



REGULAR MEETING and PUBLIC HEARING OF THE NORTH BEND PLANNING COMMISSION

**Thursday, May 27, 2021, 7:00-9:00 PM
Online Meeting**

The meeting is an online meeting via Zoom. Click the link below to join the meeting, or dial in via telephone via the number below. You will be required to have a registered Zoom Account and display your full name to be admitted to the online meeting. See further instructions on Zoom meeting participation on the next page following the agenda. To sign up for a Zoom account: <https://zoom.us/join>

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AGENDA

- 1) Call to order and roll call**
- 2) Opportunity for public comment on non-agenda items (3 minutes per person)**
- 3) Approval of Minutes of May 13, 2021 Planning Commission Meeting**
- 4) Development Agreement for potential W. North Bend Way Senior Housing (Mike McCarty)**
 - a) Planning Commission deliberation and recommendation
- 5) Amendments to NBMC 18.22 Temporary Uses (Rebecca Deming)**
 - a) Staff introduction
 - b) Public Hearing (Note the Public Hearing will be continued to the June 10, 2021 Planning Commission meeting, as the date for the hearing was originally noticed incorrectly)
 - c) Planning Commission Deliberation. No action will be taken until following the continuation of the hearing at the June 10 Planning Commission meeting.
- 6) Adjournment by 9:00 unless otherwise approved by Commission.**

Upcoming Agenda Items for June 10, 2021 meeting:

- Continued Public Hearing and Planning Commission Recommendation on NBMC 18.22 Amendments

Agenda & Package distribution by hard copy: Planning Commission, City Hall Front Desk.

Agenda & Package distribution by e-mail: Mayor, Council, Planning Commission, Administrator, City Clerk, City Attorney, CED Director, other relevant staff.

Agenda and packet are also available to the general public from Notify Me via the City's website.



GUIDELINES FOR CITIZEN PARTICIPATION

At Planning Commission Meetings

General Online Meeting Public Comment Instructions.

1. **Written public comments** may be submitted by email to rdeming@northbendwa.gov. Comments must be provided no later than 4:30pm the day of the meeting, so that a copy can be forwarded to the Planning Commission prior to the meeting.
2. **Spoken public comments using a computer or smartphone** will be accepted though the teleconference meeting. You will need to be logged into your Zoom account and display your full name to be admitted to the meeting.
 - a. You can download the Zoom client or connect to the meeting in-browser. If using your browser, make sure you are using a current up-to-date browser: Chrome 30+, Firefox 27+, Microsoft Edge 12+, Safari 7+. Certain functionality may be disabled in older browsers including Internet Explorer.
 - b. You can download the Zoom application onto your phone from the Apple App Store or Google Play Store and enter the meeting ID.
 - c. You will need to enter the Meeting ID and Password to join the meeting, listed on the meeting invite links.
 - d. You may be asked to enter an email address and name. We request that you identify yourself by name, as this will be visible online and will be used to notify you that it is your turn to speak.
 - e. Please use the "Chat Feature" to indicate you wish to speak. The Chat feature can be accessed by clicking on the chat button, typing your message with your name and address, and tapping send. You will then be called at the appropriate time. Please limit your remarks to the 3-minute time limit.
3. **Spoken public comments using a phone.** Use the telephone number listed on the meeting invite links. When you wish to speak on an agenda item hit *9 on your phone so we know that you wish to speak. You will be asked to provide your first and last name along with your address before providing your comments. When called, please limit your remarks to the 3-minute time limit allotted.

Citizen Participation and Contribution. Citizens are welcome and encouraged to attend all Planning Commission meetings and are encouraged to participate and contribute to the deliberations of the Commission. Recognition of a speaker by the Planning Commission Chair is a prerequisite to speaking and is necessary for an orderly and effective meeting. It will be expected that all speakers will deliver their comments in a courteous and efficient manner. At anytime during the meeting anyone making out-of-order comments or acting in an unruly manner will be subject to removal from the meeting.

Right to Speak at Public Hearing. Any person has the right to speak at any Public Hearing on the item on the agenda after the staff report and any clarifying questions of the Planning Commission, but before the Planning Commission has discussed the item and action is taken. Speakers are requested to supply their contact information requested on the sign-in sheet to assist the Clerk with the Minutes.

Manner of Addressing Planning Commission. Each person desiring to address the Planning Commission shall stand, state his/her name and address for the record, and unless further time is granted by a majority of the Planning Commission, must limit his/her remarks to three (3) minutes. All remarks shall be addressed to the Chair of the Planning Commission and not to any member individually. All speakers shall be courteous and shall not engage in, discuss or comment on personalities or indulge in derogatory remarks or insinuations.



Spokesperson for Group of Persons. In order to expedite matters and to avoid repetitious presentations, delay or interruption of the orderly business of the Planning Commission, whenever any group of persons wishes to address the Planning Commission on the same subject matter, it shall be proper for the Chair of the Planning Commission to request that a spokesperson be chosen by the group to address the Planning Commission.

Items Not on the Agenda (Citizen's Comments). The Chair of the Planning Commission will provide an opportunity for Citizens to speak on any subject that is not part of the Planning Commission Agenda for that night's meeting. Each person desiring to address an item that is not on the Planning Commission Agenda shall stand, state his/her name and address for the record, state the subject he/she wishes to discuss, if he/she is representing a group or organization the name should be stated, and unless further time is granted by a majority of the Planning Commission, must limit his/her remarks to three (3) minutes. Speakers are requested to supply the contact information requested on the sign-in sheet to assist the Clerk with the Minutes.

NORTH BEND PLANNING COMMISSION
- ACTION MEETING MINUTES -
Thursday, May 13, 2021 at 7:00 PM
Virtual Online Meeting

Please Note: A complete video recording of this meeting is available on the City of North Bend YouTube website, at www.youtube.com under: City of North Bend

AGENDA ITEM #1: CALL TO ORDER

The meeting was called to order at 7:02 PM.

ROLL CALL

Planning Commissioners present: Judy Bilanko (Chair), James Boevers, Heather Bush, Scott Greenberg, Olivia Moe, Suzan Torguson, and Gary Towe. City Staff Present: Mike McCarty, Senior Planner; Rebecca Deming, Community & Economic Development Director. Guests: Ambili Sukesha

AGENDA ITEM #2: Opportunity for Public Comment

No one spoke and offered any comments.

AGENDA ITEM #3: Approval March 25, 2021 and April 22, 2021 Planning Commission Meeting Minutes

The March 25, 2021 and April 22, 2021 Planning Commission Minutes were Approved, 7-0.

AGENDA ITEM #4: Development Agreement for Potential North Bend Way Senior Housing Project (Mike McCarty)

a) Staff Introduction

Mike McCarty briefed the Commissioners on the proposed Senior Housing Project along West North Bend Way.

b) Applicant Introduction

The Applicant for the Senior Housing Project, Ambili Sukesha, introduced herself to the Commission and provided project information.

c) Public Hearing

Chair Bilanko Opened the Public Hearing at 7:23 PM.

Adam Weber, 329 W. 2nd Street, North Bend, WA, spoke.

James Gordon, 340 W. 2nd Street, North Bend, spoke.

Lynda Gordon, 340 W. 2nd Street, North Bend, spoke.

James Bird, 463 NW 8th Street, North Bend, spoke.

Chair Bilanko Closed the Public Hearing at 7:41 PM.

d) Planning Commission Deliberation

There was discussion, including questions asked and answers given, between the Commissioners and city staff concerning the senior housing project proposed.

1 **AGENDA ITEM #5: Amendments to NBMC 18.22 Temporary Uses (Rebecca Deming)**

2 Rebecca Deming briefed the Commissioners and provided a staff report to the Commissioners on changes to NBMC
3 18.22 Temporary Uses.

4
5 **AGENDA ITEM #6: Planning Commission Summer Calendar – Discuss Which Meeting(s) to**
6 **Cancel in July or August**

7 After Commission and staff discussion of availability for summer meetings, there was consensus to cancel the June
8 24th, July 8th, and August 12th Planning Commission Meetings.

9
10 **AGENDA ITEM #7: Adjournment by 9:00 PM Unless Otherwise Approved by Commission**

11 The Meeting Adjourned at 8:08 PM.

12
13 **Upcoming Agenda Items for May 27th Meeting:**

- 14 • Planning Commission Deliberation and Recommendation – Development Agreement for potential
15 Downtown Senior Housing (Mike McCarty)
- 16 • Public Hearing and possible Planning Commission Recommendation – Amendments to NBMC 18.22
17 Temporary Uses (Rebecca Deming)

18
19 **NEXT PLANNING COMMISSION MEETING:**

20 The next Planning Commission meeting will be May 27, 2021.

21
22 ATTEST:

23
24 _____
25 Judy Bilanko, Chair

Rebecca Deming, City of North Bend



Staff Report and Planning Commission Recommendation W. North Bend Way Senior Housing Project

Date: For May 27, 2021 Planning Commission Meeting (Updated from May 13 PC Meeting)

Proponent: Ambili Sukesan
AMil Senior Living
4957 Lakemont Blvd SE, Suite C4 #173
Bellevue, WA 98006

I. Summary of Development Agreement

Prospective development applicant Ambili Sukesan has approached the City of North Bend with a proposal for a 60-unit mixed-use Senior Housing development on W North Bend Way, just west of the Pour House and the North Park and Ride Lot, on parcels 8570900205 and 8570900188.

While mixed-use retail/residential is a permitted use within the Downtown Commercial zone, the applicant is seeking a Development Agreement (DA) specifically to allow a taller building height than allowed under the City's bulk and dimensional standards in consideration of sloped topography on the property, and in exchange for that allowance, is offering to provide 10% of the units within the development as affordable housing.

The purpose of DAs is clarified under 18.27.020, and in summary, allows for establishing standards and requirements for a project that may differ from portions of the City's development regulations, subject to approval by the City Council. A DA provides more control and enables the City to impose requirements that may go above and beyond what is otherwise required by the municipal code and state law.

The proposal could alternatively be considered through a code amendment to extend the 45' downtown building height that applies from Sydney Avenue North to Downing Avenue North (NBMC 18.10.040 footnote 12(b)). However, the DA has the advantage of ensuring the applicant's commitment to providing 10% of the units as affordable housing and provides the applicant assurance of vesting to the provisions of the DA, which would be important to them considering that wastewater treatment plant capacity will not be available for this project until improvements to the treatment plant have been constructed, and City codes could change between now and that time.

Of note, the proposal is a reduction in scope and size from an earlier proposal that applicant Ambili Sukesan presented to the Council at a June 23, 2020 Council Workstudy. The Council directed Ms. Sukesan to reduce the scale of the earlier proposal and take it to the Community and Economic Development Council Committee. Ms. Sukesan presented the current, reduced-scale proposal to the CED Committee on October

20, 2020. The CED Committee at that meeting recommended taking the proposal to the Planning Commission and through the public process. An analysis of the factors relevant to the proposed DA follows.

Building Height

Through the requested DA, the applicant is seeking an increase in the allowed building height from 35' currently permitted at this location, to just under 43 feet, as measured under the City's standards (from the average base elevation to the mid-point of a peaked roof). The increase in height limit is requested in consideration of the topography on the site, which slopes down to the north, away from SE North Bend Way. As building height is measured from the average base elevation, the achievable building height from the primary building façade on W. North Bend Way is lower than what it would be for a flat site.

Usable building space within the allowed building height is also constrained by the presence of the floodplain, which requires residential uses to be a minimum of 2 feet above the base flood elevation. The applicant therefore proposes to locate parking under the building, and construct three floors of residential above that parking. The applicant has indicated that the project would not be financially viable with only two floors of residential, and three floors above parking is only possible with the requested increased height limit from 35' to 43.'

Of additional note for consideration, the height limit just east of this site, from Sydney Ave. to Downing Avenue and south of 2nd Street, outside of the historic district, is 45', and that area is on flat topography.

Because of the higher grade at W. North Bend Way, a taller commercial ground floor space, and architectural treatment of the ground floor facade, the development appears as viewed from W. North Bend Way to be just 2 stories. More formal and complete review under the City's design standards would occur upon submittal of the proposal. Additional analysis of impacts from a higher building height is addressed under section V.5, below.



Photos at site showing slope away from NB Way within ROW, photo 1 looking West, photo 2 looking East

Vacating Right-of-Way

The applicant is also seeking vacation of a portion of the right-of-way of W. North Bend Way, which contains most of the sloped topography. At this particular location, the right-of-way is approximately 55 feet wider

than it is in other parts of the downtown and is unnecessary for municipal purposes. Vacating this excess right-of-way will enable the building to be built up to the public sidewalk and street, consistent with the City's Commercial Design Standards. This will enable the building to relate better to the public realm, providing better pedestrian orientation, and enable use of the sloped topography within the right-of-way to accommodate the underground parking, and help to reduce the apparent height of the building.

Affordable Housing

In exchanging for authorizing the taller building height and vacated right-of-way, the applicant is offering to commit 10% of the units within the development as permanent affordable housing, which equates to a minimum of 6 apartments. Although not a large quantity, this affordable housing within the otherwise market-rate project will help the City to address a broader need in the community, where a lack of housing affordability is a significant issue. Pursuant to the DA, the affordable housing units must be affordable to those making at or below 80% of Area Median Income. For reference, current rates as of April 2021 are \$63,350 for a single renter, or \$72,400 for a 2-person household (Seattle Housing Authority, www.seattlehousing.org/housing/sha-housing/eligibility/income-level-low-income-public-housing).

In addition to the affordable units, another important housing consideration is the project's provision of market-rate senior housing, which the City is deficient in. The proposal could provide an option for aging North Bend residents that wish to remain in their community, rather than having to move out of the area to seek senior housing.

Transportation Impact Fee Reduction

As with the Habitat for Humanity project that the City approved a DA for, the DA for this project proposes a 50% reduction in the amount of the Transportation Impact Fees for the affordable housing units, in recognition of the public benefit of those units and to enable their provision. (The market rate units would pay the standard transportation impact fees due).

II. Community and Economic Development (CED) Council Committee Review

At their October 20, 2020 meeting, the CED Council Committee reviewed the proposal and request for a DA to enable a taller building in exchange for the affordable housing provision, and recommended that a DA be prepared and taken to the Planning Commission for their review and recommendation under the process required per NBMC 18.27.025.

III. Consistency with North Bend Municipal Code (NBMC) Chapter 18.27, Development Agreements

The applicant has provided enough information to the City for staff to analyze the provisions in Chapter 18.27. Only those items which trigger a Development Agreement are included in the DA.

As stated in Chapter 18.27.020, the purposes for development agreements include creating certainty to applicants, consolidating numerous issues involved in complex development projects into a single controlling instrument, maximize efficient use of resources at the least economic cost to the public, and to strengthen the public planning process. The proposed DA, including this process for review and public hearing before the Planning Commission, achieves those purposes.

The Applicant has met the requirements of the NBMC and application requirements for a development agreement detailed in NBMC 18.27.030, as applicable to the specific deviations requested through the DA.

The only deviations from the code are those detailed in the DA, relating specifically to height limit and a reduction to the transportation impact fees for the affordable units. The applicant and proposed DA have satisfied the applicable conditions of approval outlined in NBMC 18.27.070 applicable to development agreements. (Formal project permitting submittals and required project review will be addressed subsequent approval of the DA, if approved.)

IV. Consistency with the North Bend Comprehensive Plan

Pursuant to NBMC 18.27.020(C), a Development Agreement should further the objectives of the Comprehensive Plan. The proposal is consistent with many of the objectives and policies of the Comprehensive Plan, particularly that it provides a mixed-use housing project within the downtown, and provides senior housing, a form of housing that the City is deficient in, offering an opportunity for North Bend residents to remain in their community as they age and seek other forms of housing to meet their changing lifestyle needs. The Housing Element on p. 11 specifically states, “It is apparent from our population pyramid (Figure 3-11) that within the next 20 years a large portion of North Bend will be over 60. The City will need to accommodate this growing senior population by enabling the development of additional senior and assisted living housing, and by supporting the uses and needs of those residents.”

