The City of Covington is a destination community where citizens, businesses and civic leaders collaborate to preserve and foster a strong sense of unity.

PLANNING COMMISSION AGENDA
August 17, 2017
6:30 PM

CALL TO ORDER

ROLL CALL
Chair Bill Judd, Vice Chair Chele Dimmett, Jennifer Gilbert-Smith, Jonathan Ingram, & Paul Max

PLEDGE OF ALLEGIANCE

APPROVAL OF CONSENT AGENDA

C1. Minutes from August 3, 2017

CITIZEN COMMENTS - Note: The Citizen Comment period is to provide the opportunity for members of the audience to address the Commission on items either not on the agenda or not listed as a Public Hearing. The Chair will open this portion of the meeting and ask for a show of hands of those persons wishing to address the Commission. When recognized, please approach the podium, give your name and city of residence, and state the matter of your interest. If your interest is an Agenda Item, the Chair may suggest that your comments wait until that time. Citizen comments will be limited to four minutes for Citizen Comments and four minutes for Unfinished Business. If you require more than the allotted time, your item will be placed on the next agenda. If you anticipate your comments taking longer than the allotted time, you are encouraged to contact the Planning Department ten days in advance of the meeting so your item may be placed on the next available agenda.

UNFINISHED BUSINESS – None

PUBLIC HEARING – Action Required

1. Amendments to CMC 18.47 on Protection and Preservation of Landmarks, Landmark Sites, and Landmark Districts (Attachments)

2. Discuss Amendments to Title 18-Zoning Code for Removal of Mineral (M) Zoning Designation (Attachment)

NEW BUSINESS- None

ATTENDANCE VOTE

PUBLIC COMMENT: (Same rules apply as stated in the 1st CITIZEN COMMENTS)

COMMENTS AND COMMUNICATIONS OF STAFF AND COMMISSIONERS

ADJOURN

Any person requiring a disability accommodation should contact the City at least 24 hours in advance. For TDD relay service please use the state’s toll-free relay service (800) 833-6384 and ask the operator to dial (253) 480-2400
Web Page: www.covingtonwa.gov
CALL TO ORDER
The regular meeting of the Planning Commission was called to order at 6:35 p.m. by Chair Judd.

MEMBERS PRESENT
Chele Dimmett, Jennifer Gilbert-Smith, Jonathan Ingram, Bill Judd, and Paul Max

MEMBERS ABSENT
The record is noted that Jim Langehough has resigned.

STAFF PRESENT
Brian Bykonen, Associate Planner and Code Enforcement Officer
Mary Gardocki, Parks Project Manager
Kathy Hardy, City Attorney
Richard Hart, Community Development Director
Salina Lyons, Principal Planner
Ann Mueller, Senior Planner
Ethan Newton, Parks and Recreation Director
Kelly Thompson, Planning Commission Secretary

APPROVAL OF MINUTES AND AGENDA
C1. Commissioner Ingram moved and Commissioner Max seconded to approve the July 20, 2017 minutes and meeting agenda for August 3, 2017. Motion carried 5-0.

CITIZEN COMMENTS - None

UNFINISHED BUSINESS
1. Presentation by Sam Pace, Seattle/King County Board of Realtors

Mr. Pace addressed the Planning Commission on the subject of real estate signs as they pertain to the proposed sign code regulations. Previously, he submitted a transmittal letter along with a white paper and an attachment on proprietary research from Jim Hebert. He also has provided information on the realtor’s self-enforcement program. Education and consistency becomes very important between jurisdictions. If the Code Enforcement officer takes a picture of a sign that is not in compliance, they send a letter to the supervisor of that broker. Mr. Pace reviewed a number of different real estate sign types and provided some recommendations on sign allowances that they feel is appropriate.
Commissioner Ingram shared his concern that there is a possibility of a scenario where 8 homes are for sale within a quarter mile, where they could display 24 directional signs within that quarter mile. He is concerned about the City Council’s goal of maintaining aesthetics. Mr. Pace responded, the signs have to have the opportunity to be effective.

Mr. Hart added that this item will be on the Planning Commission agenda in two weeks. Staff will provide the Planning Commission some suggestions, options, and a recommendation. We will review the material provided by Mr. Pace.

**PUBLIC HEARING**

2. **Park Impact Fees and Amendments to Covington Municipal Code**

Chair Judd opened the Public Hearing.

Ms. Lyons shared that the Park Impact Fee is proposed to maintain our current level of service and allow the city to begin acquiring land. The fees collected would only be used to purchase land and do not include infrastructure costs. Ms. Lyons reviewed the staff memo which provided some comparable cities data, decision criteria, and staff findings.

Vice Chair Dimmett shared that her first impression was that our fees seem high in comparison to other cities. She asked whether this fee could be cost prohibitive to development.

Ms. Lyons shared that the City receives about $450 in property taxes per home, per year, that is distributed to parks, police, roads, etc. The Impact Fee is a one-time fee, as opposed to a levy that is assessed annually.

Mr. Hart added that in the past 10 years, he has not heard from developers that impact fees have deterred developers from building new homes in Covington. The option of not assessing the fee, is that service is not provided. The community polls have indicated that the citizens want more parks.

Vice Chair Dimmett asked if the proposed Park Impact fees are based on current data. She asked if there is land available to buy.

Ms. Lyons responded that the data is from 2015. The PROS Plan and Comprehensive Plan identify the long-term goals of the City. The City can purchase land and/or can negotiate with a developer to dedicate land.

Commissioner Ingram asked about whether the fee would increase.
Ms. Gardocki responded that the current fee is static. Staff could propose an increase, if needed.

Public Comment

Sam Pace, Seattle/King County Board of Realtors – The realtors have supported the bonds, levies, and creation of a park district. There is a concern about tax saturation. Property tax is paid prior to development. Impact fees to deal with off-site impacts at the time of permit issuance. Then property taxes are paid again after construction. He is concerned that the Park Impact Fee is not discernable value to the home buyer.

Vice Chair Dimmett asked whether there had been consideration to a percentage fee being assessed. Ms. Lyons responded that when the study was conducted, a cost per person was calculated and averaged on the number of residents per home. A fixed fee provides the developer certainty.

Chair Judd closed the Public Hearing.

- Commissioner Ingram moved and Commissioner Max seconded to recommend the City Council adopt a new section, Chapter 19.60 Park Impact Fees and other associated amendments to Title 18 and 19 related to the implementation of a park impact fee collection program. Motion carried 5-0.

Commissioner Ingram wishes the escalating cost of land had been taken into consideration. Chair Judd considers the whole package, if you want parks, you have to find a way to pay for them. Vice Chair Dimmett added that development pays for development.

NEW BUSINESS


Ms. Mueller introduced a memo which would clean up the existing code. Staff proposes to amend CMC 18.47 to adopt King County Code for the process and criteria for the designation of Landmarks. This will designate the King County Landmarks Commission as the Landmarks Commission for the City of Covington. Staff would set up an interlocal agreement with King County. Staff will bring a draft ordinance for public hearing to the next Planning Commission meeting.

Vice Chair Dimmett asked whether the Foss Market was considered historic.
Mr. Bykonen responded that he thought the original barns had been demolished and that the existing store was not the original store. In order to meet the landmark criteria, the building must be 40 years old, not remodeled, and in good condition.

Chair Judd asked whether King County has control over the designation and whether the city is the final decision maker. He also wants the property owner’s consent to begin the application process.

Ms. Mueller responded that King County would make the determination based on specific criteria which is appealable to the Hearing Examiner. This would be a non-political decision by a board made up by architects, historical preservation experts, and a city representative would be on the board.

Commissioner Ingram does not like that the City does not have control of the board.

Commissioner Gilbert-Smith added that it is a group of professionals that review the application with the property owner’s consent.

Ms. Lyons explained that rather than have the City staff act as the board and pay for those services, it makes sense to utilize a board that is already established, especially when we don’t have any landmarks identified in our Comprehensive Plan.

Ms. Hardy added that the City would have the right to terminate the agreement with 45 days notice, with or without cause.

Commissioner Gilbert-Smith asked how many times there is controversy on the Landmarks Commission. Ms. Mueller will follow up with the Commission.

Ms. Lyons added there are criteria on state and federal levels and provided some examples.

Ms. Mueller added that if a property was designated as a landmark, King County also has funds for which the applicant can apply.

Staff is also proposing amendments to Title 19, removing the Mineral Zone classification. The only Mineral use in the city is the former Lakeside gravel mine which is now the Lakepointe Urban Village Subarea.

