



CITY COUNCIL MEETING

June 7, 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 May 17, 2016	1
2) Payroll May 20, 2016 – 27472 through 27478, in the amount of \$150,272.40	
3) Checks June 07, 2016 – 62814 through 62904, in the amount of \$525,061.79	
4) AB16-059 Ordinance – Amending NBMC RE 2015 Building Codes	Mr. Spencer 5

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

INTRODUCTIONS:

5) AB16-060 Resolution – Regarding Conditional Certification of 2015 Comp Plan	Ms. Estep 81
6) AB16-061 Ordinance – Amending NBMC 18.10 & 18.12 RE CLDR	Ms. Estep 95
7) AB16-062 Motion – Authorizing Historic District Grant Contracts	Ms. Estep 159
8) AB16-063 Motion – Authorizing Agreement & Easement with NB Property Partners	Mr. Rigos 165

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.)

Executive Session – To Discuss Potential Litigation, pursuant to RCW 42.30.110(1)(i)

ADJOURNMENT:

DRAFT

NORTH BEND CITY COUNCIL MINUTES

May 17, 2016

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

CALL TO ORDER, ROLL CALL:

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

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

CONSENT AGENDA:

Minutes – Special Council Workstudies of March 22 & April 12, 2016, Council Workstudy of April 26, 2016 & Council Meeting of May 3, 2016

Payroll – May 5, 2016 – 27465 through 27471, in the amount of **\$195,674.68**

Checks – May 17, 2016 – 62750 through 62813, in the amount of **\$525,039.19**

AB16-053 – Resolution 1712 RE Reimbursement for WWTP Critical Improvements

AB16-054 – Motion Authorizing Contract with Valbridge for Appraisal Services

AB16-055 – Motion Authorizing Golder Work Order for Construction Administration for Mt Si Springs VFD Project

AB16-056 – Motion Authorizing Tetra Tech Work Order Amendment for Bendigo Right Turn Lane Project

Councilmember Elwood **MOVED**, seconded by Councilmember Gothelf to approve the consent agenda as presented. The motion **PASSED** 6-0.

Councilmember Pettersen arrived at 7:03 p.m.

CITIZEN'S COMMENTS:

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

Lora McHugh, 1085 SW 10th Street, expressed concern about the Forster Woods detention ponds, particularly their maintenance, proximity to her house, potential access easement encroachment on her property, and the Home Owners Associations' responsibilities for the ponds. She questioned the City's responsibility and intentions regarding the ponds and stated she disputed the marking of a recent survey performed and possible easement encroachment.

Mayor Hearing requested Ms. McHugh contact him the next day regarding the issue.

DRAFT

COMMISSION AND COMMITTEE REPORTS:

Planning Commission

No report.

Parks Commission

No report.

Economic Development Commission

No report.

Community & Economic Development Committee – Councilmember Pettersen, Chair
A report of the May 17th meeting was provided.

Finance & Administration Committee – Councilmember Rosen, Chair
A report of the May 3rd meeting was provided.

Public Health & Safety Committee – Councilmember Gothelf, Chair
No report. The next meeting is scheduled for June 14, 2016.

Transportation & Public Works Committee – Councilmember Loudenback, Chair
A report of the May 11th meeting was provided.

Council Workstudy – Mayor Pro Tem Loudenback
A report of the April 26th Council Workstudy was provided.

Eastside Fire & Rescue Board Meeting – Councilmember Gothelf
A report of the May 12th meeting was provided.

INTRODUCTIONS:

AB16-057 – Resolution 1713 Accepting Cedar Falls Way Walkway Project as Complete **Audio: 13:26**

Public Works Director Rigos provided the staff report.

Councilmember Rosen **MOVED**, seconded by Councilmember Gothelf to approve AB16-057, a resolution accepting the Cedar Falls Way Walkway Project as complete and authorizing the release of retainage. The motion **PASSED** 7-0.

AB16-058 – Motion Authorizing Second Amendment to Piccola Fire Station Lease **Audio: 18:25**

City Administrator Lindell provided the staff report.

DRAFT

Councilmember Rosen **MOVED**, seconded by Councilmember Gothelf to approve AB16-058, authorizing a Second Amendment to the Fire Station Lease originally entered into between the City of North Bend and Piccola Cellars on February 5, 2014, in a final form approved by the City Attorney. The motion **PASSED** 7-0.

MAYOR, COUNCIL, AND ADMINISTRATOR CONCERNS AND INITIATIVES:

Councilmember Elwood reported on a recent meeting with the Meadowbrook Farm Preservation Board and the City of Snoqualmie and commented on the Cedar Falls Way Walkway Project and the recent channelization changes made by the State at the Exit 31 Roundabout.

City Administrator Lindell reported City staff was currently pursuing two grants through Puget Sound Regional Council for the Downtown Plaza and Park/North Bend Way Roundabout projects.

Mayor Hearing spoke regarding the following items:

- May 18th & 19th - I-90 Lane Restrictions at Highway 18 Interchange
- Vacancies on Economic Development Commission
- May 25th Chamber Luncheon State of the City Address

EXECUTIVE SESSION:

Mayor Hearing recessed the regular meeting for an Executive Session at 7:39 p.m. to discuss potential litigation pursuant to RCW 42.30.110(1)(i). No action was anticipated as a result of the Executive Session, which was expected to last 30 minutes and videotaping of the meeting ceased.

At 8:09 p.m. Assistant City Administrator/Finance Director Masko announced to audience members outside the Council Chambers that the Executive Session was expected to last an additional 20 minutes.

The regular meeting was reconvened at 8:28 p.m.

ADJOURNMENT:

Councilmember Loudenback **MOVED** to adjourn, seconded by Councilmember Elwood. The motion **PASSED** 7-0.

The meeting adjourned at 8:29 p.m.

ATTEST:

Kenneth G. Hearing, Mayor

Susie Oppedal, City Clerk



City Council Agenda Bill

SUBJECT:		Agenda Date: June 7, 2016	AB16-059
An Ordinance Amending North Bend Municipal Code to Adopt the 2015 Building Codes 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	
		Finance – Dawn Masko	
		Public Works – Mark Rigos	
		Building Official – David Spencer	
Attachments: Ordinance (Clean Version), Ordinance (Redline Version)			
<p>SUMMARY STATEMENT:</p> <p>The State Legislature has established the State Building Code Council (RCW 19.27.031) to require the application of uniform construction codes for the State. The Legislature has adopted the 2015 International Codes as the new “minimum” construction codes for the State of Washington. The new International Codes become effective July 1, 2016, and must then be adopted and implemented by local jurisdictions state wide. As a local jurisdiction within in the State of Washington, the City of North Bend desires to adopt the mandated implementation of the newly adopted codes effective July 1, 2016.</p> <p>Attached please find an ordinance to adopt the new International Codes and repeal the International Codes presently adopted in NBMC Title 15. The unique administrative provisions adopted previously for North Bend have been included as an amendment to the new Construction administrative code.</p>			
<p>COMMITTEE REVIEW AND RECOMMENDATION: The Community and Economic Development Committee reviewed this item at their May 17th, 2016 meeting and recommended approval and placement on the consent agenda.</p>			
<p>RECOMMENDED ACTION: MOTION to approve AB16-059, an ordinance amending NBMC to adopt the 2015 Building Codes, as a first and final reading.</p>			
RECORD OF COUNCIL ACTION			
<i>Meeting Date</i>	<i>Action</i>	<i>Vote</i>	
June 7, 2016			

ORDINANCE

AN ORDINANCE OF THE CITY OF NORTH BEND, WASHINGTON, UPDATING TITLE 15 OF THE NORTH BEND MUNICIPAL CODE TO ADOPT THE 2015 WASHINGTON STATE BUILDING CODE AND SPECIFICALLY AMENDING NBMC SECTIONS 15.02.030, 15.02.050, 15.02.140, 15.02.150, 15.02.170, 15.08.180, 15.02.240, 15.02.490, 15.02.500, 15.02.570, 15.02.640, 15.02.1070, 15.02.1110, 15.02.1170, 15.04.010, 15.06.010, 15.08.010, 15.10.010, 15.16.010, 15.18.010, 15.18.140, 15.18.145, 15.18.180, 15.18.200, 15.18.210, 15.18.230, 15.20.010, 15.22.010, 15.26.010, 15.26.060, 15.26.070, 15.36.010, 15.36.040, 15.36.050, AND 15.36.070 THROUGH 15.36.130; REPEALING NBMC CHAPTER 15.32 AND SECTIONS 15.02.160, 15.18.195, 15.24.010, AND 15.36.060; ADDING NEW NBMC SECTIONS 15.18.015 AND 15.18.260 THROUGH 15.18.330; PROVIDING FOR SEVERABILITY; AND ESTABLISHING AN EFFECTIVE DATE

WHEREAS, the State legislature has established the Washington State Building Code as set forth in RCW 19.27.031 and directed the State Building Code Council to adopt and maintain the Washington State Building Code; and

WHEREAS, the State Building Code Council has formally adopted the 2015 edition of the Washington State Building Code pursuant to RCW 19.27.074, which go into effect on July 1, 2016; and

WHEREAS, the City Council of the City of North Bend has previously adopted numerous building and inspection codes by reference to protect the health, safety and welfare of the citizens as set forth in NBMC Title 15; and

WHEREAS, the City Council wishes to amend NBMC Title 15 in order to be consistent with the State Building Codes and to clarify the administrative rules for the City;

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

Section 1. NBMC 15.02.030 (Provisions which apply), Amended: North Bend Municipal Code Section 15.02.030 (Provisions which apply) is hereby amended to read as follows:

15.02.030 Provisions which apply.

The following provisions of the CAC, as adopted by the State of Washington and the City, shall apply to the administration of the technical codes:

- A. 2015 International Building Code – WAC 51-50
- B. 2015 International Residential Code – WAC 51-51
- C. 2015 International Mechanical Code – WAC 51-52
- D. National Fuel Gas Code (NFPA 54) – WAC 51-52
- E. Liquefied Petroleum Gas Code (NFPA 58) –WAC 51-52
- F. 2015 International Fuel Gas Code – WAC 51-52
- G. 2015 International Fire Code – WAC 51-54A
- H. 2015 Uniform Plumbing Code – WAC 51 –56
- I. 2015 International Property Maintenance Code
- J. 2015 International Green Construction Code
- K. 2015 International Existing Building Code – WAC 51-50

Section 2. NBMC 15.02.050 (Definitions), Amended: North Bend Municipal Code Section 15.02.050 (Definitions) is hereby amended to read as follows:

15.02.050 Definitions.

For purposes of the CAC, certain terms, phrases, words and their derivatives shall have the meanings set forth in this section. Where terms are not defined, they shall have their ordinary accepted meanings within the context with which they are used. Webster’s Third International Dictionary of the English Language, Unabridged latest edition, provides ordinary accepted meanings. Words used in the singular include the plural and the plural the singular. Words used in the masculine gender include the feminine and the feminine the masculine.

- 1. “Action” means a specific response complying fully with a specific request by the jurisdiction.
- 2. “Addition” means an extension or increase in floor area or height of a building or structure.
- 3. “Alter” or “alteration” means a change or modification of a building, structure or building service equipment.
- 4. “Approved” as to materials, types of construction, equipment and systems, means and refers to approval by the building official as the result of investigation and tests conducted by the building official, or by reason of accepted principles or tests by recognized authorities, technical or scientific organizations.
- 5. “Approved agency” means an established and recognized agency regularly engaged in conducting tests or furnishing inspection services, when the agency has been approved by the building official.

6. “Building” means a structure used or intended for supporting or sheltering a use or occupancy.
7. “Existing building” means a building erected prior to the adoption of Ordinance 1214, or one for which a legal building permit has been issued and approved.
8. “Building official” means the officer or other designated authority charged with the administration and enforcement of the CAC, or regularly authorized deputy thereof.
9. “Building service equipment” means and refers to the plumbing, mechanical and electrical equipment including piping, wiring, fixtures, and other accessories which provide sanitation, lighting, heating, ventilation, cooling, refrigeration, firefighting, and transportation facilities essential to the occupancy of the building or structure for its designated use.
10. “Complete response” means an adequate response to all requests from city staff in sufficient detail to allow the application to be processed as determined by the building official.
11. “Dangerous Building Code” shall mean the 2015 International Property Maintenance Code promulgated by the International Code Council as adopted by the jurisdiction.
12. “Energy code” means the 2015 International Energy Conservation Code promulgated by the Washington State Building Code Council as adopted by the jurisdiction.
13. “High-rise Building” means buildings having occupied floors, or occupied roof, located more than 75 feet (22,860 mm) above the lowest level of fire department vehicle access.
14. “Housing code” means the 2015 International Property Maintenance Code promulgated by the International Code Council as adopted by the jurisdiction.
15. “IBC” means the latest edition of the International Building Code promulgated by the International Code Council as adopted by this jurisdiction.
16. “IEBC” means the latest edition of the International Existing Building Code promulgated by the International Code Council as adopted by this jurisdiction.
17. “IFC” means the latest edition of the International Fire Code promulgated by the International Code Council as adopted by this jurisdiction.
18. “IMC” means the latest edition of the International Mechanical Code promulgated by the International Code Council as adopted by this jurisdiction.
19. “IPC” means the latest edition of the International Plumbing Code promulgated by the International Code Council as adopted by this jurisdiction.

20. "IRC" means the latest edition of the International Residential Code promulgated by the International Code Council as adopted by this jurisdiction.
21. "Listed" and "listing" are terms referring to equipment or materials included in a list by an approved testing laboratory, inspection agency or other organization concerned with product evaluation that maintains periodic inspection of current production of listed equipment or materials. The published list shall state that the material or equipment complies with approved nationally recognized codes, standards, or tests and has been tested or evaluated and found suitable for use in a specified manner.
22. "LPG" means Liquefied Petroleum Gas.
23. "NEC" means the latest edition of the National Electrical Code promulgated by the National Fire Protection Association.
24. "NFPA" means the National Fire Protection Association.
25. "Occupancy" means the purpose for which a building, or part thereof, is used or intended to be used.
26. "Owner" means any person, agent, firm, or corporation having legal or equitable interest in the property.
27. "Permit" means an official document or certificate issued by the building official authorizing performance or specified activity.
28. "Person" means a natural person, heirs, executors, administrators or assigns and includes a firm, partnership, or corporation, its or their successors or assigns, or the agent of any of the aforesaid.
29. "Power Tap" A listed device for indoor use consisting of an attachment plug on one end of a flexible cord and two or more receptacles on the opposite end, and has over current protection.
30. "Repair" means the reconstruction or renewal of any part of an existing building, structure, or building service equipment for the purpose of its maintenance.
31. "Registered Plan Program" means a program to allow one set of approved plans to be used for construction of multiple identical buildings in order to reduce plan review time.
32. "SBCC" means the Washington State Building Code Council as appointed by the governor of the State of Washington.
33. "Shall" as used in this chapter, is mandatory.
34. "Structure" means that which is built or constructed, an edifice or building of any kind, or any piece of work artificially built up or composed of parts joined together in some definite manner.

35. “Structural observation” means the visual observation of the structural system, for general conformance to the approved plans and specifications, at significant construction stages and at completion of the structural system. Structural observation does not include or waive the responsibility for the inspections required by the building code or residential code or other sections of the CAC.
36. “Technical codes” are the codes, appendices and referenced code standards adopted by the jurisdiction.
37. “UPC” means the latest edition of the Uniform Plumbing Code promulgated by the International Code Council as adopted by this jurisdiction.
38. “Valuation” or “value” as applied to a building or building service equipment, means and shall be the estimated cost to build or replace a building and its building service equipment in kind, based on current replacement costs. It shall also include the contractor’s overhead and profit.

Section 3. NBMC 15.02.140 (Plumbing), Amended: North Bend Municipal Code Section 15.02.140 (Plumbing) is hereby amended to read as follows:

15.02.140 Plumbing.

The plumbing code as adopted by NBMC 15.20.010 shall apply to the installation, alteration, repair and replacement of plumbing systems, including equipment, appliances, fixtures, fittings and appurtenances, and where connected to a water or sewage system and all aspects of a medical gas system.

Section 4. NBMC 15.02.150 (Energy), Amended: North Bend Municipal Code Section 15.02.150 (Energy) is hereby amended to read as follows:

NBMC 15.02.150 Energy.

The provisions of the International Energy Conservation Code of the State of Washington shall apply to all matters governing the design and construction of buildings for energy efficiency.

Section 5. Repealer: North Bend Municipal Code Section 15.02.160 (Ventilation and indoor air quality) is hereby repealed in its entirety.

Section 6. NBMC 15.02.170 (Electrical), Amended: North Bend Municipal Code Section 15.02.170 (Electrical) is hereby amended to read as follows:

15.02.170 Electrical.

The provisions of the 2012 National Electrical Code (NEC) shall apply to the installation of electrical systems, including alterations,

repairs, replacement, equipment, appliances, fixtures, fittings and appurtenances thereto. Within the city of North Bend, enforcement of the NEC shall fall under the jurisdiction of the state of Washington.

Section 7. NBMC 15.02.180 (International Property Maintenance Code), Amended: North Bend Municipal Code Section 15.02.180 (International Property Maintenance Code) is hereby amended to read as follows:

15.02.180 International Property Maintenance Code.

The provisions of the 2015 International Property Maintenance Code are hereby adopted and shall apply to the maintenance of buildings and private property.

Section 8. NBMC 15.02.240 (Existing structures), Amended: North Bend Municipal Code Section 15.02.240 (Existing structures) is hereby amended to read as follows:

15.02.240 Existing structures.

The legal occupancy of any structure shall be permitted to continue without change, except as is specifically covered in the CAC, the International Fire Code, or as is deemed necessary by the building official for the general safety and welfare of the occupants and the public

Section 9. NBMC 15.02.490 (Fire code permits required), Amended: North Bend Municipal Code Section 15.02.490 (Fire code permits required) is hereby amended to read as follows:

15.02.490 Fire code permits required.

The fire code official is authorized to issue operational permits for the operations set forth in IFC Sections 105.6.1 through 105.6.46 and is further authorized to issue construction permits for work as set forth in IFC Sections 105.7.1 through 105.7.16.

Section 10. NBMC 15.02.500 (Work exempt from permit), Amended: North Bend Municipal Code Section 15.02.500 (Work exempt from permit) is hereby amended to read as follows:

15.02.500 Work exempt from permit.

Exemptions from permit requirements of this chapter shall not be deemed to grant authorization for any work to be done in any manner in violation of the provisions of this chapter or any other laws or ordinances of this jurisdiction.

A. Building permits shall not be required for the following:

1. One-story detached residential accessory structures used as tool and storage sheds, tree-supported play structures, playhouse and similar uses, provided the floor area does not exceed 200 square feet (11.15 m²);
2. Fences not over six feet (1,829 millimeters) high;
3. Oil derricks;
4. Retaining walls, which are not over four feet (1,219 millimeters) in height measured from the bottom of the footing to the top of the wall, unless supporting a surcharge or impounding Class I, II or III-A liquids;
5. Water tanks supported directly on grade if the capacity does not exceed 5,000 gallons (18,925 liters) and the ratio of height to diameter or width does not exceed two to one;
6. Sidewalks and driveways not more than 30 inches (762 millimeters) above grade, and not over any basement or story below, and decks that are not attached to a dwelling and do not serve the required exit door;
7. Painting, papering, tiling, carpeting, cabinets, counter tops and similar finish work;
8. Replacement of siding for accessory structures, not intended for human occupancy, that are associated with a single-family residence structures;
9. Temporary motion picture, television and theater stage sets and scenery;
10. Prefabricated swimming pools accessory to a Group R-3 occupancy, which are less than 24 inches (610 millimeters) deep, do not exceed 5,000 gallons (18,925 liters) and are installed entirely above ground;
11. Shade cloth structures constructed for nursery or agricultural purposes, not including service systems;
12. Swings, slides and other similar playground equipment;
13. Window awnings in single-family residences (R-3) and Group U occupancies, supported by an exterior wall which

do not project more than 54 inches (1,372 millimeters) from the exterior wall and do not require additional support;

14. Movable cases, counters and partitions not over five feet nine inches (1,753 millimeters) in height.
15. Satellite earth station antennas six and one-half feet (two meters) or less in diameter or diagonal in zones other than residential zones.
16. Satellite earth station antennas three and one-quarter feet (one meter) or less in diameter in residential zones.
17. Video programming service antennas three and one-quarter feet (one meter) or less in diameter or diagonal dimension, regardless of zone.
18. Window replacement in single-family residences as long as the replacement does not reduce the egress, safety glazing, or energy requirements and the structural opening for said window replacement remains the same.

Section 11. NBMC 15.02.570 (Expiration), Amended: North Bend Municipal Code Section 15.02.570 (Expiration) is hereby amended to read as follows:

15.02.570 Expiration.

A. Every permit issued shall expire 2 years from the date of issuance. The Building Official is authorized to approve a request for an extended expiration date, where a construction schedule is provided by the applicant and approved prior to permit issuance.

B. Every permit may be renewed for a period of 1 year beyond the original expiration date for an additional fee equal to 50% of the original permit fees, as long as no changes have been made to the originally approved plans and new building codes have not been adopted. Renewals must be applied for prior to the expiration date of the original permit. Paid impact fees and utility connection charges will not be required to be paid again. No permit shall be renewed more than once.

C. Mechanical and plumbing permits shall expire at the same time as the associated building permit except that if no associated building permit is issued, the mechanical and/or plumbing permit shall expire 180 days from the date of issuance. The Building Official is authorized to approve a request for an extended expiration date of mechanical and/or plumbing permits associated

with a building permit when a construction schedule is provided by the applicant and approved prior to permit issuance. There shall be no extensions of stand-alone mechanical and/or plumbing permits under this subsection.

D. The City may authorize an extension to the expiration date up to 30 days beyond the written date of notification with no additional fee when only the final building inspection is remaining and all other work has been approved. If work required under a final inspection is not completed within the 30-day extension period, the permit shall expire.

Section 12. NBMC 15.02.640 (Use of consultants), Amended: North Bend Municipal Code Section 15.02.640 (Use of consultants) is hereby amended to read as follows:

15.02.640 Use of consultants.

Whenever review of a building permit application requires retention by this jurisdiction for professional consulting services, the applicant shall reimburse this jurisdiction the cost of such professional consulting services as established in the fee schedule established by the jurisdiction. This fee shall be in addition to the normal plan review and building permit fees. This jurisdiction may require the applicant to deposit an amount with this jurisdiction estimated in the discretion of the building official to be sufficient to cover anticipated costs to retaining professional consultant services and to ensure reimbursement for such costs.

Section 13. NBMC 15.02.1070 (Use and occupancy), Amended: North Bend Municipal Code Section 15.02.1070 (Use and occupancy) is hereby amended to read as follows:

15.02.1070 Use and occupancy.

No building or structure shall be used or occupied, and no change in the existing occupancy classification of a building or structure or portion thereof shall be made until the building official has issued a certificate of occupancy therefor as provided herein. Issuance of a certificate of occupancy shall not be construed as an approval of a violation of the provisions of the CAC or of other ordinances of this jurisdiction.

Before occupying or using the property or structure for which a building permit has been issued, the applicant must first request and obtain a certificate of occupancy from the building official. Group U, single-family residential garages are exempt from this requirement. The applicant shall make a formal request for the certificate of occupancy a minimum of 14 calendar days before the certificate is required. The request shall be accompanied by all

documentation or bonding necessary to secure performance on any outstanding items if allowed by the city. The certificate of occupancy will only be issued after the building official has inspected the property or structure(s), and has found no violations of adopted codes or project conditions, and that all requirements of the city of North Bend have been satisfied.

Section 14. NBMC 15.02.1110 (Maintenance of safeguards), Amended: North Bend Municipal Code Section 15.02.1110 (Maintenance of safeguards) is hereby amended to read as follows:

15.02.1110 Maintenance of safeguards.

Whenever or wherever any device, equipment, system, condition, arrangement, level of protection, or any other feature is required for compliance with the provisions of the CAC, or otherwise installed, such device, equipment, system, condition, arrangement, level of protection, or other feature shall thereafter be continuously maintained in accordance with the CAC and applicable referenced standards. Such device, equipment, system, condition, arrangement, level of protection, or any other feature shall be maintained in accordance with IFC Sections 107.1 through 107.5.

Section 15. NBMC 15.02.1170 (Violations/unlawful acts), Amended: North Bend Municipal Code Section 15.02.1170 (Violations/unlawful acts) is hereby amended to read as follows:

15.02.1170 Violations/unlawful acts.

It shall be unlawful for any person, firm or corporation to erect, construct, alter, extend, repair, move, remove, demolish or occupy any building, structure or equipment regulated by the CAC, or cause same to be done, in conflict with or in violation of any of the provisions of the CAC. Any violation of this section shall be remedied using the provisions of Chapter 1.20 NBMC.

Section 16. NBMC 15.04.010 (International Building Code adopted), Amended: North Bend Municipal Code Section 15.04.010 (International Building Code adopted) is hereby amended to read as follows:

15.04.010 International Building Code adopted.

The 2015 edition of the International Building Code, including Appendix E, published by the International Code Council, as adopted and hereafter amended by the State Building Code Council in Chapter 51-50 WAC, is hereby adopted by reference with the following exceptions: excluding chapter 1.

Section 17. NBMC 15.06.010 (International Residential Code adopted), Amended: North Bend Municipal Code Section 15.06.010 (International Residential Code adopted) is hereby amended to read as follows:

15.06.010 International Residential Code adopted.

The 2015 edition of the International Residential Code, including Appendices F, G and R, published by the International Code Council, as adopted and hereafter amended by the State Building Code Council in Chapter 51-51 WAC, is hereby adopted by reference with the following exceptions: excluding chapter 1, chapter 11, and chapters 25 through 43.

Section 18. NBMC 15.08.010 (State code adopted), Amended: North Bend Municipal Code Section 15.08.010 (State code adopted) is hereby amended to read as follows:

15.08.010 State code adopted.

Subject to the provisions of RCW 35.21.180, the WSDOT/APWA Standard Specifications for Road, Bridge, and Municipal Construction, as prepared by the Washington State Chapter of American Public Works Association, are adopted by reference for the regulation of specifications for municipal public works construction within the city. Subject to the provisions of RCW 35.21.180, any future amendments of the standard specifications for municipal public works construction as prepared by Washington State Chapter, American Public Works Association, most current edition, shall also be deemed to be amendments of this chapter by reference.

Section 19. NBMC 15.10.010 (International Mechanical Code adopted), Amended: North Bend Municipal Code Section 15.10.010 (International Mechanical Code adopted) is hereby amended to read as follows:

15.10.010 International Mechanical Code adopted.

The 2015 edition of the International Mechanical Code published by the International Code Council, as adopted and hereafter amended by the State Building Code Council in Chapter 51-52 WAC, is hereby adopted by reference with the following exceptions: excluding chapter 1.

