

ORDINANCE NO. 1306

**AN ORDINANCE OF THE CITY OF SNOQUALMIE, WASHINGTON,
AMENDING VARIOUS SECTIONS OF CHAPTER 17.20 AND CHAPTER
17.37 OF THE SNOQUALMIE MUNICIPAL CODE TO AMEND RETAIL
USE REQUIREMENTS IN THE DOWNTOWN HISTORIC DISTRICT
RETAIL USE OVERLAY**

WHEREAS, within the Snoqualmie Downtown Historic District Retail Overlay, Snoqualmie Municipal Code (“SMC”) Section 17.37.040 currently requires that 75% of ground floor storefronts contain a bona-fide retail use, as defined by SMC 17.37.020, with a waiver from this requirement available if lessors of affected property demonstrate a good-faith effort to lease the premise to a bona-fide retail use for a period of 120 days; and

WHEREAS, the Chair of the Snoqualmie Economic Development Commission sent a letter to the Council Community Development Committee in December 2023 recommending draft amendments to SMC Section 17.37.040, Waiver of special use regulations, proposing revisions to increase the ground-floor storefront retail use requirement from 75% to 100% within the Downtown Historic District Retail Overlay, and to increase the amount of time lessors must demonstrate a good-faith effort to lease property to a retail use from 120 days to 180 days; and

WHEREAS, the Community Development Committee indicated that a requirement of 100% retail uses within the Retail Overlay was too high, and that a 180-day requirement to demonstrate a good-faith effort to lease to a bona-fide retail use was too short, and suggested that the definition of retail use should be examined; and

WHEREAS, staff conducted public outreach to gather community input and appropriately noticed the amendments in the following manner: Community Development Department staff attended and discussed the amendments with the Downtown Business Association and the Ridge Merchants Association on May 2, 2024 and May 8, 2024, respectively; notice was issued for a public hearing by the Planning Commission on October 21, 2024; notice of a reopened public hearing by the Planning Commission was issued and mailed on December 2, 2024; and

WHEREAS, the input received from the public by the Planning Commission informed the modifications made to the amendments by the Planning Commission, during meetings held on May 6, 2024, May 20, 2024, May 28, 2024, July 1, 2024, August 5, 2024, September 3, 2024, October 7, 2024, October 21, 2024, and December 2, 2024; and

WHEREAS, as a result of public outreach and Planning Commissioner efforts, the Planning Commission proposed to increase the ground-floor storefront retail use requirement from 75% to 90%, to expand the extents of the Downtown Historic District Retail Overlay to include all parcels zoned “BR-1” and select parcels along Falls Avenue in Downtown Snoqualmie and to depict this change upon the zoning map, to remove parcels zoned “OS-2” from the Retail Overlay, and to repeal the retail waiver process from the SMC altogether; and

WHEREAS, Comprehensive Plan Goal LU-2 directs the City of Snoqualmie to tell the story of Snoqualmie's history and identity through buildings, districts, and landscape (with sustainable development) that fosters civic pride; and

WHEREAS, the required 60-day notice was sent to the State of Washington Department of Commerce on October 4, 2024; and

WHEREAS, a SEPA DNS was issued for this non-project action on November 21, 2024; and

WHEREAS, the Planning Commission held a public hearing on October 21, 2024 to receive testimony on the proposed code amendments, and held a second duly-noticed reopened public hearing on December 2, 2024 to receive additional testimony on the proposed code amendments; and

WHEREAS, the Planning Commission, by motion on January 21, 2025, unanimously recommended approval of the proposed amendments; and

WHEREAS, the Community Development Committee of the Snoqualmie City Council reviewed the Planning Commission's recommendation on April 8, 2025, April 21, 2025, and May 5, 2025; and

WHEREAS, the Snoqualmie City Council has considered the recommendations of the Community Development Committee, the Planning Commission, and City Administration and has determined to take the actions set forth in this ordinance:

NOW, THEREFORE, BE IT HEREBY ORDAINED by the City Council of the City of Snoqualmie, Washington, as follows:

Section 1. Amendment of Chapter 17.20 SMC. Snoqualmie Municipal Code section 17.20.020, line 18 through line 24, are amended to include the text as shown in Exhibit A, attached hereto.

