

STAFF REPORT:**Agenda Bill 324**

To: Planning Commission
From: Tanner Fuller, Town Planner
Date: 10/14/2024
Subject: Design Review Ordinance
Attachments: RCW 36.70A.630
Proposed Ordinance 1713

Summary:

The state legislature passed Engrossed Substitute House Bill 1293 (HB 1293) in 2023, which is primarily codified in RCW 36.70A.630. HB 1293 amended the Growth Management Act to require cities and towns to comply with certain requirements for design review.

Background:

The Growth Management Act (GMA) was passed in the 1990s and is the comprehensive land use planning framework for counties, cities, and towns in Washington. Steilacoom is a fully planning municipality under the GMA and must therefore satisfy all planning requirements of the law.

Analysis

The Planning Commission discussed HB 1293 in conjunction with the new middle housing laws at their meetings in February and March 2024. The requirements were also presented to the Town Council by staff in May 2024. Staff presented the requirements of HB 1293 and its impact on the Preservation and Review Board to the PRB in May 2024. Finally, the Town received a grant of \$50,000 to support the work necessary to comply with these new state laws. Passage of separate bills on middle housing and design review is consistent with the grant requirements and to document clear compliance with both HB 1110 and HB 1293.

HB 1293, as codified in RCW 36.70A.630, contains the following requirements:

- Any design review outside of a historic district or designated historic landmark must apply only clear and objective development regulations governing the exterior design.
- Design standards may not result in a reduction in density, height, bulk, or scale below the generally applicable development regulations for a development proposal in the applicable zone.
- Design review must be concurrent with or integrated logically with the review and decision process for project permits.
- No design review process may include more than one public meeting.

Within the historic district, the existing process may continue, with allowed middle housing following the same design review process as a detached single-family home.

Conclusion

Staff submitted the draft ordinance to the state for the required 60-day notice period. No comments were received regarding the draft ordinance. The draft revisions to the municipal code are consistent with the requirements of HB 1293 by ensuring that design standards are clear and objective and design review is administrative outside of the historic district.

The Planning Commission must make a recommendation to the Town Council. Staff recommends that the Planning Commission recommend to the Town Council approval of the proposed ordinance.

Recommendation

Staff recommends that the Planning Commission support the proposed ordinance and recommend the Town Council adopt proposed Ordinance 1713.

Motion

I move to recommend the Town Council adopt proposed Ordinance 1713 to comply with the requirements of RCW 36.70A.630.

2.14.030 Definitions. The following words and terms when used in this chapter shall mean as follows, unless a different meaning clearly appears from the context:

...

(OO) "Regulated properties" means those properties that the Historic Preservation and Review Board has authority to review. These properties include new construction and modifications, to all buildings, sites, objects, and structures that are located within the boundaries of the Steilacoom Historic District, all properties individually listed on the Steilacoom Register of Historic Places. ~~It also includes review of all new or substantially modified commercial, multifamily, duplex, industrial, quasi-public and public structures outside of the Historic District but within the Town of Steilacoom.~~

2.14.040 Steilacoom Historic Preservation and Review Board.

...

(D) Powers and Duties

...

~~—(5) Review proposals for new construction, or substantial modifications, of commercial, multi-family, duplex, quasi-public, and public structures within Town limits.~~

2.14.060 Review of Construction, Alteration and Demolition

(A) Review Required

(1) No person shall construct any new building or structure, or reconstruct, alter, restore, remodel, move, or demolish any existing resource on the Steilacoom Register of Historic Places or within an historic district on the Steilacoom Register of Historic Places except as provided in this Chapter. ~~No person shall construct new or substantially modify commercial, multifamily, duplex, industrial building, quasi-public, or public structures within the Town except as provided in this Chapter.~~

2.14.061 Review process.

(A) Coordination with the Planning and Building Departments.

(1) The Building Department shall notify the Historic Preservation Officer (HPO) of any application for a permit to work on any project subject to review under this Chapter, and shall notify the applicant of the review requirements. The Building Department shall not issue any such permit until a Certificate of Appropriateness or Certificate of Approval for Demolition, as appropriate, is issued.

(2) The Building Department shall advise the HPO and the Board on Town Building and Fire Code requirements.

(3) The HPO shall obtain confirmation from the Building Department and the Planning Department certifying compliance with the land use, height, setback, lot coverage, parking, and design standard requirements of Title 18 prior to issuing an administrative approval or scheduling a public hearing for Board review of projects on properties within a Steilacoom Historic District.

(B) Board Review

...

(3) The Board shall hold a no more than one (1) public meeting to consider the application. Notice of public hearings shall be given in accordance with SMC Title 14. The Board shall complete its review and make its decision within sixty (60) calendar days from the date of the Board meeting where the application was first scheduled to be heard by the Board, unless delay is agreed upon by all parties or unless the applicant requested a delay in the review of his/her application.

...

(C) Administrative Review

The following projects shall be reviewed administratively by the HPO.

- (1) Projects involving non-contributing resources.
 - (a) Replacement of roofing, siding, windows, railings, doors or decks.
 - (b) Minor alterations including additions and decks not visible from the street

frontage.

~~_____ (c) New construction of duplex buildings outside a Steilacoom Historic District.~~

...

(D) Exemptions

The following activities are exempt from review under this Chapter and do not require a Certificate of Appropriateness.

- (1) Ordinary repair and maintenance, including painting, which does not involve a change in design or the outward appearance of the building.
- (2) Temporary emergency repairs using any materials or emergency repairs using like materials.
- (3) New construction of ~~single family~~ buildings outside a Steilacoom Historic District.
- (4) Interior modifications for non-contributing structures.
- (5) Exterior modifications to ~~single family~~ buildings outside a Steilacoom Historic District not individually listed on the Steilacoom Register.
- (6) Demolition of structures outside a Steilacoom Historic District not individually listed on the Steilacoom Register. If the structure is more than fifty (50) years old, the applicant must allow the Town to photo-document the structure as provided in SMC 2.14.060.B.2.b.
- (7) Activity certified by the Building Inspector to be necessary to abate an unsafe or dangerous condition that will not adversely affect any character defining features.
- (8) Site development.

2.14.065 Review of changes to properties outside of the Historic District

REPEAL ENTIRE SECTION

~~(A) Duplexes: No side-by-side mirror image duplex designs shall be permitted.~~

~~(B) New Construction and Substantial Alterations of Multifamily Residences Outside the Historic District: Areas outside the historic district have continued the building traditions found in the district. The use of natural building materials and a respect for traditional design lends to the overall cohesiveness of the Town of Steilacoom.~~

~~(1) Site Considerations:~~

~~(a) Setbacks, lot coverage, and open space of the unit(s) shall conform to the requirements as described in SMC, Title 18.~~

~~(b) For development with six (6) or fewer residential units, the units shall be connected to the public by locating the front doors on the street frontage.~~

~~(c) For developments with seven (7) or more residential units, the buildings shall be clustered in such a manner that the development as a whole is connected to the public by a walkway from the building to the street right-of-way.~~

~~(d) Parking lots shall be visually broken up by the use of landscape planters. No more than eight (8) angled or perpendicular parking stalls shall be allowed without a landscape break. The landscape break shall be at a minimum three (3) feet in width and a minimum length of ten (10) feet.~~

~~(e) Parking stalls shall not be located or positioned to cause headlights to shine into windows of residential units.~~

~~(f) Locate trash enclosures (dumpsters) and mechanical equipment away from the street frontage, and screen the trash enclosures and mechanical equipment by using substantial sight-obscuring landscaping which will achieve a height of 6 feet within three (3) years of planting, or by constructing an enclosure using building materials similar to and complementary to that of the primary building.~~

~~(2) Design Considerations:~~

~~(a) Multifamily residential development shall have a design form that echoes the residential, human scale of the Town of Steilacoom.~~