**ATTENDANCE VOTE - None**

**PUBLIC COMMENTS**
Sam Pace, Seattle/King County Board of Realtors – The City of Covington doesn’t have the resources to staff the Landmarks Commission. Unlike the Planning Commission (as an advisory board), the Landmarks Commission makes the determination. The property owner’s consent would be required. He is not sure that restructuring the Landmarks Commission to allow more Covington votes is the way to go. He recommends that the Covington Hearing Examiner be used for any appeals.

COMMENTS AND COMMUNICATIONS FROM STAFF AND COMMISSIONERS

Ms. Lyons shared that Chick-Fil-A has been issued their Notice to Proceed and plans to break ground August 21, 2017. Covington Elementary School has been issued their building permits.

There is an opportunity to provide public input on Jenkins Creek Park on August 9, 2017.

The City’s 20th Birthday party is scheduled for August 25, 2017 at Kentwood High School’s softball field.

ADJOURN
The August 3, 2017, Planning Commission Meeting adjourned at 8:17 p.m.

Respectfully submitted,

_____________________________________________
Kelly Thompson, Planning Commission Secretary
To: Planning Commission

From: Ann Mueller, Senior Planner

Date: August 17, 2017

Re: Public Hearing on Code Amendments on the process and procedures for designating Landmarks, Landmark Sites and Districts

Attachments:
1) Ordinance amending the CMC related to designation of Landmarks, Landmark Sites and Districts
2) King County Regional Historic Preservation Program handout
3) King County Code Chapter 20.62 Protection and Preservation of Landmark Sites and Districts
4) City of Covington – King County Interlocal Agreement for services.

At the Planning Commission’s August 3, 2017, regularly schedule public meeting staff provided an overview of the proposal to amend current regulation for the protection and preservation of Landmark, Landmark Sites and Districts as provided for in Covington’s Municipal Code (CMC) Chapter 18.47.

This is a city-initiated code amendment consistent with CMC 14.27 Development Regulations and Zoning Map Amendments. Tonight, the Planning Commission is holding the required public hearing on the attached ordinance, to consider the amendments and any public comments, and to forward a recommendation to the City Council as to whether each proposed amendment meets the criteria in CMC 14.27.040.

Attachment #1 is a draft of the ordinance which contains the amendments proposing to amend CMC 18.47 and add a new CMC 2.73, to create a Landmarks and Heritage Commission and to adopt King County Code (KCC) for the process and criteria for the designation of Landmarks. Since Covington does not have staff trained in the review and treatment of historic properties, this proposal will designate the King County Landmarks Commission as the Landmarks Commission for the City of Covington, and King County staff will review nominations and applications to alter any designated Landmarks in Covington. When a Covington building or site is up for designation, the City will designate a member to the King County Landmark Commission for their input on the review of those landmark nominations.

Attachment #2 is a handout describing King County’s Regional Historic Preservation Program which Covington would be joining with these code amendments.

Attachment #3 is the full text of KCC 20.62 Protection and Preservation of Landmark Sites and Districts, the yellow highlighted text are the code sections that are specified for adoption in the draft Ordinance (Attachment 1). For example, KCC 20.62.040 is the designation criteria by which a building, site or district can be designated a Landmark, the proposed Ordinance specifies the adoption of KCC 20.62.041, Designation Criteria, except all references to “King County” are changed to read “City of Covington.” Likewise, KCC 20.62.050 nomination procedure is adopted in the proposed Ordinance, except that an additional requirement that all nominations must have the written consent of the property owners(s) is added.

Attachment #4 is a draft of the Interlocal Agreement (ILA) between King County and Covington for services associated with future Landmark designations with in the City of Covington. Note this draft of the ILA is being provided to the Commission for informational purposes only. The City Council will review and determine if
they will enter into an ILA with King County on this matter based on the recommendation of staff and the city attorney.

CMC 14.27.040 Decision criteria.
The City Council’s approval, modification, deferral, or denial of an amendment proposal shall be based on the following criteria:

1. The proposed amendment is consistent with the goals, objectives, and policies of the comprehensive plan;
   **Staff Findings:** Yes, these amendments are consistent with the Covington Comprehensive Plan 2015-2035 and is supported by Land Use Element Policy 19.
   
   *Policy LU-19. Coordinate planning efforts with State agencies, King County, and neighboring cities to address shared areas of interest and concern such as transportation systems and concurrency, regional trails, health and human services, shorelines of the state, surface and groundwater systems, watersheds, and other topics.*

2. The proposed amendment is consistent with the scope and purpose of the City’s zoning ordinances and the description and purpose of the zone classification applied for;
   **Staff Findings:** There is no proposed zoning map amendment. The proposed amendments are consistent with the City’s zoning code.

3. Circumstances have changed substantially since the establishment of the current zoning map or district to warrant the proposed amendment;
   **Staff Findings:** Not Applicable. There is no proposed zoning map amendment proposed.

4. The proposed zoning is consistent and compatible with the uses and zoning of surrounding property;
   **Staff Findings:** Not Applicable. There is no proposed zoning map amendment proposed.

5. The property that is the subject of the amendment is suited for the uses allowed in the proposed zoning classification;
   **Staff Findings:** These proposed amendments apply city-wide. There are currently no properties with Landmark designation.

6. The amendment is in compliance with the three-year limitation rule as specified in CMC 14.27.030(3); and
   **Staff Findings:** These proposed amendments have not been proposed or reviewed by the City in the last three years.

7. Adequate public services could be made available to serve the full range of proposed uses in that zone.
   **Staff Findings:** Not Applicable.

Procedural Requirements.
**Required Notice to State Department of Commerce.**
Pursuant to state law and CMC 14.27.050(4), the city has provided the Washington State Department of Commerce a copy of the proposed code amendments more than 60-days prior to the expected date of final City Council action. City staff provided drafts of the proposed code amendments to the Department of Commerce on July 17, 2017. Commerce then distributes the drafts to state agencies for review and comment. No comments have been received on these amendments.

**SEPA**
A SEPA determination of nonsignificance was issued for these proposed amendments on July 28, 2017, with a legal notice placed in the Covington Reporter, posted at city hall, and on the city’s website. Copies were also provided to the SEPA register, Muckleshoot Indian Tribe, and Department of Ecology.
Planning Commission Hearing

These amendments are legislative actions, and the public hearing before the Planning Commission is scheduled for August 17, 2017. The Commission will take public testimony, review comments, and make a final recommendation to the City Council. Consistent with CMC 14.30.060, notice of the Planning Commission public hearing was published in the Covington Reporter on July 28, 2017, more than 14-days prior to the scheduled public hearing. Notice was also posted on the city’s website and at city hall.

Recommended Motion:

Move to recommend the City Council approve the proposed Zoning Code amendments to CMC Title 13 and CMC Chapter 18.47, in substantial form as found in Attachment 1, finding that the amendments are in accordance with the Covington Comprehensive Plan and CMC 14.27.040 Decision criteria for code amendments. The Planning Commission also recommends that the City charge a fee for the review of Landmark applications.

Alternative Motion: Move to continue the public hearing on the proposed amendments to _______________ and request staff ________________.
ORDINANCE NO.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COVINGTON, KING COUNTY, WASHINGTON RELATING LANDMARK DESIGNATION AND PROTECTION, ADDING COVINGTON MUNICIPAL CODE CHAPTER 2.73 CREATING A LANDMARKS AND HERITAGE COMMISSION, AND REPEALING AND REPLACING COVINGTON MUNICIPAL CODE CHAPTER 18.47 PROTECTION AND PRESERVATION OF LANDMARKS, LANDMARK SITES AND DISTRICTS.

WHEREAS, historic preservation fosters civic pride in the beauty and accomplishments of the past and improves the economic vitality of our communities; and

WHEREAS, the City of Covington desires to designate, protect, and enhance those sites, buildings, districts, structures and objects that reflect significant elements of its cultural, aesthetic, social, economic, political, architectural, ethnic, archaeological, engineering, and other history; and

WHEREAS, such cultural and historic resources are a significant part of the heritage, education and economic base of the City of Covington, and the economic, cultural and aesthetic well-being of the City cannot be maintained or enhanced by disregarding its heritage and by allowing the unnecessary destruction or defacement of such resources; and

WHEREAS, the purpose of this Ordinance is to:

(a) Designate, preserve, protect, enhance and perpetuate those sites, buildings, districts, structures and objects which reflect significant elements of the City’s, County’s, State’s and nation’s cultural, aesthetic, social, economic, political, architectural, ethnic, archaeological, engineering, historic and other heritage;

(b) Foster civic pride in the beauty and accomplishments of the past;

(c) Stabilize and improve the economic values and vitality of landmarks;

(d) Protect and enhance the City’s tourist industry by promoting heritage-related tourism;

(e) Promote the continued use, exhibition and interpretation of significant sites, districts, buildings, structures, objects, artifacts, materials and records for the education, inspiration and welfare of the people of City of Covington;

(f) Promote and continue incentives for ownership and utilization of landmarks;

(g) Assist, encourage and provide incentives to public and private owners for preservation, restoration, rehabilitation and use of landmark buildings, sites, districts, structures and objects;

(h) Assist, encourage and provide technical assistance to public agencies, public and private museums, archives and historic preservation associations and other organizations involved in the preservation, exhibition and interpretation of Covington’s heritage;

(i) Work cooperatively with all local jurisdictions to identify, evaluate, and protect historic resources in furtherance of the purposes of this chapter.

