



**REGULAR MEETING AND SPECIAL PUBLIC HEARINGS OF THE
NORTH BEND PLANNING COMMISSION
Wednesday May 7, 2025, 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 April 16, 2025**
- 4) Hearing and Recommendation – Design Standards amendments for conformance to RCW 36.70A.630 Pg. 4**
- 5) Hearing and Recommendation – Impact Fee regulation amendments for conformance to RCW 82.02.060 Pg. 57**
- 6) 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 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 display your full name to be admitted to the online meeting.

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**REGULAR MEETING OF THE
NORTH BEND PLANNING COMMISSION
- ACTION MEETING MINUTES -
Wednesday, April 16, 2025, 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: Hannah Thiel, Juliano Pereira, Stephen Matlock, Sam White. Commissioners Brian Fitzgibbon, James Boevers, and Olivia Moe were absent.

City Staff Present: Mike McCarty, Planning Manager, and Caitlin Hepworth, Associate Planner

AGENDA ITEM #2: Public Comment on Non-Agenda Items

No comments.

AGENDA ITEM #3: Approval of minutes from March 19, 2025 meeting

Motion by Commissioner White seconded by Commissioner Matlock to approve the March 19, 2025 meeting minutes. The motion passed unanimously.

AGENDA ITEM #4: Introduction – Design Standards Amendments for conformance to ESHB 1293

Associate Planner Caitlin Hepworth provided a summary of the proposed amendments to NBMC 18.34 Design Standards, and to the City of North Bend Commercial, Mixed Use, and Industrial Design Standards, as well as the purpose and associated state requirements the amendments are based on. Ms. Hepworth noted that additional amendments will likely be forthcoming based on recommendations from the City’s architectural consultant Laroy Gant and from additional review by staff, which will be provided in the packet for the next Planning Commission meeting.

Staff addressed questions of the Commissioners. Commissioners requested a number of minor edits including the following:

- Consider changes to graphics on the title page to ensure the graphics represent the desired aesthetic.
- Requested an updated Sub-District Map that includes a legend.
- Definition for Class 1/Class 2 Pedestrian Street (and other related references) should reference to Exhibit A rather than Appendix A.
- Exhibit A map and several other maps throughout the document should be replaced with clearer versions of the same (currently low-res PDFs).
- Bold the “**should/shall nots**” consistently throughout the document the same as “**shoulds**” and “**shalls**”.
- Change “infeasible” to “unfeasible” on A-4a #2.
- Remove the curb cut graphic in A-5.
- Do a final formatting check with the final version to clean up formatting issues that occur in the redline version.
- District specific policy A-4.1 concerning plazas should reference to “section A-4a of the City-wide design standards” to avoid confusion.
- Request to update the maps associated with the district specific standards to be easier to read and include a legend.

- C-2 1. Add “to the extent possible.”
- C-3.1 Keep as **shall** but add “by meeting the following standards.”

No action was taken on this item at tonight’s Planning Commission meeting. This item will be brought back for a public hearing and additional deliberation and possible recommendation by the Planning Commission at the May 7 Planning Commission meeting.

AGENDA ITEM #5: Introduction – Impact Fee Amendments to scale to residential unit size per SB 5258.

Planning Manager Mike McCarty provided a summary of the proposed amendments to NBMC 17.36 Park Impact Fees, NBMC 17.38 Transportation Impact Fees, and NBMC 17.42 Methods to Mitigate Development Impacts. Mike also described the purpose of the amendments being to ensure consistency with recently updated state law concerning the collection of residential impact fees.

Based on questions from staff, the Commission recommended the following:

- Accessory Dwelling Units (ADUs) – Planning Commissioners recommended not charging impact fees on ADUs when created as a part of the parent parcel. Commissioner Thiel suggested charging impact fees on ADUs when established for the purpose of sale through the Condominium process. There was not consensus from other Commissioners on this. Mike McCarty suggested that he would bring the Commission language to consider for this at their next meeting and seek their recommendation at that time.
- Residential additions – Planning Commissioners recommended not charging impact fees for residential additions.
- “Affordable Housing” reduction in Park Impact Fees – Planning Commissioners recommended creating a new definition for Affordable Housing that is tighter than the definition in the existing regulations, which staff noted was too broad, in addition to the more limited “low-income housing” definition that has been added consistent with the state regulations.

Additional minor edits requested by Commissioners include:

- Change “him/her” to “them” or “the applicant” throughout the regulations.
- 17.38.040 correct numbering error.
- 17.38.040(A)(12) missing text.

No action was taken on this item at tonight’s Planning Commission meeting. This item will be brought back for a public hearing and additional deliberation and possible recommendation by the Planning Commission at the May 7 Planning Commission meeting.

AGENDA ITEM #6: Adjournment by 8:30 PM unless otherwise approved by the Commission

The Meeting was adjourned at 7:41 p.m.

Community and Economic Development Department Staff Report



Proposal: Amendments to the Design Review standards in NBMC 18.34.030(C), NBMC 18.34.050(H), and NBMC 18.34.060(D) and amendments to the Commercial/Mixed Use/Industrial Design Standards

Date: May 7, 2025

Proponent: City of North Bend

Staff Recommendation:

A motion to approve of the proposed amendments to NBMC 18.34.030(C), NBMC 18.34.050(H), and NBMC 18.34.060(D) and amendments to the Commercial/Mixed Use/Industrial Design Standards.

A. PROPOSED AMENDMENTS:

Amendments are proposed to the City of North Bend Design Review standards concerning deviations in NBMC 18.34.040(C), single-family and cottage residential development in NBMC 18.34.050(H), multifamily residential in NBMC 18.34.060(D), and amendments throughout the Commercial/Mixed-Use/Industrial Design Guidelines and Standards. The amendments are intended to do the following:

- Remove duplicative regulations that are addressed in other sections of the municipal code;
- Remove ambiguous, vague, or conflicting standards that do not provide clear objectives and architectural standards;
- Remove design standards that have not been utilized since the inception of the design guidelines document;
- Add key definitions that are referenced but not clearly defined;
- Improve the readability and clarity of design standards; and
- Consolidate design standards in more logical locations in the municipal code or Commercial/Mixed-Use/Industrial Design Guidelines and Standards.

The proposed code amendments are in response to recent legislative amendments to RCW 36.70A.630(b) passed by the legislature through ESHB 1293, which updates standards and laws that local governments can impose on design review and design standards. Subject to the amendments to RCW 36. 70A.630(b) under ESHB 1293, cities that architectural design standards for residential or non-

residential development may be implemented at a local level so long as regulations are clear and objective.

This gives the City of North Bend the opportunity to update its own design standards and regulations on to remove or address confusing, conflicting, or vague language to help increase residential and non-residential development. Staff are therefore proposing amendments to the NBMC 18.34 Design Review and the Commercial/Mixed-Use/Industrial Design Guidelines and Standards.

Associated amendments to NBMC 18.34.030(C) add an additional criterion for deviation approval that requires deviations to be compliant with RCW 36.70A.630(b).

Additionally, there are amendments to NBMC 18.34.050(H) regarding single-family and cottage residential design removes standards on lot width and size requirements, which are already described in the subdivision lot layout and design standards in NBMC 17.08.105 and underlying zone bulk and dimensional standards in NBMC 18.10.040.

Similarly, there are amendments to NBMC 18.34.060(D) regarding multifamily residential uses removes height limitation standards already described within underlying zone bulk and dimensional standards in NBMC 18.10.040.

Amendments are also proposed throughout the Commercial/Mixed-Use/Industrial Design Guidelines and Standards removing ambiguous and vague standards, unused design standards, remove standards redundant to the municipal code or Public Works Standards, and remove standards redundant to the Form Based Code. Amendments to the design guidelines additionally include new definitions clarifying key terms, amended language of standards exemplifying clearer architectural standards, and adding additional design standards that refine desired design outcomes for commercial, mixed-use, and industrial projects.

The proposed municipal code and design standard amendments are provided within the attached Exhibit A and Exhibit B.

B. FINDING AND ANALYSIS:

1. **Public Hearing:** A public hearing is scheduled for the May 7th, 2025 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 residential and nonresidential design standards. 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 streamlining design standards for nonresidential and residential projects that can provide the city with more housing stock and encourage greater nonresidential development throughout the community. New nonresidential development will increase local opportunities for jobs as well as bring new businesses and uses to the community. New residents, businesses, and tenants would add to the city's tax base supporting new projects and programs.
- iii. **Cultural Impacts.** No significant cultural impacts are anticipated from the proposed amendments. The amendments reduce redundancies in the code, provide greater clarity in the application of standards, and removes standards that are not actively utilized but create a barrier to development. There are no significant changes proposed to the architectural design standards that impact the desired character and aesthetic of new residential and nonresidential developments.

- b. **Impacts to Surrounding Properties.** The proposed amendments are not specific to any particular properties. Individual projects will be evaluated under the Municipal Code, Public Works Standards, Form Based Code, and/or Commercial/Mixed Use/Industrial Design Standards and Guidelines to assess for potential impacts and appropriate mitigation.

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 includes numerous goals, policies, strategies, and objectives that align with the purpose of design review amendments. The Economic Development Element, Land Use Element, and Housing Element each include components that support the implementation of ESHB1293: to support efficient development or redevelopment, streamline design standards, and remove ambiguous standards may cause barriers to development.

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

Economic Development Goal 2: The City of North Bend is able to meet its financial obligations, promotes efficient development, and creates the conditions for development to be successful.

Economic Development Objective 1: Pursue actions that entice and support businesses and build upon North Bend's brand and identity.

Economic Development Strategy 1.1: To encourage incremental development, the creation of an easy-to-understand guide and designated staff support will help facilitate the development review process for smaller developers and businesses. In addition, clarification of incentives offered to targeted development types that meet specific requirements will improve transparency, predictability, and desirable development outcomes for both the city and small-scale developers.

Land Use Goal 3: Maintain residential quality and neighborhood livability suitable for residents of North Bend.

Land Use Policy 3.3: Utilize adopted multi-family and single-family design guidelines which help to promote high quality residential development.

Land Use Policy 4.1: Implement a high level of design and retention of the City's unique visual quality to areas zoned for commercial or industrial land uses through review and implementation of the adopted Commercial and Industrial Design Standards.

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 design standards and the Commercial/Mixed-Use/Industrial Design Guidelines and Standards up to state law.

5. Consistency with NBMC 20.08.100

Pursuant to NBMC 20.08.100, the City Council 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 Commercial/Mixed-Use/Industrial Design Standards, 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 clarify applicable design standards to residential, commercial, mixed-use, and industrial projects and streamline design standards to remove ambiguous or unclear language. The proposed amendments are intended to remove barriers to develop within the community; the amendments are also needed to meet state requirements for local design regulations and review.

3. Is the proposed change the best means for meeting the identified public need?
Yes. The draft amendments are the best means to meet recent state legislative amendments with regard to design review and design standards.
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 greater interest and follow through on residential, commercial, mixed-use, and industrial development projects that will generate greater tax revenue and funding to North Bend.

C. SUMMARY FINDINGS

- 1) Pursuant to RCW 36.70A.106, the draft regulations were forwarded to Commerce - Growth Management Services on April 18, 2025.
- 2) A State Environmental Policy Act Determination of Non-significance on the proposed amendments was issued on April 18th, 2025 and noticed appropriately.
- 3) The Planning Commission considered the proposed draft amendments at their April 16th, 2025 Commission meetings and held a public hearing on the draft regulations at their May 7th, 2025 meeting.
- 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.
- 5) The amended design standards will result in a benefit to the community by enabling greater development of residential, commercial, mixed-use, and industrial uses consistent with state law, which can help to increase the supply of housing units and jobs throughout 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 Design Standards Applicability, Exemptions, Relation to Other Codes, and Effect subsection in NBMC 18.34.030(C), Single-Family and Cottage Residential standards in NBMC 18.34.050(H), Multifamily standards in NBMC 18.34.060(D) and amendments to the Commercial/Mixed Use/Industrial Design Standards.

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** of the proposed amendments to the Design Standards Applicability, Exemptions, Relation to Other Codes, and Effect subsection in NBMC 18.34.030(C), Single-Family and Cottage Residential standards in NBMC 18.34.050(H), Multifamily standards in NBMC 18.34.060(D) and amendments to the Commercial/Mixed Use/Industrial Design Standards.

Exhibits:

Exhibit A: Municipal Code Amendments

Exhibit B: Commercial/Mixed Use/Industrial Design Standards Amendments

Proposed Amendments to NBMC 18.34

NBMC 18.34.030 Applicability, exemptions, relation to other codes, and effect.

- A. Applicability. As necessary, compliance with design standards is checked at both the conceptual land use approval stage and the building permit stage. The design standards apply to:
1. All new residential and nonresidential construction and exterior tenant improvements (TIs) that require a building permit under the International Building Code (IBC), except as noted under subsection B of this section, must follow these standards and guidelines.
 2. Exterior-only nonresidential building or structure tenant improvements that require a building permit, where such improvements equal or exceed 20 percent of the King County assessed valuation of a building or structure.
 3. Exterior-only multifamily residential building or structure tenant improvements that require a building permit, where such improvements equal or exceed 20 percent of the assessed valuation of a building or structure.
 4. In addition to building permits, design standards apply to site plan approvals that precede issuance of building- or construction-related permits. For example, the standards apply to parking and landscaping reviews, subdivisions, short subdivisions, binding site plans, development agreements, conditional use permits and variances. The degree of application depends on the specific land use action.
 5. Clearing/grading permits. Where a clearing/grading permit is required, the clearing and grading plan shall be reviewed for compliance with applicable design standards.
 6. Where any single development project element triggers the design standards, the standards apply to all project improvements proposed. The purpose of this provision is to ensure that development improvements properly complement and coordinate with one another.
- B. Exemptions.
1. All development that does not require a building permit under the International Building Code (IBC).
 2. Developments listed as exempt from other construction permits (e.g., exempt from clearing and grading permit).
 3. Interior-only tenant improvements.
 4. Exterior tenant improvements that do not meet threshold guidelines noted in subsections (A)(2) and (A)(3) of this section.
 5. Exterior tenant improvements that are “in-kind” maintenance and/or repair only.
 6. Manufactured home design is regulated under NBMC performance standards, Table 18.10.050(1.12).

Applicants are encouraged to consult with city staff at the preapplication meeting or earlier to determine applicability and exemptions. In cases where these standards conflict with a concomitant or development agreement (existing at the time of adoption of these

standards), the principles set forth in the concomitant or development agreement supersede these standards.

- C. Deviation from Standards. An applicant may request a deviation from strict conformance to provisions of the design standards and guidelines set forth in NBMC [18.34.010](#) through [18.34.090](#).

In approving deviations from the standards, the community and economic development director shall prepare written findings that the proposed deviation is justified based on one of the following, and must find that the deviation is otherwise consistent with the purpose and intent of the provision from which the deviation is being sought, as well as the purpose and intent of the design standards and guidelines as a whole:

1. Site-specific limitations that prevent a building design from adhering to the design standards and guidelines;
 2. The deviations better accommodate or improve the existing physical conditions of the subject property in the sole discretion of the community and economic development director; or
 3. The deviations enable implementation of low impact or sustainable design techniques that may not otherwise be possible under strict conformance to the design standards and guidelines.
- 3.4. [The deviation is necessary to ensure that the design standards as otherwise applied do not violate RCW 36.70A.630\(b\).](#)

- D. Relation to Other Codes. The design standards supplement and/or complement the city's zoning code (this title), critical areas regulations (Chapters [14.05](#) through [14.12](#) NBMC), International Building Code (NBMC Title [15](#)), and other land use regulations. // Where design standards conflict with other land use regulations, or where uncertainty exists regarding the interpretation of the standards, respective provisions of NBMC [18.04.020](#), Conflicting regulations, and NBMC [18.04.030](#), Interpretation, shall apply. // Residential and nonresidential developments often use covenants, conditions and restrictions (i.e., CC&Rs). CC&Rs typically address any number of design-related matters, for example, building colors, roof materials, sign guidelines, or otherwise. CC&Rs for development projects shall not be inconsistent with the design standards. As part of city review, the CC&Rs for development projects shall be reviewed by the city for consistency with the design standards. Project-related permits shall not be issued where CC&Rs would be inconsistent with design standards.
- E. Effect. The design standards and design guidelines carry the full effect of the police power to regulate the public health, safety, and welfare per enabling authority outlined in NBMC [18.34.010](#).

Design standards are obligatory and utilize the terms "shall," "must," "required" and like synonyms, as well as antonyms such as "prohibited" or "not allowed." City staff and/or affected decision makers have authority to deny development projects where design standards are not followed.

Applicants are encouraged to follow design guidelines which utilize the terms “should,” “preferred,” “recommended” and like synonyms, as well as antonyms “discouraged,” “not preferred” and the like. City staff and/or affected decision makers shall not have authority to deny development projects where design guidelines are not summarily or cumulatively followed in a development project.

NBMC 18.34.050 Single-family and cottage residential.

H. Lot Layout and Design. The following standards shall be applied to the layout and design of subdivisions and short subdivisions:

1. Lots shall front to a public street, a park or a common open space tract owned by the city or the applicable homeowners association, unless infeasible due to the shape of existing lot lines or the presence of topographic constraints.
2. A shared driveway/access is allowed in limited circumstances when approved by the director, and shall not be used to serve more than four residences. Where access to more than four residences is needed, a public street shall be provided, constructed to the applicable minimum planning/design street standard in Chapter [19.01](#) NBMC and the city of North Bend public works standards.
3. Lots with double frontages (where streets other than an alley exist on opposing property lines) are permitted only when all of the following circumstances apply:
 - a. When such lots are adjacent to a collector or arterial street or where necessary due to topography or other site limitations;
 - b. When limited to a maximum of 250 linear feet of double frontage for all applicable lots along such collector or arterial street;
 - c. If rear lot lines within a subdivision face a street, a minimum 15-foot landscape buffer shall be required between the rear lot line and the adjacent street right-of-way or easement. Said landscape buffer shall consist of Type 2 landscaping per the landscape regulations in Chapter [18.18](#) NBMC and, when provided for a subdivision, shall be placed in a tract owned and maintained by the applicable homeowners association or otherwise in collective ownership and maintenance of all homeowners within the development.

~~4. Subdivisions shall additionally meet the following lot size and width variation criteria:~~

- ~~a. Lot Width. No more than two adjacent residential lots shall have the same width. Variation shall be not less than 10 feet.~~
- ~~b. Lot Size. Single-family lot sizes shall vary. Not more than two adjacent lots shall be of the same size (“same size” is defined as within 500 square feet in area relative to each other) and shall vary as follows:~~
 - ~~i. Thirty-three percent of the total number of lots shall vary from the minimum lot size by a minimum of 2,000 additional square feet. Thirty-three percent of the total number of lots shall vary from~~

~~the minimum lot size by a minimum of 4,000 additional square feet.~~

NBMC 18.34.060 Multifamily residential.

- D. Building Mass and Scale. To ensure that residential building mass and scale is appropriate to North Bend's small city context and is human in scale.

Articulation and/or modulation of primary facades and facades in public view shall be used to break up building mass and scale. Unmodulated primary and publicly viewable facades should not extend more than 30 feet. Modulation should be sufficient to break up wall planes. Roofline articulation should also be utilized, and can be accomplished with multigabled roofs, stepped roofs, or otherwise.

Facade and roofline articulation should be complemented with other architectural features as appropriate to architectural style, including variation in building materials; variation in fenestration; variation in building color; and elements like porches, chimneys, and finer details.

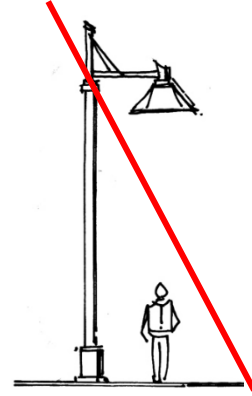
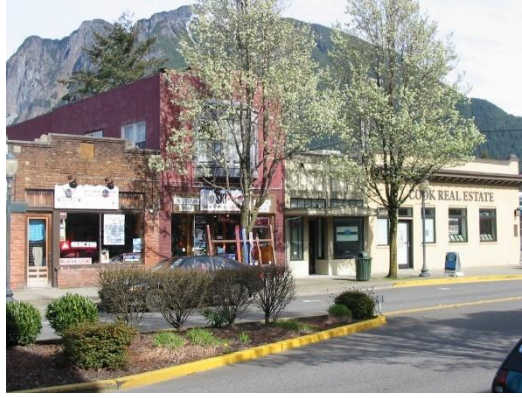
Building location on a lot, including subtle variations in front yard and side yard setbacks, should be utilized to reduce building mass and bulk, especially on larger development projects. For example, front yard setbacks might vary by five feet (see single-family and cottage performance standards in NBMC).

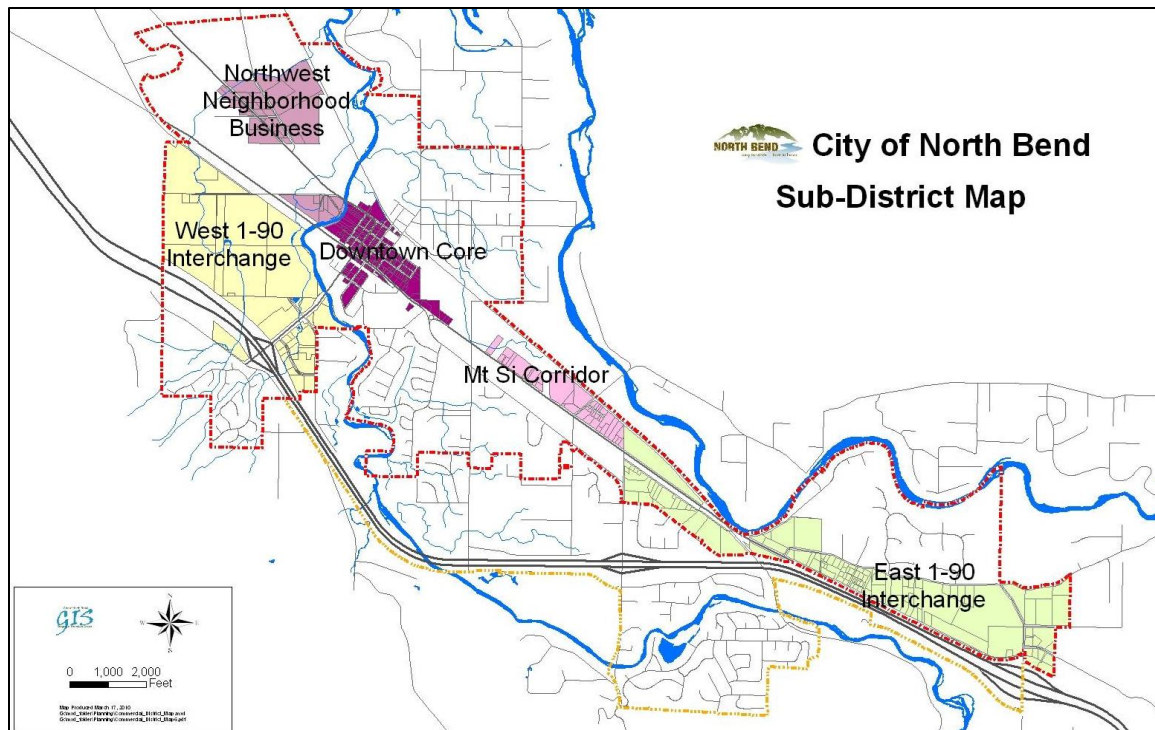
~~All structures shall have a maximum building height of 35 feet. A mix of density and building types is encouraged, but in no case shall individual buildings contain over 10 dwelling units.~~

CITY OF NORTH BEND

Commercial / Mixed Use / Industrial Design Standards and Guidelines (Excluding Historic District)

NBMC 18.34.050





Applicability

The Commercial/Mixed-use/Industrial Design Standards and Guidelines apply to all commercial and industrial zoning designations shown on the above map including: Downtown Commercial (excluding Historic District), Interchange Commercial, Interchange Mixed Use, Neighborhood Business, Neighborhood Mixed Use, Employment Park ~~1 and 2~~, and Business Park.

INTRODUCTION

The purpose of this document is to meet a number of objectives of commercial property in the city and urban growth area of North Bend. These objectives include:

- Enhancing the distinct natural and historical character that defines the City
- Encouraging high quality buildings and landscapes
- Supporting pedestrian movement
- Maintaining an appropriate scale and texture of development in the identified districts
- Directing context sensitive infill

1. Commercial and Industrial Zoning District Definitions

- **Downtown Commercial (DC):** ~~DC is intended~~ to provide specialty retail goods and a range of business, professional and other services ~~consistent complimentary~~ with historic uses and consistent to the scale of the downtown area. Pedestrian orientation and amenities are emphasized and residential development is encouraged in dwelling units above commercial uses.
- **Neighborhood Business (NB):** Intended as general commercial areas that allow buildings that are smaller in scale than other districts. NB is a lower-intensity character for commercial areas west of the South Fork Snoqualmie River. The NB zone accommodates ~~a variety of specialized~~ residential uses and other land uses including limited light manufacturing when conducted in isolation from residential zoning districts.
- **Neighborhood Mixed Use (NMU):** Intended as a supplementary general commercial area with a greater variety of residential uses permitted on the second story or above.
- **Interchange Commercial (IC):** Intended to accommodate commercial business that serve travelers off of the I-90 interchange. Buildings are permitted to be larger in scale than other districts and can operate on a ~~24-hour~~ 24-hour basis in some cases.

- **Interchange Mixed Use (IMU):** Intended to provide a transitional area between the ~~interchange commercial zoning district~~IC zone and residential ~~zoning districts~~residential zones. IMU accommodates permitted residential and commercial development to maximize compatibility with adjacent land uses. Buildings are smaller in scale than the IC districts.
- **Employment Park-1 (EP-1) Business Park (BP):** Intended to provide areas for a variety of light industrial uses that are compatible with adjoining land uses. Second-story residential uses are permitted when mixed with compatible first-floor uses and limited commercial uses are permitted when needed to support employees of EP-1 districts.
- **Employment Park-2 (EP-2):** Intended to provide areas for a variety of industrial uses including manufacturing, fabrication, and processing of natural and manmade materials. Large-scale and specialized industrial and commercial operations are permitted.

2. Commercial and Industrial Sub-District Definitions

- **Downtown Commercial ~~Core~~ District:** The central hub of North Bend zoned downtown commercial and identified by its ~~small-town~~small-town character and small historic district. There is a vibrant retail community and pedestrian friendly amenities.
- **West I-90 Interchange District:** The area off of the western I-90 interchange zoned as ~~BP~~BP, ~~IC~~IC and ~~IMU~~IMU and defined by larger commercial businesses that typically cater to travelers and visitors to North Bend.
- **Mt. Si Corridor District:** The corridor along North Bend Way to the east of the commercial core with access to Mt. Si, Torguson Park and abundant views of natural amenities. The area is primarily zoned as NMU. There is access to housing and an opportunity for more commercial development to target visitors to Mt. Si.
- **Northwest Neighborhood Business District:** The area to the northwest of the commercial core zoned as NB and defined by its abundant open space and natural setting. There are development opportunities here and potential to improve access to community amenities.
- **East I-90 Interchange District:** The area off of the eastern I-90 interchange zoned as ~~IC~~IC, ~~NMUB~~NMUB, ~~EP-1~~EP-1 and ~~EP-2~~EP-2. The interchange is largely undeveloped but there is some industrial use and there are large lots that allow for development flexibility.

3. Architectural and Land Use Definitions

- Anchor Store:** A retailer or restaurant with a significant ability to attract frequent and abundant local and regional customers.
- Architecturally Finished Concrete (or Architectural Concrete):** Exposed concrete that will be permanently exposed to view and requires special care in selection of materials, forming, placing, and finishing to obtain an architecturally finished appearance.
- Awning:** A shelter that provides weather protection, usually constructed of non-rigid canvas or canvas-like materials on a supporting framework that projects from the exterior wall of a building.
- Bay:** Any division of a building between vertical lines or planes, especially the entire space included between two adjacent supports.
- Bioretention Swale:** A filtration system to treat stormwater runoff modeled after the biological and physical characteristic of an upland terrestrial forest or meadow ecosystem. They use vegetation, such as trees, shrubs or grasses, to remove pollutants from stormwater runoff constructed directly into a drainage channel or a swale.
- Building Height:** The vertical dimension of a structure measured from the base elevation to the top of the highest parapet wall, cornice, or coping of a flat roof. For sloping roofs, the height shall be measured to the midpoint of the highest gable or sloped plane. Where a building with multiple occupancies is located on a site which exceeds a slope of five percent, the calculation of height may be determined independently for each separately occupied space
- Building Massing:** The mass of a building is its three-dimensional form, bulkiness and relationship to exterior spaces. Massing that is “broken-up” to reduce bulkiness is preferred to a building form appearing oppressive or overly bulky.
- Building Modulation (Horizontal and Vertical):** Design technique that breaks the massing of large buildings down into smaller units by providing varying depths for exterior walls.