Section 20. NBMC 15.16.010 (International Fuel Gas Code adopted), Amended: North Bend Municipal Code Section 15.16.010 (International Fuel Gas Code adopted) is hereby amended to read as follows:

15.16.010 International Fuel Gas Code adopted.

The 2015 edition of the International Fuel Gas Code published by the International Code Council, as adopted and hereafter amended

by the State Building Code Council in Chapter 51-52 WAC, is hereby adopted with the following exceptions: excluding chapter 1.

Section 21. NBMC 15.18.010 (International Fire Code adopted), Amended: North Bend Municipal Code Section 15.18.010 (International Fire Code adopted) is hereby amended to read as follows:

15.18.010 International Fire Code adopted.

The 2015 edition of the International Fire Code (IFC), including Appendices B, C and D, published by the International Code Council, as adopted and hereafter amended by the State Building Code Council in Chapter 51-54A WAC is hereby adopted except as amended by this chapter.

Section 22. New NBMC 15.18.015 (General definitions), Adopted: A new North Bend Municipal Code Section 15.18.015 (General definitions) is hereby adopted to read as follows:

15.18.015 General definitions.

Section 202 of the International Fire Code as adopted is hereby amended to include the following additional definitions:

A. High-rise Building. Buildings having occupied floors, or occupied roof, located more than 75 feet (22,860 millimeters) above the lowest level of fire department vehicle access.

Section 23. NBMC 15.18.140 (Sprinkler systems required), Amended: North Bend Municipal Code Section 15.18.140 (Sprinkler systems required) is hereby amended to read as follows:

15.18.140 Sprinkler systems required.

Approved automatic sprinkler systems in new buildings and structures shall be provided in the locations described in this section.

A. With the exception of detached single-family residences, all newly constructed buildings with a gross square footage of 5,000 square feet regardless of type or use as well as zero lot line townhouses with an aggregate area of 5,000 square feet or greater must be sprinklered.

B. Additions or alterations to existing buildings that is greater than 50 percent of the buildings assessed valuation and would result in a gross floor area greater than 5,000 square feet must be retrofitted with an automatic fire sprinkler system. Subject to the fire code official, a phasing of up to five years is permitted. Exception: Detached single-family residences from the provisions of this section.

C. Floor Area, Gross. For the purpose of this section, “gross floor area” shall be defined as the floor area whether above or below grade within the inside perimeter of the exterior walls of the building under consideration, exclusive of vent shafts and courts, without deduction for corridors, stairways, closets, the thickness of the interior walls, columns or other features. The floor area of a building, or portion thereof, not provided with surrounding exterior walls shall be the usable area under the horizontal projection of the roof or floor above. The gross floor area shall not include shafts with no openings or interior courts. For the purposes of this section, fire barriers, firewalls, or fire partitions of any type do not constitute separate buildings

Section 24. NBMC 15.18.145 (False alarms – Penalties), Amended: North Bend Municipal Code Section 15.18.145 is hereby amended to read as follows:

15.18.145 False alarms – Penalties.

A. For the purpose of determining the time periods imposed by this section, false alarms shall be dated from the day of their occurrence.

B. First Response. Response to a premises at which no other false alarm has occurred within the same calendar month shall be referred to as a “first response.” No penalty or administrative sanction shall be imposed by any first response.

C. Second and Subsequent Response – Civil Penalty. When two or more false alarms have occurred at any premises in any calendar month, the owner shall have committed the infraction of a “repetitive false alarm.” The civil penalty for a second and succeeding false alarm in any calendar month shall be \$200.00 per occurrence, in addition to any fees imposed pursuant to Chapter 3.62 IMC. Any false alarm which results from a failure to take required corrective action to prevent such recurrence after notice thereof by the fire chief and/or any nonpayment of any false alarm penalty may result in the fire chief providing written notice ordering the disconnection of such alarm until the required corrective action or payment of penalty has been made; provided, however, that no disconnection shall be ordered on any premises required by law to have an alarm system in operation.

D. Notice of Violation – Responsibility for Issuance. The fire chief shall be responsible for the issuance of written notices of infraction to the owner following the second and each succeeding false alarm in any calendar month. The fire chief shall notify the

city finance department of the amount of the penalties to be collected. It shall be the responsibility of the finance department to collect such penalties.

E. It shall be unlawful for any person to silence or reset a commercial fire alarm system without the approval of the Fire Chief.

Section 25. NBMC 15.18.180 (Portable fire extinguishers required), Amended: North Bend Municipal Code Section 15.18.180 (Portable fire extinguishers required) is hereby amended to read as follows:

15.18.180 Portable fire extinguishers required.

Subsection 906.1 of the International Fire Code as adopted is amended to read as follows:

Portable fire extinguishers shall be installed in the following locations:

1. In all Group A, B, E, F, H, I, M, R-1, R-2, R-4 and S occupancies.
2. Within 30 feet (9,144 mm) of commercial cooking equipment.
3. In areas where flammable or combustible liquids are stored, used or dispensed.
4. On each floor of structures under construction, except Group R-3 occupancies, in accordance with Section 1415.1.
5. Where required by the sections indicated in Table 906.1.
6. Special-hazard areas, including but not limited to laboratories, computer rooms and generator rooms, where required by the fire code official.

Section 26. Repealer: North Bend Municipal Code Section 15.18.195 (Administrative fees on certain permits) is hereby repealed in its entirety.

Section 27. NBMC 15.18.200 (IFC Referenced codes and standards), Amended: North Bend Municipal Code Section 15.18.200 (IFC Referenced codes and standards) is hereby amended to read as follows:

15.18.200 IFC referenced codes and standards.

The codes and standards referenced in this chapter shall be those that are listed in IFC Chapter 80. Such codes and standards shall be considered part of the requirements of this chapter to the prescribed extent of each such reference as determined by the fire code official. Where differences occur between the provisions of this chapter and the referenced standards, the provisions of this chapter shall apply.

When requested in writing by the permit applicant, and allowed by the Fire Code official, editions of standards not herein referenced may be utilized provided the entire standard is utilized.

Section 28. NBMC 15.18.210 (Overcrowding), Amended: North Bend Municipal Code Section 15.18.210 (Overcrowding) is hereby amended to read as follows:

15.18.210 Overcrowding.

Section 107.6 of the International Fire Code as adopted is hereby amended to read as follows:

Overcrowding or admittance of any person beyond the approved capacity of a building or a portion thereof shall not be allowed. The fire code official, upon finding any overcrowding conditions or obstructions in aisles, passageways or other means of egress, or upon finding any condition which constitutes a life safety hazard, shall be authorized to direct actions be taken to reduce the overcrowding or to cause the event to be stopped until such condition or obstruction is corrected.

Section 29. NBMC 15.18.230 Repealed and Re-Adopted: North Bend Municipal Code Section 15.18.230 (Emergency responder radio coverage) is hereby repealed in its entirety and a new Section 15.18.230 (Emergency responder radio coverage) is hereby adopted to read as follows:

15.18.230 Emergency responder radio coverage. The following sections of the International Fire Code as adopted are amended to read as follows:

510.1 Emergency responder radio coverage in new buildings.

Approved radio coverage for emergency responders shall be provided with buildings meeting any of the following conditions:

1. There are more than five stories above grade plane (as defined by the International Building Code, Section 202);
 2. The total building is 50,000 square feet or greater;
 3. The total basement area is 10,000 square feet or greater;
- or

4. There are floors used for human occupancy more than 30 feet below the finish floor of the lowest level of exit discharge.

Radio coverage is based upon the existing coverage levels of the public safety communication systems of the jurisdictions at the exterior of the building. This section shall not require improvements of the existing public safety communication system.

510.2 Emergency responder radio coverage in existing buildings. Existing buildings shall be provided with approved radio coverage for emergency responders as required in IFC 1103.2.

510.3.2 Operational permit. An operational permit is required to operate an in building radio system.

510.4.2.4 Signal Booster Requirements. If used, signal boosters shall meet the following requirements:

1. All active signal booster components shall be contained in a (NEMA) 4, IP66-type waterproof cabinet or equivalent.
2. The battery system shall be contained in a (NEMA) 4, IP66-type waterproof cabinet or equivalent.
3. The system shall include automatic alarming of malfunctions of the signal booster and battery system. Any resulting trouble alarm shall be automatically transmitted to an approved central station.
4. Equipment shall have FCC certification prior to installation.

510.5.3 Acceptance Test procedure. Acceptance testing for Emergency responder radio amplification system is required, upon completion of installation. It is the building owner's responsibility to have the radio system tested by qualified personnel to ensure a minimum of 95% two-way coverage on each floor of the building.

A report shall be submitted to the Fire Marshal at the conclusion of acceptance testing containing a floor plan and the signal strengths at each location tested and other relevant information. A representative of the Fire Marshal's Office may oversee the acceptance test. Acceptance testing is also required whenever changes occur to the building that would materially change the

original field performance test. The test procedure shall be conducted as follows:

1. Each floor of the building shall be divided into a grid of approximately forty (40) equal areas.
2. Testing shall use a two (2) watt, portable transceiver with speaker/microphone and flexible antenna (or any calibrated device which will produce signal levels useable by the prescribed portable radio). Field strength testing instruments must have been calibrated within one (1) year of the date of the acceptance test. Field strength testing instruments must be of the frequency selective type incorporating a flexible antenna similar to the ones used on the hand held transceivers. City Radio System Manager may designate alternate methods of measuring the signal level, which satisfy appropriate levels of public safety coverage.
3. A maximum of two (2) nonadjacent areas will be allowed to fail the test.
4. In the event that three (3) of the areas fail the test, the floor may be divided into eighty (80) equal areas in order to be more statistically accurate. In such event, a maximum of four (4) nonadjacent areas will be allowed to fail the test. After the eighty (80) area tests, if the system continues to fail, the building owner shall have the system altered to meet the 95% coverage requirement.
5. A spot located approximately in the center of a grid area will be selected for the test, then the radio will be keyed to verify two-way communication to and from the outside of the building through the Regional 800 MHz Radio System. Once the spot has been selected, prospecting for a better spot within the grid area is not permitted. The gain values of all amplifiers shall be measured and the results kept on file with the building owner so that the measurements can be verified each year during the annual tests. In the event that the measurement results become lost, the building owner will be required to rerun the acceptance test to reestablish the gain values.
6. The gain values of all amplifiers shall be measured and the test measurement results shall be kept on file with the building owner so that the measurements can be verified during annual tests. In the event that the measurement results become lost, the building owner shall be required to rerun the acceptance test to reestablish the gain values.
7. As part of the installation a spectrum analyzer or other suitable test equipment shall be utilized to ensure spurious oscillations are not being generated by the

subject signal booster. This test shall be conducted at time of installation and subsequent annual inspections.

510.5.5 Approval Prior to Occupancy. A Certificate of Occupancy shall not be issued to any structure if the building fails to comply with Section 510.

510.6 Maintenance. The emergency responder radio coverage system shall be maintained operational at all times in accordance with Sections 510.6.1 through 510.6.3.

510.6.1 Testing and proof of Compliance. The emergency responder radio coverage system shall be inspected and tested annually, or whenever structural changes occur including additions or remodels that could materially change the original field performance tests. Testing shall consist of the following:

1. In-building coverage test as described in Section 510.5.3.
Exception: Group R Occupancy annual testing is not required within dwelling units.
2. Signal boosters shall be tested to ensure that the gain is the same as it was upon initial installation and acceptance.
3. Backup batteries and power supplies shall be tested under load of a period of 1 hour to verify that they will properly operate during an actual power outage. If within the 1-hour test period the battery exhibits symptoms of failure, the test shall be extended for additional 1-hour periods until the integrity of the battery can be determined.
4. All other active components shall be checked to verify operation within the manufacturer's specifications.
5. At the conclusion of the testing, a report, which shall verify compliance with Section 510.5.3, shall be submitted to the fire code official.

510.6.2 Identification. Radio Coverage system shall be identified by a sign located on or near the Fire Alarm Control Panel stating "This building is equipped with an Emergency Responder Radio Coverage System."

510.6.3 Field Testing. Police and Fire Personnel shall at any time have the right to enter onto the property to conduct its own field-testing to be certain that the required level of radio coverage is present.

Section 30. New NBMC 15.18.240 (Obstructing operations), Adopted: A new North Bend Municipal Code Section 15.18.240 (Obstructing operations) is hereby adopted to read as follows:

15.18.240 Obstructing operations.

No person shall obstruct the operations of the fire department in connection with extinguishment, or control or investigation of any fire, or actions relative to other emergencies, or disobey any lawful command of the fire chief or officer of the fire department in charge of the emergency, or any part thereof, or any lawful order of a police officer assisting the fire department.

Section 31. New NBMC 15.18.250 (Fire apparatus access roads), Adopted: A new North Bend Municipal Code Section 15.18.250 (Fire apparatus access roads) is hereby adopted to read as follows:

15.18.250 Fire apparatus access roads.

A. Fire apparatus access roads shall be provided and maintained by the City of North Bend in accordance with WAC 51-54A-0503.

B. Exceptions to IFC model provisions. The following sections of the International Fire Code as adopted are amended to read as follows:

1. 503.2.1 Dimensions. Fire apparatus access roads, other than those governed above, or on private property, shall have an unobstructed width of not less than 20 feet (6,096 mm), except for approved security gates in accordance with Section 503.6, and an unobstructed vertical clearance of not less than 13 feet 6 inches (4,115 mm). Emergency Vehicle access roads shall be constructed in accordance with City of North Bend Municipal Code and standards.

2. 503.2.7 Grade. The grade of the fire apparatus access road shall be no more than 15% slope. Access roads may be permitted to exceed 15% with approval of the fire official, where all buildings are provided with an approved fire sprinkler system.

3. 503.3. Markings. When required by the Fire Chief, approved signs or other approved notices shall be provided and maintained for fire apparatus roads to identify such roads and prohibit the obstruction thereof or both.

a. All designated fire lanes shall be clearly marked by the property owner in the following manner: Vertical curbs shall be painted six (6") inches in height and shall be painted red on the top and side, extending the length of the designated fire lane with four inch (4") white block lettering stenciled on the face "NO PARKING – FIRE LANE." The stenciling shall be spaced every fifty feet (50'). Rolled curbs or surfaces without curbs shall have a six inch (6")

wide red stripe painted extending the length of the designated fire lane with four inch (4") white block lettering stenciled on the stripe "NO PARKING – FIRE LANE." The stenciling shall be spaced every fifty feet (50').

b. Signs may be substituted for curb painting when approved in writing by the fire marshal.

c. Signs shall be not less than eighteen inches (18") in height by twelve inches (12") in width, with block lettering of not less than three inches (3") high brush stroke, reading: "NO PARKING – FIRE LANE." Such signs shall be reflective in nature, with red lettering on a white background, and spaced at intervals of not less than fifty feet (50') apart. The top of such signs shall not be less than four feet (4') or more than six feet (6') from the ground. Signs may be placed on buildings when approved in writing by the fire marshal. When posts are required, they shall be constructed of either two inch (2") or greater galvanized steel, or four inch by four inch (4" x 4") or greater pressure treated wood.

d. The fire marshal may approve deviations from any of the specifications in writing.

e. Existing signs may be allowed to remain until the fire marshal determines that a need for replacement exists based on the legibility or other deterioration of the existing signs. Such replacement shall occur within 30 days of receiving written notification of the deficiency.

f. Fire lanes shall be established and maintained as often as required by the fire marshal to clearly identify the designated area as a fire lane, at the sole expense of the property owner. The property owner shall have completed the required establishment or maintenance of fire lanes within 30 days of receiving written notification that such is necessary.

g. At the entrance to the property where fire lanes have been designated, signs shall be posted in a clearly conspicuous location, and shall clearly state that vehicles parked in fire lanes may be impounded, and the name, telephone number, and address of the towing firm where the vehicle may be redeemed.

h. The owner, manager, or person in charge of any property upon which any designated fire lane has been established shall be responsible to prevent the parking of vehicles in such fire lanes by informing the appropriate towing company of the violation. If the

lane is blocked by any other obstructions, the owner, manager, or person in charge of the property shall attempt to remove the obstruction, and if unable, shall inform the fire department that the obstruction exists.

i. All criminal violations of the International Fire Code and obstruction of a fire apparatus road may be enforced by any regular or reserve police officer of the Police Department.

j. Except when in compliance with the law or at the direction of a police or fire officer, no person shall stop, stand, or park a vehicle in an red or yellow area designated "Fire Lane."

k. Except when in compliance with the law or at the direction of a police or fire officer, and in accordance with RCW 46.61.570(1), no person shall stop, stand, or park a vehicle within fifteen feet of a fire hydrant.

l. Any person, firm, corporation or organization violating any of the provisions of this title shall be guilty of a civil infraction, punishable as provided in the NBMC. Every day or portion thereof during which any violation of this title occurs or continues shall constitute a separate offense.

Section 32. New NBMC 15.18.260 (General safety precautions), Adopted: A new North Bend Municipal Code Section 15.18.260 (General safety precautions) is hereby adopted to read as follows:

15.18.260 General safety precautions. The following sections of the International Fire Code as adopted are hereby amended to read as follows:

5003.9 General safety precautions.

General precautions for the safe storage, handling or care of hazardous materials shall be in accordance with Sections 5003.9.1 through 5003.9.11.

5003.9.11 Manufactures Limitations.

The storage and use of hazardous materials shall not exceed the manufacturer's limitations on shelf life and any other restrictions on use.

Section 33. New NBMC 15.18.270 (Emergency alarm system), Adopted: A new North Bend Municipal Code Section 15.18.270 (Emergency alarm system) is hereby adopted to read as follows:

15.18.270 Emergency alarm system. The following sections of the International Fire Code as adopted are hereby amended to read as follows:

5307.5.2 Emergency Alarm System.

1. Continuous gas detection shall be provided to monitor areas where carbon dioxide can accumulate.
2. The threshold for activation of an alarm shall not exceed 5,000 ppm (parts per million) (9,000mg/m3).
3. Activation of the emergency alarm system shall initiate a local alarm, at the entrance to room(s), and inside a room or area where CO2 systems are installed.
4. Require a warning sign at the entrance: “Carbon Dioxide Alarm. Do not enter. Call 911”.

Section 34. New NBMC 15.18.280 (Explosive materials storage and handling – General),

Adopted: A new North Bend Municipal Code Section 15.18.280 (Explosive materials storage and handling – General) is hereby adopted to read as follows:

15.18.280 Explosive materials storage and handling – General.

The following sections of the International Fire Code as adopted are hereby amended to read as follows:

5604.1 Explosive Materials Storage and Handling – General.

The storage of explosive materials is prohibited within the City Limits.

Exceptions:

1. Materials listed and stored in accordance with IFC 5601.1 “Exceptions 1-5, and 7-9.”
2. Model rocket motors, as defined by 2013 NFPA 1122, stored in accordance with 2013 NFPA 1122 Sections 4.20.1 and 4.20.2. Quantities of more than one pound shall be stored in accordance with 2013 NFPA 1127 Sections 4.19.1 through 4.19.2.4.
3. When approved by the Fire Marshal, high power rocket motors as defined by 2013 NFPA 1127 and rocket motor reloading kits, stored in accordance with 2013 NFPA 1127 Sections 4.19.1 through 4.19.2.4, 4.19.4 and 4.19.5.

Section 35. New NBMC 15.18.290 (Manufacturing, assembly and testing of explosives, explosive materials, ammunition, blasting agents, and fireworks – General), Adopted:

A new North Bend Municipal Code Section 15.18.290 (Manufacturing, assembly and testing of

explosives, explosive materials, ammunition, blasting agents, and fireworks – General) is hereby adopted to read as follows:

15.18.290 Manufacturing, assembly and testing of explosives, explosive materials, ammunition, blasting agents, and fireworks – General. The following sections of the International Fire Code as adopted are hereby amended to read as follows:

5605.1 Manufacturing, assembly and testing of explosives, explosive materials, ammunition, blasting agents, and fireworks – General.

The manufacturing of explosives, explosive materials, ammunition, blasting agents, and fireworks is prohibited within the City limits.

Section 36. New NBMC 15.18.300 (Storage and dispensing of flammable and combustible liquids), Adopted: A new North Bend Municipal Code Section 15.18.300 (Storage and dispensing of flammable and combustible liquids) is hereby adopted to read as follows:

15.18.300 Storage and dispensing of flammable and combustible liquids. The following sections of the International Fire Code as adopted are hereby amended to read as follows:

5706.2 Storage and dispensing of flammable and combustible liquids.

Permanent and temporary storage and dispensing of Class I and II liquids for private use on farms, at construction sites, and at Public Maintenance facilities owned by the City of North Bend or other Public agencies shall be in accordance with Sections 5706.2.1 through 5706.2.8.1

Exception: Storage and use of fuel oil and containers connected with oil-burning equipment regulated by Section 603 and the International Mechanical Code.

Section 37. New NBMC 15.18.310 (Maximum capacity within established limits), Adopted: A new North Bend Municipal Code Section 15.18.310 (Maximum capacity within established limits) is hereby adopted to read as follows:

15.18.310 Maximum capacity within established limits. The following sections of the International Fire Code as adopted are hereby amended to read as follows:

6104.2 Maximum capacity within established limits.

The aggregate capacity for the storage of Liquid Petroleum Gas (LPG) of any one installation shall not exceed 2,000 gallons water capacity, except that in particular installations this capacity limit

may be altered at the discretion of the chief after consideration of special features such as topographical conditions, nature of the occupancy and proximity to buildings, capacity of proposed tanks, degree of private fire protection to be provided, and facilities of the fire department.

Section 38. New NBMC 15.18.320 (Minimum specifications), Adopted: A new North Bend Municipal Code Section 15.18.320 (Minimum specifications) is hereby adopted to read as follows:

15.18.320 Minimum specifications. Appendix D, Section 103, of the International Fire Code as adopted is hereby amended to read as follows:

SECTION D103 MINIMUM SPECIFICATIONS.

D103.1 Access road width with a hydrant.

Where a fire hydrant is located on a fire apparatus access road, in accordance with NBMC 15.18.070, the minimum road width shall be 26 feet (7925 mm), exclusive of shoulders in accordance with Figure D103.1

D103.2 Grade.

Fire apparatus access roads shall be in accordance with NBMC 15.18.070

D103.3 Turning radius.

The minimum turning radius shall be determined by the fire code official.

D103.4 Dead ends.

Dead-end fire apparatus access roads in excess of 150 feet (45 720 mm) shall be provided with width and turnaround provisions in accordance with Table D103.4.

D103.5 Fire apparatus access road gates.

Fire apparatus access roads shall be in accordance with NBMC 15.18.070

D103.6 Signs.

Fire apparatus access roads shall be in accordance with NBMC 15.18.070

Section 39. New NBMC 15.18.330 (Single-family and multiple-family residential developments), Adopted: A new North Bend Municipal Code Section 15.18.330 (Single family and multiple-family residential developments) is hereby adopted to read as follows:

15.18.330 Single-family and multiple-family residential developments. Appendix D, Section 106, of the International Fire Code as adopted is hereby amended to read as follows:

SECTION D106 SINGLE-FAMILY AND MULTIPLE-FAMILY RESIDENTIAL DEVELOPMENTS.

D106.1 Projects having more than 100 dwelling units. Single-family and multiple-family residential projects having more than 100 dwelling units shall be equipped throughout with two separate and approved fire apparatus access roads.

Exception: Projects having more than 100 dwelling units may have a single approved fire apparatus access road when all buildings, including nonresidential occupancies, are equipped throughout with approved automatic sprinkler systems installed in accordance with Section 903.3.1.1, or 903.3.1.2, or 903.3.1.3 of the International Fire Code.

D106.2 Projects having more than 200 dwelling units. Multiple-family residential projects having more than 200 dwelling units shall be provided with two separate and approved fire apparatus access roads, regardless of whether they are equipped with an approved automatic sprinkler system.

Section 40. NBMC 15.20.010 (Uniform Plumbing Code adopted), Amended: North Bend Municipal Code Section 15.20.010 (Uniform Plumbing Code adopted) is hereby amended to read as follows:

15.20.010 Uniform Plumbing Code adopted.

A. Plumbing Code Adopted. Except as provided in subsection (B) of this section, The 2015 edition of the Uniform Plumbing Code, including Appendices A, B, and I, published by the International Association of Plumbing and Mechanical Officials, as adopted and hereafter amended by the State Building Code Council in Chapter 51-56 WAC, is hereby adopted by reference with the following additions, deletions and exceptions: Excluding chapter 1, chapter 12, and chapter 15. Provided further that the requirements of the Uniform Plumbing Code relating to venting and combustion air of fuel fired appliances as found in chapter 5 and those portions of the Uniform Plumbing Code addressing building sewers, are hereby not adopted.

B. Approved Alternate Plumbing Code.

1. When requested in writing by the permit applicant, the 2015 International Plumbing Code, as published by the International Code Council, shall be considered an approved alternate for plumbing installations governed under the Uniform Plumbing Code.
2. When approved alternate plumbing codes are utilized, the entire plumbing installation shall be installed and governed under the provisions of the alternate code.

Section 41. NBMC 15.22.010 Repealed and Re-Adopted. North Bend Municipal Code Section 15.22.010 (Washington State Energy Code adopted) is hereby repealed in its entirety and a new Section 15.22.010 (International Energy Conservation Code of the State of Washington) is hereby adopted to read as follows:

15.22.010 International Energy Conservation Code of the State of Washington adopted. The 2015 International Energy Conservation Code of the State of Washington, as adopted and amended by the State Building Code Council in Chapter 51-11C and 51-11R WAC, is hereby adopted by reference.

Section 42. Repealer: North Bend Municipal Code Section 15.24.010 (Ventilation and Indoor Air Quality Code adopted) is hereby repealed in its entirety.

Section 43. NBMC 15.26.010 (International Property Maintenance Code adopted), Amended: North Bend Municipal Code Section 15.26.010 (International Property Maintenance Code adopted) is hereby amended to read as follows:

15.26.010 International Property Maintenance Code adopted. The 2015 edition of the International Property Maintenance Code as published by the International Code Council is hereby adopted with the following modifications.

Section 44. NBMC 15.26.060 (Prosecution of violation), Amended: North Bend Municipal Code Section 15.26.060 (Prosecution of violation) is hereby amended to read as follows:

15.26.060 Prosecution of violation. Any person failing to comply with a notice of violation or order served in accordance with Section 107 shall be deemed guilty of a civil infraction in accordance with Chapter 1.20 NBMC, and the violation shall be deemed a strict liability offense. If the notice of violation is not complied with, the code official shall institute the appropriate proceeding at law or in equity to restrain, correct or abate such violation, or to require the removal or termination of the unlawful occupancy of the structure in violation of the provisions of this chapter or of the order or direction made pursuant thereto.

Any action taken by the authority having jurisdiction on such premises shall be charged against the real estate upon which the structure is located and shall be a lien upon such real estate.

