



## COMMUNITY DEVELOPMENT COMMITTEE & COMMITTEE OF THE WHOLE HYBRID MEETING

**Tuesday, January 03, 2023, at 6:00 PM**

**Snoqualmie City Hall, 38624 SE River Street & Zoom**

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### COMMITTEE MEMBERS

Jolyon Johnson, Chair

Councilmembers: James Mayhew and Matthew Laase

*This meeting will be conducted in person and remotely using teleconferencing technology provided by Zoom.*

**Join by Telephone at 6:00 PM:** To listen to the meeting via telephone, please call **253.215.8782** and enter Webinar ID **860 6728 7531** and Password **1730040121** if prompted.

Press \*9 to raise your hand to speak. Raising your hand signals the meeting moderator that you have a comment.

Press \*6 to mute and unmute.

**Join by Internet at 6:00 PM:** To watch the meeting over the internet via your computer, follow these steps:

- 1) Click this [link](#)
- 2) If the Zoom app is not installed on your computer, you will be prompted to download it.
- 3) If prompted for Webinar ID, enter **860 6728 7531**; Enter Password **1730040121**
- 4) Please confirm that your audio works prior to participating.

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### CALL TO ORDER & ROLL CALL

### AGENDA APPROVAL

### PUBLIC COMMENTS

### MINUTES

1. Approval of the minutes dated December 5, 2022

### AGENDA BILLS

2. AB23-004: Department of Commerce Middle Housing Grant Agreement
3. AB23-005: Draft Ordinance amending SMC Chapters 14.30, 14.40, 17.35 and 17.80

### DISCUSSION ITEMS

### ADJOURNMENT

### UPCOMING ITEMS

4. Comprehensive Plan 2024



## COMMUNITY DEVELOPMENT COMMITTEE MINUTES REGULAR HYBRID MEETING December 5, 2022

*This meeting was conducted as a hybrid in-person and remote meeting; the in-person option was in the Council Chambers at Snoqualmie City Hall, and the remote participation option was using teleconferencing technology provided by Zoom.*

**CALL TO ORDER & ROLL CALL:** Chair Johnson called the meeting to order 6:02 PM

**Committee Members:**

Chair Jo Johnson and Councilmembers James Mayhew and Matthew Laase were present.

Mayor Katherine Ross and Councilmembers Cara Christensen and Rob Wotton were also present.

**City Staff:**

Michael Sauerwein, City Administrator; Emily Arteché, Community Development Director; Jason Rogers, Senior Planner; Dylan Gamble, Associate Planner; Mark Gerken, Service Desk Technician.

Also in attendance was Matt Covert.

**AGENDA APPROVAL**

The agenda was approved without objection.

**PUBLIC COMMENTS**

There were no requests to speak.

**MINUTES**

1. Committee review and approval of minutes for November 21, 2022.

The Committee approved the minutes without objection.

**AGENDA BILLS**

2. AB22-157 Annual Floodplain Management and Repetitive Loss Plan

Staff presented how once analysis and contact is made with necessary residents in the city, staff can try to lower the flood score through FEMA by focusing on reducing flood impacts. Staff is preparing for reclass which will happen in 2024.

**DISCUSSION ITEMS**

3. Housing Needs Assessment Presentation

Council Members discussed buildable land and how they want to focus on the 30% to 50% AMI within housing after presentation.

4. Projected Housing Needs and Allocations update

House Bill 1220 requires housing allocations by income band and racial impacts. King County is advancing a distribution to cities called "Option Three". The city sent a letter to the Department of Commerce contesting the parameters of Option Three.

**ADJOURNMENT**

Chair Johnson adjourned the meeting at 6:58 PM

**CITY OF SNOQUALMIE**

*Minutes taken by Ashley Wragge, Planning Technician*

*Recorded meeting audio is available on the City website after the meeting.*

*Minutes approved at the \_\_\_\_\_ Community Development Meeting.*



# BUSINESS OF THE CITY COUNCIL CITY OF SNOQUALMIE

**AB23-004**  
**January 9, 2023**  
**Committee Report**

## AGENDA BILL INFORMATION

<b>TITLE:</b>	AB23-004: Missing Middle Housing Analysis	<input type="checkbox"/> Discussion Only
<b>RECOMMENDED ACTION:</b>	Approve Missing Middle Housing LDC Contract (Agreement and Scope of Work)	<input checked="" type="checkbox"/> Action Needed: <input checked="" type="checkbox"/> Motion <input type="checkbox"/> Ordinance <input type="checkbox"/> Resolution

<b>REVIEW:</b>	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.

<b>DEPARTMENT:</b>	Community Development		
<b>STAFF:</b>	Emily Arteche, Community Development Director		
<b>COMMITTEE:</b>	Community Development	Meeting Date: January 9, 2023	
<b>COUNCIL LIAISON:</b>	Matthew Laase	Jo Johnson	James Mayhew
<b>EXHIBITS:</b>	1. LDC, Inc Contract 2. Department of Commerce Grant Agreement		

<b>AMOUNT OF EXPENDITURE</b>	\$ 94,200
<b>AMOUNT BUDGETED</b>	\$ 0
<b>APPROPRIATION REQUESTED</b>	\$ n/a

## SUMMARY

The contract, (see exhibit 1) between the City of Snoqualmie and LDC, Incorporated establishes terms and conditions for producing a 'Missing Middle' housing report and a buildable lands analysis report which is reimbursable with \$112,500 grant monies provided by the State of Washington, Department of Commerce, (see exhibit 2). The total LDC, Inc. contract value is \$94,200.

## BACKGROUND

The City applied for and received funding from the Washington Department of Commerce to fund new mandates associated with amendments to RCW 36.70A.070 (2); Housing Element. Grantee jurisdictions must conduct actions relating to adopting ordinances that authorize middle housing types on at least 30% of lots currently zoned as single family residential. The city must use a racial equity analysis and establish anti-

displacement policies to ensure there will be no net displacement of very low, low or moderate-income households, as defined in RCW 43.63A.510, or individuals from racial, ethnic and religious communities which have been subject to discriminatory housing policies in the past. The LDC scope of work also includes a Snoqualmie buildable land/land capacity analysis report. These work products will inform the City's 2024 Comprehensive Plan Update Housing and Land Use Elements.

## **ANALYSIS**

The Missing Middle housing types include duplexes, triplexes, fourplexes, fiveplexes, sixplexes, townhouses, courtyard apartments, cottage housing, and stacked flats. "Missing Middle" is a term used to describe housing types that sit in the middle of a spectrum between detached single-family homes and mid-rise to high-rise apartment buildings, in terms of form and scale. Missing Middle provides for increased number of units and often, affordable units.

The analysis and buildable lands report will identify opportunities for additional housing types and affordable units. The report will provide potential development code and comprehensive plan amendments that will allow the city to stay in compliance with the city's Grantee Agreement, (Exhibit 2) as well as the State Growth Management Act, Puget Sound Regional Council and King County governments.

## **BUDGET IMPACTS**

N/A

## **NEXT STEPS**

Move to authorize approval of contract on January 9, 2023.

## **RECOMMENDED ACTIONS**

Staff recommends that city council authorize the mayor to sign the LDC, Incorporated contract.

**CITY OF SNOQUALMIE**  
**AGREEMENT FOR CONSULTANT SERVICES**  
**Contract Title: Snoqualmie Housing Action Plan**

THIS AGREEMENT made and entered into by and between the CITY OF SNOQUALMIE, a Washington municipal corporation (the "City"), and LDC, Inc, a corporation ("Consultant") is dated this 14 day of December 2022.

Consultant Business: LDC, Inc  
 Consultant Address: 20210 142<sup>nd</sup> Ave NE

Consultant Phone: 425-806-1869

Contact Name: Clay White

Contact e-mail: cwhite@ldccorp.com

Federal Employee ID No.: 91-2184193

Authorized City Representative for this contract: Emily Arteche, Community Development Director

WHEREAS, the City desires to Produce a Missing Middle Housing and Buildable lands Report;

WHEREAS, public convenience and necessity require the City to obtain the services of a consultant with expertise in the area of Planning and Housing; and

WHEREAS, the City finds that Consultant is qualified to perform and is experienced in performing the required services; and

WHEREAS, the city desires to engage the Consultant to Produce a Missing Middle Housing and Buildable lands Report.

NOW, THEREFORE, the parties herein do mutually agree as follows:

**1. Employment of Consultant.**

A. The City retains the Consultant to provide the services described in "Exhibit A" (the "Work"). Any inconsistency between this Agreement and the Scope of Work shall be resolved in favor of this Agreement. The Consultant shall perform the Work according to the terms and conditions of this Agreement.

B. The City may revise the Work and the compensation only by a written Change Order signed by the authorized City representative that shall become a part of this Agreement.

C. The project manager(s) of the Work shall be Clay White. The project manager(s) shall not be replaced without the prior written consent of the City.

D. Work shall commence when the City issues a notice to proceed and it shall be completed no later than July 30, 2023, unless the completion date is extended in writing by the City.

## 2. Compensation.

A. The total compensation to be paid to Consultant, including all services and expenses, shall not exceed \$ 94,200 as shown on Exhibit B, which shall be full compensation for the Work. Consultant shall notify the City when its requests for payment reach eighty-five percent of the total compensation.

B. Consultant shall be reimbursed for Eligible Expenses actually incurred. "Eligible Expenses" means those types and amounts of expenses that are approved for reimbursement by the City in writing before the expense is incurred. If travel and/or overnight lodging is authorized, Consultant shall lodge within the corporate limits of City.

## 3. Request for Payment.

A. Not more than once Monthly the Consultant shall file its request for payment, accompanied by evidence satisfactory to the City justifying the request for payment, including a report of Work accomplished and tasks completed, and an itemization of Eligible Expenses with copies of receipts and invoices.

B. All requests for payment should be sent to

City of Snoqualmie  
Attn: Emily Arteché  
38624 SE River Street  
P.O. Box 987  
Snoqualmie, WA 98065

## 4. Work Product.

A. The Consultant shall submit all reports and other documents specified in Exhibit A according to the schedule established in Exhibit A. If, after review by the City, the information is found to be unacceptable, Consultant, at its expense, shall expeditiously correct such unacceptable work. If Consultant fails to correct unacceptable work, the City may withhold from any payment due an amount that the City reasonably believes will equal the cost of correcting the work.

B. All reports, drawings, plans, specifications, and intangible property created in furtherance of the Work, and any intellectual property in such documents, are property of the City and may be used by the City for any purpose; provided that re-use without Consultant's permission shall be at the City's sole risk.

**5. Termination of Contract.** City may terminate this Agreement by sending a written notice of termination to Consultant ("Notice") that specifies a termination date ("Termination Date") at least fourteen (14) days after the date of the Notice; provided, however, that in the event of a material breach of this Agreement, termination may be effective immediately or upon such date as determined by the City in its sole discretion. For purposes of this Agreement, "material breach" is defined as misfeasance, malfeasance or violation of any criminal law, ordinance or regulation.. Upon receipt of the Notice, the Consultant shall acknowledge receipt to the City in writing and immediately commence to end the Work in a reasonable and orderly manner. Unless terminated for Consultant's material breach, the Consultant shall be paid or reimbursed for all hours worked and Eligible Expenses incurred up to the Termination date, less all payments previously made; provided that work performed after date of the Notice is reasonably necessary to terminate the Work in an orderly manner. The Notice may be sent by any method reasonably believed to provide Consultant actual notice in a timely manner

**6. Assignment of Contract – Subcontractors.** Consultant shall not assign this contract or sub-contract or assign any of the Work without the prior written consent of the City.

**7. Indemnification.**

A. To the extent provided by law and irrespective of any insurance required of the Consultant, the Consultant shall defend and indemnify the City from any and all Claims arising out of or in any way relating to this Agreement; provided, however, the requirements of this paragraph shall not apply to that portion of such Claim that reflects the percentage of negligence of the City compared to the total negligence of all persons, firms or corporations that resulted in the Claim.

