

Chapter 18.12 HISTORIC PRESERVATION

18.12.000 Chapter Contents

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(Ord. 6491 §8, 2007, repealed Chapter 18.12 and replaced with new Chapter 18.12).

18.12.020 General Purpose and Intent

The purpose and intent of this chapter is to provide for the identification, enhancement, perpetuation and use of historic resources within the City in order to:

- A. Safeguard the heritage of the City as represented by those sites, buildings, districts, structures and objects which reflect significant elements of the City's history.
- B. Strengthen the economic vitality of the City by promoting the stabilization and improvement of property values in historic areas, and by encouraging new buildings and developments that will be harmonious with existing historic buildings and areas.
- C. Foster civic and neighborhood pride in the beauty and accomplishments of the past, and a sense of identity based on the City's history.
- D. Protect and enhance the City's ability to attract tourists and visitors, thereby stimulating the local economy.
- E. Assist, encourage and provide incentives to private owners for preservation, restoration, redevelopment and use of outstanding historic buildings, districts, neighborhoods, streets, structures, objects and sites.
- F. Promote and facilitate the early identification and resolution of conflicts between the preservation of historic resources and alternative land uses.
- G. Conserve valuable material and energy resources by ongoing use and maintenance of the existing built environment.

(Ord. 6491 §8, 2007).

18.12.040 Heritage Commission Creation and Size

The Olympia Heritage Commission, consists of up to eleven (11) members. Members of the Heritage Commission shall be appointed by the City Council, and shall be residents of the City unless otherwise provided.

(Ord. 6491 §8, 2007).

18.12.045 Heritage Commission Composition

A. In making appointments, the City Council may consider names submitted from any source, but the Council shall notify local history and 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.

B. The Heritage Commission shall always include at least four (4) 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, archeology, cultural geography, American studies, law, and real estate. Heritage 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 Heritage Commission action is related to meeting Certified Local Government (CLG) responsibilities cited in the Certification Agreement between the City of Olympia and the State Department of Archaeology and Historic Preservation, in which case Heritage Commission action may only be taken if in compliance with said agreements. Exception to the residency requirement of Heritage Commission members may be granted by the City Council in order to obtain representatives from these disciplines.

C. All members of the Heritage Commission must have a demonstrated interest in and knowledge of historic preservation.

(Ord. 6491 §8, 2007).

18.12.050 Heritage Commission Term of Appointment

Appointment of members to the Heritage Commission shall be made for a three (3) year term and may be extended by City Council reappointment. The City Council shall appoint members to fill any vacancies for the unexpired term.

(Ord. 6491 §8, 2007).

18.12.055 Heritage Commission Powers and Duties

A. The major responsibilities of the Heritage Commission are: to identify and actively encourage the preservation of the City's Olympia's historic resources by maintaining, updating, and expanding ~~an inventory of historic resources, a the Olympia Heritage Register of Historic Places,~~ and reviewing proposed changes to Heritage Register properties; to raise community awareness of the City's Olympia'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 Heritage Commission shall engage in the following:

1. Educate property owners about the importance of rehabilitating, preserving, and maintaining the properties or objects.

2. ~~Conduct-Initiate and review a- periodiccomprehensive inventory surveys of historic properties within the boundaries of the Cityin Olympia; publicize and periodically update inventory results. The Heritage Commission may evaluate buildings in the inventory for their degree of historic significance to the City through a rating system as defined in the City of Olympia Rating System to help identify buildings of historical significance to the community.~~

3. Maintain a Heritage Register according to criteria and procedures stated in Sections 18.12.080 and 18.12.085. This Heritage Register shall list buildings, structures, districts, sites and objects identified by the Heritage Commission as having historic significance worthy of recognition and protection by the City.

4. Consider the establishment or expansion of Historic Districts (see OMC 18.12.085.C).

5. Review and make recommendations to the City Council on applications for Special Valuation Tax (see OMC 3.60).

6. Review proposals and applications to construct, change, alter, modify, remodel, remove or significantly affect properties or districts on the Heritage Register properties, as provided OMC 18.12.090 and 18.12.100. Such review shall be for the purpose of providing recommendations on the impacts of the proposed action to the identified historic resource. All recommendations shall be consistent with the Design Review Criteria and SEPA Mitigation. The City agency or body charged with acting on such a permit or document shall forward a copy of the final decision to the Heritage Commission.