Section 45. NBMC 15.26.070 (Penalties), Amended: North Bend Municipal Code Section 15.26.070 (Penalties) is hereby amended to read as follows:

15.26.070 Penalties.

Penalties for noncompliance with orders and notices shall be as set forth in Chapter 1.20 NBMC.

Section 46. NBMC 15.27.010 (International Green Construction Code adopted), Amended: North Bend Municipal Code Section 15.27.010 (International Green Construction Code adopted) is hereby amended to read as follows:

15.27.010 International Green Construction Code adopted.

The 2015 Edition of the International Green Construction Code as published by the International Code Council is hereby adopted as an alternate means of construction.

Section 47. Repealer: North Bend Municipal Code Chapter 15.32 (Uniform Sign Code) is hereby repealed in its entirety.

Section 48. NBMC 15.36.010, Repealed and Re-Adopted: North Bend Municipal Code Section 15.36.010 (Building moving – Building official’s permit required) is hereby repealed in its entirety and a new Section 15.36.010 (Building moving – Permit required) is hereby adopted to read as follows:

15.36.010 Building moving – Permit required.

It is unlawful for any person to move any building or structure over, along or across any highway, street, alley or public place in the city without first obtaining all required permits from the community and economic development department.

A. Any dwelling or accessory building proposed to be moved into the city must be structurally sound. Structural defects must be corrected.

B. After relocation, the dwelling must be in substantial conformance with fire and life safety requirements of the current building codes. This may include, but is not limited to:

1. Smoke alarms installed and interconnected where technically feasible;
2. Egress windows;
3. Stair landings, railings and guardrails;

4. Fire rated assemblies; and
5. Minimum requirements for sanitation, ventilation, heat and light.

Some requirements may be considered and modified on a case-by-case basis at the discretion of the building official where deemed not technically feasible.

C. Procedure.

1. Dwellings must be inspected prior to relocation within or into the City. If the dwelling is within the City, inspections will be performed by a City building inspector at the cost of the applicant. All dwellings outside of the City will be required to be inspected by a licensed engineer, at the cost of the applicant, to verify structural integrity and compliance with all Washington state and City codes pertaining to a moved dwelling;
2. The City will notify the originating jurisdiction, as appropriate, if the building can be permanently relocated to a City location;
3. The homeowner must receive separate approval from the originating jurisdiction to move the building over and across public rights-of-way;
4. The homeowner must receive approval from the City public works to move the building over and across City rights-of-way;
5. Prior to placement of any structure on a City land parcel, a building permit must be reviewed and approved.
6. That the requirements under NBMC 15.36.080 have been satisfied.

Section 49. NBMC 15.36.040 (Enforcement – Permittee liability), Amended: North Bend Municipal Code Section 15.36.040 (Enforcement – Permittee liability) is hereby amended to read as follows:

15.36.040 Enforcement – Permittee liability.

A. Enforcing Officers. The building official, or his or her designee, and the police department shall enforce and carry out the requirements of this chapter.

B. Permittee Liable for Expense Above Deposit. The permittee shall be liable for any expense, damages or costs in excess of deposited amounts or securities, and the city attorney shall prosecute an action against the permittee in a court of competent jurisdiction for the recovery of such excessive amounts.

C. Original Premises Left Unsafe. The city shall proceed to do the work necessary to leaving the original premises in a safe and sanitary condition where the permittee does not comply with the requirements of this chapter, and the cost thereof shall be charged against the original deposit.

Section 50. NBMC 15.36.050 (Permit application – Fee), Amended: North Bend Municipal Code Section 15.36.050(Permit application – Fee) is hereby amended to read as follows:

15.36.050 Permit application – Fee.

A. Before a permit can be issued, an application must be submitted to the community and economic development department at least thirty (30) days before the proposed move. The application must be accompanied by an application fee as established by the taxes, rates and fees schedule adopted by ordinance.

B. Applications shall be submitted on forms provided by the community and economic development department and shall contain:

1. Location of the building to be moved;
2. Proposed new location of the building;
3. Permit number;
4. Dimensions of the building when loaded;
5. Proposed route for moving the building; and
6. Completed demolition permit application.

C. If the relocation site is within the city limits, the application shall, in addition to the information required above, also include:

1. A completed building permit application;
2. A completed building permit checklist; and.

3. A set of plans and specifications for the completed building.

D. The community and economic development department shall route copies of the application to the police department and the department of utilities for their review.

Section 51. Repealer: North Bend Municipal Code Section 15.36.060 (Conditions for securing permit – Inspection by building official) is hereby repealed in its entirety.

Section 52. NBMC 15.36.070 (Permit refused when), Amended: North Bend Municipal Code Section 15.36.070 (Permit refused when) is hereby amended to read as follows:

15.36.070 Permit refused when.

The community and economic development department shall refuse to issue a permit if it is found:

A. That any application requirement or any fee or deposit requirement has not been complied with;

B. That the building is too large to move without endangering persons or property in the city;

C. That the building is in such a state of deterioration or disrepair or is otherwise so structurally unsafe that it could not be moved without endangering persons and property in the city;

D. That the building is structurally unsafe or unfit for the purpose for which moved, if the removal location is in the city;

E. That the applicant's equipment is unsafe and that persons and property would be endangered by its use;

F. That zoning or other ordinances would be violated by the building in its new location;

G. Approval of the application by the police department, community and economic development department, and public works department shall be a condition precedent to issuance of the permit;

H. That the applicant has not furnished proof that all affected public and private utilities, including those involved with electricity, gas, telephone, water and sewer have been notified of the time of the move and the route to be followed; and

- I. That for any other reason persons or property in the city would be endangered by the moving of the building.

Section 53. NBMC 15.36.080 (Deposit – Estimated expense to city), Amended: North Bend Municipal Code Section 15.36.080 (Deposit – Estimated expense to city) is hereby amended to read as follows:

15.36.080 Deposit – Estimated expense to city.

Upon receipt of an application, the community and economic development department shall estimate the expense that will be incurred in removing and replacing any property of the city, the removal and replacement of which will be required by reason of the moving of the building through the city, together with the costs of materials necessary to be used in making such removals and replacements. Prior to the issuance of the permit, the community and economic development department shall require the applicant to deposit a sum of money equal to twice the amount of the estimated expenses.

Section 54. NBMC 15.36.090 (Deposit – Surety bond – Liability insurance), Amended: North Bend Municipal Code Section 15.36.090 (Deposit – Surety bond – Liability insurance) is hereby amended to read as follows:

15.36.090 Deposit – Surety bond – Liability insurance.

An application hereunder shall be accompanied:

A. By a cash deposit or corporate surety bond in the sum established by the taxes, rates and fees schedule adopted by ordinance payable to the city to indemnify the city for the following:

1. Damage which the city may sustain by reason of damage or injury to any highway, street or alley, sidewalk or other property of the city, which may be caused by or be incidental to the removal of any building over, along or across any street in the city; and
2. The cost of removing the structure if the applicant should abandon it before the move is completed; and
3. The cost of placing the original premises in a safe and sanitary condition where the applicant has failed to do so.

B. By a public liability insurance policy, naming the city as an insured or as an additional insured, in an amount established by the taxes, rates and fees schedule adopted by ordinance. The policy

shall remain in full force and effect during the moving operation. Any person moving a building within the city, at all times, shall protect and hold harmless the city from all claims, actions, suits, liability, less expense or damage of every kind and description, including court costs and attorney's fees, which may accrue to or be suffered or claimed by any person or persons, or the city itself, arising out of the moving operation;

C. By a cash deposit or corporate surety performance bond in the sum established by the taxes, rates and fees schedule adopted by ordinance, conditioned upon the permittee, within six months from the date of the issuance of such permit:

1. Completing the construction, painting and finishing of the exterior of the building; and
2. Faithfully complying with all requirements of this chapter, including but not limited to permittee completing such work within six months from the date of the issuance of such permit.
3. In the event the provisions of this subsection are not complied with within the time specified, the deposit shall be forfeited as a penalty for the default, and this shall be in addition to any other penalties provided for failure to comply with the terms of this chapter.

D. Any or all of the requirements contained in subsections A, B and C of this section may be waived at the discretion of the community and economic development director, or his or her designee.

Section 55. NBMC 15.36.100, Repealed and Re-Adopted: North Bend Municipal Code Section 15.36.100 (Deposit – Return – Building official's statement) is hereby amended repealed in its entirety and a new Section 15.36.100 (Deposit – Return – Statement) is hereby adopted to read as follows:

15.36.100 Deposit – Return – Statement.

A. Return Upon Nonissuance. Upon the refusal of the community and economic development department to issue a permit, the department shall return to the applicant all deposits and bonds excluding the application fee.

B. Return Upon Allowance for Expense. After the building has been removed, the community and economic development department shall prepare a final written statement for all expenses

incurred in removing and replacing all property belonging to the city, and all material used in the making of the removal and replacement together with a statement of all damage caused to or inflicted upon property belonging to the city. The community and economic development department shall return to the applicant all deposits after deduction of a sum sufficient to pay for all of the cost and expenses and for all damage done to property of the city by reason of the removal of the building.

Section 56. NBMC 15.36.110 (Duties of permittee), Amended: North Bend Municipal Code Section 15.36.110 (Duties of permittee) is hereby amended to read as follows:

15.36.110 Duties of permittee.

The permittee shall:

- A. Use designated streets: move a building only over streets designated for such use in the written permit;
- B. Notify of revised moving time: notify the community and economic development department in writing of a desired change in moving date and hours as proposed in the application;
- C. Notify of damage: notify the community and economic development department in writing of any and all damage done to property belonging to the city within 24 hours after the damage or injury has occurred;
- D. Display lights: cause red lights to be displayed during the nighttime on every side of the building, while standing on a street, in such manner as to warn the public of the obstruction, and shall at all times erect and maintain barricades across the streets in such manner as to protect the public from damage or injury by reason of the removal of the building;
- E. Remove after street occupancy period: remove the building from the city streets after four days of such occupancy, unless an extension is granted by the community and economic development department;
- F. Comply with governing law: within 6 months from the date of issuance of the permit, comply with the city building, fire and zoning ordinances, and all other applicable ordinances and laws upon relocating the building in the city;

G. Pay expense of officer: pay the expense of a traffic officers ordered by the City to accompany the movement of the building to protect the public from injury;

H. Clear old premises: remove all rubbish and materials and fill all excavations to existing grade at the original building site so that the premises are left in a safe and sanitary condition; and

I. Cap the existing utilities at the property line where the building is being moved from or, if the property is served by an individual sewage disposal system, to remove the tank.

Section 57. NBMC 15.36.120, Repealed and Re-Adopted: North Bend Municipal Code Section 15.36.120 (Building official to set maximum time for move) is hereby repealed in its entirety and a new Section 15.36.120 (Community and economic development department to set maximum time for move) is hereby adopted to read as follows:

15.36.120 Community and economic development department to set maximum time for move.

The community and economic development department shall designate the time within which the move must be completed. If more than one day will be required to move the structure, the building official shall designate where the structure may be located when not being moved, and how it shall be equipped to warn the public of the danger involved. The applicant shall comply with such designations.

Section 58. NBMC 15.36.130, Repealed and Re-Adopted: North Bend Municipal Code Section 15.36.130 (Building official to designate streets for moving buildings) is hereby repealed in its entirety and a new Section 15.36.130 (Director of public works to designate streets for moving buildings) is hereby adopted to read as follows:

15.36.130 Director of Public Works to designate streets for moving buildings.

- A. The public works department shall:
1. Determine the probable disruption and cost which the moving of a building will cause to owners of wires and cables, and also the probable injury and inconvenience the severance of such wires and cables will cause to patrons of public utilities;
 2. Ascertain the probable interference with the rights of the public that such a moving will cause, and any other facts which may aid in determining whether or not such permit should be granted; and

- 3. Prescribe the time such moving shall be done, the route to be followed and such traffic barricades and escorts and any other stipulations deemed necessary for public safety and convenience.

B. The director of public works may, if the disruption to public utilities, private property or the traveling public is apparently excessive relative to the value of the building to be moved, deny the permit subject to the rights of the applicant to appeal said denial to the hearing examiner as governed by the procedures set forth in NBMC Chapter 2.20.

Section 59. 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 60. 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 7TH DAY OF JUNE, 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

ORDINANCE XXXX

AN ORDINANCE OF THE CITY OF NORTH BEND, WASHINGTON, UPDATING TITLE 15 OF THE NORTH BEND MUNICIPAL CODE TO ADOPT THE 2015 WASHINGTON STATE BUILDING CODE AND SPECIFICALLY AMENDING NBMC SECTIONS 15.02.030, 15.02.050, 15.02.140, 15.02.150, 15.02.170, 15.08.180, 15.02.240, 15.02.490, 15.02.500, 15.02.570, 15.02.640, 15.02.1070, 15.02.1110, 15.02.1170, 15.04.010, 15.06.010, 15.08.010, 15.10.010, 15.16.010, 15.18.010, 15.18.140, 15.18.145, 15.18.180, 15.18.200, 15.18.210, 15.18.230, 15.20.010, 15.22.010, 15.26.010, 15.26.060, 15.26.070, 15.36.010, 15.36.040, 15.36.050, AND 15.36.070 THROUGH 15.36.130; REPEALING NBMC CHAPTER 15.32 AND SECTIONS 15.02.160, 15.18.195, 15.24.010, AND 15.36.060; ADDING NEW NBMC SECTIONS 15.18.015 AND 15.18.260 THROUGH 15.18.330; PROVIDING FOR SEVERABILITY; AND ESTABLISHING AN EFFECTIVE DATE

WHEREAS, the State legislature has established the Washington State Building Code as set forth in RCW 19.27.031 and directed the State Building Code Council to adopt and maintain the Washington State Building Code; and

WHEREAS, the State Building Code Council has formally adopted the 2015 edition of the Washington State Building Code pursuant to RCW 19.27.074, which go into effect on July 1, 2016; and

WHEREAS, the City Council of the City of North Bend has previously adopted numerous building and inspection codes by reference to protect the health, safety and welfare of the citizens as set forth in NBMC Title 15; and

WHEREAS, the City Council wishes to amend NBMC Title 15 in order to be consistent with the State Building Codes and to clarify the administrative rules for the City;

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

Section 1. NBMC 15.02.030 (Provisions which apply), Amended: North Bend Municipal Code Section 15.02.030 (Provisions which apply) is hereby amended to read as follows:

15.02.030 Provisions which apply.

The following provisions of the CAC, as adopted by the State of Washington and the City, shall apply to the administration of the technical codes:

- A. ~~2015 2012~~ International Building Code – WAC 51-50
- B. ~~2015 2012~~ International Residential Code – WAC 51-51
- C. ~~2015 2012~~ International Mechanical Code – WAC 51-52
- D. National Fuel Gas Code (NFPA 54) – WAC 51-52
- E. Liquefied Petroleum Gas Code (NFPA 58) – WAC 51-52
- F. ~~2015 2012~~ International Fuel Gas Code – WAC 51-52
- G. ~~2015 2012~~ International Fire Code – WAC 51-54A
- H. ~~2015 2012~~ Uniform Plumbing Code – WAC 51 –56
- I. ~~2015 2012~~ International Property Maintenance Code
- J. ~~2015 2012~~ International Green Construction Code
- K. ~~2015 2012~~ International Existing Building Code – WAC 51-50

Comment [DS1]: Code has now been adopted statewide in replacement of chapter 34 of the IBC

Comment [DS2]: Code has now been adopted statewide in replacement of chapter 34 of the IBC

Section 2. NBMC 15.02.050 (Definitions), Amended: North Bend Municipal Code Section 15.02.050 (Definitions) is hereby amended to read as follows:

15.02.050 Definitions.

For purposes of the CAC, certain terms, phrases, words and their derivatives shall have the meanings set forth in this section. Where terms are not defined, they shall have their ordinary accepted meanings within the context with which they are used. Webster’s Third International Dictionary of the English Language, Unabridged latest edition, provides ordinary accepted meanings. Words used in the singular include the plural and the plural the singular. Words used in the masculine gender include the feminine and the feminine the masculine.

1. “Action” means a specific response complying fully with a specific request by the jurisdiction.
2. “Addition” means an extension or increase in floor area or height of a building or structure.
3. “Alter” or “alteration” means a change or modification of a building, structure or building service equipment.
4. “Approved” as to materials, types of construction, equipment and systems, means and refers to approval by the building official as the result of investigation and tests conducted by the building official, or by reason of accepted principles or tests by recognized authorities, technical or scientific organizations.
5. “Approved agency” means an established and recognized agency regularly engaged in conducting tests or furnishing inspection services, when the agency has been approved by the building official.

6. "Building" means a structure used or intended for supporting or sheltering a use or occupancy.
7. "Existing building" means a building erected prior to the adoption of Ordinance 1214, or one for which a legal building permit has been issued and approved.
8. "Building official" means the officer or other designated authority charged with the administration and enforcement of the CAC, or regularly authorized deputy thereof.
9. "Building service equipment" means and refers to the plumbing, mechanical and electrical equipment including piping, wiring, fixtures, and other accessories which provide sanitation, lighting, heating, ventilation, cooling, refrigeration, firefighting, and transportation facilities essential to the occupancy of the building or structure for its designated use.
10. "Complete response" means an adequate response to all requests from city staff in sufficient detail to allow the application to be processed as determined by the building official.
11. "Dangerous Building Code" shall mean the ~~2012~~ 2015 International Property Maintenance Code promulgated by the International Code Council as adopted by the jurisdiction.
12. "Energy code" means the ~~Washington State Energy Code~~ 2015 International Energy Conservation Code promulgated by the Washington State Building Code Council as adopted by the jurisdiction.
13. "High-rise Building" means buildings having occupied floors, or occupied roof, located more than 75 feet (22,860 mm) above the lowest level of fire department vehicle access.
14. "Housing code" means the ~~2012~~ 2015 International Property Maintenance Code promulgated by the International Code Council as adopted by the jurisdiction.
15. "IBC" means the latest edition of the International Building Code promulgated by the International Code Council as adopted by this jurisdiction.
16. "IEBC" means the latest edition of the International Existing Building Code promulgated by the International Code Council as adopted by this jurisdiction.
17. "IFC" means the latest edition of the International Fire Code promulgated by the International Code Council as adopted by this jurisdiction.
18. "IMC" means the latest edition of the International Mechanical Code promulgated by the International Code Council as adopted by this jurisdiction.

Comment [DS3]: Correct name of applicable code

Comment [DS4]: Added wording

Comment [DS5]: New definition added with added wording

Comment [DS6]: New definition added

19. “IPC” means the latest edition of the International Plumbing Code promulgated by the International Code Council as adopted by this jurisdiction.
20. “IRC” means the latest edition of the International Residential Code promulgated by the International Code Council as adopted by this jurisdiction.
21. “Listed” and “listing” are terms referring to equipment or materials included in a list by an approved testing laboratory, inspection agency or other organization concerned with product evaluation that maintains periodic inspection of current production of listed equipment or materials. The published list shall state that the material or equipment complies with approved nationally recognized codes, standards, or tests and has been tested or evaluated and found suitable for use in a specified manner.
22. “LPG” means Liquefied Petroleum Gas.
23. “NEC” means the latest edition of the National Electrical Code promulgated by the National Fire Protection Association.
24. “NFPA” means the National Fire Protection Association.
25. “Occupancy” means the purpose for which a building, or part thereof, is used or intended to be used.
26. “Owner” means any person, agent, firm, or corporation having legal or equitable interest in the property.
27. “Permit” means an official document or certificate issued by the building official authorizing performance or specified activity.
28. “Person” means a natural person, heirs, executors, administrators or assigns and includes a firm, partnership, or corporation, its or their successors or assigns, or the agent of any of the aforesaid.
29. “Power Tap” A listed device for indoor use consisting of an attachment plug on one end of a flexible cord and two or more receptacles on the opposite end, and has over current protection.
30. “Repair” means the reconstruction or renewal of any part of an existing building, structure, or building service equipment for the purpose of its maintenance.
31. “Registered Plan Program” means a program to allow one set of approved plans to be used for construction of multiple identical buildings in order to reduce plan review time.
32. “SBCC” means the Washington State Building Code Council as appointed by the governor of the State of Washington.
33. “Shall” as used in this chapter, is mandatory.
34. “Structure” means that which is built or constructed, an edifice or building of any kind, or any piece of work

Comment [DS7]: New definition added

artificially built up or composed of parts joined together in some definite manner.

- 35. "Structural observation" means the visual observation of the structural system, for general conformance to the approved plans and specifications, at significant construction stages and at completion of the structural system. Structural observation does not include or waive the responsibility for the inspections required by the building code or residential code or other sections of the CAC.
- 36. "Technical codes" are the codes, appendices and referenced code standards adopted by the jurisdiction.
- 37. "UPC" means the latest edition of the Uniform Plumbing Code promulgated by the International Code Council as adopted by this jurisdiction.
- 38. "Valuation" or "value" as applied to a building or building service equipment, means and shall be the estimated cost to build or replace a building and its building service equipment in kind, based on current replacement costs. It shall also include the contractor's overhead and profit.

39. ~~"VIAQ" means the Washington State Ventilation and Indoor Air Quality Code promulgated by the Washington State Building Code Council, as adopted by the jurisdiction.~~

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Comment [DS8]: Code reference no longer applicable after adoption of 2012 codes. Also see comment #8

Section 3. NBMC 15.02.140 (Plumbing), Amended: North Bend Municipal Code Section 15.02.140 (Plumbing) is hereby amended to read as follows:

15.02.140 Plumbing.

The ~~plumbing code as adopted by NBMC 15.20.010 provisions of the 2012 Uniform Plumbing Code are hereby adopted and~~ shall apply to the installation, alteration, repair and replacement of plumbing systems, including equipment, appliances, fixtures, fittings and appurtenances, and where connected to a water or sewage system and all aspects of a medical gas system.

Section 4. NBMC 15.02.150 (Energy), Amended: North Bend Municipal Code Section 15.02.150 (Energy) is hereby amended to read as follows:

NBMC 15.02.150 Energy.

The provisions of the ~~Washington State Energy Code~~ International Energy Conservation Code of the State of Washington shall apply to all matters governing the design and construction of buildings for energy efficiency.

Comment [DS9]: Correct name of applicable code

Section 5. Repealer: North Bend Municipal Code Section 15.02.160 (Ventilation and indoor air quality) is hereby repealed in its entirety.

Section 6. NBMC 15.02.170 (Electrical), Amended: North Bend Municipal Code Section 15.02.170 (Electrical) is hereby amended to read as follows:

15.02.170 Electrical.

The provisions of the ~~2005-2012~~ National Electrical Code (NEC) shall apply to the installation of electrical systems, including alterations, repairs, replacement, equipment, appliances, fixtures, fittings and appurtenances thereto. Within the city of North Bend, enforcement of the NEC shall fall under the jurisdiction of the state of Washington.

Section 7. NBMC 15.02.180 (International Property Maintenance Code), Amended: North Bend Municipal Code Section 15.02.180 (International Property Maintenance Code) is hereby amended to read as follows:

15.02.180 International Property Maintenance Code.

The provisions of the ~~2012-2015~~ International Property Maintenance Code are hereby adopted and shall apply to the maintenance of buildings and private property.

Section 8. NBMC 15.02.240 (Existing structures), Amended: North Bend Municipal Code Section 15.02.240 (Existing structures) is hereby amended to read as follows:

15.02.240 Existing structures.

The legal occupancy of any structure ~~existing on the date of adoption of Ordinance 1214~~ shall be permitted to continue without change, except as is specifically covered in the CAC, the International Fire Code, or as is deemed necessary by the building official for the general safety and welfare of the occupants and the public

Comment [DS10]: Shouldn't reference a specific ordinance from 2004. Legal occupancy, except in abatement, dangerous buildings, or code enforcement would be legal.

Section 9. NBMC 15.02.490 (Fire code permits required), Amended: North Bend Municipal Code Section 15.02.490 (Fire code permits required) is hereby amended to read as follows:

15.02.490 Fire code permits required.

The fire code official is authorized to issue operational permits for the operations set forth in IFC Sections 105.6.1 through ~~105.6.47~~ 105.6.46 and is further authorized to issue construction permits for work as set forth in IFC Sections 105.7.1 through ~~105.7.12~~ 105.7.16.

Section 10. NBMC 15.02.500 (Work exempt from permit), Amended: North Bend Municipal Code Section 15.02.500 (Work exempt from permit) is hereby amended to read as follows:

15.02.500 Work exempt from permit.

Exemptions from permit requirements of this chapter shall not be deemed to grant authorization for any work to be done in any manner in violation of the provisions of this chapter or any other laws or ordinances of this jurisdiction.

A. Building permits shall not be required for the following:

1. One-story detached residential accessory structures used as tool and storage sheds, tree-supported play structures, playhouse and similar uses, provided the floor area does not exceed 200 square feet (11.15 m²);
2. Fences not over six feet (1,829 millimeters) high;
3. Oil derricks;
4. Retaining walls, which are not over four feet (1,219 millimeters) in height measured from the bottom of the footing to the top of the wall, unless supporting a surcharge or impounding Class I, II or III-A liquids;
5. Water tanks supported directly on grade if the capacity does not exceed 5,000 gallons (18,925 liters) and the ratio of height to diameter or width does not exceed two to one;
6. Sidewalks, ~~decks~~ and driveways not more than 30 inches (762 millimeters) above grade, and not over any basement or story below, and ~~which are not part of an accessible route or means of egress decks that are not attached to a dwelling and do not serve the required exit door;~~
7. Painting, papering, tiling, carpeting, cabinets, counter tops and similar finish work;
8. Replacement of siding for ~~single-family residential structures and residential structures~~ accessory structures, not intended for human occupancy, that are associated with ~~to a single-family residence structures;~~
9. Temporary motion picture, television and theater stage sets and scenery;
10. Prefabricated swimming pools accessory to a Group R-3 occupancy, ~~as applicable in Section 101.2,~~ which are less than 24 inches (610 millimeters) deep, do not exceed 5,000

Comment [DS11]: Correct wording to be in alignment with minimum codes.

Comment [DS12]: Allows for exemption of siding for garage, but not home because there are many requirements within bodies of codes that regulate components related to the exterior of occupied structures.

Comment [DS13]: Section not applicable as it references an outdated section of a specific building code and is unnecessary.

gallons (18,925 liters) and are installed entirely above ground;

- 11. Shade cloth structures constructed for nursery or agricultural purposes, ~~and~~ not including service systems;
- 12. Swings, slides and other similar playground equipment;
- 13. Window awnings in single-family residences (R-3) and Group U occupancies, supported by an exterior wall which do not project more than 54 inches (1,372 millimeters) from the exterior wall and do not require additional support; ~~of Group R-3, as applicable in Section 101.2, and Group U occupancies.~~
- 14. Movable cases, counters and partitions not over five feet nine inches (1,753 millimeters) in height.
- 15. Satellite earth station antennas six and one-half feet (two meters) or less in diameter or diagonal in zones other than residential zones.
- 16. Satellite earth station antennas three and one-quarter feet (one meter) or less in diameter in residential zones.
- 17. Video programming service antennas three and one-quarter feet (one meter) or less in diameter or diagonal dimension, regardless of zone.
- 18. Window replacement in single-family residences as long as the replacement does not reduce the egress, safety glazing, or energy requirements and the structural opening for said window replacement remains the same.

