

ORDINANCE NO. 1370

CITY OF LACEY

AN ORDINANCE RELATING TO THE CITY'S HISTORIC PRESERVATION REGULATIONS AND AMENDING SECTIONS 16.53.020 THROUGH 16.53.060 OF THE LACEY MUNICIPAL CODE AND ADOPTING A SUMMARY FOR PUBLICATION.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LACEY,

WASHINGTON, as follows:

Section 1. Section 16.53.020 of the Lacey Municipal Code is hereby amended to read as follows:

**16.53.020 Definitions.** The following words and terms when used in this chapter shall mean as follows, unless a different meaning clearly appears from the context:

- A. A "building" ~~means-is~~ a structure constructed by human beings. This includes both residential and nonresidential buildings, main and accessory buildings.
- B. "Certificate of appropriateness" ~~means-is~~ the document indicating that the commission has reviewed the proposed changes to a local Register property or within a local Register Historical District and certified the changes as not adversely affecting the historic characteristics of the property which contribute to its designation.
- C. "Class of properties eligible to apply for special valuation" ~~means-are~~ the class of properties listed on the National Register of Historic Places or properties listed as contributing to a national register historic district until such time as Lacey becomes a certified local government (CLG). Once a CLG, the class of properties eligible for special valuation shall be properties-listed on the Lacey Register of Historic Places or properties listed as contributing to a Lacey Register historic district, and on a local, state, and/or National Register.
- D. A "district" ~~means-is~~ a geographically definable area--urban or rural, small or large--possessing a significant concentration, linkage, or continuity of sites, buildings, structures, and/or objects united by past events or aesthetically by plan or physical development.
- E. "Emergency repair" ~~means-is~~ work necessary to prevent destruction or dilapidation to real property or structural appurtenances thereto immediately threatened or damaged by fire, flood, earthquake, or other disaster.

F. "Incentives" ~~means~~ are such rights or privileges, or combination thereof, which the city council, or other local, state, or federal public body or agency, by virtue of applicable present or future legislation, may be authorized to grant or obtain for the owner(s) of registered properties. Examples of economic incentives include, but are not limited to, tax relief, conditional use permits, rezoning, street vacation, planned unit development, transfer of development rights, facade easements, gifts, preferential leasing policies, beneficial placement of public improvements or amenities, or the like.

G. "Inventory" or "historic inventory" ~~means~~ is the comprehensive inventory of historic and pre-historic resources within the boundaries of the City of Lacey.

H. "Lacey ~~Historical~~ Commission" or "Commission" ~~means~~ is the commission ~~created by Ordinance 531 and outlined~~ designated in Chapter 2.42 of the Lacey Municipal Code.

I. "Lacey's ~~Register of~~ Historic ~~Places~~" or "Register" ~~means~~ is the local listing of properties provided for in Section 16.53.030 ~~thereof~~.

J. "Lessee" ~~means~~ is a person or persons who are other than owner(s) of record and who hold an interest in real or personal property under a lease agreement.

K. "National Register of Historic Places" ~~means~~ is the national listing of properties significant to our cultural history because of their documented importance to our history, architectural history, engineering, or cultural heritage.

L. "Object" ~~means~~ is a thing of functional, aesthetic, cultural, historical, or scientific value that may or may not be, by nature or design, movable yet related to a specific setting or environment.

M. "Ordinary repair and maintenance" ~~means~~ is work for which a permit issued by the city is not required by law, and where the purpose and effect of such work is to correct any deterioration or decay of or damage to the real property or structure or appurtenance therein and to restore the same, as nearly as may be practicable, to the condition prior to the occurrence of such deterioration, decay, or damage; provided that all work is done in accordance with standards issued by Secretary of the Department of the Interior.

N. "Owner" of property ~~means~~ is the fee simple owner of record as exists on the Thurston County assessor's records.

O. "Prehistoric" means the time period before written record.

OP. "Significance" or "significant," used in the context of historic significance, ~~means~~ is the following: a property with local, state, or national significance is one which helps in the understanding of the history or pre-history of the local area, state, or nation (whichever is applicable) by illuminating the local, statewide, or nationwide impact of the events or persons associated with the property, or its architectural type or style in information potential. The

local area can include the city of Lacey, Thurston County, or southwest Washington, or a modest geographical or cultural area, such as a neighborhood. Local significance may apply to a property that illustrates a theme that is important to the history of the state; and national significance to property of exceptional value in representing or illustrating an important theme in the history of the nation.

