

County's landmarks panel tries to pinpoint its legal limits

by Herb Belanger
Times South bureau

Because of the confusion that developed while the County's Landmarks Commission was studying the fate of the historic Morasch House in Highline, a member of the prosecutor's staff will sit in on future meetings.

The commission, which has been operating only a year, has had difficulty determining its legal limits. The Morasch House is its first "case."

Kjris Lund, the county's historic preservation officer, said the prosecutor's office has informed her that a community-landmark designation given the 72-year-old Morasch House by commission will stand, but that the action can be appealed to the County Council. No interested parties have indicated they will appeal yet.

Consideration of the Morasch House for the county's Register of Historic Places began last November at an emergency meeting of the commission. Two land-use petitions, which might have resulted in razing the building, had been filed.

At the commission's February session, the property was given community-landmark status after a motion to make it a county landmark failed to win a second. But a community-landmark designation does not give the same protection from physical alterations as does a county-landmark designation.

The County Landmarks Commission faces some other problems in doing its work. The Morasch decision has not been the commission's only stumbling block. When the 83-year-old Aaron Neely mansion in Auburn was on the agenda, a decision on its status had to be postponed because the commission lacked a quorum. Two commission members had left the scheduled public hearing early for other appointments.

When that happened, Auburn residents who had come "all the way" to Seattle to testify about the Neely mansion were visibly disap-

pointed.

"This is a poor way for the commission to do its business," said one disgruntled citizen.

Art Skolnik, a commission member, questioned whether it was appropriate for the commission members to "look at themselves and decide whether they want to leave."

"This is an important process," he continued. "Our issues are land-use related, not philanthropic. We are representatives of the actions we take and we could end up in court."

Phyllis Keller, commission chairman, hinted that some commission members might be looking for a way out of their commission duties.

It had been obvious that commission members were divided on what action should be taken on the Morasch House.

Skolnik took the lead by moving to designate the house and the 5.5 acres on which it stands a county landmark. But no one seconded that motion, so Skolnik introduced a new motion to designate the house a community landmark, on the condition that if, in the future, there was "immediate danger to the future of the house or property, this be brought to the commission's attention for reconsideration."

Uneasy over the stipulation, another commission member, Dr. James Warren asked, "Can we tie strings to it like that?"

Lund informed him that the ordinance setting up the commission "clearly allows us to reconsider."

However, Warren said, "It is either a (county) landmark or not. There's no in between. There should be no strings on it."

Imposing the condition would "put the landowner in a bad situation," Warren said. "We say to him, 'It's not a (county) landmark, but don't you dare do anything to it until we decide.'"

Skolnik later withdrew his motion and reintroduced it minus the conditional phrase. This time, it

passed on a 4-2 vote. Skolnik immediately introduced another motion calling for the commission to be notified of any action that would alter the status of the property.

Still uneasy, Warren urged that the motion be tabled "until we find out if it's a legal."

Lund told the commission that it was normal for the county's Building and Land Division to notify the historic preservation office of any actions being contemplated.

County Councilman Paul Barden, whose district includes the Morasch House, was permitted to comment on the propriety of reconsidering a site for county landmark designation if an owner decides to demolish it. Barden was there as a spectator, not in any official capacity.

But during an earlier meeting on the James W. Clise residence near Redmond, the chairman had informed a spectator that the commission could not take testimony except at public hearings.

Commenting on the Morasch House site, location and status,

Barden told the commission he didn't understand "why you can't see it as a county landmark."

Dorothy Harvey of the Highline Historical Society noted that "there have been six hearings on this house, which is threatened. This is ridiculous. How many meetings do we have to go to? Nobody understands what to do."

Decisions on a change in zoning and subdivision of the property were pending.

After Keller noted that the commission had designated the Morasch House a community landmark, Skolnik asked if the commission had balked at a county-landmark designation because the motion said all of the land would be included with the building.

Finally, Skolnik moved that the house and an acre of land around it, with access to Des Moines Way, be given county-landmark designation.

Warren interjected that "the (public) hearing was the last time we met" and with the public input that was made, "today, we had the hearing all over again. I don't think it's fair if there is anybody against the county-landmark designa-

tion. We said there would be no hearing today."

Keller admitted it was a dilemma, and that having heard people from outside the commission had effectively reopened the hearing.

"I feel obliged to go back and table the motion and come back with reconsideration and start over again," she said.

Barden said he thought the commission could vote to reopen a hearing anytime it wanted.

Warren moved to reopen the hearing and continue consideration of the Morasch House at the commission's next meeting. But Stephen T. Araki, attorney for Marian Kurusa and her son, Roy, owners of the property, told the commission, "Then the landowners' only choice is to appeal your action to the County Council."

"Your action has gone beyond the ordinance. By ordinance you are bound to make a decision today. The question is what are you doing now. Are you reconsidering it as a county landmark?"

"We are feeling our way through this process," Keller said. "We don't want to vote on a motion today because of input of those closely involved. There are questions among commission members about what has gone on today. If there are any doubts, they should be cleared up."

Araki suggested the commission chairman might want legal advice on the validity of the commission's actions since the time for public comment had ended earlier.

Skolnik seconded Warren's motion but after some additional discussion, it was tabled with the commission postponing any other action on the Morasch House until its next meeting scheduled for March 11.

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