



City Council

Approval of Ordinance Amending Olympia Historic Inventory Regulations

Agenda Date: 4/26/2016
Agenda Item Number: 4.H
File Number: 16-0493

Type: ordinance **Version:** 2 **Status:** Passed

Title

Approval of Ordinance Amending Olympia Historic Inventory Regulations

Recommended Action

Committee Recommendation:

This matter was reviewed the Olympia Heritage Commission, Planning Commission and Land Use and Environment Committee and they recommend that City Council move to approve the ordinance.

City Manager Recommendation:

Move to approve the ordinance amending Olympia Historic Inventory regulations on second reading.

Report

Issue:

Whether to approve the ordinance which removes from Olympia Municipal Code the provision for Heritage Commission review of demolition permits for buildings that have been placed on the Olympia Historic Inventory (but not listed on Olympia Heritage Register or within a designated historic district).

Staff Contact:

Michelle Sadlier, Historic Preservation Officer, Community Planning & Development, 360.753.8031

Presenter(s):

None - Consent Calendar Item.

Background and Analysis:

The background and analysis have not changed from first to second reading.

Under the Heritage Commission's approved work plans for 2014 and 2015, the Commission has been conducting heritage-related ordinance review. As a result of concerns identified on the regulation of Olympia Historic Inventory properties, the Commission has recommended the removal of OMC 18.12.100(B): Demolition of Property on the Historic Inventory from the Olympia Municipal Code (OMC).

This proposed code change is intended to improve transparency on the designation of historic

buildings and improve customer service.

Definitions

As described in the OMC, the City maintains two lists of historic properties:

- The Olympia Historic Inventory (**Inventory**); and
- The Olympia Heritage Register (**Register**).

The Inventory is the subject of this proposed code amendment. It is defined in OMC 18.02.180 as: *Buildings and property identified and listed by the Heritage Commission as having special historic significance and merit.*

The Inventory is a relatively informal list of historic buildings and sites. It results from information gained from a professional architectural survey of historic properties which is presented to the Heritage Commission for review. The Heritage Commission then determines which properties to place on the Inventory to note these properties as having historical significance to Olympia. The criteria and process to make this determination are not defined in the OMC, nor is formal public consultation called for. As a result, many building owners are unaware that their property is on the Inventory. There is minimal regulation associated with being on the Inventory (described below). There are also no preservation incentives, such as tax benefits, for Inventory properties.

The other list of historic properties - the Register - is defined in the code as: *The listing of properties having special historic significance and is listed on the Olympia Heritage Register, and including listings on the Washington Heritage Register, or National Register of Historic Places.*

In contrast to the Inventory, the Register has a formal application process that includes extensive historical research and documentation, assessment of the application by the Heritage Commission using pre-determined criteria, and a public process which includes a public hearing and the consent of the owner of the property proposed for designation. Regulation of Register properties is addressed in the OMC through the heritage review process. Owners of Register properties have access to preservation tax incentives, such as Washington State's Special Valuation program, and receive a bronze plaque to mark their property as one of Olympia's designated historic properties.

Regulation of Inventory Properties

The only regulation associated with Inventory properties relates to demolition. Current code requires that proposed demolition of a building on the Inventory go through a special review process with the Heritage Commission. This process considers whether the property is eligible for the Register, resulting in the following:

1. If the property is determined not to be eligible, the Heritage Commission documents the property and conveys a Waiver of Certificate of Appropriateness, the document submitted to the City of Olympia's Building Official to indicate the Heritage Commission's recommendation of approval of an application on heritage grounds; or
2. If the property is determined to be eligible, the process of placing it on the Register begins.

However, in essence, whichever determination is made is unlikely to have a direct impact on the decision to approve an application to demolish the building. This is because, unless decided by the

City Council (OMC 18.12.085(B)(10)), a building cannot be placed on the Register without the owner's consent. As the owner is proposing to demolish the building, he/she is unlikely to give consent to place it on the Register. Therefore, although a decision would be delayed, an application proposing to demolish an Inventory building is unlikely to be turned down for historic preservation reasons.

Heritage Commission Recommendation:

Following consideration of these factors, the Heritage Commission concluded that owner uncertainty about Inventory designation and the potential costs involved in the delay of an application decision which is unlikely to prevent demolition does not support the promotion of historic preservation in our community. On May 28, 2014, the Commission recommended removal of the provision in the OMC on regulation of Inventory properties. Doing so would remove any regulation of these properties but retains the Inventory as an informational list of historically significant places. This proposal has no impact on formally designated properties on the Register, including buildings located within one of Olympia's five historic districts.

The sections of the OMC which would be impacted by this proposed change are:

- OMC 18.02.180 Definitions; and
- OMC 18.12 Historic Preservation.

Other Code Amendment Process Steps Completed:

1. Planning Commission Public Hearing - October 6, 2014: No comments made by the public;
2. Planning Commission Deliberation - October 20, 2014: Motion to accept the Heritage Commission's recommendation passed unanimously;
3. City of Olympia State Environmental Policy Act (SEPA) Official Review - October 27, 2014: Notice of Exemption from SEPA Review issued;
4. Department of Commerce 60-Day Notice - November 20, 2014: Passed without comment; and
5. Land Use and Environment Committee Meeting - February 26, 2015: Recommendation approved and referred to the City Council.

The delay in presenting the ordinance to the City Council was due to constraints on staff time.

Neighborhood/Community Interests (if known):

General public interest in Olympia's historical character. No public comments were made at or following the Olympia Planning Commission's public hearing on October 6, 2014.

Options:

1. Approve the proposed ordinance.
2. Refer the ordinance to the Planning Commission for further review.
3. Do not approve the proposed ordinance.

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Financial Impact:

Staff time included in base budget.

Attachments:

Ordinance