

**BY-LAWS OF THE DAYTON HISTORIC PRESERVATION
COMMISSION**

2008

SECTION 1: GENERAL RULES AND PROCEDURES

These By-Laws establish the rules and procedures under which the Dayton Historic Preservation Commission (DHPC or Commission) executes those duties and functions set forth in Dayton City Ordinance No. 1544 – The City of Dayton Historic Preservation Ordinance.

A. NAME

1. The name of the organization shall be THE DAYTON HISTORIC PRESERVATION COMMISSION.

B. PURPOSE

1. The purpose is to provide for the identification, evaluation, and protection of historic resources; raise community awareness; and serve as the city's primary resource in matters of history, historic planning, and preservation in a manner prescribed in Section 4, Article D, City of Dayton Historic Preservation Ordinance No.1544.

C. MEMBERSHIP

1. The Commission shall consist of seven (7) members appointed by the Mayor and approved by the City Council as prescribed in *Section 4, Articles A and B of City of Dayton Historic Preservation Ordinance. No. 1544,*
2. "Creation and Size: There is hereby established a Dayton Historic Preservation Commission, consisting of seven (7) members, as provided in subsection B below. Members of the Dayton Historic Preservation shall be appointed by the Mayor and approved by the City Council and shall be residents of the City of Dayton, except as provided in subsection B below.
3. Composition of the Commission:
 - b. All members of the commission must have a demonstrated interest and competence in historic preservation and possess qualities of impartiality and broad judgment.
 - c. The commission shall always include at least 2 professionals who have experience in identifying, evaluating, and protecting historic resources and are selected from the disciplines of history, architecture, architectural history, historic preservation, planning, cultural anthropology, archaeology, cultural geography, American studies, law, and real estate. 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 and the State Historic Preservation Officer. Furthermore, the Mayor, and City Council may grant exception to the

residency requirement of commission members in order to obtain representatives from these disciplines.

- d. In making appointments, the Mayor may consider names submitted from any source, but the Mayor shall notify history and city development related organizations of vacancies so that names of interested and qualified individuals may be submitted by such organizations for consideration along with names from any other sources.

4. Terms of Members

- a. Appointments shall be made for a three-year term commencing 1 February. Mayoral appointments shall fill vacancies. The Commission shall actively seek applicants for vacancies and expired terms.

D. ATTENDANCE OF MEMBERS

1. All members shall attend regularly scheduled meetings and shall be on time. If three consecutive regularly scheduled meetings are missed without good cause as determined by the commission, resignation shall be encouraged.

E. QUORUM

1. A quorum is a simple majority of the seven members eligible to vote at a meeting. Should there be less than seven members on the commission at any given time, a quorum of four (4) shall be still be required. A quorum is necessary to transact any official business.

F. OFFICERS AND STAFF

1. The officers of this organization shall be Chairman and Chairman Pro Tem. The Recorder and Secretary, though present, shall not be members. Officers beyond these mentioned are not a functional need of the commission. Should the need arise on a permanent or temporary basis, the necessary office shall be voted in by a majority vote.
2. All officers shall perform their duties as prescribed by these by-laws and by parliamentary authority adopted by the organization.
 - a. The election for Chairman and Chairman Pro Tem shall be held at the regularly scheduled February meeting. Nominations shall be made from the floor and election held immediately before new business. The officers shall be elected for a one-year term or until their successors are elected, with their term of office beginning immediately after election.
 - b. The Chairman shall preside over all regularly scheduled and all special or called meetings of the Commission. The chairman shall appoint members to specific task forces (ad-hoc) committees which term shall end when the task is completed. All tasks presented to a committee shall be executed in a timely manner.
 - c. The Chairman Pro Tem assumes the duties of the Chairman in the absence of the Chairman. In the absence of the Chairman, the Chairman Pro Tem will have the same powers and duties as those of the Chairman.
 - d. The Recorder shall assure that the minutes of all commission meetings are taken and provided to the appropriate persons.
 - e. Commission and professional staff assistance shall be provided by the City Planner, and additional assistance and information to be provided by other city departments as may be necessary to aid the commission in carrying

out its duties and responsibilities as prescribed in *Section 4, Article G, Ordinance No. 1544, City of Dayton Historic Preservation Ordinance.*

“G. Commission Staff: Commission and professional staff assistance shall be provided by the City Planner with additional assistance and information to be provided by other City departments as may be necessary to aid the Commission in carrying out its duties and responsibilities under this ordinance.”

- f. The City Planner shall act as secretary. The secretary shall distribute information to members including minutes, information pertinent to tasks at hand, and all current and updated materials that members are in need of in order to carry out their tasks. Also, the secretary shall act as an advisor to the Commission and shall notify members of meeting dates and times not less than five (5) days before the meeting.

