

ORDINANCE 1485

AN ORDINANCE OF THE CITY OF NORTH BEND, WASHINGTON, ADOPTING AMENDMENTS TO NORTH BEND MUNICIPAL CODE 17.38.030 CONCERNING THE COLLECTION OF TRANSPORTATION IMPACT FEES, PROVIDING FOR SEVERABILITY, AND ESTABLISHING AN EFFECTIVE DATE

WHEREAS, RCW 82.02.050 through 82.02.100 authorizes the City to impose various fees for mitigating the impacts of development activity on City facilities, including transportation impact fees; and

WHEREAS, the City wishes to simplify the collection of transportation impact fees by deleting a deposit requirement under North Bend Municipal Code (“NBMC”) 17.38.030 applicable to transportation impact fees that are calculated based on building square footage, said deposit being currently collected ahead of final calculation and payment of the transportation impact fee upon building permit issuance; and

WHEREAS, staff have prepared amendments to NBMC 17.38.030, as provided on the attached Exhibit A, to delete this deposit requirement and to clarify that the Public Works Director is responsible for the calculation of transportation impact fees; and

WHEREAS, the proposed amendments are categorically exempt from a State Environmental Policy Act Threshold Determination pursuant to NBMC 14.04.050(S), as the adoption of regulations relating solely to governmental procedures and containing no substantive standards respecting use or modification of the environment; and

WHEREAS, the proposed amendments are consistent with the procedures established in NBMC 20.08, Comprehensive Plan and Development Regulations Amendment Procedures; and

WHEREAS, the proposed NBMC amendments were submitted to the Washington Department of Commerce on January 2, 2013 for review pursuant to RCW 36.70A.106; and

WHEREAS, pursuant to the procedures established in NBMC 20.08, notice of the public hearing 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 and proposed amendment language on the City’s website, which was updated frequently; and

WHEREAS, the Council finds that the proposed NBMC amendments 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 Code to the public and interested agencies and pursuant to this, the City Council considered all written and verbal comments received during their respective processes, including a public hearing at the April 2, 2013 Council meeting as noticed in the Snoqualmie Valley Record on March 20, 2013;

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

Section 1. North Bend Municipal Code 17.38.030 is hereby amended to read as provided on 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 2ND DAY OF APRIL, 2013.

CITY OF NORTH BEND:

APPROVED AS TO FORM:

Kenneth G. Hearing, Mayor

Michael R. Kenyon, City Attorney

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

ATTEST/AUTHENTICATED:

Susie Oppedal, City Clerk