



BUSINESS OF THE CITY COUNCIL CITY OF SNOQUALMIE

AB23-005
January 9, 2023
Ordinance

AGENDA BILL INFORMATION

TITLE:	Ordinance amending SMC Chapters 14.30, 14.40, 17.35 and 17.80	☐ Discussion Only
PROPOSED ACTION:	Adopt Ordinance 1273, Amending SMC Chapters 14.30, 14.40, 17.35 and 17.80	☒ Action Needed: ☐ Motion ☒ Ordinance ☐ Resolution

REVIEW:	Department Director/Peer	Emily Arteche	12/29/2022
	Finance	n/a	Click or tap to enter a date.
	Legal	Anna Astrakhan	12/29/2022
	City Administrator	Mike Sauerwein	Click or tap to enter a date.

DEPARTMENT:	Community Development		
STAFF:	Jason Rogers, Senior Planner		
COMMITTEE:	Community Development	COMMITTEE DATE: January 3, 2023	
MEMBERS:	Jo Johnson	Matthew Laase	James Mayhew
EXHIBITS:	1. Ordinance 1273 2. Planning Commission Recommendation 3. Table of Changes 4. Proposed Ordinance 1273 with CD Committee recommended amendments		

AMOUNT OF EXPENDITURE	\$ n/a
AMOUNT BUDGETED	\$ n/a
APPROPRIATION REQUESTED	\$ n/a

SUMMARY

INTRODUCTION

Several draft code amendments were introduced at the Planning Commission beginning in the Fall of 2022 identifying opportunities in the Snoqualmie Municipal Code (SMC) to clarify, simplify, and enhance permit processing in the areas of historic design review, landmarks, and design review.

The draft amendments include project permit processing procedures for all permit types, Snoqualmie landmark designation criteria, landmark nomination procedures, landmark-related definitions, thresholds for historic design review, and a new permit type, "Site Plan Permit". Other draft code amendments set a time and day for receiving appeals of historic design review decisions.

LEGISLATIVE HISTORY

Previously adopted ordinances include:

744	1995
768	1996
874	2001
960	2004
1120	2013
1198	2017
1203	2018
1234	2020
1262	2022

BACKGROUND

The current version of Chapter 17.35 SMC, Historic Overlay Zones and Landmarks, was originally adopted in 2001 and has received only minor updates since. At the time, the chapter adopted several sections of the King County Code (KCC) by reference, including sections related to landmark designation procedures. Some existing code language also requires city coordination with an King County office that no longer exists.

In addition, the City's code does not provide for a comprehensive site plan review process. Site plan permits guide applicants early in the permit review process and assures that quality physical development occurs in compliance with the development code. Municipal Research Service Center (MRSC) describes a site plan permit as a *"general site plan review typically involves physical details that relate to the site and the type of use proposed and addresses such things as landscaping, design, parking location, and other site-specific issues. Site plan review typically applies to commercial and industrial development and multifamily projects of a certain size - not single-family residential development. Site plan review may be required before or concurrent with a building permit, a conditional use approval, or other type of land use review process."*

More information about site plan permit processes is available at <https://mrsc.org/explore-topics/planning/development-regulations/site-plans-and-binding-site-plans>

The Planning Commission reviewed the draft code amendments at its meetings on September 6, October 3 and 17, November 7 and 21, and December 5. This included a public hearing on November 21, continued to December 5. The Planning Commission's recommendation to the City Council is attached as Exhibit 2. State Environmental Policy Act (SEPA) review was completed and a SEPA Determination of Non-Significance (DNS) was issued on December 2, 2022.

ANALYSIS

The draft code amendments provide opportunities in the SMC to clarify, simplify, and enhance permit processing specifically in the areas of historic design review and landmarks, and design review by:

- Clarifying the initial decision maker, appeal body and other requirements applicable to each category of permit in category of permits table [SMC 14.30.020]. Appeals of all historic design review decisions would be processed by the City Hearing Examiner).
- Clarifying the deadline for filing appeals [SMC 14.40.010].
- Enhancing how the Historic Design Review Board operates [multiple sections in Chapter 17.35 SMC].
- Simplifying the code with the deletion of KC development code references [SMC 17.35.030].
- Enhancing the code with the addition of KC development codes including Snoqualmie landmark designation criteria and nomination procedures and related definitions [multiple sections in Chapter 17.35 SMC].
- Clarifying the parameters of various types of historic design review [SMC 17.35.120 and .150].

- Enhancing the code with the addition of a Site Plan Permit and permit criteria [Chapter 17.80 SMC].

PLEASE NOTE: after the Planning Commission recommendation on December 5, 2022, (see Exhibit 2) Staff identified one additional recommended draft code amendment for City Council consideration noted on the draft ordinance (Exhibit 1, p. 13) which provides consistency with the existing code (SMC 17.75.050) by deleting a reference to temporary signs for less than 60 days from Historic Design Review Board reviews.

COMMITTEE REVIEW

At its January 3, 2023, meeting, the Community Development Committee discussed the proposed ordinance. The Committee discussion included conversation around the involvement of elected and/or appointed bodies for decisions and/or appeals of decisions involving discretion and/or judgment. Where a decision-maker is applying the code in a manner that leaves little or no room for interpretation and judgment, the Committee agrees with the Planning Commission that providing for an appeals process using the Hearing Examiner is appropriate. However, in cases where some level of judgment is needed, such as for a variance, the Committee believes that such appeals should be to an elected body, specifically the City Council. This provides a suitable level of knowledge of local conditions and accountability within the decision-making process, while keeping the City Council out of the more routine aspects of the permitting process.

Exhibit 4 shows proposed amendments to the ordinance (in yellow highlight) that would provide for appeals of historic design review variance decisions be to the City Council, instead of to the Hearing Examiner.

BUDGET IMPACTS

None.

NEXT STEPS

The proposed ordinance is for first reading/introduction on January 9, 2023, and City Council action on January 23, 2023. The City Council should consider the Community Development Committee's discussion and proposed amendments to the draft ordinance.

PROPOSED ACTION

[For January 9, 2023] None; for introduction only.

[For January 23, 2023]: Move to approve Ordinance No. 1273, adopting amendments to Chapters 14.30, 14.40, 17.35 and 17.80 of the Snoqualmie Municipal Code.