

# ORDINANCE 1553

## **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 and Archery)						P			P	P			

<b>NBMC 18.10.050 Performance Standards</b>	
<b>Type of Land Use:</b>	<b>Performance Standards</b>
2.22 Recreational Vehicle Park	<i>Language does not change, just updating associated numbering.</i>
<b>2.23a Indoor Shooting Range (Gun and Archery)</b>	<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>C. 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>D. Ventilation: HEPA filters are required for exhaust fans.</p> <p>E. 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>F. 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>G. 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, 5<sup>TH</sup> DAY OF MAY, 2015.**

**CITY OF NORTH BEND:**

**APPROVED AS TO FORM:**

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**Kenneth G. Hearing, Mayor**

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**Michael R. Kenyon, City Attorney**

**ATTEST/AUTHENTICATED:**

Published: May 13, 2015

Effective: May 18, 2015

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**Susie Oppedal, City Clerk**