

## ORDINANCE NO. 1935

### **AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DAYTON, WASHINGTON, REPEALING CHAPTER 5-18 OF THE DAYTON MUNICIPAL CODE IN ITS ENTIRETY; REPEALING ORDINANCES 1544, 1656, 1620 AND 1768 IN THEIR ENTIRETY; AND, ADOPTING A NEW CHAPTER 5.18—HISTORIC PRESERVATION, OF THE DAYTON MUNICIPAL CODE.**

**WHEREAS**, the objective of the Dayton Historic Preservation Commission is to identify and actively encourage the conservation of the City's historic resources; and,

**WHEREAS**, a review of Chapter 5-18: Historic Preservation of the Dayton Municipal Code by the Dayton Historic Preservation Commission revealed that the current code does not accurately reflect current policies and procedures; and,

**WHEREAS**, the Dayton Historic Preservation Commission performed a comprehensive review of the code and made necessary amendments so that the code correctly reflects current processes and procedures; and,

**WHEREAS**, it is necessary that the City code be accurate and complete; and,

**WHEREAS**, amendments relating solely to governmental procedure are categorically exempt from SEPA requirements per WAC 197-11-800(19); and,

**WHEREAS**, the Dayton Planning Commission reviewed and accepted the request from the Dayton Historic Preservation Commission to schedule and hold a public hearing regarding the proposed text amendments; and,

**WHEREAS**, the Dayton Planning Commission held a public hearing on the proposed amendments on May 15, 2018 at 6:35 PM and no comments were received; and,

**WHEREAS**, the Dayton Planning Commission motioned to recommend that the Dayton City Council adopt the Ordinance amending Chapter 5- 18: Historic Preservation of the Dayton Municipal Code (DMC).

**THE CITY COUNCIL OF THE CITY OF DAYTON, WASHINGTON, DO HEREBY ORDAIN as follows:**

**Section 1. Repeal.** Ordinance Nos. 1544, 1656, 1620, and 1768 and Chapter 5-18 DMC, Historic Preservation, are hereby repealed in their entirety.

**Section 2. Chapter 5-18 DMC, Historic Preservation.** A new Chapter 5-18 of the Dayton Municipal Code, entitled Historic Preservation, is hereby adopted to read as follows:

#### CHAPTER 5-18. HISTORIC PRESERVATION

##### 5-18.04. - Purpose.

The purpose of this chapter is to provide for the identification, evaluation, designation,

and protection of historic and cultural resources within the City of Dayton in a positive, manner as prescribed within the Dayton Comprehensive Plan for future generations; and preserve and rehabilitate eligible historic resources within the City of Dayton in order to:

- A. Safeguard the heritage of the city as represented by those buildings, districts, objects, sites and structures which reflect significant elements of Dayton history;
- B. Foster civic and neighborhood pride in the beauty and accomplishments of the past, and a sense of identity based on Dayton history;
- C. Preserve and encourage harmonious architectural styles within historic districts;
- D. Promote the use of historic buildings and structures within districts for the economic prosperity, education, inspiration and general welfare of the people of the city;
- E. Stabilize or improve the aesthetic and economic vitality and values of such sites, improvements and objects;
- F. Assist, encourage and provide incentives to private owners for preservation, restoration, redevelopment and use of outstanding historic buildings, districts, objects, sites and structures;
- G. Preserve and rehabilitate eligible historic properties within the City of Dayton for future generations through special valuation, a property tax incentive;
- H. Promote and facilitate the early identification and resolution of conflicts between preservation of historic resources and alternative land uses; and
- I. Conserve valuable material and energy resources by ongoing use and maintenance of the existing built environment.

#### 5-18.05. - Applicability.

No provision of this title shall be construed to prevent the ordinary maintenance of a historic resource when such action does not involve a change in design, materials, or appearance.

#### 5-18.12. - Definitions.

The following definitions apply to terms used in this title. Terms not defined have their commonly construed meaning:

- A. *“Actual cost of rehabilitation”*: In regards to tax valuation, actual cost of rehabilitation means costs incurred within 24 months prior to the date of application and directly resulting from one or more of the following:
  - 1. improvements to an existing building located on or within the perimeters of the original structure; or
  - 2. improvements outside 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
  - 3. architectural and engineering services attributable to the design of the improvements; or
  - 4. all costs defined as “qualified rehabilitation expenditures” for the purposes of the federal historic preservation investment tax credit.
- B. “*Administrative Certificate of Appropriateness (ACOA)*”: A Certificate of Appropriateness issued by the Planning Director for one or more of the following, pending Director approval of required conditions: emergency repairs, in-kind installation of new gutters and downspouts, or in-kind installation of new roofing.
- C. “*Alteration*”: An addition, removal, or reconfiguration that changes the appearance of a historic resource. Excluded from this definition is painting (when color is not specifically noted in the Record of Designation), and ordinary maintenance.
- D. “*Advisory Review Certificate (ARC)*”: A document issued by the Dayton Historic Preservation Commission (commission) that the applicant has satisfactorily met the requirements of this title for submittal of plans for review and advice only by the commission for the alteration of a historic structure.
- E. “*Building*”: A house, barn, church, hotel, or similar construction created principally to shelter any form of human activity.
- F. “*Certificate of Appropriateness*”: A document issued by the Dayton Historic Preservation Commission that the applicant has satisfactorily met the provisions of this title for the alteration of a historic structure.
- G. “*Certified local government*”: Dayton as a local government has been certified by the state historic preservation officer as having established its own historic preservation commission and a program meeting federal and state standards.
- H. “*Contributing*”: A building, structure, object, or site originally constructed within the applicable period of significance that retains and exhibits sufficient integrity (location, design, setting, materials, workmanship, and association) to convey a sense of history. These properties strengthen the historic integrity of an existing or potential historic district.
- I. “*Cost*”: The actual cost of rehabilitation, which cost shall be the minimum threshold required by the State of Washington- for the assessed valuation of the historic property under the Special Valuation Program. Reference -RCW 84.26.020 or any subsequent amendment.
- J. “*Dayton Historic Preservation Commission or commission*”: The commission is authorized under DMC Section 5-18.16 thereof. The commission is the local review board referenced in Chapter RCW 84.26 and WAC Chapter 254-20 for the review of special valuation of historic properties.

- K. *"Dayton Historic Resource Inventory (DHRI)"*: The DHRI is a comprehensive inventory of historic resources within the boundaries of the City of Dayton. The DHRI includes records of buildings, structures, objects, and sites recorded by the City of Dayton used to identify historic resources potentially eligible for listing in the Dayton Register of Historic Places.
- L. *"Dayton Register of Historic Places (DRHP)"*: The list of local historic resources officially recognized by the City of Dayton as important to its history and is afforded protection under this title, including a building, structure, site, object, or district listed in the Dayton Register of Historic Places.
- M. *"District"*: 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, architecture aesthetic, or physical development.
- N. *"Emergency repair"*: Work necessary to prevent destruction or dilapidation to real property or structural appurtenances immediately threatened or damaged by fire, flood, earthquake or other disaster.
- O. *"Historic Demolition Certificate (HDC)"*: A document issued by the commission that the applicant has satisfactorily met the provisions of this title for historic demolition.
- P. *"Historic Demolition"*: Historic demolition (or partial historic demolition)" means the destruction or removal, or relocation, of a building or structure, in whole or in part. Historic demolition (or partial historic demolition) pertains to the destruction, removal, or relocation of significant features of a building that are important to defining the buildings or structure's historic character. Historic demolition (or partial historic demolition) does not include:
1. The removal of past additions for the express purpose of restoration of a structure to its historic appearance, form, or function.
  2. The destruction or removal of portions of a building or structure that are not significant to defining its historic character, and are allowed pursuant to COA or ARC, as applicable under this title.
- Q. *"Historic integrity"*: The quality of wholeness of historic location, design, setting, materials, workmanship, and/or association of a historic resource, as opposed to its physical condition.
- R. *"Historic Preservation Staff or staff"*: The city planning department director or delegated staff who is responsible for providing staff resources to the commission.
- S. *"Historic resource"*: A building, structure, object, site, or district that is at least fifty (50) years old or is of exceptional significance and potentially meets the age, integrity, and significance criteria for listing in the Dayton Register of Historic Places, but may not necessarily be recorded in an inventory of historic resource.
- T. *"Historic significance"*: The physical association of a building, structure, site, object, or district with historic events, trends, persons, architecture, method of

construction, or that have yielded or may yield information important in prehistory or history.

- U. *"Incentives"*: 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 register properties. Examples of economic incentives include, but are not limited to, tax relief, conditional use permits, rezoning, street vacation, facade easements, gifts, beneficial placement of public improvements or amenities, or the like.
- V. *"National Register of Historic Places or National Register"*: The nation's official list of buildings, structures, sites, objects, and districts significant to our cultural history because of their documented importance to our history, architectural history, engineering, or cultural heritage. The National Park Service in Washington, D.C. maintains the National Register.
- W. *"Non-contributing"*: A building, structure, object, or site that does not retain or exhibit sufficient integrity (location, design, setting, materials, workmanship, and association) to convey a sense of history. Properties without any contributing resource do not strengthen the historic integrity of an existing or potential historic district in their current condition. The resource may or may not have been originally constructed within the applicable period of significance.
- X. *"Not in period"*: A building, structure, object, or site that was originally constructed outside the applicable period of significance by Historic Inventory (HI).
- Y. *"Notice on title"*: A recorded document stating the property designation on the DRHP and alerting future owners of the designation.
- Z. *"Object"*: A thing of functional, aesthetic, cultural, historical, or scientific value, such as, a fountain, sculpture, monument, milepost, vehicle, aircraft, etc., but not including a building or structure.
- AA. *"Ordinary maintenance"*: Activities that do not remove materials or alter qualities that make a historic resource eligible for listing in the DRHP, including cleaning, painting (when color is not specifically noted in DRHP's Record of Designation), and limited replacement of siding, trim, and window components when such material is beyond repair and where the new piece is of the same size, dimension, material, and finish as that of the original historic material.
- BB. *"Owner of property"*: The owner of record as exists on the Columbia County Assessor's records.
- CC. *"Period of significance"*: The time period, from one to several years or decades, during which a historic resource was associated with an important historic event(s), trend(s), person(s), architecture, or method(s) of construction.
- DD. *"Record of Designation"*: The official document created that describes how a

