

ORDINANCE 1773

AN ORDINANCE OF THE CITY OF NORTH BEND, WASHINGTON, AMENDING NORTH BEND MUNICIPAL CODE SECTION 14.12.120 TO INCREASE THE PERMITTED SIZE OF ACCESSORY STRUCTURES IN THE FLOODPLAIN FROM 400 SQUARE FEET TO 600 SQUARE FEET; PROVIDING FOR SEVERABILITY; AND ESTABLISHING AN EFFECTIVE DATE

WHEREAS, the City of North Bend (“City”) participates in the National Flood Insurance Program (“NFIP”) administered by the Department of Homeland Security’s Federal Emergency Management Agency (“FEMA”) and has adopted North Bend Municipal Code (“NBMC”) Chapter 14.12, Floodplain Management, in compliance with FEMA requirements; and

WHEREAS, to reduce regulatory burdens applicable to permitting non-elevated accessory structures within the floodplain consistent with recently updated FEMA guidance on such structures, the City wishes to amend NBMC Section 14.12.120 to increase the permitted size of such structures from 400 square feet to 600 square feet, hereafter referred to as “the proposed Amendments”; and

WHEREAS, the City submitted the proposed Amendments to the Washington State Department of Commerce for review as required per RCW 36.70A.106 on January 6, 2022; and

WHEREAS, the City issued a State Environmental Policy Act (“SEPA”) Determination of Non-Significance (“DNS”) and Notice of Public Hearing for the proposed Amendments on January 8, 2022; and

WHEREAS, the Planning Commission held a public hearing and reviewed the proposed Amendments at its January 27, 2022 meeting, receiving and considering written comments for such hearing; and

WHEREAS, pursuant to the procedures established in NBMC Chapter 20.08, notice of the public hearing and SEPA DNS was provided by publication of a legal notice in the Snoqualmie Valley Record, posting at the City’s official posting locations, and posting of the hearing, SEPA DNS, and proposed Amendment language on the City’s website; and

WHEREAS, the Planning Commission, on January 27, 2022, recommended approval of the proposed Amendments, as described in the Planning Commission’s Findings, Conclusions and Recommendations staff report, which includes the written comments received; and

WHEREAS, the City Council finds that the proposed Amendments address and are consistent with the requirements of the Growth Management Act and updated FEMA guidance for Accessory Structures; and

WHEREAS, the City Council finds that the City followed the procedural requirements of NBMC Chapter 20.08 to notify and advertise amendments of the Code to the public and interested agencies, and pursuant to this, the Planning Commission and subsequently the City Council considered all written and verbal comments received during their respective processes;

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

Section 1. NBMC Section 14.12.120 (Accessory structures), Amended: North Bend Municipal Code Section 14.12.120 (Accessory structures) is hereby amended to read as follows:

14.12.120 Accessory structures.

This provision applies to accessory structures that are used for parking or limited storage only, such as garages or small storage sheds. Accessory structures that cannot meet the following standards shall be constructed following the requirements of NBMC 14.12.130. The following standards shall apply in the SFHA:

- A. The accessory structure shall not have a floor area greater than ~~600~~400 square feet;
- B. Accessory structures shall be designed to have low flood damage potential and be considered a minimal investment;
- C. Accessory structures shall be constructed and placed on the building site so as to offer the minimum resistance to the flow of floodwaters;
- D. Accessory structures shall be firmly anchored to prevent flotation, collapse, and lateral movement;
- E. Mechanical and utility equipment shall be floodproofed or elevated above the base flood elevation;
- F. Floodway encroachment standards must be met;
- G. The portions of accessory structures located below the base flood elevation must be constructed of flood-resistant materials; and

H. Accessory structures must be designed to allow for the automatic entry of floodwaters as described in NBMC 14.12.110(D), unless the floor is elevated above the base flood elevation.

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

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

ADOPTED BY THE CITY COUNCIL OF THE CITY OF NORTH BEND, WASHINGTON, AT A REGULAR MEETING THEREOF, THIS 15TH DAY OF MARCH, 2022.

CITY OF NORTH BEND:

APPROVED AS TO FORM:

Rob McFarland, Mayor

Michael R. Kenyon, City Attorney

Published: March 25, 2022
Effective: March 30, 2022

ATTEST/AUTHENTICATED:

Susie Oppedal, City Clerk