

April 5, 2019

CHAPEL HILL HISTORIC DISTRICT COMMISSION REPORT:
RECOMMENDATIONS FOR REVISIONS TO CHAPEL HILL LUMO
TO CLARIFY PROCEDURES AND CONFORM OUR ORDINANCE
TO THE STATE'S MODEL HISTORIC DISTRICT ORDINANCE

In October, 2017, Council requested that the Historic District Commission consider and comment on recommendations made by the Council Committee on Boards and Commission, to increase transparency, promote efficiency, and ensure due process for everyone involved in HDC hearings.

The HDC responded to this request by appointing a Committee to study the specific recommendations forwarded, to research best practices and the experiences of other towns and cities in North Carolina, and to consult with experts at the State Historic Preservation Office. We also made extensive use of the expertise embodied in *The Quasi-Judicial Handbook* (2017), by David Owens and Adam Lovelady. We quickly realized that the current Town ordinances governing the HDC were originally written in 1976 and are now in need of updating, clarification, and revision. We also realized that the North Carolina State Historic Preservation Office has created a Model Historic Preservation Ordinance to serve as a reference and guide for municipalities like ours. (The Model Ordinance is attached as Appendix A.) In our initial response by Memo to Mayor and Council, dated January 9, 2018, we noted the desirability of reviewing the Council's request in light of the Model Ordinance.

Over the course of this work, we were impressed by the many advantages of the State's Model Ordinance and the weakness of the LUMO's current treatment of the HDC in sections 3.6.2 and 8.4--which include, but go beyond, the specific concerns raised by the Mayor and Council. Our basic recommendation, therefore, is that the Council consider replacing the current LUMO's treatment of the HDC with the provisions of the Model Ordinance, adapted as necessary and appropriate to the particular needs and circumstances of Chapel Hill. We feel this would be the best way to address the specific concerns raised by the Council Committee, which we share, and provide Chapel Hill with a more robust and efficient framework for guiding the work of the Historic District Commission.

Accordingly, this report is divided into two sections.

FIRST, we will report our recommendations in response to the six specific recommendations made by the Council Committee, and then forwarded to us by Council.

SECOND, we will report our recommendations on the other important areas where we identified weaknesses, inconsistencies and lack of clarity in the current LUMO's language, along with our overall recommendation to adopt the Model Ordinance to resolve those issues.

THE COMMISSION'S RECOMMENDATIONS: PART 1

1. Council Committee recommended the HDC “*require the findings of fact reference the evidence supporting the findings, to assist an applicant and any potential review body.*”

A provision requiring that procedure is contained in the recommended Model Ordinance, to wit:

Model Ordinance Section 7.6.f:

“When considering the application, the Commission shall apply the review guidelines and shall, in approving with conditions, disapproving or deferring an application, make findings of fact, indicating the extent to which the application is or is not in compliance with the review criteria and guidelines, and shall cause these findings of fact to be entered into the minutes of the meeting. The minutes shall also contain a summary of any citation to evidence, testimony, studies, or other authority upon which the Commission based its decision.”

As this is the language and procedure in use statewide, case law and regulations reliant thereon will be useful to guide our own process, and the Model language is therefore recommended over the similar language in the Council Committee's recommendation.

We want to add that the Commission is already following such a process, instituted earlier in 2017, when we revised the Form of Order used by the Commission to identify for all parties the Findings and Conclusions, and their basis in evidence, upon which HDC decisions rest.

We recognize that this revised Form of Order requires substantially more attention and effort on Staff's part. This is one of the principal reasons why we believe that applicants, interested citizens, and the Commission need a full time planning staff person, with historic preservation experience, assigned to support the HDC. We hope the Council will consider this need when they consider the budget for HDC activities.

2. Council Committee recommended the HDC “*in its written decision, shall reference testimony or documents in the record of the hearing as appropriate and necessary in order to inform the parties of the basis of the findings of fact.*”

The language from the Model Ordinance, quoted above under Paragraph 1, does exactly that, and as noted, we have been doing so in our present Form of Order.

