

**RESOLUTION NO. 1456**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DAYTON, COLUMBIA COUNTY, WASHINGTON AMENDING THE BY-LAWS OF THE DAYTON HISTORIC PRESERVATION COMMISSION**

**WHEREAS**, the Dayton Historic Preservation Commission of Dayton, Washington is governed by Dayton Municipal Code Section 5-18, ordinance 1935; and,

**WHEREAS**, the Dayton Historic Preservation Commission has considered and proposed revisions to its bylaws; and,

**WHEREAS**, on February 24, 2021, the Dayton Historic Preservation Commission recommended that the Dayton City Council adopt the bylaws as presented.

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF DAYTON, WASHINGTON, HEREBY RESOLVES AS FOLLOWS:**

SECTION 1: The City Council hereby adopts the Bylaws of the Dayton Historic Preservation Commission by reference as included herein as Exhibit A.

SECTION 2: This resolution shall take effect immediately upon adoption.

**PASSED** by the City Council of the City of Dayton, Washington on this 10<sup>th</sup> day of March 2021.

City of Dayton

  
Zac Weatherford, Mayor

Attested/Authenticated by:

  
Trina Cole, City Administrator

Approved as to form:

  
Quinn Plant, City Attorney

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

## **SECTION 1: GENERAL RULES AND PROCEDURES**

*These By-Laws establish the rules and procedures under which the Dayton Historic Preservation Commission (DHPC or Commission) operates.*

### **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.

### **C. MEMBERSHIP**

1. Creation and Composition: There is hereby established a Dayton Historic Preservation Commission, consisting of no less than three and no more than seven members, as provided in Chapter 5-18.16 of the Dayton Municipal Code.
2. Members shall be appointed by the Mayor and approved by the City Council as prescribed in Chapter 5-18.16 of the Dayton Municipal Code.
3. Members shall be selected for appointment in accordance with requirements set forth in Chapter 5-18.16 of the Dayton Municipal Code.

### **D. TERMS OF MEMBERS**

1. Appointments shall be made as set forth in in Chapter 5-18.16 of the Dayton Municipal Code. Mayoral appointments shall fill vacancies. The Commission shall actively seek applicants for vacancies and expired terms.

### **E. ATTENDANCE OF MEMBERS**

1. All members shall attend regularly scheduled meetings and shall be on time. If any member is absent from three meetings in a single calendar year without being excused prior to the meeting by the Commission Chair, the Commission may request that the City Council consider declaring the position vacant.

### **F. QUORUM**

1. A quorum shall consist of at least three members and consist of a simple majority of members.

### **G. OFFICERS AND STAFF**

1. The officers of this organization shall be Chair and Vice Chair. The Secretary, though present, shall not be a member. Should the need arise on a permanent or temporary basis, the necessary office shall be voted in by 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 Chair and Vice Chair shall be held at the regularly scheduled March 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 Chair shall preside over all regularly scheduled and all special or called meetings of the Commission. The Chair shall appoint members to specific task force (ad-hoc) committees, of which terms shall end when the task is completed. All tasks presented to a committee shall be executed in a timely manner.
  - c. The Vice Chair assumes the duties of the Chair in the absence of the Chair. In the absence of the Chair, the Vice Chair will have the same powers and duties as those of the Chair.
  - d. 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 Chapter 5-18 of the Dayton Municipal Code.
  - e. The City Planner, or delegate, shall act as Secretary. The Secretary shall record all meetings using audio recording and transcribe minutes, 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.

#### **H. 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, 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 5-18.20 of the Dayton Municipal Code 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 5-18.20 of the Dayton Municipal Code; 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 Certificate of Appropriateness outside of a regular meeting.

#### **I. MEETINGS**

1. The regularly scheduled meeting of this Commission shall be held the fourth Wednesday of odd calendar months at 4:00 p.m. at Dayton City Hall in the Council Chambers, 111 South 1<sup>st</sup> Street, Dayton, Washington 99328, unless otherwise directed by the Chair 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 Chair.

2. Special meetings may be called by the Chair. 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. Public notice of a special meeting shall be provided as required by RCW 42.30.080.

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 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 DHPC 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

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Resolution 1456, Exhibit A

Authorized by the Dayton Historic Preservation Commission February 24, 2021

Adopted by Dayton City Council March 10, 2021





order of receipt. All applications, including the 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. At least three (3) members and a simple majority of the members of 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:
  - 1. Call to order.
  - 2. Roll call.
  - 3. Adoptions of minutes.
  - 4. Design/Special Valuation review.
  - 5. Unfinished business.
  - 6. New business.
  - 7. Other business.
  - 8. Adjournment.
- v. The regular order of business for consideration for applications and conducting meetings for Designation Reviews, Design Reviews, Formation of Local Districts, and Special Valuation Reviews may be found in Sections II, III, IV, and V of this document.
- vi. The DHPC shall act on each application at the meeting unless a majority of the Commission decides to defer the 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 will automatically be set on the agenda for the next regularly scheduled meeting. In such a case, no further notice is required for





## **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. The DRHP shall be maintained in accordance with Dayton Municipal Code Section 5-18.17.*

### **A. DAYTON REGISTER OF HISTORIC PLACES CRITERIA**

1. The following are criteria for the inclusion of properties on the Dayton Register of Historic Places (DRHP) as stated in the National Park Service and/or Dayton Downtown Historic District Design Standards and pertaining to the City of Dayton's Historic Preservation Ordinance 1935.
  - a. Any building, structure, site, object or district may be placed on the register if it meets the criteria set forth in Dayton Municipal Code Section 15-18.20.

