

Chapter 20.08

COMPREHENSIVE PLAN AND DEVELOPMENT REGULATION AMENDMENT PROCEDURES¹

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20.08.010 Purpose.

The purpose of this chapter is to establish the procedures and review criteria for amending the city's comprehensive plan and development regulations and providing for public participation. Amendments to the comprehensive plan are the means by which the city may modify its 20-year plan for land use, development or growth policies in response to changing city needs or circumstances. All plan and development regulation amendments will be reviewed in accordance with the Growth Management Act ("GMA"), Chapter 36.70A RCW, and other applicable state laws, the countywide planning policies, the adopted city of North Bend comprehensive plan, and applicable capital facilities plans. All plan and development regulation amendments will be afforded appropriate public review pursuant to the provisions of this section. (Ord. 1267 § 2 (part), 2007).

20.08.020 Definitions.

For the purposes of this chapter:

A. "Docket" means to compile a list of suggested changes to the comprehensive plan or development regulations in a manner that will ensure public participation in suggested changes, ensure that such changes will be considered by the planning commission, after the city council has first reviewed the docket requests and determined which docket requests to forward to the planning commission for consideration and recommendation to the city council, and ensure that suggested changes will be available for public review.

B. A "deficiency" in the comprehensive plan or development regulation means the absence of required or potentially desirable content of the plan or regulation.

C. The "director" means the director of community and economic development or such successor office as may be established which includes the duties of the planning official of the city or his/her designee.

D. The "department" means the department of community and economic development or such successor office as may be established which includes the duties of the planning office of the city or his/her designee. (Ord. 1652 § 1, 2018: Ord. 1267 § 2 (part), 2007).

20.08.030 Dockets to be maintained.

The director shall maintain separate dockets for suggested changes to:

- A. The comprehensive plan;
- B. The zoning code or other development regulation. (Ord. 1267 § 2 (part), 2007).

20.08.040 Procedure for docketing and applications.

A. Any interested person (including applicants, citizens, North Bend planning commission, city staff and officials, and staff of other agencies) may submit a docket application for an amendment to the comprehensive plan, an amendment to the zoning code, or other development regulations as described in subsection B of this section.

B. Docket Applicants.

1. The property owner or authorized agent of the owner may suggest site-specific amendments;
2. The city council or director may suggest site-specific or non-site-specific amendments;
3. Any person may suggest non-site-specific amendments; and
4. The planning commission may suggest technical nonsubstantive corrections.

C. The planning commission may recommend initiation of comprehensive plan or North Bend Municipal Code amendments to the city council in the annual planning commission work program if the following criteria have been met (if applicable):

1. A site-specific amendment is suggested by the property owner, authorized agent of the property owner or the city; and
2. The suggestion does not raise policy or land use issues that have been docketed within the last three years, or at least three years have elapsed from the date of action to change the land use designation of a property; and
3. The suggestion addresses a matter appropriate to include in the comprehensive plan; and
4. The suggestion does not raise policy or land use issues that are more appropriately addressed by an ongoing work program approved by the city council; and
5. The suggestion can be reasonably reviewed with the resources and within the time frame of the current annual planning commission work program; and
6. Circumstances related to the suggestion have changed significantly since the last time the relevant comprehensive plan map or text was amended; and
7. The suggestion is consistent with current general policies in the comprehensive plan for site-specific suggestions. The suggestions must also be consistent with policy implementation in the Countywide Planning Policies, Growth Management Act, other state or federal law, and/or the Washington Administrative Code; and
8. State law requires, or a decision of a court or administrative agency has directed such a change.

D. All docket applications must be submitted to the director by October 15th of each calendar year. Requests received each year after October 15th shall be considered in the following year's annual docket amendment process. Entries on any docket as of October 15th of each year not adopted within the following 12-month period shall not be carried forward to the next docket cycle unless resubmitted.

E. All docket requests must comply with subsections (F)(1) through (8) of this section or the docket request will be rejected as incomplete by the director and shall not be referred to the city council. Any docket accepted by the city council shall either be accepted as a council initiated comprehensive plan amendment, or a municipal code amendment, or referred by the council back to the applicant for payment of a fee to process the docket.

F. The docket application shall be made, to the degree practical, upon a form prescribed by the director and shall specify:

1. A detailed statement of the proposed amendment, including any appropriate amendatory language to the applicable plan or code section or sections;

2. A statement of the anticipated impacts of the change, including the geographic area affected and the issues presented by the proposed change;
3. An explanation of why the current comprehensive plan or development regulations are deficient or should not continue in effect;
4. A statement of how the proposed amendment complies with and promotes the goals and specific requirements of the Growth Management Act;
5. A statement of how the proposed amendment complies with applicable countywide planning policies;
6. A statement of what changes, if any, would be required in functional plans (i.e., the city's water, sewer, stormwater or shoreline plans) if the proposed amendment were adopted;
7. A statement of what capital improvements, if any, would be needed to support the proposed change, and how the proposed change will affect the capital facilities plans of the city; and
8. A statement of what other changes, if any, are required in other city codes, plans or regulations to implement the proposed change.

