

**CITY COUNCIL AGENDA ITEM**  
CITY OF SHORELINE, WASHINGTON

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| <b>AGENDA TITLE:</b> | Discussion of Establishing a Shoreline Historical and Cultural Landmark Commission or Citizen Advisory Committee |
| <b>DEPARTMENT:</b>   | City Manager's Office  |
| <b>PRESENTED BY:</b> | Eric Bratton, CMO Management Analyst   |

**PROBLEM/ISSUE STATEMENT:**

The City Council has requested that staff examine the options for establishing and supporting a Shoreline historical and cultural landmarks commission or citizen advisory committee to encourage historic preservation in the community through programs and policies, such as researching and reviewing properties for preservation and nominating them for landmark designation. Currently, under the terms of an interlocal agreement between the City of Shoreline and King County, the King County Landmarks and Heritage Commission (Commission) is the body with legal authority to designate and protect landmarks within Shoreline's city limits.

Since entering into the interlocal agreement fourteen (14) years ago, only one site has been designated a City of Shoreline historic landmark –the Ronald Grade School, current home of the Shoreline Historical Museum. Councilmembers and concerned citizens have expressed alarm at the potential loss of historic resources in Shoreline unless action is taken to protect such resources.

Both a landmarks commission and an advisory committee could aid in the preservation of historic resources in Shoreline in a number of ways. Both forums could survey and maintain an inventory of Shoreline's historic resources and identify those properties that have good prospects for landmark designation. They could also act as community and Council resources for historic preservation, developing programs and policies that encourage historic preservation.

Establishing either a landmarks commission or an advisory committee as a new City program would require a dedicated staff person, most likely from the Planning and Development Services Department, to organize it and provide ongoing support. At this time, staff is stretched very thin. In order to staff a new program, the City would need to cut staff time on other projects. In addition, in order to staff either forum adequately, the dedicated staff person would need some training in historic preservation.

**FISCAL IMPACT:**

The primary expense associated with creating and facilitating either a landmarks commission or an advisory committee would be for staff time. However, there would

also be expenses associated with materials, training for staff and members, and other logistics. In addition, funding would be needed to implement either forums' recommendations, such as hiring consultants to assist with nomination packets, establishing and administering financial incentives and programs, education and outreach initiatives, etc. Staff estimates a new City program to establish a landmarks commission would require 1 FTE staff person and cost approximately \$95,000 per year. An advisory committee would require a 0.5 FTE staff person and cost approximately \$50,000 per year.

### **RECOMMENDATION**

Staff recommends that the Council not establish either a historical and cultural citizen advisory committee or a landmarks commission at this time, but revisit the issue during the Council's goals setting retreat in May and during the 2010 Budget process.

Approved By:

City Manager



City Attorney

## **BACKGROUND**

In 1966, Congress passed the National Historic Preservation Act establishing a preservation program in the United States that focused on a federal/state/local government partnership to preserve historic resources. The program is decentralized and primarily relies on local governments to pass preservation ordinances with the federal and state governments offering financial and technical assistance for historic preservation. Washington State has established a Certified Local Government (CLG) Program to help local governments preserve historic resources within their communities. Local governments that are certified are eligible for special grants, receive recognition for their preservation expertise, and may obtain technical assistance and training from state and federal agencies, among other things. King County is a CLG for historic preservation purposes.

### **Interlocal Cities Municipal Landmarks Registers**

Before officially recognizing a historic resource as a landmark, entitled to certain protections and eligible for some preservation incentives, a governmental agency must formally designate the resource and list it on a register of historic places. King County Code 20.62.020L (Attachment A) defines a historic resource as "a district, site, building, structure or object significant in national, state or local history, architecture, archaeology, and culture." King County has created the King County Register of Historic Places to register its landmarks. The King County Landmarks and Heritage Commission (Commission) is a nine-member citizen board in charge of designating landmarks in unincorporated King County and in those cities and towns in King County that have entered into an interlocal agreement with the County for historical preservation services. Shoreline has entered into such an interlocal agreement with the County and the Commission serves as the legal body for designating historic landmarks in Shoreline.

### **Interlocal Agreement**

In 1995, the City of Shoreline entered into an interlocal agreement with King County for landmark designation and protection services (Attachment B.) Under the terms of the agreement, the City adopted an ordinance establishing regulations and procedures for the designation of historic buildings, structures, districts, sites, objects, and archeological sites as landmarks, and designating the Commission as the body having authority to designate and protect landmarks within the City limits (Attachment C.)

Also under the terms of the agreement, Shoreline appointed a Special Member to the Commission. The Special Commission Member only hears cases related to historic resources nominated for landmark status within Shoreline's borders. Vicki Stiles, the Executive Director of the Shoreline Historical Museum, is currently the special member for Shoreline.

Of the sixteen cities in King County that have state certified preservation programs to protect historic resources, fourteen have entered into interlocal agreements with the County and designated the Commission as the agency responsible for designating and protecting historic resources within their city limits. Only Seattle and Bothell have established their own preservation programs and landmark commissions in King County.

### **Becoming a City of Shoreline Landmark**

Shoreline currently has three buildings designated as City of Shoreline Landmarks. They are the William E. Boeing House, located in The Highlands, the Crawford Store (Godfrey Building), located at 2411 NW 195th Place, and the Ronald Grade School, located at 749 N 175th Street (home of the Shoreline Historical Museum.) The Boeing House was designated in 1994, the Crawford Store in 1985, and the Ronald Grade School in 2008. The Boeing House and the Crawford Store were both designated landmarks before Shoreline incorporated.

While anyone may nominate a historic resource for Landmark designation by submitting an official nomination form to the King County Historic Preservation Officer (Preservation Officer), most successful nominations require extensive research on the history of the resource and require significant documentation supporting the claims made. Consultants specializing in historic preservation are often hired to help compile and draft the nomination document.

A property owner's consent is not required to nominate or designate a historic resource as a landmark; however, the City believes property owners should be involved in the landmarking process from the beginning. Once a party submits a nominating form, the Preservation Officer checks it for completeness and requests additional information if needed. When deemed complete, the Preservation Officer schedules a public hearing for the Commission to consider the nomination. The Preservation Officer sends written notifications of the public hearing to the applicant, the owner, and any parties of interest at least 30 days, but not more than 45 days, prior to the hearing.

In order for a historic resource to be designated a City of Shoreline Landmark, it must meet some initial criteria under King County Code 20.62.040, as incorporated by Shoreline Municipal Code 15.20.025. First, it must be more than forty years old and possess integrity of location, design, setting, materials, workmanship, feeling, and association. Next, it must meet at least one of the following criteria:

1. Be associated with events that have made a significant contribution to the broad patterns of national, state, or local history; or
2. Be associated with the life of a person or persons significant in national, state, or local history; or
3. Embody the distinctive characteristics of a type, period, style or method of design or construction, or represent a significant and distinguishable entity whose components may lack individual distinction; or
4. Yield or may be likely to yield information important in prehistory or history; or
5. Be an outstanding work of a designer or builder who has made a substantial contribution to the art.

If a historic resource acquires landmark designation, the Commission will identify those elements of the resource that should be subject to a design review. Design review procedures are required any time the owner wants to make significant changes to those elements of the property called out in the landmark designation, or if the owner wishes to move or demolish the historic resource. The owner must obtain a Certificate of Appropriateness (Certificate) before commencing any work.

There are three types of Certificates. Type I involves restorations and major repairs that utilize in-kind materials. Type II involves alterations in appearance, replacement of historic materials, and new construction. Type III involves demolition and moving of buildings, and excavation of archaeological sites. A historic preservation officer may approve a Type I Certificate administratively without a public hearing. Type II and III Certificates must be approved by the Commission through a public hearing process. Any person that fails to obtain a Certificate before commencing significant work on a designated landmark is subject to a civil penalty of up to \$500 per day and each day's violation or failure to comply shall constitute a separate offense.

If the Commission denies or partially denies a Certificate, the property owner may request that the Commission consider evidence of adverse economic impact. The Commission may not deny a Certificate if it is established that, even with the utilization of available incentives, failure to grant the Certificate would deprive the property owner of reasonable economic use of the property.

