

## 18.26.040 Development regulations.

Development regulations in the HC district are as follows:

A. No building or structure shall be erected, reconstructed, altered, or restored within the Tumwater historic district unless the Tumwater historic preservation commission approves a certificate of appropriateness.

Development that does not require a certificate of appropriateness or review by the commission as listed in TMC [2.62.060](#)(B), as well as the exemptions listed in TMC [18.26.050](#), are exempt from review. An application fee shall be established by resolution of the city council.

B. No building or structure within the Tumwater historic district shall be demolished without first obtaining a waiver of a certificate of appropriateness approved by the commission in accordance with TMC [2.62.060](#)(C)(3).

The commission shall be empowered to refuse such a permit for any building or structure of architectural or historic interest, the removal of which in the opinion of the commission would result in adverse impact to the environment and be otherwise detrimental to the general welfare of the city.

C. 1. The commission shall review all plans, elevations, and other information made available by the applicants that is deemed necessary by the commission to determine the appropriateness of any building or structure, including signs, proposed to be erected, reconstructed, altered or restored within the Tumwater historic district.

2. The commission, in passing upon the appropriateness of any such proposal, shall consider, among other things, the extent to which:

a. The proposed building or structure helps recreate the ambience and landscape of the Tumwater historic district as it existed from 1845 to 1906; and

b. The proposed building or structure is consistent with the 1993 City of Tumwater New Market Historic District Master Plan (and as amended).

c. Accessory wireless communication antennas shall be limited to attached devices camouflaged into approved architectural features of an existing structure on the property such that the presence of the device is not detectable, unless otherwise determined to be appropriate pursuant to subsection (C)(3) of this section.\*

3. The commission shall make this determination based on how the project addresses the Secretary of the Interior's Standards for the Treatment of Historic Properties (and as amended). Rehabilitation will be the default Secretary of Interior standard used, unless the applicant and the commission mutually agree

to use one of the other three types of Secretary of the Interior's standards: preservation, restoration, or reconstruction, as well as documentation found in the historic register designation report regarding:

- a. The approximate placement of structures, improvements, landscaping, or topological features;
- b. The general design, scale, gross volume, size and height of structures and improvements; and
- c. The exterior texture, color, and materials of construction of structures and improvements.
- d. Historical photographs in the possession of local or state historical repositories shall be the objective standard of what constitutes the ambience and landscape of the Tumwater historic district as it existed from 1845 to 1906.

D. Upon approval of the plans, the commission shall cause a certificate of appropriateness, dated and signed by the mayor, to be issued to the applicant.

E. The building official or director of community development shall stop any work attempted to be done without, or contrary to, a permit issued under this chapter, and shall prosecute any person responsible for such a violation of this chapter or engaged in such violation.

\*Use may also be subject to applicable provisions of TMC Chapter [11.20](#), Communication Antennas and Towers. (Ord. O2017-015, Amended, 04/17/2018; Ord. O2010-017, Amended, 12/21/2010; Ord. O97-019, Amended, 06/17/1997; Ord. O96-022, Amended, 12/17/1996; Ord. O95-035, Amended, 12/19/1995; Ord. 1147, Amended, 12/15/1987; Ord. 883, Added, 05/06/1984)

#### **18.26.050 Exemptions to development regulations.** SHARE

The following types of development are exempt from the requirements of TMC [18.26.040](#), provided the development is consistent with the 1993 City of Tumwater New Market Historic District Master Plan (and as amended):

- A. Ordinary repair and maintenance of existing structures or improvements, including damage by accident, fire, or elements. "Ordinary maintenance" includes those usual acts to prevent a decline, lapse, or cessation from a lawfully established condition. "Ordinary repair" means to restore a development to a state comparable to its original condition after decay or partial destruction;
- B. Emergency construction necessary to protect property from damage by the elements. An "emergency" is an unanticipated and imminent threat to public health, safety, or the environment, which requires immediate action within a time too short to allow full compliance with TMC [18.26.040](#).