

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

**Application:** Comprehensive Plan Land Use Designation and Zoning Map Amendment for  
12727 and 12805 412<sup>th</sup> Ave. SE

**Date:** June 3, 2013

**Proponent (via docket process):** Century Link Communications, Owner of 12727 412<sup>th</sup> Ave SE

**Summary of Proposed Comprehensive Plan Land Use Designation and Zoning Map Amendment Request:** On December 14, 2012, the proponent submitted a docket request to re-designate the Comprehensive Plan land use designation for their property at 12727 412<sup>th</sup> Ave. SE from Residential to Commercial, and re-zone the property accordingly to a zone that would allow commercial uses. (See Docket Request attached as Exhibit 1.) The property contains an existing commercial building and is adjacent to other commercial development to the north in the Interchange Mixed Use zone. The applicant wishes to sell their property and market it for potential redevelopment for commercial uses. The Planning Commission took up the docket request at their January 10, 2013 meeting, adding it to the 2013 docket list for amendments to be considered this year (Docket #12).

In addition to the proponent's property, staff recommends including within the land use re-designation the property immediately adjacent to the south at 12805 412<sup>th</sup> Ave. SE, as it also contains an existing commercial building. Of note, the zoning for these two properties would not be effective until annexation. The area is currently outside of City limits within the Urban Growth Area.



Proponent's property at 12727 412<sup>th</sup> Ave. SE  
(photos from King County Assessor's website)



Adjacent property to south at 12805 412<sup>th</sup> Ave. SE

**SEPA:** The proposed NBMC amendment is subject the State Environmental Policy Act (SEPA). A SEPA Determination of Non-Significance will need to be issued.

**Public Hearing:** A public hearing is required prior to a recommendation by the Planning Commission. The hearing will be scheduled for a future meeting.

**Comprehensive Plan and Zoning Map Amendment Process:** Comprehensive Plan and Municipal Code Amendments are governed by NBMC 20.08.070 through 20.08.110, evaluated in the staff report below.

## A. PROPOSED AMENDMENTS:

### I. Comprehensive Plan Land Use Map.

The underlying Land Use Designation on the Comprehensive Plan Land Use Designation Map (Figure 1-1) for 12727 412<sup>th</sup> Ave. SE (parcel 0923089060) and 12805 412<sup>th</sup> Ave. SE (parcel 1623089088) shall be revised from Residential to Commercial.

### II. Zoning Map.

The City's Official Zoning Map shall be amended to identify an asterick on the parcels of 12727 412<sup>th</sup> Ave. SE and 12805 412<sup>th</sup> Ave. SE, and an asterick notation under IMU zone label within the map legend indicating the following language: "Special Performance Standards Apply to indicated parcels – see NBMC 18.10.050."

### III. Creation of Performance Standards

NBMC 18.10.050, *Land Use Performance Standards*, Section 2.00 Commercial shall be amended to establish performance standards applicable to 12727 412<sup>th</sup> Ave. SE and 12805 412<sup>th</sup> Ave. SE as follows:

NBMC 18.10.050, section 2.00 Commercial:

2.00 Commercial	<p>a. All commercial uses must obtain a North Bend business license.</p> <p>b. To provide for increased safety for pedestrians and vehicles along North Bend Way, access shall be off existing secondary streets and/or alleys whenever feasible or via joint use driveways shared between multiple parcels. Driveways serving a single user should be avoided.</p> <p>c. Commercial development within the TLA shall meet the following requirements:</p> <p style="margin-left: 20px;">i. Landscaping. Requires the transitional landscape area and landscaping as shown on Figure 1-5 of the North Bend Comprehensive Plan, Land Use Chapter.</p> <p style="margin-left: 20px;">ii. 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.</p> <p style="margin-left: 20px;">iii. Permitted signs in these areas shall meet the performance standards for low-density residential zoning districts, provided front lighting is down-lit only.</p> <p style="margin-left: 20px;">iv. Regional trail linkages are allowed within the TLA.</p> <p><u>d. The following land use limitations apply within the IMU zone at 12727 412<sup>th</sup> Ave. SE (parcel 0923089060) and 12805 412<sup>th</sup> Ave. SE (parcel 1623089088), due to the proximity of these properties to adjacent residential uses, further distance from the primary commercial core within the district, and location on a narrower dead-end street. On these properties, all uses permitted within the IMU Zone shall be allowed with the exception of the following, which will not be permitted:</u></p> <ul style="list-style-type: none"> <li>• <u>All uses listed under the Automotive/Vehicular category (except Electric Vehicle Charging Stations</u></li> </ul>
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	<p style="text-align: center;"><u>accessory to a Principal Use)</u></p> <ul style="list-style-type: none"> <li>• <u>Banks and Financial Institutions</u></li> <li>• <u>Check Cashing/Quick Loans</u></li> <li>• <u>Convenience Stores</u></li> <li>• <u>Grocery/Supermarket</u></li> <li>• <u>Hotels</u></li> <li>• <u>All uses listed under the Restaurant category</u></li> <li>• <u>Retail.</u></li> </ul> <p>e. Lighting shall be full-cut fixtures and comply with the performance standards identified in Section 8.40, Glare, and those in Chapter 18.34 NBMC.</p> <p>f. Unless otherwise noted below with specific uses storage of all associated uses (i.e. parts, equipment and service areas) should be screened from view using 15-foot-wide Type 1 landscaping and located to the side or rear of the development.</p> <p>g. Fences along street frontages shall not be galvanized chain link. If chain link is used for fencing along street frontages It shall be black, green or brown and powder or plastic coated.</p>
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## B. FINDING AND ANALYSIS:

### I. Context of Neighborhood

Apart from the two properties subject to this proposed Land Use Designation and Zoning Map amendment request, 412<sup>th</sup> Ave. SE south of SW Mt. Si Boulevard is characterized by low-density residential development, with all properties to the south and east containing single-family homes.

The proponent's lot (12727 412<sup>th</sup>) is 74,052 square feet (1.7 acres) and contains a 9,985 square-foot commercial warehouse-type building that was constructed in 1968, which is currently vacant. The adjacent lot to the south (12805 412<sup>th</sup>) is 33,600 square feet (0.77 acres) and contains a 13,000 square foot telephone utility building constructed in 1956, owned by AT&T.

Because of the close proximity of the subject lots to i-90 and the adjacent commercial area to the north, these lots are likely to be attractive for commercial development.

To prevent potential commercial uses from impacting the overall residential character of the neighborhood, staff recommends only the two subject properties be included in the Land Use and Zoning re-designation.

Additionally, because the property is around the corner from most of the commercial development in the area and is part-way down a road that is generally more residential in character, applying the adjacent Interchange Commercial Zone to these properties as-is may not be appropriate, as it may allow too broad of a range of retail and service uses, some of which may be incompatible with the adjacent residential character due to higher levels of traffic and activity associated with these uses. As such, staff recommends adding performance standards in NBMC 18.10.050 limiting certain commercial uses that are otherwise allowed within the Interchange Commercial Zone on the subject properties. The amendments to NBMC 18.10.050 are identified below.

## II. Impacts of Proposed Amendment

NBMC 20.08.070 and .080 requires that applications for municipal code amendments be evaluated for their environmental, economic and cultural impacts, as well as impacts to surrounding properties. These impacts are evaluated below.

- 1) **Environmental Impacts.** No significant environmental impacts are anticipated from amending the Land Use Designation and Zoning of the properties from Residential/LDR to Commercial/IMU. Regulations protecting critical areas, managing stormwater runoff, and controlling floodplain impacts are governed by the Critical Area Regulations in NBMC Title 14, and apply regardless of what type of development occurs on a site.
- 2) **Economic Impacts.** Revising the land use designation and zoning for these properties from residential/LDR to commercial/IMU may have a minor positive economic impact to the overall City and to affected properties. The City may benefit from additional area for limited commercial development.
- 3) **Cultural Impacts.** No significant cultural impacts are anticipated from amending the Comprehensive Plan Land Use Designation from Residential to Commercial, and the zoning from LDR to IMU, subject to the associated amendments to the performance standards limiting certain higher-intensity commercial uses otherwise allowed within the zone. The two properties subject to the proposed amendments already contain commercial buildings.
- 4) **Impacts to Surrounding Properties.** Potential impacts to surrounding properties include traffic and parking, noise, light glare, and visual scale and disharmony to adjacent uses, each evaluated below.
  - a. **Traffic and On-Street Parking.** A change in land use from residential to commercial and in zoning from LDR to IMU could allow increased residential density or commercial uses through redevelopment of the two subject properties, and correspondingly, more traffic to and from these properties than what would occur under the LDR zone. To limit higher intensity commercial activity and associated traffic, certain uses that are allowed within the IMU zone are proposed to be restricted on the subject properties, via the draft amendments to the performance standards in 18.18.150, below. Additionally, applications for any new development will be required to provide a traffic study identifying the impacts of traffic generated from the use to City streets, which the City uses to require appropriate mitigation measures, and provide a transportation impact fee, which the City uses to fund transportation improvements to maintain levels of service. New development would also be required to meet its parking requirement with off-street spaces and those on-street spaces only immediately in front of the property, and therefore should not impact on-street parking for adjacent uses.
  - b. **Noise.** The amendments could result in more commercial activity and/or households at build out and therefore the noise could increase. To minimize higher intensity commercial activity, certain uses that are allowed within the IMU zone are proposed to be restricted on the subject properties, via the draft amendments to the performance standards in 18.18.150, below. Additionally, all uses within the City are subject to the Noise Abatement and Control Regulations in Chapter 8.26 of the NBMC. These regulations establish maximum permissible noise levels measured at a property boundary at any time of the day, and establish a lower maximum between the hours of 10pm and 7am.
  - c. **Light glare.** Commercial or multi-family uses may include exterior lighting for parking areas and security around the perimeter of the building and/or property. This lighting, if not properly designed, could create light glare that could negatively impact adjacent