### **Preservation Incentives**

The federal government, states, and municipalities have all created different preservation incentives to maintain the integrity of designated landmarks. Preservation incentives can include grants, tax incentives, code relief, and low-interest loans. Using funds provided by private sources and local, state, and federal programs, King County administers a grant program to help maintain, purchase, or restore landmarks or sites nominated for landmark status. The State of Washington and King County also provide special property tax valuations for rehabilitation work completed on designated landmarks.

The assessor calculates the special property tax valuation by subtracting the qualified rehabilitation expenditures from the total assessed value of the property. The assessor will continue to deduct the qualified rehabilitation expenditures from the new assessment for ten years. To qualify for the special valuation, a landmark property must have gone through a substantial rehabilitation during the two years immediately prior to applying for the special valuation. The work must be equal in cost to at least 25% of the assessed value of the structure prior to rehabilitation.

## **ALTERNATIVES ANALYSIS**

### **Create a Landmarks Commission**

Shoreline could establish its own landmarks commission that would be totally responsible for historic preservation within the City. Establishing its own commission would elevate the importance with which the City takes historic preservation and provide greater control over the process. It would also provide a valuable resource for the public interested in historic preservation.

However, in order for Shoreline to avail itself to much of the financial and technical assistance offered by Washington State and the federal government, the State would have to certify Shoreline's program. For that to happen, Shoreline must satisfy the following minimum requirements:

- Be familiar with all state legislation related to historic preservation;
- Adopt and enforce appropriate local legislation for the designation and protection of historic properties, which includes establishing a local historic preservation commission with authority to designate historic properties;
- Appoint commission members with demonstrated interests and competence or knowledge in historic preservation, and have at least two members who are professionals in the discipline of architecture, history, architectural history, planning, prehistoric and historic archaeology, curation, conservation, landscape architecture, or some other related disciplines;
- Employ professional staff to ensure the preservation programs and efforts are achieved ("professional staff" is someone who possesses expertise in historic preservation, archaeology, history, architectural history, urban planning, art history, architecture, or a closely related field);
- Maintain a system for the survey and inventory of historic properties;
- Provide for adequate public participation in the local preservation program, including the process recommending properties to the National Register; and
- Establish local laws that provide for participation in the National Register Nomination process.

Establishing a landmarks commission would be a new program for the City and would require a full-time employee (1 FTE) with professional knowledge of historic preservation of some kind to staff it. The employee would most likely come from the City's Planning and Development Services Department and would need to organize and set up the landmarks commission, help facilitate meetings, hire and work with consultants, implement public outreach programs, assist in creating and maintaining a survey and inventory of historic resources, and provide ongoing support.

At this time, staff is stretched very thin working on implementing current Council goals and attending to regular city business. In order to staff this new program, the City would need to cut back staff time on other projects or hire a new person to take on this role. In addition, since we do not have anyone on staff currently trained in historic preservation, the City would need to provide training for that employee or would need to hire a consultant with the appropriate expertise.

The fiscal impacts associated with establishing the landmarks commission would be approximately \$95,000 per year. That includes money for 1 FTE employee, consultants to aid in establishing the commission and for work related to historic preservation and landmark designation, staff and commission member training, materials, and community outreach.

### **Create a Citizen Advisory Committee**

Instead of establishing a separate landmarks commission, Shoreline could create a citizen advisory committee composed of concerned citizens with a focus on preservation of the City's historic resources. Possible tasks assigned to an advisory committee could include inventorying historic resources around Shoreline; identifying those resources that are good prospects for landmark designation and aiding in the nomination process; advising the Council on city policies related to historic preservation; developing recommendations for programs and policies to encourage historic

preservation; and act as a community resource for historic preservation. Staff anticipates that an advisory committee would need to meet monthly to be effective.

Creating an advisory committee would also be a new program with significant staff implications. It would require an employee, most likely from the City's Planning and Development Services Department, to organize and set up the committee, to help facilitate meetings, to work with consultants, to implement public outreach programs, and to provide ongoing support. Staff anticipates that it would require approximately a 0.5 FTE employee to staff the committee adequately.

As stated above, staff is stretched very thin at the moment working on implementing current Council goals and attending to regular city business. In order to staff this new program, the City would need to cut back staff time on other projects. In addition, an employee would need to be trained in current historic preservation methods and how best to facilitate a citizen advisory committee dedicated to historic preservation.

The fiscal impacts associated with a citizen advisory committee would be approximately \$50,000. That includes money for a 0.5 FTE employee, consultants to aid in work related to historic preservation and landmark designation, staff and committee member training, materials, and community outreach. In addition, funding would be needed to implement the Committee's recommendations, such as hiring consultants to assist with nomination packets, establishing and administering any financial incentives and programs, education and outreach initiatives, etc.

#### **Continue to rely on the King County Landmarks and Heritage Commission for preservation services**

Shoreline could continue to rely on King County for landmark designation and protection services. Currently, anyone can nominate a historic resource in Shoreline for landmark designation. The County is responsible for reviewing nominations for completeness, determining whether the resource deserves a landmark designation, designating features of significance, and acting as the design review board if any changes are made to the resource. In addition, the County offers training to support landmarking activities. The City could avail itself to more landmarking resources offered by the County, such as citizen training on historic preservation and the landmark preservation process.

Continuing with the current structure for landmarking would not cost the City any additional funds beyond reimbursing the County for the cost of any services they provide, such as training programs.

### **RECOMMENDATION**

Staff recommends that the Council not establish either a historical and cultural citizen advisory committee or a landmarks commission at this time, but revisit the issue during the Council's goals setting retreat in May and during the 2010 Budget process.

#### **Attachments**

Attachment A: King County Code Chapter 20.62

Attachment B: Interlocal Agreement for Landmark Services

Attachment C: Ordinance No. 323

**Chapter 20.62**  
**PROTECTION AND PRESERVATION OF LANDMARKS,**  
**LANDMARK SITES AND DISTRICTS**

**Sections:**

|           |   |
|-----------|---|
| 20.62.010 | Findings and declaration of purpose.                        |
| 20.62.020 | Definitions.  |
| 20.62.030 | Landmarks commission created - membership and organization. |
| 20.62.040 | Designation criteria.                                       |
| 20.62.050 | Nomination procedure.                                       |
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| 20.62.080 | Certificate of appropriateness procedure.                   |
| 20.62.100 | Evaluation of economic impact.                              |
| 20.62.110 | Appeal procedure.   |
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| 20.62.130 | Penalty for violation of Section 20.62.080.                 |
| 20.62.140 | Special valuation for historic properties.                  |
| 20.62.150 | Historic Resources - review process.                        |
| 20.62.160 | Administrative rules.                                       |
| 20.62.200 | Severability.   |



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**20.62.010 Findings and declaration of purpose.** The King County council finds that:

A. The protection, enhancement, perpetuation and use of buildings, sites, districts, structures and objects of historical, cultural, architectural, engineering, geographic, ethnic and archaeological significance located in King County, and the collection, preservation, exhibition and interpretation of historic and prehistoric materials, artifacts, records and information pertaining to historic preservation and archaeological resource management are necessary in the interest of the prosperity, civic pride and general welfare of the people of King County.

B. Such cultural and historic resources are a significant part of the heritage, education and economic base of King County, and the economic, cultural and aesthetic well-being of the county cannot be maintained or enhanced by disregarding its heritage and by allowing the unnecessary destruction or defacement of such resources.

C. Present heritage and preservation programs and activities are inadequate for insuring present and future generations of King County residents and visitors a genuine opportunity to appreciate and enjoy our heritage.

D. The purposes of this chapter are to:

1. Designate, preserve, protect, enhance and perpetuate those sites, buildings, districts, structures and objects which reflect significant elements of the county's, state's and nation's cultural, aesthetic, social, economic, political, architectural, ethnic, archaeological, engineering, historic and other heritage;

2. Foster civic pride in the beauty and accomplishments of the past;

3. Stabilize and improve the economic values and vitality of landmarks;

4. Protect and enhance the county's tourist industry by promoting heritage-related tourism;

5. Promote the continued use, exhibition and interpretation of significant historical or archaeological sites, districts, buildings, structures, objects, artifacts, materials and records for the education, inspiration and welfare of the people of King County;

6. Promote and continue incentives for ownership and utilization of landmarks;

7. Assist, encourage and provide incentives to public and private owners for preservation, restoration, rehabilitation and use of landmark buildings, sites, districts, structures and objects;

8. Assist, encourage and provide technical assistance to public agencies, public and private museums, archives and historic preservation associations and other organizations involved in historic preservation and archaeological resource management; and

9. Work cooperatively with all local jurisdictions to identify, evaluate, and protect historic resources in furtherance of the purposes of this chapter. (Ord. 14482 § 68, 2002: Ord. 10474 § 1, 1992: Ord. 4828 § 1, 1980).