- i. Vertical Modulation: Used to make large buildings appear to be an aggregation of smaller buildings or to add visual relief to long stretches of monotonous facades. Techniques can include the use of architectural features, setbacks or varying rooflines.
 - ii. Horizontal Modulation: Used to reduce the mass of multi-story buildings and provide continuity at the ground level of a large building. Building facades can be divided with horizontal elements so that the façade appears less massive than those with sheer, flat surfaces. Techniques can include stepbacks, balconies, and roof treatment.
- g.i. Build-To Line:** A front boundary setback expressed as a required distance from the street edge of the building envelope. In urban areas, the build-to line often corresponds to a zero front setback.
- h.j. Canopy:** An architectural projection that provides weather protection, identity or decoration and is supported by the building to which it is attached. A canopy is comprised of a rigid structure over which a rigid covering is attached.
- k. Class 1/Class 2 Pedestrian Street:** Roadways identified as key pedestrian areas along arterials, collector roads, and local roads. These classified routes are critical to the community’s vision of the function, use, and visual aesthetic of the downtown core and supplementary commercialized areas. A classification map is located in Exhibit A at the end of this document.
- i.l. Clerestory Windows:** Windows located above either the plinth or canopy line of a building.
- j.m. Common Space (Interior):** Those spaces of the interior of a building that are shared in common by all tenants and visitors to the building. Common space includes by way of example, hallways, stairways, elevator shafts, un-staffed lobby areas, vestibules and common atriums.
- k.n. Cornice:** The decorative section just below the roofline. The cornice may be simple or ornate depending on building style.
- l.o. Court Yard:** An “outdoor room” or public gathering place created by at least three sides of a building or several buildings, generally at the building scale.
- m.p. Fore-Court:** An open area in front of a building’s main entrance.
- n.q. Floor Area Ratio:** The gross floor area of all buildings permitted on a lot divided by the area of the lot. The permitted building floor area is calculated by multiplying the maximum FAR specified by the zoning district by the total area of the parcel. A permitted FAR of 2 would allow the construction of 80,000 square feet of floor space on 40,000 square feet of land ($40,000 \times 2 = 80,000$).
- r. Gateway:** A community entry point into the downtown core that is often accompanied by visual characteristics (such as landscaping, signage, pedestrian pathway design, building frontages, etc.) that distinguish the downtown core from other areas of the community and create a sense of place.
- o.s. Grocery Store:** A store that predominantly sells general food supplies, pharmaceuticals and certain non-edible articles of everyday household use, such as cleaning products, soaps and paper products. Grocery stores do not include large or extensive sections dedicated to the sale of apparel, electronics, shoes, furniture or other goods.
- p.t. Kickplate:** A plate applied to the face of the lower rail of a door or sidelight to protect against abrasion or impact loads.
- q.u. Light Cut-Off:** An artificial outdoor lighting fixture designed to direct light downward and prevent light from being emitted outside the designed lighting area.
- r.v. Lintel:** A horizontal structural beam above an opening, such as a window or door, which may be expressed externally as an architectural feature.
- s.w. Lobby:** An entrance hall or foyer immediately inside the door of a building.
- x. Massing:** See “Building Massing”
- t.y. Mixed Use (Horizontal and Vertical):** Provision of a mix of complementary uses, such as residential, community and leisure uses, on a site or within a particular area.
 - i. Vertical mixed use refers to the uses being stacked on top of each other in a multi-story building.
 - ii. Horizontal mixed use refers to uses arranged next to one another on the same parcel, either attached or detached.
- z. Modulation:** See “Building Modulation”
- u.aa. Parapet:** The upper part of a wall, often used to hide roofs and decorated for architectural interest.
- v.bb. Pervious Paving (Also Porous Pavement or Permeable Paving):** A paving method for roads, parking lots and walkways that allows the movement of water and air through the paving material. Pervious materials allow precipitation to percolate through areas that would traditionally be impervious and

instead infiltrates the stormwater through the soil below. Examples include: porous asphalt, concrete, paving stones, or bricks and grass pavers.

w-cc. Plaza: A paved open square or market place in a city or town for use by the public.

x-dd. Plinth: The base or platform upon which a wall, column, pedestal, statue, monument, or structure rests.

y-ee. Rain Garden: A planted depression that is designed to absorb rainwater runoff from impervious urban areas like roofs, driveways, walkways and compacted lawn areas. Rain Gardens are similar to bio-retention swales, but do not slope to a destination.

z-ff. Roofs (Gable, Hipped, Shed):

- i. Gabled Roof: Gabled refers to a roof identified by the straight slope falling from ridge to eave, creating a peak or triangle on the side or front façade. Gabled houses have rakes on the gable facades and eaves on the non-gabled facades.
- ii. Hipped Roof: Hipped roofs avoid having a peak or triangle at the roof junction by breaking the roof plane along the slope line, allowing the roof to bend or wrap around the house and eaves on all sides.
- iii. Shed Roof: A gabled roof with a single roof face falling away from the main building. Shed roofs are often used for porches and additions.

gg. Scoring: A technique used to break up a sidewalk by patterning grooves in the concrete for aesthetics, and in some cases, to provide traction for pedestrians.

aa-hh. Shall: Mandatory and not discretionary.

ii. Single-user: A single user **shall** mean a single establishment that shares checkstands, management, controlling ownership interest, storage areas, or shared ingress and egress into the establishment.

bb-jj. Should: Recommended and discretionary, but not required.

ee-kk. Sun Screen/Sun Shade: Attached projecting, architectural feature designed to provide shading from the sun. A sun screen/ sun shade is a rigid structure and can add a decorative element to building design, but provides a functional energy conservation benefit to the building by deflecting solar heating away from building windows or walls.

dd-ll. Transom Windows: A window above a door that is usually hinged to a horizontal crosspiece over the door.

Basic Development Standards

A.—Floor Area Ratio

Floor Area Ratio (FAR) is the amount of floor area within a building as a multiple of the lot area to regulate bulk and density for all uses. FAR offers design flexibility and, when paired with design standards and guidelines, provides an effective tool for meeting neighborhood and business district urban design goals whenever new development is proposed.

A-1 Base FAR Standards, Per District

The following FAR standards represent the basic allowable FAR that can be developed within each applicable zoning district, without FAR bonuses.

Zone	Basic Allowable “As of Right”	
	Non-Residential	Residential
NB	.75	1.0
NMU	.75	2.0
DC	1.5	2.0
IC	1.0	1.0
IMU	.75	1.0
EP-1BP	.75 exclusive professional office	-
EP-2	.75	-

A-2 Maximum FAR Standards, Per District

The following table provides the maximum allowable FAR developable when FAR bonuses are used.

Zone	NB	NMU	DC	IC	IMU	EP-1BP	EP-2
District							
Northwest Business	1.0/2.0	1.0/2.0	=	=	=	-	-
West I-90 Interchange	=	=	=	1.5/2.0	1.0/2.0	=	=
Downtown Commercial	1.0/2.0	1.0/2.0	2.0/3.0	=	=	=	=
Mt. Si Corridor	1.0/2.0	1.0/2.0	=	=	=	=	=
East I-90 Interchange	=	=	=	=	=	=	=

Non-Residential/combined Residential and Non-Residential uses

Notes:

1. The following **shall** be excluded from floor area calculation:

- Space below grade
- Space dedicated to parking
- Mechanical spaces
- Elevator and stair shafts
- Unstaffed lobbies and common spaces, including atriums
- Space used for any bonused feature

2. Hotels **shall** be considered residential for the purpose of this chart.

A-3 FAR Bonuses

Contributing bonus features from the table below, where appropriate and applicable within the context of the specific design guidelines for the district, will allow a development proposal to meet the Maximum FAR identified in Table A-2, above.

Bonus Features Allowing Increased Floor Area Ratio

Feature	Additional Floor Area for each Feature
Street level retail, including all elements from Guideline C-3b, Ground Level Facades	100 sf of floor area for each lineal foot of retail frontage
Additional Streetscape Features:	
Public Plaza	5 sf of floor area for each sf of plaza
Public Art	10 sf of floor area for each \$100 of valuation
Structured Parking	0.5 sf of floor area for each sf of required parking above grade
Below-Grade Parking	1 sf of floor area for each sf of required parking below grade
Sustainable Design:	
Pervious pavement (porous pavers, grasscrete, etc.)	1 sf of floor area for each sf of pervious pavement
Green Roof	2 sf of floor area for each sf of green roof
Sun Screens	4 sf of floor area for each sf of sun screen
Rain Garden	1 sf of floor area for each 3 sf of rain garden area

B.A. Maximum Building Height

Maximum building height **shall** be as established in Chapter 18.10 of the North Bend Municipal Code.

C.B. Ground Floor Commercial Tenant Space

Zoning District	Maximum Ground Floor Commercial Tenant Space
DC	Any single user of ground floor retail or commercial space shall not exceed 7,500 sq. ft., except a grocery store, which shall not exceed 50,000 sq. ft., or anchor store of approximately 12,500 sq. ft. through a Conditional Use Permit (CUP) approval.

NB, NMU	Any single user of ground floor retail or commercial space shall not exceed 15,000 sq. ft., except a grocery store, which shall not exceed 50,000 sq. ft.
IC, IMU	Any single user of ground floor retail or commercial space shall not exceed 18,000 sq. ft., except a grocery store, which shall not exceed 55,000 sq. ft.
EP-1BP , EP-2	Any single user of ground floor retail space shall not exceed 20,000 sq. ft., except a grocery store, which shall not exceed 55,000 sq. ft.

Notes:

~~1. DC zone: Lots of 7,000 sq. ft. or less in the locations listed below are exempt from on-site parking requirements. Expansion or enlargement of existing structures on lots of any size within this location shall meet the requirements set forth in NBMC 18.16.040 or as amended.~~

~~—Along North Bend Way between Main Ave. and Ballarat Ave.; and between Sydney Ave. N and Bendigo Blvd.~~

~~2.1.~~ Single user: “A single user **shall** mean a single establishment that shares check stands, management, a controlling ownership interest, storage areas, or shared ingress and egress into the establishment.”

~~3.2.~~ A single user may extend their use to upper floors, provided that the overall square footage of the use may not exceed the size limitation prescribed above for the ground-floor use.

A. Site Design

A-1 Responding to Site Characteristics and Significant Natural Features

Intent

To ensure structures built on a site are located and designed in response to specific site conditions and opportunities such as unusual topography, significant landscape, prominent intersections, views or other natural features.

1. Consideration **should** be given in the site design to the following:
 - a. ~~Significant trees, as defined in the clearing and grading regulations,~~ Existing trees **should** be incorporated into the design of projects when feasible. Tree-protection and preservation regulations and clearing and grading permit guidelines are found in North Bend’s Landscape Regulations and Clearing and Grading Regulations.
 - b. New development **should** incorporate existing features related to the culture and history of the site or geographic area where practical. For example, historic sites and buildings and/or cultural locations **should** be preserved and included as part of the project.
 - c. Adjustments to the siting and massing of a building **should** enable the preservation of public or private views of local features such as Mt. Si, Rattlesnake Mountain, National Scenic Byway viewshed and Snoqualmie River tributaries. A number of techniques can be used to achieve this (e.g., tree preservation, building location, building design, roof forms).

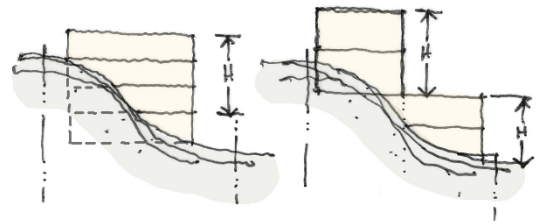


Shown Above: Significant ~~Tree~~ tree retained with development.

Shown Below: Careful site planning can help preserve natural features and protect sensitive conditions on a site.



- d. Development within the immediate view shed of Interstate-90, a National Scenic Byway, **should** be located and designed using techniques that blend and/or maximize compatibility of structures with the forest and pastoral landscapes of North Bend.
- e. Reflect, rather than obscure, natural topography. For instance, buildings **should** be designed to “step up” hillsides, rather than cut and fill, to accommodate significant changes in topography.



Shown Above: Example of minimal slope disturbance.

- f. ~~Site buildings and parking to lessen or avoid the impact of development on environmentally critical areas such as steep slopes, wetlands and stream corridors.~~

~~g.f.~~ Buildings and parking **should** be clustered on a site to preserve open space and view corridors.

A-2 Sensitivity to Adjacent Land Uses

Intent

~~Maintain privacy of single family residential areas, and reduce the potential adverse impacts of commercial development.~~

1. ~~Transitional Landscape Area (TLA), as identified in the North Bend Comprehensive Plan City's Landscape Regulations, includes specific locations along I-90, SE 140th, and North Bend Way which require appropriate landscape transitions to help maintain and enhance community character, buffer incompatible uses, and support the goals of the National Scenic Byway along the I-90 corridor.~~
2. ~~Landscape Buffers Abutting Uses in Transition Areas. For projects adjacent to residential zones and less intensive area, refer to Chapter 18.18.080 Landscaping types, for appropriate buffer techniques abutting particular uses.~~

~~Type 1: Sight Barrier~~

~~Type 2: Visual Separation~~

~~Type 3: Visual Buffer~~

3. ~~Solar orientation. The placement of a structure on the site **should** enhance solar exposure for the project and minimize shadow impacts on adjacent structures and public areas.~~
4. ~~Lighting. All exterior lighting **shall** be designed in conformance with NBMC Chapter 18.40, Exterior Lighting Standards.~~



Shown Above: The TLA is intended to preserve the forested character of areas such as this along SE 140th and provide better transitions between incompatible uses.

Shown Below: Landscape buffer between commercial and residential development provides visual screening.



A-23 Streetscape Design

Intent

To locate and orient buildings to define public streets and civic spaces, such as plazas.

1. Build-to line. To reinforce an active pedestrian experience appropriate for different types of business districts, and to set the appropriate street façade precedent in other areas, the following “build-to” lines are required.

Standards:

Required Street Façade Building Line (RBL) by Zone:

DC: ~~Street Façade shall be built out to not less than 75 percent of the RBL for the first 10 feet of the depth of the lot. The remaining 25% may not be set back more than 10 feet from the RBL. See Form Based Code.~~

NB and NMU: Street Façade **shall** be built out to no less than 50% of the RBL for the first 10 feet of the depth of the lot. The remaining 50% may not be set back more than 10 feet from the RBL.

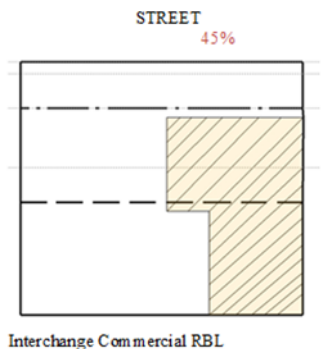
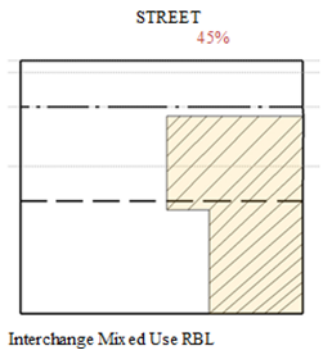
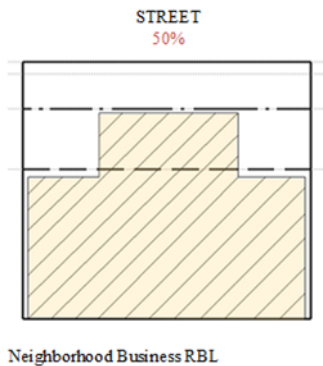
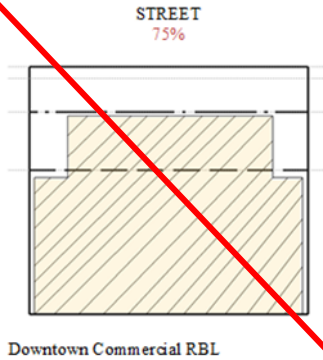
IMU: Street façade **shall** be built out to no less than 45% of the RBL for the first 30 ft of the depth of the lot.

IC: Street façade **shall** be built out to no less than 45 percent of the RBL for the first 30 ft of the depth of the lot.

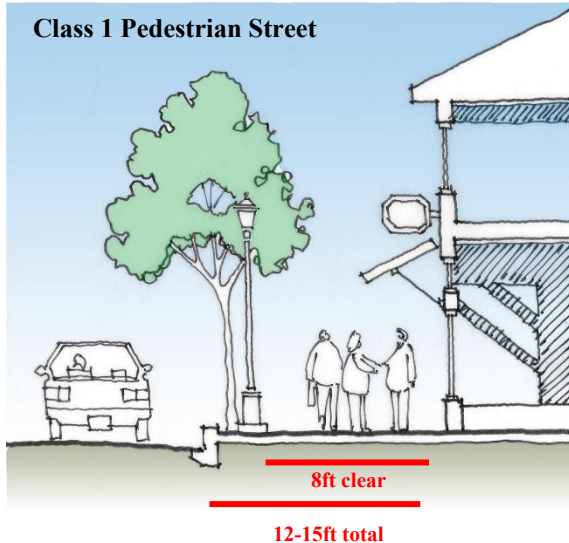
~~EP-1BP~~ and EP-2: n/a

Notes:

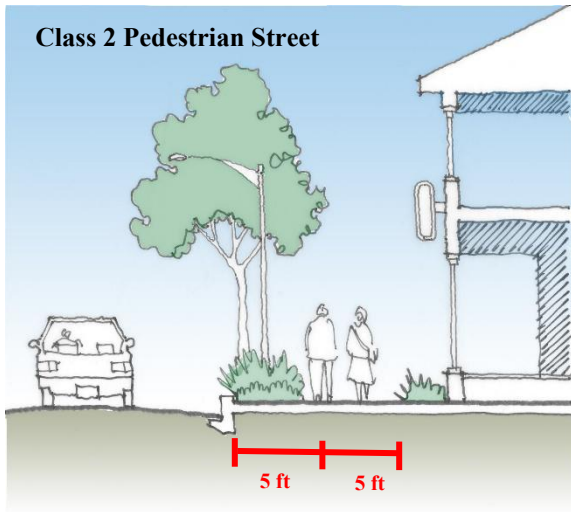
1. Plazas or fore-courts at street level and abutting the sidewalk **shall** be allowed to encroach into the Building Line as long as at least 60% of the buildings linear frontage meets the RBL and lot depth requirement. Please refer to guideline A-4, Pedestrian Open Space, for further guidance



Class 1 Pedestrian Street



Class 2 Pedestrian Street



A-23~~ab~~ Sidewalks

Intent

To provide safe, comfortable streets and sidewalks that encourage walking.

1. On Class 1 Pedestrian Streets: New buildings **shall** be set back at sufficient distance to a minimum of 12' and a maximum of 15' of sidewalk, with a clear zone of at least 8 feet for pedestrian travel. Street trees **shall** be provided in tree pits of a minimum size of 4-feet by 6-feet.
2. On Class 2 Pedestrian Streets: Sidewalk area **shall** maintain a clear zone of 5 feet for pedestrian travel and 5 feet for street tree area or planter strip.

~~All sidewalks **shall** be constructed using a broom finish, unless otherwise approved under standard 4, below.~~

~~3. Within the DC zone, along Bendigo Blvd and North Bend Way, sidewalks **shall** be broom finished, and scored with square patterned joints measuring 2 foot square, to match the existing sidewalk pattern established within this district.~~

Notes:

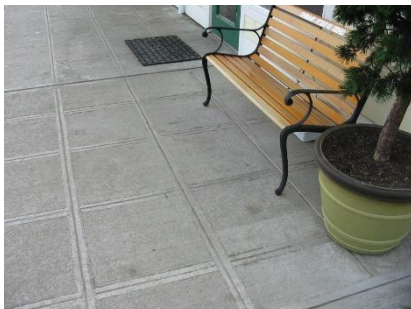
1. Refer to Map in Appendix for specific Class 1 and 2 street designations.

A-23~~be~~ Street Trees

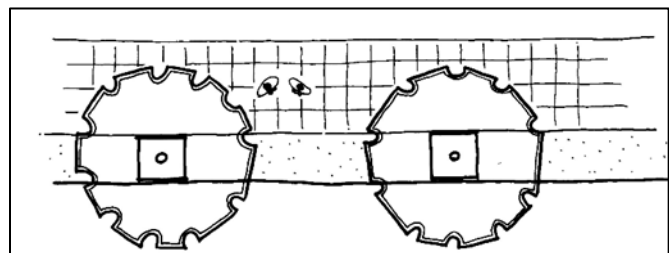
Intent

To support the natural setting as fundamental to the character of North Bend.

1. Street trees **shall** be placed equivalent of one every 30 feet in tree grates or 4-foot-wide planted area. In less formal commercial areas, trees may be grouped.



Shown Above: Example of broom-finished, 2' by 2' scored sidewalk



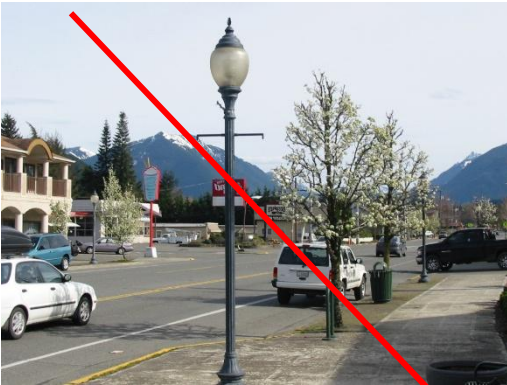
30 ft on center

A-23cd Streetscape Amenities



Shown Above: Examples of street furnishings.

Shown Below: North Bend downtown pedestrian-scaled streetlight.



Shown Above: Mature forested vegetation within the right-of-way contributes to the rural natural character of many areas of North Bend and **should** be preserved wherever possible.

Intent

To reinforce a cohesive image and ensure that streetscape elements can be well maintained without excessive costs.

A-23cd.1 Street Furnishings

1. Use City-approved standardized fixtures for benches, trash receptacles and bike racks located in the public right-of-way.

A-3d.2. Lighting

1. In addition to the following standards, all street lighting **shall** be designed in accordance with NBMC Chapter 19.06, Design and Construction Standards for Electrical and Street Lighting.
2. Use City approved standardized fixtures for sidewalk lighting.
3. Pedestrian street light pole heights **shall** be a maximum of 18 feet in IC and IMU districts and 14 feet in DC, NMU, and NB districts.
4. The type, materials, and location of light fixtures (including poles) **shall** be selected and coordinated relative to the facility, area or node being served.
5. Full cut-off luminaries **shall** be used to minimize light glare and light trespass (including vertical and horizontal trespass), except along Ballarat Ave and North Bend Way within the downtown, to match existing light standards.
6. Luminaries **should** be chosen with lamp life in mind. Longer lamp lives promote energy efficiency and cut down on maintenance costs.

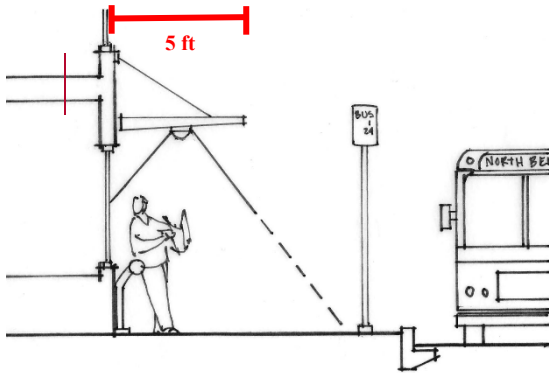
A-23cd.32 Exceptions to Street Design Standards and Street Improvement Standards

1. Where street design width and street improvements are required from a development project pursuant to this section, but such improvements are not feasible due to existing constraints, the City Engineer may approve an alternate design and/or layout to accommodate for the constraint, provided that the overall intent of these standards is met.
2. Where mature, healthy forested vegetation exists within an existing right-of-way and frontage improvements are required, the applicant **shall**, where possible in consideration of other constraints such as utilities, place the sidewalk such that the vegetation may be preserved. This may require further dedication of right-of-way. The City may waive on street parking lanes or accommodate reduced street widths to preserve such vegetation.



Shown Above: Clear pedestrian connections from internal site to existing sidewalk.

Shown Below: Example of easily accessible transit shelter adjacent to sidewalk within a landscaped setting.



Shown Above: Appropriately scaled canopy as shelter space, defined by the height and depth (min 5 ft), for bus riders on a transit route.

Lighting is an important consideration when opaque material is used for a canopy. The illumination of light-colored undersides is important to increase security after dark.

A-23de Pedestrian and Transit Connections

Intent

- Design the site access and circulation routes with pedestrian comfort and ease of access in mind.
- Create parking lots and building service ways that are efficient and safe for both automobiles and pedestrians.
- Provide direct and safe access along, through and to driveways and adjacent developments or city streets.
- Encourage the use of mass transit by providing easy access to pleasant waiting areas.

1. Pedestrian building entries **shall** connect directly to the public sidewalk. Entries **shall** also connect to adjacent developments if feasible.
2. Internal pedestrian routes **shall** extend to the property line and connect to existing pedestrian routes if applicable. Potential future connections **shall** also be identified such that pedestrian access between developments can occur without walking in the parking or access areas. Walkways **shall** be a minimum 5 feet in width.
3. On-site open space **shall** be linked to public open space on adjacent or nearby sites unless otherwise approved by the City. Linkages to designated public open space and recreation areas and to opportunity areas identified in the North Bend Parks **Plan-Element** **should** be established.

A-23ef Transit stops/ Bus stops

1. Transit stops and improvements **should** be provided where appropriate to meet the intensity of use and expected demand. Transit stops **should** include shelters, seating areas, and wider (e.g., eight feet or wider) sidewalks. Development proposals adjacent to existing or proposed transit stops are encouraged to provide canopies, lean bars and/or benches integrated into the design of the structure in lieu of separate shelter structures. **See FAR-Bonus Chart for bonus provided for such features.**

- 2.1. When a transit stop is located in front of or adjacent to a parcel, pedestrian connections linking the transit stop directly to the new development **shall** be provided.

A-34 Pedestrian Open Space

Intent

To encourage conforming, accessible, and aesthetically pleasing public gathering places that cater to pedestrians and meet the needs of the intended users.

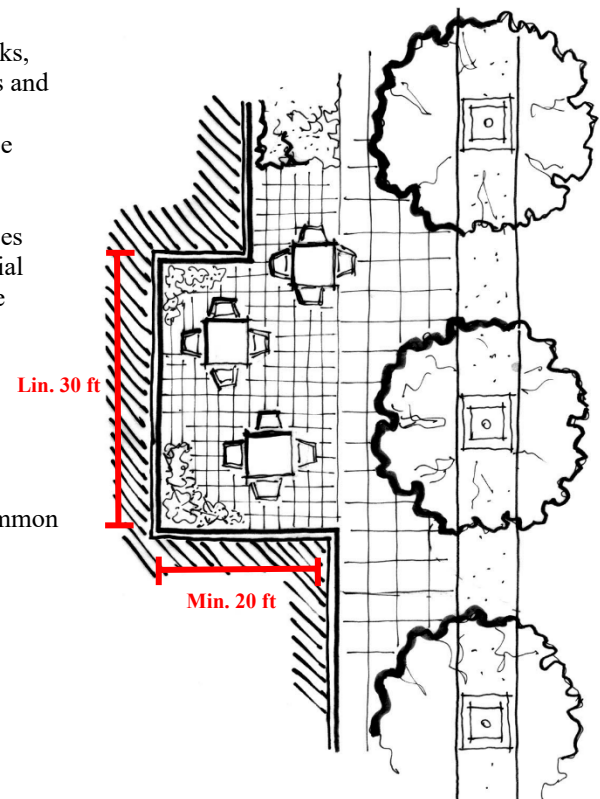
A-34a Plazas, Courtyards, and Seating Areas

1. Plazas or Courtyards **shall** be constructed when required under A-4b, below, or when utilized for the optional FAR bonus. Plazas, courtyards and seating areas are encouraged in larger-scale buildings or developments, particularly when restaurants or retail uses are anticipated.
2. Such space **shall** be located where it is visible and accessible from either a public sidewalk or a pedestrian connection within or adjacent to the site. Such space **shall** have a minimum width of 30 feet and a minimum depth of 20 feet, unless otherwise approved by the City due to site constraints.
3. Oriented amenities:
 - a. Hardened surfaces with enhanced treatment, such as concrete with decorative brick pavers, or permeable pavement surfaces;
 - b. Benches and/or other seating (e.g., seating integrated with landscape plantings or tables with built-in seating);
 - c. Pedestrian-scale lighting for area use and security; and
 - d. Landscaping, including shade trees.
4. Optional plaza features include outdoor sculptures, fountains, kiosks, etc. Seating **should** be located for maximum solar exposure, views and proximity to activity centers such as building entries or walkway intersections. Seating opportunities for small groups **should** also be available.
5. Safety. Site design **should** allow pedestrians to see the public spaces and activities occurring on a site and **should** avoid creating potential entrapment areas. Buildings **should** be arranged on the site to have visual access and/or overlook pedestrian routes, and plazas.



Shown Above: Corner pocket plaza along public sidewalk.

Shown Below: Plazas create spaces at street level for pedestrian-oriented activities. Take the “indoors” outdoors by spilling interior space (e.g. dining areas, merchandise displays) onto plazas and bringing the “outdoors” into the private realm by opening spaces up to sunlight and views of sidewalk activity.



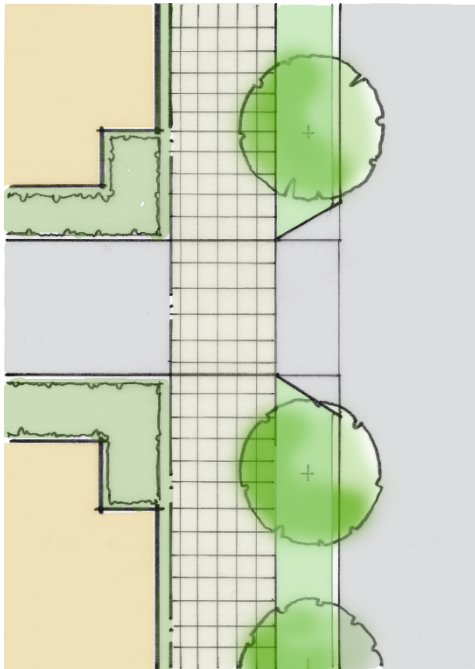
A-34b Mixed Use Building with Residential Component

1. Any residential unit within a mixed-use building **shall** provide common space as provided per Chapter 17.25 of the North Bend Municipal Code.

