



## **REGULAR MEETING AND SPECIAL PUBLIC HEARING OF THE NORTH BEND PLANNING COMMISSION**

**Thursday, March 10, 2022, 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>

### **Join Zoom Meeting**

<https://us02web.zoom.us/j/85009844678?pwd=aHprWGt1ZXhTdHB6VGhkQWNpbGtRZz09>

Meeting ID: 850 0984 4678

Passcode: 262149

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Meeting ID: 850 0984 4678

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Find your local number: <https://us02web.zoom.us/j/85009844678?pwd=aHprWGt1ZXhTdHB6VGhkQWNpbGtRZz09>

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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 February 10, 2022 Planning Commission Meeting**
- 4) Approval to remove Commission Bilanko from the Chair position and placing Commissioner Bilanko as Vice Chair for the remainder of the current two year term (one year remaining) and approval to remove Commissioner Torguson from the Vice Chair position and placing Commissioner Torguson as Chair for the remainder of the current two year term (one year remaining).**
- 5) Public Hearing for NBMC Chapter 18 regarding Site Plans, Parking, and Design Standards**
  - a) Staff Introduction
  - b) Public Hearing
  - c) Planning Commission discussion and deliberation
  - d) Recommendation
- 6) Adjournment by 9:00 unless otherwise approved by Commission**

**Next Meeting: March 24, 2022**

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 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](mailto: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, February 10, 2022 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](http://www.youtube.com) under: City of North Bend*

**AGENDA ITEM #1: CALL TO ORDER**

The meeting was called to order at 7:00 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: Jamie Burrell, Senior Planner; and Rebecca Deming, Community & Economic Development Director.

**AGENDA ITEM #2: Opportunity for Public Comment**

There were no public comments.

**AGENDA ITEM #3: Approval of January 27, 2022 Planning Commission Meeting Minutes**

Commissioner Bush made a Motion to Approve the Minutes from the Planning Commission January 27, 2022 Meeting. Commissioner Moe seconded the Motion. The Motion was Approved, 7-0.

**AGENDA ITEM #4: Amendments to NBMC Chapter 18 Regarding Site Plans, Parking, and Design Standards**

- a) Staff Introduction by Rebecca Deming, Director Community & Economic Development, who provided a summary of the Amendments.
- b) Planning Commission discussion of site plans, off-street parking, and design standards.

**AGENDA ITEM #5 – Adjournment by 9:00 Unless Otherwise Approved by Commission**

The Meeting adjourned at 7:52 PM.

**NEXT PLANNING COMMISSION MEETING:**

The next Planning Commission meeting is scheduled for March 10, 2022.

ATTEST:

\_\_\_\_\_  
Judy Bilanko, Chair

\_\_\_\_\_  
Rebecca Deming, City of North Bend



**Staff Report and Planning Commission Recommendation  
To Amend Municipal Code Chapter 18.14 Site Plans, Chapter 18.16 Off-street Parking,  
and Chapter 18.34 Design Standards**

**Meeting Date:** March 10, 2022

**Proponent:** City of North Bend

**Staff Recommendation:** A Motion to recommend City Council approval of the proposed Ordinance amending NBMC Chapter 18.14 Site Plans, Chapter 18.16 Off-street Parking, and Chapter 18.34 Design Standards.

**I. Purpose of Proposed Municipal Code Amendments:**

The City of North Bend is proposing amendments to North Bend Municipal Code Chapter 18.14 Site Plans to expand applicability to required site plan approval for changes to outdoor use areas; Chapter 18.16 to clarify requirements change commercial change of use requires parking review; and Chapter 18.14 Site Plans to expand the single-family design standards to all new construction of Single Family Homes.

**II. Proposed Amendments**

**1. Chapter 18.14 Site Plans:**

North Bend Municipal Code Subsection 18.14.010(A) (Applicability) is proposed to be amended as follows:

- A. Site plan review and approval shall be required prior to issuance of a building permit (If required) when provided under this chapter. Site plan review shall be required for the following:
  - 1. All new nonresidential uses for the location of any building or any multifamily development in which more than two dwelling units would be contained.
  - 2. Nonresidential expansion, new and/or change of outdoor use area including but not limited to expanded parking, storage, or outdoor seating.
  - ~~2-3.~~ The expansion of any building or development.

