

ORDINANCE NO. 992

AN ORDINANCE OF THE CITY OF GIG HARBOR, WASHINGTON, RELATING TO HISTORIC PRESERVATION, ADDING A NEW CHAPTER 17.97 TO THE GIG HARBOR MUNICIPAL CODE ESTABLISHING PROCEDURES FOR THE VOLUNTARY DESIGNATION OF PROPERTIES TO THE CITY REGISTER OF HISTORIC PROPERTIES; DESCRIBING THE CRITERIA FOR DETERMINING DESIGNATION IN THE CITY'S REGISTER; EXPLAINING THE EFFECT OF SUCH DESIGNATION, INCLUDING THE PROPERTY'S ELIGIBILITY FOR SPECIAL TAX VALUATION; DESCRIBING THE PROCESS FOR MAINTENANCE AND MONITORING OF SUCH PROPERTIES; DELEGATING THE AUTHORITY FOR IMPLEMENTATION TO THE DESIGN REVIEW BOARD; AUTHORIZING THE DESIGN REVIEW BOARD TO ENTER INTO AGREEMENTS WITH PROPERTY OWNERS TO REQUIRE COMPLIANCE WITH RCW 84.26.050(2); ADDING DEFINITIONS AND AN APPEAL PROCESS FOR DECISION MAKING

WHEREAS, the historical structures and sites in the City of Gig Harbor are an integral part of the heritage, education, economic base and visual quality of the City; and

WHEREAS, the recognition, enhancement, perpetuation and continued use of the City's historic resources will promote civic pride and the prosperity and general welfare of the City's inhabitants, and

WHEREAS, the City of Gig Harbor wishes to encourage preservation of its historic resources; and

WHEREAS, Chapter 84.26 of the Revised Code of Washington (RCW) declares that it is in the public interest of the people of the state of Washington to encourage maintenance, improvement, and preservation of privately owned historic landmarks, and to achieve this end provides for a local review board with duties to include determining that properties are eligible historic properties and entering into a maintenance covenant with the owner for the duration of the special valuation; and

WHEREAS, the purpose of this ordinance is therefore to provide for the identification, enhancement, perpetuation and use of historic resources within the City of Gig Harbor in order to:

1. Safeguard the heritage of the City as represented by those sites, buildings, structures and objects which reflect significant elements of the City's history.
2. Strengthen the economic vitality of the City of Gig Harbor by promoting the stabilization and improvement of property values in historic areas, and by maintaining those structures that contribute to the City's visual quality and identity.
3. Foster civic and neighborhood pride in the beauty and accomplishments of the past, and a sense of identify based on the City's history.
4. Protect and enhance the City's ability to attract tourists and visitors, thereby stimulating the local economy.
5. Assist, encourage and provide incentives to private owners for preservation, restoration, redevelopment and use of outstanding historic buildings, structures, objects and sites.
6. Promote and facilitate the early identification and resolution of conflicts between the preservation of historic resources and alternative land uses.
7. Conserve valuable material and energy resources by ongoing use and maintenance of the existing built environment; and
8. Assure the safety of residents and visitors in buildings of historic significance.

WHEREAS, the City SEPA Responsible Official issued a Determination of Non-significance (DNS) on January 28, 2005 for this Ordinance; and

WHEREAS, on January 28, 2005, a copy of this Ordinance was sent to the Washington State Department of Community Trade and Development; and

WHEREAS, on February 24, 2005, the Planning Commission held a public hearing on this Ordinance and recommended approval to the City Council:

WHEREAS, on March 28, 2005, the City Council considered the Planning Commission's recommendation at a regular City Council meeting; Now, Therefore,

THE CITY COUNCIL OF THE CITY OF GIG HARBOR, WASHINGTON, DO
ORDAIN AS FOLLOWS:

Section 1. A new chapter 17.97 is hereby added to Gig Harbor Municipal Code, which shall read as follows:

Chapter 17.97 Historic Preservation

17.97.010 Purpose. The purpose of this chapter is to provide for the identification, evaluation, designation and protection of designated historic and prehistoric resources within the boundaries of the City of Gig Harbor, and preserve and rehabilitate eligible historic properties within the City for future generations through special valuation, a property tax incentive, as provided in chapter 84.26 RCW, in order to:

A. Safeguard the heritage of the City as represented by those buildings, objects, sites and structures which reflect significant elements of the City's history;

B. Foster civic and neighborhood pride in the beauty and accomplishments of the past, and a sense of identity based on the City's history;

C. Stabilize or improve the aesthetic and economic vitality and values of such sites, improvements and objects;

D. Assist, encourage, and provide incentives to private owners for voluntary preservation, restoration, redevelopment and use of outstanding historic buildings, objects, sites and structures;

E. Promote and facilitate the early identification and resolution of conflicts between preservation of historic resources and alternative land uses; and

F. Conserve valuable material and energy resources by ongoing use and maintenance of the existing built environment.

17.97.020. Definitions. The following words and terms when used in this chapter shall mean as follows, unless a different meaning clearly appears from the context:

A. "Historic Inventory" or "Inventory" means the comprehensive inventory of historic and prehistoric resources within the boundaries of the City of Gig Harbor.

B. "Design Review Board" or "DRB" is the board established to carry out the provisions of this Chapter as created by Chapter 2.21, GHMC.

C. "Register of Historic Places," "Local Register," or "Register," means the listing of locally designated properties provided for in Section 17. 97.040.

D. "Actual Cost of Rehabilitation" means costs incurred within twenty-four months prior to the date of a special valuation application and directly resulting from one or more of the following: (1) improvements to an existing building located on or within the perimeters of the original structure; or (2) improvements outside 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 (3) architectural and engineering services attributable to the design of the improvements; or (4) all costs defined as "qualified rehabilitation expenditures" for purposes of the federal historic preservation investment tax credit.

E. "Building" is a structure constructed by human beings. This includes both residential and nonresidential buildings, main and accessory buildings.

F. "Certificate of Appropriateness" means the document indicating that the DRB 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.

G. "Certified Local Government" or "CLG" means 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.

H. "Class of properties eligible to apply for Special Valuation" means all properties within the City of Gig Harbor listed on the National Register of Historic Places 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 City becomes a Certified Local Government. Once a CLG, the class of properties eligible to apply for Special Valuation in the City means City historic properties listed on the City's Register of Historic Places or properties certified as contributing to a City Historic Register which have been substantially rehabilitated at a cost and within a time period which meets the requirements set forth in chapter 84.26 RCW.

I. "Cost" means the actual cost of rehabilitation, which cost shall be at least twenty-five percent of the assessed valuation of the historic property, exclusive of the assessed value attributable to the land, prior to rehabilitation.

J. "Emergency Repair" means 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.

K. "Historic Property" means 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.

L. "Incentives" are such rights or privileges or combination thereof which the City or other local, state or federal body or agency, by virtue of applicable present or future legislation, may be authorized to grant or obtain for the owner(s) of Register properties. Examples of economic incentives include but are not limited to, tax relief, transfer of development rights, façade easements, preferential leasing policies, beneficial placement of public improvements or amenities.

M. "Local Review Board" used in chapter 84.26 RCW and chapter 254-20 WAC for the special valuation of historic properties means the Design Review Board created by Chapter 2.21, GHMC.

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

O. "Object" means a thing of functional, aesthetic, cultural, historical or scientific value that may be, by nature or design, movable yet related to a specific setting or environment.

P. "Ordinary Repair and Maintenance" means work for which a permit issued by the City is not required by law, and where the purpose and effect of such work is to correct any deterioration or decay of or damage to the real property or structure appurtenance 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.

Q. "Owner" of property is the fee simple owner of record as exists on the records of the Pierce County Assessor.

R. "Significance" or "significant" used in the context of historic significance means the following: a property with local, state or national significance is one which helps in the understanding of the history or prehistory of the local area, state or nation (whichever is applicable) by illuminating the local, statewide, or nationwide impact of the events or persons associated with the property, or its architectural type or style in information potential. The local area can include the City of Gig Harbor, Pierce County or Puget Sound, Washington, or a modest geographic or cultural area, such as a neighborhood. Local significance may apply to a property that illustrates a theme that is important to one or more localities; state significance to a theme important to the history of the state; and national significance to property of exceptional value in representing or illustrating an important theme in the history of the nation.

S. "Site" is 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 itself possesses historic, cultural or archaeological significance.

