the permit application for preliminary approval review.

b. The Historic Preservation Commission may request an extension of time from the applicant. If the Historic Preservation Commission fails to reach a preliminary decision within the time frame specified herein, and if no time extension has been granted, the application will stand approved.

c. Upon fully reviewing the permit application, the Historic Preservation Commission shall hold a public hearing and may: grant preliminary approval, preliminary approval with conditions, or deny the permit. A denial of a permit shall be accompanied by a written statement of the specific reasons for the denial.

d. Preliminary approval will be established during the public hearing if the Historic Preservation Commission finds that failure to issue a permit will result in unreasonable economic hardship to the viability of the property, and that a bona fide effort has been made to find reasonable alternatives that would result in the preservation, renovation, or adaptive reuse of the historic resource, and no reasonable alternatives exist.

e. The Historic Preservation Commission should consider the evidence utilizing the following guiding questions: *Is the evidence sufficient? Is the evidence relevant? Is the evidence competent? Is the evidence credible? Is the evidence*

consistent? The Historic Preservation Commission should also consider any evidence of self-created hardship through deliberate neglect or inadequate maintenance of the property under 20.85.085.K.

f. The Historic Preservation Commission reserves the right to seek outside (third-party) consult from qualified professionals in western Montana, in determining whether the applicant has put forth a bona fide effort, whether reasonable alternatives have been proven, and in assessing economic feasibility based on the submitted evidence.

9. Review Criteria

The following must be considered In reviewing and making decisions on demolition/relocation permit applications:

- a. Whether the structure still maintains viable economic life.
- b. Whether the structure is capable of generating a reasonable economic return if preserved, restored or rehabilitated.
- c. Whether the applicant has made a bona fide effort to find a reasonable alternative that would result in the preservation, renovation or rehabilitation of the structure.
- d. The historic preservation officer must consider whether sufficient mitigation efforts have been met, including but not limited to, documentation, mitigation, redevelopment and deconstruction.

Note: This section expands the existing concept of J.1.d.

10. Application Requirements for Preliminary Approval Review:

After the completion of the pre-application requirements, the following application information must be submitted as evidence and considered to address the review criteria:

a. Certificate of Economic Hardship (CEH):

The purpose of the CEH is to provide information as to whether the structure still maintains viable economic life. The burden of proof is on the applicant. The CEH must be submitted in written form and must include and examine the following as it relates to current economic and market rate data for Missoula, MT. Provisions:

- (1) The assessed value of the land, and improvements thereon, according to the most recent assessments;
- (2) Property taxes for the previous two years and any arrearages;
- (3) All appraisals obtained within the previous five years by the past and current owner or applicant in connection with the purchase, financing or ownership of the property;
- (4) Any listing of the property, price asked and offers received in the past five years;
- (5) Any environmental assessments or knowledge of environmental hazards associated with the property;
- (6) Any consideration by the owner for profitable adaptive reuses for the property, including renovation studies, structure and site plans, bids and;
- (7) Additional requirements for income-producing property:
 - (a) Annual gross income from the property for the previous five years;
 - (b) Itemized operating and maintenance expenses for the previous five years;
 - (c) Annual cash flow for the previous five years;
 - (d) Rent charged to tenants for the previous five years and the current market rate for rent;
 - (e) A comparative economic assessment for the utilization of all financial incentives currently available including but not limited to: potential Missoula Redevelopment Agency funding, Federal Historic Tax Credits, MT Historic Tax Abatement, New Market Tax Credits, historic preservation grants, and any other available funding;

Note: This section expands the existing concept of J.1.e.

(8) Optional: Additional information such as the following may be helpful in satisfying the burden of proof and in clarifying whether an economic hardship is taking place:

- (a) The date of purchase, the party from whom purchased, and a description of the business or family relationship, if any, between the owner and the person from whom the property was purchased. If property was not purchased at or close to market value, an explanation of the circumstances of the purchase and/or sale;
- (b) A detailed list with costs of any improvements since purchase and the date incurred;
- (c) Annual debt service, if any, for the previous two years;
- (d) Title report and current balance on all mortgages, trust indentures, and on all debts that encumber the property

b. Feasibility Study/Economic Analysis Return:

The purpose of the feasibility Study is to provide information as to whether the structure is capable of generating a reasonable economic return if preserved, restored or rehabilitated. The feasibility study must be completed by a third party not associated with the City of Missoula or the project in review, and must be completed by professionals from or experience in their field in western Montana. Provisions:

(1) Written statement and itemized cost list from a licensed engineer and/or a licensed architect with experience in preservation, renovation, restoration, or rehabilitation as to the structural soundness of the structure and its suitability for continued use, renovation, restoration or rehabilitation.