E. POWERS AND DUTIES

1. The major responsibility of the Historic Preservation Commission is to identify and actively encourage the conservation of the City of Dayton’s historic resources by initiating and maintaining a register of historic resources, reviewing proposed changes to register properties, raising community awareness of the city’s history and historic resources; and serving as the city’s primary resource in matters of history, historic planning, and preservation.
2. Review nominations to the Dayton Register of Historic Places according to criteria in Section 5 of the City of Dayton Historic Preservation Ordinance and adopt standards to be used to guide this review.
3. Review proposals to construct, change, alter, modify, remodel, move, demolish or significantly affect properties or districts on the register as provided in Section 5 of the City of Dayton Historic Preservation Ordinance; and adopt standards to be used to guide this review, and the issuance of a certificate of appropriateness.
4. No member of the DHPC shall advise or express an opinion about a proposed Certificated of Appropriateness outside of a regular meeting.

F. MEETINGS

1. The regularly scheduled meeting of this Commission shall be monthly with the date and time determined by a vote of the Commission and will be held in a predesignated location unless otherwise directed by the Chairman or a commission vote in compliance with Chapter 42-30 RCW, Open Public Meeting Act, to provide for adequate public participation and adopt standards to guide this action. All meetings shall start on time and shall be executed expeditiously by the Chairman.
2. Special meetings may be called by the Chairman. The purpose of the meeting will be stated in the call. Except in emergencies, at least three (3) days notice shall be given for special meetings and five (5) days notice for regularly scheduled meetings.

3. Parliamentary authority of the meetings shall be the current edition of Robert's RULES OF ORDER NEWLY REVISED.
4. Procedures for conducting regular meetings.
 - a. Pre-Meeting
 - i. If there are agenda items, regular meetings will be held monthly and a date and time specified by the DHPC. In case of scheduling conflicts the meeting place may be changed at the discretion of the Chair with ten (10) days advance notice given to DHPC members and the public. If the meeting date falls on an official holiday, the meeting may be changed to a time and place as determined by the DAHP at the preceding month's meeting. If such a change occurs, the regular meeting place will be posted as to the new time and place.
 - ii. If there are no agenda items, the Chair may cancel the regular meeting after giving all DHPC members and the public 24 hours advance notice. However, if a majority of DHPC members express the desire to hold the meeting, it shall convene as scheduled. If the meeting is canceled, a notice to that effect will be posted at the regular meeting place at the regular time.
 - iii. Special meetings may be called by the Chair or by a majority of the DHPC members. Commission members will be given at least 24 hours advance notice of the time and place of such meetings.
 - iv. All regular and special meetings will be open to the public and the date, place and agenda will be publicized in accordance with the Open Public Meetings Act (Chapter 42.30 RCW) except when a majority of Commission members determine that an executive session is necessary as detailed in the Open Public Meeting Act (Chapter 42.30.110). The agenda for regularly scheduled meetings shall be posted and advertised 48 hours prior to the regularly scheduled meetings.
 - v. The order of agenda items will be determined by their order of receipt. All applications, including designation review and special valuation review must be filed at least one (1) month before the meeting at which the case is to be considered. This allows staff sufficient time to copy and distribute materials to DHPC members. Design Review applications must be filed at least one (1) week prior to the regularly scheduled meetings at which they are to be considered.
 - vi. Staff shall be responsible for notifying principles in each case as specified under the rules for review procedures.
 - b. Regular Order of Business for Meetings
 - i. Business will be conducted under Robert's Rules of Order. All issues will be decided by simple majority vote except amendments to the By-Laws, which require a vote of two-thirds (2/3) of the membership.

- ii. Four (4) members or 51 percent (51%) of the non-vacant membership on the DHPC constitute a quorum. Meetings without a quorum will be recessed to the earliest possible date.
- iii. Minutes will be taken during all DHPC proceedings. Additionally, the meetings may be taped to further clarify the minutes.
- iv. The regular order of business shall be as follows:
 - (a) Call to order.
 - (b) Roll call.
 - (c) Adoptions of minutes.
 - (d) Unfinished business.
 - (e) New business.
 - (f) Other business.
 - (g) Adjournment.
- v. The regular order of business for consideration for applications for local register review, design review and special valuation review shall be as follows:
 - (a) The Chair or chair-designated person shall offer a preliminary statement concerning the application.
 - (b) The applicant or the designated agent of the applicant presents statements in favor of the application including relevant pictures, models, etc.
 - (c) Statements in opposition to the application.
 - (d) Comments by interested persons, organizations, or legal entities.
 - (e) Rebuttal by all concerned parties.
 - (f) Staff comments.
 - (g) Summary of above by Chair or chair-designated person.
 - (h) Deliberation by Commission.
 - (i) Motion for action.
 - (j) Vote.

During the course of the meeting, the above procedure may be temporarily modified by the concurrence of all parties and the DHPC.

- vi. The DHPC shall act on each application at the meeting unless a majority of the Commission decide to defer consideration to a later date. Requests for continuance may be granted if all parties agree. The Chair will publicly announce the continuance, and the case automatically set on the agenda for the next regularly scheduled meeting. In such a case, no further notice is required for the principles in the case.
- vii. In the event of the uncontrollable disruption of the meeting, the DHPC may clear the meeting room and continue in executive session or may adjourn and reconvene at another location selected by majority vote of the members. In such a case, business shall be restricted to those items on the printed agenda. Persons or news

media representatives not participating in the disturbance may be readmitted in this situation.