Section 2. Amendment of Chapter 17.37 SMC. Snoqualmie Municipal Code section 17.37.010, line 41 through line 44, are amended to include the text as shown in Exhibit A, attached hereto.

Section 3. Amendment of Chapter 17.37 SMC. Snoqualmie Municipal Code section 17.37.030, is amended as shown in Exhibit A, attached hereto.

Section 4. Repeal of Chapter 17.37 SMC. Snoqualmie Municipal Code section 17.37.040 is repealed in its entirety, as shown in Exhibit A, attached hereto.

Section 5. Repeal of Chapter 17.37 SMC. Snoqualmie Municipal Code section 17.37.050 is repealed in its entirety, as shown in Exhibit A, attached hereto.

Section 6. Severability. If any one or more section, subsection, or sentence of this ordinance or the Snoqualmie Municipal Code amendments adopted or repealed in any portion of

this ordinance are held to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portion of this ordinance or the Snoqualmie Municipal Code sections, and the same shall remain in full force and effect.

Section 7. Corrections by City Clerk or Code Reviser. Upon approval of the City Attorney, the City Clerk, and either the Community Development Department Director or the Parks and Public Works Department Director, as applicable, code revisers are authorized to make necessary corrections to this ordinance and Snoqualmie Municipal Code sections, including the correction of clerical errors; references to other local, state or federal laws, codes, rules, or regulations; or ordinance or Snoqualmie Municipal Code section numbering and section/subsection numbering.

Section 8. Effective Date. This ordinance shall be effective five (5) days after passage and publication, as provided by law.

PASSED by the City Council of the City of Snoqualmie, Washington, this ____ day of May, 2025.

Katherine Ross, Mayor

Attest:

Approved as to form:

Deana Dean, City Clerk

Dena Burke, City Attorney

EXHIBIT A

17.20.020, Commercial/industrial districts.

The following commercial/industrial districts are hereby established:

- A. Business-General District (BG). The business-general district is intended to accommodate a broad range of retail and commercial uses, including businesses and services that are of a larger scale or are inappropriate for the historic downtown area, such as certain automotive services and limited light-industrial uses.
- B. Business-Office District (BO). The business-office district is intended principally for providing space within the city for smaller-scale office uses, but also allows for some retail and service uses.
- C. Business-Retail District (BR). The business-retail district is intended to serve as the core pedestrian-oriented shopping area within the historic downtown area, with uses serving as shopping catalysts to other businesses within the district. Ground floor retail sales and services are encouraged with offices and professional services on upper floors. The business-retail district should support the downtown historic district by encouraging the use of architectural styles which reflect the history of the city and the railroad depot. The business-retail district is divided into two subdistricts, as follows:
 1. BR-1. The BR-1 subdistrict ~~contains all properties located within the downtown historic district retail overlay zone pursuant to Chapter 17.37 SMC, and~~ is intended for retail, shopping and dining uses in a pedestrian-oriented environment.
 2. BR-2. The BR-2 subdistrict contains all properties within the BR district outside of those listed within the BR-1 subdistrict ~~and is intended to contain retail as well as commercial and professional service uses.~~
- D. Office Park District (OP). The office park district is intended to provide areas appropriate for commercial and office uses, such as medical, dental, and other professional services.
- E. Planned Commercial/Industrial District (PCI). The planned commercial/industrial district is intended to provide areas in the city for master planned commercial/industrial uses, which might include single- or mixed-use retail, office, light industrial and open space uses. All development on parcels of two acres or larger upon which more than one principal structure is to be constructed shall be subject to the requirements of this chapter.
- F. Industrial District (I). The industrial district is intended to provide areas for a broad range of light industrial uses, and includes heavy/resource-based industrial uses as conditional uses. This district is also known as the resource extraction district. (Ord. 1203 § 7, 2018; Ord. 1198 § 22 (Exh. D), 2017; Ord. 1066 § 3, 2010; Ord. 980 § 2, 2005; Ord. 744 § 2, 1995).

