

Chapter 2.42

HISTORIC PRESERVATION COMMISSION

Sections:

- 2.42.010 Created.
- 2.42.020 Purpose.
- 2.42.030 Members.
- 2.42.040 Meetings.

2.42.010

Created.

The city of Langley hereby creates a historic preservation commission. (Ord. 905, 2008)

2.42.020

Purpose.

The historic preservation commission is the review and approval body for the city in meeting the city's historic preservation requirements. The commission shall review and take action on nominations to the Langley Register of Historic Places and on development applications that affect properties or districts on the register or identified historic resources or adjacent properties, serve as the local review board for special valuation, and take on other duties pursuant to Chapter 15.10, Historic Preservation. The commission shall also review and make recommendations on applications for the demolition of structures listed or eligible for listing on the National Register of Historic Places or the Washington Heritage Register in accordance with the provisions of 18.16.110. (Ord. 905, 2008)

2.42.030

Members.

A. Number of Members. The commission shall consist of seven voting members.

B. Residency. All members must reside within the city of Langley and/or Island County, Washington. Exceptions to the residency requirement may be granted by the mayor and approved by the city council in order to obtain representatives from the disciplines required in subsection (C) of this section. This exception to a majority residency requirement is allowed due to the specialized expertise required on this commission.

C. Qualifications. All members of the commission must have a demonstrated interest and competence in historic preservation and possess qualities of impartiality and broad judgment. At least four members of the commission must have experience in identifying, evaluating, and protecting historic resources and are selected from among the disciplines of architecture, architectural history, planning, building construction, conservation, landscape architecture, or related disciplines. The mayor shall notify organizations or individuals related to these disciplines when there are commission vacancies. (Ord. 905, 2008)

2.42.040

Meetings.

Meeting Schedule. The board shall meet regularly on at least a monthly basis and shall adopt and publish policies regarding the time, place, and frequency of meetings. If there is no business to conduct a meeting cancellation notice shall be posted in the same manner as all meeting notices. Special meetings may be held as often as the commission deems necessary.

Notice of special meetings must be provided in accord with the Washington State Open Public Meetings Act. (Ord. 905, 2008)

15.10.070

Review and monitoring of properties for special property tax valuation.

C. Criteria.

1. Historic Property Criteria. The class of historic property eligible to apply for special valuation in the city of Langley 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 Langley becomes a certified local government (CLG). Once a CLG, the class of property eligible to apply for special valuation in Langley means all properties listed on the Langley Register of Historic Places or properties certified ~~as~~individually or as contributing a contributing building to a local or National Historic District which have been substantially rehabilitated at a cost and within a time period which meet the requirements set forth in Chapter 84.26 RCW.

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Chapter 18.16

CB ZONE – CENTRAL BUSINESS

Sections:

- 18.16.010 Principal uses.
- 18.16.020 Secondary uses.
- 18.16.030 Conditional uses.
- 18.16.040 Minimum lot size.
- 18.16.050 Maximum density.
- 18.16.060 Maximum lot coverage.
- 18.16.070 Maximum height.
- 18.16.075 Height modification.
- 18.16.080 Setbacks.
- 18.16.085 Commercial uses adjacent to residential zoning.
- 18.16.090 Binding site plan.
- 18.16.095 Building Width
- 18.16.100 Requirement to connect to city water and sewer systems.
- 18.16.110 Maintenance and Demolition of Historic Structures

18.16.070

Maximum height.

A. A. The maximum height in the CB zone is 30 feet; provided, that the height may be built to 35 feet with a pitched roof if the lowest part of the pitch begins no higher than 30 feet; provided further, that the height limit on the north side of First Street shall be 25 feet with the height measured from the center of the side(s) of the building fronting on First Street extended to the centerline of the First Street right-of-way; provided further, that on steeply sloping lots fronting on First Street, development shall step down the bluff and, thereby, better fit with the site terrain and be more compatible with the adjacent Seawall Park. A minimum setback of 5' per floor is required, but up to two steps may be combined in a single setback. A larger setback at the ground level may satisfy part of the required upper level setbacks.

B. The city's design review process will determine consistency with these requirements for each development application.

B. The building height governing the two blocks between Second and Fourth Streets on Cascade Avenue shall be 25 feet. In this area height will be measured from the center point of the side(s) of the building fronting Cascade Avenue extended to the centerline of the Cascade Avenue right-of-way. If the building is set back significantly down-slope (i.e., to the west) the total height may be up to 35 feet, but not to exceed the above-measured 25-foot elevation over Cascade Avenue. (Ord. 670, 1994; Ord. 650, 1993; Ord. 646, 1993; Ord. 566, 1990; Ord. 527, 1989)

18.16.095

Building Width

On First Street between Second Street and Anthes Avenue buildings shall be designed to be consistent with the original 30' lots in the original Plat of Langley. For buildings wider than 30' design elements including building setbacks and modulation, façade materials, window and door placements or other design elements shall be incorporated to maintain consistency with the scale and character of the streetscape.

