



CITY COUNCIL MEETING

April 19, 2016 – 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 Meeting of April 5, 2016	1
2) Payroll	April 5, 2016 – 27451 through 27457, in the amount of \$194,056.37	
3) Checks	April 19, 2016 – 62619 through 62682, in the amount of \$500,025.19	
4) AB16-042	Motion - Authorizing Purchase of City Vehicle from Corwin Ford	Mr. Rigos 5
5) AB16-043	Motion - Authorizing Contract with RH2 for Engineering Services	Mr. Rigos 11
6) AB16-044	Motion - Authorizing Amendment to Blueline Work Order for NE 12 th Street Project	Mr. Rigos 17

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

COMMISSION AND COMMITTEE REPORTS:

Planning Commission	Community & Economic Development – Councilmember Pettersen
Parks Commission	Finance & Administration – Councilmember Rosen
Economic Development Commission	Public Health & Safety – Councilmember Gothelf
	Transportation & Public Works – Councilmember Loudenback
	Mayor Pro Tem – Councilmember Loudenback
	Eastside Fire & Rescue Board – Councilmember Gothelf

INTRODUCTIONS:

7) AB16-045	Ordinance - Amending NBMC Chapter 18 RE Commercial Truck Centers/Parking	Ms. Estep 31
8) AB16-046	Ordinance - Amending NBMC 18.10 Special Districts RE Tanner Junction MPOD	Ms. Estep 85
9) AB16-047	Motion - Authorizing Amendment to Si View Torguson Park ILA RE Design of BMX & Park Entrance	Ms. Hyde 99

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:

DRAFT

<p style="text-align: center;">NORTH BEND CITY COUNCIL MINUTES April 5, 2016 Senior Center, 411 Main Ave. S., North Bend, Washington</p>
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CALL TO ORDER, ROLL CALL:

Mayor Hearing called the regular meeting to order at 7:01 p.m.

Councilmembers Present: Elwood, Gothelf, Kostanich, Pettersen and Rosen. Councilmembers Loudenback and Volken were excused.

Mayor Hearing announced an executive session would be added to the end of tonight's meeting to discuss a real estate acquisition, pursuant to RCW 42.30.110(1)(b) and a collective bargaining agreement, pursuant to RCW 42.30.140 (4).

CONSENT AGENDA:

Minutes – Council Workstudy of February 23, 2016 & Council Meeting of March 15, 2016

Payroll – March 18, 2016 – 27444 through 27450, in the amount of **\$165,818.68**

Checks – April 5, 2016 – 62536 through 62618, in the amount of **\$660,676.08**

AB16-038 – Ordinance 1581 Amending 2015-16 Budget Ordinance 1570

AB16-039 – Motion Authorizing Change Order No. 2 with Fury RE Cedar Falls Walkway

Councilmember Gothelf **MOVED**, seconded by Councilmember Elwood to approve the consent agenda as presented. The motion **PASSED** 5-0.

CITIZENS COMMENTS:

Dave Olson, 440 Main Avenue South, provided an update on Kiwanis activities.

INTRODUCTIONS:

AB16-040 – Public Hearing, Ordinance 1579 Cottage Housing Zone
Development Moratorium

Audio: 3:07

Community & Economic Development Director Estep provided the staff report.

Mayor Hearing opened the Public Hearing on Ordinance 1579 – Cottage Housing Zone Development Moratorium at 7:06 p.m.

The following spoke regarding the Development Moratorium:

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Patrick Mullaney, Foster Pepper PLLC, 1111 Third Avenue, Suite 3000, Seattle, Legal Counsel for D4D RE Development LLC

Mayor Hearing closed the Public Hearing at 7:11 p.m.

AB16-041 – Ordinance 1582 Amending NBMC RE Economic Development Commission **Audio: 10:05**

Community & Economic Development Director Estep provided the staff report.

Councilmember Pettersen **MOVED**, seconded by Councilmember Rosen to approve AB16-041, an ordinance adopting amendments to the NBMC 2.30 Business and Economic Development Commission, as a first and final reading. The motion **PASSED** 5-0.

MAYOR, COUNCIL, AND ADMINISTRATOR CONCERNS AND INITIATIVES:

Councilmember Kostanich provided a report on his first Snoqualmie Watershed Forum meeting and the recent Affordable Housing Forum held on March 30th at Umpqua Bank.

City Administrator Lindell commented on the March 22nd Special Council Workstudy, staff work load and affordable housing in the upper Snoqualmie Valley.

Mayor Hearing spoke regarding the following items:

- 2015 AWC Well City Award
- April 23rd Spring Recycling Event at Mt Si High School 9th Grade Campus
- EJ Roberts Ribbon Cutting – April 20th 4:30 – 6 p.m.
- Upcoming Transportation Improvement Program 2017-2022

EXECUTIVE SESSION:

Mayor Hearing recessed the regular meeting for an Executive Session at 7:23 p.m. to discuss a real estate acquisition, pursuant to RCW 42.30.110(1)(b) and a collective bargaining agreement, pursuant to RCW 42.30.140 (4). No action was anticipated as a result of the Executive Session, which was expected to last twenty minutes and videotaping of the meeting ceased.

The regular meeting was reconvened at 7:43 p.m.

ADJOURNMENT:

Councilmember Rosen **MOVED** to adjourn, seconded by Councilmember Gothelf. The motion **PASSED** 5-0.

DRAFT

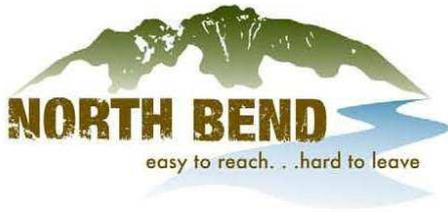
The meeting adjourned at 7:43 p.m.

ATTEST:

Kenneth G. Hearing, Mayor

Susie Oppedal, City Clerk

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City Council Agenda Bill

SUBJECT:		Agenda Date: April 19, 2016	AB16-042	
<p>A Motion Authorizing the Purchase of a Vehicle from Corwin Ford & Authorizing the Mayor to Execute any Related Contracts</p> <p>Cost Impact: Approximately \$28,662.80</p> <p>Fund Source: 24% General Fund, 20% Streets Fund, 34% Water Fund, 10% Sewer Fund, 12% Storm Fund</p> <p>Timeline: Immediate</p>		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
Attachments: AB16-033, Corwin Quote				
<p>SUMMARY STATEMENT:</p> <p>At the March 15, 2016 City Council meeting Public Works Director Rigos presented AB16-033 which proposed purchase of a City Vehicle off of the Washington State Department of Enterprise Services Contract (see attached AB16-033 for additional details). At the meeting Council requested staff contact Chaplin’s Chevrolet in North Bend to see if they were interested in providing a bid for a new Chevy truck with similar options as the original Ford truck that was going to be purchase off of the DES contract. Shortly after the Council meeting Mayor Hearing met with representatives from Chaplin’s. Their lowest price for an equivalent truck was in the low \$40,000 range, approximately \$10,000 more than the original DES Ford quote. Given this information and the fact that the cost was above the \$35,000 allocated by decision card for the purchase, staff concluded purchase of the Chevy truck was too expensive. When staff contacted DES to inquire into obtaining the original Ford truck, they were informed it had been purchase by another entity.</p> <p>In late March, City staff contacted several Ford dealers and obtained a quote (attached) from Corwin Ford for \$28,662.80 for the same options as the first Ford vehicle, as they have DES pricing available. Staff now recommends moving forward with the purchase of the same vehicle from Corwin Ford.</p>				
<p>COMMITTEE REVIEW AND RECOMMENDATION: The Transportation and Public Works Committee considered this item at its April 13, 2016 meeting and recommended approval and placement on the consent agenda.</p>				
<p>RECOMMENDED ACTION: MOTION to approve AB16-042, authorizing the purchase of a vehicle in the amount of \$28,662.80 (plus any applicable sales tax and freight charges) from Corwin Ford and the Mayor to sign any applicably related contracts in a form and content acceptable to the City Attorney.</p>				
RECORD OF COUNCIL ACTION				
<i>Meeting Date</i>	<i>Action</i>	<i>Vote</i>		
March 15, 2016	AB16-033 – Postponed	7-0		
April 19, 2016				



City Council Agenda Bill

SUBJECT:	Agenda Date: March 15, 2016	AB16-033
A Motion Authorizing the Purchase of a Vehicle from Washington State Department of Enterprise Services (DES) & the Mayor to Execute any Related Contracts	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: Approximately \$28,662.80		
Fund Source: 24% General Fund, 20% Streets Fund, 34% Water Fund, 10% Sewer Fund, 12% Storm Fund		
Timeline: Immediate		
Attachments: DES Quote (3 pages)		

SUMMARY STATEMENT:

In September, 2015 City staff requested Council consider a decision card for the purchase of a new 4WD truck in an amount not to exceed \$35,000. This request was approved by Council. To recap and for the benefit of new Councilmembers, the purchase of a new vehicle would benefit the City in the following ways:

1. Currently, our Maintenance Division Streets Group has four maintenance tech employees, but often times there is only one vehicle available for three employees, so they have to “triple” to a vehicle. There would be an **efficiency increase** in the Streets Group, because tripling to one vehicle is not an efficient use of manpower.
2. The Maintenance Division currently has 11 daily fleet vehicles (excluding large dump trucks). During summers, the City typically adds 3 seasonal (temporary) workers so there are 19 total maintenance techs (includes Mark Fogle at WWTP) on any given day. Our seasonal employees “water” downtown flower pots (daily), help mow parks, “water” the street trees, pressure wash park areas, etc. An optimum employee / vehicle ratio is typically between 1.25 - 1.50 employees per vehicle. In the summer, our ratio is 1.73. In the winter, our ratio is approx. 1.50. Adding one vehicle would improve our summer ratio to 1.58, which would result in **increased productivity during the summer months**.
3. The City of North Bend’s fleet is old and continuing to age. The average vehicle was manufactured in the year 2000. Older vehicles are less reliable, which results in more “downtime” and less productivity. A new vehicle would decrease the average vehicle age by several years and overall would **improve dependability and decrease downtime**.
4. An older fleet requires more operations and maintenance. If the City moves toward a slightly more modern fleet, then it would result in a **decrease of material and labor costs for the fleet**.
5. The new truck would have a 3-5 year warranty, so likely there would be **no large expenses** during that term.

City staff recommends moving forward with the purchase of a 2016 Ford F350 1-ton pickup (4WD) regular cab truck for use by the Public Works Department. Attached is the quote for \$28,662.80 from Washington State DES Services through the Contract Automobile Request System (CARS). When

City Council Agenda Bill

<p>purchasing a vehicle from the CARS, the bid solicitation process is waived, because CARS is a government pricing model, where the vehicles are priced cheaper than would be priced on the open market.</p>		
<p>COMMITTEE REVIEW AND RECOMMENDATION: This item was brought forward on the Transportation and Public Works (TPW) Committee agenda on March 9, 2016 and was recommended for approval to be placed on consent agenda.</p>		
<p>RECOMMENDED ACTION: MOTION to approve AB16-033, authorizing the purchase of a vehicle in the amount of \$28,662.80 (plus any applicable sales tax and freight charges) from Washington State DES and the Mayor to sign any applicably related contracts in a form and content acceptable to the City Attorney.</p>		
RECORD OF COUNCIL ACTION		
<i>Meeting Date</i>	<i>Action</i>	<i>Vote</i>
March 15, 2016	Postponed	7-0

CNGP530 VEHICLE ORDER CONFIRMATION 03/31/16 15:43:46
==> Dealer: F74437

2016 F-SERIES SD

Page: 1 of 2

Order No: F002 Priority: E3 Ord FIN: QS027 Order Type: 5B Price Level: 640
Ord PEP: 610A Cust/Flt Name: NORTH BEND PO Number:

		RETAIL	DLR INV		RETAIL	DLR INV
F3B	F350 4X4SDR/CSR	\$36080	\$33464.00	JOB #1 BUILD		
	137" WHEELBASE			10400# GVWR PKG		
Z1	OXFORD WHITE			425 50 STATE EMISS	NC	NC
1	CLTH 40/20/40	100	90.00	473 SNOW PLOW PKG	85	77.00
S	STEEL			512 SPARE TIRE/WHL2	NC	NC
610A	PREF EQUIP PKG			52B BRAKE CONTROLLER	270	244.00
	.XL TRIM			TELE TT MIR-PWR		
	.TRAILER TOW PKG			59H HI MNT STOP LMP	NC	NC
572	.AIR CONDITIONER	NC	NC	JACK		
	.AM/FM STER/CLK			61S SPLASH GUARDS	130	118.00
996	.6.2L EFI V8 ENG	NC	NC	66S UPFITTER SWTCH	125	113.00
44P	6-SPD AUTOMATIC	NC	NC	67D XTR HVY DTY ALT	75	68.00
TCD	LT265 OWL AT 17	455	412.00	794 PRICE CONCESSN		
X3E	3.73 ELOCKING	390	353.00	REMARKS TRAILER		
90L	PWR EQUIP GROUP	895	808.00	85S TOUGH BED	495	447.00
				942 DAY RUNNING LTS	45	40.00
				SP DLR ACCT ADJ		(1567.00)
				SP FLT ACCT CR		(490.00)
				FUEL CHARGE		12.54
				B4A NET INV FLT OPT	NC	7.00
				PRICE DORA	NC	NC
				DEST AND DELIV	1195	1195.00
				TOTAL BASE AND OPTIONS	40340	35391.54
				TOTAL	40340	35391.54

STATE CONTRACT PRICE

\$26,393 (x 8.6% SALES TAX)
2,269.⁸⁰
\$28,662.⁸⁰/_{XX}

THIS IS NOT AN INVOICE
TOTAL PRICE EXCLUDES COMP PRICE ALLOW

BUILD WEEK : 3RD WEEK OF MAY.

Adam Knutson



ORDER DATE : 3/31/2016

PROJECTED DELIVERY DATE: 7/31/2016

1225 Autoplex Way
Pasco, WA 99301
Dealership: 509-544-8000
Cell: 509-539-8658
Fax: 509-547-0955

corwinfordtricity.com

aknutson@corwinauto.com



City Council Agenda Bill

SUBJECT:	Agenda Date: April 19, 2016		AB16-043
A Motion Authorizing a Professional Services Contract with RH2 for Private Development Engineering Review Support	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 (maximum \$100,000)			
Fund Source: Private Development Accounts			
Timeline: Immediate			

Attachments: Work Scope and Fee

SUMMARY STATEMENT:

I. INTRODUCTION:

Currently, the City of North Bend is processing a tremendous number of private development short plat and plat (subdivision) applications. Many of these land use applications are beginning the Final Engineering Review / Construction Drawings phase, which in the entitlement process is the phase between Preliminary Plat Approval and Final Plat Approval. Staff would like to process the land use applications a bit faster, as the “back and forth” development engineering reviews between the developers and City staff is taking many months.

There are several reasons why there is a significant increase in the number developments in the City of North Bend. First, the local economy is strong with high demand for housing and low supply. Second, interest rates remain low. Third, unlike many cities on the eastside of King County, proportionally there is significantly more available land in North Bend. Fourth, there was pent-up demand to sell and develop land in North Bend due to the City’s Water Moratorium in the early 2000’s.

II. HISTORY:

During at least the past several years, Perteet has been the City of North Bend’s primary on-call development review consultant. Perteet provides the City with the following services: geotechnical engineering, structural engineering, traffic engineering, hydraulic engineering, general civil engineering and construction inspection. The City has no plans to change this arrangement or relationship with Perteet.

III. NEXT STEP:

Although Perteet has been providing the City with quality development review, engineering support and has even increased productivity with additional employee hiring during the past 20 months, City staff believes that even more technical support is necessary, because there is so much development in North Bend. The City would like to contract with a second consulting firm to provide more capacity in development review. The new consultant would become the City’s secondary consultant, an “overflow” consultant so-to-speak.

The City has reached out to RH2 for additional technical support. Attached is RH2’s work scope and rate sheet for development review services they can provide to the City. All invoices by RH2 will be ‘pass-through costs’ to the City, meaning the developers will be charged for the incurred time and the City will be reimbursed. The pass-through cost” is consistent with City Council’s mantra of “growth pays for growth”.

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IV. SELECTED CONSULTANT:

The City interviewed one consultant for providing additional development review services. That consultant is RH2. RH2 was selected because:

- A. **Convenience:** RH2 is located in the City of Issaquah. Travel time charges to the developers will be less with a short commute compared to consultants with longer commutes such as Seattle, Bellevue, Tacoma.
- B. **Familiarity:** The City’s Public Works Director has previously worked with this development review consultant when they supported Northeast Sammamish Sewer and Water District and the City of Issaquah.
- C. **Experience:** RH2 provided technical support to MDRT and the City of Issaquah, during the planning, development and construction of Issaquah Highlands.
- D. **Capability:** The PW Director has observed RH2 to be knowledgeable, technically proficient and accurate.
- E. **Rates:** RH2’s rates are reasonable compared to similar sized firms.
- F. **MRSC and Insurance:** RH2 is listed on the MSRC roster and has appropriate insurance.

V. CONCLUSION:

Under the RH2 contract, the consultant will provide development reviews and check engineering calculations under the direction of Public Works Project Manager Brian Tucker and/or Public Works Director Mark Rigos. A maximum \$100,000 chargeable labor is proposed for this contract. Before that amount is fully exhausted, Mr. Tucker and Mr. Rigos will evaluate whether or not to continue this relationship. Staff believes the addition of this second consultant will increase productivity and expedite development reviews for projects in the City.

COMMITTEE REVIEW AND RECOMMENDATION: This item was reviewed by the Transportation and Public Works Committee during their April 13, 2016 meeting and was recommended for approval and placement on consent agenda.

RECOMMENDED ACTION: MOTION to approve AB16-043, authorizing a contract with RH2 for private development engineering review support, in an amount not to exceed \$100,000, in a form and content acceptable to the City Attorney.

RECORD OF COUNCIL ACTION

<i>Meeting Date</i>	<i>Action</i>	<i>Vote</i>
April 19, 2016		



April 5, 2016

RH2 ENGINEERING, INC.
www.rh2.com
mailbox@rh2.com
1.800.720.8052

Mr. Mark Rigos, P.E.
Public Works Director
PO Box 896
1155 East North Bend Way
North Bend, WA 98045

WASHINGTON
LOCATIONS

BOTHELL
MAIN OFFICE
22722 29th Drive SE, Suite 210
Bothell, WA 98021

BELLINGHAM

EAST WENATCHEE

ISSAQUAH

RICHLAND

TACOMA

OREGON
LOCATIONS

NORTHERN OREGON
MAIN OFFICE
6500 SW Macadam Ave. Suite 100
Portland, OR 97239

SOUTHERN OREGON
Medford

Sent via: Email

Subject: Development Review Services

Dear Mr. Rigos:

Thank you for the opportunity to present RH2 Engineering, Inc.'s (RH2) Scope of Services and Rate Schedule to provide development review services and services during construction to the City of North Bend (City). RH2 will perform the services outlined in this letter, as authorized by the City. Enclosed is our Schedule of Rates and Charges and Certificate of Insurance.

Scope of Services

Development Review Services

For each review authorization by the City, RH2 will provide a letter report summarizing our review. We anticipate that the staff who will perform these services will be classified as Professional IV to Professional VIII. RH2 will perform review services on development design documents related to the following areas.

- 1) Roads
 - a. Traffic Impact Analysis (TIA)
 - b. Plan and profile drawings of roadways
 - c. Channelization and signage
 - d. Intersection control, including roundabouts, signalized intersections, and stop-sign controlled intersections
- 2) Stormwater
 - a. Water quality and detention, including structural review of vaults
 - b. Low impact development (LID), including infiltration and bio-detention facilities
 - c. Pipelines
- 3) Sewer
 - a. Pipelines
 - b. Lift stations
- 4) Water
- 5) Grading
 - a. Slopes
 - b. Retaining walls, including structural review of cast-in-place walls, geotechnical review of mechanically stabilized earth, and rockeries



Mr. Mark Rigos, P.E.
April 5, 2016
Page 2

- 6) Critical areas studies
 - a. Wetlands
 - b. Steep slopes/landslides
 - c. Streams/rivers
- 7) Permitting
 - a. Plan approval
 - b. Performance bond review

Services During Construction

RH2 will perform the following services during construction, as authorized by the City. We anticipate that the staff who will perform these services will be classified as Professional I to Professional V.

- 1) Preconstruction meeting attendance
- 2) Part-time construction observation
- 3) Assist with third party special inspection administration
- 4) Commissioning of lift stations
- 5) Punchlist review
- 6) Record drawing review
- 7) Bond review
- 8) Recommendation of project acceptance

If you have any questions regarding this proposal, please contact me at (425) 951-5320 or dschlepp@rh2.com.

Sincerely,

RH2 ENGINEERING, INC.

A handwritten signature in blue ink that reads 'Doug Schlepp'. The signature is fluid and cursive, with the first name 'Doug' being more prominent than the last name 'Schlepp'.

