



## Legislation Details (With Text)

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**File created:** 4/8/2013      **In control:** Transportation, Economy, and Environment Committee

**On agenda:**      **Final action:** 8/19/2013

**Enactment date:** 8/30/2013      **Enactment #:** 17635

**Title:** AN ORDINANCE relating to landmarks; making a technical correction in the definition of "landmark" property and modifying the criterion for designating an historic resource as a King County landmark; and amending Ordinance 4828, Section 2, as amended, and K.C.C. 20.62.020 and Ordinance 4828, Section 4, as amended and K.C.C. 20.62.040.

**Sponsors:** Larry Phillips

**Indexes:** Historic Preservation, Landmarks and Heritage Commission

**Code sections:** 20.62.020 - \*, 20.62.040 - .

**Attachments:** 1. Ordinance 17635.pdf, 2. 2013-0166 fiscal note.xls, 3. 2013-0166 transmittal letter.docx, 4. 2013-0166 Staff Report - lamndmarks (7-30-13).docx, 5. 2013-0166 attach 4 - amendment (7-29-13).docx, 6. 2013-0166 Revised Staff Report - lamndmarks.docx

Date	Ver.	Action By	Action	Result
8/19/2013	2	Metropolitan King County Council	Passed	Pass
8/19/2013	2	Metropolitan King County Council	Hearing Held	
7/30/2013	1	Transportation, Economy, and Environment Committee	Recommended Do Pass Substitute Consent	Pass
4/8/2013	1	Metropolitan King County Council	Introduced and Referred	

Clerk 07/31/2013

AN ORDINANCE relating to landmarks; making a technical correction in the definition of "landmark" property and modifying the criterion for designating an historic resource as a King County landmark; and amending Ordinance 4828, Section 2, as amended, and K.C.C. 20.62.020 and Ordinance 4828, Section 4, as amended and K.C.C. 20.62.040.

**PREAMBLE:**

The King County Code provides the guidelines for evaluating historic properties for designation as King County landmarks. The King County landmarks commission, city landmark commissions and the general public use the guidelines for determining the significance of

historic resources. The King County Code contains an incorrect section reference which directs the reader to the wrong section of the code for explanation of the process. Additionally, the King County landmark designation criterion for determining the physical and historical integrity of a nominated property may be interpreted to be ambiguous. The criterion is intended to reflect the intent of the U.S. National Park Service standards for integrity. The King County landmarks commission believes that the proposed amendment will clarify the criterion and provide the flexibility required for evaluating varied historic resource types while meeting the spirit of the National Park Service standards.

BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

SECTION 1. Ordinance 4828, Section 2, as amended, and K.C.C. 20.62.020 are hereby amended to read as follows:

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 permitting and environmental review 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. 20.62.040\_A. 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~~) 20.62.070.

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.

SECTION 2. Ordinance 4828, Section 4, as amended, and K.C.C. 20.62.040 are hereby amended to read as follows:

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))~~ or association, or any combination of the foregoing aspects of integrity, sufficient to convey its historic character, 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))~~ K.C.C. 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)) subsection A. of this section or if it is:
2. A religious property deriving primary significance from architectural or artistic distinction or historical importance; ((✕))
3. A building or structure removed from its original location but ((which)) that is significant primarily for its architectural value, or which is the surviving structure most importantly associated with a historic person or event; ((✕))
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; ((✕))
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; ((✕))
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; ((✕))
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.