

PROPOSED RULES

Chapter 25-50 WAC

Washington State Main Street Program

NEW SECTION

WAC 25-50-010 Purpose. The purpose of this chapter is to establish criteria for application and designation of Washington main street communities under chapter 43.360 RCW.

NEW SECTION

WAC 25-50-020 Definitions. (1) “Department” means the department of archaeology and historic preservation.

(2) “Director” means the director of the department.

(3) “Washington state main street program” or “WSMSP” means the program established by the department pursuant to chapter 43.360 RCW.

(4) “Washington main street community” means a local community designated by the department pursuant to chapter 43.360 RCW.

(5) “Eligible organization” means a nonprofit organization under internal revenue code sections 501 (c)(3) or (c)(6), with the sole mission of revitalizing a downtown or neighborhood commercial district area.

NEW SECTION

WAC 25-50-030 Application requirements and form. (1) To apply for designation as a Washington main street community through WSMSP, an eligible local organization must complete an application form and submit it to the WSMSP.

(2) Each application shall be submitted in a form approved by the state historic preservation officer, by October 31 of the year submitted.

(3) An application form may be obtained from the Department of Archaeology and Historic Preservation, P.O. Box 48343, Olympia, WA 98504-8343 or online at the Washington main street program website at <http://www.dahp.wa.gov/programs/mainstreet-program>.

NEW SECTION

WAC 25-50-040 Main street program--Eligibility criteria. Each application for designation as a Washington main street community shall include information demonstrating that the applicant meets the following criteria:

(1) Has obtained and will maintain status as an independent, recognized 501 (c)(3) or (c)(6) nonprofit organization with the sole mission of revitalizing a historic downtown commercial district.

(2) Has developed and will maintain a comprehensive downtown revitalization strategy based on the National Main Street Center's Main Street Approach® structure. This shall include implementing a balance of activities in the areas of organization, promotion, design, and economic vitality. This shall also include having an appropriate vision statement, mission statement, goals, objectives, activities, budget and a comprehensive annual work plan adopted by the organization.

(3) Based on population of the local jurisdiction, maintain a minimum level of staffing to achieve the local organization's mission, goals and annual work plan. The jurisdiction's population shall be determined by the most recent census from the United States Census Bureau in one of the three following categories:

(a) Jurisdiction population of 0-2500: part-time, volunteer executive director.

(b) Jurisdiction population of 2501-5000: half-time, paid executive director.

(c) Jurisdiction population over 5001: full-time, paid executive director.

(4) Maintain the local downtown revitalization program's boundaries/primary focus area on the historic downtown commercial core. To meet this criteria, it shall be demonstrated that at least fifty percent of buildings/structures within the local program's defined geographic boundaries must be fifty years of age or older.

(5) Maintain an active volunteer board of directors representing downtown stakeholders to oversee the organization.

NEW SECTION

WAC 25-50-050 Main street program--Maintain eligibility status. To maintain its designation as a Washington main street community, the local organization must successfully fulfill the following:

(1) Annually, submit to the WSMSP the minutes of the annual meeting of the local organization's board of directors.

(2) Complete and submit to the WSMSP the following reports/documents:

(a) Quarterly reports that track key performance measures as prescribed by the department and progress of the local main street program.

(b) The annual WSMSP report.

(c) As may be requested by the department, provide documentation of compliance with policies and status reporting.

(3) The local main street program's executive director presence and participation is mandatory at the following:

(a) Annual Historic Preservation & Main Street Conference;

(b) Two of three Main Street Network Leadership Meetings

If for good cause the executive director is unable to attend one of the required meetings, the executive director shall appoint a member of the local main street program's board of directors or staff to attend the meeting on her/his behalf.

NEW SECTION

WAC 25-50-060 Main street program--Status withdrawal and reinstatement. (1) If a local main street program fails to comply with these rules, the department may send that program a written initial warning. The initial warning will identify the noncompliance and place the local main street program on probationary status. The local main street program shall be reevaluated by the department ninety days following the initial warning. If the local main street program has failed to correct the noncompliance, the department may issue a final warning. If the local main street program is not in compliance within ninety days after the final warning is sent, the department may either:

(a) Terminate the local main street program's letter of agreement and Washington main street community designation, and discontinue all WSMSP services and activities; or

(b) At its sole discretion, the department will place the local main street program on continued probationary status for up to an additional ninety days. At the end of the ninety days, the department shall consider the facts and the circumstances underlying the noncompliance, and whether the local main street program has made substantial progress toward correcting the noncompliance.

(2) If Washington main street community designation is withdrawn, the local organization will no longer receive WSMSP services. The department of revenue will be notified when a local main street community status is withdrawn. However, a local program may reapply for Washington main street community designation after one full calendar year has elapsed from the date of the letter of agreement termination. WSMSP services will resume upon reapplication and written approval by the department of the local main street program's designation. Any such reapplication for Washington main street community designation must include documentation that the previous noncompliance has been corrected, or that a change of condition has occurred such that the prior noncompliance is unlikely to reoccur.

NEW SECTION

WAC 25-50-070 Administrative appeals. (1) An applicant for or holder of main street community status issued under this chapter may request a hearing to contest a denial of application for main street community status under WAC 25-50-050, or a withdrawal of main street community status under WAC 25-50-060.

(2) A request for a hearing shall be made by filing a written application for adjudicative proceeding with the department at the following address: Department of Archaeology and Historic Preservation, P.O. Box 48343, Olympia, WA 98504-8343. The application must be received by the department within twenty-one calendar days of the date of service of the notice of the denial, or withdrawal.

(3) When the department receives an application for adjudicative proceeding, it will immediately notify the director of its receipt and provide the director with a copy of the application and the notice or document being appealed. The director thereupon will designate a presiding officer as follows: The director will designate as presiding officer an administrative law judge assigned by the office of administrative hearings under chapter 34.12 RCW.

(4) Upon being designated, the presiding officer shall notify the requestor and the director of his or her name and business address and provide any other information required by chapters 34.05 RCW, 10-08 WAC, or this chapter.

(5) Upon receiving the notice required in subsection (4) of this section, the director shall immediately transmit to the presiding officer the application, together with any accompanying documents provided by the requester, and a copy of the notice or other document being appealed.

NEW SECTION

WAC 25-50-080 Adjudicative proceedings. (1) The department hereby adopts the model rules of procedure, chapter 10-08 WAC, adopted by the chief administrative law judge pursuant to RCW 34.05.250, as now or hereafter amended, for use in adjudicative proceedings of agency action under this chapter.

(2) "Service" and "filing" of documents in adjudicative proceedings are defined as in RCW 34.05.010 and WAC 10-08-110.

(3) In the case of a conflict between the model rules of procedure and this chapter, the rules in this chapter shall take precedence.

(4) All factual determinations shall be based on the kind of evidence upon which reasonably prudent persons are accustomed to rely in the conduct of their affairs. The burden in all proceedings is a preponderance of the evidence.

(a) In all proceedings contesting the denial of an application or re-application for main street community status, the burden shall be on the applicant to establish that the application meets all applicable requirements and standards.

(b) In all proceedings contesting the withdrawal of main street community status, the burden is on the department to prove the alleged factual basis set forth in the notice.