Doug Schlepp, P.E.
Principal

DS/RAH/jq

Enclosures: Rate Schedule
Certificate of Insurance

EXHIBIT C RH2 ENGINEERING, INC. 2016 SCHEDULE OF RATES AND CHARGES		
RATE LIST	RATE	UNIT
Professional I	\$137	\$/hr
Professional II	\$150	\$/hr
Professional III	\$159	\$/hr
Professional IV	\$170	\$/hr
Professional V	\$180	\$/hr
Professional VI	\$189	\$/hr
Professional VII	\$204	\$/hr
Professional VIII	\$213	\$/hr
Professional IX	\$213	\$/hr
Technician I	\$96	\$/hr
Technician II	\$101	\$/hr
Technician III	\$129	\$/hr
Technician IV	\$137	\$/hr
Administrative I	\$65	\$/hr
Administrative II	\$77	\$/hr
Administrative III	\$92	\$/hr
Administrative IV	\$108	\$/hr
Administrative V	\$128	\$/hr
CAD/GIS System	\$27.50	\$/hr
CAD Plots - Half Size	\$2.50	price per plot
CAD Plots - Full Size	\$10.00	price per plot
CAD Plots - Large	\$25.00	price per plot
Copies (bw) 8.5" X 11"	\$0.09	price per copy
Copies (bw) 8.5" X 14"	\$0.14	price per copy
Copies (bw) 11" X 17"	\$0.20	price per copy
Copies (color) 8.5" X 11"	\$0.90	price per copy
Copies (color) 8.5" X 14"	\$1.20	price per copy
Copies (color) 11" X 17"	\$2.00	price per copy
Technology Charge	2.50%	% of Direct Labor
Mileage	\$0.540	price per mile (or Current IRS Rate)
Subconsultants	15%	Cost +
Outside Services	at cost	



CERTIFICATE OF LIABILITY INSURANCE

Council Packet April 19, 2016

DATE (MM/DD/YYYY) 8/6/2015

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER Sammamish Insurance, Inc. 704 228th Ave NE, PMB 373 Sammamish WA 98074		CONTACT NAME: Allen Fugitt CPCU PHONE (A/C, No. Ext): (425)898-8780 FAX (A/C, No): (425)836-2865 E-MAIL ADDRESS: Allen_Fugitt@msn.com	
INSURED RH2 ENGINEERING INC 22722 29TH DR SE STE 210 BOTHELL WA 98021		INSURER(S) AFFORDING COVERAGE INSURER A: Hartford Casualty Ins. Co. NAIC # 29424 INSURER B: Sentinel Insurance Co., Ltd 11000 INSURER C: Continental Casualty Company 20443 INSURER D: INSURER E: INSURER F:	

COVERAGES CERTIFICATE NUMBER: CL157902632 REVISION NUMBER:

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL INSD	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
A	<input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY <input type="checkbox"/> CLAIMS-MADE <input checked="" type="checkbox"/> OCCUR GEN'L AGGREGATE LIMIT APPLIES PER: <input checked="" type="checkbox"/> POLICY <input type="checkbox"/> PRO-JECT <input type="checkbox"/> LOC OTHER:			52SBANM5475	8/16/2015	8/16/2016	EACH OCCURRENCE \$ 2,000,000 DAMAGE TO RENTED PREMISES (Ea occurrence) \$ 300,000 MED EXP (Any one person) \$ 10,000 PERSONAL & ADV INJURY \$ 2,000,000 GENERAL AGGREGATE \$ 4,000,000 PRODUCTS - COMP/OP AGG \$ 4,000,000 Employee Benefits \$ 2,000,000
B	AUTOMOBILE LIABILITY <input type="checkbox"/> ANY AUTO <input type="checkbox"/> ALL OWNED AUTOS <input checked="" type="checkbox"/> SCHEDULED AUTOS <input checked="" type="checkbox"/> HIRED AUTOS <input checked="" type="checkbox"/> NON-OWNED AUTOS			52UECHY3821	8/16/2015	8/16/2016	COMBINED SINGLE LIMIT (Ea accident) \$ 1,000,000 BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$ Medical payments \$ 10,000
A	<input checked="" type="checkbox"/> UMBRELLA LIAB <input type="checkbox"/> EXCESS LIAB DED RETENTION \$ 10,000			52SBANM5475	8/16/2015	8/16/2016	EACH OCCURRENCE \$ 2,000,000 AGGREGATE \$ 2,000,000
A	WORKERS COMPENSATION EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) If yes, describe under DESCRIPTION OF OPERATIONS below		N/A	52SBANM5475	8/16/2015	8/16/2016	PER STATUTE <input checked="" type="checkbox"/> OTH-ER E.L. EACH ACCIDENT \$ 1,000,000 E.L. DISEASE - EA EMPLOYEE \$ 1,000,000 E.L. DISEASE - POLICY LIMIT \$ 1,000,000
C	Professional Liability Claims Made			AEH004312321	5/29/2015	5/29/2016	Per Claim \$3,000,000 Deductible \$200,000

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)

CERTIFICATE HOLDER CANCELLATION

General Information Certificate 2015/16	SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS. AUTHORIZED REPRESENTATIVE A Fugitt CPCU/JONA
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City Council Agenda Bill

SUBJECT:	Agenda Date: April 19, 2016	AB16-044
A Motion Authorizing Amendment #1 to a Work Order with The Blueline Group for the Design, Survey, Environmental Analysis, and Geotechnical Services for the NE 12th Street Project	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: \$53,500		
Fund Source: Street (101), Storm (404), Water (401)		
Timeline: Immediate		

Attachments: Work Order, Scope of Services, Fee Estimate, Vicinity Map

SUMMARY STATEMENT:

On October 7, 2014, City Council authorized a work order with The Blueline Group of Kirkland, Washington to design roadway and stormwater improvements to NE 12th Street between Ballarat Ave NE and Pickett Ave NE. On January 6, 2015, City Council passed Resolution 1671, declaring an emergency and authorizing pavement and drainage repairs to a 500 foot long segment of NE 12th Street that was severely damaged by storms in December 2014.

The scope of the project has now changed to include the following items:

- Extending the western limits of the project to include a culvert replacement on the north end of Ballarat Ave NE, which is identified as project #7.1 in the 2012 Stormwater Comprehensive Plan. This will reduce the potential for flooding in this neighborhood.
- City staff also thinks it is prudent to replace the aging, asbestos cement water main that is currently beneath NE 12th with a new ductile iron water main to increase reliability of the water system and to reduce system leakage. This will reduce the potential of destroying the new roadway with water main repair patches or a potential trench repair for replacement of the main after the roadway project is completed.
- Widening the cross section of the roadway to include two 11’ wide driving lanes with two 4’ wide shoulders instead of simply replacing the existing cross section of two 10’ wide driving lanes with 0’ to 2’ shoulders. This will provide a safer environment for all travelers, including pedestrians, bicyclists, and drivers.

This work order amendment will make numerous changes to the scope of work as follows:

1. Survey and base mapping: Blueline will perform an as-built topographic survey of the aforementioned emergency repair work and will incorporate those changes into the existing survey and base map. (Increase of \$4,000)
2. Critical Area Services: This will provide for additional critical areas delineation and mapping for the additional culvert replacement. (Increase of \$2,800)
3. Design: The level of effort for design will increase significantly due to the aforementioned scope changes. Due to the added impervious surface, a full stormwater Technical Information Report will be necessary and will be completed by Blueline. (Increase of \$42,200)
4. Bidding and Award Services: This task will be increased to reflect updated billing rates. (Increase of \$100)
5. Unassigned Services Reserve: Additional meetings with City staff were necessary to finalize design alternatives for the scope revisions discussed above. (Increase of \$4,000)
6. Expenses: Additional expenses have been incurred in the form of travel, printing, etc. (Increase

City Council Agenda Bill

of \$400)

The total cost for design of the project will be changed as summarized in the table below:

Description	Fee Estimate
Original	\$ 96,800
Amendment #1	\$ 53,500
Total	\$ 150,300

Staff recommends approval of this item to incorporate these important and necessary changes to the scope of the project.

COMMITTEE REVIEW AND RECOMMENDATION: This item was reviewed by the Transportation and Public Works (TPW) Committee at their April 13, 2016 meeting and was recommended for approval and placement on the consent agenda.

RECOMMENDED ACTION: **MOTION to approve AB16-044, authorizing Amendment #1 to a Work Order with The Blueline Group for the design, survey, environmental analysis, and geotechnical services for the NE 12th Street – Street, Water, and Storm Drainage Improvements, in an amount not to exceed \$53,500.**

RECORD OF COUNCIL ACTION

<i>Meeting Date</i>	<i>Action</i>	<i>Vote</i>
April 19, 2016		

**CITY OF NORTH BEND
WORK ORDER
2014 – 17 Amendment #1**

This work order dated the ____ day of _____ 2016 is to specify services to be provided under the On-Call Professional Services contract which has been entered into by the CITY OF NORTH BEND (City) and The Blueline Group (Consultant). This work order is for the below mentioned project/scope of work.

Work Order No.: 2014-17 – Amendment #1

Project Name: NE 12th Street – Street and Storm Improvements

Project No.: T-009 **Amount:** \$ 53,500

City Project Lead: Don DeBerg, PE
City Engineer **(Authorized cost of work not to be exceeded without written authorization)**

SCOPE OF WORK:

The Blueline Group will provide additional design services for the project as detailed in the Scope of Services in Exhibit A. The fee estimate will be revised as shown in Exhibit B. The revised fee is as described below:

Original Fee: \$ 96,800
Amendment 1: \$ 53,500
 Revised Fee: \$150,300

The compensation will be on a time and materials basis, not to exceed the above amount.

CONSULTING FIRM:

CITY OF NORTH BEND:

 Authorized Signature Date

 Authorized by Date

NOTE: *The City of North Bend will not be liable for charges for services not authorized by a fully executed work order.*

FOR INTERNAL USE ONLY

Funds for work available through the following account:

310-100-009-595-30-63

Distribution: *Original:* City Clerk *Copies:* Project Lead, Consultant, Accounting Coordinator

Exhibit A to the Professional Services Agreement
between the City of North Bend and The Blueline Group, LLC
for the NE 12th St. Improvements Project
dated August 29, 2014 (REVISED January 24, 2016)

PROJECT DESCRIPTION

In October 2014, the City of North Bend authorized The Blueline Group, LLC (“Blueline”) to begin engineering design services for street and storm drainage improvements along NE 12th Street. The initial contract consisted of designing roadway reconstruction/preservation and two culvert replacements along NE 12th Street between Ballarat Avenue NE and Pickett Avenue NE.

Tasks in the contract included Project Management, Survey & Base Mapping, Critical Areas Services, Geotechnical Services, Design, Bidding & Award, and an Unassigned Services Reserve. After Notice to Proceed, Blueline was proceeding towards a 50% Design stage submittal, having completed the Survey & Base Mapping and Geotechnical tasks, along with portions of the Project Management, Critical Area Services, and Design tasks.

On December 10, 2014, Blueline was alerted by the City that a storm had damaged a portion of the NE 12th Street roadway, washing away a stretch of ±1/2 of the westbound lane. Over the next month, Blueline proceeded to work with the City on an emergency design for the repairs, which was completed in early January 2015. These repairs were constructed in early 2015.

During this time, the initially scheduled design was put on hold. While researching available funding, City staff also looked at additional options for NE 12th Street, including various alternatives for a wider pavement replacement section (shoulders and possible pedestrian improvements), water main replacement, and an additional culvert replacement. Blueline worked with the City to prepare multiple different cost estimates, attended a pre-application meeting with the City’s Planning staff, and continued overall project coordination.

The City’s Public Works Committee recently recommended that Blueline proceed with a revised scope of work that will include a wider pavement section, water main replacement, and an additional culvert replacement. The revised scope and fee proposal below reflects additional Project Management and Design necessary to complete the project, as well as additional survey needed to incorporate the emergency design repair and additional critical area services needed to incorporate the additional culvert replacement on the west end of the project.

PROJECT SCHEDULE

Blueline can begin work immediately upon receipt of Notice to Proceed from the City. Blueline will submit a project schedule after Notice to Proceed. It is our understanding that the City would like to bid the project and begin construction in the spring of 2017 or 2018, and our project schedule will reflect that.

SCOPE OF WORK

Blueline’s scope of work for the Project is detailed below. The new amounts are shown on the first line of each task. Previously authorized amounts, along with amounts billed and spent to date are shown below. All tasks are set up as Time & Expense with Not to Exceed amounts.

Task 001 – PROJECT MANAGEMENT.....	\$4,400
Previously Approved Amount:.....	\$4,400
Increase:.....	\$0
Billed to Date.....	±\$3,400
Amount Remaining	\$1,000

Exhibit A to the Professional Services Agreement
 between the City of North Bend and The Blueline Group, LLC
 for the NE 12th St. Improvements Project
 dated August 29, 2014 (REVISED January 24, 2016)

Task 002 – SURVEY & BASE MAPPING	\$32,000
Previously Approved Amount:.....	\$28,000
Increase:.....	\$4,000
Billed to Date.....	±\$26,900
Amount Remaining	\$5,100

This task is similar to the previously approved Task 002, with the increased amount intended to reflect the effort needed to survey the emergency design repair and incorporate it into the design plans.

Task 003 – CRITICAL AREA SERVICES	\$6,300
Previously Approved Amount:.....	\$3,500
Increase:.....	\$2,800
Billed to Date.....	±\$1,750
Amount Remaining	\$4,550

This task is similar to the previously approved Task 003, with the increased amount intended to reflect the effort needed to incorporate the additional culvert replacement on the west end of the project.

Task 004 – GEOTECHNICAL SERVICES	\$18,700
Previously Approved Amount:.....	\$18,700
Increase:.....	\$0
Billed to Date.....	±\$18,700
Amount Remaining	\$0

Task 004 is complete and no additional services are anticipated.

Task 005 – DESIGN	\$77,400
Previously Approved Amount:.....	\$35,200
Increase:.....	\$42,200
Billed to Date.....	±\$13,700
Amount Remaining	\$63,700

This task is similar to the previously approved Task 005, with the increased amount intended to reflect the effort needed to incorporate the revised roadway design, water main replacement, and additional culvert replacement into the project. This task will also incorporate a full Technical Information Report, as required by the City’s Planning Department, and incorporates Blueline’s billing rate increases.

SEPA, a Right-of-Way Use Permit, a Clear & Grade Permit, and a Flood Plain Development Permit (if necessary) will be completed by City staff.

Exhibit A to the Professional Services Agreement
 between the City of North Bend and The Blueline Group, LLC
 for the NE 12th St. Improvements Project
 dated August 29, 2014 (REVISED January 24, 2016)

Task 006 – BIDDING & AWARD SERVICES	\$1,500
Previously Approved Amount:.....	\$1,400
Increase:.....	\$100
Billed to Date.....	\$0
Amount Remaining	\$0

Task 006 remains unchanged, but Blueline’s billing rates increased, thus the \$100 change.

Task 007 – UNASSIGNED SERVICES RESERVE	Allowance: \$8,600
Previously Approved Amount:.....	\$4,600
Increase:.....	\$4,000
Amount to be Billed	±\$4,000
Amount Remaining	\$4,600

This task is similar to the previously approved Task 007, with the increased amount intended to reflect the outstanding unbilled time that Blueline has put in working with the City on design alternatives, meetings, and scope revisions. An invoice will be sent in the future for this time.

GENERAL ASSUMPTIONS & NOTES

- The General Assumptions & Notes included in the previous submittal still apply.
- The Expenses Estimate should be increased from \$1,000 to **\$1,400**. (±\$400 has been spent to date.)
- Water Quality requirements are assumed to be exempt from this project, but a detailed scope and fee can be provided upon request.

Exhibit B to the Professional Services Agreement
between the City of North Bend and The Blueline Group, LLC
for the NE 12th St. Improvements Project
dated August 29, 2014 (REVISED January 24, 2016)

NE 12th St. Improvements Project

Job Number: 14-207
Date: January 24, 2016

Prepared By: Tom Mohr, PE
Checked By: Ken Lauzen, PE

Task #	Task Description	Principal Engineer		Project Engineer		Engineering Designer		CAD Drafter		Total Hours	Total Cost	Total Cost (Rounded)
		Hours	\$173/hr	Hours	\$142/hr	Hours	\$126/hr	Hours	\$100/hr			
001	Project Management	18	\$ 3,114	9	\$ 1,278	0	\$ -	0	\$ -	27	\$ 4,392	\$ 4,400
002	Survey & Base Mapping										\$ 31,976	\$ 32,000
003	Critical Area Services										\$ 6,325	\$ 6,300
004	Geotechnical Services										\$ 18,745	\$ 18,700
005	Design	42	\$ 7,266	148	\$ 21,016	196	\$ 24,696	244	\$ 24,400	630	\$ 77,378	\$ 77,400
006	Bidding & Award	2	\$ 346	8	\$ 1,136	0	\$ -	0	\$ -	10	\$ 1,482	\$ 1,500
007	Unassigned Services Reserve										\$ 8,600	\$ 8,600
999	Expenses										\$ 1,400	\$ 1,400
	TOTAL	62	\$ 10,726	165	\$ 23,430	196	\$ 24,696	244	\$ 24,400	667	\$ 150,298	\$ 150,300

Exhibit B to the Professional Services Agreement
between the City of North Bend and The Blueline Group, LLC
for the NE 12th St. Improvements Project
dated August 29, 2014 (REVISED January 24, 2016)

NE 12th St. Improvements Project												
001		Project Management		Principal Engineer		Project Engineer		Engineering Designer		CAD Drafter		
Item #	Description	HRS	FEE	HRS	FEE	HRS	FEE	HRS	FEE	HRS	FEE	TOTAL
		\$173/hr		\$142/hr		\$126/hr		\$100/hr		TOTAL	TOTAL	
		HRS	FEE	HRS	FEE	HRS	FEE	HRS	FEE	HRS	FEE	FEE
1	Project Meetings	8.0	\$ 1,384	8.0	\$ 1,136	0.0	\$ -	0.0	\$ -	16.0	\$ -	2,520
2	Monthly Invoices / Progress Reports	4.0	\$ 692	0.0	\$ -	0.0	\$ -	0.0	\$ -	4.0	\$ -	692
3	General Project Coordination	6.0	\$ 1,038	1.0	\$ 142	0.0	\$ -	0.0	\$ -	7.0	\$ -	1,180
Total		18.0	\$ 3,114	9.0	\$ 1,278	0.0	\$ -	0.0	\$ -	27.0	\$ -	4,392
											001 Not to Exceed	\$ 4,400

002		Survey & Base Mapping		Total Cost (Per Axis)		BlueLine Markup		TOTAL FEE				
Item #	Description					15%		TOTAL FEE				
				Not to Exceed		Lump Sum						
1	Survey & Base Mapping			\$ 27,805		\$ 4,171		\$ 31,976				
Total				\$ 27,805		\$ 4,171		\$ 31,976				
											002 Not to Exceed	\$ 32,000

003		Critical Area Services		Total Cost (Per WRI)		BlueLine Markup		TOTAL FEE				
Item #	Description			Not to Exceed		15%		TOTAL FEE				
				Lump Sum		Lump Sum						
1	Critical Area Services			\$ 5,500		\$ 825		\$ 6,325				
Total				\$ 5,500		\$ 825		\$ 6,325				
											003 Not to Exceed	\$ 6,300

004		Geotechnical Services		Total Cost (Per ZGA)		BlueLine Markup		TOTAL FEE				
Item #	Description			Not to Exceed		15%		TOTAL FEE				
				Lump Sum		Lump Sum						
1	Geotechnical Services			\$ 16,300		\$ 2,445		\$ 18,745				
Total				\$ 16,300		\$ 2,445		\$ 18,745				
											004 Not to Exceed	\$ 18,700

Exhibit B to the Professional Services Agreement
between the City of North Bend and The Blueline Group, LLC
for the NE 12th St. Improvements Project
dated August 29, 2014 (REVISED January 24, 2016)

NE 12th St. Improvements Project												
005	Item #	Design Description	Principal Engineer \$173/hr		Project Engineer \$142/hr		Engineering Designer \$126/hr		CAD Drafter \$100/hr		TOTAL HRS	TOTAL FEE
			HRS	FEE	HRS	FEE	HRS	FEE	HRS	FEE		
	1	50% Design Plans	12.0	\$ 2,076	48.0	\$ 6,816	48.0	\$ 6,048	124.0	\$ 12,400	232.0	\$ 27,340
	2	50% Specifications	4.0	\$ 692	16.0	\$ 2,272	48.0	\$ 6,048		-	68.0	\$ 9,012
	3	50% Engineer's Estimate & Design Memo	4.0	\$ 692	4.0	\$ 568	4.0	\$ 504		-	12.0	\$ 1,764
	4	90% Design Plans	8.0	\$ 1,384	28.0	\$ 3,976	20.0	\$ 2,520	72.0	\$ 7,200	128.0	\$ 15,080
	5	90% Specifications	2.0	\$ 346	12.0	\$ 1,704	20.0	\$ 2,520		-	34.0	\$ 4,570
	6	90% Engineer's Estimate & Design Memo	2.0	\$ 346	4.0	\$ 568	4.0	\$ 504		-	10.0	\$ 1,418
	7	Final Design Plans	6.0	\$ 1,038	16.0	\$ 2,272	12.0	\$ 1,512	36.0	\$ 3,600	70.0	\$ 8,422
	8	Final Design Specifications	2.0	\$ 346	8.0	\$ 1,136	12.0	\$ 1,512		-	22.0	\$ 2,994
	9	Final Engineer's Estimate	2.0	\$ 346	4.0	\$ 568	4.0	\$ 504		-	10.0	\$ 1,418
	10	TIR		\$ -	4.0	\$ 568	24.0	\$ 3,024		-	28.0	\$ 3,592
	1.1	Create as-builts from Contractor supplied red lines		\$ -	4.0	\$ 568		\$ -	12.0	\$ 1,200	16.0	\$ 1,768
		Total	42.0	\$ 7,266	148.0	\$ 21,016	196.0	\$ 24,696	244.0	\$ 24,400	630.0	\$ 77,378
									005 Not to Exceed \$ 77,400			

