

**CITY OF FEDERAL WAY  
M E M O R A N D U M**

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**DATE:** June 20, 2017  
**TO:** City Council  
**VIA:** Jim Ferrell, Mayor  
**FROM:** Dave Van De Weghe, Senior Planner  
**SUBJECT:** *Ordinance No. \_\_\_\_\_ Protection and Preservation of Landmarks*

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**BACKGROUND:**

The Planning Commission held study sessions on October 19, 2016 and December 7, 2016 to discuss two options for establishing a historic preservation program:

1. The City should draft its own historic preservation ordinance and hire preservation staff, or
2. The City should enter into an interlocal agreement with King County for historic preservation services and adopt King County's historic landmark designation ordinance by reference.

Commissioners preferred option #2 based upon the efficiencies of partnering with King County. The proposed ordinance adopts the King County preservation ordinance by reference, with minor changes. Following adoption of this ordinance, King County and the City will approve an interlocal agreement.

The 2016 Planning Commission Work Programs lists the following discretionary action—"Adopt an ordinance establishing a historic preservation program and request certification as a Certified Local Government."

Historic preservation is accomplished through the official designation of historic landmarks by the City. The City must first formalize the landmark designation process by adopting an ordinance.

**Certified Local Government (CLG)**

CLG status helps a local government encourage, develop, and maintain its local preservation efforts in coordination with its development plans. Benefits of CLG status include the following:

- Special grants from the State Historic Preservation Officer
- Local historic preservation expertise recognized by State and Federal agencies
- Technical assistance and training from the State Historic Preservation Office
- Participation in nominations to the National Register of Historic Places
- National historic preservation assistance network: publications, professional assistance
- Information exchange with the State Historic Preservation Office
- Participation in statewide preservation programs and planning

The following responsibilities are required of a CLG:

- Maintain a historic preservation commission
- Survey local historic properties
- Enforce State or local preservation laws
- Provide for public participation
- Other functions delegated or required by the State

By partnering with an existing CLG (King County), the City will be entitled to all the benefits of CLG status upon adoption of a preservation ordinance and interlocal agreement.

#### **Costs**

The forthcoming interlocal agreement will specify the application fees King County charges to review landmark nominations and certificate of appropriateness applications. If the City establishes application fee rates that equal review costs, the program will be self-sufficient.

#### **PROPOSED CODE AMENDMENT:**

The proposed amendment adopts the King County preservation ordinance by reference, with several minor edits, via a new chapter in the City zoning code. The major sections of the ordinance are as follows.

**1. Identify a historic preservation commission.**

- City council will appoint one local citizen to serve on the nine-member King County Landmarks Commission for a term length of five years.

**2. Provide criteria for designating landmarks.**

Must be at least 40 years old and:

- Is associated with historical events or significant historical persons; or
- Embodies distinctive characteristics of a period, style, design, etc.; or
- Yields historically important information; or
- Is an outstanding work of an important designer or builder.

**3. Outline the process for nominating landmarks.**

- Applicant provides written owner consent to nominate landmark.
- City accepts nomination applications with fees, reviews applications for conformance with the comprehensive plan, and forwards them to King County preservation staff for review if they comply, and King County's recommendation to approve or disapprove is sent to the Landmarks Commission. Nominations that conflict with the comprehensive plan will be denied by the city.
- Landmarks Commission approves or disapproves nomination in a public hearing.

**4. Provide a review process for approving alterations to designated landmarks.**

- City accepts nomination applications and fees, and forwards them to King County preservation staff for review.
- King County preservation staff approves minor alterations or makes recommendation to approve or disapprove to Landmarks Commission for major alterations.

- Landmarks Commission approves or disapproves major alterations in a public hearing.

**5. Establish a special tax valuation**

- The value of improvements to historic properties is exempt from property tax for 10 years.