3. Council Committee recommended the HDC “*Reduce the amount of time for action to be taken on an application for certificate of appropriateness. Council Committee suggested shortening the time within which the HDC is required to act to 120 days, and adding language clarifying that the time period is put on hold during appeals (i.e., to the Board of Adjustment).*”

The Model Ordinance actually imposes a requirement that the Commission act within 90 days, but allows for extensions of that time for good cause or unusual circumstances. In practice, the experience of Chapel Hill confirms the wisdom of Owen's and Lovelady's observation in their *Quasi-Judicial Handbook* that usually applications before HDCs can be handled within 90 days but there are times when complex matters do require more time. Our Committee asked Planning Staff to check with other Commissions in the State, see what time periods were most frequently used, and draft clarifying language. Staff reported that Raleigh uses 90, but can extend to 180 as “reasonably necessary,” or with the parties’ consent. Winston-Salem uses 120 days.

Our Committee determined to recommend that Chapel Hill follow Raleigh's example: to establish a time-limit of 90 days while allowing extensions where necessary because of necessity or unusual circumstances, or with consent of the parties, up to the 180-day limit. We recommend the following language:

“The Commission shall take action on applications for certificates of appropriateness by the end of the next meeting following ninety days after the application is accepted as complete; provided, if timely action is not taken by the Commission, and the time for taking action is not extended by the Commission, the certificate of appropriateness shall be deemed to have been approved and shall be issued administratively. The Commission may extend the time for consideration and deliberation for a period or for periods up to a total of one hundred eighty days from the date of acceptance of the application as complete, where it finds such action to be necessary:

a) Because of meeting cancellations or postponements, quorum shortages, or backlogs of pending applications with priority by filing date, or other practical considerations; or

b) To receive additional information requested by the Commission, or to deliberate fully on memoranda submitted by one or more parties, or to seek resolution of outstanding questions, issues, or goals.

Nothing herein shall prevent extensions by and with the consent of the Applicant. The time periods for action by the Commission shall be stayed during periods of appeal by any party.”

(This is similar to Raleigh’s provision, but with greater specificity as to the meaning of “reasonably necessary,” which is used in their ordinance.)

We also note that with additional resources, or a full-time staff position to assist the HDC, we could hold a second meeting in months when our agendas are too full to be completed

in the one meeting. This would considerably reduce both the length of hearings (one of the concerns of the Council Committee) and also the time from the submission of applications to HDC determinations (the specific concern addressed on this point). But we are told by Staff that there are at present not sufficient resources to support two hearings in most busy months.

4. Council Committee recommended the HDC “*clarify the language pertaining to submittal of a new application as opposed to reconsideration of an application which has been denied.*” Council Committee’s suggested language was:

“If the Commission denies an application for a certificate of appropriateness, a new application affecting the same property may be submitted and accepted by the Town Manager *only if substantive change is made in plans* for the proposed construction, reconstruction, alteration, restoration or moving. Reconsideration of an application which has been denied shall be governed by the HDC’s Rules of Procedure, but once accepted by the town manager, a new application shall be reviewed by the HDC.”

Our Committee understands that this proposal would shift to the Manager (through his staff) the determination as to whether the re-submittal is “substantially different” (present LUMO language) than the one previously denied by the Commission. In principle, we have no quarrel with the Manager or staff making the decision instead of the HDC, if that is the wish of the Council. However, we do have several practical concerns.

First, we believe that the specific language of this provision should be considered very carefully in light of the legal principle of “res judicata”--which prohibits a judicial body from re-hearing the same matter more than once. We are concerned that the current LUMO language “substantially different” is not the same in meaning or law as the Council Committee’s suggestion regarding a “substantive change.” And, as this suggestion by the Council Committee arises out of a closely divided decision made in 2017 by the HDC as to whether a re-submittal was substantially different, we remind the Council that writing new Code to change split decisions, as opposed to correcting clearly erroneous provisions of existing Code, is itself fraught with peril.

Second, whoever performs this responsibility--the Manager or the HDC--the standard for making the determination should be clear and legally defensible. In this sense, we are concerned that the words “substantive change” are insufficient. The legal issue is whether the new application is sufficiently different from the previous application *with respect to the reasons for its denial* to warrant a re-hearing. The ordinance language should make that clear to avoid confusion and poor decisions.

Third, we are concerned that the Town Manager is not currently, and has not in recent years been, assisted by a staff member with expertise in historic preservation. This may make it difficult for the staff to come to fully informed determinations about the relationship between two complex applications and an HDC determination. We respectfully suggest that the HDC members themselves are in a better position to make such determinations based on the facts in the record. Moreover, this change would likely discourage rather than encourage parties from

engaging with the Commission in efforts to resolve issues pertinent to re-submittal of their applications.

