

**Instructions to reader:** This is a new chapter in the Unified Development Code. For a summary of the effect of this chapter from current standards, please visit the Rethink Zoning Library at <https://everettwa.gov/2453/Rethink-Zoning-Library>.

## Chapter 19.28 Historic Resources

### Table of Contents

<b>CHAPTER 19.28 HISTORIC RESOURCES .....</b>	<b>1</b>
19.28.010 PURPOSE .....	1
19.28.020 HISTORIC OVERLAY ZONE DESIGNATION. ....	1
19.28.030 ESTABLISHMENT OF HISTORIC OVERLAY ZONE BOUNDARIES. ....	2
19.28.040 EFFECT OF HISTORIC OVERLAY ZONE DESIGNATION. ....	4
19.28.050 CONSTRUCTION OR ALTERATION OF STRUCTURES WITHIN HISTORIC OVERLAY ZONE. ....	4
19.28.060 NEIGHBORHOOD CONSERVATION GUIDELINES. ....	5
19.28.070 PERMITTED USES AND DEVIATIONS. ....	5
19.28.080 ACTIONS SUBJECT TO REVIEW BY THE EVERETT HISTORICAL COMMISSION. ....	6
19.28.090 ACTIONS SUBJECT TO ADMINISTRATIVE REVIEW. ....	6
19.28.100 USE OF NEIGHBORHOOD CONSERVATION GUIDELINES AND HISTORIC OVERLAY ZONE STANDARDS. ....	6
19.28.110 ROOF LINES. ....	6
19.28.120 APPEAL TO THE HEARING EXAMINER. ....	6
19.28.130 EVERETT REGISTER OF HISTORIC PLACES. ....	6
19.28.140 CHANGES TO PROPERTIES ON EVERETT REGISTER OF HISTORIC PLACES. ....	8
19.28.150 REVIEW AND MONITORING OF PROPERTIES FOR SPECIAL PROPERTY TAX VALUATION. ....	9

#### 19.28.010 Purpose.

The historic overlay zone applies to several historic neighborhoods by designating certain areas as historic overlay zones with regulations and guidelines governing the alteration of a place or structure that has been designated as a contributing historic building.

Many historic resources are identified in Everett by listing on one or more of the following historic registers: Everett register of historic places, Washington state heritage register, and the national register of historic places. The process for designating historic overlay zones, inclusion on the Everett register of historic places and the role of the Everett historical commission is described in this chapter.

