



**REGULAR MEETING AND SPECIAL PUBLIC HEARING OF THE
NORTH BEND PLANNING COMMISSION**
Wednesday August 21, 2024, 6:30 PM
City Hall, 920 SE Cedar Falls Way, North Bend, WA

AGENDA

- 1) Call to order and roll call, Planning Commission**
- 2) Opportunity for public comment on non-agenda items**
- 3) Approval of minutes from August 7, 2024**
- 4) Emergency Shelters – Public Hearing**
- 5) ADU Amendments – Public Hearing**
- 6) Housing Element Introduction**
- 7) Adjournment by 8:30 unless otherwise approved.**

PLEASE NOTE: Members of the public may choose to attend the meeting in person or by teleconference. Members of the public attending the meeting in-person will have an opportunity to provide public comment and if attending the meeting by teleconference may submit written comments via in-person drop off, mail, fax, or e-mail to planning@northbendwa.gov. All written comments must be received by 4 p.m. on the day of the scheduled meeting and must be 350 words or less. If an individual requires an accommodation because of a difficulty attending the public meeting, the City requests notice of the need for accommodation by 3:30 p.m. on the day of the scheduled meeting. Participants can request an accommodation to be able to provide remote public comments by contacting the City by phone (425) 888-5633 or by e-mail to planning@northbendwa.gov. No other remote public comment will be permitted.

Those wishing to access the meeting by teleconference will be required to have a registered Zoom account and display your full name to be admitted to the online meeting.

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Meeting ID: 840 6934 5990

Passcode: 317193

Call In Phone Number: 1-253-215-8782

**REGULAR MEETING AND PUBLIC HEARINGS OF THE
NORTH BEND PLANNING COMMISSION
- ACTION MEETING MINUTES -
Wednesday, August 7, 2024, 6:30 PM**

This meeting was held at City Hall, 920 SE Cedar Falls Way, North Bend, WA, and was also available online. 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 6:30 PM.

ROLL CALL

Planning Commissioners present: Brian Fitzgibbon, James Boevers, Juliano Pereira, Hannah Thiel, Olivia Moe, Sam White and Stephen Matlock.

City Staff Present: Rebecca Deming, Community & Economic Development Director, James Henderson, Economic Development Manager, Mike McCarty, Principal Planner, Trevor Roselli, Volunteer Planning Intern, Mayor Mary Miller.

AGENDA ITEM #2: Approval of minutes from June 5, 2024 meeting

AGENDA ITEM #2: Approval of minutes from June 5, 2024 meeting.

Motion by Commissioner White, seconded by Commissioner Moe, to approve the June 5, 2024 meeting minutes. The motion passed unanimously.

AGENDA ITEM #3: Amendments to NBMC 16.12.005 and Table 20.01.004 Concerning Mobile Home Parks – Public Hearing and Planning Commission Recommendation

CED Director Rebecca Deming provided an introduction and summary of the draft amendments to the Mobile Home Park Regulations in NBMC 16.12.005 and corresponding amendments to Table 20.01.004 revising review and approval for a Mobile Home Park from a hearing examiner to City staff.

Commissioner Thiel opened the public hearing at 6:35. Michael Thomas, 1231 LaForest Drive SE, provided comment. Commissioner Thiel closed the public hearing at 6:36. Staff addressed questions of the commissioners. Commissioner White requested that the gender-specific pronouns “he/his” within NBMC 16.12.005 be replaced with “their/they.” Commissioners concurred with this request.

Motion by Commissioner Moe to recommend City Council approval of the draft amendments to NBMC 16.12.005 and Table 20.01.004 with the pronoun edits requested by the Commission at tonight's meeting. The motion was seconded by Commissioner Pereira and passed unanimously.

AGENDA ITEM #4: Seattle Commercial Development Corporation Development Agreement – Public Hearing and Planning Commission Recommendation

Economic Development Manager James Henderson provided an introduction and summary of the draft Development Agreement (DA), which pertains to payment of future impact fees from development on the site and about options of the developer to seek either City or Sallal Water Association water service to the property. Commissioners inquired about why the DA did not provide more information on the nature of the proposed development. Staff clarified that the DA is not about use, project design, or layout, which would need to comply with the municipal code and which would be addressed through the required master plan process applicable to the property.

Commissioner Thiel opened the public hearing at 6:52. Jean Buckner, 46226 SE 139th Place, provided comment. Rob Howie, from SeaCon, representing the applicant Seattle Commercial Development LLC, provided comment.

1 Michael Thomas, 1231 LaForest Drive SE, provided comment. Commissioner Thiel closed the public hearing at
2 7:06pm.

3
4 Staff addressed questions of the Commissioners. Motion by Commissioner Fitzgibbon to recommend Council
5 approval of the DA as presented. The motion was seconded by Commissioner Mattlock, and was approved 6:1
6 (Moe opposed).