- c. Plan for copying, distributing and implementing rules
 - i. The master copies of all historic preservation related rules and procedures, application standards, criteria, and standard forms will remain on file with the City of Dayton. Complete copies of these documents will be forwarded to the Mayor and members of the City Council. Copies of Design and Designation Review processes documents will be forwarded to the Building Inspector. Complete copies of all such documents will be provided for the members of the DHPC, the City Clerk staff and OAHP.

G. AMENDING BY-LAWS

These by-laws may be amended at any regularly scheduled meeting of The Dayton Historic Preservation Commission by a 2/3 vote of the attending membership provided the amendment has been submitted in writing

SECTION II: RULES AND PROCEDURES FOR DESIGNATION REVIEWS – DAYTON REGISTER OF HISTORIC PLACES

Under the provisions of the Dayton Historic Preservation Ordinance (DHPO) the Dayton Historic Preservation Commission (DHPC or Commission) is directed to initiate and maintain a Dayton Register of Historic Places (DRHP or Register) and to review nominations to the Register.

Any building, structure, site, object or district may be placed on the Register if:

1. The DHPC determines it meets DRHP criteria.
2. The Dayton City Council approves it.

Any individual, group of property owners or other interested group or association, City or County Council member, Dayton Historic Preservation Commission member or DHPC as a whole may nominate a building, structure, site, object or district for inclusion on the Register. There shall be a minimum of one (1) public hearing as well as a posting of the hearing. Owner consent for individual properties is required for placement on the DRHP.

A. DAYTON REGISTER OF HISTORIC PLACES CRITERIA

The following are criteria for the inclusion of properties on the Dayton Register of Historic Places (DRHP) as stated in the United States Secretary of Interior Standards and pertaining to the City of Dayton's Ordinance 1544.

Any building, structure, site, object, or district may be placed on the DRHP if it is significantly associated with history, architecture, archaeology, engineering, or cultural heritage of Dayton; has historical integrity; is at least 50 years old, or, if younger, possesses exceptional importance; and if it meets at least one of the following criteria set forth by the Secretary of the Interior Standards:

1. It is associated with events that have made a significant contribution to the broad patterns of national, state or local history.
2. It embodies the distinctive architectural characteristics of a type, period, style, or method of construction, or represents a significant and distinguishable entity whose components may lack individual distinction.
3. It is an outstanding work of a designer, builder or architect who has made a substantial contribution to the art.
4. It exemplifies or reflects special elements of the City's cultural, special, economic, political, aesthetic, engineering or architectural history.
5. It is associated with the lives of persons significant in national, state, or local history.
6. It has yielded or is likely to yield important archaeological information.
7. It 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. It is a birthplace or grave of a historical fixture of outstanding importance and is the only surviving structure or site associated with that person.
9. It is a cemetery that derives its primary significance from age, from distinctive design features, or from association with historic events or cultural patterns.

10. It is a reconstructed building that has been executed in a historically accurate manner on the original site.
11. It 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. APPLICATION STANDARDS FOR DAYTON REGISTER OF HISTORIC PLACES

An acceptable Dayton Register of Historic Places application is a nomination form completed according to uniform guidelines of The Dayton Historic Preservation Commission.

All interior and exterior features and outbuildings that contribute to the designation should be mentioned and described. District designations should include a description of proposed district boundaries including alleys, 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.

The original form should be presented along with the following documentation:

1. Copy of the historic property inventory form.
2. Current and historic (if available) photographs.
3. Newspaper articles.
4. Other relevant materials.

Uncompleted forms or those with insufficient documentation will not be considered and will be returned to the applicant with recommendations

C. PROCEDURES FOR DESIGNATION REVIEW MEETINGS

1. Pre-meeting
 - a. Applicant or Designated Agent:
 - i. Meets with DHPC staff (Staff) concerning the application form and the necessary documentation.
 - ii. Submits the completed application to Staff at least one (1) month before the regularly scheduled meeting at which the application is to be considered.
 - b. Staff:
 - i. Meets with the applicant concerning the application form and the necessary documentation.
 - ii. Reviews the application for completeness and includes the case on the agenda based on determination that the application is complete.
2. Meeting
 - a. Designation review will occur at regularly scheduled meetings as detailed in the rules for conducting DHPC meetings.
 - b. The regular order of business for consideration of applications to the DRHP shall be as follows:

- i. The Chair or Chair designated person shall offer a preliminary statement concerning the application.
- ii. The applicant or designated agent of the applicant presents statements in favor of the application including relevant pictures, models, etc.
- iii. Questions by Commissioners.
- iv. Statements in opposition to the application.
- v. Comments by DHPC, interested persons, organizations or legal entities.
- vi. Rebuttal by all concerned parties.
- vii. Staff comments.
- viii. Summary of above by Chair or designated person.
- ix. Deliberation by Commission.
- x. The motion for the recommendation should be based on the designation criteria. Criteria should be included in the motion.

During the course of the meeting, the above procedure may be temporarily modified by the concurrence of all parties and the DHPC.

- c. Commission members apply designation criteria, as outlined in the Secretary of the Interior's Standards, to the property or district to evaluate the nomination.

The members should consider information related to the designation criteria as presented above during the designation meeting and from the site visit.

