

# ORDINANCE 1749

**AN ORDINANCE OF THE CITY OF NORTH BEND, WASHINGTON, REPEALING NORTH BEND MUNICIPAL CODE (NBMC) 18.10.025 RELATING TO SPECIAL DISTRICTS; CREATING AND ADOPTING A NEW NBMC CHAPTER 18.13 RELATING TO SPECIAL DISTRICTS; AMENDING NBMC TABLE 20.01.004 TO INCLUDE A NEW ROW RELATED TO SPECIAL DISTRICTS, MASTER PLAN, AND MASTER PLAN AMENDMENTS; PROVIDING FOR SEVERABILITY; AND ESTABLISHING AN EFFECTIVE DATE**

**WHEREAS**, the City Council desires to amend its regulations related to special districts and master plans; and

**WHEREAS**, the City submitted a *Notice of Intent to Adopt* to the Washington State Department of Commerce on March 24, 2021, which was issued to state agencies for a 60-day comment period as required pursuant to Chapter 36A.70 RCW, and no comments were received; and

**WHEREAS**, the City of North Bend Planning Commission held a public hearing on the proposed amendments on April 8, 2021; and

**WHEREAS**, the City Council finds that proposed amendments are consistent with the requirements of the Growth Management Act, Chapter 36.70A RCW, and followed the procedural requirements of the North Bend Municipal Code (“NBMC”); and

**WHEREAS**, the City Council finds that the procedural, public notice, public participation, and all other requirements set forth in NBMC Chapter 20.08 (Comprehensive Plan and Development Regulation Amendment Procedures) have been satisfied;

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

**Section 1. NBMC Section 18.10.025 (Special Districts), Repealed:** North Bend Municipal Code Section 18.10.025 (Special Districts) is hereby repealed in its entirety.

**Section 2. New NBMC Chapter 18.13 (Special Districts), Created and Adopted:** A new North Bend Municipal Code Chapter 18.13, to be entitled “Special Districts,” is hereby adopted to read as set forth in Exhibit A attached hereto.

**Section 3. NBMC Table 20.01.004 (Development Permit and Approval Framework), Amended:** North Bend Municipal Code Table 20.01.004 (Development Permit and Approval Framework) is hereby amended to include a new row to read as set forth below. All other rows of Table 20.01.004 shall remain in full force and effect as currently adopted.

**Table 20.01.004 Development Permit and Approval Framework**

Permit Type – II Quasi-Judicial	Code Requirement	SEPA Review	Staff Recommend	Staff Decision	Open Record Hearing	Closed Record Hearing	Decision Body	Open Record Appeal	Closed Record Appeal	Court Appeal
<i>v. Special District, Master Plan, and Master Plan Amendments</i>	<i>18.13</i>	<i>E or NE</i>	<i>Yes</i>	<i>No</i>	<i>HE</i>	<i>No</i>	<i>HE</i>	<i>No</i>	<i>No</i>	<i>Yes</i>

**Section 4. Severability:** Should any section, paragraph, sentence, clause or phrase of this ordinance, or its application to any person or circumstance, be declared unconstitutional or otherwise invalid for any reason, or should any portion of this ordinance be pre-empted by state or federal law or regulation, such decision or pre-emption shall not affect the validity of the remaining portions of this ordinance or its application to other persons or circumstances.

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

**ADOPTED BY THE CITY COUNCIL OF THE CITY OF NORTH BEND, WASHINGTON, AT A REGULAR MEETING THEREOF, THIS 1<sup>ST</sup> DAY OF JUNE, 2021.**

**CITY OF NORTH BEND:**

**APPROVED AS TO FORM:**

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**Rob McFarland, Mayor**

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**Michael R. Kenyon, City Attorney**

**ATTEST/AUTHENTICATED:**

Published: June 11, 2021  
 Effective: June 16, 2021

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**Susie Oppedal, City Clerk**