residences at night. The City of North Bend has adopted exterior lighting standards in NBMC Chapter 18.40 of the NBMC. All new development is subject to compliance with the exterior lighting standards, which includes requirements to provide full-cutoff lighting fixtures and limitations on light level spillover at property boundaries, with stronger limitations for uses within 50 feet of residential zones. As subject to these standards, light glare should not negatively impact surrounding properties.

- d. **Disharmony to adjacent uses.** Commercial developments may be considered out of scale or context to adjacent single family homes in the LDR zone. However, the existing properties already contain commercial buildings, and the street forms a district boundary between commercial and residential districts, as it does further to the north on South Fork Ave. SW and many other areas throughout the City. Additionally, the commercial design standards in NBMC 18.34.050 as well as the landscape regulations in NBMC 18.18 provide standards addressing the layout and appearance of proposed commercial developments, and include provisions to ensure compatibility to surrounding uses and buffering to less intense uses. Conformance to the design standards and landscape regulations should ensure visual compatibility with adjacent uses.

### **III. Compatibility of Proposed Amendment with North Bend Comprehensive Plan (NBCP)**

In accordance with NBMC 20.08.070 and .080, applications for municipal code amendments must be evaluated for compliance with the Comprehensive Plan.

The Comprehensive Plan on p. 20 of the LU Element, calls for minimizing and mitigating incompatible land uses between residential and non-residential properties by way of setbacks, landscaping, and design guidelines, and providing limitations on permitted uses in specific locations. This proposal as recommended by staff limits the types of commercial uses that could be of greater impact to the residential character of the area. As considered with the amendments to the performance standards limiting certain uses, the amendments are consistent with the Comprehensive Plan.

### **IV. Compatibility of Proposed Amendment with the North Bend Municipal Code (NBMC)**

In accordance with NBMC 20.08.070 and .080, applications for municipal code amendments must be evaluated for compliance with the North Bend Municipal Code. NBMC Section 18.10.020(D)(8) establishes the purpose of the IMU Zone as follows:

*The interchange mixed use (IMU) zoning district is intended to provide a transitional area between interchange commercial (IC) zoning and residential (LDR, HDR) zoning. The zoning accommodates permitted residential, interchange commercial and other commercial development to minimize adverse impacts on and maximize compatibility with adjacent land uses. Buildings in the IMU district are expected to be smaller in scale than buildings in the IC district, with select businesses permitted to operate on a 16-hour basis or less, closed between 10:00 p.m. and 6:00 a.m.*

As stated above, the IMU zone is intended as a transition between more intense commercial areas and adjacent residential areas. Further limiting the commercial uses within the IMU zone on the subject properties via the performance standards provided below will ensure compatibility of the uses to the residential character of the street, and be compatible with the limited access and visibility of this area and distance from the remainder of the commercial area to the north.

## **C. PUBLIC COMMENT**

One written comment was received on the proposed amendments from property owner AT&T attached as Exhibit 4. At the May 9, 2013 public hearing on the proposed amendments, members of the public provided comment on the proposed amendments. Oral comments received at the hearing are reflected in the May 9, 2013 Planning Commission meeting minutes, attached as Exhibit 5. (Minutes summarize the comments, but for actual comments, please see the audio recording of the May 9 hearing, available on the City website.)

## D. RECOMMENDATION

### Planning Commission Recommendation

Following consideration of public comment received at the public hearing, the North Bend Planning Commission finds that the proposed amendments to the Comprehensive Plan Land Use Map, Zoning Map, and 18.10.050 *Land Use Performance Standards*, as provided in section A, above are not in the public interest. The Planning Commission recommends denial of the amendments until such time as the subject properties come into the city limits, at which time they could be re-considered.

  
\_\_\_\_\_  
Planning Commission Chair

6/13/2013  
Date

### Staff Recommendation

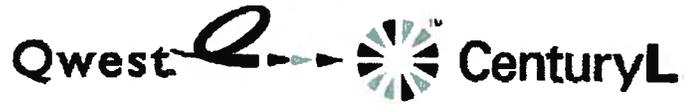
After consideration of the above findings and analysis, staff found that the amendments proposed to the Comprehensive Plan Land Use Map, Zoning Map, and NBMC 18.10.050 as provided in section A, above were consistent with the criteria established for Comprehensive Plan, Zoning Map, and Municipal Code amendments provided in NBMC 20.08. As such, staff provided a recommendation of approval to the Planning Commission at their May 9 meeting prior to the Planning Commission providing their recommendation.

