

ORDINANCE 1824

AN ORDINANCE OF THE CITY OF NORTH BEND, WASHINGTON, REPEALING THE NATURAL RESOURCES ELEMENT OF THE CITY OF NORTH BEND COMPREHENSIVE PLAN, AMENDING THE CITY OF NORTH BEND COMPREHENSIVE PLAN; AMENDING THE CITY OF NORTH BEND ZONING MAP; AMENDING NORTH BEND MUNICIPAL CODE SECTIONS AND SUBSECTIONS 17.25.010, 18.06.030, 18.08.020, 18.10.010, 18.10.020(C)-(E), 18.11.010, 18.11.020, 18.11.040, AND 18.11.070; AMENDING CERTAIN ROWS OF NORTH BEND MUNICIPAL CODE TABLES 18.10.030, 18.10.040, AND 18.10.050; PROVIDING FOR SEVERABILITY; AND ESTABLISHING AN EFFECTIVE DATE

WHEREAS, the 1990 Growth Management Act (“GMA”) is codified in chapter 36.70A RCW and requires that each jurisdiction produce a comprehensive plan that contains, at a minimum, elements pertaining to land use, transportation, capital facilities, housing, and utilities; and

WHEREAS, the City adopted its last periodic update to the Comprehensive Plan on December 8, 2015 by Ordinance No. 1574; and

WHEREAS, the City annually reviews through docketed requests proposed amendments to the Comprehensive Plan and development regulations and the docket list for the amendments set forth herein was approved by City Council on April 4, 2023; and

WHEREAS, the City has complied with all other applicable local ordinances, City policy and state laws, including public participation requirements, the State Environmental Policy Act (“SEPA”), and the GMA and review by the Washington State Department of Commerce, in preparing these proposed Comprehensive Plan amendments, implementing North Bend Municipal Code (“Code”) amendments, and implementing North Bend Zoning Map (“Zoning Map”) amendments; and

WHEREAS, the City has taken a regional approach to planning, to ensure consistency with King County Countywide Planning Policies and PSRC Vision 2050 and to engage various agencies in this update including Department of Fish and Wildlife, Affordable Housing Committee of King County, the Snoqualmie Tribe and others; and

WHEREAS, the City Council directed staff to provide drafts of these amendments to the Planning Commission which subsequently provided recommendations to the City Council,

and the City Council passed Resolutions approving each Comprehensive Plan element as completed; and

WHEREAS, in accordance with WAC 395-196-630, a notice of intent to adopt the proposed Comprehensive Plan amendments was sent to the State of Washington Department of Commerce for each Comprehensive Plan element individually approved by City Council Resolution, to allow for a 60-day review and comment period; and

WHEREAS, an environmental review of the proposed amendments to the Comprehensive Plan, has been conducted in accordance with the requirements of SEPA, and a SEPA threshold determination of non-significance and notice of adoption was issued for the Comprehensive Plan on September 20, 2024, and sent to state agencies and interested parties; and

WHEREAS, consistent with RCW 36.70A.035, RCW 36.70A.130(2), and RCW 36.70A.140, the City established and broadly disseminated to the public a public participation program for the review and revision of its Comprehensive Plan, Code, and Zoning Map; and

WHEREAS, the public process for the proposed amendments provided for early and continuous public participation opportunities, including inviting public involvement which included hearings related to each of the above referenced Comprehensive Plan Elements, utility billing inserts in May 2023, Open House and Hearing on the Housing Action Plan on March 1, 2023, three separate City Council Work Study sessions, a public workshop in January 2024, and more; and

WHEREAS, the Planning Commission considered the proposed Comprehensive Plan, received public comments at public meetings and held Public Hearings for each individual Comprehensive Plan element on the following dates:

- a) Transportation Element – September 8, 2022
- b) Parks Element – February 15, 2013
- c) Shoreline Element – August 16, 2023
- d) Critical Areas Element – August 16, 2023
- e) Economic Development Element – November 15, 2023
- f) Franchise Utilities Element – April 3, 2024
- g) Energy and Sustainability Element – June 5, 2024
- h) Capital Facilities Element – June 5, 2024
- i) Land Use Element – September 18, 2024
- j) Housing Element – September 18, 2024; and

WHEREAS, the City issued a SEPA determination of non-significance on November 8, 2024 for the draft Zoning Map and Municipal Code Amendments associated with the 2024 Comprehensive Plan Periodic Update, and sent the draft amendments to the State of Washington Department of Commerce, state agencies and interested parties on November 6, 2024 (transmittal 2024-S-7724); and

WHEREAS, the Planning Commission considered the draft Zoning Map and Municipal Code Amendments associated with the 2024 Comprehensive Plan Periodic Update and held a public hearing on November 20, 2024; and

WHEREAS, the Planning Commission voted to recommend adoption of the proposed Comprehensive Plan to the City Council through individual votes on each Comprehensive Plan element; and

WHEREAS, after review and consideration, the Planning Commission voted to recommend adoption of the proposed amendments to the Code; and

WHEREAS, after review and consideration, the Planning Commission voted to recommend adoption of the proposed amendments to the Zoning Map; and