WHEREAS, the Covington Planning Commission held a public hearing on these amendments on August 17, 2017; and
WHEREAS, King County is able to provide landmark designation and protection services to the City; and

WHEREAS, the City has elected to contract with King County to provide such services; and

WHEREAS, it is in the public interest that the jurisdictions cooperate to provide efficient and cost effective landmark designation and protection;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF COVINGTON, KING COUNTY, WASHINGTON, DOES ORDAIN AS FOLLOWS:

Section 1. Findings of Fact. The “Whereas” provisions above shall constitute Findings of Fact and are incorporated by reference as if fully set forth herein.

Section 2. Landmark Commission. Covington Municipal Code Chapter 2.73 Landmarks and Heritage Commission is hereby added to read as follows:

2.73.010 Landmarks and Heritage Commission—Membership and organization.

(1) The King County Landmarks Commission (“Commission”), established pursuant to King County Code (K.C.C.), Chapter 20.62, as amended, is hereby designated and empowered to act as the Landmarks and Heritage Commission for the City of Covington pursuant to the provisions of this Chapter. Membership and organization shall be as follows:

(a) The Special Member of the Commission, provided for in Section 20.62.030 of the King County Code, shall be appointed by the Covington City Council. Such special member shall have a demonstrated interest and competence in historic preservation. Such appointment shall be made for a three-year term. Such special member shall serve until his or her successor is duly appointed and confirmed. In the event of a vacancy, an appointment shall be made to fill the vacancy in the same manner and 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, three-year terms. Such special member shall be deemed to have served one full term if such special member resigns at any time after appointment or if such special member serves more than two years of an unexpired term. The special member of the Commission shall serve without compensation.

(b) The Commission shall file its rules and regulations, including procedures consistent with this CMC Chapter 18.47, with the City Clerk.

Section 3. Repeal. The following sections of Covington Municipal Code are repealed:

18.47.010 Findings and declaration of purpose.
18.47.030 Landmarks and Heritage Commission—Membership and organization.
18.47.040 Designation criteria.
18.47.050 Nomination procedure.
18.47.060 Designation procedure.
18.47.070 Certificate of appropriateness procedure.
18.47.080 Evaluation of economic impact.
18.47.090 Appeal procedure.
18.47.100 Funding.
18.47.110 Penalty for violation of CMC 18.47.070.
18.47.120 Special valuation for historic properties.
Section 4. Protection and Preservation of Landmarks, Landmark sites and Districts.
Covington Municipal Code 18.47.010 Protection and Preservation of Landmarks, Landmark Sites and Districts, is hereby added to read as follows:

18.47.010 Protection and Preservation of Landmarks, Landmark Sites and Districts.
The following sections of King County Code Chapter 20.62 are adopted by reference, as amended below, for the protection and preservation of Landmarks, Landmark sites and Districts within the City of Covington:

(1) K.C.C. 20.62.020 – Definitions, except as follows:
   (a) Paragraph H. is changed to read “Director” means the Director of the City of Covington Department of Community Development or their designee.
   (b) Add paragraph: Z. “Council” is the City of Covington City Council.

(2) K.C.C. 20.62.040 - Designation Criteria, except all references to "King County" are changed to read “City of Covington.”

(3) K.C.C. 20.62.050 - Nomination Procedure, except that an additional requirement that all nominations must have the prior written consent of the property owner(s) is added.

(4) K.C.C. 20.62.070 - Designation Procedure, except all references to "King County" are changed to read “City of Covington.”


(6) K.C.C. 20.62.100 - Evaluation of Economic Impact.

(7) K.C.C. 20.62.110 - Appeal Procedure, except that appeals shall be filed with the City of Covington City Clerk for decision by the Covington Hearing Examiner.

(8) K.C.C. 20.62.130 - Penalty for Violation of Section 20.62.080 (CMC 18.47.010(5) above).

(9) K.C.C. 20.62.140 - Special Valuation for Historic Properties, except that the reference to King County in subsection C is changed to City of Covington.

(10) Development proposals and permit applications for changes to landmark properties shall not be considered complete unless accompanied by a certificate of appropriateness pursuant to CMC Section18.47.010(5) above. Upon receipt of an application for a development proposal or permit which affects a City of Covington landmark or an historic resource that has received a preliminary determination of significance as defined in CMC Section18.47.010(1) above, the application circulated to the King County historic preservation officer shall be deemed an application for a certificate of appropriateness pursuant to CMC Section18.47.010(5) above if accompanied by the additional information required to apply for such certificate.

Section 5. Severability. If any provision of this ordinance, or ordinance modified by it, is determined to be invalid or unenforceable for any reason, the remaining provisions of this ordinance and ordinances and/or resolutions modified by it shall remain in force and effect.

Section 6. Corrections. Upon approval of the city attorney, the city clerk and/or code reviser are authorized to make necessary corrections to this ordinance, including the correction of clerical errors; references to other local, state, or federal laws, codes, rules, or regulations; or ordinance numbering and section/subsection numbering.
Section 7. Effective Date. This ordinance shall be in full force and effect five (5) days after publication in the city’s newspaper of record. A summary of this ordinance may be published in lieu of publishing the ordinance in its entirety.

PASSED BY THE CITY COUNCIL OF THE CITY OF COVINGTON, WASHINGTON, at a regular meeting thereof on the ___day of ___, 2017, and signed in authentication of its passage.

_______________________
Mayor Jeff Wagner

PUBLISHED:
EFFECTIVE:

ATTESTED:

_______________________
Sharon Scott
City Clerk

APPROVED AS TO FORM:

_______________________
Kathy Hardy
City Attorney
REGIONAL HISTORIC PRESERVATION PROGRAM

What is the Regional Historic Preservation Program? King County is partnering with cities throughout the county to provide historic preservation services. This cooperative approach to preserving our region’s history and character has many benefits:

- cost efficient delivery of professional services
- preservation and enhancement of significant aspects of local history
- access to incentives for property owners
- access to state and federal funding sources for preservation
- basis for tourism development programs
- enhancement of community character

What are the services? Services include, but are not limited to: landmark designation and protection, preparation of landmark nomination applications, survey and inventory of historic properties, developing design guidelines, archaeological review, and assisting with preservation planning or other preservation-related work, all at the City’s option.

Who provides the services? Services are provided through the County's Historic Preservation Program (HPP), located in the Department of Natural Resources and Parks, via an interlocal agreement between King County and the participating city.

What is the cost? The County is required by state law to receive full reimbursement for its services; however, grants from the State Department of Archaeology and Historic Preservation and other funders are available to defray some costs. Cities are billed quarterly for HPP staff time. The City must authorize all work before it begins.

What are the benefits? One of the primary benefits of the program is that owners of designated landmark properties are eligible to apply for a variety of incentive programs including property tax reductions, brick-and-mortar grants, and technical assistance from qualified preservation professionals. City planners also have access to professional expertise for assistance with archaeological issues.
How is the program implemented? Cities adopt a preservation ordinance modeled after the King County ordinance and enter into an interlocal agreement (service contract) with the County. When the agreement is in place the City appoints a special member to the King County Landmarks Commission, which acts on all landmark nominations that are forwarded from the City. The City may elect to conduct design review (review of proposed changes to landmark properties) itself or have King County provide the service. Meetings involving city properties are conducted in the city whenever possible.

To date, 22 cities participate in the Regional Preservation Program.

For more information contact:

Jennifer Meisner
Historic Preservation officer
jennifer.meisner@kingcounty.gov
(206) 477-0384
20.62 PROTECTION AND PRESERVATION OF LANDMARKS, LANDMARK SITES AND DISTRICTS

Sections:

20.62.010 Findings and declaration of purpose.

20.62.020 Definitions.

20.62.030 Landmarks commission created - membership and organization.

20.62.040 Designation criteria.

20.62.050 Nomination procedure.

20.62.070 Designation procedure.

20.62.080 Certificate of appropriateness procedure.

20.62.100 Evaluation of economic impact.

20.62.110 Appeal procedure.

20.62.120 Funding.

20.62.130 Penalty for violation of Section 20.62.080.

20.62.140 Special valuation for historic properties.

20.62.150 Historic Resources - review process.

20.62.160 Administrative rules.

20.62.010 Findings and declaration of purpose. The King County council finds that:
A. The protection, enhancement, perpetuation and use of buildings, sites, districts, structures and objects of historical, cultural, architectural, engineering, geographic, ethnic and archaeological significance located in King County, and the collection, preservation, exhibition and interpretation of historic and prehistoric materials, artifacts, records and information pertaining to historic preservation and archaeological resource management are necessary in the interest of the prosperity, civic pride and general welfare of the people of King County.