Below are some of the policies found in the Comprehensive Plan that directly relate to this project:

Policy LU – 1.1 Encourage infill residential development within the existing incorporated area in an effort to reduce sprawl and create more housing options.

Housing Goal 1 Encourage a variety of housing types and densities compatibly located to meet the demands of a diverse population

Policy H - 1.5 Encourage non-profit housing providers to pursue housing development opportunities that supply affordable housing while providing a high quality residential living environment.

Policy H - 1.7 Reduce impact fees for residential developments that include affordable housing for those with low or very low-incomes.

Policy H – 1.9 Work with the King County Housing Authority and other low income housing providers to provide affordable units to households at or below 80% of median income by the end of the target period (2022).

Policy H -2.3 Seek to create or to retain and protect links to a Citywide Trail System that connects neighborhoods with areas of commerce in an effort to promote alternative transportation systems.

Policy H – 4.2 Promote opportunities for infill housing within the downtown area that provide a mix of housing types, prices, and densities.

Policy H – 4.4 Provide areas for mixed use and high density housing to support a wide range of housing options at all economic segments for residents.

Housing Goal 6: Support and provide for the ability to age in place safely, independently and comfortably, regardless of age, income or ability level.

Policy H – 6.2 Enable older adults to age in their place of choice with appropriate services.

Policy H – 6.3 *Prepare North Bend for an aging population.*

Policy H – 6.5 *Allow people to age in place, be it in their homes or neighborhoods, by encouraging the development of neighborhoods that provide a mix of housing typologies and sizes to accommodate a broad range of lifestyles and abilities.*

Economic Development Goal 1 *Advance the revitalization of the downtown commercial area as the historic center and heart of the community.*

Policy ED – 1.3 *Encourage a diverse mix of commercial and residential uses within the Downtown Core to strengthen pedestrian interaction and activity.*

Policy ED – 1.4 *Encourage multi-use projects that incorporate street level retail with office and residential use above.*

Economic Development Goal 2 *Create public and private opportunities for economic development that encourage and enable redevelopment of underperforming commercial sites.*

Parks Goal 2 and Shoreline Goal C *Enhance North Bend’s river shore recreation value by creating a natural linked greenway system.*

Parks Policy 2.1 and Shoreline Policy S-PAR P3 *Acquire or obtain access rights, dedications, ad easements to riverfront parcels, including levees and dikes, as available.*

Policy S-PAR P4 *Where appropriate, promote the development and enhancement of public access to the river to increase fishing, kayaking, and other water-related recreational opportunities.*

V. Impacts of Proposal

NBMC 20.08.070 and .080 requires that applications for municipal code amendments be evaluated for their environmental, economic and cultural impacts, as well as impacts to surrounding properties. While a development agreement is not a code amendment, the impacts of such a development agreement should likewise be considered. These impacts are evaluated below.

- 1) **Environmental Impacts.** No environmental impacts are anticipated from approving the proposed Development Agreement. A State Environmental Policy Act (SEPA) Checklist will be required for the project and any identified impacts will require mitigation, and the project will be reviewed for conformance to the City’s shoreline and critical area regulations. The proposal reduces environmental impacts associated with transportation by way of its design as a mixed-use project in close walking distance to downtown businesses, and its direct adjacency to the North Bend Park and Ride, where residents can utilize public transportation services.
- 2) **Economic Impacts.** The project is anticipated to have a positive economic impact within the City’s Downtown Commercial Zone. Providing housing within walking distance of downtown restaurants and other businesses provides additional customers to those businesses, and will increase the overall level of activity within the downtown core, increasing activity and vibrancy. The building also includes a new restaurant space on its ground floor, adjacent to the riverwalk, adding

additional vibrancy to the downtown. The impact fees collected on the regular (non-affordable housing) units will assist the City in providing improvements to streets, parks, wastewater treatment, and other infrastructure.

- 3) **Traffic Impacts.** The project's location in the Downtown Commercial zone may result in less vehicle trips and demand on the City's road network than what may be typical, given its location on the far west end of town, where traffic may come in from I-90 exit 27 and have less impacts further to the east. As a part of the standard development review process, the project would be required to perform a traffic analysis and mitigate for warranted traffic impacts as required under review against the City's concurrency regulations. The project will also likely have less traffic impacts than typical to a multifamily development given that the project is directly adjacent to the North Bend Park and Ride, where residents can utilize public transportation, and given that senior residents generally own fewer cars.
- 4) **Impacts to Adjacent properties.** The proposal is likely to have positive impacts to adjacent commercial properties (to the east), providing additional residents that may patronize commercial businesses. Residents of adjacent residential properties (to the north) may object to the scale and height of the proposal. However, the subject property and adjacent properties are located in the City's Downtown Commercial zone where higher-intensity development is expected.
- 5) **Visual Impacts.** The proposal does seek a higher height limit than permitted by the City's zoning. However, this is mitigated by a number of factors:
 - a. The project is at the far west end of the downtown and does not block views of Mt. Si from residential properties or viewsheds from important public places.
 - b. Due to a sloping topography that slopes down away from W. North Bend Way, the building will appear less tall at its primary W. North Bend Way façade.
 - c. Due to a taller ground floor commercial space, the building façade on W. North Bend Way only appears to be two stories.
 - d. The building is broken into multiple building wings, helping to break up the building mass and scale.Other visual impacts would be addressed through conformance to the City's commercial and mixed use design standards which ensure a high-quality building façade, materials, and design.
- 6) **Social/cultural concerns.** No social/cultural concerns are anticipated. The proposal provides a benefit to the community by providing a form of housing that would enable existing aging residents an opportunity to remain within their community rather than need to leave to find suitable senior housing. The project also provides a social/cultural benefit of extending a public trail along the levy, allowing for public access to and along the South Fork Snoqualmie River.

VI. Planning Commission Review Findings:

1. The Planning Commission reviewed the Development Agreement on April 22, May 13, and May 27, 2021 and held a Public Hearing on the proposed matter on May 13, 2021.
2. Commission asked questions to staff and below is a summary of the Planning Commission discussion at the April 22, 2021 meeting:

- a. What if the project is abandoned? The City's clearing and grading regulations require posting a site restoration bond, which could be used to remove unfinished improvements and restore a site in the event of project abandonment.
 - b. How are affordable housing provisions monitored over time? Language was added to the draft DA following the April 22 Planning Commission meeting, requiring the developer to enter an Affordable Housing Agreement with the City laying out program management, operation and reporting requirements for the affordable housing units.
 - c. Is it possible to add more affordable housing units? The City could require more units, but the developer also requested for additional incentives/considerations to enable that. There was discussion on additional height, but staff noted that Council had already provided direction that an earlier proposal was too tall.
 - d. A discussion on slope brought up that the project is also seeking vacation of excess right-of-way on the North side of W. North Bend Way. A description of that has been added to this staff report and added to the draft DA following the April 22 Planning Commission meeting. The applicant provided a topographic survey of the site. However, this survey does not include the area of excess right-of-way that the applicant is seeking vacation of. An updated survey will be required prior to either vacation of the excess right-of-way or development of the project within this area.
3. Public comment was received for and at the May 13, 2021 public hearing. The majority of comment provided was regarding concerns about project environmental and flooding impacts, not related to the subject of the development agreement concerning the building height. Such potential impacts would be evaluated against applicable development regulations upon submittal of a complete application by the applicant, including required floodplain, stormwater, critical area, geotechnical, and other analyses and engineering plans.
 4. Some additional minor amendments were provided to the draft Development Agreement in response to some of the comment provided, which were provided in redline format for the Planning Commission to be able to view at their May 27, 2021 meeting.

VII. Summary Findings:

1. Pursuant to Chapter 18.27.025 A. a public hearing notice for the May 13, 2021 Public Hearing was published and mailed to properties within 300 feet, relevant agencies, and parties of record consistent with RCW 36.70B.200 and City Code Chapter 20.03.
2. Comments were received for and at the Public Hearing. Written comments received are included with this staff report.
3. The proposed DA is consistent with the intent and purpose of Chapter 18.27, Development Agreements, and the North Bend Comprehensive Plan.
4. The proposed DA is consistent with state law on development agreements per RCW 36.70B.170 through 36.70B.210 and has been approved in form by the City Attorney.
5. Staff responded to the Planning Commission comments and questions raised during the course of Planning Commission review, which are summarized in the Planning Commission review findings above.

VIII. Requested Planning Commission Analysis:

The Planning Commission should evaluate the draft DA together with the information provided in this staff report against public comment received at the hearing, and determine whether to recommend that the City Council approve the DA. The Planning Commission should consider whether, on balance, the DA is in the best interest of the City of North Bend, resulting in a net benefit to the community.

IX. Staff Recommendation:

Staff supports the proposal for a DA for this development given the contribution it will provide to helping to bring vitality to the downtown, the opportunity it provides for some affordable housing through a market-driven project, the provision of much needed senior housing within the community, as well as consistency of the project with multiple goals and policies with the City's Comprehensive Plan. Approving the proposed DA will provide a net benefit to the City. Staff recommends approval of the Development Agreement.

Mike McCarty, Senior Planner

Date

X. Planning Commission Recommendation

Following consideration of the staff report, draft Development Agreement, and public comment received at the public hearing, the Planning Commission recommends that the City Council reject/approve the Development Agreement.

Planning Commission Chair

Date

Attachments:

1. Draft Development Agreement (edits made following the 5/13/21 PC meeting shown in redline format).
2. Developer's project narrative (See Development Agreement for Site Plan and Elevations).
3. Applicant's SEPA Checklist
4. Applicant's boundary and topographic survey as requested by the Planning Commission
5. Written comments received.

**DEVELOPMENT AGREEMENT
BETWEEN THE CITY OF NORTH BEND
AND AMIL SENIOR LIVING FOR THE
DEVELOPMENT OF A SENIOR HOUSING
PROJECT ON W. NORTH BEND WAY**

THIS DEVELOPMENT AGREEMENT (“Agreement”) is made and entered into this ____ day of _____ 2021, by and between the City of North Bend, a municipal corporation of the State of Washington (the “City”) and Amil Senior Living, a limited liability company organized in the State of Washington (the “Developer”), jointly (the “Parties”).

WHEREAS, RCW 36.70B.10 and North Bend Municipal Code (NBMC) Section 18.27.010 authorize the City to enter into a development agreement with a person having ownership or control of real property within its jurisdiction; and

WHEREAS, Amil Senior Living owns or controls approximately 2.37 acres of undeveloped land located on King County Tax Parcel Nos. 8570900205 and 8570900188 within the City’s Downtown Commercial Zoning District (the “Property”); and

WHEREAS, the Developer desires to construct a mixed-use development on the property, consisting of 60 apartment units, above ground floor commercial space, and resident lobby area fronting to W. North Bend Way (the “Project”); and

WHEREAS, this form of development is consistent with North Bend’s Comprehensive Plan goals and policies for this area; and

WHEREAS, the Project increases the diversity of housing options within North Bend, providing a supply of senior housing apartments that could enable North Bend residents to remain within the community as they age and seek this type of housing; and

WHEREAS, the Project may bring additional vitality to the downtown, providing a new restaurant space within the ground floor of the building, and housing residents within a walkable-downtown context, where such residents may patronize downtown restaurants, shops and services.

WHEREAS, the Washington State Legislature has authorized the execution of a development agreement between a local government and a person having ownership or control of real property within its jurisdiction (RCW 36.70B.170(1)); and

WHEREAS, a development agreement must set forth the development standards and other provisions that shall apply to, govern, and vest the development, use and mitigation of the real property for the duration specified in the agreement (RCW 36.70B.170(1)); and

WHEREAS, a development agreement must be consistent with the applicable development regulations adopted by local government planning under RCW Chapter 36.70A.

Applicable local development regulations include but are not limited to those set forth in Chapter 18.27 NBMC; and

WHEREAS, on ...(YET TO BE ISSUED)....., a Determination of Non-Significance (“DNS”) was issued for this Agreement and the provisions of the Project described herein that differ from strict compliance to the North Bend Municipal Code. Full project review against SEPA will occur upon submittal of a complete application; and

WHEREAS, a development agreement must be approved by ordinance or resolution after a public hearing pursuant to RCW 36.70B.200; and

WHEREAS, on May 13, 2021, the Planning Commission held a Public Hearing on this Agreement; and

WHEREAS, on _____, the City Council passed Resolution No. _____, approving and authorizing the Mayor to enter into this Agreement on behalf of the City;

NOW THEREFORE, in consideration of the mutual promises set forth herein, the parties hereto agree as follows:

1. The Property. The Property is a 2.37 acre vacant site (103,200 sf) fronting to the South Fork Snoqualmie River and W. North Bend Way, and including the levy of the South Fork Snoqualmie River. The Developer further proposes to expand the Property to include the vacation pursuant to RCW 35.79 of a portion of the right-of-way of W. North Bend Way approximately 55 feet in depth. The street vacation process is described in greater detail in Section 4, below. The Property presently contains trees, shrubs, grass and gravel or dirt drive areas. The Property is more legally described in the attached **Exhibit A**, incorporated herein by this reference.

2. The Project. The Project consists of a mixed use senior housing apartment building of up to 4-stories containing up to 60 apartment units, above ground floor commercial space, and resident lobby area fronting to W. North Bend Way. A conceptual site plan and building elevations and renderings of the Project, dated October 20, 2020 are collectively attached hereto as **Exhibit B**.

3. Affordable Housing Rental Units.

- A. Public Benefit. The City Council finds that the lack of affordable housing within North Bend has had an adverse impact on persons within North Bend who have been priced out of the rental housing market, and that the provision of affordable housing constitutes a public benefit. The Developer shall provide a minimum of six (6) units, to be occupied by such persons or households making at or below 80% of Area Medium Income.
- B. AMI Defined. Area Medium Income (AMI) means the medium income for the Seattle Metropolitan Statistical Area (King County), as most recently determined by the Secretary of Housing and Urban Development under Section 8(f)(3) of the United States Housing Act of 1937, as amended, or if programs under said Section 8(f)(3) are terminated, median income determined under the method used by the

Secretary prior to such termination.

- C. **Developer Obligation.** The Developer, or any subsequent owner of the Project, shall perpetually rent a minimum of six (6) affordable housing units to persons or households making at or below 80% AMI. The Developer shall execute and record in King County's real property title records a restrictive covenant, running with the land, in a form acceptable to the City Attorney, that provides that the affordable housing units will continue to be used for those persons or households meeting the foregoing AMI limits. Developer shall be solely responsible for all administrative functions associated with ensuring that any renter meets such AMI limitations, subject to provisions of the Affordable Housing Agreement described below.
- D. **Affordable Housing Agreement.** Prior to issuance of the building permit, the Developer shall enter an Affordable Housing Agreement in a form acceptable to the City regarding the administration and management of the affordable housing units by the Developer or any subsequent owner of the Project. The Affordable Housing Agreement shall stipulate the administrative, management and monitoring provisions regarding the rental of the Affordable Housing Units, provide assurance that the affordable housing units remain subject to the AMI and other provisions of this Agreement in perpetuity, and establish reporting requirements to the City of North Bend or approved Affordable Housing Agency or Program regarding continued compliance.

4. Right-of-Way Vacation. The Developer wishes to pursue vacation of excess right-of-way approximately 55 feet in depth on the north side of W. North Bend Way in the vicinity of the project, in order to place the building up against the public sidewalk of W. North Bend Way, consistent with the City's Commercial and Mixed-Use Design Standards. The proposed street vacation would also enable the building to match the developed form of the historic downtown, with ground floor restaurant and commercial space adjacent to the sidewalk, and enable use of the sloped topography to provide parking below the ground floor at W. North Bend Way and reduce the apparent height of the building as viewed from W. North Bend Way. The Developer shall follow the process set forth in RCW 35.79 for the requested street vacation. The City Council reserves the right to condition any approval of the requested street vacation upon acceptable placement of the improvements to be constructed as part of the Project or otherwise as the City Council may deem appropriate.