So, our recommendation would be to leave this authority in the hands of the HDC, and, in either event, to provide additional clarity about the standard for making such determinations. “Substantive change” should be replaced by a requirement that:

“The applicant must show that the new application is sufficiently different from the previous application *with respect to the reasons for its denial* to warrant a re-hearing.”

5. Council Committee recommended the HDC “*clarify the HDC’s responsibilities with respect to Concept Plan Review.*”

HDC’s Counsel Mr. Ferrell has reminded us all that the HDC acts in quasi-judicial fashion, and that State law and our Rules of Procedure require us not to receive information or review materials pertinent to applications that may come before us, except in formal hearings under oath. His concern is that as Concept Plan Review typically takes place prior to filing of a formal COA application, HDC deliberations as necessary to communicate the Commission’s reaction to a potential project, may be seen to tincture the HDC’s impartiality upon its later formal review of the COA application.

We have not discovered a provision that might be used to eliminate this possibility, except the seemingly impractical suggestion that Concept Review and COA application review by the HDC review take place all at one time---or that the COA application be reviewed first.

Our other thought is that Concept Plan Review is much like Courtesy Reviews now sometimes done by the HDC before formal COA applications are filed, to test development ideas and get HDC feedback early in a project planning process. There is a similar dilemma when the project comes back for quasi-judicial hearing, but we have not heard any actual complaints over previous familiarity in those matters.

6. Council Committee recommended the HDC “*acknowledge their responsibilities to conduct their hearing in accordance with quasi-judicial standards.*”

Our Commission members already take an oath to uphold and follow the law. They are fully informed as to the requirements for impartiality, and the prohibition against unreported ex-parte communications or site visits. And we emphasize over and over again that no Commissioner may sit in any hearing where she or he cannot render an impartial decision based only upon the evidence presented in that quasi-judicial hearing.

We need not sign any document, or take any further oath, in our opinion, to uphold these laws. Suggestions to the contrary are unfair, untrue, and should be challenged at their source. Our Commission members work hard, are subjected to undue criticism, and still come back month after month to conduct our business, and they deserve the support of the Mayor and Council when such criticisms, or untoward demands, are made.

That said, the Commission will follow such rules as the Council truly believes are necessary to meet this end.

HISTORIC DISTRICT COMMISSION RECOMENDATIONS, PART TWO.

The Commission recommends the following additional changes in order to correct omissions and disparities in the present LUMO provisions, and to clarify, supplement, and codify our procedures consistent with the more up-to-date and widely used Model Historic Preservation Ordinance.

7. The Commission recommends that the LUMO be amended to reflect the proper, legal relationship of the zoning setback and height restrictions to the more subjective congruity requirements contained in the HDC ordinance.

We continue to hear it contended by applicants that they should be able to build “whatever they want” so long as they are in compliance with the setback and height restrictions under the zoning ordinance. The LUMO needs to address that contention to prevent confusion and conflict over this issue. Citizens contemplating buying and building in the Historic Districts should understand that the HDC Design Guidelines and congruity determinations constitute overlay, prevailing standards, in addition to the more traditional setback and height restrictions of the zoning ordinance.

To this end, the Commission recommends the following language be added to the LUMO, (adapted from Raleigh’s Historic District Ordinance, derived from the Model Ordinance):

“The minimum and maximum setbacks within the Historic Districts shall be congruous with the setbacks of any typical, well-related, nearby building or structure located within one and one-half blocks and within the Historic District, and congruous with the character of the Historic District and the Design standards of the Commission.

Where the setbacks or allowed encroachments of the underlying district conflict with or would permit development not congruous with the character of the District or inconsistent with the values protected by the Commission’s Guidelines, the setbacks determined by the Commission to be appropriate to these ends shall control.

Buildings and structures shall be congruous with the height of typical, well-related, nearby buildings and structures located within the Historic District and congruous with the character of the Historic District and the Design standards of the Commission.

Where the height regulations or allowed height or encroachments of the underlying district conflict with or would permit development not congruous with the character of the District or inconsistent with the values protected by the Commission’s Guidelines, the height limitations determined by the Commission to be appropriate to these ends shall control.”