This amendment is to ensure that changes to outdoors area, including changes to outdoor seating or parking configuration are reviewed for compliance with city codes.

**2. Chapter 18.34 Off-street Parking:**

North Bend Municipal Code Subsection 18.16.040(B) (Off-street parking – Expansion, enlargement or change of use) is proposed to be amended as follows:

- B. Change of Use.

1. When a residential structure is changed into a commercial structure, excluding a home occupation use, off-street parking shall be provided for the commercial use as required by this chapter. The change of use provision shall not apply in the downtown commercial (DC) zoning district when improvements are less than 50 percent of the assessed value of the structure over a 10-year period.

2. When a non-residential use is changed into a different non-residential use, off-street parking shall be provided for the new use as required by NBMC table 18.16.090, when the new use requires additional parking greater than the existing use.

a. Exemptions:

i. No additional parking space need be provided where the number of additional parking spaces required for the new use is less than 10 percent of the parking spaces on site.

ii. If no more than a total of 3 parking spaces are required for the new use.

This amendment is to make clear and enforce that parking standards are met when a change of use occurs.

**3. Chapter 18.34 Design Standards:**

North Bend Municipal Code Subsection 18.34.050(A) (Single-family and cottage residential) is proposed to be amended as follows:

- A. The following section of this chapter outlines the design standards and guidelines for new single-family and cottage homes ~~over two units/lots~~. This section should also be read along with performance standards in NBMC 18.10.050 for associated cottage and single-family design standards. This section is organized as follows:

1. Subsection A of this section, Single-Family and Cottage Residential.
2. Subsection B of this section, Architectural Style and Related Matters.
3. Subsection C of this section, Materials and Color.
4. Subsection D of this section, Building Mass and Scale.
5. Subsection E of this section, Building Orientation.
6. Subsection F of this section, Garages.
7. Subsection G of this section, Setback Variation.
8. Subsection H of this section, Lot Layout and Design.

This amendment ensures the design standards for single family homes are all proposed homes. The standards that apply to homes that are not part of a plat include roof type (compatible with architecture), siding materials, windows (trim or recessed), colors (variation), and building orientation (primary façade facing the street).

See attached Exhibit A for the proposed Ordinance

**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 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.** Unknown. The proposed changes add review for additional projects, but ensure projects meet neighbor standards and new projects and changes meet the same requirements.
- 3) **Cultural Impacts.** No significant cultural impacts are anticipated from the amendments. The amendments. All proposed projects must plan for protecting cultural resources.
- 4) **Impacts to Surrounding Properties.** The proposed changes protect the integrity of surrounding uses by incorporating requirements equally.

#### **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 proposed amendments are in compliance with the Comprehensive Plan.

#### **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. The proposed amendment 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 the proposed amendment.*
2. If the issue is not addressed in the Comprehensive Plan, is there a need for the proposed change?  
*Yes. The proposed change to the codes ensures project meets city standards and architectural standards.*
3. Is the proposed change the best means for meeting the identified public need?  
*Unknown. The proposed amendments clarify project requirements.*
4. Will the proposed change result in a net benefit to the community?  
*Yes. The proposed codes amendments ensure project meets city standards and architectural standards.*

**VIII. Summary Findings:**

1. The Planning Commission considered the proposed amendments and held a public hearing on the draft regulations at their March 10, 2022 meeting.
2. Following consideration of public comment received at the March 10, 2022 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 January 31, 2022.
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, attached Exhibit A.