#### 19.28.020 Historic Overlay Zone Designation.

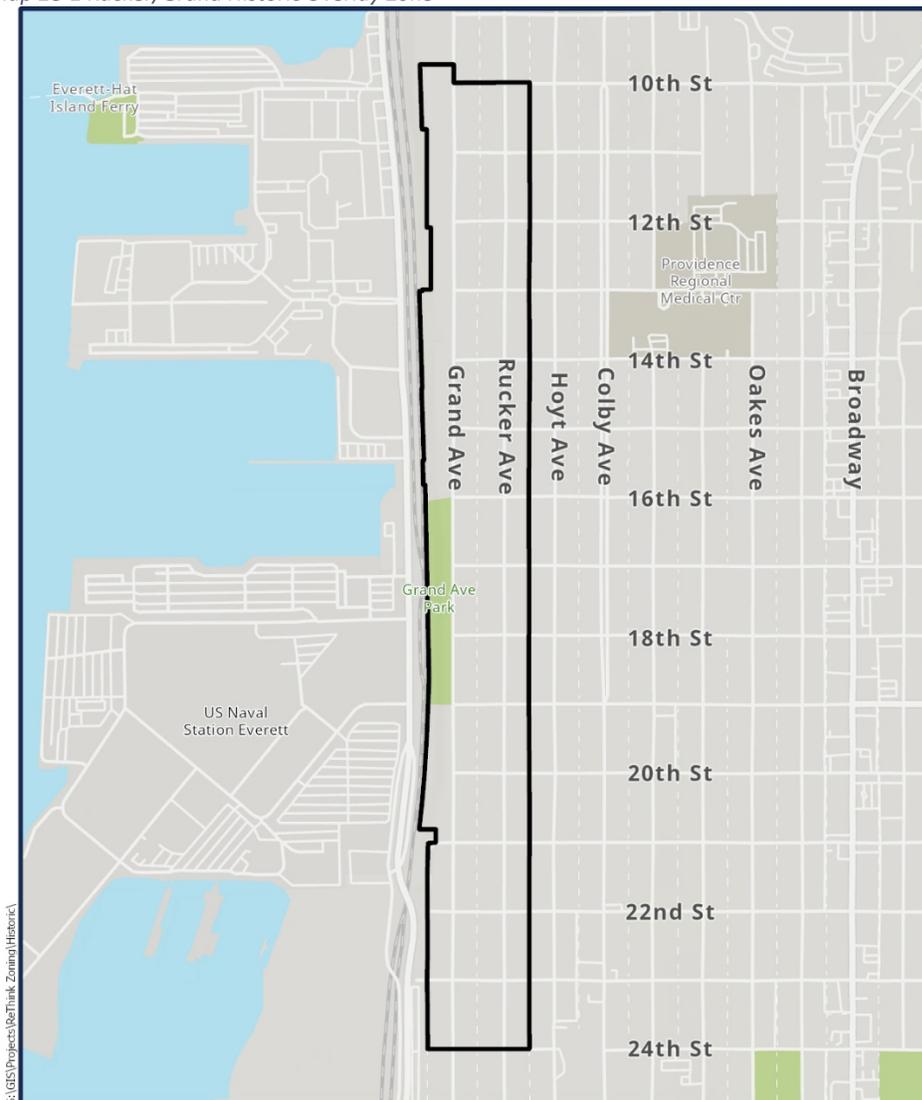
The proposal to include a specific area or property within an historic overlay zone (existing or new) may be initiated by the city or property owner(s). The proposal shall include a map of the proposed boundaries and a city-approved inventory of the contributing structures within the proposed boundaries that were built more than fifty years ago which retain the original style and architectural qualities that contribute to the historic character of the neighborhood. The Everett historical commission shall review the historic overlay zone proposal and make a recommendation to the planning commission who will then forward a recommendation to the city council, based upon the following:

- A. The property proposed to be included within an existing historic overlay zone is listed in at least one of the following city-approved inventories, surveys or local register: historic resource survey Everett, Washington, 2002; Everett register of historic places; Rucker/Grand historic overlay district inventory, 1992; Norton/Grand historic overlay district inventory, 2001; Norton/Grand historic overlay district inventory, 2009 expansion; Riverside neighborhood historic overlay district inventory, 2006; Everett Claremont neighborhood survey, 2014.

- B. The property is adjacent to an area already within an historic overlay zone or adjacent to property listed on the Everett historic resource survey or the Everett register of historic places, or may be an entirely new area of the city with a concentration of historic structures and inclusion of the property in an historic overlay zone is necessary to afford protection to historic properties and promote compatibility between buildings and developments.
- C. The proposal to be included within an historic overlay zone has been reviewed by the Everett historical commission with a recommendation to approve, disapprove or modify the request. If the historical commission recommends modifying the proposed historic overlay zone boundaries, it shall include in its findings a list of the factors, including policies in the comprehensive plan.