**PQ.** A "site" ~~means~~ is a place where a significant event or pattern of events occurred. It may be the location of prehistoric or historic occupation or activities that may be marked by physical remains; or it may be the symbolic focus of a significant event or pattern of events that may not have been actively occupied. A site may be the location of a ruined or now nonexistent building or structure, or the location itself possesses historic, cultural or archaeological significance.

**QR.** "State Register of Historic Places" ~~means~~ is the state listing of properties significant to the community, state or nation, but which may or may not ~~do not~~ meet the criteria of the national register.

**RS.** "Structure" ~~means~~ is a work made up of interdependent and interrelated parts in a definite pattern of organization. Generally constructed by man, it is often an architectural and/or engineering project.

**ST.** "UTM" (~~u~~Universal ~~t~~Transverse ~~m~~Mercator) ~~means~~ is a grid zone in metric measurement providing for an exact point of numerical reference.

Section 2. Section 16.53.030 of the Lacey Municipal Code is hereby amended to read as follows:

**16.53.030 Register of historic places.**

A. Criteria for Determining Designation in the Register. Any building, structure, site, object, or district may be designated for inclusion in the Lacey ~~Register of Historic Places~~ if it is significantly associated with the history, architecture, archaeology, engineering, or cultural heritage of the community; has historical integrity; is at least fifty years old, or is of a lesser age and has exceptional importance; and if it falls in at least one of the following categories:

1. ~~Is~~ associated with events that have made a significant contribution to the broad patterns of national, state, or local history;
2. Embodies the distinctive architectural characteristics of a type, period, style, or method of design or construction, or represents a significant and distinguishable entity whose components may lack individual distinction;

3. Is an outstanding work of a designer, builder, or architect who has made a substantial contribution to the art;
4. Exemplifies or reflects special elements of the city's cultural, special, economic, political, aesthetic, engineering, or architectural history;
5. Is associated with the lives of persons significant in national, state, or local history;
6. Has yielded, or may be likely to yield, important archaeological information related to history of pre-history;
7. Is a building or structure removed from its original location but which is significant primarily for architectural value, or which is the only surviving structure significantly associated with an historic person or event;
8. Is a birthplace or grave of an historical figure of outstanding importance and is the only surviving structure or site associated with that person;
9. Is a cemetery which derives its primary significance from age, from distinctive design features, or from association with historic events, or cultural patterns;
10. Is a reconstructed building that has been ~~executed~~ erected in an historically accurate manner on the original site;
11. Is a creative and unique example of folk architecture and design created by persons not formally trained in the architectural or design professions, and which does not fit into formal architectural or historical categories.

**B. Process for Designating Properties or Districts to the Register.**

1. Any person may nominate a building, structure, site, object or district for inclusion in the Lacey Register of Historic Places. Members of the historical commission or the commission as a whole may generate nominations. In its designation decision, the commission shall consider the Lacey historical inventory and the city comprehensive plan.
2. In the case of individual properties, the designation shall include the UTM reference and all features, interior and exterior, and outbuildings which contribute to its designation.
3. In the case of districts, the designation shall include description of the boundaries of the district, the characteristics of the district which justifies its designation, and a list of all properties including features, structures, sites, objects, and open spaces which contribute to the designation of the district.
4. The historical commission shall consider the merits of the nomination, according to the criteria in subsection 16.53.030(A) and according to the nomination review standards established in rules by the commission, at a public meeting. Adequate notice shall be given to



the public, the owner(s), and the authors of the nomination, if different, and lessees, if any, of the subject property prior to the public meeting according to standards for public meetings established in rules and in compliance with RCW Chapter 42.30, Open Public Meeting Act. Such notice shall include publication in a newspaper of general circulation in Lacey, and posting of the property. If the commission finds that the nominated property is eligible for the Lacey Register of Historic Places, the commission shall make recommendation to the city council that the property be listed in the register. The public, property owner(s) and the authors of the nomination, if different, and lessees, if any, shall be notified of the listing. In addition, prior to submitting the recommendations to the city council, the historical commission will obtain a signed statement from the appropriate party/owner of record stating their willingness to have their property listed in the Lacey, state, and/or national register.

In the case of districts, if the commission finds the nominated district is eligible for the register, the designated area will be defined and submitted to the planning commission for review, and recommendation to the city council.

5. Properties listed on the Lacey Register of Historic Places shall be recorded on official zoning records with an "HR" (for historic register) designation. This designation shall not change or modify the underlying zone classification.