  
\_\_\_\_\_  
Mike McCarty, Senior Planner

6/13/2013  
Date

### Exhibits:

- 1) Applicant's Docket Request
- 2) City of North Bend Comprehensive Plan Land Use Map, showing area of proposed amendments
- 3) City of North Bend Zoning Map showing area of proposed amendments
- 4) Written comment received from AT&T May 6, 2013
- 5) Planning Commission meeting minutes summarizing oral comments received at the hearing



CenturyLink Corporate Real Estate  
931 14<sup>th</sup> Street, Suite 103  
Denver, CO 80202  
DDN 720-578-4317

**Susan Kitchen**  
**Lead Property Administrator**

December 14, 2012

**VIA E-mail**

Ms. Gina Estep  
Mr. Mike McCarty  
City of North Bend, WA

Re: CenturyLink property at 12727 412<sup>th</sup> Avenue SE, North Bend, WA

Ms. Estep and Mr. McCarty:

Thanks for your time on the phone this week. It was helpful to get some general information on the comprehensive plan amendment process.

As we discussed, CenturyLink would like to sell its property at the above referenced address. It has been brought to our attention that the underlying land use designation of 'residential' is unsuitable for most likely future uses in that location. The property is adjacent to other commercial uses and is within close proximity to the freeway. Thus, CenturyLink would like to request a change of the underlying land use designation to 'commercial'.

Please let me know if I can provide additional information.

Best regards,

Susan Kitchen

City of North Bend  
Comprehensive Plan 2007  
Land Use Designation Map  
Figure 1 - 1

**Legend**

**Comprehensive Plan 2007  
Land Use Designation**

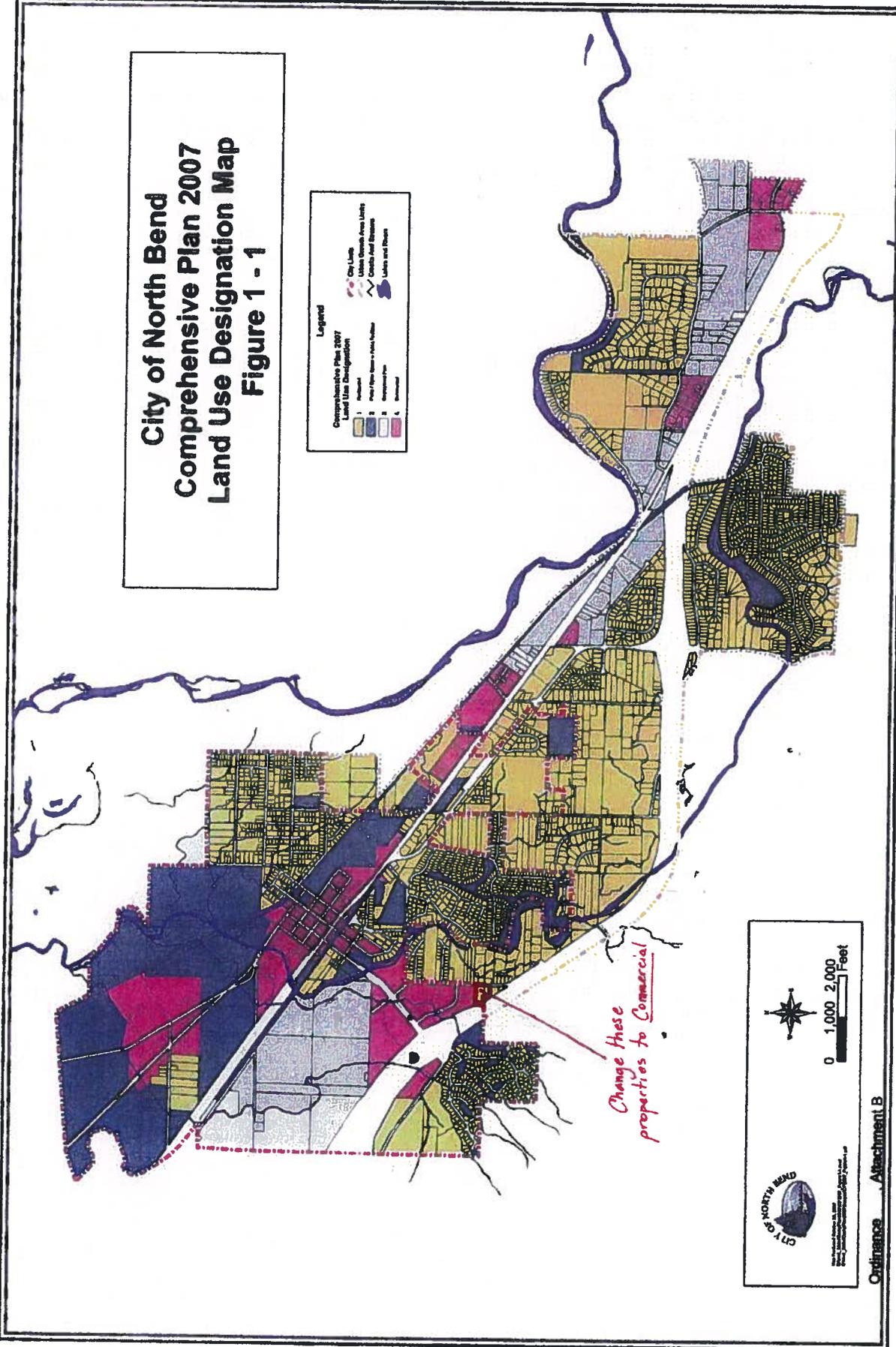
- 1 Residential
- 2 Medium Density Residential
- 3 Single-Family Residential
- 4 Office/Professional
- 5 Retail
- 6 Industrial
- 7 Public
- 8 Community
- 9 Open Space
- 10 Agriculture
- 11 Forest
- 12 Water
- 13 Wetlands
- 14 Other

