

CD COMMITTEE PROPOSED CHANGES VERSION

ORDINANCE NO. 1273

**AN ORDINANCE OF THE CITY OF SNOQUALMIE, WASHINGTON,
AMENDING CHAPTER 14.30, CHAPTER 14.40, CHAPTER 17.35, AND
CHAPTER 17.80 OF THE SNOQUALMIE MUNICIPAL CODE**

WHEREAS, RCW 36.70A.130(4) requires continuous review and evaluation of the City's Comprehensive Plan and development regulations; and

WHEREAS, City staff routinely identify areas of the development code with inconsistencies, conflicts, and typographical errors; and

WHEREAS, the City desires to ensure consistency and clarity in its development code; and

WHEREAS, the City staff identified several areas in the City's development code warranting clarification; and

WHEREAS, the required 60-day notice was sent to the State of Washington Department of Commerce on November 23, 2022; and

WHEREAS, a State Environmental Policy Act, SEPA Determination of Non-Significance (DNS) was issued on December 2, 2022; and

WHEREAS, the Planning Commission held public meetings on the proposed amendments on September 6, 2022, October, 3 2022, October, 17, 2022 and November 14 2022 and a duly-noticed public hearing on November 21, 2022, continued on December 5, 2022, to receive testimony on the proposed code amendments; and

WHEREAS, the Planning Commission, by motion on December 5, 2022, recommended approval of the proposed amendments; and

WHEREAS, the Community Development Committee of the Snoqualmie City Council reviewed the Planning Commission's recommendation on January 3, 2023; 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. Chapters 14.30, 14.40, 17.35, and 17.80 of the Snoqualmie Municipal Code are hereby amended to read as shown in Exhibit A attached hereto.

Section 2. Severability. If any one or more section, subsection or sentence of this ordinance or the Snoqualmie Municipal Code amendments adopted in Section 1 herein is 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 3. 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 4. 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 January, 2023.

City of Snoqualmie

Katherine Ross, Mayor

Attest:

Deana Dean, City Clerk

Approved as to form:

Bob C. Sterbank, City Attorney

Exhibit A

Chapter 14.30 PROJECT PERMIT PROCESSING

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:

	<u>Permits</u>	Preapplication Process	Determination of Completeness	Notice of Application and Comment Period	Predecision Open Record Hearing	Decision	Distribution of Notice of Decision	Appeal To/ Open - Closed Record
Cat I	Clearing and Grading Permit (Chapter 15.20 SMC) Flood Improvement Permit (Chapter 15.12 SMC) Lot Line Adjustment (SMC 16.04.030.E.) Historic Design Review, Type I (Chapter 17.35 SMC)	Yes, unless exempt	Yes	No	No	S	No	HE/Open

	Permits	Preapplication Process	Determination of Completeness	Notice of Application and Comment Period	Predecision Open Record Hearing	Decision	Distribution of Notice of Decision	Appeal To/ Open - Closed Record
	Temporary Use Permit (17.55.050) Sign Permit (Chapter 17.75 SMC) Wireless Communication Facility Permit (Chapter 17.77 SMC) Site Plan Permit (Chapter 17.80 SMC)							
Cat 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)	Yes	Yes	Yes	No	S	Yes	HE/Open

	Permits	Preapplication Process	Determination of Completeness	Notice of Application and Comment Period	Predecision Open Record Hearing	Decision	Distribution of Notice of Decision	Appeal To/ Open - Closed Record
	Site Plan Permit (Chapter 17.80 SMC)							
Cat 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 (Chapter 17.77 SMC) Zoning Code Map or Text Amendment (SMC 17.85.010) Comprehensive Plan Amendment	Yes	Yes	Yes	Yes/PC or HE *Landmarks & Heritage Comm. for Landmark Designation	CC *PC for Types II-III Historic Design Rev. & Landmark Desig.	Yes	SC/Closed *HE/Closed for Types II-III Historic Design Rev. & Landmark Desig.

