

ORDINANCE 1801

AN ORDINANCE OF THE CITY OF NORTH BEND, WASHINGTON, AMENDING NORTH BEND MUNICIPAL CODE SECTION 17.08.150 RELATING TO APPLICATION REQUIREMENTS FOR PRELIMINARY PLATS, PRELIMINARY SHORT PLATS AND PRELIMINARY BINDING SITE PLANS; PROVIDING FOR SEVERABILITY; AND ESTABLISHING AN EFFECTIVE DATE

WHEREAS, the City has recently increased its sewer capacity when it made certain improvements to the City's Wastewater Treatment Plant; and

WHEREAS, as a result of the recent increase in sewer capacity, the City desires to review all applications for sewer and water availability based on the specifics of each proposal, and as such will remove the requirement in Section 17.08.150(D)(1) requiring an applicant for a preliminary plat, preliminary short plat, or preliminary binding site plan to approve of, and enter into, a release and hold harmless agreement related to a lack of sufficient sewer capacity; and

WHEREAS, the City will review and analyze all applications for a preliminary plat, preliminary short plat, or preliminary binding site plan for sewer and water availability under current capacity at the time of application;

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

Section 1. NBMC 17.08.150, Amended: North Bend Municipal Code Section 17.08.150 is hereby amended as follows:

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; and

12. A vicinity map.

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 this 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 or final binding site plan approval, clearing and grading permits, building permits, or other 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

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 Chapter 14.04 NBMC.

I. A trip generation and distribution analysis, if required, per the public work standards.

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 5TH DAY OF DECEMBER, 2023.

CITY OF NORTH BEND:

APPROVED AS TO FORM:

Rob McFarland, Mayor

Kendra Rosenberg, City Attorney

ATTEST/AUTHENTICATED:

Published: December 15, 2023

Effective: December 20, 2023

Susie Oppedal, City Clerk