C. Removal of Properties from the Register. In the event that any property is no longer deemed appropriate for designation to the Lacey Register of Historic Places, the commission may initiate removal from such designation by the same procedure as provided for in this chapter for establishing the designation, ~~Section 2.42.055~~.

D. Effects of Listing on the Register.

1. Listing on the Lacey Register of Historic Places is an honorary designation denoting significant association with the historic, archaeological, engineering, or cultural heritage of the community. Properties are listed individually or as contributing properties to an historic district.

2. Prior to the commencement of any work on a registered property, excluding ordinary repair and maintenance including painting and emergency measures defined in Section 16.53.020, the owner must request a certificate of appropriateness from the commission for the proposed work. Violation of this rule shall be grounds for the commission to review the property for removal from the register.

3. Prior to whole or partial demolition of a registered property, the owner must request and receive a waiver of a Certificate of Appropriateness.

~~34. Once Lacey is was certified as a certified local government (CLG), on December 19, 1986. As such, properties listed on the local register may be eligible for a special tax valuation on their rehabilitation, pursuant to Section 16.53.050.~~

Section 3. Section 16.53.040 of the Lacey Municipal Code is hereby amended to read as follows:

**16.53.040 Review of changes to historic register properties.**

A. Review Required. No person shall change the use, construct any new building or structure, or reconstruct, alter, restore, remodel, repair, move, or demolish any existing property on the register or within an historic district on the register without review by the commission and without receipt of a certificate of appropriateness as a result of the review. The review (maximum of thirty days from receipt of request for certificate of appropriateness) shall apply to all features of the property, interior and exterior, that contribute to its designation, and are listed on the nomination form. This section shall have no application to ordinary repair and maintenance, including painting, nor to emergency measures defined in Section 16.53.020. Information required by the commission to review the proposed changes ~~are~~ shall be established in rules of the commission.

B. Exemptions. The following activities do not require a Certificate of Appropriateness or review by the commission: ordinary repair and maintenance, painting, and/or emergency repairs defined in Section 16.53.020.

BC. Review Process.

1. The building or zoning official shall report any application for a permit to work on a designated Lacey register property or in Lacey ~~Register~~ ~~Historic~~ ~~District~~ to the commission, who shall notify the applicant of the commission review requirements. The building or zoning official shall not issue any such permit, but continue to process such application and work with the commission in considering building and fire code requirements. The commission shall review the work and make a recommendation to the building or zoning official prior to granting a permit. Any conditions voluntarily agreed to by the applicant in this review shall become conditions of approval of the permits granted.

2. The owner or his/her agent (architect, contractor, lessee, etc.) shall apply to the commission for a review of proposed changes on a register property or within a register historic district, and request a Certificate of Appropriateness or, in the case of demolition, a waiver.

3. Each application for review of proposed changes shall be accompanied by such information as is required by the commission establishing in its rules for the proper review of the proposed project.

4. The commission shall meet with the applicant and review the proposed work according to the design review criteria established in the rules. The commission shall complete its review and make its recommendations within thirty (30) calendar days of the date of receipt of the application. Unless legally required, there shall be no notice, posting, or publication requirements for action on the application, but all such actions shall be made at regular meetings of the commission. The commission's recommendations shall be in writing and shall state the findings of fact and reasons relied upon in reaching its decision. Any conditions agreed to by the applicant in this review process shall become conditions of approval of the permits granted. The commission's recommendations and, if awarded, the Certificate of Appropriateness shall be transmitted to the building official. If the owner agrees to the commission's recommendations, a certificate of appropriateness shall be awarded by the commission according to standards established in rules of the commission.

5. A Waiver of the Certificate of Appropriateness is required before a permit may be issued to allow sole or partial demolition of a designated Lacey Register Historic property or in a Lacey Register Historic District. The owner or his/her agent shall apply to the commission for a review of the proposed demolition and request a waiver. The applicant shall meet with the commission in an attempt to find alternatives to demolition. These negotiations may last no longer than 45 calendar days from the initial meeting of the commission, unless either party requests an extension. If no request is made and no alternative to demolition has been agreed to, the commission shall act and advise the official in charge of issuing a demolition permit of the approval or denial of the waiver of a Certificate of Appropriateness. Conditions in the case of granting a demolition permit may include allowing the commission up to 45 additional calendar days to develop alternatives to demolition. When issuing a waiver the board may require the owner to mitigate the loss of the Lacey Historic Register property by means determined by the commission at the meeting. Any conditions agreed to by the applicant in this review process shall become conditions of approval of the permits granted. After the property is demolished, the commission shall initiate removal of the property from the register.

