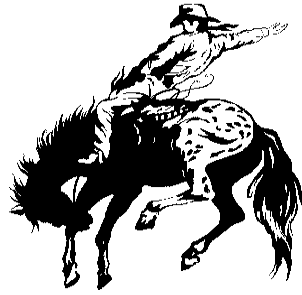


CITY OF TOPPENISH



"Where the West Still Lives"

Downtown Revitalization Program (Matching Grant and Loan)

Applicant Guide



July - 2010

Administered by:

City of Toppenish
City Manager's Office
21 West First Avenue
Toppenish, WA 98948
(509) 865-6319 Office
(509) 865-1950 Fax

Table of Contents

Introduction – General Policy & Intent	3
What Areas of the City are eligible for Funding?	3
Who is Eligible to Apply?	3
What Projects Are Eligible for Funds?	4
How to Apply	5
Evaluation Process	5
Grant Administration	6
Where to Get More Info	6
Step by Step procedures	8
Grant application	9
Loan Application	13
Complete Text of TMC 17.26	15



Introduction – General Policy & Intent

The purpose of the Downtown Revitalization Program (DRP) is to revitalize Toppenish downtown area through a public/private partnership to stimulate investment and economic development, reduce blight and improve the physical appearance of commercial buildings and related site elements. This program implements the City of Toppenish downtown revitalization efforts by transforming current commercial and vacant space into viable, attractive and economical market places.

With this in mind, the City has budgeted \$200,000 (\$100,000 for grants and \$100,000 for loans) to support projects that improve the appearance and fill storefronts in the downtown core. The inaugural year is 2010 for the program. These funds, along with the commitment and participation of the business community, are intended to mutually benefit all Toppenish residents.

Eligible property owners may apply for one or more Downtown Revitalization Matching Grants not to exceed a total of \$25,000 per storefront (building and site). Therefore multiple applications may be filed over time. The applicant must provide matching funds equal to the amount of the grant. Low interest loans are available to meet the match requirement. Applications will be carefully considered to ensure that budgeted funds are widely distributed and used in a timely manner. Grant awards and loan disbursements are limited to available funds for each fiscal year (January – December).



What Areas of the City are eligible for Funding ?

The area of the City eligible for funding includes the downtown area, as defined herein. The downtown area is the area on both sides of the following streets: along W 1st Ave between S Beech Street and Division Street; along S Toppenish Ave between the Railroad tracks to 2nd Ave.; along S Alder Street between Washington Ave and W 1st Ave.; and along Washington Ave between S Toppenish Ave and S Alder St. In determining whether to approve an application, preference must be given to applications for locations within the downtown area. Applications for funding to improve other properties outside the downtown area may also be considered. The primary focus is on the Downtown area



Who Is Eligible to Apply?

Owners of commercial property located within the area of the City eligible for funding, are eligible to apply for DRP funding



What Projects Are Eligible for Funds?

DRP grants apply only to eligible improvements and costs approved by the Finance Review Committee, although property owners are encouraged to undertake a wide array of improvements. Eligible improvements may vary depending on the site, community benefit derived and program budget. The following improvements may be considered:

- Rehabilitation repair or refurbishing of facade elements especially work consistent with program emphasis.
- Exterior painting or similar restoration of exterior architectural elements including surface preparation.
- Addition or renovation of exterior architectural elements, doors, windows, awnings, landscaping, exterior lighting in conjunction with facade work and certain types of passive energy conservation equipment.
- Rehabilitation of upper floor facades if first floor facade improvements are warranted and performed.
- Rehabilitation, repair or refurbishing of second story apartments for rental occupancy.
- Interior improvements to increase energy efficiency.
- Rehabilitation repair or refurbishing of interior spaces to facilitate new business location.
- Rehabilitation, repair or refurbishing of interior spaces to increase business efficiency and improve profitability.
- Planning, building permit and professional fees such as engineering, architectural, or design fees.

Some projects cannot be considered eligible for funding. This would include:

- Work performed prior to approval by the City Finance Review Committee.
- Work not in compliance with program guidelines or adopted laws, codes or guidelines, estimated improvement costs, conditions of approval, or not meeting industry standards.
- Work that exceeds the approved grant limit or type.
- New construction projects, code compliance or legalization of illegal or nonconforming construction or uses, and projects involving buildings in a state of deterioration beyond repair.
- Work on portions of the building or site that do not face prominent public streets, unless specifically approved because the area is highly visible or similar reasons

If you have any questions on a project idea, please do not hesitate to ask if it could be considered – or use the evaluation process criteria listed later in this packet.