~~(b) Building materials shall blend the building with existing buildings in the immediate vicinity of the project. Buildings shall utilize no more than two (2) primary visible wall materials (excluding foundation materials).~~

~~(c) Choices of natural building materials are encouraged, and decisions regarding selection of building materials should take into account the neighboring buildings. It is encouraged that one of the building materials selected by the applicant be wood. Aluminum or vinyl siding is strongly discouraged.~~

~~(d) Roofs shall be standard gable, gambrel, hip, or shed design with no more than (2) roofing configurations.~~

~~(e) Design street facades with entries, windows, and or detailing. There should be no blank walls.~~

~~(f) The design shall provide some form of individualized exterior living spaces.~~

~~(g) Colors should be earth tones, whites, or subdued colors. Bright and brilliant colors shall be avoided.~~

~~(3) Landscaping:~~

~~(a) Select plant materials that are suitable for Steilacoom's climate zone, and provide a viable irrigation system.~~

~~(b) Landscaping treatment shall be adapted to fit existing topography.~~

~~(c) Plantings susceptible to pedestrian or motor vehicle damage shall be protected by appropriate devices.~~

~~(d) Privacy for outdoor living areas through fencing or plantings shall be provided for.~~

~~_____ (e) Landscape lighting shall be consistent with other elements of design, and be harmonious in scale, color, and style. Light intensity shall be limited and back lighting is encouraged.~~

~~_____ (f) The placement and/or preservation of trees or shrubs in parkways or paved areas is encouraged.~~

~~_____ (C) New Construction and Substantial Alterations of Commercial Buildings Outside the Historic District:~~

~~_____ There are not many examples of commercial architecture located outside the Steilacoom historic district. A notable example includes the gas station/mini-mart, designed to blend with the historic character of Steilacoom.~~

~~_____ (1) Site Considerations:~~

~~_____ (a) There are no requirements for the street setback, as described in SMC Title 18~~

~~_____ (b) The building shall be connected to the public by locating the front door on the street frontage. It is also encouraged to provide a walkway connecting the building to the street right-of-way.~~

~~_____ (c) Parking lots shall be visually broken up by the use of landscape planters. No more than eight (8) angled or perpendicular parking stalls shall be allowed without a landscaping break.~~

~~_____ (d) Locate trash enclosures (dumpsters) and mechanical equipment away from the street frontage, and screen the trash enclosure and mechanical equipment by using substantial sight obscuring landscaping which will achieve a height of 6 feet within three (3) years of planting, or by constructing an enclosure using building materials similar to and complementary to that of the primary building.~~

~~_____ (2) Design Considerations:~~

~~_____ (a) An applicant should not rely on the use of standardized "corporate or franchise" style buildings.~~

~~_____ (b) Commercial development shall have a design form that echoes the residential nature, and human scale of the Historic District.~~

~~_____ (c) Building materials shall blend the building with the existing buildings in the immediate vicinity. Buildings shall utilize no more than two (2) primary visible wall materials (excluding foundation materials).~~

~~_____ (d) Choices of natural building materials are encouraged, and decisions regarding selection of building materials should take into account the neighboring buildings. It is encouraged that one of the building materials selected by the applicant be wood. Aluminum or vinyl siding is strongly discouraged.~~

~~_____ (e) Roofs shall be standard gable, hip, gambrel, shed, or flat with stepped parapets.~~

~~_____ (f) The street facade shall be emphasized by a prominent front door and display window(s).~~

~~_____ (g) Colors should be earth tones, whites, or subdued colors. Bright and brilliant colors shall be avoided.~~

~~_____ (3) Landscaping:~~

~~_____ (a) Select plant materials that are suitable for Steilacoom's climate zone, and provide a viable irrigation system.~~

~~_____ (b) Landscaping treatment shall be adapted to fit existing topography.~~

~~_____ (c) Plantings susceptible to pedestrian or motor vehicle damage shall be protected by appropriate devices.~~

~~_____ (d) Privacy for outdoor living areas through fencing or plantings shall be provided for.~~

~~_____ (e) Landscape lighting shall be consistent with other elements of design, and be harmonious in scale, color, and style. Light intensity shall be limited and back lighting is encouraged.~~

~~_____ (f) The placement and/or preservation of trees or shrubs in parkways or paved areas is encouraged.~~

~~_____ (D) New Construction and Substantial Alterations of Public/Quasi Public Buildings Located Outside the Steilacoom Historic District.~~

~~(1) Site Considerations:~~

~~_____ (a) Setbacks and lot coverage shall conform to the requirements as described in SMC Title 18.~~

~~_____ (b) The building shall be connected to the public by locating the front door on the street frontage. It is also encouraged to provide a walkway connecting the building to the street right-of-way.~~

~~_____ (c) Parking lots shall be visually broken up by the use of landscape planters. No more than eight (8) angled or perpendicular parking stalls shall be allowed without a landscaping break.~~

~~_____ (d) Locate trash enclosures (dumpsters) and mechanical equipment away from the street frontage, and screen the trash enclosures and mechanical equipment by using substantial sight obscuring landscaping which will achieve a height of 6 feet within three (3) years of planting, or by constructing an enclosure using building materials similar to and complementary to that of the primary building.~~

~~_____ (2) Design Considerations:~~

~~_____ (a) Public/Quasi Public buildings shall have a design form that echoes the residential nature, and human scale of the Town of Steilacoom.~~

~~_____ (b) Building materials shall blend the building with the existing buildings in the immediate vicinity. Buildings shall utilize no more than two (2) primary visible wall materials (excluding foundation materials).~~

~~_____ (c) Choices of natural building materials are encouraged, and decisions regarding selection of building materials should take into account the neighboring buildings. It is encouraged that one of the building materials selected by the applicant be wood. Aluminum or vinyl siding is strongly discouraged.~~

~~_____ (d) Roofs shall be standard gable, hip, gambrel, shed, or flat with stepped parapets.~~

~~_____ (e) Colors should be earth tones, whites, or subdued colors. Bright and brilliant colors shall be avoided.~~

~~_____ (3) Landscaping:~~

~~_____ (a) Select plant materials that are suitable for Steilacoom's climate zone, and provide a viable irrigation system.~~

~~_____ (b) Landscaping treatment shall be adapted to fit existing topography.~~

~~_____ (c) Plantings susceptible to pedestrian or motor vehicle damage shall be protected by appropriate devices.~~

~~_____ (d) Privacy for outdoor living areas through fencing or plantings shall be provided for.~~

~~_____ (e) Landscape lighting shall be consistent with other elements of design, and be harmonious in scale, color, and style. Light intensity shall be limited and back lighting is encouraged.~~

~~_____ (f) The placement and/or preservation of trees or shrubs in parkways or paved areas is encouraged.~~

~~_____ (E) New Construction and Modifications to Industrial Buildings.~~

~~_____ (1) Site and Design Considerations:~~

~~_____ (a) A landscape break shall be used as a visual buffer from the street right-of-way to the parking lot.~~

~~_____ (b) Locate trash enclosures (dumpsters) and mechanical equipment away from the street frontage, and screen the trash enclosures and mechanical equipment by using substantial sight obscuring landscaping which will achieve a height of 6 feet within three (3) years of planting, or by constructing an enclosure using building materials similar to and complementary to that of the primary building.~~

~~_____ (c) Colors should be earth tones, whites, or subdued colors. Bright and brilliant colors shall be avoided.~~

~~_____ (2) Landscaping:~~

~~_____ (a) Select plant materials that are suitable for Steilacoom's climate zone, and provide a viable irrigation system.~~

~~_____ (b) Landscaping treatment shall be adapted to fit existing topography.~~

~~_____ (c) Plantings susceptible to pedestrian or motor vehicle damage shall be protected by appropriate devices.~~

~~_____ (d) Privacy for outdoor living areas through fencing or plantings shall be provided for.~~

~~_____ (e) Landscape lighting shall be consistent with other elements of design, and be harmonious in scale, color, and style. Light intensity shall be limited and back lighting is encouraged.~~

~~_____ (f) The placement and/or preservation of trees or shrubs in parkways or paved areas is encouraged. (Ord. 1387 §1(part), 2005).~~

"Roof" means the outside top, weather-tight covering of a structure.