(2) Written statement and itemized cost list from a land-use professional which includes real estate consultants, appraisers, or other real estate professionals experienced in rehabilitation, as to the economic feasibility of preservation, restoration, renovation or rehabilitation of existing historic structures.

c. Bona Fide Attempt to Rent, Sell or Relocate Resource:

The intent of listing the structure is to ensure that parties interested in saving the structure as opposed to demolishing it are alerted and offered a period of time to purchase the property. Provisions:

- (1) The applicant must advertise the historic resource for sale using a licensed real estate broker;
- (2) The applicant must illustrate that the asking price was comparable to the value of equivalent local structures of use and form during time of listing;
- (3) It is highly recommended that any individually listed property be listed on the National Trust for Historic Preservation online real estate page for the entire duration that the property is listed for sale. To apply for a demolition permit, the applicant must list the property on a Multiple Listing Service (such as Loopnet.com) and the National Trust for Historic Preservation online real estate page for a period of at least 90 days within the past six months prior to submitting an application.
- (4) A resolution of sale by an interested party is considered satisfactory if the offer for purchase meets or exceeds the listing price, or is agreed to by the current owner.

Note: This section expands the existing concept of J.1.b, c.

d. Any additional supplemental information considered necessary and requested by the Historic Preservation Commission and/or historic preservation officer to address review criteria.

11. Application Requirements for Final Approval Review:

Note: This section expands the existing concept of J.3.a.

- a. The intent of application requirements for final approval review is to ensure that if a preliminary approval or preliminary approval with conditions for the permit has been established by the Historic Preservation Commission, then proper mitigation, documentation, deconstruction and redevelopment plans are established.
- b. The applicant shall work with the historic preservation officer to ensure requirements are met and will establish a plan for each final approval requirement and any additional conditions.
- c. The applicant shall present the proposed plans (including documentation, mitigation, deconstruction and redevelopment) for final approval review to the Historic Preservation Commission during an advisory presentation, and the Historic Preservation Commission may provide input as to recommendations of final approval, to be considered by the historic preservation officer.
- d. The following must be submitted:

(1) Documentation Plan:

All historic resources preliminarily approved for demolition or relocation must be fully documented using Historic American Building Survey (HABS) or HABS-quality procedure as defined in 20.30.030E.

- (a) Documentation shall happen before the final demolition/relocation permit is issued;
- (b) Documentation must be produced by a professional who satisfies professional qualification standards for history, archeology or architectural history, as established by the National Park Service and published in the Code of Federal Regulations, 36 CFR Part 61;
- (c) Documentation may be submitted as early in the process as the applicant desires to support the requested action.

(2) Mitigation Plan for Demolition or Relocation:

In addition to documentation, the applicant must provide a proposal to mitigate for adverse effect caused by demolition or relocation. Possible mitigation efforts include, but are not limited to, designated interpretive space, brick and mortar projects, National Register nomination updates and additions, a preservation plan utilizing the Secretary of the Interior's Standards, a development agreement with the City, and an archeological study. Should the applicant be applying for a relocation permit, additional preservation planning documents could apply which may include plans for stabilization and/or restoration.

(3) Redevelopment Plan:

The applicant shall consult with the historic preservation officer in creating appropriate redevelopment plans for the site and shall consider advice from the Historic Preservation Commission.

Note: This section expands the existing concept of J.3.b.

- (a) Redevelopment should be compatible with the character of the surrounding neighborhood, must reflect the historic resource to be demolished or relocated, is sensitive to the significance of the site, and must adhere to any applicable design overlays within the City of Missoula.
- (b) Redevelopment plans shall be oriented with a north arrow at the top of the page and shall include exterior elevations, materials, site boundaries, street and alley

frontages with names, location of all structures with distances to the nearest foot between buildings and from buildings to property lines, and must conform to all applicable regulations.

(c) A final demolition/relocation permit will be granted only after a final building permit has been submitted to the City and has been inspected by the historic preservation officer, and the historic preservation officer has found that the final building permit plans substantially comply with the redevelopment plans.

(d) A final building permit will be granted only after the historic preservation officer has found that the building permit plans substantially comply with the redevelopment plans.

(e) The applicant must demonstrate the ability to complete the project. The City Building Official may require a bond, letter of credit or cash deposit as a demonstration that the financial backing for the replacement structure is adequate to complete the project.

(4) Deconstruction Plan:

All historic structures approved for demolition must be deconstructed in total rather than demolished with deconstructed items to be reused in the subsequent redevelopment or made available to the Missoula community. Property owners are held responsible for all costs associated with deconstruction.

(a) The applicant shall ensure that a local deconstruction specialist is consulted on the deconstruction process, for purposes of identifying opportunities for recovering and reusing materials within the structure.

(b) Prior to onset of deconstruction, the applicant and the deconstruction contractor shall meet with the historic preservation officer to identify historic features and items within the structure that are important to retain for potential reuse in the new structure or for preservation or interpretive purposes.