WHEREAS, before proposing the amended Housing Element, the City followed the new requirements in RCW 36.70A.070(2), including a housing needs assessment, housing action plan, land capacity analysis, racial equity and displacement analysis, and narrative of adequate provisions for existing and projected needs of all economic segments of the community; and

WHEREAS, the 2024 Comprehensive Plan does not have a separate Natural Resources Element because natural resource policies have been included in the Land Use Element; and

WHEREAS, the City Council considered the proposed amendments to the Comprehensive Plan at meetings pursuant to the amendment procedures prescribed in RCW 35A.63.073, and authorized adoption of the Shoreline and Critical Areas Elements (Resolution No. 2086), Franchise Utilities Element (Resolution No. 2111), Housing Element (Resolution No. 2133), the Capital Facilities Element (Resolution No. 2119), the Economic Development Element (Resolution No. 2097) the Land Use Element (Resolution No. 2132), the Parks and Open Space Element (Resolution No. 2072); the Energy and Sustainability Element (Resolution No. 2112); and the Transportation Element (Resolution No. 2049); and

WHEREAS, the City transmitted each of the draft Comprehensive Plan Elements to the State of Washington Department of Commerce, other Agencies, Tribes, and interested parties on the following dates:

- a) Transportation Element – August 19, 2022, Transmittal 2022-S-4253
- b) Parks Element – November 22, 2022, Transmittal 2022-S-4552
- c) Economic Development Element – October 26, 2023, Transmittal 2023-S-6566
- d) Franchise Utilities Element – March 19, 2023, Transmittal 2024-S-6953
- e) Shoreline Element – July 27, 2023, Transmittal 2023-S-6278
- f) Critical Areas Element – July 27, 2023, Transmittal 2023-S-6279
- g) Energy and Sustainability Element – May 7, 2024, Transmittal 2024-S-7055
- h) Capital Facilities Element – May 7, 2024, Transmittal 2024-S-7053
- i) Land Use Element – July 1, 2024, Transmittal 2024-S-7189
- j) Housing Element – July 8, 2024, Transmittal 2024-S-7202

- k) Final Draft Comprehensive Plan as a whole – July 11, 2024, Transmittal 2024-S-7241; and

WHEREAS, the City transmitted the final draft Comprehensive Plan as a whole to the Puget Sound Regional Council on July 8, 2024, and received and addressed comments from the Regional Council; and

WHEREAS, the City Council finds that adoption of the 2024 Comprehensive Plan and associated amendments to North Bend Municipal Code and Zoning Map are in the interest of the public health, safety and welfare;

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

Section 1. North Bend Comprehensive Plan Natural Resources Element, Repealed:

The Natural Resources Element of the North Bend Comprehensive Plan adopted by Ordinance 1574 is hereby repealed in full.

Section 2. North Bend Comprehensive Plan, Amended: The 2024 North Bend Comprehensive Plan Amendments to the North Bend Comprehensive Plan are hereby adopted by reference as if fully set forth herein as follows:

- a. Housing Element as authorized by and attached to Resolution No. 2133;
- b. Franchise Utilities Element as authorized by and attached to Resolution No. 2111;
- c. Critical Areas and Shoreline Elements as authorized by and attached to Resolution No. 2086;
- d. Capital Facilities Element as authorized by and attached to Resolution No. 2119;
- e. Economic Development Element as authorized by and attached to Resolution No. 2097;
- f. Land Use Element and Zoning Map as authorized by and attached to Resolution No. 2132;
- g. Parks and Open Space Element as authorized by and attached to Resolution No. 2072;
- h. Energy and Sustainability as authorized by and attached to Resolution No. 2112; and
- i. Transportation Element as authorized by and attached to Resolution No. 2049.

Section 3. Minor Modifications to the North Bend Comprehensive Plan Authorized:

Consistent with RCW 35A.21.010, the Comprehensive Plan may be modified by the Mayor in the form of minor and non-substantive grammatical and punctuation edits prior to the filing of this Ordinance with the Washington State Department of Commerce.

Section 4. North Bend Zoning Map, Amended: The North Bend Zoning Map is amended as set forth in the attached **Appendix A** and by this reference incorporated as if fully set forth herein.

Section 5. North Bend Municipal Code Titles 17 and 18, Amended: To ensure consistency with these 2024 Comprehensive Plan Amendments and amended Zoning Map, the North Bend Municipal Code (“NBMC”) Title 17 and 18 Sections, Subsections and portions of Tables set forth in **Appendix B** attached hereto are adopted as if fully set forth herein. Only the specific NBMC Sections, Subsections, portions of Tables and otherwise identified text reflected on Appendix B are hereby amended. Ellipses in Appendix B, including within Tables, are solely for the purpose of indicating text intentionally omitted as not amended.

Section 6. Periodic Update Requirements Fulfilled: The City Council finds that the City of North Bend has fulfilled the requirements of the 2024 Periodic Update process for the City’s Comprehensive Plan and Development Regulations as required by the Growth Management Act pursuant to RCW 36.70A.130.

Section 7. 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 8. 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 3RD DAY OF DECEMBER, 2024.

CITY OF NORTH BEND:

APPROVED AS TO FORM:

Mary Miller, Mayor

Kendra Rosenberg, City Attorney

ATTEST/AUTHENTICATED:

Published: December 13, 2024
Effective: December 18, 2024

Susie Oppedal, City Clerk