**TIMELINE:**

The following is the anticipated timeline for completion of the code amendment:

SEPA Notice to Newspaper	4/14/2017
Issue SEPA Determination	4/14/2017
14-Day Comment Period Ends	4/28/2017
Notice of Planning Commission Public Hearing	4/28/2017
Planning Commission Public Hearing	5/17/2017
21-Day Appeal Period Ends	5/19/2017
Land Use/Transportation Committee Meeting	6/5/2017
City Council 1 <sup>st</sup> Reading	6/20/2017
City Council 2 <sup>nd</sup> Reading	7/5/2017
Notice in Newspaper	7/7/2017
Ordinance Effective	7/10/2017

Following adoption of this ordinance, the City will approve an interlocal agreement and forward it to King County for their approval, expected in late 2017.

**PUBLIC COMMENTS**

At a Planning Commission public hearing held on May 17, 2017, the following public comments were submitted via testimony:

*Dana Halloway, Federal Way resident* – She is in favor of the proposed ordinance. The city incorporated in 1990 and it is time to have such an ordinance. Many of the historical properties are on the verge of being lost. If we don't preserve our heritage, we will just be a bunch of strip malls between Seattle and Tacoma. Our city is more than that.

*Jerry Knutzen, Federal Way Historical Society Vice-President* – He has lived in Federal Way since 1947 (he remembers before it was called Federal Way). The historical society has been in favor of such an ordinance for many years. He stated we need to maintain and retain our historical places. Most of what we have are photographs, but there are some historic structures that need to be saved. He lives in the Buenna area, which was platted as a city in 1895. He told the Commissioners about a number of historic structures. He strongly encourages the passage of the proposed ordinance.

*Ron Smith, Federal Way resident* – He stated his wife loves old things. About 30 years ago they were looking for a place to live and came across this old house overlooking the water and his wife

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commented she would love to live there. They purchased the house. As far as he knows, they have the oldest intact house in the area and have been careful to maintain its integrity. The only change to the outside is a recent deck. He is in favor of the proposed ordinance.

*Doug Peffer, past president of the Federal Way Historical Society* – He was involved with moving the historical cabins and other projects. He is in favor of the proposed ordinance. He questions dealing with King County because it could leave open the possibility of certain buildings be sold to a developer, who would not care about the historical value. The city should review this possibility. It happened with the destruction of the old Redondo General Store. No one knows how the developer received approval for a demolition permit. People need to put strict controls on historic places, or they will be gone (most of what Federal Way had is gone).

*Jason Ludwig, Federal Way resident* – He is also with the historical society, but is not speaking from that perspective tonight. He spoke of living in Phoenix, Arizona for many years (has been in Federal Way for three years). Phoenix (which was incorporated in 1881) adopted a preservation ordinance only two years ago and has destroyed most of their historical buildings. Development trends go through phases and the phase during much of the destruction of historic structures was strip malls; as a result, Phoenix is a land of strip malls. He is enthralled by Federal Way's sense of history and the civic pride in our history. Saving history is an uphill battle unless it is protected by such an ordinance. Don't repeat Phoenix's mistake.

*Karen Meador, Auburn resident* – She works for the historical society. Federal Way is a rare exception to cities that are built on the water because we are built on roads. Military Road, 99 (Pacific Highway South) and I-5 are all located in Federal way. They were all cutting edge for their time; representing a new era in the American experiment. Many of Federal Way's historic properties are close to these important roads (Brooklake, historic cabins, Steel Lake Annex, etc.). It is hard to find history so accessible. Heritage properties provide communities with unique buildings suitable for different types of uses (tourist destinations, event centers, meeting centers, etc.). They provide Federal Way with a unique identity and distinctive character. She urged the Commissioners recommend adoption of the proposed ordinance. The only city in the U.S. named for a federal highway is deserving of a historic preservation ordinance. It will help preserve Federal Way's unique blend of historic highways, varied architecture, great scenic beauty, wildlife habitat, and heritage.