How to Apply

Applying for the Toppenish program is easy. An application form is attached at the back of this packet, and help is available if you have questions. Simply follow the instructions below:

1. Read the information packet and application form completely. Take note of any questions that you have and contact the Toppenish City Manager at (509) 865-6319 or at wmurphy@cityoftoppenish.us to have those questions answered before proceeding.
2. Read and become familiar with section 17.26 of the Toppenish Municipal Code. All exterior improvements in the Design Review District must comply with requirements of Toppenish Municipal Code 17.26 . A copy of TMC 17.26 is attached as part of this packet.
3. Designate a project coordinator
4. Make use of the criteria for evaluation, listed in the next section, when developing your project. The more it fits the criteria, the better the chances of receiving your grant funds.
5. Determine a timeline for your project. Note specific tasks that are to be completed and dates for their completion. This itemized list must be part of the application.
6. Include all of the necessary pictures, drawings, plans, timelines and cost estimates. Incomplete applications will be returned to the submitter.
7. Fill out the attached Grant application and return it to the City Manager's Office at City Hall along with all accompanying documents, pictures, drawings, or plans.
8. If applying for a loan for the matching funds complete the Loan application and include it with the Grant application.

The applications will be accepted anytime throughout the year but there is a limited amount of funding. Qualified applications will be funded on a first come basis and once the funding has been exhausted for the year applications will not be accepted. At any time feel free to call, email, or stop by with questions.



Evaluation Process

All applications will be evaluated by the Finance Review Committee composed of the following:

City Manager, Chair; Finance Director; City Planner

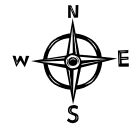
The Finance Review Committee will review all matching grant applications and approve which applications to award and the amount of the match. As with any project review, the more complete information you provide, the easier it is to review the application. Submissions for grant funds will be evaluated with the following criteria:

- **Application:** Quality of the application; all necessary information is provided, including the Preliminary Design, plans, color photos, specifications and cost estimates of the proposed project.
- **Quality of the Project:** How does the project impact the downtown? Projects should demonstrate a tangible benefit to the downtown as a whole. The project should be clearly planned, and ready to proceed.
- **Project Timeline:** All projects must show a timeline for completion that demonstrates the project completion in less than one year from date of grant approval.
- **Maintenance Issues:** A document that states how ongoing maintenance of the project will be handled after the project is completed.



Grant Administration

Once an application has been approved the building owner/ applicant and the City will enter into an agreement outlining the obligations of the owner/applicant and the city. The necessary forms for reimbursement will be provided.



Where to Get More Information

There are various ways to get more information related to the Downtown Revitalization Program, or to help you with the application process:

1. Call William Murphy at (509)865-6319
2. or email him at wmurphy@cityoftoppenish.us
3. or send questions to:

The City of Toppenish
Attention: City Manager
21 West First Avenue
Toppenish, WA 98948

There are various ways to get more information about building permits or Design Review requirements:

1. Call Bill Rathbone at (509)865-6319
2. or email him at wraithbone@cityoftoppenish.us
3. or send questions to:

The City of Toppenish
Attention: Building Official/City Planner
21 West First Avenue
Toppenish, WA 98948

Application Packet: The entire application packet is available on the City website www.cityoftoppenish.us or at Toppenish City Hall, 21 West First Avenue, Toppenish, WA 98948.

Toppenish Municipal Code: The Toppenish Municipal Code is available on line at <http://www.cityoftoppenish.us/public/default.asp> or <http://www.codepublishing.com/wa/toppenish/> or for viewing at Toppenish City Hall, 21 West First Avenue, Toppenish, WA 98948.

