

ORDINANCE NO. 10474

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AN ORDINANCE relating to the protection and preservation of landmarks in King County; changing the name of the Landmarks Commission to the Landmarks and Heritage Commission; revising and re-establishing procedures for designation and preservation of landmarks; and providing for enforcement and prescribing penalties for violation; amending Ordinance No. 4828, Sections 1-5, 7-8, 10-14 and K.C.C. 20.62.010-.050, .070-.080 .100-.140, as amended and repealing Ordinance 4828, Section 6 and 9, K.C.C. 20.62.060 and .090.

14

BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

15

SECTION 1. Ordinance 4828, Section 1 and K.C.C.

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20.62.010 is hereby amended to read as follows:

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Findings and Declaration of Purpose. The King County

18

council finds that:

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A. The protection, enhancement, perpetuation, and use of

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buildings, sites, districts, structures and objects of

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historical, cultural, architectural, engineering, geographic,

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ethnic and archaeological significance located in King County,

23

and the collection, preservation, exhibition and interpretation

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of historic and prehistoric materials, artifacts, records and

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information pertaining to the heritage of King County are

26

~~((is))~~ necessary in the interest of the prosperity, civic pride

27

and general welfare of the people of King County.

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B. Such cultural and historic ~~((assets))~~ resources are a

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significant part of the heritage, education and economic base

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of King County, and the economic, cultural and aesthetic

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~~((standing))~~ well-being of the county cannot be maintained or

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enhanced by disregarding ~~((the))~~ its heritage ~~((of the county))~~

33

and by allowing the unnecessary destruction or defacement of

34

such ~~((assets))~~ resources.

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C. Present heritage and preservation programs and

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activities are inadequate ~~((to insure))~~ for insuring present

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and future generations of King County residents and visitors a

1 genuine opportunity to appreciate and enjoy our ((historical
2 ~~and cultural~~) heritage.

3 D. The purposes of this chapter are to:

4 1. Designate, preserve, protect, enhance, and
5 perpetuate those sites, buildings, districts, structures and
6 objects which reflect significant elements of the county's,
7 state's and nation's cultural, aesthetic, social, economic,
8 political, architectural, ethnic, archaeological, engineering,
9 historic and other heritage;

10 2. Foster civic pride in the beauty and
11 accomplishments of the past;

12 3. Stabilize and improve the economic values and
13 vitality ((~~and values~~)) of landmarks((~~, sites, districts,~~
14 ~~buildings, structures and objects~~));

15 4. Protect and enhance the county's tourist industry
16 by promoting heritage-related tourism;

17 5. Promote the continued use, exhibition and
18 interpretation of ((~~outstanding~~)) significant sites, districts,
19 buildings, structures, ((~~and~~)) objects, artifacts, materials
20 and records for the education, inspiration and welfare of the
21 people of King County;

22 6. Promote and continue ((~~private~~)) incentives for
23 ownership and utilization of landmarks ((~~buildings, sites,~~
24 ~~districts, structures and objects~~));

25 7. Assist, encourage and provide incentives to public
26 and private owners for preservation, restoration,
27 ((~~redevelopment~~)) rehabilitation and use of landmark buildings,
28 sites, districts, structures and objects((-));

29 8. Assist, encourage and provide technical assistance
30 to public agencies, public and private museums, archives and
31 historic preservation associations and other organizations
32 involved in the preservation, exhibition and interpretation of
33 King County's heritage;

1 9. Work cooperatively with all local jurisdictions to
2 identify, evaluate, and protect historic resources in
3 furtherance of the purposes of this chapter.

4 SECTION 2. Ordinance 4828, Section 2 and K.C.C. 20.62.020
5 is hereby amended to read as follows:

6 Definitions. The following words and terms shall, when
7 used in this chapter, be defined as follows unless a different
8 meaning clearly appears from the context:

9 A. "Alteration" is any construction, demolition, removal,
10 modification, excavation, restoration or remodeling of a
11 landmark. (~~for which permit from the manager of the King~~
12 ~~County Building and Land Development Division or his designee~~
13 ~~is required.~~)

14 B. "Building" is a structure created to shelter any form
15 of human activity, such as a house, barn, church, hotel, or
16 similar structure. Building may refer to an historically
17 related complex, such as a courthouse and jail or a house and
18 barn.

19 ~~((B-))~~ C. "Certificate of appropriateness" is written
20 authorization issued by the commission or its designee
21 permitting an alteration (~~or significant change in one or~~
22 ~~more)) to a significant feature(~~s~~) of a designated
23 landmark(~~, landmark site or district~~).~~

24 ~~((C-))~~ D. "Commission" is the landmarks and heritage
25 commission created by this chapter.

26 ~~((D-))~~ E. "Community landmark" is (~~an easily identified~~
27 ~~visual feature of a neighborhood or the county)) an historic
28 resource which has been designated pursuant to Section
29 20.62.040 of this chapter but which may be altered or changed
30 without application for or approval of a certificate of
31 appropriateness.~~

32 ~~((E-))~~ F. "Council" is the King County council.

33 ~~((F-))~~ G. "Designation" is the act of the commission
34 determining that an (~~landmark, landmark site or district~~)

1 historic resource meets the criteria established by this
2 chapter(~~(-for protection and preservation)~~).

3 ~~((G-))~~ H. "Designation report" is a report issued by the
4 commission after ~~((an action meeting))~~ a public hearing setting
5 forth its determination to designate a landmark(~~(-landmark~~
6 ~~site or district)~~) and specifying the significant feature or
7 features thereof.

8 I. "District" is a geographically definable area, urban or
9 rural, possessing a significant concentration, linkage, or
10 continuity of sites, buildings, structures, or objects united
11 by past events or aesthetically by plan or physical
12 development. A district may also comprise individual elements
13 separated geographically but linked by association or history.

14 J. "Heritage" is a discipline relating to history, ethnic
15 history, traditional cultures, folklore, archaeology and
16 historic preservation.

17 ~~((H-))~~ K. "Historic preservation officer" is the King
18 County historic preservation officer or his or her designee.

19 ~~((I. "Improvement" is any building, structure, or other~~
20 ~~object constituting a physical improvement of real property.))~~

21 L. "Historic Resource" is a district, site, building,
22 structure or object significant in American and/or local
23 history, architecture, archeology, and culture.

24 ~~((F-))~~ M. "Incentives" are such compensation, rights or
25 privileges or combination thereof, which the council, or other
26 local, state or federal public body or agency, by virtue of
27 applicable present or future legislation, may be authorized to
28 grant to or obtain for the owner(s) of designated landmarks(~~(-~~
29 ~~landmark sites or districts)~~). Examples of economic incentives
30 include but are not limited to tax relief, conditional use
31 permits, rezoning, street vacation, planned unit development,
32 transfer of development rights, facade easements, gifts,
33 preferential leasing policies, private or public grants-in-aid,
34 beneficial placement of public improvements, or amenities, or
35 the like.

