

## Chapter 19.65

### HISTORIC PRESERVATION ORDINANCE

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#### **19.65.010 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 the City of Lynden and preserve and rehabilitate eligible historic properties within the City of Lynden for future generations through special valuation, a property tax incentive, as provided in Chapter 84.26 RCW in order to:

- A. Safeguard the heritage of the City of Lynden as represented by those buildings, districts, objects, sites and structures which reflect significant elements of the City of Lynden's history;
- B. Foster civic and neighborhood pride in the beauty and accomplishments of the past, and a sense of identity based on the City of Lynden's 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.

#### **19.65.020 SHORT TITLE**

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

#### **19.65.030 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. "City of Lynden Historic Inventory" or "Inventory" means the comprehensive inventory of historic and prehistoric resources within the boundaries of the City of Lynden.

- B. “City of Lynden Historic Preservation Commission” or “Commission” means the commission created by Section 19.65.040 herein.
- C. “City of Lynden Register of Historic Places”, “Local Register”, or “Register” means the listing of locally designated properties provided for in Section 19.65.050(B) 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 useable but shall not include rentable/habitable floor-space attributable to new construction; or c) architectural and engineering services attributable to the design of the improvements; or d) all costs defined as “qualified rehabilitation expenditures” for purposes of the federal historic preservation investment tax credit.
- 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 City of Lynden” 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 City of Lynden becomes a Certified Local Government (CLG). Once a CLG, the class of properties eligible to apply for Special Valuation in City of Lynden means all properties listed on the Local and National Register of Historic Places or properties certified as contributing to a Local and National Register Historic District which have been substantially rehabilitated at a cost and within a time period which meets the requirements set forth in Chapter 84.26 RCW.
- 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 Lynden City Council, or other local, state, or federal public body or agency, by virtue of applicable present or future legislation, may be authorized to grant or obtain for the owner(s) of Register properties. Examples of economic incentives include but are not limited to tax relief, conditional use permits, rezoning, street vacation, planned unit development, transfer of development rights, facade easements, gifts, preferential leasing policies, beneficial placement of public improvements or amenities, or the like.
- 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 19.65.040 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 City of Lynden 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 Whatcom 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 Lynden, Washington. 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 symbolic focus of a significant event or pattern of events that may not have been actively occupied. A site may be the location of ruined or now non-extant building or structure of the location itself possesses historic cultural or archaeological significance.
- 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's Council's Standards" means the rehabilitation and maintenance standards used by the City of Lynden 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.

## **19.65.040 LYNDEN HISTORIC COMMISSION**

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

There is hereby established a City of Lynden Historic Preservation Commission, consisting of five members, as provided in subsection 19.65.040(B) below. Members of the City of Lynden Historic Preservation Commission shall be appointed by the Mayor and approved by the Lynden City Council and shall be residents of the City of Lynden, except as provided in subsection 19.65.040(B) 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 judgement.
2. The Commission shall always include at least two 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. 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 on behalf of the State. Furthermore, exception to the residency requirement of Commission members may be granted by the Mayor and City Council in order to obtain representatives from these disciplines.
3. In making appointments, the Mayor may consider names submitted from any source, but

the Mayor shall notify historical 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 members to the Commission shall be as follows: three for two years, two for three years. Thereafter, appointments shall be made for a three year term. Vacancies shall be filled by the Mayor 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 City of Lynden's historic resources by initiating and maintaining a register of historic places and reviewing proposed changes to register properties; to raise community awareness of the City of Lynden's history and historic resources; and to serve as the City of Lynden's primary resource in matters of history, historic planning, and preservation.

In carrying out these responsibilities, the Historic Preservation Commission shall engage in the following:

1. Conduct and maintain a comprehensive inventory of historic resources within the boundaries of the City of Lynden and known as the City of Lynden 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 City of Lynden Register of Historic Places. This official register shall be compiled of buildings, structures, sites, objects, and districts identified by the Commission as having historic significance worthy of recognition and protection by the City of Lynden and encouragement of efforts by owners to maintain, rehabilitate, and preserve properties.
3. Review nominations to the City of Lynden Register of Historic Places according to criteria in Section 19.65.050 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 19.65.060; and adopt standards in its rules to be used to guide this review and the issuance of a certificate of appropriateness or waiver.
5. Provide for the review either by the Commission or its staff of all applications for approvals, permits, environmental assessments or impact statements, and other similar documents pertaining to identified historic resources or adjacent properties.
6. Conduct all Commission meetings in compliance with Chapter 42.30 RCW, Open Public Meetings Act, to provide for adequate public participation and adopt standards in its rules to guide this action.
7. Participate in, promote and conduct public information, educational and interpretive programs pertaining to historic and prehistoric resources.
8. Establish liaison support, communication and cooperation with federal, state, and other

local government entities which will further historic preservation objectives, including public education, within the City of Lynden area.