**19.28.030 Establishment of historic overlay zone boundaries.**

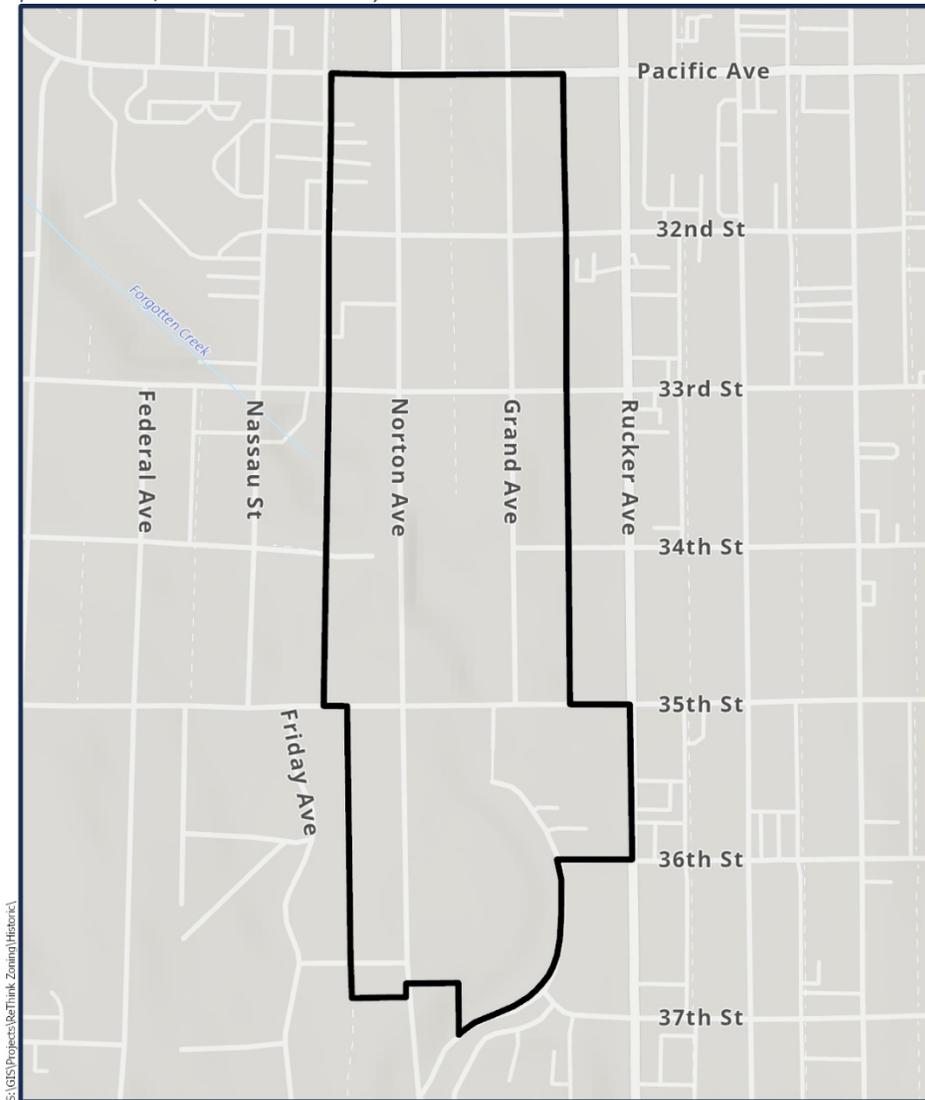
Map 28-1 Rucker/Grand Historic Overlay Zone



