

ORDINANCE 1727

AN ORDINANCE OF THE CITY OF NORTH BEND, WASHINGTON, RELATING TO UPPER FLOOR DWELLING UNITS IN THE USOD; AMENDING NORTH BEND MUNICIPAL CODE TABLE 18.10.030 (TABLE OF PERMITTED AND CONDITIONAL LAND USES), ROW 1.54; PROVIDING FOR SEVERABILITY, AND ESTABLISHING AN EFFECTIVE DATE

WHEREAS, the City of North Bend desires to allow and encourage a variety of commercial uses and new businesses; and

WHEREAS, consistent with the Comprehensive Plan and NBMC 18.10.025 Special Districts development in this area should require the minimum build-out because of its location among and around significant natural features; and

WHEREAS, the City is interested in supporting the property owner ULID initiative to bring public sewer to this area; and

WHEREAS, City Staff drafted proposed amendments to NBMC Table 18.10.030 (Table of Permitted and Conditional Land Uses) to remove the allowance for Upper Floor Residential within the Urban Separator Overlay District (USOD); and

WHEREAS, a State Environmental Policy Act (SEPA) Determination of Non-Significance (DNS) was issued for the proposed amendment on June 12, 2020; and

WHEREAS, the Proposed Amendments were submitted to the Washington Department of Commerce for review on June 4, 2020 pursuant to RCW 36.70A.106; and

WHEREAS, the Planning Commission held a Public Hearing on the proposed amendment on June 25, 2020; and

WHEREAS, the City Council finds that amendments to performance standards are consistent with the requirements of the Growth Management Act, RCW 36.70A and followed the procedural requirements of the NBMC;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF NORTH BEND, WASHINGTON, DOES HEREBY ORDAIN AS FOLLOWS:

Section 1. NBMC Table 18.10.030 (Table of Permitted and Conditional Land Uses), Amended: NBMC Table 18.10.030 (Table of Permitted and Conditional Land Uses), row 1.54 is hereby amended to eliminate upper floor residential as an allowed use in the USOD zone and will read as Exhibit A attached hereto and incorporated by this reference. The

remainder of North Bend Municipal Code Table 18.10.030 (Table of Permitted and Conditional Land Uses) and North Bend Municipal Code Section 18.10.030 shall remain as currently adopted.

Section 2. Severability: Should any section, paragraph, sentence, clause or phrase of this ordinance, or its application to any person or circumstance, be declared unconstitutional or otherwise invalid for any reason, or should any portion of this ordinance be pre-empted by state or federal law or regulation, such decision or pre-emption shall not affect the validity of the remaining portions of this ordinance or its application to other persons or circumstances.

Section 3. Effective Date: This ordinance shall be published in the official newspaper of the City and shall take effect and be in full force five (5) days after the date of publication.

ADOPTED BY THE CITY COUNCIL OF THE CITY OF NORTH BEND, WASHINGTON, AT A REGULAR MEETING THEREOF, THIS 21ST DAY OF JULY, 2020.

CITY OF NORTH BEND:

APPROVED AS TO FORM:

Rob McFarland, Mayor

Michael R. Kenyon, City Attorney

Published: July 31, 2020
Effective: August 5, 2020

ATTEST/AUTHENTICATED:

Susie Oppedal, City Clerk

EXHIBIT A

Table 18.10.030 – Permitted and Conditional Land Uses

P = Permitted use CUP = Conditional use permit required	RESIDENTIAL				COMMERCIAL					INDUSTRIAL		PUBLIC FACILITIES	OVERLAY DISTRICT	
	LAND USES:	LDR	CLDR	CR	HDR	NB	DC	IC	IMU	USOD	EP-1	EP-2	POSPF	TL-MPOD
*	1.54	Upper Floor Dwelling Units (in mixed use buildings)		P	P	P		P	<u>P</u>					P