

ORDINANCE NO. 3359

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**AN ORDINANCE OF THE CITY OF LONGVIEW, WASHINGTON AMENDING LMC 16.12 REGARDING RECORDING OF PROPERTIES LISTED ON THE REGISTER OF HISTORIC PLACES AND THE APPOINTMENT OF MEMBERS OF THE HISTORIC PRESERVATION COMMISSION**

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WHEREAS, the Longview City Council established the Longview Register of Historic Places in 1987 for the recognition, enhancement, perpetuation and continued use of the buildings, sites and districts of historical significance within the city, in the interest of civic pride and the prosperity and general welfare of the city's inhabitants; and,

WHEREAS, historic assets are an integral part of the heritage, education and economic base of the city and the economic, cultural and aesthetic standing of the city can only be maintained and enhanced by conserving its heritage and by maintenance of its cultural assets; and,

WHEREAS, any building, structure, site, object, or district may be designated for inclusion in the Longview register of historic places if it is significantly associated with the history, architecture, archaeology, engineering or cultural heritage of the community; if it has integrity; is at least 50 years old, or is of lesser age and has exceptional importance; and meets the criteria for Designation; and,

WHEREAS, Chapter [84.26](#) RCW encourages maintenance, improvement and preservation of privately owned historic buildings by providing for special property tax valuation for improvements to historic property approved by a local review board; and,

WHEREAS, all owners and futures owners of properties on the Longview register of historic places need to be informed of the historic status of buildings or places listed on the Longview register of historic places and the requirements therewith.

**NOW THEREFORE**, The City Council of the City of Longview do ordain as follows:

**Section 1.** That Section 16.12.040 of the Longview Municipal Code shall be, and is hereby amended to read as follows; provided, manifest and numbering errors shall be corrected prior to publication:

16.12.040 Historic commission.

(1) Creation and Size. There is established a city historic preservation commission, consisting of seven members, as provided in subsection (2)(a) of this section.

Members of the Longview historic preservation commission shall be appointed by the city ~~manager-~~  
council and shall be residents of the city, except as provided in subsection (2)(b) of this section.

(2) 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 two professionals who have experience in identifying, evaluating, and protecting historic resources and are selected from among 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 city manager and the state historic preservation officer. Furthermore, exception to the residency requirement of commission members may be granted by the city ~~manager-~~ council in order to obtain representatives from these disciplines.

(c) In making appointments, the city ~~manager-~~ council may consider names submitted from any source, and shall notify history and county development-related organizations of vacancies so that names of interested and qualified individuals may be submitted by such organizations for consideration along with names from any other source.

(3) Terms. The original appointment of members to the commission shall be as follows: three for two years, two for three years, and two for four years. Thereafter, appointments shall be made for a three-year term. Vacancies shall be filled by the city ~~manager-~~ council for the unexpired term in the same manner as the original appointment.

(4) Powers and Duties. The major responsibility of the historic preservation commission is to identify and actively encourage the conservation of the city's historic resources by initiating and maintaining a register of historic places and reviewing proposed changes to register properties; to raise community awareness of the city's history and historic resources; and to serve as the city's primary resource in matters of history, historic planning, and preservation.

In carrying out these responsibilities, the historic preservation commission shall engage in the following:

(a) Conduct and maintain a comprehensive inventory of historic resources within the boundaries of the city and known as the Longview historic inventory; 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;

(b) Initiate and maintain the Longview 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 by the city and encouragement of efforts by owners to maintain, rehabilitate, and preserve properties;

(c) Review nominations to the city register of historic places according to criteria in LMC [16.12.050](#) and adopt standards in its rules to be used to guide this review;

(d) Review proposals to construct, change, alter, modify, remodel, move, demolish, and significantly affect properties or districts on the register as provided in LMC [16.12.050](#); and adopt standards in its rules to be used to guide this review and the issuance of a certificate of appropriateness or waiver;

(e) Provide for the review either by the commission or its staff of all applications for approvals, permits, environmental or impact statements, and other similar documents pertaining to identified historic resources or adjacent properties;

(f) 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;