18.16.110

Maintenance and Demolition of Historic Structures

- A. Purpose.** The city desires to preserve the most important historic and cultural resources in the community through proper maintenance and limiting demolition unless specific criteria are satisfied. Demolition shall only be authorized when it has been determined that preservation is not reasonable or feasible based on the consideration of the structural integrity of the structure, an economic hardship or community benefits associated with a redevelopment plan. When demolition is the only viable option reconstruction should be considered. The City may require professional assistance at the applicants expense in evaluating an application for demolition to determine compliance with the standards of this section.
- B. Applicability.** The standards and review process for demolishing a historic building shall apply to any structure that is listed or eligible for listing on the National Register of Historic Places or the Washington Heritage Register. The City may require an analysis by a qualified historic preservation consultant to be paid for by the applicant for any structure that is at least 50 years old to determine eligibility for the historic registers and the applicability of the standards herein.
- C. Maintenance.** All structures listed or eligible for listing on the National Register of Historic Places or the Washington Heritage Register shall be adequately maintained and the lack of proper maintenance shall not be justification for approval of the demolition of a historic structure through demolition by neglect. The City Building Official may inspect properties periodically and as necessary to determine compliance. The property owner shall be promptly notified of any noncompliance issues and given up to 30 days to correct the deficiency or fines in accordance with LMC 1.14 may be levied. Maintenance of historic structures shall be consistent with the following:
- a. Facades, which may fall and injure members of the public or property.
 - b. Deteriorated or inadequate foundation, defective or deteriorated flooring or floor supports, deteriorated walls or other vertical structural supports.
 - c. Members of ceilings, roofs, ceiling and roof supports or other horizontal members, which sag, split or buckle due to defective material or deterioration.
 - d. Deteriorated or ineffective waterproofing of exterior walls, roofs, foundations or floors, including broken windows or doors.
 - e. Defective or insufficient weather protection for exterior wall covering, including lack of paint or weathering due to lack of paint or other protective covering.
 - f. Any fault or defect in the building which renders it not properly watertight or structurally unsafe."
- D. Application for Demolition.** An application for demolition shall be submitted to the Historic Preservation Commission for review at a public hearing and recommendation to the city council. Following a closed record hearing the city

council shall make the final decision on an application for demolition of a historic structure as defined herein.

1. A report from a licensed engineer qualified to assess the structural integrity of historic buildings. The report shall address the ability for rehabilitation and reuse of the existing building as it pertains to the buildings structural integrity.
2. An engineering report and cost estimate that addresses the financial implications for restoration versus reconstruction.
3. A statement from the applicant regarding compliance with the standards for demolition of a historic structure.
4. For sites not listed currently listed on a historic register a report from qualified historic preservation consultant documenting the structures eligibility for a historic register.
5. For applications requesting approval based on the community benefit standard below a plan for redevelopment of the site.
6. For applications based on the economic hardship or structural integrity standard any approval shall be conditioned on receiving all appropriate permits for redevelopment of the site. The structure shall not be demolished until a redevelopment plan has been approved unless the structure presents an imminent safety hazard as determined by the City Building Official.

E. Demolition Review Standards:

1. **Economic Hardship.** The continued operation of the historic structure is financially infeasible based on existing and reasonable assumed land uses. All options for adaptive reuse, expansion, resale, or relocation shall be considered and addressed in the application. The failure of the property owner(s) to maintain the building shall not be a valid justification for an economic hardship.
2. **Structural Integrity.** The structure is beyond repair and the cost of repairing and operating the building is not financially feasible or reasonable. An assessment of the allowances under the WA State State Historic Building Code shall be provided prior to any approval under this criteria; or
3. **Community Benefit.** The redevelopment plan for the site has significant state, regional or community benefits in terms of urban design, ecology, and cultural or economic benefits. The redevelopment proposal shall consider and address impacts on adjacent historic properties and the entire district. The potential of incorporating historic structures into redevelopment plans shall be considered and is encouraged.
4. **Reconstruction.** The applicant shall consider reconstruction of all or part of the historic building if restoration is not determined to be feasible. The plan for reconstruction shall retain the most integral historic features of the structure. Historic structures that exceed the height limitations of LMC 18.16.070 may be reconstructed to a height equal to the original structure. Demolition may not occur until a plan for reconstruction has been approved.

F. Approval for Demolition. Historic buildings that are approved for demolition require the applicant to comply with the following:

1. Any approval for the demolition of a historic structure shall require the applicant to document the building in accordance with the Historic American Building Survey (HABS)

2. Assurance from the applicant that the redevelopment plan as approved will be implemented if the historic structure demolition is approved based on the community benefit of the redevelopment plan. In addition, structures approved for demolition based on the community benefit standard shall not be demolished until the entire redevelopment project has received all regulatory permits. The City may require a bond or letter of credit as a condition of approval for the demolition of a historic structure.
3. Review under the State Environmental Policy Act (SEPA) may be required.
4. The time between demolition and the commencement of construction shall not exceed 1 month unless an alternative timeline is specifically approved as part of the demolition approval from the City.

Definitions:

“Demolition by Neglect” shall mean: Deterioration of the building to the extent that it creates or permits a hazardous or unsafe condition. Deterioration of exterior walls or other vertical supports, horizontal members, roofs, chimneys, exterior wall elements such as siding, wooden walls, brick, plaster or mortar to the extent that it adversely affects the character of the historic district or could reasonably lead to irreversible damage to the structure.

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