

CITY COUNCIL AGENDA ITEM
CITY OF SHORELINE, WASHINGTON

AGENDA TITLE:	Discussion of Ordinance No. 593 Amending Shoreline Municipal Code Section 15.20, Landmarks Commission, and Recruitment of a Landmarks Commission Special Member
DEPARTMENT:	City Manager's Office
PRESENTED BY:	John Norris, CMO Management Analyst

PROBLEM/ISSUE STATEMENT:

The current process to appoint the City of Shoreline Special Member of the King County Landmarks and Heritage Commission (Commission) must be clarified so that process conforms to current Council appointment practices. Furthermore, the current City of Shoreline Special Member of the Commission has served in the role longer than term limits allow. Ordinance No. 593, proposes to amend Shoreline Municipal Code section 15.20.020.B by clarifying the appointment process of the Special Member of the King County Landmarks Commission. Staff also proposes that Council initiate the process of selecting a new Special Member to the Commission by directing the City Manager to recruit a Special Member for Council consideration and appointment.

FISCAL IMPACT:

There is no fiscal impact to adopting Ordinance No. 593. This Ordinance proposes a technical correction that clarifies Shoreline Municipal Code Section 15.20.020.B by clarifying the appointment process of the Special Member of the King County Landmarks Commission. There is also no fiscal impact to recruiting a new Special Member of the Commission, as recruitment will be done with current City resources.

RECOMMENDATION

As this is a study session, no Council action is required at this time. However, when this item is brought back to Council for action, staff recommends that the Council adopt Ordinance No. 593, which amends Shoreline Municipal Code Section 15.20.020.B by clarifying the appointment process of the Special Member of the King County Landmarks and Heritage Commission. Staff also recommends that Council initiate the process of selecting a new Special Member to the King County Landmarks and Heritage Commission by directing the City Manager to recruit a Special Member for Council consideration and appointment. Staff further recommends that the Council acknowledge Vicki Stiles for past service as Special Member of the King County Landmarks and Heritage Commission.

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.

Before officially recognizing a historic resource as a landmark, a governmental agency must formally designate the resource and list it on a register of historic places. 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. In 1995, the City of Shoreline entered into an interlocal agreement with King County for that very purpose.

Under the terms of the interlocal agreement, the City adopted Ordinance No. 53 which established regulations and procedures for the designation of historic buildings, structures, districts, sites, objects, and archeological sites as landmarks, and designated the Commission as the body having authority to designate and protect landmarks within the City limits. This Ordinance, as amended, is codified in Shoreline Municipal Code Section 15.20, titled Landmarks Preservation (Attachment A.)

Also under the terms of the interlocal agreement with King County, Shoreline appoints a Special Member to the Commission. The Special 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. Ms. Stiles has been the appointed Special Member on the Commission since 1996. However, since incorporation, there have only been two historic structures that have gone through the landmarking process. They are the Ronald School Building, which was landmarked in October of 2008, and the Richmond Masonic Lodge, which was just recently landmarked in September of 2010.

LANDMARKS COMMISSION CODE AMENDMENTS:

Shoreline Municipal Code (SMC) section 15.20.020.B states that the "special member of the King County landmarks and heritage commission shall be appointed by the planning and community development committee subject to confirmation of the city council." The "planning and community development committee" was a subcommittee of the first City Council and has not been in existence in quite some time. Thus, it is recommended to remove this language from the Landmarks Preservation code so the Special Member of the Commission would be appointed by City Council directly. Additionally, SMC section 15.20.020.B has the incorrect King County code number identified in it, so it is recommended that this typo also be amended.

TERM LIMITS OF APPOINTED SPECIAL COMMISSION MEMBER:

Also in SMC section 15.20.020.B is the term limit language for the Special Member of the Commission. Specifically, the code states, "such appointment {of the special member} shall be made for a three-year term." The code goes on to say that, "the

special member may be reappointed, but may not serve more than two consecutive three-year terms.” As Ms. Stiles has served as the City’s Special Member to the Commission since 1996, it is clear that she has gone well beyond the stated term limits for the position. However, it should also be noted that other than attending a few trainings, Ms. Stiles’ role as the Special Member was not utilized until 12 years into her tenure, as the Ronald School Building, the first landmark project Ms. Stiles had the potential to work on as Special Member, was not landmarked until 2008.

