



**CITY OF OAK HARBOR  
HISTORIC PRESERVATION COMMISSION  
Regular Meeting  
AGENDA**

Thursday, December 13, 2018 4:00 PM – 5:00 PM  
City Hall, 865 SE Barrington Drive, Council Chambers

1. ROLL CALL: Castellano \_\_\_\_\_ Pengilly \_\_\_\_\_ Apgar \_\_\_\_\_  
Evans \_\_\_\_\_ Juniper \_\_\_\_\_ Robinson \_\_\_\_\_  
Schopen \_\_\_\_\_
2. Election of Officers
3. Discussion of Items from October 25, 2018 Meeting
4. Adoption of Bylaws
5. Approve Application to DAHP for Certified Local Government Status
6. Set 2019 First Meeting Date
7. Adjournment

**City of Oak Harbor  
Historic Preservation Commission  
Regular Meeting Minutes  
October 25, 2018 at 4:00 PM**

**1. Roll Call**

**Present:**

Rick Castellano  
Suzi Pengilly  
Ron Apgar  
Dan Evans  
Jennifer Juniper  
Willa Robinson  
Lonnie Schopen

**Staff Present:**

Blaine Oborn, City Administrator  
Steve Powers, Development Services Director  
Ray Lindenburg, Associate Planner

The meeting was called to order at 4:00 PM.

**2. Introductions**

This was the inaugural meeting for the newly formed Historic Preservation Commission. Ray Lindenburg, Associate Planner, gave an overview of the agenda. The Commissioners introduced themselves.

**3. Overview of Commission Duties and Responsibilities**

Mr. Lindenburg reviewed the Commission's duties and responsibilities as listed in his staff report, which were put into place with the creation of Oak Harbor Municipal Code Chapter 18.50 "Historic Preservation". The two most important aspects at this time will be creating the inventory of historic places, and initiating and maintaining a registry of historic places. The Commission will conduct meetings and should consider hosting educational and interpretive programs. Steve Powers, Director of Development Services, welcomed input from all the Commission Members, and requested that those with professional expertise in the field give guidance to the Commission and staff as necessary.

**4. Overview of Staff's Role**

Mr. Lindenburg explained that he will turn over running the Commission Meetings to the Chairperson at the next meeting after the Election of Officers. Staff will continue to provide reports and packets and work on developing maps as the Commission establishes its inventory and register of historic places. After the Commission has adopted the Bylaws, staff will submit the application to the Washington State Department of Archaeology and Historic Preservation (DAHP) for Oak Harbor to become a Certified Local Government (CLG).

**5. Presentation and Discussion of Template Bylaws from DAHP**

Mr. Lindenburg gave a brief overview of the template bylaws provided by DAHP. Staff requested that the Commissioners review the bylaws and be prepared to make any recommendations for changes, and possibly adoption, at the next meeting. The Commission must adopt the bylaws before the application for a CLG can be submitted.

**6. Next Agenda**

Staff and the Commission discussed general questions and scheduling items for 2019, including possibly an educational presentation. The Commission discussed the Washington State Historic Register, the

Island County Historic Register, and how the Commission might use these as they work to establish a Register for Oak Harbor.

**7. Next Meeting Date Thursday, December 13, 2018**

The meeting adjourned at 4:51 PM.

Respectfully submitted,

Lisa Felix  
Senior Administrative Assistant  
Development Services

DRAFT



# Historic Preservation Commission

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## **STAFF REPORT**

December 13, 2018

### **Discussion of Items from Previous Meeting**

At the October 25, 2018 meeting of the Commission, a few topics were raised, and more information was requested of staff.

### **The Historic Inventory Map**

Staff will present a copy of the in-progress draft map at the meeting and invites discussion. The map is a major undertaking – it’s purpose is to ultimately include all buildings and sites of historic importance within the City of Oak Harbor. While some of this information can be gathered from hard data like the Tax Assessor’s records, the assistance of the members of the Commission and the greater community will be needed as well. While “main” buildings such as houses and commercial structures will be fairly easy to identify from those hard records, outbuildings, historical events, and other subjects are more difficult to identify and place.

### **The Special Valuation Process**

Several questions were raised about the process by which Special Valuations are determined. Staff will present a series of educational presentations to bring the Commission up to speed on the mechanics of how the Historic Preservation Ordinance works. Special Valuations are an important part of this process. However, staff would like to present the Historic Inventory Map and the process by which a property is placed on the Historic Register first, with the valuation discussion occurring at the next meeting. Staff anticipates that requests for listing on the Historic Register may begin soon and those requests will come directly to the Commission. Special Valuation requests are forwarded from the Island County Tax Assessor and must be acted on before December 31<sup>st</sup> of the year they were submitted.

### **Commission Membership Terms**

The expiration dates for each member are listed below:

Member	August 21, 2019	August 21, 2020	August 21, 2021	August 21, 2022
Rick Castellano				X
Suzi Pengilly			X	
Ron Apgar		X		
Dan Evans				X
Jennifer Juniper			X	
Willa Robinson		X		
Lonnie Schopen		X		

Following the initial appointment period, appointments and re-appointments will be made for 3-year terms. The staggered lengths of the initial appointment period were made only to ensure that there would not be complete turn-over at the expiration of those first terms.

### **Election of Officers**

As noted in OHMC 18.50.040(6), the Historic Preservation 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.” The proposed Bylaws specify the following, “the officers of this organization shall be Chair and Chair Pro Tem. The Recording Secretary, though present, shall not be a member. Officers beyond these mentioned are not a functional need of the Commission. Should the need arise on a permanent or temporary basis, the necessary office shall be voted in by a majority vote.”