	Permits	Preapplication Process	Determination of Completeness	Notice of Application and Comment Period	Predecision Open Record Hearing	Decision	Distribution of Notice of Decision	Appeal To/ Open - Closed Record
	(Chapter 21.30 SMC) *Historic Design Review Types II – III and Landmark Designation (Chapter 17.35 SMC)*							
Cat IV	Long Subdivision (Chapter 16.10 SMC) 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/Closed

S = Staff HE = Hearing Examiner PC = Planning Commission CC = City Council SC = Superior Court

C. Only one administrative appeal is allowed. See SMC 14.40.020, Limitation on hearings and appeals.

Chapter 14.40 APPEALS OF PROJECT PERMIT DECISIONS

14.40.010 Time limit for appeals.

A. Notwithstanding any provision of this code to the contrary, all appeals ~~to city council~~ of Category I, II and IV project permit decisions shall be filed with 14 days after the notice of decision or other notice that the decision has been made and is appealable; provided:

1. The period for appeal shall be extended for an additional seven days if public consent is allowed on a determination of nonsignificance issued as a part of the appealable project permit decision; and
 2. The date from which the 14-day appeal period shall run for any city staff decision made prior to the date of the single report shall be the issuance date of the single report containing a statement that the decision has been made and is appealable.
- B. Unless otherwise specified by another provision of this code, appeals must be received by the Community Development Department prior to 5:00pm on the last day of the appeal period. The notice of appeal shall set forth the factual and legal basis for appeal.
- C. Notwithstanding any provision of this code to the contrary, all appeals of land use decisions to Superior Court shall be filed and served within 21 days after of issuance of the decision ~~is issued~~, as provided in Chapter 36.70C RCW.

14.40.030 Procedure for appeal.

- A. Appeals of Category I and Category II project permit decisions shall be open record appeals, heard by the hearing examiner. Such appeals shall be heard and determined within 90 days after filing of the notice of appeal.
- B. Appeals of Category IV project permit decisions shall be closed record appeals, and shall be heard and determined within 60 days after filing of the notice of appeal. Such appeals shall be heard on the basis of the record before the hearing examiner or planning commission; provided, additional oral testimony or exhibits may be received by stipulation or if required in the discretion of city council to clarify or supplement such record. The city council shall affirm the decision and findings of the hearing examiner or planning commission unless the city council shall find such finding and decision to be clearly erroneous.
- C. The time limitations set forth in subsections A and B of this section may be extended by agreement of all parties to the appeal.
- D. Appeals of Category III project permit decisions to Superior Court shall be as provided by Chapter 36.70C RCW.
- E. The provisions of SMC 2.14.100 and SMC 2.14.105 shall apply to all appeals under this chapter.

Chapter 17.35 HISTORIC OVERLAY ZONES AND LANDMARKS

~~17.35.030 King County Code sections incorporated by reference.~~

~~Except so far as expressly altered in this chapter, the following sections of Chapter 20.62 of the King County Code, copies of which shall be maintained on file by the city clerk and available for public inspection and copying during normal business hours, are hereby incorporated by reference herein and made a part of this chapter specifically applicable only to sites, buildings, structures and objects within the downtown landmark district defined in this chapter:~~

- ~~A. KCC 20.62.020, Definitions, except as follows:~~
- ~~1. Paragraph D is changed to read "Commission" as the "Snoqualmie landmarks and heritage commission";~~
 - ~~2. Paragraph F is changed to read "Council" as the "Snoqualmie City Council";~~
- ~~B. KCC 20.62.040, Designation Criteria, except all references to "King County" are changed to read "Snoqualmie";~~
- ~~C. KCC 20.62.050, Nomination Procedure;~~
- ~~D. KCC 20.62.070, Designation Procedure, except all references to "King County" are changed to read "Snoqualmie";~~
- ~~E. KCC 20.62.100, Evaluation of Economic Impact;~~

- ~~F. KCC 20.62.110, Appeal Procedure; and~~
- ~~G. KCC 20.62.140, Special Valuation for Historic Properties.~~

17.35.040 Definitions.

The following words shall have the following meanings in this chapter; ~~provided, that in the event of a conflict, the definitions of Chapter 20.62 KCC incorporated by reference shall control with respect to sites, buildings, structures and objects within the downtown landmark district.~~