Section 4. Section 16.53.050 of the Lacey Municipal Code is hereby amended to read as follows:

**16.53.050 Review and monitoring of properties for special property tax valuation.**

A. ~~Until Lacey is certified as a certified local government (CLG),~~ The class of properties eligible for special valuation shall be limited to properties listed on the ~~National Lacey Register of Historic Places or properties identified as contributing to a Lacey Register Historic District.~~ National Register Historic District. ~~Once Lacey receives written notification that it is a~~

~~certified local government, the class of properties eligible for special valuation shall be limited to properties listed on the Lacey register of historic places or properties identified as contributing to a Lacey register historic district.~~

B. Applications for special property tax valuation in connection with substantial improvement of historic properties, as defined in Chapter RCW 84.26 and Chapter 221, Laws of 1986, shall be submitted to the commission by the county assessor within ten days of filing.

C. The commission shall recommend to the city council applications for approval for special valuation if the property meets the criteria of RCW Chapter 84.26 and Chapter 221, Laws of 1986, and is not altered in a way which adversely affects those elements which contribute to its designation and the owner(s) enters into an agreement with the city of Lacey which requires the owner(s) for the ten year period of classification to:

1. Monitor the property for its continued qualification for special valuation;
2. Comply with rehabilitation plans and minimum standards of maintenance as defined in the agreement;
3. Make the historic aspects of the property accessible to public view one day a year, if the property is not visible from the public right-of-way;
4. Apply to the commission for recommended approval or denial of any demolition or alteration;
5. Comply with any other provisions in the original agreement as may be appropriate.

D. Once an agreement between an owner and the commission has become effective pursuant to RCW Chapter 84.26 and Chapter 221, Laws of 1986, there shall be no changes in standards of maintenance, public access, alteration, or report requirements, or any other provisions of the agreement, during the period of the classification without the approval of all parties to the agreement.

1. The Washington State Advisory Council's Standards for the Rehabilitation and Maintenance of the Historic Properties in WAC 254-20-100 shall be used by the commission as minimum requirements for determining whether or not an historic property is eligible for special valuation and whether or not the property continues to be eligible for special valuation once it has been so classified.

2. The historic preservation special valuation agreement in WAC 254-20-120 shall be used by the commission as the minimum agreement necessary to comply with the requirements of RCW 84.26.050(2).



E. An application for classification as an eligible historic property shall be approved or denied by the Lacey city council before December 31st of the calendar year in which the application is made, if submitted by December 1<sup>st</sup> of the calendar year.

F. The city shall notify the county assessor, county auditor, and the applicant of the approval or denial of the application.

G. If the Lacey city council determines that the property qualifies as an eligible historic property, the city shall certify the fact in writing and shall file a copy of the certificate with the county assessor and auditor within ten days of the determination and no later than December 31st. The certificate shall state the facts upon which the approval is based.

H. Any decision of the Lacey city council regarding application for classification as historic property, eligible for special valuation, may be appealed to superior court under RCW 34.04.130, 05.510 – 34.05.598, in addition to any other remedy of law. Any decision on the disqualification of historic property eligible for special valuation, or any other dispute, may be appealed to the county board of equalization.

Section 5. Section 16.53.060 of the Lacey Municipal Code is hereby amended to read as follows:

**16.53.060 Relationship of provisions to zoning.** Properties ~~designated to~~ listed on the Lacey Register shall be subject to the provisions set forth in this chapter, as well as the bulk, use, setback, and other controls of the zoning district in which they are located. Nothing contained in this chapter shall be construed ~~to be as~~ repealing, modifying, or waiving any zoning provisions.

Section 6. The Summary attached hereto is hereby approved for publication.

PASSED BY THE CITY COUNCIL OF THE CITY OF LACEY,  
WASHINGTON, at a regularly-called meeting thereof, held this 9<sup>th</sup> day of  
June, 2011.