historic resource meets the criteria for listing in the DRHP by the Dayton Historic Preservation Commission.

EE. *"Rehabilitation"*: The process of returning a historic resource to a state of utility through repair or alteration, which makes possible an efficient use while preserving those portions and features of the historic resource and its site that convey its historic significance.

FF. *"Relocation"*: The removal from or moving of an historic resource from its original location.

GG. *"Site"*: The location of a significant event, prehistoric or historic occupation or activity, or location of a building or structure, whether standing, ruined, or vanished, where the location itself possesses historic, cultural, or archeological value regardless of any existing building, structure, or object.

HH. *"Significance or significant"*: Local, state, or national significance helps in the understanding of the history of local, 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 style having information potential. The local area can include the City of Dayton, Columbia County, or Southeast Washington, or a modest geographic 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.

II. *"Special valuation eligible class of properties"*: All properties listed on the Dayton Register of Historic Places or certified as contributing to a Dayton Register Historic District.

JJ. *"Special valuation for historic properties or special valuation"*: 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. (RCW Chapter 84.26.)

KK. *"Streetscape"*: The physical parts and aesthetic qualities of a public right-of-way and adjacent lands, including the roadway, gutter, tree lawn, sidewalk, retaining wall, landscaping and building setback.

LL. *"Structure"*: A functional construction made for human shelter and for purposes other than creating human shelter, such as an aircraft, bridge, fence, dam, play structure, tunnel, etc.

MM. *"Washington Heritage Register"*: The official listing of historically significant sites and properties found throughout the state. The list is maintained by the Department of Archaeology & Historic Preservation and includes districts, sites, buildings, structures, and objects that have been identified and documented as being significant in local or state history, architecture, archaeology, engineering or culture.

NN. *“Washington State Advisory Council's Standards for the Rehabilitation and Maintenance of Historic Properties (State Advisory Council's Standards)”*:

The rehabilitation and maintenance standards 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.

5-18.16. - Dayton Historic Preservation Commission (commission). All actions of the commission are subject to:

A. Appointments.

1. The Mayor, subject to Council approval, shall appoint a Dayton Historic Preservation Commission.
2. 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 source.
3. Reappointment is at the discretion of the Mayor.

B. Composition of the commission.

1. The commission size shall be no less than three and no more than seven members.
2. All members of the commission must have a demonstrated interest and competence in historic preservation and possess qualities of impartiality and broad judgment.
3. The commission shall always include at least two professionals who have experience in identifying, evaluating, and protecting historic resources and are selected from among 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.
4. The commission members shall be residents of the city, with the exception that the mayor and city council may

waive the residency requirement to obtain representation of disciplines described in this section.

- C. Terms. The original appointment of members to the COMMISSION shall be as follows: three for two years, two for three years; and two for four years. Thereafter, appointments shall be made for a three-year term. Vacancies shall be filled for the unexpired term in the same manner as the original appointment. The mayor may vary reappointments to shorter terms to assure the omission terms continue to be staggered.
- D. Quorum. A quorum shall consist of at least three members and consist of a simple majority of the members.
- E. Compensation. Members shall serve without compensation, but are eligible for reimbursement of expenses relation to their service.
- F. Bylaws and rules. The commission shall establish and recommend for adoption its own bylaws and rules and may amend the bylaws and rules, as appropriate. Final adoption is subject to City Council adoption by resolution.
- G. Officers. A Chair and Vice-Chair shall be elected annually by and from the seated membership. Officers are eligible for reelection and they shall be selected from among its membership a chair and vice-chair; and such other officers as may be necessary to conduct commission business.
- H. Meetings. All commission meetings must be in compliance with RCW Chapter 42.30, Open Public Meetings Act, to provide for adequate public participation and adopt standards in its bylaws and rules to guide this action. The commission shall meet at least four times a year, and as required to conduct business in a timely fashion.
- I. Absence. The commission may request that the City Council consider declaring the position vacant of any member who is absent from three meetings in a single calendar year without being excused prior to the meeting by the Chair of the commission.
- J. Powers and duties. The major responsibility of the 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 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 commission shall engage in the following.