Comment [DS14]: Correct wording in alignment with minimum codes.

Section 11. NBMC 15.02.570 (Expiration), Amended: North Bend Municipal Code Section 15.02.570 (Expiration) is hereby amended to read as follows:

15.02.570 Expiration.

A. Every permit issued shall expire 2 years from the date of issuance. The Building Official is authorized to approve a request for an extended expiration date, where a construction schedule is provided by the applicant and approved prior to permit issuance.

B. Every permit may be renewed for a period of 1 year beyond the original expiration date for an additional fee equal to 50% of the original permit fees, as long as no changes have been made to the

originally approved plans and new building codes have not been adopted. Renewals must be applied for prior to the expiration date of the original permit. Paid impact fees and utility connection charges will not be required to be paid again. No permit shall be renewed more than once.

C. Mechanical and plumbing permits shall expire at the same time as the associated building permit except that if no associated building permit is issued, the mechanical and/or plumbing permit shall expire 180 days from the date of issuance. The Building Official is authorized to approve a request for an extended expiration date of mechanical and/or plumbing permits associated with a building permit when a construction schedule is provided by the applicant and approved prior to permit issuance. There shall be no extensions of stand-alone mechanical and/or plumbing permits under this subsection.

D. The City may authorize an extension to the expiration date up to 30 days beyond the written date of notification with no additional fee when only the final building inspection is remaining and all other work has been approved. If work required under a final inspection is not completed within the 30-day extension period, the permit shall expire.

~~A. Every permit issued by the building official under the provisions of the Uniform Building, Uniform Mechanical, and Uniform Plumbing Codes, or the new international codes, shall expire by limitation and become null and void if the work authorized by such permit is not commenced within 180 days from the date of issuance, or if the work authorized by the permit is suspended or abandoned for 180 days at any time after the work is commenced. Before the work can be recommenced, the applicant must first obtain a new permit. The fee for the new permit shall be one half the amount required for a new permit for the same work; provided, that no changes have been made or will be made in the original plans and specifications for the work, and that the suspension or abandonment has not exceeded one year. To renew action on a permit after the one year expiration period, the permit holder shall pay a new full permit fee.~~

~~B. Any permit holder with a valid permit who is unable to commence work for good and satisfactory reasons within the time required by this section may apply for an extension. The building official may extend the time within which the work may commence for a period not exceeding 180 days on written request by the permit holder showing that circumstances beyond the~~

Comment [DS15]: This wording provides for more consistency and establishes longer and viable timelines related to permits. It also establishes a fee schedule for such extensions.

~~control of the permit holder prevented action from being taken. No permit shall be extended more than once.~~

Section 12. NBMC 15.02.640 (Use of consultants), Amended: North Bend Municipal Code Section 15.02.640 (Use of consultants) is hereby amended to read as follows:

15.02.640 Use of consultants.

Whenever review of a building permit application requires retention by this jurisdiction for professional consulting services, the applicant shall reimburse this jurisdiction the cost of such professional consulting services as established in the fee schedule established by the jurisdiction. This fee shall be in addition to the normal plan review and building permit fees. This jurisdiction may require the applicant to deposit an amount with this jurisdiction estimated in the discretion of the building official to be sufficient to cover anticipated costs to retaining professional consultant services and to ensure reimbursement for such costs.

Comment [DS16]: Establishes clarity of location of applicable fee.

Section 13. NBMC 15.02.1070 (Use and occupancy), Amended: North Bend Municipal Code Section 15.02.1070 (Use and occupancy) is hereby amended to read as follows:

15.02.1070 Use and occupancy.

No building or structure shall be used or occupied, and no change in the existing occupancy classification of a building or structure or portion thereof shall be made until the building official has issued a certificate of occupancy therefor as provided herein. Issuance of a certificate of occupancy shall not be construed as an approval of a violation of the provisions of the CAC or of other ordinances of this jurisdiction.

Before occupying or using the property or structure for which a building permit has been issued, the applicant must first request and obtain a certificate of occupancy from the building official. Group U-1, single-family residential garages ~~(IBC)~~ are exempt from this requirement. The applicant shall make a formal request for the certificate of occupancy a minimum of 14 calendar days before the certificate is required. The request shall be accompanied by all documentation or bonding necessary to secure performance on any outstanding items if allowed by the city. The certificate of occupancy will only be issued after the building official has inspected the property or structure(s), and has found no violations of adopted codes or project conditions, and that all requirements of the city of North Bend have been satisfied.

Comment [DS17]: Wording cleanup to reflect currently used code language

Section 14. NBMC 15.02.1110 (Maintenance of safeguards), Amended: North Bend Municipal Code Section 15.02.1110 (Maintenance of safeguards) is hereby amended to read as follows:

15.02.1110 Maintenance of safeguards.

Whenever or wherever any device, equipment, system, condition, arrangement, level of protection, or any other feature is required for compliance with the provisions of the CAC, or otherwise installed, such device, equipment, system, condition, arrangement, level of protection, or other feature shall thereafter be continuously maintained in accordance with the CAC and applicable referenced standards. Such device, equipment, system, condition, arrangement, level of protection, or any other feature shall be maintained in accordance with IFC Sections 107.1 through ~~107.6-107.5.~~

Section 15. NBMC 15.02.1170 (Violations/unlawful acts), Amended: North Bend Municipal Code Section 15.02.1170 (Violations/unlawful acts) is hereby amended to read as follows:

15.02.1170 Violations/unlawful acts.

It shall be unlawful for any person, firm or corporation to erect, construct, alter, extend, repair, move, remove, demolish or occupy any building, structure or equipment regulated by the CAC, or cause same to be done, in conflict with or in violation of any of the provisions of the CAC. Any violation of this section shall be remedied using the provisions of Chapter ~~20.10~~1.20 NBMC.

Comment [DS18]: Changed to reflect newly changed code section per ordinance 1585

Section 16. NBMC 15.04.010 (International Building Code adopted), Amended: North Bend Municipal Code Section 15.04.010 (International Building Code adopted) is hereby amended to read as follows:

15.04.010 International Building Code adopted.

The ~~2012-2015~~ edition of the International Building Code, ~~including Appendix E, published by the International Code Council,~~ as adopted and hereafter amended by the State Building Code Council in Chapter 51-50 WAC, ~~as published by the International Code Council, is hereby adopted by reference with the following exceptions:~~ excluding chapter 1 ~~“Administration,” is hereby adopted.~~

Section 17. NBMC 15.06.010 (International Residential Code adopted), Amended: North Bend Municipal Code Section 15.06.010 (International Residential Code adopted) is hereby amended to read as follows:

15.06.010 International Residential Code adopted.

The ~~2012–2015~~ edition of the International Residential Code, including Appendices F, G and R, published by the International Code Council, as adopted and hereafter amended by the State Building Code Council in Chapter 51-51 WAC, ~~as published by the International Code Council,~~ is hereby adopted by reference with the following exceptions: excluding chapter 1 “Administration”, chapter 11, “Energy Efficiency” and chapters 25 through ~~43.42~~ “Mechanical, Fuel Gas and Plumbing” ~~is hereby adopted.~~

Comment [ASM19]: Language per WAC 51-51

Section 18. NBMC 15.08.010 (State code adopted), Amended: North Bend Municipal Code Section 15.08.010 (State code adopted) is hereby amended to read as follows:

15.08.010 State code adopted.

Subject to the provisions of RCW 35.21.180, the ~~standard specifications for municipal public works construction~~ WSDOT/APWA Standard Specifications for Road, Bridge, and Municipal Construction, as prepared by the Washington State Chapter of American Public Works Association, ~~1994 Edition,~~ are adopted by reference for the regulation of specifications for municipal public works construction within the city. Subject to the provisions of RCW 35.21.180, any future amendments of the standard specifications for municipal public works construction as prepared by Washington State Chapter, American Public Works Association, most current edition, shall also be deemed to be amendments of this chapter by reference.

Comment [DS20]: Current standard used

Comment [DS21]: Year edition not needed as section states most current edition and it can be changed on regular basis

Section 19. NBMC 15.10.010 (International Mechanical Code adopted), Amended: North Bend Municipal Code Section 15.10.010 (International Mechanical Code adopted) is hereby amended to read as follows:

15.10.010 International Mechanical Code adopted.

The ~~2012–2015~~ edition of the International Mechanical Code published by the International Code Council, as adopted and hereafter amended by the State Building Code Council in Chapter 51-52 WAC, is hereby adopted by reference with the following exceptions: as published by the International Code Council, excluding chapter 1 “Administration.” ~~is hereby adopted.~~

Section 20. NBMC 15.16.010 (International Fuel Gas Code adopted), Amended: North Bend Municipal Code Section 15.16.010 (International Fuel Gas Code adopted) is hereby amended to read as follows:

15.16.010 International Fuel Gas Code adopted.

The ~~2012–2015~~ edition of the International Fuel Gas Code published by the International Code Council, as adopted and

hereafter amended by the State Building Code Council in Chapter 51-52 WAC, is hereby adopted with the following exceptions: as published by the International Code Council, excluding chapter 1 “Administration” is hereby adopted.

Section 21. NBMC 15.18.010 (International Fire Code adopted), Amended: North Bend Municipal Code Section 15.18.010 (International Fire Code adopted) is hereby amended to read as follows:

15.18.010 International Fire Code adopted.

The ~~2012-2015~~ Edition of the International Fire Code (IFC), including Appendices B, C and D, published by the International Code Council, as adopted and hereafter amended by the State Building Code Council in Chapter 51-54^A WAC, ~~as published by the International Code Council,~~ is hereby adopted except as amended by this chapter.

Comment [ASM22]: Appendices added for reference for adoption.

Section 22. New NBMC 15.18.015 (General definitions), Adopted: A new North Bend Municipal Code Section 15.18.015 (General definitions) is hereby adopted to read as follows:

15.18.015 General definitions.

Section 202 of the International Fire Code as adopted is hereby amended to include the following additional definitions:

A. High-rise Building. Buildings having occupied floors, or occupied roof, located more than 75 feet (22,860 millimeters) above the lowest level of fire department vehicle access.

Section 23. NBMC 15.18.140 (Sprinkler systems required), Amended: North Bend Municipal Code Section 15.18.140 (Sprinkler systems required) is hereby amended to read as follows:

15.18.140 Sprinkler systems required.

Approved automatic sprinkler systems in new buildings and structures shall be provided in the locations described in this section.

A. With the exception of detached single-family residences, all newly constructed buildings with a gross square footage of 5,000 square feet regardless of type or use as well as zero lot line townhouses with an aggregate area of 5,000 square feet or greater must be sprinklered.

B. Additions or alterations to existing buildings that is greater than 50 percent of the buildings assessed valuation and would result in a gross floor area greater than 5,000 square feet must be retrofitted with an automatic fire sprinkler system. Subject to the

fire code official, a phasing of up to five years is permitted. Exception: Detached single-family residences from the provisions of this section.

C. Floor Area, Gross. For the purpose of this section, “gross floor area” shall be defined as the floor area whether above or below grade within the inside perimeter of the exterior walls of the building under consideration, exclusive of vent shafts and courts, without deduction for corridors, stairways, closets, the thickness of the interior walls, columns or other features. The floor area of a building, or portion thereof, not provided with surrounding exterior walls shall be the usable area under the horizontal projection of the roof or floor above. The gross floor area shall not include shafts with no openings or interior courts. For the purposes of this section, fire barriers, firewalls, or fire partitions of any type do not constitute separate buildings

Comment [DS23]: New wording added to not allow for any type separated uses within a structure in order to avoid sprinkler requirements

Section 24. NBMC 15.18.145 (False alarms – Penalties), Amended: North Bend Municipal Code Section 15.18.145 is hereby amended to read as follows:

15.18.145 False alarms – Penalties.

A. For the purpose of determining the time periods imposed by this section, false alarms shall be dated from the day of their occurrence.

B. First Response. Response to a premises at which no other false alarm has occurred within the same calendar month shall be referred to as a “first response.” No penalty or administrative sanction shall be imposed by any first response.

C. Second and Subsequent Response – Civil Penalty. When two or more false alarms have occurred at any premises in any calendar month, the owner shall have committed the infraction of a “repetitive false alarm.” The civil penalty for a second and succeeding false alarm in any calendar month shall be \$200.00 per occurrence, in addition to any fees imposed pursuant to Chapter 3.62 IMC. Any false alarm which results from a failure to take required corrective action to prevent such recurrence after notice thereof by the fire chief and/or any nonpayment of any false alarm penalty may result in the fire chief providing written notice ordering the disconnection of such alarm until the required corrective action or payment of penalty has been made; provided, however, that no disconnection shall be ordered on any premises required by law to have an alarm system in operation.

D. Notice of Violation – Responsibility for Issuance.

~~1. Responsibility for Issuance.~~ The fire chief shall be responsible for the issuance of written notices of infraction to the owner following the second and each succeeding false alarm in any calendar month. The fire chief shall notify the city finance department of the amount of the penalties to be collected. It shall be the responsibility of the finance department to collect such penalties.

~~2. Waive Imposition. In the event the fire chief determines that the false alarm(s) occurred as a direct result of an interruption of electrical power, telephone system malfunction, an alarm equipment malfunction, or other causes beyond the control of the owner, the fire chief may waive imposition of the applicable false alarm penalty or administrative sanction.~~

~~E. It shall be unlawful for any person to silence or reset a commercial fire alarm system without the approval of the Fire Chief.~~

Comment [DS24]: Section not necessary as covered within body of Fire code

Comment [DS25]: New item added

Section 25. NBMC 15.18.180 (Portable fire extinguishers required), Amended: North Bend Municipal Code Section 15.18.180 (Portable fire extinguishers required) is hereby amended to read as follows:

15.18.180 Portable fire extinguishers required.

~~FC~~ Subsection 906.1 ~~+~~ of the International Fire Code as adopted is amended to read as follows:

Portable fire extinguishers shall be installed in the following locations:

1. In all Group A, B, E, F, H, I, M, R-1, R-2, R-4 and S occupancies.
2. Within 30 feet (9,144 mm) of commercial cooking equipment.
3. In areas where flammable or combustible liquids are stored, used or dispensed.
4. On each floor of structures under construction, except Group R-3 occupancies, in accordance with Section 1415.1.

5. Where required by the sections indicated in Table 906.1.

6. Special-hazard areas, including but not limited to laboratories, computer rooms and generator rooms, where required by the fire code official.

Section 26. Repealer: North Bend Municipal Code Section 15.18.195 (Administrative fees on certain permits) is hereby repealed in its entirety.

Section 27. NBMC 15.18.200 (IFC Referenced codes and standards), Amended: North Bend Municipal Code Section 15.18.200 (IFC Referenced codes and standards) is hereby amended to read as follows:

15.18.200 IFC referenced codes and standards.

The codes and standards referenced in this chapter shall be those that are listed in IFC Chapter 8045. Such codes and standards shall be considered part of the requirements of this chapter to the prescribed extent of each such reference as determined by the fire code official. Where differences occur between the provisions of this chapter and the referenced standards, the provisions of this chapter shall apply.

When requested in writing by the permit applicant, and allowed by the Fire Code official, editions of standards not herein referenced may be utilized provided the entire standard is utilized.

Section 28. NBMC 15.18.210 (Overcrowding), Amended: North Bend Municipal Code Section 15.18.210 (Overcrowding) is hereby amended to read as follows:

15.18.210 Overcrowding.

~~IFC Section 107.56 of the International Fire Code as adopted; Overcrowding;~~ is hereby amended to read as follows:

Overcrowding or admittance of any person beyond the approved capacity of a building or a portion thereof shall not be allowed. The fire code official, upon finding any overcrowding conditions or obstructions in aisles, passageways or other means of egress, or upon finding any condition which constitutes a life safety hazard, shall be authorized to direct actions be taken to reduce the overcrowding or to cause the event to be stopped until such condition or obstruction is corrected.

Section 29. NBMC 15.18.230 Repealed and Re-Adopted: North Bend Municipal Code Section 15.18.230 (Emergency responder radio coverage) is hereby repealed in its entirety and a

new Section 15.18.230 (Emergency responder radio coverage) is hereby adopted to read as follows:

Comment [DS26]: Entire section re-written to reflect current standards, updated technology, and Fire dept. equipment.

15.18.230 Emergency responder radio coverage. The following sections of the International Fire Code as adopted are amended to read as follows:

510.1 Emergency responder radio coverage in new buildings. Approved radio coverage for emergency responders shall be provided with buildings meeting any of the following conditions:

- 1. There are more than five stories above grade plane (as defined by the International Building Code, Section 202);
- 2. The total building is 50,000 square feet or greater;
- 3. The total basement area is 10,000 square feet or greater;
- or
- 4. There are floors used for human occupancy more than 30 feet below the finish floor of the lowest level of exit discharge.

Radio coverage is based upon the existing coverage levels of the public safety communication systems of the jurisdictions at the exterior of the building. This section shall not require improvements of the existing public safety communication system.

510.2 Emergency responder radio coverage in existing buildings. Existing buildings shall be provided with approved radio coverage for emergency responders as required in IFC 1103.2.

510.3.2 Operational permit. An operational permit is required to operate an in building radio system.

510.4.2.4 Signal Booster Requirements. If used, signal boosters shall meet the following requirements:

- 1. All active signal booster components shall be contained in a (NEMA) 4, IP66-type waterproof cabinet or equivalent.
- 2. The battery system shall be contained in a (NEMA) 4, IP66-type waterproof cabinet or equivalent.
- 3. The system shall include automatic alarming of malfunctions of the signal booster and battery system. Any resulting trouble alarm shall be automatically transmitted to an approved central station.
- 4. Equipment shall have FCC certification prior to installation.

510.5.3 Acceptance Test procedure. Acceptance testing for Emergency responder radio amplification system is required, upon completion of installation. It is the building owner's responsibility to have the radio system tested by qualified personnel to ensure a minimum of 95% two-way coverage on each floor of the building.

A report shall be submitted to the Fire Marshal at the conclusion of acceptance testing containing a floor plan and the signal strengths at each location tested and other relevant information. A representative of the Fire Marshal's Office may oversee the acceptance test. Acceptance testing is also required whenever changes occur to the building that would materially change the original field performance test. The test procedure shall be conducted as follows:

1. Each floor of the building shall be divided into a grid of approximately forty (40) equal areas.
2. Testing shall use a two (2) watt, portable transceiver with speaker/microphone and flexible antenna (or any calibrated device which will produce signal levels useable by the prescribed portable radio). Field strength testing instruments must have been calibrated within one (1) year of the date of the acceptance test. Field strength testing instruments must be of the frequency selective type incorporating a flexible antenna similar to the ones used on the hand held transceivers. City Radio System Manager may designate alternate methods of measuring the signal level, which satisfy appropriate levels of public safety coverage.
3. A maximum of two (2) nonadjacent areas will be allowed to fail the test.
4. In the event that three (3) of the areas fail the test, the floor may be divided into eighty (80) equal areas in order to be more statistically accurate. In such event, a maximum of four (4) nonadjacent areas will be allowed to fail the test. After the eighty (80) area tests, if the system continues to fail, the building owner shall have the system altered to meet the 95% coverage requirement.
5. A spot located approximately in the center of a grid area will be selected for the test, then the radio will be keyed to verify two-way communication to and from the outside of the building through the Regional 800 MHz Radio System. Once the spot has been selected, prospecting for a better spot within the grid area is not permitted. The gain values of all amplifiers shall be measured and the

results kept on file with the building owner so that the measurements can be verified each year during the annual tests. In the event that the measurement results become lost, the building owner will be required to rerun the acceptance test to reestablish the gain values.

6. The gain values of all amplifiers shall be measured and the test measurement results shall be kept on file with the building owner so that the measurements can be verified during annual tests. In the event that the measurement results become lost, the building owner shall be required to rerun the acceptance test to reestablish the gain values.
7. As part of the installation a spectrum analyzer or other suitable test equipment shall be utilized to ensure spurious oscillations are not being generated by the subject signal booster. This test shall be conducted at time of installation and subsequent annual inspections.

510.5.5 Approval Prior to Occupancy. A Certificate of Occupancy shall not be issued to any structure if the building fails to comply with Section 510.

510.6 Maintenance. The emergency responder radio coverage system shall be maintained operational at all times in accordance with Sections 510.6.1 through 510.6.3.

510.6.1 Testing and proof of Compliance. The emergency responder radio coverage system shall be inspected and tested annually, or whenever structural changes occur including additions or remodels that could materially change the original field performance tests. Testing shall consist of the following:

1. In-building coverage test as described in Section 510.5.3. Exception: Group R Occupancy annual testing is not required within dwelling units.
2. Signal boosters shall be tested to ensure that the gain is the same as it was upon initial installation and acceptance.
3. Backup batteries and power supplies shall be tested under load of a period of 1 hour to verify that they will properly operate during an actual power outage. If within the 1-hour test period the battery exhibits symptoms of failure, the test shall be extended for additional 1-hour periods until the integrity of the battery can be determined.
4. All other active components shall be checked to verify operation within the manufacturer's specifications.

5. At the conclusion of the testing, a report, which shall verify compliance with Section 510.5.3, shall be submitted to the fire code official.

510.6.2 Identification. Radio Coverage system shall be identified by a sign located on or near the Fire Alarm Control Panel stating "This building is equipped with an Emergency Responder Radio Coverage System."

510.6.3 Field Testing. Police and Fire Personnel shall at any time have the right to enter onto the property to conduct its own field-testing to be certain that the required level of radio coverage is present.

Section 30. New NBMC 15.18.240 (Obstructing operations), Adopted: A new North Bend Municipal Code Section 15.18.240 (Obstructing operations) is hereby adopted to read as follows:

15.18.240 Obstructing operations.

No person shall obstruct the operations of the fire department in connection with extinguishment, or control or investigation of any fire, or actions relative to other emergencies, or disobey any lawful command of the fire chief or officer of the fire department in charge of the emergency, or any part thereof, or any lawful order of a police officer assisting the fire department.

Section 31. New NBMC 15.18.250 (Fire apparatus access roads), Adopted: A new North Bend Municipal Code Section 15.18.250 (Fire apparatus access roads) is hereby adopted to read as follows:

15.18.250 Fire apparatus access roads.

A. Fire apparatus access roads shall be provided and maintained by the City of North Bend in accordance with WAC 51-54A-0503.

B. Exceptions to IFC model provisions. The following sections of the International Fire Code as adopted are amended to read as follows:

1. 503.2.1 Dimensions. Fire apparatus access roads, other than those governed above, or on private property, shall have an unobstructed width of not less than 20 feet (6,096 mm), except for approved security gates in accordance with Section 503.6, and an unobstructed vertical clearance of not less than 13 feet 6 inches (4,115 mm). Emergency Vehicle access roads shall be constructed in accordance with City of North Bend Municipal Code and standards.

Comment [DS27]: Section retains road standards of City NBMC "Development Standards" for 18" wide roads, but provides avenue and establishes minimum required standards within private properties and on roads other than "Public owned roads"

Comment [DS28]: Clarifies comment #34 and charging statement above.

2. 503.2.7 Grade. The grade of the fire apparatus access road shall be no more than 15% slope. Access roads may be permitted to exceed 15% with approval of the fire official, where all buildings are provided with an approved fire sprinkler system.

3. 503.3. Markings. When required by the Fire Chief, approved signs or other approved notices shall be provided and maintained for fire apparatus roads to identify such roads and prohibit the obstruction thereof or both.

a. All designated fire lanes shall be clearly marked by the property owner in the following manner: Vertical curbs shall be painted six (6") inches in height and shall be painted red on the top and side, extending the length of the designated fire lane with four inch (4") white block lettering stenciled on the face "NO PARKING – FIRE LANE." The stenciling shall be spaced every fifty feet (50'). Rolled curbs or surfaces without curbs shall have a six inch (6") wide red stripe painted extending the length of the designated fire lane with four inch (4") white block lettering stenciled on the stripe "NO PARKING – FIRE LANE." The stenciling shall be spaced every fifty feet (50').

b. Signs may be substituted for curb painting when approved in writing by the fire marshal.

c. Signs shall be not less than eighteen inches (18") in height by twelve inches (12") in width, with block lettering of not less than three inches (3") high brush stroke, reading: "NO PARKING – FIRE LANE." Such signs shall be reflective in nature, with red lettering on a white background, and spaced at intervals of not less than fifty feet (50') apart. The top of such signs shall not be less than four feet (4') or more than six feet (6') from the ground. Signs may be placed on buildings when approved in writing by the fire marshal. When posts are required, they shall be constructed of either two inch (2") or greater galvanized steel, or four inch by four inch (4" x 4") or greater pressure treated wood.

d. The fire marshal may approve deviations from any of the specifications in writing.

e. Existing signs may be allowed to remain until the fire marshal determines that a need for replacement exists based on the legibility or other deterioration of the existing signs. Such replacement shall occur within 30 days of receiving written notification of the deficiency.

f. Fire lanes shall be established and maintained as often as required by the fire marshal to clearly identify the designated area as a fire lane, at the sole expense of the property owner. The property owner shall have completed the required establishment or maintenance of fire lanes within 30 days of receiving written notification that such is necessary.

g. At the entrance to the property where fire lanes have been designated, signs shall be posted in a clearly conspicuous location, and shall clearly state that vehicles parked in fire lanes may be impounded, and the name, telephone number, and address of the towing firm where the vehicle may be redeemed.

h. The owner, manager, or person in charge of any property upon which any designated fire lane has been established shall be responsible to prevent the parking of vehicles in such fire lanes by informing the appropriate towing company of the violation. If the lane is blocked by any other obstructions, the owner, manager, or person in charge of the property shall attempt to remove the obstruction, and if unable, shall inform the fire department that the obstruction exists.

i. All criminal violations of the International Fire Code and obstruction of a fire apparatus road may be enforced by any regular or reserve police officer of the Police Department.

j. Except when in compliance with the law or at the direction of a police or fire officer, no person shall stop, stand, or park a vehicle in an red or yellow area designated "Fire Lane."

k. Except when in compliance with the law or at the direction of a police or fire officer, and in accordance with RCW 46.61.570(1), no person shall stop, stand, or park a vehicle within fifteen feet of a fire hydrant.

l. Any person, firm, corporation or organization violating any of the provisions of this title shall be guilty of a civil infraction, punishable as provided in the NBMC. Every day or portion thereof during which any violation of this title occurs or continues shall constitute a separate offense.

Comment [ASM29]: RCW 46.61.570(1) applies to all fire hydrants, both on public property and private property.