5. Building Height. NBMC 18.10.040 establishes a maximum building height within the Downtown Commercial Zone of 35 feet at the location of the subject property, and 45 feet for the area south of 2nd Street between Sydney Avenue and Downing Avenue where outside of the Historic District. In consideration of the public benefit of the affordable housing units, the economic benefit of the project to the City's downtown core, the sloped topography on the site in which the visual height from the building frontage along W. North Bend Way will appear less than the actual measured height, and the flexibility in development standards authorized within Development Agreements under NBMC 18.27.040, the City Council authorizes the Project to exceed the 35 foot height limit, and authorizes a project-specific height limit not to exceed 43 feet, as measured from the base elevation as defined in NBMC 18.06.030.

6. River Pathway. Consistent with public access provisions in the City's Shoreline Regulations in NBMC 14.20.320, the Developer shall construct a 10-foot wide asphalt paved

pathway along the top of the South Fork Snoqualmie River Levy on the Property and in a location approved by the City. Trail construction shall be 10-feet wide and otherwise consistent with the Walkway/Bikeway Trail Standards in the City’s Public Works Standards, and Developer shall provide a public access easement to the City of North Bend along such pathway. The pathway and easement shall additionally connect to the public sidewalk along W. North Bend Way. The Developer shall provide a minimum of three (3) benches, constructed and installed pursuant to specifications approved by the City, along the edge of the paved pathway within the easement area.

7. Sewer Concurrency. The City of North Bend does not currently have capacity at its wastewater treatment plant for additional residential development. Developer shall secure such capacity before the Project can be approved, consistent with the City’s Concurrency Regulations in NBMC 20.12. This Development Agreement does not secure or in any manner promise such sewer capacity for the Developer.

8. Impact Fee Reductions. In consideration of affordability and public benefit of the affordable housing unit apartments in the Project as set forth in this Agreement, the City Council approves a 50% reduction to the Transportation Impact Fees in effect at the time of building permit issuance for any affordable housing units constructed. Additional impact fees may be reduced or waived for the affordable housing units if criteria are met under the respective ordinances for such other impact fees.

9. Effective Date and Duration. This Agreement shall commence upon the effective date of the City Council resolution approving this Agreement (the “Effective Date”), and shall continue in force for a period of five (5) years (the “Initial Term”) unless extended or terminated as provided herein. Following the expiration of the Initial Term or extension thereof, or if sooner terminated, this Agreement shall have no force and effect, subject however, to post-termination obligations of the Developer or its successor. The Developer’s obligation to maintain affordability of the units in the Project as set forth in Section 3 and otherwise in this Agreement shall survive the expiration of this Agreement and continue permanently for the remaining life of the improvements within the Project.

10. Project is a Private Undertaking. It is agreed among the parties that the Project is a private development and that the City has no interest therein except as authorized in the exercise of its governmental functions.

11. Vested Rights.

- A. During the term of this Agreement, Developer is assured, and the City agrees, that the development rights, obligations, terms and conditions specified in this Agreement, are fully vested in Developer and may not be changed or modified by the City, except as may be expressly permitted by, and in accordance with, the terms and conditions of this Agreement, including the exhibits hereto, or as this Agreement may be amended.
- B. This Development Agreement only covers those specific development standards addressed herein, specifically building height and a reduction to transportation impact fees for the affordable housing units. The City’s Development Regulations, including applicable environmental, building, and construction codes and regulations contained

therein, shall govern unless specifically addressed in this Agreement. No vesting is created by this Agreement for any ~~other~~ development regulation other than building height and a reduction to transportation impact fees for the affordable housing units, as provided that is not included in this Agreement. Consistent with RCW 36.70B.170(4), nothing in this Agreement impacts or affects the City's authority to impose new or different regulations to the extent required by a serious threat to public health and safety.

12. Permits Required. Developer shall obtain all permits and pay all fees required under the NBMC or any other local, state, or federal law for this Project. This Development Agreement does not vest the amount of any applicable impact fee, permit fee, or other City fees or charges. All applicable fees and charges shall be paid at the rate set forth in the City's Taxes Rates and Fees Schedule at the time of permit issuance or such other time set forth in City code.

13. Further Discretionary Actions. Developer acknowledges that the City's land use regulations contemplate the exercise of further discretionary powers by the City. These powers include, but are not limited to, review of additional permit applications under SEPA and other applicable law. Nothing in this Agreement shall be construed to limit the authority or the obligation of the City to hold legally required public hearings, or to limit the discretion of the City and any of its officers or officials in complying with or applying ordinances that govern the proposed uses of land, the density and intensity of use, and the design, improvement, construction standards and specifications applicable to the development of the Project.

14. Notice of Default/Opportunity to Cure/Dispute Resolution. In the event that either party, acting in good faith, believes the other party has violated the terms of this Agreement, the aggrieved party shall give the other party written notice of the alleged violation by sending a detailed written statement of the claimed breach. The other party shall have thirty (30) days from receipt of written notice in which to cure the claimed breach. This notice requirement is intended to facilitate a resolution by the parties of any dispute prior to the initiation of litigation or other contested proceedings. Upon notice of a claimed breach, the parties agree first to meet and confer in an attempt to resolve any dispute arising out of this Agreement. If the parties are unable to resolve the claimed breach, and prior to engaging in litigation to resolve any claimed breach or otherwise to enforce any provision of this Agreement, the parties shall first engage in non-binding mediation with the cost of the mediation to be split evenly.

15. Amendment: Effect of Agreement on Future Actions. This Agreement may be amended by mutual consent of the parties, but only after a public hearing and other process required by RCW 36.70B. Nothing in this Agreement shall prevent the City Council from amending the Comprehensive Plan, Zoning Code, Official Zoning Map, or any other development regulations or ordinance as the City Council may deem necessary in the exercise of its legislative discretion.

16. Termination.

A. This Agreement shall expire and be of no further force and effect if Developer does not construct the Project as described in this Agreement, or submits applications for development of the Project Site that are inconsistent with this Agreement as determined in the City's sole reasonable discretion; or

B. This Agreement shall terminate either: (1) upon the expiration of the Initial Term identified in Section 6 above, or (2) when the Subject Property has been fully developed and all of Developer's obligations in connection therewith are satisfied as determined in the City's sole reasonable discretion, whichever first occurs. Upon termination of this Agreement under this Subsection 14(B), the City shall record a notice of such termination in a form satisfactory to the City Attorney; or

C. This Agreement shall terminate upon Developer's abandonment of the Project. Developer shall be deemed to have abandoned the Project if (a) Developer has not actually initiated development of the Project with land altering or construction activities within one year following issuance of the final permit authorizing construction, or (b) Developer has actually and timely initiated development of the project but any such land altering or construction activities cease for a period of six consecutive months or more.

17. Effect of Termination on Developer Obligations. Termination of this Agreement shall not affect any of Developer's obligations to comply with (a) the City Comprehensive Plan or any applicable zoning code(s), subdivision maps or other land use entitlements approved with respect to the Project; (b) any conditions or restrictions specified in this Agreement to continue after the termination of this Agreement including without limitation Developer's obligation to make the Project permanently affordable as set forth herein, and such obligations shall survive termination of this Agreement; or (c) obligations to pay assessments, liens, fees, or taxes, unless the termination or abandonment of the Project nullifies such obligations.

18. Effect of Termination on City. Upon termination of this Agreement, the Agreement shall have no further force or effect except as expressly provided herein.

19. Covenants Running with the Land. The conditions and covenants set forth in this Agreement shall run with the land, and the benefits and burdens shall bind and inure to the benefit of the parties. Developer and every subsequent owner, purchaser, assignee, or transferee of an interest in the Property, or any portion thereof, shall be obligated and bound by the terms and conditions of this Agreement. Any such purchaser, assignee, or transferee shall observe and fully perform all of the duties and obligations of the Developer contained in this Agreement, as such duties and obligations pertain to any portion of the Property assigned or transferred to it. A copy of the fully executed Agreement shall be recorded in accordance with Section 30 herein.

20. Specific Performance. The parties specifically agree that damages are not an adequate remedy for breach of this Agreement, and that the parties are entitled to compel specific performance of all material terms of this Agreement by any party in default hereof.

21. Third Party Legal Challenge. In the event any legal action is commenced by any person or entity other than a Party to this Agreement regarding any provision herein, the City may elect to tender the defense of such lawsuit or individual claims in the lawsuit to Developer, and Developer shall fully defend, indemnify, and hold the City harmless from all costs and liabilities, including the City's attorney and expert witness fees, arising from any such lawsuit or claims. The Developer shall not settle any lawsuit without the consent of the City, which consent shall not be unreasonably withheld. This section shall survive the termination of this Agreement.

22. No Presumption Against Drafter. Developer represents that it has been advised to seek legal advice and counsel from its attorney concerning the legal consequences of this Agreement, that it has carefully read the foregoing Agreement, and knows the contents thereof, and signs the same as its own free act, and that it fully understands and voluntarily accepts the terms and conditions of this Agreement. Both parties have had the opportunity to have this Agreement reviewed and revised by legal counsel, agree that it has been mutually and equally drafted, and no presumption or rule that ambiguity shall be construed against the drafting party shall apply to the interpretation or enforcement of this Agreement.

23. Notices. Notices, demands, or correspondence to the City and Developer shall be sufficiently given if dispatched by prepaid first-class mail to the following addresses:

TO CITY: City Administrator
 City of North Bend
 P.O. Box 896
 North Bend, WA 98045

TO DEVELOPER: Ambili Sukesan
 AMil Senior Living
 4957 Lakemont Blvd SE, Suite C4 #173
 Bellevue, WA 98006

Notice to the City shall be to the attention of both the City Administrator and the City Attorney. The parties hereto may, from time to time, advise the other of new addresses for such notices, demands, or correspondence.

24. Assignment. This Agreement shall be binding and inure to the benefit of the parties. Developer shall not assign its rights under this Agreement without the written consent of the City, which consent shall not unreasonably be withheld.

25. Governing Law and Venue. This Agreement shall be construed and enforced in accordance with the laws of the State of Washington. Venue for any action shall lie exclusively in King County, Washington, Superior Court.

26. Attorneys' Fees. In the event of any litigation between the Parties arising from this Agreement, the prevailing Party shall be entitled to an award of its costs, attorneys' fees, and expert witness fees.

27. Severability. The provisions of this Agreement are separate and severable. The invalidity of any clause, sentence, paragraph, subdivision, section, or portion or the invalidity of the application thereof to any person or circumstance, shall not affect the validity of the remainder of this Agreement, or the validity of its application to other persons or circumstances.

28. Entire Agreement. This Agreement contains the entire agreement between the parties hereto, and no other agreements, oral or otherwise, regarding the subject matter of this Agreement

shall be deemed to exist or bind any of the parties hereto. Changes made in accordance with Section 15 herein shall be incorporated by written amendments or addenda signed by both parties and recorded pursuant to Section 30, below.

29. Recording. Developer shall record an executed copy of this Agreement with the King County Auditor, pursuant to RCW 36.70B.190, no later than fourteen (14) days after mutual execution by the Parties and shall provide the City with a conformed copy of the recorded document within thirty (30) days thereafter.

By their signatures below, the persons executing this Agreement each represent and warrant that they have full power and authority to bind their respective organizations, and that such organizations have full power and actual authority to enter into this Agreement and to carry out all actions required of them by this Agreement.

CITY OF NORTH BEND

AMIL SENIOR LIVING

By: _____
Rob McFarland, Mayor

By: _____
Ambili Sukesan

Attest/Authenticated:

Susie Oppedal, City Clerk

Approved As To Form:

Mike Kenyon, City Attorney

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STATE OF WASHINGTON)
)
COUNTY OF KING) ss.

On this ____ day of _____, 2021, Rob McFarland personally appeared before me, the undersigned Notary Public in and for the State of Washington, who is known to me or produced satisfactory evidence that he is the Mayor of the City of North Bend, the municipal corporation that executed the foregoing Development Agreement, and acknowledged such instrument in his capacity as the Mayor of the City of North Bend and that he signed the Agreement as the free and voluntary act of such municipal corporation for the uses and purposes mentioned therein, and on oath stated that he was duly authorized to execute such instrument.

GIVEN under my hand and official seal this ____ day of _____, 2021.

Print name: _____

NOTARY PUBLIC in and for the State of
Washington, residing at _____

Commission expires: _____

STATE OF WASHINGTON)
)
COUNTY OF KING) ss.

On this ____ day of _____, 2021, personally appeared before me, the undersigned Notary Public in and for the State of Washington, Patrick Sullivan, who is known to me or produced satisfactory evidence that he is the _____ of Habitat for Humanity Seattle King County that executed the foregoing Development Agreement, and acknowledged that he signed the Agreement as the free and voluntary act of such entity for the uses and purposes mentioned therein, and on oath stated that he was duly authorized to execute such instrument.

GIVEN under my hand and official seal this ____ day of _____, 2021.

Print name: _____

NOTARY PUBLIC in and for the State of
Washington, residing at _____

Commission expires: _____

EXHIBIT A:

**PROJECT SITE – LEGAL
DESCRIPTION**

PARCELS 857090-0188 and 857090-0205

PARCEL A:

THAT PORTION OF TRACT 9, W.H. TAYLOR’S SNOQUALMIE PRAIRIE ACRE TRACTS, ACCORDING TO PLAT RECORDED IN VOLUME 6 OF PLATS AT PAGE 32, IN KING COUNTY, WASHINGTON, BOUND AS FOLLOWS:

ON THE SOUTHEAST SIDE BY A LINE PARALLEL TO AND 292.5 FEET DISTANT FROM THE SOUTHEAST BORDER OF SAID TRACT 9, BOUND ON THE SOUTHWEST SIDE BY THE SOUTHWEST BOUNDARY OF SAID TRACT 9, ON THE NORTHWEST SIDE BY THE NORTHWEST BOUNDARY OF TRACT 9, AND ON THE NORTHEAST SIDE BY A LINE PARALLEL TO AND 87.5 FEET DISTANT FROM THE SOUTHWEST BOUNDARY OF SAID TRACT 9.

PARCEL A1:

A NON-EXCLUSIVE EASEMENT FOR INGRESS AND EGRESS AS DISCLOSED BY DOCUMENT RECORDED UNDER RECORDING NO. 20041022002285.