A-45 Vehicular Access

Intent

- Reduce the number of driveways (curb cuts) in order to improve pedestrian, bicycle and auto safety by reducing the number of potential points of conflict
 - Improve the streetscape character to enhance pedestrian activity in retail/multi-family/commercial areas.
1. Vehicle access **shall** be provided in the following order of priority:
 - a. Alley, where feasible;
 - b. For corner parcels, access **should** be off the secondary street;
 - c. Share the driveway with an adjacent property
 2. ~~Limit curb cuts to one two-way vehicular access point per project if possible (or two separated one-way vehicular access points). Two-way driveway width shall not exceed 24 feet. One-way width shall not exceed 12 feet.~~
 3. ~~Whenever possible, separate curb cuts by a 100-foot linear distance from another access drive, and by a 150-foot distance from the intersection of an arterial or collector street.~~
- 4.2. Drive-thru lanes **shall not** be allowed between the building and the public right-of-way

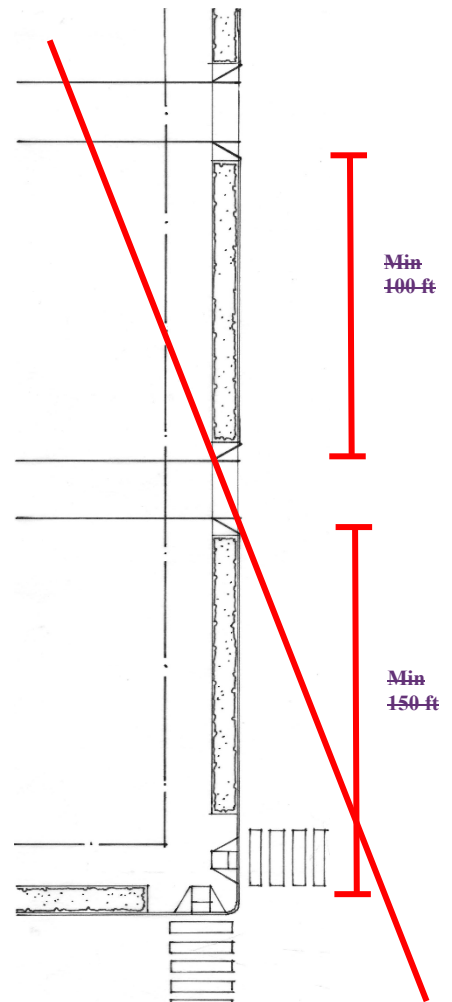


Shown Above: Driveway dimensions design, and distance from streetscape elements.



Shown Above: Shared driveway for commercial use.

Shown Below: Required curb cut spacing on typical block.



A-56 Location and Layout of Parking

Intent

- Create adequate parking for each development, but keep the cars from dominating the streetscape.
- Improve pedestrian access from the street by locating buildings closer to the street and defining the street edge.
- Provide direct pedestrian access from the street, sidewalk, and parking.
- Integrate pedestrian and vehicular access between adjacent developments.



Shown Above: Pedestrian connection through parking lot.

A-54a Plazas, Courtyards, and Seating Areas

1. In addition to the following standards, all parking **shall** be designed in accordance with NBM Chapter 18.16, Parking Regulations.
2. Locate parking behind, to the side or under buildings, unless unfeasible due to environmental constraints. Within the EP-1BP and EP-2 districts, locate the majority of the parking to the rear or side of the building. On Class 1 Pedestrian-oriented streets parking is not permitted between the building and the street. For each zoning designation, there is a maximum percent of total parking spaces that may front the primary street:

Shown Below: Parking located to the rear of a commercial building.



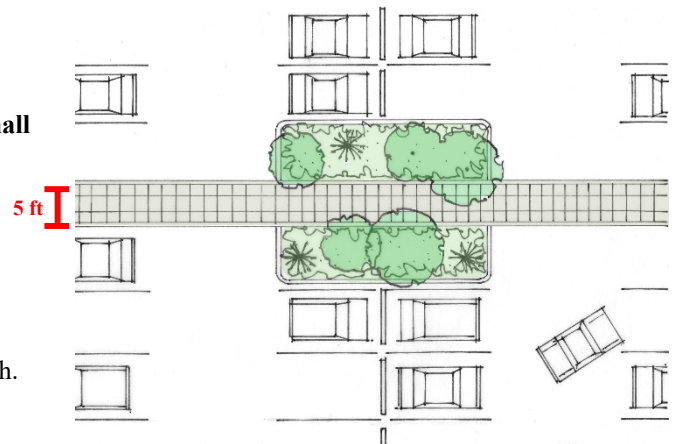
Zone	Max Parking Area Fronting the Primary Street
DC	Not Allowed
NB/ <u>NMU</u>	Not Allowed
IMU	45%
IC	45%
<u>EP-1BP</u> , <u>EP-2</u> –	Not Applicable

3. No parking lots may be on corner locations adjacent to public streets.

~~4. FAR Bonus for structured and below-grade parking~~

A-54b Paths within Parking Lots

1. Pedestrian walkways in parking lots larger than 50 stalls **shall** be delineated by separate paved routes that meet federal accessibility requirements and use a variation in textures and/or colors as well as landscape material.
2. Pedestrian routes **shall** be provided at least every 120 feet within parking lots larger than 50 stalls.
3. Pedestrian pathways **shall not** be less than five feet in width.



4. Where possible to facilitate internal traffic circulation between the parking areas of adjacent developments, allow a two-lane access lane, not exceeding a total width of 24 feet, located behind the front façade.

A-54c Parking Lot Landscaping

1. Surface parking lots **shall** meet the requirements set forth in NBMC Chapter 18.18, Landscaping Regulations.
2. Surface parking along public streets must be screened by one or a combination of the following:
 - a. To visually break up the expanse of large parking lots, larger consolidated landscape islands **should** be used in place of greater numbers of smaller landscape islands, to accommodate groves of larger tree species such as native evergreens.
 - b. Raised planter walls planted with a minimum 80% evergreen shrubs not exceeding a total height of 3 feet.
 - c. A 15-foot type-II landscape buffer, as described in NBMC Chapter 18.18.
3. All screening elements **shall** provide clear views between 3 and 8 feet above the sidewalk for surveillance purposes.
4. To visually break up the expanse of large parking lots, larger consolidated landscape islands **should** be used in place of greater numbers of smaller landscape islands, to accommodate groves of larger tree species such as native evergreens.

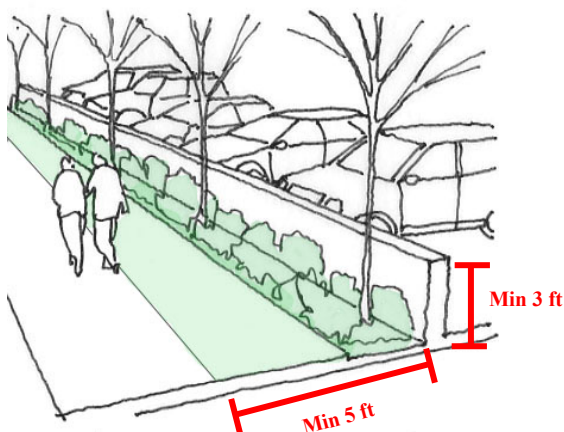


Shown Above: Example of low wall and landscaping.

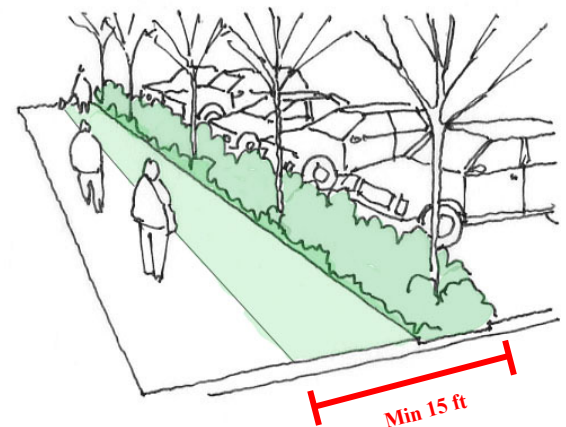
Shown Below: Consolidated landscape island in a large office park parking lot.



Ex: Combination of Low Wall and Landscaping



Ex: Landscape Buffer Meeting Screening Requirements

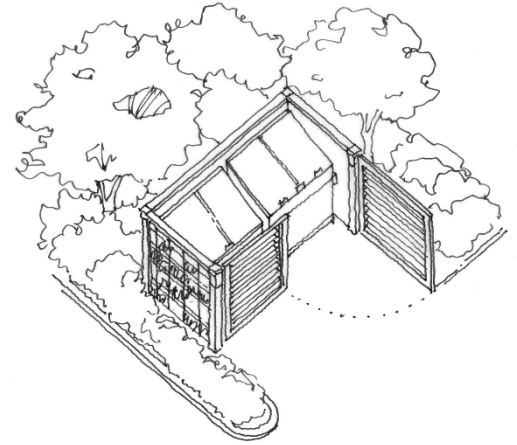


A-67 Screening of Site Utilities, Storage, Trash, and Service Areas

Intent

To screen service, loading and trash storage areas and rooftop mechanical equipment from public view, and minimize noise and odor.

1. Trash and recycling storage, utility vaults, and other above grade utilities **shall** be enclosed and screened from view by:
 - a. Masonry or heavy timber walls, or
 - b. Combination of fencing and 3-ft. wide landscaping the height of objects being concealed, or
 - ~~c. Three feet wide landscaping the height of objects being concealed, or~~
 - ~~d.c.~~ An evergreen non-invasive vine covered trellis minimum 5 feet high.
2. Trash containers, dumpsters and recycling areas **should** be located near and accessed from the alley if one exists.
3. Where feasible, build a trash room within the building.
4. Where feasible, attach utility/mechanical areas to the building structure as part of the massing of the building.
5. If adjacent to single family zones, trash, recycling, utility and mechanical equipment **shall not** be placed within the required setback.
6. Chain link fencing is not allowed for screening site utilities, storage, and trash and service areas.
7. Rooftop mechanical equipment **shall** be set back and screened from view using colors and materials consistent with those on the building.
8. For those areas of outdoor storage yards fronting to a public street that are not located behind a building, a landscape buffer **shall** be provided between the storage yard and street, as described in the land use performance standards in NBMC 18.10.050.



Screening with generous landscaping and combination of heavy wood and vine covered trellis.



Example of a dumpster enclosure incorporated within the building.



Commercial building using a setback parapet, or "utility penthouse," to screen mechanical equipment.

A-78 Landscaping

Intent

To screen service, loading and trash storage areas and rooftop mechanical equipment from public view, and minimize noise and odor.

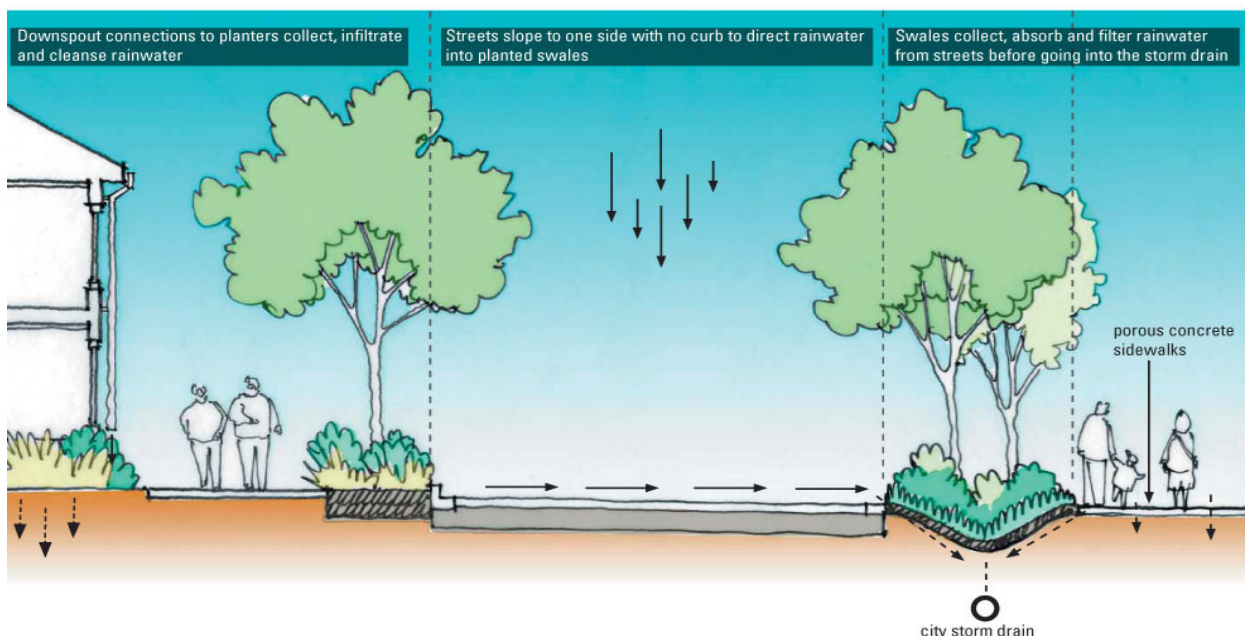
1. All landscaping **shall** be designed in accordance with NBMC Chapter 18.18, Landscaping Regulations.
2. Fencing along the front of a property **shall** be located behind any required frontage landscaping.
3. Where site topography reveals unattractive areas such as parking lots or storage or service areas, the type of landscaping **should** be considered consistent with the topographic factor to adequately screen such areas.



Frontage landscaping is less effective when located behind fencing.

A-78b Landscaping for Stormwater Management

1. Natural landscaping **should** be incorporated into biofiltration swale design so the swale is located and designed as a positive landscape feature.
2. Trees are encouraged and **should** be planted such that they will not inhibit vegetative growth within the swale.
3. Drainage swales **should** be planted with native plantings or grasses (e.g., sedges) which are tolerant to water or wet conditions.



Low Impact Development (LID) Methods for capturing and filtering storm water run-off in an urban setting.

B. Building Form

Building height and modulation guidelines are essential to create diversity in building forms, minimize shadows cast by taller buildings and to ensure compliance with the city's Comprehensive Plan. Preserving views to the mountains are an important part of North Bend's character and urban form, and these guidelines aim to contribute to this quality.

B-1 Massing

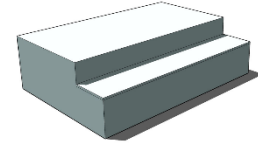
Intent

- Encourage human scale elements in building design
- Reduce bulk and mass of buildings
- Masses may be subdivided vertically or horizontally

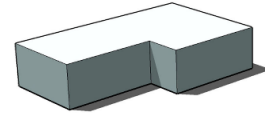
Standards:

Building Size	Footprint	Required Massing
Small	<10,000sf	One building mass
Medium	<20,000sf	2 building mass (fig. a and b)
Large	>20,000sf	3 building mass (fig. c-e)

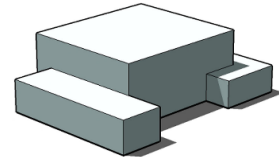
1. No single building mass or volume may exceed 75 percent of the total volume of the building, defined by the building footprint multiplied by the building height.
 - a. Building massing relying on differing roof heights must have an offset height of at least 2 feet.
 - a.b. The applicant **shall** provide massing information on floor plans, building elevations, roof plans, and any 3D images or axonometric drawings.
2. Building size limitations **shall** be adhered to (see Table).
3. Elements being used to count as massing **shall** not be used as wall modulation elements.
4. The preferred order for the use of massing options is as follows:
 - a. setbacks above the ground or at the second level;
 - b. offsets from the main structure of 10 feet that break up the foundation line to define each mass;
 - c. distinctive volumes defined by roof forms and/or 2-foot minimum parapets.
5. Base/Middle/Top. In order to reduce the apparent bulk and maintain pedestrian scale of three story or taller buildings and taller and maintain pedestrian scale, and walls of industrial buildings greater than 18 feet in height, a sense of "base", "middle", and "top" **shall** be provided through the use of differing materials, textures and colors using aesthetically balanced vertical composition.
6. Upper-level building setbacks. Provide a minimum 5-foot setback or other form of articulation of massing from the primary building façade for any floors above the second floor to help create human scaled environments and prevent over-shading the street.
7. For buildings with an east-west façade greater than 150 feet in length fronting to North Bend Way, at least 40% of the street facing façade of the building **shall** be offset by a minimum of 25 feet from the rest of the



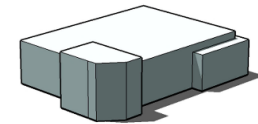
A. Step-Back



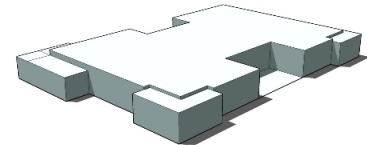
B. Building Jog



C. Separate Volumes



D. Separate Volumes



E. Separate Volumes (large one-story building)

building to reduce the apparent mass of the building and preserve views of surrounding topography from public street.



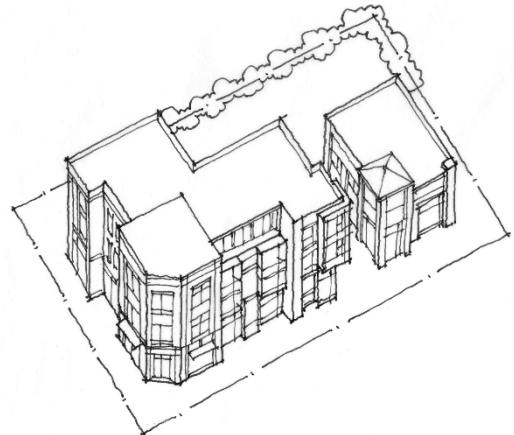
Shown Above: A massing offset in height and façade depth helps break down the apparent mass of this commercial/industrial building.

Shown Below: Large development site meeting massing requirement with two buildings rather than one: a small commercial building and a medium building with two masses (corner volume and building jog).



Shown Above: Larger commercial building that is broken into distinct masses to reduce its scale.

Shown Below: Orient building massing to the corner to create a commercial activity nodes.



B-2 Alternative to Building Massing

1. Creation of Public Open Space. A project, excluding a mixed-use building containing a residential component, may exchange one building mass requirement for the creation of a public open space of a minimum of 1,500 square feet. In commercial zones, this open space **shall** be a plaza with amenities, benches, tables, trees and other elements. The plaza **shall** extend to the sidewalk and provide direct access to building entries. In more residential areas, open space may be a pocket park.



B-3 Roof Forms and Modulation

Intent

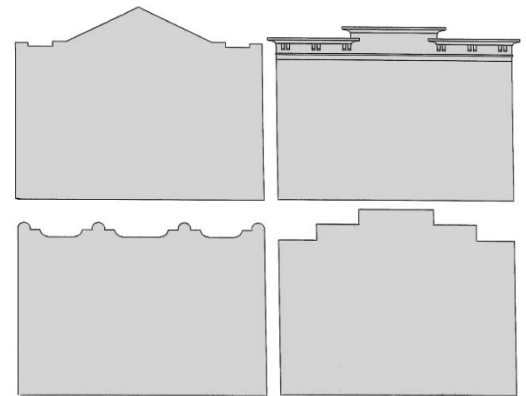
- To break up the overall massing of the roof
- Create human scale in the building
- Use roof forms to identify different functional areas within the building

Roof Form

1. Flat, unembellished rooflines on street-facing facades **shall not** be allowed. Buildings with a linear frontage longer than 60 feet **shall** modulate the roofline with differing heights or parapets, different type of roof forms, or other significant roof articulation on the primary façade.
2. Roofs must be modulated, interrupted or punctuated through a variety of elements appropriate to the building's use(s) and the site's context. Consider the following when applying the above standards to the design of a project:
 - a. Projections, overhangs, cornices, trellises, setbacks, brackets holding overhangs, and changes in material which give design attention to roof edges;
 - b. Pitched roof forms, with a slope between 4:12 and 12:12 can help reduce the bulk and scale of a commercial building and create transition to residential zones, where appropriate. ~~In the core of the DC zoning district a parapet front design should be used, as parapet (false front) roofs are the dominant historic type. Parapet shapes should be chosen from a variety that are traditional to commercial architecture, such as pediments, use of cornice molding, cresting, or stepped 'false front' designs. If a decorative parapet is not used, roofline compatibility with adjacent buildings must be ensured.~~
 - c. In the IC district, larger buildings are generally assumed to use a flat roof. ~~As with the DC district, A~~ decorative parapet **should** be used to articulate such rooflines.
 - d. In the ~~EP-1BP~~ and EP-2 districts, larger buildings are generally assumed to use a flat roof. In such cases, buildings **should-shall** incorporate measures to differentiate unbroken roof planes (e.g., well-defined cornices and parapet designs).
3. The tallest buildings allowed (55 ft) **shall** employ a steep pitched roof form (not less than a 6:12 average for those portions above 45 ft in height) to reduce the appearance of bulk and mass.



A corner turret interrupts this otherwise flat roof.



roof parapet treatments:

- top left - pediment
- top right - cornice molding
- bottom left - cresting
- bottom right - stepped front



A well-modulated roof line with distinctive features such as dormers can break up an otherwise long façade and lead the eye down the street. A turret or other special roof feature can help emphasize a corner location.

B-4 Wall Modulation

Intent

- To let more light and air into the building
- Break up large building mass and scale of a façade
- To avoid stark and imposing building facades.
- To create a pedestrian scale appropriate to North Bend
- To become compatible with the surrounding built environment

1. Retail and Office Buildings:

Medium Buildings (50-100 ft of linear façade):

- There **shall** be a maximum of 30 feet between wall modulation elements on the street-facing façade.
- Modulation elements **shall** have a minimum of a 3-foot projection or recession from the façade and be a minimum of 8 feet in length

Large Buildings (>100ft of linear façade):

- There **shall** be a maximum of 30 feet between wall modulation elements on the street-facing façade. There **shall** be a maximum of 50 feet between wall modulation elements on the street-facing façade.
- Modulation elements **shall** have a minimum 6-foot projection or recession from the façade and be a minimum of 12-feet in length.

2. Warehousing and Large Industrial Buildings:

Because of the nature of warehousing and large industrial buildings and need for greater flexibility of space, wall modulation on the street-facing façade **shall** be provided by a combination of at least three of the following measures:

- Modulation elements consistent with that required for large retail and office buildings above, only modulation elements **shall** either have a minimum 1-foot projection or recession from the façade, and/or use a different color, texture and material from the rest of the facade;
- Modulation of roof cornice treatments, with a maximum of 50 feet between modulations;
- Sunscreens on a minimum of 40% of windows on the street facing façade;
- A minimum of 30% transparent windows and openings for the office portion of the building facing the street;
- A 20' deep x 15' wide foundation landscape area planted with Type I landscaping for every 75 feet of building wall.

3. Wall modulation elements may include, but are not limited to:

- Bays



- b. Entries
 - c. Balconies or decks
4. Infill development in close proximity to historic buildings **shall** be compatible with the scale, architectural qualities and traditional uses of these resources.

Façade broken up with balconies, bays, and materials.

C. Building Façade

Building facade guidelines ensure that the exterior of buildings, the portion of buildings that defines the character and function of a place, is of high quality and demonstrates the strong sense of place and integrity valued by the residents of North Bend.



Front façade addressing pedestrian-oriented street.



Canopies provide weather protection and facilitate outdoor display of merchandise.

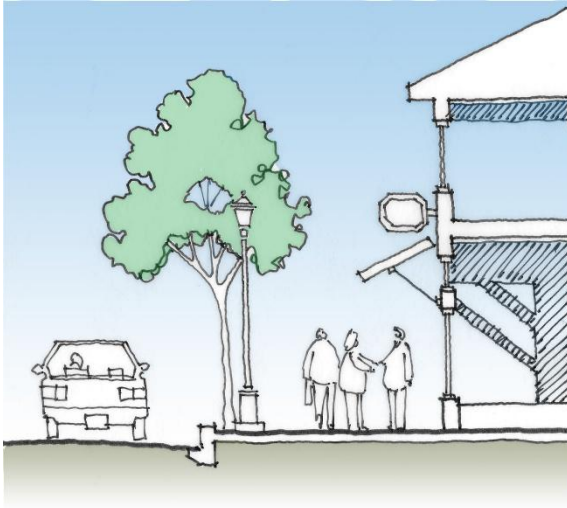
C-1 Orientation to the Street

Intent

To reinforce the character of the streetscape by encouraging the greatest amount of visual interest along the ground level of buildings facing pedestrian streets.

Building Set to Back of Sidewalk

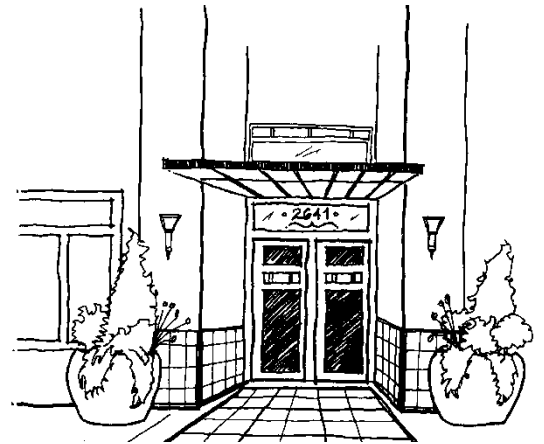
1. The front building facade and main entrance to all residential and nonresidential buildings **shall** be oriented toward a primary street and set to the back of the sidewalk, with the exception of providing open space for public use such as plazas, courtyards and seating areas, or the required sidewalk width. Within the ~~EP-1BP~~ and EP-2 zones, non retail buildings **shall** be oriented to the primary street, but may be set back from the sidewalk pursuant to the district specific standards of this Chapter.
2. Minimum height of ground level retail space **shall** be 12 feet floor-to-ceiling. However, all ground level commercial space within the ~~DC NMU~~ and NB zones along Class 1 Pedestrian Streets **shall** provide no less than 12-foot floor-to-ceiling height.
3. Where adjacent to a sidewalk, buildings **shall** provide a canopy or a significant covered recess to provide weather protection to pedestrians, at a depth of not less than 5 feet.
4. Accessory buildings do not need to meet street orientation requirements so long as they are located behind a primary building on the property and are not primarily visible from the street.



Min. 12ft linear floor-to-ceiling height

C-2 Entrances

1. The primary (front) building facade and main entry of nonresidential buildings **shall** be oriented toward and face the primary public street.
2. Such entries **shall** be made visually prominent and receive architectural emphasis. A variety of techniques to accomplish this standard can include:
 - a. Recessed entries
 - b. Projecting entries
 - c. Elevated entries with stairways
 - d. Entry-related cover and/or roofline articulation (e.g., canopy articulation; parapet-roof articulation)
 - e. Arched entries
 - f. Use of awnings, canopies, marquees
 - g. Decorative lintels or molding above doorways
 - h. Entry lighting
 - i. Landscape treatment and emphasis
 - j. Surface treatment, (e.g., paver or tiles)
 - k. Entry courtyard
 - l. Transom windows
 - m. Signage
 - n. Complementary upper story treatments (e.g., balcony)
 - o. Other techniques as appropriate



Prominent pedestrian-oriented entry.

3. Entries **shall** be lighted and protected from weather.
4. Secondary entries that receive high use **should** also receive appropriate architectural emphasis, using techniques listed above.

C-3 Ground Level Facades

Intent

- To provide a visual connection between activities inside and outside of buildings
- To reinforce the character of the streetscape

C-3a Transparency

1. Along Class 1 Pedestrian Streets, a minimum of 65% of any ground floor façade visible from the street **shall** be comprised of windows with clear, “vision” glass.
2. Along Class 2 Pedestrian Streets, a minimum of 55% of any ground floor façade visible from the street **shall** be comprised of windows with clear, “vision” glass.

C-3b Ground Level Details

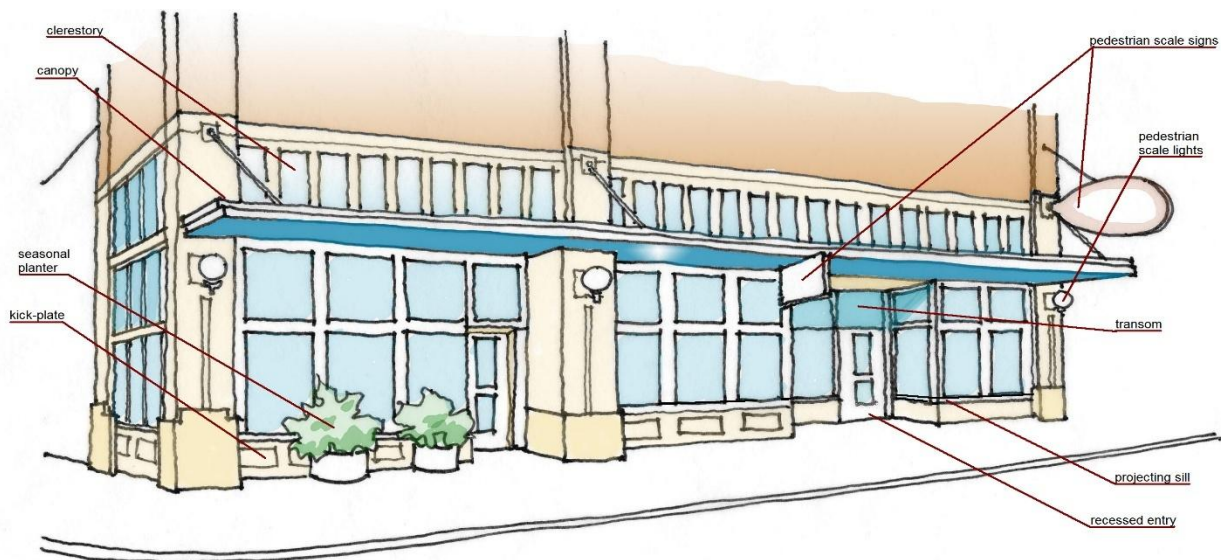
1. Facades of commercial and mixed-use buildings that face the street **shall** be designed to be pedestrian-friendly through the inclusion of at least four of the following elements:
 - a. kickplates for storefront windows
 - b. projecting window sills
 - c. pedestrian scale signs
 - d. pedestrian scale lights (eg, goose neck fixtures above a sign band)
 - e. containers for seasonal plantings
 - f. a separate base material such as tile, cultured stone, etc. that forms a distinct base below the windows.
 - g. 75% ground floor transparency
 - h. clerestory windows

2. ~~FAR Retail Bonus for ground level retail meeting all of the elements above: 100 sq ft of floor area for each linear foot of retail frontage.~~



Transparency





C-4 Building Materials

Intent

To provide a quality, unified appearance for commercial development throughout the city by promoting long-lasting materials and finishes appropriate for commercial and industrial buildings.