B. Such cultural and historic resources are a significant part of the heritage, education and economic base of King County, and the economic, cultural and aesthetic well-being of the county cannot be maintained or enhanced by disregarding its heritage and by allowing the unnecessary destruction or defacement of such resources.

C. Present heritage and preservation programs and activities are inadequate for insuring present and future generations of King County residents and visitors a genuine opportunity to appreciate and enjoy our heritage.

D. The purposes of this chapter are to:

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

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

3. Stabilize and improve the economic values and vitality of landmarks;

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

5. Promote the continued use, exhibition and interpretation of significant historical or archaeological sites, districts, buildings, structures, objects, artifacts, materials and records for the education, inspiration and welfare of the people of King County;

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. Assist, encourage and provide technical assistance to public agencies, public and private museums, archives and historic preservation associations and other organizations involved in historic preservation and archaeological resource management; and

9. Work cooperatively with all local jurisdictions to identify, evaluate, and protect historic resources in furtherance of the purposes of this chapter. (Ord. 14482 § 68, 2002: Ord. 10474 § 1, 1992: Ord. 4828 § 1, 1980).

20.62.020 Definitions. 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. 20.62.070.

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.


20.62.030 Landmarks commission created - membership and organization.

A. There is created the King County landmarks commission which shall consist of nine regular members and special members selected as follows:
1. Of the nine regular members of the commission at least three shall be professionals who have experience in identification, evaluation, and protection of historic resources and have been selected from among the fields of history, architecture, architectural history, historic preservation, planning, cultural anthropology, archaeology, cultural geography, landscape architecture, American studies, law, or other historic preservation related disciplines. The nine regular members of the commission shall be appointed by the county executive, subject to confirmation by the council, provided that no more than four members shall reside within any one municipal jurisdiction. All regular members shall have a demonstrated interest and competence in historic preservation.

2. The county executive may solicit nominations for persons to serve as regular members of the commission from the Association of King County Historical Organizations, the American Institute of Architects (Seattle Chapter), the Seattle King County Bar Association, the Seattle Master Builders, the chambers of commerce, and other professional and civic organizations familiar with historic preservation.

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

B. Appointments of regular members, except as provided in subsection C of this section, shall be made for a three-year term. Each regular member shall serve until his or her successor is duly appointed and confirmed. Appointments shall be effective on June 1st of each year. 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. Any member may be reappointed, but may not serve more than two consecutive three-year terms. A member shall be deemed to have served one full term if such member resigns at any time after appointment or if such member serves more than two years of an unexpired term. The members of the commission shall serve without compensation except for out-of-pocket expenses incurred in connection with commission meetings or programs.

C. After May 4, 1992, the term of office of members becomes effective on the date the council confirms the appointment of commission members and the county executive shall appoint or reappoint three members for a three-year term, three members for a two-year term, and three members for a one-year term. For purposes
of the limitation on consecutive terms in subsection B of this section an appointment for a one-or a two-year term shall be deemed an appointment for an unexpired term.

D. The chair shall be a member of the commission and shall be elected annually by the regular commission members. The commission shall adopt, in accordance with K.C.C. chapter 2.98, rules and regulations, including procedures, consistent with this chapter. The members of the commission shall be governed by the King County code of ethics, K.C.C. chapter 3.04. The commission shall not conduct any public hearing required under this chapter until rules and regulations have been filed as required by K.C.C. chapter 2.98.

E. A special member of the commission shall be a voting member solely on matters before the commission involving the designation of landmarks within the municipality from which such special member was appointed.

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

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

H. The county executive shall provide staff support to the commission and shall assign a professionally qualified county employee to serve as a full-time historic preservation officer. Under the direction of the commission, the historic preservation officer shall be the custodian of the commission's records. The historic preservation officer or his or her designee shall conduct official correspondence, assist in organizing the commission and organize and supervise the commission staff and the clerical and technical work of the commission to the extent required to administer this chapter.

I. The commission shall meet at least once each month for the purpose of considering and holding public hearings on nominations for designation and applications for certificates of appropriateness. Where no business is scheduled to come before the commission seven days before the scheduled monthly meeting, the
chair of the commission may cancel the meeting. All meetings of the commission shall be open to the public. The commission shall keep minutes of its proceedings, showing the action of the commission upon each question, and shall keep records of all official actions taken by it, all of which shall be filed in the office of the historic preservation officer and shall be public records.

J. At all hearings before and meetings of the commission, all oral proceedings shall be electronically recorded. The proceedings may also be recorded by a court reporter if any interested person at his or her expense shall provide a court reporter for that purpose. A tape recorded copy of the electronic record of any hearing or part of a hearing shall be furnished to any person upon request and payment of the reasonable expense of the copy.

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

L. Commission records, maps or other information identifying the location of archaeological sites and potential sites shall be exempt from public disclosure as specified in RCW 42.17.310 in order to avoid looting and depredation of the sites. (Ord. 14482 § 70, 2002; Ord. 10474 § 3, 1992; Ord. 10371 § 1, 1992; Ord. 4828 § 3, 1980).

20.62.040 Designation criteria.

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, 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;

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

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 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 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 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. (Ord. 17635 § 2, 2013: Ord. 10474 § 4, 1992: Ord. 4828 § 4, 1980).

20.62.050 Nomination procedure.

A. Any person, including the historic preservation officer and any member of the commission, may nominate an historic resource for designation as a landmark or community landmark. The procedures set forth in Sections 20.62.050 and 20.62.080 may be used to amend existing designations or to terminate an existing designation based on changes which affect the applicability of the criteria for designation set forth in Section 20.62.040. The nomination or designation of an historic resource as a landmark shall constitute nomination or designation of the land which is occupied by the historic resource unless the nomination provides otherwise. Nominations shall be made on official nomination forms provided by the historic preservation officer, shall be filed with the historic preservation officer, and shall include all data required by the commission.

B. Upon receipt by the historic preservation officer of any nomination for designation, the officer shall review the nomination, consult with the person or persons submitting the nomination, and the owner, and prepare any amendments to or additional information on the nomination deemed necessary by the officer. The historic preservation officer may refuse to accept any nomination for which inadequate information is provided by the person or persons submitting the nomination. It is the responsibility of the person or persons submitting the nomination to perform such research as is necessary for consideration by the commission. The historic preservation officer may assume responsibility for gathering the required information or appoint an expert or experts to carry out this research in the interest of expediting the consideration.
C. When the historic preservation officer is satisfied that the nomination contains sufficient information and complies with the commission's regulations for nomination, the officer shall give notice in writing, certified mail/return receipt requested, to the owner of the property or object, to the person submitting the nomination and interested persons of record that a preliminary or a designation determination on the nomination will be made by the commission. The notice shall include:

1. The date, time, and place of hearing;

2. The address and description of the historic resource and the boundaries of the nominated resource;

3. A statement that, upon a designation or upon a preliminary determination of significance, the certificate of appropriateness procedure set out in Section 20.62.080 will apply;

4. A statement that, upon a designation or a preliminary determination of significance, no significant feature may be changed without first obtaining a certificate of appropriateness from the commission, whether or not a building or other permit is required. A copy of the provisions of Section 20.62.080 shall be included with the notice;

5. A statement that all proceedings to review the action of the commission at the hearing on a preliminary determination or a designation will be based on the record made at such hearing and that no further right to present evidence on the issue of preliminary determination or designation is afforded pursuant to this chapter.

D. The historic preservation officer shall, after mailing the notice required herein, refer the nomination and all supporting information to the commission for consideration on the date specified in the notice. No nomination shall be considered by the commission less than thirty nor more than forty five calendar days after notice setting the hearing date has been mailed except where the historic preservation officer or members of the commission have reason to believe that immediate action is necessary to prevent destruction, demolition or defacing of an historic resource, in which case the notice setting the hearing shall so state. (Ord. 10474 § 5, 1992: Ord. 4828 § 5, 1980).

