

PROTECTION AND ENHANCEMENT OF HISTORIC PROPERTIES

ACTION PLAN

Table of Contents

1. Background
 2. Code/Regulatory Issues
 3. Administrative Rules & Procedures
 4. Interagency Collaboration
 5. Potential Incentives
 6. Action Plan & Schedule
- Table – Protection & Enhancement of Historic Properties Action Plan & Schedule
- Appendix A

1. Background

a. Proviso, Current Policies and Practices

In the 2008 Adopted Budget, the King County Council requested that the Department of Development and Environmental Services (DDES), in collaboration with the Office of Business Relations and Economic Development's Historic Preservation Program (HPP), submit an action plan describing how current code and related county practices can be improved to encourage preservation and restoration of privately owned historic properties. This request parallels another request to the Facilities Management Division, again in collaboration with the HPP, to develop internal county procedures to ensure that in its own actions protect significant historic and archaeological resources consistent with adopted policies.

Resources under consideration herein are referred to as "historic properties." As defined in the King County Comprehensive Plan (KCCP), "historic properties" means historic buildings, sites, objects, districts, and landscapes, prehistoric and historic archaeological resources, and traditional cultural places.

The council's intent is reflected in the following King County Comprehensive Plan (KCCP) language (also see Appendix A – Proposed 2008 KCCP changes to language and policies for "Stewardship of Cultural Resources"):

Historic preservation is an ongoing activity that requires identification and evaluation of resources, use of a variety of regulatory protection measures and incentives, and attention to long-term preservation, enhancement and interpretation. Land use planning should direct and coordinate patterns of development so as to minimize current and future conflicts with historic resources in the Urban and Rural Areas.

Project review can respond to and modify development proposals affecting historic and archaeological resources to eliminate or minimize adverse effects of development or changing land use. King County government can also protect historic resources through careful planning and review of its own undertakings, both direct and indirect. Archaeological resources are particularly sensitive and endangered. Cultural resources are often destroyed through neglect. Maintenance and other management practices that protect historic features and character can assure long-term

preservation. Information about the history and significance of a property fosters appreciation and informs owners, users and the public about its value.

Working together over recent months, DDES, HHP and Health Department staff have reviewed the language and implementing policies of the Comprehensive Plan and existing practices and programs related to historic properties. The following plan outlines the major issues and actions that are underway or anticipated.

b. Current Historic Property Permit Review Process

King County Code (KCC) 20.62.150 requires that any development proposal on or abutting a resource identified in the King County Historic Resource Inventory (HRI) may be not be approved for alteration, demolition, or relocation without prior review by the King County Historic Preservation Officer (HPO).

Over the last several years, the HPP and DDES have worked closely to ensure that permits are reviewed and conditioned as needed. Modifications to these procedures and processes are on-going. Recent improvements have resulted in higher numbers of permits being identified and routed for HPO review; in 2003 nine permit applications were routed for review, in 2007 seventeen applications were reviewed.

The HRI is not comprehensive; therefore, eligible properties not included are not reviewed by the HPO. Staff is considering rectifying this situation by routing all properties which are eligible for inclusion in the HRI (40 years old or older) to the HPO. Staff will explore this and other options to resolve the issue and will implement procedures to fix the review process.

2. Code/Regulatory Issues

This section identifies issues related to the zoning, building, fire, health, and landmarks codes which hinder or are otherwise detrimental to preservation of significant historic properties. Amendments will be proposed following review of existing codes.

a. Zoning Code

Zoning regulates land uses and development parameters within a set of general categories. Variances and conditional use permits expand the range of possible uses but are limited in scope and time-consuming to pursue. On-going historic uses that are incompatible with current zoning are allowed to continue until such time as the property owner decides to discontinue the use (if a legal non-conforming status is demonstrated). However, current code requires re-establishment of the use within a 12-month period. Zoning has traditionally been used to segregate incompatible land uses, to encourage or discourage development, and, indirectly, to increase land values when land is zoned for more intensive uses far in advance of any change of use.

