

# ORDINANCE 1483

## **AN ORDINANCE OF THE CITY OF NORTH BEND, WASHINGTON, ADOPTING MINOR AMENDMENTS TO THE CAPITAL FACILITIES ELEMENT OF THE NORTH BEND COMPREHENSIVE PLAN, PROVIDING FOR SEVERABILITY, AND ESTABLISHING AN EFFECTIVE DATE**

**WHEREAS**, RCW 82.02.050 provides that impact fees may be collected for public facilities only when such facilities are addressed by a Capital Facilities Element of a Comprehensive Plan; and

**WHEREAS**, the Capital Facilities Element of the City of North Bend's Comprehensive Plan does not currently adopt-by-reference the Capital Facilities Plan of the Snoqualmie Valley School District, thereby requiring annual adoption of said document into the City's Capital Facilities Element in order for the City to collect School Impact Fees on behalf of the School District; and

**WHEREAS**, the City desires to simplify this process by amending the language in the Public Schools section of the Capital Facilities Element of the Comprehensive Plan to adopt-by-reference the School District's Capital Facilities Plan as a part of the Capital Facilities Element of the Comprehensive Plan; and

**WHEREAS**, City Staff accordingly prepared minor amendments to the Public Schools section of the Capital Facilities Element of the Comprehensive Plan, which were reviewed by the Planning Commission on February 14 and 28, 2013; and

**WHEREAS**, the City issued and published a State Environmental Policy Act (SEPA) Determination of Non-Significance (DNS) for the minor amendments to the Public Schools section of the Capital Facilities Element on February 13, 2013 and received no comments on the SEPA DNS; and

**WHEREAS**, the proposed minor amendments to the Public Schools section of the Capital Facilities Element were submitted to the Washington Department of Commerce for review on January 29, 2013; and

**WHEREAS**, the Planning Commission held a public hearing on the proposed minor amendments to the Public Schools section of the Capital Facilities Element on February 28, 2013, and received and considered all public comment; and

**WHEREAS**, pursuant to the procedures established in NBMC 20.08, notice of the public hearing and SEPA DNS was provided by publication of a legal notice in the Snoqualmie Valley Record, posting at the City's four official posting locations, and posting of the hearing, SEPA DNS, and proposed amendment language on the City's website, which was updated frequently; and

**WHEREAS**, the Planning Commission, on February 28, 2013, recommended approval of the proposed minor amendments to the Public School section of the Capital Facilities Element as described in the Planning Commission Findings Conclusions and Recommendations staff report dated January 29, 2013; and

**WHEREAS**, the Council finds that the proposed minor amendments to the Public Schools section of the Capital Facilities Element address and are consistent with the requirements of the Growth Management Act; and

**WHEREAS**, the Council finds that the City followed procedural requirements of NBMC Chapter 20.08 to notify and advertise amendments of the Public Schools section of the Capital Facilities Element to the public and interested agencies and pursuant to this, the Planning Commission and subsequently the City Council considered all written and verbal comments received during their respective processes;

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

**Section 1.** The Public Schools section of the City of North Bend Capital Facilities Element is hereby amended to be read as provided in the attached Exhibit A.

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

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

**ADOPTED BY THE CITY COUNCIL OF THE CITY OF NORTH BEND, WASHINGTON, AT A REGULAR MEETING THEREOF, THIS 2<sup>ND</sup> DAY OF APRIL, 2013.**

**CITY OF NORTH BEND:**

**APPROVED AS TO FORM:**

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**Kenneth G. Hearing, Mayor**

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**Michael R. Kenyon, City Attorney**

Published: April 10, 2013  
Effective: April 15, 2013

**ATTEST/AUTHENTICATED:**

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**Susie Oppedal, City Clerk**