

ORDINANCE 1825

AN ORDINANCE OF THE CITY OF NORTH BEND, WASHINGTON, RELATING TO ACCESSORY DWELLING UNITS; AMENDING NBMC SECTION 18.10.041; AMENDING NBMC TABLE 18.10.050; AMENDING NBMC SECTION 18.06.030; AMENDING NBMC SECTION 18.30.010; AND AMENDING NBMC SECTION 18.30.050; PROVIDING FOR SEVERABILITY; AND ESTABLISHING AN EFFECTIVE DATE

WHEREAS, during its 2023 session, the Washington State Legislature passed, and the Governor signed, HB 1337, codified into the Revised Code of Washington (“RCW”) as RCW 36.70A.680 and 36.70A.681, “which intends to ease barriers to the construction and use of [Accessory Dwelling Units] ADUs”; and

WHEREAS, HB 1337 impacts the City of North Bend, since it restricts a jurisdiction’s ability to enact regulations that inhibit the construction of ADUs, including those related to number of units permitted on a lot, owner occupancy requirements, lot size restrictions, unit size restrictions, setback requirements, and parking; and

WHEREAS, the City’s Comprehensive Plan Housing Element has identified ADUs as “a lower cost housing option in areas where housing is typically more expensive”; and

WHEREAS, ADUs could serve as an accessible option for renters at or below 120% area median income; and

WHEREAS, North Bend Municipal Code (“NBMC”) currently allows ADUs with some restrictions, but some of those restrictions conflict with this new state law; and

WHEREAS, the proposed amendments were submitted to the Washington State Department of Commerce for review on January 24, 2025; and

WHEREAS, a SEPA Determination of Non-Significance was issued for the proposed amendments on January 24, 2025; and

WHEREAS, the Planning Commission held a public hearing on the proposed amendments at its February 5, 2025, meeting to receive testimony on the proposed amendments; and

WHEREAS, the Planning Commission, by motion on February 5, 2025, recommended approval of the proposed amendments to NBMC Sections 18.10.050-1.52, 18.10.041, 18.06, 18.30.010, and 18.30.050 as detailed in its findings, conclusions and recommendations; and

WHEREAS, the North Bend City Council finds that the proposed amendments are consistent with the requirements of HB 1337, RCW 36.70A.680 and RCW 36.70A.681;

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

Section 1. NBMC Section 18.10.041 (Bulk and Dimensional Standards for Residential Accessory Units, Structures and Uses), Amended: North Bend Municipal Code Section 18.10.041 (Bulk and dimensional standards for residential accessory units, structures and uses) is hereby amended to read as set forth in Exhibit A hereto.

Section 2. Row 1.52 of NBMC Table 18.10.050 (Table of Performance Standards – Accessory Dwelling Units), Amended: Row 1.52 of Table 18.10.050 (Land use performance standards) set forth in North Bend Municipal Code Section 18.10.050 (Table of performance standards) is hereby amended to read as set forth in Exhibit A hereto.

North Bend Municipal Code Section 18.10.050, including the remainder of table 18.10.050, shall otherwise remain in full force and effect as currently adopted or hereafter amended.

Section 3. NBMC Subsections 18.06.030 “A”, “D”, “P”, and “S” (Definitions), Amended: Subsections A., D., P., and S. of North Bend Municipal Code Section 18.06.030 are hereby amended to read as set forth in Exhibit B hereto.

The remainder of North Bend Municipal Code Section 18.10.030 shall remain in full force and effect as currently adopted or hereafter amended.

Section 4. NBMC Section 18.30.010 (Nonconforming Use - Continuance), Amended: North Bend Municipal Code Section 18.30.010 (Nonconforming Use – Continuance) is hereby amended to read as set forth in Exhibit C hereto.

Section 5. NBMC Section 18.30.050 (Nonconforming Use - Addition and Enlargement), Amended: North Bend Municipal Code Section 18.30.050 (Nonconforming use – Addition and enlargement) is hereby amended to read as set forth in Exhibit C hereto.

Section 6. 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 7. 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 18TH DAY OF MARCH,
2025.**

CITY OF NORTH BEND:

APPROVED AS TO FORM:

Mary Miller, Mayor

Kendra Rosenberg, City Attorney

ATTEST/AUTHENTICATED:

Published: March 28, 2025

Effective: April 2, 2025

Susie Oppedal, City Clerk