Staff encourages discussion among the members to determine interest in the two positions mentioned in the bylaws, and a vote at the meeting to set those positions.

### **Adoption of Bylaws**

The bylaws presented to the Commission are based on a model bylaw document prepared by the Washington State Department of Archaeology and Historic Preservation (DAHP). Minor revisions have been made to fit the needs of the City and the document has been reviewed by the City Attorney. Staff recommends that the Commission adopt the bylaws as presented with specific language addressing Oak Harbor and the OHMC.

When the bylaws for the Historic Commission are approved, city staff will submit the proper materials to DAHP to apply for Certified Local Government approval. DAHP staff will then return a Certification Agreement to the city for the Mayor’s signature. Once that Certification Agreement has been signed and returned to DAHP, they will then forward the application to the National Park Service for final certification.

Application to DAHP for Certified Local Government Status  
Staff will submit the following materials to DAHP:

- Copy of the Historic Preservation Ordinance
- Application forms from the Historic Preservation Commission members; vitaes for the professional members
- Resume of staff assigned to the Commission
- Copy of approved Bylaws and Rules of Procedure for the Commission.

### **Future scheduling of meetings**

As noted previously, meetings will be scheduled on an as-needed basis but should generally be on the fourth Thursday of the month. Therefore, the next meeting is scheduled for January 24, 2019.

### **ATTACHMENTS**

1. Bylaws and Rules of Procedure

**BY-LAWS OF THE OAK HARBOR HISTORIC PRESERVATION  
COMMISSION**

**SECTION 1: GENERAL RULES AND PROCEDURES**

*These By-Laws establish the rules and procedures under which the Oak Harbor Historic Preservation Commission (Commission) executes those duties and functions set forth in Oak Harbor Municipal Code 18.50, "Historic Preservation Ordinance."*

**A. NAME**

1. The name of the organization shall be THE OAK HARBOR HISTORIC PRESERVATION COMMISSION.

**B. PURPOSE**

1. The purpose is to provide for the identification, evaluation, and protection of historic resources; raise community awareness; and serve as the city's primary resource in matters of history, historic planning, and preservation in a manner prescribed in OHMC 18.50, City of Oak Harbor Historic Preservation Ordinance.

**C. MEMBERSHIP**

1. The Commission shall consist of seven (7) members appointed by the Mayor and approved by the City Council as prescribed in OHMC 18.50, City of Oak Harbor Historic Preservation Ordinance,
2. Creation and Size: There is hereby established an Oak Harbor Historic Preservation Commission, consisting of seven (7) members, as provided in subsection B below. Members of the Oak Harbor Historic Preservation Commission shall be appointed by the Mayor and approved by the City Council and shall be residents of the City of Oak Harbor, except as provided in subsection B below.
3. Composition of the Commission:
  - a. All members of the Commission must have a demonstrated interest and competence in historic preservation and possess qualities of impartiality and broad judgment.
  - b. The Commission shall always include at least 2 professionals who have experience in identifying, evaluating, and protecting historic resources and are selected from the disciplines of history, architecture, architectural history, historic preservation, planning, cultural anthropology, archaeology, cultural geography, American studies, law, and real estate. 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 Mayor and the State Historic Preservation Officer. Furthermore, the Mayor, and City Council may grant exception to the residency requirement of Commission members in order to obtain representatives from these disciplines.

- c. In making appointments, the Mayor may consider individuals submitted from any source, but the Mayor shall notify history and city 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 sources.
4. Terms of Members
  - a. Appointments shall be made for a three-year term commencing 1 February. Mayoral appointments shall fill vacancies. The Commission shall actively seek applicants for vacancies and expired terms.

**D. ATTENDANCE OF MEMBERS**

1. All members shall attend regularly scheduled meetings and shall be on time. If three consecutive regularly scheduled meetings are missed without good cause as determined by the Commission, resignation shall be encouraged.

**E. QUORUM**

1. A quorum is a simple majority of the seven members eligible to vote at a meeting. Should there be less than seven members on the Commission at any given time, a quorum of four (4) shall be still be required. A quorum is necessary to transact any official business.

**F. OFFICERS AND STAFF**

1. The officers of this organization shall be Chair and Chair Pro Tem. The Recording Secretary, though present, shall not be a member. Officers beyond these mentioned are not a functional need of the Commission. Should the need arise on a permanent or temporary basis, the necessary office shall be voted in by a majority vote.
2. All officers shall perform their duties as prescribed by these by-laws and by parliamentary authority adopted by the organization.
  - a. The election for Chair and Chair Pro Tem shall be held at the regularly scheduled February meeting. Nominations shall be made from the floor and election held immediately before new business. The officers shall be elected for a one-year term or until their successors are elected, with their term of office beginning immediately after election.
  - b. The Chair shall preside over all regularly scheduled and all special or called meetings of the Commission. The Chair shall appoint members to specific task forces (ad-hoc) committees which term shall end when the task is completed. All tasks presented to a committee shall be executed in a timely manner.
  - c. The Chair Pro Tem assumes the duties of the Chair in the absence of the Chair. In the absence of the Chair, the Chair Pro Tem will have the same powers and duties as those of the Chair.
  - d. The Recording Secretary shall assure that the minutes of all Commission meetings are taken and provided to the appropriate persons.
  - e. Commission and professional staff assistance shall be provided by the City of Oak Harbor Development Services Department, and additional assistance and information to be provided by other city departments as may be necessary to aid the Commission in carrying out its duties and responsibilities as prescribed in OHMC 18.50, City of Oak Harbor Historic Preservation Ordinance.