### **B. APPLICATION STANDARDS FOR DAYTON REGISTER OF HISTORIC PLACES**

1. An acceptable Dayton Register of Historic Places application is a nomination form completed according to uniform guidelines of The Dayton Historic Preservation Commission.
2. 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.
3. The original form should be presented along with the following documentation:
  - a. Copy of the historic property inventory form.
  - b. Current and historic (if available) photographs.
  - c. Newspaper articles.
  - d. Other relevant materials.
4. Incomplete 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 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.
  - xi. 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 National Park Services and/or Dayton Downtown Historic District Design Guidelines, 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.
- d. 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 the 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. 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. Notify the Building Inspector if the property is listed on the Register.
  - vi. Notifies the applicant of the City Council's final decision.
- b. Dayton City Council:
  - i. Once the case is with the 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:
    - 1. 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
  - i. If the recommendation is rejected by the City Council, at the next regularly scheduled meeting, the Commission:
    - 1. Shall decide whether any other protection for the property is necessary or possible.

### D. APPEALS OR RESUBMISSION

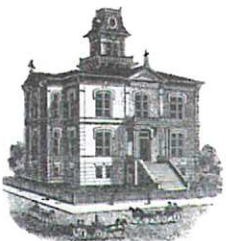
1. A negative or a non-acceptance of an application by the DHPC is not irrevocable. If new information becomes available or if the applicant wishes, the application may be resubmitted with DHPC approval to the DHPC. In such a case, the entire procedure must be repeated.
2. If the applicant disagrees with the Commission's recommendation, the applicant may present the case directly to the 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 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 by City Council motion, where council may approve, modify, or reject the proposed district as presented by the Dayton Historic Preservation Commission.
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.
5. Demolition of a structure which is included in the Department of Archeology and Historic Preservation "WISAARD," listed in a historic register, inventoried as eligible for listing in a historic register, listed in the Dayton Register of historic Places, or eligible for listing in the Dayton Register of Historic Places at the time of applying for a demolition permit application requires a SEPA review.



### **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 National Park Service and/or Dayton Downtown Historic District Design Standards.

1. 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.
2. 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.
3. 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.
4. 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.
5. Distinctive stylistic features or examples of skilled craftsmanship shall be treated with sensitivity.
6. 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.
7. 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.
8. Every reasonable effort shall be made to protect and preserve archeological





resources affected by, or adjacent to, any project.

9. 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.
10. 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.
- 11.

The Certificate of Appropriateness is approved by the DHPC as required under powers granted it by the City of Dayton (Historic Preservation Ordinance 1935).

#### **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 or a designated Dayton Register of Historic Places 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



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

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## 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.
- 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 National Park Service and/or Dayton Downtown Historic District Design 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:

- i. After receiving the Certificate of Appropriateness (if issued) and any Conditions of Issuance from the DHPC Staff, the building inspector may:
  1. Issue the permit.
  2. 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. Effect on historic properties (impact).

At least one (1) copy of the document 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: 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 National Park Service 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).
- i. 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.

- ii. 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 National Park Service, common to each property.

1. Protecting and Maintaining

2. Repairs

- a. 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.
- b. 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.

3. Replacing

- a. 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.

4. Design for Missing Historic Features

- a. 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.

5. Alterations and Additions

- a. 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.
- b. Excavations adjacent to historic foundations should be limited to avoid damage to those foundations or to any archeological deposits that may be nearby.
- c. 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 condition

- 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
  - i. 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:
    - 1. The proposed buildings outline with dimensions relative to property lines and existing buildings adjacent to the property.
    - 2. New parking areas, driveways, utilities, etc.
    - 3. Any proposed planting and landscaping, sidewalks, and patios, mechanical equipment and other appurtenances such as walls, gates and accessory buildings.
    - 4. 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.
- g. A SEPA review is required for demolition of any property listed, or eligible for listing, on a historic register at the time of application.



## 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 Historic Preservation Ordinance No. 1935.*

*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 recommendation 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 meetings 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 mailed to parcel owners with self-addressed stamped, return envelope enclosed. A positive vote indicates that the 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. 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.
7. 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 districts is subject to a Certificate of Appropriateness (COA), City of Dayton Municipal Code Section 5-18.37.
2. As long as Dayton remains a Certified Local Government, contributing homes shall be eligible for special tax valuation consideration.
  - a. Special tax valuation requirements are set forth in the City of Dayton Municipal Code 5-18.16.





## 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 initiation 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 National Park Service and/or Dayton Downtown Historic District Standards for rehabilitation. (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 (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 received 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.
- v. 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 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. Monitors at least once a year during the Special Valuation 10-year period, the owner's compliance with the terms of the agreement.
- iv. 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 National Park Service and/or Dayton Downtown Historic District Design 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. 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 the 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 National Park Service and/or Dayton Downtown Historic District 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 National park Service Standards for Rehabilitation as established in the Federal Code Regulations (36 CFR 67) (See Section III, a-j of this document) and/or the Dayton Downtown Historic District Standards. For the Special Valuation process no new construction is eligible.

*Approved by the Dayton Historic Preservation Commission on February 24, 2021*

*Michael L. Smith*

*Mike Smith, Dayton Historic Preservation Chair*

*Attest:*

*Meagan Hayes*

*Meagan Hayes, Director of Planning & Community Development  
Secretary to the Historic Preservation Commission*