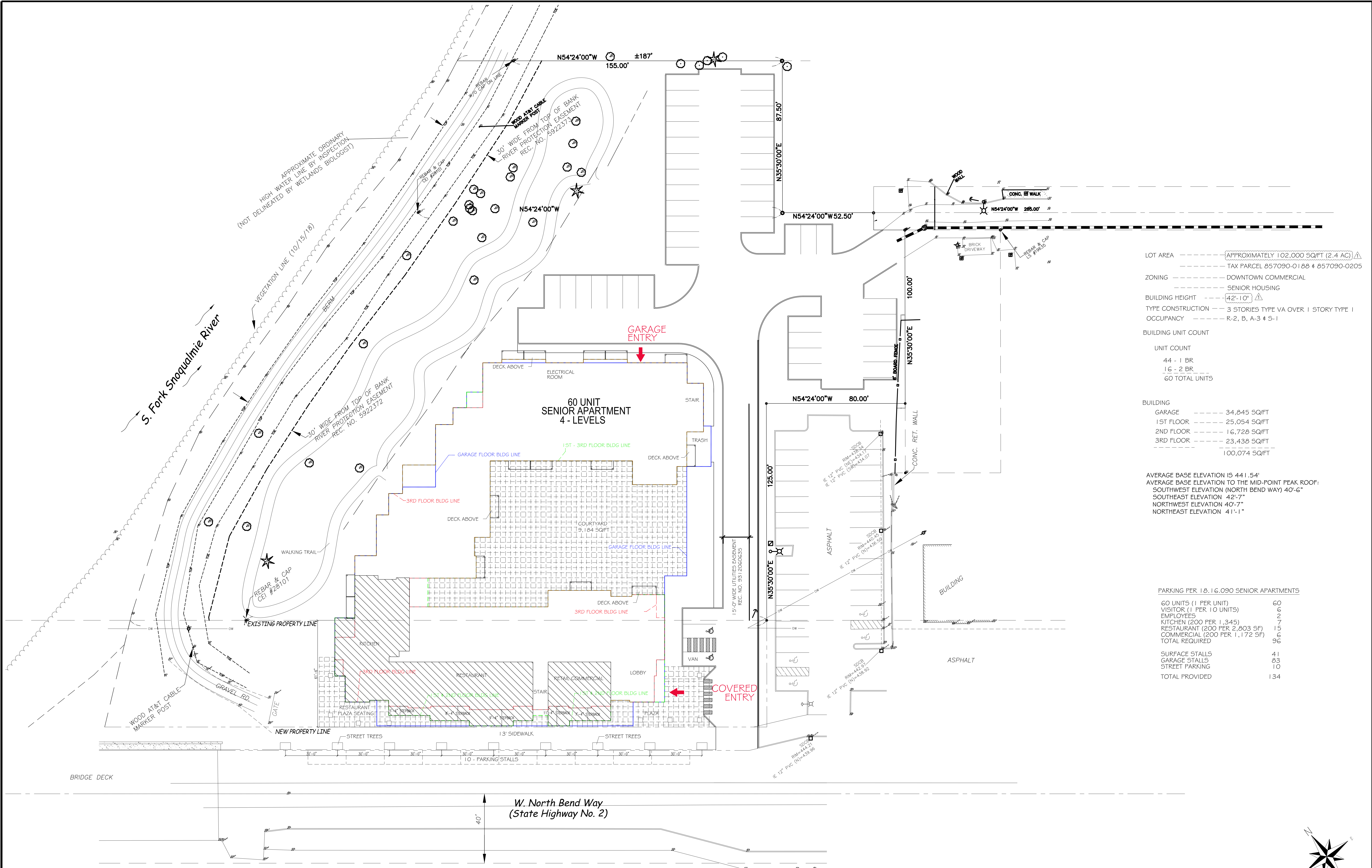
PARCEL B:

THAT PORTION OF TRACT 10 IN W. H. TAYLOR’S SNOQUALMIE PRAIRIE ACRE TRACTS,

AS PER PLAT RECORDED IN VOLUME 6 OF PLATS, PAGE 32, RECORDS OF KING COUNTY WASHINGTON, LYING NORTHEASTERLY OF PRIMARY STATE HIGHWAY NO. 2 AS CONVEYED TO THE STATE OF WASHINGTON BY INSTRUMENTS RECORDED UNDER RECORDING NOS. 3118361 AND 3122899, AND NORTHWESTERLY OF THAT PORTION OF SAID TRACT 10 CONVEYED TO THE TOWN OF NORTH BEND BY INSTRUMENT RECORDED UNDER RECORDING NO. 2977854, AND NORTHWESTERLY OF THAT PORTION OF TRACT 10 CONVEYED TO JERRY H. BLAIR AND ANITA M. BLAIR, HIS WIFE, BY INSTRUMENT RECORDED UNDER RECORDING NO. 5760454, AND NORTHWESTERLY OF THAT PORTION OF TRACT 10 CONVEYED TO BARBARA GALLEY, AS HER SEPARATE ESTATE, BY INSTRUMENT RECORDED AUGUST 21, 1973 UNDER RECORDING NO. 7308210008.

EXHIBIT B:

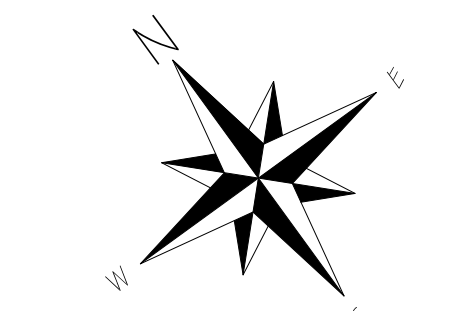
**CONCEPTUAL SITE PLAN AND
BUILDING ELEVATIONS**



LOT AREA	APPROXIMATELY 102,000 SQ/FT (2.4 AC) Δ
TAX PARCEL	857090-0188 & 857090-0205
ZONING	DOWNTOWN COMMERCIAL
BUILDING HEIGHT	42'-10" Δ
TYPE CONSTRUCTION	3 STORIES TYPE VA OVER 1 STORY TYPE I
OCCUPANCY	R-2, B, A-3 & S-1
BUILDING UNIT COUNT	
UNIT COUNT	
44 - 1 BR	
16 - 2 BR	
60 TOTAL UNITS	

BUILDING	
GARAGE	34,845 SQ/FT
1ST FLOOR	25,054 SQ/FT
2ND FLOOR	16,728 SQ/FT
3RD FLOOR	23,438 SQ/FT
	100,074 SQ/FT
AVERAGE BASE ELEVATION IS 441.54'	
AVERAGE BASE ELEVATION TO THE MID-POINT PEAK ROOF:	
SOUTHWEST ELEVATION (NORTH BEND WAY) 40'-6"	
SOUTHEAST ELEVATION 42'-7"	
NORTHWEST ELEVATION 40'-7"	
NORTHEAST ELEVATION 41'-1"	

PARKING PER 18,16,090 SENIOR APARTMENTS	
60 UNITS (1 PER UNIT)	60
VISITOR (1 PER 10 UNITS)	6
EMPLOYEES	2
KITCHEN (200 PER 1,345)	7
RESTAURANT (200 PER 2,803 SF)	15
COMMERCIAL (200 PER 1,172 SF)	6
TOTAL REQUIRED	96
SURFACE STALLS	41
GARAGE STALLS	83
STREET PARKING	10
TOTAL PROVIDED	134



SITE PLAN
SCALE 1"=20'-0"

13 APR 21 - DEVELOPERS AGREEMENT EXHIBIT B

STATES LICENSED
WASHINGTON IDAHO ARIZONA NEW MEXICO
MONTANA CALIFORNIA NEW YORK
NEVADA COLORADO OREGON
UTAH ILLINOIS MISSOURI INDIANA
SOUTH DAKOTA

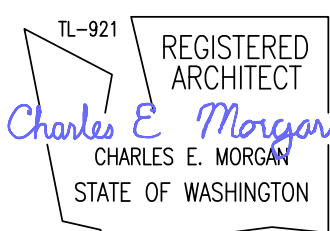
PROJECT
60 UNIT "NORTH BEND SENIOR LIVING APARTMENTS"
LOCATION
NORTH BEND, WA.
DEVELOPER
AMBIL INVESTMENTS

CHARLES MORGAN & ASSOCIATES, LLC



7301 BEVERLY LANE
EVERETT, WA 98203

PHONE 425-353-2888
EMAIL info@cmarch.com



DATE	13 OCT 20
REVISION	13 APR 21
REVISION	
REVISION	
REVISION	

SHEET

A1.1



SOUTHWEST ELEVATION - NORTH BEND WAY



SOUTHEAST CORNER - MAIN ENTRY RESIDENTIAL

SOUTHWEST & SOUTHEAST ELEVATIONS

SCALE 1/8" = 1'-0"

3 APR 21 - DEVELOPER'S AGREEMENT EXHIBIT B

STATES LICENSED
WASHINGTON IDAHO MONTANA CALIFORNIA UTAH ILLINOIS SOUTH DAKOTA
ARIZONA NEW MEXICO WYOMING COLORADO NEBRASKA MISSOURI INDIANA

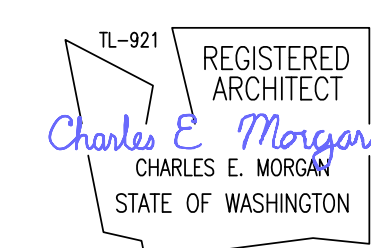
PROJECT
60 UNIT "NORTH BEND SENIOR LIVING APARTMENTS"
LOCATION
NORTH BEND, WA.
DEVELOPER
AMBIL INVESTMENTS

CHARLES MORGAN & ASSOCIATES, LLC

7301 BEVERLY LANE
EVERETT, WA 98203



PHONE 425-353-2888
EMAIL info@cmaarch.com



DATE	13 OCT 20
REVISION	13 APR 21
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SHEET

A4.1



NORTHWEST CORNER - MAIN ENTRY RESIDENTIAL



NORTHEAST ELEVATION

NORTHWEST & NORTHEAST ELEVATIONS

SCALE 1/8" = 1'-0"

13 APR 21 - DEVELOPERS AGREEMENT EXHIBIT B

STATES LICENSED
WASHINGTON ARIZONA
IDAHO NEW MEXICO
MONTANA WYOMING
CALIFORNIA COLORADO
NEVADA NEBRASKA
UTAH MISSOURI
ILLINOIS INDIANA
SOUTH DAKOTA

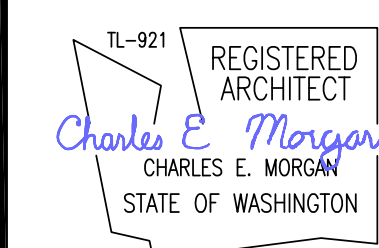
PROJECT
60 UNIT "NORTH BEND SENIOR LIVING APARTMENTS"
LOCATION
NORTH BEND, WA.
DEVELOPER
AMBIL INVESTMENTS

CHARLES MORGAN & ASSOCIATES, LLC

7301 BEVERLY LANE
EVERETT, WA 98203



PHONE 425-353-2888
EMAIL info@cmaarch.com



DATE	13 OCT 20
REVISION	13 APR 21
REVISION	
REVISION	
REVISION	

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A4.2



A 13 APR 21 - DEVELOPERS AGREEMENT EXHIBIT B

STATES LICENSED
WASHINGTON
IDAHO
MONTANA
CALIFORNIA
NEVADA
UTAH
ILLINOIS
SOUTH DAKOTA

ARIZONA
NEW MEXICO
WYOMING
COLORADO
NEBRASKA
MISSOURI
INDIANA

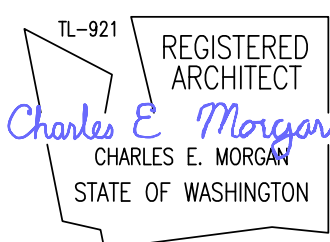
PROJECT
60 UNIT "NORTH BEND SENIOR LIVING APARTMENTS"
LOCATION
NORTH BEND, WA.
DEVELOPER
AMBIL INVESTMENTS

CHARLES MORGAN & ASSOCIATES, LLC

7301 BEVERLY LANE
EVERETT, WA 98203



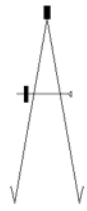
PHONE 425-353-2888
EMAIL info@cmaarch.com



DATE	13 OCT 20
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SHEET

A4.3



RCHITECTS

CHARLES MORGAN & ASSOCIATES, LLC

DATE: April 15, 2021
TO: City of North Bend
FROM: Charles Morgan & Associates, LLC
RE: Project Narrative - North Bend Senior Living

This project is a very important element needed for the growing senior population of North Bend. It supports the North Bend Comprehensive Plan, housing element. It opens up the opportunity for North Bend to get new senior housing Affordable and Market rate while keeping its senior residence in the town of North Bend. It will provide a age in place, while remaining independent and comfortable.

The project site consists of two parcels 857090-0188 and 857090-0205 fronting to the South Fork Snoqualmie River and W. North Bend Way, within the City's Downtown Commercial Zoning District.

Site is approximately 2.4 acres of undeveloped land with trees, shrubs, grass and gravel. The site is bordered to the north and east by commercial and residential properties, to the south by West North Bend Way, and to the west by the Snoqualmie River.

Proposed project would not be approved for construction until the Wastewater Treatment Plant capacity becomes available.

The project proposes to construct a mixed use senior living facility that will consist of one building, up to 4 stories containing 60 apartment units, a restaurant and retail/commercial space. The overall building square footage is approximately 100,100 sq/ft. Our proposal includes both interior and exterior recreation. Interior recreation amenities include: Pool, Spa, Fitness Room, Activities/Crafts Room, and Game Room. Outdoor amenities include: a large private courtyard with outdoor amenities, a walking path that provides direct access to the waking trail along the river. Additional benefits include secured parking, two elevators and all of the units are either Type "A" or Type "B" (ADA adaptable).

The building has been designed to maximize the views of Mount Si and the river. In keeping with the North Bend character the building has been designed to reflect a lodge style. Proposed design incorporated steep pitched roof to reduce the appearance of bulk and mass. Use of high grade building materials and glazing will provide a very decorative façade. Quality exterior materials will be used on all sides of the project to insure all views of the building are attractive. Exterior lighting shall be designed in conformance with NBMC Chapter 18.40, Exterior Lighting Standards. Perimeter landscaping shall be designed in accordance with NBMC Chapter 18.18; existing vegetation to the West will be equally as tall as the designed building. The main façade provides restaurant, retail space and the main entry. A plaza provides the restaurant with outdoor eating opportunities. There will be a smaller plaza in front of the retail space and under the Porte Cochere at the main entry promoting pedestrian activity on West North Bend Way in a location which currently has no activity. Because of its location in the Downtown Commercial zoning, the ability to walk to an array of commercial uses and the accessibility of bus lines will provide the residents with convenience and lessen automobile dependency.

The design encourages a close-knit community that is integrated with its surrounding downtown environment. On site, the built-in recreational opportunities—including the abundant open space that will serve to protect and display the walking trail —will allow the residents the opportunity to sustain an active and social lifestyle.



As part of the Development Agreement we are requesting an increase in building height and a reduction in the Transportation Impact Fee, specific to the affordable housing units,.

The requesting building height increase is from 35 feet to 43 feet maximum.

Average base elevation is 441.54'.

Average base elevation to the mid-point peak roof:

Southwest elevation (W. North Bend Way) 40'-6"

Southeast elevation 42'-7"

Northwest elevation 40'-7"

Northeast elevation 41'-1"

With approval of the Development Agreement, a minimum of 10% of the units will be available as affordable housing. Two affordable housing programs available are the House Choice Voucher or the Low-Income Housing Tax Credit. The request of reduction in Transportation Impact Fee will promote the City of North Bends housing element and the proposed project will be more viable.

This project will help meet the North Bend Comprehensive Plan goals by: accommodating the growing senior population, providing a broader range of housing options, supporting use of transit and enabling the residents to remain in the community as they age.



SEPA ENVIRONMENTAL CHECKLIST

Purpose of checklist:

Governmental agencies use this checklist to help determine whether the environmental impacts of your proposal are significant. This information is also helpful to determine if available avoidance, minimization or compensatory mitigation measures will address the probable significant impacts or if an environmental impact statement will be prepared to further analyze the proposal.

Instructions for applicants:

This environmental checklist asks you to describe some basic information about your proposal. Please answer each question accurately and carefully, to the best of your knowledge. You may need to consult with an agency specialist or private consultant for some questions. You may use "not applicable" or "does not apply" only when you can explain why it does not apply and not when the answer is unknown. You may also attach or incorporate by reference additional studies reports. Complete and accurate answers to these questions often avoid delays with the SEPA process as well as later in the decision-making process.

The checklist questions apply to all parts of your proposal, even if you plan to do them over a period of time or on different parcels of land. Attach any additional information that will help describe your proposal or its environmental effects. The agency to which you submit this checklist may ask you to explain your answers or provide additional information reasonably related to determining if there may be significant adverse impact.

Instructions for Lead Agencies:

Additional information may be necessary to evaluate the existing environment, all interrelated aspects of the proposal and an analysis of adverse impacts. The checklist is considered the first but not necessarily the only source of information needed to make an adequate threshold determination. Once a threshold determination is made, the lead agency is responsible for the completeness and accuracy of the checklist and other supporting documents.

Use of checklist for nonproject proposals:

For nonproject proposals (such as ordinances, regulations, plans and programs), complete the applicable parts of sections A and B plus the SUPPLEMENTAL SHEET FOR NONPROJECT ACTIONS (part D). Please completely answer all questions that apply and note that the words "project," "applicant," and "property or site" should be read as "proposal," "proponent," and "affected geographic area," respectively. The lead agency may exclude (for non-projects) questions in Part B - Environmental Elements –that do not contribute meaningfully to the analysis of the proposal.