CITY COUNCIL

By: \_\_\_\_\_  
Mayor

Approved as to form:

\_\_\_\_\_  
City Attorney

Attest:

\_\_\_\_\_  
City Clerk

ORDINANCE NO. 1370

CITY OF LACEY

AN ORDINANCE RELATING TO THE CITY'S HISTORIC PRESERVATION REGULATIONS AND AMENDING SECTIONS 16.53.020 THROUGH 16.53.060 OF THE LACEY MUNICIPAL CODE AND ADOPTING A SUMMARY FOR PUBLICATION.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LACEY,

WASHINGTON, as follows:

Section 1. Section 16.53.020 of the Lacey Municipal Code is hereby amended to read as follows:

**16.53.020 Definitions.** The following words and terms when used in this chapter shall mean as follows, unless a different meaning clearly appears from the context:

- A. A "building" ~~means is~~ a structure constructed by human beings. This includes both residential and nonresidential buildings, main and accessory buildings.
- B. "Certificate of appropriateness" ~~means is~~ the document indicating that the commission has reviewed the proposed changes to a local Register property or within a local Register Historical District and certified the changes as not adversely affecting the historic characteristics of the property which contribute to its designation.
- C. "Class of properties eligible to apply for special valuation" ~~means are the class of~~ properties ~~listed on the National Register of Historic Places or properties listed as contributing to a national register historic district until such time as Lacey becomes a certified local government (CLG). Once a CLG, the class of properties eligible for special valuation shall be~~ properties listed on the Lacey Register of Historic Places or properties listed as contributing to a Lacey Register historic district, and on a local, state, and/or National Register.
- D. A "district" ~~means is~~ a geographically definable area--urban or rural, small or large--possessing a significant concentration, linkage, or continuity of sites, buildings, structures, and/or objects united by past events or aesthetically by plan or physical development.
- E. "Emergency repair" ~~means is~~ work necessary to prevent destruction or dilapidation to real property or structural appurtenances thereto immediately threatened or damaged by fire, flood, earthquake, or other disaster.

F. "Incentives" ~~means~~ are such rights or privileges, or combination thereof, which the city council, or other local, state, or federal public body or agency, by virtue of applicable present or future legislation, may be authorized to grant or obtain for the owner(s) of registered properties. Examples of economic incentives include, but are not limited to, tax relief, conditional use permits, rezoning, street vacation, planned unit development, transfer of development rights, facade easements, gifts, preferential leasing policies, beneficial placement of public improvements or amenities, or the like.

G. "Inventory" or "historic inventory" ~~means~~ is the comprehensive inventory of historic and pre-historic resources within the boundaries of the eCity of Lacey.

H. "Lacey ~~h~~Historical ~~e~~Commission" or "~~e~~Commission" ~~means~~ is the commission ~~created by Ordinance 531 and outlined designated~~ in Chapter 2.42 of the Lacey Municipal Code.

I. "Lacey's ~~r~~Register of ~~h~~Historic ~~p~~Places" or "~~r~~Register" ~~means~~ is the local listing of properties provided for in Section 16.53.030 ~~thereof~~.

J. "Lessee" ~~means~~ is a person or persons who are other than owner(s) of record and who hold an interest in real or personal property under a lease agreement.

K. "National Register of Historic Places" ~~means~~ is the national listing of properties significant to our cultural history because of their documented importance to our history, architectural history, engineering, or cultural heritage.

L. "Object" ~~means~~ is a thing of functional, aesthetic, cultural, historical, or scientific value that may or may not be, by nature or design, movable yet related to a specific setting or environment.

M. "Ordinary repair and maintenance" ~~means~~ is work for which a permit issued by the city is not required by law, and where the purpose and effect of such work is to correct any deterioration or decay of or damage to the real property or structure or appurtenance therein and to restore the same, as nearly as may be practicable, to the condition prior to the occurrence of such deterioration, decay, or damage; provided that all work is done in accordance with standards issued by Secretary of the Department of the Interior.

N. "Owner" of property ~~means~~ is the fee simple owner of record as exists on the Thurston County assessor's records.

O. "Prehistoric" means the time period before written record.

OP. "Significance" or "significant," used in the context of historic significance, means is the following: a property with local, state, or national significance is one which helps in the understanding of the history or pre-history of the local area, state, or nation (whichever is applicable) by illuminating the local, statewide, or nationwide impact of the events or persons associated with the property, or its architectural type or style in information potential. The



local area can include the city of Lacey, Thurston County, or southwest Washington, or a modest geographical or cultural area, such as a neighborhood. Local significance may apply to a property that illustrates a theme that is important to the history of the state; and national significance to property of exceptional value in representing or illustrating an important theme in the history of the nation.