1 ((K-)) N. "Interested person of record" is any
2 individual, corporation, partnership or association which
3 notifies the commission or the council in writing of its
4 interest in any matter before the commission.

5 ((L-)) O. "Landmark" is ~~((an improvement or object))~~ an
6 historic resource designated as a landmark pursuant to Section
7 20.62.060 of this chapter.

8 ((M-)) ~~"Landmark district" is a contiguous geographic area~~
9 ~~designated as a landmark district pursuant to this chapter.~~

10 N. ~~"Landmark site" is a site, with or without~~
11 ~~improvement, designated as a landmark site pursuant to this~~
12 ~~chapter.)~~

13 ((O-)) P. "Manager" is the manager of the King County
14 building and land development division or his or her designee.

15 ((P-)) Q. "Nomination" is a proposal that ~~((any object,~~
16 ~~site, improvement or area))~~ an historic resource be designated
17 a landmark~~((, landmark site or landmark district)).~~

18 ((Q-)) R. "Object" is ~~((any tangible thing, including any~~
19 ~~ship, which may or may not be attached to real property))~~ a
20 material thing of functional, aesthetic, cultural, historical,
21 or scientific value that may be, by nature or design, movable
22 yet related to a specific setting or environment.

23 ((R-)) S. "Owner" is a person having a fee simple
24 interest, a substantial beneficial interest of record or a
25 substantial beneficial interest known to the commission in an
26 ~~((object, site or improvement))~~ historic resource. Where the
27 owner is a public agency or government , that agency shall
28 specify the person or persons to receive notices hereunder.

29 ((S-)) ~~"Party of record" includes the commission, the~~
30 ~~owner, the applicant, the person in charge, and the nominator~~
31 ~~of any proposed landmark, landmark site or district.)~~

32 ((T-)) T. "Person" is any individual, partnership,
33 corporation, group or association.

34 ((U-)) U. "Person in charge" is the person or persons in
35 possession of ~~((an object, improvement, lot or parcel))~~ a

1 landmark including, but not limited to, a mortgagee, or vendee
 2 in possession, an assignee of rents, a receiver, executor,
 3 trustee, lessee, tenant, agent, or any other person directly or
 4 indirectly in control of ~~((an object, improvement or lot or
 5 parcel of real property))~~ the landmark.

6 ~~((V-))~~ V. "Preliminary determination" is a decision of
 7 the commission determining ~~((whether or not))~~ that an ((object,
 8 improvement, site or district)) historic resource which has
 9 been nominated for designation is of significant value and is
 10 likely to satisfy the criteria for designation.

11 ~~((X-)) ((V- "Significant change" is any alteration in a
 12 significant feature not requiring a permit from the manager but
 13 for which the commission's designation report requires a
 14 certificate of appropriateness prior to alteration.))~~

15 ~~((Y-))~~ W. "Significant feature" is any ~~((characteristic
 16 of an improvement, object, site, or district))~~ element of a
 17 landmark which the commission has designated pursuant to this
 18 chapter as of importance to the historic, architectural or
 19 archaeological value of the ~~((property for which the
 20 preliminary determination or the designation report requires))
 21 landmark. ((a certificate of appropriateness prior to
 22 alteration.))~~

23 X. "Site" is the location of a significant event, a
 24 prehistoric or historic occupation or activity, or a building
 25 or structure, whether standing, ruined, or vanished, where the
 26 location itself maintains an historical or archeological value
 27 regardless of the value of any existing structures.

28 Y. "Structure" is any functional construction made
 29 usually for purposes other than creating human shelter.

30 SECTION 3. Ordinance 4828, Section 3 and K.C.C. 20.62.030
 31 is hereby amended to read as follows:

32 Landmarks and Heritage commission created-Membership and
 33 organization.

1 A. There is created the King County landmarks and
2 heritage commission ("commission") which shall consist of nine
3 regular members and special members selected as follows:

4 1. Of the nine regular members of the commission at
5 least three shall be professionals who have experience in
6 identification, evaluation, and protection of historic
7 resources and have been selected from among the fields of
8 history, architecture, architectural history, historic
9 preservation, planning, cultural anthropology, archaeology,
10 cultural geography, landscape architecture, American studies,
11 law, or other historic preservation related disciplines. The
12 nine regular members of the commission shall be appointed by
13 the King County executive, subject to confirmation by the
14 council, provided that no more than four members shall reside
15 within any one municipal jurisdiction. ~~((The))~~ All regular
16 members shall have ~~((demonstrated an active))~~ a demonstrated
17 interest and competence in historic preservation.

18 2. The King County executive may solicit nominations
19 for persons to serve as regular members of the commission from
20 the ~~((King County association of historical organizations))~~
21 Association of King County Historical Organizations, the
22 American Institute of Architects (Seattle Chapter), the Seattle
23 King County Bar Association, the Seattle Master Builders, the
24 chambers of commerce, and other professional and civic
25 organizations familiar with ~~((landmark))~~ historic preservation.

26 3. One special member shall be appointed from each
27 municipality within King County which has entered into an
28 interlocal agreement with King County providing for the
29 designation by the commission of landmarks within such
30 municipality in accordance with the terms of such interlocal
31 agreement and this chapter. Each such appointment shall be in
32 accordance with the enabling ordinance adopted by such
33 municipality.

34 B. ~~((All))~~ Appointments of regular members, except as
35 provided in subsection C below, shall be made for a three year

1 term. Each regular member shall serve until his or her
 2 successor is duly appointed and confirmed. Appointments shall
 3 be effective on June 1st of each year. In the event of a
 4 vacancy, an appointment shall be made to fill the vacancy in
 5 the same manner and with the same qualifications as if at the
 6 beginning of the term, and the person appointed to fill the
 7 vacancy shall hold the position for the remainder of the
 8 unexpired term. Any member may be reappointed, but may not
 9 ~~((to))~~ serve ~~((not))~~ more than two consecutive three year
 10 terms. A member shall be deemed to have served one full term
 11 if such member resigns at any time after appointment or if such
 12 member serves more than two years of an unexpired term. The
 13 members of the commission shall serve without compensation
 14 except for out-of-pocket expenses incurred in connection with
 15 commission meetings or program.