G. Applications for amendments to the comprehensive plan or code initiated by the city council, director, or planning commission shall be submitted without a fee. All other applications for amendments to the comprehensive plan or North Bend Municipal Code initiated by property owners or authorized agents of owners shall be accompanied by the fee set forth in the taxes, rates and fees schedule. (Ord. 1652 § 2, 2018; Ord. 1267 § 2 (part), 2007).

20.08.050 Comprehensive plan and development regulation amendments evaluation.

A. The comprehensive plan shall be subject to continuing evaluation and review, and suggested amendments shall be considered on at least an annual basis; provided, this shall not be deemed to require amendment at any time.

B. Proposed zoning code or development regulation amendments, map amendments, and other related amendments not requiring a comprehensive plan amendment may be reviewed more frequently than once each year.

C. The city's comprehensive plan shall be amended no more than once each year, unless necessary to address:

1. An emergency;
2. An appeal of the comprehensive plan filed with a Growth Management Hearings Board or with the court;
3. The adoption or amendment of a shoreline master program pursuant to Chapter 90.58 RCW;
4. The initial adoption of a subarea plan that does not modify the comprehensive plan policies and designations applicable to the subarea; or
5. The amendment of the capital facilities element of the comprehensive plan that occurs concurrently with the adoption or amendment of the city budget.

D. Suggested changes to the zoning code may be considered together with or separate from the comprehensive plan; provided, amendments to the official zoning map shall be made after or concurrent with amendments to the land use designation map of the comprehensive plan when such land use map is being considered and shall be consistent therewith. (Ord. 1267 § 2 (part), 2007).

20.08.060 Process for approval of docket.

A. Suggested changes to the comprehensive plan shall be considered and acted upon pursuant to the calendar established in this section, provided, the city council may extend the calendar.

B. The director shall review and evaluate all suggested changes to the comprehensive plan and prepare a written report to the planning commission containing the director's recommendation as to each item whether it should be considered by the planning commission during the current cycle.

C. The planning commission shall establish a work program for the current cycle. The planning commission shall consider but not be limited by the recommendation of the director. The planning commission shall make its final recommendation to the city council by April for the current year planning commission work program and associated docket recommendation. The director shall forward the planning commission's final recommendation for the planning commission's docket to the city council for review and approval.

D. The city council shall deliberate and may thereafter act upon the docket recommendations of the planning commission. The city council shall consider but not be limited by the recommendations of the planning commission.

E. The failure to comply strictly with the calendar established in this section shall not affect the validity of amendments to the comprehensive plan. (Ord. 1771 § 1, 2022; Ord. 1267 § 2 (part), 2007).

20.08.070 Amendment to zoning code or other development regulations.

A. Amendments to the zoning code or other development regulations may be adopted by the city council at any time after public notice and hearings, and planning commission consideration and recommendations as provided by law, except as provided in this chapter with respect to amendments to the official zoning map.

B. Request for zoning map amendments shall be accompanied by the following written information:

1. A master application form indicating the applicant(s), application date, property information (including address, size, zoning, current use), specific map amendment request, and other pertinent information.

2. Attached narrative that addresses the following:

a. A brief land use history of the property requested for map amendment, including nearby properties;

b. The degree to which the map amendment would be in compliance with the comprehensive plan and, as applicable, supplementary documents thereto;

c. The extent to which changed circumstances, if any, would support the map amendment;

d. The extent to which the amendment would promote compatibility and/or necessary land allocation between properties or areas within the city; and

e. Specific information about the intended use of the property requested for map amendment.

3. A review and analysis of the environmental, economic, and cultural impacts of the proposed map amendment consistent with the review criteria in NBMC 20.08.080, below. A completed environmental checklist, with supplementary information as appropriate, shall serve as the principal mechanism for the review of impacts and mitigation.

4. Mailing labels and a map identifying all property owners within 300 feet of the subject property; provided, where the applicant has ownership in adjoining properties, the mailing labels shall include all property owners within 300 feet of the most outlying boundaries of lands where an applicant has ownership interest. All such property owners shall be notified of site-specific amendments. In addition, properties shall be conspicuously posted where amendments are site-specific.

5. Additional information as may be deemed necessary by the department of community services.

6. Fees, as applicable.

When requested by a city of North Bend elected or appointed official, department of community services staff shall be responsible for compiling submittal information. Where requested by other parties, said party shall prepare the amendment materials until adequately complete as determined by written notification from the department of

community services. Community and Economic Development Department of community services staff shall update such materials as necessary for city council consideration. Applications that are not timely, are incomplete, or that are substantially similar to a recent and denied request shall not be considered by the city. The fees for the filing of a request to modify the zoning code or development regulations by any member of the public shall be as set forth in the city's taxes, rates and fees schedule. Any amounts paid pursuant to the schedule shall be fully refundable in the event that any member of the city council adopts the proposed modification as their own application. (Ord. 1341 § 3, 2008; Ord. 1267 § 2 (part), 2007).