Section 32. New NBMC 15.18.260 (General safety precautions), Adopted: A new North Bend Municipal Code Section 15.18.260 (General safety precautions) is hereby adopted to read as follows:

15.18.260 General safety precautions. The following sections of the International Fire Code as adopted are hereby amended to read as follows:

5003.9 General safety precautions.
General precautions for the safe storage, handling or care of hazardous materials shall be in accordance with Sections 5003.9.1 through 5003.9.11.

5003.9.11 Manufactures Limitations.
The storage and use of hazardous materials shall not exceed the manufacturer’s limitations on shelf life and any other restrictions on use.

Comment [DS30]: New section added with additional section 5003.9.11

Section 33. New NBMC 15.18.270 (Emergency alarm system), Adopted: A new North Bend Municipal Code Section 15.18.270 (Emergency alarm system) is hereby adopted to read as follows:

15.18.270 Emergency alarm system. The following sections of the International Fire Code as adopted are hereby amended to read as follows:

- 5307.5.2 Emergency Alarm System.**
1. Continuous gas detection shall be provided to monitor areas where carbon dioxide can accumulate.
 2. The threshold for activation of an alarm shall not exceed 5,000 ppm (parts per million) (9,000mg/m3).
 3. Activation of the emergency alarm system shall initiate a local alarm, at the entrance to room(s), and inside a room or area where CO2 systems are installed.
 4. Require a warning sign at the entrance: “Carbon Dioxide Alarm. Do not enter. Call 911”.

Comment [DS31]: New section added with additional wording in item #3, and added item #4

Section 34. New NBMC 15.18.280 (Explosive materials storage and handling – General), Adopted: A new North Bend Municipal Code Section 15.18.280 (Explosive materials storage and handling – General) is hereby adopted to read as follows:

Comment [DS32]: New section added with additional wording.

15.18.280 Explosive materials storage and handling – General. The following sections of the International Fire Code as adopted are hereby amended to read as follows:

5604.1 Explosive Materials Storage and Handling – General.
The storage of explosive materials is prohibited within the City Limits.

Exceptions:

1. Materials listed and stored in accordance with IFC 5601.1 “Exceptions 1-5, and 7-9.”

2. Model rocket motors, as defined by 2013 NFPA 1122, stored in accordance with 2013 NFPA 1122 Sections 4.20.1 and 4.20.2. Quantities of more than one pound shall be stored in accordance with 2013 NFPA 1127 Sections 4.19.1 through 4.19.2.4.

3. When approved by the Fire Marshal, high power rocket motors as defined by 2013 NFPA 1127 and rocket motor reloading kits, stored in accordance with 2013 NFPA 1127 Sections 4.19.1 through 4.19.2.4, 4.19.4 and 4.19.5.

Section 35. New NBMC 15.18.290 (Manufacturing, assembly and testing of explosives, explosive materials, ammunition, blasting agents, and fireworks – General), Adopted: A new North Bend Municipal Code Section 15.18.290 (Manufacturing, assembly and testing of explosives, explosive materials, ammunition, blasting agents, and fireworks – General) is hereby adopted to read as follows:

15.18.290 Manufacturing, assembly and testing of explosives, explosive materials, ammunition, blasting agents, and fireworks – General. The following sections of the International Fire Code as adopted are hereby amended to read as follows:

5605.1 Manufacturing, assembly and testing of explosives, explosive materials, ammunition, blasting agents, and fireworks – General.

The manufacturing of explosives, explosive materials, ammunition, blasting agents, and fireworks is prohibited within the City limits.

Comment [DS33]: New section added and amended

Section 36. New NBMC 15.18.300 (Storage and dispensing of flammable and combustible liquids), Adopted: A new North Bend Municipal Code Section 15.18.300 (Storage and dispensing of flammable and combustible liquids) is hereby adopted to read as follows:

15.18.300 Storage and dispensing of flammable and combustible liquids. The following sections of the International Fire Code as adopted are hereby amended to read as follows:

5706.2 Storage and dispensing of flammable and combustible liquids.

Permanent and temporary storage and dispensing of Class I and II liquids for private use on farms, at construction sites, and at Public Maintenance facilities owned by the City of North Bend or other

Public agencies shall be in accordance with Sections 5706.2.1 through 5706.2.8.1
Exception: Storage and use of fuel oil and containers connected with oil-burning equipment regulated by Section 603 and the International Mechanical Code.

Comment [DS34]: Wording added

Comment [DS35]: New section added and amended

Section 37. New NBMC 15.18.310 (Maximum capacity within established limits), Adopted:
A new North Bend Municipal Code Section 15.18.310 (Maximum capacity within established limits) is hereby adopted to read as follows:

15.18.310 Maximum capacity within established limits. The following sections of the International Fire Code as adopted are hereby amended to read as follows:

6104.2 Maximum capacity within established limits.
The aggregate capacity for the storage of Liquid Petroleum Gas (LPG) of any one installation shall not exceed 2,000 gallons water capacity, except that in particular installations this capacity limit may be altered at the discretion of the chief after consideration of special features such as topographical conditions, nature of the occupancy and proximity to buildings, capacity of proposed tanks, degree of private fire protection to be provided, and facilities of the fire department.

Comment [DS36]: New section added and amended

Section 38. New NBMC 15.18.320 (Minimum specifications), Adopted: A new North Bend Municipal Code Section 15.18.320 (Minimum specifications) is hereby adopted to read as follows:

15.18.320 Minimum specifications. Appendix D, Section 103, of the International Fire Code as adopted is hereby amended to read as follows:

SECTION D103 MINIMUM SPECIFICATIONS.

D103.1 Access road width with a hydrant.
Where a fire hydrant is located on a fire apparatus access road, in accordance with NBMC 15.18.070, the minimum road width shall be 26 feet (7925 mm), exclusive of shoulders in accordance with Figure D103.1

D103.2 Grade.
Fire apparatus access roads shall be in accordance with NBMC 15.18.070

D103.3 Turning radius.

The minimum turning radius shall be determined by the fire code official.

D103.4 Dead ends.

Dead-end fire apparatus access roads in excess of 150 feet (45 720 mm) shall be provided with width and turnaround provisions in accordance with Table D103.4.

D103.5 Fire apparatus access road gates.

Fire apparatus access roads shall be in accordance with NBMC 15.18.070

D103.6 Signs.

Fire apparatus access roads shall be in accordance with NBMC 15.18.070

Comment [DS37]: New section adopted and amended.

Section 39. New NBMC 15.18.330 (Single-family and multiple-family residential developments), Adopted: A new North Bend Municipal Code Section 15.18.330 (Single family and multiple-family residential developments) is hereby adopted to read as follows:

15.18.330 Single-family and multiple-family residential developments. Appendix D, Section 106, of the International Fire Code as adopted is hereby amended to read as follows:

SECTION D106 SINGLE-FAMILY AND MULTIPLE-FAMILY RESIDENTIAL DEVELOPMENTS.

D106.1 Projects having more than 100 dwelling units. Single-family and multiple-family residential projects having more than 100 dwelling units shall be equipped throughout with two separate and approved fire apparatus access roads.

Exception: Projects having more than 100 dwelling units may have a single approved fire apparatus access road when all buildings, including nonresidential occupancies, are equipped throughout with approved automatic sprinkler systems installed in accordance with Section 903.3.1.1, or 903.3.1.2, or 903.3.1.3 of the International Fire Code.

D106.2 Projects having more than 200 dwelling units. Multiple-family residential projects having more than 200 dwelling units shall be provided with two separate and approved fire apparatus access roads, regardless of whether they are equipped with an approved automatic sprinkler system.

Comment [DS38]: New section added and amended

Section 40. NBMC 15.20.010 (Uniform Plumbing Code adopted), Amended: North Bend Municipal Code Section 15.20.010 (Uniform Plumbing Code adopted) is hereby amended to read as follows:

15.20.010 Uniform Plumbing Code adopted.

A. Plumbing Code Adopted. Except as provided in subsection (B) of this section. The ~~2012-2015~~ edition of the Uniform Plumbing Code, including Appendices A, B, and I, published by the International Association of Plumbing and Mechanical Officials, as adopted and hereafter amended by the State Building Code Council in Chapter 51-56 WAC, ~~as published by the International Code Council~~ is hereby adopted by reference with the following additions, deletions and exceptions: Excluding chapter 1 “Administration”, chapter 12, “Fuel Piping”, and chapter 15 “Firestop Protection”; ~~those~~ Provided further that the requirements of the Uniform Plumbing Code relating to venting and combustion air of fuel fired appliances as found in chapter 5 and those portions of the ~~code~~ Uniform Plumbing Code addressing building sewers, ~~is~~ are hereby not adopted.

Comment [DS39]: Correct wording of identifying code

Comment [DS40]: Unnecessary wording

Comment [DS41]: Comment #17

B. Approved Alternate Plumbing Code.

1. When requested in writing by the permit applicant, the 2015 International Plumbing Code, as published by the International Code Council, shall be considered as an approved alternate for plumbing installations governed under the Uniform Plumbing Code.
2. When approved alternate plumbing codes are utilized, the entire plumbing installation shall be installed and governed under the provisions of the alternate code.

Comment [DS42]: The International Plumbing Code, published by the International Code Council, is the recognized plumbing code in 35 states. It was also adopted as an alternate code in 2012 by the Cities of Bellingham and Arlington. It will be adopted as an alternated approved code by 5 or more additional jurisdictions around WA State in 2016.

Section 41. NBMC 15.22.010 Repealed and Re-Adopted. North Bend Municipal Code Section 15.22.010 (Washington State Energy Code adopted) is hereby repealed in its entirety and a new Section 15.22.010 (International Energy Conservation Code of the State of Washington) is hereby adopted to read as follows:

15.22.010 International Energy Conservation Code of the State of Washington adopted. The 2015 International Energy Conservation Code of the State of Washington, as adopted and amended by the State Building Code Council in Chapter 51-11C and 51-11R WAC, is hereby adopted by reference.

Section 42. Repealer: North Bend Municipal Code Section 15.24.010 (Ventilation and Indoor Air Quality Code adopted) is hereby repealed in its entirety.

Section 43. NBMC 15.26.010 (International Property Maintenance Code adopted), Amended: North Bend Municipal Code Section 15.26.010 (International Property Maintenance Code adopted) is hereby amended to read as follows:

15.26.010 International Property Maintenance Code adopted.

The ~~2012-2015~~ edition of the International Property Maintenance Code as published by the International Code Council is hereby adopted with the following modifications.

Section 44. NBMC 15.26.060 (Prosecution of violation), Amended: North Bend Municipal Code Section 15.26.060 (Prosecution of violation) is hereby amended to read as follows:

15.26.060 Prosecution of violation.

Any person failing to comply with a notice of violation or order served in accordance with Section 107 shall be deemed guilty of a civil infraction in accordance with Chapter 1.20 NBMC, and the violation shall be deemed a strict liability offense. If the notice of violation is not complied with, the code official shall institute the appropriate proceeding at law or in equity to restrain, correct or abate such violation, or to require the removal or termination of the unlawful occupancy of the structure in violation of the provisions of this chapter or of the order or direction made pursuant thereto. Any action taken by the authority having jurisdiction on such premises shall be charged against the real estate upon which the structure is located and shall be a lien upon such real estate.

Comment [DS43]: Added wording of new "Code Enforcement" section of NBMC

Section 45. NBMC 15.26.070 (Penalties), Amended: North Bend Municipal Code Section 15.26.070 (Penalties) is hereby amended to read as follows:

15.26.070 Penalties.

Penalties for noncompliance with orders and notices shall be as set forth in Chapter ~~20.10~~ 1.20 NBMC.

Comment [DS44]: Location of new "Code Enforcement" section of NBMC

Section 46. NBMC 15.27.010 (International Green Construction Code adopted), Amended: North Bend Municipal Code Section 15.27.010 (International Green Construction Code adopted) is hereby amended to read as follows:

15.27.010 International Green Construction Code adopted.

The ~~2009-2015~~ Edition of the International Green Construction Code as published by the International Code Council is hereby adopted as an alternate means of construction.

Section 47. Repealer: North Bend Municipal Code Chapter 15.32 (Uniform Sign Code) is hereby repealed in its entirety.

Section 48. NBMC 15.36.010, Repealed and Re-Adopted: North Bend Municipal Code Section 15.36.010 (Building moving – Building official’s permit required) is hereby repealed in its entirety and a new Section 15.36.010 (Building moving – Permit required) is hereby adopted to read as follows:

15.36.010 Building moving – Permit required.

It is unlawful for any person to move any building or structure over, along or across any highway, street, alley or public place in the city without first obtaining a all required permits from the building official community and economic development department.

A. Any dwelling or accessory building proposed to be moved into the city must be structurally sound. Structural defects must be corrected.

B. After relocation, the dwelling must be in substantial conformance with fire and life safety requirements of the current building codes. This may include, but is not limited to:

- 1. Smoke alarms installed and interconnected where technically feasible;
- 2. Egress windows;
- 3. Stair landings, railings and guardrails;
- 4. Fire rated assemblies; and
- 5. Minimum requirements for sanitation, ventilation, heat and light.

Some requirements may be considered and modified on a case-by-case basis at the discretion of the building official where deemed not technically feasible.

Comment [ASM45]: Should this also be changed to the CED dept?

C. Procedure.

- 1. Dwellings must be inspected prior to relocation within or into the City. If the dwelling is within the City, inspections will be performed by a City building inspector at the cost of the applicant. All dwellings outside of the City will be required to be inspected by a licensed engineer, at the cost of the applicant, to verify structural integrity and compliance with all Washington state and City codes pertaining to a moved dwelling;
- 2. The City will notify the originating jurisdiction, as appropriate, if the building can be permanently relocated to a City location;

3. The homeowner must receive separate approval from the originating jurisdiction to move the building over and across public rights-of-way;

4. The homeowner must receive approval from the City public works to move the building over and across City rights-of-way;

5. Prior to placement of any structure on a City land parcel, a building permit must be reviewed and approved.

6. That the requirements under NBMC 15.36.080 have been satisfied.

Comment [DS46]: Additional wording necessary to ensure dilapidated or unsafe structure not brought into City.

Comment [DS47]: Authority should be department not individual, because various types of permits from department not just building regulations would be required. Wording changed throughout section

Section 49. NBMC 15.36.040 (Enforcement – Permittee liability), Amended: North Bend Municipal Code Section 15.36.040 (Enforcement – Permittee liability) is hereby amended to read as follows:

15.36.040 Enforcement – Permittee liability.

A. Enforcing Officers. The building official, or his or her designee, and the police department shall enforce and carry out the requirements of this chapter.

B. Permittee Liable for Expense Above Deposit. The permittee shall be liable for any expense, damages or costs in excess of deposited amounts or securities, and the city attorney shall prosecute an action against the permittee in a court of competent jurisdiction for the recovery of such excessive amounts.

C. Original Premises Left Unsafe. The city shall proceed to do the work necessary to leaving the original premises in a safe and sanitary condition where the permittee does not comply with the requirements of this chapter, and the cost thereof shall be charged against the original deposit.

Section 50. NBMC 15.36.050 (Permit application – Fee), Amended: North Bend Municipal Code Section 15.36.050(Permit application – Fee) is hereby amended to read as follows:

15.36.050 Permit application – Fee.

A. Before a permit can be issued, an application must be submitted to the ~~building official~~community and economic development department at least ~~one week (seven days)~~thirty (30) days before the proposed move. The application must be accompanied by an application fee as established by the taxes, rates and fees schedule adopted by ordinance.

Comment [DS48]: Old timeline too short to appropriately and properly address code requirements.

B. Applications shall be submitted on forms provided by the ~~building official~~ community and economic development department and shall contain:

1. Location of the building to be moved;
2. Proposed new location of the building;
3. Permit number;
4. Dimensions of the building when loaded;
5. Proposed route for moving the building; and
6. Completed demolition permit application.

C. If the relocation site is within the city limits, the application shall, in addition to the information required above, also include:

1. A completed building permit application;
2. A completed building permit checklist; and.
3. A set of plans and specifications for the completed building.

D. The ~~building official~~ community and economic development department shall route copies of the application to the police department and the department of utilities for their review.

Comment [DS49]: Additional wording necessary

Section 51. Repealer: North Bend Municipal Code Section 15.36.060 (Conditions for securing permit – Inspection by building official) is hereby repealed in its entirety.

Section 52. NBMC 15.36.070 (Permit refused when), Amended: North Bend Municipal Code Section 15.36.070 (Permit refused when) is hereby amended to read as follows:

15.36.070 Permit refused when.

The ~~building official~~ community and economic development department shall refuse to issue a permit if it is found:

- A. That any application requirement or any fee or deposit requirement has not been complied with;
- B. That the building is too large to move without endangering persons or property in the city;

C. That the building is in such a state of deterioration or disrepair or is otherwise so structurally unsafe that it could not be moved without endangering persons and property in the city;

D. That the building is structurally unsafe or unfit for the purpose for which moved, if the removal location is in the city;

E. That the applicant's equipment is unsafe and that persons and property would be endangered by its use;

F. That zoning or other ordinances would be violated by the building in its new location;

G. Approval of the application by the police department, ~~and utility department~~ community and economic development department, and public works department shall be a condition precedent to issuance of the permit;

H. That the applicant has not furnished proof that all affected public and private utilities, including those involved with electricity, gas, telephone, water and sewer have been notified of the time of the move and the route to be followed; and

I. That for any other reason persons or property in the city would be endangered by the moving of the building.

Section 53. NBMC 15.36.080 (Deposit – Estimated expense to city), Amended: North Bend Municipal Code Section 15.36.080 (Deposit – Estimated expense to city) is hereby amended to read as follows:

15.36.080 Deposit – Estimated expense to city.

Upon receipt of an application, the ~~building official~~ community and economic development department shall estimate the expense that will be incurred in removing and replacing any property of the city, the removal and replacement of which will be required by reason of the moving of the building through the city, together with the costs of materials necessary to be used in making such removals and replacements. Prior to the issuance of the permit, the ~~building official~~ community and economic development department shall require the applicant to deposit a sum of money equal to twice the amount of the estimated expenses.

Section 54. NBMC 15.36.090 (Deposit – Surety bond – Liability insurance), Amended: North Bend Municipal Code Section 15.36.090 (Deposit – Surety bond – Liability insurance) is hereby amended to read as follows:

15.36.090 Deposit – Surety bond – Liability insurance.

An application hereunder shall be accompanied:

A. By a cash deposit or corporate surety bond in the sum established by the taxes, rates and fees schedule adopted by ordinance payable to the city to indemnify the city for the following:

1. Damage which the city may sustain by reason of damage or injury to any highway, street or alley, sidewalk or other property of the city, which may be caused by or be incidental to the removal of any building over, along or across any street in the city; and
2. The cost of removing the structure if the applicant should abandon it before the move is completed; and
3. The cost of placing the original premises in a safe and sanitary condition where the applicant has failed to do so.

B. By a public liability insurance policy, naming the city as an insured or as an additional insured, in an amount established by the taxes, rates and fees schedule adopted by ordinance. The policy shall remain in full force and effect during the moving operation. Any person moving a building within the city, at all times, shall protect and hold harmless the city from all claims, actions, suits, liability, less expense or damage of every kind and description, including court costs and attorney's fees, which may accrue to or be suffered or claimed by any person or persons, or the city itself, arising out of the moving operation;

C. By a cash deposit or corporate surety performance bond in the sum established by the taxes, rates and fees schedule adopted by ordinance, conditioned upon the permittee, within six months from the date of the issuance of such permit:

1. Completing the construction, painting and finishing of the exterior of the building; and
2. Faithfully complying with all requirements of this chapter, including but not limited to permittee completing such work within six months from the date of the issuance of such permit.

3. In the event the provisions of this subsection are not complied with within the time specified, the deposit shall be forfeited as a penalty for the default, and this shall be in addition to any other penalties provided for failure to comply with the terms of this chapter.

D. Any or all of the requirements contained in subsections A, B and C of this section may be waived at the discretion of the ~~building official~~community and economic development director, or his or her designee.

Section 55. NBMC 15.36.100, Repealed and Re-Adopted: North Bend Municipal Code Section 15.36.100 (Deposit – Return – Building official’s statement) is hereby amended repealed in its entirety and a new Section 15.36.100 (Deposit – Return – Statement) is hereby adopted to read as follows:

15.36.100 Deposit – Return – Statement.

A. Return Upon Nonissuance. Upon the refusal of the ~~building official~~community and economic development department to issue a permit, the ~~building official~~department shall return to the applicant all deposits and bonds ~~except~~excluding the application fee.

B. Return Upon Allowance for Expense. After the building has been removed, the ~~building official~~community and economic development department shall prepare a final written statement for all expenses incurred in removing and replacing all property belonging to the city, and all material used in the making of the removal and replacement together with a statement of all damage caused to or inflicted upon property belonging to the city; ~~providing, however, that if any wires, poles, lamps or other property are not located in conformity with governing ordinances, the permittee shall not be liable for the cost of removing the same.~~ The ~~building official~~community and economic development department shall return to the applicant all deposits after deduction of a sum sufficient to pay for all of the cost and expenses and for all damage done to property of the city by reason of the removal of the building.

Section 56. NBMC 15.36.110 (Duties of permittee), Amended: North Bend Municipal Code Section 15.36.110 (Duties of permittee) is hereby amended to read as follows:

15.36.110 Duties of permittee.

The permittee shall:

A. Use designated streets: move a building only over streets designated for such use in the written permit;

B. Notify of revised moving time: notify the ~~building official~~ community and economic development department in writing of a desired change in moving date and hours as proposed in the application;

C. Notify of damage: notify the ~~building official~~ community and economic development department in writing of any and all damage done to property belonging to the city within 24 hours after the damage or injury has occurred;

D. Display lights: cause red lights to be displayed during the nighttime on every side of the building, while standing on a street, in such manner as to warn the public of the obstruction, and shall at all times erect and maintain barricades across the streets in such manner as to protect the public from damage or injury by reason of the removal of the building;

E. Remove after street occupancy period: remove the building from the city streets after four days of such occupancy, unless an extension is granted by the ~~building official~~ community and economic development department;

F. Comply with governing law: within 6 months from the date of issuance of the permit, comply with the city building, fire and zoning ordinances, and all other applicable ordinances and laws upon relocating the building in the city;

G. Pay expense of officer: pay the expense of a traffic officers ordered by the ~~building official~~ City to accompany the movement of the building to protect the public from injury;

H. Clear old premises: remove all rubbish and materials and fill all excavations to existing grade at the original building site so that the premises are left in a safe and sanitary condition; and

I. Cap the existing utilities at the property line where the building is being moved from or, if the property is served by an individual sewage disposal system, to remove the tank.

Section 57. NBMC 15.36.120, Repealed and Re-Adopted: North Bend Municipal Code Section 15.36.120 (Building official to set maximum time for move) is hereby repealed in its entirety and a new Section 15.36.120 (Community and economic development department to set maximum time for move) is hereby adopted to read as follows:

15.36.120 Community and economic development department to set maximum time for move.

The ~~building official community and economic development department~~ shall designate the time within which the move must be completed. If more than one day will be required to move the structure, the building official shall designate where the structure may be located when not being moved, and how it shall be equipped to warn the public of the danger involved. The applicant shall comply with such designations.

Section 58. NBMC 15.36.130, Repealed and Re-Adopted: North Bend Municipal Code Section 15.36.130 (Building official to designate streets for moving buildings) is hereby repealed in its entirety and a new Section 15.36.130 (Director of public works to designate streets for moving buildings) is hereby adopted to read as follows:

15.36.130 Director of Public Works to designate streets for moving buildings.

~~The building official shall designate the streets over which the building may be moved. The building official shall have the list approved by the department of public safety. In making their determinations, the building official and the department of public safety shall act to assure maximum safety to persons and property in the city and to minimize congestion and traffic hazards on public streets.~~

A. The public works department shall:

- ~~1. Determine the probable disruption and cost which the moving of a building will cause to owners of wires and cables, and also the probable injury and inconvenience the severance of such wires and cables will cause to patrons of public utilities;~~
- ~~2. Ascertain the probable interference with the rights of the public that such a moving will cause, and any other facts which may aid in determining whether or not such permit should be granted; and~~
- ~~3. Prescribe the time such moving shall be done, the route to be followed and such traffic barricades and escorts and any other stipulations deemed necessary for public safety and convenience.~~

B. The director of public works may, if the disruption to public utilities, private property or the traveling public is apparently excessive relative to the value of the building to be moved, deny

the permit subject to the rights of the applicant to appeal said denial to the hearing examiner as governed by the procedures set forth in NBMC Chapter 2.20.

Comment [DS50]: Review should be by PW director, not Building Official. New wording in section to address section

Section 59. 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 60. 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 7th DAY OF JUNE, 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



City Council Agenda Bill

SUBJECT:		Agenda Date: June 7, 2016	AB16-060	
A Resolution Addressing Conditional Certification Requirements of the Puget Sound Regional Council Related to the 2015 Comprehensive Plan Update		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		
		Timeline: Immediate		
Cost Impact: N/A				
Fund Source: N/A				
Attachments: Resolution, PSRC Plan Review Report and Certification Recommendation				
<p>SUMMARY STATEMENT:</p> <p>On December 8, 2015, the City of North Bend adopted the 2015 Comprehensive Plan pursuant to the Washington State Growth Management Act. The 2015 Comprehensive Plan (“the Plan”) was reviewed by state agencies and the Puget Sound Regional Council (PSRC) as required. The City, along with 12 other jurisdictions, received Conditional Certification for the Comprehensive Plan update.</p> <p>On February 25, 2016, PSRC Growth Management Policy Board issued a Plan Review Report and Certification Recommendation (the “Certification Report”) regarding the 2015 Comprehensive Plan. Then on April 28, 2016, the PSRC Executive Board approved the Certification Report with a request to address consistency between the anticipated growth included in the Plan and the housing and employment growth targets adopted by King County.</p> <p>It is important to mention that in an email dated February 25, 2016 PSRC Staff stated “A <i>conditionally certified plan is considered “certified” when applying for regionally managed transportation funding.</i>” A conditional certification allows the City to participate in the PSRC funding process and program projects and the Regional Transportation Improvement Program while the City works to address the issues raised in the conditional certification.</p> <p>The City will need to provide a draft amended comprehensive plan and/or supporting documents to PSRC for review and comment in advance of adoption, and will need to submit the adopted amendments by December 31, 2017 for review and certification by PSRC.</p> <p>The City is committed to working with PSRC and the regional partners to address the Conditional Certification status of the 2015 Comprehensive Plan as described in the Certification Recommendation Report dated February 25, 2016 and approved by the PSRC Executive Board on April 28, 2016.</p>				
<p>COMMITTEE REVIEW AND RECOMMENDATION: The Community & Economic Development Committee was briefed on this agenda item at its April 19, 2016 meeting.</p>				
<p>RECOMMENDED ACTION: MOTION to approve AB16-060, a resolution setting forth the City Council’s work plan addressing conditional certification requirements of the Puget Sound Regional Council related to the 2015 Comprehensive Plan Update.</p>				
RECORD OF COUNCIL ACTION				
<i>Meeting Date</i>		<i>Action</i>		
June 7, 2016		<i>Vote</i>		

RESOLUTION

A RESOLUTION OF THE CITY OF NORTH BEND, WASHINGTON, STATING THE CITY'S INTENT TO ADDRESS THE CONDITIONAL CERTIFICATION REQUIREMENTS OF THE PUGET SOUND REGIONAL COUNCIL RELATED TO THE 2015 COMPREHENSIVE PLAN UPDATE

WHEREAS, on December 8, 2015, the City of North Bend ("City") adopted the 2015 Comprehensive Plan pursuant to the Washington State Growth Management Act ("GMA"); and

WHEREAS, the 2015 Comprehensive Plan ("the Plan") was reviewed by state agencies and the Puget Sound Regional Council (PSRC); and

WHEREAS, on February 25, 2016, the PSRC Growth Management Policy Board (GMPB) issued a Plan Review Report and Certification Recommendation (the "Certification Report") regarding the 2015 Comprehensive Plan; and

WHEREAS, on April 28, 2016, the PSRC Executive Board approved the Certification Report with a requirement to address consistency between the anticipate growth included in the Plan and the housing and employment growth targets adopted by King County (the "Conditional Certification"); and

WHEREAS, the Certification Report was provided to the City by PSRC staff on May 25, 2016, and this Resolution was brought forward to City Council immediately thereafter on June 7, 2016; and

WHEREAS, the Conditional Certification allows the City to participate in the PSRC funding process and program projects and the Regional Transportation Improvement Program while the City works to address the issues raised in the Conditional Certification; and

WHEREAS, PSRC has agreed that such Conditional Certification shall have no impact on any pending or future grant applications or decisions; and

WHEREAS, the City will work expeditiously with PSRC in order to ensure the 2015 Comprehensive Plan is consistent with the GMA.