- f. Development Services Department staff shall distribute information to members including minutes, information pertinent to tasks at hand, and all current and updated materials that members are in need of in order to carry out their tasks. Also, the Development Services Department staff shall act as an advisor to the Commission and shall notify members of meeting dates and times not less than five (5) days before the meeting.

## **F. POWERS AND DUTIES**

1. The major responsibility of the Historic Preservation Commission is to identify and actively encourage the conservation of the City of Oak Harbor historic resources by initiating and maintaining a register of historic resources, reviewing proposed changes to register properties, raising community awareness of the city's history and historic resources; and serving as the city's primary resource in matters of history, historic planning, and preservation.
2. Review nominations to the Oak Harbor Register of Historic Places according to criteria in Section 18.50.050 of the City of Oak Harbor Historic Preservation Ordinance and adopt criteria to be used to guide this review.
3. Review proposals to construct, change, alter, modify, remodel, move, demolish or significantly affect properties or districts on the register as provided in 18.50.060 of the City of Oak Harbor Historic Preservation Ordinance; and adopt standards to be used to guide this review, and the issuance of a certificate of appropriateness.
4. No member of the HPC shall advise or express an opinion about a proposed Certificated of Appropriateness outside of a regular meeting.

## **G. MEETINGS**

1. Meetings of this Commission shall be scheduled for a regular, predetermined monthly date and time. If no items are presented for the agenda, the Commission staff and the Chair will determine if a meeting is necessary on a particular date. Meetings will be conducted in compliance with Chapter 42-30 RCW, Open Public Meeting Act, to provide for adequate public participation. All meetings shall start on time and shall be executed expeditiously by the Chair.
2. Special meetings may be called by the Chair. The purpose of the meeting will be stated in the call. Except in emergencies, at least three (3) days notice shall be given for special meetings and five (5) days notice for regularly scheduled meetings.
3. Parliamentary authority of the meetings shall be the current edition of The Standard Code of Parliamentary Procedure (Sturgis).
4. Procedures for conducting regular meetings.
  - a. Pre-Meeting
    - i. If there are agenda items, regular meetings will be held monthly and a date and time specified by the HPC. In case of scheduling conflicts the meeting place may be changed at the discretion of the Chair with fourteen (14) days advance notice given to HPC members and the public. If the meeting date falls on an official holiday, the meeting may be changed to a time and place as determined by the HPC at the preceding month's meeting. If such a change occurs, the regular meeting place will be posted as to the new time and place.



- ii. If there are no agenda items, the Chair may cancel the regular meeting after giving all HPC members and the public 48 hours advance notice. However, if a majority of HPC members express the desire to hold the meeting, it shall convene as scheduled. If the meeting is canceled, a notice to that effect will be posted at the regular meeting place at the regular time.
  - iii. Special meetings may be called by the Chair or by a majority of the HPC members. Commission members will be given at least fourteen (14) days advance notice of the time and place of such meetings.
  - iv. All regular and special meetings will be open to the public and the date, place and agenda will be publicized in accordance with the Open Public Meetings Act (Chapter 42.30 RCW) except when a majority of Commission members determine that an executive session is necessary as detailed in the Open Public Meeting Act (Chapter 42.30.110). The agenda for regularly scheduled meetings shall be posted and advertised 72 hours prior to the regularly scheduled meetings.
  - v. The order of agenda items will be determined by their order of receipt. All applications, including design review, designation review and special valuation review must be filed at least four (4) weeks before the meeting at which the case is to be considered. This allows staff sufficient time to copy and distribute materials to HPC members.
  - vi. Staff shall be responsible for notifying principles in each case as specified under the rules for review procedures.
- b. Regular Order of Business for Meetings
- i. Business will be conducted under The Standard Code of Parliamentary Procedure. All issues will be decided by simple majority vote except amendments to the By-Laws, which require a vote of two-thirds (2/3) of the membership.
  - ii. Four (4) members or 51 percent (51%) of the non-vacant membership on the HPC constitute a quorum. Meetings without a quorum will be recessed to the earliest possible date.
  - iii. Minutes will be taken during all HPC proceedings. Additionally, the meetings may be taped to further clarify the minutes.
  - iv. The regular order of business shall be as follows:
    - (a) Call to order.
    - (b) Roll call.
    - (c) Adoptions of minutes.
    - (d) Unfinished business.
    - (e) New business.
    - (f) Other business.
    - (g) Adjournment.
  - v. The regular order of business for consideration for applications for local register review, design review and special valuation review shall be as follows:

- (a) The Chair or chair-designated person shall offer a preliminary statement concerning the application.
- (b) The applicant or the designated agent of the applicant presents statements in favor of the application including relevant pictures, models, etc.
- (c) Statements in opposition to the application.
- (d) Comments by interested persons, organizations, or legal entities.
- (e) Rebuttal by all concerned parties.
- (f) Staff comments.
- (g) Summary of above by Chair or chair-designated person.
- (h) Deliberation by Commission.
- (i) Motion for action.
- (j) Vote.

During the course of the meeting, the above procedure may be temporarily modified by the concurrence of all parties and the HPC.