16 C. For appointments made in 1992 the King County
 17 Executive shall appoint or reappoint three members for a three-
 18 year term, three members for a two-year term, and three members
 19 for a one-year term. For purposes of the limitation on
 20 consecutive terms set forth in paragraph B, an appointment for
 21 a one- or a two-year term shall be deemed an appointment for an
 22 unexpired term.

23 ~~((C-))~~ D. ((The King County executive shall appoint
 24 ~~the))~~ The chairman shall be a member of the commission ((from
 25 ~~among))~~ and shall be elected annually by the regular commission
 26 members. ((Within six months of its first meeting, t)) The
 27 commission shall adopt ((revised)) per K.C.C. Chapter 2.98
 28 rules and regulations, including procedures consistent with
 29 this chapter. The members of the commission shall be governed
 30 by the King County code of ethics, K.C.C. Chapter 3.04 as
 31 hereafter amended. The commission shall not conduct any public
 32 hearing required under this chapter until rules and regulations
 33 have been filed with the ((county)) council clerk.

34 E. A special member of the commission shall be a
 35 voting member solely on matters before the commission involving

1 the designation of landmarks within the municipality from which
2 such special member was appointed.

3 ((E.)) F. A majority of the current appointed and
4 confirmed members of the commission shall constitute a quorum
5 for the transaction of business. A special member shall count
6 as part of a quorum for the vote on any matter involving the
7 designation or control of landmarks within the municipality
8 from which such special member was appointed. All official
9 actions of the commission shall require a majority vote of the
10 members present and ((voting)) eligible to vote on the action
11 voted upon. No member shall be eligible to vote upon any
12 matter required by this chapter to be determined after a
13 hearing unless that member has attended the hearing or
14 familiarized him or herself with the record.

15 G. The commission may from time to time establish one or
16 more committees to further the policies of the commission, each
17 with such powers as may be lawfully delegated to it by the
18 commission.

19 ((F.)) H. The director of the King County ((D))
20 department of ((planning and community development)) parks,
21 planning and resources shall provide staff support to the
22 commission and shall assign a professionally qualified member
23 of the department's staff to ((aet)) serve as a full time
24 historic preservation officer. The historic preservation
25 officer shall be an employee of the ((department)) division
26 of ((Planning and Community Development)) cultural resources.
27 Under the direction of the commission, the historic
28 preservation officer shall be the custodian of the commission's
29 records. The historic preservation officer or his or her
30 designee shall conduct official correspondence, assist in
31 organizing the commission, and organize and supervise the
32 commission staff and the clerical and technical work of the
33 commission to the extent required to administer this chapter.

34 ((G-)) I. The commission shall meet at least once a month
35 for the purpose of considering and holding public hearings on

1 nominations for designation and applications for certificates
 2 of appropriateness. Where no business is scheduled to come
 3 before the commission seven days before the scheduled monthly
 4 meeting, the chairman of the commission may cancel the meeting.
 5 All meetings of the commission shall be open to the public.
 6 The commission shall keep minutes of its proceedings, showing
 7 the action of the commission upon each question, and shall keep
 8 records of all official actions taken by it, all of which shall
 9 be filed in the office of the historic preservation officer and
 10 shall be public records.

11 ((H-)) J. At all hearings before and meetings of the
 12 commission, all oral proceedings shall be electronically
 13 recorded. Such proceedings may also be recorded
 14 stenographically by a court reporter if any interested persons
 15 at his or her expense shall provide a court reporter for that
 16 purpose. A tape recorded copy of the electronic record of any
 17 hearing or part thereof shall be furnished to any person upon
 18 request and payment of the reasonable expense thereof.

19 K. The commission is authorized, subject to the
 20 availability of funds for that purpose, to expend monies to
 21 compensate experts, in whole or in part, to provide technical
 22 assistance to property owners in connection with requests for
 23 certificates of appropriateness upon a showing by the property
 24 owner that the need for such technical assistance imposes an
 25 unreasonable financial hardship on such property owner.

26 L. Commission records, maps, or other information
 27 identifying the location of archaeological sites and potential
 28 sites shall be exempt from public access as specified in R.C.W.
 29 42.17.310(1.c.), as amended, in order to avoid looting and
 30 depredation of such sites.

31 SECTION 4. Ordinance 4828, Section 4 and K.C.C. 20.62.040
 32 is hereby amended to read as follows:

33 Designation criteria.

34 A. An ((~~object, improvement, site or district~~)) historic
 35 resource may be designated as a King County landmark((7

1 ~~landmark site or district~~) if it is more than forty years old
2 or, in the case of a landmark district, contains resources
3 (~~improvements~~) that are more than forty years old, and
4 possesses integrity of location, design, setting, materials,
5 workmanship, feeling and association, and:

6 1. Is associated with events that have made a
7 significant contribution to the broad patterns of national,
8 state or local history; or

9 2. Is associated with the lives of persons significant
10 in national, state or local history; or

11 3. Embodies the distinctive characteristics of a type,
12 period, style or method of design or construction, or that
13 represents a significant and distinguishable entity whose
14 components may lack individual distinction; or

15 4. Has yielded or may be likely to yield, information
16 important in prehistory or history; or

17 5. Is an outstanding work of a designer or builder who
18 has made a substantial contribution to the art(~~or~~) .

19 B. An (~~object, improvement, site or district~~) historic
20 resource may be designated a community landmark because (~~of~~
21 ~~its prominence of spatial location, contrasts of siting, age or~~
22 ~~scale,~~) it is an easily identifiable visual feature of a
23 neighborhood or the county and contributes to the distinctive
24 quality or identity of such neighborhood or county or because
25 of its association with significant historical events or
26 historic themes, association with important or prominent
27 persons in the community or county, or recognition by local
28 citizens for substantial contribution to the neighborhood or
29 community. An improvement or site qualifying for designation
30 solely by virtue of satisfying criteria set out in this section
31 shall be designated a community landmark and shall (~~be~~) not
32 be subject to the provisions of 20.62. 080.

