

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

<b>AGENDA TITLE:</b>	Discussion of Ordinance No. 942 - Amending Shoreline Municipal Code Chapter 15.20 Landmark Preservation		
<b>DEPARTMENT:</b>	City Attorney's Office		
<b>PRESENTED BY:</b>	Margaret King, City Attorney		
<b>ACTION:</b>	<input type="checkbox"/> Ordinance	<input type="checkbox"/> Resolution	<input type="checkbox"/> Motion
	<input checked="" type="checkbox"/> Discussion	<input type="checkbox"/> Public Hearing	

**PROBLEM/ISSUE STATEMENT:**

Since the City's incorporation in 1995, the King County Landmarks Commission has been serving as the Shoreline Landmarks Commission. Chapter 15.20 of the Shoreline Municipal Code (SMC) incorporates by reference Chapter 20.62 of the King County Code. This incorporation, which occurred in 2003, is based on the provisions as they were then constituted rather than as they have subsequently been amended. This results in inconsistency between the regulations the King County Landmarks Commission is operating under and the City's.

Tonight, Council will discuss proposed Ordinance No. 942, which would amend SMC Chapter 15.10 to align this SMC Chapter with the King County Code and to update provisions consistent with City practices. Proposed Ordinance No. 942 is currently scheduled to return to Council for potential action on September 13, 2021.

**RESOURCE/FINANCIAL IMPACT:**

One of the primary amendments in proposed Ordinance No. 942 is to transfer appeal authority from the City Council to the City Hearing Examiner. If any Landmarks Commission appeal is filed, the City will be impacted by the fees for the Hearing Examiner. While staff would still be needed with an appeal, since the Hearing Examiner is an independent entity under contract with the City, support of staff would not be needed, thereby reducing staff resources. Otherwise, the proposed amendments are not anticipated to have a financial impact.

**RECOMMENDATION**

This is a discussion item; no action is required. Staff is seeking the City Council's comments and suggestions on proposed Ordinance No. 942. This item is scheduled to return to the City Council for potential action on September 13, 2021.

Approved By: City Manager **DT** City Attorney **JA-T**

## **BACKGROUND**

In 1995, shortly after incorporation, the City entered into an interlocal agreement with King County to have the King County Landmarks Commission serve as Shoreline's Landmarks Commission. Ordinance No. 53 established Chapter 15.20 in the Shoreline Municipal Code (SMC) but this new chapter only designated the King County Landmarks Commission as Shoreline's Landmarks Commission and set forth a process for appointing a Special Member. In 2003, Chapter 15.20 SMC was amended to incorporate by reference King County Code (KCC) Chapter 20.62, Protection and Preservation of Landmarks, Landmark Sites and Districts, so as to be consistent with the requirements of the interlocal agreement.

To accomplish this, Shoreline incorporated these provisions of the KCC "as they are presently constituted." Unfortunately, this phrase results in the provisions of Chapter 15.20 SMC being the KCC provisions as they existed in 2003, rather than as they exist today.

In May 2021, the City Council was served with an appeal of a landmark designation. It was at this time that it was discovered the current provisions of SMC Chapter 15.20 Landmark Preservation are not parallel to the King County Code. And, unlike the KCC, which has appeals going to the Hearing Examiner, for the City, it is the City Council that serves as the appellate body. This resulted in the appellate authority for this most recent appeal being the City Council instead of the Hearing Examiner. Other minor amendments have occurred as well since 2003, including the name of the Landmarks Commission changing from the "Landmarks and Heritage Commission" to just "Landmarks Commission."

## **DISCUSSION**

Tonight, the Council will discuss proposed Ordinance No. 942 (Attachment A), which would amend SMC Chapter 15.10 to ensure that the SMC and the KCC are consistent by automatically incorporating any amendments to the KCC. The most substantial change in proposed Ordinance No. 942 is to transfer appeal authority from the City Council to the City Hearing Examiner. The proposed amendments also align the appointment process and term for the Special Member to be the same as for the members of the Planning Commission. Finally, in addition to 'housekeeping' and other 'clean-up' amendments, proposed Ordinance No. 942 would also amend SMC Chapter 15.10 to identify all currently designated landmarks in Shoreline.

Proposed Ordinance No. 942 is currently scheduled to return to Council for potential action on September 13, 2021.

