

# ORDINANCE 1834

## **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 City Council held a public hearing on the proposed amendments at its June 3, 2025, meeting to receive testimony on the proposed amendments; and

**WHEREAS**, the City Council, by motion at its June 3, 2025 City Council meeting, requested additional time to review the proposed amendments and moved a decision to the June 17, 2025 City Council meeting; 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;

**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 17<sup>TH</sup> DAY OF JUNE, 2025.**

**CITY OF NORTH BEND:**

**APPROVED AS TO FORM:**

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**Mary Miller, Mayor**

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**Kendra Rosenberg, City Attorney**

**ATTEST/AUTHENTICATED:**

Published: June 27, 2025  
Effective: July 2, 2025

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**Susie Oppedal, City Clerk**