7
8 **AGENDA ITEM #5: Amendments to NBMC 18.10.050 and NBMC 18.10.041 pertaining to Accessory**
9 **Dwelling Units.**

10 Volunteer Planning Intern Trevor Roselli introduced proposed amendments to NBMC 18.10.040 and 18.10.041,
11 provided to comply with state requirements pertaining to Accessory Dwelling Units (ADUs) passed by the
12 legislature through House Bill 1337. Principal Planner Mike McCarty handed out an additional proposed
13 amendment to 18.10.050, which was not included in the Planning Commission's packet, that would allow ADUs
14 for existing homes in zones that allow residential but not single-family as a new use, which was not included in the
15 Planning Commission's packet. Mr. McCarty noted that corresponding amendments to the City's Non-Conforming
16 Use regulations would also be forthcoming, to be scheduled and noticed for a future hearing.

17 Staff addressed questions of the Commissioners. The Commission did not make a recommendation as the
18 amendments have not yet had a public hearing, which is scheduled for August 21.

19
20 **AGENDA ITEM #6: Adjournment by 8:30 PM unless otherwise approved by the Commission**
21 The Meeting was adjourned at 7:55 PM.



**Staff Report and Planning Commission Recommendation
To Amend Municipal Code Chapter 18.10.030 and 18.10.050 related to Hotels,
Emergency Shelters and Emergency Housing**

Meeting Date: August 21, 2024

Proponent: City of North Bend

Staff Recommendation: A Motion to recommend City Council approval of the proposed Ordinance amending NBMC Chapter 18.10.030 Permitted and Conditional Uses pertaining to Hotels, Emergency Shelters and Emergency Housing.

I. Purpose of Proposed Municipal Code Amendments:

The City of North Bend is proposing amendments to North Bend Municipal Code Title 18, Chapter 18.10 Zoning Districts, Table 18.10.030 Table of Permitted and Conditional Uses.

In 2021, the definitions of “emergency shelter” and “emergency housing” were modified under E2SHB 1220. The City adopted Ordinance 1756 on September 7, 2021 related to the definitions. A significant provision affecting zoning codes were made as part of this that a city shall not prohibit indoor emergency shelters and indoor emergency housing in any zones in which hotels are allowed. The City proposes the following amendments to the permitted uses table below in order to adjust where hotels are allowed and reduce the need for Conditional Use Permits (CUP). Additionally, Performance Standards are amended for consistency with state law and to ensure public health and safety.

II. Proposed Amendments

Table 18.10.030 Permitted and Conditional Uses

P = Permitted use CUP = Conditional use permit required	RESIDENTIAL				COMMERCIAL					INDUSTRIAL		PUBLIC FACILITIES
LAND USES:	LDR	CLDR	CR	HDR	NB	DC	IC	IMU	NB-2	EP-1	EP-2	POSPF
2.00 COMMERCIAL:												
2.16a Hotel					P	See Chapter 18.12 NBMC	P	P	P	P	P	
* 2.42 Indoor Emergency Shelter				CUP	CUP	See Chapter 18.12 NBMC	CUP P	CUP P	CUP P		P	CUP
* 2.43 Indoor Emergency Housing				CUP	CUP	See Chapter 18.12 NBMC	CUP P	CUP P	CUP P		P	CUP

Table 18.10.050 Performance Standards is proposed to be amended as follows:

TYPE OF LAND USE:	PERFORMANCE STANDARD(S):
2.00 COMMERCIAL:	
2.42 Indoor Emergency Shelter	<p>a. <u>Conditional use permit required</u> <u>The density of emergency housing or shelter within a facility shall not exceed the requirements of the underlying zoning designation. No occupied structures may exceed occupancy limits set by the currently adopted building code.</u></p> <p>b. <u>The occupancy of an indoor emergency shelter shall be limited to no more than 10 families or 40 people, whichever is fewer. There shall be no more than one continuously operating indoor emergency shelter in the city. As used herein, the phrase "continuously operating" is intended to exclude indoor emergency shelter facilities that are needed to respond temporarily to a natural disaster or other similarly acute emergency (e.g., unusually hot or cold temperatures of short duration) that has caused unexpected homelessness within the city. No continuously operating indoor emergency shelter may be located within a half mile of a continuously operating indoor emergency housing</u></p>

TYPE OF LAND USE:	PERFORMANCE STANDARD(S):
	<p>facility as measured by the nearest point on one such property to the nearest point on the other. Indoor emergency shelters shall not be located within a half mile of permanent supportive housing or transitional housing units as measured by the nearest point on one such property to the nearest point on another.</p> <p>c. An operations and security plan for emergency housing facilities shall be required that addresses potential security and neighborhood impacts within 500 feet of the emergency housing facility.</p> <p>d. Must comply with all standards of the zone in which the indoor emergency shelter is located.</p>
2.43 Indoor Emergency Housing	<p>a. <u>Conditional use permit required</u> <u>The density of emergency housing or shelter within a facility shall not exceed the requirements of the underlying zoning designation. No occupied structures may exceed occupancy limits set by the currently adopted building code.</u></p>
	<p>b. The occupancy of an indoor emergency housing facility shall be limited to no more than 10 families or 40 people, whichever is fewer. There shall be no more than one continuously operating indoor emergency housing facility within the city. As used herein, the phrase "continuously operating" is intended to exclude indoor emergency housing facilities that are needed to respond temporarily to a natural disaster or other similarly acute emergency (e.g., unusually hot or cold temperatures of short duration) that has caused unexpected homelessness within the city. No continuously operating indoor emergency housing facility may be located within a half mile of a continuously operating indoor emergency shelter as measured by the nearest point on one such property to the nearest point on the other. Indoor emergency housing facilities shall not be located within a half mile of permanent supportive housing or transitional housing units, as measured by the nearest point on one such property to the nearest point on another.</p>
	<p>e. b. An operations and security plan for emergency housing facilities shall be required that addresses potential security and neighborhood impacts within 500 feet of the emergency housing facility.</p>

TYPE OF LAND USE:	PERFORMANCE STANDARD(S):
	<u>dc.</u> Must comply with all standards of the zone in which the indoor emergency housing facility is located.