B. Consultant agrees that the provisions of this paragraph 7 apply to any claim of injury or damage to the persons or property of consultant's employees. As to such claims and with respect to the City only, consultant waives any right of immunity, which it may have under industrial insurance (Title 51 RCW and any amendment thereof or substitution therefore). **THIS WAIVER IS SPECIFICALLY NEGOTIATED BY THE PARTIES AND IS SOLELY FOR THE BENEFIT OF THE CITY AND CONSULTANT.**

C. As used in this paragraph: (1) "City" includes the City's officers, employees, agents, and representatives; (2) "Consultant" includes employees, agents, representatives sub-consultants; and (3) "Claims" include, but is not limited to, any and all losses, claims, causes of action, demands, expenses, attorney's fees and litigation expenses, suits, judgments, or damage arising from injury to persons or property.

D. Consultant shall ensure that each sub-consultant shall agree to defend and indemnify the City to the extent and on the same terms and conditions as the Consultant pursuant to this paragraph.

**8. Insurance.**

A. Consultant shall comply with the following conditions and procure and keep in force at all times during the term of this Agreement, at Consultant's expense, the following policies of insurance with companies authorized to do business in the State of Washington. The Consultant's insurance shall be rated by A. M. Best Company at least "A" or better with a numerical rating of no less than seven (7) and otherwise acceptable to the City.

1. Workers' Compensation Insurance as required by Washington law and Employer's Liability Insurance with limits not less than \$1,000,000 per occurrence. If the City authorizes sublet work, the Consultant shall require each sub-consultant to provide Workers' Compensation Insurance for its employees, unless the Consultant covers such employees.
2. Commercial General Liability Insurance on an occurrence basis in an amount not less than \$1,000,000 per occurrence and at least \$2,000,000 in the annual aggregate, including but not limited to: premises/operations (including off-site operations), blanket contractual liability and broad form property damage.
3. Business Automobile Liability Insurance in an amount not less than \$1,000,000 per occurrence, extending to any automobile used by Consultant in the course of the Work. A statement by Consultant and approved by the City Administrator, certifying that no vehicle will be used in accomplishing this Agreement, may be substituted for this insurance requirement.
4. Professional Errors and Omissions Insurance in an amount not less than \$1,000,000 per occurrence and \$1,000,000 in the annual aggregate. Coverage may be written



on a claims made basis; provided that the retroactive date on the policy or any renewal policy shall be the effective date of this Agreement or prior, and that the extended reporting or discovery period shall not be less than 36 months following expiration of the policy. The City may waive the requirement for Professional Errors and Omissions Insurance whenever the Work does not warrant such coverage or the coverage is not available.

5. Each policy shall contain a provision that the policy shall not be canceled or materially changed without 30 days prior written notice to the City.

Upon written request to the City, the insurer will furnish, before or during performance of any Work, a copy of any policy cited above, certified to be a true and complete copy of the original.

B. Before the Consultant performs any Work, Consultant shall provide the City with a Certificate of Insurance acceptable to the City Attorney evidencing the above-required insurance and naming the City of Snoqualmie, its officers, employees and agents as Additional Insured on the Commercial General Liability Insurance policy and the Business Automobile Liability Insurance policy with respect to the operations performed and services provided under this Agreement and that such insurance shall apply as primary insurance on behalf of such Additional Insured. Receipt by the City of any certificate showing less coverage than required is not a waiver of the Consultant's obligations to fulfill the requirements.

C. Consultant shall comply with the provisions of Title 51 of the Revised Code of Washington before commencing the performance of the Work. Consultant shall provide the City with evidence of Workers' Compensation Insurance (or evidence of qualified self-insurance) before any Work is commenced.

D. In case of the breach of any provision of this section, the City may provide and maintain at the expense of Consultant insurance in the name of the Consultant and deduct the cost of providing and maintaining such insurance from any sums due to Consultant under this Agreement, or the City may demand Consultant to promptly reimburse the City for such cost.

**9. Independent Contractor.** The Consultant is an independent Contractor responsible for complying with all obligations of an employer imposed under federal or state law. Personnel employed by Consultant shall not acquire any rights or status regarding the City.

**10. Employment.** The Consultant warrants that it did not employ or retain any company or person, other than a bona fide employee working solely for the Consultant, to solicit or secure this Agreement or pay or agree to pay any such company or person any consideration, contingent upon or resulting from the award or making of this Agreement. For breach or violation of this warranty, the City shall have the right either to terminate this Agreement without liability or to deduct from the Agreement price or consideration or to otherwise recover, the full amount of such consideration.

**11. Audits and Inspections.** The Consultant shall make available to the City during normal business hours and as the City deems necessary for audit and copying all of the Consultant's records and documents with respect to all matters covered by this Agreement.

**12. City of Snoqualmie Business License.** Consultant shall obtain a City of Snoqualmie business license before performing any Work.

**13. Compliance with Federal, State and Local Laws.** Consultant shall comply with and obey all federal, state and local laws, regulations, and ordinances applicable to the operation of its business and to its performance of the Work.

**14. Waiver.** Any waiver by the Consultant or the City of the breach of any provision of this Agreement by the other party will not operate, or be construed, as a waiver of any subsequent breach by either party or prevent either party from thereafter enforcing any such provisions.

**15. Complete Agreement.** This Agreement contains the complete and integrated understanding and agreement between the parties and supersedes any understanding, agreement or negotiation whether oral or written not set forth herein.

**16. Modification of Agreement.** This Agreement may be modified by a Change Order as provided in Paragraph 1, or by a writing that is signed by authorized representatives of the City and the Consultant.

**17. Severability.** If any part of this Agreement is found to be in conflict with applicable laws, such part shall be inoperative, null and void, insofar as it is in conflict with said laws, the remainder of the Agreement shall remain in full force and effect.

**18. Notices.**

A. Notices to the City of Snoqualmie shall be sent to the following address:

City of Snoqualmie  
Attn: Emily Arteché  
38624 SE River Street  
P.O. Box 987  
Snoqualmie, WA 98065

B. Notices to the Consultant shall be sent to the following address:

**19. Venue.** This Agreement shall be governed by the law of the State of Washington and venue for any lawsuit arising out of this Agreement shall be in King County.

IN WITNESS WHEREOF, the City and Consultant have executed this Agreement as of the date first above written.

CONSULTANT: Please fill in the spaces and sign in the box appropriate for your business entity.

CITY OF SNOQUALMIE,  
WASHINGTON

By: \_\_\_\_\_  
Its: Mayor  
Date: \_\_\_\_\_

Corporation

[Consultant's Complete Legal Name]

By: \_\_\_\_\_  
Typed/Printed Name: \_\_\_\_\_  
Its: \_\_\_\_\_  
Date: \_\_\_\_\_

ATTEST:

Deana Dean, City Clerk  
Date: \_\_\_\_\_

APPROVED AS TO FORM:

Bob C. Sterbank, City Attorney  
Date: \_\_\_\_\_

**Exhibit A**  
**Scope of Work**

**EXHIBIT B**  
**COMPENSATION**

## COVER LETTER

November 22, 2022

Emily Arteché, AICP  
Community Development Director  
38624 SE River St.  
Snoqualmie, WA 98065

### RE: Request for Proposal City of Snoqualmie Missing Middle Housing project

Dear Emily:

The LDC team is pleased to present our proposal for supporting the City of Snoqualmie with the Missing Middle Housing project. Our team brings a breadth of experience that will ensure each element of this project is a success. As the Director of Planning with LDC and proposed lead for this project, I bring over 20 years of planning experience to this project. This includes significant experience working with cities on housing policy and implementing regulations tailored to fit the needs of the community. We have vast knowledge of state laws that guide housing requirements, including new housing element requirements from House Bill 1220. The LDC team is the strategic choice for this project:

- **City of Snoqualmie experience:** LDC is currently working on the Housing Action Plan (HAP) for the city. Many elements of the HAP directly correlate to the Missing Middle Housing project.
- **Planning experience:** we bring over 30 years of Growth Management Act (GMA) planning experience to this project. This includes vast experience with the development of housing plans, code writing, policy development, and community engagement.
- **Project experience:** we have recently completed or are currently working on housing plans with twelve cities. Each project has included development and implementation of a public participation plan, housing policy review and recommendations, and strategies and actions that each city can take to better facilitate middle housing.
- **Plans that work:** we understand the balance between implementing community vision and values and planning requirements that drive comprehensive planning. Housing solutions that work in one community may not work in another. We tailor our work to ensure that our plan works well for your community when implemented.

Our approach to this project is simple – to provide you with action on our living motto: “Service Above the Standard”; we strive to provide you with service beyond what you would typically expect. We hope to have the opportunity to earn your trust, assist your team, and serve the citizens of the City of Snoqualmie on this exciting project. Thank you again for this opportunity and please let me know if you have any questions.

Sincerely,



Clay White, Director of Planning  
Land Development Consultants (DBA: LDC, Inc.)

## COMPANY OVERVIEW

LDC, Inc. is a multi-disciplinary, minority-owned firm with its headquarters in Woodinville, Washington that provides long-range planning, permitting, civil engineering, and surveying services to both public and private sector clients throughout the Northwest. The LDC planning team provides a diverse range of services to all corners of Washington State. This includes on-call permitting and planning for cities and counties, code development, complex permitting, and long-range planning services. Our specialty is utilizing our keen understanding of land use law, policy, and regulations to assist our clients with the development of policy and regulations that work. This unique but important perspective is ingrained in our approach because of our experience writing codes and policies that we also have had to implement at the front counter.

### Primary Contact

Clay White, Director of Planning



425.892.9572



425.749.9744



Cwhite@LDCcorp.com

Each of our team members brings a variety of professional experiences to the table – from public and private sector work experience to policy writing, public facilitation, data analysis and representation. Together, we provide a wide range of planning services for our valued clients. LDC is experienced in developing and translating housing strategies and policy to codes and permit processes. Every community is different and has unique needs. We get to know and listen to the communities we work with to produce strategies and actions that help communities thrive.

## TEAMS CAPABILITIES

The LDC team has experience at the local, state, and federal levels conducting planning and analysis work. Our team has assisted dozens of local jurisdictions with planning efforts ranging from housing plans, comprehensive plans, countywide planning policies, and growth targets to development code updates, and on-call planning and permitting assistance. In addition, LDC works at the state level on state laws and policies that impact planning work at the local level. Our strength is a deep understanding of how plans are implemented and how policies and plans can help directly improve communities. Below is our proposed team and their roles for this project. We have the expertise to develop a complete analysis for the city and do not anticipate the use of subs on this assignment.

## PROJECT UNDERSTANDING

This project provides an opportune moment. The City of Snoqualmie is required to update its comprehensive plan by December 31, 2024. As part of that project, the city will be working to accommodate additional growth out to 2044 and meet Housing Element requirements, which have recently been amended by the legislature.

There is a huge opportunity to sync this work with the work you will already be required to complete as part of that project. That includes creating and implementing an engagement plan; developing policy recommendations to accommodate middle housing; and looking at strategies to ensure issues like displacement are mitigated as redevelopment occurs.

This project can be expedited by developing strategies upfront on how this work can complement and not be redundant with processes that will be undertaken as part of the comprehensive plan update. The strategies should fit together. Based on the schedule outlined by the city, meeting the June 15, 2023, grant deadline should not be an issue. However, the time saver will be linking this project with the update.

## PROJECT APPROACH

### TASK 1: COMMUNITY ENGAGEMENT PLAN AND RESPONSE DATA

LDC will develop a community engagement plan. The plan will include working with community-based organizations and city staff. The outreach efforts could include surveys and outreach to allow historically under-represented groups to participate. Survey work can occur through the project webpage; mini surveys conducted at community outreach events; or through individual interviews. These efforts will include, but is not limited to, representative groups of for-profit or non-profit residential developers, renters, and owner-occupied households in residential neighborhoods through online surveys and in-person polling.

One option that would be advantageous is to connect the engagement plan and project with the engagement efforts for the 2024 update. While this project is more specific than the overall update, those we engage with should understand the goals of this project in context with the planning requirements the city will be taking up as part of the update. There is an opportunity to not only have a community conversation about housing but relate it to growth planning that the city is undertaking.