PQ. A "site" ~~means~~is a place where a significant event or pattern of events occurred. It may be the location of prehistoric or historic occupation or activities that may be marked by physical remains; or it may be the symbolic focus of a significant event or pattern of events that may not have been actively occupied. A site may be the location of a ruined or now nonexistent building or structure, or the location itself possesses historic, cultural or archaeological significance.

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ST. "UTM" (~~is~~Universal ~~is~~Transverse ~~is~~Mercator) ~~means~~is a grid zone in metric measurement providing for an exact point of numerical reference.

Section 2. Section 16.53.030 of the Lacey Municipal Code is hereby amended to read as follows:

**16.53.030 Register of historic places.**

A. Criteria for Determining Designation in the Register. Any building, structure, site, object, or district may be designated for inclusion in the Lacey Register of Historic Places if it is significantly associated with the history, architecture, archaeology, engineering, or cultural heritage of the community; has historical integrity; is at least fifty years old, or is of a lesser age and has exceptional importance; and if it falls in at least one of the following categories:

1. ~~Is~~is associated with events that have made a significant contribution to the broad patterns of national, state, or local history;

2. Embodies the distinctive architectural characteristics of a type, period, style, or method of design or construction, or represents a significant and distinguishable entity whose components may lack individual distinction;

3. Is an outstanding work of a designer, builder, or architect who has made a substantial contribution to the art;

4. Exemplifies or reflects special elements of the city's cultural, special, economic, political, aesthetic, engineering, or architectural history;

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6. Has yielded, or may be likely to yield, important archaeological information related to history of pre-history;

7. Is a building or structure removed from its original location but which is significant primarily for architectural value, or which is the only surviving structure significantly associated with an historic person or event;

8. Is a birthplace or grave of an historical figure of outstanding importance and is the only surviving structure or site associated with that person;

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#### B. Process for Designating Properties or Districts to the Register.

1. Any person may nominate a building, structure, site, object or district for inclusion in the Lacey Register of Historic Places. Members of the historical commission or the commission as a whole may generate nominations. In its designation decision, the commission shall consider the Lacey historical inventory and the city comprehensive plan.

2. In the case of individual properties, the designation shall include the UTM reference and all features, interior and exterior, and outbuildings which contribute to its designation.

3. In the case of districts, the designation shall include description of the boundaries of the district, the characteristics of the district which justifies its designation, and a list of all properties including features, structures, sites, objects, and open spaces which contribute to the designation of the district.

4. The historical commission shall consider the merits of the nomination, according to the criteria in subsection 16.53.030(A) and according to the nomination review standards established in rules by the commission, at a public meeting. Adequate notice shall be given to

the public, the owner(s), and the authors of the nomination, if different, and lessees, if any, of the subject property prior to the public meeting according to standards for public meetings established in rules and in compliance with RCW Chapter 42.30, Open Public Meeting Act. Such notice shall include publication in a newspaper of general circulation in Lacey, and posting of the property. If the commission finds that the nominated property is eligible for the Lacey Register of Historic Places, the commission shall make recommendation to the city council that the property be listed in the register. The public, property owner(s) and the authors of the nomination, if different, and lessees, if any, shall be notified of the listing. In addition, prior to submitting the recommendations to the city council, the historical commission will obtain a signed statement from the appropriate party/owner of record stating their willingness to have their property listed in the Lacey, state, and/or national register.

In the case of districts, if the commission finds the nominated district is eligible for the register, the designated area will be defined and submitted to the planning commission for review, and recommendation to the city council.

5. Properties listed on the Lacey Register of Historic Places shall be recorded on official zoning records with an "HR" (for historic register) designation. This designation shall not change or modify the underlying zone classification.

C. Removal of Properties from the Register. In the event that any property is no longer deemed appropriate for designation to the Lacey Register of Historic Places, the commission may initiate removal from such designation by the same procedure as provided for in this chapter for establishing the designation., ~~Section 2.42.055.~~

D. Effects of Listing on the Register.

1. Listing on the Lacey Register of Historic Places is an honorary designation denoting significant association with the historic, archaeological, engineering, or cultural heritage of the community. Properties are listed individually or as contributing properties to an historic district.

2. Prior to the commencement of any work on a registered property, excluding ordinary repair and maintenance including painting and emergency measures defined in Section 16.53.020, the owner must request a certificate of appropriateness from the commission for the proposed work. Violation of this rule shall be grounds for the commission to review the property for removal from the register.

3. Prior to whole or partial demolition of a registered property, the owner must request and receive a waiver of a Certificate of Appropriateness.