20.62.070 Designation procedure.
A. The commission may approve, deny, amend or terminate the designation of a historic resource as a landmark or community landmark only after a public hearing. At the designation hearing the commission shall receive evidence and hear argument only on the issues of whether the historic resource meets the criteria for designation of landmarks or community landmarks as specified in K.C.C. 20.62.040 and merits designation as a landmark or community landmark; and the significant features of the landmark. The hearing may be continued from time to time at the discretion of the commission. If the hearing is continued, the commission may make a preliminary determination of significance if the commission determines, based on the record before it that the historic resource is of significant value and likely to satisfy the criteria for designation in K.C.C. 20.62.040. The preliminary determination shall be effective as of the date of the public hearing at which it is made. Where the commission makes a preliminary determination it shall specify the boundaries of the nominated resource, the significant features thereof and such other description of the historic resource as it deems appropriate. Within five working days after the commission has made a preliminary determination, the historic preservation officer shall file a written notice of the action with the director and mail copies of the notice, certified mail, return receipt requested, to the owner, the person submitting the nomination and interested persons of record. The notice shall include:

1. A copy of the commission's preliminary determination; and

2. A statement that while proceedings pursuant to this chapter are pending, or six months from the date of the notice, whichever is shorter, and thereafter if the designation is approved by the commission, the certificate of appropriateness procedures in K.C.C. 20.62.080, a copy of which shall be enclosed, shall apply to the described historic resource whether or not a building or other permit is required. The decision of the commission shall be made after the close of the public hearing or at the next regularly scheduled public meeting of the commission thereafter.

B. Whenever the commission approves the designation of a historic resource under consideration for designation as a landmark, it shall, within fourteen calendar days of the public meeting at which the decision is made, issue a written designation report, which shall include:

1. The boundaries of the nominated resource and such other description of the resource sufficient to identify its ownership and location;

2. The significant features and such other information concerning the historic resource as the commission deems appropriate;
3. Findings of fact and reasons supporting the designation with specific reference to the criteria for designation in K.C.C. 20.62.040; and

4. A statement that no significant feature may be changed, whether or not a building or other permit is required, without first obtaining a certificate of appropriateness from the commission in accordance with K.C.C. 20.62.080, a copy of which shall be included in the designation report. This subsection B.4. shall not apply to historic resources designated as community landmarks.

C. Whenever the commission rejects the nomination of a historic resource under consideration for designation as a landmark, it shall, within fourteen calendar days of the public meeting at which the decision is made, issue a written decision including findings of fact and reasons supporting its determination that the criteria in K.C.C. 20.62.040 have not been met. If a historic resource has been nominated as a landmark and the commission designates the historic resource as a community landmark, the designation shall be treated as a rejection of the nomination for King County landmark status and the foregoing requirement for a written decision shall apply. Nothing contained herein shall prevent renominating any historic resource rejected under this subsection as a King County landmark at a future time.

D. A copy of the commission's designation report or decision rejecting a nomination shall be delivered or mailed to the owner, to interested persons of record and the director within five working days after it is issued. If the commission rejects the nomination and it has made a preliminary determination of significance with respect to the nomination, it shall include in the notice to the director a statement that K.C.C. 20.62.080 no longer applies to the subject historic resources.

E. If the commission approves, or amends a landmark designation, K.C.C. 20.62.080 shall apply as approved or amended. A copy of the commission's designation report or designation amendment shall be recorded with the records and licensing services division, or its successor agency, together with a legal description of the designated resource and notification that K.C.C. 20.62.080 and 20.62.130 apply. If the commission terminates the designation of a historic resource, K.C.C. 20.62.080 shall no longer apply to the historic resource. (Ord. 15971 § 92, 2007: Ord. 14482 § 71, 2002: Ord. 14176 § 4, 2001: Ord. 11620 § 14, 1994: Ord. 10474 § 6, 1992: Ord. 4828 § 7, 1980).

20.62.080 Certificate of appropriateness procedure.
A. At any time after a designation report and notice has been filed with the director and for a period of six months after notice of a preliminary determination of significance has been mailed to the owner and filed with the director, a certificate of appropriateness must be obtained from the commission before any alterations may be made to the significant features of the landmark identified in the preliminary determination report or thereafter in the designation report. The designation report shall supersede the preliminary determination report. This requirement shall apply whether or not the proposed alteration also requires a building or other permit. The requirements of this section shall not apply to any historic resource located within incorporated cities or towns in King County, except as provided by applicable interlocal agreement.

B. Ordinary repairs and maintenance which do not alter the appearance of a significant feature and do not utilize substitute materials do not require a certificate of appropriateness. Repairs to or replacement of utility systems do not require a certificate of appropriateness provided that such work does not alter an exterior significant feature.

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

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

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

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

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

The historic preservation officer may approve Type I certificates of appropriateness administratively without public hearing, subject to procedures adopted by the commission. Alternatively the historic preservation officer may refer applications for Type I certificates of appropriateness to the commission for decision. The commission shall adopt an appeals procedure concerning Type I decisions made by the historic preservation officer.

Type II and III certificates of appropriateness shall be decided by the commission and the following general procedures shall apply to such commission actions:
1. Application for a certificate of appropriateness shall be made by filing an application for such certificate with the historic preservation officer on forms provided by the commission.

2. If an application is made to the director for a permit for any action which affects a landmark, the director shall promptly refer such application to the historic preservation officer, and such application shall be deemed an application for a certificate of appropriateness if accompanied by the additional information required to apply for such certificate. The director may continue to process such permit application, but shall not issue any such permit until the time has expired for filing with the director the notice of denial of a certificate of appropriateness or a certificate of appropriateness has been issued pursuant to this chapter.

3. After the commission has commenced proceedings for the consideration of any application for a certificate of appropriateness by giving notice of a hearing pursuant to subsection 3 of this section, no other application for the same or a similar alteration may be made until such proceedings and all administrative appeals therefrom pursuant to this chapter have been concluded.

4. Within forty five calendar days after the filing of an application for a certificate of appropriateness with the commission or the referral of an application to the commission by the director except those decided administratively by the historic preservation officer pursuant to subsection 2 of this section, the commission shall hold a public hearing thereon. The historic preservation officer shall mail notice of the hearing to the owner, the applicant, if the applicant is not the owner, and parties of record at the designation proceedings, not less than ten calendar days before the date of the hearing. No hearing shall be required if the commission, the owner and the applicant, if the applicant is not the owner, agree in writing to a stipulated certificate approving the requested alterations thereof. This agreement shall be ratified by the commission in a public meeting and reflected in the commission meeting minutes. If the commission grants a certificate of appropriateness, such certificate shall be issued forthwith and the historic preservation officer shall promptly file a copy of such certificate with the director.

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

D. The commission shall adopt such other supplementary procedures consistent with K.C.C. 2.98 as it determines are required to carry out the intent of this section. (Ord. 11620 § 15, 1994: Ord. 10474 § 7, 1992: Ord. 4828 § 8, 1980).
20.62.100 Evaluation of economic impact.

A. At the public hearing on any application for a Type II or Type III certificate of appropriateness, or Type I if referred to the commission by the historic preservation officer, the commission shall, when requested by the property owner, consider evidence of the economic impact on the owner of the denial or partial denial of a certificate. In no case may a certificate be denied, in whole or in part, when it is established that the denial or partial denial will, when available incentives are utilized, deprive the owner of a reasonable economic use of the landmark and there is no viable and reasonable alternative which would have less impact on the features of significance specified in the preliminary determination report or the designation report.

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

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

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

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

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

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

      (4) Real estate taxes for the previous four (4) years and assessed value of the landmark according to the two (2) most recent assessed valuations;
(5) All appraisals obtained within the previous three (3) years by the owner in connection with the purchase, financing or ownership of the landmark;

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

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

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

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

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

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

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

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

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

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

(3) Estimated market value of the landmark in the current condition after completion of the proposed alteration; and, in the case of proposed demolition, after renovation of the landmark for continued use;
(4) In the case of proposed demolition, the testimony of an architect, developer, real estate consultant, appraiser or other real estate professional experienced in historic restoration or rehabilitation as to the economic feasibility of rehabilitation or reuse of the existing landmark;

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

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

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

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

D. Upon reasonable notice to the owner, the commission may appoint an expert or experts to provide advice and/or testimony concerning the value of the landmark, the availability of incentives and the economic impacts of approval, denial or partial denial of a certificate of appropriateness.

E. Any adverse economic impact caused intentionally or by willful neglect shall not constitute a basis for granting a certificate of appropriateness.  (Ord. 10474 § 8, 1992:  Ord. 4828 § 10, 1980).

20.62.110 Appeal procedure. Any person 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 [file a statement of appeal, with the historic preservation officer, in accordance with K.C.C.* 20.22.080.  (Ord. 18230 § 123, 2016: Ord. 10474 § 9, 1992: Ord. 4828 § 11, 1980).

*Reviser’s note:  Added but not underlined in Ordinance 18230.  See K.C.C. 1.24.075.