- vi. The HPC shall act on each application at the meeting unless a majority of the Commission decide to defer consideration to a later date. Requests for continuance may be granted if all parties agree. The Chair will publicly announce the continuance, and the case automatically set on the agenda for the next regularly scheduled meeting. In such a case, no further notice is required for the principles in the case.
- c. Plan for copying, distributing and implementing rules
  - i. The master copies of all historic preservation related rules and procedures, application standards, criteria, and standard forms will remain on file with the City of Oak Harbor. Complete copies of these documents will be forwarded to the Mayor and members of the City Council. Complete copies of all such documents will be provided for the members of the HPC, City staff and Washington Department of Archeology and Historic Preservation.

## **H. AMENDING BY-LAWS**

These by-laws may be amended at any regularly scheduled meeting of The Oak Harbor Historic Preservation Commission by a 2/3 vote of the attending membership provided the amendment has been submitted in writing.

## **SECTION II: RULES AND PROCEDURES FOR DESIGNATION REVIEWS – OAK HARBOR REGISTER OF HISTORIC PLACES**

*Under the provisions of the Oak Harbor Historic Preservation Ordinance (HPO) the Oak Harbor Historic Preservation Commission (HPC or Commission) is directed to initiate and maintain a Oak Harbor Register of Historic Places (RHP or Register) and to review nominations to the Register.*

Any building, structure, site, object or district may be placed on the Register if:

1. The HPC determines it meets RHP criteria.
2. The Oak Harbor City Council approves it.

Any individual, group of property owners or other interested group or association, City or County Council member, Oak Harbor Historic Preservation Commission member or HPC as a whole may nominate a building, structure, site, object or district for inclusion on the Register. There shall be a minimum of one (1) public hearing as well as a posting of the hearing. Owner consent for individual properties is required for placement on the RHP.

### **A. OAK HARBOR REGISTER OF HISTORIC PLACES CRITERIA FOR LISTING**

**The following are criteria for the inclusion of properties on the Oak Harbor Register of Historic Places (RHP) pertaining to OHMC 18.50, City of Oak Harbor Historic Preservation Ordinance.**

Any building, structure, site, object, or district may be placed on the RHP if it is significantly associated with history, architecture, archaeology, engineering, or cultural heritage of Oak Harbor: has historical integrity; is at least 50 years old, or, if of lesser age, possesses exceptional importance; and if it meets at least one of the following criteria:

1. It is associated with events that have made a significant contribution to the broad patterns of national, state or local history.
2. It embodies the distinctive architectural characteristics of a type, period, style, or method of construction, or represents a significant and distinguishable entity whose components may lack individual distinction.
3. It is an outstanding work of a designer, builder or architect who has made a substantial contribution to the art.
4. It exemplifies or reflects special elements of the City's cultural, special, economic, political, aesthetic, engineering or architectural history.
5. It is associated with the lives of persons significant in national, state, or local history.
6. It has yielded or is likely to yield important archaeological information.
7. It 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. It is a birthplace or grave of a historical fixture of outstanding importance and is the only surviving structure or site associated with that person.
9. It is a cemetery that derives its primary significance from age, from distinctive design features, or from association with historic events or cultural patterns.

10. It is a reconstructed building that has been executed in a historically accurate manner on the original site.
11. It 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. APPLICATION REQUIREMENTS FOR OAK HARBOR REGISTER OF HISTORIC PLACES**

An acceptable Oak Harbor Register of Historic Places application is a nomination form completed according to uniform guidelines of The Oak Harbor Historic Preservation Commission.

All interior and exterior features and outbuildings that contribute to the designation should be mentioned and described. District designations should include a description of proposed district boundaries including alleys, the characteristics of the district which justifies its designation, and a list of all properties including features, structures, sites, objects and open spaces which contribute to the designation of the district.

The original form should be presented along with the following documentation:

1. Copy of the historic property inventory form.
2. Current and historic (if available) photographs.
3. Newspaper articles.
4. Other relevant materials.

Incomplete forms or those with insufficient documentation will not be considered and will be returned to the applicant with recommendations

## **C. PROCEDURES FOR DESIGNATION REVIEW MEETINGS**

1. Pre-meeting
  - a. Applicant or Designated Agent:
    - i. Meets with HPC staff (Staff) concerning the application form and the necessary documentation.
    - ii. Submits the completed application to Staff at least one (1) month before the regularly scheduled meeting at which the application is to be considered.
  - b. Staff:
    - i. Meets with the applicant concerning the application form and the necessary documentation.
    - ii. Reviews the application for completeness and includes the case on the agenda based on determination that the application is complete.
2. Meeting
  - a. Designation review will occur at regularly scheduled meetings as detailed in the rules for conducting HPC meetings.

- b. The regular order of business for consideration of applications to the RHP shall be as follows:
  - i. The Chair or Chair designated person shall offer a preliminary statement concerning the application.
  - ii. The applicant or designated agent of the applicant presents statements in favor of the application including relevant photographs, historic documentation, etc.
  - iii. Questions by Commissioners.
  - iv. Statements in opposition to the application.
  - v. Comments by HPC, interested persons, organizations or legal entities.
  - vi. Rebuttal by all concerned parties.
  - vii. Staff comments.
  - viii. Summary of above by Chair or designated person.
  - ix. Deliberation by Commission.
  - x. The motion for the recommendation should be based on the designation criteria. Criteria should be included in the motion.

During the course of the meeting, the above procedure may be temporarily modified by the concurrence of all parties and the HPC.

- c. Commission members apply designation criteria to the property or district to evaluate the nomination.