7. Make recommendations to the City Council to be used in the land use and permitting process to guide this review.

8. Participate in, promote and conduct public information, educational and interpretive programs pertaining to historic and archaeological resources.

9. 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. Recognize excellence in the rehabilitation of historic objects, buildings, structures, sites and districts, and new construction in historic areas; and encourage appropriate measures for such recognition.

11. Be informed about and provide information to the public on incentives for preservation of historic resources, including legislation, regulations and codes which encourage the use and adaptive reuse of historic properties.

12. Make recommendations to the City Council on nominations to the Washington Heritage Register and National Register of Historic Places.

13. Investigate and report to the City Council on the use of various federal, state, local or private funding sources available to promote historic, archaeological, and cultural resources in the City.

14. Provide liaison support, communication, and cooperation with federal, state and other local governmental entities which will further historic preservation objectives, including public education, within the Olympia area.

15. Review and provide recommendations to the City Council on the conduct of land use, housing and redevelopment, municipal improvement, and other types of planning and programs undertaken by any agency of the City, other neighboring cities

and towns, the County, the state or federal governments, as they relate to historic and archaeological resources within the City.

16. Conduct all Heritage Commission meetings in compliance with RCW Chapter 42.30, the Open Public Meetings Act, to provide for public participation and adopt standards to guide this action.

17. Coordinate as appropriate with City departments and other heritage organizations.

18. Perform any other functions designated to the Commission by the City Council.

(Ord. 6491 §8, 2007).

18.12.065 Heritage Commission Compensation

All members of the Heritage Commission shall serve without compensation except for out-of-pocket expenses incurred in connection with Heritage Commission meetings or programs, and which are in accordance with City policy for reimbursement of expenses.

(Ord. 6491 §8, 2007).

18.12.070 Heritage Commission Rules and Officers

The Commission shall establish and adopt its own bylaws that are consistent with federal, state, and local laws to implement this Chapter. The Heritage Commission shall select from among its membership a chairperson and such other officers and committees, such as the Joint Review Committee and Heritage Review Committee, as may be necessary to conduct the Heritage Commission's business.

(Ord. 6491 §8, 2007).

18.12.075 Heritage Commission Staff

The City shall provide professional staff and clerical support to the Heritage Commission. Additional assistance and information will be provided by other City departments as may be necessary to aid the Heritage Commission in carrying out its duties and responsibilities under this Chapter.

(Ord. 6491 §8, 2007).

18.12.080 Heritage Register - Criteria to Designate Property

Any building, structure, object, site or district may be designated for inclusion in the City Heritage Register if it has significant character, interest or value as part of the development, heritage or cultural characteristics of the City, state or nation; is at least fifty (50) years old, or is of lesser age and has exceptional importance; possesses at least two (2) elements of integrity of location, design, setting, materials, workmanship; is well-maintained; and if it falls into at least one (1) of the following categories:

A. Is significantly or substantially a part of or connected 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, social, economic, political, aesthetic, engineering or architectural history.
- E. Is significantly or substantially a part of or connected with the lives of persons significant in national, state or local history.
- F. Has yielded or may be likely to yield archaeological information important in pre-history or history.
- G. Is a religious property deriving primary significance from architectural or artistic distinction or historical importance.
- H. Is a building or structure removed from its original location but which is significant primarily for architectural value, or which is the surviving structure most importantly associated with a historic person or event.
- I. Is a birthplace or grave of a historical figure of outstanding importance.
- J. Is a cemetery which derives its primary significance from graves of persons of transcendent importance, from age, from distinctive design features, or from association with historic events, or cultural patterns.
- K. Is a reconstructed building that has been executed in a historically accurate manner on the original site.
- L. 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.
(Ord. 6491 §8, 2007).

18.12.085 Heritage Register - Process to Designate Property to the Heritage Register or Historic District

Listing on the Heritage Register is an honor that denotes significant association with the historic, archaeological, engineering, or cultural heritage of the community. Properties are listed individually or as a Historic District.