006	Item #	Bidding & Award Description	Principal Engineer \$173/hr		Project Engineer \$142/hr		Engineering Designer \$126/hr		CAD Drafter \$100/hr		TOTAL HRS	TOTAL FEE
			HRS	FEE	HRS	FEE	HRS	FEE	HRS	FEE		
	1	Advertisement and upload to Builders Exchange	2.0	\$ 346	4.0	\$ 568	0.0	\$ -	0.0	\$ -	6.0	\$ 914
	2	Respond to bidder questions	0.0	\$ -	4.0	\$ 568	0.0	\$ -	0.0	\$ -	4.0	\$ 568
		Total	2.0	\$ 346	8.0	\$ 1,136	0.0	\$ -	0.0	\$ -	10.0	\$ 1,482
									006 Not to Exceed \$ 1,500			

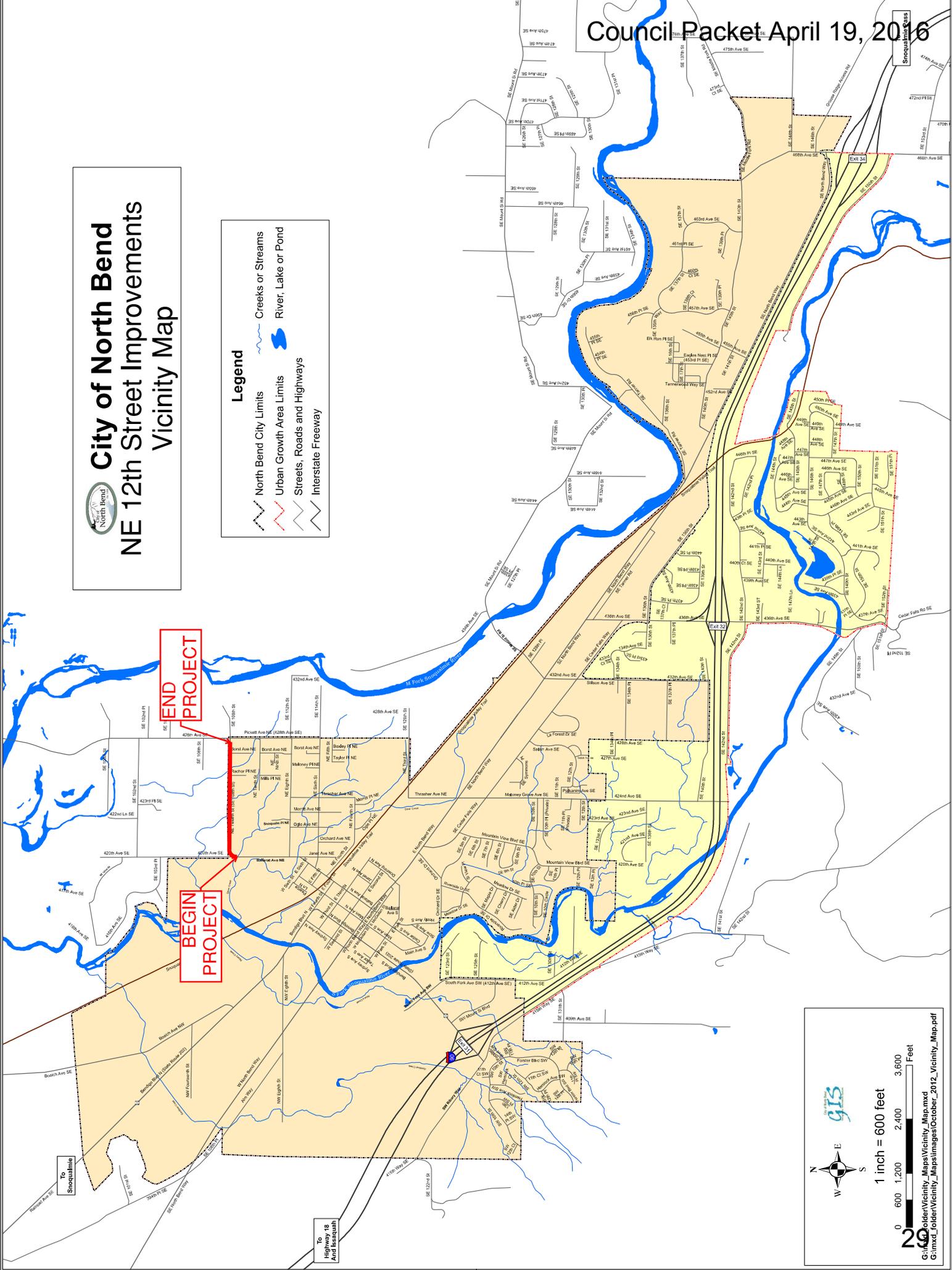
007	Item #	Unassigned Services Reserve Description	Lump Sum		TOTAL FEE	
			\$			
	1	Unassigned Services Reserve	\$	8,600	\$ 8,600	
		Total	\$	8,600	\$ 8,600	
					007 Allowance	

The Blueline Group

City of North Bend NE 12th Street Improvements Vicinity Map

Legend

- North Bend City Limits
- Urban Growth Area Limits
- Creeks or Streams
- River, Lake or Pond
- Streets, Roads and Highways
- Interstate Freeway



GIS

0 600 1,200 2,400 3,600 Feet

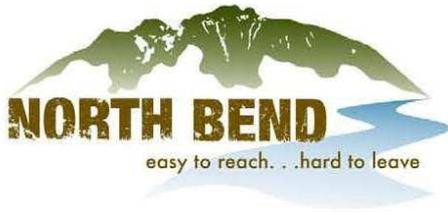
1 inch = 600 feet

To Snoqualmie

To Highway 18 And Issaquah

To Snoqualmie Pass

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G:\mxd\olderVicinity_Maps\images\October_2012_Vicinity_Map.pdf



City Council Agenda Bill

SUBJECT:	Agenda Date: April 19, 2016		AB16-045
<p>An Ordinance Amending North Bend Municipal Codes 18.06.030, 18.10.025, and 18.10.050 Relating to Commercial Truck Centers and Parking</p> <p>Cost Impact: N/A</p> <p>Fund Source: N/A</p> <p>Timeline: Immediate</p>	Department/Committee/Individual		
	Mayor Ken Hearing		
	City Administrator – Londi Lindell		
	City Attorney - Mike Kenyon		
	City Clerk – Susie Oppedal		
	Community & Economic Development – Gina Estep		X
	Finance – Dawn Masko		
	Public Works – Mark Rigos		
Attachments: Ordinance, Exhibit A, Public Comment			
<p>SUMMARY STATEMENT:</p> <p>An existing commercial truck travel center, commonly know as Truck Town, is located on approximately 16.1 acres in the City’s Interchange Commercial Zone. In addition to this existing center, the City has received interest by the industry to expand commercial truck parking available at I-90 Exit 34. However, due to the potential adverse impacts to air quality, noise, traffic, public safety, public health, city streets and infrastructure, the City Council previously adopted a section of Chapter 18.10 of the North Bend Municipal Code (NBMC) providing that the addition of commercial truck centers or truck parking, or the expansion of the existing center, is not in the best interest of North Bend without a regional freight mobility plan to mitigate adverse impacts.</p> <p>In 2013/14 the City Council considered the regulations associated with commercial truck center/service areas and ultimately provided direction to City staff to prepare additional amendments to the NBMC prohibiting new or the expansion of commercial truck center/service areas. In order to allow for the vital time necessary to prepare these code amendments, Council passed Ordinance 1523 on April 14, 2014, establishing interim development regulations prohibiting new or the expansion of existing commercial truck centers/service areas. The Interim Truck Regulations were extended under Ordinances 1552, 1563 and 1580.</p> <p>Since the adoption of the Interim Truck Regulations, the Public Works Director position has been filled and the Planning Commission has completed the major update of the North Bend Comprehensive Plan work plan priority.</p> <p>Therefore, in January 2016 the Planning Commission considered the truck regulations and held a public hearing to receive public comment on the proposed amendments to the NBMC as permanent regulations.</p> <p>In February 2016 the Planning Commission completed their evaluation and consideration of the interim regulations as proposed permanent regulations.</p> <p>Due to the thousands of pages of both exhibits entered into the record and the large amount of public comment received as part of the Planning Commission’s deliberation, the full Planning Commission record, which include Exhibits 1-68, can be found on the City’s website under Public Notices (http://northbendwa.gov/Archive.aspx?AMID=37) and are entitled Exhibit List</p>			

City Council Agenda Bill

Part 1 & 2 – Public Hearing Comments & Exhibits on Commercial Truck Centers. A copy of the record can also be viewed at the office of the City Clerk.

On January 27, 2016 the proposed permanent regulations were submitted to the State Department of Commerce for review as required under GMA. The Department of Commerce denied expedited review and extended the 60 day review until April 9, 2016.

Amendments are proposed to the North Bend Municipal Code, specifically 18.10.025 Special District, 18.06.030 Definitions and 18.10.050 Table of Performance Standards pertaining to the prohibition of new or the expansion of commercial truck center/service areas.

The amendments would adopt as permanent land use regulations the interim controls related to commercial truck center/service areas that were established via Ordinance 1523 and extended via Ordinances 1552, 1563 and 1580 which have the effect of prohibiting new truck stops or allowing expansion of an existing commercial truck center/service area, commonly known as Truck Town, which is located on approximately 16.1 acres in the Interchange Commercial zone.

In addition, as a result of public comment, a few additional amendments have been included since the approval of the interim controls and Planning Commission’s recommendation. The additional amendments are intended to better clarify the regulations and implementation of said regulations. The additional code amendments are as follows:

- 1) Edits to use the same term “commercial truck center/service area”
- 2) Improve the definition of “substantial improvement”
- 3) Definition of “redevelopment” within a subsection
- 4) Corrected site acreage of the exiting truck stop from 15.5 acres to 16.1 acres.

Certain Councilmembers have requested staff to highlight those portions of the voluminous Planning Commission hearing record detailing some of the adverse impacts from truck business operations. Accordingly, we have identified the following Exhibits 61-67 which are included as part of the January 28, 2016 Planning Commission public hearing record and address the anticipated adverse impacts associated with commercial truck center/service areas. Please refer to the Exhibits that are located on the City’s website under Public Notices (as mentioned above) for more detailed information, in addition to the information we have highlighted for your convenience below.

Exhibits 61-67 “Excerpts”

61	<i>Pricing Freight Transport to Account for External Costs</i>
62	<i>An Analysis of Fatal Large Truck Crashes</i>
63	<i>Driving Harm: Health and Community Impacts of Living Near Truck Corridors</i> (Jan 2012). Adverse Health Impacts: Communities who live close to transportation centers such as truck stops “bear a disproportionate burden of exposure to air pollution from goods movement activity. For residents in these areas, exposure to air pollution from diesel exhaust and particulate matter is a daily concern.” Adverse impacts include “traffic congestion, safety issues, pavement damage, noise and air pollution”. . .”Heavy duty trucks use diesel fuel and emissions contain diesel particulate matter (DPM) the US EPA states DPM is “likely to be a carcinogen” and “likely to

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	cause cancer”. US EPA (2002) Health Assessment Document for Diesel Engine Exhaust.
63	<i>Driving Harm: Health and Community Impacts of Living Near Truck Corridors</i> (Jan 2012). Adverse Economic Impacts: Truck corridors can create significant negative economic impacts in communities. Some of these include public health care costs, transportation infrastructure costs, global warming impacts, increased demand for public safety services and fire department services.
64	<i>Effects of Truck Size and Weights on Highway Infrastructures and Operations</i>
65	<i>Too Big For the Road</i> (July 2007). A fully loaded 5 axle truck causes more damage to a street than 5,000 to 10,000 passenger vehicles. “pavement designed to last 20 years wears out in 7” if used for truck travel.
66	<i>A Model Comparison of Domestic Freight Transportation Effects on the General Public .</i> Trucks generate more harmful greenhouse gas emissions per mile than rail. Trucks have higher ratios of injury and fatality accidents than other modes of transportation and are most likely to have a hazardous materials spill.
67	<i>Long-Haul Truck Idling Burns Up Profits</i> Trucks are required to stop by federal law and rest and are required to continue to idle to keep heat, power and cooling products operating to protect their products. This idling degrades air quality and is bad for the environment because it wastes fuel. “Rest period idling results in the emissions of about 11 million tons of carbon dioxide, 55,000 tons of nitrogen oxides and 400 tons of nitrogen oxides and 400 tons of particulate matter annually in the US.” These emissions diminish local air quality which affect citizens’ health.

Additional public comment was received subsequent to the Planning Commission’s recommendation and is hereby attached.

COMMITTEE REVIEW AND RECOMMENDATION: The Community and Economic Development Committee reviewed the Planning Commission recommendation at its February 23, 2016 meeting and recommended approval.

RECOMMENDED ACTION: **MOTION to approve AB16-045, an ordinance amending North Bend Municipal Code Sections 18.06.030, 18.10.025, and 18.10.050, related to Commercial Truck Centers and Parking, as a first and final reading.**

RECORD OF COUNCIL ACTION		
Meeting Date	Action	Vote
April 19, 2016		

ORDINANCE

**AN ORDINANCE OF THE CITY OF NORTH BEND,
WASHINGTON, AMENDING NORTH BEND
MUNICIPAL CODE SECTIONS 18.06.030, 18.10.025,
AND 18.10.050 RELATED TO COMMERCIAL TRUCK
CENTERS AND PARKING; PROVIDING FOR
SEVERABILITY; AND ESTABLISHING AN
EFFECTIVE DATE**

WHEREAS, within the express terms of the Growth Management Act, the Washington State Legislature has specifically conferred upon the governing bodies of Washington cities the right to establish and adopt moratoria and other interim development regulations; and

WHEREAS, due to the potential adverse impacts to air quality, noise, traffic and city streets, economics and infrastructure, the City of North Bend previously determined that additional commercial truck travel centers, truck parking, or expansion of the existing truck travel center beyond the current site was not in the best interest of North Bend and should be prohibited until further analysis could be undertaken; and

WHEREAS, because the North Bend Planning Commission was particularly busy during 2014–15 working on the periodic update of the City’s Comprehensive Plan required by the Growth Management Act, on April 15, 2014 the City adopted Ordinance No. 1523, interim development regulations prohibiting the addition or expansion of commercial truck centers and parking in the East North Bend Master Plan Overlay District (the “Interim Truck Regulations”) pursuant to RCW 36.70A.390; and

WHEREAS, pending the availability of the Planning Commission during the ongoing Comprehensive Plan update process, the Interim Truck Regulations were subsequently renewed pursuant to RCW 36.70A.390 by Ordinance No. 1552 on April 21, 2015, by Ordinance No. 1563 on October 6, 2015, and by Ordinance No. 1580 on March 15, 2016; and

WHEREAS, after completion of the Comprehensive Plan update in October 2015, the Planning Commission began to thoroughly analyze the truck travel center land use and its impacts, and for the past six months has worked with the Community and Economic Development Department to bring forth proposed permanent regulations for City Council consideration; and

WHEREAS, on January 13, 2016, the City issued a SEPA Mitigated Determination of Non-Significance (“MDNS”) for the adoption of proposed permanent amendments to the

truck regulations contained in Chapter 18.10 NBMC (the “Permanent Truck Regulations”), and the public comment period for the MDNS closed on January 27, 2016;

WHEREAS, on January 28, 2016, the Planning Commission held a public hearing and received voluminous public comment regarding the proposed Permanent Truck Regulations; and

WHEREAS, on February 11, 2016, the Planning Commission deliberated and issued its recommendation to the City Council regarding the proposed Permanent Truck Regulations; and

WHEREAS, on January 27, 2016, the City submitted the proposed Permanent Truck Regulations to the Washington State Department of Commerce for review pursuant to RCW 36.70A.106(3)(a), and the Department requires sixty (60) days for review before the City may take final action on proposed changes to development regulations;

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

Section 1. NBMC 18.06.030 (Definitions), Amended: North Bend Municipal Code Section 18.06.030 (Definitions) is hereby amended to read as set forth in the attached Exhibit A, which is incorporated herein by this reference.

Section 2. NBMC 18.10.025(C)(3)(d) (Site Layout and Mix of Uses), Amended: North Bend Municipal Code Section 18.10.025(C)(3)(d) (Site Layout and Mix of Uses) is hereby amended to read as follows:

d. Site Layout and Mix of Uses. The allowed uses and bulk and dimensional standards for areas within the ENB-MPOD shall be consistent with that provided by the underlying zoning of either Employment Park 2 or Interchange Commercial as identified in NBMC Table 18.10.030, Permitted and Conditional Land Uses, and NBMC Table 18.10.040, Bulk and Dimensional Standards, unless otherwise noted below.

i. Neighborhood Service/Retail Area. Approximately one acre, but not more than 1.25 acres, of neighborhood service/retail may be located at the intersection of SE 144th Street and 468th Avenue SE. Access to this area shall be from the future public street internal to the master plan site, and shall not be from 468th Avenue SE. This area is intended to provide neighborhood services, restaurants and small scale retail to meet the needs of the nearby employment park uses and neighborhoods.

(A) Allowed Uses. In addition to those uses permitted in the EP-2 zone, all uses as permitted in the Neighborhood Business (NB) zone as identified in NBMC Table 18.10.030 are permitted, with the following exceptions which are prohibited: residential, automotive/vehicular uses, equipment rental, grocery/supermarket, hardware store, theater, lumber and building materials, storage facilities, and drive-thru restaurants or services; provided, however, that a coffee shop may have one drive-thru lane.

(B) Orientation of Buildings. The retail buildings shall be oriented and front to 468th Avenue SE and the future extension of SE 144th Street. Access shall be from roads internal to the ENB-MPOD. The retail building shall incorporate a functional entrance at the corner of SE 144th Street and 468th Avenue SE.

ii. Employment Park 2 – General.

(A) Allowed Uses. All uses as permitted in the EP-2 zone as identified in NBMC Table 18.10.030, Permitted and Conditional Land Uses.

(B) Building footprint shall not exceed 150,000 square feet per building.

(C) Warehousing is prohibited.

(D) If any of the existing residential properties located within the ENB-MPOD are redeveloped into an EP-2 use, those properties shall be subject to the provisions of this overlay district. Access to the redeveloped sites should be via streets internal to the ENB-MPOD, to the extent feasible as determined in the reasonable discretion of the CED director.

(E) All loading docks shall be located behind the buildings and shall be screened from view from public streets using 15-foot Type 1 landscaping.

(F) Commercial truck center/service area is ~~currently a prohibited use within the EP-2- General area of this overlay, however, subject to the provisions set forth below in subsection (C)(3)(d)(iv) of this section, an additional 12.5 acres maximum of commercial truck center area, may be considered within the EP-2- General area,~~

~~subject to approval of a development agreement and compliance of the provisions below in subsection (C)(3)(d)(iv) of this section. Any new commercial truck center use, within the EP-2 General area, shall be located in close proximity to the existing commercial truck center.~~

iii. Employment Park 2 – Office/Light Manufacturing. The EP-2-Office/Light Manufacturing area is located directly adjacent to North Bend Way with good exposure to I-90. All uses as permitted in the EP-2 zone as identified in NBMC Table 18.10.030, Permitted and Conditional Land Uses, are permitted, except the following uses are prohibited: automotive/vehicular uses, equipment rental, storage facilities, distribution/assembly centers and warehousing.

(A) Building Footprint Limitation. Building footprint shall not exceed 35,000 square feet per building.

(B) Buildings shall orient to and have the main entrance front North Bend Way.

(C) All loading docks shall be located behind the buildings and shall not be visible from North Bend Way.

(D) Assisted senior living and hotels are allowed subject to the following:

(1) A 30-foot Type 2 landscape buffer is provided on the side and rear property boundaries to mitigate any future conflict with incompatible uses on adjacent properties to the north.

(2) Hotels shall not exceed the district's height limitation of 35 feet.

iv. Commercial Truck Center/Service Areas. The ENB-MPOD includes an existing commercial truck ~~travel~~ center/service area, commonly known as Truck Town, which is located on approximately ~~15.516.1~~ acres in the Interchange Commercial zone. Due to its location at the base of Snoqualmie Pass and at the gateway to the Puget Sound area, commercial truck traffic and overnight truck parking is often an issue, creating unmitigated adverse impacts to the city's streets and air quality. This facility is currently the only commercial truck center in King County. The city has determined a new commercial truck travel

~~center/service area or expansion of the existing is~~ use, beyond the current site, is not in the best interest of North Bend ~~and therefore prohibited.~~ ~~unless a regional freight mobility plan is developed, which addresses the overall needs and adverse impacts of this industry on a regional basis and mitigates the adverse impacts in North Bend, such as air quality, noise, traffic and city streets and infrastructure.~~ The existing commercial truck ~~travel~~ center/service area may continue to operate and improve the facility, at its current site, subject to the provisions below. As used in this section, “substantial improvements” means improvements ~~having a market value worth more than 50 percent of the assessed value of the improvements as determined by the King County Assessor and includes any repair, reconstruction, or improvement of a structure; and/or any improvements to the site (other than a structure) either before the improvement or repair is started or if the structure or other improvement has been damaged and is being restored, before the damage occurred. “Substantial improvement” is considered to occur when the first alteration to any structure or other improvement commences, whether or not that alteration affects the external dimensions of the structure. The market value shall be determined by reviewing King County parcel data for improvements and the owner may be required to obtain an MAI appraisal to substantiate value. The market value and the cost of improvements will be determined at the time of complete building permit submittal and shall take into account the cost of any improvements undertaken on the site within the ten-year period immediately preceding the date of submittal of such application. The term “substantial improvement” excludes any interior tenant improvements to a structure. The term runs with the property and not with the property owner.~~

~~worth more than 50 percent of the assessed value of the original building(s).~~

(A) ~~New commercial truck travel center facilities or~~ Substantial improvement to existing commercial truck ~~travel~~ center/service area facilities shall make available truck stop electrification capabilities, or other means for each truck to utilize to eliminate idling.

(B) ~~New commercial truck travel center facilities or~~ Substantial improvement to existing commercial truck

~~travel~~-center/service area facilities shall require full compliance with the North Bend Municipal Code.

(C) Any redevelopment of the existing ~~15.516.1~~-acre commercial truck ~~travel~~-center/service area located in the Interchange Commercial zone shall locate all new retail, restaurants and commercial buildings along 468th Avenue SE and North Bend Way (see Figure 18.10.025-2, commercial building priority area). Truck and vehicular parking and truck service areas shall be placed to the rear and internal areas of the site. Truck parking is prohibited adjacent to North Bend Way or 468th Avenue SE. For the purposes of this subsection, “redevelopment” means construction of new buildings or demolition and reconstruction of any existing buildings or structures.

(D) Commercial truck parking areas shall not be located adjacent to public streets, unless a 30-foot, Type 2 landscape buffer is provided.

(E) Performance Standards. Commercial truck ~~travel~~-center/service area facilities and related uses shall comply with the performance standards as set forth in NBMC 18.10.050.

(F) Permitted Uses. For Interchange Commercial zoned property within the ENB-MPOD, all uses permitted in the IC zone as identified in Table 18.10.030, Permitted and Conditional Land Uses, are permitted including commercial truck ~~travel~~-center/service area facilities.

v. Site design for all uses within the ENB-MPOD shall provide for shared truck turning.

Section 3. NBMC 18.10.050 (Table of Performance Standards), Amended: Subsection 2.03o of North Bend Municipal Code Section 18.10.050 (Table of Performance Standards) is hereby amended to read as follows:

<p>2.03o Commercial Truck Travel Centers/<u>Service Areas</u></p>	<p>a. New or sSubstantial improvement of existing commercial truck travel-center/service area facilities shall make available electrical capabilities or other means for each truck to utilize to eliminate idling. “Substantial improvements” shall be defined to mean improvements worth more than 50 percent of the assessed value of the original building of the improvements as determined by the King County Assessor . <u>See NBMC 18.10.025(C)(3)(d).</u></p>
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	<p>b. The required amount of vehicular use area landscaping shall be met; however the location of said landscaping may be adjusted and placed on the perimeter or as a consolidated feature as approved by the director.</p> <p>c. Commercial truck parking areas shall not be located adjacent to public streets, unless a 30-foot Type 2 landscape buffer is provided.</p>
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Section 4. 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 5. Effective Date: This ordinance shall be published in the official newspaper of the City, and shall take effect and be in full force five (5) days after the date of publication.

ADOPTED BY THE CITY COUNCIL OF THE CITY OF NORTH BEND, WASHINGTON, AT A REGULAR MEETING THEREOF, THIS 19TH DAY OF APRIL, 2016.

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

EXHIBIT A

18.06.030 Definitions.

A. "A"

1. "Abutting zones" means zoning districts sharing a common boundary. For purposes of landscaping and setback requirements, zones shall not be deemed abutting where the common boundary is at or within a street, railroad, trail, or other designated right-of-way.
2. "Accessory building" means a subordinate building, with separate means of egress, the use of which is incidental to the use of the main building and which is located on the same lot or on a contiguous lot, adjoining the principle lot, on most of one side.
3. "Accessory dwelling unit" or ~~"(ADU)"~~ means a year-round dwelling unit, no larger than 10 percent of the lot area or 800 square feet, whichever is smaller, with a maximum of one bedroom. Studios are allowed on lots less than 5,000 square feet with cooking facilities, sanitary facilities, and an independent means of access, either attached or detached to a single-family residence, and located on the same lot as a single-family residence. ADUs may also be above a garage, provided the parking bays may not be converted to living space.
4. "Accessory use" means a use incidental and subordinate to the principal use and located on the same lot or in the same building as the principal use.
5. "Administrative adjustment to standards" refers to the authority of the director of community services and/or his or her designee to change selected bulk and dimensional standards as outlined in procedures and criteria in the table of bulk and dimensional standards. An administrative adjustment may have similar or exact results, but is not the same mechanism as a variance, which may only be granted by the hearing examiner.
6. "Adult entertainment facilities" means enterprises predominantly involved, for commercial purposes, in the selling, renting, or presenting of books, magazines, motion pictures, films, video cassettes, cable television, live entertainment, performance, or activity distinguished or characterized by a predominant emphasis on the depiction, simulation, or relation to "specified sexual activities" as defined in this chapter for observation by patrons therein. Examples of such facilities include, but are not limited to, adult book or video stores and establishments offering panoramas, peep shows, or topless or nude dancing.
7. "Adult family home" means a regular family abode in which a person or persons provides personal care, special care, room and board to more than one but not more than six adults who are not related by blood or marriage to the person or persons providing the services as regulated by the Department of Social and

Health Services in Chapter 70.128 RCW and Chapter 388-76 WAC. Secure community transition facilities are not considered adult family homes.

8. “Affordable housing” means owner-occupied or rental housing built on a site that was designated at the time of development approval, to accommodate a scale and finish of structure as stated in the development approval, that is intended to be affordable by households making no more than 80 percent of the median household income for the city of North Bend as calculated using the U.S. Department of Housing and Urban Development (HUD) methodology, assuming standard Federal Housing Administration lending criteria and minimum down payments when applicable, at the time of development approval.
9. “Agricultural land” means land meeting any one or more of the following definitions:
 - a. Land primarily devoted to commercial production of horticultural, viticultural, floricultural, dairy, apiary, vegetable, or animal products or of berries, grain, hay, straw, turf, seed, Christmas trees not subject to the excise tax imposed by RCW 84.33.130 through 84.33.140, finfish in upland hatcheries, or livestock, and that has long-term commercial significance for agricultural production; or
 - b. Land that is currently in use for agriculture as evidenced by its current enrollment in the open space taxation program pursuant to Chapter 84.34 RCW.
10. “Agricultural land productivity” means:
 - a. Any parcel of land that is 20 or more acres or multiple parcels of land that are contiguous and total 20 or more acres:
 - i. Devoted primarily to the production of livestock or agricultural commodities for commercial purposes; or
 - ii. Enrolled in the federal conservation reserve program or its successor administered by the United States Department of Agriculture; or
 - iii. Other similar commercial activities as may be established by rule; or
 - b. Any parcel of land that is five acres or more but less than 20 acres devoted primarily to agricultural uses, which has produced a gross income from agricultural uses equivalent to, as of January 1, 1993:
 - i. One hundred dollars or more per acre per year for three of the five calendar years preceding the date of application for classification

under this chapter for all parcels of land that are classified under this subsection or all parcels of land for which an application for classification under this subsection is made with the granting authority prior to January 1, 1993; and

- ii. On or after January 1, 1993, \$200.00 or more per acre per year for three of the five calendar years preceding the date of application for classification under this chapter.
11. "Alley" means an improved thoroughfare, right-of-way, or easement, narrower than a street, that provides vehicular and nonmotorized access to an interior boundary of one or more lots, and is not designed for general traffic circulation.
 12. "Alterations" means a change or rearrangement of the structural parts of existing facilities, or an enlargement by extending the sides or increasing the height or depth, or the moving from one location to another. In buildings for business, commercial, industrial or similar uses, the installation or rearrangement of partitions affecting more than one-third of a single floor area shall be considered an alteration.
 13. "Anchor store" means commercial establishments including but not limited to antique shops, banks and financial institutions, bookstores, microbreweries, business offices, furniture/appliance stores, general stores (but not convenience stores), hardware stores, health clubs, pharmacies, and professional offices.
 14. "Assisted living facility" means any facility that provides either temporary or permanent residence for senior citizens and which provides opportunities for common dining areas, although some facilities may offer kitchen facilities in the individual units as well. Some assisted care facilities may offer minor health services on-site, such as a resident nurse.
 15. "Attached, structure or building" means a structure or building joined or fastened to another structure or building by any means to become one continuous structure or building.

B. "B"

1. "Base elevation" means the average elevation of a minimum of three and a maximum of eight points evenly distributed around the perimeter of a building where corners of the building intersect the original topography. Wing walls, decks, abutments, bay windows, and similar architectural features shall not be considered walls for the purpose of this calculation.
2. "Basement" means that portion of a building partly underground and having at least one-half of its height more than five feet below the adjoining finished grade.
3. "Battery charging station" means an electrical component assembly or cluster of component assemblies designed specifically to charge batteries within electric

- vehicles, which meets or exceeds any standards, codes, and regulations set forth by Chapter 19.28 RCW and consistent with rules adopted under RCW 19.27.540.
4. “Battery exchange station” means a fully automated facility that will enable an electric vehicle with a swappable battery to enter a drive lane and exchange the depleted battery with a fully charged battery through a fully automated process, which meets or exceeds any standards, codes, and regulations set forth by Chapter 19.27 RCW and consistent with rules adopted under RCW 19.27.540.
 5. “Bed and breakfast establishment” means a single-family dwelling unit and/or accessory building within which bedrooms are available for paying guests, subject to the provisions of this code.
 6. “Board of adjustment” means a quasi-judicial body, created under Chapter 2.20 NBMC, empowered to hear appeals from orders or determinations made by an administrative official charged with the enforcement of this title and to vary or modify certain provisions of this title relating to the use, construction or alteration of buildings or structures or the use of land, so that the spirit of this title is observed, public safety and welfare secured, and substantial justice done.
 7. “Boarding house” means a residential dwelling or part thereof, in which lodging is provided by the owner to not more than two boarders.
 8. “Buffer strip” means an open space used to physically separate and/or visually screen different land uses or properties from one another for a variety of environmental management purposes. May include “buffer” areas as defined in NBMC 14.05.200 and 14.05.115. Buffer strips may be natural, or improved with landscaping or other amenities.
 9. “Building” means any structure having a roof, but excluding all forms of vehicles even though immobilized. When a use is required to be within a building, or where special authority granted pursuant to this title requires that a use shall be within an entirely enclosed building, then the term “building” means one so designed and constructed that all exterior walls of the structure shall be solid from the ground to the roof line, and shall contain no openings except for windows and doors that are designed so that they may be closed.
 10. “Building area” means the total ground coverage of a building or structure that provides shelter measured from the outside of its external walls or supporting members or from a point four feet in from the outside edge of a cantilevered roof, whichever covers the greatest area.
 11. “Building coverage” means area of a lot that is covered by the total horizontal surface area of the footprint or foundation of a building.
 12. Building Height. See “Height, building.”

13. “Building inspector” means a duly appointed officer of the city charged with the administration and enforcement of the provisions of this title.
14. “Building line” means the line of that face, corner, roof or part of a building nearest the property line.

C. “C”

1. “Carport” means a structure to house or protect motor vehicles owned or operated by the occupants of the main building and which has at least 40 percent of the total area of its sides open to the weather.
2. “Certificate of occupancy” means a permit to occupy a premises issued by the building inspector after inspection has verified compliance with the requirements and provisions of this title and applicable building codes.
3. “Charging levels” means the standardized indicators of electrical force, or voltage, at which an electric vehicle’s battery is recharged. The terms “1,” “2,” and “3” are the most common EV charging levels, and include the following specifications:
 - a. Level 1 is considered slow charging, and typically operates on a 15- or 20-amp breaker on a 120-volt AC circuit and standard outlet.
 - b. Level 2 is considered medium charging, and operates on a 40-amp to 100-amp breaker on a 208- or 240-volt AC circuit.
 - c. Level 3 is considered fast or rapid charging, and typically operates on a 60-amp or higher dedicated breaker on a 480-volt or higher three-phase circuit with special grounding equipment.
4. “Child day care center” means an agency which regularly provides care for a group of children for periods of less than 24 hours in conformance with the requirements in Chapter 74.15 RCW.
5. “Clinic” means a building designed and used by a chiropractor, naturopathic physician, osteopathic physician, medical, dental or surgical diagnosis or treatment of patients under the care of doctors and/or nurses.
6. “Club” means an incorporated or unincorporated association of persons organized for a social, fraternal, athletic, educational, literary or charitable purpose. Property occupied by a club shall be deemed to be semiprivate in character and shall be subject to the regulations governing public buildings and places, excluding groups organized primarily to render a service which is normally considered a business.
7. “Commercial, downtown scale” means any single commercial use building, excluding full-service supermarkets and hotels/motels, with a gross floor area of 5,000 square feet or less, or a shopping complex with a single building, excluding

- full-service supermarkets, 8,000 square feet or less and a cumulative square footage of less than 20,000 square feet gross floor area. Individual downtown commercial buildings may be up to 10,000 square feet if considered “anchors.”
8. “Commercial, interchange scale” means any single commercial use building with a gross floor area over 10,000 or a shopping complex with any single building over 8,000 square feet gross floor area, and a cumulative square footage of 20,000 square feet gross floor area or greater. For permitted land uses interchange-commercial may include buildings and/or shopping complexes less than 10,000 square foot gross floor area and 20,000 square foot gross floor area, respectively.
 9. “Commercial, neighborhood scale” means any single commercial use building with a gross floor area of 5,000 square feet or less, or a shopping complex with any single building 5,000 square feet gross floor area or less, and a cumulative square footage of less than 12,500 square foot floor area.
 10. “Commercial, planned neighborhood district scale” means any single commercial use building within a PND overlay with a gross floor area of 2,500 square feet or less, or a cumulative square footage of commercial buildings in a single PND overlay less than 12,500 square feet gross floor area.
 11. “Commercial truck center/service area” means a commercial facility which provides refueling, rest area, day or overnight truck parking, food, truck maintenance services and other services for the commercial freight and truck industry and associated drivers.
 12. “Commercial use” means an activity with goods, merchandise or services for sale or involving a rental fee.
 13. “Commercial vehicle” means a motor vehicle used for purposes other than a family car, such as a taxi, delivery, or service vehicle.
 14. “Comprehensive plan” means a generalized coordinated land use policy statement of the governing body of a county or city that is adopted pursuant to the Growth Management Act, Chapter 36.70A RCW. When used in this title the term shall refer to the city of North Bend comprehensive plan.
 15. “Conditional use” means a use permitted in one or more zones as defined by this title, but which, because of characteristics peculiar to such use, or because of size, technological processes or equipment, or because of the exact location with reference to surroundings, streets, and existing improvements or demands upon public facilities, requires a special degree of control to make such uses consistent with and compatible to other existing or permissible uses in the same zone or zones. A “conditional use” is a form of special exception.
 16. “Conditional use permit” means the documental evidence of authority granted by the board of adjustment to locate a conditional use at a particular location.

17. “Cottage” means a smaller, detached single-family dwelling unit. Each home is of a size and function suitable for a single person or very small family. A cottage is 1,700 square feet or less in size and therefore considered a cottage home when paying impact fee rates.
18. “Cottage housing development” means a development containing single-family cottages and may include a percentage of attached housing (duplex, triplex or fourplex) and single-family homes exceeding 1,700 square feet as prescribed by code. The development site is designed with a coherent concept in mind with shared functional open space and facilities.
19. “Court” means an open, unoccupied space, other than a yard, on the same lot with a building or buildings and which is bounded on two or more sides by such building or buildings, including the open space in a house, court or apartment, providing access to the units thereof.

D. “D”

1. “Design guidelines” means standards and principles relating to a variety of land use and community elements, including but not limited to site design, building design, landscaping, parking, signage, and pedestrian amenities, as found in North Bend’s design review regulations, Chapter 18.34 NBMC.
2. “Detached building” means a building that is not attached to any other building.
3. “Development” means any manmade alteration of unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations, storage of equipment and materials and subdivision of land. For properties within the floodplain, development also includes the removal of more than five percent of the native vegetation on the property, or alteration of natural site characteristics.
4. “Development agreement” means an agreement that sets forth the development standards and other provisions that shall apply to and govern and vest the development, use, and mitigation of the development of the real property for the duration specified in the agreement. A development agreement shall be consistent with applicable development regulations adopted by a local government planning under Chapter 36.70A RCW. A development agreement may be with a person having ownership or control of real property within the city’s jurisdiction or for real property outside its boundaries as part of a proposed annexation or a service agreement.
5. “Dock” means a basin for moorage of boats, including a basin formed between the extension of two piers or the area between a bank or quay and a pier. Docking facilities may include wharves, moorage or docks or any place or structure connected with the shore or upon shorelands provided for the securing of a boat or vessel.

6. “Dwelling, duplex” means a building containing two dwelling units totally separated from each other by an unpierced wall extending from ground to roof. Duplex units may have separate legal lots.
7. “Dwelling, multifamily” means a building containing two or more dwelling units, including units that are located one over the other. Multifamily dwellings typically occupy one common legal lot, however, as with duplexes, they may have separate legal lots.
8. “Dwelling, single-family” means a detached building designed for and occupied exclusively by one family and the household employees of that family.

E. “E”

1. “Eave” means the edge of a roof that projects beyond the wall.
2. “Educational institution” means a junior college, college, university, technical institute, or other learning institution, either public or private, providing instruction to students, but excluding childcare/day care centers, preschool/kindergartens, and elementary, junior high, and high schools.
3. “Electric vehicle” means any vehicle that operates, either partially or exclusively, on electrical energy from the grid, or an off-board source, that is stored on board for motive purpose. “Electric vehicle” includes: ~~(A)~~ a battery electric vehicle; ~~(B)~~ a plug-in hybrid electric vehicle; ~~(C)~~ a neighborhood electric vehicle; and ~~(D)~~ a medium-speed electric vehicle.
 - a. “Battery electric vehicle” or ~~(“BEV”)~~ means any vehicle that operates exclusively on electrical energy from an off-board source that is stored in the vehicle’s batteries, and produces zero tailpipe emissions or pollution when stationary or operating.
 - b. “Plug-in hybrid electric vehicle” or ~~(“PHEV”)~~ means an electric vehicle that (a) contains an internal combustion engine and also allows power to be delivered to drive wheels by an electric motor; (b) charges its battery primarily by connecting to the grid or other off-board electrical source; (c) may additionally be able to sustain battery charge using an on-board internal-combustion-driven generator; and (d) has the ability to travel powered by electricity.
 - c. “Neighborhood electric vehicle” means a self-propelled, electrically powered four-wheeled motor vehicle whose speed attainable in one mile is more than 20 miles per hour and not more than 25 miles per hour and conforms to federal regulations under Title 49 C.F.R. Part 571.500.
 - d. “Medium-speed electric vehicle” means a self-propelled, electrically powered four-wheeled motor vehicle, equipped with a roll cage or crush-

proof body design, whose speed attainable in one mile is more than 25 miles per hour but not more than 35 miles per hour and otherwise meets or exceeds the federal regulations set forth in 49 C.F.R. Part 571.500.

