



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

**Thursday, March 24, 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>

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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 March 10, 2022 Planning Commission Meeting**
- 4) Public Hearing and Introduction for: Preliminary plat/BSP application requirements in NBMC 17.08.150 concerning sewer availability**
  - a) Staff Introduction
  - b) Public Hearing
  - c) Planning Commission discussion and deliberation, possible recommendation
- 5) Adjournment by 9:00 unless otherwise approved by Commission**

**Next Meeting: April 14, 2022**

Agenda item: (If recommendation not provided on March 24) Recommendation on NBMC 17.08.150 Amendments

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 [rdeining@northbendwa.gov](mailto:rdeining@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 through 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, March 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 7:04 PM.

## ROLL CALL

Planning Commissioners present: Judy Bilanko (Chair), James Boevers, Heather Bush, Scott Greenberg, Olivia Moe, and Suzan Torguson. Commissioner Towe was absent. City Staff Present: Jamie Burrell, Senior Planner; Bre Keveren, Interim Public Information Officer/Communications Manager; and Rebecca Deming, Community & Economic Development Director.

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

There were no public comments.

## **AGENDA ITEM #3: Approval of February 10, 2022 Planning Commission Meeting Minutes**

Commissioner Moe made a Motion to Approve the Minutes from the Planning Commission February 10, 2022 Meeting as presented. Commissioner Boevers seconded the Motion. The Motion was Approved, 5-0.

**AGENDA ITEM #4: Approval to Remove Commission Bilanko from the Chair Position and Placing Commissioner Bilanko as Vice Chair for the Remaindered 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 Remaindered of the Current Two Year Term (one year remaining)**

Commissioner Bilanko made a Motion to Approve as presented. Commissioner Moe seconded the Motion. The Motion was Approved.

Commissioner Greenberg joined the meeting

## **AGENDA ITEM #5 – Public Hearing for NBMC Chapter 18 Regarding Site Plans, Parking, and Design Standards**

- a) Staff Introduction.  
Rebecca Deming, CED Director gave a staff introduction the Commissioners.
- b) Public Hearing.  
Chair Torguson opened the Public Hearing at 7:08 PM. No speakers. Chair Torguson closed the Public Hearing at 7:08 PM.
- c) Planning Commission Discussion and Deliberation.
- d) Recommendation.  
Commissioner Bilanko made a Motion to Approve the Proposed Amendments to NBMC Chapter 18 regarding site plans, parking, and design standards as presented. Commissioner Greenberg seconded the Motion. The motion was approved, 6-0.

**AGENDA ITEM #6 – Adjournment by 9:00 PM Unless Otherwise Approved by the Planning Commission**

1 The Meeting Adjourned at 7:20 PM.

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3 **NEXT PLANNING COMMISSION MEETING:**

4 The next Planning Commission meeting is scheduled for March 24, 2022.

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6 ATTEST:

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9 Judy Bilanko, Chair

Rebecca Deming, City of North Bend



## Staff Report and Planning Commission Recommendation

### **Amendments to North Bend Municipal Code 17.08 enabling preliminary plat, preliminary short plat, and preliminary binding site plan review with certificate of future sewer availability.**

**Date:** For March 24, 2022 Planning Commission Meeting

**Proponent:** City of North Bend

#### **I. Staff Recommendation: (Following consideration of public comment, and Planning Commission Deliberation)**

**A motion to recommend City Council approval of the amendments to NBMC 17.08.150 enabling preliminary plat, preliminary short plat, and preliminary binding site plan review with certificate of future sewer availability.**

#### **II. Summary of Proposed Municipal Code Amendments:**

Amendments are proposed to the completeness requirements for preliminary plats, preliminary short plats, and preliminary binding site plans in NBMC 17.08.150. The amendments would enable the acceptance, review, and processing of preliminary applications ahead of sewer availability, subject to a waiver and release agreement.

Preliminary plats, preliminary short plats, and preliminary binding site plans are a paper-approval only, for the purpose of reviewing and demonstrating that a land division proposal is consistent with the North Bend Municipal Code and Comprehensive Plan. They do not authorize any construction to occur. The amendments would not enable the approval of final plats, final short plats or final binding site plans, or the approval of any construction activity, buildings or other land uses that would require sewer connection until such actual sewer capacity became available.

The City is currently constructing improvements to the wastewater treatment plant to expand its capacity, and such improvements are anticipated to be completed in the fall of 2023. Preliminary review of plats and binding site plans can take many months to process, and the proposed amendments would allow such preliminary review to occur at the same time as the wastewater treatment plant upgrades are occurring, enabling applications to be processed, while ensuring that no development that would require such sewer connection be approved until the capacity needed to serve the development is available.