To remedy the term limit issue of the current Special Member of the Commission, Council may wish to consider the following options:

1. Amend the Landmarks Preservation code so that the term limits in SMC section 15.20.020.B are eliminated. This would allow the Special Member to serve at the Council’s pleasure for as long as Council wishes.
2. Amend the Landmarks Preservation code so that the term limits in SMC section 15.20.020.B are extended, either by a longer time frame (i.e., increase the number of years or terms), or by the number of landmark cases adjudicated (i.e., the number of times the Special Member reviews a structure for landmarking with the full Commission.)
3. Keep the current Special Member term limits in place and move forward with the recruitment process of a new Special Member.

Although Ms. Stiles’ tenure as Special Member has only coincided with two landmark designations, staff recommends that Council move forward with the recruitment of a new Special Member of the Commission. Term limits are typically put in place to legislate that new individuals engage in a process or group, and staff feels that having “new blood” on the Commission will potentially bring a new enthusiasm to future landmarking processes and will benefit the community going forward. This is not to say that Ms. Stiles has not brought expertise, care, or a level of enthusiasm to this position. To the contrary, it is staff’s understanding that Ms. Stiles is very passionate, knowledgeable and enthusiastic about historic preservation and the landmarking process and has fulfilled her role as Special Member, when called upon, very admirably.

However, staff has spoken with Ms. Stiles about her tenure as Special Member, and she has stated that she is more than comfortable in stepping down from the role. Ms. Stiles also stated that she is open to remaining in the role if Council is not able to find another community member who could serve in this role or would like her to remain in the role. This of course would require an additional code amendment.

FISCAL IMPACT:

There is no fiscal impact to adopting Ordinance No. 593. This Ordinance proposes a technical correction that clarifies Shoreline Municipal Code Section 15.20.020.B by clarifying the appointment process of the Special Member of the King County Landmarks Commission. There is also no fiscal impact to recruiting a new Special Member of the Commission, as recruitment will be done with current City resources.

RECOMMENDATION

As this is a study session, no Council action is required at this time. However, when this item is brought back to Council for action, staff recommends that the Council adopt

Ordinance No. 593, which amends Shoreline Municipal Code Section 15.20.020.B by clarifying the appointment process of the Special Member of the King County Landmarks and Heritage Commission. Staff also recommends that Council initiate the process of selecting a new Special Member to the King County Landmarks and Heritage Commission by directing the City Manager to recruit a Special Member for Council consideration and appointment. Staff further recommends that the Council acknowledge Vicki Stiles for past service as Special Member of the King County Landmarks and Heritage Commission.

Attachments:

Attachment A: Shoreline Municipal Code section 15.20, Landmarks Preservation

Attachment B: Proposed Ordinance No. 593, Amending SMC 15.20.020

Shoreline Municipal Code - Chapter 15.20 LANDMARKS PRESERVATION

Sections:

- 15.20.010 Findings – Purpose.
- 15.20.020 Landmarks and heritage commission created – Membership and organization.
- 15.20.025 Incorporation of King County provisions.
- 15.20.026 Alteration of landmarks – Review process.
- 15.20.030 Redesignation.

15.20.010 Findings – Purpose.

The city 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 archeological significance located in the city of Shoreline are necessary for the prosperity, civic pride and general welfare of the residents of the city.

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

C. In the absence of an ordinance encouraging historic preservation and an active program to identify and protect buildings, sites and structures of historical and cultural interest, the city will be unable to insure present and future generations of residents and visitors a genuine opportunity to appreciate and enjoy the city's 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 city of Shoreline's, county's, state's and nation's cultural, aesthetic, social, economic, political, architectural, ethnic, archaeological, engineering, historic and other heritage;
2. Redesignate two sites in the city of Shoreline, previously designated as historic landmarks by the King County historic preservation commission, as city of Shoreline historic landmarks, thereby entitling them to the same advantages, responsibilities and opportunities under the city of Shoreline ordinance as were available under the King County historic landmark ordinance and program. These two sites are Crawford Store, 2411 N.W. 195th Place (Block 11, Lots 5 and 6 of Richmond Beach) and the William E. Boeing House, "Aldarra," Huckleberry Lane, the Highlands;
3. Foster civic pride in the beauty and accomplishments of the past;

4. Stabilize and improve the economic values and vitality of landmarks;
5. Protect and enhance the city's tourist industry by promoting heritage-related tourism;
6. Promote the continued use, exhibition and interpretation of significant sites, districts, buildings, structures, and objects for the education, inspiration and welfare of the people of the city of Shoreline;
7. Promote and continue incentives for ownership and utilization of landmarks;
8. Assist, encourage and provide incentives to public and private owners for preservation, restoration, rehabilitation and use of landmark buildings, sites, districts, structures and objects;
9. Work cooperatively with other jurisdictions to identify, evaluate, and protect historic resources in furtherance of the purposes of this chapter. [Ord. 53 § 1, 1995]

15.20.020 Landmarks and heritage commission created – Membership and organization.

A. The King County landmarks and heritage commission established pursuant to Chapter 20.62 KCC is hereby designated and empowered to act as the landmarks commission for the city of Shoreline pursuant to the provisions of this chapter.

