

ORDINANCE NO. 2009-952
CITY OF WAITSBURG, WASHINGTON
AN ORDINANCE UPDATING THE CITY'S HISTORIC PRESERVATION OVERLAY
ZONE REQUIREMENT; GRANTING THE HISTORIC PRESERVATION
COMMISSION CHAIRMAN CERTAIN POWERS

WHEREAS, the City Council thoroughly reviewed the City current historic preservation overlay zone provision; and

WHEREAS, the City Council has determined that updates are necessary to streamline the application process; and

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF WAITSBURG, WASHINGTON, DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1:

Chapter 1Q Subsection 170 of Title 10 of the Waitsburg Municipal Code shall read as follows:

Sections:

10.1Q.170	Purpose
10.1Q.171	Prohibited Historic preservation
10.1Q.172	Burden of Proof
10.1Q.173	Application
10.1Q.174	Application Form
10.1Q.175	Filing Fees
10.1Q.176	Public Hearings and Notice
10.1Q.177	Review Criteria
10.1Q.178	Conditions
10.1Q.179	Notice of Decision
10.1Q.180	Appeals
10.1Q.181	Duration of Historic preservation
10.1Q.182	Revocation

10.1Q.170. Purpose. The purpose of this chapter is to provide a procedure for approval of historic preservation permits for limited, and or minor uses. Such uses include and are limited to general re-roofing permits and minor exterior paint touch ups where the same exact color is used to maintain areas prone to flaking or deterioration.

10.1Q.171. A historic preservation permit issued upon concurrence of the City Clerk and the Chairman of the Historic Preservation Commission acting pursuant to this chapter. The City Clerk and the Chairman of the Historic Preservation Commission acting together shall hear and decide all applications for historic preservation permits. In granting any historic preservation permit, they may impose conditions to safeguard and protect the public health, safety, and promote the general welfare, and to ensure that the development so authorized is in accordance with approved plans and consistent with the objectives of the Zoning Ordinance. In the event

that either the City Clerk or the Chairman does not concur in granting a permit under this chapter, the applicant may proceed pursuant to WMC 10.1Q.

10.1Q.172. Burden of Proof. The burden of proof to establish that findings-of-fact can be made as required by this Chapter is on the applicant.

10.1Q.173 Application. Application for a historic preservation permit may be initiated by the record owner or owners of the subject property or authorized agent thereof. Those submitting applications under this chapter are specifically authorized to mark as "not applicable" those portions of the application that the applicant reasonably deems irrelevant for the limited or minor use of the historic preservation permit obtained under WMC 10.1Q.170 through WMC 10.1Q.182.

10.1Q.174. Application Form. Applications for historic preservation permits shall be made upon forms available from the City and shall contain all information necessary to evaluate the proposal, including but not limited to maps, drawings to scale of land and buildings, dimensions, descriptions, and data to support that the required findings of fact exist. The application shall contain a statement containing any facts in support of the permit which the applicant wishes to make. Such applications and accompanying materials shall be filed with the City Clerk.

10.1Q.175. Filing Fees. Filing fees, in an amount specified by Chapter 10.1Q shall be paid upon the filing of each application for a minor historic preservation permit.

10.1Q.176. Procedure. Action on the application shall be conducted as an administrative approval subject to notice pursuant to title 10A of the Waitsburg Municipal Code. Notice shall be given as provided in WMC 10A.09.020.

10.1Q.177. Review Criteria. A historic preservation permit shall be granted only if the City Clerk and Historic Preservation Commission Chairman concur in making written findings of fact that:

- A. The proposed use meets the criteria of a historic preservation permit as defined in section 10.1Q.020 Definitions.
- B. The proposed use and its associated structures and facilities will not be detrimental to the public health or safety, the general welfare, or the environment;
- C. The proposed use and facilities will not adversely affect or conflict with adjacent uses or impede the normal development of surrounding property;
- D. Adequate public and private facilities such as utilities, landscaping, parking spaces, and traffic circulation currently exist for the proposed use;
- E. Special conditions and circumstances exist that are peculiar to the land, structure, or building involved, and are not applicable to other lands, structures, or buildings in the same zone;
- F. The literal interpretation of the provisions of the development code would deprive the applicant of rights commonly enjoyed by other premises in the same zone;
- G. Granting the permit or historic preservation will not confer on the applicant any special privilege that is denied to other lands, structures, or buildings in the same zone;

H. The use permit or historic preservation, either as proposed or as conditioned, is the minimum change that will make possible the reasonable use of the land, building, or structure;

I. Granting the historic preservation permit will be in harmony with the general intent and purpose of the historic preservation regulations, will not be injurious to the neighborhood, or otherwise detrimental to the public welfare, and will not adversely impact the implementation of the city's comprehensive plan;

J. The need for permit or historic preservation has not been self-induced by the applicant; and

K. The proposed use will be consistent with the elements and policies of the Comprehensive Plan.

10.1Q.178. Conditions. The City Clerk and Chairman of the Historic Preservation Commission shall have the authority to establish conditions to ensure that approval of the historic preservation permit is consistent with the review criteria.

10.1Q.179. Notice of Decision. The decision shall be in writing and shall include the findings-of-fact required by this Chapter together with any conditions, modifications, or other information pertinent to the determination. The notice of decision shall be mailed to the applicant and parties in interest in accordance with WMC Title 10A.

10.1Q.180. Appeals.

A. Appeal to City Council. The City Council shall conduct a closed record appeal of the decision upon petition of any aggrieved person filed within 15 days after the notice of decision is issued. The Council appeal proceedings, notice thereof, and the Council's written determination shall conform to the requirements of WMC Title 10A.

B. Judicial Appeals. After a notice of decision is issued by the City Council following an appeal, any aggrieved party with standing to appeal as set forth in WMC Title 10A, may appeal the decision to the Walla Walla County Superior Court pursuant to WMC Title 10A and RCW Chapter 36.70C.

10.1Q.181. Duration. Every right or privilege authorized by the grant of a historic preservation permit shall terminate one year after the granting of such permit unless the work necessary to implement such historic preservation has been completed. The City Clerk and the Chairman of the Historic Preservation Commission may grant an extension for cause, not to exceed one year.

10.1Q.182. Revocation. The City Clerk and Chairman of the Historic Preservation Commission shall have continuing jurisdiction over any historic preservation permit. To consider the revocation of a historic preservation permit, they shall hold a public hearing after giving notice in accordance with Section 10A.07.030. They may revoke and terminate the historic preservation permit, in whole or in part, reaffirm the historic preservation permit, modify the conditions, or impose new conditions.

A historic preservation permit may be revoked or conditions modified or added on any one or more of the following grounds:

- A. The historic preservation permit was obtained by fraud or misrepresentation; or
- B. The historic preservation permit has been exercised contrary to the terms or conditions of approval; or
- C. The use is in violation of any statute, ordinance, law, or regulation; or
- D. The use permitted is being or has been so exercised as to be detrimental to the public health, safety, or welfare, or so as to constitute a nuisance.

SECTION 2:

This ordinance shall take effect immediately upon its passage and publication as required by law.

Done in open meeting this 8th day of September 2009.

APPROVED:

ATTEST:

Markeeta Little Wolf
Mayor

Randy Hinchliffe
City Clerk

APPROVED AS TO FORM:

Janelle Carmen
City Attorney