1. Materials encouraged as appropriate for finishing primary exterior commercial buildings walls include brick, stucco, cementitious siding that is non-panelized, and wood clapboard siding horizontal and vertical wood siding. Additional materials that are appropriate as accent finish materials include brick, stone, cultured stone and tile.
2. Materials encouraged as appropriate for finishing primary exterior industrial building walls include architecturally finished concrete, architecturally finished concrete masonry units, and the materials identified above for commercial buildings.
3. Vinyl siding is not allowed on commercial and industrial buildings, as it lends a residential rather than commercial appearance, and requires a higher degree of maintenance and upkeep to remain clean and attractive.



Shown Above: A mix of appropriate commercial building materials and finishes.

Shown Below: A brick base, dark window frames, and a fabric awning soften the appearance of the steel siding on this commercial/industrial building.

- Steel siding and painted concrete are not allowed as the sole material on the primary façade of commercial and industrial buildings. Steel siding and painted concrete may be applied when used in combination with other finish materials.

- White-framed vinyl windows and horizontal-sliding windows are not permitted on commercial buildings, as they lend a residential appearance inconsistent with commercial character and uses.

- ~~Residential-style windows (characterized by smaller sizes, higher sills, white vinyl frames, and/or artificial mullions fully bisecting the pane) are not allowed on commercial and industrial buildings, as they provide a more residential appearance inconsistent with commercial character and uses.~~



AVOID

Small, horizontal sliding white vinyl windows give this commercial building a residential appearance, inappropriate for a commercial area.

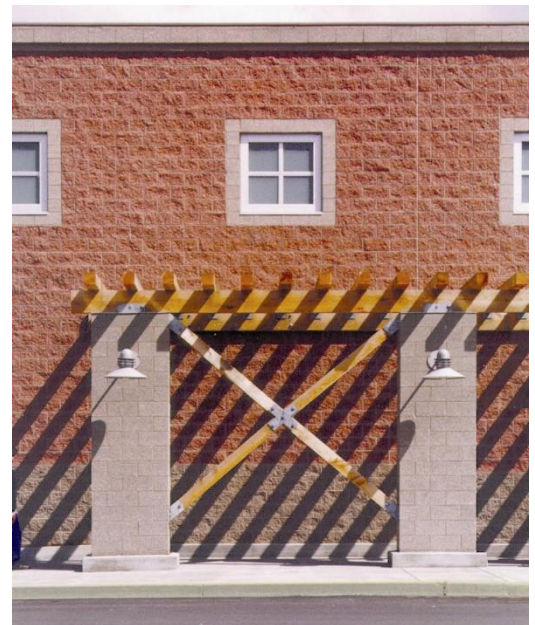
C-5 Blank Wall Treatments

Intent

To ensure that buildings do not display blank, unattractive walls to the abutting street or public areas.

- Blank walls are not allowed on the façade facing the primary street.
- On side facades facing a secondary street, blank walls longer than façade length corresponding to the table below fronting a public street **shall** incorporate two or more of the following throughout the length of the blank wall:

Building Size	Façade Length
Smaller (<20,000sf)	30 ft
Larger (>20,000sf)	50 ft



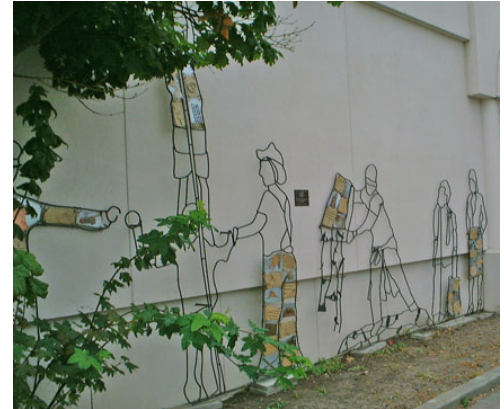
- a. vegetation, such as trees, shrubs, ground cover and/or non-invasive vines adjacent to the wall surface;
- b. artwork, such as bas-relief sculpture, murals or trellis structures;
- c. seating area with special paving; and/or
- d. architectural detailing, reveals, contrasting materials or other special interest.



Ground cover and non-invasive vines helps soften a flat façade.

Shown Above: Architectural elements including building base, columns, lighting, trellis, and faux windows.

Shown Below: Artwork can provide visual relief.

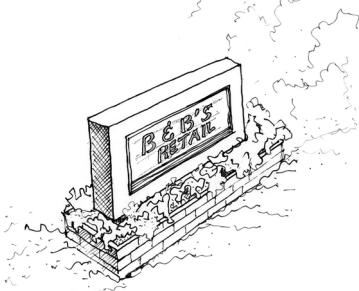
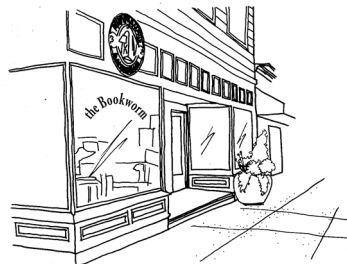


~~Murals can provide visual interest on blank walls and can reveal a places culture and history.~~

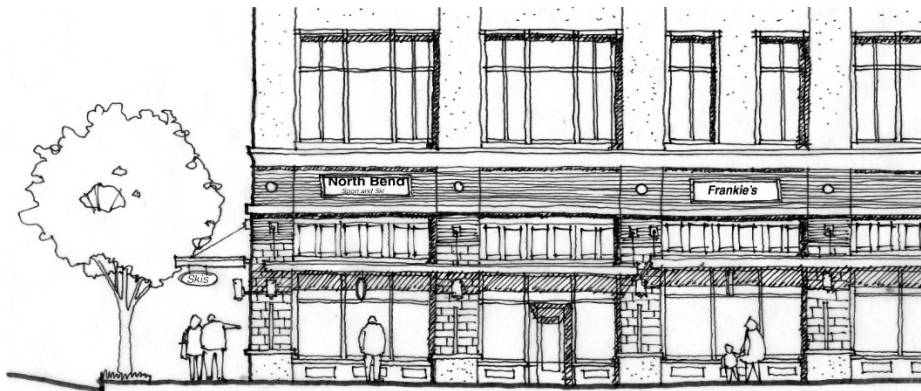
C-6 Sign Design



Unique pedestrian signs for businesses help personalize a business district



Free-standing signs **should** add interest to the street level and **should** be oriented and scaled for both pedestrians on the sidewalk and drivers on the street.



Integrate signs with the design of the building façade

Intent

- To ensure that signage is part of the overall design approach to a project and not an additive element or an afterthought
- To encourage interesting, creative and personalized elements in the public realm

1. All signs **shall** be designed in accordance with NBMC Chapter 18.20, Sign Regulations, including other applicable sign standards adopted under that chapter.
- 2.
3. Signs **should** be designed to be consistent with the architecture of the building, utilizing sizes, colors, textures and materials that complement the appearance of the building as a whole.
- 4.
5. Blade signs mounted perpendicular to the building are encouraged in addition to wall mounted signs to provide visibility of the business to pedestrians on the sidewalk.
- 6.
7. Building mounted signs are preferred over free-standing pole or monument signs, as they do not inhibit visibility and sight distance for pedestrians and vehicles.
- 8.
9. In order to be scaled and oriented for both pedestrians and vehicles, freestanding pole or monument signs **shall not** exceed 4 feet in height in DC, NMU, and NB zones, and 8 feet in IC, IMU, BPEP-1 and EP-2 zones.

District-Specific

Design Standards and Guidelines

District-specific design standards and guidelines will augment the Citywide design standards and guidelines to ensure that development proposals respond to the unique district and corridor identities throughout the City.

A. Downtown ~~Core-Commercial~~ District

For standards specific to the Downtown Commercial District, see the City of North Bend Form-Based Code.

~~North Bend has a compact, active and walkable center, and has maintained its small town identity with valuable resources downtown. The Downtown Core design guidelines allow the downtown to maintain its cultural, recreational and historic assets and become the North Bend central meeting place while encouraging a vibrant and economically robust downtown environment.~~

A-1 Streetscape

1. ~~Pedestrian Linkages. Clear, safe and inviting pedestrian walkways **should** be promoted to improve access to and within the Downtown Core District. The following **should** be incorporated into the streetscape design to ensure that residents and visitors are encouraged to walk in the Downtown Core District:~~
 - a. ~~Pedestrian corridors **should** be established and connected to ensure access to and within the downtown core. Specifically, streetscape and sidewalk improvements along Ballarat Avenue are encouraged to provide an important pedestrian link between the downtown core and the train depot.~~
 - b. ~~New buildings **shall** be set back and designed accordingly to allow for at least 12' of sidewalk, but not more than 15' on all downtown core streets with a clear zone of 8' for pedestrian travel.~~
 - c. ~~Wayfinding signs **should** be placed at all major intersections and public gathering places to increase awareness of appropriate and safe walkways.~~
 - d. ~~All sidewalks **should** incorporate broom finish, scored, stamped, aggregate or other textured or patterned concrete to encourage safe, comfortable pedestrian access.~~
 - e. ~~Adequate lighting **shall** be placed at a minimum of 30' apart in a staggered cadence with street trees.~~
2. ~~Sidewalk Cafes. Outdoor sidewalk cafes are encouraged on downtown core streets to enhance public gathering places and pedestrian activity. Sidewalk areas **shall** maintain a clear zone of at least 5' wide for pedestrian travel in these locations.~~
3. ~~Identity Elements. Public art and other unique streetscape elements such as informational signage **should** be used to provide visual interest, create a downtown identity and provide an opportunity to describe North Bend's unique history.~~
4. ~~Landscaping and Street Trees. To support the natural setting of Downtown North Bend, street trees **shall** be placed a minimum of one every 30'. Appropriate landscaping and hanging planters are encouraged near significant intersections and at public gathering places.~~



Outdoor sidewalk café area.



Downtown Precedent: informational wayfinding signs help orient visitors.

5.—Gateway Locations. Figure 1 identifies key gateway locations for the Downtown Core District. Refer to the Citywide Guidelines for methods and techniques that are appropriate for enhancing these locations:

- a.—A graduated gateway approach **should** be used to draw visitors to the downtown core with increasing tree and pedestrian lighting frequency to alert motorists and pedestrians that they are entering a more intensive, pedestrian-oriented business district. For example: along Bendigo Way between South Fork Avenue and the Snoqualmie River, trees **should** be spaced 40' apart; between the Snoqualmie River and East Park Street, they **should** be spaced 35'; and between East Park Street and North Bend Way, they **should** be spaced 30' (see figure 2).

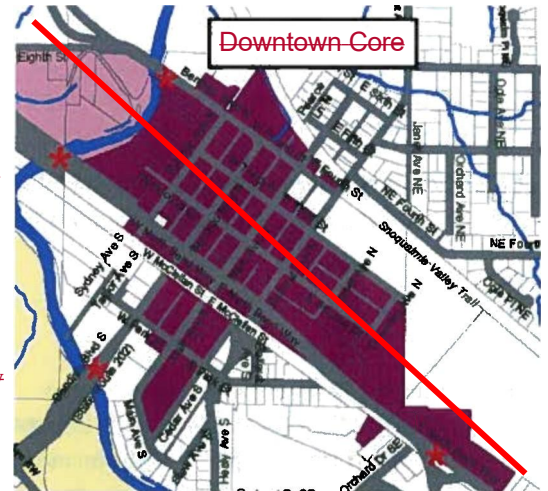
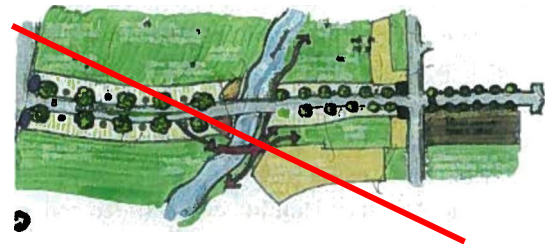


Figure 1: Downtown Core District and Gateway Locations



Downtown Precedent: frequent cadence of storefronts and varied roofline contributes to a walkable downtown district.



Example of a graduated gateway.

A-2 Building Form

- 1.—Downtown Core Architectural Context. The downtown has a variety of architectural styles represented. Contemporary methods of building can potentially create conflicts with older buildings due to differences in scale, massing and degrees of articulation. For example, new buildings add exteriors that mimic past architectural styles, creating a sense of unauthentic design. These guidelines emphasize the concept of historical continuity and the relationship of structures over time.
 - a.—Architecture in the downtown core **should** maintain a harmonious transition between newer and older buildings. Compatible design **should** respect the scale, massing and materials of adjacent buildings and landscape.
 - b.—Complement the architectural character of an adjacent historic building or area.
 - c.—Complement the architectural character of an adjacent historic building or area.
- 2.—Downtown Core Architectural Context. The downtown has a variety of architectural styles represented. Contemporary methods of building can potentially create conflicts with older buildings due to differences in scale, massing and degrees of articulation. For example, new buildings add exteriors that mimic past architectural styles, creating a sense of unauthentic design. These guidelines emphasize the concept of historical continuity and the relationship of structures over time.

- 3.—Roof Form. In the Downtown Core District, a parapet front design **should** be used, as parapet (false-front) roofs are the dominant historic type. Parapet shapes **should** incorporate a variety of architectural styles such as pediments, use of cornice molding, cresting or stepped false-front designs. If a decorative parapet is not used, roof line compatibility with adjacent buildings must be ensured.
- 4.—Ancillary Commercial Structures. Structures accessory to the primary building intended to support a commercial use **shall** be limited to 50% of the primary structure's lot coverage or 500 sq. ft., whichever is less.
- 5.—Building Height. In the Downtown Core District, the maximum building height **shall** be 45 feet from Sydney Ave N to Downing Ave N, south of W Second Street (see map). The maximum height in all other areas, including the Historic District, **shall** be 35 feet.



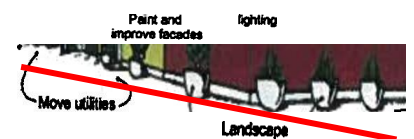
Downtown-core building heights.

A-3 Orientation to the Street

- 1.—Downtown Core Architectural Context. The downtown has a variety of architectural styles represented. Contemporary methods of building can potentially create conflicts with older buildings due to differences in scale, massing and degrees of articulation. For example, new buildings add exteriors that mimic past architectural styles, creating a sense of unauthentic design. These guidelines emphasize the concept of historical continuity and the relationship of structures over time.
 - a.—75 percent of ground floor facade along North Bend Way.
 - b.—A minimum of 60 percent of any other ground floor facade visible from any street in the downtown core.
- 2.—Screening Parking Lots, Loading Areas and Trash Storage Areas. Because of the negative impact of negative odor, sound and visual impacts from these uses, trash, parking and loading areas **shall** be screened in the downtown core as designated in the City-wide Design Standards, section A-7. Additionally, trash rooms **should** be incorporated into building design in the downtown core to ensure that trash is separated from the streetscape whenever possible.
- 3.—Develop the Alley Façade. Rear facade improvements are encouraged by implementing lighting, landscaping, painting, street furniture and public art elements. Specifically, streetscape improvements along the alleyway located behind the train depot and North Bend Way would improve the pedestrian link between North Bend Way and McClellan.



Multiple large storefront windows creates a more active streetscape by providing visibility to action not inside and outside of buildings.



Vision sketch from Downtown Master Plan illustrating improvements to the alley facades of McClellan St.

A-4 Plazas

1. For redevelopment of the northeast corner of Main Ave and North Bend Way, a minimum 600 square foot plaza **shall** be provided in a south-facing location. The City will waive parking requirements for the first 10,000 square feet of building area to accommodate the space required for the plaza. At a minimum, the plaza **shall** include features as required under section A-4a of these standards. Additional amenities such as public art or gathering features are encouraged.
2. Buildings located adjacent to the plaza **shall** contain entrances that open to the plaza.



Plaza with landscape features and seating areas.

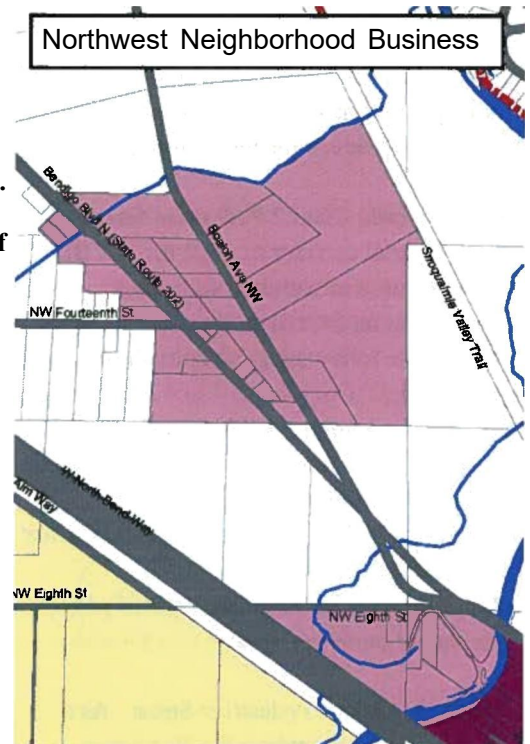
B. Northwest Neighborhood Business District

The Northwest Neighborhood Business District (NWBD) is defined by its abundant open space and natural setting. There are development opportunities here and potential to improve access to community amenities. Maintaining natural viewsheds and developing in a way that is sensitive to the surrounding natural features are critical when considering the future of the NWBD.

B-1 Responding to Site Characteristics and Significant Natural Features

The Urban Separator Overlay District (USOD). The USOD was created to maintain the identity of North Bend and provide visual breaks in the urban landscape while linking open space and environmentally sensitive features. Site coverage in the USOD NWBD is limited to 80% in all cases and maximum impervious surfaces for commercial use cannot exceed 55% of lot area unless pervious paving techniques are used in which case a 10% bonus is allowed. Surface area for green roofs is not included in surface area calculations.

1. Specific site conditions such as: significant topography or landscapes, prominent intersections, view or other natural features **shall** be considered to ensure that sites are located and designed in keeping with the principals of the **USOD NWBD**.
2. The following Low Impact Development (LID) techniques are encouraged for site planning to ensure that sensitive areas in the NWBD are protected and maintained:
 - a. Minimize impervious surface for all development and use pervious pavement and concrete whenever feasible.
 - b. Implement stormwater retention techniques that capture stormwater close to where it falls to mimic natural systems wherever possible. Examples include: bioretention swales and ponds, stormwater capture and vegetated roofs.
 - c. Floor area incentives **shall** be provided for natural drainage systems, pervious pavements and vegetated roofs.



Shown Above: Northwest Neighborhood Business District.

Shown Below: Rain gardens with native plantings integrated into an urban streetscape.



B-2 Responding to Site Characteristics and Significant Natural Features

Currently the NWBD is served by two streets (Boalch Ave NW and Bendigo Blvd N), and one local access road (NW 14 St). The district's street network will expand and improve as new development occurs. The following implements the North Bend street type classification system to recommend improvements to existing streets and designs for new ones when new development is proposed:

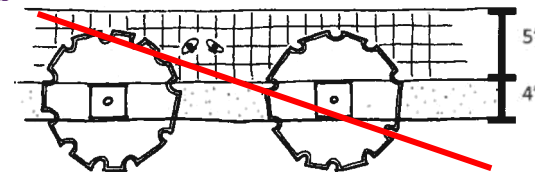
1. **Bendigo Blvd North: Class 2 Pedestrian Street.** This is the principal arterial corridor through the NWBD. It is the only connector to downtown North Bend. In order to enhance its role as an arterial while considering the needs of pedestrians, the following guidelines **shall** be met:
 2. **Planting Strips:** Continuous 4 to 6 foot 4 to 6 foot planting strip zones **shall** be incorporated between the street curb and sidewalk and planted with ground cover and appropriate street trees.
 3. **Sidewalk Widths.** Sidewalks no less than 5 feet **shall** be included.
 4. **Pedestrian Lighting.** Regularly spaced pedestrian lights **should** be 14 feet high.
 5. —
 6. **Boalch Ave NW: Class 1 Pedestrian Street.** As a secondary arterial street serving the Northwest Neighborhood Business District, Boalch Ave NW **should** be designed to support commercial development with pedestrian access in mind.
 7. **Planting Strips:** Continuous 4 foot 4 foot planting strip zones **shall** be incorporated between the street curb and sidewalk and planted with ground cover and appropriate street trees.
 8. **Sidewalk Widths and Bike Lanes.** Sidewalks no less than 8 feet **shall** be included and bike lanes no less than 5-foot wide.
 9. **Pedestrian Lighting.** Regularly spaced pedestrian lights **shall** be 14 feet high.
 10. —
 11. **Neighborhood Streets: Class 2 Pedestrian Street.** New streets providing local vehicular access to residential and mixed-use development off of Bendigo and Boalch **should** be encouraged as development increases. These streets are smaller, visually pleasing and speeds and volumes are relatively low to encourage pedestrian access.
 - a. **Streets.** One travel lane each direction with parallel parking.
 - b. **Sidewalks:** 5 feet wide, plus a 4-foot wide 4-foot-wide planting zone along the curb.

12.1. Gateway Location at Boalch and Bendigo. This NWBD serves as the northern gateway to North Bend. In addition to identity features at this location such as landscaping and “welcome to North Bend” and way finding signs, buildings at these points **should** hold the corner with prominence and visual expression.

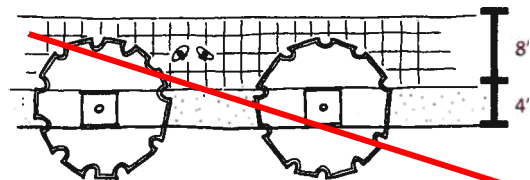
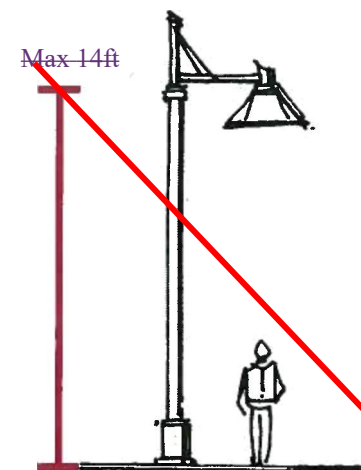
- a. The transit stop at Boalch and Bendigo **should** be built and highlighted to further establish the gateway location upon entry into North Bend.



Continuous planting strip along sidewalk.



Bendigo Boulevard North Minimum



Boalch Ave. Minimum Dimensions

B-3 Landscaping

1. The landscape of the NWBD is defined by open space and semi-rural character. Open meadows and agricultural lands are framed by views of the nearby mountains. New development **should** maintain view corridors and implement landscaping that enhances this existing character.
 - a. Development that is clustered on one section of the lot can maximize open space and retain viewsheds.
 - b. Planting trees in clustered groves will match the existing pattern.



Open space and view Torridon help define the character of the Northwest Neighborhood Business District.

B-4 Building Design and Massing

1. Massing. The NWBD has a small-scale neighborhood setting. Buildings **shall** match this setting by breaking down the size of the developments into clusters of smaller buildings.
2. ~~Mixed-Use. Mixed-use development is anticipated to occur in the NWBD and is encouraged as an appropriate use. Mixed-use development can be either horizontal or vertical depending on the preference of the developer.~~
3. ~~Cottage housing is encouraged in the NWBD because it utilizes principals of small buildings sharing communal open space without large building masses.~~



Traditional pitched roof on a large-scale building.

B-5 Roof Forms and Modulation

1. For compatibility with the surrounding landscape, views of Mt. Si, and desired small scale neighborhood setting, all parts of the primary roof above 18 feet **should** be pitched at a minimum rise of 6:12.
2. If a flat roof is used for a commercial building, the following features are required to ensure that it matches the character of the neighborhood:
 - a. Corner treatments, when located on a corner, through the use of architectural articulation such as recesses, turrets, bays, upper facade fenestration, canopies or special storefront design.
 - b. Parapets, including pediment, cornice molding, cresting, or stepped fronts.
 - c. In addition to the above requirements, green roofs are encouraged.

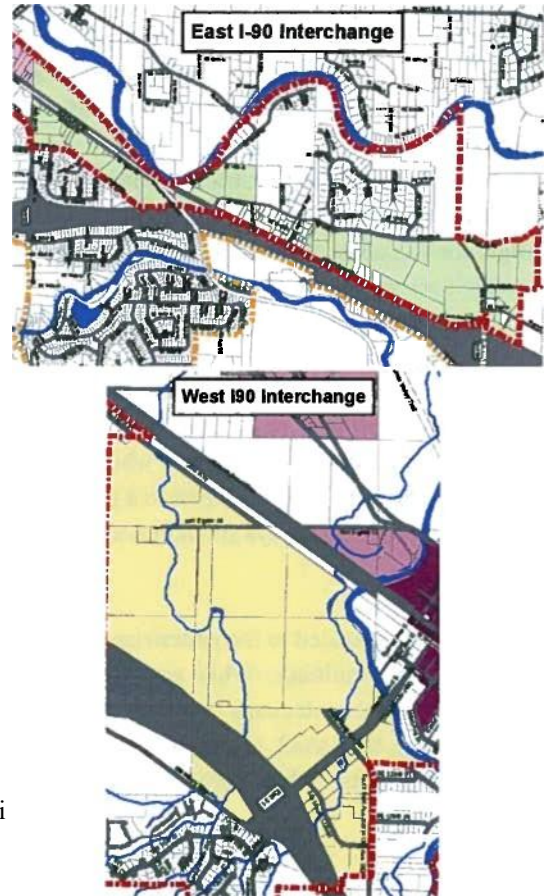


Semi-rural character expressed in the form and roof line of a commercial building to help reduce apparent bulk.

C. East and West I-90 Interchange District

The East I-90 Interchange District contains land within the employment park zone, neighborhood mixed-use zone, and a small-interchange commercial zone. The district caters to business park and campus style development with the commercial area supporting the workforce and nearby residential areas. The employment park development is characterized by buildings diverse in style, size and use balanced by consideration for the natural setting, consistent streetscapes, buffers and generous landscape treatments.

The West I-90 Interchange District is particularly important because it is the immediate entry point into North Bend. The district contains land within the business park zone, interchange commercial zone, and interchange mixed use zone. The district is mostly retail and franchise commercial uses and lower intensity buffer uses between the commercialized zones and adjacent residential zones. The West I-90 Interchange District should be developed in a way to ensure that these uses do not conflict with the small-town character of North Bend.



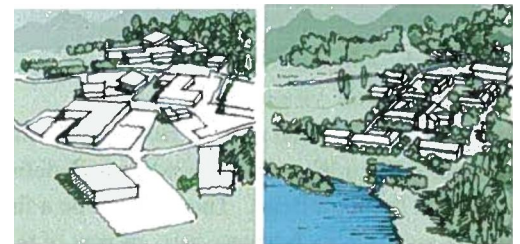
East and West I-90 Interchange District

C-1 Responding to Site Characteristics and Significant Natural Features

1. It is strongly encouraged those natural features, such as significant trees, and community landmarks be preserved by concentrating and clustering buildings and parking on land of least natural significance. Significant features such as sensitive topography and views from prominent public places including parks, plazas and street view termini **shall** be considered for site design in the East I-90 district.
2. Low Impact Development is encouraged to preserve the valuable sensitive areas in the East I-90 district and minimize the impact of development.
3. Building location and orientation **should** frame views of Mt. Si and the surrounding natural landscape from prominent public places, including parks, plazas and street view termini, not block them.

C-2 Sensitivity to Adjacent Land Uses

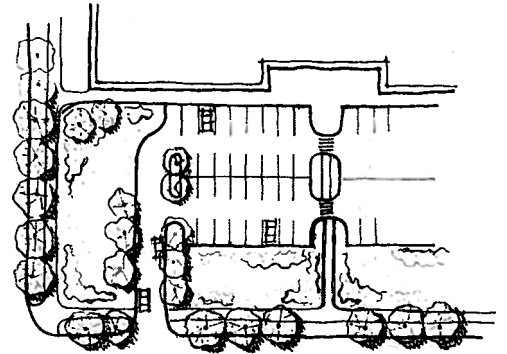
- ~~1. A Type 1 Sight Barrier (as defined in Landscaping Regulations Ch 18.18.080) shall be required between industrial uses and residential areas in the East I-90 district.~~
- ~~2. All lighting for service and loading areas shall be directed towards the property and away from residential areas.~~
- ~~3.1. All service and loading areas shall be located to the rear of the property and away from residential zoned areas to the best extent possible.~~
- ~~4.2. Where possible on larger sites, applicants should provide multiple smaller buildings rather than a singular large building to provide better compatibility to adjacent smaller scale uses.~~



Utilizing multiple smaller buildings on a site helps to complement view sheds and surrounding built and natural character.

