

ORDINANCE NUMBER 796

HISTORIC PRESERVATION ORDINANCE

WHEREAS, the recognition, enhancement, perpetuation and continued use of the buildings, sites, districts, structures and objects of historical significance to the City of Lacey's heritage is necessary in the interest of civic pride and the prosperity and general welfare of the City's inhabitants.

WHEREAS, such assets are an integral part of the heritage, education and economic, cultural and aesthetic standing of the City of Lacey can only be maintained and enhanced by regard for its heritage and by maintenance of its cultural assets.

WHEREAS, the purpose of this ordinance is therefore to provide for the identification, enhancement, perpetuation and use of historic resources within the City of Lacey in order to:

1. Safeguard the heritage of the City as represented by those sites, buildings, districts, structures and objects which reflect significant elements of the City's heritage.
2. Strengthen the economic vitality of the City of Lacey by promoting the stabilization and improvement of property values in historic areas, and by encouraging new buildings and developments that will be harmonious with existing historic buildings and areas.

3. Foster civic and neighborhood pride in the beauty and accomplishments of the past, and a sense of identity based on the City's history.
4. Protect and enhance the City's ability to attract tourists and visitors, thereby stimulating the local economy.
5. Assist, encourage and provide incentives to private owners for preservation, restoration, redevelopment and use of outstanding historic buildings, districts, neighborhoods, streets, structures, objects, and sites.
6. Promote and facilitate the early identification and resolution of conflicts between the preservation of historic resources and alternative land uses.
7. Conserve valuable material and energy resources by ongoing use and maintenance of the existing, built environment.

WHEREAS, Chapter 84.26 RCW and Chapter 221, Washington Laws of 1986, declares that it is in the public interest to encourage maintenance, improvement, and preservation of privately owned historic landmarks, and to achieve this end provides for a local review board with duties to include determining that properties are eligible historic properties and entering into a maintenance agreement with the owner of the duration of special valuation, now therefore; THE CITY COUNCIL OF THE CITY OF LACEY, WASHINGTON, DOES ORDAIN AS FOLLOWS:

Section 1. Short Title

The following sections shall be known and may be cited as the "Historic Preservation Ordinance of the City of Lacey."

Section 2. Definitions

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

1. A "building" is a structure constructed by human beings. This includes both residential and nonresidential buildings, main and accessory buildings.
2. A "site" 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 ruined or now nonexistent building or structure, or the location itself possesses historic, cultural or archeological significance.
3. A "district" 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 esthetically by plan or physical development.

4. "Inventory or Historic Inventory" means the comprehensive inventory of historic resources within the boundaries of the City.
5. "Lacey's Register of Historic Places" or "Register" means the local listing of properties provided for in Section 5 thereof.
6. "State Register of Historic Places" means the state listing of properties significant to the community, State, or Nation, but which do not meet the criteria of the National Register.
7. "National Register of Historic Places" means the national listing of properties significant to our cultural history because of their documented importance to our history, architectural history, engineering, or cultural heritage.
8. "Class of Properties Eligible for Special Valuation" means 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.
9. "Lacey Historical Commission" or "Commission" means the commission created by Ordinance 531 and outlined in Chapter 2.42 of the Lacey Municipal Code.

10. "Significance" or "significant" used in the context of historic significance means the following: a property with local, state, or national significance is one which helps in the understanding of the 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 one or more localities; state significance to a theme 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.
11. "Emergency repair" means 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.
12. "Ordinary repair and maintenance" means 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 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.
13. "Incentives" 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.

14. "Certificate of Appropriateness" means the Commission has reviewed the proposed changes to a registered property and certified the changes as not adversely affecting the historic characteristics of the property which contribute to its designation.
15. "Owner" of property is the fee simple owner of record as exists on the Thurston County Assessor's records.
16. "UTM" (Universal Transverse Mercator) - Grid zone in metric measurement providing for an exact point of numerical reference.
17. "Object" - A thing of functional, aesthetic, cultural, historical, or scientific value that may not be, by nature or design, movable yet related to a specific setting or environment.
18. "Structure" - A work made up of interdependent and interrelated parts in a definite pattern of organization. Generally constructed by man, it is often an engineering project.

19. Lessee - 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.

Section 3.

Section 2.42.020 of the Lacey Municipal Code is hereby amended to read as follows:

(a) The commission shall consist of nine members, appointed by the mayor and confirmed by the city council. The initial appointments to the historical commission shall be staggered: Three members shall be appointed for one year, three members shall be appointed for two years and three members shall be appointed for three years. Thereafter, the terms shall be for three years. Membership on the commission shall be limited to two full terms.

(b) The commission members shall not receive any salary or other compensation for services rendered on the commission, but necessary expenses actually incurred and within the budget as set by the annual budget ordinance shall be paid.

(c) Vacancies occurring otherwise than through the expiration of terms shall be filled for the unexpired terms. Members may be removed, after public hearing, by the mayor with the approval of the city council, for inefficiency, neglect of duty or malfeasance in office. The members shall be selected without respect to political affiliations.

(d) ~~One - ex-officio - member - shall - be - designated - by - the - planning commission; - library - board; - the - parks - commission - and - city - council - (totaling four - members); - who - shall - be - active - participants - in - the - activities - of - the - commission - but - shall - not - be - voting - members;~~ The Commission shall always include at least two (2) professionals who have experience in evaluating historic

resources and are selected from among the disciplines of history, architecture, architectural history, historic preservation, planning, cultural anthropology, archeology, cultural geography, American studies. The Commission action that would otherwise be valid shall not be rendered invalid by the temporary vacancy of one or both of the professional positions, unless the Commission action is related to meeting Certified Local Government (CLG) responsibilities cited in the Certification Agreement between the Mayor of Lacey and the State Historic Preservation Officer. Furthermore, exception to the residency requirement of Commission members may be granted by the Mayor and City Council in order to obtain representatives from these disciplines.

Section 4.

There is hereby added to the Lacey Municipal Code a new section 2.42.055 to read as follows:

Additional Powers and Duties. A major responsibility of the Historical Commission is to identify and actively encourage the conservation of the City's historic resources by initiating and maintaining a register of historic places and reviewing proposed changes to register properties; to raise community awareness of the City's history and historic resources; and to serve as the City's primary resource in matters of history, historic planning and preservation.

In carrying out these responsibilities, the Historical Commission shall engage in the following:

- a. Conduct and maintain a comprehensive inventory of historic resources within the boundaries of the City and known as Lacey Historic Inventory; publicize and periodically update inventory results. Properties listed on the inventory shall be recorded on official zoning records with an "HI" (for historic inventory designation). This

designation shall not change or modify the underlying zone classification.

- b. Initiate and maintain the Lacey Register of Historic Places. This official register shall be compiled of buildings, structures, sites, objects, and districts identified by the Commission as having historic significance worthy of recognition by the City and encouragement of efforts by owners to maintain, rehabilitate, and preserve properties.
- c. Review nominations to the Lacey Register of Historic Places according to criteria in Section 4.1 of this ordinance and adopt standards in its **rules** to be used to guide this review.
- d. Review proposals to construct, change, alter, modify, remodel, move, demolish, and significantly affect properties or districts on the register as provided in Section 5, and adopt standards in its **rules** to be used to guide this review and the issuance of a certificate of appropriateness.
- e. Provide for the review either by the Commission or its staff of all applications for approvals, permits, environmental assessments or impact statements, and other similar documents pertaining to the historic inventory or adjacent properties.
- f. Conduct all Commission meetings in compliance with Chapter 42.30 RCW, Open Public Meetings Act, to provide for adequate public participation and adopt standards in its rules to guide this action.

- g. Participate in, promote and conduct public information, educational and interpretive programs pertaining to historic resources.
- h. Provide information to the public on methods of maintaining the rehabilitated historic properties. This may take the form of pamphlets, newsletters, workshops, or similar activities.
- i. Officially recognize excellence in the rehabilitation of historic buildings, structures, sites and districts, and new construction in historic areas, and encourage appropriate measures for such recognition.
- j. Be informed about and provide information to the public and City departments on incentives for preservation of historic resources including legislation, regulations, and codes which encourage the use and adaptive reuse of historic properties.
- k. Submit nominations to the State and National Registers of Historic Places.
- l. Investigate and report to the City Council on the use of various federal, state, local, or private funding sources available to promote historic resource preservation in the City.
- m. Establish liaison support, communication, and cooperation with federal, state, and other local government entities which will further historic preservation objectives, including public education, within the Lacey area.

- n. Review and comment to the City Council on land use, housing and redevelopment, municipal improvement, and other types of planning and programs undertaken by any agency of the City, other neighboring communities, the County, the State, or federal government as they relate to historic resources of the City.
- o. Serve as the local review board for the purpose of recommending approval for special property tax valuation per Chapter 84.26 RCW and Chapter 221, Laws of 1986, and request the City to enter into an agreement with the property owner for the duration of the special valuation during which time the review board monitors the property for continued qualifications for the special valuation per requirements of Chapter 84.26 RCW and Chapter 221, Laws of 1986.