**20.62.020 Definitions.** The following words and terms shall, when used in this chapter, be defined as follows unless a different meaning clearly appears from the context:

A. "Alteration" is any construction, demolition, removal, modification, excavation, restoration or remodeling of a landmark.

B. "Building" is a structure created to shelter any form of human activity, such as a house, barn, church, hotel or similar structure. Building may refer to an historically related complex, such as a courthouse and jail or a house and barn.

C. "Certificate of appropriateness" is written authorization issued by the commission or its designee permitting an alteration to a significant feature of a designated landmark.

D. "Commission" is the landmarks commission created by this chapter.

E. "Community landmark" is an historic resource which has been designated pursuant to K.C.C. 20.62.040 but which may be altered or changed without application for or approval of a certificate of appropriateness.

F. "Designation" is the act of the commission determining that an historic resource meets the criteria established by this chapter.

G. "Designation report" is a report issued by the commission after a public hearing setting forth its determination to designate a landmark and specifying the significant feature or features thereof.

H. "Director" is the director of the King County department of development and environmental services or his or her designee.

I. "District" is a geographically definable area, urban or rural, possessing a significant concentration, linkage, or continuity of sites, buildings, structures, or objects united by past events or aesthetically by plan or physical development. A district may also comprise individual elements separated geographically but linked by association or history.

J. "Heritage" is a discipline relating to historic preservation and archaeology, history, ethnic history, traditional cultures and folklore.

K. "Historic preservation officer" is the King County historic preservation officer or his or her designee.

L. "Historic resource" is a district, site, building, structure or object significant in national, state or local history, architecture, archaeology, and culture.

M. "Historic resource inventory" is an organized compilation of information on historic resources considered to be significant according to the criteria listed in K.C.C. 20.62.040A. The historic resource inventory is kept on file by the historic preservation officer and is updated from time to time to include newly eligible resources and to reflect changes to resources.

N. "Incentives" are such compensation, rights or privileges or combination thereof, which the council, or other local, state or federal public body or agency, by virtue of applicable present or future legislation, may be authorized to grant to or obtain for the owner or owners of designated landmarks. Examples of economic incentives include but are not limited to tax relief, conditional use permits, rezoning, street vacation, planned unit development, transfer of development rights, facade easements, gifts, preferential leasing policies, private or public grants-in-aid, beneficial placement of public improvements, or amenities, or the like.

O. "Interested person of record" is any individual, corporation, partnership or association which notifies the commission or the council in writing of its interest in any matter before the commission.

P. "Landmark" is an historic resource designated as a landmark pursuant to K.C.C. 20.62.060.

Q. "Nomination" is a proposal that an historic resource be designated a landmark.

R. "Object" is a material thing of functional, aesthetic, cultural, historical, or scientific value that may be, by nature or design, movable yet related to a specific setting or environment.

S. "Owner" is a person having a fee simple interest, a substantial beneficial interest of record or a substantial beneficial interest known to the commission in an historic resource. Where the owner is a public agency or government, that agency shall specify the person or persons to receive notices under this chapter.

T. "Person" is any individual, partnership, corporation, group or association.

U. "Person in charge" is the person or persons in possession of a landmark including, but not limited to, a mortgagee or vendee in possession, an assignee of rents, a receiver, executor, trustee, lessee, tenant, agent, or any other person directly or indirectly in control of the landmark.

V. "Preliminary determination" is a decision of the commission determining that an historic resource which has been nominated for designation is of significant value and is likely to satisfy the criteria for designation.

W. "Significant feature" is any element of a landmark which the commission has designated pursuant to this chapter as of importance to the historic, architectural or archaeological value of the landmark.

X. "Site" is the location of a significant event, a prehistoric or historic occupation or activity, or a building or structure, whether standing, ruined, or vanished, where the location itself maintains an historical or archaeological value regardless of the value of any existing structures.

Y. "Structure" is any functional construction made usually for purposes other than creating human shelter. (Ord. 14482 69, 2002: Ord. 11620 § 13, 1994: Ord. 10474 § 2, 1992: Ord. 4828 § 2, 1980).

**20.62.030 Landmarks commission created - membership and organization.**

A. There is created the King County landmarks commission which shall consist of nine regular members and special members selected as follows:

1. Of the nine regular members of the commission at least three shall be professionals who have experience in identification, evaluation, and protection of historic resources and have been selected from among the fields of history, architecture, architectural history, historic preservation, planning, cultural anthropology, archaeology, cultural geography, landscape architecture, American studies, law, or other historic preservation related disciplines. The nine regular members of the commission shall be appointed by the county executive, subject to confirmation by the council, provided that no more than four members shall reside within any one municipal jurisdiction. All regular members shall have a demonstrated interest and competence in historic preservation.

2. The county executive may solicit nominations for persons to serve as regular members of the commission from the Association of King County Historical Organizations, the American Institute of Architects (Seattle Chapter), the Seattle King County Bar Association, the Seattle Master Builders, the chambers of commerce, and other professional and civic organizations familiar with historic preservation.

3. One special member shall be appointed from each municipality within King County which has entered into an interlocal agreement with King County providing for the designation by the commission of landmarks within such municipality in accordance with the terms of such interlocal agreement and this chapter. Each such appointment shall be in accordance with the enabling ordinance adopted by such municipality.

B. Appointments of regular members, except as provided in subsection C of this section, shall be made for a three-year term. Each regular member shall serve until his or her successor is duly appointed and confirmed. Appointments shall be effective on June 1st of each year. In the event of a vacancy, an appointment shall be made to fill the vacancy in the same manner and with the same qualifications as if at the beginning of the term, and the person appointed to fill the vacancy shall hold the position for the remainder of the unexpired term. Any member may be reappointed, but may not serve more than two consecutive three-year terms. A member shall be deemed to have served one full term if such member resigns at any time after appointment or if such member serves more than two years of an unexpired term. The members of the commission shall serve without compensation except for out-of-pocket expenses incurred in connection with commission meetings or programs.

C. After May 4, 1992, the term of office of members becomes effective on the date the council confirms the appointment of commission members and the county executive shall appoint or reappoint three members for a three-year term, three members for a two-year term, and three members for a one-year term. For purposes of the limitation on consecutive terms in subsection B of this section an appointment for a one- or a two-year term shall be deemed an appointment for an unexpired term.

D. The chair shall be a member of the commission and shall be elected annually by the regular commission members. The commission shall adopt, in accordance with K.C.C. chapter 2.98, rules and regulations, including procedures, consistent with this chapter. The members of the commission shall be governed by the King County code of ethics, K.C.C. chapter 3.04. The commission shall not conduct any public hearing required under this chapter until rules and regulations have been filed as required by K.C.C. chapter 2.98.

E. A special member of the commission shall be a voting member solely on matters before the commission involving the designation of landmarks within the municipality from which such special member was appointed.

F. A majority of the current appointed and confirmed members of the commission shall constitute a quorum for the transaction of business. A special member shall count as part of a quorum for the vote on any matter involving the designation or control of landmarks within the municipality from which such special member was appointed. All official actions of the commission shall require a majority vote of the members present and eligible to vote on the action voted upon. No member shall be eligible to vote upon any matter required by this chapter to be determined after a hearing unless that member has attended the hearing or familiarized him or herself with the record.

G. The commission may from time to time establish one or more committees to further the policies of the commission, each with such powers as may be lawfully delegated to it by the commission.

H. The county executive shall provide staff support to the commission and shall assign a professionally qualified county employee to serve as a full-time historic preservation officer. Under the direction of the commission, the historic preservation officer shall be the custodian of the commission's records. The historic preservation officer or his or her designee shall conduct official correspondence, assist in organizing the commission and organize and supervise the commission staff and the clerical and technical work of the commission to the extent required to administer this chapter.