- ~~A. "Alteration" is any construction, demolition, removal, modification, excavation, restoration or remodeling of a landmark.~~
- ~~B. "Applicant" means any person, corporation or other legal entity applying for a permit for a regulated improvement, a business license for which a change of use permit is required or any subdivision or short subdivision within a designated historic district overlay zone.~~
- ~~BC. "Approved color" shall mean a color from a palette approved by the historic design review board and maintained on file by the historic preservation officer.~~
- ~~ED. "Architectural features" means the exterior architectural treatment and general arrangement of the portions of a building or structure and its site open to external view, including but not limited to the kind, color and texture of building materials, type of windows and doors, attached and detached signs, landscaping, screening, parking areas, exterior lighting, walkways and other appurtenances. With respect to landmarks only, it shall have the same meaning as "significant feature" as defined herein.~~
- ~~E. "Board" means the historical design review board established by this chapter.~~
- ~~F. "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 a historically related complex, such as a courthouse and jail or a house and barn.~~
- ~~G. "Certificate of appropriateness" is written authorization issued by the Snoqualmie Landmarks and Heritage Commission or its designee permitting an alteration to a significant feature of a designated landmark.~~
- ~~H. "Commission" means the "Snoqualmie Landmarks and Heritage Commission";~~
- ~~I. "Council" means the "Snoqualmie City Council";~~
- ~~DJ. "Contributing building or site" shall mean a building or site located within a landmark district as defined herein, which is of historical significance and has substantially retained its original appearance, and is identified as such in the landmark designation report.~~
- ~~K. "Designation" is the act of the Commission determining that an historic resource meets the criteria established by this chapter.~~
- ~~L. "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.~~
- ~~M. "Director" is the director of the Snoqualmie Community Development Department or designee.~~
- ~~N. "Downtown Master Plan" means the Snoqualmie Downtown Master Plan, approved by Snoqualmie city council on April 12, 2010 (city of Snoqualmie Resolution No. 948).~~
- ~~O. "Downtown Vision Plan" means the Snoqualmie Downtown Vision Plan, approved by Snoqualmie city council on April 23, 2007 (city of Snoqualmie Resolution No. 814).~~
- ~~P. "Heritage" is a discipline relating to historic preservation and archaeology, history, ethnic history, traditional cultures and folklore.~~
- ~~EQ. "Historic district" means the downtown historic district overlay zone and the Meadowbrook historic district overlay zone, the boundaries of which are as shown on the official zoning map. The respective boundaries of the historic districts are as established in Ordinance No. 744.~~
- ~~FR. "Historic preservation officer" shall mean the director of the Snoqualmie Community Development Department, or equivalent city official however denominated, or his or her designee.~~

- S. "Historic resource" is a district, site, building, structure or object significant in national, state or local history, architecture, archaeology, and culture.
- T. "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.
- U. "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.
- V. "Interested person of record" is any individual, corporation or partnership that notifies the commission or the council in writing of its interest in any matter before the commission.
- W. "Landmark" is an historic resource designated as a landmark pursuant to this chapter.
- ~~GX.~~ "Landmark district" means the Snoqualmie historic downtown commercial landmark district, the boundaries of which are shown on the official zoning map. The boundaries of the Snoqualmie historic downtown commercial landmark district are as established by the Snoqualmie landmarks and heritage commission pursuant to authority of Ordinance No. 746. The term "landmark district" shall also include any additional districts which may be subsequently established ~~subsequent to the adoption~~ under the authority of this chapter.
- ~~HY.~~ "Noncontributing building or site" shall mean any building or site not specifically designated as a contributing building or site in a landmark district.
- Z. "Nomination" is a proposal that an historic resource be designated a landmark.
- AA. "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.
- BB. "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.
- CC. "Person" is any individual, partnership or corporation.
- DD. "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.
- EE. "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.
- ~~FF.~~ "Regulated improvement" means any construction, addition, demolition, repair, remodeling, moving or change to an architectural feature of any building, structure or site, public or private, landscaping, and any placement of street furniture within a designated historic district or to a designated landmark. The term shall also include any proposed subdivision or short subdivision of land, boundary line adjustment, rezone or change of use within a historic district.
- ~~JGG.~~ "Street furniture" means improvements located within the street, public right-of-way, parking areas or other open areas, including but not limited to light standards, utility poles, newspaper stands, bus shelters, planters, benches, retaining walls, litter containers and telephone booths.
- ~~K.~~ "Downtown Master Plan" means the Snoqualmie Downtown Master Plan, approved by Snoqualmie city council on April 12, 2010 (city of Snoqualmie Resolution No. 948).

