

SECTIONS 5 – 7 DHPC Approved

Updated for “Commission” and “designation” on 5/24/2017

DHPC Approved 3/22/17

Section 5: Dayton Historic Preservation Commission.

All actions of the Dayton Historic Preservation Commission (DHPC or Commission) are subject to:

A. Appointments.

1. The Mayor, subject to Council approval, shall appoint a Dayton Historic Preservation Commission.
2. In making appointments, the mayor may consider names submitted from any source, but the mayor shall notify history and city development-related organizations of vacancies so that names of interested and qualified individuals may be submitted by such organizations for consideration along with names from any other source.
3. Reappointment is at the discretion of the Mayor.

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B. Composition of the Commission.

1. The commission size shall be no less than three and no more than seven members.
2. All members of the Commission must have a demonstrated interest and competence in historic preservation and possess qualities of impartiality and broad judgment.
3. The Commission shall always include at least two professionals who have experience in identifying, evaluating, and protecting historic resources and are selected from among the disciplines of history, architecture, architectural history, historic preservation, planning, cultural anthropology, archaeology, cultural geography, American studies, law and real estate. The Commission action that would otherwise be valid shall not be rendered invalid by the temporary vacancy of one or all of the professional positions, unless the commission action is related to meeting certified local government (CLG) responsibilities cited in the certification agreement between the mayor and the state historic preservation officer.
4. The Commission members shall be residents of the city, with the exception that the mayor and city council may waive the residency requirement to obtain representation of disciplines described in this section.

C. Terms. The original appointment of members to the Commission shall be as follows: three for two years, two for three years; and two for four years. Thereafter, appointments shall be made for a three-year term. Vacancies shall be filled for the unexpired term in the same manner as the original appointment. The mayor may vary reappointments to shorter terms to assure the commission terms continue to be staggered.

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

- E. Compensation. Members shall serve without compensation, but are eligible for reimbursement of expenses related to their service.

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- F. Bylaws and Rules. The Commission shall establish and adopt its own bylaws to carry out the duties of the Commission and this title. Rules may also be adopted by the COMMISSION, as needed for implementation of this title and bylaws. Both bylaws and rules may be amended by the Commission.
- G. Officers. A Chair and Vice-Chair shall be elected annually by and from the seated membership. Officers are eligible for reelection and they shall be selected from among its membership a chair and vice-chair; and such other officers as may be necessary to conduct Commission business.
- H. Meetings. All Commission meetings must be in compliance with RCW Chapter 42.30, Open Public Meetings Act, to provide for adequate public participation and standards in its bylaws shall be adopted to guide this action. The Commission shall meet at least four times a year, and as required to conduct business in a timely fashion.
- I. Absence. The Commission may request that the City Council consider declaring the position vacant of any member who is absent from three meetings in a single calendar year without being excused prior to the meeting.
- J. Powers and duties. The major responsibility of the Commission is to identify and actively encourage the conservation of the City of Dayton's historic resources by initiating and maintaining a register of historic places and reviewing proposed changes to register properties; to raise community awareness of the city's history and historic resources; and to serve as the city's primary resource in matters of history, historic planning and preservation. In carrying out these responsibilities, the Commission shall engage in the following.
 - 1. Dayton Historic Inventory. Conduct and maintain a comprehensive inventory of historic resources within the boundaries of the City of Dayton, known as the Dayton Historic Inventory; publicize and periodically update inventory results. Properties listed on the inventory shall be recorded on official zoning records with an "HI" for historic inventory designation). This designation does not change or modify the underlying zone classification.
 - 2. Dayton Register of Historic Places (DRHP). Initiate and maintain the DRHP. This official register shall be compiled of buildings, structures, sites, objects and districts identified by the Commission as having historic significance worthy of recognition by the City of Dayton.
 - 3. DRHP Nominations. Review nominations for designation to the DRHP according to criteria in **proposed Section 7** and adopt notice and process standards in its bylaws to conduct review.