(A) Roof, flat. "Flat roof" means a roof having a pitch of not more than 1.5 inches in 12 inches.

(B) Roof, gabled. "Gabled roof" means a roof which slopes from both sides of a ridge.

(C) Roof, gambrel. "Gambrel roof" means a gabled roof with two slopes on each side, the lower steeper than the upper.

(D) Roof, hipped. "Hipped roof" means a roof with slopes on all four sides, continuous from peak to eaves.

(E) Roof, shed. "Shed roof" means a roof with one slope.

"Stepped parapet" means an upward extension of a building wall which extends at least 30 inches above the roof line at more than one height, or step.

18.20.050 Community design standards.

(A) Multifamily Applicability. These standards apply to multifamily developments containing seven (7) or more dwelling units on a property in the Multifamily zoning district. These standards do not apply to middle housing types.

(1) Required Open Space. In addition to any open space required by other provisions of this title, every multifamily dwelling unit shall be provided with two hundred fifty (250) square feet of open space which shall meet the following standards:

- (a) Accessible to each dwelling unit;
- (b) Screened from all areas accessible to vehicles;
- (c) The length of the area shall be no more than twice the width;
- (d) The open space may be located in any required setback area except street setbacks;
- (e) Required open space shall have not more than five (5) percent grade;
- (f) The surface of the open space shall be suitable for recreation or relaxation

(2) Pedestrian Access. For developments with seven (7) or more residential units, the buildings shall be clustered in such a manner that there is a paved pedestrian connection at least three feet wide from each building to the sidewalk in the street right-of-way (or the street if there is no sidewalk). Driveways may not be used to meet this requirement.

(3) Parking Lot Landscaping. No more than eight (8) angled or perpendicular parking stalls shall be allowed without a landscape break. The landscape break shall be at a minimum three (3) feet in width and a minimum length of ten (10) feet.

(4) Trash and Mechanical Screening. Trash enclosures (dumpsters) and mechanical equipment shall be screened on at least three (3) sides using sight-obscuring landscaping which has or will achieve a height of at least six (6) feet within three (3) years of planting, or by constructing a sight-obscuring enclosure with a height of at least 6 feet.

(5) Roof design. Roofs shall be standard gabled, gambrel, hipped, or shed design with no more than two (2) roofing configurations.

(6) Windows and doors. A minimum of 15 percent of the area of the street-facing façade, or that which is most closely parallel to the street lot line, shall include windows or doors. Facades separated from the street by a dwelling or located more than 100 feet from a street are exempt from this standard.

~~_____ (2) Maximum density: eighteen (18) dwelling units per acre.~~

18.20.110 Commercial and Public/Quasi Public Building Design Standards.

(a) Applicability.

(1) These standards apply to all commercial buildings, including mixed-use commercial buildings which also contain residential units, and all public/quasi-public buildings.

(2) For the purposes of this section, a “street” refers to any public or private street and does not include alleys.

(b) Purpose. The purpose of these standards is to:

(1) Promote design forms that echo the human scale of the Town and respect the historic character of Steilacoom.

(2) Provide clear and accessible pedestrian routes between buildings and streets.

(c) Design review. The process used for reviewing compliance with these commercial and public/quasi-public design standards is administrative design review conducted by the Town Planner or designee, based on applicant provided information on forms provided by the Town. Design review takes place concurrently with review of a building permit.

(d) Entries. Each building must incorporate a primary building entry, such as a covered porch or recessed entry. The primary building entry must feature minimum weather protection of three feet by three feet.

(e) Pedestrian access. A paved pedestrian connection at least three feet wide is required between each commercial building and the sidewalk (or the street if there is no sidewalk). Driveways may not be used to meet this requirement.

(f) Parking Lot Landscaping. No more than eight (8) angled or perpendicular parking stalls are allowed without a landscape break. The landscape break must be at a minimum three (3) feet in width and a minimum length of ten (10) feet.

(g) Trash and Mechanical Screening. Trash enclosures (dumpsters) and mechanical equipment shall be screened on at least three (3) sides using sight-obscuring landscaping which

has or will achieve a height of at least six (6) feet within three (3) years of planting, or by constructing a sight-obscuring enclosure with a height of at least 6 feet.

(h) Roof design. Roofs must be standard gabled, gambrel, hipped, shed, or flat with stepped parapets.

(i) Windows and doors. A minimum of 25 percent of the area of the primary building entry façade, must include windows or doors.

Local design review—Requirements and restrictions.

(1) For purposes of this section, "design review" means a formally adopted local government process by which projects are reviewed for compliance with design standards for the type of use adopted through local ordinance.

(2) Except as provided in subsection (3) of this section, counties and cities planning under RCW **36.70A.040** may apply in any design review process only clear and objective development regulations governing the exterior design of new development. For purposes of this section, a clear and objective development regulation:

(a) Must include one or more ascertainable guideline, standard, or criterion by which an applicant can determine whether a given building design is permissible under that development regulation; and

(b) May not result in a reduction in density, height, bulk, or scale below the generally applicable development regulations for a development proposal in the applicable zone.

(3) The provisions of subsection (2) of this section do not apply to development regulations that apply only to designated landmarks or historic districts established under a local preservation ordinance.

(4) Any design review process must be conducted concurrently, or otherwise logically integrated, with the consolidated review and decision process for project permits set forth in RCW **36.70B.120**(3), and no design review process may include more than one public meeting.

(5) A county or city must comply with the requirements of this section beginning six months after its next periodic comprehensive plan update required under RCW **36.70A.130**.

[**2023 c 333 s 1.**]

Ordinance No. 1713

AN ORDINANCE OF THE TOWN OF STEILACOOM, PIERCE COUNTY, WASHINGTON, IMPLEMENTING THE REQUIREMENTS OF ENGROSSED SUBSTITUTE HOUSE BILL (ESHB) 1293, REPEALING SECTION 2.14.065, ADDING NEW SECTIONS 18.08.859, 18.20.110, AMENDING SECTIONS 2.14.030, 2.14.040, 2.14.060, 2.14.061, 18.08.800, 18.20.050, PROVIDING FOR SEVERABILITY, AND ESTABLISHING AN EFFECTIVE DATE

WHEREAS, in 2023 the Washington State legislature passed Engrossed Substitute House Bill (ESHB) 1293 (chapter 333, Laws of 2023) related to design review and streamlining development regulations; and

WHEREAS, ESHB 1293 (chapter 333, Laws of 2023) is primarily codified in the Revised Code of Washington (RCW) section 36.70A.630; and

WHEREAS, the Town has adopted regulations related to historic properties and the Steilacoom Historic District in Steilacoom Municipal Code (SMC) Chapter 2.14, known as the Historic Preservation Code; and

WHEREAS, on June 17, 2024, the Town transmitted a copy of the proposed ordinance to the Washington State Department of Commerce in accordance with RCW 36.70A.106 at least 60 days in advance of adoption for the required 60-day State review period; and

WHEREAS, on June 17, 2024, the Town issued a State Environmental Policy Act (SEPA) Determination of Non-Significance (DNS) on the proposed ordinance, which is a non-project proposal; and

WHEREAS, during the course of developing the proposed ordinance, various means of public outreach were used including, but not limited to, public meetings, a public survey, presentation to the Preservation and Review Board, notification of public hearings; and

WHEREAS, the Steilacoom Planning Commission held work sessions on February 12, 2024, and March 11, 2024, to study and review matters related to implementing RCW 36.70A.630; and

WHEREAS, on October 14, 2024, the Steilacoom Planning Commission held a duly noticed public hearing on the proposed ordinance, accepted testimony and made a recommendation to the Steilacoom Town Council; and

WHEREAS, on October 15, 2024, the Steilacoom Town Council held a duly noticed public hearing to consider the planning commission recommendation and accept public testimony; and

WHEREAS, adoption of the ordinance will bring the Town into compliance with RCW 36.70A.630 and will serve the general welfare of the public;

NOW THEREFORE BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF STEILACOOM, PIERCE COUNTY, WASHINGTON:

Section 1. Repeal of Section 2.14.065 SMC, Review of changes to properties outside of the Historic District. Section 2.14.065 SMC and Ordinance 1387 §1(part) are each hereby repealed in their entirety.