Step-By-Step Procedures for Downtown Revitalization Program

- Step 1** **Initial Meetings:** An initial meeting with program staff to acquaint the property owner and applicant with the Downtown Revitalization Program (DRP), Building Code requirements (TMC Title 15) and Design Review District (TMC 17.26) Guidelines is advised. Project concepts will be scheduled for an Initial review by the Building Official to review eligibility of the various project components and conceptual ideas and designs prior to preparation of Preliminary or Final Design Plans. The property owner should bring color photos of the site and drawings of the proposed improvements. There is no Grant/Loan application fee. The review process and time required to obtain all permits can be lengthy ranging from several weeks to months or more.
- Step 2** **Application Review:** The applicant submits the application form and required information including color photos of the site Preliminary Design plans specifications and cost estimates for those improvements or portions thereof proposed under the DRP. Staff reviews the information to ensure it is complete. In making an application the applicant and property owner must agree to indemnify the City against future claims and to site visit(s) by City staff and decision-making bodies following appropriate notice.
- Step 3** **Planning and Building Department Review:** The Planning and Building Department evaluates the application for consistency with the codes and other requirements. Additional information may be required.
- Step 4** **Finance Review Committee Funding Allocation:** The Finance Review Committee conducts an internal review of the application and approves or denies the application for grant funds, in whole or in part. The applicant will be notified of the decision. All decisions are appealable to the Toppenish City Council by filing a written appeal with the City Clerk within 10 days from the decision. Any work begun before approval by the Finance Review Committee is not reimbursable. No work should be commenced prior to the end of the appeal period and decision on any filed appeals.
- Step 5** **Project Conditions and Permits:** All work must comply with Downtown Revitalization Program (DRP) project conditions of approval. All required permits (such building, sign, demolition, air quality etc.) and potential land use entitlements (such as site development permit) must be obtained before starting work. The applicant is responsible for obtaining all permits/entitlements. If the project or cost estimates change, revised information must be submitted for Finance Review Committee approval prior to starting work. Improvements must be completed within one 1 year from Finance Review Committee approval and 180 days from building permit issuance as provided by law.
- Step 6** **Payment of Grant:** After completion of work in compliance with all conditions, documentation of work, (canceled checks or other proof of work and payment acceptable to the City, copies of all required finalized permits, all contractor waivers of liens, photographs of improvements) is provided to staff for review. Work completed in compliance with the approved plans and conditions of approval and program guidelines will be paid within thirty 30 days of City receipt of complete documentation. The applicant and future owners/tenants have a duty to properly maintain the improvements in accordance with project conditions.

CITY OF TOPPENISH



“Where the West Still Lives”

DOWNTOWN REVITALIZATION PROGRAM GRANT APPLICATION FORM

PROJECT INFORMATION

Street Address		Cross Street
Assessor's Parcel No's		
Applicant Name:		
Mailing Address:		
City:	State:	Zip Code:
Phone:		Mobile Phone:
Fax:		Email:

Property Owner Name:		
Mailing Address:		
City:	State:	Zip Code:
Phone:		Mobile Phone:
Fax:		Email:

Tenant Name:		
Mailing Address:		
City:	State:	Zip Code:
Phone:		Mobile Phone:
Fax:		Email:

PROJECT DESCRIPTION

1. Describe the proposed improvements/alterations:

2. What is the total cost of the improvements proposed under the Facade Improvement Grant Program? *(The City will consider up to 50% of eligible expenses as the basis for a grant subject to availability of funding).*

\$

3. Will the project be completed in more than one phase (i.e. you will request grants paid separately for more than one phase). Please note that building permits must be finalized for each phase prior to payment of any grant for that phase.

Yes No

4. Provide a numbered itemized list of the project components location and maximum estimated Cost. Attach additional tables using the same format if necessary. The elevation relates to the side of the building. Site location relates to the location on the property in sufficient detail so set backs can be determined.

Item No.	Improvement or Work	Elevation or site location (North, South, East, West)	Maximum Estimated cost	Phase Number (1,2,etc.) if the project/grant is proposed to be phased

5. How does the proposed project contribute to the improvement of the City physical image?

6. Are any other improvements or changes to the building or site not included as part of this application proposed?

Yes No If Yes, please explain: _____

7. What year did the current owner purchase or take possession of the property? _____
 8. The following information must be also submitted with the application following your initial meeting with Agency staff. You are encouraged to consult with architects and other professionals prior to presenting proposals The Design Review Board will make recommendations with respect to your proposal but is not responsible for designing the proposal. You may present several alternatives such as alternative color palettes for consideration.
- A. Cost estimates or bids for improvements or portions thereof proposed under the program. Cost estimates must be itemized and be referenced to the list of proposed improvements.
 - B. Completed IRS Form W-9 (Request for Taxpayer ID Number and Certification)
 - C. Existing and Proposed Work

General:

- 3 full-size sets of all plans rendering or documents showing proposed work. One full size set must be in color if relevant to the project.
- 5 reproducible set of reduced size plans and graphics, 8.5 x 11 or smaller with modified scale or dimensions. One reduced set must be in color if color is relevant to the project.
- All documents to be legible, folded to 8.5 x 11 or smaller, collated into sets.
- All documents to include applicant and preparer name and contact information
- All maps and graphics to include North arrow and scale or dimensions
- All plans drawings or details drawn to scale

Site Plan: Property lines and adjoining streets with names.