Historic properties can be adversely affected by zoning when:

- Historic uses have lapsed and are no longer allowed;
- Allowable uses would require such substantial alteration that significant historic features would be lost;
- Development standards require alteration of significant features or the addition of building or site elements that compromise integrity;

- “Highest and best” use considerations raise taxes to a point that causes adverse economic impacts;
- Economically viable uses are not allowed or size and scale are not permitted; and/or
- Recently adopted development standards require costly expenditures for compliance.

i. Change of Use

There are limited options for adaptive reuse of many historic buildings, such as non-agricultural uses for historic dairy barns in agricultural zones. Consideration should be given to expanding the range of allowable uses for zones in which historic properties occur (Title 21A.08 Allowable Uses and/or KCC 21A.32 Non-conforming Uses). The county has considered the use of Historic Overlay zones in the past, and it may be beneficial for staff to re-evaluate the creation of separate Historic Overlay zones to provide additional flexibility in the specific areas identified.

Modifications are underway to make the conditional use permitting process more accountable and predictable for applicants and should significantly assist those wishing to pursue this avenue of regulatory use allowance. It is anticipated that the new process will be in place by January 2009.

The zoning code limits the number of residential units allowed on historic farms and other types of property. An historic house may not be sufficient for use as a primary residence, but in order to be preserved it must continue to be useable. Other county program requirements may further threaten preservation of significant historic properties. For example, the Farmlands Preservation Program precludes a secondary residence on the farm. HPP and DDES will assess the Farmland Preservation Program requirements with the Department of Natural Resources and Parks (DNRP), and propose code, contractual, and/or procedural changes as appropriate for future properties purchased under this program.

ii. Adjacent Development.

Protecting landmarks and landmark-eligible properties from intrusive adjacent development that affects the visual integrity of the resource is a serious problem. Consideration should be given to expanding the county’s ability to require mitigating permit conditions to additional sections of the zoning code (currently limited to KCC 21A.12 Density and Dimensions and KCC 21A.16 Landscaping and Water Use). Other chapters from Title 21A will be reviewed to add a historic review process (per KCC 20.62.150) including:

- 21A.14 Design Requirements (mixed use, short plats, clustering) and
- 21A.41 Commercial Site Development Permits.

b. Building & Fire Codes

HPP and DDES will consult with the Fire Marshal on existing codes and procedures as well as review of individual historic properties on a case-by-case basis to identify opportunities for applying codes in ways that ensure public safety while preserving the historic character of significant resources. Potential code amendments will be identified and forwarded to council as appropriate.

Rigid enforcement of building and fire codes, particularly when triggered by a construction cost threshold unrelated to actual performance of a building, can make restoration and adaptive reuse prohibitively expensive or require changes that severely alter the historic character of a property.

Building and fire codes, as adopted by Washington State, provide specific provisions for the retrofit of historic buildings and allow for local authority flexibility in the application of those codes. The scope of these codes includes: structural requirements, life safety features, fire regulations, and accessibility and energy codes.

In general, the building codes allow the building official or Fire Marshal to modify code requirements for recognized historic properties if the proposal ensures that the building does not pose a hazard, and provides for basic accessibility and a reasonable degree of energy efficiency. Specific allowances include:

- Special allowances for houses converted to museums or similar uses,
- The use of historic finishes to walls and ceilings,
- Reduce fire rated construction requirements for exit paths,
- Providing exceptions for retaining existing stairways and guardrails, and/or
- Options for alternative entrances and toilets to meet accessibility requirements.

c. Health Codes

HPP and DDES will continue to work collaboratively with the Department of Health on existing codes and procedures as well as review of individual historic properties on a case-by-case basis to identify opportunities for applying the codes in ways that ensure public safety while preserving historic buildings. The code will be reviewed for any potential amendments that support preservation and forwarded to the Council as appropriate.