9. Review and comment to the City Council on land use, housing and redevelopment, municipal improvement and other types of planning and programs undertaken by any agency of the City of Lynden, other neighboring communities, Whatcom County, the state or federal governments, as they relate to historic resources of the City of Lynden.
10. Advise the City Council and Mayor on matters of City of Lynden history and historic preservation.
11. Perform other related functions assigned to the Commission by the City Council or the Mayor.
12. Provide information to the public on methods of maintaining and rehabilitating historic properties. This may take the form of pamphlets, newsletters, workshops, or similar activities.
13. Officially recognize excellence in the rehabilitation of historic buildings, structures, sites and districts, and new construction in historic areas; and encourage appropriate measures for such recognition.
14. Be informed about and provide information to the public and City of Lynden 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 City Council on the use of various federal, state, local or private funding sources available to promote historic resource preservation in the City of Lynden.
17. Serve as the local review board for Special Valuation and:
  - a) Make determination concerning the eligibility of historic properties for special valuation;
  - b) Verify that the improvements are consistent with the Washington State Advisory Council's Standards for Rehabilitation and Maintenance;
  - c) Enter into agreements with property owners for the duration of the special valuation period as required under WAC 254-20-070(2);
  - d) Approve or deny applications for special valuation;
  - e) Monitor the property for continued compliance with the agreement and statutory eligibility requirements during the 10 year special valuation period; and
  - f) Adopt bylaws and/or administrative rules and comply with all other local review board responsibilities identified in Chapter 84.26 RCW.
18. The Commission shall adopt rules of procedure to address items 3, 4, 6, and 18 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 Planning Department with additional assistance and information to be provided by other departments or qualified consultants as may be necessary to aid the Commission in carrying out its duties and responsibilities under this ordinance.

## **19.65.050 LYNDEN 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 Lynden 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 to the Lynden Community; and if it falls in at least one of the following categories:

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 design or 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 may be likely to yield important archaeological information related to history or prehistory.
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 an historical figure of outstanding importance and is the only surviving structure or site associated with that person.
9. It is a cemetery which 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. Process for Designating Properties or Districts to the Lynden Historic Register**

1. Only property owners may nominate a building, structure, site, object, or district for inclusion in the Lynden Historic Register. Members of the Historic Preservation Commission or the Commission as a whole may generate nominations with the agreement of the affected property owner. In its designation decision, the Commission shall consider the City of Lynden Historic Inventory and the Lynden 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 justifying its designation; and a list of all properties including features, structures, sites, and objects contributing to the designation of the district.
4. The Historic Preservation Commission shall consider the merits of the nomination, according to the criteria in Section 19.65.050 and according to the nomination review standards established in rules, at a public meeting. Adequate notice will be given to the public, the owner(s) and the authors of the nomination, if different, and lessees, if any, of the subject property prior to the public meeting according to standards for public meetings established in rules and in compliance with Chapter 42.30 RCW, Open Public Meetings Act. Such notice shall include publication in the Lynden Tribune or another newspaper of general circulation in the City of Lynden and any other form of notification deemed appropriate by the City of Lynden. If the Commission finds that the nominated property is eligible for the Lynden Historic Register, the Commission shall list the property in the register with owner's consent or make a recommendation to the City Council that the property be listed in the register with owner's consent. In the case of historic districts, the Commission shall consider a simple majority of property owners or percentage of property owners 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 Lynden Historical Register shall be recorded on official zoning map 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 Lynden Historical Register, the Commission may initiate removal from such designation by the same procedure as provided for in establishing the designation, Section 19.65.050. A property may be removed from the Lynden Historical Register without the owner's consent.

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

1. Listing on the Lynden Historical Register is a 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 19.65.060, the owner must request and receive a Certificate of Appropriateness from the Commission for the proposed work. Violation of this rule shall be grounds for the Commission to review the property for removal from the register.
3. Prior to whole or partial demolition of a register property, the owner must request and receive a waiver of a Certificate of Appropriateness.
4. Once the City of Lynden is certified as a Certified Local Government (CLG), all properties listed on the Lynden Historic Register may be eligible for Special Tax Valuation on their rehabilitation (Section 19.65.070).

### **19.65.060 REVIEW REQUIRED FOR PROPERTIES ON THE LYNDEN HISTORIC REGISTER**

#### **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 Lynden Historic Register or within an historic district on the Lynden Historic Register without review by the Commission and without receipt of a Certificate of Appropriateness, or in the case of demolition, a Waiver, as a result of the review.

The review shall apply to all features of the property, interior and exterior, which 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 19.65.030.