T. "Special Valuation for Historic Properties" or "Special Valuation" or "Special Property Tax Valuation" means 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).

U. "State Register of Historic Places" means 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.

V. "Structure" is a work made up of interdependent and interrelated parts in a definite pattern of organization. Constructed by man, it is often an engineering project.

W. "Waiver of a Certificate of Appropriateness" or "Waiver" means the document indicating that the DRB has reviewed the proposed whole or 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.

X. "Washington State Advisory Council's Standards for the Rehabilitation and Maintenance of Historic Properties" or "State Advisory's

Council's Standards" means the rehabilitation and maintenance standards used by the City Design Review Board 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.

17.97.040. Register of Historic Places.

A. Criteria for Determining Designation in the Register. Any building, structure, or site may be designated for inclusion in the City of Gig Harbor Historic Preservation 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 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 City'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 a historic person or event;
8. Is a birthplace or grave of a historical figure of outstanding importance and is the only surviving structure or site associated with that person;
9. Is a cemetery which derives its primary significance from age, from distinctive design features, or from association with historic events, or cultural patterns;
10. 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 the City Register of Historical Properties.

1. Property owners may nominate a building, structure, site, or object for inclusion in the City Register of Historical Properties. Members of the DRB or the DRB as a whole may generate nominations and may sponsor nominations submitted by members of the public. In its designation recommendation, the DRB shall consider the City's historic property Inventory and the City Comprehensive Plan, and shall recommend inclusion on the Register only if the owner is willing to have his/her property included on the Register.

2. In the case of individual properties, the designation shall include the tax parcel number, a full legal description of the property, references and all features – interior and exterior – and outbuildings that contribute to its designation.

3. The DRB shall consider the merits of the nomination, according to the criteria in Section 17.97.040(A) at a public meeting. Notice shall be provided to the public and the owner(s) of the property, and the authors of the nomination, as provided in Chapter 17.98.050(B)(5)(a). If the DRB finds that the nominated property is eligible for the City's Register of Historical Properties, the DRB shall make recommendation to the City Council that the property be listed in the register with the owner's consent. The City Council shall make a final determination according to the criteria in Section 17.97.040(A). The property owners and the authors of the nomination, if different, shall be notified of the listing.

4. Properties listed in the City's Register of Historical Properties 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 to the City's Register of Historical Properties, the DRB may initiate removal from such designation by the same procedure as provided for in establishing the designation, Section 17.97.040(B). The City Council makes the final decision on a proposed removal of property from the City's Register of Historical Properties. A property may be removed from the City's Register of Historical Properties without the owner's consent, and the City Council shall remove the property from the City's Register if the owner requests removal.

D. Effects of Listing on the Register.

1. Listing on the City Historical Register is an honorary designation denoting significant association with the historic, archaeological, engineering, or cultural heritage of the community. Properties are listed individually.

2. Prior to the commencement of any work on a register property, excluding ordinary repair and maintenance and emergency measures defined in Section 17.97.020(K), the owner must request and receive a Certificate of Appropriateness from the DRB for the proposed work. Violation of this rule shall be grounds for the DRB to review the property for removal from the register.

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

4. Once the City is certified as a Certificated Local Government (CLG), all properties on the City Historic Register may be eligible for Special Tax Valuation on their rehabilitation (Section 17.97.020(U)).

17.97.050. Review of Changes to Properties Listed on the City's Register of Historic Places.

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 City Historic Register without review by the DRB and without receipt of a Certificate of Appropriateness, or in the case of demolition, a waiver, as a result of the review.

B. Exemptions. Ordinary repair and maintenance – which includes painting – or emergency measures defined in Section 17.97.020(K), do not require a Certificate of Appropriateness.