## EXHIBIT A

### CHAPTER 18.13 SPECIAL DISTRICTS

18.13.010 General Overlay Districts.

18.13.020 Master Plan Overlay Districts.

18.13.030 East North Bend Master Plan Overlay District (ENB-MPOD).

18.13.040 Tanner Junction Master Plan Overlay District (Tanner Junction MPOD).

18.13.050 Neighborhood Business Residential Overlay District (NB MPOD).

#### **18.13.010 General Overlay Districts.**

Urban Separator Overlay District (USOD). The urban separator is an area of North Bend which is located in, among and around significant natural features that help to define the community's identity. The USOD, as identified in the North Bend Comprehensive Plan on Figure 1-2 and the North Bend Zoning Map, includes land located predominately north of the Snoqualmie River, east of SR 202, and south of the boundary with the city of Snoqualmie. This area includes both Meadowbrook and Tollgate Farms. The intent of the USOD is to ensure that development occurs consistent with the goals and policies of the comprehensive plan requiring the minimum build-out of the zoning district in which the parcel is located. NBMC [18.10.030](#), Table of permitted and conditional uses, identifies the permitted uses within the USOD. The permitted uses within the USOD must also satisfy the criteria stipulated in NBMC [18.10.040](#) in relation to bulk and dimensional standards, NBMC [18.10.050](#) in relation to performance standards, and Chapter [18.34](#) NBMC, Design Standards and Guidelines.

#### **18.13.020 Master Plan Overlay Districts.**

1. Purpose. The purpose of the Master Plan Overlay Districts (MPOD) is as follows:
  - a. To provide a means for creating master planned developments in any zoning district, and to allow for the application of flexible development standards to encourage and foster creative and innovative planning practices that will result in well-designed, efficient, and functional planned developments;
  - b. To promote infill, and more economical and efficient use of the land, while providing development that provides a variety of housing choices, business opportunities, a high level of urban amenities, and consistency with the goals and policies of the comprehensive plan; and
  - c. To encourage the provision of more usable and suitably located recreation facilities and other private and public facilities than would otherwise be provided under conventional land development procedures.
2. Applicability. The master plan overlay is applicable for all zoning districts. The master plan designation is established through an amendment to the city's zoning map and may require an amendment to the comprehensive plan land use map. A master plan may be submitted concurrently with map amendment application, or subsequent to that process.
  - a. Master plans are designated as an overlay on the city's zoning map.

- b. The underlying zoning districts for a master plan’s geographic area are depicted on the city’s zoning map. If land use designation and zoning changes are proposed as part of the master plan, a comprehensive plan land use and/or zoning map amendment is necessary.
3. Minimum land area requirement. Each area identified as a master plan shall be a minimum area of ten acres. The site size may be less than ten acres if the Community and Economic Development Director (“CED Director”) makes specific findings of fact to support the conclusion that a master plan on such smaller site is in the public interest.
4. Application and approval process of master plan:
  - a. Application requirements and review process of master plans shall comply with the provisions of NBMC Section 20.01.004.
  - b. Prior to submittal of an application for a master plan, the applicant shall hold a public meeting to identify potential community impacts and concerns about the project. Public notice of the meeting is required. Neighborhood meeting noticing procedures shall be defined by the CED Director at the time of the pre-application review letter.
5. Contents of master plan. The master plan shall contain the following elements:
  - a. Existing conditions and site description. An application for a master plan shall contain the following information related to the existing conditions of the subject site, presented in narrative, tabular and/or graphic formats:
    - i. Vicinity map that identifies surrounding uses within five hundred feet of the site boundary;
    - ii. Zoning map that identifies base and overlay zoning designations for the site and surrounding properties uses within five hundred feet of the site boundary;
    - iii. Aerial photo and topography;
    - iv. Natural resources and critical areas, including existing drainage patterns and courses, wetlands, springs, and other water bodies; significant stands of trees and trees meeting criteria; fish and wildlife habitat, and natural constraints such as steep slopes greater than 15 percent, and unstable, impermeable, or weak soils. This includes any critical area studies or analysis required by the city’s critical areas ordinance (Title 14);
    - v. Existing buildings, including use, location, size, and date of construction, if any;
    - vi. Existing on-site transportation circulation system, if any;
    - vii. Location and size of all existing public and private utilities on the site including water, sanitary sewer, stormwater retention/treatment facilities, and electrical, telephone and data transmission lines;
    - viii. Location of all public and private easements;
    - ix. A description of the type, design, and characteristics of surrounding properties; and
    - x. Site and soil analysis for suitability of appropriate low impact development stormwater management facilities.

