

# ORDINANCE 1818

## AN ORDINANCE OF THE CITY OF NORTH BEND, WASHINGTON, RELATING TO HOTELS AND INDOOR EMERGENCY SHELTERS AND HOUSING AND TRANSITIONAL AND PERMANENT SUPPORTIVE 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 with a follow up on September 25, 2024; and

**WHEREAS**, the Planning Commission reviewed these amendments at its August 21, 2024 meeting, and October 16, 2024 meeting and conducted a public hearing, and recommended approval; and

**WHEREAS**, the City Council finds that it is in the interest of the public health, safety and welfare to amend NBMC Sections 18.30.030 and 18.30.050 to require an operations and security plan for indoor emergency shelters and indoor emergency housing, density and occupancy restrictions for indoor emergency shelters and indoor emergency housing, and to permit indoor emergency shelters, indoor emergency housing, transitional housing and permanent supportive housing in certain areas of the City to comply with Engrossed Second Substitute House Bill 1220;

**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; 2.43 Indoor Emergency Housing, 1.35 Transitional Housing; and 1.36 Permanent Supportive 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	POSPF
<b>2.00 COMMERCIAL:</b>													
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	P	CUP
* 2.43	Indoor Emergency Housing				CUP	CUP	See Chapter 18.12 NBMC	CUP P	CUP P	CUP P	P	P	CUP
* 1.35	Transitional Housing	CUP P	CUP P	CUP P	CUP P	CUP P	See Chapter 18.12 NBMC	CUP P	CUP P	CUP P	P	P	
* 1.36	Permanent Supportive Housing	CUP P	CUP P	CUP P	CUP P	CUP P	See Chapter 18.12 NBMC	CUP P	CUP P	CUP P	P	P	

**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; 2.43 Indoor Emergency Housing, 1.35 Transitional Housing, and 1.36 Permanent Supportive 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      a. Conditional use permit required  
The density of emergency housing or shelter within a facility shall not exceed the requirements of the underlying zoning designation. No occupied structures

**TYPE OF LAND USE: PERFORMANCE STANDARD(S):**

may exceed occupancy limits set by the currently adopted building code.

2.43 Indoor Emergency Housing

- b. 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 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.
- 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.
- d. Must comply with all standards of the zone in which the indoor emergency shelter is located.
- a. Conditional use permit required  
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.
- 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

**TYPE OF LAND USE: PERFORMANCE STANDARD(S):**

~~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.~~

- b.e. 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.
- c.d. Must comply with all standards of the zone in which the indoor emergency housing facility is located.

1.35	<p>Transitional Housing</p>	<ul style="list-style-type: none"><li><u>a.</u> <u>Conditional use permit required.</u></li><li><u>b.</u> <del>The number of transitional housing units allowed on any given property shall be no more than the number of standard dwelling units that would be allowed under the zoning of the property; provided, that in no case shall the number of transitional housing units allowed on any given property exceed 10. No transitional housing unit may be located within half a mile of another transitional housing property, as measured by the nearest point on one such property to the nearest point on the other, that contains permanent supportive housing or transitional housing. Each unit of transitional housing shall be limited to occupancy by one family as that term is defined in the NBMC. Transitional housing shall not be located within a half mile of emergency housing and emergency shelters as measured by the nearest point on one such property to the nearest point on another.</del></li><li><u>e.</u> <u>a.</u> Must comply with all standards of the zone in which the transitional housing is located.</li></ul>
1.36	<p>Permanent Supportive Housing</p>	<ul style="list-style-type: none"><li><u>a.</u> <u>Conditional use permit required.</u></li><li><u>b.</u> <del>The number of permanent supportive housing units allowed on any given property shall be no more than the number of standard dwelling units that would be allowed under the zoning of the property; provided, that in no case shall the</del></li></ul>

**TYPE OF LAND USE: PERFORMANCE STANDARD(S):**

~~number of permanent supportive housing units allowed on any given property exceed 10. No permanent supportive housing unit may be located within half a mile of another property that contains permanent supportive housing or transitional housing, as measured by the nearest point on one such property to the nearest point on another. Each unit of permanent supportive housing shall be limited to occupancy by one family as that term is defined in the NBMC. Permanent supportive housing shall not be located within a half mile of emergency housing and emergency shelters as measured by the nearest point on one such property to the nearest point on another.~~

- e. a. Must comply with all standards of the zone in which the permanent supportive housing 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 5<sup>TH</sup> DAY OF  
NOVEMBER, 2024.**

**CITY OF NORTH BEND:**

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**Mary Miller, Mayor**

**APPROVED AS TO FORM:**

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**Kendra Rosenberg, City Attorney**

**ATTEST/AUTHENTICATED:**

Published: November 15, 2024  
Effective: November 20, 2024

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**Susie Oppedal, City Clerk**