The Commission:

- i. Determines the category of historic property.
- ii. Establishes a context for evaluating the property.
- iii. Identifies the level of significance (National, State, local).
- iv. Evaluates the integrity of the property.
- v. Determines if there are special conditions that might make the property eligible.
- vi. Determines if the property meets the criteria.
- vii. Votes on the recommendation.

3. Post Meeting

a. Staff and/or Chair:

- i. Notify owner and applicant in writing of the DHPC's recommendation within one (1) week of the meeting.
- ii. Notify applicant of the appeals process if the recommendation is against placement of the property on the Register.
- iii. Get the owner's written acknowledgement when the property is placed on the Register.
- iv. Shall forward the Commission's recommendation for individual properties to the City Council including the application and supporting documentation, including letters of support and opposition, and the owner's written acknowledgement to the City Council for final determination..

- v. Shall forward district nomination with the DHPC's recommendation with supporting documentation to the City Council for final determination.
 - vi. Notifies the Building Inspector if the property is listed on the Register.
 - vii. Notifies applicant of the City Council's final decision.
- b. Dayton City Council:

Once the case is with City Council, they can concur with or reject the Commission's recommendation, or send the case back to the Commission for further study. If the Council:

 - i. Concurs with a positive recommendation the property is listed on the Dayton Register of Historic Places (DRHP).
 - ii. Concurs with a negative recommendation, the property is not listed on the DRHP.
 - iii. Rejects the recommendation; the case goes back to the DHPC.
- c. Dayton Historic Preservation Commission

If the recommendation is rejected by the City Council, at the next regularly scheduled meeting, the Commission:

 - i. Shall decide whether any other protection for the property is necessary or possible.

D. APPEALS OR RESUBMISSION

1. A negative recommendation or a non-acceptance of an application by the DHPC is not irrevocable. If new information becomes available or if the applicant wishes, the application may be resubmitted with DHPC approval to the DHPC. In such a case, the entire procedure must be repeated.
2. If the applicant disagrees with the Commission's recommendation, the applicant may present the case directly to City Council. In such a case, documentation shall be limited to that nomination material presented during the DHPC public meeting and the minutes of that meeting.

E. MISCELLANEOUS

1. Once a property has been approved by the DHPC for placement on the Dayton Register of Historic Places, the Certificate of Appropriateness review process becomes effective. If the City Council does not concur with the DHPC's recommendation and the property is not listed, the review process no longer applies.
2. If the case involves a historic district, the boundaries of that district are set with City Council approval.
3. In the event that any property is no longer deemed appropriate for designation to the Dayton Register of Historic Places, the DHPC may initiate removal by following the same procedure as provided for listing.
4. In its designation recommendation, the Commission shall consider the Dayton Historic Inventory and the City Comprehensive Plan.

F. DAYTON REGISTER OF HISTORIC PLACES CRITERIA

The following are criteria for the inclusion of properties on the Dayton Register of Historic Places (DRHP) as stated in the United States Secretary of Interior Standards and pertaining to the City of Dayton's Ordinance 1544.

Any building, structure, site, object, or district may be placed on the DRHP if it is significantly associated with history, architecture, archaeology, engineering, or cultural heritage of Dayton; has historical integrity; is at least 50 years old, or, if younger, possesses exceptional importance; and if it meets at least one of the following criteria set forth by the Secretary of the Interior standards (*See Section II.A.1-11 of this document*).

SECTION III: RULES AND PROCEDURES FOR DESIGN REVIEW AND ISSUANCE OF A CERTIFICATE OF APPROPRIATENESS – DAYTON REGISTER OF HISTORIC PLACES

Design Review is the process through which the Dayton Historic Preservation Commission (DHPC or Commission) reviews proposed changes to Dayton's historic resources. Once a property is listed on the Dayton Register of Historic Places (DRHP), any work done on the exterior of the property that would ordinarily necessitate a building permit will, in addition, require a Certificate of Appropriateness. These activities include:

1. Alterations to historic structures.
2. New construction within historic districts.
3. Change of use.
4. Replacement and repair.
5. Demolition of historic structures.

The basis for all rehabilitation design review shall be the Standards of Rehabilitation developed by the United States Department of Interior

- a. Every reasonable effort shall be made to provide compatible use for a property, which requires minimal alteration of the building, structure, or site and its environment, or to use a property for its originally intended purpose.
- b. The distinguishing original qualities or character of a building, structure or site and its environment shall not be destroyed. The removal or alteration of any historic material or distinctive architectural feature should be avoided when possible.
- c. All buildings, structures, and sites shall be recognized as products of their own time. Alterations that have no historical basis and which seek to create an earlier appearance shall be discouraged.
- d. Changes which may have taken place in the course of time are evidence of the history and development of a building, structure, or site and its environment. These changes may have acquired significance in their own right, and this significance shall be recognized and respected.
- e. Distinctive stylistic features or examples of skilled craftsmanship shall be treated with sensitivity.
- f. Deteriorated architectural features shall be repaired rather than replaced, wherever possible. In the event replacement is necessary, the new material should match the material being replaced in composition, design, color, texture and other visual qualities. Repair or replacement of missing architectural features should be based on accurate duplication of features, substantiated by historic, physical, or pictorial evidence rather than on conjectural designs or the availability of different architectural elements from other buildings or structures.
- g. The surface cleaning of structures shall be undertaken with the gentlest means possible. Sandblasting and other cleaning methods that will damage the historic building materials shall not be undertaken.
- h. Every reasonable effort shall be made to protect and preserve archeological resources affected by, or adjacent to, any project.