- b. Detailed description of the transportation system within and adjacent to the site including:
  - i. Street classification of all internal and adjacent streets;
  - ii. Transit service availability; and
  - iii. Baseline traffic impact study.
- c. Analysis of existing infrastructure capacity on, in the vicinity of, and downstream of the site consistent with Concurrency submittal requirements set forth in NBMC Chapter 20.12.
- 6. Proposed Master Plan. Description of all proposed development within the subject site, presented in narrative, tabular and/or graphic formats:
  - a. Underlying Zoning District Boundaries. If these are proposed to be modified as part of the master plan, the existing and proposed configuration of zoning districts shall be illustrated. Depending on the modification proposed, an amendment to the comprehensive plan's land use and zoning map may be necessary.
  - b. Description of the mix of uses, including number of units and/or total gross square feet devoted to each, and location on the site.
    - i. Permitted Uses. All permitted or conditionally permitted uses in the underlying zoning district(s) are allowed. Additional permitted uses and conditionally permitted uses may be approved as part of the master plan, subject to the intent of the underlying zone.
    - ii. Density. Residential density by phase and at full build-out.
  - c. All site improvements including the approximate size and location of buildings; surface and structured parking facilities; on-site pedestrian and vehicular circulation including identified improvements; transit stops and pedestrian/transit amenities; and open space and landscaped areas.
  - d. A preliminary infrastructure plan, including location of new and/or expanded existing public and private utilities including water, sanitary sewer, stormwater management facilities (including storm detention calculations and low impact development ("LID") management facilities); and electrical, telephone, and data transmission lines.
  - e. Summary of transportation facilities including:
    - i. Traffic impact study prepared by a traffic/transportation engineer that describes traffic impacts associated with each phase of development and at full build-out of the project, and a plan for accommodating this traffic, consistent with Traffic Impact Study submittal requirements in the City's Public Works Standards;
    - ii. Parking impact study describing the parking demand associated with each phase of the development and at full build-out of the project, and a plan for accommodating parking demand on the site consistent with NBMC Chapter 18.16, Parking;
    - iii. A description of alternative modes of transportation, including public transit, bicycle, and pedestrian; and
    - iv. A description of potential pedestrian impacts, if any, and appropriate measures to mitigate these impacts.

- f. Plan for protecting designated environmental, historic/cultural, and open space resources.
  - g. Plan for connectivity and buffers as needed from surrounding uses.
  - h. Design standards that will govern the orientation and design of buildings and other improvements, including but not limited to the following, if deviation from compliance with applicable development regulations is proposed:
    - i. Architecture, including design standards and building materials for buildings, fences, walls, and other structures;
    - ii. Landscaping, including preliminary landscape plan and standard plant list. Native plant materials are preferred;
    - iii. Pedestrian circulation, including development standards, amenities, and materials;
    - iv. Bicycle parking facilities, including specifications;
    - v. Signs; and
    - vi. Lighting.
  - i. Identification of any alternative development standards from underlying zoning district standards, and the specific application of the alternative standards.
  - j. Phasing plan for implementation of the proposed development.
  - k. Summary of development intensity at full build-out.
  - l. Summary of how the proposed master plan proposes innovative planning techniques, enhanced site design elements and/or other planning practices that will result in well-designed, efficient, and functional planned developments; and conforms with the goals and policies of the city's comprehensive plan.
  - m. SEPA checklist.
7. Development standards.
- a. The provisions of the underlying zoning district shall apply.
  - b. Uses identified as allowed or conditionally allowed in the respective zoning districts are allowed or conditionally allowed within the master plan overlay, unless specifically specified otherwise in the text of the master plan.
  - c. As part of the proposed master plan, alternative development standards unique to the master plan overlay may be identified. Alternative standards for future development of the subject site related to height, setbacks, density, parking, landscaping, streets, and other components of development shall be specifically identified in the master plan.
8. In exchange for the consideration of alternative development standards, the master plan shall include innovative planning techniques and enhanced site design elements, including, but not limited to:
- a. Mixed use development;
  - b. Live/work units;
  - c. Integration of a variety of housing types;
  - d. Transit-oriented development;
  - e. Orientation of development towards open space features;
  - f. Enhanced open space and recreational amenities for residents;
  - g. Public parkland and/or trail corridor dedication;