Photographs: (accommodation can be made if you do not have a camera)

- Color photographs of existing elevations and relevant site elements from public vantage points (please take photos at times of day when all elements can be clearly seen). The program is limited to grants for elevations and aspects that improve the visual appearance of the city.
- Color photographs of all existing elements proposed to be modified, so that the design and condition of the elements can be clearly seen.

Landscape Plan (if landscape alterations are proposed):

- Location of existing vegetation by type, designating vegetation to be removed
- Location and approximate lot coverage of proposed vegetation at maturity, including tree canopy coverage.
- Legend with common and scientific names for all proposed trees shrubs and ground covers.
- Treatment of all other areas proposed to be modified not occupied by structures or landscape.
- Location and design of any other related proposed elements.
- Location and type of irrigation system.

Building Elevations and Story Board:

- Elevations for front side and rear views of ail elements proposed for modification.
- Location type and specifications of ail lighting standards including coverage.
- Description of building and roof materials.
- Paint types colors and other descriptive samples for walls trim roof etc.
- One set of elevations must be in color.
- Submit one large story board with materials colors and samples.

Other Exterior Details:

- Elevations, materials, colors and other details of any other site elements proposed to be improved

ACKNOWLEDGEMENTS

1. **IMPORTANT TAX LIABILITY INFORMATION:** You are urged to consult your tax advisor concerning the taxability of grants. The City of Toppenish is not responsible for any taxes that may be imposed as a result of your receipt of this grant payment directly or indirectly. Grants in excess of \$600 may be reported on IRS Form 1099. A completed Form W9 (Request for Taxpayer ID Number and Certification) must accompany the application to help determine if a Form 1099 will be issued by the City of Toppenish.
2. I/we certify that to the best of my knowledge the information in this application and all plans is true accurate and correct and that this application is being made with my consent. I understand that misrepresentation of factual information may invalidate development entitlements granted by the City of Toppenish and disqualify the project from participation in the Façade Improvement Program notwithstanding any expenses or obligations incurred.
3. I/we certify that I am the owner of the real property which is the subject of this application or that I am duly authorized to represent said property owner in this matter. I/we acknowledge that the applicant is responsible for notifying city staff if notification information has changed.
4. I/we certify that I have read understand and agree to abide by all terms and requirements of the Façade Improvement Grant Program Guidelines and Step-by-Procedures for Façade improvement Grant Program, Attachment A, and I/we agree to comply with specific design recommendations of the Design Review Board and requirements of the Finance Review Committee.
5. I/we understand that work shall not begin until the application has been approved by the Design Review Board and Finance Review Committee and ail required permits (building, site development permit, signs, etc.) have been approver/issued and the cost of work performed prior to these actions will not be eligible for a grant by the City. I/we understand that detailed cost documentation (invoices, receipts, cancelled checks, contractor’s waivers of liens, copies of required permits, photographs of completed improvements, etc.) must be submitted upon completion of program improvements prior to payment of a grant.
6. I/we agree to maintain all improvements made under this Program consistent with the condition of the improvements at the time of completion of the project.
7. I/we acknowledge that it is the responsibility of the applicant and owner to be aware of and abide by City laws and policies and decisions affecting this Program and development within the City of Toppenish
8. I hereby authorize employees of the City of Toppenish Planning Commission and Finance Review Committee to enter upon the subject property as necessary to inspect the premises and process this application.
9. I/we agree to defend indemnify release and hold harmless the City its agents, officers, attorneys, employees, boards and commissions from any claim, action or proceeding brought against any of the foregoing individuals or entities, the purpose of which is to attack, set aside, void or annul the approval of this application. This indemnification shall include but not be limited to damages costs expenses attorney fees or expert witness fees that may be asserted by any person or entity including the applicant arising out of or in connection with the City action on this application whether or not there is concurrent passive or active negligence on the part of the City. If for any reason any portion of this indemnification agreement is held to be void or unenforceable by a court of competent jurisdiction the remainder of the agreement shall remain in full force and effect.