33 C. Cemeteries, birthplaces, or graves of historical
34 figures, properties owned by religious institutions or used for
35 religious purposes, structures that have been moved from their

1 original locations, reconstructed historic buildings,
2 properties primarily commemorative in nature, and properties
3 that have achieved significance within the past forty years
4 shall not be considered eligible for designation. However,
5 such a property (~~(will qualify)~~) shall be eligible for
6 designation if it is:

7 1. ((a)) An integral part of districts that meet the
8 criteria set out in 20.62.040A or if it is:

9 ((1-)) 2. A religious property deriving primary
10 significance from architectural or artistic distinction or
11 historical importance; or

12 ((2-)) 3. A building or structure removed from its
13 original location but which is significant primarily for its
14 architectural value, or which is the surviving structure most
15 importantly associated with a historic person or event; or

16 ((3-)) 4. A birthplace, grave or residence of a
17 historical figure of outstanding importance if there is no
18 other appropriate site or building directly associated with his
19 or her productive life; or

20 ((4-)) 5. A cemetery that derives its primary
21 significance from graves of persons of transcendent importance,
22 from age, from distinctive design features, or from association
23 with historic events; or

24 ((5-)) 6. A reconstructed building when accurately
25 executed in a suitable environment and presented in a dignified
26 manner ((f))or((j)) as part of a restoration master plan, and
27 when no other building or structure with the same association
28 has survived; or

29 ((6-)) 7. A property commemorative in intent if
30 design, age, tradition, or symbolic value has invested it with
31 its own historical significance; or

32 ((7-)) 8. A property achieving significance within the
33 past forty years if it is of exceptional importance.

34 SECTION 5. Ordinance 4828, Section 5 and K.C.C. 20.62.050
35 is hereby amended to read as follows:

1 Nomination Procedure.

2 A. Any person, including the historic preservation
3 officer and any member of the commission, may nominate ((any
4 site, improvement, district or object)) an historic resource
5 for designation as a landmark ((or landmark site or district))
6 or community landmark. The procedures set forth in Sections
7 20.62.050 and 20.62.080 may be used to amend existing
8 designations or to terminate an existing designation based on
9 changes which affect the applicability of the criteria for
10 designation set forth in Section 20.62.040. The nomination or
11 designation of an ((object or improvement)) historic resource
12 as a landmark shall constitute nomination or designation of the
13 ((site)) land on which ((the object or improvement)) is
14 occupied by the historic resource ((is located)) unless the
15 nomination provides otherwise. Nominations shall be made on
16 official nomination forms provided by the historic preservation
17 officer, shall be filed with the historic((a))preservation
18 officer and shall include all data required by the commission.
19 ((Nominations found to be in order by the historic preservation
20 officer shall be considered by the commission at a public
21 meeting. The historic preservation officer, his or her
22 designee, or the commission, may amend or complete any
23 nomination. The historic preservation officer shall mail a
24 copy of any nomination and of any amendment thereto to the
25 owner upon completion.))

26 B. Upon receipt by the historic preservation officer of
27 any nomination for designation, the officer shall review the
28 nomination, consult with the person or persons submitting the
29 nomination, and the owner, and prepare any amendments to or
30 additional information on the nomination deemed necessary by
31 the officer. The historic preservation officer may refuse to
32 accept any nomination for which inadequate information is
33 provided by the person or persons submitting the nomination.
34 It is the responsibility of the person or persons submitting
35 the nomination to perform such research as is necessary for

1 consideration by the commission. The historic preservation
2 officer may assume responsibility for gathering the required
3 information, or appoint an expert or experts to carry out this
4 research in the interest of expediting the consideration.

5 C. When the historic preservation officer is satisfied
6 that the nomination contains sufficient information and
7 complies with the commission's regulations for nomination, the
8 officer shall give notice in writing, certified mail/return
9 receipt requested, to the owner of the property or object, to
10 the person submitting the nomination and interested persons of
11 record that a preliminary or a designation determination on the
12 nomination will be made by the commission. The notice shall
13 include:

- 14 1. The date, time, and place of hearing;
- 15 2. The address and description of the historic
16 resource and the boundaries of the nominated resource;
- 17 3. A statement that, upon a designation or upon a
18 preliminary determination of significance, the certificate of
19 appropriateness procedure set out in Section 20.62.080 will
20 apply;
- 21 4. A statement that, upon a designation or a
22 preliminary determination of significance, no significant
23 feature may be changed without first obtaining a certificate of
24 appropriateness from the commission, whether or not a building
25 or other permit is required. A copy of the provisions of
26 Section 20.62.080 shall be included with the notice;
- 27 5. A statement that all proceedings to review the
28 action of the commission at the hearing on a preliminary
29 determination or a designation will be based on the record made
30 at such hearing and that no further right to present evidence
31 on the issue of preliminary determination or designation is
32 afforded pursuant to this chapter.

33 D. The historic preservation officer shall, after mailing
34 the notice required herein, refer the nomination and all
35 supporting information to the commission for consideration on

1 the date specified in the notice. No nomination shall be
 2 considered by the commission less than thirty nor more than
 3 forty five calendar days after notice setting the hearing date
 4 has been mailed except where the historic preservation officer
 5 or members of the commission have reason to believe that
 6 immediate action is necessary to prevent destruction,
 7 demolition or defacing of an historic resource, in which case
 8 the notice setting the hearing shall so state.

9 SECTION 6. Ordinance 4828, Section 7 and K.C.C. 20.62.070
 10 is hereby amended to read as follows:

11 Designation Procedure.

12 A. The commission may approve, ~~((or))~~ deny, amend or
 13 terminate the designation of an ~~((site, improvement, ~~((or~~~~
 14 object)) historic resource as a landmark or community landmark
 15 only after a public hearing. At the designation hearing the
 16 commission shall receive evidence and hear argument only on the
 17 issues of 1. whether the ~~((district, site, improvement or~~
 18 object)) historic resource meets the criteria for designation
 19 of landmarks ~~((, landmark sites, or districts)) or community~~
 20 landmarks as specified in Section 20.62.040 of this chapter and
 21 merits designation as a landmark ~~((, landmark site, district,))~~
 22 or community landmark and, 2. the significant features of the
 23 landmark ~~((district, site, improvement or object)). The~~
 24 hearing may be continued from time to time at the discretion of
 25 the commission. In the event the hearing is continued, the
 26 commission may make a preliminary determination of significance
 27 if the commission determines, based on the record before it
 28 that the historic resource is of significant value and likely
 29 to satisfy the criteria for designation set out in Section
 30 20.62.040. Such preliminary determination shall be effective
 31 as of the date of the public hearing at which it is made.
 32 Where the commission makes a preliminary determination it shall
 33 specify the boundaries of the nominated resource, the
 34 significant features thereof, and such other description of the
 35 historic resource as it deems appropriate. Within five working

1 days after the commission has made a preliminary determination,
 2 the historic preservation officer shall file a written notice
 3 of such action with the manager and mail copies of the same,
 4 certified mail/return receipt requested, to the owner, the
 5 person submitting the nomination and interested persons of
 6 record. Such notice shall include:

7 1. A copy of the commission's preliminary determination;
 8 2. A statement that while proceedings pursuant to this
 9 chapter are pending, or six months from the date of the notice,
 10 whichever is shorter, and thereafter if the designation is
 11 approved by the commission, the certificate of appropriateness
 12 procedures set out in Section 20.62.080, a copy of which shall
 13 be enclosed, shall apply to the described historic resource
 14 whether or not a building or other permit is required. The
 15 decision of the commission shall be made after the close of the
 16 public hearing or at the next regularly scheduled public
 17 meeting of the commission ((after the close of the public
 18 hearing)) thereafter.

