

**ORDINANCE NUMBER 79 -05**

**ORDINANCE AMENDING TITLE 17 OF THE MASON COUNTY  
CODE, ADDING CHAPTER 17.40 ENTITLED "MASON  
COUNTY HISTORIC PRESERVATION ORDINANCE"**

AN ORDINANCE adopting amendments to the Mason County Code by adding a new Chapter 17.40, under the authority of Chapters 36.70 and 36.70A RCW, the County's police powers and any other applicable authority.

WHEREAS, the Board finds that the Historic Preservation Ordinance regulates the protection and preservation of historic and cultural resources within the boundaries of Mason County;

WHEREAS, the Board finds that the current regulations do not provide land use guidelines and development standards for the protection of or methods to preserve historic and cultural resources within Mason County;

WHEREAS, the Board finds that the Mason County Comprehensive Plan identifies goals and policies relating to historic preservation to identify and protect historic resources;

WHEREAS, the Board finds that under RCW 36.70A.040 (Growth Management Act), the Historic Preservation element is established to identify and encourage the preservation of lands, sites and structures that have historical or archaeological significance;

WHEREAS, the Board finds that tools necessary to comply with the established goals and policies of both the County's Comprehensive Plan and RCW 36.70A.040 will not be provided if the County fails to act and adopt the appropriate land use regulations and standards to protect the valuable historic and cultural resources;

WHEREAS, the Mason County Planning Advisory Commission held a public hearing on the proposed amendment on June 20, 2005, forwarding a recommendation to the Board of County Commissioners;

WHEREAS, the Board of County Commissioners held a public hearing on August 2, 2005, to consider amendments to Title 17 to address these concerns;

NOW, THEREFORE, THE BOARD OF COMMISSIONERS OF MASON COUNTY DO HEREBY ORDAIN as follows:

**SECTION 1.**

The Mason County Code, Title 17 , is amended by the addition of Chapter 17.40 as shown on ATTACHMENT A, entitled Historic Preservation Ordinance;

**SECTION 2.**

This amendment shall take effect thirty (30) days after adoption;

DATED this 2nd day of August, 2005

Board of Commissioners  
Mason County, Washington

  
\_\_\_\_\_  
Tim Sheldon

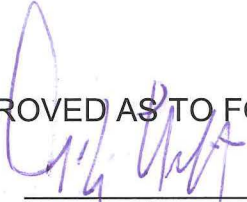
  
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Lynda Ring Erickson

  
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Jayni L. Kamin, Chair

ATTEST:

  
\_\_\_\_\_  
Clerk of the Board

APPROVED AS TO FORM

  
\_\_\_\_\_  
CHIEF DPA  
Prosecuting Attorney

# **ATTACHMENT A**

## **MASON COUNTY**

### **HISTORIC PRESERVATION ORDINANCE**

#### **TITLE 17**

#### **CHAPTER 17.40 - MASON COUNTY CODE**

<b>17.40.100</b>	Purpose
<b>17.40.110</b>	Title
<b>17.40.120</b>	Definitions
<b>17.40.130</b>	Mason County Historic Preservation Commission
<b>17.40.140</b>	Mason County Register of Historic Places
<b>17.40.150</b>	Review of Changes to Mason County Historic Register
<b>17.40.160</b>	Review and Monitoring of Properties for Special Property Tax

#### **17.40.100. PURPOSE**

The purpose of this ordinance is to provide for the identification, evaluation, designation, and protection of designated historic and prehistoric resources within the boundaries of Mason County and preserve and rehabilitate eligible historic properties within Mason County 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 Mason County as represented by those buildings, districts, objects, sites and structures which reflect significant elements of Mason County history;
- B. Foster civic and neighborhood pride in the beauty and accomplishments of the past, and a sense of identity based on the Mason County 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.

#### **17.40.110 SHORT TITLE**

The following sections shall be known and may be cited as the "Historic Preservation Ordinance of Mason County."