The members should consider information related to the designation criteria as presented above during the designation meeting and from the site visit.

The Commission:

- i. Determines the category of historic property.
- ii. Establishes a context for evaluating the property.
- iii. Identifies the level of significance (National, State, local).
- iv. Evaluates the integrity of the property.
- v. Determines if there are special conditions that might make the property eligible.
- vi. Determines if the property meets the criteria.
- vii. Votes on the recommendation.

### 3. Post Meeting

- a. Staff and/or Chair:
  - i. Notify owner and applicant in writing of the HPC's recommendation within one (1) week of the meeting.
  - ii. Notify applicant of the appeals process if the recommendation is against placement of the property on the Register.
  - iii. Get the owner's written acknowledgement when the property is placed on the Register.
  - iv. Shall forward the Commission's recommendation for individual properties to the City Council including the application and supporting documentation,

- including letters of support and opposition, and the owner's written acknowledgement to the City Council for final determination.
  - v. Shall forward district nomination with the HPC's recommendation with supporting documentation to the City Council for final determination.
  - vi. Notifies the Building Official if the property is listed on the Register.
  - vii. Notifies applicant of the City Council's final decision.
- b. Oak Harbor City Council:  
Once the case is with City Council, they can concur with or reject the Commission's recommendation, or send the case back to the Commission for further study. If the Council:
- i. Concurs with a positive recommendation the property is listed on the Oak Harbor Register of Historic Places (RHP).
  - ii. Concurs with a negative recommendation, the property is not listed on the RHP.
  - iii. Rejects the recommendation; the case goes back to the HPC.
- c. Oak Harbor Historic Preservation Commission  
If the recommendation is rejected by the City Council, at the next regularly scheduled meeting, the Commission:
- i. Shall decide whether any other protection for the property is necessary or possible.

#### **D. APPEALS OR RESUBMISSION**

1. A negative recommendation or a non-acceptance of an application by the HPC is not irrevocable. If new information becomes available or if the applicant wishes, the application may be resubmitted with HPC approval to the HPC. In such a case, the entire procedure must be repeated.
2. If the applicant disagrees with the Commission's recommendation, the applicant may present the case directly to City Council. In such a case, documentation shall be limited to that nomination material presented during the HPC public meeting and the minutes of that meeting.

#### **E. MISCELLANEOUS**

1. Once a property has been approved by the HPC for placement on the Oak Harbor Register of Historic Places, the COA review process becomes effective. If the City Council does not concur with the HPC's recommendation and the property is not listed, the review process no longer applies.
2. If the case involves a historic district, the boundaries of that district are set with City Council approval.
3. In the event that any property is no longer deemed appropriate for designation to the Oak Harbor Register of Historic Places, the HPC may initiate removal by following the same procedure as provided for listing.
4. In its designation recommendation, the Commission shall consider the Oak Harbor Historic Inventory and the City Comprehensive Plan.

### **SECTION III: RULES AND PROCEDURES FOR DESIGN REVIEW AND ISSUANCE OF A CERTIFICATE OF APPROPRIATENESS – OAK HARBOR REGISTER OF HISTORIC PLACES**

Design Review is the process through which the Oak Harbor Historic Preservation Commission (HPC or Commission) reviews proposed changes to Oak Harbor historic resources. Once a property is listed on the Oak Harbor Register of Historic Places (RHP), any work done on the exterior of the property that would ordinarily necessitate a building permit will, in addition, require a Certificate of Appropriateness. These activities include:

1. Alterations to historic structures.
2. New construction within historic districts.
3. Change of use.
4. Replacement and repair.
5. Demolition of historic structures.

The standards for all design review shall be the Secretary of the Interior's *Standards for Rehabilitation* 36 CFR Part 67, 1990 (or most recent edition) (*Standards*):

1. A property shall be used for its historic purpose or be placed in a new use that requires minimal change to the defining characteristics of the building and its site and environment.
2. The historic character of a property shall be retained and preserved. The removal of historic materials or alteration of features and spaces that characterize a property shall be avoided.
3. Each property shall be recognized as a physical record of its time, place, and use. Changes that create a false sense of historical development, such as adding conjectural features or architectural elements from other buildings, shall not be undertaken.
4. Most properties change over time; those changes that have acquired historic significance in their own right shall be retained and preserved.
5. Distinctive features, finishes, and construction techniques or examples of craftsmanship that characterize a property shall be preserved.
6. Deteriorated historic features shall be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature shall match the old in design, color, texture, and other visual qualities and, where possible, materials. Replacement of missing features shall be substantiated by documentary, physical, or pictorial evidence.
7. Chemical or physical treatments, such as sandblasting, that cause damage to historic materials shall not be used. The surface cleaning of structures, if appropriate, shall be undertaken using the gentlest means possible.
8. Significant archeological resources affected by a project shall be protected and preserved. If such resources must be disturbed, mitigation measures shall be undertaken.
9. New additions, exterior alterations, or related new construction shall not destroy historic materials that characterize the property. The new work shall be differentiated from the old and shall be compatible with the massing, size, scale, and architectural features to protect the historic integrity of the property and its environment.

10. New additions and adjacent or related new construction shall be undertaken in such a manner that if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.

The Certificate of Appropriateness is approved by the HPC as required under powers granted it by the Historic Preservation Ordinance of the City of Oak Harbor (*reference ordinance number and section*).

