

**ORDINANCE NO. 17-837**

**AN ORDINANCE of the City of Federal Way, Washington, relating to the protection and preservation of landmarks and adding new Chapter 19.285 to the Federal Way Revised Code.**

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WHEREAS, the City recognizes the need to periodically modify Title 19 of the Federal Way Revised Code ("FWRC"), "Zoning and Development Code," in order to conform to state and federal law, codify administrative practices, clarify and update zoning regulations as deemed necessary, and improve the efficiency of the regulations and the development review process; and

WHEREAS, this ordinance, containing amendments to development regulations and the text of Title 19 FWRC, has complied with Process VI review, Chapter 19.80 FWRC, pursuant to Chapter 19.35 FWRC; and

WHEREAS, it is in the public interest for the City Council to adopt rules and regulations to protect and preserve the historic buildings, structures, districts, sites, objects, and archeological sites within the City of Federal Way for the benefit of present and future generations; and

WHEREAS, the Planning Commission conducted public workshops on these code amendments on October 19, 2016 and December 7, 2016; and

WHEREAS, the Land Use & Transportation Committee of the City Council of the City of Federal Way conducted a study session on these code amendments on December 5, 2016; and

WHEREAS, an Environmental Determination of Nonsignificance ("DNS") was properly issued for the Proposal on April 14, 2017, and no comments or appeals were received and the DNS was finalized on May 19, 2017; and

WHEREAS, the Planning Commission properly conducted a duly noticed public hearing on these code amendments on May 17, 2017, and forwarded a recommendation of approval; and

WHEREAS, the Land Use & Transportation Committee of the Federal Way City Council considered these code amendments on June 5, 2017, and recommended adoption of the text amendments as recommended by the Planning Commission.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF FEDERAL WAY, WASHINGTON, DO ORDAIN AS FOLLOWS:

Section 1. Findings. The City Council of the City of Federal Way makes the following findings with respect to the proposed amendments.

(a) These code amendments are in the best interest of the residents of the City and will benefit the City as a whole by protecting and preserving the historic buildings, structures, districts, sites, objects, and archeological sites within the City of Federal Way for the benefit of present and future generations.

(b) These code amendments comply with Chapter 36.70A RCW, Growth Management.

(c) These code amendments are consistent with the intent and purpose of Title 19 FWRC and will implement and are consistent with the applicable provisions of the Federal Way Comprehensive Plan.

(d) These code amendments bear a substantial relationship to, and will protect and not adversely affect, the public health, safety, and welfare.

(e) These code amendments have followed the proper procedure required under the FWRC.

Section 2. Conclusions. Pursuant to Chapter 19.80 FWRC and Chapter 19.35 FWRC, and based upon the recitals and the findings set forth in Section 1, the Federal Way City Council makes the following Conclusions of Law with respect to the decisional criteria necessary for the adoption of the proposed amendments:

(a) The proposed FWRC amendments are consistent with, and substantially implement, the following Federal Way Comprehensive Plan 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.

(b) The proposed FWRC amendment bears a substantial relationship to the public health, safety, and 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.

(c) 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 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.

Section 3. Title 19 of the Federal Way Revised Code is hereby amended to add a new chapter 19.285 to read as follows:

**Chapter 19.285  
PROTECTION AND PRESERVATION OF LANDMARKS**

**Sections:**

**19.285.010 Purpose.**

**19.285.020 King County Code Chapter 20.62 Adopted.**

**19.285.030 Landmarks Commission Created – Membership and Organization.**

**19.285.040 Review of Building and Related Permits.**

**19.285.050 Appeal Procedure.**

**19.285.060 Redesignation of Existing Landmarks.**

**19.285.010 Purpose.**

The purposes of this chapter are to:

- (1) Designate, preserve, protect, enhance, and perpetuate those sites, buildings, districts, structures and objects that reflect significant elements of the city'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) Encourage, 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 for the education, inspiration, and welfare of the people of the city;
- (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.

**19.285.020 King County Code Chapter 20.62 Adopted.**

As now or hereafter amended, the following sections of Chapter 20.62 King County Code (“KCC”) are adopted as amended, added to, or excepted in this chapter and are incorporated by reference:

(1) KCC 20.62.020 – Definitions, except as follows:

(a) Subsection H is changed to read: “Director” is the director of the city of Federal Way community development department or designee.

(b) Add Subsection Z: “Council” is the city of Federal Way city council.

(2) KCC 20.62.040 – Designation Criteria, except all references to “King County” are changed to read “city of Federal Way.”

(3) KCC 20.62.050 – Nomination Procedure, except:

A. Property owner written consent is required prior to King County acceptance of a nomination request.

B. The applicant shall provide one set of self-addressed, stamped business sized envelopes (with City of Federal Way return address) of persons receiving property tax statements for all properties within 300-feet of the subject property. Include a separate list of the addresses with their parcel numbers and an assessor’s map showing the 300-foot boundary.

C. The hearing notice will be mailed to the persons receiving the property tax statements for all property within 300 feet of each boundary of the subject property.