4. Certificates. Review proposals under Certificate of Approval (COA), Advisory Review Certificate (ARC), and, Historic Demolition Certificate (HDC), to construct, change alter, modify, remodel, move, demolish, and significantly affect properties or districts on the register **as provided in Section 5-18.20 - TBD**. The Commission shall adopt standards and procedures in its bylaws to conduct review and the issuance of certificates.
5. Review. Review all applications for approvals, permits, environmental assessments or impact statements, and other similar documents pertaining to identified historic resources or adjacent properties by the commission or its staff.
6. Special Valuation. Serve as the local review board for special valuation and comply with all local review board responsibilities identified in RCW Chapter 84.26:
 - a. Make determination concerning the eligibility of historic properties for special valuation,
 - b. Verify that the improvements are consistent with the 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 254-20-070(2),
 - d. Approve or deny applications for special valuation,
 - e. Monitor the property for continued compliance with the agreement and statutory eligibility requirements during the ten-year special valuation period, and;
7. Advise and Recommend. On matters related to Dayton history, historic preservation and including, but not limited to the following, the Commission will provide advice and recommendations to the City Council for:
 - a. Funding. The use of various federal, state, local or private funding sources available to promote historic resource preservation in the City of Dayton;
 - b. Planning. Goals, policies and objectives of the Comprehensive Plan and Municipal Code, redevelopment, municipal improvements, other types of planning and programs by the city, other local jurisdictions, state federal governments, as related to historic preservation; and,
 - c. Other. Perform other related functions assigned to the commission by the city council that may be designated by resolution or motion of the City Council.
8. Well Informed. Be informed about and provide information to the public and city departments on incentives for preservation of historic resources, legislation, regulations and codes which encourage the use and adaptive reuse of historic properties.
9. Educate.
 - a. Participate in, promote and conduct public information, educational and interpretive programs pertaining to historic resources;
 - b. Provide information to the public on methods of maintaining and rehabilitating historic properties. This may take the form of pamphlets, newsletters, workshops, or similar activities.

10. Coordination. Establish liaison support, communication and cooperation with federal, state, and other local government entities which will further historic preservation objectives within the city.
11. Nominations to National Register of Historic Places and Washington Heritage Register. Submit nominations to the State and National Registers of Historic Places and review nominations of properties sent by DAHP for CLG approval.
12. Awards. Officially recognize excellence in the rehabilitation of historic buildings, structures, sites and districts, and new construction in historic areas; and encourage appropriate measures for such recognition.

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Section 6: Identification and Evaluation of Historic Resources. The Dayton Historic Resource Inventory (DHRI), lists, describes, and determines the eligibility of historic resources for designation in the DRHP. Not all properties listed in the Dayton Historic Resource Inventory are eligible for designation in the DRHP. A property need not be first listed in the Historic Resource Inventory before being nominated to the DRHP under Section.

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

SECTION 7 TOC

- A. Historic resource designations in the DRHP
- B. Criteria for designating historic resources in the DRHP
- C. Nomination of individual properties and districts.
- D. Designation of individual properties and districts.
- E. Removal of Property from the DRHP.
- F. Results of Designation in the DRHP.

Section 7: Dayton Register of Historic Places (DRHP). The Commission will recommend designation of historic resources to the DRHP as a means of providing recognition of their significance and providing incentives and guidelines for their preservation. The DRHP is maintained by the Commission and the register shall be available to the public.

- A. Historic resource designations to the DRHP. Historic resource designations, including:
 - 1. The individual designation of a property with one or more significant historic buildings, structures, and or objects, or,
 - 2. The designation of a district which includes more than one property with significant contributing historic buildings, structures, or objects.

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- B. Criteria for designating historic resources in the DRHP. Any building, structure, site, object or district may be designated for inclusion in the DRHP, if it:
 - 1. Is significantly associated with the history, architecture, archaeology, engineering or cultural heritage of the community; or
 - 2. Has integrity and is at least 50 years old, or
 - 3. Is less than 50 years and has exceptional importance; and
 - 4. Historic resources to be designated must fall in at least one of the following categories:
 - a. Is associated with events that have made a significant contribution to the broad patterns of national, state, or local history;
 - b. Embodies the distinctive architectural characteristics of a type, period, style, or method of design or construction, or represents a significant and distinguishable entity whose components may lack individual distinction;
 - c. Is an outstanding work of a designer, builder or architect who has made a substantial contribution to the art;
 - d. Exemplifies or reflects special elements of the city's cultural, special, economic, political, aesthetic, engineering or architectural history;
 - e. Is associated with the lives of persons significant in national, state or local history;
 - f. Has yielded or may be likely to yield important archaeological information related to history or prehistory;

