



CITY COUNCIL MEETING*

October 21, 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 October 7, 2025	1
2) Payroll	October 3, 2025 – 77827 through 77834, in the amount of \$271,743.42	
3) Checks	October 21, 2025 – 77922 through 77995, in the amount of \$1,793,959.66	
4) AB25-109	Ordinance – Amending NBMC Chapter 18.18 Landscaping Mr. McCarty Regulations	5
5) AB25-110	Ordinance – Amending NBMC Section 18.38.020 RE Notice on Title Mr. McCarty	35

AUDIENCE PARTICIPATION: (Please restrict comments to 3 minutes)

ANNOUNCEMENTS, PRESENTATIONS, APPOINTMENTS:

6) Proclamation	Purple Heart City	Mayor Miller	51
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COMMISSION AND COMMITTEE REPORTS:

Planning Commission	Community & Economic Development – Councilmember Elwood
Parks Commission	Finance & Administration – Councilmember Gothelf
Economic Development Commission	Public Health & Safety – Councilmember Rustik
Regional Committees	Transportation & Public Works – Councilmember Koellen
	Mayor Pro Tem – Councilmember Joselyn
	Eastside Fire & Rescue Board – Councilmember Gothelf

MAIN AGENDA:

7) AB25-111	Public Hearing, Ordinance – Vacating a Portion of ROW along NW 8 th Street	Mr. Mohr	53
8) AB25-112	Public Hearing, Ordinance – Setting 2026 Property Tax Levy	Mr. Chaw	67
9) AB25-113	Ordinance – Amending NBMC 10.20.020 & Adopting NBMC 10.20.050 RE Motorized Foot Scooters	Mr. Henderson	77
10) AB25-114	Ordinance – Adopting NBMC Chapter 10.18 Electric Motorcycles	Mr. Henderson	83

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

NORTH BEND CITY COUNCIL MINUTES

October 7, 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: Gothelf, Joselyn, Koellen, Rustik, and Torguson. Councilmembers Elwood and Tremolada were excused.

CONSENT AGENDA:

Minutes – City Council Meeting of September 16, 2025 & Special City Council Workstudy of September 23, 2025

Payroll – **September 19, 2025 – 77823** through **77825**, in the amount of **\$306,750.98**

Checks – **October 7, 2025 – 77826, 77835** through **77918**, in the amount of **\$4,271,497.86**

AB25-102 – Resolution 2165 Accepting WWTP HPI Phase 2 Project

AB25-103 – Resolution 2166 Accepting WA State Department of Health Grant

AB25-104 – Resolution 2167 Accepting Boxley Creek Mitigation Line Sallal Intertie Project

AB25-105 – Resolution 2168 Accepting Additional FHWA Grant Funds & Authorizing LAA Supplement No. 2 RE Railway Crossing Improvements Project

Councilmember Koellen **MOVED**, seconded by Councilmember Gothelf to approve the consent agenda as presented. The motion **PASSED** 5-0.

AUDIENCE PARTICIPATION:

Debra Landers, North Bend Art & Industry, provided an update on North Bend Art & Industry activities and noted they would host a “Tuesday Museday” Artists Reception on October 14th from 6 to 8 p.m. at 1533 Bendigo Boulevard.

INTRODUCTIONS:

AB25-106 – Resolution 2169 Authorizing Agreement with NW Railway Museum for Railway Crossing Improvement Project **Audio: 4:49**

Public Works Director Mohr provided the staff report.

Councilmember Koellen **MOVED**, seconded by Councilmember Gothelf to approve AB25-106, resolution authorizing an agreement with the Northwest Railway Museum for construction engineering and construction of the Railway Crossings Capital Project. The motion **PASSED** 5-0.

AB25-107 – Motion Authorizing Agreement with Bowman for Non-Residential Impact Fees Update

Audio: 10:04

Finance Director Chaw provided the staff report.

Councilmember Gothelf **MOVED**, seconded by Councilmember Koellen to approve AB25-107, authorizing the Mayor to execute and administer a professional services agreement with Bowman in the amount of \$77,500 for a non-residential impact fee study and alternatives, in a form and content acceptable to the City Attorney. The motion **PASSED** 4-1 (Torguson).

AB25-108 – Ordinance Amending NBMC 10.20.020 & Adopting NBMC 10.20.050 RE Motorized Foot Scooters

Audio: 16:34

Community & Economic Development Director Henderson provided the staff report.

Councilmember Rustik **MOVED**, seconded by Councilmember Gothelf to approve AB25-108, an ordinance relating to motorized foot scooters, amending NBMC 10.20.020 (General requirements and operation) and adopting a new NBMC Section 10.20.050 (Impoundment and penalties), as a first and final reading. The motion **FAILED** 3-2, with Councilmembers Koellen and Torguson voting no.

Councilmember Gothelf, who voted on the prevailing side, **MOVED**, seconded by Councilmember Rustik, to reconsider the vote on the motion. The motion **PASSED** 5-0.

Councilmember Gothelf **MOVED**, seconded by Councilmember Torguson to table AB25-108, an ordinance relating to motorized foot scooters, amending NBMC 10.20.020 (General requirements and operation) and adopting a new NBMC Section 10.20.050 (Impoundment and penalties) to the October 21, 2025 City Council meeting to provide additional feedback and guidance so staff can draft an alternative ordinance. The motion **PASSED** 5-0.

MAYOR, COUNCIL, AND ADMINISTRATOR CONCERNS AND INITIATIVES:

Councilmember Torguson noted the Finance & Administration Council Subcommittee has requested City Administration provide options for expense reduction in light of the possible deficit of 1.7 million dollars for 2026. She suggested those interested in the topic attend the October 14th Special Budget Workstudy, October 28th Council Workstudy and November 18th City Council meeting.

Councilmember Koellen noted it was flu and cold season and reported vaccines were available at QFC for those interested. Additionally, she encouraged those that were sick to stay home until symptoms improve.

Councilmember Rustik thanked those that donated food to the Apple Cup Food Drive and reported 325 pounds of food was collected and provided to the Snoqualmie Valley Food Bank.

Councilmember Gothelf noted increased vehicle speed through City roundabouts and local neighborhoods and encouraged all to slow down while traveling through town.

City Administrator Emery reminded residents that the City has a webpage dedicated to information on police services and reported a task force had been created with local partners and City staff to discuss preparation for the 2026 World Cup.

Mayor Miller spoke regarding the following items:

- Yard Waste Recycling Program – October 11th 8 a.m. to Noon @ Public Works
- Community Shred Event – October 11th 8 a.m. to Noon @ City Hall
- Meet Up with Mayor – October 15th 9 – 10 a.m. @ Huxdotter Coffee
- Special Budget Workstudy – October 14th 7 p.m. @ City Hall

ADJOURNMENT:

Councilmember Gothelf **MOVED** to adjourn, seconded by Councilmember Koellen. The motion **PASSED** 5-0.

The meeting adjourned at 7:44 p.m.

ATTEST:

Mary Miller, Mayor

Susie Oppedal, City Clerk



City Council Agenda Bill

SUBJECT:	Agenda Date: October 21, 2025	AB25-109
Ordinance Amending North Bend Municipal Code Chapter 18.18 Landscaping Regulations	Department/Committee/Individual	
Cost Impact: N/A	Mayor – Mary Miller	
Fund Source: N/A	City Administrator – Amber Emery	
Timeline: Immediate	City Attorney – Kendra Rosenberg	
	City Clerk – Susie Oppedal	
	Comm. & Economic Development – James Henderson	
	Finance – Martin Chaw	
	Public Works – Tom Mohr	
	Planning Manager – Mike McCarty, and Planning Intern Chase Rigg	X

Attachments: Ordinance, Exhibit A, Planning Commission Staff Report with Public Comment

SUMMARY STATEMENT:

Amendments are proposed to the City's landscaping regulations in North Bend Municipal Code ("NBMC") Chapter 18.18. Some notable revisions include the following:

- Removing a 150-foot Type-D landscape buffer requirement, applicable to Designated Agricultural Land that is located outside of the City limits, as the buffer's purpose is now largely addressed by the Snoqualmie Valley Trail and additional powerline utility easements that restrict development;
- Adopting a new irrigation section in NBMC 18.18.075(E) to address basic water conservation criteria consistent with the City's water conservation ordinance;
- Amending NBMC 18.18.150(B) to lower the required landscape maintenance bond period from three years to one year, more closely aligning with other Washington municipalities;
- Amending NBMC 18.18.150(C) to raise the maximum fee-in-lieu of landscape maintenance bond amount threshold from \$5,000 to \$7,000 to reduce the number of projects requiring full bonding and adjusting the fee for inflation in the future;
- Amending NBMC 18.18.175 limiting fence height within a corner line-of-site triangle at intersections; and
- Correcting zoning district names consistent with the 2024 Zoning Map amendments.

The Planning Commission held a public hearing on August 6, 2025, and following the hearing, made a recommendation to the City Council to approve the proposed amendments.

Staff recommend approval of the amendments, which will reduce unnecessary regulations, decrease staff review times and increase project management efficiencies, and promote water conservation.

APPLICABLE BRAND GUIDELINES: The proposed amendments advance the City's values of promoting affordability and consistent delivery of quality basic services.

COMMITTEE REVIEW AND RECOMMENDATION: The Community and Economic Development Committee reviewed this item at its August 19, 2025, meeting and recommended approval and placement on the Consent Agenda.

City Council Agenda Bill

RECOMMENDED ACTION: **MOTION to approve AB25-109, an ordinance amending North Bend Municipal Code Chapter 18.18 Landscaping Regulations, as a first and final reading.**

RECORD OF COUNCIL ACTION

<i>Meeting Date</i>	<i>Action</i>	<i>Vote</i>
October 21, 2025		

ORDINANCE

**AN ORDINANCE OF THE CITY OF NORTH BEND,
WASHINGTON, AMENDING NORTH BEND
MUNICIPAL CODE CHAPTER 18.18, LANDSCAPING
REGULATIONS; PROVIDING FOR SEVERABILITY;
AND ESTABLISHING AN EFFECTIVE DATE**

WHEREAS, RCW 36.70A.130(4)(a) requires that the City of North Bend Comprehensive Land Use Plan and development regulations, including the zoning code, shall be subject to continuing review and evaluation by the City; and

WHEREAS, through the course of continuing review of development applications and application of the City's landscaping regulations in North Bend Municipal Code (NBMC) Chapter 18.18, City staff have identified necessary amendments (the "proposed amendments"); and

WHEREAS, the proposed amendments are intended to remove unnecessary code requirements and resolve conflicting language; and

WHEREAS, the proposed amendments were submitted to the Washington State Department of Commerce for review on July 23, 2025 (submittal 2025-S-9669); and

WHEREAS, a State Environmental Policy Act ("SEPA") Determination of Non-Significance was issued for the proposed amendments on July 25, 2025; and

WHEREAS, the North Bend Planning Commission held a public hearing on August 6, 2025, to receive testimony on the proposed amendments, receiving and considering two written comments submitted; and

WHEREAS, the Planning Commission, by motion on August 6, 2025, recommended approval of the proposed amendments as detailed in its findings, conclusions, and recommendations; and

WHEREAS, the North Bend City Council finds that the public interest and welfare are furthered by adoption of the proposed amendments;

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

Section 1. NBMC Chapter 18.18 Landscaping Regulations, Amended: Sections and subsections of North Bend Municipal Code Chapter 18.18 Landscaping Regulations are hereby amended to read as set forth in Exhibit A attached hereto and by this reference

incorporated herein. Only the specific NBMC Sections, Subsections, and portions of tables identified on Exhibit A are hereby amended.

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 21ST DAY OF
OCTOBER, 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:
AMENDMENTS TO NBMC CHAPTER 18.18, LANDSCAPING REGULATIONS

18.18.020 Applicability.

This chapter applies to the provision of landscaping for new development and redevelopment. This chapter does not apply to landscaping by individual homeowners at an existing residential dwelling. A landscape plan is required and shall be submitted to the city with all land use applications and/or for a building permit for the following:

- A. Residential short plats and subdivisions with respect to public right-of-way, public or private open space, buffers and utility tracts;
- B. Industrial uses, commercial uses, binding site plans, multifamily, and condominiums, commercial site plans, clearing and grading permits and building permits under the provisions of NBMC Title 15, for development, other than single-family, on lands designated as LDR, CLDR, ~~CRM~~DR, HDR, NB, NMU, DC, IC, IMU, ~~EP-1, EP-2~~BP, EP, and POSPF, in accordance with this title;
- C. Additions, expansions, or alterations that result in the exterior modification of existing building, structure, parking lot or site layout. Minor additions, expansions or alterations that do not trigger the need for additional parking, and additions, expansions or alterations to individual single-family homes are exempt;
- D. Change of Use. When a residential structure is changed into a commercial or industrial structure, excluding a home occupation use, landscaping shall be provided for the commercial or industrial use as required by this chapter; and
- E. Clearing and grading permits as applicable per Chapter 19.10 NBMC.

18.18.030 Purpose.

The purpose of this chapter is to provide regulations that will:

- A. Maintain and protect property values;
- B. Create sustainable and well-designed landscaping which will improve the overall quality of the city by providing shade, erosion and stormwater runoff reduction, improved air quality, and enhancements to a project's visual appearance;
- C. Promote landscaping that is resilient to drought and other environmental stresses, including the potential for changing climatic conditions, by incorporating native drought-resistant species and low-water usage irrigation systems;
- D. Encourage the retention of existing vegetation and significant trees and the use of native plant species in the landscape design;

- DE. Promote and preserve the city's natural character;
- EF. Provide a buffer between incompatible land uses, along arterials and collector roads and in visually sensitive areas;
- FG. Screen uses such as parking lots, storage areas, utility boxes, garbage/service areas, etc.

18.18.070 Landscape Plan – General Requirements

- A. Landscape plans shall enhance building designs, attractively screen parked vehicles and unsightly areas, and provide for adequate visibility at street intersections and driveway entrances.
- B. Landscape plans shall incorporate pedestrian and bicycle trails in conformance with the comprehensive plan for pedestrian and/or bicycle circulation adopted by the city.
- C. Where streams, wetlands, steep slopes or their buffers, or other critical areas exist on a proposed development site, the landscape plan shall be coordinated with measures for their protection and enhancement required by the critical area ordinance.
- D. At least 60 percent of the required landscape plants, other than street trees, shall be comprised of native vegetation and at least 70 percent of required landscape plantings shall be comprised of drought-tolerant species. Cultivars derived from native species may be accepted as native species for the purpose of this requirement. Good resources for native plant species based on different parameters, including drought tolerance, sun vs. shade, growing heights, etc. are provided in the King County Native Plant Guide, and City of Kirkland Native Plant List, both available on the internet.
- E. Landscape plans shall provide for the removal of existing invasive species from the site, including but not limited to English and Atlantic ivy, English holly, Japanese knotweed, Himalayan and Evergreen blackberry, Scotch broom, and those species identified under NBMC 18.18.075(C). Existing, non-invasive, native trees shall be retained to the greatest extent possible within landscape areas.
- F. Landscape plans for new dwelling units in the LDR and CLDR zones shall be limited to the measures necessary to ensure compliance with subsection C of this section and NBMC 18.18.100.
- G. All landscaped areas shall be graded to prevent erosion and to facilitate the installation, growth and maintenance of the landscaping. Berms or mounds should be no steeper than 3(H):1(V), unless otherwise approved by the city for screen purposes. All turf areas located in public rights-of-way shall have a grade no greater than 3:1.
- H. Retaining walls shall not exceed six feet in height if they are adjacent to sensitive areas, public and/or private rights-of-way, parks, open space areas, buffers, or utility tracts.
- I. Trees and very large shrubs should be located with consideration to underground and overhead utility lines or public improvements.

18.18.075 Plant, and soil, and irrigation requirements.

The following standards apply to all landscaping required by this chapter:

A. Minimum sizes at installation shall be as follows:

1. Street trees: two-inch caliper, with lower crown limbs no less than five feet above grade;
2. Deciduous trees: eight-foot minimum height (vine maple may be six-foot minimum height);
3. Evergreen trees: six-foot minimum height that are full and bushy;
4. Shrubs: two-gallon minimum size and two-foot minimum height with multiple canes and good density;
5. Ground cover: one-gallon pots.

B. Maximum Size. Species approved within a landscape plan shall have a growth pattern in scale with the development and be consistent with the preservation of significant trees.

C. Prohibited Plant Species. The following species have been determined harmful to the environment or noxious to other properties due to their ability to spread rapidly and/or invade other areas, and may not be used in any landscape plan subject to approval by the city of North Bend:

1. Any species listed on the Washington State Noxious Weed List and/or King County Noxious Weed List (including Class A, B, and C and monitor weeds).
2. The following additional aggressive nonnative tree species:
 - a. Common European Hawthorne (*Crataegus monogyna*).
 - b. European mountain ash (*Sorbus aucuparia*).
 - c. Bradford pear (*Pyrus calleryana* “Bradford”).
 - d. Tree of heaven/Chinese sumac (*Ailanthus altissima*).
 - e. Black locust (*Robinia pseudoacacia*).
 - f. English holly (*Ilex aquifolium*).
3. The following additional aggressive nonnative shrub and ground cover species:
 - a. English/Atlantic ivy (*Hedera hibernica*, *Hedera helix*).
 - b. English laurel (*Prunus laurocerasus*).