Health code requirements can also make preservation and reuse of historic properties prohibitively costly, particularly when new septic systems must be installed immediately. The Health Officer “may waive compliance... for existing buildings or structures when the addition, alterations, repairs, or improvements to the building or structure are compatible with and do not adversely impact” the existing on-site septic system. The Health Department is developing an informational matrix showing scope of projects and related septic impacts to help identify options to traditional methods.

d. Landmarks Code

KCC 20.60 needs to be updated and expanded to ensure appropriate treatment of historic properties pursuant to the Comprehensive Plan. The following topics have been identified for further review and may result in proposed code amendments that would be forwarded to the council:

i. Minimum Maintenance / Demolition by Neglect

Current regulations do not require owners to maintain landmark properties. In several cases this is causing rapid deterioration of significant historic features in addition to causing a public nuisance, fire hazard, and eyesore. HPO and DDES will explore legal and enforceable means of ensuring that landmark properties are maintained to a reasonable minimal standard and will develop proposed code revisions as appropriate.

ii. Enforcement Process

Although the landmark code contains penalties for violations, no enforcement method has been established. HPO and DDES will identify how DDES staff can enforce landmark regulations through existing code enforcement.

Protection and Enhancement of Historic Properties

Action Plan (10/7/08)

Page 4 of 12

iii. Conservation Districts

Landmark designation is a detailed and exacting means of preserving historic properties and requires fiscal and staff resources generally beyond current county budgets. Historic conservation districts offer a simplified means of recognizing and protecting significant areas, and are used successfully in other jurisdictions. HPO and DDES will explore adapting established conservation district legislation to address the needs of historic King County communities and will develop necessary code amendments if determined to be appropriate.

iv. Archaeological Resource Protection

A major impediment to the identification and protection of archaeological resources is the fact that they are often overgrown, underground, or not readily visible. The HPP is currently conducting a grant-funded project to develop an archaeological sensitivity model that will identify potential site locations. Along with the model, HPP and DDES are developing regulations and review procedures to better protect archaeological resources. Proposed code changes will be submitted when the model is finalized. In the interim, permit applications are carefully scrutinized for potential impacts to archaeological sites.

3. Administrative Rules & Procedures

The following section identifies programs and practices that have been undergoing review and modification over the last year, as well as those that will be reviewed and modified, as necessary, to provide better protection for significant historic properties. Council action is not required for these administrative changes; however, they are a major component on this action plan to enhance preservation of our historic properties.

A number of permit process improvements have been implemented or are in the planning stages. These will further assist owners of historic properties through the development process. Planning ahead is central to successful permitting. In order to become involved as early as possible in the process, DDES now offers free pre-application meetings for those property owners proposing to develop on or abutting historic properties. Issues detected early on will save customers time and money.

Continued coordination between DDES and HPP to inform the public of permitting requirements will also benefit customers. DDES staff have been attending community outreach workshops with HPP staff to promote the Barn Again Program and related grant application processes. Assistance with the regulatory requirements and permitting process is offered at no charge. Development of a *Customer Information Bulletin* to address development on historic and archaeological sites is underway. This bulletin will be available to the public in September 2008. In addition, the HPP and DDES websites are being revised to better highlight historic property information. This work should be completed by December 2008.

Consideration will also be given to expediting permit review for owners of historic properties, as is currently provided for Built Green projects, if it appears that there is imminent danger to an historic property.

a. SEPA

SEPA requires consideration of adverse impacts to historic properties but does not establish clear requirements for identifying, protecting or mitigating impacts to significant properties, particularly archaeological resources. HPP and DDES will explore existing processes to ensure that significant historic properties are identified during the SEPA process and that adverse impacts are appropriately mitigated. Additionally, processes should be in place to ensure that proposed mitigation requirements are reasonable and will not create an undue economic burden on the applicant.

b. DDES Intra-departmental Review

DDES staff from various sections (current planning, permit center, grading and engineering review) are currently meeting to finalize procedures to ensure that all permits requiring HPP review are properly documented and routed accordingly. This work should be completed by the end of 2008.

c. Historic Resource Inventory Maintenance and Updates

The King County Historic Resource Inventory contains several hundred historic properties and more are added each year. Due to the housing booms of the 1970s and 1980s an even greater number of structures will become eligible as they reach 40 years since construction. HPO and DDES staff will continue to coordinate and improve means of ensuring that inventoried historic properties are identified by permit review staff and the public and will develop and implement appropriate procedural or administrative changes.

d. Emergency Preparedness

HPP and DDES, in coordination with the county's Office of Emergency Management, will explore and implement measures to ensure that historic property records are available during and after a disaster, needed resources are mobilized and available for property owners, and that processes are in place to ensure immediate necessary repairs for public safety and redevelopment rather than demolition of significant properties.