*Dorothy Bird, Federal Way resident* – She has lived here for six years. This is a unique locality (not farmland but a bog), developed in a way that is different. She is very glad she came here.

*Marty Dickerson Auburn resident* – He is involved with the historical society. He purchased an old abandoned store last year on Military Road. He has had a lot of interaction with people who have grown up in the area. Many people stop and ask what will happen with the store. They are cleaning and up and saving what they can. They want to preserve this bit of history. He supports Federal Way adopting the proposed ordinance.

*Suzanne Vargo, Federal Way resident* – She has lived and walked all over Federal Way. She volunteers for the Auburn museum. There are strong roots throughout Federal Way and to lose these would be to lose a part of all of us. Federal Way is unique and we should preserve that.

**DECISIONAL CRITERIA:**

FWRC 19.80.130 provides criteria for zoning text amendments. The following section analyzes compliance of the proposed zoning text amendments with the criteria provided by this chapter. The City may amend the text of the FWRC only if it finds that:

1. The proposed amendment is consistent with the applicable provisions of the comprehensive plan.

*Staff Response* – The proposed code amendment is consistent with the following goals and policies:

*LUG 14 – Use historic resources as an important element in the overall design of the City.*

*LUP 65 – Identify vista points and historic buildings for preservation.*

*LUP 66 – Develop a process to designate historic landmark sites and structures. Use developer incentives or other mechanisms to ensure that these sites and structures will continue to be a part of the community.*

*LUP 69 – Safeguard and manifest Federal Way's heritage by preserving those sites, buildings, structures, and objects which reflect significant elements of the City's history.*

*LUP 71 – Undertake an effort to publicly commemorate historic sites.*

*LUP 72 – The City shall continue to work with the Historical Society of Federal Way towards attainment of historic resource policies.*

*EDP 25 – Implement zoning and provide financial incentives that encourage prioritized development consistent with comprehensive and subarea plans and orderly, phased growth.*

*EDG 9 – Encourage and support the development of recreational and cultural facilities and/or events that will bring additional visitors to Federal Way, and increase visitor spending.*

2. The proposed amendment bears a substantial relationship to public health, safety, or welfare.

*Staff Response* – The proposed code amendment bears a substantial relationship to public welfare because it preserves historic sites for the cultural benefit of all citizens, offers economic incentives to encourage the rehabilitation of historic properties, and facilitates cultural heritage tourism.

3. The proposed amendment is in the best interest of the residents of the City.

*Staff Response* – The proposed amendment is in the best interest of the public and the residents of the City of Federal Way because it preserves, protects, and enhances those sites,

buildings, districts, structures, and objects which reflect significant elements of the City of Federal Way's, the county's, the state's, and the nation's cultural, aesthetic, social, economic, architectural, ethnic, archeological, historic and other heritage, fosters civic pride in the accomplishments of the past, and provides incentives for the continued ownership and use of landmarks.

**RECOMMENDED ACTION:**

**PLANNING COMMISSION RECOMMENDATION:** The Planning Commission recommends approval of the proposed code amendment.

**LAND USE AND TRANSPORTATION COMMITTEE RECOMMENDATION:** The LUTC recommends approval of the proposed code amendment, with revised language to require city staff review of nominations for conformance to the city's comprehensive plan, and a requirement to mail public hearing notices to neighbors of nominated properties.

**MAYOR'S RECOMMENDATION:** The Mayor recommends forwarding the proposed ordinance to City Council for First Reading on June 20, 2017 and Adoption on July 5, 2017.

**EXHIBITS:**

**Exhibit A:** Proposed City Ordinance – FWRC 19.285 “Protection and Preservation of Landmarks”

**Exhibit B:** King County Ordinance – KCC 203.62 “Protection and Preservation of Landmarks, Landmark Sites and Districts”

**Exhibit C:** Regional Historic Preservation Program

**Exhibit D:** King County Historic Preservation Officer email to Federal Way Planning Commission re: staffing levels

cc: Project File  
Day File