□ Rucker Grand Historic Overlay Zone



Map 28-2 Norton/Grand Historic Overlay Zone

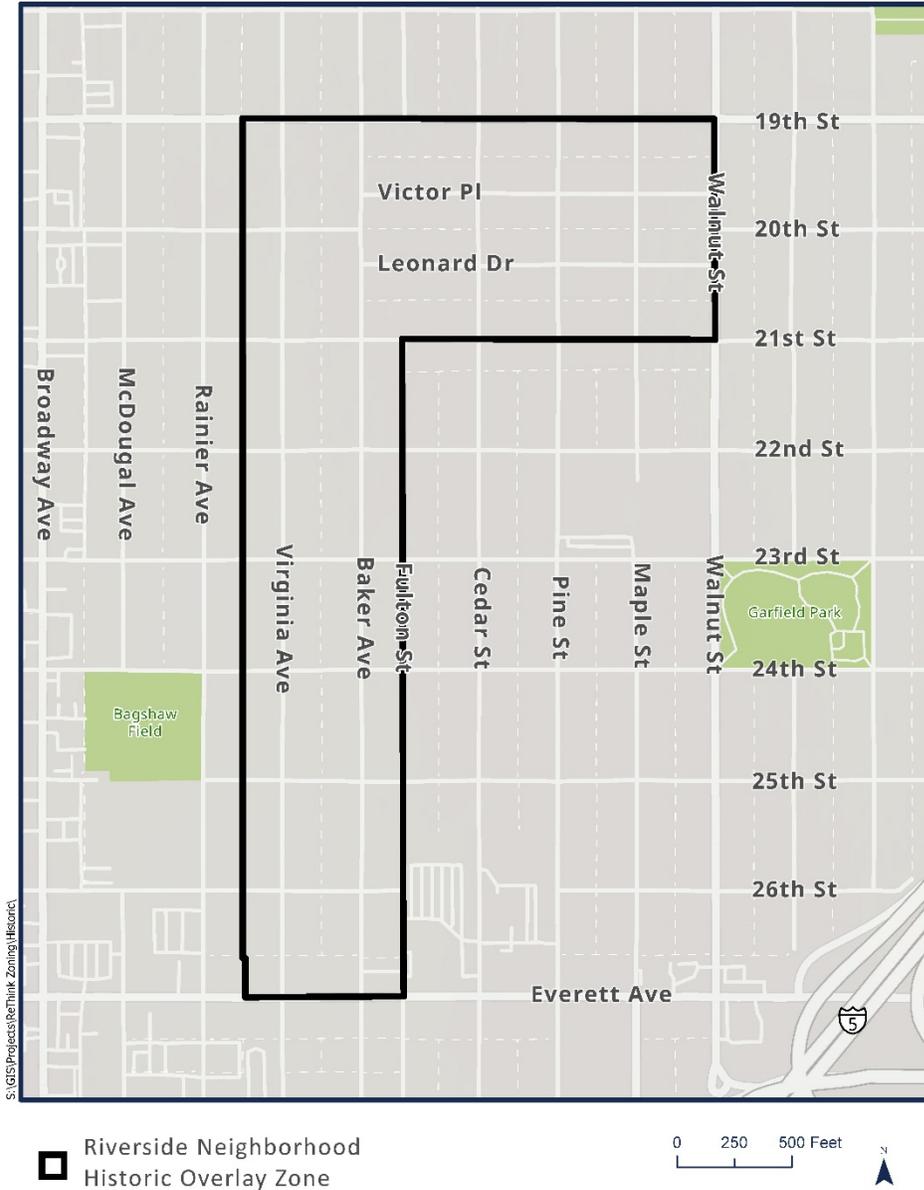


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□ Norton-Grand  
Historic Overlay Zone



Map 28-3 Riverside Neighborhood Historic Overlay Zone



**19.28.040 Effect of historic overlay zone designation.**

Designation of an historic overlay zone will have the following effects:

- A. No feature identified as a contributing structure may be altered except as provided in Sections 19.28.050 and 19.28.070 of this chapter.
- B. The other requirements of this title apply to the subject property unless they conflict with a specific provision of this chapter. Where a conflict exists, the provisions of the historic overlay zone will govern.

**19.28.050 Construction or alteration of structures within historic overlay zone.**

The city will review any new construction or proposed alteration to a contributing structure within an historic overlay zone using the following criteria:

- A. The magnitude of the impact of the construction or proposed alteration to the site, structure or district;
- B. The reasonableness of the proposed alteration in light of other alternatives available to achieve the objectives of the applicant;
- C. The extent to which the proposed alteration may be necessary to meet the requirements of any other law, statute, ordinance, regulation, code or ordinance;
- D. Any other relevant standards or guidelines adopted by the city.