1. Dayton Historic Inventory. Conduct and maintain a comprehensive inventory of historic resources within the boundaries of the City of Dayton, known as the Dayton 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 does not change or modify the underlying zone classification.
2. Dayton Register of Historic Places (DRHP). Initiate and maintain the DRHP. 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 of Dayton.
3. DRHP Nominations. Review nominations for designation to the DRHP according to criteria in Section 5-18.20 and adopt notice and process standards in its bylaws to conduct review.
4. Certificates. Review proposals under Certificate of Appropriateness (COA), Advisory Review Certificate (ARC), and, Historic Demolition Certificate (HDC), to construct, change alter, modify, remodel, move, demolish, or significantly affect properties or districts on the register as provided in Section 5-18.20. The commission shall adopt standards and procedures in its bylaws to conduct review and issue certificates.
5. Review. 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 identified historic resources or adjacent properties.
6. Special Valuation. Serve as the local review board for special valuation and comply with all local review board responsibilities identified in RCW Chapter 84.26:
  - a) Make determination concerning the eligibility of historic properties for special valuation,
  - b) Verify that the improvements are consistent with the National Park Service Design Guidelines,
  - c) Enter into agreements with property owners for the duration of the special valuation period as required under WAC 254-20-070(2),
  - d) Approve or deny applications for special valuation,

- e) Monitor the property for continued compliance with the agreement and statutory eligibility requirements during the ten-year special valuation period.
  - f) Process special valuation applications as adopted in the Bylaws and Rules of the commission, as adopted by City Council.
- 7. Recommend and Advise. Recommend and advise the city council on matters related to Dayton history, historic preservation and including, but not limited to:
  - a) Funding. The use of various federal, state, local or private funding sources available to promote historic resource preservation in the City of Dayton;
  - b) Planning. Goals, policies and objectives of the Comprehensive Plan and Municipal Code, redevelopment, municipal improvements, other types of planning and programs by the city, other local jurisdictions, state federal governments, as related to historic preservation and,
  - c) Other. Perform other related functions assigned to the commission by the city council that may be designated by resolution or motion of the City Council.
- 8. Well Informed. Be informed about and provide information to the public and city departments on incentives for preservation of historic resources, legislation, regulations and codes which encourage the use and adaptive reuse of historic properties.
- 9. Educate.
  - a) Participate in, promote and conduct public information, educational and interpretive programs pertaining to historic resources,
  - b) Provide information to the public on methods of maintaining and rehabilitating historic properties. This may take the form of pamphlets, newsletters, workshops, or similar activities.
- 10. Coordination. Establish liaison support, communication and cooperation with federal, state, and other local government entities which will further historic preservation objectives within the city.
- 11. Nominations to National Register of Historic Places and Washington Heritage Register. Nomination must be submitted to the Department of Archaeology and Historic Preservation of the State of Washington for registration.
- 12. Awards. 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.

#### 5-18.17 – Identification and Evaluation of Historic Resources

A. The Dayton Register of Historic Inventory (DRHI) lists, describes, and determines the eligibility of historic resources for listing in the DRHP. Not all properties listed in the Dayton Historic Resource Inventory are eligible for listing in the DRHI. A property does not need to be listed in the Historic Resource Inventory before being nominated to the DRHP under section 5-18.20.

1. The commission shall determine and periodically revise priorities for the identification and evaluation of historic resources based on the community's needs and interests.
2. The commission shall provide results of an inventory to the property owner(s), where an inventory results in the identification of property as eligible for listing in the DRHP.
3. Inventoried properties shall be identified as Eligible/Significant (ES), Eligible/Contributing (EC), Non-Contributing (NC), and/or Not in Period (NP). Evaluation and documentation of properties in the DHRI shall comply with this Chapter and commission bylaws and rules.
4. The DRHP shall be maintained as a public record with the exception of archaeological sites.
5. Citizens shall have the opportunity to review and correct information included in the DHRI. The commission shall establish the procedure to allow for correction(s) to the inventory. Any member of the public may place a property in the DHRI; however, the commission retains the authority to determine the property's eligibility for listing in the DRHP.
6. The commission may collect further information including, but not limited to, current photographs, architectural descriptions based on on-site observations, or archival documentation for inventorying of properties and for property already listed in the DRHP for the purposes of administering this title.

#### 5-18.20. - Dayton Register of Historic Places (DRHP).

A. The commission will recommend designation of historic resources to the DRHP as a means of providing recognition to their significance and providing incentives and guidelines for their preservation. The DRHP is maintained by the Commission and the register shall be made available to the public.