A. BACKGROUND [\[help\]](#)

1. Name of proposed project, if applicable:
North Bend Senior Living Apartments
2. Name of applicant:
Ambili Sukesan with AMil Senior Living

3. Address and phone number of applicant and contact person:
4957 Lakemont Blvd SE, Suite C4 #173 Bellevue, WA 98006
Ambili Sukesan (206) 200-8347
4. Date checklist prepared:
Revised April 25, 2021
5. Agency requesting checklist:
City of North Bend WA
6. Proposed timing or schedule (including phasing, if applicable):
Construction will begin when Wastewater Treatment Plant capacity becomes available and upon receiving necessary approvals and permits.
7. Do you have any plans for future additions, expansion, or further activity related to or connected with this proposal? If yes, explain.
There are no plans for future expansions.
8. List any environmental information you know about that has been prepared, or will be prepared, directly related to this proposal.
Survey Prepared by Concept Engineering, Inc. dated 1/15/14
Boundary and Topographic Survey Prepared by Concept Engineering, Inc. dated 7/24/13
Preliminary Geotechnical Investigation Prepared by Cobalt Geosciences dated 6/18/18
Flood Analysis
Title Report
Certificate of Concurrency
Traffic Impact Analysis
Certificate of Water Availability
Wastewater Concurrency
Critical Area Report
Floor Plain Habitat Assesment
9. Do you know whether applications are pending for governmental approvals of other proposals directly affecting the property covered by your proposal? If yes, explain.
There are no known governmental approvals or other proposals that will directly affect the subject property.
10. List any government approvals or permits that will be needed for your proposal, if known.
Development Agreement and SEPA

Subsequent to Development Agreement:
Site Plan Approval
Clearing and Grading Permit including Stormwater Approval
Building Permit
Elevator Permit
Electrical Permit
Mechanical Permit
Pool and Spa Permit
Fire Sprinkler Permit
Shoreline Permit

11. Give brief, complete description of your proposal, including the proposed uses and the size of the project and site. There are several questions later in this checklist that ask you to describe certain aspects of your proposal. You do not need to repeat those answers on this page. (Lead agencies may modify this form to include additional specific information on project description.)

The site measures approximately 2.4 acres. Proposed project is a mixed use senior housing apartment building, located in the downtown commercial zoning. The project proposes to construct a senior living facility that will consist of one building containing 60 units, a restaurant and retail/commercial space. As part of the Development Agreement we are requesting an increase in building height of 43 feet maximum in exchange for a minimum of 10% of the units made available as affordable housing. The overall building square footage is approximately 100,100 sq/ft. On-site amenities for residents will also be provided.

12. Location of the proposal. Give sufficient information for a person to understand the precise location of your proposed project, including a street address, if any, and section, township, and range, if known. If a proposal would occur over a range of area, provide the range or boundaries of the site(s). Provide a legal description, site plan, vicinity map, and topographic map, if reasonably available. While you should submit any plans required by the agency, you are not required to duplicate maps or detailed plans submitted with any permit applications related to this checklist.

The project consists of two tax parcels 857090-0188 and 857090-0205

Site located on W. North Bend Way, North Bend WA

The site is situated within the NW 1/4, NE 1/4, S. 9, T. 23 N, R. 8 E, W.M.

LEGAL DESCRIPTION

PARCEL A:

THAT PORTION OF TRACT 9, W.H. TAYLOR'S SNOQUALMIE PRAIRIE ACRE TRACTS, ACCORDING TO PLAT RECORDED IN VOLUME 6 OF PLATS AT PAGE 32, IN KING COUNTY, WASHINGTON, BOUND AS FOLLOWS:

ON THE SOUTHEAST SIDE BY A LINE PARALLEL TO AND 292.5 FEET DISTANT FROM THE SOUTHEAST BORDER OF SAID TRACT 9, BOUND ON THE SOUTHWEST SIDE BY THE SOUTHWEST BOUNDARY OF SAID TRACT 9, ON THE NORTHWEST SIDE BY THE NORTHWEST BOUNDARY OF TRACT 9, AND ON THE NORTHEAST SIDE BY A LINE PARALLEL TO AND 87.5 FEET DISTANT FROM THE SOUTHWEST BOUNDARY OF SAID TRACT 9.

PARCEL A1:

A NON-EXCLUSIVE EASEMENT FOR INGRESS AND EGRESS AS DISCLOSED BY DOCUMENT RECORDED UNDER RECORDING NO. 20041022002285.

PARCEL B:

THAT PORTION OF TRACT 10 IN W. H. TAYLOR'S SNOQUALMIE PRAIRIE ACRE TRACTS, AS PER PLAT RECORDED IN VOLUME 6 OF PLATS, PAGE 32, RECORDS OF KING COUNTY WASHINGTON, LYING NORTHEASTERLY OF PRIMARY STATE HIGHWAY NO. 2 AS CONVEYED TO THE STATE OF WASHINGTON BY INSTRUMENTS RECORDED UNDER RECORDING NOS. 3118361 AND 3122899, AND NORTHWESTERLY OF THAT PORTION OF SAID TRACT 10 CONVEYED TO THE TOWN OF NORTH BEND BY INSTRUMENT RECORDED UNDER RECORDING NO. 2977854, AND NORTHWESTERLY OF THAT PORTION OF TRACT 10 CONVEYED TO JERRY H. BLAIR AND ANITA M. BLAIR, HIS WIFE, BY INSTRUMENT RECORDED UNDER RECORDING NO. 5760454, AND NORTHWESTERLY OF THAT PORTION OF TRACT 10 CONVEYED TO BARBARA GALLEY, AS HER SEPARATE ESTATE, BY INSTRUMENT RECORDED AUGUST 21, 1973 UNDER RECORDING NO. 7308210008.

B. ENVIRONMENTAL ELEMENTS [\[help\]](#)

1. Earth

- a. General description of the site [\[help\]](#)
(circle one): Flat, rolling, hilly, steep slopes, mountainous, other _____
- b. What is the steepest slope on the site (approximate percent slope)?
The steepest existing grade on site is approximately 1%. However the area of existing right-of-way that we are seeking vacation of that will include greater slope than what is on the property itself. If the right of way vacation is granted we propose to locate the future building in this area.
- c. What general types of soils are found on the site (for example, clay, sand, gravel, peat, muck)? If you know the classification of agricultural soils, specify them and note any agricultural land of long-term commercial significance and whether the proposal results in removing any of these soils.
The Geotechnical Engineering Study prepared by Cobalt Geosciences dated June 18, 2018 describes the site as being crushed rock, sand and gravel. The Geologic Map of Washington, Northwest Quadrant, indicates that the site is underlain by Alluvium.
- d. Are there surface indications or history of unstable soils in the immediate vicinity? If so, describe.
There are no surface indications or history of unstable soils in the immediate vicinity.
- e. Describe the purpose, type, total area, and approximate quantities and total affected area of any filling, excavation, and grading proposed. Indicate the volume of material imported and exported from site, the source of fill, and the amount of hauling trips generated to complete the construction of this project.
[\[help\]](#)
Excavation for the parking garage shall equal the area filled to provide accessibility along the street frontage. The site shall be a net zero cut and fill.
- f. Could erosion occur as a result of clearing, construction, or use? If so, generally describe.
Erosion could occur as a result of denuded soil during and immediately following storm events. The use of Temporary Erosion and Sediment Control Plan (TESC) and Best Management Practices (BMP) is expected to mitigate rain events to avoid erosion.
- g. About what percent of the site will be covered with impervious surfaces after project construction (for example, asphalt or buildings)?
The site will have approximately 50% impervious coverage upon completion of the project.
- h. Proposed measures to reduce or control erosion, or other impacts to the earth, if any:
A Temporary Erosion and Sediment Control (TESC) plan designed in accordance with City of North Bend standards will be employed during the construction phase of the project.

2. Air

- a. What types of emissions to the air would result from the proposal during construction, operation, and maintenance when the project is completed? If any, generally describe and give approximate quantities if known. [\[help\]](#)
Heavy equipment operation and worker's vehicles will generate exhaust emissions to the local air. Construction activity on site could also stir up exposed soils and generate dust into the local air. The completed project will result in a minor increase in the amount of exhaust related pollutants in the local air from project related traffic.

- b. Are there any off-site sources of emissions or odor that may affect your proposal? If so, generally describe.

It is expected that any off-site sources of emissions or odor will not affect the proposal.

- c. Proposed measures to reduce or control emissions or other impacts to air, if any:

The contractor will work to improve the fuel efficiency of construction equipment by minimizing idling time, maintaining all construction equipment in proper working condition, and training equipment operators how to properly use the equipment; alternative fuels such as propane or solar will be favored to power generators on site; and watering of exposed surfaces will occur frequently to control the spread of dust.

3. Water [\[help\]](#)

- a. Surface Water: [\[help\]](#)

- 1) Is there any surface water body on or in the immediate vicinity of the site (including year-round and seasonal streams, saltwater, lakes, ponds, wetlands)? If yes, describe type and provide names. If appropriate, state what stream or river it flows into.

The South Fork Snoqualmie River is adjacent to the proposed project.

- 2) Will the project require any work over, in, or adjacent to (within 200 feet) the described waters? If yes, please describe and attach available plans.

Yes, construction will be within 200 feet of the water. See attached site plan.

- 3) Estimate the amount of fill and dredge material that would be placed in or removed from surface water or wetlands and indicate the area of the site that would be affected. Indicate the source of fill material.

No fill or dredge material is proposed to be placed in or removed from any surface water or wetlands with this project.

- 4) Will the proposal require surface water withdrawals or diversions? Give general description, purpose, and approximate quantities if known.

No surface water withdrawals or diversion are proposed or required for the project.

- 5) Does the proposal lie within a 100-year floodplain? If so, note location on the site plan.

Yes the proposal lies within a 100- year floodplain.

- 6) Does the proposal involve any discharges of waste materials to surface waters? If so, describe the type of waste and anticipated volume of discharge.

The project proposes no discharge of water materials to surface waters.

- b. Ground Water: [\[help\]](#)

- 1) Will groundwater be withdrawn from a well for drinking water or other purposes? If so, give a general description of the well, proposed uses and approximate quantities withdrawn from the well. Will water be discharged to groundwater? Give general description, purpose, and approximate quantities if known.

No, groundwater will not be withdrawn for drinking or other purposes.

- 2) Describe waste material that will be discharged into the ground from septic tanks or other sources, if any (for example: Domestic sewage; industrial, containing the following chemicals...; agricultural; etc.). Describe the general size of the system, the number of such systems, the number of houses to be served (if applicable), or the number of animals or humans the system(s) are expected to serve.

No waste material will be discharged into the ground from septic tanks or other surfaces.

c. Water runoff (including stormwater):

- 1) Describe the source of runoff (including storm water) and method of collection and disposal, if any (include quantities, if known). Where will this water flow? Will this water flow into other waters? If so, describe.

Runoff (including storm water) and method of collection and disposal to be determined but will meet the city's requirements.

- 2) Could waste materials enter ground or surface waters? If so, generally describe.

Oil, grease and other pollutants from the paved areas could potentially enter the ground or downstream surface water runoff. Detailed drainage plan will be designed to provide adequate downstream protection.

- 3) Does the proposal alter or otherwise affect drainage patterns in the vicinity of the site? If so, describe.

No

d. Proposed measures to reduce or control surface, ground, and runoff water, and drainage pattern impacts, if any:

Temporary and permanent drainage facilities meeting city and state standards would be employed to control surface runoff during construction and after development.

4. Plants [\[help\]](#)

a. Check the types of vegetation found on the site:

☒ deciduous tree: alder, maple, aspen, other

☒ evergreen tree: fir, cedar, pine, other

☐ shrubs

☒ grass

☐ pasture

☐ crop or grain

☐ Orchards, vineyards or other permanent crops.

☐ wet soil plants: cattail, buttercup, bullrush, skunk cabbage, other

☐ water plants: water lily, eelgrass, milfoil, other

☒ other types of vegetation (**blackberry vines, ivy, ferns**)

b. What kind and amount of vegetation will be removed or altered?

To generate the site grade appropriate for the proposed buildings and infrastructure, most vegetation within the developed portion of the site will be removed.

c. List threatened and endangered species known to be on or near the site.

There are no known endangered plant species known to be on or near the site.

- d. Proposed landscaping, use of native plants, or other measures to preserve or enhance vegetation on the site, if any:

The project will add vegetation as proposed by the City of North Bend. Buffer plantings will utilize native plants in addition to other plants appropriate for the climate.

- e. List all noxious weeds and invasive species known to be on or near the site.

Blackberry vines and English Ivy.

5. Animals [\[help\]](#)

- a. List any birds and other animals which have been observed on or near the site or are known to be on or near the site. Examples include:

birds: songbirds, crows

mammals: squirrels, raccoons

fish: bass, trout

- b. List any threatened and endangered species known to be on or near the site.

There are no known threatened or endangered animal species to be identified on the site.

- c. Is the site part of a migration route? If so, explain.//

Not that we've been able to determine.

- d. Proposed measures to preserve or enhance wildlife, if any:

We are preserving the 105' native growth buffer

- e. List any invasive animal species known to be on or near the site.

No invasive animal species are known to occur on or near the site.

6. Energy and natural resources [\[help\]](#)

- a. What kinds of energy (electric, natural gas, oil, wood stove, solar) will be used to meet the completed project's energy needs? Describe whether it will be used for heating, manufacturing, etc.

Electric, natural gas, and/or solar will be used to meet the project's energy needs for heating and cooling.

- b. Would your project affect the potential use of solar energy by adjacent properties? If so, generally describe.

It is not anticipated that the proposal will affect potential use of solar energy by adjacent properties.

- c. What kinds of energy conservation features are included in the plans of this proposal? List other proposed measures to reduce or control energy impacts, if any:

The building will comply with the latest Washington State Energy Code Standards. No additional energy conservation features are known to be proposed, but may be incorporated in the final building design.

7. Environmental health [\[help\]](#)

- a. Are there any environmental health hazards, including exposure to toxic chemicals, risk of fire and explosion, spill, or hazardous waste, that could occur as a result of this proposal? If so,

describe.

- 1) Describe any known or possible contamination at the site from present or past uses.
There is no known contamination located on the site.
- 2) Describe existing hazardous chemicals/conditions that might affect project development and design. This includes underground hazardous liquid and gas transmission pipelines located within the project area and in the vicinity.
There are no known existing hazardous chemicals/conditions that might affect project development and design including underground hazardous liquid and gas transmission pipelines located within the project area and in the vicinity.
- 3) Describe any toxic or hazardous chemicals that might be stored, used, or produced during the project's development or construction, or at any time during the operating life of the project.
There are no known existing hazardous chemicals being stored, used or produced on-site. Chemicals typically used in commercial construction such as paint and cleaning chemicals will be used, managed, and regulated under the SWPPP for this proposal.
- 4) Describe special emergency services that might be required.
No special emergency services will be required as a result of this proposed project activity.
- 5) Proposed measures to reduce or control environmental health hazards, if any:
State regulations regarding safe handling of hazardous materials will be enforced during the construction process. Any site-disturbing activities will, at a minimum, comply with the provisions of 29 CFR 1926 and WAC 296-155.

b. Noise

- 1) What types of noise exist in the area which may affect your project (for example: traffic, equipment, operation, other)?
The vehicular noises that currently exist in the vicinity will not have an impact on the proposal.
- 2) What types and levels of noise would be created by or associated with the project on a short-term or a long-term basis (for example: traffic, construction, operation, other)? Indicate what hours noise would come from the site.
On a short-term basis, construction activities will increase the peak on-site noise levels. All construction will occur during City of North Bend approved hours of operation. The completed project would result in a slight increase in ambient noise levels in the vicinity.
- 3) Proposed measures to reduce or control noise impacts, if any:
Construction activities will be limited to established City of North Bend standard work hours to reduce or control equipment emissions and noise.