C-3 Streetscape Design and Orientation

1. Individual sites along North Bend Way in the East I-90 District **shall** be developed to create visual interest along the street and to allow for view corridors of North Bend's natural assets by meeting the following standards:-
 - a. The primary building entrance **shall** be oriented to the street. Within the EP-1BP and EP-2 districts, the primary building entrance **shall** face the street and be located generally no more than 200 feet from the public sidewalk.
 - b. Within the EP-1BP and EP-2 Districts, buildings **should** be clustered on larger lots in a campus-like configuration to allow for more open space and larger view corridors while keeping entrance visible and accessible to the street.
2. Direct and clearly distinguished pedestrian walkways **shall** be provided from the primary or other main building entrances to the public street. In locations where driveways extend directly from the street to a primary or main building entrance, walkways **should** parallel the driveway.
3. Entry features **shall** be scaled to the pedestrian and used to reduce the mass of the building. While entry features may contain larger, multi-story elements to reflect the overall scale of the building, they **shall**, at a minimum, contain pedestrian scale elements such as porticos, porches or overhangs.
4. Encourage the use of highly crafted materials or civic art pieces to further enhance the appearance and prominence of entries.
5. Buildings and landscaping **should** be oriented with consideration given to the visual impact from the perspective of the driver on the primary roadway. From the south on North Bend Way, business parks help define major entry points to North Bend. There **should** be a first impression of a high-quality business park, as part of the City's overall community character and identity by including the following:
 - a. Business parks may have double fronting and corner lots. The design guidelines require buildings to be developed with principal facades on the primary street.



Orientation to the street via a prominent entrance facing the street and a direct pedestrian connection to the public sidewalk.



Entry feature scaled to the pedestrian helps de-emphasize the mass of the building.

C-4 Parking Areas

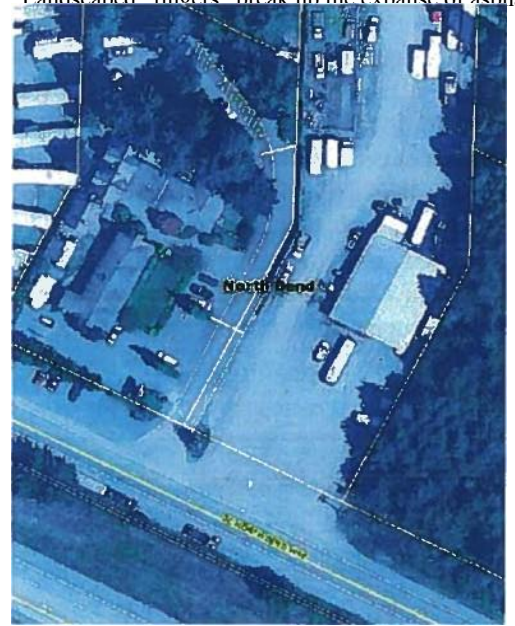
1. Parking areas **shall** be located to the side or back of buildings away from primary roads whenever possible. A minimum setback of 15 feet from street rights-of-way **shall** be required.
2. Use of pervious pavers and other low impact methods of stormwater runoff infiltration in the design of parking areas can be counted towards the interior landscaping for parking lots, not to exceed half of the required landscaping.



C-5 Consolidated Driveways and Access Lanes

1. To minimize curb cuts and resulting hazards to traffic and pedestrian safety, new access points to all lots within the East I-90 Interchange District **should** be from shared driveways and shared access lanes located at the property boundary adjacent to the adjoining parcel, unless infeasible due to the location of existing improvements or intersections, or the presence of significant trees, or other similar site constraints.
 - a. To encourage the use of shared driveways and access lanes, perimeter landscaping **shall not** be required in areas occupied by driveways and access lanes at the edge of a property, so long as the applicant signs a commitment to allow an access easement to the adjoining property owner for use of the shared driveway or access lane.

Landscaped “fingers” break up the expanse of asphalt.



C-6 Screening of Site Utilities, Storage, Trash, and Service Areas

1. All service, loading and trash/recycling collection areas **shall** be screened from public view with solid evergreen plant material or architectural treatment similar to the design of the adjacent building.
2. Loading and service areas **shall not** face any residential district, unless no other location is possible.
3. Outdoor storage areas **should** be consolidated into a single area, and screened from the street and/or neighboring uses by buildings and/or landscaping.
4. To provide adequate screening and reduce the visual impact of large paved service areas and docked semi trailers, a row of three or more of truck bays visible from a public street **shall** be screened on each end by a landscape island projecting out from the building. The landscape island **shall** consist of Type I landscaping and **shall** be a minimum of 30 feet long by 10 feet wide. No more than 8 bays may be located in a row without an additional landscape island.
 - a. If the developer can demonstrate the screening standard of C-6.4 is not feasible, the city shall accept an alternative proposal achieving the intent of C-6 and providing an in-like-kind alternative of 300sf (30ft long by 10ft wide).

Example of where a shared driveway could be used to reduce traffic and pedestrian hazards.



Examples of landscaping screening methods employed in a truck docking area

C-7 Design

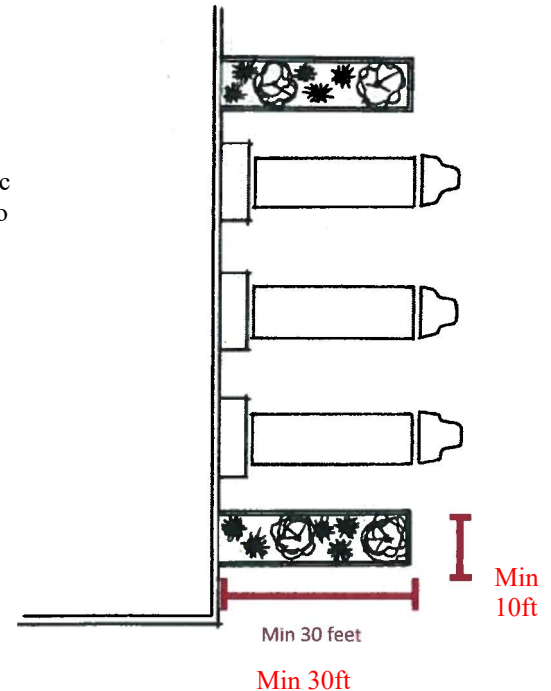


Building Massing and

1. The form and articulation of office and employment park buildings in the **BP and EP** zone **should** take a campus like form to avoid monolithic buildings and to enhance viewsheds. Larger buildings are encouraged to be broken up into detached smaller buildings or buildings attached by interior corridors.
2. For properties fronting to North Bend Way, where possible given the layout of a site, buildings **should** be oriented with the longer side running north-south, so as to maintain views of surrounding mountains from the public street.



Differing building sizes and heights together with significant landscaping break up the mass of an office park development.



Terracing provides visual relief and amenity.

C-8 Roof Forms and Modulation

1. Roof types **should** frame the natural views, not compete with them. Pitched roofs that complement and enhance viewsheds area encouraged.
2. Flat roofs are permitted **on large one-story industrial buildings**, but **should-shall** be avoided on **small one-story industrial** buildings. Roof line modulation, such as pitched roof forms, parapet modulation, and/or breaks in the roof line that are consistent with overall façade design, such as eaves or cornices, **should** be used.



3. All rooftop elements such as HVAC units and vents **shall** be screened by walls, parapets, or other methods which are architecturally consistent with the overall building design.

Deep eaves and brackets add visual interest and help to ground the building.

C-9 Wall Modulation: Façade Form and Style

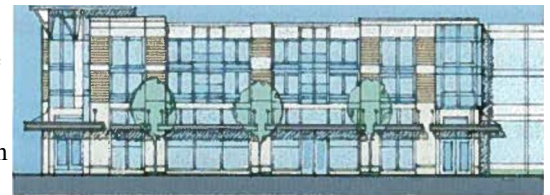
1. Building walls which face a public street **shall** be architecturally emphasized through window design and placement, projections and wall detailing. The architectural treatment of the front facade **shall** be continued, in its major features and materials, around all visible sides of the building.
2. Wall detailing, such as change in texture and/or the use of reveals, offsets, projecting ribs, cornices and awnings ~~shall~~**should** be provided such that visible shadow lines are created.



Extensive use of window glass reduces the bulk of this commercial/industrial building.

C-10 Windows and Glass

1. The design and placement of windows **shall** be an integral part of the overall building design.
2. Glass **should** be ~~non-untinted~~ or lightly tinted, in “natural” tones such as brown, blue, green or gray. Black glass and mirrored glass are prohibited.
3. Windows/glass **shall** be dispersed across the facade in an architecturally consistent manner and **shall** avoid continuous horizontal or vertical strip window bands.



Well designed arrangement of windows, columns, bays and spandrel.

C-11 Colors

1. Primary and trim colors **shall** be natural tones of tan, brown, gray, brick red, green and blue. Creams and whites **should** be avoided.
2. Roof colors **shall** be natural “dark” tones of tan, brown, gray. Creams and whites are not allowed.

C-12 Sign Design

1. ~~Primary and trim colors shall be natural tones of tan, brown, gray, brick red, green and blue. Creams and whites should be avoided. Building face signage shall be below the roofline, contained within the wall surface or dedicated sign fascia and be individually illuminated or backlit.~~
2. ~~All signage on individual lots should be designed as an integral element of the building and landscape design with respect to size, location, color and materials.~~



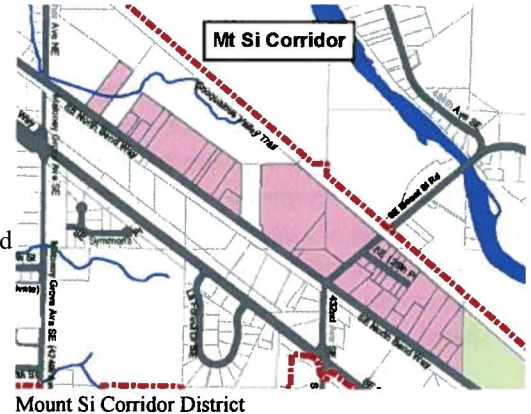
Acceptable height and scale for monument sign.

D. Mount Si Corridor District

The Mount Si District is characterized by a mix of commercial businesses along North Bend Way just east of the Downtown Core District. The corridor layout of the district provides opportunity for improved streetscape orientation to ensure that drivers and pedestrians along North Bend Way experience the character of the City upon entry from the east. The Mount Si District offers access to natural parks and Mount Si and these natural amenities must be taken into consideration when developing.

D-1 Responding to Site Characteristics and Significant Natural Features

1. Development **shall** be done with consideration to the valuable natural assets in the Mount Si District including Mount Si, the Middle Fork of the Snoqualmie River and Torguson Park, and siting **should** be adjusted to ensure public views of the natural features are enhanced.
2. Commercial development in the Mount Si Neighborhood Business District, especially at the Mt. Si Road / North Bend Way intersection, **should** be encouraged to target visitors by incorporating existing features related to the culture and natural geography of the area.



D-2 Plaza Design

1. Due to the relationship of the intersection of North Bend Way and the Mt. Si Road to the Mt. Si recreation area and the potential for significant recreational and tourist commercial uses at this location, development at the intersection **shall** incorporate a plaza feature into the design of the site. Plaza design **shall** be consistent with section A-4 of the Citywide Design Standards and Guidelines.



D-3 Consolidated Driveways and Access Lanes

1. To minimize curb cuts and resulting hazards to traffic and pedestrian safety, new access points to all lots within the Mount Si Corridor District **should** be from shared driveways and shared access lanes located at the property boundary adjacent to the adjoining parcel, unless infeasible due to the location of existing improvements or intersections, or the presence of significant trees, or other similar site constraints.
 - a. To encourage the use of shared driveways and access lanes, perimeter landscaping **shall not** be required in areas occupied by driveways and access lanes at the edge of a property, so long as the applicant signs a commitment to allow an access easement to the adjoining property owner for use of the shared driveway or access lane.

APPENDIX EXHIBIT A

City of North Bend Pedestrian Street Classification





Community and Economic Development Department Staff Report

Proposal: Amendments to North Bend Municipal Code (NBMC) 17.36 Park Impact Fees, NBMC 17.38 Transportation Impact Fees, and NBMC 17.42 Methods to Mitigate Development Impacts, concerning the collection of impact fees for residential uses.

Date: For May 7, 2025 Planning Commission Meeting

Proponent: City of North Bend

Staff Recommendation:

A motion to approve of the proposed amendments to North Bend Municipal Code (NBMC) 17.36 Park Impact Fees, NBMC 17.38 Transportation Impact Fees, and NBMC 17.42 Methods to Mitigate Development Impacts concerning the collection of impact fees for residential uses.

A. BASIS FOR PROPOSED AMENDMENTS:

In 2023, the Washington State Legislature passed SB 5258 amending state law in RCW 82.02.060 concerning the collection of impact fees. The legislation requires that impact fees for residential uses be scaled according to dwelling size, number of bedrooms, or trips generated. The intent of this legislation was to reduce the cost of such impact fees for smaller housing units, to help address the housing affordability problem facing our state, which is particularly severe in this region. Consistent with timing requirements in RCW 82.02.060(10), the City of North Bend is required to amend its development regulations by June 30, 2025 to comply with the provisions of RCW 82.02.060.

North Bend hired consulting firm FCS Group to prepare an impact fee study to determine how the City's park impact fees, transportation impact fees, and bicycle and pedestrian mitigation fees should be scaled accordingly. Based on the FCS Group's recommendation for scaled fees as provided in the attached report, the City has drafted updates to NBMC 17.36 Park Impact Fees, NBMC 17.38 Transportation Impact Fees, and NBMC 17.42 Methods to Mitigate Development Impacts (which addresses pedestrian and bicycle mitigation fees).

Currently, the City of North Bend collects set fees based on categories of use that generally do not consider building size. Current categories (which vary slightly based on the particular impact fee) include single family, multifamily, cottage and single-family under 1,200 square feet, and

The new method will simplify this to use a singular "residential use" category and will apply a square footage rate. Calculations will exclude non-heated space including garages and porches, as well as common areas of multifamily developments such as hallways, stairwells and common recreation rooms

(since the square footage of such areas is shared by all residents and isn't therefore adding impact themselves).

Based on the new scaling model proposed in the FCS memo, impact fees will increase for larger dwellings and decrease for smaller dwellings over what is collected under current practices, which is consistent with the intent of the state legislation.

Additional amendments include revised definitions, revisions to exemptions and credits against impact fees, and other minor edits.

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 May 7, 2025 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 impact fee regulations. Regulations protecting critical areas, managing storm water runoff, 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 scaling model prepared by FCS is intended to be revenue neutral to the City (offsetting lower impact fees for small units with larger impact fees from larger units), but actual impact fee revenues will depend on the mix of residential projects submitted and the sizes of units within such developments.

The amendments may encourage the development of smaller unit sizes which could help the City realize greater other economic goals such as 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, and similarly for essential service employees such as teachers and police officers. The City's Economic Development Action Plan specifically encourages the development of housing for all income levels as necessary to support further balanced economic growth.

iii. **Cultural Impacts.** No cultural impacts are anticipated from the proposed amendments.

b. **Impacts to Surrounding Properties.** The proposed amendments are not specific to any particular properties.

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 the housing needs for all economic segments of the community. In particular, Housing Key Objective 3 notes the “need to foster opportunities that provide housing of all economic segments of the population, especially affordable housing.”

The proposed amendments are consistent with the following specific 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 including income-restricted housing and sizes to meet the needs of a wide range of economic levels, age groups and household make-up.
- Housing Policy 1.4: Create incentives for developers to include affordable housing voluntarily in new developments, including but not limited to investigating the feasibility of incentive-based zoning schemes for affordable housing.
- Housing Policy 1.7: Reduce impact fees for residential developments that include affordable housing for those with low or very low incomes.
- Housing Policy 4.9: Support and allow the development of a variety of housing types including long-term income restricted housing that increases the availability of housing affordable to all economic segments of the city’s population.

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 collection of impact fees are not addressed by other development regulations, and the amendments are not inconsistent with other municipal regulations. The amendments are specifically intended for consistency with state law.

5. Consistency with NBMC 20.08.100

Pursuant to NBMC 20.08.100, the City Council 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. The amendments are proposed consistent with state law to scale impact fees such that smaller units pay proportionally lower impact fees, promoting affordability for such units. As identified in the City's Housing Action Plan (prepared by Blueline, March 2023), a significantly greater amount of North Bend households in the low income (up to 80%) and moderate-income categories (80-100% AMI) are cost burdened than those households above median income, indicating the need for more affordable housing options. Additionally, the housing inventory in this Housing Needs assessment identified a misalignment of housing size to household size in North Bend, indicating a need for smaller home sizes. Scaling residential impact fees to unit size may encourage the development of smaller units which generally also tend to be more affordable.

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

Yes. The draft amendments are the best means to address consistency with the new state regulations. Collecting residential impact fees based on square footage is simple and uniform. Collecting residential impact fees under the alternative scaling methods identified in RCW 82.02.060 would be more complicated and would likely require additional staff time to process applications. See further analysis of alternative collection methods described in the FCS report, attached.

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 ensuring consistency with state law to scale impact fees for residential uses according to size, which can help to promote the supply of smaller housing units that are generally more affordable, addressing a need for more affordable housing within the community.

C. SUMMARY FINDINGS

(TO BE COMPLETED FOLLOWING PUBLIC HEARING AND PLANNING COMMISSION REVIEW)

- 1) Pursuant to RCW 36.70A.106, the draft regulations were forwarded to Commerce - Growth Management Services on April 4, 2025 with a request for expedited review. Commerce granted the request for Expedited Review on April 17, 2025 via email to Mike McCarty.
- 2) The Planning Commission considered the proposed draft amendments at its April 16 and May 7, 2025 Planning Commission meetings and held a public hearing on the draft regulations at its May 7, 2025 meeting.
- 3) At the May 7, 2025 public hearing, members of the public provided comment (...to be summarized following the hearing.....)
- 4) A State Environmental Policy Act Determination of Non-significance on the proposed amendments was issued on April 18, 2025 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.
- 6) The amended impact fee regulations will result in a benefit to the community by ensuring consistency with state law to scale impact fees for residential uses according to size, which can help to promote

the supply of smaller housing units that are generally more affordable, addressing a need for more affordable housing within the community.

D. RECOMMENDATION

Staff Recommendation

The proposal is consistent with the development regulation amendment procedures in NBMC 20.08 and with the requirements of RCW 82.02.060. Staff recommends approval of the amendments to North Bend Municipal Code (NBMC) 17.36 Park Impact Fees, NBMC 17.38 Transportation Impact Fees, and NBMC 17.42 Methods to Mitigate Development Impacts concerning the collection of impact fees for residential uses.

Planning Commission Recommendation

TO BE COMPLETED FOLLOWING CONSIDERATION OF PUBLIC COMMENT.

Following consideration of the proposed amendments, this staff report, and public comment received, the Planning Commission recommends approval of the amendments to North Bend Municipal Code (NBMC) 17.36 Park Impact Fees, NBMC 17.38 Transportation Impact Fees, and NBMC 17.42 Methods to Mitigate Development Impacts concerning the collection of impact fees for residential uses.

Exhibits:

- Exhibit A: NBMC 17.36 Park Impact Fee Amendments
- Exhibit B: NBMC 17.38 Transportation Impact Fee Amendments
- Exhibit C: NBMC 17.42 Methods to Mitigate Development Impacts Amendments
- Exhibit D: Report from FCS Group on Residential Impact Fee Scaling
- Exhibit E: Written Public Comment Received (to be added if received).

Chapter 17.36
PARK IMPACT FEES¹

Sections:

- 17.36.010 Park impact fees authorized – Cross references.
- 17.36.020 Findings and purpose.
- 17.36.030 Definitions.
- 17.36.040 Fee imposed – Applicability.
- 17.36.050 Exemptions.
- 17.36.060 Park impact fee program elements.
- 17.36.070 Fee calculation methods.
- 17.36.080 Fee collection.
- 17.36.090 Park impact fee accounts and refunds.
- 17.36.100 Processing.
- 17.36.110 Other authority.
- 17.36.120 Appeals.

17.36.010 Park impact fees authorized – Cross references.

A. The city council of the city of North Bend, Washington, is hereby authorized to adopt, pursuant to the authority of Chapter 82.02 RCW, an ordinance creating and setting park impact fees. Any such ordinance shall provide for the method of calculating said fees and shall contain reasonable rules and procedures.

B. The city clerk is authorized to reference any park impact fee so established by ordinance in any future taxes, rates and fees schedule ordinance of the city. (Ord. 1591 § 1 (part), 2016).

17.36.020 Findings and purpose.

The city council of the city of North Bend finds and determines that growth and development activity in the city will create additional demand and need for park facilities in the city, and the council finds that growth and development activity should pay a proportionate share of the cost of such facilities needed to serve the growth and development activity. Therefore, pursuant to the Growth Management Act (Chapter 36.70A RCW), and RCW 82.02.050 through 82.02.100, which authorize cities to impose and collect impact fees to partially fund public facilities to accommodate new growth, the council adopts this chapter to impose park impact fees for park facilities as set forth in NBMC 17.36.080. The provisions of this chapter shall be liberally construed in order to carry out the purposes of the council in establishing park impact fees. (Ord. 1591 § 1 (part), 2016).

17.36.030 Definitions.

For the purposes of this chapter, the words set out in this chapter shall have the following meanings:

~~A. Affordable Housing. Housing is considered “affordable” to a family if it costs no more than 30 percent of the family’s income. The income groups that are the focus of affordable housing are low and moderate income families, as follows:~~

- ~~1. Low income: a family earning between zero percent and 50 percent of the King County median household income.~~
- ~~2. Moderate income: a family earning between 50 percent and 80 percent of the King County median household income. “Median income” means the median income for the Seattle metropolitan statistical area (King County), as most recently determined by the Secretary of Housing and Urban Development (HUD) under Section 8(f)(3) of the United States Housing Act of 1937, as amended, or if programs under said Section 8(f)(3) are terminated, median income determined under the method used by the Secretary prior to such termination.~~

~~A. “Affordable Housing” shall have the same meaning as in RCW 36.70A.030.~~

B. “Capital facilities element” means the capital facilities plan adopted by the city council as part of the city’s comprehensive plan, and its amendments.

Exhibit A: Draft Amendments to Chapter 17.36 Park
Impact Fees, 4/28/2025

C. “Comprehensive plan” means the city of North Bend comprehensive plan adopted by ordinance, including any adopted amendments.

D. “Conditions of approval,” as they apply to park impact fee evaluations, means those conditions necessary to ensure that the proposed development will not cause the parks level of service to fall below the standards adopted in the comprehensive plan. The conditions of approval shall be binding upon the approval of any permit application for which this chapter is applicable as described in NBMC 17.36.040.

E. “Development” means construction of any new residential building, structure, or unit, or any hotel or motel, that requires review and approval of a development permit.

F. “Development permit” includes, but is not limited to, any short plat, subdivision, binding site plan, site plan, building permit or other land use permit with a residential component, or any written authorization from the city that authorizes the commencement of development that includes new residential uses, excluding an accessory dwelling unit.

G. “Director” means the director of the department of community and economic development or his/her designee.

H. “Financial commitment” means any form of binding and enforceable financial obligation that is acceptable to the city, and provided to the city at the time of development approval.

I. “Park facilities” includes all publicly owned parks, trails, open space and recreation areas within the city limits.

J. “Park impact fee” means the payment of money imposed upon development as a condition of or concurrent with the approval of a building permit to pay for park facilities needed to serve new growth and development, and that is reasonably related to the additional demand and need for facilities created by the new development, that is a proportionate share of the costs of the facilities, and that is used for facilities that reasonably benefit the new development. “Park impact fee” does not include any other applicable permit or application fee.

K. “Level of service (LOS)” means the relationship between park facilities and service provision within the city, as specified in the city’s comprehensive plan.

L. “Project improvements” means site improvements and facilities that are planned and designed to provide service for a particular development or users of the project and are not system improvements. No improvement or facility included in a capital facilities plan adopted by the council shall be considered a project improvement.

~~M.~~ “Proportionate share” means that portion of the cost of public facility improvements and facilities that is reasonably related to the service demands and needs of new development. For any particular development, the proportionate share will depend on the type of the development within the city.

~~NM.~~ Service Area. For the purposes of this chapter, the service area shall be the entire area within the city limits of North Bend. (Ord. 1591 § 1 (part), 2016).

O. “Workforce Housing” means residential housing whose monthly costs, including utilities other than telephone, do not exceed 30 percent of the monthly income of a household whose income is:

1. For a rental: At or below eighty percent (80%) of the median household income adjusted for household size, for King County, as reported by the United States Department of Housing and Urban Development.

2. For ownership: At or below one hundred percent (100%) of the median household income adjusted for household size, for King County, as reported by the United States Department of Housing and Urban Development.

17.36.040 Fee imposed – Applicability.

There is imposed, at the time of issuance of each and every building permit for construction of each and every new residential unit or hotel/motel, created subsequent to September 16, 2008, a park impact fee in an amount as set forth in the then-current North Bend taxes, rates and fees schedule. (Ord. 1591 § 1 (part), 2016).

Commented [MM1]: Definition from ESSSB 5148 - pending legislation.

Exhibit A: Draft Amendments to Chapter 17.36 Park
Impact Fees, 4/28/2025

17.36.050 Exemptions and Reductions.

The following development is exempt from the requirements of this chapter, or provided reductions consistent with this section:

A. Affordable Housing and Workforce Housing. A development permit for units of affordable housing and/or workforce housing, which includes low and moderate income, as defined in NBMC 17.36.030, shall ~~not~~ be assessed a reduced park impact fee as follows:

1. The park impact fee for affordable housing units shall be reduced by eighty percent (80%) of the entire park impact fee without the reduction. The remaining 20% of the impact fee otherwise due may be reduced through a development agreement pursuant to NBMC Chapter 18.27, Development Agreements, provided that the City shall not fund the remaining 20% of the impact fee otherwise due from the park impact fee revenue account.

Commented [MM2]: Provision set up consistent with the limitations authorized in RCW 82.02.060(4).

2. The park impact fee for workforce housing units shall be reduced by twenty percent (20%) of the entire park impact fee without the reduction.

Commented [MM3]: Draft discount of 20% off for workforce housing for consideration by Planning Commission.

3. As a condition of receiving an exemption reduction under this section, the owner shall execute and record in King County's real property title records a city-approved lien, covenant, or other contractual provision against the property that provides the following:

a. ~~that~~ The proposed housing unit or development will continue to be used for low or moderate income housing or workforce housing, as applicable, and remain affordable to those households for a period of not less than 30 years. The lien, covenant, or other contractual provision shall run with the land and apply to subsequent owners and assigns.

b. Should the housing unit(s) be converted to a use other than low-income housing or workforce housing as applicable, the owner shall pay the applicable impact fees in effect at the time of conversion.

32. Any claim or request for an exemption reduction under this section shall be made no later than the time of application for a building permit. If a building permit is not required for the development, then the claim shall be made when the first development permit is applied for. Any claim not made when required by this section shall be deemed waived.

B. Residential additions. Additions or expansions of individual residential dwelling units shall not be assessed a park impact fee.

Commented [MM4]: Revised to exempt additions or expansions from park impact fees, based on Planning Commission direction at April 16 meeting.

C. Accessory Dwelling Units. A development permit for an accessory dwelling unit, as defined in NBMC 18.06.030, that is created under the same ownership as the primary dwelling shall not be assessed a park impact fee. Accessory Dwelling Units created for sale separate from the primary dwelling under the condominium regulations in NBMC 17.24 shall be assessed a park impact fee, due prior to condominium map approval.

Commented [MM5]: Language based on discussion at April 16 Planning Commission meeting, for consideration by Planning Commission on May 7.

~~D~~ E. Change of Use. A development permit for a change of use that has less impact, as determined by the director, than the existing use shall not be assessed a park impact fee. Changes of use that have greater impact shall be provided a credit for the value of the existing use being replaced.

~~D~~ F. City Projects. A development permit for a city project shall not be assessed a park impact fee.

F. Emergency homeless or domestic violence shelters as defined in RCW 70.123.020, consistent with RCW 82.02.090(1).

G E. Pending Development Permit. An application for a development permit shall not be assessed a park impact fee if one or both of the following has occurred: (1) the city and applicant have negotiated park mitigation for the subject of the development permit prior to September 29, 2008; or (2) the applicant has provided park mitigation for the subject of the development permit prior to September 29, 2008. (Ord. 1591 § 1 (part), 2016).

17.36.055 Credits.

A. An applicant may request that a credit or credits for impact fees be awarded to the applicant for the total value of dedicated land, improvements, or construction of park facilities provided by the applicant. Credits will be given only if the land, improvements, and/or the facilities:

1. constitute system improvements for park facilities; and
2. are located in areas and constructed at acceptable quality as determined by the city.

B. The director shall determine if requests for credits meet the criteria in subsection A of this section.

C. Credits shall be based on a certified statement of actual costs of the improvements incurred by the applicant. The statement shall include copies of invoices paid for such work.

D. For each request for a credit or credits that involves dedication of land, the director shall select an appraiser or the applicant may select an independent appraiser acceptable to the director. The appraiser must possess an MAI or other equivalent certification and shall not have a fiduciary or personal interest in the property being appraised. A description of the appraiser's certification shall be included with the appraisal, and the appraiser shall certify that he/she does not have a fiduciary or personal interest in the property being appraised. The appraiser shall be directed to determine the total value of the dedicated land, improvements, and/or construction provided by the applicant on a case-by-case basis. The applicant shall pay for the cost of the appraisal or may request that the cost of the appraisal be deducted from the credit in the event that a credit is awarded. If no credit is awarded, the applicant shall pay the cost of the appraisal.

E. After receiving the certified statement of actual costs and any appraisal, the director shall provide the applicant with a letter or certificate setting forth the dollar amount of the credit, the reason for the credit, the legal description of the site donated where applicable, and the legal description or other adequate description of the project or development to which the credit may be applied. The applicant must sign and date a duplicate copy of such letter or certificate indicating his/her agreement to the terms of the letter or

17.36.060 Park impact fee program elements.

A. The city shall impose and collect park impact fees on every development permit within the city limits, except as provided in NBMC 17.36.050.