- c. Spurge laurel (*Daphne laureola*).
- d. Portuguese laurel (*Prunus lusitanica*).
- e. Pampass grass (*Cortaderia* spp.).
- f. Yellow archangel (*Lamiastrum galeobdolon*).
- g. Perrywinkle (*Vinca minor*).
- h. Winter creeper (*Euonymus fortunei*).
- i. Bamboo (*Phyllostachys aurea*, and all “running” bamboo species).

D. Landscape Soil Preparation and Drainage. The following section applies to all landscape planting areas, excluding a single-family home and the individual lots within a single-family short plat or subdivision. Landscape plans shall include the following standards on soil preparation and drainage, and soils shall be prepared accordingly in all landscape planting areas prior to installation of plant materials.

1. Landscape Soil Source. All soils required for landscape beds, lawns and planting strips for the site shall be retained and stockpiled from existing site organic soils where suitable for reuse, harvested from the A and B horizons and shall meet the criteria below. Screening/sifting is not required because this process destroys soil structure and texture, specifically peds or clods, important for soil health. If on-site soils are not acceptable or available in the volume needed, similar suitable soils from off site shall be provided.
 - a. Soil shall not contain more than 25 percent gravel or drain rock;
 - b. Soil volume shall not be comprised of more than 25 percent of roots, chips or woody material. No chemicals, construction materials or foreign materials shall be allowed in the final soil;
 - c. Rock and woody materials larger than two inches diameter exposed at the surface after placement shall be raked out of the landscape and planting beds;
 - d. Soils shall be tested in a soil lab and analyzed for acceptable ranges of soil particles, nutrients, organic matter, salts and pH. Soil analysis shall include recommendations for amendments for soil to be acceptable. Soils shall be altered pursuant to the recommendations of the soil analysis; and
 - e. Soils shall be protected from compaction and heavy moisture while being stored, and should not be moved or placed in the landscape areas while saturated.
2. Soil Preparation in Landscape Areas.
 - a. Lawns.

- i. Acceptable soils shall be incorporated to a minimum depth of 12 inches using a backhoe bucket with teeth. Soils should be tamped lightly to minimize excessive settling. Only the top two to four inches should be tilled, if needed, to provide a smooth surface. Soils should be tamped by hand or light equipment only. Slightly mounding the final grade is recommended to compensate for likely settling. Sod or seed as specified per the landscape plans.
 - ii. If existing soils are unacceptable, 12 inches shall be removed. The existing subgrade shall be scarified to a minimum six-inch depth with a backhoe. Six inches of acceptable soils shall be placed over the scarified subgrade, then mixed into the subgrade and tamped lightly with backhoe or other appropriate equipment. The final six inches of acceptable topsoil should be tamped lightly to minimize settling. Slightly mounding the final grade is recommended to compensate for likely settling.
 - iii. Soils shall be incorporated to the appropriate depth such that a soil probe will plunge to 12 inches without excessive resistance.
- b. Shrub and Ground Cover Beds.
 - i. Acceptable soils shall be incorporated to a minimum depth of 24 inches using a backhoe bucket with teeth or other appropriate equipment. Soils should be tamped lightly to minimize excessive settling. Slightly mounding the final grade is recommended to compensate for likely settling.
 - ii. If existing soils are unacceptable, 18 inches shall be removed. The existing subgrade shall be scarified to a minimum six-inch depth with backhoe. Six inches of acceptable soils shall be placed over the scarified subgrade, then mixed into the final subgrade and tamped lightly with backhoe or other appropriate equipment. The final 12 inches of acceptable topsoil should be placed in two six-inch lifts and tamped lightly to minimize settling. Slightly mounding the final grade is recommended to compensate for likely settling.
 - iii. Soils shall be incorporated to the appropriate depth such that a soil probe will plunge to 24 inches without excessive resistance.
- c. Tree Planter Strips, and within 10 Feet of Tree Planting Locations in Planter Beds and Lawns.
 - i. Acceptable soils shall be incorporated to a minimum depth of 36 inches using a backhoe bucket with teeth or other appropriate equipment. Soils should be tamped lightly to minimize excessive settling. Slightly mounding the final grade is recommended to compensate for likely settling.
 - ii. If existing soils are unacceptable, 24 inches of soil shall be removed. The existing subgrade shall be scarified to a minimum 12-inch depth with a backhoe. The applicant shall ensure that soil excavation for amended or supplemental soils within the planter strip does not destabilize soils under the adjacent sidewalk or curb, retaining a two to one side slope of underlying structural soils adjacent to the curb and sidewalk, or as

otherwise necessary to ensure structural stability. Six inches of acceptable soils shall be placed over the scarified subgrade, mixed into the subgrade and tamped lightly with a backhoe. The final 18 inches of acceptable topsoil shall be placed in two nine-inch lifts and tamped lightly to minimize settling. Slightly mounding the final grade is recommended to compensate for likely settling.

iii. Soils shall be incorporated to the appropriate depth such that a soil probe will plunge to 36 inches without excessive resistance.

3. Drainage. All landscape soils must drain. If drainage from landscape areas does not meet or exceed one-inch depth drainage in one hour, then additional drainage shall be provided.

a. Exemptions.

i. Areas exceeding a four to one slope are exempt from additional drainage requirements.

ii. Soils with proven natural drainage greater than one inch per hour are exempt.

b. Drainage, where necessary, shall consist of installing four-inch perforated pipe in linear layout or no less than 10 feet apart at the 18-, 24- or 30-inch depth, depending on the type of planting bed or strip. The trench for the pipe shall be 12 inches by 12 inches to accommodate the four-inch perforated pipe. The pipe shall be connected to a storm drain or outfall for positive flow. No filter fabric is recommended around or over the pipe. The pipe shall be covered and surrounded by four inches of drain rock on all sides. Soil preparation shall follow as described above.

E. Irrigation. The following section applies to all plant and soil systems that utilize an irrigation system.

1. Irrigation of open lawn areas is not required and is discouraged for the purposes of water conservation.

2. Landscape beds (areas planted with trees, shrubs, and/or groundcover), where irrigated, shall not utilize sprinkler heads, to minimize potential for overspray. Drip irrigation measures including soaker hoses and other non-spray methods are appropriate.

3. Any irrigation structures including control boxes, meters, booster pumps, etc. shall be located outside of public rights-of-way to provide sufficient buffer from potential vehicle damage.

4. Rain Barrels. Landscape and site plans are encouraged to incorporate rain barrels connected to roof downspouts into the landscape design to allow users to irrigate with roof runoff.

18.18.080 Landscape types – Abutting uses.

The following landscape types shall be required on lot lines for all abutting compatible uses and abutting uses in transition areas as specified in Table 1 at the end of this chapter. Adjustments may be provided to the planting spacing and densities within areas of required landscape buffers to accommodate visibility to specific site features such as building facades, signs, and site entries, so long as the density of required plantings throughout the buffer, as a whole, meets the applicable standard.

A. Type 1: Sight Barrier.

1. Purpose. To provide a very dense sight barrier between land uses and zoning districts.

2. Description.

a. Trees. At least 75 percent native evergreen trees spaced no more than 15 feet on center. Deciduous trees shall be spaced no more than 20 feet on center. For every 10 feet of landscape buffer depth (15 feet rounded down to 10, 25 feet rounded down to 20, etc.), the number of required trees shall equal the length of the planting area divided by 15 and shall be staggered to mimic natural growth patterns, not planted in a row.

b. Shrubs. Evergreen shrubs that achieve a height of six feet within three years, spaced no more than four feet apart and staggered to mimic natural growth patterns.

c. Ground Cover. Living ground cover planted at 24 inches on center in a triangular spacing pattern.

d. Irrigation. Automatic underground irrigation systems shall be installed to promote plant growth and maintenance of planting areas, except when 100 percent native, drought-tolerant landscaping is proposed, in which case a temporary irrigation system to facilitate plant establishment shall be installed for a period of not less than three years in a form approved by the city.

B. Type 2: Visual Separation.

1. Purpose. To create a visual separation between abutting land uses and zoning districts.

2. Description.

a. Trees. Up to 30 percent deciduous trees, spaced no more than 20 feet on center. Evergreen trees shall be spaced no more than 15 feet on center. For every 10 feet of buffer depth (15 feet rounded down to 10, etc.), the number of required trees shall equal the length of the landscaped area divided by 20 and shall be staggered to mimic natural growth patterns, not planted in a row.

b. Shrubs. A mix of evergreen and deciduous shrubs that achieve a height of six feet within three years, spaced no more than five feet apart and staggered to mimic natural growth patterns.

c. Ground Cover. Living ground cover planted at 24 inches on center in a triangular spacing pattern. Sod shall be the required ground cover along street frontages.

d. Irrigation. Automatic underground irrigation systems shall be installed to promote plant growth and maintenance of planting areas. When 100 percent native drought-tolerant landscaping is proposed, temporary irrigation for plant establishment, of not less than three years, may be installed as approved by the city.

C. Type 3: Visual Buffer.

1. Purpose. Provide a visual separation of uses from streets and a visual separation of compatible uses to soften the appearance of street, parking areas and building facades.

2. Description.

a. Trees. A combination of evergreen trees and deciduous trees. At least 70 percent deciduous trees, spaced no more than 20 feet on center. Evergreen trees shall be spaced no more than 15 feet on center. For every 10 feet of landscape buffer depth (15 feet rounded down to 10, etc.), the number of required trees shall equal the length of the landscaped area divided by 50 and shall be staggered to mimic natural growth patterns (not planted in a row).

b. Shrubs. A mix of evergreen and deciduous shrubs that do not exceed a height of three to four feet at maturity, spaced no more than four feet apart and staggered to mimic natural growth patterns.

c. Ground Cover. Living ground cover planted at 24 inches on center in a triangular spacing pattern.

d. Irrigation. Automatic underground irrigation systems shall be installed to promote plant growth and maintenance of planting areas. When 100 percent native drought-tolerant landscaping is proposed, temporary irrigation for plant establishment, of not less than three years, may be installed as approved by the city.

D. ~~Type 4: Landscape Buffer to Agricultural~~

~~1. Purpose. To provide a landscape buffer between designated agricultural lands as identified on the North Bend Comprehensive Plan Map 7-1, “North Bend UGA Designated Agricultural Land,” and abutting incompatible uses and zoning districts.~~

~~2. Description.~~

~~a. Minimum width of 150 feet to include a minimum width of 20 feet of Type 1 sight barrier landscaping.~~

~~b. Includes rights of way.~~

- e. ~~Create a visual screen by using Type 2 (visual separation) landscaping as a buffer with a minimum width of 20 feet aligned to the adjacent property.~~
- d. ~~Permits several uses within the landscaped buffer area to include: screens, berms, parking, and access routes, fences, utilities, storm ponds, and nonoccupied accessory structures.~~
- 3. ~~Occupied structures (residential, commercial, and industrial) or sites are a nonconforming use. NBMC 18.30.040 applies for repairs or restoration of nonconforming use if damaged.~~

18.18.110 Landscaping standards – Multifamily, governmental, commercial and industrial development.

The following standards shall apply to development on lands designated as HDR, NB, NMU, DC, IC, EP-1, EP-2BP, EP, and to development of uses other than parks and recreation on lands designated POSPF:

- A. Underground automatic sprinkler systems shall be required for all multifamily, commercial and industrial projects. When 100 percent native drought-tolerant landscaping is proposed, temporary irrigation for plant establishment, of not less than three years, may be installed in place of a permanent sprinkler system as approved by the city.
- B. Landscape plans for multifamily, commercial and industrial development shall incorporate common open space or park areas as required with trails, interior courtyards and recreation facilities suitable for the benefit of the project's anticipated residents.
- C. Foundation Planting.

- 1. For all multifamily buildings, foundation plantings shall be provided to soften the overall impact and scale of the buildings. Foundation plantings shall be provided around each individual building, at the base of the building and around associated utilities including air conditioning units and generators at the front of the building.
- 2. For all commercial and industrial buildings, foundation plantings shall be provided around all areas of the base of the building not directly abutting a sidewalk, plaza, service or loading area. Foundation plantings shall be scaled according to the nature of the wall area, limited at primary building facades and around features such as windows, entries, and architectural elements, and increased for areas of blank walls and utilities, including air conditioning units and generators at the front of the building.
- 3. For all office and industrial buildings, in the EP-1 and EP-2 EP and BP zones, an average depth of 15 feet from the face of the building shall be provided around the building; provided, that pedestrian facilities, such as sidewalks, may be located within this 15 feet and shall count as landscaping; and provided further, that building loading areas shall not be subject to this requirement.

18.18.130 Transitional Landscape area.

Properties within the transitional landscape area (TLA), as defined in this chapter, shall provide for landscape buffering in accordance with the standards below, in addition to other applicable provisions of this chapter.

A. General TLA Standards.

1. Within TLA buffers, existing native trees and vegetation shall be retained and supplemented with additional planted landscaping where existing native vegetation is insufficient to meet the prescribed landscape standard. Invasive nonnative species shall be uprooted and removed from the TLA buffer upon development. Supplemental trees shall be a minimum of 75 percent native evergreens to provide additional screening function, and for consistency with the natural forested character of the TLA.
2. Where a TLA affects more than 20 percent of the total gross area of any parcel, the TLA may be reduced such that not more than 20 percent of the total gross area of the parcel is affected by the TLA, subject to performance standards found in NBMC 18.10.050.
3. Regional trail linkages and sidewalks are allowed within the TLA, located to meander around retained trees.
4. The TLA shall be measured from the edge of the applicable right-of-way and should either be placed in a tract to be dedicated to the applicable owners' association, placed within an easement for transitional landscape area purposes or subject to city approval, dedicated to the city for TLA and trail purposes.

B. Specific TLA Buffers.

1. A 20-foot buffer of Type 2 landscaping, as described in NBMC 18.18.080, shall be provided along Ribary Way for properties zoned IMU.
2. A 35-foot buffer shall be provided along the northern edge of Cedar Falls Way for properties zoned cottage residential, pursuant to the buffering requirements established in the cottage residential regulations in NBMC 18.11.070(B)(3)(b).
3. A 40-foot buffer of Type 2 landscaping, as described in NBMC 18.18.080, shall be provided in the following areas:
 - a. Along SE 140th Street for properties zoned ~~EP-1 and EP-2~~ EP and BP.
 - b. Along West North Bend Way and Alm Way for properties zoned ~~EP-1~~ BP
 - c. Along Southeast North Bend Way for properties zoned ~~EP-2~~ EP.

4. A 50-foot buffer of Type 2 landscaping, as described in NBMC 18.18.080, shall be provided along East North Bend Way for properties zoned cottage residential, and parks, open spaces and public facilities. An applicant may alternatively provide for acquisition and dedication of a portion of the Burlington Northern Railroad right-of-way for public trail purposes pursuant to the provisions of NBMC 18.11.070(C) in place of this buffering requirement.

18.18.150 Landscape maintenance.

A. Replacement. The property owner shall replace any unhealthy or dead plant materials in conformance with the approved landscape plan, shall maintain all plant material and irrigation facilities, and shall keep all landscape areas free of invasive species.

B. Maintenance Assurance. The community and economic development director shall require a maintenance assurance device and landscape maintenance agreement for a period of ~~three~~ one years from the completion and approval of the planting in order to ensure compliance with this section, which may be held longer to accommodate appropriate planting times in the wet season for required corrections. The amount of the maintenance assurance device shall be 20 percent of the cost of plant materials plus installation. A maintenance assurance device and landscape maintenance agreement are not required for an individual single-family home constructed outside of a new short plat or subdivision.

C. Minimal Landscape Project Fee-In-Lieu of Maintenance Assurance. For projects that have a landscape project cost for plant materials and installation valued at \$57,000 or less (adjusted annually for inflation from 2025), an applicant may provide a fee-in-lieu of maintenance assurance device to the city in the amount of 10 percent of the value of the landscaping, subject to entering a fee-in-lieu landscape agreement with the city.