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

Section 1. The City Council directs staff to work with PSRC to address the Conditional Certification status of the 2015 Comprehensive Plan as described in the Certification Report.

Section 2. The City is committed to working toward fully addressing the conditions for regional certification of its comprehensive plan by December 31, 2017, including submittal of supporting materials to PSRC for review.

PASSED BY THE CITY COUNCIL OF THE CITY OF NORTH BEND, WASHINGTON, AT A REGULAR MEETING THEREOF, THIS 7TH DAY OF JUNE, 2016.

CITY OF NORTH BEND:

APPROVED AS TO FORM:

Kenneth G. Hearing, Mayor

Michael R. Kenyon, City Attorney

ATTEST/AUTHENTICATED:

Effective:
Posted:

Susie Oppedal, City Clerk

PSRC PLAN REVIEW REPORT & CERTIFICATION RECOMMENDATION

CITY OF NORTH BEND COMPREHENSIVE PLAN

February 25, 2016



BACKGROUND

The Washington State Growth Management Act calls for coordination between local, regional, and state planning efforts. To advance this coordination, state law requires PSRC to certify that regional transit plans, countywide planning policies, and local comprehensive plans within the central Puget Sound region conform to: (1) established regional guidelines and principles, (2) the adopted long-range regional transportation plan, and (3) transportation planning requirements in the Growth Management Act. Within the central Puget Sound region, the multicounty planning policies in VISION 2040 have been established as the regional guidelines and principles under Revised Code of Washington (RCW) 47.80.026. Certification of local comprehensive plans is also a requirement for jurisdictions and agencies that intend to apply for PSRC funding or proceed with any project submitted into the Regional Transportation Improvement Program, regardless of funding source.

Within the central Puget Sound region, local governments and PSRC have worked together to develop an overall process ([Adopted Policy and Plan Review Process](#), Revised September 2003) for reviewing and certifying local, countywide, regional, and transit agency policies and plans.¹ This process also provides an opportunity to coordinate and share information related to local and regional planning. A set of materials, compiled in a [Plan Review Manual](#), provides details on the review and certification process, background, and framework. The manual also provides guidance and checklists for aligning plans and policies with [VISION 2040](#), [Transportation 2040](#), and [Growth Management Act](#) requirements.

DISCUSSION

This report summarizes the findings and recommendations regarding the periodic update to the comprehensive plan for the City of North Bend. Two elements—transportation, and energy and sustainability—were adopted in 2012 and certified by PSRC at that time as amendments to the 2004 update. The remaining plan elements were adopted by the city on December 8, 2015. All elements, which collectively comprise the 2015 periodic GMA plan update, are reviewed here for certification. PSRC staff coordinated with city staff in the review of the updated 2015 comprehensive plan and development of this report.

CERTIFICATION RECOMMENDATION

Based on the review of the comprehensive plan for the City of North Bend, the following action is recommended to the PSRC Growth Management Policy Board, Transportation Policy Board, and Executive Board:

The Puget Sound Regional Council conditionally certifies that the transportation-related provisions in the comprehensive plan update for the City of North Bend conform to the Growth Management Act and are consistent with multicounty planning policies and the regional transportation plan.

¹ The certification requirement in the Growth Management Act is described in RCW 47.80. The specific requirements for transportation elements in local comprehensive plans are spelled out in RCW 36.70A.070. PSRC's Interlocal Agreement, Section VII, also provides direction for the review of local comprehensive plans and countywide policies (Resolution A-91-01, amended March 1998). The Council's Executive Board last updated its process for Policy and Plan Review in September 2003. The process is also described in VISION 2040, Part IV: Implementation.

Conditional status is in place until the City of North Bend addresses consistency between the anticipated growth included in the plan and the housing and employment growth targets adopted by King County. This will include consideration of:

- **Amending the plan to recognize the objective of managing growth consistent with the Regional Growth Strategy and the role of designated Small Cities.**
- **Including in the plan a 20-year projection of population and employment growth that more closely aligns with adopted countywide targets.**
- **Working with PSRC to review and identify strategies to manage growth in alignment with the Regional Growth Strategy and address the impacts of growth on regional and local infrastructure and the environment.**

Coordination with the county, state, and other agencies is also appropriate to more fully address the potential regional impacts of planned growth that exceeds agreed-upon targets.

These conditions will be addressed according to the following schedule:

- 1. Council action to authorize a work plan that addresses the conditions identified in the certification report by May 31, 2016.**
- 2. Submission of a draft amended comprehensive plan and/or supporting documents that address the condition to PSRC for review and comment in advance of adoption.**
- 3. Once the condition is adequately addressed, submission of the adopted amended comprehensive plan and/or supporting documents by December 31, 2017, for review and certification by PSRC.**

The city acknowledges and understands these conditions.

It is recognized that the city's comprehensive plan is highly supportive of the goals and policies of VISION and that the city has already taken a number of steps to work towards implementing VISION 2040. It is also recognized that the level of future development that the city anticipates occurring during this planning period reflects zoning for urban densities within the Urban Growth Area boundary and areas annexed by the city prior to the development of the comprehensive plan update. The city has taken a number of positive steps to focus growth within its downtown, to promote and protect environmental sustainability, and to invest in infrastructure that improves the quality of life of its residents, to promote employment growth that enhances the local economy and improves jobs-housing balance. The city has also taken steps to limit future development potential through reduced residential densities and land acquisition in areas of the city that are within or near the flood plain.

This report contains a summary of the PSRC review of the City of North Bend comprehensive plan update. Under each heading, the scope of the certification review, as guided by the [Plan Review Manual](#) and Local Comprehensive Plan Checklist, is listed in high level bullets. Discussion in each topic area highlights exemplary provisions of the plan, as well as issues identified through the certification review where future work on the part of the city, including detailed conditions for certification, is needed to more fully address VISION 2040, Transportation 2040, and Growth Management Act planning requirements.

Part I: Conformity with Growth Management Act Transportation Planning Requirements

SCOPE OF REVIEW

The Growth Management Act (RCW 36.70A.070(6)) includes several requirements related to transportation elements in local comprehensive plans. These requirements are summarized as follows:

Land use assumptions and forecasts of travel demand that are internally consistent and consistent with growth targets.

Service and facility needs, including inventories of existing facilities, and level-of-service standards and concurrency provisions that address multiple modes of travel, planned land uses and densities, and state highways.

Financing and investments, including a multiyear financing plan and reassessment strategy to address potential funding shortfalls.

Intergovernmental coordination with neighboring cities, counties, and regional and state agencies.

Demand management, including programs to implement the Commute Trip Reduction Act.

Pedestrian and bicycle planning, including project funding and capital investments, education, and safety.

Land uses adjacent to airports, identifying relevant facilities, existing and planned uses, and policies that discourage incompatible uses.

Air quality is largely an interjurisdictional issue in which each jurisdiction's travel behaviors, measured through vehicle emissions, affect the regional airshed. The Washington Administrative Code (WAC) requires local transportation elements and plans to include "policies and provisions that promote the reduction of criteria pollutants" for mobile sources (WAC 173-420-080). When PSRC reviews plans, it also certifies that the comprehensive plans include air quality policies and provisions, including a commitment to meeting the requirements of applicable federal and state air quality legislation.

DISCUSSION: EXEMPLARY PLAN PROVISIONS

The North Bend comprehensive plan effectively addresses many of the transportation planning requirements of the Growth Management Act and includes adequate air quality policies and provisions. Highlights include:

- ☑ Policies promoting transportation demand management and transportation system management are furthered with specific strategies which include encouraging development in locations where transportation facilities already exist, increased car- and van-pooling, nonmotorized network investments, roadway channelization, and intersection optimization techniques such as roundabouts, and consolidation of access points along arterial streets.
- ☑ Strategies to support and encourage bicycle travel include bicycle parking standards, the provision of bicycle lanes, paths, and signage, and street calming techniques on local streets. Strategies to support and encourage pedestrian travel include policies calling for the construction of pedestrian facilities along all streets and with new development, a prioritization scheme for sidewalk construction funding, and a continued emphasis on developing a pedestrian-friendly, mixed-use downtown area.
- ☑ The financial analysis on pages 92 to 98 of the transportation element includes a thorough analysis of transportation funding needs and available resources, including cost estimates for projects through the horizon year 2030 and estimates of local and non-local transportation funding potential.

DISCUSSION: AREAS FOR FURTHER WORK

The city should address the following comments at the earliest opportunity through future amendments to the comprehensive plan, subarea plans, or functional plans:

- The land use element was updated in 2012. The city is planning to amend the transportation element further within the next several years to bring it into full consistency with other plan elements and to integrate more up-to-date information on transportation projects in the city. The transportation element currently addresses growth through the year 2030. The city should update the land use assumptions used to estimate future transportation demand to account for growth anticipated through 2035. In the amended transportation element, the city should bring the land use assumptions in this element closer to the amount of growth projected in the land use element.
- In the next update to the transportation element, the city should add more detail to the pedestrian and bicycle component of the recommended transportation plan, including a mapped sidewalk and bicycle facility inventory and more complete definition of planned bicycle facilities.

Part II: Consistency with Regional Plans and Policies

OVERVIEW

This section discusses consistency with the adopted multicounty planning policies (established regional guidelines and principles under RCW 47.80.026) adopted in VISION 2040, and Transportation 2040, the region’s long-range transportation plan. In addition to the multicounty planning policies, VISION 2040 contains a regional growth strategy with a preferred distribution of the region’s residential and employment growth, as well as a number of implementation actions for local governments to carry out. Each policy area addressed in VISION 2040 is discussed in turn below.

VISION 2040 Context Statement

VISION 2040 calls for local plans to include a context statement that describes how the comprehensive plan addresses regional policies and provisions adopted in VISION 2040. The plan includes a description of VISION 2040 in the land use element and also includes a listing of all major items on the PSRC plan review checklist. The statement may be revised to address conditions for certification described on pages 5 and 6 of this report.

Environment

SCOPE OF REVIEW

VISION 2040 calls for local comprehensive plans to address the following environmental policy topics:

Stewardship, including addressing the natural environment throughout the plan, decisions based on best-available science, and regional environmental initiatives.

Earth and habitat, including open space protection, restoration and protection of native vegetation, and coordination with adjacent jurisdictions.

Water quality, including actions that maintain hydrologic functions and reduce water pollution in ecosystems, watersheds, shorelines, and estuaries.

Air quality and climate change, addressing federal and state laws, reduction of pollutants, Puget Sound Clean Air Agency policies, and reduction of greenhouse gas emissions and adaptation to climate change.

DISCUSSION: EXEMPLARY PLAN PROVISIONS

The North Bend comprehensive plan addresses the environmental policy topics in VISION 2040 with strong goals and actionable policies. Highlights include:

- ☑ Policy LU-7.1 establishes a transfer of development rights program designed to protect open space and critical areas within the city.
- ☑ Policies CA-3.1 to 3.3 protect the hydrologic function of streams and rivers by limiting and mitigating the impact of new development and also through low-impact development practices.

- ☑ The plan includes strong policies on wetland protection and restoration (see policies CA-5.1 and 5.2) implemented through techniques such as property tax exemptions and conservation easements (CA-5.6).
- ☑ Policies CA-6.1 to 6.7 comprise an array of collaborative and integrated strategies for protecting important natural habitat in the city and surrounding Urban Growth Area.
- ☑ Open space is a thread throughout the plan, including open space as it relates to benefits for the environment, urban design, public health, and recreation.
- ☑ The energy and sustainability element includes a comprehensive strategy for reducing the city’s contribution to climate change. Specific strategies include efforts to make municipal operations more energy efficient. Other strategies in the comprehensive plan that will limit greenhouse gas emissions include incentives for energy efficiency in new development, support for electric vehicle charging infrastructure, education programs for residents, and transportation policies that incentivize the reduction of vehicle miles travelled.

DISCUSSION: AREAS FOR FURTHER WORK

The certification review did not identify any major areas for improvement of the plan to better align with regional guidelines and principles on the environment.

Development Patterns – Including Regional Growth Strategy

SCOPE OF REVIEW

VISION 2040 calls for local comprehensive plans to address the following development patterns policy topics:

Urban areas, including targets for housing and employment growth, compact communities that support transit and walking, and provisions for redevelopment of underused land.

Centers, including planning for one or more central places as locations for compact, mixed-use development, with policies that prioritize funding to centers to advance development.

Unincorporated urban areas, including policies that advance annexation and orderly transition of governance.

Resource lands, including identification of steps to limit development.

Regional design, addressing local provisions that apply the Transportation 2040 Physical Design Guidelines, energy efficient building, historic preservation, and enhanced sense of community.

Health and active living, addressing healthy environment, physical activity and well-being, and safety.

DISCUSSION: EXEMPLARY PLAN PROVISIONS

The city’s comprehensive plan effectively addresses many of the development patterns policies in VISION 2040. Highlights include:

- ☑ The plan includes a number of provisions that seek to address the historical suburban land use pattern in the city. For example, policy LU-3.8 promotes reducing sprawl through infill development on small lots, and policies in the land use and transportation elements promote pedestrian and bicycle connectivity linking existing neighborhoods.
- ☑ The land use element emphasizes new and infill development in the historic downtown. The economic development element emphasizes revitalization of the downtown and historic district through tools that include a master plan and design standards (policy ED-1.1), mixed-use development (policy ED-1.4), and incentives for private investment (ED-1.8).

DISCUSSION: CONDITIONS FOR CERTIFICATION

North Bend will address the following provision of the Growth Management Act and VISION 2040 in order to maintain certified status:

- RCW 36.70A.130 requires that local comprehensive plan updates accommodate the growth projected to occur over the subsequent 20-year period. VISION 2040 (MPP-DP-3) calls for countywide adoption of housing and employment growth targets that promote the Regional Growth Strategy. MPP-T-9 calls for coordination of state, regional, and local transportation planning in support of that strategy. RCW 36.70A.070 requires the transportation element of local comprehensive plans to implement and be consistent with the land use element.

To implement the Regional Growth Strategy, King County and its cities developed housing and employment targets for the 2006-2031 period. The targets allocate a modest amount of housing and jobs to Small Cities, which include the City of North Bend, as a reflection of the stated regional role for these cities to accommodate limited growth. The targets for North Bend are to grow by 665 housing units and 1,050 jobs over the period of 2006-2031.

Background

The North Bend comprehensive plan establishes a long range vision for how the city will accommodate growth and is largely consistent with the Growth Management Act and VISION 2040. The plan acknowledges the PSRC guidance for local comprehensive plans to use “land use assumptions that correspond with the most recently adopted growth targets” and focus transportation improvements to “support existing and planned development as allocated by the Regional Growth Strategy” (see transportation pages 5 and 6 and also policy 2.1.2). However, the plan as adopted anticipates an amount of residential and employment growth that significantly exceeds the remaining growth targets. Because this level of growth is a departure from implementation of the Regional Growth Strategy, it raises concerns about impacts to the regional transportation plan.

The table below summarizes the city’s adopted growth targets, actual growth that occurred since the target base year, and remaining growth targets for the planning period. In comparison, the table also shows assumed growth in the North Bend comprehensive plan, which is based on build out of existing development capacity in the city and Urban Growth Area (UGA), as well as information on growth anticipated from projects in the development pipeline.

Growth Statistics for North Bend

	Housing	Jobs
Growth Targets 2006-2031	665	1,050
Actual Growth 2006-2014*	250	900
Remaining Target to 2035	415	150
Development in Pipeline**	700	200
Total Planned Capacity ***	2,331	7,092

*Estimated from PSRC residential permit and covered employment databases

**City of North Bend estimates.

***2015 North Bend Comprehensive Plan Update

As shown in the table, the city has progressed substantially toward achieving its growth targets through actual growth since 2006. With growth anticipated through completion of projects in the development pipeline, the city will exceed both the housing and employment targets for 2031. The city anticipates

additional market demand through 2035 that would result in considerably more growth above and beyond the adopted targets. As the city plans for future infrastructure needs over the 20-year planning period and beyond, it has assumed future land use that is consistent with the capacity under the existing land use designations and zoning.

North Bend planning staff have identified a number of local factors supporting the growth numbers used in the plan update and also identified steps the city has taken to manage growth consistent with VISION 2040. These include:

- Accommodating growth at urban densities with supportive infrastructure within an urban growth boundary that was established well before the adoption of VISION 2040.
- Providing a variety of housing types at a variety of urban densities to meet affordability needs
- Adopting provisions that have reduced residential densities allowed in single-family zones. In 2006, the city reduced density in the Low Density Residential zone in the UGA from 6-8 dwelling units per acre to 4 dwelling units per acre. More recently, the comprehensive plan update has reduced densities allowed in the Constrained Low Density Residential zone to 2 dwelling units per acre. Additional recent code changes lower the effective yield of single-family residential development.
- Setting aside land for open space. The city has acquired and protected over 500 acres of land, permanently protecting these open space and passive recreational areas from commercial and residential development. More recently, adoption of a parks level-of-service standard calls for setting aside an additional 44 acres of parkland as the city grows.
- Careful management of the city’s commercial and light industrial lands to achieve well-designed projects that contribute quality design, public amenities, and jobs that enhance the local economy and jobs-housing balance.

Conditions

In order to further address the significant inconsistency between the city’s planned growth and the adopted targets, the following conditions need to be addressed:

Clarify policy support for the Regional Growth Strategy. The plan currently acknowledges the local responsibility to implement VISION 2040. The city will consider whether the plan should be amended to state more clearly that the city intends to explore and implement, where feasible, strategies to shape the amount or timing of growth to better align with the growth targets and with the Regional Growth Strategy in VISION 2040.

Update and adjust growth assumptions. The city should consider a reassessment of growth potential within the 20-year planning period based on current data, regional and countywide policies, and local actions taken to influence the amount or timing of future development. The city may work with King County and other cities in the county to adjust the growth targets to more closely match development potential in the city, while maintaining consistency with the Regional Growth Strategy.

Manage long-term growth to address impacts and to better align with VISION 2040. The city will work with PSRC staff to identify strategies the city is using now or may adopt in the future to appropriately manage growth and work toward better alignment with the Regional Growth Strategy. Strategies may address the amount, timing, or pattern of planned growth as well as impacts on regional and local infrastructure and services and on the environment. Coordination with the county, state, and other agencies should also occur to address the potential regional impacts of planned growth that exceeds agreed-upon targets.

PSRC staff is available to provide technical guidance on reconciling the growth assumptions, documenting data sources, and identifying potential actions and measures.

DISCUSSION: AREAS FOR FURTHER WORK

The certification review did not identify any additional major areas for improvement of the plan to better align with regional guidelines and principles on development patterns.

Housing

SCOPE OF REVIEW

VISION 2040 calls for local comprehensive plans to address the following housing policy topics:

Increased housing production opportunities, including diverse types and styles for all income levels and demographic groups.

Affordable housing needs, including an assessment of existing and future housing needs based on regional and local factors, including household income, demographics, special needs populations, and adequacy of existing housing stocks.

Regional housing objectives in VISION 2040, including promotion of housing diversity and affordability, jobs-housing balance, housing in centers, and flexible standards and innovative techniques.

DISCUSSION: EXEMPLARY PLAN PROVISIONS

The city’s comprehensive plan effectively addresses the housing provisions contained in VISION 2040.

Highlights include:

- ☑ The housing element promotes a greater diversity of housing types in the city (Policy H-1.2 and 1.3 and Policies 4.1 and 4.2).
- ☑ The housing element calls for incentives for private development to include affordable units (Policy H-1.4), such as through reduced impact fees (Policy H-1.7) and zoning tools (Policy H-4.3).
- ☑ The plan directs the city to pursue active engagement with public and non-profit developers of affordable housing (see policies H-1.5, 1.6, and 1.9).
- ☑ The housing element includes discussion of housing needs for people with special needs and for aging in place, accompanied by strong goals and policies (see Goals H-5 and 6).

DISCUSSION: AREAS FOR FURTHER WORK

The certification review did not identify any major areas for improvement of the plan to better align with regional guidelines and principles on housing and housing affordability.

Economy

SCOPE OF REVIEW

VISION 2040 calls for local comprehensive plans to address the following economic development policy topics:

Include an **economic development element** that addresses: business, people, and places.

Retention and recruitment efforts that support family wage jobs, industry clusters that export goods and services, and small businesses that are locally owned.

Equitable benefits and impacts, including provisions and programs that promote economic vitality in distressed areas or areas with disadvantaged populations.

Adequate housing growth in centers through collaboration with the private sector and provision of infrastructure.

DISCUSSION: EXEMPLARY PLAN PROVISIONS

The city’s comprehensive plan effectively addresses many of the economic provisions of VISION 2040.

Highlights include:

- ☑ The comprehensive plan includes an economic development element that emphasizes opportunities related to tourism and recreation, retail trade, and the historic downtown.

DISCUSSION: AREAS FOR FURTHER WORK

The certification review did not identify any major areas for improvement of the plan to better align with regional guidelines and principles on economic development.

Transportation

SCOPE OF REVIEW

VISION 2040 and Transportation 2040 call for local comprehensive plans to address the following transportation policy topics:

- Maintenance, management, and safety**, including clean transportation with reductions in pollution and greenhouse gas emissions, environmental factors, health and safety, stable and predictable funding sources, system and demand management strategies, and security and emergency response.
- Support for the regional growth strategy**, including system improvements that align with planned growth, prioritized investments that support compact development in centers, joint- and mixed-use development, complete streets and improvements to promote biking and walking, and context-sensitive design.
- Improved transportation options and mobility**, including alternatives to driving alone, facilities and services for special needs transportation, avoidance of new or expanded facilities in rural areas, and financing methods.
- Linking land use and transportation**, including integrating Transportation 2040 physical design guidelines in planning for centers and transit station areas, and land development tools that promote transportation alternatives.

DISCUSSION: EXEMPLARY PLAN PROVISIONS

The North Bend comprehensive plan addresses the major transportation emphases in VISION 2040 and Transportation 2040, including maintenance, management, and safety; support for the Regional Growth Strategy; and providing greater options and mobility. Highlights include:

- ☑ The transportation element includes policies calling for maintenance and safety improvements to be a high priority, and also calls for new roads and other facilities to be designed with maintenance costs in mind. These policies are implemented through an annual pavement overlay program, a list of recommended projects and programs through 2030, which includes substantial maintenance and preservation funding for roads and sidewalks, and an equivalent 6-year Transportation Improvement Program.
- ☑ The city’s transportation plan supports the development of clean and energy-efficient transportation programs and facilities, including through policies that promote safe and complete bicycle and pedestrian networks, streets designed with minimum pavement areas to reduce impervious surfaces, and development of measures and education programs to limit idling, especially at major truck stops in the city.
- ☑ The transportation policies and investments in the plan support the continued development of a central, pedestrian-oriented, mixed-use historic downtown area as a focal point for the city. Specific projects supporting North Bend’s downtown include multiple sidewalk construction or reconstruction projects, construction of a plaza that will serve as a community gathering place, and other transportation improvements that will support efficient travel.
- ☑ Policy 3.1.1 addresses parking strategies to include implementing parking maximums and reduced parking minimum requirements to match actual parking demand in new development.

DISCUSSION: AREAS FOR FURTHER WORK

The city should address the following comments at the earliest opportunity through future amendments to the comprehensive plan, subarea plans, or functional plans:

- As recommended on page 3 of this report, the city should consider updating the transportation element to address planning needs through 2035, to integrate more up-to-date information on projects and community needs, and to bring land use assumptions into consistency with other elements of the plan, adopted growth targets, and the regional growth strategy.

Public Services

SCOPE OF REVIEW

VISION 2040 calls for local comprehensive plans to address the following public services policy topics:

Promote more efficient use of existing services, such as waste management, energy, and water supply, through conservation – including demand management programs and strategies.

Promote renewable energy and alternative energy sources.

Plan for long-term water needs, including conservation, reclamation and reuse.

DISCUSSION: EXEMPLARY PLAN PROVISIONS

The North Bend comprehensive plan update contains policies that address the public services provisions of VISION 2040. Highlights include:

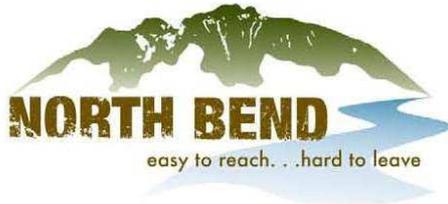
- ☑ ES Goal 6 and implementing policies promote energy conservation in municipal facilities, including through employee education, technology retrofits, and energy audits of city buildings.
- ☑ CF Goal 3.1 and implementing policies address mitigation of impacts, public involvement, and leveraged opportunities for utilizing capital facilities. Policy CF-3.2 promotes joint development and use with community organizations. SF-3.6 promotes multi-use of corridors for utilities and other capital facilities.
- ☑ Utilities Goal 5 and implementing policies promote conservation and efficiency in the delivery of utilities and services to residents by multiple agencies.

DISCUSSION: AREAS FOR FURTHER WORK

The certification review did not identify any major areas for improvement of the plan to better align with regional guidelines and principles on public services.