1. Historic resource designation to the DRHP. Historic resource designations, including:
  - a) The individual designation of a property with one or more significant historic buildings, structures, and or objects, or,

- b) The designation of a district which includes more than one property with significant contributing historic buildings, structures, or objects.
- B. Criteria for designating historic resources in the DRHP. Any building, structure, site, object or district may be designated for inclusion in the DRHP, if it:
  - 1. Is significantly associated with the history, architecture, archaeology, engineering or cultural heritage of the community; or
  - 2. Has integrity and is at least 50 years old, or
  - 3. Is less than 50 years and has exceptional importance; and
  - 4. Historic resources to be designated must fall in at least one of the following categories:
    - a) Is 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 archaeological information related to history or prehistory;
    - 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; or
- 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

c. Nomination of individual properties and districts.

1. General. The nomination for a historic resource to the DRHP must include a description of the boundaries of the proposed nominated area and the buildings, structures, objects, and sites contained therein, and a statement explaining how the historic resource(s) meet(s) the criteria under Section 5-18.16. The commission may establish additional standards for a complete application for an individual property and for a district in commission bylaws.

a) Individual property.

- i. Any person may nominate a property with a building, structure, site, or object for inclusion in the DRHP
- ii. The applicant must obtain a written statement acknowledging that the property owner(s) understand the nomination process and the results of such a designation, and wishes to have their property listed in the DRHP.
- iii. In cases where multiple persons or entities own a single property, a simple majority of the property owners must submit a written statement.

b) Districts. Any group of property owners or the commission may nominate their properties as a district for inclusion in the DRHP, provided:

- i. At least two contributing properties are contiguous.
- ii. A minimum of fifty-one percent (51%) of the property owners (one owner signature representing each property) must sign the nomination form confirming:
  - 1) The property owner(s) support designation of the district.
  - 2) The property owner(s) agree to the form for review of alterations; either mandatory compliance with a Certificate of Approval (COA) or voluntary compliance with as Advisory Review Certificate (ARC).

- 3) All nominations resulting in district designation, must comply with the requirements of this code for historic demolition.

D. Designation of individual properties and districts.

1. General. The commission shall consider the merits of a nomination, according to the provisions in Section 5-18.16 and shall consider the Dayton Historic Inventory and the Dayton Comprehensive Plan.
2. Review process. The commission shall establish standards for applications, forms, review, process, and notice for the nomination and designation to the DRHP in commission bylaws and rules.
3. Individual Properties. The designation of a DRHP individual property shall include all features on the exterior of buildings, structures, and other historic resources that contribute to its designation as an individual property on the DRHP and may include interior contributing features. The designation shall also include a description of non-contributing additions and structures in existence at the time of designation.
4. Districts. The designation of a DRHP district shall include description of the boundaries of the district; the characteristics of the district properties which justifies its designation; a list of all properties to be included; exterior building features, structures, sites and objects which contribute to the designation of the DRHP district. The designation shall also include a description of non-contributing structures in existence at the time of designation.
5. Commission actions.
  - a) Commission written findings and decision shall be forwarded to the City Council for final consideration when designating an individual property or district for inclusion to the Dayton Register of Historic Places.
  - b) Commission written findings and decision denying designation of a nominated individual property or district for inclusion in the Dayton Register of Historic Places shall be final, unless appealed.
  - c) Appeals. An appeal of the commission decision may be filed with the City Clerk within 10 days of the commission written decision.
6. Council Action.
  - a) Designations. The city council shall consider and take final action on nominations the commission forwards for designation in the DRHP.

- b) Appeals. The city council shall consider and act on appeals filed for commission decisions denying inclusion of a nomination (individual property or district) in the DRHP.

#### 7 . Records of Individual Properties.

- a) Notice on Title. The designation of a property on the DRHP shall be recorded at the Columbia County Office of Records. The designation shall apply to the entirety of the property as described in the approval of the designation regardless of future property division or ownership.
- b) Record of Designation. The commission shall retain the Record of Designation, together with the original nomination materials, and any testimony or additional materials considered during the nomination and designation process that established the eligibility of the historic resource in the DRHP.
- c) Map. Property on the Dayton Register of Historic Places will be identified on the official zoning map. This identification does not add to or change the zoning classification of the property.
- d) Amendments to Record of Designation. Additional materials may be administratively added to the city's Record of Designation, gathered to keep the record current or elaborate on established facts in the Record of Designation. Notice of such an action shall be provided by the Commission as provided in the commission bylaws.

#### 8 . Records of Districts.

- a) Notice on Title. The designation of a district on the DRHP shall be recorded at the Columbia County Office of Records, on all properties contained within the District.
- b) The designation shall apply to the entirety of the district regardless of future property division or ownership.
- c) Record of Designation. The commission shall retain the Record of Designation, together with the original nomination materials, and any testimony or additional materials considered during the nomination and designation process that established the eligibility of the historic resource in the DRHP.
- d) Map. Districts on the DRHP shall be identified on the official zoning map. Only when a district zoning overlay is adopted will zoning be amended for district properties.
- e) Zoning. A district with alternative zoning standards and/or zoning incentives shall be implemented through the

adoption of a zoning overlay.

