



# ***Landmark Register Properties***

**PB-25**

## **Community Development Department**

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### **15.280.090 Review of changes to landmarks register properties.**

#### **A. Review required.**

1. No person shall alter, repair, enlarge, newly construct, relocate, or demolish any registered landmark, or any property located within a landmark district, nor install any exterior sign pursuant to subsection (A)(2) below, without review by the landmarks and design commission and approval of a certificate of approval (COA).
2. This review shall apply to all exterior features of the property visible from a public right-of-way. This review applies whether or not a permit from the city of Ellensburg is required.
3. Review of alterations to Ellensburg landmarks register properties under this chapter is in lieu of design review required for both major and minor projects and sign review per ECC 15.210.050(B).

**B. Exemptions.** The following activities are exempted from landmarks review and do not require a COA: maintenance and repairs in-kind which do not alter the historic character-defining exterior features visible from a public right-of-way and do not utilize substitute materials; repairs to or replacement of utility systems which do not alter exterior features visible from a public right-of-way; and all interior work.

#### **C. Review process - (a Type II review process exception).**

1. Requests for review and issuance of a certificate of approval.
  - a. Application for a COA shall be made by filing an application for such certificate with the preservation planner on forms provided by the department. A written description of materials required for the landmarks and design commission's review, including but not limited to site plans, elevations, and material samples, shall be provided to the applicant. Preliminary plans may be submitted to the preservation planner for review and an advisory opinion.
  - b. If an application is made to the department of community development for any permit which affects a designated landmark, or a property located in a landmark district, the building official shall promptly refer such application to the preservation planner, and such shall be deemed an application for a COA if accompanied by the additional materials required for COA review. No city permit shall be issued, nor work begun, until the landmarks and design review process has been completed and a COA has been issued pursuant to this chapter.
2. Landmarks and design commission review.
  - a. At a regularly scheduled public hearing, the landmarks and design commission shall review the proposed work according to the relevant design provisions set forth in Articles 4 and 5 of this title. After concluding the public hearing, the landmarks and design commission shall approve or disapprove the application. Approval projects shall be based upon appropriateness of design as reflected in said provisions.
  - b. The landmarks and design commission may approve with or without conditions or disapprove an application. The decision of the landmarks and design commission shall be rendered within 15 working days of the date of receipt of a completed application, unless the parties agree to an extension. The landmarks and design commission's findings in support of any decision shall be in writing and shall cite the applicable design provisions.

- c. If the landmarks and design commission make a decision to issue a COA, such certificate shall be promptly issued to the applicant by the preservation planner and a copy of such certificate shall be transmitted to the building official.
- d. If the landmarks and design commission denies the application, the applicant and the building official shall be notified of such denial, including the reasons why approval of the application is not warranted.
- e. The commission's decision on a COA may be appealed to the city council in a closed record appeal hearing.

**D. Demolition.** Application for a COA for whole or partial demolition of a property listed in the Ellensburg landmarks registershall be reviewed by the landmarks and design commission in accordance with the procedures set forth in subsection (C) of this section and ECC 15.280.100 with the following exceptions:

- 1. The landmarks and design commission shall meet initially with the applicant to consider alternatives to demolition, including available incentives for preservation. These negotiations may last no longer than 90 days from the first meeting of the landmarks and design commission, unless either party requests an extension.
- 2. If no request for an extension is made and the existence of a condition of unreasonable economic return, as set forth in ECC 15.280.100, has been proven and no alternative to demolition has been agreed to, the landmarks and design commission shall make a decision on issuance of the COA. The preservation planner shall promptly transmit a copy of such decision to the the building official.
- 3. The landmarks and design commission may require conditions of approval including, but not limited to, mitigation measures.
- 4. Any person aggrieved by any action of the commission denying or approving a demolition request may file a notice of appeal as set forth in Chapter 15.23, however, such appeal shall be a closed record appeal to city council rather than to the hearing examiner.

**15.280.100 Evaluation of economic impact.**

- A. In making its decision the landmarks and design commission shall, when requested by the property owner, consider evidence of economic impact on the owner from the denial or partial denial of a COA. In no case may a COA be denied, in whole or in part, when it is established that the denial will, when available economic incentives are utilized, deprive the owner of a reasonable economic use of the property, and there is no viable and reasonable alternative which would have less impact on the significant features specified in the designation.
- B. To prove the existence of a condition of unreasonable economic return, the applicant must establish, and the landmarks and design commission must find, both of the following:
  - 1. The landmark is incapable of earning a reasonable economic return without completing the alterations or demolition proposed; and
  - 2. The owner has the present intent and the secured financial ability, demonstrated by appropriate documentary evidence, to complete the proposed alteration or, in the case of demolition, to complete any proposed new construction.