8. Our original HDC ordinance was adopted without the widely used provisions now in use in most preservation districts throughout the State, allowing the designation of Historic Landmarks. Such designations can be made only with the consent of property owners--and each case would also require the approval of the Mayor and Council--but they can give significant protections to such properties and financial advantages to their owners. Property owners in all areas of Chapel Hill are without the material advantages of these protections and incentives, and preservation efforts in Chapel Hill are substantially impacted as a result. For example, Historic Landmark designations could potentially be used to help preserve individual structures and the historic character of Northside.

The Commission strongly urges adoption of such a program, which would be authorized as provided in "Section 5. Historic Landmarks," of the State Model Ordinance. See Appendix A, Section 5.

9. The Commission recommends replacement of the LUMO provisions related to Demolition through Neglect with the provisions of the Model Ordinance. The Model Ordinance contains a clear recital of the Town's expectation that owners of properties in the Historic District shall maintain them, and not let them be ruined by lack of maintenance, then claimed to be unfit and suitable only for demolition.

The language we recommend be added to our LUMO is found at Section 7.5 of the Model Ordinance:

"Failure of an owner to regularly, consistently, and fully maintain a designated landmark or any property located within a designated district shall constitute demolition through neglect, without a valid Certificate of Appropriateness, and a violation of this ordinance. The Commission shall institute action, through the [office of the local government agency responsible for enforcing zoning and/or codes violations], to prevent, restrain, correct, or otherwise abate such demolition, provided such action includes appropriate safeguards to protect property owners from undue economic hardship."

10. The Commission recommends that our LUMO be amended to provide for a time for performance (or expiration) of HDC Certificates of Appropriateness.

Our present LUMO does not require work or conditions required to be performed by any time certain, and as a result, there is uncertainty as to whether the Town has authority, or any direction, to enforce, recognize, or cancel projects not executed in accordance with conditions required in the Certificates of Appropriateness. Thus, an applicant may get part of the work done, then stop, and never complete the work, or claim they just have not yet finished, and the Town is not able to require completion, or take action to terminate the COA.

The Commission, with the assistance of Planning Staff, determined to recommend a time for completion of one year, consistent with the period provided in the Model Ordinance, applicable in most other Districts in the state. We believe the following provision (drafted by

John Richardson of the Town's Planning staff) should be added to the LUMO to provide such a time for completion requirement:

“A certificate shall be valid for 365 calendar days from date of issuance, or, in the case of a certificate for demolition, from the effective date. If the authorized work has not commenced within that period, has not been extended by the Commission, or has been discontinued for more than 365 calendar days from the date of issuance, such certificate shall immediately expire and the applicant shall be required to reapply and obtain a new Certificate before commencing further work.”

(This provision is a re-write of Chapel Hill LUMO 3.6.2 Historic Districts (j)(10).

11. The Commission recommends that the LUMO be revised to clarify the legal basis for application of the Design Guidelines, as being critical and binding upon the Commission's review of COA applications.

Confusion has arisen in the past over the more generalized categories of review--listed in subsections (A) through (J)--contained in the original Ordinance since 1976, versus the more specific and detailed Design Guidelines adopted and revised from time to time some years later. Some applicants have even contended the Guidelines are not authorized at all, ignoring the fact that they have been formally adopted by the Council and are required by state law.

The Commission recommends adoption of Section 7.6.f of the Model Ordinance, for its simplicity and completeness:

“When considering the application, the Commission shall apply the review Guidelines required by <section on Design Guidelines> and shall, in approving, approving with conditions, disapproving, or deferring an application, make findings of fact, indicating the extent to which the application is or is not in compliance with review criteria, and shall cause these findings of facts to be entered into the minutes of its meetings. The minutes shall also contain a summary of any citation to evidence, testimony, studies, or other authority upon which the Commission based its decision.”

12. The Commission recommends addition of a provision to clarify that applicants bear the burden of proving that their proposed projects are congruous with the historic character of the District.

Some appellants have argued that submissions and statements by applicants must be taken as true and adequate to support their applications unless other parties have appeared and presented evidence to the contrary.