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

1. Maintaining, purchasing or restoring historic resources located within King County which it deems significant pursuant to the goals, objectives and criteria set forth in this chapter if such historic resources have been nominated or designated as landmarks pursuant to this chapter or have been designated as landmarks by municipalities within King County or by the State of Washington, or are listed on the National Historic Landmarks Register, the National Register of Historic Places; and

2. Developing and conducting programs relating to historic preservation and archaeological resource management. The commission shall establish rules and regulations consistent with K.C.C. chapter 2.98 governing procedures for applying for and awarding of grant moneys pursuant to this section.

B. The commission may, at the request of the historic preservation officer, review proposals submitted by county agencies to fund historic preservation and archaeological projects through the Housing and Community Development Act of 1974 (42 U.S.C. Secs. 5301 et seq.), the State and Local Fiscal Assistance Act of 1972 (31 U.S.C. Secs. 1221 et seq.) and other applicable local, state and federal funding programs. Upon review of such grant proposals, the commission may make recommendations to the county executive and county council concerning which proposals should be funded, the amount of the grants that should be awarded, the conditions that should be placed on the grant, and such other matters as the commission deems appropriate. The historic preservation officer shall keep the commission apprised of the status of grant proposals, deadlines for submission of proposals and the recipients of grant funds. (Ord. 14482 § 72, 2002: Ord. 10474 § 10, 1992: Ord. 4828 § 12, 1980).

20.62.130 Penalty for violation of Section 20.62.080. Any person violating or failing to comply with the provisions of Section 20.62.080 of this chapter shall incur a civil penalty of up to five hundred dollars per day and each day's violation or failure to comply shall constitute a separate offense; provided, however, that no penalty shall be imposed for any violation or failure to comply which occurs during the pendency of legal proceedings filed in any court challenging the validity of the provision or provisions of this chapter, as to which such violations or failure to comply is charged. (Ord. 4828 § 13, 1980).
20.62.140 Special valuation for historic properties.

A. There is hereby established and implemented a special valuation for historic properties as provided in chapter 84.26 RCW.

B. The King County landmarks commission is hereby designated as the local review board for the purposes related to chapter 84.26 RCW, and is authorized to perform all functions required by chapter 84.16 RCW and chapter 254-20 WAC.

C. All King County landmarks designated and protected under this chapter shall be eligible for special valuation in accordance with chapter 84.26 RCW. (Ord. 14482 § 73, 2002: Ord. 10474 § 12, 1992: Ord. 9237 §§ 1-3, 1989).

20.62.150 Historic Resources - review process.

A. King County shall not approve any development proposal or otherwise issue any authorization to alter, demolish, or relocate any historic resource identified in the King County Historic Resource Inventory, pursuant to the requirements of this chapter. The standards contained in K.C.C. 21A.12, Development Standards - Density and Dimensions and K.C.C. 21A.16, Development Standards - Landscaping and Water Use shall be expanded, when necessary, to preserve the aesthetic, visual and historic integrity of the historic resource from the impacts of development on adjacent properties.

B. Upon receipt of an application for a development proposal located on or adjacent to a historic resource listed in the King County Historic Resource Inventory, the director shall follow the following procedure:

1. The development proposal application shall be circulated to the King County historic preservation officer for comment on the impact of the project on historic resources and for recommendation on mitigation. This includes all permits for alterations to historic buildings, alteration to landscape elements, new construction on the same or abutting lots, or any other action requiring a permit which might affect the historic character of the resource. Information required for a complete permit application to be circulated to the historic preservation officer shall include:

   a. a vicinity map;

   b. a site plan showing the location of all buildings, structures, and landscape features;
c. a brief description of the proposed project together with architectural
drawings showing the existing condition of all buildings, structures, landscape
features and any proposed alteration to them;

d. photographs of all buildings, structures, or landscape features on the site;
and

e. an environmental checklist, except where categorically exempt under
King County SEPA guidelines.

2. Upon request, the historic preservation officer shall provide information
about available grant assistance and tax incentives for historic preservation. The
officer may also provide the owner, developer, or other interested party with examples
of comparable projects where historic resources have been restored or rehabilitated.

3. In the event of a conflict between the development proposal and
preservation of an historic resource, the historic preservation officer shall:

a. suggest appropriate alternatives to the owner/developer which achieve
the goals of historic preservation;

b. recommend approval, or approval with conditions to the director of the
department of development and environmental services; or

c. propose that a resource be nominated for county landmark designation
according to procedures established in the landmarks preservation ordinance (K.C.C.
20.62).

4. The director may continue to process the development proposal
application, but shall not issue any development permits or issue a SEPA threshold
determination until receiving a recommendation from the historic preservation
officer. In no event shall review of the proposal by the historic preservation officer
delay permit processing beyond any period required by law. Permit applications for
changes to landmark properties shall not be considered complete unless accompanied
by a certificate of appropriateness pursuant to K.C.C. 20.62.080.

5. On known archaeological sites, before any disturbance of the site,
including, but not limited to test boring, site clearing, construction, grading or
revegetation, the State Office of Archaeology and Historic Preservation (OAHP), and
the King County historic preservation officer, and appropriate Native American tribal
organizations must be notified and state permits obtained, if required by law. The
officer may require that a professional archaeological survey be conducted to identify
site boundaries, resources and mitigation alternatives prior to any site disturbance and that a technical report be provided to the officer, OAHP and appropriate tribal organizations. The officer may approve, disapprove or require permits conditions, including professional archeological surveys, to mitigate adverse impacts to known archeological sites.

C. Upon receipt of an application for a development proposal which affects a King County landmark or an historic resource that has received a preliminary determination of significance as defined by K.C.C. 20.62.020V, the application circulated to the King County historic preservation officer shall be deemed an application for a certificate of appropriateness pursuant to K.C.C. 20.62.080 if accompanied by the additional information required to apply for such certificate. (Ord. 11620 § 12, 1994).

20.62.160 Administrative rules. The director may promulgate administrative rules and regulations pursuant to K.C.C. 2.98, to implement the provisions and requirements of this chapter. (Ord. 11620 § 16, 1994).
RESOLUTION NO.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COVINGTON, KING COUNTY, WASHINGTON, AUTHORIZING THE CITY MANAGER TO EXECUTE AN INTERLOCAL AGREEMENT WITH KING COUNTY FOR LANDMARK DESIGNATION AND PRESERVATION SERVICES

WHEREAS, the City was incorporated in 1997, and

WHEREAS, local governmental authority and jurisdiction with respect to the designation and protection of landmarks within the city limits resides with the City; and,

WHEREAS, the City desires to protect and preserve the historic buildings, structures, districts, sites, objects, and archaeological sites within the City for the benefit of present and future generations; and

WHEREAS, the County is able to provide landmark designation and protection services for the City; and

WHEREAS, the City has elected to contract with the County to provide such services; and

WHEREAS, the costs incurred by the City for the County review services should be offset by an application review fee; and

WHEREAS, it is in the public interest that the jurisdictions cooperate to provide efficient and cost effective landmark designation and protection; and

WHEREAS, pursuant to R.C.W. 39.34, the Interlocal Cooperation Act, the parties are each authorized to enter into an agreement for cooperative action;

BE IT RESOLVED by the City Council of the City of Covington, King County, Washington, as follows:

Section 1. The City Manager is hereby authorized to enter into an interlocal agreement for Landmark Designation and Preservation services with King County in substantial form as Exhibit A (“Agreement”).

Section 2. The City’s Fee Resolution is hereby amended to provide that the costs incurred by the City for King County’s Landmark Designation and Preservation Program Services shall be paid by the applicant.
Section 3. If any provisions of this resolution, and/or the attached Agreement is determined to be or unenforceable for any reason, the remaining provisions of this resolution and/or the attached Agreement shall remain in force and affect.

PASSED in open and regular session on this __ day of ________ 2017.

_____________________________________
Jeff Wagner, MAYOR

ATTESTED:

_____________________________________
Sharon Scott, City Clerk

APPROVED AS TO FORM:

_____________________________________
Kathy Hardy, City Attorney
AN AGREEMENT BETWEEN KING COUNTY AND THE CITY OF COVINGTON RELATING TO LANDMARK DESIGNATION AND PROTECTION SERVICES

THIS IS AN AGREEMENT between King County, a home rule charter county and a political subdivision of the State of Washington, hereinafter referred to as the "County," and the City of Covington, a municipal corporation of the State of Washington, hereinafter referred to as the "City".

WHEREAS, the City is incorporated; and

WHEREAS, local governmental authority and jurisdiction with respect to the designation and protection of landmarks within the city limits resides with the City; and

WHEREAS, the City desires to protect and preserve the historic buildings, structures, districts, sites, objects, and archaeological sites within the city for the benefit of present and future generations; and

WHEREAS, the County is able to provide landmark designation and protection services for the City; and

WHEREAS, the City has elected to contract with the County to provide such services; and

WHEREAS, it is in the public interest that the jurisdictions cooperate to provide efficient and cost effective landmark designation and protection; and

WHEREAS, pursuant to R.C.W. 39.34, the Interlocal Cooperation Act, the parties are each authorized to enter into an agreement for cooperative action;

NOW THEREFORE, the County and the City hereby agree:

1. Services. At the request of the City, the County shall provide landmark designation and protection services using the criteria and procedures adopted in King County Ordinance 10474, King County Code (K.C.C.), Chapter 20.62 within the City limits, to the extent that chapter is adopted by and as amended by the Covington Municipal Code.

2. City's Responsibilities

   A. Adopt an ordinance establishing regulations and procedures for the designation of historic buildings, structures, objects, districts, sites, objects, and archaeological sites as landmarks and for the protection of landmarks. Regulations and procedures shall be
substantially the same as the regulations and procedures set forth in K.C.C. Chapter 20.62. The ordinance shall provide that the King County Landmarks Commission, with the addition of a special member, acting as the City of Covington Landmarks Commission (Commission) shall have the authority to designate and protect landmarks within the City limits in accordance with the City ordinance. The ordinance shall include:

1) Provision for the appointment of a special member to the Commission as provided by K.C.C. Chapter 20.62.030.

2) A provision that appeals from decisions of the Commission pertaining to real property within the City limits shall be taken to the City Hearing Examiner.

3) A provision for penalties for violation of the certificate of appropriateness procedures (K.C.C. Chapter 20.62.080).

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

B. Appoint a Special Member to the Commission in accordance with the ordinance adopted by the City. Pursuant to K.C.C. Chapter 20.62 such Special Member shall be a voting member of the Commission on all matters relating to or affecting landmarks within the City, except review of applications to the Special Valuation Tax Program, and the Current Use Taxation Program.

C. Except as to Section 5, the services provided by the County pursuant to this agreement do not include legal services.

3. County Responsibilities

A. Process all landmark nomination applications and conduct planning, training, and public information tasks necessary to support landmarking activities in the City. Such tasks shall be defined by mutual agreement of both parties on an annual basis.

B. Process all Certificate of Appropriateness applications to alter, demolish, or move any significant feature of a landmark property within the City limits.

C. Act as the "Local Review Board" for the purposes related to Chapter 221, 1986 Laws of Washington, (R.C.W. 84.26 and WAC 254.20) for the special valuation of historic properties within the city limits.
D. Review and comment on applications for permits which affect historic buildings, structures, objects, sites, districts, and archaeological sites. Comments shall be forwarded to the City official responsible for the issuance of building and related permits.

4. Compensation

A. Costs. The City shall reimburse the County fully for all costs incurred in providing services under this contract, including overhead and indirect administrative costs. Costs charged to the City may be reduced by special appropriations, grants, or other supplemental funds, by mutual agreement of both parties. The rate of reimbursement to the County for labor costs shall be revised annually.

B. Billing. The County shall bill the City quarterly. The quarterly bill shall reflect actual costs plus the annual administrative overhead rate. Payments are due within 30 days of invoicing by the County.

5. Indemnification

A. The County shall indemnify and hold harmless the City and its officers, agents and employees or any of them from any and all claims, actions, suits, liability, loss, costs, expenses, and damages of any nature whatsoever, by reason or arising out of any negligent act or omission of the County, its officers, agents, and employees, or any of them, in providing services pursuant to this agreement. In the event that any suit based upon such a claim, action, loss, or damage is brought against the City, the County shall defend the same at its sole cost and expense; provided, that the City retains the right to participate in said suit if any principle of governmental or public law is involved; and if final judgment be rendered against the City and its officers, agents, employees, or any of them, or jointly against the City and the County and their respective officers, agents and employees, or any of them, the County shall satisfy the same.

B. In executing this agreement, the County does not assume liability or responsibility for or in any way release the City from any liability or responsibility which arises in whole or in part from the existence or effect of City ordinances, rules or regulations, policies or procedures. If any cause, claim, suit, actions or administrative proceeding is commenced regarding the enforceability and/or validity of any ordinance, rule or regulation of either party, said party shall defend the same at its sole expense and if judgment is entered or damages are awarded against said party, said party shall satisfy the same, including all chargeable costs and attorneys’ fees.

C. The City shall indemnify and hold harmless the County and its officers, agents, and employees, or any of them from any and all claims, actions, suits, liability, loss, costs, expenses and damages of any nature whatsoever, by reason of or arising out of any negligent act or omission of the City, its officers, agents, and employees, or any of them. In the event that any suit based upon such a claim, action, loss or damage is brought against the County, the City shall defend the same at its sole cost and expense; provided
that the County retains the right to participate in said suit if any principle of governmental or public laws is involved; and if final judgment be rendered against the County, and its officers, agents, and employees, or any of them, the City shall satisfy the same.

D. The City and the County acknowledge and agree that if such claims, actions, suits, liability, loss, costs, expenses and damages are caused by or result from the concurrent negligence of the City, its agents, employees, and/or officers and the County, its agents, employees, and/or officers, this Article shall be valid and enforceable only to the extent of the negligence of each party, its agents, employees and/or officers.

6. Interlocal Cooperation Act

A. **Purpose.** The purpose of this agreement is for the City of Covington and King County to partner to provide historic preservation services within the corporate boundaries of the City.

B. **Administration.** This agreement shall be administered for the County by the Director of the Department of Natural Resources and Parks, or the director’s designee, and for the City by the City Manager or his/her designee.

C. **Budget and Financing.** No special budget or funds are anticipated, nor will the parities jointly acquire, hold or dispose of real or personal property.

D. **Duration.** This agreement is effective beginning upon execution, and shall continue until terminated pursuant to the terms of this agreement.

E. This Agreement will be recorded by the County or otherwise be made public by it in conformance with the Interlocal Cooperation Act.

7. **Termination.** Either party may terminate this agreement by thirty (30) days written notice from one party to the other.

8. **Amendments.** This Agreement may be amended at any time by mutual written agreement of the parties.

IN WITNESS WHEREOF, the parties have executed this agreement this _______ day of ______________, 2017.

**CITY OF COVINGTON**

By: ______________________________
    Regan Bolli
    City Manager

**KING COUNTY**

By: ______________________________
    Dow Constantine
    King County Executive
Approved as to form:

By: __________________________________
    King County Prosecutor

ATTESTED:

______________________________
Sharon Scott, City Clerk

APPROVED AS TO FORM:

___________________________
Kathy Hardy, City Attorney
Memo

To: Planning Commission
From: Ann Mueller, Senior Planner
Date: August 17, 2017
Re: Public Hearing on Zoning Code Amendments related to removing all references to Mineral zoning and associated development standards & regulations.

Attachments:
1) Ordinance Repealing the Mineral zoning district and associated development standards and regulations.

At the Planning Commission’s August 3, 2017, regularly schedule public meeting staff provided an overview of the proposal to remove the Mineral zoning designation and associated development standards and regulations to make the Covington Municipal Code (CMC) Title 19 consistent with the Comprehensive Plan.

This is a city-initiated code amendment consistent with CMC Chapter 14.27 Development Regulations and Zoning Map Amendments. Tonight, the Planning Commission is holding the required public hearing on the attached ordinance, to consider the amendments and any public comments, and to forward a recommendation to the City Council as to whether each proposed amendment meets the criteria in CMC Section 14.27.040.

Attachment #1 is a draft of the ordinance which contains the proposed amendments to remove the Mineral zoning designation and any associated zoning regulations or development standards for the Mineral zone or mineral extraction activities from CMC Title 18.

CMC 14.27.040 Decision criteria.
The City Council’s approval, modification, deferral, or denial of an amendment proposal shall be based on the following criteria:

1) The proposed amendment is consistent with the goals, objectives, and policies of the comprehensive plan;

Staff Findings: The purpose of these amendments will make the city’s zoning code consistent with the Covington Comprehensive Plan 2010-2035 which removed the designation of Mineral on the Future Land Use Map (FLUM) where the former Lakeside gravel mine had historically operated and designated that area as the Lakepointe Urban Village Subarea on the FLUM.

2) The proposed amendment is consistent with the scope and purpose of the City’s zoning ordinances and the description and purpose of the zone classification applied for;

Staff Findings: The proposed amendments will remove language that is no longer needed or consistent with the city’s long range planning. There are no other properties within the city with mineral extraction operations, and none have been identified on the FLUM for Mineral designation.
(3) Circumstances have changed substantially since the establishment of the current zoning map or district to warrant the proposed amendment;

**Staff Findings:** Not Applicable. There is no proposed zoning map amendment proposed.

(4) The proposed zoning is consistent and compatible with the uses and zoning of surrounding property;

**Staff Findings:** Not Applicable. There is no proposed zoning map amendment proposed.

(5) The property that is the subject of the amendment is suited for the uses allowed in the proposed zoning classification;

**Staff Findings:** These proposed amendments apply city-wide. There is no longer any property zoned Mineral within the City of Covington.

(6) The amendment is in compliance with the three-year limitation rule as specified in CMC 14.27.030(3); and

**Staff Findings:** These proposed amendments have not been proposed or reviewed by the City in the last three years.

(7) Adequate public services could be made available to serve the full range of proposed uses in that zone.

**Staff Findings:** Not Applicable.

**Procedural Requirements.**

**Required Notice to the State Department of Commerce.**

Pursuant to state law and CMC Section 14.27.050(4), the city has provided the Washington State Department of Commerce a copy of the proposed code amendments more than 60-days prior to the expected date of final City Council action. City staff provided drafts of the propose code amendments to the Department of Commerce on July 17, 2017. Commerce then distributes the drafts to state agencies for review and comment. No comments have been received on these amendments.

**SEPA**

A SEPA determination of nonsignificance was issued for these proposed amendments on July 28, 2017, with a legal notice placed in the Covington Reporter, posted at city hall, and on the city’s website. Copies were also provided to the SEPA register, Muckleshoot Indian Tribe, and Department of Ecology.

**Planning Commission Hearing**

These amendments are a legislative action, and the public hearing before the Planning Commission are scheduled for August 17, 2017. The Commissioners will take public testimony, review comments and make a final recommendation to the City Council. Consistent with CMC 14.30.060, notice of this Planning Commission public hearing was published in the Covington Reporter on July 28, 2017, more than 14-days prior to the scheduled public hearing. Notice was also posted on the city’s website and at city hall.

**Recommended Motion:**

Move to recommend the City Council approve the proposed Zoning Code amendments to CMC Title 18, in substantial form as found in Attachment 1, finding that the amendments are in accordance with the Covington Comprehensive Plan and CMC 14.27.040 Decision criteria for code amendments.

**Alternative Motion:** Move to continue the public hearing on the proposed amendments to _______________ and request staff _________________.

_______________________________

growing toward greatness.
ORDINANCE NO. __-2017

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COVINGTON, KING COUNTY, WASHINGTON AMENDING THE COVINGTON MUNICIPAL CODE TITLE 18 ZONING CODE TO REMOVE THE MINERAL ZONING DESIGNATION AND ASSOCIATED DEVELOPMENT REGULATIONS AND STANDARDS ASSOCIATED WITH MINERAL USES.

WHEREAS, Chapter 35A.63 of the Revised Code of Washington (RCW) empowers the City of Covington to enact land use and zoning regulations including animal control regulations; and

WHEREAS, city staff transmitted these proposed amendments to Covington’s Municipal Code Title 18 Zoning to the to the Washington State Department of Commerce on July 17, 2017, as required under RCW 36.70A.106, and has received no comments from state agencies; and

WHEREAS, the city’s SEPA Official conducted a SEPA review and issued a Determination of Non-Significance on July 28, 2017; and

WHEREAS, these amendments to Covington’s Zoning Code were discussed by Planning Commission at their August 3, 2017 meeting; and

WHEREAS, on August 17, 2017 the Planning Commission held a duly noticed public hearing and considered the amendments to the Zoning Code CMC Title 18 and forwarded a recommendation to approve to the City Council; and

WHEREAS, the proposed amendments are consistent with the goals, objectives, and policies of the comprehensive plan; and

WHEREAS, the City Council, upon review of the facts, findings and recommendations of the Planning Commission and after reviewing information provided by city staff, find that all applicable and substantive requirements of the law have been met, that the adoption of this ordinance promotes the public health, safety and general welfare of the community, and that the adoption of this ordinance serves the public interest.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF COVINGTON, KING COUNTY, WASHINGTON, DOES ORDAIN AS FOLLOWS:

Section 1 CMC 18.10.080 Amended. Covington Municipal Code Section 18.10.080 is hereby amended as follows:

(2) The Director shall have the authority to grant, condition or deny applications for reasonable use permits, short plat applications, boundary line adjustments, and commercial site development permits, and renewals of permits for mineral extraction and processing, unless a public hearing is required as set forth in Chapter 14.30 CMC, in which case this authority shall be exercised by the Hearing Examiner.

Section 2 CMC 18.15.010 Amended. Covington Municipal Code Section 18.15.010 is hereby amended to delete “Mineral” zoning designation and “M” zoning map symbol from the table.
Section 3 CMC 18.15.030 Repealed in its entirety. Covington Municipal Code Section 18.15.030 is hereby repealed in its entirety.

Section 4 CMC 18.25.030 Amended. Covington Municipal Code Section 18.25.030 A. is hereby amended to delete the “M” symbol and column from Table A.

Section 5 CMC 18.25.040 Amended. Covington Municipal Code Section 18.25.040 A. is hereby amended to delete the “M” symbol and column from Table A.

Section 6 CMC 18.25.050 Amended. Covington Municipal Code Section 18.25.050 A. is hereby amended to delete the “M” symbol and column from Table A.

Section 7 CMC 18.25.060 Amended. Covington Municipal Code Section 18.25.060 is hereby amended as follows:

18.25.060 A. delete the “M” symbol and column from Table A.

18.25.060 B. Development Condition (5) is deleted in its entirety.

Section 9 CMC 18.25.070 Amended. Covington Municipal Code Section 18.25.070 A. is hereby amended to delete the “M” symbol and column from Table A.

Section 10 CMC 18.25.080 Amended. Covington Municipal Code Section 18.25.080 A is hereby amended as follows:

18.25.080 A. delete the “M” symbol and column from Table A.

18.25.080 A. add the following row to Table A

<table>
<thead>
<tr>
<th>SIC #</th>
<th>Specific Land Use</th>
<th>US</th>
<th>R4-8</th>
<th>R-12</th>
<th>R-18</th>
<th>MR</th>
<th>CC</th>
<th>NC</th>
<th>RCMU</th>
<th>I</th>
</tr>
</thead>
<tbody>
<tr>
<td>2951, 3271, 3273</td>
<td>Asphalt/concrete mixtures and block</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>P</td>
</tr>
</tbody>
</table>

Section 11 CMC 18.25.090 Amended. Covington Municipal Code Section 18.25.090 is hereby amended as follows:

18.25.090 A. delete the “M” symbol and column from Table A. Delete in their entirety the row for the specific land uses of Mineral extraction and processing, and the row for Asphalt/concrete mixtures and block from Table A.

18.25.090 B. Development Conditions (3), (4), and (5) are deleted in their entirety.

Section 12 CMC 18.60 Repealed in its entirety. Covington Municipal Code Chapter 18.60 is hereby repealed in its entirety.

Section 13 CMC 18.110.010 Amended. Covington Municipal Code Section 18.110.010 (1) is hereby amended as follows:

(1) The purpose of this chapter is to establish a comprehensive site review process of proposed commercial, industrial, mineral or multifamily development, excluding single-family residences, resulting in a permit which can combine any or all of the following:
(a) Site development requirements specified prior to building and/or grading permit applications.

(b) Site review and application of rules and regulations generally applied to the whole site without regard to existing or proposed internal lot lines.

(c) Site development coordination and project phasing occurring over a period of years.

(d) Evaluation of commercial, industrial, mineral and multifamily zoned property for the creation or alteration of lots when reviewed concurrently with a binding site plan application.

Section 14. Severability. If any provision of this ordinance, or ordinance modified by it, is determined to be invalid or unenforceable for any reason, the remaining provisions of this ordinance and ordinances and/or resolutions modified by it shall remain in force and effect.

Section 15. Corrections. Upon approval of the city attorney, the city clerk and/or code reviser are authorized to make necessary corrections to this ordinance, including the correction of clerical errors; references to other local, state, or federal laws, codes, rules, or regulations; or ordinance numbering and section/subsection numbering.

Section 16. Effective Date. This ordinance shall be in full force and effect five (5) days after publication in the city’s newspaper of record. A summary of this ordinance may be published in lieu of publishing the ordinance in its entirety.

PASSED BY THE CITY COUNCIL OF THE CITY OF COVINGTON, WASHINGTON, at a regular meeting thereof on the ___ day of ___, 2017, and signed in authentication of its passage.

_______________________
Mayor Jeff Wagner

PUBLISHED:

EFFECTIVE:

ATTESTED:

_______________________
Sharon Scott, City Clerk

APPROVED AS TO FORM: