



CITY COUNCIL MEETING*

June 3, 2025 – Agenda

City Hall, 920 SE Cedar Falls Way, North Bend, Washington

7:00 P.M. – CALL TO ORDER, ROLL CALL, FLAG SALUTE

CONSENT AGENDA:

| | | Pg.# |
|-------------|---|------------|
| 1) Minutes | City Council Meeting of May 20, 2025 | 1 |
| 2) Payroll | May 20, 2025 – 77229 through 77231, in the amount of \$319,851.10 | |
| 3) Checks | June 3, 2025 – 77232 through 77277, in the amount of \$930,291.86 | |
| 4) AB25-053 | Resolution – Authorizing Property Purchase for 2025 Sidewalk Gaps Project | Mr. Mohr 7 |

AUDIENCE PARTICIPATION: (Please restrict comments to 3 minutes)

ANNOUNCEMENTS, PRESENTATIONS, APPOINTMENTS:

| | | |
|-------------|-----------------------------------|-----------------|
| 5) AB25-054 | Appointments to Salary Commission | Mayor Miller 19 |
|-------------|-----------------------------------|-----------------|

INTRODUCTIONS:

| | | |
|--------------|---|-------------------|
| 6) AB25-055 | Resolution – Awarding Contract for Meadowbrook Improvements Project | Mr. Mohr 27 |
| 7) AB25-056 | Motion – Authorizing Amendment No. 2 to G&O Contract | Mr. Mohr 43 |
| 8) AB25-057 | Ordinance – Authorizing Water & Sewer Revenue Note for Meadowbrook ULID | Mr. Chaw 55 |
| 9) AB25-058 | Public Hearing , Ordinance – Amending NBMC Chapter 18.34 RE Design Standards | Ms. Hepworth 101 |
| 10) AB25-059 | Public Hearing , Ordinance – Amending Form Based Code | Ms. Hepworth 209 |
| 11) AB25-060 | Ordinance – Amending Taxes, Rates & Fees Schedule & NBMC Title 17 RE Impact Fees | Mr. McCarty 305 |
| 12) AB25-061 | Resolution – Acknowledging Completion of 2024 Periodic Update | Mr. McCarty 393 |
| 13) AB25-062 | Ordinance – Adopting NBMC 20.09.035 Permit Fee Waivers | Mr. Henderson 399 |
| 14) AB25-063 | Resolution – Awarding 2025 Sidewalk Gaps Project | Mr. Mohr 405 |
| 15) AB25-064 | Motion – Authorizing Amendment to Interim City Administrator Employment Contract | Ms. Escobar 415 |

MAYOR, COUNCIL & ADMINISTRATOR CONCERNS AND INITIATIVES: (Business and general information presented that may be deliberated upon by the Council. Formal action may be deferred until a subsequent meeting; immediate action may be taken upon a vote of a majority of all members of the Council.)

ADJOURNMENT:



***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 Clerks@northbendwa.gov. All written comments must be received by 5 p.m. on the day of the scheduled meeting and may not exceed 350 words. If an individual requires accommodation to allow for remote oral comment because of a difficulty attending a meeting of the governing body, the City requests notice of the need for accommodation by 5:00 p.m. on the day of the scheduled meeting. Participants can request accommodation to be able to provide a remote oral comment by contacting the City Clerk's Office in person, by phone (425) 888-1211 or by email: Clerks@northbendwa.gov. No other remote public comment will be permitted.

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

Zoom Meeting Information:

To Sign Up for a Zoom Account: <https://zoom.us/join>

Meeting ID: 409 007 2718

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

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NORTH BEND CITY COUNCIL MINUTES
May 20, 2025
City Hall, 920 SE Cedar Falls Way, North Bend, Washington

CALL TO ORDER, ROLL CALL:

Mayor Miller called the regular meeting to order at 7:00 p.m.

Councilmembers Present: Elwood, Gothelf, Joselyn, Koellen, Rustik, Torguson and Tremolada.

CONSENT AGENDA:

- Minutes** – Council Workstudy of April 22, 2025 & City Council Meeting of May 6, 2025
- Payroll – May 5, 2025 – 77160** through **77166**, in the amount of **\$397,818.29**
- Checks – May 20, 2025 – 77167** through **77228**, in the amount of **\$454,291.25**
- AB25-045** – Ordinance 1828 Adopting NBMC 10.04.080 Rules of the Road

Councilmember Gothelf **MOVED**, seconded by Councilmember Elwood to approve the consent agenda as presented. The motion **PASSED** 7-0.

COMMISSION AND COMMITTEE REPORTS:

Community & Economic Development Committee – Councilmember Elwood, Chair
A report of the May 20th meeting was provided.

Finance & Administration Committee – Councilmember Gothelf, Chair
A report of the May 13th meeting was provided.

Eastside Fire & Rescue Board Meeting – Councilmember Gothelf
A report of the May 8th meeting was provided.

Public Health & Safety Committee – Councilmember Rustik, Chair
A report of the May 6th meeting was provided.

Council Workstudy – Mayor Pro Tem Joselyn
A report of the April 22nd Workstudy was provided.

Transportation & Public Works Committee – Councilmember Koellen, Chair
A report of the April 22nd meeting was provided.

Planning Commission
A report of the May 7th meeting was provided.

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Parks Commission

A report of the April 30th meeting was provided.

Economic Development Commission

A report of the April 24th and April 30th meetings was provided.

Sound Cities Association Public Issues Committee – Councilmember Tremolada

A report of the May 14th meeting was provided.

EXECUTIVE SESSION:

Mayor Miller recessed the regular meeting for an Executive Session at 7:21 p.m. to discuss with legal counsel representing the agency matters relating to agency enforcement actions, or to discuss with legal counsel representing the agency litigation or potential litigation to which the agency, the governing body, or a member acting in an official capacity is, or is likely to become, a party, when public knowledge regarding the discussion is likely to result in an adverse legal or financial consequence to the agency, pursuant to RCW42.30.110(1)(i). The Executive Session was expected to last twenty minutes and recording of the meeting was paused at this time.

At 7:41 p.m. it was announced to audience members outside the adjournment room that the Executive Session was expected to last an additional fifteen minutes.

The regular meeting was reconvened at 7:57 p.m.

MAIN AGENDA:

**AB25-046 – Public Hearing, Resolution Adopting Six Year
Transportation Improvement Plan (TIP) 2026-2031**

Audio: 20:31

City Engineer DeBerg provided the staff report.

Mayor Miller opened the Public Hearing on a Resolution Adopting the Six Year TIP 2026-2031 at 8:01 p.m.

The following individual commented on the agenda item:

George Anderson, North Bend resident

Mayor Miller announced the Public Hearing would remain open until the June 17, 2025 City Council meeting.

Councilmember Koellen **MOVED**, seconded by Councilmember Torguson to approve AB25-046, a resolution adopting the 6-Year Transportation Improvement Plan 2026 – 2031, as a first reading, and continuing the public hearing until the June 17, 2025 City Council

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Meeting. The motion **PASSED** 7-0.

AB25-047 – Ordinance 1829 Amending Taxes, Rates & Fees Schedule & NBMC 15.31.050 Regarding Fire Permit Fees **Audio: 29:22**

Building Official Mercer and Eastside Fire & Rescue Fire Marshal Hicks provided the staff report.

Councilmember Elwood **MOVED**, seconded by Councilmember Gothelf to approve AB25-047, an ordinance amending NBMC Chapter 15.31 relating to Building and Construction Fees, and amending the City’s Taxes, Rates and Fees Schedule, as a first and final reading. The motion **PASSED** 7-0.

AB25-048 – Resolution 2149 Approving Development Agreement with PJO NW Development LLC **Audio: 48:03**

Senior Planner Burrell provided the staff report. Phil O’Sullivan of PJO NW Development, LLC was on hand to answer questions.

Councilmember Elwood **MOVED**, seconded by Councilmember Koellen to approve AB25-048, a resolution authorizing the Mayor to execute and administer a Development Agreement between the City of North Bend and PJO NW Development LLC. The motion **PASSED** 5-2 (Elwood, Gothelf).

AB25-049 – Motion 18 Month Notice of Termination of ILA with Snoqualmie for Police Services **Audio: 1:05:55**

Interim City Administrator Larson provided the staff report.

Councilmember Gothelf **MOVED**, seconded by Councilmember Elwood to approve AB25-049, authorizing the Mayor to provide the 18-month notice of termination of the ILA with Snoqualmie for police services. The motion **PASSED** 7-0.

Mayor Miller recessed the meeting for a ten minute break at 8:45 p.m.

The meeting was called back to order at 8:58 p.m.

AB25-050 – Motion Authorizing ILA with King County Sheriff’s Office for Police Services **Audio: 1:08:51**

Interim City Administrator Larson provided the staff report.

Councilmember Joselyn **MOVED**, seconded by Councilmember Gothelf to approve AB25-050, authorizing the Mayor to execute and administer an Interlocal Agreement with the

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King County Sheriff's Office for provision of police services for the City of North Bend, in a form and content acceptable to the City Attorney. The motion **PASSED** 7-0.

AB25-051 – Motion Authorizing First Amendment to Interim City Administrator Employment Contract

Audio: 1:14:11

Administrative Services Director Escobar provided the staff report.

Councilmember Joselyn **MOVED**, seconded by Councilmember Gothelf to remand AB25-051, authorizing the Mayor to execute a First Amendment to the Employment Agreement with Interim City Administrator Robert Larson, in a form and content acceptable to the City Attorney, to the May 27, 2025 Workstudy. The motion **PASSED** 7-0.

MAYOR, COUNCIL, AND ADMINISTRATOR CONCERNS AND INITIATIVES:

Councilmember Elwood thanked staff for their assistance with the weighty topics that have come before Council for consideration recently and thanked King County Sheriff's Office representatives for attending tonight's meeting. Additionally, he noted the production "The Comedy of Errors" would begin on May 30th at Valley Center Stage.

Councilmember Torguson reported a presentation on the 2026 FIFA World Cup would be provided at the May 28th SnoValley Chamber of Commerce Luncheon and encouraged all to attend.

Councilmember Koellen thanked Councilmembers Joselyn and Tremolada for running for another term.

Councilmember Tremolada mentioned Ignite Dance Studio would be holding their 15th anniversary dance recital on Sunday, June 1st at Mt Si High School and noted the Farmers Market would open on Thursday June 5th at Si View Park.

Councilmember Joselyn thanked Councilmember Gothelf regarding his kind words on serving as Mayor Pro Tem and thanked staff, particularly Interim City Administrator Larson and Finance Director Chaw, for their efforts regarding the police services contract.

Councilmember Rustik mentioned the May 7th ribbon cutting event for the new Reclaim Facility for unhoused individuals and acknowledged the contributions provided by the Cities of North Bend and Snoqualmie towards this organization.

Councilmember Gothelf noted the upcoming Memorial Day Weekend and encouraged all to travel safely.

Interim City Administrator Larson reported the third conference room at City Hall was almost complete and thanked Public Works staff for their efforts in cleaning up and beautifying the City.

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Mayor Miller spoke regarding the following items:

- June 20th Deadline for Applications for Youth Parks Commission Vacancy
- Late May/Early June Intermittent Lane Closures on North Bend Way for Dahlgren RRFB Project
- City Offices Closed May 26th in observance of Memorial Day

EXECUTIVE SESSION:

Mayor Miller recessed the meeting for an Executive Session at 9:21 p.m. to evaluate the qualifications of an applicant for public employment or to review the performance of a public employee (However, subject to RCW 42.30.140(4), discussion by a governing body of salaries, wages, and other conditions of employment to be generally applied within the agency shall occur in a meeting open to the public, and when a governing body elects to take final action hiring, setting the salary of an individual employee or class of employees, or discharging or disciplining an employee, that action shall be taken in a meeting open to the public), pursuant to RCW 42.30.110(1)(g). No action was anticipated as a result of the Executive Session, which was expected to last ten minutes and videotaping of the meeting ceased.

At 9:31 p.m. it was announced to audience members outside the adjournment room that the Executive Session was expected to last an additional ten minutes.

The regular meeting was reconvened at 9:41 p.m.

ADJOURNMENT:

Councilmember Joselyn **MOVED** to adjourn, seconded by Councilmember Rustik. The motion **PASSED** 7-0.

The meeting adjourned at 9:41 p.m.

ATTEST:

Mary Miller, Mayor

Susie Oppedal, City Clerk



City Council Agenda Bill

| | | | |
|---|---------------|--|-----------------|
| SUBJECT: | | Agenda Date: June 3, 2025 | AB25-053 |
| Resolution Authorizing Purchase of a Portion of the Property Located at 202 Thrasher Avenue for Construction of a Part of the City's 2025 Sidewalk Gaps Project | | Department/Committee/Individual | |
| | | Mayor Mary Miller | |
| | | Interim City Administrator – Bob Larson | |
| | | City Attorney – Kendra Rosenberg | |
| | | City Clerk – Susie Oppedal | |
| | | Administrative Services – Lisa Escobar | |
| | | Comm. & Economic Development – James Henderson | |
| | | Finance – Martin Chaw | |
| Cost Impact: \$26,400 | | Public Works – Mark Rigos, P.E. | X |
| Fund Source: TIF and TBD funds allocated in 2025 budget for this project | | | |
| Timeline: Immediate | | | |
| Attachments: Resolution, Exhibit A – Area of Property Purchase, Exhibit B - Legal Description, Vicinity Map | | | |
| SUMMARY STATEMENT: <p>The City of North Bend intends to construct its 2025 Sidewalk Gaps Project (“Project”) this summer. The east side of Thrasher Ave., from 2nd Street to North Bend Way, is one of the four sites associated with the Project. Currently, a portion of the road is located within the property boundary of 202 Thrasher Ave. and the City intends to acquire this small portion of property for the Project (Tax Parcel #20309-9219) as shown in Exhibit A.</p> <p>To obtain enough right-of-way to install curb, gutter, and sidewalk along the east side of Thrasher Ave., the City seeks to purchase 747 square feet of property from Jon and Stephanie Simonson, the owners of the property located at 202 Thrasher Ave. (Tax Parcel #20309-9219) (“Subject Property”). The City contracted with ABS Valuation to appraise the Subject Property necessary for construction of part of the City’s Project and has offered the Simonsons \$26,400 for its purchase, the Subject Property’s fair market value, which they have accepted.</p> <p>The City explored other design options to avoid purchase of the Subject Property, however, many factors prevented alternative designs. Locating the sidewalk on the east side of the road proved to be the best and most cost-effective design option.</p> <p>Staff recommends the City Council authorize the Mayor to purchase the Subject Property for its appraised fair market value of \$26,400.</p> | | | |
| APPLICABLE BRAND GUIDELINES: Consistent delivery of quality basic services including transportation and traffic management. | | | |
| COMMITTEE REVIEW AND RECOMMENDATION: The Transportation and Public Works Committee reviewed this item at its May 27, 2025, meeting and recommended approval and placement on the Consent Agenda. | | | |
| RECOMMENDED ACTION: MOTION to approve AB25-053, a resolution authorizing the purchase of a portion of the property located at 202 Thrasher Avenue (Tax Parcel #20309-9219) for construction of a part of the City’s 2025 Sidewalk Gaps Project. | | | |
| RECORD OF COUNCIL ACTION | | | |
| <i>Meeting Date</i> | <i>Action</i> | <i>Vote</i> | |
| June 3, 2025 | | | |

RESOLUTION

A RESOLUTION OF THE CITY OF NORTH BEND, WASHINGTON, ACCEPTING THE DEDICATION OF PROPERTY LOCATED AT 202 THRASHER AVENUE (TAX PARCEL NO. 20309-9219) FOR CONSTRUCTION OF A PART OF THE CITY'S 2025 SIDEWALK GAPS PROJECT

WHEREAS, the east side of Thrasher Ave., from 2nd Street to North Bend Way, is one of the four sites associated with the City's 2025 Sidewalk Gaps Project ("Project") it intends to construct in summer, 2025; and

WHEREAS, a portion of the above-referenced roadway is located within the property boundary of 202 Thrasher Ave.; and

WHEREAS, in order to have enough right-of-way to install curb, gutter, and sidewalk along the east side of Thrasher Ave., the City requests an easement related to 747 square feet of property from Jon and Stephanie Simonson, the owners of the property located at 202 Thrasher Ave. (Tax Parcel #20309-9219) ("Subject Property"); and

WHEREAS, the City contracted with ABS Valuation to appraise the necessary portion of the Subject Property and offered to acquire said portion from the Simonsons for its appraised fair market value in the sum of \$26,400; and

WHEREAS, the Simonsons' have agreed to sell to the City the necessary portion of the Subject Property for the sum of \$26,400; and

WHEREAS, the City has authority pursuant to RCW 35A.11.010 to purchase, lease, receive, or otherwise acquire real property of every kind;

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

Section 1. The City Council hereby accepts a portion of property (747 square feet) located at 202 Thrasher Avenue, North Bend, Washington (King County Tax Parcel No. 20309-9219) and agrees to compensate the property owner the appraised fair market value in the amount of \$26,400 to construct a part of the City's 2025 Sidewalk Gaps Project, and authorizes the Mayor to execute all documents required to effectively carry out such purchase in a form acceptable to the City Attorney.

PASSED BY THE CITY COUNCIL OF THE CITY OF NORTH BEND, WASHINGTON, AT A REGULAR MEETING THEREOF, THIS 3RD DAY OF JUNE, 2025.

CITY OF NORTH BEND:

APPROVED AS TO FORM:

Mary Miller, Mayor

Kendra Rosenberg, City Attorney

Effective:
Posted:

ATTEST/AUTHENTICATED:

Susie Oppedal, City Clerk

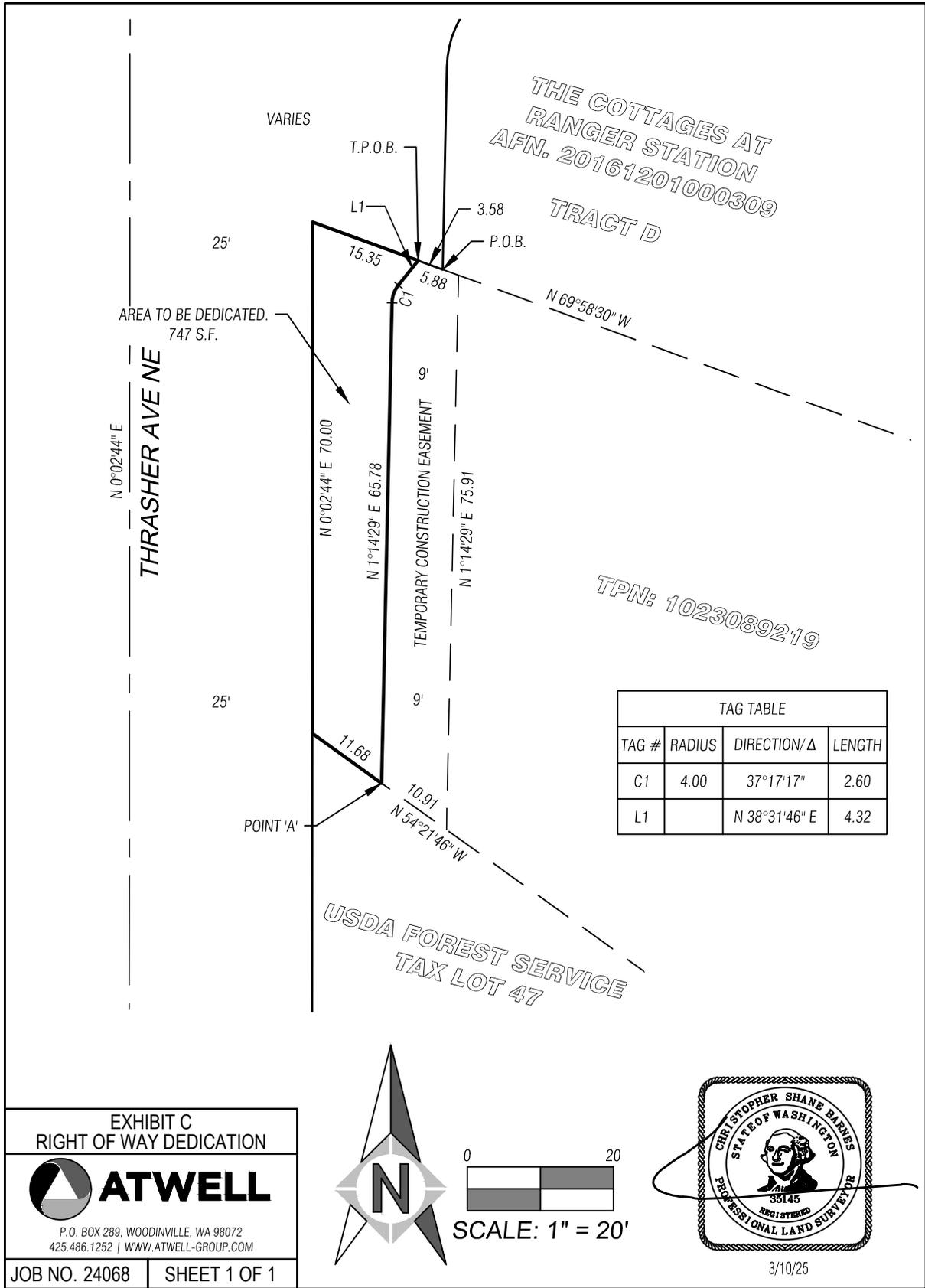
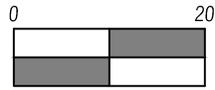


EXHIBIT C
RIGHT OF WAY DEDICATION



P.O. BOX 289, WOODINVILLE, WA 98072
425.486.1252 | WWW.ATWELL-GROUP.COM

JOB NO. 24068 SHEET 1 OF 1



SCALE: 1" = 20'



3/10/25

EXHIBIT A
REAL PROPERTY LEGAL DESCRIPTION

THAT PORTION OF THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 10, TOWNSHIP 23 NORTH, RANGE 8 EAST, W.M., IN KING COUNTY, WASHINGTON, DESCRIBED AS FOLLOWS:

BEGINNING ON THE NORTH LINE OF SAID SUBDIVISION 25 FEET EAST OF THE NORTHWEST CORNER THEREOF; THENCE SOUTH ALONG THE EAST LINE OF THE WEST 25 FEET OF SAID SUBDIVISION 412.55 FEET, MORE OR LESS, TO THE NORTHERLY CORNER OF A TRACT CONVEYED TO THE UNITED STATES OF AMERICA BY DEED RECORDED UNDER RECORDING NUMBER 3336019; THENCE SOUTH 55°15' EAST ALONG THE NORTHEASTERLY LINE OF SAID TRACT 120 FEET TO THE TRUE POINT OF BEGINNING; THENCE NORTH 55°15' WEST 120 FEET TO SAID NORTHERLY CORNER; THENCE NORTH ALONG THE EAST LINE OF SAID WEST 25 FEET A DISTANCE OF 70 FEET; THENCE SOUTHEASTERLY 120 FEET TO A POINT 100 FEET NORTHERLY OF THE TRUE POINT OF BEGINNING; THENCE SOUTHERLY 100 FEET TO THE TRUE POINT OF BEGINNING.

EXHIBIT B
RIGHT OF WAY DEDICATION
LEGAL DESCRIPTION

THAT PORTION OF THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 10, TOWNSHIP 23 NORTH, RANGE 8 EAST, W.M., IN KING COUNTY, WASHINGTON, DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF TRACT D OF THE COTTAGES AT RANGER STATION, RECORDED UNDER AUDITOR'S FILES NUMBER 20161201000309, RECORDS OF KING COUNTY, ALSO BEING THE MARGIN OF THRASHER AVE NE; THENCE NORTH 69°58'30" WEST, ALONG SAID MARGIN, 3.58 FEET, TO THE **TRUE POINT OF BEGINNING**; THENCE CONTINUING NORTH 69°58'30" WEST ALONG SAID MARGIN 15.35 FEET TO AN ANGLE POINT IN SAID MARGIN; THENCE SOUTH 00°02'44" WEST, ALONG SAID MARGIN, 70.00 FEET; THENCE SOUTH 54°21'46" EAST 11.68 FEET TO A POINT HEREINAFTER REFERRED TO AS POINT 'A'; THENCE NORTH 01°14'29" EAST 65.78 FEET TO THE BEGINNING OF A CURVE TO THE RIGHT HAVING A RADIUS OF 4.00 FEET; THENCE NORTHERLY, ALONG SAID CURVE, THROUGH A CENTRAL ANGLE OF 37°17'17", A DISTANCE OF 2.60 FEET; THENCE NORTH 38°31'46" EAST 4.32 FEET TO **THE TRUE POINT OF BEGINNING**.

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3/10/25

EXHIBIT C
TEMPORARY CONSTRUCTION EASEMENT
LEGAL DESCRIPTION

THAT PORTION OF THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 10,
TOWNSHIP 23 NORTH, RANGE 8 EAST, W.M., IN KING COUNTY, WASHINGTON, DESCRIBED AS FOLLOWS:

BEGINNING AT THE AFOREMENTIONED POINT 'A'; THENCE NORTH 01°14'29" EAST 65.78 FEET TO THE
BEGINNING OF A CURVE TO THE RIGHT HAVING A RADIUS OF 4.00 FEET; THENCE NORTHERLY, ALONG
SAID CURVE, THROUGH A CENTRAL ANGLE OF 37°17'17", A DISTANCE OF 2.60 FEET; THENCE NORTH
38°31'46" EAST 4.32 FEET; THENCE SOUTH 69°58'30" EAST 5.88 FEET; THENCE SOUTH 01°14'29" WEST
75.91 FEET; THENCE NORTH 54°21'46" WEST 10.91 FEET TO THE POINT OF BEGINNING.



3/10/25



City Council Agenda Bill

| | | | | | | | | | | | |
|--|-----------------|--|--|-----------------|---|-------------|-----------------|-------------|----------|-------------|------------|
| SUBJECT: | | Agenda Date: June 3, 2025 | | AB25-054 | | | | | | | |
| Appointments to the Salary Commission | | Department/Committee/Individual | | | | | | | | | |
| | | Mayor Mary Miller | | | X | | | | | | |
| | | Interim City Administrator – Bob Larson | | | | | | | | | |
| | | City Attorney – Kendra Rosenberg | | | | | | | | | |
| | | City Clerk – Susie Oppedal | | | | | | | | | |
| | | Administrative Services – Lisa Escobar | | | | | | | | | |
| | | Comm. & Economic Development – James Henderson | | | | | | | | | |
| | | Finance – Martin Chaw | | | X | | | | | | |
| | | Public Works – Mark Rigos | | | | | | | | | |
| Cost Impact: n/a | | Information Technology – Phillip Davenport | | | | | | | | | |
| Fund Source: n/a | | | | | | | | | | | |
| Timeline: Immediate | | | | | | | | | | | |
| Attachments: Applications | | | | | | | | | | | |
| <p>SUMMARY STATEMENT:</p> <p>As authorized by RCW 35.21.015, the City of North Bend established a Salary Commission in 2017 with the adoption of Ordinance 1616 to review and establish the salaries for the elected officials of the City and perform the duties established by RCW 35.21.015 as now existing or hereafter amended. The Salary Commission shall not be a standing commission. The Commission shall be filled and members appointed in accordance with NBMC 2.36.050 once every three years commencing in 2017. The Commission may be formed at any time in the interim years by Council resolution. The Commission shall consist of three members, to be appointed by the Mayor with the approval of the City Council, in conformance with RCW 35.21.015 as codified and amended hereafter. Members must be a resident of the City and a registered voter of King County. The Commission duties are guided by the provisions of NBMC 2.36.060.</p> <p>Mayor Miller is recommending the appointment of the following members:</p> <table style="margin-left: auto; margin-right: auto;"> <tr> <td style="padding-right: 40px;">Position #1</td> <td>Terry Pottmeyer</td> </tr> <tr> <td>Position #2</td> <td>Tad Haas</td> </tr> <tr> <td>Position #3</td> <td>Susan Sill</td> </tr> </table> | | | | | | Position #1 | Terry Pottmeyer | Position #2 | Tad Haas | Position #3 | Susan Sill |
| Position #1 | Terry Pottmeyer | | | | | | | | | | |
| Position #2 | Tad Haas | | | | | | | | | | |
| Position #3 | Susan Sill | | | | | | | | | | |
| <p>APPLICABLE BRAND GUIDELINES: Commitment to invest in the City and foster community engagement and pride.</p> | | | | | | | | | | | |
| <p>COMMITTEE REVIEW AND RECOMMENDATION: The Finance and Administration Committee reviewed this item at their May 13, 2025 meeting, and recommended approval.</p> | | | | | | | | | | | |
| <p>RECOMMENDED ACTION: MOTION to approve AB25-054, confirming the appointment of Terry Pottmeyer to Position #1, Tad Haas to Position #2, and Susan Sill to Position #3 on the Salary Commission, with all terms expiring on June 3, 2026.</p> | | | | | | | | | | | |
| RECORD OF COUNCIL ACTION | | | | | | | | | | | |
| <i>Meeting Date</i> | | <i>Action</i> | | <i>Vote</i> | | | | | | | |
| June 3, 2025 | | | | | | | | | | | |
| | | | | | | | | | | | |



City of North Bend Commission Application

Name: Terry Pottmeyer

Address: 709 NE 6th Street North Bend, WA 98045

Phone: _____ Email: _____

Length of residence in North Bend or 98045: 7 years

Commission desired: 1st Choice Salary Commission 2nd Choice _____

Explain why you are interested in serving:

Communities are strongest when citizens are actively engaged. I appreciate the opportunity to serve my community on the Salary Commission, and to help ensure that compensation for our hard working elected officials is appropriate, fair, and considered.

What community activities or other experiences do you bring to this position?

Current member of the Snoqualmie Valley Food Bank Board of Directors, and prior member of the North Bend Mayor's ad hoc Human Services Task Force (2023). School Board Director and City Councilmember in my former community and Director for Puget Sound Educational Service District. Served on multiple community boards, mostly focused on children and families and human services. Former Executive for several large Human Service organizations where I have been responsible for Human Resource activities, including salary and compensation decisions.

Do you have any special skills or expertise applicable to the position?

I have held three prior elected offices, and am familiar with the time and commitment that elected officials bring to their work. I recognize the need to provide compensation in line with the hard work expected of elected officials, within the constraints of public funding and in step with their peers across the County. I have reviewed, compared, analyzed and set salaries for team members in multiple organizations.

What is your Educational/Occupational Background?

BA, Business, University of Washington
JD, University of Washington School of Law
Member, Washington State Bar (Inactive status)
Nonprofit Executive, focused on supporting Human Services, Children and Families

What do you see the role of the commission playing in the City?

Ensuring a fair, timely and thoughtful consideration of the compensation provided to elected officials in our community, including an opportunity for citizens to engage with the discussions and recommendations.

What do you consider to be a "successful" North Bend?

A community where everyone is welcome; all people are safe, fed and seen; businesses thrive; recreation opportunities abound; and every child and young person is cherished.

Commissions make recommendations regarding monetary expenditures and/or benefits to certain areas of the Community and make decisions that shall be impartial to meet the needs and benefit the whole community.

1) Can you foresee possible conflicts of interest with any of your current employment or civic positions? If yes please explain.

No.

Are there days or evenings you would be unavailable to meet?

Midday, 4th Friday of every month.

Please see the attached descriptions of Commissions for general information and meeting times.

Please return completed form and resume to:
City of North Bend, Attn: City Clerk, 920 SE Cedar Falls Way, North Bend, WA 98045
For more information call 425-888-7627 or email: soppedal@northbendwa.gov



City of North Bend Commission Application

Name: Tad Haas

Address: 485 SE 9th St. North Bend WA 98045

Phone: _____ Email: _____

Length of residence in North Bend or 98045: 6 years

Commission desired: 1st Choice Salaries Commissioner 2nd Choice _____

Explain why you are interested in serving:

As always, I want to find meaningful ways to give back to our wonderful North Bend community. It is my belief that significant business experience and decades of working with HR departments and recruiters will help me provide skills and perspectives that will aid the City of North Bend in fair and equitable compensation for employees.

What community activities or other experiences do you bring to this position?

Previously served on the SnoValley Innovation Center board of directors and have volunteered in many other community functions like the SnoValley Food Bank, North Bend Downtown Foundation and similar, plus significant volunteering and board positions outside of the Valley.

Do you have any special skills or expertise applicable to the position?

Decades of working with HR and recruiters in normal B2B settings. Appreciation for some of the regional challenges for hiring quality talent in the King County and surrounding.

What is your Educational/Occupational Background?

University of MN (St. Mary's)
Decades of software, high-tech and services related business. Start-up, medium firms and large corporate alike. <https://www.linkedin.com/in/tad-haas/>

What do you see the role of the commission playing in the City?

Helping to guide appropriate compensation packages for city employees, and others as needed.

What do you consider to be a "successful" North Bend?

North Bend is already successful: Easy to Get To, Hard to Leave. More of what we already have, supported by logical and productive growth.

Commissions make recommendations regarding monetary expenditures and/or benefits to certain areas of the Community and make decisions that shall be impartial to meet the needs and benefit the whole community.

1) Can you foresee possible conflicts of interest with any of your current employment or civic positions? If yes please explain.

No.

Are there days or evenings you would be unavailable to meet?

I have a normal 8-5 day job, but can accommodate most meeting times, if given enough advanced notice.

Please see the attached descriptions of Commissions for general information and meeting times.

Please return completed form and resume to:
City of North Bend, Attn: City Clerk, 920 SE Cedar Falls Way, North Bend, WA 98045
For more information call 425-888-7627 or email: soppedal@northbendwa.gov



City of North Bend Commission Application

Name: Susan Sill

Address: 117 W 6th St

Phone: _____ Email: _____

Length of residence in North Bend or 98045: 37 yrs

Commission desired: 1st Choice Salary 2nd Choice _____

Explain why you are interested in serving:

I am interested in serving because I believe in a commitment to my community. I want to be part of making decisions that will improve the quality of life for all North Bend residents.

What community activities or other experiences do you bring to this position?

As a 37 year home owner I have a vested interest in North Bend's growth and development.
I have extensive experience working in teams and using collaboration to make decisions.

Do you have any special skills or expertise applicable to the position?

Extensive Program and Project Management experience.

What is your Educational/Occupational Background?

Education: I attended the University of San Diego.
Occupational: Retired from AT&T where I was employed as a Business Analyst and was promoted to a Program and Project Manager.

What do you see the role of the commission playing in the City?

I see this commission serving as a bridge between the community and city administration ensuring that residents opinions are heard. This is a an important role in determining budget oversight and fostering transparency and accountability within local government.

What do you consider to be a "successful" North Bend?

A successful North Bend fosters small local businesses grow. A city that is safe, clean and well maintained.

Commissions make recommendations regarding monetary expenditures and/or benefits to certain areas of the Community and make decisions that shall be impartial to meet the needs and benefit the whole community.

1) Can you foresee possible conflicts of interest with any of your current employment or civic positions? If yes please explain.

None

Are there days or evenings you would be unavailable to meet?

Thursday evenings

Please see the attached descriptions of Commissions for general information and meeting times.

Please return completed form and resume to:
City of North Bend, Attn: City Clerk, 920 SE Cedar Falls Way, North Bend, WA 98045
For more information call 425-888-7627 or email: soppedal@northbendwa.gov



City Council Agenda Bill

| | | |
|--|--|-----------------|
| SUBJECT: | Agenda Date: June 3, 2025 | AB25-055 |
| Resolution Accepting Bids and Awarding Construction Contract for the Meadowbrook Improvements Project to Northwest Construction, Inc. | Department/Committee/Individual | |
| | Mayor Mary Miller | |
| | Interim City Administrator – Bob Larson | |
| | City Attorney – Kendra Rosenberg | |
| | City Clerk – Susie Oppedal | |
| | Administrative Services – Lisa Escobar | |
| | Comm. & Economic Development – James Henderson | |
| | Finance – Martin Chaw | |
| Cost Impact: \$10,297,755.89 | Public Works – Mark Rigos, P.E. | X |
| Fund Source: Various Funds (see below) | | |
| Timeline: Immediate | | |
| Attachments: Resolution, Bid Tabulation, ULID Boundary Map | | |

SUMMARY STATEMENT:

In the summer and fall of 2021, a majority of private property owners by area, within the North Bend City limits, submitted petitions to build a public sewer in the Meadowbrook area – there was no existing public sewer system in that area, or anywhere west of the South Fork Snoqualmie River within the North Bend municipal boundary. There are approximately 60 tax parcels in the subject area. Slightly more than half of those parcels currently include a structure thereon and manage their sewage onsite with a septic system or by use of onsite Honey Buckets. The other parcels are currently vacant.

Under RCW 35.43.120, and pursuant to an extensive public process to include town hall and two public hearings, in August of 2022, the North Bend City Council adopted an ordinance authorizing formation of the Meadowbrook Sewer Utility Local Improvement District (“ULID”). The ULID allows the City to design and build public sewer to benefit the Meadowbrook community to include a sanitary sewer collection system, sewer conveyance system, sewer lift station(s), a force main crossing over or under South Fork Snoqualmie River, and a discharge to the City’s existing Wastewater Treatment Plant.

Following formation of the Meadowbrook ULID, the City Council approved an engineering contract with Gray and Osborne along with several sub-consultants to design the Meadowbrook Improvements Project (“Project”). To date, Gray and Osborne have completed the following Project work:

- Surveying
- Civil engineering design
- Electrical engineering design
- Cultural resource review
- Environmental services including wetland, floodplain, and critical area studies
- Geotechnical investigations
- Bid support
- ULID support

The Project is now ready for construction and includes the following four schedules of work. **Only Schedule A below is part of the Meadowbrook ULID; Schedules B, C, and D are not part of the ULID and have different funding sources as described below.**

Schedule A (Sanitary Sewer for Meadowbrook ULID): The Schedule A work includes construction of sanitary sewer pipe to support a future low-pressure grinder pump system, to include approximately 12,400 lineal feet of high density polyethylene (HDPE) sewer force main ranging in diameters from 2-inch to 8-inch, 40 valves ranging in sizes from 2-inch to 8-inch, 43 low-pressure sewer services, 40 locate stations, auger boring three 30-inch steel casings totaling 260 lineal feet, 1,030 lineal feet of 8-inch diameter PVC gravity sewer main, thirteen 48-inch manholes, 21 sewer cleanouts, a duplex grinder pump station including

City Council Agenda Bill

emergency standby generator, and associated surface restoration. In addition, the schedule provides for the installation of a 3-inch diameter force main by directional drilling, and installation of force main affixed to two existing bridges. The low bid for Schedule A was \$6,624,748.38 including sales tax. This Schedule A work will be funded with bonds that will be reimbursed to the City for up to 20 years via ULID assessments issued to property owners within the Meadowbrook ULID boundary.

The crossing of the South Fork Snoqualmie River with a new sewer pipe that will be built with the SR202 Shared Use Trail Extension Project, is not included in this Schedule and will be brought separately to Council this summer. Plans for the SR202 Shared Use Trail Extension Project are nearing 90% design completion, and the City plans to start construction in late summer of 2025 with completion scheduled to occur in summer 2026. Estimated construction cost for this portion of work is \$500,000.

Schedule B (NW 14th Street Water Main): The Schedule B work includes construction of approximately 1,500 lineal feet of 12-inch diameter ductile iron water main, auger boring 145 lineal feet of 30-inch diameter steel casing, four fire hydrant assemblies, three 12-inch gate valves, 16 water services, and associated ground surface restoration. The low bid was \$1,246,453.86 including sales tax. This Schedule B work will be paid for with water capital funds included in the City’s 2025 budget.

Schedule C (NW 14th Street Roadway Improvements): The Schedule C work includes the reconstruction of approximately 1,000 lineal feet of roadway consisting of approximately 3,400 square yards of cement treated base, and 610 tons of hot mix asphalt. The low bid was \$342,640 including sales tax. This Schedule C work will be paid for with a combination of Transportation Impact Fees and Transportation Benefit District funds included in the City’s 2025 budget.

Schedule D (NW 8th Street Water Main): The Schedule D work includes construction of approximately 2,700 lineal feet of ductile iron water main ranging in diameters from 8-inch to 20-inch, auger boring two 30-inch steel casings totaling 125 lineal feet, four fire hydrant assemblies, thirteen 12-inch gate valves, five water services, and associated ground surface restoration. In addition, the schedule includes installation of a water main affixed to an existing bridge. The low bid was \$2,083,913.65 including sales tax. Schedule D work will be paid for with water capital funds included in the City’s 2025 budget.

The City engaged in a public procurement process for the Project and bids to the City were due by 11:00 a.m. on Wednesday, April 9, 2025; four bids were received. Bid results are attached and ranged in amounts from \$10,297,755 to \$14,450,069. The engineer’s estimate was \$10,368,330. The lowest responsible bid came from Northwest Construction, Inc. in the amount of \$10,297,755.89 including all applicable taxes, which was approximately \$70,000 below the engineer’s estimate.

City staff and engineering consultant Gray & Osborne have conducted the appropriate background checks on Northwest Construction, Inc. and recommend the award of this contract to Northwest Construction, Inc.

APPLICABLE BRAND GUIDELINES: Consistent delivery of quality basic services including transportation and traffic management.

COMMITTEE REVIEW AND RECOMMENDATION: The Transportation and Public Works Committee reviewed this item at its April 22, 2025, meeting and recommended its approval and placement on Main Agenda.

RECOMMENDED ACTION: MOTION to approve AB25-055, a resolution accepting bids and awarding the construction contract for the Meadowbrook Improvements Project to Northwest Construction, Inc.

City Council Agenda Bill

| RECORD OF COUNCIL ACTION | | |
|---------------------------------|---------------|-------------|
| <i>Meeting Date</i> | <i>Action</i> | <i>Vote</i> |
| Juen 3, 2025 | | |

RESOLUTION

A RESOLUTION OF THE CITY OF NORTH BEND, WASHINGTON, ACCEPTING CONSTRUCTION BIDS AND AWARDING THE CONSTRUCTION CONTRACT FOR THE MEADOWBROOK IMPROVEMENT PROJECT

WHEREAS, on August 2, 2022, by passage of Ordinance 1780, the City Council formed the Meadowbrook Utility Local Improvement District (“Meadowbrook ULID” or “ULID No. 7”) for the extension of sewer service together with related improvements; and

WHEREAS, advertisement was made for design and construction administration services for the Meadowbrook ULID for which the City selected Gray & Osborne; and

WHEREAS, design of the Meadowbrook ULID sewer improvements (“Improvements”) has been completed including surveying, civil and electrical engineering design, cultural resource review, wetland studies, floodplain studies, critical areas studies, geotechnical investigation, and bid support; and

WHEREAS, the City is now ready to construct the Improvements; and

WHEREAS, in the interest of construction efficiency, the City included four separate schedules of work within the Meadowbrook Improvement Project (“Project”) bid package; only Schedule A (Sanitary Sewer ULID No. 7) will be funded with bonds that will be reimbursed to the City for up to 20 years via ULID assessments issued to property owners within the Meadowbrook ULID boundary, and

WHEREAS, work included in Schedules B, C, and D will be separately funded and will include water main and roadway improvements; and

WHEREAS, construction bid documents for the Project were advertised and posted on Builders Exchange of Washington, and the City accepted bids up until Wednesday April 9th, 2025, at 11:00 a.m.; and

WHEREAS, the City received bids from four contractors with the lowest responsible bid coming from Northwest Construction, Inc. in the amount of \$10,297,755.89 including all applicable taxes;

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

Section 1. The construction bids for the Meadowbrook Improvement Project are accepted.

Section 2. The construction contract for the Meadowbrook Improvement Project is awarded to Northwest Construction, Inc., in the amount of \$10,297,755.89 including all applicable taxes, in a form and content approved by the City Attorney.

PASSED BY THE CITY COUNCIL OF THE CITY OF NORTH BEND, WASHINGTON, AT A REGULAR MEETING THEREOF, THIS 3RD DAY OF JUNE, 2025.

CITY OF NORTH BEND:

APPROVED AS TO FORM:

Mary Miller, Mayor

Kendra Rosenberg, City Attorney

ATTEST/AUTHENTICATED:

Effective:
Posted:

Susie Oppedal, City Clerk

| NO. | ITEM | QUANTITY | ENGINEER'S ESTIMATE | | NORTHWEST CONSTRUCTION, INC. | | MARSHBANK CONSTRUCTION, INC. | | FURY SITE WORKS, INC. | | JAMES W. FOWLER CO. | |
|--|--|-----------|---------------------|--------------|------------------------------|--------------|------------------------------|--------------|-----------------------|--------------|---------------------|--------------|
| | | | UNIT PRICE | AMOUNT | UNIT PRICE | AMOUNT | UNIT PRICE | AMOUNT | UNIT PRICE | AMOUNT | UNIT PRICE | AMOUNT |
| BIDDER ADDRESS | | | | | | | | | | | | |
| WASHINGTON STATE WORKMAN'S COMP. ACCT. NO. | | | | | | | | | | | | |
| WASHINGTON STATE CONTRACTOR'S REG. NUMBER | | | | | | | | | | | | |
| BID BOND OR OTHER GOOD FAITH TOKEN | | | | | | | | | | | | |
| SCHEDULE A - SANITARY SEWER ULID NO. 7 | | | | | | | | | | | | |
| 1 | Minor Change | 1 CALC | \$60,000.00 | \$60,000.00 | \$60,000.00 | \$60,000.00 | \$60,000.00 | \$60,000.00 | \$60,000.00 | \$60,000.00 | \$60,000.00 | \$60,000.00 |
| 2 | Survey | 1 LS | \$75,000.00 | \$75,000.00 | \$42,000.00 | \$42,000.00 | \$60,000.00 | \$60,000.00 | \$37,426.63 | \$37,426.63 | \$48,000.00 | \$48,000.00 |
| 3 | Record Drawings (Minimum Bid \$500) | 1 LS | \$500.00 | \$500.00 | \$1,000.00 | \$1,000.00 | \$3,000.00 | \$3,000.00 | \$500.00 | \$500.00 | \$1,000.00 | \$1,000.00 |
| 4 | Apprenticeship Incentive | 1 CALC | \$10,000.00 | \$10,000.00 | \$10,000.00 | \$10,000.00 | \$10,000.00 | \$10,000.00 | \$10,000.00 | \$10,000.00 | \$10,000.00 | \$10,000.00 |
| 5 | Apprenticeship Penalty | 1 CALC | \$0.00 | \$0.00 | \$0.00 | \$0.00 | \$0.00 | \$0.00 | \$0.00 | \$0.00 | \$0.00 | \$0.00 |
| 6 | SPCC Plan | 1 LS | \$10,000.00 | \$10,000.00 | \$1,600.00 | \$1,600.00 | \$1,600.00 | \$1,600.00 | \$295.68 | \$295.68 | \$2,000.00 | \$2,000.00 |
| 7 | Archaeological and Historical Salvage | 1 FA | \$10,000.00 | \$10,000.00 | \$10,000.00 | \$10,000.00 | \$10,000.00 | \$10,000.00 | \$10,000.00 | \$10,000.00 | \$10,000.00 | \$10,000.00 |
| 8 | Mobilization, Cleanup and Demobilization | 1 LS | \$560,000.00 | \$560,000.00 | \$100,000.00 | \$100,000.00 | \$550,000.00 | \$550,000.00 | \$246,725.82 | \$246,725.82 | \$420,000.00 | \$420,000.00 |
| 9 | Project Temporary Traffic Control | 1 LS | \$60,000.00 | \$60,000.00 | \$115,000.00 | \$115,000.00 | \$170,000.00 | \$170,000.00 | \$28,151.55 | \$28,151.55 | \$80,000.00 | \$80,000.00 |
| 10 | Portable Changeable Message Sign | 11,500 HR | \$3.00 | \$34,500.00 | \$3.00 | \$34,500.00 | \$3.00 | \$34,500.00 | \$0.01 | \$115.00 | \$12.00 | \$138,000.00 |
| 11 | Flaggers | 7,600 HR | \$60.00 | \$456,000.00 | \$75.00 | \$570,000.00 | \$66.00 | \$501,600.00 | \$77.26 | \$587,176.00 | \$91.00 | \$691,600.00 |
| 12 | Cleaning and Grubbing | 1 LS | \$65,000.00 | \$65,000.00 | \$40,000.00 | \$40,000.00 | \$30,000.00 | \$30,000.00 | \$31,370.69 | \$31,370.69 | \$62,000.00 | \$62,000.00 |
| 13 | Removal of Structures and Obstructions | 1 LS | \$80,000.00 | \$80,000.00 | \$40,000.00 | \$40,000.00 | \$200,000.00 | \$200,000.00 | \$7,123.63 | \$7,123.63 | \$105,000.00 | \$105,000.00 |
| 14 | Excavation, Embankment and Grading, Incl. Haul | 500 CY | \$35.00 | \$17,500.00 | \$45.00 | \$22,500.00 | \$65.00 | \$32,500.00 | \$93.71 | \$46,855.00 | \$200.00 | \$100,000.00 |
| 15 | Gravel Borrow, Incl. Haul | 6,980 TN | \$45.00 | \$314,100.00 | \$16.00 | \$111,680.00 | \$28.00 | \$195,440.00 | \$18.93 | \$132,131.40 | \$21.00 | \$146,580.00 |
| 16 | Preload Settlement Monitoring System | 1 LS | \$20,000.00 | \$20,000.00 | \$70,000.00 | \$70,000.00 | \$4,500.00 | \$4,500.00 | \$14,783.79 | \$14,783.79 | \$132,500.00 | \$132,500.00 |
| 17 | Controlled Density Fill | 260 CY | \$250.00 | \$65,000.00 | \$225.00 | \$58,500.00 | \$200.00 | \$52,000.00 | \$260.25 | \$67,665.00 | \$175.00 | \$45,500.00 |
| 18 | Locate Existing Utilities | 1 LS | \$100,000.00 | \$100,000.00 | \$130,000.00 | \$130,000.00 | \$50,000.00 | \$50,000.00 | \$15,533.88 | \$15,533.88 | \$60,000.00 | \$60,000.00 |
| 19 | Additional Potholing | 10 EA | \$1,000.00 | \$10,000.00 | \$1,000.00 | \$10,000.00 | \$900.00 | \$9,000.00 | \$621.35 | \$6,213.50 | \$1,200.00 | \$12,000.00 |
| 20 | Construction Geotextile for Separation | 380 SY | \$5.00 | \$1,900.00 | \$2.00 | \$760.00 | \$5.00 | \$1,900.00 | \$5.33 | \$2,025.40 | \$8.25 | \$3,125.00 |
| 21 | Crushed Surfacing Top Course | 7,160 TN | \$50.00 | \$358,000.00 | \$70.00 | \$501,200.00 | \$45.00 | \$322,200.00 | \$22.47 | \$160,885.20 | \$48.00 | \$343,680.00 |
| 22 | Permeable Ballast | 155 CY | \$60.00 | \$9,300.00 | \$50.00 | \$7,750.00 | \$45.00 | \$6,975.00 | \$29.57 | \$4,583.35 | \$82.00 | \$12,710.00 |
| 23 | HMA CI 1/2" PG 58H-22 | 780 TN | \$165.00 | \$128,700.00 | \$185.00 | \$144,300.00 | \$190.00 | \$148,200.00 | \$177.41 | \$138,379.80 | \$210.00 | \$163,800.00 |
| 24 | Temporary HMA | 500 TN | \$150.00 | \$75,000.00 | \$155.00 | \$77,500.00 | \$200.00 | \$100,000.00 | \$162.19 | \$81,095.00 | \$318.00 | \$159,000.00 |
| 25 | Manhole, 48 In. Diam. | 4 EA | \$10,000.00 | \$40,000.00 | \$7,000.00 | \$28,000.00 | \$7,500.00 | \$30,000.00 | \$8,411.08 | \$33,644.32 | \$25,000.00 | \$100,000.00 |
| 26 | Sewer Air/Vac Release Discharge Manhole, 48 In. Diam. | 5 EA | \$5,000.00 | \$25,000.00 | \$15,000.00 | \$75,000.00 | \$8,000.00 | \$40,000.00 | \$13,452.65 | \$67,263.25 | \$20,000.00 | \$100,000.00 |
| 27 | Sewer Air/Vac Release Valve Assembly Manhole, 48 In. Diam. | 4 EA | \$15,000.00 | \$60,000.00 | \$17,000.00 | \$68,000.00 | \$9,500.00 | \$38,000.00 | \$15,425.40 | \$61,701.60 | \$29,000.00 | \$116,000.00 |
| 28 | Emergency Bypass Pumping Wet Well | 1 LS | \$75,000.00 | \$75,000.00 | \$65,000.00 | \$65,000.00 | \$70,000.00 | \$70,000.00 | \$96,159.58 | \$96,159.58 | \$70,000.00 | \$70,000.00 |
| 29 | Removal of Unsuitable Material (Trench) | 100 CY | \$55.00 | \$5,500.00 | \$55.00 | \$5,500.00 | \$45.00 | \$4,500.00 | \$350.70 | \$35,070.00 | \$53.00 | \$5,300.00 |
| 30 | Trench Excavation Safety Systems | 1 LS | \$40,000.00 | \$40,000.00 | \$30,000.00 | \$30,000.00 | \$15,000.00 | \$15,000.00 | \$70,443.61 | \$70,443.61 | \$84,000.00 | \$84,000.00 |
| 31 | Dewatering | 1 LS | \$200,000.00 | \$200,000.00 | \$400,000.00 | \$400,000.00 | \$250,000.00 | \$250,000.00 | \$889,724.61 | \$889,724.61 | \$310,000.00 | \$310,000.00 |
| 32 | SDR 35 PVC Sanitary Sewer Pipe, 8 In. Diam. | 1,050 LF | \$175.00 | \$183,750.00 | \$90.00 | \$94,500.00 | \$155.00 | \$162,750.00 | \$285.70 | \$299,985.00 | \$230.00 | \$241,500.00 |

DATE: 4/2025
 DRAWN: SC
 CHECKED: HT
 APPROVED: SC
 Page 1 of 8

CITY OF NORTH BEND, WASHINGTON
 MEADOWBROOK IMPROVEMENTS
 GRAY & OSBORNE #22613

GRAY & OSBORNE, INC.
 CONSULTING ENGINEERS

| BIDDER | ENGINEER'S ESTIMATE | NORTHWEST CONSTRUCTION, INC. | | MARSHBANK CONSTRUCTION, INC. | | FURY SITE WORKS, INC. | | JAMES W. FOWLER CO. | | | | |
|--------|--|------------------------------|-------------|------------------------------|--------------|-----------------------|--------------|---------------------|--------------|--------------|--------------|--------------|
| | | | | | | | | | | | | |
| 33 | 2 In. Diam. HDPE Sewer Low-Pressure Force Main | 4,070 LF | \$70.00 | \$284,900.00 | \$65.00 | \$264,550.00 | \$75.00 | \$305,250.00 | \$108.57 | \$442,286.90 | \$140.00 | \$569,800.00 |
| 34 | 3 In. Diam. HDPE Sewer Low-Pressure Force Main | 2,500 LF | \$90.00 | \$225,000.00 | \$65.00 | \$162,500.00 | \$80.00 | \$200,000.00 | \$110.97 | \$277,425.00 | \$140.00 | \$350,000.00 |
| 35 | 4 In. Diam. HDPE Sewer Low-Pressure Force Main | 950 LF | \$120.00 | \$114,000.00 | \$80.00 | \$76,000.00 | \$84.00 | \$79,800.00 | \$109.21 | \$103,749.50 | \$145.00 | \$137,750.00 |
| 36 | 6 In. Diam. HDPE Sewer Low-Pressure Force Main | 3,880 LF | \$150.00 | \$582,000.00 | \$70.00 | \$271,600.00 | \$82.00 | \$318,160.00 | \$114.73 | \$445,152.40 | \$150.00 | \$582,000.00 |
| 37 | 8 In. Diam. HDPE Sewer Low-Pressure Force Main | 1,020 LF | \$170.00 | \$173,400.00 | \$85.00 | \$86,700.00 | \$100.00 | \$102,000.00 | \$125.40 | \$127,908.00 | \$155.00 | \$158,100.00 |
| 38 | 8th Street Ribcay Creek Bridge Sewer Main Crossing | 1 LS | \$65,000.00 | \$65,000.00 | \$140,000.00 | \$140,000.00 | \$190,000.00 | \$190,000.00 | \$187,864.37 | \$187,864.87 | \$217,000.00 | \$217,000.00 |
| 39 | Boalch Avenue NW Gardiner Creek Bridge Sewer Main Crossing | 1 LS | \$30,000.00 | \$30,000.00 | \$45,000.00 | \$45,000.00 | \$60,000.00 | \$60,000.00 | \$60,547.35 | \$60,547.05 | \$50,000.00 | \$50,000.00 |
| 40 | Locate Station | 40 EA | \$2,000.00 | \$80,000.00 | \$1,000.00 | \$40,000.00 | \$1,000.00 | \$40,000.00 | \$682.33 | \$27,313.20 | \$900.00 | \$36,000.00 |
| 41 | End-Line Cleanout Assembly | 6 EA | \$4,000.00 | \$24,000.00 | \$1,600.00 | \$9,600.00 | \$2,500.00 | \$15,000.00 | \$1,665.71 | \$9,994.26 | \$1,250.00 | \$7,500.00 |
| 42 | In-Line Cleanout Assembly | 15 EA | \$5,000.00 | \$75,000.00 | \$2,800.00 | \$42,000.00 | \$3,200.00 | \$48,000.00 | \$2,336.31 | \$35,044.65 | \$1,900.00 | \$28,500.00 |
| 43 | Low-Pressure Sewer Service Assembly | 43 EA | \$1,200.00 | \$51,600.00 | \$3,200.00 | \$137,600.00 | \$1,600.00 | \$68,800.00 | \$4,252.32 | \$182,871.26 | \$3,200.00 | \$137,600.00 |
| 44 | Ball Valve, 2 In. | 12 EA | \$800.00 | \$9,600.00 | \$1,000.00 | \$12,000.00 | \$1,450.00 | \$17,400.00 | \$406.35 | \$4,882.20 | \$530.00 | \$6,360.00 |
| 45 | Ball Valve, 3 In. | 4 EA | \$4,000.00 | \$16,000.00 | \$5,200.00 | \$21,800.00 | \$1,750.00 | \$7,000.00 | \$713.17 | \$2,852.68 | \$840.00 | \$3,360.00 |
| 46 | Gate Valve, 4 In. | 2 EA | \$1,800.00 | \$3,600.00 | \$2,800.00 | \$5,600.00 | \$1,950.00 | \$3,900.00 | \$1,300.98 | \$2,601.96 | \$1,400.00 | \$2,800.00 |
| 47 | Gate Valve, 6 In. | 15 EA | \$2,700.00 | \$40,500.00 | \$3,300.00 | \$49,500.00 | \$2,200.00 | \$33,000.00 | \$1,678.98 | \$25,171.20 | \$1,850.00 | \$27,750.00 |
| 48 | Gate Valve, 8 In. | 7 EA | \$3,000.00 | \$21,000.00 | \$4,100.00 | \$28,700.00 | \$2,800.00 | \$19,600.00 | \$2,427.56 | \$16,993.62 | \$2,600.00 | \$18,200.00 |
| 49 | Side Sewer Pipe, 6 In. Diam. | 370 LF | \$130.00 | \$48,100.00 | \$155.00 | \$57,350.00 | \$210.00 | \$77,700.00 | \$305.93 | \$113,194.10 | \$285.00 | \$105,450.00 |
| 50 | Directional Drilling, 3 In. Diam. | 175 LF | \$260.00 | \$45,500.00 | \$120.00 | \$21,000.00 | \$200.00 | \$35,000.00 | \$200.35 | \$35,096.25 | \$220.00 | \$38,500.00 |
| 51 | Auger Bore, 30 In. Diam. Steel Casing, Incl. | 120 LF | \$2,100.00 | \$252,000.00 | \$1,300.00 | \$156,000.00 | \$1,300.00 | \$156,000.00 | \$1,794.13 | \$215,295.60 | \$2,000.00 | \$240,000.00 |
| 52 | Auger Bore, 30 In. Diam. Steel Casing, Incl. | 75 LF | \$2,125.00 | \$159,375.00 | \$1,500.00 | \$112,500.00 | \$1,300.00 | \$97,500.00 | \$1,866.82 | \$140,011.50 | \$2,200.00 | \$165,000.00 |
| 53 | Auger Bore, 30 In. Diam. Steel Casing, Incl. | 70 LF | \$2,100.00 | \$147,000.00 | \$1,500.00 | \$105,000.00 | \$1,500.00 | \$105,000.00 | \$1,884.36 | \$131,905.20 | \$2,250.00 | \$157,500.00 |
| 54 | Erosion Control and Water Pollution Prevention | 1 LS | \$60,000.00 | \$60,000.00 | \$75,000.00 | \$75,000.00 | \$40,000.00 | \$40,000.00 | \$75,808.36 | \$75,808.36 | \$160,000.00 | \$160,000.00 |
| 55 | Topsoil, Type A | 900 CY | \$100.00 | \$90,000.00 | \$70.00 | \$63,000.00 | \$80.00 | \$72,000.00 | \$75.10 | \$67,590.00 | \$82.00 | \$73,800.00 |
| 56 | Seeding, Fertilizing and Mulching, Mix 1 | 7,800 SY | \$4.00 | \$31,200.00 | \$1.50 | \$11,700.00 | \$8.00 | \$62,400.00 | \$3.41 | \$26,598.00 | \$1.40 | \$10,920.00 |
| 57 | Seeding, Fertilizing and Mulching, Mix 2 | 70 SY | \$35.00 | \$2,450.00 | \$8.00 | \$560.00 | \$15.00 | \$1,050.00 | \$3.62 | \$253.40 | \$8.50 | \$595.00 |
| 58 | Planting | 1 LS | \$15,000.00 | \$15,000.00 | \$20,000.00 | \$20,000.00 | \$11,000.00 | \$11,000.00 | \$22,105.95 | \$20,105.95 | \$11,500.00 | \$11,500.00 |
| 59 | Cement Concrete Traffic Curb and Gutter | 40 LF | \$70.00 | \$2,800.00 | \$170.00 | \$6,800.00 | \$165.00 | \$6,600.00 | \$94.62 | \$3,784.80 | \$58.00 | \$2,320.00 |
| 60 | Flexible Guide Posts | 29 EA | \$140.00 | \$4,060.00 | \$150.00 | \$4,350.00 | \$145.00 | \$4,205.00 | \$185.42 | \$5,377.18 | \$280.00 | \$8,120.00 |
| 61 | Chain Link Fence w/Vinyl Coating and Slats | 140 LF | \$150.00 | \$21,000.00 | \$90.00 | \$12,600.00 | \$100.00 | \$14,000.00 | \$100.42 | \$14,058.80 | \$100.00 | \$14,000.00 |
| 62 | Boilard | 8 EA | \$8,000.00 | \$64,000.00 | \$700.00 | \$5,600.00 | \$2,400.00 | \$19,200.00 | \$1,281.64 | \$10,253.12 | \$3,200.00 | \$25,600.00 |
| 63 | Cast-In-Place Monument | 2 EA | \$2,500.00 | \$5,000.00 | \$4,000.00 | \$8,000.00 | \$1,500.00 | \$3,000.00 | \$2,956.76 | \$5,913.52 | \$3,800.00 | \$7,600.00 |
| 64 | Cement Conc. Sidewalk | 30 SY | \$150.00 | \$4,500.00 | \$320.00 | \$9,600.00 | \$315.00 | \$9,450.00 | \$118.27 | \$3,548.10 | \$95.00 | \$2,850.00 |
| 65 | Mailbox Support, Type 1 | 3 EA | \$1,000.00 | \$3,000.00 | \$400.00 | \$1,200.00 | \$425.00 | \$1,275.00 | \$769.42 | \$2,308.26 | \$760.00 | \$2,280.00 |

DATE: 4/2025
 DRAWN: SC
 CHECKED: HT
 APPROVED: SC

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GRAY & OSBORNE, INC.
 CONSULTING ENGINEERS

CITY OF NORTH BEND, WASHINGTON
 MEADOWBROOK IMPROVEMENTS
 GRAY & OSBORNE #22613

| BIDDER | | ENGINEER'S ESTIMATE | NORTHWEST CONSTRUCTION, INC. | MARSHBANK CONSTRUCTION, INC. | FURY SITE WORKS, INC. | JAMES W. FOWLER CO. |
|--------|--|---------------------|------------------------------|------------------------------|-----------------------|---------------------|
| 66 | Mailbox Support, Type 2 | 1 EA \$1,000.00 | \$550.00 | \$600.00 | \$770.29 | \$975.00 |
| 67 | Electrical | 1 LS \$110,000.00 | \$550,000.00 | \$528,000.00 | \$592,542.64 | \$620,750.00 |
| 68 | Puget Sound Energy Connection Costs | 1 CALC \$10,000.00 | \$10,000.00 | \$10,000.00 | \$10,000.00 | \$10,000.00 |
| 69 | Permanent Signing | 1 LS \$20,000.00 | \$1,100.00 | \$1,000.00 | \$23,954.09 | \$2,000.00 |
| 70 | Plastic Traffic Arrow | 1 EA \$500.00 | \$400.00 | \$350.00 | \$413.95 | \$690.00 |
| 71 | Paint Line | 460 LF \$5.00 | \$2,300.00 | \$2.50 | \$2.96 | \$4.25 |
| 72 | Plastic Stop Line | 70 LF \$30.00 | \$2,100.00 | \$13.00 | \$17.74 | \$25.00 |
| 73 | Duplex Grinder Pump Station | 1 LS \$380,000.00 | \$530,000.00 | \$374,000.00 | \$1,466,776.16 | \$1,123,000.00 |
| | Subtotal, Schedule A | | \$6,072,180.00 | \$6,302,965.00 | \$8,163,849.71 | \$8,951,280.00 |
| | Sales Tax @ 9.1% | | \$552,568.38 | \$573,569.82 | \$742,910.32 | \$814,566.48 |
| | TOTAL CONSTRUCTION COST, SCHEDULE A | | \$6,624,748.38 | \$6,876,534.82 | \$8,906,760.03 | \$9,765,846.48 |

DATE: 4/2025
 DRAWN: SC
 CHECKED: HT
 APPROVED: SC

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GRAY & OSBORNE, INC.
 CONSULTING ENGINEERS

CITY OF NORTH BEND, WASHINGTON
 MEADOWBROOK IMPROVEMENTS
 GRAY & OSBORNE #22613

| NO. | BIDDER | ITEM | QUANTITY | ENGINEER'S ESTIMATE | | NORTHWEST CONSTRUCTION, INC. | | MARSHBANK CONSTRUCTION, INC. | | FURY SITE WORKS, INC. | | JAMES W. FOWLER CO. | |
|--|--------|---|----------|---------------------|-------------|------------------------------|-------------|------------------------------|--------------|-----------------------|-------------|---------------------|--------------|
| | | | | UNIT PRICE | AMOUNT | UNIT PRICE | AMOUNT | UNIT PRICE | AMOUNT | UNIT PRICE | AMOUNT | UNIT PRICE | AMOUNT |
| SCHEDULE B- NW 14TH STREET WATER MAIN | | | | | | | | | | | | | |
| 1 | | Minor Change | 1 | CALC | \$10,000.00 | \$10,000.00 | \$10,000.00 | \$10,000.00 | \$10,000.00 | \$10,000.00 | \$10,000.00 | \$10,000.00 | \$10,000.00 |
| 2 | | Survey | 1 | LS | \$10,000.00 | \$10,000.00 | \$6,000.00 | \$6,000.00 | \$5,000.00 | \$5,000.00 | \$6,132.31 | \$6,132.31 | \$8,000.00 |
| 3 | | Record Drawings (Minimum Bid \$500) | 1 | LS | \$500.00 | \$500.00 | \$1,000.00 | \$1,000.00 | \$2,500.00 | \$2,500.00 | \$500.00 | \$500.00 | \$1,000.00 |
| 4 | | Archaeological and Historical Salvage | 1 | FA | \$5,000.00 | \$5,000.00 | \$5,000.00 | \$5,000.00 | \$5,000.00 | \$5,000.00 | \$5,000.00 | \$5,000.00 | \$5,000.00 |
| 5 | | Mobilization, Cleanup and Demobilization | 1 | LS | \$90,000.00 | \$90,000.00 | \$20,000.00 | \$20,000.00 | \$100,000.00 | \$100,000.00 | \$88,861.24 | \$88,861.24 | \$70,000.00 |
| 6 | | Project Temporary Traffic Control | 1 | LS | \$10,000.00 | \$10,000.00 | \$40,000.00 | \$40,000.00 | \$38,000.00 | \$38,000.00 | \$28,151.55 | \$28,151.55 | \$13,300.00 |
| 7 | | Portable Changeable Message Sign | 1,250 | HR | \$3.00 | \$3,750.00 | \$4.00 | \$5,000.00 | \$3.00 | \$3,750.00 | \$0.00 | \$0.00 | \$12.00 |
| 8 | | Flagger | 720 | HR | \$60.00 | \$43,200.00 | \$75.00 | \$54,000.00 | \$66.00 | \$47,520.00 | \$77.26 | \$55,627.20 | \$91.00 |
| 9 | | Removal of Structures and Obstructions | 1 | LS | \$10,000.00 | \$10,000.00 | \$5,000.00 | \$5,000.00 | \$25,000.00 | \$25,000.00 | \$23,668.58 | \$23,668.58 | \$7,500.00 |
| 10 | | Gravel Borrow, Incl. Haul | 700 | TN | \$45.00 | \$31,500.00 | \$16.00 | \$11,200.00 | \$28.00 | \$19,600.00 | \$18.92 | \$13,244.00 | \$21.00 |
| 11 | | Controlled Density Fill | 230 | CY | \$250.00 | \$57,500.00 | \$225.00 | \$51,750.00 | \$200.00 | \$46,000.00 | \$280.96 | \$64,620.80 | \$175.00 |
| 12 | | Locate Existing Utilities | 1 | LS | \$10,000.00 | \$10,000.00 | \$20,000.00 | \$20,000.00 | \$12,000.00 | \$12,000.00 | \$2,071.17 | \$2,071.17 | \$30,000.00 |
| 13 | | Additional Potholing | 5 | EA | \$1,000.00 | \$5,000.00 | \$1,000.00 | \$5,000.00 | \$900.00 | \$4,500.00 | \$828.27 | \$4,142.35 | \$1,200.00 |
| 14 | | Construction Geotextile for Separation | 100 | SY | \$5.00 | \$500.00 | \$2.00 | \$200.00 | \$5.00 | \$500.00 | \$5.53 | \$553.00 | \$3.25 |
| 15 | | Crushed Surfacing Top Course | 1,605 | TN | \$50.00 | \$80,250.00 | \$70.00 | \$112,350.00 | \$45.00 | \$72,225.00 | \$22.27 | \$36,064.35 | \$48.00 |
| 16 | | Permeable Ballast | 50 | CY | \$60.00 | \$3,000.00 | \$50.00 | \$2,500.00 | \$45.00 | \$2,250.00 | \$29.57 | \$1,478.50 | \$82.00 |
| 17 | | HMA Cl. 1/2" PG 58H+22 | 60 | TN | \$165.00 | \$9,900.00 | \$185.00 | \$11,100.00 | \$190.00 | \$11,400.00 | \$177.21 | \$10,644.60 | \$210.00 |
| 18 | | Temporary HMA | 40 | TN | \$150.00 | \$6,000.00 | \$6,200.00 | \$6,200.00 | \$200.00 | \$8,000.00 | \$162.20 | \$6,488.00 | \$318.00 |
| 19 | | Removal of Unsuitable Material (Trench) | 10 | CY | \$100.00 | \$1,000.00 | \$55.00 | \$550.00 | \$45.00 | \$450.00 | \$350.70 | \$3,507.00 | \$65.00 |
| 20 | | Trench Excavation Safety Systems | 1 | LS | \$5,000.00 | \$5,000.00 | \$10,000.00 | \$10,000.00 | \$5,000.00 | \$5,000.00 | \$17,449.22 | \$17,449.22 | \$28,000.00 |
| 21 | | Dewatering | 1 | LS | \$20,000.00 | \$20,000.00 | \$53,000.00 | \$53,000.00 | \$250,000.00 | \$250,000.00 | \$5,450.49 | \$5,450.49 | \$125,000.00 |
| 22 | | DI Pipe for Water Main, 12 In. Diam. | 1,460 | LF | \$185.00 | \$270,100.00 | \$200.00 | \$292,000.00 | \$195.00 | \$284,700.00 | \$203.16 | \$296,613.60 | \$250.00 |
| 23 | | Additional Ductile Iron Fittings | 1,000 | LB | \$5.00 | \$5,000.00 | \$6.00 | \$6,000.00 | \$5.00 | \$5,000.00 | \$4.60 | \$4,600.00 | \$4.50 |
| 24 | | Connection to Existing Water Main | 1 | EA | \$7,500.00 | \$7,500.00 | \$8,000.00 | \$8,000.00 | \$4,700.00 | \$4,700.00 | \$10,677.42 | \$10,677.42 | \$7,000.00 |
| 25 | | Abandonment of Existing Water System | 1 | LS | \$1,200.00 | \$1,200.00 | \$7,500.00 | \$7,500.00 | \$4,000.00 | \$4,000.00 | \$5,390.17 | \$5,390.17 | \$5,500.00 |
| 26 | | Gate Valve, 12 In. | 3 | EA | \$3,000.00 | \$9,000.00 | \$6,000.00 | \$18,000.00 | \$4,500.00 | \$13,500.00 | \$4,308.84 | \$12,926.52 | \$4,500.00 |
| 27 | | Water Combination Air/Vac Release Valve Assembly | 1 | EA | \$3,500.00 | \$3,500.00 | \$5,000.00 | \$5,000.00 | \$3,800.00 | \$3,800.00 | \$4,985.84 | \$4,985.84 | \$3,500.00 |
| 28 | | Fire Hydrant Assembly | 4 | EA | \$8,000.00 | \$32,000.00 | \$13,000.00 | \$52,000.00 | \$8,500.00 | \$34,000.00 | \$10,650.29 | \$42,601.16 | \$15,000.00 |
| 29 | | Fire Hydrant Guard Posts | 8 | EA | \$1,000.00 | \$8,000.00 | \$600.00 | \$4,800.00 | \$650.00 | \$5,200.00 | \$705.56 | \$5,644.48 | \$1,750.00 |
| 30 | | Service Connection, 1 In. Diam. | 13 | EA | \$1,500.00 | \$19,500.00 | \$1,600.00 | \$20,800.00 | \$3,500.00 | \$45,500.00 | \$3,467.54 | \$45,078.02 | \$2,450.00 |
| 31 | | Service Pipe, 1 In. Diam. | 390 | LF | \$35.00 | \$13,650.00 | \$44.00 | \$17,160.00 | \$45.00 | \$17,550.00 | \$4.55 | \$1,774.50 | \$70.00 |
| 32 | | Service Connection, 1-1/2 In. Diam. | 3 | EA | \$2,000.00 | \$6,000.00 | \$16,000.00 | \$48,000.00 | \$7,000.00 | \$21,000.00 | \$14,933.98 | \$44,801.94 | \$14,500.00 |
| 33 | | Service Pipe, 1-1/2 In. Diam. | 65 | LF | \$45.00 | \$2,925.00 | \$70.00 | \$4,550.00 | \$85.00 | \$5,525.00 | \$4.73 | \$307.45 | \$100.00 |
| 34 | | Auger Bore, 30 In. Diam. Steel Casing, Incl. 12 In. DI Carrier Pipe | 145 | LF | \$2,150.00 | \$311,750.00 | \$1,500.00 | \$217,500.00 | \$1,500.00 | \$217,500.00 | \$2,000.33 | \$290,047.85 | \$2,000.00 |
| 35 | | Erosion Control and Water Pollution Prevention | 1 | LS | \$5,000.00 | \$5,000.00 | \$10,000.00 | \$10,000.00 | \$5,000.00 | \$5,000.00 | \$10,947.26 | \$10,947.26 | \$19,000.00 |
| 36 | | Topsoil, Type A | 5 | CY | \$120.00 | \$600.00 | \$70.00 | \$350.00 | \$80.00 | \$400.00 | \$79.24 | \$396.20 | \$82.00 |

DATE: 4/2025
 DRAWN: SC
 CHECKED: HT
 APPROVED: SC

GRAY & OSBORNE, INC.
 CONSULTING ENGINEERS

CITY OF NORTH BEND, WASHINGTON
 MEADOWBROOK IMPROVEMENTS
 GRAY & OSBORNE #22613

| BIDDER | | ENGINEER'S ESTIMATE | NORTHWEST CONSTRUCTION, INC. | | MARSHBANK CONSTRUCTION, INC. | | FURY SITE WORKS, INC. | | JAMES W. FOWLER CO. | |
|--------|--|---------------------|------------------------------|----------------|------------------------------|----------------|-----------------------|----------------|---------------------|----------------|
| | | | | | | | | | | |
| 37 | Seeding, Fertilizing and Mulching, Mix 1 | \$20.00 | \$1.50 | \$15.00 | \$2.00 | \$20.00 | \$11.83 | \$118.30 | \$1.40 | \$14.00 |
| 38 | Cement Concrete Traffic Curb and Gutter | \$1,000.00 | \$170.00 | \$850.00 | \$166.00 | \$830.00 | \$118.27 | \$591.35 | \$225.00 | \$1,125.00 |
| 39 | Paint Line | \$7.00 | \$2.50 | \$112.50 | \$11.00 | \$495.00 | \$3.55 | \$159.75 | \$4.00 | \$180.00 |
| | Subtotal, Schedule B | \$1,109,340.00 | | \$1,142,487.50 | | \$1,337,415.00 | | \$1,207,308.67 | | \$1,439,584.00 |
| | Sales Tax @ 9.1% | \$100,949.94 | | \$103,966.36 | | \$121,704.77 | | \$109,865.09 | | \$131,002.14 |
| | TOTAL CONSTRUCTION COST, SCHEDULE B | \$1,210,289.94 | | \$1,246,453.86 | | \$1,459,119.77 | | \$1,317,173.76 | | \$1,570,586.14 |

DATE: 4/2025
 DRAWN: SC
 CHECKED: HT
 APPROVED: SC
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GRAY & OSBORNE, INC.
 CONSULTING ENGINEERS

CITY OF NORTH BEND, WASHINGTON
 MEADOWBROOK IMPROVEMENTS
 GRAY & OSBORNE #22613

| NO. | ITEM | QUANTITY | ENGINEER'S ESTIMATE | | NORTHWEST CONSTRUCTION, INC. | | MARSHBANK CONSTRUCTION, INC. | | FURY SITE WORKS, INC. | | JAMES W. FOWLER CO. | |
|---|--|----------|---------------------|-------------|------------------------------|-------------|------------------------------|-------------|-----------------------|-------------|---------------------|--------------|
| | | | UNIT PRICE | AMOUNT | UNIT PRICE | AMOUNT | UNIT PRICE | AMOUNT | UNIT PRICE | AMOUNT | UNIT PRICE | AMOUNT |
| SCHEDULE C - NW 14TH STREET ROADWAY IMPROVEMENTS | | | | | | | | | | | | |
| 1 | Minor Change | 1 | CALC | \$5,000.00 | \$5,000.00 | \$5,000.00 | \$5,000.00 | \$5,000.00 | \$5,000.00 | \$5,000.00 | \$5,000.00 | \$5,000.00 |
| 2 | Survey | 1 | LS | \$8,000.00 | \$8,000.00 | \$6,000.00 | \$6,000.00 | \$4,000.00 | \$4,000.00 | \$5,771.59 | \$5,771.59 | \$8,000.00 |
| 3 | Record Drawings (Minimum Bid \$500) | 1 | LS | \$500.00 | \$500.00 | \$500.00 | \$500.00 | \$2,500.00 | \$2,500.00 | \$500.00 | \$500.00 | \$1,000.00 |
| 4 | Mobilization, Cleanup and Demobilization | 1 | LS | \$45,000.00 | \$45,000.00 | \$20,000.00 | \$20,000.00 | \$20,000.00 | \$20,000.00 | \$33,710.83 | \$33,710.83 | \$25,000.00 |
| 5 | Project Temporary Traffic Control | 1 | LS | \$12,000.00 | \$12,000.00 | \$25,000.00 | \$25,000.00 | \$10,000.00 | \$10,000.00 | \$28,151.55 | \$28,151.55 | \$13,500.00 |
| 6 | Portable Changeable Message Sign | 200 | HR | \$3.00 | \$600.00 | \$4.00 | \$800.00 | \$3.00 | \$600.00 | \$2.00 | \$2.00 | \$2,400.00 |
| 7 | Flaggers | 30 | HR | \$60.00 | \$1,800.00 | \$75.00 | \$2,250.00 | \$66.00 | \$1,980.00 | \$77.36 | \$2,320.80 | \$2,730.00 |
| 8 | Cleaning and Grubbing | 1 | LS | \$7,500.00 | \$7,500.00 | \$6,000.00 | \$6,000.00 | \$7,500.00 | \$7,500.00 | \$5,667.88 | \$5,667.88 | \$37,000.00 |
| 9 | Removal of Structures and Obstructions | 1 | LS | \$10,000.00 | \$10,000.00 | \$2,000.00 | \$2,000.00 | \$2,000.00 | \$2,000.00 | \$2,071.17 | \$2,071.17 | \$23,000.00 |
| 10 | Excavation, Embankment and Grading, Incl. Haul | 420 | CY | \$35.00 | \$14,700.00 | \$45.00 | \$18,900.00 | \$80.00 | \$33,600.00 | \$61.51 | \$25,876.20 | \$92,400.00 |
| 11 | Gravel Borrow, Incl. Haul | 320 | TN | \$45.00 | \$14,400.00 | \$16.00 | \$5,120.00 | \$28.00 | \$8,960.00 | \$29.57 | \$9,462.40 | \$6,720.00 |
| 12 | Cement for Cement Treated Base | 150 | TN | \$250.00 | \$37,500.00 | \$255.00 | \$38,250.00 | \$300.00 | \$45,000.00 | \$325.24 | \$48,786.00 | \$50,250.00 |
| 13 | Cement Treated Base | 3,200 | SY | \$8.00 | \$25,600.00 | \$7.00 | \$22,400.00 | \$10.00 | \$32,000.00 | \$10.48 | \$33,536.00 | \$38,400.00 |
| 14 | Locate Existing Utilities | 1 | LS | \$5,000.00 | \$5,000.00 | \$1,000.00 | \$1,000.00 | \$4,000.00 | \$4,000.00 | \$2,071.17 | \$2,071.17 | \$30,000.00 |
| 15 | Additional Potholing | 5 | EA | \$1,000.00 | \$5,000.00 | \$1,000.00 | \$5,000.00 | \$900.00 | \$4,500.00 | \$828.47 | \$4,142.35 | \$6,000.00 |
| 16 | Crushed Surfacing Top Course | 190 | TN | \$50.00 | \$9,500.00 | \$70.00 | \$13,300.00 | \$65.00 | \$12,350.00 | \$49.83 | \$9,467.70 | \$9,120.00 |
| 17 | HMA CI 1/2" PG 58H-22 | 610 | TN | \$160.00 | \$97,600.00 | \$185.00 | \$112,850.00 | \$190.00 | \$115,900.00 | \$177.41 | \$108,220.10 | \$128,100.00 |
| 18 | Ductile Iron Storm Sewer Pipe, 18 In. Diam. | 82 | LF | \$190.00 | \$15,580.00 | \$230.00 | \$18,860.00 | \$230.00 | \$18,860.00 | \$233.25 | \$19,126.50 | \$275.00 |
| 19 | Erosion/Water Pollution Control | 1 | LS | \$7,500.00 | \$7,500.00 | \$5,000.00 | \$5,000.00 | \$3,500.00 | \$3,500.00 | \$13,947.26 | \$10,947.26 | \$19,000.00 |
| 20 | Biofiltration Soil Mixture | 280 | CY | \$100.00 | \$28,000.00 | \$75.00 | \$21,000.00 | \$275.00 | \$77,000.00 | \$114.74 | \$32,127.20 | \$35,000.00 |
| 21 | Seeding, Fertilizing and Mulching, Mix 1 | 1,300 | SY | \$4.00 | \$5,200.00 | \$1.50 | \$1,950.00 | \$7.00 | \$9,100.00 | \$3.52 | \$4,706.00 | \$1.40 |
| 22 | Mailbox Support, Type 1 | 7 | EA | \$1,000.00 | \$7,000.00 | \$400.00 | \$2,800.00 | \$425.00 | \$2,975.00 | \$769.17 | \$5,384.19 | \$5,320.00 |
| 23 | Mailbox Support, Type 2 | 2 | EA | \$2,000.00 | \$4,000.00 | \$550.00 | \$1,100.00 | \$600.00 | \$1,200.00 | \$695.21 | \$1,390.42 | \$1,950.00 |
| 24 | Permanent Signage | 1 | LS | \$9,000.00 | \$9,000.00 | \$5,000.00 | \$5,000.00 | \$4,600.00 | \$4,600.00 | \$3,695.78 | \$8,695.78 | \$9,000.00 |
| 25 | Paint Line | 940 | LF | \$1.00 | \$940.00 | \$2.50 | \$2,350.00 | \$2.00 | \$1,880.00 | \$2.37 | \$2,227.80 | \$4.00 |
| 26 | Plastic Stop Line | 15 | LF | \$30.00 | \$450.00 | \$14.00 | \$210.00 | \$13.00 | \$195.00 | \$17.74 | \$266.10 | \$25.00 |
| Subtotal, Schedule C | | | | | \$375,370.00 | | \$342,640.00 | | \$429,200.00 | | \$410,625.99 | \$577,395.00 |
| Sales Tax @ 0% (Per W.S. Revenue Rule 171) | | | | | \$0.00 | | \$0.00 | | \$0.00 | | \$0.00 | \$0.00 |
| TOTAL CONSTRUCTION COST, SCHEDULE C | | | | | \$375,370.00 | | \$342,640.00 | | \$429,200.00 | | \$410,625.99 | \$577,395.00 |

DATE: 4/2025
 DRAWN: SC
 CHECKED: HT
 APPROVED: SC
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GRAY & OSBORNE, INC.
 CONSULTING ENGINEERS

CITY OF NORTH BEND, WASHINGTON
 MEADOWBROOK IMPROVEMENTS
 GRAY & OSBORNE #22613

| NO. | BIDDER | ITEM | QUANTITY | ENGINEER'S ESTIMATE | | NORTHWEST CONSTRUCTION, INC. | | MARSHBANK CONSTRUCTION, INC. | | FURY SITE WORKS, INC. | | JAMES W. FOWLER CO. | |
|--|--------|--|----------|---------------------|--------------|------------------------------|--------------|------------------------------|--------------|-----------------------|--------------|---------------------|--------------|
| | | | | UNIT PRICE | AMOUNT | UNIT PRICE | AMOUNT | UNIT PRICE | AMOUNT | UNIT PRICE | AMOUNT | UNIT PRICE | AMOUNT |
| SCHEDULE D - NW 8TH STREET WATER MAIN | | | | | | | | | | | | | |
| 1 | | Minor Change | 1 CALC | \$15,000.00 | \$15,000.00 | \$15,000.00 | \$15,000.00 | \$15,000.00 | \$15,000.00 | \$15,000.00 | \$15,000.00 | \$15,000.00 | \$15,000.00 |
| 2 | | Survey | 1 LS | \$15,000.00 | \$15,000.00 | \$10,000.00 | \$10,000.00 | \$7,000.00 | \$7,000.00 | \$7,000.00 | \$7,000.00 | \$7,000.00 | \$9,000.00 |
| 3 | | Record Drawings (Minimum Bid \$500) | 1 LS | \$500.00 | \$500.00 | \$1,000.00 | \$1,000.00 | \$2,000.00 | \$2,000.00 | \$500.00 | \$500.00 | \$1,000.00 | \$1,000.00 |
| 4 | | Archaeological and Historical Salvage | 1 FA | \$5,000.00 | \$5,000.00 | \$5,000.00 | \$5,000.00 | \$5,000.00 | \$5,000.00 | \$5,000.00 | \$5,000.00 | \$5,000.00 | \$5,000.00 |
| 5 | | Mobilization, Cleanup and Demobilization | 1 LS | \$140,000.00 | \$140,000.00 | \$25,000.00 | \$25,000.00 | \$150,000.00 | \$150,000.00 | \$93,000.70 | \$93,000.70 | \$100,000.00 | \$100,000.00 |
| 6 | | Project Temporary Traffic Control | 1 LS | \$10,000.00 | \$10,000.00 | \$60,000.00 | \$60,000.00 | \$65,000.00 | \$65,000.00 | \$28,151.55 | \$28,151.55 | \$22,000.00 | \$22,000.00 |
| 7 | | Portable Changeable Message Sign | 2,350 HR | \$3.00 | \$7,050.00 | \$4.00 | \$9,400.00 | \$3.00 | \$7,050.00 | \$0.01 | \$23.50 | \$12.00 | \$28,200.00 |
| 8 | | Flaggers | 1,250 HR | \$60.00 | \$75,000.00 | \$75.00 | \$93,750.00 | \$66.00 | \$82,500.00 | \$77.26 | \$96,575.00 | \$91.00 | \$113,750.00 |
| 9 | | Clearing and Grubbing | 1 LS | \$30,000.00 | \$30,000.00 | \$15,000.00 | \$15,000.00 | \$25,000.00 | \$25,000.00 | \$87,522.93 | \$87,522.93 | \$35,000.00 | \$35,000.00 |
| 10 | | Removal of Structures and Obstructions | 1 LS | \$15,000.00 | \$15,000.00 | \$12,000.00 | \$12,000.00 | \$40,000.00 | \$40,000.00 | \$6,804.89 | \$6,804.89 | \$40,000.00 | \$40,000.00 |
| 11 | | Gravel Borrow, Incl. Haul | 570 TN | \$45.00 | \$25,650.00 | \$16.00 | \$9,120.00 | \$28.00 | \$15,960.00 | \$18.92 | \$10,784.40 | \$21.00 | \$11,970.00 |
| 12 | | Controlled Density Fill | 10 CY | \$250.00 | \$2,500.00 | \$225.00 | \$2,250.00 | \$200.00 | \$2,000.00 | \$280.97 | \$2,809.70 | \$175.00 | \$1,750.00 |
| 13 | | Locate Existing Utilities | 1 LS | \$20,000.00 | \$20,000.00 | \$30,000.00 | \$30,000.00 | \$8,000.00 | \$8,000.00 | \$6,213.54 | \$6,213.54 | \$12,000.00 | \$12,000.00 |
| 14 | | Additional Potholing | 5 EA | \$1,000.00 | \$5,000.00 | \$1,000.00 | \$5,000.00 | \$900.00 | \$4,500.00 | \$828.47 | \$4,142.35 | \$1,200.00 | \$6,000.00 |
| 15 | | Construction Geotextile for Separation | 200 SY | \$5.00 | \$1,000.00 | \$2.00 | \$400.00 | \$5.00 | \$1,000.00 | \$5.33 | \$1,066.00 | \$3.25 | \$650.00 |
| 16 | | Crushed Surfacing Top Course | 2,740 TN | \$50.00 | \$137,000.00 | \$70.00 | \$191,800.00 | \$45.00 | \$123,300.00 | \$22.47 | \$61,567.80 | \$48.00 | \$131,520.00 |
| 17 | | Permeable Ballast | 95 CY | \$60.00 | \$5,700.00 | \$50.00 | \$4,750.00 | \$60.00 | \$5,700.00 | \$29.57 | \$2,809.15 | \$82.00 | \$7,790.00 |
| 18 | | HMA Cl. 1/2" PG 58H-22 | 390 TN | \$165.00 | \$64,350.00 | \$185.00 | \$72,150.00 | \$190.00 | \$74,100.00 | \$177.41 | \$69,189.90 | \$210.00 | \$81,900.00 |
| 19 | | Temporary HMA | 190 TN | \$150.00 | \$28,500.00 | \$155.00 | \$29,450.00 | \$200.00 | \$38,000.00 | \$162.19 | \$30,816.10 | \$318.00 | \$60,420.00 |
| 20 | | Removal of Unsuitable Material (Trench) | 10 CY | \$250.00 | \$2,500.00 | \$55.00 | \$550.00 | \$45.00 | \$450.00 | \$350.70 | \$3,507.00 | \$53.00 | \$530.00 |
| 21 | | Trench Excavation Safety Systems | 1 LS | \$10,000.00 | \$10,000.00 | \$25,000.00 | \$25,000.00 | \$7,500.00 | \$7,500.00 | \$43,183.18 | \$43,183.18 | \$28,000.00 | \$28,000.00 |
| 22 | | Dewatering | 1 LS | \$45,000.00 | \$45,000.00 | \$100,000.00 | \$100,000.00 | \$50,000.00 | \$50,000.00 | \$49,991.01 | \$49,991.01 | \$125,000.00 | \$125,000.00 |
| 23 | | DI Pipe for Water Main, 8 In. Diam. | 45 LF | \$180.00 | \$8,100.00 | \$220.00 | \$9,900.00 | \$250.00 | \$11,250.00 | \$155.97 | \$7,018.65 | \$260.00 | \$11,700.00 |
| 24 | | DI Pipe for Water Main, 12 In. Diam. | 2,640 LF | \$185.00 | \$488,400.00 | \$200.00 | \$528,000.00 | \$190.00 | \$501,600.00 | \$199.92 | \$527,788.80 | \$260.00 | \$686,400.00 |
| 25 | | DI Pipe for Water Main, 20 In. Diam. | 30 LF | \$400.00 | \$12,000.00 | \$1,000.00 | \$30,000.00 | \$900.00 | \$27,000.00 | \$1,009.41 | \$30,282.30 | \$950.00 | \$28,500.00 |
| 26 | | Additional Ductile Iron Fittings | 1,000 LB | \$5.00 | \$5,000.00 | \$6.00 | \$6,000.00 | \$5.00 | \$5,000.00 | \$4.60 | \$4,600.00 | \$4.50 | \$4,500.00 |
| 27 | | Connection to Existing Water Main | 2 EA | \$5,000.00 | \$10,000.00 | \$8,000.00 | \$16,000.00 | \$7,500.00 | \$15,000.00 | \$10,366.38 | \$20,732.76 | \$6,500.00 | \$13,000.00 |
| 28 | | Blowoff Assembly | 2 EA | \$3,500.00 | \$7,000.00 | \$3,500.00 | \$7,000.00 | \$3,500.00 | \$7,000.00 | \$4,173.47 | \$8,346.94 | \$2,600.00 | \$5,200.00 |
| 29 | | 8th Street Ribary Creek Bridge Water Main Crossing | 1 LS | \$75,000.00 | \$75,000.00 | \$180,000.00 | \$180,000.00 | \$195,000.00 | \$195,000.00 | \$226,390.44 | \$226,390.44 | \$225,000.00 | \$225,000.00 |
| 30 | | Abandonment of Existing Water System | 1 LS | \$2,500.00 | \$2,500.00 | \$15,000.00 | \$15,000.00 | \$10,000.00 | \$10,000.00 | \$3,883.50 | \$3,883.50 | \$5,500.00 | \$5,500.00 |
| 31 | | Gate Valve, 8 In. | 1 EA | \$2,500.00 | \$2,500.00 | \$3,500.00 | \$3,500.00 | \$2,700.00 | \$2,700.00 | \$2,247.14 | \$2,247.14 | \$2,350.00 | \$2,350.00 |
| 32 | | Gate Valve, 12 In. | 12 EA | \$3,000.00 | \$36,000.00 | \$6,000.00 | \$72,000.00 | \$4,500.00 | \$54,000.00 | \$4,198.60 | \$50,383.20 | \$4,400.00 | \$52,800.00 |
| 33 | | Water Combination Air/Vac Release Valve Assembly | 2 EA | \$5,000.00 | \$10,000.00 | \$5,000.00 | \$10,000.00 | \$2,400.00 | \$4,800.00 | \$4,988.35 | \$9,976.70 | \$2,200.00 | \$4,400.00 |
| 34 | | Fire Hydrant Assembly | 4 EA | \$8,000.00 | \$32,000.00 | \$13,000.00 | \$52,000.00 | \$8,200.00 | \$32,800.00 | \$10,220.69 | \$40,882.76 | \$15,000.00 | \$60,000.00 |
| 35 | | Fire Hydrant Guard Posts | 8 EA | \$500.00 | \$4,000.00 | \$600.00 | \$4,800.00 | \$700.00 | \$5,600.00 | \$705.85 | \$5,646.80 | \$1,750.00 | \$14,000.00 |
| 36 | | Service Connection, 1 In. Diam. | 5 EA | \$2,000.00 | \$10,000.00 | \$1,600.00 | \$8,000.00 | \$3,500.00 | \$17,500.00 | \$3,229.96 | \$16,149.80 | \$2,600.00 | \$13,000.00 |
| 37 | | Service Pipe, 1 In. Diam. | 570 LF | \$35.00 | \$19,950.00 | \$20.00 | \$11,400.00 | \$85.00 | \$48,450.00 | \$3.29 | \$1,875.30 | \$20.00 | \$11,400.00 |

DATE: 4/2025
 DRAWN: SC
 CHECKED: HT
 APPROVED: SC

GRAY & OSBORNE, INC.
 CONSULTING ENGINEERS

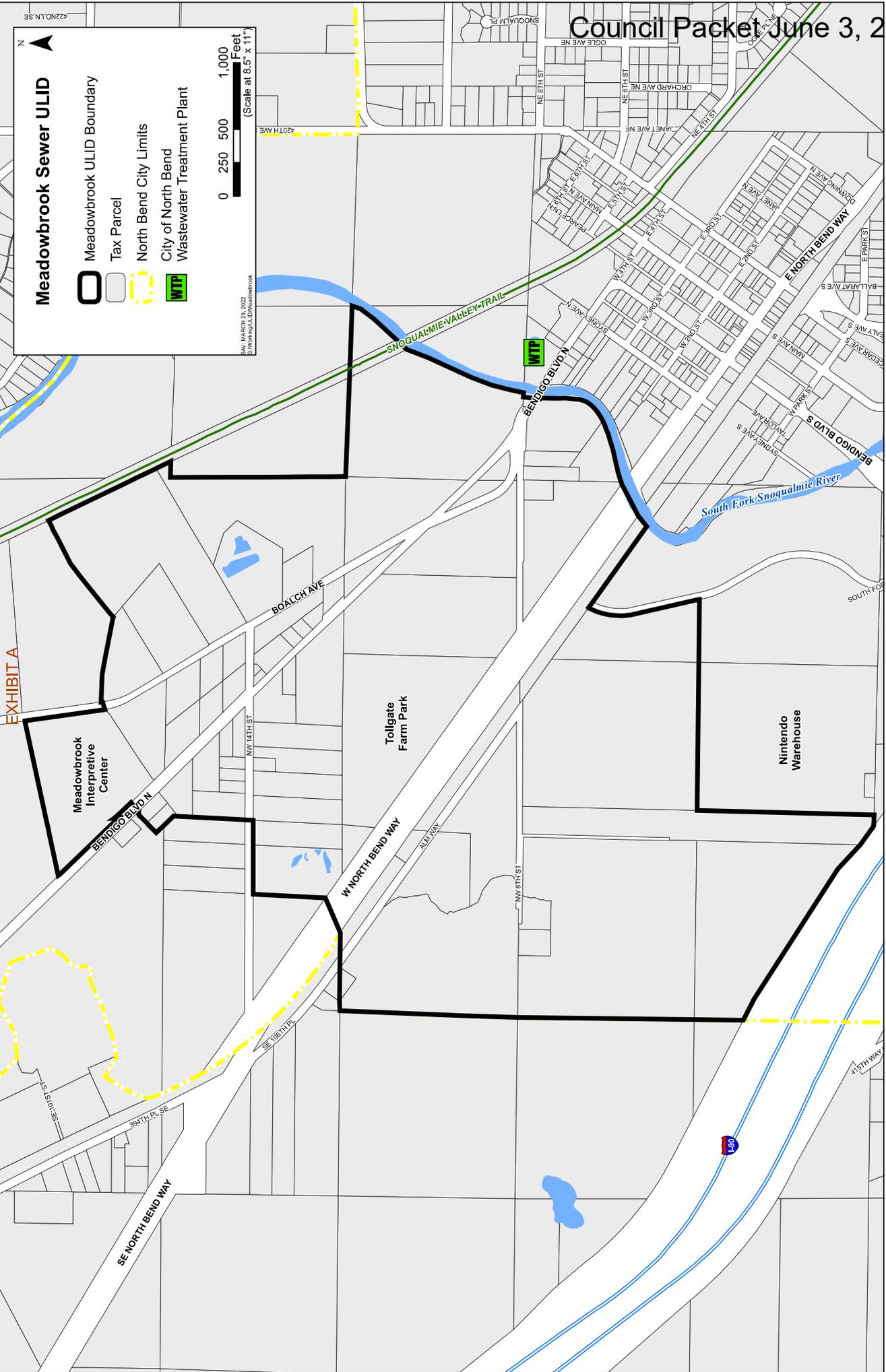
CITY OF NORTH BEND, WASHINGTON
 MEADOWBROOK IMPROVEMENTS
 GRAY & OSBORNE #22613

| BIDDER | ENGINEER'S ESTIMATE | NORTHWEST CONSTRUCTION, INC. | | MARSHBANK CONSTRUCTION, INC. | | FURY SITE WORKS, INC. | | JAMES W. FOWLER CO. | |
|--|-------------------------------|------------------------------|-----------------|------------------------------|-----------------|-----------------------|-----------------|---------------------|-----------------|
| | | | | | | | | | |
| 38 Auger Bore, 30 In. Diam. Steel Casing, Incl. 12 In. DI Carrier Pipe | 50 LF \$2,150.00 \$107,500.00 | \$1,700.00 | \$85,000.00 | \$1,815.00 | \$90,750.00 | \$1,973.18 | \$98,659.00 | \$2,500.00 | \$125,000.00 |
| 39 Auger Bore, 30 In. Diam. Steel Casing, Incl. 12 In. DI Carrier Pipe (Railroad) | 75 LF \$2,165.00 \$162,375.00 | \$1,600.00 | \$120,000.00 | \$1,650.00 | \$123,750.00 | \$1,991.09 | \$149,331.75 | \$2,200.00 | \$165,000.00 |
| 40 Erosion Control and Water Pollution Prevention | 1 LS \$10,000.00 \$10,000.00 | \$10,000.00 | \$10,000.00 | \$10,000.00 | \$10,000.00 | \$10,947.26 | \$10,947.26 | \$18,500.00 | \$18,500.00 |
| 41 Topsoil, Type A | 200 CY \$100.00 \$20,000.00 | \$70.00 | \$14,000.00 | \$80.00 | \$16,000.00 | \$79.24 | \$15,848.00 | \$81.00 | \$16,200.00 |
| 42 Seeding, Fertilizing and Mulching, Mix 1 | 1,000 SY \$4.00 \$4,000.00 | \$1.50 | \$1,500.00 | \$7.00 | \$7,000.00 | \$3.62 | \$3,620.00 | \$1.40 | \$1,400.00 |
| 43 Cement Concrete Traffic Curb and Gutter | 5 LF \$200.00 \$1,000.00 | \$170.00 | \$850.00 | \$166.00 | \$830.00 | \$118.27 | \$591.35 | \$230.00 | \$1,150.00 |
| 44 Cement Conc. Sidewalk | 25 SY \$150.00 \$3,750.00 | \$320.00 | \$8,000.00 | \$315.00 | \$7,875.00 | \$118.27 | \$2,956.75 | \$95.00 | \$2,375.00 |
| 45 Paint Lane | 210 LF \$5.00 \$1,050.00 | \$2.50 | \$525.00 | \$11.00 | \$2,310.00 | \$2.37 | \$497.70 | \$4.00 | \$840.00 |
| Subtotal, Schedule D | | | \$1,910,095.00 | | \$1,925,275.00 | | \$1,864,315.60 | | \$2,324,695.00 |
| Sales Tax @ 9.1% | | | \$153,960.63 | | \$175,200.03 | | \$169,652.72 | | \$211,547.25 |
| TOTAL CONSTRUCTION COST, SCHEDULE D | | | \$2,064,055.63 | | \$2,100,475.03 | | \$2,033,968.32 | | \$2,536,242.25 |
| TOTAL CONSTRUCTION COST, SCHEDULE A | | | \$6,624,748.38 | | \$6,876,534.82 | | \$8,906,760.03 | | \$9,765,846.48 |
| TOTAL CONSTRUCTION COST, SCHEDULE B | | | \$1,246,453.86 | | \$1,459,119.77 | | \$1,317,173.76 | | \$1,570,586.14 |
| TOTAL CONSTRUCTION COST, SCHEDULE C | | | \$375,370.00 | | \$429,200.00 | | \$410,625.99 | | \$577,395.00 |
| TOTAL CONSTRUCTION COST, SCHEDULE D | | | \$1,845,835.63 | | \$2,100,475.03 | | \$2,033,968.32 | | \$2,536,242.25 |
| TOTAL CONSTRUCTION COST, SCHEDULES A, B, C AND D | | | \$10,368,329.95 | | \$10,865,329.61 | | \$12,668,528.10 | | \$14,450,069.87 |
| Sealed bids were opened at the City of North Bend, 920 SE Cedar Falls Way, North Bend, Washington 98045 on Wednesday, Apr. 19, 2025, at 11:00 a.m. (local time). | | | | | | | | | |
| I hereby certify that, to the best of my knowledge, the above tabulations are true and correct transcriptions of the unit prices and total amounts bid. | | | | | | | | | |
|  STEPHEN CLARKE, P.E. | | | | | | | | | |
| DENOTES MATHEMATICAL OR ROUNDING ERROR | | | | | | | | | |

DATE: 4/2025
 DRAWN: SC
 CHECKED: HT
 APPROVED: SC

GRAY & OSBORNE, INC.
 CONSULTING ENGINEERS

CITY OF NORTH BEND, WASHINGTON
 MEADOWBROOK IMPROVEMENTS
 GRAY & OSBORNE #22613



Meadowbrook Sewer ULID

- Meadowbrook ULID Boundary
- Tax Parcel
- North Bend City Limits
- City of North Bend Wastewater Treatment Plant

Scale: 0 250 500 1,000 Feet
(Scale at 8.5" x 11")

REV. MARCH 29, 2022
© Working ULID Meadowbrook

EXHIBIT A



City Council Agenda Bill

| | | |
|---|--|-----------------|
| SUBJECT: | Agenda Date: June 3, 2025 | AB25-056 |
| Motion Authorizing Amendment No. 2 to Contract with Gray and Osborne for Construction Management and Inspection Services for the Meadowbrook Improvements Project Cost Impact: \$1,160,540 (Not to Exceed) Fund Source: See below Timeline: Immediate | Department/Committee/Individual | |
| | Mayor Mary Miller | |
| | Interim City Administrator – Bob Larson | |
| | City Attorney – Kendra Rosenberg | |
| | City Clerk – Susie Oppedal | |
| | Administrative Services – Lisa Escobar | |
| | Comm. & Economic Development – James Henderson | |
| | Finance – Martin Chaw | |
| | Public Works – Mark Rigos, P.E. | X |
| Attachments: Scope of Work, Fee | | |

SUMMARY STATEMENT:

As part of the pending heavy infrastructure construction of the Meadowbrook Improvements project, the City of North Bend needs full-time construction management and inspection services support to cover this large project. The City’s sole public works inspector lacks the bandwidth to support this large project and there are several specialized disciplines outside his expertise that require outside support including geotechnical engineering, cultural resource monitoring, survey monumentation, and startup / commissioning of the new facilities. As a result, the City needs external support.

During the past 2.5 years Gray and Osborne, Inc. (G&O) has completed the design and permitting for the Meadowbrook Improvements Project. The scope of work for the Meadowbrook Improvements Project is expansive and includes surveying, civil engineering, electrical engineering, geotechnical engineering, cultural resource review, and environmental services for floodplain, wetlands, and critical areas. The scope of work is detailed in a contract dated 9/27/2022 between the City and G&O in the amount of \$1,053,700. There was an approved Amendment No. 1 dated 2/8/2023 to that contract for \$98,900 for NW 14th Street roadway and water improvements, bringing the total to \$1,152,600 for design services. With this proposed Amendment No. 2 for construction management and inspection services, the grand total of this contract with G&O is \$2,313,140. This is a reasonable amount as the cost of construction exceeds \$10 million and the soft costs total of engineering, permitting, construction management and construction inspections of \$2.3 million is within the 20-25% typical proportion of total construction costs.

G&O is a large, local engineering firm headquartered in Seattle with experienced staff capable of performing the above-noted construction management and inspection services. City staff have a good working relationship with G&O and G&O provides quality work in a professional manner. City staff desire to supplement the contract for construction management and inspection services. The Scope of work is attached and includes the following tasks: project management and oversight, geotechnical services, submittal and shop drawing reviews, construction meetings, startup and commissioning, daily inspection and documentation services, survey services, and full-time cultural resources monitoring as required by permit.

Construction management and inspection services will be paid for by several funding sources based on the 4 separate schedules of work within the Meadowbrook Improvements Project as described below:

City Council Agenda Bill

Schedule A (Sanitary Sewer ULID No. 7): Construction management and inspection services for this schedule of work is a not to exceed (NTE) amount of **\$692,360** and will be funded with bonds that will ultimately be reimbursed via assessments issued to property owners within the ULID No. 7 boundary.

Schedule B (NW 14th Street Watermain): Construction management and inspection services for this schedule of work are a NTE amount of **\$119,840** and will be paid with water capital funds included in the 2025 budget.

Schedule C (NW 14th Street Roadway Improvements): Construction management and inspection services for this schedule of work are a NTE amount of **\$204,440** and will be paid with a combination of TIF (Transportation Improvement Fees) and TBD (Transportation Benefit District) funds included for this project in the City’s 2025 budget.

Schedule D (NW 8th Street Watermain): Construction management and inspection services for this schedule of work are a NTE amount of **\$143,900** and will be paid with water capital funds included in the City’s 2025 budget

City staff recommend approval of this Amendment No. 2 to the design contract.

APPLICABLE BRAND GUIDELINES: Consistent delivery of quality basic services including transportation and traffic management.

COMMITTEE REVIEW AND RECOMMENDATION: This item was discussed at the April 22, 2025 Transportation and Public Works Committee meeting and was recommended for approval and placement on Main Agenda for discussion.

RECOMMENDED ACTION: MOTION to approve AB25-056, authorizing the Mayor to execute Amendment No. 2 to the contract with G&O for construction management and inspection services for the Meadowbrook Improvements Project, in an amount not to exceed \$1,160,540, in a form and content approved by the City Attorney.

RECORD OF COUNCIL ACTION

| <i>Meeting Date</i> | <i>Action</i> | <i>Vote</i> |
|---------------------|---------------|-------------|
| June 3, 2025 | | |

EXHIBIT A

SCOPE OF WORK

**CITY OF NORTH BEND
MEADOWBROOK IMPROVEMENTS CONSTRUCTION MANAGEMENT**

PROJECT UNDERSTANDING

The City North Bend wishes to contract with Gray & Osborne for construction administration support services to support the construction of the Meadowbrook Improvements Project. The project includes four schedules of work. Exhibit B summarizes all Schedules, while Exhibit B-1 shows Schedule A – Sanitary Sewer ULID 7, Exhibit B-2 shows Schedule B – Northwest 14th Street Water Main, Exhibit B-3 shows Schedule C – Northwest 14th Street Roadway Improvements, and Exhibit B-4 shows Schedule D – Northwest 8th Street Water Main. This Scope of Work provides for construction administration services to support the project’s anticipated Contract construction period of 200 working days.

CONSTRUCTION ADMINISTRATION SUPPORT SERVICES

The following Construction Administration Service Tasks are included in this Contract to support the construction of the project.

Task 1 – Project Management and Oversight

Provide overall project management and oversight of the project work by the Principal-in-Charge and senior staff members. Services include the following.

- A. Provide overall project management and oversight services, including the following.
 - 1. Procure sufficient staff resources to dedicate to the project.
 - 2. Prepare and execute Subconsultant Contracts.
 - 3. Manage Subconsultant work.
 - 4. Manage and control project budget and schedule.
 - 5. Manage and provide monthly progress reports and invoices.

Task 2 – Geotechnical Support Services

Provide geotechnical support services during construction to observe and inspect the Contractor’s operations. Services include the following.

- A. Provide daily inspection during the installation of the lift station, the emergency bypass pumping wet well and sewer manholes. This service will be provided by PanGEO, Inc.
- B. Gray & Osborne will oversee and coordinate geotechnical support services.

Task 3 – In-Office Support Services

Provide in-office support to address and respond to Contractors and City staff questions and concerns during construction. Services include the following.

- A. Provide daily in-office support to respond to Contractor’s and City’s questions during construction.
- B. Prepare drawings/exhibits as required to clarify design/construction issues.
- C. Prepare monthly pay estimates.

Task 4 – Submittal Review

Review product submittal information for compliance with Contract requirements. Services include the following.

- A. Provide in-office review of information submitted by the Contractor as required by the Contract Documents, to ensure compliance with the Permits and intent of Contract Documents.
- B. Track submittals and provide written response/approval to Contractor-submitted information.

Task 5 – Construction Meetings

Attend onsite construction meetings as required to assist City staff with project construction. Services include the following.

- A. Attend preconstruction meeting. Gray & Osborne will prepare an agenda for the meeting, facilitate the meeting, and prepare meeting minutes.

- B. Attend weekly construction meetings to discuss Contractor’s progress and ongoing construction issues. This Contract assumes 40 weekly meetings.
- C. Provide onsite support for construction issues as required. This Contract assumes 20 onsite meetings.

Task 6 – Startup and Commissioning Onsite Assistance

Assist the City with the physical startup, commissioning, and verification of the new lift station facility. Services include the following.

- A. Provide onsite and office support for 4 days with three Engineers, to assist in startup and complete the startup and Commissioning Plan, as described in Task 6.

Task 7 – Inspection Service

Provide onsite inspection service to support project construction.

- A. Attend preconstruction meeting.
- B. Provide onsite daily service to support project construction. This Contract assumes a 200-working day duration. This Scope assumes one Inspector for the 200-working day duration, and a second inspector for 25 working days, as required and approved by the City.

Task 8 – Cultural Resources Monitoring

Provide full-time onsite monitoring of excavation activities due to the presence of known cultural resources in the project area. Work will be performed by Equinox Research and Consulting International, Inc.

- A. Management and documentation of excavation operations and materials found. Work includes research, consultation and coordination with affected tribes and government agencies, reporting, and data entry.
- B. Monitor Contractor’s excavation activities. Contractor should be able to proceed with little interference and place excavated material in trucks or piles. If archaeological materials are found, the equipment will be moved a safe distance away (and continue operations) and the materials evaluated by the monitor, which could take up to 2 hours. It is assumed that the total amount of time involving excavation is up to 155 days.

Task 9 – Survey for Monumentation

Reset disturbed monument and property corners.

- A. Survey crew to set nails and straddle markers to inform Contractor of monument location.
- B. After installation of new monument, survey crew to stamp new monument and also reset up to five disturbed property corners.
- C. File Record of Survey for the aforementioned work.

Task 10 – Record Drawings

Document the final project as constructed with modifications from the original design. Services include the following.

- A. Prepare record drawings based upon the Contractor’s markups, City notes and markups, and Gray & Osborne’s field observations and final inspections.
- B. Provide record drawings as hard copies (three full-size and three half-size Plansets) and in an electronic copy in pdf format.
- C. Prepare the necessary DNR Monument Destruction Permit prior to the removal of any survey monuments.
- D. Prepare and file a Record of Survey map which shows monuments that were disturbed and reset, per the Permit.

BUDGET

The maximum amount payable to the Engineer for completion of work associated with this Scope of Work, including contingencies, salaries, overhead, direct non-salary costs, and net fee, is set forth in the attached Exhibits B-1, B-2, B-3, and B-4 (and as summarized in Exhibit B). This amount will not be exceeded without prior written authorization of the City.

EXHIBIT B
ENGINEERING SERVICES
SCOPE AND ESTIMATED COST

City of North Bend - Meadowbrook Improvements Construction Management

| Tasks | Principal Hours | Project Manager Hours | Project Engineer Hours | Engineer-In-Training Hours | Field Inspector Hours | AutoCAD/GIS Technician/Engineer Intern Hours | Professional Land Surveyor Hours | Field Survey Hours |
|---|-----------------|-----------------------|------------------------|----------------------------|-----------------------|--|----------------------------------|--------------------|
| 1 Project Management and Oversight | 200 | 120 | | | | | | |
| 2 Geotechnical Support Services | 4 | 16 | 24 | | | | | |
| 3 In-Office Support Services | 90 | 180 | 320 | 240 | | 120 | | |
| 4 Submittal Review | 24 | 40 | 80 | 40 | | | | |
| 5 Construction Meetings | 64 | 240 | 240 | 80 | | | | |
| 6 Startup and Commissioning Onsite Assistance | 16 | 40 | 40 | 24 | | | | |
| 7 Inspection Service | 4 | 40 | 180 | | 1,800 | | | |
| 8 Cultural Resources Monitoring | 2 | 40 | 24 | | | | | |
| 9 Survey and Monumentation | 2 | 4 | 8 | | | | 16 | 20 |
| 10 Record Drawings | | 8 | 24 | | | 40 | | |
| Hour Estimate: | 406 | 728 | 940 | 384 | 1,800 | 160 | 16 | 20 |
| Fully Burdened Billing Rate Range:* | \$165 to \$265 | \$148 to \$265 | \$130 to \$210 | \$100 to \$180 | \$115 to \$190 | \$65 to \$180 | \$125 to \$208 | \$330 to \$425 |
| Estimated Fully Burdened Billing Rate:* | \$260 | \$240 | \$190 | \$170 | \$180 | \$180 | \$200 | \$380 |
| Fully Burdened Labor Cost: | \$105,560 | \$174,720 | \$178,600 | \$65,280 | \$324,000 | \$28,800 | \$3,200 | \$7,600 |

Total Fully Burdened Labor Cost: \$ 887,760

Direct Non-Salary Cost:

- Mileage & Expenses (Mileage @ current IRS rate) \$ 9,352
- Recording Fee for ROS \$ 2,000
- Subconsultant:
 - PanGEO, Inc. \$ 68,062
 - Cultural Resources \$ 169,600
 - Subconsultant Overhead (10%) \$ 23,766

TOTAL ESTIMATED COST: \$ 1,160,540

* Actual labor cost will be based on each employee's actual rate. Estimated rates are for determining total estimated cost only. Fully burdened billing rates include direct salary cost, overhead, and profit.

EXHIBIT B-1
ENGINEERING SERVICES
SCOPE AND ESTIMATED COST

City of North Bend - Meadowbrook Improvements Construction Management - Schedule A - Sanitary Sewer ULID 7

| Tasks | Principal Hours | Project Manager Hours | Project Engineer Hours | Engineer-In-Training Hours | Field Inspector Hours | AutoCAD/GIS Technician/Engineer Intern Hours | Professional Land Surveyor Hours | Field Survey Hours |
|---|-----------------|-----------------------|------------------------|----------------------------|-----------------------|--|----------------------------------|--------------------|
| 1 Project Management and Oversight | 100 | 70 | | | | | | |
| 2 Geotechnical Support Services | 1 | 8 | 12 | | | | | |
| 3 In-Office Support Services | 50 | 100 | 160 | 120 | | 60 | | |
| 4 Submittal Review | 12 | 24 | 48 | 24 | | | | |
| 5 Construction Meetings | 40 | 140 | 140 | 48 | | | | |
| 6 Startup and Commissioning Onsite Assistance | 16 | 40 | 40 | 24 | | | | |
| 7 Inspection Service | 2 | 24 | 100 | | 1,200 | | | |
| 8 Cultural Resources Monitoring | 1 | 24 | 12 | | | | | |
| 9 Survey and Monumentation | 2 | 4 | 8 | | | | 16 | 20 |
| 10 Record Drawings | | 4 | 12 | | | 24 | | |
| Hour Estimate: | 224 | 438 | 532 | 216 | 1,200 | 84 | 16 | 20 |
| Fully Burdened Billing Rate Range:* | \$165 to \$265 | \$148 to \$265 | \$130 to \$210 | \$100 to \$180 | \$115 to \$190 | \$65 to \$180 | \$125 to \$208 | \$330 to \$425 |
| Estimated Fully Burdened Billing Rate:* | \$260 | \$240 | \$190 | \$170 | \$180 | \$180 | \$200 | \$380 |
| Fully Burdened Labor Cost: | \$58,240 | \$105,120 | \$101,080 | \$36,720 | \$216,000 | \$15,120 | \$3,200 | \$7,600 |

Total Fully Burdened Labor Cost: \$ 543,080
 Direct Non-Salary Cost:
 Mileage & Expenses (Mileage @ current IRS rate) \$ 5,052
 Recording Fee for ROS \$ 500
 Subconsultant:
 PanGEO, Inc. \$ 30,062
 Cultural Resources \$ 100,600
 Subconsultant Overhead (10%) \$ 13,066
TOTAL ESTIMATED COST: \$ 692,360

* Actual labor cost will be based on each employee's actual rate. Estimated rates are for determining total estimated cost only. Fully burdened billing rates include direct salary cost, overhead, and profit.

EXHIBIT B-2
ENGINEERING SERVICES
SCOPE AND ESTIMATED COST

City of North Bend - Meadowbrook Improvements Construction Management - Schedule B - NW 14th Street Water Main

| Tasks | Principal Hours | Project Manager Hours | Project Engineer Hours | Engineer-In-Training Hours | Field Inspector Hours | AutoCAD/ GIS Technician/ Engineer Intern Hours |
|---|-----------------|-----------------------|------------------------|----------------------------|-----------------------|--|
| 1 Project Management and Oversight | 20 | 10 | | | | |
| 2 Geotechnical Support Services | 1 | 2 | 4 | | | |
| 3 In-Office Support Services | 10 | 20 | 40 | 30 | | 15 |
| 4 Submittal Review | 4 | 4 | 8 | 4 | | |
| 5 Construction Meetings | 8 | 20 | 20 | 8 | | |
| 6 Startup and Commissioning Onsite Assistance | | | | | | |
| 7 Inspection Service | | 4 | 20 | | 160 | |
| 8 Cultural Resources Monitoring | | 4 | 4 | | | |
| 9 Survey and Monumentation | | | | | | |
| 10 Record Drawings | | 1 | 4 | | | 4 |
| Hour Estimate: | 43 | 65 | 100 | 42 | 160 | 19 |
| Fully Burdened Billing Rate Range:* | \$165 to \$265 | \$148 to \$265 | \$130 to \$210 | \$100 to \$180 | \$115 to \$190 | \$65 to \$180 |
| Estimated Fully Burdened Billing Rate:* | \$260 | \$240 | \$190 | \$170 | \$180 | \$180 |
| Fully Burdened Labor Cost: | \$11,180 | \$15,600 | \$19,000 | \$7,140 | \$28,800 | \$3,420 |

Total Fully Burdened Labor Cost: \$ 85,140

Direct Non-Salary Cost:

- Mileage & Expenses (Mileage @ current IRS rate) \$ 1,200
- Recording Fee for ROS \$ 500
- Subconsultant:
 - PanGEO, Inc. \$ 10,000
 - Cultural Resources \$ 20,000
 - Subconsultant Overhead (10%) \$ 3,000

TOTAL ESTIMATED COST: \$ 119,840

* Actual labor cost will be based on each employee's actual rate. Estimated rates are for determining total estimated cost only. Fully burdened billing rates include direct salary cost, overhead, and profit.

EXHIBIT B-3

**ENGINEERING SERVICES
SCOPE AND ESTIMATED COST**

City of North Bend - Meadowbrook Improvements Construction Management - Schedule C - NW 14th Street Roadway Improvements

| Tasks | Principal Hours | Project Manager Hours | Project Engineer Hours | Engineer-In-Training Hours | Field Inspector Hours | AutoCAD/ GIS Technician/ Engineer Intern Hours |
|---|-----------------|-----------------------|------------------------|----------------------------|-----------------------|--|
| 1 Project Management and Oversight | 40 | 20 | | | | |
| 2 Geotechnical Support Services | 1 | 4 | 4 | | | |
| 3 In-Office Support Services | 20 | 40 | 80 | 60 | | 30 |
| 4 Submittal Review | 4 | 8 | 16 | 8 | | |
| 5 Construction Meetings | 8 | 40 | 40 | 16 | | |
| 6 Startup and Commissioning Onsite Assistance | | | | | | |
| 7 Inspection Service | 1 | 8 | 40 | | 240 | |
| 8 Cultural Resources Monitoring | 1 | 8 | 4 | | | |
| 9 Survey and Monumentation | | | | | | |
| 10 Record Drawings | | 2 | 4 | | | 8 |
| Hour Estimate: | 75 | 130 | 188 | 84 | 240 | 38 |
| Fully Burdened Billing Rate Range:* | \$165 to \$265 | \$148 to \$265 | \$130 to \$210 | \$100 to \$180 | \$115 to \$190 | \$65 to \$180 |
| Estimated Fully Burdened Billing Rate:* | \$260 | \$240 | \$190 | \$170 | \$180 | \$180 |
| Fully Burdened Labor Cost: | \$19,500 | \$31,200 | \$35,720 | \$14,280 | \$43,200 | \$6,840 |

Total Fully Burdened Labor Cost: \$ 150,740

Direct Non-Salary Cost:

- Mileage & Expenses (Mileage @ current IRS rate) \$ 1,500
- Recording Fee for ROS \$ 500
- Subconsultant:
 - PanGEO, Inc. \$ 18,000
 - Cultural Resources \$ 29,000
 - Subconsultant Overhead (10%) \$ 4,700

TOTAL ESTIMATED COST: \$ 204,440

* Actual labor cost will be based on each employee's actual rate. Estimated rates are for determining total estimated cost only. Fully burdened billing rates include direct salary cost, overhead, and profit.

EXHIBIT B-4
ENGINEERING SERVICES
SCOPE AND ESTIMATED COST

City of North Bend - Meadowbrook Improvements Construction Management - Schedule D - NW 8th Street Main

| Tasks | Principal Hours | Project Manager Hours | Project Engineer Hours | Engineer-In-Training Hours | Field Inspector Hours | AutoCAD/ GIS Technician/ Engineer Intern Hours |
|---|-----------------|-----------------------|------------------------|----------------------------|-----------------------|--|
| 1 Project Management and Oversight | 40 | 20 | | | | |
| 2 Geotechnical Support Services | 1 | 2 | 4 | | | |
| 3 In-Office Support Services | 10 | 20 | 40 | 30 | | 15 |
| 4 Submittal Review | 4 | 4 | 8 | 4 | | |
| 5 Construction Meetings | 8 | 40 | 40 | 8 | | |
| 6 Startup and Commissioning Onsite Assistance | | | | | | |
| 7 Inspection Service | 1 | 4 | 20 | | 200 | |
| 8 Cultural Resources Monitoring | | 4 | 4 | | | |
| 9 Survey and Monumentation | | | | | | |
| 10 Record Drawings | | 1 | 4 | | | 4 |
| Hour Estimate: | 64 | 95 | 120 | 42 | 200 | 19 |
| Fully Burdened Billing Rate Range:* | \$165 to \$265 | \$148 to \$265 | \$130 to \$210 | \$100 to \$180 | \$115 to \$190 | \$65 to \$180 |
| Estimated Fully Burdened Billing Rate:* | \$260 | \$240 | \$190 | \$170 | \$180 | \$180 |
| Fully Burdened Labor Cost: | \$16,640 | \$22,800 | \$22,800 | \$7,140 | \$36,000 | \$3,420 |

Total Fully Burdened Labor Cost: \$ 108,800

Direct Non-Salary Cost:

- Mileage & Expenses (Mileage @ current IRS rate) \$ 1,600
- Recording Fee for ROS \$ 500
- Subconsultant:
 - PanGEO, Inc. \$ 10,000
 - Cultural Resources \$ 20,000
 - Subconsultant Overhead (10%) \$ 3,000

TOTAL ESTIMATED COST: \$ 143,900

* Actual labor cost will be based on each employee's actual rate. Estimated rates are for determining total estimated cost only. Fully burdened billing rates include direct salary cost, overhead, and profit.



City Council Agenda Bill

| | | |
|--|--|-----------------|
| SUBJECT: | Agenda Date: June 03, 2025 | AB25-057 |
| Ordinance Authorizing the Issuance and Sale of a Water and Sewer Revenue Note Related to Construction of Meadowbrook ULID No. 7 | Department/Committee/Individual | |
| | Mayor Mary Miller | |
| | Interim City Administrator – Bob Larson | |
| | City Attorney – Kendra Rosenberg | |
| | City Clerk – Susie Oppedal | |
| | Administrative Services – Lisa Escobar | |
| | Comm. & Economic Development – James Henderson | |
| | Finance – Martin Chaw | X |
| Cost Impact: \$7.5 million | Public Works – Mark Rigos | |
| Fund Source: Water, Sewer, and Stormwater Utility funds | Information Technology – Phillip Davenport | |
| Timeline: Approve proposed Ordinance 06/03/2025 | | |

Attachments: Ordinance; Ordinance 1817; 2025 Note Preliminary Term Sheet

SUMMARY STATEMENT:

The Meadowbrook area (“Project Area”) is located in the westerly portion of the City, west of the South Fork of the Snoqualmie River and north of I-90 and the Outlet Mall. The majority of this area consists of parkland and open space associated with Tollgate Park, a variety of creek and wetland sensitive areas, as well as land for commercial uses and single-family residential uses. **The Project Area includes 67 tax parcels totaling 353.4 acres.** The Project Area is presently not served with sewer services, and the project is integral to supporting future development of this area. Existing buildings are served with individual septic systems. Public water is available with service mains located along Bendigo Blvd. N, Boalch Ave. NW, and NW 8th Street. Some parcels have private wells. Sewer service is necessary to **support development and improvement** to the Project area, which is key to continued economic development.

In 2021, the City conducted a feasibility study (“Study”) to establish Utility Local Improvement District #7 (ULID #7) for the Project Area. ULID #7, also known as the Meadowbrook ULID 7, consists of constructing improvements to the City’s sewer system, including design and construction of low-pressure grinder/pumps and installation of sewer system main lines to convey wastewater to the City’s wastewater treatment facility.

The overall project within Meadowbrook ULID 7 is comprised of three (3) phases of financing:

- Engineering & Design
 - **Ordinance 1789** was passed in December 2022, authorizing the issuance of a Water and Sewer Revenue Note (Utility local Improvement District No. 7 (Meadowbrook)) in the aggregate principal amount of \$1,200,000 (the “2022 Note”) to provide funds to finance the engineering and design of sewer improvements needed to serve the Meadowbrook area.
 - **Ordinance 1817** was passed in October 2024, which refinanced and extended the maturity of the 2022 Note to provide additional time for design, engineering and construction. Engineering and design are nearly completed as of the date of this agenda bill.
- Construction
 - With completion of project engineering and design, funding is now required for project construction costs, estimated at \$7.5 million. The attached ordinance authorizes the issuance of a Water and Sewer Revenue Note (Utility local Improvement District No. 7 (Meadowbrook)) in the aggregate principal amount of not to exceed \$7,500,000 (the “2025 Note”) to provide funds to finance the construction of sewer improvements needed to serve the Meadowbrook area.
 - Financing terms are anticipated at interest rates between 5.25% and 5.50 % maturing two years after closing (estimated to be May 2027).
 - Fund outlay is anticipated to begin in June 2025 with regular progress payments through project completion in August 2026.

City Council Agenda Bill

- ULID Assessment Roll Confirmation
 - Upon completion of project construction (anticipated August 2026), the City will be required to refinance the 2022 Note and the proposed 2025 Note. At that time, the final Meadowbrook ULID 7 assessment roll will be finalized and assessments may either be prepaid or paid over time. The City will work with the ULID administrator to review, set up, and manage assessments for the existing parcels impacted.

Completed and upcoming actions:

- April 2 Bids for Meadowbrook ULID 7 construction opens
- April 8 F&A Committee – present Meadowbrook ULID 7 financing through the 2025 Note for recommendation to Council
- April 22 TPW Committee - Motion to award construction contract
- June 3 Council Meeting
 - Resolution approving construction contract
 - Motion authorizing construction inspection professional services
 - Ordinance authorizing 2025 Note

ALTERNATIVES:

Alternative #1: Approve 2025 Note to finance project construction

Description: Issue new bond anticipation note as proposed.

Business Impacts: Issued 2025 Note will cover the Meadowbrook ULID 7 project through completion with a maturity date of May 2027 and estimated interest (currently in a range from 5.25% to 5.50%,) until the City is ready to issue long-term bonds at project completion and the assessment roll is confirmed. The 2025 Note reduces financial impact to the City’s current fund resources.

Recommendation: Staff recommends Council approval of the attached Ordinance to issue a bond anticipation note in an amount not to exceed \$7.5M to fund construction of sewer improvements within Meadowbrook ULID 7.

Alternative #2: Do not approve ordinance BAN for construction costs.

Description: Do not issue new 2025 Note as proposed.

Business Impacts: Meadowbrook ULID 7 sewer improvements will not proceed.

Recommendation: Do not approve.

APPLICABLE BRAND GUIDELINES: Economic viability; Consistent delivery of quality basic services.

COMMITTEE REVIEW AND RECOMMENDATION: The Finance and Administration Committee reviewed this item at its meeting of April 8, 2025, and recommended approval for placement on the June 03, 2025 Council Regular Agenda for discussion.

RECOMMENDED ACTION: MOTION to approve AB25-057, an ordinance authorizing the issuance and sale of a Water and Sewer Revenue Note related to construction of Meadowbrook ULID No. 7, as a first and final reading.

RECORD OF COUNCIL ACTION

| <i>Meeting Date</i> | <i>Action</i> | <i>Vote</i> |
|---------------------|---------------|-------------|
| June 3, 2025 | | |
| | | |

CITY OF NORTH BEND, WASHINGTON

WATER AND SEWER REVENUE NOTE (TAXABLE)
(UTILITY LOCAL IMPROVEMENT DISTRICT NO. 7 (MEADOWBROOK))

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF NORTH BEND, WASHINGTON, PROVIDING FOR THE ISSUANCE AND SALE OF A WATER AND SEWER REVENUE NOTE (UTILITY LOCAL IMPROVEMENT DISTRICT NO. 7 (MEADOWBROOK)) IN THE PRINCIPAL AMOUNT OF NOT TO EXCEED \$7,500,000 FOR THE PURPOSE OF PROVIDING FUNDS TO FINANCE IMPROVEMENTS TO THE CITY'S COMBINED WATER, SEWER AND STORM AND SURFACE WATER SYSTEMS AND TO PAY COSTS OF ISSUANCE; MAKING CERTAIN COVENANTS WITH RESPECT TO THE NOTE; PROVIDING THE FORM AND TERMS OF THE NOTE; DELEGATING THE AUTHORITY TO APPROVE THE FINAL TERMS OF THE NOTE; AND AUTHORIZING OTHER MATTERS RELATED THERETO.

PASSED: June 3, 2025

PREPARED BY:

PACIFICA LAW GROUP LLP
Seattle, Washington

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Exhibit A: Form of Note

* This Table of Contents is provided for convenience only and is not a part of this ordinance.

CITY OF NORTH BEND, WASHINGTON

WATER AND SEWER REVENUE NOTE (TAXABLE)
(UTILITY LOCAL IMPROVEMENT DISTRICT NO. 7 (MEADOWBROOK))

ORDINANCE NO. ____

AN ORDINANCE OF THE CITY OF NORTH BEND, WASHINGTON, PROVIDING FOR THE ISSUANCE AND SALE OF A WATER AND SEWER REVENUE NOTE (UTILITY LOCAL IMPROVEMENT DISTRICT NO. 7 (MEADOWBROOK)) IN THE PRINCIPAL AMOUNT OF NOT TO EXCEED \$7,500,000 FOR THE PURPOSE OF PROVIDING FUNDS TO FINANCE IMPROVEMENTS TO THE CITY’S COMBINED WATER, SEWER AND STORM AND SURFACE WATER SYSTEMS AND TO PAY COSTS OF ISSUANCE; MAKING CERTAIN COVENANTS WITH RESPECT TO THE NOTE; PROVIDING THE FORM AND TERMS OF THE NOTE; DELEGATING THE AUTHORITY TO APPROVE THE FINAL TERMS OF THE NOTE; AND AUTHORIZING OTHER MATTERS RELATED THERETO.

WHEREAS, the City of North Bend, Washington (the “City”), previously combined its water system with the City’s sewer system to create a combined system, pursuant to Ordinance No. 440 passed by the City Council on May 17, 1977, as amended by Ordinance No. 464 passed by the City Council on July 19, 1977, and the City further combined its storm and surface water drainage system into its combined waterworks utility (together, the “System”), pursuant to Ordinance No. 1251 passed by the City Council on June 19, 2006; and

WHEREAS, as of the date of this ordinance, the City has issued and has outstanding the following senior lien obligations of the System:

| Series | Dated Date | Maturity Date | Authorizing Ordinance | Original Principal Amount |
|---|-------------------------------|---------------|-----------------------|---------------------------|
| Water and Sewer Revenue Bonds, 2019 (the “2019 Bonds”) | 10/30/2019 | 08/01/2049 | 1699 | \$ 8,915,000 |
| Water and Sewer Revenue and Refunding Bonds, 2021 (the “2021 Bonds”) | 08/04/2021 | 08/01/2051 | 1746 | 25,450,000 |
| Water and Sewer Revenue Note, 2022 (Taxable) (Utility Local Improvement District No. 7 (Meadowbrook) (2024 Amendment and Extension) (the “2022 Note”) | 12/22/2022 & 10/24/2024 | 12/01/2026 | 1789 & 1817 | 1,200,000 |

(The 2019 Bonds, the 2021 Bonds, and the 2022 Note identified above are referred to as the “Outstanding Parity Bonds” and the authorizing ordinances identified above are referred to as the “Outstanding Parity Bond Ordinances”); and

WHEREAS, the Outstanding Parity Bond Ordinances provide that additional water and sewer system revenue bonds or notes may be issued with a lien on Net Revenues of the System and ULID Assessments (each as defined herein) on a parity with the lien of the Outstanding Parity Bonds if certain conditions are met; and

WHEREAS, the Outstanding Parity Bond Ordinances also permit securing System obligations by a pledge of assessments levied in one or more utility local improvement districts (“ULID”) which shall have been created to construct the improvements to be paid for out of proceeds of such obligations; and

WHEREAS, pursuant to Ordinance No. 1780 (“ULID No. 7 Ordinance”), after public hearings thereon, the City Council established a ULID of the City to be known as “Utility Local Improvement District No. 7 (Meadowbrook)” (the “Meadowbrook ULID” or “ULID No. 7”), and ordered the design, construction, and installation of certain improvements, including a sanitary sewer collection system, sewer conveyance system, sewer lift station(s), a forcemain crossing over or under South Fork Snoqualmie River, and necessary appurtenances within ULID No. 7 (the “ULID No. 7 Project”), provided that payment for the ULID No. 7 Project be made by special assessments upon the property in ULID No. 7, and provided for the issuance and sale of bond anticipation notes or other short-term obligations redeemable by Net Revenue and/or by ULID No. 7 revenue bonds; and

WHEREAS, the City Council has determined that the conditions to the issuance of parity bonds have been or will be met and that it is in the best interest of the City to issue a water and sewer revenue note in the principal amount of not to exceed \$7,500,000 (the “Note”) in order to provide interim financing for the ULID No. 7 Project and to pay costs of issuing the Note; and

WHEREAS, the City has received a proposal from Key Government Finance, Inc. (the “Purchaser”) to purchase the Note; and

WHEREAS, the City Council wishes to delegate authority to the Designated Representatives specified herein, for a limited time, to approve the interest rate(s), maturity date, redemption terms, and other terms for the Note within the parameters set by this ordinance;

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

Section 1. Definitions. As used in this ordinance, the following words shall have the following meanings, unless the context requires otherwise:

2019 Bonds mean the “Water and Sewer Revenue Bonds, 2019” issued pursuant to the 2019 Bond Ordinance.

2019 Bond Ordinance means Ordinance No. 1699 of the City passed on October 1, 2019.

2021 Bond Ordinance means Ordinance No. 1746 of the City passed on May 4, 2021.

2021 Bonds mean the “Water and Sewer Revenue and Refunding Bonds, 2021” issued pursuant to the 2021 Bond Ordinance.

2022 Note Ordinance means together, Ordinance No. 1789 of the City passed on May 4, 2021, and Ordinance No. 1817 of the City passed on October 1, 2024.

2022 Note means the “Water and Sewer Revenue Note, 2022 (Taxable) ((Utility Local Improvement District No. 7 (Meadowbrook)) (2024 Amendment and Reissuance))” issued pursuant to the 2022 Note Ordinance.

Annual Debt Service means, in any calendar year, that year’s total of principal and interest requirements for the then-outstanding Parity Bonds (excluding the principal maturity of any Parity Bonds issued as Term Bonds), plus any mandatory sinking fund or mandatory bond redemption requirement for such Parity Bonds for that year, less all capitalized interest payable that year from the proceeds of such Parity Bonds.

Assessment Bonds means, as of its date of calculation, that portion of all Parity Bonds outstanding equal to the aggregate principal amount of nondelinquent ULID Assessments then remaining to be collected and paid into the Bond Fund plus the principal amount of ULID Assessments previously paid into and then on deposit in the Bond Fund.

Average Annual Debt Service means, in any calendar year, the sum of the Annual Debt Service of the then-outstanding Parity Bonds, divided by the number of years such Parity Bonds are scheduled to remain outstanding.

Bonds means the City’s Water and Sewer Revenue Bonds (Utility Local Improvement District No. 7 (Meadowbrook)) to be issued in one or more series, to provide funds to pay and redeem the Note.

City means the City of North Bend, Washington, a municipal corporation duly organized and existing by virtue of the laws of the State.

City Administrator means the duly appointed and acting City Administrator of the City, or the successor of such office, including anyone acting in an interim capacity.

City Clerk means the duly appointed and acting City Clerk of the City, or the successor of such office, including anyone acting in an interim capacity.

Closing means the date of delivery of the Note to the Purchaser.

Code means the Internal Revenue Code of 1986 as it may be amended, together with applicable proposed, temporary and final regulations promulgated, and applicable official public guidance published, under the Code.

Commission means the United States Securities and Exchange Commission.

Council or City Council means the City Council as the general legislative authority of the City, as duly and regularly constituted from time to time.

Coverage Requirement means, in any calendar year, an amount of Net Revenue at least equal to 1.25 times the Annual Debt Service in that year on Parity Bonds that are not Assessment Bonds and, for Assessment Bonds, in any calendar year Coverage Requirement means an amount of ULID Assessments collections together with Net Revenue that is available after satisfying the Coverage Requirement on bonds that are not Assessment Bonds, at least equal to 1.00 times the Annual Debt Service in that year on such Assessment Bonds. Furthermore, in calculating the Coverage Requirement adjustments shall be made to Annual Debt Service for each calendar year by subtracting any amount scheduled to be received in that calendar year by the City as a federal credit payment with respect to Parity Bonds designated by the City as federal tax credit bonds, including but not limited to build America bonds and similar “direct-pay” tax credit bond programs.

Covered Bonds mean those Future Parity Bonds designated in the Parity Bond Ordinance authorizing their issuance as Covered Bonds secured by the Reserve Account. The Note is not a Covered Bonds.

Default Rate means the fixed rate of the Note, plus 4% (400 basis points).

Designated Representative means the Mayor, City Administrator and the Finance Director of the City and any successor to the functions of such offices. The signature of one Designated Representative shall be sufficient to bind the City.

Event of Default means the declaration by the Registered Owner of the Note of an event of default as a result of a reasonable determination by the Registered Owner that there has been: (i) a failure of the City to pay principal of or interest on the Note when due, as provided in this ordinance, the Note Purchase Contract, if any, and the Note; (ii) a failure by the City to comply with any of its obligations or to perform any of its duties, under this ordinance, the Note Purchase Contract, if any, or the Note, which failure continues, and is not cured, for a period of more than ninety (90) days after the Registered Owner has made written notice to the City to cure such failure; or, (iii) a material misrepresentation to the Registered Owner by the City in this ordinance, the Note Purchase Contract, if any, or the Note, as reasonably concluded by the Registered Owner after investigation and discussion with the City; provided, however, that no consent or waiver, express or implied, to or of any breach or default in the performance of any obligation under the Note shall constitute a consent or waiver to or of any other breach or default in the performance of the same or any other obligation.

Finance Director shall mean the City’s Finance Director or the successor to such officer, including anyone acting in an interim capacity.

Future Parity Bond Authorizing Ordinance means an ordinance of the City authorizing the issuance and sale and establishing the terms of Future Parity Bonds.

Future Parity Bonds means all revenue bonds and other obligations of the City for borrowed money (including, without limitation, financing leases) issued or incurred after the date of the issuance of the Note, the payment of which constitutes a lien and charge on the Net Revenue and ULID Assessments (if any) equal in rank with the lien and charge upon such revenue and assessments required to be paid into the Bond Fund to pay and secure the payment of the principal of and interest on the Note.

Independent Utility Consultant means a professional consultant experienced with municipal utilities of comparable size and character to the System.

Maximum Annual Debt Service means the maximum amount of Annual Debt Service which is scheduled to become due in any calendar year on all outstanding Parity Bonds.

Mayor means the duly elected Mayor of the City or the successor to such officer.

Net Revenue means the Revenue of the System less the Operating and Maintenance Expense.

Note means the City's Water and Sewer Revenue Note, 2025 (Taxable) (Utility Local Improvement District No. 7 (Meadowbrook)) authorized to be issued pursuant to this ordinance.

Note Purchase Contract means the contract for the purchase of the Note between the Purchaser and City, executed pursuant to this ordinance, if any.

Note Register means the registration records for the Note maintained by the Note Registrar.

Note Registrar means the Finance Director or, if determined by the Finance Director, the State fiscal agent and registrar, whose duties include registering and authenticating the Note, maintaining the Note Register, transferring ownership of the Note, and paying the principal of and interest on the Note.

Operating and Maintenance Expense means all reasonable expenses incurred by the City in causing the System to be operated and maintained in good repair, working order and condition, including without limitation payments of premiums for insurance on the System; costs incurred in connection with the acquisition of water or the securing of water rights; payments to any public or private entity for water service, sewage treatment and disposal service or other utility service in the event that the City enters into a contract for such service; pro-rata budget allocations or charges for the City's administration expenses where those represent a reasonable distribution and share of actual costs; and any State-imposed taxes. Operating and Maintenance Expense shall exclude depreciation, taxes levied or imposed by the City, payments-in-lieu-of-taxes paid to the City, capital additions and capital replacements to the System.

Outstanding Parity Bond Ordinances means, together, the ordinances authorizing the issuance of the Outstanding Parity Bonds, as described in the recitals to this ordinance.

Outstanding Parity Bonds means, together, the outstanding 2019 Bonds, 2021 Bonds, and 2022 Note.

Parity Bond Ordinances means, as applicable to each series of Parity Bonds, the Outstanding Parity Bond Ordinances, this ordinance, and any Future Parity Bond Authorizing Ordinance.

Parity Bonds means any and all revenue bonds or other revenue obligations issued by the City which have a lien upon the Net Revenue and ULID Assessments to pay and secure the payment of the principal thereof and interest thereon equal to the lien created on the Net Revenue and ULID Assessments to pay and secure the payment of the principal of and interest on the Bonds. Upon issuance of the Note, "Parity Bonds" shall include the Outstanding Parity Bonds, the Note and any Future Parity Bonds.

Parity Conditions means, as conditions to the issuance of Future Parity Bonds, the requirements set forth in Section 14 of this ordinance.

Principal and Interest Account means the account of that name previously created in the Bond Fund for the payment of the principal of and interest on all Parity Bonds.

Purchaser means Key Government Finance, Inc., and its successors.

Rate Stabilization Fund means the fund of that name created pursuant to Ordinance No. 1388.

Registered Owner means the person in whose name the Note is registered on the Note Register.

Reserve Account means the account of that name originally created in the Bond Fund.

Reserve Requirement means the dollar amount to be calculated with respect to all Covered Bonds, and separately with respect to other Parity Bonds.

(a) With respect to Covered Bonds, the Reserve Requirement means as of any date an amount equal to the least of (1) 1.25 times the Average Annual Debt Service of all then-outstanding Parity Bonds; (2) Maximum Annual Debt Service of all then-outstanding Parity Bonds; or (3) 10% of the proceeds of all then-outstanding Parity Bonds.

(b) With respect to any other series of Parity Bonds, the Reserve Requirement shall be equal to the amount, if any, specified in the Parity Bond Ordinance authorizing the issuance of such Parity Bonds.

Reserve Surety means any bond insurance, letter of credit, guaranty, surety bond or similar credit enhancement device obtained by the City equal to part or all of the Reserve Requirement for any Parity Bonds which is issued by an institution which has been assigned a credit rating at the time of issuance of the device in one of the three highest rating categories of Moody's Investors

Service, Inc., S&P Global Ratings or Fitch, Inc., or any other rating agency then maintaining a rating on the Bonds.

Revenue of the System or **Revenue** means all of the earnings and revenues received by the City from the maintenance and operation of the System from any source whatsoever, including but not limited to: revenues from the sale, lease or furnishing of commodities, services, properties or facilities; all earnings from the investment of money in the Bond Fund, which earnings are deposited into the Principal and Interest Account; earnings from the investment of money in any maintenance fund or similar fund; all connection and capital improvement charges collected for the purpose of defraying the cost of capital facilities of the System; and withdrawals from the Rate Stabilization Fund. However, the Revenue of the System shall not include: (a) revenues from general ad valorem taxes; (b) principal proceeds of Parity Bonds or any other borrowings, or earnings or proceeds from any investments in a trust, defeasance or escrow fund created to defease or refund obligations relating to the System (until commingled with other earnings and revenues included in the Revenue of the System) or held in a special account for the purpose of paying a rebate to the United States Government under the Code; (c) income and revenue which may not legally be pledged for revenue bond debt service; (d) improvement district assessments; (e) federal or state grants, and gifts from any source, allocated to capital project; (f) federal tax credit payments with respect to bonds issued as build America bonds or similar direct-pay tax credit bonds; (g) payments under bond insurance or other credit enhancement policy or device; (h) insurance or condemnation proceeds used for the replacement of capital projects or equipment; (i) proceeds from the sale of System property; (j) earnings in any construction fund or bond redemption fund; (k) deposits to the Rate Stabilization Fund; or (l) revenue from any Separate System.

Rule means the Commission's Rule 15c2-12 under the Securities Exchange Act of 1934, as the same may be amended from time to time.

Separate System means any water supply, sewage collection or treatment, stormwater or other utility service or facilities that may be created, acquired or constructed by the City as provided in Section 15 of this ordinance.

