

DAYTON PLANNING DEPT.
LIST OF PUBLIC HEARING EXHIBITS FOR
ORD. 1899

Packet 1 of 2

Memo from Karen Scharer, Dayton Planning Director, dated 8/12/2016
Notice of Special Meeting, Public Hearing and SEPA DNS, dated
7/20/2016 Ordinance 1899 w/track changes, dated 8/10/2016

Packet 2 of 2

Ord. 1899 Exhibit Packet:

- Exhibit A – Text of DMC 5-18.38, 5-18.39 and 5-18.40
- Exhibit B - City Council Meeting Minutes, # 7. New Business, Motion of 2/9/2019
- Exhibit C – Text of DMC 11-07.020 and 11-07.030
- Exhibit D - Zoning Overlay Maps with WSHD and SSHD (proposed amendment)

Enclosed: Packet 3 of 3

DHPC June 29, 2016 Meeting Minutes, accepted 8/10/16

Letter from Matt Johnson, 206 E. Clay St., rec'd 7/27/2016

Letter from Greg Griffith, Deputy State Historic Preservation Officer, DAPH, rec'd 8/5/2016

Letter from Chris Moore, Executive Director, WA Trust for Historic Preservation, rec'd 8/12/2016

Documents Available at: www.ezview.wa.gov - Scroll down the list to access "Dayton - Historic Preservation Code and Process Project 2016" then access the "Library". *Or, hard copies available on request.*

[Revised HPP2016 Sched.Res1283.pdf](#)

[SEPAChecklist LocalSSH&WSHD.pdf](#)

Local Nomination Forms for WSHD and SSHD see "LocalSSH-Nom."



DAYTON HISTORIC PRESERVATION COMMISSION

111 South First Street, Dayton, WA 99328
Contact – 509-540-6747

REGULAR MEETING MINUTES Wednesday, June 29, 2016

St. Joseph's Parish Hall, 112 S. 1st Street, Dayton, WA

1. **CALL TO ORDER – 6:00 PM**

2. **ROLL CALL**

Michael L. Smith, Chair	Absent	Ginny Butler	Present
Chrissy Talbott, Chair Pro Tem	Present	Carole Lane	Present
Matt Zanger	Present	Vacant Position 1	
		Vacant Position 2	

Staff- Karen Scharer, AICP, Planning Director

3. **ACCEPTANCE OF MINUTES - 6/1/16**

Ginny moved to accept the 6/1/2016 minutes and Carole seconded the motion. All voted to accept.

4. **COA DESIGN/SPECIAL VALUATION REVIEW:**

COA16-006 –Keith Borgmann/410 S. 2nd St.

Karen explained that replacement of the handrail is no longer part of the proposed COA application. Merle Myrick of M4 Constriction represented Keith Borgmann, owner of the property. The Commission questioned whether the upper balcony above the original porch would be repaired. Merle stated that the balcony would be repaired and was in support of adding reference to the balcony in the COA decision.

Matt moved to accept the finding of fact as modified and Ginny seconded the motion. All voted in favor of the motion. Ginny moved to approve the COA and Matt seconded the motion. All voted in favor of the motion to approve.

5. **UNFINISHED BUSINESS:**

a. HPP16 – Ballot #2 - Advisory Vote to the City Council.

Karen briefed the DHPC regarding the “Advisory Vote to the City Council”. Results are attached. She then explained that the City is considering presenting the “Advisory Vote” to the City Council as soon as possible, to allow the Council to act expeditiously on whether the Dayton Register South Side Historic District and Dayton Register Washington Street Historic District will be dissolved or remain as local register historic districts. This decision to move ahead with a Council vote on the two local historic districts would likely be made before the end of the week.

Ginny explained that she thought that the “Advisory Vote” would be presented to the Planning Commission and then to the City Council with the rest of the code changes. Karen explained that the actual “advisory vote” would not be presented to the Planning Commission but would go before the City Council with the rest of the HPP-2016 in December. Under the expedited process, the vote would be brought before the City Council likely within about 8-10 weeks.

Ginny asked whether the Commission needs to advise anyone of anything regarding the local district “Advisory Vote”. Karen explained that the Commission can choose to provide advice, but are not required to advise the Council. She further explained the Commission is in a catch 22, as the Commission must follow DMC 5-18.20(C) justification and make a finding that the district is “no longer deemed appropriate for designation” to the local register.