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 amending NBMC Chapter 18 cited above. Regulations protecting critical areas, managing stormwater runoff, and controlling floodplain impacts are governed by the Critical Area Regulations in NBMC Title 14, and apply regardless of what type of development occurs on a site.
- 2) **Economic Impacts.** No economic impact is expected from these amendments.
- 3) **Cultural Impacts.** No significant cultural impacts are anticipated from the amendments. All proposed projects must plan for protecting cultural resources.
- 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 conforms with state law and aligns with the City's desires.
3. Is the proposed change the best means for meeting the identified public need?
Yes. The proposed amendment provides certainty for providers of housing and for the community.
4. Will the proposed change result in a net benefit to the community?
The amendments are a no project action but provide clear requirements for those proposing Indoor Emergency Shelters and Housing.

VIII. Summary Findings:

1. The Planning Commission will consider the proposed amendments and held a public hearing on the draft regulations at their August 21, 2024 meeting.
2. The Planning Commission voted to **approve/deny** the amendments at their August 21, 2024 meeting.
3. Pursuant to RCW 36.70A.106, the draft regulations were forwarded to Commerce - Growth Management Services on July 1, 2024.
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.

Staff Recommendation:

Based on the findings above and pending consideration of public input to be provided for and at the Public Hearing, staff recommends approval of the draft regulations as provided herein, attached in the Ordinance

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 at the public hearing, the Planning Commission recommends **approval/denial** of the draft regulations as provided herein, attached Exhibit A.

Exhibit A – Ordinance

Exhibit B – Comments **(If received)**

ORDINANCE

AN ORDINANCE OF THE CITY OF NORTH BEND, WASHINGTON, RELATING TO HOTELS AND INDOOR EMERGENCY SHELTERS AND HOUSING; AMENDING NBMC SECTIONS 18.10.030 RELATING TO ZONING DISTRICT PERMITTED AND CONDITIONAL USES; AMENDING NBMC SECTION 18.10.050 RELATING TO ZONING DISTRICT PERFORMANCE STANDARDS; PROVIDING FOR SEVERABILITY; AND ESTABLISHING AN EFFECTIVE DATE

WHEREAS, the City Council desires to amend certain zoning regulations to conform to the State's recent passage of Engrossed Second Substitute House Bill 1220 passed by the Legislature in 2021 relating to indoor emergency shelters and housing through local planning and development regulations; and

WHEREAS, City staff submitted proposed draft amendments to NBMC Section 18.30.030 and 18.30.050 to the Washington State Department of Commerce for review on July 1, 2024; and

WHEREAS, the Planning Commission reviewed these amendments at its August 21, 2024, meeting, conducted a public hearing, and recommended approval;

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

Section 1. NBMC Section 18.10.030 (Table of Permitted and Conditional Uses).

Amended: The table set forth in North Bend Municipal Code Section 18.10.030 (Table of permitted and conditional uses) is hereby amended to include the following amendments to the rows for 2.16a. Hotel; 2.42, Indoor Emergency Shelter; and 2.43, Indoor Emergency Housing. All other text set forth in NBMC Section 18.10.030, including the table set forth therein, shall remain in full force and effect as currently adopted. The Code Reviser is authorized to insert and remove the amendments as reflected in underscore and strike-through, into Table 18.10.030 as shown below:

Table 18.10.030 Permitted and Conditional Uses

P = Permitted use CUP = Conditional use permit required		RESIDENTIAL				COMMERCIAL					INDUSTRIAL		PUBLIC FACILITIES
LAND USES:		LDR	CLDR	CR	HDR	NB	DC	IC	IMU	NB-2	EP-1	EP-2	POSFF
2.00 COMMERCIAL:													
2.16a Hotel						P	See Chapter 18.12 NBMC	P	P	P	P	P	
*	2.42	Indoor Emergency Shelter			CUP	CUP	See Chapter 18.12 NBMC	CUP P	CUP P	CUP P		P	CUP
*	2.43	Indoor Emergency Housing			CUP	CUP	See Chapter 18.12 NBMC	CUP P	CUP P	CUP P		P	CUP

Section 2. NBMC Section 18.10.050 (Table of Performance Standards), Amended:

The table set forth in North Bend Municipal Code Section 18.10.050 (Table of performance standards) is hereby amended to include the following amendments to the rows for commercial land uses (2.42, Indoor Emergency Shelter; and 2.43, Indoor Emergency Housing). All other text set forth in NBMC Section 18.10.050, including the table set forth therein, shall remain as currently adopted. The Code Reviser is authorized to insert and remove the amendments as reflected in underscore and strike-through into Table 18.10.050 as shown below:

TYPE OF LAND USE:	PERFORMANCE STANDARD(S):
2.00 COMMERCIAL:	
2.42 Indoor Emergency Shelter	<p>a. <u>Conditional use permit required</u> <u>The density of emergency housing or shelter within a facility shall not exceed the requirements of the underlying zoning designation. No occupied structures may exceed occupancy limits set by the currently adopted building code.</u></p> <p>b. <u>The occupancy of an indoor emergency shelter shall be limited to no more than 10 families or 40 people, whichever is fewer. There shall be no more than one continuously operating indoor emergency shelter in the city. As used herein, the phrase "continuously operating" is intended to exclude indoor emergency shelter facilities that are needed to respond temporarily to a natural</u></p>

TYPE OF LAND USE:	PERFORMANCE STANDARD(S):
	<p>disaster or other similarly acute emergency (e.g., unusually hot or cold temperatures of short duration) that has caused unexpected homelessness within the city. No continuously operating indoor emergency shelter may be located within a half mile of a continuously operating indoor emergency housing facility as measured by the nearest point on one such property to the nearest point on the other. Indoor emergency shelters shall not be located within a half mile of permanent supportive housing or transitional housing units as measured by the nearest point on one such property to the nearest point on another.</p>
	<p>e. b. An operations and security plan for emergency housing facilities shall be required that addresses potential security and neighborhood impacts within 500 feet of the emergency housing facility.</p> <p>d. c. Must comply with all standards of the zone in which the indoor emergency shelter is located.</p>
2.43 Indoor Emergency Housing	<p>a. <u>Conditional use permit required</u> <u>The density of emergency housing or shelter within a facility shall not exceed the requirements of the underlying zoning designation. No occupied structures may exceed occupancy limits set by the currently adopted building code.</u></p>
	<p>b. <u>The occupancy of an indoor emergency housing facility shall be limited to no more than 10 families or 40 people, whichever is fewer. There shall be no more than one continuously operating indoor emergency housing facility within the city. As used herein, the phrase "continuously operating" is intended to exclude indoor emergency housing facilities that are needed to respond temporarily to a natural disaster or other similarly acute emergency (e.g., unusually hot or cold temperatures of short duration) that has caused unexpected homelessness within the city. No continuously operating indoor emergency housing facility may be located within a half mile of a continuously operating indoor emergency shelter as measured by the nearest point on one such property to the nearest point on the other. Indoor emergency housing facilities shall not be located within a half mile of permanent supportive housing or transitional housing units, as measured by the nearest point on one such property to the nearest point on another.</u></p>

TYPE OF LAND USE:	PERFORMANCE STANDARD(S):
	<u>b.e.</u> An operations and security plan for emergency housing facilities shall be required that addresses potential security and neighborhood impacts within 500 feet of the emergency housing facility.
	<u>c.d.</u> Must comply with all standards of the zone in which the indoor emergency housing facility is located.

Section 3. 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 4. 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 8TH DAY OF
OCTOBER, 2024.**

CITY OF NORTH BEND:

Mary Miller, Mayor

APPROVED AS TO FORM:

Kendra Rosenberg, City Attorney

ATTEST/AUTHENTICATED:

Published:
Effective:

Susie Oppedal, City Clerk



Community and Economic Development Department Staff Report

Proposal: Amendments to the Accessory Dwelling Units (ADUs) Performance Standards in NBMC 18.10.050 section 1.52 and associated amendments to NBMC 18.10.041.

Date: August 21, 2024

Proponent: City of North Bend

Staff Recommendation: A motion to recommend City Council approval of the proposed amendments to NBMC 18.10.050 section 1.52 concerning ADUs and associated amendments to NBMC 18.10.041.

A. PROPOSED AMENDMENTS:

Amendments are proposed to the City of North Bend Land Use Performance Standards concerning Accessory Dwelling Units (ADUs) in NBMC 18.10.050 Section 1.00, Subsection 1.52, and associated amendments to NBMC 18.10.041. The amendments are intended to increase the number of ADUs permitted per lot up from one to two, increase the maximum size of ADUs from 800 square feet to 1000 square feet, permit the sale and/or subdivision of ADUs, revise setbacks applicable to ADUs, and associated minor amendments.

The proposed code amendments are in response to recent legislative amendments to RCW 36.70A.680 and 681 passed by the legislature through House Bill 1337, which updates standards and laws that local governments can impose on ADUs. Subject to the amendments to RCW 36.70A.681 under HB1337, cities:

- Must allow two (2) ADUs per single family residential lot in any configuration of attached or detached, or through conversions of existing structures,
- May not require the owner to occupy the property, and may not prohibit sale as independent units,
- Must allow an ADU of at least 1,000 square feet and must adjust zoning to be consistent with the bill for things such as height, setbacks, and other regulations.
- May not require the provision of off-street parking for ADUs within one-half mile of a major transit stop (not applicable in North Bend),
- May not prohibit the sale or other conveyance of a condominium unit independently of a principal unit solely on the grounds that the condominium unit was originally built as an ADU.

This gives the City of North Bend the opportunity to update its own standards and regulations on ADUs to help meet housing and affordability goals by enabling lots in the LDR zone to contain more housing at a more affordable price.