Chapter 17.37, ~~DOWNTOWN HISTORIC DISTRICT~~ RETAIL USE OVERLAY ZONE

17.37.010, Created.

There is hereby created a special purpose zoning classification to be known as the ~~downtown historic district retail use overlay zone, the boundary of which shall include all lots and parcels fronting on Railroad Avenue S.E. from the southerly margin of the right-of-way of S.E. Northern Street at its intersection with Railroad Avenue to a line intersecting Railroad Avenue defined as the southerly property boundary of 8250 Railroad Avenue S.E., commonly known as the Town Pump~~ extended be depicted on the official zoning map.

17.37.030, Special use regulations within ~~downtown historic district overlay zone~~ retail use overlay.

- 49 A. Subject to the underlying use regulations of this title, and subject to the provisions of SMC 17.37.040, within
50 the ~~historic district retail use overlay zone~~ at least ~~75-90~~ percent of the storefronts ~~facing Railroad Avenue S.E.~~
51 ~~and Falls Avenue on Railroad Avenue S.E.~~ shall be occupied by retail uses, and no more than ~~25-10~~ percent of
52 storefronts shall be occupied by nonretail uses. For purposes of this section, a "storefront" shall mean separately
53 owned or leased ground floor premises with a separate ~~entrance in the retail use overlay~~ ~~entrance on Railroad~~
54 ~~Avenue S.E.~~. A building may have one or more storefronts. ~~Permanent supportive housing, transitional housing,~~
55 ~~and emergency housing or shelter uses as defined in Chapter 17.10- and~~ City-occupied buildings ~~in the retail use~~
56 ~~overlay fronting on Railroad Avenue S.E.~~ shall not be included within the definition of "storefront."
- 57
- 58 B. The director shall establish and maintain a list by address of all storefronts within the ~~downtown historic district~~
59 ~~retail use overlay zone~~ and a determination of whether such storefront is occupied by a retail use. The list shall
60 include a calculation of the percentage of storefronts occupied by retail uses as of the date of the list. The list
61 shall be updated prior to the issuance of any business license for a business intending to locate in any storefront
62 ~~in the retail use overlay fronting on Railroad Avenue S.E. within the downtown historic district retail overlay~~
63 ~~district.~~ No business license shall be issued for any business proposing to locate in a ground floor storefront ~~in~~
64 ~~the retail use overlay on Railroad Avenue S.E. within the downtown historic district retail overlay zone~~ unless
65 the director certifies that the issuance of such business license is in compliance with the requirements of
66 subsection A of this section; provided, the renewal of business licenses for businesses in existence as of the
67 effective date of the ordinance codified in this chapter shall not be prohibited by this section.
- 68
- 69 C. ~~Second-story uses and storefronts and second-story uses fronting on Falls Avenue S.E. or Maple Avenue~~
70 ~~S.E. located outside the retail use overlay~~ shall be subject to the underlying zoning only and shall not be subject
71 to the special use regulations of this chapter. (Ord. 1198 § 22 (Exh. D), 2017; Ord. 869 § 1, 2000).
- 72

73 **17.37.040, Waiver of special use regulations.**

74 ~~A) The owner or authorized agent of the owner of any premises subject to the special use regulations of SMC 17.37.030~~
75 ~~may apply for a waiver of such regulations upon making a written application therefor describing the premises by~~
76 ~~address, the last retail use, the date such premises became vacant, the proposed nonretail use, and the date such~~
77 ~~proposed nonretail lease is proposed to commence. The application shall be supported by declaration signed under~~
78 ~~penalty of perjury setting forth the facts supporting the application. The grounds for such waiver shall be as follows:~~