Section 5. Register of Historic Places

- 1. Criteria for Determining Designation in the Register - Any building, structure, site, object, or district may be designated for inclusion in the Lacey Register if it is significantly associated with the history, architecture, archaeology, engineering, or cultural heritage of the community, has historical integrity; is at least 50 years old, or is of a lesser age and has exceptional importance, and if it falls in at least one of the following categories:
 - a. If associated with events that have made a significant contribution to the broad patterns of National, State, or local history.

- b. 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.
- c. Is an outstanding work of a designer, builder, or architect who has made a substantial contribution to the art.
- d. Exemplifies or reflects special elements of the City's cultural, special, economic, political, aesthetic, engineering, or architectural history.
- e. Is associated with the lives of persons significant in national, state, or local history.
- f. Has yielded, or may be likely to yield, important archeological information.
- g. 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.
- h. Is a birthplace or grave of an historical figure of outstanding importance and is the only surviving structure or site associated with that person.

- i. Is a cemetery which derives its primary significance from age, from distinctive design features, or from association with historic events, or cultural patterns.
- j. Is a reconstructed building that has been executed in an historically accurate manner on the original site.
- k. 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.

2. Process for Designating Properties or Districts to the Register

- a. Any person may nominate a building, structure, site, object, or district for inclusion in the Lacey Register. Members of the Historical Commission or the Commission as a whole may generate nominations. In its designation decision, the Commission shall consider the Lacey Historic Inventory and the City Comprehensive Plan.
- b. In the case of individual properties, the designation shall include the UTM reference and all features, interior and exterior, and out-buildings which contribute to its designation.
- c. 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.

- d. The Historical Commission shall consider the merits of the nomination, according to the criteria in Section 4.1 and according to the nomination review standards established in rules, 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 Chapter 42.30 RCW, Open Public Meetings 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 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.

- e. 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.
3. 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 establishing the designation, Section 4.
 4. Effects of Listing on the Register
 - a. 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.
 - b. Prior to the commencement of any work on a registered property, excluding ordinary repair and maintenance including painting and emergency measures defined in Section 2, 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.
 - c. Once Lacey is certified as a Certified Local Government (CLG), properties listed on the local register may be eligible for a special tax valuation on their rehabilitation (Section 7).

Section 6. Review of Changes to Historic Register Properties

1. 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 30 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 2. Information required by the Commission to review the proposed changes are established in rules.

2. Review Process

a. 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 buildings or zoning official prior to granting a permit. Any conditions voluntarily agreed to by the applicant in this review process shall become conditions of approval of the permits granted.

- b. 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.
- c. 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.
- d. 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) 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. 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.

Section 7. Relationship to Zoning

Properties designated to the Register shall be subject to the provisions set forth herein, as well as the bulk, use, setback, and other controls of the zoning district in which they are located. Nothing contained herein shall be construed to be repealing, modifying, or waiving any zoning provisions.

Section 8. Review and Monitoring of Properties for Special Property Tax Valuation.

1. 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 Register of Historic Places or properties identified as contributing to a National Register Historic District. Once Lacey received 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.
2. Applications for special property tax valuation in connection with substantial improvement of historic properties as defined in Chapter 84.26 RCW and Chapter 221, Laws of 1986, shall be submitted to the Commission by the County Assessor within ten (10) days of filing.
3. The Commission shall recommend to the City Council applications for approval for special valuation if the property meets the criteria of Chapter 84.26 RCW 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 (10) year period of classification to:
 - a. Monitor the property for its continued qualification for special valuation.

- b. Comply with rehabilitation plans and minimum standards of maintenance as defined in the agreement.
 - c. 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.
 - d. Apply to the Commission for recommended approval or denial of any demolition or alteration.
 - e. Comply with any other provisions in the original agreement as may be appropriate.
3. Once an agreement between an owner and the Commission has become effective pursuant to Chapter 84.25 RCW 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.
4. An application for classification as an eligible historic property shall be approved or denied by the Lacey City Council before December 31 of the calendar year in which the application is made.
5. The City shall notify the County Assessor, County Auditor, and the applicant of the approval or denial of the application.

6. 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 (10) days of the determination and no later than December 31. The certificate shall state the facts upon which the approval is based.

7. Any decision of the City Council regarding application for classification as historic property, eligible for special valuation, may be appealed to Superior court under Chapter 34.04.130 RCW 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 9. Uniform Building/Fire Code

The regulating language contained herein shall not be interpreted to supersede the rules and regulations pertaining to Historical structures as outlined in either the Uniform Building or Fire Codes.


PASSED BY THE CITY COUNCIL OF THE CITY OF LACEY,
WASHINGTON, this 4th day of December, 1986.

Attest:



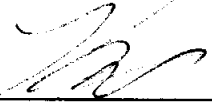
City Clerk

CITY COUNCIL



By Mayor

Approved as to form:



City Attorney

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