

ORDINANCE NO. 02-787

AN ORDINANCE OF THE CITY OF POMEROY, WASHINGTON, ADDING A NEW CHAPTER 14.28 TO THE POMEROY MUNICIPAL CODE; ADOPTING REGULATIONS PERTAINING TO HISTORIC PRESERVATION IN THE CITY OF POMEROY; CONTAINING A SEVERABILITY CLAUSE; AND SETTING AN EFFECTIVE DATE.

Section 1. A new Chapter 14.28 is hereby added to the Pomeroy Municipal Code to read as follows:

Chapter 14.28 Pomeroy Historic Preservation

- 14.28.010 Purpose**
- 14.28.020 Title**
- 14.28.030 Definitions**
- 14.28.040 Pomeroy Historic Commission**
- 14.28.050 Pomeroy Register of Historic Places**
- 14.28.060 Review of Changes to Pomeroy Register of Historic Places and Properties**
- 14.28.070 Review and Monitoring of Properties for Special Property Tax Valuation**

- 14.28.010 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 Pomeroy and preserve and rehabilitate eligible historic properties within the City of Pomeroy 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 of Pomeroy as represented by those buildings, districts, objects, sites and structures which reflect significant elements of the City of Pomeroy history;
- B. Foster civic and neighborhood pride in the beauty and accomplishments of the past, and a sense of identity based on the City of Pomeroy 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 preservation, restoration, redevelopment and use of outstanding historic buildings, districts, 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.

14.28.020 Title.

This Chapter shall be known and may be cited as the “Historic Preservation Code of Pomeroy.”

14.28.030 Definitions.

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

“Actual Cost of Rehabilitation” means costs incurred within twenty-four months prior to the date of application and directly resulting from one or more of the following: 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 useable but shall not include rentable/habitable floor-space attributable to new construction; or c) architectural and engineering services attributable to the design of the improvements; or d) all costs defined as “qualified rehabilitation expenditures” for purposes of the federal historic preservation investment tax credit.

A “building” is a structure constructed by human beings. This includes both residential and nonresidential buildings, main and accessory buildings.

“Certificate of Appropriateness” means the document indicating that the Commission has reviewed the proposed changes to a local register property or within a local register historic district and certified the changes as not adversely affecting the historic characteristics of the property which contribute to its designation.

“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.

“Class of properties eligible to apply for Special Valuation in Pomeroy” 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 Pomeroy becomes a Certified Local Government (CLG). Once a CLG, the class of properties eligible to apply for Special Valuation in Pomeroy means only ALL properties listed on the LOCAL AND NATIONAL Register of Historic Places or properties certified as contributing to an LOCAL AND 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.

“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.

A “district” is a geographically definable area urban or rural, small or large, possessing a significant concentration, linkage, or continuity of sites buildings, structures, and/or objects united by past events or aesthetically by plan or physical development.

“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.

“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.

“Incentives” are such rights or privileges or 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 owner(s) of Register properties. Examples of economic incentives include but are not limited to tax relief, conditional 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.

“Local Review Board”, or “Board” as used in Chapter 84.26 RCW and Chapter 254-20 WAC for the special valuation of historic properties means the Commission created in Pomeroy Municipal Code 14.28.040.

“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.

An “object” is 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.

“Ordinary repair and maintenance” means work for which a permit issued by the City of Pomeroy 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 appurtenant thereon and to restore the same, as nearly as may be practicable, to the condition prior to the occurrence of such deterioration, decay, or damage.

“Owner” of property is the fee simple owner of record as exists on the Garfield County Assessor’s records.

“Pomeroy Historic Inventory” or “Inventory” means the comprehensive inventory of historic and prehistoric resources within the boundaries of the City of Pomeroy.

“Pomeroy Historic Preservation Commission” or “Commission” means the Commission created in Pomeroy Municipal Code Section 14.28.040.

“Pomeroy Register of Historic Places”, “Local Register”, or “Register” means the listing of locally designated properties provided for in Pomeroy Municipal Code Section 14.28.050.

“RCW” means Revised Code of Washington. Any reference to section or chapter of the RCW in this Chapter shall be treated as a reference to the section or chapter of the RCW as the same exists now or may hereafter be amended.

“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. 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.

A “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.

“Special Valuation for Historic Properties” or “Special 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 in accordance with the provisions of Chapter 84.26 RCW.

“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.

A “structure” is a work made up of interdependent and interrelated parts in a definite pattern of organization. Generally constructed by man, it is often an engineering project.

“Universal Transverse Macerator” or “UTM” means the grid zone in metric measurement providing for an exact point of numerical reference.

“WAC” means Washington Administrative Code. Any reference to section or chapter of the WAC in this Chapter shall be treated as a reference to the section or chapter of the WAC as the same exists now or may hereafter be amended.

“Waiver of a Certificate of Appropriateness” or “Waiver” means the document indicating that the Commission has reviewed the proposed whole or partial demolition of a local register property or in a local register historic district 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.

“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 Pomeroy 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.

14.28.040 Pomeroy Historic Commission.

A. Creation and Purpose. There is hereby established a City of Pomeroy Historic Preservation Commission. The Commission shall:

1. Identify, evaluate, and designate historic resources;
2. Protect archaeological and historic resources;

3. Provide historic preservation information services; and
4. Establish one or more classes of historic property eligible for special valuation pursuant to Chapter 84.26 RCW.

B. Membership.

1. The Commission shall consist of seven voting members, recommended by the mayor and appointed by the city council. There shall be an additional three non-voting, advisory members. Advisory members shall represent historical, cultural, or development related organizations within the City of Pomeroy, recommended by the mayor and appointed by the city council.
2. Names may be submitted to the mayor from any source. The mayor shall notify Pomeroy city heritage and development-related organizations of vacancies so that names of interested and qualified individuals may be submitted by such organizations for consideration.
3. When possible at least two voting members shall have professional experience in identifying, evaluating, and protecting historic resources and be selected from among the disciplines of history, architecture, architectural history, historic preservation, planning, cultural anthropology, archaeology, cultural geography, American studies, law or real estate.
4. Two voting members shall own commercial buildings within the Pomeroy Historic District; two voting members shall own residential buildings within the City of Pomeroy; and one voting member shall represent institutional buildings within the City of Pomeroy. Nothing shall prohibit a voting member from simultaneously representing a type of building (paragraph 4) and a discipline (paragraph 3).
5. Members shall be residents of the City of Pomeroy or own building(s) within the Pomeroy Historic District (as defined by the Historic Preservation Commission) PROVIDED that exception to the residency requirement for Commission members may be granted in order to obtain representatives from the disciplines of history, architecture, architectural history, historic preservation, planning, cultural anthropology, archaeology, cultural geography, American studies, law or real estate.
6. Members of the Commission shall have a demonstrated interest and competence in historic preservation and heritage issues and possess qualities of impartiality and broad judgment.

7. Members shall be selected without respect to political affiliations.
8. The original appointment of members to the Commission shall be as follows: two for two years, two for three years, and three for four years. Thereafter, appointments shall be made for a three year term.
9. Vacancies for any unexpired term shall be filled for the remainder of the unexpired term.
10. Commission action that would otherwise be valid shall not be rendered invalid by the temporary vacancy of one or more positions as long as a quorum of four voting members is present.

C. Powers and Duties.

The major responsibility of the Historic Preservation Commission is to identify and actively encourage the conservation of the City's historic resources by initiating and maintaining a register of historic places and reviewing proposed changes to register properties; to raise community awareness of the City's history and historic resources; and to serve as the City's primary resource in matters of history, historic planning, and preservation. In carrying out these responsibilities, the Historic Preservation Commission shall engage in the following:

1. Conduct and maintain a comprehensive inventory of historic resources within the boundaries of the City of Pomeroy and known as the City of Pomeroy Historic Inventory, and publicize and periodically update inventory results. Properties listed on the inventory shall be recorded on official zoning records with an "HI" (for historic inventory designation). This designation shall not change or modify the underlying zoning classification.
2. Initiate and maintain the City of Pomeroy Register of Historic Places. This official register shall be compiled of buildings, structures, sites, objects, and districts identified by the Commission as having historic significance worthy of recognition and protection by the City of Pomeroy and encouragement of efforts by owners to maintain, rehabilitate, and preserve properties.
3. Review nominations to the City of Pomeroy Register of Historic Places according to criteria in this Chapter and adopt standards in its rules to be used to guide this review.
4. Review proposals to construct, change, alter, modify, remodel, move, demolish, or significantly affect properties or districts on the register as provided in this Chapter; and adopt standards in its rules to be

used to guide this review and the issuance of a certificate of appropriateness or waiver.

5. Provide for the review either by the Commission or its staff of all applications for approvals, permits, environmental assessments or impact statements, and other similar documents pertaining to identified historic resources or adjacent properties.
6. Conduct all Commission meetings in compliance with Chapter 42.30 RCW, Open Public Meetings Act, to provide for adequate public participation and adopt standards in its rules to guide this action.
7. Participate in, promote and conduct public information, educational and interpretive programs pertaining to historic and prehistoric resources.
8. Establish liaison support, communication and cooperation with federal, state, and other local government entities which will further historic preservation objectives, including public education, within the City of Pomeroy area.
9. Review and comment to the City Council on land use, housing and redevelopment, municipal improvement and other types of planning and programs undertaken by any agency of the City of Pomeroy, other neighboring communities, Garfield County, and the state or federal governments, as they relate to historic resources of the City.
10. Advise the City Council and mayor generally on matters of Pomeroy history and historic preservation.
11. Perform other related functions assigned to the Commission by the City Council or mayor.
12. 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.
13. Officially recognize excellence in the rehabilitation of historic buildings, structures, sites and districts, and new construction in historic areas; and encourage appropriate measures for such recognition.
14. Be informed about and provide information to the public and City departments on incentives for preservation of historic resources including legislation, regulations and codes which encourage the use and adaptive reuse of historic properties.

15. Review nominations to the State and National Registers of Historic Places.
16. Investigate and report to the mayor and City Council on the use of various federal, state, local or private funding sources available to promote historic resource preservation in the City of Pomeroy.
17. Serve as the local review board for Special Valuation and:
 - a. Make determination concerning the eligibility of historic properties for special valuation;
 - b. Verify that the improvements are consistent with the Washington State Advisory Council's Standards for Rehabilitation and Maintenance:
 - c. Enter into agreements with property owners for the duration of the special valuation period as required under WAC 254-20-070(2);
 - d. Approve or deny applications for special valuation;
 - e. Monitor the property for continued compliance with the agreement and statutory eligibility requirements during the 10 year special valuation period; and
 - f. Adopt bylaws and/or administrative rules and comply with all other local review board responsibilities identified in Chapter 84.26 RCW.
18. The Commission shall adopt rules of procedure to assist the Commission in carrying out its duties pursuant to this Chapter generally and items 3 and 4 of this subsection specifically.

D. Compensation. All Commission members shall serve without compensation.

E. Rules. The Commission shall adopt bylaws and/or administrative rules governing:

1. Compliance with the Open Public Meetings Act (Chapter 42.30 RCW);
2. Rules of parliamentary procedure utilizing Robert's Rules of Order;
3. Order and conduct of business; and
4. Frequency of meetings.

F. Officers. The Commission shall select from among its members a chairperson and such other officers as may be necessary to conduct the Commission's business.

G. Staff. Staff assistance may be provided for the Commission by the city subject to annual budget review and appropriation by the City Council.

14.28.050 Pomeroy Register of Historic Places.

A. Criteria for Determining Designation in the Register. An owner of property within the City of Pomeroy may request in writing the inclusion of the property in the Pomeroy Register of Historic Places. Any building, structure, site, object, or district requested in writing by its owner may be designated for inclusion in the Pomeroy Historic 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 an historic person or event.
8. Is a birthplace or grave of an 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 or Districts to the Pomeroy Historic Register.

1. Any building, structure, site, object, or district may be nominated in writing by the owner of the such building, structure, site, object or district for inclusion in the Pomeroy Historic Register. In evaluating whether a nominated building, structure, site, object or district should be included in the Pomeroy Historic Register, the Commission shall consider the Pomeroy Historic Inventory and the City Comprehensive Plan.

2. In the case of individual properties, the designation shall include all features—interior and exterior—and outbuildings that contribute to its designation.

3. In the case of districts, the designation shall include description of the boundaries of the district; the characteristics of the district which justifies its designation; and a list of all properties including features, structures, sites, and objects which contribute to the designation of the district.

4. The Historic Preservation Commission shall consider the merits of the nomination, according to the criteria in this Chapter and according to the nomination review standards established in rules, at a public meeting. Adequate notice will be given to the public, the owner(s) and the authors of the nomination, if different, and lessees, if any, of the subject property prior to the public meeting according to standards for public meetings established in rules and in compliance with Chapter 42.30 RCW, Open Public Meetings Act. Such notice shall include publication in a newspaper of general circulation in the City of Pomeroy and posting of the property. If the Commission finds that the nominated property is eligible for the Pomeroy Historic Register, the Commission shall list the property in the Register with owner's consent. In the case of historic districts, the Commission shall consider a simple majority of property owners to be adequate for owner consent. The public, property owner(s) and the authors of the nomination, if different, and lessees, if any, shall be notified of the listing.

5. Properties listed on the Pomeroy Historic Register shall be recorded on official zoning records with an "HR" (for Historic Register) designation. This designation shall not change or modify the underlying zoning classification.

C. Removal of Properties from the Register.

1. A property owner may request review of the owner's property for removal from the local register by submitting a written request to the Commission. Upon such request the Commission shall schedule a public meeting for consideration of the removal within 30 days of the date of receipt of the request. The property

owner must notify the Commission within one week of the conclusion of the public meeting that the property will be removed from the local register or that the removal request has been rescinded. Failure by the property owner to so notify the Commission will result in the property remaining on the register.

2. A property may be removed from the local register if alterations to the property result in loss of historical integrity.

3. In the event that a property is no longer deemed appropriate for designation to the local register, the Commission may initiate removal from such designation by providing notice to the property owner of the intent of the Commission to remove the property from the Pomeroy Historic Register. The same criteria that must be evaluated by the Commission to initially determine whether a building, structure, site, object or district should be included in the Pomeroy Historic Register, shall be evaluated at a public meeting and the decision of the Commission shall be final.

4. A property may be removed from the local register without the owner's consent.

D. Effects of Listing on the Register.

1. Listing on the Pomeroy Historic Register is an honorary designation denoting significant association with the historic, archaeological, engineering, or cultural heritage of the community. Properties are listed individually or as contributing properties to an historic district.

2. Prior to the commencement of any work on a register property, excluding ordinary repair and maintenance and emergency measures defined in this Chapter, the owner must request and receive a Certificate of Appropriateness from the Commission for the proposed work. Violation of this rule shall be grounds for the Commission 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 of Pomeroy is certified as a Certified Local Government (CLG), all properties listed on the Pomeroy Historic Register may be eligible for Special Tax Valuation on their rehabilitation. The City of Pomeroy makes no representations concerning taxable issues pertaining to property listed on the Pomeroy Historic Register.

17.28.060 Review of Changes to Pomeroy Register of Historic Places and Properties

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 Pomeroy Historic Register or within an historic district on the Pomeroy Historic Register without review by the Commission and without receipt of a Certificate of Appropriateness, or in the case of demolition, a waiver, as a result of the review. The review shall apply to all features of the property, interior and exterior, that contribute to its designation and are listed on the nomination form. Information required by the Commission to review the proposed changes are established in rules.

B. Exemptions.

Ordinary repair and maintenance and emergency repair do not require a certificate of appropriateness or review by the Commission.

C. Review Process.

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

The building or zoning official shall report any application for a permit to work on a designated Pomeroy Historic Register Register property or in a Pomeroy Historic Register historic district to the Commission. If the activity is not exempt from review, the Commission or professional staff shall notify the applicant of the review requirements. The building or zoning official shall not issue any such permit until a Certificate of Appropriateness or a waiver is received from the Commission but shall work with the Commission in considering building and fire code requirements. Information required by the Commission to review the proposed changes is established in the Washington state advisory council standards for the rehabilitation and maintenance of historic properties as set forth in Chapter 254-20 WAC as presently enacted or hereinafter amended. A copy of the standards will be available from the Commission.

2. Commission Review.

The owner or his/her agent (architect, contractor, lessee, etc.) shall apply to the Commission for a review of proposed changes on a Pomeroy Historic Register property or within a the Pomeroy Historic Register historic district and request a Certificate of Appropriateness or, in the case of demolition, a waiver. Each application for review of proposed changes shall be accompanied by such information as is required by the Commission established in its rules for the proper review of the proposed project. The Commission shall meet with the applicant and review the proposed work according to the design review criteria established in rules. Unless legally required, there shall be no notice, posting, or publication requirements for action on the application, but all such actions shall be made at regular meetings of the Commission. The Commission shall complete its review and make its recommendations within thirty (30) calendar days of the

date of receipt of the application. If the Commission is unable to process the request, the Commission may ask for an extension of time. The Commission's recommendations shall be in writing and shall state the findings of fact and reasons relied upon in reaching its decision. Any conditions agreed to by the applicant in this review process shall become conditions of approval of the permits granted. If the owner agrees to the Commission's recommendations, a Certificate of Appropriateness shall 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 shall be transmitted to the building or zoning official. If a Certificate of Appropriateness is awarded, the building or zoning official may then issue the permit.

3. 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 Pomeroy Historic Register property or in a the Pomeroy Historic Register historic district. The owner or his/her agent shall apply to the Commission for a review of the proposed demolition and request a waiver. The applicant shall meet with the Commission in an attempt to find alternatives to demolition. These negotiations may last no longer than 45 calendar 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 shall act and advise the official in charge of issuing a demolition permit of 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 calendar days to develop alternatives to demolition. When issuing a waiver the board may require the owner to mitigate the loss of the Pomeroy Historic Register property by means determined by the Commission at the meeting. Any conditions agreed to by the applicant in this review process shall become conditions of approval of the permits granted. After the property is demolished, the Commission shall initiate removal of the property from the register.

4. Appeal of Approval or Denial of a Waiver of a Certificate of Appropriateness.

The Commission's decision regarding a waiver of a Certificate of Appropriateness may be appealed to the City Council within ten days. The appeal must state the grounds upon which the appeal is based.

The appeal shall be reviewed by the council only on the records of the Commission. Appeal of Council's decision regarding a waiver of a Certificate of Appropriateness may be appealed to Superior Court.

17.28.070 Review and Monitoring of Properties for Special Property Tax Valuation.

A. Time Lines.

1. Applications shall be forwarded to the Commission by the City Clerk within 10 calendar days of receipt of the filing by the City Clerk from the County Assessor.
2. Applications shall be reviewed by the Commission before December 31 of the calendar year in which the application is made.
3. Commission decisions regarding an application shall be certified in writing and filed with the County Assessor within 10 calendar days of issuance.

B. Procedure.

1. The County Assessor forwards the application(s) to the Commission.
2. The Commission reviews the application(s), consistent with its rules of procedure, and determines if the application(s) are complete and if the properties meet the criteria set forth in WAC 254-20-070(1) and identified in this Chapter.
 - a. If the Commission finds the properties meet all the criteria, then, on behalf of the City of Pomeroy, the Commission enters into an Historic Preservation Special Valuation Agreement as set forth in WAC 254-20-120 with the owner. Upon execution of the agreement between the owner and Commission, the Commission approves the application(s).
 - b. If the Commission determines the properties do not meet all the criteria, then it shall deny the application(s).
3. The Commission certifies its decisions in writing and states the facts upon which the approvals or denials are based and files copies of the certifications with the assessor.
4. For approved applications:
 - a. The Commission forwards copies of the agreements, applications, and supporting documentation identified in WAC 254-20-090 (4) and in this Chapter to the Garfield County Assessor;
 - b. The Commission notifies the state review board that the properties have been approved for special valuation; and
 - c. The Commission monitors the properties for continued compliance with the agreements throughout the 10-year special valuation period.

5. The Commission determines, in a manner consistent with its rules of procedure, whether or not properties are disqualified from special valuation either because of:

- a. The owner's failure to comply with the terms of the agreement; or
- b. 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 Commission concludes that a property 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.

C. Criteria.

1. Historic Property Criteria:

The class of historic property eligible to apply for Special Valuation in the City of Pomeroy 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 of Pomeroy becomes a Certified Local Government (CLG). Once a CLG, the class of property eligible to apply for Special Valuation in the City of Pomeroy means all properties listed on the Local Register of Historic Places or properties certified as contributing to an Local 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.

2. Application Criteria: Complete applications shall consist of the following documentation:

- a. A legal description of the historic property;
- b. Comprehensive exterior and interior photographs of the historic property before and after rehabilitation;
- c. Architectural plans or other legible drawings depicting the completed rehabilitation work;
- d. 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 shall be made available to the Commission upon request; and

e. For properties located within historic districts, in addition to the standard application documentation, a statement from the secretary of the interior or appropriate local official, as specified in the Commission's administrative rules or in this Chapter, indicating the property is a certified historic structure is required.

3. Property Review Criteria: In its review the Commission shall determine if the property meet all the following criteria:

a. The property is historic property;

b. The property is included within a class of historic property determined eligible for Special Valuation by the City of Pomeroy pursuant to this Chapter;

c. The property has been rehabilitated at a cost which meets the definition set forth in RCW 84.26.020(2) and identified in this Chapter within twenty-four months prior to the date of application; and

d. 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 identified in this Chapter.

4. 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 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.

D. Agreement: The historic preservation special valuation agreement in WAC 254-20-120 shall be used by the Commission as the minimum agreement necessary to comply with the requirements of RCW 84.26.050(2).

E. Appeals: Any decision of the Commission on an application for classification as historic property eligible for special valuation may be appealed to Garfield County Superior Court under RCW 34.05.510 through 34.05.598 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 Garfield County Board of Equalization in accordance with RCW 84.40.038.

Section 2. If any section, sentence, clause or phrase of this ordinance should be held 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 3. This Ordinance shall take effect and be in full force five (5) days after this ordinance or a summary thereof consisting of the title is published.

APPROVED:

MAYOR CLAY BARR

ATTEST/AUTHENTICATED:

CITY CLERK, SHAUN MARTIN

APPROVED AS TO FORM:
OFFICE OF THE CITY ATTORNEY

BY _____

FILED WITH THE CITY CLERK:
PASSED BY THE CITY COUNCIL:
PUBLISHED:
EFFECTIVE DATE:
ORDINANCE NO. _____

SUMMARY OF ORDINANCE NO. 02-_____

of the City of Pomeroy, Washington

On the ____ day of _____, 2002, the City Council of the City of Pomeroy, Washington, passed Ordinance No. 02-_____. A summary of the content of said Ordinance, consisting of the title, provides as follows:

AN ORDINANCE OF THE CITY OF POMEROY, WASHINGTON, ADDING A NEW CHAPTER 14.28 TO THE POMEROY MUNICIPAL CODE; ADOPTING REGULATIONS PERTAINING TO HISTORIC PRESERVATION IN THE CITY OF POMEROY; CONTAINING A SEVERABILITY CLAUSE; AND SETTING AN EFFECTIVE DATE.

The full text of this Ordinance will be mailed upon request.

DATED this ____ day of _____, 2002.

CITY CLERK, SHAUN MARTIN