(g) Participate in, promote and conduct public information, educational and interpretive programs pertaining to historic resources;

(h) 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 Longview area;

(i) Review and comment to the Longview city council on land use, housing and redevelopment, municipal improvement and other types of planning and programs undertaken by any agency of the city, other neighboring communities, Cowlitz County, the state or federal governments, as they relate to historic resources of the city;

(j) Advise the city council generally on matters of city history and historic preservation;

(k) Perform other related functions assigned to the commission by the city council;

(l) The commission shall adopt rules of procedure to address subdivisions (4)(c), (d) and (f), inclusive;

- (m) 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;
- (n) 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;
- (o) Be informed about and provide information to the public and city departments on incentives for preservation of historic resources including legislation, regulations and codes which encourage the use and adaptive reuse of historic properties;
- (p) Submit nominations to the state and national registers of historic places;
- (q) Investigate and report to the city council on the use of various federal, state, local or private funding sources available to promote historic resources preservation in the city;
- (r) Serve as the local review board for the purpose of approving applications for special property tax valuation per Chapter [84.26](#) RCW and Chapter 221, Laws of 1986, and entering into an agreement with the property owner for the duration of the special valuation during which time the review board monitors the property for continued qualification for the special valuation per requirements of Chapter [84.26](#) RCW and Chapter 221, Laws of 1986.

(5) Compensation. All members shall serve without compensation.

(6) 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.

(7) Commission Staff. Commission and professional staff assistance shall be provided by the director of community and economic development with 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 under this chapter. (Ord. 2774, 2000; Ord. 2289 § 1, 1987).

**Section 2.** That Section 16.12.050 of the Longview Municipal Code shall be, and is hereby amended to read as follows; provided, manifest and numbering errors shall be corrected prior to publication:

## 16.12.050 Longview register of historic places.

(1) Criteria for Determining Designation in the Register. Any building, structure, site, object, or district may be designated for inclusion in the Longview register of historic places if it is significantly associated with the history, architecture, archaeology, engineering or cultural heritage of the community; if it has integrity;

is at least 50 years old, or is of lesser age and has exceptional importance; and if it falls in at least one of the following categories:

- (a) Is associated with events that have made a significant contribution to the broad patterns of national, state, or local history;
- (b) 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;
- (c) Is an outstanding work of a designer, builder, or architect who has made a substantial contribution to the art;
- (d) Exemplifies or reflects special elements of the city's cultural, special, economic, political, aesthetic, engineering, or architectural history;
- (e) Is associated with the lives of persons significant in national, state, or local history;
- (f) Has yielded or may be likely to yield important archaeological information related to history or prehistory;
- (g) Is a building or structure removed from its original location but which is significantly associated with an historic person or event;
- (h) Is a birthplace or grave of an historical figure of outstanding importance and is the only surviving structure or site associated with that person;
- (i) Is a cemetery which derives its primary significance from age, from distinctive design features, or from association with historic events, or cultural patterns;
- (j) Is a reconstructed building that has been executed in an historically accurate manner on the original site;
- (k) 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.

(2) Process for Designating Properties or Districts to the Longview Register or Historic Properties.

- (a) Any person may nominate a building, structure, site, object, or district for inclusion in the register of historic places. Members of the historic preservation commission or the commission as a whole may generate nominations. In its designation decision, the commission shall consider the Longview historic inventory, thematic nomination, and the Longview comprehensive plan.

(b) In the case of individual properties, the designation shall include the UTM reference and all features, interior and exterior, and outbuildings which contribute to its designation.

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

(d) The historic preservation commission shall consider the merits of the nomination at a public meeting according to the criteria in this section and according to the nomination review standards established in its rules. Adequate notice will be given to the public, the owner(s) and the authors of the nomination, if different, and lessees, if any, of the subject property prior to the public meeting according to standards for public meetings established in rules and in compliance with Chapter [42.30](#) RCW, Open Public Meetings Act. Such notice shall include publication in a newspaper of general circulation in Longview, and posting of the property. No property shall be listed in the register without the owner's written consent. In the case of historic districts, the commission shall consider 60 percent 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 and procedures. The public, property owner(s) and the authors of the nomination, if different, and lessees, if any, shall be notified of the listing. If the commission finds that the nominated property is eligible for the Longview register of historic places, the commission shall make recommendation to the city council that the property be listed.

(e) Properties listed on the Longview register of historic places shall be recorded on official zoning records with the "HR" (for historic register) designation. This designation shall not change or modify the underlying zone classification.

(f) The Director of Community and Economic Development or his/her designee shall cause a copy of the owner notification of listing for all newly listed properties to be recorded with the County Auditor within 10 days of approval by the city council.

(g) A fee equal to the cost of recording the notification of listing shall be paid by the applicant and/or owner of the of the listed property to the City for the purpose of recording the notification of listing with the County Auditor prior to the Historic Preservation Commission recommendation being presented to the city council.

### (3) Removal of Properties from the Register.

(a) Initiation by Commission. In the event that any property is no longer deemed appropriate for designation to the Longview register of historic places, the commission may initiate removal from

such designation by the same procedure as provided for in establishing the designation, LMC [16.12.050](#). A property may be removed from the Longview register without the owner's consent.

(b) Initiation by Property Owner. In the event a property owner determines that it is no longer appropriate for the property to be designated on the Longview register of historic places, the owner may request that the commission consider the removal of the property from the register. Said written request shall include the reason(s) why the owner feels the historic designation is not longer appropriate. The commission shall review the criteria of LMC [16.12.050](#) in their consideration of removal of the property's historic designation.

(c) Appeal of Commission's Denial of Request to Remove Property from Register. The commission's denial of an owner's request to remove property from the Longview register of historic places may be appealed to the city council by the filing of a written notice within 10 days. The appeal must state the grounds upon which the appeal is based. In event of such appeal, the city council shall conduct a hearing within 30 days thereafter. The appeal shall be reviewed by the council only on the records of the commission. Appeal of council's decision regarding removal of property from the Longview register of historic places may be appealed to superior court.

#### (4) Effects of Listing on the Register.

(a) Listing on the Longview register of historic places is an honorary designation denoting significant association with the historic, archaeological, engineering, or cultural heritage of the community. Properties are listed individually or as contributing properties to an historic district.

(b) Prior to the commencement of any work on a register property, excluding ordinary repair and maintenance and emergency measures defined in LMC [16.12.060](#), 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.

(c) Prior to whole or partial demolition of a register property, the owner must request and receive a waiver of a certificate of appropriateness.

(d) Once the city is certified as a Certified Local Government (CLG), all properties listed on the Longview register of historic places may be eligible for a special tax valuation on their rehabilitation (16.12.080). (Ord. 3028 § 1, 2007; Ord. 2289 § 1, 1987).

**Section 3.** If any section, subsection, sentence, clause or phrase of this ordinance is, for any reason, held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this ordinance and the same shall remain in full force and effect. The City of Longview hereby declares that it would have passed this ordinance, and each section, subsection, clause or phrase thereof, irrespective of the

fact that any one or more sections, subsections, sentences, clauses and phrases be declared unconstitutional.

**Section 4.** That nothing in this Ordinance hereby adopted shall be construed to affect any suit or proceeding impending in any court, or any rights acquired, or liability incurred, or any cause or causes of action acquired or existing; nor shall any just or legal right or remedy of any character be lost, impaired or affected by this Ordinance.

**Section 5.** That the City of Longview City Clerk is hereby ordered and directed to cause this Ordinance to be published.

**Section 6.** Any act consistent with the authority and prior to the effective date of this Ordinance is hereby ratified and affirmed.

**Section 7.** This Ordinance shall be in full force and effect from and after thirty (30) days from the date of its passage and publication as provided by law.

Passed by the City Council this \_\_\_\_ day of \_\_\_\_\_, 2017.

Approved by the Mayor this \_\_\_\_ day of \_\_\_\_\_, 2017.

\_\_\_\_\_  
MAYOR

ATTEST:

\_\_\_\_\_  
City Clerk

APPROVED AS TO FORM:

\_\_\_\_\_  
James McNamara  
City Attorney

Published: \_\_\_\_\_



