

ORDINANCE 1760

AN ORDINANCE OF THE CITY OF NORTH BEND, WASHINGTON, RELATING TO NORTH BEND LAND USE AND ZONING; AMENDING THE CITY OF NORTH BEND OFFICIAL ZONING MAP; AMENDING NBMC CHAPTER 18.10 RELATING TO ZONING DISTRICTS, AND SPECIFICALLY AMENDING NBMC SUBSECTION 18.10.020(D) AND NBMC TABLES 18.10.030, .040 AND .050; REPEALING NBMC SECTION 18.13.010 RELATING TO GENERAL OVERLAY DISTRICTS; AMENDING NBMC CHAPTER 18.36 RELATING TO THE TRANSFER OF DEVELOPMENT RIGHTS, AND SPECIFICALLY AMENDING NBMC SECTIONS 18.36.020, .040, AND .070; PROVIDING FOR SEVERABILITY; AND ESTABLISHING AN EFFECTIVE DATE

WHEREAS, the City of North Bend (“City”) is required to prepare a Comprehensive Plan (“Plan”) under the Growth Management Act (“GMA”) and to implement the Plan with development regulations which are consistent with the Plan pursuant to RCW 36.70A.040; and

WHEREAS, RCW 36.70A.130(4)(a) requires continued review and evaluation by the City of its Plan and development regulations, including the City’s Official Zoning Map; and

WHEREAS, the City wishes to update its Official Zoning Map to provide consistency with the municipal code amendments recently approved through the adoption of Ordinance 1749 addressing Overlay Districts, to replace the Urban Separator Overlay District with a new Neighborhood Business-2 Zone, and to rezone public properties acquired by the City, King County, and the Si View Metropolitan Park District to Parks, Open Space, and Public Facilities; and

WHEREAS, the City submitted a *Notice of Intent to Adopt* to the Washington State Department of Commerce on August 23, 2021, which was issued to state agencies for a 60-day comment period as required pursuant to Chapter 36A.70 RCW, and no agency comments were received; and

WHEREAS, a public hearing on the proposed Zoning Map and related North Bend Municipal Code Amendments was held at the North Bend Planning Commission meeting on September 9, 2021, and comments were received and considered; and

WHEREAS, the Planning Commission provided revisions to the Zoning Map Amendments based on public comment received at the September 9, 2021 meeting, and provided a recommendation of approval on the revised Zoning Map Amendments, attached hereto as Exhibit A, and the related North Bend Municipal Code (“NBMC”) amendments, attached hereto as Exhibits B (Amendments to NBMC Chapter 18.10) and C (Amendments to NBMC 18.36), and the repeal of NBMC 18.13.010; and

WHEREAS, the City Council finds that proposed amendments are consistent with the requirements of the GMA, Chapter 36.70A RCW, and followed the procedural requirements of the 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. Updated City of North Bend Official Zoning Map, Adopted: The updated City of North Bend Official Zoning Map, attached hereto as Exhibit A and by this reference fully incorporated herein, is hereby adopted as the current Official Zoning Map of the City.

Section 2. Amendments to North Bend Municipal Code Chapter 18.10, Zoning Districts, Adopted: The amendments to North Bend Municipal Code Chapter 18.10, Zoning Districts, set forth in Exhibit B attached hereto and by this reference fully incorporated herein, are hereby adopted. All other Sections and Subsections of NBMC Chapter 18.10 not set forth in Exhibit B shall remain in full force and effect as currently adopted.

Section 3. NBMC Section 18.13.010 (General Overlay Districts), Repealed: North Bend Municipal Code Section 18.13.010 (General overlay districts) is hereby repealed in its entirety.

Section 4. Amendments to North Bend Municipal Code Chapter 18.36, Transfer of Development Rights (TDR), Adopted: The amendments to North Bend Municipal Code Chapter 18.36, Transfer of Development Rights (TDR), set forth in Exhibit C attached hereto and by this reference fully incorporated herein, are hereby adopted. All other Sections and Subsections of NBMC Chapter 18.36 not set forth in Exhibit C shall remain in full force and effect as currently adopted.

Section 5. 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 6. 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 2ND DAY OF NOVEMBER 2021.

CITY OF NORTH BEND:

APPROVED AS TO FORM:

Rob McFarland, Mayor

Michael R. Kenyon, City Attorney

ATTEST/AUTHENTICATED:

Published: November 12, 2021
Effective: November 17, 2021

Susie Oppedal, City Clerk