Section 2. Adoption of new Section 18.08.859 Stepped parapet. A new Section 18.08.859, is hereby adopted, to read as follows:

18.08.859 Stepped parapet. “Stepped parapet” means an upward extension of a building wall which extends at least 30 inches above the roof line at more than one height, or step.

Section 3. Adoption of new Section 18.20.110 Commercial and Public/Quasi Public Building Design Standards. A new Section 18.20.110, is hereby adopted, to read as follows:

18.20.110 Commercial and Public/Quasi Public Building Design Standards.

(a) Applicability.

(1) These standards apply to all commercial buildings, including mixed-use commercial buildings which also contain residential units, and all public/quasi-public buildings.

(2) For the purposes of this section, a “street” refers to any public or private street and does not include alleys.

(b) Purpose. The purpose of these standards is to:

(1) Promote design forms that echo the human scale of the Town and respect the historic character of Steilacoom.

(2) Provide clear and accessible pedestrian routes between buildings and streets.

(c) Design review. The process used for reviewing compliance with these commercial and public/quasi-public design standards is administrative design review conducted by the Town Planner or designee, based on applicant provided information on forms provided by the Town. Design review takes place concurrently with review of a building permit.

(d) Entries. Each building must incorporate a primary building entry, such as a covered porch or recessed entry. The primary building entry must feature minimum weather protection of three feet by three feet.

(e) Pedestrian access. A paved pedestrian connection at least three feet wide is required between each commercial building and the sidewalk (or the street if there is no sidewalk). Driveways may not be used to meet this requirement.

(f) Parking Lot Landscaping. No more than eight (8) angled or perpendicular parking stalls are allowed without a landscape break. The landscape break must be at a minimum three (3) feet in width and a minimum length of ten (10) feet.

(g) Trash and Mechanical Screening. Trash enclosures (dumpsters) and mechanical equipment shall be screened on at least three (3) sides using sight-obscuring landscaping which has or will achieve a height of at least six (6) feet within three (3) years of planting, or by constructing a sight-obscuring enclosure with a height of at least 6 feet.

(h) Roof design. Roofs must be standard gabled, gambrel, hipped, shed, or flat with stepped parapets.

(i) Windows and doors. A minimum of 25 percent of the area of the primary building entry façade, must include windows or doors.

Section 4. Revision to Section 2.14.030 Definitions. SMC 2.14.030 and Ordinances 1439 §2 and 1387 §1(part) are each hereby revised to read as follows:

2.14.030 Definitions. The following words and terms when used in this chapter shall mean as follows, unless a different meaning clearly appears from the context:

(A) "Actual Cost of Rehabilitation" means costs incurred within twenty-four months prior to the date of application and directly resulting from one or more of the following: a) improvements to an existing building located on or within the perimeters of the original structure; or b) improvements outside of but directly attached to the original structure which are necessary to make the building fully useable but shall not include rentable/-habitable floor-space attributable to new construction; or c) architectural and engineering services attributable to the design of the improvements; or d) all costs defined as "qualified rehabilitation expenditures" for purposes of the federal historic preservation investment tax credit.

(B) "Building" means a resource created principally to shelter any form of human activity, such as a house.

(C) "Building Inspector" Is the individual employed by the Town and charged with the inspection of construction related activity within Town and the issuance of construction related permits.

(D) "Building permit" means an official document or certification which is issued by the Building Inspector and which authorizes the construction, alteration, enlargement, conversion, reconstruction, remodeling, rehabilitation, erection, demolition, moving or repair of a building or structure. The permit application also serves as a trigger for design review process for properties located within the Historic District and individually registered properties. Before issuance of building permit, applicant must receive Certificate of Appropriateness from the Preservation and Review Board (PRB).

(E) "Building proportions" include size of the elements that compose a building, including but not limited to, each story of a structure, location and size of windows and doors, porches, roof massing, eave overhangs, retaining walls, etc.

(F) "Bulk" means the magnitude, dimension and size of the structure.

(G) "Bylaws" are the rules and procedures governing the internal operations set and maintained by the PRB.

(H) "Character defining features" means those elements or aspects or architectural details of a property that defines its style. Examples include, but are not limited to, window and door openings and styles, stylistic details such as exposed rafters, decorative shingles in gable ends, porch or window trim, building materials, wall and roof materials, and form.

(I) "Certificate of Appropriateness" means the document indicating that the Board has approved the proposed changes.

(J) "Certificate of Approval for Demolition" means the document indicating that the Board has approved the proposed whole or partial demolition of a local register property, or in a local register historic district and, failing to find alternatives to demolition, has issued a Certificate of Approval for Demolition which allows the building or zoning official to issue a permit for demolition.

(K) "Certified Local Government" or "CLG" means the designation reflecting that the local government has been jointly certified by the State Historic Preservation Officer and the National Park Service as having established its own Historic Preservation Board and a program meeting Federal and State standards.

(L) "Class of properties eligible to apply for Special Valuation in Steilacoom" means all properties listed on the Steilacoom and National Register of Historic Places or properties certified as contributing to a Steilacoom and National Register Historic District which have been substantially rehabilitated at a cost and within a time period which meets the requirements set forth in Chapter 84.26 RCW.

(M) "Commercial" is any revenue-generating property excluding single family rentals and licensed home occupations.

(N) "Compatible" means composed of similar massing, scale, and building proportions as contributing resources within the Historic District.

(O) A "complex roof" means a roof that combines more than two (2) roof configurations.

(P) A "contributing resource" is a building, site, structure or object that adds to the historic architectural qualities, historic associations, or archaeological values for which a property is listed on the register within a district because a) it was present during the period of significance, and possesses historic integrity reflecting its character at that time or is capable of yielding important information about the period, or b) it independently meets the Steilacoom and/or National Register Standards. Contributing resources were classified as both primary and secondary on the Steilacoom and National Register Historic District nominations.

(Q) "Cost" means the actual cost of rehabilitation, which cost shall be at least twenty-five percent of the assessed valuation of the historic property, exclusive of the assessed value attributable to the land, prior to rehabilitation.

(R) "Demolition" means the destruction or partial destruction of a structure and includes loss of character defining elements.

(S) "Demolition by neglect" is the process of allowing a building to deteriorate to the point where demolition is necessary to protect public health and safety.

(T) "Design Standards" are the Steilacoom Historic Preservation and Review Design and Development Standards adopted by Town Council, published and held in the town offices to aid applicants in their decision making processes in order to meet the required design elements of this chapter.

(U) A "district" is a geographically definable area urban or rural, small or large, possessing a significant concentration, linkage, or continuity of sites, buildings, structures, and/or objects united by past events or aesthetically by plan or physical development.

(V) "Emergency repair" means work necessary to prevent destruction or dilapidation to real property or structural appurtenances thereto immediately threatened or damaged by weather, fire, flood, earthquake or other disaster.