4. “Electric vehicle charging station” means a public or private parking space that is served by battery charging station equipment that has as its primary purpose the transfer of electric energy (by conductive or inductive means) to a battery or other energy storage device in an electric vehicle. An electric vehicle charging station equipped with Level 1 or Level 2 charging equipment is permitted outright as an accessory use to any principal use.
 - a. “Electric vehicle charging station – restricted” means an electric vehicle charging station that is (a) privately owned and restricted access (e.g., single-family home, executive parking, designated employee parking), or (b) publicly owned and restricted (e.g., fleet parking with no access to the general public).
 - b. “Electric vehicle charging station – public” means an electric vehicle charging station that is (a) publicly owned and publicly available (e.g., park and ride parking, public library parking lot, on-street parking), or (b) privately owned and publicly available (e.g., shopping center parking, nonreserved parking in multifamily parking lots).
 - c. “Electric vehicle charging station – accessible” means an electric vehicle charging station that has been sized, designed and located consistent with Americans with Disabilities Act (ADA) requirements for persons with disabilities.
5. “Electric vehicle infrastructure” means structures, machinery, and equipment necessary and integral to support an electric vehicle, including battery charging stations, rapid charging stations, and battery exchange stations.
6. “Electrical distribution substation” means an assembly of equipment designed to receive energy from a high voltage distribution supply system, to convert it to a form suitable for local distribution and to distribute the energy to feeders through switching equipment designed to protect the service from the effects of faults.
7. “Essential use” means that use for the preservation or promotion of which the use district was created, and to which all other permitted uses are subordinate.

F. “F”

1. “Family” means one or more persons living together, or one or more disabled persons protected by the Fair Housing Amendments Act (42 U.S.C. Section 3601 et seq.) living together. Except for disabled persons as described above, in no case shall a family include more than six persons who are not related by genetics, adoption or marriage and none of whom are wards of the court.

2. “Family day care provider” means a child day care provider who regularly provides child day care for not more than 12 children in the provider’s home in the family living quarters as defined in RCW 74.15.020.
3. “Floor area” means the sum of the gross horizontal areas of the floors of a building or buildings, measured from the exterior faces of exterior walls and from the centerline of division walls. Floor area shall include basement space, elevator shafts and stairwells at each floor, mechanical equipment rooms or attic spaces with headroom of seven feet six inches or more, penthouse floors, interior balconies and mezzanines, and enclosed porches. Floor area shall not include accessory water tanks and cooling towers, mechanical equipment or attic spaces with headroom of less than seven feet six inches, exterior steps or stairs, terraces, breezeways and open spaces.
4. “Floor area ratio” means a measure of development intensity equal to the gross floor area (FA), divided by net on-site land area (LA) ($FAR = FA/LA \times 100$). Net on-site land area includes the area of an easement but does not include steep slopes and buffers, streams and buffers, rivers and buffers, floodways, wetlands and buffers, and public right-of-way.
5. “Forest land” means land primarily devoted to growing trees for long-term commercial timber production on land that can be economically and practically managed for such production, including Christmas trees subject to the excise tax imposed under RCW 84.33.100 through 84.33.140, and that has long-term commercial significance.

In determining whether forest land is primarily devoted to growing trees for long-term commercial timber production on land that can be economically and practically managed for such production, the following factors shall be considered:

- a. The proximity of the land to urban, suburban, and rural settlements;
- b. Surrounding parcel size and the compatibility and intensity of adjacent and nearby land uses;
- c. Long-term local economic conditions that affect the ability to manage for timber production; and
- d. The availability of public facilities and services conducive to conversion of forest land to other uses.

G. “G”

1. “Garage, commercial” means a building or portion thereof designed and used for the storage, repair or servicing of motor vehicles or boats as a business.

2. "Gasoline sales/service station" means premises used for the sale of gasoline or other motor fuels, oils, lubricants, and auto accessories which may or may not include washing and minor automobile repair, but not auto body work or painting.
3. ~~Green Roof. A~~ "Green roof" or "living roof" is means a roof of a building that is partially or completely covered with vegetation and a growing medium, planted over a waterproofing membrane.
4. "Greenbelt/greenway" means an open space area, typically linear in configuration, that may follow a geographic feature, is designed to buffer land uses from one another, and sometimes to link destination points.

H. "H"

1. "Height, building" means the vertical dimension of a structure measured from the base elevation to the top of the highest parapet wall, cornice, or coping of a flat roof. For sloping roofs, the height shall be measured to the midpoint of the highest gable or sloped plane. Where a building with multiple occupancies is located on a site which exceeds a slope of five percent, the calculation of height may be determined independently for each separately occupied space.
2. "Home occupation" means any use permitted by the terms of this code conducted entirely within a dwelling and carried on by the permanent resident(s) thereof, which use is clearly incidental and secondary to the use of the dwelling for dwelling purposes and does not change the character thereof.
3. "Home, retirement" means a place of residence for several families or individuals in apartment-like quarters, rented, cooperative, or condominium, which may feature services to retired persons, such as limited nursing facilities, minimum maintenance living accommodations, and recreation programs and facilities.
4. "Homes for the elderly and related" includes but is not limited to assisted living facilities, nursing homes, and retirement homes, subsidized through government programs or not, as defined in this chapter.
5. "Hospital" means an establishment which provides accommodations, facilities and services over a continuous period of 24 hours or more, for observation, diagnosis and care of two or more individuals, not related by blood or marriage to the operator, who are suffering from illness, injury, deformity or abnormality, or from any condition requiring obstetrical, medical or surgical services.
6. "Hotel" means any building or portion thereof containing five or more rooms that are rented, or hired out to be occupied for sleeping purposes for compensation, whether the compensation is paid directly or indirectly. A central kitchen and dining room and accessory shops and services catering to the general public can be provided. Not included are institutions housing persons under legal restraint or requiring medical attention or care.

I. "I"

1. "Impervious surfaces" means hard surface areas which prevent or retard the entry of water into the soil mantle, and/or which cause water to run off in greater quantities or at an increased rate of flow from that present prior to development. Impervious surfaces include, but are not limited to, roof tops, walkways, patios, decks (covered and open are both considered impervious), pools, driveways, parking lots or storage areas, concrete or asphalt paving, gravel roads (not gravel driveways or trails), packed earthen materials, rockeries and oiled macadam or other surfaces which impede the natural infiltration of surface and stormwater runoff. Open retention and detention facilities shall not be considered as impervious surfaces.
2. "Innovative housing" includes cottage dwellings built separately or in combination with a traditional single-family housing development to provide small housing unit alternatives with potential for greater affordability relative to the traditional single-family homes.
3. "Interim housing facilities" are those facilities that provide temporary housing for homeless persons.

J. "J"

1. "Junk" means any scrap, waste, reclaimable material, or debris, whether or not stored, for sale or in the process of being dismantled, destroyed, processed, salvaged, stored, baled, disposed, or other use or disposition. Does not include motor vehicles.
2. "Junkyard" means any area, lot, land, parcel, building, or structure, or part thereof, used for the storage, collection, processing, purchase, sale, salvage, or disposal of junk. Does not include motor vehicle wrecking and salvage yards.

"L"

1. "Land development proposal" shall include, but not be limited to:
 - a. All administrative and quasi-judicial land development permits and/or approvals outlined in Table 20.01.004.
 - b. Annexations, rezones, developer extension agreements, extension of city utility service, business licenses involving the change of use of a building.

The term "land development proposals" is intended to be construed broadly and to include all city permits and/or city approvals which may be associated with a development project; provided, it shall not include recommendations or requests for amendments to North Bend's land use codes.

2. "Landscape buffer to agricultural/forest lands" means buffers that include the following criteria:

- a. Minimum of 150 feet wide;
 - b. Include rights-of-way;
 - c. Create a visual screen by landscaping; and
 - d. Permit several uses within the buffer to include: screens, berms, parking and access routers, fences, utilities, storm ponds, nonoccupied accessory structures. Occupied structures (residential, commercial, and industrial) are a nonconforming use. NBMC 18.30.040 applies for repairs or restoration of nonconforming use if damaged.
3. "Lot" means a legally established single parcel of land.
 4. "Lot area, gross" means the total horizontal area within the boundary lines of a lot. Gross density is the number of total residential units divided by total development land area including all infrastructures (streets, alleys, stormwater) open spaces and parks.
 5. "Lot area, net" means the gross lot area including the area of an easement but does not include steep slopes (greater than 40 percent with a vertical elevation change greater than 10 feet) and buffers, streams and buffers, rivers and buffers, floodways, wetlands and buffers, and public right-of-way.
 6. "Lot, corner" means a lot at the junction of and fronting on two or more intersecting streets.
 7. "Lot depth" means the average dimension of a lot from the front lot line to the rear lot line.
 8. "Lot, interior" means a lot fronting on one street.
 9. "Lot line, front" means the lot line separating a lot from a street right-of-way. The front lot line on a corner lot that fronts on two streets shall be the line abutting the street on which the building's address is assigned, or, if no building address, the line having the narrower frontage.
 10. "Lot line, rear" means the lot line opposite and most distant from the front lot line. In the case of triangular or otherwise irregularly shaped lots, a line 10 feet in length entirely within the lot, parallel to and a maximum distance from the front lot line.
 11. "Lot line, side" means any lot line other than a front or rear lot line.
 12. "Lot, through" means a lot fronting on two streets that do not intersect on the parcel's lot lines.

13. "Lot width" means the dimension of the lot line at the street, or in an irregular-shaped lot the dimension across the lot at the building line, or in a corner lot, the narrow dimension of the lot at a street or building line.

M. "M"

1. "Main building facade" means the front elevation of a structure with the highest cumulative horizontal width, except porch wall enclosures shall not be counted in determining cumulative horizontal width.
2. "Major utility facilities" include facilities which potentially have a significant impact on adjacent properties, including but not limited to water towers and reservoirs; overhead transmission lines greater than 55 kV; electric substations; underground gas, oil, or other petroleum transmission pipelines; wastewater treatment facilities; television and radio transmission towers and appurtenances; cable television receiver and transmission facilities, cellular communications towers; telecommunication facilities requiring multiple sites and/or exceeding height limits of respective zoning districts; facilities typically providing or associated with regional service and other facilities determined to be similar in nature by the director of community services.
3. "Manufactured home" means a single-family residence constructed after June 15, 1976, and in accordance with the U.S. Department of Housing and Urban Development (HUD) requirements for manufactured housing and bearing the appropriate insignia indicating such compliance and which has a permanent foundation, as specified by the manufacturer, and whose space from the bottom of the home to the ground is enclosed by concrete or an approved concrete product that can be either load-bearing or decorative, and which has approved connections to appropriate electric, sewer, water, natural gas, telephone, and other necessary utilities, and which is "new," meaning it has not been previously titled to a retail purchaser, and is not a "used mobile home" as defined in RCW 82.45.032(2). The city of North Bend may also regulate the placement or use of manufactured homes as described in RCW 35.21.684.
4. "Manufactured home, designated" (see RCW 35A.63.145) means a manufactured home which:
 - a. Is comprised of at least two fully enclosed parallel sections each of not less than 12 feet wide by 36 feet long;
 - b. Was originally constructed with and now has a composition, wood shake or shingle, coated metal, or similar roof of not less than 3:12 pitch; and
 - c. Has exterior siding similar in appearance to siding materials commonly used on conventional site-built Uniform Building Code single-family residences.

5. “Manufactured home park/mobile home park” means a parcel of land under single ownership or management on which two or more manufactured homes or mobile homes, respectively, are designed to be located or are located.
6. “Manufacturing” means establishments engaged in the mechanical or chemical transformation of materials or substances into new products.
7. “Mean depth” of a lot is the depth of such lot measured on a line approximately perpendicular to the fronting street and midway between the side lines of such lot.
8. “Mean ground level” means the average of the finished ground level at the center of all exposed walls of a building. Where walls are parallel to and within five feet of a sidewalk, the sidewalk shall be considered the mean ground level.
9. “Minor utility facilities” include facilities which do not potentially have a significant impact on adjacent properties and are necessary to provide essential services, including but not limited to pump stations; public wells; sewer/water outfalls; telephone switching stations; catch basins; retention ponds; overhead distribution lines and poles (typically 12.5 kV but up to 55 kV); cable television lines; underground water, sewer, and natural gas distribution lines; transformers and regulator stations; private on-site facilities such as septic tanks, wells; cellular telephone antennas less than 12 feet in height; satellite dishes less than 48 inches in diameter; bus shelters; facilities typically providing or associated with local service and other facilities determined to be similar in nature by the director of community services.
10. “Mobile home” means a single-family residence transportable in one or more sections that are eight feet or more in width and 32 feet or more in length, built on a permanent chassis, designed to be used as a permanent dwelling and constructed before June 15, 1976.
11. “Modular home” means a structure constructed in a factory in accordance with the International Building Code and bearing the appropriate insignia indicating such compliance.
12. “Motel” means a building or buildings, detached or in connected units, or designed as a single structure, the units of which are used as individual sleeping or temporary dwelling units, having their own private toilet facilities and which may have their own kitchen facilities, and are designed primarily for the accommodation of transient travelers. Access to units is from individual doors opening to the outside, and not from individual doors opening to a common, interior corridor or hallway. Accommodations for trailers are not included. This term includes tourist court, motor lodge, auto court, cabin court, motor inn and similar names.

13. "Museum/interpretive center" means an institution for the acquisition, preservation, study, and exhibition of works of artistic, historic, cultural, or scientific value.

N. "N"

1. "Neighborhood center" means a key park, open space, or other public facility and/or a neighborhood-scaled commercial center.
2. "Nonconforming building or structure" means a building or structure that was legally established when this title or any amendment thereto became effective or amended, but due to a subsequent amendment of this title, the building or structure does not conform to the bulk and/or dimensional regulations of the zoning district in which the building or structure exists.
3. "Nonconforming land use" means any use of land that was legally established when this title or any amendment thereto became effective or amended, but due to a subsequent amendment of this title the use does not conform to the permitted land use regulations of the zoning district in which the use exists.
4. "Nonconforming lot" means a lot within any zoning district that was legally created when this title or any subsequent amendment thereto became effective or amended, but due to subsequent passage or amendment of this title does not meet minimum lot area or minimum lot width requirements for the respective zoning district in which the lot is located. Where applicable, lots exceeding maximum size shall not be considered nonconforming.
5. "Nonconforming use" means a building/structure or land use that was legally established when this title or any subsequent amendment thereto became effective or amended, but due to subsequent passage or amendment of this title does not conform to:
 - a. Permitted land uses; and/or
 - b. Bulk and dimensional regulations of the zoning district in which it is located; and/or
 - c. Performance standards for the land use or zoning district.
6. "Nonelectric vehicle" means any motor vehicle that does not meet the definition of "electric vehicle."
7. "Nursing home" means a building occupied or intended to be occupied by convalescents, invalids, and aged persons and wherein nursing, dietary, and other personal services are rendered. Mentally challenged patients and patients with contagious or communicable diseases, who are customarily treated in sanitariums and hospitals, are not included in this definition.

O. "O"

1. "Off-street parking" means parking facilities for motor vehicles on other than a public street or alley.
2. "Official zoning map" means the city's adopted and official map showing boundary delineations for zoning districts as established in Chapter 18.08 NBMC.
3. "Open space, active" includes open space areas accessible to humans for a variety of recreation uses, including but not limited to parks, trails, picnic areas, and other usable sites. Open space recreational uses may contain impervious surfaces. Critical areas and their buffers are not considered active open space unless they have been improved with active recreation facilities including but not limited to trails.
4. "Open space, common" means active or passive open space within or related to a development that is designed and intended for the common use of the residents of the development. In some cases, common open space may be dedicated to the city and/or made available for the use of all city residents if part of a greenbelt network.
5. "Open space, passive" means that portion of a site left in its natural state or specifically designated to be used for resource protection, agriculture, greenbelt, or visual amenity and which is not covered with structures, roads, road rights-of-way, or parking areas. Open space, passive does not include the minimum required yards or lots of residential units.
6. "Owner occupancy" is defined as the property owner as reflected in title records, who makes his or her legal residence at the site, as evidenced by voter registration, vehicle registration, or similar means, and actually resides at the site more than six months out of any given year.

P. "P"

1. "Park" means a site designed or developed for recreational use by the public including but not limited to major categories of:
 - a. Indoor park facilities (activity centers, swimming pools);
 - b. Outdoor park facilities for active recreation (sportfields, playfields, and related);
 - c. Outdoor areas for passive recreation (conservation areas, typically with nonmotorized trails).
2. "Parking space" means a space within or without a building, exclusive of driveways, at least 10 feet by 20 feet, used to temporarily park a motor vehicle and having access to a public street or alley.

3. "Performance standards" means guidelines, standards, and/or criteria that govern permitted and/or conditionally permitted land uses.
4. "Permitted use" means any use authorized or permitted alone or in conjunction with another use in a specified district and subject to the limitations of the regulations of such use district.
5. "Pervious surface" means a surface which does not prevent or retard the entry of water into the soil mantle as under natural conditions prior to development.
6. "Place" means an open, unoccupied, named space, other than a street or alley, at least 25 feet in width, permanently reserved and so recorded in the county records as the principal means of access to abutting or adjacent property.
7. "Planned neighborhood district" or "~~(PND)~~" means a residential housing project or mixed residential and commercial project that has been approved pursuant to the PND overlay zoning process in Chapter 18.12 NBMC.
8. "Primary use" means the principal or predominant use to which the property is or may be devoted, and to which all other uses on the premises are accessory.
9. "Professional offices" means offices maintained and used as a place of business conducted by persons such as doctors, dentists, osteopathic physicians, naturopathic physicians, chiropractors, optometrists (but wherein no overnight care for patients is given), and by engineers, attorneys, architects, accountants and other persons or firms providing services in a manner that creates land use impacts similar to the specific uses listed above.
10. "Prohibited uses" means land use activities, including associated buildings and/or structures, that are specifically prohibited by this zoning code, as listed in endnotes to Table 18.10.030.
11. "Public utility" means a public service corporation performing some public service and subject to special governmental regulations, or a governmental agency performing similar public services, the services by either of which are paid for directly by the recipients thereof. Such services shall include, but are not limited to, water supply, electric power, gas and transportation for persons and freight.

Q. Reserved.

R.

1. "Rapid charging station" means an industrial grade electrical outlet that allows for faster recharging of electric vehicle batteries through higher power levels and that meets or exceeds any standards, codes, and regulations set forth by Chapter 19.28 RCW and consistent with rules adopted under RCW 19.27.540.

2. “Recreational area/recreational facility” means a place designed and equipped for the conduct of sports, leisure-time activities, and other customary and usual recreational activities.
3. “Recreational vehicle” or “~~(RV)~~” means a vehicle designed primarily for recreational camping, travel, or seasonal use which has its own mode of power or is mounted on or towed by another vehicle, including but not limited to travel trailers, folding camping trailer, truck camper, motor home, motorized boats, and multi-use vehicles.
4. “Recreational vehicle park” means the use of land upon which two or more recreational vehicle sites, including hook-up facilities, are located for occupancy by the general public for recreational vehicles as temporary living quarters for recreation or vacation purposes.
5. “Recycling center” means a lot or parcel of land, with or without buildings, upon which used materials are separated and processed for shipment to recycling plants.
6. “Recycling collection point” means an accessory, incidental collection point for the drop-off and temporary storage of recyclable materials.
7. “Recycling plant” means a facility in which recyclables, such as newspapers, magazines, books, other paper products, glass, metal and/or other products are recycled, reprocessed, and treated to return such products to a condition in which they may again be used in new products.
8. “Repair and service shop” means premises designed and used for the storage, maintenance, and repair of motor vehicles, but not including the sale of gasoline or other motor fuels and auto body work or painting.
9. “Rezone” means a change in boundaries of the official zoning map. Rezones are either:
 - a. Initiated by a private party, which typically relate to a specific parcel or limited area; or
 - b. Initiated by the city, which typically relate to multiple parcels or city-wide applications.
10. “Right to farm/right to forest” means an ordinance that protects farmers and farm operations or foresters and forest operations from private or public nuisance lawsuits.

S. “S”

1. “School, elementary, junior or senior high, including public, private and parochial” means an institution of learning which offers instruction in the several

branches of learning and study required to be taught in the public schools by the Washington State Board of Education.

2. “Secondary use (incidental or accessory)” means a minor or second use for which a lot, structure or building is designed or employed in conjunction with but subordinate to its primary use.
3. “Secure community transition facilities” means a residential facility for persons civilly committed and conditionally released to a less restrictive alternative under Chapter 71.09 RCW. A secure community transition facility has supervision and security, and either provides or ensures the provision of sex offender treatment services. Secure community transition facilities include but are not limited to the facilities established pursuant to RCW 71.09.250 and any other community-based facilities established under Chapter 71.09 RCW and operated by the secretary or under contract with the secretary.
4. “Semiprivate facility” means any facility to which a class or a group of the public is permitted to attend or use subject to the regulations of a club or other organization owning or regulating such facility.
5. “Senior citizen” means a person aged 62 or older.
6. “Senior citizen housing” means:
 - a. Housing which is exclusively devoted to housing for, and restricted to use by, senior citizens, as this term is defined in this section, either under the Housing and Urban Development (HUD) Section 2.02 Program and contracts and guidelines pertinent thereto or, after the expiration of such contracts and direct applicability of such guidelines, under the provisions of those contracts and guidelines which were in effect at the expiration of the applicability of Section 2.02 financing to any particular senior citizen project which has been established under such a Section 2.02 program.
 - b. Any change of use from that of senior citizen housing will immediately cause all provisions of the zoning code to apply without regard to the bulk and dimensional standards of Table 18.10.040 or the reduced-parking requirement of NBMC 18.16.090, which otherwise may apply to senior citizen housing, and should housing be so changed from senior citizen housing, alternatives will immediately be required in order to gain code compliance, such as vacating units which cause excess density and conversion of such vacated units to facilities for use in common by the remaining project residents; and further, such as by immediately securing additional parking so as to meet parking requirements, or by converting additional dwelling units so as to meet parking requirements. Any delay that may be allowed by the city in implementing any application of municipal code requirements will not constitute a waiver of the full applicability of requirements of this zoning code, and developers of senior

citizen housing will be deemed to be fully on notice that any bonus or requirement reduction relating to senior citizen housing applies only so long as the project is used for senior citizen housing.