Conclusion

PSRC staff thanks the city for working through the plan review and certification process. PSRC is available to provide assistance for future plan updates. Additional planning resources can also be found at <http://www.psrc.org/growth/planreview/resources/>. If the city has questions or needs additional information, please contact Michael Hubner at 206-971-3289 or mhubner@psrc.org.



City Council Agenda Bill

SUBJECT:		Agenda Date: June 7, 2016		AB16-061		
An Ordinance Amending North Bend Municipal Code Sections 18.10 and 18.12 and Tables 18.10.030, 18.10.040 and 18.10.050 Relating to the Constrained Low Density Residential Zone 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 Director – Mark Rigos				
Attachments: Ordinance (redline), Exhibit A, B, and C, and Planning Commission Staff Report and Recommendation						
SUMMARY STATEMENT: On December 8, 2015, the City Council adopted Ordinance No. 1574 approving the 2015 amendments to the North Bend Comprehensive Plan, which established the new Constrained Low Density Residential Zoning District. On January 5, 2016, the City Council adopted Ordinance No. 1576 amending the City zoning code to implement the zoning provisions associated with the CLDR Zone among other amendments. Subsequent to the adoption of Ordinance No. 1576, the City Council evaluated the CLDR zoning provisions establishing a two dwelling unit per acre gross density in conjunction with the low-density residential (LDR) minimum lot size, and determined that additional revisions were necessary to the CLDR zoning in order to more fully reflect the City Council’s intent regarding minimum lot sizes in the CLDR zone. Therefore, on February 2, 2016, the City Council passed Ordinance 1578 adopting interim regulations under authority of RCW 36.70A.390, to provide amendments to sections 18.12.010, 18.12.030, 18.10.020A and Tables 18.10.030 18.10.040, and 18.10.050 of the North Bend Municipal Code relating to lot sizes in the Constrained Low Density Residential (CLDR) Zone. Following a public hearing before the City Council on March 15, 2016, the interim regulations were provided to the Planning Commission for review and consideration. The Planning Commission reviewed the amendments at their March 24, April 14, and April 28, 2016 meetings, held a public hearing on the amendments on April 14, and recommended approval on April 28, 2016, with minor edits from the regulations provided in the interim regulations in Ordinance 1578, which are clarified in the attached Planning Commission staff report.						
COMMITTEE REVIEW AND RECOMMENDATION: The Community and Economic Development Committee reviewed the Planning Commission’s recommendation at their May 17, 2016 meeting and recommended approval subject to a few minor edits.						
RECOMMENDED ACTION: Motion to approve AB16-061, an ordinance amending North Bend Municipal Code Sections 18.10 and 18.12 as it relates to the Constrained Low Density Residential Zoning District, as a first and final reading.						
RECORD OF COUNCIL ACTION						
<i>Meeting Date</i>		<i>Action</i>		<i>Vote</i>		
June 7, 2016						

ORDINANCE

AN ORDINANCE OF THE CITY OF NORTH BEND, WASHINGTON, RELATING TO THE CONSTRAINED LOW-DENSITY ZONING DISTRICT; AMENDING SECTIONS 18.10.020(A), 18.12.010, 18.12.030 AND TABLES 18.10.030, 18.10.040, and 18.10.050 OF THE NORTH BEND MUNICIPAL CODE; PROVIDING FOR SEVERABILITY; AND ESTABLISHING AN EFFECTIVE DATE

WHEREAS, on December 8, 2015, the City Council of the City of North Bend adopted Ordinance No. 1574 approving the 2015 amendments to the North Bend Comprehensive Plan (the “Comprehensive Plan Update”); and

WHEREAS, the Land Use Element of the Comprehensive Plan Update establishes a new Constrained Low-Density Residential (CLDR) Zone accommodating two dwelling units per acre; and

WHEREAS, on January 5, 2016, the City Council adopted Ordinance No. 1576 amending the City zoning code to implement the addition of the CLDR Zone; and

WHEREAS, subsequent to the adoption of Ordinance No. 1576, the City Council evaluated the CLDR zoning provisions establishing a two dwelling unit per acre gross density in conjunction with the low-density residential (LDR) minimum lot size, and determined that additional revision was necessary to the CLDR zoning in order to more fully reflect the City Council’s intent regarding minimum lot sizes in the CLDR Zone; and

WHEREAS, on February 2, 2016, the City Council adopted Ordinance No. 1578 pursuant to RCW 36.70A.390, establishing interim zoning regulations pertaining to the bulk and dimensional standards and other miscellaneous standards applicable to the CLDR Zone (the “CLDR Interim Regulations”), and directed the Planning Commission to consider and recommend permanent CLDR zoning amendments to the City Council; and

WHEREAS, on March 15, 2016, the City Council held a public hearing to hear public testimony regarding the CLDR Interim Regulations in accordance with RCW 36.70A.390; and

WHEREAS, the Planning Commission reviewed the CLDR Interim Regulations at their March 24, April 14, and April 28, 2016 meetings and proposed permanent CLDR zoning amendments (the “Proposed CLDR Amendments”); and

WHEREAS, on April 28, 2016, the Proposed CLDR Amendments were forwarded to Commerce Growth Management Services in accordance with RCW 36.70A.106; and

WHEREAS, on April 13, 2016, a Determination of Non-Significance (DNS) was issued for the Proposed CLDR Amendments in accordance with the State Environmental Policy Act (Chapter 43.21C RCW), and no comments were received on the DNS; and

WHEREAS, on April 28, 2016, the Planning Commission held a public hearing on the Proposed CLDR Amendments and received no comment on the Proposed CLDR Amendments; and

WHEREAS, on April 28, 2016, the Planning Commission forwarded their recommendation to the City Council regarding the Proposed CLDR Amendments; and

WHEREAS, the City Council finds that the Proposed CLDR Amendments address and are consistent with the requirements of the Growth Management Act (Chapter 36.70A RCW); and

WHEREAS, the City Council finds the City followed procedural requirements of Chapter 20.08 of the North Bend Municipal Code to notify and advertise proposed municipal code amendments to the public and interested agencies, and that the Planning Commission and City Council have considered all written and verbal comments received during their respective processes related to the Proposed CLDR Amendments;

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

Section 1. NBMC 18.10.020(A) (Purposes – LDR and CLDR Districts), Amended: North Bend Municipal Code Subsection 18.10.020(A) (Purposes – LDR and CLDR Districts) is hereby amended to read as follows:

A. Purposes – LDR and CLDR Districts.

1. Provide for neighborhoods of predominately single-family structures at a gross density of four dwelling units per acre for LDR, and two dwelling units per acre for CLDR, as designated on the zoning map;

2. The CLDR District is recognized for having larger lots or development constraint, such as frequently flooded areas, geologically hazardous areas, river and stream corridors, channel migration areas, wetlands, and native wildlife and fish habitat. Density in this zone shall not exceed two dwelling units per gross acre. Furthermore, large estate size lots, in excess of 18,000 sq. ft. minimum lot size is the intent within the CLDR District;

23. Accommodate other uses compatible with single-family residences and other types of innovative styles of residential units including accessory dwelling units and up to 15 percent of cottage housing with planned neighborhood district (PND) approval within the LDR District;

34. Maintain the integrity and character of existing neighborhood areas, including requiring that all units be held in fee simple ownership status;

45. Create attractive and satisfying neighborhood environments for family life;

56. Ensure that adequate sewer, water, and other utilities and services are provided;

67. Provide for public amenities such as passive and active recreation areas, open space, and trails and promote the opportunity for area-wide coordination and continuity of pedestrian, bicycle, and greenbelt corridors;

78. Assure development gives due consideration to existing development or that which can be reasonably anticipated on adjacent lands, with respect to common infrastructure requirements and compatibility of uses;

89. Promote a traditional neighborhood development pattern and scale which serves to maintain and enhance existing small-city character and pedestrian orientation; and

910. Implement provisions of the comprehensive plan, including the vision plan, related to residential areas.

Section 2. NBMC Table 18.10.030 (Permitted and Conditional Land Uses), Amended: Table 18.10.030 of the North Bend Municipal Code (Permitted and Conditional Land Uses) is hereby amended to read as set forth in **Exhibit A** attached hereto, which is incorporated by this reference.

Section 3. NBMC Table 18.10.040 (Bulk and Dimensional Standards), Amended: Table 18.10.040 of the North Bend Municipal Code (Bulk and Dimensional Standards) is hereby amended to read as set forth in **Exhibit B** attached hereto, which is incorporated by this reference.

Section 4. NBMC Table 18.10.050 (Land Use Performance Standards), Amended: Table 18.10.050 of the North Bend Municipal Code (Land Use Performance Standards) is hereby

amended to read as set forth in **Exhibit C** attached hereto, which is incorporated by this reference.

Section 5. NBMC 18.12.010 (Planned neighborhood district – Established), Amended: North Bend Municipal Code Section 18.12.010 (Planned neighborhood district – Established) is hereby amended to read as follows:

18.12.010 Planned neighborhood district – Established.

In addition to the zoning districts established by NBMC 18.10.010, there is hereby established a planned neighborhood district (PND).

A. A PND is required:

1. Within areas designated as low density residential (LDR ~~and CLDR~~) when cottage housing is proposed; provided the gross density of four dwelling units per acre for LDR ~~and two dwelling units per acre for CLDR~~ is not exceeded;

2. Within all cottage residential (CR) zones; or

3. In any zone where a mix of residential housing types is proposed.

B. Notwithstanding anything to the contrary within this Title, cottage housing through a PND is not allowed in the CLDR.

Section 6. NBMC 18.12.030 (Location, size, and other preliminary considerations), Amended: North Bend Municipal Code Section 18.12.030 (Location, size, and other preliminary considerations) is hereby amended to read as follows:

18.12.030 Location, size, and other preliminary considerations.

PND applications shall also satisfy the following criteria:

A. Location Limitation.

1. In the LDR ~~and CLDR~~ zones, a PND allows up to 15 percent of the total units to be cottage housing.

2. In the LDR ~~and CLDR~~ zones, not more than one new PND is permitted within 300 feet of the nearest lot of any other PND in the LDR ~~or CLDR~~ zone, except that:

a. If a PND exists, a second PND may locate within 300 feet of the existing PND when the PNDs include

a logical edge or boundaries and combine or join the required common open space, or when common accessory use areas of both PNDs are to be integrated.

3. Proposed cottage housing or other housing types within a PND shall comply with NBMC 18.10.050 and Chapter 18.34 NBMC.

B. Minimum Size. A minimum of 10 dwelling units is required for a PND in the LDR ~~and CLDR~~-zone. Multiple parcels may be planned as an integrated PND to achieve the 10-dwelling-unit minimum.

1. At the time of application, all parcels included in a PND development shall be under common ownership or control or be the subject of a joint application by owners of all included property.

C. Common Open Space and Parks. PND developments shall have a core common area and neighborhood focal point, consistent with the following:

1. In the LDR ~~or CLDR~~-Zones. Cottage housing shall be oriented to and around the common area or park space. The LDR ~~or CLDR~~-housing element of the PND shall meet the parks and open space requirements as set forth in Chapter 17.25 NBMC. The cottage housing element of the PND shall meet the requirements as set forth in subsection (C)(2) of this section.

2. Cottage Housing. Cottage housing shall provide, on site, a minimum of 436 square feet of common open space per unit. Cottage housing units shall be oriented to and around common open space or public parks.

3. Multiple-Family Units. Any multiple-family structure, complex, or development of five or more units shall provide a minimum of 200 square feet of recreational or common open space, per unit, on site for the use of the occupants, subject to the requirements set forth in Chapter 17.25 NBMC.

4. An applicant shall work with the city to determine the most appropriate location(s), types, and improvements for the open space areas, subject to the following criteria:

a. The common area shall not include wet stormwater ponds, wetlands, streams, lakes, critical area

buffers, or slopes of 10 percent or more and the land shall be developed and maintained so it is usable for active or passive recreation activities;

b. The preferred type of open space is a park or square that complements residential areas and streetscape improvements. The open space shall be held in common and maintained by the owners within the PND, with common improvements available to the PND area; and

c. If a PND includes more than 20 residential dwelling units, play equipment shall be provided within the common open space area(s). If the PND is located within 300 feet of a regional city park (i.e., Tollgate, Torguson, or EJ Roberts Park), and if pedestrian access exists or will be provided by the applicant in a manner approved by the city, then the play equipment or other park improvements may be constructed within said park, in a manner as approved by the city.

d. For developments within the CR zone, the director may require up to a 15-foot buffer for tree retention around the outer perimeter of the site.

D. Uses within PNDs shall relate to each other and shall relate to areas beyond the PND boundaries. Planned neighborhood common open space need not be in the geographic center of a PND, but shall provide ample pedestrian access to residential uses in the PND and to areas outside of the PND.

E. Generally. A pre-application meeting with the applicant is required. The city shall encourage the development of PNDs where conditions are appropriate, criteria can be met, and the stated purposes will be supported. Conversely, the city shall discourage PNDs where criteria or purposes are not met.

Section 7. 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 8. 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 7TH DAY OF JUNE,
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:
Amended NBMC Table 18.10.030

Table 18.10.030 – Permitted and Conditional Land Uses

P = Permitted use PND = Planned neighborhood development review required, see Chapter 18.12 NBMC CUP = Conditional use permit required	RESIDENTIAL			COMMERCIAL					INDUSTRIAL		PUBLIC FACILITIES	OVERLAY DISTRICT	
	LDR & CLDR	CLDR	HDR	NB	DC	IC	IMU	USOD	EP-1	EP-2		ENB-MPOD and LCOD	TL-MPOD
LAND USES:													
1.00 RESIDENTIAL:													*See NBMC 18.10.025 for All Permitted Uses
1.10 Single-Family Dwellings (2)													
* 1.11 Single-Family Detached Dwellings	P	PND (2)	P	P	P			P (LDR & CLDR)					
* 1.12 Designated Manufactured Homes	P	PND (2)	P	P	P			P (LDR & CLDR)					
* 1.13 Manufactured Home Parks				P									

P = Permitted use PND = Planned neighborhood development review required, see Chapter 18.12 NBMC CUP = Conditional use permit required	LDR & CLDR	RESIDENTIAL				COMMERCIAL					INDUSTRIAL		PUBLIC FACILITIES	OVERLAY DISTRICT		
		CLDR	CR	HDR	NB	DC	IC	IMU	USOD	EP-1	EP-2	POSF		ENB-MPOD and LCOD	TL-MPOD	
* 1.14 Mobile Homes					P											
* 1.15 Mobile Home Parks					P											
* 1.16 Cottages	PND	P	PND	PND	P	P	P	P (6 DU/Acre Max)								
1.20 Multifamily Structures																
* 1.21 Duplexes		PND	P	P	P	P	P									P
* 1.22 Triplexes		PND	P	P	P	P	P									P
* 1.23 Fourplexes		PND	P	P	P	P	P									P
1.24 Cohousing	P	P	P	P	P											P
* 1.25 Other Multifamily Dwellings over Four Units				P	P	P	P									P
1.26 Mixed Housing Types	PND	PND	PND	PND	PND	PND	PND									
1.30 Special Service Housing																

P = Permitted use PND = Planned neighborhood development review required, see Chapter 18.12 NBMC CUP = Conditional use permit required	RESIDENTIAL		COMMERCIAL					INDUSTRIAL		PUBLIC FACILITIES	OVERLAY DISTRICT		
	LDR & CLDR	CLDR	CR	HDR	NB	DC	IC	IMU	USOD		EP-1	EP-2	ENB-MPOD and LCOD
* 1.42 Boarding Houses	P		P	P	P			P	P				P
1.50 Other Residential													
* 1.51 Accessory Residential Uses	P	P	P	P	P			P	P	P			P
* 1.52 Accessory Dwelling Units	P	P	P	P	P			P	P				P
* 1.53 Home Occupations	P	P	P	P	P			P	P	P			P
* 1.54 Upper Floor Dwelling Units				P	P	P		P	P	P			P
* 1.55 Interim Housing Facilities	P		P	P	P			P			P		
1.60 Unlisted Residential Use	See Procedure for Unlisted Uses												
2.00 COMMERCIAL:													
* 2.01 Adult Entertainment Facilities						CUP							
2.02 Art Gallery				P	P			P	P				P
* 2.03 Automotive/Vehicular													
* 2.03a Boat and Watercraft Sales and Service						P							

P = Permitted use PND = Planned neighborhood development review required, see Chapter 18.12 NBMC CUP = Conditional use permit required	RESIDENTIAL		COMMERCIAL					INDUSTRIAL		PUBLIC FACILITIES	OVERLAY DISTRICT			
	LDR & CLDR	CLDR	CR	HDR	NB	DC	IC	IMU	USOD		EP-1	EP-2	POSPF	ENB-MPOD and LCOD
* 2.03b Car Wash					P									
* 2.03c Electric Vehicle Charging Station – Restricted, Accessory to a Principal Use	P	P	P	P	P	P	P	P	P	P	P	P		P
2.00 COMMERCIAL: (continued)														
* 2.03d Electric Vehicle Charging Station – Public, Accessory to a Principal Use					P	P	P	P	P	P	P	P		P
* 2.03e Electric Vehicle Charging Station as a Stand-Alone Use							P							
* 2.03f Electric Vehicle Battery Exchange Station							P							
* 2.03g Gasoline Sales/Service							P							

P = Permitted use PND = Planned neighborhood development review required, see Chapter 18.12 NBMC CUP = Conditional use permit required	RESIDENTIAL				COMMERCIAL						INDUSTRIAL		PUBLIC FACILITIES	OVERLAY DISTRICT	
	LDR & CLDR	CLDR	CR	HDR	NB	DC	IC	IMU	USOD	EP-1	EP-2	POSPF	ENB-MPOD and LCOD	TL-MPOD	
LAND USES:															
Stations															
* 2.03h Motorcycle Sales/Service				P	P		P								
* 2.03i Paint and Body Shop				P							P				
* 2.03j Parts Store				P	P		P			P					
* 2.03k Auto Rentals and Leasing							P				P				
* 2.03l Repair and Service Shop				P			P			P					
* 2.03m RV/Commercial Truck Sales/Repair and Maintenance Service							P						See NBMC 18.10.025		
* 2.03n Sales (New and Used Auto/Passenger Truck)							P								
* 2.03o Snowmobile Sales/Service					P		P								

P = Permitted use PND = Planned neighborhood development review required, see Chapter 18.12 NBMC CUP = Conditional use permit required	RESIDENTIAL				COMMERCIAL						INDUSTRIAL		PUBLIC FACILITIES	OVERLAY DISTRICT	
	LDR & CLDR	CLDR	CR	HDR	NB	DC	IC	IMU	USOD	EP-1	EP-2	POSPF		ENB-MPOD and LCOD	TL-MPOD
LAND USES:															
* 2.03p Tire Shop (Sales/Service)				P			P								
* 2.03q Towing and Impound Yard															
* 2.03r Towing and Impound Yard Associated with Repair and Service Shop, Use 2.03l										P					
* 2.04 Banks and Financial Institutions															
2.04a Check Cashing/Quick Loans								P							P
2.00 COMMERCIAL: (continued)															
* 2.05 Bars and Taverns (Including Microbreweries)															P
* 2.06 Business & Professional Offices															P

P = Permitted use PND = Planned neighborhood development review required, see Chapter 18.12 NBMC CUP = Conditional use permit required	RESIDENTIAL				COMMERCIAL						INDUSTRIAL		PUBLIC FACILITIES	OVERLAY DISTRICT	
	LDR & CLDR	CLDR	CR	HDR	NB	DC	IC	IMU	USOD	EP-1	EP-2	POSPF		ENB-MPOD and LCOD	TL-MPOD
LAND USES:															
2.07 Business Services					P	P	P	P	P	P	P				P
2.08 Conference Centers and Event Venues					P	P	P	P	P	P	P				P
2.09 Convenience Store – Open 24 Hours						P	P								
2.10 Convenience Store – Open 16 Hours or Less					P	P	P	P							P
2.11 Equipment Rental (Not Including Recreational Equipment Such As Bikes, Kayaks, Etc.)					P	P		P			P				
2.12 Farmer's Market – Produce/Other					P	P	P	P	P	P	P				P
2.13 Funeral Home/Mortuary					P						P				
2.14 Grocery/Supermarket					P	P	P	P							
2.15 Hardware Store					P	P	P								

P = Permitted use PND = Planned neighborhood development review required, see Chapter 18.12 NBMC CUP = Conditional use permit required	RESIDENTIAL				COMMERCIAL						INDUSTRIAL		PUBLIC FACILITIES	OVERLAY DISTRICT	
	LDR & CLDR	CLDR	CR	HDR	NB	DC	IC	IMU	USOD	EP-1	EP-2	POSPF	ENB-MPOD and LCOD	TL-MPOD	
LAND USES:															
2.16 Health Club (Including Dance, Exercise Studio)					P	P	P	P	P	P	P				P
* 2.17 Hotel and Motel															
2.17a Hotel					P	P	P	P	P				See NBMC 18.10.025		P
2.17b Motel					P	P	P						P		
* 2.18 Lumber and Associated Sales					P				P	P					
2.19 Miniature Golf Course									P	P		P			P
* 2.20 Nursery, Garden, and Landscape Supplies					P	P	P	P	P	P					P
2.21 Personal Services (Beauty Shop, Dry Cleaner, Shoe Repair, Etc.)					P	P	P	P	P						P
2.00 COMMERCIAL: (continued)															
* 2.22 Recreational Vehicle Park										P	P				P

P = Permitted use PND = Planned neighborhood development review required, see Chapter 18.12 NBMC CUP = Conditional use permit required	LDR & CLDR	RESIDENTIAL				COMMERCIAL						INDUSTRIAL		PUBLIC FACILITIES	OVERLAY DISTRICT		
		CLDR	GR	HDR	NB	DC	IC	IMU	USOD	EP-1	EP-2	POSPF	ENB-MPOD and LCOD		TL-MPOD		
LAND USES:																	
2.23 Indoor Commercial Recreation Facilities					P	P	P	P	P	P				P			
* 2.23a Indoor Shooting Range (Gun and Archery)							P							P			
2.24 Restaurant																	
2.24a Drive-Thru									P								
* 2.24b Non-Drive-Thru					P	P	P	P	P	P							P
2.24c Coffee Stands – Freestanding or Accessory					P	P	P	P	P	P				P			P
2.25 Research and Development Facilities																	
2.26 Retail					P	P	P	P	P	P							P
2.27 Wholesale Sales																	
* 2.27a w/ Ancillary Associated														P			

P = Permitted use PND = Planned neighborhood development review required, see Chapter 18.12 NBMC CUP = Conditional use permit required	RESIDENTIAL			COMMERCIAL					INDUSTRIAL		PUBLIC FACILITIES	OVERLAY DISTRICT	
	LDR & CLDR	CLDR	HDR	NB	DC	IC	IMU	USOD	EP-1	EP-2		POSPF	ENB-MPOD and LCOD
LAND USES:													
Retail													
2.27b w/o Associated Retail									P	P			
2.28 Social and Fraternal Club, Lodge			P	P				P	P				P
2.29 Storage Facilities													
2.29a Mini-Storage (Enclosed)								P	P				
2.29b Indoor (General)									P	P			
2.29c Outdoor (Boats, Cars, Campers, Etc.)										P			
2.30 Studio (Art, Music, Pottery, Etc.)				P	P			P	P				P
2.31 Theater, Auditorium, Performance Center, Etc.				P	P			P					P
* 2.32 Veterinary Clinic				P	P			P	P				P
2.00 COMMERCIAL: (continued)													

P = Permitted use PND = Planned neighborhood development review required, see Chapter 18.12 NBMC CUP = Conditional use permit required	RESIDENTIAL		COMMERCIAL					INDUSTRIAL		PUBLIC FACILITIES	OVERLAY DISTRICT		
	LDR & CLDR	CLDR	CR	HDR	NB	DC	IC	IMU	USOD		EP-1	EP-2	ENB-MPOD and LCOD
LAND USES:													
2.33 Commercial Truck Travel Center							See NBMC 18.10.025					See NBMC 18.10.025	
* 2.34 Mixed Use Horizontal (Commercial/Residential)					P	P		P	P				P
2.35 Pawn Shop										P			
2.37 Tattoo Parlor and/or Body Piercing Studio (1)						P	P	P	(1)				
2.38 Hospital													
2.39 Medical/Dental						P	P				P		P
2.40 Unlisted Commercial Uses	See Procedure for Unlisted Uses												
2.41 Marijuana Related Uses (Producer, Processor, Retail and Other)	See Chapter 18.60 NBMC												
3.00 INDUSTRIAL:													

P = Permitted use PND = Planned neighborhood development review required, see Chapter 18.12 NBMC CUP = Conditional use permit required	RESIDENTIAL			COMMERCIAL					INDUSTRIAL		PUBLIC FACILITIES	OVERLAY DISTRICT		
	LDR & CLDR	CLDR	CR	HDR	NB	DC	IC	IMU	USOD	EP-1		EP-2	POSPF	ENB-MPOD and LCOD
3.10 Manufacturing														
* 3.11 Apparel, Fabric, Accessories and Leather Goods										P	P			P
3.12 Chemical and Related Products											CUP			
3.13 Computers, Office Machines, and Equipment										P	P			
3.14 Electrical Equipment (Appliances, Lighting, Radio, TV, Communications)										P	P			
3.15 Fabricated Small Components and Products (Containers, Hand Tools, Screw Products, Coatings)					P				P	P	P			P
* 3.16 Food and Beverage Products					P					P	P			
* 3.17 Furniture and Fixtures					P					P	P			P
* 3.18 Handcrafted Products					P				P	P	P			P

P = Permitted use PND = Planned neighborhood development review required, see Chapter 18.12 NBMC CUP = Conditional use permit required	LDR & CLDR	RESIDENTIAL				COMMERCIAL				INDUSTRIAL		PUBLIC FACILITIES	OVERLAY DISTRICT	
		CLDR	CR	HDR	NB	DC	IC	IMU	USOD	EP-1	EP-2		ENB-MPOD and LCOD	TL-MPOD
LAND USES:														
3.00 INDUSTRIAL: (continued)														
3.19 Heavy Equipment and Vehicles- Indoor										P	P			
* 3.21 Measuring and Controlling Instruments (Medical/Optical, Watches, Computer Software)					P					P	P			P
3.23 Plastic Products										P	P			
3.00 INDUSTRIAL: (continued)														
3.24 Prepared Materials – Assembly, Processing, and Packaging- Indoor					P					P	P			
3.25 Printing, Publishing, and Allied Industries					P					P	P			
* 3.26 Recycling Center											P			
* 3.26a Recycling Plant											P			