C. Review Process.

1. Application for Review and Issuance of a Certificate of Appropriateness or Waiver.

A complete application for a Certificate of Appropriateness or waiver shall include the following:

- a. A completed application on a form provided by the Community Development Department;
- b. A written description of the existing use of the registered structure and the proposed use of the registered structure.
- c. Comprehensive exterior photographs showing all exterior facades of the registered structures, and close-up photographs of all existing architectural detailing and characteristics of the structure (e.g., siding, trim, turnings, braces, window design). If available, historic photos that show the structure's original or earlier design and detailing.
- d. Comprehensive interior photographs showing room layouts and architectural features and details, (e.g., door and trim design, wall finishes and textures,

arches, niches, stair details, window design, wall panels, ceiling panels, and fixtures). Interior photographs are necessary only for special valuation applications.

d. A written description of the proposed changes to the registered structure, including:

- i. Information on building materials proposed for removal and/or replacement, and stated reasons for removal or replacement as opposed to repair and retention;
- ii. Changes to door and window design (fenestration);
- iii. Changes to siding, trim and architectural detailing.
- iii. Changes to the existing massing or form of the building, including additions, demolitions, roof modifications, and enclosure of porches, decks, etc..
- e. Elevation drawings, minimum ¼ inch scale, depicting the structure with all proposed changes (except demolitions);
- f. A written description of proposed cleaning, refinishing or resurfacing techniques, explaining how retained historic materials will be protected and preserved.
- g. A description of existing exterior building colors, original building colors (if known) and proposed building colors.
- h. A statement explaining how the applicant believes the proposed changes meet the criteria for approval outlined in Section 17.95.050(C)(3), GHMC.
- i. A written waiver acknowledging that the application will not be processed under GHMC Title 19.

2. Review of permits to work on a property listed on the Register of Historical Properties. The community development director or designee shall report any application for a permit to work on a designated City Register property to the DRB. If the activity is not exempt from review, the staff shall notify the applicant of the review requirements. The City shall not issue any permit for work on a designated City Register property until a Certificate of Appropriateness or a waiver is received from the DRB, but shall work with the DRB in providing information on required building and fire code requirements.

3. DRB Review. All applications for a certificate of appropriateness or a waiver shall be forwarded to the DRB for review and final decision. The DRB shall hold a public meeting on the application and review the proposed work according to the criteria listed in GHMC Section 17.95.050(C)(4). The DRB shall issue a written decision within 30 days after the public meeting on the application. The DRB's processing of an application is exempt from project permit processing in GHMC Title 19, with the exception of the appeal provisions of Chapter 19.06 GHMC.

The DRB's decision shall be in writing and shall state the findings of fact and conclusions relied upon for the decision. Any conditions agreed to by the applicant in this review process shall become conditions of approval of the

Certificate of Appropriateness. If the owner agrees to the DRB's decision and all conditions pertaining to the decision, a Certificate of Appropriateness shall be granted by the DRB, and the City may issue permits for the proposed work. If the owner does not agree with the DRB's decision, then permits may be issued only if the structure is removed from the City's Historic Register under the provisions of Section 17.97.040(C). Issuance of any permit pursuant to this chapter shall not provide an exemption from compliance with any other applicable code or ordinance including, but not limited to, fire, plumbing, and mechanical codes.

4. Criteria for Certificate of Appropriateness Approval. The following standards for rehabilitation and maintenance of historic properties (based upon the Washington State Advisory Council standards for rehabilitation and maintenance of historic properties in WAC 254-20-100) shall be the basis for the DRB's decision on a Certificate of Appropriateness:

a. Rehabilitation.

i. Every reasonable effort shall be made to provide a compatible use for an historic property which requires minimal alteration of the building, structure, or site and its environment, or to use an historic property for its originally intended purpose.

ii. 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 features should be avoided when possible.

iii. 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.

iv. 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.

v. Distinctive stylistic features or examples of skilled craftsmanship which characterize a building, structure or site shall be treated with sensitivity.

vi. Deteriorated architectural features shall be repaired rather than replaced, whenever 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.

vii. 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.

viii. Every reasonable effort shall be made to protect and preserve archaeological resources affected by, or adjacent to, any project.

ix. 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 neighborhood, and when such design is consistent with all other applicable design and development regulations.

x. 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.

b. Maintenance.

i. Buildings and structures shall not be allowed to deteriorate beyond the point where routine maintenance and repair will return them to good condition.

ii. Buildings shall be kept in a safe and habitable condition at all times. Structural defects and hazards shall be corrected. Any condition which constitutes a fire hazard shall be eliminated.

iii. Buildings shall be protected against ongoing water damage due to defective roofing, flashing, glazing, caulking, or other causes. Moisture condensation resulting from inadequate heat or ventilation shall be eliminated if present at levels sufficient to promote rot or decay of building materials.

iv. Deteriorated exterior architectural features and any broken or missing doors and windows shall be repaired or replaced.

v. Painted exterior surfaces shall be maintained and repainted as necessary to prevent a deteriorated appearance or damage to the substrate. Exterior masonry surfaces shall be tuck pointed where required to maintain the mortar in sound condition. Finished tuck pointing shall match the original mortar joint in hardness and appearance.