Matt stated that a local register district can dissolved under the same process to establish a district, with a 51 percent vote of the property owners. The advisory vote justifies dissolving the districts. Karen also agreed with Matt that the City Council can use the “Advisory Vote” as part of their justification. (See DHPC Rules, Section IV - Process for the Formation of Local Historic Districts, C. Voting for rule reference to 51% vote).

Matt asked exactly what action the City Council would take. Karen stated that an ordinance would be prepared specifically removing the local SSHD from the code and repealing the council motion that approved the local WSHD. Additionally, the limitations listed in the zoning code applicable to the two districts, “Zoning Overlays” would be removed. She also explained the overlays existed since 2001 and applied to the National Register Historic Districts, long before the establishment of the two local historic districts in 2009.

Karen went on to explain that it may be possible to use the overlays to provide property owners with incentives to preserve their homes. If incentives were to be adopted, that would happen with the other code changes after public input, public hearings, etc., and review should not be rushed through.

Matt questioned what state or other reviews are needed. Karen noted the three most important critical items are the Notice to the Dept. of Commerce (60 day or expedited), SEPA threshold determination (30-45 days), and public hearing notice (15 days). There are other factors as well, such as the timing of publication of notices in the Official Newspaper.

Ginny asked whether the City wants a recommendation from the Commission. Karen stated that it is up to the Commission, if they choose to provide a recommendation.

Matt stated he is in favor of representing the desire of the community and that it is the Commission's role to provide a recommendation. He then asked to hear the thoughts of the other Commissioners.

Chrissy stated that she agrees with Matt.

Ginny stated she disagreed. She explained that just because a current group of owners do not want the local districts there very well could be a new group of owners in the next few years that would. She added that the districts should be retained with at least an advisory role, otherwise it is against the purpose of the DHPC.

Matt again mentioned the code provision allowing for a local register district to be dissolved; and, that all it takes is a majority to form a district and a majority to dissolve it. He then explained that he is uncomfortable with going against the majority of the people.

Ginny stated that the City Council can decide whether to dissolve the districts, under the same process they used to establish.

Ginny used Spokane as an example of the neighborhood groups which are overruled by Commissions and councils in regards to zoning and new development.

Carole indicated that she is concerned about keeping the integrity of the districts. She questioned what type of incentives, could the city consider. Karen responded by referring to a handout with incentives from the cities of Seattle and Portland with provisions for increased density, reduced parking and others.

Ginny referenced the Brown's Addition in Spokane where incentives have resulted in the derelict properties and substandard housing.

Karen clarified that there may be additional ideas from other cities. Whether any of the incentives are appropriate for Dayton requires much more review.

Matt stated that since the Commission is not in agreement, then the Commission should consider being silent. He added that the Commission provided a recommendation to form the districts and should make a recommendation regarding whether to dissolve. You can't ignore the current vote and should be consistent.

Ginny stated that to do the opposite of the 2008 recommendation would be to recommend no change (retain the districts, as is). She added that because of the charter and mission the DHPC, it is incumbent on the Commission to at least be able to provide advisory review.

Carole questioned whether that would be up to the Council to decide. Ginny stated that it would.

Carole added that if one has strong feelings regarding keeping the historic aspect, then the vote would be disappointing.

Matt asked if the results would be sent to property owners. It was clarified that the results were in all three papers, and posted on the City Bulletin Board. Karen confirmed that the information was posted on the City website and in City Hall.

Marchand Hovrud, a SSHD resident, asked what the steps in the process to the council would be. Karen restated the key points in the procedure.

Ginny moved to **“give no opinion to the Council”** regarding the Advisory Vote and Matt seconded the motion. Chrissy, Ginny and Matt voted to approve the motion. Carole voted to against, stating that it requires more study. Motion passed, 3 in favor and 1 against.

b. Review of Comp. Plan text, goals, policy and objectives.

Ginny indicated that she felt unqualified to comment on City policy under the comprehensive plan. She further indicated that she would prefer first seeing an updated Historic Element prepared by Karen with the things she sees as important in the plan. She indicated that she didn't think she should be the one looking at the Historic Element goals, policies and objectives. Carole agreed with Ginny.