## **A. PROCEDURES FOR CONDUCTING MEETINGS**

### **1. Pre-meeting**

#### **a. Applicant/Designated Agent**

An applicant wishing to make such changes:

- i. Applies to the Building Official according to usual procedure.
- ii. Applies to the HPC staff for a review of proposed changes on a Oak Harbor Register of Historic Places property or within a historic district.
- iii. May meet with HPC or staff to review design guidelines.
- iv. Submits application for design review at least four (4) weeks before a regularly scheduled meeting.

#### **b. Building Official:**

- i. Report to the HPC staff on any application for a permit to work on a designated Oak Harbor Register of Historic Places property or a property within a designated Oak Harbor Historic District.
- ii. Continues processing the permit.
- iii. Works with the HPC staff in considering fire and building codes.
- iv. Does not issue permits until the HPC recommendations are received.

#### **c. Staff:**

- i. Notify the applicant of the Commission review requirements.
- ii. May meet with the applicant to transmit design guidelines and information on necessary documentation and completion of the application form.
- iii. After the form is submitted, review it for completeness.
- iv. If the form is complete, place the case on the agenda for the next regularly scheduled meeting.
- v. Make arrangements, if necessary, for the HPC to visit the property. This may include interior visitation.
- vi. Review the modifications and prepare a report for the Commission.

#### **d. Oak Harbor Historic Preservation Commission:**

- i. Review application and staff report.
- ii. May visit the property.

#### **e. Meeting:**

- i. Design review will occur at regularly scheduled meetings. Design review applications will be considered in the order in which the Commission received them.
- ii. The regular order of business for consideration of design review applications shall be as follows:
  - (1) The Chair or Chair designated person shall offer a preliminary statement concerning the application.



- (2) The applicant or the designated agent of the applicant presents statements in favor of the application including relevant pictures, models, etc.
- (3) Statements in opposition to the application.
- (4) Comments by interested persons, organizations or legal entities.
- (5) Rebuttal by all concerned parties.
- (6) Staff comments.
- (7) Summary of above by Chair or designated person.
- (8) Deliberation by Commission.

*During the course of the meeting, the above procedure may be temporarily modified by the concurrence of all parties and the HPC.*

- iii. As part of this deliberation, the HPC shall review the proposed work, using information from the site visit and application materials, comparing this information with the design review criteria established in Rules. The design review criteria for Oak Harbor shall be those as outlined in *Standards*.
  - (1) If the alterations meet the *Standards*, a Certificate of Appropriateness is issued.
  - (2) If the alterations fail to meet the *Standards*, the Certificate of Appropriateness is not issued, the HPC notifies the Building Official that the recommendation is against the issuing of the permit.
  - (3) If the alterations would meet the *Standards* with modification, the Certificate of Appropriateness is issued with Conditions of Issuance.

## 2. Post Meeting

### a. Owner/Designated Agent:

The owner/designated agent has the following options:

- i. If the owner agrees in writing to comply with the HPC's recommendations and Conditions or Issuance, s(he) receives a Certificate of Appropriateness.
- ii. If the owner disagrees with the recommendation, they may drop the case and reapply with modifications. The applicant should be encouraged to reapply to the Commission with modified plans.
- iii. The owner may appeal the decision of the HPC to the Oak Harbor City Council (*reference ordinance number and section*).
- iv. The owner may request removal of a property **not** part of a local district from the Oak Harbor Register of Historic Places; however a building permit is still required through the Building Official.

### b. Staff:

- i. Issue the Commission's recommendation as a finding of fact, clearly stating the intended modifications and how they meet or fail to meet the *Standards*.
- ii. Within a week of the meeting notify the owner/designated agent in writing of the Commission's decision.
- iii. Get the owner/designated agent's signature on the Certificate of Appropriateness.

- iv. Within thirty (30) days of the receipt of the complete application, forward the Commission's recommendation, the Certificate of Appropriateness (if issued) and any Conditions of Issuance to the Building Official.
- c. Building Official:  
After receiving the Certificate of Appropriateness (if issued) and any Conditions of Issuance from the HPC staff, the Building Official may:
  - i. Issue the permit.
  - ii. Notify the HPC of the permit issuance.

## **B. APPLICATION STANDARDS**

Documentation is required for alterations to or demolition of a property on the Oak Harbor Register of Historic Places (RHP) or for new construction within a district on the Register. Required documentation shall minimally include all the materials identified illustrating:

1. Existing conditions.
2. Proposed alterations.
3. Affect on historic properties (impact).

At least one (1) copy of the documents detailed below must be submitted with the application. These will remain on file with the HPC. All drawings, mean plans and elevations must be drawn to scale or have the measurements included and be signed by the architect or draftsman.

For phased projects, one (1) copy of all required documentation shall be submitted for each phase of the project (specify what format the materials should be).

1. Alterations:
  - a. Existing conditions
    - i. A copy of the Oak Harbor Register of Historic Places nomination.
    - ii. Photographs must be clearly labeled to identify case, locations, subjects and the direction the photograph was taken. Necessary photographs include:
      - (1) Building on lot, including elevations and facades that are to be altered.
  - b. Proposed alterations
    - i. On the Certificate of Appropriateness precise written statement describing work on Oak Harbor Register of Historic Places property.
    - ii. Working drawings, where applicable.
    - iii. For rehabilitation or restoration work, historic photographs (if available) and statement of physical or documentary evidence for proposed changes particularly if replacement is proposed.
    - iv. Materials, samples and additional photographs may be required by the HPC.
    - v. Descriptions of proposed signs, re-roofing plans, fences, parking lots and landscaping changes.
    - vi. Other information as required.
  - c. Impact  
Show how proposed alterations would affect historic elements listed in the property nomination form.