**19.28.060 Neighborhood conservation guidelines.**

The "[Neighborhood Conservation Guidelines](#)," historic overlay zone standards, and other development regulations are to be used in the review of construction and development within designated historic overlay zones. The "Neighborhood Conservation Guidelines" may be amended as necessary by the planning director, following recommendation from the historical commission, to further the goal of preserving the historic character of the neighborhood. The city shall maintain photographs and illustrations of developments or design elements that are consistent with the neighborhood conservation guidelines.

**19.28.070 Permitted uses and deviations.**

- A. Permitted Uses. All properties located within the historic overlay zone shall be permitted to have the same uses as permitted in the underlying zoning district, except where this chapter specifies exceptions to the requirements of the underlying zone.
- B. Deviations. An applicant may propose, and after review and recommendation by the historical commission, the planning director may allow an applicant to deviate from certain development standards contained in the neighborhood conservation guidelines and historic overlay zone standards, provided the proposal satisfies the evaluation criteria of this subsection. This process differs from the variance procedure in that rather than approval being based upon unusual circumstances or a physical hardship, it is based upon the quality of the proposed design. This alternative process is intended to promote well-designed and innovative housing which may not strictly comply with the established standards and guidelines, but which meets the intent of the standards and guidelines. In evaluating such a proposal, the planning director, using the historical commission's recommendation as a guide, shall determine if the alternative design provides equivalent or superior results than compliance with the established standards and guidelines.
  - 1. What Can Be Changed:
    - a. Historic overlay zone guidelines.
    - b. Roof pitch.
    - c. Building modulation.
  - 2. Basis for Deviation. The applicant, if requesting a deviation from standards for either a multifamily or single-family development, shall provide plans and a written narrative describing the deviation request to the historical commission for review. The plans and narrative shall provide the historical commission with sufficient detail to determine if the proposed development will provide a project equivalent or superior to what would result from compliance with the neighborhood conservation guidelines and historic overlay zone standards. The historical commission shall make their recommendations to the planning director based on the following criteria:
    - a. Unique characteristics of the property and surroundings and how they will be protected or enhanced by the deviation;
    - b. Positive characteristics of the proposed development and whether such characteristics could be provided by compliance with the standards and guidelines;
    - c. Whether proposed design mitigates impacts that could be caused by deviation from the standards.

**19.28.080 Actions subject to review by the Everett historical commission.**

- A. The following actions within designated historic overlay zones which require building permits for exterior work shall be subject to review of the historical commission using relevant regulations and the historic overlay zone neighborhood conservation guidelines. All decisions of the historical commission relative to building permits shall constitute recommendations to the planning director consistent with the city's REVI or REVII processes as specified in Title 15.
  - 1. Demolition of a building identified as a contributing structure;
  - 2. Additions of more than one hundred fifty square feet to a contributing structure;
  - 3. Conversion of a single-family or two dwelling unit contributing structure to a building with three or more dwelling units;
  - 4. Construction of any new residential building with three or more dwelling units, or a detached accessory dwelling;
  - 5. Construction of a new clinic, commercial building, or places of worship.
- B. Consistent with the special valuation program described in chapter 84.26 RCW, the historical commission is the designated local review board to review applications and execute an agreement with the applicant if approved.

**19.28.090 Actions subject to administrative review.**

All actions which are not specified in Section 19.28.080 shall be subject to administrative review by planning staff utilizing the city's REVI process as specified in Title 15.

**19.28.100 Use of neighborhood conservation guidelines and historic overlay zone standards.**

In reviewing any proposed action, the historical commission, planning director and staff shall use the neighborhood conservation guidelines, historic overlay zone standards and other applicable development standards as the basis for approving or modifying any proposed construction plans.

**19.28.110 Roof lines.**

All new buildings shall feature roofs which slope a minimum of six to twelve vertical to horizontal ratio, and a maximum of twelve to twelve vertical to horizontal ratio, except that detached garages, and building additions of less than two hundred square feet, are not required to meet this pitch if the design is compatible with the existing structure.