B. The special member of the King County landmarks and heritage commission provided for in KCC 20.60.030 shall be appointed by the planning and community development committee subject to confirmation of the city council. Such special member shall have a demonstrated interest and competence in historic preservation. Such appointment shall be made for a three-year term. Such special member shall serve until his or her successor is duly appointed and confirmed. In the event of a vacancy, an appointment shall be made to fill the vacancy in the same manner and 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. Such special member may be reappointed, but may not serve more than two consecutive three-year terms. Such special member shall be deemed to have served one full term if such special member resigns at any time after appointment or if such special member serves more than two years of an unexpired term. The special members of the commission shall serve without compensation except for out-of-pocket expenses incurred in connection with commission meetings or program. The city of Shoreline shall reimburse such expenses incurred by such special member.

C. The commission shall not conduct any public hearings required under this chapter with respect to properties located within the city of Shoreline until its rules and regulations, including procedure consistent with this chapter, have been filed with the city clerk. [Ord. 53 § 2, 1995]

15.20.025 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. [Ord. 323 § 1, 2003]

15.20.026 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. [Ord. 323 § 2, 2003]

15.20.030 Redesignation.

All county landmarks designated pursuant to the provisions of Chapter 20.62 KCC that are located within the boundaries of Shoreline are hereby designated as city landmarks subject to the provisions of this chapter. [Ord. 53 § 3, 1995]

ORDINANCE NO. 593

AN ORDINANCE OF THE CITY OF SHORELINE, WASHINGTON AMENDING SHORELINE MUNICIPAL CODE CHAPTER 15.20, LANDMARKS PRESERVATION, TO CLARIFY THE APPOINTMENT PROCESS FOR THE SPECIAL MEMBER OF THE KING COUNTY LANDMARKS COMMISSION

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 City adopted Ordinance No. 323 amending the Landmarks Preservation section of the Shoreline Municipal Code (SMC Section 15.20) to incorporate King County Landmarks Provisions required by the King County landmarks interlocal agreement; and

WHEREAS, the staff has proposed and recommended a technical amendment to the Landmarks Preservation section of the Shoreline Municipal Code relating to the appointment process for the Special Member of the King County Landmarks Commission; and

WHEREAS, amending the Landmarks Preservation section of the Shoreline Municipal Code will bring the code language into compliance with current practice;

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

Section 1. Amended Section. Section 15.20.020 of the Shoreline Municipal Code, *Landmarks and heritage commission created – Membership and organization*, is amended as follows:

Section 15.20.020 Landmarks and heritage commission created – Membership and organization.

A. The King County landmarks and heritage commission established pursuant to Chapter 20.62 KCC is hereby designated and empowered to act as the landmarks commission for the city of Shoreline pursuant to the provisions of this chapter.

B. The special member of the King County landmarks and heritage commission provided for in ~~KCC 20.60.030~~ KCC 20.62.030 shall be appointed by the ~~planning and community development committee~~ subject to confirmation of the city council. Such special member shall have a demonstrated interest and competence in historic preservation. Such appointment shall be made for a three-year term. Such special member shall serve until his or her successor is duly appointed and confirmed. In the event of a vacancy, an appointment shall be made to fill the vacancy in the same manner and 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. Such special member may be reappointed, but may not serve more than two consecutive three-year terms. Such special member shall be deemed to have served one full term if such special member resigns at any time after appointment or if such special member serves more than two years of an unexpired term. The special members of the commission shall serve without compensation except for out-of-pocket expenses incurred in connection with commission meetings or program. The city of Shoreline shall reimburse such expenses incurred by such special member.

C. The commission shall not conduct any public hearings required under this chapter with respect to properties located within the city of Shoreline until its rules and regulations, including procedure consistent with this chapter, have been filed with the city clerk.

Section 2. 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 3. 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 FEBRUARY 14, 2011.

Mayor Keith McGlashan

ATTEST:

APPROVED AS TO FORM:

Scott Passey
City Clerk

Ian Sievers
City Attorney

Date of Publication: February 17, 2011
Effective Date: February 22, 2011