- c. Any developer of senior citizen housing is obligated to give six months' prior notice to the city of intent to abandon senior citizen housing status, and if the new use does not comply with requirements of this title, including but not limited to those pertaining to bulk and parking requirements, the occupancy permit for the building shall be revoked.
7. "Setback" means the distance that buildings and structures must be placed from respective front, side, and rear lot lines, subject to the provisions outlined in Table 18.10.040, Bulk and Dimensional Standards.
8. "Shelter station" means a shelter for the protection from the elements of the waiting customers of a public transportation system.
9. "Shopping complex" means individual commercial uses, typically divided in units, that are attached in a common building.
10. "Sign" means any device for visual communication that is used for the purpose of bringing the subject thereof to the attention of the public.
11. "Solid planting" means a planting of evergreen trees and shrubs which will prevent a through and unobscured penetration of sight or light.
12. "Specified sexual activities" means human genitalia in a state of sexual stimulation or arousal; acts of human masturbation, sexual intercourse, sodomy, or erotic fondling; touching or display of human genitalia, pubic region, buttocks, or female breasts.
13. "Standard sized single-family home" means homes larger than 1,700 square feet in size.
14. "Story" means that part of a building lying between two floors or between the floor and ceiling of the highest usable level in the building.
15. "Street" means a public thoroughfare which affords the principal means of access to abutting properties.
16. "Structural alterations" means any change in load or stress of the loaded or stressed members of a building or structure.
17. "Structure" means a combination of materials constructed and erected permanently on the ground or attached to something having a permanent location on the ground. Not included are residential fences less than six feet in width,

retaining walls, rockeries and similar improvements of a minor character less than three feet in height.

18. "Substandard lots" means where an existing, recorded lot is substandard in width or area, and where the owner of the substandard lot does not own abutting lots which taken together would satisfy current lot width and area requirements, one single-family house may be constructed on a substandard lot, provided any new structure or substantial alteration to an existing structure must satisfy the current setback and lot coverage requirements of the zoning district in which it is located.

T. "T"

1. "Temporary building, structure or vehicle" means the building, structure or vehicle does not have or require permanent attachment to the ground, and is not permanently located in one place or on one site.
2. "Temporary use" means a land use occurring for a limited time; not permanent.
3. "Timber land" means any parcel of land that is five or more acres or multiple parcels of land that are contiguous and total five or more acres which is or are devoted primarily to the growth and harvest of forest crops for commercial purposes. A timber management plan shall be filed with the county legislative authority at the time (4a) an application is made for classification as timber land pursuant to this chapter, or (2b) when a sale or transfer of timber land occurs and a notice of classification continuance is signed. "Timber land" means the land only.
4. "Townhouse" means a building containing one dwelling unit that occupies space from the ground to the roof, and is attached to one or more other townhouse dwellings by common walls. Townhouse units may be owned in fee simple, or as part of a condominium or cooperative.
5. "Traditional neighborhood development pattern" means a pedestrian-oriented, predominantly residential area, with a grid to modified grid street pattern, variable lot sizes and widths, a mix of dwelling types, streetscape amenities, and typically with a focal point or "neighborhood center." See also "Neighborhood center."
6. "Transfer of development rights" ~~or "(TDR)"~~ means the removal of some or all of the right to develop or build, expressed in dwelling units per acre or floor area, from land designated as a "sending site" to other land designated as a "receiving site."
7. "Transitional area overlay district" is an area located between residential (LDR, HDR) and commercial (IC, IMU, DC, NB) and/or industrial (EP-1, EP-2) zoning where additional development standards apply. The transitional area extends 150 feet from the boundary of parcels located between incompatible zoning districts or extends 150 feet from the edge of the right-of-way located between incompatible zoning districts. Where adjoining parcels that are less than 150 feet

dimensionally and satisfy all of the performance standards for incompatibilities, there is no need for other parcels within the 150-foot area and not adjoining the incompatible boundary to meet the same performance standard. The transitional area overlay district (TAOD) performance standards shall not be required on commercial- or industrial-zoned property where the use of the property is also defined as a permitted use on the adjacent residential-zoned property.

8. “Triplex, fourplex, fiveplex, sixplex” refers to the number of residential units (respectively three, four, five and six) in a multifamily building.

U. “U”

1. “Unlisted use” means a land use that is not generally or specifically listed in Table 18.10.030. In some cases, unlisted uses may be permitted, subject to procedures and criteria outlined in the endnotes to Table 18.10.030.
2. “Upper floor dwelling units” means residential dwelling units, each with fully contained kitchen and sanitary facilities, on a second or third story, above commercial or other uses.
3. “Use” means the purpose land or buildings or structures now serve or for which they are occupied, maintained, arranged, designed or intended.
4. “Use district” means a portion of North Bend designated on official zoning maps as one or more of the categories listed and described in this title.
5. “Used car lot” means any place outside a building where two or more automobiles are offered for sale or are displayed.

V. “V”

1. “Variance” is the means by which an adjustment is made in the application of the specific regulations of this title to a particular piece of property, which property because of special circumstances applicable to it is deprived of privileges commonly enjoyed by other properties in the same zone or vicinity and which adjustment remedies disparity in privileges. A variance is a form of special exception.
2. “Veterinary clinic” means a clinic for the medical or surgical treatment of small animals or pets, including but not limited to dogs and cats. The boarding of animals for surgical, post-surgical, or general boarding purposes, subject to the terms of this code, shall be ancillary to the clinic use.
3. “Vision plan” means an element of the North Bend comprehensive plan which depicts preferred land use patterns and design principles for North Bend.

W. “W”

1. "Wrecking/salvage yard" means any area, lot, land, parcel, building, or structure, or part thereof, used for the storage, collection, processing, purchase, sale, salvage, or disposal of motor vehicles not in operating condition.

X. Reserved.

Y. "Y"

2. "Yard" means an open space in front, rear or side on the same lot with a building or proposed building.
3. "Yard, front" means a space extending the full width of a lot between any building and the front lot line, as measured perpendicular to the building at the closest point to the front lot line.
4. "Yard, rear" means a space extending across the full width of a lot between the principal building and the rear lot line, as measured perpendicular to the building at the closest point to the rear lot line.
5. "Yard, service" means an open area, usually paved, with access to a street or alley, to allow vehicular access to a building or use for purposes of loading or unloading equipment, freight, livestock or people.
6. "Yard, side" means a space extending from the front yard to the rear yard between the principal building and the side lot line, as measured perpendicular from the side lot line to the closest point of the principal building.

Z. Reserved.

Susie Oppedal

From: CouncilMember Gothelf
Sent: Tuesday, March 29, 2016 5:06 PM
To: Brian Gridley
Cc: Susie Oppedal; Londi Lindell
Subject: RE: Proposed Ban on Truck Stop Expansion

Brian,

Thank you for your input. It is very important that we get feedback from our residence so we can make good and informed decision and behalf of them. I have added the City Clerk and City Administrator to this email to assure your comments are noted.

Thank you,

Alan Gothelf

Sent from my Verizon Wireless 4G LTE smartphone

----- Original message -----

From: Brian Gridley <bgridley@comcast.net>
Date: 3/29/2016 4:21 PM (GMT-08:00)
To: CouncilMember Rosen <JROSEN@NORTHBENDWA.GOV>
Cc: CouncilMember Gothelf <agothelf@NORTHBENDWA.GOV>, CouncilMember Kostanich <tkostanich@northbendwa.gov>, CouncilMember Loudenback <RLOUDENBACK@NORTHBENDWA.GOV>, CouncilMember Elwood <BELWOOD@NORTHBENDWA.GOV>, CouncilMember Pettersen <JPETTERSEN@NORTHBENDWA.GOV>, CouncilMember Volken <mvolken@northbendwa.gov>
Subject: Proposed Ban on Truck Stop Expansion

Dear North Bend City Council Members,

My wife and I are residents of the WoodRiver neighborhood in North Bend. I am writing to express our support for the proposed amendments to the municipal code that would make permanent the ban on new trucking facilities within the city and prohibit further expansion of the existing Truck Town. While I do appreciate the need for improved facilities to support the trucking industry in King County, such action should be undertaken in a comprehensive manner at the county and state level. It should not be the sole responsibility of the City of North Bend and its citizens to bear the burden of providing such facilities alone.

A significant expansion of the Truck Town facilities has the potential to significantly increase traffic congestion, air and noise pollution, damage to roadways, and crime while yielding few economic benefits for the city. Such an expansion certainly appears to contradict the existing provision in the North Bend code regarding Employment Park Districts that mandates the promotion of "high-quality and well-designed business and industrial developments that are harmonious with North Bend's small-city character, and create an environment free from adverse noise, odors, dust, smoke, air pollution, water pollution, and inappropriate truck traffic or related traffic congestion."

It is my hope that the Council will act for the best interest of this city and its residents by voting at its April 5th meeting to enact the permanent ban.

Thank you for your time and consideration,

Brian Gridley and Judi Cline
13722 461st PL SE
North Bend, WA 98045

Susie Oppedal

From: Pat Kopke-Hales <swtdivalove@gmail.com>
Sent: Wednesday, March 30, 2016 6:16 AM
To: Susie Oppedal
Subject: North Bend Truck parking

What's sad is there is almost no parking from Olympia to North of Seattle. There is a Loves in Fife you'd be lucky to get parking at, another in Sumner that charges \$13/per 12-hours, one in North Bend that is full by noon, Tumwater (just South of Olympia). That's usually completely full by 4pm and another that's North of Seattle that charges for parking.

There is nothing in Seattle for parking.

It's sad that these major cities in our country provide almost no parking at all for big trucks. You are lucky if you do find one 30 minutes away, but you are almost guaranteed that there is no parking left.

So North Bend wants to further exacerbate the issue by making it more difficult? Maybe us truckers should boycott North Bend deliveries?

We need more parking, not less. And giving us less parking you put our safety and the motoring public at risk. Parking is a precious commodity that there is very little of all over the country.

We deliver your life. From groceries to medicines, to school supplies, to the clothes you wear, to the materials to build your homes, to your businesses you work for. There isn't anything in your life that trucks do not have an impact on your life in some way.

And, if you make it harder on us to do our jobs, you are only hurting yourselves.

I like North Bend, waking up and seeing those beautiful mountains and that fresh air. It's a beautiful place and I understand, being a photographer and a truck driver, that you want to keep it beautiful. But, don't hurt us by taking away the one thing we need most... A PLACE THAT WE CAN GET OUR MUCH NEEDED REST.

Thank you...

Pat Kopke-Hales
Professional Driver & Photographer

You can find my work on Facebook @ The Trucking Photographer

Susie Oppedal

From: Dutch Siedentopf <dutchlead@comcast.net>
Sent: Monday, April 04, 2016 10:22 AM
To: Susie Oppedal
Cc: Kym Smith
Subject: I Oppose Expansion of Trucking Services in North Bend

I oppose future truck stop development anywhere in North Bend. My opposition includes both expansion of the Truck America (TA) truck stop and the creation of any additional stops supporting truck operations.

My main reasons for my opposition are as follows:

1. **THE VISION OF OUR CITY –**
 - a. Expansion of current TA services or creation of additional stops in North Bend contradicts the vision of our city.
2. **PLANNING COMMISSION OPPOSES –** In early 2016, based on extensive analysis, the Planning Commission of the city of North Bend nearly unanimously recommended that the interim regulation prohibiting future development of truck stop services.
3. **DETERIORATION OF INFRASTRUCTURE –**
 - a. Current TA operations result in significant pressure on our infrastructure and increased costs for maintaining it without any additional monetary relief from other local, state or federal agencies.
 - b. Expansion of current services or additional new service locations would only increase that pressure and related costs.
 - c. There is no expressed interest or commitment on the part of the county or state to provide relief if expansion of service occurs in any form.
4. **THE WORST AIR-BORN POLLUTANTS –** Diesel exhausts carries more cancer-causing air-borne pollutants than all other carcinogenic air born pollutants combined. Why bring in more?
5. **OVER BURDENED -** The city of North Bend has borne far more than its fair share of supporting the trucking industry in King County for many years. According the 2013 census, 2.044 million people live in King County and 6,236 people live in North Bend. Yet North Bend, which represents .003% of the population provides the only truck support center in the county.
 - a. In effect, the taxpayers of North Bend have been subsidizing the costs of this burden by paying for infrastructure maintenance, responses to fuel spills and extensive police coverage during pass closures when police are completely bound to traffic safety issues and not able to provide the coverage to the rest of the city that we pay for.
 - b. There has been nothing offered to indicate that the TA truck stop has held itself even partially accountable for these and other costs -either through fair share of tax dollars or otherwise
6. **Other Uses -** The real estate being considered for truck stop expansion should be used for purposes to advance our vision. This could include such things as a technical college, satellite for other colleges and universities or a primary healthcare facility.

Finally, I find it illogical to conclude that opposing future truck stop development “[has] the look and feel of betrayal”- as argued by Mr. Sam Rodabough to the City Council on March 15. As outlined above the city has borne a significant burden supporting trucking for a long time, significantly contributing the “success” of TA and its owners. In my view, to suggest that opposition to future development of truck stop services is an act of “betrayal” has the sound and feel of entitlement.

It is also illogical to conclude that opposing future truck stop development is somehow disrespectful to truckers and the industry as argued by Mr. Patrick Baker to the City Council on March 15. I appreciate what the industry does for us and I applaud the owners of TA for their success. My brother drove a truck for Swift for several years. But my appreciation for him and the industry does not automatically mean I have to favor future truck stop development – especially given the overburden outlined above.

The City of North Bend and citizens of North Bend has shown more respect for the industry than any other city in King County or the county itself. Mr. Baker's argument might make more sense if made before King County and its cities that represent 99.97% of the population but does little or nothing to support the industry in the same manner as North Bend has for many years.

Respectfully,

Dutch Siedentopf
46226 SE 139th Pl.
North Bend, WA 98045

Susie Oppedal

From: CouncilMember Gothelf
Sent: Tuesday, April 05, 2016 7:00 PM
To: jean@venusandmars.net
Cc: Londi Lindell; Susie Oppedal
Subject: RE: City council members of North Bend Wa

Categories: Red Category

Thank you for your input. I have added our City Administrator and City Clerk to assure your comments are added to the public record.

Sincerely,

Alan Gothelf
City of North Bend Councilmember

Sent from my Verizon Wireless 4G LTE smartphone

----- Original message -----

From: jean@venusandmars.net
Date: 4/5/2016 6:29 PM (GMT-08:00)
To: CouncilMember Gothelf <agothelf@NORTHBENDWA.GOV>
Subject: City council members of North Bend Wa

Hello,

I wanted address the North Bend issue of the expansion of truck town.

I have lived in North Bend for 23 years and I am not thrilled with growth in the charming town we love, yet my opinion would be to approve the expansion.

The most important issue in my mind would be one of public safety for truck drivers, highway maintenance and well as those traveling on highway 90 along side of trucks.

This stop before traveling the pass is an integral component of safety for all...rest, meals, refuge from closures.

Thanks, Jean Woods
47003 SE 129th St North Bend



**Washington State
Department of Transportation**

Northwest Region
15700 Dayton Avenue North
P.O. Box 330310
Seattle, WA 98133-9710
206-440-4000
TTY: 1-800-833-6388
www.wsdot.wa.gov

April 8, 2016

Gina Estep, Director
Community and Economic Development Department
City of North Bend
126 E. Fourth Street
North Bend, WA 98045

Dear Ms. Estep:

Thank you for the opportunity to review and comment on the proposed amendments to the North Bend Municipal Code 18.06.030 and 18.10.025 regarding parking for commercial trucks. In addition to discussing truck parking in the I-90 corridor this letter also requests the City to participate in developing a state-wide plan for truck parking.

Importance of truck parking in the I-90 corridor

The vast majority of freight in Washington is moved by truck, whether measured by tonnage or value. The need for truck parking on major highway corridors has been made more acute by Federal law that limits the hours truck drivers can operate. This creates a need for additional parking to accommodate truckers who have reached their service hour limit and must pull off the road. This is especially true for the long-distance truck routes serving communities in Washington State, such as I-90. When safe and legal parking is not available truck drivers often resort to parking in locations such as highway on-ramps, local roads, and private property. This can jeopardize public safety and impact the quality of life for the community.

Exit 34 on the I-90 corridor is located where an existing truck stop allows westbound trucks to stage for next-day delivery to points west, and where eastbound traffic stops due to temporary weather-related closures on I-90, specifically at Snoqualmie Pass. The need for truck parking has been partially addressed by the private sector at Exit 34, however, there are times when demand exceeds capacity. A City of North Bend staff report states that in 2012 the existing commercial truck travel center/service area served an average of 175 trucks with overnight parking, which is the approximate capacity of the facility. In addition, approximately 300-400 trucks parked between Exits 32 and 34 when Snoqualmie Pass was closed due to weather events or other emergencies. Although North Bend prohibits truck parking on city streets we appreciate the City's decision to provide a public safety exception in its code during pass closures on I-90. WSDOT understands that truck parking facilities have impacts on the community which can be difficult to fully mitigate even with carefully crafted city ordinances.

Gina Estep
April 8, 2016
Page 2

A state-wide truck parking plan

Later this year WSDOT, in cooperation with partners, will develop a state-wide plan for truck parking. The plan will identify locations throughout Washington State where truck parking demand exceeds capacity, including the I-90 corridor. In addition to market demand and operational issues the analysis will consider zoning and local land use policies. Strategies will be developed for locations of greatest concern and state-wide need. The plan will assess the feasibility of increasing the supply of commercial truck parking on both public and privately owned properties. The City of North Bend is requested to participate in this effort.

WSDOT looks forward to working with local jurisdictions and the trucking industry to ensure truck parking issues in the I-90 corridor are considered as we seek solutions to this state-wide issue. Please forward the city's point of contact to Mathew Pahs at 360 705-7139, pashm@wsdot.wa.gov. Thank you.

Expressly,



Lorena Eng, P.E.
Regional Administrator
WSDOT NW Region

cc: Ron Pate, WSDOT
Mark Leth, WSDOT
Leah Bolotin, WSDOT
Thomas Noyes, WSDOT
Amy Scarton, WSDOT
Matthew Pahs, WSDOT
Sean Ardussi, PSRC
Kathy Lambert, King County Council



LAW OFFICE OF
SAMUEL A. RODABOUGH PLLC

11820 NORTHUP WAY, SUITE E200
BELLEVUE, WA 98005
(425) 440-2593
(425) 284-3051 (FAX)

April 13, 2016

Via email

Mayor Kenneth G. Hearing
City of North Bend
PO Box 896
North Bend, WA 98045
mayor@northbendwa.gov

Londi Lindell
City Administrator
City of North Bend
P.O. Box 896
North Bend, WA 98045
llindell@northbendwa.gov

Gina Estep
Director, Department of Community &
Economic Development
City of North Bend
PO Box 896
North Bend, WA 98045
gestep@northbendwa.gov

City Council
City of North Bend
PO Box 896
North Bend, WA 98045
*See councilmember names and email
addresses in cc line below*

Re: Proposed commercial truck center ordinance

Dear Mayor, Councilmembers, City Administrator, and Director:

This firm represents Rogers Group Properties I LLC, the owner of real property located at the intersection of SE North Bend Way and 468th Avenue SE in North Bend (King County Tax Parcel Nos. 2423089001 and 2423089036). This is the site of the TravelCenters of America commercial truck center ("Truck Town") just off of exit 34 from Interstate 90.

This letter is a follow to a meeting held between the undersigned and Mayor Hearing, Administrator Lindell, Director Estep and City Attorney Kenyon on Wednesday, April 6, 2016 regarding the City's proposed permanent truck center regulations. For the reasons more fully explained below, we urge the City to revisit and revise these regulations, both to provide greater clarity and to render them less burdensome to potential improvements to Truck Town. As currently proposed, several provisions are sufficiently unclear that the owners and tenant/operator of Truck Town do not have certainty in their application moving forward. Other provisions are somewhat clearer, but are so burdensome that complying with them would render improvements to Truck Town infeasible. This, ironically, would only serve to undermine the overarching goals that the City presumably seeks to achieve here with respect to Truck Town specifically and the impacts of commercial truck traffic generally.

Analysis of proposed regulations. The focus of the proposed regulations is in changes previously made on an interim basis to section 18.10.025.C.3.d.iv of the municipal code

("NBMC"). For the sake of simplicity and clarity, our comments below address the various portions of this code section in order.