#### Task 1 Deliverables:

- *Public Engagement Plan Development. Develop a community engagement plan to solicit input and feedback from representatives regarding middle housing types and anti-displacement.*
- *Project Outreach; can include surveys, developing informational materials, individual interviews, and connecting with the community at community events.*
- *Includes coordination with the city team on the development of a project website, if desired. The website can help bridge the gap between this project and the overall comprehensive plan update.*
- *If desired, the engagement plan and outreach efforts can be coupled with the 2024 Comprehensive Plan strategy.*
- *Coordination and meetings with city included with task.*



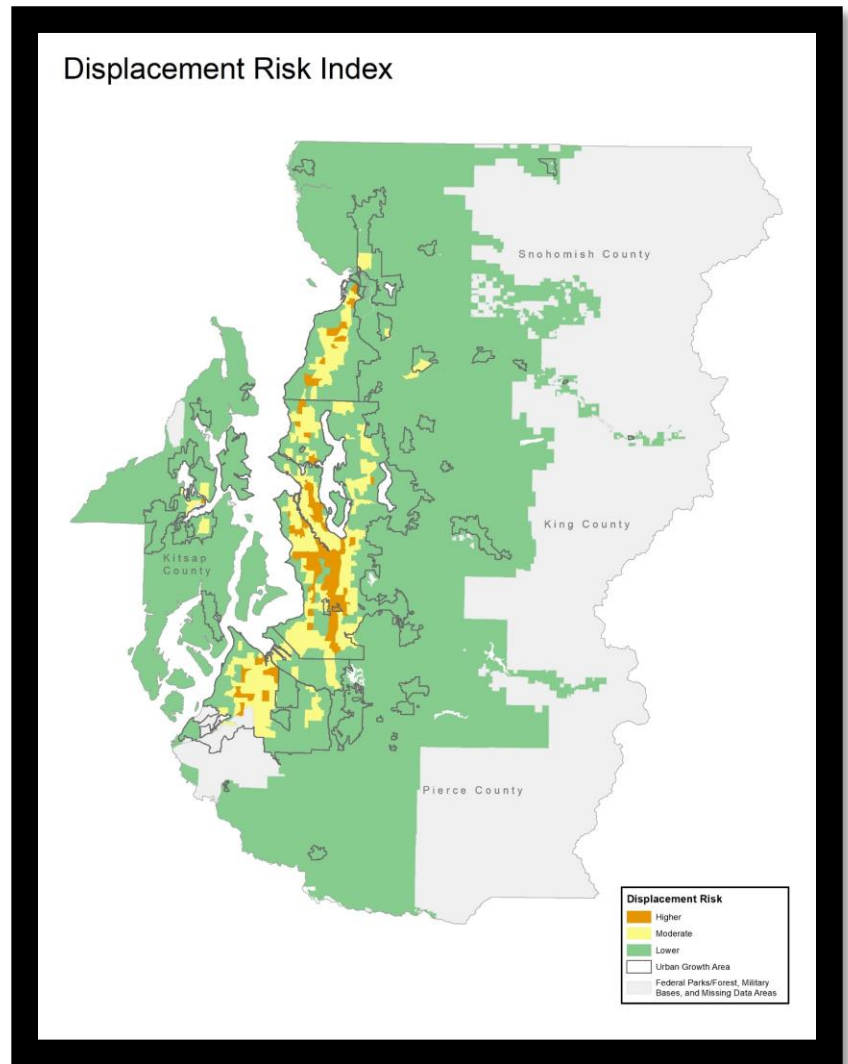
## TASK 2: RACIAL EQUITY AND DISPLACEMENT ANALYSIS

LDC will develop a short report which will outline local policies and regulations that may have resulted in racially disparate impacts, displacement, and exclusion in housing, including zoning that may have a discriminatory effect, disinvestment, and infrastructure availability. The requirement to analyze these issues is a Housing Element requirement (RCW 36.70A.070(2)) therefore the work completed for this task will assist the city in fulfilling these requirements as part of the comprehensive plan update. Commerce guidance will be followed to ensure the report is complete and policy recommendations will be provided which could be considered during the comprehensive plan update.

In addition, there are numerous tools which can assist with displacement analysis. The PSRC displacement risk map, for example, can be utilized to better understand where there are risks for displacement in the future. While the risk for displacement in the city is low, the analysis must also be paired with land use changes that may be considered which could increase the risk.

### Task 2 Deliverable:

- *Develop report approach.*
- *Develop draft report outlining local policies and regulations that may have resulted in racially disparate impacts, displacement, and exclusion in housing, including zoning that may have a discriminatory effect, disinvestment, and infrastructure availability.*
- *Evaluate displacement risk of locally owned businesses*
- *Develop strategies, policies and identify regulations to address and begin to undo the impacts of policies and regulations that result in racially disparate impacts, displacement, and exclusion in housing. Will develop a schedule of programs and actions to implement the anti-displacement strategies, including a timeline, for implementation.*
- *Includes draft report, public input, review by the city, and one round of edits.*
- *Includes presentation with planning commission or city council to present draft findings and recommendations.*
- *Findings incorporated into public engagement and information on the website, if developed.*
- *Coordination and meetings with city included with task.*



### **TASK 3: PROPOSED POLICIES/OUTLINE REGULATIONS TO ADDRESS ANTI-DISPLACEMENT**

LDC will review and evaluate the current housing element (and other comprehensive plan elements) and development code with a focus on middle housing. LDC proposes to complete a policy and regulation gap analysis for each section of RCW 36.70A.070(2). The analysis will compare current policies with the updated housing element so policy and regulations gaps can be identified. Recommendations for new policies will then be developed which may be considered as part of the comprehensive plan update.

In addition, there is a great opportunity to pair the gap analysis with potential strategies the city would like to consider to encourage more middle housing. If policy gap recommendations to implement new Housing Element requirements are connected to strategies the city would like to employ, this work would provide a solid foundation for land use options the city could consider during the update. This can save time and connect the issues clearer for people the city is engaging with on these important but complicated issues.

#### **Task 3 Deliverable: A report in PDF and Word format:**

- *Prepare policy gap analysis which compares the current city Housing Policies with the requirements of RCW 36.70A.070(2).*
- *Based on the gap analysis, develop recommended strategies and policy options the city could consider. We would also develop a schedule for implementation. We would recommend that policies be further considered as part of the overall comprehensive plan update.*
- *Work with the city team to connect recommendations within this task to possible strategies the city may consider accommodating growth and middle housing as part of the comprehensive plan update. This will ensure that the policy approach for Housing Element consistency also matches what the city and community would like to see as growth occurs in the future.*
- *Middle housing staff report on changes needed to support middle housing including recommended changes to policies, regulations, fee structures, incentives and permitting procedures for consideration with periodic update.*
- *Develop a menu of strategies (policies, regulations, fee structures, incentives, and permitting procedures) to increase the supply of middle housing types for consideration within their periodic update.*
- *Includes draft gap analysis and one set of edits.*
- *Includes presentation with planning commission or city council to present draft findings and recommendations.*
- *Findings incorporated into public engagement and information on the website, if developed.*
- *Coordination and meetings with city included with task.*

### **TASK 4: UPDATED BUILDABLE LANDS/LAND CAPACITY ANALYSIS (OPTIONAL)**

LDC will prepare an updated buildable lands report/land capacity analysis for the city to better determine the available capacity of land that may be developable or redevelopable during the planning period. This will be able to be utilized as part of the comprehensive plan update.

#### **Task 4 Deliverable: Updated buildable lands study/land capacity analysis:**

- *Updating buildable lands geospatial data and tweaking methodology with pipeline projects since data were collected*

- *Review parcels at a closer level to determine redevelopment possibility*
- *Producing finished maps*
- *Coordination with city staff on data needs*
- *Writing and formatting a land capacity analysis memo, with two rounds of edits*

## WHY CHOOSE LDC

There are several factors that differentiate and make LDC the right choice for this project.

- **LDC has significant experience working with the City of Snoqualmie.** We understand the challenges and opportunities that planning for growth brings to the city and we are excited to work with city staff as planning for the future takes place. We know that finding available capacity for growth is a challenge.
- **LDC has vast experience working with and implementing the Growth Management Act.** Currently, we are leading the Collaborative Roadmap Phase III project for the Department of Commerce. This project is focused on making recommended changes to our state growth policy framework. We understand state law and the approaches cities can take to implement these requirements. This ranges from policy review to strategies and actions to encourage a variety of housing types.
- **LDC has always focused on providing clients with policy options that meet community needs** and that will work when implemented. Our team has worked the permit counter; we understand the difference between policies and regulations that sound good vs. those that work well.
- **LDC is politically savvy.** We firmly understand that planning is challenging. As we plan for growth, it means that communities are going to change. These are not always easy community conversations. We are adept and experienced with these challenging issues. LDC has vast experience working with and presenting to Planning Commissions and Councils. We listen, are empathetic, and believe there are ways to grow where the community character can be maintained.

## TEAM RESUMES



### CLAY WHITE DIRECTOR OF PLANNING

#### 22 YEARS OF EXPERIENCE

#### EDUCATION

- Bachelor in Geography
- Bachelor in Anthropology

#### EXPERTISE

- Project Management
- Housing Needs Analysis
- Housing Policy
- Housing Action Plans
- Consensus Building
- Elected Official Presentations
- Policy & Code Updates
- Land Use Planning
- Long Range Planning
- Land Use Legislation
- QA/QC

Clay is the Director of Planning with LDC, Inc. He has over 20 years of experience serving cities and counties throughout Washington as a land use planner. Prior to joining LDC in 2016, Clay spent 16 years working for local government. Throughout his career, Clay has focused his work on assisting local governments to develop and implement sound policies that help further the goals of the jurisdiction. This includes significant experience working on housing policy and developing comprehensive plans and regulations to implement GMA goals and requirements. Clay is adept at working with appointed and elected officials on complex planning issues.

Clay has extensive code and policy experience, including leading the development of several Housing Action Plans and the implementation of the plans. Clay has also focused on neighborhood planning efforts and statewide policy projects focused on finding solutions to housing issues for all income levels. He has served as President of the Washington State Association of Regional and County Planning Directors and been a member of the Washington State Transportation Improvement Board.

#### RELEVANT EXPERIENCE

- Missing Middle Housing Study, Snohomish
- Missing Middle Housing Study, Kenmore
- Housing Action Plan, City of Bonney Lake and Sumner (joint plan)
- Housing Action Plan, City of University Place
- Housing Action Plan, City of Prosser
- Housing Action Plan, City of Bainbridge Island
- Housing Action Plan, City of Woodinville
- Housing Action Plan, City of Snoqualmie
- Housing Memo: Housing Availability & Affordability, Washington Department of Commerce
- On-call Planning & Interim Planning Director, City of Everett
- On-call Planning and Interim Planning Manager, City of Mill Creek
- On-call Planning, City of Woodinville
- Development Code Update, City of Sumner
- Development Code Update, City of Bonney Lake
- Development Code Update, City of Walla Walla
- Public Participation Plan and Community Survey, City of Kenmore
- Comprehensive Plan Update, Kitsap County
- Comprehensive Plan Update, City of Stanwood
- Collaborative Roadmap Phase III, Washington Department of Commerce



## **MATT COVERT, AICP SENIOR PLANNER**

### **10 YEARS OF EXPERIENCE**

#### **EDUCATION**

- Master of Science in Environment and Resources, University of Wisconsin-Madison

#### **EXPERTISE**

- Project Management
- Housing Needs Analysis
- Housing Action Plans
- Code Writing
- Land Use Analysis
- Plan Review
- Permitting
- Community Engagement
- State & Regional Growth Law & Policy
- Elected Official Presentations
- Policy & Code Updates
- Long Range Planning

Matt is an AICP-certified Senior Planner with 10 years of experience in the planning field. Matt provides a variety of planning services for public sector clients, including housing action plans and housing needs analyses, code updates, writing comprehensive plan updates, conducting gap analyses, and assisting on projects such as the Department of Commerce's Collaborative Roadmap Phase III project to recommend updates to the state laws that cover growth policy. He has also provided on-call planning review services for several cities and has vast experience in plan implementation from the applicant's side of the counter. Prior to LDC, Matt served as a planner with a regional planning agency in Wisconsin where he conducted scenario planning, land use analysis, and housing market analysis.