19 B. Whenever the commission approves the designation of
 20 ~~((all or any portion of the district, site, improvement or~~
 21 ~~object)) an historic resource under consideration for
 22 designation as a landmark(~~(, landmark site, or landmark~~
 23 ~~district)) it shall, within fourteen calendar days of the
 24 public meeting at which the decision is made, issue a written
 25 designation report which shall include:~~~~

26 1. The boundaries of the nominated ~~((property))~~
 27 resource and such other description of the ~~((improvement or~~
 28 ~~object)) resource sufficient to identify its ownership and
 29 location;~~

30 2. The significant features and such other information
 31 concerning the ~~((district, site, improvement or object))~~
 32 historic resource as the commission deems appropriate;

33 3. Findings of fact and reasons supporting the
 34 designation ~~((and subsection 2 above))~~ with specific reference

1 to the criteria for designation set forth in Section 20.62.040
2 (~~of this chapter~~);

3 4. A statement that no significant feature may be
4 changed, whether or not a building or other permit is required,
5 without first obtaining a certificate of appropriateness from
6 the commission pursuant to the provisions of Section 20.62.080
7 (~~of this chapter~~), a copy of which shall be included in the
8 designation report. This subsection shall not apply to
9 historic resources designated as community landmarks.

10 C. Whenever the commission rejects the nomination of
11 (~~all or any portion of the district, site, improvement or~~
12 ~~object~~) an historic resource under consideration for
13 designation as a landmark (~~landmark site, or district~~) it
14 shall, within fourteen calendar days of the public meeting at
15 which the decision is made, issue a written decision including
16 findings of fact and reasons supporting its determination that
17 the criteria set forth in Section 20.62.040 (~~of this~~
18 ~~chapter~~) have not been met. If an historic resource has been
19 nominated as a landmark and the commission designates such
20 historic resource as a community landmark, such designation
21 shall be treated as a rejection of the nomination for King
22 County landmark status and the foregoing requirement for a
23 written decision shall apply. Nothing contained herein shall
24 prevent renominating any historic resource rejected under this
25 subsection as a King County landmark at a future time.

26 D. A copy of the commission's designation report or
27 decision rejecting a nomination shall be delivered or mailed to
28 the owner, to interested persons of record and the manager
29 within five working days after it is issued. If the commission
30 rejects the nomination and it has made a preliminary
31 determination of significance with respect to such nomination,
32 it shall include in the notice to the manager a statement that
33 the provisions of Section 20.62.080 (~~of this chapter~~) no
34 longer apply to the (~~district, site, improvement, or object.~~
35 ~~Any interested person of record may appeal the approval or~~

1 ~~rejection of a designation in the manner provided in Section~~
 2 ~~20.62.110 A of this chapter))~~ subject historic resources.

3 E. If the commission approves, or amends (~~the~~
 4 ~~designation of all or any portion of a district, site,~~
 5 ~~improvement or object))~~ a landmark designation, the provisions
 6 of Section 20.62.080 (~~of this chapter~~) shall apply (~~to the~~
 7 ~~designated district, site, improvement, object or portion~~
 8 ~~thereof~~) as approved or amended. A copy of the commission's
 9 designation report or designation amendment shall be filed with
 10 the (~~county recorder~~) Division of Records and Elections
 11 together with a legal description of the designated
 12 (~~property~~) resource and notification that the provisions of
 13 Sections 20.62.080 and 20.62.130 (~~of this chapter~~)
 14 apply(~~7~~). (~~±~~)If the commission terminates the designation
 15 of an historic resource, the provisions of Section 20.62.080
 16 shall no longer apply to said historic resource.

17 SECTION 7. Ordinance 4828, Section 8 and K.C.C. 20.62.080
 18 is hereby amended to read as follows:

19 Certificate of appropriateness procedure.

20 A. At any time after a designation report and notice has
 21 been filed with the manager and for a period of six months
 22 after notice of a preliminary determination of significance has
 23 been mailed to the owner and filed with the manager, a
 24 certificate of appropriateness must be obtained from the
 25 commission before any (~~person may make~~) alterations (~~or~~
 26 ~~significant changes~~) may be made to the significant features
 27 (~~or characteristics~~) of the (~~district, site, improvement,~~
 28 ~~or object suggested for preservation~~) landmark identified in
 29 the preliminary determination (~~of significance~~) report or
 30 thereafter (~~specified~~) in the designation report. The
 31 designation report shall supersede the preliminary
 32 determination report. This requirement shall apply whether or
 33 not the proposed (~~change or~~) alteration also requires a
 34 building or other permit(~~7 provided that t~~). The
 35 requirements of this section shall not apply to any (~~district,~~

1 site, improvement or object)) historic resource located within
2 incorporated cities or towns in King County, except as provided
3 by applicable interlocal agreement.

4 B. Ordinary repairs and maintenance which do not alter
5 the appearance of a significant feature and do not utilize
6 substitute materials do not require a certificate of
7 appropriateness. Repairs to or replacement of utility systems
8 do not require a certificate of appropriateness ((if)) provided
9 that such work does not alter an exterior significant feature.

10 C. There shall be three types of certificates of
11 appropriateness, as follows:

12 1. Type I, for restorations and major repairs which
13 utilize in-kind materials.

14 2. Type II, for alterations in appearance, replacement
15 of historic materials and new construction.

16 3. Type III, for demolition, moving and excavation of
17 archaeological sites.

18 In addition, the commission shall establish and adopt an
19 appeals process concerning Type I decisions made by the
20 historic preservation officer with respect to the applications
21 for certificates of appropriateness.

22 The historic preservation officer may approve Type I
23 certificates of appropriateness administratively without public
24 hearing, subject to procedures adopted by the commission.
25 Alternatively the historic preservation officer may refer
26 appliations for Type I certificates of appropriateness to the
27 commission for decision. The commission shall adopt an appeals
28 procedure concerning Type I decisions made by the historic
29 preservation officer.