- i. Contemporary design for alterations and additions to existing properties shall not be discouraged when such alterations and additions do not destroy significant historical, architectural or cultural material, and such design is compatible with the size, scale, color, material, and character of the property, neighborhood, or environment.
- j. Wherever possible, new additions or alterations to structures shall be done in such a manner that if such additions or alterations were to be removed in the future, the essential form and integrity of the structure would be unimpaired.

The Certificate of Appropriateness is approved by the DHPC as required under powers granted it by the Historic Preservation Ordinance of the City of Dayton (Dayton City Ordinance 1544, Section 6).

A. PROCEDURES FOR CONDUCTING MEETINGS

1. Pre-meeting

a. Applicant/Designated Agent

An applicant wishing to make such changes:

- i. Applies to the Building Inspector according to usual procedure.
- ii. Applies to the DHPC staff for a review of proposed changes on a Dayton Register of Historic Places property or within a historic district.
- iii. May meet with DHPC or staff to review design guidelines.
- iv. Submits application for design review at least one (1) week before a regularly scheduled meeting.

b. Building Inspector:

- i. Report to the DHPC staff on any application for a permit to work on a designated Dayton Register of Historic Places property or a property within a designated Dayton Historic District.
- ii. Continues processing the permit.
- iii. Works with the DHPC staff in considering fire and building codes.
- iv. Does not issue permits until the DHPC recommendations are received.

c. Staff:

- i. Notify the applicant of the Commission review requirements.
- ii. May meet with the applicant to transmit design guidelines and information on necessary documentation and completion of the application form.
- iii. After the form is submitted, review it for completeness.
- iv. If the form is complete, place the case on the agenda for the next regularly scheduled meeting.
- v. Make arrangements, if necessary, for the DHPC to visit the property. This may include interior visitation.
- vi. Review the modifications and prepare a report for the Commission.

d. Dayton Historic Preservation Commission:

- i. Review application and staff report.
- ii. May visit the property.

e. Meeting:

- i. Design review will occur at regularly or specially scheduled meetings. Design review applications will be considered in the order in which the Commission received them.

- ii. The regular order of business for consideration of design review applications shall be as follows:
 - (1) The Chair or Chair designated person shall offer a preliminary statement concerning the application.
 - (2) The applicant or the designated agent of the applicant presents statements in favor of the application including relevant pictures, models, etc.
 - (3) Statements in opposition to the application.
 - (4) Comments by interested persons, organizations or legal entities.
 - (5) Rebuttal by all concerned parties.
 - (6) Staff comments.
 - (7) Summary of above by Chair or designated person.
 - (8) Deliberation by Commission.

During the course of the meeting, the above procedure may be temporarily modified by the concurrence of all parties and the DHPC.

- iii. As part of this deliberation, the DHPC shall review the proposed work, using information from the site visit and application materials, comparing this information with the design review criteria established in Rules. The design review criteria for Dayton shall be those as outlined in The Secretary of the Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings.
 - (1) If the alterations meet the Standards, a Certificate of Appropriateness is issued.
 - (2) If the alterations fail to meet the Standards, the Certificate of Appropriateness not issued, the DHPC notifies the Building Inspector that the recommendation is against the issuing of the permit.
 - (3) If the alterations would meet the Standards with modification, the Certificate of Appropriateness is issued with Conditions of Issuance.

2. Post Meeting

a. Owner/Designated Agent:

The owner/designated agent has the following options:

- i. If the owner agrees in writing to comply with the DHPC's recommendations and Conditions of Issuance, s(he) receives a Certificate of Appropriateness.
- ii. If the owner disagrees with the recommendation, s(he) can drop the case and reapply with modifications. The applicant should be encouraged to reapply to the Commission with modified plans.
- iii. The owner may appeal the decision of the DHPC to the Dayton City Council (*Dayton City Ordinance No. 1544 Section 6.C.4*).
- iv. The owner may request removal of a property **not** part of a local district from the Dayton Register of Historic Places; however a building permit is still required through the Building Inspector.

b. Staff:

- i. Issue the commission's recommendation as a finding of fact, clearly stating the intended modifications and how they meet or fail to meet the Secretary of the Interior's Standards.
 - ii. Within a week of the meeting notify the owner/designated agent in writing of the Commission's decision.
 - iii. Get the owner/designated agent's signature on the Certificate of Appropriateness.
 - iv. Within thirty (30) days of the receipt of the complete application, forward the Commission's recommendation, the Certificate of Appropriateness (if issued) and any Conditions of Issuance to the Building Inspector.
 - c. Building Inspector:
After receiving the Certificate of Appropriateness (if issued) and any Conditions of Issuance from the DHPC staff, the Building Inspector may:
 - i. Issue the permit.
 - ii. Notify the DHPC of the permit issuance.

