

ORDINANCE NO. _____

**AN ORDINANCE OF THE CITY OF SNOQUALMIE,
WASHINGTON, AMENDING CHAPTERS 14.10, 14.30, AND
15.20 OF THE SNOQUALMIE MUNICIPAL CODE FOR
COMPLIANCE WITH THE REQUIREMENTS OF CHAPTER
36.70B RCW**

WHEREAS, during its 2023 session, the Washington State Legislature adopted, and the Governor signed SB 5290, codified in Chapter 36.70B RCW with the intent to increase the timeliness and predictability of local permit processing; and

WHEREAS, the code amendments proposed modifying relevant chapters of the Snoqualmie Municipal Code such that it complies with the provisions Chapter 36.70B RCW as revised by SB 5290; and

WHEREAS, the proposed amendments to the Snoqualmie Municipal Code relate solely to governmental procedure and will result in no substantive changes with respect to use or modification of the environment, and are therefore exempt from review under SEPA pursuant to WAC 197-11-800(21)(a),

WHEREAS, the Community Development Committee of the Snoqualmie City Council reviewed the proposed amendments on May 6, and September 16, 2024.

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

Section 1 Amendment of SMC 14.10.020. Snoqualmie Municipal Code section 14.10.020, Scope, is hereby amended to update the list of permits that are exempt from compliance with SB 5290, as shown in Exhibit A, attached hereto.

Section 2 Amendment of SMC 14.10.030. Snoqualmie Municipal Code section 14.10.030 is hereby amended to modify the definition of “project permit application,” as shown in Exhibit A, attached hereto.

Section 3. Amendment of SMC 14.30.020. Snoqualmie Municipal Code section 14.30.020, Categories of permits, is hereby amended to modify 14.30.020.B, Table-1, to include permit processing timelines required by SB 5290, as shown in Exhibit A, attached hereto.

Section 4. Amendment of SMC 14.30.050. Snoqualmie Municipal Code section 14.30.050 is hereby amended to reflect changes required by SB 5290 pertaining to determining an application procedurally complete, as shown in Exhibit A, attached hereto.

Section 5. Amendment of SMC 14.30.120. Snoqualmie Municipal Code section 14.30.120 is hereby amended to reflect changes required by SB 5290 pertaining to timely issuance of notice of decision, as shown in Exhibit A, attached hereto.

Section 6. Repeal of SMC 15.20.050. Snoqualmie Municipal Code section 15.20.050 is hereby repealed to remove duplicative text that conflicts with proposed amendments, as shown in Exhibit A, attached hereto.

Section 7. Severability. If any one or more section, subsection, or sentence of this ordinance adopted herein is 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 8. Corrections. Upon approval of the City Attorney, any corrections, 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 shall be allowed.

Section 9. 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 14th day of October 2024.

Katherine Ross, Mayor

Attest:

Approved as to form:

Deana Dean, City Clerk

David Linehan, Interim City Attorney

Exhibit A

14.10.020, Scope

- A. The provisions of this title shall apply to all project permit applications filed on or after the effective date hereof under the substantive provisions of other titles of this code, except as specifically provided by subsections (B), (C) and (D) of this section.
- B. Landmark designations, street vacations and any permits relating to the use of public areas or facilities shall be exempt from the provisions of this title, except the requirements of SMC 14.10.070, integration of SEPA and project permit review, and SMC 14.40.020, limitation of hearings and appeals.
- C. Applications for approval of mixed use final plans present special circumstances that warrant a different review process as provided in Chapter 17.30 SMC, and shall be exempt from the requirements of this title, except the requirements of SMC 14.10.070, integration of SEPA and project permit review, and SMC 14.40.020, limitation of hearings and appeals.
- D. Lot line or boundary adjustments, building permits, sign permits not requiring design review, or other similar administrative permits, which are either categorically exempt from environmental review under Chapter 43.21C RCW or for which environmental review has been completed in connection with other project permits, shall be exempt from the requirements of [SMC 14.30.020.B, Table-1](#), SMC 14.30.060, notice of application, SMC 14.30.130, optional consolidated permit processing, and SMC 14.30.110, relating to giving notice of the decision to the public and other agencies. (Ord. 768 § 2, 1996).

14.10.030, Definitions

Unless the context clearly requires otherwise, the definitions in this section apply throughout this title.

- A. “Closed record appeal” means an administrative appeal on the record, with no or limited new evidence or information allowed to be submitted and only oral argument allowed, to either the hearing examiner or the city council, following an open record hearing on a project permit application.
- B. “Comprehensive plan” means the Snoqualmie Vicinity Comprehensive Plan, as the same now exists or may hereafter be amended, including any other plans incorporated therein by reference or by operation of law.
- C. “Director” means the director of community development.
- D. “Open record appeal hearing” means a hearing conducted by the city council to receive testimony and the submission of exhibits and information for the purpose of reviewing a decision of city staff for which no open record hearing is required before the planning commission or hearing examiner.
- E. “Predecision open record hearing” means a hearing conducted by the hearing examiner or the planning commission to create the city’s record through testimony on oath or affirmation and submission of evidence and information, other than those proceedings falling within the definition of “public meeting” in subsection (G) of this section. If an open record hearing is held prior to the city’s decision on a project permit application, it shall be known as a “predecision open record hearing.” If an open record hearing is held after the city’s decision on a project permit application, it shall be known as an “open record appeal hearing.”

F. “Project permit application” means any land use or environmental permit, license or approval required from the city for a project action, including but not limited to ~~building permits, subdivisions, binding site improvement plans, planned unit developments, conditional uses, shoreline substantial development permits, flood improvement permits, design review, sensitive areas review, drainage review and site specific rezones~~ ~~authorized by the comprehensive plan which do not require a comprehensive plan amendment~~, but excluding adoption or amendment of the comprehensive plan, subarea plans, annexation implementation plans.

G. “Public meeting” means an informal meeting, workshop or other public gathering to obtain comments from the public or other agencies on a proposed project permit prior to the city’s decision. Public meetings may include but are not limited to design review and scoping meeting on a draft environmental impact statement.

14.30.020 Categories of permits.

A. The categories of permits shall be as follows:

1. Category I constitutes those permits which are categorically exempt from environmental review, or for which SEPA has already been done, do not require any public comment period or an open record predecision hearing, and for which the staff decision is final unless appealed;
2. Category II constitutes those permits which require a threshold environmental determination, but do not require a predecision open record hearing, or those permits where other sections of the Snoqualmie Municipal Code require a public comment period but do not require an open record hearing, and for which the staff decision is final unless appealed;
3. Category III constitutes those permits which require a predecision open record hearing, but do not provide for a closed record appeal (i.e., recommendation by planning commission or hearing examiner and decision by city council); and
4. Category IV constitutes those permits which require an open record predecision hearing, and provide for a closed record appeal hearing (i.e., decision by planning commission or hearing examiner and appeal to city council).

B. The initial decision maker, appeal body and other requirements applicable to each category of permit shall be as follows:

14.30.020.B, Table-1

	Permits	Preapplicati on Process	Determinati on of Completeness	Notice of Applicati on and Comment Period	Predecisio n Open Record Hearing	Decision	Distributi on of Notice of Decision	Appeal To/ Open – Closed Record	<u>Project Permit Applicati on Processin g Time</u>
Ca t I	Clearing and Grading Permit (Chapter <u>15.20</u> SM C) Flood Improvement Permit (Chapter <u>15.12</u> SM C) Lot Line Adjustment (SMC <u>16.04.030</u> (E))	Yes, unless exempt	Yes	No	No	S	No	HE/ Open	<u>65 Days</u>

	Historic Design Review, Type I (Chapter 17.35 SMC) Temporary Use Permit (SMC 17.55.050) Sign Permit (Chapter 17.75 SMC) Wireless Communication Facility Permit (Chapter 17.77 SMC) Site Plan Permit (Chapter 17.80 SMC)								
Ca t II	Clearing and Grading Permit (Chapter 15.20 SMC) Short Subdivision (Chapter 16.08 SMC) Binding Site Improvement Plan, 4 or fewer lots (SCM 16.12.030) Historic Design Review, Type I (Chapter 17.35 SMC) Temporary Use Permit (SMC 17.55.050) Wireless Communication Facility Permit (Chapter 17.77 SMC) Site Plan Permit (Chapter 17.80 SMC)	Yes	Yes	Yes	No	S	Yes	HE/Open	<u>100 Days</u>
Ca t III	Planned Residential Plan (SMC 17.15.050) Planned Commercial/Industrial Plan (SMC 17.20.050) Mixed Use Plan/Mixed Use Final Plan (Chapter 17.30 SMC) Planned Unit Development (Chapter 17.50 SMC) Unclassified Use Permit (Chapter 17.60 SMC) Wireless Communication Conditional Use Permit	Yes	Yes	Yes	Yes/PC or HE *Landmarks and Heritage Commission for Landmark Designation	CC *PC for Types II – III Historic Design Review and Landmark Designation	Yes	SC/Closed *HE/Closed for Types II – III Historic Design Review and Landmark Designation	<u>170 Days</u>

	(Chapter 17.77 S MC) Zoning Code Map or Text Amendment (SMC 17.85.010) Comprehensive Plan Amendment (Chapter 21.30 S MC) *Historic Design Review Types II – III and Landmark Designation (Chapter 17.35 S MC)*								
Ca t IV	Long Subdivision (Chapter 16.10 S MC) Binding Site Improvement Plan, 5 or more lots (SMC 16.12.040) Historic Design Review Variance (SMC 17.35.170 (C)) Conditional Use Permit (SMC 17.55.030) Variance (SMC 17.85.020)	Yes	Yes	Yes	Yes/PC or HE	HE or PC *PC for Historic Design Review Variance	Yes	CC/Close d	170 Days

14.30.050 Determination of completeness of application.

- A. Within 28 days after receiving a project permit application, the director shall ~~mail or~~ provide ~~in person~~ a written determination to the applicant, stating either:
1. That the application is complete, or
 2. That the application is incomplete, ~~the procedural submission requirements have not been met,~~ and ~~outline~~ what is necessary to make the application complete. The determination shall also include, if feasible, a statement of the preliminary determination of the project permit application's consistency with development regulations and preliminary identification of the development regulations compliance with which may be determined to constitute compliance with SEPA.
 - ~~2.—~~
- B. A project permit application may be deemed complete for purposes of this section when it meets the ~~procedural~~ submission requirements of other titles of this code and the additional requirements of SMC 14.30.030 and it is sufficient for continued processing, even though additional information may be required or project modifications may be undertaken subsequently.
- C. A determination of completeness under this section shall not preclude the city from requesting additional information or studies either at the time of the notice of completeness or subsequently if new information is required or subsequent changes in the proposed project occur. ~~However, if the procedural submission requirements, as outlined on the project permit application have been provided, the need for additional information or studies may not preclude a completeness determination.~~
- D. A project permit application shall be deemed ~~procedurally~~ complete ~~on the 29th day after receiving a project permit application~~ if the director does not provide a written determination to the applicant that

the application is procedurally incomplete under subsection (A) of this section. When the director does not provide a written determination, they may still seek additional information or studies as provided for in subsection (C) of this section.

E. Within 14 days after the applicant has submitted any additional information identified by the director as being necessary for a complete application, the director shall notify the applicant whether the application has been made complete or what additional information is necessary.

E.F. The number of days shall be calculated by counting every calendar day.

14.30.120, Time limitation for issuance of notice of decision.

A. Except as provided in subsection (B) and (D), the notice of decision shall be issued within ~~120 days the time period specified by 14.30.020.B, Table-1,~~ after the applicant has been notified that the application is complete; provided the following time periods shall be excluded:

1. Any period during which the applicant has been requested in writing to correct plans, perform required studies, or provide additional required information. This period shall be calculated from the date of notification to the applicant of the need for additional information and the day when responsive information is resubmitted by the applicant until the earlier of the date of determination whether the additional information satisfied the request for information or 14 days after the date the applicant submitted the information. ~~If the information submitted is determined to be insufficient, the applicant shall again be notified of the deficiencies, and the procedures for determination of completeness shall apply as if a new request for information or studies had been made;~~

2. Any period during which an environmental impact statement is being prepared, if the city has by ordinance or resolution established time periods for the completion of environmental impact statements, or if the city and the applicant have agreed in writing to a time period for completion of the environmental impact statement;

3. Any period for an open or closed record appeal, not exceeding 60 days, unless all parties to the appeal agree to extend the time period; ~~and~~

4. Any extension of the ~~120-day~~ time period specified by 14.30.020.B, Table-1, mutually agreed between the city and the applicant; ~~and.~~

4.5. Any period after an applicant informs the city, in writing, that they would like to temporarily suspend review of the project permit application until the time that the applicant notifies the city, in writing, that they would like to resume the application. The director may set conditions for the temporary suspension of a permit application.

B. The time limits of ~~subsection (A) 14.20.030, Table-1,~~ do not apply if a project permit application:

1. Requires an amendment to the comprehensive plan or a development regulation;

2. Requires siting of an essential public facility; or

3. The application is substantially revised by the applicant to the extent that it proposes a change in use that adds or removes commercial or residential elements from the original application that would make the application fail to meet the determination of procedural completeness for the new

163 use, in which case the time period shall start from the date at which the revised project permit
164 application is determined to be procedurally complete.

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166 C. If a notice of decision cannot be issued within the time limit provided in ~~subsection (A)~~14.20.030,
167 Table-1, the applicant shall be provided a written notice of this fact, which shall include a statement of
168 reasons why the time limits have not been met and an estimated date for issuance of the notice of final
169 decision.

170 D. If, at any time, an applicant informs the director, in writing, that the applicant would like to temporarily
171 suspend the review of the project for more than 60 days, or if an applicant is not responsive for more
172 than 60 consecutive days after the county or city has notified the applicant, in writing, that additional
173 information is required to further process the application, an additional 30 days may be added to the
174 time periods to issue a notice of decision for each type of project permit that is subject to this chapter.
175 Any written notice from the director to the applicant that additional information is required to further
176 process the application must include a notice that nonresponsiveness for 60 consecutive days may result
177 in 30 days being added to the time for review. For the purposes of this subsection, "nonresponsiveness"
178 means that an applicant is not making demonstrable progress on providing additional requested
179 information to the city, or that there is no ongoing communication from the applicant to the city on the
180 applicant's ability or willingness to provide the additional information.

181 E. The following measures promote consistency with the timelines for issuance of notice of decision
182 specified in 14.30.020.B, Table-1:

- 183 1. Projects that are consistent with adopted development regulations will be expedited;
- 184 2. Maintain and budget for on-call permitting assistance for when permit volumes or staffing levels
185 change;
- 186 3. Meet with the applicant within 14 days of a second request for corrections during permit review to
187 resolve outstanding corrections. If the meeting cannot resolve the issues and the city proceeds with
188 a third request for additional information or corrections, the city will approve or deny the
189 application upon receiving the additional information or corrections.

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191 **15.20.050 Clearing and grading permit—Application review.**

192 A. The director shall provide comments regarding the adequacy of the application to the applicant
193 within two weeks of receipt of the application. The director shall promptly notify the applicant, in
194 writing, when the application is complete.

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196 B. The director shall act on the application, either approving, approving with conditions, or denying
197 the permit, within 90 days after notifying the applicant that the application is complete; provided,
198 however, that this 90-day period shall be tolled pending completion of an EIS pursuant to the State
199 Environmental Policy Act, if one is required. Conditions on an approved permit shall be designed to
200 ensure compliance with the standards set forth in SMC 15.20.060. (Ord. 1198 § 20, 2017; Ord. 1082 §
201 2, 2011).