1. *NBMC 18.10.025.C.3.d.iv (definition of "substantial improvement")*. As an initial matter, the introductory portion of the section states as follows:

The existing commercial truck center/service area [*i.e.*, Truck Town] may continue to operate and improve the facility, at its current site, subject to the provisions below. As used in this section, "substantial improvements" means improvements worth more than 50 percent of the assessed value of the original building(s).

This language begs a number of questions. What are the "original buildings"? The buildings on site today? Some prior or future version of those buildings? At what point is their "assessed value" fixed for purposes of making "substantial improvements"? Upon the enactment of the ordinance? Upon the filing of a building permit application? Some other time? And if improvements to only one building or portion of the site are proposed, is the value of those improvements compared to the assessed value of the entire truck stop? Or only to those portions being improved? The vagueness of the language quoted above makes long-term planning exceptionally difficult and acutely increases the risk of future disagreements over the code's proper meaning and application.

During the meeting with the City, the undersigned posed the above questions, some of which did not receive any response, despite the fact that the above language has been codified for several years now.

City Staff explained that multiple permit applications submitted in temporal proximity would be considered cumulatively toward the 50 percent threshold of assessed value, but that improvements made years apart would not, as they would clearly be considered different projects. City Staff was also able to clarify that the assessed value is determined at the time permit application. However, City Staff was unable to answer how the assessed value is determined where improvements are proposed for only a portion of the greater site.

Although the City's clarification is appreciated, the loose language provides no certainty, and unwritten expressions of the City's patterns and practices of interpretation simply are not an adequate substitute for clarity in the code itself. As discussed at the meeting, the King County Assessor does not assess the value of "buildings," as used in the City's draft language above. Instead, it assesses the value of "improvements." See RCW 84.40.040 (requiring County Assessor's to assess "improvements"). In Truck Town, for example, the improvements include acres of valuable pavement, underground storage tanks and pumps, etc. In other words, the proposed language above departs from the manner in which real property is actually assessed by the County.

As the City is well aware, my clients would prefer to eliminate the above language altogether and is accompanying provisions. If the City is not amenable to this approach, at a minimum, we suggest adopting language that gives greater certainty and is factually accurate, such as the following:

As used in this section, “substantial improvements” means improvements over a two year period that individually or cumulatively are worth more than 50 percent of the assessed value of the original building(s) existing improvements on the entire site at the time of permit application.

2. ***NBMC 18.10.025.C.3.d.iv.A (truck stop electrification).*** One concrete example of the potential problems raised by the above 50 percent threshold of assessed value is raised in subsection A, which requires the installation of “truck stop electrification capabilities, or other means for each truck to utilize to eliminate idling” if any substantial improvement is made to Truck Town.

During our meeting, I requested that the City eliminate the requirement for truck stop electrification. According to data from the U.S. Department of Energy, despite the fact that there are in excess of 5,000 truck stops crisscrossing America, there are only approximately 110 truck stops with electrification, or the equivalent of 2.2 per state. At the time that the City adopted this regulation years ago, truck stop electrification held great promise. However, since that time, by any objective measure, it has become a demonstrable failure. The reasons for this derive from the inherent limitations in the electrification technology itself.

There are two types of truck stop electrification: dual system electrification (aka “shorepower”) and single-system electrification.

The most common form of truck stop electrification, dual-system electrification, requires both onboard and offboard equipment to allow trucks to plug into electrical outlets at the truck stop. To use dual-system electrification, trucks must be equipped with AC equipment or an inverter to convert 120-volt power, electrical equipment, and hardware to plug into the electrical outlet. Critically, the electricity supplied to the truck does nothing more than provide electricity for items like laptops, internet, etc., but it does not power heating, ventilation, and air conditioning (“HVAC”). The HVAC system is necessary to heat and cool the driver during the cold and hot months and/or to cool refrigerated cargo. With dual system electrification, the onboard HVAC system must still be powered by the truck itself, which requires either idling the engine or the use of an onboard generator that burns diesel fuel. In short, the most common form of electrification, dual system electrification, does not eliminate the need to idle the engine or otherwise burn diesel fuel.

In single-system electrification, off-board equipment at the truck stop provides the HVAC. These HVAC systems are contained in an overhanging structure or on a pedestal beside the truck parking spaces. A hose from the HVAC system is connected to the truck window and, in some cases, to a computer touch screen that enables payment.

These stand-alone systems are generally owned and maintained by private companies that charge an hourly fee. However, the largest company that installs these systems has apparently declared bankruptcy in recent years, as the cost of operating the single-system electrification far exceeds the revenue, and installation typically cannot be accomplished in the absence of scarce government grants. In short, the City appears mandating the installation of a product that has failed over and over again.

According to the tenant/operator of Truck Town, the TravelCenters of America, truck stop electrification has been removed from most, if not all, of its locations as it did not prove workable. Indeed, at many of the truck stops owned TravelCenters of America, where electrification previously existed, it was used only by a few truckers per month.

Clearly, whatever promise truck stop electrification may have once held, it is simply expensive to install and many trucks are not equipped to use it. This latter point by itself defeats the notion that the City can simply legislate the elimination of idling trucks or burning of diesel fuel. Moreover, the substantial cost of electrification, the all-or-nothing mandate linking electrification and “substantial improvements,” and the questions concerning the definition of “substantial improvements” raised above, will almost certainly conspire to delay or preclude all but the most minor of improvements to Truck Town—perhaps including improvements that could help reduce the impacts of commercial truck traffic in the City.

3. NBMC 18.10.025.C.3.d.iv.B (compliance with NBMC). This subsection states that all “substantial improvements” to Truck Town “shall require full compliance with the North Bend Municipal Code.” Again, the full meaning of this provision is unclear, with potentially profound consequences.

If this subsection simply means that any improvements must themselves comply with the municipal code, it simply reaffirms the general principle that current development must comply with the regulations in place at the time of application. If, on the other hand, it means that any “substantial improvement” to Truck Town—a decades’ old facility—requires the entire site to come into compliance with current codes, we are faced with two problems. First, as a legal matter, the provision would itself be a questionable restriction on a legal non-conforming use.¹ Second, as a practical matter, it would again raise the problem posed by mandated electrification: the costs and questions involved are likely to delay or preclude all but the most minor of improvements—perhaps including improvements that could help reduce the impacts of commercial truck traffic in the City.

4. NBMC 18.10.025.C.3.d.iv.C (location of buildings). This subsection requires the location of “all retail, restaurants, and commercial building along 468th Avenue SE and North Bend Way” in the event of “[a]ny redevelopment”—not simply any “substantial

¹ During the meeting with the City on April 6, 2016, City Staff clarified that Truck Town is considered a “permitted use” under NBMC 18.10.025.C.3.d.iv(F), as it is a permitted use with its zone. As such, the use of the term “legal non-conforming use” is merely intended to refer to the fact that historical improvements to Truck Town were presumably made under different regulations than those in effect today.

City of North Bend
 April 13, 2016
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improvement”—of Truck Town. “Redevelopment” is left undefined, although City Staff clarified in the meeting on April 6, 2016 that “redevelopment” is intended as something far greater than a “substantial improvement,” such as demolishing all improvements on the existing site and effectively starting development of the site from scratch.

As currently drafted, the above provision is yet another vague, potentially budget-busting mandate that is likely to delay or preclude all but the most minor of improvements to Truck Town. Relocating buildings is an enormously expensive undertaking—particularly here, where relocation would temporarily displace a significant number of parking spaces and the attendant revenue—and can thus only be justified by the most compelling circumstances.

The attached Figure 18.10.025-2 includes an aerial photo that depicts the existing service building located in the center of the Truck Town site, in which trucks being services enter the building from one side and exit on the other (similar to an oil change facility for automobiles). This same Figure also depicts those areas of the Truck Town site where the City would like to see the service building (and other buildings) relocated in the event of redevelopment of the site. As a practical matter, it would be difficult—if not impossible—to locate the service building in the City’s preferred areas given the large turning radii of commercial trucks and the resulting clearances necessary to allow trucks to pull in and out of the service facility.

Again, my clients would prefer to eliminate the above language altogether. If the City is not amenable to this approach, at a minimum, we defining the term “redevelopment” as follows:

As used in this section, “redevelopment” means the one time demolition of improvements of more than 90 percent of the assessed value of the existing improvements on the entire site.

5. *NBMC 18.10.025.C.3.d.iv.D (landscape buffers)*. This subsection prohibits parking areas in Truck Town “adjacent to public streets, unless a 30-foot landscape buffer is provided.” This prohibition, as written, raises a huge concern: Does the City mean to apply this to Truck Town as it currently exists? Or does it mean to apply it in the event of any “redevelopment” or “substantial improvement” of the facility?

The answer is not clear given the absence of the terms “redevelopment” or “substantial improvement” in this subsection. If the City intends this to apply to the Truck Town as it now exists, the prohibition is yet another questionable restriction on a legal non-conforming use. If the City only means it to apply to redevelopment or substantial improvements, the prohibition will likely again delay or preclude improvements to the facility, and will have the ironic effect of reducing the amount of parking available on site—forcing more trucks on to the public streets or the interstate, directly contrary to the City’s expressed wishes here. Moreover, a buffer along SE North Bend Way seems especially nonsensical, given that the only thing being buffered from the parking area would be the street and Interstate 90 to the south.

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As the City is already aware, Truck Town is bounded on the east by 468th Avenue SE and the south by North Bend Way. According to the City's zoning code and comprehensive plan, the City anticipates the future construction of two public streets adjoining Truck Town's north and west boundaries. According to the King County Assessor maps, the north property line of Truck Town is approximately 893 feet wide and the west boundary is 755 feet wide. If the above 30 foot landscape buffer was applied to the north and west boundary, it would require nearly 50,000 square feet of landscaping buffer, or approximately 7 percent of the site. This would only serve to further diminish the capacity of Truck Town, when there is already a demonstrated shortage of truck parking.

6. *NBMC 18.10.025.C.3.d.iv.E (performance standards)*. This subsection refers to the performance standards set forth in NBMC 18.10.050—which in turn appear to simply parrot a handful of the requirements set forth in NBMC 18.10.025.C.3.d.iv itself. However, to the extent that subtle differences exist in the language of each section, ambiguity and uncertainty is introduced, making future planning more difficult.

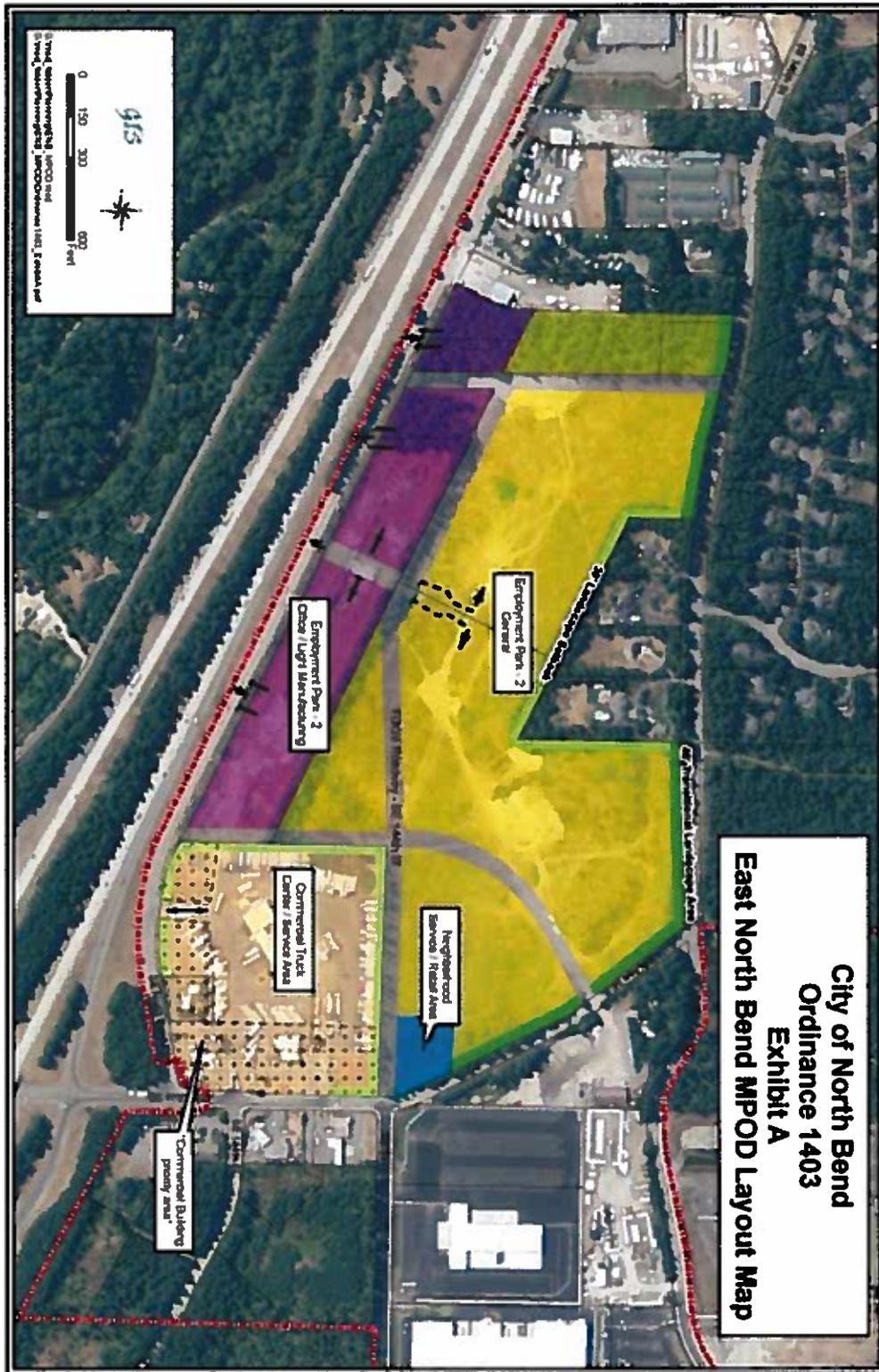
Conclusion. In sum, we urge the City to revisit and revise the proposed commercial truck center regulations, both to provide greater clarity and certainty, and to allow for a more thoughtful, feasible path towards updating Truck Town and mitigating the impacts that commercial truck traffic has on the City.

Regards,

LAW OFFICE OF SAMUEL A. RODABOUGH PLLC

Samuel A. Rodabough
sam@rodaboughlaw.com

cc: Councilmember Brenden Elwood, belwood@northbendwa.gov
Councilmember Alan Gothelf, agothelf@northbendwa.gov
Councilmember Trevor Kostanich, tkostanich@northbendwa.gov
Councilmember Ross Loudonback, rloudonback@northbendwa.gov
Councilmember Jeanne Pettersen, jpettersen@northbendwa.gov
Councilmember Jonathan Rosen, jrosen@northbendwa.gov
Councilmember Martin Volken, mvolken@northbendwa.gov
City Attorney, Michael R. Kenyon, mike@kenyondisend.com





City Council Agenda Bill

SUBJECT:	Agenda Date: April 19, 2016		AB16-046
An Ordinance Amending North Bend Municipal Code Chapter 18.10.025, Special Districts, as it Pertains to the Tanner Junction Master Plan Overlay District Cost Impact: N/A Fund Source: N/A Timeline: Immediate	Department/Committee/Individual		
	Mayor Ken Hearing		
	City Administrator – Londi Lindell		
	City Attorney - Mike Kenyon		
	City Clerk – Susie Oppedal		
	Community & Economic Development – Gina Estep		X
	Finance – Dawn Masko		
	Public Works – Mark Rigos		
Attachments: Ordinance, Exhibit A - Proposed amendments to 18.10.025 C.4 including revised Figure 18.10.025-3			

SUMMARY STATEMENT:

On September 2, 2015 Robert E. Hibbs, on behalf of Rexford R. Hibbs Irrevocable Trust, submitted an overlay request to the City. The proposed overlay is on three parcels (consisting of 5.93 acres) currently zoned EP-1 that are located south of SE North Bend Way, at the northeast corner of SE 136th Street to the south and 436th Avenue SE to the west. The overlay district enables residential development that would not otherwise be permitted in the current EP-1 zone, and will provide a transition of uses to the existing single-family residential properties that surround these properties.

City staff worked with the applicant/property owner to highlight the important elements of the gateway and preservation at the corner of 436th Avenue SE and SE 136th Street. The setback area will preserve a stand of existing trees on this portion of the site and provide a more natural gateway feel to the City from Exit 32.

The Planning Commission held a public hearing on November 12, 2015 and recommended approval on December 10, 2015. The Planning Commission’s recommendation included all the proposed amendments as depicted in Exhibit A, except for the provisions related to affordable housing and number of units per building. The applicant originally requested an amendment to allow 12 units per building, rather than 10 which is currently allowed in the code, for buildings that do not front 136th Street. Since this issue was taken up by the City Council the applicant pulled that request to simplify their proposal.

The City Council held a Workstudy on February 23, 2016, to further consider the property owners proposal and the Planning Commission’s recommendation. During that Workstudy Council expressed a concern with locating High Density Residential development so far from the downtown core. They expressed a preference to have this style of development located in or within walking distance of the downtown core.

The agenda item was further discussed during the March 15, 2016 Council meeting. During this meeting the City Council expressed a desire to include and require affordability provisions as part of this Overlay, if it were to move forward. The applicant had been previously working with HUD.

As a result of the Council’s discussion, regarding requiring an affordability element to the provisions within the Overlay, Section G. Affordable Housing, was added as a new Subsection g. See Exhibit A, Page 4/5. This provision ultimately requires at least 20% affordable units to people earning at or below eighty percent (80%) of the Area Median Income (AMI) for East King County/Issaquah/Snoqualmie Valley. City staff will be reporting on what annual income amount this allows for various household

City Council Agenda Bill

sizes. The affordable units created in this housing development will remain affordable for a period of 12 years as a result of a restrictive covenant which will run with the land and be in form acceptable to the City Attorney. This provision was proposed by the developer and this time period is consistent with the requirement mandated by his financing. City staff would not be obligated to implement any separate tracking mechanism to insure that affordability was maintained through ownership changes as the developer's lender would be tracking such ownership changes so this would simplify the administrative burden on staff. However, if Council wishes to insure affordability during a longer period of time, Council would need to amend Exhibit A, Page 5/5 to increase this 12 year time period to some longer period of time. Such an amendment would have administrative and cost implications on City staff.

COMMITTEE REVIEW AND RECOMMENDATION: The Community and Economic Development (CED) Committee reviewed the proposed amendments at the January 19, 2016 CED Committee meeting and recommended approval with the amendment to not allow 12 units per building, and the Committee desired additional Council discussion. The CED Committee reviewed the latest version attached as Exhibit A on April 19, 2016 at their 4p.m. regularly scheduled meeting.

RECOMMENDED ACTION: MOTION to approve AB16-046, an ordinance amending North Bend Municipal Code Chapter 18.10.025, Special Districts, as it pertains to the Tanner Junction Master Plan Overlay District, as a first and final reading.

RECORD OF COUNCIL ACTION

<i>Meeting Date</i>	<i>Action</i>	<i>Vote</i>
February 2, 2016	AB16-011- Postponed to February 23, 2016 Council Workstudy	6-0
March 15, 2016	AB16-036 -Tabled	7-0
April 19, 2016		

ORDINANCE

AN ORDINANCE OF THE CITY OF NORTH BEND, WASHINGTON, ADOPTING AMENDMENTS TO NORTH BEND MUNICIPAL CODE CHAPTER 18.10.025, SPECIAL DISTRICTS, C. MASTER PLAN OVERLAY DISTRICTS, SPECIFICALLY BY AMENDING 4. TANNER JUNCTION MASTER PLAN OVERLAY DISTRICT; PROVIDING FOR SEVERABILITY; AND ESTABLISHING AN EFFECTIVE DATE

WHEREAS, RCW 36.70A.040 requires the City of North Bend to prepare a Comprehensive Land Use Plan under Growth Management Act (GMA) and to implement such plan with development regulations, including the zoning code, which are to be consistent with the plan, and

WHEREAS, RCW 36.70A.130(4)(a) requires that the City of North Bend Comprehensive Land Use Plan and development regulations, including the zoning code, shall be subject to continuing review and evaluation by the City, and

WHEREAS, the City of North Bend Comprehensive Land Use Plan Goal LU-1 calls to preserve North Bend's small town qualities and its natural environment, while allowing for growth and development; and

WHEREAS, Robert E. Hibbs of Rexford R. Hibbs Irrevocable Trust, et al., submitted a complete application for the proposed amendments to the Tanner Junction Master Plan Overlay District, NBMC 18.10.025 C. 4, attached hereto as Exhibit A (Proposed Amendments); and

WHEREAS, the Proposed Amendments are intended to highlight the important elements of the gateway and tree preservation at the corner of 436th Avenue SE and SE 136th Street; and

WHEREAS, the Planning Commission heard public comment at their November 12, 2015 meeting and reviewed one comment letter received on November 5, 2015; and

WHEREAS, the Proposed Amendments were submitted to the Washington Department of Commerce for review on December 3, 2015; and

WHEREAS, the Planning Commission recommended approval of the Proposed Amendments after further deliberation and edits at their December 10, 2015 meeting; and

WHEREAS, the Community and Economic Development Council Committee reviewed the proposed amendments and requested that they be brought forward for City Council consideration; and

WHEREAS, City Council reviewed the proposed amendments during multiple meetings in February, March and April, 2016 and expressed a desire to include affordability elements into this overlay, which is incorporated into Exhibit A; and

WHEREAS, the City issued a State Environmental Policy Act (SEPA) Determination of Non-Significance (DNS) for the non-project amendment to NBMC 18.10.025 on October 28, 2015, and received no comments on the SEPA DNS; and

WHEREAS, pursuant to the procedures established in NBMC 20.08, notice of the public hearing and SEPA DNS was provided by publication of a legal notice in the Snoqualmie Valley Record, posting at the City's four official posting locations, and posting of the hearing, SEPA DNS, and the Proposed Amendments on the City's website, updated frequently; and

WHEREAS, the City Council finds that the Proposed Amendments address and are consistent with the requirements of the Growth Management Act; and

WHEREAS, the City Council finds that the City followed procedural requirements of NBMC Chapter 20.08 to notify and advertise the Proposed Amendments to the public and interested agencies and pursuant to this, the Planning Commission and subsequently the City Council considered all written and verbal comments received during their respective processes;

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

Section 1. The City Council adopts the Proposed Amendments to the Tanner Junction Master Plan Overlay District Chapter 18.10.025 C 4. of the North Bend Municipal Code, hereto attached as Exhibit A.