B. APPLICATION STANDARDS

Documentation is required for alterations to or demolition of a property on the Dayton Register of Historic Places (DRHP) or for new construction within a district on the Register. Required documentation shall minimally include all the materials identified illustrating:

- 1. Existing conditions.
- 2. Proposed alterations.
- 3. Affect on historic properties (impact).

At least one (1) copy of the documents detailed below must be submitted with the application. These will remain on file with the DHPC. All drawings, mean plans and elevations must be drawn to scale or have the measurements included and be signed by the architect or draftsman.

For phased projects, one (1) copy of all required documentation shall be submitted for each phase of the project.

- 1. Alterations:
 - a. Existing conditions
 - i. A copy of the Dayton Register of Historic Places nomination.
 - ii. Photographs must be clearly labeled to identify case, locations, subjects and the direction the photograph was taken. Necessary photographs include:
 - (1) Building on lot, including elevations and facades that are to be altered.
 - b. Proposed alterations
 - i. On the Certificate of Appropriateness precise written statement describing work on Dayton Register of Historic Places property.
 - ii. Working drawings, where applicable.
 - iii. For rehabilitation or restoration work, historic photographs (if available) and statement of physical or documentary evidence for proposed changes particularly if replacement is proposed.

- iv. Materials, samples and additional photographs may be required by the DHPC.
 - v. Descriptions of proposed signs, re-roofing plans, fences, parking lots and landscaping changes.
 - vi. Other information as required.
- c. **Impact**
Show how proposed alterations would affect historic elements listed in the property nomination form.
- d. The Secretary of the Interior has established Standards for Rehabilitation to be considered during the Design Review process. When necessary, refer to these Standards to guide in the design review criteria. (*See Section III, a-j of this document*).

Many features define the historic character of a property or district. Cladding whether of wood or masonry; style, composition and decorative features of the roof; the presence of architectural metals; window number, arrangements and styles; entrances and porches; storefronts on commercial buildings; internal arrangement and detailing; and the historic relationship between buildings, landscape features and open space, as well as many other materials and features can contribute to a property's character.

After identifying the distinguishing historic characteristic of a property subject to the Design Review process, retention and preservation of those features and materials is the primary goal of the Design Review effort.

This is accomplished through the review process individual to each property. However, there are preferred options, specified by the Secretary of the Interior, common to each property.

- i. Protecting and Maintaining
- ii. Repairs

Repairs may include patching, splicing, piecing in, or reinforcing present materials and features (including upgrading individual elements of a feature), following recognized preservation methods. If there are seriously deteriorated or missing elements along with surviving models or prototypes, repairs may also include limited in kind replacement or replacement with a compatible substitute material if the original material is not economically feasible.

In repairing, duplication of the appearance, strength, composition, color and texture is sought. For example, in repainting masonry, care should be taken to replicate the size and shape of the mortar joint and the color of the mortar. For repairing stucco, the damaged material should be removed and the stucco matched in strength, composition, color and texture.

- iii. Replacing

If an entire feature is too deteriorated to repair, but the overall form and detailing are still evident, the feature should be replaced. The replacement should attempt to replicate the original, using the physical evidence to guide the new work. If using the exact material is not technically or economically

feasible a compatible substitute material may be considered. The substituted material should offer the same, or greater, structural support.

iv. Design for Missing Historic Features

Due to its complex technical and/or design implications, this option should only be considered after the other possibilities have been explored. It entails designing and installing a copy when the historic feature or model is physically missing. A restoration using historical descriptions, pictorial representations, and/or physical documentation may be attempted, or a new design, compatible in size, scale, material and color may be substituted.

v. Alterations and Additions

New additions to historic buildings should be a last resort and should be placed to minimize loss, damage or the obscuring of character defining features. Both internal and external alterations should be as inconspicuous as possible from public right-of-ways and from main interior spaces. Such new features should be compatible with overall building design in terms of size, scale, material and color, but should not try to duplicate existing historical features.

Excavations adjacent to historic foundations should be limited to avoid damage to those foundations or to any archeological deposits that may be nearby.

Alterations for health and safety codes or for energy retrofitting should be done so that the historic building's character defining spaces, features, etc., will not be impacted.

2. New Construction:

New construction refers to building within a local historic district listed on the Dayton Register of Historic Places. A Certificate of Appropriateness (COA) is required.

a. Existing conditions

i. Site plan or measured drawing indicating the following:

- (1) Existing adjacent buildings.
- (2) Property lines and utilities.
- (3) Right of ways.
- (4) Building setbacks and allowed side yards.
- (5) Existing planting materials and size.

ii. Photographs must be clearly labeled to identify case, location subjects and the direction the photograph was taken. Photographs of structures adjoining the property, as well as those across the street and/or alley are necessary (streetscapes).

iii. Other information as required.

b. Proposed construction:

A precise written statement describing proposed work is required. This is to be included on a DHPC Certificate of Appropriateness application form. A site plan including that information specified above shall be included as well as:

i. The proposed buildings outline with dimensions relative to property lines and existing buildings adjacent to the property.

