

# ORDINANCE 1802

## **AN ORDINANCE OF THE CITY OF NORTH BEND, WASHINGTON, REPEALING NORTH BEND MUNICIPAL CODE SUBSECTION 20.12.050(G) RELATING TO CONCURRENCY TESTS AND THE SET ASIDE OF PUBLIC FACILITY CAPACITIES; AND ESTABLISHING AN EFFECTIVE DATE**

**WHEREAS**, the City has recently increased its sewer capacity through certain improvements to the City's Wastewater Treatment Plant and the City anticipates Phase 2 of the City's Plant will be completed in Quarter 2 of 2024; and

**WHEREAS**, the City performs concurrency analysis for public facilities, such as sewer, water, streets, and stormwater; and

**WHEREAS**, the City currently sets aside concurrency capacity of nine percent of any future increases of system capacity of public facilities as follows: six percentage points for commercial development and one percentage point for single-family residential (non-subdivision, non-short plat); and

**WHEREAS**, as a result of the recent and anticipated increase in sewer capacity, the City no longer requires a reservation of 9% of remaining sewer capacity toward commercial developments as provided for in NBMC Subsection 20.12.050(G); and

**WHEREAS**, accordingly, the City desires to repeal NBMC Subsection 20.12.050(G);

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

**Section 1. NBMC Subsection 20.12.050(G), Repealed:** North Bend Municipal Code Subsection 20.12.050(G) is hereby repealed in its entirety. All other subsections of NBMC 20.12.050 shall remain in full force and effect as currently adopted or hereafter amended.

**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 5<sup>TH</sup> DAY OF  
DECEMBER, 2023.**

**CITY OF NORTH BEND:**

**APPROVED AS TO FORM:**

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**Rob McFarland, Mayor**

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**Kendra Rosenberg, City Attorney**

**ATTEST/AUTHENTICATED:**

Published: December 15, 2023

Effective: December 20, 2023

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**Susie Oppedal, City Clerk**