**City Limits**

**Urban Growth Area Limits**

**County and District**

**Lakes and Rivers**



**CITY OF NORTH BEND**

1000  
0 1,000 2,000 Feet

Ordinance Attachment B



**Mike McCarty**

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**From:** WICKES, JIM <jw3462@att.com>  
**Sent:** Monday, May 06, 2013 3:30 PM  
**To:** Mike McCarty  
**Subject:** Rezoning Proposal for 12805 412th Ave SE, North Bend WA (Parcel 1623089088)

Mike:

Thanks for the follow up information on this proposal. I understand that the comprehensive plan designation for the referenced AT&T property would change to Commercial from current Residential classification and that the zoning would change to Interchange Mixed Use from Low Density Residential and that this should give AT&T greater land use flexibility with respect to its property. While the re-zoning allows for current AT&T use and office building uses, certain retail commercial uses that would generate high levels of vehicular traffic would not be allowed given the proximity to surrounding residential neighborhoods and other considerations.

AT&T has no objection to the proposed plan reclassification and rezoning of its referenced property.

Let me know if you have any questions.

Jim Wickes  
Portfolio Manager  
AT&T Corporate Real Estate/AT&T Alaska  
Voice: 907-264-7343; Fax: 707-436-8566 (NEW)  
505 E Bluff Drive MP292  
Anchorage AK 99501-1100  
[jw3462@att.com](mailto:jw3462@att.com)

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(see comments related to this item under section 4c below.)

**CITY OF NORTH BEND PLANNING COMMISSION MEETING MINUTES**

Thursday, May 9, 2013 at 7:00 PM

City Hall Conference Room,

211 Main Avenue North, North Bend, WA 98045

*Please Note: A complete audio recording of this meeting is available on the City of North Bend website, [www.northbendwa.gov](http://www.northbendwa.gov), under Commissions - Planning Commission - Meeting Audio.*

**CALL TO ORDER**

The meeting was called to order at 7:02 PM.

**ROLL CALL**

Planning Commissioners present: Brenden Elwood, Gary Fancher, Scott Lee, Jim Luckey, Rob McFarland (Chair), and Piper Muoio. Commissioner Bjorklund was unable to attend (notified ahead). City Staff present: Mike McCarty, Senior Planner.

**AGENDA #2 MINUTES FROM APRIL 25, 2013 MEETING**

Chair McFarland asked for a motion to approve the Minutes from the April 25, 2013 Planning Commission Meeting. Commissioner Elwood Motioned to Approve; Commissioner Lee seconded the Motion. The Motion was Approved, 5:0. *Note: Commissioner Luckey arrived at 7:05 PM and did not vote on the Minutes.*

**AGENDA ITEM #3: PUBLIC COMMENT ON NON-AGENDA ITEMS (LIMITED TO 3 MINUTES PER PERSON)**

Chair McFarland asked if any citizen wished to comment on a non-agenda item. No one from the audience offered to speak on any non-agenda item.

Chair McFarland gave an overview of the procedures for speaking on the record at tonight's public hearings.

Chair McFarland asked the audience if anyone had any objection to any of the Planning Commissioners taking part in the items under deliberation at tonight's meeting. No one spoke of any objection.

Chair McFarland asked the Commissioners if any of them has any financial or personal interest in any of the items up for deliberation. Commissioner Luckey said that he owns property in the area of Agenda Item #4b, Docket #5, and will not be voting on that item.

Chair McFarland asked that if any member of the Planning Commissioner has had any ex parte communication on any of the items up for deliberation at tonight's meeting, please state so.