The benefit and purpose of the amendments is to enable timely processing of proposals, even out staff review obligations and work flow, and prevent a review backlog that may otherwise occur at the time that wastewater treatment plant capacity becomes available.

The Transportation and Public Works Committee reviewed the initial proposal for the amendments at their February 22, 2022 meeting, and recommended that it be brought before the Planning Commission for consideration.

### **III. 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 the proposed amendments. The amendments only allow for review of preliminary plat/short plat/binding site plan applications against the North Bend Municipal Code and other applicable regulations and do not allow any development to occur.
- 2) **Economic Impacts.** The amendments would have a positive economic for applicants, by enabling the timely processing of preliminary plats, preliminary short plats, and preliminary binding site plans, which would otherwise need to wait to be accepted until after full sewer capacity became available. The amendments would similarly have a positive impact on the City as a municipal organization, enabling staff review of development proposals to be evened-out, avoiding a slump in reviews during the period before the wastewater treatment plant improvements are completed, and a corresponding surge of applications that may otherwise occur upon completion of such improvements. Evening-out development review obligations help to avoid the need for laying off staff and/or hiring additional review consultants to address a review backlog.
- 3) **Cultural Impacts.** No cultural impacts are anticipated from the amendments as the amendments do not authorize any construction.
- 4) **Impacts to Surrounding Properties.** No impacts to surrounding properties are anticipated from the amendments, as the amendments do not authorize any construction. Future projects that may be reviewed subject to the proposed amendments would provide public notification consistent with the City's notification requirements, including notification to property owners within 300 feet of the boundary of the subject site.

### **IV. Compatibility of Proposed Amendment with North Bend Comprehensive Plan**

In accordance with NBMC 20.08.070 and .080, applications for municipal code amendments must be evaluated for compliance with the Comprehensive Plan. The Capital Facilities Element, chapter 6 of the Comprehensive Plan, includes a goal and policies addressing the provision of capital facilities including sewer service. An analysis of relevant policies is provided below.

CF Goal 1 states, "Provide adequate capital facilities and services necessary to serve the community's existing and future development while maintaining adopted level of service standards." The City is currently constructing improvements to its wastewater treatment plant necessary to expand its capacity to serve the planned 20-year growth projection of the City. Those improvements are anticipated to be completed by the fall of 2023. The draft amendments are intended to allow for processing of preliminary applications only, to allow timely processing of applications, but not to allow actual development to occur.

CF Policy 1.1 states, “Ensure new development meets the required level of service through a concurrency test consistent with the City’s concurrency regulations.” The draft amendments propose to allow the issuance of a conditional certificate of concurrency subject to a release and hold harmless agreement, and the issuance of conditions on such conditional currency not allowing final plat/final short plat/final binding site plan approval, and not allowing approval of construction permits for such development until sewer capacity is available to serve the development. See additional information on concurrency under section V below.

#### **V. 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. NBMC 20.12, Concurrency, requires a certificate of concurrency to be issued for development as well as for a preliminary plat, short plat or binding site plan. A certificate of concurrency is certification from the City that municipal services, including water, sewer, stormwater, and streets, are available to serve the development and that the development will not drop levels of service for such facilities below adopted thresholds. Under the amendments, the City may issue a conditional certificate of concurrency for preliminary plats, preliminary short plats, and preliminary binding site plans, which must include conditions not allowing final approval or the issuance of construction permits for such projects until sewer capacity is available to serve the development. As such, the proposed amendments will be consistent with the City’s concurrency regulations and ensure that levels of service for public facilities remain met while allowing for the review of preliminary applications.

#### **VI. 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 specifically address this issue. See Comprehensive Plan analysis above.*
2. If the issue is not addressed in the Comprehensive Plan, is there a need for the proposed change?  
*The amendments will enable the timely processing of preliminary plat, preliminary short plat, and preliminary binding site plan applications while the wastewater treatment plant improvements are being constructed, to even out staff review obligations and prevent a potential backlog of work when those improvements have been completed.*
3. Is the proposed change the best means for meeting the identified public need?  
*Yes.*
4. Will the proposed change result in a net benefit to the community?  
*The proposed regulations will result in a net benefit to the community by providing timely review of applications for property owners, more evenly distributed work load for staff, and predictable staffing budget planning by the City, without authorizing actual development or construction of uses that would require sewer service.*

#### **VII. Summary Findings:**

1. Pursuant to RCW 36.70A.106, the draft amendments were forwarded to Commerce - Growth Management Services on February 3, 2022.
2. A State Environmental Policy Act Determination of Non-significance was issued on the draft amendments on March 11, 2022. The Environmental Checklist and SEPA Determination are on file and available upon request.

3. The Planning Commission reviewed the draft amendments at their March 24 and April 14, 2022 meetings, and held a public hearing at their March 24, 2022 Planning Commission. Written comments received for the hearing are included in the attached Exhibit B.
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. **(To be completed following Planning Commission deliberation).**

**Staff Recommendation:**

Based on the findings above, Staff recommends approval of the draft amendments, as provided in the attached Exhibit A.

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Mike McCarty, Senior Planner

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Date

**Planning Commission Recommendation**

**TO BE COMPLETED FOLLOWING PUBLIC HEARING AND PLANNING COMMISSION DELIBERATION.**

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Planning Commission Chair

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Date

**Exhibits**

Exhibit A – Draft amendments to NBMC 12.14, Floodplain Management

Exhibit B – Written Comments received **(As of 3/16/22 at the time of preparing the PC Packet, no comment has been received. Written comment received after distribution of the Planning Commission packet but before the hearing will be provided via email to the Commissioners).**

**17.08.150 Application requirements for preliminary plats, preliminary short plats and preliminary binding site plans.**

The following application requirements shall be required in addition to those application requirements described in NBMC 20.02.002:

A. A title report issued within 30 days of application, showing all persons having an ownership interest, a legal description describing exterior boundary of application site and listing all encumbrances affecting the site.

B. A map prepared by a land surveyor showing the following:

1. Location of all physical and legal description encroachments affecting the boundary between the application site and the adjoining parcels. Encroachments may be from the application site onto the adjoining parcels or from the adjoining parcels onto the application site;
2. Contours based upon topographic field survey. Contour intervals shall be at two-foot intervals when slopes are 15 percent or less and five-foot intervals for slopes exceeding 15 percent. The preliminary map shall contain notes indicating that contours are based upon field survey. A field topographic base map shall accompany the application. If approved by the department, field survey may be waived for large areas of open space or extensive sensitive area tracts. Two temporary benchmarks must be shown within the application site along with the appropriate elevation and datum;
3. A legal description of application site as shown in the title report;
4. The proposed layout of lots, tracts, rights-of-way and easements, along with existing utilities and areas of proposed dedications;
5. The purpose of any tracts and dedications proposed within the application site;
6. All easements, listed in the title report, capable of being plotted on the map;
7. Field-verified survey of location of all known sensitive areas including, but not limited to, streams, wetlands and steep slopes that may affect the proposal. Show the approximate 100-year floodplain, floodway or river channel migration zone, where applicable;
8. Name of proposal;
9. North arrow, scale and date of map and revisions when applicable;
10. Location of adjoining parcels and buildings within 100 feet of the site shall be shown and delineated by dashed lines. The zoning of the parcels shall also be identified;
11. Name and location of all existing adjoining rights-of-way along with the name and location of any adjoining or internal right-of-way proposed to be vacated with the proposal;
12. A vicinity map;

~~13. Proof of sewer and water availability, including any required water rights, shall be submitted to the department or, for any development subject to the moratorium in Ordinance No. 1337, a waiver and release agreement in the form approved by the city attorney, holding the city harmless from any claims for damages due to the lack of sufficient water supply capacity, delay in providing water under the city's water right permit No. G1 26617(A) or otherwise, or delay in approving the subdivision application; and~~

~~14. An engineered preliminary drainage plan.~~

C. An engineered preliminary drainage plan and preliminary stormwater technical information report.

D. Proof of sewer and water availability, including any water rights, in the form of a certificate of water availability and certificate of sewer availability.

1. If, at the time of application, sewer capacity to serve the development is not available but is anticipated to be made available within two years subject to planned completion of funded and permitted improvements to such facilities, the City may issue a conditional certificate of future sewer availability for the purpose of subsection D, allowing for review approval of the preliminary plat, preliminary short plat, or preliminary binding site plan, subject to City approval of a release and hold harmless agreement from the applicant in a form approved by the city attorney. Such release and hold harmless agreement shall hold the City harmless for any claims for damages due to the lack of sufficient sewer capacity, delay in providing sewer, or delay in approving the final plat, final short plat, or final binding site plan. In such case, the City shall provide conditions upon the preliminary approval not allowing final plat approval or construction permits until such sewer capacity is available to serve the development.

E. A proposed binding site plan shall be deemed to have satisfied the requirements of subsection B of this section when the binding site plan is based on a recorded final planned unit development, building permit, as-built site plan for developed sites, or a site development permit for the entire site and proof of sewer and water availability (pursuant to subsection ~~(B)(13)~~D of this section) and traffic concurrency has been provided.

F. A landscape plan prepared per Chapter 18.18 NBMC, Landscaping Regulations.

G. A significant tree survey and retention plan prepared per Chapter 19.10 NBMC, Clearing, Grading, Filling and Drainage.

H. A SEPA Checklist, if required, per NBMC 14.04.

I. A trip generation and distribution analysis, if required, per the Public Work Standards.