

TOWN OF BEAUX ARTS VILLAGE

ORDINANCE NO. _____

AN ORDINANCE OF THE TOWN OF BEAUX ARTS VILLAGE
ESTABLISHING GUIDELINES FOR HISTORIC PRESERVATION AND ADOPTING
REGULATIONS FOR CERTIFICATION BY THE STATE OF WASHINGTON AS A
“CERTIFIED LOCAL GOVERNMENT” FOR THE PURPOSE OF PROVIDING PROPERTY
OWNER INCENTIVES TO PRESERVE AND PROTECT HISTORIC PROPERTIES WITHIN
THE TOWN.

WHEREAS, Beaux Arts Village was founded in 1908 and incorporated as a Town in 1954; and

WHEREAS, the Town is home to a number of “historic properties” that reflect the Town’s unique development; and

WHEREAS, the State of Washington offers a tax incentive program for municipalities that are “Certified Local Governments” in order to assist with the preservation of “historic properties;” and

WHEREAS, the Town has determined that it is in the best interest of the Town to offer its citizens the opportunity to participate, on a voluntary basis, in the State’s program; **NOW, THEREFORE**,

BE IT ORDAINED BY THE COUNCIL OF THE TOWN OF BEAUX ARTS VILLAGE, WASHINGTON, AS FOLLOWS:

Section 1. Title and Purpose

A. Title. This Ordinance shall be known as the Historic Preservation Ordinance of the Town of Beaux Arts Village, Washington.

B. Purpose and Intent. The purpose of this ordinance is to provide for the identification, evaluation, designation, and protection of designated historic and prehistoric resources within the Town of Beaux Arts Village (the “Town”) and to preserve and rehabilitate eligible historic properties for future generations through special valuation, a property tax incentive, as provided in Chapter 84.26 RCW in order to:

1. Safeguard the heritage of the Town in King County as represented by buildings that reflect significant elements of the Town’s history;
2. Foster civic pride in the beauty and accomplishments of the past, with a sense of identity based on the Town’s history;
3. Stabilize or improve the aesthetic and economic vitality of such properties;

4. Assist, encourage and provide incentives to private owners for preservation, restoration, redevelopment and use of outstanding historic buildings;
5. Conserve valuable material and energy resources by ongoing use and maintenance of the existing built environment.

Section 2. Definitions

The Beaux Arts Historic Inventory (“Inventory”): the comprehensive inventory of historic and prehistoric resources within the boundaries of the Town.

The Beaux Arts Historic Preservation Commission (“Commission”): the commission created by Section 3 herein.

The Beaux Arts Register of Historic Places (“Local Register” or “Register”): the listing of locally designated properties provided for in Section 4 herein.

Actual Cost of Rehabilitation: costs incurred within twentyfour months prior to the date of application and directly resulting from one or more of the following: a) improvements to an existing building located on or within the perimeters of the original structure; or b) improvements outside of but directly attached to the original structure which are necessary to make the building fully useable but shall not include rentable/habitable floor-space attributable to new construction; or c) architectural and engineering services attributable to the design of the improvements; or d) all costs defined as “qualified rehabilitation expenditures” for purposes of the federal historic preservation investment tax credit.

Building: a structure constructed by human beings. This includes residential buildings and their associated accessory structures.

Certificate of Appropriateness: the document indicating the Commission has reviewed the proposed changes to a local register property and certified the changes as not adversely affecting the historic characteristics of the property which contribute to its designation.

Certified Local Government (“CLG”): the designation reflecting that the local government has been jointly certified by the State Historic Preservation Officer and the National Park Service as having established its own historic preservation commission and a program meeting Federal and State standards.

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

meets the requirements set forth in Chapter 84.26 RCW.

Cost: the actual cost of rehabilitation, which cost shall be at least twentyfive percent of the assessed valuation of the historic property, exclusive of the assessed value attributable to the land, prior to rehabilitation.

District: a geographically definable area possessing a significant concentration, linkage, or continuity of sites buildings, structures, and/or objects united by past events or aesthetically by plan or physical development.

Emergency repair: work necessary to prevent destruction or dilapidation to real property or structural appurtenances thereto immediately threatened or damaged by fire, flood, earthquake or other disaster.