~~L. "Downtown Vision Plan" means the Snoqualmie Downtown Vision Plan, approved by Snoqualmie city council on April 23, 2007 (city of Snoqualmie Resolution No. 814).~~

~~HH. "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.~~

~~II. "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.~~

~~JJ. "Structure" is any functional construction, including a building as defined herein.~~

17.35.050 Snoqualmie historical design review board – Created.

A. There is hereby created the Snoqualmie historical design review board consisting of five members, at least three of whom shall reside within the city. The members of the historic design review board shall be appointed by the mayor and confirmed by city council. The historic design review board shall be made up as follows:

1. One member shall be a member of the Snoqualmie planning commission.
2. One member shall be a property owner or business owner within the downtown or Meadowbrook historic district overlay zone.
3. One member shall be a property owner or business owner within the downtown commercial landmark district.
4. One member shall be the special member of the Snoqualmie landmarks and heritage commission.
5. One member shall be a person with demonstrated interest or expertise in historic architecture, local history or historic preservation.

B. The historical design review board shall by resolution adopt rules governing its organization and procedures. The board shall meet not less than once a month, ~~and shall establish its regular meeting date and time by resolution.~~ The board shall may hold special meetings on such notice as is required by law as may be required to render historical design review decisions in a timely manner.

~~C. The board may in its discretion refer any matter coming before it to the Snoqualmie landmarks and heritage commission for historical design review; provided, such referral shall be made within 30 days of receipt of a complete application.~~

D. The ~~director~~ historic preservation officer or his or her designee shall advise the historical design review board, ~~and additional advice and training may be requested as deemed appropriate from the King County office of cultural resources.~~

17.35.103 Designation criteria.

A. An historic resource may be designated as a City of Snoqualmie 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, quality of work, 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 SMC 17.35.

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 the historical figure's 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.

17.35.105 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 this section and 17.35.107 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 17.35.103. 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 historical design review procedure set out in this chapter will apply;
 4. A statement that, upon a designation or a preliminary determination of significance, no significant feature may be changed without first undergoing historical design review under this chapter, whether or not a building or other permit is required. A copy of the historical design review provisions of this chapter 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.

17.35.107 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 SMC 17.35.103; and
4. A statement that no significant feature may be changed, whether or not a building or other permit is required, without first undergoing historic design review as provided in this chapter

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 SMC 17.35.103 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 Snoqualmie 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 Snoqualmie 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 historical design review provisions of this chapter no longer apply to the subject historic resources.

E. If the commission approves, or amends a landmark designation, the historical design review provisions of this chapter shall apply to the landmark designation 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 the historical design review provisions of this chapter apply. If the commission terminates the designation of a historic resource, the historical design review provisions of this chapter shall no longer apply to the historic resource.

17.35.120 Types of projects requiring historical design review –Designated

There are hereby established three types of projects for which historical design review shall be required, to be known as Type I, Type II, and Type III, as follows:

A. Type I projects include the following:

1. Routine maintenance, and repair or replacement of exterior features of ~~non~~contributing buildings or structures that use the same materials and design as used on the building before 1940, and using approved colors;
2. Exterior painting of noncontributing buildings or structures, using approved colors; and
3. ~~Temporary signs to be placed for not more than 60 days;~~
4. Routine maintenance, and repair or replacement of exterior features of contributing buildings or structures that use the same materials and design as used on the building before 1940, and using approved colors;
5. All additions to non-contributing buildings or structures; and

Commented [EA1]: Staff recommended amendment not included in the PC recommended changes.

