

# **ORDINANCE 1809**

**AN ORDINANCE OF THE CITY OF NORTH BEND, WASHINGTON, RELATING TO ADOPTION OF THE 2021 KING COUNTY SURFACE WATER DESIGN MANUAL; AMENDING NBMC SUBSECTION 13.36.085(B); AMENDING NBMC SUBSECTION 14.06.030(C); AMENDING NBMC SUBSECTION 14.07.040(G); AMENDING NBMC SECTIONS 14.16.030, 14.16.060, AND 14.16.070, SUBSECTION 14.16.075(B); AMENDING NBMC SECTION 17.04.140; AMENDING NBMC SUBSECTION 20.12.060(A); REPEALING NBMC CHAPTER 18.50 REGARDING LOW IMPACT DEVELOPMENT DEMONSTRATION PROJECTS; PROVIDING FOR SEVERABILITY; AND ESTABLISHING AN EFFECTIVE DATE**

**WHEREAS**, the City of North Bend (“City”) has adopted the best management practices from the King County Surface Water Design Manual (“SWDM”) to regulate the design, construction, inspection and maintenance of stormwater facilities in order to prevent pollution, flooding, and other dangers related to stormwater and drainage problems; and

**WHEREAS**, King County Council adopted a new edition of the SWDM in early 2021; and

**WHEREAS**, the City desires to adopt by reference the most current edition of the King County SWDM adopted in 2021, and to amend references to the SWDM throughout North Bend Municipal Code (“NBMC”) Titles 13, 14, 17, and 20 to refer to the current edition of the King County SWDM adopted in this Ordinance or as hereafter amended by King County; and

**WHEREAS**, the new edition of the King County SWDM contains provisions that render NBMC Chapter 18.50 superfluous, and therefore the City desires to repeal NBMC Chapter 18.50; and

**WHEREAS**, the Planning Commission held a public hearing regarding this matter on April 17, 2024;

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

**Section 1. NBMC Subsection 13.36.085(B) (Runoff Quality Treatment Calculation), Amended:** North Bend Municipal Code Subsection 13.36.085(B) (Runoff Quality Treatment Calculation) is hereby amended to read as follows:

B. Runoff Quality Treatment Calculation. The quality treatment adjustment is only applicable when treatment facilities are constructed in accordance with the current edition of the King County Surface Water Design Manual to treat all applicable on-site impervious areas. The adjustment is expressed mathematically as follows:

$$A = F \times 0.1$$

**Section 2. NBMC Subsection 14.06.030(C) (Critical Wetland Areas - Permitted alterations), Amended:** North Bend Municipal Code Subsection 14.06.060(C) (Permitted alterations) is hereby amended to read as follows:

C. Trails. Public and private trails may be allowed within wetland buffers where it can be demonstrated in a critical area report that the wetland and wetland buffer functions and values will not be degraded by trail construction or use, and that the location of the trail provides educational benefit to multiple users. Trail planning, construction, and maintenance shall adhere to the following criteria:

1. Permeable surface trail alignment generally shall be parallel to the perimeter of the wetland, located only in the outer 25 percent of the wetland buffer area, except as needed to access viewing platforms which may be located in the outer 50 percent of the wetland buffer, or as needed to cross the wetland. Trails may be placed on existing levees, railroad grades, or road grades within these limits;

2. Trails and associated viewing platforms shall be constructed of pervious materials no more than five feet in width for pedestrian use only, unless impervious surfaces are necessary for conformance to the Americans with Disabilities Act. Raised boardwalks utilizing nontreated pilings and decking may be acceptable for wildlife viewing platforms of no more than eight feet in width and totaling no more than 60 square feet of footprint, and for wetland crossings. The trail surface shall be limited to minor crossings having no adverse impact on water quality, and meet all other requirements, including water quality standards set forth in the current

edition of the King County Surface Water Design Manual, 2016, or as revised; and

3. Trail alignment shall avoid removal of trees to the greatest extent feasible, and shall provide mitigation for all unavoidable impacts.

**Section 3. NBMC Subsection 14.07.040(G) (Performance Standards – Commercial Vehicle Repair and Servicing), Amended:** North Bend Municipal Code Subsection 14.07.040(G) (Performance Standards - Commercial Vehicle Repair and Servicing) is hereby amended to read as follows:

G. Commercial Vehicle Repair and Servicing. Commercial vehicle repair and servicing must be conducted over impermeable pads and within a covered structure capable of withstanding normally expected weather conditions. Chemicals used in the process of vehicle repair and servicing must be stored in a manner that protects them from weather and provides containment should leaks occur. Proper capture and treatment of runoff per the current edition of the King County Surface Water Design Manual, 2016, or as revised, should occur prior to discharge either off site or into infiltration systems.

**Section 4. NBMC Section 14.16.030 (Definitions - Manual), Amended:** The definition for “Manual” set forth in North Bend Municipal Code (“NBMC”) 14.16.030 (Definitions) is amended to read as set forth below. All other definitions set forth in NBMC 14.16.030 shall remain in full force and effect as currently adopted or hereafter amended.

“Manual” means the ~~2005~~ current edition of the King County Surface Water Design Manual, as adopted or hereafter amended by King County. ~~Including the 2008 amendments thereto. The manual contains BMPs to prevent or reduce pollution, which are hereby adopted by reference.~~

**Section 5. NBMC Section 14.16.060 (Manual adopted), Amended:** North Bend Municipal Code Section 14.16.060 (Manual adopted) is hereby amended to read as follows:

The ~~2005~~ current edition of the King County Surface Water Design Manual; is hereby adopted by reference, including the 2008 amendments thereto, is hereby adopted by the city of North Bend and is hereinafter referred to as the “manual.”

**Section 6. NBMC Section 14.16.070 (Stormwater best management practices (BMPs)), Amended:** North Bend Municipal Code Section 14.16.070 (Stormwater best management practices (BMPs)) is hereby amended to read as follows:

Stormwater and drainage features should incorporate low impact development techniques that mimic predevelopment hydrologic conditions, when technically feasible. ~~Sections 5.1 and 5.2 of the manual should be considered before using traditional methods.~~ BMPs shall be used to control runoff flows and treat stormwater for all projects. Approved BMPs are contained in the manual. The city has also adopted by reference the current edition of the King County Stormwater Pollution Control Manual (BMP manual) as now in effect or as subsequently amended. The BMP manual applies to existing facilities and activities and to new development activities not covered by the King County Surface Water Design Manual. The BMP manual describes the types of regulated activities, the types of contaminants generated by each activity, the contaminant's effect on water quality, the required source control BMPs, and the available treatment BMPs. The BMP manual includes information on design, maintenance, allowable use of alternative BMPs, and a schedule for BMP implementation.

**Section 7. NBMC Subsection 14.16.075(B) (Type C – Conveyance), Amended:** North Bend Municipal Code Subsection 14.16.075(B) (Type C – Conveyance) is hereby amended to read as follows:

B. Type C waters are regulated for the values they provide for conveyance, infiltration, water quality treatment, and flow attenuation of surface waters. It is encouraged that Type C waters be maintained in their existing natural channels to provide these functions. However, subject to conformance to all floodplain management regulations, such channel courses may be altered, piped or realigned, so long as sufficient mitigation is provided that maintains:

1. One-hundred-year conveyance capacity;
2. Infiltration capacity equivalent to that provided by the original channel either within the altered, piped, or realigned system or together with other infiltration accomplished elsewhere on the site; and
3. Comparable water quality treatment per the ~~King County Surface Water Design Manual (as now in effect or subsequently amended)~~ either within the altered, piped or realigned system or together with other aboveground water quality measures provided for the

on-site development that are accomplished elsewhere on the site.

**Section 8. NBMC Section 17.04.140 (Engineered preliminary drainage plan),**

**Amended:** North Bend Municipal Code Section 17.04.140 (Engineered preliminary drainage plan) is hereby amended to read as follows:

“Engineered preliminary drainage plan” means a preliminary plan, consistent with the current edition of the King County Surface Water Design Manual, that shows the locations, types and approximate sizes of the proposed drainage and conveyance facilities, including any required bioswales, wetponds or other water quality facilities.

**Section 9. NBMC Subsection 20.12.060(A) (Level of service standards), Amended:**

North Bend Municipal Code Subsection 20.12.060(A) (Level of service standards) is hereby amended to read as follows:

A. In conducting the concurrency test, the city shall use the following level of service standards for public facilities:

1. Roads and streets (city of North Bend): level of service “D.”

2. Sewer.

a. Waste Water Treatment Plant. Monthly maximum carbonaceous biochemical oxygen demand (five-day) of influent in pounds/day;

b. Pump Station. Criteria for Sewage Works Design, Washington State Department of Ecology, 1992;

c. Conveyance. Criteria for Sewage Works Design, Washington State Department of Ecology, 1992.

3. Water.

a. Water Supply. Water rights certificates and/or permits issued by Washington State Department of Ecology;

b. Conveyance. Group A Public Water System Waterworks Standards, Washington State Department of Health, 1999, and Recommended Standards for Water Works, 1992 (“Ten State Standards”);

c. Storage. Waterworks Standards, Washington State Department of Health, 1996.

4. Stormwater.

a. ~~Current edition of the King County Surface Water Design Manual, King County, Washington, except that off site system capacity shall be analyzed and sized for conveying the 25 year peak flow runoff from contributing areas for the quarter mile downstream reach from the developing site.~~

**Section 10. NBMC Chapter 18.50 (Low Impact Development Demonstration Projects), Repealed:** North Bend Municipal Code Chapter 18.50 (Low Impact Development Demonstration Projects) is hereby repealed in its entirety.

**Section 11. 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 12. 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 18<sup>TH</sup> DAY OF JUNE, 2024.**

**CITY OF NORTH BEND:**

**APPROVED AS TO FORM:**

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**Mary Miller, Mayor**

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**Kendra Rosenberg, City Attorney**

**ATTEST/AUTHENTICATED:**

Published: June 28, 2024  
Effective: July 3, 2024

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**Susie Oppedal, City Clerk**