SIGNATURES: I/we certify that I have read understand and agree with the nine (9) Acknowledgements above.

Applicant _____ Date _____

Owner _____ Date _____

Other _____ Date _____

ATTACHMENTS Completed IRS Form W-9 (Request for Taxpayer ID Number and Certification)

CITY OF TOPPENISH



“Where the West Still Lives”

DOWNTOWN REVITALIZATION PROGRAM LOAN APPLICATION FORM

Loan amount you are requesting: \$ _____		Grant amount you are requesting: \$ _____	
Applicant/Business Owner Name _____			
Current Business Address _____			
Phone _____	Fax _____	E-mail _____	
Contact Person _____		Title _____	

Do you own or lease your current business location? _____ *(If leasing, please provide a copy of the lease and contact information for the landlord)*

Length of time at this address _____

If relocating, new location address _____

Anticipated relocation date _____

Will you be purchasing or leasing at the new location? _____ *(If leasing, please provide a copy of the lease)*

Type of Business _____

Current Number of Employees _____ As a result of this financing and/or grant funding, will *additional* jobs be created? (Check one) Yes No If yes, how many _____

Age of Business in years: _____

Annual Sales Revenue \$ _____ Projected \$ _____

Describe your Products/Services: _____

How are your Products/Services sold? Walk-in Business, Representative/Distributors, Direct Mail Telemarketing, Internal Sales Force, Other _____

Has the Business been profitable the last two (2) years? (Check one) Yes No

Profit *before* Taxes the last two (2) years:

Year Profit Reported \$ _____ Depreciation Expenditure \$ _____

Year Profit Reported \$ _____ Depreciation Expenditure \$ _____

Authorized Signatory First Name		MI	Last
Authorizing Signatory Title			
Home Address			Apt. No
City	State		Zip
Authorizing Signatory Social Security Number:			
Business Phone	Cell Phone	Fax	

Has the Business ever filed Bankruptcy? (Check one) Yes No

Have you *personally* ever filed Bankruptcy? (Check one) Yes No If yes, when _____

Are there any known issues with your Credit? (Check one) Yes No If yes, please explain: _____

Your signature certifies that you are authorized to execute the Application for the business named, and that all information submitted is true and correct. Your signature also authorizes the City of Toppenish to obtain consumer and/or business reports, including inquiries to the Internal Revenue Service, in their names as individuals at any time. The authorized signatory further agrees to notify the City of Toppenish promptly of any material change in any such information.

In addition, your signature also serves as authorization for release of information. This authorization may be sent to banks, credit accounts, and vendors. Such information may include, but may not necessarily be limited to credit histories and balances, employment verification, and account deposit histories and balances.

On behalf of the Company and myself I agree on behalf of the Company and myself that the Company and I will be bound as specified therein. You are authorized to check the Company's (and my) credit record.

Signature of Authorizing Signatory X _____ Date _____

Please return this information by – Fax: **(509) 865-1950** or Mail: **City Clerk, City of Toppenish 21 W 1st Ave. Toppenish WA 98948**

Chapter 17.26 DESIGN REVIEW DISTRICT

Sections:

- [17.26.010](#) Creation – Purpose.
- [17.26.020](#) Responsible agency.
- [17.26.030](#) Boundaries.
- [17.26.040](#) General criteria for determination of design district.
- [17.26.050](#) Criteria evaluation for the design district.
- [17.26.060](#) Permitted uses.
- [17.26.070](#) Permit approval required.
- [17.26.080](#) Application procedure.
- [17.26.090](#) Application requirements.
- [17.26.100](#) Criteria evaluation for permit approval or disapproval – Generally.
- [17.26.110](#) General criteria – Western design.
- [17.26.120](#) Powers – Duties – Jurisdiction.
- [17.26.130](#) Findings.
- [17.26.140](#) Expiration of approval.
- [17.26.150](#) Enforcement.
- [17.26.160](#) Appeal and city council review.
- [17.26.170](#) Signs.
- [17.26.180](#) Compliance.