B. Any park impact fee imposed shall be reasonably related to the impact caused by the new development and shall not exceed a proportionate share of the cost of park facilities that are reasonably related to the new development.

C. The park impact fee imposed may include costs for park facility improvements previously incurred by the city to the extent that new development will be served by the previously constructed improvements; provided, that such fee shall not be imposed to correct any system improvement deficiencies.

D. The park impact fee imposed for any development shall be calculated and determined by the procedures established by this chapter.

E. Park impact fees shall be used for park facilities that will reasonably benefit the new development, and only for those park facilities addressed by the city's capital facilities element of the comprehensive plan. (Ord. 1591 § 1 (part), 2016).

17.36.070 Fee calculation methods.

A. Each development application shall mitigate its impacts on the city's park facilities by payment of the park impact fee.

B. All data and other information necessary to determine park impact fee amounts will be made available to the public. Forms and procedures will be established administratively. (Ord. 1591 § 1 (part), 2016).

Exhibit A: Draft Amendments to Chapter 17.36 Park
Impact Fees, 4/28/2025

17.36.080 Fee collection.

A. At the time of application for a development permit, the park impact fee shall be:

New residential units and ADUs that are not exempt under 17.36.050.	\$3.42 per square foot
Single-family residential and cottage housing with more than 1,200 square feet in size	\$5,060
Cottage housing no greater than 1,200 square feet in size and carriage units developed under Chapter 18.11-NBMC; multifamily residential; condominium; mobile/manufactured home (per housing unit)	\$4,280
Hotel/motel (per guest room)	\$1,950 \$2,716.63

The impact fees are based upon a rate study. No development permit shall be issued until the park impact fee has been paid in full by the applicant; provided, that the payment of fees may be proportionately phased if the development permit for the development is also phased. The park impact fee shall be collected by the city, and maintained in a separate account, as required by NBMC 17.36.090.

B. An inflationary adjustment shall be made in the fee rates at the beginning of each calendar year. This annual inflationary adjustment shall be the same percentage amount as the change in the Engineering News-Record Construction Cost Index for the Seattle area from the date of the previous year's adjustment. (Ord. 1657 § 2, 2018; Ord. 1591 § 1 (part), 2016).

17.36.090 Park impact fee accounts and refunds.

A. Park impact fee receipts shall be earmarked specifically and retained in a special interest bearing account established by the city solely for park impact fees. All interest shall be retained in the account and expended for the purpose or purposes for which said fees were imposed. Annually, the city shall prepare a report on the source and amount of all park impact fees collected, interest earned, and the park facilities that were financed in whole or in part by said fees.

B. Park impact fees shall be expended by the city only in conformance with the capital facilities element of the comprehensive plan.

C. Park impact fees shall be expended or encumbered by the city for a permissible use within 10 years of receipt by the city, unless there exists an extraordinary or compelling reason for said fees to be held longer than 10 years. Such extraordinary or compelling reasons shall be identified in written findings by the city.

D. The city shall refund to the payer park impact fees if the city fails to expend or encumber the fees on park facilities within the service area within 10 years, or any extended period pursuant to subsection C of this section, of receipt of the fees by the city. In determining whether park impact fees have been encumbered, such fees shall be considered encumbered on a first in, first out basis.

E. An owner's or other payer's request for a refund must be submitted to the city in writing within one year of the date the right to claim the refund arises or the date that notice is given, whichever date is later. Any park impact fees that are not expended or encumbered by the city in conformance with the capital facilities element within these time limitations, and for which no application for a refund has been made within this one-year period, shall be retained and expended consistent with the provisions of this section. Refunds of park impact fees shall include the interest actually earned by the city on such fees.

F. Should the city repeal any or all park impact fee requirements, all unexpended or unencumbered funds, including interest earned, shall be refunded pursuant to this section. Upon the repeal of any or all park impact fee requirements, the city shall place notice of such repeal and the availability of refunds in a newspaper of general circulation at least two times and shall notify all payers by first-class mail to the last known address of such payers. All funds available for refund shall be retained for a period of one year. At the end of one year, any remaining funds shall be retained by the city, and must be expended by the city consistent with the provisions of this chapter. The

Commented [MM6]: Note an increase is not proposed to the hotel/motel rate. This is just reflecting the rate per the City's current taxes, rates and fees schedule, which has been annually updated since the time of the original amount established in the regulations, as provided under 17.36.080(B).

Exhibit A: Draft Amendments to Chapter 17.36 Park
Impact Fees, 4/28/2025

notice requirements set forth above shall not apply if there are no unexpended or unencumbered balances within the account being terminated.

G. An applicant may request and shall receive a refund, including interest actually earned by the city on the park impact fees, when:

1. The applicant does not proceed to finalize the development; and
2. No impact on the city has resulted. "Impact" shall be deemed to include cases where the city has expended or encumbered the park impact fees in good faith prior to the application for refund. In the event that the city has expended or encumbered the park impact fees in good faith, no refund shall be made; provided, however, within a period of three years, if the same or subsequent owner of the property proceeds with the same or substantially similar development activity, the owner or other payer shall be eligible for a credit. The owner or other payer must petition the city and provide receipts of park impact fees paid by the owner for a development of the same or substantially similar nature on the same property or some portion thereof. The city shall determine whether to grant a credit, and such determinations may be appealed by following the procedures set forth in NBMC 17.36.120.

H. Interest due upon the refund of park impact fees required by this chapter shall be calculated according to the average rate received by the city on invested funds throughout the period during which the park impact fees were retained. (Ord. 1591 § 1 (part), 2016).

17.36.100 Processing.

The city shall determine any applicable park impact fees as a normal part of processing a development permit. (Ord. 1591 § 1 (part), 2016).

17.36.110 Other authority.

Nothing in this chapter is intended to limit the city's authority under the State Environmental Policy Act or any other source. (Ord. 1591 § 1 (part), 2016).

17.36.120 Appeals.

A park impact fee may be appealed under the appeal process for the underlying development permit set forth in the North Bend Municipal Code. Where no other administrative appeal process is available, an appeal may be taken to the hearing examiner using the appeal procedures for variances. (Ord. 1591 § 1 (part), 2016).

¹ Prior legislation: Ord. 1328.

Chapter 17.38

TRANSPORTATION IMPACT FEES

Sections:

17.38.010	Findings and authority.
17.38.020	Definitions.
17.38.030	Assessment of impact fees.
17.38.040	Exemptions.
17.38.050	Credits.
17.38.060	Tax adjustments.
17.38.070	Appeals.
17.38.080	Establishment of impact fee accounts.
17.38.090	Refunds.
17.38.100	Use of funds.
17.38.110	Review.
17.38.120	Transportation impact fee.
17.38.130	Independent fee calculations.

17.38.010 Findings and authority.

The city council of the city of North Bend (the “council”) hereby finds and determines that new growth and development, including but not limited to new residential, commercial, retail, office, and industrial development, in the city of North Bend will create additional demand and need for public facilities in the city of North Bend, and the council finds that new growth and development should pay a proportionate share of the cost of new facilities needed to serve the new growth and development. The city of North Bend has conducted extensive studies documenting the procedures for measuring the impact of new developments on public facilities, has prepared the Transportation Impact Fee Rate Calculations for City of North Bend (“rate study”), and hereby incorporates this rate study into this chapter by reference. Therefore, pursuant to RCW 82.02.050 through 82.02.090, the council adopts this chapter to assess impact fees for system improvements to public streets and roads. The provisions of this chapter shall be liberally construed in order to carry out the purposes of the council in establishing the impact fee program. (Ord. 1324 § 1 (part), 2008).

17.38.020 Definitions.

The following words and terms shall have the following meanings for the purposes of this chapter, unless the context clearly requires otherwise. Terms otherwise not defined herein shall have the meaning defined in RCW 82.02.090, NBMC 1.04.010, Chapter 2.20 NBMC, NBMC 15.02.050, 18.06.030, or 20.12.010 or, if not defined thereby, given their usual and customary meaning.

A. “Capital facilities plan” means the capital facilities plan element of a comprehensive plan adopted by the city of North Bend pursuant to Chapter 36.70A RCW, and such plan as amended.

B. “Department” means the department of public works.

~~C. “Development activity” means any construction, expansion, or change in the use of a building or structure that requires a building permit and that creates additional demand and need for public facilities.~~

C. “Development activity” consistent with RCW 82.02.090 means any construction or expansion of a building, structure, or use, any change in use of a building or structure, or any changes in the use of land, that create additional demand and need for public facilities. “Development activity” does not include: (a) buildings or structures constructed by a regional transit authority, or (b) buildings or structures constructed as shelters that provide emergency housing for people experiencing homelessness, or emergency shelters for victims of domestic violence, as defined in RCW 70.123.020.

D. “Development approval” means any written authorization from the city of North Bend which authorizes the commencement of a development activity.

E. “Director” means the director of the department of public works or the director’s designee.

F. “Encumbered” means to reserve, set aside, or otherwise earmark the impact fees in order to pay for commitments, contractual obligations, or other liabilities incurred for public facilities.

G. “Feepayer” is a person, corporation, partnership, an incorporated association, or any other similar entity, or department or bureau of any governmental entity or municipal corporation commencing a land development activity which creates the demand for additional capital facilities, and which requires the issuance of a building permit. “Feepayer” includes an applicant for an impact fee credit.

H. “Gross floor area” means the total square footage of any building, structure, or use, including accessory uses.

I. “Impact fee account” or “account” means the account(s) established for each type of public facility for which impact fees are collected. The accounts shall be established pursuant to NBMC 17.38.080 and 17.38.090, and comply with the requirements of RCW 82.02.070.

J. “Independent fee calculation” means the transportation impact calculation and/or economic documentation prepared by a feepayer, to support the assessment of an impact fee other than by the use of the rates listed in NBMC 17.38.120, or the calculations prepared by the director where none of the fee categories or fee amounts in NBMC 17.38.120 accurately describe or capture the impacts of the new development on public facilities.

K. “Interest” means the average interest rate earned in the last fiscal year by the city of North Bend.

L. “ITE Land Use Code” means the classification code number assigned to a type of land use by the Institute of Transportation Engineers in the Seventh Edition of Trip Generation.

M. “Occupancy permit” means the permit issued by the city of North Bend where a development activity results in a change in use of the pre-existing structure, or the creation of a new use where none previously existed.

N. “Project improvements” means site improvements and facilities that are planned and designed to provide service for a particular development or users of the project, and are not system improvements. No improvement or facility included in a capital facilities plan adopted by the council shall be considered a project improvement.

O. “Rate study” means the “Transportation Impact Fee Rate Calculations for City of North Bend,” prepared by Henderson, Young and Company dated October 15, 2013, as amended by Impact Fee Memorandum dated September 18, 2015, prepared by Fehr and Peers Associates, Inc.

P. “Residential” or “residential development” means all types of construction intended for human habitation. This shall include, but is not limited to, single-family, duplex, triplex, and other multifamily development.

Q. “Restaurant” means any fixed restaurant; non-drive-thru coffee shop; cafeteria; short-order cafe; luncheonette; grill; tearoom; sandwich shop; soda fountain; tavern; bar; wine tasting room; distillery; cocktail lounge or other similar place in which food or drink is prepared for sale or for service on the premises or elsewhere.

R. “Retail” means a commercial business which provides goods or merchandise directly to the consumer, where such goods are available for immediate purchase and removal from the premises by the purchaser. “Retail” does not mean a commercial business that provides other services to the consumer and retail is an accessory use of the business.

S. “Significant past tax payment” means taxes exceeding five percent of the amount of the impact fee, and which were paid prior to the date the impact fee is assessed and were earmarked or proratable to the same system improvements for which the impact fee is assessed.

T. “Square footage” means the square footage of the gross floor area of the development. For the purpose of impact fees related to construction of new residential units, square footage is measured only within heated areas of dwelling units excluding garages, porches, and other non-habitable space, and does not include common areas of multifamily buildings including but not limited to hallways, stairwells, shared parking garages, common utility and recreation rooms.

Commented [MM1]: Proposal excludes garages and other non-habitable spaces from calculated area of residential uses as these aren’t adding to number of residents which generate park impacts.

Second part of this (excluding common areas of multifamily buildings) is needed for conformance to language in RCW 82.02.060(1) that describes “in the housing unit.”

Staff will need to ensure that our fee schedule and information to developers is clear on how square footage is calculated.

U. "Street" and/or "road" means a public right-of-way which enables motor vehicles, transit vehicles, bicycles and/or pedestrians to travel between destinations, and affords the principal means of access to abutting property, including a public avenue, place, way, drive, lane, boulevard, highway, street, and other thoroughfare, except an alley.

V. "System improvements" means improvements to street and/or transportation public facilities that are included in the city of North Bend's capital facilities plan and are designed to provide service to service areas within the community at large, in contrast to project improvements. (Ord. 1562 § 1, 2015; Ord. 1522 § 1, 2014; Ord. 1324 § 1 (part), 2008).

17.38.030 Assessment of impact fees.

A. Unless exempted pursuant to NBMC 17.38.040, an applicant seeking development approval from the city for any development activity within the city shall pay, and the city shall collect prior to building permit issuance, impact fees calculated by the director according to the rates set forth in NBMC 17.38.120 and the taxes, rates and fees schedule set forth in Ordinance No. 1551 as it may be subsequently amended from time to time. Development activity subject to the impact fees assessed herein shall include, but is not limited to, the development of residential, commercial, retail, office, and industrial land, and includes the expansion of existing uses that creates a demand for additional public facilities, as well as a change in use that creates a demand for additional public facilities.

B. For a change in use of an existing building or dwelling unit, including any alteration, expansion, replacement or new accessory building, the impact fee shall be the applicable impact fee for the land use category of the new use, less any impact fee previously paid for the land use category of the prior use. If no impact fee was paid for the prior use, the impact fee for the new use shall be reduced by an amount equal to the current impact fee rate for the prior use.

C. For mixed use developments, impact fees shall be imposed at the applicable rate set forth in NBMC 17.38.120 for each separate type of land use contained in the mixed-use development. For cottage dwellings no greater than 1,200 square feet in size or carriage units developed under Chapter 18.11 NBMC, impact fees shall be imposed at the applicable rate set forth in NBMC 17.38.120 for condominiums; for cottage dwellings with more than 1,200 square feet in size, impact fees shall be imposed at the rate for single-family houses.

D. Impact fees shall be paid at the rate in effect at the time the building permit is issued by the city.

E. Applicants that have been awarded credits prior to the submittal of the complete building permit application pursuant to NBMC 17.38.050 shall submit, along with the complete building permit application, a copy of the letter or certificate prepared by the director pursuant to NBMC 17.38.050 setting forth the dollar amount of the credit awarded.

F. *Repealed by Ord. 1485.*

G. The department shall not issue the required building permit or occupancy permit unless and until the impact fees set forth in NBMC 17.38.120 have been paid in the amount that they exceed exemptions or credits provided pursuant to NBMC 17.38.040 or 17.38.050.

H. The service area for impact fees shall be a single citywide service area. (Ord. 1657 § 3, 2018; Ord. 1562 § 2, 2015; Ord. 1522 § 2, 2014; Ord. 1485 § 1 (Exh. A), 2013; Ord. 1464 § 1 (Exh. A (part)), 2012; Ord. 1324 § 1 (part), 2008).

17.38.040 Exemptions and Reductions.

A. The following development activity shall be fully or partially exempt from the requirement to pay impact fees as described below:

1. ~~Alteration of an existing residential structure that does not expand the usable space or add any residential units.~~ Residential Additions. Additions or expansions of individual residential dwelling units shall not be assessed a transportation impact fee.

Commented [MM2]: Based on direction from Planning Commission at April 16 meeting.

2. New Accessory Dwelling Units as defined in NBMC 18.06.030 that are created under the same ownership as the primary dwelling shall not be assessed a transportation impact fee. Accessory Dwelling Units created for sale separate from the primary dwelling under the Condominium Regulations in NBMC 17.24 shall be assessed a transportation impact fee, due prior to condominium map approval.

3. Emergency homeless or domestic violence shelters as defined in RCW 70.123.020, consistent with RCW 82.02.090(1);

42. Miscellaneous accessory use improvements, including, but not limited to, fences, walls, swimming pools, and signs;

53. Demolition or moving of a structure;

64. Expansion of an existing non-residential structure that results in the addition of 100 square feet or less of gross floor area;

75. Replacement of a structure with a new structure of the same size and use at the same site or lot when such replacement occurs within 12 months of the demolition or destruction of the prior structure. Replacement of a structure with a new structure of the same size shall be interpreted to include any structure for which the gross square footage of the building will not be increased by more than 100 square feet;

86. Any development by the city of North Bend;

97. Any change of use of an existing building or tenant space 15,000 square feet or less;

108. A reduction of 89 percent of the total traffic impact fee assessed for any restaurant (non-drive thru) or retail use in the downtown commercial zone;

119. A reduction of 78 percent of the total impact fee assessed for any allowed commercial use within downtown commercial and neighborhood business zones; and

1240. A reduction of 57 percent of the total impact fee assessed for any allowed commercial use within the interchange commercial; interchange mixed use; employment park; or parks, open space and public facilities zones, or any overlay zones within such zones.

13. Possible exemptions or reductions to transportation impact fees for affordable housing projects may be considered through a development agreement prepared consistent with NBMC Chapter 18.27, Development Agreements.

B. The director shall be authorized to determine whether a particular development activity falls within an exemption or reduction identified in this section, in any other section, or under other applicable law. Determinations of the director shall be in writing and shall be subject to the appeals procedures set forth in NBMC 17.38.070. (Ord. 1562 § 3, 2015; Ord. 1522 § 3, 2014; Ord. 1464 § 1 (Exh. A (part)), 2012; Ord. 1324 § 1 (part), 2008).

17.38.050 Credits.

A. A feepayer can request that a credit or credits for impact fees be awarded to him/her for the total value of dedicated land, improvements, or construction provided by the feepayer. Credits will be given only if the land, improvements, and/or the facility constructed are:

1. Included within the capital facilities plan or would serve the goals and objectives of the capital facilities plan; and
2. At suitable sites and constructed at acceptable quality as determined by the city.

B. The director shall determine if requests for credits meet the criteria in subsection A of this section.

C. Credits shall be based on a certified statement of actual costs of the improvements incurred by the feepayer. The statement shall include copies of invoices paid for such work.

Commented [MM3]: Language provided based on discussion at April 16 Planning Commission meeting. Seeking Planning Commission recommendation on this at May 7 meeting.

D. For each request for a credit or credits that involves dedication of land, the director shall select an appraiser or the feepayer may select an independent appraiser acceptable to the director. The appraiser must possess an MAI or other equivalent certification and shall not have a fiduciary or personal interest in the property being appraised. A description of the appraiser's certification shall be included with the appraisal, and the appraiser shall certify that he/she does not have a fiduciary or personal interest in the property being appraised. The appraiser shall be directed to determine the total value of the dedicated land, improvements, and/or construction provided by the feepayer on a case-by-case basis. The feepayer shall pay for the cost of the appraisal or may request that the cost of the appraisal be deducted from the credit in the event that a credit is awarded. If no credit is awarded, the feepayer shall pay the cost of the appraisal.

E. After receiving the certified statement of actual costs and any appraisal, the director shall provide the applicant with a letter or certificate setting forth the dollar amount of the credit, the reason for the credit, the legal description of the site donated where applicable, and the legal description or other adequate description of the project or development to which the credit may be applied. The applicant must sign and date a duplicate copy of such letter or certificate indicating his/her agreement to the terms of the letter or certificate, and return such signed document to the director before the impact fee credit will be awarded. The failure of the applicant to sign, date, and return such document within 60 calendar days shall nullify the credit.

F. No credit shall be given for project improvements.

G. A feepayer can request that a credit or credits for impact fees be awarded to him/her for significant past tax payments. For each request for a credit or credits for significant past tax payments for park and transportation impact fees, the feepayer shall submit receipts and a calculation of past tax payments earmarked for or proratable to the particular system improvement. The director shall determine the amount of credits, if any, for significant past tax payments for park and transportation public facilities.

H. Any claim for credit must be made no later than 20 calendar days after the submission of an application for a building permit. The failure to timely file such a claim shall constitute a final bar to later request any such credit.

I. Determinations made by the director pursuant to this section shall be subject to the appeals procedures set forth in NBMC 17.38.070. (Ord. 1464 § 1 (Exh. A (part)), 2012; Ord. 1324 § 1 (part), 2008).

17.38.060 Tax adjustments.

Pursuant to and consistent with the requirements of RCW 82.02.060, the rate study provides adjustments for future taxes to be paid by the new development which are earmarked or proratable to the same new public facilities which will serve the new development. The impact fee rates in NBMC 17.38.120 have been reasonably adjusted for taxes and other revenue sources which are anticipated to be available to fund system improvements. (Ord. 1324 § 1 (part), 2008).

17.38.070 Appeals.

A. Any feepayer may pay the impact fees imposed by this chapter under protest in order to obtain a building permit. No appeal shall be permitted, and no building permit issued, until the impact fees at issue have been paid.

B. Appeals regarding the impact fees imposed on any development activity may be filed only by the feepayer and owner of the property where such development activity will occur.

C. Before a feepayer may appeal, the feepayer must first file a request for review regarding impact fees with the director, as provided herein:

1. The request shall be in writing on the form provided by the city;
2. The request for review by the director shall be filed within 14 calendar days of the feepayer's payment of the impact fees at issue. The failure to timely file such a request shall constitute a final bar to any review or appeal;
3. No administrative fee will be imposed for the request for review by the director; and
4. The director shall issue his/her determination in writing.

D. Determinations of the director with respect to the applicability of the impact fees to a given development activity, the availability or value of a credit, or the director's decision concerning the independent fee calculation which is authorized in NBMC 17.38.120, or the fees imposed by the director pursuant to NBMC 17.38.120, or any other determination which the director is authorized to make pursuant to this chapter, may be appealed to the hearing examiner only as provided below.

E. An appeal must be filed no later than 14 calendar days of the director's issuance of a written determination, by filing with the department a notice of appeal specifying the grounds thereof, and depositing the necessary fee, which is set forth in the existing fee schedules for appeals of such decisions. The director shall transmit to the office of the hearing examiner all papers constituting the record for the determination, including, where appropriate, the independent fee calculation.

F. The hearing examiner shall fix a time for the hearing of the appeal, give notice to the parties in interest, and decide the same as provided in the North Bend Municipal Code. At the hearing, any party may appear in person or by agent or attorney.

G. The hearing examiner is authorized to make findings of fact regarding the applicability of the impact fees to a given development activity, the availability or amount of the credit, or the accuracy or applicability of an independent fee calculation. The decision of the hearing examiner shall be final.

H. The hearing examiner may, so long as such action is in conformance with the provisions of this chapter, reverse or affirm, in whole or in part, or may modify the determinations of the director with respect to the amount of the impact fees imposed or the credit awarded. (Ord. 1324 § 1 (part), 2008).

17.38.080 Establishment of impact fee accounts.

A. Impact fee receipts shall be earmarked specifically and deposited in special interest-bearing accounts.

B. There is hereby established the roads impact fee account for the fees collected pursuant to this chapter. Funds withdrawn from these accounts must be used in accordance with the provisions of NBMC 17.38.100 and applicable state law. Interest earned on the fees shall be retained in each of the accounts and expended for the purposes for which the impact fees were collected.

C. On an annual basis, the finance director shall provide a report to the council on the impact fee account showing the source and amount of all moneys collected, earned, or received, and the system improvements that were financed in whole or in part by impact fees.

D. Impact fees shall be expended or encumbered within six years of receipt, unless the council identifies in written findings extraordinary and compelling reason or reasons for the city to hold the fees beyond the six-year period. Under such circumstances, the council shall establish the period of time within which the impact fees shall be expended or encumbered. (Ord. 1505 § 2 (part), 2013; Ord. 1426 § 4 (part), 2011; Ord. 1324 § 1 (part), 2008).

17.38.090 Refunds.

A. If the city fails to expend or encumber the impact fees within six years of when the fees were paid, or where extraordinary or compelling reasons exist, such other time periods as established pursuant to NBMC 17.38.080, the current owner of the property on which impact fees have been paid may receive a refund of such fees. In determining whether impact fees have been expended or encumbered, impact fees shall be considered expended or encumbered on a first in, first out basis.

B. The city shall notify potential claimants by first class mail deposited with the United States Postal Service at the last known address of such claimants. A potential claimant or claimant must be the owner of the property.

C. Owners seeking a refund of impact fees must submit a written request for a refund of the fees to the director within one year of the date the right to claim the refund arises or the date that notice is given, whichever is later.

D. Any impact fees for which no application for a refund has been made within this one-year period shall be retained by the city and expended on street and/or transportation system improvements.

E. Refunds of impact fees under this section shall include any interest earned on the impact fees by the city.

F. When the city seeks to terminate any or all components of the impact fee program, all unexpended or unencumbered funds from any terminated component or components, including interest earned, shall be refunded pursuant to this section. Upon the finding that any or all fee requirements are to be terminated, the city shall place notice of such termination and the availability of refunds in a newspaper of general circulation at least two times and shall notify all potential claimants by first class mail at the last known address of the claimants. All funds available for refund shall be retained for a period of one year. At the end of one year, any remaining funds shall be retained by the city, but must be expended for the appropriate public facilities. This notice requirement shall not apply if there are no unexpended or unencumbered balances within the account or accounts being terminated.

G. The city shall also refund to the current owner of property for which impact fees have been paid all impact fees paid, including interest earned on the impact fees, if the development activity for which the impact fees were imposed did not occur; provided, that if the city has expended or encumbered the impact fees in good faith prior to the application for a refund, the director can decline to provide the refund. If, within a period of three years, the same or subsequent owner of the property proceeds with the same or substantially similar development activity, the owner may petition the director for an offset. The petitioner must provide receipts of impact fees previously paid for a development of the same or substantially similar nature on the same property or some portion thereof. The director shall determine in writing whether to grant an offset, and the determination of the director may be appealed pursuant to the procedures in NBMC 17.38.070. (Ord. 1324 § 1 (part), 2008).

17.38.100 Use of funds.

A. Pursuant to this chapter, impact fees:

1. Shall be used for system improvements that will reasonably benefit the new development; and
2. Shall not be imposed to make up for system improvement deficiencies in public facilities serving existing developments; and
3. Shall not be used for maintenance or operation.

B. Impact fees imposed hereunder may be spent for street and/or transportation system improvements or any portion thereof, including, but not limited to, planning, land acquisition, right-of-way acquisition, site improvements, necessary off-site improvements, construction, engineering, architectural, permitting, financing, and administrative expenses, applicable impact fees or mitigation costs, and any other expenses which can be capitalized.

C. Impact fees may also be used to recoup street and/or transportation system improvement costs previously incurred by the city to the extent that new growth and development will be served by the previously constructed system improvements.

D. In the event that bonds or similar debt instruments are or have been issued for the advanced provision of street and/or transportation system improvements for which impact fees may be expended, impact fees may be used to pay debt service on such bonds or similar debt instruments to the extent that the facilities or improvements provided are consistent with the requirements of this section and are used to serve the new development. (Ord. 1324 § 1 (part), 2008).

17.38.110 Review.

A. The fee rates set forth in NBMC 17.38.120 may be reviewed and adjusted by the council as it deems necessary and appropriate in conjunction with the annual update of the capital facilities plan element of the city's comprehensive plan. The council may determine the amount of the adjustment and revise the fee rates set forth in NBMC 17.38.120.

B. An inflationary adjustment shall be made in the fee rates at the beginning of each calendar year whether or not the council adjusts the fee rates under subsection A of this section. This annual inflationary adjustment shall be the same percentage amount as the change in the Engineering News Record Construction Cost Index for the Seattle area from the date of the previous year's adjustment. (Ord. 1324 § 1 (part), 2008).

17.38.120 Transportation impact fee.

The transportation impact fee rates are generated from the formula for calculating impact fees set forth in the rate study, which is incorporated herein by reference. Except as otherwise provided for independent fee calculations in NBMC 17.38.030, exemptions in NBMC 17.38.040, and credits in NBMC 17.38.050, all development activity in the city shall pay the street and/or transportation impact fee based on the trip generation data in the below table applicable to the type of development activity at the rates established by the taxes, rates, and fees schedule adopted by ordinance:

Revised Trip Generation Rate Table for NBMC 17.38.120 [rates in effect at the time of adoption of this ordinance \(see footnote 3\)](#)

ITE Code	ITE Land Use Category	Trip Rate (1)	% New Trips (2)	Net New Trips per Unit of Measure	Impact Fee per Unit @	per Trip End (3)
110	Light Industrial	0.97	100%	0.97 1,000 sq ft	\$15.65	per square foot
140	Manufacturing	0.73	100%	0.73 1,000 sq ft	\$11.77	per square foot
151	Mini-Warehouse	0.26	100%	0.26 1,000 sq ft	\$4.20	per square foot
210-253	Residential uses			dwelling	\$7.83	per square foot
210	Single-Family House	1.00	100%	1.00 dwelling	\$16,119.79	per dwelling-unit
220	Apartment	0.62	100%	0.62 dwelling	\$9,994.27	per dwelling-unit
230	Condominium	0.52	100%	0.52 dwelling	\$8,382.29	per dwelling-unit
240	Mobile Home	0.59	100%	0.59 dwelling	\$9,510.67	per dwelling-unit
251	Senior Housing—Detached	0.27	100%	0.27 dwelling	\$4,352.34	per dwelling-unit
252	Senior Housing—Attached	0.25	100%	0.25 dwelling	\$4,029.94	per dwelling-unit
253	Congregate Care Facility	0.17	100%	0.17 dwelling	\$2,740.35	per dwelling-unit
254	Assisted Living	0.22	100%	0.22 bed	\$3,546.34	per bed
310	Hotel	0.61	75%	0.46 room	\$7,374.79	per room
320	Motel	0.47	75%	0.35 room	\$5,682.23	per room
420	Marina	0.19	100%	0.19 berth	\$3,062.77	per boat berth
430	Golf Course	0.30	100%	0.30 acre	\$4,835.93	per acre
440	Adult Cabaret	38.67	75%	29.00 1,000 sq ft	\$467.51	per square foot
441	Live Theater	0.02	75%	0.02 seat	\$241.79	per seat
443	Movie Theater – No Matinee	0.07	75%	0.05 seat	\$846.29	per seat
445	Multiplex Movie Theater	4.91	75%	3.68 1,000 sq ft	\$59.37	per square foot
492	Health/Fitness Club	3.53	75%	2.65 1,000 sq ft	\$42.68	per square foot

Commented [MM4]: Note the existing amounts below (in black) are from the current January 1, 2025 Taxes, Rates and Fees Schedule rather than from the original figures provided when this code chapter was last updated via Ord. 1562 in 2015, since per footnote 3, they are annually updated. Showing the original 2015 amount would give the appearance that the City is increasing all of those rates, which is not the case.