- 79
- 80 ~~1) Such premises are vacant;~~
- 81
- 82 ~~2) Such owner or agent has made a good faith effort to lease the premises for a retail use for a period greater than~~
83 ~~120 days from the latter of the date of vacancy and the date of commencement of efforts to lease the premises~~
84 ~~for a retail use;~~
- 85
- 86 ~~1. Such owner or agent has offered the premises for lease for a retail use at a rate no higher than the rate for the~~
87 ~~proposed nonretail use and upon other terms and conditions at least as favorable;~~
- 88
- 89 ~~3) Despite such good faith efforts, such owner or agent has not been able to lease the premises for a retail use and~~
90 ~~such premises remain vacant; and~~
- 91
- 92 ~~4) Such owner or agent has not offered the premises to a potential nonretail user prior to the date of application for~~
93 ~~the waiver.~~
- 94

95 ~~B) Such application and declaration shall be supported by copies of the following documentation:~~

- 96
- 97 ~~1) Copies of all published and nonpublished advertising or other solicitations offering the premises for lease,~~
98 ~~including but not limited to newspaper advertisements, circulars or flyers, and advertisements used by brokers~~
99 ~~or agents, with annotations as to the date and place of publication;~~
- 100

Formatted: Outline numbered + Level: 3 + Numbering
Style: i, ii, iii, ... + Start at: 1 + Alignment: Left + Aligned
at: 0.5" + Indent at: 0.75"

2) A list of potential retail users contacted or expressing interest in leasing the premises, and the reason of each potential user for not leasing the premises, if known; and

3) Any other document the owner or agent desires to have considered by the director.

C) The planning commission shall review all requests for waivers under this section. The planning commission shall review and evaluate a waiver request at a regularly scheduled meeting within 30 days following receipt of a complete application for a waiver. The planning commission director shall make a decision on the waiver request by majority vote to either approve or deny the waiver; issue a written decision allowing or denying the waiver within 14 days of receipt of a complete application; provided, the application shall be allowed unless the director/planning commission affirmatively finds that one or more of the grounds of subsection A of this section have not been met, or the application or declaration is fraudulent or not made in good faith. The director shall prepare a written notice of decision reflecting the decision of the planning commission. The notice of director's decision shall be mailed to the applicant by certified mail, return receipt requested, and by ordinary mail. The effective date of the decision shall be deemed to be the date of mailing of the notice of decision.

A) The decision of the on the waiver request director may be appealed to the planning commission hearing examiner by filing a written notice of appeal with the city clerk, setting forth the factual and legal basis of the appeal within 10 days of the date of the director's decision. The planning commission shall hold a hearing thereon at a regular meeting not less than seven nor more than 30 days from the date of filing of the appeal, and shall immediately deliberate and decide the matter upon conclusion of the hearing. The planning commission shall issue a written decision signed by the chairman within five business days after the hearing, which written decision shall be final unless appealed to superior court. (Ord. 1198 § 22 (Exh. D), 2017; Ord. 884 § 1, 2001; Ord. 869 § 1, 2000).

17.37.050 Revocation of waiver for fraud.

A) The planning commission may revoke a waiver granted pursuant to SMC 17.37.040, and any business license issued in reliance thereon, after a hearing on notice to the property owner and holder of the business license, upon the grounds that such waiver was obtained by a material misrepresentation in the application, declaration or supporting documents. For purposes of this section, a "material misrepresentation" is a false statement upon which reliance was placed in order to find the existence of one or more of the grounds for granting the waiver. (Ord. 1198 § 22 (Exh. D), 2017; Ord. 869 § 1, 2000).

Formatted: Font: (Default) Arial, 9.5 pt, Font color: Custom Color(RGB(41,43,44)), Ligatures: None

Formatted: Indent: Left: 0.25", No bullets or numbering

Formatted: Indent: Left: 0.5", No bullets or