30 Type II and III certificates of appropriateness shall be
31 decided by the commission and the following general procedures
32 shall apply to such commission actions:

33 ((B)) 1. Application for a certificate of
34 appropriateness ((may)) shall be made by filing an application
35 for such certificate with the historic preservation officer on

1 forms provided by the commission. (~~or by filing with the~~
2 ~~manager an application for a permit to make alterations or~~
3 ~~significant changes for which a certificate of appropriateness~~
4 ~~is required because of the pendency of designation proceedings~~
5 ~~or the terms of a designation report. The application for a~~
6 ~~certificate of appropriateness shall include all information~~
7 ~~and materials deemed necessary by the commission. The~~
8 ~~commission may consider or issue a certificate of~~
9 ~~appropriateness without the submission of final drawings, plans~~
10 ~~and specifications.))~~

11 ((E)) 2. If an application is made to the manager for a
12 permit for any action which affects a landmark, (~~for which a~~
13 ~~certificate of appropriateness is required before such~~
14 ~~certificate has been obtained~~), the manager shall promptly
15 refer such application to the historic preservation officer and
16 such application shall be deemed an application for a
17 certificate of appropriateness. The manager may continue to
18 process such permit application, but shall not issue any such
19 permit until the time has expired for filing with the manager
20 the notice of denial of a certificate of appropriateness or a
21 certificate of appropriateness has been issued pursuant to this
22 chapter.

23 ((D)) 3. After the commission has commenced
24 proceedings for the consideration of any application for a
25 certificate of appropriateness (~~for a particular alteration of~~
26 ~~or significant change~~) by giving notice of a hearing pursuant
27 to subsection ((E)) 3 of this section, no other application for
28 the same or a similar alteration (~~or significant change~~) may
29 be made until such proceedings and all administrative appeals
30 therefrom pursuant to this chapter have been concluded.

31 ((E)) 4. Within (~~thirty~~) forty five calendar days
32 after the filing of an application for a certificate of
33 appropriateness with the commission or the referral of an
34 application to the commission by the manager except those
35 decided administratively by the historic preservation officer

1 pursuant to subsection ((E)) 2 of this section, the commission
2 shall hold a public hearing thereon. The historic preservation
3 officer shall mail notice of the hearing to the owner, the
4 applicant, if the applicant is not the owner, and parties of
5 record at the designation proceedings, not less than ten
6 calendar days before the date of the hearing. No hearing shall
7 be required if the commission, the owner and the applicant, if
8 the applicant is not the owner, agree in writing to a
9 stipulated certificate approving the requested alterations (~~(or~~
10 ~~changes or modifications)~~) thereof. This agreement shall be
11 ratified by the commission in a public meeting and reflected in
12 the commission meeting minutes. (~~The commission may, by rule~~
13 ~~adopted pursuant to this chapter, authorize the historic~~
14 ~~preservation officer to issue a certificate of appropriateness~~
15 ~~by agreement with the owner.)) If the commission (~~(orders)~~).
16 grants a certificate of appropriateness, such certificate shall
17 be issued forthwith and the historic preservation officer shall
18 promptly file a copy of such certificate with the manager.~~

19 (~~F. If the commission declines to issue a certificate of~~
20 ~~appropriateness, it shall at a public meeting forward written~~
21 ~~recommendations to the council with specific findings in~~
22 ~~respect to the factors enumerated in Sections 20.62.090 and~~
23 ~~20.62.100 of this chapter not later than ninety calendar days~~
24 ~~after referral of the application by the manager to the~~
25 ~~commission, or after the filing of an application for a~~
26 ~~certificate of appropriateness with the historic preservation~~
27 ~~officer, and shall mail a copy of said findings and~~
28 ~~recommendations to the owner, the applicant, the manager, and~~
29 ~~interested persons of record within five working days after the~~
30 ~~recommendations are adopted. In forwarding its recommendations~~
31 ~~to the council, the commission shall also furnish to the clerk~~
32 ~~of the council copies of the application for a certificate of~~
33 ~~appropriateness and such final drawings, plans and~~
34 ~~specifications as were used by the commission in developing its~~
35 ~~recommendations.~~

1 ~~G. Within ninety calendar days of receipt of the~~
 2 ~~commission's recommendations, the council may by adoption of an~~
 3 ~~ordinance approve, condition or deny a certificate of~~
 4 ~~appropriateness. Should the council not take action within~~
 5 ~~ninety days, the clerk of the council shall automatically issue~~
 6 ~~a certificate of appropriateness at the end of the ninety day~~
 7 ~~period.))~~

8 5. If the commission denies the application for a
 9 certificate of appropriateness, in whole or in part, it shall
 10 so notify the owner, the person submitting the application and
 11 interested persons of record setting forth the reasons why
 12 approval of the application is not warranted.

13 D. The commission shall adopt such other supplementary
 14 procedures consistent with K.C.C. 2.98 as it determines are
 15 required to carry out the intent of this Section.

16 SECTION 8. Ordinance 4828, Section 10 and K.C.C.
 17 20.62.100 is hereby amended to read as follows:

18 Evaluation of economic impact.

19 A. At the public hearing on any application for a Type II
 20 or Type III certificate of appropriateness, or Type I if
 21 referred to the commission by the historic preservation
 22 officer, the commission shall, when requested by the property
 23 owner, consider evidence of the economic impact on the owner of
 24 the denial or partial denial of a certificate. In no case may
 25 a certificate be denied, in whole or in part, ~~((where the~~
 26 ~~commission establishes))~~ when it is established that the denial
 27 or partial denial will, when available incentives are utilized,
 28 deprive the owner of a reasonable economic use of the landmark
 29 ~~((object, improvement, or site))~~ and there is no viable and
 30 reasonable alternative which ((has)) would have less impact on
 31 the features of significance specified in the preliminary
 32 determination report or the designation report. ((A
 33 ~~certificate of appropriateness shall be granted, subject to~~
 34 ~~conditions stipulated by the commission, if a structural~~
 35 ~~evaluation by the owner and confirmed by the commission~~

1 demonstrates that the significant feature or features at issue
2 are beyond reasonable repair and a hazardous condition exists.

3 B. In determining whether denial or partial denial of a
4 certificate of appropriateness will permit the owner reasonable
5 economic use of an object, improvement or site the commission
6 shall consider the following factors;

7 1. The market value of the site, improvement or object
8 in its existing condition taking into consideration the ability
9 to maintain, operate or rehabilitate the site, improvement or
10 object a. with the alterations or changes sought by the owner
11 and b. without the alterations or changes sought by the owner.
12 Available incentives shall be included in both calculations of
13 market value;

14 2. The owner's yearly net return on the site,
15 improvement or object, to the extent available, during the five
16 years prior to the hearing;

17 3. Estimated of the owner's future net yearly return
18 on the site, improvement or object with and without the
19 alterations or changes sought by the owner and with available
20 incentives.