**19.28.120 Appeal to the hearing examiner.**

Any decision of the planning director or designee in applying the neighborhood conservation guidelines and the historic overlay zone standards shall be subject to appeal to the land use hearing examiner. Appeals shall be filed in accordance with the provisions of Title 15.

**19.28.130 Everett register of historic places.**

- A. Criteria for placement on the Everett register. Any building, structure, site, object or district may be designated for inclusion in the Everett 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 fifty years old, or is of lesser age and has exceptional importance; and if it falls in at least one of the following categories:
  - 1. 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;
  - 2. Is associated with events that have made a significant contribution to the broad patterns of national, state or local history;

3. Is an outstanding work of a designer, builder or architect who has made a substantial contribution to the art;
  4. Exemplifies or reflects special elements of the city's cultural, special, economic, political, aesthetic, engineering or architectural history;
  5. Is associated with the lives of persons significant in national, state or local history;
  6. Has yielded or may be likely to yield important archaeological information;
  7. Is a building or structure removed from its original location, but is significant primarily for architectural value, or is the only surviving structure associated with an historic person or event;
  8. Is a cemetery which derives its primary significance from age, from distinctive design features, or from association with historic events, or cultural patterns;
  9. Is a reconstructed building constructed in an historically accurate manner on the original site;
  10. Is a creative and unique example of old 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 Everett Register.
1. Any person may nominate a building, structure, site, object or district for inclusion in the Everett register. Members of the Everett historical commission may submit nominations. In its designation decision, the commission shall consider the Everett historic resource survey and the Everett comprehensive plan.
  2. In the case of individual properties, the designation shall include the complete address and all features including outbuildings which contribute to its designation.
  3. In the case of Everett register district, 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.
  4. The Everett historical commission shall consider the merits of the nomination at a public hearing. If the commission finds that the nominated property is eligible for the Everett register of historic places, the commission shall make recommendations to the city council that the property be listed in the register. The public, property owner(s) and the authors of the nomination, if different, and lessees, if any, shall be notified of the listing.
  5. Inclusion into the Everett register of historic places requires owner approval. Everett register historic districts require approval by owners of a majority of the properties in the proposed district.
  6. Compliance with the Everett historical commission's advice on proposed changes to the historic register properties is voluntary. But if the building is altered to destroy its historical and architectural significance, then the property would be taken off the register and would lose its special valuation status.
- C. Removal of Properties from the Register. In the event that any property is no longer deemed appropriate for designation to the Everett register of historic places, the commission or property owner may initiate removal from such designation by the same procedure as provided for in establishing the designation, subsection B of this section.
- D. Effects of Listing on the Register.
1. Listing on the Everett register of historic places is an honorary designation denoting significant association with the historic, archaeological, engineering or cultural heritage of the community.
  2. Prior to the commencement of any work on a register property, excluding painting, and emergency measures, the owner must request 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. As a certified local government (CLG), the commission may grant special tax valuation for the rehabilitation of properties listed on the Everett register of historic places.
  4. Prior to whole or partial demolition of a register property, the property owner must request and receive a waiver of a certificate of appropriateness.

