

ORDINANCE 1777

AN ORDINANCE OF THE CITY OF NORTH BEND, WASHINGTON, AMENDING NORTH BEND MUNICIPAL CODE SECTION 17.08.150 ENABLING PRELIMINARY PLAT, PRELIMINARY SHORT PLAT, AND PRELIMINARY BINDING SITE PLAN APPLICATION REVIEW WITH CERTIFICATE OF FUTURE SEWER AVAILABILITY; PROVIDING FOR SEVERABILITY; AND ESTABLISHING AN EFFECTIVE DATE

WHEREAS, the City of North Bend (“City”) provides application requirements for preliminary plats, preliminary short plats, and preliminary binding site plans in North Bend Municipal Code Section 17.08.150; and

WHEREAS, such application requirements require proof of sewer availability, which is not currently available for most development, given a current lack of capacity at the City’s wastewater treatment plant; and

WHEREAS, the City is currently constructing improvements to its wastewater treatment plant to expand its capacity, and such improvements are anticipated to be completed in the fall of 2023; and

WHEREAS, the City wishes to enable the acceptance and review of preliminary plats, preliminary short plats, and preliminary binding site plans subject to a waiver and release agreement and issuance of a conditional certificate of concurrency regarding future sewer availability, which would not allow final plats, final short plats, final binding site plans, clearing and grading permits, building permits or other construction permits until sewer capacity is available to serve the development, and has prepared draft amendments to NBMC 17.08.150 accordingly (“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 February 3, 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 March 11, 2022; and

WHEREAS, the Planning Commission held a public hearing and reviewed the proposed Amendments at its March 24, 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 March 24, 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 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 17.08.150 (Application requirements for preliminary plats, preliminary short plats, and preliminary binding site plans), Amended: North Bend Municipal Code Section 17.08.150 (Application requirements for preliminary plats, preliminary short plats, and preliminary binding site plans) is hereby amended to read as provided on the attached Exhibit A incorporated by this reference as if fully set forth herein.

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 3RD DAY OF MAY, 2022.

CITY OF NORTH BEND:

APPROVED AS TO FORM:

Rob McFarland, Mayor

Michael R. Kenyon, City Attorney

ATTEST/AUTHENTICATED:

Published: May 13, 2022

Effective: May 18, 2022

Susie Oppedal, City Clerk