It is not unusual to see applications which on their face reflect information in conflict with Guidelines or other requirements imposed for development in the District. In such cases, no rebutting party need appear. Instead, the Commission may find that the applicant simply has not met his burden of proof. To clarify this, the Commission recommends addition of the following

language, derived from School of Government publications and the Model Ordinance, in the LUMO:

“The Applicant bears the burden of proof and must produce sufficient, admissible, material, credible evidence in the quasi-judicial hearing before the Commission to persuade the Commission that the project proposed is not incongruous with the character of the Historic District. If the Commission shall find and conclude from the admissible evidence it deems credible and material, considered in light of the Design Guidelines and other pertinent standards incorporated therein, that the project proposed is congruous with the character of the Historic District, it shall issue a Certificate of Appropriateness, conditioned to assure the project is completed in appropriate manner. If the Commission shall find that insufficient credible evidence has been presented so to find, it shall deny the requested Certificate of Appropriateness. In making these findings and conclusions, the Commission may consider the contents or lack of necessary content in the Application as filed, as well as sworn testimony of parties, experts, and others permitted to testify under oath in the quasi-judicial hearing.”

13. The Commission recommends that the LUMO be amended to provide, consistent with the Model Ordinance, that the Commission’s purview includes review authority over sites, objects, landscapes, and major trees affecting District character, such that COA applications would be reviewed in light of impacts the proposed development would cause to these features of the District.

The Model Ordinance provision is Section 7.1, Certificate of Appropriateness Required:

“From and after the designation of a historic landmark or district, no construction, alteration, reparation, rehabilitation, relocation, or demolition of any building, structure, site, area, or other object shall be performed upon such landmark or within such district until a Certificate of Appropriateness (or “Certificate”) has been granted by the Historic Preservation Commission. A Certificate shall be required for any and all exterior work, including masonry walls, fences, light fixtures, steps and pavement, any other appurtenant features, any above ground utility structures, and any type of outdoor advertising sign.”

14. The Commission recommends revising the LUMO provisions which require the creation, maintenance, and regular updating of information (photographs and other data bases) describing the inventory of historic properties in the Districts. The present Ordinance requires that this be accomplished at least every five years. More modern technology makes possible more advanced storage and preservation of such images, and makes possible easier and more widespread access. Expansive uses of this information present exciting opportunities in tourism, economic development, and the advertisement of the importance of our “place in creation.”

The present provisions of the LUMO need minor revision as follows, to allow for these purposes:

"The Commission shall prepare, maintain, consult, and make available to the public inventories, including photographs and assessments, showing the historic and architectural significance of buildings, structures, sites, areas, objects and cultural landscapes within the historic districts. Such inventories of historic resources shall be used as a guide for the designation of historic districts and landmarks. The Commission shall take steps as necessary to ensure that the inventory reflects information current to within twenty (20) years.

A structure is deemed to have historic and/or architectural significance if it possesses integrity of location, design, setting, materials, workmanship, feeling, and association, and if it:

- (a) Is associated with events that have made a significant contribution to the broad patterns of local, state, or national history; or
- (b) Is associated with the lives of persons significant in the past; or
- (c) Embodies the distinctive characteristics of a type, period, or method of construction, or represents the work of a master, or possesses high artistic values, or represents a significant and distinguishable entity whose components may lack individual distinction; or
- (d) Has yielded, or may be likely to yield, information important in prehistory or local, State, and national history."

SUMMARY

As is seen by the numerous references to the provisions of the Model Ordinance, we believe that the Town would be best served by adoption of the Model Ordinance in place of the Town's existing HDC provisions in the LUMO, with minor changes to reflect the circumstances and needs of Chapel Hill.

As an alternative, but at a minimum, those sections of the Model Ordinance with better language and clearer provisions suggested in all of the foregoing recommendations should replace the deficient language in the present HDC provisions of the LUMO.

Thank you for this opportunity to comment on your interest in updating the HDC provisions of the Town LUMO.

Respectfully submitted,

Robert Epting, Chair
Historic District Commission

APPENDIX A

North Carolina State Historic Preservation Office, Model Preservation Ordinance at this link:

NC%20SHPO%20ModelPreservationCommissionOrdinance.pdf

APPENDIX B

MODEL ORDINANCE: SECTION 5. HISTORIC LANDMARKS

“5.1 Adoption of Ordinance of Designation

a. The local governing body may adopt and, from time to time, amend or repeal an ordinance designating one or more historic landmarks. The ordinance shall include information which shall

(1) list the name or names of the owner or owners of the property;

(2) describe each property designated by the ordinance, including the address, if applicable, the physical configuration and orientation of the property so designated;

(3) describe those elements of the property which are integral to its historic, architectural, archaeological, and/or cultural significance;

(4) provide for each designated historic landmark a suitable sign or plaque indicating that the landmark has been so designated; and

(5) any other information deemed necessary, within the authority of this ordinance and the general statutes, as determined by the local governing body.

b. The landmark designation process may be initiated by either the Commission or at the request of a property owner. No ordinance to designate any building, structure, site, area, or object shall be adopted or amended until all of the requirements of this ordinance and

its subsections have been satisfied.