- ii. New parking areas, driveways, utilities, etc.
 - iii. Any proposed planting and landscaping, sidewalks, and patios, mechanical equipment and other appurtenances such as walls, gates and accessory buildings.
 - iv. Other information as required.
- 3. Demolition:
 - a. A Copy of the nomination of the property to the Dayton Register of Historic Places.
 - b. Description of structural integrity.
 - c. Reason or justification for demolition (should include statements of why the property is not salvageable or why it cannot be maintained).
 - d. Any planned new construction.
 - e. Photographs of all sides of structure and the interior.
 - f. Any additional documentation required by the Commission.

SECTION IV: PROCESS FOR THE FORMATION OF LOCAL HISTORIC DISTRICTS

These rules establish the process for the formation of a local historic district, as set forth in the City of Dayton Ordinance No. 1544 Section 5.

A local historic district is a definable district that represents one or more periods of architecture and that is designated by a local ordinance that falls under the jurisdiction of a local historic preservation review commission. It deals only with the appearance of the properties in the district, not with the use of those properties. A local district protects the significant properties and the historic character of the district.

There shall be an open public meeting to hear the completed nomination of the local historic district. At this meeting, the public shall have the opportunity to speak for or against the formation of the district. After public input, the Dayton Historic Preservation Commission shall make a final decision regarding the formation of the local historic district.

A. EDUCATION

1. A minimum of two (2) public meetings shall be held.
 - a. Parcel owners in the affected area shall receive written notification of these meeting by U. S. Postal Service.
2. Further public education is desirable.
 - a. Flyers and/or brochures.
 - b. Newspaper articles.
3. An informational packet shall be given to parcel owners.
 - a. Period of significance.
 - b. Design standards.
 - c. Benefits to the parcel owner.

B. BOUNDARIES

1. Boundaries shall be stated using street names and map directions.
2. A map of local historic districts shall be posted and available in three (3) public places.
 - a. Map will show boundaries, including alleys, as well as parcels.

C. VOTING

1. Ballots shall be sent to all property owners. If multiple parcels are owned, a corresponding number of ballots shall be sent.
2. Ballots shall be shall be mailed to parcel owners with self-addressed stamped, returned envelope enclosed. A positive vote indicates that parcel owner is FOR formation of the district.
3. In order for a district to be formed, there must be a 51% majority.
4. If a property owner owns more than one (1) parcel, s(he) is entitled to one (1) vote per parcel owned. In the case of multiple names appearing on the deed, one (1) signature of an authorized person will be sufficient.
5. Deadline for return of ballots shall be clearly and prominently placed on the ballot.
6. Ballots **not** returned shall be regarded as IMPLIED CONSENT and shall be tallied as in favor of the formation of the local historic district. *Implied consent* means consent that is

- inferred by inaction or silence. The consequence of a non-returned ballot shall be clearly stated and prominently displayed on the face of the ballot stating that the ballot shall be counted as a favorable vote.
7. Notification of the vote's outcome shall be mailed to the parcel owners in a timely manner. A legal notice shall also be placed in a local newspaper.
 8. A majority vote shall be submitted to the Dayton Council for their approval.

D. OBLIGATIONS AND BENEFITS

1. Exterior work on ALL properties within the local historic district is subject to a Certificate of Appropriateness (COA), City of Dayton Ordinance No. 1544, Section 5.D.2.
2. As long as Dayton remains a CLG, contributing homes shall be eligible for special tax valuation consideration.
 - a. Special tax valuation requirements are set forth in the City of Dayton Ordinance No. 1544 Section 8.

SECTION V: SPECIAL VALUATION REVIEW – DAYTON REGISTER OF HISTORIC PLACES

In 1985, the Washington State Legislature passed a “special valuation” law which makes it possible for Certified Local Governments (CLGs), for a ten (10) year period, to insure that property taxes will not reflect substantial improvements made to certain classes of properties as identified by the CLG. The CLG may amend the criteria for eligibility, however, if made more restrictive these do not become effective for two (2) years following October 1 of the year they were enacted. This means that owners of certain types of historic properties have the potential to realize substantial tax savings.

Only properties on the Dayton Register of Historic Places or certified as contributing to a Dayton Register Historic District are eligible for special valuation.

A. PROCEDURES FOR CONDUCTING MEETINGS

1. Pre-Meeting

a. Applicant or Designated Agent:

At least one (1) month prior to the meeting, the applicant must:

- i. Consult with the Dayton Historic Preservation Commission (DHPC) staff prior to beginning rehabilitation work.
- ii. Submit the application to the County Assessor on a Department of Revenue form no later than 24 months after initiating work. The application must be submitted before October 1 for action before December 31 of that year.
- iii. Monitor construction work to ensure that it conforms to the Secretary of the Interior’s Standards for Rehabilitation (Standards)(*See Section III, a-j of this document*).
- iv. Maintain accurate records of projects costs and dates.

b. County Assessor:

- i. Reviews the application for completeness.
- ii. Verifies the legal owner and legal description.
- iii. Submits the application to the DHPC within ten (10) working days of receipt of the completed application.

c. Staff:

- i. Places the case on the agenda for the next regularly scheduled meeting as long as there is at least thirty (30) days review period before that meeting. If there is not thirty (30) days, the case will be scheduled for the next month’s regularly scheduled meeting.
- ii. Reviews the case and may prepare a report for the Commission.
- iii. If necessary, arranges a property visitation with the owner for the Commission.

d. Dayton Historic Preservation Commission:

- i. Reviews the application and the staff report.
- ii. If necessary, visits the property.