21 4. The net return and the rate of return necessary to
22 attract capital for investment a. in such site, improvement or
23 object and in the land on which the site, improvement, or
24 object and in the land on which the site, improvement or object
25 is situated without the alterations or changes sought by the
26 owners and available incentives, if such information is
27 available or, if such information is not available, b. in a
28 comparable site, improvement or object and in the land on which
29 such comparable site, improvement or object is situated; and

30 5. The net return and rate of return realized on
31 comparable sites, improvements or objects not subject to this
32 ordinance.

33 Upon written request from the commission, the owner or
34 persons in charge shall provide the commission with such

1 ~~information as is necessary and sufficient to make the~~
2 ~~determinations required hereunder.))~~

3 B. To prove the existence of a condition of unreasonable
4 economic return, the applicant must establish and the
5 commission must find, both of the following:

6 1. The landmark is incapable of earning a reasonable
7 economic return without making the alterations proposed. This
8 finding shall be made by considering and the applicant shall
9 submit to the commission evidence establishing each of the
10 following factors:

11 a. The current level of economic return on the
12 landmark as considered in relation to the following:

13 (1) The amount paid for the landmark, the date
14 of purchase, and party from whom purchased, including a
15 description of the relationship, if any, between the owner and
16 the person from whom the landmark was purchased;

17 (2) The annual gross and net income, if any,
18 from the landmark for the previous five (5) years; itemized
19 operating and maintenance expenses for the previous five (5)
20 years; and depreciation deduction and annual cash flow before
21 and after debt service, if any, during the same period;

22 (3) The remaining balance on any mortgage or
23 other financing secured by the landmark and annual debt
24 service, if any, during the prior five (5) years;

25 (4) Real estate taxes for the previous four (4)
26 years and assessed value of the landmark according to the two
27 (2) most recent assessed valuations;

28 (5) All appraisals obtained within the previous
29 three (3) years by the owner in connection with the purchase,
30 financing or ownership of the landmark;

31 (6) The fair market value of the landmark
32 immediately prior to its designation and the fair market value
33 of the landmark (in its protected status as a designated
34 landmark) at the time the application is filed;

1 (7) Form of ownership or operation of the
2 landmark, whether sole proprietorship, for profit or
3 not-for-profit corporation, limited partnership, joint venture,
4 or both;

5 (8) Any state or federal income tax returns on
6 or relating to the landmark for the past two (2) years.

7 b. The landmark is not marketable or able to be
8 sold when listed for sale or lease. The sale price asked, and
9 offers received, if any, within the previous two (2) years,
10 including testimony and relevant documents shall be submitted
11 by the property owner. The following also shall be considered:

12 (1) Any real estate broker or firm engaged to
13 sell or lease the landmark;

14 (2) Reasonableness of the price or lease sought
15 by the owner;

16 (3) Any advertisements placed for the sale or
17 lease of the landmark.

18 c. The infeasibility of alternative uses that can
19 earn a reasonable economic return for the landmark as
20 considered in relation to the following:

21 (1) A report from a licensed engineer or
22 architect with experience in historic restoration or
23 rehabilitation as to the structural soundness of the landmark
24 and its suitability for restoration or rehabilitation;

25 (2) Estimates of the proposed cost of the
26 proposed alteration and an estimate of any additional cost that
27 would be incurred to comply with the recommendation and
28 decision of the commission concerning the appropriateness of
29 the proposed alteration;

30 (3) Estimated market value of the landmark in
31 the current condition after completion of the proposed
32 alteration; and, in the case of proposed demolition, after
33 renovation of the landmark for continued use;

34 (4) In the case of proposed demolition, the
35 testimony of an architect, developer, real estate consultant,

1 appraiser or other real estate professional experienced in
 2 historic restoration or rehabilitation as to the economic
 3 feasibility of rehabilitation or reuse of the existing
 4 landmark;

5 (5) The infeasibility of new construction
 6 around, above, or below the historic resource.

7 d. Potential economic incentives and/or funding
 8 available to the owner through federal, state, county, city or
 9 private programs.

10 2. The owner has the present intent and the secured
 11 financial ability, demonstrated by appropriate documentary
 12 evidence to complete the alteration.

13 C. Notwithstanding the foregoing enumerated factors, the
 14 property owner may demonstrate other appropriate factors
 15 applicable to economic return.

16 ((G-)) D. Upon reasonable notice to the owner, the
 17 commission may appoint an expert or experts to provide advice
 18 and/or testimony concerning the value of the ((property))
 19 landmark, the availability of incentives and the economic
 20 impacts of approval, denial or partial denial of a certificate
 21 of appropriateness.

22 E. Any adverse economic impact caused intentionally or by
 23 willful neglect shall not constitute a basis for granting a
 24 certificate of appropriateness.

25 SECTION 9. Ordinance 4828, Section 11 and K.C.C.

26 20.62.110 is hereby amended to read as follows:

27 Appeal procedure ((for reconsideration)).

28 ((A. Any interested person of record aggrieved by a
 29 preliminary determination of the commission finding that a
 30 district, site, improvement or object is ineligible for
 31 designation may, within thirty five calendar days of the date
 32 of notice of the determination, petition the commission for
 33 reconsideration of that determination on the ground that the
 34 determination was based on errors or omissions of fact or that
 35 new information bearing on the determination and not

1 ~~discoverable by the petitioner at the time of the determination~~
2 ~~is available. The petition for reconsideration shall be filed~~
3 ~~with the historic preservation officer and shall be accompanied~~
4 ~~by a statement of the grounds for the petition and supporting~~
5 ~~documents. Within sixty calendar days of a petition for~~
6 ~~reconsideration, the commission shall, after review of the~~
7 ~~record, affirm, modify or reverse its prior determination and~~
8 ~~may render a revised determination. The commission may, in its~~
9 ~~discretion, hold a hearing on the petition for reconsideration.~~
10 ~~The action of the commission denying reconsideration and~~
11 ~~affirming its preliminary determination that a district, site,~~
12 ~~improvement or object is ineligible for designation shall be~~
13 ~~final unless, within twenty calendar days from the date of the~~
14 ~~action, an interested person of record obtains a writ of~~
15 ~~certiorari from the superior court of King County, state of~~
16 ~~Washington, for the purpose of review of the action taken. If~~
17 ~~the commission determines, upon reconsideration, that the~~
18 ~~district, site, improvement or object is eligible for~~
19 ~~designation, a hearing on the designation shall be scheduled~~
20 ~~pursuant to Section 20.62.070, and the provisions of Section~~
21 ~~20.62.080 shall apply.~~

22 ~~((B-))~~ A. Any ~~((interested))~~ person ~~((of record))~~
23 aggrieved by a decision of the commission designating or
24 rejecting a nomination for designation of a ~~((district, site,~~
25 ~~improvement or object))~~ landmark or issuing or denying a
26 certificate of appropriateness may, within thirty-five calendar
27 days of mailing of notice of such designation or rejection of
28 nomination, or of such issuance of denial or approval of a
29 certificate of appropriateness appeal such decision in writing
30 to the council. The written notice of appeal shall be filed
31 with the historic preservation officer and the clerk of the
32 council and shall be accompanied by a statement setting forth
33 the grounds of the appeal, supporting documents and argument.