5. 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 City historic property. The owner or his/her agent shall apply to the DRB for a review of the proposed demolition and request a waiver. The waiver shall be placed on the DRB's meeting agenda, and the DRB and applicant shall discuss and consider alternatives to demolition. Additional meetings on the waiver may be held up to 45 calendar days after the initial meeting of the DRB on the waiver, unless either party requests an extension and the owner agrees in writing to the extension beyond the 45 days. If no request for an extension is made and no alternative to demolition has been agreed to, the DRB shall issue the waiver from the Certificate of Appropriateness. When issuing a waiver, the DRB may request the owner to mitigate the loss of the City Historic Register property by means determined by the DRB. Mitigation may include, but not be limited to: retention of site improvements, structural accessories, materials or design motifs that could be incorporated into new site development; documentation of the historic property, which may include an Historic American Building Survey (HABS); historic plaques or monuments placed on the site to provide information of the site and importance of the historic structure. Any

conditions recommended by the DRB may be voluntarily complied with by the applicant. After the property is demolished, the DRB shall initiate removal of the property from the register.

6. Appeal of Approval or Denial of a Waiver of a Certificate of Appropriateness. The DRB's decision regarding a waiver of a Certificate of Appropriateness may be appealed to the City Council within ten working days under the provisions of Chapter 19.06 GHMC. The appeal must state the grounds upon which the appeal is based.

17.97.060. Review and Monitoring of Properties for Special Property Tax Valuation. Special valuation for historic properties 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).

A. Eligible Properties for Special Property Tax Valuation. The class of historic property eligible to apply for Special Valuation in the City means 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 City becomes a Certified Local Government (CLG). Once a CLG, the class of property eligible to apply for Special Valuation in the City means all properties listed in the City Register which have been substantially rehabilitated at a cost and within a time period which meets the requirements set forth in chapter 84.26 RCW.

B. Application for Special Property Tax Valuation. Application for special valuation is made at the Pierce County Assessor's office. The Assessor then forwards applications to the City for review and a decision by the local review board (DRB).

C. Contents of a complete application. A complete application for Special Valuation shall consist of the following documentation:

1. All information required by the Pierce County Assessor's office for a complete application.
2. A legal description of the historic property;
3. Comprehensive exterior and interior photographs of the historic property before and after rehabilitation;
4. Architectural plans or other legible drawings depicting the completed rehabilitation work, and
5. 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 DRB upon request.

D. Time Frame for Processing Applications for Special Property Tax Valuation.

1. Applications for special property tax valuation forwarded to the City by the Pierce County Assessor shall be reviewed by the DRB before December 31 of the calendar year in which the application is made, provided the application is submitted in time to be reviewed by the DRB before the end of the calendar year.

2. DRB decisions regarding the applications shall be filed with the assessor within ten calendar days of issuance.

E. Application Review Procedures. Applications for special property tax valuation shall be processed as follow:

1. The assessor forwards the application to the City Community Development Department, which determines if the application is complete.

2. The DRB reviews the application(s) and determines if the properties meet the criteria set forth in Section 17.97.060(C)(1) of this chapter.

a. If the DRB finds the properties meet the criteria for approval, then, on behalf of the City, it enters into a Historic Preservation Special Valuation Agreement set forth Section 17.97.060(D) of this chapter with the owner. Upon execution of the agreement between the owner and DRB, the DRB approves the application(s).

b. If the DRB determines the properties do not meet all the criteria, then it shall deny the application(s).

3. The DRB provides its decisions in writing and states the facts upon which the approvals or denials are based. The Community Development Department then files copies of the decision with the Pierce County Assessor.

4. For approved applications, the Community Development Department:

a. Forwards copies of the agreements, applications and supporting documentation (as required by WAC 254-20-090(4) and identified in Section 17.97.060(C)(2) of this chapter), to the Pierce County Assessor.

b. Notifies the state review board that the properties have been approved for special valuation.

5. For approved applications, the DRB:

a. Monitors the properties for continued compliance with the terms of the special valuation agreement with the property owner.

b. Determines whether or not properties are disqualified from special valuation either because of

i. The owner's failure to comply with the terms of the agreement or

ii. Because of a loss of historic value resulting from physical changes to the building or site.

6. For disqualified properties, in the event that the DRB concludes that a property is no longer qualified for special valuation, the DRB shall notify the owner, assessor and state review board in writing and state the fact supporting its findings.

F. Property Review Criteria. In its review the DRB shall determine if the properties meet all the following criteria:

1. The property is historic property;
2. The property is included within a class of historic property determined eligible for Special Valuation by the City under Section 17.97.040 of this chapter;
3. The property has been rehabilitated at a cost which meets the definition set forth in RCW 84.26.020(2) (and identified in Section 17.97.020(I) of this chapter) within twenty-four months prior to the date of application; and
4. 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 Standards for the Rehabilitation and Maintenance of Historic Properties listed in Section 17.97.050(C)(4) of this chapter.

5. Rehabilitation work done after the property was placed on the national or local register of historic structures and within the past 24 months received or is eligible to receive a Certificate of Appropriateness as required in Section 17.97.050 of this chapter.

6. 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 DRB as minimum requirements for determining whether or not a 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.

G. Agreement. The following historic preservation special valuation agreement shall be used by the DRB as the agreement necessary to comply with the requirements of RCW 84.26.050(2).

This Historic Preservation Agreement is entered into on this ____ day of _____ 20__ by and between _____ (hereinafter referred to as APPLICANT) and the Design Review Board (DRB) (hereinafter referred to as LOCAL REVIEW BOARD).

WHEREAS APPLICANT is the owner of record of the historic property commonly known as _____, located at _____, State of Washington, as more fully described in Exhibit A, attached hereto and incorporated herein by this reference (hereinafter referred to as PROPERTY); and

WHEREAS APPLICANT has requested special valuation of the PROPERTY pursuant to chapter 84.26. RCW; and

WHEREAS the LOCAL REVIEW BOARD has determined that the property has been substantially rehabilitated within the two year period preceding the date of application and the actual cost of said rehabilitation equals or exceeds twenty-five percent of the assessed valuation of the PROPERTY prior to the improvements; and

WHEREAS the LOCAL REVIEW BOARD has verified that the PROPERTY is historic property that falls within a class of property determined eligible for special valuation by local ordinance or administrative rule; and

WHEREAS the LOCAL REVIEW BOARD finds that the rehabilitation work has not altered the PROPERTY in any way which adversely affects those elements which qualify it as historically significant;

NOW THEREFORE, in recognition of the foregoing, the APPLICANT enters into this AGREEMENT with the LOCAL REVIEW BOARD and agrees to adhere to the following terms and conditions for the ten-year period of the special valuation classification:

1. APPLICANT agrees to comply with the Washington State Advisory Council's Standards for the Maintenance and Rehabilitation of Historic Property as set forth in Exhibit B, which is attached hereto and by this reference incorporated herein.
2. APPLICANT agrees the property shall not be altered without the prior written consent of the LOCAL REVIEW BOARD signed by a duly authorized representative thereof. No construction, alteration or remodeling or any other action shall be undertaken or permitted to be undertaken which would affect the historic character of the PROPERTY which classifies it as eligible for special valuation, or which would affect the appearance of the PROPERTY as depicted in the photographs attached hereto and incorporated herein by this reference as Exhibits ____ through ____ , or which would adversely affect the structural soundness of the PROPERTY; provided, however, that the reconstruction, repair, repainting, or refinishing of presently existing parts or elements of the PROPERTY subject to this Agreement, damage to which has resulted from casualty loss, deterioration or wear and tear, shall be permitted without the prior approval of the LOCAL REVIEW BOARD, provided that such reconstruction, repair, repainting, or refinishing is performed in a manner which will not alter the appearance of those elements of the PROPERTY subject to this AGREEMENT as they are as of this date. Exterior changes which shall require the consent of the LOCAL

REVIEW BOARD shall include, but not be limited to, any substantial structural change or any change in design, color or materials.