**AGENDA ITEM #4: PUBLIC HEARING -**

**4a. Amendments to Zoning Map and NBMC 18.10 concerning properties on the north side of E. North Bend Way between the Cedar Falls Way Roundabout and Thrasher Ave. NE (Don Torguson request - Docket #2)**

Mike McCarty gave a briefing on the Docketing Process. Mr. McCarty described Docket #2 specifically, and said that staff does recommend approval, subject to consideration of input from the public.

At 7:10 PM, Chair McFarland opened the Public Hearing on Docket #2. Chair McFarland read from the signup sheet of people who wish to speak at tonight's public hearing.

*Please Note: Citizen comments may be heard in their entirety on the City of North Bend website, [www.northbendwa.gov](http://www.northbendwa.gov) under: Commissions - Planning Commission - Meeting Audio.*

1 Jim Graham, 681 E. North Bend Way, North Bend, WA 98045. Mr. Graham said he lives across the street (south  
2 side) from Red Oak, and has lived there for 43 years. Mr. Graham said the neighborhood is Single Family now,  
3 and he thinks it should remain that way.

4  
5 Ewing Stringfellow, 43342 SE Mount Si Road/P. O. Box 393, North Bend, WA 98045. Mr. Stringfellow said he  
6 owns property next to the area of the proposed rezone, and would like the rezone to be to Downtown Commercial,  
7 extending the downtown core out to the new Fire Station.

8  
9 Mr. McCarty said that Mr. Stringfellow had requested that his properties be part of Mr. Torguson's original  
10 rezone request to High Density Residential.

11  
12 Don Torguson, 790 East North Bend Way, P. O. Box 835, North Bend, WA 98045. Mr. Torguson is the citizen  
13 who made this docket request. Mr. Torguson said sometime after he bought the property in the 1960's the area  
14 was downzoned to Low Density Residential. Mr. Torguson said he believes commercial is the highest and best  
15 use for the property, due to its location, traffic, and exposure.

16  
17 Wendy Thomas, 721 E. North Bend Way, North Bend, WA 98045. Ms. Thomas said that she has mixed feelings  
18 about development across the street. Ms. Thomas said that she was mystified on how her property was left out of  
19 the ULID (Utility Local Improvement District). Ms. Thomas said that because she does not enjoy the same  
20 benefits of those infrastructure improvements, she cannot enjoy the benefits of any transition from residential to  
21 commercial uses. Her concern, since she will have to stay single family residential, is that the proposed zoning  
22 change will potentially change the nature of her neighborhood.

23  
24 Bryan Woolsey, 721 E. North Bend Way, North Bend, WA 98045. Mr. Woolsey said that he wanted to reiterate  
25 what his wife (Wendy Thomas) had said, and that he is concerned about development occurring across the street  
26 (from his residence).

27  
28 Chair McFarland read the name Nancy Randall. Ms. Randall said that she did not wish to speak.

29  
30 Travis Bridgman, 713 Ogle Ave. NE, North Bend, WA 98045. Mr. Bridgman said he is glad to see so many of  
31 the public here at the meeting, and just wanted to listen and learn.

32  
33 Greg Rothe, 129 Thrasher Ave. NE, North Bend, WA 98045. Mr. Rothe said he had very significant concerns.  
34 Mr. Rothe said he looked at the city's Mission Statement and Branding Statement, and statements in the City of  
35 North Bend Mission Statement stood out to him, namely maintaining the "rural character" of the community, and  
36 does not think rezoning property commercial that is next to a park and residential properties maintains that rural  
37 character. Mr. Rothe said he sees a long list of negative impacts, with very little upside.

38  
39 Cassandra Brewster, 129 Thrasher Ave. NE, North Bend, WA 98045. Ms. Brewster said that (the proposed  
40 zoning change) would leave all of the residents along the back side of Torguson Park along Thrasher Avenue  
41 stranded. Ms. Brewster also discussed her concerns about flood and storm water runoff that will be increased  
42 with any new development.

43  
44 Lurna Young (*spelling unconfirmed*), 851 E. North Bend Way, North Bend, WA 98045. Ms. Young said she  
45 has owned the same property since 1952.

46  
47 Chair McFarland asked if there was anyone else that wanted to speak regarding this Docket Item. No one else in  
48 attendance offered to speak.

49  
50 At 7:40 PM, Chair McFarland closed the Public Hearing on Docket Item #2.

51  
52 **4b. Amendments to Comprehensive Plan Land Use Designation and Zoning Map concerning**  
53 **properties on E. Park Street (Docket #5)**

54 At 7:41 PM, Chair McFarland opened the Public Hearing on Docket #5.

55

1 Mr. McCarty described Docket #5 specifically, and said that staff does recommend approval following input from  
2 the public.

3  
4 Chair McFarland called names from the signup sheet to speak at tonight's public hearing.

5  
6 Jim Randall, 315 E. Park St., #A2, North Bend, WA 98045. Mr. Randall said that he was surprised to get the  
7 notice of this rezone, and asked if this docket request was initiated by a private party. Mr. McCarty answered that  
8 it was by staff, and described that it was a follow-up consideration of the previous zoning change in this area that  
9 was privately initiated. Mr. Randall said that commercial development on his street will make property values go  
10 down, and make living on that street harder. Mr. Randall said he is concerned about losing our small town  
11 character, as well as impacts of traffic and parking.

12  
13 Nancy Randall, 315 E. Park St., #A2, North Bend, WA 98045. Mrs. Randall said she is dismayed by the rezone  
14 proposal, and as an example of what it means by development, Mrs. Randall said to look at the Bartell's project,  
15 which demolished five homes. Mrs. Randall said that she does not think anyone would want to live on Park  
16 Street if more commercial goes in.

17  
18 Colleen Murphy, 315 E. Park St., North Bend, WA 98045. Ms. Murphy related that the neighborhood had  
19 installed a mirror so they could see oncoming traffic, because parking is so bad they cannot see oncoming traffic.  
20 Ms. Murphy asked if one of the Planning Commission's jobs is to also look at traffic impacts with new  
21 development. Mr. McCarty answered Ms. Murphy's question by describing who is responsible to address traffic  
22 impacts with development.

23  
24 Don Anderson, 315 E. Park St., North Bend, WA 98045. Mr. Anderson said he would echo what Colleen  
25 Murphy said about traffic and parking impacts, and shares her concern.

26  
27 Chair McFarland asked if there was anyone else that wanted to speak regarding this Docket Item. No one else in  
28 attendance offered to speak.

29  
30 At 7:54 PM, Chair McFarland closed the Public Hearing on Docket Item #5.

31  
32 **4c. Amendments to Comprehensive Plan Land Use Designation Map, Zoning Map and NBMC**  
33 **18.10.050 concerning 12727 and 12805 412th Ave. SE (per Century Link request – Docket**  
34 **#12)**

35 At 7:55 PM, Chair McFarland opened the Public Hearing on Docket #12.

36  
37 Mr. McCarty described Docket #12 specifically, and said that staff felt it was appropriate to rezone the property to  
38 commercial, but with some restrictions related to the city's performance standards.

39  
40 An unidentified person made comment on this proposed rezone, and described himself as a resident in the area of  
41 the rezone. This person said that he believes if you let these people have access to sewer, then you need to let  
42 other residential properties have the same access. He also asked why not change the zoning from Low Density  
43 Residential to High Density Residential. He also described the flooding issues in the area.

44  
45 Mr. McCarty answered the sewer question by stating that any area can form a Utility Local Improvement District,  
46 which is an agreement by the property owners to pay for extension of sewer. Mr. McCarty answered the flooding  
47 question by stating that any new development would have to conform to the city's Stormwater Standards and the  
48 King County Surface Water Design Manual.

49  
50 Another unidentified person made comment that years ago, Mr. Churchill had a permit from the county to dredge  
51 the South Fork, and we didn't have flooding. She also said that Mr. Riley had a permit to dredge the North Fork,  
52 and we didn't have flooding problems. Mr. McCarty said that the county is considering dredging as one of a  
53 number of flood control options.

1 Mr. McCarty advised that these properties are not currently within the city limits of North Bend, but are in the  
2 city's Urban Growth Area.

3  
4 There was discussion, including questions and answers, between unidentified guests, Mr. McCarty and the  
5 Commissioners.

6  
7 Chair McFarland asked if there was anyone else that wanted to speak regarding this Docket Item. No one else in  
8 attendance offered to speak.

9  
10 At 8:10 PM, Chair McFarland closed the Public Hearing on Docket Item #12.

11  
12 **AGENDA ITEM #5 PLANNING COMMISSION DELIBERATION AND POSSIBLE**  
13 **RECOMMENDATION ON ITEMS 4a, 4b, AND 4c ABOVE**

14 There was discussion between the Commissioners and Mr. McCarty concerning Agenda Item 4c, Docket #12.

15  
16 Commissioner Luckey made a Motion to deny this docket item (Docket Request #12 - 4c. Amendments to  
17 Comprehensive Plan Land Use Designation Map, Zoning Map and NBMC 18.10.050 concerning 12727 and  
18 12805 412th Ave. SE) until such time as the subject properties come into the city limits. Chair McFarland asked  
19 for discussion. There was discussion between the Commissioners and Mr. McCarty concerning the Motion.  
20 Commissioner Elwood offered a friendly amendment to Commission Luckey's Motion, to remove the specifying  
21 language about annexation, and just make the motion to deny the request for amendments to the Comprehensive  
22 Plan. Commissioner Luckey denied the friendly amendment. There was further discussion of the Motion  
23 between the Commissioners and Mr. McCarty. Chair McFarland called for a vote on Commissioner Luckey's  
24 Motion. The vote was 3:2 (Elwood, Lee) to Approve the Motion. Chair McFarland abstained from voting. The  
25 Motion is Approved.