- g. Is a building or structure removed from its original location but which is significant primarily for architectural value, or which is the only surviving structure significantly associated with an historic person or event;
- h. Is a birthplace or grave of an historical figure of outstanding importance and is the only surviving structure or site associated with that person;
- i. Is a cemetery which derives its primary significance from age, from distinctive design features, or from association with historic events, or cultural patterns;
- j. Is a reconstructed building that has been executed in an historically accurate manner on the original site; or
- k. Is a creative and unique example of folk architecture and design created by persons not formally trained in the architectural or design professions, and which does not fit into formal architectural or historical categories.

DHPC approved 3/8/2017

C. Nomination of individual properties and districts.

- 1. General. The nomination for a historic resource to the DRHP must include a description of the boundaries of the proposed nominated area and the buildings, structures, objects, and sites contained therein, and a statement explaining how the historic resource(s) meet(s) the criteria under **Section _____**.

The Commission may establish additional standards for a complete application for an individual property and for a district in Commission bylaws.

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

3. Districts. Any group of property owners may nominate their properties as a district for inclusion in the DRHP, provided:
 - a. At least two contributing properties are contiguous.
 - b. A minimum of sixty percent (60%) of the property owners (one owner signature representing each property) must sign the nomination form confirming:
 - i. The property owner(s) support designation of the district.
 - ii. The property owner(s) agree to the form for review of alterations; either mandatory compliance with a Certificate of Approval (COA) or voluntary compliance with as Advisory Review Certificate (ARC).
 - iii. All nominations resulting in district designation, must comply with the requirements of this code for historic demolition.

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- D. Designation of individual properties and districts.
 1. General. The Commission shall consider the merits of a nomination, according to the provisions in this **section** and shall consider the Dayton Historic Inventory and the Dayton Comprehensive Plan.
 2. Review process. The Commission shall establish standards for applications, forms, review, process, and notice for the nomination and designation to the DRHP in Commission bylaws and rules.
 3. Individual Properties. The designation of a DRHP individual property shall include all features on the exterior of buildings, structures, and other historic resources that contribute to its designation as an individual property on the DRHP and may include interior contributing features. The designation shall also include a description of non-contributing additions and structures in existence at the time of designation.

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4. Districts. The designation of a DRHP district shall include description of the boundaries of the district; the characteristics of the district properties which justifies its designation; a list of all properties to be included; exterior building features, structures, sites and objects which contribute to the designation of the DRHP district. The designation shall also include a description of non-contributing structures in existence at the time of designation.
5. Commission Actions.
 - a. Commission written findings and decision shall be forwarded to the City Council for final consideration when designating an individual property or district for inclusion to the Dayton Register of Historic Places.
 - b. Commission written findings and decision denying designation of a nominated individual property or district for inclusion in the Dayton Register of Historic Places may be appealed.

- c. Appeals. An appeal of the Commission decision may be filed with the City Clerk within 10 days of the Commission written decision.
- 6. Council Action.
 - a. Designations. The city council shall consider and take final action on nominations the Commission forwards for designation in the DRHP.
 - b. Appeals. The city council shall consider and act on appeals filed for Commission decisions denying inclusion of a nomination (individual property or district) in the DRHP.

Note - Revise below if Zoning Incentives are added

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

- c. Map. Districts on the DRHP shall be identified on the official zoning map. Only when a district zoning overlay is adopted will zoning be amended for district properties.
- d. Zoning. A district with alternative zoning standards and/or zoning incentives shall be implemented through the adoption of a zoning overlay.
- e. District Design Guidelines. Other than the Secretary of Interior Standards, district design guidelines shall be adopted as an addendum to the Comprehensive Plan.
- f. DAHP Record. The Commission shall add the designated DRHP district to the database of DAHP.
- g. Amendments to Record of Designation. Additional materials may be administratively added to the Record of Designation, gathered to keep the record current or elaborate on established facts in the Record of Designation. Notice of such an action shall be provided by the Commission as provided in the Commission bylaws.