### **RELEVANT EXPERIENCE**

- Missing Middle Housing Study, Snohomish
- Missing Middle Housing Study, Kenmore
- Land Use and Economic Analysis, City of Snohomish
- Housing Action Plan, City of Oak Harbor
- Housing Action Plan, City of Monroe
- Housing Action Plan, City of University Place
- Housing Action Plan, City of Bonney Lake and Sumner (joint plan)
- Housing Action Plan, City of Snoqualmie
- Housing Action Plan, City of Woodinville
- Housing Action Plan, City of Bainbridge Island
- Development Code Update, City of Sultan
- Development Code Update, City of Sumner
- Development Code Update, City of Walla Walla
- Buildable Lands Analysis, City of Lake Stevens
- Sub-area Plan and Economic Analysis, City of Snohomish
- On-call Planning, City of Everett
- On-call Planning, City of Woodinville
- Comprehensive Plan Update, City of Sultan
- Comprehensive Plan Update, Kitsap County
- Collaborative Roadmap Phase III, Washington Department of Commerce





## **SAMANTHA ADAMS ASSOCIATE PLANNER**

### **3 YEARS OF EXPERIENCE**

#### **EDUCATION**

- BA Urban Planning & Sustainable Development, Western Washington University
- Geographic Information Sciences (GIS) Certificate

#### **EXPERTISE**

- Permitting
- Land Use Permitting
- Demographic & Geospatial Analysis & Modeling
- Report Production
- Research & Analysis
- Public Outreach

Samantha Adams is an associate planner at LDC and has a certificate in Geographic Information Sciences (GIS). At LDC Samantha assists the team with research for long-range, comprehensive planning, housing, and land use policy as well as providing mapping and graphic support. In addition, Samantha has been assisting on several permitting and land use review projects.

### **RELEVANT EXPERIENCE**

- Land Use and Economic Analysis, City of Snohomish
- On-call permitting assistance, City of Snohomish
- On-call Planning, City of Woodinville
- Oak Harbor Housing Action Plan, City of Oak Harbor
- Monroe Housing Action Plan, City of Monroe
- Carnation Housing Action Plan, City of Carnation
- Prosser Housing Action Plan, City of Prosser
- Snoqualmie Housing Action Plan, City of Snoqualmie
- Woodinville Housing Action Plan, City of Woodinville

## REFERENCES / PROJECT EXPERIENCE

LDC has years of collective experience working with and for local governments to successfully engage, develop, and implement sound housing data, comprehensive plans and policies that work for communities. We believe our collective experience would be a great fit for the City of Snoqualmie. The following are a few examples of our work.

### UNIVERSITY PLACE HOUSING ACTION PLAN (2020 -2021)

Client Contact: David Swindale | P: 253.460.2519 | E: [DSwindale@CityUP.com](mailto:DSwindale@CityUP.com)

LDC planning was hired to assist the City of University Place to develop their Housing Action Plan and conduct an audit of their Housing Element and development code. Tasks for this project included quantifying existing housing needs for various income levels; analysis of comprehensive plan goals and policies; development of strategies identifying housing needs at various income levels including development regulation and zoning amendments; and public outreach and engagement. In addition, we worked with the city to develop a project website that contained project information, draft plans, and allowed those interested in the project to provide feedback online. LDC's expertise in local planning and housing policy allowed the team to provide the city with a useful and implementable HAP that assists city leaders in achieving both short-term and long-term housing goals for the community. The University Place HAP was completed on time and within budget. LDC has recently been hired by the city to further implement this plan by leading the 2024 comprehensive plan update.



#### SIMILAR PROJECT ELEMENTS

- HAP Development
- Stakeholder Engagement
- Code Review & Analysis
- Data Collection
- Public Participation Plan
- Housing Needs Assessment

### SUMNER CODE UPDATES (2022)

Client Contact: Ryan Windish, Community Development Director | P: 253.299.5524 | E: [ryanw@sumnerwa.gov](mailto:ryanw@sumnerwa.gov)

After successfully assisting the city with their Housing Action Plan (HAP), the City of Sumner hired LDC to prepare several sets of code amendments as part of implementing their HAP. Projects include development of updated Accessory Dwelling Unit regulations, creating a new unit lot subdivision code, and updating SEPA exemptions as provided for in WAC 197-11-800(1). Work includes scoping code amendments, preparing background materials, preparing draft and final language, presenting to the Planning Commission and City Council, and assisting the city with engagement throughout the process.



#### SIMILAR PROJECT ELEMENTS

- SEPA Review
- Review Existing Conditions
- Community Engagement
- Code Recommendations
- Policy Writing
- Research & Analysis

## BONNEY LAKE / SUMNER JOINT HOUSING ACTION PLAN (2020)

Client Contact: Jason Sullivan | P: 253.447.4355 | E: sullivanJ@cobl.us

LDC was hired by the Cities of Bonney Lake and Sumner to create a joint Housing Action Plan. The tasks for this project include the development of a project charter; a robust public participation plan; housing data collection and analysis; and development of a housing action plan. The two cities, located in south Puget Sound, share similar geographies and have traditionally provided more affordable housing relative to the overall region. While this is still the case, the two cities are not immune to the economic growth, which in turn has put additional pressure on housing availability and affordability. This project outlined options to address these issues while recognizing the unique qualities and challenges of each of these communities. LDC was project lead for this project.



### SIMILAR PROJECT ELEMENTS

- HAP Development
- Stakeholder Engagement
- Code Review & Analysis
- Data Collection
- Public Participation Plan
- Housing Needs Assessment

## MONROE HOUSING ACTION PLAN (2020-2021)

Client Contact: Anita Marrero | P: 360.863.4513 | E: AMarrenro@monroewa.gov

LDC assisted the City of Monroe with the development of a housing action plan (HAP). The tasks for this project include development of a project charter; a public participation plan; a housing needs assessment; and housing action plan. LDC assisted the city with housing policies. Like many cities, the City of Monroe is struggling with providing for a variety of housing choices that are affordable for existing and new residents. The Housing Action Plan project engaged both existing stakeholders from the City's Affordable Housing Committee, as well as community residents and agencies. LDC assisted city staff with community engagement.



### SIMILAR PROJECT ELEMENTS

- HAP Development
- Stakeholder Engagement
- Code Review & Analysis
- Data Collection
- Public Participation Plan
- Housing Needs Assessment



## ADDITIONAL EXPERTISE

The LDC planning team brings extensive qualifications and expertise for each of the project elements. The following outlines recent projects as they relate to qualifications and expertise the city is seeking as part of the project.

Project Title	The LDC Team has extensive experience and insight on Housing Action Plans (HAP) and their implementation.										
	Developing Housing Strategies / Actions	HAP Implementation Strategies	Affordable Housing Policies / Strategies	RCW 36.70A.070(2) Gap Analysis	Housing Regulation Development	Public Engagement / Outreach	Presentations / Meetings	Project Schedule Met	Project Budget Met	Survey Creation	Evaluate Zoning / Development
Sumner/Bonney Lake Housing Action	●	●	●		●		●	●	●	●	●
University Place Housing Action Plan	●	●	●				●	●	●	●	●
Oak Harbor Housing Action Plan	●	●	●				●	●	●	●	●
Sultan Development Regulation Update	●	●	●		●	●	●	●	●		●
Monroe Housing Action Plan	●	●	●				●	●	●		●
Snoqualmie Housing Action Plan	●	●					●	●	●		
Kitsap Comprehensive Plan Update			●	●	●	●	●	●	●	●	●
Kenmore Public Participation Plan						●		●	●	●	
Bonney Lake Policy Gap Analysis				●		●	●	●	●		
Kitsap Countywide Planning Policies			●			●	●	●	●		
Stanwood Comprehensive Plan Update				●	●	●	●	●	●		●
Kenmore Housing Study					●	●	●	●	●		●
Sumner Code Update		●			●		●	●	●		

## FEE PROPOSAL

This preliminary budget is based on LDC's assumptions of tasks and hourly estimates. Cost estimates will adjust depending on the final negotiated scope. We anticipate completing this project by June 15, 2023 if work can commence no later than December 15, 2022.

TASKS	ANTICIPATED DAYS	COST
TASK 1: PUBLIC ENGAGEMENT PLAN AND RESPONSE DATA		5,000
TASK 2: RACIAL EQUITY AND DISPLACEMENT ANALYSIS		20,000
TASK 3: PROPOSED POLICIES TO ADDRESS ANTI-DISPLACEMENT		50,000
TASK 4: UPDATED BUILDABLE LANDS/LAND CAPACITY ANALYSIS		19,200
PROJECT TOTAL (INCLUDING SALES TAX)		\$75,000
PROJECT TOTAL (INCLUDING SALES TAX) WITH TASK 04		\$94,200

## STATEMENT OF AVAILABILITY

The LDC is available to begin this project immediately. Our team is firmly committed to meeting the scope, task timeframes, and overall project schedule.

## EVIDENCE OF INSURANCE

We have attached a copy of our Evidence of Insurance which outlines our current insurance coverage and demonstrates our compliance with the City of Snoqualmie's requirements.



**Interagency Agreement with**

City of Snoqualmie

through

Growth Management Services

**For**

Middle Housing Grant

**Start date:**

Date of Execution

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Attachment A, Scope of Work


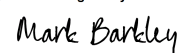
Attachment B, Budget

## FACE SHEET

Item 2.

Contract Number: 23-63326-024

**Washington State Department of Commerce  
Local Government Division  
Growth Management Services  
Middle Housing Grant**

<b>1. Contractor</b> City of Snoqualmie 38264 SE River Street Snoqualmie, WA 98065		<b>2. Regional planner</b> Matt Ojennus Senior Planner 360-292-3435 matthew.ojennus@commerce.wa.gov			
<b>3. Contractor Representative</b> Dylan Gamble <a href="mailto:DGamble@snoqualmiewa.gov">DGamble@snoqualmiewa.gov</a> 425-888-5337		<b>4. COMMERCE Representative</b> <table style="width: 100%;"> <tr> <td style="width: 50%;">Joe Tovar Senior Planner (360) 725-3088 joe.tovar@commerce.wa.gov</td> <td style="width: 50%;">PO Box 42525 1011 Plum Street SE Olympia Washington 98504-2525</td> </tr> </table>		Joe Tovar Senior Planner (360) 725-3088 joe.tovar@commerce.wa.gov	PO Box 42525 1011 Plum Street SE Olympia Washington 98504-2525
Joe Tovar Senior Planner (360) 725-3088 joe.tovar@commerce.wa.gov	PO Box 42525 1011 Plum Street SE Olympia Washington 98504-2525				
<b>5. Contract Amount</b> \$112,500	<b>6. Funding Source</b> Federal: <input type="checkbox"/> State: <input checked="" type="checkbox"/> Other: <input type="checkbox"/> N/A: <input type="checkbox"/>		<b>7. Start Date</b> Date of Execution		
<b>8. End Date</b> June 30, 2023					
<b>9. Federal Funds (as applicable)</b> NA		<b>Federal Agency:</b> NA			
<b>CFDA Number</b> NA					
<b>10. Tax ID #</b> NA	<b>11. SWV #</b> 0007167-00	<b>12. UBI #</b> 79-000-205	<b>13. DUNS #</b> NA		
<b>14. Contract Purpose</b> Implementation of Middle Housing grant for the purpose of funding actions needed to evaluate the adoption of middle housing types on thirty percent (30%) or more of lots that, before this work, only allowed single family development.					
<b>15. Signing Statement</b> COMMERCE, defined as the Department of Commerce, and the Contractor, as defined above, acknowledge and accept the terms of this Contract and Attachments and have executed this Contract on the date below and warrant they are authorized to bind their respective agencies. The rights and obligations of both parties to this Contract are governed by this Contract and the following documents hereby incorporated by reference: Attachment "A" – Scope of Work and Attachment "B" – Budget.					
<b>FOR CONTRACTOR</b>  Katherine Ross, Mayor City of Snoqualmie 12/13/2022 Date		<b>FOR COMMERCE</b> <div style="border: 1px solid black; padding: 5px; margin-bottom: 5px;">           DocuSigned by:    <small>80312B048B5C45B</small> </div> Mark K. Barkley, Assistant Director Local Government Division 12/14/2022   5:48 PM PST Date  <b>APPROVED AS TO FORM ONLY BY ASSISTANT ATTORNEY GENERAL 08/22/2019. APPROVAL ON FILE.</b>			

**SPECIAL TERMS AND CONDITIONS  
INTERAGENCY AGREEMENT  
STATE FUNDS**

Item 2.