(W) HABS/HAER- The Historic American Building Survey and Historic American engineering Record were created by the National Parks Service in 1933 for the purpose of compiling a record of America's historic and architecturally significant buildings and

structures through written and drafted documentation. This archival collection is housed at the Library of Congress.

(X) "Hearing Examiner" means any person authorized and meeting applicable professional standards to act as a Hearing Examiner by the Town of Steilacoom.

(Y) "Historic property" means real property, together with improvements thereon, except property listed in a register primarily for objects buried below ground, which is listed in a local register of a Certified Local Government or the National Register of Historic Places.

(Z) "Incentives" are such rights or privileges or combination thereof which the Town Council, or other local, state, or federal public body or agency, by virtue of applicable present or future legislation, may be authorized to grant or obtain for the owner(s) of Register properties. 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, beneficial placement of public improvements or amenities, or the like.

(AA) "Integrity." A property retains its integrity, if a sufficient percentage of the structure dates from the period of significance. The majority of a building's structural system and materials should date from the period of significance and its character defining features also should remain intact. These may include architectural details, such as dormers and porches, ornamental brackets and moldings and materials, as well as the overall mass and form of the building.

(BB) "Local Review Board" or "Board" used in Chapter 84.26 RCW and Chapter 254-20 WAC for the special valuation of historic properties means the Board created in Section 2.14.040.

(CC) "Mass/Massing." Means the physical size and bulk of the structure.

(DD) "Minor alteration" means a change, modification, or addition to an existing building, including, but not limited to, modifications that do not affect architectural style or details such as modifications not visible from a public right-of-way, and the installation of storm windows or anything that can be undone or removed to facilitate return to original appearance.

(EE) "Multi-family" refers to any structure designed to house three or more families.

(FF) "National Register of Historic Places" means the national listing of properties significant to our cultural history because of their documented importance to our history, architectural history, engineering, or cultural heritage.

(GG) "Non-contributing resource" means a building, site, structure, or object that does not add to the historic architectural qualities, historic associations with people, events or practices significant in town, state or national history, or archaeological values for which a property is significant within a historic district because, a) it was not present during the period of significance (1851-1945), or b) due to alterations, disturbances, additions, or other changes, it no longer possesses historic integrity reflecting its character at the time or is incapable of yielding important information about the period, or c) it does not independently meet the National Register Criteria. Also resources listed as intrusions in the Steilacoom National Register District nomination. Some properties classified as non-contributing may still have historic significance and may still be eligible for the Steilacoom and/or National Register.

(HH) An "object" is a 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. Objects may include but are not limited to sculpture, monuments, mile posts, boundary markers, and fountains.

(II) "Ordinary repair and maintenance" means work for which a permit issued by the Town of Steilacoom is not required by law, and where the purpose and effect of such work is to correct any deterioration or decay of or damage to the real property or structure appurtenance therein and to restore the same, as nearly as may be practicable, to the condition prior to the occurrence of such deterioration, decay, or damage.

(JJ) "Owner" of property is the fee simple owner of record as exists on the Pierce County Assessor's records.

(KK) "Public building" refers to any site or structure publicly owned and operated including property owned by the Town, County, State or Federal governmental bodies.

(LL) "Public-right-of-way" includes streets and paths.

(MM) "Physical constraint" means that a property may have natural geographic features that prohibit the property owner from complying with design regulations. Examples of physical constraints include creeks, steep grade differentials and wetlands.

(NN) "Quasi-Public" refers to a facility operated by a non-profit private community, educational, religious, charitable, medical institution or service organization having the primary purpose of serving the general public. Examples include religious institutions, churches, private schools and museums.

(OO) "Regulated properties" means those properties that the Historic Preservation and Review Board has authority to review. These properties include new construction and modifications, to all buildings, sites, objects, and structures that are located within the boundaries of the Steilacoom Historic District, all properties individually listed on the Steilacoom Register of Historic Places.

(PP) "Resource" is an eligible site, object, structure, etc for the local, state and national registers of historic places or identified as significant in the survey.

(QQ) "Review" refers to the design review, unless otherwise noted, with approval or denial for properties as set forth in this chapter.

(RR) "Scale" is The size of structure as it appears to the pedestrian.

(SS) "Secretary of the Interior's Standards for Rehabilitation" are a set of standards established by the National Park Service to aid Review Boards and property owners in their decision making process regarding the retention of character defining features of contributing and significant buildings, compatible additions, and limited maintenance advice. They establish a standard for the treatment of historic properties.

(TT) "Significance" or "significant" used in the context of historic significance, means the following: a property with local, state, or national significance is one which helps in the understanding of the history or prehistory of the local area, state, or nation (whichever is applicable) by illuminating the local, statewide, or nationwide impact of the events or persons associated with the property, or its architectural type or style in information potential. The local area may include Steilacoom, Pierce County, or south sound region of Washington, or a modest geographic or cultural area. Local significance may apply to a property that illustrates a theme that is important to one or more localities; state significance to a theme important to the history of the state, and national significance to property of exceptional value in representing or illustrating an important theme in the history of the nation. The term may apply to registered and non-registered properties.

(UU) A "site" is a place where a significant event or pattern of events occurred. It may be the location of prehistoric or historic occupation or activities that may be marked by physical remains; or it may be the symbolic focus of a significant event or pattern of events that may not have been actively occupied. A site may be the location of ruined or

now non-extant building or structure of the location itself possesses historic cultural or archaeological significance.

(VV) "Site improvements" means the process for preparing the land for development and construction. Site improvements including excavation for foundations, setting forms for foundation, etc are not allowed without approval of the PRB and issuance of a Certificate of Appropriateness.

(WW) "Special Valuation for Historic Properties" or "Special Valuation" means the local option program which when implemented makes available to property owners a special tax valuation for rehabilitation of historic properties under which the assessed value of an eligible historic property is determined at a rate that excludes, for up to ten years, the actual cost of the rehabilitation. (Chapter 84.26 RCW).

(XX) "State Register of Historic Places" means the state listing of properties significant to the community, state, or nation but which may or may not meet the criteria of the National Register.

(YY) "Street frontage" means that side of a lot abutting a street. On corner lots, the frontage may be designated by the owner but it should be consistent with the orientation of the other lots and improvements on the same side of the street. On improved lots, the frontage is usually the side where the main building entrance is located and in the general direction in which the principal building faces.

(ZZ) "Steilacoom Historic Inventory" or "Inventory" means the comprehensive survey of historic and prehistoric resources within the boundaries of the Town of Steilacoom. This is an informational resource that is updated periodically and used as a stepping stone for nominations to the Steilacoom and or National Register.

(AAA) "Steilacoom Historic Preservation and Review Board or "Board" means the Board created by Section 2.14.040.

BBB. "Steilacoom Register of Historic Places," "Local Register," or "Register" means the listing of locally designated properties provided for in Section 2.14.050.

(CCC) "Structure" means a constructed form either building or other with a function of creating shelter, as well as meeting other needs. Examples include but are not limited to water towers and utility buildings.

(DDD) "Substantial alteration" means any change that alters the exterior appearance of the structure, modification, or addition to an existing building including, but not limited to modification of architectural style or details, such as rooflines, window treatments, and change in exterior building materials.

(EEE) "Town Council" is the elected legislative body of the Town.

(FFF) "Universal Transverse Mercator" or "UTM" means the grid zone in metric measurement providing for an exact point of numerical reference.

(GGG) "Washington State Advisory Council's Standards for the Rehabilitation and Maintenance of Historic Properties" or "State Advisory's Council's Standards" means the rehabilitation and maintenance standards used by the Steilacoom Historic Preservation and Review Board as minimum requirements for determining whether or not an historic property is eligible for special valuation and whether or not the property continues to be eligible for special valuation once it has been so classified.

