

CHAPTER 18.57

HISTORIC PRESERVATION

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18.57.010: Purpose: The purpose of this Chapter is to provide for the identification, evaluation, and protection of historic resources within the City of Kennewick and to preserve and rehabilitate eligible historic properties through special valuation in accord with RCW 84.26 and to: safeguard the heritage of the City as represented by those buildings, objects, sites, and structures which reflect significant elements of the City's history; foster civic and neighborhood pride in the beauty and accomplishments of the past, and a sense of identity based on the City's history; stabilize or improve the aesthetic and economic vitality and values of such sites, improvements, and objects; assist, encourage and provide incentives to private owners for preservation, restoration, redevelopment and use of outstanding historic buildings, objects, sites, and structures; promote and facilitate the early identification and resolution of conflicts between preservation of historic resources and alternative land uses; and, conserve valuable material and energy resources by ongoing use and maintenance of the existing built environment. (Ord. 5180 Sec. 1, 2007)

18.57.020: Definitions: Unless the context otherwise requires, the following definitions apply throughout this Chapter:

(1) Kennewick's Historic Inventory: "Historic Inventory" or "Inventory" means the comprehensive inventory of historic resources within the boundaries of the City.

(2) Kennewick's Historic Preservation Commission: "Historic Preservation Commission" or "Commission" means the Commission created by Section 2.16.100.

(3) Actual Cost of Rehabilitation: "Actual Cost of Rehabilitation" means costs incurred within 24 months before this application for:

- (a) Improvements to an existing building located on or within the perimeters of the original structure; or
- (b) Improvements outside of but directly attached to the original structure which are necessary to make the building fully usable but excluding rentable or habitable floor space attributable to new construction; or
- (c) Architectural and engineering services for design of the improvements; or
- (d) "Qualified rehabilitation expenditures" for purposes of the federal historic preservation investment tax credit.

(4) Kennewick's Register of Historic Places: "Local Register" or "Register" means the local listing of properties as provided in Section 18.57.040.

(5) Certificate of Appropriateness: “Certificate of Appropriateness” means the Commission has compared an applicable project to the Register and certified the project as not adversely affecting the historic characteristics of the property which contributed to its designation.

(6) Certified Local Government: “Certified Local Government” or “CLG” means the City has been certified by the State Historic Preservation Officer as having established its own historic preservation commission and a program meeting Federal and State standards.

(7) Class of Properties Eligible For Special Valuation: “Class of Properties Eligible for Special Valuation in Kennewick” means all properties listed on the National Register of Historic Places which have been substantially rehabilitated at a cost and within the time allowed by RCW 84.26, until Kennewick becomes a Certified Local Government (CLG). Once a CLG, the class of properties eligible to apply for Special Valuation in Kennewick means all properties listed on the Local Register of Historic Places, which have been substantially rehabilitated at a cost and within the time allowed by RCW 84.26.

(8) Cost: “Cost” means the actual cost of rehabilitation.

(9) Emergency Repair: “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 disaster.

(10) Historic Property: “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 the local register of a Certified Local Government or the National Register of Historic Places.

(11) Incentives: “Incentives” mean rights or privileges or any combination thereof, which the City Council or other local, state or federal public body or agency, by virtue of applicable present or future legislation, may be authorized to grant or obtain for the owners of registered properties. Examples of economic incentives include, but are not limited to, tax relief, land use permits, rezoning, street vacation, planned unit development, transfer of development rights, facade easements, gifts, preferential leasing policies, beneficial placement of public improvements or amenities, or the like.

(12) Local Review Board: “Local Review Board” or “Board” used in RCW 84.26 and WAC 254-20 for the special valuation of historic properties means the Commission created in Section 18.57.040.

(13) National Register of Historic Places: “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.

(14) Object: “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.

(15) Ordinary Repair and Maintenance: “Ordinary Repair and Maintenance” means work for which a Building Permit is not required, and the purpose and effect is to correct deterioration of, decay of, or damage to, the real property or structure or appurtenance, and to restore same, as nearly as practicable, to the condition prior to the occurrence of such deterioration, decay or damage.

(16) Owner of Property: “Owner of Property” means the fee simple owner or contract vendee of record.

(17) **Significance or Significant:** “Significance” or “Significant” describes property which helps explain or illustrate the history of the area, state or nation by events or persons associated with it or its architectural type or style. The local area may include the city, county, region, or a modest geographic or cultural area, such as a neighborhood. Significance may apply to a property that illustrates an historical theme.