8. Land and shoreline use [\[help\]](#)

- a. What is the current use of the site and adjacent properties? Will the proposal affect current land uses on nearby or adjacent properties? If so, describe.
Current site is vacant. The site is bordered to the north and east by commercial and residential properties, to the south by West North Bend Way, and to the west by the Snoqualmie River. The proposed development will not affect adjacent land uses.

- b. Has the project site been used as working farmlands or working forest lands? If so, describe. How much agricultural or forest land of long-term commercial significance will be converted to other uses as a result of the proposal, if any? If resource lands have not been designated, how many acres in farmland or forest land tax status will be converted to nonfarm or nonforest use?
The applicant is not aware of the subject site ever being utilized as working farm or forest land of long-term commercial significance.
- 1) Will the proposal affect or be affected by surrounding working farm or forest land normal business operations, such as oversize equipment access, the application of pesticides, tilling, and harvesting? If so, how:
As the proposal is not within the vicinity of working farm or forest lands, it will not be affected.
- c. Describe any structures on the site.
There are no existing structures.
- d. Will any structures be demolished? If so, what?
There are no existing structures to be demolished.
- e. What is the current zoning classification of the site?
The project site is zoned Downtown Commercial
- f. What is the current comprehensive plan designation of the site?
Current Comprehensive plan designation is Downtown Commercial.
- g. If applicable, what is the current shoreline master program designation of the site?
N/A
- h. Has any part of the site been classified as a critical area by the city or county? If so, specify.
The South Fork Snoqualmie River and its buffer have been classified as critical areas.
- i. Approximately how many people would reside or work in the completed project?
Approximately 90-120 people will reside or work in the completed project.
- j. Approximately how many people would the completed project displace?
The existing site is vacant; therefore, no displacement will occur.
- k. Proposed measures to avoid or reduce displacement impacts, if any:
The existing site is vacant; therefore, no displacement will occur.
- l. Proposed measures to ensure the proposal is compatible with existing and projected land uses and plans, if any:
The proposed use will be compliant with the Downtown Commercial zone per NBMC 18.10 – Downtown Commercial Development.
- m. Proposed measures to ensure the proposal is compatible with nearby agricultural and forest lands of long-term commercial significance, if any:
The proposed development will not impact agricultural or forest lands of long-term significance.

9. Housing [\[help\]](#)

- a. Approximately how many units would be provided, if any? Indicate whether high, middle, or low-income housing.
Approximately 60 apartment units proposed, providing 10% of the units as affordable housing per Development Agreement
- b. Approximately how many units, if any, would be eliminated? Indicate whether high, middle, or low-income housing.
As the site is currently vacant, no units will be eliminated.
- c. Proposed measures to reduce or control housing impacts, if any:
Project to provide 60 apartments units of senior housing.

10. Aesthetics [\[help\]](#)

- a. What is the tallest height of any proposed structure(s), not including antennas; what is the principal exterior building material(s) proposed? [\[help\]](#)
The tallest height of proposed structure is 53'-10", to the peak of the roof. However building height as measured by city of North Bend is 42'-7" from average base elevation to the mid point of peaked roof.
Exterior building materials include Hardie and stone veneer
- b. What views in the immediate vicinity would be altered or obstructed? [\[help\]](#)
No views of Mount Si from downtown businesses or residences will be altered or obstructed. Building is the very West end of downtown where views are not easily obstructed.
- c. Proposed measures to reduce or control aesthetic impacts, if any: [\[help\]](#)
The proposed building design, design features, and building color will control aesthetic impacts. The building site slopes to the rear away from W. North Bend Way and therefore the building height from the primary building facade appears less than the actual building height.

11. Light and glare [\[help\]](#)

- a. What type of light or glare will the proposal produce? What time of day would it mainly occur?
The completed project will generate limited light and glare as typically associated with multi-family facilities.
- b. Could light or glare from the finished project be a safety hazard or interfere with views?
No, since light and glare will be limited as typically associated with multi-family facilities, it will not be a safety hazard or interfere with views.
- c. What existing off-site sources of light or glare may affect your proposal?
Existing off-site light sources are not presumed to affect this proposal.
- d. Proposed measures to reduce or control light and glare impacts, if any:
Light and glare reduction measures for all exterior lighting as required by City of North Bend

building code.

12. Recreation [\[help\]](#)

- a. What designated and informal recreational opportunities are in the immediate vicinity?
There is an informal trail with a levee along the river without formal public access.
- b. Would the proposed project displace any existing recreational uses? If so, describe.
The project will not displace any existing recreational uses.
- c. Proposed measures to reduce or control impacts on recreation, including recreation opportunities to be provided by the project or applicant, if any:
Our proposal includes both interior and exterior recreation. Interior recreation amenities include: Pool, Spa, Fitness Room, Activities/Crafts Room, and Game Room. Outdoor amenities include: a large private courtyard with outdoor amenities, a walking path that provides direct access to the waking trail along the river. In part of the project the developer will be providing an easement and trail along the river formalizing public access.

13. Historic and cultural preservation [\[help\]](#)

- a. Are there any buildings, structures, or sites, located on or near the site that are over 45 years old listed in or eligible for listing in national, state, or local preservation registers located on or near the site? If so, specifically describe.
The North Bend Historic Commercial District is near the project. The street & numbers are 101-228 W. North Bend Way and 113-125 North Bend Blvd. N.
- b. Are there any landmarks, features, or other evidence of Indian or historic use or occupation? This may include human burials or old cemeteries. Are there any material evidence, artifacts, or areas of cultural importance on or near the site? Please list any professional studies conducted at the site to identify such resources.
The applicant is not aware of landmarks or evidence of any significant historical, archaeological, scientific or cultural resources on or next to the site.
- c. Describe the methods used to assess the potential impacts to cultural and historic resources on or near the project site. Examples include consultation with tribes and the department of archeology and historic preservation, archaeological surveys, historic maps, GIS data, etc.
The developer will be required to prepare an archeological report to identify archeological resources.
- d. Proposed measures to avoid, minimize, or compensate for loss, changes to, and disturbance to resources. Please include plans for the above and any permits that may be required.
Implement measures recommended in the archeological report which would include an Inadvertent Discovery Plan. If any cultural evidence is encountered during construction or installation of improvements, work will be halted in the area, and a state approved archaeologist/historian will be engaged to investigate, evaluate and/or curate such resource as appropriate.

14. Transportation [\[help\]](#)

- a. Identify public streets and highways serving the site or affected geographic area and describe proposed access to the existing street system. Show on site plans, if any.

The site is bordered by W. North Bend Way. The development will be accessed from W. North Bend Way and W. 2nd Street.

- b. Is the site or affected geographic area currently served by public transit? If so, generally describe. If not, what is the approximate distance to the nearest transit stop?

The site is served by bus routes and stops located nearby with North Bend Park & Ride is across the street on W. North Bend Way.

- c. How many additional parking spaces would the completed project or non-project proposal have? How many would the project or proposal eliminate?

The project will provide approximately 134 parking spaces (124 on-site and 10 street parking).

- d. Will the proposal require any new or improvements to existing roads, streets, pedestrian, bicycle or state transportation facilities, not including driveways? If so, generally describe (indicate whether public or private).

Basic required street improvements will be completed.

- e. Will the project or proposal use (or occur in the immediate vicinity of) water, rail, or air transportation? If so, generally describe.

No the project is not in the immediate vicinity of water, rail or air transportation.

- f. How many vehicular trips per day would be generated by the completed project or proposal? If known, indicate when peak volumes would occur and what percentage of the volume would be trucks (such as commercial and non-passenger vehicles). What data or transportation models were used to make these estimates?

A Traffic Impact Analysis study will be generated.

- g. Will the proposal interfere with, affect or be affected by the movement of agricultural and forest products on roads or streets in the area? If so, generally describe.

The proposal will not interfere with, affect or be affected by the movement of agricultural and forest products on roads or streets in the area.

- h. Proposed measures to reduce or control transportation impacts, if any:

The applicant will comply with NBMC 20.12 – Concurrency and Road Impact Mitigation and pay required impact fees.

15. Public services [\[help\]](#)

- a. Would the project result in an increased need for public services (for example: fire protection, police protection, public transit, health care, schools, other)? If so, generally describe.

There will be a slight increase in need for police, fire, and public transit services due to the proposed increase of residents.

- b. Proposed measures to reduce or control direct impacts on public services, if any.

Direct impact on public services will be mitigated through the payment of impact fees.

16. Utilities [\[help\]](#)

- a. Circle utilities currently available at the site:

electricity, natural gas, water, refuse service, telephone, sanitary sewer, septic system, other __

b. Describe the utilities that are proposed for the project, the utility providing the service, and the general construction activities on the site or in the immediate vicinity which might be needed.

The completed project will be served by public water and sewer (City of North Bend), natural gas (PSE), electricity (PSE), refuse service (Republic Services) and communication facilities (phone, internet and cable TV) based on availability in the area.

C. SIGNATURE [\[HELP\]](#)

The above answers are true and complete to the best of my knowledge. I understand that the lead agency is relying on them to make its decision.

Signature: _____

Name of signee: _____

Position and Agency/Organization: _____

Date Submitted: _____

D.SUPPLEMENTAL SHEET FOR NONPROJECT ACTIONS [\[HELP\]](#)

This proposal is a non-project action for a Developers Agreement. The Developers Agreement is requesting an increase in allowable building height, seeking reduction on Transportation Impact Fees for the affordable housing units, in exchange for having a minimum of 10% of the units will be available as affordable housing.

The aesthetics of the proposed project impact the Development Agreement. The building site slopes to the rear away from W. North Bend Way and therefore the building height from the primary building facade appears less than the actual building height. At street level W. North Bend way to the mid-point of the roof measures 35'-10".

(IT IS NOT NECESSARY to use this sheet for project actions)

Because these questions are very general, it may be helpful to read them in conjunction with the list of the elements of the environment.

When answering these questions, be aware of the extent the proposal, or the types of activities likely to result from the proposal, would affect the item at a greater intensity or at a faster rate than if the proposal were not implemented. Respond briefly and in general terms.

1. How would the proposal be likely to increase discharge to water; emissions to air; production, storage, or release of toxic or hazardous substances; or production of noise?

Approval of the Development Agreement will not increase discharge to water, emissions to air; production, storage or release toxic or hazardous substances or production of noise.

Proposed measures to avoid or reduce such increases are:

None

2. How would the proposal be likely to affect plants, animals, fish, or marine life?

Approval of the Development Agreement will not affect plants, animals, fish or marine life.

Proposed measures to protect or conserve plants, animals, fish, or marine life are:

None.

3. How would the proposal be likely to deplete energy or natural resources?

Approval of the Development Agreement will not deplete energy or natural resources.

Proposed measures to protect or conserve energy and natural resources are:

None.

4. How would the proposal be likely to use or affect environmentally sensitive areas or areas designated (or eligible or under study) for governmental protection; such as parks, wilderness, wild and scenic rivers, threatened or endangered species habitat, historic or cultural sites, wetlands, floodplains, or prime farmlands?

Approval of the Development Agreement will not affect environmentally sensitive areas or areas designated for governmental protection; such as parks, wilderness, wild and scenic rivers, threatened or endangered species habitat, historic or cultural sites, wetlands, floodplains, or prime farmlands.

Proposed measures to protect such resources or to avoid or reduce impacts are:

None

5. How would the proposal be likely to affect land and shoreline use, including whether it would allow or encourage land or shoreline uses incompatible with existing plans?

Approval of the Development Agreement is not likely to affect land and shoreline use, including whether it would allow or encourage land or shoreline uses incompatible with existing plans.

Proposed measures to avoid or reduce shoreline and land use impacts are:

None

6. How would the proposal be likely to increase demands on transportation or public services and utilities?

Approval of the Development Agreement is not likely to increase demands on transportation or public services and utilities.

Proposed measures to reduce or respond to such demand(s) are:

None

7. Identify, if possible, whether the proposal may conflict with local, state, or federal laws or requirements for the protection of the environment.

Approval of the Development Agreement will not conflict with local, state, or federal laws or requirements for the protection of the environment.

From: [Lauren Koby](#)
To: [Mike McCarty](#)
Subject: Re: Senior Housing DA Hearing
Date: Tuesday, May 4, 2021 1:11:53 PM
Attachments: [2021.05.04 McCarty Ltr.pdf](#)

Hi Mike:

Thanks for taking the time to chat with me yesterday. I've attached a letter I'd like to submit as a formal comment regarding the upcoming hearing.

Best,
Lauren Koby

On Mon, May 3, 2021 at 2:01 PM Lauren Koby <laurenkoby@gmail.com> wrote:
Yes, that would be great.

On Mon, May 3, 2021 at 2:00 PM Mike McCarty <MMCCARTY@northbendwa.gov> wrote:

Hi Lauren,

I'm happy to address questions you may have. Would you like me to give you a call now?

Sincerely,
Mike

**Please note City Offices are closed to the public at this time and I am working remotely.

Mike McCarty, AICP

Senior Planner

City of North Bend Community and Economic Development

[920 SE Cedar Falls Way](#)

[North Bend, WA 98045](#)

(425) 888-7649



From: Lauren Koby <laurenkoby@gmail.com>
Sent: Monday, May 3, 2021 1:54 PM
To: Mike McCarty <MMCCARTY@NORTHBENDWA.GOV>
Subject: Senior Housing DA Hearing

Greetings Mike:

I am a North Bend resident and have a few questions regarding the proposed DA set for hearing on May 13. I wonder if you would have time to chat in the near future. Please let me know when or if that might be a possibility.

Best,

Lauren Koby

206-953-2070

May 4, 2021

North Bend City Hall
Community and Economic Development Dept.
Attn: Mike McCarty, Senior Planner
920 SE Cedar Falls Way
North Bend, WA 98045
mmccarty@northbendwa.gov

SENT VIA EMAIL

RE: Senior Housing DA Comments

Dear Mr. McCarty:

Please consider this letter as a formal comment in opposition to the Senior Housing DA proposal that is scheduled for upcoming public hearing on May 13, 2021. The basis for my opposition is as follows:

North Bend is a small community and we must develop wisely. Growth is inevitable; however, it is crucial not to sacrifice any one aspect of the city's Comprehensive Plan in favor of another. Such compromises often compound on each other and create an imbalance. One high priority of any such plan is to maintain the essential character of the neighborhood. The care taken in preserving our historic downtown core is a cornerstone of the essential character of North Bend that we all appreciate, and will only increase in societal value over time. To discount the importance of such preservation in favor of exponential growth would be grave and irreversible.

The variance being sought to exceed the building height restriction is in direct competition with the essential character of the historic downtown core. Variances should be granted in extraordinary circumstances, and only when the exception made is not overly offensive to the regulation being skirted. It is my understanding from the DA that the developer hopes to incentivize the Commission to grant the variance in exchange for providing affordable senior housing. While noble on its face, it is disconcerting to think the City of North Bend could start making such exceptions in exchange for paltry sacrifices made by developers, especially one so insignificant as designating a mere six apartments to be those of questionable "affordability."

I urge the Planning Commission and the City of North Bend to deny the height restriction variance being sought by Amil Senior Living.

Sincerely,
Lauren N. Koby
North Bend Resident

From: [Alea Gray](#)
To: [Mike McCarty](#)
Cc: [Council](#); [Rob McFarland](#)
Subject: Proposed Riverfront Development, W 2nd Street
Date: Wednesday, May 12, 2021 7:35:55 PM
Attachments: [Catherine Mitchell Letter.docx](#)
[Gray Letter.docx](#)
[James Gordon Letter.docx](#)
[Lynda Gordon Letter.docx](#)

Dear Mike, Council, and Mayor,

Please find attached letters from several concerned residents regarding the planned development of senior housing on North Bend Way. I have also included pictures as evidence of the flooding we all mention. While we understand that at this point in time the only thing in question is the height of the project, we thought it prudent to make our views known from the beginning. We look forward to speaking with you at the public hearing. Thank you for the opportunity to be heard.