(HHH) "Historic Preservation Officer" or "HPO" is the person designated by the Town as the individual charged with the staff functions set forth in this Chapter. The HPO shall meet the qualifications for a cultural resource management professional under 36 CFR Part 61.

Section 5. Revision to Section 2.14.040 Steilacoom Historic Preservation and Review Board. SMC 2.14.040 and Ordinance 1387 §1(part) are each hereby revised to read as follows:

2.14.040 Steilacoom Historic Preservation and Review Board.

(A) **Creation and Size** There is hereby established a Steilacoom Historic Preservation and Review Board, consisting of seven (7) members, as provided in subsection B below. Members of the Steilacoom Historic Preservation and Review Board shall be appointed by the Mayor and shall be residents of the Town of Steilacoom, except as provided in subsection B below.

(B) **Composition of the Board**

(1) All members of the Board must have a demonstrated interest and competence in historic preservation and possess qualities of impartiality and broad judgment.

(2) At least four members are residents of Steilacoom.

(3) At least two members are residents of the historic district.

(4) The Board shall always include at least three professionals who have experience in identifying, evaluating, and protecting historic resources and are selected from among the disciplines of architecture, history, architectural history, historic preservation, planning, archaeology, cultural anthropology, and historic landscapes, law, or related disciplines. A Board action that would otherwise be valid shall not be rendered invalid by the temporary vacancy of one or all of the professional positions, unless the Board action is related to meeting Certified Local Government (CLG) responsibilities cited in the Certification Agreement between the Town and the State Historic Preservation Officer on behalf of the State. Furthermore, exception to the residency requirement of Board members may be granted by the Mayor in order to obtain representatives from these disciplines.

(5) In making appointments, the Mayor may consider names submitted from any source, but the Mayor shall notify history and town development related organizations of vacancies so that names of interested and qualified individuals may be submitted by such organizations for consideration along with names from any other source. The Board may, from time to time, include a nonvoting advisor who shall be appointed by and serve at the pleasure of the Mayor. The Board may request that the Mayor appoint an advisor regarding specific historic preservation issues. In making such appointments the Mayor shall assure that nonvoting advisory members are persons who have special expertise in matters within the jurisdiction of the Board.

(C) **Terms**

(1) Appointments shall be made for a three (3) year term. Board members appointed after adoption of this chapter shall serve no more than two consecutive three (3) year terms with mandatory one (1) term vacancy from the Board. Each member shall hold office until a successor is appointed. Vacancies shall be filled by the Mayor for the unexpired term in the same manner as the original appointment.

(2) The Mayor may dismiss any Board member for cause. "For cause" shall include but shall not be limited to: misfeasance, malfeasance, or nonfeasance in office or three or more unexcused absences from Board meetings.

(D) **Powers and Duties**

The major responsibility of the Historic Preservation and Review Board is to identify and actively encourage the conservation of the Town's historic resources by initiating and maintaining a register of historic places and reviewing proposed changes to register properties or regulated properties; to raise community awareness of the Town's history,

registered historic properties, and other historic resources; and to serve as the Town's primary resource in matters of history, historic planning, preservation, and design. In carrying out these responsibilities, the Historic Preservation Board shall engage in the following:

(1) Conduct and maintain a comprehensive inventory of historic resources within the boundaries of the Town of Steilacoom and known as the Steilacoom Historic Inventory, and publicize and periodically update inventory results. This data is informational and used as a tracking method of historic properties across the Nation and is also used as a stepping stone for nominations to the Steilacoom Register of Historic Places.

(2) Initiate and maintain the Steilacoom Register of Historic Places. This official register is composed of historic properties listed in SMC Section 2.14.050.C as contributing to the Historic District and properties individually listed by owners. The Steilacoom Register of Historic Places will be maintained in a location accessible to the public during normal business hours.

(3) Review nominations to the Steilacoom Register of Historic Places according to criteria in 2.14.050.A of this chapter and adopt procedural standards in its bylaws to be used to guide this review.

(4) Review proposals to construct, change, alter, modify, remodel, move, demolish, or significantly affect properties or districts on the register as provided in Section 2.14.060 and adopt procedural standards in its bylaws to be used to guide process and adopted design standards to guide design review and the issuance of a certificate of appropriateness or approval for demolition.

(5) Provide for the review either by the Board or its staff of all applications for approvals, permits, environmental assessments or impact statements, and other similar documents pertaining to identified historic resources.

(6) Conduct all Board meetings in compliance with Chapter 42.30 RCW, Open Public Meetings Act, provide for adequate public participation and adopt standards in its bylaws to guide this action.

(7) Participate in the promotion of and conduct public information, educational and interpretive programs pertaining to historic and prehistoric resources.

(8) Establish liaison support, communication and cooperation with federal, state, and other local government entities and non-profit organizations which will further historic preservation objectives, including public education, within the Steilacoom area.

(9) When requested by the Town Council, review and comment to Town Council and the Mayor on land use, housing and redevelopment, municipal improvement and other types of planning and programs undertaken by any agency of the Town of Steilacoom, other neighboring communities, Pierce County, the state or federal governments, as they relate to historic resources of the Town of Steilacoom.

(10) When requested by the Town Council, advise the Town Council and the Mayor on matters of Steilacoom history and historic preservation.

(11) Perform other related functions assigned to the Board by the Mayor.

(12) Educate and inform the public including but not limited to historic property owners on methods and benefits of maintaining and rehabilitating historic properties. This may take the form of pamphlets, newsletters, workshops and individual meetings.

(13) Officially recognize excellence in the rehabilitation of historic buildings, structures, sites and districts, and new construction in historic areas; and encourage appropriate measures for such recognition.

(14) Provide information and education to the public and Town departments on incentives for preservation of historic resources including legislation, regulations and codes which encourage the use and adaptive reuse of historic properties.

(15) Provide review of nominations to the State and National Registers of Historic Places per CLG requirements.

(16) Investigate and report to the Town Council on the use of various federal, state, local or private funding sources available to promote historic resource preservation in the Town of Steilacoom.

(17) Serve as the local review Board for Special Valuation and:

(a) Make determination concerning the eligibility of historic properties for special valuation;

(b) Verify that the improvements are consistent with the Washington State Advisory Council's Standards for Rehabilitation and Maintenance:

(c) Recommend to the Town Council to authorize the Mayor on behalf of the Town to enter into agreements with property owners for the duration of the special valuation period as required under WAC 254-20-070(2);

(d) Approve or deny applications for special valuation;

(e) Monitor the property for continued compliance with the agreement and statutory eligibility requirements during the 10 year special valuation period; and

(f) Adopt bylaws and/or administrative bylaws and comply with all other local review Board responsibilities identified in Chapter 84.26 RCW.

(18) The Board shall adopt rules of procedure in their bylaws to address responsibilities discussed in points 3, 4, 5, and 14 inclusive.

(E) Compensation

All members shall serve without compensation.

(F) Rules and Officers

The Board shall establish and adopt its own rules of procedure called bylaws, and shall select from among its membership a chairperson, vice-chairperson, and such other officers as may be necessary to conduct the Board's business.

(G) Board Staff

Board and professional staff assistance shall be provided by the administrative staff of the Town or a qualified consultant with additional assistance and information to be provided by the Mayor, or the Mayor's designee, as may be necessary to aid the Board in carrying out its duties and responsibilities under this chapter. Board staff may conduct administrative review of select design review applications further defined in adopted design standards.

Section 6. Revision to Section 2.14.060 Review of Construction, Alteration and Demolition. SMC 2.14.060 and Ordinance 1439 §3 are each hereby revised to read as follows:

2.14.060 Review of Construction, Alteration and Demolition

(A) Review Required

(1) No person shall construct any new building or structure, or reconstruct, alter, restore, remodel, move, or demolish any existing resource on the Steilacoom Register of Historic Places or within an historic district on the Steilacoom Register of Historic Places except as provided in this Chapter.