I. The commission shall meet at least once each month for the purpose of considering and holding public hearings on nominations for designation and applications for certificates of appropriateness. Where no business is scheduled to come before the commission seven days before the scheduled monthly meeting, the chair of the commission may cancel the meeting. All meetings of the commission shall be open to the public. The commission shall keep minutes of its proceedings, showing the action of the commission upon each question, and shall keep records of all official actions taken by it, all of which shall be filed in the office of the historic preservation officer and shall be public records.

J. At all hearings before and meetings of the commission, all oral proceedings shall be electronically recorded. The proceedings may also be recorded by a court reporter if any interested person at his or her expense shall provide a court reporter for that purpose. A tape recorded copy of the electronic record of any hearing or part of a hearing shall be furnished to any person upon request and payment of the reasonable expense of the copy.

K. The commission is authorized, subject to the availability of funds for that purpose, to expend moneys to compensate experts, in whole or in part, to provide technical assistance to property owners in connection with requests for certificates of appropriateness upon a showing by the property owner that the need for the technical assistance imposes an unreasonable financial hardship on the property owner.

L. Commission records, maps or other information identifying the location of archaeological sites and potential sites shall be exempt from public disclosure as specified in RCW 42.17.310 in order to avoid looting and depredation of the sites. (Ord. 14482 § 70, 2002: Ord. 10474 § 3, 1992: Ord. 10371 § 1, 1992: Ord. 4828 § 3, 1980).

**20.62.040 Designation criteria.**

A. An historic resource may be designated as a King County landmark if it is more than forty years old or, in the case of a landmark district, contains resources that are more than forty years old, and possesses integrity of location, design, setting, materials, workmanship, feeling and association, and:

1. Is associated with events that have made a significant contribution to the broad patterns of national, state or local history; or
2. Is associated with the lives of persons significant in national, state or local history; or
3. Embodies the distinctive characteristics of a type, period, style or method of design or construction, or that represents a significant and distinguishable entity whose components may lack individual distinction; or
4. Has yielded or may be likely to yield, information important in prehistory or history; or
5. Is an outstanding work of a designer or builder who has made a substantial contribution to the art.

B. An historic resource may be designated a community landmark because it is an easily identifiable visual feature of a neighborhood or the county and contributes to the distinctive quality or identity of such neighborhood or county or because of its association with significant historical events or historic themes, association with important or prominent persons in the community or county, or recognition by local citizens for substantial contribution to the neighborhood or community. An improvement or site qualifying for designation solely by virtue of satisfying criteria set out in this section shall be designated a community landmark and shall not be subject to the provisions of 20.62.080.

C. Cemeteries, birthplaces, or graves of historical figures, properties owned by religious institutions or used for religious purposes, structures that have been moved from their original locations, reconstructed historic buildings, properties primarily commemorative in nature, and properties that have achieved significance within the past forty years shall not be considered eligible for designation. However, such a property shall be eligible for designation if they are:

1. An integral part of districts that meet the criteria set out in 20.62.040A or if it is:
  2. A religious property deriving primary significance from architectural or artistic distinction or historical importance; or
  3. A building or structure removed from its original location but which is significant primarily for its architectural value, or which is the surviving structure most importantly associated with a historic person or event; or
  4. A birthplace, grave or residence of a historical figure of outstanding importance if there is no other appropriate site or building directly associated with his or her productive life; or
  5. A cemetery that derives its primary significance from graves of persons of transcendent importance, from age, from distinctive design features, or from association with historic events; or
  6. A reconstructed building when accurately executed in a suitable environment and presented in a dignified manner or as part of a restoration master plan, and when no other building or structure with the same association has survived; or
  7. A property commemorative in intent if design, age, tradition, or symbolic value has invested it with its own historical significance; or
  8. A property achieving significance within the past forty years if it is of exceptional importance.
- (Ord. 10474 § 4, 1992: Ord. 4828 § 4, 1980).

**20.62.050 Nomination procedure.**

A. Any person, including the historic preservation officer and any member of the commission, may nominate an historic resource for designation as a landmark or community landmark. The procedures set forth in Sections 20.62.050 and 20.62.080 may be used to amend existing designations or to terminate an existing designation based on changes which affect the applicability of the criteria for designation set forth in Section 20.62.040. The nomination or designation of an historic resource as a landmark shall constitute nomination or designation of the land which is occupied by the historic resource unless the nomination provides otherwise. Nominations shall be made on official nomination forms provided by the historic preservation officer, shall be filed with the historic preservation officer, and shall include all data required by the commission.

B. Upon receipt by the historic preservation officer of any nomination for designation, the officer shall review the nomination, consult with the person or persons submitting the nomination, and the owner, and prepare any amendments to or additional information on the nomination deemed necessary by the officer. The historic preservation officer may refuse to accept any nomination for which inadequate information is provided by the person or persons submitting the nomination. It is the responsibility of the person or persons submitting the nomination to perform such research as is necessary for consideration by the commission. The historic preservation officer may assume responsibility for gathering the required information or appoint an expert or experts to carry out this research in the interest of expediting the consideration.

C. When the historic preservation officer is satisfied that the nomination contains sufficient information and complies with the commission's regulations for nomination, the officer shall give notice in writing, certified mail/return receipt requested, to the owner of the property or object, to the person submitting the nomination and interested persons of record that a preliminary or a designation determination on the nomination will be made by the commission. The notice shall include:

1. The date, time, and place of hearing;
2. The address and description of the historic resource and the boundaries of the nominated resource;
3. A statement that, upon a designation or upon a preliminary determination of significance, the certificate of appropriateness procedure set out in Section 20.62.080 will apply;
4. A statement that, upon a designation or a preliminary determination of significance, no significant feature may be changed without first obtaining a certificate of appropriateness from the commission, whether or not a building or other permit is required. A copy of the provisions of Section 20.62.080 shall be included with the notice;
5. A statement that all proceedings to review the action of the commission at the hearing on a preliminary determination or a designation will be based on the record made at such hearing and that no further right to present evidence on the issue of preliminary determination or designation is afforded pursuant to this chapter.

D. The historic preservation officer shall, after mailing the notice required herein, refer the nomination and all supporting information to the commission for consideration on the date specified in the notice. No nomination shall be considered by the commission less than thirty nor more than forty five calendar days after notice setting the hearing date has been mailed except where the historic preservation officer or members of the commission have reason to believe that immediate action is necessary to prevent destruction, demolition or defacing of an historic resource, in which case the notice setting the hearing shall so state. (Ord. 10474 § 5, 1992; Ord. 4828 § 5, 1980).

**20.62.070 Designation procedure.**

A. The commission may approve, deny, amend or terminate the designation of a historic resource as a landmark or community landmark only after a public hearing. At the designation hearing the commission shall receive evidence and hear argument only on the issues of whether the historic resource meets the criteria for designation of landmarks or community landmarks as specified in K.C.C. 20.62.040 and merits designation as a landmark or community landmark; and the significant features of the landmark. The hearing may be continued from time to time at the discretion of the commission. If the hearing is continued, the commission may make a preliminary determination of significance if the commission determines, based on the record before it that the historic resource is of significant value and likely to satisfy the criteria for designation in K.C.C. 20.62.040. The preliminary determination shall be effective as of the date of the public hearing at which it is made. Where the commission makes a preliminary determination it shall specify the boundaries of the nominated resource, the significant features thereof and such other description of the historic resource as it deems appropriate. Within five working days after the commission has made a preliminary determination, the historic preservation officer shall file a written notice of the action with the director and mail copies of the notice, certified mail, return receipt requested, to the owner, the person submitting the nomination and interested persons of record. The notice shall include:

1. A copy of the commission's preliminary determination; and
2. A statement that while proceedings pursuant to this chapter are pending, or six months from the date of the notice, whichever is shorter, and thereafter if the designation is approved by the commission, the certificate of appropriateness procedures in K.C.C. 20.62.080, a copy of which shall be enclosed, shall apply to the described historic resource whether or not a building or other permit is required. The decision of the commission shall be made after the close of the public hearing or at the next regularly scheduled public meeting of the commission thereafter.