- f) District Design Guidelines. Other than the Secretary of Interior Standards, district design guidelines shall be adopted as an addendum to the Comprehensive Plan.
- g) Amendments to Record of Designation. Additional materials may be administratively added to the Record of Designation, gathered to keep the record current or elaborate on established facts in the Record of Designation. Notice of such an action shall be provided by the commission as provided in the commission bylaws.

#### 9. Removal of Property from the DRHP.

- a) Individual Property. Property individually designated in the DRHP may be removed from the register by the City Council in either of the following circumstances:
  - i. Property Owner. A property owner requests removal from the register, provided that the property shall remain listed on the DRHP until the owner no longer receives benefits from historic preservation incentive, or,
  - ii. Commission. The Commission finds that the property is no longer deemed appropriate for designation on the local register because the qualities which caused it to be originally listed have been lost or destroyed.
    - 1) The commission may remove a designated property from the DRHP with or without owner's consent.
- b) District Removal and Boundary Reductions. Properties in a residential district on the DRHP shall remain in the district, except as follows:
  - i. Commission. The commission finds that a portion or all of the district is no longer deemed appropriate for designation on the district local register because the qualities which caused it to be originally listed have been lost or destroyed, and,
  - ii. In all cases, if a property in the district is receiving incentives, it only may be removed when it is no longer receiving incentives; or, it is eligible for and is listed as an individual historic property on the DRHP.
  - iii. A district shall fully remain as a district in the DRHP, except in the following circumstance:



- 1) The DDHD boundary may be reduced by the City Council, provided that the Commission finds that a portion of the district is no longer deemed appropriate for designation on the local register because the qualities which caused it to be originally listed have been lost or destroyed.
- 2) In all cases, if a property in the district is receiving benefits from a zoning overlay and/or incentives, the property only may be removed when it no longer receives benefit of the zoning overlay and incentives.

10. Results of Designation in the DRHP.

- a) Historic resources listed in the DRHP shall receive the following benefits:
  - i. Designation denoting significant association with the historic, archaeological, engineering or cultural heritage of the community.
  - ii. All uses and restrictions established by the underlying zoning, existing conditional use permits, and other applicable design standards shall remain in effect unless changed through due process.
  - iii. Benefits as stated in Section 5.18-17 of this title.
  - iv. The Building Official shall consider waiving certain code requirements in accordance with the Washington State building code for existing structures.
  - v. Property owners are provided technical assistance from the Commission through the COA, ARC and/or HDC processes.
  - vi. Property owners of individually listed property and/or contributing property in a district may be advised in applying for grants and/or tax incentives for rehabilitating their property, as resources and funds are available.

- b) Historic resources listed in the DRHP shall comply with Title 5 as follows: Prior to the commencement of any work on a register property, excluding ordinary repair and maintenance and emergency measures, the owner must request and receive a certificate, as applicable (COA, ARC or HDC), from the commission for the proposed work. Violation of this requirement is grounds for the commission to review the property for removal from the register and for city to take code compliance action under DMC Title 21.

5-18.28. - 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.

5-18.37. – Alterations and Demolition of Designated Historic Resources.

- A. The Commission shall use the provisions of this Section to preserve the exterior character-defining features of individual historic properties; and, historic districts on the DRHP.
- B. Exemptions. Activities not subject to the provisions of this chapter:
  - 1. “Ordinary maintenance” as defined in Section 5-18.12;
  - 2. Application of exterior paint color when color is not specifically noted in record of designation in the DRHP;
  - 3. Alterations to landscape features not specifically identified as historically significant in record of designation in the DRHP, such as, the construction or alteration of a fence up to 6 feet in height, a walkway or driveway; and
  - 4. Alterations to building interiors, even though a property owner may choose to include significant historic interior building features when a property is individually nominated and designated in the DRHP.
- C. Certificate Required. No historic resource in the DRHP shall be altered, relocated, or demolished, or a new building or structure constructed within the area defined in a Record of Designation without receiving approval of the certificate(s) required for a project, including one or more of the following:

1. Certificate of Approval (COA)
2. Administrative Certificate of Approval (ACOA)
3. Advisory Review Certificate (ARC)
4. Historic Demolition Certificate (HDC)

D. Criteria Guidelines. In order to approve an application for the alteration of a historic resource on a property, the Commission must find that the proposal meets the following guidelines as applicable:

1. A property shall be used as it was historically or be given a new use that requires minimal change to its distinctive materials, features, spaces, and spatial relationships;
2. The historic integrity of a property shall be retained and preserved. The relocation of distinctive materials or alteration of features, spaces, and spatial relationships that characterize a property shall be avoided;
3. A property shall be recognized as a physical record of its time, place, and use. Changes that create a false sense of historical development, such as adding conjectural features or elements from other historic properties, shall not be undertaken;
4. Changes to a property that have acquired historic significance in their own right shall be retained and preserved;
5. Distinctive materials, features, finishes, and construction techniques or examples of craftsmanship that characterize a property shall be preserved;
6. Deteriorated historic features shall be repaired rather than replaced if the severity of deterioration requires replacement of a distinctive feature, the new feature shall match the old in design, color, texture, and, where possible, materials;
7. Replacement of missing features shall be substantiated by documentary and physical evidence;
8. Chemical and physical treatments, if appropriate, shall be undertaken using the gentlest means possible. Treatments that cause damage to historic materials shall not be used;
9. Archaeological resources shall be protected and preserved in place. If such resources must be disturbed, mitigation measures shall be undertaken;
10. New additions, exterior alterations, or related new construction shall not destroy historic materials, features, and spatial relationships that characterize the property. The new work shall be differentiated from the old and shall be compatible with the historic materials, features, size, scale and proportion, and massing to protect the integrity of the property and its environment;
11. New additions and adjacent or related new construction shall be

undertaken in such a manner that, if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.

E. Design Standards. In addition to meeting the applicable guidelines in Section 5-18.20, in order to approve an application for the alteration of a historic resource, the Commission must find that the proposal meets the following design standards as applicable:

1. Adopted design guidelines for the district on the DRHP as provided in this title;
2. Vacant buildings shall be weather- and vandal-proofed in order to minimize further deterioration and the threat to public safety;
3. Rehabilitation work, especially on the exterior and the principal facades shall preserve the existing historic features or replace them if absolutely necessary with features and similar materials resembling those known to have existed on the building through verifiable evidence such as photographs. Alterations to Landmarks shall not be based on speculation, but instead on documentary evidence;
4. New additions shall be subordinate to the original building, meaning lower in height, attached to the rear or set back along the side, smaller in scale, and have less architectural detail;
5. Height, width, setback, roof shape, and the overall scale and massing of new buildings within historic districts and on lots with existing Landmarks, or additions to Landmarks shall be compatible with the existing historic building(s) and, in the case of historic districts, the overall streetscape;
6. In historic districts and on lots with existing historic resources, materials on at least the primary façade(s) of new buildings shall be similar in size, shape, color, and texture to the original materials on the facades of surrounding historic buildings;
7. Architectural details on new construction (including wood or metal trim, porches, cornices, arches, and window and door features, etc.) shall be complimentary, but shall not replicate historic features on surrounding historic buildings;
8. Window and door opening should be similar in size and orientation (vertical to horizontal) to openings on historic buildings and shall take up about the same percentage of the overall façade as those on surrounding historic buildings;
9. In historic districts and on lots with existing historic resources, the relationship of the width to the height of the principal elevations for new buildings and additions to existing historic buildings shall be in scale with the surrounding structures and streetscape. Wider new buildings can be divided into segments that more closely resemble the façade widths of historic

buildings;

10. In historic districts and on lots with existing historic resources, the roof shape of new buildings and additions to existing historic buildings shall be visually compatible with the surrounding structures and streetscape. Unusual roof shapes, materials, and pitches are discouraged;
11. Moving historic resources shall be avoided, especially to create artificial groupings;
12. The demolition of historic resources shall be avoided whenever possible; and
13. The Secretary of the Interior's Standards for the Treatment of Historic Properties are the design guidelines for properties on the DRHP, unless more specific design guidelines are adopted by the city.

F. Review Process. Certificates must be presented to the Building Official and/or Planning Director before a building, demolition, or other permit is issued.

1. An application for a COA, ARC or HDC must include a description of the proposed activity, accompanying maps, photographs, drawings, and other documentation. The Planning Director may establish additional standards for a complete application, including defining additional or alternative criteria for a complete application under provisions of this Section.
2. Upon acceptance of a complete application, the Planning Director shall decide within (5 working days) if the proposed work is subject to provisions of Section 5- 18.37.
3. The Planning Director shall provide the Commission with a summary of the proposed project; copy of the application; applicable criteria, policies, and codes; and other documentation specific to the property under which the application shall be considered.
4. The commission shall meet with the applicant and review the proposed work according to the design review criteria established in the guidelines as adopted by the city. 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 or special meetings of the commission. The commission shall complete its review and make its recommendations within 30 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.
5. The Commission shall review and act upon applications for the alteration, relocation, and demolition of a DRHP (COA, ARC and HDC). Applications for the alteration of a DRHP (COA or ARC) may be approved, approved with conditions, or denied. Applications for the relocation or demolition of a DRHP may be approved, approved with conditions, or denied. The

Commission shall develop written findings to support its decisions and any conditions in the COA, ARC or HDC.

6. Time limit of certificate.

- a) A COA, ARC, and administrative certificates issued for the alteration of a DRHP shall be effective for a period of two (2) years from the date of its issuance.
- b) A HDC issued for the relocation or demolition of a historic resource shall be effective for a period of one (1) year.