Staff are therefore proposing amendments to the performance standards for ADUs, including the number of units permitted per lot, maximum size of the units, sale/subdivision of the units from principal dwelling, and placement of the units to ultimately allow for the construction/availability of more housing stock at a relatively affordable price when compared to a typical single-family home.

Associated amendments to NBMC 18.10.041 are provided to remove regulations pertaining to ADUs from this section, so that all ADU provisions are addressed in 18.10.050 subsection 1.52, and NBMC 18.10.041 only addresses residential accessory structures and uses (and not ADUs).

The proposed municipal code amendments are provided within the attached Exhibit A.

B. FINDING AND ANALYSIS:

1. Public Hearing: A public hearing is scheduled for the August 21 Planning Commission Meeting.

2. Municipal Code Amendment Process: Municipal code amendments are governed by NBMC 20.08.070 through 20.08.110, evaluated below.

a. Impacts of Proposed Amendment

NBMC 20.08.070 and .080 requires that municipal code amendments be evaluated for their environmental, economic and cultural impacts, as well as impacts to surrounding properties. These impacts are evaluated below.

- i. Environmental Impacts.** No environmental impacts are anticipated from revising the land use performance standards concerning ADUs. Regulations protecting critical areas, managing storm water runoff (including maximum impervious surface limits per property based on zoning), and controlling floodplain impacts are governed by the Critical Area Regulations in NBMC Title 14, and apply regardless of development that occurs on a site. Such review will occur upon submittal of an application for development.
- ii. Economic Impacts.** The amendments have a positive economic impact for the City of North Bend by making the development of ADUs less restrictive and therefore encouraging the development of more ADUs that can provide the city with more housing stock at more affordable prices. This is particularly important for many people who work in North Bend, particularly within the retail and service industries, who cannot find local housing that they can afford. New residents/tenants would also be added to the city's tax base, supporting local businesses.
- iii. Cultural Impacts.** No significant cultural impacts are anticipated from the proposed amendments. ADUs provide a form of housing stock that is largely lacking in the City of North Bend, allowing people from a wide range of incomes the opportunity to live in the city, as well as increasing housing options for households with elderly parents or grown children.

b. Impacts to Surrounding Properties. The proposed amendments are not specific to any particular properties. However, the amendments have the potential to impact the amount of readily available on-street parking if not enough off-street parking is provided for an ADU. The City's parking regulations require 1 parking stall for each ADU (in addition to parking required for the primary home), which should provide sufficient off-street parking to limit impacts to street parking.

3. 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 North Bend Comprehensive Plan Housing Element calls for a mix of housing types and densities to help meet housing demands for the region. The Housing Element also calls for the permittance of two ADUs per lot where single-family homes are permitted.

The proposed amendments are consistent with the following Comprehensive Plan Goals and Policies:

Housing Goal 1: Encourage a variety of housing types and densities compatibly located to meet the demands of a diverse population.

Housing Policy 1.2: Encourage the provision of a diversity of housing types and sizes to meet the needs of a wide range of economic levels, age groups and household make-up.

Housing Policy 4.9: Support and allow the development of a variety of housing types that increase the availability of housing affordable to all economic segments of the city's population.

Housing Policy 6.6: Encourage and support accessible design and housing strategies, such as ADUs, that provide seniors the opportunity to remain in their own neighborhood as their housing needs change.

4. Compatibility of Proposed Amendment with the North Bend Municipal Code (NBMC)

In accordance with NBMC 20.08.070 and .080, application for municipal code amendments must be evaluated for compliance with the North Bend Municipal Code.

The amendments, which bring North Bend's municipal code regarding ADUs up to state standards and requirements are consistent with a stated purpose of the Low-Density Residential zone in NBMC 18.10.020(A)(3), which reads, "Accommodate other uses compatible with single-family residences and other types of innovative styles of residential units including accessory dwelling units."

5. Consistency with NBMC 20.08.100

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 amendments are to the North Bend Municipal Code and not the Comprehensive Plan. See

further description on compatibility of the proposed amendments to the Comprehensive Plan above.

2. If the issue is not addressed in the Comprehensive Plan, is there a need for the proposed change?

Yes. As described further under section A, the amendments are proposed to better enable ADUs to be developed both in larger size and quantity within the City of North Bend, which is intended to help fill the need for more housing; The amendments are also needed to meet state requirements when regulating ADUs.

3. Is the proposed change the best means for meeting the identified public need?

Yes. The draft amendments are the best means to meet the changes to restrictions on ADUs imposed by the state.

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

Yes. The proposed regulations will result in a net benefit to the community by allowing for a higher quantity of alternative housing that serves different needs for housing while also being relatively more affordable than a detached single-family home.

C. SUMMARY FINDINGS

- 1) The Planning Commission considered the proposed draft amendments at their August 7 and August 21, 2024 Planning Commission meetings and held a public hearing on the draft regulations at their August 21, 2024 meeting, receiving and considering **comments (....TBD....)**.
- 2) The amended ADU standards will result in a benefit to the community by enabling the development of greater size and quantity of ADUs on individual lots consistent with state law, which can help to increase the supply of housing in forms that are more affordable.
- 3) Pursuant to RCW 36.70A.106, the draft regulations were forwarded to Commerce - Growth Management Services on July 29, 2024.
- 4) A State Environmental Policy Act Determination of Non-significance on the proposed amendments was issued on August 9, 2024 and noticed appropriately.
- 5) 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.

D. RECOMMENDATION

Staff Recommendation

The proposal is consistent with the development regulation amendment procedures in NBMC 20.08 and is supported by policies within the Comprehensive Plan. Staff recommends approval of the amendments to the Accessory Dwelling Units (ADUs) performance standards in NBMC 18.10.050 section 1.52 and NBMC 18.10.041.

Planning Commission Recommendation

Based on the findings above and after consideration of the public comment received at the public hearing, the North Bend Planning Commission recommends **APPROVAL/DENIAL** of the proposed

amendments to the Accessory Dwelling Units (ADUs) performance standards in NBMC 18.10.050 section 1.52 and NBMC 18.10.041.

Exhibits:

Exhibit A: Municipal Code Amendments – Redlines

Exhibit B: Municipal Code Amendments – Clean

Exhibit C: Written comment received (if received)

Proposed Amendments to NBMC 18.10.050, Section 1.00 Residential Subsection 1.52

1.52 Accessory Dwelling Units (ADUs)	<ul style="list-style-type: none"> a. Single-family detached dwellings, including designated manufactured homes, are permitted to have one-two ADUs. ADUs shall not be permitted in conjunction with any other principal residential use, including but not limited to manufactured homes or mobile homes. b. An ADU may be attached (i.e., located within or attached to a primary dwelling SFDD) or detached (i.e., incorporated in a garage or other outbuilding to the single-family dwelling). c. ADUs shall not be permitted on lots less than 4,000 square feet. d. c. ADUs shall not be larger than 10 percent of the lot area or 800-1,000 square feet, whichever is smaller, and contain a maximum of one bedroom. Studies are allowed on lots less than 5,000 square feet and ADUs shall meet the height requirements of 1.51(b). e. ADUs cannot be separated or subdivided in ownership from the principal dwelling. d. <u>ADUs may be sold as condominiums subject to preparation of a condominium map per NBMC 17.24.</u> f. e. The primary dwelling unit shall be owner occupied. Permission for an ADU can only be applied for and granted to the property owner. f. The ADUs shall conform to building and impervious surfacelot coverage and setback requirements for the LDR district. g. <u>ADUs shall conform to the following bulk and dimensional standards:</u> <ul style="list-style-type: none"> i. <u>Attached ADUs shall meet the bulk and dimensional standards applicable to the primary structure.</u> ii. <u>Detached ADUs shall be located in side yard or rear yard areas only.</u> iii. <u>Detached ADUs shall maintain five-foot side yard and ten-foot rear yard setbacks.</u> iv. <u>Detached ADUs shall not exceed 25' in height to the highest point of the structure.</u>
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	<p><u>On corner lots, a 10-foot side yard setback is required on the street side.</u></p> <p>v. <u>ADUs do not require additional lot area than that required for a single-family dwelling.</u></p> <p>i.vi. <u>Consistent with RCW 36.70A.681, detached ADUs may be sited at a lot line abutting a public alley that is not routinely plowed by the city.</u></p> <p>h. <u>ADUs shall meet all building, electrical, fire, plumbing, <u>parking, design standards</u>, and other applicable code requirements.</u></p> <p>g.i. <u>ADUs are permitted for existing single-family detached dwellings within zones with allowed residential uses but which do not allow single-family residential as a new use.</u></p>
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Proposed Amendments to NBMC 18.10.041

18.10.041 Bulk and dimensional standards for residential accessory ~~units~~, structures and uses.

- A. ~~Accessory dwelling units (ADUs)~~, ~~detached garages~~, and carports shall be located in side yard or rear yard areas only. All other accessory uses and structures to single-family dwellings, with the exception of fences, shall be located strictly in rear yard areas unless explicitly stated otherwise.
- B. ~~Detached ADUs~~, ~~detached garages~~, and detached carports shall maintain five-foot side yard and five-foot rear yard setbacks; however, side or rear yard setbacks may be reduced to zero feet on one side yard lot line if the side yard on the opposite side is a minimum of 15 feet for single-family and 10 feet for cottage. All other accessory uses and structures to single-family dwellings shall maintain five-foot side and rear yard setbacks.
- C. For multifamily dwellings, accessory uses and structures shall be located strictly in rear yard areas, and maintain the same standards in subsections (C)(2) and (3) of this section, except that:
 1. Garages may be located under residential units.
 2. Clubhouses, recreation centers, pools, or sport courts may be located per site plan review and approval.
 3. Fences shall be regulated per NBMC 18.18.175.
- D. On corner lots, to provide a clear view/sight-distance triangle per NBMC 18.18.175, a 10-foot side yard setback is required for accessory structures.
- E. ~~Accessory dwelling units (ADUs) do not require additional lot area than that required for a single-family dwelling, except ADUs are not permitted on lots less than 4,000 square feet.~~
- F.E. Height of accessory structures shall not exceed 25 feet.

EXHIBIT A

G.F. Nonconforming Lots and/or Structures. Lots, structures, and/or land uses legally created and/or legally in existence prior to the adoption date of these standards are not subject to the bulk and dimensional standards herein; provided, that any remodeling, reconstruction, or new construction on such lots or to such structures shall meet all bulk and dimensional standards.

H.G. Conflict with Other Code Provisions. Where bulk and dimensional standards conflict with other standards, provisions of NBMC 18.04.020 shall apply.

I.H. Site perimeter landscaping requirements in Chapter 18.18 NBMC shall apply to all sites unless precluded by placement of a building to a conflicting minimum setback distance.

I. Shall comply with NBMC 18.10.050(1.52), Land Use Performance Standards.

Proposed Amendments to NBMC 18.10.050, Section 1.00 Residential Subsection 1.52

1.52 Accessory Dwelling Units (ADUs)	<ul style="list-style-type: none"> a. Single-family detached dwellings, including designated manufactured homes, are permitted to have two ADUs. ADUs shall not be permitted in conjunction with any other principal residential use, including but not limited to manufactured homes or mobile homes. b. An ADU may be attached (i.e., located within or attached to a primary dwelling) or detached (i.e., incorporated in a garage or other outbuilding to the single-family dwelling). c. ADUs shall not be larger than 1,000 square feet. d. ADUs may be sold as condominiums subject to preparation of a condominium map per NBMC 17.24. e. ADUs shall conform to building and impervious surface coverage requirements. f. ADUs shall conform to the following bulk and dimensional standards: <ul style="list-style-type: none"> i. Attached ADUs shall meet the bulk and dimensional standards applicable to the primary structure. ii. Detached ADUs shall be located in side yard or rear yard areas only. iii. Detached ADUs shall maintain five-foot side yard and ten-foot rear yard setbacks. iv. Detached ADUs shall not exceed 25' in height to the highest point of the structure. On corner lots, a 10-foot side yard setback is required on the street side. v. ADUs do not require additional lot area than that required for a single-family dwelling. vi. Consistent with RCW 36.70A.681, detached ADUs may be sited at a lot line abutting a public alley that is not routinely plowed by the city.
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	<p>g. ADUs shall meet all building, electrical, fire, plumbing, parking, design standards, and other applicable code requirements.</p> <p>h. ADUs are permitted for existing single-family detached dwellings within zones with allowed residential uses but which do not allow single-family residential as a new use.</p>
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Proposed Amendments to NBMC 18.10.041

18.10.041 Bulk and dimensional standards for residential accessory structures and uses.

- A. Detached garages and carports shall be located in side yard or rear yard areas only. All other accessory uses and structures to single-family dwellings, with the exception of fences, shall be located strictly in rear yard areas unless explicitly stated otherwise.
- B. Detached garages and detached carports shall maintain five-foot side yard and five-foot rear yard setbacks; however, side or rear yard setbacks may be reduced to zero feet on one side yard lot line if the side yard on the opposite side is a minimum of 15 feet for single-family and 10 feet for cottage. All other accessory uses and structures to single-family dwellings shall maintain five-foot side and rear yard setbacks.
- C. For multifamily dwellings, accessory uses and structures shall be located strictly in rear yard areas, and maintain the same standards in subsections (C)(2) and (3) of this section, except that:
 - 1. Garages may be located under residential units.
 - 2. Clubhouses, recreation centers, pools, or sport courts may be located per site plan review and approval.
 - 3. Fences shall be regulated per NBMC 18.18.175.
- D. On corner lots, to provide a clear view/sight-distance triangle per NBMC 18.18.175, a 10-foot side yard setback is required for accessory structures.
- E. Height of accessory structures shall not exceed 25 feet.
- F. Nonconforming Lots and/or Structures. Lots, structures, and/or land uses legally created and/or legally in existence prior to the adoption date of these standards are not subject to the bulk and dimensional standards herein; provided, that any remodeling, reconstruction, or new construction on such lots or to such structures shall meet all bulk and dimensional standards.
- G. Conflict with Other Code Provisions. Where bulk and dimensional standards conflict with other standards, provisions of NBMC 18.04.020 shall apply.
- H. Site perimeter landscaping requirements in Chapter 18.18 NBMC shall apply to all sites unless precluded by placement of a building to a conflicting minimum setback distance.
- I. Shall comply with NBMC 18.10.050(1.52), Land Use Performance Standards.



Staff Report for Introduction to the Housing Element Updates of the Comprehensive Plan

Meeting Date: August 21, 2024

Proponent: City of North Bend

I. Purpose of proposed amendments:

The City of North Bend is proposing amendments to the Housing Element of the Comprehensive Plan. Amendments are being prepared as a part of the broader 2024 periodic update to the North Bend Comprehensive Plan, as required under RCW 36.70A.

Proposed amendments include the following:

1. Update to the housing and employment growth targets provided to the City by the Puget Sound Regional Council, and corresponding population projection.
2. Updates to policies for consistency with amendments to the Growth Management Act, Multicounty Planning Policies, and King County Countywide Planning Policies that have occurred since the time of the last update to the Comprehensive Plan in 2015.
3. Updates to address residential growth capacity for various housing types necessary to meet the City's required residential growth targets, which have now been broken down into multiple income brackets.
4. Affordable Housing Updates and required zone and code changes to meet required targets.
5. A new Natural Resources section incorporating policies and provisions from the existing Natural Resources Element, which is being eliminated in the updated 2024 Comprehensive Plan.
6. Discussion in changes in Accessory Dwelling Unit (ADU) laws.
7. A new Housing Capacity Analysis and Zoning Updates section
8. A new History of Discriminatory Practices in Housing section
9. Associated minor edits to update outdated information.