E. Removal of Property from the DRHP.

1. Individual Property. Property individually designated in the DRHP may be removed from the register by the City Council in either of the following circumstances:
 - a. Property Owner. A property owner requests removal from the register, provided that the property shall remain designated on the DRHP until the owner no longer receives benefits from historic preservation incentive, or,
 - b. Commission. The Commission finds that the property is no longer deemed appropriate for designation on the local register because the qualities which caused it to be originally designated have been lost or destroyed.

The procedures in **Section 7. D. 5 & 6** are used for removal of a designated property, except that the owner's consent is not required to remove a property from the DRHP.
2. Residential District Removal and Boundary Reductions. Properties in a residential district on the DRHP must remain in the district, except as follows:
 - a. Property Owners. A supermajority of sixty percent (60 %) of the district property owners agree to reduce the boundary and remove one or more properties from the local district; or agree to dissolve the district, or,
 - b. Commission. The Commission finds that a portion or all of the district is no longer deemed appropriate for designation on the district local register because the qualities which caused it to be originally designated have been lost or destroyed, and,
 - c. In all cases, if a property in the district is receiving incentives, it only may be removed when it is no longer receiving incentives; or, it is eligible for and is designated as an individual historic property on the DRHP.

The procedures in **Section 7. D. 5 & 6** are used for removal of a designated property, except that the consent of property owners in the district is not required to remove a district property from the DRHP.

3. Downtown Dayton Historic District (DDHD). The DDHD shall fully remain as a district in the DRHP, except in the following circumstance:

The DDHD boundary may be reduced by the City Council, provided that the Commission finds that a portion of the district is no longer deemed appropriate for designation on the local register because the qualities which caused it to be originally designated have been lost or destroyed.

In all cases, if a property in the district is receiving benefits from a zoning overlay and/or incentives, the property only may be removed when it no longer receives benefit of the zoning overlay and incentives.

F. Results of Designation in the DRHP.

1. Historic resources in the DRHP shall receive the following benefits:
 - a. Designation denoting significant association with the historic, archaeological, engineering or cultural heritage of the community.
 - b. All uses and restrictions established by the underlying zoning, existing conditional use permits, and other applicable design standards shall remain in effect unless changed through due process.
 - c. Benefits as stated in **Sections 7.D.7. and 7.D.8** of this title.
 - d. The Building Official shall consider waiving certain code requirements in accordance with the Washington State building code for existing structures, including Chapter 12 for Historic Buildings.
 - e. Property owners are provided technical assistance from the Commission through the COA, ARC and/or HDC processes.
 - f. Property owners of individually designated property and/or contributing property in a district may be advised in applying for grants and/or tax incentives for rehabilitating their property, as resources and funds are available.
2. Historic resources designated in the DRHP shall comply with this Title as follows:

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

MISC.

USE OF TERMS

Replace “DHPC” with “Commission”

Replace “Listing” when referencing Designation”

DHPC RELATED BYLAWS AND RULES - NEEDED TO IMPLEMENT SECTION 7 ABOVE

- a. Planner responsible for preparing documents for recording ---Upon final approval by the City Council, the planning director shall prepare documentation for recording the Notice of Registration to Dayton Register of Historic Places. Code
- b. Notice & Process - Add notice, time, place, mtg or public hearing requirements. Section 5 requires the DHPC to establish notice and process standards for nominations
- c. Open Meeting Act references:
 - 42.30.070 - mtg time & place required, but is allowed in bylaws
 - 42.30.075 regular mtg - shall mean recurring meetings held in accordance with a periodic schedule declared by statute or rule.
 - 42.30.077 On-line Agenda min. 24 hrs before mtg
 - 42.30.080 Special meetings.
 - (1) A special meeting may be called at any time by the presiding officer of the governing body ...
 - (2) Notice of a special meeting to .. newspaper, website, 24 hrs., mtg purpose.
 - (3) The call and notices time & place
- d. Fees – as prescribe by city reference in bylaws – reference to recording fees
- e. Changes to zoning- Notice, PH & Council action required
- f. Process details. Recommendation to approve, deny, or table the application pending further testimony, or to allow for the petitioner to provide additional information.
- g. Application and instructions to rules