18.18.175 Fences.

Fences shall be constructed and maintained in conformance with the following standards:

A. Building Permit. A building permit is required for any fence greater than six feet in height.

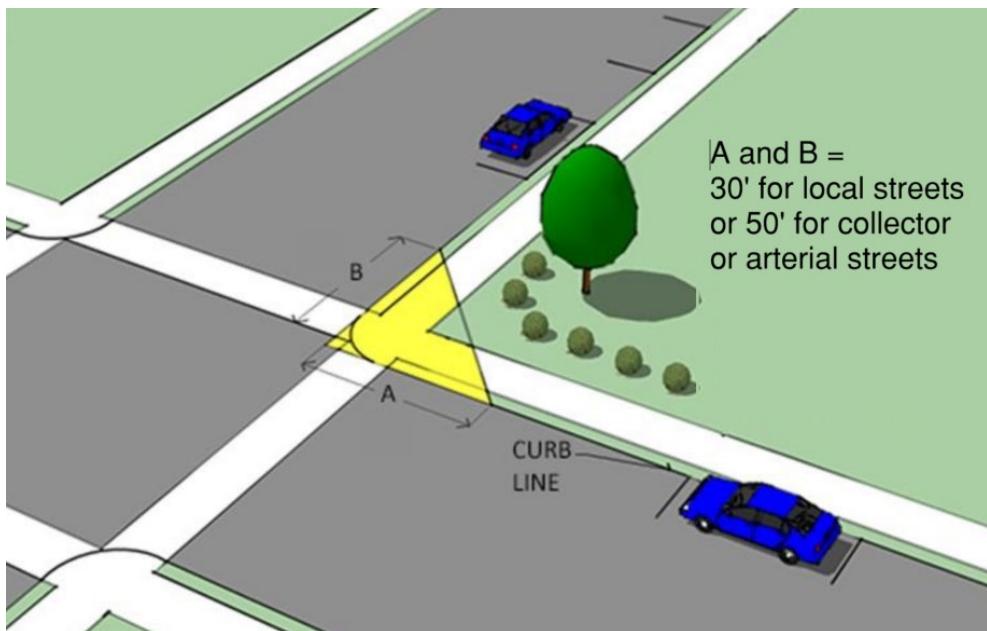
B. Review. Fence proposals for all new multifamily (triplex or larger), commercial, utility, public/quasi-public, and resource uses with buildings and/or structures shall be reviewed under the primary approval(s) required (e.g., site plan approval, design review approval, etc.).

C. Setbacks.

1. Collector and Arterial Street Setback. Fences taller than four feet in height along the property line of a collector or arterial street shall be set back a minimum of five feet off the edge of the right-of-way.

2. Corner Line-of-Sight Setback. For corner lots (either street or alley), or where other relevant safety considerations are present, including major driveways, any solid fences or continuous hedges that are taller than three and one-half feet in height shall be placed behind a “sight triangle” area. The sides of a sight triangle shall be two perpendicular lines each varied in length based on classification of street and measured from the edge of the vehicle travel lane of the right-of-way (either the curb or fog line) of the two intersecting streets or street and alley. The hypotenuse of the sight triangle shall be the line that crosses the corner lot and connects the two sides of the triangle. The length of perpendicular measurement shall be 30 feet for local streets, and 50 feet for collector or arterial streets. In addition, solid fences and hedges higher than three and one-half feet on corner lots shall maintain a minimum five feet side yard setback from the edge of pavement or back side of any sidewalk or open drainage ditch along the street frontage. As necessary, the community and economic development department reserves the right to utilize other methodologies in ensuring an adequate line-of-sight area for corner lots, or where other public safety considerations are present.

18.18.175(C)(2) - Figure A – Sight Triangle Area



3. No setbacks are required for fences along property lines other than those described above.

D. Height Limits. Fences in front yard areas may not be greater than six feet in height along the front property line, and within the corner line-of-sight setback, may not be greater than six feet in height three and one-half feet in height, except as may be approved through an administrative adjustment to standards pursuant to Chapter 18.25 NBMC or a variance, in addition to the required building permit.

E. Wildlife. To allow for the movement of wildlife, fences are not permitted on the outside of perimeter landscape buffers within the TLA, or on the outside of the perimeter landscape buffer of EP-4BP zoned properties adjacent to residential zones.

F. Additional Standards. Additional standards for fences exist within the land use performance standards in NBMC 18.10.050 and commercial design standards in Chapter 18.34 NBMC for certain land uses.

Table 1**Required Landscaping for Interior Lot Lines and Transition Areas**

Subject Property by Zone	Abutting a Right-of-Way or Adjacent Private/Public Parking Lot	Abutting Single-Family Zone	Abutting Multifamily Zone	Abutting Business Commercial/Mixed Use Zone	Abutting Industrial Zone	Abutting Parks and Open Space
POSPF – Park Uses	10' Type 3*	10' Type 2*	10' Type 2*	10' Type 2*	NA	NA
POSPF – Nonpark Uses outside the DC Zone	10' Type 3	20' Type 1	15' Type 1	10' Type 2	10' Type 2	NA
Nonresidential Uses in Single-Family Zones	10' Type 3	10' Type 3	10' Type 1	10' Type 2	10' Type 2	10' Type 2
Multifamily	10' Type 3	20' Type 2	10' Type 3	10' Type 1	10' Type 1	10' Type 2
Commercial /Mixed Use	10' Type 3; 5' when abutting an alley or adjacent private/public parking lot	15' Type 1	15' Type 1	5' Type 2 (does not apply in DC zone)	10' Type 2	10' Type 2
<u>Industrial/Employment Business Park-1</u>	15' Type 1	30' Type 1 (no fencing on outside of buffer)	20' Type 1	15' Type 1	10' Type 2	10' Type 1
Industrial/Employment Park —2	20' Type 1	30' Type 1	20' Type 1	15' Type 1	15' Type 2 (30' Type 1 where abutting existing single-family residential use)	10' Type 1

Notes and Comments:

1. On properties greater than one acre in size, the perimeter landscape buffer may be reduced or waived through the modification to standards process in NBMC 18.18.170 at the discretion of the planning director for areas that are left in an undeveloped condition (such as grass field or forest) and are further than 30 feet from site improvements (parking, buildings, storage, etc.).
2. Required planting width is measured from the property line.
3. The transitional landscape area (TLA) shall govern where in conflict with Table 1.—as designated by Figure 1-5, North Bend Comprehensive Plan Area.
4. Landscaping width can be reduced to minimum building setback where building precluded installation per NBMC 18.18.050(D).
5. Fencing is not permitted in EP-1-BP Zone buffers adjacent to residential zoning to allow for the movement of wildlife.
6. Perimeter buffers shall not preclude connectivity between adjacent parcels for shared parking or drive lanes.

* Applies only where buildings, paved or gravelled areas, and service areas on the subject property are adjacent to a property line or right-of-way.

Table 2
Interior Landscaping for Parking Lots

Item	Specifications
For Parking Lots with 10 to 30 Stalls in All Zones	7 percent of total vehicular use area shall be landscaped with Type 3 landscaping. TLA reduction may be allowed when on-site vehicular use area landscaping is increased to 10 percent.
For Parking Lots with 31 or More Stalls in All Zones	10 percent of total vehicular use area shall be landscaped with Type 3 landscaping. TLA reduction may be allowed when on-site vehicular use area landscaping is increased to 12 percent.
For Parking Lots with 75 or More Stalls in the EP-4 or <u>EP-2-BP Zones</u>	12 percent of total vehicular use area shall be landscaped with Type 2 landscaping. TLA reduction may be allowed when on-site vehicular use area landscaping is increased to 15 percent.
Minimum Area of Each Planting Segment and Design Requirements in All Zones	<p>A. 100 square feet minimum.</p> <p>B. Shall project out into the pavement as peninsulas or islands, or as otherwise approved by the city.</p> <p>C. Planting areas shall be distributed as evenly as possible throughout the parking area and shall be located between parking stalls and/or at the end of parking rows.</p>

Table 2
Interior Landscaping for Parking Lots

Item	Specifications
	D. Automatic underground irrigation systems shall be installed to promote plant growth and maintain vegetation, unless 100 percent native drought-tolerant species are used and a watering plan is implemented consistent with NBMC 18.18.120(B).
Curb and Structural Barriers in All Zones	Curb and/or structural barriers shall be provided to protect the landscape plantings from vehicle overhang.
Required Number of Shade Trees per Landscape Segment in All Zones	At least one per planter area and/or one per 100 square feet of planter area whichever is greater.

Notes and Comments:

1. “Vehicular use area” includes the parking lot, driveways and service areas.



**Community and Economic Development Department Staff Report
and Planning Commission Recommendation**

Proposal: Amendments to NBMC Title 18 Zoning

Date: August 6, 2025

Proponent: City of North Bend

Staff Recommendation: A motion to recommend City Council approval of the proposed amendments to NBMC Title 18.18 Landscaping, and NBMC 18.38 Notice on Title Regulations

A. PROPOSED AMENDMENTS

Amendments are proposed to the City of North Bend Landscape Regulations in North Bend Municipal Code (NBMC) Chapter 18.18, and associated amendments to the City's Notice on Title Regulations in NBMC 18.38. The amendments are intended to remedy unneeded code, language conflicts, and to simplify implementation of the City's landscape maintenance assurance device.

Amendments to 18.18.080 propose to clean up code that has little effect. The Type 4 buffer described in Section D (a 150' landscape buffer to Designated Agricultural Lands) was created for the purpose of screening nearby residents and/or passersby from potentially unsightly occurrences typical on agricultural lands and protecting such agricultural lands from potential noise, light, and activity impacts from the new development.

Recent amendments to the City's Designated Agricultural Lands Map added Tollgate Farm Park and Meadowbrook Farm Park as designated agricultural lands. However, the types of uses on these properties do not necessitate buffering, and amendments are therefore proposed to exempt these properties from buffering requirements (if the Type 4 buffer is retained).

The Type 4 buffer calls for 150 feet of buffer for agricultural uses. The one property this has applied to is adjacent to the Snoqualmie Valley Trail (SVT), which itself is 100 feet wide and contains vegetation and utility easements. Utility easements for overhead power lines also cover approximately 30 feet of the northern portion of properties to the south of the Snoqualmie Valley Trail, providing additional non-buildable area. The current distance and ground coverage within these areas may adequately acts as a buffer satisfying the purpose listed in Subsection 1 of Section D without the additional 50 feet of required space. Since the code applies to one property that contains a sufficient barrier without need of the current requirements, and there is unlikely to be any future annexations of applicable agricultural land (which is outside of the Urban Growth Area), staff are therefore proposing to amend or remove subsection D. "Type 4: Landscape Buffer to Agricultural."

Amendments to 18.18.150(B) would lower the required maintenance agreement period from three years to one year. This would free up additional City resources and follow what is common to other municipalities' assurance device mechanisms, which are typically only one or two years. Disputes sometimes occur regarding maintenance between the developer and the HOA during the maintenance bond period. Since the City remains the administer of the bond, they must mitigate the conflict. This takes up vital City time and resources. These amendments aim to lessen the burden the City faces by lowering the amount and time period of projects that require a maintenance bond. The essential purpose of a maintenance bond is to ensure that construction/installation defects (including plantings that may initially die) are addressed prior to closeout of a project review. This can be accomplished within a one-year timeframe. Beyond the first year, problems generally do not arise out of defects/improper planting, but rather out of insufficient maintenance tasks (watering, weeding, pruning, etc.), which the City should not be involved with policing.

Amendments to 18.18.150(C) would adjust the maximum Fee-In-Lieu limit from \$5,000 to \$7,000. This adjustment would make the threshold amount consistent with inflation rates of general landscaping costs and decrease the number of projects requiring full bonding, simplifying reviews.

Amendments to 18.18.175 propose adjusting wording to remove a language conflict in the corner setback requirements for fencing. Currently, Section C (2) requires all solid fencing over 3 ½ feet to be setback. Section D, however, lists the height limit for fencing within the setback to not exceed 6 feet. The amendment would change Section D's requirements to 3 ½ feet reflecting the other sections and resolving the language conflict.

Amendments to 18.38.020 adjust the title and figure number referenced in Section A under "Contents of required notice" to be consistent with the 2024 Comprehensive Plan. The previously noted "Figure 7-1 (North Bend UGA Designated Agricultural Land)" will be updated to read as "Figure 1-5 (Designated Agricultural Land Map)". This also resolves the issue of labeled lands outside of the UGA being listed as within.

The proposed municipal code amendment is provided within the attached Exhibit A.

B. FINDING AND ANALYSIS

1. **SEPA:** The proposed municipal code amendments are subject to the State Environmental Policy Act (SEPA). A SEPA Determination of Non-Significance was issued on July 25, 2025.
2. **Public Hearing:** A public hearing was held at the August 6 Planning Commission meeting. Written comment was received and is included in the exhibits.
3. **Municipal Code Amendment Process:** Municipal code amendments are governed by NBMC 20.8.070 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 the proposed amendments. 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.** No economic impacts are anticipated from revising the landscape regulations.
 - iii. **Cultural Impacts.** No cultural impacts are anticipated from revising the landscape regulations.
- b. **Impacts to Surrounding Properties.** Impacts to designated agricultural lands are evaluated in the above section. 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.

4. **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 Land Use Element calls for preservation of its environment, natural beauty, and small-town character within its natural areas. The proposed amendments are related to the following Comprehensive Plan Goals and Policies:

Land Use Goal 5.1: Support the development of small-scale agricultural uses at Tollgate Farm to preserve the history of agriculture in the Snoqualmie Valley.

Land Use Goal 5.2: Maintain Right-to-Farm and Forestry regulations to support maintenance of natural resource lands within and around the North Bend UGA and protect farm and forestry operations from nuisance laws.

Land Use Goal 5.4: Require landscape buffers for development on properties adjacent to certain designated agricultural lands to protect agricultural activities from impacts from potentially incompatible future urban land uses.

The 100' wide Snoqualmie Valley Trail corridor and additional 20-30 feet of powerline easement area provides buffering between urban land uses and the designated agricultural land, where urban land uses may not occur. 150' feet of separation as exists in the current code language may be greater than what is needed to provide separation and buffering.

5. **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 proposed amendments are consistent with the Municipal Code, as stated in NBMC

18.18.030, "The purpose of this chapter is to provide regulations that will:... B. Create sustainable and well-designed landscaping which will improve the overall quality of the city and enhance a project's visual appearance;... D. Promote and preserve the city's natural character"

6. Consistency with NBMC 20.08.100

Pursuant to NBMC 20.08.100, the Planning Commission 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.

- a. 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.
- b. If the issue is not addressed in the Comprehensive Plan, is there a need for the proposed change?
Yes. A 3-year maintenance bond period requires a large amount of staff time to manage, which could be otherwise utilized for other more essential public purposes, and unneeded/incorrect code that has little effect on its applicable developments serving no legitimate public purpose.
- c. Is the proposed change the best means for meeting the identified public need?
Yes. This change will simplify the city's municipal code and open more resources/time for City employees.
- d. Will the proposed change result in a net benefit to the community
Yes. Removing unnecessary code and conflicting language makes implementation of the code simpler and allows for uses adjacent to agriculture less restrictions on buffer size and landscaping. Alongside this, time previously spent handling disputes can now be put to other public needs.

C. 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 Landscaping Regulations in NBMC 18.18 and the amendments to the Notice on Title Regulations in NBMC 18.38.

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/DENIAL** of the proposed amendments to the Landscaping Regulations in NBMC 18.18 and the amendments to the Notice on Title Regulations in NBMC 18.38.

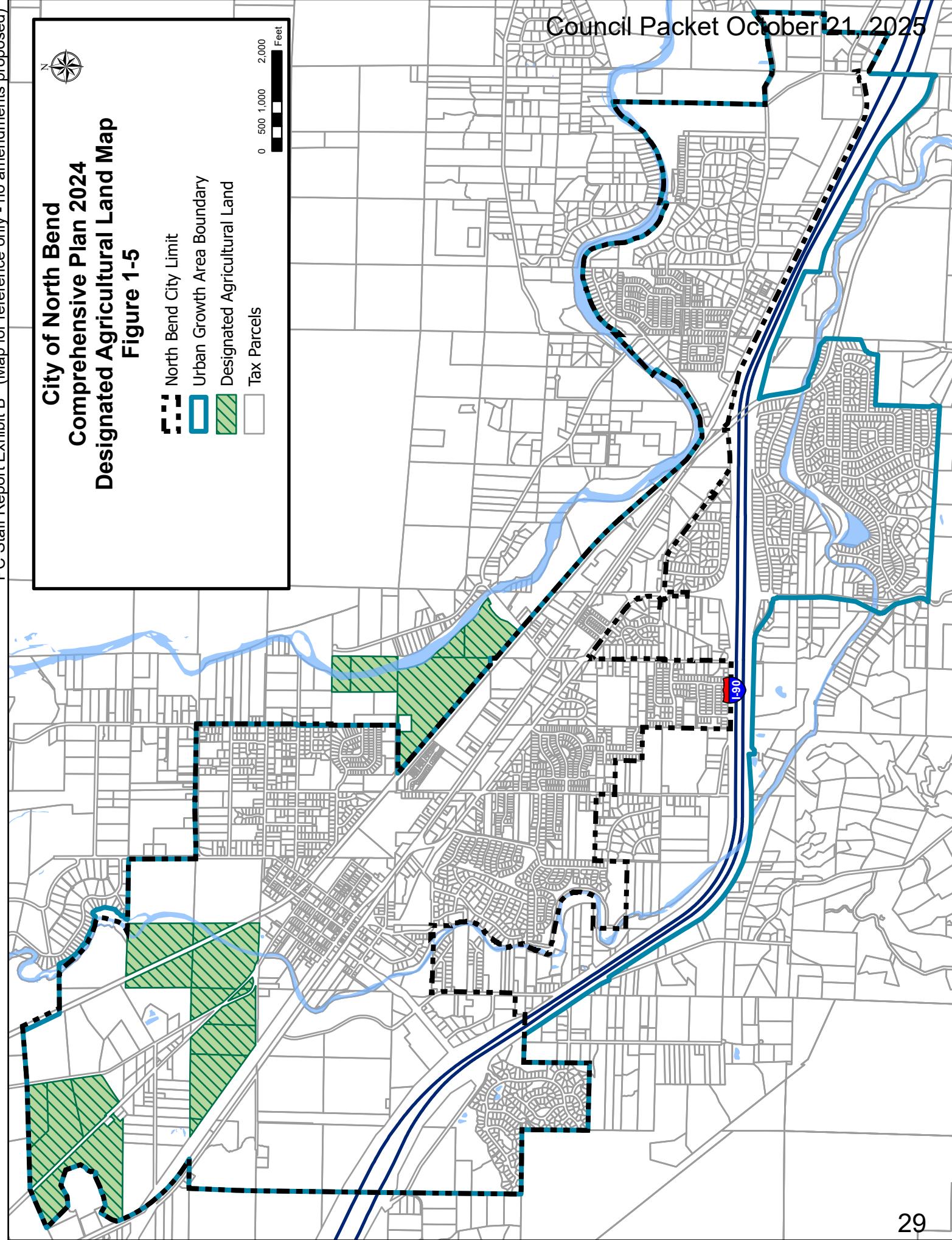
Exhibits:

- Exhibit A: Municipal Code Amendments
- Exhibit B: Comprehensive Plan Land Use Element Figure 1-5 *Designated Agricultural Lands*, for reference
- Exhibit C: Written comments received

**City of North Bend
Comprehensive Plan 2024
Designated Agricultural Land Map
Figure 1-5**

- North Bend City Limit
- Urban Growth Area Boundary
- Designated Agricultural Land
- Tax Parcels

0 500 1,000 2,000
Feet



NBMC 18.18 and 18.38 Planning Commission Staff Report Exhibit C: Public Comment received:

1. Snoqualmie Tribe comments
2. Ewing Stringfellow comments



August 5th, 2025

Mike McCarty
920 SE Cedar Falls Way
North Bend, WA 98045

Via email to planning@northbendwa.gov

RE: Amendments to Title 18 of the North Bend Municipal Code Relating to Landscaping Regulations and Notice on Title Requirements

Dear Mike McCarty,

On behalf of the Snoqualmie Indian Tribe (Tribe), please accept these comments on the 2025 Amendments to Title 18 of the North Bend Municipal Code Relating to Landscaping Regulations and Notice on Title Requirements. We appreciate the opportunity to provide these comments.

The Snoqualmie Tribe is a federally recognized sovereign Indian Tribe and a signatory to the Treaty of Point Elliott of 1855, in which it reserved to itself certain rights and privileges and ceded certain lands to the United States. As a signatory to the Treaty of Point Elliott, the Tribe specifically reserved to itself, among other things, the right to fish at usual and accustomed areas and the “privilege of hunting and gathering roots and berries on open and unclaimed lands” off-reservation throughout the modern-day state of Washington (Treaty of Point Elliott, art. V, 12 Stat. 928). The Tribe has lived on, tended, and managed this land since time immemorial and the rivers, lakes, and surrounding lands are vitally important both ecologically and culturally. The Snoqualmie Tribe seeks to work collaboratively with the City of North Bend to develop codes that maintain an attractive environment and healthy city while protecting and complementing the natural environment.

In the City of North Bend Comprehensive Plan Critical Areas Element, it is stated that protections of the high-quality natural environment, including “clean air and water, lush forest areas, and a beautiful physical setting” is essential to residents to “maintain their healthy lifestyle” (Chapter 2 Critical Areas Element, Page 2). We are concerned that the code amendments are insufficient to achieve these outcomes and will not provide for the long-term protection and cultivation of native tree and plant species, and the ecosystem services they provide, or adequate water conservation. Water resources in our region are becoming increasingly stressed due to climate change and increasing consumptive uses,



and special attention is needed to ensure that development impacts do not further exacerbate the impact on the water supply. We believe additional amendments are needed to ensure these protections.

We have summarized our comments in the table below along with the corresponding sections of the code amendments.

Section	Snoqualmie Tribe Comment
18.18.030 Purpose.	We would like to see stronger and more specific language prioritizing retaining existing vegetation and significant trees, using permeable surfaces, planting native and drought-resistant species, and requiring efficient, low-water use irrigation systems. See King County Landscaping and Water Use Code 21A.16.010 for example. This section should also reflect that vegetation provides valuable ecological services beyond just visual appearance, such as mitigating temperature by providing shade, reducing erosion and stormwater run-off, and improving air quality, services that also benefit the City and its residents.
18.18.040 Definitions.	Please add Culturally significant and climate smart species to the list of definitions. Culturally significant species should be identified through consultation with the Snoqualmie Tribe.
18.18.070 Landscape plan – General requirements	This section needs stronger language requiring mandatory use of best practices for low-impact development, including tree retention, installing low-water use and efficient irrigation, planting drought-resistant native species, and using bio-retention techniques. See King County Landscaping – general standards for all new landscape areas 21A.16.085 for examples.
Irrigation	Additional language is needed to provide design standards and efficiency goals for irrigation systems. This should include guidelines for water conservation, including avoiding run-off and



overspray to non-irrigated or impervious surfaces, considering soil type and infiltration in the design, maintaining schedules to meet needs while conserving water, and maintaining systems to prevent and fix leaks. See King County 21A.16.330 for examples.

These updates to the amendment language are critical to support sustainable development that does not compromise the character and environment of the City and the quality of life for those who live here. We ask the City of North Bend to take the Snoqualmie Tribe's ancestral relationship with the lands of the region into account when making decisions that affect people and the shape of the landscape now and far into the future, and we remain ready to continue to work with the City to protect the Tribe's Ancestral Lands.

Thank you for your consideration.

Sincerely,

DocuSigned by:

166598E8B57F4ED...

Matt Baerwalde

Senior Environmental Policy Analyst, Government Affairs & Special Projects

Signed by:

FD46697F80FA4F3...

Shelby Burgess

Environmental Review Analyst, Government Affairs & Special Projects

From: [Ewing Stringfellow](#)
To: [Mike McCarty](#)
Subject: Planning Commission August 6, 2025 at 6:30pm - Public Hearing Comments
Date: Wednesday, August 6, 2025 1:21:06 PM

Attention Planning Commission Members:

First, I would like to thank all of you for taking the time to serve our community in this important role of forward looking to preserve what you believe is necessary as growth is inevitable to occur.

The Middle Fork S Ranch is a commercial beef breeding, cow/calf, and fat stock operation since 1968. Our fence line is your fence line, separated by a City street and the County trail.

Customary with agriculture, animal husbandry operations have adverse odors, sights, chemicals, sounds, etc. These are objectionable to City folks. This is why the State statute requires a "150' Notice on Title Buffer" for adjacent neighbors. A reasonable landscape is encouraged by the City planners to help buffer these adverse impacts. The City should be expected to receive complaints from our customary operations.

Please exercise good judgement, doing your part to protect the last ranch in our valley.

So far we have been good neighbors unless our current herd of 29 cows, calves and a bull get loose. This happens when users of the abutting public right of way cut or climb through our fencing. Consideration should be given for private abutting property owners to also fence their boundary. We believe good fences make good neighbors.

Sincerely,
Ewing Stringfellow
Middle Fork S Ranch



City Council Agenda Bill

SUBJECT:	Agenda Date: October 21, 2025	AB25-110
Ordinance Amending North Bend Municipal Code Section 18.38.020 Relating to Notice on Title	Department/Committee/Individual	
Cost Impact: N/A	Mayor – Mary Miller	
Fund Source: N/A	City Administrator – Amber Emery	
Timeline: Immediate	City Attorney – Kendra Rosenberg	
	City Clerk – Susie Oppedal	
	Comm. & Economic Development – James Henderson	
	Finance – Martin Chaw	
	Public Works – Tom Mohr	
	Planning Manager – Mike McCarty	X
Attachments: Ordinance, Planning Commission Staff Report with Public Comment		
SUMMARY STATEMENT:		
Amendments are proposed to the City's Notice on Title regulations in NBMC 18.38.020. The amendments are provided to correctly reference the location and title of the Designated Agricultural Land map within the Comprehensive Plan, which was relocated from the previous Natural Resources Element into the Land Use Element as a part of the 2024 Comprehensive Plan Update.		
The Planning Commission held a public hearing on August 6, 2025 (together with related amendments to the Landscape Regulations addressing designated agricultural lands), and following the hearing, made a recommendation to the City Council to approve the proposed amendments.		
Staff recommend approval of the amendments, as necessary to correct an incorrect reference.		
APPLICABLE BRAND GUIDELINES: The proposed amendments are simply the correction of an incorrect map reference and do not relate to specific City brand guidelines.		
COMMITTEE REVIEW AND RECOMMENDATION: The Community and Economic Development Committee reviewed this item at its August 19, 2025, meeting and recommended approval and placement on the Consent Agenda.		
RECOMMENDED ACTION: MOTION to approve AB25-110, an ordinance amending North Bend Municipal Code Section 18.38.020 relating to Notice on Title, as a first and final reading.		
RECORD OF COUNCIL ACTION		
Meeting Date	Action	Vote
October 21, 2025		

ORDINANCE

**AN ORDINANCE OF THE CITY OF NORTH BEND,
WASHINGTON, AMENDING NORTH BEND
MUNICIPAL CODE SUBSECTION 18.38.020 RELATING
TO NOTICE ON TITLE; PROVIDING FOR
SEVERABILITY; AND ESTABLISHING AN EFFECTIVE
DATE**

WHEREAS, the City of North Bend Comprehensive Land Use Plan and development regulations, including the zoning code, are subject to continuing review and evaluation under RCW 36.70A.130(4)(a); and

WHEREAS, as provided in the 2024 Amendments to the City of North Bend Comprehensive Plan, the Designated Agricultural Lands Map of the Comprehensive Plan was relocated from a previous Natural Resources Element (Chapter 7) to the current Land Use Element (Chapter 1) of the Comprehensive Plan; and

WHEREAS, subject to the relocation of this map within the Comprehensive Plan, an amendment to the Notice on Title regulations in NBMC 18.38.020 is necessary to correct a reference as to the location of the map; and

WHEREAS, the proposed amendments were submitted to the Washington State Department of Commerce for review on July 23, 2025 (submittal 2025-S-9669); and

WHEREAS, a State Environmental Policy Act (“SEPA”) Determination of Non-Significance was issued for the proposed amendments on July 25, 2025; and

WHEREAS, the North Bend Planning Commission held a public hearing on August 6, 2025, to receive testimony on the proposed amendments, receiving and considering two written comments submitted; and

WHEREAS, the Planning Commission, by motion on August 6, 2025, recommended approval of the proposed amendments as detailed in its findings, conclusions, and recommendations; and

WHEREAS, the North Bend City Council finds that the public interest and welfare are furthered by adoption of the proposed amendments;

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

Section 1. NBMC 18.38.020 (Contents of Required Notice), Amended: North Bend Municipal Code Section 18.38.020 (Contents of required notice) is amended as follows:

18.38.020 Contents of required notice.

A. A notice shall be placed on the title of property adjacent to property showing the presence of designated agricultural land as identified on the North Bend Comprehensive Plan Land Use Element Figure 1-5~~Map 7-1~~ (North Bend UGA Designated Agricultural Land Map) or forestry activities, as required by city of North Bend Municipal Code, as a condition of development or building permit approval. The notice shall be entitled “Agricultural or Forest Land Notice” and shall contain the following language:

This property is adjacent to agricultural or forest lands as defined by Chapter 18.06 NBMC. The provision of the agricultural and forest lands ordinance applies to this property. Limitations may exist on actions in or affecting the agricultural and/or forest lands adjacent to this property. For further information regarding such limitations, please contact the city of North Bend. This notice shall run with the land and shall not be removed except upon specific written authorization recorded by King County. Any subsequent subdivision, lot line adjustment, or other division of this property may affect the presence of agricultural and forest lands and their buffers on individual lots.

B. On the face of the notice shall be included the parcel number and street address of the property to which the notice applies.

C. The owner of the property to which the notice applies shall certify in a signed and notarized statement that the person is an owner of the property. This certification shall be included on the face of the notice.

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 21ST DAY OF
OCTOBER, 2025.**

CITY OF NORTH BEND:

Mary Miller, Mayor

APPROVED AS TO FORM:

Kendra Rosenberg, City Attorney

ATTEST/AUTHENTICATED:

Published:

Effective:

Susie Oppedal, City Clerk



**Community and Economic Development Department Staff Report
and Planning Commission Recommendation**

Proposal: Amendments to NBMC Title 18 Zoning

Date: August 6, 2025

Proponent: City of North Bend

Staff Recommendation: A motion to recommend City Council approval of the proposed amendments to NBMC Title 18.18 Landscaping, and NBMC 18.38 Notice on Title Regulations

A. PROPOSED AMENDMENTS

Amendments are proposed to the City of North Bend Landscape Regulations in North Bend Municipal Code (NBMC) Chapter 18.18, and associated amendments to the City's Notice on Title Regulations in NBMC 18.38. The amendments are intended to remedy unneeded code, language conflicts, and to simplify implementation of the City's landscape maintenance assurance device.

Amendments to 18.18.080 propose to clean up code that has little effect. The Type 4 buffer described in Section D (a 150' landscape buffer to Designated Agricultural Lands) was created for the purpose of screening nearby residents and/or passersby from potentially unsightly occurrences typical on agricultural lands and protecting such agricultural lands from potential noise, light, and activity impacts from the new development.

Recent amendments to the City's Designated Agricultural Lands Map added Tollgate Farm Park and Meadowbrook Farm Park as designated agricultural lands. However, the types of uses on these properties do not necessitate buffering, and amendments are therefore proposed to exempt these properties from buffering requirements (if the Type 4 buffer is retained).

The Type 4 buffer calls for 150 feet of buffer for agricultural uses. The one property this has applied to is adjacent to the Snoqualmie Valley Trail (SVT), which itself is 100 feet wide and contains vegetation and utility easements. Utility easements for overhead power lines also cover approximately 30 feet of the northern portion of properties to the south of the Snoqualmie Valley Trail, providing additional non-buildable area. The current distance and ground coverage within these areas may adequately acts as a buffer satisfying the purpose listed in Subsection 1 of Section D without the additional 50 feet of required space. Since the code applies to one property that contains a sufficient barrier without need of the current requirements, and there is unlikely to be any future annexations of applicable agricultural land (which is outside of the Urban Growth Area), staff are therefore proposing to amend or remove subsection D. "Type 4: Landscape Buffer to Agricultural."

Amendments to 18.18.150(B) would lower the required maintenance agreement period from three years to one year. This would free up additional City resources and follow what is common to other municipalities' assurance device mechanisms, which are typically only one or two years. Disputes sometimes occur regarding maintenance between the developer and the HOA during the maintenance bond period. Since the City remains the administer of the bond, they must mitigate the conflict. This takes up vital City time and resources. These amendments aim to lessen the burden the City faces by lowering the amount and time period of projects that require a maintenance bond. The essential purpose of a maintenance bond is to ensure that construction/installation defects (including plantings that may initially die) are addressed prior to closeout of a project review. This can be accomplished within a one-year timeframe. Beyond the first year, problems generally do not arise out of defects/improper planting, but rather out of insufficient maintenance tasks (watering, weeding, pruning, etc.), which the City should not be involved with policing.

Amendments to 18.18.150(C) would adjust the maximum Fee-In-Lieu limit from \$5,000 to \$7,000. This adjustment would make the threshold amount consistent with inflation rates of general landscaping costs and decrease the number of projects requiring full bonding, simplifying reviews.

Amendments to 18.18.175 propose adjusting wording to remove a language conflict in the corner setback requirements for fencing. Currently, Section C (2) requires all solid fencing over 3 ½ feet to be setback. Section D, however, lists the height limit for fencing within the setback to not exceed 6 feet. The amendment would change Section D's requirements to 3 ½ feet reflecting the other sections and resolving the language conflict.

Amendments to 18.38.020 adjust the title and figure number referenced in Section A under "Contents of required notice" to be consistent with the 2024 Comprehensive Plan. The previously noted "Figure 7-1 (North Bend UGA Designated Agricultural Land)" will be updated to read as "Figure 1-5 (Designated Agricultural Land Map)". This also resolves the issue of labeled lands outside of the UGA being listed as within.