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Commented [MM5]: Note: Staff have removed the previous categories of senior housing (attached and detached). Where not in the context of assisted living (which has its own category also provided in the table), these are likely to have more similar transportation impacts to conventional residential development, with occupants still driving regularly. Likewise, staff have removed the previous Congregate Care Facility Category, which could be included under the Assisted living category. Proposal to explore these categories further with an update to the more current ITE Manual, to be addressed with the update Commercial Land Use Impact Fee regulations, to occur separately.

ITE Code	ITE Land Use Category	Trip Rate (1)	% New Trips (2)	Net New Trips per Unit of Measure	Impact Fee per Unit @	
						per Trip End (3)
522	Middle/Jr. High School	1.21	75%	0.91 1,000 sq ft	\$14.63	per square foot
530	High School	0.97	75%	0.73 1,000 sq ft	\$11.72	per square foot
560	Church	0.55	75%	0.41 1,000 sq ft	\$6.66	per square foot
565	Day Care Center	12.34	100%	12.34 1,000 sq ft	\$198.92	per square foot
610	Hospital	0.93	75%	0.70 1,000 sq ft	\$11.25	per square foot
620	Nursing Home	0.22	75%	0.17 bed	\$2,659.77	per bed
710	General Office	1.49	100%	1.49 1,000 sq ft	\$24.02	per square foot
720	Medical Office	3.57	75%	2.68 1,000 sq ft	\$43.16	per square foot
730	Government Office	1.21	100%	1.21 1,000 sq ft	\$19.50	per square foot
760	R&D Center	1.07	100%	1.07 1,000 sq ft	\$17.25	per square foot
812	Building Materials & Lumber	4.49	75%	3.37 1,000 sq ft	\$54.28	per square foot
814	Specialty Retail	6.82	66%	4.50 1,000 sq ft	\$72.55	per square foot
820	Shopping Center	3.71	66%	2.45 1,000 sq ft	\$39.47	per square foot
850	Supermarket	9.48	64%	6.07 1,000 sq ft	\$97.81	per square foot
851	Convenience Market – 24-Hr	52.41	49%	25.68 1,000 sq ft	\$413.98	per square foot
890	Furniture Store	0.45	47%	0.21 1,000 sq ft	\$3.41	per square foot
896	Video Rental	13.60	50%	6.80 1,000 sq ft	\$109.62	per square foot
911	Walk-In Bank	12.13	71%	8.61 1,000 sq ft	\$138.83	per square foot
912	Drive-In Bank	24.30	65%	15.80 1,000 sq ft	\$254.62	per square foot
931	Restaurant – Quality	7.49	56%	4.19 1,000 sq ft	\$67.61	per square foot
932	Restaurant – Sit-Down	9.85	57%	5.61 1,000 sq ft	\$90.50	per square foot
933	Fast Food, No Drive-Up	26.15	50%	13.08 1,000 sq ft	\$210.77	per square foot
934	Fast Food, w/Drive-Up	32.65	50%	16.33 1,000 sq ft	\$263.14	per square foot
936	Coffee/Donut No Drive-Up	40.75	51%	20.78 1,000 sq ft	\$335.01	per square foot
937	Coffee/Donut w/Drive-Up	40.75	51%	21.83 1,000 sq ft	\$351.87	per square foot

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ITE Code	ITE Land Use Category	Trip Rate (1)	% New Trips (2)	Net New Trips per Unit of Measure	Impact Fee per Unit @	
						per Trip End (3)
943	Auto Parts & Service Center	4.46	57%	2.54 1,000 sq ft	\$40.97	per square foot
945	Gas Station with Convenience	13.51	44%	5.94 pump	\$95,822.47	per pump
947	Self-Service Car Wash	5.54	44%	2.44 wash stall	\$39,293.60	per wash stall
948	Automated Car Wash	14.12	44%	6.21 1,000 sq ft	\$100.14	per square foot

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1. ITE Trip Generation (9th Edition) (2012): 4:00 to 6:00 p.m. Peak Hour Trip Ends.
2. Excludes pass-by trips: see "Trip Generation Handbook: An ITE Proposed Recommended Practice" (2014).
3. Pursuant to NBMC 17.38.110(B), an inflationary adjustment shall be made in the fee rates at the beginning of each calendar year. The annual inflationary adjustment shall be the same percentage amount as the change in the Engineering News Record Construction Cost Index for the Seattle area from the date of the previous year's adjustment.

(Ord. 1562 § 4, 2015; Ord. 1515 § 1, 2014; Ord. 1324 § 1 (part), 2008).

17.38.130 Independent fee calculations.

A. If in the judgment of the director none of the fee categories or fee amounts set forth in NBMC 17.38.120 accurately describes or captures the impacts of a new development on roads, the department may conduct independent fee calculations and the director may impose alternative fees on a specific development based on those calculations. The alternative fees and the calculations shall be set forth in writing and shall be mailed to the feepayer.

B. If a feepayer opts not to have the impact fees determined according to NBMC 17.38.120, then the feepayer shall prepare and submit to the director an independent fee calculation for the development activity for which a building permit is sought. The documentation submitted shall show the basis upon which the independent fee calculation was made.

C. Any feepayer submitting an independent fee calculation will be required to pay the city of North Bend a fee to cover the cost of reviewing the independent fee calculation. The fee required by the city for conducting the review of the independent fee calculation shall be the actual cost incurred by the city paid from an engineering fee deposit provided by the feepayer prior to initiation of review.

D. While the calculations set forth in the roads study shall be presumed valid, the director shall consider the documentation submitted by the feepayer. The director is not required to accept any documentation or analysis which the director reasonably deems to be inaccurate or not reliable, and the director may, in the alternative, require the feepayer to submit additional or different documentation for consideration. The director is authorized to adjust the impact fees on a case-by-case basis based on the independent fee calculation, the specific characteristics of the development, and/or principles of fairness. The fees or alternative fees and the calculations shall be set forth in writing and shall be mailed to the feepayer.

E. Determinations made by the director pursuant to this section may be appealed to the office of the hearing examiner as set forth in NBMC 17.38.070. (Ord. 1324 § 1 (part), 2008).

Chapter 17.42

METHODS TO MITIGATE DEVELOPMENT IMPACTS

Sections:

- 17.42.010 Purpose.
- 17.42.020 Determination of direct impact.
- 17.42.030 Costs.
- 17.42.040 Mitigation of direct impacts.
- 17.42.050 Methods of mitigation.
- 17.42.060 Appeals.

17.42.010 Purpose.

It is the purpose of this chapter to provide alternatives for prospective developers of land within the city to mitigate the direct impacts that have been specifically identified by the city as a consequence of proposed development, and to make provisions for, including without limitation, bicycle and pedestrian facilities. The provisions of this chapter shall be considered in conjunction with the provisions of Chapters 17.32 (School Impact Fees), 17.34 (Fire Impact Fees), 17.36 (Park Impact Fees), and/or 17.38 (Transportation Impact Fees) NBMC. No development shall be required to provide duplicate mitigation for the same impacts. (Ord. 1680 § 2 (part), 2018).

17.42.020 Determination of direct impact.

Before any development is given the required approval or is permitted to proceed, the director shall determine direct impacts, if any, that are a direct consequence of the proposed development and which require mitigation. The director shall consider the following factors:

- A. Pre-development versus post-development need for services, such as: city streets, bicycle, and pedestrian facilities and other similar municipal facilities or services;
- B. Likelihood that a direct impact of a proposed development would require mitigation due to the cumulative effect of such impact when aggregated with the similar impacts of future development in the immediate vicinity of the proposed development;
- C. Size, number, condition, and proximity of existing facilities to be affected by the proposed development;
- D. Nature and quantity of capital improvements reasonably necessary to mitigate specific direct impacts identified as a consequence of the proposed development;
- E. Likelihood that the users of the proposed development will benefit from any mitigating capital improvements or programs; and
- F. Any significant adverse environmental impacts of the proposed development identified in the process of complying with the Washington State Environmental Policy Act. (Ord. 1680 § 2 (part), 2018).

17.42.030 Costs.

The cost of any investigations, analysis, and/or reports necessary for a determination of direct impact shall be borne by the applicant. (Ord. 1680 § 2 (part), 2018).

17.42.040 Mitigation of direct impacts.

The director shall review an applicant's proposal to mitigate any identified direct impacts and determine whether such proposal is a reasonable and acceptable mitigation measure considering the cost and land requirements of the required improvement and the extent to which the necessity of the improvement is attributable to the direct impacts of the proposed development. No official or body shall approve a development unless reasonable provisions have been made to mitigate identified direct impacts that are direct consequences of such development. (Ord. 1680 § 2 (part), 2018).

17.42.050 Methods of mitigation.

A. The methods to mitigate identified direct impacts required as a condition of any development approval may include, but are not limited to: dedication of land to any public body; off-site improvements; on-site improvements; and other capital or noncapital methods that may effectively reduce direct impacts.

B. In lieu of a dedication of land or to mitigate a direct impact that has been identified as a consequence of a proposed development, the city may approve a voluntary payment agreement with the developer, which shall be subject to the following provisions:

1. The director must find that the money offered will mitigate or is a satisfactory alternative to mitigate the identified direct impact. Bicycle and pedestrian facilities mitigation shall be assessed based on the mitigation fee study dated September 2018, for bicycle and pedestrian facilities, prepared by Fehr and Peers on file with the city clerk, and as additionally modified to scale such fees according to residential building size per a Middle Housing Impact Fee Analysis Report prepared by FGS Group, dated April 3, 2025 on file with the city clerk. Such bicycle and pedestrian facilities mitigation fees are~~and~~ as listed in the city taxes, rates and fees schedule.

2. The administration shall review the bicycle and pedestrian facilities mitigation fee rates annually to determine when new rate studies should be prepared. An inflationary adjustment should be made in the city taxes, rates and fees schedule at the beginning of each calendar year in the same percentage as the change in the Engineering News Record (ENR) Construction Cost Index (CCI) for the Seattle area from the prior year's rate.

3. Mitigation rates may be adjusted by the director, if one of the following circumstances exists:

- a. The applicant demonstrates that a mitigation fee assessment was improperly calculated; or
- b. Studies and data provided by the applicant demonstrate that one or more of the factors used to calculate the mitigation fee may not be appropriate.

4. Payment of any mitigation fee shall be held in a reserve account and may only be expended to fund a capital improvement or program to mitigate the identified direct impact.

5. No building permit shall be issued until the voluntary payment has been paid in full by the applicant; provided, that payment of mitigation fees may be phased if the building permit for the development is also phased.

C. The following types of development shall be exempted from the mitigation required under this chapter: development of commercial uses, attached senior housing, ~~and~~ the construction of one single-family home outside of a plat or any other larger development, and accessory dwelling units as defined in NBMC 18.06.030. (Ord. 1680 § 2 (part), 2018).

17.42.060 Appeals.

Determinations made by the director pursuant to this chapter may be appealed as set forth below:

A. Any feepayer may pay the voluntary payment imposed by this chapter under protest in order to obtain a building permit. No appeal shall be permitted, and no building permit issued, until the voluntary payment at issue has been paid.

B. Appeals regarding the voluntary payment imposed on any development activity may be filed only by the payor and owner of the property where such development activity will occur.

C. Before a payor may appeal, the payor must first file a request for review regarding the voluntary payment with the director, as provided herein:

1. The request shall be in writing on the form provided by the city;
2. The request for review by the director shall be filed within 14 calendar days of the payor's payment of the voluntary payment at issue. Failure to timely file such a request shall constitute a final bar to any review or appeal;

3. No administrative fee will be imposed for the request for review by the director; and
4. The director shall issue his/her determination in writing.

D. Determinations of the director with respect to the applicability of the voluntary payment to a given development activity, or the director's decision concerning the independent voluntary payment calculation, or the voluntary payment imposed by the director, or any other determination which the director is authorized to make pursuant to this chapter, may be appealed to the hearing examiner only as provided below.

E. An appeal must be filed no later than 14 calendar days after the director's issuance of a written determination, by filing with the department a notice of appeal specifying the grounds thereof, and depositing the necessary fee, which is set forth in the existing fee schedules for appeals of such decisions. The director shall transmit to the office of the hearing examiner all papers constituting the record for the determination, including, where appropriate, the independent voluntary payment calculation.

F. The hearing examiner shall fix a time for the hearing of the appeal, give notice to the parties in interest, and decide the same as provided in the North Bend Municipal Code. At the hearing, any party may appear in person or by agent or attorney.

G. The hearing examiner is authorized to make findings of fact regarding the applicability of the voluntary payment to a given development activity, or the accuracy or applicability of an independent voluntary payment calculation. The decision of the hearing examiner shall be final.

H. The hearing examiner may, so long as such action is in conformance with the provisions of this chapter, reverse or affirm, in whole or in part, or may modify the determinations of the director with respect to the amount of the voluntary payment imposed. (Ord. 1680 § 2 (part), 2018).

April 3, 2025

To: Martin Chaw, City of North Bend, Washington

From: Todd Chase, AICP and Devin Tryon; FCS

Memorandum: Middle Housing Impact & Mitigation Fee Scaling Analysis: Deliverable #2 Revised

INTRODUCTION

In 2023, the city of North Bend (city) adopted a new Housing Action Plan (HAP) with new strategies and actions intended to guide future growth and development for all housing types, with a particular emphasis on “middle housing.” Middle housing is defined as housing that is generally attainable to households earning less than 120% of the area median income for households. Middle housing is a range of housing types, from duplexes to six-plexes, townhomes, courtyard apartments and cottage housing, intended to be compatible with single-family neighborhoods.

Relevant goals and strategies from the North Bend HAP include:

Strategy A: Adapting to Community Needs; Goal 2: Ensure Infrastructure Needs are Developed Concurrent with Housing.

Objective A.2.2 Reassess impact fees to ensure they remain an adequate and appropriate source of funding.

In 2024, the city received a grant from the Washington Department of Commerce to reassess its impact fee methods in a manner the complies with the latest state legislation regarding impact fees. This includes prior laws and guidelines contained in RCW 82.02.050-090 plus amendments by the Washington State Legislature in 2023 that require impact fees to be scaled based on home size and/or housing types. Per RCW 82.02.060, cities must implement impact fees based on house size, and allow for fee exemptions for affordable housing and early learning facilities (see **Appendix A**).

The schedule shall be based upon a formula or other method of calculating such impact fees. The schedule shall reflect the proportionate impact of new housing units, including multifamily and condominium units, based on the square footage, number of bedrooms, or trips generated, in the housing unit in order to produce a proportionally lower impact fee for smaller housing units. [RCW 82.02.060(1)]

This Memorandum contains important background information regarding current impact fee policies that are already in place in North Bend, and identifies fee policy alternatives, and techniques on how current fees can be scaled by home size to comply with the aforementioned changes in state law.

Findings are organized as follows:

Background: summarizes WA state impact fee legal requirements, current fee structure in North Bend.

Impact Fee Scaling Methods: summarizes various techniques used by other cities in Washington State and the nation to scale fees by home size, and identifies potential local policy choices for the city.

Example of Fee Scaling: illustrates an approach available to the city scaling its current impact fees based on home size using available data.

Summary and Next Steps: describes the steps required for the city to reassess its impact fees based on the most current growth forecasts and capital funding needs.

BACKGROUND

State Requirements

RCW 82.02.090: Impact Fees may be collected for the following capital facilities: (a) Public streets, roads, and bicycle and pedestrian facilities that were designed with multimodal commuting as an intended use; (b) publicly owned parks, open space, and recreation facilities; (c) school facilities; and (d) fire protection facilities.

An impact fee is a one-time fee paid at the time of development, intended to represent the share of system capacity that will serve growth. Traffic impact fees are authorized under Washington law (RCW 82.02) to promote orderly growth and development. The Washington Growth Management Act allows cities, counties and towns to establish standards, by ordinance, which requires new growth and development to pay a share of the cost of the new facilities needed to serve growth and development. This share of the system capacity cost, herein called the “developer share,” is collected at the time of new development and is one source of funding for the capital improvement program.

Additionally, per RCW 82.02.050, “impact fees (a) can be imposed for system improvements that are reasonably related to the new development; (b) cannot exceed a proportionate share of the costs of system improvements that are reasonably related to the new development, and (c) should be used for system improvements that will reasonably benefit the new development.” **This type of impact fee addresses future capacity improvements and is typically referred to as the “Improvement Fee.”**

The law also provides for “the imposition of an impact fee for system improvement costs previously incurred by a county, city, or town to the extent that new growth and development will be served by the previously constructed improvements provided such fee shall not be imposed to make up for any system improvement deficiencies.” If applicable, an existing capacity component of the fee would be made up of the cost of available, unused capacity in the existing system, with possible adjustments for grant-funded and contributed infrastructure. **This type of impact fee addresses existing remaining system capacity investments that will benefit future development and is referred to as the “Reimbursement Fee.”**

RCW 82.02.070 further requires that impact fee receipts should be earmarked specifically and retained in special interest-bearing accounts, and, absent a compelling reason, must be expended or encumbered for permissible use within ten years of receipt.

Counties, cities, and towns that are required or choose to plan under the Washington State Growth Management Act (RCW 36.70A.040) are authorized to impose impact fees on development activity as part of the financing for public facilities, provided that the financing for system improvements to serve new development must provide for a balance between impact fees and other sources of public funds and cannot rely solely on impact fees.

Legislative amendments in 2023 to RCW 82.02.050 now require impact fees to be scaled based on home size and/or housing types. Per RCW 82.02.060, cities must implement impact fees based on house size, and allow for fee exemptions for affordable housing and early learning facilities (see **Appendix A**).

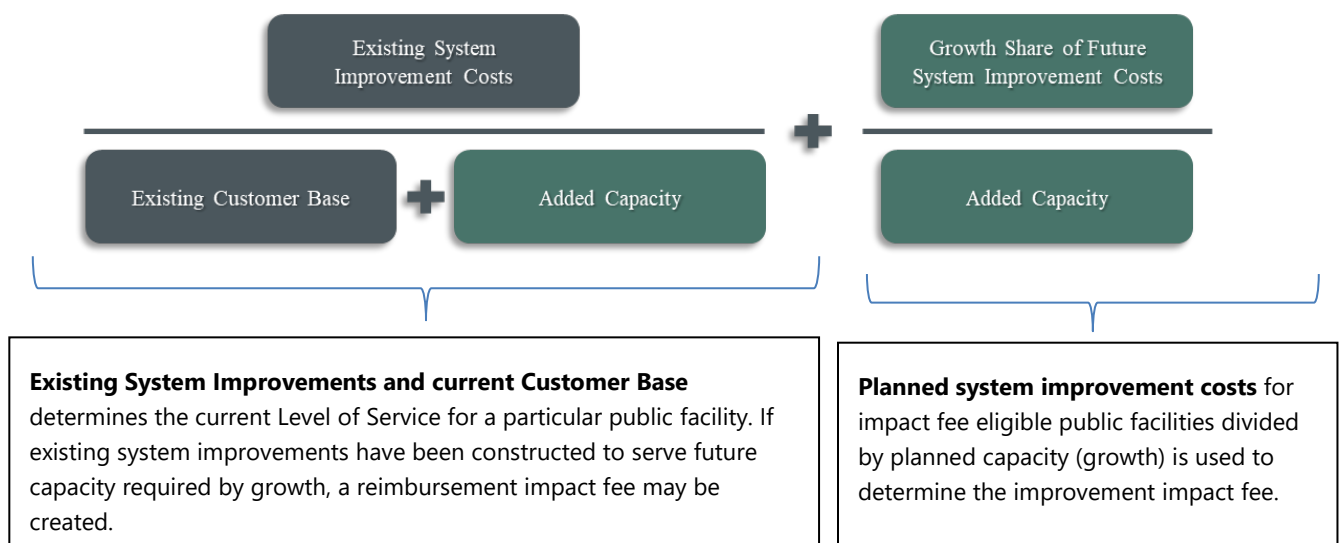
WA State now requires that cities allow up to two Accessory Dwelling Units (ADUs) on residential property and that city impact fees for ADU's cannot be more than 50% of those assessed on the principal housing unit. See ([RCW 36.70A.680](#) and [36.70A.681](#)).

There are several important differences between impact fees and the mitigation fees or voluntary payments authorized by SEPA (the State Environmental Policy Act, RCW 43.21C). Aspects of impact fees that are particularly noteworthy are: 1) the ability to charge for the cost of public facilities that are "system improvements" (i.e., that provide service to the community at large) as opposed to "project improvements" (which are "on-site" and provide service for a particular development); and 2) the ability to charge small-scale development their proportionate share, whereas SEPA exempts small developments.

Impact fees are also different than other forms of developer contributions or exactions, such as system development charges for water and sewer authorized for utilities (RCW 35.92 for municipalities, 56.16 for sewer districts, and 57.08 for water districts), local improvement districts or other special assessment districts, linkage fees, or land donations or fees in lieu of land.

Exhibit 1 summarizes the general impact fee methodology based on the statutory requirements outlined above.

Exhibit 1: General Impact Fee Methodology



Current North Bend Fee Structure

The City of North Bend (City) provides a variety of services to its residents including public parks, transportation, bicycle and pedestrian services, and fire and rescue services. In order to recover eligible infrastructure costs and provide partial funding for capital needs for these services, the city currently charges an impact fee for transportation, fire and parks and a SEPA mitigation fee for bicycle and pedestrian facilities. School and fire impact fees are “pass through” charges not a city fee. The existing fees are charged to all non-exempt new developments and certain redevelopment projects within the city service boundaries.

The current fees for transportation, fire, parks ,bicycle/pedestrian facilities, fire/EMS and schools for new residential development are listed in **Exhibit 2. Note, because fire/EMS and school impact fees are “pass through” charges from special districts to new development in the City those fees are not the focus of this analysis.**

Exhibit 2: Selected Existing Fees for New Residential Developments, City of North Bend

Facility	Single-family Dwelling (under 1,200 sq. ft.	Single-family Dwelling (greater than 1,200 sq. ft.	Multi-family Dwelling
Transportation	\$8,382.29	\$16,119.79	\$9,994.27
Parks	\$5,951.89	\$7,038.55	\$5,951.89
Bike & Pedestrian	\$629.76	\$1,605.28	\$987.87

Source: City of North Bend, FY 2025

The City desires to revise the current adopted impact fees by scaling them based on the size of a dwelling unit as a way to encourage a wider variety of housing types. This Memorandum discusses and illustrates an equitable and defensible method for charging the current fees (transportation, parks, and bicycle & pedestrian facilities) based on the floor area square footage of the house.

The definition of floor area includes the HVAC conditioned “living area” of the structure, which typically excludes garages, attics, crawl spaces and common areas (such as hallways and stairwells in multifamily structures such as apartments).

This memorandum also addresses the key steps identified in the state’s recent handbook titled “Residential Proportional Impact Fees & System Development Charge Handbook, public review draft, March 26, 2025. These key steps and the City’s approach for addressing each step is summarized in **Exhibit 3.**

Exhibit 3: Key Steps for Scaling Residential Impact Fees

	Step 1	Step 2	Step 3	Step 4
Objective	Develop policy framework and study objectives	Define & evaluation existing level of service (LOS)	Define Anticipated Growth	Identify Necessary Capital Projects
North Bend Approach	Alternative policy options are discussed herein per Exhibits 4-5.	This fee scaling analysis is based on the LOS analysis contained in the adopted North Bend Impact Fee and Mit. Fee Methodology Reports.	This fee scaling analysis is based on the growth analysis contained in the adopted North Bend Impact Fee and Mit. Fee Methodology Reports with current forecast of demand by housing type.	This fee scaling analysis is based on the Capital Project Needs analysis contained in the adopted North Bend Impact Fee and Mit. Fee Methodology Reports.

	Step 5	Step 6	Step 7	Step 8
Objective	Calculate Per Capita Fee	Calculate Proportional Fees	Document Findings and Implementation Policies	Adopt Fees
North Bend Approach	New fee scaling analysis based on statistical analysis provided in Exhibit 7	New fee scaling analysis accounts for occupancy by housing size and type based on analysis provided in Exhibits 7-10	Fee scaling findings and implementation policies provided in Exhibits 9-11 (pages 15-17).	City plans to refine methodology and adopt scaled fees by City Council Ordinance by June 30, 2025

Source: WA Dept. of Commerce, Growth Management Services, Residential Proportional Impact Fees & System Development Charge Handbook, Public Review Draft, March 26, 2025.

Impact Fee Policy Considerations

Exhibit 4 below outlines the policy parameters that guide development of the city's current impact and mitigation fees. These policies shall be reviewed and may be modified during the 2024-25 impact fee update. Key policy considerations pertain to:

- Fee boundaries
- Measures of level of service
- Growth assumptions
- Eligible capital facilities (capital improvement program)
- Administration procedures
- Annual escalation

Capital facility costs recoverable through impact fees must have a minimum useful of 5 years.

Exhibit 4: Impact Fee Policy Considerations

Consideration	Description	Current Policy	Policy Alternatives
Impact Fee Boundary and Subareas (Area of Impact)	Defined areas where impact fees apply	One citywide boundary now in place for transportation, parks, fire/EMS and bike/ped fees	City may explore modifications to subarea boundaries or may decide that one citywide boundary serves the city best. Each subarea requires separate analysis and accounting of fee revenue and credits.
Level of Service (LOS)	This represents the current level of system capacity for transportation, parks, fire/EMS and bike/ped facilities provided to the community	Parks and fire/EMS LOS: based on existing system investment per 1,000 residents. Transportation and bike/ped LOS based on future capacity investment in collector and arterial circulation required to accommodate growth in vehicle and person trips (excluding capacity investment to remedy current system deficiencies. Fire/EMS also considers system demand response by land use type.	City may retain current LOS for future growth or adopt a planned LOS measure for parks and fire/EMS systems. Transportation LOS to be derived from trip generation models and City adopted 10- or 20-year capital facilities plan.
Growth	Impact fees are intended to have future development pay its proportionate share of City infrastructure that is needed to serve it.	20-year growth forecast based on buildable lands. Housing density factor assumptions: Transportation Growth in Average Daily Trips and Person Trips	20-year growth forecast is recommended. Growth assumptions should be consistent with adopted long range land use or facility master plans.

Eligible Capital Facilities	<p>The term “systems improvements” means “capital improvements to public facilities. The term “Capital improvements” means: improvements with a useful life of five (5) years or more, by new construction or other action, which increase the service capacity of a public facility.</p>	<p>Parks: unit cost per acre for development and acquisition of parks land</p> <p>Fire/EMS: unit cost per square foot of new building facility construction, plus apparatus needs per 1,000 pop.</p> <p>Transportation: Cost based on planned collector and arterial roadways.</p> <p>Fee credit of 10% of costs applied to Cost Basis to account for other misc. funding, reallocated to cost basis.</p>	<p>City has the option of recovering an amount that is less than 100% of the impact fee eligible cost share.</p> <p>City may expand circulation project list to include collectors and multimodal bike/ped facilities.</p>
Administrative Assumptions: Exemptions, Credits and Discounts	<p>Fee exemptions, credits and fee discounts</p>	<p>North Bend currently exempts DADUs up to 1,000 SF from transportation impact fees. Office and industrial developments are exempt from Parks impact fees.</p> <p>Non-residential developments and 1 lot partitions and senior housing are exempt from multimodal fees.</p> <p>City provides a credit for the value of any dedication of land for, improvement to, or new construction of any system improvements provided by the developer, to facilities identified in the capital facilities plan and required as a condition of approving the development activity</p>	<p>City can choose to add additional categories (such as assisted living facilities, fast food businesses, site down restaurants, etc.).</p> <p>City may exempt low income housing and early learning centers from impact fees.</p> <p>City can consider removing projects from the impact fee capital facilities plan (such small “pocket” parks) and instead make them subject to voluntary development agreements on Planned Unit Developments.</p>

Indexing Fees Annually	Annual increases to impact fees should be indexed to the rate of construction cost inflation.	City relies upon Seattle ENR Construction Cost Index for annual Transportation and Multimodal Fee adjustments. Parks fee index factors include: 50% Seattle ENR CCI + 50% FHA Housing Price Index for Metro area.	Continuation of current annual index adjustment methods is recommended.
Scaling of Fees (Residential Units)	Defined variability in impact fees assessed based on land use type	<p>City currently charges a per unit impact fee for residential development:</p> <p>1,200+ Sq Ft – Single Family Residential Fee</p> <p>Less than 1,200 Sq Ft – Multi-Family Residential Fee</p> <p>Additionally, City scales non-residential land use types by Sq Ft. of development.</p>	<p>City is considering a new methodology that charges per square foot of residential dwelling units in addition to the current scaling methodology used.</p> <p>City staff prefer to adopt fees that vary by square feet of heated or air conditioned floor area (aka. "living area").</p>

Research on Scaling Fees by Home Size

This section explores methods that cities have implemented that vary impact fees by dwelling unit size and type. Such methods are generally intended to enhance equity of the charge by demonstrating a nexus between dwelling unit size and system demand. Varying fees by home size in combination with other local policy techniques may also encourage construction of smaller, more affordable homes.