(2) All projects requiring review, whether by the Board or by staff, shall be issued a Certificate of Appropriateness prior to obtaining a building permit or Certificate of Approval for Demolition prior to obtaining a demolition permit, as

appropriate. Review of resources listed on the Register of Historic Places shall include all features of the property both interior and exterior which contribute to its designation and are listed on the nomination form.

(3) For projects reviewed by the Board, the applicant must provide nine (9) copies of the application. For projects reviewed administratively, the applicant shall provide one copy.

(B) Applications for Review

Applications for proposals requiring review shall be filed with the Town Administrator on forms provided for that purpose. Applications may be filed at any time; however, for those applications requiring Board review, complete applications must be received fifteen (15) days in advance of the scheduled Historic Preservation and Review Board public hearing.

(1) A complete application for new construction and modifications to existing buildings shall consist of the information required in subsection (i), and those items in subsections (ii) through (vii) that are appropriate to the application. The HPO shall determine whether an application is complete or whether further information is necessary for review.

(i) A completed Town of Steilacoom application form setting forth the following information: date of application, name of applicant, name of contractor or architect, address of subject property, address of applicant if different than subject property, address of contractor or architect, daytime telephone number of applicant and contractor or architect, written project description.

(ii) Scaled plot plan, showing:

- Proposed siting of new building or addition, location of any existing buildings on or adjacent to the property,
- Dimensions of proposed building or existing building and addition
- Distances of proposed building or addition from property lines
- Location of driveway
- Property lines, names of adjacent streets and north arrow

(iii) Elevations, showing:

-The design of the front, rear and sides including the style of windows and doors, and the type of exterior building materials for the building and roofing and all proposed trim. Elevations should be identified as front, rear and sides or by direction that the building is facing

(iv) Color chips of exterior colors, identified by manufacturer name and number

(v) Sample of proposed roofing material, identified by manufacturer name and number

(vi) Landscaping plans:

- Type, location and spacing of existing and proposed shrubs and trees
- Initial size of all proposed plant material
- Grading, cuts and fills and proper drainage
- Fencing including height, location and materials
- Lighting and signs

(vii) Walks and terraces

(vii) For modifications to existing buildings, photographs of the front facade of the building and photographs of the affected elevations.

(2) Applications for demolition of all properties within a Steilacoom Historic District, both contributing and noncontributing, and all properties on the

Steilacoom Register shall include a completed Town of Steilacoom application form setting forth the following information: date of application, name of applicant, name of contractor or architect, address of subject property, address of applicant if different than subject property, address of contractor or architect, daytime telephone number of applicant and contractor or architect, and a written project description addressing the criteria listed in SMC 2.14.062 C.

(a) Properties on the Steilacoom Register may require additional information. The Board shall determine if the following information is necessary for review.

(i) Where demolition of the building is sought due to unsafe conditions, the applicant shall supply a report from a Washington-licensed structural engineer knowledgeable in historic structures that substantiates that the building thereof is an unsafe structure to the public pursuant to the Town Building Code.

(ii) Where demolition of the building is sought for reasons other than unsafe conditions, the applicant shall supply a report from a Washington-licensed structural engineer and/or a financial analyst or economist with demonstrated competence in the field and knowledge of historic structures or a qualified consultant knowledgeable in rehabilitation of historic properties demonstrating that maintenance of the building or structure or any important features thereof proposed for demolition will impose an economic hardship upon the owner, rendering it impractical to renovate, restore, or reuse the structure in comparison to the economic value of the proposed redevelopment. The report shall analyze the reasonable economic alternatives to demolition, including redevelopment for uses permitted by Town Codes, and an analysis showing whether the redeveloped property provides a reasonable economic return upon completion of reasonable renovation or repair activities. The report shall also contain the following information:

(1) The current level of economic return including the amount paid for the property, date of purchase, party from whom purchased and the relationship between the current owner of record, the applicant and the person from whom the property was purchased;

(2) The annual gross income from the property for the previous three years; itemized operating and maintenance expenses for the previous three years, and depreciation deduction and annual cash flow before and after debt service, if any, during the same period;

(3) Remaining balance on the mortgage or other financing secured by the property, real estate taxes paid on the property for the previous four years, and the most recent assessed value of the property;

(4) All appraisals obtained within the previous three years by the owner in connection with the purchase, financing or ownership of the property;

(5) Any listing of the property for sale or rent, price asked for and offers received, if any, within the previous two years;

(6) Fair market value of the property at the time of the application;

(7) Whether the remainder of the site is capable of economically viable development even if the structure is required to remain on site.

(8) Reason or justification for demolition (should include statements of why the property is not salvageable or why it cannot be maintained).

(9) Scaled architectural renderings, drawings, and plans of sufficient detail showing the replacement buildings or structure proposed to be built on the site upon completion of demolition work. Sufficient detail means detail to

allow conceptual review. These plans will not be reviewed for construction or building permit issuance as a part of the demolition application process.

(b) Applicants for demolition permits of structures more than fifty (50) years old located outside of a Steilacoom Historic District and not individually listed on the Steilacoom Register must observe a fourteen (14) day delay from the date of application to allow for Town staff to photo-document the property.

Section 7. Revision to Section 2.14.061 Review process. SMC 2.14.061 and Ordinance 1439 §4 are each hereby revised to read as follows:

2.14.061 Review process.

(A) Coordination with the Planning and Building Departments.

(1) The Building Department shall notify the Historic Preservation Officer (HPO) of any application for a permit to work on any project subject to review under this Chapter, and shall notify the applicant of the review requirements. The Building Department shall not issue any such permit until a Certificate of Appropriateness or Certificate of Approval for Demolition, as appropriate, is issued.

(2) The Building Department shall advise the HPO and the Board on Town Building and Fire Code requirements.

(3) The HPO shall obtain confirmation from the Building Department and the Planning Department certifying compliance with the land use, height, setback, lot coverage, parking, and design standard requirements of Title 18 prior to issuing an administrative approval or scheduling a public hearing for Board review of projects on properties within a Steilacoom Historic District.

(B) Board Review

(1) Upon receipt of an application for review, the HPO shall determine if the project is exempt, subject to administrative review, or subject to Board review.

(2) For projects subject to Board review, the HPO shall prepare a staff report evaluating the project under the criteria in this Chapter and the adopted design standards. The HPO shall recommend approval, approval with conditions or denial as appropriate, and draft appropriate findings and conclusions for the Board's consideration.

(3) The Board shall hold no more than one (1) public meeting to consider the application. Notice of public hearings shall be given in accordance with SMC Title 14. The Board shall complete its review and make its decision within sixty (60) calendar days from the date of the Board meeting where the application was first scheduled to be heard by the Board, unless delay is agreed upon by all parties or unless the applicant requested a delay in the review of his/her application.

(4) If the Board determines that more information is required to determine if the application meets the design criteria, the Board shall request the applicant provide the information in a timely manner. If the Board requests more information, the Board's decision may exceed the sixty (60) calendar day limitation. However, the Board must issue a decision prior to the expiration of 120 calendar days from the Board meeting date where the application was first scheduled to be heard by the Board.

(5) The Board shall review the proposal, using information from the application materials, staff report and public testimony. The Board may conduct a site visit if the Board determines that a visit would be beneficial. The Board shall determine if the proposal meets the criteria set forth in this Chapter and the adopted

design standards. The Board shall approve the application if it meets the criteria, and shall adopt findings and conclusions to support its decision. The Board may approve applications subject to specified conditions if necessary to meet the design standards.

(6) If the proposal fails to meet the design standards, and no conditions would bring the proposal into compliance with the standards, the Board shall deny the application and issue findings and conclusions supporting its decision.