Many features define the historic character of a property or district. Cladding, whether of wood or masonry; style, composition, and decorative features of the roof; the presence of architectural metals; window number, arrangements and styles; entrances and porches; storefronts on commercial buildings; internal arrangement and detailing; and the historic relationship between buildings, landscape features and open space, as well as many other materials and features can contribute to a property's character.

After identifying the distinguishing historic characteristic of a property subject to the Design Review process, retention and preservation of those features and materials is the primary goal of the Design Review effort.

This is accomplished through the review process individual to each property. However, there are preferred options common to each property.

i. Protection and Maintenance

ii. Repairs

Repairs may include patching, splicing, dutchman, or reinforcing present materials and features (including upgrading individual elements of a feature), following recognized preservation methods. If there are seriously deteriorated or missing elements along with surviving models or prototypes, repairs may also include limited in kind replacement or replacement with a compatible substitute material if the original material is not economically feasible.

Duplication of the appearance, strength, composition, color and texture is sought. For example, in repointing masonry, care should be taken to replicate the size and shape of the mortar joint and the color of the mortar. For repairing stucco, the damaged material should be removed and the stucco matched in strength, composition, color and texture.

iii. Replacement

If an entire feature is too deteriorated to repair, but the overall form and detailing are still evident, the feature should be replaced. The replacement should attempt to replicate the original, using the physical evidence to guide the new work. If using the exact material is not technically or economically feasible a compatible substitute material may be considered. The substituted material should offer the same, or greater, structural support.

iv. Design for Missing Historic Features

Due to its complex technical and/or design implications, this option should only be considered after the other possibilities have been explored. It entails designing and installing a copy when the historic feature or model is physically missing. A restoration using historical descriptions, pictorial representations, and/or physical documentation may be attempted, or a new design, compatible in size, scale, material and color may be substituted.

v. Alterations and Additions

New additions to historic buildings should be a last resort and should be placed to minimize loss, damage or the obscuring of character defining

features. Both internal and external alterations should be as inconspicuous as possible from public right-of-ways and from main interior spaces. Such new features should be compatible with overall building design in terms of size, scale, material and color, but should not try to duplicate existing historical features.

Excavations adjacent to historic foundations should be limited to avoid damage to those foundations or to any archeological deposits that may be nearby.

Alterations for health and safety codes or for energy retrofitting should be done so that the historic building's character defining spaces, features, etc., will not be impacted.

2. New Construction:

New construction refers to building within a local historic district listed on the Oak Harbor Register of Historic Places. A Certificate of Appropriateness (COA) is required.

a. Existing conditions

i. Site plan or measured drawing indicating the following:

- (1) Existing adjacent buildings.
- (2) Property lines and utilities.
- (3) Right of ways.
- (4) Building setbacks and allowed side yards.
- (5) Existing planting materials and size.

ii. Photographs must be clearly labeled to identify case, location subjects and the direction the photograph was taken. Photographs of structures adjoining the property, as well as those across the street and/or alley are necessary (streetscapes).

iii. Other information as required.

b. Proposed construction:

A precise written statement describing proposed work is required. This is to be included on a COA application form. A site plan including that information specified above shall be included as well as:

- i. The proposed buildings outline with dimensions relative to property lines and existing buildings adjacent to the property.
- ii. New parking areas, driveways, utilities, etc.
- iii. Any proposed planting and landscaping, sidewalks, and patios, mechanical equipment and other appurtenances such as walls, gates and accessory buildings.
- iv. Other information as required.

3. Demolition:

- a. A Copy of the nomination of the property to the Oak Harbor Register of Historic Places.
- b. Description of structural integrity.
- c. Reason or justification for demolition (should include statements of why the property is not salvageable or why it cannot be maintained).
- d. Any planned new construction.

- e. Photographs of all sides of structure and the interior.
- f. Any additional documentation required by the Commission.

**SECTION IV: PROCESS FOR THE FORMATION OF LOCAL HISTORIC DISTRICTS**

*This section has been intentionally left blank. There is no provision in the Oak Harbor Municipal Code that addresses historic districts.*

**SECTION V: SPECIAL VALUATION REVIEW –  
OAK HARBOR REGISTER OF HISTORIC PLACES**

*In 1985, the Washington State Legislature passed a “special valuation” law which makes it possible for Certified Local Governments (CLGs), for a ten (10) year period, to ensure that property taxes will not reflect substantial improvements made to certain classes of properties as identified by the CLG. The CLG may amend the criteria for eligibility, however, if made more restrictive these do not become effective for two (2) years following October 1 of the year they were enacted. This means that owners of certain types of historic properties have the potential to realize substantial tax savings.*

**Only properties on the Oak Harbor Register of Historic Places or certified as contributing to a Oak Harbor Register Historic District are eligible for special valuation.**

**A. PROCEDURES FOR CONDUCTING MEETINGS**

1. Pre-Meeting

a. Applicant or Designated Agent:

At least one (1) month prior to the meeting, the applicant must:

- i. Consult with the Oak Harbor Historic Preservation Commission (HPC) staff prior to beginning rehabilitation work.
- i. Submit the application to the County Assessor on a Department of Revenue form no later than 24 months after initiating work. The application must be submitted before October 1 for action before December 31 of that year.
- ii. Monitor construction work to ensure that it conforms to the Washington Advisory Council on Historic Preservation Standards for the Rehabilitation and Maintenance of Historic Properties (WACHP Standards; 254-20-100)
- iii. Maintain accurate records of projects costs and dates.

b. County Assessor:

- i. Reviews the application for completeness.
- ii. Verifies the legal owner and legal description.
- iii. Submits the application to the HPC within ten (10) working days of receipt of the completed application.

c. Staff:

- i. Places the case on the agenda for the next regularly scheduled meeting as long as there is at least thirty (30) days review period before that meeting. If there is not thirty (30) days, the case will be scheduled for the next month’s regularly scheduled meeting.
- ii. Reviews the case and may prepare a report for the Commission.
- iii. If necessary, arranges a property visitation with the owner for the Commission.

d. Oak Harbor Historic Preservation Commission:

- i. Reviews the application and the staff report.
- ii. If necessary, visits the property.