6. All permanent signs.

- B. Type II projects include the following:
1. For contributing buildings or structures, any alteration in exterior appearance or replacement of historic materials with nonhistoric materials;
 2. For noncontributing buildings or structures, any exterior repairs (other than emergency repairs needed for the immediate protection of property, life or safety) or alterations other than those designated as Type I;
 3. The demolition or removal of a non-contributing building or structure, or demolition or removal of a significant portion thereof~~All permanent signs;~~
 4. All additions to any contributing buildings or structures; and
 5. All new construction.
- C. Type III projects include the following:
1. The demolition or removal of a contributing building or structure;
 2. The or demolition or removal of a significant feature of a contributing building or structure, including removal of a significant portion thereof~~;~~
 3. excavation~~Excavation~~ of a designated landmark site; and
 4. or excavations~~Excavation~~, test boring, site clearing or grading activity on an archaeological site.

17.35.150 Historical design review.

- A. Type I projects shall be reviewed by the historic preservation officer, who shall approve, approve with conditions, or refer the project to the historical design review board. The historic preservation officer shall render a decision on a Type I project or refer such project to the historical design review board within 15 calendar days from the receipt determination of a complete application. Referral of a Type I project to the historical design review board shall be at the sole discretion of the historic preservation officer. If a Type I project is referred to the historical design review board, the board shall render its decision on such project at the next regular meeting of the board, unless the applicant consents to a longer period of time, or the board determines that additional information must be submitted in order for it to render its decision. Type I projects shall be considered Category I or II permits per SMC 14.30.020.
- B. Type II and Type III projects shall be reviewed by the historic preservation officer, who ~~shall inform the King County office of cultural resources of all such applications. The historic preservation officer~~ shall make a staff report and recommendation to the historical design review board. The historic preservation officer ~~shall may, at their sole discretion,~~ request the technical assistance of the King County historic preservation program staff with respect to any proposed project with a landmark district or relating to a designated landmark outside a landmark district. The board may request the technical assistance of the King County historic preservation program staff ~~with respect to any proposed project not located within a landmark district or relating to a designated landmark.~~ The board shall consider the application at a regular or special meeting open to the public within 45 days after the receipt determination of a complete application. The board shall render its decision within 30 days after the meeting at which the application was first considered, which may be to approve, approve with conditions or deny the application; provided, such time periods may be extended by the board in the event modifications to the project require consideration at more than one meeting of the board. Type II and III projects shall be considered Category III permits per SMC 14.30.020.
- C. The standards established in this chapter are mandatory. The board may consider variances from the strict application of the standards of this chapter if the applicant demonstrates the need for such a variance; and provided, that the request is in keeping with the intent and purposes of this chapter. Should an applicant for a Type I project request a variance from the strict application of the standards of this chapter, the board shall review and make a decision on the project and the

variance. The board shall take the following factors into consideration with respect to decisions on variances:

1. The extent to which the project would adversely affect the character of the building or the overall historic district;
 2. The reasonableness of the proposed project in light of other alternatives available to achieve the objectives of the owner and the applicant; and
 3. The extent to which the proposed variance may be necessary to meet the requirements of a law or regulation, such as the building code, including the Washington State Barrier Free regulations, the Model Toxic Control Act or the Flood Hazard regulations.
- D. Type III projects, to the extent that they represent an irreplaceable loss to the historic fabric of the city in the opinion of the board, may only be approved when the action is required to alleviate a threat to public health and safety, when needed due to economic impacts, or when required to accomplish a significant public purpose. The ~~commission board~~ shall consider such application at a public meeting within 45 days after the date of referral, and render its decision within 30 days after the meeting at which the application was first considered.
- E. The respective decisions of the historic preservation officer ~~and~~ historical design review board ~~and Snoqualmie landmarks and heritage commission~~ shall be in writing, and state applicable findings, conclusions, and decision, including any conditions; provided, the historical design review board may adopt all or portions of the staff report as their findings and conditions. A copy of the findings and decision shall be provided ~~by personal delivery or by registered mail, return receipt requested,~~ to the property owner and applicant within five days after the decision, and shall be provided ~~by ordinary mail~~ to each person who has requested a copy of such findings and decision.

17.35.155 Evaluation of economic impact.

- A. At the public hearing on any application for a Type II or Type III historical design review, or Type I if referred to the board by the historic preservation officer, the board shall, when requested by the property owner, consider evidence of the economic impact on the owner of the denial or partial denial of a proposed project. In no case may a project 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 historic resource 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 board must find, both of the following:
1. The landmark or historic resource 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 or historic resource, 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 or historic resource was purchased;
 - (2) The annual gross and net income, if any, from the landmark or historic resource 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 or historic resource 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 or historic resource 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 or historic resource;
- (6) The fair market value of the landmark or historic resource immediately prior to its designation and the fair market value of the landmark or historic resource (in its protected status as a designated landmark or historic resource) 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 or historic resource for the past two (2) years.
- b. The landmark or historic resource 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 or historic resource;
 - (2) Reasonableness of the price or lease sought by the owner;
 - (3) Any advertisements placed for the sale or lease of the landmark or historic resource.
- c. The unfeasibility of alternative uses that can earn a reasonable economic return for the landmark or historic resource 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 or historic resource 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 or historic resource 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 or historic resource;
 - (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 or historic resource, the availability of incentives and the economic impacts of approval, denial or partial denial of a proposed project.
- E. Any adverse economic impact caused intentionally or by willful neglect shall not constitute a basis for approval of a proposed project.

17.35.160 Reconsideration.

In the event new information becomes available, or if the owner or applicant believes that the decision of the historical design review board was based upon erroneous findings, the owner or applicant may file a request for reconsideration within 14 days of the date of ~~delivery or 17 days of the date of certified mailing of~~ the decision. Such request shall be filed with the historic preservation officer, and shall include all supporting documentation. The request for reconsideration shall be heard and decided within 70 days of the date of filing of the request. A request for reconsideration shall not be deemed a prerequisite for appeal of any decision.

17.35.170 Appeal.

- A. The findings and decision of the historic preservation officer for a Type I project, ~~and the findings and decision of the historical design review board for a Type II or Type III project,~~ may be appealed to the ~~historical design review board~~ hearing examiner ~~by the property owner or applicant~~ by filing a notice of appeal ~~within 10 days after delivery of the decision or within 13 days after the date of the certified mailing of the decision as specified in Chapter 14.40 SMC.~~ The ~~board~~ hearing examiner shall render ~~its~~ their decision on the appeal ~~at its next regular meeting more than 14 days after the date of filing of the appeal. The decision of the board shall be final per Chapter 14.40 SMC and Chapter 2.14 SMC.~~
- B. Decisions of the historical design review board for a variance under SMC 17.35.150(C) Type II or Type III project located within the landmark district may be appealed to the Snoqualmie City Council landmarks and heritage commission by filing a notice of appeal within 21 calendar days after delivery of the decision or 24 calendar days after the date of certified mailing as specified in Chapter 14.40 SMC. The City Council commission shall hear the appeal within 45 days and render its decision on the appeal per Chapter 14.40 SMC within 70 days of the date of filing.
- C. Decisions of the Snoqualmie landmarks and heritage commission designating, amending, removing or terminating the designation of a historic resource under SMC 17.35.107 historical design review board for ~~a Type II or Type III projects within a designated historic district but outside the landmark district~~ may be appealed to the hearing examiner city council by filing a notice of appeal within 21 calendar days after delivery of the decision or 24 calendar days after the date of certified mailing as specified in Chapter 14.40 SMC. The hearing examiner city council shall hear the appeal within 45 days and render its decision within 70 days of the date of filing render its decision on the appeal per Chapter 14.40 SMC.
- D. All notices of appeal shall be filed with the city clerk, which shall identify the decision being appealed and shall contain a statement of the factual and legal grounds for the appeal.
- EED. The decisions of the Snoqualmie ~~landmarks and heritage commission~~ hearing examiner ~~or the city council~~ on appeals shall be final unless appealed to the superior court pursuant to Ch. 36.70C RCW, the Land Use Petition Act, within the time period therein provided.

Chapter 17.80 DESIGN REVIEW BOARD

Sections:

- | | |
|-------------------------|--|
| 17.80.010 | Purpose and objectives. |
| 17.80.020 | <u>Membership</u> Design Review Board. |
| 17.80.030 | Scope of authority – Design Review Board. |
| <u>17.80.035</u> | <u>Site Plan Permit.</u> |
| 17.80.040 | Application requirements. |
| 17.80.050 | <u>Design</u> Review guidelines. |
| <u>17.80.055</u> | <u>Site Plan Review criteria</u> |

17.80.060 Action by the design review board or director.

17.80.010 Purpose and objectives.

It is the purpose of this chapter to:

- A. ~~provide~~ Provide for the review by public officials of land development and building design in order to promote the public health, safety, and welfare. ~~Specifically, the design review board shall~~
- B. ~~encourage~~ Encourage well designed developments that are creative and harmonious with the natural and manmade environments and that embody good design principles that will result in high quality development on the subject property.
- C. Review a proposal for compliance with the provisions of this code and all other applicable law.
- D. Ensure that a proposal is coordinated, as is reasonable and appropriate, with other known or anticipated development on private properties in the area and with known or anticipated right-of-way and other public improvement projects within the area.

17.80.020 ~~Membership~~ Design Review Board.

There is hereby created a design review board. The design review board shall consist of the members of the planning commission. The members of the planning commission shall also sit as members of the design review board.

17.80.030 Scope of authority – Design Review Board.

- A. The rules and regulations of the design review board shall be the same as those stated for the planning commission in the bylaws of the planning commission. The board shall have the authority to approve, approve with conditions, or deny all plans submitted to it using guidelines in SMC 17.80.050.
- B. The design review board shall review proposed development plans for the following described land use actions:
 - 1. All proposed developments, excluding the following:
 - a. ~~single~~Single-family homes;
 - b. ~~and further excluding any~~Any proposed development for which historic design review is required pursuant to Chapter 17.35 SMC, unless the design review board is sitting as the historic design review board in accordance with SMC 17.35.055;
 - c. The expansion, remodel, or alteration of any building or other structure by less than ten percent of its existing floor area, or overall size in cases where floor area standards are not applicable, provided the proposed design is generally consistent with the existing design as determined by the director;
 - 2. Approval by the design review board is required for all landscape plans in the MU zone. The design review board may modify all minimum width requirements according to scale of the property upon request of the applicant;
 - 3. Proposed development which, as a condition of approval of any rezone or other land use action of the city council, or as a condition of the responsible official's decision pursuant to the State Environmental Policy Act, is referred to the board for design review.

17.80.035 Site Plan Permit

A. The Community Development Department shall review proposed site plans for the following described actions:

- 1. The new construction of a nonresidential building or other structure;

2. The expansion, remodel, or alteration of any building or other structure by more than ten percent of its existing floor area, or overall size in cases where floor area standards are not applicable;
3. The expansion of any building or structure that creates a new dwelling unit;
4. A change of use, or where traffic, parking, noise or other impacts are greater than the impacts for the previously existing use, as determined by the director; or
5. The construction and reconstruction of driveway approaches, gates, roads, shared access facilities, alleys, and driving surfaces within ingress/egress easements.

17.80.040 Application requirements.

Applications for design review or site plan review by the design review board under this chapter must be submitted to the ~~planning commission~~ Community Development Department prior to or concurrently with a building permit application, but in no case less than ~~at least~~ two weeks prior to the meeting of the design review board. Building permits shall not be granted until approval of plans by the design review board or director. All applications shall be accompanied by a filing fee as required in SMC 17.85.030 and shall include but not be limited to site plans, exterior building elevations, the environmental checklist, if applicable, and other materials as required by the ~~planning commission~~ director.

17.80.050 Design Review guidelines.

In reviewing any application, the following guidelines shall be used by the design review board in its decision-making:

- A. Relationship of the Structure to the Site.
 1. The site should be planned to accomplish a desirable transition with the streetscape and to provide for adequate landscaping and pedestrian movement.
 2. Parking and service areas should be located, designed, and screened to moderate the visual impact of large paved areas.
 3. The height and scale of each building should be considered in relation to its site.
- B. Relationship of the Structure and Site to Adjoining Area.
 1. Harmony in texture, lines, and masses is encouraged.
 2. Appropriate landscape transition to adjoining properties should be provided.
 3. Public buildings and structures should be consistent with the established neighborhood character.
 4. Compatibility of vehicular pedestrian circulation patterns and loading facilities in terms of safety, efficiency, and convenience should be encouraged.
 5. Compatibility of on-site vehicular circulation with street circulation should be encouraged.
- C. Landscape and Site Treatment.
 1. Where existing topographic patterns contribute to beauty and utility of a development, they should be recognized and preserved and enhanced.
 2. Grades of walks, parking spaces, terraces, and other paved areas should promote safety and provide an inviting and stable appearance.
 3. Landscape treatment should enhance architectural features, provide buffers between incompatible land uses, and provide shade.
 4. In locations where plants will be susceptible to injury by pedestrian or motor traffic, mitigating steps should be taken.
 5. Where building sites limit planting, the placement of trees or shrubs in paved areas is encouraged.

6. Screening of service yards, and other places which tend to be unsightly, should be accomplished by use of walls, fencing, planting, or combinations of these. Screening should be effective in winter and summer.
 7. In areas where general planting will not prosper, other materials such as fences, walls, and paving of wood, brick, stone, or gravel may be used.
 8. Exterior lighting, when used, should enhance the building design and the adjoining landscape. Lighting standards and fixtures should be of a design and size compatible with the building and adjacent area. Lighting should be shielded and restrained in design.
- D. Building Design.
1. Architectural style is not restricted, evaluation of a project should be based on quality of its design and relationship to surroundings.
 2. Buildings should be to appropriate scale and be in harmony with permanent neighboring developments.
 3. Building components, such as windows, doors, eaves, and parapets, should have good proportions and relationship to one another. Building components and ancillary parts shall be consistent with anticipated life of the structure.
 4. Paint and material colors shall be selected to coordinate the entire facade and to be compatible with adjacent buildings. Bright or brilliant colors shall be used only for accent.
 5. Mechanical equipment or other utility hardware on roof, ground, or buildings should be screened from view.
 6. Exterior lighting should be part of the architectural concept. Fixtures, standards, and all exposed accessories should be harmonious with building design.
 7. Monotony of design in single or multiple building projects should be avoided. Variety of detail, form, and siting should be used to provide visual interest.
- E. Miscellaneous Structures and Street Furniture.
1. Miscellaneous structures and street furniture should be designed to be part of the architectural concept of design and landscape. Materials should be compatible with buildings, scale should be appropriate, colors should be in harmony with buildings and surroundings, and proportions should be to scale.
 2. Lighting in connection with miscellaneous structures and street furniture should meet the guidelines applicable to the site, landscape, and buildings.

17.80.055 Site Plan Review Criteria

A. Lot-based standards are typically applied to each individual lot within the site or for site plan review where such standards have been applied to the site as if it consisted of one parcel. The director may approve an application for site plan permit if it is consistent with the following criteria:

1. The use standards in Chapter 17.55 SMC;
2. The area, height, setback, and miscellaneous provisions in SMC 17.20.040;
3. The parking standards in Chapter 17.65 SMC;
4. The landscape standards in Chapter 17.70 SMC;
5. The streets and utilities in the area of the subject property are adequate to serve the anticipated demand from the proposal;
6. The proposed access to the subject property is at the optimal location and configuration for access; and
7. Traffic safety impacts for all modes of transportation, both on and off site, are adequately mitigated.

17.80.060 Action by the design review board [or director](#).

- A. Approval. If the design review board [or director](#) approves the proposed development, a building permit may be issued by the appropriate city official, providing they have complied with all other requirements of the building code and ordinances of the city.
- B. Approval with Conditions. If the design review board [or director](#) approves the proposed development plans with conditions, it may require that such conditions shall be fulfilled prior to the issuance of a building or occupancy permit, where appropriate.
- C. Denial. The design review board [or director](#) may deny the proposed development plans if they do not satisfy the guidelines of SMC 17.80.050 [or SMC 17.80.055, as applicable](#).