#### **C. Review Process**

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

The Planning Director shall determine whether the application requires review under LMC 16.05 and shall report any application for a permit to work on a property listed on the Lynden Historic Register or within a registered historic district to the Commission and whether LMC 16.05 is applicable. If the activity is not exempt from Commission review, the Commission or professional staff shall notify the applicant of the review requirements. The Planning Director 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 listed property or within a listed historic district and request a Certificate of Appropriateness or, in the case of demolition, a Waiver. Each application for review of proposed changes shall be accompanied by such information as is required by the Commission established in its rules for the proper review of the

proposed project.

The Commission shall meet with the applicant and review the proposed work according to the design review criteria established in rules. Unless legally required, there shall be no notice, posting, or publication requirements for action on the application, but all such actions shall be made at regular meetings of the Commission. The Commission shall complete its review and make its recommendations within thirty (30) calendar days of the date of receipt of the application. If the Commission is unable to process the request, the Commission may ask for an extension of time from the Planning Director.

The Commission's decision 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 decision, a Certificate of Appropriateness shall be awarded by the Commission according to standards established in the Commission's rules.

The Commission's decision and, if awarded, the Certificate of Appropriateness shall be transmitted to the Planning Director. If a Certificate of Appropriateness is awarded, the Planning Director or another City of Lynden official charged with authority 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 listed property or in a 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 Commission may require the owner to mitigate the loss of the listed property by means determined by the Commission at the meeting between the applicant and the Commission described in this paragraph. 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 a Certificate of Appropriateness or Approval or Denial of a Waiver of a Certificate of Appropriateness.**

The Commission's decision regarding a Certificate of Appropriateness or Waiver of a Certificate of Appropriateness may be appealed to the Lynden City Council within ten calendar days from the Commission's issuance of its decision on the requested Certificate of Appropriateness or Waiver of a Certificate of Appropriateness. The appeal must meet the requirements listed within Chapter 17.11 of the Lynden Municipal Code.

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

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

**A. Time Lines**

1. Applications for Special Property Tax Valuation shall be forwarded to the Commission by the Assessor within 10 calendar days of filing.
2. Applications for Special Property Tax Valuation 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 for Special Property Tax Valuation 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) for Special Property Tax Valuation to the Commission.
2. The Commission reviews the application(s) for Special Property Tax Valuation, 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 19.65.050(A) of this ordinance.
  - a. If the Commission finds the properties meet all the criteria, then, on behalf of the City of Lynden, it enters into a Historic Preservation Special Valuation Agreement (set forth in WAC 254-20-120 and in Section 19.65.050(B) of this ordinance) with the owner. Upon execution of the agreement between the owner and Commission, the Commission approves the application(s).
  - b. If the Commission determines the properties do not meet all the criteria, then it shall deny the application(s) for Special Property Tax Valuation.
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 for Special Property Tax Valuation:
  - a. The Commission forwards copies of the agreements, applications, and supporting documentation (as required by WAC 254-20-090 (4) and identified in Section 19.65.070(A) of this ordinance) to the Assessor,
  - b. The Commission notifies the state review board that the properties have been approved for special valuation, and
  - c. The Commission monitors the properties for continued compliance with the agreements throughout the 10-year special valuation period.
5. The Commission determines, in a manner consistent with its rules of procedure, whether or not properties are disqualified from special valuation either because of
  - a. The owner's failure to comply with the terms of the agreement or
  - b. Because of a loss of historic value resulting from physical changes to the building or site.
6. For disqualified properties, in the event that the Commission concludes that a property is

no longer qualified for special valuation, the Commission shall notify the owner, Assessor, and state review board in writing and state the facts supporting its findings.

## **C. Criteria**

### **1. Historic Property Criteria:**

The class of historic property eligible to apply for Special Valuation in the City of Lynden means all properties listed on the National Register of Historic Places or certified as contributing to a National Register Historic District which have been substantially rehabilitated at a cost and within a time period which meets the requirements set forth in Chapter 84.26 RCW, until the City of Lynden becomes a Certified Local Government (CLG).

Once a CLG, the class of property eligible to apply for Special Valuation in the City of Lynden means only those properties listed on the Lynden Historic Register and the National Register of Historic Places or properties certified as contributing to a locally registered historic district or 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.

### **2. Application Criteria:**

Complete applications for Special Property Tax Valuation shall consist of the following documentation:

- a. A legal description of the historic property,
- b. Comprehensive exterior and interior photographs of the historic property before and after rehabilitation,
- c. Architectural plans or other legible drawings depicting the completed rehabilitation work, 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 City of Lynden under Section 19.65.070 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 identified in Section 19.65.030(H) 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 19.65.030(Z) 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 under Chapter 34.05.510 -34.05.598 RCW in addition to any other remedy of law. Any decision on the disqualification of historic property eligible for special valuation, or any other dispute, may be appealed to the Whatcom County Board of Equalization.