~~34. Once Lacey is was~~ certified as a certified local government (CLG); on December 19, 1986. As such, properties listed on the local register may be eligible for a special tax valuation on their rehabilitation; pursuant to Section 16.53.050.

Section 3. Section 16.53.040 of the Lacey Municipal Code is hereby amended to read as follows:

**16.53.040 Review of changes to historic register properties.**

A. Review Required. No person shall change the use, construct any new building or structure, or reconstruct, alter, restore, remodel, repair, move, or demolish any existing property on the register or within an historic district on the register without review by the commission and without receipt of a certificate of appropriateness as a result of the review. The review (maximum of thirty days from receipt of request for certificate of appropriateness) shall apply to all features of the property, interior and exterior, that contribute to its designation, and are listed on the nomination form. This section shall have no application to ordinary repair and maintenance, including painting, nor to emergency measures defined in Section 16.53.020. Information required by the commission to review the proposed changes ~~are~~ shall be established in rules of the commission.

B. Exemptions. The following activities do not require a Certificate of Appropriateness or review by the commission: ordinary repair and maintenance, painting, and/or emergency repairs defined in Section 16.53.020.

BC. Review Process.

1. The building or zoning official shall report any application for a permit to work on a designated Lacey register property or in Lacey ~~Register~~ ~~Historic~~ ~~District~~ to the commission, who shall notify the applicant of the commission review requirements. The building or zoning official shall not issue any such permit, but continue to process such application and work with the commission in considering building and fire code requirements. The commission shall review the work and make a recommendation to the building or zoning official prior to granting a permit. Any conditions voluntarily agreed to by the applicant in this review shall become conditions of approval of the permits granted.

2. The owner or his/her agent (architect, contractor, lessee, etc.) shall apply to the commission for a review of proposed changes on a register property or within a register historic district, and request a Certificate of Appropriateness or, in the case of demolition, a waiver.

3. Each application for review of proposed changes shall be accompanied by such information as is required by the commission establishing in its rules for the proper review of the proposed project.



4. The commission shall meet with the applicant and review the proposed work according to the design review criteria established in the rules. The commission shall complete its review and make its recommendations within thirty (30) calendar days of the date of receipt of the application. Unless legally required, there shall be no notice, posting, or publication requirements for action on the application, but all such actions shall be made at regular meetings of the commission. The commission's recommendations shall be in writing and shall state the findings of fact and reasons relied upon in reaching its decision. Any conditions agreed to by the applicant in this review process shall become conditions of approval of the permits granted. The commission's recommendations and, if awarded, the Certificate of Appropriateness shall be transmitted to the building official. If the owner agrees to the commission's recommendations, a certificate of appropriateness shall be awarded by the commission according to standards established in rules of the commission.

5. A Waiver of the Certificate of Appropriateness is required before a permit may be issued to allow sole or partial demolition of a designated Lacey Register Historic property or in a Lacey Register Historic District. The owner or his/her agent shall apply to the commission for a review of the proposed demolition and request a waiver. The applicant shall meet with the commission in an attempt to find alternatives to demolition. These negotiations may last no longer than 45 calendar days from the initial meeting of the commission, unless either party requests an extension. If no request is made and no alternative to demolition has been agreed to, the commission shall act and advise the official in charge of issuing a demolition permit of the approval or denial of the waiver of a Certificate of Appropriateness. Conditions in the case of granting a demolition permit may include allowing the commission up to 45 additional calendar days to develop alternatives to demolition. When issuing a waiver the board may require the owner to mitigate the loss of the Lacey Historic Register property by means determined by the commission at the meeting. Any conditions agreed to by the applicant in this review process shall become conditions of approval of the permits granted. After the property is demolished, the commission shall initiate removal of the property from the register.

Section 4. Section 16.53.050 of the Lacey Municipal Code is hereby amended to read as follows:

**16.53.050 Review and monitoring of properties for special property tax valuation.**

A. ~~Until Lacey is certified as a certified local government (CLG),~~ The class of properties eligible for special valuation shall be limited to properties listed on the National Lacey Register of Historic Places or properties identified as contributing to a Lacey Register Historic District. ~~national register historic district. Once Lacey receives written notification that it is a~~

~~certified local government, the class of properties eligible for special valuation shall be limited to properties listed on the Lacey register of historic places or properties identified as contributing to a Lacey register historic district.~~

B. Applications for special property tax valuation in connection with substantial improvement of historic properties, as defined in Chapter RCW 84.26 and Chapter 221, Laws of 1986, shall be submitted to the commission by the county assessor within ten days of filing.