FCS compiled information from Northwest cities that have implemented scaled impact fees by home size. In addition, FCS reviewed national literature regarding impact fees practices in other states to determine other innovative practices being used around the U.S.A.

By scaling and lowering the impact fee for smaller homes, such as cottages, duplexes and apartments, this may result in reducing development costs if other factors such as developer profit and overhead remain equal.

According to a publication by the U.S. Dept. of Housing and Urban Development, *Impact Fees and Affordable Housing, 2008*, if impact fee reductions can be calculated in a manner that reduces construction of housing costs (and rents) for smaller housing types, there may be a beneficial impact to lower-income households, whereby less household income would be devoted to housing costs.

Key findings of the study include:

- ***The potential effect of impact fees on housing affordability is hotly debated, with evidence seemingly supporting all views. Impact fees are likely here to stay but that does not mean they***

are rigidly implemented instruments of public policy. To the contrary, the impact fees of the 1970s bear little resemblance to those of the 2000s. One significant area of evolution is in calculating the fees. Much can be achieved to soften the potentially adverse effect of impact fees on housing affordability. And if that is still not enough, there exists other approaches in which potentially adverse effects can be softened further if not eliminated entirely.

- ***The case studies cited in this report utilize a variety of methods for assessing impact fees based on dwelling types, unit size, number of bedrooms, and/or lot size.***

A more recent publication by the California Department of Housing and Community Development, *Residential Impact Fees in California, 2019*, also examined innovative practices used by cities in California to implement the Mitigation Fee Act.

Key findings included:

- ***Some localities highlighted the importance of using a legally defensible multiplier—one more strongly correlated with impacts.*** *In one case, city staff noted that they wished to switch their impact fees from a per-dwelling-unit to a per-square-foot basis to encourage smaller, more affordable units and higher density. However, they heard from nexus consultants that some categories of fees, such as utilities, have the same impact on infrastructure costs irrespective of changes in unit size.*
- *Accessory Dwelling Units (ADUs) are more affordable to build, since they are smaller, with no expensive parking structures, elevators, or construction materials, and homeowners already own the land. These savings are often passed onto renters; 58 percent of owners with ADUs on their property rented them below the current market rate.*
- ***Impact fees can have a larger effect on ADU feasibility because they are typically built by homeowners rather than large-scale developers, and at much lower cost than single-family homes.***
- *While adjusting the structure of fees may provide opportunities to lower fees and incentivize the production of more affordable housing, policymakers and stakeholders have primarily focused on:*
 - ***Adjusting rates for submarkets within a jurisdiction when sufficient variation between areas of the jurisdiction exists:*** *Varying rates according to local housing markets or changes in project impacts can ease the impact of fees on targeted weaker areas, for example, and ensure that fees accurately reflect public policy objectives.*
 - ***Increasing fees incrementally:*** *Rather than applying the full amount of a fee or fee increase when approved, localities can stage implementation in steps over a period of time to give the housing and land markets a chance to adjust to the higher cost of development.*
 - ***Incentives other than impact fees to promote more attainable housing:*** *such as limited tax abatement for rent-restricted rentals, affordable housing in lieu payments, construction excise taxes, zoning incentives (i.e., increasing allowable building heights, reduced parking requirements) for developments that include attainable housing.*

Exhibit 5 reflects selected cities that have successfully implemented impact fees that are scaled based on home size (as of April 2024).

Exhibit 5: Selected Cities with Impact Fees Scaled by Home Size

Facility	Methodology Applied	Examples (year adopted)
Transportation and Bike/Ped	Cost basis derived from CIP. Trip Generation per person (based on ITE Handbook trip generation factors and Census data).	Newport (2017) and North Plains (2021); Hayden, Idaho (2022); Woodland, WA (2023)
Parks	Cost basis derived from Capital Improvement Plan and current LOS estimate. Fee based on avg. occupancy by dwelling size (regional Census data).	Newport (2017), Albany (2021), Portland (2008), North Plains (2021); Hayden (2022); Bothell and Puyallup, WA (2023)
Fire/EMS	Cost basis derived from current level of service, facility cost estimates, recent demand responses, and growth forecasts. Fee scaled per square foot of building area by development type.	Sedro Wooley, Camas, and Washougal, WA (2023-24)

While most jurisdictions surveyed vary impact fees by home size (heated living area in sq.ft.) some jurisdictions have adopted methods that vary fees by number of bedrooms, development type (i.e., for Planned Unit Developments) and lot size. These examples include:

- **Sandpoint, Idaho.** Impact fees for single family dwellings are calculated and charged based on the number of bedrooms in a dwelling unit. The fees are separated for homes with 0-3 bedrooms, and 4+ bedrooms.

It should be noted that there are a few cities and counties across the U.S. that do vary impact fees by lot size. The few U.S. cities that do assess impact fees based on lot size tend to be located in the Southwest or Southeast and only focus it on their water utility especially if they plan to invest in recycled water systems for irrigation purposes.

While all case study cities listed above have adopted legally defensible scalable fees by home size, the methods that appear to be most frequently used include scaling fees by heated floor area (square feet); or by ERU factors that reflect single family home size groupings such as small, standard and large homes.

SCALING EXISTING FEES BY HOME SIZE

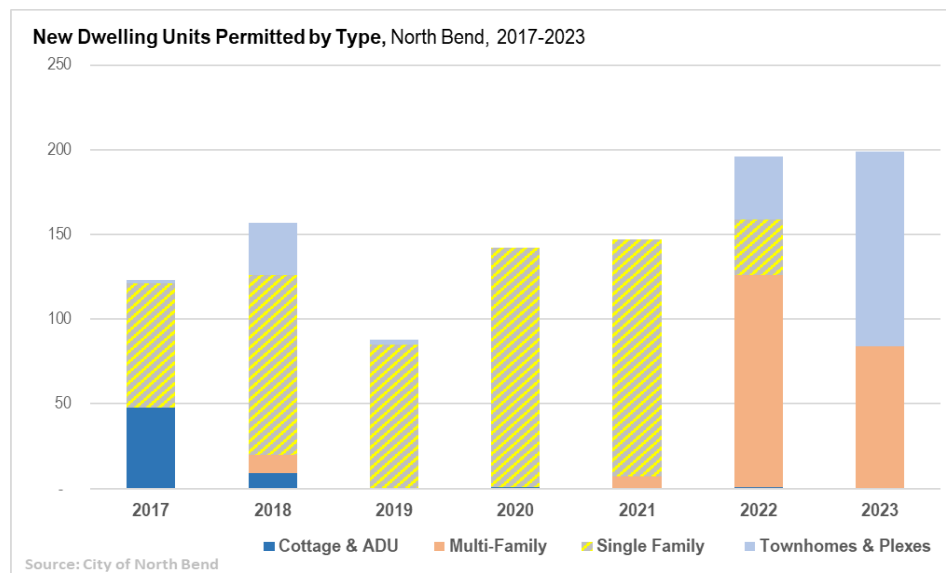
This section presents potential approaches to provide an equitable and defensible method for varying

Nexus between Home Size the System Demand

As noted earlier in this Memorandum, impact fees are intended to reflect the relationship between future demand (generated by new development) and the capital cost of public facilities for accommodating growth. In transitioning to a scaled impact fee model, and to ensure revenue neutrality any effort to scale impact fees by home size needs to generate the same amount of revenue that would otherwise be collected under current methods. Hence, it is recommended that City's re-calibrate their impact fees every 5-7 years using the most recent building permit data to represent evolving trends in home size characteristics.

Achieving "revenue neutrality" requires detailed data regarding current trends in housing permitting activity to accurately track and measure the key metric that is added with each new development (such as HVAC conditioned floor area). Between 2017-2023, North Bend permitted 1,052 new dwelling units. Of that total, 55% were single family, 18% townhomes/plexes, 6% cottage/ADUs and 21% multifamily (3+ units per structure) as shown in **Exhibit 6**.

Exhibit 6: Residential New Construction Permits, City of North Bend



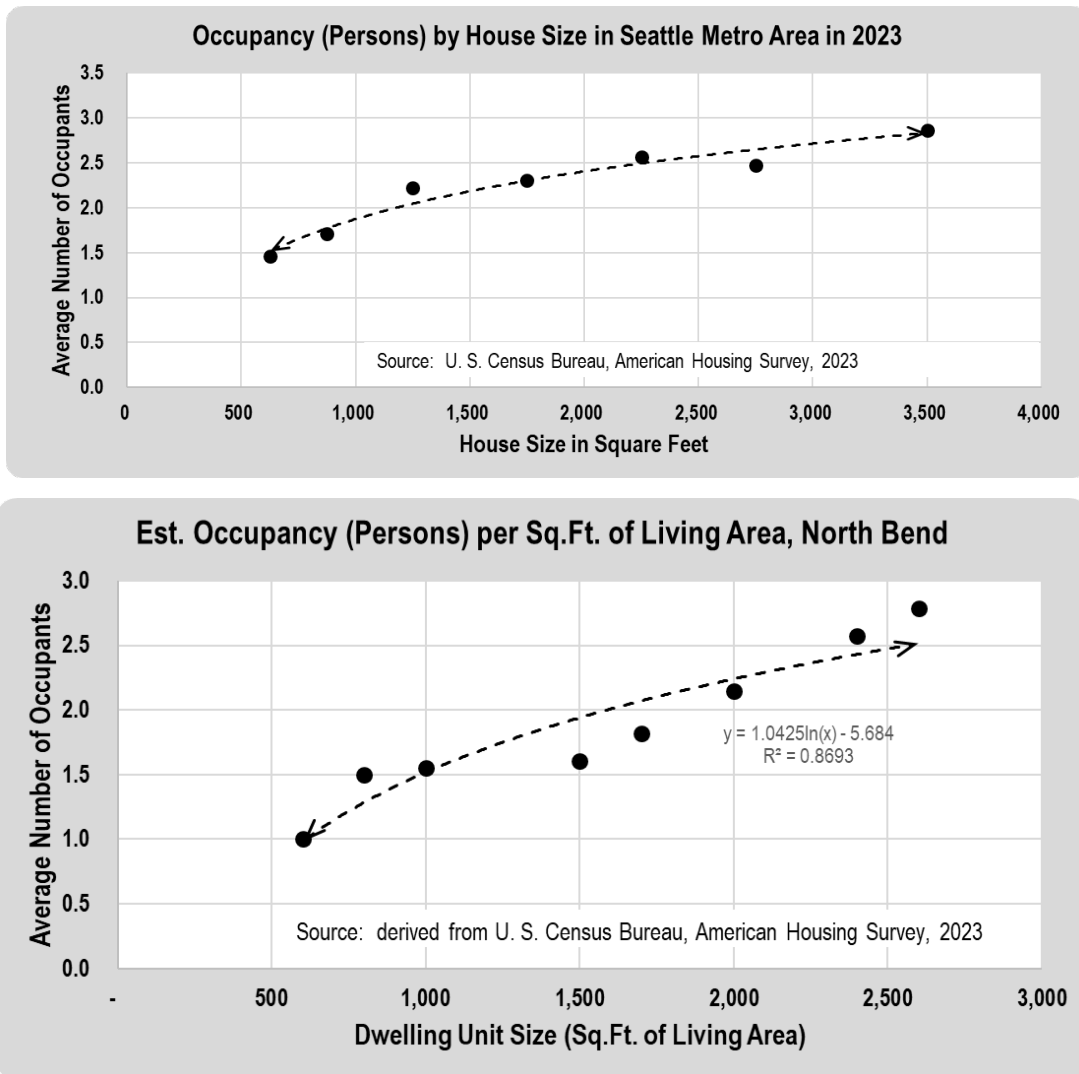
Because housing market preferences evolve with changing demographic factors (i.e., fewer persons per household) and pricing factors (i.e., smaller homes tend to be more affordable than larger homes), it is recommended that cities collect additional detailed information in their permitting database to make an informed decision and to re-evaluate and re-calibrate their impact fee scaling methodologies every 5-7 years to account for these changing dynamics.

In light of the fact that the City does not currently collect square feet or count bedrooms when new housing is issued a permit, FCS GROUP utilized U.S. Census statistics to understand the correlation

between home size (often measured in square feet or number of bedrooms) and system demand drivers such as people per household.

Additional data from the Census Bureau for the Seattle Metro Area shows that, up to a certain point, the number of occupants in a dwelling unit is no longer positively correlated with the size (measured in square feet) of the dwelling unit. This relationship is shown in **Exhibit 7**.

Exhibit 7: Comparison of Occupancy (Persons) and Dwelling Unit Size, Seattle Metro Area and City of North Bend



The relationship between occupancy (persons) and home size is strongest for homes between 500 and 3,000 square feet. At approximately 3,000 square feet and above, the relationship between home size and occupancy abates. In North Bend, the average household size is approximately 27% greater than the Seattle Metro Region average (American Community Survey, 2023). To simplify this relationship for the purpose of calculating impact fees, the parabolic function shown above is converted to a logarithmic

function to depict the relative relationship between occupants and household size in North Bend, which results in an R^2 value of 0.8693.

R-squared, also known as the coefficient of determination, which represents the proportion of the variance in the dependent variable that can be explained by the independent variables in a regression model. A higher R-squared value means that a larger portion of the variability in the dependent variable is explained by the model, suggesting a better fit to the data. An R-squared of 0.87 means that 87% of the variance in the dependent variable (occupancy by floor area) is explained by changes in home size.

A random survey of recently constructed homes in North Bend was conducted to determine the approximate size of new housing units. The survey included a mix of new multifamily and single-family dwellings sold between 2022-2024. The calculated average home size was 2,605 Sq.Ft. and the average sales price was just over \$1.1 million.

Random Survey of New Homes Sold in North Bend				
	Sq Ft of Living Area	Bedrooms	Price Sold / For Sale	# in Sample
Condo / Multifamily	1,508	2.8	\$ 722,360	6
Single Family	3,076	4.3	\$ 1,375,095	14
Average	2,605	3.9	\$ 1,179,275	20

Source: Zillow, 2022-2024.

Using the equation for the City of North Bend shown in Exhibit 7, it is assumed that 2.51 occupants equates to approximately 2,600 square feet of dwelling floor area. The smallest dwelling that could support one resident in North Bend is approximately 602 square feet (statistically). Based on input from City staff, it is also assumed that the minimum number of occupants for an apartment dwelling is 1.5 occupants.

The mathematical relationship between household size and occupancy for new dwellings in North Bend as depicted by the logarithmic formula shown in Exhibit 7 and results in the following number of occupants by home size:

Home Size (Sq.Ft.)	Estimated Occupants
602	1.00
800	1.50
1,000	1.52
1,500	1.94
1,700	2.07
2,000	2.24
2,400	2.43
2,600	2.51
3,500	2.82
4,000	2.96

Green = average dwelling size.

Because it is potentially more accurate and less administratively time consuming for City staff to track square feet of dwellings than to determine what constitutes a “bedroom” in a new home or apartment (for example, some homes will characterize a den as a bedroom), floor area is recommended as the preferred metric when scaling their impact fees. Also, in the case of major remodeling of an existing home which could increase the floor area, the ability to track square feet vs. bedrooms could enable the City to assess an impact fee for these types of major additions.

The following analysis provides an example of how the nexus between dwelling size and occupancy can be applied to North Bend’s current fee structure.

Scaling Existing Transportation, Parks and Bike/Ped Fees by Home Size

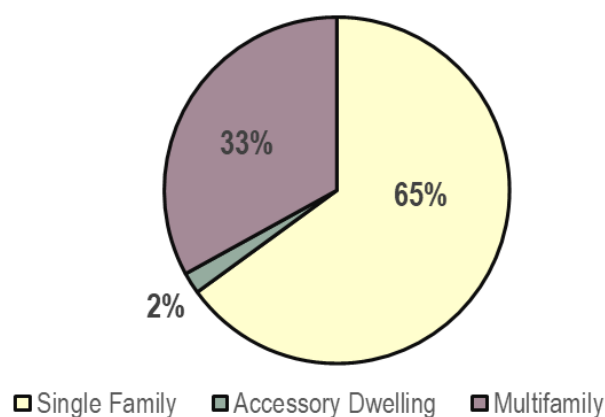
After determining the relationship between occupancy and home size, the current impact fee per single family home in North Bend can be scaled by home size as shown in the chart above.

To further simplify the approach of scaling impact fees proportionately in a manner that retains the concept of “revenue neutrality,” City planning and engineering staff worked with FCS to prepare a 10-year forecast of housing types most likely to be constructed in North Bend. The forecast of future housing types is intended to reflect land area within the City that is likely to be serviceable (with roads, water and sanitary sewer facilities), buildable and planned for housing or mixed-use development.

The forecast mix of future housing construction shown in **Exhibit 8** is utilized in this analysis to arrive at a one weighted average impact fee per square foot of living area for each facility type (transportation, parks, and bike/pedestrian) that is to be scaled by home size.

Note, the City may need to codify the definitions of single family (as 1 to 2 dwellings per structure); multifamily (as 3 or more dwellings per structure); and accessory dwellings (as internal or external ancillary living units with separate entrance that are located on a lot with a single family structure).

Exhibit 8: Forecasted Housing Growth by Dwelling Type, City of North Bend, 2025-2035



Source: City of North Bend.

Using this formulaic relationship between housing growth expectations, occupancy, housing size and current impact fees, the weighted average impact fee for each public facility type is shown in **Exhibit 9**.

These fees have been adjusted to 2025 dollars by 0.35% per the 12-month ENR, CCI index for the Seattle Metro Region.

The proportional impact fees take into account the prior adopted impact fee methodology for transportation, which equates impact fees with trip vehicle trip generation, which in turn is converted to a fee per occupant based on the dwelling size and type. The average fees per square foot of living area for FY 2025 range from \$7.83 per Sq.Ft. for transportation; \$3.42 per Sq.Ft. for parks; and \$0.78 per Sq.Ft. for Bike/Ped facilities.

Exhibit 9: Average Impact Fees per Sq. Ft. of Living Area, City of North Bend, 2025-2036

Dwelling Type	Transportation Impact Fee	Parks Impact Fee	Bike/Ped Mitigation Fee	Total
Single Family	\$ 6.22	\$ 2.72	\$ 0.62	\$ 9.56
Multifamily	\$ 10.88	\$ 4.75	\$ 1.08	\$ 16.72
Accessory Dwellings	\$ 9.64	\$ 4.21	\$ 0.96	\$ 14.81
Weighted Avg. Fee	\$ 7.83	\$ 3.42	\$ 0.78	\$ 12.03

Using this formulaic relationship between housing occupancy, housing size and impact fees per Sq.Ft., the new calculated impact fee by home size would range from \$7,734 for a small ADU dwelling (602 Sq.Ft.), \$9,620 for an 800 Sq.Ft. apartment; \$31,265 for a standard size (2,600 Sq.Ft.) detached home, and \$48,101 for a large 4,000 SF detached home (**Exhibit 10**).

Exhibit 10: Existing vs. Scaled Transportation, Parks and Bike/Ped Fees by Home Size

			Existing Fees (2024\$)				2025\$	Resulting Fee Increase or (Decrease)
Home Size Example*	Est. Occupants	Typical House Type	Transportation Impact Fee	Parks Impact Fee	Bike/Ped Mitigation Fee	Total Existing Fees (2024 \$)	Scaled Fees	
602	1.00	ADU	city policy currently exempts DAUDs under 1,000 SF				\$7,239	**
800	1.50	Apt.	\$9,994	\$5,952	\$988	\$16,934	\$9,620	(\$7,314)
1,000	1.55	SF	\$8,382	\$5,952	\$630	\$14,964	\$12,025	(\$2,939)
1,500	1.94	SF	\$16,120	\$7,039	\$1,605	\$24,764	\$18,038	(\$6,726)
1,700	2.07	SF	\$16,120	\$7,039	\$1,605	\$24,764	\$20,443	(\$4,321)
2,000	2.24	SF	\$16,120	\$7,039	\$1,605	\$24,764	\$24,050	(\$713)
2,400	2.43	SF	\$16,120	\$7,039	\$1,605	\$24,764	\$28,860	\$4,097
2,600	2.51	SF	\$16,120	\$7,039	\$1,605	\$24,764	\$31,265	\$6,502
3,500	2.82	SF	\$16,120	\$7,039	\$1,605	\$24,764	\$42,088	\$17,325
4,000	2.96	SF	\$16,120	\$7,039	\$1,605	\$24,764	\$48,101	\$23,337

Green = Fee for the average house size

ADU = accessory dwelling unit SF = single family dwelling unit

* Square feet based on HVAC conditioned floor area on the living area of the dwelling.

** Scaled fees in this cohort are not to exceed 50% of the rate for standard dwellings in 2,600 SF cohort.

As shown above, the new scaled fees would reflect a measurable decrease in the existing rates for homes under 2,400 SF and a moderate increase for homes over 2,400 SF.

The relative allocation of impact fees for eligible transportation, parks and bike/ped projects in North Bend is shown in **Exhibit 11**.

Exhibit 11: Scaled Transportation, Parks and Bike/Ped Fees by Home Size and Facility Type

Home Size (Living Area Sq.Ft.)*	Estimated Occupants	Transportation Impact Fee	Parks Impact Fee	Bike/Ped Mitigation Fee	Total Scaled Fees
602	1.00	\$4,712	\$2,534	\$578	\$7,824
800	1.50	\$6,262	\$3,801	\$867	\$10,930
1,000	1.55	\$7,828	\$3,845	\$877	\$12,550
1,500	1.94	\$11,742	\$4,916	\$1,121	\$17,779
1,700	2.07	\$13,307	\$5,247	\$1,197	\$19,750
2,000	2.24	\$15,655	\$5,676	\$1,295	\$22,626
2,400	2.43	\$18,787	\$6,158	\$1,404	\$26,349
2,600	2.51	\$20,352	\$6,369	\$1,453	\$28,174
3,500	2.82	\$27,397	\$7,154	\$1,632	\$36,183
4,000	2.96	\$31,311	\$7,507	\$1,712	\$40,530

Green = Impact fee at the average house size

* Square feet based on HVAC conditioned floor area on the living area of the dwelling.

NEXT STEPS

To help lower administrative costs, it is recommended that North Bend utilize an interactive development impact fee calculator that generates the fee estimates based on the amount of net new development that is proposed. The fee calculator would apply a mathematical equation that factors the average impact fee by facility type per Sq.Ft. by the net new residential development (floor area) that is proposed.

The new formulas for residential fee scaling in FY 2025 are as follows:

- **Transportation Impact Fee = Net New Living Floor Area Sq.Ft. x \$7.83**
- **Parks Impact Fee = Net New Living Floor Area Sq.Ft. x \$3.42**
- **Multimodal Mitigation Fee = Net New Living Floor Area Sq.Ft. x \$0.78**

For example, a minor subdivision that demolishes one existing 2,000 Sq.Ft. dwelling unit and adds 4 new 1,200 Sq.Ft. "cottage homes" or townhomes would result in net new living area of 2,800 Sq.Ft. [(1,200 x 4) - 2,000 Sq.Ft.]. This development would be charged \$7.83/Sq.Ft. for transportation impact fee; \$3.42/Sq.Ft. for parks impact fee; and \$0.78/Sq.Ft. for the bike/ped facility mitigation fee. The gross impact fees for this development before any additional credits or discounts are determined would result in \$21,924 for transportation, \$9,576 for parks, and \$2,184 for multimodal facilities.

For a 80-unit apartment building with 80,000 square feet of living area (1,000 Sq.Ft. per dwelling) on a vacant site, the impact fee calculations would simply be based on the net new development. This would be determined by multiplying the proposed living area by the average fees by facility type as follows: transportation = \$625,600 (80,000 x \$7.82); parks = 342,000 (100,000 x \$3.42), multimodal \$78,000 (100,000 x \$0.78).

The City would need to update its development permit application to include the amount of heated floor area that is to be habitable within each building that is being proposed for construction or demolition on a site.

A separate Memorandum regarding North Bend impact fees for other (non-single family and apartment) land use types is provided separately.

Discussion and input received on the impact fee calculations will assist FCS and city staff in refining the original impact fee methodology and identifying a locally preferred strategy for updating North Bend's impact fees.

The impact fee update will need to comply with WA state Dept. of Commerce Grant requirements which stipulate that the new scaled fees be adopted prior to June 30, 2025.

Additional state administrative requirements and the recent legislative rules are provided in Appendix A.

APPENDIX A – WA STATE REQUIREMENTS FOR IMPACT FEES BY HOME SIZE

RCW 82.02.060 (excerpts)

Impact fees—Local ordinances—Required provisions—Exemptions.

The local ordinance by which impact fees are imposed:

(1) Shall include a schedule of impact fees which shall be adopted for each type of development activity that is subject to impact fees, specifying the amount of the impact fee to be imposed for each type of system improvement. The schedule shall be based upon a formula or other method of calculating such impact fees. The schedule shall reflect the proportionate impact of new housing units, including multifamily and condominium units, based on the square footage, number of bedrooms, or trips generated, in the housing unit in order to produce a proportionally lower impact fee for smaller housing units. In determining proportionate share, the formula or other method of calculating impact fees shall incorporate, among other things, the following:

- (a) The cost of public facilities necessitated by new development;
 - (b) An adjustment to the cost of the public facilities for past or future payments made or reasonably anticipated to be made by new development to pay for particular system improvements in the form of user fees, debt service payments, taxes, or other payments earmarked for or proratable to the particular system improvement;
 - (c) The availability of other means of funding public facility improvements;
 - (d) The cost of existing public facilities improvements; and
 - (e) The methods by which public facilities improvements were financed;
- (2) May provide an exemption for low-income housing, and other development activities with broad public purposes, including development of an early learning facility, from these impact fees, provided that the impact fees for such development activity shall be paid from public funds other than impact fee accounts;
- (3)(a) May not impose an impact fee on development activities of an early learning facility greater than that imposed on commercial retail or commercial office development activities that generate a similar number, volume, type, and duration of vehicle trips;
- (b) When a facility or development has more than one use, the limitations in this subsection (3) or the exemption applicable to an early learning facility in subsections (2) and (4) of this section only apply to that portion that is developed as an early learning facility. The impact fee assessed on an early learning facility in such a development or facility may not exceed the least of the impact fees assessed on comparable businesses in the facility or development;
- (4) May provide an exemption from impact fees for low-income housing or for early learning facilities. Local governments that grant exemptions for low-income housing or for early learning facilities under this subsection (4) may either: Grant a partial exemption of not more than eighty percent of impact fees, in which case there is no explicit requirement to pay the exempted portion of the fee from public funds

other than impact fee accounts; or provide a full waiver, in which case the remaining percentage of the exempted fee must be paid from public funds other than impact fee accounts, except as provided in (b) of this subsection. These exemptions are subject to the following requirements:

- (a) An exemption for low-income housing granted under subsection (2) of this section or this subsection (4) must be conditioned upon requiring the developer to record a covenant that, except as provided otherwise by this subsection, prohibits using the property for any purpose other than for low-income housing. At a minimum, the covenant must address price restrictions and household income limits for the low-income housing, and that if the property is converted to a use other than for low-income housing, the property owner must pay the applicable impact fees in effect at the time of conversion;
- (b) An exemption for early learning facilities granted under subsection (2) of this section or this subsection (4) may be a full waiver without an explicit requirement to pay the exempted portion of the fee from public funds other than impact fee accounts if the local government requires the developer to record a covenant that requires that at least 25 percent of the children and families using the early learning facility qualify for state subsidized child care, including early childhood education and assistance under chapter [43.216](#) RCW, and that provides that if the property is converted to a use other than for an early learning facility, the property owner must pay the applicable impact fees in effect at the time of conversion, and that also provides that if at no point during a calendar year does the early learning facility achieve the required percentage of children and families qualified for state subsidized child care using the early learning facility, the property owner must pay 20 percent of the impact fee that would have been imposed on the development had there not been an exemption within 90 days of the local government notifying the property owner of the breach, and any balance remaining thereafter shall be a lien on the property; and
- (c) Covenants required by (a) and (b) of this subsection must be recorded with the applicable county auditor or recording officer. A local government granting an exemption under subsection (2) of this section or this subsection (4) for low-income housing or an early learning facility may not collect revenue lost through granting an exemption by increasing impact fees unrelated to the exemption. A school district who receives school impact fees must approve any exemption under subsection (2) of this section or this subsection (4);
- (5) Shall provide a credit for the value of any dedication of land for, improvement to, or new construction of any system improvements provided by the developer, to facilities that are identified in the capital facilities plan and that are required by the county, city, or town as a condition of approving the development activity;
- (6) Shall allow the county, city, or town imposing the impact fees to adjust the standard impact fee at the time the fee is imposed to consider unusual circumstances in specific cases to ensure that impact fees are imposed fairly;
- (7) Shall include a provision for calculating the amount of the fee to be imposed on a particular development that permits consideration of studies and data submitted by the developer to adjust the amount of the fee;

(8) Shall establish one or more reasonable service areas within which it shall calculate and impose impact fees for various land use categories per unit of development;

(9) May provide for the imposition of an impact fee for system improvement costs previously incurred by a county, city, or town to the extent that new growth and development will be served by the previously constructed improvements provided such fee shall not be imposed to make up for any system improvement deficiencies; and

(10) Must adopt or amend by ordinance, and incorporate into their development regulations, zoning regulations, and other official controls the requirements of this section to take effect six months after the jurisdiction's next periodic comprehensive plan update required under RCW [36.70A.130](#).

For purposes of this section, "low-income housing" means housing with a monthly housing expense, that is no greater than thirty percent of eighty percent of the median family income adjusted for family size, for the county where the project is located, as reported by the United States department of housing and urban development.

For the purposes of this section, "early learning facility" has the same meaning as in RCW [43.31.565](#).