3. APPLICANT agrees the PROPERTY shall not be demolished without prior written consent of the local review board.
4. APPLICANT agrees to make historic aspects of the PROPERTY accessible to the public one day each year if the PROPERTY is not visible from a public right of way.
5. APPLICANT agrees to monitor the PROPERTY for its continued qualification for special valuation and notify the Pierce County Assessor within 30 days if the PROPERTY becomes disqualified because of
 - a. a loss of historic integrity,
 - b. sale or transfer to new ownership exempt from taxation, or
 - c. sale or transfer to new ownership which does not intend to agree to the terms of this Agreement nor file a notice of compliance form with the Pierce County Assessor.
6. The APPLICANT and LOCAL REVIEW BOARD both agree that there shall be no changes in standards of maintenance, public access, alteration, or report requirements, or any other provision of this Agreement, during the period of the classification without the approval of all parties to this Agreement.

Term of the Agreement. This Agreement shall take effect immediately upon signature and remain in effect until the property is no longer eligible for special valuation either through disqualification under RCW 84.26.080 or upon expiration of the ten-year period of special valuation commencing January 1, 20____, and ending December 31, 20____.

Hold Harmless. The APPLICANT or its successors or assigns shall hold the State and the LOCAL REVIEW BOARD harmless from any and all liability and claims which may be asserted against the State and the LOCAL REVIEW BOARD as result of this Historic Preservation Special Valuation Agreement or the participation by the APPLICANT in the Special Valuation Program.

Governing Law. The terms of this Agreement shall be construed in accordance with the laws of the State of Washington.

H. Enforcement. As the sole remedy for the applicant's breach of the historic preservation special valuation agreement the Local Review Board may notify the Pierce County Assessor to inform the assessor that the property has become disqualified and removed from the city's historic inventory.

I. Appeals. Any decision of the DRB acting on an application for special property tax valuation, or any disqualifications of historic properties eligible for special valuation, may be appealed to the County Board of Equalization.

17.97.070. Summary of Historic Preservation Applications and Procedures.

| | Historic Preservation Applications | | | | |
|-----------------------------------|---|---|--|---|--|
| | Inclusion on Local Register | Removal from Local Register | Certificate of Appropriateness | Waiver of Certificate of Appropriateness | Special Property Tax Valuation |
| Initiated or requested by: | Owner or DRB | Owner or DRB | Owner | Owner | Owner |
| Recommendation by: | DRB | DRB | N/A | N/A | N/A |
| Decision by: | City Council | City Council | DRB | DRB | DRB, as specified in special valuation agreement |
| Required for: | Honorary Designation and/or special tax valuation | Properties that are no longer properly preserved. | Alteration of property listed on local historic register | Demolition of structure listed on local historic register | Reduced assessed valuation for 10-year period |
| Application submitted to: | Community Development Dept. | Community Development Dept. | Community Development Dept. | Community Development Dept. | Pierce County Assessor |
| Owner Consent Required: | Yes | No | N/A | N/A | Yes |
| Appeal | No | No | Yes. To Council as per 17.97.050(C)(6) | Yes. To Council as per 17.97.050(C)(6) | Yes. To County Board of Equalization |

Section 4. Severability. If any section, sentence, clause or phrase of this ordinance should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this ordinance.

Section 5. Effective Date. This ordinance shall take effect and be in full force five (5) days after publication of a summary, consisting of the title.

PASSED by the Gig Harbor City Council and the Mayor of the City of Gig Harbor
this 28 th day of March, 2005.

CITY OF GIG HARBOR



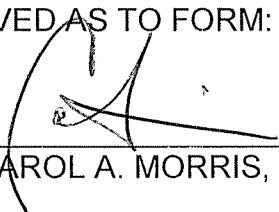
GRETCHEN WILBERT, MAYOR

ATTEST/AUTHENTICATED:

By: 

MOLLY TOWSLEE, CITY CLERK

APPROVED AS TO FORM:

By: 

CAROL A. MORRIS, CITY ATTORNEY

FIRST READING: 3/14/05
DATE PASSED: 3/28/05
DATE OF PUBLICATION: 4/6/05
EFFECTIVE DATE: 4/11/05