(7) Any modifications to the proposal or conditions agreed to by the applicant during the review process shall become conditions of approval and be incorporated into the Board's decision.

(8) Following Board approval, the HPO shall issue a Certificate of Appropriateness incorporating the Board's decision to the applicant. The applicant shall sign the Certificate and return a signed copy to the HPO. The HPO shall forward the signed Certificate to the Building Department. The Building Department shall incorporate the terms of the Certificate into any building permit issued.

(9) The applicant may choose to withdraw an application at any time and reapply. Reapplication begins the process anew, including requiring a new review fee and time deadlines.

(10) The applicant may appeal the decision of the Board to the Town Council as provided for in SMC Title 14.

(C) Administrative Review

The following projects shall be reviewed administratively by the HPO.

(1) Projects involving non-contributing resources.

(a) Replacement of roofing, siding, windows, railings, doors or decks.

(b) Minor alterations including additions and decks not visible from the street frontage.

(2) Projects involving contributing resources.

(a) Interior modifications not visible from the outside of the building. If the HPO determines that the interior modifications affect design features previously identified as contributing to the designation of the property, the modifications shall be reviewed by the Board.

(b) Replacement of roofing, siding, windows, railings, doors or decks with in-kind materials. Replacement of these features with substantially different materials or in a manner that affects the design of the resource shall be reviewed by the Board.

(3) The HPO shall determine compliance with this Chapter and the adopted design standards within seven working days from the date of application. The HPO shall approve the application if it meets the criteria, and shall adopt findings and conclusions to support the decision. The HPO may approve applications subject to conditions if necessary to meet the design standards.

(a) If the proposal fails to meet the design standards, and no conditions would bring the proposal into compliance with the standards, the HPO shall deny the application and issue findings and conclusions supporting the decision.

(b) Following approval, the HPO shall issue a Certificate of Appropriateness incorporating the decision to the applicant. The applicant shall sign the Certificate and return a signed copy to the HPO. The HPO shall forward the signed Certificate to the Building Department. The Building Department shall incorporate the terms of the Certificate into any building permit issued.

(c) An applicant that has been denied a Certificate of Appropriateness by the HPO may request Board review of the project. The applicant must request Board review within 30 days of issuance of the denial.

(D) Exemptions

The following activities are exempt from review under this Chapter and do not require a Certificate of Appropriateness.

- (1) Ordinary repair and maintenance, including painting, which does not involve a change in design or the outward appearance of the building.
- (2) Temporary emergency repairs using any materials or emergency repairs using like materials.
- (3) New construction of buildings outside a Steilacoom Historic District.
- (4) Interior modifications for non-contributing structures.
- (5) Exterior modifications to buildings outside a Steilacoom Historic District not individually listed on the Steilacoom Register.
- (6) Demolition of structures outside a Steilacoom Historic District not individually listed on the Steilacoom Register. If the structure is more than fifty (50) years old, the applicant must allow the Town to photo-document the structure as provided in SMC 2.14.060.B.2.b.
- (7) Activity certified by the Building Inspector to be necessary to abate an unsafe or dangerous condition that will not adversely affect any character defining features.
- (8) Site development.

(E) Relocation

A decision by the Board approving or denying a Certificate of Appropriateness for the relocation of a building, structure, or object shall be guided by:

- (1) The historic character and aesthetic interest the building, structure or object contributes to its present setting.
- (2) Whether there are definite plans for the area to be vacated and what the effect of those plans on the character of the surrounding area will be.
- (3) Whether the building, structure or object can be moved without significant damage to its physical integrity.
- (4) Whether the proposed relocation area is compatible with the historical and architectural character of the building, structure, site or object.
- (5) Whether the building, structure or object will remain within Town of Steilacoom limits.

(F) Expiration of Approval

All Certificates for Appropriateness will expire if action is not taken on the project within two years from the date of issuance. The applicant may request a one-time extension of one additional year in writing prior to the expiration of the Certificate.

Section 8. Revision to Section 18.08.800 Roof. SMC 18.08.800 and Ordinance 1188 §1(part) are each hereby revised to read as follows:

18.08.800 Roof. "Roof" means the outside top, weather-tight covering of a structure.

(A) Roof, flat. "Flat roof" means a roof having a pitch of not more than 1.5 inches in 12 inches.

(B) Roof, gabled. "Gabled roof" means a roof which slopes from both sides of a ridge.

(C) Roof, gambrel. "Gambrel roof" means a gabled roof with two slopes on each side, the lower steeper than the upper.

(D) Roof, hipped. "Hipped roof" means a roof with slopes on all four sides, continuous from peak to eaves.

(E) Roof, shed. "Shed roof" means a roof with one slope.

Section 9. Revision to Section 18.20.050 Community Design Standards.

SMC 18.20.050 and Ordinances 1704 and 1188 §1(part) are each hereby revised to read as follows:

18.20.050 Community design standards.

(A) Applicability. These standards apply to developments containing seven (7) or more dwelling units on a property in the Multifamily zoning district. These standards do not apply to middle housing types.

(1) Required Open Space. In addition to any open space required by other provisions of this title, every multifamily dwelling unit shall be provided with two hundred fifty (250) square feet of open space which shall meet the following standards:

(a) Accessible to each dwelling unit;

(b) Screened from all areas accessible to vehicles;

(c) The length of the area shall be no more than twice the width;

(d) The open space may be located in any required setback area except street setbacks;

(e) Required open space shall have not more than five (5) percent grade;

(f) The surface of the open space shall be suitable for recreation or relaxation

(2) Pedestrian Access. For developments with seven (7) or more residential units, the buildings shall be clustered in such a manner that there is a paved pedestrian connection at least three feet wide from each building to the sidewalk in the street right-of-way (or the street if there is no sidewalk). Driveways may not be used to meet this requirement.

(3) Parking Lot Landscaping. No more than eight (8) angled or perpendicular parking stalls shall be allowed without a landscape break. The landscape break shall be at a minimum three (3) feet in width and a minimum length of ten (10) feet.

(4) Trash and Mechanical Screening. Trash enclosures (dumpsters) and mechanical equipment shall be screened on at least 3 sides using sight-obscuring landscaping which has or will achieve a height of at least 6 feet within three (3) years of planting, or by constructing a sight-obscuring enclosure with a height of at least 6 feet.

(5) Roof design. Roofs shall be standard gabled, gambrel, hipped, or shed design with no more than two (2) roofing configurations.

(6) Windows and doors. A minimum of 15 percent of the area of the street-facing façade, or that which is most closely parallel to the street lot line, shall include windows or doors. Facades separated from the street by a dwelling or located more than 100 feet from a street are exempt from this standard.

Section 10. Severability

Should any section, subsection, paragraph, sentence, clause or phrase of this ordinance or its application to any person or situation be declared unconstitutional or invalid for any reason, such decision shall not affect the validity of the remaining portions of this ordinance or its application to any person or situation. The Town Council of the Town of Steilacoom hereby declares that it would have adopted this ordinance and each section, subsection, paragraph,

sentence, clause, phrase or portion thereof irrespective of the fact that any one or more sections, subsections, paragraphs, sentences, clauses, phrases or portions be declared invalid or unconstitutional.

Section 11. Effective Date. This Ordinance shall be effective upon passage.

Passed by the Town Council of Steilacoom on the ___ day of _____, 2024

Approved by the Mayor of the Town Steilacoom on the _____ day of _____, 2024

APPROVED:

MAYOR, Dick Muri

ATTEST:

CLERK-TREASURER, Paul Loveless

APPROVED AS TO FORM:

TOWN ATTORNEY, Lawrence E. Hoffman

Filed with the Town Clerk:
Passed by the Town Council:
Published:
Effective Date: