

ORDINANCE NO. 467

An ordinance of the city of Harrington, Washington, providing for the identification, evaluation, designation, protection and rehabilitation of designated historic resources within Harrington through special valuation, and a property tax incentive, as provided in rcw chapter 84.26, and providing an effective date.

The city council of the city of Harrington, Washington, does ordain as follows:

HISTORIC PRES ERVATION ORDINANCE

Section 1	Purpose
Section 2	Title
Section 3	Definitions
Section 4	Harrington Historic Commission
Section 5	Harrington Register of Historic Places
Section 6	Review of Changes to Harrington Register Properties
Section 7	Review and Monitoring of Properties for Special Property Tax Valuation
Section 8	Implementation

SECTION 1. PURPOSE

The purpose of this ordinance is to provide for the identification, evaluation, designation, protection and rehabilitation of designated historic resources within Harrington through special valuation, and a property tax incentive, as provided in RCW Chapter 84.26.

- A. Safeguard the heritage of Harrington as represented by those buildings, districts, objects, sites and structures which reflect significant elements of Harrington history;
- B. Stabilize or improve the aesthetic and economic vitality and values of such sites, improvements and objects;
- C. Assist, encourage and provide incentives to private owners for preservation, restoration, redevelopment and use of outstanding historic buildings, districts, objects, sites and structures.

SECTION 2. SHORT TITLE

The following sections shall be known and may be cited as the “historic preservation ordinance of the City of Harrington.”

SECTION 3. DEFINITIONS

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

- A. “Harrington Historic Inventory” or “Inventory” means the comprehensive inventory of historic resources within the boundaries of the City of Harrington.
- B. “Harrington Historic Preservation Commission” or “Commission” means the commission created by this Ordinance.
- C. “Harrington Register of Historic Places”, “Local Register”, or “Register” means the listing of locally designated properties as provided in this Ordinance.
- D. “Actual Cost of Rehabilitation” means costs incurred within twenty-four months prior to the date of application and directly resulting from one or more of the following: a) improvements to an existing building located on or within the perimeters of the original structure; or b) improvements outside of but directly attached to the original structure which are necessary to make the building fully useable but shall not include rentable/habitable floor-space attributable to new construction; or c) architectural and engineering services attributable to the design of the improvements; or d) all costs defined as “qualified rehabilitation expenditures” for purposes of the federal historic preservation investment tax credit.
- E. “Certificate of Appropriateness” means the document indicating that the commission has reviewed the proposed changes to a local register property and certified the changes as not adversely affecting the historic characteristics of the property which contribute to its designation.
- F. “Certified Local Government” or “CLG” means the designation reflecting that the local government has been jointly certified by the State Historic Preservation Office and the National Park Service as having established its own historic preservation commission and a program meeting Federal and State standards.
- G. “Class of properties eligible to apply for Special Valuation in Harrington” means all properties listed on the National Register of Historic Places or certified as contributing to a National Register Historic District which have been substantially rehabilitated at a cost and within a time period which meets the requirements set forth in RCW Chapter 84.26; and upon Harrington becoming a Certified Local Government (CLG), all properties listed on the Harrington Register of Historic Places or properties certified as contributing to a Harrington Register of Historic Places Historic District which have been substantially rehabilitated at a cost and within a time period which meets the requirements set forth in RCW Chapter 84.26.
- H. “Cost” means the actual cost of rehabilitation, which cost shall be at least twenty-five (25%) percent of the assessed valuation of the historic property, exclusive of the assessed value attributable to the land, prior to rehabilitation.
- I. A “district” is a geographically definable area, 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.
- J. “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.

- K. "Historic property" means real property together with improvements thereon, except property listed in a register primarily for objects buried below ground, which is listed in a local register of a Certified Local Government or the National Register of Historic Places.
- L. "Incentives" are such rights or privileges or combination thereof which the Harrington 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 such as, but not limited to, special property tax valuation.
- M. "Local Review Board", or "Board" used in RCW Chapter 84.26 and WAC Chapter 254-20 for the special valuation of historic properties means the commission created in this Ordinance.
- N. "National Register of Historic Places" means the national listing of properties significant to our history.
- O. An "object" is a thing of functional, aesthetic, cultural, historical, or scientific value that may be, by nature or design, movable yet related to a specific setting or environment.
- P. "Ordinary repair and maintenance" means work for which a building permit 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.
- Q. "Owner of property" is the fee simple owner.
- R. "Owner of record" means the owner(s) as recorded in the official records of the Lincoln County Auditor.
- S. A property of historic "significance" is one which helps in the understanding of the history of or is associated with the cultural, engineering, architectural or archeological heritage of the City of Harrington, the region, state or nation. The local area can include a modest geographic or cultural area, such as a neighborhood.
- T. A "site" is a place where a significant event or pattern of events occurred; or a place of historic occupation or activities that may be marked by physical remains; or a place symbolic 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 non-extant building or structure if the location itself possesses historic cultural or archaeological significance.
- U. "Special Valuation for Historic Properties" or "Special Valuation" means the local option program which when implemented makes available to property owners a special tax valuation for rehabilitation of historic properties under which the assessed value of an eligible historic property is determined at a rate that excludes, for up to ten years, the actual cost of the rehabilitation. (Chapter 84.26 RCW).
- V. "State Register of Historic Places" means the state listing of properties significant to the community, state, or nation but which may or may not meet the criteria of the National Register.

- X. A “structure” is 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.
- Y. “Waiver of a Certificate of Appropriateness” or “Waiver” means the document indicating that the commission has reviewed the proposed whole or partial demolition of a local register property and failing to find alternatives to demolition has issued a waiver of a Certificate of Appropriateness which allows the building or zoning official to issue a permit for demolition.
- Z. “Washington State Advisory Council’s Standards for the Rehabilitation and Maintenance of Historic Properties” or “State Advisory’s Council’s Standards” means the rehabilitation and maintenance standards used by Harrington Historic Preservation Commission as minimum requirements for determining if an historic property is eligible for special valuation and whether the property continues to be eligible for special valuation once it has been so classified.

SECTION 4. HARRINGTON HISTORIC COMMISSION

A. Creation and Size

There is hereby established a Harrington Historic Preservation Commission, consisting of seven (7) members. Members of the Harrington Historic Preservation Commission shall be appointed by the Mayor and approved by the Harrington City Council and shall be residents of Lincoln County. Exception to the residency requirement of commission members may be granted by the Mayor of Harrington and the Harrington City Council.

B. Composition of the Commission

1. All members of the commission must have a demonstrated interest and competence in historic preservation.
2. The commission shall always include at least two (2) professionals selected from among the disciplines of architecture, history, architectural history, planning, archeology, cultural anthropology, curation, or related disciplines. The commission action that would otherwise be valid shall not be rendered invalid by the temporary vacancy of one or all 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 Harrington and the State Historic Preservation Officer on behalf of the State.

C. Terms

The original appointment of members to the commission shall be as follows: two (2) for two (2) years, two (2) for three (3) years; and three (3) for four (4) years. Thereafter, appointments shall be made for a four (4) year term. Vacancies shall be filled by the Mayor of Harrington for the unexpired term in the same manner as the original appointment.

D. Powers and Duties

The primary duty of the Historic Preservation Commission is to initiate and maintain a register of historic properties and to review proposed changes to register properties. The Commission shall also promote awareness and preservation of Harrington's history.

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

1. Conduct, maintain and periodically update an inventory of historic properties within the boundaries of Harrington, known as the Harrington Historic Inventory, and publicize the 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.
2. Initiate and maintain the Harrington 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 and protection by the City of Harrington and encouragement of efforts by owners to maintain, rehabilitate, and preserve properties.
3. Review nominations to the Harrington Register of Historic Places according to criteria in this Ordinance and RCW Chapter 84.26 and adopt standards in its rules to be used to guide this review.
4. Review proposals to construct, change, alter, modify, remodel, move, demolish, or significantly affect properties or districts on the register as provided in this Ordinance and RCW Chapter 84.26; and adopt standards in its rules to be used to guide this review and the issuance of a certificate of appropriateness or waiver.
5. Provide for the review all applications for approvals, permits, environmental assessments or impact statements, and other similar documents pertaining to identified historic resources or adjacent properties and adopt standards in its rules to guide this action.
6. Conduct all commission meetings in compliance with RCW Chapter 42.30, the Open Public Meetings Act.
7. 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 Harrington area.
8. Review and comment to the Harrington City Council on land use, housing and redevelopment, municipal improvement and other types of planning and programs undertaken by any agency of Harrington, Lincoln County, Washington State, or federal governments, as they relate to historic resources of Harrington.
9. Advise the Harrington City Council and the Mayor of Harrington generally on matters of Harrington history and historic preservation.

10. Perform other functions related to historic preservation as assigned to the Commission by the Harrington City Council or the Mayor.
11. Officially recognize excellence in the rehabilitation of historic buildings, structures, sites and districts and new construction in historic areas.
12. Be informed about and provide information to the public and Harrington departments on incentives for preservation of historic resources including legislation, regulations and codes which encourage the use and adaptive reuse of historic properties.
13. Review nominations to the State and National Registers of Historic Places.
14. Investigate and report to the Harrington City Council on the use of various federal, state, local or private funding sources available to promote historic resource preservation in Harrington.
15. Serve as the local review board for Special Valuation per RCW Chapter 84.26, and:
 - a) Make determination concerning the eligibility of historic properties for special valuation;
 - b) Verify that the improvements are consistent with the Washington State Advisory Council's Standards for Rehabilitation and Maintenance:
 - c) Enter into agreements with property owners for the duration of the special valuation period pursuant to RCW 84.26.050(2);
 - d) Approve or deny applications for special valuation; and
 - e) Monitor the property for continued compliance with the agreement and statutory eligibility requirements during the ten (10) year special valuation period.
16. Adopt bylaws and/or administrative rules and rules of procedure and comply with all other local review board responsibilities identified in Chapter 84.26 RCW.

E. Compensation

All members shall serve without compensation.

F. Commission Staff Assistance

Commission staff assistance shall be provided by qualified consultants as may be necessary to aid the Commission in carrying out its duties and responsibilities under this ordinance.

SECTION 5. HARRINGTON 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 Harrington Register of Historic Places if it is significantly associated with the history, architecture, archeology, engineering, or cultural heritage of the community; is at least fifty (50) years old, or is of 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 national, state, or local history.
2. Embodies the distinctive architectural characteristics of a type, period, style, or method of design or construction.
3. Is the work of a designer, builder, or architect significant in national, state or local history.
4. Exemplifies or reflects special elements of Harrington's cultural, 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 is likely to yield important archaeological information.
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 reconstructed building that has been executed in an historically accurate manner on the original site.

B. Process for Designating Properties or Districts to the Harrington Register of Historic Places

1. Any person may nominate a building, structure, site, object, or district, for inclusion in the Harrington Register of Historic Places. Members of the Historic Preservation Commission or the Commission as a whole may generate nominations. In its designation decision, the Commission shall consider the Harrington Historic Inventory and the City of Harrington Comprehensive Plan.
2. In the case of individual properties, the designation shall include all features—interior and exterior—and outbuildings that contribute to its designation. The nomination shall include a legal description of the property wherein a building or structure is located, or of the site. In the case of an object, the location shall be described with sufficient specificity to identify the object's physical location.
3. In the case of a district, 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, and objects which contribute to the designation of the district. In the case of an historic district, the commission shall consider 60% of property owners within the designated district, to be adequate for owner consent.
4. The Historic Preservation Commission shall consider the merits of the nomination in accordance with the criteria set forth in this Ordinance and according to the nomination review standards established in rules, at a public meeting or meetings. The application and documentary materials may be provided to the commission members in advance of the

meeting. Notice will be given to the public, the owner(s) and the nominator, and any occupants of an occupied building or structure prior to all public meetings.

Notice shall include publication at least once in a newspaper of general circulation in Harrington, posting at the property, and by mail to the nominator and the property owner(s) of record, if different. Substantial compliance with these notice provisions or actual notice of the nominator, the owner of record, and any occupants shall be deemed to be adequate notice. If the commission finds that the nominated property is eligible for the Harrington Register of Historic Places, the commission shall make a recommendation to the Harrington City Council that the property be listed in the register. The property owner(s) of record and the nominator, if different, and building occupants, if any, shall be notified of the listing. Notice of the listing to the property owner(s) of record and nominator shall be by mail; building occupants may be notified by posting at the building.

5. Properties listed on the Harrington 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

The commission may initiate removal of a property from designation to the Register by the same procedure as provided for in establishing the designation and remove the property upon a finding it no longer qualifies with the listing criteria in effect at the time of the listing by reasons of changes to the property or failure to rehabilitate the property in violation of the criteria established hereunder. The Commission shall notify the owner of record that it is considering removing the property from designation to the Register and the reasons therefore. The owner or his/her designee may submit any pertinent information to the Commission for its consideration in making a decision whether to remove the property from the Register. A property may be removed from the Harrington Register of Historic Places without the owner's consent.

D. Effects of Listing on the Register

1. Listing on the Harrington Register of Historic Places is a 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 and emergency measures defined in this Ordinance, the owner must request and receive 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 register property, the owner must request and receive a waiver of a Certificate of Appropriateness.

4. Once Harrington is certified as a Certified Local Government (CLG), all properties listed on the Harrington Register of Historic Places may be eligible for Special Tax Valuation on their rehabilitation.

SECTION 6. REVIEW OF CHANGES TO HARRINGTON REGISTER OF HISTORIC PLACES 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 Harrington Register of Historic Places or within an historic district on the Harrington Register of Historic Places without review by the commission and without receipt of a Certificate of Appropriateness, or in the case of demolition, a waiver, as a result of the review.

The review shall apply to all features of the property, interior and exterior, that contribute to its designation and are listed on the nomination form. Information required by the commission to review the proposed changes is established in rules.

B. Exemptions

The following activities do not require a Certificate of Appropriateness or review by the commission: ordinary repair and maintenance, painting or selection of color, or emergency measures defined in this Ordinance.

C. Review Process

1. Requests for Review and Issuance of a Certificate of Appropriateness or Waiver

The building or zoning official shall report any application for a permit to work on a designated Harrington Register property to the commission. If the activity is not exempt from review, the commission or professional staff shall notify the applicant of the review requirements. The building or zoning official shall not issue any such permit until a Certificate of Appropriateness or a waiver is received from the commission but shall work with the commission in considering building and fire code requirements.

2. Commission Review

The owner or his/her agent shall apply to the commission for a review of proposed changes on a Harrington Register of Historic Places of property or within a Harrington Register of Historic Places historic district and request a Certificate of Appropriateness or, in the case of demolition, a waiver. Each application for review of proposed changes shall be accompanied by such information as is required by the commission established in its rules for the proper review of the proposed project.

The commission shall meet with the applicant and review the proposed work according to the design review criteria established in rules. Commission members or the Commission as a whole may visit the property or site for the purpose of inspection and information gathering, but no deliberation shall occur by the Commission or its

members outside of the public meeting. The Commission shall complete its review and make its recommendations within thirty (30) calendar days of the date of receipt of the application. If the Commission is unable to process the request, the Commission may ask for an extension of time.

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. If the owner agrees to the commission's recommendations, a Certificate of Appropriateness shall be awarded by the commission according to standards established in the commission's rules.

The commission's recommendations and, if awarded, the Certificate of Appropriateness shall be transmitted to the building or zoning official. If a Certificate of Appropriateness is awarded, the building or zoning official may then issue the permit.

3. **Demolition**

A waiver of the Certificate of Appropriateness is required before a permit may be issued to allow whole or partial demolition of a designated Harrington Register of Historic Places property or in a Harrington Register of Historic Places 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 shall last no longer than forty-five (45) calendar days from the initial meeting of the commission, unless both parties agree to an extension. If no extension is agreed to and no alternative to demolition has been agreed to, the commission shall act and advise the City Building Inspector 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 forty-five (45) additional calendar days to develop alternatives to demolition. When issuing a waiver the commission may require the owner to mitigate the loss of the Harrington Register of Historic Places 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.

4. **Appeal of Approval or Denial of a Waiver of a Certificate of Appropriateness.**

The commission's decision regarding a waiver of a Certificate of appropriateness may be appealed in writing to the Harrington City Council within ten days. The appeal must state the grounds upon which the appeal is based.

The appeal shall be reviewed by the council only on the records of the commission. Appeal of Council's decision regarding a waiver of a Certificate of Appropriateness may be appealed to Superior Court.

SECTION 7. REVIEW AND MONITORING OF PROPERTIES FOR SPECIAL PROPERTY TAX VALUATION

A. Time Lines

1. Applications shall be forwarded to the commission by the County Assessor within ten (10) calendar days of filing.
2. Applications shall be reviewed by the commission before December 31 of the calendar year in which the application is made.
3. Commission decisions regarding the applications shall be certified in writing and filed with the Assessor within ten (10) calendar days of issuance.