4. Interagency Collaboration

Interagency collaboration is critical to successful protection of historic properties. Coordination with DDES in the permitting process is well-established and ongoing but needs to be equally well-established with other appropriate county agencies. DDES and HPP staff have met with representatives of the Health Department, Green Tools Program, Roads Services Division, and the Rural Economic Strategies Project to explore collaborative opportunities. Some of the findings include:

a. Agency Staff Training

Many county agencies employ field staff and provide training and workshops that could provide more awareness and "eyes on the ground" to identify historic properties, especially archaeological resources. HPP and DDES will identify opportunities for cross-training and, where appropriate, work with cooperating agencies to provide historic and archaeological information.

b. Financial Assistance

The identification and coordinated marketing efforts for incentive programs along with assembling the information from county agencies that have grants, low-interest loans, tax

benefits, and other incentives which could support historic preservation projects is underway and will provide better support to historic property owners.

c. Technical Assistance

Coordinated technical assistance by the various departments and agencies within King County will provide historic property owners with the knowledge necessary to make better decisions about adaptive reuse and redevelopment of their property.

d. Public Information Publications

King County produces numerous publications and technical papers that focus on or relate to historic properties. Efforts to coordinate the development, printing and distribution of these publications between the various entities will help ensure that property owners are aware of the various options available to them, the scope of adaptive reuse and redevelopment options, and the resources and contacts available to them. It will also reduce the redundancy of and costs of our publications while maximizing benefits to the public.

e. Websites

County agencies maintain separate, often uncoordinated websites. HPP and DDES will examine their own and other county agency websites to determine where historic property information can be added, and ensure that direct cross-links are incorporated so that users can easily navigate to appropriate information related to historic properties, permitting and other county programs.

f. Public Workshops / Training

Many county agencies provide training and public workshops that could provide information to increase awareness about historic properties, preservation issues, and incentives for property owners. HPP and DDES staff will identify opportunities for supplementing existing public information/outreach efforts and, where appropriate, work with cooperating agencies to provide information on historic properties and preservation options. HPP will also provide information on permitting, and other appropriate county programs, such as the Built Green Program, in its workshops, and materials for grant recipients and landmark owners.

g. Non-traditional Solutions for Historic Property Preservation

Several non-traditional solutions for adaptive reuse and/or redevelopment issues were identified in meetings among HPP, DDES, Health Department, and Fire Marshal staff. HPP and DDES will continue to work with these agencies to identify and develop workable alternatives to resolve land use issues, such as use of portable restrooms for infrequent gatherings at rural historic properties, thus avoiding a change of use issue and resultant additional requirements.

h. Rural Economic Strategies

The current Rural Economic Strategies (RES) that address historic properties are quite general. HPP and DDES staff will work with the RES Coordinator to identify measures to promote the value of historic properties, both culturally and as potential revenue generators, and support compatible adaptive reuse of historic buildings as an economic asset in rural areas.

5. Potential Incentives

HPP, DDES, and other relevant agencies will continue to explore other administrative and code changes to encourage preservation of historic properties. Incentives to property owners often

encourage and leverage extensive preservation action. While HPP staff currently assist landmark owners with several financial and tax reduction programs, identifying and analyzing programs that have proven effective elsewhere in the state and nation and incorporating pertinent aspects, will prove beneficial.

a. Transfer of Development Rights (TDR) Program

Transfer of development rights is a technique for limiting density of development in one area by allowing expanded density elsewhere. King County's TDR program initially included landmark properties but no longer does so. HPP and DDES staff will work with TDR staff to analyze the potential impacts of including historic properties as sending sites in the program and will develop proposed administrative and code changes as appropriate.

b. Green Tools Program Grants

In many respects, adaptive reuse of existing buildings is the most effective form of recycling available. The county's current recycling and green building programs do not address adaptive reuse and preservation of historic buildings. The HPP and DDES will work with the DNRP's Built Green and other pertinent programs to coordinate support for "recycling" historic buildings and will develop appropriate administrative and code changes to encourage preservation.

c. Septic Low-interest Loans

The Seattle-King County Department of Public Health works closely with the King County Housing Authority's Housing Repair and Weatherization Program who arrange for low-cost home repair and weatherization services for qualifying households, including septic system replacement or repairs. This program could be beneficial to a number of landmark property owners.