#### **17.40.120 DEFINITIONS**

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

- A. "Mason County Historic Inventory" or "Inventory" means the comprehensive inventory of historic and prehistoric resources within the boundaries of the Mason County.
- B. "Mason County Historic Preservation Commission" or "Commission" means the commission created by Section 17.40.130(A) herein.
- C. "Mason County Register of Historic Places", "Local Register", or "Register" means the listing of locally designated properties provided for in Section 17.40.140 herein.
- D. "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 usable 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.
- E. A "building" is a structure constructed by human beings. This includes both residential and nonresidential buildings, main and accessory buildings.
- F. "Certificate of Appropriateness" means the document indicating that the 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.
- G. "Certified Local Government" or "CLG" means the designation reflecting that the local government has been jointly certified by the State Historic Preservation Officer and the National Park Service as having established its own historic preservation commission and a program meeting Federal and State standards.
- H. "Class of properties eligible to apply for Special Valuation in Mason County" 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 Mason County becomes a Certified Local Government (CLG). Once a CLG, the class of properties eligible to apply for Special Valuation in Mason County means only properties listed on

the Local Register of Historic Places or properties certified as contributing to a 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.

- I. "Cost" means the actual cost of rehabilitation, which cost shall be at least twenty-five percent of the assessed valuation of the historic property, exclusive of the assessed value attributable to the land, prior to rehabilitation.
- J. 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.
- K. "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.
- L. "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.
- M. "Incentives" are such rights or privileges or combination thereof which the Mason County Board of Commissioners, 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.
- N. "Local Review Board", or "Board" used in Chapter 84.26 RCW and Chapter 254-20 WAC for the special valuation of historic properties means the commission created in Section 17.40.160 herein.
- O. "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.
- P. 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.
- Q. "Ordinary repair and maintenance" means work for which a permit issued by the Mason County is not required by law, and where the purpose and effect of such work is to correct any deterioration or decay of or damage to the real property or structure appurtenance therein and to restore the same, as nearly as may be practicable, to the condition prior to the occurrence of such deterioration, decay, or damage.
- R. "Owner" of property is the fee simple owner of record as exists on the Mason County County Assessor's records.

- S. "Significance" or "significant" used in the context of historic significance means the following: a property with local, state, or national significance is one which helps in the understanding of the history or prehistory of the local area, state, or nation (whichever is applicable) by illuminating the local, statewide, or nationwide impact of the events or persons associated with the property, or its architectural type or style in information potential. The local area can include Shelton, Mason County or the Olympic or South Puget Sound Region of Washington, or a modest geographic or cultural area, such as a neighborhood. Local significance may apply to a property that illustrates a theme that is important to one or more localities; state significance to a theme important to the history of the state; and national significance to property of exceptional value in representing or illustrating an important theme in the history of the nation.
- T. 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 location 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.
- U. "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. (Chapter 84.26 RCW).
- V. "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.
- W. 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.
- X. "Universal Transverse Mercator" or "UTM" means the grid zone in metric measurement providing for an exact point of numerical reference.
- Y. "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.
- Z. "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 Mason County 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.

## **17.40.130 MASON COUNTY HISTORIC PRESERVATION COMMISSION**

### **A. Creation and Size**

There is hereby established a Mason County Historic Preservation Commission, consisting of seven (7) members, as provided in subsection B(3) below. Members of the Mason County Historic Preservation Commission shall be appointed by the Mason County Board of Commissioners and shall be residents of Mason County except as provided in subsection 17.40.130(B)2 below.

### **B. Composition of the Commission**

1. All members of the Commission must have a demonstrated interest and competence in historic preservation and possess qualities of impartiality and broad judgment.
2. The Commission should include at least two (2) professionals who have experience in identifying, evaluating, and protecting historic resources and are selected from among the disciplines of architecture, history, architectural history, planning, prehistoric and historic archaeology, folklore, cultural anthropology, curation, conservation, and landscape architecture, or related disciplines; and one (1) member who is a duly authorized representative of a local Indian Tribe. The 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 commission action is related to meeting Certified Local Government (CLG) responsibilities cited in the Certification Agreement between the Mason County Board of Commissioners and the State Historic Preservation Officer on behalf of the State. Exception to the residency requirement of up to two (2) Commission members may be granted by the Mason County Board of Commissioners in order to obtain representatives from these disciplines.
3. In making appointments, the Mason County Commissioners may consider names submitted from any source, but the Mason County Board of Commissioners shall notify history and Mason County 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.