B. Procedure

1. The Assessor forwards the application(s) to the commission.
2. The commission reviews the application(s), consistent with its rules of procedure, and determines if the application(s) are complete and if the properties meet the criteria set forth in WAC 254-20-070(1) and listed in this Ordinance.
 - a. If the commission finds the property meets all the criteria, then, on behalf of the City of Harrington it enters into an Historic Preservation Special Valuation Agreement with the owner. (See WAC 254-20-120.) Upon execution of the agreement between the owner and commission, the commission approves the application(s).
 - b. If the commission determines the property does not meet all the criteria, then it shall deny the application(s).
3. The commission certifies its decisions in writing and states the facts upon which the approvals or denials are based and files copies of the certifications with the Assessor.
4. For approved applications:
 - a. The commission forwards copies of the agreements, applications, and supporting documentation (as required by WAC 254-20-090(4)) to the Assessor,
 - b. Notifies the state review board that the properties have been approved for special valuation, and
 - c. Monitors the properties for continued compliance with the agreements throughout the ten (10) year special valuation period.
5. The commission determines, in a manner consistent with its rules of procedure, whether or not properties are disqualified from special valuation either because of
 - a. The owner's failure to comply with the terms of the agreement or
 - b. Because of a loss of historic value resulting from physical changes to the building or site.

6. For disqualified properties, in the event that the commission concludes that a property is no longer qualified for special valuation, the commission shall notify the owner, Assessor, and state review board in writing and state the facts supporting its findings.

C. Criteria

1. **Historic Property Criteria:**

The class of historic property eligible to apply for Special Valuation in Harrington means all properties listed on the National Register of Historic Places or certified as contributing to a National Register Historic District which have been substantially rehabilitated at a cost and within a time period which meets the requirements set forth in RCW Chapter 84.26, until Harrington becomes a Certified Local Government (CLG). Once a CLG, the class of property eligible to apply for Special Valuation in Harrington means only properties listed on the Harrington Register of Historic Places or properties certified as contributing to a Harrington Register of Historic Places Historic District which have been substantially rehabilitated at a cost and within a time period which meets the requirements set forth in RCW Chapter 84.26.

2. **Application Criteria:**

Complete applications shall consist of the following documentation:

- a. A legal description of the historic property;
- b. Comprehensive exterior and interior photographs of the historic property before and after rehabilitation;
- c. Architectural plans or other legible drawings depicting the completed rehabilitation work; and
- d. A notarized affidavit attesting to the actual cost of the rehabilitation work completed prior to the date of application and the period of time during which the work was performed and documentation of both to be made available to the commission upon request.
- e. For properties located within an historic district, in addition to the standard application documentation, a statement from the secretary of the interior or appropriate local official, as specified in local administrative rules or by the local government, indicating the property is a certified historic structure is required.

3. **Property Review Criteria:**

In its review the commission shall determine if the properties meet all the following criteria:

- a. The property is historic property;
- b. The property is included within a class of historic property determined eligible for Special Valuation by the City of Harrington;

- c. The property has been rehabilitated at a cost which meets the definition set forth in RCW 84.26.020(2) within twenty-four (24) months prior to the date of application; and
- d. The property has not been altered in any way which adversely affects those elements which qualify it as historically significant as determined by applying the Washington State Advisory Council's Standards for the Rehabilitation and Maintenance of Historic Properties as set forth in WAC 254-20-100.

4. **Rehabilitation and Maintenance Criteria:**

The Washington State Advisory Council's Standards for the Rehabilitation and Maintenance of 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.

D. Agreement:

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. Appeals:

Any decision of the commission as to an approval or denial of an application for classification as an historic property or special property tax valuation may be appealed, in writing, to the Harrington City Council within thirty (30) days of the Commission's decision. The appeal must state the grounds upon which the appeal is based. The appeal shall be reviewed by the Council only on the records of the Commission. Appeal of Council's decision may be appealed to the Superior Court.

Section 8. Severability

Should any clause, phrase, sentence or paragraph of this Contract be declared invalid or void, the remaining provisions of this Contract shall remain in full force and effect.

PASSED at a regular meeting of the City Council of the City of Harrington, Washington, and approved by the Mayor this 12th. day of November, 2009.

Mayor

ATTEST:

APPROVED AS TO FORM

By _____
City Clerk

By _____
City Attorney