34 ~~((1-))~~ B. If after examination of the written appeal
35 and the record, the council determines that: ~~((a-))~~ 1. An

1 error in fact may exist in the record, it shall remand the
 2 proceeding to the commission for reconsideration or, if the
 3 council determines that: ~~((b-))~~ 2. The decision of the
 4 commission is based on an error in judgment or conclusion, it
 5 may modify or reverse the decision of the commission.

6 ~~((2-))~~ C. The council's ~~((consideration))~~ decision
 7 shall be based solely upon the record, ~~((only, however))~~
 8 provided that, the council may at its discretion publicly
 9 request additional information of the appellant, the commission
 10 or the historic preservation officer.

11 ~~((3-))~~ D. The council shall take final action on any
 12 appeal from a decision of the commission by adoption of an
 13 ordinance, and when so doing, it shall make and enter findings
 14 of fact from the record and reasons therefrom which support its
 15 action. ~~((Said findings and reasons shall set forth and
 16 demonstrate the manner in which the action carries out and
 17 helps to implement the goals, objectives and criteria set forth
 18 in this chapter and other King County policies and
 19 objectives-))~~ The council may adopt all or portions of the
 20 commission's findings and ~~((reasons))~~ conclusions.

21 ~~((4-))~~ E. The action of the council ~~((approving or
 22 rejecting))~~ sustaining, reversing, modifying or remanding a
 23 decision ~~((or recommendation))~~ of the commission shall be final
 24 unless within twenty calendar days from the date of the action
 25 an ~~((interested))~~ aggrieved person ~~((of record))~~ obtains a writ
 26 of certiorari from the superior court of King County, state of
 27 Washington, for the purpose of review of the action taken.

28 SECTION 10. Ordinance 4828, Section 12 and K.C.C.
 29 20.62.120 is hereby amended to read as follows:

30 Funding.

31 A. The commission shall have the power to make and
 32 administer grants of funds received by it from private sources
 33 and from local, state and federal programs for purposes of:

34 1. ~~((m))~~ Maintaining, purchasing or restoring
 35 ~~((improvements, sites or districts))~~ historic resources located

1 within King County which it deems significant pursuant to the
 2 goals, objectives and criteria set forth in this chapter if
 3 such (~~(improvements, sites or districts)~~) historic resources
 4 have been nominated or designated as landmarks pursuant to this
 5 chapter ~~((+))~~ or have been designated as landmarks by
 6 municipalities within King County or by the State of
 7 Washington, or are listed on the National Historic Landmarks
 8 Register, the National Register of Historic Places; and

9 2. Developing and conducting programs relating to
 10 archaeology, cultural heritage and technical assistance to
 11 heritage museums, heritage organizations and public agencies.
 12 The commission shall establish rules and regulations consistent
 13 with K.C.C. 2.98 governing procedures for applying for and
 14 awarding of grant monies pursuant to this section.

15 B. The commission may, at the request of the historic
 16 preservation officer and King County ~~((D))~~ department of
 17 ~~((Planning and Community Development))~~ parks, planning and
 18 resources, review proposals submitted to that department for
 19 funds made available for grants to be made by the department
 20 through the Housing and Community Development Act of 1974, 42
 21 U.S.C. 5301 et seq., the State and Local Fiscal Assistance Act
 22 of 1972, 31 U.S.C. 1221 et seq., the Museum Assistance Program
 23 and other applicable local, state and federal funding programs.
 24 Upon review of such grant proposals, the commission shall make
 25 recommendations to the department concerning which proposals
 26 should be funded, the amount of the grants that should be
 27 awarded, the conditions that should be placed on the grant, and
 28 such other matters that the commission deems appropriate. The
 29 historic preservation officer shall keep the commission
 30 apprised of the status of grant proposals, deadlines for
 31 submission of proposals and the recipients of grant funds.

32 SECTION 11. Ordinance 4828, Section 13 and K.C.C.
 33 20.62.130 is hereby amended to read as follows:

34 Penalty for violation of Section 20.62.080

1 Any person violating or failing to comply with the provisions
2 of Section 20.62.080 of this chapter shall incur a civil
3 penalty of up to five hundred dollars per day and each day's
4 violation or failure to comply shall constitute a separate
5 offense; provided, however, that no penalty shall be imposed
6 for any violation or failure to comply which occurs during the
7 pendency of legal proceedings filed in any court challenging
8 the validity of the provision or provisions of this chapter as
9 to which such violations or failure to comply is charged.

10 SECTION 12 Ordinance 9237 and K.C.C. 20.62.140 is hereby
11 amended to read as follows:

12 Special Valuation for historic properties.

13 A. There is hereby established and implemented a special
14 valuation for historic properties as provided in Chapter 221,
15 1986 Laws of Washington and Chapter 84.26 RCW.

16 B. The King County (~~Landmarks~~) landmark and heritage
17 commission is hereby designated as the "Local Review Board" for
18 the purposes related to Chapter 221, 1986 Laws of Washington,
19 and is authorized to perform all functions required by Chapter
20 221, 1986 Laws of Washington, Chapter 84.26 RCW, and Chapter
21 254.20 WAC.

22 C. All King County landmarks designated and protected
23 under authority of Ordinance 4828 and K.C.C. 20.62 shall be
24 eligible for special valuation as set forth in Chapter 221,
25 1986 Laws of Washington and Chapter 84.26 RCW.

26 SECTION 13. Ordinance 4828, Sections 6 and 9 and K.C.C.
27 20.62.060 and .090 are each repealed.

28 SECTION 14. Severability. If any provision of this
29 ordinance or its application to any person or circumstance is

1 held invalid, the remainder of the ordinance or the application
2 of the provision to other persons or circumstances is not
3 affected.

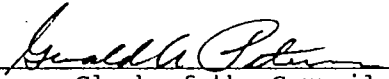
4 INTRODUCED AND READ for the first time this 24th day
5 of February, 1992.

6 PASSED this 13th day of July, 1992.

7 KING COUNTY COUNCIL
8 KING COUNTY, WASHINGTON

9 
10 Chair

11 ATTEST:

12 
13 Clerk of the Council

14 APPROVED this 23rd day of July, 1992

15 
16 King County Executive