A redline version, showing all amendments and comments describing changes, is linked as Exhibit A.

II. Impacts of Proposed Amendment

NBMC 20.08.070 and .080 requires that applications for Comprehensive Plan and 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.** Negative environmental impacts are not anticipated from adopting the updates to the Land Use Element, Housing Element, and Zoning Map. The proposed amendments support an increased allowance for development of housing types affordable for employees working in retail and service jobs within the community, potentially reducing commute distances for such employees, many of whom need to commute from out of the area as they cannot afford local housing. Reducing commuting

may have positive environmental impacts associated with reduced greenhouse gas emissions and other pollutants generated from motor vehicle use. State Environmental Policy Act review will be conducted for the Comprehensive Plan update as a whole, which will provide opportunity for further consideration of environmental impacts of the Comprehensive Plan including this Element prior to its adoption.

2. **Economic Impacts.** The amendments support an increased allowance for development of housing types affordable to persons in lower-income brackets, which are necessary for housing for employees working in retail and service jobs within the community, often referred to as workforce housing. Such housing is necessary to support the staff needed for local businesses that rely on this labor force, as well as for teachers, firefighters, and many other positions that serve the community. As such, the amendments provide a positive economic benefit and support a balanced community.
3. **Cultural Impacts.** No significant cultural impacts are anticipated from the amendments. The draft amendments include new policies addressing cultural resources and coordination with Tribes, as well as a new Equity section that includes policies aimed at bringing underrepresented and marginalized populations more into the planning process. Specific future projects that are subject to City permitting requirements will be subject to cultural resource reviews as appropriate, which will plan for addressing potential cultural resource impacts. State Environmental Policy Act review will be conducted for the Comprehensive Plan which will provide opportunity for further consideration of cultural impacts of the Comprehensive Plan including this Element, prior to its adoption before the end of 2024.
4. **Impacts to Surrounding Properties.** The Elements apply City-wide, however the Zoning Map amendments do include zoning revisions to specific properties, which have been noticed about the proposed changes for opportunity to provide comment at the public hearing. Different uses allowed within these zones may increase the intensity of development allowed on such properties. The City's development regulations including lighting regulations, landscape regulations, building setbacks, and height limits are intended to minimize and mitigate impacts of adjacent development to other properties. Future projects that are located on and/or adjacent to properties subject to the revised zoning will be subject to public notification and permitting requirements, which will include evaluation of potential impacts to such properties consistent with State Environmental Policy Act review and review against City development regulations at the time of application and review for such projects.

III. Compatibility of Proposed Amendment with North Bend Comprehensive Plan

In accordance with NBMC 20.08.080, Comprehensive Plan and development regulation amendments must be evaluated for compliance with the Comprehensive Plan. The proposed amendments are provided consistent with Multicounty Planning Policies, Countywide Planning Policies, and requirements of the Growth Management Act pertinent to land use and housing requirements, including updated population projections and growth targets.

IV. Compatibility of Proposed Amendment with the North Bend Municipal Code (NBMC)

In accordance with NBMC 20.08.080, Comprehensive Plan amendments must be evaluated for compliance with the North Bend Municipal Code. Corresponding amendments will be prepared to the North Bend Municipal Code implementing the amendments to the Housing Element to ensure consistency.

V. Planning Commission 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 existing Housing Element in the Comprehensive Plan dates to 2015 and needs to be updated consistent with state law (see below). The Zoning map needs to be revised for consistency with the updated Comprehensive Plan Elements including Land Use Designations and Zoning necessary to meet growth targets.

2. If the issue is not addressed in the Comprehensive Plan, is there a need for the proposed change?

Yes. The proposed update is necessary to ensure consistency with requirements of the Growth Management Act (GMA) and Puget Sound Regional Council (PSRC), as a required component of the City's periodic major update to the Comprehensive Plan due at the end of this year. Consistency with the GMA and PSRC Vision 2050 is required for certification of the City's Comprehensive Plan by PSRC for eligibility for various state and federal grants, which the City may rely on to fund municipal projects. Without such certification and use of grants, the City would need to fund a much larger share of the cost of these improvements.

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?

Yes. An updated Housing Element consistent with requirements of the Growth Management Act and Countywide Planning Policies will keep the City eligible for important grant sources that fund local infrastructure and park improvements. Providing amendments to Land Use Designations and Zoning to accommodate required housing targets will help facilitate the development of housing affordable to individuals that work within the community who might not otherwise afford to live here, resulting in a more complete, balanced community. The proposed revisions will result in a net benefit to the community.

Exhibit A: [Draft Housing Element – Redline](#)

Exhibit B: [Draft Housing Element – Clean](#)

Exhibit C: [Draft Zoning Map](#)

Exhibit E: [Land Capacity Analysis](#)