**1. AUTHORITY**

COMMERCE and Contractor enter into this Contract pursuant to the authority granted by Chapter 39.34 RCW.

**2. CONTRACT MANAGEMENT**

The Representative for each of the parties shall be responsible for and shall be the contact person for all communications and billings regarding the performance of this Contract.

The Representative for COMMERCE and their contact information are identified on the Face Sheet of this Contract.

The Representative for the Contractor and their contact information are identified on the Face Sheet of this Contract.

**3. COMPENSATION**

COMMERCE shall pay an amount not to exceed one-hundred and twelve thousand and five-hundred dollars (\$112,500) for the performance of all things necessary for or incidental to the performance of work under this Contract as set forth in the performance-based Scope of Work (Attachment A) and Budget (Attachment B).

**4. BILLING PROCEDURES AND PAYMENT**

COMMERCE will pay Contractor upon acceptance of services provided and receipt of properly completed invoices, which shall be submitted to the Representative for COMMERCE not more often than quarterly.

The parties agree this is a performance-based contract intended to produce the deliverables identified in Scope of Work (Attachment A). Payment of any invoice shall be dependent upon COMMERCE'S acceptance of Contractor's performance and/or deliverable. The invoices shall describe and document, to COMMERCE's satisfaction, a description of the work performed, the progress of the project, and fees. The invoice shall include the Contract Number 23-63326-024.

Payment shall be considered timely if made by COMMERCE within thirty (30) calendar days after receipt of properly completed invoices. Payment shall be sent to the address designated by the Contractor.

COMMERCE may, in its sole discretion, terminate the Contract or withhold payments claimed by the Contractor for services rendered if the Contractor fails to satisfactorily comply with any term or condition of this Contract.

No payments in advance or in anticipation of services or supplies to be provided under this Agreement shall be made by COMMERCE.

The grantees must invoice for all expenses by June 17, 2023. All contracts with community based organizations must be submitted by June 17, 2023.

COMMERCE will pay Contractor for costs incurred prior to the start date of this Agreement, if such costs would have been allowable on or after July 1, 2022. To be allowable, such costs must be limited to the completion of tasks and deliverables outlined in the Scope of Work (Attachment A).

**Duplication of Billed Costs**

The Contractor shall not bill COMMERCE for services performed under this Agreement, and COMMERCE shall not pay the Contractor, if the Contractor is entitled to payment or has been or will be paid by any other source, including grants, for that service.

**Disallowed Costs**

The Contractor is responsible for any audit exceptions or disallowed costs incurred by its own organization or that of its subcontractors.

**SPECIAL TERMS AND CONDITIONS  
INTERAGENCY AGREEMENT  
STATE FUNDS**

Item 2.

**5. INSURANCE**

Each party certifies that it is self-insured under the State's or local government self-insurance liability program, and shall be responsible for losses for which it is found liable.

**6. SUBCONTRACTOR DATA COLLECTION**

Contractor will submit reports, in a form and format to be provided by Commerce and at intervals as agreed by the parties, regarding work under this Agreement performed by subcontractors and the portion of funds expended for work performed by subcontractors, including but not necessarily limited to minority-owned, woman-owned, and veteran-owned business subcontractors. "Subcontractors" shall mean subcontractors of any tier.

**7. ORDER OF PRECEDENCE**

In the event of an inconsistency in this Contract, the inconsistency shall be resolved by giving precedence in the following order:

- Applicable federal and state of Washington statutes and regulations
- Special Terms and Conditions
- General Terms and Conditions
- Attachment A – Scope of Work
- Attachment B – Budget

**GENERAL TERMS AND CONDITIONS  
INTERAGENCY AGREEMENT  
STATE FUNDS**

**1. DEFINITIONS**

As used throughout this Contract, the following terms shall have the meaning set forth below:

- A. "Authorized Representative" shall mean the Director and/or the designee authorized in writing to act on the Director's behalf.
- B. "COMMERCE" shall mean the Department of Commerce.
- C. "Contract" or "Agreement" means the entire written agreement between COMMERCE and the Contractor, including any attachments, documents, or materials incorporated by reference. E-mail or facsimile transmission of a signed copy of this contract shall be the same as delivery of an original.
- D. "Contractor" shall mean the entity identified on the face sheet performing service(s) under this Contract, and shall include all employees and agents of the Contractor.
- E. "Personal Information" shall mean information identifiable to any person, including, but not limited to, information that relates to a person's name, health, finances, education, business, use or receipt of governmental services or other activities, addresses, telephone numbers, social security numbers, driver license numbers, other identifying numbers, and any financial identifiers.
- F. "State" shall mean the state of Washington.
- G. "Subcontractor" shall mean one not in the employment of the Contractor, who is performing all or part of those services under this Contract under a separate contract with the Contractor. The terms "subcontractor" and "subcontractors" mean subcontractor(s) in any tier.

**2. ALL WRITINGS CONTAINED HEREIN**

This Contract contains all the terms and conditions agreed upon by the parties. No other understandings, oral or otherwise, regarding the subject matter of this Contract shall be deemed to exist or to bind any of the parties hereto.

**3. AMENDMENTS**

This Contract may be amended by mutual agreement of the parties. Such amendments shall not be binding unless they are in writing and signed by personnel authorized to bind each of the parties.

**4. ASSIGNMENT**

Neither this Contract, work thereunder, nor any claim arising under this Contract, shall be transferred or assigned by the Contractor without prior written consent of COMMERCE.

**5. CONFIDENTIALITY AND SAFEGUARDING OF INFORMATION**

- A. "Confidential Information" as used in this section includes:
  - i. All material provided to the Contractor by COMMERCE that is designated as "confidential" by COMMERCE;
  - ii. All material produced by the Contractor that is designated as "confidential" by COMMERCE; and
  - iii. All personal information in the possession of the Contractor that may not be disclosed under state or federal law.
- B. The Contractor shall comply with all state and federal laws related to the use, sharing, transfer, sale, or disclosure of Confidential Information. The Contractor shall use Confidential Information solely for the purposes of this Contract and shall not use, share, transfer, sell or disclose any Confidential Information to any third party except with the prior written consent of COMMERCE or as may be required by law. The Contractor shall take all necessary steps to assure that Confidential Information is safeguarded to prevent unauthorized use, sharing, transfer, sale or disclosure of Confidential Information or violation of any state or federal laws related thereto. Upon request, the Contractor shall provide COMMERCE with its policies and procedures on confidentiality.



**GENERAL TERMS AND CONDITIONS  
INTERAGENCY AGREEMENT  
STATE FUNDS**

COMMERCE may require changes to such policies and procedures as they apply to this Contract whenever COMMERCE reasonably determines that changes are necessary to prevent unauthorized disclosures. The Contractor shall make the changes within the time period specified by COMMERCE. Upon request, the Contractor shall immediately return to COMMERCE any Confidential Information that COMMERCE reasonably determines has not been adequately protected by the Contractor against unauthorized disclosure.

- C. Unauthorized Use or Disclosure. The Contractor shall notify COMMERCE within five (5) working days of any unauthorized use or disclosure of any confidential information, and shall take necessary steps to mitigate the harmful effects of such use or disclosure.

**6. COPYRIGHT**

Unless otherwise provided, all Materials produced under this Contract shall be considered "works for hire" as defined by the U.S. Copyright Act and shall be owned by COMMERCE. COMMERCE shall be considered the author of such Materials. In the event the Materials are not considered "works for hire" under the U.S. Copyright laws, the Contractor hereby irrevocably assigns all right, title, and interest in all Materials, including all intellectual property rights, moral rights, and rights of publicity to COMMERCE effective from the moment of creation of such Materials.

"Materials" means all items in any format and includes, but is not limited to, data, reports, documents, pamphlets, advertisements, books, magazines, surveys, studies, computer programs, films, tapes, and/or sound reproductions. "Ownership" includes the right to copyright, patent, register and the ability to transfer these rights.

For Materials that are delivered under the Contract, but that incorporate pre-existing materials not produced under the Contract, the Contractor hereby grants to COMMERCE a nonexclusive, royalty-free, irrevocable license (with rights to sublicense to others) in such Materials to translate, reproduce, distribute, prepare derivative works, publicly perform, and publicly display. The Contractor warrants and represents that the Contractor has all rights and permissions, including intellectual property rights, moral rights and rights of publicity, necessary to grant such a license to COMMERCE.

The Contractor shall exert all reasonable effort to advise COMMERCE, at the time of delivery of Materials furnished under this Contract, of all known or potential invasions of privacy contained therein and of any portion of such document which was not produced in the performance of this Contract. The Contractor shall provide COMMERCE with prompt written notice of each notice or claim of infringement received by the Contractor with respect to any Materials delivered under this Contract. COMMERCE shall have the right to modify or remove any restrictive markings placed upon the Materials by the Contractor.

**7. DISPUTES**

In the event that a dispute arises under this Agreement, it shall be determined by a Dispute Board in the following manner: Each party to this Agreement shall appoint one member to the Dispute Board. The members so appointed shall jointly appoint an additional member to the Dispute Board. The Dispute Board shall review the facts, Agreement terms and applicable statutes and rules and make a determination of the dispute. The Dispute Board shall thereafter decide the dispute with the majority prevailing. The determination of the Dispute Board shall be final and binding on the parties hereto. As an alternative to this process, either of the parties may request intervention by the Governor, as provided by RCW 43.17.330, in which event the Governor's process will control.

**8. GOVERNING LAW AND VENUE**

This Contract shall be construed and interpreted in accordance with the laws of the state of Washington, and any applicable federal laws, and the venue of any action brought hereunder shall be in the Superior Court for Thurston County.

**9. INDEMNIFICATION**

Each party shall be solely responsible for the acts of its employees, officers, and agents.

**GENERAL TERMS AND CONDITIONS  
INTERAGENCY AGREEMENT  
STATE FUNDS**

**10. LICENSING, ACCREDITATION AND REGISTRATION**

The Contractor shall comply with all applicable local, state, and federal licensing, accreditation and registration requirements or standards necessary for the performance of this Contract.

**11. RECAPTURE**

In the event that the Contractor fails to perform this Contract in accordance with state laws, federal laws, and/or the provisions of this Contract, COMMERCE reserves the right to recapture funds in an amount to compensate COMMERCE for the noncompliance in addition to any other remedies available at law or in equity.

Repayment by the Contractor of funds under this recapture provision shall occur within the time period specified by COMMERCE. In the alternative, COMMERCE may recapture such funds from payments due under this Contract.

**12. RECORDS MAINTENANCE**

The Contractor shall maintain books, records, documents, data and other evidence relating to this contract and performance of the services described herein, including but not limited to accounting procedures and practices that sufficiently and properly reflect all direct and indirect costs of any nature expended in the performance of this contract.

The Contractor shall retain such records for a period of six (6) years following the date of final payment. At no additional cost, these records, including materials generated under the contract, shall be subject at all reasonable times to inspection, review or audit by COMMERCE, personnel duly authorized by COMMERCE, the Office of the State Auditor, and federal and state officials so authorized by law, regulation or agreement.

If any litigation, claim or audit is started before the expiration of the six (6) year period, the records shall be retained until all litigation, claims, or audit findings involving the records have been resolved.

**13. SAVINGS**

In the event funding from state, federal, or other sources is withdrawn, reduced, or limited in any way after the effective date of this Contract and prior to normal completion, COMMERCE may suspend or terminate the Contract under the "Termination for Convenience" clause, without the ten calendar day notice requirement. In lieu of termination, the Contract may be amended to reflect the new funding limitations and conditions.

**14. SEVERABILITY**

The provisions of this contract are intended to be severable. If any term or provision is illegal or invalid for any reason whatsoever, such illegality or invalidity shall not affect the validity of the remainder of the contract.