(4) KCC 20.62.070 – Designation Procedure, except all references to “King County” are changed to read “city of Federal Way.” (5) KCC 20.62.080 – Certificate of Appropriateness Procedure, except the last sentence of Subsection A thereof.

(6) KCC 20.62.100 – Evaluation of Economic Impact.

(7) KCC 20.62.130 – Penalty for Violation of Section 20.62.080 (FWRC 19.285.020(5)).

(8) KCC 20.62.140 – Special Valuation for Historic Properties.

**19.285.030 Landmarks Commission Created – Membership and Organization.**

(1) The King County Landmarks Commission (“Commission”), established pursuant to Chapter 20.62 KCC, is hereby designated and empowered to act as the landmarks Commission for the city of Federal Way pursuant to the provisions of this chapter.

(2) The special member of the Commission, provided for in Section 20.62.030 KCC, shall be appointed by the city council. Such special member shall have a demonstrated interest and competence in historic preservation. Such appointment shall be made for a five-year term. Such special member shall serve until his or her successor is duly appointed and confirmed by the city council. 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. Such special member may be reappointed but may not serve more than two consecutive, five-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 three years of an unexpired term. The special member of the commission shall serve without compensation.

(3) The Commission shall file its rules and regulations, including procedures consistent with this chapter, with the city clerk.

#### **19.285.040 Application Completeness.**

Permit applications for changes to landmark properties shall not be considered complete unless accompanied by a certificate of appropriateness pursuant to Section 20.62.080 KCC. Upon receipt of an application for a development proposal which affects a Federal Way landmark or a historic resource that has received a preliminary determination of significance as defined in Section 20.62.080 KCC, the application circulated to the King County historic preservation officer shall be deemed an application for a certificate of appropriateness pursuant to Section 20.62.080 KCC, if accompanied by the additional information required to apply for such certificate.

#### **19.285.050 Review of Building and Related Permits.**

The official responsible for the issuance of building and related permits shall promptly refer applications for permits that “affect” historic buildings, structures, objects, sites, districts, or archaeological sites to the King County Historic Preservation Officer (“HPO”) for review and comment.

For the purposes of this section, “affect” shall be defined as an application for change to the actual structure, on a property with a landmark structure or designated as a landmark property, or on an adjacent property sharing a common boundary line, or included in King County’s Historic Resources Inventory. 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.

The official responsible for the issuance of building and related permits shall evaluate landmark nominations for consistency with the city’s comprehensive plan. Nominations inconsistent with the plan shall be denied. Nominations consistent with the plan shall be forwarded to HPO for review and comment.

#### **19.285.060 Appeal Procedure.**

(1) A party of record 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 pursuant to the procedures established for process IV review in Chapter 19.70 FWRC.

(2) If, after the appeal hearing, the hearing examiner determines:

- (a) An error in fact was made by the Commission, the hearing examiner shall remand the proceeding to the Commission for reconsideration; or
- (b) The decision of the Commission is based on an error in judgment or conclusion, the hearing examiner may modify or reverse the decision of the Commission.

**19.285.070 Redesignation of Existing Landmarks.**

All King County landmarks designated pursuant to the provisions of Chapter 20.62 KCC that are in compliance with this chapter and that are located within the boundaries of the city shall be subject to the provisions of the ordinance codified in this chapter and considered city of Federal Way landmarks.

Section 4. Severability. The provisions of this ordinance are declared separate and severable. The invalidity of any clause, sentence, paragraph, subdivision, section, or portion of this ordinance, or the invalidity of the application thereof to any person or circumstance, shall not affect the validity of the remainder of the ordinance, or the validity of its application to any other persons or circumstances.

Section 5. Corrections. The City Clerk and the codifiers of this ordinance are authorized to make necessary corrections to this ordinance including, but not limited to, the correction of scrivener/clerical errors, references, ordinance numbering, section/subsection numbers and any references thereto.

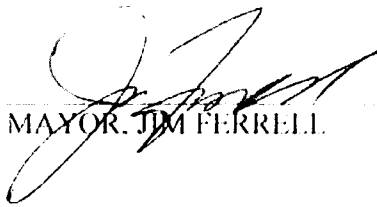
Section 6. Ratification. Any act consistent with the authority and prior to the effective date of this ordinance is hereby ratified and affirmed.

Section 7. Effective Date. This ordinance shall be effective five (5) days after passage and publication as provided by law.

PASSED by the City Council of the City of Federal Way this 5th day of July, 2017.

[Signature page to follow]

CITY OF FEDERAL WAY:

  
MAYOR. JIM FERRELL

ATTEST:

  
STEPHANIE COURTNEY, CMC, CITY CLERK

APPROVED AS TO FORM:

  
J. RYAN CALL, CITY ATTORNEY

FILED WITH THE CITY CLERK:	<u>06/16/2017</u>
PASSED BY THE CITY COUNCIL:	<u>07/05/2017</u>
PUBLISHED:	<u>07/07/2017</u>
EFFECTIVE DATE:	<u>07/12/2017</u>
ORDINANCE NO.:	<u>17-837</u>