



**REGULAR MEETING
OF THE NORTH BEND PLANNING COMMISSION
Thursday, April 28, 2022, 7:00-9:00 PM**

PLEASE NOTE: This meeting will be held at City Hall, 920 SE Cedar Falls Way, North Bend, WA.

Members of the public may choose to attend in person or by teleconference. As the in-person/teleconference hybrid meeting option is new technology to City Staff it is strongly encouraged that members of the public that are attending by teleconference provide comments in advance of the meeting. Please email comments on any agenda items prior to the meeting to the Senior Planner Jamie Burrell at jburrell@northbendwa.gov. Please provide comments by 4:30 p.m., Thursday, April 28, 2022 so a copy can be provided to the Planning Commission prior to the meeting.

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 24, 2022 Planning Commission Meeting**
- 4) Introduction and Recommendation for: NBMC Chapter 20.11 Termination of Land Use Applications**
 - a) Staff Introduction**
 - b) Planning Commission discussion, deliberation, and possible recommendation**
- 5) Adjournment by 9:00 unless otherwise approved by Commission**

Next Meeting: May 12, 2022

The meeting is available 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

Dial by your location +1 253 215 8782 US (Tacoma)

Find your local number: <https://us02web.zoom.us/u/kcrGtzNWfU>

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. 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 24, 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 under: City of North Bend

AGENDA ITEM #1: CALL TO ORDER

The meeting was called to order at 7:02 PM.

ROLL CALL

Planning Commissioners present: Judy Bilanko, Scott Greenberg, Suzan Torguson (Chair), and Gary Towe. Commissioner Boevers and Commissioner Moe were absent. Planning Commission Seat #6 is vacant. City Staff Present: Mike McCarty, Senior Planner; Bre Keveren, Interim Public Information Officer/Communications Manager; and Rebecca Deming, Community & Economic Development Director.

AGENDA ITEM #3: Opportunity for Public Comment

Michael Thomas, 1231 LaForest Drive SE, North Bend, WA spoke.

AGENDA ITEM #4: Approval of March 10, 2022 Planning Commission Meeting Minutes

Commissioner Greenberg made a Motion to Approve the Minutes from the Planning Commission March 10, 2022 Meeting. Commissioner Bilanko seconded the Motion. The Motion was Approved, 4-0.

AGENDA ITEM #5: Public Hearing and Introduction for Preliminary Plat/Binding Site Plan Application Requirements in NBMC 17.08.150 Concerning Sewer Availability

- a) Staff Introduction. Mike McCarty made a staff introduction to the Planning Commissioners.
- b) Chair Torguson opened the Public Hearing at 7:13 PM.
Michael Thomas, 1231 LaForest Drive SE, North Bend, WA, spoke
There were no other comments received.
Chair Torguson closed the Public Hearing at 7:17 PM.
- c) Planning Commission Discussion and Deliberation.
There was discussion between the Commissioners and city staff concerning the proposed Application Requirements in NBMC 17.08.150 concerning sewer availability.
- d) Recommendation.
Commissioner Greenberg made a Motion to Recommend Approval to the City Council of the changes proposed along with an added amendment in last sentence of 17.08.050(D)(1) “In such a case, the City will provide conditions upon the preliminary approval not allowing final plat or final binding site plan approval, clearing and grading permits, building permits, or other construction permits until such sewer capacity is available to serve to development.” Commissioner Bilanko seconded the Motion. The Vote was 3-1 (Towe) to Approve the Motion, as amended at tonight’s meeting.

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

The Meeting Adjourned at 7:34 PM.

NEXT PLANNING COMMISSION MEETING:

The next Planning Commission meeting is scheduled for April 28, 2022.

1 ATTEST:

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4 Judy Bilanko, Chair

Rebecca Deming, City of North Bend



Staff Report and Planning Commission Recommendation To Add Municipal Code Chapter 20.11 Termination of Land Use Applications

Meeting Date: April 28, 2022

Proponent: City of North Bend

Staff Recommendation: A Motion to recommend City Council approval of the proposed Ordinance adding NBMC Chapter 20.11 Termination of Land Use Applications.

I. Purpose of Proposed Municipal Code Amendments:

The City of North Bend is proposing adding North Bend Municipal Code Chapter 20.11 Termination of Land Use Applications for the process on applications that are abandoned, or when applicants are non-responsive.

II. Proposed Amendments

1. Chapter 20.11 Termination of Land Use Applications:

Section 1. New NBMC Chapter 20.11, Termination of Processing of Land Use Applications,

Adopted: A new North Bend Municipal Code Chapter 20.11, to be entitled "Termination of Processing of Land Use Applications," is adopted to read as follows:

20.11.010 Termination of processing of land use applications

Applications for a development permit as defined by NBMC 20.01.002.C or a land development proposal as defined by NBMC 20.01.002.D (hereafter "Land Use Applications") shall be closed and the City will terminate the processing of Land Use Applications when an applicant fails to submit additional information, revisions, or corrections as requested by the Department of Community Development ("Department") within 180 calendar days from the date of the Department's written request for additional information, revisions or corrections. The Director may extend the response period beyond 180 days if within that time period the applicant provides and subsequently adheres to a schedule approved by the Director setting forth deadlines for submitting complete revisions, corrections, or other requested information.

20.11.020 New application required

If the Director terminates the processing of a Land Use Application pursuant to NBMC 20.11.010, an applicant may reinitiate review by the Department only by submitting a new Land Use Application consistent with the provisions contained in the NBMC in effect at the time of resubmittal. Any new Land Use Application submitted pursuant to this Section shall vest to the NBMC in effect at the time of the new submittal.

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 the amendment.
- 2) **Economic Impacts.** If a project is abandoned, the applicant will have to meet the requirements in place at time of re-application.
- 3) **Cultural Impacts.** No cultural impacts are anticipated from the amendments.
- 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 protects projects from being vested without activity and a process for abandoned applications.
3. Is the proposed change the best means for meeting the identified public need?

Unknown. The proposed amendments clarify application requirements.

4. Will the proposed change result in a net benefit to the community?

Yes. The proposed codes amendments ensure projects meet required vesting at time of re-application if an applicant is non-responsive on initial review.

VIII. Summary Findings:

1. The Planning Commission considered the proposed amendments on the draft regulations at their April 28, 2022 meeting.
2. Following consideration of public comment received at the April 28, 2022 meeting, the Planning Commission voted to approve the draft amendments.
3. 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, staff recommends approval of the draft regulations as provided herein.

Rebecca Deming, CED Director

Date

Planning Commission Recommendation

Following consideration of the Comprehensive Plan and Development Regulation Amendment process in NBMC 20.08.070 through 20.08.110 and public comment received, the Planning Commission recommends approval of the draft regulations as provided herein.

Planning Commission Chair

Date

ORDINANCE

AN ORDINANCE OF THE CITY OF NORTH BEND, WASHINGTON, ADOPTING A NEW CHAPTER 20.11 OF THE NORTH BEND MUNICIPAL CODE RELATING TO THE TERMINATION OF PROCESSING OF APPLICATIONS FOR DEVELOPMENT PERMITS AND LAND DEVELOPMENT PROPOSALS; PROVIDING FOR SEVERABILITY; AND ESTABLISHING AN EFFECTIVE DATE

WHEREAS, the City desires to promote an efficient and predictable process for the City's review of applications for development permits and land development proposals; and

WHEREAS, the City finds that applications for development permits and land development proposals that are incomplete, contain errors, or prevent the City from timely processing such applications should be corrected or supplemented within a 180-day time period from the date of notification by the City of the need to correct or supplement an application in order for the application to remain vested in land use controls in effect as of the date of the filing of a complete application; and

WHEREAS, the City finds that a period of 180 calendar days is a sufficient time period within which an applicant for a development permit or land development proposal can correct or supplement an application upon request by the Department of Community Development; and

WHEREAS, this Ordinance shall apply to Land Use Applications submitted prior to the passage of this Ordinance; however, the 180-day time period shall not be applied retroactively and day 1 of the 180 day-period shall begin on the Effective Date set forth in Section 3;

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

Section 1. New NBMC Chapter 20.11, Termination of Processing of Land Use Applications, Adopted: A new North Bend Municipal Code Chapter 20.11, to be entitled "Termination of Processing of Land Use Applications," is adopted to read as follows:

20.11.010 Termination of processing of land use applications

Applications for a development permit as defined by NBMC 20.01.002.C or a land development proposal as defined by NBMC 20.01.002.D (hereafter "Land Use Applications")

shall be closed and the City will terminate the processing of Land Use Applications when an applicant fails to submit additional information, revisions, or corrections as requested by the Department of Community Development (“Department”) within 180 calendar days from the date of the Department’s written request for additional information, revisions or corrections. The Director may extend the response period beyond 180 days if within that time period the applicant provides and subsequently adheres to a schedule approved by the Director setting forth deadlines for submitting complete revisions, corrections, or other requested information.

20.11.020 New application required

If the Director terminates the processing of a Land Use Application pursuant to NBMC 20.11.010, an applicant may reinitiate review by the Department only by submitting a new Land Use Application consistent with the provisions contained in the NBMC in effect at the time of resubmittal. Any new Land Use Application submitted pursuant to this Section shall vest to the NBMC in effect at the time of the new submittal.

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 DAY OF ,
2022.**

CITY OF NORTH BEND:

Rob McFarland, Mayor

APPROVED AS TO FORM:

Michael R. Kenyon, City Attorney

ATTEST/AUTHENTICATED:

Published:

Effective:

Susie Oppedal, City Clerk