- h. Pedestrian and nonmotorized facilities including key city connections;
  - i. Enhanced stormwater management/LID;
  - j. Energy efficient development;
  - k. Green building techniques;
  - l. LEED certification(s) including neighborhood development;
  - m. Variety of building styles and architectural features/enhanced architectural design; and
  - n. Business and economic opportunities/development.
9. The proposed master plan shall identify the advantages and positive benefits of the proposed master plan to the North Bend community. Further, the master plan shall demonstrate how the alternative standards enhance and benefit the future residents or users of the master plan, as well as the greater North Bend community.
10. Criteria for approval: To the extent that master plan approval requires the adoption or amendment of any development regulation or other ordinance or the amendment of the comprehensive plan, such approval shall require the adoption of necessary ordinances by the City Council. Adoption by the City Council of all such necessary ordinances shall be a condition of and prerequisite to master plan approval. To receive approval of a master plan and application of master plan overlay on the zoning map, the applicant shall demonstrate compliance with all the following criteria:
- a. Content. The master plan contains all the components required in this chapter;
  - b. Innovative planning technique(s), site design and/or architectural design. The master plan demonstrates the use and integration of innovative planning techniques, site design and aesthetically appropriate architectural building design;
  - c. Transportation System Capacity. There is either sufficient capacity in the transportation system to safely support the proposed master planned development in all future phases, or there will be adequate capacity by the time each phase of the development is completed;
  - d. Availability of Public Services. There is either sufficient capacity within public services, such as water supply, sanitary sewer, stormwater management, and police and fire services, to adequately serve the master planned development in all future phases, or there will be adequate capacity by the time each phase of the development is completed;
  - e. Protection of Regulated Critical Areas. City-regulated natural resources such as critical areas are protected in compliance with the other titles of the NBMC;
  - f. Compatibility with Adjacent Uses. The master plan contains design, landscaping, parking/traffic management, and multi-modal transportation elements that limit conflicts between the master planned development and adjacent uses;
  - g. Mitigation of Off-Site Impacts. All potential off-site impacts, including but not limited to traffic, noise, light and glare, and stormwater runoff, are identified and mitigated to the extent practicable; and
  - h. Alternative Development Standards. The master plan identifies all proposed alternative development standards and demonstrates:
    - i. The alternative development standard(s) is warranted given the site conditions and/or characteristics of the site design;

- ii. The benefits accruing from the alternative development standards outweigh any potential adverse impacts; and
  - iii. Adverse impacts resulting from the alternative development standards are mitigated to the extent practicable.
- 11. Conditions of approval. The CED Director shall have the authority to impose any conditions of approval necessary to mitigate potentially adverse impacts.
- 12. Effect of master plan approval. The approved master plan together with all revisions, required mitigation, and conditions imposed shall constitute the approved master plan. The approved master plan does not itself authorize development but provides standards against which applications for subsequent development including site plans and permits for development of property covered by the approved master plan overlay are to be reviewed.
- 13. Subsequent development.
  - a. When a land use permit is submitted to the city for development within a master plan overlay, the CED Director shall review the application for substantial compliance with the approved master plan. “Substantial compliance” shall mean the development proposal:
    - i. Is within the scope and intent of the approved master plan;
    - ii. Is of substantially similar size, scale, and site and architectural design of the approved master plan, and does not present appreciably different environmental effects from those identified during the master plan review process;
    - iii. Does not reduce overall acreage identified as dedicated public areas or buffer areas, and in the case of alterations to the location of such areas, provides equal or greater benefit as compared to the area designated in the master plan; and
    - iv. Does not significantly change the mix and location of land uses, generation of traffic impacts, and/or major points of ingress or egress.
- 14. The CED Director or designee shall give written notice to the applicant whether the proposed development substantially complies with the approved master plan. In the event the proposed development is determined not to be in substantial compliance, the notice shall specify the reason(s) for the determination and suggest action(s) that would bring the proposal into substantial compliance, including, if appropriate, the need for an amendment.
- 15. Approval process for subsequent development. Any development permit sought under an approved master plan shall be subject to the provisions of NBMC Titles 18 and 20. In the event site development or design standards approved as part of the master plan differ from otherwise applicable city standards, the approved master plan standards shall control. If alternative standards are not identified in the approved master plan, the applicable city code standard shall control.
- 16. Amendment of approved master plan. Any proposal to amend an approved master plan shall be processed as an amendment to development regulations under the provisions of NBMC Section 20.01.004 and will be reviewed under the criteria of approval for master plans.