(18) **Site:** “Site” means a place where a significant event occurred. It may be the location of prehistoric or historic occupation or activities and may be marked by physical remains; or it may be the symbolic focus of a significant event that may not have been actively occupied. A site may be the location of ruined or now non-extant buildings or structures or the location itself may have historic, cultural, or archaeological significance.

(19) **Special Valuation For Historic Properties:** “Special Valuation for Historic Properties” or “Special Valuation” means the 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 10 years the actual cost of the rehabilitation. (RCW 84.26).

(20) **State Register of Historic Places:** “State Register of Historic Places” means the state listing of properties significant to the community, state or nation, but which are not on the National Register.

(21) **Universal Transverse Mercator or UTM:** “Universal Transverse Mercator or UTM” means the grid zone, in metric measurement, providing for an exact point of numerical reference.

(22) **Waiver of a Certificate of Appropriateness:** “Waiver” or “Waiver of a Certificate of Appropriateness” means the Commission has reviewed the proposed whole or partial demolition of a local register property and failing to find alternatives to demolition has issued a waiver of a Certificate of Appropriateness which allows the building or zoning official to issue a permit for demolition.

(23) **Washington State Advisory Council's Standards for the Rehabilitation and Maintenance of Historic Properties:** “Washington State Advisory Council's Standards for the Rehabilitation and Maintenance of Historic Properties” or “State Advisory Council's Standards” means the rehabilitation and maintenance standards used by the Kennewick Historic Preservation Commission as minimum requirements for determining whether or not an historic property is eligible for special valuation and whether or not the property continues to be eligible for special valuation once it has been so classified. (Ord. 5180 Sec. 1, 2007)

18.57.030: Building and Demolition Permit Application - Photographs Required: Any application for a building permit or demolition permit for a property which is identified on the City's master list of candidate properties (to be inventoried), must include photographs of the property, as follows:

- (1) Photos must be black and white, and be 3½ by 5 inches in size.
- (2) The building(s) or other structure(s) to be remodeled or demolished, must be photographed from each direction (north, south, east, and west) and include the entire building or structure in each photograph.
- (3) All photographs must be properly focused so that all details are sharp and clear. (Ord. 5180 Sec. 1, 2007)

18.57.040: Kennewick Register of Historic Places:

(1) Criteria for Determining Designation in the Register. Any building, structure, site, or object, may be included in the Kennewick Register of Historic Places if it is significantly associated with the history, architecture, archaeology, engineering, or cultural heritage of the City; 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:

- (a) It is associated with events that have made a significant contribution to national, state, or local history.
- (b) It 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) It is an outstanding work of a designer, builder, or architect who has made a substantial contribution to his art.
- (d) It exemplifies or reflects the City's architectural, cultural, social, economic, political, aesthetic, or engineering history.
- (e) It is associated with the lives of persons significant in national, state, or local history.
- (f) It is, or may be, archaeologically important.
- (g) It is a building or structure, which although removed from its original location, has significant architectural value or is the only surviving structure significantly associated with an historical figure or event.
- (h) It is the birthplace or grave of an historical figure and is the only surviving structure or site associated with him.
- (i) It is a cemetery, which is significant because of age, distinctive design, association with historic events, or culture.
- (j) It is a reconstructed building that has been executed in a historically accurate manner on an original site.
- (k) It is a creative and unique example of folk architecture and design.

(2) Process for Review of Designating Properties to the Register.

- (a) Any person may nominate a building, structure, site, or object for inclusion in the Register of Historic Places. In its designation decision, the Commission will consider the Historic Inventory and the City's Comprehensive Plan.
 - (b) In the case of individual properties, the designation will include the UTM reference and all features interior, exterior, and outbuildings - which contribute to it.
 - (c) The Historic Preservation Commission will consider the merits of the nomination according to the criteria in Section 18.57.040(1) and according to the nomination review standards established in its rules, at a public meeting. Adequate notice will be given to the public, the owners and the authors of the nomination, if different, and lessees, if any, of the property prior to the public meeting according to standards for public meetings established in rules and in compliance with RCW 42.30, Open Public Meetings Act. Such notice will include publication in the City's newspaper of general circulation, and posting of the property.
 - (d) If the Historic Preservation Commission finds that the building, structure, site or object meets the criteria for inclusion in the Register of Historic Places, and the owner has consented, it shall designate the property historic property and place it upon the register.
- (3) Listing.