The proposed municipal code amendment is provided within the attached Exhibit A.

B. FINDING AND ANALYSIS

1. **SEPA:** The proposed municipal code amendments are subject to the State Environmental Policy Act (SEPA). A SEPA Determination of Non-Significance was issued on July 25, 2025.
2. **Public Hearing:** A public hearing was held at the August 6 Planning Commission meeting. Written comment was received and is included in the exhibits.
3. **Municipal Code Amendment Process:** Municipal code amendments are governed by NBMC 20.8.070 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 the proposed amendments. 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.** No economic impacts are anticipated from revising the landscape regulations.
 - iii. **Cultural Impacts.** No cultural impacts are anticipated from revising the landscape regulations.
- b. **Impacts to Surrounding Properties.** Impacts to designated agricultural lands are evaluated in the above section. 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.

4. **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 Land Use Element calls for preservation of its environment, natural beauty, and small-town character within its natural areas. The proposed amendments are related to the following Comprehensive Plan Goals and Policies:

Land Use Goal 5.1: Support the development of small-scale agricultural uses at Tollgate Farm to preserve the history of agriculture in the Snoqualmie Valley.

Land Use Goal 5.2: Maintain Right-to-Farm and Forestry regulations to support maintenance of natural resource lands within and around the North Bend UGA and protect farm and forestry operations from nuisance laws.

Land Use Goal 5.4: Require landscape buffers for development on properties adjacent to certain designated agricultural lands to protect agricultural activities from impacts from potentially incompatible future urban land uses.

The 100' wide Snoqualmie Valley Trail corridor and additional 20-30 feet of powerline easement area provides buffering between urban land uses and the designated agricultural land, where urban land uses may not occur. 150' feet of separation as exists in the current code language may be greater than what is needed to provide separation and buffering.

5. **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 proposed amendments are consistent with the Municipal Code, as stated in NBMC

18.18.030, "The purpose of this chapter is to provide regulations that will:... B. Create sustainable and well-designed landscaping which will improve the overall quality of the city and enhance a project's visual appearance;... D. Promote and preserve the city's natural character"

6. Consistency with NBMC 20.08.100

Pursuant to NBMC 20.08.100, the Planning Commission 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.

- a. 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.
- b. If the issue is not addressed in the Comprehensive Plan, is there a need for the proposed change?
Yes. A 3-year maintenance bond period requires a large amount of staff time to manage, which could be otherwise utilized for other more essential public purposes, and unneeded/incorrect code that has little effect on its applicable developments serving no legitimate public purpose.
- c. Is the proposed change the best means for meeting the identified public need?
Yes. This change will simplify the city's municipal code and open more resources/time for City employees.
- d. Will the proposed change result in a net benefit to the community
Yes. Removing unnecessary code and conflicting language makes implementation of the code simpler and allows for uses adjacent to agriculture less restrictions on buffer size and landscaping. Alongside this, time previously spent handling disputes can now be put to other public needs.

C. 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 Landscaping Regulations in NBMC 18.18 and the amendments to the Notice on Title Regulations in NBMC 18.38.

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/DENIAL** of the proposed amendments to the Landscaping Regulations in NBMC 18.18 and the amendments to the Notice on Title Regulations in NBMC 18.38.

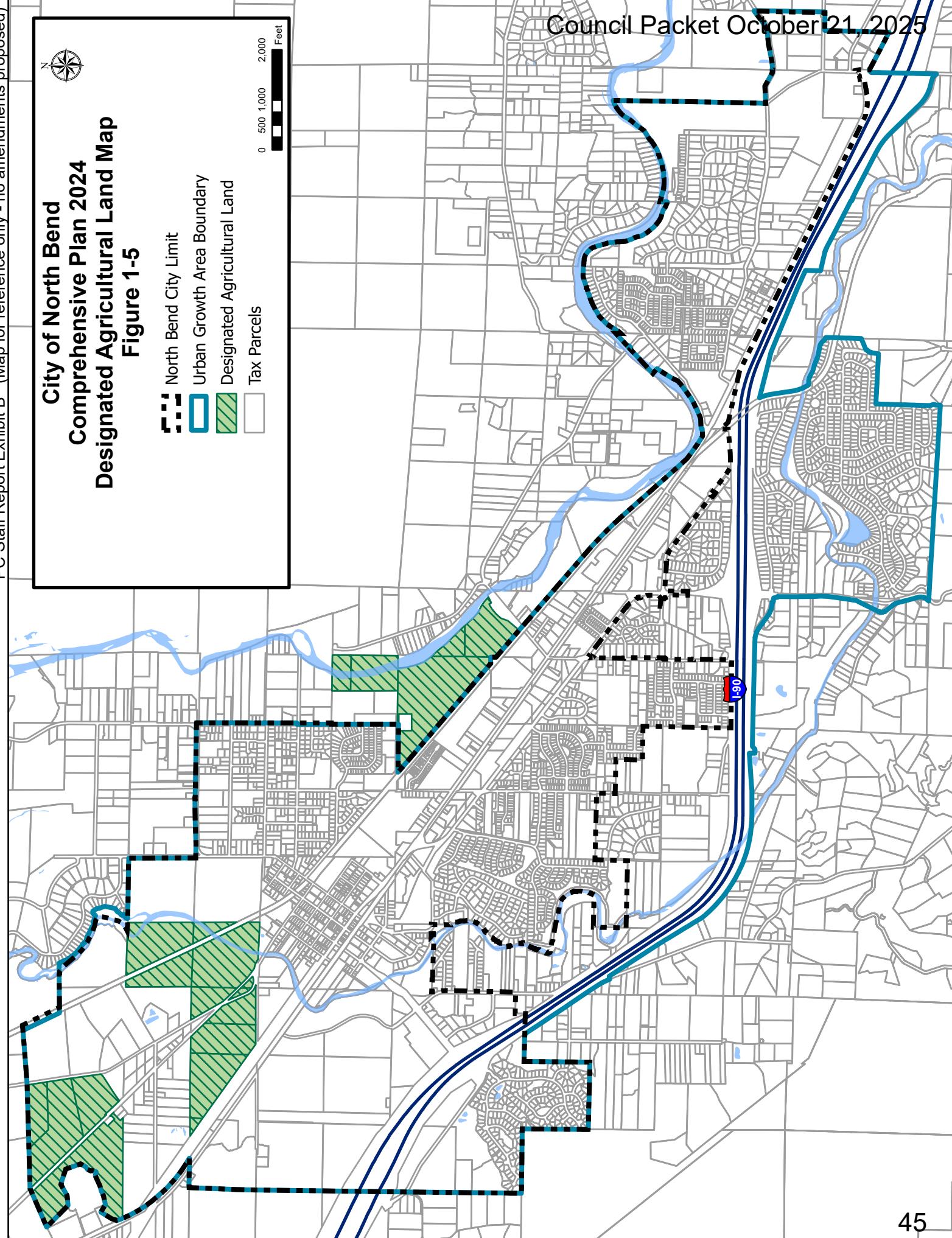
Exhibits:

- Exhibit A: Municipal Code Amendments
- Exhibit B: Comprehensive Plan Land Use Element Figure 1-5 *Designated Agricultural Lands*, for reference
- Exhibit C: Written comments received

**City of North Bend
Comprehensive Plan 2024
Designated Agricultural Land Map
Figure 1-5**

- North Bend City Limit
- Urban Growth Area Boundary
- Designated Agricultural Land
- Tax Parcels

0 500 1,000 2,000
Feet



NBMC 18.18 and 18.38 Planning Commission Staff Report Exhibit C: Public Comment received:

1. Snoqualmie Tribe comments
2. Ewing Stringfellow comments



August 5th, 2025

Mike McCarty
920 SE Cedar Falls Way
North Bend, WA 98045

Via email to planning@northbendwa.gov

RE: Amendments to Title 18 of the North Bend Municipal Code Relating to Landscaping Regulations and Notice on Title Requirements

Dear Mike McCarty,

On behalf of the Snoqualmie Indian Tribe (Tribe), please accept these comments on the 2025 Amendments to Title 18 of the North Bend Municipal Code Relating to Landscaping Regulations and Notice on Title Requirements. We appreciate the opportunity to provide these comments.

The Snoqualmie Tribe is a federally recognized sovereign Indian Tribe and a signatory to the Treaty of Point Elliott of 1855, in which it reserved to itself certain rights and privileges and ceded certain lands to the United States. As a signatory to the Treaty of Point Elliott, the Tribe specifically reserved to itself, among other things, the right to fish at usual and accustomed areas and the “privilege of hunting and gathering roots and berries on open and unclaimed lands” off-reservation throughout the modern-day state of Washington (Treaty of Point Elliott, art. V, 12 Stat. 928). The Tribe has lived on, tended, and managed this land since time immemorial and the rivers, lakes, and surrounding lands are vitally important both ecologically and culturally. The Snoqualmie Tribe seeks to work collaboratively with the City of North Bend to develop codes that maintain an attractive environment and healthy city while protecting and complementing the natural environment.

In the City of North Bend Comprehensive Plan Critical Areas Element, it is stated that protections of the high-quality natural environment, including “clean air and water, lush forest areas, and a beautiful physical setting” is essential to residents to “maintain their healthy lifestyle” (Chapter 2 Critical Areas Element, Page 2). We are concerned that the code amendments are insufficient to achieve these outcomes and will not provide for the long-term protection and cultivation of native tree and plant species, and the ecosystem services they provide, or adequate water conservation. Water resources in our region are becoming increasingly stressed due to climate change and increasing consumptive uses,



and special attention is needed to ensure that development impacts do not further exacerbate the impact on the water supply. We believe additional amendments are needed to ensure these protections.

We have summarized our comments in the table below along with the corresponding sections of the code amendments.

Section	Snoqualmie Tribe Comment
18.18.030 Purpose.	We would like to see stronger and more specific language prioritizing retaining existing vegetation and significant trees, using permeable surfaces, planting native and drought-resistant species, and requiring efficient, low-water use irrigation systems. See King County Landscaping and Water Use Code 21A.16.010 for example. This section should also reflect that vegetation provides valuable ecological services beyond just visual appearance, such as mitigating temperature by providing shade, reducing erosion and stormwater run-off, and improving air quality, services that also benefit the City and its residents.
18.18.040 Definitions.	Please add Culturally significant and climate smart species to the list of definitions. Culturally significant species should be identified through consultation with the Snoqualmie Tribe.
18.18.070 Landscape plan – General requirements	This section needs stronger language requiring mandatory use of best practices for low-impact development, including tree retention, installing low-water use and efficient irrigation, planting drought-resistant native species, and using bio-retention techniques. See King County Landscaping – general standards for all new landscape areas 21A.16.085 for examples.
Irrigation	Additional language is needed to provide design standards and efficiency goals for irrigation systems. This should include guidelines for water conservation, including avoiding run-off and



overspray to non-irrigated or impervious surfaces, considering soil type and infiltration in the design, maintaining schedules to meet needs while conserving water, and maintaining systems to prevent and fix leaks. See King County 21A.16.330 for examples.

These updates to the amendment language are critical to support sustainable development that does not compromise the character and environment of the City and the quality of life for those who live here. We ask the City of North Bend to take the Snoqualmie Tribe's ancestral relationship with the lands of the region into account when making decisions that affect people and the shape of the landscape now and far into the future, and we remain ready to continue to work with the City to protect the Tribe's Ancestral Lands.

Thank you for your consideration.

Sincerely,

DocuSigned by:

166598E8B57F4ED...

Matt Baerwalde

Senior Environmental Policy Analyst, Government Affairs & Special Projects

Signed by:

FD46697F80FA4F3...

Shelby Burgess

Environmental Review Analyst, Government Affairs & Special Projects

From: [Ewing Stringfellow](#)
To: [Mike McCarty](#)
Subject: Planning Commission August 6, 2025 at 6:30pm - Public Hearing Comments
Date: Wednesday, August 6, 2025 1:21:06 PM

Attention Planning Commission Members:

First, I would like to thank all of you for taking the time to serve our community in this important role of forward looking to preserve what you believe is necessary as growth is inevitable to occur.

The Middle Fork S Ranch is a commercial beef breeding, cow/calf, and fat stock operation since 1968. Our fence line is your fence line, separated by a City street and the County trail.

Customary with agriculture, animal husbandry operations have adverse odors, sights, chemicals, sounds, etc. These are objectionable to City folks. This is why the State statute requires a "150' Notice on Title Buffer" for adjacent neighbors. A reasonable landscape is encouraged by the City planners to help buffer these adverse impacts. The City should be expected to receive complaints from our customary operations.

Please exercise good judgement, doing your part to protect the last ranch in our valley.

So far we have been good neighbors unless our current herd of 29 cows, calves and a bull get loose. This happens when users of the abutting public right of way cut or climb through our fencing. Consideration should be given for private abutting property owners to also fence their boundary. We believe good fences make good neighbors.

Sincerely,
Ewing Stringfellow
Middle Fork S Ranch



Office of Mayor PROCLAMATION

WHEREAS, on August 7, 1782, George Washington established the Badge of Military Merit, which was the first medal authorized for enlisted soldiers in the Continental Army to recognize a “singularly meritorious action” by a soldier; and

WHEREAS, on February 22, 1932, US Army Chief of Staff Douglas MacArthur established the Purple Heart Award in the spirit of the Badge of Military Merit in honor of George Washington’s bicentennial birthday and authorized the award for soldiers in the United States Army for soldiers who are wounded or lose their lives in military action and August 7th is annually recognized as Purple Heart Day; and

WHEREAS, in 1942, President Franklin D. Roosevelt expanded the Purple Heart Award to other branches of the United States military by authorizing the Navy Department to award the Purple Heart to personnel wounded or killed in action beginning with the attack on Pearl Harbor on December 7, 1941; today the Purple Heart is authorized for people serving in all branches of the United States military who are wounded or lose their lives in military actions; and

WHEREAS, following the attack at Pearl Harbor, until the day she passed away, Eleanor Roosevelt carried in her wallet a piece of paper with the following written upon it: “Dear lord, lest I continue in my complacent ways, help me to remember that somewhere someone died for me today. And if there be war, help me to remember to ask, ‘Am I worth dying for?’” and in our own daily walk, we should always remember those serving and their families and honor their service and their sacrifices in our words, hearts, and actions; and

WHEREAS, the City of North Bend seeks to declare itself a “Purple Heart City” and the community members and City leaders of North Bend would like to honor and remember people wounded and who have lost their lives in action and in service to our country; and

NOW, THEREFORE, I, Mary Miller, Mayor, and the City Council of the City of North Bend, Washington, do hereby declare the City of North Bend to be a

PURPLE HEART CITY

and we commit ourselves and our community to remembering and honoring recipients of the Purple Heart Award in our words, hearts, and actions.



Signed this 21st day of October, 2025

Mary Miller
Mayor



City Council Agenda Bill

SUBJECT:	Agenda Date: October 21, 2025	AB25-111
Public Hearing & Ordinance Vacating a Portion of Public Right-of-Way that Intersects NW 8th Street East of Parcel # 0823089001 and West of Parcel #0923089027	Department/Committee/Individual	
Cost Impact: N/A	Mayor Mary Miller	
Fund Source: N/A	City Administrator – Amber Emery	
Timeline: Immediate	City Attorney – Kendra Rosenberg	
	City Clerk – Susie Oppedal	
	Administrative Services – Lisa Escobar	
	Comm. & Economic Development – James Henderson	
	Finance – Martin Chaw	
	Public Works – Tom Mohr	X
Attachments: Ordinance, Exhibits A & B, Vicinity Map, ROW Vacation Letter, Site Plan, Public Hearing Notice		
SUMMARY STATEMENT:		
<p>On September 16, 2025, the City Council approved Resolution 2164 setting a public hearing date of October 21, 2025, to consider vacation of a public right of way (ROW) south of NW 8th Street. Since September 16, 2025, the City of North Bend (“City”) has received no comments from the public regarding the ROW vacation.</p>		
<p>Earlier this year, the City received a request on behalf of Panattoni Development Company, Inc. (“Developer”) to dedicate right-of-way (“ROW”) for a skinny, unimproved property in the northwest quadrant of the city limits. Specifically, the subject ROW (the “Site”) is accessed from the north via NW 8th Street and is located approximately 1,000 feet northwest of the large Nintendo warehouse building. The site is south of NW 8th Street as shown on the attached Vicinity Map. The site is situated east of tax parcel number 082308-9001 and west of tax parcel number 092308-9027, both of which parcels are owned by the Bettes Family. The Site area is approx. 22,000 square feet (0.51 acres). The Site is very long (1,100 feet) and narrow (20 feet wide) and therefore not particularly buildable, once City zoning building setbacks are applied. Currently, the site is vacant and contains pasture grasses, shrubs and a narrow gravel driveway. No utilities exist on the site.</p>		
<p>The ROW vacation request was sent to the City by letter dated January 28, 2005, from attorney Nancy Bainbridge Rogers of Cairncross & Hempelmann, representing the Developer (see attached). The Developer wants to build three warehouses on the site’s adjacent three parcels, but first needs to acquire the site. The Developer wishes to purchase the site from the John R. Tennant Trust and Victoria T. Bettes, the current property owners of the site, through a private transaction.</p>		
<p>City staff has been informed that following the Bettes Family payment of \$88,000 to the City, if the ROW vacation is approved, the Developer intends to purchase the Site, the two parcels noted above, and a third contiguous parcel from the Bettes Family so that the Developer can build its project.</p>		
<p>City staff recommend vacating this ROW because it does not provide any public benefit. Further, compensation in consideration of the ROW vacation in the amount of \$88,000 would allow the City to fund and build needed utilities such as sewer, water or storm drainage in the nearby area.</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 and discussed this item at their February 22 and March 25, 2025 meetings. Because		

City Council Agenda Bill

this is a petition to vacate ROW, the City is required to bring this forward to the City Council. During those meetings, there seemed to be interest from the TPW Committee to vacate this ROW.