State means the State of Washington.

System means the existing waterworks utility of the City, which is composed of the combined water system, sewage system and storm and surface water drainage system of the City, together with all additions thereto and betterments and extensions thereof heretofore or hereafter made.

Term Bonds means any Outstanding Parity Bonds designated as "Term Bonds" pursuant to their authorizing ordinance or Future Parity Bonds designated as such pursuant to Section 14(c)(3) of this ordinance.

ULID means a utility local improvement district of the City.

ULID Assessments means all assessments levied and collected in any ULID of the City created for the acquisition or construction of additions to and extensions and betterments of the System, if such assessments are pledged to be paid into the Bond Fund (less any prepaid assessments permitted by law to be paid into a construction fund or account). ULID Assessments shall include any installments of assessments and interest or penalties which may be due thereon and shall exclude any assessments paid during the prepayment period for any ULID.

ULID No. 7 means Utility Local Improvement District No. 7 (Meadowbrook), created by the ULID No. 7 Ordinance for the purpose of paying the costs of the ULID No. 7 Project.

ULID No. 7 Ordinance means Ordinance No. 1780 passed by the City Council on August 2, 2022, ordering the formation of ULID No. 7.

ULID No. 7 Project means the improvements within ULID No. 7 as authorized in the ULID No. 7 Ordinance.

ULID No. 7 Project Fund has the meaning set forth in Section 7 of this ordinance.

Section 2. Parity Requirements; Authorization of Bonds and Bond Details.

(a) *Findings; Parity Requirements.* In accordance with the Outstanding Parity Bond Ordinances, which permit the issuance of additional Parity Bonds upon compliance with the conditions set forth therein, the City hereby finds and determines, as follows:

(1) The Note is being issued for lawful purposes of the City related to the System.

(2) There is not now and at the time of closing of the Note there shall not be any deficiency in the Bond Fund, the Principal and Interest Account or the Reserve Account.

The applicable conditions of the Outstanding Parity Bond Ordinances having been or to be complied with in connection with the issuance of the Bonds, the pledge contained herein of Net Revenue and ULID Assessments to pay and secure the payment of the Note shall constitute a lien and charge upon such Net Revenue and ULID Assessments equal in rank with the lien and charge upon the Net Revenue and ULID Assessments to pay and secure the payment of the Outstanding Parity Bonds.

(b) *Additions and Betterments to the System.* The Council hereby finds that the public interest, welfare and convenience require the design, construction, and installation of the ULID No. 7 Project, and that said improvements are legally required and/or economically sound, and will contribute to the conduct of the business of the System in an efficient manner. The City shall provide all equipment, connections and appurtenances together with all work as may be incidental and necessary to complete the ULID No. 7 Project.

The City shall acquire by purchase, lease or condemnation, all property, both real and personal, or any interest therein, or rights-of-way and easements that may be found necessary to acquire, construct and install the ULID No. 7 Project.

(c) *Authorization of Bonds.* For the purpose of providing funds to finance and/or refinance the ULID No. 7 Project, including costs of issuing the Note and the Bonds, there shall be issued and sold special limited obligations of the City to be designated the “City of North Bend, Washington, Water and Sewer Revenue Bonds (Utility Local Improvement District No. 7 (Meadowbrook))” with such series designation as set forth in the Bonds, in an amount at least sufficient to pay the principal of and interest on the Note or any additional notes issued to redeem the Note on or before maturity, to the extent not paid from other sources.

The Bonds to be issued shall be in such series, principal amounts, denomination(s) and form; shall be dated and bear interest at such rate or rates; shall be payable at such place or places; shall have such option of payment prior to maturity; shall contain and be subject to such covenants; may be combined with any subsequently authorized bonds and issued as a single combined series, as provided hereafter by ordinance of the Council. The Bonds shall be payable from Net Revenue and ULID Assessments on a parity of lien on such revenue with the outstanding Parity Bonds. The Bonds shall constitute a lien and charge upon the Net Revenue and ULID Assessments prior and superior to any other charges whatsoever.

(d) *Authorization of Note.* For the purpose of providing funds to finance, refinance and/or reimburse the City for costs of the ULID No. 7 Project and paying costs of issuance, the City is hereby authorized to issue its water and sewer revenue note (the “Note”) in the aggregate principal amount of not to exceed \$7,500,000.

(e) *Description of Note.* The Note shall be designated the “City of North Bend, Washington, Water and Sewer Revenue Note, 2025 (Taxable) (Utility Local Improvement District No. 7 (Meadowbrook))” with such series designation as set forth in the Note and approved by a Designated Representative. The Note shall be dated as of Closing; shall be fully registered as to both principal and interest; shall be in one denomination; shall be numbered in such manner and with any additional designation as the Note Registrar deems necessary for purposes of identification; shall be fully funded at Closing; shall bear interest from its date payable at the rate (subject to the Default Rate) on the dates and commencing as provided in the Note; and shall mature on the date set forth in the Note. Interest on the Note shall be calculated per annum on the basis of a 360-day year of twelve 30-day months, unless otherwise provided in the Note. If the City fails to pay principal of or interest on the Note when due, then the unpaid payment shall accrue interest at the Default Rate until such payment default is cured, and for any Event of Default, that is not cured within 90 days written notice thereof to the City, then the entire principal on the Note shall bear interest at the Default Rate until such Event of Default is cured.

(f) *Limited Obligation.* The Note shall be a special limited obligation of the City payable only from the funds and secured as provided herein. The Note does not constitute an indebtedness of the City within the meaning of the constitutional provisions and limitations of the State or chapter 39.36 RCW. The full faith and credit of the City is not pledged to the repayment of the Note.

Section 3. Registration, Exchange and Payments.

(a) *Registrar/Note Registrar.* The Finance Director or, if determined by the Finance Director, the State fiscal agent and registrar, shall act as Note Registrar. The Note Registrar is

authorized, on behalf of the City, to authenticate and deliver the Note if transferred or exchanged in accordance with the provisions of the Note and this ordinance and to carry out all of the Note Registrar's powers and duties under this ordinance.

(b) *Registered Ownership.* The City and the Note Registrar may deem and treat the Registered Owner of the Note as the absolute owner for all purposes, and neither the City nor the Note Registrar shall be affected by any notice to the contrary. Payment of the Note shall be made only as described in subsection (d) below. All such payments made as described in subsection (d) below shall be valid and shall satisfy the liability of the City upon the Note to the extent of the amount so paid.

(c) *Transfer or Exchange of Registered Ownership.* The Purchaser shall have the right at any time to assign, transfer or convey the Note in whole but no such assignment, transfer or conveyance shall be effective as against the City unless and until the Purchaser has delivered to the City prior written notice thereof that discloses the name and address of the assignee and such assignment, transfer or conveyance shall be made only to (i) an affiliate of the Purchaser or (ii) banks, wholly-owned direct or indirect subsidiaries of banks or bank holding companies, insurance companies or other financial institutions or their affiliates that signs a qualified purchaser letter in substantially the same form as provided by the Purchaser in connection with the issuance of the Note and otherwise satisfactory to the City.

(d) *Place and Medium of Payment.* Both principal of and interest on the Note shall be payable in lawful money of the United States of America. Principal on the Note shall be payable by check or warrant or by other means mutually acceptable to the Purchaser and the City. Interest shall be payable as provided in Section 3. Upon final payment of principal of and interest on the Note, the Registered Owner shall surrender the Note for cancellation at the office of the Note Registrar.

Section 4. Right of Prepayment. The City reserves the right to prepay and redeem the Note as provided in the Note and in any Note Purchase Contract.

Section 5. Form of Note. The Note shall be in substantially the form set forth in Exhibit A, which is incorporated herein by this reference, with such changes thereto as may be approved by a Designated Representative.

Section 6. Execution of Note. The Note shall be executed on behalf of the City with the manual or facsimile signatures of the Mayor and City Clerk of the City and the seal of the City shall be impressed, imprinted or otherwise reproduced thereon.

Only such Note as shall bear thereon a Certificate of Authentication in the form in Exhibit A, manually executed by the Note Registrar, shall be valid or obligatory for any purpose or entitled to the benefits of this ordinance. Such Certificate of Authentication shall be conclusive evidence that the Note so authenticated has been duly executed, authenticated and delivered hereunder and is entitled to the benefits of this ordinance.

In case either of the officers who shall have executed the Note shall cease to be an officer or officers of the City before the Note so signed shall have been authenticated or delivered by the Note Registrar, or issued by the City, such Note may nevertheless be authenticated, delivered and

issued and upon such authentication, delivery and issuance, shall be as binding upon the City as though those who signed the same had continued to be such officers of the City. The Note may also be signed and attested on behalf of the City by such persons who, at the date of the actual execution of the Note, are the proper officers of the City, although at the original date of such Note any such person shall not have been such officer of the City.

Section 7. Application of Note Proceeds. Proceeds of the Note shall be deposited into the project fund, which is hereby authorized to be created (the “ULID No. 7 Project Fund”), and used to pay the costs of the ULID No. 7 Project Fund and costs of issuance of the Note. The Finance Director may invest money in the ULID No. 7 Project Fund in legal investments for City funds. Earnings on such investments shall accrue to the benefit of the ULID No. 7 Project Fund.

Section 8. Not Tax Exempt. Interest on the Note is not intended to be exempt from federal income taxation under the Code.

Section 9. Payments into the Bond Fund. The Bond Fund has been previously created and established in the office of the Finance Director as a special fund of the City, consisting of two accounts, each held separate and apart from the other: the Reserve Account and the Principal and Interest Account. The City may create sinking fund subaccounts or other subaccounts in the Bond Fund for the payment or securing of the Parity Bonds as long as the maintenance of such subaccounts does not conflict with the rights of the owners of any such Parity Bonds.

(a) The City hereby covenants and agrees that all ULID Assessments shall be deposited into the Principal and Interest Account of the Bond Fund.

(b) In addition to the required deposits for the Outstanding Parity Bonds and any Future Parity Bonds, so long as the Note is Outstanding, the Finance Director shall set aside and pay into the Bond Fund out of the Net Revenue, a fixed amount without regard to any fixed proportion, as follows:

(1) Into the Principal and Interest Account, on or before each debt service payment date, an amount which, together with ULID Assessments and other money on deposit therein, will be sufficient to pay interest coming due and payable on the next debt service payment date;

(2) Into the Principal and Interest Account, on or before each debt service payment date, an amount which, together with ULID Assessments and other money on deposit therein, will be sufficient to pay principal coming due and payable on the next debt service payment date, including mandatory redemption amounts due on that date with respect to any Term Bonds;

(3) Into the Reserve Account, with respect to any Covered Bonds:

(A) on the date of issue of such Covered Bonds, an amount which, together with other money and Reserve Sureties on deposit in the Reserve Account, will be equal to the Reserve Requirement for the then outstanding Parity Bonds that are Covered Bonds;

(B) at least annually, regular installments of amounts that will cause the additional amount required to be deposited due to the issuance of Future Parity Bonds that are Covered Bonds to be accumulated by no later than five years from the date of such issue; or

(C) on the date of issue, one or more Reserve Sureties the face amount of which, together with any amount deposited under subsection (A), above, are equal to the Reserve Requirement for the outstanding Parity Bonds that are Covered Bonds.

(4) Into any other reserve account created in the future for the payment of debt service on Parity Bonds as set forth in the applicable Parity Bond Ordinance.

(c) The Note is not a Covered Bond and will not be secured by a reserve account. The Reserve Requirement with respect to the Note is zero. The City covenants and agrees that it will at all times that any Covered Bonds remain outstanding, maintain in the Reserve Account an amount (including the face amount of any Reserve Surety permitted to be deposited therein) equal to the Reserve Requirement, except for withdrawals authorized in this subsection.

(1) Whenever there is a sufficient amount in the Principal and Interest Account and the Reserve Account to pay the principal of, premium, if any, and interest on all Covered Bonds then outstanding, the money in the Reserve Account may be used to pay such principal, premium, if any, and interest. Money in the Reserve Account may be withdrawn to redeem and retire, by payment of principal, premium, if any, and the interest due to such date of redemption, any outstanding Covered Bonds so long as the value of deposits remaining on deposit in the Reserve Account are equal to the Reserve Requirement.

(2) If the amount in the Principal and Interest Account is insufficient to make any debt service payment with respect to any Covered Bonds, such insufficiency shall be made up from the Reserve Account by the withdrawal of money therefrom. Any deficiency created in the Reserve Account by reason of any such withdrawal shall be made up from the Net Revenue or ULID Assessments that are first available after making necessary provisions for the required payments into the Principal and Interest Account.

(d) All money in any Bond Fund may be kept in cash or may be invested in any legal investment for City funds, maturing not later than the date when needed (for investments in the Principal and Interest Account) or the last maturity of any outstanding Parity Bonds (for investments in the Reserve Account), but only to the extent that the same are acquired, valued and disposed of at Fair Market Value.

(e) Income from the investments in the Principal and Interest Account shall be retained in that account. Income from investments in the Reserve Account shall be retained in that account until the amount therein is equal to the Reserve Requirement, and any excess shall be deposited into the Principal and Interest Account. If the value of the money and investments in the Reserve Account exceeds the Reserve Requirement, the excess shall be transferred to the Principal and Interest Account. The City may, at any time, value the amount on deposit in the Reserve Account and any other reserve accounts securing the payment of Parity Bonds and may transfer any excess to the Principal and Interest Account as provided in this subsection (e).

Section 10. Pledge and Lien Position. The City hereby irrevocably covenants that it will issue the Bonds or refunding notes in amounts sufficient to pay such principal and interest on the Note as the same shall become due. Such proceeds are hereby pledged irrevocably to the payment of the Note.

The Net Revenue and all ULID Assessments are pledged for the payment of the Parity Bonds, including the Note. This pledge shall constitute a lien and charge upon the Net Revenue and ULID Assessments prior and superior to any other liens and charges whatsoever, except that the amounts so pledged are of equal lien to the charges upon the Net Revenue and ULID Assessments which have been pledged to pay and secure the payment of the principal of and interest on the Outstanding Parity Bonds, and which may hereafter be made to pay and secure the payment of the principal of and interest on any Future Parity Bonds.

Section 11. Covenants of the City. The City covenants and agrees so long as the Note is outstanding as follows:

(a) *Rates and Charges; Coverage.* The City will establish, maintain, revise as necessary, and collect rates and charges for services furnished by the System that will be sufficient to produce Net Revenue in each calendar year, which, together with ULID Assessments that are collected in such year and other revenue available therefor, will be at least equal to the Coverage Requirement.

(b) *Maintenance and Repair.* The City will at all times maintain and keep the System in good repair, working order and condition, and also will at all times operate such utility and the business in connection therewith in an efficient manner and at a reasonable cost.

(c) *ULID Assessments.* The City will collect promptly all ULID Assessments. Such ULID Assessments may be used to pay the principal of or interest on any bonds payable out of the Bond Fund without those ULID Assessments being particularly allocated to the payment of principal of or interest on any particular series of Parity Bonds.

(d) *Sale or Transfer of System.* The City may sell, transfer or otherwise dispose of any or all of the works, plant, properties, facilities or other part of the System or any real or personal property comprising a part of the System only consistent with one or more of the following:

(1) The City in its discretion may carry out such a sale, transfer or disposition (each, as used in this subparagraph, a “transfer”) if the facilities or property transferred are not material to the operation of the System, or shall have become unserviceable, inadequate, obsolete or unfit to be used in the operation of the System or are no longer necessary, material or useful to the operation of the System; or

(2) The City in its discretion may carry out such a transfer if the aggregate depreciated cost value of the facilities or property being transferred under this subparagraph (2) in any fiscal year comprises no more than 3% of the total assets of the System; or

(3) The City in its discretion may carry out such a transfer if the City receives from the transferee an amount equal to the greater of the following:

(A) An amount which will be in the same proportion to the net amount of Parity Bonds then outstanding (defined as the total amount of the Parity Bonds less the amount of cash and investments in the Bond Fund and accounts therein) that the Revenue of the System from the portion of the System sold or disposed of for the preceding year bears to the total Revenue for that period; or

(B) An amount which will be in the same proportion to the net amount of Parity Bonds then outstanding (as defined above) that the Net Revenue from the portion of the System sold or disposed of for the preceding year bears to the total Net Revenue for such period; or

(C) An amount equal to the fair market value of the portion of the System transferred. As used in this section, "fair market value" means the most probable price that a property should bring in a competitive and open market under all conditions requisite to a fair sale, the willing buyer and willing seller each acting prudently and knowledgeably and assuming that the price is not affected by coercion or undue stimulus.

The proceeds of any transfer under this subparagraph (3) shall be used, first, to promptly redeem (or shall be irrevocably set aside for the redemption of) Parity Bonds, and, if any proceeds remain, second, to provide for part of the cost of additions to and betterments and extensions of the System.

(e) *Books and Records.* The City will keep proper and separate accounts and records in which complete and separate entries shall be made of all transactions relating to the System, and it will furnish the Registered Owner of the Note, at the written request of such Registered Owner, complete operating and income statements of the System in reasonable detail covering any calendar year not more than 120 days after the close of such calendar year and it will grant any registered owners of at least 25% of the then-outstanding Parity Bonds the right at all reasonable times to inspect the entire System and all records, accounts and data of the City relating thereto. Upon request of any registered owner of any of the Parity Bonds, it also will furnish to such registered owner a copy of the most recently completed audit of the City's accounts by the State Auditor.

(f) *No Free Service.* The City will not furnish any service of the System to any customer whatsoever free of charge, except as permitted in aid of the poor and infirm in conformance with the State Constitution, and will take prompt legal action to enforce collection of all delinquent accounts.

(g) *Insurance.* The City will at all times carry fire and such other forms of insurance on such of the buildings, equipment, facilities and properties of the City as under good practice are ordinarily carried on such buildings, equipment, facilities and properties by utilities engaged in the operation of water and sewer systems to the full insurable value thereof, and also will carry adequate public liability insurance at all times.

(h) *Operating and Maintenance Expense.* The City will pay all Operating and Maintenance Expense and otherwise meet the obligations of the City as herein set forth.

Section 12. Flow of Funds. The City will use, pay out and distribute the Revenue of the System in the following order of priority:

- (a) To pay Operating and Maintenance Expense;
- (b) To meet the debt service requirements with respect to the Parity Bonds by making payments into the Principal and Interest Account;
- (c) To make required payments into the Reserve Account to secure the payment of any Covered Bonds, and into any other reserve fund created in the future for the payment of debt service on Parity Bonds;
- (d) To meet the debt service requirements on any bonds or other obligations having a charge and lien on the Net Revenue and ULID Assessments (if any) junior to the Parity Bonds; and
- (e) To redeem and retire any then-outstanding Parity Bonds or to purchase any or all of those Parity Bonds in the open market as provided in those bonds in the open market, or to make necessary betterments and replacements of or repairs, additions or extensions to the System, or for any other lawful purpose.

The City will not create any special fund or funds for the payment of the principal of and interest on any other revenue bonds which will have any priority over or which will rank on a parity with the payments required by the Parity Bond Authorizing Ordinances to be made out of the Revenue of the System and ULID Assessments, nor will it issue Parity Bonds except as permitted pursuant to the Parity Conditions and Section 14 of this ordinance.

Section 13. Rate Stabilization Fund. There is created and established in the office of the Finance Director, a Rate Stabilization Fund. The City may at any time, as determined by the Finance Director and consistent with this ordinance, deposit into the Rate Stabilization Fund amounts from Revenue of the System and any other money received by the System and available to be used for that purpose, excluding principal proceeds of any Future Parity Bonds. The Finance Director may at any time withdraw money from the Rate Stabilization Fund for inclusion in the Net Revenue for the current fiscal year of the System, except that the total amount withdrawn from the Rate Stabilization Fund in any calendar year may not exceed the total debt service of the System in that year. Such deposits or withdrawals may be made up to and including the date 90 days after the end of the calendar year for which the deposit or withdrawal will be included as Net Revenue. Earnings from investments in the Rate Stabilization Fund shall be deposited in that fund and shall not be included as Net Revenue unless and until withdrawn from that fund as provided in this section. The Finance Director may also deposit earnings from investments in the Rate Stabilization Fund into any System fund as authorized by ordinance, and such deposits shall be included as Net Revenue in the year of deposit. No deposit may be made into the Rate Stabilization Fund to the extent that such deposit would prevent the City from meeting the Coverage Requirement in the relevant calendar year.

Section 14. Future Parity Bonds.

(a) *Future Parity Bonds; Parity Conditions.* The City covenants and agrees with the Registered Owner of the Note that, for as long as the Note remains outstanding, the City will not issue any bonds having a greater or equal priority of lien upon the Net Revenue and ULID Assessments to pay and secure the payment of the principal of and interest on the Parity Bonds except upon satisfaction of the conditions set forth below. Nothing herein contained shall prevent the City from issuing revenue bonds to refund maturing Parity Bonds for the payment of which moneys are not otherwise available.

(b) The City reserves the right, upon compliance with the conditions set forth below, to issue Future Parity Bonds and to pledge that payments will be made out of the Revenue of the System into the Bond Fund and the accounts therein to pay and secure the payment of the principal of and interest on such Future Parity Bonds on a parity with the payments required to be made out of such moneys into the Bond Fund and its accounts to pay and secure the payment of the principal of and interest on any Parity Bonds then outstanding.

Future Parity Bonds may be issued only for the purposes of: first, providing funds to acquire, construct, reconstruct, install or replace any equipment, facilities, additions, betterments or other capital improvements to the System pursuant to a plan or plans of additions and betterments thereto hereafter adopted, or, second, refunding at or prior to their maturity, any part or all of any outstanding revenue bond anticipation notes, or revenue bonds, or other obligations payable out of the Revenue of the System.

(c) *Parity Conditions.* Future Parity Bonds may be issued only upon compliance with the following conditions:

(1) At the time of the issuance of any Future Parity Bonds there may be no deficiency in the Bond Fund, the Principal and Interest Account, the Reserve Account or the other funds and accounts held therein.

(2) With respect to Covered Bonds, the Future Parity Bond Authorizing Ordinance must provide for the deposit into the Reserve Account of any combination of Future Parity Bond proceeds, Reserve Sureties, or other money legally available, in the amount necessary (if any) to make the amount on deposit in the Reserve Account equal to the Reserve Requirement, which may include the deposit of approximately equal annual installments that will provide for full funding of the Reserve Requirement no later than five years after the date of issuance of the Future Parity Bonds that are Covered Bonds.

(3) If Future Parity Bonds are to be issued as Term Bonds, the Future Parity Bond Authorizing Ordinance shall provide for a schedule of mandatory sinking fund redemption payments to be made into the Principal and Interest Account sufficient to amortize the principal of such Term Bonds on or before the maturity date thereof.

(4) The Future Parity Bond Authorizing Ordinance authorizing the issuance of such Future Parity Bonds shall provide that ULID Assessments levied in any ULIDs created to pay part of the cost of improvements to the System for which such Future Parity Bonds are issued shall be paid into the Bond Fund.

(5) *Parity Certificate.*

(i) *Certificate of an Independent Utility Consultant.* The City shall have on file a certificate of an Independent Utility Consultant showing that, in his or her professional opinion, the “Adjusted Net Revenue” and the “Estimated Assessment Income” (as such terms are defined below) for each calendar year after the issuance of such Future Parity Bonds will equal at least 1.25 times the “Future Average Annual Debt Service” (as defined below). The Independent Utility Consultant may rely upon, and the Consultant’s certificate shall have attached to it, financial statements of the System, showing income and expenses for the period upon which the same is based. The Independent Utility Consultant’s certificate shall be conclusive and the only evidence required to show compliance with the provisions and requirements of these Parity Conditions; or

(ii) *Certificate of Finance Director.* In lieu of the certificate of an Independent Utility Consultant, the City may have on file a certificate of the Finance Director showing that that Net Revenue and Estimated Assessment Income in any 12 consecutive months out of the most recent 24 months preceding the delivery of the Future Parity Bonds then proposed to be issued, as determined from the financial statements of the System (which may not be audited), were not less than 1.25 times Future Average Annual Debt Service. In issuing such certificate the Finance Director shall reflect in the certificate the Net Revenue he or she estimates would have been collected in such 12-month period if the City Council at any time on or prior to the date of delivery of the Future Parity Bonds proposed to be issued had adopted any adjustment in the rates, fees and charges collected by the City for the services to the System if such new rates, fees and charges had been in effect for the entire 12 month period.

(6) *Refunding Bonds.* Notwithstanding the foregoing requirement for a parity certificate, if Future Parity Bonds are to be issued for the purpose of refunding at or prior to their maturity any part or all of the then-outstanding Parity Bonds and the issuance of such refunding Future Parity Bonds will result in a debt service savings and does not require an increase of more than \$5,000 in any fiscal or calendar year for principal of and interest on such refunding Future Parity Bonds over and above the amount required in such year for the principal of and interest on the Parity Bonds being refunded thereby, a certificate described in (5) above is not required.

(d) *Definitions.* As used in these Parity Conditions, the following capitalized terms have the following meanings:

(1) “Future Annual Debt Service” means the amount required to be paid in a calendar year for (i) interest on all Parity Bonds then outstanding including the Future Parity Bonds proposed to be issued, plus (ii) the principal of all Parity Bonds then outstanding including the Future Parity Bonds proposed to be issued, minus (iii) the amounts scheduled to be received in that calendar year by the City as a federal credit payment with respect to Parity Bonds designated by the City as federal tax credit bonds, including but not limited to build America bonds and similar “direct-pay” tax credit bond programs.

(2) “Future Average Annual Debt Service” means (i) the total Future Annual Debt Service for the calendar years in which all Parity Bonds including the Future Parity Bonds proposed to be issued are outstanding divided by the number of such calendar years, minus (ii) the amounts scheduled to be received in that calendar year by the City as a federal credit payment with respect to Parity Bonds designated by the City as federal tax credit bonds, including but not limited to Build America Bonds and similar “direct-pay” tax credit bond programs.

(3) “Adjusted Net Revenue” means Net Revenue for a period of any 12 consecutive months out of the 24 months immediately preceding the issue date of the proposed Future Parity Bonds for each calendar year after such issue date, for so long as any Parity Bonds, including the Future Parity Bonds proposed to be issued, remain outstanding, which Net Revenue calculation may be adjusted by the Independent Utility Consultant to take into consideration certain changes in Net Revenue estimated to occur under the certain conditions, as follows:

(A) The additional Net Revenue, which would have been received if any change in rates and charges adopted prior to the date of the Independent Utility Consultant’s certificate and subsequent to the beginning of such eighteen-month period, had been in force during the full twelve-month period;

(B) The additional Net Revenue, which would have been received if any facility of the System, which became fully operational after the beginning of such twelve-month period had been so operating for the entire period;

(C) The additional Net Revenue estimated by such Independent Utility Consultant to be received as a result of any additions, betterments and improvements to and extensions of any facilities of the System which are (a) under construction as of the date of the Consultant’s certificate, or (b) will be constructed from the proceeds of the Future Parity Bonds to be issued;

(D) The additional Net Revenue estimated by such Independent Utility Consultant to be received if any customers added to the System during such twelve-month period were customers for the entire period; and

(E) The additional Net Revenue estimated to be received from anticipated growth in customers not to exceed 2% per year for a period of not more than ten years after delivery of such proposed Future Parity Bonds.

(4) “Estimated Assessment Income” for each calendar year shall be determined as follows:

(A) by deducting from the principal amount of unpaid ULID Assessments levied by the City in each applicable ULID and payable into the Bond Fund for estimated nonpayment an amount equal to 5% of such unpaid principal;

(B) by dividing the principal balance remaining after such deduction by the number of years in which installments on each such assessment roll may be paid without becoming delinquent; and

(C) by adding to the amount found for each year the interest due and payable on such installments.

(e) *Subordinate Bonds.* Nothing herein contained shall prevent the City from (1) issuing revenue bonds or other obligations which are a charge upon the Net Revenue junior or inferior to the payments required by Parity Bond Ordinances to be made out of the Net Revenue into the Bond Fund and the Accounts therein to pay and secure the payment of the then outstanding Parity Bonds, and (2) securing such junior lien revenue bonds by pledge of assessments levied in one or more ULIDs which shall have been created to construct the improvements to be paid for out of the proceeds of such junior lien revenue bonds.

Section 15. Separate Utility Systems. The City may create, acquire, construct, finance, own and operate one or more additional systems for water supply, sewer service, water, sewage or stormwater transmission, treatment or other commodity or utility service. The revenue of that Separate System, and any ULID assessments payable solely with respect to improvements to a Separate System, shall not be included in the Revenue of the System and may be pledged to the payment of revenue obligations issued to purchase, construct, condemn or otherwise acquire or expand the Separate System. Neither the Revenue of the System nor the Net Revenue may be pledged to the payment of any obligations of a separate utility Separate System except that the Net Revenue may be pledged on a basis subordinate to the lien on such revenue to the lien of the Parity Bonds.

Section 16. Sale of Note.

(a) *Note Sale.* The Council has determined that it would be in the best interest of the City to delegate for a limited time the authority to approve the final terms of the Note. Subject to the terms and conditions set forth in this Section 16, each Designated Representative is hereby authorized (i) to approve the principal payment date(s), dated date, denomination, interest payment date(s), redemption/prepayment provisions and interest rate or rates for the Note issued under the terms of this ordinance, (ii) to execute any Note Purchase Contract and/or other documents necessary for the sale of the Note to the Purchaser (including but not limited to a rate lock agreement); (iii) to agree to any additional terms and covenants that are in the best interest of the City and consistent with this ordinance; and (iv) to execute the sale of the Note to the Purchaser. Notwithstanding the foregoing, the sale of the Note to the Purchaser shall be subject to the following conditions:

- (1) the principal amount of the Note does not exceed \$7,500,000,
- (2) the final maturity of the Note is no later than two years from the Closing,
- (3) the interest rate on the Note does not exceed 5.35%, subject to the Default Rate; and
- (4) the Note otherwise conforms to all other terms of this ordinance.

(b) *Report to Council; Expiration of Authority.* Following the sale of the Note, a Designated Representative shall provide a report to the Council describing the sale and final terms of the Note approved pursuant to the authority delegated in this section. The authority granted to the Designated Representatives by this Section 16 shall expire on October 31, 2025. If the Note authorized herein has not been sold by October 31, 2025, the Note shall not be issued nor its sale approved unless the Note shall have been re-authorized by ordinance of the Council. The ordinance re-authorizing the issuance and sale of such Note may be in the form of a new ordinance repealing this ordinance in whole or in part or may be in the form of an amendatory ordinance approving the sale of the Note or establishing terms and conditions for the authority delegated under this Section 16.

(c) *Delivery of Note; Documentation.* Upon the passage and approval of this ordinance, the proper officials of the City including the Designated Representatives and City Clerk are authorized and directed to undertake all action necessary for the prompt execution and delivery of the Note to the Purchaser and further to execute all closing certificates, agreements, and documents required to effect the closing and delivery of the Note in accordance with the terms of this ordinance, including but not limited to any Note Purchase Contract and other agreements required by the Purchaser that are consistent with this ordinance.

Section 17. Ongoing Disclosure; Information to be Provided to the Purchaser. The Note is exempt from ongoing disclosure requirements of the Rule.

While the Note is outstanding, the City shall provide to the Registered Owner the following:

(a) a copy of its annual financial statements, which statements may not be audited, except that if and when audited financial statements are otherwise prepared and available to the City, they will be provided to the Registered Owner within a reasonable timeframe, and operating data of the type and form that the City is required to file in connection with its ongoing disclosure undertakings entered into under the Rule for its Outstanding Parity Bonds. The annual financial statements and operating data shall be provided to the Register Owner on or before the end of nine months after the end of the City's fiscal year, and

(b) reports and other information, if any, set forth in the Note Purchase Contract.

Section 18. Amendatory and Supplemental Ordinances.

(a) This ordinance shall not be modified or amended in any respect subsequent to the initial issuance of the Note, except as provided in and in accordance with and subject to the provisions of this section.

(b) The City, from time to time, and at any time, without the consent of or notice to the Registered Owner of the Note, may pass supplemental or amendatory ordinances as follows:

(1) To cure any formal defect, omission, inconsistency or ambiguity in this ordinance in a manner not adverse to the owner of any Parity Bonds;

(2) To impose upon the Note Registrar for the benefit of the Registered Owner of the Note any additional rights, remedies, powers, authority, security, liabilities or duties which may lawfully be granted, conferred or imposed and which are not contrary to or inconsistent with this ordinance as theretofore in effect;

(3) To add to the covenants and agreements of, and limitations and restrictions upon, the City in this ordinance, other covenants, agreements, limitations and restrictions to be observed by the City which are not contrary or inconsistent with this ordinance as theretofore in effect;

(4) To confirm, as further assurance, any pledge under, and the subjection to any claim, lien or pledge created or to be created by this ordinance of any other money, securities or funds;

(5) To make correlative amendments and modifications to this ordinance regarding exchangeability of the Note, redemptions of portions of the Note and similar amendments and modifications of a technical nature;

(6) To modify, alter, amend or supplement this ordinance in any other respect which is not materially adverse to the registered owners of the Parity Bonds and which does not involve a change described in subsection (c) of this section;

(7) Because of change in federal law or rulings, to maintain the exclusion from gross income of the interest on any Parity Bonds from federal income taxation; and

(8) To add to the covenants and agreements of, and limitations and restrictions upon, the City in this ordinance, other covenants, agreements, limitations and restrictions to be observed by the City which are requested by a bond insurer or provider of a Reserve Surety and which are not materially adverse to the registered owners of the Parity Bonds.

Before the City may pass any such supplemental ordinance pursuant to this subsection, there shall have been delivered to the City and the Registered Owner an opinion of Bond Counsel stating that such supplemental ordinance is authorized or permitted by this ordinance and, upon the execution and delivery thereof, will be valid and binding upon the City in accordance with its terms.

(c) Except for any supplemental ordinance entered into pursuant to subsection (b) of this section, subject to the terms and provisions contained in this subsection (c) and not otherwise:

(1) Registered Owners of not less than 50% in aggregate principal amount of the Parity Bonds then outstanding shall have the right from time to time to consent to and approve the passage by the City Council of any supplemental ordinance deemed necessary or desirable by the City for the purpose of modifying, altering, amending, supplementing or rescinding, in any particular, any of the terms or provisions contained in this ordinance; except that, unless approved in writing by the registered owners of all the Parity Bonds then outstanding, nothing contained in this section shall permit, or be construed as permitting: (i) a change in the times, amounts or currency of payment of the principal of or interest on any outstanding Parity Bond, or a reduction in the principal amount of redemption price of any outstanding Parity Bond

or a change in the redemption price of any outstanding Bond or a change in the method of determining the rate of interest thereon; (ii) a preference of priority of any Parity Bond or Parity Bonds or any other bond or bonds; or (iii) a reduction in the aggregate principal amount of Parity Bonds, the consent of the registered owners of the impacted Parity Bonds of which is required for any such supplemental ordinance.

(2) If at any time the City shall pass any supplemental ordinance for any of the purposes of this subsection (c), the Note Registrar shall cause notice of the proposed supplemental ordinance to be given by first class United States mail to all registered owners of the then outstanding Parity Bonds and to Moody's Investors Service, Inc. and S&P Global Ratings, if the Parity Bonds are rated by those agencies. Such notice shall briefly set forth the nature of the proposed supplemental ordinance and shall state that a copy thereof is on file at the office of the bond registrar for inspection by all registered owners of the outstanding Parity Bonds.

(3) Within two years after the date of the mailing of such notice, the City may pass such supplemental ordinance in substantially the form described in such notice, but only if there shall have first been delivered to the Note Registrar (i) the required consents, in writing, of the registered owners of the Parity Bonds and (ii) an opinion of Bond Counsel stating that such supplemental ordinance is authorized or permitted by this ordinance, and, upon the execution and delivery thereof, will be valid and binding upon the City in accordance with its terms and will not adversely affect the exclusion from gross income for federal income tax purposes of interest on the Parity Bonds.

(4) If registered owners of not less than the percentage of Parity Bonds required by this subsection (c) have consented to and approved the execution and delivery thereof as herein provided, no owner of the Parity Bonds shall have any right to object to the passage of such supplemental ordinance, or to object to any of the terms and provisions contained therein or the operation thereof, or in any manner to question the propriety of the passage thereof, or to enjoin or restrain the City or the bond registrar from passing the same or from taking any action pursuant to the provisions thereof.

(d) Upon the execution and delivery of any supplemental ordinance pursuant to the provisions of this Section 18, this ordinance shall be, and be deemed to be, modified and amended in accordance therewith, and the respective rights, duties and obligations under this ordinance of the City, the bond registrar and all registered owners of Parity Bonds then outstanding, shall thereafter be determined, exercised and enforced under this ordinance subject in all respects to such modifications and amendments.

Section 19. Lost, Stolen or Destroyed Note. In case the Note shall be lost, stolen or destroyed, the Note Registrar may execute and deliver a new Note of like date, number and tenor to the Registered Owner thereof upon the Registered Owner's paying the expenses and charges of the City and the Note Registrar in connection therewith and upon his/her/its filing with the City evidence satisfactory to the City that such Note was actually lost, stolen or destroyed and of his/her/its ownership thereof, and upon furnishing the City and/or the Note Registrar with indemnity satisfactory to the City and the Note Registrar.

Section 20. Severability; Ratification. If any one or more of the covenants or agreements provided in this ordinance to be performed on the part of the City shall be declared by any court of competent jurisdiction to be contrary to law, then such covenant or covenants, agreement or agreements, shall be null and void and shall be deemed separable from the remaining covenants and agreements of this ordinance and shall in no way affect the validity of the other provisions of this ordinance or of the Note. All acts taken pursuant to the authority granted in this ordinance but prior to its effective date are hereby ratified and confirmed.

Section 21. Corrections by Clerk. Upon approval of the City Attorney and bond counsel to the City, the City Clerk is hereby authorized to make necessary corrections to this ordinance, including but not limited to the correction of clerical errors; references to other local, state or federal laws, codes, rules or regulations; ordinance numbering and section/subsection numbering; and other similar necessary corrections.

Section 22. Effective Date of Ordinance. This ordinance shall be published in the official newspaper of the City, and shall take effect and be in full force five (5) days after the date of publication.

ADOPTED BY THE CITY COUNCIL OF THE CITY OF NORTH BEND, WASHINGTON, AT A REGULAR MEETING THEREOF, THIS 3RD DAY OF JUNE, 2025.

CITY OF NORTH BEND:

APPROVED AS TO FORM:

Mary Miller, Mayor

Pacifica Law Group LLP, Bond Counsel

ATTEST/AUTHENTICATED:

Published: _____

Effective: _____

Susie Oppedal, City Clerk

EXHIBIT A
FORM OF NOTE

UNITED STATES OF AMERICA

R-1

\$7,500,000

TRANSFER RESTRICTED

THIS NOTE HAS NOT BEEN REGISTERED UNDER THE SECURITIES ACT OF 1933, AS AMENDED (THE "SECURITIES ACT"), OR UNDER THE SECURITIES LAWS OF ANY STATE OR JURISDICTION, THIS NOTE IS SUBJECT TO CERTAIN TRANSFER RESTRICTIONS AS PROVIDED IN THE NOTE ORDINANCE DESCRIBED BELOW AND MAY NOT BE RESOLD, PLEDGED OR OTHERWISE TRANSFERRED EXCEPT AS PROVIDED IN THE NOTE ORDINANCE.

STATE OF WASHINGTON

CITY OF NORTH BEND

WATER AND SEWER REVENUE NOTE, 2025 (TAXABLE)
(UTILITY LOCAL IMPROVEMENT DISTRICT NO. 7 (MEADOWBROOK))

INTEREST RATE: _____ PER ANNUM, SUBJECT TO ADJUSTMENT TO THE
DEFAULT RATE, AS DESCRIBED BELOW
MATURITY DATE: _____
REGISTERED OWNER: KEY GOVERNMENT FINANCE, INC.
PRINCIPAL AMOUNT: SEVEN MILLION FIVE HUNDRED THOUSAND AND
NO 100/DOLLARS

The City of North Bend, Washington (the "City"), a municipal corporation organized and existing under and by virtue of the laws of the State of Washington (the "City"), hereby acknowledges itself to owe and for value received promises to pay to the Registered Owner identified above, on or before the Maturity Date identified above, the principal of this note, together with interest thereon, in accordance with the terms of this note, the Ordinance and the Note Purchase Contract (each as defined below).

This note is issued under and in accordance with the provisions of the Constitution and applicable statutes of the State of Washington and Ordinance No. ____ duly passed by the City Council on June 3, 2025 (the "Note Ordinance"). Capitalized terms used in this note have the meanings given such terms in the Note Ordinance.

This note shall bear interest on the outstanding principal amount at the Interest Rate noted above, subject to the Default Rate, as defined in the Note Ordinance. Interest on this note shall be paid on _____, commencing _____, and on the Maturity Date or the date of prior prepayment. Principal of and accrued interest on this note are due and payable on the Maturity Date. Interest on the Outstanding Balance shall be calculated on the basis of a year of

360 days of twelve 30-day months. If the City fails to pay principal of or interest on this note when due, then the unpaid payment shall accrue interest at the Default Rate until such payment default is cured, and for any Event of Default, that is not cured within 90 days written notice thereof to the City, then the entire principal on this note shall bear interest at the Default Rate until such Event of Default is cured.

Upon the occurrence of an Event of Default, the Registered Owner may also exercise any remedy available at law or in equity (excluding acceleration), as provided in the [Note Purchase Contract][Note Ordinance].

Proceeds of this note will be used to finance and/or reimburse the City for the cost associated with the design, construction and installation of improvements within Utility Local Improvement District No. 7 (Meadowbrook), and (c) to pay costs of issuance of this note.

[Add redemption provisions].

This note is payable from and secured by the proceeds of water and sewer utility revenue bonds (the “Bonds”) to be issued and sold by the City by the Maturity Date and that have been pledged to pay this note as provided in the [Note Purchase Contract and the Note Ordinance].

As security for the payment of the principal of, premium, if any, and interest on all Parity Bonds the City has pledged, in accordance with the provisions of the Note Ordinance, Net Revenue and all ULID Assessments. This pledge shall constitute a lien and charge upon the Net Revenue and ULID Assessments prior and superior to any other liens and charges whatsoever, except that the amounts so pledged are of equal lien to the charges upon the Net Revenue and ULID Assessments which have been pledged to pay and secure the payment of the principal of and interest on the Outstanding Parity Bonds, and which may hereafter be made to pay and secure the payment of the principal of and interest on any Future Parity Bonds.

The City hereby covenants and agrees with the Registered Owner that it will keep and perform all the covenants of this note[, the Note Purchase Contract,] and the Note Ordinance. The provisions of the [Note Purchase Contract and the] Note Ordinance are incorporated herein by this reference.

THIS NOTE IS A SPECIAL AND LIMITED OBLIGATION OF THE CITY PAYABLE ONLY FROM THE SOURCES IDENTIFIED HEREIN, IN THE [NOTE PURCHASE CONTRACT AND IN THE] NOTE ORDINANCE AND IS NOT A GENERAL OBLIGATION OF THE CITY, KING COUNTY, THE STATE OR ANY OTHER POLITICAL SUBDIVISION THEREOF. THIS NOTE DOES NOT CONSTITUTE A CHARGE UPON ANY GENERAL FUND OR UPON ANY MONEY OR OTHER PROPERTY OF THE CITY, KING COUNTY, THE STATE OR ANY OTHER POLITICAL SUBDIVISION THEREOF NOT SPECIFICALLY PLEDGED THERETO BY THE NOTE ORDINANCE.

This note shall not be valid or become obligatory for any purpose or be entitled to any security or benefit under the Note Ordinance until the Certificate of Authentication hereon shall have been manually signed by or on behalf of the Note Registrar or its duly designated agent.

This note is issued pursuant to the Constitution and laws of the State of Washington, and duly adopted ordinances of the City. The principal of this note shall be paid only to the Registered Owner and to no other person or entity. This note is transferable only upon compliance with the conditions set forth in the Note Ordinance.

IT IS HEREBY CERTIFIED, RECITED, AND DECLARED that all conditions, acts, and things required to exist, to happen, and to be performed precedent to and in the issuance of this note have existed, have happened, and have been performed in due time, form, and manner as required by the Constitution and statutes of the State of Washington; and that this note and all other obligations of such City are within every debt limitation and other limit prescribed by such Constitution and statutes.

IN WITNESS WHEREOF, the City of North Bend, Washington, has caused this note to be executed by the manual or facsimile signatures of the Mayor and the City Clerk and the seal of the City imprinted, impressed or otherwise reproduced hereon as of this ____ day of _____, 2025.

[SEAL]

CITY OF NORTH BEND, WASHINGTON

By _____ /s/ manual or facsimile
Mayor

ATTEST:
_____/s/ manual or facsimile
City Clerk

CERTIFICATE OF AUTHENTICATION

This note is registered in the name of the Registered Owner on the books of the City, in the office of the Finance Director of the City (the "Note Registrar"), as to both principal and interest, as noted in the registration blank below. All payments of principal of and interest on this note shall be made by the City from the Bond Fund.

| | | |
|-------------------------|---|--------------------------------|
| Date of Registration | Name and Address of Registered Owner | Signature of Note Registrar |
| _____, 20__ | Key Government Finance, Inc. | _____ |
| | | Finance Director |

CERTIFICATE

I, the undersigned, City Clerk of the City Council of the City of North Bend, Washington (the “City”), DO HEREBY CERTIFY:

1. The attached copy of Ordinance No. _____ (the “Ordinance”) is a full, true and correct copy of an ordinance duly passed at a regular meeting of the City Council of the City held at the regular meeting place thereof on June 3, 2025; and

2. That said meeting was duly convened and held in all respects in accordance with law, due and proper notice of such meeting was given; that a legal quorum was present throughout the meeting and a legally sufficient number of members of the Council voted in the proper manner for the passage of said Ordinance; that all other requirements and proceedings incident to the proper passage of said Ordinance have been fully fulfilled, carried out and otherwise observed; and that I am authorized to execute this certificate.

IN WITNESS WHEREOF, I have hereunto set my hand this 3rd day of June, 2025.

Susie Oppedal, City Clerk

CITY OF NORTH BEND, WASHINGTON

WATER AND SEWER REVENUE NOTE (TAXABLE)
(UTILITY LOCAL IMPROVEMENT DISTRICT NO. 7 (MEADOWBROOK))
(AMENDMENT AND REISSUANCE)

ORDINANCE NO. 1817

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NORTH BEND, WASHINGTON, AMENDING ORDINANCE NO. 1789 AUTHORIZING THE ISSUANCE AND SALE OF A WATER AND SEWER REVENUE NOTE (UTILITY LOCAL IMPROVEMENT DISTRICT NO. 7 (MEADOWBROOK)) OF THE CITY IN THE PRINCIPAL AMOUNT OF \$1,200,000; AUTHORIZING THE EXTENSION OF MATURITY AND REFINANCING OF THE NOTE; AUTHORIZING AN AMENDMENT TO THE NOTE PURCHASE CONTRACT; AND AUTHORIZING OTHER MATTERS RELATED THERETO.

WHEREAS, the City of North Bend, Washington (the “City”), adopted Ordinance No. 1789 on December 6, 2022 (the “Original Ordinance”), authorizing the issuance and sale of the City’s Water and Sewer Revenue Note, 2022 (Taxable) (Utility Local Improvement District No. 7 (Meadowbrook)) in the principal amount of \$1,200,000 (the “Note”); and

WHEREAS, proceeds of the Note were used to finance a portion of the engineering and design phase of sewer improvements within Utility Local Improvement District No. 7 (Meadowbrook) (the “Project”); and

WHEREAS, the Note is scheduled to mature on December 22, 2024 (the “Maturity Date”), and pursuant to the Original Ordinance and the Note Purchase Contract (the “Note Purchase Contract”) between the City and Key Government Finance, Inc., as purchaser (the “Purchaser”), at such time all accrued interest and principal on the Note shall become due; and

WHEREAS, upon completion of the Project, the City expects to issue bonds in order to refinance the Note and provide long-term financing for the Project; and

WHEREAS, the Purchaser has agreed to extend the Maturity Date of the Note in order to provide the City additional time for completion of the Project, and to revise the interest rate on the Note; and

WHEREAS, the City now deems it necessary and advisable to amend the Original Ordinance to extend the Maturity Date and to adjust the interest rate on the Note as provided herein; and

WHEREAS, such extension and adjustment shall effectively refinance and reissue the Note and therefore will be considered issuance of a “Future Parity Bond” for purposes of the Original Ordinance;

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

Section 1. Definitions. Terms not otherwise defined herein, including in the recitals set forth above, shall have the meanings set forth in the Original Ordinance.

Section 2. Parity Requirements. In accordance with the Outstanding Parity Bond Ordinances, which permit the issuance of additional Parity Bonds upon compliance with the conditions set forth therein, the City hereby finds and determines, as follows:

(a) Proceeds of the Note have been used for lawful purposes of the City related to the System.

(b) There is not now and at the time of reissuance of the Note there shall not be any deficiency in the Bond Fund, the Principal and Interest Account or the Reserve Account.

The applicable conditions of the Outstanding Parity Bond Ordinances having been or to be complied with, the pledge of Net Revenue and ULID Assessments to pay and secure the payment of the Note shall be extended and shall continue to constitute a lien and charge upon such Net Revenue and ULID Assessments equal in rank with the lien and charge upon the Net Revenue and ULID Assessments to pay and secure the payment of the Outstanding Parity Bonds.

Section 3. Amendment to Section 16(a) (Sale of Note). Section 16(a) (Sale of Note) of the Original Ordinance is hereby amended as follows (deletions are ~~stricken~~, additions are double underlined):

Section 16. Sale of Note.

(a) Note Sale. The Council has determined that it would be in the best interest of the City to delegate for a limited time the authority to approve the final terms of the Note. Subject to the terms and conditions set forth in this Section 16, each Designated Representative is hereby authorized (i) to approve the principal payment date(s), dated date, denomination, interest payment date(s), redemption/prepayment provisions and interest rate or rates for the Note issued under the terms of this ordinance, (ii) to execute the Note Purchase Contract and/or other documents necessary for the sale of the Note to the Purchaser (including but not limited to a rate lock agreement); (iii) to agree to any additional terms and covenants that are in the best interest of the City and consistent with this ordinance; and (iv) to execute the sale of the Note to the Purchaser. Notwithstanding the foregoing, the sale of the Note to the Purchaser shall be subject to the following conditions:

- (1) the principal amount of the Note does not exceed \$1,200,000,

(2) the final maturity of the Note is no later than ~~three~~ six years from the Closing (December 22, 2022),

(3) the interest rate on the Note does not exceed ~~6.5%~~ 6.32%, subject to the Default Rate;

(4) the Default Rate does not exceed the interest rate on the Note by more than 4% (400 basis points), and

(5) the Note otherwise conforms to all other terms of this ordinance.

...

Section 4. Amendment to the Note and Note Purchase Contract. Each Designated Representative is authorized to negotiate the final terms of the reissued Note and the terms of a first amendment to the Note Purchase Contract so long as (a) the final maturity of the reissued Note is no later than six years from its original Closing date (December 22, 2022), (b) the adjusted interest rate on the Note does not exceed 6.32%, and (c) the terms of the reissued Note otherwise conform to all other terms of the Original Ordinance as authorized herein. Each Designated Representative is further authorized to execute such first amendment to the Note Purchase Contract and other documents necessary for the reissuance of the Note to the Purchaser. The signature of one Designated Representative shall be sufficient to bind the City.

Section 5. Delivery of Replacement Note; Further Acts. The City is hereby authorized to authenticate and deliver a replacement Note to the Registered Owner, which shall include the extended Maturity Date and adjusted interest rate as provided in Sections 3 and 4 of this ordinance.

The replacement Note shall be executed on behalf of the City with the manual or facsimile signatures of the Mayor and City Clerk of the City and the seal of the City shall be impressed, imprinted or otherwise reproduced thereon. The Finance Director, as Note Registrar, is hereby authorized to authenticate the replacement Note on behalf of the City.

In case either of the officers who shall have executed the Note shall cease to be an officer or officers of the City before the Note so signed shall have been authenticated or delivered by the Note Registrar, or issued by the City, such Note may nevertheless be authenticated, delivered and issued and upon such authentication, delivery and issuance, shall be as binding upon the City as though those who signed the same had continued to be such officers of the City. The Note may also be signed and attested on behalf of the City by such persons who at the date of the actual execution of the Note, are the proper officers of the City, although at the original date of such Note any such person shall not have been such officer of the City.

The appropriate City officials are hereby authorized and directed to do everything necessary for the prompt issuance, execution and delivery of the replacement Note to the Registered Owner and to carry out the terms of this ordinance.

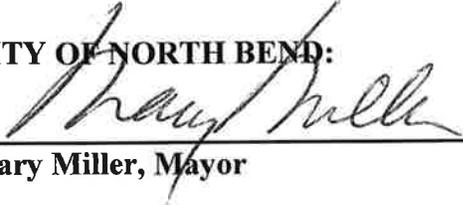
Section 6. Ratification and Confirmation. Except as hereby amended, the remaining terms and conditions of Ordinance No. 1789, are hereby ratified and confirmed in all respects.

All acts taken pursuant to the authority granted in this ordinance but prior to its effective date are hereby ratified and confirmed.

Section 7. Effective Date of Ordinance. This ordinance shall be published in the official newspaper of the City, and shall take effect and be in full force five (5) days after the date of publication.

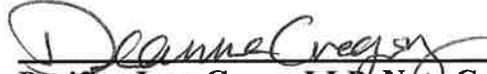
ADOPTED BY THE CITY COUNCIL OF THE CITY OF NORTH BEND, WASHINGTON, AT A REGULAR MEETING THEREOF, THIS 1st DAY OF October, 2024.

CITY OF NORTH BEND:



Mary Miller, Mayor

APPROVED AS TO FORM:



Pacifica Law Group LLP, Not a Counsel

ATTEST/AUTHENTICATED:



Susie Oppedal, City Clerk

Published: October 11, 2024
Effective: October 16, 2024

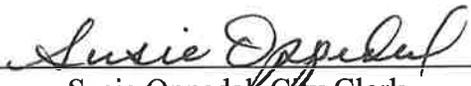
CERTIFICATE

I, the undersigned, City Clerk of the City Council of the City of North Bend, Washington (the "City"), DO HEREBY CERTIFY:

1. The attached copy of Ordinance No. 1817 (the "Ordinance") is a full, true and correct copy of an ordinance duly passed at a regular meeting of the City Council of the City held at the regular meeting place thereof on October 1, 2024; and

2. That said meeting was duly convened and held in all respects in accordance with law, due and proper notice of such meeting was given; that a legal quorum was present throughout the meeting and a legally sufficient number of members of the Council voted in the proper manner for the passage of said Ordinance; that all other requirements and proceedings incident to the proper passage of said Ordinance have been fully fulfilled, carried out and otherwise observed; and that I am authorized to execute this certificate.

IN WITNESS WHEREOF, I have hereunto set my hand this 1st day of October, 2024.



Susie Oppedal, City Clerk



City Council Agenda Bill

| | | |
|---|--|-----------------|
| SUBJECT: | Agenda Date: October 1, 2024 | AB24-103 |
| Ordinance Amending Ordinance No. 1789 Regarding Refinancing of Outstanding Water and Sewer Revenue Bonds for ULID #7 (Meadowbrook) Cost Impact: Fund Source: Water, Sewer, and Stormwater Utility funds Timeline: Approve proposed Ordinance before end of 2024 | Department/Committee/Individual | |
| | Mayor Mary Miller | |
| | City Administrator – David Miller | |
| | City Attorney – Kendra Rosenberg | |
| | City Clerk – Susie Oppedal | |
| | Administrative Services – Lisa Escobar | |
| | Comm. & Economic Development – | |
| | Finance – Martin Chaw | X |
| | Public Works – Mark Rigos | |
| | Information Technology – Phillip Davenport | |

Attachments: Ordinance, Ordinance 1789

SUMMARY STATEMENT:

The Meadowbrook area (“Project Area”) is located in the westerly portion of the City, west of the South Fork of the Snoqualmie River and north of I-90 and the Outlet Mall. The majority of this area consists of parkland and open space associated with Tollgate Park, a variety of creek and wetland sensitive areas, as well as land for commercial uses and single-family residential uses. The Project Area includes 68 tax parcels totaling 353.4 acres. The Project Area is presently not served with sewer services. Existing buildings are served with individual septic systems. Public water is available with service mains located along Bendigo Blvd. N, Boalch Ave. NW, and NW 8th Street. Some parcels have private wells. Sewer service is necessary to support development and improvement to the Project area, which is key to continued economic development.

In 2021, the City conducted a feasibility study (“Study”) to establish a Utilities Local Improvement District #7 (ULID #7) for the Project Area. ULID #7, also known as the Meadowbrook ULID, consists of constructing improvements to the City’s sewer system which includes design and construction of low-pressure grinder/pumps and installation of sewer system main lines to convey wastewater to the City’s wastewater treatment facility. Construction of the Meadowbrook ULID is anticipated to positively impact property values by replacing aging septic systems, permitting development of properties to more intensive uses, and increasing property desirability for buyers and investors. The study estimated total project costs of about \$8.7 million, which includes engineering design costs of \$1.2 million and project construction costs of \$7.5 million. The feasibility study concluded the improvements would result in a net positive benefit to the Project Area, increasing property values within the Meadowbrook ULID from \$54.152 million to \$65.769 million.

Following the 2021 Study, the City Council adopted Ordinance No. 1789 on December 6, 2022, authorizing the sale of a \$1.2 million short-term water and sewer revenue bond anticipation note (the “BAN”) to fund the engineering and design phase of the project. The BAN bears interest at a rate of 6.32% and matures 24 months after issuance (December 22, 2024). The BAN requires interest only payments until maturity when all principal becomes due. A BAN is a short-term interest-bearing security that is issued in advance of a larger, future bond issue. The larger, future bond issuance is commonly referred to as “take-out financing.” BANs are frequently issued by governments, such as local municipalities, wishing to generate interim construction funds for upcoming projects.

Project design is currently about 60 percent complete. Upon design completion (anticipated 1Q 2025) and completion of project construction (anticipated late 2025 to 2026), take out financing will be required to refinance this BAN plus the amount needed to complete the project. Once the project is constructed and completed, the final ULID #7 assessments will be determined and assessments made.

City Council Agenda Bill

As project engineering and design is not yet complete, staff is requesting to refinance and extend the aforementioned BAN for another 24 months through December 2026 to coincide with the construction window of the Meadowbrook ULID.

ALTERNATIVES:

Alternative #1: Refinance and extend the existing BAN as staff is proposing.

Description: Refinance the BAN as proposed.

Business Impacts: One option is to extend the final maturity and principal payment due on the existing BAN by refinancing the obligation (but not incurring additional debt or project funding at this time). Refinancing the existing BAN to extend the maturity date can allow the City to refinance at a lower interest rate (estimates currently range from 5.25% to 5.50%) until the City is ready to issue long-term bonds once the project is complete and the assessment roll is confirmed. Once the City is ready to construct the project (in 2025 or 2026), the City will need to secure additional financing for an additional amount to construct this project (separate from the existing BAN). City staff discussed with Bond Counsel whether there is any credit risk for takeout financing in 2025. Bond Counsel was not aware of any market risks that the City should be concerned about.

Recommendation: Council approval of attached Ordinance to refinance and extend the existing BAN.

Alternative #2: Refinance and extend the existing BAN and issue additional debt for construction costs.

Description: A second option is to extend the final maturity and principal payment due on the existing BAN by refinancing the obligation and incurring additional debt to pay costs of construction.

Business Impacts: This alternative will initiate additional financing for the amount necessary to construct the project and to refinance the existing BAN at the same time. The benefit of this option is that the City will have funds available for completion of the project. The downside of this option is that construction costs have not been finalized as of the time of this writing and proceeds from the financing will sit idle until late 2025 or 2026 when the funds are needed, resulting in accrued interest expense on this additional project funding during this period. Additionally, should interest rates decline further in the next 12 to 24 months, the City will not be able to take advantage of those reduced rates unless it refinances again.

Recommendation: Do not recommend.

APPLICABLE BRAND GUIDELINES: Economic viability; Consistent delivery of quality basic services.

COMMITTEE REVIEW AND RECOMMENDATION: The Finance and Administration Committee reviewed this item at its meeting of September 10, 2024, and recommended approval and placement on the Main Agenda for discussion.

RECOMMENDED ACTION: MOTION to approve AB24-103, an ordinance amending Ordinance No. 1789 to refinance the City’s outstanding Water and Sewer Revenue Note related to ULID #7, as a first and final reading.

RECORD OF COUNCIL ACTION

| <i>Meeting Date</i> | <i>Action</i> | <i>Vote</i> |
|---------------------|-----------------------|-------------|
| October 1, 2024 | Passed Ordinance 1817 | 5-0 |
| | | |



City of North Bend, Washington
Up to \$7,500,000
Water And Sewer Revenue Note, 2025 (Taxable)
(Utility Local Improvement District No. 7 (Meadowbrook))
Summary of Terms and Conditions
March 4, 2025

This Financing proposal is provided for discussion purposes only and does not represent a commitment from Key Government Finance, Inc. (“KGF”). This proposal and its terms are submitted on a confidential basis and shall not be disclosed to third parties (other than the Borrower’s officers, directors, employees and advisors charged with reviewing and/or implementing the transactions contemplated hereby) without KGF’s consent. This proposal is intended as an outline of certain material terms of the Facility and does not purport to summarize all the conditions, covenants, representations, warranties and other provisions which would be contained in definitive documentation for the Facility contemplated hereby.

KeyBank N.A. Public Sector and Key Government Finance, Inc. are pleased to provide the following term sheet for a taxable direct purchase financing structure available to the City of North Bend, Washington.

- Lender/Purchaser:** Key Government Finance, Inc. (“Lender” or the “Purchaser”).
- Borrower/Issuer:** City of North Bend, Washington (“Borrower”, “Issuer” or the “City”).
- Issue:** Water and Sewer Revenue Note, 2025 (Taxable) (Utility Local Improvement District No. 7 (Meadowbrook)) (the “Note”).
- Facility:** Direct Purchase of the Note by the Lender.
- Amount:** Up to \$7,500,000. All proceeds of the Note will be disbursed at closing.
- Use of Proceeds:** The proceeds of the Note will be used to finance the construction costs of the Meadowbrook ULID improvements.
- Facility Term:** The Anticipated Closing Date for this Facility is to be determined. (“Closing Date”)

The Final Maturity Date of the Note will be twenty-four (24) months from the Closing Date (“Final Maturity”). KGF will purchase the Note through Final Maturity.
- Repayment:** Principal and any accrued interest will be due in full at Final Maturity. Semi-annual interest payments will be due each June 1 and December 1, commencing on June 1, 2025, through Final Maturity.
- Taxable Interest Rate:** The fixed interest rate provided below is based on KeyCorp’s Cost of Funds as of March 4, 2025. The rate quoted is valid for closing on or before April 25, 2025, provided that the Borrower notifies the Lender via email of their intent to accept this Term Sheet subject to their normal approval procedures no later than March 11,

2025. If the Closing Date occurs after April 25, 2025, then the rate quoted shall be subject to repricing.

Taxable Fixed Interest Rate: 5.35%

Interest Day Count: 30/360

Costs of Issuance: Borrower will be responsible for all costs related to this financing including but not limited to Bond, Issuer's, Lender's, Custodian's and Borrower's Counsel fees and any related costs associated with the issuance for due diligence by the Lender for this financing. Financing costs can be included in the borrowing amount. Final costs will be based on actual fees for services rendered by providers:

Attorney contact information is provided below:

Mardikes Law LLC P.O. Box 14606
Portland, Oregon 97293
www.mardikeslaw.com

George Mardikes, Member
georgemardikes@mardikeslaw.com
(503) 887-3514

Anne L. Barragar, Member
annebarragar@mardikeslaw.com
(503) 819-1598.

Prepayment: The Facility may be prepaid in whole, but not in part, at any time after March 1, 2026, at par plus accrued interest.

Security: The Note will be on parity with existing Senior Lien Bonds. The City has pledged as security for the payment of the principal of and interest on the Note, and all Parity Bonds all Net Revenue and ULID Assessments. This pledge constitutes a lien and charge upon the Net Revenue and ULID Assessments prior and superior to any other liens and charges whatsoever, except that the amounts so pledged are of equal lien to the charges upon the Net Revenue and ULID Assessments which have been pledged to pay and secure the payment of the principal of and interest on the Outstanding Parity Bonds, and which may hereafter be made to pay and secure the payment of the principal of and interest on any Future Parity Bonds.

Financial Reporting: Borrower shall provide to the Lender or post on EMMA audited financial statements within 30 days of their release to the public by the State Auditor's office of the State of Washington; provided, however, that the Borrower will provide its unaudited financial statements within 270 days of its fiscal year end if its audited financial statements are not otherwise available by such date; (2) such other financial reports as the Lender may reasonable request, provided, however, that such requested reports are already customarily prepared by the Borrower. No provision of this requirement shall be interpreted to require the Borrower to prepare or compile reports, audits, statements or other materials that are not already customarily prepared by the Borrower.

| | |
|---|---|
| Default Rate: | 4% above the current interest rate for any outstanding payments in default, upon the occurrence of a payment default longer than 90 days, the default interest rate shall apply to all outstanding principal, until the payment default has been cured. |
| Financial Covenants: | 1.25x Debt Service Coverage and Additional Bonds Test as currently defined in the Bond Ordinance. Any amendment, modification and/or waiver will require the consent in writing by the Lender. |
| Documents: | All documents shall be attorney prepared and in form and substance acceptable to the Lender and its legal counsel, including legal opinions customary for transactions of this nature. Documentation must include the following: “No consent or waiver, express or implied, to or of any breach or default in the performance of any obligation under this Facility shall constitute a consent or waiver to or of any other breach or default in the performance of the same or any other obligation”. Bond counsel will provide a Validity Opinion regarding the legality, validity, and enforceability of the Facility. |
| Conditions Precedent to Closing: | Borrower’s obligation will be subject to such terms and conditions that Lender may require with respect to this transaction, or as are customarily required with respect to similar credits and as set forth in the Facility documents. Without limitation, such terms and conditions shall include: <ol style="list-style-type: none">1. Absence of Default.2. Accuracy of Representations and Warranties.3. Negotiation and Execution of satisfactory closing documents.4. Absence of material adverse change in financial condition of Borrower during the period from the date hereof to the Closing Date. |
| Market Disruption: | Notwithstanding anything contained herein to the contrary, in the event any material change shall occur in the financial markets after the date hereof, including, without limitation, any governmental action or other events which materially and adversely affects the extension of credit by Banks, leasing companies, or other lending institutions, the Lender may modify the pricing described above. |
| Other: | The Lender will make a loan by purchasing the Facility under the following additional conditions: (i) the Facility is not being registered under the Securities Act of 1933 and is not being registered or otherwise qualified for sale under the “Blue Sky” laws and regulations of any state; (ii) the Lender will hold the Facility as one single debt instrument; (iii) no CUSIP numbers will be obtained for the Facility; (iv) no final official Statement has been prepared in connection with the private placement of the Facility; (v) the Facility will not close through the DTC or any similar repository and will not be in book entry form; and (vi) the Facility will not be listed on any stock or other securities exchange |
| Expiration: | Subject to the Term and Conditions detailed herein, this Term Sheet will expire on April 25, 2025 |

Proposal Acceptance

This proposal is issued in reliance upon the accuracy of all information presented by you to us and is contingent upon the absence of any material adverse change in your condition, financial or otherwise, from the condition as it was represented to us at the time of this proposal. This proposal is subject to our formal approval and the execution of documentation acceptable to each of us.

a) Key Government Finance, Inc. (“KGF”) is not recommending an action to you as the municipal entity or obligated person; (b) KGF is not acting as an advisor to you and does not owe a fiduciary duty pursuant to Section 15B of the Exchange Act to you with respect to the information and material contained in this communication; (c) KGF is acting for its own interests; and (d) you should discuss any information and material contained in this communication with any and all internal or external advisors and experts that you deem appropriate before acting on this information or material.

Key Government Finance, Inc. (i) is an entity directly or indirectly controlled by a bank or under common control with a bank, other than a broker, dealer or municipal securities dealer registered under the Securities Exchange Act of 1934, and (ii) the present intent of the Key Government Finance, Inc., is to hold the municipal securities to maturity or earlier redemption or mandatory tender. Any placement agent, broker or financial advisor may rely upon the representations and warranties contained in this paragraph.

Purchaser notifies Issuer that pursuant to the requirements of the USA Patriot Act (Title III of Pub. L. 107-56, as amended and supplemented) (the “Patriot Act”), that Purchaser is required to obtain, verify and record all information that identifies Issuer, which information includes the name and address of Issuer and other information that will allow Purchaser to identify Issuer in accordance with the Patriot Act.

Purchaser acknowledges that, in connection with Issuer’s compliance with any continuing disclosure undertakings (each, a “Continuing Disclosure Agreement”) entered into by Issuer pursuant to SEC Rule 15c2-12 promulgated pursuant to the Securities and Exchange Act of 1934, as amended (the “Rule”), Issuer may be required to file with the Municipal Securities Rulemaking Board’s Electronic Municipal Market Access system, or its successor (“EMMA”), notice of its incurrence of its obligations under this Facility and notice of any accommodation, waiver, amendment, modification of terms or other similar events reflecting financial difficulties in connection with this Facility, in each case including a description of the material terms thereof (each such notice, an “EMMA Notice”).

Issuer shall not file or submit or permit the filing or submission of any EMMA Notice that includes any of the following unredacted information regarding Purchaser or any Escrow Agent: physical or mailing addresses, account information, e-mail addresses, telephone numbers, fax numbers, tax identification numbers, or titles or signatures of officers, employees or other signatories. Issuer acknowledges and agrees that Purchaser is not responsible in connection with any EMMA Notice relating to this Facility for Issuer’s compliance or noncompliance (or any claims, losses or liabilities arising therefrom) with the Rule, any Continuing Disclosure Agreement or any applicable securities laws, including but not limited to those relating to the Rule.

If the outlined foregoing proposal is satisfactory, reflects an arrangement that suits the need of your organization and you would like KGF to commence its due diligence process, please sign and return this proposal.

Thank you for allowing us the opportunity to present this proposal. If you have any questions, please contact me direct at 216-689-5860.

Key Government Finance, Inc.

By: 
 Kevin Scott
Vice President
Key Government Finance
kevin.p.scott@key.com

Cc: Caitlin Caldwell, Director
 Public Finance Investment Banking
 1301 5th Avenue, Suite 2500, Seattle, WA 98101
 Office: 206-684-6040
 Mobile: 425-830-9735
caitlin_caldwell@key.com

APPROVED THIS DAY OF _____, 2025

City of North Bend, Washington

By: _____

Print Name: _____

Title: _____

Sample Amortization Schedule

| <u>Date</u> | <u>Takedowns</u> | <u>Debt</u> | | |
|-------------|------------------|-----------------------|---------------------|-----------------------|
| | | <u>Service</u> | <u>Interest</u> | <u>Principal</u> |
| 4/1/2025 | \$7,500,000.00 | \$0.00 | \$0.00 | \$0.00 |
| 6/1/2025 | \$0.00 | \$66,875.00 | \$66,875.00 | \$0.00 |
| 12/1/2025 | \$0.00 | \$200,625.00 | \$200,625.00 | \$0.00 |
| 6/1/2026 | \$0.00 | \$200,625.00 | \$200,625.00 | \$0.00 |
| 12/1/2026 | \$0.00 | \$200,625.00 | \$200,625.00 | \$0.00 |
| 4/1/2027 | <u>\$0.00</u> | <u>\$7,633,750.00</u> | <u>\$133,750.00</u> | <u>\$7,500,000.00</u> |
| Total | \$7,500,000.00 | \$8,302,500.00 | \$802,500.00 | \$7,500,000.00 |



City Council Agenda Bill

| | | |
|--|--|-----------------|
| SUBJECT: | Agenda Date: June 3, 2025 | AB25-058 |
| Public Hearing & Ordinance Amending NBMC Chapter 18.34 Relating to Design Review Standards and Guidelines & Commercial/Mixed Use/Industrial Design Standards and Guidelines | Department/Committee/Individual | |
| | Mayor Mary Miller | |
| | Interim City Administrator – Bob Larson | |
| | City Attorney – Kendra Rosenberg | |
| | City Clerk – Susie Oppedal | |
| | Community & Economic Development – James Henderson | |
| | Finance – Martin Chaw | |
| | Public Works – Mark Rigos | |
| Timeline: Immediate | Planning Manager – Mike McCarty | X |
| Attachments: Ordinance, Exhibit A, Exhibit B, Staff Report & Planning Commission Recommendation, Public Hearing Notice | | |

SUMMARY STATEMENT:

Amendments are proposed to the City of North Bend Design Standards and Guidelines set forth in North Bend Municipal Code (“NBMC”) Subsections 18.34.030(C), NBMC 18.34.050(H), and NBMC 18.34.060(D) (Exhibit A). Additional amendments are proposed throughout the *Commercial/Mixed Use/Industrial Design Standards and Guidelines* (Exhibit B).

The proposed code amendments are in response to recent amendments to RCW 36.70A.630 and RCW 36.70B.160 passed by the Washington State Legislature through Engrossed Senate House Bill (“ESHB”) 1293. ESHB 1293 updated standards and laws that local governments can impose on design review and design standards, with the intent of streamlining the permitting process and requiring specific objective standards for architectural design.

Consistent with State law, the proposed NBMC Chapter 18.34 (Design Standards and Guidelines) amendments adjust or remove vague language in architectural standards as well as consolidate Downtown Commercial (DC) specific standards into the Form Based Code and remove language that is redundant in other applicable NBMC code sections.

The Planning Commission held a Public Hearing on May 7, 2025, and made a recommendation to the City Council to approve the proposed NBMC Chapter 18.34 amendments with minor modifications.

A public hearing has been scheduled on this item for tonight’s Council Meeting, which was published in the Snoqualmie Valley Record on May 16, 2025. The public hearing will take place during this regular City Council meeting on Tuesday, June 3, 2025, prior to Council action on this item.

The draft amendments are necessary for conformance with State law and staff recommend approval. The following are the decisions available to Council:

Alternative 1: Approve AB25-058, an ordinance amending the North Bend Commercial/Mixed Use/Industrial Design Standards and Guidelines in Accordance with ESHB 1293 as a first and final reading.

Alternative 2: Provide feedback to staff regarding the amendments, for placement and consideration at the June 17, 2025 City Council meeting for approval as a second and final reading.

City Council Agenda Bill

| | | |
|--|---------------|-------------|
| <p>APPLICABLE BRAND GUIDELINES: The proposed NBMC Chapter 18.34 amendments support the City’s brand statement of being a highly livable small town with sustainability managed growth. The amendments remove confusing, redundant, or vague design standards, consolidate requirements, and address architectural design barriers. Adjustments to the code and design standards may alleviate developer uncertainties when proposing new non-residential and residential projects.</p> | | |
| <p>COMMITTEE REVIEW AND RECOMMENDATION: The Community and Economic Development Committee reviewed this item at its May 20, 2025 meeting and recommended approval and placement on the Main Agenda for discussion. The Committee requested a reduced number of changes proposed to only meet the intent of ESHB 1293.</p> | | |
| <p>RECOMMENDED ACTION: MOTION to approve AB25-058, an ordinance amending NBMC Chapter 18.34 relating to Design Review Standards and Guidelines & Commercial/Mixed Use/Industrial Design Standards and Guidelines, as a first and final reading.</p> | | |
| <p>RECORD OF COUNCIL ACTION</p> | | |
| <i>Meeting Date</i> | <i>Action</i> | <i>Vote</i> |
| June 3, 2025 | | |
| | | |

ORDINANCE

AN ORDINANCE OF THE CITY OF NORTH BEND, WASHINGTON, AMENDING NORTH BEND MUNICIPAL CODE SECTIONS 18.34.030(C), 18.34.050(H), AND 18.34.060(D) RELATING TO DESIGN STANDARD DEVIATIONS AND RESIDENTIAL DESIGN STANDARDS; AMENDING THE COMMERCIAL/MIXED-USE/INDUSTRIAL DESIGN GUIDELINES AND STANDARDS; PROVIDING FOR SEVERABILITY; AND ESTABLISHING AN EFFECTIVE DATE

WHEREAS, during its 2023 session, the Washington State Legislature passed, and the Governor signed, ESHB 1293, codified as Revised Code of Washington (RCW) 36.70A.630 and 36.70B.160, which intends to streamline development regulations with regard to design standards and review; and

WHEREAS, ESHB 1293 impacts the City of North Bend, since it restricts a jurisdiction's ability to enact architectural design regulations and requires design standards to be clear and objective; and

WHEREAS, the North Bend Commercial/Mixed-Use/Industrial Design Guidelines and Standards currently regulates non-residential design with some restrictions, but some of those restrictions are duplicative of North Bend Municipal Code ("NBMC") provisions or conflict with this new state law; and

WHEREAS, the NBMC currently regulates residential design with some restrictions, but some of those restrictions are duplicative of the North Bend Commercial/Mixed-Use/Industrial Design Guidelines and Standards or conflict with this new state law; and

WHEREAS, the proposed amendments were submitted to the Washington State Department of Commerce for review on April 18, 2025; and

WHEREAS, a State Environmental Policy Act ("SEPA") Determination of Non-Significance was issued for the proposed amendments on April 18, 2025; and

WHEREAS, the North Bend Planning Commission held a public hearing on the proposed amendments at its May 7, 2025, meeting to receive testimony on the proposed amendments; and

WHEREAS, the Planning Commission, by motion on May 7, 2025, recommended approval of the proposed amendments to NBMC Subsections 18.34.030(C), 18.34.050(H), and 18.34.060(D)

and the North Bend Commercial/Mixed-Use/Industrial Design Guidelines and Standards as detailed in its findings, conclusions and recommendations; and

WHEREAS, the North Bend City Council finds that the proposed amendments are consistent with the requirements of ESHB 1293, RCW 36.70A.630 and RCW 36.70B.160; and

WHEREAS, the North Bend City Council finds that the public interest and welfare would be satisfied by amending NBMC Subsections 18.34.030(C), 18.34.050(H), and 18.34.060(D);

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

Section 1. NBMC Section 18.34.030(C) (Applicability, Exemptions, Relation to Other Codes, and Effect), Amended: North Bend Municipal Code Subsection 18.34.030(C) is hereby amended to read as shown in Exhibit A attached hereto and by this reference incorporated herein.

Section 2. NBMC Section 18.34.050(H) (Single-Family and Cottage Residential), Amended: North Bend Municipal Code Subsection 18.34.050(H) is hereby amended to read as shown in Exhibit A attached hereto and by this reference incorporated herein.

Section 3. NBMC Section 18.34.060(D) (Multifamily Residential), Amended: North Bend Municipal Code Subsection 18.34.050(D) is hereby amended to read as shown in Exhibit A attached hereto and by this reference incorporated herein.

Section 4. North Bend Commercial/Mixed-Use/Industrial Design Guidelines and Standards, Amended: The North Bend Commercial/Mixed-Use/Industrial Design Guidelines and Standards is hereby amended to read as shown in Exhibit B attached hereto and by this reference incorporated herein.

Section 5. Severability: Should any section, paragraph, sentence, clause or phrase of this ordinance, or its application to any person or circumstance, be declared unconstitutional or otherwise invalid for any reason, or should any portion of this ordinance be pre-empted by state or federal law or regulation, such decision or pre-emption shall not affect the validity of the remaining portions of this ordinance or its application to other persons or circumstances.

Section 6. Effective Date: This ordinance shall be published in the official newspaper of the City and shall take effect and be in full force five (5) days after the date of publication.

ADOPTED BY THE CITY COUNCIL OF THE CITY OF NORTH BEND, WASHINGTON, AT A REGULAR MEETING THEREOF, THIS 3RD DAY OF JUNE, 2025.

CITY OF NORTH BEND:

APPROVED AS TO FORM:

Mary Miller, Mayor

Kendra Rosenberg, City Attorney

ATTEST/AUTHENTICATED:

Published:

Effective:

Susie Oppedal, City Clerk

EXHIBIT A

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

EXHIBIT A

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.
 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.

EXHIBIT A

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(H)(4) 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~~

EXHIBIT A

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

NBMC 18.34.060(D) 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).

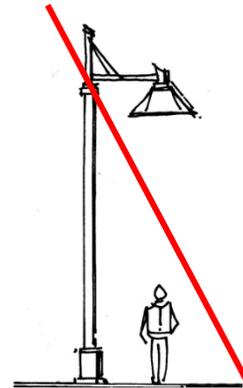
~~All structures shall have a maximum building height of 35 feet. A mix of density and building types is encouraged, but in no case shall individual buildings contain over 10 dwelling units.~~

...

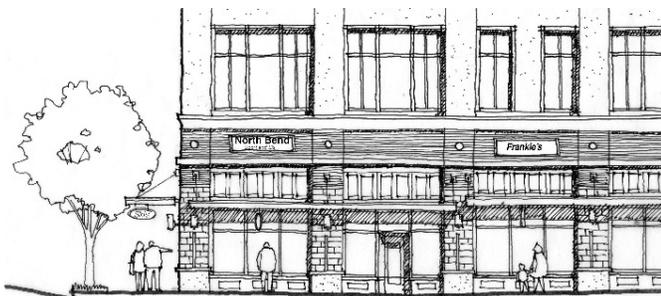
CITY OF NORTH BEND

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

NBMC 18.34.050



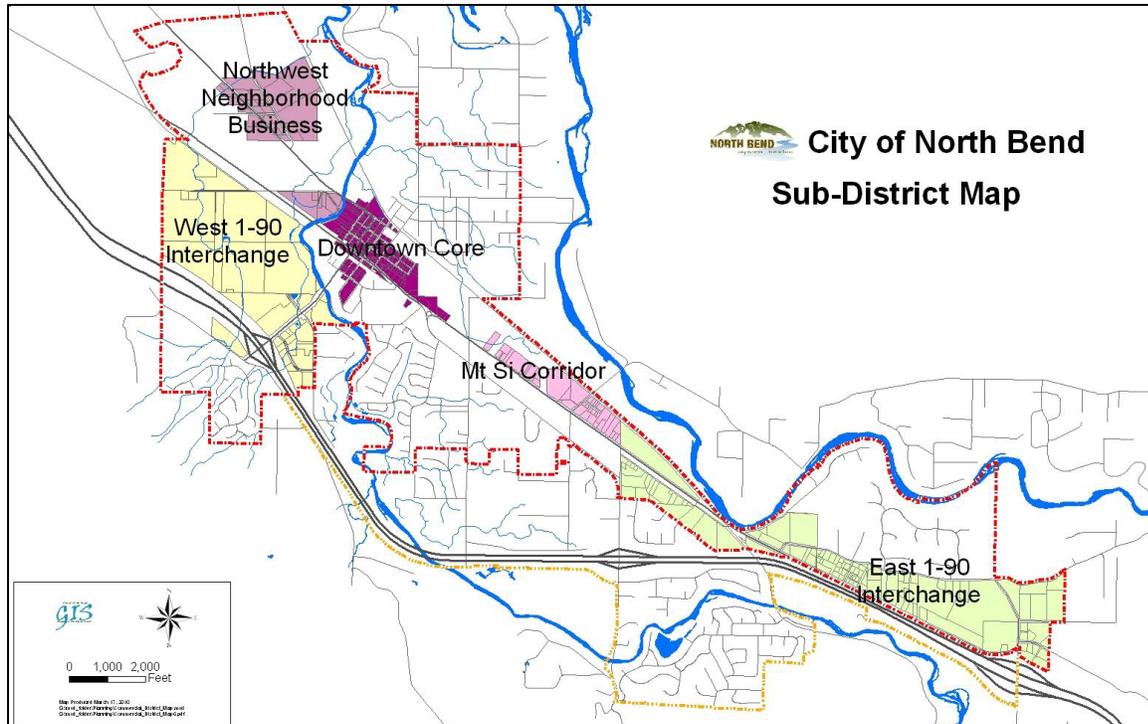
Above: Desired sidewalk and streetscape character demonstrating appropriate tree spacing, sidewalk amenities, and building facades oriented toward the street with preferred architectural characteristics.



Above Left: An architectural rendering of preferred ground floor level details, including high transparency, pedestrian scale signage, separate base materials below storefront windows, and pedestrian level awnings that protect users from inclement weather. **Above Right:** A physical example of preferred ground floor level details.



Above Left: Blank, uninterrupted walls are not permitted and should instead be treated with art, murals, or non-invasive plants. **Above Right:** Maintaining natural viewsheds such as Mt. Si is critical to maintaining the desired character and aesthetic of North Bend.



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~~ zoning districts. 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 ~~BPEP-1~~ BP 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, IC and 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, NMUB, ~~EP-1~~ and 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 x 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:

- 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
- 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).

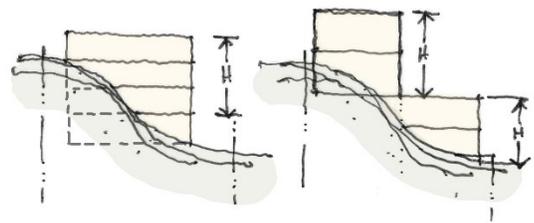


Shown Above: Significant ~~Tree~~ tree retained with development.

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.
- ~~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.~~



Shown Above: Example of minimal slope disturbance.

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.

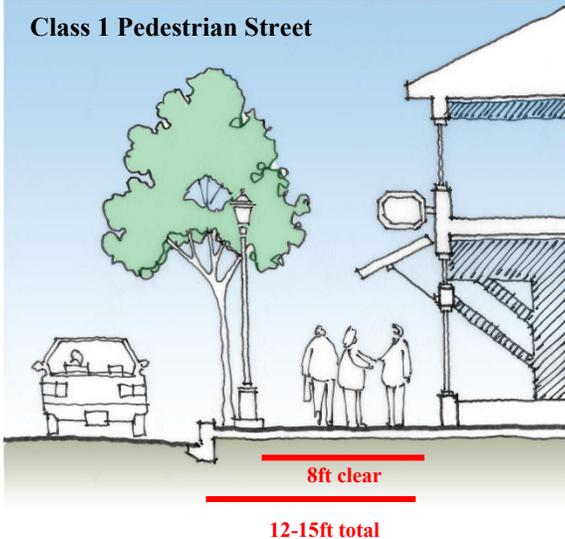
EP-1BP and EP-2: n/a

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



A-23ab 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.

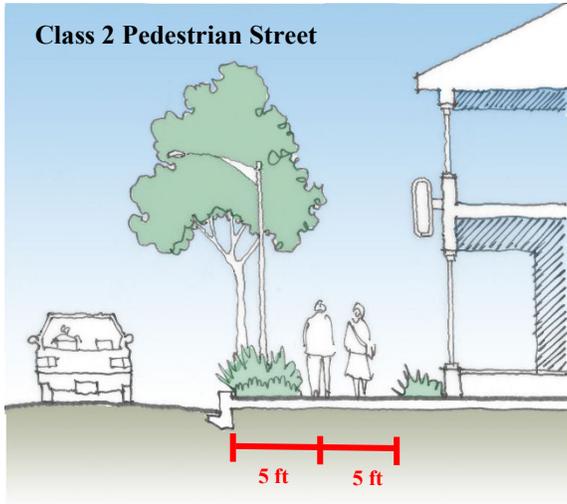
All sidewalks **shall** be constructed using a broom finish, unless otherwise approved under standard 4, below.

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.

Class 2 Pedestrian Street

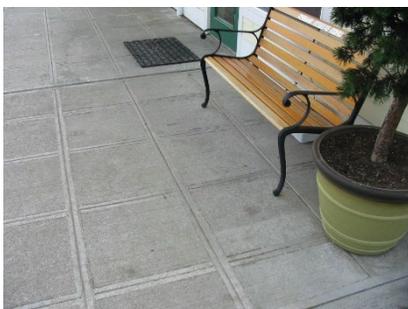


A-23be Street Trees

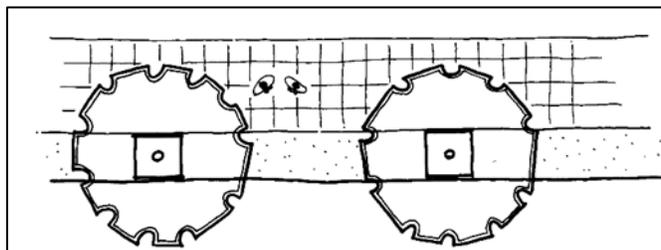
Intent

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.



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-23cd.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.

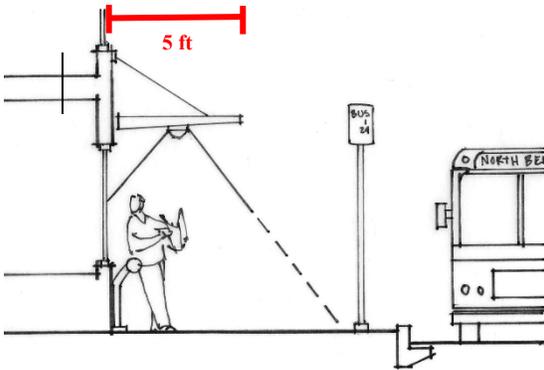


Shown Above: Mature forested vegetation within the right-of-way contributes to the rural natural character of many areas of North Bend and should be preserved wherever possible.



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

4. —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.

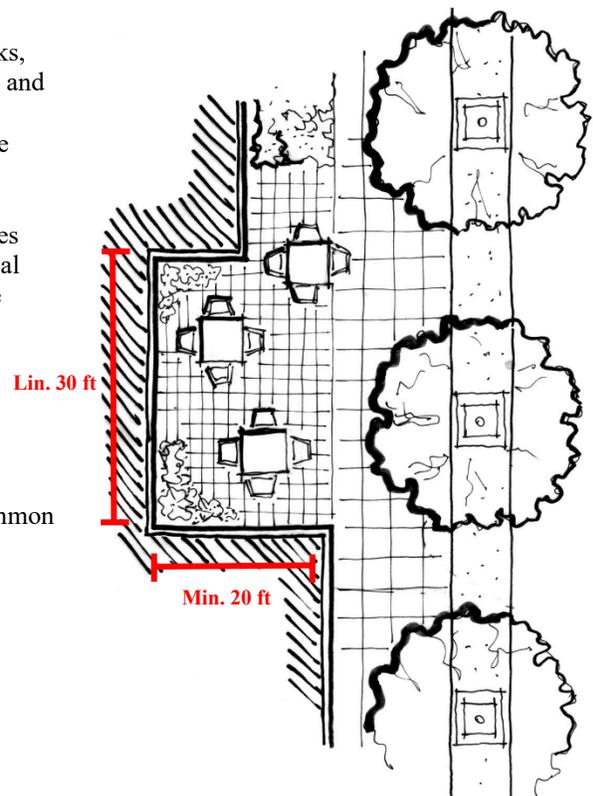
A-34a Plazas, Courtyards, and Seating Areas

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

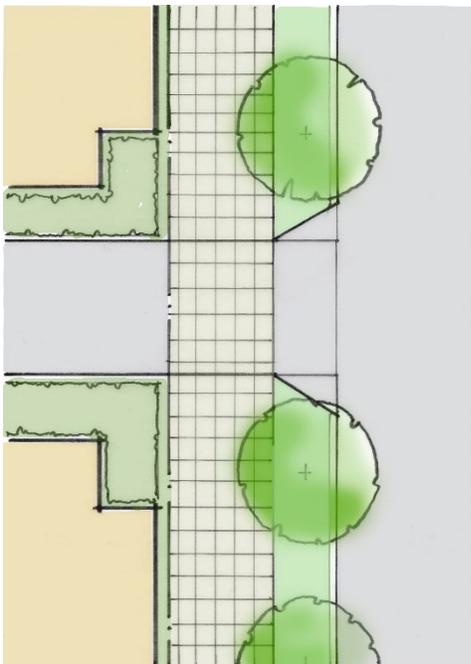
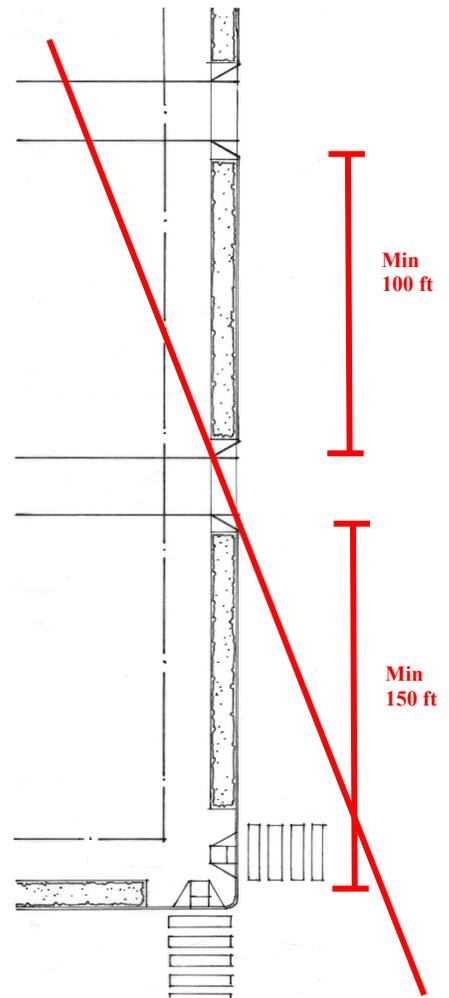
- Reduce the number of driveways (curb cuts) in order to improve pedestrian, bicycle and auto safety by reducing the number of potential points of conflict
- Improve the streetscape character to enhance pedestrian activity in retail/multi-family/commercial areas.

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: Shared driveway for commercial use.

Shown Below: Required curb cut spacing on typical block.



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

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 NBMC 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.

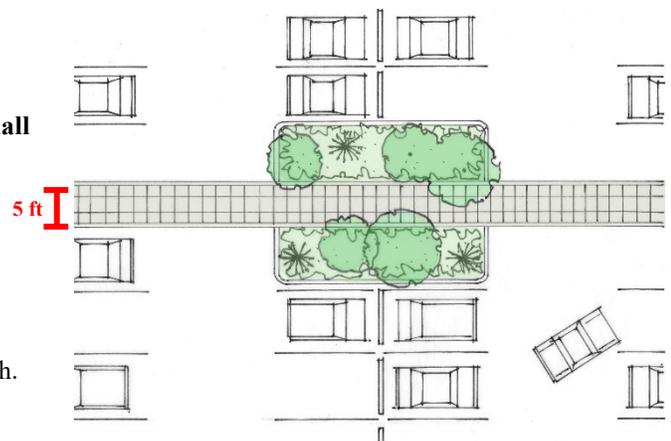


| Zone | Max Parking Area Fronting the Primary Street |
|----------------------------|--|
| DC | Not Allowed |
| NB/NMU | Not Allowed |
| IMU | 45% |
| IC | 45% |
| EP-1BP , EP-2 – | Not Applicable |

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.

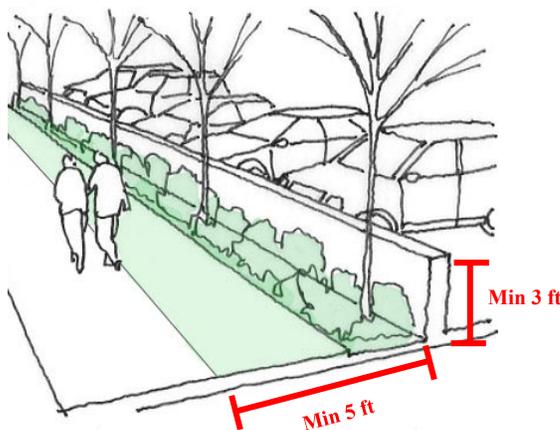


Shown Above: Example of low wall and landscaping.

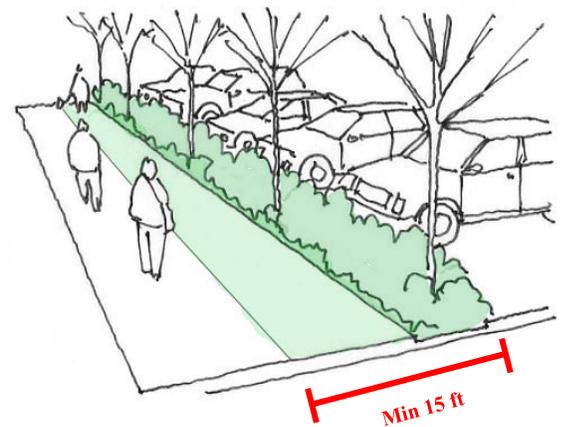
Shown Below: Consolidated landscape island in a large office park parking lot.



Ex: Combination of Low Wall and Landscaping



Ex: Landscape Buffer Meeting Screening Requirements

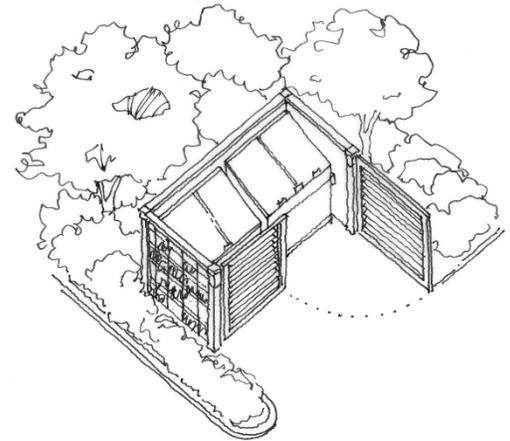


A-67 Screening of Site Utilities, Storage, Trash, and Service Areas

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-7a8 Landscaping

Intent

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

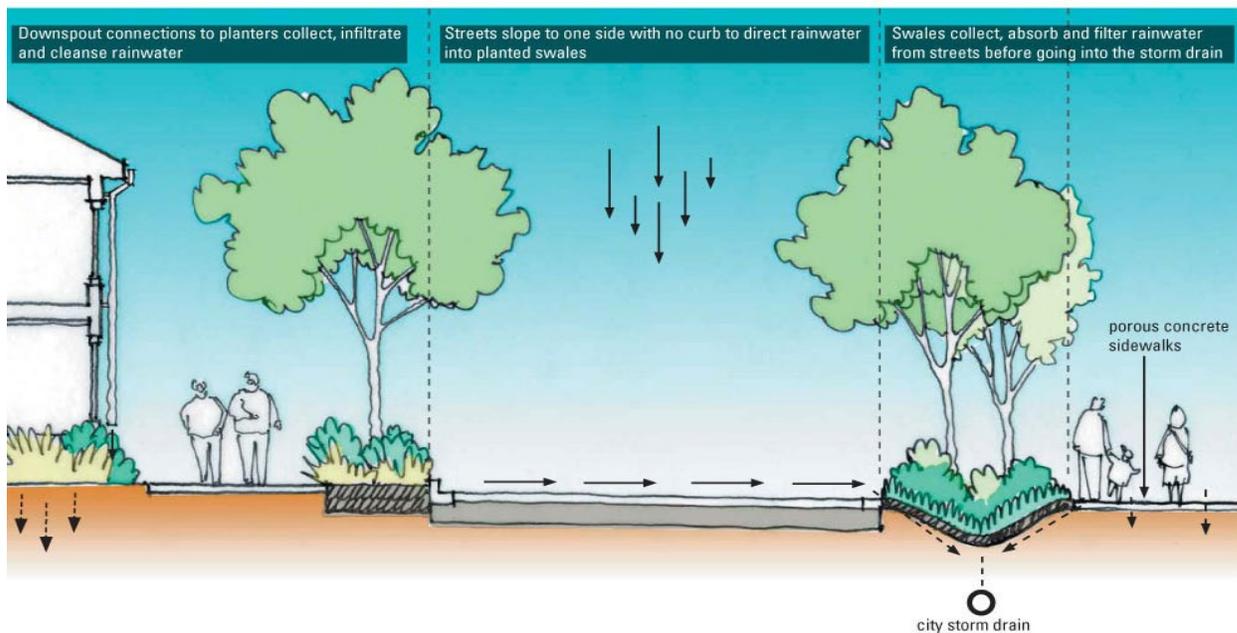
1. All landscaping **shall** be designed in accordance with NBMC Chapter 18.18, Landscaping Regulations.
2. Fencing along the front of a property **shall** be located behind any required frontage landscaping.
3. Where site topography reveals unattractive areas such as parking lots or storage or service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

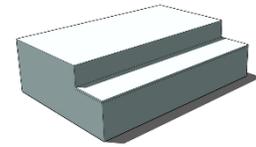
- Encourage human scale elements in building design
- Reduce bulk and mass of buildings
- Masses may be subdivided vertically or horizontally

Standards:

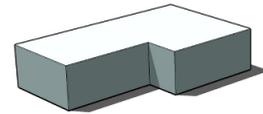
| Building Size | Footprint | Required Massing |
|---------------|-----------|--------------------------------|
| Small | <10,000sf | One building mass |
| Medium | <20,000sf | 2 building mass (fig. a and b) |
| Large | >20,000sf | 3 building mass (fig. c-e) |

- 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.
 - Building massing relying on differing roof heights must have an offset height of at least 2 feet.
 - The applicant **shall** provide massing information on floor plans, building elevations, roof plans, and any 3D images or axonometric drawings.

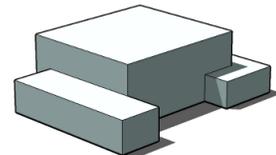
- Building size limitations **shall** be adhered to (see Table).
- Elements being used to count as massing **shall** not be used as wall modulation elements.
- The preferred order for the use of massing options is as follows:
 - setbacks above the ground or at the second level;
 - offsets from the main structure of 10 feet that break up the foundation line to define each mass;
 - distinctive volumes defined by roof forms and/or 2-foot minimum parapets.
- 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.
- 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.
- 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



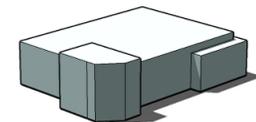
A. Step-Back



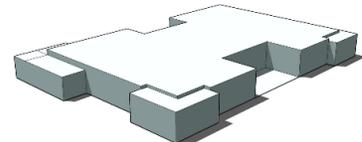
B. Building Jog



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.



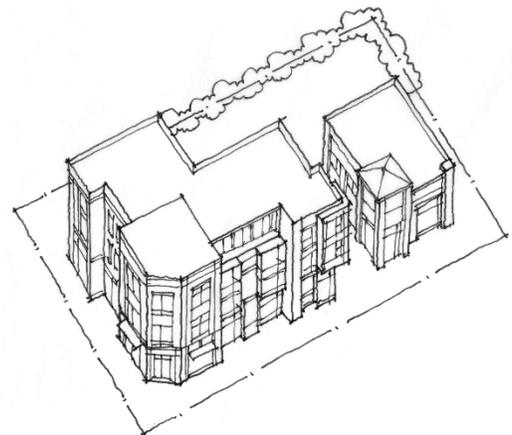
Shown Above: A massing offset in height and façade depth helps break down the apparent mass of this commercial/industrial building.

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.



Pocket plaza with landscaping and seating areas.

B-3 Roof Forms and Modulation

Intent

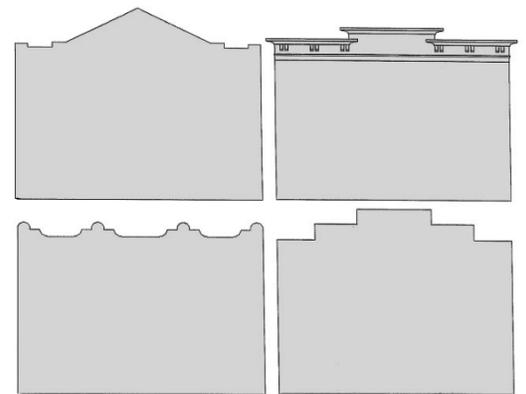
- To break up the overall massing of the roof
- Create human scale in the building
- Use roof forms to identify different functional areas within the building

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):

- a. There **shall** be a maximum of 30 feet between wall modulation elements on the street-facing façade.
- b. 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):

- a. 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.
- b. Modulation elements **shall** have a minimum 6-foot projection or recession from the façade and be a minimum of 12-feet in length.

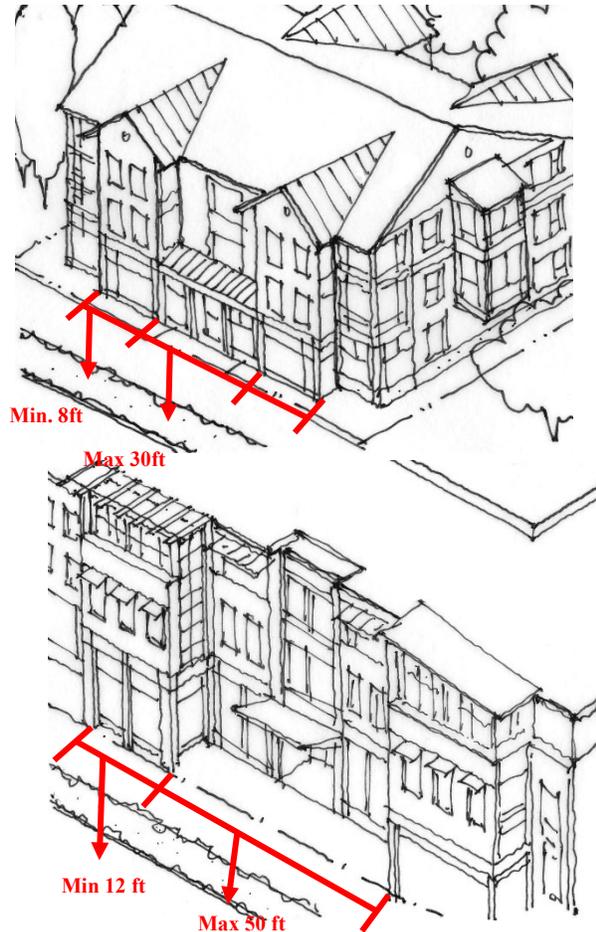
2. Warehousing and Large Industrial Buildings:

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:

- a. 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 façade;
- b. Modulation of roof cornice treatments, with a maximum of 50 feet between modulations;
- c. Sunscreens on a minimum of 40% of windows on the street facing façade;
- d. A minimum of 30% transparent windows and openings for the office portion of the building facing the street;
- e. 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:

- a. 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.

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.

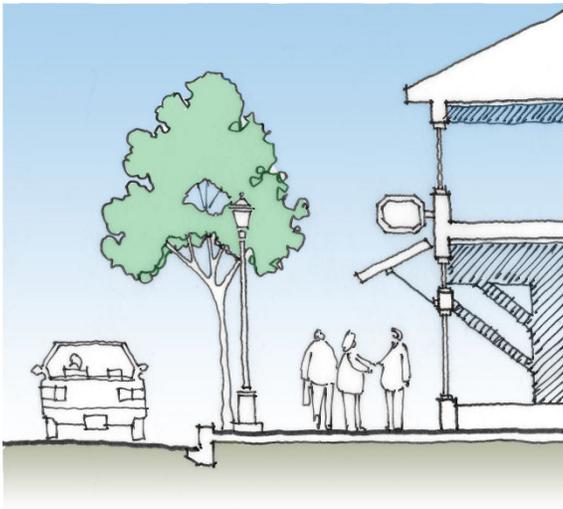
2. Minimum height of ground level retail space **shall** be 12 feet floor-to-ceiling. However, all ground level commercial space within the ~~DC~~ NMU and NB zones along Class 1 Pedestrian Streets **shall** provide no less than 12-foot floor-to-ceiling height.

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.



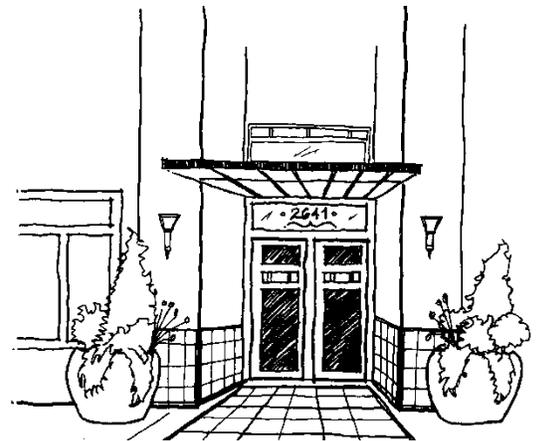
Canopies provide weather protection and facilitate outdoor display of merchandise.



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
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.



Prominent pedestrian-oriented entry.

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.

- 4. 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.
- 5. 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.
- 5. 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.

- 1. Blank walls are not allowed on the façade facing the primary street.
- 2. 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.

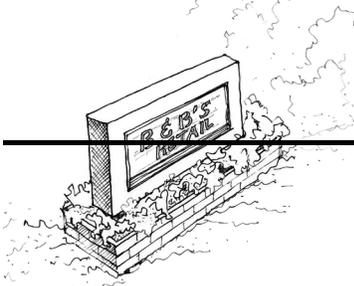
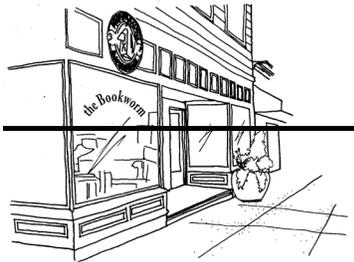


Murals can provide visual interest on blank walls and can reveal a places culture and history.

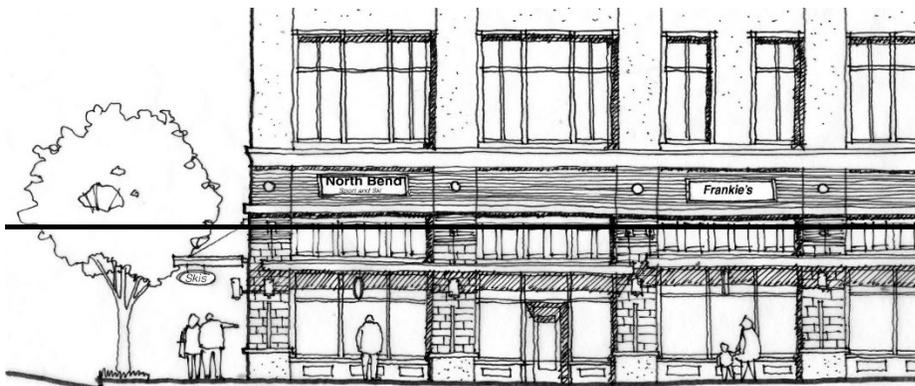
C-6 Sign Design



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

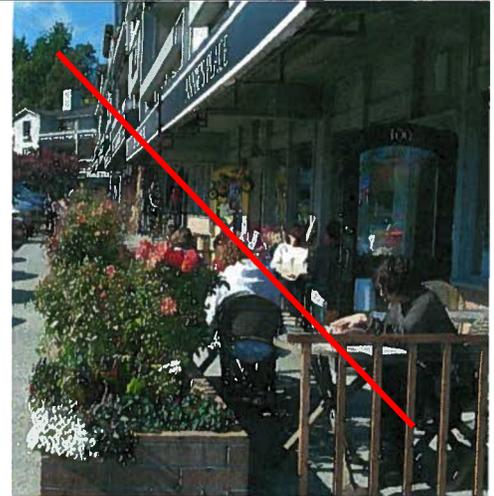
1. ~~Pedestrian Linkages. Clear, safe and inviting pedestrian walkways **should** be promoted to improve access to and within the Downtown Core District. The following **should** be incorporated into the streetscape design to ensure that residents and visitors are encouraged to walk in the Downtown Core 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, seared, 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).

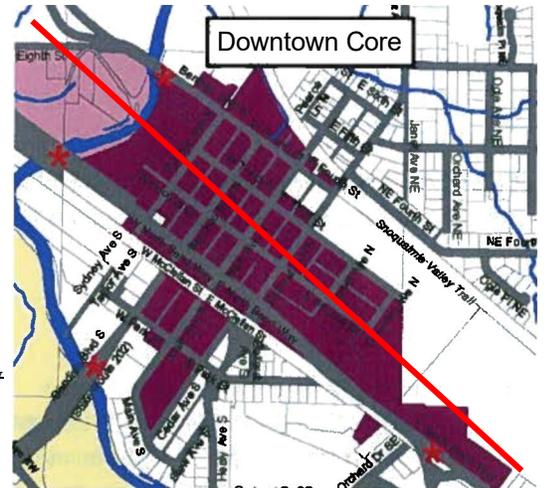
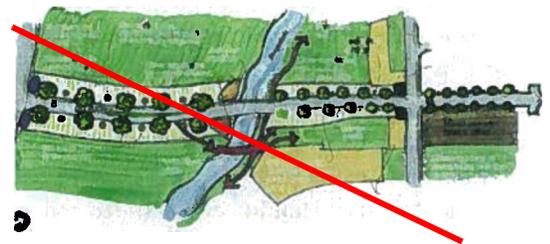


Figure 1: Downtown Core District and Gateway Locations



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.
 - e. 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 Historie District, **shall** be 35 feet.~~



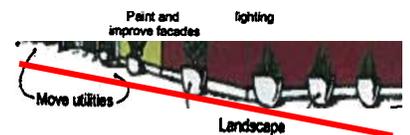
Downtown core building heights.

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

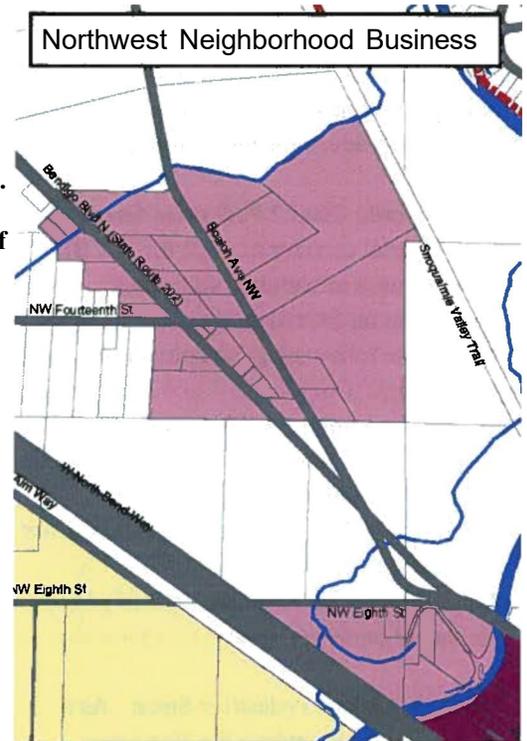
1. ~~For redevelopment of the northeast corner of Main Ave and North Bend Way, a minimum 600 square foot plaza shall be provided in a south-facing location. The City will waive parking requirements for the first 10,000 square feet of building area to accommodate the space required for the plaza. At a 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.



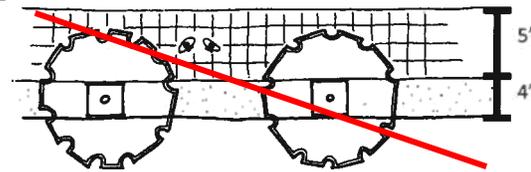
B-2 Responding to Site Characteristics and Significant Natural Features

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:

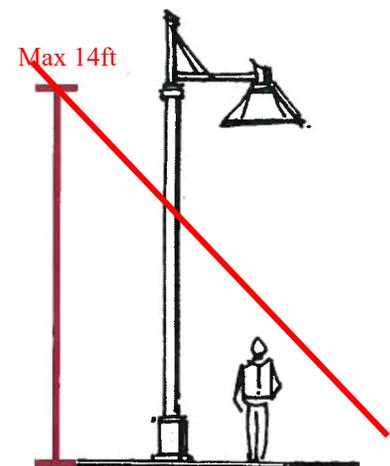
1. ~~Bendigo Blvd North: Class 2 Pedestrian Street. This is the principal arterial corridor through the NWBD. It is the only connector to downtown North Bend. In order to enhance its role as an arterial while considering the needs of pedestrians, the following guidelines shall be met:~~
2. ~~Planting 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 feet 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.~~



Continuous planting strip along sidewalk.

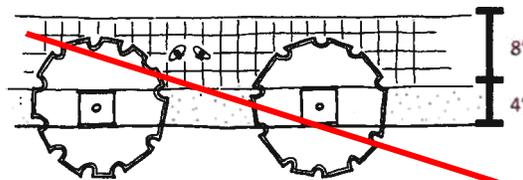


Bendigo Boulevard North Minimum



Max 14ft

- 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.~~



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.

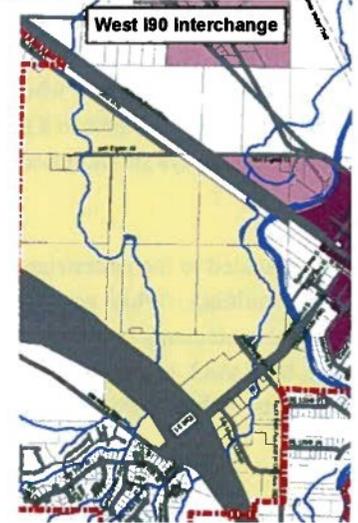
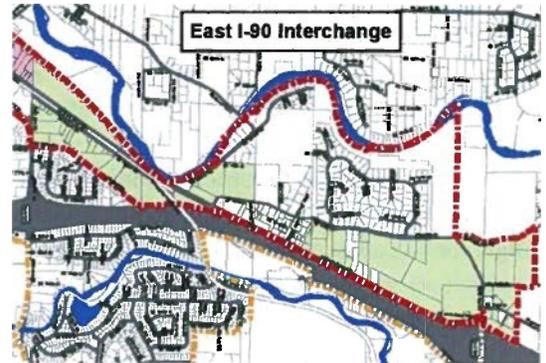


Semi-rural character expressed in the form and roof line of a commercial building to help reduce apparent bulk.

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 West I-90 Interchange District contains land within the business park zone, interchange commercial zone, and interchange mixed use zone. This district is It's 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.



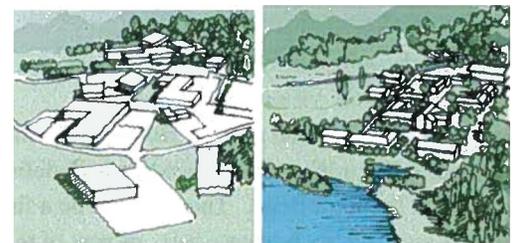
East and West I-90 Interchange District

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

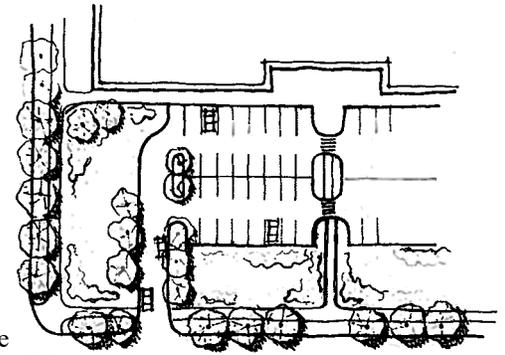
1. Individual sites along North Bend Way in the East I-90 District **shall** be developed to create visual interest along the street and to allow for view corridors of North Bend's natural assets by meeting the following standards:-
 - a. The primary building entrance **shall** be oriented to the street. 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.

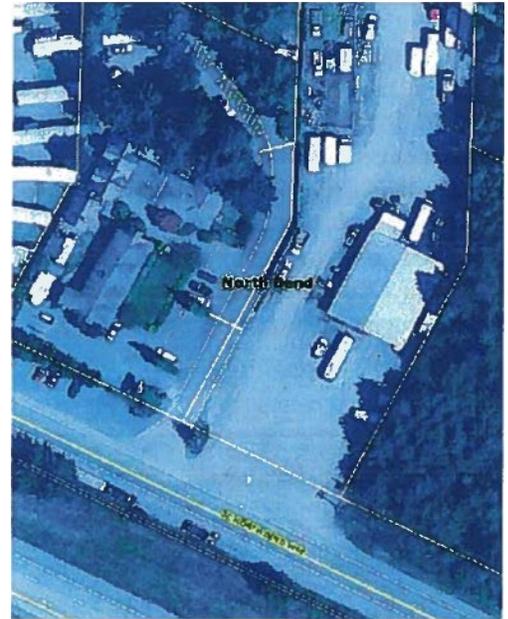
2. Use of pervious pavers and other low impact methods of stormwater runoff infiltration in the design of parking areas can be counted towards the interior landscaping for parking lots, not to exceed half of the required landscaping.



Landscaped "fingers" break up the expanse of asphalt.

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.



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

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).



Examples of landscaping screening methods employed in a truck docking area

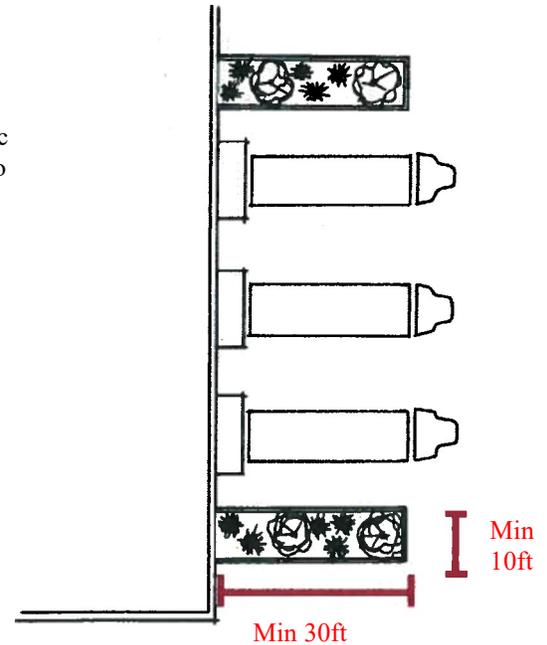


C-7 Building Massing and Design

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.
 - a. Large one-story industrial buildings are defined as buildings with high ceilings (over 20ft) and multiple dock-high (48in loading doors).
 - a.b. Small one-story industrial buildings are defined as any industrial building with ceilings less than 20ft.



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

- 2.3. 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.

C-9 Wall Modulation: Façade Form and Style

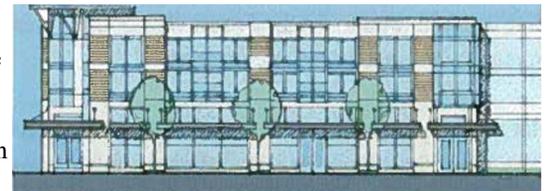
1. Building walls which face a public street **shall** be architecturally emphasized through window design and placement, projections and wall detailing. The architectural treatment of the front facade **shall** be continued, in its major features and materials, around all visible sides of the building.
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.~~



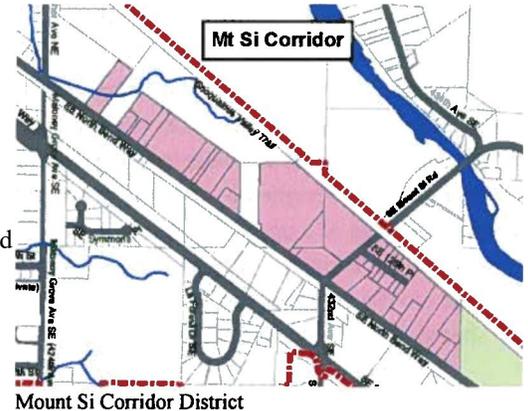
Acceptable height and scale for monument sign.

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.



intersection of North Bend Way and Mt. Si Road – the future focus area of the district

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 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.

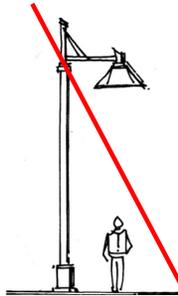
Facade and roofline articulation should be complemented with other architectural features as appropriate to architectural style, including variation in building materials; variation in fenestration; variation in building color; and elements like porches, chimneys, and finer details.

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).

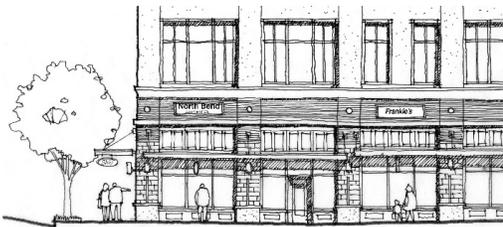
~~All structures shall have a maximum building height of 35 feet. A mix of density and building types is encouraged, but in no case shall individual buildings contain over 10 dwelling units.~~

CITY OF NORTH BEND
Commercial / Mixed Use / Industrial Design Standards and Guidelines
(Excluding Historic District)

NBMC 18.34.050



Above: Desired sidewalk and streetscape character demonstrating appropriate tree spacing, sidewalk amenities, and building facades oriented toward the street with preferred architectural characteristics.

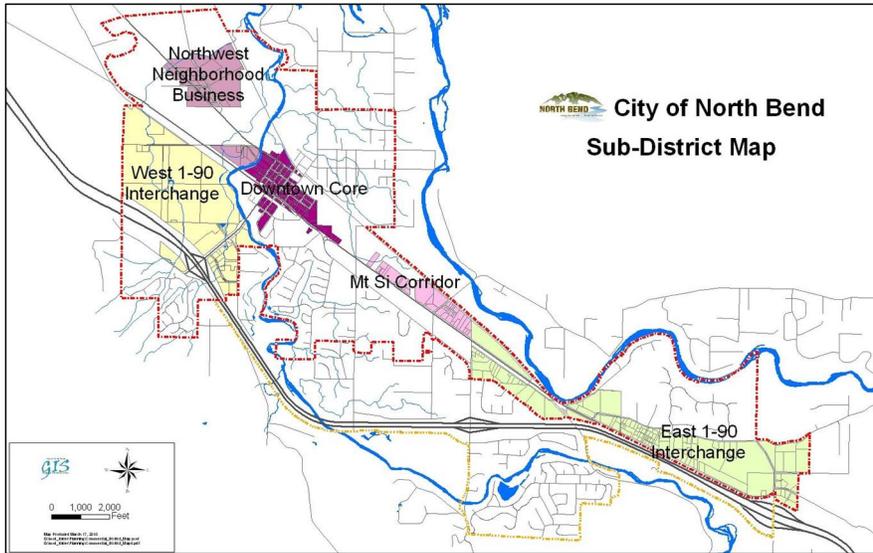


Above Left: An architectural rendering of preferred ground floor level details, including high transparency, pedestrian scale signage, separate base materials below storefront windows, and pedestrian level awnings that protect users from inclement weather. **Above Right:** A physical example of preferred ground floor level details.



Above Left: Blank, uninterrupted walls are not permitted and should instead be treated with art, murals, or non-invasive plants. **Above Right:** Maintaining natural viewsheds such as Mt. Si is critical to maintaining the desired character and aesthetic of North Bend.

Adopted May 18, 2010 Revised TBD, 2025, Ord.1391, Ord. TBD



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.

Commented [CH1]: Changes to definitions of Commercial and Industrial Zoning Districts comes from NBMC 18.10 and to align with the 2024 Zoning Map zones.

Adopted May 18, 2010 Revised TBD, 2025, Ord.1391, Ord. TBD

- **Interchange Mixed Use (IMU):** Intended to provide a transitional area between the ~~interchange commercial zoning district~~ **IC zone** and residential ~~zoning districts~~ **zoning districts**. 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 **BPEP-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, IC** and 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, **NMUB, EP-1** and EP-2. The interchange is largely undeveloped but there is some industrial use and there are large lots that allow for development flexibility.

Commented [CH2]: Changes to Sub-District definitions are primarily to recognize the applicable zones from the 2024 Zoning Map.

3. **Architectural and Land Use Definitions**

- a. **Anchor Store:** A retailer or restaurant with a significant ability to attract frequent and abundant local and regional customers.
- a-b. **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.
- b-c. **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.
- e-d. **Bay:** Any division of a building between vertical lines or planes, especially the entire space included between two adjacent supports.
- e. **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.
- d-f. **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
- e-g. **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.
- f-h. **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.

Commented [CH3]: This definition was recommended by Leroy Gant, who helped originally develop the Design Standards document. This definition helps clarify the desired finish described in Building Façade, section C-4.

Commented [CH4]: This definition was recommended by Leroy Gant, who helped originally develop the Design Standards document. This definition helps clarify the desired applicability/measurement of building height for industrial buildings in the East and West I-90 Interchange District standards, Section C-8.

- 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 x 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

Commented [CH5]: Class 1 and Class 2 Pedestrian Streets are described on the map within Exhibit A of the guidelines and are mentioned throughout this document. This new definition helps refine how we define a Class 1 and Class 2 Pedestrian Street.

Commented [CH6]: Gateways are described in the Northwest Neighborhood Business District in B-2. The definition is added to refine how we define a gateway and what visual characteristics typically accompany it

Adopted May 18, 2010 Revised TBD, 2025, Ord.1391, Ord. TBD

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. **Should: 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.

Commented [CH7]: This definition was recommended for purposes of bringing clarity of requirements to adhere to standards by Planning Commission.

Commented [CH8]: This definition was recommended for purposes of bringing clarity of requirements to adhere to standards by Planning Commission.

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 | - |

Commented [CH9]: Amendments to the FAR standards are amended to reflect the 2024 Zoning Map

A-2 Maximum FAR Standards, Per District

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

Commented [CH10]: Amendments to the FAR standards are amended to reflect the 2024 Zoning Map

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| 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. Maximum Building Height

Maximum building height **shall** be as established in Chapter 18.10 of the North Bend Municipal Code or within the Form Based Code for the Downtown Commercial zone.

C. 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. |

Commented [CH11]: Mike: The FBC does not cover this topic. This will need to remain.

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| | |
|--------------|---|
| 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.

Commented [CH12]: Parking location standards for the DC zone are duplicative with standards in the FBC. Parking locations are described in the FBC under Table RP.1 Zoning District Intent.

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 retained with development.

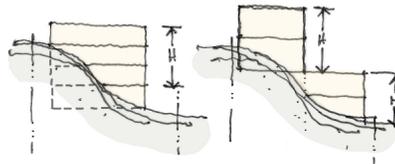
Shown Below: Careful site planning can help preserve natural features and protect sensitive conditions on a site.



Commented [CH13]: Tree removal standards are described in NBMC 19.10. Standard is clarified to request consideration of existing trees into the project design.

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- 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.
- 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.



Shown Above: Example of minimal slope disturbance.

Commented [CH14]: Consideration to critical areas is described in Title 14.

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.



Commented [CH15]: Landscaping standards are described in NBMC 18.18.

Commented [CH16]: This standard is a “should” and is not a requirement. Solar orientation is considered in NBMC 18.34.060 Multifamily Residential and 18.18.170 Modifications to standards.

Commented [CH17]: Exterior lighting standards are described in NBMC 18.40 and the Public Works Standards.

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.

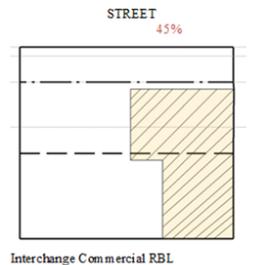
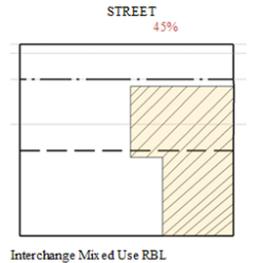
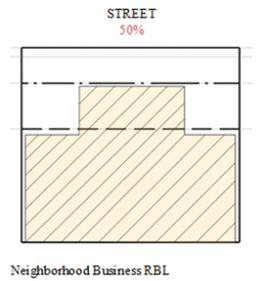
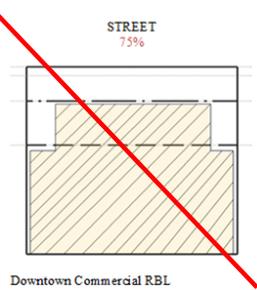
IMU: Street façade **shall** be built out to no less than 45% of the RBL for the first 30 ft of the depth of the lot.

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.

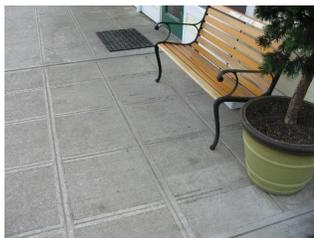
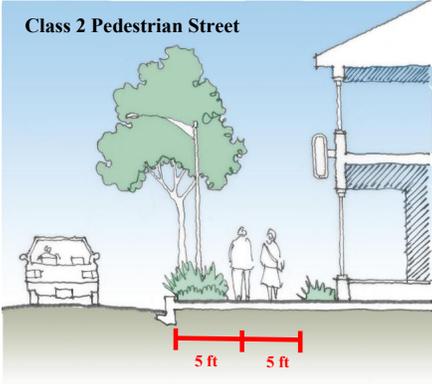
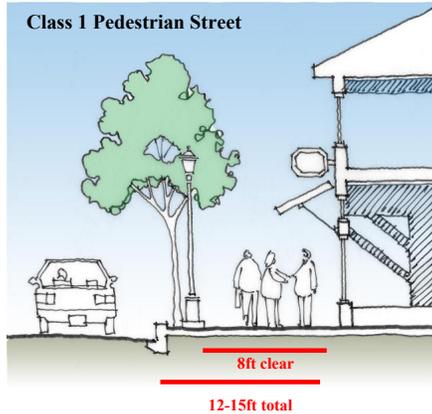
~~EP-1BP~~ and EP-2: n/a

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



Commented [CH18]: Building setbacks are already described within the form based code under DS.1A Downtown Commercial - Core and DS.1B Downtown Commercial - Mixed Use. The standard is confusing because there are conflicts with the FBC. The FBC allows a building setback between 0-10ft while the Design Standards state there must be variation in the front setback. The FBC already regulates front setback variation through allowed frontage types. The type of building and frontage proposed impacts what kind of level of setback variation that can be achieved.



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

A-23ab 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:

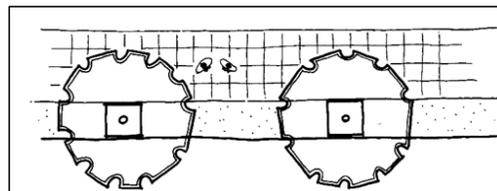
1. Refer to Map in Appendix for specific Class 1 and 2 street designations.

A-23be 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.



30 ft on center

Commented [CH19]: These standards are duplicative to standards regulated by the Public Works Standards.

Adopted May 18, 2010 Revised TBD, 2025, Ord.1391, Ord. TBD

A-23cd Streetscape Amenities



Shown Above: Examples of street furnishings.

Shown Below: North Bend downtown pedestrian-sealed 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.~~

Commented [CH20]: Lighting standards are described in NBMC 18.40 for exterior on-site lighting and the Public Works Standards for ROW lighting.

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.

Adopted May 18, 2010 Revised TBD, 2025, Ord.1391, Ord. TBD



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.



A-23de Pedestrian and Transit Connections

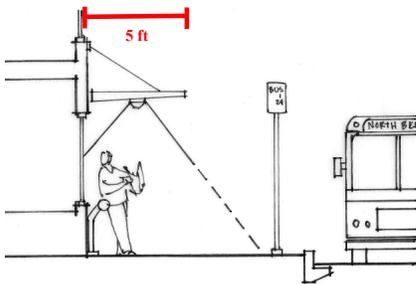
Intent

- 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. 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.



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.

Adopted May 18, 2010 Revised TBD, 2025, Ord.1391, Ord. TBD

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.

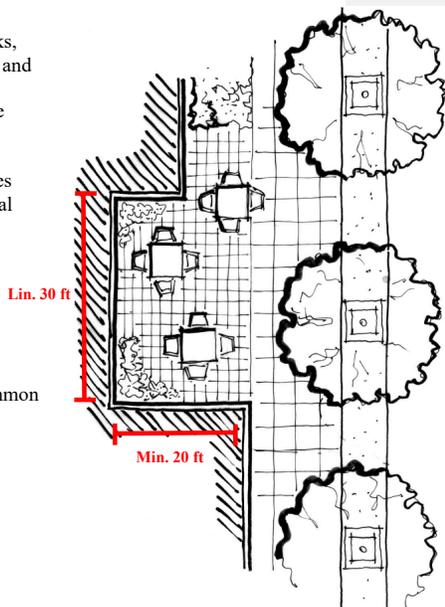
A-34a Plazas, Courtyards, and Seating Areas

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.

Adopted May 18, 2010 Revised TBD, 2025, Ord.1391, Ord. TBD

A-45 Vehicular Access

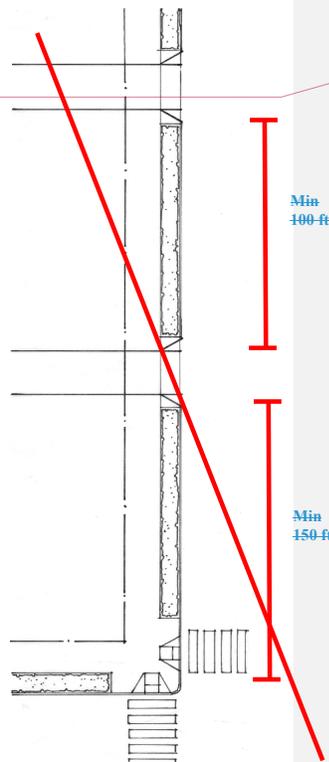
Intent

- 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

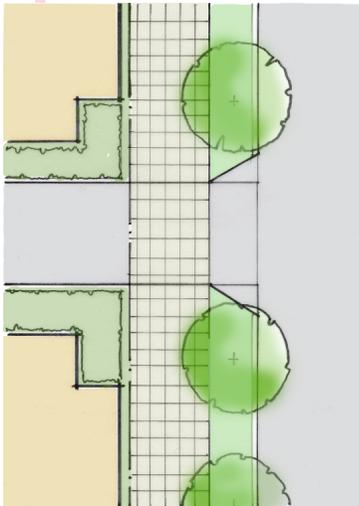


Shown Above: Shared driveway for commercial use.

Shown Below: Required curb cut spacing on typical block.



Commented [CH21]: These standards are duplicative to the Public Works Standards and NBMC Title 19.



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

Adopted May 18, 2010 Revised TBD, 2025, Ord.1391, Ord. TBD

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 NBMC Chapter 18.16, Parking Regulations.
2. Locate parking behind, to the side or under buildings, unless **un**feasible due to environmental constraints. Within the **EP-4BP** 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.

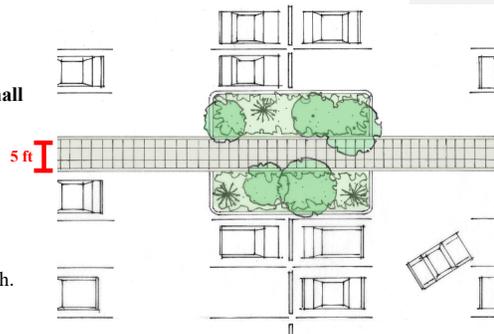


| Zone | Max Parking Area Fronting the Primary Street |
|----------------|--|
| DC | Not Allowed |
| NB/NMU | Not Allowed |
| IMU | 45% |
| IC | 45% |
| EP-4BP, EP-2 – | Not Applicable |

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.



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- 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

- Surface parking lots **shall** meet the requirements set forth in NBMC Chapter 18.18, Landscaping Regulations.
- Surface parking along public streets must be screened by one or a combination of the following:
 - 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.
 - Raised planter walls planted with a minimum 80% evergreen shrubs not exceeding a total height of 3 feet.
 - A 15-foot type-II landscape buffer, as described in NBMC Chapter 18.18.
- All screening elements **shall** provide clear views between 3 and 8 feet above the sidewalk for surveillance purposes.
- 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.

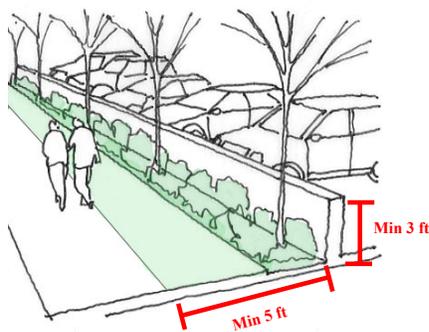


Shown Above: Example of low wall and landscaping.

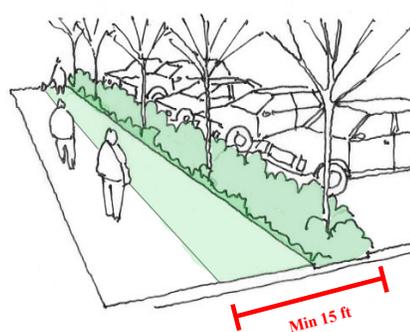
Shown Below: Consolidated landscape island in a large office park parking lot.



Ex: Combination of Low Wall and Landscaping



Ex: Landscape Buffer Meeting Screening Requirements



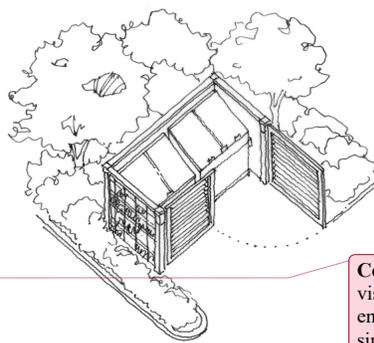
Adopted May 18, 2010 Revised TBD, 2025, Ord.1391, Ord. TBD

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.



Commented [CH22]: This standard is the least visually impactful out of the other options for enclosure screening. The other 3 options have a more similar result in screening.

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.

Adopted May 18, 2010 Revised TBD, 2025, Ord.1391, Ord. TBD

A-7a8 Landscaping

Intent

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

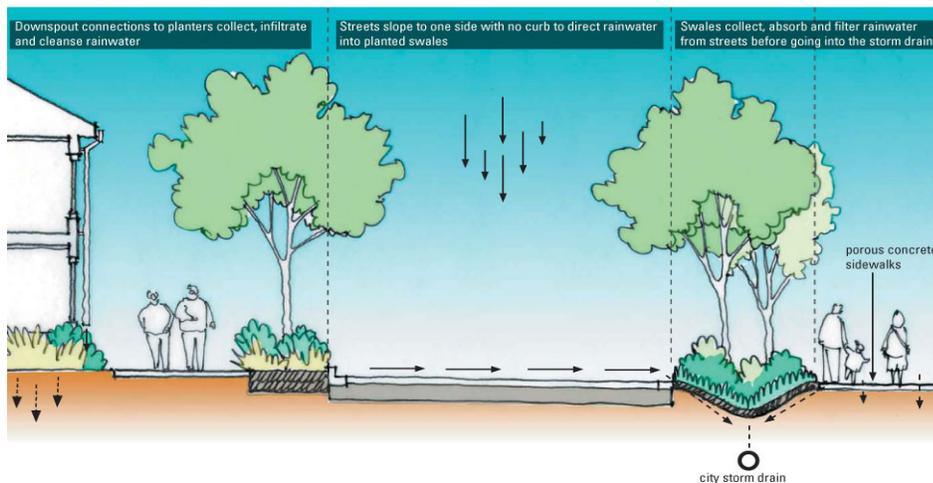
1. All landscaping **shall** be designed in accordance with NBMC Chapter 18.18, Landscaping Regulations.
2. Fencing along the front of a property **shall** be located behind any required frontage landscaping.
3. Where site topography reveals unattractive areas such as parking lots or storage or service 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-7b 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.

Adopted May 18, 2010 Revised TBD, 2025, Ord.1391, Ord. TBD

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

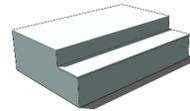
Intent

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

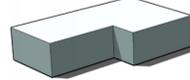
Standards:

| 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) |

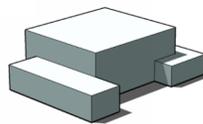
- No single building mass or volume may exceed 75 percent of the total volume of the building, defined by the building footprint multiplied by the building height.
 - Building massing relying on differing roof heights must have an offset height of at least 2 feet.
 - The applicant shall provide massing information on floor plans, building elevations, roof plans, and any 3D images or axonometric drawings.
- Building size limitations shall be adhered to (see Table).
- Elements being used to count as massing shall not be used as wall modulation elements.
- The preferred order for the use of massing options is as follows:
 - setbacks above the ground or at the second level;
 - offsets from the main structure of 10 feet that break up the foundation line to define each mass;
 - distinctive volumes defined by roof forms and/or 2-foot minimum parapets.
- 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.
- 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.
- 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



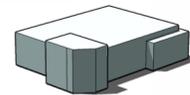
A. Step-Back



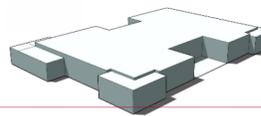
B. Building Jog



C. Separate Volumes



D. Separate Volumes



E. Separate Volumes (large one-story building)

Commented [CH23]: Recommended by Leroy Gant. Staff did not previously define building mass/volume. Addition further refines what the design standards are seeking out in massing variation.

Commented [CH24]: Recommended edit by Leroy Gant. Reflects amendment in B-1.1.b.

Commented [CH25]: Recommended edit by Leroy Gant for clarification. Industrial 1-story buildings can be as high as non-industrial 3-story buildings, and this gets argued. The guidelines need to recognize what "tall industrial buildings" are as well. Mr. Gant recommended to include something regarding the scale of the building because a 2' base does nothing when it's a large 35' (or taller surface) building face, whereas a 4' base does. Rewording and incorporating "aesthetically balanced vertical composition" between base/middle/top helps clarify our desired visual design with large industrial buildings.

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



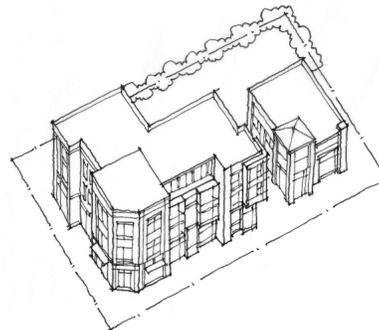
Shown Above: A massing offset in height and façade depth helps break down the apparent mass of this commercial/industrial building.

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.



Adopted May 18, 2010 Revised TBD, 2025, Ord.1391, Ord. TBD

Pocket plaza with landscaping and seating areas.

B-3 Roof Forms and Modulation

Intent

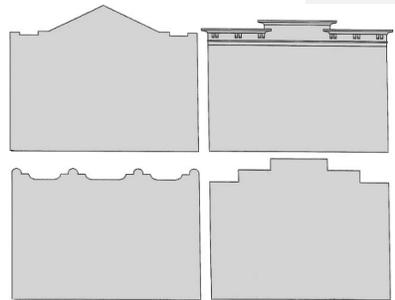
- To break up the overall massing of the roof
- Create human scale in the building
- Use roof forms to identify different functional areas within the building

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, stepbacks, 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



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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):

- a. There **shall** be a maximum of 30 feet between wall modulation elements on the street-facing façade.
- b. 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):

- a. 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.
- b. Modulation elements **shall** have a minimum 6-foot projection or recession from the façade and be a minimum of 12-feet in length.

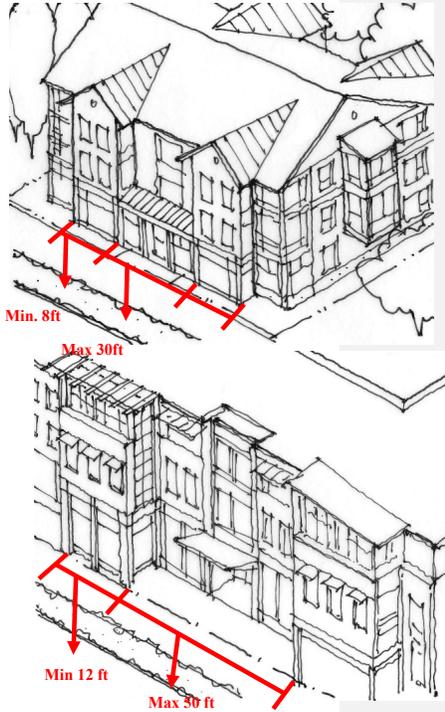
2. Warehousing and Large Industrial Buildings:

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:

- a. 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 façade;
- b. Modulation of roof cornice treatments, with a maximum of 50 feet between modulations;
- c. Sunscreens on a minimum of 40% of windows on the street facing façade;
- d. A minimum of 30% transparent windows and openings for the office portion of the building facing the street;
- e. 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:

- a. Bays



Adopted May 18, 2010 Revised TBD, 2025, Ord.1391, Ord. TBD

- b. Entries
- c. Balconies or decks

Façade broken up with balconies, bays, and materials.

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

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.

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.

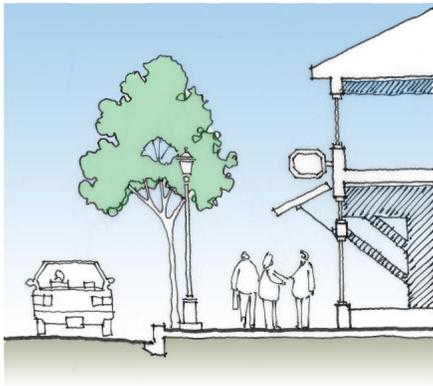
Building Set to Back of Sidewalk

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.



Canopies provide weather protection and facilitate outdoor display of merchandise.

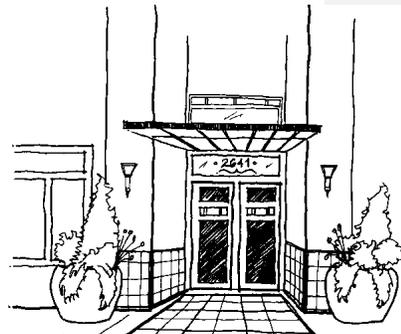
Adopted May 18, 2010 Revised TBD, 2025, Ord.1391, Ord. TBD



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
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.



Prominent pedestrian-oriented entry.

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

Adopted May 18, 2010 Revised TBD, 2025, Ord.1391, Ord. TBD

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



Adopted May 18, 2010 Revised TBD, 2025, Ord.1391, Ord. TBD



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.

Adopted May 18, 2010 Revised TBD, 2025, Ord.1391, Ord. TBD

4. 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.

5. 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.

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



Commented [CH26]: Recommended addition by Leroy Gant to account for a recent common practice that does not align with the North Bend design standards.

Language is more clear and inclusive of an undesired window design than what was previously included.



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.

1. Blank walls are not allowed on the façade facing the primary street.
2. 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 |



Adopted May 18, 2010 Revised TBD, 2025, Ord.1391, Ord. TBD

- 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.

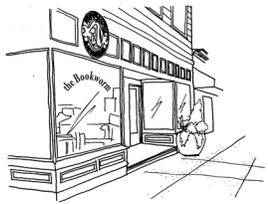
C-6 Sign Design

Commented [CH27]: Redundant to NBMC 18.20

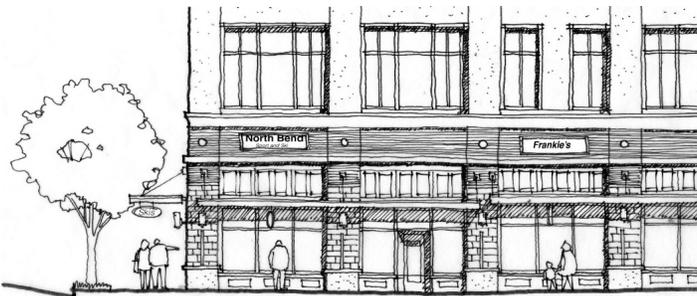
Adopted May 18, 2010 Revised TBD, 2025, Ord.1391, Ord. TBD



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.

Adopted May 18, 2010 Revised TBD, 2025, Ord.1391, Ord. TBD

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

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. For standards specific to the Downtown Commercial District, see the City of North Bend Form-Based Code. See additional development standards applicable to the Downtown Commercial District within the North Bend Form Based Code.



Commented [CH28]: Staff overall recommends keeping all DC specific standards in the FBC to avoid conflicts, confusion, redundances, and improve the readability of applicable standards.

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.

Outdoor sidewalk café area.

Commented [CH29]: These statements are "shoulds" and are not required. Pedestrian design is described in the Public Work Standards with some specific requirements for streets in the DC. Additional standards are provided in the FBC under SS.1 Street Standards.

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.



Downtown Precedent: informational wayfinding signs help orient visitors.

Commented [CH30]: This standard conflicts with the Public Works Standards which have minimum ROW standards for streets within DC.

Commented [CH31R30]: This standard should be placed in PWS to avoid confusion.

Commented [CH32]: Wayfinding signage has been added to the FBC under SS.1D Wayfinding Signage.

Commented [CH33R32]: MIKE FYI - I added this as a new section to the FBC. Placing this in the street standards section of the FBC seemed most appropriate.

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:

Commented [CH34]: This standard is in the Public Works Standards.

Commented [CH35]: This standard is in the Public Works Standards for ROWs and NBMC 18.40 for exterior on-site lighting.

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.

Commented [CH36]: Minimum sidewalk clearance areas are located in the Public Works Standards in accordance with ADA standards.

Commented [CH37]: Public art on ROWs has been added to the FBC under SS.1E Public Art

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

Commented [CH38R37]: MIKE FYI - I added this as a new section to the FBC. Placing this in the street standards section of the FBC seemed most appropriate.

Adopted May 18, 2010 Revised TBD, 2025, Ord.1391, Ord. TBD

places.

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).



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

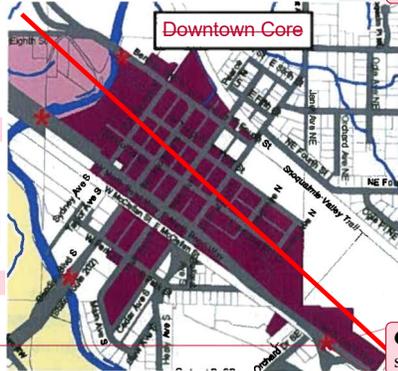
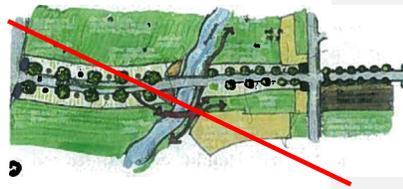


Figure 1: Downtown Core District and Gateway Locations



Example of a graduated gateway.

Commented [CH39]: This standard is redundant to Public Works Standards for ROW landscaping.

Commented [CH40]: Relocated this section to FBC section SS.1F Gateways.

Commented [CH41R40]: MIKE FYI - I added this as a new section to the FBC. Placing this in the street standards section of the FBC seemed most appropriate.

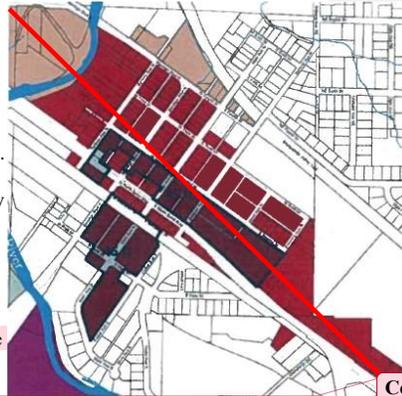
A-12 Building Form

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

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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.

Commented [CH42]: Building heights are already described within the Form Based Code under DS.2 and Figure 4.

A-23 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.

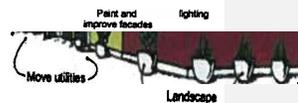


Multiple large storefront windows creates a more active streetscape by providing visibility to action not inside and outside of buildings.

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.

Commented [CH43]: This section is duplicated in Section A7 Landscaping

- 3.2. 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.



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

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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

Commented [CH44]: This section is located in the Form Based Code within OS-ID Open Space Requirements

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:



Shown Above: Northwest Neighborhood Business District.

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

Commented [CH45]: The Urban Separator Overlay District was referenced in the original design standards assuming the overlay district would be adopted. It was never adopted and therefore staff recommend removal for consistency.

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- 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.



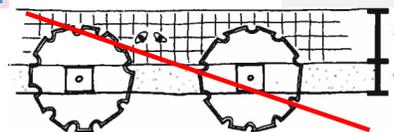
B-2 Responding to Site Characteristics and Significant Natural Features

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:

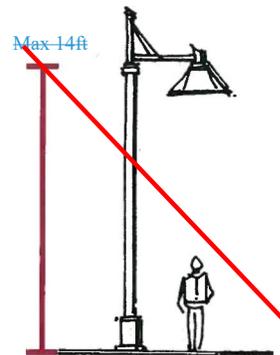
1. Bendigo Blvd North: Class 2 Pedestrian Street. This is the principal arterial corridor through the NWBD. It is the only connector to downtown North Bend. In order to enhance its role as an arterial while considering the needs of pedestrians, the following guidelines shall be met:
2. Planting Strips: Continuous 4 to 6-foot 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 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 feet 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 planting zone along the curb.



Continuous planting strip along sidewalk.



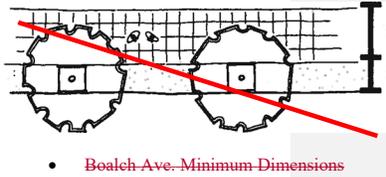
Bendigo Boulevard North Minimum



Commented [CH46]: These standards are all duplicative to the Public Works Standards

Adopted May 18, 2010 Revised TBD, 2025, Ord.1391, Ord. TBD

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



B-3 Landscaping

- 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.
 - Development that is clustered on one section of the lot can maximize open space and retain viewsheds.
 - 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

- 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.
- ~~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.~~
- ~~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.

Commented [CH47]: Mixed Use buildings are not permitted in the underlying zones of the NWBD and therefore staff recommend removal.

Commented [CH48]: Cottage housing is not permitted in underlying zones of the NWBD and therefore staff recommend removal.

B-5 Roof Forms and Modulation

- 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.
- 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:



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- 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.

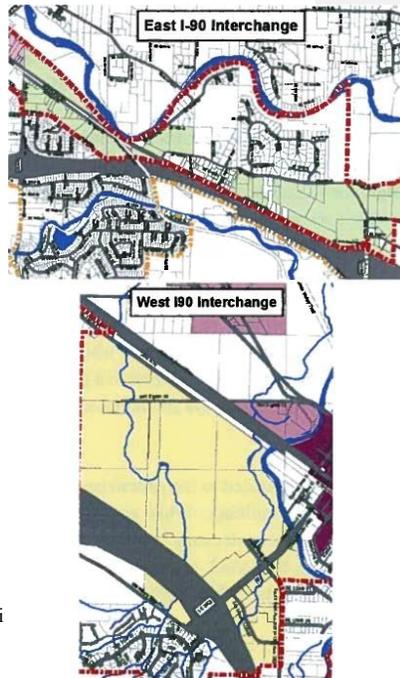


Semi-rural character expressed in the form and roof line of a commercial building to help reduce apparent bulk.

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 isIt's 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.



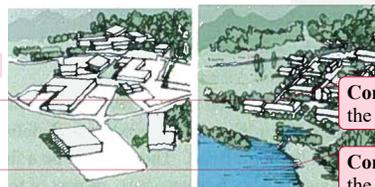
East and West I-90 Interchange District

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 I 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 to complement view sheds and surrounding built and natural character.

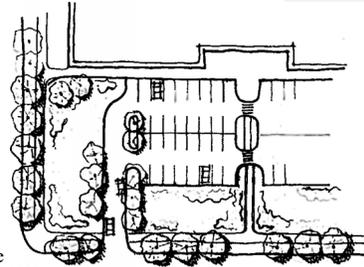
Commented [CH49]: This standard is duplicative to the landscaping regulations in NBMC 18.18

Commented [CH50]: This standard is duplicative to the exterior lighting standards described in NBMC 18.40.

Adopted May 18, 2010 Revised TBD, 2025, Ord.1391, Ord. TBD

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.



Landscaped "fingers" break up the expanse of asphalt.

Adopted May 18, 2010 Revised TBD, 2025, Ord.1391, Ord. TBD

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.



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 truck docking area



Commented [CH51]: This is a recommendation from Leroy Gant. A 10 by 30ft planter is typically a challenge to accommodate due to trucks commonly found in light industrial zones and needed backup/turnaround space needed to circulate safely throughout the property. This addition provides a mechanism for the applicant to provide an in-like-kind method of screening service areas.

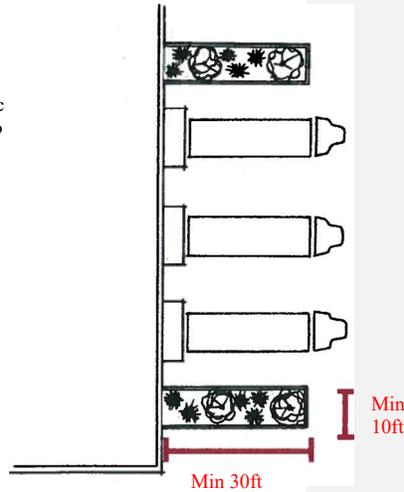
Adopted May 18, 2010 Revised TBD, 2025, Ord.1391, Ord. TBD

C-7 Building Massing and Design

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.

a. Large one-story industrial buildings are defined as buildings with high ceilings (over 20ft) and multiple dock-high (48in) loading doors.

a-b. Small one-story industrial buildings are defined as any industrial building with ceilings less than 20ft.

- 2.3. 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.

Commented [CH52]: Additions are proposed by Leroy Gant. . Roof standards have been amended to clarify how to city defines large vs small industrial buildings and which instances a flat roof is permissible.

Adopted May 18, 2010 Revised TBD, 2025, Ord.1391, Ord. TBD

C-9 Wall Modulation: Façade Form and Style

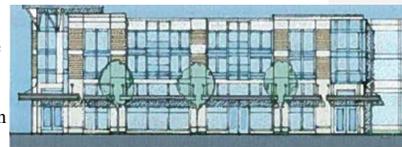
- 1. Building walls which face a public street **shall** be architecturally emphasized through window design and placement, projections and wall detailing. The architectural treatment of the front facade **shall** be continued, in its major features and materials, around all visible sides of the building.
- 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.

Commented [CH53]: This section is duplicative to signage standards in NBMC 18.20.

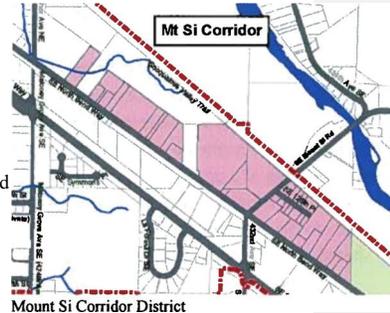
Adopted May 18, 2010 Revised TBD, 2025, Ord.1391, Ord. TBD

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.

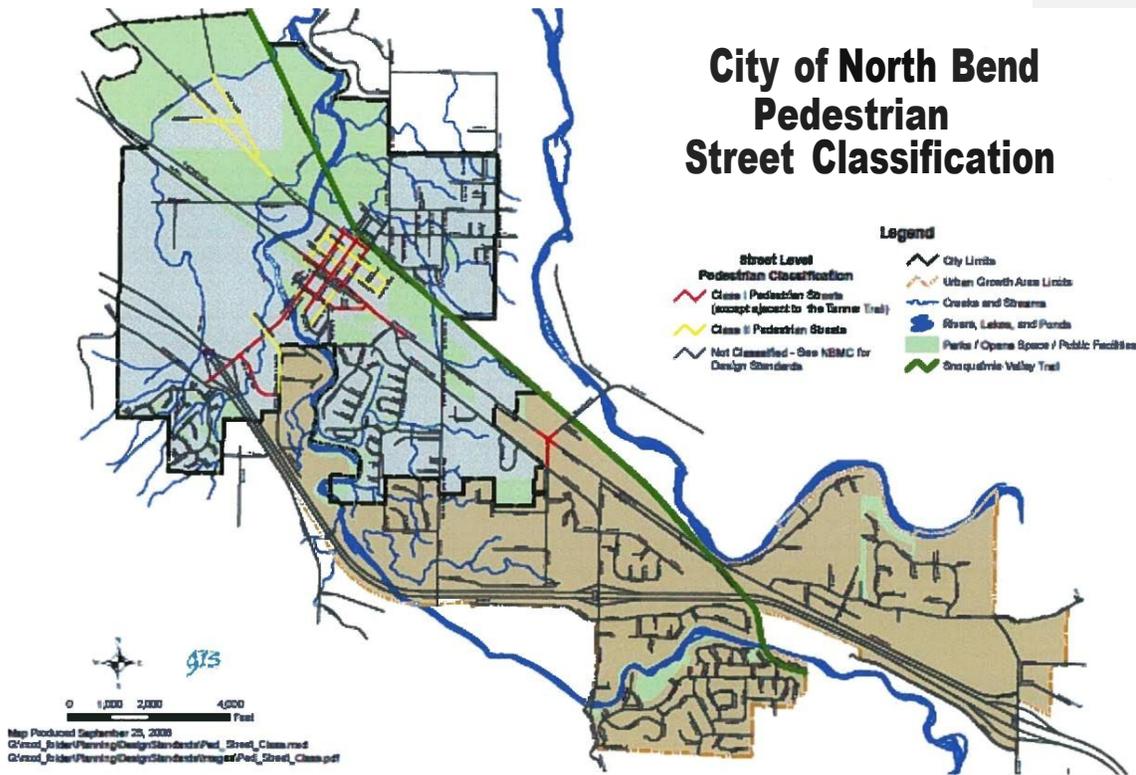


intersection of North Bend Way and Mt. Si Road – the future focus area of the district

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



Adopted May 18, 2010 Revised TBD, 2025, Ord.1391, Ord. TBD



NOTICE OF PUBLIC HEARING

Project Name: Amendments to North Bend Municipal Code pertaining to Residential Design Standards, including NBMC 18.34.030 Applicability, exemptions, relation to other codes, and effect, 18.34.050 Single-family and cottage residential, and NBMC 18.34.060 Multifamily, and amendments to the *Commercial/Mixed Use/Industrial Design Standards and Guidelines*.

| | |
|---|-----------------------|
| Notice of Hearing Date: | May 16, 2025 |
| Public Hearing Written Comment Deadline: | June 3, 2025, 4:00pm |
| Public Hearing Date and Time: | June 3, 2025 , 7:00pm |

Description of Proposal:

The City of North Bend is proposing amendments to North Bend Municipal Code Title 18 section 18.34.030 Applicability, exemptions, relation to other codes, and effect, 18.34.050 Single-family and cottage residential, and NBMC 18.34.060 Multifamily. The City is additionally proposing amendments to the *Commercial/Mixed Use/Industrial Design Standards and Guidelines*. The City is amending this code and design standards to be consistent with the Revised Code of Washington’s (RCW) rules and limits that cities can place on residential design review standards as described in RCW 36.70A.630. The draft amendments are available on the City’s website at northbendwa.gov, under the Government tab, then “Public Notices.”

Public Hearing:

On Tuesday, June 3, 2025, at 7:00pm the City Council will hold a public hearing on the draft amendments. 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 for the hearing must be received by 4 p.m. on the day of the scheduled hearing, and should be 350 words or less.

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 Clerks@northbendwa.gov. All written comments must be received by 5 p.m. on the day of the scheduled meeting and may not exceed 350 words.

If an individual requires accommodation to allow for remote oral comment because of a difficulty attending a meeting of the governing body, the City requests notice of the need for accommodation by 5:00 p.m. on the day of the scheduled meeting. Participants can request accommodation to be able to provide a remote oral comment by contacting the City Clerk's Office in person, by phone (425) 888-1211 or by email: Clerks@northbendwa.gov. No other remote public comment will be permitted.

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

To Sign Up for a Zoom Account: <https://zoom.us/join>

Meeting ID: 409 007 2718

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



City Council Agenda Bill

| | | | |
|---|--|--|-----------------|
| SUBJECT: | | Agenda Date: June 3, 2025 | AB25-059 |
| Public Hearing & Ordinance Amending the North Bend Form-Based Code Regulating Plan in Accordance with ESHB 1293 | | Department/Committee/Individual | |
| | | Mayor Mary Miller | |
| | | Interim City Administrator – Bob Larson | |
| | | City Attorney – Kendra Rosenberg | |
| | | City Clerk – Susie Oppedal | |
| | | Community & Economic Development – James Henderson | |
| | | Finance – Martin Chaw | |
| | | Public Works – Mark Rigos | |
| | | Planning Manager – Mike McCarty | |
| Cost Impact: N/A | | | |
| Fund Source: N/A | | | |
| Timeline: Immediate | | | |
| Attachments: Ordinance, Exhibit A - Form-Based Code Regulating Plan, Staff Report & Planning Commission Recommendation, Public Hearing Notice | | | |
| SUMMARY STATEMENT: | | | |
| <p>Amendments are proposed to the City of North Bend Form Based Code. The proposed Form-Based Code Regulating Plan amendments are in response to recent amendments to RCW 36.70A.630 and RCW 36.70B.160 passed by the Legislature through Engrossed Senate House Bill 1293, which updates standards and laws that local governments can impose on design review and design standards, with the intent of streamlining the permit process and requiring specific objective standards for architectural design.</p> <p>Consistent with state law, the amendments are proposed to adjust or remove vague language in architectural and urban design standards consistent with state law, as well as to remove language that is redundant to other applicable code sections or regulation documents (such as the zoning code, sign regulations, landscape regulations, or Public Works Standards).</p> <p>The Planning Commission held a Public Hearing on May 21, 2025, and recommended approval.</p> <p>Additional minor amendments were made following the Planning Commission recommendation and CED Committee review to ensure that provisions removed from the Design Standards applicable specifically to the Downtown Commercial (DC) Zone were provided within the Form Based Code, which applies to the DC Zone. These additional amendments have been highlighted in yellow within the exhibit to the Planning Commission staff report for reference.</p> <p>A public hearing has been scheduled on this item for tonight’s Council Meeting, which was published in the Snoqualmie Valley Record on May 16, 2025. The public hearing will take place during this regular City Council meeting on Tuesday, June 3, 2025, prior to Council action on this item.</p> <p>The draft amendments are necessary for conformance with State law and staff recommend approval. The following are the decisions available to Council:</p> <p><u>Alternative 1:</u> Approve AB25-059, an ordinance amending the North Bend Form-Based Code Regulating Plan in Accordance with ESHB 1293 as a first and final reading.</p> <p><u>Alternative 2:</u> Provide feedback to staff regarding the amendments, for placement and consideration at the June 17, 2025 City Council meeting for approval as a second and final reading.</p> | | | |

City Council Agenda Bill

APPLICABLE BRAND GUIDELINES: The proposed amendments support the City’s brand statement of being a highly livable small town with sustainability managed growth. The amendments remove confusing, redundant, or vague design standards, consolidate requirements, and address architectural design barriers. Adjustments to the Form Based Code may alleviate developer uncertainties when proposing new non-residential and residential projects.

COMMITTEE REVIEW AND RECOMMENDATION: The Community and Economic Development Committee reviewed this item at their May 20, 2025 meeting and recommended approval and placement on the Main Agenda for discussion at the June 3, 2025 City Council meeting, with the possibility to extend Council deliberation to the June 17, 2025 City Council meeting for time to discuss the amendments.

RECOMMENDED ACTION: MOTION to approve AB25-059, an ordinance amending the North Bend Form-Based Code Regulating Plan, as a first and final reading.

RECORD OF COUNCIL ACTION

| <i>Meeting Date</i> | <i>Action</i> | <i>Vote</i> |
|---------------------|---------------|-------------|
| June 3, 2025 | | |

ORDINANCE

AN ORDINANCE OF THE CITY OF NORTH BEND, WASHINGTON, AMENDING THE NORTH BEND FORM-BASED CODE REGULATING PLAN RELATING TO DOWNTOWN COMMERCIAL ZONE DESIGN STANDARDS; PROVIDING FOR SEVERABILITY; AND ESTABLISHING AN EFFECTIVE DATE

WHEREAS, during its 2023 session, the Washington State Legislature passed, and the Governor signed, ESHB 1293, codified as Revised Code of Washington (“RCW”) 36.70A.630 and 36.70B.160, intended to streamline development regulations with regard to design standards and review; and

WHEREAS, ESHB 1293 impacts Washington municipalities, including the City of North Bend, because it restricts a jurisdiction’s ability to enact architectural design regulations and requires design standards to be clear and objective; and

WHEREAS, the North Bend Form-Based Code Regulating Plan currently regulates architectural design and urban form of the Downtown Commercial zone with some restrictions, however some of those restrictions are duplicative of provisions already adopted in the North Bend Municipal Code or may conflict with RCW 36.70A.630 and 36.70B.160; and

WHEREAS, the proposed amendments to the North Bend Form-Based Code Regulating Plan were submitted to the Washington State Department of Commerce for review on May 1, 2025, and the City received no comments; and

WHEREAS, a SEPA Determination of Non-Significance was issued for the proposed amendments on May 2, 2025; and

WHEREAS, the North Bend Planning Commission held a public hearing on the proposed amendments at its May 21, 2025 meeting to receive testimony on the proposed amendments; and

WHEREAS, the Planning Commission, by motion on May 21, 2025, recommended adoption of the proposed amendments to the North Bend Form-Based Code Regulated Plan as detailed in its findings, conclusions and recommendations; and

WHEREAS, the North Bend City Council finds that the proposed amendments are consistent with the requirements of RCW 36.70A.630 and RCW 36.70B.160;

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

Section 1. North Bend Form-Based Code Regulating Plan, Amended: The North Bend Form-Based Code Regulating Plan is hereby amended to read as shown in Exhibit A.

Section 2. Severability: Should any section, paragraph, sentence, clause or phrase of this ordinance, or its application to any person or circumstance, be declared unconstitutional or otherwise invalid for any reason, or should any portion of this ordinance be pre-empted by state or federal law or regulation, such decision or pre-emption shall not affect the validity of the remaining portions of this ordinance or its application to other persons or circumstances.

Section 3. Effective Date: This ordinance shall be published in the official newspaper of the City and shall take effect and be in full force five (5) days after the date of publication.

ADOPTED BY THE CITY COUNCIL OF THE CITY OF NORTH BEND, WASHINGTON, AT A REGULAR MEETING THEREOF, THIS 3RD DAY OF JUNE, 2025.

CITY OF NORTH BEND:

APPROVED AS TO FORM:

Mary Miller, Mayor

Kendra Rosenberg, City Attorney

ATTEST/AUTHENTICATED:

Published:
Effective:

Susie Oppedal, City Clerk

City of North Bend Form-Based Code



Adopted by Reference in North Bend Municipal Code 18.12

Effective June 16, 2021

Revised June X, 202



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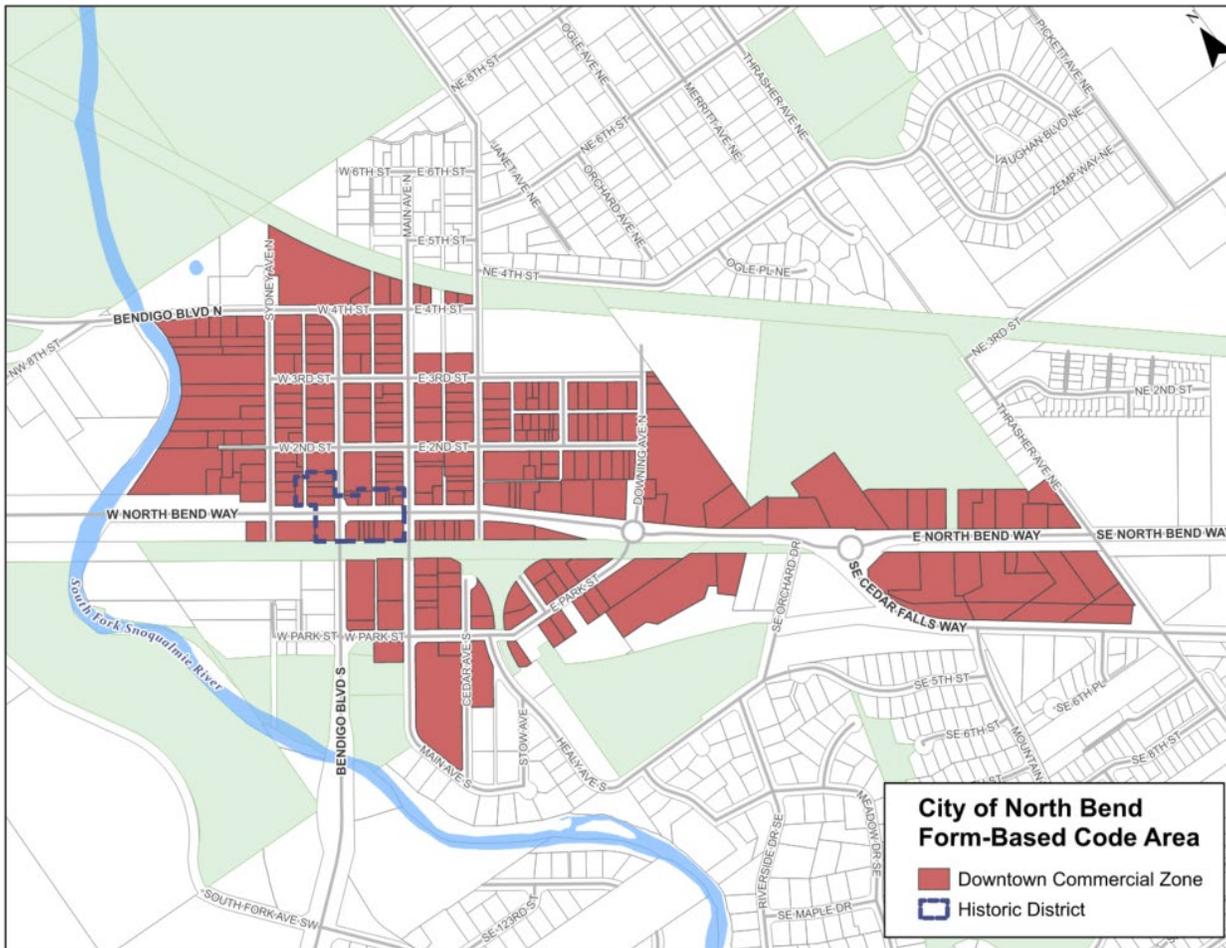
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Introduction

North Bend’s Form-Based Code (FBC) provides a unified development ordinance to address the desired character of the Downtown Commercial (DC) Zone. The FBC fosters predictable built results and a high-quality public realm by using physical form, rather than separation of uses. The FBC helps ensure that new development is in scale and character with the City’s existing downtown area. The FBC is an alternative to zoning with less focus on density and allowable uses, and more focus on building form and relationship to the public spaces (e.g., sidewalks). The primary review focus for City approval is the outside of the building and its relationship with the surroundings, by focusing on building form and transects as summarized below. *Figure 1* shows the area to which the FBC applies, and where historic district considerations must be made if redevelopment occurs.

The goal of the FBC is to further enliven the downtown as a social, cultural and entertainment destination, while increasing the overall supply of more affordable housing options. The regulations and standards in the FBC are presented in both words and clearly drawn diagrams and other visuals to help property owners and the public best understand and implement these provisions.

Figure 1: Map of Form-Based Code Area:



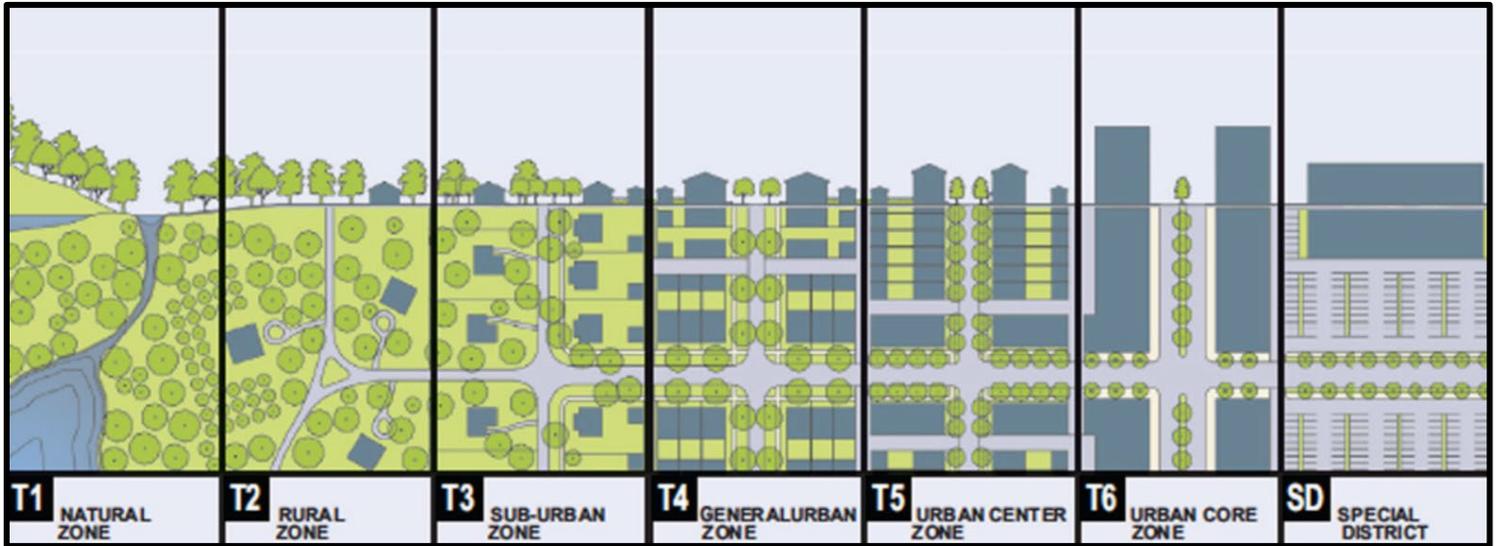
The FBC aims to:

- Explain classifications of different types of buildings to produce more predictable results with better guidance to architects;
- Fit context of both historical core and desired building types of other downtown areas; and
- Provide for pedestrian friendly streets and open space.

Subdistricts from the Concept of Transects

The concept of Transects, from the Center of Transect Studies, provides a framework for coding the elements in the built environment on a scale from rural to urban. The FBC aims to expand choices for projects, instead of using a one-size-fits-all regulation. The use of transects allows for a range of development characters and intensity to fit within the vision of North Bend. The typical full range of transects used for the FBC is shown below, which includes seven classifications that progress from natural to urban core zones and include a special district classification.

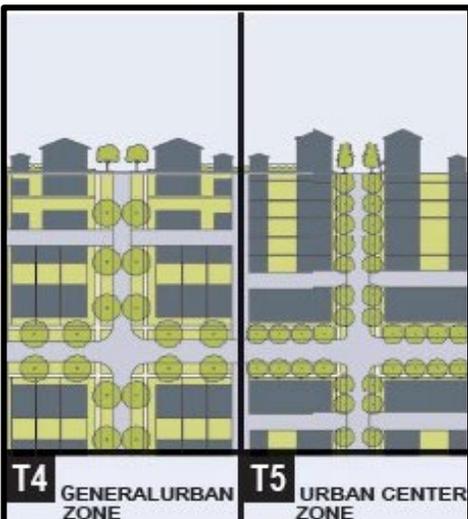
All possible transects within the FBC:



Typical Rural-Urban Transect, with Transect Zone. [Source: Center for Applied Transect Studies, 2008](#)
[Source: Center for Applied Transect Studies, 2008.](#)

This DC Zone focuses on the T4 General Urban Zone and T5 Urban Center Zone, with greatest influence from T5 in the context of infill and redevelopment.

The [FBC-Center of Transect Studies](#) transects that are most applicable within North Bend’s DC Zone:



T-4 General Urban Zone consists of a mixed use but primarily residential urban fabric. It may have a wide range of building types: single-family, small apartment buildings, and rowhouses. Setbacks and landscaping are variable. Streets with curbs and sidewalks define medium-sized blocks. [The T-4 transect zone generally represents the characteristics of DC-MU subzoneSubdistrict.](#)

T-5 Urban Center Zone consists of higher density mixed use buildings that accommodate retail, offices, rowhouses, and apartments. It has a tight network of streets, with wide sidewalks, steady street tree plantings, and buildings set close to the sidewalks, which are conditions that **currently exist throughout the DC-C Zone-Subdistrict.**

[Source: Center for Applied Transect Studies, 2008.](#)

~~T-4 General Urban Zone, T-5 Urban Center
Zone~~

~~Source: Center for Applied Transect Studies, 2008.~~

~~Building off the existing urban fabric and valued aesthetics of downtown North Bend is key; thus, two custom transects are implemented, the Downtown Commercial Core Subdistricts Zone (DC-C) and the Downtown Commercial Mixed-Use Subdistricts Zone (DC-MU). These are the two transects created within the current DC Zone subdistricts and are explained in section RP-1.~~

Purpose and Application

I.1A: Intent of the FBC

It is the intent of the FBC to implement comprehensive plan goals for the Downtown Commercial ~~Neighborhood Zone~~ and build from the Downtown Master Plan. In support of this intent, the following principles are identified as key to the FBC:

1. **Transects** – The transects applying to the FBC, as outlined in the Introduction, were chosen as the most fitting to North Bend’s downtown. These transect zones shall constitute the intent of the FBC regarding the general character of this environment.
- 1.2. **Downtown Scale** – North Bend’s downtown should be compact, pedestrian-oriented, and mixed use, to create a vibrant community for both residents and businesses, encouraging walkability and the patronage of guests. Building densities shall be provided consistent with North Bend’s existing downtown character, enhancing redevelopment potential. Existing as well as programmed and potential open spaces, including parks, squares, and playgrounds, should be considered in site designs.
- 2.3. **Block and Building Scale** – Buildings and landscaping should contribute to the physical definition of thoroughfares and civic spaces. Development should adequately accommodate automobiles while respecting the pedestrian and spatial form of public areas. Architecture and landscape design should grow from local climate, history, and building practice, emphasizing mountain views for both building residents and pedestrians, with adequate measures for hazards mitigation, including the floodplain. Buildings should provide their inhabitants with a clear sense of geography and climate through energy efficient methods.
- 3.4. **Walkability** – North Bend’s downtown should encourage active pedestrian spaces and activity.

I.1B: Relationship to Existing Plans and Standards

The Form Based Code (FBC) builds upon the groundwork of other adopted plans and codes, and is intended to be a complimentary addition. While the FBC is specific to the Downtown Commercial zone, there are other adopted documents that regulate the zone. Below is a summary of the adopted materials that influence the design and development of the downtown core:

1. **Comprehensive Plan** – North Bend’s downtown is described in the Land Use Element of the Comprehensive Plan as the mixed-use center of North Bend’s community, where jobs, housing, and services may be readily available to the residents. Redevelopment in this area should be walkable and compact, comprised of buildings of various scales, and preserve adjacent natural areas.
2. **Commercial/Mixed-Use/Industrial Design Standards and Guidelines (Design Standards)** - All new development shall comply with North Bend’s ~~Commercial, Mixed-Use and Industrial Design Standards, Design Standards~~ and where appropriate, preserve and restore the historic character of the Downtown Commercial Historic District. There are no Downtown Commercial district-specific standards in the Design Standards; However there are applicable components to the Downtown Commercial zone within Basic Development Standards (Section A) and the Building Form (Section B).
3. **Downtown Master Plan** – The FBC should help encourage the elements of the Downtown Master Plan that have yet to be realized but remain in effect.
4. **North Bend Zoning Code:** The FBC is adopted as a new North Bend Municipal Code Chapter (“NBMC”) 18.12., referred to as “North Bend Form-Based Code,” or “FBC,” and The FBC supersedes previous content related to the DC Zone set forth in NBMC Chapter 18.10. While the FBC supersedes any conflicting standards within the Zoning Code, there are supplementary standards in the Zoning Code that may apply to subject projects, such as but not limited to parking (NBMC 18.16), land use performance standards (NBMC 18.10.050), and signage (NBMC 18.20).

Additionally, terms not otherwise defined in the FBC shall be accorded their commonly accepted meanings. In the event of conflicts between such definitions and those of NBMC Title 18 as currently adopted or hereinafter amended, the definitions of the FBC shall take precedence.

3.5. Public Works Standards: The Public Works Standards regulate the design of infrastructure, utilities, roadways, and other fixtures within the public right-of-way or public easements.

4.6. **City Brand** – The FBC and resulting development shall fit the City’s adopted Brand Implementation Guidelines and Brand Statement: “We are a highly livable small town that is the premier outdoor recreation destination in the Puget Sound Region.” Within the adopted branding document are eight spokes that will be enhanced by the FBC, including but not limited to: sustainable managed growth, design standards, affordability, quality basic services including transportation and traffic management, and economic viability.

~~**I.1C: Relationship to Existing Municipal Code**~~

~~The FBC is adopted as a new North Bend Municipal Code Chapter (“NBMC”) 18.12, referred to as “North Bend Form-Based Code,” or “FBC,” and supersedes previous content related to the DC Zone set forth in NBMC Chapter 18.10, which has been repealed.~~

I.2A: Use of FBC

The FBC is administered by the Mayor, who may delegate to North Bend’s Community and Economic Development Director or others.

I.2B: Applicability to Municipal Code

The FBC applies to all property within North Bend’s Downtown Commercial (DC) Zone, including structures, land uses, and other physical improvements like signs, landscaping, and lighting within the regulated boundaries outlined herein. When used in the FBC, “shall” means when required; “should” means when recommended; and “may” means when optional.

The provisions of the FBC, when in conflict with those of other codes, ordinances, regulations, and standards, shall take precedence, except for NBMC Title 14, Environmental Protection, including but not limited to Chapter 14.12 Floodplain Management, as well as applicable state and federal law. Redevelopment within the Historic District shall involve review by the King County Historic Preservation Program, per interlocal agreement. Capitalized terms used throughout the FBC may be defined in the final chapter titled Definitions. This section contains regulatory language that is integral to the FBC.

~~Terms not otherwise defined in the FBC shall be accorded their commonly accepted meanings. In the event of conflicts between such definitions and those of NBMC Title 18 as currently adopted or hereinafter amended, the definitions of the FBC shall take precedence.~~The metrics provided in the standards sections are an integral part of the FBC. The diagrams and illustrations that accompany them, however, should be considered guidelines rather than requirements, except for the tables found in Chapter RP of the FBC, compliance with which is required. Where in conflict, numerical metrics shall take precedence over graphic metrics.

Zone and Regulating Plan

RP.1: Zoning Districts and Overlays

RP.1A: Purpose and Establishment of subdistricts within the existing DC Zone

This section establishes the zoning subdistricts of the DC to implement the FBC. Property and Rights-of-Way (ROW) subject to the FBC shall be divided into the following zones and overlays, which shall be applied to all property as shown on *Figure 1*.

RP.1B: Transects Downtown Commercial Subdistricts

The following ~~transects-subdistricts~~ are established and apply to property within the boundaries of the current DC Zone, shown spatially in *Figure 2*.

Commercial Core (DC-C):

The DC-C includes building types, styles, materials, and sizes that fit and enhance the current Historic District as shown in *Figure 3*, below, and shown in Attachment A of Ordinance 1113 (2001) adopted by reference in NBMC 19.24.030. The DC-C measures to maintain mountain viewsheds from street-level and enhance open space for future community events, while promoting redevelopment. The outlook of this zone is to serve as North Bend’s cultural center.

Mixed-Use (DC-MU):

The DC-MU allows greater flexibility and diverse buildings fitting North Bend’s existing design standards. This area is projected to receive more infill overall and more residential units. Considerations to adjacent residential character should be made to the redevelopment occurring adjacent to residential zones.

RP.1C: Note of Design Standards

All developments outside of the Historic District must meet the then-current City of North Bend Commercial/Mixed-Use/Industrial Design Standards and Guidelines, and specifically the Basic Development Standards [\(Section A\)](#) and ~~Downtown Core District sections~~[Building Form \(Section B\)](#).

RP.1D: Note on Floodplain Management

The entire DC Zone is within the Federal Emergency Management Agency (FEMA) National Flood Insurance Program Special Flood Hazard Area. This means special design considerations must be made regarding regulatory flood heights. More details on floodplain considerations to design can be found in NBMC Chapter 14.12, Floodplain Management. Design considerations shall be based on what zone exists within the lands being developed, and which height above this base flood elevation is currently required. The latest ~~Federal Emergency Management Agency~~[FEMA](#) documentation on mixed-use and multi-family development in the floodplain should be used to define building parameters during the design process.

[RP.2: Regulating Plan](#)

RP.2A: Purpose and Establishment of Regulating Plan

This section establishes the Regulating Plan Map, *Figure 3*, that identifies and implements the various intentions and principles of the vision for the area. *Table RP.1* defines the zoning districts overlays and standards for site development, design, and land use through the following: building placement; allowed building types; allowed frontage types; building height and size; allowed encroachments into required yards; parking placement and site access; required parking; and allowed land uses.

[Figure 2: Downtown Commercial ~~Transect~~Subdistrict Locations](#)

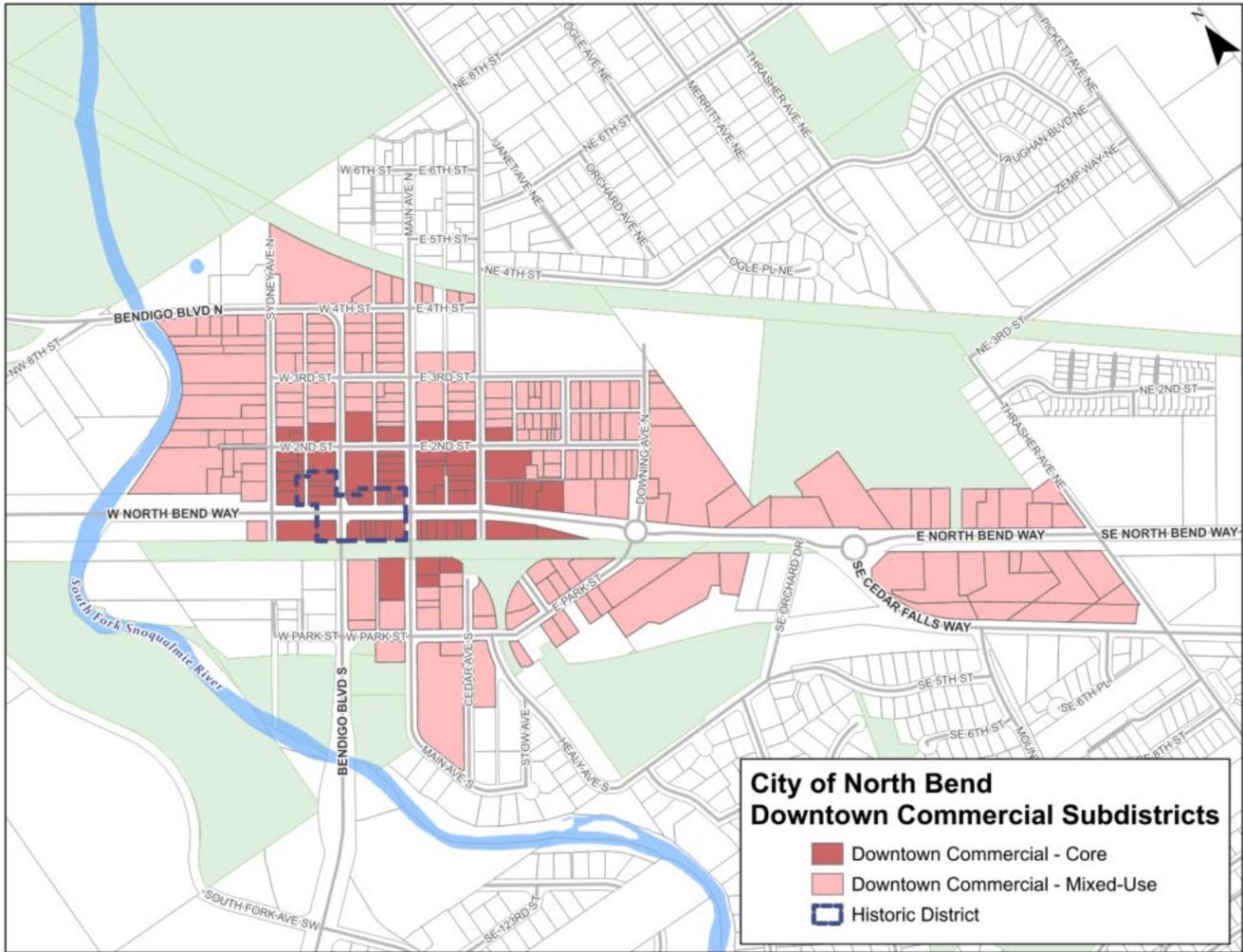


Figure 3: Larger Scale Regulating Plan Map

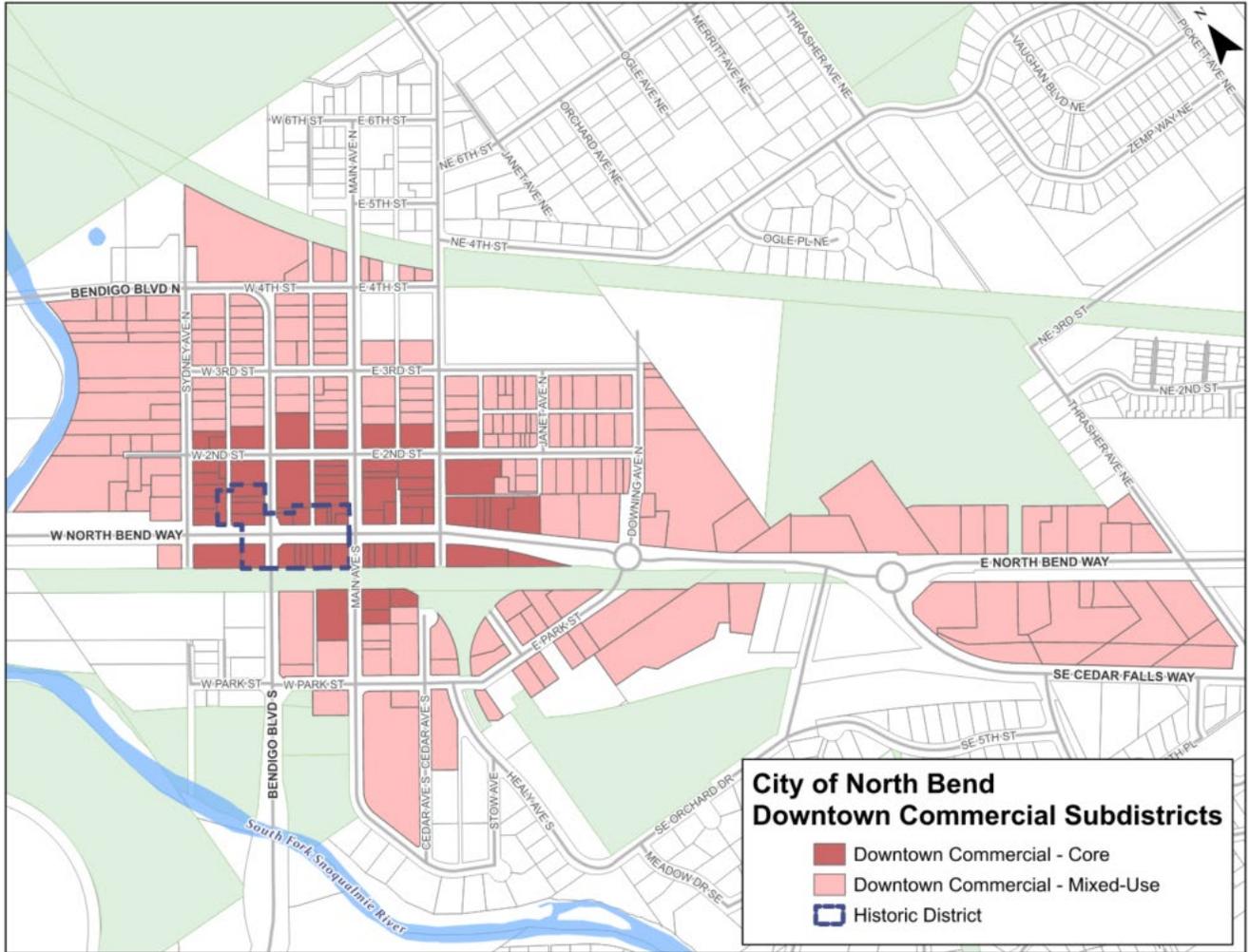


Table RP.1: Zoning District Intent

| | Downtown Commercial – Core (DC-C) | Downtown Commercial – Mixed-Use (DC-MU) |
|--|---|---|
| Example Pictures |  |  |
| Desired Form | New buildings within the DC-C shall meet character of the downtown area and comply the City’s Design Standards. Additionally, buildings within the Historic District shall fit the character of the existing historic buildings as determined by King County Historic Preservation. Site design shall add to public realm and enhance this small district as North Bend’s cultural center. New buildings shall be similar in scale to existing structures sharing property lines and are not more than 45 feet in height. Balconies and terracing on upper levels shall be used to retain mountain views. | New buildings shall comply with North Bend’s design standards, using modern architecture that fits the character of recently constructed buildings within the DC Zone. New buildings shall range from smaller multifamily complexes to mixed-used developments up to 45 feet in height, located at the front of the property line, with active frontages along the ground level. Building mass steps down to 35 feet when adjacent to single story or historic buildings. Balconies and terracing on upper levels shall be used to retain mountain views. |
| Streetscape and Public Realm Improvements | Active streetscapes shall encourage activity and be inviting to pedestrians. Commercial frontages such as shopfronts, arcades, or galleries; wide sidewalks; and street trees should support safe, welcoming and comfortable walking environment. | A range of tree-lined walkable streets should be a result of new development. Commercial frontages such as shopfronts, arcades, or galleries; wide sidewalks; and street trees should encourage interesting, safe, and comfortable walking environment. Residential frontages should consist of yards, porches, stoops, to promote privacy. |
| Parking | Parking shall consist of on-site spaces located either behind buildings or in structures. On-street public parking spaces may be available for commercial patrons. | Parking shall consist of on-site spaces located either behind buildings or in parking structures. On-street public parking spaces may be available as well. |
| General Use | Ground-floors of buildings should be occupied by retail, office, service, and other active uses along commercial corridors. Upper floors and back spaces from streetscape should include a wide variety of uses, including office, housing, lodging. | <u>Ground-floor residential is not allowed on North Bend Way west of the Cedar Falls Way roundabout. Throughout the district, buildings may be occupied with ground floor retail, office, service, and other active uses. Residential uses on the ground floor, other than where restricted above, should, where permitted off North Bend Way, have frontages ensuring privacy for the units. Units shall be accessed directly from the street, unless determined infeasible due to</u> |

| | | |
|--|--|--|
| | | <p>specific site constraints. Upper floors and back spaces from streetscape should include a wide variety of uses, including office, housing, lodging.</p> |
|--|--|--|

Development Standards by TransectSubdistrict

DS.1: Introduction

The subdistricttransect zone standards are calibrated by means of exemplary existing and intended conditions, through field survey, public input, and recommendation from the Planning Commission and approval by City Council. The purpose is to shape the future public realm of North Bend’s downtown core by focusing on the outside portions of development (i.e., that which faces the street). Developments within these transects-subdistricts are subject to the other relevant chapters of NBMC Title 18 and Title 19 including but not limited to:

- 18.16 Parking Regulations
- 18.18 Landscaping Regulations
- 18.20 Sign Regulations
- 18.34 Design Standards and Guidelines
- 18.40 Exterior Lighting Standards
- NBMC 19.10.091 through .095 relating to tree retention and protection.

Sketch demonstrating a vision of the DC-C TransectSubdistrict redevelopment



Features of note in this DC-C illustration include:

- Enhanced open space that adds to the public realm;
- Building character to enhance and blend in with the current Historic District;
- New buildings of similar scale to existing buildings;

- Substantial glazing;
- Balconies and rooftop patios;
- Housing above commercial/retail storefronts;
- Wide sidewalks and street trees;
- Heavy building bases with detailing that adds interest to the Historic District;
- Canopies and awnings that provide cover and shade;
- Pedestrian oriented signage and building lighting;
- Amenities that add interest to the public realm such as benches, bike racks, potted seasonal plantings.

Sketch demonstrating a vision of the DC-MU Transect Subdistrict redevelopment



Features of note in this DC-MU illustration include:

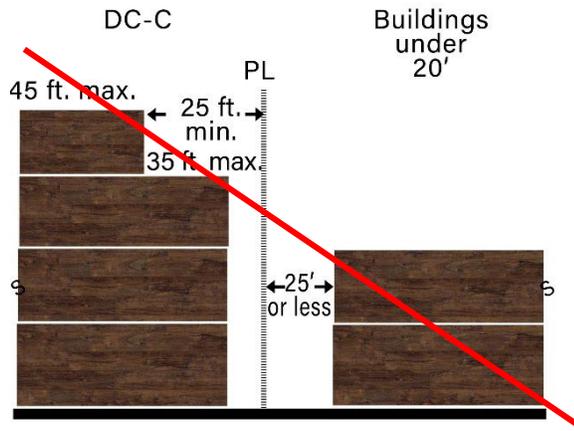
- A mixed use or residential building character that fits into existing neighborhoods and the surrounding built environment;
- Balconies, terraces, and rooftop patios;
- Commercial frontages with wide sidewalks and street trees that add interest to the public realm;
- Comfortable and safe pedestrian walking environment;
- Residential frontages that promote privacy;
- The use of wood products as building materials;
- Large overhangs that provide interest and protection from the elements.

DS.1A: Downtown Commercial – Core (DC-C)

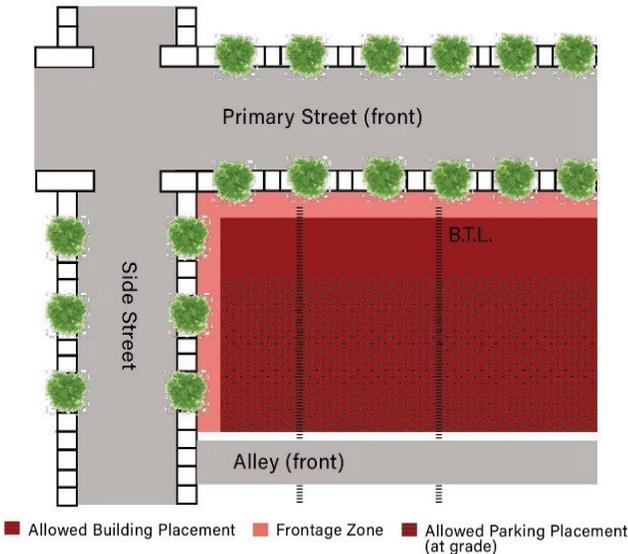
Maximum Size for Residential Units

No residential dwelling unit shall be larger than 1,000 square feet. See DS.3 (page 15) for exceptions.

Required Building Step-Backs



Building Placement



~~Buildings in DC-C shall not exceed 35 feet in height for a depth of 15 feet from the property line when the lot is adjacent to buildings under 20 feet, if the adjacent building is within 25 feet of the property line adjacent to the proposed building.~~ For all street-facing building facades along North Bend Way, each story third level and above shall be stepped back a minimum of 10 feet from the story below.

Interior Ceiling Height

Ground Floor

12-foot minimum, unless there is ground floor residential except for exclusively residential building typologies.

Parking - See parking standards in NBMC Chapter 18.16.

Parking garages should be designed to have levelled floors that can facilitate redevelopment for another use, such as commercial, when parking demand lessens.

Encroachments

Architectural features may encroach into the required setbacks subject to the following requirements:

| Setback | Building setback from PL | | |
|-------------------------|--------------------------|-----------------|-----------------|
| | Frontage Zone | Side/Rear | |
| | Min. (ft) | Max. (ft) | Min. (ft) |
| Primary street | 0 None | 10 | None |
| Side street | None 0 | 10 | None |
| Side interior | None | None | |
| Rear yard with alley | None 5'- | None | 5 |
| Rear yard without alley | None | None | 15 |

| | Encroachment | | |
|--|-----------------|------|----------|
| | Horizontal Rear | Side | Vertical |

Arcade, Gallery, Awning Min. 5' from PL Not allowed Min. 8' clear

Balcony Bay Window Min. 5' from PL

Eave Min. 3' from PL Min. 3' from PL

Allowed Frontages - (See Table FS.1, page 26)

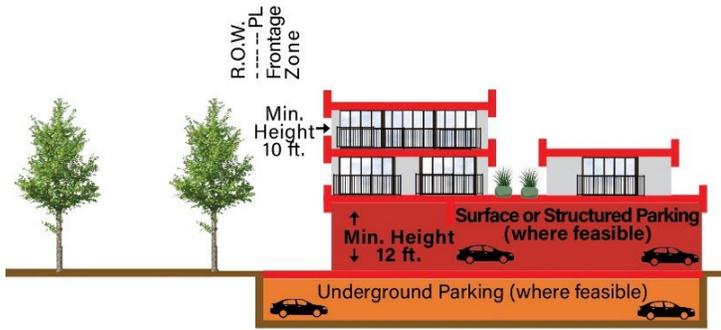
- Arcade • Gallery • Shopfront

Special Considerations

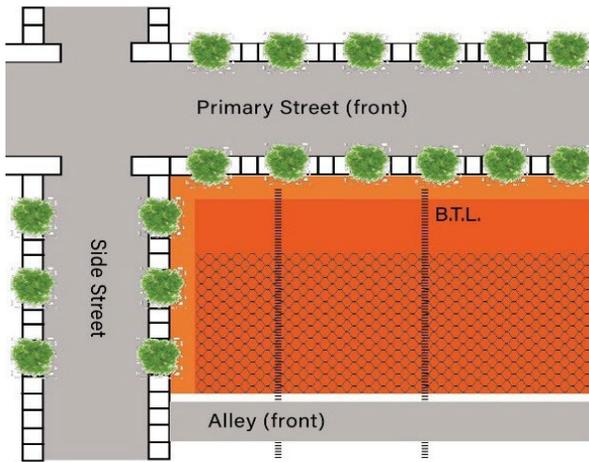
All development reviews within this ~~transect~~ subdistrict shall fit Historic District character.

No outdoor storage or outdoor vehicular uses is allowed.

DS.1B: Downtown Commercial – Mixed Use (DC-MU)



Building Placement



| Setback | Building setback from PL | | Side/Rear Min. (ft.) |
|-------------------------|----------------------------|-----------------|----------------------|
| | Frontage Zone Min. (ft) | Max. (ft) | |
| Primary street | None | 10 | None |
| Side street | None | 10 | None |
| <u>Side interior</u> | <u>5'</u> | <u>None</u> | |
| Rear yard with alley | None <u>5'</u> | None | <u>5</u> |
| Rear yard without alley | <u>10'</u> None | None | <u>15</u> |

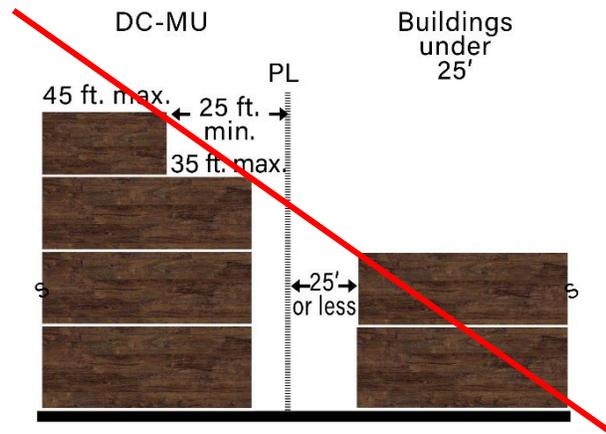
Allowed Frontages - (See Table FS.1, page 26)

- Stoop • Lightcourt • Dooryard
- Front Yard • Forecourt • Porch & Fence
- Shopfront • Gallery • Arcade

Maximum Size for Residential Units

No residential dwelling unit shall be larger than 1,200 square feet, except as provided for in DS.3 herein.

Required Building Step-Backs



Buildings in DC-MU shall not exceed 35 feet in height for a depth of 15 feet from the adjacent building when the lot is located adjacent to buildings that are under 25 feet in height, if the adjacent building is within 25 feet of the property line adjacent to the proposed building. For all street-facing building facades along North Bend Way, each story third level and above shall be stepped back a minimum of 10 feet from the story below.

Interior Ceiling Height

Ground Floor 12-ft min, unless there is ground floor residential except for exclusively residential building typologies.

Parking - See parking standards in NBMC Chapter 18.16.

Parking garages should be designed to have levelled floors that can facilitate redevelopment for another use, such as commercial, when parking demand lessens.

Encroachments

Architectural features and signs may encroach into the required setbacks subject to the following requirements:

| | Encroachment | | |
|--------------------|-----------------|-----------------|---------------|
| | Horizontal | | Vertical |
| | Rear | Side | |
| Balcony Bay Window | Min. 5' from PL | Min. 5' from PL | Min. 8' clear |
| Eave | Min. 3' from PL | Min. 3' from PL | |

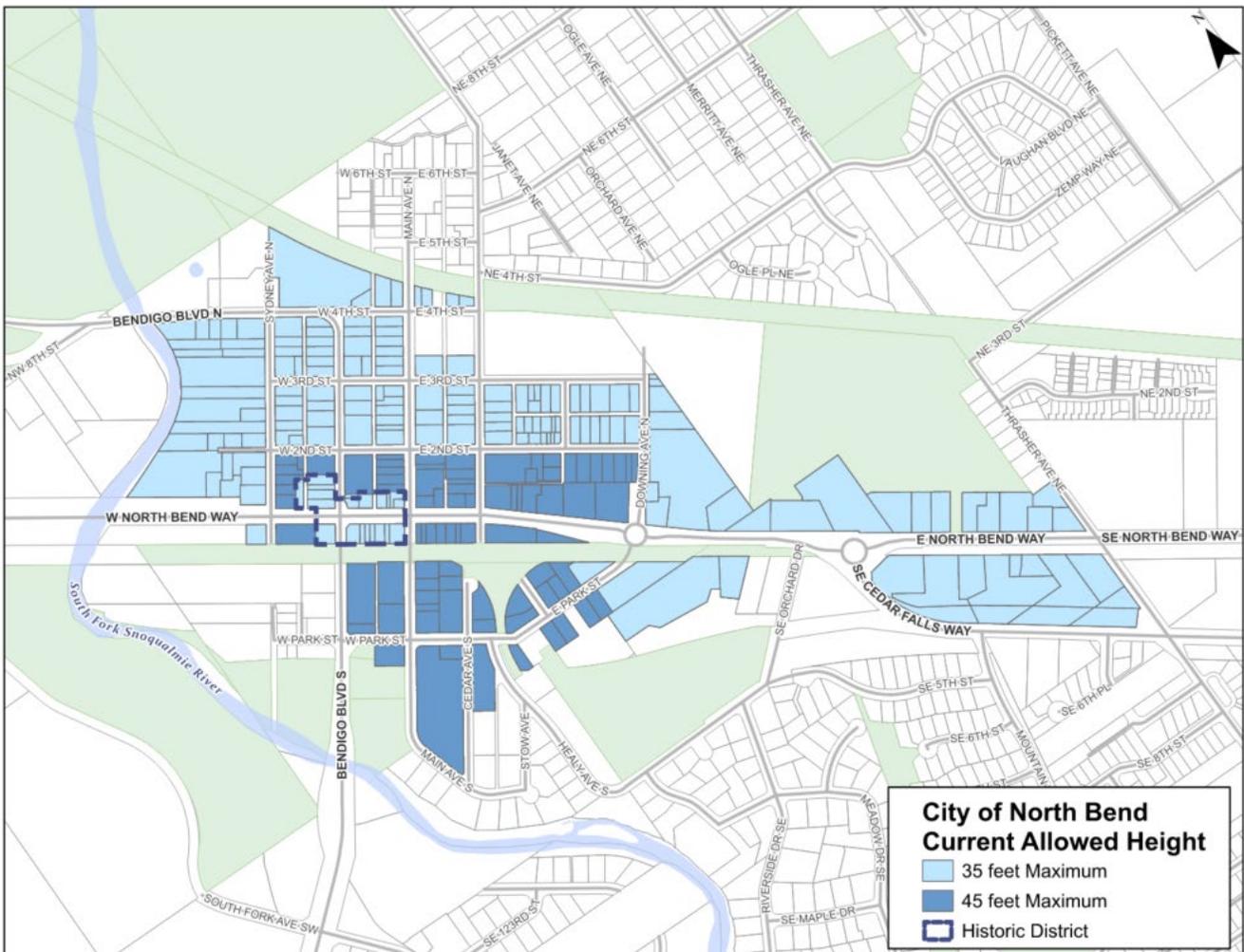
DS.2: Downtown Commercial – Allowable Heights

Where the DC-C and DC-MU Transects-subdistricts represent a core and periphery pattern of the downtown aesthetic to maximize historic character, where allowable the building heights are a different spatial pattern to maximize mountain views.

Building heights in the southern portion of the DC Zone are slightly higher than those in the northern and eastern portions. *Figure 4* illustrates the maximum heights allowed per parcel.

Note: Redevelopment of historic buildings must undergo King County Historic Preservation Program review prior to approval to ensure retention of historic character.

Figure 4: Maximum Allowable Heights



DS.3: Affordable Housing Provision for Increase to Maximum Size for Residential Units

The maximum size for all residential units within a development may be increased if deed restricted affordable housing is a part of the development. Specifically, if a certain percentage of the units are deed restricted to be below the level of cost burden (less than 30% of the income) of the equivalent of a 60% area median family income (AMI), that percentage may be applied to increasing the size of all units. For example, if 10% of units are deed restricted, the maximum square footage of all units may be increased by 10%.

Example Scenario 1:

A proposed development in the DC-C ~~Transect-subdistrict~~ is planning to include 20% deed restricted affordable housing. The 1,000 sf maximum area per unit in this ~~subdistrict~~~~transect~~ is increased to 1,200 sf (1,000 sf * 1.2).

Example Scenario 2:

A proposed development in the DC-MU ~~Transect-subdistrict~~ is planning to include 30% deed restricted affordable housing. The 1,200 sf maximum area per unit in this ~~transect-subdistrict~~ is increased to 1,560 sf (1,200 sf * 1.3).

To obtain the AMI, please query income limits for the Seattle/Bellevue region on the U.S. Department of Housing and Urban Development website.

BS.1: Building Standards

BS.1A: Purpose

This section provides design standards for individual buildings to ensure that proposed development is consistent with the community’s vision for the DC Zone as it pertains to building form, physical character, land use, and quality.

BS.1B: Applicability

All buildings and lots within the DC Zone shall be governed by the FBC. All buildings are required to comply with NBMC Title 15, Building and Construction, which adopts by reference the International Building and Fire Codes, and the design standards of NBMC Chapter 18.34.

BS.1C: Allowable Uses

The DC Zone is open to residential, commercial, office-related, public, and quasi-public, and light industrial uses that can be contained within and cause no public nuisance outside of existing buildings or proposed development. Uses prohibited in all zoning districts as set forth in NBMC 18.10.030, in addition to new single-family residential units, outdoor storage or outdoor vehicle sales are specifically prohibited in the DC Zone, continue to be prohibited. Nuisances as set forth in NBMC ~~Chapter~~ 8.08 are prohibited, including hazardous materials and uses that produce noises above what lawful as set forth in NBMC ~~Chapter~~ 8.26.

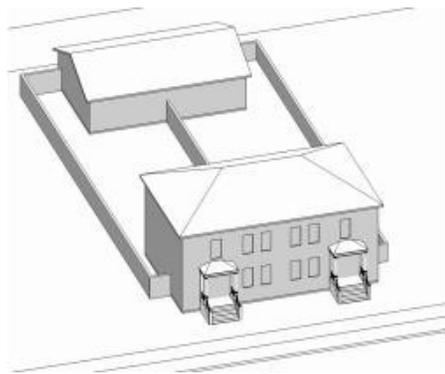
Each proposed building or existing building modification may be designed as one of the building types allowed for the ~~transect-subdistrict~~ applicable to the site as identified in ~~the table~~ Table BS.1 below. Other building types are possible and shall meet North Bend’s Design Standards. Redevelopment of buildings within the Historic District are subject to a King County Historic Preservation Program review.

Table BS.1: Allowed Building Types per ~~Transect~~ Subdistrict

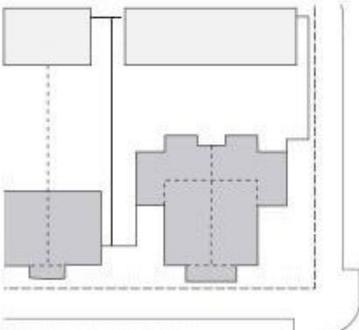
| Building Type <u>(ordering generally reflects increasing density)</u> | Downtown Commercial – Core (DC-C) | Downtown Commercial – Mixed-Use (DC-MU) |
|---|--|---|
| <u>Duplex and Multiplex</u> | | <u>X✓</u> |
| <u>Cottages & Bungalow Court Apartment</u> | | <u>X✓</u> |
| <u>Row House</u> | | <u>X✓</u> |
| <u>Live-Work</u> | <u>✓</u> <u>(prohibited along arterial streets)</u> | <u>X✓</u> |
| <u>Court</u> | <u>X✓</u> <u>(with ground floor commercial- only ground floor commercial required along arterials)</u> | <u>X✓</u> |
| <u>Hybrid Court</u> | <u>X✓</u> | <u>X✓</u> |
| <u>Liner Building</u> | <u>X✓</u> | <u>X✓</u> |
| <u>Flex Building</u> | <u>X✓</u> | <u>X✓</u> |

BS.2: Building Type Sheets

BS.2.A Duplex and Multiplex



Illustrative Axonometric Diagram



Illustrative Plan Diagram



Illustrative Photos of Multiplex



1) **Description** A Duplex or Multiplex Building Type is a medium-sized structure that consists of side-by-side and/or stacked dwelling units, typically with one shared entry or individual entries along the front. The Duplex and Multiplex Building Type has the appearance of a large-sized family home. While a Duplex is appropriate for a low or medium density neighborhood, the Multiplexy and is appropriately scaled to fit well within medium-density neighborhoods. Theseis building types areis important for providing missing middle housing and promoting walkability.

2) **Pedestrian Access** Main entrance location: Primary street

3) **Frontages** Porch
Stoop
Dooryard

4) **Vehicle Access & Parking** Parking spaces may be enclosed, covered, or open.

45) **Private Open Space** Width: 8-ft min. Depth: 8-ft min. Area: 100-square ft min.

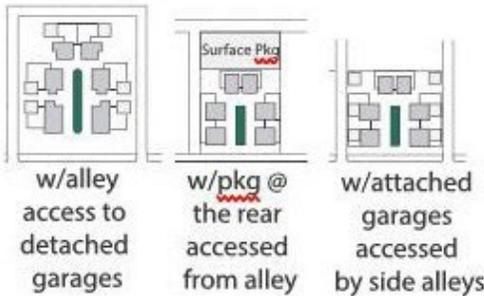
56) **Building Size & Massing** Length along frontage: Duplex: 36-ft max. Length alongside yard: Multiplex: 50-ft max. 80-ft max.

The footprint area of an accessory structure may not exceed the footprint area of the principal structure.

BS.2.B Cottages and Bungalow Court Apartment



Illustrative Axonometric Diagram



Illustrative Plan Diagram

- 1) Description** A Cottage Building Type is a group of six-three or more single dwellings arranged in a linear manner along either side of surrounding a common green space. Having the same right-of-way width as a narrow neighborhood street, the Cottage Type (in contrast to the Bungalow Court Type) must connect two parallel streets. Pedestrian access to the building entrances are accessed from the common green and/or primary street. Cottages are prohibited on corner lots on corner lots shall be accessed from the lower traffic volume public right-of-way (exempt for alleyways).

A Bungalow Court Building Type: A group of four or more single dwellings arranged around a shared courtyard, with pedestrian access to the building entrances from the courtyard and/or fronting street. The courtyard is wholly open to the street and parking is placed in the rear of the lot or behind each unit. Bungalow Courts are prohibited on corner lots that do not have alley access.

- 2) Pedestrian Access** Main entrance location: Common courtyard
- 3) Frontages** Porch Stoop
Dooryard
- | | | | |
|------------------------------|-----------------|--|-------------------------|
| 4) Private Open Space | Width 8-ft min. | Depth 8-ft min. | Area 100-square ft min. |
| 5) Common Courtyard | Width | Depth 20-ft min. clear 50-ft min. clear | |

Also see MDR housing standards in NBMC Chapter 18.11.

Illustrative Photos of Cottage



Illustrative Photos of Bungalow Court



BS.2.C Row House



Illustrative Axonometric Design



Illustrative Plan Diagram



Illustrative Photos of Row Houses



- 1) **Description** A Row House Building Type is a small- to medium-sized building comprised of three or more attached dwelling units arrayed side by side, with the ground floor raised above grade to provide privacy for ground floor rooms. The primary building sits at the front of the property, with the garage at the rear, separated from the primary building by a rear yard. Each dwelling unit is directly accessed from the front yard/street. ~~Garages must be located and accessed from the rear of the lot.~~ This type is typically located within medium-density neighborhoods or ~~in a location that transitions from a primarily single-family neighborhood into a neighborhood main street adjacent to the edge of the DC zone near single-family residential uses.~~ This type enables appropriately scaled, well-designed higher densities and is important for providing a broad choice of missing middle housing types and promoting walkability.
- 2) **Pedestrian Access** Main entrance location: Primary street
- 3) **Frontages** Porch
Stoop
Dooryard
- 4) **Vehicle Access & Parking** Parking spaces may be enclosed, covered, or open.
Garages must be located and accessed from the rear of the lot.
- 5) **Private Open Space** Width: 8-ft min. Depth: 8-ft min. Area: 100-square ft min.
- 6) **Building Size & Massing** Width per rowhouse: 18-ft min. 36-ft max.

The front elevation and massing of each Row House building may be either symmetrical or asymmetrical, repetitive or unique in disposition, as long as the delineation of each individual unit is evident. The footprint area of an accessory structure may not exceed the footprint area of the principal structure.

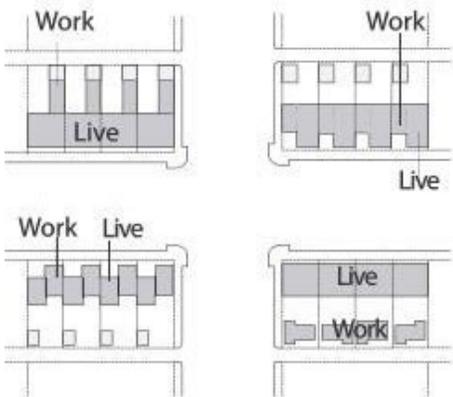
Also see MDR housing standards in NBMC Chapter 18.11.



BS.2.D Live-Work



Illustrative Axonometric Design



Illustrative Plan Diagram

Illustrative Photos of Live-Work



1) Description A Live-Work Building Type is a small- to medium-sized attached or detached structure that consists of single dwelling unit above and/or behind a flexible ground floor space that can be used for home-office uses such as residential, personal and general service, small-scale craft production or retail uses. Both the ground-floor flex space and the unit above are owned by one entity. This type is typically located within medium-density neighborhoods or in a location that transitions from a neighborhood into a urban neighborhood street. It is especially appropriate for incubating neighborhood-serving retail and service uses and allowing neighborhood main streets to expand as the market demands.

Garages must be located and accessed from the rear of the lot. The workspace is accessed directly from the primary street, and the living space at the rear or above is accessed directly or indirectly from the working space.

2) Pedestrian Access Main entrance location: Primary street
Ground floor space and upper unit shall have separate exterior entries.

3) Frontages Forecourt
Dooryard
Shopfront
Lightcourt
Gallery

4) Private Open Space Width: 8-ft min. Depth: 8-ft min. Area: 100-square ft min.

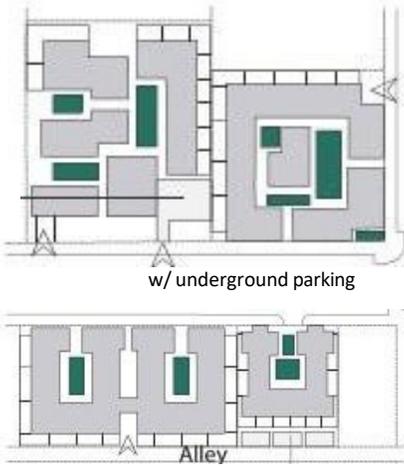
5) Building Size & Massing Width per unit: 18-ft min. 36-ft min.

The footprint area of an accessory structure may not exceed the footprint area of the principal structure.

BS.2.E Court



Illustrative Axonometric Design



Illustrative Plan Diagram



Illustrative Photos of Court



1) Description A Court Building Type is a group of dwelling units arranged to share one or more common courtyards. The courtyard is intended to be a semi-public outdoor room that is an extension of the public realm. Court buildings may accommodate ground floor commercial/flex uses in either a live-work configuration or as solely commercial/retail space in qualifying zones facing the primary street. This type enables the incorporation of high-quality, well-designed density within a walkable neighborhood.

2) Pedestrian Access The main entry to ground level units should be from the courtyard or from the street. Access to second story units should be directly from the courtyard through stairs. Elevator access, if any, should be provided between the underground garage and courtyard-podium only.

3) Frontages Porch
Stoop
Dooryard

4) Vehicle Access & Parking From alley.
For lots without an alley, via a driveway, 12-ft wide maximum, located as close to side yard property line as possible.

5) Private Open Space

| | | |
|---------------|---------------|--------------------|
| <u>Width:</u> | <u>Depth:</u> | <u>Area:</u> |
| 8-ft min. | 8-ft min. | 100-square ft min. |

This open space is exclusive of the courtyard and may be located in a side or rear yard.

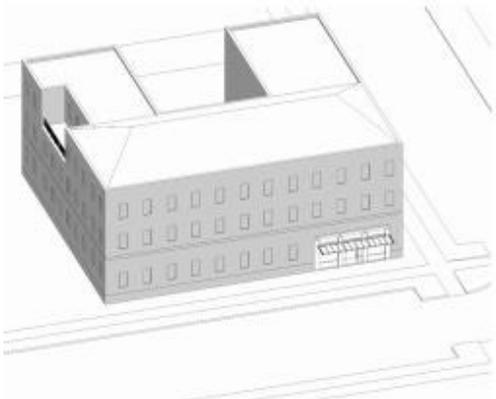
6) Common Courtyard Recommended width/depth/height ratio: 1:1 approx.

Width and depth: 20-ft min.

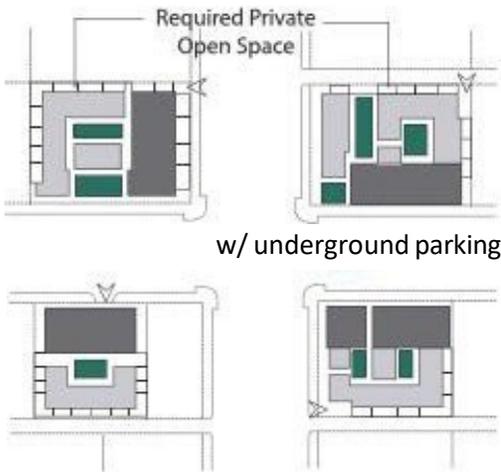
7) Building Size & Massing Length along frontage: 200-ft min.
Length alongside yard: 140-ft max.

The footprint area of an accessory structure may not exceed the footprint area of the principal structure.

BS.2.F Hybrid Court



Illustrative Axonometric Design



Illustrative Plan Diagram



Illustrative Photo of Hybrid Court

1) Description A Hybrid Court Building Type combines a point-access portion of the building with a walk-up portion. The building may be designed for occupancy by retail, service, and/or office uses on the ground floor, with upper floors also configured for those uses or for residences.

2) Pedestrian Access The main entrance to all ground floor units should be directly from the street.

Entrance to the stacked dwelling element can be through a dedicated street level lobby, or through a dedicated podium lobby accessible from the street or through a side yard.

Access to units above the second level in the stacked dwelling element not accessed from the podium may be through interior access points.

For other units, access is directly from a common courtyard or through stairs serving up to three dwellings.

3) Frontages Porch
Stoop
Dooryard

4) Vehicle Access & Parking ~~Underground garage, surface parking, tuck under parking, or a combination of any of the above.~~

| | | | |
|-------------------------------|---------------|---------------|--------------------|
| 45) Private Open Space | <u>Width:</u> | <u>Depth:</u> | <u>Area:</u> |
| | 8-ft min. | 8-ft min. | 100-square ft min. |

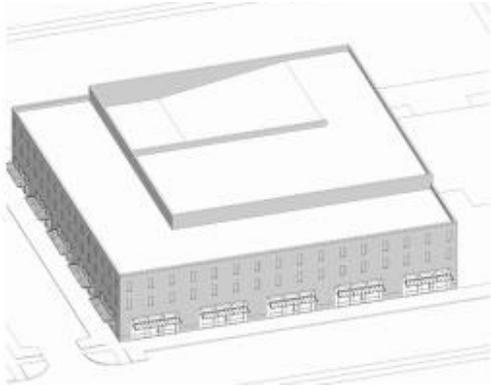
This open space is exclusive of the courtyard and may be located in a side or rear yard.

56) Common Courtyard Recommended width/depth/height ratio: 1:1 approximate

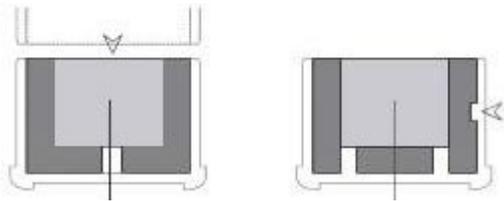
Width and depth: 20-ft min.

67) Building Size & Massing Width per unit: 18-ft min.
36-ft min.

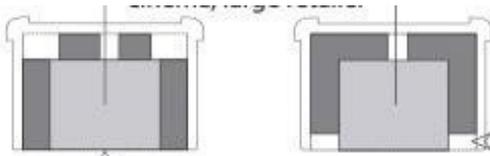
BS.2.G Liner



Illustrative Axonometric Design



Surface parking, parking garage, cinema, large retailer



Rear alley access to parking

Parking access from side street

Illustrative Plan Diagram

- 1) **Description** A Liner Building Type conceals a garage, or other large-scale faceless building such as a movie theater, or “big box” store designed for occupancy by retail, service, and/or office uses on the ground floor, with upper floors configured for retail, service, office, and/or residential uses. The access corridor, if applicable, is included in the minimum depth.
- 2) **Lot Size**
 - Width: 300-ft max.
 - Depth: 120-ft max.
- 3) **Pedestrian Access** Direct access from sidewalk. Upper floors accessed from street level lobby.
- 4) **Frontages**
 - Forecourt
 - Shopfront
 - Gallery
 - Arcade
- 5) **Vehicle Access & Parking** Required parking is accommodated in an underground or above-ground garage, tuck under parking, or a combination of any of the above.
- 6) **Private Open Space** Private open space is required for each residential unit and shall be no less than 50 square feet with a minimum dimension of five feet in each direction.
- 7) **Shared Open Space**

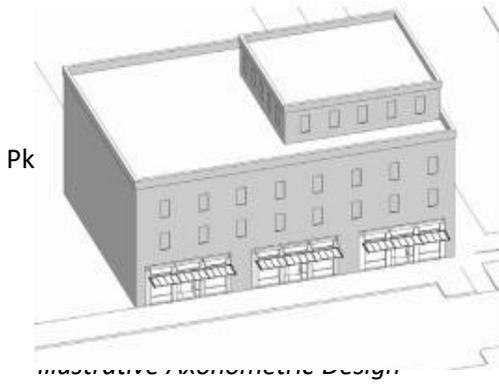
The primary shared common space is the rear or side yard designed as a courtyard. Courtyards can be located on the ground, or on a podium, or on a parking deck, and must be open to the sky. Side yards can also be formed to provide outdoor patios connected to ground floor commercial uses.

 - Recommended width/depth/height ratio: 1:1 approx.
 - Width and depth: 20-ft min.
- 8) **Building Size & Massing**
 - Length along frontage: 300-ft max.
 - Length over 180 ft must provide massing break

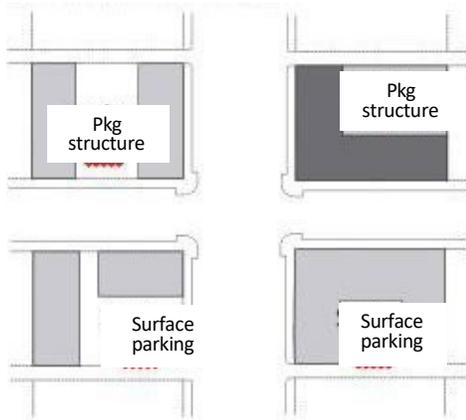
Illustrative Photos of Liner



BS.2.H Flex Building



Illustrative Architectural Design



Illustrative Plan Diagram



Illustrative Photos of Flex Buildings



- 1) **Description** A Flex Building Type is designed for occupancy by retail, service, and/or office uses on the ground floor, with upper floors configured for retail, service, office, and/or residential uses. Second floor units may be directly accessed from the street through stairs; upper floors are accessed through a street level lobby.

- 2) **Lot Size** Width: 300-ft max.
Depth: 120-ft max.

- 3) **Pedestrian Access** Direct access from sidewalk. Upper floors accessed from street level lobby.

- 4) **Frontages** Forecourt
Shopfront
Gallery
Arcade

- 5) **Vehicle Access & Parking** Required parking is accommodated in an underground or above-ground garage, tuck under parking, or a combination of any of the above.

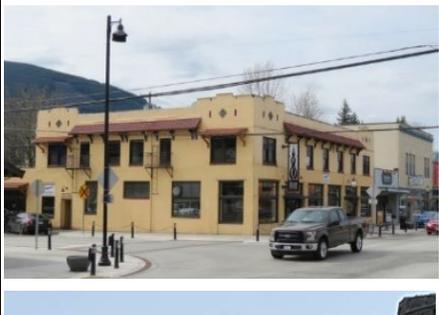
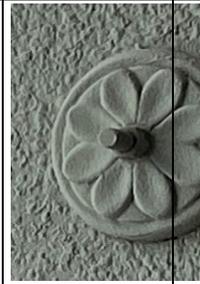
- 6) **Private Open Space** Private open space is required for each residential unit and shall be no less than 50 square feet with a minimum dimension of five feet in each direction.

- 7) **Shared Open Space** The primary shared common space is the rear or side yard designed as a courtyard. Courtyards can be located on the ground, or on a podium, or on a parking deck, and must be open to the sky. Side yards can also be formed to provide outdoor patios connected to ground floor commercial uses.

Recommended width/depth/height ratio: 1:1 approx.
Width and depth: 20-ft min.

- 8) **Building Size & Massing** Length along frontage: 300-ft max.
Length over 120 ft must provide massing break

BS.3: Local Historic Building Façade Features and Building Adornments Encouraged

| | | | | |
|---|--|---|--|---|
| <p>Sunset Garage (201 W North Bend Wy): Built in the 1920s, portions of the Sunset Garage were restored in 2019, resulting in a 2019 Spellman Award for Historic Preservation.</p> |  |  |  |  |
| <p>McGrath Building (101 W North Bend Wy): Built in 1922, The McGrath building was added to the National Register of Historic Places in 2002.</p> |  |  | | |
| <p>Other Architectural Features Found in the Downtown Core of North Bend</p> |  |  |  | |

FS.1: Frontage Standards

FS.1A: Purpose

Frontages are the components of a building that bridge the building’s transition and interface to the public realm, whether it is the side of a building, patio, or yard. The standards for allowed frontage types set forth in this section are intended to ensure proposed developments are consistent with the City’s goals for building form as it relates to the public realm and desired use.

FS.1B: Applicability

Frontage standards work in combination with the development and building standards set forth throughout the FBC, and are applicable to private frontages abutting public lands, such as right-of-way and designated open space. Frontages are not limited to the below list, but all must meet North Bend’s Design Standards.

Sketch demonstrating the components of a commercial frontage



Table FS. 1: Allowed Frontage Types by Transect Subdistrict

| Frontage Types* | Downtown Commercial – Core (DC-C) | Downtown Commercial – Mixed-Use (DC-MU) |
|--------------------|-----------------------------------|---|
| Front Yard | | X✓ |
| Porch & Fence | | X✓ |
| Dooryard (Terrace) | X✓ | X✓ |
| Stoop | | X✓ |
| Forecourt | X✓ | X✓ |
| Shopfront | X✓ | X✓ |
| Gallery | X✓ | X✓ |
| Arcade | X✓ | X✓ |
| Lightcourt | | X |

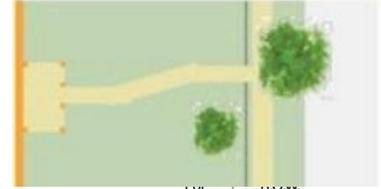
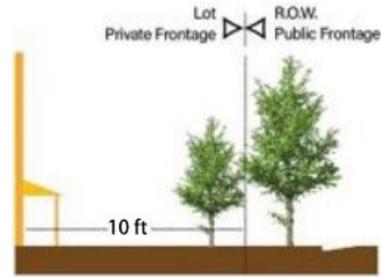
*Note: all commercial buildings must have frontages that are compliant with the American Disabilities Act.

Front Yard

Description The main facade of the building has a large, planted setback from the frontage line providing a buffer from the street. The front yard created remains unfenced and is visually continuous with adjacent yards, supporting a common landscape and working in conjunction with the other private frontages.

Size Depth: 20-10 ft

Design Standards The front yard created should be visually continuous with adjacent yards, supporting a common landscape. The setback can be densely landscaped to buffer from the higher speed thoroughfares. The yard is the first impression of a home and therefore should be carefully landscaped, preferably with drought-resistant plants.

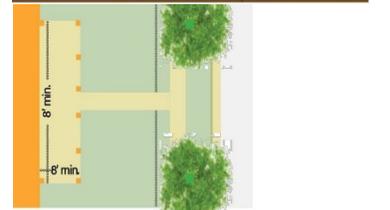
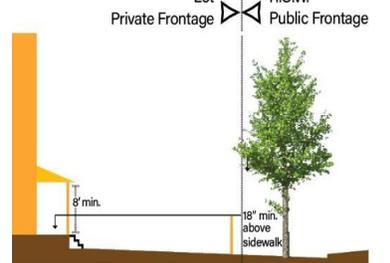


Porch & Fence

Description This type of frontage provides a physical transition from the sidewalk to the private lot and building while maintaining visual connection between buildings and the public space of the street. The porch frontage consists of a building with a front set back from the property line and a porch encroaching into that front setback.

Size Width: 8-ft min.
Depth: 8-ft min.
Height: 8-ft min.
Pathway: 3-ft wide min.
 Finished level above sidewalk: 18-inch min.

Design Standards Projecting porches must be open on three sides and have a roof.

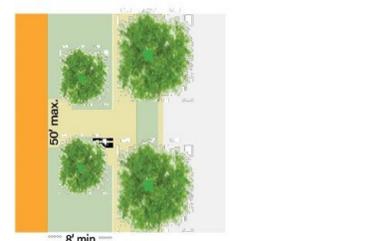
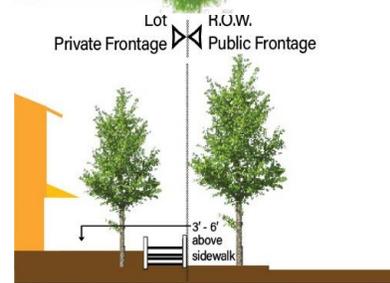


Dooryard (Terrace)

Description The main facade of the building is set back a small distance and the frontage line is defined by a low wall or hedge, creating a small dooryard. The dooryard shall not provide public circulation along a ROW. The dooryard may be raised, sunken, or at grade and is intended for ground-floor residential.

Size Width: 8-ft min.
Length: 50-ft max.
Pathway: 3-ft min.
Finished level above sidewalk: 3'-6" max

Design Standards For live/work, retail and service uses, these standards are to be used in conjunction with those for the Shopfront Frontage Type. In case of conflict between them, the Dooryard Frontage Type standards shall prevail.





Captions Left to Right:

*Illustrative Photo of
Dooryard (Terrace)*

*Illustrative Photo of Front
Yard*

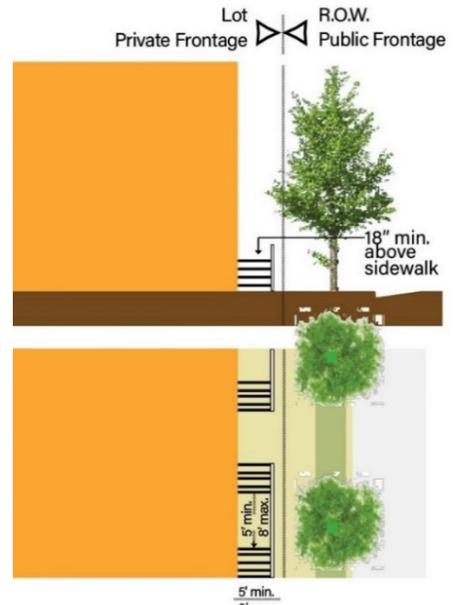
*Illustrative Photo of Porch and
Fence*

Stoop

Description The main facade of the building is near the frontage line and the elevated stoop engages the sidewalk. The stoop shall be elevated above the sidewalk to ensure privacy within the building. Stairs or ramps from the stoop may lead directly to the sidewalk or may be side-loaded. This type is appropriate for residential uses with small setbacks.

Size Width & Depth: 5-ft min.; 8-ft max. Finished level above sidewalk: 18-in min.

Design Standards
 1) Stairs may be perpendicular or parallel to the building arcade.
 2) Lamps shall be parallel to façade or along the side of the building.
 3) Entry doors are encouraged to be covered or recessed to provide shelter from the elements.

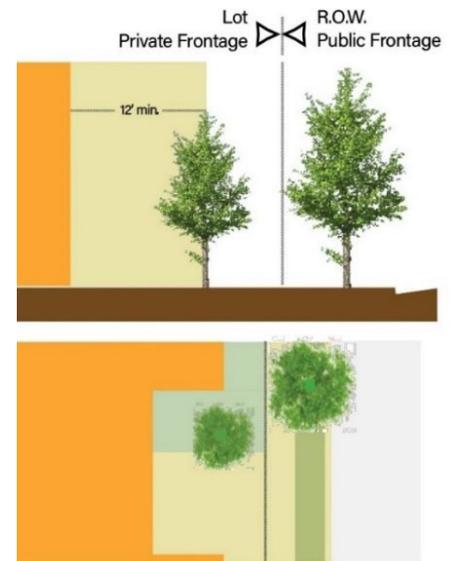


Forecourt

Description The main facade of the building is at or near the frontage line and a small percentage is set back, creating a small court space. The space may be used as an entry court or shared garden space for apartment buildings, or as an additional shopping or restaurant seating area.

Size Width & Depth: 12-ft min. Ratio, height to width: 2:1 max.

Design Standards The proportions and orientation of these spaces should be carefully considered for solar orientation and user comfort.



Illustrative Photo of Stoop



Illustrative Photo of Forecourt

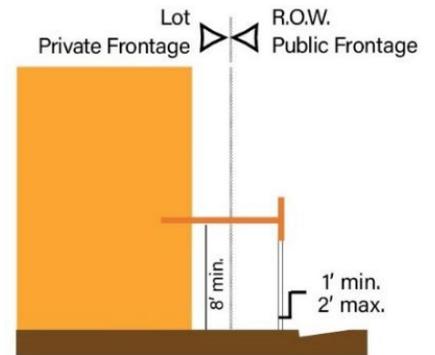
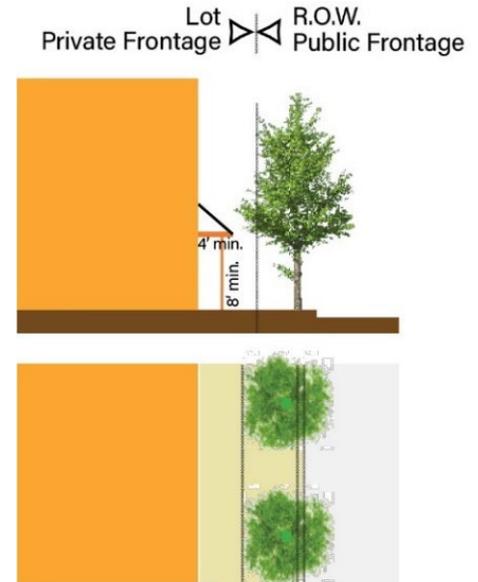
Shopfront

Description The main facade of the building is at or near the frontage line with an at-grade entrance along the public way. This type is intended for retail use. It has substantial glazing at the sidewalk level and typically includes an awning that may overlap the sidewalk. It may be used in conjunction with other frontage types. An awning that extends over the sidewalk requires an encroachment permit.

Size Ground Floor Transparency: 75% of frontage minimum

Awning Depth: 4-foot minimum
Setback from curb: 2-ft min.
Height, clear: 8-ft max.

- Design Standards
- 1) Shopfront glass shall be clear without reflective glass frosting or dark tinting.
 - 2) Shopfront windows may have clerestory windows (horizontal panels) between the shopfront and second floor/top of single-story parapet. Glass in clerestory may be of a character to allow light, while moderating it such as stained glass, glass block, painted glass, or frosted glass.
 - 3) Shopfronts with accordion-style doors/windows or other operable windows that allow the space to open to the street are encouraged.
 - 4) Operable awnings are encouraged.



Gallery

Description A roof or deck projecting from the facade of a building, supported by columns located just behind the street curb. Galleries shelter the sidewalk with a roof or unenclosed, accessible, out-door space making them ideal for retail use. Galleries may be one- or two-stories in height, functioning as covered or uncovered porches at the second floor. Railing on top of the gallery is only required if the gallery roof is accessible as a deck.

Size Depth: 8-ft min.
Ground floor height: 12-ft min.
Setback from curb: 1-ft min.; 2-ft max.



Illustrative Photo of Shopfront



Illustrative Photo of Shopfront



Illustrative Photo of Gallery

SS.1: Street Standards

SS.1A: Purpose

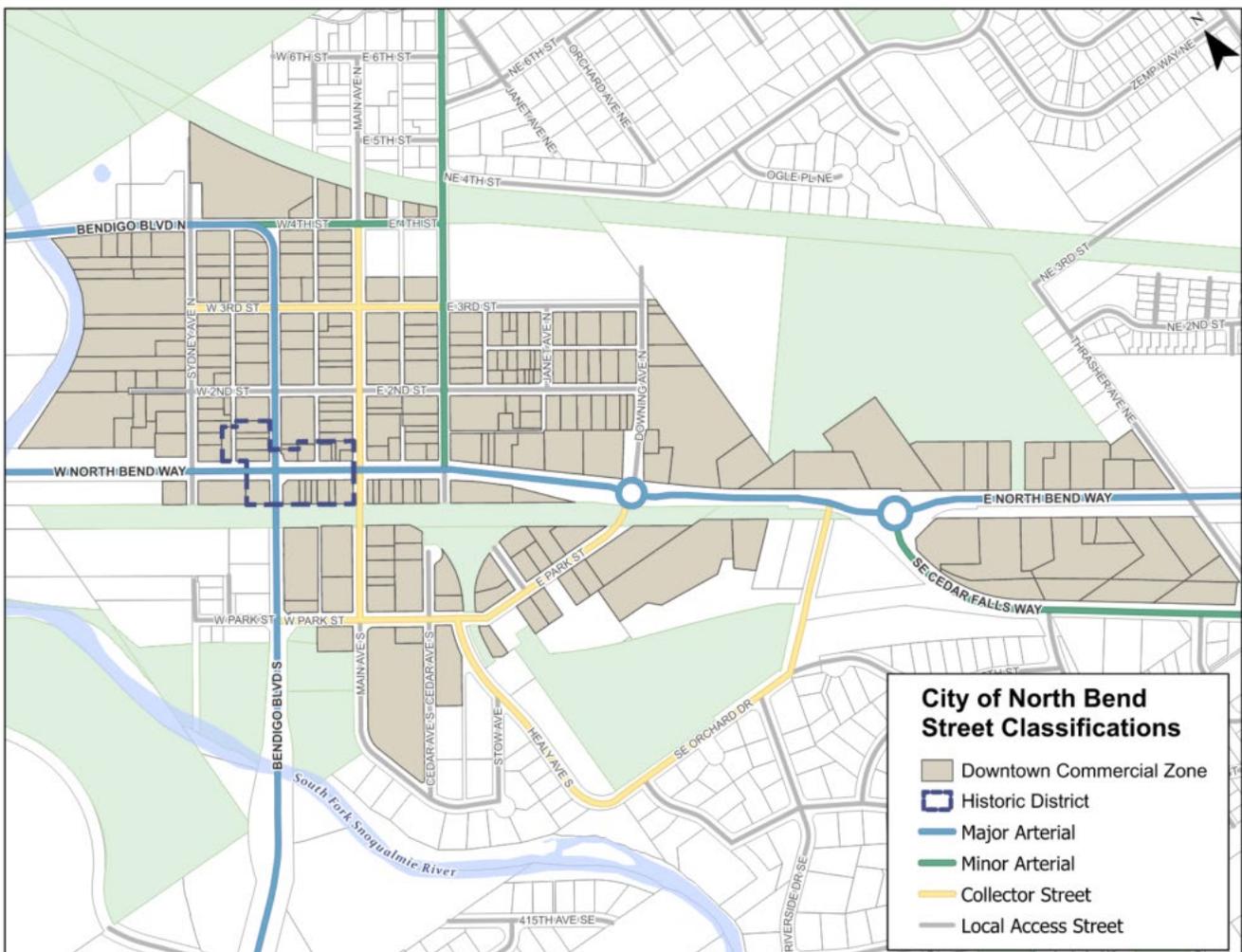
This section is to ensure that all proposed developments within the DC Zone are designed in accordance with the City’s adopted Public Works Standards, and any approved complete streets design efforts in the future. The City’s Public Works Standards do not currently specify differences between Local and Collector streets within North Bend’s DC Zone and other areas throughout the City. This section is therefore an extension of those standards. [See Figure 5 below for street classifications for the purposes of the FBC.](#)

The Right-Of-Way (ROW) sections of the DC Zone shall support the intended physical character, land use activity, and quality of the neighborhood. These streets should contribute to the look, feel, and experience of the DC Zone, in addition to providing efficient and safe movement of people, goods and services.

SS.1B: Applicability

This section describes the unified standard for Local and Collector street segments within the DC Zone. The standard is the same throughout the zone, without differences between the two transectsubdistricts. Additional street assemblies can be integrated into this section when approved by the City.

Figure 5: Map of street classifications and main thoroughfares



SS.1C: Design Objectives

As the interface between private development and public space, streets are an important element of the DC Zone. The goals of this portion of future development include:

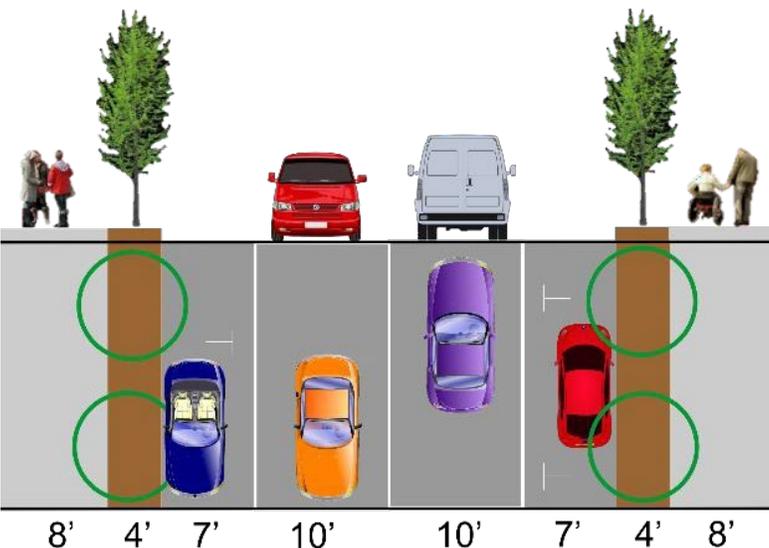
- Function - ensuring access for both patrons and delivery and support for businesses through effective use of curb space and upgrading/undergrounding utilities.
- Mobility - walkability for residents and visitors, as well as reliable movement for support services.
- Livability - enabling the public realm to support a community that works for both businesses and residents, with space for community activities.

All the elements of the streets are context based. Overall width and pavement width, the number of lanes, and the lanes' specific sizes are listed. Street edges include planter type, lighting type, walkway type, and curb radii at intersections.

The street sections in this section suggest quality and intent. The dimensions in the street sections consider information gleaned from aerials and field observations of existing conditions plus desired outcomes resulting from redevelopment. If the pavement width is larger than the width range shown below (27 – 34 ft), angle parking can be used in lieu of parallel parking on one or both lanes. All final designs must be approved by the Public Works Director.

DC Zone Collector and Local Street Standards*

| DC Zone Collector Local Streets | | | |
|---------------------------------|--|--------------------|--|
| Assembly | | Transportation Way | |
| Type | Feeder with parking | Vehicle Lanes | 2 lanes; 1 lane each direction |
| Right-of-way | 51 – 58 ft | Lane Width | 10 ft |
| Pavement | 27 – 34 ft | Parking Lanes | Parallel; one or both sides, unless available ROW is larger than standard, where angle parking may be used |
| Public Frontage | | Movement Type | Slow |
| Curb Type | Vertical curb; 10 ft radius | Median Width | NA |
| Walkway Width | 12 ft with 4-ft tree wells and contrasting pavement strips | Median Planting | NA |
| Walkway Surface | Concrete and pavers | Median Surface | NA |
| Planter | Shade trees limbed for visibility and pedestrian access | Target Speed | 20 mph |
| | | Bicycle Provisions | Marked sharrows |
| | | Transit | No transit |



*The exception to this section is Park Street from Healy Avenue S to North Bend Way shown on Table 4.4 (pg. 4-11) of North Bend's Public Works Standards.

SS.1D: Wayfinding Signage

Wayfinding signage **should** be placed at all major intersections and public gathering places to increase awareness of appropriate and safe walkways.

SS.1E: Public Art

Public art and other unique streetscape elements **should** be used to provide visual interest, create a downtown identity, and provide an opportunity to describe North Bend’s unique history.

SS.1F: Gateways

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 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).

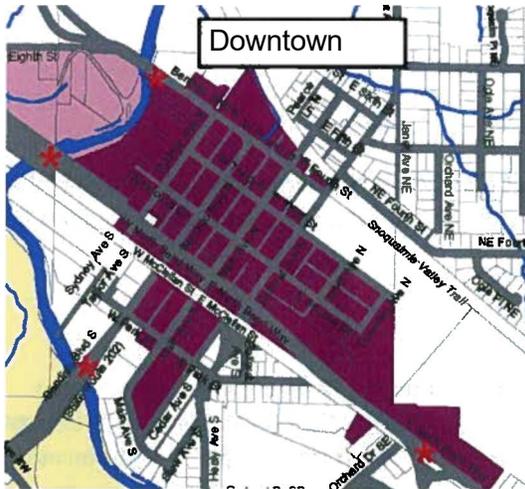


Figure 1: Downtown Core District and Gateway Locations

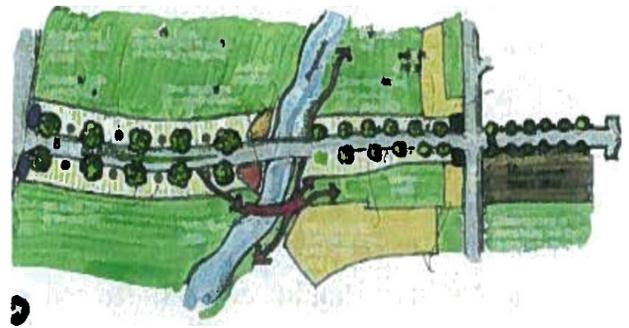


Figure 2: Tree spacing along gateways.

OS.1: Public Open Space Standards

OS.1A: Purpose

The purpose of this section is to provide a catalog of pre-approved public open space types and planned open space improvements within the DC Zone, to enhance the public realm and non-motorized transportation within this area.

OS-1B: Applicability

This section describes the guidelines for development of public open spaces in the DC Zone. The standards shall apply to all proposed development within the DC Zone and shall be considered in combination with the other zone standards. Additional open spaces can be integrated into this section as they are approved by the City.

OS-1C: Design Objective

Open spaces play an important role in placemaking. Their standards must be considered alongside building form, building types, frontage types, and thoroughfares in creating urban environments.

OS-1D: Open Space Requirements

All proposed developments including a corner within the DC-C subdistrict ~~Transect~~ but outside of the designated Historic

District shall have a plaza created at such corner. Plaza requirements for these corners can be found in NBMC 18.34.070 City of North Bend Commercial/Mixed Use/Industrial Design Standards and Guidelines, specifically section A-4A (page 13).

Each proposed development that involves at least two acres, requires a minimum five percent of the net land area to be dedicated as park or open space. The required open space shall be designed in compliance with the applicable requirements from *Table OS.1*, or commensurately enhance the open spaces shown in Map OS.1, as determined by the Community and Economic Development Director. All proposed developments comprising less than two acres shall comply with the provisions set forth in NBMC Chapter 17.25, Residential Recreation and Common Space Requirements. Specifically, refer to NBMC 17.25.040 for multi-family developments, and NBMC 17.25.050 for mixed-use developments with residential components. Parks must contain the minimum components described in NBMC 17.25.060.

Proposed developments that require the creation of public open space shall be required to develop the green, square, plaza or playground open space type in accordance with the applicable design concept shown in *Table OS.1*. If a proposed development applicant intends to submit an application to the City, and an urban design concept has not been prepared and adopted in the FBC for the applicable open space type and location specified in the Regulating Plan Diagram, the applicant shall fund the preparation of a conceptual plan under the direction of the City. The City may opt to retain the services of a qualified firm to complete the plan with funding to be provided by the applicant.

Per NBMC 18.34.070, City of North Bend Commercial/Mixed Use/Industrial Design Standards and Guidelines standard for plazas in the Downtown Core District, a plaza shall be created on the northeast corner of Main Ave and North Bend Way when this parcel is redeveloped. ~~Please refer to Section A. Downtown Core District, A-4 Plazas (page 32) of the City of North Bend Commercial/Mixed Use/Industrial Design Standards and Guidelines for more details.~~

Each proposed development application that is adjacent to a public open space, as indicated in *Figure 6* below, shall create site designs oriented to these open spaces, where the facades of buildings that face these spaces provide a greater level of articulation than may be typical to the rear or side of a building.

Figure 6: City Programmed Public Open Space, Parks, and Plazas

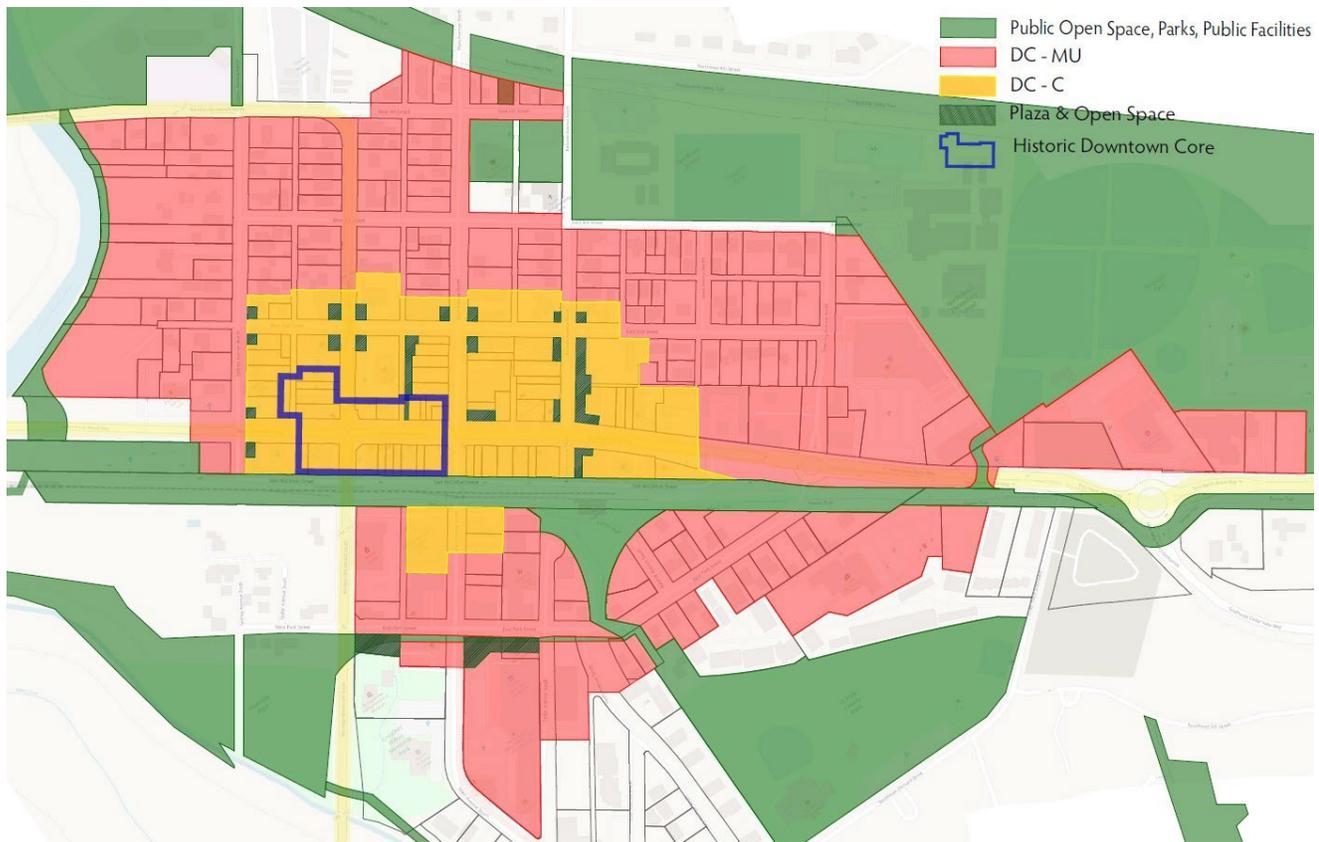


Figure 7: (Inset of Figure 6) Future Plaza Locations in the DC-C Transect Subdistrict as Parcels Develop

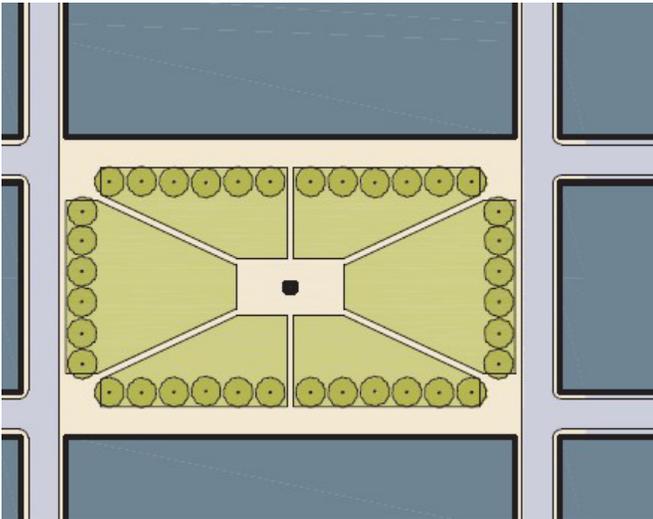


[Table OS.1: Open Space Types Accepted](#)

[OS.1 E: Open Space Types Accepted](#)

Square

An open space available for unstructured recreation and civic purposes. A square is spatially defined by building frontages. Its landscape shall consist of paths, lawns and trees, formally disposed. Squares shall be located at the intersection of important thoroughfares. The minimum size shall be 1/2 acre and the maximum shall be five acres.



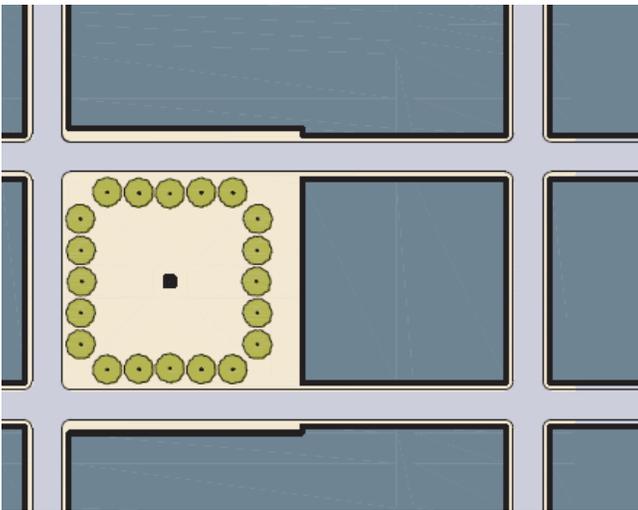
Scalable Examples:



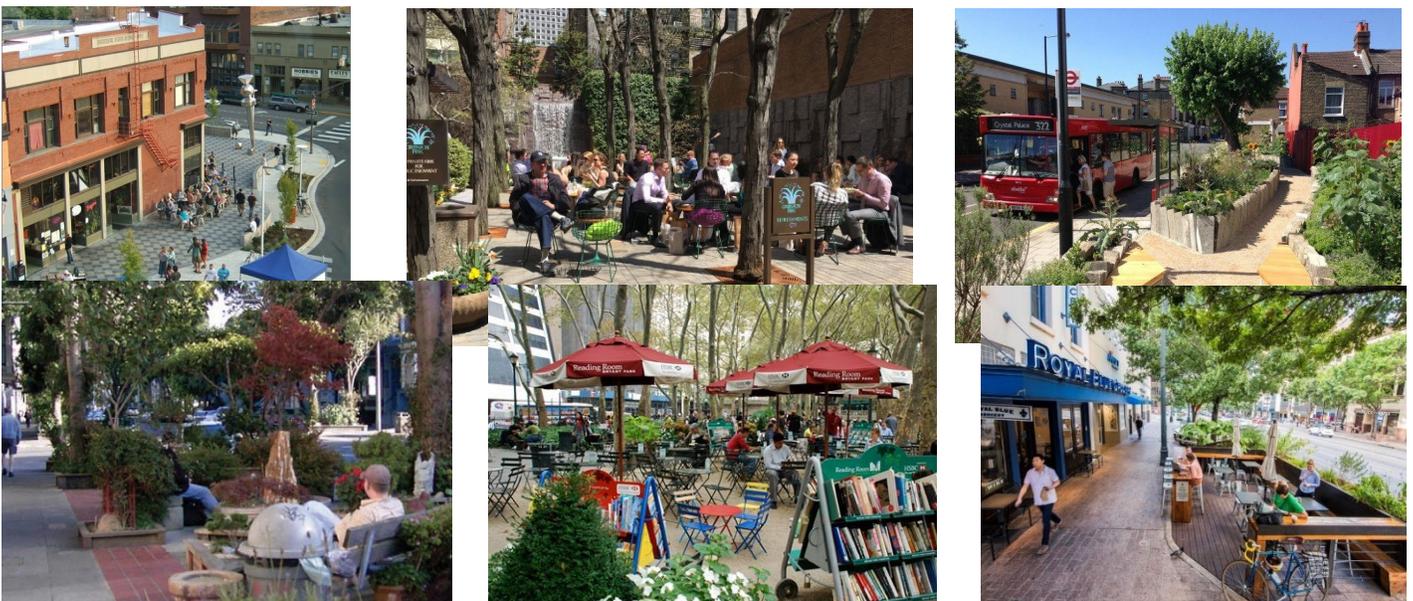
Plaza

An open space available for civic purposes and commercial activities. A plaza shall be spatially defined by building frontages. Its landscape shall consist primarily of pavement. Trees are optional. Plazas should be located at the intersection of important streets. For greater detail on plaza requirements please refer to Section [A.2C \(Streetscape Amenities\)](#), [A.3A \(Plazas, Courtyards, and Seating Areas\)](#), [A.5a \(Plazas, Courtyards and Seating Areas\)-Downtown Core District](#), [A-4 Plazas \(page 32\)](#) of the City of North Bend Commercial/Mixed Use/Industrial Design Standards and Guidelines for more details.

Additionally, for redevelopment of the northeast corner of Main Ave and North Bend way, a minimum 600sf plaza shall be provided in a south facing location. The City will waive parking requirements for the first 10,000sf of a building area to accommodate the space required for the plaza. At a minimum, the plaza shall include features as noted in the above referenced sections to the Commercial/Mixed-Use/Industrial Design Standards and Guidelines. Additional amenities such as public art or gathering features are encouraged. Buildings located adjacent to the plaza shall contain entrances that open to the plaza.

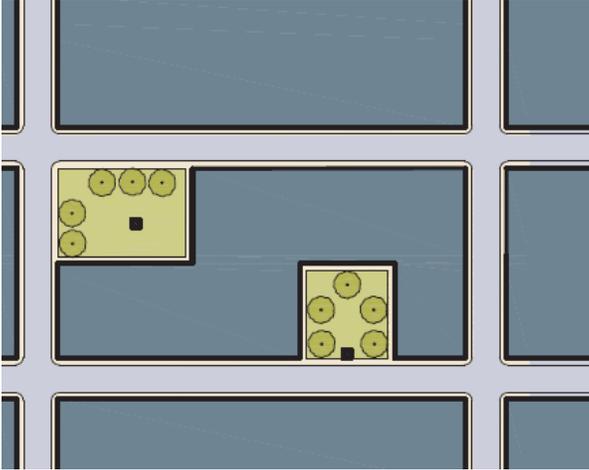


Scalable Examples:



Playground

An open space designed and equipped for the recreation of children. Playgrounds shall be interspersed within primarily residential areas and may be placed within a block. Playgrounds may be included within larger parks and open spaces. There shall be no minimum or maximum size. For more detail on playground requirements please refer to NBMC 17.25.060.



Acceptable Playground Examples & Features:



~~Master Planning Provision for Large Parcels~~

~~The owner of a parcel or abutting parcels totaling over two acres or more of contiguous lots within the DC Zone may apply to prepare a subarea plan. In consultation with the Community and Economic Development Director, a subarea plan may assign new transect zones, open spaces, thoroughfare designs, and building designs, provided public works approvals are granted and appropriate transitions to abutting areas are provided. The subarea plan must complete a public process including public notification of a Planning Commission recommendation, and City Council approval.~~

Community and Economic Development Department Staff Report



Proposal: Amendments to North Bend Form Based Code

Date: May 21, 2025

Proponent: City of North Bend

Staff Recommendation:

A motion to approve of the proposed amendments to Form Based Code.

A. PROPOSED AMENDMENTS:

Amendments are proposed to the City of North Bend Form Based Code. 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;
- Revise maps to reflect the current boundaries of the Downtown Commercial zone;
- Remove design standards that have not been utilized since the inception of the design guidelines document;
- Revised terminology to enhance clarity of intent or to be in alignment with terms defined the Zoning Code;
- Improve the readability and clarity of design standards; and
- Consolidate design standards in more logical locations in the municipal code or Form Based Code.

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 Form Based Code.

Amendments are proposed throughout the Form Based Code removing ambiguous and vague standards, unused design standards, remove standards redundant to the municipal code or Public Works Standards, and consolidate standards redundant to the *Commercial/Mixed-Use/Industrial Design Standards and Guidelines*. Amendments to the Form Based Code additionally clarifying terminology, amended language of standards exemplifying clearer architectural standards, and adding additional design standards that refine desired design outcomes within the Downtown Commercial zone.

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

B. FINDING AND ANALYSIS:

1. **Public Hearing:** A public hearing is scheduled for the May 21st, 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 Form Based Code 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 Form Based Code, and not the Comprehensive Plan. See further description on compatibility of the proposed amendments to the Comprehensive Plan above.
2. If the issue is not addressed in the Comprehensive Plan, is there a need for the proposed change?
Yes. As described further under section A, the amendments are proposed to clarify applicable design standards to projects in the Downtown Commercial zone 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 development projects within the Downtown Commercial zone that will generate greater tax revenue and funding to North Bend. Additionally, the project helps further to community’s goal of having an attractive, vibrant, economically thriving downtown core.

C. SUMMARY FINDINGS

- 1) Pursuant to RCW 36.70A.106, the draft regulations were forwarded to Commerce - Growth Management Services on May 1, 2025.
- 2) A State Environmental Policy Act Determination of Non-significance on the proposed amendments was issued on May 2, 2025 and noticed appropriately.
- 3) The Planning Commission considered the proposed draft amendments at their May 21st, 2025 Commission meetings and held a public hearing on the draft regulations at their May 21st, 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 Form Based Code.

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 Form Based Code.

Exhibits:

Exhibit A: Form Based Code Amendments

City of North Bend Form-Based Code



Adopted by Reference in North Bend Municipal Code 18.12

Effective June 16, 2021

Revised June X, 202



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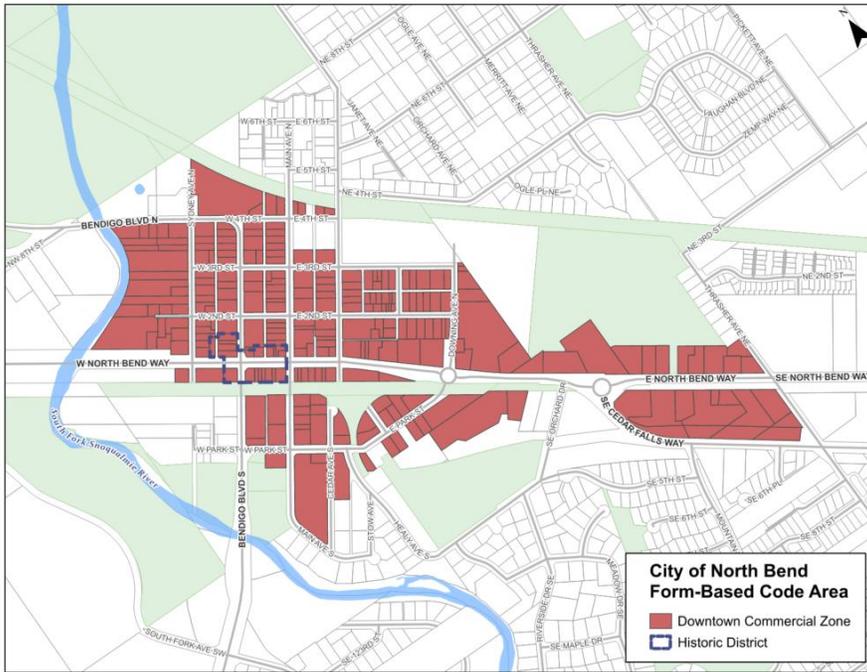
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Introduction

North Bend’s Form-Based Code (FBC) provides a unified development ordinance to address the desired character of the Downtown Commercial (DC) Zone. The FBC fosters predictable built results and a high-quality public realm by using physical form, rather than separation of uses. The FBC helps ensure that new development is in scale and character with the City’s existing downtown area. The FBC is an alternative to zoning with less focus on density and allowable uses, and more focus on building form and relationship to the public spaces (e.g., sidewalks). The primary review focus for City approval is the outside of the building and its relationship with the surroundings, by focusing on building form and transects as summarized below. Figure 1 shows the area to which the FBC applies, and where historic district considerations must be made if redevelopment occurs.

The goal of the FBC is to further enliven the downtown as a social, cultural and entertainment destination, while increasing the overall supply of more affordable housing options. The regulations and standards in the FBC are presented in both words and clearly drawn diagrams and other visuals to help property owners and the public best understand and implement these provisions.

Figure 1: Map of Form-Based Code Area:



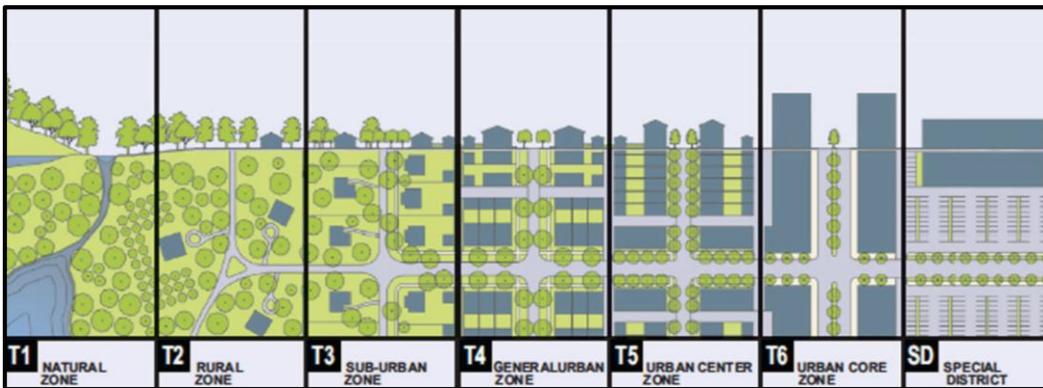
The FBC aims to:

- Explain classifications of different types of buildings to produce more predictable results with better guidance to architects;
- Fit context of both historical core and desired building types of other downtown areas; and
- Provide for pedestrian friendly streets and open space.

Subdistricts from the Concept of Transects

The concept of Transects, from the Center of Transect Studies, provides a framework for coding the elements in the built environment on a scale from rural to urban. The FBC aims to expand choices for projects, instead of using a one-size-fits-all regulation. The use of transects allows for a range of development characters and intensity to fit within the vision of North Bend. The typical full range of transects used for the FBC is shown below, which includes seven classifications that progress from natural to urban core zones and include a special district classification.

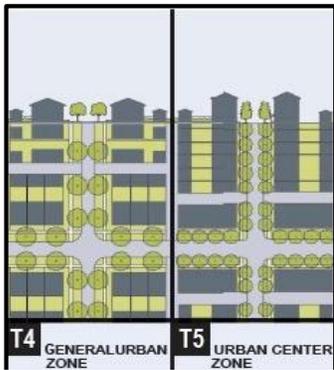
All possible transects within the FBC:



Typical Rural-Urban Transect, with Transect Zone. Source: Center for Applied Transect Studies, 2008. Source: Center for Applied Transect Studies, 2008.

This DC Zone focuses on the T4 General Urban Zone and T5 Urban Center Zone, with greatest influence from T5 in the context of infill and redevelopment.

The FBC Center of Transect Studies transects that are most applicable within North Bend’s DC Zone:



T-4 General Urban Zone consists of a mixed use but primarily residential urban fabric. It may have a wide range of building types: single-family, small apartment buildings, and rowhouses. Setbacks and landscaping are variable. Streets with curbs and sidewalks define medium-sized blocks. The T-4 transect zone generally represents the characteristics of DC-MU subzoneSubdistrict.

T-5 Urban Center Zone consists of higher density mixed use buildings that accommodate retail, offices, rowhouses, and apartments. It has a tight network of streets, with wide sidewalks, steady street tree plantings, and buildings set close to the sidewalks, which are conditions that **currently exist throughout the DC-C Zone-Subdistrict.**

Source: Center for Applied Transect Studies, 2008.

~~T-4 General Urban Zone, T-5 Urban Center Zone
Source: Center for Applied Transect Studies, 2009~~

~~Building off the existing urban fabric and valued aesthetics of downtown North Bend is key; thus, two custom transects are implemented, the Downtown Commercial Core Subdistrict Zone (DC-C) and the Downtown Commercial Mixed-Use Subdistrict Zone (DC-MU). These are the two transects created within the current DC Zone subdistricts and are explained in section RP-1.~~

Purpose and Application

I.1A: Intent of the FBC

It is the intent of the FBC to implement comprehensive plan goals for the Downtown Commercial [Neighborhood Zone](#) and build from the Downtown Master Plan. In support of this intent, the following principles are identified as key to the FBC:

1. **Transects** – The transects applying to the FBC, as outlined in the Introduction, were chosen as the most fitting to North Bend’s downtown. These transect zones shall constitute the intent of the FBC regarding the general character of this environment.
- 1-2. **Downtown Scale** – North Bend’s downtown should be compact, pedestrian-oriented, and mixed use, to create a vibrant community for both residents and businesses, encouraging walkability and the patronage of guests. Building densities shall be provided consistent with North Bend’s existing downtown character, enhancing redevelopment potential. Existing as well as programmed and potential open spaces, including parks, squares, and playgrounds, should be considered in site designs.
- 2-3. **Block and Building Scale** – Buildings and landscaping should contribute to the physical definition of thoroughfares and civic spaces. Development should adequately accommodate automobiles while respecting the pedestrian and spatial form of public areas. Architecture and landscape design should grow from local climate, history, and building practice, emphasizing mountain views for both building residents and pedestrians, with adequate measures for hazards mitigation, including the floodplain. Buildings should provide their inhabitants with a clear sense of geography and climate through energy efficient methods.
- 3-4. **Walkability** – North Bend’s downtown should encourage active pedestrian spaces and activity.

I.1B: Relationship to Existing Plans and Standards

The Form Based Code (FBC) builds upon the groundwork of other adopted plans and codes, and is intended to be a complimentary addition. While the FBC is specific to the Downtown Commercial zone, there are other adopted documents that regulate the zone. Below is a summary of the adopted materials that influence the design and development of the downtown core:

1. **Comprehensive Plan** – North Bend’s downtown is described in the Land Use Element of the Comprehensive Plan as the mixed-use center of North Bend’s community, where jobs, housing, and services may be readily available to the residents. Redevelopment in this area should be walkable and compact, comprised of buildings of various scales, and preserve adjacent natural areas.
2. **Commercial/Mixed-Use/Industrial Design Standards and Guidelines (Design Standards)** - All new development shall comply with North Bend’s ~~Commercial, Mixed-Use and Industrial Design Standards, Design Standards~~ and where appropriate, preserve and restore the historic character of the Downtown Commercial Historic District. There are no Downtown Commercial district-specific standards in the Design Standards; However there are applicable components to the Downtown Commercial zone within Basic Development Standards (Section A) and the Building Form (Section B).
3. **Downtown Master Plan** – The FBC should help encourage the elements of the Downtown Master Plan that have yet to be realized but remain in effect.
4. **North Bend Zoning Code:** The FBC is adopted as a new North Bend Municipal Code Chapter (“NBMC”) 18.12, referred to as “North Bend Form Based Code,” or “FBC,” and The FBC supersedes previous content related to the DC Zone set forth in NBMC Chapter 18.10. While the FBC supersedes any conflicting standards within the Zoning Code, there are supplementary standards in the Zoning Code that may apply to subject projects, such as but not limited to parking (NBMC 18.16), land use performance standards (NBMC 18.10.050), and signage (NBMC 18.20).

~~Additionally, terms not otherwise defined in the FBC shall be accorded their commonly accepted meanings. In the event of conflicts between such definitions and those of NBMC Title 18 as currently adopted or hereinafter amended, the definitions of the FBC shall take precedence.~~

~~3-5. **Public Works Standards:** The Public Works Standards regulate the design of infrastructure, utilities, roadways, and other fixtures within the public right-of-way or public easements.~~

~~4-6. **City Brand** – The FBC and resulting development shall fit the City’s adopted Brand Implementation Guidelines and Brand Statement: “We are a highly livable small town that is the premier outdoor recreation destination in the Puget Sound Region.” Within the adopted branding document are eight spokes that will be enhanced by the FBC, including but not limited to: sustainable managed growth, design standards, affordability, quality basic services including transportation and traffic management, and economic viability.~~

~~**I.1C: Relationship to Existing Municipal Code**~~

~~The FBC is adopted as a new North Bend Municipal Code Chapter (“NBMC”) 18.12, referred to as “North Bend Form-Based Code,” or “FBC,” and supersedes previous content related to the DC Zone set forth in NBMC Chapter 18.10, which has been repealed.~~

I.2A: Use of FBC

The FBC is administered by the Mayor, who may delegate to North Bend’s Community and Economic Development Director or others.

I.2B: Applicability to Municipal Code

The FBC applies to all property within North Bend’s Downtown Commercial (DC) Zone, including structures, land uses, and other physical improvements like signs, landscaping, and lighting within the regulated boundaries outlined herein. When used in the FBC, “shall” means when required; “should” means when recommended; and “may” means when optional.

The provisions of the FBC, when in conflict with those of other codes, ordinances, regulations, and standards, shall take precedence, except for NBMC Title 14, Environmental Protection, including but not limited to Chapter 14.12 Floodplain Management, as well as applicable state and federal law. Redevelopment within the Historic District shall involve review by the King County Historic Preservation Program, per interlocal agreement. Capitalized terms used throughout the FBC may be defined in the final chapter titled Definitions. This section contains regulatory language that is integral to the FBC.

~~Terms not otherwise defined in the FBC shall be accorded their commonly accepted meanings. In the event of conflicts between such definitions and those of NBMC Title 18 as currently adopted or hereinafter amended, the definitions of the FBC shall take precedence.~~ The metrics provided in the standards sections are an integral part of the FBC. The diagrams and illustrations that accompany them, however, should be considered guidelines rather than requirements, except for the tables found in Chapter RP of the FBC, compliance with which is required. Where in conflict, numerical metrics shall take precedence over graphic metrics.

Commented [CH1]: Terms not identified in the zoning code or FBC being left up to “commonly accepted meanings” is vague and can be challenged. Leaving this as an administrative interpretation allows for more consistency in how the city regulates all definitions related to the zoning code. It is recommended this section is removed.

Zone and Regulating Plan

RP.1: Zoning Districts and Overlays

RP.1A: Purpose and Establishment of subdistricts within the existing DC Zone

This section establishes the zoning subdistricts of the DC to implement the FBC. Property and Rights-of-Way (ROW) subject to the FBC shall be divided into the following zones and overlays, which shall be applied to all property as shown on *Figure 1*.

~~**RP.1B: Transects Downtown Commercial Subdistricts**~~

The following ~~traverse~~ traverse subdistricts are established and apply to property within the boundaries of the current DC Zone, shown spatially in *Figure 2*.

Commercial Core (DC-C):

The DC-C includes building types, styles, materials, and sizes that fit and enhance the current Historic District as shown in *Figure 3*, below, and shown in Attachment A of Ordinance 1113 (2001) adopted by reference in NBMC 19.24.030. The DC-C measures to maintain mountain viewsheds from street-level and enhance open space for future community events, while promoting redevelopment. The outlook of this zone is to serve as North Bend's cultural center.

Mixed-Use (DC-MU):

The DC-MU allows greater flexibility and diverse buildings fitting North Bend's existing design standards. This area is projected to receive more infill overall and more residential units. Considerations to adjacent residential character should be made to the redevelopment occurring adjacent to residential zones.

RP.1C: Note of Design Standards

All developments outside of the Historic District must meet the then-current City of North Bend Commercial/Mixed-Use/Industrial Design Standards and Guidelines, and specifically the Basic Development Standards (Section A) and ~~Downtown Core District sections~~ Building Form (Section B).

RP.1D: Note on Floodplain Management

The entire DC Zone is within the Federal Emergency Management Agency (FEMA) National Flood Insurance Program Special Flood Hazard Area. This means special design considerations must be made regarding regulatory flood heights. More details on floodplain considerations to design can be found in NBMC Chapter 14.12, Floodplain Management. Design considerations shall be based on what zone exists within the lands being developed, and which height above this base flood elevation is currently required. The latest Federal Emergency Management Agency FEMA documentation on mixed-use and multi-family development in the floodplain should be used to define building parameters during the design process.

RP.2: Regulating Plan

RP.2A: Purpose and Establishment of Regulating Plan

This section establishes the Regulating Plan Map, *Figure 3*, that identifies and implements the various intentions and principles of the vision for the area. *Table RP.1* defines the zoning districts overlays and standards for site development, design, and land use through the following: building placement; allowed building types; allowed frontage types; building height and size; allowed encroachments into required yards; parking placement and site access; required parking; and allowed land uses.

Figure 2: Downtown Commercial ~~Traverse~~ Subdistrict Locations

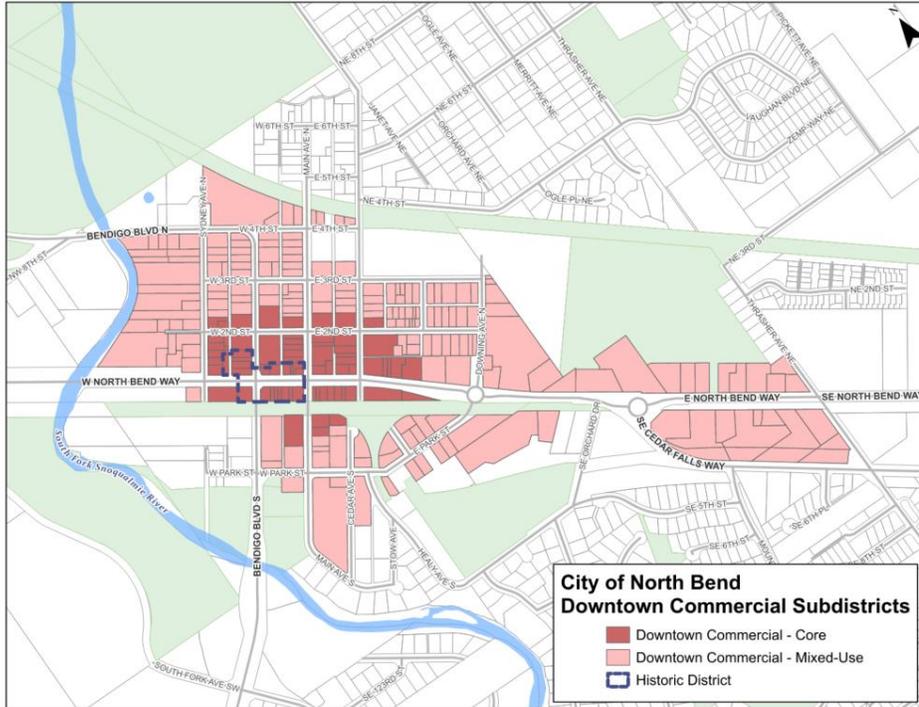


Figure 3: Larger Scale Regulating Plan Map

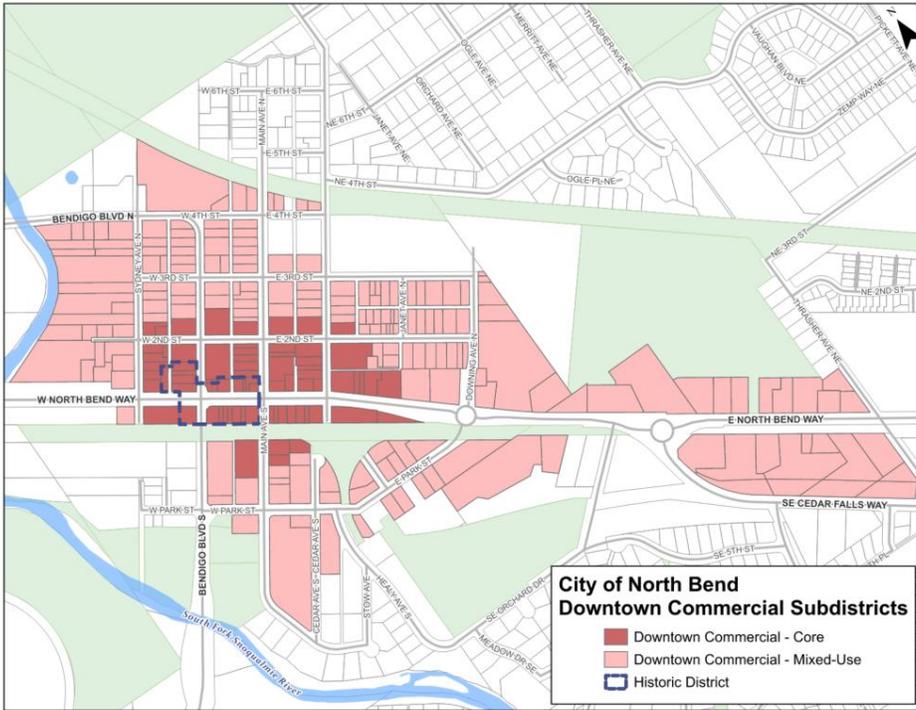
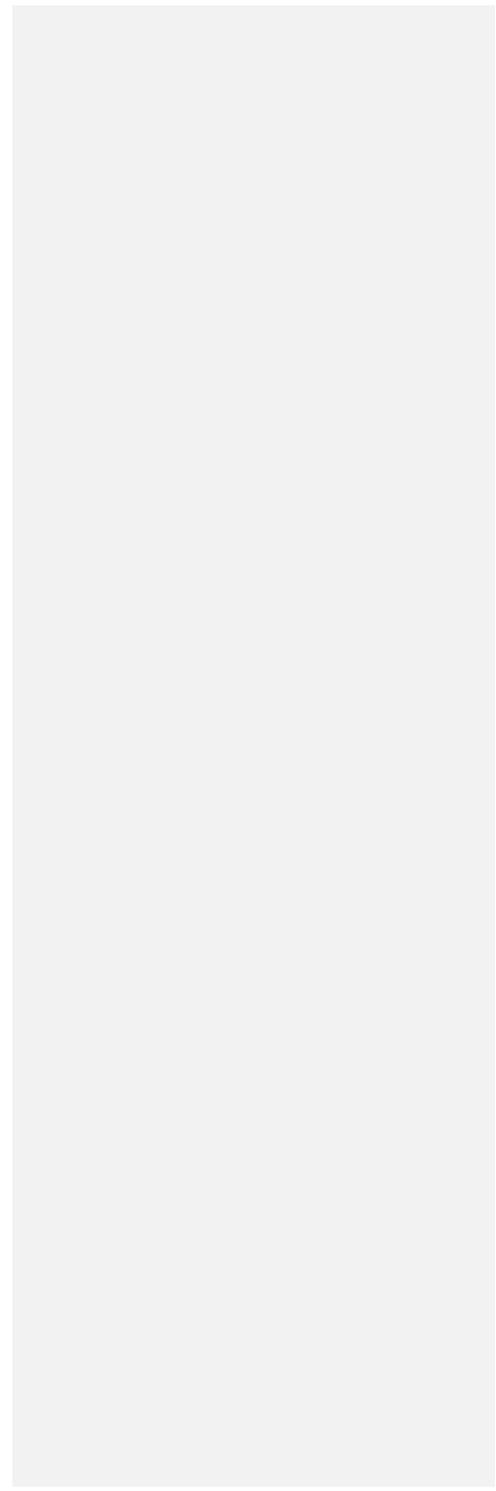


Table RP.1: Zoning District Intent

| | Downtown Commercial – Core (DC-C) | Downtown Commercial – Mixed-Use (DC-MU) |
|--|---|---|
| Example Pictures |  |  |
| Desired Form | New buildings within the DC-C shall meet character of the downtown area and comply the City's Design Standards. Additionally, buildings within the Historic District shall fit the character of the existing historic buildings as determined by King County Historic Preservation. Site design shall add to public realm and enhance this small district as North Bend's cultural center. New buildings shall be similar in scale to existing structures sharing property lines and are not more than 45 feet in height. Balconies and terracing on upper levels shall be used to retain mountain views. | New buildings shall comply with North Bend's design standards, using modern architecture that fits the character of recently constructed buildings within the DC Zone. New buildings shall range from smaller multifamily complexes to mixed-used developments up to 45 feet in height, located at the front of the property line, with active frontages along the ground level. Building mass steps down to 35 feet when adjacent to single story or historic buildings. Balconies and terracing on upper levels shall be used to retain mountain views. |
| Streetscape and Public Realm Improvements | Active streetscapes shall encourage activity and be inviting to pedestrians. Commercial frontages such as shopfronts, arcades, or galleries; wide sidewalks; and street trees should support safe, welcoming and comfortable walking environment. | A range of tree-lined walkable streets should be a result of new development. Commercial frontages such as shopfronts, arcades, or galleries; wide sidewalks; and street trees should encourage interesting, safe, and comfortable walking environment. Residential frontages should consist of yards, porches, stoops, to promote privacy. |
| Parking | Parking shall consist of on-site spaces located either behind buildings or in structures. On-street public parking spaces may be available for commercial patrons. | Parking shall consist of on-site spaces located either behind buildings or in parking structures. On-street public parking spaces may be available as well. |
| General Use | Ground-floors of buildings should be occupied by retail, office, service, and other active uses along commercial corridors. Upper floors and back spaces from streetscape should include a wide variety of uses, including office, housing, lodging. | <u>Ground-floor residential is not allowed on North Bend Way west of the Cedar Falls Way roundabout.</u> Throughout the district, buildings may be occupied with ground floor retail, office, service, and other active uses. Residential uses on the ground floor, <u>other than where restricted above,</u> should, <u>where permitted off North Bend Way,</u> have frontages ensuring privacy for the units. Units shall be accessed directly from the street, unless determined infeasible due to |

Commented [MM2]: Planning Commission recommends allowing ground floor residential east of the Cedar Falls Way roundabout, given the distance of this area from the majority of downtown, where ground-floor retail may be more difficult.

| | | |
|--|--|---|
| | | specific site constraints. Upper floors and back spaces from streetscape should include a wide variety of uses, including office, housing, lodging. |
|--|--|---|



Development Standards by Transect Subdistrict

DS.1: Introduction

The subdistricttransect zone standards are calibrated by means of exemplary existing and intended conditions, through field survey, public input, and recommendation from the Planning Commission and approval by City Council. The purpose is to shape the future public realm of North Bend’s downtown core by focusing on the outside portions of development (i.e., that which faces the street). Developments within these transects-subdistricts are subject to the other relevant chapters of NBMC Title 18 and Title 19 including but not limited to:

- 18.16 Parking Regulations
- 18.18 Landscaping Regulations
- 18.20 Sign Regulations
- 18.34 Design Standards and Guidelines
- 18.40 Exterior Lighting Standards
- NBMC 19.10.091 through .095 relating to tree retention and protection.

Sketch demonstrating a vision of the DC-C Transect-Subdistrict redevelopment



Features of note in this DC-C illustration include:

- Enhanced open space that adds to the public realm;
- Building character to enhance and blend in with the current Historic District;
- New buildings of similar scale to existing buildings;

- Substantial glazing;
- Balconies and rooftop patios;
- Housing above commercial/retail storefronts;
- Wide sidewalks and street trees;
- Heavy building bases with detailing that adds interest to the Historic District;
- Canopies and awnings that provide cover and shade;
- Pedestrian oriented signage and building lighting;
- Amenities that add interest to the public realm such as benches, bike racks, potted seasonal plantings.

Sketch demonstrating a vision of the DC-MU ~~Transect~~ Subdistrict redevelopment



Features of note in this DC-MU illustration include:

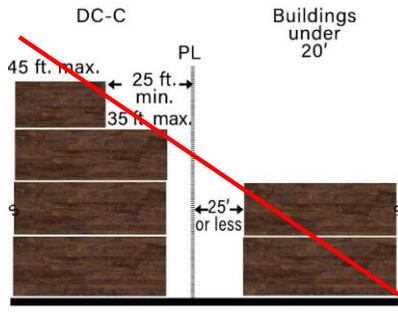
- A mixed use or residential building character that fits into existing neighborhoods and the surrounding built environment;
- Balconies, terraces, and rooftop patios;
- Commercial frontages with wide sidewalks and street trees that add interest to the public realm;
- Comfortable and safe pedestrian walking environment;
- Residential frontages that promote privacy;
- The use of wood products as building materials;
- Large overhangs that provide interest and protection from the elements.

DS.1A: Downtown Commercial – Core (DC-C)

Maximum Size for Residential Units

No residential dwelling unit shall be larger than 1,000 square feet. See DS.3 (page 15) for exceptions.

Required Building Step-Backs

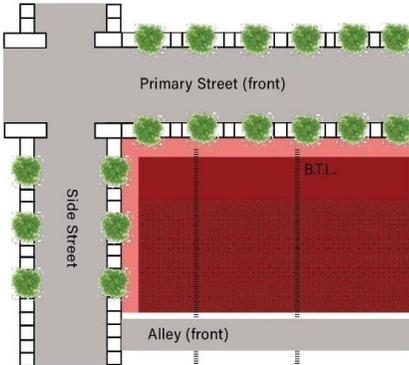


~~Buildings in DC-C shall not exceed 35 feet in height for a depth of 15 feet from the property line when the lot is adjacent to buildings under 20 feet, if the adjacent building is within 25 feet of the property line adjacent to the proposed building.~~ For all street-facing building facades along North Bend Way, each story third level and above shall be stepped back a minimum of 10 feet from the story below.

Commented [MM3]: Staff recommends deleting this provision as it violates RCW 36.70.630(b) - It results in a reduction of height below that allowed for the applicable zone, and is site-specific based on what the adjacent property existing building height is, rather than zone-wide. The Planning Commission concurred with this recommendation.



Building Placement



■ Allowed Building Placement ■ Frontage Zone ■ Allowed Parking Placement (at grade)

| Setback | Building setback from PL | | |
|-------------------------|--------------------------|-----------------|-----------------|
| | Frontage Zone | Side/Rear | |
| | Min. (ft) | Max. (ft) | Min. (ft) |
| Primary street | 0 None | 10 | None |
| Side street | None 0 | 10 | None |
| Side interior | None | None | |
| Rear yard with alley | None 5' | None | 5 |
| Rear yard without alley | None | None | 15 |

Interior Ceiling Height

Ground Floor

12-foot minimum, unless there is ground floor residential except for exclusively residential building typologies.

Parking - See parking standards in NBMC Chapter 18.16.

Parking garages should be designed to have levelled floors that can facilitate redevelopment for another use, such as commercial, when parking demand lessens.

Encroachments

Architectural features may encroach into the required setbacks subject to the following requirements:

| | Encroachment | | Vertical |
|--------------------------------|-----------------|-----------------|---------------|
| | Horizontal Rear | Side | |
| Arcade, Gallery, Awning | Min. 5' from PL | Not allowed | Min. 8' clear |
| Balcony Bay Window | | Min. 5' from PL | |
| Eave | Min. 3' from PL | Min. 3' from PL | |

Allowed Frontages - (See Table FS.1, page 26)

• Arcade • Gallery • Shopfront

Special Considerations

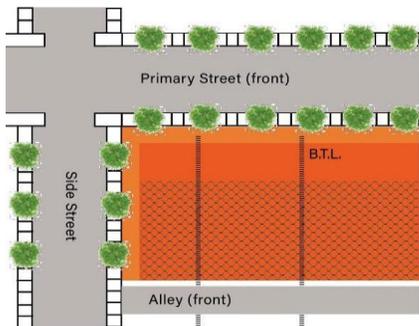
All development reviews within this ~~transect-subdistrict~~ shall fit Historic District character.

No outdoor storage or outdoor vehicular uses is allowed.

DS.1B: Downtown Commercial – Mixed Use (DC-MU)



Building Placement



| Setback | Building setback from P.L. Frontage Zone | | Side/Rear Min. (ft.) |
|-------------------------|--|-----------------|----------------------|
| | Min. (ft.) | Max. (ft.) | |
| Primary street | None | 10 | None |
| Side street | None | 10 | None |
| <u>Side interior</u> | <u>5'</u> | <u>None</u> | |
| Rear yard with alley | None <u>5'</u> | None | <u>5</u> |
| Rear yard without alley | <u>10'</u> None | None | <u>15</u> |

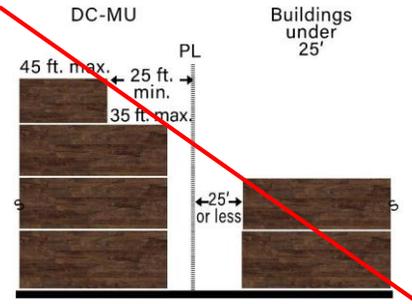
Allowed Frontages - (See Table FS.1, page 26)

- Stoop → Lightcourt → Dooryard
- Front Yard → Forecourt → Porch & Fence
- Shopfront → Gallery → Arcade

Maximum Size for Residential Units

No residential dwelling unit shall be larger than 1,200 square feet, except as provided for in DS.3 herein.

Required Building Step-Backs



Buildings in DC-MU shall not exceed 35 feet in height for a depth of 15 feet from the adjacent building when the lot is located adjacent to buildings that are under 25 feet in height, if the adjacent building is within 25 feet of the property line adjacent to the proposed building. For all street-facing building facades along North Bend Way, each story third level and above shall be stepped back a minimum of 10 feet from the story below.

Interior Ceiling Height

Ground Floor 12-ft min, unless there is ground floor residential except for exclusively residential building typologies.

Parking - See parking standards in NBMC Chapter 18.16.

Parking garages should be designed to have levelled floors that can facilitate redevelopment for another use, such as commercial, when parking demand lessens.

Encroachments

Architectural features and signs may encroach into the required setbacks subject to the following requirements:

| | Encroachment | | |
|------------|-----------------|-----------------|----------|
| | Horizontal | | Vertical |
| | Rear | Side | |
| Balcony | Min. 5' | Min. 5' | Min. 8' |
| Bay Window | from PL | from PL | clear |
| Eave | Min. 3' from PL | Min. 3' from PL | |

Commented [MM4]: Staff recommends deleting this provision as it violates RCW 36.70.630(b) - It results in a reduction of height below that allowed for the applicable zone, and is site-specific based on what the adjacent property existing building height is, rather than zone-wide. The Planning Commission concurred with this recommendation.

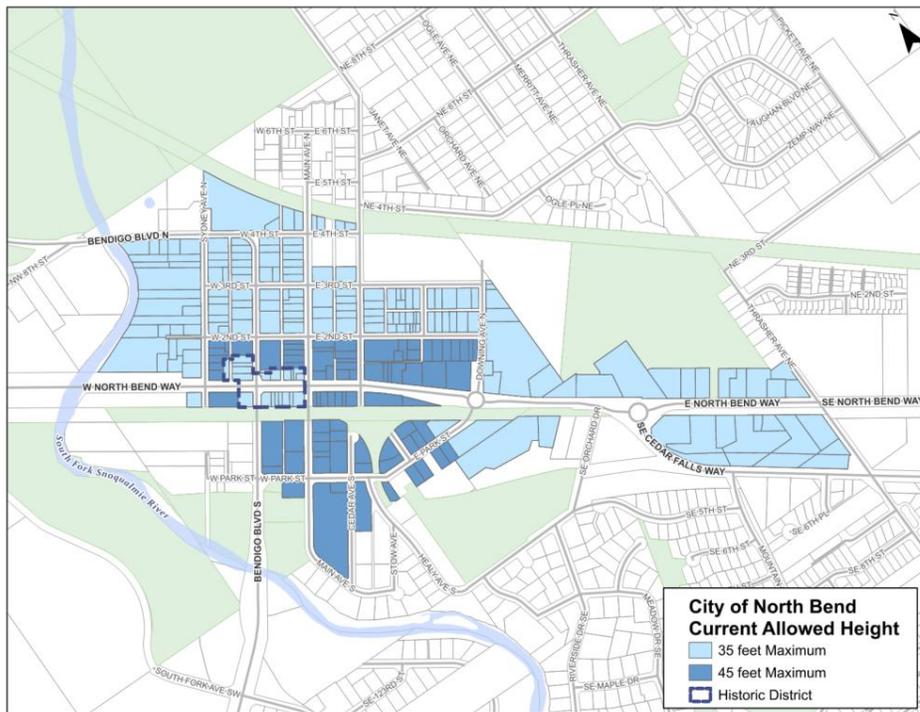
DS.2: Downtown Commercial – Allowable Heights

Where the DC-C and DC-MU Transects-subdistricts represent a core and periphery pattern of the downtown aesthetic to maximize historic character, where allowable the building heights are a different spatial pattern to maximize mountain views.

Building heights in the southern portion of the DC Zone are slightly higher than those in the northern and eastern portions. *Figure 4* illustrates the maximum heights allowed per parcel.

Note: Redevelopment of historic buildings must undergo King County Historic Preservation Program review prior to approval to ensure retention of historic character.

Figure 4: Maximum Allowable Heights



DS.3: Affordable Housing Provision for Increase to Maximum Size for Residential Units

The maximum size for all residential units within a development may be increased if deed restricted affordable housing is a part of the development. Specifically, if a certain percentage of the units are deed restricted to be below the level of cost burden (less than 30% of the income) of the equivalent of a 60% area median family income (AMI), that percentage may be applied to increasing the size of all units. For example, if 10% of units are deed restricted, the maximum square footage of all units may be increased by 10%.

Example Scenario 1:

A proposed development in the DC-C ~~Transect-subdistrict~~ is planning to include 20% deed restricted affordable housing. The 1,000 sf maximum area per unit in this ~~subdistrict~~~~transect~~ is increased to 1,200 sf (1,000 sf * 1.2).

Example Scenario 2:

A proposed development in the DC-MU ~~Transect-subdistrict~~ is planning to include 30% deed restricted affordable housing. The 1,200 sf maximum area per unit in this ~~transect-subdistrict~~ is increased to 1,560 sf (1,200 sf * 1.3).

To obtain the AMI, please query income limits for the Seattle/Bellevue region on the U.S. Department of Housing and Urban Development website.

BS.1: Building Standards

BS.1A: Purpose

This section provides design standards for individual buildings to ensure that proposed development is consistent with the community’s vision for the DC Zone as it pertains to building form, physical character, land use, and quality.

BS.1B: Applicability

All buildings and lots within the DC Zone shall be governed by the FBC. All buildings are required to comply with NBMC Title 15, Building and Construction, which adopts by reference the International Building and Fire Codes, and the design standards of NBMC Chapter 18.34.

BS.1C: Allowable Uses

The DC Zone is open to residential, commercial, office-related, public, and quasi-public, and light industrial uses that can be contained within and cause no public nuisance outside of existing buildings or proposed development. Uses prohibited in all zoning districts as set forth in NBMC 18.10.030, in addition to new single-family residential units, outdoor storage or outdoor vehicle sales are specifically prohibited in the DC Zone, continue to be prohibited. Nuisances as set forth in NBMC ~~Chapter~~ 8.08 are prohibited, including hazardous materials and uses that produce noises above what lawful as set forth in NBMC ~~Chapter~~ 8.26.

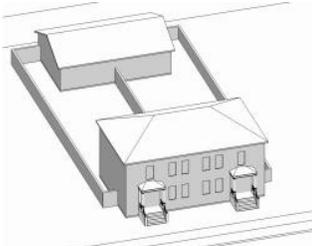
Each proposed building or existing building modification may be designed as one of the building types allowed for the ~~transect-subdistrict~~ applicable to the site as identified in ~~the table~~ Table BS.1 below. Other building types are possible and shall meet North Bend’s Design Standards. Redevelopment of buildings within the Historic District are subject to a King County Historic Preservation Program review.

Table BS.1: Allowed Building Types per ~~Transect~~Subdistrict

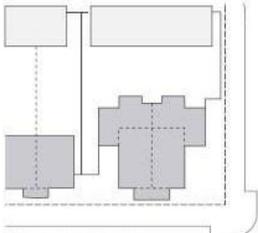
| Building Type <u>(ordering generally reflects increasing density)</u> | Downtown Commercial – Core (DC-C) | Downtown Commercial – Mixed-Use (DC-MU) |
|---|---|---|
| Duplex and Multiplex | | X✓ |
| Cottages & Bungalow Court Apartment | | X✓ |
| Row House | | X✓ |
| Live-Work | ✓ <u>(prohibited along arterial streets)</u> | X✓ |
| Court | X✓ <u>(with ground floor commercial only)</u> <u>ground floor commercial required along arterials)</u> | X✓ |
| Hybrid Court | X✓ | X✓ |
| Liner Building | X✓ | X✓ |
| Flex Building | X✓ | X✓ |

BS.2: Building Type Sheets

BS.2.A Duplex and Multiplex



Illustrative Axonometric Diagram



Illustrative Plan Diagram



Illustrative Photos of Multiplex



- 1) **Description** A Duplex or Multiplex Building Type is a medium-sized structure that consists of side-by-side and/or stacked dwelling units, typically with one shared entry or individual entries along the front. The Duplex and Multiplex Building Type has the appearance of a large-sized family home. While a Duplex is appropriate for a low or medium density neighborhood, the Multiplex is ~~and~~ is appropriately scaled to fit well within medium-density neighborhoods. These ~~is~~ building types ~~are~~ is important for providing missing middle housing and promoting walkability.
- 2) **Pedestrian Access** Main entrance location: Primary street
- 3) **Frontages** Porch
Stoop
Dooryard
- 4) **Vehicle Access & Parking** ~~Parking spaces may be enclosed, covered, or open.~~
- 5) **Private Open Space** Width: 8-ft min. Depth: 8-ft min. Area: 100-square ft min.
- 6) **Building Size & Massing** Length along frontage: Duplex: 36-ft max.
Length alongside yard: Multiplex: 50-ft max.
80-ft max.

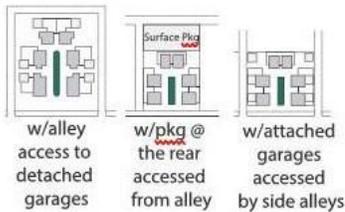
The footprint area of an accessory structure may not exceed the footprint area of the principal structure.

Commented [CH5]: Parking standards are already described in NBMC Chapter 18.16.

BS.2.B Cottages and Bungalow Court Apartment



Illustrative Axonometric Diagram



Illustrative Plan Diagram

Illustrative Photos of Cottage



1) **Description** A Cottage Building Type is a group of ~~six~~ **three** or more single dwellings arranged ~~in a linear manner along either side of~~ surrounding a common green space. Having the same right-of-way width as a narrow neighborhood street, the Cottage Type (in contrast to the Bungalow Court Type) must connect two parallel streets. Pedestrian access to the building entrances are accessed from the common green and/or primary street. Cottages ~~are prohibited on corner lots on corner lots shall be accessed from the lower traffic volume public right-of-way (exempt for alleyways).~~

A Bungalow Court Building Type: A group of four or more single dwellings arranged around a shared courtyard, with pedestrian access to the building entrances from the courtyard and/or fronting street. The courtyard is wholly open to the street and parking is placed in the rear of the lot or behind each unit. Bungalow Courts are prohibited on corner lots that do not have alley access.

- 2) **Pedestrian Access** Main entrance location: Common courtyard
- 3) **Frontages** Porch Stoop
Dooryard
- 4) **Private Open Space**

| | | | | | |
|-------|-----------|-------|-----------|------|--------------------|
| Width | 8-ft min. | Depth | 8-ft min. | Area | 100-square ft min. |
|-------|-----------|-------|-----------|------|--------------------|
- 5) **Common Courtyard**

| | |
|-------|------------------|
| Width | 20-ft min. clear |
| Depth | 50-ft min. clear |

Also see MDR housing standards in NBMC Chapter 18.11.

Illustrative Photos of Bungalow Court



BS.2.C Row House



Illustrative Axonometric Design



Illustrative Plan Diagram



Illustrative Photos of Row Houses



- 1) **Description** A Row House Building Type is a small- to medium-sized building comprised of three or more attached dwelling units arrayed side by side, with the ground floor raised above grade to provide privacy for ground floor rooms. The primary building sits at the front of the property, with the garage at the rear, separated from the primary building by a rear yard. Each dwelling unit is directly accessed from the front yard/street. ~~Garages must be located and accessed from the rear of the lot.~~ This type is typically located within medium-density neighborhoods or ~~in a location that transitions from a primarily single-family neighborhood into a neighborhood main street adjacent to the edge of the DC zone near single-family residential uses.~~ This type enables appropriately scaled, well-designed higher densities and is important for providing a broad choice of missing middle housing types and promoting walkability.
- 2) **Pedestrian Access** Main entrance location: Primary street
- 3) **Frontages** Porch
Stoop
Dooryard
- 4) **Vehicle Access & Parking** ~~Parking spaces may be enclosed, covered, or open.~~ Garages must be located and accessed from the rear of the lot.
- 5) **Private Open Space** Width: 8-ft min. Depth: 8-ft min. Area: 100-square ft min.
- 6) **Building Size & Massing** Width per rowhouse: 18-ft min. 36-ft max.

The front elevation and massing of each Row House building may be either symmetrical or asymmetrical, repetitive or unique in disposition, as long as the delineation of each individual unit is evident. The footprint area of an accessory structure may not exceed the footprint area of the principal structure.

Also see MDR housing standards in NBMC Chapter 18.11.

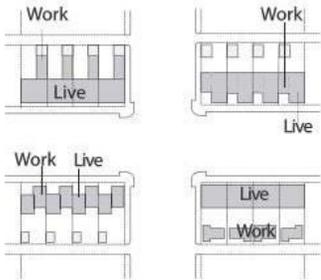


Commented [CH6]: Garage and parking standards are regulated under NBMC 18.16

BS.2.D Live-Work



Illustrative Axonometric Design



Illustrative Plan Diagram

1) Description A Live-Work Building Type is a small- to medium-sized attached or detached structure that consists of single dwelling unit above and/or behind a flexible ground floor space that can be used for home-office uses such as residential, personal and general service, small-scale craft production or retail uses. Both the ground-floor flex space and the unit above are owned by one entity. This type is typically located within medium-density neighborhoods or in a location that transitions from a neighborhood into a urban neighborhood street. It is especially appropriate for incubating neighborhood-serving retail and service uses and allowing neighborhood main streets to expand as the market demands.

Garages must be located and accessed from the rear of the lot. The workspace is accessed directly from the primary street, and the living space at the rear or above is accessed directly or indirectly from the working space.

- 2) Pedestrian Access** Main entrance location: Primary street
Ground floor space and upper unit shall have separate exterior entries.
- 3) Frontages** Forecourt
Dooryard
Shopfront
Lightcourt
Gallery
- 4) Private Open Space** Width: 8-ft min. Depth: 8-ft min. Area: 100-square ft min.
- 5) Building Size & Massing** Width per unit: 18-ft min. 36-ft min.

The footprint area of an accessory structure may not exceed the footprint area of the principal structure.

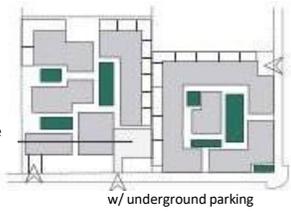
Illustrative Photos of Live-Work



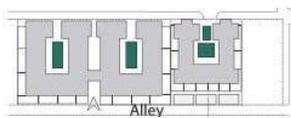
BS.2.E Court



Illustrative Axonometric Design



w/ underground parking



Illustrative Plan Diagram



Illustrative Photos of Court



- 1) **Description** A Court Building Type is a group of dwelling units arranged to share one or more common courtyards. The courtyard is intended to be a semi-public outdoor room that is an extension of the public realm. Court buildings may accommodate ground floor commercial/flex uses in either a live-work configuration or as solely commercial/retail space in qualifying zones facing the primary street. This type enables the incorporation of high-quality, well-designed density within a walkable neighborhood.
- 2) **Pedestrian Access** The main entry to ground level units should be from the courtyard or from the street. Access to second story units should be directly from the courtyard through stairs. Elevator access, if any, should be provided between the underground garage and courtyard-podium only.
- 3) **Frontages** Porch
Stoop
Dooryard
- 4) **Vehicle Access & Parking** From alley.
For lots without an alley, via a driveway, 12-ft wide maximum, located as close to side yard property line as possible.
- 5) **Private Open Space**

| | | |
|---------------|---------------|--------------------|
| <u>Width:</u> | <u>Depth:</u> | <u>Area:</u> |
| 8-ft min. | 8-ft min. | 100-square ft min. |

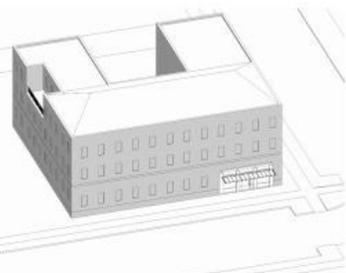
This open space is exclusive of the courtyard and may be located in a side or rear yard.
- 6) **Common Courtyard**

| | |
|--|-------------|
| <u>Recommended width/depth/height ratio:</u> | 1:1 approx. |
| <u>Width and depth:</u> | 20-ft min. |
- 7) **Building Size & Massing**

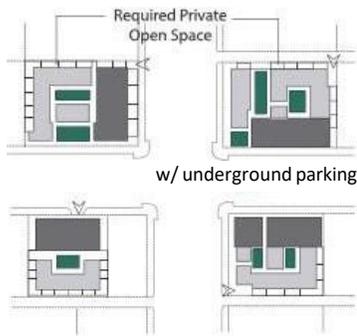
| | |
|-------------------------------|-------------|
| <u>Length along frontage:</u> | 200-ft min. |
| <u>Length alongside yard:</u> | 140-ft max. |

The footprint area of an accessory structure may not exceed the footprint area of the principal structure.

BS.2.F Hybrid Court



Illustrative Axonometric Design



Illustrative Plan Diagram



Illustrative Photo of Hybrid Court

1) Description A Hybrid Court Building Type combines a point- access portion of the building with a walk-up portion. The building may be designed for occupancy by retail, service, and/or office uses on the ground floor, with upper floors also configured for those uses or for residences.

2) Pedestrian Access The main entrance to all ground floor units should be directly from the street.

Entrance to the stacked dwelling element can be through a dedicated street level lobby, or through a dedicated podium lobby accessible from the street or through a side yard.

Access to units above the second level in the stacked dwelling element not accessed from the podium may be through interior access points.

For other units, access is directly from a common courtyard or through stairs serving up to three dwellings.

3) Frontages
Porch
Stoop
Dooryard

4) Vehicle Access & Parking ~~Underground garage, surface parking, tuck under parking, or a combination of any of the above.~~

45) Private Open Space

| Width: | Depth: | Area: |
|-----------|-----------|--------------------|
| 8-ft min. | 8-ft min. | 100-square ft min. |

This open space is exclusive of the courtyard and may be located in a side or rear yard.

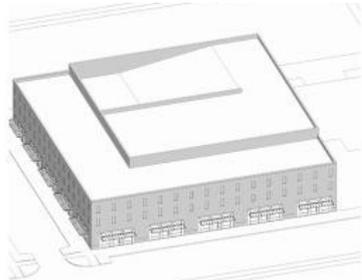
56) Common Courtyard Recommended width/depth/height ratio: 1:1 approximate

Width and depth: 20-ft min.

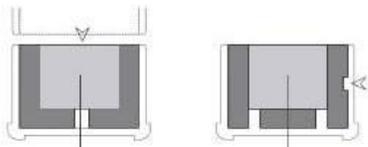
67) Building Size & Massing Width per unit: 18-ft min.
36-ft min.

Commented [CH7]: Parking standards are already described in NBMC Chapter 18.16.

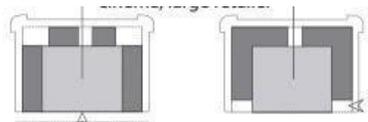
BS.2.G Liner



Illustrative Axonometric Design



Surface parking, parking garage, cinema, large retailer



Rear alley access to parking

Parking access from side street

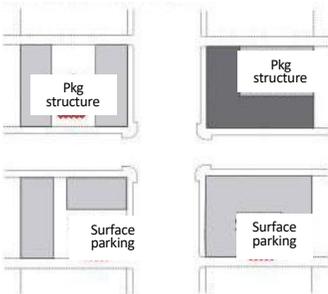
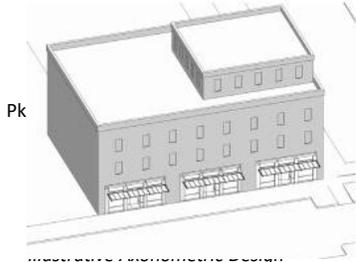
Illustrative Plan Diagram

- 1) **Description** A Liner Building Type conceals a garage, or other large-scale faceless building such as a movie theater, or “big box” store designed for occupancy by retail, service, and/or office uses on the ground floor, with upper floors configured for retail, service, office, and/or residential uses. The access corridor, if applicable, is included in the minimum depth.
- 2) **Lot Size** Width: 300-ft max.
Depth: 120-ft max.
- 3) **Pedestrian Access** Direct access from sidewalk. Upper floors accessed from street level lobby.
- 4) **Frontages** Forecourt
Shopfront
Gallery
Arcade
- 5) **Vehicle Access & Parking** Required parking is accommodated in an underground or above-ground garage, tuck under parking, or a combination of any of the above.
- 6) **Private Open Space** Private open space is required for each residential unit and shall be no less than 50 square feet with a minimum dimension of five feet in each direction.
- 7) **Shared Open Space** The primary shared common space is the rear or side yard designed as a courtyard. Courtyards can be located on the ground, or on a podium, or on a parking deck, and must be open to the sky. Side yards can also be formed to provide outdoor patios connected to ground floor commercial uses.
Recommended width/depth/height ratio: 1:1 approx.
Width and depth: 20-ft min.
- 8) **Building Size & Massing** Length along frontage: 300-ft max.
Length over 180 ft must provide massing break

Illustrative Photos of Liner



BS.2.H Flex Building



Illustrative Plan Diagram



Illustrative Photos of Flex Buildings

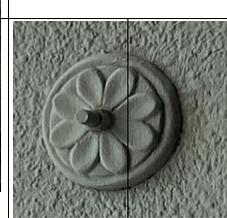


- 1) **Description** A Flex Building Type is designed for occupancy by retail, service, and/or office uses on the ground floor, with upper floors configured for retail, service, office, and/or residential uses. Second floor units may be directly accessed from the street through stairs; upper floors are accessed through a street level lobby.
- 2) **Lot Size** Width: 300-ft max.
Depth: 120-ft max.
- 3) **Pedestrian Access** Direct access from sidewalk. Upper floors accessed from street level lobby.
- 4) **Frontages** Forecourt
Shopfront
Gallery
Arcade
- 5) **Vehicle Access & Parking** Required parking is accommodated in an underground or above-ground garage, tuck under parking, or a combination of any of the above.
- 6) **Private Open Space** Private open space is required for each residential unit and shall be no less than 50 square feet with a minimum dimension of five feet in each direction.
- 7) **Shared Open Space** The primary shared common space is the rear or side yard designed as a courtyard. Courtyards can be located on the ground, or on a podium, or on a parking deck, and must be open to the sky. Side yards can also be formed to provide outdoor patios connected to ground floor commercial uses.

Recommended width/depth/height ratio: 1:1 approx.

Width and depth: 20-ft min.
- 8) **Building Size & Massing** Length along frontage: 300-ft max.
Length over 120 ft must provide massing break

BS.3: Local Historic Building Façade Features and Building Adornments Encouraged

| | | | | |
|---|--|--|---|--|
| <p>Sunset Garage (201 W North Bend Wy): Built in the 1920s, portions of the Sunset Garage were restored in 2019, resulting in a 2019 Spellman Award for Historic Preservation.</p> |  |  |  |  |
| <p>McGrath Building (101 W North Bend Wy): Built in 1922, The McGrath building was added to the National Register of Historic Places in 2002.</p> |  |  | | |
| <p>Other Architectural Features Found in the Downtown Core of North Bend</p> |  |  |  | |

FS.1: Frontage Standards

FS.1A: Purpose

Frontages are the components of a building that bridge the building’s transition and interface to the public realm, whether it is the side of a building, patio, or yard. The standards for allowed frontage types set forth in this section are intended to ensure proposed developments are consistent with the City’s goals for building form as it relates to the public realm and desired use.

FS.1B: Applicability

Frontage standards work in combination with the development and building standards set forth throughout the FBC, and are applicable to private frontages abutting public lands, such as right-of-way and designated open space. Frontages are not limited to the below list, but all must meet North Bend’s Design Standards.

Sketch demonstrating the components of a commercial frontage



Table FS. 1: Allowed Frontage Types by ~~Transect~~ Subdistrict

| Frontage Types* | Downtown Commercial – Core (DC-C) | Downtown Commercial – Mixed-Use (DC-MU) |
|--------------------|-----------------------------------|---|
| Front Yard | | X✓ |
| Porch & Fence | | X✓ |
| Dooryard (Terrace) | X✓ | X✓ |
| Stoop | | X✓ |
| Forecourt | X✓ | X✓ |
| Shopfront | X✓ | X✓ |
| Gallery | X✓ | X✓ |
| Arcade | X✓ | X✓ |
| Lightcourt | | X |

*Note: all commercial buildings must have frontages that are compliant with the American Disabilities Act.

Front Yard

Description The main facade of the building has a large, planted setback from the frontage line providing a buffer from the street. The front yard created remains unfenced and is visually continuous with adjacent yards, supporting a common landscape and working in conjunction with the other private frontages.

Size **Depth:** 20' 10 ft

Design Standards The front yard created should be visually continuous with adjacent yards, supporting a common landscape. The setback can be densely landscaped to buffer from the higher speed thoroughfares. The yard is the first impression of a home and therefore should be carefully landscaped, preferably with drought-resistant plants.

Porch & Fence

Description This type of frontage provides a physical transition from the sidewalk to the private lot and building while maintaining visual connection between buildings and the public space of the street. The porch frontage consists of a building with a front set back from the property line and a porch encroaching into that front setback.

Size **Width:** 8-ft min.
Depth: 8-ft min.
Height: 8-ft min.
Pathway: 3-ft wide min.
 Finished level above sidewalk: 18-inch min.

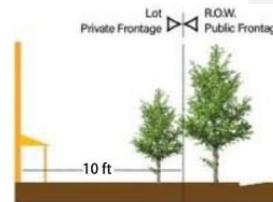
Design Standards Projecting porches must be open on three sides and have a roof.

Dooryard (Terrace)

Description The main facade of the building is set back a small distance and the frontage line is defined by a low wall or hedge, creating a small dooryard. The dooryard shall not provide public circulation along a ROW. The dooryard may be raised, sunken, or at grade and is intended for ground-floor residential.

Size **Width:** 8-ft min.
Length: 50-ft max.
Pathway: 3-ft min.
 Finished level above sidewalk: 3'-6" max

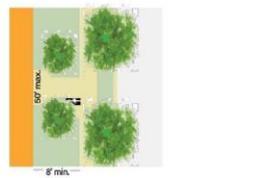
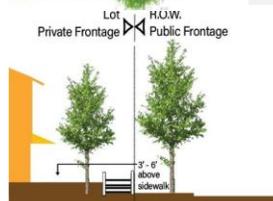
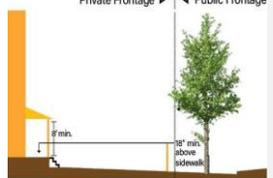
Design Standards For live/work, retail and service uses, these standards are to be used in conjunction with those for the Shopfront Frontage Type. In case of conflict between them, the Dooryard Frontage Type standards shall prevail.



Commented [MM8]: 20' is inconsistent with setbacks established in DS.1A and DS.1B, which have a maximum setback of 10'.

Commented [MM9R8]: NOTE: NEED TO CORRECT THE 20' SHOWN IN THE GRAPHIC FOR CONSISTENCY.

Commented [CH10R8]: Graphic has been revised





Captions Left to Right:

Illustrative Photo of Dooryard (Terrace)

Illustrative Photo of Front Yard

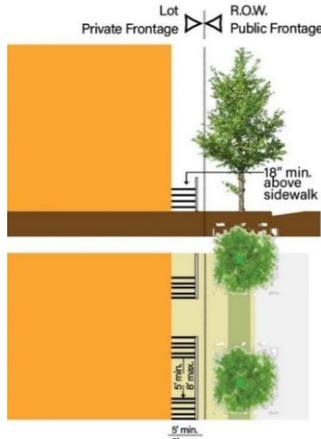
Illustrative Photo of Porch and Fence

Stoop

Description The main facade of the building is near the frontage line and the elevated stoop engages the sidewalk. The stoop shall be elevated above the sidewalk to ensure privacy within the building. Stairs or ramps from the stoop may lead directly to the sidewalk or may be side-loaded. This type is appropriate for residential uses with small setbacks.

Size Width & Depth: 5-ft min.; 8-ft max. Finished level above sidewalk: 18-in min.

- Design Standards
- 1) Stairs may be perpendicular or parallel to the building arcade.
 - 2) Lamps shall be parallel to façade or along the side of the building.
 - 3) Entry doors are encouraged to be covered or recessed to provide shelter from the elements.

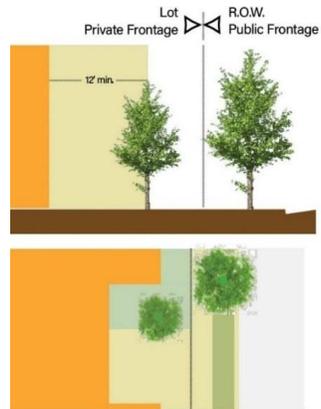


Forecourt

Description The main facade of the building is at or near the frontage line and a small percentage is set back, creating a small court space. The space may be used as an entry court or shared garden space for apartment buildings, or as an additional shopping or restaurant seating area.

Size Width & Depth: 12-ft min. Ratio, height to width: 2:1 max.

Design Standards The proportions and orientation of these spaces should be carefully considered for solar orientation and user comfort.



Illustrative Photo of Stoop



Illustrative Photo of Forecourt

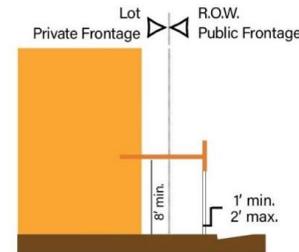
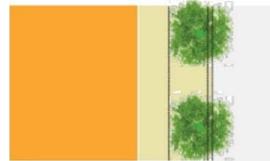
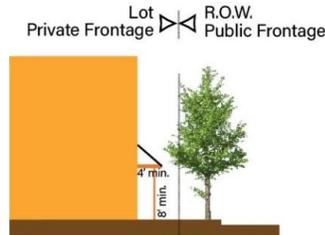
Shopfront

Description The main facade of the building is at or near the frontage line with an at-grade entrance along the public way. This type is intended for retail use. It has substantial glazing at the sidewalk level and typically includes an awning that may overlap the sidewalk. It may be used in conjunction with other frontage types. An awning that extends over the sidewalk requires an encroachment permit.

Size Ground Floor Transparency: 75% of frontage minimum

Awning Depth: 4-foot minimum
Setback from curb: 2-ft min.
Height, clear: 8-ft max.

- Design Standards
- 1) Shopfront glass shall be clear without reflective glass frosting or dark tinting.
 - 2) Shopfront windows may have clerestory windows (horizontal panels) between the shopfront and second floor/top of single-story parapet. Glass in clerestory may be of a character to allow light, while moderating it such as stained glass, glass block, painted glass, or frosted glass.
 - 3) Shopfronts with accordion-style doors/windows or other operable windows that allow the space to open to the street are encouraged.
 - 4) Operable awnings are encouraged.



Gallery

Description A roof or deck projecting from the facade of a building, supported by columns located just behind the street curb. Galleries shelter the sidewalk with a roof or unenclosed, accessible, out-door space making them ideal for retail use. Galleries may be one- or two-stories in height, functioning as covered or uncovered porches at the second floor. Railing on top of the gallery is only required if the gallery roof is accessible as a deck.

Size Depth: 8-ft min.
Ground floor height: 12-ft min.
Setback from curb: 1-ft min.; 2-ft max.



Illustrative Photo of Shopfront



Illustrative Photo of Shopfront



Illustrative Photo of Gallery

SS.1: Street Standards

SS.1A: Purpose

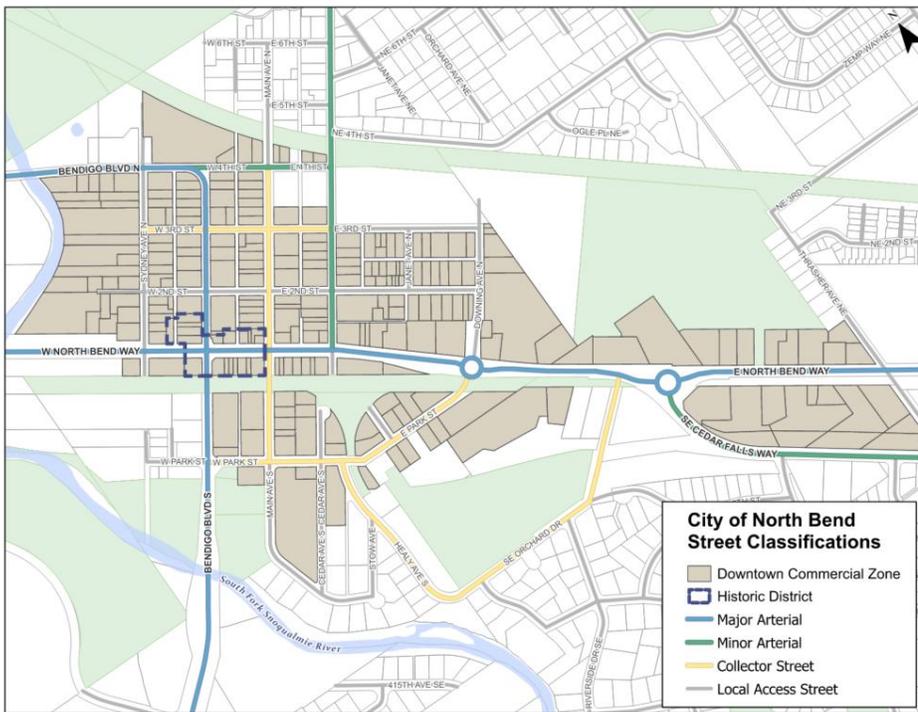
This section is to ensure that all proposed developments within the DC Zone are designed in accordance with the City's adopted Public Works Standards, and any approved complete streets design efforts in the future. The City's Public Works Standards do not currently specify differences between Local and Collector streets within North Bend's DC Zone and other areas throughout the City. This section is therefore an extension of those standards. [See Figure 5 below for street classifications for the purposes of the FBC.](#)

The Right-Of-Way (ROW) sections of the DC Zone shall support the intended physical character, land use activity, and quality of the neighborhood. These streets should contribute to the look, feel, and experience of the DC Zone, in addition to providing efficient and safe movement of people, goods and services.

SS.1B: Applicability

This section describes the unified standard for Local and Collector street segments within the DC Zone. The standard is the same throughout the zone, without differences between the two [transsectsubdistricts](#). Additional street assemblies can be integrated into this section when approved by the City.

Figure 5: Map of street classifications and main thoroughfares



SS.1C: Design Objectives

As the interface between private development and public space, streets are an important element of the DC Zone. The goals of this portion of future development include:

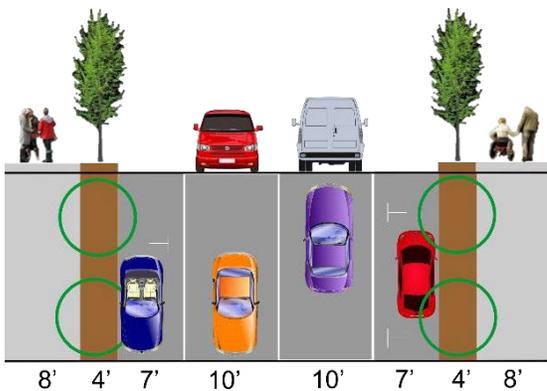
- Function - ensuring access for both patrons and delivery and support for businesses through effective use of curb space and upgrading/undergrounding utilities.
- Mobility - walkability for residents and visitors, as well as reliable movement for support services.
- Livability - enabling the public realm to support a community that works for both businesses and residents, with space for community activities.

All the elements of the streets are context based. Overall width and pavement width, the number of lanes, and the lanes' specific sizes are listed. Street edges include planter type, lighting type, walkway type, and curb radii at intersections.

The street sections in this section suggest quality and intent. The dimensions in the street sections consider information gleaned from aerials and field observations of existing conditions plus desired outcomes resulting from redevelopment. If the pavement width is larger than the width range shown below (27 – 34 ft), angle parking can be used in lieu of parallel parking on one or both lanes. All final designs must be approved by the Public Works Director.

DC Zone Collector and Local Street Standards*

| DC Zone Collector Local Streets | | Transportation Way | |
|---------------------------------|--|--------------------|--|
| Assembly | | Vehicle Lanes | 2 lanes; 1 lane each direction |
| Type | Feeder with parking | Lane Width | 10 ft |
| Right-of-way | 51 – 58 ft | Parking Lanes | Parallel; one or both sides, unless available ROW is larger than standard, where angle parking may be used |
| Pavement | 27 – 34 ft | Movement Type | Slow |
| Public Frontage | | Median Width | NA |
| Curb Type | Vertical curb; 10 ft radius | Median Planting | NA |
| Walkway Width | 12 ft with 4-ft tree wells and contrasting pavement strips | Median Surface | NA |
| Walkway Surface | Concrete and pavers | Target Speed | 20 mph |
| Planter | Shade trees limbed for visibility and pedestrian access | Bicycle Provisions | Marked sharrows |
| | | Transit | No transit |



*The exception to this section is Park Street from Healy Avenue S to North Bend Way shown on Table 4.4 (pg. 4-11) of North Bend's Public Works Standards.

SS.1D: Wayfinding Signage

Wayfinding signage **should** be placed at all major intersections and public gathering places to increase awareness of appropriate and safe walkways.

SS.1E: Public Art

Public art and other unique streetscape elements **should** be used to provide visual interest, create a downtown identity, and provide an opportunity to describe North Bend's unique history.

SS.1F: Gateways

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 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).

Commented [CH11]: Moved from the DC specific design standards from the Commercial / Industrial / Mixed Use Design Standards and Guidelines document.



Figure 1: Downtown Core District and Gateway Locations.

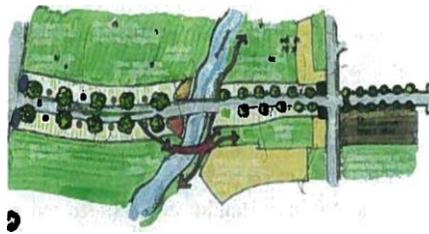


Figure 2: Tree spacing along gateways.

OS.1: Public Open Space Standards

OS.1A: Purpose

The purpose of this section is to provide a catalog of pre-approved public open space types and planned open space improvements within the DC Zone, to enhance the public realm and non-motorized transportation within this area.

OS-1B: Applicability

This section describes the guidelines for development of public open spaces in the DC Zone. The standards shall apply to all proposed development within the DC Zone and shall be considered in combination with the other zone standards. Additional open spaces can be integrated into this section as they are approved by the City.

OS-1C: Design Objective

Open spaces play an important role in placemaking. Their standards must be considered alongside building form, building types, frontage types, and thoroughfares in creating urban environments.

OS-1D: Open Space Requirements

All proposed developments including a corner within the DC-C ~~transsect~~ but outside of the designated Historic

District shall have a plaza created at such corner. Plaza requirements for these corners can be found in NBMC 18.34.070 City of North Bend Commercial/Mixed Use/Industrial Design Standards and Guidelines, specifically section A-4A (page 13).

Each proposed development that involves at least two acres, requires a minimum five percent of the net land area to be dedicated as park or open space. The required open space shall be designed in compliance with the applicable requirements from *Table OS.1*, or commensurately enhance the open spaces shown in Map OS.1, as determined by the Community and Economic Development Director. All proposed developments comprising less than two acres shall comply with the provisions set forth in NBMC Chapter 17.25, Residential Recreation and Common Space Requirements. Specifically, refer to NBMC 17.25.040 for multi-family developments, and NBMC 17.25.050 for mixed-use developments with residential components. Parks must contain the minimum components described in NBMC 17.25.060.

Proposed developments that require the creation of public open space shall be required to develop the green, square, plaza or playground open space type in accordance with the applicable design concept shown in *Table OS.1*. If a proposed development applicant intends to submit an application to the City, and an urban design concept has not been prepared and adopted in the FBC for the applicable open space type and location specified in the Regulating Plan Diagram, the applicant shall fund the preparation of a conceptual plan under the direction of the City. The City may opt to retain the services of a qualified firm to complete the plan with funding to be provided by the applicant.

Per NBMC 18.34.070, City of North Bend Commercial/Mixed Use/Industrial Design Standards and Guidelines standard for plazas in the Downtown Core District, a plaza shall be created on the northeast corner of Main Ave and North Bend Way when this parcel is redeveloped. ~~Please refer to Section A. Downtown Core District, A-4 Plazas (page 32) of the City of North Bend Commercial/Mixed Use/Industrial Design Standards and Guidelines for more details.~~

Each proposed development application that is adjacent to a public open space, as indicated in *Figure 6* below, shall create site designs oriented to these open spaces, where the facades of buildings that face these spaces provide a greater level of articulation than may be typical to the rear or side of a building.

Figure 6: City Programmed Public Open Space, Parks, and Plazas

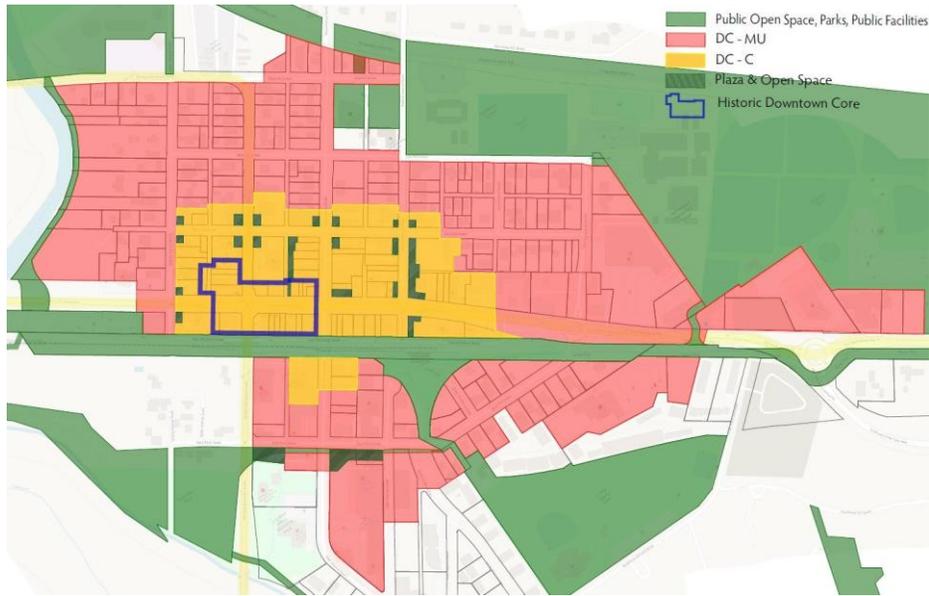


Figure 7: (Inset of Figure 6) Future Plaza Locations in the DC-C ~~Transect~~ Subdistrict as Parcels Develop

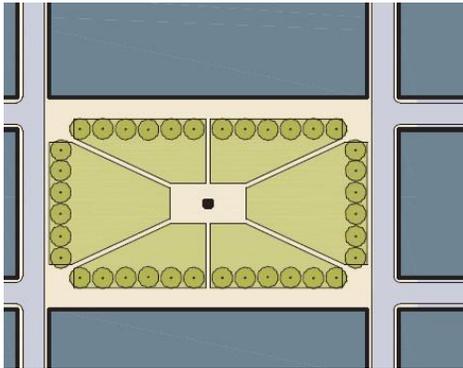


[Table OS.1: Open Space Types Accepted](#)

[OS.1 E: Open Space Types Accepted](#)

Square

An open space available for unstructured recreation and civic purposes. A square is spatially defined by building frontages. Its landscape shall consist of paths, lawns and trees, formally disposed. Squares shall be located at the intersection of important thoroughfares. The minimum size shall be 1/2 acre and the maximum shall be five acres.



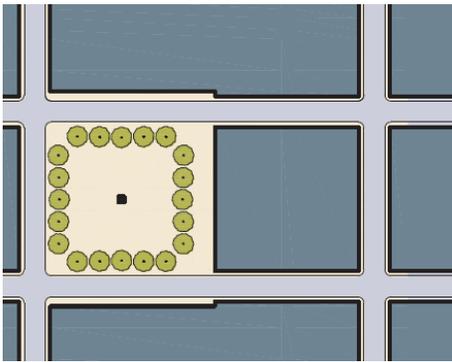
Scalable Examples:



Plaza

An open space available for civic purposes and commercial activities. A plaza shall be spatially defined by building frontages. Its landscape shall consist primarily of pavement. Trees are optional. Plazas should be located at the intersection of important streets. For greater detail on plaza requirements please refer to Section [A.2C \(Streetscape Amenities\)](#), [A.3A \(Plazas, Courtyards, and Seating Areas\)](#), [A.5a \(Plazas, Courtyards and Seating Areas\)-Downtown Core District, A-4 Plazas \(page 32\)](#) of the City of North Bend Commercial/Mixed Use/Industrial Design Standards and Guidelines for more details.

Additionally, for redevelopment of the northeast corner of Main Ave and North Bend way, a minimum 600sf plaza shall be provided in a south facing location. The City will waive parking requirements for the first 10,000sf of a building area to accommodate the space required for the plaza. At a minimum, the plaza shall include features as noted in the above referenced sections to the Commercial/Mixed-Use/Industrial Design Standards and Guidelines. Additional amenities such as public art or gathering features are encouraged. Buildings located adjacent to the plaza shall contain entrances that open to the plaza.

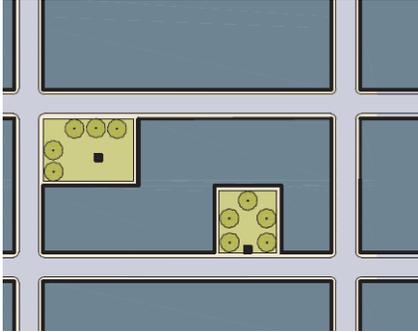


Scalable Examples:



Playground

An open space designed and equipped for the recreation of children. Playgrounds shall be interspersed within primarily residential areas and may be placed within a block. Playgrounds may be included within larger parks and open spaces. There shall be no minimum or maximum size. For more detail on playground requirements please refer to NBMC 17.25.060.



Acceptable Playground Examples & Features:



~~Master Planning Provision for Large Parcels~~

~~The owner of a parcel or abutting parcels totaling over two acres or more of contiguous lots within the DC Zone may apply to prepare a subarea plan. In consultation with the Community and Economic Development Director, a subarea plan may assign new transect zones, open spaces, thoroughfare designs, and building designs, provided public works approvals are granted and appropriate transitions to abutting areas are provided. The subarea plan must complete a public process including public notification of a Planning Commission recommendation, and City Council approval.~~



NOTICE OF PUBLIC HEARING

Project Name: Amendments to North Bend Form Based Code pertaining to consolidating standards, removing standards redundant to those in the Zoning Code or Public Works Standards, and improving the clarity and readability of the Form Based Code.

| | |
|---|------------------------------|
| Notice of Hearing Date: | May 16, 2025 |
| Public Hearing Written Comment Deadline: | June 3, 2025, 4:00pm |
| Public Hearing Date and Time: | June 3, 2025 , 7:00pm |

Description of Proposal:

The City of North Bend is proposing amendments to North Bend Form Based Code in accordance with ESHB 1293. Standards are being consolidated or removed to reduce redundancies of standards throughout the Form Based Code or are in conflict with other regulating documents such as the Zoning Code or Public Works Standards, and remove ambiguous standards in accordance with ESHB 1293, which requires cities planning under the GMA to remove design standards that are vague or lack specificity.

Public Hearing:

On Tuesday, June 3, 2025, at 7:00pm the City Council will hold a public hearing on the draft amendments. 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 for the hearing must be received by 4 p.m. on the day of the scheduled hearing, and should be 350 words or less.

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 Clerks@northbendwa.gov. All written comments must be received by 5 p.m. on the day of the scheduled meeting and may not exceed 350 words.

If an individual requires accommodation to allow for remote oral comment because of a difficulty attending a meeting of the governing body, the City requests notice of the need for accommodation by 5:00 p.m. on the day of the scheduled meeting. Participants can request accommodation to be able to provide a remote oral comment by contacting the City Clerk's Office in person, by phone (425) 888-1211 or by email: Clerks@northbendwa.gov. No other remote public comment will be permitted.

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

To Sign Up for a Zoom Account: <https://zoom.us/join>

Meeting ID: 409 007 2718

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



City Council Agenda Bill

| | | |
|--|---|-------------------------------|
| SUBJECT: | Agenda Date: June 3, 2025 | AB25-060 |
| Ordinance Amending Taxes, Rates & Fees Schedule and NBMC Chapters 17.36 Relating to Park Impact Fees, 17.38 Relating to Transportation Impact Fees, and 17.42 Relating to Methods to Mitigate Development Impacts | Department/Committee/Individual | |
| | Mayor Mary Miller | |
| | Interim City Administrator – Bob Larson | |
| | City Attorney – Kendra Rosenberg | |
| | City Clerk – Susie Oppedal | |
| | Administrative Services – Lisa Escobar | |
| | Comm & Econ Development – James Henderson | |
| | Finance – Martin Chaw | |
| | Public Works – Mark Rigos, P.E. | |
| | Fund Source: NA | Planning Manager Mike McCarty |
| Cost Impact: NA | | |
| Fund Source: NA | | |
| Timeline: Immediate | | |

Attachments:

1. Ordinance with code amendments in legislative format (Exhibits A – C)
2. Planning Commission Staff Report including draft amendments with comments and redlines, public comment received and FCS Report on Residential Impact Fee Scaling
3. Spreadsheet comparing existing vs. updated impact fee rates
4. Staff memo concerning park impact fees for hotels

SUMMARY STATEMENT:

In 2023, the Washington State Legislature passed a series of bills designed to provide more home ownership and rental opportunities for middle income families and residents throughout the State of Washington. The Legislature prioritized the development and construction of middle-income housing in order to increase home ownership and rental offerings, increase the housing supply, build generational wealth among families, and ensure there are housing opportunities to support middle-income jobs and retain the workforce that is vital to the economy.

To support the goal of increasing middle income home ownership, the Washington State Legislature passed Senate Bill 5258 requiring cities to scale their impact fees in order to make the construction of condominiums, townhomes, and apartments as well as other multifamily homes more affordable. The Senate bill amends RCW 82.02.060 and requires that cities scale their impact fees for residential construction based on either square footage, number of bedrooms, or trips generated. The intent of this amended legislation was to reduce the cost of these impact fees for smaller housing units and help address housing affordability within Washington State. The amended RCW 82.02.060(10) requires the City of North Bend and cities throughout the state to amend their residential impact fees within 6 months of their required periodic comprehensive plan update, which for North Bend is by June 30, 2025.

To develop the proportional residential impact fees, the City hired consulting firm FCS Group to prepare a study to determine how the City’s park and transportation impact fees and bicycle and pedestrian mitigation fees should be scaled to comply with Senate Bill 5258. The FCS study recommends North Bend scale impact fees based on residential square footage as it is part of the submission requirement for a building permit and is simpler to determine than counting bedrooms or estimating the number of trips generated by a new residence. The FCS Group developed an impact fee calculation based on square footage as shown within the attached report. In addition, City staff has developed drafts to update NBMC Chapter 17.36 (Park Impact Fees), NBMC Chapter 17.38 (Transportation Impact Fees), and NBMC Chapter 17.42 (Methods to Mitigate Development Impacts) (which addresses pedestrian and bicycle mitigation fees) as required by state law.

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

City Council Agenda Bill

The Planning Commission held a public hearing on the draft amendments at its May 7, 2025, meeting, and following the hearing made a recommendation of approval. In consideration of public comment received, the Planning Commission also recommended that Council direct staff to have a study prepared considering the basis for charging park impact fees for hotel uses.

The draft amendments are necessary for conformance with State law and staff recommend approval.

The following are the decisions available to Council:

Alternative 1: Approve AB25-060, an ordinance amending the Taxes, Rates & Fees Schedule and amending NBMC Chapter 17.36, Park Impact Fees; amending NBMC Chapter 17.38, Transportation Impact Fees; amending NBMC Chapter 17.42, Methods to Mitigate Development Impacts as a first and final reading.

Alternative 2: Do not approve AB25-060 and provide additional feedback and guidance to staff to develop middle-income housing proportional impact fees that comply with Senate Bill 5258.

APPLICABLE BRAND GUIDELINES: The revised residential impact fees promote sustainably managed growth and consistent delivery of basic services by providing impact fees to ensure that growth is contributing to the financing of capital improvements necessary to maintain levels of service for park, transportation, bicycle and pedestrian facilities. The amendments promote affordability by scaling the impact fees to the size of the unit, such that smaller units (which are more affordable) pay less in impact fees than larger units.

COMMITTEE REVIEW AND RECOMMENDATION: The Finance & Administration Committee reviewed this item at its May 13, 2025 meeting and requested that it be brought to the May 27, 2025 Council Workstudy meeting for full Council discussion. The Community & Economic Development Committee reviewed this item at its May 20, 2025 meeting and also recommended that this be placed on the May 27th Council Workstudy meeting for full Council discussion. Following Council discussion at the May 27th Workstudy, this item has been placed on the June 3, 2025 City Council meeting Main Agenda for discussion and possible Council action.

RECOMMENDED ACTION: MOTION to approve AB25-060, an ordinance amending the Taxes, Rates & Fees Schedule and amending NBMC Chapter 17.36, Park Impact Fees; amending NBMC Chapter 17.38, Transportation Impact Fees; amending NBMC Chapter 17.42, Methods to Mitigate Development Impacts, as a first and final reading.

RECORD OF COUNCIL ACTION

| <i>Meeting Date</i> | <i>Action</i> | <i>Vote</i> |
|---------------------|---------------|-------------|
| June 3, 2025 | | |
| | | |

ORDINANCE

AN ORDINANCE OF THE CITY OF NORTH BEND, WASHINGTON, RELATING TO IMPACT FEES; AMENDING NORTH BEND MUNICIPAL CODE (“NBMC”) CHAPTER 17.36, PARK IMPACT FEES; AMENDING NBMC CHAPTER 17.38, TRANSPORTATION IMPACT FEES; AMENDING NBMC CHAPTER 17.42, METHODS TO MITIGATE DEVELOPMENT IMPACTS; AMENDING THE CITY’S TAXES, RATES AND FEES SCHEDULE RELATING TO PARK, TRANSPORTATION, AND MITIGATION OF IMPACT FEES; PROVIDING FOR SEVERABILITY; AND ESTABLISHING AN EFFECTIVE DATE

WHEREAS, impact fees are authorized by chapter 82.02 RCW and have been adopted by the City of North Bend in North Bend Municipal Code (“NBMC”) Chapters 17.36 (Park Impact Fees), 17.38 (Transportation Impact Fees), and 17.42 (Methods to Mitigate Development Impacts); and

WHEREAS, the impact fees adopted in NBMC Chapters 17.36, 17.38, and 17.42 are imposed on development activity to assist in financing public facilities needed to serve new growth and development in the City; and

WHEREAS, the Washington State Legislature amended RCW 82.02.060 in 2023, to require that impact fee schedules 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, to produce a proportionally lower impact fee for smaller housing units than larger housing units; and

WHEREAS, RCW 82.02.060 requires that changes to the City’s impact fee schedule take effect six months after the City’s next adopted periodic comprehensive plan update; and

WHEREAS, the City adopted its comprehensive plan update on December 3, 2024, and is accordingly now required to update the impact fee schedule consistent with RCW 82.02.060; and

WHEREAS, a State Environmental Policy Act Determination of Non-Significance was issued for the proposed amendments on April 25, 2025; and

WHEREAS, the proposed amendments are consistent with the procedures established in NBMC 20.08, *Comprehensive Plan and Development Regulations Amendment Procedures*; and

WHEREAS, the proposed NBMC amendments were submitted to the Washington Department of Commerce on April 4, 2025, for review pursuant to RCW 36.70A.106; and

WHEREAS, pursuant to the procedures established in NBMC Chapter 20.08, notice of the required public hearing was provided by publication of a legal notice in the Snoqualmie Valley Record, posting at the City’s official posting locations, and posting of the hearing and proposed amendment language on the City’s website, which was updated frequently; and

WHEREAS, the City Council finds that the proposed NBMC amendments address and are consistent with the requirements of the Growth Management Act and RCW 82.02.060;

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

Section 1. NBMC Chapter 17.36 (Park Impact Fees), Amended: North Bend Municipal Code Chapter 17.36 (Park Impact Fees) is hereby amended to read as set forth in Exhibit A attached hereto and by this reference fully incorporated herein.

Section 2. NBMC Chapter 17.38 (Transportation Impact Fees), Amended: North Bend Municipal Code Chapter 17.38 (Transportation Impact Fees) is hereby amended to read as set forth in Exhibit B attached hereto and by this reference fully incorporated herein.

Section 3. NBMC Chapter 17.42 (Methods to Mitigate Development Impacts), Amended: North Bend Municipal Code Chapter 17.42 (Methods to Mitigate Development Impacts) is hereby amended to read as set forth in Exhibit C attached hereto and by this reference fully incorporated herein.

Section 4. Taxes, Rates and Fees Schedule, Amended: The City Clerk is authorized to amend the Taxes, Rates and Fees Schedule, adopted by Ordinance 1084 and last amended by Ordinance 1829, effective as of June 4, 2025, to reflect the amended fees established in this ordinance.

Section 5. Severability: Should any section, paragraph, sentence, clause or phrase of this ordinance, or its application to any person or circumstance, be declared unconstitutional or otherwise invalid for any reason, or should any portion of this ordinance be pre-empted by state or federal law or regulation, such decision or pre-emption shall not affect the validity of the remaining portions of this ordinance or its application to other persons or circumstances.

Section 6. Effective Date: This ordinance shall be published in the official newspaper of the City, and shall take effect and be in full force five (5) days after the date of publication.

**ADOPTED BY THE CITY COUNCIL OF THE CITY OF NORTH BEND,
WASHINGTON, AT A REGULAR MEETING THEREOF, THIS 3RD DAY OF
JUNE, 2025.**

CITY OF NORTH BEND:

APPROVED AS TO FORM:

Mary Miller, Mayor

Kendra Rosenberg, City Attorney

ATTEST/AUTHENTICATED:

Published:
Effective:

Susie Oppedal, City Clerk

Chapter 17.36

PARK IMPACT FEES

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.
- 17.36.055 Credits.
- 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.

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.

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.

Exhibit A: Amendments to Chapter 17.36
Park Impact Fees

- 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.
- 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.
- N. Service Area. For the purposes of this chapter, the service area shall be the entire area within the city limits of North Bend.
- 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.

Exhibit A: Amendments to Chapter 17.36
Park Impact Fees

17.36.040 Fee imposed – Applicability.

A. 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.

B. For Accessory Dwelling Units, as defined in NBMC 18.06.030, that are created for sale separate from the primary dwelling under the Condominium Regulations in NBMC 17.24 or other applicable legal lot segregation process, there is imposed, at the time of condominium map approval or other lot segregation approval, a park impact fee in an amount as set forth in the then-current North Bend taxes, rates and fees schedule.

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.

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.

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.

4. 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.

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 shall be assessed a park impact fee pursuant to section 17.36.040.

D. 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.

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

Exhibit A: Amendments to Chapter 17.36
Park Impact Fees

F. Emergency homeless or domestic violence shelters as defined in RCW 70.123.020, consistent with RCW 82.02.090(1) shall not be assessed a park impact fee.

GE. 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.

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 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.

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.

Exhibit A: Amendments to Chapter 17.36
Park Impact Fees

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.

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 | \$7038.55 |
| 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) | \$5951.89 |
| Hotel/motel (per guest room) | \$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.

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.

Exhibit A: Amendments to Chapter 17.36
Park Impact 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 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.

17.36.100 Processing.

The city shall determine any applicable park impact fees as a normal part of processing a development permit.

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.

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.

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.

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.

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.

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.~~

~~FG. 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.~~

G. For Accessory Dwelling Units, as defined in NBMC 18.06.030, that are created for sale separately from the primary dwelling under the Condominium Regulations in NBMC 17.24 or other applicable legal lot segregation process, there is imposed, at the time of condominium map approval or other lot segregation approval, a transportation impact fee in an amount as set forth in the then-current North Bend taxes, rates and fees schedule.

H. The service area for impact fees shall be a single citywide service area.

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.

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 shall be assessed a transportation impact fee as provided in NBMC 17.38.030;

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; and

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.

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.

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.

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.

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.

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.

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.

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.

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.

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 |
| <u>210-253</u> | <u>Residential Uses</u> | | | | <u>dwelling</u> | <u>\$7.83</u> | <u>per square foot</u> |
| 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 |
| 522 | Middle/Jr. High School | 1.21 | 75% | 0.91 | 1,000 sq ft | \$14.63 | per square foot |

| 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) |
| 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 |
| 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 |

| 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) |
|----------|-----------------------|---------------|-----------------|-----------------------------------|-------------|-----------------------|------------------|
| 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 |

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.

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.

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.

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.

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.

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.

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.



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

- 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 concerning impact fees for hotel uses. Their written comments have been included at an exhibit to this staff report.
- 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

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.

The Planning Commission also recommends to Council to have a study prepared considering the basis for imposing park impact fees on hotels.

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.

Exhibit A: Draft Amendments to Chapter 17.36
Park Impact Fees
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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.

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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.

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.~~

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

Exhibit A: Draft Amendments to Chapter 17.36
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17.36.040 Fee imposed – Applicability.

A. 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).

B. For Accessory Dwelling Units, as defined in NBMC 18.06.030, that are created for sale separate from the primary dwelling under the Condominium Regulations in NBMC 17.24 or other applicable lot segregation process, there is imposed, at the time of condominium map approval or other lot segregation approval, a park impact fee in an amount as set forth in the then-current North Bend taxes, rates and fees schedule.

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 as recommended by the Planning Commission at their May 7, 2025 meeting.

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.

4. 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 shall be assessed a park impact fee pursuant to section 17.36.040.

D. 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.

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

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F. Emergency homeless or domestic violence shelters as defined in RCW 70.123.020, consistent with RCW 82.02.090(1) shall not be assessed a park impact fee.

GE. 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 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.

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.

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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).

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 |

Commented [MM5]: 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).

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

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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 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.~~

~~FG. 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.~~

~~G. For Accessory Dwelling Units, as defined in NBMC 18.06.030, that are created for sale separately from the primary dwelling under the Condominium Regulations in NBMC 17.24 or other applicable legal lot segregation process, there is imposed, at the time of condominium map approval or other lot segregation approval, a transportation impact fee in an amount as set forth in the then-current North Bend taxes, rates and fees schedule.~~

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 shall be assessed a transportation impact fee as provided in NBMC 17.38.030.~~

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

~~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.
- 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:

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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 fee payer'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 | |
| <u>210- Residential uses</u> | | | | | <u>dwelling</u> | <u>\$7.83</u> | <u>per square foot</u> |
| <u>253</u> | <u>Single-Family House</u> | <u>1.00</u> | <u>100%</u> | <u>1.00 dwelling</u> | <u>\$16,119.79</u> | <u>per dwelling-unit</u> | |
| <u>220</u> | <u>Apartment</u> | <u>0.62</u> | <u>100%</u> | <u>0.62 dwelling</u> | <u>\$9,994.27</u> | <u>per dwelling-unit</u> | |
| <u>230</u> | <u>Condominium</u> | <u>0.52</u> | <u>100%</u> | <u>0.52 dwelling</u> | <u>\$8,382.29</u> | <u>per dwelling-unit</u> | |
| <u>240</u> | <u>Mobile Home</u> | <u>0.59</u> | <u>100%</u> | <u>0.59 dwelling</u> | <u>\$9,510.67</u> | <u>per dwelling-unit</u> | |
| <u>251</u> | <u>Senior Housing—Detached</u> | <u>0.27</u> | <u>100%</u> | <u>0.27 dwelling</u> | <u>\$4,352.34</u> | <u>per dwelling-unit</u> | |
| <u>252</u> | <u>Senior Housing—Attached</u> | <u>0.25</u> | <u>100%</u> | <u>0.25 dwelling</u> | <u>\$4,029.94</u> | <u>per dwelling-unit</u> | |
| <u>253</u> | <u>Congregate Care Facility</u> | <u>0.17</u> | <u>100%</u> | <u>0.17 dwelling</u> | <u>\$2,740.35</u> | <u>per dwelling-unit</u> | |
| 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 | |

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.

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.

Exhibit B: Draft Amendments to Chapter 17.38
 Transportation Impact Fees
 PC Recommendation, 5/08/2025

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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) |
| 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 |
| 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 |

Exhibit B: Draft Amendments to Chapter 17.38
 Transportation Impact Fees
 PC Recommendation, 5/08/2025

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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) |
| 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 |
| 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 |

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~~ 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).



Memorandum

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 that 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.



Memorandum

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.



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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**).

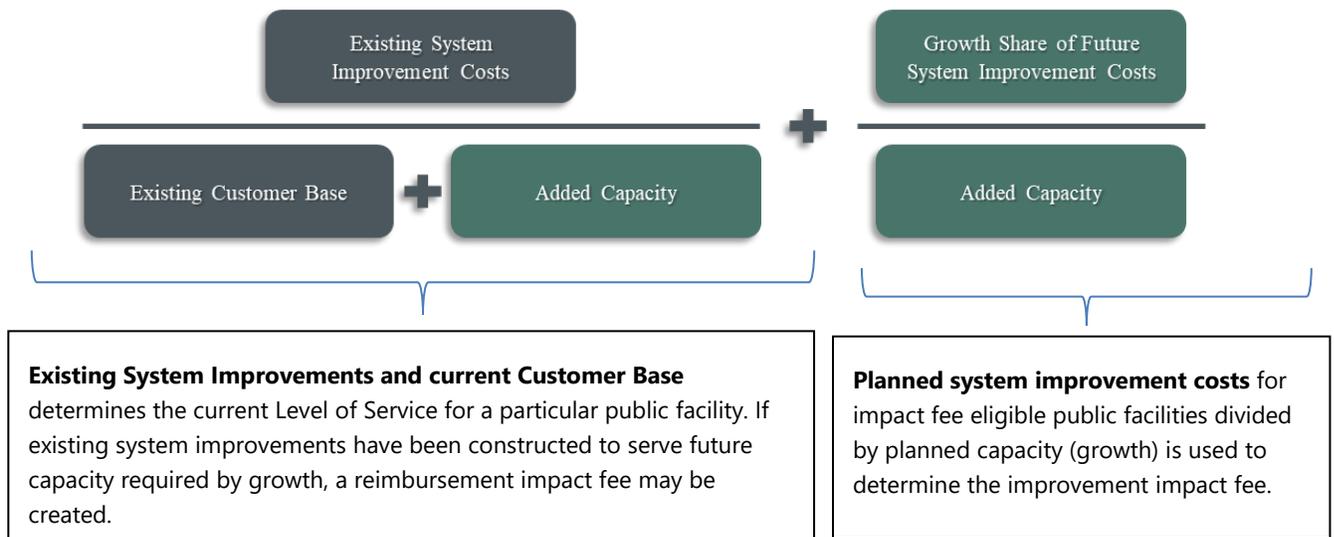
WA State now requires that cities allow up to two Accessory Dwelling Units (ADUs) on residential property and that city impact fees for ADU's cannot be more than 50% of those assessed on the principal housing unit. See ([RCW 36.70A.680](#) and [36.70A.681](#)).

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





Memorandum

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.**



Memorandum

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.



Memorandum

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. |



Memorandum

| | | | |
|---|---|---|--|
| <p>Eligible Capital Facilities</p> | <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> |
| <p>Administrative Assumptions: Exemptions, Credits and Discounts</p> | <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> |



Memorandum

| | | | |
|---|--|--|--|
| <p>Indexing Fees Annually</p> | <p>Annual increases to impact fees should be indexed to the rate of construction cost inflation.</p> | <p>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.</p> | <p>Continuation of current annual index adjustment methods is recommended.</p> |
| <p>Scaling of Fees (Residential Units)</p> | <p>Defined variability in impact fees assessed based on land use type</p> | <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***



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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).



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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.