**15. SUBCONTRACTING**

The Contractor may only subcontract work contemplated under this Contract if it obtains the prior written approval of COMMERCE. Subcontracting with multiple community based organizations is encouraged for this granting program. COMMERCE shall approve each community based organization, such approval to be provided in writing.

If COMMERCE approves subcontracting, the Contractor shall maintain written procedures related to subcontracting, as well as copies of all subcontracts and records related to subcontracts. For cause, COMMERCE in writing may: (a) require the Contractor to amend its subcontracting procedures as they relate to this Contract; (b) prohibit the Contractor from subcontracting with a particular person or entity; or (c) require the Contractor to rescind or amend a subcontract.

Every subcontract shall bind the Subcontractor to follow all applicable terms of this Contract. The Contractor is responsible to COMMERCE if the Subcontractor fails to comply with any applicable term or condition of this Contract. The Contractor shall appropriately monitor the activities of the Subcontractor to assure fiscal conditions of this Contract. In no event shall the existence of a

**GENERAL TERMS AND CONDITIONS  
INTERAGENCY AGREEMENT  
STATE FUNDS**

subcontract operate to release or reduce the liability of the Contractor to COMMERCE for any breach in the performance of the Contractor's duties.

Every subcontract shall include a term that COMMERCE and the State of Washington are not liable for claims or damages arising from a Subcontractor's performance of the subcontract.

**16. SURVIVAL**

The terms, conditions, and warranties contained in this Contract that by their sense and context are intended to survive the completion of the performance, cancellation or termination of this Contract shall so survive.

**17. TERMINATION FOR CAUSE**

In the event COMMERCE determines the Contractor has failed to comply with the conditions of this contract in a timely manner, COMMERCE has the right to suspend or terminate this contract. Before suspending or terminating the contract, COMMERCE shall notify the Contractor in writing of the need to take corrective action. If corrective action is not taken within 30 calendar days, the contract may be terminated or suspended.

In the event of termination or suspension, the Contractor shall be liable for damages as authorized by law including, but not limited to, any cost difference between the original contract and the replacement or cover contract and all administrative costs directly related to the replacement contract, e.g., cost of the competitive bidding, mailing, advertising and staff time.

COMMERCE reserves the right to suspend all or part of the contract, withhold further payments, or prohibit the Contractor from incurring additional obligations of funds during investigation of the alleged compliance breach and pending corrective action by the Contractor or a decision by COMMERCE to terminate the contract. A termination shall be deemed a "Termination for Convenience" if it is determined that the Contractor: (1) was not in default; or (2) failure to perform was outside of his or her control, fault or negligence.

The rights and remedies of COMMERCE provided in this contract are not exclusive and are in addition to any other rights and remedies provided by law.

**18. TERMINATION FOR CONVENIENCE**

Except as otherwise provided in this Contract, COMMERCE may, by ten (10) business days written notice, beginning on the second day after the mailing, terminate this Contract, in whole or in part. If this Contract is so terminated, COMMERCE shall be liable only for payment required under the terms of this Contract for services rendered or goods delivered prior to the effective date of termination.

**19. TERMINATION PROCEDURES**

Upon termination of this contract, COMMERCE, in addition to any other rights provided in this contract, may require the Contractor to deliver to COMMERCE any property specifically produced or acquired for the performance of such part of this contract as has been terminated. The provisions of the "Treatment of Assets" clause shall apply in such property transfer.

COMMERCE shall pay to the Contractor the agreed upon price, if separately stated, for completed work and services accepted by COMMERCE, and the amount agreed upon by the Contractor and COMMERCE for (i) completed work and services for which no separate price is stated, (ii) partially completed work and services, (iii) other property or services that are accepted by COMMERCE, and (iv) the protection and preservation of property, unless the termination is for default, in which case the Authorized Representative shall determine the extent of the liability of COMMERCE. Failure to agree with such determination shall be a dispute within the meaning of the "Disputes" clause of this contract. COMMERCE may withhold from any amounts due the Contractor such sum as the Authorized Representative determines to be necessary to protect COMMERCE against potential loss or liability.

The rights and remedies of COMMERCE provided in this section shall not be exclusive and are in addition to any other rights and remedies provided by law or under this contract.

**GENERAL TERMS AND CONDITIONS  
INTERAGENCY AGREEMENT  
STATE FUNDS**

After receipt of a notice of termination, and except as otherwise directed by the Authorized Representative, the Contractor shall:

- A. Stop work under the contract on the date, and to the extent specified, in the notice;
- B. Place no further orders or subcontracts for materials, services, or facilities except as may be necessary for completion of such portion of the work under the contract that is not terminated;
- C. Assign to COMMERCE, in the manner, at the times, and to the extent directed by the Authorized Representative, all of the rights, title, and interest of the Contractor under the orders and subcontracts so terminated, in which case COMMERCE has the right, at its discretion, to settle or pay any or all claims arising out of the termination of such orders and subcontracts;
- D. Settle all outstanding liabilities and all claims arising out of such termination of orders and subcontracts, with the approval or ratification of the Authorized Representative to the extent the Authorized Representative may require, which approval or ratification shall be final for all the purposes of this clause;
- E. Transfer title to COMMERCE and deliver in the manner, at the times, and to the extent directed by the Authorized Representative any property which, if the contract had been completed, would have been required to be furnished to COMMERCE;
- F. Complete performance of such part of the work as shall not have been terminated by the Authorized Representative; and
- G. Take such action as may be necessary, or as the Authorized Representative may direct, for the protection and preservation of the property related to this contract, which is in the possession of the Contractor and in which the Authorized Representative has or may acquire an interest.

## **20. TREATMENT OF ASSETS**

Title to all property furnished by COMMERCE shall remain in COMMERCE. Title to all property furnished by the Contractor, for the cost of which the Contractor is entitled to be reimbursed as a direct item of cost under this contract, shall pass to and vest in COMMERCE upon delivery of such property by the Contractor. Title to other property, the cost of which is reimbursable to the Contractor under this contract, shall pass to and vest in COMMERCE upon (i) issuance for use of such property in the performance of this contract, or (ii) commencement of use of such property in the performance of this contract, or (iii) reimbursement of the cost thereof by COMMERCE in whole or in part, whichever first occurs.

- A. Any property of COMMERCE furnished to the Contractor shall, unless otherwise provided herein or approved by COMMERCE, be used only for the performance of this contract.
- B. The Contractor shall be responsible for any loss or damage to property of COMMERCE that results from the negligence of the Contractor or which results from the failure on the part of the Contractor to maintain and administer that property in accordance with sound management practices.
- C. If any COMMERCE property is lost, destroyed or damaged, the Contractor shall immediately notify COMMERCE and shall take all reasonable steps to protect the property from further damage.
- D. The Contractor shall surrender to COMMERCE all property of COMMERCE prior to settlement upon completion, termination or cancellation of this contract

All reference to the Contractor under this clause shall also include Contractor's employees, agents or Subcontractors.

## **21. WAIVER**

Waiver of any default or breach shall not be deemed to be a waiver of any subsequent default or breach. Any waiver shall not be construed to be a modification of the terms of this Contract unless stated to be such in writing and signed by Authorized Representative of COMMERCE.

## Scope of Work

SOURCE: Section 189 of [Engrossed Substitute Senate Bill 5693](#), of the supplemental operating budget for fiscal year 2023 is provided solely for Commerce to administer grants to eligible cities for actions relating to adopting ordinances that would authorize middle housing types on at least 30 percent of lots currently zoned as single family residential. For the purposes of this grant program, "middle housing types" include duplexes, triplexes, fourplexes, fiveplexes, sixplexes, townhouses, courtyard apartments, cottage housing, and stacked flats.

- (a) A city is eligible to receive a grant if:
  - i. The city is required to plan under RCW 36.70A.040; and
  - ii. The city is required to take action on or before June 30, 2024, to review and, if needed, revise its comprehensive plan and development regulations pursuant to RCW 36.70A.130(5)(a).
- (b) Grant recipients must use grant funding for costs to conduct at least three of the following activities:
  - i. Analyzing comprehensive plan policies and municipal code to determine the extent of amendments required to meet the goal of authorizing middle housing types on at least 30 percent of lots currently zoned as single family residential;
  - ii. Preparing informational material for the public;
  - iii. Conducting outreach, including with the assistance of community-based organizations, to inform and solicit feedback from a representative group of renters and owner-occupied households in residential neighborhoods, and from for-profit and nonprofit residential developers;
  - iv. Drafting proposed amendments to zoning ordinances for consideration by the city planning commission and city council;
  - v. Holding city planning commission public hearings;
  - vi. Publicizing and presenting the city planning commission's recommendations to the city council; and
  - vii. Holding city council public hearings on the planning commission's recommendations.
- (c) Before updating their zoning ordinances, a city must use a racial equity analysis and establish antidisplacement policies as required under RCW 36.70A.070(2)(e) through (h) to ensure there will be no net displacement of very low, low, or moderate-income households, as defined in RCW 43.63A.510, or individuals from racial, ethnic, and religious communities which have been subject to discriminatory housing policies in the past.
- (d) Commerce will prioritize applicants who:
  - i. Aim to authorize middle housing types in the greatest proportion of zones; and
  - ii. Subcontract with multiple community-based organizations that represent different vulnerable populations in overburdened communities, as defined in RCW 70A.02.010, that have traditionally been disparately impacted by planning and zoning policies and practices, to engage in eligible activities as described in (b) of this subsection.

Commerce will be monitoring the contracts biannually to review progress in meeting milestones, deliverables and invoicing.

Grant Objective	Land use assessments and the development and review of policy and program actions to consider allowing a minimum of 30% of land area or lots currently zoned single family residential as places where middle housing types are considered		
Actions/ Steps/ Deliverables	Description	Start Date	End Date
<b>Action 1</b>	<b>Public Engagement Activities</b>	<b>January 2023</b>	<b>May 2023</b>
Step 1.1	Develop community engagement plan	January 2023	February 2023
Step 1.3	Inform and solicit feedback from a representative group of for-profit and nonprofit residential developers, renters, and owner-occupied households in residential neighborhoods.	January 2023	April, 2023
Step 1.4	Developing informational materials for the public	January 2023	April 2023
<b>Deliverable 1a</b>	<b>Public Engagement Plan</b>		<b>February 1, 2023</b>
<b>Deliverable 1b</b>	<b>Public Engagement Results w/ Informational Materials</b>		<b>May 1, 2023</b>
<b>Action 2</b>	<b>Racial Equity Report</b>	<b>January 2023</b>	<b>May , 2023</b>
Step 2.1	<i>Identify local policies and regulations that result in racially disparate impacts, displacement, and exclusion in housing, including: zoning that may have a discriminatory effect; disinvestment; and infrastructure availability.</i>	January 2023	April , 2023
Step 2.2	<i>Identify areas that may be at higher risk of displacement from market forces that occur with changes to zoning development regulations.</i>	January 2023	April , 2023
Steps 2.3	Evaluate displacement risk of very-low, low, and moderate-income households.	January 2023	April , 2023
Step 2.4	Evaluate displacement risk of individuals from racial, ethnic, and religious communities which have been subject to discriminatory housing policies in the past.	January 2023	April , 2023
Step 2.5	Evaluate displacement risk of locally owned businesses.	January 2023	April , 2023
Step 2.6	<i>Develop policies and regulations to address and begin to undo the impacts of local policies and regulations that result in racially disparate impacts, displacement, and exclusion in housing. This is consistent with Pierce County</i>	January 2023	April , 2023
Step 2.7	<i>Develop anti-displacement strategies, including strategies to minimize displacement of low-income residents resulting from redevelopment.</i>	January, 2023	April , 2023
Steps 2.8	Develop anti-displacement policy documents that include a schedule of programs and actions to implement the anti-displacement strategies including a timeline.	January 2023	April, 2023
<b>Deliverable 2</b>	<b>Racial equity analysis report and proposed policies to address anti-displacement</b>		<b>May 1 , 2023</b>
<b>Action 3</b>	<b>Policy, Code and Program Development</b>	<b>January 2023</b>	<b>June 2023</b>