## **RESOURCE/FINANCIAL IMPACT**

One of the primary amendments in proposed Ordinance No. 942 is to transfer appeal authority from the City Council to the City Hearing Examiner. If any Landmarks Commission appeal is filed, the City will be impacted by the fees for the Hearing Examiner. While staff would still be needed with an appeal, since the Hearing Examiner is an independent entity under contract with the City, support of staff would not be

needed, thereby reducing staff resources. Otherwise, the proposed amendments are not anticipated to have a financial impact.

### **RECOMMENDATION**

This is a discussion item only. Staff is seeking the City Council's comments and suggestions on proposed Ordinance No. 942. This item is scheduled to return to the City Council for potential action on September 13, 2021.

### **ATTACHMENTS**

Attachment A: Proposed Ordinance No. 942

Attachment A, Exhibit A: Proposed Amendments to SMC 15.20

**ORDINANCE NO. 942**

**AN ORDINANCE OF THE CITY OF SHORELINE, WASHINGTON  
AMENDING CHAPTER 15.20 LANDMARK PRESERVATION OF THE  
SHORELINE MUNICIPAL CODE.**

WHEREAS, Pursuant to an Interlocal Agreement with King County and the City of Shoreline, since 1995, the King County Landmarks Commission has served as the Shoreline Landmarks Commission to provide historic landmark designation and protection for the City; and

WHEREAS, consistent with the Interlocal Agreement, the City adopted Ordinance No. 53, establishing Chapter 15.20 SMC Landmark Preservation to protect and preserve landmarks; and

WHEREAS, with the adoption of Ordinance No. 323, Chapter 15.20 SMC incorporated King County Code Chapter 20.62 by reference, however when this was done, the incorporation was as the provisions were “presently constituted” as opposed to “as amended,” resulting in inconsistency between Chapter 15.20 SMC and the King County Code as that code has subsequently been amended; and

WHEREAS, amendments are necessary to ensure that the City’s regulations parallel those of King County and will automatically amend when King County Code Chapter 20.62 is amended; and

WHEREAS, on August 16, 2021, the City Council held a study session to discuss the proposed amendments; and

WHEREAS, the City Council has determined that the proposed amendments serve the purpose of Chapter 15.20 SMC and the Interlocal Agreement and are in the best interest and welfare of the City of Shoreline by providing for the designation, protection, and preservation of historic landmarks;

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

**Section 1. Amendment to Chapter 15.20 SMC Landmark Preservation.** Chapter 15.20 Landmark Preservation of the Shoreline Municipal Code is amended as set forth in Exhibit A to this Ordinance.

**Section 2. Corrections by City Clerk.** Upon approval of the City Attorney, the City Clerk is authorized to make necessary corrections to this Ordinance, including the corrections of scrivener or clerical errors; references to other local, state, or federal laws, codes, rules, or regulations; or ordinance numbering and section/subsection numbering and references.

**Section 3. Severability.** Should any section, subsection, paragraph, sentence, clause, or phrase of this Ordinance or its application to any person or situation be declared unconstitutional or invalid for any reason, such decision shall not affect the validity of the remaining portions of this Ordinance or its application to any person or situation.

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

**PASSED BY THE CITY COUNCIL ON SEPTEMBER 13, 2021.**

\_\_\_\_\_  
Mayor Will Hall

ATTEST:

APPROVED AS TO FORM:

\_\_\_\_\_  
Jessica Simulcik Smith  
City Clerk

\_\_\_\_\_  
Julie Ainsworth-Taylor, Assistant City Attorney  
On Behalf of Margaret King, City Attorney

Date of Publication: , 2021  
Effective Date: , 2021

**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~~ Designated landmarks.

**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. 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 city's tourist industry by promoting heritage-related tourism;

5. Promote the continued use, exhibition and interpretation of significant sites, districts, buildings, structures, and objects, artifacts, materials, and records for the education, inspiration and welfare of the ~~people~~ residents of the city of Shoreline;

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. Work cooperatively with other jurisdictions to identify, evaluate, and protect historic resources in furtherance of the purposes of this chapter.

**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 20.62.030 shall be appointed by a majority vote of the city council subject to an open recruitment process. ~~Such special~~

~~member and~~ shall have a demonstrated interest and competence in historic preservation. A special member must be a resident or property owner within the City.