C. The commission shall recommend to the city council applications for approval for special valuation if the property meets the criteria of RCW Chapter 84.26 and Chapter 221, Laws of 1986, and is not altered in a way which adversely affects those elements which contribute to its designation and the owner(s) enters into an agreement with the city of Lacey which requires the owner(s) for the ten year period of classification to:

1. Monitor the property for its continued qualification for special valuation;
2. Comply with rehabilitation plans and minimum standards of maintenance as defined in the agreement;
3. Make the historic aspects of the property accessible to public view one day a year, if the property is not visible from the public right-of-way;
4. Apply to the commission for recommended approval or denial of any demolition or alteration;
5. Comply with any other provisions in the original agreement as may be appropriate.

D. Once an agreement between an owner and the commission has become effective pursuant to RCW Chapter 84.26 and Chapter 221, Laws of 1986, there shall be no changes in standards of maintenance, public access, alteration, or report requirements, or any other provisions of the agreement, during the period of the classification without the approval of all parties to the agreement.

1. The Washington State Advisory Council's Standards for the Rehabilitation and Maintenance of the Historic Properties in WAC 254-20-100 shall be used by the commission as minimum requirements for determining whether or not an historic property is eligible for special valuation and whether or not the property continues to be eligible for special valuation once it has been so classified.

2. The historic preservation special valuation agreement in WAC 254-20-120 shall be used by the commission as the minimum agreement necessary to comply with the requirements of RCW 84.26.050(2).

E. An application for classification as an eligible historic property shall be approved or denied by the Lacey city council before December 31st of the calendar year in which the application is made, if submitted by December 1<sup>st</sup> of the calendar year.

F. The city shall notify the county assessor, county auditor, and the applicant of the approval or denial of the application.

G. If the Lacey city council determines that the property qualifies as an eligible historic property, the city shall certify the fact in writing and shall file a copy of the certificate with the county assessor and auditor within ten days of the determination and no later than December 31st. The certificate shall state the facts upon which the approval is based.

H. Any decision of the Lacey city council regarding application for classification as historic property, eligible for special valuation, may be appealed to superior court under RCW 34.04.130.05.510 – 34.05.598, in addition to any other remedy of law. Any decision on the disqualification of historic property eligible for special valuation, or any other dispute, may be appealed to the county board of equalization.

Section 5. Section 16.53.060 of the Lacey Municipal Code is hereby amended to read as follows:

**16.53.060 Relationship of provisions to zoning.** Properties ~~designated to~~ listed on the Lacey Register shall be subject to the provisions set forth in this chapter, as well as the bulk, use, setback, and other controls of the zoning district in which they are located. Nothing contained in this chapter shall be construed ~~to be~~ as repealing, modifying, or waiving any zoning provisions.

Section 6. The Summary attached hereto is hereby approved for publication.

PASSED BY THE CITY COUNCIL OF THE CITY OF LACEY,  
WASHINGTON, at a regularly-called meeting thereof, held this 9<sup>th</sup> day of  
June, 2011.

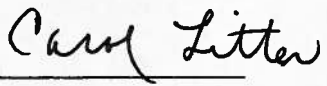
CITY COUNCIL

By: Tom Nelson  
Mayor

Approved as to form:

  
\_\_\_\_\_  
City Attorney

Attest:

  
\_\_\_\_\_  
City Clerk



**SUMMARY FOR PUBLICATION**

**ORDINANCE NO. 1370**

**CITY OF LACEY**

**The City Council of the City of Lacey, Washington, passed on June 9, 2011, Ordinance No. 1370, entitled "AN ORDINANCE RELATING TO THE CITY'S HISTORIC PRESERVATION REGULATIONS AND AMENDING SECTIONS 16.53.020 THROUGH 16.53.060 OF THE LACEY MUNICIPAL CODE AND ADOPTING A SUMMARY FOR PUBLICATION."**

The main points of the Ordinance are described as follows:

1. The ordinance makes amendments to Sections 16.53.020 through 16.53.060 to assure that such sections are in conformance with required and current practices of the City Historical Commission related to historic preservation.
2. The Ordinance adopts this Summary for publication.

A copy of the full text of this Ordinance will be mailed without charge to any person requesting the same from the City of Lacey.

Published: June 9, 2011.