### **19.28.140 Changes to properties on Everett Register of Historic Places.**

- 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 register without review by the historical commission and issuance 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 that contribute to its designation as identified on the nomination form.
- B. Exemption. This section shall have no application to ordinary repair and maintenance, including painting, nor to emergency repairs.
- C. Review Process.
  - 1. Requests for Review and Issuance of a Certificate of Appropriateness or Waiver. The building official shall report any application for a permit to work on a designated Everett register property to the commission staff, who shall notify the applicant of the commission review requirements. The commission shall review the application for certificate of appropriateness or waiver prior to the building official granting a permit. Any conditions agreed to by the applicant in this review process shall become conditions of approval of the permits granted. If conditions are not met, the certificate of appropriateness may be revoked or, in the case of a waiver involving demolition, the city may take such action it deems appropriate including issuance of stop-work orders and/or suspension of permits.
  - 2. Commission Review. The owner or their agent shall apply to the commission for a review of the proposed changes to a register property or within a register 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.
  - 3. Commission Procedures. The commission shall meet with the applicant and review the proposed work according to the requirements set forth in this chapter, and, in the case of reconstruction, alteration, restoration, remodel, repair or moving, the design review criteria established in the Washington State Advisory Council's Standards for Rehabilitation and Maintenance of Historic Properties. The commission's recommendation 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. The decision concerning the granting or denial of a certificate of appropriateness shall be made by the planning director on the advice of the commission according to the standards established in the commission's rules. Once a decision is rendered, it shall be transmitted to the building official. The building official may then issue the permit provided the proposed work meets all other appropriate regulations.
  - 4. Demolition. A waiver of the certificate of appropriateness is required before a permit may be issued to allow whole or partial demolition of a designated Everett register property. The owner or their agent shall apply to the commission for review of the proposed demolition and request a waiver. When there is no feasible alternative to demolition, then either the significant historic character defining features should be saved and incorporated as part of the new design, or the new design should, in some measure, preserve or recognize the historic character or provide reasonable mitigation. The commission shall make a recommendation to the city council. The commission may recommend that: (a) the waiver be granted; (b) the waiver be granted with conditions; or (c) the waiver be denied. In addition, the commission may recommend that the property be removed from the register upon demolition. Conditions, in the case of a recommendation waiving a certificate of appropriateness involving demolition, may include a recommendation that the owner provide reasonable mitigation for the loss of the Everett register property. Reasonable mitigation for the loss may include a demolition that: (1) saves significant facade features and incorporates them into the design of the structure; (2) incorporates identified character defining features into the design of the new structure; or (3) such other alternatives found acceptable to the historical commission or the city council.

**19.28.150 Review and monitoring of properties for special property tax valuation.**

- A. The class of properties eligible for special valuation shall be limited to properties listed on the Everett register of historic places.
- B. Applications for special property tax valuation in connection with substantial improvement of historic properties as defined in chapter [84.26](#) RCW, shall be submitted to the commission by the county assessor within ten days of filing.
- C. The commission shall approve applications for special valuation if the property meets the provisions of chapter [84.26](#) RCW and is not altered in a way which adversely affects those elements which contribute to its designation and the owner(s) enters into an agreement with the commission which requires the owner(s) for the ten-year period of classification to:
  - D. Monitor the property for its continued qualification for special valuation;
  - E. Comply with rehabilitation plans and maintenance as defined in the agreement;
  - F. Make the historic aspects of the property accessible to public view one day a year, if the property is not visible from the public right of way;
  - G. Apply to the commission for approval or denial of any demolition or alteration; and
  - H. Comply with all other provisions in the original agreement.
- I. Owners of Everett register properties that have been granted special valuation must execute an historic preservation agreement with the city. This agreement covers the owner's obligation for maintenance, repair or alteration of the historic structure. Any breach of this historic preservation agreement may result in the loss of special valuation.
- J. Once an agreement between an owner and the commission has become effective, there shall be no changes in standards of maintenance, public access, alteration or report requirements, or any other provisions of the agreement, during the period of the classification without the approval of all parties to the agreement.
- K. An application for classification as an eligible historic property shall be approved or denied by the commission before December 1st of the calendar year in which the application is made.
- L. The commission shall notify the county assessor and the applicant of the approval or denial of the application.
- M. If the commission determines that the property qualifies as an eligible historic property, the commission shall certify the fact in writing and shall file a copy of the certificate with the county assessor within ten days of the determination and no later than December 31st.
- N. Any decision of the commission acting as the local review board on any application for classification as historic property, eligibility for special valuation, may be appealed to superior court.