~~1. A special member shall be appointed for a term of four years. Such appointment shall be made for a four year term. Terms shall expire on March 31<sup>st</sup>. No special member may serve longer than two consecutive terms. A special member shall be deemed to have served one full term if the special member resigns at any time after appointment or if the special member serves more than two years of an unexpired term.~~

~~2. Such~~ A special member shall serve until their 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 four 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.~~ 3. A special member may be removed by the city manager, with the concurrence of the city council, for neglect of duty, conflict of interest, malfeasance in office, or other just cause, or for unexcused absence from more than three consecutive regular meetings. The decision of the city regarding removal shall be final and there so be no appeal available.

~~The~~ 4. A special members of the commission shall serve without compensation except for out-of-pocket expenses incurred in connection with commission meetings or programs. The city of Shoreline shall reimburse such expenses incurred by ~~such a~~ special member.

5. A special member shall fully comply with Chapter 42.23 RCW, Code of Ethics for Municipal Officers, Chapter 42.36 RCW, Appearance of Fairness, and such other rules and regulations as may be adopted from time to time by the city council regulating the conduct of any person holding appointive office within the city.

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

#### **15.20.025 Incorporation of King County provisions.**

The following sections of Chapter 20.62 KCC, ~~as they are presently constituted as it currently exists and or~~ as it may be hereafter amended, 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 for the following:

Subsection H is changed to read: Director is the Director of Planning and Community Development, or designee.

Add Subsection z: “Council” is the City of Shoreline City Council.

~~paragraph 1, “Historic Preservation Officer” is the King County historic preservation officer or their designee.~~

B. KCC 20.62.040 – Designation Criteria, except that all references to “King County” are changed to read “City of Shoreline.”

C. KCC 20.62.050 – Nomination Procedure.

D. KCC 20.62.070 – Designation Procedure, except that all references to “King County” are changed to read “City of Shoreline.”

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, except that appeals shall be filed with the City of Shoreline City Clerk for a final decision by the Shoreline Hearing Examiner consistent with Chapter 20.30 SMC, Subchapter 4 Land Use Appeals and the rules of the Hearing Examiner. Appeals of a decision by the Hearing Examiner shall be to superior court pursuant to the Land Use Petition Act, chapter 36.70C RCW.

H. KCC 20.62.130 – Penalty for Violation of ~~KCC Section 20.62.080~~SMC 15.20.025(E) above.

I. KCC 20.62.140 – Special Valuation for Historic Properties, except that reference to “King County” in Subsection C is changed to read “City of Shoreline.”

**15.20.026 Alteration of landmarks – Review process.**

Development proposals and pPermit applications for changes to landmark properties shall not be considered complete unless accompanied by a certificate of appropriateness pursuant to ~~KCC 20.62.080~~SMC 15.20.025(E) above. Upon receipt of an application for a development proposal or permit which affects a city of Shoreline landmark or ~~an~~ historic resource that has received a preliminary determination of significance under ~~KCC 20.60.070~~SMC 15.20.025(A), the application circulated to the historic preservation officer shall be deemed an application for a certificate of appropriateness pursuant to ~~KCC 20.62.080~~SMC 15.20.025(E) if accompanied by the additional information required to apply for such certificate.

**15.20.030 ~~Redesignation~~Designated landmarks.**

~~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]A. Pursuant to the provisions of this chapter, city landmarks will be designated from time to time and this section will be amended to include those city landmarks. Omission of a designated city landmark in this section does not alter or modify its designation in any way.~~

B. The following landmarks were designated by King County prior to the incorporation of the city of Shoreline. These landmarks are now city landmarks with the same advantages, responsibilities, and opportunities that all city landmarks possess pursuant to this chapter.

1. Crawford Store, 2411 NW 195th Place (Block 11, Lots 5 and 6 of Richmond Beach, Parcel No. 727710-0435)

2. William E. Boeing House, “Aldarra,” 140 Huckleberry Lane NW (Portion of Tracts 86 and 87 of Unrecord Plat of The Highlands, Parcel No. 330470-0105), National Register No. 88002743

C. The following landmarks have been designated as city landmarks since the incorporation of the city of Shoreline pursuant to this chapter:

1. Richmond Masonic Center, 753 N. 185<sup>th</sup> Street (Block 2, Lot 1 of Richmond Tracts, Parcel No. 728590-0065)

2. Ronald Grade School, 749 N 175<sup>th</sup> Street (Shorewood High School, Parcel No. 072604-9134)