RECOMMENDED ACTION: MOTION to approve AB25-111, an ordinance vacating a portion of public right-of-way that intersects NW 8th Street located east of parcel # 0823089001 and west of parcel # 0923089027, as a first and final reading.

RECORD OF COUNCIL ACTION

<i>Meeting Date</i>	<i>Action</i>	<i>Vote</i>
October 21, 2025		

ORDINANCE

**AN ORDINANCE OF THE CITY OF NORTH BEND,
WASHINGTON, VACATING A PORTION OF PUBLIC
RIGHT-OF-WAY THAT INTERSECTS NW 8TH STREET
EAST OF PARCEL 0823089001 AND WEST OF PARCEL
0923089027; PROVIDING FOR SEVERABILITY; AND
ESTABLISHING AN EFFECTIVE DATE**

WHEREAS, on September 16, 2025, the City Council of the City of North Bend (“City”) initiated a potential vacation of a segment of the public right-of-way (“ROW”) located east of tax parcel number 082308-9001 and west of tax parcel number 092308- 9027; and

WHEREAS, the subject segment of ROW is approximately 22,000 square feet (0.51 acres), long (1,100 feet) and narrow (20 feet wide), as legally described in Exhibit A and depicted in Exhibit B hereto; and

WHEREAS, through passage of Resolution 2164, the City gave notice of the time and place fixed for a public hearing regarding the potential ROW vacation in the manner required by state law and to allow public testimony regarding the ROW vacation; and

WHEREAS, the City further mailed a notice to the owners or reputed owners of all lots, tracts, or parcels of land or other property abutting the portion of the public ROW sought to be vacated, as such owners or reputed owners are shown on the rolls of the County Treasurer; and

WHEREAS, a public hearing was held on the vacation of said ROW on October 21, 2025; and

WHEREAS, the Council finds there are sufficient grounds for the vacation and that said portion of City ROW is not needed for any public purpose, and that vacation thereof would be in the public interest;

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

Section 1. Street Vacation and Reservation of Easements: The following described portion of City right-of-way legally described in Exhibit A and depicted in Exhibit B attached hereto is hereby vacated.

Section 2. Consideration for Street Vacation: In consideration for the vacation of the portion of City right-of-way identified in Section 1 of this Ordinance, the John R. Tenant Trust and Victoria T. Bettes shall pay Eighty-Eight Thousand and No/100 Dollars

(\$88,000.00) to the City of North Bend. The vacation authorized by this Ordinance shall not become effective, and the recording of this Ordinance pursuant to Section 3 herein shall not occur, until the City receives payment and the City's bank confirms the funds.

Section 3. Recording With County Auditor: Pursuant to RCW 35.79.030, the City Clerk or her designee is hereby requested to deliver and have recorded with the King County Auditor a certified copy of this ordinance and the quit claim deed after their execution.

Section 4. Mayor Authorized to Administer and Execute Required Transaction Documents: The City Council hereby authorizes the Mayor or Mayor's designee to administer and execute all required transaction documents to legally create the parcel described in Section 1 of this Ordinance and to take all necessary administrative measures.

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 21ST DAY OF
OCTOBER, 2025.**

CITY OF NORTH BEND:

Mary Miller, Mayor

APPROVED AS TO FORM:

Kendra Rosenberg, City Attorney

ATTEST/AUTHENTICATED:

Published:

Effective:

Susie Oppedal, City Clerk

EXHIBIT "A"

**LEGAL DESCRIPTION
FOR RIGHT-OF-WAY VACATION**

THE WEST 20 FEET OF THE SOUTH 1100.00 FEET OF THE NORTH 1120.00 FEET OF THE NORTHWEST QUARTER OF SECTION 9, TOWNSHIP 23 NORTH, RANGE 8 EAST, W.M., IN KING COUNTY, WASHINGTON MORE PARTICULARLY DESCRIBED AS FOLLOWS:

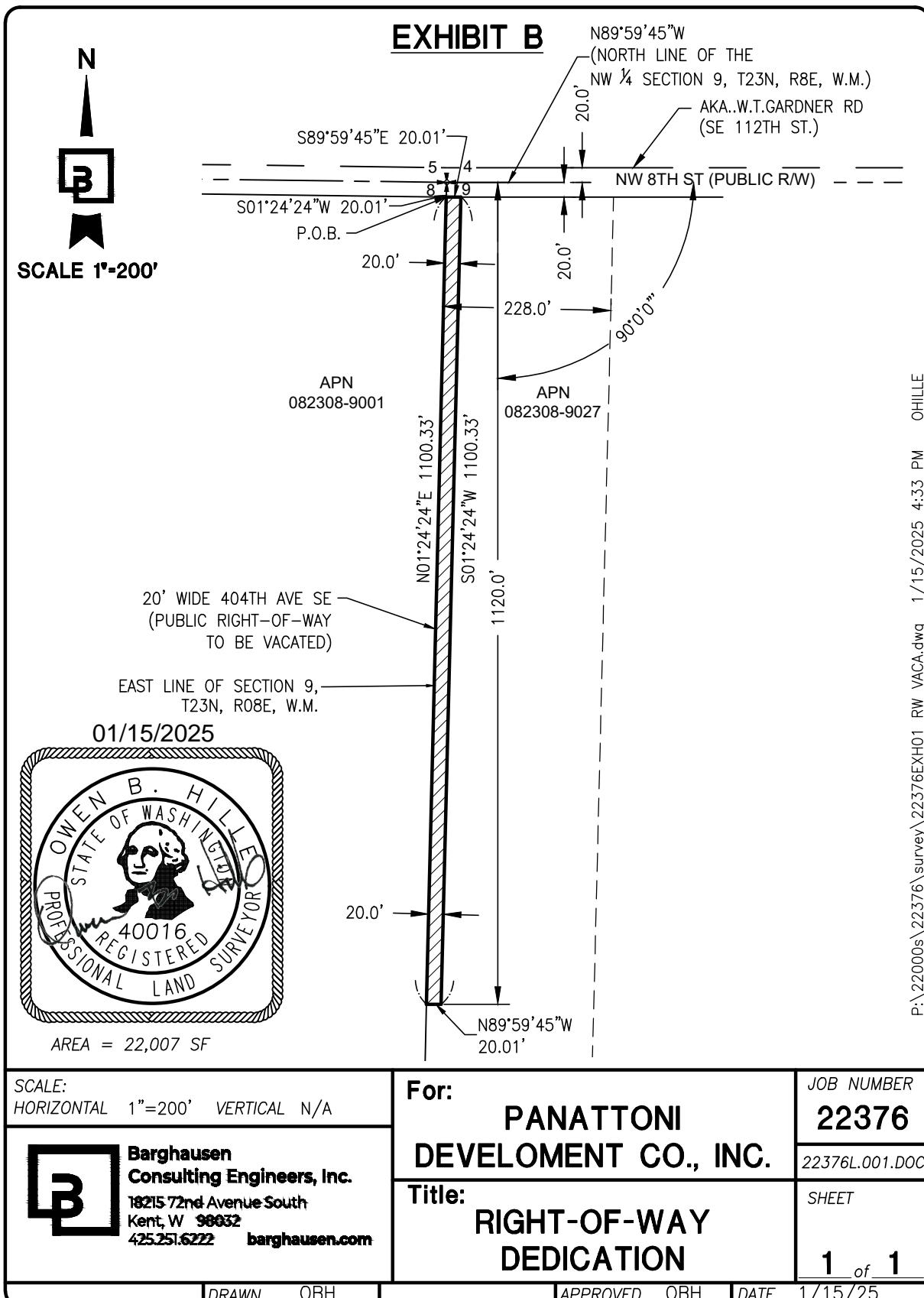
COMMENCING AT THE NORTHWEST CORNER OF SAID SECTION 9;
THENCE ALONG THE WEST LINE OF SAID SECTION 9 SOUTH 01°24'24" WEST, 20.01 FEET TO THE SOUTHERLY MARGIN OF NORTHWEST 8TH STREET (A PUBLIC RIGHT-OF-WAY) AND THE POINT OF BEGINNING;
THENCE ALONG SAID SOUTHERLY MARGIN SOUTH 89°59'45" EAST, 20.01 FEET TO A POINT ON THE EAST LINE OF THE WEST 20 FEET OF SAID SECTION 9;
THENCE ALONG SAID EAST LINE SOUTH 01°24'24" WEST, 1100.33 FEET;
THENCE PARALLEL WITH THE NORTH LINE OF SAID SECTION 9 NORTH 89°59'45" WEST, 20.01 FEET TO A POINT ON THE WEST LINE OF SAID SECTION 9;
THENCE ALONG SAID WEST LINE NORTH 01°24'24" EAST, 1100.33 FEET TO THE POINT OF BEGINNING.

CONTAINING: 22,007 SF (0.51 AC.)

01/15/2025



Project Name: Mt Si Panatoni
Job No.22376
January 15, 2025
OBH
22376L.001.docx



VICINITY MAP

King County iMap



The information included on this map has been compiled by King County staff from a variety of sources and is subject to change without notice. King County makes no representations or warranties, express or implied, as to accuracy, completeness, timeliness, or rights to the use of such information. This document is not intended for use as a survey product. King County shall not be liable for any general, special, indirect, incidental, or consequential damages including, but not limited to, lost revenues or lost profits resulting from the use or misuse of the information contained on this map. Any sale of this map or information on this map is prohibited except by written permission of King County.

Date: 6/27/2025

Notes:



CH& CAIRNCROSS & HEMPELMANN
ATTORNEYS AT LAW

524 2nd Ave., Suite 500
Seattle, WA 98104
www.cairncross.com

Office 206.587.0700
Fax 206.587.2308



January 28, 2025

VIA E-MAIL AND FIRST-CLASS U.S. MAIL

City of North Bend
Attn: Mayor Mary Miller & Mark Rigos
920 SE Cedar Falls Way
North Bend, WA 98045
mayor@northbendwa.gov
mrigos@northbendwa.gov

Re: Mt. Si Industrial Center – Request for Right-of-Way Vacation of 404th Avenue SE

Dear Mayor Mary Miller and Mark Rigos:

On behalf of our client, Panattoni Development Company, Inc., this letter and enclosures serve as a request for the City of North Bend to vacate a segment of 404th Avenue SE.

The requested vacation area is shown on the enclosed boundary survey. The current condition of the 404th Avenue SE right-of-way is a 20-foot-wide, gravel driveway traveling south from NW 8th Street to a dead end in the middle of lands that Panattoni is acquiring for development. Aerial photos of the 404th Avenue SE right-of-way, as well as one view looking to the south are found at pages ii, iii, and iv of the enclosed Appraisal Report, by CBRE, Inc. (October 21, 2024). The appraised market value of the proposed right-of-way vacation is \$88,000.00.

We understand that the next steps in the vacation process include City confirmation of the appraisal amount and accuracy of the survey map, and that following internal staff review, if the vacation is acceptable, vacation documents will be prepared for review by the City Council's Transportation and Public Works Committee, followed by a public hearing and full Council vote. We stand ready to assist the City.

Thank you for your attention to this matter.

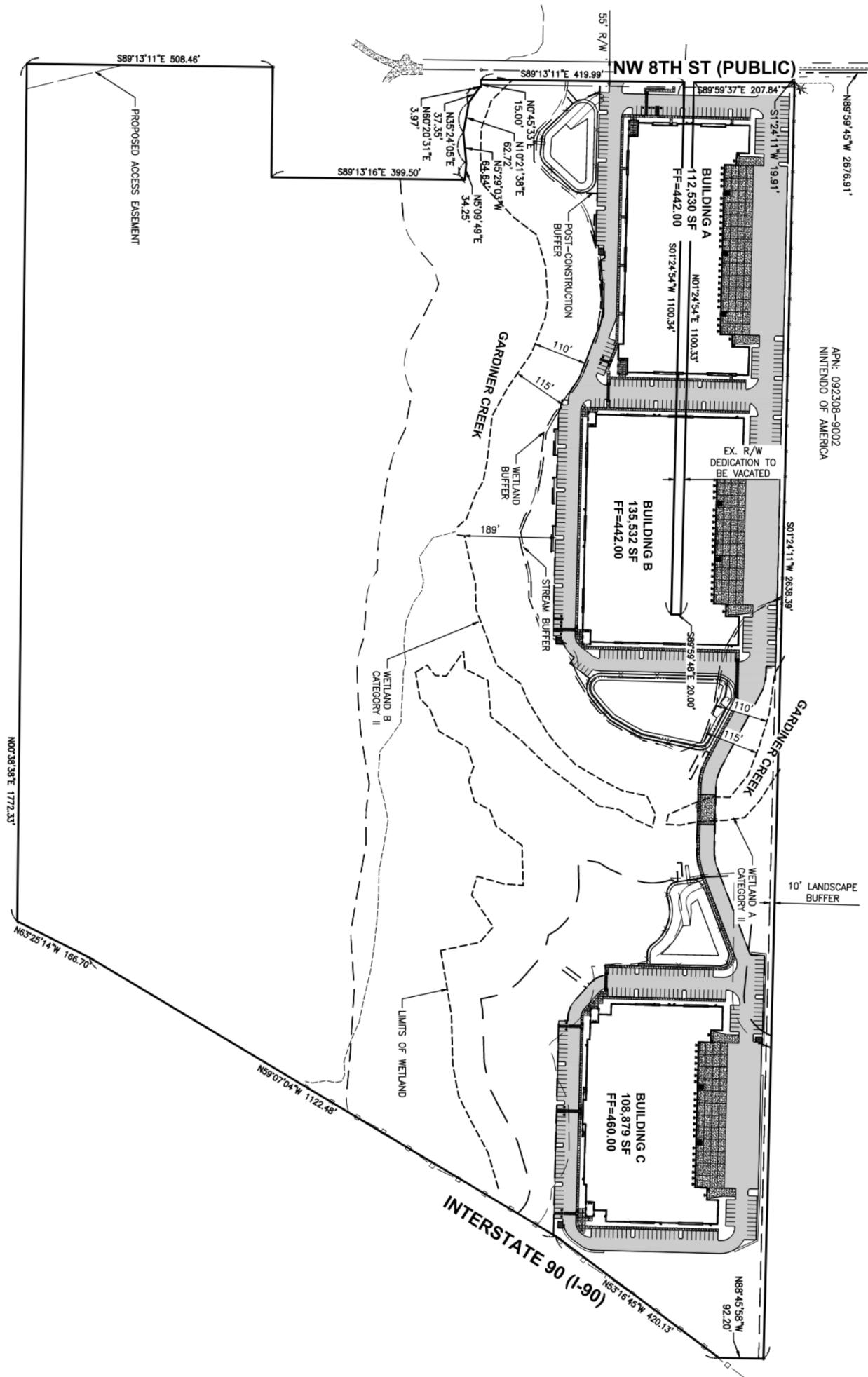
Very Truly Yours,



Nancy Bainbridge Rogers

NBR/alw
Enclosures:

Appraisal Report
Boundary Survey
Legal Description for Right-of-Way Vacation





**LEGAL NOTICE
CITY OF NORTH BEND
King County, Washington**

**NOTICE OF PUBLIC HEARING
VACATION OF RIGHT OF WAY**

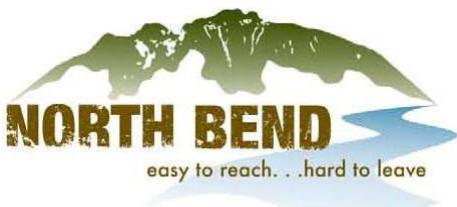
NOTICE IS HEREBY GIVEN that on September 16, 2025 the North Bend City Council passed Resolution 2164, setting a hearing date to solicit public input and comments on the proposed vacation of a portion of the public right-of-way along NW 8th Street east of tax parcel number 082308-9001 and west of tax parcel number 092308- 9027. The site area is approximately 22,000 square feet (0.51 acres). The public hearing will take place during a Regular City Council Meeting on Tuesday, October 21, 2025, at 7:00 p.m. at City Hall, 920 SE Cedar Falls Way, North Bend, WA.