26  
27 There was discussion between the Commissioners and Mr. McCarty concerning Agenda Item 4a, Docket #2.  
28 Chair McFarland asked Mr. Torguson as the lead applicant of this docket request, for clarification as to whether  
29 he was now requesting the change in zoning from Low Density Residential to High Density Residential or to  
30 Commercial. Mr. Torguson answered that (the property) was commercial originally, and that it probably should  
31 be restored to commercial, and that if you look at the zoning map, it is surrounded by commercial, and he believes  
32 that would be also the best and highest use of the property. He has his petition in to change the zoning to multi-  
33 residential because he had a buyer for the property to construct a senior housing project. Chair McFarland  
34 explained that the proposal is to change the zoning to HDR, and that to change now to commercial would put the  
35 issue back to square one. Mr. Torguson said he is agreeable to whatever (the Planning Commission) decides.

36  
37 There was further discussion between the Commissioners and Mr. McCarty concerning Docket #2.

38  
39 Commissioner Fancher made a Motion to Approve this docket item (Docket #2, Amendments to Zoning Map and  
40 NBMC 18.10 concerning properties on the north side of E. North Bend Way between the Cedar Falls Way  
41 Roundabout and Thrasher Ave. NE) and to include Ewing Stringfellow's property. Commissioner Luckey  
42 seconded the Motion. Chair McFarland asked for discussion. There was further discussion between the  
43 Commissioners and Mr. McCarty concerning Commissioner Fancher's Motion. Chair McFarland called for a  
44 vote on Commissioner Fancher's Motion. The vote was 3:2 (Muoio, Elwood) to Approve the Motion. Chair  
45 McFarland abstained from voting. The Motion is Approved.

46  
47 There was discussion between the Commissioners and Mr. McCarty concerning Agenda Item 4b, Docket #5. Mr.  
48 McCarty said that this particular docket item came from staff, and is not a citizen initiated docket request. Chair  
49 McFarland stated that he owns property within 300 feet of this proposal but does not own any of the subject  
50 properties, is not directly impacted, and says he feels he can make an unbiased judgment.

51  
52 Commissioner Fancher made a Motion to Approve this docket item (Docket #5 - Amendments to Comprehensive  
53 Plan Land Use Designation and Zoning Map concerning properties on E. Park Street); Commissioner Elwood  
54 seconded the Motion. Chair McFarland asked for discussion. No further discussion was offered. Chair  
55 McFarland called for a vote. The vote was 2:2 (Muoio, Elwood); Chair McFarland broke the tie. The final vote

1 was 2:3 (Muio, Elwood, McFarland) to Approve the Motion. Commissioner Luckey, who owns property on  
2 Park Street, abstained from voting. The Motion Failed.

3  
4 Chair McFarland said that concludes items from the Agenda, and asked the Commissioners if there were any  
5 other issues to discuss.

6  
7 Commissioner Muoio asked about the situation with the tattoo parlor. Mr. McCarty explained the situation with  
8 the emergency ordinance and council, and said this issue will be coming to the Planning Commission at the very  
9 next meeting. Chair McFarland said that he had requested when that situation is brought before the Planning  
10 Commission, that there is City Council representation at the meeting/hearing. Mr. McCarty confirmed that  
11 Councilmember Pettersen is the Chair of the CED Committee. Chair McFarland said he hopes the person (on the  
12 city council) who made the motion on the emergency ordinance can appear at the Planning Commission's next  
13 meeting to explain their reasoning, but that the appropriate person may be the liaison (Councilmember Pettersen).

14  
15 Mr. McCarty said that City Administrator Londi Lindell will be at the next Planning Commission meeting to  
16 discuss the tattoo parlor issue.

17  
18 Commissioner Muoio asked about the change to the cottage zoning that the Planning Commission worked on, and  
19 whether it has already gone to council. Mr. McCarty answered that the Commission recommendation went to  
20 council and council heard additional comments and the council wanted to consider that additional comment. Staff  
21 needs to get with the city's legal counsel to determine if then the issue needs to come back to the Planning  
22 Commission.

23  
24 Chair McFarland asked if the Planning Commission could get an update from Public Works on the city's sewer  
25 capacity and water capacity.

26  
27 **ADJOURNMENT:**

28 Commissioner Muoio motioned to adjourn the meeting; Chair McFarland seconded the motion. The meeting  
29 adjourned at 9:26 PM.

30  
31 **NEXT PLANNING COMMISSION MEETING:**

32 The next Planning Commission meeting will be held May 23, 2013 at the City Hall Conference Room.

33  
34 ATTEST:

35  
36   
37 \_\_\_\_\_  
38 Rob McFarland, Chair

35  
36   
37 \_\_\_\_\_  
38 Mike McCarty, City of North Bend