(c) The applicant shall submit a deconstruction plan summarizing timing and approach including a preliminary list of identified historic items, and must be approved by the historic preservation officer. The applicant shall present plans to the Historic Preservation Commission during an advisory presentation.

(d) The deconstruction specialist shall use their best effort to recover as many historic or non-historic features and items as is feasible, taking into consideration the age and condition of the materials, the safety of workers engaged in the deconstruction efforts, environmental abatement needs, and other conditions of the structure and worksite.

(5) Any additional supplemental information considered necessary and requested by the historic preservation officer to address conditions of mitigation.

12. Exceptions:

The historic preservation officer may waive items listed in 20.85.085.J if they are not applicable to the specific review requested by the ordinance. In the event that any of the required information is not reasonably available to the applicant and cannot be obtained, the applicant shall file with the permit application a statement of the information which cannot be obtained and shall describe the reasons why such information cannot be obtained. The historic preservation officer shall deem whether the reasons are sufficient or not.

13: Permit Application Checklist:

Historic Demolition/Relocation Permit Checklist for Required Material

Stage One - Preliminary Permit Approval Review Requirements:

- Certificate of Economic Hardship (CEH)
- Feasibility Study
- Record of Bona Fide Attempt to Rent, Sell or Relocate Property
- Any Additional Supplemental Information Requested or Considered Necessary

Stage Two - Final Permit Approval Review Requirements:

- HABS-Quality Documentation Plan of the Historic Resource
- Mitigation Plan for Adverse Effect
- Redevelopment Plan and Economic Proof
- Deconstruction Plan
- Any Additional Supplemental Information Requested or Considered Necessary

Existing Subsection J of 20.85.085, to be replaced in its entirety:

~~J. **Criteria and Procedure for Review of Relocation and Demolition Historic Preservation Permit**~~

~~[Codifier's note: A typo in this part was corrected and updated on March 22, 2016. The automatic numbering in this section was updated and corrected so the first paragraph entitled "Intent" began at "A" and all subsequent letters in the section were updated accordingly. The "J" preceding "Criteria and Procedure for Review of Relocation and Demolition Historic Preservation Permit" was "W" in the previous on line version. No other changes were made to this section. Page numbers may have changed as a result of the addition of this codification note.]~~

~~1. **Criteria for Review:**~~

~~The Historic Preservation Commission shall review the HPP application for compliance in accordance with the following criteria:~~

- ~~a. The applicant has consulted with the Historic Preservation Commission and the State Historic Preservation Office, and made a good faith effort to find an alternative that would result in the preservation, renovation, or reuse of the historic resource;~~
- ~~b. The applicant has advertised the Historic resource for sale in a local newspaper of general circulation for a period of 30 ~~days~~ ;~~
- ~~c. The applicant's good faith efforts to find a purchaser interested in acquiring and preserving, renovating, or reusing the historic resource have failed;~~
- ~~d. Denying the application would prevent all reasonable economic use of the property; and~~
- ~~e. The applicant shall provide the historic preservation officer supporting documentation demonstrating that the above criteria are met.~~

~~2. **Relocation and Demolition Delay:**~~

~~Upon receipt of a completed HPP application for demolition or relocation, the Historic Preservation Commission may impose a relocation or demolition delay for 90 ~~days~~ to allow sufficient time to explore preservation of the historic resource.~~

~~3. **Mitigation:**~~

- ~~a. If an HPP for relocation or demolition is approved, the applicant shall mitigate the adverse effects of relocation or demolition by providing, to the extent possible, documentation, similar to HABS/HAER, of the historic resource prior to undertaking the relocation or demolition.~~
- ~~b. If relocation or demolition results in conversion to a use not requiring ~~buildings or structures~~ , such as a parking lot, the area shall be buffered from other historic resources by ~~landscaping~~ , walls or fencing.~~

Existing Subsection D of 20.85.085 to be amended:

D. Application Filing

1. Parties seeking an HPP are strongly encouraged to schedule a pre-application meeting with the historic preservation officer to obtain guidance about the application process, **unless otherwise expressly stated.**

Existing Subsection G of 20.85.085 to be amended:

G. Commission Action on Historic Preservation Permit Applications.

1. Except for historic preservation officer reviewed alterations under Section 20.85.080.F.5, the Historic Preservation Commission shall review and decide on an Historic Preservation Permit (HPP) application at a scheduled public meeting. The Commission's decision shall occur within 60 days from the date the completed application was received (~~90 days for applications involving a demolition or relocation~~ no less than 30 days and no more than 120 days for applications involving demolition, partial-demolition or relocation). If the Historic Preservation Commission is unable to process the request within 60 days of receipt of the completed application, the Historic Preservation Commission may request an extension of time from the applicant. If an application is not processed within 60 days of submittal (~~90 days~~ within 120 days for applications involving a demolition or relocation) and no extension of time is requested or granted by the applicant then the Historic Preservation Permit (HPP) is approved.