- A. Any person, including members of the Heritage Commission, may nominate a building, structure, object, site or district for inclusion on the City Heritage Register.
- B. Individual Properties:
 - 1. Applications shall be on forms provided by the city and include information and documentation supporting the historic significance of the building, structure, object, site or district.
 - 2. The application shall specify the exterior features, outbuildings, and other characteristics of the site and the building interior (if any) that contribute to its designation.
 - 3. Notification of nomination will be sent to the property owner.
 - 4. If someone other than the property owner makes a nomination the Heritage Review Committee may deny an application for placement on the Heritage Register based on a determination of ineligibility during a preliminary review. Applicants may appeal this denial to the Heritage Commission.
 - 5. If an application advances to the full Heritage Commission, notification of nomination will be sent to the property owner and posted on the site.
 - 6. Notification of a public hearing will be mailed to the property owner and the applicant(s), posted on the site, and published in a newspaper of general circulation in Olympia, not less than ten (10) days prior to the hearing.

7. The Heritage Commission shall consider the merits of the nomination according to the criteria in OMC 18.12.080 following a public hearing.

8. If the Heritage Commission finds that the nominated property meets the designation criteria in OMC 18.12.080 and has the property owner's consent, the property shall be listed on the Heritage Register and owner(s) and lessee(s), if any, notified of the listing.

9. A marker for register properties with information about the property and its significance must be approved by the Heritage Commission or staff. The City may provide this marker.

10. If the owner does not consent to placement of his or her property on the Olympia Heritage Register, after following process set forth in OMC 18.12.085.B above, the Heritage Commission may recommend that the City Council approve designation without property owner consent. Notice will be given to the property owner at least 10 (ten) days prior to the City Council review. A person who is adversely aggrieved by a decision of the City Council under this subsection may appeal the City Council decision to Thurston County Superior Court as provided by law.

C. Districts:

1. Signatures must be obtained from the owners of a majority of the properties within the proposed district.

2. Applications shall be on forms and include information and documentation supporting the historic significance of the district.

3. The application shall specify the exterior features, outbuildings, and other characteristics of the sites within the district and the overall character defining elements that contribute to its designation, and identify the contributing and non-contributing status of the properties within the district.

4. The Heritage Review Committee or staff may deny an application for Historic District status based on a determination of a ineligibility during a preliminary review. Applicants may appeal this denial to the Heritage Commission.

5. The Heritage Commission shall consider the merits of the nomination according to the criteria in OMC 18.12.080 following a public hearing. If the Heritage Commission finds that the nominated district meets the designation criteria in OMC Section 18.12.080, the district may be listed on the Heritage Register with the owner's consent and the owner(s) and lessee(s), if any, notified of the listing.

6. If a majority of property owners within the proposed district boundaries do not consent to District designation, after following process set forth above, the Heritage Commission may recommend that the City Council approve designation without property owner consent. Notice will be given to the property owners at least 10 (ten) days prior to the City Council review. A person who is adversely affected or aggrieved by a decision of the City Council under this subsection may be appeal the City Council decision to Thurston County Superior Court pursuant to the procedures set forth in RCW Chapter.

D. The decision of the Heritage Commission designating objects, properties and districts to the City Register may be appealed by the owner(s) of the affected property in writing on forms provided by the City within thirty (30) days to the City Council. Decisions of the City Council may be appealed to Thurston County Superior Court.

E. Properties listed within a Historic District shall be noted on the official records of the City. Such properties shall be subject to the provisions set forth in this Chapter, as well as the bulk, use, setback, and other controls of the zoning district in which they are located. Nothing contained in this Chapter shall be construed to be repealing, modifying or waiving any zoning or building code provisions.

F. Markers noting the boundaries of the Historic District must be approved by the Heritage Commission or staff. The City may provided these markers.

(Ord. 6491 §8, 2007).