Sincerely,

Members of the W 2nd St and Sydney Ave community

May 12th 2021

RE: Senior Housing Development on North Bend Way

To All Concerned

We would like to take this opportunity to express our concerns with the proposed senior housing development. While we are supportive of Ms. Sukesan's desire to bring more senior housing to North Bend, we see several policy issues with this specific plan. The first being the potential for exacerbating the flooding issues in the area, second the increased traffic on W 2nd Street, and lastly the inadequate trade of height for affordable housing.

The most impactful issue is that the property involved and those adjacent to it experience flooding on an annual basis. Stormwaters flow down W 2nd Street to the river. Once or twice a year, it pools in great lake-like ponds next to the levee filling the low-lying ground. We know from past experience that even small-scale projects on the surrounding land cause changes to the water table making this flooding worse. One such example is the erection of several small storage units that subsequently caused the annual flooding on the adjacent property to get higher. The whole area is an invaluable part of the watershed. Developing it without great care could cause irreparable damage to the environment and create significant expenses for the city and innocent property owners. Furthermore, this project proposition includes paving a portion of the levee that is currently under study by King County for its effectiveness or lack thereof. Anything that could worsen the flooding we already experience on a regular basis, including paving large portions of land along the river, is irresponsible and would endanger our properties and the properties of those that live down river from us.

It would also be irresponsible to overload W 2nd Street with potentially quadruple the traffic. W 2nd Street is currently a quiet dead-end residential street. It is perfectly adequate for the dozen or so residents who live on it. We do not believe that it is wide enough to accommodate the additional through traffic. When there are cars parked along the street there is not enough room for two cars to pass each other. This presents problems when you introduce access for 60 units and over 130 parking spaces down our little street. Large delivery trucks and garbage pick up already cause blocking issues and increased traffic to that extent is inconsistent with the goals and policies of the city's transportation plans and would lower property values for existing residents.

Lastly, with North Bend's commitment to providing affordable housing, it is not an equitable trade of an entire extra story for only ten percent of the units being made affordable. Our area's need is greater than that and an extra story of height is a huge boon for Ms. Sukesan and her plans. The City of North Bend deserves better.

We also have several legal concerns. One, the city will be making important commitments if it signs the agreement. The city should be fully informed about this project's potentially significant impacts before it decides whether this is a good agreement for the city. The process for doing that is to prepare an environmental impact statement. Given the flooding, traffic, compatibility, and design issues associated with this project, an EIS would seem to be an essential tool for the Council to use before making a decision on the proposed agreement.

Another legal concern is that while a development agreement may lock in the developer's rights to certain development regulations, any such vesting must be made subject to a clause that allows the city to "to impose new or different regulations to the extent required by a serious threat to public health and safety." RCW 36.70B.170(4). It appears that the agreement would vest some development regulations, yet the agreement does not reserve to the city the authority referenced in RCW 36.70B.170 (4).

Third, the agreement states that it is providing vesting for the "specific development standards addressed herein." Paragraph 11.B. But there is no clear list of the "specified" development standards. It would add clarity if such a list were provided.

Finally, a development agreement must be consistent with all applicable development regulations. RCW 36.70B.170(1). That is, a development agreement can be used to lock in current development regulations, but it cannot be used to change them. A regular rezone would be necessary for that. Yet this agreement purports to modify the zoning code height limit for this property from the current 35 feet to a new 43 feet. That provision of the agreement violates the development agreement statute.

In conclusion, while the project idea itself is wonderful, the placement and execution are problematic. We ask that several things happen before this agreement is signed. First that the study of the levee and its subsequent findings be considered. That appropriate studies be completed by unbiased professionals to determine the impact of the project on groundwater and flood plains as part of an EIS. In addition, that the results of the studies be made available to the public. Next, that the developer and the city reconsider the access on W 2nd street. Third, we urge the city to advocate for its low-income residents and demand more affordable units. Finally, that all the legal issues we have presented be appropriately addressed to conform with all laws and regulations, and that development standards be specified. We believe that how this development is handled could be a wonderful opportunity for the City of North Bend to show its residents that it is truly committed to growing responsibly.

Thank you for your consideration.

Sincerely,

Alea and Joe Gray of 328 W 2nd St





North Bend City Council and Planning Committee

My name is James Gordon and I live with my wife Lynda at 340 West 2nd St - Lot 9 of Taylor's Plat - of Snoqualmie Prairie Acre Tracts: just West of downtown North Bend.

My property is adjoined by 87.5 feet to the property under consideration for development allowing for Senior Living and Affordable Income Housing. This project proposed by Ambili Sukesan for development is of great personal concern and potential litigation.

We purchased our home in 1990 after renting this same home for some years, from Merle Larson - who owned it since the late 1940's. Together with Merle and Eddie Larson's stories and our own timeline at 340 West 2nd St, we have undisputable history of consistent flooding of this very property under consideration for development next to our home, during annual snow melt mixed with heavy rainfall in both early winter and late winter.

Over the years, up to last year - we have pictures and even videos of flooding in our yard and all our neighbors' yards - incl Ambili's property under consideration - and several of the flooding events we witnessed, were recorded by The City as severe flooding events. One of these heavy flooding events (named The 100 year flood - which happened again only several years later) The Tacoma Tribune sent a reporter to North Bend to report on the flood damage - and he chose to take a front page photo portraying the area's severe flooding... from our front porch, with my wife and Eddie Larson overlooking a "lake" stretching across the property that Ambili Sukesan has proposed for development right up to the levee interior wall.

With the annual rising river waters in flood stage, come severe pressure from the engorged river to push ground-water up on both sides of the levee - covering the entire property under consideration for development - and I want it known that I specifically warned Ambili to her face - that she had purchased property with this pending flooding issue. I even sent her a picture from last years flooding, of her property completely flooded by rising ground water as the river nearly crested the levee. To find that she has proposed a major-impact development of Senior Housing etc on this property has clearly shown to me her complete disregard of the warning and info I shared with her - and her reckless attempt to develop her property in a way that will adversely affect all her neighbors - including the tenants of the very housing Ambili wants to build - by causing increased flooding from her proposed building structures (incl major paving for parking) which will intern displace groundwater into our home's yards and basements all the way to the homes that border the highway to Snoqualmie - across from the sewage plant.

I am not against Ambili Sukesan developing her property in an environmentally appropriate manner; but I have seen The City of North Bend not allow earlier attempts of proposed developments that had a disregard for the sensitive water-table of this property, and it's proximity to the levee that The Army Core of Engineers have removed their seal of structural integrity. I expect a complete, open and full analysis of the property in question to be carried-out by the City of North Bend Planning Committee - with sympathetic environmental regards of all properties that will be affected. I wish Ambili the best, but not in developing her property in complete disregard to us, her neighbors.

Thank you,

James R Gordon May 11, 2021

My name is Lynda Gordon. My husband Jim and I have lived on west 2nd street for over 35 years bordering the project site being considered. Audrey Johnson's house was located next to the dike. Along the side of the house a row boat was kept which was commonly used to row off of her property which flooded with ground water 2 or more times per year as it continues to do.

Of high importance as well is the proposed access to this property. Just outside our property line at the front of our home is a gorgeous long lived lace leaf maple tree. When our son Max was attending the University of Washington 20 years ago he had a conversation about the tree with a botanist who took such an interest he drove out from Seattle to see it. He told Max he had never seen a lace leaf maple of this size before and that it would be worth \$30,000. Easily 1/2 of this tree's expanse is on our property and from what I read would require our permission before it was altered in any way. I believe that it is a treasure for the city and should be preserved.

Sincerely,

Lynda Gordon

To whom it may concern:

My name is Catherine Mitchell. I am a 71-year-old widow. I have lived at 213 Sidney Ave North since 1991. I asked the city at one point if I could build a small place for my elderly mother on the back side of my property. I was told NO because the land takes on ground water and cannot be built on. My friend a few doors down received the same answer when they were wanting to build. The property adjoining my land where the proposal is being made was once owned by Mr and Mrs. Hamm. They wanted to build a bed and breakfast and were denied because of flooding. At least 2-3 times per year my property floods. I have a full cemented basement which takes on ground water at these times and requires a pump to keep it at 2-4 feet. I have a generator ready as well for the pump.

I find it hard to believe that this project in question is even being considered by North Bend since it endangers our homes and properties if over 2 acres will be dug up, trees cut, cement and asphalt put down. The water that is dispersed as a result will make flooding worse and the Gordon family already has water nearly to the floor boards many seasons. My daughter who lives with me is very concerned about the stress this is causing me and neighbors. It is a sad day when the rules seem to be different for some people.

In addition, I would like to address the fact that my home and 3 of my neighbors in close proximity of the proposed project have problems with their homes sinking and requiring remediation. One family had to create a complete support system under their home. The land in the flood zone is known to be unstable.

Thank you for your consideration in this matter.

Sincerely,

Catherine Mitchell

425-223-6329

425-888-9071

God be with you all in this discussion.



May 12th, 2021

Mike McCarty, AICP
Senior Planner
City of North Bend Community and Economic Development
920 SE Cedar Falls Way
North Bend, WA 98045

Email to: mmccarty@northbendwa.gov

RE: Senior Housing DA Hearing Comments

Dear Mr. McCarty,

Please accept the following comments from the Snoqualmie Indian Tribe Environmental and Natural Resources Department regarding the Downtown Senior Housing project.

We are concerned about the proposed proximity of this development to the mainstem of the South Fork Snoqualmie River. This proposal does not take into account the best available science when considering the appropriate buffer width from the proposed building and its surrounding amenities.

The Washington State Department of Ecology's Snoqualmie River Basin Temperature Total Maximum Daily Load clearly states that "Each side of the mainstem river needs a 150-foot-wide buffer planted with trees that will reach a mature height of 150 feet" (Washington State Department of Ecology, 2011, p. 19). In addition, the TMDL documentation makes a direct call to planners in the Snoqualmie watershed, asking that "Land use planners and project managers should consider findings and actions in this TMDL to help prevent new land uses from violating water quality standards. This TMDL should be considered in the issuance of land use permits by local authorities" (Washington State Department of Ecology, 2011, p. 146). The Tribe hopes that you will take this call to action seriously when considering this and future development proposals. Since the Snoqualmie River already regularly exceeds state temperature standards during the summer and early fall critical periods, continued protection of riparian functions in the South Fork Snoqualmie River is necessary in order to prevent further degradation. This can only be accomplished by protecting existing forested stream buffers.

Newer documentation from the scientific community suggests that the 2011 Snoqualmie River Basin Temperature TMDL may have underestimated the width of riparian buffers needed on the Snoqualmie River. Puget Sound Partnership's Draft Strategies for the 2022-2026 Action Agenda includes the metric "1 Site Potential Tree Height" for riparian buffers, which is the emerging state standard for determining site-



specific riparian buffers (Puget Sound Partnership, 2021 p. 1). The Washington State Department of Fish and Wildlife (WDFW) recently published management recommendations for riparian ecosystems and also recommended site potential tree height as the appropriate measurement to use, specifically mature trees aged 200 years (Washington Department of Fish and Wildlife, 2020, p. 13). Using WDFW's online Site-Potential Tree Height Mapping Tool, we were able to go to the proposed development site and see recommendations for buffer width. Based on a typical 200 year old Douglas fir, the recommended buffer width is 204 ft (Washington Department of Fish and Wildlife, 2021).

Allowing mature, functional buffers to remain in place is important to ensure the Snoqualmie River remains beautiful and vibrant for many generations to come. The expected effects of climate change will make the preservation of these riparian buffers even more vital to basic ecosystem functions. The Snoqualmie Tribe, in partnership with the National Oceanic and Atmospheric Administration, created a water temperature model for the Snoqualmie watershed which considered different land management scenarios for riparian forests, and also considered the expected effects of climate change in the coming decades. The results of that work indicate that our community must protect and restore riparian buffers, including the proposed Downtown Senior Housing site, in order to ensure that the Snoqualmie River will see limited increases in temperatures over this century (Baerwalde et. al. 2020 p. 5).

Based on the best available science, specifically for Western Washington and the Snoqualmie watershed, we urge the City of North Bend to consider requiring a minimum buffer width of 150 ft for this project proposal. Thank you for the opportunity to comment, and please feel free to reach out with any questions.

Sincerely,

Kelsey Taylor
Water Quality Manger
Snoqualmie Indian Tribe

References:

Baerwalde, Matthew et. al. (2020). Assessing impacts of climate change on coldwater habitat, and implications for native salmonid populations of the Snoqualmie River to support Snoqualmie Tribal resilience and coastal management planning. Final Report, October 2020.

Puget Sound Partnership. (2021). *Action Agenda Strategies*. Identifying Strategies for Puget Sound Recovery. <https://pspwa.app.box.com/s/lokfikmyxfbu6ip0znxpnizdpcf0g15j>. Accessed May 12th, 2021.



Riparian Ecosystems, Volume 2: Management Recommendations. 2020. Amy Windrope, Terra Rentz, Keith Folkerts, and Jeff Azerrad. A Priority Habitats and Species Document of the Washington Department of Fish and Wildlife, Olympia, Washington.

<https://wdfw.wa.gov/sites/default/files/publications/01988/wdfw01988.pdf>

Washington State Department of Ecology. (2011). *Snoqualmie River Basin Temperature Total Maximum Daily Load: Water Quality Improvement Report and Implementation Plan*. (Publication No. 11-10-041). Washington State Department of Ecology.

<https://apps.ecology.wa.gov/publications/documents/1110041.pdf>

Washington State Department of Fish and Wildlife. (2021). *Site Potential Tree Height (SPTH) and Riparian Management Zone (RMZ) Values*. Priority Habitats and Species: Riparian Ecosystems and the Online SPTH Map Tool.

<https://wdfw.maps.arcgis.com/apps/MapJournal/index.html?appid=35b39e40a2af447b9556ef1314a5622d>. Accessed May 12th, 2021.

From: [Genevieve Peri](#)
To: [Mike McCarty](#)
Cc: aleagray84@gmail.com
Subject: Senior Housing DA Hearing Comments
Date: Thursday, May 13, 2021 2:18:55 PM
Attachments: [DA Hearing 20210513.pdf](#)

Dear Sir,

I live at 213 Sydney Ave. N, North Bend, WA 98045. Attached please find my comments on Senior Housing DA Hearing occurring on May 13, 2021 at 7:00 P.M.

Thank you in advance for your attention to this matter.

Genevieve Peri

Genevieve Peri
213 Sydney Ave. N
North Bend, WA 98045

May 11, 2021

North Bend Community and
Economic Development Dept.
920 SE Cedar Falls Way
North Bend, WA 98045
ATTN: Mike McCarty – Senior Planner

RE: Senior Housing DA Hearing Comments

Dear Sir,

My name is Genevieve Peri. I live at 213 Sydney Ave. N. The basement here already floods every fall/winter season. With a new structure, it will only get worse. The homeowner here is also horribly anxious about the flood of people that will descend on the area decreasing the value in standard of living by destroying the view, increasing the noise pollution, and significantly damaging the delicate environment.

I am agitated with anxiety as well, anticipating the noise, litter, and overall general safety of 60 units of people in our backyard, and the destruction of the trees around the river. This building of four stories will loom above, blotting out the sunsets and taxing our already overtaxed access to infrastructure. Inevitably, the quality of the river will deteriorate.

The traffic is already too congested. The addition of four stories will stop the flow of traffic from the North Bend Way/Bendigo Blvd. intersection to the traffic light at Meadowbrook Way SE at rush hour.

Please deny this proposal for the sake of myself, my housemate, this neighborhood and North Bend in general.

Very truly yours,



Genevieve Peri



Staff Report and Planning Commission Recommendation To Amend Municipal Code Chapter 18.22 Temporary Uses

Meeting Date: May 27, 2021

Proponent: City of North Bend

I. Purpose of Proposed Municipal Code Amendments:

This proposal is to amend North Bend Municipal Code Chapter 18.22, Temporary Uses. This amendment proposes two uses and sections for temporary uses by public utilities and Government agencies. The first is to provide a means for utility and government entities who are building a public infrastructure project to utilize property for the storage of needed equipment on a temporary basis while under construction. The current code allows for this type of storage without a temporary use permit for a private construction project on an active construction site. However public projects are usually constructed on existing right-of-way, trail or other areas that do not have the space to store the necessary equipment. The proposed code allows for staff to condition the project to ensure compatibility with surrounding uses. For a storage area this would usually include screening, truck routes and mud track-out controls.