17.26.010 Creation – Purpose.

In order that the city and buildings within the city may not be injuriously affected; to promote the public welfare and to provide for the enhancement of the city and its structures thereby contributing to the social, cultural and economic welfare of the citizens of the city by developing an awareness of its historical heritage; to return unproductive structures to useful purposes and to attract visitors to the city, to allow for a reasonable degree of control to be exercised over the site development and architecture of the private and public buildings erected therein, recognizing the interdependence of land values, aesthetics and good site planning; to promote economic and environmental well-being as they are affected by the distinctive character and natural attractiveness which contributes substantially to the recreational resort area and regional trade center of the city; to enrich the lives and well-being of the citizens by promoting harmonious, safe, attractive and compatible development of the private and public buildings and therefore being in furtherance of the public peace, health, safety and social, cultural and economic welfare of the citizens of the city; there is created a design review district, hereinafter called “design district.” (Ord. 2008-15 § 1, 2008; Ord. B-64 § 3, 1975).

17.26.020 Responsible agency.

The planning commission, which is the advisory commission created by Chapter [2.30](#) TMC, is designated as the official body on matters concerning the design district and the buildings and structures within its bounds. The planning commission shall review and act upon all architectural and historic preservation matters, applying the criteria as set forth in TMC [17.26.040](#) through [17.26.110](#), as such matters apply to buildings and structures, site

plans, interdependence of land uses and values, and aesthetics, except as to “minor work” as provided in TMC [17.26.080](#). (Ord. 2008-15 § 1, 2008; Ord. B-64 § 4, 1975).

17.26.030 Boundaries.

The boundaries of the design district shall be as shown on a map, entitled “Design District Map,” which, together with all explanatory matter thereon, is incorporated herein by this reference. The design district map shall be identified by the signature of the city manager, attested by the city clerk with the seal of the city under the following words:

This is to certify that this map is the Design District map referred to in TMC [17.26.030](#).

(Ord. 2008-15 § 1, 2008; Ord. 93-32, 1993; Ord. 85-26 § 1, 1985; Ord. B-64 § 5, 1975).

17.26.040 General criteria for determination of design district.

The following criteria as proposed by the National Trust for Historic Preservation for determination of historic districts are adopted as general guidelines for the design district. Districts, sites, buildings, structures, and objects of national, state, and local importance are of historic significance if they possess integrity of location, design, setting, materials, workmanship, feeling and association, and:

A. That are associated with events that have made a significant contribution to the broad patterns of our history;
or

B. That are associated with the lives of persons significant in history; or

C. That embody the distinctive characteristics of a type, period, or method of construction, or that represent the work of a master, or that possess high artistic values, or that represent a significant and distinguishable entity whose components may lack individual distinction; or

D. That have yielded or may be likely to yield information important in prehistory or history. (Ord. 2008-15 § 1, 2008; Ord. B-64 § 6, 1975).

17.26.050 Criteria evaluation for the design district.

A. The western design has played a significant role in the development of the city, the Yakima Valley and the state in that it is representative of settlements established to support the early growth of the cattle and range industry, the trade center of the Indian reservation in this region, and was a focus of industry and trade in the Yakima Valley since the late 1880s.

B. The design district is associated with the lives of many of the pioneers through property, business and commercial activities that were concentrated in that area.

C. Many of the buildings within the district embody the distinctive characteristics of the western style. For these and other reasons, the buildings combine to create an outstanding example which is significant and distinguishable in style, form, character, and construction, representative of its era. The district possesses integrity of location, original construction, and of feeling and association.

D. The restoration and preservation of the district will yield information of educational significance regarding the way of life and the architecture of the late nineteenth century as well as adding interest and color to the city.

Restoration of the district will preserve the environment which was characteristic of an important era of the city's history and will be considerably more meaningful and significant educationally than if done for individual buildings. (Ord. 2008-15 § 1, 2008; Ord. B-64 § 7, 1975).

17.26.060 Permitted uses.

Any use permitted by the existing zones over which this design district is superimposed shall be allowed. (Ord. 2008-15 § 1, 2008; Ord. B-64 § 8, 1975).

17.26.070 Permit approval required.

The building inspector shall not issue any permit which by this chapter requires approval of the planning commission until such approval has been obtained, or until the passage of 180 days from the date of the hearing on the application for permit where the applicant has been heard, whichever is shorter. The cost and burden of obtaining planning commission approval shall be borne by the applicant. (Ord. 2008-15 § 1, 2008; Ord. B-64 § 9, 1975).