5.2 Criteria for Designation

To be designated as a historic landmark, a property, building, site, area, or object shall be found by the Commission to possess special significance in terms of its history, prehistory, architecture, archaeology, and/or cultural importance, and to retain the integrity of its design, setting, workmanship, materials, feeling, and/or association.

5.3 Procedure for Designation

a. The Commission shall make, or cause to be made, an investigation and designation report which includes

- (1) the name of the property to be designated, including both common and historic names if they can be determined;
- (2) the name(s) and address(es) of the current owner(s);
- (3) the location of the property for which designation is proposed, including the street address and *County name* tax map parcel number or parcel identification;
- (4) the dates of original construction and of all later additions or alterations, if applicable;
- (5) an assessment of the significance of the building or site as prescribed by this ordinance;
- (6) an architectural or archaeological description of the area of the site or structure, including descriptions of all outbuildings and appurtenant features, for which designation is proposed;
- (7) a historical discussion of the site or structure within its type, period, and locality;
- (8) a photograph showing, to the fullest extent possible, the overall disposition of the property; one photograph of each façade or elevation and supplementary photographs as necessary to illustrate architectural details or ornamentation, siting, scale, proportion, and relationship of features or buildings, structures, or

objects to each other; and

(9) a map showing the location of the property, including all outbuildings and appurtenant features.

b. Pursuant to G.S. 160A-400.6, as amended, the designation report shall be submitted to the North Carolina Department of Cultural Resources, Division of Archives and History, or its successor agency, which, acting through the State Historic Preservation Officer, shall review it and provide written comments and recommendations to the local governing body regarding the substance and effect of the proposed designation. Failure of the Department to respond within thirty (30) days following its receipt of the report shall constitute approval of the report by the Department and relieve the local governing body of all responsibility to consider the Department's comments or recommendations concerning the report.

c. At the expiration of the thirty (30) day review period, the Commission shall consider the report and any comments or recommendations from the State Historic Preservation Officer, and shall accept it, amend it, reject it, or defer a decision until completion of a period of further study, not to exceed sixty (60) days. The Commission shall forward to the local governing body a copy of the report, copies of written comments received from the Department of Cultural Resources, and a recommendation either to approve or disapprove designation of the property, stating in its recommendation the extent to which the property meets the criteria for designation as set forth in this ordinance. A recommendation for approval shall be accompanied by a proposed ordinance of designation. A recommendation for disapproval shall not necessarily prevent any future consideration of a property for designation as a historic landmark.

d. The local governing body shall hold a public hearing, either jointly with the Commission, or separately, to consider the proposed ordinance. Reasonable notice of the time and place thereof shall be given.

e. Following the public hearing, the local governing body shall consider the Commission's designation report, its recommendation(s), the Department of Cultural Resources' recommendation(s), and comments made at the public hearing, and shall adopt the ordinance as proposed, adopt the ordinance with amendments, or reject the ordinance.

f. Upon adoption of the ordinance, the Commission staff

(1) shall, within thirty (30) days of adoption, send the owner(s) of the landmark(s) written notice of such designation, explaining the substance of the Commission's decision, via certified mail with a return receipt requested;

(2) shall file one copy of the ordinance, and any subsequent amendments thereto, in the office of the Register of Deeds of *County name*, which office shall index each historic landmark according to the name of the owner in the grantee and grantor indexes.

(3) shall, if the landmark lies within the zoning jurisdiction of *City name*, file a second copy of the ordinance, and any subsequent amendments thereto, in the office of the municipal clerk, where it shall be made available for public inspection at any reasonable time, and shall provide a third copy to the building inspector.

(4) shall notify the tax assessor of *County name* of the landmark designation.

g. Upon notification from the Commission, the tax assessor of *County name* shall clearly indicate the designation on all appropriate tax maps for as long as the designation remains in effect.

h. In disapproving a designation report, a copy of the minutes of the meeting at which such decision to deny was made shall be mailed to the owner of the property proposed for designation, together with a letter explaining the substance of the Commission's decision. “