20.08.080 Staff report.

A. At least two weeks prior to consideration of any proposed amendment to either the comprehensive plan, or development regulations, or zoning map, the department shall prepare and submit to the planning commission and/or council a staff report, which addresses the following:

1. The issues set forth in this chapter;
2. Impact upon the North Bend comprehensive plan and zoning code;
3. Adjacency Impacts: Impact upon surrounding properties, if applicable, considering issues such as lighting, noise, and activity levels relative to applicable property zoning;
4. Efficiency Impacts: Impacts upon the ability to process development applications in a timely and efficient manner, considering issues such as whether the proposed amendment simplifies or adds complexity and process, reduces duplicative or unnecessary regulations or ambiguities, or necessitates additional staff time to perform reviews;
5. Fiscal and Economic Impacts: Impacts to long-term municipal fiscal sustainability, considering how the amendment affects issues such as business recruitment, retention and expansion, tax revenue generation, and municipal costs to provide infrastructure and services relative to revenue generated;
6. Environmental Impacts: Impacts to the natural environment, including consistency with state requirements addressing environmental protection;
7. Equity Impacts: Impacts on those who may be economically or socially disadvantaged, including impacts to lower income residents and underrepresented or historically marginalized populations, and potential to increase risk of displacement or exclusion from housing or employment opportunities;
8. Alternatives to the proposed amendment; and
5. Appropriate code citations and other relevant documents.

B. The department's report shall transmit a copy of the application for each proposed amendment, any written comments on the proposals received by the department, and shall contain the department's recommendation on adoption, rejection or deferral of each proposed change. (Ord. 1267 § 2 (part), 2007).

20.08.090 Notice of public hearing and SEPA.

A. Notice of the time, place and purpose of a public hearing before the planning commission or council to consider amendments to the comprehensive plan or development regulations, other than area zoning, shall at a minimum be given by one publication in the official newspaper of the city at least 10 days before the hearing.

B. Following the procedures outlined above, the department shall develop a staff report and recommendations related to the amendment(s), including an analysis of their cumulative impacts. The SEPA responsible official shall issue a SEPA determination on the amendment(s), unless such amendment(s) are categorically or otherwise exempt from SEPA. If the responsible official issues a determination of significance (DS), scoping and preparation of the environmental impact statement (EIS) shall be completed prior to or simultaneously with consideration of those amendment(s) associated with the EIS. The staff report and supporting materials shall be forwarded to the city council and the planning commission. For amendments to development regulation text and/or maps associated with Chapters 14.05 through 14.12 NBMC, critical area regulations; NBMC Title 16, Mobile Homes; NBMC Title 17, Land Segregation; Chapter 17.30 NBMC, Impact Mitigation; NBMC Title 18, Zoning (except site-specific rezones);

and Chapter 20.12 NBMC, Concurrency, the planning commission shall hold a public hearing, which shall be noticed in the city's official newspaper one time at least 10 days in advance of the hearing date, in addition to posting at City Hall, ~~the department of community services, and the King County Library – North Bend Branch, and the Post Office – North Bend Branch.~~ Amendments that are map- or site-specific shall require additional hearing notice to adjacent property owners and posting on-site, per NBMC 20.08.070(B)(4). (Ord. 1267 § 2 (part), 2007).

20.08.100 Planning commission and council consideration.

A. The planning commission shall consider each request for an amendment to either the comprehensive plan or development regulations at a public meeting, at which the applicant will be allowed to make a presentation. Any person submitting a written comment on the proposed change shall also be allowed an opportunity to make a responsive oral presentation. Such opportunities for oral presentation shall be subject to reasonable time limitations established by the mayor.

B. The planning commission and city council shall consider the following criteria with respect to a proposed amendment:

1. Is the issue already adequately addressed in the comprehensive plan?
2. If the issue is not addressed in the comprehensive plan, is there a need for the proposed change?
3. Is the proposed change the best means for meeting the identified public need?
4. Will the proposed change result in a net benefit to the community?

C. Following council consideration as provided by subsections A and B of this section, the city council shall take action as follows:

1. Refer the proposed amendment to the planning commission for further review, a public hearing, and a recommendation to the city council;
2. Defer further council consideration for one or more years to allow the city further time to evaluate the application of the existing plan or regulations; or
3. Reject the proposed amendment. (Ord. 1267 § 2 (part), 2007).

20.08.110 Council decision.

Following receipt of the planning commission's recommendation on any proposed amendment referred to the planning commission under NBMC 20.08.100(C), the city council may hold an additional public hearing on the proposal, for which public notice shall be given under the notice of public hearing section of this chapter. Following the public hearing, the city council may:

- A. Adopt the amendment as proposed;
- B. Modify and adopt the proposed amendment; or
- C. Reject the proposed amendment. (Ord. 1267 § 2 (part), 2007).

¹ Prior legislation: Ords. 1074, 1185 and 1237, repealed by 1267.