2. Meeting

Special valuation review will occur at regularly scheduled Dayton Historic Commission meetings. The Special Valuation cases shall be considered in the order the staff receives them.

- a. The regular order of business for consideration of Special Valuation applications shall be as follows:
 - i. The Chair or Chair designated person shall offer a preliminary statement concerning the application.
 - ii. The applicant or the designated agent of the applicant presents statements in favor of the application including relevant pictures, models, etc.
 - iii. Questions by Commissioners.
 - iv. Statements in opposition to the application.
 - v. Comments by City of Dayton Planning Department, interested persons, organizations, or legal entities.
 - vi. Rebuttal by all concerned parties.
 - vii. Staff comments.
 - viii. Summary of above by Chair or designated person.
 - ix. Deliberation by Commission.

During the course of the meeting, the above procedure may be temporarily modified by the concurrence of all parties and the DHPC.

- b. Dayton Historic Preservation Commission determines if:
 - i. The property is on the Dayton Register of Historic Places or certified as contributing to a Dayton Register of Historic Districts.
 - ii. The work was done within 24 months prior to the application date. The applicant must submit evidence to this effect.
 - iii. The work complies with the Standards by not adversely affecting those elements that contribute to the property's significance.
 - iv. The "qualified rehabilitation expenditures" constitute at least 25 percent (25%) of the assessed value of the property prior to the rehabilitation.
 - c. If all the conditions are satisfied, the DHPC votes on the recommendation.
3. Post Meeting
- a. Staff/Commission Chair:
 - i. Notifies the owner in writing within a week of the meeting of the Commission's recommendation.
 - ii. If the property is ineligible, advise the applicant of the reasons for the denial and inform him/her of the appeals process.
 - iii. If the applicant signs the terms of agreement and the Commission approves the application, transmits the application and agreement to the County Assessor's office for recording.
 - iv. Monitors, at least once a year during the special valuation 10-year period, the owner's compliance with the terms of the agreement.
 - v. If the owner fails to comply with the terms of the agreement or, because of the rehabilitation the property loses historic value to such an extent that it is no longer deemed appropriate for inclusion to the Dayton Register of Historic Places by a majority of the DHPC members, notify the owner and the assessor of the disqualification.

B. APPEALS OR RESUBMISSION

1. A negative recommendation or a non-acceptance of an application by the DHPC is not irrevocable. If new information becomes available or if the applicant wishes, the application may be resubmitted with DHPC approval to the DHPC. In such a case, the entire procedure must be repeated.
2. If the applicant disagrees with the Commission's recommendation, the applicant may present the case directly to City Council. In such a case, documentation shall be limited to that nomination material presented during the DHPC public meeting and the minutes of that meeting.

C. APPLICATION STANDARDS

Documentation shall include, at a minimum, all identified materials illustrating: That the property is eligible for Special Valuation status; when the work occurred; whether special valuation financial requirements have been fulfilled; and whether the work complies with the Secretary of the Interior's Standards for Rehabilitation. *(See Section III, a-j of this document).*

To properly document each of these divisions, at least one (1) copy of the following documents must be submitted with the application. These will remain on file with the DHPC. For phased development plans, the complete process as detailed in rules and regulations must be followed and documentation submitted for each phase. All drawings, mean plans and elevations must be drawn to scale or have the measurement included and be signed by the architect or draftsman.

For phased projects, complete documentation must be submitted for every phase of the project.

1. Eligibility.
A copy of the nomination form to the Dayton Register of Historic Places clearly indicating when the property was listed on the Dayton Register of Historic Places.
2. When the work occurred.
 - a. A notarized affidavit of completion of rehabilitation work within 24 months of the date of application.
3. Special valuation financial requirements required documentation.
 - a. Notarized affidavit attesting to the actual costs of the rehabilitation work.
 - b. The most recent Columbia County Assessor's assessment of the value of the rehabilitated structure.
4. Compliance with the Secretary of the Interior's Standards *(See Section III, a-j of this document).*

To assure that the applicant has complied with the standards, the following materials are necessary:

1. Precise written statement describing the completed rehabilitation work on the Dayton Historic Preservation Commission's application form.
2. A copy of the Design Review application and accompanying documentation, Certificate of Appropriateness for the rehabilitation work from the Dayton Historic Preservation Commission, and a copy of the terms of agreement as specified under the Special Valuation rules and procedures.

3. Materials as specified in Application Standards for Design Review illustrating conditions prior to construction (existing conditions), and proposed alterations.
4. The Dayton Historic Preservation Commission may require samples of utilized materials.
5. Other information as required.

D. CRITERIA

The criteria to be followed in the Special Valuation process is the Secretary of the Interior's Standards for Rehabilitation as established in the Federal Code Regulations (36 CFR 67) (*See Section III, a-j of this document*). For the Special Valuation process no new construction is eligible.