



CITY COUNCIL MEETING

May 5, 2015 – Agenda

Mt. Si Senior Center, 411 Main Ave. S., North Bend, Washington

7:00 P.M. – CALL TO ORDER, ROLL CALL, FLAG SALUTE

CONSENT AGENDA:

		Pg.#
1) Minutes	Council Workstudy of March 24, 2015 & Council Meeting of April 21, 2015	1
2) Payroll	April 20, 2015 – 27246 through 27253 , in the amount of \$167,811.24	
3) Checks	May 5, 2015 – 61047 through 61099 , in the amount of \$383,722.84	
4) AB15-044	Motion – Authorizing Amendment to City Administrator Contract	Mayor Hearing 7
5) AB15-045	Motion – Authorizing 3 rd Amendment to SnoValley Museum Lease	Ms. Lindell 11

CITIZEN’S COMMENTS: (Please restrict comments to 3 minutes)

ANNOUNCEMENTS, PRESENTATIONS, APPOINTMENTS:

6) AB15-046	Reappointment to Planning Commission	Mayor Hearing 15
7) Presentation	Upcoming ILA with Snoqualmie Watershed Forum	Janne Kaje, KC
8) Presentation	Snoqualmie Valley Community Effort	Jennifer McKeown, MTSG
9) Presentation	Police Services First Trimester Update	Chief McCulley

INTRODUCTIONS:

10) AB15-047	Public Hearing Cont. , Ordinance – Amending NBMC RE: Sports Facilities/Shooting Range	Ms. Estep 17
11) AB15-048	Resolution – Granting Final Plat Approval Miners Ridge Div. 2	Mr. Tucker 27
12) AB15-049	Motion – Authorizing Sludge Hauling Agreement with Republic	Mr. DeBerg 57

MAYOR, COUNCIL & ADMINISTRATOR CONCERNS AND INITIATIVES: (Business and general information presented that may be deliberated upon by the Council. Formal action may be deferred until a subsequent meeting; immediate action may be taken upon a vote of a majority of all members of the Council.)

ADJOURNMENT:

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CITY OF NORTH BEND
CITY COUNCIL
WORKSTUDY NOTES
March 24, 2015 – 7:00 p.m.
City Hall Conference Room, 211 Main Ave. N., North Bend, WA

Mayor Pro Tem Williamson called the meeting to order at 7:00 p.m.

Councilmembers David Cook, Alan Gothelf, Ryan Kolodejchuk, Ross Loudenback, Jeanne Pettersen, Jonathan Rosen and Dee Williamson.

Staff Present: Mayor Ken Hearing, City Administrator Londi Lindell, Assistant City Administrator/ Finance Director Dawn Masko, Public Works Director Mark Rigos, Community & Economic Development Director Gina Estep, and City Clerk Susie Oppedal.

Guests Present: Tom Beckwith, Beckwith Consulting Group and Laroy Gant, GLA Architecture.

Presentation – Report: Financing of Civic Center

City Administrator Lindell provided a brief history of the proposed Civic Center/City Hall project which included identification of the historic downtown as the preferred site for the project, preference for a project budget of \$7 million dollars, and input from the Economic Development Commission on the project. She reported Tom Beckwith of Beckwith Consulting was hired to help the City determine the amount of space that was needed for the proposed Civic Center/City Hall and based upon his analysis it was determined approximately 21,000 square feet would be optimal for the facility.

Mr. Beckwith reviewed projected project costs for the Civic Center/City Hall project using the recently constructed Sequim City Hall for a cost estimate. He anticipated cost per square foot for construction of the facility to be \$463 with an overall cost of 9.6 million. Ms. Lindell added that property acquisition would add an additional \$1 million to the total cost.

Mr. Beckwith explained the benefits and drawback to the following methods of designing and building public facilities: 1) Conventional Design/Bid/Build; 2) Design/Build; and 3) Developer/Lease-To-Own. He recommended the Design/Build approach in which a maximum project cost lid was set which no one could exceed.

Assistant City Administrator/Finance Director Masko reviewed various funding options for the Civic Center/City Hall project which included the following:

1. Voted Bonds – Requires 60% voter approval and 40% voter turnout validation.

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- 2. Non-Voted Bonds – Requires Council majority and funding source would be a voted 9 year property tax levy lid lift – 50% voter approval and no voter turnout validation required.
- 3. Developer Financed (Lease/Leaseback) – City would make lease payments to developer and funding source for the first 9 years would be a voted 9 year property tax levy lid lift with no voter turnout validation requirement. Funding sources for the remainder of the payments would need to be determined.

After discussion, Council consensus was to proceed with the Civic Center/City Hall project using the design build option with the preferred method of financing to be voted on by the citizens in 2016.

Discussion on Start Time of Workstudy

Mayor Hearing noted there was an increase in agenda items for future workstudies and suggested several options to accommodate the increased workload including adding another workstudy to the monthly schedule or starting earlier in the evening. After discussion, it was decided to add a special workstudy with an earlier start time of 6 p.m. if the need arose.

Councilmember Kolodejchuk suggested Washington State’s proposed “Pay by Mile” program be added to a future workstudy for discussion. After a brief discussion, it was requested staff investigate the issue in greater detail and report back to Council.

Adjournment

The workstudy closed at 8:30 p.m.

ATTEST:

Dee Williamson, Mayor Pro Tem

Susie Oppedal, City Clerk

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NORTH BEND CITY COUNCIL MINUTES

April 21, 2015

Senior Center, 411 Main Ave. S., North Bend, Washington

CALL TO ORDER, ROLL CALL:

Mayor Hearing called the regular meeting to order at 7:00 p.m.

Councilmembers Present: Cook, Pettersen, Rosen and Williamson. Councilmembers Gothelf, Kolodejchuk and Loudenback were excused.

CONSENT AGENDA:

Minutes – Council Meeting of April 7, 2015

Payroll – April 3, 2015 – 27238 through 27245, in the amount of **\$127,149.68**

Checks – April 21, 2015 – 60982 through 61046, in the amount of **\$176,866.78**

AB15-035 – Motion Authorizing Supplements to Tetra Tech and Cascade Design Contracts For Downtown Plaza Projects

AB15-036 – Motion Authorizing Design Contract with Tetra Tech for Bendigo Right Turn Lane Project

AB15-037 – Motion Authorizing Contract & Change Order with Reliable Diving

AB15-038 – Motion Authorizing First Amendment to Fire Station Lease

AB15-039 – Ordinance 1551 Amending Taxes, Rates & Fees Schedule RE Support Costs

Councilmember Rosen **MOVED**, seconded by Councilmember Pettersen to approve the consent agenda as presented. The motion **PASSED** 4-0.

CITIZEN'S COMMENTS:

Dave Olson, 440 Main Ave. S, mentioned the upcoming Kiwanis collection drive on May 15 & 16th to benefit Eastside Baby Corner and fireworks sales on June 28 – July 4th which help raise funds for student scholarships. He requested all consider becoming a member of the Kiwanis Club and encouraged those interested to attend one of their weekly meetings at 8 a.m. on Thursdays at the Mt Si Golf Course.

ANNOUNCEMENTS, PRESENTATIONS, APPOINTMENTS:

Presentation – King County Housing Repair Program

Clark Fulmer, Housing Repair Coordinator, King County Department of Community & Human Services, provided an overview of the King County Housing Repair Program which offers assistance to low to moderate income homeowners with needed health and safety, building preservation and energy related home repairs.

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Proclamation – Building Safety Month

Mayor Hearing read a proclamation declaring May 2015 as Building Safety Month in the City of North Bend.

COMMISSION AND COMMITTEE REPORTS:

Planning Commission

No report – The next meeting is scheduled for May 14, 2015.

Parks Commission

No report – The next meeting is scheduled for May 27, 2015.

Economic Development Commission

No report – The next meeting is scheduled for April 23, 2015.

Community & Economic Development Committee – Councilmember Kolodejchuk, Chair
A report of the April 8th meeting was provided.

Finance & Administration Committee – Councilmember Cook, Chair
A report of the April 7th meeting was provided.

Public Health & Safety Committee – Councilmember Gothelf, Chair
A report of the April 14th meeting was provided.

Transportation & Public Works Committee – Councilmember Loudenback, Chair
A report of the April 8th meeting was provided.

Council Workstudy – Mayor Pro Tem Williamson
A report of the March 24th Workstudy was provided.

Eastside Fire & Rescue Board Meeting – Councilmember Gothelf
A report of the last meeting was provided.

INTRODUCTIONS:

AB15-040 – Public Hearing, Ordinance 1552 Extending Interim Zoning Regulations Relating to Commercial Truck Centers & Parking **Audio: 24:04**

Community & Economic Development Director Estep provided the staff report.

Mayor Hearing opened the Public Hearing on an Ordinance Extending Interim Zoning Regulations Relating to Commercial Truck Centers & Parking at 7:25 p.m.

Gary Hall, 2391 Terri Drive, Medford, OR, explained he was a truck travel center

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consultant that specialized in developing mutually beneficial solutions for cities and the commercial truck travel centers that are housed in their communities. He commented the ordinance would most likely hinder future improvements to the existing truck center at Truck Town and offered to his expertise to the City with any questions they may have regarding the issue.

Mayor Hearing closed the Public Hearing at 7:31 p.m.

Councilmember Cook **MOVED**, seconded by Councilmember Pettersen to approve AB15-040, an ordinance extending interim zoning regulations prohibiting commercial truck travel centers and parking, as a first and final reading. The motion **PASSED** 4-0.

AB15-041 – Public Hearing, Ordinance Amending NBMC Regarding Indoor Recreation Facilities & Shooting Ranges **Audio: 33:05**

Community & Economic Development Director Estep provided the staff report.

Mayor Hearing opened the Public Hearing on an Ordinance Amending NBMC Regarding Indoor Recreation Facilities and Shooting Ranges at 7:37 p.m.

Councilmember Pettersen **MOVED**, seconded by Councilmember Williamson to continue the Public Hearing until May 5, 2015 for Council deliberation and possible adoption of an ordinance adopting amendments to the NBMC 18.10.030 and 18.10.050 regarding Indoor Commercial Recreation Facilities and Indoor Shooting Ranges. The motion **PASSED** 4-0.

AB15-042 – Motion Authorizing Design Contract with G&O for Cedar Falls Way Sidewalk **Audio: 42:56**

Public Works Director Rigos provided the staff report.

Councilmember Rosen **MOVED**, seconded by Councilmember Pettersen to approve AB15-042, authorizing a design contract with Gray & Osborne for the Cedar Falls Way Paved Walkway project, in a form acceptable to the City Attorney. The motion **PASSED** 4-0.

AB15-043 – Motion Authorizing Purchase of VIC Sign **Audio: 45:56**

Community & Economic Development Director Estep provided the staff report.

Councilmember Pettersen **MOVED**, seconded by Councilmember Williamson to approve AB15-043, authorizing payment to Tube Art for the Visitor Information Center Sign Package in an amount not to exceed \$9,540 plus tax. The motion **PASSED** 4-0.

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MAYOR, COUNCIL, AND ADMINISTRATOR CONCERNS AND INITIATIVES:

City Administrator Lindell thanked Council for recognizing the recent efforts of staff from Community & Economic Development and Public Works. She provided an update on recent WWTP improvements and noted the bid opening for the Downtown Plaza project was scheduled for the June 16th City Council meeting.

Mayor Hearing spoke regarding the following items:

- Planning Commission Vacancy
- AWC 2015 Well City Award
- April 21st Special Workstudy – 6 p.m. at City Hall

ADJOURNMENT:

Councilmember Williamson **MOVED** to adjourn, seconded by Councilmember Pettersen. The motion **PASSED** 4-0.

The meeting adjourned at 7:55 p.m.

ATTEST:

Kenneth G. Hearing, Mayor

Susie Oppedal, City Clerk



City Council Agenda Bill

SUBJECT:		Agenda Date: May 5, 2015	AB15-044
A Motion Authorizing a First Amendment to the City Administrator Employment Agreement		Department/Committee/Individual	
		Mayor Ken Hearing	X
		City Administrator – Londi Lindell	
		City Attorney - Mike Kenyon	
		City Clerk – Susie Oppedal	
		Community & Economic Development – Gina Estep	
		Finance – Dawn Masko	
		Public Works – Mark Rigos	
		Cost Impact: N/A	
Fund Source: N/A			
Timeline: Immediate			
Attachments: First Amendment			
<p>The City and Londi Lindell entered into a City Administrator Employment Agreement on April 4, 2012, confirmed by the City Council on April 3, 2012 (“Agreement”). The Agreement provided a three (3) year term expiring on April 30, 2015.</p> <p>Ms. Lindell has received “outstanding” performance reviews during each of her prior 3 years of employment and the City and Ms. Lindell wish to extend the term of the Agreement.</p> <p>Chapter 35A.12 and Chapter 2 of the North Bend Municipal Code provide that the City Administrator shall serve at the direction of the Mayor following confirmation by the City Council. However, Ms. Lindell’s Agreement also provides that any amendment to the Agreement be approved by the “City”. The attached First Amendment extends the term of Ms. Lindell’s employment until terminated by the Mayor. The First Amendment provides a reciprocal right of termination by either the City or Ms. Lindell with or without cause upon 90 days written notice. Except as amended by the First Amendment, the Agreement remains in full force and effect.</p>			
COMMITTEE REVIEW AND RECOMMENDATION: This First Amendment was considered by the Finance and Administrative Committee on May 5, 2015 with a recommendation for approval.			
RECOMMENDED ACTION: MOTION to approve AB15-044, authorizing a first amendment to the City Administrator Employment Agreement, in a form approved by the City Attorney.			
RECORD OF COUNCIL ACTION			
<i>Meeting Date</i>	<i>Action</i>	<i>Vote</i>	
May 5, 2015			

**First Amendment to
City Administrator Employment Agreement**

This First Amendment to City Administrator Employment Agreement (“Amendment”) is between the City of North Bend, WA (“City”) and Ms. Londi Lindell (“Lindell”).

I
RECITALS

- A. The City and Lindell entered into a City Administrator Employment Agreement on April 4, 2012, confirmed by the City Council on April 3, 2012 (“Agreement”).
- B. The Agreement provided a three (3) year term expiring on April 30, 2015.
- C. Ms. Lindell has received “outstanding” performance reviews during each of her prior 3 years of employment and the City and Lindell wish to extend the term of the Agreement.
- D. Chapter 35A.12 and Chapter 2 of the North Bend Municipal Code provide that the City Administrator shall serve at the direction of the Mayor following confirmation by the City Council; and
- D. The parties enter into this Amendment in consideration of the mutual covenants and promises set forth in the Agreement.

II

- 1. **Term Extension.** Section 1 of the Agreement shall be amended as follows:

Terms and Conditions of Employment:

Employee shall commence employment on May 1, 2012. The Employee shall serve “at will,” and solely at the discretion of the City of North Bend Mayor subject to the terms of this Agreement. The City may terminate this Agreement with or without cause at any time. This Agreement shall expire either upon the City terminating the Agreement or upon the Employee terminating the Agreement after 90 days written notice. ~~on April 30, 2015.~~ Any extension or modification of this Agreement shall be approved in writing by the City and Employee.

- 2. **All Other Provisions of ILA Remain in Full Force and Effect.**

All other provisions of the Agreement not specifically amended by the First Amendment or this Second Amendment shall remain in full force and effect.

DATED this _____ day of May, 2015.

EMPLOYEE

CITY OF NORTH BEND

By: _____
Londi K. Lindell

By: _____
Kenneth G. Hearing, Mayor



City Council Agenda Bill

SUBJECT:		Agenda Date: May 5, 2015	AB15-045
Motion Authorizing a Third Amendment to the Lease between the City and Snoqualmie Valley Historical Society	Department/Committee/Individual		
	Mayor Ken Hearing		
	City Administrator – Londi Lindell		X
	City Attorney - Mike Kenyon		
	City Clerk – Susie Oppedal		
	Community & Economic Development – Gina Estep		
	Finance – Dawn Masko		
	Public Works – Mark Rigos		
Cost Impact: N/A			
Fund Source: N/A			
Timeline: Immediate			
Attachments: Third Amendment			
<p>SUMMARY STATEMENT:</p> <p>The City and Snoqualmie Valley Historical Society (“Historical Society”) entered into a Lease dated May 12, 1978 to provide a building for Lessee to use for a historical museum (“Lease”). The original Lease term was for nineteen (19) years commencing on June 1, 1976 and terminating on May 31, 1995;</p> <p>The City and Lessee entered into a Lease Addendum dated effective April 9, 1987 providing for an extension of the Lease term until December 31, 2012 (“Addendum”). At the end of the lease term in the Addendum, the parties entered into a Second Amendment to the Lease dated November 7, 2012 to extend the term for an additional five (5) years commencing January 1, 2013 and continuing until December 31, 2017 (“Second Amendment”).</p> <p>The Historical Society is seeking grants to repair the historical museum building and the grant agencies require a lease of 5 years with an option for an additional 5 years. The City has an interest in maintaining the museum building in good condition and repair. Thus, the parties entered into negotiations to amend the Lease to as set forth in the attached Third Amendment.</p> <p>The pertinent provisions of the Third Amendment are as follows:</p> <ul style="list-style-type: none"> • <u>5 Year Term.</u> The new Lease term is for 5 years commencing on January 1, 2015 and continuing until December 31, 2019; • <u>5 Year Renewal Option.</u> The Historical Society has the option of extending the term for an additional 5 years after December 31, 2019; • <u>Termination.</u> During the 5 year option period, either party may terminate the Lease upon 6 months’ notice to the other party; and • All other terms and provisions of the Lease, as previously amended remain in full force and effect. 			
<p>COMMITTEE REVIEW AND RECOMMENDATION: This matter was considered by the Finance and Administrative Committee on May 5, 2015 with a recommendation to Council for approval.</p>			
<p>RECOMMENDED ACTION: MOTION to approve AB15-045, authorizing a third amendment to the Snoqualmie Valley Historical Society Lease, in form and content acceptable to the City Attorney.</p>			
RECORD OF COUNCIL ACTION			
<i>Meeting Date</i>	<i>Action</i>	<i>Vote</i>	
May 5, 2015			

THIRD AMENDMENT TO LEASE

This Third Amendment to Lease (“Amendment”) is made and entered into this ____ day of _____, 2015 by and between the CITY OF NORTH BEND, a Washington state municipal corporation (“the City”), and Snoqualmie Valley Historical Society, Inc., a 501(c)(3) IRC non-profit corporation (“Lessee”).

- A. The City and Lessee entered into a Lease dated May 12, 1978 to provide a building for Lessee to use for a historical museum (“Lease”);
- B. The original Lease term was for nineteen (19) years commencing on June 1, 1976 and terminating on May 31, 1995;
- C. The City and Lessee entered into a Lease Addendum dated effective April 9, 1987 providing for an extension of the Lease term until December 31, 2012 (“Addendum”);
- D. The parties entered into a Second Amendment to the Lease dated November 7, 2012 to extend the term for an additional five (5) years commencing January 1, 2013 and continuing until December 31, 2017 (“Second Amendment”); and
- E. Lessee is seeking grants to repair the historical museum building and the grant agencies require a lease of 5 years with an option for an additional 5 years.

NOW, THEREFORE, IN CONSIDERATION of the agreements set forth in this Amendment, the sufficiency of which is hereby acknowledged, Lessee and the City agree as follows:

- 1. Term. Section 2 of the Lease, Section 4 of the Addendum and Section 1 of the Second Amendment shall be deleted in their entirety and replaced with the following:

The term of the Lease shall be for a period of five (5) years commencing on January 1, 2015 and continuing until December 31, 2019; provided Lessee shall have the option to extend the term for an additional five (5) years by providing sixty (60) days written notice to the City of its intent to continue the term for this five (5) year option period; provided, further that the Lease may be terminated during the option period by either party for any reason or for no reason by advance written notice of one hundred and eighty (180) days to the other party (“Term”).

- 2. General Provisions.

- a. In the event of a conflict between the terms and conditions of the Lease, the Addendum, the Second Amendment or this Amendment, this Amendment shall control.
- b. This Amendment, the Lease, the Addendum and the Second Amendment contain all of the agreements of the Parties with respect to any matter covered or mentioned therein, provided, the recitals may be consulted to determine the intent of the parties as to any question which may arise.
- c. No provision of this Amendment may be amended or modified except by written agreement signed by the Parties.
- d. Any provision of this Amendment which is declared invalid or illegal shall in no way affect or invalidate any other provision.
- e. Failure of a party to declare any breach or default immediately upon the occurrence thereof, or delay in taking any action in connection with, shall not waive such breach or default.

IN WITNESS WHEREOF, the parties hereto have subscribed their names as of the ____ day of _____, 2015.

LESSEE: SNOQUALMIE VALLEY HISTORICAL SOCIETY

LESSOR: CITY OF NORTH BEND

BY: _____
Kris Kirby, President

BY: _____
Kenneth G. Hearing, Mayor

DATE: _____

DATE: _____

Approved as to Form:

Attest:

Michael Kenyon, City Attorney

Susie Oppedal, City Clerk

STATE OF WASHINGTON)
) ss.
COUNTY OF KING)

I certify that I know or have satisfactory evidence that _____ is the person who appeared before me, and said person acknowledged that she signed this instrument and acknowledged it to be her free and voluntary act for the uses and purposes mentioned in the instrument.

DATED: _____

Print Name: _____
NOTARY PUBLIC in and for the State of Washington,
residing at _____
My commission expires: _____

STATE OF WASHINGTON)
) ss.
COUNTY OF KING)

I certify that I know or have satisfactory evidence that Ken Hearing is the person who appeared before me, and said person acknowledged that he signed this instrument, on oath stated that he was authorized to execute the instrument and acknowledged it as the Mayor of the City of North Bend to be the free and voluntary act of such party for the uses and purposes mentioned in the instrument.

DATED: _____

Print Name: _____
NOTARY PUBLIC in and for the State of Washington,
residing at _____
My commission expires: _____



City Council Agenda Bill

SUBJECT:		Agenda Date: May 5, 2015	AB15-046
Appointment to Planning Commission	Department/Committee/Individual		
	Mayor Ken Hearing		X
	City Administrator – Londi Lindell		
	City Attorney - Mike Kenyon		
	City Clerk – Susie Oppedal		
	Community & Economic Development – Gina Estep		
	Finance – Dawn Masko		
	Public Works – Mark Rigos		
Cost Impact: N/A			
Fund Source: N/A			
Timeline: Immediate			
Attachments:			
<p>SUMMARY STATEMENT:</p> <p>The Planning Commission consists of seven members with terms of four years. The Commission prepares and recommends coordinated plans, regulations and restrictions for the physical development of the City. Members serve for a period of four years from the time of their appointment (NBMC 2.28.010).</p> <p>On May 11, 2015 the terms for Planning Commission Positions No.2 & No.3 will expire. Of those Commissioners with terms set to expire, Dick Ryon (Position No. 2) has generously offered of his time to serve another term. The vacancy for Position No.3 has been advertised and staff is currently reviewing the applications received.</p> <p>Mayor Hearing is recommending the reappointment of Dick Ryon to Position No.2 of the Planning Commission, term expiring May 11, 2019.</p>			
COMMITTEE REVIEW AND RECOMMENDATION:			
<p>RECOMMENDED ACTION: MOTION to approve AB15-046, confirming the reappointment of Dick Ryon to Position No. 2 of the Planning Commission, term expiring May 11, 2019.</p>			
RECORD OF COUNCIL ACTION			
<i>Meeting Date</i>	<i>Action</i>	<i>Vote</i>	
May 5, 2015			



City Council Agenda Bill

SUBJECT:	Agenda Date: April 21, 2015	AB15-047
Public Hearing and Ordinance Adopting Amendments to the NBMC 18.10.030 and 18.10.050 Regarding Indoor Commercial Recreation Facilities and Indoor Shooting Ranges	Department/Committee/Individual	
	Mayor Ken Hearing	
	City Administrator – Londi Lindell	
	City Attorney - Mike Kenyon	
	City Clerk – Susie Oppedal	
	Finance – Dawn Masko	
	Public Works – Mark Rigos	
	CED Director – Gina Estep	X
Cost Impact: N/A		
Fund Source: N/A		
Timeline: Immediate		
Attachments: Ordinance and Exhibit A –Planning Commission Recommendation		

SUMMARY STATEMENT:

On October 14th, 2014 the City received a docket application to amend the NBMC 18.10.030 Table of Permitted and Conditional Uses to permit Indoor Commercial Recreation Facilities as an allowed use in the Urban Separator Overlay District. The applicant’s intent of the docket was to specifically address indoor shooting ranges. Upon evaluation of the docket request it was determined appropriate to create a subcategory to address Indoor Shooting Ranges, due to the fact the use may not be fitting in the same zoning districts where Indoor Commercial Recreation Facilities would be allowed.

The Planning Commission reviewed the docket request and the staff recommendation and deliberated on the topic on February 26, March 12, and March 26, 2015. Public hearings were held on March 12 and 26, 2015. Comments received include input from the applicant and the Executive Director of Encompass. The Executive Director of Encompass expressed an interest to ensure that if the use was to be allowed in the USOD zoning district, and therefore in close proximity to Encompass or any school, that consideration of any impacts to the school from the use be considered. Ultimately the Planning Commission did not recommend the use to be allowed in the USOD district.

The City issued and published a State Environmental Policy Act (SEPA) Determination of Non-Significance (DNS) for the amendments on February 25, 2015 and received no comments on the SEPA DNS.

The docket request resulted in the following three proposed amendments;

- 1) The first amendment would expand the number of zoning districts where an Indoor Commercial Recreation Facility would be permitted. Currently, pursuant to NBMC 18.10.030 Table of Permitted and Conditional Uses, the use is allowed within the EP1 and EP2 zoning districts. The proposal would expand the allowance of this use to include the following additional commercial districts; NB, DC, IC, IMU, and USOD.
- 2) The second amendment would include a specific use subcategory for an “Indoor Shooting Range, (Gun & Archery)” to NBMC 18.10.030 Table of Permitted and Conditional Use and allow that use within the EP-1, EP-2, and IC zoning districts.

City Council Agenda Bill

- 3) The third amendment would include performance standards to be added to NBMC 18.10.050 Land Use Performance Standards (refer to Performance Standards Table on page two, amendment II).

A Public Hearing was opened at the April 21, 2015 Council Meeting and continued to tonight's meeting.

COMMITTEE REVIEW AND RECOMMENDATION: CED Committee reviewed this agenda item during their April 8, 2015 meeting and recommended the public hearing proceed on April 21, 2015, and the full Council deliberation occur on May 5, 2015 when all Councilmembers were present.

RECOMMENDED ACTION: **MOTION to approved AB15-047, an ordinance adopting amendments to the NBMC 18.10.030 and 18.10.050 regarding Indoor Commercial Recreation Facilities and Indoor Shooting Ranges, as a first and final reading.**

RECORD OF COUNCIL ACTION

<i>Meeting Date</i>	<i>Action</i>	<i>Vote</i>
April 21, 2015	AB15-041 – Public Hearing opened & continued to May 5, 2015	
May 5, 2015		

ORDINANCE

AN ORDINANCE OF THE CITY OF NORTH BEND, WASHINGTON, ADOPTING AMENDMENTS TO NORTH BEND MUNICIPAL CODE 18.10.030 TABLE OF PERMITTED AND CONDITIONAL USES ASSOCIATED WITH INDOOR COMMERCIAL RECREATION FACILITIES AND INDOOR SHOOTING RANGES AND 18.10.050, PERFORMANCE STANDARDS ASSOCIATED WITH SHOOTING RANGES PROVIDING FOR SEVERABILITY, AND ESTABLISHING AN EFFECTIVE DATE

WHEREAS, Chapter 18.10.030 Table of Permitted and Conditional Uses of the North Bend Municipal Code provides for a list of permitted and conditional uses allowed within the various zoning districts; and

WHEREAS, Chapter 18.10.030 Table of Permitted and Conditional Uses includes Indoor Commercial Recreation Facilities as a use category and this use is currently allowed in the EP-1 and EP-2 zoning districts, and the Municipal Code currently does not include a subcategory for Shooting Ranges; and

WHEREAS, on October 14, 2014 a docket was submitted by a citizen requesting to amend Chapter 18.10.030 Table of Permitted and Conditional Uses of the North Bend Municipal Code to allow Indoor Commercial Recreation Facilities, more specifically Shooting Ranges, as an allowed use within the Urban Separator Overlay District (USOD); and

WHEREAS, after thoroughly researching the docket request and proposed amendment, Staff provided the Planning Commission a staff report and recommendation for consideration; and

WHEREAS, the Planning Commission reviewed the docket request and the staff recommendation and deliberated on the topic on February 26, March 12, and March 26, 2015 and held public hearings on March 12 and 26, 2015; and

WHEREAS, during the Planning Commission deliberations, the applicant of the docket withdrew her request for the use to be considered in the USOD overlay district, but expressed a desire to continue the amendment process for consideration of the use; and

WHEREAS, the City issued and published a State Environmental Policy Act (SEPA) Determination of Non-Significance (DNS) for the amendments to NBMC Chapter

18.10.030 and 18.10.050, Section 2.23, on February 25, 2015 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 April 14, 2015; and

WHEREAS, on March 26, 2015, the Planning Commission, recommended approval of the amendments to NBMC 18.10.030 and 18.10.050, Section 2.23, as described in the Planning Commission Recommendations dated March 26, 2015 hereby attached as Exhibit A; 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 process, 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 North Bend Municipal Code is amended to read as follows:

NBMC 18.10.030 Table of Permitted and Conditional Uses													
LAND USES:	LDR	CR	HDR	NB	DC	IC	IMU	USOD	EP-1	EP-2	POSPF	ENB-MPOD and LCOD	TL-MPOD
2.23 Indoor Commercial Recreation Facilities				P	P	P	P	P	P	P			
2.23a Indoor Shooting Range* (Gun & Archery)						P			P	P			

NBMC 18.10.050 Performance Standards	
Type of Land Use:	Performance Standards
2.22 Recreational Vehicle Park	<i>Language does not change, just updating associated numbering.</i>
2.23a Indoor Shooting Range (Guns and/or Archery)	<p>A. All indoor shooting ranges shall comply with applicable local, state and federal laws, standards and regulations.</p> <p>B. All indoor shooting ranges shall implement industry best management practices.</p> <p>D. Noise Abatement: The building design or use must incorporate sound reduction techniques so that noise levels from the discharge of firearms do not exceed 50 dB as measured at the property line to residential zoned properties. Refer to NBMC 8.26, Noise Abatement and Control for all other zones.</p> <p>E. Ventilation: HEPA filters are required for exhaust fans.</p> <p>F. Solid Lead: The application must provide a plan for the safe removal and disposal of lead and lead dust. Lead and lead dust may not be disposed of in either the storm or sanitary sewer system.</p> <p>G. Containment: Bullet traps, range walls, floors and ceilings must capture all bullets and arrows. Bullet traps, floors, walls and ceilings must all be sufficiently strong to prevent bullets and/or arrows from leaving the range room.</p> <p>H. Security: The application must include a security plan which at a minimum contains a continuously operating video surveillance system located on all exterior entrances.</p>

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

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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, 5TH DAY OF MAY, 2015.

CITY OF NORTH BEND:

APPROVED AS TO FORM:

Kenneth G. Hearing, Mayor

Michael R. Kenyon, City Attorney

ATTEST/AUTHENTICATED:

Published:

Effective:

Susie Oppedal, City Clerk



**Community and Economic Development Department
Planning Commission Findings, Facts and Recommendation**

Application: A North Bend Municipal Code Docket proposing to include Indoor Commercial Recreation as a permitted use in the Urban Separator Overlay District.

Applicant: Beth Burrows
7829 Center Blvd. SE, #204
Snoqualmie, WA 98065

Date: Planning Commission reviewed this document on February 26th, March 12th and March 26th 2015

Permitted and Conditional Land Uses Regulation (Section 2.23) Docket Amendment

Description of Proposal:

The applicant submitted a docket request on October 14th, 2014 to amend the NBMC 18.10.030 Table of Permitted and Conditional Uses to permit Indoor Commercial Recreation as an allowed use in the Urban Separator Overlay District. The applicant's intent of the docket was specifically related to indoor shooting ranges. This brought up the question of whether Indoor Shooting Ranges should fall under Indoor Commercial Recreation, due to the fact the use may not be appropriate in all the zones that Indoor Commercial Recreation would be allowed.

The docket request resulted in the following three proposed amendments;

- 1) The first amendment would expand the number of zoning districts where an Indoor Commercial Recreation Facility would be permitted. Currently, pursuant to NBMC 18.10.030 Table of Permitted and Conditional Uses, the use is currently allowed within the EP1 and EP2 zoning districts. The proposal would expand the allowance of this use to include the following additional commercial districts; NB, DC, IC, IMU, and USOD.
- 2) The second amendment would include a specific use subcategory for an "Indoor Shooting Range, (Gun & Archery)" to NBMC 18.10.030 Table of Permitted and Conditional Use and allow that use within the EP-1, EP-2, and IC zoning districts.
- 3) The third amendment would include performance standards to be added to NBMC 18.10.050 Land Use Performance Standards (refer to Performance Standards Table on page two, amendment II).

SEPA: The proposed NBMC amendment is subject to the State Environmental Policy Act (SEPA). A SEPA Determination of Non-Significance was issued on February 25, 2015. No public comment on the SEPA Determination was received.

Public Hearing: A public hearing was held on March 12 and March 26, 2015 to hear public testimony regarding these Code Amendments. The comments received came from the applicant and the Executive Director of

Encompass. The Executive Director of Encompass expressed an interest to ensure that if the use was to be allowed in the USOD zoning district, and therefore in close proximity to Encompass or any school, that consideration of any impacts to the school from the use be considered. Ultimately the Planning Commission did not recommend the use to be allowed in the USOD district.

Municipal Code Amendment Process: Municipal Code Amendments are governed by NBMC 20.08.070 through 20.08.110, which is evaluated in the staff report below.

PLANNING COMMISSION RECOMMENDATION

Based on the findings and facts stated herein, the North Bend Planning Commission recommends that the North Bend Municipal Code should read as follows:

NBMC 18.10.030 Table of Permitted and Conditional Uses													
LAND USES:	LDR	CR	HDR	NB	DC	IC	IMU	USOD	EP-1	EP-2	POSPF	ENB-MPOD and LCOD	TL-MPOD
2.23 Indoor Commercial Recreation Facilities				P	P	P	P	P	P	P			
2.23a Indoor Shooting Range* (Gun & Archery)						P			P	P			

NBMC 18.10.050 Performance Standards	
Type of Land Use:	Performance Standards
2.22 Recreational Vehicle Park	<i>Language does not change, just updating associated numbering.</i>

<p>2.23a Indoor Shooting Range (Guns and/or Archery)</p>	<p>A. All indoor shooting ranges shall comply with applicable local, state and federal laws, standards and regulations.</p> <p>B. All indoor shooting ranges shall implement industry best management practices.</p> <p>D. Noise Abatement: The building design or use must incorporate sound reduction techniques so that noise levels from the discharge of firearms do not exceed 50 dB as measured at the property line to residential zoned properties. Refer to NBMC 8.26, Noise Abatement and Control for all other zones.</p> <p>E. Ventilation: HEPA filters are required for exhaust fans.</p> <p>F. Solid Lead: The application must provide a plan for the safe removal and disposal of lead and lead dust. Lead and lead dust may not be disposed of in either the storm or sanitary sewer system.</p> <p>G. Containment: Bullet traps, range walls, floors and ceilings must capture all bullets and arrows. Bullet traps, floors, walls and ceilings must all be sufficiently strong to prevent bullets and/or arrows from leaving the range room.</p> <p>H. Security: The application must include a security plan which at a minimum contains a continuously operating video surveillance system located on all exterior entrances.</p>
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City Council Agenda Bill

SUBJECT:		Agenda Date: May 5, 2015	AB15-048
A Resolution Granting Final Plat Approval of Division 2 of the Miner’s Ridge Subdivision		Department/Committee/Individual	
		Mayor Ken Hearing	
		City Administrator – Londi Lindell	
		City Attorney - Mike Kenyon	
		City Clerk – Susie Oppedal	
		Community & Economic Development – Gina Estep	
		Finance – Dawn Masko	
		Public Works – Mark Rigos, P.E.	X
Cost Impact: N/A			
Fund Source: N/A			
Timeline: Immediate			
Attachments: Resolution, Exhibit A - Division 2 Final Plat Map, Hearing Examiner’s Decision,			
<p>SUMMARY STATEMENT:</p> <p>John Day Homes received preliminary plat approval on April 25, 2014 to subdivide an 8.35 acre property at 13607 461st Place SE (parcel 132308-9014) into 25 single family residential lots. This is known as Miner’s Ridge Division 2 which contains 24 lots. Previously, Miner’s Ridge Division 1 received Final Plat Approval by Council on May 20, 2014. Miner’s Ridge Division 1 contained 1 lot, an existing residence.</p> <p>John Day Homes has submitted a Final Plat application for Division 2 of Miner’s Ridge, subject to compliance with all applicable regulations. This division encompasses 24 homes and all of the road infrastructure, private park and utilities. Construction of the infrastructure and utilities has been inspected and approved by the City. The park improvements have been bonded.</p> <p>Based on the analysis for meeting North Bend Municipal Code requirements as well as the preliminary plat conditions, staff recommends Final Plat Approval of Miner’s Ridge Division 2.</p>			
COMMITTEE REVIEW AND RECOMMENDATION: This item was sent to the Transportation & Public Works Committee via email for review.			
RECOMMENDED ACTION: MOTION to approve AB15-048, a resolution granting final plat approval of Division 2 of the Miner’s Ridge Subdivision.			
RECORD OF COUNCIL ACTION			
<i>Meeting Date</i>	<i>Action</i>	<i>Vote</i>	
May 5, 2015			

RESOLUTION

A RESOLUTION OF THE CITY OF NORTH BEND, WASHINGTON, GRANTING FINAL PLAT APPROVAL FOR DIVISION 2 OF THE MINER'S RIDGE SUBDIVISION

WHEREAS, On April 25, 2014, the City's Hearing Examiner granted applicant John Day Homes Preliminary Plat Approval for the Miner's Ridge Subdivision; and

WHEREAS, in the Hearing Examiner's Preliminary Plat Approval and consistent with City regulations, the Council has authorized the development of the plat in phases; and

WHEREAS, John Day Homes has requested final plat approval for Division 2; and

WHEREAS, City staff has reviewed the proposed final plat of Division 2 for compliance with North Bend Municipal Code 20.01.004, finds that there is still additional work that must be completed within a designated time frame, but recommends approval as set forth on the attached Exhibit A subject to submission of adequate security to insure the completion of the remaining work in the event the developer should fail to comply with the terms of the preliminary plat approval; and

WHEREAS, the Council finds that the final plat of Division 2 conforms to all the terms and conditions of the Preliminary Plat Approval, as approved by the Hearing Examiner, and approved engineering plans, and that the final plat of Division 2 meets the requirements of applicable laws; and

WHEREAS, the applicant has secured a bond guaranteeing completion of the infrastructure improvements required by the Preliminary Plat Approval, approved engineering plans, and shall further complete Bills of Sale and other necessary administrative tasks including providing full as-built plans and GIS requirements, as set forth in the Developer Extension Agreement;

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF NORTH BEND,
WASHINGTON, DOES HEREBY RESOLVE AS FOLLOWS:**

Section 1. Authorization. The Council finds that all conditions of the Miner's Ridge Preliminary Plat Approval set forth in the Hearing Examiner's decision dated April 25, 2014 ("Decision") have been satisfied, or that adequate security has been posted to ensure the full and prompt completion of said improvements. Accordingly, the final plat of Division 2 of the Miner's Ridge Subdivision is hereby approved on condition that the owner has secured a bond guaranteeing completion of the infrastructure improvements required by the Preliminary Plat Approval. The required infrastructure improvements are

set forth on pages 10 – 18 of the Decision as Condition Nos. 1-63. The owner shall further complete Bills of Sale and other necessary administrative tasks as set forth in and required by the Developer Extension Agreement.

PASSED BY THE CITY COUNCIL OF THE CITY OF NORTH BEND, WASHINGTON, AT A REGULAR MEETING THEREOF, THIS 5TH DAY OF MAY, 2015.

CITY OF NORTH BEND:

APPROVED AS TO FORM:

Kenneth G. Hearing, Mayor

Michael R. Kenyon, City Attorney

ATTEST/AUTHENTICATED:

Effective:
Posted:

Susie Oppedal, City Clerk

VOL/Pg

MINER'S RIDGE DIVISION NO. 2

A PORTION OF BW 1/4, NE 1/4 & SE 1/4, NE 1/4 SECTION 13, TOWNSHIP 23 N., RANGE 8 E., W.M.
CITY OF NORTH BEND, KING COUNTY, WASHINGTON

DEDICATION

KNOW ALL PEOPLE BY THESE PRESENTS THAT WE, THE UNDERSIGNED OWNERS OF INTEREST IN THE LAND HEREBY SUBDIVIDED, HEREBY DECLARE THIS PLAT TO BE THE GRAPHIC REPRESENTATION OF THE SUBDIVISION MADE HEREBY, AND DO HEREBY DEDICATE TO THE USE OF THE PUBLIC FOREVER ALL STREETS, AVENUES AND WOODWAYS NOT SHOWN AS PRIVATE HEREON AND DEDICATE THE USE THEREOF FOR ALL PUBLIC PURPOSES NOT INCONSISTENT WITH THE USE THEREOF FOR PUBLIC HIGHWAY PURPOSES, AND ALSO THE RIGHT TO MAKE ALL NECESSARY SLOPES FOR CUTS AND FILLS UPON THE LOTS SHOWN THEREON IN THE ORIGINAL REASONABLE GRADING OF SAID STREETS AND AVENUES, AND FURTHER DEDICATE TO THE USE OF THE PUBLIC ALL THE EASEMENTS AND TRACTS SHOWN ON THIS PLAT FOR ALL PUBLIC PURPOSES AS INDICATED THEREON, INCLUDING BUT NOT LIMITED TO PARKS, OPEN SPACE, UTILITIES AND DRAINAGE UNLESS SUCH EASEMENTS OR TRACTS ARE SPECIFICALLY IDENTIFIED ON THIS PLAT AS BEING DEDICATED OR CONVEYED TO A PERSON OR ENTITY OTHER THAN THE PUBLIC, IN WHICH CASE WE DO HEREBY DEDICATE SUCH STREETS, EASEMENTS, OR TRACTS TO THE PERSON OR ENTITY IDENTIFIED AND FOR THE PURPOSE STATED.

FURTHER, THE UNDERSIGNED OWNERS OF THE LAND HEREBY SUBDIVIDED, WAIVE FOR THEMSELVES, THEIR HEIRS AND ASSIGNS AND ANY PERSON OR ENTITY DERIVING TITLE FROM THE UNDERSIGNED, ANY AND ALL CLAIMS FOR DAMAGES AGAINST THE CITY OF NORTH BEND, ITS SUCCESSORS AND ASSIGNS WHICH MAY BE OCCASIONED BY THE ESTABLISHMENT, CONSTRUCTION, OR MAINTENANCE OF ROADS AND/OR DRAINAGE SYSTEMS WITHIN THIS SUBDIVISION OTHER THAN CLAIMS RESULTING FROM INADEQUATE MAINTENANCE BY THE CITY OF NORTH BEND.

FURTHER, THE UNDERSIGNED OWNERS OF THE LAND HEREBY SUBDIVIDED, AGREE FOR THEMSELVES, THEIR HEIRS AND ASSIGNS TO INDEMNIFY AND HOLD THE CITY OF NORTH BEND, ITS SUCCESSORS AND ASSIGNS, HARMLESS FROM ANY DAMAGE, INCLUDING ANY COSTS OF DEFENSE, CLAIMED BY PERSONS WITHIN OR WITHOUT THIS SUBDIVISION TO HAVE BEEN CAUSED BY ALTERATIONS OF THE GROUND SURFACE, VEGETATION, DRAINAGE, OR SURFACE OR SUBSURFACE WATER FLOWS WITHIN THIS SUBDIVISION OR BY ESTABLISHMENT, CONSTRUCTION OR MAINTENANCE OF THE ROADS WITHIN THIS SUBDIVISION. PROVIDED, THIS WAIVER AND INDEMNIFICATION SHALL NOT BE CONSTRUED AS RELINQUISHING THE CITY OF NORTH BEND, ITS SUCCESSORS OR ASSIGNS, FROM LIABILITY FOR DAMAGES INCLUDING THE COST OF DEFENSE, RESULTING IN WHOLE OR IN PART FROM THE NEGLIGENCE OF THE CITY OF NORTH BEND, ITS SUCCESSORS OR ASSIGNS.

THIS SUBDIVISION DEDICATION, WAIVER OF CLAIMS AND AGREEMENT TO HOLD HARMLESS IS MADE WITH THE FREE CONSENT AND IN ACCORDANCE WITH THE DESIRES OF SAID OWNERS

IN WITNESS WHEREOF WE SET OUR HANDS AND SEALS

JOHN DAY HOMES, INC., A WASHINGTON CORPORATION

WASHINGTON TRUST BANK

By: _____

By: _____

NOTE: THE UNDERSIGNED, AS THE OWNERS OF LOT 1 OF MINER'S RIDGE DIVISION NO. 1, VOLUME 288 OF PLATS, PAGES 47-51, IN KING COUNTY, WASHINGTON, ARE EXECUTING THIS PLAT FOR THE SOLE AND LIMITED PURPOSE OF GRANTING THE PUBLIC FIRE TRUCK TURN-AROUND EASEMENT UNDER EASEMENT NOTES NO. 7.

LYNN J. MINER

GALE LEE MINER

ACKNOWLEDGMENTS

STATE OF WASHINGTON }
COUNTY OF KING } SS

ON THIS DAY PERSONALLY APPEARED BEFORE ME LYNN J. & GALE LEE MINER, TO ME KNOWN TO BE THE INDIVIDUALS DESCRIBED IN AND WHO EXECUTED THE WITHIN AND FOREGOING INSTRUMENT, AND ACKNOWLEDGED THAT THEY SIGNED THE SAME AS THEIR VOLUNTARY ACT AND DEED, FOR THE USES AND PURPOSES THEREIN MENTIONED.

GIVEN UNDER MY HAND AND OFFICIAL SEAL THIS ____ DAY OF _____, 20__.

NOTARY PUBLIC IN AND FOR THE STATE OF WASHINGTON, RESIDING AT _____
MY APPOINTMENT EXPIRES _____
PRINT NAME _____

STATE OF WASHINGTON }
COUNTY OF KING } SS

I CERTIFY THAT I KNOW OR HAVE SATISFACTORY EVIDENCE THAT JOHN R. DAY SIGNED THIS INSTRUMENT, ON OATH STATED THAT HE WAS AUTHORIZED TO EXECUTE THE INSTRUMENT AND ACKNOWLEDGED IT AS THE PRESIDENT OF JOHN DAY HOMES, INC. TO BE THE FREE AND VOLUNTARY ACT OF SUCH PARTY FOR THE USES AND PURPOSES MENTIONED IN THE INSTRUMENT.

GIVEN UNDER MY HAND AND OFFICIAL SEAL THIS ____ DAY OF _____, 20__.

NOTARY PUBLIC IN AND FOR THE STATE OF WASHINGTON, RESIDING AT _____
MY APPOINTMENT EXPIRES _____
PRINT NAME _____

STATE OF WASHINGTON }
COUNTY OF KING } SS

I CERTIFY THAT I KNOW OR HAVE SATISFACTORY EVIDENCE THAT SIGNED THIS INSTRUMENT, ON OATH STATED THAT HE WAS AUTHORIZED TO EXECUTE THE INSTRUMENT AND ACKNOWLEDGED IT AS THE _____ OF WASHINGTON TRUST BANK TO BE THE FREE AND VOLUNTARY ACT OF SUCH PARTY FOR THE USES AND PURPOSES MENTIONED IN THE INSTRUMENT.

GIVEN UNDER MY HAND AND OFFICIAL SEAL THIS ____ DAY OF _____, 20__.

NOTARY PUBLIC IN AND FOR THE STATE OF WASHINGTON, RESIDING AT _____
MY APPOINTMENT EXPIRES _____
PRINT NAME _____

CITY OF NORTH BEND APPROVALS

EXAMINED AND APPROVED THIS ____ DAY OF _____, 20__.

CED DIRECTOR

EXAMINED AND APPROVED THIS ____ DAY OF _____, 20__.

PUBLIC WORKS DIRECTOR/CITY ENGINEER

I HEREBY CERTIFY THAT THERE ARE NO DELINQUENT SPECIAL ASSESSMENTS CERTIFIED TO THIS OFFICE FOR COLLECTION AND THAT ALL SPECIAL ASSESSMENTS ON ANY OF THE PROPERTY HEREM CONTAINED, DEDICATED AS STREETS, ALLEYS OR FOR ANY OTHER PUBLIC USE, ARE PAID IN FULL.

DATED THIS ____ DAY OF _____, 20__.

FINANCE DIRECTOR

KING COUNTY ASSESSOR

ACCOUNT NO. _____
EXAMINED AND APPROVED BY THE KING COUNTY DEPARTMENT OF ASSESSMENTS THIS ____ DAY OF _____, 20__.

KING COUNTY ASSESSOR

DATE

DEPUTY ASSESSOR

DATE

KING COUNTY FINANCE DIVISION CERTIFICATE

I HEREBY CERTIFY THAT THERE ARE NO DELINQUENT SPECIAL ASSESSMENTS CERTIFIED TO THIS OFFICE FOR COLLECTION AND THAT ALL SPECIAL ASSESSMENTS ON ANY OF THE PROPERTY HEREM CONTAINED, DEDICATED AS STREETS, ALLEYS OR FOR ANY OTHER PUBLIC USE, ARE PAID IN FULL.

DATED THIS ____ DAY OF _____, 20__.

MANAGER, KING COUNTY OFFICE OF FINANCE

DATE

DEPUTY

DATE

COVENANTS

ALL LOTS AND TRACTS WITHIN THIS PLAT ARE SUBJECT TO THE COVENANTS, CONDITIONS AND RESTRICTIONS OF THE MINER'S RIDGE HOME OWNERS ASSOCIATION AGREEMENT RECORDED UNDER RECORDING NUMBER _____ RECORDS OF KING COUNTY, WASHINGTON

LAND SURVEYOR'S CERTIFICATE

I HEREBY CERTIFY THAT THE PLAT OF MINER'S RIDGE DIVISION NO. 2 IS BASED UPON AN ACTUAL SURVEY AND SUBDIVISION OF SECTION 13, TOWNSHIP 23 NORTH, RANGE 8 EAST, W.M., AS REQUIRED BY STATE STATUTES. THAT THE DISTANCES, COURSES AND ANGLES ARE SHOWN THEREON CORRECTLY; THAT THE MONUMENTS WILL BE SET AND THE LOT AND BLOCK CORNERS SHALL BE STAKED CORRECTLY ON THE GROUND; THAT I FULLY COMPLIED WITH THE PROVISIONS OF THE STATE AND LOCAL STATUTES AND REGULATIONS GOVERNING PLATTING.



DAVID B. MATTHEWS, PLS
CERTIFICATE NO. 36804
CONCEPT ENGINEERING, INC.
455 RANIER BLVD. N
ISSAQUAH, WA 98027
PHONE: (425) 392-8055

RECORDER'S CERTIFICATE

FILED FOR RECORD AT THE REQUEST OF THE CONCEPT ENGINEERING, INC. THIS ____ DAY OF _____, 20__ AT ____ MINUTES PAST ____ M. AND RECORDED IN VOLUME ____ OF PLATS, PAGE(S) ____ AFN RECORDS OF KING COUNTY, WASHINGTON.

DIVISION OF RECORDS AND ELECTIONS

MANAGER

SUPERINTENDENT OF RECORDS



CONCEPT ENGINEERING, INC.

455 Ranier Boulevard North
Issaquah, Washington 98027
(425) 392-8055 FAX (425) 392-0108

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MINER'S RIDGE DIVISION NO. 2

A PORTION OF SW 1/4, NE 1/4 & SE 1/4, NE 1/4 SECTION 13, TOWNSHIP 23 N., RANGE 8 E., W.M.
CITY OF NORTH BEND, KING COUNTY, WASHINGTON

LEGAL DESCRIPTION

TRACT A, MINER'S RIDGE DIVISION NO. 1 ACCORDING TO THE PLAT THEREOF RECORDED IN VOLUME 268 OF PLATE, PAGES 47 THROUGH 51, IN KING COUNTY, WASHINGTON;
SITUATE IN THE COUNTY OF KING, STATE OF WASHINGTON.

RESTRICTIONS OF RECORD

1. RESERVATION OF MINERAL RIGHTS, REC. NO. 3340553
2. TERMS AND CONDITIONS NOTICE, REC. NO. 20040727001641
3. EASEMENT FOR ROADWAY AND UTILITY PURPOSES, REC. NO. 5784000
4. DECLARATION OF COVENANT, REC. NO. 20030418000078
5. SENSITIVE AREAS NOTICE, REC. NO. 20040727001842
6. ACCESS EASEMENT AGREEMENT, REC. NO. 20140214001227, MODIFIED BY REC. NO. 20140527000093 AND RE-RECORDED UNDER REC. NO. 20140313000773.
7. COVENANTS, CONDITIONS, RESTRICTIONS, EASEMENTS, PROVISIONS, DEDICATIONS AND MATTERS DELINEATED OR DISCLOSED BY THE PLAT OF MINER'S RIDGE DIVISION NO. 1, REC. NO. 20140804001326.
8. PUGET SOUND ENERGY UTILITY EASEMENT, REC. NO. 20141009000438.

GENERAL NOTES

1. INSTRUMENTATION FOR THIS SURVEY WAS A 1 SECOND THEODOLITE AND AN ELECTRONIC DISTANCE MEASURING UNIT. MEASUREMENTS USED IN THIS SURVEY WERE FIELD TRAVERSE, MEASUREMENTS OR EXCEEDING STANDARDS SET BY WAC 332-130-090.
2. NO BUILDING PERMIT SHALL BE ISSUED FOR ANY HOUSE, BUILDING OR STRUCTURE UNTIL THE OWNER HAS PROVIDED THE OFFICIAL NUMBER OF THE PREMISES FROM THE CITY OF NORTH BEND. FINAL APPROVAL OF ANY STRUCTURE ERRECTED, REPAIRED, ALTERED OR MODIFIED SHALL BE WITHHELD BY THE CITY BUILDING OFFICIAL UNTIL PERMANENT AND PROPER NUMBERS HAVE BEEN AFFIXED TO SAID STRUCTURE.
3. FRONT YARDS - THE BUILDING LOT SHALL BE BLADED PRIOR TO PLANTING TO REMOVE ROCKS AND DEBRIS. AT A MINIMUM, THE FRONT YARD OF ALL NEW LOTS AND ANY SIDE YARD ABUTTING A STREET SHALL BE SOODED OR SEEDDED WITH GRASS OR OTHERWISE LANDSCAPED AND SHALL INCLUDE A MINIMUM OF ONE DECIDUOUS TREE.
4. NORTH BEND MUNICIPAL CODE 18.34.110(B)(1) REQUIRES AT LEAST 80 PERCENT OF FRONT YARD SETBACKS ON THE SAME SIDE OF THE STREET WITHIN A BLOCK BE AT THE SAME DISTANCE FORMING A BUILDING TO LINE AND THAT AT LEAST 20 PERCENT OF SETBACKS VARY FROM THE BUILD-TO-LINE BY A DIFFERENCE OF AT LEAST 5 FEET.
5. PRIOR TO BUILDING PERMIT APPROVAL OF EACH STRUCTURE, THE APPLICANT OF SAID BUILDING PERMIT SHALL DEMONSTRATE COMPLIANCE WITH NORTH BEND MUNICIPAL CODE 18.34.070 THROUGH 18.34.090.
6. NO NEW ON-SITE STORMWATER INFILTRATION FACILITIES OR IMPERVIOUS SURFACES, INCLUDING BUT NOT LIMITED TO PAVED PATIOS, WALKWAYS, SPORTS COURTS, ETC., SHALL BE ALLOWED WITHIN THE 25-FOOT STEEP SLOPE SETBACK AREA ON PHASE 1, LOT 1 AND PHASE 2 LOT 24, AND WITHIN THE 20-FOOT STEEP SLOPE SETBACK AREA ON PHASE 2 LOTS 15-22.
7. DRIVEWAY AND UTILITIES TRACT A IS CONVEYED IN THE DEDICATION ON SHEET 1 TO THE MINER'S RIDGE HOMEOWNERS ASSOCIATION. THIS TRACT WILL BE MAINTAINED BY THE HOMEOWNERS ASSOCIATION.
8. PARK AND CRITICAL AREAS TRACT B IS CONVEYED IN THE DEDICATION ON SHEET 1 TO THE MINER'S RIDGE HOMEOWNERS ASSOCIATION. THIS TRACT WILL BE MAINTAINED BY THE HOMEOWNERS ASSOCIATION.
9. DRIVEWAY AND UTILITIES TRACT C IS CONVEYED IN THE DEDICATION ON SHEET 1 TO THE MINER'S RIDGE HOMEOWNERS ASSOCIATION. AN OVERLYING PRIVATE ACCESS AND UTILITIES EASEMENT, OVER AND ACROSS SAID TRACT, IS HEREBY RESERVED FOR AND GRANTED TO THE OWNER OF LOT 1 OF MINER'S RIDGE DIVISION 1, VOLUME 268, PAGES 47-51. THIS TRACT WILL BE MAINTAINED BY THE HOMEOWNERS ASSOCIATION.
10. CRITICAL AREAS TRACT D IS CONVEYED IN THE DEDICATION ON SHEET 1 TO THE MINER'S RIDGE HOMEOWNERS ASSOCIATION. THIS TRACT WILL BE MAINTAINED BY THE HOMEOWNERS ASSOCIATION.
11. TRACT E IS OWNED AND MAINTAINED BY JOHN DAY HOMES, INC.
12. PURSUANT TO NBMC 18.05.010(D), ALL LANDSCAPE STRIPS AND SIDEWALKS IN THE RIGHT-OF-WAY SHALL BE MAINTAINED BY THE HOMEOWNERS ASSOCIATION.
13. CONFORMANCE TO ALL APPLICABLE RESIDENTIAL DESIGN STANDARDS IN NBMC 18.34 SHALL BE REQUIRED PRIOR TO BUILDING PERMIT APPROVAL FOR HOMES TO BE CONSTRUCTED WITHIN THE SUBDIVISION.
14. BUILDING LOTS SHALL BE BLADED PRIOR TO PLANTING TO REMOVE ROCKS AND DEBRIS. AT A MINIMUM, THE FRONT YARD OF ALL NEW LOTS AND ANY SIDE YARD ABUTTING A STREET SHALL BE SOODED OR SEEDDED WITH GRASS OR OTHERWISE LANDSCAPED AND SHALL INCLUDE A MINIMUM OF ONE DECIDUOUS TREE.
15. ALL FENCES PROPOSED FOR RESIDENTIAL LOTS WITHIN THE DEVELOPMENT SHALL BE CONSTRUCTED CONSISTENT WITH THE FENCE GUIDELINES IN NBMC 18.18.175. FENCES SHALL BE CONSTRUCTED OUTSIDE OF ALL PUBLIC STORM DRAINAGE, SANITARY SEWER AND UTILITY EASEMENTS.
16. ALL STREETS SHALL BE DEDICATED TO THE CITY OF NORTH BEND FOR OWNERSHIP, OPERATION AND MAINTENANCE.
17. THE MAINTENANCE OF ALL TREATMENT, RETENTION AND BIO-CELLS AND OTHER DRAINAGE FEATURES OUTSIDE THE ROADWAY PRISM WILL BE THE RESPONSIBILITY OF THE MINER'S RIDGE HOMEOWNERS ASSOCIATION. THE ROADWAY PRISM SHALL BE DEFINED AS FROM BACK OF CURB TO BACK OF CURB. IN THE EVENT THE HOA FAILS IN THE FUTURE, THE MAINTENANCE OF THESE FACILITIES SHALL FALL EQUALLY UPON ALL PROPERTY OWNERS THAT FRONT ONTO A STORM DRAINAGE ELEMENT OR HAVE ANY SUCH ELEMENT GO THROUGH THEIR LOTS. THE CITY WILL MAINTAIN THE STORM DRAINAGE MAINLINE PIPING AND CATCH BASINS WITHIN THE ROADWAY PRISM.
18. ALL HOMES IN THE PLAT OF MINER'S RIDGE DIVISION NO. 2 LOCATED WITHIN THE SHORELINE MASTER PROGRAM JURISDICTION SHALL BE SUBJECT TO THE SHORELINE MASTER PROGRAM BULK AND DIMENSIONAL STANDARDS IN NBMC 14.20.280.

EASEMENT NOTES

1. THE 3-FOOT WIDE PUBLIC STORM DRAINAGE EASEMENT SHOWN ON LOT 3 IS HEREBY RESERVED FOR AND GRANTED UPON THE RECORDING OF THIS PLAT TO THE CITY OF NORTH BEND FOR PUBLIC STORM DRAINAGE FACILITIES. THE CITY OF NORTH BEND SHALL BE RESPONSIBLE FOR THE MAINTENANCE OF THE PUBLIC STORM DRAINAGE FACILITIES WITHIN SAID EASEMENT.
2. THE 3-FOOT WIDE PUBLIC STORM DRAINAGE EASEMENT SHOWN ON LOT 4 IS HEREBY RESERVED FOR AND GRANTED UPON THE RECORDING OF THIS PLAT TO THE CITY OF NORTH BEND FOR PUBLIC STORM DRAINAGE FACILITIES. THE CITY OF NORTH BEND SHALL BE RESPONSIBLE FOR THE MAINTENANCE OF THE PUBLIC STORM DRAINAGE FACILITIES WITHIN SAID EASEMENT.
3. THE 20-FOOT WIDE PUBLIC STORM DRAINAGE EASEMENT SHOWN ON PARK AND CRITICAL AREAS TRACT B IS HEREBY RESERVED FOR AND GRANTED UPON THE RECORDING OF THIS PLAT TO THE CITY OF NORTH BEND FOR PUBLIC STORM DRAINAGE FACILITIES. THE CITY OF NORTH BEND SHALL BE RESPONSIBLE FOR THE MAINTENANCE OF THE PUBLIC STORM DRAINAGE FACILITIES WITHIN SAID EASEMENT.
4. THE 3-FOOT WIDE PRIVATE SANITARY SEWER EASEMENT WITHIN LOT 8 IS FOR THE BENEFIT OF LOT 1 OF MINER'S RIDGE DIVISION NO. 1. THE OWNER OF SAID LOT 1 SHALL BE RESPONSIBLE FOR THE MAINTENANCE OF THAT PORTION OF THE SANITARY SEWER FACILITIES THEY HAVE BENEFIT OF USE WITHIN SAID EASEMENT.
5. THE 5-FOOT WIDE PRIVATE SANITARY SEWER EASEMENT WITHIN LOT 13 AND DRIVEWAY AND UTILITIES TRACT C IS FOR THE BENEFIT OF LOT 24. THE OWNER OF SAID LOT 24 SHALL BE RESPONSIBLE FOR THE MAINTENANCE OF THAT PORTION OF THE SANITARY SEWER FACILITIES THEY HAVE BENEFIT OF USE WITHIN SAID EASEMENT.
6. THE TEMPORARY PUBLIC FIRE TRUCK TURN-AROUND EASEMENT WITHIN LOTS 22 AND 23 IS HEREBY RESERVED FOR AND GRANTED UPON THE RECORDING OF THIS PLAT TO THE CITY OF NORTH BEND FOR FIRE TRUCK TURN-AROUND PURPOSES. THE MINOR'S RIDGE HOMEOWNERS ASSOCIATION SHALL BE RESPONSIBLE FOR THE MAINTENANCE OF THE DRIVEWAY WITHIN SAID EASEMENT.
7. THE PUBLIC FIRE TRUCK TURN-AROUND EASEMENT WITHIN LOT 1 OF MINER'S RIDGE DIVISION NO. 1 IS HEREBY RESERVED FOR AND GRANTED UPON THE RECORDING OF THIS PLAT TO THE CITY OF NORTH BEND FOR FIRE TRUCK TURN-AROUND PURPOSES. THE OWNER OF SAID LOT 1 SHALL BE RESPONSIBLE FOR THE MAINTENANCE OF THE DRIVEWAY WITHIN SAID EASEMENT.
8. THE 15'X15' PUBLIC WATER EASEMENT WITHIN TRACT E IS HEREBY RESERVED FOR AND GRANTED UPON THE RECORDING OF THIS PLAT TO THE SALLAL WATER ASSOCIATION FOR PUBLIC WATER FACILITIES. THE SALLAL WATER ASSOCIATION SHALL BE RESPONSIBLE FOR THE MAINTENANCE OF THE PUBLIC WATER FACILITIES WITHIN SAID EASEMENT.
9. THE 20-FOOT WIDE PRIVATE INGRESS, EGRESS & UTILITIES EASEMENT WITHIN TRACT C IS FOR THE BENEFIT OF LOT 1 OF MINER'S RIDGE DIVISION NO. 1. THE OWNER OF SAID LOT 1 SHALL BE RESPONSIBLE FOR THE MAINTENANCE OF THAT PORTION OF THE DRIVEWAY AND UTILITY FACILITIES THEY HAVE BENEFIT OF USE WITHIN SAID EASEMENT.
10. THE 10-FOOT WIDE PRIVATE STORM DRAINAGE EASEMENT WITHIN LOTS 4 THROUGH 12 IS FOR THE BENEFIT OF LOTS 4 THROUGH 12. THE OWNER OF SAID LOTS 4 THROUGH 12 SHALL BE RESPONSIBLE FOR THE MAINTENANCE OF THAT PORTION OF THE STORM DRAINAGE FACILITIES THEY HAVE BENEFIT OF USE WITHIN SAID EASEMENT.

TRACT B AND TRACT D NATIVE GROWTH PROTECTION

EASEMENT NOTE

A NATIVE GROWTH PROTECTION EASEMENT IS HEREBY DEDICATED AND CONVEYED, UPON RECORDING OF THIS PLAT, TO THE CITY OF NORTH BEND OVER AND ACROSS TRACT B AND TRACT D. DEDICATION OF A NATIVE GROWTH PROTECTION EASEMENT AND PRESERVATION OF EXISTING VEGETATION FOR ALL PURPOSES THAT BENEFIT THE PUBLIC HEALTH, SAFETY, AND WELFARE, INCLUDING CONTROL OF SURFACE WATER AND EROSION, MAINTENANCE OF SLOPE STABILITY, VISUAL AND AURAL BUFFERING, AND PROTECTION OF PLANT AND ANIMAL HABITAT. THE MOST INTERESTED PARTIES TO THIS EASEMENT ARE THE CITY OF NORTH BEND AND THE CITY OF NORTH BEND. TO LEAVE UNDISTURBED ALL TREES AND OTHER VEGETATION WITHIN THE EASEMENT, THE VEGETATION IN THE EASEMENT MAY NOT BE CUT, Felled, COVERED BY FILL, REMOVED, OR DAMAGED WITHOUT EXPRESS WRITTEN PERMISSION FROM THE CITY OF NORTH BEND.

UTILITY EASEMENT PROVISIONS

AN EASEMENT IS HEREBY RESERVED FOR AND CONVEYED TO THE CITY OF NORTH BEND, PUGET SOUND ENERGY, INC., TANNER ELECTRIC COMPANY AND AT&T CABLE COMPANY AND THEIR RESPECTIVE SUCCESSORS AND ASSIGNS UNDER AND UPON THE PRIVATE STREET(S), IF ANY, AND THE EXTERIOR TEN (10) FEET OF ALL LOTS, TRACTS AND SPACES WITHIN THE PLAT LYING PARALLEL WITH AND ADJOINING ALL STREET(S) IN WHICH TO CONSTRUCT, OPERATE, MAINTAIN, REPAIR, REPLACE AND UPGRADE UNDERGROUND AND OVERHEAD CABLES AND WIRES WITH ALL NECESSARY OR CONVENIENT UNDERGROUND OR GROUND-MOUNTED APPURTENANCES THERETO FOR THE PURPOSE OF SERVING THIS SUBDIVISION AND OTHER PROPERTY WITH ELECTRIC, GAS, TELEPHONE, TELEVISION AND OTHER UTILITY SERVICES TOGETHER WITH THE RIGHT TO ENTER UPON THE STREETS, LOTS, TRACTS AND SPACES AT ALL TIMES FOR THE PURPOSES HEREIN STATED.

SANITARY SEWER EASEMENT PROVISION

AN EASEMENT IS HEREBY DEDICATED AND CONVEYED, UPON THE RECORDING OF THIS PLAT, TO THE CITY OF NORTH BEND, OVER, UNDER, ACROSS AND UPON THE AREAS DESIGNATED HEREIN AS "PUBLIC SANITARY SEWER EASEMENT" IN WHICH TO INSTALL, LAY, CONSTRUCT, MAINTAIN, INSPECT, REPLACE, REPAIR, REMOVE, RENEW, USE AND OPERATE SANITARY SEWER SYSTEMS AND APPURTENANCES FOR THIS SUBDIVISION AND OTHER PROPERTY, TOGETHER WITH THE RIGHT TO ENTER UPON THE EASEMENTS AT ALL TIMES WITH ALL NECESSARY MAINTENANCE AND CONSTRUCTION EQUIPMENT FOR THE PURPOSES STATED. THE GRANTEE COVENANTS THAT NO STRUCTURES SHALL BE CONSTRUCTED OR ERRECTED OVER, UPON OR WITHIN THESE EASEMENTS, INCLUDING FENCES OR ROCKERIES, AND NO TREES, BUSHES OR OTHER SHRUBBERY SHALL BE PLANTED IN THE AREA OF GROUND FOR WHICH THE EASEMENT IS FAVOR OF THE CITY OF NORTH BEND HAS BEEN APPROVED.

WATER EASEMENT PROVISION

AN EASEMENT IS HEREBY DEDICATED AND CONVEYED, UPON THE RECORDING OF THIS PLAT, TO SALLAL WATER ASSOCIATION, OVER, UNDER, ACROSS AND UPON THE AREAS DESIGNATED HEREIN AS "PUBLIC WATER EASEMENT" IN WHICH TO INSTALL, LAY, CONSTRUCT, MAINTAIN, INSPECT, REPLACE, REPAIR, REMOVE, RENEW, USE AND OPERATE WATER SYSTEMS AND APPURTENANCES FOR THIS SUBDIVISION AND OTHER PROPERTY, TOGETHER WITH THE RIGHT TO ENTER UPON THE EASEMENTS AT ALL TIMES WITH ALL NECESSARY MAINTENANCE AND CONSTRUCTION EQUIPMENT FOR THE PURPOSES STATED. THE GRANTEE COVENANTS THAT NO STRUCTURES SHALL BE CONSTRUCTED OR ERRECTED OVER, UPON OR WITHIN THESE EASEMENTS, INCLUDING FENCES OR ROCKERIES, AND NO TREES, BUSHES OR OTHER SHRUBBERY SHALL BE PLANTED IN THE AREA OF GROUND FOR WHICH THE EASEMENT IS FAVOR OF SALLAL WATER ASSOCIATION HAS BEEN APPROVED.

PRIVATE EASEMENT PROVISION

THE OWNER(S) OF LAND HEREBY SUBDIVIDED DO HEREBY GRANT AND CONVEY TO THE OWNER(S) OF LOTS BENEFITED AS STATED IN THE EASEMENT NOTES OR ANY OTHER PRIVATE EASEMENT SHOWN AND THEIR ASSIGNS A PRIVATE EASEMENT FOR THE STATED UTILITIES. THESE EASEMENTS AND CONDITIONS SHALL BE A COVENANT RUNNING WITH THE LAND AND SHALL BE BINDING ON THE SUCCESSORS, HEIRS AND ASSIGNS OF THE OWNER(S) OF LAND HEREBY BENEFITED. THE OWNER(S) OF LOT BENEFITED AND ITS ASSIGNS SHALL HAVE THE RIGHT WITHOUT PRIOR INSTITUTION OF ANY SUIT OR PROCEEDINGS OF LAW AT SUCH TIME AS MAY BE NECESSARY TO ENTER UPON SAID EASEMENT FOR THE PURPOSES OF CONSTRUCTING, MAINTAINING, REPAIRING, ALTERING OR RECONSTRUCTING SAID UTILITIES OR MAKING ANY CONNECTIONS THERETO WITHOUT INCURRING ANY LEGAL OBLIGATION OR LIABILITY THEREFOR. PROVIDED THAT SUCH SHALL BE ACCOMPLISHED IN A MANNER THAT IF EXISTING PRIVATE IMPROVEMENTS ARE DISTURBED OR DESTROYED THEY WILL BE REPAIRED OR REPLACED TO A CONDITION SIMILAR AS THEY WERE INSTALLED BEFORE THE PROPERTY WAS ENTERED UPON BY THE BENEFITED. THE OWNER(S) OF THE BURDENED LOT SHALL RETAIN THE RIGHT TO USE THE SURFACE OF SAID EASEMENT IF SUCH USE DOES NOT INTERFERE WITH THE INSTALLATION OR USE OF SAID UTILITIES. HOWEVER, THE OWNER(S) OF THE BURDENED LOT SHALL NOT ERRECT OR MAINTAIN ANY BUILDINGS OR STRUCTURES WITHIN THE EASEMENT. ALSO THE OWNER(S) OF THE BURDENED LOT SHALL NOT PLANT TREES, SHRUBS OR VEGETATION HAVING DEEP ROOT PATTERNS WHICH MAY CAUSE DAMAGE TO OR INTERFERE WITH SAID UTILITIES. ALSO THE OWNER(S) OF THE BURDENED LOT SHALL NOT DEVELOP OR BEAUTIFY THE EASEMENT AREAS IN SUCH A WAY TO CAUSE EXCESSIVE COST TO THE OWNER(S) OF LOT BENEFITED PURSUANT TO ITS RESTORATION DUTIES HEREIN.



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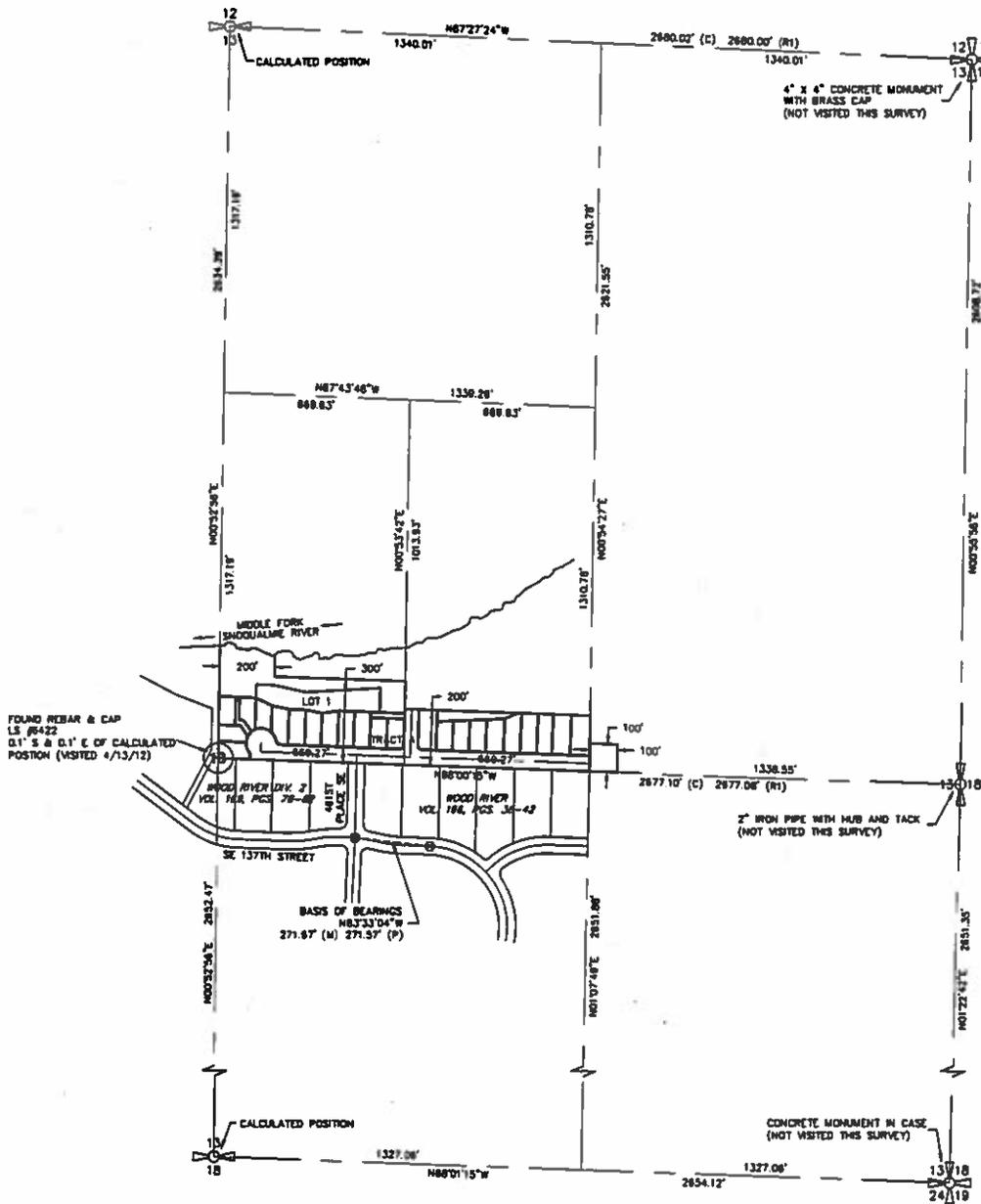
JOB NO. 34068
SHEET 2 OF 8

4/14/15

VOL/P6

MINER'S RIDGE DIVISION NO. 2

A PORTION OF SW 1/4, NE 1/4 & SE 1/4, NE 1/4 SECTION 13, TOWNSHIP 23 N., RANGE 8 E., W.M.
CITY OF NORTH BEND, KING COUNTY, WASHINGTON



SECTION 13, TOWNSHIP 23 N., RANGE 8 E., W.M.

PER KING COUNTY B/LA L08L0109
REC. NO. 20070208900005

LEGEND

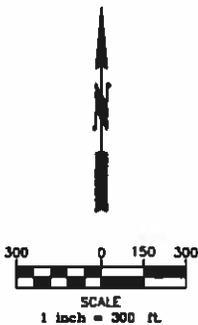
- (R1) KCBLA L08L0109, REC. #20070208900005
- (C) CALCULATED
- (M) MEASURED
- (P) PLAT OF WOOD RIVER, VOL. 168, PGS. 38-42
- ⊙ FOUND MONUMENT IN CASE

MERIDIAN

NAD 83/91

BASIS OF BEARINGS

N83°33'04"W BETWEEN FOUND MONUMENTS ON CENTERLINE OF SE 137TH STREET



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SHEET 3 OF 8



VOL/P6

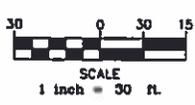
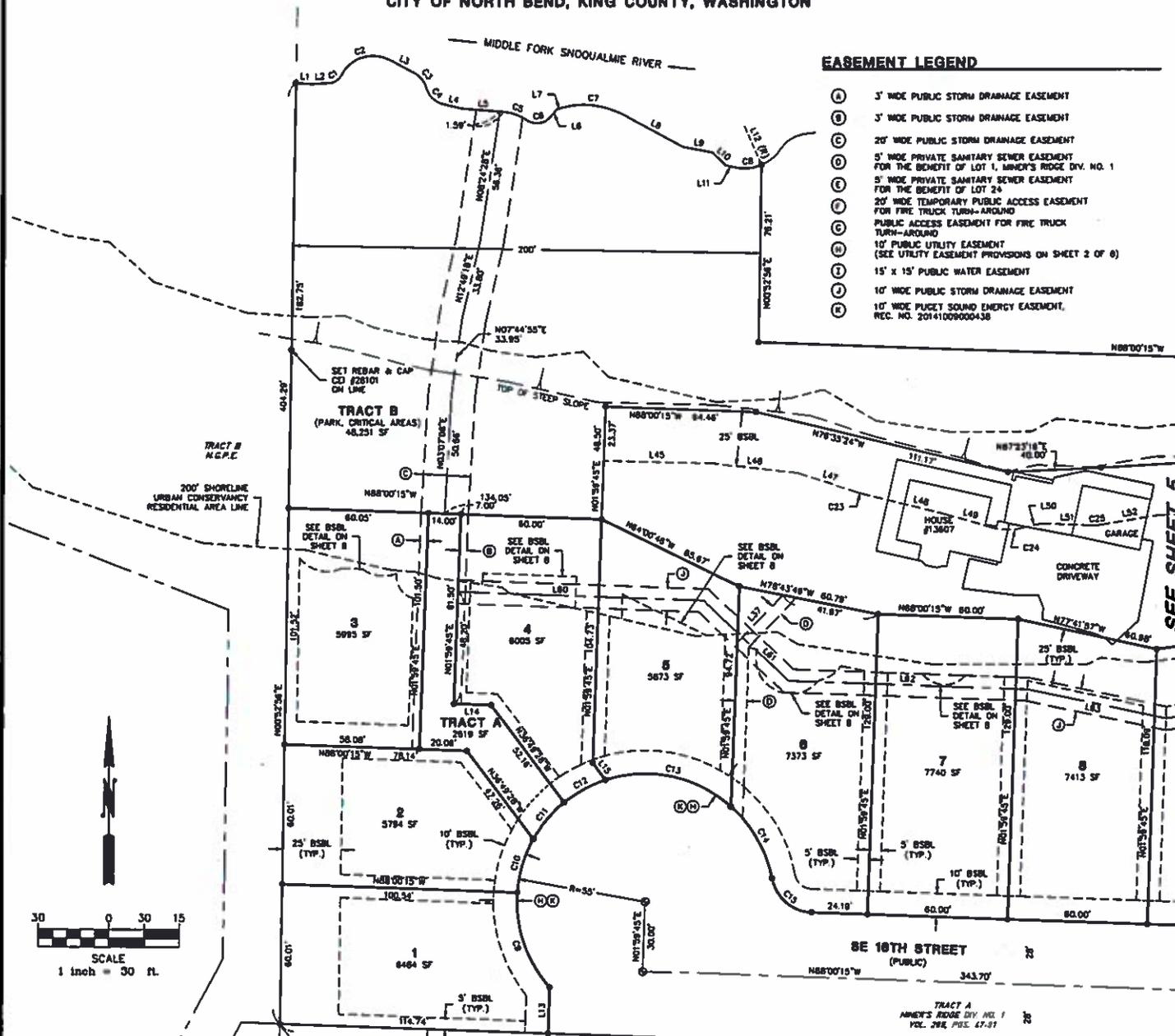
MINER'S RIDGE DIVISION NO. 2

VOL/PG

A PORTION OF SW 1/4, NE 1/4 & SE 1/4, NE 1/4 SECTION 13, TOWNSHIP 23 N., RANGE 8 E., W.M.
CITY OF NORTH BEND, KING COUNTY, WASHINGTON

EASEMENT LEGEND

- (A) 3' WIDE PUBLIC STORM DRAINAGE EASEMENT
- (B) 3' WIDE PUBLIC STORM DRAINAGE EASEMENT
- (C) 20' WIDE PUBLIC STORM DRAINAGE EASEMENT
- (D) 5' WIDE PRIVATE SANITARY SEWER EASEMENT FOR THE BENEFIT OF LOT 1, MINER'S RIDGE DIV. NO. 1
- (E) 5' WIDE PRIVATE SANITARY SEWER EASEMENT FOR THE BENEFIT OF LOT 24
- (F) 20' WIDE TEMPORARY PUBLIC ACCESS EASEMENT FOR FIRE TRUCK TURN-AROUND
- (G) PUBLIC ACCESS EASEMENT FOR FIRE TRUCK TURN-AROUND
- (H) 10' PUBLIC UTILITY EASEMENT (SEE UTILITY EASEMENT PROVISIONS ON SHEET 2 OF 8)
- (I) 15' x 15' PUBLIC WATER EASEMENT
- (J) 10' WIDE PUBLIC STORM DRAINAGE EASEMENT
- (K) 10' WIDE PUCET SOUND ENERGY EASEMENT, REC. NO. 20141009000438



LEGEND

- (O) FOUND REBAR & CAP
- (●) SET REBAR & CAP, CD #20101
- (⊙) SET MONUMENT IN CASE WITH BRASS DISK STAMPED 'LS #38804'
- (○) FOUND IRON PIPE
- (C) CALCULATED
- (D) DEED
- (M) MEASURED
- (R1) KCBLA L06L0109, REC. #20070208000005
- (P) PLAT OF WOOD RIVER, VOL. 106, PGS. 38-42
- (- - -) WOOD FENCE
- (---) BUILDING SETBACK LINE

LINE	BEARING	LENGTH
L1	N88°20'36"W	8.72
L2	N88°49'19"W	7.50
L3	N83°01'55"W	12.10
L4	N78°54'43"W	8.31
L5	N85°33'40"W	17.58
L6	N46°22'48"E	4.21
L7	N74°03'43"E	1.84
L8	N81°41'43"W	29.35
L9	N78°37'48"W	13.03
L10	N48°48'17"W	8.17
L11	N77°02'43"W	3.69
L12	N42°38'41"W	18.00
L13	N01°56'48"E	18.83
L14	N88°00'15"W	15.84
L15	N38°48'28"W	8.13
L16	N43°11'03"E	28.22
L17	N88°33'22"W	45.52
L18	N63°24'49"W	37.88
L19	N71°48'00"W	37.01
L20	N79°12'06"W	38.91
L21	N74°10'36"W	20.71
L22	N77°40'33"E	8.39
L23	N88°01'58"W	21.28
L24	N80°33'59"W	14.27
L25	N63°24'49"W	104.69
L26	N48°25'20"W	50.00
L27	N88°00'15"W	102.80
L28	N78°05'07"W	80.81

LOT 35
TAX PARCEL
831031-0330

WOOD RIVER DIV. 2
VOL. 106, PGS. 78-82

CURVE	DELTA	RADIUS	LENGTH
C1	59°16'55"	8.40	8.82
C2	89°25'41"	15.30	23.08
C3	48°10'53"	10.00	8.41
C4	87°03'53"	10.00	10.83
C5	29°56'30"	20.00	10.48
C6	84°02'08"	8.00	11.73
C7	44°14'30"	35.00	27.03
C8	36°38'58"	18.00	11.82
C9	48°02'13"	35.00	44.18
C10	23°09'50"	50.00	24.18
C11	21°31'28"	50.00	20.88
C12	21°10'08"	50.00	20.32
C13	80°08'34"	50.00	57.73
C14	37°15'21"	50.00	30.78
C15	77°20'22"	18.00	24.30
C23	04°28'08"	25.00	1.84
C24	28°08'48"	25.00	12.28
C25	11°24'30"	25.00	4.98

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JOB NO. 34068
SHEET 4 OF 8

4/14/15

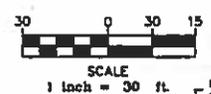
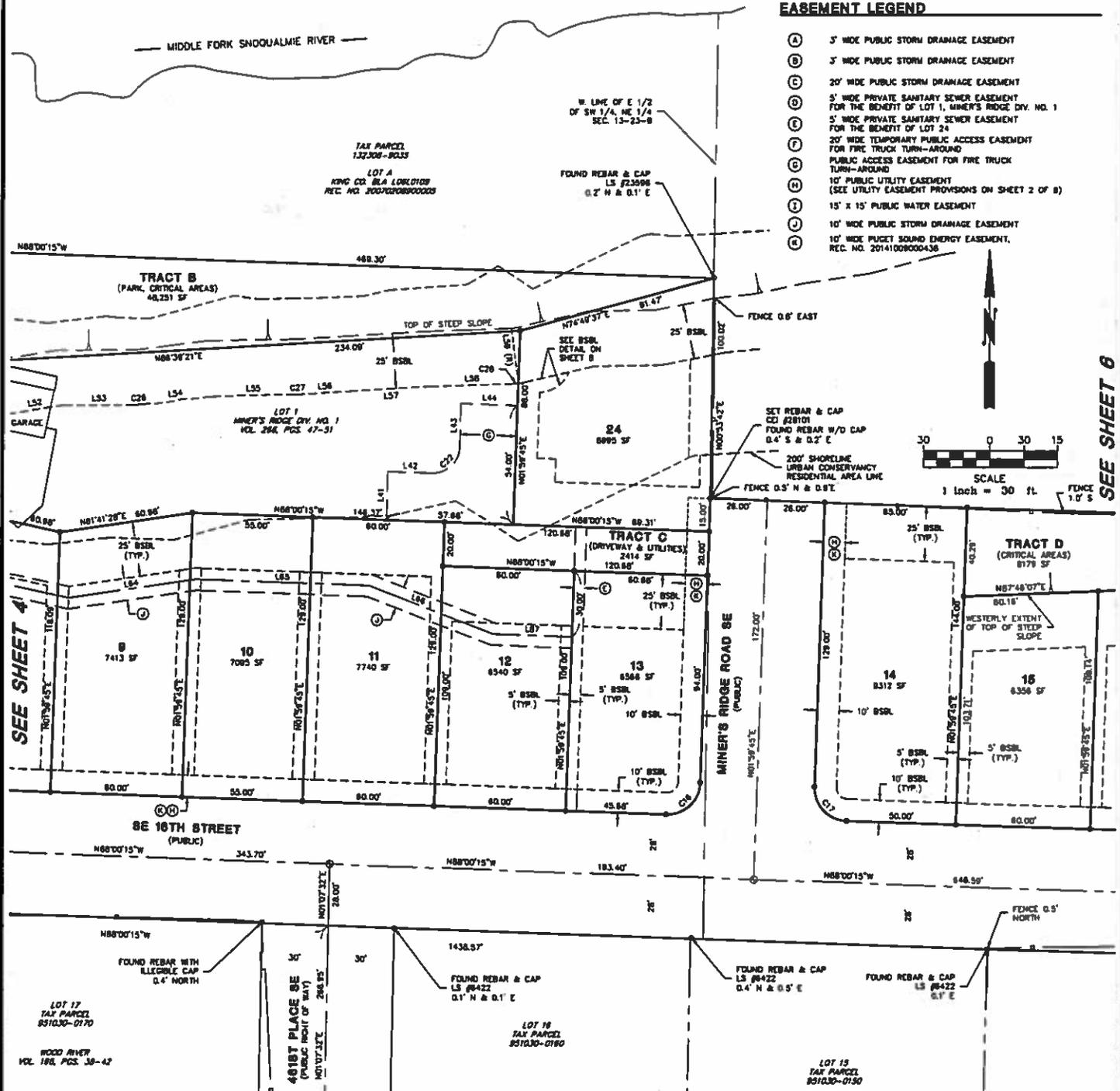
MINER'S RIDGE DIVISION NO. 2

VOL/Pg

A PORTION OF BW 1/4, NE 1/4 & SE 1/4, NE 1/4 SECTION 13, TOWNSHIP 23 N., RANGE 8 E., W.M.
CITY OF NORTH BEND, KING COUNTY, WASHINGTON

EASEMENT LEGEND

- (A) 5' WIDE PUBLIC STORM DRAINAGE EASEMENT
- (B) 5' WIDE PUBLIC STORM DRAINAGE EASEMENT
- (C) 20' WIDE PUBLIC STORM DRAINAGE EASEMENT
- (D) 5' WIDE PRIVATE SANITARY SEWER EASEMENT FOR THE BENEFIT OF LOT 1, MINER'S RIDGE DIV. NO. 1
- (E) 5' WIDE PRIVATE SANITARY SEWER EASEMENT FOR THE BENEFIT OF LOT 24
- (F) 20' WIDE TEMPORARY PUBLIC ACCESS EASEMENT FOR FIRE TRUCK TURN-AROUND
- (G) PUBLIC ACCESS EASEMENT FOR FIRE TRUCK TURN-AROUND
- (H) 10' PUBLIC UTILITY EASEMENT (SEE UTILITY EASEMENT PROVISIONS ON SHEET 2 OF 8)
- (I) 15' X 15' PUBLIC WATER EASEMENT
- (J) 10' WIDE PUBLIC STORM DRAINAGE EASEMENT
- (K) 10' WIDE PUGET SOUND ENERGY EASEMENT, REC. NO. 2014100800438



SEE SHEET 6

SEE SHEET 4

LEGEND

- (O) FOUND REBAR & CAP
- (S) SET REBAR & CAP, CD #28101
- (M) SET MONUMENT IN CASE WITH BRASS DISK STAMPED "LS #36804"
- (P) FOUND IRON PIPE
- (C) CALCULATED
- (D) DEED
- (M) MEASURED
- (R1) KCBLA L06L0108, REC. #20070208900005
- (R2) PLAT OF WOOD RIVER, VOL. 186, PGS. 38-42
- (F) WOOD FENCE
- BSL BUILDING SETBACK LINE

CURVE	DELTA	RADIUS	LENGTH
C16	90°00'00"	15.00'	23.56'
C17	90°00'00"	15.00'	23.56'
C22	89°58'58"	12.00'	18.80'
C26	08°33'31"	25.00'	3.01'
C27	02°42'10"	25.00'	1.18'
C28	05°10'58"	25.00'	2.28'

LINE	BEARING	LENGTH
L41	N01°58'43"E	22.00'
L42	N88°00'15"W	20.00'
L43	N01°58'43"E	20.00'
L44	N88°00'15"W	23.86'
L52	N80°23'28"E	24.77'
L53	N88°41'17"E	33.19'
L54	N87°47'47"E	31.74'
L56	N88°28'01"E	23.71'
L57	N88°35'24"E	26.29'
L58	N89°00'44"E	23.86'
L59	N87°07'00"W	25.00'
L64	N81°41'28"E	58.85'
L65	N88°00'15"W	79.11'
L66	N88°56'44"W	60.34'
L67	N88°00'15"W	36.26'

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SHEET 5 OF 8

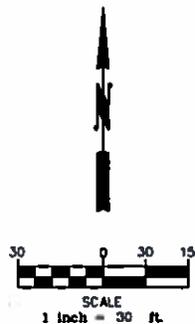


VOL/Pg

MINER'S RIDGE DIVISION NO. 2

VOL/PG

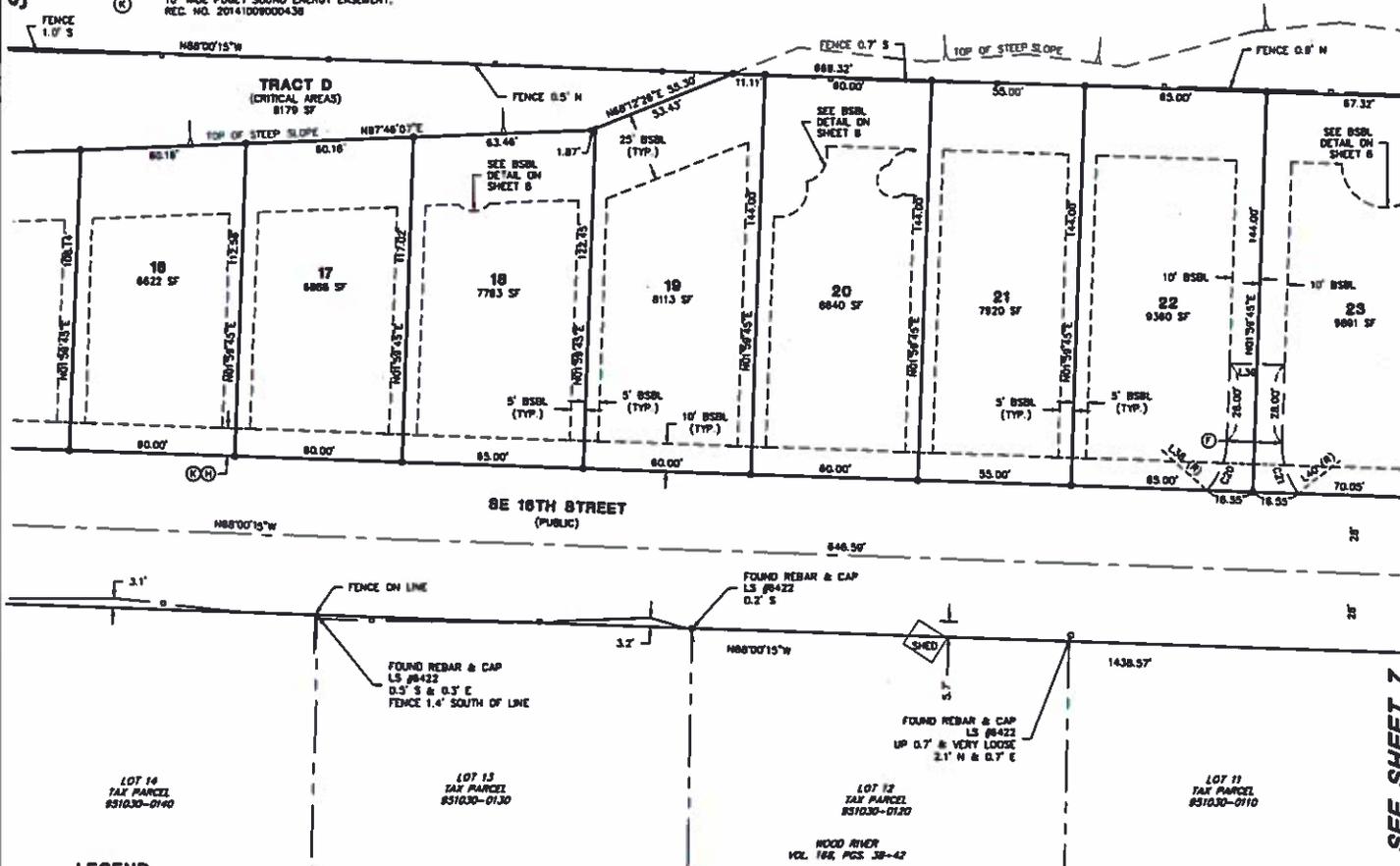
A PORTION OF SW 1/4, NE 1/4 & SE 1/4, NE 1/4 SECTION 13, TOWNSHIP 23 N., RANGE 8 E., W.M.
CITY OF NORTH BEND, KING COUNTY, WASHINGTON



EASEMENT LEGEND

- (A) 3' WIDE PUBLIC STORM DRAINAGE EASEMENT
- (B) 3' WIDE PUBLIC STORM DRAINAGE EASEMENT
- (C) 20' WIDE PUBLIC STORM DRAINAGE EASEMENT
- (D) 5' WIDE PRIVATE SANITARY SEWER EASEMENT FOR THE BENEFIT OF LOT 1, MINER'S RIDGE DIV. NO. 1
- (E) 5' WIDE PRIVATE SANITARY SEWER EASEMENT FOR THE BENEFIT OF LOT 24
- (F) 20' WIDE TEMPORARY PUBLIC ACCESS EASEMENT FOR FIRE TRUCK TURN-AROUND
- (G) PUBLIC ACCESS EASEMENT FOR FIRE TRUCK TURN-AROUND
- (H) 10' PUBLIC UTILITY EASEMENT (SEE UTILITY EASEMENT PROVISIONS ON SHEET 2 OF 6)
- (I) 15' x 15' PUBLIC WATER EASEMENT
- (J) 10' WIDE PUBLIC STORM DRAINAGE EASEMENT
- (K) 10' WIDE PUGET SOUND ENERGY EASEMENT, REC. NO. 20141009000438

SEE SHEET 5



LEGEND

- FOUND REBAR & CAP
- SET REBAR & CAP, CEI #28101
- ⊙ SET MONUMENT IN CASE WITH BRASS DISK STAMPED "LS #36804"
- ⊖ FOUND IRON PIPE
- (C) CALCULATED
- (D) DEED
- (M) MEASURED
- (R) KCBLA L06L0109, REC. #20070208900005
- (P) PLAT OF WOOD RIVER, VOL. 186, PGS. 38-42
- WOOD FENCE
- BSBL BUILDING SETBACK LINE

CURVE	DELTA	RADIUS	LENGTH
C20	40°00'19"	28.00'	19.53'
C21	40°00'18"	28.00'	19.53'

LINE	BEARING	LENGTH
L36	N47°50'56"W	28.00'
L38	N85°00'15"W	20.00'
L40	N51°39'26"E	28.00'

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SHEET 6 OF 8



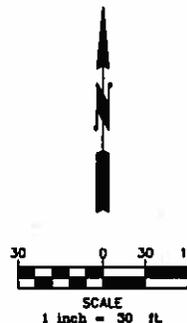
SEE SHEET 7

VOL/PG

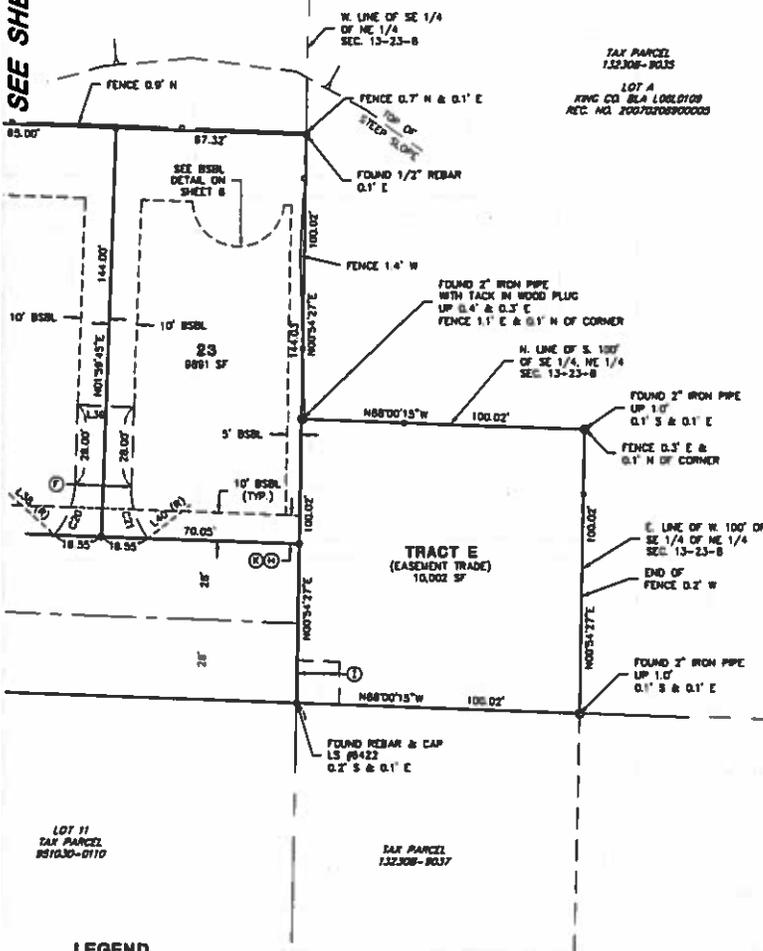
MINER'S RIDGE DIVISION NO. 2

A PORTION OF SW 1/4, NE 1/4 & SE 1/4, NE 1/4 SECTION 13, TOWNSHIP 23 N., RANGE 8 E., W.M.
CITY OF NORTH BEND, KING COUNTY, WASHINGTON

VOL/PG



SEE SHEET 6



TAX PARCEL 132306-8035
LOT A KING CO. SEA 10810109 REC. NO. 20070208900000

EASEMENT LEGEND

- (A) 3' WIDE PUBLIC STORM DRAINAGE EASEMENT
- (B) 3' WIDE PUBLIC STORM DRAINAGE EASEMENT
- (C) 20' WIDE PUBLIC STORM DRAINAGE EASEMENT
- (D) 5' WIDE PRIVATE SANITARY SEWER EASEMENT FOR THE BENEFIT OF LOT 1, MINER'S RIDGE DIV. NO. 1
- (E) 5' WIDE PRIVATE SANITARY SEWER EASEMENT FOR THE BENEFIT OF LOT 24
- (F) 20' WIDE TEMPORARY PUBLIC ACCESS EASEMENT FOR FIRE TRUCK TURN-AROUND
- (G) PUBLIC ACCESS EASEMENT FOR FIRE TRUCK TURN-AROUND
- (H) 10' PUBLIC UTILITY EASEMENT (SEE UTILITY EASEMENT PROVISIONS ON SHEET 2 OF 8)
- (I) 15' X 15' PUBLIC WATER EASEMENT
- (J) 10' WIDE PUBLIC STORM DRAINAGE EASEMENT
- (K) 10' WIDE PUGET SOUND ENERGY EASEMENT, REC. NO. 20141009000438

LEGEND

- FOUND REBAR & CAP
- SET REBAR & CAP, CEI #28101
- ⊙ SET MONUMENT IN CASE WITH BRASS DISK STAMPED "LS #36804"
- ⊖ FOUND IRON PIPE
- (C) CALCULATED
- (M) MEASURED
- (R1) KCBLA L06L0109, REC. #200702089000005
- (P) PLAT OF WOOD RIVER, VOL. 168, PGS. 38-42
- WOOD FENCE
- BSBL BUILDING SETBACK LINE

CURVE	DELTA	RADIUS	LENGTH
C20	40°00'19"	26.00'	18.55'
C21	40°00'19"	26.00'	18.55'

LINE	BEARING	LENGTH
L38	N47°36'56"W	26.00'
L39	N68°00'15"W	20.00'
L40	N51°36'26"E	28.00'

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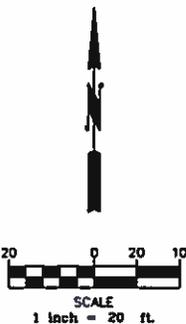
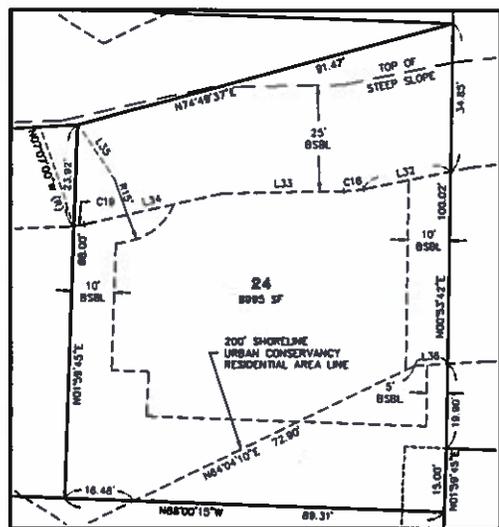
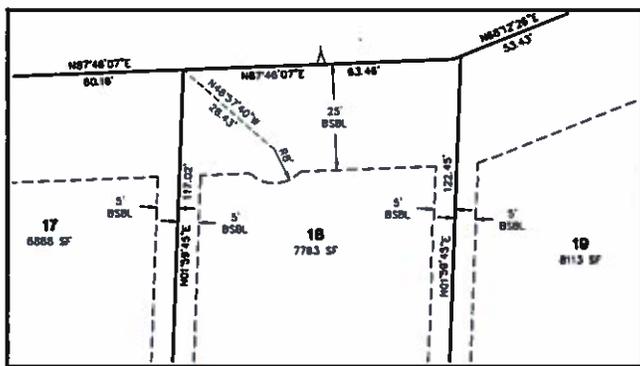
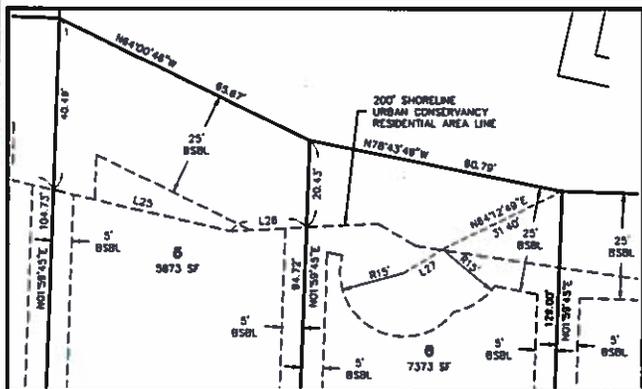
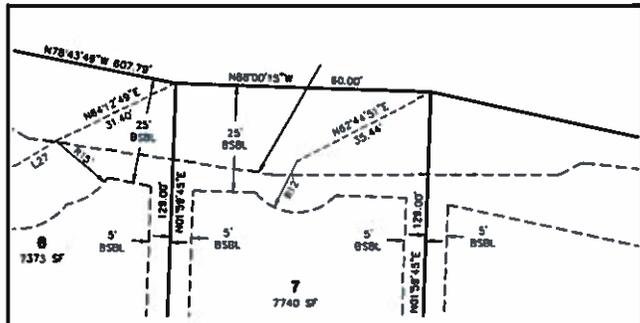
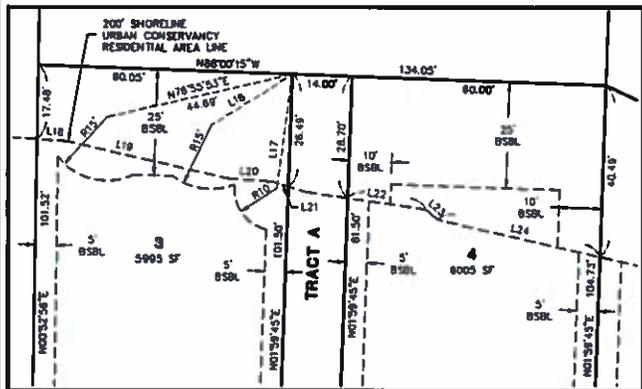
JOB NO. 34068
SHEET 7 OF 8

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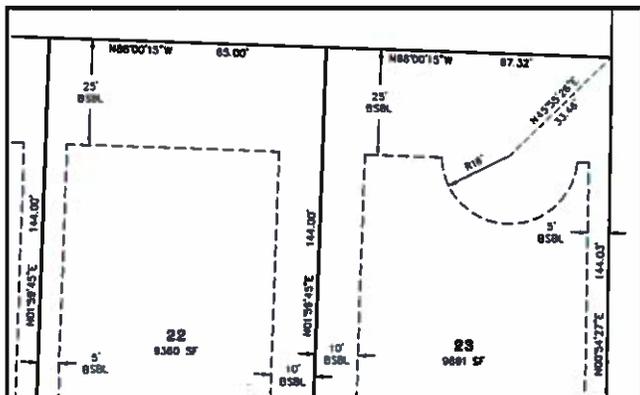
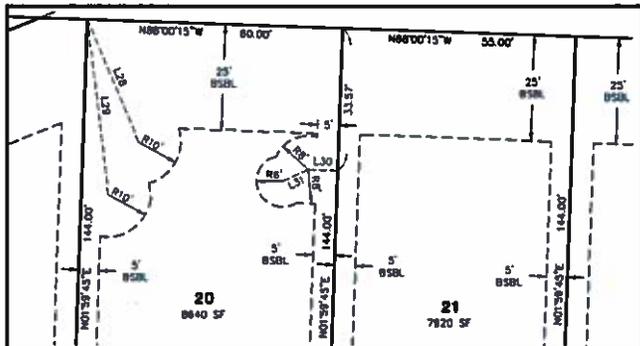
MINER'S RIDGE DIVISION NO. 2

A PORTION OF SW 1/4, NE 1/4 & SE 1/4, NE 1/4 SECTION 13, TOWNSHIP 23 N., RANGE 8 E., W.M.
CITY OF NORTH BEND, KING COUNTY, WASHINGTON



CURVE	DELTA	RADIUS	LENGTH
C18	102°33'56"	25.00'	4.53'
C19	09°04'11"	25.00'	2.47'

LINE	BEARING	LENGTH
L16	N88°00'15"W	22.67'
L17	N47°53'58"E	23.14'
L18	N89°20'59"W	7.82'
L19	N78°54'53"W	37.87'
L20	N85°58'17"W	10.75'
L21	N72°48'10"W	4.24'
L22	N81°52'27"W	18.53'
L23	N48°48'44"W	3.81'
L24	N77°00'43"W	36.3'
L25	N77°00'43"W	43.01'
L26	N86°54'20"E	17.89'
L27	N85°58'41"E	10.77'
L28	N85°58'41"E	31.3'
L29	N85°58'41"E	41.58'
L30	N88°00'15"W	8.90'
L31	N85°11'48"E	6.50'
L32	N79°54'23"E	21.10'
L33	N85°57'58"E	28.36'
L34	N71°57'43"E	33.42'
L35	N43°55'19"E	15.29'
L36	N86°58'07"E	8.07'



LEGEND

- FOUND REBAR & CAP
- SET REBAR & CAP, CEI #28101
- SET MONUMENT IN CASE WITH BRASS DISK STAMPED "LS #36804"
- FOUND IRON PIPE
- (C) CALCULATED
- (D) DEED
- (M) MEASURED
- (W) KCBLA L06L0109, REC. #20070208900005
- (P) PLAT OF WOOD RIVER, VOL. 166, PGS. 36-42
- WOOD FENCE
- BSBL BUILDING SETBACK LINE

LOT BUILDING SETBACK DIMENSION DETAILS

CONCEPT ENGINEERING, INC.
455 Reiber Boulevard North
Issaquah, Washington 98027
(425) 382-8055 FAX (425) 382-0108



JOB NO. 34068
SHEET 8 OF 8



CITY OF NORTH BEND
Community and Economic Development Department
PO Box 896, North Bend, WA 98045 425.888.5633
www.northbendwa.gov

**BEFORE THE HEARING EXAMINER
FOR THE
CITY OF NORTH BEND**

**FINDINGS, CONCLUSIONS AND DECISION
APPROVING
MINER'S RIDGE PRELIMINARY SUBDIVISION**

FILE NUMBER: PLN 2012-0101

APPLICANT: JOHN DAY HOMES
P.O. Box 2930
NORTH BEND, WASHINGTON 98045

OWNER: LYNN AND GAIL MINER
13607 461ST PLACE SE
NORTH BEND, WASHINGTON 98045

APPLICATION: TO SUBDIVIDE AN EXISTING 8.9-ACRE PROPERTY LOCATED AT 13607 461ST PLACE SE (PARCEL No. 132308-9014) INTO 25 SINGLE-FAMILY RESIDENTIAL LOTS AND ASSOCIATED IMPROVEMENTS INCLUDING: SIDEWALKS, LANDSCAPE STRIPS, LANDSCAPING, STORM WATER IMPROVEMENTS AND OPEN SPACE; THE ENTIRE SITE IS ZONED LDR (RESIDENTIAL, 4 UNITS PER ACRE).

REVIEW PROCESS: TYPE II, HEARING EXAMINER DECISION

SUMMARY OF DECISION: *APPROVED*, SUBJECT TO CONDITIONS

DATE OF DECISION: APRIL 25, 2014

INTRODUCTION and SUMMARY of PROCEEDINGS

John Day Homes seeks preliminary subdivision approval of Miner's Ridge Preliminary Plat, a 25 lot single-family residential subdivision of an 8.9 acre site, all zoned LDR (four dwelling units per acre). The subdivision includes construction of associated improvements such as sidewalks, landscape strips, landscaping, stormwater improvements and open space.

The site sits atop a natural bench adjacent to a regulated steep slope along the north edge of the parcel, which drops approximately 80 feet down to the Middle Fork Snoqualmie River. The bank and slope are heavily forested and the river is inaccessible due to the slope. Approximately half of the site is presently cleared, with a single family home, several outbuildings, and an expansive lawn area with scattered coniferous trees. The property is bordered on the south and east by the Wood River subdivision, on the north by the Middle Fork Snoqualmie River and an undeveloped forested property, and on the east by an undeveloped forested property.

The developer proposes to develop the subdivision in two phases. Phase 1 will create a 33,062 square foot lot containing the existing home, as well as a future development tract which will contain all future lots, rights-of-way, and tracts associated with Phase 2. Phase 2 will create 24 lots for future single-family homes. The initial Phase I is depicted on Exhibit No. 29; Phase II is depicted in various plan sheets including as parts of Exhibits 1 and A-2.

After the application was filed in July of 2012, the applicant submitted additional reports and materials for review by City staff in compliance with applicable city development regulations, including without limitation a SEPA Checklist, a Traffic Impact Analysis, and a Shoreline Permit Application. See Exhibits 1 – 13. In January of 2013, the City issued a Determination of Complete Application and provided public notices as required by law. See Exhibits 15 – 17. In May of 2013, the City's SEPA Responsible Official, Gina Estep, issued a Mitigated Determination of Nonsignificance for the Miner's Ridge Project, and the City provided public notice regarding the MDNS in accord with applicable notice procedures. (Exhibit No. 21). Comments received as part of the project's SEPA process are included in the record as Exhibit No. 22.

The open-record public hearing for the application was duly noticed in accord with law. (Exhibit Nos. 30 and 31). The hearing occurred on Tuesday, April 8, 2014, wherein the undersigned Examiner presided, and all persons wishing to provide comments were heard, providing testimony under oath. The Examiner visited the site of the proposed project. Upon consideration of all the evidence, testimony, codes, policies, regulations, and other information contained in the file, the undersigned Examiner issues the following findings, conclusions and Decision approving the preliminary plat as set forth below.

CONTENTS OF RECORD

- Exhibits:**
- A. North Bend Community and Economic Development Department “Staff Report” and recommendation (of APPROVAL) to the Hearing Examiner regarding the Miner’s Ridge Preliminary Plat, File No. PLN 2012-0101;

1 – 31. As described and indexed on page 2 of Exhibit A, the Staff Report;
 - A-1. Technical Information Report for Miner’s Ridge Plat, from Concept Engineering, Inc., reflecting P.E. stamp dated April 7, 2014, submitted at the hearing by the Applicant, Mr. Day; and
 - A-2. Revised Site Plans for Miner’s Ridge Plat, multiple pages, reflecting changes made to conform to staff’s recommended conditions of approval, Prepared by Concept Engineering, Inc., reflecting P.E. stamp dated April 4, 2014, submitted at the hearing by the Applicant, Mr. Day.

Testimony/Comments: The following persons were sworn and provided testimony under oath at the open-record hearing held on Tuesday, April 8, 2014:¹

- 1. Mike McCarty, Senior Planner for the City of North Bend;
- 2. John Day, the Applicant;
- 3. Israel Kantorowicz, owner of a neighboring property located on the southeast side;
- 4. Frank Cranney, owner of a property to the west of the proposed plat; and
- 5. Mike Swenson, P.E., PTOE, of Transpo Group, the applicant’s traffic engineer.

APPLICABLE LAW

Under applicable provisions of the North Bend Municipal Code (NBMC), a preliminary plat² application is reviewed and a final city decision is made by the Hearing Examiner as a Type II, Quasi-Judicial approval process, summarized in NBMC 20.01.004, and NBMC Chapter 17.12. Under NBMC 2.20.090, the Department of Community Services, presumably now known as the Community and Economic Development Department, is to provide the Examiner with a report containing findings and recommendations regarding a land use application, such as this proposed plat. The application must be supported by proof that it conforms to applicable elements of the

¹ Some members of the general public submitted written comments for consideration as part of the record, most were already included in Exhibit 17, a compilation of written comments received by the City after issuance of the Notice of Application, issued in January of 2013; an additional six written comments were received after issuance of the Notice of Hearing for this matter, and those comments were shared with the Examiner for his consideration and should be maintained by the Department as part of the Record for this matter.

² In this Decision, preliminary plat and preliminary subdivision mean the same thing, and use of one term should be read to apply to the other to the extent anyone views the terms to have distinct meanings, which for the purposes of this Decision, they do not.

city's comprehensive plan, land use codes, and development regulations, and that any significant adverse environmental impacts have been adequately addressed. See NBMC 20.05.004.

The City's decision criteria for preliminary plat approval is substantially similar to state subdivision mandates found in RCW 58.17.110(2)³ and reads as follows:

NBMC 17.12.015 – Decision criteria.

The decision on a preliminary subdivision [...] shall be based on whether:

A. Appropriate provisions are made for the public health, safety, and general welfare, and for such open spaces, drainage ways, streets or roads, alleys, other public ways, transit stops, potable water supplies, sanitary wastes, parks and recreation, playgrounds, schools and school grounds and all other relevant facts, including sidewalks and other planning features that assure safe walking conditions for students who only walk to and from school;

B. Environmentally critical areas, as defined in Chapters 14.05 through 14.12 NBMC, are protected; and

C. The public use and interest will be served by the platting of such subdivision and dedication.

The burden of proof rests with the applicant, and any decision to approve or deny a preliminary plat must be supported by evidence that is substantial when viewed in light of the whole record. RCW 36.70C.130(1)(c); and NBMC 20.05.004. The Examiner's decision shall be rendered as soon as possible but in all events within 20 working days of the conclusion of the hearing. NBMC 2.20.120.

ISSUE PRESENTED

Whether substantial evidence demonstrates that the applicant has satisfied their burden of proof to satisfy the criteria for preliminary plat approval?

Short Answer: Yes.

FINDINGS of FACT

1. Any statements in previous or following sections of this document that are deemed findings are hereby adopted as such, including without limitation the summary of proceedings provided above.
2. The Department's Staff Report and recommendation of approval, dated April 8, 2014, (Ex. A) includes a number of specific findings and conditions that establish how the underlying

³ "A proposed subdivision and dedication shall not be approved unless the city, town, or county legislative body makes written findings that: (a) Appropriate provisions are made for the public health, safety, and general welfare and for such open spaces, drainage ways, streets or roads, alleys, other public ways, transit stops, potable water supplies, sanitary wastes, parks and recreation, playgrounds, schools and schoolgrounds and all other relevant facts, including sidewalks and other planning features that assure safe walking conditions for students who only walk to and from school; and (b) the public use and interest will be served by the platting of such subdivision and dedication. If it finds that the proposed subdivision and dedication make such appropriate provisions and that the public use and interest will be served, then the legislative body shall approve the proposed subdivision and dedication. []" RCW 58.17.110(2).

plat application satisfies provisions of applicable law, is consistent with the city's Comprehensive Plan, and is designed or conditioned to comply with applicable development standards and guidelines. At the hearing, the applicant, Mr. Day, appeared on his own behalf, and testified that he accepted all findings, recommended conditions and comments in the Staff Report, without objection or any suggested changes.

3. At the hearing, two members of the public spoke about their concerns regarding the plat, and each specifically asked for consideration of items outside the jurisdiction or authority of the Examiner. For instance, Mr. Cranney asked for a 6 foot tall solid cedar fence to run along his property boundary with the new plat; and Mr. Kantorowicz asked that the developer remove a pre-existing berm that is now located on his property so that he could more easily build a fence at the location, which abuts the project site. Mr. Day responded that he would be happy to work with both gentlemen to satisfy their concerns expressed at the hearing. Each appeared pleased with Mr. Day's understanding and cooperation.⁴
4. During the review process, a number of written comments focused on elk, and the possible need to provide a wildlife corridor for animals to pass through the Miner's Ridge project location. As noted in the City's MDNS determination, at Exhibit 21, and generally described by Mr. McCarty during his testimony at the public hearing, under the City's existing Fish and Wildlife Habitat Conservation Area regulations, the 100-foot stream buffer along the Middle Fork Snoqualmie River is already designated as a Wildlife Corridor. The Miner's Ridge plat has been designed to, and will be required to, conform with applicable Fish and Wildlife Habitat Conservation Area regulations found at NBMC 14.20.560. Mr. McCarty testified that the safest route for wildlife movement is along the 100-foot buffer already in place, which helps direct animals towards an underpass beneath I-90, leading towards the Cedar River watershed. The Shoreline Substantial Development Permit issued for the project (Exhibit 26) explains that an additional wildlife corridor on the project site could actually be more harmful than helpful to wildlife, by increasing conflicts with humans, and endangering safety for both people and wildlife. No one presented credible or convincing evidence or testimony sufficient to rebut the City's determination that additional wildlife corridors should not be included as a condition of approval.
5. Low Impact Development ("LID" features have been incorporated into the plat design, furthering public policy goals to reduce storm water runoff, minimize impervious surface areas, and maximize on-site infiltration where possible. Bioinfiltration swales, called "bioswales", have been designed to receive water which will run gradually downhill in a southerly direction, away from the river which is generally to the north of the project site. Proposed elevations on the site allow for this to occur, with 5 bioswales running along the "low-side", i.e. the southern edge, of the plat. The bioswales are directly adjacent to the proposed road surface, with runoff entering swales via curb cuts placed along the length of the roadway; overflows from any swale will discharge to the next downstream swale, all the way to the last one at the west end of the plat, near the cul-de-sac, where an emergency overflow pipe will be installed to take potential, but unexpected, overflows directly to the

⁴ Neither request is addressed in the conditions of approval, as they are beyond the scope of what is required under SEPA, or applicable city development regulations.

river. (See Exhibit A-1, Topographic Map, Figure 3, and discussion on pages 14 and 15). Roof and onsite driveway runoff will be infiltrated on each individual lot. (Ex. A-1, p. 14). The Staff Report indicates that pavement widths are appropriate and not excessive, allowing other parts of dedicated right of way to be utilized for the bioswales and other public benefit features. The applicant submitted his stormwater engineer's technical report at the hearing, far earlier than would be required, in order to demonstrate that the project is designed to conform with applicable storm water requirements, and that the project's proposed bioswale system will be satisfactory. While the report is subject to review and final approval by the City, it explains that "*site soils are highly infiltrative and proposed flow control is 100% infiltration of developed runoff.*" (Ex. A-1, at p. 14).

6. Mr. McCarty explained that in response to comments, an arborist will be engaged to prepare a report to identify and stake in the field root-protection zones as necessary to protect off-site trees. Testimony of Mr. McCarty; Ex. A, page 6.
7. City staff explained that the city's sewer system has capacity sufficient to serve the proposed plat at full development so the plat will be served by the City's public sanitary sewer. The site was part of the City's Utility Local Improvement District No. 6 which financed the installation of significant sewer system improvements serving the area. The owner is responsible for payment of the LID assessment even if an alternate connection point (i.e. one other than that initially identified in application and review materials) for the sewer system is approved. Payment shall be in an amount and made according to terms set forth in the City's Ordinance No. 1452, regarding the Final Assessment Roll for ULID No. 6. The Staff Report indicates that a connection will be made to the sewer main in 461st Place SE or other approved location. (Ex. A, at pages 5 and 6). The applicant's Technical Information Report explains that a gravity sewer main will discharge lots 8 through 23 to the existing sewer main in SE 137th Street Division 1 lot 1 and Division 2 lots 1 through 7 and 24 will require grinder pumps. See Exhibit A-1, at page 13. The City Engineer retains full discretion and authority to review and approve the final sewer system design, including connection(s) location(s).
8. Except as modified in this Decision, all Findings, and statements of fact contained in the Staff Report (attached hereto as Exhibit "A") are incorporated herein by reference as Findings of the undersigned hearing examiner.⁵
9. The City satisfied its SEPA review process through compliance with applicable review and notice procedures. Following issuance of the MDNS, comments received were considered, and no additional mitigation was deemed necessary under applicable standards. To date, only four parties provided timely comments under SEPA, and no one has stated that they wish to appeal the City's SEPA determination regarding the Miner's Ridge Project. *Exhibits A, 20, 21 and 22.* In fact, one of the four SEPA comments was modified, with a letter, from an attorney representing a neighboring landowner, which was submitted to express agreement with Mr. Day to address an easement dispute generally described in Mr. Wallace's SEPA comment letter. The agreement between the applicant and the abutting

⁵ For purposes of brevity, only certain Findings from the Director's Recommendation are highlighted for discussion in this Decision, and others are summarized, but any mention or omission of particular findings should not be viewed to diminish their full meaning and effect, except as modified herein.

property owner caused them to withdraw their objection to the Miner's Ridge plat application. See Exhibit No. 24, email message from Alan Wallace to City staff, dated February 13, 2013, 2014; and Exhibit No. 23, Amendment to Access Easement executed by the applicant, Mr. Day, and Mr. Wallace's client, an abutting property owner, Washington Land DS Investments, LLC, by its Managing Member, Charles H. Johnson.

10. The record contains substantial evidence to demonstrate that appropriate provisions have been made in the proposed subdivision for:
 - A. The public health, safety, and general welfare: *See Exhibit A, all Findings; Exhibit 25, for discussion of compliance with applicable city development standards and regulations.*
 - B. Open Spaces: *See discussion in item J.*
 - C. Drainage Ways: *See previous discussion of stormwater design for the project; Ex. A; and Ex. A-1.*
 - D. Streets or roads, alleys, other public ways: Documentary evidence shows that the proposed plat has been reviewed by the City for compliance with applicable street system design requirements, and has been deemed consistent with all applicable standards for city roads, streets, driveways, access, circulation, transportation concurrency and the like. *See Exhibit A; Exhibit 25, especially at page 26.* Transportation Impact Fees shall be applied and collected if /as required by NBMC Chapter 17.38.
 - E. Transit stops: To the extent transit stops are or may be located nearby to serve residents of the proposed plat, or North Bend residents generally, the subdivision design, access and internal circulation patterns are appropriate to allow for pedestrians and vehicles to access arterials and other routes that could direct users to existing or future transit stops and facilities.
 - F. Potable water supplies: The Sallal Water Association issued a Certificate of Water Availability for the proposed plat on May 23, 2012. *See Exhibit 6.*
 - G. Sanitary systems: as noted above, the City's sewer system will serve the proposed project.
 - H. Fire protection: The proposed plat is served by Eastside Fire and Rescue, which has reviewed the plans and provided comments for consideration by City staff. Fire hydrant locations and water pressures shall be as set forth in applicable development standards.
 - I. Open space, parks and recreation, playgrounds, schools, sidewalks and other planning features that assure safe walking conditions for students who walk to and from school: The Staff Report explains that NBMC Chapter 17.25, *Residential Recreation and Common Space Standards*, guides the provision of park and recreation land and

facilities within new residential developments. Under NBMC 17.25.030(B)(1), at least 5% of the total net area of a subdivision needs to provide for active park space, passive park space and/or trails. As the proposed development contains 7.29 net acres of developable land, it therefore requires a minimum of 0.36 acres of park space. The applicant is providing 0.20 acres as a “mini-park” with facilities, leaving a shortage of 0.16 acres needed to satisfy the City’s standard. Thus, the applicant will need to provide the remainder of the acreage equivalent in the form of a fee-in-lieu for the 0.16 acre difference. The fee-in-lieu amount shall be calculated in accordance with NBMC 17.25.080(B), except that the value of improvements do not need to be added to the appraised land amount, as the applicant is providing park improvements within the mini park. Subject to compliance with the City’s recreation and open space standards, the proposed plat makes appropriate provisions for open space, parks, and other public benefit features serving residents and students who will reside in the project.

- J. Critical Areas: Because portions of the project site are located within the City’s Shoreline Master Program jurisdiction, review for conformance with the City’s Shoreline Master Program and issuance of a Shoreline Substantial Development Permit is/was required. *See Exhibit No. 26.* The City’s Shoreline Master Program regulations found in NBMC Chapter 14.20, and the terms of the Shoreline Substantial Development Permit (Ex. 26), sufficiently address applicable critical area issues for the project, including without limitation the 100-foot stream buffer along the Middle Fork Snoqualmie River discussed above, which is designated as a Wildlife Corridor.
 - K. Comprehensive Plan: The proposed plat is consistent with the city’s Comprehensive Plan, including without limitation provisions regarding Land Use, Critical Areas, Housing, Transportation, Utilities, Parks, Recreation, Wildlife Habitat, and Open Spaces. *See Exhibit A, and Exhibit 25, at pages 27 and 28.*
 - L. Zoning, Land Use and Notice Requirements: The property is zoned LDR (Low Density Residential), allowing up to 4 units per acre. NBMC 18.10.010. Under NBMC 18.10.030, single-family dwellings are a permitted use in the LDR zone. The plat is on an 8.35 acre site, meaning the permitted density could be as high as 33 lots (if no other site-specific limitations were to apply). At final build-out, the proposed plat will only have 25 lots, one where the existing home is situated and the other 24 in a newly constructed residential plat which has been designed in conformance with applicable city development standards. The undersigned examiner concurs with the City’s Staff Report, and finds that the project satisfies all applicable zoning and density requirements. The proposed plat is in conformance with the city’s land use codes and regulations, and was processed in a manner consistent with applicable notice requirements. *See Exhibit A; Exhibit 25; and notices reflected in Exhibit Nos. 15, 16, 21, 30 and 31.*
11. Based on all evidence, exhibits and testimony in the record, the undersigned Examiner specifically finds that the proposed plat, as conditioned below, makes appropriate

provision for the considerations detailed in applicable law, including without limitation NBMC 17.12.015, and that the public use and interest will be served by the proposed plat and associated dedications and improvements.

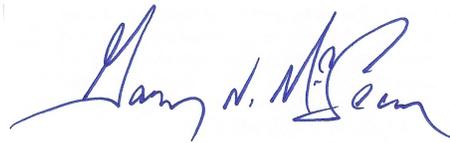
CONCLUSIONS of LAW

1. Based on the Findings as summarized above, the undersigned examiner concludes that the proposed plat conforms to all applicable zoning and land use requirements and appropriately mitigates adverse environmental impacts. Upon reaching such findings and conclusions as noted above, the preliminary plat meets the standards necessary to obtain approval by the City.
2. The Department's recommended conditions of approval as set forth in *Exhibit "A"* are reasonable, supported by the evidence, and capable of accomplishment. Each and every condition is adopted and incorporated herein by reference.
3. Any Finding or other statements in previous or following sections of this document that are deemed Conclusions are hereby adopted as such.

DECISION

Based upon the preceding Findings of Fact and Conclusions of Law, evidence presented through the course of the open record hearing, all materials contained in the contents of the record, and the Examiner's site visit, the undersigned Examiner APPROVES the preliminary plat for Miner's Ridge, subject to the attached Conditions of Approval as recommended by the City's planning and public works staff and adopted herein.

Decision issued: April 25, 2014.



Gary N. McLean
Hearing Examiner for the City of North Bend

CONDITIONS OF APPROVAL

***Miner's Ridge Preliminary Subdivision
File No. PLN 2012-0101***

General

- 1) A. Preliminary plat approval shall be null and void if any condition enumerated herein is not satisfied.
 - B. As provided in RCW 58.17.140, because this preliminary subdivision approval is granted before December 31, 2014, a final plat meeting all applicable requirements must be submitted to the city for approval within seven years of the date of preliminary plat approval; provided, however, the applicant must comply with any otherwise applicable provisions of the city's code, including without limitation those presently found at NBMC 17.12.020(D), which details an effective period for preliminary plat approvals granted in the City (sixty months, or five years), and that extension requests must be submitted in writing at least 30 days before expiration of the initial approval period.
 - C. No construction or site development activities related to the plat may be undertaken until the land-use and engineering approvals become effective, and the City receives all applicable permits.
 - D. Applicant shall comply with requirements of applicable utility companies, including – but not limited to – purveyors of sewer, water, electricity, gas, power, telephone and television cable services.
 - E. The applicant shall comply with all professional report conclusions and recommendations submitted in connection with the preliminary plat and engineering reviews, as approved and or amended by the City.
 - F. Applicant shall comply with all SEPA MDNS conditions, which are incorporated herein by this reference.
 - G. Applicant shall be responsible for consulting with state and federal agencies, and tribal entities with jurisdiction (if any) for applicable permit or other regulatory requirements. Approval of a preliminary plat does not limit the applicant's responsibility to obtain any required permit, license or approval from a state, federal, or other regulatory body. Any conditions of regulatory agency permits/licenses shall be considered conditions for this project.
- 2) The final engineering plans and final plat shall conform to all applicable provision of the North Bend Municipal Code; and the final engineering plans and final plat map shall identify Phase 1 and Phase 2 of the subdivision.
 - 3) Prior to Engineering Plan Approval, the applicant shall enter into a developer extension agreement (DEA) with the City consistent with the requirements of NBMC 19.01.200. Appropriate bonds, insurance and plan review and inspection fees shall be provided by the applicant as detailed in the agreement.

- 4) Prior to final plat approval for Phase 2 of the subdivision, the applicant shall provide the City with as-built drawings files in AutoCad (Version 2000) on compact disc, accompanied by original mylars containing all improvements and features consistent with the submittal requirements in NBMC 20.02.006.
- 5) No construction or work associated with this application shall take place within the existing City of North Bend rights-of-way without first obtaining the proper right-of-way use permit from the City of North Bend, which may be included as a part of the DEA.
- 6) The applicant shall meet or exceed all provisions as set forth in NBMC 17.16 prior to recording of the final plat documents.
- 7) Prior to final plat approval of Phase 2 of the subdivision, the applicant shall demonstrate all required and approved infrastructure and landscaping has been properly constructed or installed and complies with the approved engineering plans. All minimum site improvements identified under NBMC 17.08.160 shall be constructed prior to final plat approval unless the director allows posting of a financial guarantee and/or the execution of a delay of improvement agreement as authorized under NBMC 17.08.160(A).
- 8) The final plat shall bear the following note: *“No building permit shall be issued for any house, building or structure until the owner has procured the official number of the premises from the City of North Bend. Final approval of any structure erected, repaired, altered or modified shall be withheld by the city building official until permanent and proper numbers have been affixed to said structure.”*
- 9) The applicant shall submit for review and approval engineering and constructions drawings consistent with the North Bend Municipal Code Title 19 Development Standards: NBMC 19.01, General Requirements for Design and Construction of all Public and Private Utility Facilities, 19.02 Design and Construction Standards for Sanitary Sewer System, 19.03 Design and Construction Standards for Water Systems, 19.04 Design and Construction for Storm Sewers, 19.05 Design and Construction Standards for Streets, 19.06 Design and Construction Standards for Electirical and Street Lighting, 19.07 Design and Construction standards for Underground Cable Television Conduits, 19.08 Standard Details, and 19.10 Clearing, Grading, Filling and Drainage.
- 10) The applicant shall establish a homeowner’s association. The applicant shall submit the final Covenants, Conditions and Restrictions (CC&Rs) and Articles of Incorporation for the homeowners association for City review and approval prior to recording the final plat for Phase 2 of the subdivision.
- 11) All construction vehicle and equipment parking and staging shall be accommodated on-site and not on adjacent public streets.

Fees and Charges

- 12) Prior to engineering plan approval, the applicant shall submit an appraisal report identifying the fee-in-lieu amount for the 0.16 acres of remaining mini park area needed to satisfy the requirements of NBMC 17.25.030(B)(1). The fee-in-lieu amount shall be calculated in accordance with NBMC 17.25.080(B), except that the value of improvements does not need to be added to the appraised land amount, as the applicant is providing park improvements within the mini park.

- 13) Prior to final plat approval for Phase 2 of the subdivision, the applicant shall pay the fee-in-lieu for park acreage as calculated per the condition above.
- 14) Impact fees for parks, schools, fire and transportation pursuant to NBMC 17.32 through 17.38 shall be collected prior to issuance of any/each building permit, at the rate established per the City's Taxes, Rates and Fees Schedule in effect at the time of the building permit issuance.
- 15) The fees and charges as required by NBMC 13.38 and 13.44 for sanitary sewer system and storm system Capital Improvement Funds associated with the individual lots created in the plat shall be paid prior to issuance of the applicable building permit for each lot.
- 16) The stormwater capital facilities charge pursuant to NBMC 13.44 for areas of the plat outside of individual building lots shall be paid prior to recording of the final plat for Phase 2 of the subdivision, based on the amount of impervious surface area created by the off-site and on-site public improvements such as roadways, sidewalks and curbs.

Mini Park

- 17) The mini park shall be owned and maintained by the homeowners association of the Miner's Ridge subdivision.
- 18) In order to maintain a visual connection of the private mini park to the street consistent with the requirement of NBMC 17.25.060, a sign should be placed where the driveway/pathway connects the park to the cul-de-sac, indicating the location of the mini park.
- 19) A post and rail fence, of suitable strength to prevent damage from wildlife, shall be installed along the west and north boundaries of the mini park for public safety, protection of the critical area, and privacy to the Wood River neighborhood.

Landscaping

- 20) Final landscape plans shall be submitted and approved in conjunction with the final engineering plans to address the following corrections, and shall demonstrate conformance to all applicable landscape and bioswale standards prior to engineering plan approval:
 - a. The landscape plan shall show street trees all located within rights-of-way and staggered within bioswales, as required per NBMC 19.05.010(V)(2).
 - b. The landscape plan shall provide consistency with the spacing standards in NBMC 19.05.010(V)(4) for the bioswale and planter strip areas.
 - c. The following watering schedule language shall be added to the final landscape plans to be submitted and approved with the final engineering plans. *"Street trees shall be watered immediately and thoroughly, twice weekly during the first month, then once per week through the remainder of the dry season and a minimum of once per month during the second summer season."*
 - d. The final landscape plan shall include the irrigation plans and specifications for all landscaped areas, including bioswales.
- 21) All required landscaping shall be installed prior to issuance of final plat approval for Phase 2 of the subdivision, unless otherwise satisfied by a performance bond or substantially similar performance assurance instrument approved by the City which meets the requirements of NBMC

- 18.18.160. The city encourages utilization of water bags for the street trees are in order to ensure proper establishment and survival.
- 22) All landscaping trees and plants installed shall meet the size requirements identified in NBMC 18.18.075.
- 23) A note shall be added to the final plat approval for Phase 2 of the subdivision stating that: *“pursuant to NBMC 19.05.010(N), all landscape strips and sidewalks in the right-of-way shall be maintained by the homeowners association.”*
- 24) Prior to final plat approval of Phase 2 of the subdivision, the developer shall provide a two year maintenance bond in the amount of 20% the cost of plant materials plus installation per NBMC 18.18.150(B).

Design and Planning

- 25) Prior to issuance of the first building permit within the plat; the applicant shall demonstrate compliance with all applicable performance standards in NBMC 18.10.050, and applicable design standards in NBMC 18.34 for all lots and structures associated with said plat, including but not limited to exterior color palate for homes within the development and exterior elevations and plans for the homes.
- 26) The final plat for Phase 2 of the subdivision shall bear the following notes:
- a. Conformance to all applicable residential design standards in NBMC 18.34 shall be required prior to building permit approval for homes to be constructed within the subdivision.
 - b. Building lots shall be bladed prior to planting to remove rocks and debris. At a minimum, the front yard of all new lots and any side yard abutting a street shall be sodded or seeded with grass or otherwise landscaped and shall include a minimum of one deciduous tree.
 - c. Any fences proposed for residential lots within the development shall be constructed consistent with the fence guidelines in NBMC 18.18.175.
- 27) Any exterior lighting proposed for the common areas of the development or streets shall be reviewed and approved by the City in conjunction with the engineering plans. All exterior lighting shall conform to Chapter 18.40 Exterior Lighting Standards.

Streets

- 28) The final plat for Phase 2 of the subdivision shall dedicate all streets to the City of North Bend for ownership, operation and maintenance, except as provided under NBMC 19.05.010(N) regarding maintenance of low-impact development stormwater infrastructure as provided in the conditions below.
- 29) The east/west street within the development shall be named SE 16th Street. The north/south street and right-of-way dedication north of SE 16th Street shall be named Miner’s Ridge Road SE. The final plat maps shall identify all street names.
- 30) The final utility and engineering plans and final short plat maps shall be amended to show that no driveway apron exceeds 20 feet for each driveway, consistent with NBMC 18.34.085(B)(3).

- 31) The City shall review and approve the street lighting design in conjunction with the final engineering plans.
- 32) The eastern end of SE 16th Street shall terminate with two Type III barricades posted with the following sign: "Future Road and Neighborhood Connection." The sign shall be black lettering on white background 24" wide by 36" tall and display the City's logo and contact phone number.
- 33) The applicant has agreed to voluntarily comply with comments submitted by the Fire official, meaning that the cul-de-sac at the western terminus of SE 16th Street may be redesigned with a minimum 90 foot diameter consistent with Eastside Fire and Rescue Fire Apparatus Turnaround request prior to engineering plan approval. Additional right-of-way for such purposes may be dedicated as necessary to accommodate this additional cul-de-sac radius. Under NBMC 19.05.010, the City's public works director and/or city engineer has sole discretion to modify or approve final street design submittals that may be made in conformance with this condition.
- 34) The applicant has agreed to voluntarily comply with comments submitted by the Fire official, meaning that the temporary turnaround at the eastern terminus of SE 16th Street may be redesigned consistent with the Eastside Fire and Rescue Fire Apparatus Turnaround request prior to engineering plan approval. Additional right-of-way or easement for such purposes may be dedicated as necessary to accommodate this turn-around. Under NBMC 19.05.010, the City's public works director and/or city engineer has sole discretion to modify or approve final street design submittals that may be made in conformance with this condition.
- 35) The applicant has agreed to provide voluntary mitigation to SE 140th Street to address pedestrian safety, by providing an extruded asphalt curb between the travel lane and the shoulder of SE 140th to provide a barrier for pedestrians and bicyclists. This extruded asphalt curb shall be provided along the north side of SE 140th Street between 463rd Avenue SE and the Twin Falls Middle School property, to be installed prior to final plat approval. Design of the curb and shoulder area shall provide a 5-foot wide pathway consistent with ADA width requirements, with the curb placed at a 1-foot shy distance from the travel lane.

Storm Drainage/Low Impact Development Features

- 36) Proposed infiltration and bioretention facilities must show consistency with the most current King County Surface Water Design Manual and the DOE Stormwater Management Manual for Western Washington, and shall meet the requirements of applicable city code, including NBMC 19.05.010V. Consistent with the November 28, 2012 Certificate of Concurrency issued for this project, the final project shall be designed and constructed in a manner sufficient to provide infiltration systems for the stormwater runoff that can meet levels needed to serve the 100-year storm event.
- 37) Prior to Engineering Plan Approval, the applicant's engineer shall consider and apply rainfall amount calculations appropriate to the subject area in determining capacity requirements for the development's stormwater system and required conformance to the King County Surface Water Design Manual.
- 38) The Phase II Final Plat shall bear the following note: *"The maintenance of all treatment, retention, and infiltration cells and other drainage features outside the roadway prism will be the responsibility of the Home Owners Association. The roadway prism shall be defined as from back of curb to back of curb. In the event the HOA fails in the future, the maintenance of these facilities shall fall equally upon all property owners that front onto a storm drainage element or have any*

such element go through their lots. The City will maintain the storm drainage mainline piping and catch basins within the roadway prism.”

- 39) Prior to final plat approval for Phase II, the applicant shall develop a long-term maintenance program for the landscape strips and bioswales consistent with NBMC 19.05.010(V)(6), and shall submit the maintenance program to the City for review and approval. Notes shall be placed on the face the final plat that state that maintenance of vegetation and stormwater function of the landscape strips and bioswales shall be the responsibility of the homeowners’ association, clearly describe and detail the long-term maintenance requirements of the LID features of the plat, and provide for guaranteed performance of said features. These requirements shall also be included in the neighborhood’s covenants, conditions and restrictions (CC&Rs), requiring proper assessments for maintenance and upkeep of said features. The final plat notes shall be clear that in the event the homeowners’ association does not properly maintain said features, the city may perform the necessary maintenance and charge the HOA (or abutting property owners in the event the HOA fails in the future) for time and expense of the maintenance work.
- 40) An educational packet, to be reviewed and approved by the city of North Bend prior to final plat approval, shall be provided to all new homeowners explaining the hydrologic function and the long-term maintenance needs and requirements of the LID features.

Sewer

- 41) All homes within the plat shall be served by public sanitary sewer. The system shall be designed and installed to satisfy City specifications and the Washington State Department of Ecology’s Criteria for Sewage Works Design.
- 42) The property is a part of the City’s Utility Local Improvement District No. 6, which financed the installation of sewer system improvements that benefit the Miner’s Ridge plat and other areas of the city. ULID charges may be re-apportioned to additional lots in accord with procedures identified in ULID No. 6. Copies of City records and ordinances regarding the formation and approval of the final assessment roll for ULID No. 6 are maintained by the City Clerk’s Office, and the terms of such instruments shall control. Nothing in this condition of approval or the Decision approving the Miner’s Ridge plat should be construed to in any way modify ULID No. 6 or any of the financial assessments, obligations or responsibilities set forth therein.

Water

- 43) All new construction associated with this application shall be served by sufficient water flow in order to meet the fire flow policies set forth in the City Water System Plan. The construction of any and all public utilities necessary to meet the fire flow requirements shall be deemed a cost to be paid for by the applicant. To demonstrate that adequate water pressure and fire flow are available to serve the development, the applicant shall provide a hydraulic analysis modeled for the development prior to engineering plan approval. Fire flow will need to meet the requirements of the State of Washington Water System Design Manual, North Bend Municipal Code, and applicable provisions of the International Fire Code approved and/or adopted by the Washington State Building Code Council. Together with the hydraulic analysis, the applicant’s engineer shall provide a written report and electronic data for the proposed water system improvement. The report and electronic data shall be in a format that can be readily input into the City’s and Sallal Water System’s models. The model shall also be calibrated with current field flow data. Fire flow calculations shall be reviewed and approved by the City and Eastside Fire and Rescue prior to

engineering plan approval. Post construction of the water lines actual field fire flows will be required for verification of the hydraulic model.

Fire

- 44) Fire sprinklers will be required for the home on lot 24 as the driveway exceeds 150 feet in length and does not have an approved turnaround.
- 45) No Parking-Fire Lane signs shall be installed within the cul-de-sac, on Tract C, and along one side of SE 16th Street.
- 46) Address monument signs shall be installed at the cul-de-sac entrance to Phase 2 lot 3, and at the entrance to the north/south right-of-way (Miner's Ridge Road SE) providing access to Phase 1 Lot 1 and Phase 2 Lot 24.

Clearing and Grading

- 47) To prevent damage of trees on adjacent private property, the applicant shall have a certified arborist prepare a report identifying root-protection zones as necessary to protect off-site trees. The report shall be provided to the City prior to engineering approval, together with a revised site plan, if necessary, that adjusts the layout of site features to accommodate the root protection zones of said trees. The root protection zones shall be flagged in the field prior to commencement of construction.
- 48) Temporary construction fencing shall be provided around the root protection zones of all on-site significant trees to be retained, as well as off-site trees in proximity of on-site improvements to be constructed. The temporary fencing shall be maintained during all construction activity.
- 49) No trees located immediately on a property line shared with an adjacent property owner shall be removed without approval by the adjacent property owner.
- 50) If potentially significant archaeological resources or human remains are discovered during construction, the applicant shall immediately cease work in the affected areas, shall flag the area with construction tape or other identifying markers, shall immediately inform the City of North Bend, the Snoqualmie Tribe, and the Washington State Department of Archaeology and Historic Preservation, and shall otherwise comply with the provisions of RCW 27.53 or RCW 27.44 as applicable.

Shorelines/Critical Areas Conditions (as provided from the Shoreline Permit)

- 51) A note shall be added to the Phase 2 Final Plat Approval indicating that all homes in the development located within Shoreline Master Program jurisdiction shall be subject to the Shoreline Master Program bulk and dimensional standards in NBMC 14.20.280.
- 52) Prior to engineering plan approval, the proposal shall demonstrate conformance to NBMC 14.16, City of North Bend Stormwater Management Regulations, including the 2009 King County Surface Water Design Manual and King County Stormwater Pollution Control Manual adopted by reference.
- 53) Prior to engineering plan approval, the plans for the construction, installation and maintenance of the stormwater overflow drainage pipe within the critical area buffer shall demonstrate conformance to 14.20.500 and 14.20.570(D)(6).

- 54) Prior to issuance of the clearing and grading permit for the project, a performance bond or other security shall be provided to the City pursuant to NBMC 14.20.510(F) in the amount of 125% of the estimated cost of the completed action of all improvements associated with the storm drainage pipe and associated clearing or grading work within critical areas and their buffers. The performance security shall be in the form of a security bond, performance bond, assignment of savings account, or an irrevocable letter of credit guaranteed by an acceptable financial institution with terms and conditions acceptable to the City, and shall be held until completion of the project and written determination by the City that the bonded standards have been met.
- 55) Prior to final plat approval for Phase 2 of the subdivision, the applicant shall demonstrate that Native Growth protection easements for the steep slope and shoreline stream critical areas on the property have been recorded. The language under NBMC 14.20.520(E)(2) shall be provided on the face of the final plat for the development.
- 56) The Homeowners Association shall be responsible for maintenance of the critical area tracts within the subdivision. Consistent with 14.20.520(F), the following note shall appear on the face of each final plat, and shall be recorded on the title for all affected lots:
“NOTE: All lots adjoining separate tracts identified as native growth protection easements are jointly and severally responsible for the maintenance and protection of the tracts. Maintenance includes ensuring that no alteration occurs within the separate tract and that vegetation remains undisturbed unless the express written permission of the city of North Bend has been received.”
- 57) The applicant shall provide temporary markers identifying the boundary of the steep slope and shoreline critical area buffer, maintained throughout construction until permanent signs and/or fencing is installed.
- 58) Permanent critical area identification signs shall be placed one per centerline of each lot adjacent to a critical area buffer, and within the mini park spaced no greater than 75-feet apart, to prevent dumping, clearing or excessive intrusion by adjacent residents, park users or grounds maintenance people. The signs shall be consistent with the wording and sizing requirements identified in NBMC 14.20.530(G)(2).
- 59) Within the mini-park, a post and rail fence shall be required along the boundary of the shoreline/steep slope critical area buffer. A post and rail fence shall also be required along the boundary of the critical area buffer on Phase 2 Lot 24, and along the boundary of the adjacent Wood River Homeowners Association Native Growth Protection Area tract to the west, bordering the mini-park and Phase 2 lots 1-3. With approval by the City, the applicant may voluntarily construct six-foot solid cedar fencing, or such other fencing that is in compliance with then applicable city codes, along certain portions of the project in order to address comments of neighboring residents.
- 60) Prior to Phase II Final Plat Approval and subsequent to Engineering Plan approval, the applicant shall obtain a Clearing and Grading Permit for the project pursuant to NBMC 19.10.030, demonstrating conformance to all applicable City of North Bend Clearing and Grading Regulations.
- 61) Per NBMC 14.20.570(D)(4), approved clearing and grading in erosion and landslide hazard areas shall only be allowed from May 1st to October 1st of each year, provided that the City may extend

or shorten the dry season on a case-by-case basis depending on the actual weather conditions. This clearing limitation shall be required as a part of engineering plan approval.

- 62) No new on-site stormwater infiltration facilities or impervious surfaces, including but not limited to paved patios, walkways, sports courts, etc. shall be allowed within the 25-foot steep slope setback area on Phase 1 lot 1 and Phase 2 lot 24, and within the 20-foot steep slope setback area on Phase 2 Lots 15-20. A note on the final plat shall provide this requirement. Additionally a notice shall be provided on the title of each of these lots stating this requirement. The applicant shall submit proof that the notices on title for these lots will be filed for public record with the records division of King County as a part of the final plat.
- 63) Construction pursuant to the Shoreline Permit shall not begin and is not authorized until twenty-one days from the date of filing as defined in RCW [90.58.140\(6\)](#) and WAC [173-27-130](#), until all associated City permits and approvals have been issued, and until all review proceedings initiated within twenty-one days from the date of such filing have been terminated; except as provided in RCW [90.58.140 \(5\)\(a\)](#) and (b).

NOTE – It is specifically intended that all conditions from the SEPA MDNS for the plat have been incorporated into the above conditions. To the extent any MDNS condition has not been expressly included above, the terms and requirements of the MDNS are to be broadly construed and are of full force and effect throughout the development of the approved plat.

NOTE – In the event of a disagreement regarding the application or interpretation of any term or condition of approval set forth above, either the applicant or the city can invoke the jurisdiction of the Hearing Examiner to issue a written clarification of a particular term or condition, through a written request detailing the matter, and the basis for such request.



City Council Agenda Bill

SUBJECT:	Agenda Date: May 5, 2015	AB15-049
A Motion Authorizing a Contract with Republic Services to Haul and Dispose of Sewage Sludge	Department/Committee/Individual	
	Mayor Ken Hearing	
	City Administrator – Londi Lindell	
	City Attorney - Mike Kenyon	
	City Clerk – Susie Oppedal	
	Community & Economic Development – Gina Estep	
	Finance – Dawn Masko	
	Public Works – Mark Rigos	X
Cost Impact: \$60,000 to \$100,000 Annually		
Fund Source: Sewer Operating (402)		
Timeline: Immediate		
Attachments: N/A		

SUMMARY STATEMENT:

Waste sewage sludge created at the Wastewater Treatment Plant (WWTP) is currently treated by processing through a centrifuge which dries the sludge to approximately 20% solids by weight, then by further processing through a batch dryer, which dries the sludge to approximately 95% solids by weight. This dried media (biosolids) is then transported to eastern Washington to a beneficial re-use facility called Boulder Park. The City’s drying unit, which was originally installed in 2004, has been extremely problematic in the last two years. Additionally, drying the sludge in this manner is an energy and staff intensive process.

In 2014, City Council authorized a construction project in which three major improvements were to be made at the WWTP. One of those improvements was to install a conveyor system which would allow disposal of the 20% solids, which negates the need for the dryer. That construction project is nearly complete.

Washington State Department of Ecology (DOE) has granted temporary approval for the City to dispose of its dewatered sewage sludge at the Roosevelt Landfill in Roosevelt, WA, which is owned and operated by Republic Services. Klickitat County Public Health Department has also granted approval for acceptance of dewatered sludge. It is DOE’s preference that the solids be beneficially re-used, so if testing of the solids proves that it meets requirements for land application and that Boulder Park is capable of using the solids, then DOE will rescind its approval for disposal at the Roosevelt Landfill and require disposal at Boulder Park with Roosevelt as a back-up option if testing shows that the solids are unsuitable for land application. This testing is currently underway.

Costs for treatment using all three options are roughly equivalent, with disposal by means of the new conveyor system at either location being estimated to be approximately \$100 per week lower than disposal using the dryer. The conveyor method will also be less staff intensive, allowing staff to focus their efforts more on process improvements and documentation.

Payment for services will be on a per-load basis plus an hourly fee for transportation. Estimated annual costs under this contract are \$60,000 to \$100,000 per year, depending on the amount of solids produced and transportation time for disposal.

City Council Agenda Bill

COMMITTEE REVIEW AND RECOMMENDATION: This item was sent to the Transportation and Public Works Committee via email for review.		
RECOMMENDED ACTION: MOTION to approve AB15-049, authorizing a contract with Republic Services for hauling and disposing of sewage sludge, in a form approved by the City Attorney.		
RECORD OF COUNCIL ACTION		
<i>Meeting Date</i>	<i>Action</i>	<i>Vote</i>
May 5, 2015		