

**ORDINANCE NO. 2015-12-053**

AN ORDINANCE RELATING TO HISTORIC PRESERVATION, AMENDING THE BELLINGHAM MUNICIPAL CODE (BMC) SECTIONS 17.90.030, 17.90.050, AND 17.90.05.70, TO ADD AN ADDITIONAL PROPERTY CLASS ELIGIBLE FOR SPECIAL TAX VALUATION, AND AMENDING BMC 2.56.050 TO MAKE IT CONSISTENT WITH BMC 17.90.070 AND 17.90.080.

WHEREAS, the Washington State Legislature created the Special Valuation Historic Tax Exemption Program in 1985 to encourage the maintenance, improvement, and preservation of privately owned historic landmarks in Washington State; and

WHEREAS, as a Certified Local Government, the City is permitted to choose the class of property eligible for Special Tax Valuation; and

WHEREAS, the City desires to increase incentives to property owners to restore their historic properties; and

WHEREAS, in effort to create and enhance incentives for property owners, on March 23<sup>rd</sup>, 2015 City Council directed staff to pursue expanding property class eligibility to encourage participation in the Special Tax Valuation program; and

WHEREAS, the Historic Preservation Commission held a public meeting on November 24<sup>th</sup>, 2015 to discuss the merits of adding an additional class to those properties eligible for Special Tax Valuation; and

WHEREAS, the Historic Preservation Commission considered the staff report and comments received, and recommends adoption of the ordinance amendments; and

WHEREAS, this proposal is exempt from SEPA analysis under RCW 43.21C.440(1); and

WHEREAS, an amendment to BMC 2.56.050 Hearing Examiner Powers and jurisdiction is needed to make it consistent with BMC 17.90.070 and 17.90.080; and

WHEREAS, the City Council considered the proposed ordinance on December 7<sup>th</sup>, 2015; and

WHEREAS, the City Council voted to adopt the ordinance amendments;

NOW THEREFORE, THE CITY OF BELLINGHAM DOES ORDAIN:

**SECTION 1.** Bellingham Municipal Code Section 17.90.030 is amended as follows:

**17.90.030 Definitions**

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

"Actual cost of rehabilitation" through "Certified local government" [No Change]

"Class of historic property eligible to apply for special valuation in the city" means all properties listed on the National Register of Historic Places, ~~or certified as contributing to a National Register Historic District, listed in the city of Bellingham's register of historic places, or certified as contributing to a local 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 Bellingham becomes a Certified Local Government (CLG). Once a CLG, the class of properties eligible to apply for special valuation in the City of Bellingham means all properties listed on the City of Bellingham's Register of Historic Places.~~

"Contributing property" through "Washington State Advisory Council's Standards for the Rehabilitation and Maintenance of Historic Properties" [No Change]

**SECTION 2.** Bellingham Municipal Code Section 17.90.050 is amended as follows:

**17.90.050 Register of historic places.**

A. - C. [No Change]

D. Effects of Listing on the Register.

1. - 3. [No Change]

4. ~~Until the City becomes a Certified Local Government (CLG), all p~~Properties listed on ~~both~~ the National Register of Historic Places, certified as contributing to a National Register Historic District, listed in and the city of Bellingham's register of historic places, or certified as contributing to a local historic district may be eligible for special tax valuation on their rehabilitation in accordance with BMC 17.90.070. ~~Once the City of Bellingham is certified as a Certified Local Government (CLG), only properties listed on the City of Bellingham's Register of Historic Places may be eligible for Special Tax Valuation on their rehabilitation in accordance with BMC 17.90.070~~

5. - 6. [No Change]

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**SECTION 3.** Bellingham Municipal Code Section 17.90.070 is amended as follows:

**17.90.070 Review and Monitoring of Properties for Special Property Tax Valuation**

A. - B. [No Change]

C. Criteria

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

2. - 4. [No Change]

D. - E. [No Change]

**SECTION 4.** Bellingham Municipal Code Section 2.56.050 Powers and jurisdiction is amended as follows:

**Chapter 2.56 Hearing Examiner**

**2.56.050 Powers and jurisdiction.**

The hearing examiner shall have the power to receive and examine available information, conduct public hearings and prepare a record thereof and enter decisions as provided by ordinance.

A. [no change]

B. The decision of the hearing examiner on the following matters which shall be within the jurisdiction of the hearing examiner, notwithstanding any other provision in the Bellingham Municipal Code, shall be final, subject only to judicial challenge:

1. - 11. [no change]

12. Applications for conditional use permits pursuant to Chapter 20.16 BMC, and ~~landmark~~ adaptive use permits ~~and landmark special valuation~~ pursuant to BMC 17.90.070 and 17.90.080, respectively;

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13. - 16. [no change]

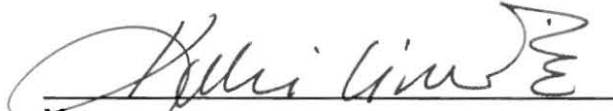
C. - G. [no change]

**PASSED** by the Council this 14<sup>th</sup> day of December, 2015.

  
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Council President



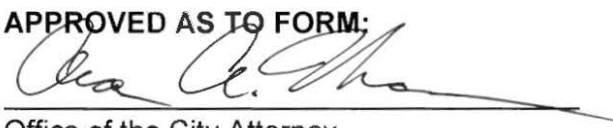
**APPROVED** by me this 18<sup>th</sup> day of December, 2015.

  
\_\_\_\_\_  
Mayor

**ATTEST:**

  
\_\_\_\_\_  
Finance Director

**APPROVED AS TO FORM:**

  
\_\_\_\_\_  
Office of the City Attorney

Published: December 18, 2015