Step 3.1	<i>Review and evaluate the current comprehensive housing element and their alignment with middle housing type development.</i>	January 2023	May 2023
Step 3.2	Review buildable lands report and current residential land uses for potential to allow middle housing, or where development areas or higher intensity uses might be defined, or where commercial areas might be converted or residential to mixed-use development.	January 2023	May 2023
Step 3.3	Review current programs, development regulations, impact fees, system development charges, and permitting processes as to how they might encourage or discourage the development of middle housing types.	January 2023	May, 2023
Step 3.4	Consider incentives for affordable housing to accompany any changes in zoning that increase density to accommodate middle housing types.	January 2023	May 2023
Step 3.5	Gather data, analyze and review to understand the realistic potential of the various changes to support and/or encourage the development of middle housing types, and conduct financial feasibility analysis of developing new various housing typologies in various zones.	January 2023	May 2023
<b>Deliverable 3a</b>	<b>Staff report with analysis of comprehensive plan policies and the municipal code to determine the extent of amendments required to meet the goal of authorizing middle housing types on at least 30 percent of lots currently zoned as single family residential.</b>		<b>June 15 , 2023</b>
<b>Deliverable 3b</b>	<b>Identification of amendments to the zoning ordinance needed to authorize middle housing types on at least 30 percent of lots currently zoned as single family residential. Draft proposed amendments to zoning ordinances for consideration by the city planning commission and city council; which will may be amended after the granting period before consideration.</b>		<b>June 15, 2023</b>
<b>Action 4</b>	<b>Update Buildable Lands/Land Capacity Analysis within City limits and City Potential Annexation Area</b>		
Step 4.1	Gather data and review all geospatial data from existing data sources such as critical areas/buffer, tribal owed and King County tax assessor. Evaluate “market factor” assumptions as well as pipeline projects. Coordinate with staff to identify updated information on vacant and redevelop-able property.	January 2023	May 2023
Step 4.2	Produce new building lands/capacity maps/tables.	January 2023	May 2023
Step 4.3	Data analysis with finalized maps.	January 2023	May 2023
Step 4.4	Draft and format a land capacity analysis memo	January 2023	May 2023
<b>Deliverable 4</b>	<b>Staff report and draft Buildable Lands/Land Capacity Analysis</b>		<b>June 15 , 2023</b>

**Budget**

<b>Deliverables</b>	<b>Commerce Funds</b>
<b>Deliverable 1a</b> Public Engagement Plan	\$1,000
<b>Deliverable 1b</b> Public Engagement Results w/ Informational Materials	\$5,000
<b>Deliverable 2</b> Racial equity analysis report and proposed policies to address anti-displacement	\$20,000
<b>Deliverable 3a.</b> Staff report with analysis of comprehensive plan policies and municipal code to determine the extent of amendments required to meet the goal of authorizing middle housing types on at least 30 percent of lots currently zoned as single family residential.	\$30,000
<b>Deliverable 3b</b> Identification of amendments to the zoning ordinance needed to authorize middle housing types on at least 30 percent of lots currently zoned as single family residential. This can be in the form of a draft ordinance or a detailed outline of code sections that would need to be amended.	\$20,000
<b>Deliverable 4</b> Staff report and draft Buildable Lands/Land Capacity Analysis	\$36,500
<b>Total:</b>	<b>\$ 112,500</b>





## BUSINESS OF THE CITY COUNCIL CITY OF SNOQUALMIE

AB23-005  
January 9, 2023  
Committee Report

Item 3.

### AGENDA BILL INFORMATION

<b>TITLE:</b>	AB23-005: Draft Ordinance amending SMC Chapters 14.30, 14.40, 17.35 and 17.80	<input type="checkbox"/> Discussion Only
<b>PROPOSED ACTION:</b>	Adopt Ordinance xxxx, Amending SMC Chapters 14.30, 14.40, 17.35 and 17.80	<input checked="" type="checkbox"/> Action Needed: <input type="checkbox"/> Motion <input checked="" type="checkbox"/> Ordinance <input type="checkbox"/> Resolution

<b>REVIEW:</b>	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.

<b>DEPARTMENT:</b>	Community Development		
<b>STAFF:</b>	Jason Rogers, Senior Planner		
<b>COMMITTEE:</b>	Community Development	<b>COMMITTEE DATE:</b> January 3, 2023	
<b>MEMBERS:</b>	Jo Johnson	Matthew Laase	James Mayhew
<b>EXHIBITS:</b>	1. Draft ordinance 2. Planning Commission Recommendation 12/5/22 3. AB23-005 x3 SMC CH 14.30, 17.35 and 17.80 Table of Changes		

**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 2021 identifying opportunities in the Snoqualmie Municipal Code, SMC to clarify, simplify, and enhance permit processing specifically in the areas of historic design review and landmarks, and design review.

The draft SMC amendments include project permit processing procedures for all permit types, Snoqualmie landmark designation criteria, nomination procedures as well as 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 an appeal within the Department.

#### LEGISLATIVE HISTORY

Previously adopted ordinances include:

744 § 2	1995
768 § 2	1996
874 § 2	2001
960 § 2	2004
1120 § 1	2013
1198 § 22 (Exh. D)	2017
1203 § 2	2018
1234 § 2	2020
1262 § 1	2022

## BACKGROUND

Some sections of Snoqualmie Municipal Code, SMC are outdated and have not been amended since as early as 1995 with the most recent amendments related to adopted Ordinance 1262, which added provisions for fences and trash containers. Various sections Chapter 17.35 reference King County (KC) development codes and procedures. Some existing code language requires city coordination with an KC office that no longer exists, i.e., Cultural Office.

The city's current permits lacks an established comprehensive site plan design 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 in meetings on: 9/6/22, 10/3/22, 10/17/22, 11/14/22, 11/21/22 (Public Hearing) and 12/5/22 (continued Public Hearing from 11/21/22). A Planning Commission recommendation to the City Council is attached as Exhibit 2. A State Environmental Policy Act, SEPA review and SEPA Determination of Non-Significance, (DNS) was completed on 12/2/2022.

## 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 [SMC 17.35],
- Simplifying the code with the deletion of KC development code references [SMC 17.35],
- Enhancing the code with the addition of KC development codes including Snoqualmie landmark designation criteria and nomination procedures and related definitions, [SMC 17.35],
- Clarifying the parameters of Type thru Type III historic design review projects, [SMC 17.35], and,
- Enhancing the code with the addition of a Site Plan Permit and permit criteria, [SMC 17.80].

*PLEASE NOTE: after the Planning Commission recommendation on December 5, 2022, (see Exhibit 2) Staff identified one additional recommended draft code amendment for CDC 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.*

A table summarizing the changes is included, (see Exhibit 3).

**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.

**PROPOSED ACTION**

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

[For January 23, 2023]: Move to approve Ordinance No. xxxx adopting amendments to SMC Chapters 14.30, 14.40, 17.35 and 17.80.

**ORDINANCE NO. \_\_\_\_\_**

**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 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:

	<a href="#">Permits</a>	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	<a href="#">Clearing and Grading Permit (Chapter 15.20 SMC)</a> <a href="#">Flood Improvement Permit (Chapter 15.12 SMC)</a> <a href="#">Lot Line Adjustment (SMC 16.04.030.E.)</a> <a href="#">Historic Design Review, Type I (Chapter 17.35 SMC)</a>	Yes, unless exempt	Yes	No	No	S	No	HE/Open

	<a href="#">Permits</a>	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
	<a href="#">Temporary Use Permit (17.55.050)</a> <a href="#">Sign Permit (Chapter 17.75 SMC)</a> <a href="#">Wireless Communication Facility Permit (Chapter 17.77 SMC)</a> <a href="#">Site Plan Permit (Chapter 17.80 SMC)</a>							
Cat II	<a href="#">Clearing and Grading Permit (Chapter 15.20 SMC)</a> <a href="#">Short Subdivision (Chapter 16.08 SMC)</a> <a href="#">Binding Site Improvement Plan, 4 or fewer lots (SCM 16.12.030)</a> <a href="#">Historic Design Review, Type I (Chapter 17.35 SMC)</a> <a href="#">Temporary Use Permit (SMC 17.55.050)</a> <a href="#">Wireless Communication Facility Permit (Chapter 17.77 SMC)</a>	Yes	Yes	Yes	No	S	Yes	HE/Open

	<a href="#">Permits</a>	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
	<a href="#">Site Plan Permit (Chapter 17.80 SMC)</a>							
Cat III	<a href="#">Planned Residential Plan (SMC 17.15.050)</a> <a href="#">Planned Commercial/ Industrial Plan (SMC 17.20.050)</a> <a href="#">Mixed Use Plan/ Mixed Use Final Plan (Chapter 17.30 SMC)</a> <a href="#">Planned Unit Development (Chapter 17.50 SMC)</a> <a href="#">Unclassified Use Permit (Chapter 17.60 SMC)</a> <a href="#">Wireless Communication Conditional Use Permit (Chapter 17.77 SMC)</a> <a href="#">Zoning Code Map or Text Amendment (SMC 17.85.010)</a> <a href="#">Comprehensive Plan Amendment</a>	Yes	Yes	Yes	Yes/PC or HE <a href="#">*Landmarks &amp; Heritage Comm. for Landmark Designation</a>	CC  <a href="#">*PC for Types II-III Historic Design Rev. &amp; Landmark Desig.</a>	Yes	SC/ <a href="#">Closed</a>  <a href="#">*HE/Closed for Types II-III Historic Design Rev. &amp; Landmark Desig.</a>



	<a href="#">Permits</a>	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
	<a href="#">(Chapter 21.30 SMC)</a> <a href="#">*Historic Design Review Types II – III and Landmark Designation (Chapter 17.35 SMC)*</a>							
Cat IV	<a href="#">Long Subdivision (Chapter 16.10 SMC)</a> <a href="#">Binding Site Improvement Plan, 5 or more lots (SMC 16.12.040)</a> <a href="#">Historic Design Review (Chapter 17.35 SMC)</a> <a href="#">Conditional Use Permit (SMC 17.55.030)</a> <a href="#">Variance (SMC 17.85.020)</a>	Yes	Yes	Yes	Yes/PC or HE	HE or PC	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.
- ~~EX.~~ "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.
- ~~GG.~~ "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 Type II or Type III project located within the landmark district may be appealed to the Snoqualmie 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. The commission shall hear the appeal within 45 days and render its decision within 70 days of the date of filing.~~
- ~~CB.~~ 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.~~
- ~~EC.~~ 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** Membership ~~Design Review Board.~~
- 17.80.030** Scope of authority – Design Review Board.
- 17.80.035** Site Plan Permit.
- 17.80.040** Application requirements.
- 17.80.050** Design Review guidelines.
- 17.80.055** Site Plan Review criteria
- 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](#).





**COMMUNITY DEVELOPMENT DEPARTMENT**

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Item 3.

The Planning Commission voted 5-0 to recommend APPROVAL of the proposed code amendments to the Snoqualmie Municipal Code (SMC) pertaining to a Site Plan Permit and Historic Chapter Procedures regulations.

It is the recommendation of the Planning Commission to approve the SMC amendments as presented in the staff report and attachments submitted by Senior Planner, Jason Rogers at the December 5, 2022, meeting.

