Ordinance No. 3809

(Amending or Repealing Ordinances)

CFN=822 – Historical Preservation
Passed – 9/5/06
Ch. 14.12 KCC – Landmark Designation and Preservation

New Chapter 14.12
ORDINANCE NO. 3809

AN ORDINANCE of the city council of the city of Kent, Washington, adding a new chapter 14.12 to the Kent City Code entitled "Landmark Designation and Preservation."

RECITALS

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 Kent is necessary in the interest of the prosperity, civic pride, and general welfare of the people of Kent.

B. The present preservation programs and activities are inadequate to ensure maintenance or enhancement of such resources or to prevent the unnecessary destruction or defacement of such resources.

C. After a public hearing on August 21, 2006, the Planning Committee recommended adding a new chapter 14.12 to the Kent City Code entitled "Landmark Designation and Preservation."

D. On September 5, 2006, the city council approved the addition of the new Landmark Designation and Preservation chapter to the Kent City Code.

NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF KENT, WASHINGTON, DOES HEREBY ORDAIN AS FOLLOWS:

Ch. 14.12 KCC – Landmark Designation and Preservation
ORDINANCE

SECTION 1. - Adoption. A new chapter 14.12, entitled "Landmark Designation and Preservation" is hereby created and added to the Kent City Code to read as follows:

CHAPTER 14.12
LANDMARK DESIGNATION AND PRESERVATION

Sec. 14.12.010. Purpose. The purpose of this chapter is to designate, preserve, protect, enhance, and perpetuate those sites, buildings, districts, structures and objects which reflect significant elements of the city of Kent's cultural, ethnic, social, economic, political, architectural, aesthetic, archeological, engineering, historic and other heritage; to foster civic pride in the beauty and accomplishments of the past; to stabilize and improve the economic values and vitality of landmarks; to protect and enhance the city of Kent tourist industry by promoting heritage related tourism; to promote, assist, encourage, and provide incentives to public and private owners to preserve, restore, rehabilitate, and use landmark buildings, sites, districts, structures, and objects to serve the purposes of this chapter; and to provide the framework for the implementation of an interlocal agreement between King County and the city of Kent relating to landmark designation and protection services.


A. Landmarks Commission. The King County Landmarks & Heritage Commission, established pursuant to Chapter 20.62 of the King County Code, is hereby designated and empowered to act as the Landmarks Commission for the city of Kent pursuant to the provisions of this chapter.

B. Public Hearings - Rules and Regulations. The Landmarks Commission shall not conduct any public hearings required by this chapter with respect to properties located within the city of Kent until its rules and regulations, including procedures consistent with this chapter, have been filed with the city clerk.
C. **Special Member Appointment.** The mayor shall, subject to confirmation by the city council, appoint one (1) individual to act as a special member of the King County Landmarks and Heritage Commission as provided for in King County Code section 20.62.030. The special member shall have a demonstrated interest and competence in historic preservation. The special member shall be appointed for a three (3) year term. Each 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 such appointment were made 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. A special member may be reappointed but may not serve more than two (2) consecutive three (3) year terms. A special member shall be deemed to have served one full term if that special member resigns at any time after appointment or if that special member serves more than two (2) years of an unexpired term. Special members shall serve without compensation except for out of pocket expenses incurred in connection with commission meetings or programs. The city of Kent shall reimburse such expenses incurred by the special member.

Sec. 14.12.030. **Definitions.** The city council adopts by reference the definitions contained in King County Code section 20.62.020, except as provided below:

A. "Council" is the Kent City Council.

B. "Manager" shall be read to be the city Chief Administrative Officer.

Sec. 14.12.040. **Designation Criteria.** The designation criteria for landmarks as contained in King County Code section 20.62.040 is hereby adopted by reference for the designation criteria of landmarks within the city of Kent.

Sec. 14.12.050. **Designation Procedure.** The designation procedure for landmarks as contained in King County Code section 20.62.070 is hereby
adopted by reference for the designation procedure of landmarks within the city of Kent.

Sec. 14.12.060. Certificate of Appropriateness Procedure. The certificate of appropriateness procedure for landmarks as contained in King County Code section 20.62.080 is hereby adopted by reference for the city of Kent, except for the last sentence of King County Code section 20.62.080(a).

Sec. 14.12.070. Adoption by Reference. The following sections in Chapter 20.62 of the King County Code are adopted by this reference:

A. Nomination Procedure. King County Code section 20.62.050.

B. Evaluation of Economic Impact. King County Code section 20.62.100.

C. Penalty for Violation. King County Code section 20.62.130.

D. Special Valuation for Historic Properties. King County Code section 20.62.140.

Sec. 14.12.080. Nomination Approval. No historic resource may proceed through the nomination procedure of King County Code section 20.62.050 until such time as the Kent City Council has approved the historic resource for nomination. A minimum of four (4) council members must vote in favor in order that the resource be eligible for nomination. Said approval by the council is a condition precedent to any nomination procedure.


A. A party of record aggrieved by a decision of the commission designating or rejecting a nomination for designation of a landmark, or issuing or denying a certificate of appropriateness may, within fourteen (14) calendar days of mailing of notice of such decision, appeal such decision in writing to the hearing examiner. The written notice of appeal shall be filed with the historic preservation officer and the city clerk. The written notice of appeal shall be
accompanied by a statement that includes the items required in section 12.01.195(E) for similar closed record appeals.

B. The appeal to the hearing examiner shall be a "closed record appeal," as that term is used in Chapter 12.01 Kent City Code.

C. If after the closed record appeal hearing, the hearing examiner determines:
   1. An error in fact was made by the commission, the hearing examiner shall remand the proceeding to the commission for reconsideration; or
   2. The decision of the commission is based on an error in judgment or conclusion, the hearing examiner may modify or reverse the decision of the commission.

D. The hearing examiner's final decision shall include findings of fact and conclusions from the record which support the decision. The hearing examiner may adopt all or portions of the commission's findings and conclusions.

E. The decision of the hearing examiner shall be final unless within twenty-one (21) calendar days from the date of issuance of the decision an appeal is filed in King County Superior Court.

SECTION 2. – Severability. If any one or more section, subsections, or sentences of this ordinance are held to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portion of this ordinance and the same shall remain in full force and effect.

SECTION 3. – Effective Date. This ordinance shall take effect and be in force thirty (30) days from and after its passage provided by law.
I hereby certify that this is a true copy of Ordinance No. 3809 passed by the city council of the city of Kent, Washington, and approved by the mayor of the city of Kent as hereon indicated.

BRENDA JACOBER, CITY CLERK