Karen questioned the Commission if they are comfortable with what is written in the existing Historic Element of the Comprehensive Plan, specifically the reference to “non-regulatory” vs. the regulatory provisions in the DMC. Ginny explained that the Historic Element does need to be updated to reflect the regulatory provisions for the Downtown Dayton Historic District. Matt added that the plan also needs to be updated for individual properties..

Karen questioned what the Commission would want to see for a COA review process in a new local register residential historic district. Should a new local residential district be under a regulatory or non-regulatory type of review for COA's? Ginny responded that the Planning Department should be first drafting the policy and then the Commission can

comment. Carole questioned how the Commission can make any recommendation before the Council takes action on dissolving the districts.

Karen suggested that an additional option for a new district could be that a regulatory or non-regulatory type of COA process would be determined if and when a new district is established.

Matt asked Karen to explain the purpose of a Comprehensive Plan. Karen gave an overview that the comprehensive plan, is a document designed to guide the future actions of a community. It presents a vision for the future, with long-range goals, policies and objectives for the city. The state requires GMA counties and the cities to meet 14 designated goals from transportation, urban sprawl, utilities and historic lands and buildings and include guidance on how to make decisions on public and private land development proposals. Plans are written to provide direction for future activities over a 10- to 20-year period after plan adoption.

Karen summarized that given Commissioners have differing opinions they can forward their thoughts regarding changes to the Comprehensive Plan personally or via email prior to the next meeting.

6. NEW BUSINESS: None.

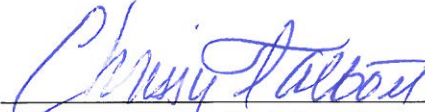
7. OTHER BUSINESS: None.

8. ADJOURNMENT

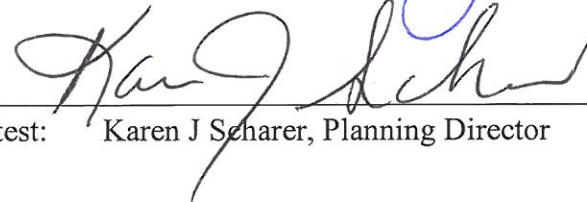
The next meeting is scheduled for July 27, 2016. Ginny, Chrissy and Matt are available to attend. Carole will be out of town. Mike will be contacted to confirm his attendance and a quorum.

Matt moved to adjourn and Carole seconded the motion. All were in favor of adjournment at 7:02 pm.

Next Scheduled Meeting: July 29, 2016 @ 6 pm


Chrissy Talbott, Chair Pro Tem

8/10/16
date


Attest: Karen J Scherer, Planning Director

ATTACHMENT

Advisory Vote Results for Ballot #2

Dayton Register Washington Street Historic District	VOTES	Dayton Register South Side Historic District	VOTES
" <u>Dissolve</u> the local Dayton Register Washington Street Historic District."	9	" <u>Dissolve</u> the local Dayton Register South Side Historic District."	40
"Retain the local Dayton Register Washington Street Historic District and change the process to <u>Advisory Review.</u> "	4	"Retain the local Dayton Register South Side Historic District and change the process to <u>Advisory Review.</u> "	21
<i>Ballots Sent</i>	14	<i>Ballots Sent</i>	78
<i>Ballots Returned & Validated</i>	13	<i>Ballots Returned & Validated</i>	61

7/28/16

To the members of the Dayton City Council, my name is Matt Johnson. I own the home at 206 E. Clay St. It is in the historical district as a "contributing home".

I am asking that you repeal the districts ordinance No 1899 will allow me to get home owners insurance at an affordable rate. I am paying 3-times the rate due to an insurance company being forced to pay to fix these contributing homes to the standard of the Historical Society.

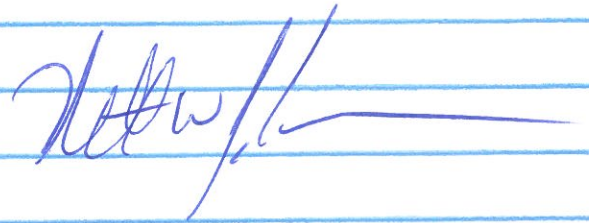
Thank You

concerned home owner

CITY OF DAYTON

JUL 27 2016

REC'D BY





Allyson Brooks Ph.D., Director
State Historic Preservation Officer

August 4, 2016

The Honorable Craig George, Mayor
Honorable City Council Members
City of Dayton
111 South First Street
Dayton, Washington 99328

In future correspondence please refer to:
Project Tracking Code: 2016-07-05268
Property: Dayton Register South Side Historic District and Washington Street Historic District
Re: Proposed Ordinance 1899

Dear Mayor George and Council Members:

Thank you for providing us with the SEPA Environmental Checklist regarding the proposal to delist the two local historic districts referenced above. Based upon the Checklist, we understand that the City of Dayton proposes to adopt Ordinance 1899 that would, in effect, repeal ordinances establishing the Dayton Register of Historic Places listed South Side Historic District (SSHD) and Washington Street Historic District (WSHD).

We ask that you consider an alternative to Ordinance 1899 as it could have a significant negative impact on the character and quality of these very special places. We understand that the goal is to decrease perceived burdens on property owners. However, it is not clear to our agency exactly what burdens to property owners have been identified? Have these concerns or burdens been addressed through other means or with factual information? We would ask that the city work through any issues with the public and our agency before adopting 1899. It would be a disservice to the community to pass 1899 without being absolutely certain that it is the best course of action for the community as a whole, for now and for the future.

As you know, the South Side and Washington Street districts have been listed in the National Register of Historic Places since 1986. National Register listing has no regulatory requirements, but is a national honor and celebrates a community's commitment to maintaining its history and historic character. However, loss of the local ordinance could incentivize changes to the district that may also result in delisting from the National Register of Historic Places. This would be a very unfortunate outcome.

Our agency has had a long and productive relationship with the City of Dayton as a Certified Local Government (CLG). Your effective Historic Preservation Commission, along with active and interested citizens, has made Dayton widely recognized as a leader and model for local historic preservation efforts. We wish to remind you that Dayton's tradition of proactive preservation initiatives began in the 1970s with the rescue and restoration of the Dayton Depot. Subsequent milestones include restoration of the Columbia County Courthouse; listing in the National Register of Historic Places in 1986 of the SSHD and WSHD plus several residences; listing of the Downtown Dayton Historic District in the National Register in 1999; restoration of



the Boldman House as a museum; and most recently the rescue and restoration of the Smith Hollow School.

These and many other local preservation efforts have been major achievements for the city. They are the reason that Dayton has a powerful sense of place that entices people to live in and visit your city. The de-listing of the SSHD and WSHD from the Dayton Register appears to reverse the progress that Dayton has made using the rich historic and architectural character for the purposes of economic development.

We understand from our review of draft Ordinance 1899, that the intent is to remove the local designation of the historic districts from the Dayton Register of Historic Places. *However*, it is important to note that the National Register designations of both districts will remain intact. Only the federal government can delist from the National Register of Historic Places. Therefore, we recommend that language be included in the ordinance clarifying that the National Register listings are not affected by the repeal of the local district designation. Also, we recommend that if the local districts are dissolved and removed from official zoning maps, (as would be required in Section 4), that the City's three National Register districts be represented on the official maps in order to support the City's ongoing planning purposes as well as convey essential information to the public.

We are also concerned that passage of Ordinance 1899 will economically impact property owners in the districts by preventing them from being able to take advantage of the Special Valuation for Historic Properties preservation incentive; an incentive that is in place to decrease any financial burden that may result from the rehabilitation of historic properties. The federal historic preservation tax incentives would remain available, as long as the National Register status is intact, but is only available to owners of income producing properties (i.e. rental properties, bed & breakfast inns, etc.). Please be cognizant that passage of 1899 could have long-lasting effects by removing a state tax incentive and potentially removing National Register listing and federal incentives.

In the event that Ordinance 1899 is adopted, we recommend that the City identify and adopt measures that will serve to mitigate negative impacts of repealing the designations. These mitigating measures should be developed and implemented in coordination with the Dayton Historic Preservation Commission and other interested community members. Accordingly, the City's historic preservation planning policies and local comprehensive plans should also be reviewed and updated to reflect changes resulting from this ordinance.

In closing, thank you for the opportunity to review and comment on this proposal. We would be happy to work with you on alternatives to 1899 in order to achieve the goals that you seek.

Should you have any questions, please feel free to contact me at greg.griffith@dahp.wa.gov or 360-586-3073.

Sincerely,



Gregory Griffith
Deputy State Historic Preservation Officer



August 12, 2016

The Honorable Craig George, Mayor
Honorable City Council Members
City of Dayton
111 South First Street
Dayton, Washington 99328

Re: Proposed Ordinance 1899

Dear Mayor George and Council Members:

The Washington Trust for Historic Preservation was disappointed to hear of the proposed dissolution of the South Side Historic District (SSHD) and Washington Street Historic District (WSHD) through the passage of Ordinance 1899. We strongly urge the careful consideration of this decision and recommend postponing a final vote until the end of the year, as initially outlined in the "2016- Historic Preservation Policy, Code and Process Update Project (HPP-2016)" Schedule (Resolution 1283 Exhibit B Page 5 of 7), to fully understand the motivations and implications of the decision before taking action.

As defined in your own Historic Preservation Commission By-Laws:

"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."

Unless the districts were changed or altered in a way that they are no longer eligible or worthy of the preservation of their historic character, we see no reason to hastily take action until a complete understanding has been reached.

The creation of the SSHD and WSHD were passed with a majority vote by the property owners, as well as a majority vote by the City Council. If property owners approved these districts previously, what is the motivation and justification for the change now? For properties that have changed hands since the initial designation ordinance, why should the ordinance be repealed when it was clearly in place, along with all process requirements, before the purchase?

The argument that the ordinance disregards property rights is not new to preservation. However, these claims are unsubstantiated and often rest upon a single bad experience. Nearly identical ordinances and requirements are commonplace in large cities and small towns around the country. The restrictions and processes are analogous to many other building and land use codes and exist to empower the local community to decide how to best preserve the character of their city. The restrictions included in a local preservation ordinance are actually protections that ensure neighborhood stability and protect property owners from potentially value-reducing actions that other property owners in the district may take. Without a local ordinance protecting the district, it only takes one neighbor to impact the character (and property values) of a historic neighborhood forever.

If property rights issues are the only concerns, we recommend retaining the local historic district with an advisory review only. Advisory Review would allow the commission of historic preservation and design professionals serve as an asset to property owners able to weigh in on the best treatment methods. Advisory Review would continue to inform all residents of the historic district, creating a community of preservation advocates that seek a uniform approach to the district. It is also important to consider the results of the two advisory votes cast by property owners of both districts. The first advisory vote did not have a majority to dissolve either district. In the second vote, votes cast in favor of an advisory review local register district grew by a larger percentage, showing growing support for the retention and preservation of the district. The growing support for the retention of a district with an Advisory Review should be respected and thoroughly considered as an alternative.

As the only statewide nonprofit advocating for the Preservation of Washington's historic resources, we frequently advise municipalities in the creation and modification of local historic preservation ordinances. It is unfortunate that we only recently became aware of this discussion. However, we urge you to delay a final decision until the end of the year, as initially scheduled, and allow us to engage in a collaborative process with the Washington State Department of Archaeology and Historic Preservation (DAHP), the Dayton Historic Preservation Commission, SSHD and WSHD property owners, and the citizens of Dayton to work toward a positive resolution.

Historic districts are established to preserve the history, buildings, and atmosphere of a significant place; the districts in Dayton are an important component of preserving the city's unique character. Enacting Ordinance 1899 is a shortsighted decision with economic and cultural implications that have not fully been considered. The Washington Trust strongly supports continuing to work toward changes to the ordinance and its administration that are agreeable to the SSHD and WSHD property owners, as well as the Dayton and Washington State community by retaining the local historic district ordinance with advisory review and opposing Ordinance 1899.

Thank you for your thoughtful consideration of these recommendations. Please let me know what we can do to aid you in preserving the South Side Historic District (SSHD), the Washington Street Historic District (WSHD) and the irreplaceable character of Dayton.

Sincerely,

A handwritten signature in blue ink, appearing to read "Chris Moore", with a stylized flourish at the end.

Chris Moore
Executive Director
Washington Trust for Historic Preservation

CC: Karen Scharer, Dayton Historic Preservation Commission
Andrew Holt, Dayton Chamber of Commerce
Greg Griffith, Deputy State Historic Preservation Officer