**RECOMMENDED BY THE CITY OF SNOQUALMIE PLANNING COMMISSION  
ON THE 5TH DAY OF December 2022.**

Luke Marusiak Date 12/25/2022

Luke Marusiak  
Commission Chair

Attest by:

Ashley Wragge

Ashley Wragge  
Planning Technician

**~~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";

- 46 DJ. "Contributing building or site" shall mean a building or site located within a landmark district as  
 47 defined herein, which is of historical significance and has substantially retained its original  
 48 appearance, and is identified as such in the landmark designation report.
- 49 K. "Designation" is the act of the Commission determining that an historic resource meets the criteria  
 50 established by this chapter.
- 51 L. "Designation report" is a report issued by the Commission after a public hearing setting forth its  
 52 determination to designate a landmark and specifying the significant feature or features thereof.
- 53 M. "Director" is the director of the Snoqualmie Community Development Department or designee.
- 54 N. "Downtown Master Plan" means the Snoqualmie Downtown Master Plan, approved by Snoqualmie  
 55 city council on April 12, 2010 (city of Snoqualmie Resolution No. 948).
- 56 O. "Downtown Vision Plan" means the Snoqualmie Downtown Vision Plan, approved by Snoqualmie city  
 57 council on April 23, 2007 (city of Snoqualmie Resolution No. 814).
- 58 P. "Heritage" is a discipline relating to historic preservation and archaeology, history, ethnic history,  
 59 traditional cultures and folklore.
- 60 EQ. "Historic district" means the downtown historic district overlay zone and the Meadowbrook historic  
 61 district overlay zone, the boundaries of which are as shown on the official zoning map. The  
 62 respective boundaries of the historic districts are as established in Ordinance No. 744.
- 63 FR. "Historic preservation officer" shall mean the director of the Snoqualmie Community Development  
 64 Department, or equivalent city official however denominated, or his or her designee.
- 65 S. "Historic resource" is a district, site, building, structure or object significant in national, state or local  
 66 history, architecture, archaeology, and culture.
- 67 T. "Historic resource inventory" is an organized compilation of information on historic resources  
 68 considered to be significant according to the criteria listed in K.C.C. 20.62.040.A. The historic  
 69 resource inventory is kept on file by the historic preservation officer and is updated from time to time  
 70 to include newly eligible resources and to reflect changes to resources.
- 71 U. "Incentives" are such compensation, rights or privileges or combination thereof, which the council, or  
 72 other local, state or federal public body or agency, by virtue of applicable present or future  
 73 legislation, may be authorized to grant to or obtain for the owner or owners of designated landmarks.  
 74 Examples of economic incentives include but are not limited to tax relief, conditional use permits,  
 75 rezoning, street vacation, planned unit development, transfer of development rights, facade  
 76 easements, gifts, preferential leasing policies, private or public grants-in-aid, beneficial placement of  
 77 public improvements, or amenities, or the like.
- 78 V. "Interested person of record" is any individual, corporation or partnership that notifies the  
 79 commission or the council in writing of its interest in any matter before the commission.
- 80 W. "Landmark" is an historic resource designated as a landmark pursuant to this chapter.
- 81 GX. "Landmark district" means the Snoqualmie historic downtown commercial landmark district, the  
 82 boundaries of which are shown on the official zoning map. The boundaries of the Snoqualmie historic  
 83 downtown commercial landmark district are as established by the Snoqualmie landmarks and  
 84 heritage commission pursuant to authority of Ordinance No. 746. The term "landmark district" shall  
 85 also include any additional districts which may be subsequently established ~~subsequent to the~~  
 86 ~~adoption~~ under the authority of this chapter.
- 87 HY. "Noncontributing building or site" shall mean any building or site not specifically designated as a  
 88 contributing building or site in a landmark district.
- 89 Z. "Nomination" is a proposal that an historic resource be designated a landmark.
- 90 AA. "Object" is a material thing of functional, aesthetic, cultural, historical, or scientific value that may be,  
 91 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.

GG. "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 noncontributing 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
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 Type II or Type III project located within the landmark district may be appealed to the Snoqualmie 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. The commission shall hear the appeal within 45 days and render its decision within 70 days of the date of filing.~~
- ~~CB. 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.~~
- ~~EC. 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.~~

### **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.

**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:**

	<b><u>Permits</u></b>	<b>Preapplication Process</b>	<b>Determination of Completeness</b>	<b>Notice of Application and Comment Period</b>	<b>Predecision Open Record Hearing</b>	<b>Decision</b>	<b>Distribution of Notice of Decision</b>	<b>Appeal To/ Open - Closed Record</b>
Cat I	<a href="#">Clearing and Grading Permit (Chapter 15.20 SMC)</a> <a href="#">Flood Improvement Permit (Chapter 15.12 SMC)</a> <a href="#">Lot Line Adjustment (SMC 16.04.030.E.)</a> <a href="#">Historic Design Review, Type I (Chapter 17.35 SMC)</a> <a href="#">Temporary Use Permit (17.55.050)</a> <a href="#">Sign Permit (Chapter 17.75 SMC)</a>	Yes, unless exempt	Yes	No	No	S	No	HE/Open

	<a href="#">Permits</a>	<b>Preapplication Process</b>	<b>Determination of Completeness</b>	<b>Notice of Application and Comment Period</b>	<b>Predecision Open Record Hearing</b>	<b>Decision</b>	<b>Distribution of Notice of Decision</b>	<b>Appeal To/ Open - Closed Record</b>
	<a href="#">Wireless Communication Facility Permit (Chapter 17.77 SMC)</a> <a href="#">Site Plan Permit (Chapter 17.80 SMC)</a>							
Cat II	<a href="#">Clearing and Grading Permit (Chapter 15.20 SMC)</a> <a href="#">Short Subdivision (Chapter 16.08 SMC)</a> <a href="#">Binding Site Improvement Plan, 4 or fewer lots (SCM 16.12.030)</a> <a href="#">Historic Design Review, Type I (Chapter 17.35 SMC)</a> <a href="#">Temporary Use Permit (SMC 17.55.050)</a> <a href="#">Wireless Communication Facility Permit (Chapter 17.77 SMC)</a> <a href="#">Site Plan Permit (Chapter 17.80 SMC)</a>	Yes	Yes	Yes	No	S	Yes	HE/Open

	<a href="#">Permits</a>	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 III	<a href="#">Planned Residential Plan (SMC 17.15.050)</a> <a href="#">Planned Commercial/ Industrial Plan (SMC 17.20.050)</a> <a href="#">Mixed Use Plan/ Mixed Use Final Plan (Chapter 17.30 SMC)</a> <a href="#">Planned Unit Development (Chapter 17.50 SMC)</a> <a href="#">Unclassified Use Permit (Chapter 17.60 SMC)</a> <a href="#">Wireless Communication Conditional Use Permit (Chapter 17.77 SMC)</a> <a href="#">Zoning Code Map or Text Amendment (SMC 17.85.010)</a> <a href="#">Comprehensive Plan Amendment (Chapter 21.30 SMC)</a> <a href="#">*Historic Design Review Types II – III</a>	Yes	Yes	Yes	Yes/PC or HE * <a href="#">Landmarks &amp; Heritage Comm. for Landmark Designation</a>	CC *PC for Types II-III <a href="#">Historic Design Rev. &amp; Landmark Desig.</a>	Yes	<a href="#">SC/Closed</a> <a href="#">*HE/Closed for Types II-III</a> <a href="#">Historic Design Rev. &amp; Landmark Desig.</a>



	<a href="#">Permits</a>	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
	<a href="#">and Landmark Designation (Chapter 17.35 SMC)*</a>							
Cat IV	<a href="#">Long Subdivision (Chapter 16.10 SMC)</a> <a href="#">Binding Site Improvement Plan, 5 or more lots (SMC 16.12.040)</a> <a href="#">Historic Design Review (Chapter 17.35 SMC)</a> <a href="#">Conditional Use Permit (SMC 17.55.030)</a> <a href="#">Variance (SMC 17.85.020)</a>	Yes	Yes	Yes	Yes/PC or HE	HE or PC	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 17.80 DESIGN REVIEW BOARD

Sections:

- 17.80.010** Purpose and objectives.
- 17.80.020** [Membership Design Review Board.](#)
- 17.80.030** Scope of authority – [Design Review Board.](#)
- 17.80.035** [Site Plan Permit.](#)
- 17.80.040** Application requirements.
- 17.80.050** [Design Review guidelines.](#)
- 17.80.055** [Site Plan Review criteria](#)
- 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.**

- 172 A. Approval. If the design review board [or director](#) approves the proposed development, a building  
173 permit may be issued by the appropriate city official, providing they have complied with all other  
174 requirements of the building code and ordinances of the city.
- 175 B. Approval with Conditions. If the design review board [or director](#) approves the proposed development  
176 plans with conditions, it may require that such conditions shall be fulfilled prior to the issuance of a  
177 building or occupancy permit, where appropriate.
- 178 C. Denial. The design review board [or director](#) may deny the proposed development plans if they do not  
179 satisfy the guidelines of SMC 17.80.050 [or SMC 17.80.055, as applicable](#).  
180

Clarify	Simplify	Enhance				
SMC	Proposed Amendment	C	S	E	Notes	
14.30.020(B)	Add complete set of permits and requirements applicable to each category of permit, including types. Add historic design review appeals.			x	Add list of City permits to the table See Historic Design Review (HDR) procedures amendments. HDR appeals are to HE.	
17.80.010	Add letters A-D including two new statements for compliance with code and other development.			x	Add purpose statements to align with site plan permit	
17.80.020	Amending language to add “design review board” and deleting the word “membership” and duplicate language.		x		General language cleanup – less wordy	
17.80.030	Add “Design Review Board” (DRB) to the scope of authority and add language for thresholds of review.	x		x	Allow for some administrative review and to clarify the DRB’s authority	
17.80.035	Add new section identifying “Site Plan Permit” and language establishing threshold for permit.			x	Add scope of Site Plan Permit reviews	

Clarify	Simplify	Enhance				
SMC		Proposed Amendment	C	S	E	Notes
17.80.040	Add application requirements	x				
17.80.050	Add word “Design” to title.	x				
17.80.055	Add criteria (1-7) for a site plan permit.			x		Establishing a new section .055
17.80.060	Add words “or director” to the section for additional code references for denial.	x				Minor clarifications to support SPP
17.35.030	Delete section			x		Move King County provisions directly into Snoqualmie code
17.35.040	Add definitions from King County code and additional definitions for clarity	x		x		Copying definitions from King County code
17.35.050(A)	Add “owner” and deleting “commercial”	x				
17.35.050(B)	Delete board schedule resolution requirement		x			
17.35.050(C)	Delete Referral to Snoqualmie Landmark and Heritage Commission		x			This is the King County landmarks and heritage commission
17.35.050(D)	Add “historic preservation officer”	x				
17.35.103 (A-C)	Add a new section, designation			x		Copied from King County code

Clarify	Simplify	Enhance				
SMC		Proposed Amendment	C	S	E	Notes
		criteria for landmarks				
17.35.105 (A-D)	Add Nomination procedures for landmarks				x	Copied from King County code
17.35.107	Add Designation procedures for landmarks				x	Copied from King County code
17.35.120(A)	Add language for additional minor projects				x	Shift some projects to Type 1 (from Type 2)
17.35.120(B) and (C)	Add language to draw distinctions between contributing and non-contributing buildings	x				
17.35.150(A)	Add language determining referrals to Board. Add Type 1 and 2 as Category I Permits.	x			x	Historic Preservation officer, i.e. the Director would decide if a Type 1 project would need to go to the Board.
17.35.150(B)	Delete KC Cultural Office. Add Type 3 as Category IV Permit.	x			x	No such office, Cultural Resources Protection Program, artifacts
17.35.150(C)	Add language, Type I variance reviewed by the Board	x				Currently refers to a variance.
17.35.150(D)	Adding “Board” and “first”	x				
17.35.150(E)	Delete referral to Snoqualmie LH Commission and mailing requirement			x		Refer to process in SMC 14.30.110 Notice of decision (mailings)



Clarify	Simplify	Enhance				
SMC		Proposed Amendment	C	S	E	Notes
17.35.155	Add Evaluation of economic impact				x	Copied from King County code
17.35.160	Delete reference to certified mail			x		
17.35.170(A)	Add language for HE appeals of Historic Design Review, adding SMC reference to appeals	x			x	Separate the Board from review of appeals and send appeals to the Hearing Examiner.
17.35.170(B)	Delete language for Type 2 and 3 appeals by SLH Commission				x	Type 2 and 3 appeals would be to the Hearing Examiner.
17.35.170(C)	Add language for Landmark Commission appeals by Council				x	City Council would review appeals of Landmark Commission decisions.
17.35.170(D)	Delete language to City Clerk submittal	x				
17.35.170(E)	Add language on HE	x				Accounts for adjustment of appeals process
14.40.010(B)	Add a time for receipt of appeal	x				5:00 PM
14.40.030(E)	Add reference to Chapter SMC 2.14 HE	x				