

ORDINANCE 1486

AN ORDINANCE OF THE CITY OF NORTH BEND, WASHINGTON, ADOPTING AMENDMENTS TO NORTH BEND MUNICIPAL CODE 18.10.050 SECTION 1.51, ACCESSORY RESIDENTIAL USES, PROVIDING FOR SEVERABILITY, AND ESTABLISHING AN EFFECTIVE DATE

WHEREAS, the City of North Bend provides performance standards applicable to accessory residential uses in North Bend Municipal Code (NBMC) 18.10.050, Section 1.51, including certain limitations on the size and height of accessory residential uses when constructed on properties less than one (1) acre in size; and

WHEREAS, a docket was submitted by a resident for the 2013 Comprehensive Plan and Development Regulation Docketing Process, to amend the size limitations applicable to accessory residential uses in NBMC 18.10.050, Section 1.51; and

WHEREAS, the Planning Commission took up the docket request (Docket #3), and amendments to NBMC 18.10.050, Section 1.51 were drafted accordingly by staff; and

WHEREAS, the City Council finds it appropriate to amend said size and height limitations on accessory structures based on review, consideration and recommendation by City Staff and the Planning Commission, including revising the property size threshold under which the accessory residential size limitations apply; and

WHEREAS, the City issued and published a State Environmental Policy Act (SEPA) Determination of Non-Significance (DNS) for the amendments to NBMC Chapter 18.10.050, Section 1.51 on February 13, 2013 and received no comments on the SEPA DNS; and

WHEREAS, the draft NBMC amendments were submitted to the Washington Department of Commerce for review on January 29, 2013; and

WHEREAS, the Planning Commission reviewed the NBMC amendments on February 14 and 28, 2013 and held a public hearing on the amendments on February 28, 2013, receiving no 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 amendments to NBMC 18.10.050, Section 1.51, as described in the Planning Commission Findings Conclusions and Recommendations staff report dated January 29, 2013; 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 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. North Bend Municipal Code 18.10.050, Section 1.51, Accessory Residential Uses, 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

ATTEST/AUTHENTICATED:

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

Susie Oppedal, City Clerk