

RULES OF PROCEDURE
WATAUGA COUNTY (VALLE CRUCIS)
HISTORIC PRESERVATION COMMISSION

1.0 PURPOSE

To establish procedures for organizing the business of the Watauga County Historic Preservation Commission, hereafter termed "Commission", and processing applications for Certificate of Appropriateness for (1) any changes in the external appearance of existing structures; (2) design of new structures; and (3) for demolition of existing structures within the Valle Crucis Historic District, hereafter called "District".

2.0 GENERAL RULES

The Commission shall be governed by the terms of the Historic District Ordinance and by the terms of G.S. 160D-940 through 160D-951 as they may be amended or revised. For procedures not covered by these rules, the Commission shall follow the rules contained in the current edition of Roberts' Rules of Order.

3.0 JURISDICTION

The Commission's jurisdiction for requiring Certificates of Appropriateness as mandated by the Watauga County Historic Ordinance is delineated on the official zoning map.

4.0 MEMBERS, OFFICERS AND DUTIES

The Commission shall be composed of five (5) members, whose terms of office are set by the Watauga County Board of Commissioners.

4.1 Chair. A chair shall be elected by the members of the Historic Preservation Commission. The chair shall decide all points of order and procedure, subject to these rules, unless directed otherwise by a majority of the Commission in session at the time. The chair shall appoint any committees found necessary to investigate any matters before the Commission.

4.2 Vice-Chair. A vice-chair shall be elected by the Commission from among its members in the same manner as the chair. The vice-chair shall serve as acting chair in the absence of the chair, and at such times shall have the same powers and duties as the chair.

4.3 Secretary. A member of the staff, designated by the County Director of Planning and Inspections shall serve as secretary to the Commission. The secretary, subject to the direction of the chair of the Commission, shall keep all records, conduct all correspondence of the Commission and generally supervise the clerical work of the Commission. The secretary shall not be eligible to vote upon any matter.

4.4 Election. Election of officers shall be held at the first regular meeting in September.

4.5 Attendance at Meetings. Faithful and prompt attendance at all meetings of the Commission and conscientious performance of the duties required of members shall be prerequisite to continuing membership on the Commission. Should a member fail to attend three consecutive regular meetings of the Commission, and should there be no adequate excuse for absences, the Chair, with the concurrence of a majority of the entire Commission, shall recommend to the appropriate authority that a vacancy be declared and that the vacated position be filled.

4.6 Applications Involving Member. No Commission member shall take part in the hearing, consideration or determination of any cases in which he/she is a party or has a financial interest.

4.7 Qualification to Vote. No Commission member shall vote on any matter deciding an application or a request to reconsider unless that member have attended the Commission's previous deliberations on such application, or shall otherwise have the approval of the Chair to vote on such matter. The Chair's approval shall be contingent on the assurance by the member that the member has read the application and the minutes of any meetings at which the application was discussed.

4.8 Impartiality Required. No Commission member shall, in any manner, discuss any application with any parties prior to the Commission's deliberations on such application, pursuant to N.C.G.S. 160D-109(d).

Members of the Commission shall not express individual opinions on the proposed judgment of any application with any persons prior to the determination of that application. Violation of this rule shall be cause for dismissal from the Commission.

4.9 Each member of the Commission shall be thoroughly familiar with all statutes, laws, ordinances and rules of procedure relating to the District and the Commission as time and circumstances permit.

5.0 MEETINGS

5.1 Regular Meetings. Regular meetings of the Commission shall be held on the first Tuesday of each month at 5:30 p.m. as needed in the Valle Crucis Methodist Church (subject to availability) provided, that meetings may be held at some other convenient place if directed the Chair in advance of the meeting.

5.2 Special Meetings. Special meetings of the Commission may be called at any time by the Chair. At least forty-eight hours notice of the time and place of special meetings shall be given, by the secretary or by the Chair, to each member of the Commission; provided, that this requirement may be waived by action of a majority of all the members.

5.3 Cancellation of Meetings. Whenever there is no business for the Commission, the regular monthly meeting is cancelled. If there is business, the meeting will be held on the day and time set forth in paragraph 5.1 with proper notice provide by the Chair or staff.

5.4 Quorum. A quorum shall consist of three (3) members of the Commission.

5.5 Conduct of Meetings. All meetings shall be open to the public. The order of business at regular meetings shall be as follows: (a) roll call; (b) reading of the minutes of previous meetings; (c) report of committees; (d) unfinished business; (e) consideration of applications, (f) adjournment.

6.0 APPLICATION PROCEDURES

6.1 Filing of Application. An application must be filed with the Secretary at least twenty-eight (28) days prior to the next meeting of the Commission, accompanied by sketches, drawings, photographs, specifications, descriptions, etc. of the proposed project.

6.2 Notice to Neighboring Property. The Secretary shall notify by mail, not less than one week prior to the meeting at which the matter is to be heard, the affected property owners within 100 feet on all sides of the subject property.

6.3 Time for Decision. The Commission must issue or deny a Certificate of Appropriateness within one-hundred eighty (180) days after the filing of the application, pursuant to N.C.G.S. 160D-947(d) and the Valle Crucis Historic District regulations.

6.4 Written Decision. The Commission shall cause to be entered into the minutes of its meeting the reasons for its actions whether it be approval, approval with modifications or denial. A written decision shall be prepared and signed by the Commission Chair and

delivered to the applicant within a reasonable time.