18.12.090 Heritage Register - Alteration and Construction

A. Applicability. (See Design Guidelines, Sections 18.105.020 and 18.105.030, Remodeled Historic Buildings.) No person shall construct any new building or structure, or reconstruct, alter, restore, remodel, repair or demolish any existing building or structure which is on the Heritage Register or within a Historic District without review by the Heritage Commission, the Heritage Review Committee, or Joint Design Review, as required by OMC 18.12.070 and 18.76 180. The review shall apply only to exterior or interior features designated as significant and relating to the designation of the property to the Heritage Register and interior features for historically significant interior spaces of public buildings, including privately owned buildings open to the public; provided, that this section shall have no application to ordinary repair and maintenance, including painting, or Emergency Repair measures as defined in Chapter 18.02, Definitions. Violation of this rule shall be grounds for the Heritage Commission to review the property for removal from the Heritage Register. The review shall be based upon OMC 18.105.020 and 18.105.030.

B. Review Process

1. Whenever applications are made for alterations, changes, construction on any properties within a Historic District or on the Heritage Register, the Building Official shall notify the Preservation Officer so that the proposed change may be reviewed under the provisions of Sections 18.105.020 and 18.105.030. The Building Official or Preservation Officer shall also notify the applicant of the special review that is required. The Building Official shall continue to process such application and shall work with the Historic Preservation Officer in considering Building and Fire Code requirements and consider the Historic Building Code 16.04.020 but shall not issue any such permit, except as provided by law, until review and recommendations have been completed by the Heritage Commission, its Committee, the Joint Design Review Committee or the Preservation Officer. Consistent with law, any recommendations by the Heritage Commission, the Preservation Officer, or the Heritage Review Committee that are incorporated into the permit official's decision, shall become binding conditions of approval of any permits granted.

2. If no permit is required to pursue work on a designated property or within a designated Heritage Register District, whoever is responsible for the work is encouraged to consult with the Preservation Officer prior to commencement of the work for consistence with The Secretary of the Interior's Standards for the Treatment of Historic Properties (as amended).

3. Such applications shall be accompanied by such information as is required by the Heritage Commission and which is reasonably necessary for the proper review of the proposed project.

4. The Preservation Officer may review and approve minor work requiring a permit that does not involve substantial alterations, additions or removals that only alter the features identified when the property was listed on the Heritage Register, or District.

5. Unless legally required elsewhere, there shall be no notice, posting or publication requirements for action on the application, but all such actions shall be made at a regular meeting of the Heritage Commission or at a meeting of the Heritage Review Committee. The Heritage Commission's recommendations shall be in writing and shall state the findings of fact and reasons relied upon in reaching its decision. These findings of fact and reasons shall be based on the factors to consider in reviewing changes as cited in Section 18.12.120(C), Additional Factors to Consider.

6. The Heritage Commission's recommendations shall be transmitted to the Building Official. The recommendations of the Heritage Commission shall be given substantial weight by the Building Official in establishing conditions for the permit.

C. Standards for Review.

1. For a property individually listed on a Heritage Register, the proposed work should not detrimentally alter, destroy or adversely affect any exterior feature or interior feature relating to the designation of the property to the Heritage Register. In the case of construction of a new improvement, building or structure on the site of a Heritage Register property, the exterior of such construction will not adversely affect and will be compatible with the external appearance of existing designated improvements, buildings and structures on the site. The Secretary of the Interior's Standards for the Treatment of Historic Properties (as amended) shall be the standards which guide the review of Heritage Register properties.

2. For any property located within a Historic District, the proposed construction, removal, rehabilitation, alteration, remodeling, excavation or exterior alteration shall conform to the standards in OMC 18.110.210, 18.105.020, and 18.105.030 and preserve the historic context and merit of the district, consistent with The Secretary of the Interior's Standards for the Treatment of Historic Properties (as amended).

3. Proposed alterations or significant changes necessary or appropriate in order to meet the requirements of any other law, statute, ordinance, regulation, code or ordinance shall be coordinated with, and given consideration along with historic preservation concerns, in reviewing proposed changes to Heritage Register properties.

(Ord. 6886 §22, 2013; Ord. 6491 §8, 2007).