The second amendment is to allow for utility and government entities to set up a training facility. These facilities usually include temporary structures and storage containers for the agencies to train staff in realistic conditions.

II. Proposed Amendments

Amended NBMC Chapter 18.22, Temporary Uses, is proposed to read as follows:

Chapter 18.22 TEMPORARY USES

Sections:

- 18.22.010 Purpose.
- 18.22.015 Review process and fees.
- 18.22.020 Application and authorization.
- 18.22.030 Determinations.
- 18.22.040 General conditions.
- 18.22.050 Additional criteria for interim housing facilities.
- 18.22.060 Allowed temporary uses.
- 18.22.070 Exemptions.
- 18.22.080 Storage containers.

18.22.010 Purpose.

The following provisions authorizing and regulating certain temporary uses are intended to permit temporary uses and structures when consistent with the NBMC and when safe and compatible with adjacent uses in the general vicinity.

18.22.015 Review process and fees.

A. Temporary use permits (TUP) for anticipated uses of up to 45 days or less in a calendar year shall be reviewed as Type I administrative applications per Chapter 20.01 NBMC.

B. The fee for temporary use reviews shall be as established by city schedule and collected at the time of the temporary use application.

C. Temporary uses for a period of time greater than 45 days shall require a conditional use permit prior to the commencement of the use *except as provided per Chapter 18.22.015.D*. The hearing examiner shall review the request in a public hearing and shall have the authority to condition issuance of the permit to ensure it is compatible with surrounding land uses and the city code or deny the permit if it cannot be made compatible. If a conditional use permit is not granted, such use shall be terminated at the end of 45 days.

D. Temporary Use Permits (TUP) for contractor's office, storage yard, and equipment parking for an active construction project undertaken by a public utility or government agency ("Public TUPs") shall be permitted for up to one year. Public TUPs shall be reviewed as Type I administrative applications per Chapter 20.01 NBMC. Each Public TUP may be renewed for not more than two additional periods not to exceed one year each.

E. Temporary Use Permits (TUP) for a public utility or government agency training facility ("Public Training TUPs") shall be permitted for up to one year. Public Training TUPs shall be reviewed as Type I administrative applications per Chapter 20.01 NBMC. Each Public Training TUPs may be renewed for not more than four additional periods not to exceed one year each.

18.22.020 Application and authorization.

A. Application to conduct a temporary use shall be made to the community and economic development department and shall include names and contact information for the operator, a written description of the proposed use, scheduled days and times of operation, location map, site plan, and written permission from the property owner, along with such other information as the director may require to evaluate the use and to make the determinations required by these provisions.

B. Application shall be made at least 15 days prior to the requested date for commencement of the temporary use, and the director shall decide whether to approve, approve conditionally, or to deny the temporary use within 10 days after the date of application.

C. Authorization of a temporary use shall be by issuance of an approval letter.

D. TUPs are intended to stimulate economic development and provide additional opportunities for land owners and citizens. If the CED director believes an applicant is using the TUP to circumnavigate site improvements which would otherwise be required, they shall deny or condition the TUP. Temporary uses shall not be made permanent by granting of successive temporary use permits.

E. If the TUP is for use on private property, either the individual operator or the property owner may apply for the TUP so long as the total use does not exceed the maximum days allowed in one calendar year, regardless of applicant identity.

18.22.030 Determinations.

The director may authorize temporary uses after consultation and coordination with all other applicable city departments and other agencies when all the following determinations are made based on an application received:

A. The temporary use will not impair the normal, safe, and effective operation of a permanent use on the same site;

B. The temporary use and associated structures will be used in a manner compatible with uses in the general vicinity and on adjacent properties;

C. The temporary use will not significantly impact public health, safety or convenience, or create traffic hazards or congestion, or otherwise interrupt or interfere with the normal conduct or uses and activities in the vicinity; and

D. The temporary use shall be consistent with the permitted uses in the zone as found in NBMC 18.10.030, and all relevant floodplain and critical area regulations in NBMC Title 14.

18.22.040 General conditions.

A. A temporary use conducted in a private parking facility shall not occupy or remove from availability more than 20 percent of the spaces required for the permanent use. For a temporary use located in the downtown commercial area, no more than two public parking spaces may be occupied by the temporary use. Temporary uses are not allowed in public parking stalls within the right-of-way along East North Bend Way between Ballarat Ave. N and Sydney Ave. N.

B. No temporary use located either in off-street public parking or on street public parking shall remain in excess of 24 consecutive hours, or as specifically posted.

C. Each site occupied by a temporary use must provide or have available sufficient parking and vehicular maneuvering area for customers. Such parking need not comply with Chapter 18.16 NBMC, Parking Regulations, but must provide safe and efficient interior circulation and ingress and egress to and from public rights-of-way.

D. The temporary use shall comply with all applicable standards of Public Health – Seattle and King County, the fire marshal, and all other relevant state and local regulations.

E. No temporary use shall occupy or use public parks in any manner unless specifically approved by the director of public works and the community and economic development director.

F. No short-term temporary use shall occupy or operate within the city of North Bend for more than 45 days unless a CUP is granted except as provided in NBMC 18.22.015.D and E. A “day of operation” shall mean any or part of any day in which the business is conducted. The 45 days need not run consecutively and may occur at any time within a year if each day is designated and approved.

G. All temporary uses shall obtain all applicable permits, licenses and other approvals (i.e., business license, building permit, administrative approvals, right-of-way use permits, etc.) prior to occupancy of the site.

H. The applicant shall supply written authorization from the owner of the property on which the temporary use is located.

I. Upon completion each site occupied by a temporary use shall be free of debris, litter, or other evidence of the temporary use.

J. If generators are proposed for use in conjunction with the temporary use, they must be in good condition and generate no more than a maximum of 65 A-weighted decibels (dBA).

K. All materials, structures and products related to the temporary use must be removed from the premises between days of operation, except between consecutive days of operation.

L. Signage.

1. Only one sign is allowed that is not attached to the temporary use and such sign must be located within the permitted area; and

2. All other signage must be attached to the temporary use.

M. The director may require notice to adjacent property owners.

N. The director may establish such additional conditions as may be deemed necessary to ensure land use compatibility and to minimize potential impacts on nearby uses. These include but are not limited to: time and frequency of operation, temporary arrangements for parking and traffic circulation, requirements for screening or enclosure, temporary sanitary facilities, and guarantees for site restoration and cleanup following temporary uses.

O. No mechanical audio or noise-making devices, nor loud shouting or yelling, will be permitted to attract attention for any temporary use.

18.22.050 Additional criteria for interim housing facilities.

Interim housing facilities are those facilities that provide indoor temporary housing for homeless persons. Such facilities shall be required to meet the general criteria listed in NBMC 18.22.030, 18.22.040, and the following:

A. Such facilities shall be sponsored by the organization upon whose property they are located. The organization shall be the applicant for any such permit.

B. The housing capacity for such facilities shall be limited in size to 100 people.

C. The sponsoring institution shall ensure that all public health regulations are met, including toilet and shower facilities, food preparation, garbage removal, and public safety.

D. The facility or facilities shall be permitted one day to set up and one day to dismantle the facility or facilities; those two days shall not be part of the 45-day limitation.

E. Public notice and input and a public meeting shall be required prior to a temporary use permit being issued to an interim housing facility. The sponsoring institution shall provide such notice to all property owners within 300 feet of the proposed location at least 30 days prior to the facility moving in. A second public meeting must be scheduled by the sponsoring institution, with a written invitation provided to persons attending the first public meeting, and it shall be held at least 15 days before the facility opens.

F. Other conditions that arise from the public review and from planning, police, fire, and public works review of the temporary use permit shall apply.

18.22.060 Allowed temporary uses.

The following types of temporary uses, activities and associated structures may be authorized, subject to specific limitations noted herein and as noted in NBMC 18.22.040, and as may be established by the director:

A. Outdoor art and craft shows and exhibits.

B. Outdoor community festivals, celebrations or grand openings.

C. Seasonal retail sales for items such as Christmas trees and pumpkins, seasonal retail sale of agricultural or horticultural products, and fireworks stands.

D. Mobile services such as veterinary services for purposes of giving shots.

E. Temporary fund raising or other civic activities.

F. Group retail sales such as swap meets, flea markets, parking lot sales, food markets, auctions, etc.

G. Temporary placement of portable building units and mobile structures, including vehicles primarily designed to facilitate direct sales of goods or merchandise from the vehicle, on public or private sites where full compliance with the design standards in the city code is impractical due to the short-term nature of the use.

H. Public TUPs and Public Training TUPs, as described in NBMC 18.22.015(D) and (E).

~~H~~ I. The director may authorize additional temporary uses not listed in this subsection, when it is found that the proposed use is consistent with the other uses permitted in the applicable zoning district per Table 18.10.030, and where the use will follow the allowed provisions of this section.

18.22.070 Exemptions.

The following activities and structures are exempt from requirements to obtain temporary use approval:

A. A mobile home or travel trailer with adequate water and sewer service used as a dwelling while a residential building on the same lot is being constructed or while a damaged residential building is being repaired.

B. Mobile homes, residences or travel trailers used for occupancy by supervisory and security personnel on the site of an active construction project.

C. Contractor's office, storage yard, and equipment parking and servicing on the site of an active construction project.

D. Portable building units and mobile homes on public school sites or other public facilities when in full compliance with the city code, including but not limited to flood, design, and landscaping requirements.

E. Short-term residential use of a recreational vehicle subject to the following:

1. Vehicle must be properly licensed;
2. Vehicle must be parked on private property in an area developed as a parking area;
3. Vehicle must be self-sufficient in terms of utilities; and
4. Vehicle can be used as a residence for a maximum of 45 days.

F. Model homes or apartments and related real estate sales and display activities located within the subdivision or residential development to which they pertain.

G. Garage sales, moving sales, and similar activities for the sale of personal belongings when operated not more than three days in the same week and not more than twice in the same calendar year.

H. Fund raising car washes.

I. Vehicular or motorized catering such as ice cream trucks and self-contained lunch wagons which typically cater to construction sites or manufacturing facilities.

J. Activities, vendors, food trucks and other booths permitted through a special events permit.

K. Activities, vendors and booths associated with parks, open space and schools located in the POSPF zone when authorized by the managing body of such zone.

L. On-premises activities of existing businesses in compliance with outdoor storage requirements.

M. Sidewalk sales, where adequate public access is provided and a right-of-way use permit has been obtained if applicable.

N. Weekend-only warehouse sales when held not more than once a month in an existing facility.

18.22.080 Storage containers.

A. For the purposes of this section, "storage containers" shall mean new or used prefabricated steel enclosures intended for transportation of goods.

B. The use of temporary storage containers shall not exceed 45 days and shall adhere to the general conditions outlined in NBMC 18.22.040 except for Public TUPs and Public Training TUPs as described in NBMC 18.22.015.D and E. The use of temporary storage containers for Public TUPs and Public Training TUPs may be extended in the same manner as a Public TUP. The applicant shall specify the placement dates in the temporary use permit application.

C. Storage containers not removed by the end of the ~~45-day~~ approval period shall be subject to code enforcement per Chapter 1.20 NBMC.

D. Storage containers shall not be stacked, and placement shall be behind or to the side of the business or residence, as approved by the director. The storage containers shall not be visible to the motoring public or from residential neighborhoods immediately adjacent to the property where they are located unless other measures approved by the community and economic development department are employed to mitigate the visual impacts of the containers.

E. Exemptions.

1. Restrictions for storage containers do not apply to construction sites that have an active clear and grade permit or building permit.
2. A storage container that meets the building code, design standards, landscaping, engineering and any other applicable provisions of the NBMC may be permanent.
3. No permit is required when storage containers are being used for moving purposes (i.e., PODS in residential and commercial districts) if the container is on site for less than 45 days.

IV. Impacts of Proposed Amendment

NBMC 20.08.070 and .080 requires that applications for municipal code amendments be evaluated for their environmental, economic and cultural impacts, as well as impacts to surrounding properties. These impacts are evaluated below.

- 1) **Environmental Impacts.** No environmental impacts are anticipated from amending NBMC Chapter 18.22 cited above. Regulations protecting critical areas, managing stormwater runoff, and controlling floodplain impacts are governed by the Critical Area Regulations in NBMC Title 14, and apply regardless of what type of development occurs on a site.
- 2) **Economic Impacts.** Positive economic impacts are anticipated from the proposed amendments. The amendments provide greater opportunity to support infrastructure and use of vacant or under utilized properties.
- 3) **Cultural Impacts.** No significant cultural impacts are anticipated from the amendments. The amendments are proposed include language regarding compatibility to adjacent uses. All proposed projects must plan for protecting cultural resources.
- 4) **Impacts to Surrounding Properties.** No negative impacts to surrounding properties are anticipated from the amendments. The regulations include review for compatibility to surrounding properties.

V. Compatibility of Proposed Amendment with North Bend Comprehensive Plan (NBCP)

In accordance with NBMC 20.08.070 and .080, applications for municipal code amendments must be evaluated for compliance with the Comprehensive Plan.

The Comprehensive Plan provides several policies that support the proposed amendments. Here a few relevant policies:

- *LU Policy 1.2: Allow development to occur within the identified Urban Growth Area as City services become available and adopted annexation policies are met when it is consistent with adopted population and employment growth targets.*
- *LU Policy 3.5: Support new transit opportunities linked to residential growth.*
- *LU Policy 8.5: Evaluate proposed utility service extensions to ensure that development enabled by the utility extension is consistent with City development standards and policies of the Comprehensive Plan specifically including population and employment growth targets.*

VI. Compatibility of Proposed Amendment with the North Bend Municipal Code (NBMC)

In accordance with NBMC 20.08.070 and .080, applications for municipal code amendments must be evaluated for compliance with the North Bend Municipal Code. Amendments to NBMC Section 18.22 is compatible with the North Bend Municipal Code.

VII. Planning Commission Findings and Analysis

Pursuant to NBMC 20.08.100, the Planning Commission shall consider the proposed amendment against the criteria in NBMC 20.08.100 (B). A staff analysis is provided in italics under each criterion below.

1. Is the issue already adequately addressed in the Comprehensive Plan?
The Comprehensive Plan does not address Temporary Uses.
2. If the issue is not addressed in the Comprehensive Plan, is there a need for the proposed change?
Yes. The draft amendments to the creates a clear process for utility companies and government agencies for temporary needs.
3. Is the proposed change the best means for meeting the identified public need?
Yes. The draft amendments to the creates a clear process for utility companies and government agencies for temporary needs.
4. Will the proposed change result in a net benefit to the community?
Yes. The draft amendments to the creates a clear process for utility companies and government agencies for temporary needs which is a benefit to the public.

VIII. Summary Findings:

1. The Planning Commission considered the proposed Temporary Uses amendment and held a public hearing on the draft regulations at their May 27, 2021 meeting.
2. Following consideration of public comment received at the May 27, 2021 Public Hearing, the Planning Commission voted to approve the draft amendments.
3. Pursuant to RCW 36.70A.106, the draft regulations were forwarded to Commerce - Growth Management Services on May 3, 2021.
4. The proposed amendments are consistent with the procedures established in NBMC 20.08, *Comprehensive Plan and Development Regulations Amendment Procedures*. The Planning Commission finds that the proposed amendments are consistent with the criteria in NBMC 20.08.100(B) and would result in a net benefit to the community.

Staff Recommendation:

Based on the findings above, and pending consideration of public input to be provided for and at the Public Hearing, staff recommends approval of the draft regulations as provided herein.

Rebecca Deming, CED Director

Date

Planning Commission Recommendation

Following consideration of the Comprehensive Plan and Development Regulation Amendment process in NBMC 20.08.070 through 20.08.110 and public comment received at the public hearing, the Planning Commission recommends approval of the draft regulations as provided herein.

Planning Commission Chair

Date

Exhibit A – Public Comment (to be added once received)