6. Action Plan & Schedule

The following table includes the action items described in this report, a schedule for their completion, and identification of who is responsible for acting on them. It is anticipated that new administrative procedures will be put into effect when agreed upon by the various departments. Recommendations for amendments to the King County code will be forwarded to the council as a package - following public review - no later than January 2010. Code changes that require expedited adoption to ensure preservation of endangered historic properties may be proposed ahead of this schedule as needed.

By June 1, 2010, and annually by June 1 thereafter, HPP, in collaboration with other agencies, shall prepare a consolidated report for the previous year, which details the status of the issues and staff action taken in accordance with this action plan and schedule.

**PROTECTION & ENHANCEMENT OF HISTORIC PROPERTIES
ACTION PLAN & SCHEDULE**

ISSUE	AGENCY	STAFF ACTION	COUNCIL ACTION	SCHEDULE
Routing and review of permits affecting historic properties is inconsistent. [Sections 1.b., 3.a and b]	DDES, BRED (HPP)	Review procedures to improve identification of permits affecting historic properties; obtain staff buy-in, complete coordination process.	NO	November 2008
Conditional Use Permit (CUP) process can be lengthy and complex for owners of historic properties. [Section 2.a.i]	DDES	Improvements to the CUP process are underway; public education and outreach will then be conducted.	NO	December 2008
Lack of clear and consistent information about historic properties. [Sections 3 and 4.d, e and f]	DDES, BRED (HPP)	Finalize DDES permitting process informational bulletin for historic and archaeological resources; update and coordinate agency websites as appropriate. Coordinate HPP grant workshops, and other opportunities for joint outreach.	NO	December 2008 Outreach Coordination is ongoing.
Revise Rural Economic Strategies to support historic preservation and its value to the rural economy. [Section 4.h]	BRED (HPP & RES), DDES	Develop strategies that support preservation and ensure that preservation efforts can remain economically viable.	NO	June 2009
Incomplete identification of historic properties eligible for inventory for permit review purposes. [Section 3.c]	DDES, BRED (HPP)	Identify process for updating HRI information and interim review procedures for unlisted properties.	NO	June 2009
Limited code flexibility for mitigating adverse impacts to historic properties. [Section 2.a.ii]	DDES, BRED (HPP)	Explore expanding options for mitigation beyond those allowed by KCC 21A.12 & 16.	IF IDENTIFIED	June 2009
No identified process for treatment of historic properties following disasters. [Section 3.d]	BRED (HPP), DDES, & as needed	Develop procedures and standards for emergency response.	IF IDENTIFIED	June 2009
Destruction of significant archaeological sites. [Section 2.d.iv]	BRED (HPP)	Develop archaeological sensitivity model and implementing procedures to protect sensitive areas.	IF IDENTIFIED	August 2009

Opportunities for county agencies to contribute to preserve and enhance historic properties are not coordinated. [Sections 5.a, b and c]	DDES, BRED (HPP) & DNRP, as needed	Consult with other agencies re: programs that can support preservation (TDR, FPP, etc.).	NO	August 2009
Opportunities for preserving significant historic properties have not been fully explored. [Section 4.g]	BRED (HPP), DDES	Identify creative solutions to adaptive reuse and other preservation challenges.	IF IDENTIFIED	September 2009
Gradual destruction of landmarks through lack of maintenance. [Section 2.d.i]	BRED (HPP), DDES	Develop minimum maintenance requirements for landmark properties.	IF IDENTIFIED	December 2009
Lack of enforcement for landmark code requirements. [Section 2.d.ii]	BRED (HPP), DDES	Develop enforcement provisions for landmark code.	IF IDENTIFIED	December 2009
Lack of tools for protecting mixed historic areas and neighborhoods. [Section 2.d.iii]	BRED (HPP), DDES	Develop historic conservation district legislation.	YES	December, 2009
Impediments to preserving historic properties in county code and related procedures. [Section 2.a]	DDES, BRED (HPP)	Identify problems and develop solutions to obstacles as appropriate.	IF IDENTIFIED	Ongoing
County field staff unfamiliar with identifying factors of potentially significant historic and archaeological resources. [Section 4.a]	DDES, BRED (HPP), DPH, DNRP, KCD, DOT	Conduct training to assist with historic and archeological resource identification.	NO	Ongoing
Health and Fire code-related impediments to preserving historic properties. [Sections 2.b and c]	BRED (HPP), DDES, FMO, DPH	Coordinate review of projects on case-by-case basis; keep log of successful resolutions.	NO	Ongoing
Develop code amendments as issues arise during review of all processes identified within Action Plan.	BRED (HPP), DDES	Develop code amendments as appropriate.	AS IDENTIFIED	Ongoing

BRED = Office of Business Relations and Economic Development (HPP = Historic Preservation Program & RES = Rural Economic Strategies Program)

DDES = Department of Development and Environmental Services

FMO = Fire Marshal's Office

DPH = Department of Public Health

DNRP = Department of Natural Resources and Parks

DOT = Department of Transportation (Road Services Division)

KCD = King Conservation District

Appendix A
Proposed 2008 Comprehensive Plan Changes to Language and Policies
Regarding Historic Preservation

Chapter 6. Parks, Open Space, and Cultural Resources

Section II. Cultural Resources

Subsection F. Stewardship of Cultural Resources

Historic preservation is an ongoing activity that requires identification and evaluation of resources, use of a variety of regulatory protection measures and incentives, and attention to long-term preservation, enhancement and interpretation. Land use planning should direct and coordinate patterns of development so as to minimize current and future conflicts with historic resources in the Urban and Rural Areas.

P-((216))217 King County shall encourage land uses and development that retain and enhance significant historic properties and sustain historic community character. County building and zoning codes and other regulations and standards should provide flexibility to accommodate preservation and reuse of historic properties. Zoning actions should take into account the effects of zoning on historic properties.

Project review can respond to and modify development proposals affecting historic and archaeological resources to eliminate or minimize adverse effects of development or changing land use. King County government can also protect historic resources through careful planning and review of its own undertakings, both direct and indirect. Archaeological resources are particularly sensitive and endangered.

P-((217))218 King County shall review public and private projects and may condition them in order to protect historic properties. King County agencies shall coordinate with the Historic Preservation Program to provide consistent review and mitigation for projects within unincorporated areas and for county undertakings within cities.

P-((218))219 King County shall inventory historic properties in order to guide decision making in resource planning, capital projects, operations, environmental review and resource management.

P-((219))220 Archaeological properties shall be identified, evaluated and protected in a consistent and coordinated manner. King County shall establish consistent review and protection procedures and develop centralized professional archaeological staffing.

Cultural resources are often destroyed through neglect. Maintenance and other management practices that protect historic features and character can assure long-term preservation. Information about the history and significance of a property fosters appreciation and informs owners, users and the public about its value.

King County government can lead by example through stewardship and wise management of its own cultural resources. Historic public buildings and facilities, such as bridges and roads, can be preserved and continue to be used; other historic resources can be converted to public use.

P-((220))221 All King County agencies shall be stewards of cultural resources under their direct control. Agencies shall identify and assess cultural resources, preserve significant historic properties and public art, and provide public access to them whenever appropriate. Agencies shall collaborate with the Historic Preservation Program to nominate eligible properties for landmark designation.

P-((221))222 King County shall interpret its cultural resources to enhance their understanding and enjoyment by the public.

P-((222))223 King County shall acquire and preserve historic resources for use by county and other public agencies and shall give priority to occupying historic buildings whenever feasible.

P-((223))224 King County shall provide incentives to encourage investment in historic properties and public art. County programs and incentives for land and resource preservation and economic development shall support and be coordinated with cultural resource preservation and provision of public art.