17.26.080 Application procedure.

Any application for a permit for the erection or construction of a new building or structure or modification, addition, alteration, moving or demolition of existing structures which would affect the exterior appearance of any existing building or structure, located within the district shall be filed with the building inspector. Upon preliminary approval by the building inspector, the application shall be forwarded to the planning commission for review and the applicant shall be notified of the time and place thereof and he shall be heard; provided, that forwarding of applications to the planning commission shall not be required in the case of modification or alteration of the interior of a building or structure; provided further, that forwarding of applications to the planning commission shall not be required in the case of minor work, modifications, alterations, repairs or maintenance to the exterior of a building or structure which do not materially change the appearance of such building or structure with respect to any of the criteria set forth in TMC [17.26.100](#) and [17.26.110](#); provided further, that forwarding of applications to the planning commission shall not be required in the case of single-family dwellings or noncommercial buildings. (Ord. 2008-15 § 1, 2008; Ord. B-64 § 10(a), 1975).

17.26.090 Application requirements.

The planning commission may require the applicant to submit to it any or all of the following items:

A. Color photographs showing external views of all existing structures, both on the site and within the land use zone;

B. A development plan showing:

1. The legal description of the property;
2. The elevation by colored rendering;
3. The architectural design of the proposed buildings, structures or additions to existing buildings or structures, including signs, or the modification or alteration of existing buildings or structures in relationship to property lines, abutting streets and alleys;
4. The dimension of the property;

5. The traffic circulation within the area, including points of ingress and egress;
6. The location of usable open space;
7. Other information as may be required;

C. Nothing in this chapter shall be construed to reduce or alter any other building, plumbing, electrical, structural or other requirements as may be required by the building inspector. (Ord. 2008-15 § 1, 2008; Ord. B-64 § 10(b), 1975).

17.26.100 Criteria evaluation for permit approval or disapproval – Generally.

In considering any application for planning commission approval, the planning commission shall be guided by the following criteria:

A. The planning commission shall examine the application to insure that all provisions of this chapter and all other ordinances, master plans, general plans and standards of the city shall be complied with where applicable.

B. The proposal shall not have any detrimental effect upon the general health, welfare, safety, and convenience of persons residing or working in the neighborhood; or shall not be detrimental or injurious to the neighborhood.

C. The proposal shall promote a desirable relationship of structures to one another, to open spaces and topography both on the site and in the surrounding neighborhood, all in keeping with the western design.

D. The height, area, setbacks, and overall mass, as well as parts of any structure (buildings, walls, signs, lighting, etc.) and landscaping shall be appropriate to the proposal, the neighborhood and the community.

E. Ingress, egress, internal traffic circulation, off-street parking facilities, loading and service areas and pedestrian ways shall be so designed as to promote safety and convenience.

F. The architectural character of the proposed structure shall be in harmony with, and compatible to, those structures in the neighboring environment, and the architectural character adopted for any given area, avoiding excessive variety or monotonous repetition.

G. All mechanical equipment, appurtenances and utilities, shall be concealed from view and integral to the building design.

H. The architectural character of a proposal shall take cognizance of the unique climatological and other environmental factors of this region and promote an indigenous architectural feeling. (Ord. 2008-15 § 1, 2008; Ord. B-64 § 11(1), 1975).

17.26.110 General criteria – Western design.

The following general criteria is set forth for western design:

A. Western architecture of the 1800s and early 1900s usually involved wooden false front effects and usually contained a wooden post-supported, shake shingle marquee. Building styles also included exteriors of masonry, brick, and stone.

B. The false fronts normally used gave the viewer a square impression, although many buildings had gabled roof lines which were often hidden by the false fronts. The masonry and stone buildings used during that period were predominately flat-roofed, although residences infrequently had pitched roofs.

C. Shake shingles were often used on the face of the building forming a parapet of varying proportions but usually the parapet did not extend downward past the top of the windows.

D. Marquees were usually pitched and often covered with shake shingles; however, many of these porches were flat to allow for a sun deck which was usually enclosed by an ornate wooden fence and handrail. Sometimes, wrought iron was used for fencing of the sun deck.

E. Window shapes during this period were often square, arched, or rectangular and frequently were large enough to extend from floor to ceiling. Bay windows protruding outward from the main building walls were often used in four- to six-sided extensions. Window frames were usually simple and plain – free from ornate designs.

F. Doors were usually centered equidistant from the sides of the building front; however, buildings on corner lots often had entrances at the corner. Plain designs were predominate and glass doors were infrequent.