### **C. Terms**

The original appointment of seven (7) members to the commission shall be as follows: three (3) for two (2) years, two (2) for three (3) years and two (2) for four (4) years. Thereafter, appointments shall be made for a three (3) year term. Vacancies shall be filled by the Mason County Board of Commissioners for the unexpired term in the same manner as the original appointment.

### **D. Powers and Duties**

The major responsibility of the Historic Preservation Commission is to identify and actively encourage the conservation of the Mason County'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 Mason County's history and historic resources; and to serve as Mason County'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 Mason County and known as the Mason County 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 zone classification.
2. Initiate and maintain the Mason County 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 Mason County and encouragement of efforts by owners to maintain, rehabilitate, and preserve properties.
3. Review nominations to the Mason County Register of Historic Places according to criteria in Section 17.40.140(B) of this ordinance 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 Section 17.40.150; 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 Mason County area.
9. Review and comment to the Mason County Board of Commissioners on land use, housing and redevelopment, municipal improvement and other types of planning and programs undertaken by any agency of Mason County, other neighboring communities, Mason County, Native American tribes, state or federal governments, as they relate to historic resources of Mason County.
10. Advise the Mason County Commissioners generally on matters of Mason County history and historic preservation.
11. Perform other related functions assigned to the Commission by the Mason County Board of Commissioners.
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 Mason County 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 Mason County Board of Commissioners on the use of various federal, state, local or private funding sources available to promote historic resource preservation in Mason County.
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.
  - g) Work in conjunction with local Indian Tribes and the Tribal Historic Preservation Office (THPO) in determining the eligibility of properties for special valuation on those sites within the exterior boundaries of local Indian Reservations.
18. The Commission shall adopt rules of procedure to address items 3, 4, 6, and 17 inclusive.

**E. Compensation**

All members shall serve without compensation.

**F. Rules and Officers**

The Commission shall establish and adopt its own rules of procedure, and shall select from among its membership a chairperson and such other officers as may be necessary to conduct the Commission's business.

**G. Commission Staff**

Commission and professional staff assistance shall be provided by the Mason County Community Development Department with additional assistance and information to be provided by other Parks and Public Works departments as may be necessary to aid the Commission in carrying out its duties and responsibilities under this ordinance.

**17.40.140 MASON COUNTY REGISTER OF HISTORIC PLACES**

**A. Criteria for Determining Designation in the Register**

Any building, structure, site, object, or district may be designated for inclusion in the Mason County 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 two (2) 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 Mason County'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 including person(s) significant in local Tribal history.
6. Has yielded or may be likely to yield important archaeological information related to history or prehistory. (Archaeological sites are further regulated under WAC 25-48 - Archaeological Excavation and Removal Permit, RCW 27.44 - Indian Graves and Records and RCW 27.53 - Archaeological Sites and Resources)
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 Mason County Local Historic Register**

1. Any person may nominate a building, structure, site, object, or district for inclusion in the Mason County Register. The owner must consent to placement of the nominated resource prior to consideration for designation by the commission. In the case of property within the exterior boundaries of an Indian Reservation, Tribal consent is required. In its designation decision, the Commission shall consider the Mason County Historic Register and the Mason County Comprehensive Plan.
2. In the case of individual properties, the designation shall include the UTM reference and 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 Section 17.40.140(A) and according to the nomination review standards established in rules, at a public meeting. Adequate notice will be given to the public, Tribal representatives, 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 Mason County, and posting of the property. If the Commission finds that the nominated property is eligible for the Mason County Historic Register, the Commission shall make a recommendation to the Mason County Board of Commissioners that the property be listed in the Mason County Local Register with the owners consent. In the case of historic districts, the commission shall consider a super majority of 60% of property owners within the proposed district boundary to be adequate for owner consent. Owner consent and notification procedures in the case of districts shall be further defined in rules. 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 Mason County Register shall be recorded on official zoning records with an "HR" (for Historic Register) designation. This designation shall not change or modify the underlying zone classification.

#### **C. Removal of Properties from the Register**

In the event that any property is no longer deemed appropriate for designation to the Mason County Historic Register, the Commission may initiate removal from such designation by the same procedure as provided for in establishing the designation, Section 17.40.140(B). A property may be removed from the Mason County Register without the owner's consent.

#### **D. Effects of Listing on the Register**

1. Listing on the Mason County 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 Section 17.40.150, 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 Mason County Register is certified as a Certified Local Government all properties listed on the Mason County Historic Register may be eligible for Special Tax Valuation on their rehabilitation (Section 17.40.160).

#### **E. Designation or Removal of Property on Tribal Lands**

1. With regard to properties determined eligible for listing, no listing of any property within the boundaries of any Indian Reservation, or of any Tribal significant property shall occur without prior Tribal Consent.
2. Any property subject to removal from the Mason County Register, as noted in Section 17.40140(C) above, which is located within the exterior

boundary of an Indian Reservation shall not be removed without Tribal consent.

**17.40.150 REVIEW OF CHANGES TO MASON COUNTY REGISTER OF HISTORIC PLACES 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 Mason County Register or within an historic district on the Mason County 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. In the case of property within the exterior boundaries of an Indian Reservation, tribal consent shall be obtained prior to review by the Mason County Historic Preservation Commission.

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**

The following activities do not require a Certificate of Appropriateness or review by the commission: Ordinary repair and maintenance, which includes painting, or emergency measures defined in Section 17.40.120(K, Q) (Definitions section).

**C. Review Process**

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

The Community Development Director or his/her designee shall report any application for a permit to work on a designated Mason County Register property or in a Mason County 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 Community Development Director or his/her designee 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.

**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 Mason County Register property or within a Mason County 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 ninety (90) calendar days of the date of receipt of a complete application. If the commission is unable to process the request, the Commission may ask the owner 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 Mason County register property or in a Mason County 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 document the loss of the Mason County Register property by means determined by the Commission at the meeting, which may at a minimum include recent or historic photographs of the interior and exterior, construction plans if available, and a written history of the building outlining the historic significance. 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 Mason County Board of Commissioners within ten days. The appeal must state the grounds upon which the appeal is based.

The appeal shall be reviewed by the Mason County Board of Commissioners. Appeal of County's decision regarding a waiver of a Certificate of Appropriateness may be appealed to Superior Court.

**17.40.160 REVIEW AND MONITORING OF PROPERTIES FOR  
SPECIAL PROPERTY TAX VALUATION**

**A. Time Lines**

1. Applications shall be forwarded to the Commission by the assessor within 10 calendar days of filing. Application shall be made no later than October 1st of the calendar year preceding the first assessment year for which classification is requested.
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 the applications shall be certified in writing and filed with the assessor within 10 calendar days of issuance.

**B. Procedure**

1. The 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 listed in Section 17.40.160(C) of this ordinance.
  - a. If the Commission finds the properties meet all the criteria, then, on behalf of Mason County, it enters into an Historic Preservation Special Valuation Agreement (set forth in WAC 254-20-120 and in Section 17.40.160(D) of this ordinance) with the owner. Upon execution of the agreement between the owner and Commission, the Commission approves the application(s).
  - b. In the case of property located within the exterior boundary of an Indian Reservation, which is not tribal owned land, the application shall also be reviewed by the local Tribal Historic Preservation Office (THPO). The recommendation of the THPO shall then be forwarded to the Mason County Historic Preservation Commission.
  - c. 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 (as required by WAC 254-20-090 (4) and identified in Section 17.40.160(C) of this ordinance) to the assessor. This shall also include recommendations from the local THPO for any property located within the exterior boundaries of an Indian Reservation.
  - b. Notifies the state review board that the properties have been approved for special valuation, and
  - c. 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 Mason County 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 Mason County becomes a Certified Local Government (CLG). Once a CLG, the class of property eligible to apply for Special Valuation in Mason County means only property 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 Chapter 84.26 RCW.

**2. Application Criteria:**

Complete applications shall consist of the following documentation:

- a. A legal description of the historic property, including any association with local Indian Tribes;
- 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, and;
- 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 to 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 local administrative rules or by the local government, indicating the property is a certified historic structure is required.

**3. Property Review Criteria:**

In its review the Commission shall determine if the properties 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 Mason County under Section 17.40.140 of this ordinance;
- c. The property has been rehabilitated at a cost which meets the definition set forth in RCW 84.26.020(2) and as identified in Section 17.40.120(1) of this ordinance, 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 listed in Section 17.40.160(4) of this ordinance).

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 acting on any application for classification as historic property, eligible for special valuation, may be appealed to Superior Court. 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