Comments may be presented orally at the public hearing or submitted in writing to the City Clerk at 920 SE Cedar Falls Way, North Bend, WA, 98045, or by e-mail to: clerks@northbendwa.gov prior to 5:00 p.m., Tuesday, October 21, 2025. Upon the request of an individual who will have difficulty attending the public hearing and providing comment in person by reason of disability, limited mobility, or for any other reason that makes physical attendance difficult, a teleconference option using Zoom Meetings will be available with detailed meeting access instructions to be provided on October 16, 2025, on the City website calendar item for the [October 21, 2025 City Council meeting](#).

For additional information please contact Public Works Director Tom Mohr at (425) 888-7653 or tmohr@northbendwa.gov.

Posted: October 3, 2025

Published in the Snoqualmie Valley Record: October 3, 2025



City Council Agenda Bill

SUBJECT:	Agenda Date: October 21, 2025	AB25-112
Public Hearing and Ordinance Setting the 2026 Regular Property Tax Levy and Excess Tax Levy	Department/Committee/Individual	
Cost Impact: N/A	Mayor Mary Miller	
Fund Source: General Fund.	City Administrator – Amber Emery	
Timeline: by 11/30/2025	City Attorney – Kendra Rosenberg	
	City Clerk – Susie Oppedal	
	Administrative Services – Lisa Escobar	
	Comm. & Economic Development – James Henderson	
	Finance – Martin Chaw	X
	Public Works – Tom Mohr	
	Information Technology – Phillip Davenport	

Attachments: Ordinances (Options 1 & 2), Preliminary 2026 Property Tax Levy Limit Worksheet from King County, Public Hearing Notice

SUMMARY STATEMENT:

The City of North Bend is required to annually adopt the following year's Property Tax Levy Increase Ordinance on or before November 30th. The City's property tax levy consists of two parts: a regular levy which is used to finance daily operations of the City, and an excess levy which is used to finance debt service payments for the City's fire station. Property taxes represent the second largest (behind sales taxes) source of revenue for the City's General Fund.

Regular Levy

Council approval of the enclosed ordinance establishes the 2026 regular property tax levy of \$2,601,201, which includes a 1.0% statutorily allowed property tax increase. In addition, the enclosed ordinance will allow the City to also levy property taxes resulting from new construction and improvements to property. These amounts are usually minor – in 2025 property taxes from new construction and improvements totaled just over \$68,000.

The 2026 preliminary citywide assessed valuation from King County Assessments is \$3.451 billion, as compared to 2025 of \$3.133 billion (or 10.2% increase).

Excess Levy (Fire Station bonds):

In February 2011, a special election was held, at which the City was approved to issue \$2.25 million in unlimited general obligation bonds maturing over a period of 20 years for purposes of financing the construction and equipping of a new fire station. Following that election, in May 2011, the City Council approved Ordinance No. 1425 authorizing the issuance of said bonds.

Council approval of the enclosed ordinance would establish the 2026 excess levy of \$148,750, which will be used to meet debt service obligations for the aforementioned fire station bonds.

Based on the 2026 preliminary assessed valuation as discussed above and property tax levies above, the 2026 preliminary levy rate for the City portion only totals about \$0.80 per thousand of assessed value. For a typical \$1.0 million home in North Bend, the City portion would total about \$800 (according to Zillow.com, the average home value in the City is \$995,908).

In 2025, the City's portion of property taxes equated to approximately 9.5% of the total property tax billing for a typical residence.

Option #1: Adopt 2026 Property Tax Levy, including a 1.0% increase as authorized under state law.

Description: State law allows the City of North Bend to increase its property tax levy by 1.0%.

City Council Agenda Bill

Business Impacts: Inclusive of a 1.0% increase, the estimated 2026 property tax levy is \$2,601,201.

Recommendation: City staff recommend Council approval of the attached proposed ordinance, inclusive of a 1.0% increase.

Option #2: Adopt 2026 Property Tax Levy, not including a 1.0% increase and banking the unlevied property tax capacity, as authorized under state law.

Description: Forego increasing the City's property tax levy by 1.0%, and bank the unlevied capacity. State law (RCW 84.55.092) allows the City to protect (e.g., bank) the right to use that banked capacity at some future date.

Business Impacts: Under this option, the 2026 property tax levy would remain at 2025 levels (\$2,575,447) and would reduce the property tax levy rate by one cent (\$0.01) to approximately \$0.79, and lowers the annual City portion of property taxes to \$790.00, or by \$10.00.

Recommendation: City staff does not recommend Alternative #2.

APPLICABLE BRAND GUIDELINES: Balanced budget

COMMITTEE REVIEW AND RECOMMENDATION: The Finance and Administration Committee reviewed and approved Option 1 at its October 14, 2025 meeting, and recommended do-pass for inclusion on the October 21, 2025 Council Main Agenda for first reading and public hearing, and a second public hearing and adoption on November 18, 2025.

RECOMMENDED ACTION: **Motion to approve AB25-112, continuing the Public Hearing on an Ordinance setting the 2026 Property Tax Levy until the November 18, 2025 City Council meeting.**

RECORD OF COUNCIL ACTION

<i>Meeting Date</i>	<i>Action</i>	<i>Vote</i>
October 21, 2025		

ORDINANCE

(Option 1: 1.0% Increase)

AN ORDINANCE OF THE CITY OF NORTH BEND, WASHINGTON, RELATING TO THE LEVYING OF REGULAR PROPERTY TAXES AND A VOTER-APPROVED EXCESS LEVY FOR UNLIMITED GENERAL OBLIGATION BONDS INTEREST AND REDEMPTION FOR 2026; PROVIDING FOR SEVERABILITY; AND ESTABLISHING AN EFFECTIVE DATE

WHEREAS, pursuant to RCW 84.55.120 and duly given public notice, the City Council of the City of North Bend held a public hearing on October 21, 2025, and November 18, 2025, to consider the City's revenue sources for the 2026 budget, including the consideration of possible increases in property tax revenues; and

WHEREAS, the City is required to annually set and establish the regular and any authorized excess property tax levy rate, subject to the limitations imposed by law; and

WHEREAS, on February 8, 2011, City voters approved Proposition 1 authorizing an excess property tax levy for unlimited general obligation bonds, proceeds of which were used to pay a share, in cooperation with King County Fire District 38, for the construction of a new fire station; and

WHEREAS, the City is required to annually set and establish the property tax levy rate for voted excess levies for general obligation bond issues approved by the voters, including subsequent refunded bond issues, subject to the limitations imposed by law; and

WHEREAS, the City's actual levy amount from the 2025 tax year was \$2,575,447; and

WHEREAS, the City Council of the City of North Bend, after hearing and duly considering all relevant testimony, has determined that it is in the best interest of the City of North Bend to levy the total allowable amount of the regular property tax levy to be collected in the 2026 tax year in the amount of \$2,601,201; and

WHEREAS, the City Council of the City of North Bend, after hearing and duly considering all relevant testimony, has determined that it is in the best interest of the City of North Bend to levy the total allowable amount of excess property tax levy to be collected in the 2026 tax year to provide for the interest and redemption of voter-approved unlimited general obligation bonds in the amount of \$148,750 which tax is applicable to all taxable property within the City of North Bend;

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

Section 1. Regular Property Tax Levy for 2026: An increase in the regular levy is hereby authorized for the fiscal year of 2026 in the amount of \$2,601,201, which represents a percentage increase of 1.00%, or \$25,754, from the previous year, to discharge the expected expenses and obligations of the City. This increase is exclusive of additional revenue resulting from new construction and improvements to property, and any additional amounts resulting from any annexations that have occurred, and refunds made.

In the event King County provides updated levy limit information after the passage of this ordinance, the levy provided herein shall be automatically adjusted to reflect such information.

Section 2. Voter-Approved Excess Property Tax Levy for Unlimited General Obligation Bonds for 2026: In addition to the above regular property tax levy, a tax is hereby levied to raise revenue to provide for the interest and redemption of voter-approved unlimited general obligation bonds for the fiscal year of 2026 in the amount of \$148,750. This tax is applicable to all taxable property within the City of North Bend.

Section 3. 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 4. Effective Date: This ordinance shall be published in the official newspaper of the City and shall take effect and be in full force on January 1, 2026.

ADOPTED BY THE CITY COUNCIL OF THE CITY OF NORTH BEND, WASHINGTON, AT A REGULAR MEETING THEREOF, THIS 18TH DAY OF NOVEMBER, 2025.

CITY OF NORTH BEND:

Mary Miller, Mayor

APPROVED AS TO FORM:

Kendra Rosenberg, City Attorney

ATTEST/AUTHENTICATED:

Published:
Effective:

Susie Oppedal, City Clerk

ORDINANCE

(Option 2: 0.0% Increase)

AN ORDINANCE OF THE CITY OF NORTH BEND, WASHINGTON, RELATING TO THE LEVYING OF REGULAR PROPERTY TAXES AND A VOTER-APPROVED EXCESS LEVY FOR UNLIMITED GENERAL OBLIGATION BONDS INTEREST AND REDEMPTION FOR 2026; PROVIDING FOR SEVERABILITY; AND ESTABLISHING AN EFFECTIVE DATE

WHEREAS, pursuant to RCW 84.55.120 and duly given public notice, the City Council of the City of North Bend held a public hearing on October 21, 2025, and November 18, 2025, to consider the City's revenue sources for the 2026 budget, including the consideration of possible increases in property tax revenues; and

WHEREAS, the City is required to annually set and establish the regular and any authorized excess property tax levy rate, subject to the limitations imposed by law; and

WHEREAS, on February 8, 2011, City voters approved Proposition 1 authorizing an excess property tax levy for unlimited general obligation bonds, proceeds of which were used to pay a share, in cooperation with King County Fire District 38, for the construction of a new fire station; and

WHEREAS, the City is required to annually set and establish the property tax levy rate for voted excess levies for general obligation bond issues approved by the voters, including subsequent refunded bond issues, subject to the limitations imposed by law; and

WHEREAS, the City's actual levy amount from the 2025 tax year was \$2,575,447; and

WHEREAS, the City Council of the City of North Bend, after hearing and duly considering all relevant testimony, has determined that it is in the best interest of the City of North Bend to levy the same amount of regular property tax levy from the 2025 tax year; and

WHEREAS, the City Council of the City of North Bend, after hearing and duly considering all relevant testimony, has determined that it is in the best interest of the City of North Bend to levy the total allowable amount of excess property tax levy to be collected in the 2026 tax year to provide for the interest and redemption of voter-approved unlimited general obligation bonds in the amount of \$148,750 which tax is applicable to all taxable property within the City of North Bend;

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

Section 1. Regular Property Tax Levy for 2026: An increase in the regular levy is hereby authorized for the fiscal year of 2026 in the amount of \$2,575,447, which is a zero percent (0.00%) increase from the previous year, to discharge the expected expenses and obligations of the City. This increase is exclusive of additional revenue resulting from new construction and improvements to property, and any additional amounts resulting from any annexations that have occurred, and refunds made.

In the event King County provides updated levy limit information after the passage of this ordinance, the levy provided herein shall be automatically adjusted to reflect such information.

Section 2. Voter-Approved Excess Property Tax Levy for Unlimited General Obligation Bonds for 2026: In addition to the above regular property tax levy, a tax is hereby levied to raise revenue to provide for the interest and redemption of voter-approved unlimited general obligation bonds for the fiscal year of 2026 in the amount of \$148,750. This tax is applicable to all taxable property within the City of North Bend.

Section 3. 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 4. Effective Date: This ordinance shall be published in the official newspaper of the City and shall take effect and be in full force on January 1, 2026.

ADOPTED BY THE CITY COUNCIL OF THE CITY OF NORTH BEND, WASHINGTON, AT A REGULAR MEETING THEREOF, THIS 18TH DAY OF NOVEMBER, 2025.

CITY OF NORTH BEND:

Mary Miller, Mayor

APPROVED AS TO FORM:

Kendra Rosenberg, City Attorney

ATTEST/AUTHENTICATED:

Published:

Effective:

Susie Oppedal, City Clerk

TAXING DISTRICT

City of North Bend

2025 Levy for 2026 Taxes PD: 1,02570

A.	Highest regular tax which could have been lawfully levied beginning with the 1985 levy (refund levy not included).				
Year	2025	2,575,447	x	1.01000	= 2,601,201
Highest Lawful Levy Since 1985					Limit Factor/Max Increase 101%
B.	Current year's assessed value of new construction, improvements, and wind turbines, solar, biomass, and geothermal facilities in original districts before annexation occurred times last year's levy rate (if an error occurred or an error correction was made in the previous year, use the rate that would have been levied had no error occurred).				
95,422,432	*	0.83466	÷	1,000	= 79,645
A.V.	Last Year's Levy Rate				
C.	Tax Increment finance area increment AV increase (RCW 84.55.010(1)) (value included in B & D cannot be included in C)				
0	*	0.83466	÷	1,000	= 0
A.V.	Last Year's Levy Rate				
D.	Current year's state assessed property value less last year's state assessed property value. The remainder is to be multiplied by last year's regular levy rate (or the rate that should have been levied).				
0	-	26,445,718	=	0	
Current Year's A.V.	Previous Year's A.V.				
0	*	0.83466	÷	1,000	= 0
Remainder from Line D	Last Year's Levy Rate				
E.	1 st Year Lid Lift & Limit Factor>1%				
F.	Regular property tax limit:				
			A+B+C+D+E	=	2,680,847
Parts G through I are used in calculating the additional levy limit due to annexation.					
G.	To find the rate to be used in H, take the levy limit as shown in Line F above and divide it by the current assessed value of the district, excluding the annexed area.				
2,680,847	÷	3,451,392,468	*	1,000	= 0.77674
Total in Line F	Assessed Value Less Annexed AV				
H.	Annexed area's current assessed value including new construction and improvements, times the rate in Line G.				
0	*	0.77674	÷	1,000	= 0
Annexed Area's A.V.	Annexation Rate				
I.	Regular property tax limit including annexation				
			F+H	=	2,680,847
J.	Statutory maximum calculation				
Only enter fire/RFA rate, library rate, & firefighter pension fund rate for cities annexed to a fire/RFA or library or has a firefighter pension fund.					
3.60000	-	0.24150	+	0.00000	= 3.35850
District base levy rate	Fire Rate	Library Rate	Firefighter Pension Fund	Statutory Rate Limit	
3,451,392,468	*	3.35850	÷	1,000	= 11,591,502
Regular Levy AV	Reg Statutory Rate Limit				
K.	Highest Lawful Levy For This Tax Year (Lesser of I and J)				
L.	New highest lawful levy since 1985 (Lesser of I minus C and J, unless A (before limit factor increase) is greater, then A)				
M.	Lesser of J and K				
N.	Refunds				
O.	Total: M+N (unless stat max)				
P.	Levy Corrections	Year of Error:	Did the district cause the error?		
1.	Minus amount over levied (if applicable)				0
2.	Plus amount under levied (if applicable)				0
Q.	Total Allowable Levy				
R.	Tax Base For Regular Levy				
1.	Total district taxable value (including state-assessed property, and excluding boats, timber assessed value, and the senior citizen exemption for the regular levy)				3,451,392,468
S.	Tax Base for Excess, Voted Bond Levies and Sr Exempt Lid Lifts				
2.	Excess AV				3,427,244,728
3.	Plus Timber Assessed Value (TAV)				0
4.	Tax base for excess and voted bond levies	(2+3)			3,427,244,728
T.	Increase Information				
1.	Levy rate based on allowable levy				0.77674
2.	Last year's ACTUAL regular levy				2,578,510
3.	Dollar Increase over last year other than New Construction (-) Annexation				22,691
4.	Percent Increase over last year other than New Construction (-) Annexation				0.88002%



**LEGAL NOTICE
CITY OF NORTH BEND
King County, Washington**

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that the North Bend City Council will hold a public hearing to receive comments on setting the Property Tax Levy for 2026. The public hearing will take place during a Regular City Council Meeting on Tuesday, October 21, 2025, at 7:00 p.m. at City Hall, 920 SE Cedar Falls Way, North Bend, WA.

Comments may be presented orally at the public hearing or submitted in writing to the City Clerk at 920 SE Cedar Falls Way, North Bend, WA, 98045, or by e-mail to: Clerks@northbendwa.gov up until 4:30 p.m., Monday, October 20, 2025. Upon the request of an individual who will have difficulty attending the public hearing and providing comment in person by reason of disability, limited mobility, or for any other reason that makes physical attendance difficult, a teleconference option using Zoom Meetings will be available with detailed meeting access information to be provided on October 16, 2025 on the City website calendar item for the [October 21, 2025 City Council meeting](#).