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SCALING EXISTING FEES BY HOME SIZE

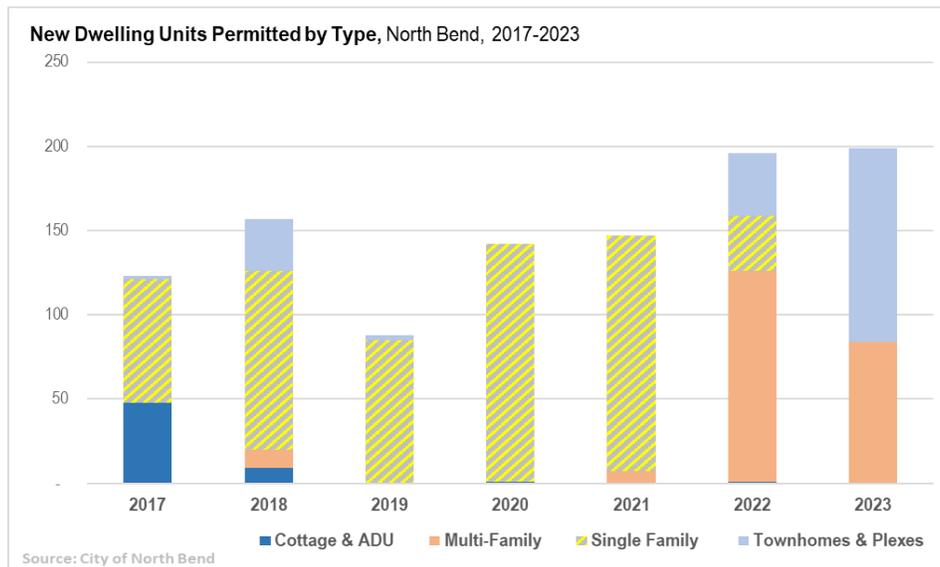
This section presents potential approaches to provide an equitable and defensible method for varying

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



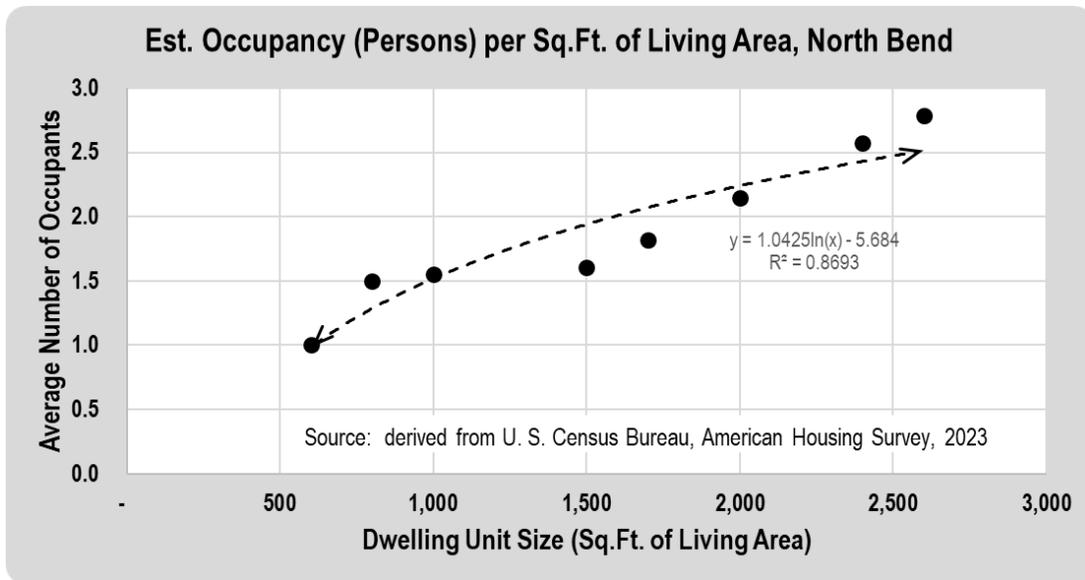
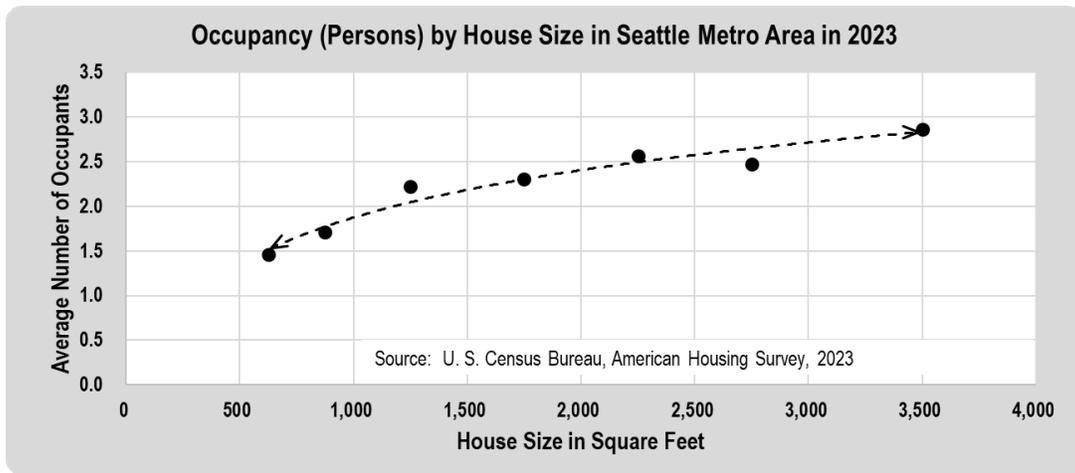
Because housing market preferences evolve with changing demographic factors (i.e., fewer persons per household) and pricing factors (i.e., smaller homes tend to be more affordable than larger homes), it is recommended that cities collect additional detailed information in their permitting database to 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



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function to depict the relative relationship between occupants and household size in North Bend, which results in an R² 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.



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Because it is potentially more accurate and less administratively time consuming to 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

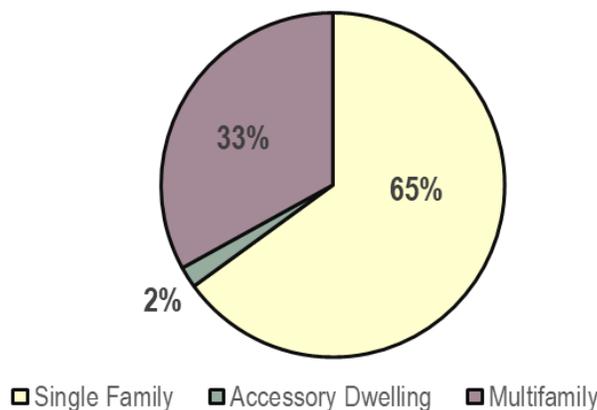
After determining the relationship between occupancy and home size, the current impact fee per single family home in North Bend can be scaled by home size as shown in the chart above.

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 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**.



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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

| Home Size Example* | Est. Occupants | Typical House Type | Existing Fees (2024\$) | | | | Total Existing Fees (2024 \$) | 2025\$ Scaled Fees | Resulting Fee Increase or (Decrease) |
|--------------------|----------------|--------------------|--|------------------|-------------------------|-----------------|-------------------------------|--------------------|--------------------------------------|
| | | | Transportation Impact Fee | Parks Impact Fee | Bike/Ped Mitigation Fee | Total Existing | | | |
| 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**.



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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).



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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



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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;



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(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](#).

**CITY OF NORTH BEND
PARK IMPACT FEE CHARGE ON HOTELS
AMENDMENT REQUEST**

**BY:
WYNDHAM HOTEL
(OPERATED BY EASTSIDE INVESTMENT GROUP LLC)**

DATE: MAY 05, 2025

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Abstract

This memo advocates for the removal of the Park Impact Fee applied to hotel developments in the City of North Bend. Based on statutory intent, regional policy comparisons, and economic fairness, the application of a park impact fee to a commercial lodging use—where guests do not generate long-term residential park demand—is inconsistent with both legal standards and prevailing practice in peer cities. Notably, the Wyndham Hotel project by Eastside Investment Group LLC includes over \$160,000 in public-facing improvements, further demonstrating its positive impact. Removing this fee would align North Bend’s policy with surrounding jurisdictions and support the city's long-term economic development goals.

Key Words: City of North Bend, Park Impact Fees, Hotel Industry

WYNDHAM HOTEL- OPERATED BY EASTSIDE INVESTMENT GROUP LLC.**1. Project Background**

In 2021, Eastside Investment Group LLC (EIG) purchased a lot from Simon Property in North Bend and signed a Franchise Agreement with Wyndham Hotel to develop a 4-story Dural Brand Hotel in the North Bend Area.

Based on the time that EIG decided to build a Wyndham Hotel at North Bend in 2021 to the current economic climate, the total project cost has increased 44%. This significant jump is caused by many different factors, such as inflation, tariffs, interest rates, etc., which are beyond expectation and control. Additionally, the city's impact fees are contributing to these cost increases. The Park Impact Fee, specifically, is concerning given the size of the fee and its application to commercial hotels compared to surrounding areas.

2. Argumentation regarding the City of North Bend Park Impact Fee on the Hotel**Industry****2.1 Park Impact Fee Identification and Intention**

Under RCW 82.02.050(4) and RCW 82.02.090(7), impact fees must be imposed in proportion to a development's actual demand on public infrastructure. Hotels serve transient guests who rarely use local parks in a way that justifies a per-room park impact fee. Unlike residential development, which contributes long-term population growth and corresponding use of recreational facilities, commercial lodging does not increase permanent demand. Imposing a residential-style park impact fee on hotels is therefore inconsistent with the statutory purpose of the fee, and could be construed as arbitrary or noncompliant with state law.

2.2 Park Impact Fee of North Bend City vs Other Surrounding Cities in the hotel industry

The table below indicates the Park Impact Fee Charge on Hotel comparison analysis between the City of North Bend and the other surrounding cities to date:

WYNDHAM HOTEL- OPERATED BY EASTSIDE INVESTMENT GROUP LLC.

Table 1: Park Impact Fee of North Bend City vs Other Surrounding Cities in the hotel industry to date

| City | Park Impact Fee for Hotels | Reference |
|-------------|---|--|
| North Bend | \$2,716.63 / Room (Current charge for EIG's Wyndham hotel: \$2,716.63 X 123 rooms = \$334, 145.49) | North Bend Taxes, Rates & Fees Schedule ⁱ (Page 23) |
| Bellevue | No Park Impact Fee for Hotels | Appendix A (Email Confirmation from the City of Bellevue) |
| Woodinville | No Park Impact Fee for Hotels | City of Woodinville 2025 Fee Schedule ⁱⁱ (Page 9) |
| Kirkland | No Park Impact Fee for Hotels | City of Kirkland Park Impact Fee Schedule ⁱⁱⁱ (Page 1) |
| Duvall | No Park Impact Fee for Hotels | City of Duvall 2025 Fee Schedule ^{iv} (Page 9) |
| Redmond | No Park Impact Fee for Hotels | City of Redmond Impact Fees Schedule ^v (Page 2) |
| Snoqualmie | No Park Impact Fee for Hotels | Snoqualmie Impact Fee Rate Study ^{vi} |
| Issaquah | No Park Impact Fee for Hotels | Issaquah Impact & Mitigation Fee Schedule ^{vii} (Page 3) |
| Renton | No Park Impact Fee for Hotels | 2025-2026 City of Renton Fee Schedule ^{viii} (Page 14) |
| Seattle | No Park Impact Fee for Hotels | Impact Fees ^{ix} |
| Carnation | No Park Impact Fee for Hotels | Carnation 2025 Fee Schedule – Updated March 6, 2025 ^x (Page 10) |

3. Conclusion

Upon review of the surrounding cities' Impact Fee Schedules (Refer to Table 1) and the statutory framework governing impact fees in Washington, we believe the current park impact fee imposed on hotel development in North Bend is both disproportionate and out of step with peer cities. This fee creates a competitive disadvantage for the City of North Bend and hinders the ability to attract successful businesses and improve the city's economy.

An additional positive contribution already included in the Wyndham hotel project is the budgeted \$161,900 improvements to create a walking/bike path and park sitting area along Bendigo Blvd. These enhancements provide recreational value that directly offsets any theoretical park impacts. EIG's Wyndham Hotel will also be a great economic contributor for the City of North Bend in the long term. This long term contribution will more than offset the proposed reduction in a one-time impact fee.

Therefore, Eastside Investment Group LLC respectfully requests that the City Council and Planning Department amend the Park Impact Fee schedule to exempt hotels, consistent with best practices in the region and the intent of state impact fee statutes. Doing so would support economic development while maintaining fairness and legal defensibility.

WYNDHAM HOTEL- OPERATED BY EASTSIDE INVESTMENT GROUP LLC.

Appendix A

Confirmation email from the City of Bellevue:



Amy Pheasant <amypheasant.eig@gmail.com>

Hotel parks impact fees

4 messages

Jeff Pheasant <jeffpheasant.eig@gmail.com> Sun, May 4, 2025 at 4:58 PM
To: permits@bellevuewa.gov
Cc: Amy Pheasant <amypheasant.eig@gmail.com>, Jeff Pheasant <jeffpheasant.eig@gmail.com>

City of Bellevue,

May you please provide me the current "parks" impact fees structure for Hotel construction in you city.

Thank you.
Jeff Pheasant

Amy Pheasant <amypheasant.eig@gmail.com> Sun, May 4, 2025 at 4:58 PM
To: jeffpheasant.eig@gmail.com

PermitTech <Permit@bellevuewa.gov> Mon, May 5, 2025 at 7:47 AM
To: Jeff Pheasant <jeffpheasant.eig@gmail.com>
Cc: Amy Pheasant <amypheasant.eig@gmail.com>

We don't have a Parks impact fee.

Kirstin Wilson (she/her)

Senior Permit Technician

Development Services

Permit Center In-Person Hours: M-Th 10am-3pm (effective 2/5/24)

Virtual Permit Center Hours: M-F 8am-4pm

www.bellevuewa.gov

Check permit status, apply for a permit, make a payment or request an inspection at www.mybuildingpermit.com

References

ⁱ North Bend Taxes, Rates & Fees Schedule: [North-Bend-Taxes-Rates-and-Fees-Schedule---updated-through-Ordinance-1822](#)

ⁱⁱ City of Woodinville 2025 Fee Schedule: [2025-Development-Services-Fees-PDF](#)

ⁱⁱⁱ City of Kirkland Park Impact Fee Schedule: [CITY OF KIRKLAND](#)

^{iv} City of Duvall 2025 Fee Schedule: [2025-Fee-Schedule](#)

^v City of Redmond Impact Fees Schedule: [COR---2025-Impact-Fees-Schedule-](#)

^{vi} Snoqualmie Impact Fee Rate Study: [ITEM-Attachment-001-e38d5ad61abb44ad873fb60d8e9bd199.pdf](#)

^{vii} Impact & Mitigation Fee Schedule: [Impact-and-Mitigation-Fee-Schedule](#)

^{viii} 2025-2026 City of Renton Fee Schedule: [2025-2026 Fee Schedule_2025 CF](#)

^{ix} Impact Fees: [Impact Fees - OPCD | seattle.gov](#)

^x Carnation 2025 Fee Schedule – Updated March 6, 2025: [2025 Fee Schedule - Updated March 6, 2025 - Carnation, WA](#)

Rebuttal to the Park Impact Fee Technical Memo – Hotel Impact Analysis

The April 2016 FCS GROUP *Park Impact Fee Technical Memo* provided the foundational basis for North Bend's imposition of a park impact fee of \$1,559 per hotel guestroom (later adjusted for inflation to \$2,716.63). While we recognize the City's intent to ensure equitable contributions to public infrastructure, the memo's justification for applying a park impact fee to hotels is deeply flawed for the following reasons:

1. Flawed Assumptions on Park Usage

The memo assumes that each hotel guestroom should be charged the same per-capita park impact fee as a residential unit based on an average occupancy rate of 1.0 person per room. This reasoning fails to distinguish between:

- **Transient guests**, who stay for brief periods and are unlikely to engage in local park usage to any significant degree;
- **Permanent residents**, whose daily, long-term recreational patterns justify proportional contributions to park infrastructure.

Washington State law (RCW 82.02.050 and RCW 82.02.090) requires impact fees to be reasonably related to the demand created by new development. No localized data or behavioral analysis was offered to demonstrate that overnight hotel stays create a measurable or sustained burden on North Bend's park system. Without such evidence, applying a residential-based impact fee to a commercial lodging use is arbitrary and inconsistent with legal standards.

2. Lack of Empirical Local Data

The memo bases its entire hotel impact logic on national averages from the *American Hotel & Lodging Association*—data that are neither localized nor specific to North Bend. It does not study actual visitor behavior, frequency of park use by hotel guests, or the availability of on-site or nearby private amenities that may meet guest recreational needs.

This is a critical oversight. If the City is to claim a defensible nexus between hotels and park demand, it must ground such claims in site-specific, localized usage data, not generic national statistics.

3. Failure to Address Legal Requirements for Proportionality

The memo makes no attempt to:

- Quantify the actual incremental impact a hotel development has on existing or planned park facilities;
- Show how that impact is proportional to the per-room fee imposed.

This failure to establish a clear nexus violates the intent of Washington State's Growth Management Act, which mandates that such fees be tied to actual and measurable demand (RCW 82.02.050(4)).

4. Ignoring Regional Norms and Economic Competitiveness

Nearly every comparable jurisdiction in the region—including Bellevue, Kirkland, Redmond, Issaquah, and Snoqualmie—does not apply park impact fees to hotels. The memo offers no explanation for why North Bend should diverge from this clear regional norm. Imposing a fee that peer cities do not apply undermines the City’s economic competitiveness and deters hospitality investment.

5. Contradiction Between Impact Fee Intent and Hotel Contributions

The memo assumes hotels do not contribute to recreational infrastructure. In fact, many hotel projects—such as the Wyndham Hotel—already invest significantly in public-facing pedestrian and landscape improvements that have direct recreational value. These contributions, when voluntarily provided, should be recognized as offsets or credits under NBMC 17.36.055. The memo fails to account for this.

Conclusion

The FCS memo provides a surface-level rationale unsupported by evidence, lacking the specificity and legal rigor necessary to justify a park impact fee on hotels. It does not meet the standards of proportionality, fails to provide localized data, and places North Bend at a competitive disadvantage in attracting lodging investments.

Overall Impact Fees (Transportation, Park, and Bike and Ped):

Comparison against the current Single-Family Home category

| Home Size (Living Area SF) | Current Rate | Proposed Rate | =/- Increase |
|----------------------------|--------------|---------------|--------------|
| 1200 | \$14,964* | \$16,842 | \$1,878 |
| 1400 | \$24,764 | \$16,842 | (\$7,922) |
| 1500 | \$24,764 | \$18,038 | (\$6,726) |
| 1700 | \$24,764 | \$20,443 | (\$4,321) |
| 2000 | \$24,764 | \$24,050 | (\$714) |
| 2100 | \$24,764 | \$25,263 | \$499 |
| 2400 | \$24,764 | \$28,860 | \$4,096 |
| 2600 | \$24,764 | \$31,265 | \$6,501 |
| 3500 | \$24,764 | \$42,088 | \$17,324 |
| 4000 | \$24,764 | \$48,101 | \$23,337 |

*SF and cottages under 1,200 SF currently have different category

Comparison against the current Apartment category

| Home Size (Living Area SF) | Current Rate | Proposed Rate | =/- Increase |
|----------------------------|--------------|---------------|--------------|
| 800 | \$16,934 | \$9,620 | (\$7,314) |
| 1000 | \$16,934 | \$12,025 | (\$4,909) |
| 1200 | \$16,934 | \$14,436 | (\$2,498) |
| 1300 | \$16,934 | \$15,639 | (\$1,295) |
| 1400 | \$16,934 | \$16,842 | (\$92) |
| 1500 | \$16,934 | \$18,038 | \$1,104 |
| 1700 | \$16,934 | \$20,443 | \$3,509 |
| 2000 | \$16,934 | \$24,050 | \$7,116 |

Comparison against the current Condo category (Most typically as townhomes)

| Home Size (Living Area SF) | Current Rate | Proposed Rate | =/- Increase |
|----------------------------|--------------|---------------|--------------|
| 800 | \$15,322 | \$9,620 | (\$5,702) |
| 1000 | \$15,322 | \$12,025 | (\$3,297) |
| 1200 | \$15,322 | \$14,436 | (\$886) |
| 1300 | \$15,322 | \$15,639 | \$317 |
| 1400 | \$15,322 | \$16,842 | \$1,520 |
| 1500 | \$15,322 | \$18,038 | \$2,716 |
| 1700 | \$15,322 | \$20,443 | \$5,121 |
| 2000 | \$15,322 | \$24,050 | \$8,728 |

Unit size ranges for select multifamily developments:

- Timberstone Townhomes (Condos) – 1,434 – 1,841 sq. ft
- Rivercrest Stacked-flats (Condos) - 684 – 1,188 sq. ft.
- Traverse / River Run Apartments – 835-1,673 sq. ft.
- 105 Degrees/ Cade Vue Townhomes (Condos) – 1,887 – 2,102 sq. ft.

- Arrive Townhomes (Apartments) – 1,277 – 1,482 sq. ft.
- Phoenix Plaza Apartments – 627 -917 sq. ft.
- Mountain View Townhomes – 1,000 – 1,800 sq. ft.

Breakdown by Specific Impact Fee Types

Pedestrian/Bike Mitigation Fees

| Home Size (Living Area SF) | Current Rate | Proposed Rate | =/- Increase | % Change |
|----------------------------|--------------|---------------|--------------|----------|
| 601 or less | \$629.76 | \$0 | (\$630) | (100%) |
| 602 | \$629.76 | \$578 | (\$52) | (8%) |
| 800 | \$629.76 | \$867 | \$237 | 38% |
| 1000 | \$629.76 | \$877 | \$247 | 39% |
| 1200 | \$1,605.28 | \$936 | (\$669) | (42%) |
| 1500 | \$1,605.28 | \$1,121 | (\$484) | (30%) |
| 1700 | \$1,605.28 | \$1,197 | (\$408) | (25%) |
| 2000 | \$1,605.28 | \$1,295 | (\$310) | (19%) |
| 2400 | \$1,605.28 | \$1,404 | (\$201) | (13%) |
| 2600 | \$1,605.28 | \$1,453 | (\$152) | (9%) |
| 3500 | \$1,605.28 | \$1,632 | \$27 | 2% |
| 4000 | \$1,605.28 | \$1,712 | \$107 | 7% |

*This rate was prepared by FCS Group

**Ped/Bike Impact Fee = Net New Living Floor Area SF X \$0.78

***Please note – the existing fee rate is by use rather than by living area SF.

- Units with 1,199sf or less are assumed to be a mobile home, cottage, or SFR under 1,200sf
- Units 1,200sf or above are assumed to be single family residential

| Unit Type | Current Rate | Proposed Rate* | =/- Increase | % Change |
|---|--------------|----------------|--------------|----------|
| Single Family Residential | \$1,605.28 | \$1,295 | (\$310) | (19%) |
| Multi-family Residential | \$987.87 | \$702 | (\$286) | (29%) |
| Cottages or Single Family under 1,200sf | \$629.76 | \$936 | \$306 | 49% |
| Mobile Homes | \$629.76 | \$877 | \$247 | 39% |

*This table is a rough estimate comparing proposed fees to unit types based on a mid-size unit for each residential unit type:

- Assumed SFR Size: 2,000sf
- Assumed MFR Size: 900sf
- Assumed Cottage Size: 1,200sf
- Assumed Mobile Home Size: 1,000sf

**Ped/Bike Impact Fee = Net New Living Floor Area SF X \$0.78

Transportation Impact Fees

| Home Size (Living Area SF) | Current Rate | Proposed Rate | =/- Increase | % Change |
|---|--------------|---------------|--------------|----------|
| 601 or less (assumed as ADU rental or studio) | \$9,994.27 | \$0 | (\$9,994) | (100%) |
| 602 | \$9,994.27 | \$4,712 | (\$5,282) | (53%) |
| 800 | \$9,994.27 | \$6,262 | (\$3,732) | (37%) |
| 1000 | \$8,382.29 | \$7,828 | (\$554) | (7%) |
| 1200 | \$8,382.29 | \$9,396 | \$1,014 | 12% |
| 1500 | \$16,119.79 | \$11,742 | (\$4,378) | (27%) |
| 1700 | \$16,119.79 | \$13,307 | (\$2,813) | (17%) |
| 2000 | \$16,119.79 | \$15,655 | (\$465) | (3%) |
| 2400 | \$16,119.79 | \$18,787 | \$2,667 | 17% |
| 2600 | \$16,119.79 | \$20,352 | \$4,232 | 26% |
| 3500 | \$16,119.79 | \$27,397 | \$11,277 | 70% |
| 4000 | \$16,119.79 | \$31,311 | \$15,191 | 94% |

*This rate was prepared by FCS Group

**Transportation Impact Fee = Net New Living Floor Area SF X \$7.83

***Please note – the existing fee rate is by use rather than by living area SF.

- Units with 999sf or less are assumed to be an apartment
- Units 1,000 – 1,499sf are assumed to be cottages or condos
- Units 1,500sf or above are assumed to be single family residential

| Unit Type | Current Rate | Proposed Rate* | =/- Increase | % Change |
|---|--------------|----------------|--------------|----------|
| Single Family Residential or Cottage over 1,200sf | \$16,119.79 | \$15,655 | (\$465) | (3%) |
| Multi-family Residential | \$9,994.27 | \$7,047 | (\$2,947) | (29%) |
| Cottages under 1,200sf | \$9,994.27 | \$9,396 | (\$598) | (6%) |
| Mobile Homes | \$9,510.67 | \$7,828 | (\$1,683) | (18%) |

*This is a rough estimate comparing proposed fees to unit types based on a mid-size unit for each residential unit type:

- Assumed SFR Size: 2,000sf
- Assumed MFR Size: 900sf
- Assumed Cottage Size: 1,200sf
- Assumed Mobile Home Size: 1,000sf

** Transportation Impact Fee = Net New Living Floor Area SF X \$7.83

Park Impact Fees

| Home Size (Living Area SF) | Current Rate | Proposed Rate | =/- Increase | % Change |
|----------------------------|--------------|---------------|--------------|----------|
| 601 or less | \$5,952 | 0 | (\$5,952) | (100%) |
| 602 | \$5,952 | \$2,534 | (\$3,418) | (57%) |
| 800 | \$5,952 | \$3,801 | (\$2,151) | (36%) |
| 1000 | \$5,952 | \$3,845 | (\$2,107) | (35%) |
| 1200 | \$7,039 | \$4,104 | (\$2,935) | (42%) |
| 1500 | \$7,039 | \$4,916 | (\$2,123) | (30%) |
| 1700 | \$7,039 | \$5,247 | (\$1,792) | (25%) |
| 2000 | \$7,039 | \$5,676 | (\$1,363) | (19%) |
| 2400 | \$7,039 | \$6,158 | (\$881) | (13%) |
| 2600 | \$7,039 | \$6,369 | (\$670) | (10%) |
| 3500 | \$7,039 | \$7,154 | \$115 | 2% |
| 4000 | \$7,039 | \$7,507 | \$468 | 7% |
| Hotel/Motel Unit | \$2,717 | \$2,717 | \$0 | 0% |

*This rate was prepared by FCS Group

**Parks Impact Fee = Net New Living Floor Area SF X \$3.42

| Unit Type | Current Rate | Proposed Rate* | =/- Increase | % Change |
|---------------------------|--------------|----------------|--------------|----------|
| Single Family Residential | \$7,039 | \$5,676 | (\$1,363) | (19%) |
| Multi-family Residential | \$5,952 | \$3,078 | (\$2,874) | (48%) |
| Cottages | \$5,952 | \$4,104 | (\$1,848) | (31%) |
| Mobile Homes | \$5,952 | \$3,845 | (\$2,107) | (35%) |

*This is a rough estimate comparing proposed fees to unit types based on a mid-size unit for each residential unit type:

- Assumed SFR Size: 2,000sf
- Assumed MFR Size: 900sf
- Assumed Cottage Size: 1,200sf
- Assumed Mobile Home Size: 1,000sf

** Parks Impact Fee = Net New Living Floor Area SF X \$3.42

MEMO

To: CED Committee
Date: May 20, 2025
From: Planning Division
Re: Parks Impact Fee Rates for Hotel/Motel



Dear CED Committee,

The City of North Bend currently charges a park impact fee for hotels/motels at a rate of \$2,719.63 per unit, based on a study prepared by FCS Group in 2016, attached. At the May 7, 2025 public hearing before the Planning Commission on the draft amendments to the impact fee regulations (to scale such fees for residential uses), the Wyndham Hotel applicants provided comment requesting that the City remove park impact fees for hotel uses, and submitted a written comment noting that many other local jurisdictions do not charge impact fees for hotels. (See the Planning Commission report exhibits for this comment).

The intent of this memo is to provide you with further information on how other communities charge park impact fees and to note the recommendation of the Planning Commission on this issue. The following is a brief summary of whether or not several example communities throughout the Puget Sound region charge a parks impact fee for the development of new hotels/motels.

Findings from Comparison

Most communities in the Puget Sound region do not charge a park impact fee for hotel/motel uses. In the limited instances in which a fee is charged, it is by square foot rather than number of units averaging approximately \$1.00 per square foot of gross floor area. Most park impact fees are applied to only residential units, however there is also a precedent to apply park impact fees to nonresidential uses – as employees, customers, or visitors can directly benefit from nearby parks and recreation facilities.

Planning Commission Recommendation

In considering the comment provided at the May 7, 2025 Planning Commission meeting, the Planning Commission did not recommend removing park impact fees from hotels at this time, but recommended that the Council further evaluate whether park impact fees should be charged for hotel uses, including comparison against what other jurisdictions currently do, and in consideration of the relative nexus of the impact of hotel occupants on parks.

Staff Recommendation

Impact fee changes for residential uses are required to be adopted by June 30, 2025 under the Growth Management Act and in accordance with SB 5258 and HB1337. To keep the required amendments on-target to meet this deadline, staff recommend proceeding with the amendments as proposed in the Planning Commission recommendation, including not revising the impact fee applicable to hotels at this time.

At the Council’s discretion, the Council may direct staff to have a further study prepared by a qualified consultant considering the basis for charging an impact fee for hotel uses, the appropriate amount of such fee, and/or considering relative merits and demerits of applying a park impact fee to hotels and/or broader commercial uses from both a revenue standpoint and an economic development standpoint. Such analysis could occur in a later update to the impact fees for considering commercial uses broadly.

Under RCW 82.02.050, impact fees must reflect a proportional impact a use/development has on a capital facility.

Park Impact Fee Comparison Chart

| Jurisdiction | Park Fee Rate for Hotel/Motel | Jurisdiction | Park Fee Rate for Hotel/Motel |
|--------------------|---|--------------------|--|
| <i>Issaquah</i> | \$1.02 per SF (assumes <i>Service</i> designation, explicitly not exempt under IMC 3.72) | <i>Burien</i> | Does not collect any park impact fee |
| <i>Bellevue</i> | Does not collect any park impact fee | <i>Tacoma</i> | Does not collect any park impact fee |
| <i>Redmond</i> | \$0* | <i>Bonney Lake</i> | \$0* |
| <i>Renton</i> | \$0* | <i>Bothell</i> | \$1.04 per SF (assumes non-residential designation) |
| <i>Covington</i> | \$0* | <i>Edmonds</i> | \$1.34 per SF (assumes non-residential designation) |
| <i>Kent</i> | Codified but not adopted rate as of 5/13/25 | <i>Sammamish</i> | \$0* |
| <i>Seattle</i> | Does not collect any park impact fee | <i>Everett</i> | \$0.31 per SF (assumes an <i>Office and Services</i> designation) |
| <i>Kirkland</i> | \$0* | <i>Bainbridge</i> | Does not collect any park impact fee |
| <i>Woodinville</i> | \$0* | <i>SeaTac</i> | Does not collect any park impact fee |
| <i>Tukwila</i> | \$0* | <i>Federal Way</i> | \$0* |
| <i>Lynnwood</i> | \$3.39 per SF (assumes non-residential designation) | <i>Bellingham</i> | \$0* |
| <i>Bremerton</i> | Does not collect any park impact fee | <i>Olympia</i> | \$0* |

*A \$0 fee indicates that hotel/motels do not generate a park impact fee under the subject schedule

Attachment:

1. Park Impact Fee Technical Memo, FCS Group, April 19, 2016



Memorandum

To: Gina Estep, Director of Community and Economic Dev. **Date:** April 19, 2016
From: Doug Gabbard, Project Manager
CC: John Ghilarducci, Principal
RE: Park Impact Fee Update

The City of North Bend has engaged FCS GROUP to update the City’s park impact fee (Ordinance No. 1328) in two specific ways. First, the City seeks an equitable impact fee that it can impose on new hotels and motels to reflect the incremental burden of overnight guests on the park system. Second, the City seeks a defensible adjustment factor that it can apply to its current impact fees to reflect cost escalation from 2008 to the present.

HOTELS AND MOTELS

On an average night in 2014, 4.8 million guests stayed in 5.0 million available guestrooms in the United States, according to “Lodging Industry Trends 2015,” published by the American Hotel & Lodging Association. The resulting average occupancy is 1.0 person per guestroom (rounded to one decimal place). Note that the denominator of this ratio includes both occupied and unoccupied guestrooms.

The City’s current schedule of park impact fees is based on a unit charge of \$1,559 per capita. Single-family residential units are charged for 2.6 persons, and multi-family residential units are charged for 2.2 persons. Likewise, a hotel or motel should be charged for 1.0 person per guestroom. Based on the current ordinance (before any adjustments for inflation), this would result in a charge of \$1,559 per guestroom.

Given the City’s desire to impose a park impact fee on hotels and motels, we recommend an impact fee of \$1,559 per guestroom before adjusting for inflation as described below.

COST ESCALATION

A good cost escalator for park impact fees should reflect changes in both the cost of land and the cost of construction.

As an index of the cost of land, we recommend the purchase-only House Price Index for the Seattle-Bellevue-Everett metropolitan division. This index is published by the Federal Housing Finance Agency and is free to the public.

As an index of the cost of construction, we recommend the Construction Cost Index for the Seattle area. This index is published by the *Engineering News Record* and is proprietary.

The following table shows how these indices have behaved since the second quarter of 2008, when the current park impact fees were calculated:

April 19, 2016

Gina Estep, Director of Community and Economic Dev.

Park Impact Fee Update

| Quarter Ended | House Price Index | | Construction Cost Index | | Blended Cumulative Adjustment Factor |
|---------------|-------------------|------------------------------|-------------------------|------------------------------|--------------------------------------|
| | Level | Cumulative Adjustment Factor | Level | Cumulative Adjustment Factor | |
| 6/30/2008 | 287.40 | | 8,685.09 | | |
| 9/30/2008 | 278.17 | 0.97 | 8,815.14 | 1.01 | 0.99 |
| 12/31/2008 | 264.70 | 0.92 | 8,738.00 | 1.01 | 0.96 |
| 3/31/2009 | 257.63 | 0.90 | 8,713.49 | 1.00 | 0.95 |
| 6/30/2009 | 250.54 | 0.87 | 8,668.80 | 1.00 | 0.93 |
| 9/30/2009 | 245.22 | 0.85 | 8,651.63 | 1.00 | 0.92 |
| 12/31/2009 | 247.24 | 0.86 | 8,647.10 | 1.00 | 0.93 |
| 3/31/2010 | 241.45 | 0.84 | 8,647.10 | 1.00 | 0.92 |
| 6/30/2010 | 243.52 | 0.85 | 8,687.99 | 1.00 | 0.92 |
| 9/30/2010 | 236.28 | 0.82 | 8,697.82 | 1.00 | 0.91 |
| 12/31/2010 | 224.84 | 0.78 | 8,710.74 | 1.00 | 0.89 |
| 3/31/2011 | 220.40 | 0.77 | 8,736.22 | 1.01 | 0.89 |
| 6/30/2011 | 219.21 | 0.76 | 8,757.87 | 1.01 | 0.89 |
| 9/30/2011 | 215.25 | 0.75 | 9,056.60 | 1.04 | 0.90 |
| 12/31/2011 | 206.46 | 0.72 | 9,059.55 | 1.04 | 0.88 |
| 3/31/2012 | 210.03 | 0.73 | 9,054.40 | 1.04 | 0.89 |
| 6/30/2012 | 223.07 | 0.78 | 9,074.95 | 1.04 | 0.91 |
| 9/30/2012 | 229.12 | 0.80 | 9,051.23 | 1.04 | 0.92 |
| 12/31/2012 | 236.18 | 0.82 | 9,412.52 | 1.08 | 0.95 |
| 3/31/2013 | 241.56 | 0.84 | 9,425.52 | 1.09 | 0.96 |
| 6/30/2013 | 253.89 | 0.88 | 9,826.27 | 1.13 | 1.01 |
| 9/30/2013 | 264.04 | 0.92 | 10,147.96 | 1.17 | 1.04 |
| 12/31/2013 | 259.62 | 0.90 | 10,142.65 | 1.17 | 1.04 |
| 3/31/2014 | 262.45 | 0.91 | 10,135.65 | 1.17 | 1.04 |
| 6/30/2014 | 276.05 | 0.96 | 10,163.68 | 1.17 | 1.07 |
| 9/30/2014 | 277.25 | 0.96 | 10,358.43 | 1.19 | 1.08 |
| 12/31/2014 | 278.94 | 0.97 | 10,384.58 | 1.20 | 1.08 |
| 3/31/2015 | 285.19 | 0.99 | 10,403.58 | 1.20 | 1.10 |
| 6/30/2015 | 306.25 | 1.07 | 10,398.24 | 1.20 | 1.13 |
| 9/30/2015 | 311.19 | 1.08 | 10,405.71 | 1.20 | 1.14 |
| 12/31/2015 | 312.92 | 1.09 | 10,398.13 | 1.20 | 1.14 |
| Weight | | 50.00% | | 50.00% | |

From the second quarter of 2008 through the fourth quarter of 2015, the House Price Index for the Seattle-Bellevue-Everett metropolitan division experienced a cumulative increase of 9 percent. Over the same period, the Construction Cost Index for the Seattle area experienced a cumulative increase of 20 percent. If these indices are weighted evenly, the blended increase is 14 percent. The following table shows the application of this blended increase on the current park impact fees:

| Housing Type | Current Impact Fee | Escalated Impact Fee |
|---|--------------------|----------------------|
| Single-family residence | \$4,054 | \$4,634 |
| Multi-family residence (per housing unit) | \$3,431 | \$3,922 |
| Hotel/motel (per guestroom) | \$1,559 | \$1,782 |



City Council Agenda Bill

| | | |
|---|---|-----------------|
| SUBJECT: | Agenda Date: June 3, 2025 | AB25-061 |
| Resolution Acknowledging Completion of the 2024 Periodic Update Consistent with the Growth Management Act Cost Impact: NA Fund Source: NA Timeline: Immediate | Department/Committee/Individual | |
| | Mayor Mary Miller | |
| | Interim City Administrator – Bob Larson | |
| | City Attorney – Kendra Rosenberg | |
| | City Clerk – Susie Oppedal | |
| | Administrative Services – Lisa Escobar | |
| | Comm & Econ Development – James Henderson | |
| | Finance – Martin Chaw | |
| | Public Works – Mark Rigos, P.E. | |
| | Planning Manager Mike McCarty | X |

Attachments: Resolution

SUMMARY STATEMENT:

Under the Washington State Growth Management Act (“GMA”), cities and counties are required to update their comprehensive plans and development regulations every ten years to comply with the requirements of the GMA. This requirement is referred to as a “periodic update.”

The City of North Bend completed an update to its Comprehensive Plan, zoning map, and associated development regulations, adopted by the City Council via Ordinance No. 1824 on December 3, 2024.

In addition to updating the Comprehensive Plan, zoning map and associated development regulations, the City also updated its development regulations to comply with state legislation pertaining to accessory dwelling units, impact fees, critical areas, design standards, and form-based code, prior to June 30, 2025, the deadline for such updates.

Subject to Council passage of the amendments to the design standards, form-based code, and impact fees at the June 3, 2025 City Council meeting, the City will have met all requirements of the periodic update, as described in the attached Resolution.

The Resolution affirms that the City of North Bend has met all requirements of the periodic update under RCW 36.70A.130. Staff recommend approval of the Resolution and its transmittal to the Department of Commerce.

APPLICABLE BRAND GUIDELINES: Completing the periodic update to the City of North Bend Comprehensive Plan and development regulations is consistent with and upholds several brand guidelines, including ensuring sustainably managed growth, promoting housing affordability, ensuring consistent delivery of basic services, including transportation and traffic management, commitment to invest in the City and foster community engagement and pride, planning for a variety of recreation opportunities, and promoting economic viability and a balanced budget. Consistency with the legislative requirements of the periodic update ensures the City remains eligible for grant funding from state and Puget Sound Regional Council-managed grant sources that are critical to financing projects on the City’s Capital Improvement Plan to provide and maintain levels of service to residents.

COMMITTEE REVIEW AND RECOMMENDATION: The Community & Economic Development Committee reviewed this item at its May 20, 2025, meeting and recommended approval and placement on the Consent Agenda. As the resolution relies on adoption of corresponding ordinances on the Main Agenda at the June 3, 2025 City Council meeting, this item must be placed on the Main Agenda following action on those ordinances.

City Council Agenda Bill

RECOMMENDED ACTION: **MOTION** to approve AB25-061, a resolution acknowledging completion of the 2024 Periodic Update consistent with Washington State Growth Management Act.

RECORD OF COUNCIL ACTION

| <i>Meeting Date</i> | <i>Action</i> | <i>Vote</i> |
|---------------------|---------------|-------------|
| June 3, 2025 | | |
| | | |

RESOLUTION

A RESOLUTION OF THE CITY OF NORTH BEND, WASHINGTON, ACKNOWLEDGING COMPLETION OF THE 2024 PERIODIC UPDATE REQUIREMENTS CONSISTENT WITH THE WASHINGTON STATE GROWTH MANAGEMENT ACT

WHEREAS, the Washington State Growth Management Act (“GMA”) is codified in chapter 36.70A RCW and requires that each jurisdiction take legislative action to review and, if needed, revise its comprehensive plan and development regulations, including its critical areas ordinance, to ensure the plan and regulations comply with the requirements of the GMA; and

WHEREAS, on December 3, 2024, the City of North Bend (“City”) City Council adopted Ordinance 1824, adopting its 2024 Comprehensive Plan and associated amendments to its development regulations and zoning map to provide consistency with RCW 36.70A; and

WHEREAS, on March 28, 2025, the City Council adopted Ordinance 1825, to amend North Bend Municipal Code (“NBMC”) provisions pertaining to accessory dwelling units, satisfying the requirements of RCWs 36.70A.680 and 36.70A.681 (passed through Engrossed House Bill 1337, Chapter 334, Laws of 2023); and

WHEREAS, on May 6, 2025, the City Council adopted Ordinance 1827, amending its critical areas regulations and associated mapping in NBMC Chapters 14.05 (Critical Areas – Administration, General Provisions and Definitions), 14.06 (Wetland Critical Areas), 14.09 (Streams and Other Fish and Wildlife Habitat Areas), 14.11 (Geologically Hazardous Areas), and 14.12 (Floodplain Management), and the City’s Critical Areas Map Series, affirming that it is consistent with the best available science and satisfying the requirements of RCW 36.70A.060; and

WHEREAS, on June 3, 2025, the City Council adopted Ordinance [REDACTED] amending NBMC Chapters 17.36 (Park impact Fees), NBMC 17.38 (Transportation Impact Fees), and NBMC 17.42 (Methods to Mitigate Development Impacts), to scale impact fees applicable to residential uses according to dwelling size, consistent with amendments to RCW 82.02.060 (passed through Engrossed Second Substitute Senate Bill 5258, Chapter 337, Laws of 2023); and

WHEREAS, on June 3, 2025, the City Council adopted Ordinance [REDACTED] amending NBMC Chapter 18.34 (Design Standards and Guidelines) and amending the City’s Commercial, Mixed Use, and Industrial Design Standards and Guidelines for conformance to requirements in RCW 36.70A.630; and

WHEREAS, on June 3, 2025, the City Council adopted Ordinance [REDACTED] amending the City’s Form-Based Code applicable to the Downtown Commercial Zone for conformance to requirements in RCW 36.70A.630; and

WHEREAS, because the City is outside of the contiguous urban growth area, it is not subject to requirements pertaining to middle housing pursuant to the amendments to the RCW passed through Engrossed Second Substitute House Bill 1110 (Chapter 332, Laws of 2023); and

WHEREAS, the City has complied with all other applicable local ordinances, City policies and state laws, including public participation requirements, the State Environmental Policy Act (“SEPA”), and the GMA in preparing the proposed Comprehensive Plan amendments, implementing NBMC amendments, and implementing North Bend Zoning Map amendments; and

WHEREAS, the City sent its comprehensive plan and development regulations to the Washington State Department of Commerce and other state agencies to provide the required 60-day state notification (under RCW 36.70A.106); and

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

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

- a) Transportation Element – August 19, 2022, Transmittal 2022-S-4253
- b) Parks Element – November 22, 2022, Transmittal 2022-S-4552
- c) Economic Development Element – October 26, 2023, Transmittal 2023-S-6566
- d) Franchise Utilities Element – March 19, 2023, Transmittal 2024-S-6953
- e) Shoreline Element – July 27, 2023, Transmittal 2023-S-6278
- f) Critical Areas Element – July 27, 2023, Transmittal 2023-S-6279
- g) Energy and Sustainability Element – May 7, 2024, Transmittal 2024-S-7055
- h) Capital Facilities Element – May 7, 2024, Transmittal 2024-S-7053
- i) Land Use Element – July 1, 2024, Transmittal 2024-S-7189
- j) Housing Element – July 8, 2024, Transmittal 2024-S-7202
- k) Final Draft Comprehensive Plan as a whole – July 11, 2024, Transmittal 2024-S-7241
- l) Zoning map and associated municipal code amendments – November 6, 2024, Transmittal 2024-S-7724
- m) ADU Regulation Amendments – January 27, 2025, Transmittal 2025-S-8048
- n) Critical Areas Regulation Amendments – March 7, 2025, Transmittal 2025-S-8148
- o) Impact Fee Regulation Amendments – April 4, 2025, Transmittal 2025-S-8247 (expedited review)

- p) Design Standards Regulation Amendments – May 2, 2025, Transmittal 2025-S-8358 (expedited review)
- q) Form-Based Code Amendments – May 1, 2025, Transmittal 2025-S-8353 (expedited review); and

WHEREAS, the City transmitted its adopted 2024 Comprehensive Plan to the PSRC on December 9, 2024, which was subsequently approved for certification by the PSRC Executive Board during its April 24, 2025, meeting; and

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

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

Section 1. The City Council finds that the City of North Bend has fulfilled all requirements of the 2024 Periodic Update process for the City’s Comprehensive Plan and Development Regulations as required by the Growth Management Act pursuant to RCW 36.70A.130.

Section 2. The City Council directs staff to send a copy of this Resolution to the Washington State Department of Commerce pursuant to RCW 36.70A.106 within 10 days of adoption.

PASSED BY THE CITY COUNCIL OF THE CITY OF NORTH BEND, WASHINGTON, AT A REGULAR MEETING THEREOF, THIS 3RD DAY OF JUNE, 2025.

CITY OF NORTH BEND:

APPROVED AS TO FORM:

Mary Miller, Mayor

Kendra Rosenberg, City Attorney

ATTEST/AUTHENTICATED:

Effective:
Posted:

Susie Oppedal, City Clerk



City Council Agenda Bill

| | | | |
|---|---|----------------------------------|-----------------|
| SUBJECT: | | Agenda Date: June 3, 2025 | AB25-062 |
| Ordinance Adopting North Bend Municipal Code Section 20.09.035 Permit Fee Waivers | Department/Committee/Individual | | |
| | Mayor Mary Miller | | |
| | Interim City Administrator – Bob Larson | | |
| | City Attorney – Kendra Rosenberg | | |
| | City Clerk – Susie Oppedal | | |
| | Administrative Services – Lisa Escobar | | |
| | Comm & Econ Development – James Henderson | | X |
| | Finance – Martin Chaw | | |
| | Public Works – Mark Rigos, P.E. | | |
| Cost Impact: NA | Planning Manager Mike McCarty | | |
| Fund Source: NA | | | |
| Timeline: Immediate | | | |
| Attachments: Ordinance | | | |
| <p>SUMMARY STATEMENT:</p> <p>Chapter 15.31 of the North Bend Municipal Code (“NBMC”) authorizes the City Administrator, in their discretion, to waive any or all of the permit fees required under the International Building Code (“IBC”), and any amendments thereto, for any public improvement project for which the City is providing some or all of the funding.</p> <p>Staff requests Council’s consideration of an ordinance to create NBMC 20.09.035 (Permit Fee Waivers). Waiver of the permit fees required under the IBC would be considered by the Mayor or Mayor’s designee when:</p> <ol style="list-style-type: none"> 1. The permits, and corresponding permit fees, are related to the improvement of City-owned buildings or property, or the permit fee charges are necessary to provide support for the poor and infirm; and 2. The future beneficial use of the property and the community benefits of the project will outweigh the permit fees; and 3. Payment of a permit fee under the IBC would result in no net gain for the City or benefit the public while incurring additional staff costs to track such a payment. <p>The following alternative decisions are available to the City Council:</p> <p><u>Alternative 1:</u> Approve AB25-062, an ordinance establishing permit fee waivers in extraordinary and compelling circumstances benefiting the public and exempting the City from paying certain charges or fees.</p> <p><u>Alternative 2:</u> Do not approve AB25-062 and provide additional feedback and guidance to staff to develop an ordinance to waive permit fees in extraordinary and compelling circumstances benefiting the public and exempting the City from paying certain charges or fees.</p> | | | |
| <p>APPLICABLE BRAND GUIDELINES: The proposed ordinance supports the City of North Bend’s values by supporting and engaging with community organizations in order to create meaningful community connections. In addition, it supports the City’s values by supporting non-profit organizations that honor our history and heritage and social service organizations that meet the needs of the poor and needy and contributes to making our town a better place for all.</p> | | | |
| <p>COMMITTEE REVIEW AND RECOMMENDATION: The Community & Economic Development Committee reviewed this item at its May 20, 2025 meeting and recommended placement on the Main Agenda for discussion.</p> | | | |

City Council Agenda Bill

RECOMMENDED ACTION: **MOTION** to approve AB25-062, an ordinance establishing permit fee waivers as a first and final reading.

RECORD OF COUNCIL ACTION

| <i>Meeting Date</i> | <i>Action</i> | <i>Vote</i> |
|---------------------|---------------|-------------|
| June 3, 2025 | | |
| | | |

ORDINANCE

**AN ORDINANCE OF THE CITY OF NORTH BEND,
WASHINGTON, ADOPTING A NEW NORTH BEND
MUNICIPAL CODE SECTION 20.09.035
ESTABLISHING PERMIT FEE WAIVERS IN
EXTRAORDINARY AND COMPELLING
CIRCUMSTANCES BENEFITING THE PUBLIC
AND EXEMPTING THE CITY FROM PAYING
CERTAIN CHARGES OR FEES; PROVIDING FOR
SEVERABILITY; AND ESTABLISHING AN
EFFECTIVE DATE**

WHEREAS, applicants for City of North Bend (“City”) permits are required to pay certain permit fees to the City to reimburse the City for its costs in processing those permit applications required under the International Building Code (“IBC”); and

WHEREAS, the current provisions of North Bend Municipal Code (“NBMC”) Chapter 15.31, Buildings and Construction Fees, authorize the Mayor or Mayor’s designee to waive any or all of the permit fees required under the IBC, and any amendments thereto, for any public improvement project for which the City is providing some or all of the funding; and

WHEREAS, there are occasions when the City undertakes development projects or engages in activities for which a City fee or charge would typically apply and require the City to pay such fees; and

WHEREAS, for City-related projects, payment of permit fees would likely reimburse the City for its own expenses and such payment would result in no net gain for the City while incurring additional staff costs to track such a payment; and

WHEREAS, the City Council finds that it is a more efficient use of City resources to authorize the Mayor or Mayor’s designee to exempt the City from such permit fees where the fee would be paid out of the same budgetary fund that would receive such a payment, consistent with chapter 43.09 RCW; and

WHEREAS, the City Council further finds that it is in the public interest to waive certain permit fees required under the IBC when the Mayor or Mayor’s designee has identified that the City will receive sufficient consideration in exchange or in excess of the permit fee in cases when: (1) the permits, and corresponding permit fees, are related to the improvement of a City-owned buildings or property, or the permit fee charges are necessary to provide support for the poor and infirm; and (2) the future beneficial use of the property and the community benefits of the project will outweigh the permit fees, and

therefore, such a payment of a permit fee under the IBC would result in no net gain for the City or benefit the public while incurring additional staff costs to track such a payment;

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

Section 1. New NBMC Section 20.09.035 (Permit Fee Waivers), Adopted: A new North Bend Municipal Code Section 20.09.035 (Permit fee waiver) is hereby adopted to read as follows:

A. The Mayor or Mayor's designee is empowered, in extraordinary and compelling circumstances, to reduce or waive some or all of any City fee or charges when the Mayor or Mayor's designee finds that such reduction or waiver is necessary to provide support for the poor or infirm, in amounts of up to \$10,000 per incident or occasion; provided, that this authorization shall not apply to fees or charges for which state law prohibits reduction or waiver.

B. The Mayor or Mayor's designee is authorized to exempt the City from paying the charges or fees otherwise applicable to City projects, developments or applications where the City is providing some or all of the funding, and the charge or fee would be paid out of one of the City's governmental funds (including the general fund and those funds supported by the general fund) and the fund that would receive such payment, were it paid, is also one of the City's governmental funds (including the general fund and/or any of the funds supported by the general fund); and the Mayor or Mayor's designee is also authorized to exempt the City from paying the charges or fees otherwise applicable to City projects, developments, or applications where the charge or fee would be paid out of one of the City's enterprise funds and the fund that would receive such payment, were it paid, is the same enterprise fund.

C. The City Council finds sufficient consideration and authorizes the Mayor or Mayor's designee to waive certain permit fees required under the IBC when (1) the permits, and corresponding permit fees, are related to the improvement of City-owned buildings or property, or the permit fee charges are necessary to provide support for the poor and infirm, and (2) the future beneficial use of the property and the community benefits of the project will outweigh the permit fees, and therefore, such payment of a permit fee under the IBC would result in no net gain for the City or benefit the

public while incurring additional staff costs to track such a payment.

D. Waivers or reduced fees shall be treated as special or extraordinary occurrences. Their frequency and extent, in aggregate, shall not have the effect of subverting the established fee schedule.

Section 2. Severability: Should any section, paragraph, sentence, clause or phrase of this ordinance, or its application to any person or circumstance, be declared unconstitutional or otherwise invalid for any reason, or should any portion of this ordinance be pre-empted by state or federal law or regulation, such decision or pre-emption shall not affect the validity of the remaining portions of this ordinance or its application to other persons or circumstances.

Section 3. Effective Date: This ordinance shall be published in the official newspaper of the City, and shall take effect and be in full force five (5) days after the date of publication.

ADOPTED BY THE CITY COUNCIL OF THE CITY OF NORTH BEND, WASHINGTON, AT A REGULAR MEETING THEREOF, THIS 3RD DAY OF JUNE, 2025.

CITY OF NORTH BEND:

APPROVED AS TO FORM:

Mary Miller, Mayor

Kendra Rosenberg, City Attorney

ATTEST/AUTHENTICATED:

Published:
Effective:

Susie Oppedal, City Clerk



City Council Agenda Bill

| | | | |
|--|--|----------------------------------|-----------------|
| SUBJECT: | | Agenda Date: June 3, 2025 | AB25-063 |
| Resolution Accepting Bids and Awarding Construction Contract for the 2025 Sidewalk Gaps Project to Fury Site Works | Department/Committee/Individual | | |
| | Mayor Mary Miller | | |
| | Interim City Administrator – Bob Larson | | |
| | City Attorney – Kendra Rosenberg | | |
| | City Clerk – Susie Oppedal | | |
| | Administrative Services – Lisa Escobar | | |
| | Comm. & Economic Development – James Henderson | | |
| | Finance – Martin Chaw | | |
| Cost Impact: \$1,399,368.29 | Public Works – Mark Rigos, P.E. | | |
| Fund Source: TIF and TBD funds allocated in 2025 budget for this project | X | | |
| Timeline: Immediate | | | |
| Attachments: Resolution, Bid Tabulation, Vicinity Map | | | |
| <p>SUMMARY STATEMENT:</p> <p>In 2024, the City Council approved an engineering contract for the below sidewalk gap projects to move forward and be designed. The individual projects were sidewalk gaps determined to be high priority. Considerations by the City included public safety improvement, quality of life enhancement, anticipated number of pedestrians, etc. The selected sidewalk projects were:</p> <ul style="list-style-type: none"> • SE 140th Street from Eagles Nest Place to future Ichijo Development (Mori Estates) • Thrasher Avenue NE from NE 2nd Street to North Bend Way • SE North Bend Way from Dahlgren Family Park to Snoqualmie Valley Trail • SE North Bend Way from Tanner Road to SE 140th Street. <p>These four projects are known as the 2025 Sidewalk Gaps Project. Engineering design of these projects was completed in April 2025 and City staff subsequently advertised these projects for construction bids. The construction consists of, but is not limited to, concrete sidewalk, asphalt trail, vertical concrete curb and gutter, miscellaneous surface restoration, pavement markings, storm drainage collection and conveyance, traffic control, buried communications trench, and illumination.</p> <p>Bids were due by 11:00 a.m., Wednesday May 21st and seven (7) bids were received. Bid results are attached and ranged from \$1,399,368.29 to \$2,009,980.00. The engineer’s estimate was \$1,899,422.16. The low bid came from Fury Site Works in the amount of \$1,399,368.29 including all applicable taxes.</p> <p>City staff have conducted the appropriate background checks on Fury Site Works and recommend the award of this contract.</p> | | | |
| <p>APPLICABLE BRAND GUIDELINES: Consistent delivery of quality basic services including transportation and traffic management.</p> | | | |
| <p>COMMITTEE REVIEW AND RECOMMENDATION: The Transportation and Public Works Committee reviewed this item at their May 27th, 2025 meeting and recommended approval and placement on the Main Agenda.</p> | | | |
| <p>RECOMMENDED ACTION: MOTION to approve AB25-063, a resolution accepting bids and awarding the construction contract for the 2025 Sidewalk Gaps Project to Fury Site Works.</p> | | | |

City Council Agenda Bill

| RECORD OF COUNCIL ACTION | | |
|---------------------------------|---------------|-------------|
| <i>Meeting Date</i> | <i>Action</i> | <i>Vote</i> |
| June 3, 2025 | | |

RESOLUTION

A RESOLUTION OF THE CITY OF NORTH BEND, WASHINGTON, ACCEPTING BIDS AND AWARDING CONSTRUCTION CONTRACT FOR THE 2025 SIDEWALK GAPS PROJECT

WHEREAS, City staff and the Transportation and Public Works Committee determined that the two North Bend Way, Thrasher Avenue and SE 140th Street sidewalk gap projects were the highest priority sidewalk projects in 2024. These four projects are known as the 2025 Sidewalk Gaps Project; and

WHEREAS, the City Council has allocated funds in the 2025 budget for this project; and

WHEREAS, work shall include, but is not limited to concrete sidewalk, asphalt trail vertical concrete curb and gutter, surface restoration, pavement markings, storm drainage collection and conveyance, traffic control, buried communication trench, and illumination; and

WHEREAS, the project is funded by Transportation Impact Fees; and

WHEREAS, bid documents were advertised and posted on Builders Exchange of Washington as required and the City accepted bids up until Wednesday May 21st, 2025 at 11:00 a.m.; and

WHEREAS, the City received bids from seven (7) contractors with the lowest bid coming from Fury Site Works in the amount of \$1,399,368.29 including all applicable taxes;

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

Section 1. The construction bids for the 2025 Sidewalk Gaps Project are accepted.

Section 2. The construction contract for the 2025 Sidewalk Gaps Project is awarded to Fury Site Works in the amount of \$1,333,368.29, including all applicable taxes, on a form to be approved by the City Attorney.

PASSED BY THE CITY COUNCIL OF THE CITY OF NORTH BEND, WASHINGTON, AT A REGULAR MEETING THEREOF, THIS 3RD DAY OF JUNE, 2025.

CITY OF NORTH BEND:

APPROVED AS TO FORM:

Mary Miller, Mayor

Kendra Rosenberg, City Attorney

Effective:
Posted:

ATTEST/AUTHENTICATED:

Susie Oppedal, City Clerk



City Council Agenda Bill

| | | | |
|---|--|----------------------------------|-----------------|
| SUBJECT: | | Agenda Date: June 3, 2025 | AB25-064 |
| Motion Authorizing First Amendment to the Employment Agreement with Interim City Administrator Robert Larson | Department/Committee/Individual | | |
| | Mayor Mary Miller | | X |
| | Interim City Administrator – Bob Larson | | |
| | City Attorney – Kendra Rosenberg | | |
| | City Clerk – Susie Oppedal | | |
| | Administrative Services – Lisa Escobar | | X |
| | Comm. & Economic Development – James Henderson | | |
| | Finance – Martin Chaw | | |
| Cost Impact: N/A | Public Works – Mark Rigos | | |
| Fund Source: N/A | | | |
| Timeline: Immediate | | | |
| Attachments: First Amendment, Employment Agreement | | | |
| <p>SUMMARY STATEMENT:</p> <p>Mr. Larson was appointed by Mayor Miller at the December 3, 2024 City Council meeting as Interim City Administrator. An employment agreement was also approved at that same meeting. Included in the agreement is a clause that allows the Mayor to request an extension of the term with confirmation from the Council. An extension is desired until July 25, 2025, or until one work week after a new City Administrator has started employment, whichever occurs earlier, unless further extended by mutual agreement and authorized by majority of the Council. This extension will also allow for an informed transition of the work.</p> | | | |
| <p>APPLICABLE BRAND GUIDELINES:</p> | | | |
| <p>COMMITTEE REVIEW AND RECOMENDATION: This item was discussed during the May 27, 2025 Workstudy, and was recommended for placement on the Main Agenda.</p> | | | |
| <p>RECOMMENDED ACTION: MOTION to approve AB25-064, authorizing the Mayor to execute a First Amendment to the Employment Agreement with Interim City Administrator Robert Larson, in a form and content acceptable to the City Attorney.</p> | | | |
| RECORD OF COUNCIL ACTION | | | |
| <i>Meeting Date</i> | <i>Action</i> | <i>Vote</i> | |
| May 20, 2025 | AB25-051 – Remanded to Workstudy | 7-0 | |
| | | | |

FIRST AMENDMENT TO THE INTERIM CITY ADMINISTRATOR EMPLOYMENT AGREEMENT BY AND BETWEEN THE CITY OF NORTH BEND AND ROBERT LARSON

This First Amendment to the Interim City Administrator Employment Agreement by and between the City of North Bend and Robert Larson (“First Amendment”) amends the Interim City Administrator Employment Agreement entered into on _____, 2024 (“Agreement”), between the City of North Bend, a municipal corporation (“City”) and Robert Larson (“Employee”).

WHEREAS, the City and Employee desire to extend the Duration of Employment set forth in Section 2 of the Agreement through July 25, 2025, or until a new City Administrator has started employment with the City of North Bend and allowing a transition period of one work week, whichever occurs earlier;

NOW, THEREFORE, the City and Employee agree to the following terms and conditions:

1. Section 2 of the Agreement (Duration of Employment), Amended. Section 3 of the Agreement (Duration of Employment) is hereby amended to read as follows:
 2. Duration of Employment. This Agreement shall become effective on December 4, 2024, and shall remain in full force and effect through July 25, 2025, or until a new City Administrator has started employment with the City of North Bend and allowing a transition period of one work week, whichever occurs earlier, unless extended by mutual agreement of the parties and authorized by a majority of the city councilmembers.
2. Full Force and Effect. All other terms and conditions in the Agreement shall remain in full force and effect as provided therein.

DATED this _____ day of _____, 2025.

EMPLOYEE:

CITY OF NORTH BEND:

Robert Larson

Mary Miller, Mayor

Attest:

Susie Oppedal, City Clerk

Approved as to Form:

Kendra Rosenberg, City Attorney

**CITY OF NORTH BEND
INTERIM CITY ADMINISTRATOR EMPLOYMENT AGREEMENT**

THIS EMPLOYMENT AGREEMENT (“Agreement”) is made and entered into between the City of North Bend, a Washington municipal corporation (the “City”), and Robert Larson (“Employee”), to describe the terms and conditions of Employee’s employment by the City as its Interim City Administrator.

RECITALS

WHEREAS, Employee has the skills, experience and qualifications necessary to perform the duties of Interim City Administrator; and

WHEREAS, Employee agrees to serve in the capacity of Interim City Administrator for a set duration of employment, which may be extended by mutual agreement of the parties, and on the terms and conditions set forth in this Agreement; and

WHEREAS, Employee acknowledges that adequate consideration has been provided for this Agreement to include salary and leave benefits;

NOW, THEREFORE, in consideration of the mutual promises, benefits, and covenants contained herein, Employee and City agree as follows:

AGREEMENT

1. Employment. The City hereby employs Employee to serve in the position of Interim City Administrator for the City. Employee shall perform all duties assigned to the position as provided in North Bend Municipal Code (“NBMC”) chapter 2.06, and Washington State law, together with such other and further duties and special projects as may be assigned to the Interim City Administrator by the City’s Mayor or designee. Pursuant to NBMC 2.06.010, Employee shall serve as the Interim City Administrator at the pleasure of and at the discretion of the Mayor, subject to the confirmation of a majority of the city councilmembers.
2. Duration of Employment. This Agreement shall become effective on December 4, 2024, and shall remain in full force and effect for a term of six (6) months, unless extended by mutual agreement of the parties and authorized by a majority of the city councilmembers.
3. “At Will” – Termination by the City. Employee shall at all times during their employment be considered an “at will” employee, subject to termination by the City’s Mayor at any time with or without cause. Nothing in the Agreement shall be construed to be anything other than an “at will” employment relationship between the City and Employee and Employee expressly acknowledges that no contrary representations have been made by the City. Employee waives any request for severance or additional compensation from the City for the duration of this Agreement as set forth in Section 1.

4. Resignation or Retirement. Employee reserves the right to resign or retire from employment by the City at any time with or without cause. Employee agrees to give the City not less than thirty (30) days' notice prior to the effective date of any such resignation or retirement.
5. Compensation. Employee shall be compensated during the term of this Agreement as follows:
 - a. Base Salary. Employee shall receive a monthly salary of \$17,781 with a cost of living increase of 3.6% that will be implemented on January 1, 2025, for a prorated annual salary in 2025 of \$221,053.
 - b. Benefits. Employee will be entitled to paid holidays as set forth in the City's Personnel Policies. Employee shall receive an initial bank of forty (40) hours of vacation leave as of the effective date of this Agreement and will be entitled to vacation leave accrual at the maximum rate beginning February 16, 2025, as set forth in the City's Personnel Policies. Unused, accrued vacation leave will be paid to Employee at the current compensation rate at the end of employment. Employee shall also receive all other benefits provided by the City to non-represented Federal Fair Labor Standards Act ("FLSA") exempt employees as follows:
 - Executive leave bank of forty-five (45) hours to be used consistent with the City's Personnel Policies;
 - An initial bank of forty (40) hours of sick leave as of the effective date of this Agreement and sick leave accrual thereafter consistent with State law and the City's Personnel Policies. Unused, accrued sick leave will not be paid to Employee at the end of employment and will have no cash out value;
 - Health insurance coverage to include medical, dental, and vision coverage consistent with non-represented FLSA exempt employees and the City's Personnel Policies or opt-out payments in lieu of health insurance coverage by the City in the following amounts: \$311.39 in December of 2024 and \$334.12 beginning in January of 2025 for each month thereafter;
 - Deferred compensation program with a City match of funds up to \$200/month;
 - The City shall contribute to Washington State Retirement System (PERS) as required by State law for Employee or an alternate pension plan, if selected by Employee, authorized by State law. Employee may but is not required to participate in PERS. Employee has elected to not participate in PERS consistent with RCW 41.40.023(17). In lieu of City contributions to PERS, the City will contribute to Employee's Mission Square Retirement Corporation (formerly ICMA-RC) the equivalent amount the City would be required to pay to PERS;
 - Housing reimbursement not to exceed three (3) nightly charges each week in the Snoqualmie-North Bend area for short term/hotel housing in an

**CITY OF NORTH BEND
INTERIM CITY ADMINISTRATOR EMPLOYMENT AGREEMENT**

THIS EMPLOYMENT AGREEMENT (“Agreement”) is made and entered into between the City of North Bend, a Washington municipal corporation (the “City”), and Robert Larson (“Employee”), to describe the terms and conditions of Employee’s employment by the City as its Interim City Administrator.

RECITALS

WHEREAS, Employee has the skills, experience and qualifications necessary to perform the duties of Interim City Administrator; and

WHEREAS, Employee agrees to serve in the capacity of Interim City Administrator for a set duration of employment, which may be extended by mutual agreement of the parties, and on the terms and conditions set forth in this Agreement; and

WHEREAS, Employee acknowledges that adequate consideration has been provided for this Agreement to include salary and leave benefits;

NOW, THEREFORE, in consideration of the mutual promises, benefits, and covenants contained herein, Employee and City agree as follows:

AGREEMENT

1. Employment. The City hereby employs Employee to serve in the position of Interim City Administrator for the City. Employee shall perform all duties assigned to the position as provided in North Bend Municipal Code (“NBMC”) chapter 2.06, and Washington State law, together with such other and further duties and special projects as may be assigned to the Interim City Administrator by the City’s Mayor or designee. Pursuant to NBMC 2.06.010, Employee shall serve as the Interim City Administrator at the pleasure of and at the discretion of the Mayor, subject to the confirmation of a majority of the city councilmembers.
2. Duration of Employment. This Agreement shall become effective on December 4, 2024, and shall remain in full force and effect for a term of six (6) months, unless extended by mutual agreement of the parties and authorized by a majority of the city councilmembers.
3. “At Will” – Termination by the City. Employee shall at all times during their employment be considered an “at will” employee, subject to termination by the City’s Mayor at any time with or without cause. Nothing in the Agreement shall be construed to be anything other than an “at will” employment relationship between the City and Employee and Employee expressly acknowledges that no contrary representations have been made by the City. Employee waives any request for severance or additional compensation from the City for the duration of this Agreement as set forth in Section 1.

4. Resignation or Retirement. Employee reserves the right to resign or retire from employment by the City at any time with or without cause. Employee agrees to give the City not less than thirty (30) days' notice prior to the effective date of any such resignation or retirement.
5. Compensation. Employee shall be compensated during the term of this Agreement as follows:
 - a. Base Salary. Employee shall receive a monthly salary of \$17,781 with a cost of living increase of 3.6% that will be implemented on January 1, 2025, for a prorated annual salary in 2025 of \$221,053.
 - b. Benefits. Employee will be entitled to paid holidays as set forth in the City's Personnel Policies. Employee shall receive an initial bank of forty (40) hours of vacation leave as of the effective date of this Agreement and will be entitled to vacation leave accrual at the maximum rate beginning February 16, 2025, as set forth in the City's Personnel Policies. Unused, accrued vacation leave will be paid to Employee at the current compensation rate at the end of employment. Employee shall also receive all other benefits provided by the City to non-represented Federal Fair Labor Standards Act ("FLSA") exempt employees as follows:
 - Executive leave bank of forty-five (45) hours to be used consistent with the City's Personnel Policies;
 - An initial bank of forty (40) hours of sick leave as of the effective date of this Agreement and sick leave accrual thereafter consistent with State law and the City's Personnel Policies. Unused, accrued sick leave will not be paid to Employee at the end of employment and will have no cash out value;
 - Health insurance coverage to include medical, dental, and vision coverage consistent with non-represented FLSA exempt employees and the City's Personnel Policies or opt-out payments in lieu of health insurance coverage by the City in the following amounts: \$311.39 in December of 2024 and \$334.12 beginning in January of 2025 for each month thereafter;
 - Deferred compensation program with a City match of funds up to \$200/month;
 - The City shall contribute to Washington State Retirement System (PERS) as required by State law for Employee or an alternate pension plan, if selected by Employee, authorized by State law. Employee may but is not required to participate in PERS. Employee has elected to not participate in PERS consistent with RCW 41.40.023(17). In lieu of City contributions to PERS, the City will contribute to Employee's Mission Square Retirement Corporation (formerly ICMA-RC) the equivalent amount the City would be required to pay to PERS;
 - Housing reimbursement not to exceed three (3) nightly charges each week in the Snoqualmie-North Bend area for short term/hotel housing in an

amount not to exceed \$2,000 per month; and

- All other benefits provided to City non-represented FLSA exempt employees as they exist now or may be modified in the future.

Employee shall also be entitled to elect other voluntary benefit options as they exist now or as they are modified by the City in the future. The following voluntary benefits exist on the effective date of the Agreement:

- Self-paid individual and/or family supplemental insurance coverage for Short-term Disability, Cancer Care, and Critical Illness;
- Additional self-paid Voluntary Group Life Insurance;
- Self-paid enrollment in the choice of three Deferred Compensation Plans; and
- Flexible Savings Account (FSA).

- c. Timing of Monthly Payments – Deductions. All monthly payment of salary and benefits shall be made at the same time and on the same date as the City’s regular payroll. All such monthly payments shall be subject to all required State and federal deductions, including income tax, social security, and any other deduction required and authorized by law.

6. Work Schedule. Employee is a confidential, exempt employee for purposes of the FLSA and as such shall not work a fixed forty (40) hour per week schedule. Employee shall generally work at North Bend City Hall during regular business hours of the City, Monday through Friday, provided, Employee shall receive time off for sick and vacation leave and holidays according to the holiday schedule customarily observed by the City consistent with the City’s Personnel Policies. Remote work may be permitted if authorized in advance by the Mayor. Employee shall attend all meetings of the North Bend City Council and such other council committee, city board, commission and staff meetings as requested by the Mayor or as required by the duties of Interim City Administrator as described in Section 1 of this Agreement.

7. General Provisions.

- a. Provisions Severable. Every provision of this Agreement is intended to be severable. If any term or provision hereof is illegal or invalid for any reason whatsoever, such illegality or invalidity shall not affect the validity of the remainder of the Agreement.
- b. Rights and Remedies. The rights and remedies provided by this Agreement are cumulative and the use of any one right or remedy by any party shall not preclude nor waive its rights to use any or all other remedies. Any rights provided to the parties under this Agreement are given in addition to any other rights the parties may have by law, statute, ordinance, or otherwise.
- c. Attorney’s Fees. In the event of any dispute with regard to the interpretation or enforcement of this Agreement, the parties shall bear their own costs and fees.

- d. Entire Agreement. This Agreement contains the entire agreement between the parties respecting the matters herein set forth and supersedes all prior agreements between the parties hereto respecting such matters.
- e. Governing Law. This Agreement shall be construed in accordance with the laws of the State of Washington; venue for any dispute shall be in King County, Washington.
- f. No Waiver. No waiver of any breach by either party of the terms of this Agreement shall be deemed a waiver of any subsequent breach of the Agreement.
- g. Counterparts. This Agreement may be executed simultaneously in one or more counterparts, each of which shall be deemed an original, but all of which together shall constitute one and the same instrument.
- h. Amendment. No amendment of this Agreement shall be effective unless the amendment is in writing, signed by each party.

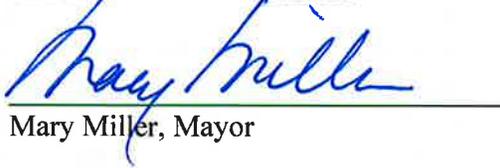
Dated this 5TH day of December, 2024.

EMPLOYEE:



Robert Larson

CITY OF NORTH BEND:



Mary Miller, Mayor

Attest:



Susie Oppedal, City Clerk

Approved as to Form:



Kendra Rosenberg, City Attorney



City Council Agenda Bill

| | | | |
|--|---------------|--|-----------------|
| SUBJECT: | | Agenda Date: December 3, 2024 | AB24-146 |
| Motion Authorizing the Mayor to Execute and Administer the Employee Agreement for Interim City Administrator Robert Larson | | Department/Committee/Individual | |
| | | Mayor Mary Miller | X |
| | | City Administrator – | |
| | | City Attorney – Kendra Rosenberg | X |
| | | City Clerk – Susie Oppedal | |
| | | Administrative Services – Lisa Escobar | X |
| | | Comm. & Economic Development – James Henderson | |
| | | Finance – Martin Chaw | |
| | | Public Works – Mark Rigos | |
| Cost Impact: N/A | | | |
| Fund Source: N/A | | | |
| Timeline: Immediate | | | |
| Attachments: | | | |
| <p>SUMMARY STATEMENT:</p> <p>Mr. Larson will join the City staff as a full-time employee in the position of Interim City Administrator. He will be entitled to receive the same employment benefits of any full-time City employee in addition to other benefits specifically identified in the Employment Agreement during a set term of 6 months. At or before the end of this initial term, Mayor Miller could request an extension of the term, with confirmation from Council.</p> | | | |
| APPLICABLE BRAND GUIDELINES: | | | |
| COMMITTEE REVIEW AND RECOMMENDATION: | | | |
| RECOMMENDED ACTION: MOTION to approve AB23-146, authorizing the Mayor to execute and administer the Employment Agreement with Robert Larson. | | | |
| RECORD OF COUNCIL ACTION | | | |
| <i>Meeting Date</i> | <i>Action</i> | <i>Vote</i> | |
| December 3, 2024 | Passed | 6-1 (Torguson) | |
| | | | |