Historic property: real property together with improvements thereon, except property listed in a register primarily for objects buried below ground, which is listed in a local register of a Certified Local Government or the National Register of Historic Places.

Incentives: such rights or privileges or combination thereof that the Town Council may be authorized to grant or obtain for the owner(s) of Register properties such as tax relief.

Local Review Board (“Board”) used in Chapter 84.26 RCW and Chapter 25420 WAC for the special valuation of historic properties: the commission created in Section 4 herein.

National Register of Historic Places: the national listing of properties significant to our cultural history because of their documented importance to our history, architectural history, engineering, or cultural heritage.

Ordinary repair and maintenance: work for which the purpose and effect is to correct any deterioration or decay of or damage to the real property or structure therein and to restore the same, as nearly as may be practicable, to the condition prior to the occurrence of such deterioration, decay, or damage.

Owner: the fee simple owner of record as exists on the King County Assessor’s records.

Significance or significant used in the context of historic significance: a property with local significance which helps in the understanding of the history or prehistory of the local area by illuminating the local, statewide, or nationwide impact of the events or persons associated with the property, or its architectural type or style in information potential. The local area is the entirety of the Town of Beaux Arts Village. 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.

Site: a place where a significant event or pattern of events occurred. It may be the location of prehistoric or historic occupation or activities that may be marked by physical remains; or it may be the symbolic focus of a significant event or pattern of events that may not have been actively occupied. A site may be the location of ruined or now non-extant building or structure of the location possessing historic cultural or archaeological significance.

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. (Chapter 84.26 RCW).

State Register of Historic Places: the state listing of properties significant to the community, state, or nation but which may or may not meet the criteria of the National Register.

Structure: a work made up of interdependent and interrelated parts in a definite pattern of organization.

Waiver of a Certificate of Appropriateness or Waiver: the document indicating that the commission has reviewed the proposed whole or partial demolition of a local register property and failing to find alternatives to demolition has issued a waiver of a Certificate of Appropriateness which allows the building or zoning official to issue a permit for demolition.

Washington State Advisory Council's Standards for the Rehabilitation and Maintenance of Historic Properties or State Advisory's Council's Standards: the rehabilitation and maintenance standards used by the Town of Beaux Arts Village Historic Preservation 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.

Section 3. Town of Beaux Arts Village Historic Preservation Commission.

A. Creation and Size. The Beaux Arts Village Historic Preservation Commission shall consist of five members, as provided in subsection B below. Members of the Commission shall be appointed by the Town Mayor and approved by the Town Council and shall be residents of the Town.

B. Composition of the Commission. All members of the Commission must have a demonstrated interest and competence in historic preservation and possess qualities of impartiality and broad judgment. The commission shall whenever possible include at least one professional who has experience in identifying, evaluating, and protecting historic resources and is selected from among the disciplines of architecture, history, architectural history, planning, prehistoric and historic archaeology, folklore, cultural anthropology, curation, conservation, and landscape architecture, or a related discipline. 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 on behalf of the State. Furthermore, exception to the residency requirement of Commission members may be granted by the Mayor and Town Council in order to obtain representatives from these disciplines.

C. Terms. The original appointment of members to the commission shall be as follows: (2)

two for six years, (2) two for four years, (1) one for two years. Thereafter, appointments shall be made for a six (6) year term. Vacancies shall be filled by the Mayor for the unexpired term in the same manner as the original appointment.

D. Powers and Duties. The major responsibility of the Historic Preservation Commission is to identify and actively encourage the conservation of the Town'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 Town's history and historic resources; and to serve as the primary resource in matters of history, historic planning, and preservation. In carrying out these responsibilities, the Historic Preservation Commission shall engage in the following:

1. Conduct and maintain a comprehensive inventory of historic resources within the Town ("Beaux Arts Village Historic Inventory") and to publicize and periodically update inventory results. Properties listed on the inventory shall be recorded on the appropriate Town files and designated with an "HI" (for historic inventory designation). This designation shall not change or modify the underlying zone classification.
2. Initiate and maintain the Town's Register of Historic Places. This official register shall be compiled of buildings and structures identified by the Commission as having historic significance worthy of recognition and protection by the Town and encouragement of efforts by owners to maintain, rehabilitate, and preserve properties.
3. Review nominations to the Town's Register according to criteria in Section 4 of this ordinance and adopt standards in its rules to be used to guide this review.
4. Review proposals to construct, change, alter, modify, remodel, move, demolish, or significantly affect properties on the register as provided in Section 4; and adopt standards in its rules to be used to guide this review and the issuance of a certificate of appropriateness or waiver.
5. Provide for the review either by the Commission or Town 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. Conduct all Commission meetings in compliance with Chapter 42.30 RCW, Open Public Meetings Act, to provide for adequate public participation and adopt standards in its rules to guide this action.
7. Participate in, promote and conduct public information, educational and interpretive programs pertaining to historic and prehistoric resources.
8. Establish liaison support, communication and cooperation with federal, state, and other local government entities which will further historic preservation objectives, including public education, within the Town.
9. Review and comment to the Town Council on land use, housing and redevelopment,

municipal improvement and other types of planning and programs undertaken by the Town, neighboring communities, King County, the state or federal governments, as they relate to historic resources of the Town of Beaux Arts Village.

10. Advise the Mayor and Town Council on matters of Town history and historic preservation.
11. Perform other related functions assigned to the Commission by the Mayor or Town Council.
12. 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.
13. 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.
14. Be informed about and provide information to the residents on incentives for preservation of historic resources including legislation, regulations and codes which encourage the use and adaptive reuse of historic properties.
15. Review nominations to the State and National Registers of Historic Places.
16. Investigate and report to the Town Council on the use of various federal, state, local or private funding sources available to promote historic resource preservation in the Town.
17. Serve as the local review board for Special Valuation and:
 - a. Make determination concerning the eligibility of historic properties for special valuation;
 - b. Verify that the improvements are consistent with the Washington State Advisory Council's Standards for Rehabilitation and Maintenance;
 - c. Enter into agreements with property owners for the duration of the special valuation period as required under WAC 25420070(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 10 year special valuation period; and
 - f. Adopt bylaws and/or administrative rules and comply with all other local review board responsibilities identified in Chapter 84.26 RCW.
18. The Commission shall adopt rules of procedure to address items 3, 4, 6, and 18 inclusive.

E. Compensation . All members shall serve their appointed term without compensation.

F. Rules and Officers. The Commission shall establish and adopt its own rules of procedure, and shall select from among its membership a chairperson and such other officers as may be necessary to conduct the Commission's business.

G. Commission Staff. The Mayor and Town Council may, at its discretion, appoint

professional staff to assist the Commission with its duties and responsibilities.

SECTION 4. TOWN OF BEAUX ARTS VILLAGE REGISTER OF HISTORIC PLACES

A. Criteria for Determining Designation in the Register. Any building, structure, site, or object within the Town may be designated for inclusion in the Register if it is significantly associated with the history, architecture, archaeology, engineering or cultural heritage of the community; if it has integrity; is at least fifty (50) years old, or is of lesser age and has exceptional importance; and if it falls in at least one of the following categories:

1. Is associated with events that have made a significant contribution to the broad patterns of national, state, or local history.
2. 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.
3. Is an outstanding work of a designer, builder, or architect who has made a substantial contribution to the art.
4. Exemplifies or reflects special elements of the Town's cultural, special, economic, political, aesthetic, engineering, or architectural history.
5. Is associated with the lives of persons significant in national, state, or local history.
6. Has yielded or may be likely to yield important archaeological information related to history or prehistory.
7. Is a building or structure removed from its original location but which is significant primarily for architectural value, or which is the only surviving structure significantly associated with an historic person or event.
8. Is a birthplace of an historical figure of outstanding importance and is the only surviving structure or site associated with that person.
9. Is a reconstructed building that has been executed in an historically accurate manner on the original site.
11. Is a creative and unique example of folk architecture and design created by persons not formally trained in the architectural or design professions, and which does not fit into formal architectural or historical categories.

B. Process for Designating Properties to Town of Beaux Arts Village Historic Register

1. Only Property Owners may nominate a building, structure, site or object for inclusion in the town Historic Register.

2. In the case of individual properties, the designation shall include all features—interior and exterior—and outbuildings that contribute to its designation.

3. The Historic Preservation Commission shall consider the merits of the nomination, according to the criteria in Section 4 and according to the nomination review standards established in rules, at a public meeting. Adequate notice will be given to the public and the owner(s) of the subject property prior to the public meeting according to standards for public meetings established in rules and in compliance with Chapter 42.30 RCW, Open Public Meetings Act. Such notice shall include publication in a newspaper of general circulation within the Town and any other form of notification deemed appropriate by the Town Council. If the Commission finds that the nominated property is eligible for the Town of Beaux Arts Village Historic Register, the Commission shall list the property in the register with the owner’s consent.

4. Properties listed on the Town Register shall be recorded on official zoning records with an “HR” (for Historic Register) designation. This designation shall not change or modify the underlying zone classification.

C. Removal of Properties from the Register. In the event that any property is no longer deemed appropriate for designation on the Register, the Commission may initiate removal from such designation by the same procedure as provided for in establishing the designation, Section 4.

4. A property may not be removed from the Register without first notifying the owner.

D. Effects of Listing on the Register

1. Prior to the commencement of any work on a register property, excluding ordinary repair and maintenance and emergency measures defined in Section 5, the owner must request and receive a Certificate of Appropriateness from the commission for the proposed work. Violation of this rule shall be grounds for the commission to review the property for removal from the register.

2. Prior to whole or partial demolition of a register property, the owner must request and receive a waiver of a Certificate of Appropriateness.

3. Once Town of Beaux Arts Village is certified as a Certified Local Government (CLG), all properties listed on the Town of Beaux Arts Village Historic Register may be eligible for Special Tax Valuation on their rehabilitation (Section 6).

SECTION 5. REVIEW OF CHANGES TO THE TOWN OF BEAUX ARTS VILLAGE REGISTER OF HISTORIC PLACES PROPERTIES

A. Review Required. No person shall change the use, construct any new building or structure, or reconstruct, alter, restore, remodel, repair, move, or demolish any existing property on the Town of Beaux Arts Village Historic Register without review by the commission and without receipt of a Certificate of Appropriateness, or in the case of demolition, a waiver, as a result of the review. The review shall apply to all features of the property, interior and exterior, that contribute to its designation and are listed on the nomination form. Information required by the commission to review the proposed changes are as established in rules.

B. Exemptions. The following activities do not require a Certificate of Appropriateness or review by the Commission: ordinary repair and maintenance, painting, work limited to the interior of the building, or emergency measures defined in Section 6.

C. Review Process

1. Requests for Review and Issuance of a Certificate of Appropriateness or Waiver . The Town Clerk (or Designee) shall report any application for a permit to work on a designated Town of Beaux Arts Village Historic Register property to the Commission. If the activity is not exempt from review, the Commission or professional staff shall notify the applicant of the review requirements. The building official shall not issue any such permit until a Certificate of Appropriateness or a waiver is received from the Commission but shall work with the Commission in considering building and fire code requirements.

2. Commission Review. The owner or his/her agent (architect, contractor, lessee, etc.) shall apply to the Commission for a review of proposed changes on a Register property and request a Certificate of Appropriateness or, in the case of demolition, a waiver. Each application for review of proposed changes shall be accompanied by such information as is required by the Commission established in its rules for the proper review of the proposed project. The Commission shall meet with the applicant and review the proposed work according to the design review criteria established in rules. 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 thirty (30) calendar days of the date of receipt of the application. The Commission's recommendations shall be in writing and shall state the findings of fact and reasons relied upon in reaching its decision. Any conditions agreed to by the applicant in this review process shall become conditions of approval of the permits granted. If the owner agrees to the commission's recommendations, a Certificate of Appropriateness shall be awarded by the commission according to standards established in the commission's rules. The Commission's recommendations and, if awarded, the Certificate of Appropriateness shall be transmitted to the building official. If a Certificate of Appropriateness is awarded, the building official may then issue the permit.

3. Demolition. A waiver of the Certificate of Appropriateness is required before a permit may be issued to allow whole or partial demolition of a designated Register property. The owner or his/her agent shall apply to the Commission for a review of the proposed demolition and request

a waiver. The applicant shall meet with the Commission in an attempt to find alternatives to demolition. These negotiations may last no longer than 45 calendar 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 building official of the approval or denial of the waiver of a Certificate of Appropriateness. Conditions in the case of granting a demolition permit may include allowing the Commission up to 45 additional calendar days to develop alternatives to demolition. After the property is demolished, the commission shall initiate removal of the property from the Register.

4. Appeal of Approval or Denial of a Waiver of a Certificate of Appropriateness. The Commission's decision regarding a waiver of a Certificate of Appropriateness may be appealed to the Town Council within ten days. The appeal must state the grounds upon which the appeal is based. The appeal shall be reviewed by the Council only on the records of the Commission. Appeal of Council's decision regarding a waiver of a Certificate of Appropriateness may be appealed to Superior Court.

SECTION 6. REVIEW AND MONITORING OF PROPERTIES FOR SPECIAL PROPERTY TAX VALUATION

A. Time Lines. Applications shall be forwarded to the Commission by the King County Assessor within ten calendar days of filing. Applications shall be reviewed by the Commission before December 31 of the calendar year in which the application is made. Commission decisions regarding the application shall be certified in writing and filed with the Assessor within 10 calendar days of issuance.

B. Procedure. Upon receipt of an application from the Assessor, the Commission shall:

1. Upon receipt of an application from the Assessor, the Commission shall perform its review consistent with its rules of procedure, and determine if the application is complete and if the property meets the criteria set forth in WAC 25420070(1) and listed in Section 6 of this ordinance. If the Commission finds the property meets all the criteria, then, the Council enters into an Historic Preservation Special Valuation Agreement (set forth in WAC 25420120 and in Section 6 of this Ordinance) with the owner. Upon execution of the agreement between the owner and the Town, the Commission approves the application. If the Commission determines the property does not meet all the criteria, then it shall deny the application.

2. The commission shall certify its decisions in writing and state the facts upon which the approval or denial is based. A copy shall be filed with the Assessor.

- a. For approved applications, a copy of the agreement, application, and supporting documentation (as required by WAC 25420090 (4) and identified in Section 5 of this Ordinance) shall be forwarded to the Assessor; the State Review Board shall be notified; and the property shall be monitored for compliance throughout the ten year monitoring period.
- b. Should a property be disqualified from special valuation because of the owner's failure to comply with the terms of the agreement or because of a loss of historic

value resulting from physical changes to the building, the Commission shall notify the owner, the Assessor, and the State Review Board in writing and state the facts supporting its findings.

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

1. Application Criteria. A complete applications shall consist of the following documentation:
 - a. A legal description of the historic property;
 - b. Comprehensive exterior and interior photographs of the historic property before and after rehabilitation;
 - c. Architectural plans or other legible drawings depicting the completed rehabilitation work; and
 - d. A notarized affidavit attesting to the actual cost of the rehabilitation work completed prior to the date of application and the period of time during which the work was performed and documentation of both to be made available to the Commission upon request.

2. Property Review Criteria. In its review, the Commission shall determine if the property meets all the following criteria:
 - a. The property is historic property;
 - b. The property is included within a class of historic property determined eligible for Special Valuation by the Town of Beaux Arts Village under Section 4 of this Ordinance;
 - c. The property has been rehabilitated at a cost which meets the definition set forth in RCW 84.26.020(2) (and identified in Section 6 of this ordinance) within twenty-four months prior to the date of application; and
 - d. The property has not been altered in any way which adversely affects those elements which qualify it as historically significant as determined by applying the Washington State Advisory Council's Standards for the Rehabilitation and Maintenance of Historic Properties (WAC 25420100(1) and listed in Section 6 of this ordinance).

3. Rehabilitation and Maintenance Criteria. The Washington State Advisory Council's Standards for the Rehabilitation and Maintenance of Historic Properties in WAC 254-20-100 shall be used by the Commission as minimum requirements for determining whether or not an historic property is eligible for special valuation and whether or not the property continues to be eligible for special valuation once it has been so classified.

4. Agreement. The historic preservation special valuation agreement in WAC 254-20-120 shall

be used by the Commission as the minimum agreement necessary to comply with the requirements of RCW 84.26.050(2).

5. Appeals. Any decision of the Commission acting on any application for classification as historic property, eligible for special valuation, may be appealed to Superior Court under Chapter 34.05.510 -34.05.598 RCW in addition to any other remedy of law. Any decision on the disqualification of historic property eligible for special valuation, or any other dispute, may be appealed to the County Board of Equalization.