Further information is available by contacting Finance Director Martin Chaw at mchaw@northbendwa.gov.

Posted: October 10, 2025

Published: October 10 & October 17, 2025



City Council Agenda Bill

SUBJECT:	Agenda Date: October 21, 2025	AB25-113
Ordinance Relating to Motorized Foot Scooters, Amending NBMC Section 10.20.020 (General Requirements and Operation) and Adopting a New NBMC Section 10.20.050 (Impoundment and Penalties)	Department/Committee/Individual	
Cost Impact: N/A	Mayor Mary Miller	
Fund Source: N/A	City Administrator – Amber Emery	
Timeline: Immediate	City Attorney – Kendra Rosenberg	
	City Clerk – Susie Oppedal	
	Administrative Services – Lisa Escobar	
	Comm. & Economic Development – James Henderson	X
	Finance – Martin Chaw	
	Public Works – Tom Mohr	
Attachments: Ordinance		
SUMMARY STATEMENT:		
<p>The City of North Bend has seen an increase in electric scooters (also known as “e-scooters”) within the community. E-scooters, if not operated in a responsible manner, represent a potential safety hazard to their riders, pedestrians, and other motor vehicle drivers.</p> <p>Staff are recommending the following amendments to NBMC Chapter 10.20 (Motorized Foot Scooters) to address potential safety concerns related to e-scooters while recognizing the public’s expanding use of e-scooters and maintaining consistency with surrounding jurisdictions:</p> <ul style="list-style-type: none">• Change the lawful age to operate a motorized scooter from 16 years to 12 years;• Reduce the lawful speed from 25 miles per hour to 15 miles per hour;• Allow the use of motorized foot scooters on sidewalks and public trails within the City of North Bend to enhance the safety of riders as well as the general public; and• Provide for impoundment and penalties if a motorized foot scooter is operated in a manner that violates the provisions in NBMC Chapter 10.20.		
<p>NBMC Chapter 10.20 currently requires helmets to operate a motorized foot scooter and makes it unlawful to operate a motorized foot scooter while carrying a passenger.</p> <p>The following alternatives are available to the City Council:</p> <p><u>Alternative 1:</u> Approve AB25-114, an ordinance relating to motorized foot scooters, amending NBMC Section 10.20.020 (General requirements and operation) and adopting a new NBMC Section 10.20.050 (Impoundment and penalties) as presented.</p> <p><u>Alternative 2:</u> Remand AB25-114 to a future City Council Workstudy and provide additional feedback and guidance so Staff can draft an alternative ordinance.</p>		
<p>APPLICABLE BRAND GUIDELINES: Consistent delivery of quality basic services including transportation and traffic management.</p>		
<p>COMMITTEE REVIEW AND RECOMMENDATION: This item was discussed at the September 23, 2025 City Council Workstudy.</p>		

City Council Agenda Bill

RECOMMENDED ACTION: MOTION to approve AB25-113, an ordinance relating to motorized foot scooters, amending NBMC 10.20.020 (General requirements and operation) and adopting a new NBMC Section 10.20.050 (Impoundment and penalties), as a first and final reading.

RECORD OF COUNCIL ACTION

<i>Meeting Date</i>	<i>Action</i>	<i>Vote</i>
October 7, 2025	Tabled to 10/21/25 CC	5-0
October 21, 2025		

ORDINANCE

**AN ORDINANCE OF THE CITY OF NORTH BEND,
WASHINGTON, RELATING TO MOTORIZED FOOT
SCOOTERS, AMENDING NORTH BEND MUNICIPAL
CODE SECTION 10.20.020 RELATING TO GENERAL
REQUIREMENTS AND OPERATION OF MOTORIZED
FOOT SCOOTERS; ADOPTING A NEW NBMC
SECTION 10.20.050 RELATING TO IMPOUNDMENT
AND PENALTIES FOR MOTORIZED FOOT
SCOOTERS; PROVIDING FOR SEVERABILITY; AND
ESTABLISHING AN EFFECTIVE DATE**

WHEREAS, the City of North Bend currently regulates motorized foot scooters under chapter 10.20 of the North Bend Municipal Code (“NBMC”); and

WHEREAS, the City has seen increased use of motorized foot scooters within the City; and

WHEREAS, the City seeks to regulate motorized foot scooters to enhance the health, safety, and welfare of its residents; and

WHEREAS, the City seeks to amend NBMC Section 10.20.020 to lower the speed limits for motorized foot scooters to mirror the speed limit in the City of Snoqualmie, lower the age to operate a motorized foot scooter, and to allow motorized foot scooters on sidewalks within the City; and

WHEREAS, to aid the enforcement of the City’s motorized foot scooter regulations, the City finds it appropriate to adopt a new NBMC Section 10.20.050 to authorize impoundment of motorized foot scooters used in violation of City regulations and to provide for additional penalties;

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

Section 1. NBMC Section 10.20.020 (General Requirements and Operation),
Amended: North Bend Municipal Code Section 10.20.020 (General requirements and operation) is hereby amended to read as follows:

10.20.020 General requirements and operation.

A. No person may operate a motorized foot scooter on a public way unless such person is 16 12 years of age or older.

~~B. It is unlawful for any person to use or operate a motorized foot scooter upon any sidewalk or public trail within the city of North Bend.~~

BC. Every motorized foot scooter when in use during hours of darkness as defined in RCW 46.37.020 shall display a lighted headlight, lighted stop light and at least two illuminating rear reflectors.

CD. It is unlawful to operate a motorized foot scooter without a muffling device in good working order and in constant operation to prevent excessive or unusual noise. Operation of a motorized foot scooter with a modified muffling device is unlawful.

DE. Operation of a motorized foot scooter on a public way with a speed limit in excess of 25 miles per hour, unless the motorized foot scooter is operated within a bicycle lane, is unlawful.

EF. It is unlawful for any person to operate a motorized foot scooter in excess of 15 miles per hour.

F. It is unlawful for any person to operate a motorized foot scooter while carrying a passenger.

G. It is unlawful for any person to tow any person or thing while operating a motorized foot scooter.

H. Any person violating the provisions of this section shall be deemed to have committed a traffic infraction and shall be subject to a penalty of \$30. pursuant to NBMC 10.20.050.

Section 2. New NBMC Section 10.20.050 (Impoundment and Penalties), Adopted: A new North Bend Municipal Code Section 10.20.050, to be entitled "Impoundment and penalties," is hereby adopted to read as set forth below:

10.20.050 Impoundment and penalties.

A. A law enforcement officer may impound any motorized foot scooter operated in violation of this chapter.

B. The officer must provide the violator with a written notice setting forth the procedure for reclaiming the motorized foot scooter.

C. The impounded motorized foot scooter shall only be released upon payment of all applicable fines and fees.

D. Fines for violations:

1. First offense: \$250.

2. Second offense: \$500.

3. Third and subsequent offenses: \$750 and possible referral for criminal citation under RCW 46.20.005.

E. If an impounded motorized foot scooter is not claimed within 60 calendar days, it may be declared abandoned and disposed of in accordance with RCW 63.32.010.

Section 3. 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 4. 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 21ST DAY OF
OCTOBER, 2025.**

CITY OF NORTH BEND:

Mary Miller, Mayor

APPROVED AS TO FORM:

Kendra Rosenberg, City Attorney

ATTEST/AUTHENTICATED:

Published:
Effective:

Susie Oppedal, City Clerk



City Council Agenda Bill

SUBJECT:	Agenda Date: October 21, 2025	AB25-114
Ordinance Adopting NBMC Chapter 10.18 to Define and Regulate Electric Motorcycles	Department/Committee/Individual	
	Mayor Mary Miller	
	City Administrator – Amber Emery	
	City Attorney – Kendra Rosenberg	
	City Clerk – Susie Oppedal	
	Administrative Services – Lisa Escobar	
	Comm. & Economic Development – James Henderson	X
Cost Impact: N/A	Finance – Martin Chaw	
Fund Source: N/A	Public Works – Tom Mohr	
Timeline: Immediate		

Attachments: Ordinance, Exhibit A

SUMMARY STATEMENT:

The City of North Bend has seen an increase in electric-motorcycles (also known as “e-motorcycles”) within the community. E-motorcycles represent a potential safety hazard to other motor vehicle drivers and pedestrians due to their rapid acceleration and high speeds as well as ability to travel up to 50 mph.

According to the National Safety Council, motorcycles account for nearly 16% of all traffic fatalities in the United States even though motorcycles account for only 3% of all registered vehicles. In Washington State according to the WA Traffic Safety Commission, fatalities from motorcycles have increased from 75 in 2015 to 139 in 2023. The electric dirt bike market in the United States is expected to grow from \$500 million in 2024 to \$1.7 billion in 2033 according to CoreLogic Insights.

The proposed ordinance would adopt chapter 10.18 into the North Bend Municipal Code (NBMC). The proposed ordinance defines an “electric motorcycle” as a motorcycle, as defined by RCW 46.04.330: which is powered by an electric motor. To differentiate an electric motorcycle from an electric bicycle, an electric motorcycle:

- Does not have fully operative pedals and may have foot pegs; or
- Has a motor with a power output that exceeds 750 watts; or
- Has a motor that continues to power the vehicle above speeds of twenty-eight miles per hour.

The ordinance, consistent with State law, requires electric motorcycles to register with the Washington State Department of Licensing and are subject to the provisions of RCW 46.61.705 (Off-road Motorcycle). They must display a valid license plate and may only be operated by individuals with a valid driver’s license and motorcycle endorsement.

The ordinance also:

- Prohibits guardians from authorizing or knowingly permitting a minor in their care to operate an e-motorcycle in violation of NBMC Chapter 10.18 and subjecting violating guardians to fines.
- Requires that e-motorcycle operators obey all traffic laws subject to RCW 46.61 and provide that any infractions are subject to a monetary penalty.
- Requires any person operating an electric motorcycle to wear a helmet.
- Permits law enforcement officers to impound and establishes penalties for any electric motorcycle operated in violation of NBMC Chapter 10.18.

City Council Agenda Bill

The following alternatives are available to the City Council:

Alternative 1: Approve AB25-115, an ordinance adopting NBMC Chapter 10.18 (Electric Motorcycles) as presented.

Alternative 2: Remand AB25-115 to a future City Council Workstudy and provide additional feedback and guidance so Staff can draft an alternative ordinance to amend NBMC Chapter 10.18.

Alternative 3: Postpone AB25-115 to a future City Council Meeting when the King County Sheriff's office is providing policing services for North Bend.

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

COMMITTEE REVIEW AND RECOMMENDATION: This item was discussed at the July 22, 2025, City Council Work Study and was referred to the August 5, 2025 Public Health and Safety Committee for discussion. The Committee approved placement of this item on the September 2, 2025, City Council Main Agenda for discussion. At the September 2nd City Council meeting, Council remanded the time to the September 23, 2025 Workstudy for further discussion. At the September 23, 2025 Work Study, Council recommended the ordinance be brought for Council consideration in October 2025.

RECOMMENDED ACTION: **MOTION to approve AB25-114, an ordinance adopting NBMC Chapter 10.18 to define and regulate electric motorcycles, as a first and final reading.**

RECORD OF COUNCIL ACTION

<i>Meeting Date</i>	<i>Action</i>	<i>Vote</i>
September 2, 2025	AB25-090 Remanded to 9/23/25 WS	6-0
October 21, 2025		

ORDINANCE

**AN ORDINANCE OF THE CITY OF NORTH BEND,
WASHINGTON, RELATING TO ELECTRIC
MOTORCYCLES, ADOPTING A NEW CHAPTER 10.18
OF THE NORTH BEND MUNICIPAL CODE
REGULATING THE USE OF ELECTRIC
MOTORCYCLES; PROVIDING FOR SEVERABILITY;
AND ESTABLISHING AN EFFECTIVE DATE**

WHEREAS, the City has experienced an increase in the operation of electric motorcycles within the City; and

WHEREAS, the City seeks to regulate electric motorcycles to enhance the health, safety, and welfare of its residents in a manner similar to its regulation of motorized foot scooters (Chapter 10.20 of the North Bend Municipal Code (“NBMC”)); and

WHEREAS, the City Council finds that providing safety requirements for electric motorcycles will increase the health, safety, and welfare of its residents and the community, and accordingly desires to adopt a new Chapter 10.18 of the NBMC regulating the use of electric motorcycles;

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

Section 1. New Chapter 10.18 NBMC (Electric Motorcycles) Adopted: A new Chapter 10.18 of the North Bend Municipal Code, to be entitled “Electric Motorcycles” is hereby adopted, to read as set forth in Exhibit A attached hereto and by this reference fully incorporated herein.

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 21ST DAY OF
OCTOBER, 2025.**

CITY OF NORTH BEND:

Mary Miller, Mayor

APPROVED AS TO FORM:

Kendra Rosenberg, City Attorney

ATTEST/AUTHENTICATED:

Published:

Effective:

Susie Oppedal, City Clerk

Exhibit A

Chapter 10.18 – ELECTRIC MOTORCYCLES

Sections:

- 10.18.010 Definitions.**
- 10.18.020 General requirements and operation.**
- 10.18.030 Helmet required – Defined.**
- 10.18.040 Traffic laws apply.**
- 10.18.050 Impoundment and penalties.**

10.18.010 Definitions.

“Electric motorcycle” means a motorcycle, as defined by RCW 46.04.330, which is powered by an electric motor and:

- A. Does not have fully operative pedals (“foot pegs” shall not be considered operative pedals); or
- B. Has a motor with a power output that exceeds 750 watts; or
- C. Has a motor that continues to power the vehicle above speeds of twenty-eight miles per hour.

“Guardian” means a parent, legal guardian, or adult responsible for the care and supervision of a minor.

“Minor” means any person under the age of 18.

10.18.020 General requirements and operation.

- A. Electric motorcycles require registration with the Washington State Department of Licensing and, if operated on city streets, are subject to the off-road motorcycle provisions of RCW 46.61.705(2). Electric motorcycles must display a valid license plate and may only be operated by individuals with a valid driver’s license and motorcycle endorsement.
- B. No person may operate an electric motorcycle on a public way unless such person is 16 years of age or older. Guardians shall not authorize or knowingly permit a minor in their care to operate an electric motorcycle in violation of this chapter and are subject to the fines set forth in NBMC 10.18.050.
- C. It is unlawful for any person to use or operate an electronic motorcycle upon any sidewalk or public trail within the city of North Bend.
- D. Every electric motorcycle when in use during hours of darkness, as defined in RCW 46.37.020, shall display a lighted headlight, lighted stop light, and at least two illuminating rear reflectors.
- E. It is unlawful to operate an electric motorcycle without a muffling device in good working order and in constant operation to prevent excessive or unusual noise. Operation of an electric motorcycle with a modified muffling device is unlawful.
- F. Operation of an electric motorcycle on a public way with a speed limit in excess of 25 miles per hour, unless the electric motorcycle is operated within a bicycle lane, is unlawful.
- G. It is unlawful for any person to operate an electric motorcycle while carrying a passenger.

H. It is unlawful for any person to tow any person or thing while operating an electric motorcycle.

I. Any person violating the provisions of this section shall be deemed to have committed a traffic infraction and shall be subject to a penalty pursuant to NBMC 10.18.050.

10.18.030 Helmet required – Defined.

A. Any person operating an electric motorcycle on any public area in the city of North Bend shall wear a helmet and shall have either the neck or chin strap of the helmet fastened securely while the electric motorcycle is in motion.

B. "Helmet" means a protective covering for the head consisting of a hard outer shell, padding adjacent to and inside the outer shell and a neck or chin strap type retention system with a label required by the Federal Consumer Products Safety Commission as adopted by the Code of Federal Regulations 16 CFR 1203.

C. Any person violating the provisions of this section shall be deemed to have committed a traffic infraction and shall be subject to a penalty of \$30.00.

10.18.040 Traffic laws apply.

Every person riding an electric motorcycle upon a public way shall be granted all of the rights and shall be subject to all of the duties applicable to the driver of a vehicle pursuant to Chapter 46.61 RCW, except special regulations in RCW 46.61.750 through 46.61.780 shall apply to persons operating an electric motorcycle and except as to those provisions of Chapter 46.61 RCW which by their nature can have no application.

10.18.050 Impoundment and penalties.

A. A law enforcement officer may impound any electric motorcycle operated in violation of this chapter.

B. The officer must provide the violator with a written notice setting forth the procedure for reclaiming the electric motorcycle.

C. The impounded electric motorcycle shall only be released to the registered owner or guardian of a minor operator, upon:

1. Payment of all applicable fines and fees; and

2. Presentation of valid identification and proof of ownership.

D. Fines for violations:

1. First offense: \$250.

2. Second offense: \$500.

3. Third and subsequent offenses: \$750 and, if applicable, possible referral for criminal citation under RCW 46.20.005.

E. If an impounded electric motorcycle is not claimed within 60 calendar days, it may be declared abandoned and disposed of in accordance with RCW 63.32.010.