B. Whenever the commission approves the designation of a historic resource under consideration for designation as a landmark, it shall, within fourteen calendar days of the public meeting at which the decision is made, issue a written designation report, which shall include:

1. The boundaries of the nominated resource and such other description of the resource sufficient to identify its ownership and location;
2. The significant features and such other information concerning the historic resource as the commission deems appropriate;
3. Findings of fact and reasons supporting the designation with specific reference to the criteria for designation in K.C.C. 20.62.040; and
4. A statement that no significant feature may be changed, whether or not a building or other permit is required, without first obtaining a certificate of appropriateness from the commission in accordance with K.C.C. 20.62.080, a copy of which shall be included in the designation report. This subsection B.4. shall not apply to historic resources designated as community landmarks.

C. Whenever the commission rejects the nomination of a historic resource under consideration for designation as a landmark, it shall, within fourteen calendar days of the public meeting at which the decision is made, issue a written decision including findings of fact and reasons supporting its determination that the criteria in K.C.C. 20.62.040 have not been met. If a historic resource has been nominated as a landmark and the commission designates the historic resource as a community landmark, the designation shall be treated as a rejection of the nomination for King County landmark status and the foregoing requirement for a written decision shall apply. Nothing contained herein shall prevent renominating any historic resource rejected under this subsection as a King County landmark at a future time.

D. A copy of the commission's designation report or decision rejecting a nomination shall be delivered or mailed to the owner, to interested persons of record and the director within five working days after it is issued. If the commission rejects the nomination and it has made a preliminary determination of significance with respect to the nomination, it shall include in the notice to the director a statement that K.C.C. 20.62.080 no longer applies to the subject historic resources.



E. If the commission approves, or amends a landmark designation, K.C.C. 20.62.080 shall apply as approved or amended. A copy of the commission's designation report or designation amendment shall be recorded with the records and licensing services division, or its successor agency, together with a legal description of the designated resource and notification that K.C.C. 20.62.080 and 20.62.130 apply. If the commission terminates the designation of a historic resource, K.C.C. 20.62.080 shall no longer apply to the historic resource. (Ord. 15971 § 92, 2007; Ord. 14482 § 71, 2002; Ord. 14176 § 4, 2001; Ord. 11620 § 14, 1994; Ord. 10474 § 6, 1992; Ord. 4828 § 7, 1980).

**20.62.080 Certificate of appropriateness procedure.**

A. At any time after a designation report and notice has been filed with the director and for a period of six months after notice of a preliminary determination of significance has been mailed to the owner and filed with the director, a certificate of appropriateness must be obtained from the commission before any alterations may be made to the significant features of the landmark identified in the preliminary determination report or thereafter in the designation report. The designation report shall supersede the preliminary determination report. This requirement shall apply whether or not the proposed alteration also requires a building or other permit. The requirements of this section shall not apply to any historic resource located within incorporated cities or towns in King County, except as provided by applicable interlocal agreement.

B. Ordinary repairs and maintenance which do not alter the appearance of a significant feature and do not utilize substitute materials do not require a certificate of appropriateness. Repairs to or replacement of utility systems do not require a certificate of appropriateness provided that such work does not alter an exterior significant feature.

C. There shall be three types of certificates of appropriateness, as follows:

1. Type I, for restorations and major repairs which utilize in-kind materials.
2. Type II, for alterations in appearance, replacement of historic materials and new construction.
3. Type III, for demolition, moving and excavation of archaeological sites.

In addition, the commission shall establish and adopt an appeals process concerning Type I decisions made by the historic preservation officer with respect to the applications for certificates of appropriateness.

The historic preservation officer may approve Type I certificates of appropriateness administratively without public hearing, subject to procedures adopted by the commission. Alternatively the historic preservation officer may refer applications for Type I certificates of appropriateness to the commission for decision. The commission shall adopt an appeals procedure concerning Type I decisions made by the historic preservation officer.

Type II and III certificates of appropriateness shall be decided by the commission and the following general procedures shall apply to such commission actions:

1. Application for a certificate of appropriateness shall be made by filing an application for such certificate with the historic preservation officer on forms provided by the commission.

2. If an application is made to the director for a permit for any action which affects a landmark, the director shall promptly refer such application to the historic preservation officer, and such application shall be deemed an application for a certificate of appropriateness if accompanied by the additional information required to apply for such certificate. The director may continue to process such permit application, but shall not issue any such permit until the time has expired for filing with the director the notice of denial of a certificate of appropriateness or a certificate of appropriateness has been issued pursuant to this chapter.

3. After the commission has commenced proceedings for the consideration of any application for a certificate of appropriateness by giving notice of a hearing pursuant to subsection 3 of this section, no other application for the same or a similar alteration may be made until such proceedings and all administrative appeals therefrom pursuant to this chapter have been concluded.

4. Within forty five calendar days after the filing of an application for a certificate of appropriateness with the commission or the referral of an application to the commission by the director except those decided administratively by the historic preservation officer pursuant to subsection 2 of this section, the commission shall hold a public hearing thereon. The historic preservation officer shall mail notice of the hearing to the owner, the applicant, if the applicant is not the owner, and parties of record at the designation proceedings, not less than ten calendar days before the date of the hearing. No hearing shall be required if the commission, the owner and the applicant, if the applicant is not the owner, agree in writing to a stipulated certificate approving the requested alterations thereof. This agreement shall be ratified by the commission in a public meeting and reflected in the commission meeting minutes. If the commission grants a certificate of appropriateness, such certificate shall be issued forthwith and the historic preservation officer shall promptly file a copy of such certificate with the director.

5. If the commission denies the application for a certificate of appropriateness, in whole or in part, it shall so notify the owner, the person submitting the application and interested persons of record setting forth the reasons why approval of the application is not warranted.

D. The commission shall adopt such other supplementary procedures consistent with K.C.C. 2.98 as it determines are required to carry out the intent of this section. (Ord. 11620 § 15, 1994: Ord. 10474 § 7, 1992: Ord. 4828 § 8, 1980).

**20.62.100 Evaluation of economic impact.**

A. At the public hearing on any application for a Type II or Type III certificate of appropriateness, or Type I if referred to the commission by the historic preservation officer, the commission shall, when requested by the property owner, consider evidence of the economic impact on the owner of the denial or partial denial of a certificate. In no case may a certificate be denied, in whole or in part, when it is established that the denial or partial denial will, when available incentives are utilized, deprive the owner of a reasonable economic use of the landmark and there is no viable and reasonable alternative which would have less impact on the features of significance specified in the preliminary determination report or the designation report.

B. To prove the existence of a condition of unreasonable economic return, the applicant must establish and the commission must find, both of the following:

1. The landmark is incapable of earning a reasonable economic return without making the alterations proposed. This finding shall be made by considering and the applicant shall submit to the commission evidence establishing each of the following factors:

a. The current level of economic return on the landmark as considered in relation to the following:

(1) The amount paid for the landmark, the date of purchase, and party from whom purchased, including a description of the relationship, if any, between the owner and the person from whom the landmark was purchased;

(2) The annual gross and net income, if any, from the landmark for the previous five (5) years; itemized operating and maintenance expenses for the previous five (5) years; and depreciation deduction and annual cash flow before and after debt service, if any, during the same period;

(3) The remaining balance on any mortgage or other financing secured by the landmark and annual debt service, if any, during the prior five (5) years;

(4) Real estate taxes for the previous four (4) years and assessed value of the landmark according to the two (2) most recent assessed valuations;

(5) All appraisals obtained within the previous three (3) years by the owner in connection with the purchase, financing or ownership of the landmark;

(6) The fair market value of the landmark immediately prior to its designation and the fair market value of the landmark (in its protected status as a designated landmark) at the time the application is filed;

(7) Form of ownership or operation of the landmark, whether sole proprietorship, for profit or not-for-profit corporation, limited partnership, joint venture, or both;

(8) Any state or federal income tax returns on or relating to the landmark for the past two (2) years.

b. The landmark is not marketable or able to be sold when listed for sale or lease. The sale price asked, and offers received, if any, within the previous two (2) years, including testimony and relevant documents shall be submitted by the property owner. The following also shall be considered:

- (1) Any real estate broker or firm engaged to sell or lease the landmark;
- (2) Reasonableness of the price or lease sought by the owner;
- (3) Any advertisements placed for the sale or lease of the landmark.

c. The unfeasibility of alternative uses that can earn a reasonable economic return for the landmark as considered in relation to the following:

(1) A report from a licensed engineer or architect with experience in historic restoration or rehabilitation as to the structural soundness of the landmark and its suitability for restoration or rehabilitation;

(2) Estimates of the proposed cost of the proposed alteration and an estimate of any additional cost that would be incurred to comply with the recommendation and decision of the commission concerning the appropriateness of the proposed alteration;

(3) Estimated market value of the landmark in the current condition after completion of the proposed alteration; and, in the case of proposed demolition, after renovation of the landmark for continued use;

(4) In the case of proposed demolition, the testimony of an architect, developer, real estate consultant, appraiser or other real estate professional experienced in historic restoration or rehabilitation as to the economic feasibility of rehabilitation or reuse of the existing landmark;

(5) The unfeasibility of new construction around, above, or below the historic resource.

d. Potential economic incentives and/or funding available to the owner through federal, state, county, city or private programs.

2. The owner has the present intent and the secured financial ability, demonstrated by appropriate documentary evidence to complete the alteration.

C. Notwithstanding the foregoing enumerated factors, the property owner may demonstrate other appropriate factors applicable to economic return.

D. Upon reasonable notice to the owner, the commission may appoint an expert or experts to provide advice and/or testimony concerning the value of the landmark; the availability of incentives and the economic impacts of approval, denial or partial denial of a certificate of appropriateness.

E. Any adverse economic impact caused intentionally or by willful neglect shall not constitute a basis for granting a certificate of appropriateness. (Ord. 10474 § 8, 1992: Ord. 4828 § 10, 1980).

#### **20.62.110 Appeal procedure.**

A. Any person aggrieved by a decision of the commission designating or rejecting a nomination for designation of a landmark or issuing or denying a certificate of appropriateness may, within thirty-five calendar days of mailing of notice of such designation or rejection of nomination, or of such issuance or denial or approval of a certificate of appropriateness appeal such decision in writing to the council. The written notice of appeal shall be filed with the historic preservation officer and the clerk of the council and shall be accompanied by a statement setting forth the grounds for the appeal, supporting documents, and argument.

B. If, after examination of the written appeal and the record, the council determines, that: 1. An error in fact may exist in the record, it shall remand the proceeding to the commission for reconsideration or, if the council determines that: 2. the decision of the commission is based on an error in judgment or conclusion, it may modify or reverse the decision of the commission.

C. The council's decision shall be based solely upon the record, provided that, the council may at its discretion publicly request additional information of the appellant, the commission or the historic preservation officer.

D. The council shall take final action on any appeal from a decision of the commission by adoption of an Ordinance, and when so doing, it shall make and enter findings of fact from the record and reasons therefrom which support its action. The council may adopt all or portions of the commission's findings and conclusions.

E. The action of the council sustaining, reversing, modifying or remanding a decision of the commission shall be final unless within twenty calendar days from the date of the action an aggrieved person obtains a writ of certiorari from the superior court of King County, state of Washington, for the purpose of review of the action taken. (Ord. 10474 § 9, 1992: Ord. 4828 § 11, 1980).

**20.62.120 Funding.**

A. The commission shall have the power to make and administer grants of funds received by it from private sources and from local, state and federal programs for purposes of:

1. Maintaining, purchasing or restoring historic resources located within King County which it deems significant pursuant to the goals, objectives and criteria set forth in this chapter if such historic resources have been nominated or designated as landmarks pursuant to this chapter or have been designated as landmarks by municipalities within King County or by the State of Washington, or are listed on the National Historic Landmarks Register, the National Register of Historic Places; and

2. Developing and conducting programs relating to historic preservation and archaeological resource management. The commission shall establish rules and regulations consistent with K.C.C. chapter 2.98 governing procedures for applying for and awarding of grant moneys pursuant to this section.

B. The commission may, at the request of the historic preservation officer, review proposals submitted by county agencies to fund historic preservation and archaeological projects through the Housing and Community Development Act of 1974 (42 U.S.C. Secs. 5301 et seq.), the State and Local Fiscal Assistance Act of 1972 (31 U.S.C. Secs. 1221 et seq.) and other applicable local, state and federal funding programs. Upon review of such grant proposals, the commission may make recommendations to the county executive and county council concerning which proposals should be funded, the amount of the grants that should be awarded, the conditions that should be placed on the grant, and such other matters as the commission deems appropriate. The historic preservation officer shall keep the commission apprised of the status of grant proposals, deadlines for submission of proposals and the recipients of grant funds. (Ord 14482 § 72, 2002: Ord. 10474 § 10, 1992: Ord. 4828 § 12, 1980).

**20.62.130 Penalty for violation of Section 20.62.080.** Any person violating or failing to comply with the provisions of Section 20.62.080 of this chapter shall incur a civil penalty of up to five hundred dollars per day and each day's violation or failure to comply shall constitute a separate offense; provided, however, that no penalty shall be imposed for any violation or failure to comply which occurs during the pendency of legal proceedings filed in any court challenging the validity of the provision or provisions of this chapter, as to which such violations or failure to comply is charged. (Ord. 4828 § 13, 1980).

**20.62.140 Special valuation for historic properties.**

A. There is hereby established and implemented a special valuation for historic properties as provided in chapter 84.26 RCW.

B. The King County landmarks commission is hereby designated as the local review board for the purposes related to chapter 84.26 RCW, and is authorized to perform all functions required by chapter 84.16 RCW and chapter 254-20 WAC.

C. All King County landmarks designated and protected under this chapter shall be eligible for special valuation in accordance with chapter 84.26 RCW. (Ord. 14482 § 73, 2002: Ord. 10474 § 12, 1992: Ord. 9237 §§ 1-3, 1989).

**20.62.150 Historic Resources - review process.**

A. King County shall not approve any development proposal or otherwise issue any authorization to alter, demolish, or relocate any historic resource identified in the King County Historic Resource Inventory, pursuant to the requirements of this chapter. The standards contained in K.C.C. 21A.12, Development Standards - Density and Dimensions and K.C.C. 21A.16, Development Standards - Landscaping and Water Use shall be expanded, when necessary, to preserve the aesthetic, visual and historic integrity of the historic resource from the impacts of development on adjacent properties.

B. Upon receipt of an application for a development proposal located on or adjacent to a historic resource listed in the King County Historic Resource Inventory, the director shall follow the following procedure:

1. The development proposal application shall be circulated to the King County historic preservation officer for comment on the impact of the project on historic resources and for recommendation on mitigation. This includes all permits for alterations to historic buildings, alteration to landscape elements, new construction on the same or abutting lots, or any other action requiring a permit which might affect the historic character of the resource. Information required for a complete permit application to be circulated to the historic preservation officer shall include:

- a. a vicinity map;
- b. a site plan showing the location of all buildings, structures, and landscape features;
- c. a brief description of the proposed project together with architectural drawings showing the existing condition of all buildings, structures, landscape features and any proposed alteration to them;
- d. photographs of all buildings, structures, or landscape features on the site; and
- e. an environmental checklist, except where categorically exempt under King County SEPA guidelines.

2. Upon request, the historic preservation officer shall provide information about available grant assistance and tax incentives for historic preservation. The officer may also provide the owner, developer, or other interested party with examples of comparable projects where historic resources have been restored or rehabilitated.

3. In the event of a conflict between the development proposal and preservation of an historic resource, the historic preservation officer shall:

- a. suggest appropriate alternatives to the owner/developer which achieve the goals of historic preservation.
- b. recommend approval, or approval with conditions to the director of the department of development and environmental services; or
- c. propose that a resource be nominated for county landmark designation according to procedures established in the landmarks preservation ordinance (K.C.C. 20.62).

4. The director may continue to process the development proposal application, but shall not issue any development permits or issue a SEPA threshold determination until receiving a recommendation from the historic preservation officer. In no event shall review of the proposal by the historic preservation officer delay permit processing beyond any period required by law. Permit applications for changes to landmark properties shall not be considered complete unless accompanied by a certificate of appropriateness pursuant to K.C.C. 20.62.080.

5. On known archaeological sites, before any disturbance of the site, including, but not limited to test boring, site clearing, construction, grading or revegetation, the State Office of Archaeology and Historic Preservation (OAHP), and the King County historic preservation officer, and appropriate Native American tribal organizations must be notified and state permits obtained, if required by law. The officer may require that a professional archaeological survey be conducted to identify site boundaries, resources and mitigation alternatives prior to any site disturbance and that a technical report be provided to the officer, OAHP and appropriate tribal organizations. The officer may approve, disapprove or require permits conditions, including professional archeological surveys, to mitigate adverse impacts to known archeological sites.

C. Upon receipt of an application for a development proposal which affects a King County landmark or an historic resource that has received a preliminary determination of significance as defined by K.C.C. 20.62.020V, the application circulated to the King County historic preservation officer shall be deemed an application for a certificate of appropriateness pursuant to K.C.C. 20.62.080 if accompanied by the additional information required to apply for such certificate. (Ord. 11620 § 12, 1994).

**20.62.160 Administrative rules.** The director may promulgate administrative rules and regulations pursuant to K.C.C. 2.98, to implement the provisions and requirements of this chapter. (Ord. 11620 § 16, 1994).

**20.62.200 Severability.** If any provision of this chapter or its application to any person or circumstance is held invalid, the remainder of the chapter or the application of the provision to other persons or circumstances is not affected. (Ord. 10474 § 14, 1992).

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Interlocal Agreement for Landmark Services

Clerk's Receiving

No. 016

Date 8/25/95

J. Mathieu, No. 32

**AN AGREEMENT BETWEEN KING COUNTY AND THE CITY OF SHORELINE RELATING TO LANDMARK DESIGNATION AND PROTECTION SERVICES**

THIS IS AN AGREEMENT between King County, a home rule charter county and a political subdivision of the State of Washington, hereinafter referred to as the "County," and the City of Shoreline, a municipal corporation of the State of Washington, hereinafter referred to as the "City."

WHEREAS, the City is incorporated; and

WHEREAS, local governmental authority and jurisdiction with respect to the designation and protection of landmarks within the city limits resides with the City; and

WHEREAS, the City desires to protect and preserve the historic buildings, structures, districts, sites, objects, and archaeological sites within the City for the benefit of present and future generations; and

WHEREAS, the City does not have the organization and personnel to do so; and

WHEREAS, the County is able to provide landmark designation and protection services for the City; and

WHEREAS, it is in the public interest that the jurisdictions cooperate to provide efficient and cost effective landmark designation and protection; and

WHEREAS, pursuant to R.C.W. 39.34, the Interlocal Cooperation Act, the parties are each authorized to enter into an agreement for cooperative action;

NOW THEREFORE, the County and the City hereby agree:

1. Services. The County shall provide landmark designation and protection services using the criteria and procedures adopted in King County Ordinance 10474, K.C.C. 20.62 within the City limits.

2. City's Responsibilities. In support of the County in the designation and protection of landmarks, the City shall:

A. Adopt an ordinance establishing regulations and procedures for the designation of historic buildings, structures, districts, sites, objects, and archaeological sites as landmarks and for the same as the regulations and procedures set forth in King County Ordinance 10474, K.C.C. 20.62. The ordinance shall provide that the King



County Landmarks and Heritage Commission shall have the authority to designate and protect landmarks within the City limits in accordance with the City ordinance. The ordinance shall include:

1. Provision for the appointment of a special member to the King County Landmarks and Heritage Commission as contemplated by K.C.C. 20.62.030.
2. A provision that appeals from decisions of the King County Landmarks and Heritage Commission pertaining to real property within the City limits shall be taken to the City Council.
3. Provisions for penalties for violation of the certificate of appropriateness procedures.
4. A provision that the official responsible for the issuance of building and related permits shall promptly refer applications for permits which affect historic buildings, structures, objects, sites, districts, or archaeological sites to the King County Historic Preservation Officer (HPO) for review and comment. The responsible official shall seek and take into consideration the comments of the HPO regarding mitigation of any adverse effects affecting historic buildings, structures, objects, sites, or districts.

B. Appoint a Special Member to the King County Landmarks and Heritage Commission in accordance with the ordinance adopted by the City. Pursuant to K.C.C. 20.62 such Special Member shall be a voting member of the King County Landmarks and Heritage Commission on all matters relating to or affecting landmarks within the City.

C. Except as to Section 5, the services provided by the County pursuant to this agreement do not include legal services.

3. County Responsibilities.

A. Process all nominations for designation as a landmark or community landmark made on properties within the City.

B. Conduct design review, planning, training, and public information activities necessary to support landmarking activities. Design review, planning, training, and public information tasks shall be defined by mutual agreement of both parties. If the City does not appoint its own Design Review Board to review proposals to make changes to landmarks and to issue Certificates of Appropriateness for such changes in accordance with the procedures and criteria set forth in the local landmark ordinance adopted under 2.A. above, the King County Landmarks and Heritage Commission shall serve as the local Design Review Board.

C. A copy of the Commission's designation report or decision rejecting a nomination shall be delivered to the City in addition to the parties specified in K.C.C. 20.62 within five (5) working days after it is issued.

D. A copy of the designation report shall be filed with the County Recorder by the HPO together with a legal description of the designated property and the notification that the provisions of the City ordinance apply.

E. Process applications for Certificates of Appropriateness to demolish, move, or make alterations in any significant feature of a landmark within the City limits as provided for by compensation.

F. The King County Landmarks and Heritage Commission shall act as the "Local Review Board" for the purposes related to Chapter 221, 1986 Laws of Washington, (R.C.W. 84.26 and WAC 254.20) for the special valuation of historic properties within the City limits.

G. The HPO shall review and comment on applications for permits which affect historic buildings, structures, objects, sites, districts, and archaeological sites. Comments shall be forwarded to the city official responsible for the issuance of building and related permits.

#### 4. Compensation.

A. Costs. The City shall reimburse the County fully for all costs incurred in providing services under this contract, including overhead and indirect administrative costs. Costs charged to the City may be reduced by special appropriations, grants, or other supplemental funds, by mutual agreement of both parties. The rate of reimbursement for labor costs to the County costs shall be revised annually. Addendum A contains 1994 labor costs. Maximum total cost to the City shall be revised annually. Addendum B contains the 1996 maximum cost to the City for reimbursable services.

B. Billing. The cost of services shall be billed quarterly. The quarterly bill shall reflect actual costs plus the annual administrative overhead rate. Payments are due within 30 days of invoicing by the County.

#### 5. Indemnification.

A. The County shall indemnify and hold harmless the City and its officers, agents and employees, or any of them from any and all claims, actions, suits, liability, loss, costs, expenses, and damages of any nature whatsoever, by reason or arising out of any negligent act or omission of the County, its officers, agents, and employees, or any of them, in providing services pursuant to this agreement. In the event that any suit based upon such a claim, action, loss, or damage is brought against the City, the County shall defend the same as its sole

cost and expense; provided, that the City retains the right to participate in said suit if any principle of government or public law is involved; and if final judgment be rendered against the City and its officers, agents, employees, or any of them, or jointly against the City and the County and their respective officers, agents, and employees, or any of them, the County shall satisfy the same.

B. In executing this agreement, the County does not assume liability or responsibility for or in any way release the City from any liability or responsibility which arises in whole or in part from the existence or effect of City ordinances, rules or regulations, policies or procedures. If any cause, claim, suit, actions, or administrative proceeding is commenced in the enforceability and/or validity or any City ordinance, rule, or regulation is at issue, the City shall defend the same at its sole expense and if judgment is entered or damages are awarded against the City, the County, or both, the City shall satisfy the same, including all chargeable costs and attorney's fees.

C. The City shall indemnify and hold harmless the County and its officers, agents, and employees, or any of them from any and all claims, actions, suits, liability, loss, costs, expenses, and damages of any nature whatsoever, by reason of or arising out of any negligent act or omission of the City, its officers, agents, and employees, or any of them. In the event that any suit based upon such a claim, action, loss, or damage is brought against the County, the City shall defend the same at its sole cost and expense; provided that the County retains the right to participate in said suit if any principle of government or public laws is involved; and if final judgment be rendered against the County, and its officers, agents, and employees, or any of them, the City shall satisfy the same.

D. The City and the County acknowledge and agree that if such claims, actions, suits, liability, loss, costs, expenses, and damages are caused by or result from the concurrent negligence of the City, its agents, employees and/or officers and the County, its agents, employees, and/or officers, this Article shall be valid and enforceable only to the extent of the negligence of each party, its agents, employees and/or officers.

6. Duration. This agreement is effective beginning upon execution, and shall continue automatically from year to year until it is terminated by forty-five days written notice from either party to the other.

7. Administration. This agreement shall be administered for the County by the manger of the Cultural Resources Division, or the manager's designee, and for the City by the City Manager or the manager's designee.

8. Amendments. This Agreement may be amended at any time by mutual agreement of the parties.

IN WITNESS WHEREOF, the parties have executed this agreement this 31<sup>st</sup>  
day of MAY, 1996.

CITY OF SHORELINE, WASHINGTON

By: [Signature]

Title: INTERIM CITY MANAGER

KING COUNTY

By: [Signature]

King County Executive 5-31-96

Approved as to form.

By: [Signature]

King County Prosecutor

Approved as to Form:  
[Signature]  
City Attorney

## **Interlocal Contract for Historic Preservation Services**

### **Addendum A: King County Labor Costs**

The following hourly rates for County-provided historic preservation services apply for 1995. The hourly figure incorporates wages, benefits, and overhead as set in the 1994 Indirect Cost Rate Plan for the Cultural Resources Division of the Parks, Planning and Resources Department. The figure is adjusted to account for vacation, sick leave, and holidays, and thus reflects actual working hours.

|                                       |                  |
|---------------------------------------|------------------|
| Historic Preservation Officer:        | \$49.42 per hour |
| Preservation Planner:                 | \$43.30 per hour |
| Design Review Coordinator:            | \$35.67 per hour |
| Cultural Resource Specialist/Planner: | \$22.62 per hour |
| Executive Secretary:                  | \$28.11 per hour |

**Interlocal Contract for Historic Preservation Services**

**Addendum B: City of Shoreline Expenditure Maximum**

During the calendar year 1996, total reimbursable costs billable to the City for historic preservation services provided by the County under this interlocal agreement shall not exceed \$5,000.



**King County**  
**Office of Budget and Strategic Planning**  
King County Courthouse  
516 Third Avenue, Room 420  
Seattle, WA 98104  
(206)296-3434

June 5, 1996

City Clerk  
City of Shoreline  
17544 Midvale Avenue North  
Shoreline, WA 98133

**RE: Interlocal Agreement between King County and the City of Shoreline**

Enclosed for your permanent record is the original of the Interlocal Agreement between King County and the City of Shoreline relating to Landmark Designation and Protection Services.

This document has been filed with the King County Records and Elections Section, and has also been transmitted for filing to the Secretary of State, as required under RCW 39.34.040.

Please contact me at 296-3477 if you have any questions on this matter.

Sincerely,

Carol Gagnat  
Regional Affairs Coordinator

CG:erw

Enclosure



ORIGINAL

RESOLUTION NO. 32

A RESOLUTION OF THE CITY OF SHORELINE, WASHINGTON,  
AUTHORIZING EXECUTION OF AN INTERLOCAL AGREEMENT  
RELATING TO LANDMARK DESIGNATION AND PROTECTION  
SERVICES BETWEEN THE CITY OF SHORELINE AND KING  
COUNTY

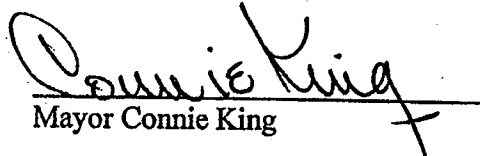
BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF  
SHORELINE, WASHINGTON, AS FOLLOWS:

Section 1. Authorization. The City Manager is authorized and directed to execute on behalf of the City the Interlocal Agreement for Landmark Services with King County, Washington, a copy of which has been filed with the City Clerk and identified with Clerk's Receiving No. 016.

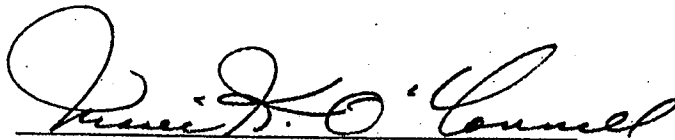
Section 2. Effective Date. The effective date of the Interlocal Agreement for Landmark Services will be the date of the passage of this Resolution by the City Council.

Section 3. Ratification and Confirmation. Any acts made consistent with the authority and prior to the effective date of this resolution are ratified and confirmed

ADOPTED BY THE CITY COUNCIL ON AUGUST 21ST, 1995.

  
Mayor Connie King

ATTEST:

  
Marie K. O'Connell, Interim City Clerk





# ORIGINAL

## ORDINANCE NO. 323

### **AN ORDINANCE OF THE CITY OF SHORELINE, WASHINGTON AMENDING THE MUNICIPAL CODE TO INCORPORATE KING COUNTY LANDMARKS PROVISIONS REQUIRED BY INTERLOCAL AGREEMENT; AND AMENDING SHORELINE MUNICIPAL CODE CHAPTER 15.20.**

WHEREAS, the City authorized and entered into an interlocal agreement relating to landmark designation and protection services between the City of Shoreline and King County on August 21, 1995; and

WHEREAS, the City adopted Ordinance No. 53 (Landmarks Preservation Ordinance) relating to the protection and preservation of landmarks in the City, establishing procedures for designation and preservation of landmarks, and providing for enforcement and prescribing penalties for violation; and

WHEREAS, the staff has proposed and recommended amendments to the Landmarks Preservation Ordinance; and

WHEREAS, the Council finds that the amendments adopted by this ordinance are consistent with and implement the Shoreline Comprehensive Plan; and

WHEREAS, amending the provisions of the Municipal Code will allow the City to process landmark designations and protect designated landmarks;

**NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF SHORELINE,  
WASHINGTON DO ORDAIN AS FOLLOWS:**

**Section 1. New Section.** A new section .025 *Incorporation of King County Provisions* is added to the Shoreline Municipal Code Chapter 15.20 to read as follows:

.025 *Incorporation of King County Provisions.* The following sections of Chapter 20.62 KCC, as they are presently constituted, are incorporated by reference herein and made a part of this chapter except that any references to the "county" or "King County" shall refer to the City of Shoreline, and "department of development and environmental services" shall refer to "Planning and Development Services Department."

- A. KCC 20.62.020 – Definitions, except paragraph 1 "Historic Preservation Officer" is the King County historic preservation officer or his or her designee.
- B. KCC 20.62.040 – Designation Criteria
- C. KCC 20.62.050 – Nomination Procedure
- D. KCC 20.62.070 – Designation Procedure
- E. KCC 20.62.080 – Certificate of Appropriateness Procedures, except the last sentence of subsection A
- F. KCC 20.62.100 – Evaluation of Economic Impact
- G. KCC 20.62.110 – Appeal Procedure
- H. KCC 20.62.130 – Penalty for Violation of KCC Section 20.62.080
- I. KCC 20.62.140 – Special Valuation for Historic Properties

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**Section 2. New Section.** A new section .026 *Alteration of Landmarks – Review Process* is added to the Shoreline Municipal Code Chapter 15.20 to read as follows:


*.026 Alteration of Landmarks – Review Process.* Permit applications for changes to landmark properties shall not be considered complete unless accompanied by a certificate of appropriateness pursuant to KCC 20.62.080. Upon receipt of an application for a development proposal which affects a City of Shoreline landmark or an historic resource that has received a preliminary determination of significance under KCC 20.60.070, the application circulated to the historic preservation officer shall be deemed an application for a certificate of appropriateness pursuant to KCC 20.62.080 if accompanied by the additional information required to apply for such certificate.

**Section 3 Severability.** Should any section, paragraph, sentence, clause or phrase of this ordinance, or its application to any person or circumstance, be declared unconstitutional or otherwise invalid for any reason, or should any portion of this ordinance be preempted by state or federal law or regulation, such decision or preemption shall not affect the validity of the remaining portions of this ordinance or its application to other persons or circumstances.


**Section 4. Effective Date and Publication.** A summary of this ordinance consisting of the title shall be published in the official newspaper and the ordinance shall take effect five days after publication.

**PASSED BY THE CITY COUNCIL ON APRIL 14, 2003.**

**ATTEST:**

  
Sharon Mattioli, CMC  
City Clerk

  
Mayor Scott Jepsen  
**APPROVED AS TO FORM:**

  
Ian Sievers  
City Attorney

Date of Publication: April 17, 2003  
Effective Date: April 22, 2003