Section 2. The Community and Economic Development Director is hereby authorized and directed to make necessary edits to the City of North Bend Official Zoning Map to depict the additional areas subject to the Master Plan Overlay District.

Section 3. 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 4. Effective Date: This ordinance shall be published in the official newspaper

of the City, and shall take effect and be in full force five (5) days after the date of publication.

ADOPTED BY THE CITY COUNCIL OF THE CITY OF NORTH BEND, WASHINGTON, AT A REGULAR MEETING THEREOF, THIS 19TH DAY OF APRIL, 2016.

CITY OF NORTH BEND:

APPROVED AS TO FORM:

Kenneth G. Hearing, Mayor

Michael R. Kenyon, City Attorney

Published:
Effective:

ATTEST/AUTHENTICATED:

Susie Oppedal, City Clerk

18.10.025 Special districts.

C. Master Plan Overlay Districts.

1. Process. A master plan overlay district (MPOD) provides a process by which a specific planned mix of uses and layout may be provided through a master plan to address unique site specific opportunities and constraints.

a. The MPOD layout map shows the approximate location of future land uses, open spaces, public streets and access points.

b. All short plats, subdivisions, binding site plans, site plans or all other development approvals, including construction approvals, shall be generally consistent with the MPOD layout map, and shall conform to specific standards established under the MPOD, and the provisions of this chapter. The road location shown on the MPOD layout map may change in the final development plan, but shall be generally consistent with the layout map.

c. The first and initial land use development application for any parcel within the MPOD shall show the approximate location of all applicable land uses, open spaces, public streets and access points for the entire parcel or application site, allowing for the comprehensive planning intended by the MPOD.

4. Tanner Junction Master Plan Overlay District (Tanner Junction MPOD). The Tanner Junction MPOD includes ~~seven~~ ten commonly owned properties zoned EP-1 that are located between North Bend Way to the north and SE 136th Street and I-90 to the south, and as further depicted on Figure 18.10.025-3.

a. Purpose. ~~Due to the proximity of the single-family low density residential zones immediately to the south and west and the nearby Snoqualmie Valley Trail, the~~ Due to the proximity of the Snoqualmie Valley Trail that passes through the site and the single family low density residential neighborhood immediately across SE 136th Street to the south of the site, certain light industrial and manufacturing uses permitted by the underlying EP-1 zone could be inconsistent with the recreational uses and residential character of the immediate area. A master plan overlay district establishes a site plan and mix of uses more compatible with these adjacencies. Should an applicant wish to propose a site layout or mix of uses alternative to that provided by the MPOD, the applicant may apply for a development agreement pursuant to Chapter 18.27 NBMC. Such development agreement shall not preclude other parcels within the MPOD from achieving conformance to the provisions of the MPOD.

b. Site Circulation, Frontage and Trails. Streets and access locations to be constructed shall at a minimum include the following:

i. Public and private access locations shall include minimum five-foot-wide sidewalks and minimum five-foot-wide planter strips at the public street intersections, and may transition from there to alternative standards within the private development.

ii. There shall be a maximum of two access locations ~~into the primary parcel~~ from North Bend Way, including the collector street described below. The separate triangular shaped eastern parcel ending in 9188 may have shared access with the adjoining parcel to the east onto SE North Bend Way, to allow for adequate separation from Tanner Road. An additional access point may be considered only for emergency access purposes or if warranted by a traffic study.

iii. A public north-south through street shall bisect the site in the western half of the parcel to connect SE 136th Street with North Bend Way, in the location identified on Figure 18.10.025-3.

(A) The north-south through street shall be constructed and dedicated to the city of North Bend with the recording of the final plat, final binding site plan approval (if applicable), prior to final building permit, or other associated permit for a development proposal on the affected property.

(B) The north-south through street shall be constructed according to the standard for collector streets in Chapter 19.05 NBMC, Design and Construction Standards for Streets, or as otherwise determined necessary by the city engineer.

(C) An additional street may be warranted depending on the type of development proposed to bisect the remaining parcel as shown dotted on Figure 18.10.025-3 and aligning with the proposed access points.

iv. The three most westerly parcels shall share one access point, to the extent feasible as determined by the City, from SE 136th Street to line up with 437th Pl. SE. An additional access point may be considered only for emergency access purposes, or if warranted by a traffic study approved by the City. An exit only may be allowed onto 436th Avenue SE at the City discretion.

iv. In order to preserve existing significant trees along the SE 136th Street and 436th Ave SE, the public sidewalk shall meander through the retained significant trees, to the extent feasible as determined by the City. The CED Director may allow flexible building setbacks to accommodate retention of the significant trees along the frontage and within the front yards.

vi. A public trail, constructed per the trail construction standards in NBMC 17.25.065, shall be constructed along the southern boundary ~~of the site~~, and within the TLA, to connect SE 136th Street to the Snoqualmie Valley Trail. A public access trail easement containing the trail corridor shall be provided to the city, prior to final building permit approval for development on the affected parcel.

viii. A 10-foot-wide paved public trail (Tanner Trail) with 10-foot planter strip area containing street trees and associated turf and/or native shrubs and ground cover plantings, constructed per the trail construction standards in NBMC 17.25.065, built to match existing Tanner Trail section located within downtown North Bend, shall be constructed along the SE North Bend Way frontage to connect with the King County Snoqualmie Valley Trail as shown on Figure 18.10.025-3. Existing significant trees shall be retained in this area unless there is conflict with an access point.

c. Any land use permit associated with properties fronting North Bend Way within this overlay zone shall install a pedestrian crossing across North Bend Way providing a connection to Tanner Trail and Snoqualmie Valley Trail. The pedestrian crossing shall include at a minimum: a perpendicular crosswalk at SE North Bend Way with reflective bumps and/or lights. Further safety measures may be determined necessary by the city through the development review process.

i. The applicant shall coordinate with King County Parks and city of North Bend for a safe and efficient at-grade crossing of the Snoqualmie Valley Trail with SE North Bend Way and Tanner Trail.

ii. Trail parking of not less than three spaces shall be provided as part of any development application and shall be constructed in conjunction with the development. A bike rack is also encouraged.

d. Allowable Uses and Bulk and Dimensional Standards.

i. Uses within the Tanner Junction MPOD are as established in NBMC 18.10.030 based on the corresponding zones identified in Figure 18.10.025-3. Approximately 350 feet of the southern half of the Parcels No. 1423089183, 1423089185 and 1423089073 and the entire Parcels No. 1423089184, 1423089132, 1423089136 and 1423089135 may be comprised of HDR uses and/or EP-1 uses, except single-family detached, and cottage housing over 1,300 sq. ft. and senior housing is not allowed within this overlay. Any EP-1 uses shall provide a 20-foot type I landscape transition area, pursuant to Chapter 18.18 NBMC Table 1, when located adjacent to HDR use within the site.

ii. Bulk and dimensional standards applicable to residential uses shall be as established for the HDR zone per NBMC Table 18.10.040, Bulk and Dimensional Standards, except that for Tanner Junction MPOD 12 units per building are allowed for buildings that do not front 136th Street.

iii. Bulk and dimensional standards applicable to commercial and industrial uses shall be as established for the EP-1 zone per NBMC Table 18.10.040, Bulk and Dimensional Standards.

e. Building Size and Orientation. In addition to the provisions of the applicable design standards in Chapter 18.34 NBMC, the following standards shall apply to the layout and orientation of buildings within the Tanner Junction MPOD:

i. Commercial and industrial buildings constructed within the Tanner Junction MPOD shall provide primary frontage to either North Bend Way, SE Tanner Road or to the north-south internal through street, but shall not be oriented to SE 136th Street. The back of buildings shall not be oriented to North Bend Way, SE Tanner Road or the north-south internal through street.

ii. Buffering to LDR. If any area immediately bordering SE 136th Street is used for commercial or industrial buildings rather than residential buildings, the property of the commercial or industrial building shall provide a 30-foot Type 1 landscape buffer along the frontage of SE 136th Street.

iii. All loading docks shall be located behind the buildings and not be visible from North Bend Way.

f. Gateway Frontage at 436th Avenue SE and SE 136th Street. The intent of the open space tract at the corner is to retain the forested character, serving as a City gateway. Trees and native vegetation will be retained to the greatest extent possible as determined by the City, with clearing limited to removal of hazard trees and as necessary to accommodate trails and gateway features. The Director may approve deviations to the setback or frontage improvements in order to retain trees. Additional elements for this gateway area shall include

i. The minimum area shall be 66' along SE 136th and 82' along 436th Avenue SE.

ii. Meandering sidewalks, with pedestrian level lighting, through preserved and enhanced native vegetation as depicted below.

iii. This area shall include small signage providing interpretation of natural flora or North Bend historic attributes.



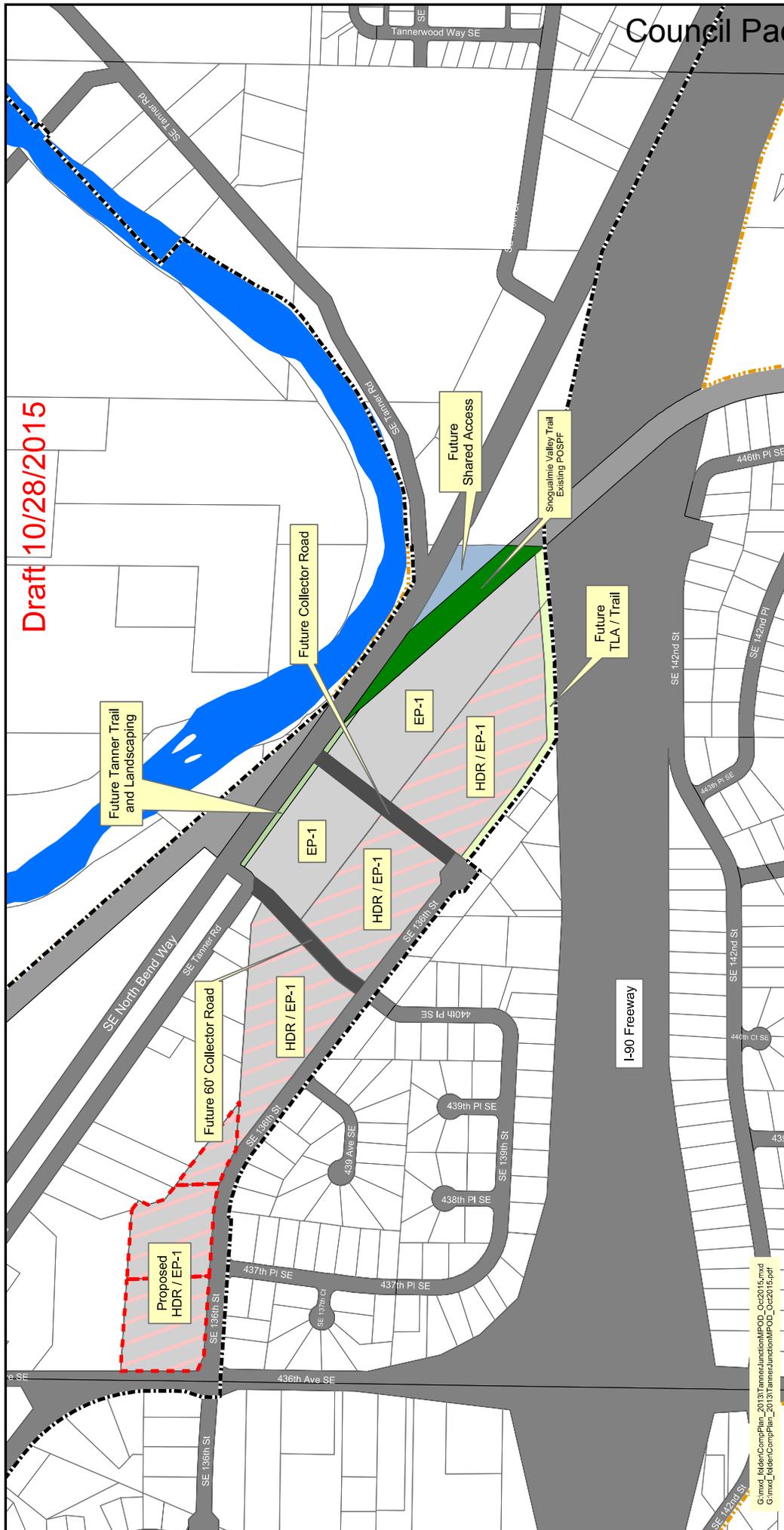
g. Affordable Housing

HDR development on Parcel Nos. 1423089132, 1423089136 and 1423089135 in this overlay shall include no less than twenty percent (20%) affordable housing units for households earning at or below eighty percent (80%) of the Area Median Income (AMI) for East King County/Issaquah/Snoqualmie Valley as reported by the United States Department of Housing and Urban Development (HUD) (the “Local AMI”). Housing developed consistent with the requirements of this subsection shall automatically receive an exemption from ad valorem and other property taxation on the improvements. Such exemption shall be for a period of twelve (12) successive years beginning January 1st of the year immediately following the calendar year of the issuance of a certificate of occupancy thereon.

The price of affordable units is based on that amount a household can afford to pay for housing when the household pays no more than 30 percent of household income for housing expenses, and household income is at or below 80 percent of the Local AMI.

If HUD no longer publishes median figure incomes for East King County/Issaquah/Snoqualmie Valley Area, then the City may use any other similar method for determining the East King County/Issaquah/Snoqualmie Valley Area median income, adjusted for household size. If the percentage of affordable units in the project required is a fraction, then the number of required affordable units shall be rounded up to the next whole number (unit) if the fraction of the whole number is at least 0.66.

Prior to issuing a certificate of occupancy, an agreement in a form acceptable to the city attorney that addresses price restrictions, eligible household qualifications, and long-term affordability requirements shall be recorded with the King County recorder's office. This agreement shall be a covenant running with the land and shall be binding on the assigns, heirs and successors of the applicant. Housing units identified for households with household annual income restrictions that are provided under this section shall continue to be made available to households with the identified household annual income restrictions for twelve (12) years from the date of the initial certificate of occupancy.



Draft 10/28/2015

City of North Bend
 Tanner Junction Master Planning Overlay District (MPOD)
 Figure 18.10.025-3



Map Updated October 28, 2015
 Map Produced July 16, 2013



- Legend**
- Proposed HDR / EP-1 Overlay Addition
 - North Bend City Limits
 - North Bend Urban Growth Area Boundary
 - Streams
 - Rivers or Lakes
 - Parcels
 - Future Tanner Trail
 - TLA / Trail
 - Snoqualmie Valley Trail POSPF
 - Future Shared Access
 - EP-1
 - HDR / EP-1
 - HDR
 - Future 60' Collector Road

G:\mxd_folder\ComPlan_20131TannerJunction\MPOD_Oct2015.mxd
 G:\mxd_folder\ComPlan_20131TannerJunction\MPOD_Oct2015.pdf



City Council Agenda Bill

SUBJECT:		Agenda Date: April 19, 2016		AB16-047		
<p>A Motion Authorizing First Amendment to Torguson Park ILA with Si View MPD for Design of BMX and Park Entrance Improvements</p> <p>Cost Impact: \$20,000</p> <p>Fund Source: N/A</p> <p>Timeline: Immediate</p>		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				
		CED Associate Planner – Lynn Hyde				X
		Attachments: First Amendment, Conceptual Site Plan				
<p>SUMMARY STATEMENT:</p> <p>The City of North Bend (the “City”) entered into an agreement with Si View Metropolitan Park District (the “District”), effective January 1, 2016, regarding joint use of Torguson Park with the maintenance and operation of the Park by the District, and subsequent joint ownership of the Park by the City and the District.</p> <p>The City and District now desire to amend the agreement to add additional design and engineering services for a new pedestrian entrance as well as the redevelopment of the existing BMX track.</p> <p>The District agrees to hire the Watershed Company to design the new pedestrian entrance to Torguson Park from North Bend Way, via the land gifted to the City from Les Schwab, as well as the redevelopment of the existing BMX pumptrack. The Agreement shall be amended to increase the 2016 payment from the City to the District by an amount equal to not more than \$20,000 based upon the costs incurred by the District in performing the improvements.</p>						
<p>COMMITTEE REVIEW AND RECOMMENDATION: This item was reviewed at the April 5th Finance & Administration meeting with a recommendation for approval.</p>						
<p>RECOMMENDED ACTION: MOTION to approve AB16-047, authorizing first amendment to Torguson Park ILA with Si View MPD for design of BMX and park entrance improvements.</p>						
<p>RECORD OF COUNCIL ACTION</p>						
<i>Meeting Date</i>		<i>Action</i>		<i>Vote</i>		
April 19, 2016						

FIRST AMENDMENT TO THE INTERLOCAL AGREEMENT BETWEEN THE CITY OF NORTH BEND AND SI VIEW METROPOLITAN PARK DISTRICT FOR TORGUSON PARK

THIS FIRST AMENDMENT (Amendment) is dated effective the ___ day of _____, 2016 and is made between the City of North Bend (the “City”) and Si View Metropolitan Park District (the “District”).

I. RECITALS

A. The City is a municipal corporation of the State of Washington, organized and operating under the Optional Municipal Code, Title 35A RCW; and

B. The District is a municipal corporation of the State of Washington, organized and operating under 35.61 RCW; and

C. This Agreement is made under the authority of the Interlocal Cooperation Act, Chapter 39.34 RCW; and

D. The City and the District are stewards of public lands in the City, and the parties recognize that through cooperation, these publicly-held lands can be used to meet broader community needs for recreation and open space than either party can provide separately; and

E. The City and District entered into an agreement dated effective January 1, 2016 regarding joint use of Torguson Park (“Park”), maintenance and operation of the Park by the District, and subsequent joint ownership of the Park by the City and the District (“Agreement”);

F. The City and District desire to amend the Agreement to add additional design and engineering services for a BMX bike pumptrack in exchange for the District’s relocation and construction of an improved track as described in this Amendment.

NOW, THEREFORE, it is agreed by and between the City and the District as follows:

1. **Additional Scope of Services to be Performed by District.** The District agrees to hire the Watershed Company to design a Torguson Park entrance from North Bend Way and redesign the BMX pumptrack to improve the design, landscaping, aesthetics and public safety (“Work”). When the Work is completed, the District will be responsible for all costs associated with construction of the Work.
2. **Additional Payment.** Section 8(a) of the Agreement shall be amended to increase the 2016 payment from the City to the District by an amount equal to not more than Twenty Thousand Dollars and No/100 (\$20,000.00) based upon the costs incurred by the District in performing the Work.

3. **Full Force and Effect.** Except as otherwise amended by this Amendment, the Agreement shall remain in full force and effect.

CITY OF NORTH BEND, WASHINGTON

SI VIEW METROPOLITAN PARK
DISTRICT

By: _____

Kenneth G. Hearing

Title Mayor

By: _____

Travis Strombaugh,

Title Executive Director

Date: _____

Date: _____

Attest/Authenticated:

Susie Oppedal, City Clerk

Approved As To Form:

Michael R. Kenyon, City Attorney

Torguson Park PROJECT APPROACH



Site Concepts



Category I scenario with 35-foot buffer showing a pump track and entrance concept with no mitigation required.



Category III scenario with 50-foot buffer showing a pump track and entrance concept with no mitigation required.



Category II scenario with 75-foot buffer showing a pump track and entrance concept with no mitigation required, but with tree retention in the buffer.



Category IV scenario with 200-foot buffer showing pump track area to be mitigated and retention of trees within the buffer.

Legend

- Circulation
- Vegetation Planting
- Potential Wetland
- Park Entrance Features
- Potential Buffer
- Mitigated Pump Track Area
- Pump Track Area

Existing Conditions



Park Entrance Sketch - AFTER



BEFORE