- (a) Properties listed on the Register of Historic Places will be recorded on official planning records with an HR (Historic Register) designation. This designation will not change or modify the underlying zone classification.
- (b) The property owner's consent is required before the property can be listed in the Register.
- (c) The property owner and the authors of the nomination, if different, and lessees, if any, will be notified of the listing.
- (4) Effects of Listing on the Register.
 - (a) Listing on the Register of Historic Places is an honorary designation denoting significant association with the historic, archaeological, engineering, or cultural heritage of the City. Properties are listed individually.
 - (b) Prior to the commencement of any work on a Register property, excluding ordinary repair and maintenance and emergency repair defined in Section 18.57.020(9) and (15), the owner must request and receive a Certificate of Appropriateness from the Commission for the proposed work. Violation of this rule will be grounds for the Commission to review the property for removal from the Register.
 - (c) Prior to whole or partial demolition of a Register property, the owner must request and receive a waiver of a Certificate of Appropriateness.
 - (d) Upon certification as a Certified Local Government (CLG), properties listed on the Register of Historic Places may be eligible for a special tax valuation on their rehabilitation (Section 18.57.070).
- (5) Removal of Properties from the Register. In the event that any property is no longer deemed appropriate for designation to the Register of Historic Places, the Commission, property owner, or purchaser may initiate removal from such designation by the same procedure as provided for in establishing the designation. A property may be removed from the register without the consent of the owner. (Ord. 5180 Sec. 1, 2007)

18.57.050: Review of Changes to the Register of Historic Places and Properties:

- (1) Review Required.
 - (a) No person may change the use, construct any new building or structure, or reconstruct, alter, restore, remodel, repair, move, or demolish any existing property on the Register of Historic Places without review by the Commission and without receipt of a Certificate of Appropriateness, or in the case of demolition, a waiver.
 - (b) The review will apply to all features of the property, interior and exterior that contribute to its designation. Information required by the Commission to review the proposed changes are established in its rules.
- (2) Exemptions. Ordinary repair and maintenance, which includes painting or emergency repair, do not require a Certificate of Appropriateness or review by the Commission.
- (3) Review Process.
 - (a) Requests for review and issuance of a Certificate of Appropriateness or Waiver. The Planning Director will report any application for a Building Permit to work on a designated Register property to the Commission. He will not issue any such Building Permit until a Certificate of Appropriateness or waiver is received from the Commission.

(b) Commission Review. The owner or his agent (architect, contractor, lessee, etc.) must apply to the Commission for a review of proposed changes on a Register property and request a Certificate of Appropriateness or, in the case of demolition, a waiver. Each application for review of proposed changes must be accompanied by such information as is required by the Commission for the proper review of the proposed project. The Commission will meet with the applicant and review the proposed work according to the design review criteria established in its rules. Unless legally required, there will be no notice, posting, or publication for action on the application, but all such actions will be made at regular meetings of the Commission. The Commission will complete its review and make its recommendations within 30 days of the date of receipt of the application. If the Commission is unable to process the request, it may ask for an extension of time. If the applicant does not consent to an extension, the request may be denied. The Commission's recommendations will be in writing and state the findings of fact and reasons relied upon in reaching its decision. Any conditions agreed to by the applicant in this review process will become conditions of approval of the permit. If the owner agrees to the Commission's recommendations, a Certificate of Appropriateness will be awarded by the Commission according to standards established in the Commission's rules. The Commission's recommendations and, if awarded, the Certificate of Appropriateness will be transmitted to the Director. If a Certificate of Appropriateness is awarded, the Planning Director will then issue the permit.

(4) Demolition. A waiver of the Certificate of Appropriateness is required before a permit can be issued to allow whole or partial demolition of a designated Register property. The owner or agent must apply to the Commission for a review of the proposed demolition and request a waiver. The applicant must meet with the Commission in an attempt to find alternatives to demolition. These negotiations may last no longer than 45 days from the initial meeting of the Commission, unless either party requests an extension. If no request for an extension is made and no alternative to demolition has been agreed to, the Commission will act on the approval or denial of the waiver of a Certificate of Appropriateness. Conditions in the case of granting a demolition permit may include allowing the Commission up to 45 additional days to develop alternatives to demolition. When issuing a Waiver, the Commission may require the owner to mitigate the loss of the Register property by means determined by the Commission. Any conditions agreed to by the applicant in this review process will become conditions of approval of the permits granted. After the property is demolished the Commission will remove the property from the Register. (Ord. 5180 Sec. 1, 2007)

18.57.060: Relationship to Zoning: Properties designated to the Register are subject to these provisions and the bulk, use, setback, and other controls of the zoning district in which they are located. Nothing contained herein shall be construed to be repealing, modifying, or waiving any zoning provisions. (Ord. 5180 Sec. 1, 2007)

18.57.070: Review and Monitoring of Properties for Special Property Tax Valuation:

- (1) Time.
 - (a) Applications shall be forwarded to the Commission by the Benton County Assessor within 10 days of filing.