18.12.100 Demolition of a Historic Building, ~~or~~ a Contributing Historic District Property, ~~and Historic Inventory Property~~

A.—Demolition of a Historic Building or a Contributing Historic District Property. Findings and a recommendation to the Building Official made by the Heritage Commission or Historic Preservation Officer is required before a permit may be issued to allow whole or partial demolition of a designated structure or facility of recognized historical significance, which for the purposes of WAC 197-11-800 (2)(f) is one listed on the Olympia Heritage Register, Washington Heritage Register or National Register of Historic Places. The owner or his/her agent shall apply to the building official who will request a review of the proposed demolition by the Heritage Commission. The Heritage Commission shall recommend to the Building Official the approval or denial of the proposed demolition. Recommendations may also include steps to mitigate the loss of

the property through, but not limited to, the procedures described in the SEPA Mitigation Policy for Olympia Historic Resources. The Building Official shall give substantial weight to these recommendations in establishing conditions of approval of the permits granted. If the structure is demolished, the Heritage Commission shall initiate the procedure for removal of the structure from the Heritage Register and may recommend designation as a historic site.

~~B. Demolition of a Property on the Historic Inventory. If an application is made for the demolition of a property that is on the Inventory of Historic Places but is not listed on a Heritage Register or within a historic district, the Director shall notify the Preservation Officer. The Commission shall make a determination if the property is eligible for the Register. If it is not determined eligible, the Commission will document the property as outlined in its Rules and convey a Waiver of Certificate of Appropriateness to the Director. If the property is determined to be eligible for the Register pursuant to 18.12.080, the process outlined in 18.12.085 shall be followed.~~

(Ord. 6491 §8, 2007).

18.12.110 Removal of Designation

In the event that any property is no longer deemed appropriate for designation to the Heritage Register, the Heritage Commission may remove such designation by the same procedure as provided for in establishing the designation, particularly Section 18.12.100(D), (E) and (F). A property may be removed from the Olympia Heritage Register without the owners consent.

(Ord. 6491 §8, 2007).

18.12.120 Archaeological Sites

A. Whenever in the course of excavation or development, archaeological materials (e.g. bones, shell, stone tools, beads, ceramics, old bottles, hearths, etc.) or human remains are observed during project activities, all work in the immediate vicinity shall stop. The Department of Archaeology and Historic Preservation, the Building Official, the Preservation Officer, any the affected tribe(s) and the county coroner (if applicable) shall be contacted immediately by the property owner or the City in order to help assess the situation and determine how to preserve the resource(s).

B. The property owner shall arrange for an inspection of the site within seven (7) calendar days by one or more archaeology professionals at the expense of the property owner. The Department of Archaeology and Historic Preservation (DAHP) maintains a list of archaeology professionals. The archaeology professionals (s) shall make recommendations as to site restoration, site protection or removal of artifacts. The DAHP, Building Official, property owner, affected tribes, and archaeologist will consult on the treatment of the archaeological resources.

C. If the archaeological inspection indicates the site is significant, or if the site has previously been recorded by the State Department of Archaeology and Historic Preservation, the Building Official and the Preservation Officer shall consult that agency for its recommendation. The Building Official may revoke or temporarily suspend the permit based on the site's archaeological importance. Or, the Building Official shall add mitigating conditions to the project approval in order to protect these sites or artifacts. For sites that are not determined significant but are of local interest, the Building Official may add appropriate mitigating conditions. In any case, the discovery of archaeological

materials requires that the property owner must comply with all applicable laws pertaining to archaeological resources (RCW 27.53, 27.44 and WAC 25-48). Failure to comply with this requirement could constitute a Class C Felony. If federal funds or permits are involved in the project, notification to the appropriate federal agency and the Advisory Council shall occur in addition to the above-listed parties, per 36 CFR Sec. 800.12.

D. Where known archeological sites, as identified by Department of Archaeology and Historic Preservation (DAHP), are proposed for development, the Review Authority shall consult DAHP for their recommendations, and may deny or condition the permit where the archaeological value of the site outweighs the development value, if compensation is available or require recovery of the archaeological materials or other appropriate mitigation measures.

E. The City of Olympia, through an agreement with the DAHP and the appropriate tribes, will reference identified archaeological sites in reviewing land use actions.

(Ord. 6491 §8, 2007).