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Rebecca Deming, CED Director

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Date

**Planning Commission Recommendation**

**DRAFT:** 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, attached Exhibit A.

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Planning Commission Chair

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Date

Exhibit A – Proposed Amendments

Exhibit B – Public Comment (**If received**)



# ORDINANCE

**AN ORDINANCE OF THE CITY OF NORTH BEND, WASHINGTON, RELATING TO THE CITY’S ZONING CODE, NBMC TITLE 18; AMENDING NBMC SUBSECTION 18.14.010(A) RELATING TO SITE PLAN REVIEW APPLICABILITY; AMENDING NBMC SUBSECTION 18.16.040(B) RELATING TO CHANGE OF USES FOR OFF-STREET PARKING; AMENDING NBMC SUBSECTION 18.34.050(A) RELATING TO DESIGN STANDARDS FOR SINGLE-FAMILY AND COTTAGE RESIDENTIAL PROPERTIES; PROVIDING FOR SEVERABILITY; AND ESTABLISHING AN EFFECTIVE DATE**

**WHEREAS**, North Bend Municipal Code (“NBMC”) Title 18 contains the City’s development standards; and

**WHEREAS**, the City desires to amend the development standards relating to site plan review applicability, change of use requirements for off-street parking, and design standards for single family and cottage residential properties (collectively “Proposed Amendments”); and

**WHEREAS**, the City submitted a *Notice of Intent to Adopt* the Proposed Amendments to the Washington State Department of Commerce on January 31, 2022, 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**, a State Environmental Policy Act (“SEPA”) Determination of Non-Significance (“DNS”) and notice of public hearing were issued for the Proposed Amendment on February 25, 2022, with a comment deadline of March 14, 2022, and three public comments and one agency comment have been received; and

**WHEREAS**, the City of North Bend Planning Commission held a public hearing on the Proposed Amendments on March 10, 2022, wherein public and commissioner testimony was received and addressed; and

**WHEREAS**, the City Council finds that the Proposed Amendments are consistent with the requirements of the Growth Management Act, 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. Findings of Fact:** The WHEREAS clauses set forth above are incorporated as findings of fact as if fully set forth herein.

**Section 2. NBMC 18.14.010(A), Site Plans – Applicability, Amended:** North Bend Municipal Code Subsection 18.14.010(A) (Applicability) is hereby amended as follows:

A. Site plan review and approval shall be required prior to issuance of a building permit (If required) when provided under this chapter. Site plan review shall be required for the following:

1. All new nonresidential uses for the location of any building or any multifamily development in which more than two dwelling units would be contained.

2. Nonresidential expansion, new, and/or change of outdoor use area including but not limited to expanded parking, storage, or outdoor seating.

~~2.3.~~ The expansion of any building or development.

**Section 3. NBMC 18.16.040(B), Off-Street Parking – Expansion, Enlargement or Change of Use, Amended:** North Bend Municipal Code Subsection 18.16.040(B) (Off-street parking – Expansion, enlargement or change of use) is hereby amended as follows:

B. Change of Use.

1. When a residential structure is changed into a commercial structure, excluding a home occupation use, off-street parking shall be provided for the commercial use as required by this chapter. The change of use provision shall not apply in the downtown commercial (DC) zoning district when improvements are less than 50 percent of the assessed value of the structure over a 10-year period.

2. When a non-residential use is changed into a different non-residential use, off-street parking shall be provided for the new use as required by NBMC table 18.16.090, when the new use requires additional parking greater than the existing use.

a. Exemptions:

i. No additional parking space need be provided where the number of additional parking spaces required for the new use is less than 10 percent of the parking spaces on site.

ii. If no more than a total of 3 parking spaces are required for the new use.

**Section 4. NBMC 18.34.050(A), Single-Family and Cottage Residential, Amended:**

North Bend Municipal Code Subsection 18.34.050(A) (Single-family and cottage residential) is hereby amended as follows:

A. The following section of this chapter outlines the design standards and guidelines for new single-family and cottage homes ~~over two units/lots~~. This section should also be read along with performance standards in NBMC 18.10.050 for associated cottage and single-family design standards. This section is organized as follows:

1. Subsection A of this section, Single-Family and Cottage Residential.
2. Subsection B of this section, Architectural Style and Related Matters.
3. Subsection C of this section, Materials and Color.
4. Subsection D of this section, Building Mass and Scale.
5. Subsection E of this section, Building Orientation.
6. Subsection F of this section, Garages.
7. Subsection G of this section, Setback Variation.
8. Subsection H of this section, Lot Layout and Design.

**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 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 \_ DAY OF \_\_\_\_,  
2022.**

**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:

Effective:

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**Susie Oppedal, City Clerk**