2. Meeting

**Special valuation review will occur at regularly scheduled Oak Harbor Historic Preservation Commission meetings. The Special Valuation cases shall be considered in the order the staff receives them.**

- a. The regular order of business for consideration of Special Valuation applications shall be as follows:
  - i. The Chair or Chair designated person shall offer a preliminary statement concerning the application.
  - ii. The applicant or the designated agent of the applicant presents statements in favor of the application including relevant pictures, models, etc.
  - iii. Questions by Commissioners.
  - iv. Statements in opposition to the application.
  - v. Comments by City of Oak Harbor Planning Department, interested persons, organizations, or legal entities.
  - vi. Rebuttal by all concerned parties.
  - vii. Staff comments.
  - viii. Summary of above by Chair or designated person.
  - ix. Deliberation by Commission.

**During the course of the meeting, the above procedure may be temporarily modified by the concurrence of all parties and the HPC.**

- b. Oak Harbor Historic Preservation Commission determines if:
    - i. The property is on the Oak Harbor Register of Historic Places or certified as contributing to a Oak Harbor Register of Historic Districts.
    - ii. The work was done within 24 months prior to the application date. The applicant must submit evidence to this effect.
    - iii. The work complies with the WACHP Standards by not adversely affecting those elements that contribute to the property's significance.
    - iv. The "qualified rehabilitation expenditures" constitute at least 25 percent (25%) of the assessed value of the property prior to the rehabilitation.
  - c. If all the conditions are satisfied, the HPC votes on the recommendation.
3. Post Meeting
- a. Staff/Commission Chair:
    - i. Notifies the owner in writing within a week of the meeting of the Commission's recommendation.
    - ii. If the property is ineligible, advise the applicant of the reasons for the denial and inform him/her of the appeals process.
    - iii. If the applicant signs the terms of agreement and the Commission approves the application, transmits the application and agreement to the County Assessor's office for recording.
    - iv. Monitors, at least once a year during the special valuation 10-year period, the owner's compliance with the terms of the agreement.
    - v. If the owner fails to comply with the terms of the agreement or, because of the rehabilitation the property loses historic value to such an extent that it is no longer deemed appropriate for inclusion to the Oak Harbor Register of Historic Places by a majority of the HPC members, notify the owner and the assessor of the disqualification.



**A. APPEALS OR RESUBMISSION**

- 1. A negative recommendation or a non-acceptance of an application by the HPC is not irrevocable. If new information becomes available or if the applicant wishes, the application may be resubmitted with HPC approval to the HPC. In such a case, the entire procedure must be repeated.
- 2. If the applicant disagrees with the Commission's recommendation, the applicant may present the case directly to City Council. In such a case, documentation shall be limited to that nomination material presented during the HPC public meeting and the minutes of that meeting.

**C. APPLICATION STANDARDS**

Documentation shall include, at a minimum, all identified materials illustrating: That the property is eligible for Special Valuation status; when the work occurred; whether special valuation financial requirements have been fulfilled; and whether the work complies with the WACHP Standards.

To properly document each of these divisions, at least one (1) copy of the following documents must be submitted with the application. These will remain on file with the HPC. For phased development plans, the complete process as detailed in rules and regulations must be followed and documentation submitted for each phase. All drawings, mean plans and elevations must be drawn to scale or have the measurement included and be signed by the architect or draftsman.

For phased projects, complete documentation must be submitted for every phase of the project.

- 1. Eligibility.  
A copy of the nomination form to the Oak Harbor Register of Historic Places clearly indicating when the property was listed on the Oak Harbor Register of Historic Places.
- 2. When the work occurred.
  - a. A notarized affidavit of completion of rehabilitation work within 24 months of the date of application.
- 3. Special valuation financial requirements required documentation.
  - a. Notarized affidavit attesting to the actual costs of the rehabilitation work.
  - b. The most recent Columbia County Assessor’s assessment of the value of the rehabilitated structure.
- 4. Compliance with the WACHP Standards.

**To assure that the applicant has complied with the WACHP Standards, the following materials are necessary:**

- 1. Precise written statement describing the completed rehabilitation work on the Oak Harbor Historic Preservation Commission’s application form.
- 2. A copy of the Design Review application and accompanying documentation, Certificate of Appropriateness for the rehabilitation work from the Oak Harbor Historic Preservation Commission, and a copy of the terms of agreement as specified under the Special Valuation rules and procedures.

3. Materials as specified in Application Standards for Design Review illustrating conditions prior to construction (existing conditions), and proposed alterations.
4. The Oak Harbor Historic Preservation Commission may require samples of utilized materials.
5. Other information as required.

**D. CRITERIA**

New construction is not eligible for the Special Valuation.