7. Building official determination of hazard. A DRHP may be altered, relocated, or demolished without a certificate, if the Building Official attests in writing that the condition of a property poses a clear and immediate hazard to public safety. The written decision of the Building Official with sufficient evidence to support his or her conclusions shall be immediately provided to the Planning Director. The Planning Director shall make these materials available to the Commission at their next regular meeting. The property owner(s) must submit an application for a Certificate of Appropriateness as required under this Ordinance within thirty (30) days of the Building Official submitting his or her written statement to the Planning Director.

G. Administrative Review Process. The Planning Director may issue an administrative decision (ACOA) when:

- 1. The Commission has established an administrative rule authorizing the type of alteration(s) allowed under an administrative decision, and
- 2. The Planning Director shall make a list of administrative certificates issued to the Commission at each regular meeting.

H. Public Hearing. A public hearing before the Commission shall be required for a COA and HDC. A public hearing is not required for an exempt alteration, administrative certificate or ARC. The process for a hearing shall be established in the commission bylaws and comply with the Open Public Meetings Act of Washington State, Chapter 42.30 RCW.

I. The commission shall meet with the applicant and review the proposed work according to the design review criteria established in the rules. 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 shall complete its review and make its recommendations within 30 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.

J. 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.

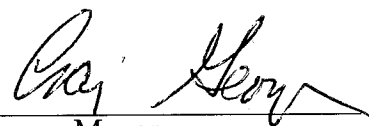
- K. The commission's recommendations and, if awarded, the Certificate of Appropriateness shall be transmitted to the building or zoning official. If a certificate of appropriateness is awarded, the building or zoning official may then issue the permit.
- L. Demolition. An HDC is required before a permit may be issued to allow whole or partial demolition of a designated Dayton Register property or in a Dayton Register Historic District. The owner or his/her agent shall apply to the commission for a review of the proposed demolition and to discuss alternatives to demolition. These negotiations may last no longer than 45 days from the initial meeting of the commission, unless either party requests an extension. If no request for an extension is made and no alternative to demolition has been agreed to, the commission shall act and advise the official in charge of issuing a demolition permit of the approval or denial of the HDC.
- M. When issuing a HDC the commission may require the owner to mitigate the loss of the Dayton Register property by means determined by the commission at the meeting. Any conditions agreed to by the applicant in this review process shall become conditions of approval of the permits granted. After the property is demolished, the commission shall initiate removal of the property from the register.
- N. Appeal of approval or denial of a HDC. The commission's decision regarding a may be appealed to the 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 HDC may be appealed to Superior Court.

**SECTION 3. Severability.** If any section, subsection, paragraph, sentence, clause or phrase of this Ordinance is declared unconstitutional or invalid for any reason, such decision shall not affect the validity of the other remaining parts which shall remain in full force and effect.

**SECTION 4. Effective Date.** A summary thereof of this Ordinance consisting of its title shall be published in the official newspaper of the City, and shall take effect and be in full force five (5) days after the date of publication.

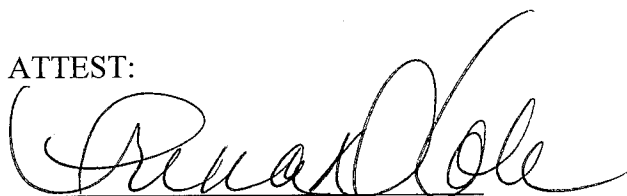
**PASSED BY THE CITY COUNCIL AND APPROVED BY THE MAYOR OF THE CITY OF DAYTON, WASHINGTON, AT A REGULAR MEETING THIS 13<sup>TH</sup> DAY OF JUNE 2018.**

APPROVED:



Craig George, Mayor

ATTEST:



Trina D. Cole, City Administrator

APPROVED AS TO FORM:



Quinn Plant, City Attorney



**ORDINANCE SUMMARY BY TITLE ONLY FOR PUBLICATION PURPOSES  
ORDINANCE NO. 1935**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DAYTON,  
WASHINGTON, REPEALING CHAPTER 5-18 OF THE DAYTON MUNICIPAL  
CODE IN ITS ENTIRETY; REPEALING ORDINANCES 1544, 1656, 1620 AND 1768  
IN THEIR ENTIRETY; AND, ADOPTING A NEW CHAPTER 5.18—HISTORIC  
PRESERVATION, OF THE DAYTON MUNICIPAL CODE.**

The full text of Ordinance 1935 adopted the 13<sup>th</sup> day of June, 2018 is available for examination at the City Clerk's Office, 111 S. 1st St., Dayton, WA during normal business hours, Monday – Thursday, 7:00 a.m. to 4:00 p.m. Full text of the Ordinance shall be mailed upon request.

Section 1. Repeal

Section 2. Chapter 5-19 DMC, Historic Preservation

Section 3. Severability

Section 4. Effective Date

By: /s/ Craig George, Mayor

Attest: /s/ Trina Cole, City Administrator

Approved as to from: /s/ Quinn Plant, City Attorney

*The Dayton Chronicle: 06/28/2018*