- (b) Applications shall be reviewed by the Commission before December 31, of the Calendar year in which the application is made.
- (c) Commission decisions regarding the applications shall be certified in writing and filed with the Assessor within 10 days of issuance.
- (2) Procedure.
 - (a) The Assessor forwards the application to the Commission.
 - (b) The Commission reviews the application, consistent with its rules of procedure, and determines if the application is complete and if the property meets the criteria set forth in WAC 254-20-070(1) and in Section 18.57.070(3).
 - (i) If the Commission finds the property meets all the criteria then, on behalf of the City of Kennewick, it enters into an Historic Preservation Special Valuation Agreement (set forth in WAC 254-20-120 and in Section 18.57.070(4)) with the owner. Upon execution of the agreement between the owner and the Commission, the Commission approves the application.
 - (ii) If the Commission determines the property does not meet all the criteria, then it denies the application.
 - (c) The Commission certifies its decisions in writing, states the facts upon which the approval or denial is based and files copies of the certification with the Assessor.
 - (d) For approved applications:
 - (i) The Commission forwards copies of the agreement, application, and supporting documentation (as required by WAC 254-20-090(4) and identified in Section 18.57.070(3)(b)) to the Assessor.
 - (ii) It notifies the State Review Board of Adjustment that the properties have been approved for special valuation.
 - (iii) It monitors the properties for continued compliance with the agreements throughout the 10-year special valuation period.
 - (e) The Commission determines, in a manner consistent with its rules of procedure, whether or not property is disqualified from special valuation either because of:
 - (i) The owner's failure to comply with the terms of the agreement; or
 - (ii) A loss of historic value resulting from physical changes to the building or site.
 - (f) For disqualified property that it concludes is no longer qualified for special valuation, the Commission shall notify the owner, Assessor, and State Review Board in writing and state the facts supporting its findings.
- (3) Criteria.
 - (a) Historic Property Criteria. The class of historic property eligible to apply for Special Valuation in Kennewick means all properties listed on the Local Register of Historic Places, which have been substantially rehabilitated at a cost and within a time period which meets the requirements set forth in RCW 84.26.
 - (b) Application Criteria. A complete application consists of the following:
 - (i) A legal description of the historic property.
 - (ii) Comprehensive exterior and interior photographs of the historic property before and after rehabilitation.

- (iii) Architectural plans or other legible drawings depicting the completed rehabilitation work.
 - (iv) 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. (Documentation of both must be made available to the Commission upon request).
- (c) Property Review Criteria. In its review the Commission shall determine if the property meets all the following criteria:
- (i) The property is historic property.
 - (ii) The property is included within a class of historic property determined eligible for special valuation by the City of Kennewick under Section 18.57.070.
 - (iii) The property has been rehabilitated at a cost which meets the definition set forth in RCW 84.26.020(2) (and identified in Section 18.57.070(3)(d)) within 24 months prior to the date of application.
 - (iv) The property has not been altered in any way which adversely affects those elements, which qualify it as historically significant as determined by applying the Washington State Advisory Council's Standards for the Rehabilitation and Maintenance of Historic Properties (WAC 254-20-100(1) and listed in Section 18.57.070(3)(d)).
- (d) Rehabilitation and Maintenance Criteria. The following rehabilitation and maintenance standards shall be used by the Commission as minimum requirements for determining whether or not an historic property is eligible for special valuation and whether or not the property continues to be eligible for special valuation once it has been so classified:
- (i) 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 as an historic property for its originally intended purpose.
 - (II) The distinguishing original qualities or character of a building, structure or site and its environs 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 environs. 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 environment.
- (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.
- (ii) 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 good condition. Finished tuck-pointing shall match the original mortar joint in hardness and appearance.

(4) Agreement. The owner and Commission shall execute and record a contract complying with RCW 84.26.050(2). (Ord. 5180 Sec. 1, 2007)

18.57.080: Appeals from Decisions on Applications: Any decision by the Commission on an application for classification as historic property eligible for special valuation may be appealed to Superior Court under RCW 34.04.130 in addition to any other remedy at law. Any decision on the disqualification of historic property eligible for special valuation or any other dispute may be appealed to the County Board of Equalization. All other decisions of the Commission are final and any person aggrieved thereby may petition the Superior Court for such relief as he may be entitled. Such petition must be made within 30 days of the Commission's decision. (Ord. 5180 Sec. 1, 2007)