7.0 CONSIDERATION OF APPLICATIONS

Any party may appear in person or by agent or attorney at the meeting. All persons addressing the Commission shall be sworn. The order of business for consideration of applications for Certificates of Appropriateness shall be as follows:

- (a) The Chair, or such person as s/he shall direct, shall give a preliminary statement describing the application;
- (b) The applicant shall present the arguments in support of the application;
- (c) Persons opposed to granting the application shall present the arguments against the application;
- (d) Statements or arguments submitted by any official, commission, or department of Watauga County, any state agency, or any local historical, preservation or neighborhood association shall be presented as directed by the Chair;
- (e) The Chair or such person as s/he shall direct shall summarize the evidence which has been presented, giving all parties an opportunity to make objections or corrections.
- (f) The Commission shall thereafter proceed to deliberate whether to grant the application or to deny it;

The Commission may, in its discretion view the premises and obtain additional facts concerning any application before arriving at a decision. All decisions of the Commission shall be supported by appropriate findings of fact, and where necessary, shall be accompanied by such conditions and/or recommendations as it may determine to be reasonable under the circumstances.

In considering applications, witnesses may be called and factual evidence may be submitted, but the Commission shall not be limited to consideration of such evidence as would be admissible in a court of law.

8.0 MODIFICATION OF APPLICATIONS

An approved or pending application for a Certificate of Appropriateness may be modified by a written request from the applicant to the Commission. Such a request shall include a description of the proposed change and shall be accompanied by elevations, plans or sketches, where necessary. If the Commission finds that the modification constitutes a substantial change which might affect surrounding property owners, it shall direct the Secretary to notify affected property owners following the procedures set out in Section 6.2 before taking action on the modification. The Commission shall thereupon treat the request in the same manner as any other application as outlined in Section 6.0

9.0 MINOR WORKS

Notwithstanding Sections 1 through 9 above, upon receipt of a completed application, the Planning and Inspections Director or his/her designee may issue a Certificate of Appropriateness on behalf of the Commission for the following Minor Works when they are in conformance with the adopted standards from new construction and rehabilitation in the Valle Crucis Historic District:

1. Removal of carports;
2. Removal of accessory buildings which are not architecturally or historically significant;
3. Repair or replacement of exposed foundation walls including installation of vents, infill panels between piers, access doors;
4. Repair or replacement of asphalt or fiber-glass shingle roofs;
5. Repair or replacement of flat roofs;
6. Construction, alteration or removal of temporary features that are necessary to ease difficulties associated with a medical condition but do not permanently alter exterior features;
7. Construction or replacement of storage and accessory buildings;
8. Construction or replacement of patios and decks (ground floor only);
9. Installation or replacement of storm windows and doors that feature one of the following treatments:
 - a. baked-on finish on the metal surrounds.

- b. mill-finish aluminum painted with zinc chromate primer and top coated with a color to match the window sash or window trim, as appropriate;
 - c. painted wood;
- 10. Installation or replacement of shutters or blinds original to the building;
- 11. Installation of mechanical equipment such as heating and air conditioning units.
- 12. Installation of identification signs;
- 13. Replacement of missing architectural details, provided that at least one of the following conditions are met:
 - a. At least one example of detail to be replaced exists on the house; or
 - b. Physical documentary evidence exists which illustrates or describes the missing detail or details; or
 - c. The proposed detail is very similar to original details found on at least one building or structure within Watauga County that is comparable in terms of style, size and age;
- 14. Review of material samples and dimension for projects which have received approval in concept for a Certificate of Appropriateness from the Commission.
- 15. Changes to previously approved Certificate of Appropriateness that are consist with what the Commission has reviewed and that will not substantially affect surround property owners;
- 16. Approval of individual exterior changes by an agency, utility, or institution which undertakes such changes within the scope of a Certificate of Appropriateness previously approved by the Commission;
- 17. Renewal of expired Certificates of Appropriateness where no change to approved plans is being proposed and where there is no change in the circumstances under which the Certificate was granted;

Certificate of Appropriateness for Minor Works issued by an administrative official shall be reported to the Historic Preservation Commission at its next regularly scheduled meeting. Failure to approve the request Minor Work shall in no way interfere with the applicant's right to be heard by the Historic Preservation Commission.

The following Minor Works are hereby granted a blanket certificate of appropriateness and may be commenced throughout the District without review or approval from the Planning and Inspection Department or Commission:

1. Removal of asbestos, aluminum, vinyl or other artificial siding;
2. Removal of awnings;
3. Removal of carriage lamps and kickplates;
4. Removal of concrete block walks, steps and walls;
5. Removal of storm doors and windows that feature panels or decorative work which is inappropriate to the building;
6. Removal of metal flues;
7. Removal of other types of roof vents and ventilators;
8. Removal and installation of plumbing vents;
9. Construction or replacement of picket fences;
10. Construction or replacement of walks, sidewalks and entry steps;
11. Installation or removal of gutters and downspouts;
12. Installation of exterior lighting fixtures.

10.0 VOTE

The vote of a majority of those members present shall be sufficient to decide matters before the Commission, provided a quorum is present.

11.0 APPEALS

Appeals of decisions of the Commission shall be made to the Superior Court of Watauga County within thirty days of the approval by the Commission of the minutes of the meeting containing the decision being appealed.

12.0 AMENDMENTS

These rules may, within the limits allowed by law, be amended at any time by an affirmative vote of not less than three (3) members of the Commission, provided that such amendment shall have first been presented to the membership in writing at a regular or special meeting preceding the meeting at which the vote is taken.

Approved by the Commission the 25th day of September, 1990.

Revised by the Commission the 16th day of September, 2021.

A handwritten signature in black ink, appearing to read "Erin Thompson", written over a solid horizontal line.

Erin Thompson, Chair