- a. An amendment to an approved master plan may be proposed in conjunction with a land use development permit that was found not to be in substantial compliance.
  - b. An amendment to an approved master plan may be proposed if the property owner/applicant wishes to change any of the elements of the approved master plan.
  - c. Any necessary zoning map amendments may be processed with a proposed amendment.
17. Expansion of master plan overlay. Additional land may be added to the master plan overlay through a zoning map amendment unless a change in the underlying land use designation is desired; in that case, an amendment to the comprehensive plan land use map may also be necessary. When the overlay is expanded, the master plan shall be required to be amended to address the expanded area, prepared subject to the provisions of this section. Amendments to the master plan may occur concurrently with the map amendment process, or subsequent to that process.
18. Vesting. Development standards and site and architectural design standards identified in an approved master plan shall control for all subsequent site development during the term of the approved master plan. If alternative standards or procedures are not specifically identified in the approved master plan, the applicable city standard at the time of submittal of a complete building permit application or complete subdivision application shall control.
19. Duration of approved master plan. An approved master plan shall remain valid for a term of five years, or as may otherwise be provided for in the master plan's approved phasing plan. If the master plan is constructed in phases, each phase shall be considered as a separate "stand-alone" phase, and all infrastructure necessary to support each phase must be constructed or otherwise secured to the City's reasonable satisfaction prior to issuance of the first building permit for the specific phase.

**18.13.030 East North Bend Master Plan Overlay District (ENB-MPOD).**

- A. Purpose. To accommodate a well-coordinated mix of employment generating uses, while acting as a gateway to the Middle Fork Road recreational area. It is the intent of the resulting master plan of this overlay district to coordinate vehicular circulation and site design to minimize possible adverse impacts to adjacent residential areas and nearby schools, while preserving the existing small town rural character of North Bend, emphasizing nearby regional recreational areas accessed via the Middle Fork Road, and the natural beauty of these lands. The overlay shall provide safe, efficient, and well-coordinated public traffic routes. A Master Plan shall be developed for the overlay area prior to development approval.

**18.13.040 Tanner Junction Master Plan Overlay District (Tanner Junction MPOD).**

- A. Purpose. Due to the proximity of the single-family low density residential zones immediately to the south and west and the nearby Snoqualmie Valley Trail, certain light industrial and manufacturing uses permitted by the underlying zone could be inconsistent with the recreational uses and residential character of the immediate area. A master plan shall be developed for the entire overlay area prior to development approval to ensure compatible uses and design with the adjacent residential neighborhood.

**18.13.050 Neighborhood Business Residential Overlay District (NB MPOD).**

- A. Purpose. To reduce incompatible uses and provide consistency with the character and build-out of existing lots in this area, continuing to allow single-family detached and cottage housing types within this portion of the NB zone should be allowed. This area is unique as 455th Avenue SE and SE 141st Street remain private, which could limit commercial development. This overlay shall be in effect until such time as a comprehensive plan amendment and zoning change are approved. If a comprehensive plan amendment and a zoning change to the parcels within this portion of the NB zone are adopted by the City Council to change the land use from commercial to residential and zoning from neighborhood business to low density residential, this overlay will no longer be needed.
- B. Allowable Uses and Bulk and Dimensional Standards. Uses within the Neighborhood Business MPOD are as established in NBMC 18.10.030 based on the corresponding zones identified in Figure 18.13.40-1 and may be comprised of NB uses, except single-family detached are allowed within this overlay. A 15-foot Type 1 landscape transition area, pursuant to Chapter 18.18 NBMC Table 1, shall be installed between the commercial properties abutting SE North Bend Way and the NB MPOD behind. If single-family is proposed, the bulk and dimensional standards for those uses per NBMC 18.10.050 shall apply and not NB standards.
- C. The Neighborhood Business Residential Overlay District is exempt from the requirements of Chapter 18.13.20.

**Figure 18.13.050-1**