G. Street lighting and the exterior lighting on buildings usually were enclosed by carriage lamp fixtures. Gas lights of wrought iron and glass were frequent and lamps on the exteriors of buildings were usually of the same type but more infrequent. (Ord. 2008-15 § 1, 2008; Ord. B-64 § 11(2), 1975).

17.26.120 Powers – Duties – Jurisdiction.

A. The planning commission shall have the power to approve, conditionally approve, or disapprove all applications for permits as required by this chapter basing its decision on the criteria as set down in TMC [17.26.100](#) and [17.26.110](#).

B. It shall be the responsibility of the applicant to prove that the intent and purpose of the design district will be accomplished.

C. The planning commission, upon hearing an application, may impose such reasonable conditions as it may deem necessary in order to fully carry out the provisions and intent of this chapter. Violation of any such condition shall render any permit null and void as of the date of such violation.

D. The secretary of the planning commission shall advise the building inspector of any final action taken by the planning commission. (Ord. 2008-15 § 1, 2008; Ord. B-64 § 12, 1975).

17.26.130 Findings.

A. The planning commission shall approve, with or without conditions, an application or portion thereof, if they find that:

1. All provisions of ordinances of the city have been complied with.
2. Where applicable, all provisions of the master plans, the general plan and development policies and standards of the city have been complied with.

B. The planning commission shall deny an application or a portion of an application if they find that any ordinance of the city, the general plan, or the development policies and standards of the city have not been complied with. (Ord. 2008-15 § 1, 2008; Ord. B-64 § 13, 1975).

17.26.140 Expiration of approval.

A. The approval of an application shall expire and become null and void six months from the date of approval, providing that a building permit has not been issued, unless a different time period is made a condition of planning commission approval.

B. An extension of approval for an additional six-month period may be granted if the applicant files for the extension prior to the approval becoming void and the applicant shows reasons which justify extension of approval. (Ord. 2008-15 § 1, 2008; Ord. B-64 § 13, 1975).

17.26.150 Enforcement.

A. Prior to issuance of any required permit, under the ordinances of the city, if planning commission approval is required the building inspector shall ascertain that the planning commission has approved plans which are in conformance to those presented with the permit application and that the time limitations imposed by this chapter upon the planning commission have not elapsed.

B. The building inspector of the city shall insure that all matters approved by the planning commission are undertaken and completed according to the approval of the planning commission and is authorized to enforce the requirements set forth in this chapter, including the authority to issue a notice of civil infraction as set forth in TMC [17.26.180](#). (Ord. 2008-15 § 1, 2008; Ord. B-64 § 14, 1975).

17.26.160 Appeal and city council review.

A. The approval, with or without conditions, or denial by the planning commission of an application may be appealed within 20 days from the date of the planning commission's decision. Any appeal therefrom shall be in writing to the hearing examiner of the city. Such appeal shall be filed with the city clerk and shall indicate where, in the opinion of the appellant, the planning commission was in error. The city clerk shall schedule the appeal for a hearing examiner agenda, and the hearing examiner shall uphold, modify, or reverse the decision of the planning commission.

B. Any applicant, or the city building inspector, having completed the appeal process described in subsection A of this section, and having further complaint, may appeal the decision of the hearing examiner directly to the city council. Such appeal shall be in writing and filed with the city clerk within 20 days from the date of the decision by the hearing examiner. Such appeal shall indicate where, in the opinion of the appellant, the planning commission or the hearing examiner was in error. The city clerk shall schedule the appeal for a city council agenda and the city council shall uphold, modify, or reverse the decisions of either the planning commission or the hearing examiner. The decision of the city council shall be final. (Ord. 2008-15 § 1, 2008; Ord. B-64 § 15, 1975).

17.26.170 Signs.

All signs erected within the boundaries of the design district must comply with the provisions of Chapter [15.10](#) TMC. (Ord. 2008-15 § 1, 2008).

17.26.180 Compliance.

Any person who violates or fails to comply with any of the provisions of this chapter, or who counsels, aids or abets any such violation or failure to comply, shall be deemed to have committed a civil infraction, punishable as set forth in Chapter [2.90](#) TMC, Civil Infractions. The procedural requirements for issuing a notice of civil infraction, the duties and rights of the parties, the hearing procedures, penalties, restitution, and all other matters regarding processing a civil infraction notice shall be as set forth in Chapter [2.90](#) TMC. (Ord. 2008-15 § 1, 2008; Ord. 2008-8, 2008; Ord. B-64 § 16, 1975. Formerly 17.26.180).