P = Permitted use PND = Planned neighborhood development review required, see Chapter 18.12 NBMC CUP = Conditional use permit required	RESIDENTIAL				COMMERCIAL						INDUSTRIAL		PUBLIC FACILITIES	OVERLAY DISTRICT	
	LDR & CLDR	CLDR	CR	HDR	NB	DC	IC	IMU	USOD	EP-1	EP-2	POSPF		ENB-MPOD and LCOD	TL-MPOD
LAND USES:															
3.27 Rubber Products											P				
* 3.28 Sign and Advertising Display (Manufacture)					P	P				P					
* 3.29 Stone, Clay, Pottery and China					P	P				P					
3.30 Textile Products										P					
* 3.31 Construction Company/Storage Yard										P					
* 3.32 Industrial and Related Equipment – Sales										P					
* 3.33 On-Site Hazardous Waste Treatment										P					
3.34 Multi-Tenant Industrial Park										P					
* 3.35 Warehousing and Distribution										P					
* 3.36 Welding Shop										P					
3.38 Temporary Industrial Buildings										P					

P = Permitted use PND = Planned neighborhood development review required, see Chapter 18.12 NBMC CUP = Conditional use permit required	RESIDENTIAL			COMMERCIAL					INDUSTRIAL		PUBLIC FACILITIES	OVERLAY DISTRICT	
	LDR & CLDR	CLDR	CR	HDR	NB	DC	IC	IMU	USOD	EP-1		EP-2	ENB-MPOD and LCOD
LAND USES:													
and Uses													
3.40 Unlisted Industrial Uses	See Procedure for Unlisted Uses												
3.41 Accessory Industrial Uses													
4.00 PUBLIC AND QUASI-PUBLIC:													
* 4.10 Open Space, Park, Trail, and Recreation	P		P	P	P	P	P	P	P	P	P		P
* 4.11 Golf – Course (9 – 18 Hole)									P	P			P
* 4.12 Golf – Driving Range					P				P	P			P
* 4.13 Athletic Field/Sports Facilities	P		P	P	P	P	P	P	P	P	P		P
4.20 Government Office					P				P	P			
4.21 Library					P				P				P
4.22 Post Office						P							P
4.23 Police and Fire Station					P	P	P	P					P
4.24 City Hall and/or Public Works						P							P

P = Permitted use PND = Planned neighborhood development review required, see Chapter 18.12 NBMC CUP = Conditional use permit required	RESIDENTIAL		COMMERCIAL						INDUSTRIAL		PUBLIC FACILITIES	OVERLAY DISTRICT		
	LDR & CLDR	CLDR	CR	HDR	NB	DC	IC	IMU	USOD	EP-1		EP-2	POSPF	ENB-MPOD and LCOD
LAND USES:														
4.30 School									P					
4.31 Montessori/Preschool, Kindergarten, Elementary, Middle, High School	P	P	P	P	P	P	P	P	P	P	P	P		P
4.32 Other Educational Institution	P	P	P	P	P	P	P	P	P	P	P	P		P
4.40 Churches and Religious Institutions	P	P	P	P	P	P	P	P	P	P	P	P		
* 4.50 Museums/Interpretive Centers/Community Centers and Associated Activities					P	P	P	P	P	P	P	P		P
4.60 Mass Transit Facilities Including Park-and-Ride Lots					P	P	P	P	P	P	P	P		
4.70 Temporary Public or Quasi-Public Buildings or Uses	P	P	P	P	P	P	P	P	P	P	P	P		P
4.75 Unlisted Public and Quasi-Public Uses	See Procedure for Unlisted Uses													

P = Permitted use PND = Planned neighborhood development review required, see Chapter 18.12 NBMC CUP = Conditional use permit required	RESIDENTIAL		COMMERCIAL					INDUSTRIAL		PUBLIC FACILITIES	OVERLAY DISTRICT		
	LDR & CLDR	CLDR	CR	HDR	NB	DC	IC	IMU	USOD		EP-1	EP-2	ENB-MPOD and LCOD
5.00 UTILITIES:													
* 5.10 Public and Private Utilities – Minor	P	P	P	P	P	P	P	P	P	P	P		P
* 5.20 Public and Private Utilities – Major	P	P	P	P	P	P	P	P	P	P	P		P
5.21 Municipal WWTP					P						P		
6.00 RESOURCE:													
* 6.10 Christmas Tree Farm	P	P			P				P	P			P
* 6.20 Commercial Farm – Produce and Related					P				P	P			P
* 6.30 Commercial Greenhouse – Wholesale					P				P				P
* 6.40 Farmland – Pasture, Crop Uses	P	P	P		P				P	P			P
* 6.60 Public Garden	P	P	P	P	P	P	P	P	P	P	P		P
* 6.65 Temporary Resource Buildings or Uses	P	P	P	P	P					P	P		P
6.00 RESOURCE: (continued)													

P = Permitted use PND = Planned neighborhood development review required, see Chapter 18.12 NBMC CUP = Conditional use permit required	RESIDENTIAL		COMMERCIAL				INDUSTRIAL		PUBLIC FACILITIES	OVERLAY DISTRICT		
	LDR & CLDR	CLDR	CR	HDR	NB	DC	IC	IMU	USOD	EP-1	EP-2	ENB-MPOD and LCOD
LAND USES: * 6.70 Unlisted Resource Land Uses	See Procedure for Unlisted Uses											

NOTES:

- * Indicates a specific performance standard(s) is required by the zoning code per Table 18.10.050. Note that standards and/or regulations additional to the zoning code often apply. Environmental quality performance standards apply to all uses in all zoning districts.
- (1) Tattoo parlors and/or body piercing studios are allowed in the IMU zoning districts only in those areas north of I-90 at Exit 31 and within the DC zoning district only in buildings abutting and fronting North Bend Way and/or Bendigo Blvd. and areas located south of North Bend Way.
- (2) Standard size single-family homes are allowed on a limited basis within the cottage residential district, subject to compliance with the applicable performance standards per Table 18.10.050.

LIST OF PROHIBITED USES (the following uses are specifically prohibited in all zoning districts):

1. Outdoor gun, archery, "paintball" and similar ranges.
2. Permanent carnivals, circuses, amusement parks, and live animal rides, animal exhibitions, and similar type commercial amusements.
3. Manufacturing and related uses as follows: concrete batch plants; asphalt plants; primary metal industries such as foundries/forge shops, smelters, blast furnaces, boiler works, and rolling mills; manufacture of flammable, hazardous, or explosive materials; creosote and related products; coal tar and related

LIST OF PROHIBITED USES (the following uses are specifically prohibited in all zoning districts):

- products; yeast manufacturing; and manufacture of plastic products from raw materials.
- 4. Hazardous waste off-site treatment and storage.
- 5. Landfills, junkyards, wrecking and salvage yards, garbage dumps, scrap yards, and incinerators (recycling facilities are regulated per 3.26 and 3.26a).
- 6. On-site quarries and other mineral extraction operations that extract soil, logs – storing and processing, paper product manufacturing, stone, sand, gravel, or other minerals from the ground strictly for purpose of sale; provided, that cleaning and grading operations, per city regulations, and sand and gravel extraction from waterways, per necessary approvals, are exempt. Retail or wholesale sale of materials quarried or extracted off-site is permitted with performance criteria (see Nursery, Garden, and Landscape Supplies – 2.20).
- 7. Slaughterhouses and rendering plants devoted to the rendering or refining of animal parts, fats, and oils.
- 8. Tanning of animal hides or skins.
- 9. Poultry farms for the keeping of poultry for commercial purposes.
- 10. Conducting business on a public street, sidewalk, or right-of-way without proper authorization from the city.
- 11. Commercial dog kennels. Only kennels associated with a veterinary clinic are permitted (see 2.32).
- 12. Pipeline facilities and the transportation of hazardous liquid associated with those facilities. This prohibition does not include:
 - a. Transportation of a hazardous liquid that is transported in a gaseous state;
 - b. Transportation of a hazardous liquid:
 - i. By vessel, aircraft, tank truck, tank car, or other nonpipeline mode of transportation; or
 - ii. Through facilities located on the grounds of a materials transportation terminal that are used exclusively to transfer hazardous liquid between nonpipeline modes of transportation or between a nonpipeline mode and a pipeline, not including any device and associated piping that is necessary to control pressure in the pipeline.

Procedure for Unlisted Uses: For any use(s) of land not listed in Table 18.10.030, and excluding those in the list of prohibited uses, an administrative interpretation shall be made by the director of community services, per NBMC 18.04.030, upon inquiry by an applicant.

EXHIBIT B:
Amended NBMC Table 18.10.040

Table 18.10.040 – Bulk and Dimensional Standards

BULK AND DIMENSIONAL STANDARDS:	RESIDENTIAL DISTRICTS:					COMMERCIAL DISTRICTS:					EMPLOYMENT PARK DISTRICTS:		POSPF DIST.:
	LDR 4 DU/Acre Gross Density CLDR 2-DU/Acre Gross-Density	CLDR 2 DU/Acre Gross Density	CR Gross Density	HDR Net Density	NB Net Density	DC Net Density	IC	IMU Net Density	USOD	EP-1 Net Density	EP-2	POSPF	
1. Minimum Lot Size (1):													
a. Single-Family Dwellings (includes manufactured/mobile homes) (2)	Average lot size: 8,000 sf; minimum lot size: 7,500 sf (2)	<u>Minimum Lot</u> size <u>18,000</u> <u>sq. ft.</u>	6 – 10 DU/acre	4,000 sf	4,000 sf	4,000 sf			Average lot size: 6,500-sf-5,000-sf minimum-(2) 4-DU/acre-gross Per underlying zone.				
b. Mobile/Manufactured Home Parks					Ch. 16.12NBMC								

BULK AND DIMENSIONAL STANDARDS:	RESIDENTIAL DISTRICTS:		COMMERCIAL DISTRICTS:				EMPLOYMENT PARK DISTRICTS:	POSPF DIST.:
	6 - 10 DU/acre See Chapter 18.12 NBMC	6 - 10 DU/acre	6 - 10 DU/gross acre	6 - 10 DU/gross acre	6 - 10 DU/gross acre	6 DU/gross acre		
c. Cottages (lot area per dwelling unit)		6 - 10 DU/gross acre	6 - 10 DU/gross acre	6 - 10 DU/gross acre	6 - 10 DU/gross acre	6 DU/gross acre		
d. Duplexes (lot area per dwelling unit) (4)		3,000 sf	3,000 sf	3,000 sf	2,000 sf	2,000 sf		
e. Triplexes (lot area per dwelling unit) (4)		2,500 sf	2,500 sf	2,000 sf	2,000 sf	2,000 sf		
f. Fourplexes (lot area per dwelling unit) (4)		2,000 sf	2,000 sf	2,000 sf	2,000 sf	2,000 sf		
g. Other Multifamily Structures (lot area per dwelling unit required) (4)			2,000 sf	2,000 sf	2,000 sf	2,000 sf		
h. Elderly Homes and Related (5)			10,000 sf	10,000 sf	10,000 sf	10,000 sf		
i. Upper Floor Dwelling Units (in mixed use buildings; lot area per dwelling unit)			1,000 sf	1,000 sf	1,000 sf	1,000 sf	1,000 sf	
j. Commercial Uses (see Table 18.10.030 - 2.00)					1,000 sf	See NBMC 18.10.025(B)(3)	1,000 sf	
k. Industrial Uses (see Table 18.10.030 - 3.00)						See NBMC 18.10.025(B)(3)		

BULK AND DIMENSIONAL STANDARDS:	RESIDENTIAL DISTRICTS:				COMMERCIAL DISTRICTS:						EMPLOYMENT PARK DISTRICTS:		POSPF DIST.:			
	LDR & CLDR	CLDR	CR	HDR	NB	DC	IC	IMU	USOD	EP-1	EP-2	POSPF				
l. Public and Quasi-Public Uses (see Table 18.10.030 - 4.00)																
m. Utilities (see Table 18.10.030 - 5.00)																
n. Resource Uses (see Table 18.10.030 - 6.00)																
2. Maximum Lot Size:	LDR & CLDR	CLDR	CR	HDR	NB	DC	IC	IMU	USOD	EP-1	EP-2	POSPF				
a. Single-Family Dwellings (includes manufactured/mobile homes) - (Short plats are exempt)			6 DU/acre gross	9,000 sf	9,000 sf	9,000 sf			40,000-sf Per underlying zoning.							
b. Cottages (lot area per dwelling unit)	10,000 sf		6 DU/acre gross						6 DU/acre gross							
2. Maximum Lot Size: (continued)	LDR & CLDR	CLDR	CR	HDR	NB	DC	IC	IMU	USOD	EP-1	EP-2	POSPF				
c. Duplexes (lot area per dwelling unit)				5,000 sf	5,000 sf	5,000 sf										
d. Triplexes (lot area per				4,500 sf	4,500 sf	4,500 sf										

BULK AND DIMENSIONAL STANDARDS:	RESIDENTIAL DISTRICTS:					COMMERCIAL DISTRICTS:					EMPLOYMENT PARK DISTRICTS:		POSPF DIST.:	
	LDR & CLDR	CLDR	CR	HDR	NB	DC	IC	IMU	USOD	EP-1	EP-2	POSPF		
dwelling unit)														
e. Fourplexes (lot area per dwelling unit)				4,000 sf	4,000 sf	4,000 sf								
f. Multifamily Structures (lot area per dwelling unit)				4,000 sf	4,000 sf	4,000 sf								
g. Other (manufactured/mobile home parks, elderly homes, commercial, industrial, public/quasi-public, utility, and resource uses (b, h, j, k, l, m, n from No. 1))														
3. Minimum Lot Width:	LDR & CLDR	CLDR	CR	HDR	NB	DC	IC	IMU	USOD	EP-1	EP-2	POSPF	POSPF	DIST.:
a. Single-Family Dwellings (includes manufactured/mobile homes)	60'	90'	30'	40'	40'	40'								
b. Mobile/Manufactured Home Parks					Ch. 16.12NBMC				Ch. 16.12NBMC					
c. Cottages	30'		30'	30'	30'	30'		30'						
d. Duplex (per dwelling unit)			30'	30'	30'	30'		30'						

BULK AND DIMENSIONAL STANDARDS:	RESIDENTIAL DISTRICTS:						COMMERCIAL DISTRICTS:						EMPLOYMENT PARK DISTRICTS:		POSPF DIST.:		
e. Triplex, Fourplex and Other Multifamily Structures		50'	50'	50'	50'	50'		50'		50'							
f. Other (commercial, industrial, public/quasi-public, utility, and resource uses (j, k, l, m, n from No. 1))	50'		50'	50'	50'	50'		50'		50'				50'			50'
4. Minimum Front Yard Setback: (6)	LDR & CLDR	CLRD	CR	HDR	NB	DC	IC	IMU	USOD	EP-1	EP-2	POSPF					
a. Single-Family Dwellings (includes manufactured homes) (3) (7) (18)	20'	<u>30'</u>	10'	10'	10'	10'											
b. Mobile/Manufactured Home Parks					Ch. 16.12NBMC												
c. Cottages (7)	10'		8'	10'	10'	10'		10'		10'							
1) Setback may be reduced to 5 feet when fronting a common open space																	
d. Duplexes (7)			10'	10'	10'	10'		10'									
1) Setback may be reduced to 5 feet when fronting a common open space																	
4. Minimum Front Yard	LDR & CLDR	CLDR	CR	HDR	NB	DC	IC	IMU	USOD	EP-1	EP-2	POSPF					

BULK AND DIMENSIONAL STANDARDS:	RESIDENTIAL DISTRICTS:				COMMERCIAL DISTRICTS:				EMPLOYMENT PARK DISTRICTS:	POSPF DIST.:
Setback: (6) (continued)										
e. Triplex, Fourplex and Other Multifamily Structures (7)		10'	10'	10'	10'					
1) Setback may be reduced to 5 feet when fronting a common open space										
f. Elderly Homes and Related (5)			10'	10'						
g. Residential Front Entry Garage	g.1) 20' g.2) 5'	g.1) 20' g.2) 5'	g.1) 20' g.2) 5'	g.1) 20' g.2) 5'	g.1) 20' g.2) 5'					
g.1) Minimum setback										
g.2) Minimum setback from main front building facade (3)										
h. Accessory Dwelling Units, Structures Uses	See NBMC18.10.0.41	See NBMC18.10.041	See NBMC18.10.041	See NBMC18.10.041	See NBMC18.10.041	See NBMC18.10.041	See NBMC18.10.041	See NBMC18.10.041		
i. Commercial Uses										
j. Industrial Uses									20'	20'
k. Public and Quasi-Public Uses	20'	20'	20'	20'	20'	20'	20'	20'	20'	20'

BULK AND DIMENSIONAL STANDARDS:	RESIDENTIAL DISTRICTS:						COMMERCIAL DISTRICTS:						EMPLOYMENT PARK DISTRICTS:		POSPF DIST.:	
l. Utilities (8)	20'			20'	20'		20'			20'			20'		20'	20'
m. Resource Uses															20'	20'
5. Maximum Front Yard Setback: (6, 7)	LDR & CLDR	CLDR	CR	HDR	NB	DC	IC	IMU	USOD	EP-1	EP-2					
a. Single-Family Dwellings (includes manufactured homes)	30'		30'	30'	25'	25'										
b. Mobile/Manufactured Home Parks					Ch. 16.12NBMC											
c. Cottages	30'		30'	30'	30'	30'		30'					30'			
1. Duplexes			25'	25'	25'	25'		25'					25'			
a. Triplex, Fourplex and Other Multifamily Structures (including elderly homes and related)			25'	25'	25'	25'		25'					25'			
f. Commercial Uses					15'								15'			
g. Industrial Uses																
h. Other (public/quasi-public, utility, and resource areas (l, m, n from No. 1))																

BULK AND DIMENSIONAL STANDARDS:	RESIDENTIAL DISTRICTS:			COMMERCIAL DISTRICTS:						EMPLOYMENT PARK DISTRICTS:		POSPF DIST.:
	LDR & CLDR	CLDR	CR	HDR	NB	DC	IC	IMU	USOD	EP-1	EP-2	
6. Minimum Side Yard Setback: (9, 10)												
a. Single-Family Dwellings (includes manufactured/mobile homes)	5' one side; 15' total	4015' one side; 2030' total	5' one side; 10' total									
b. Mobile/Manufactured Home Parks					Ch. 16.12NBMC							
c. Cottages (11)	5'		5' one side; 10' total	5'	5'	5'	5'	5'	5'			
d. Duplexes (at exterior side walls) (11)			5' one side; 15' total									
e. Triplex, Fourplex, and Other Multifamily Structures (11)			10'	10'	10'	10'	10'	10'	10'			
f. Commercial Uses												
g. Industrial Uses										25'	25'	
h. Public and Quasi-Public Uses	10'		10'		10'							10'

BULK AND DIMENSIONAL STANDARDS:	RESIDENTIAL DISTRICTS:				COMMERCIAL DISTRICTS:				EMPLOYMENT PARK DISTRICTS:		POSPF DIST.:	
	LDR & CLDR	CLDR	CR	HDR	NB	DC	IC	IMU	USOD	EP-1		EP-2
Utility Uses	20'		20'	20'	15'	20'	15'	15'	15'	25'	25'	20'
Resource Uses										25'	25'	25'
7. Minimum Rear Yard Setback: (12)	LDR & CLDR	CLDR	CR	HDR	NB	DC	IC	IMU	USOD	EP-1	EP-2	POSPF
a. Single-Family Dwellings (includes manufactured/mobile homes)	25'	25'	10'	25'	25'	10'			25'			
b. Mobile/Manufactured Home Parks					Ch. 16.12NBMC							
c. Cottages	10'		10'	10'	10'	10'		10'	10'			
d. Duplexes			25'	25'	25'	10'		25'				
e. Triplex, Fourplex, and Other Multifamily Structures (including elderly homes and related)			30'	30'	30'	10'		30'				
f. Other (commercial, industrial, public/quasi-public, utility, and resource uses (j, k, l, m, n from No. 1))	20'		20'	20'	20'				20'			20'
3. Maximum Building	LDR & CLDR	CLDR	CR	HDR	NB	DC	IC	IMU	USOD	EP-1	EP-2	POSPF

BULK AND DIMENSIONAL STANDARDS:	RESIDENTIAL DISTRICTS:			COMMERCIAL DISTRICTS:					EMPLOYMENT PARK DISTRICTS:	POSPF DIST.:
Height: (13)										
a. Single-Family Dwellings (includes manufactured/mobile homes)	35'	35'	29'	35'	35'	35'	35'	29'		
b. Single-Family Dwellings (includes manufactured/mobile homes) within the floodplain and on lots of widths 50 feet wide or less, measured at the front property line	29'	NA	29'	29'	Flood Zone: AE: 29' A01, A02 or A03: 31'	29'	29'			
c. Mobile/Manufactured Home Parks	35'	35'	29'	35'	Flood Zone: AE: 29' A01, A02 or A03: 31'	35'	29'			
d. Cottages	35'	35'	29'	35'	Flood Zone: AE: 29' A01, A02 or A03: 31'	30'	29'			
e. Duplexes		35'	29'	35'	Flood Zone: AE: 29' A01, A02 or	30'				

BULK AND DIMENSIONAL STANDARDS:	RESIDENTIAL DISTRICTS:					COMMERCIAL DISTRICTS:					EMPLOYMENT PARK DISTRICTS:		POSPF DIST.:			
b. Mobile/Manufactured Home Parks					Ch. 16.12NBMC											
c. Cottages	45%	60%	45%	45%	45%	45%	45%	45%	45%							
d. Duplexes		45%	45%	45%	45%	45%	45%	45%	45%							
e. Triplex, Fourplex, and Other Multifamily Structures (including elderly homes and related)		50%	60%	60%	60%	60%	60%	60%	60%							
f. Commercial, Industrial, Public/Quasi-Public, Utility, Warehousing, Distribution and Resource Uses (j, k, l, m, n from No. 1)																80%
10. Maximum Impervious Surface Coverage: (percent of lot area or project depending on the zone) (14) For lots within the floodplain, see	LDR & CLDR	CLDR	HDR	NB	DC	IC	IMU	USOD	EP-1	EP-2	POSPF					

BULK AND DIMENSIONAL STANDARDS:	RESIDENTIAL DISTRICTS:	COMMERCIAL DISTRICTS:					EMPLOYMENT PARK DISTRICTS:	POSPF DIST.:				
NBMC 14.12.020 for additional regulations.												
a. Single-Family, Cottage, and Duplex (includes manufactured/mobile homes outside of parks)	65% 55%	65%	65%	65%	65%	65% underlying zone						
b. Triplex, Fourplex, and Other Multifamily Structures (including elderly homes and related)		75%	75%	75%	75%							
c. Commercial Uses						55% with 10% bonus possible; see Ch. 18.34NBMC						
10. Maximum Impervious Surface Coverage: (percent of lot area or project depending on the zone) (14) (continued)	LDR & CLDR	CLDR	CR	HDR	NB	DC	IC	IMU	USOD	EP-1	EP-2	POSPF
1. Industrial Uses									55% with 10% bonus possible; see			

BULK AND DIMENSIONAL STANDARDS:	RESIDENTIAL DISTRICTS:				COMMERCIAL DISTRICTS:				EMPLOYMENT PARK DISTRICTS:	POSPF DIST.:	
e. Other Uses (public and quasi-public, utilities, and resource uses (l, m, n from No. 1))	75%		75%						Ch. 18.34NBMC		
11. Multifamily Maximum Building Size:	LDR & CLDR	CLDR	CR	HDR	NB	DC	IC	IMU	USOD	EP-1	POSPF
a. Multifamily Structures (excluding elderly homes, related assisted living, and mixed-use building containing a retail/office component)				Not more than 10 units per MF bldg.	Not more than 10 units per MF bldg.	Not more than 10 units per MF bldg.		Not more than 10 units per MF bldg.		Not more than 10 units per MF bldg.	
12. Maximum Ground Floor Commercial Tenant Space In all nonresidential zones, development shall comply with the standards set forth in Ch. 18.34 NBMC.	LDR		CR	HDR	NB	DC	IC	IMU	USOD	EP-1	POSPF

BULK AND DIMENSIONAL STANDARDS:	RESIDENTIAL DISTRICTS:	COMMERCIAL DISTRICTS:					EMPLOYMENT PARK DISTRICTS:		POSPF DIST.:			
		CLDR	CR	HDR	NB	DC	IC	IMU		USOD	EP-1	EP-2
13. Floor Area Ratio (16): in all zones, development shall comply with the standards set forth in Ch. 18.34 NBMC.	LDR & CLDR	CLDR	CR	HDR	NB	DC	IC	IMU	USOD	EP-1	EP-2	POSPF

ACRONYMS/SYMBOLS

- FAR floor area ratio
- gfa gross floor area
- p.d.u. per dwelling unit
- sf square feet
- feet
- zero (0')
- blank cell Use(s) are not allowed in zoning district or there is no standard

GENERAL NOTES – TABLE OF BULK AND DIMENSIONAL STANDARDS:

- A. Relation to Table 18.10.030. Uses listed in the table of bulk and dimensional standards parallel, in sequential order, the uses listed in Table 18.10.030, except that uses in the table of bulk and dimensional standards are often aggregated. Design guidelines (Chapter 18.34 NBMC) and performance standards (NBMC 18.10.050) must also be consulted.
- B. Application. Bulk and dimensional standards from Table 18.10.040 shall apply to principal and accessory structures. Additional standards for accessory uses and structures on residential sites are addressed in NBMC 18.10.041.

FOOTNOTES – TABLE OF BULK AND DIMENSIONAL STANDARDS:

- (1) Minimum lot size is a measure of the total ~~horizontal area~~ within the boundary lines of a lot (gross lot area) including the area of an easement, any critical areas and their buffers. If there is a conflict between the minimum lot size and the permitted number of dwelling units per acre, the minimum lot size controls. Minimum lot size refers to the smallest legally established single parcel of land that is required to construct a structure in that zone. The minimum lot size does not correlate to the density.
- (2) The average lot size shall be 8,000 square feet, with a minimum lot size of 7,500 square feet. Chapter 17.25 NBMC, Residential Recreation and Common Space Requirements, shall be met.
- (3) For LDR ~~and CLDR~~ zoning districts, a minimum of 50 percent of the units within any subdivision or BSIP shall set back the garage from the front wall of the home a minimum of five feet. The remaining 50 percent of the units may contain a garage flush with the front wall of the home, provided a porch of not less than six feet in depth by 10 feet in width is provided. All garages within the cottage housing zone shall be set back a minimum of five feet from the front wall of the home.
- (4) There is no minimum lot size for multifamily residential structures. The lot area per dwelling unit provision controls minimum and maximum lot sizes.
- (5) Elderly Homes and Related Uses. Minimum lot area per dwelling unit required for complexes without individually self-sufficient living quarters is 700 square feet per unit. Minimum lot area per dwelling unit required for homes with individually self-sufficient living quarters is 1,000 square feet per unit.
- (6) Front yard building projections including but not limited to awnings, cornices, eaves, bay windows, and other architectural features may project into front yard areas not more than 30 inches. Porches may project into front yard areas not more than five feet, except in cottage residential where porches may project not more than three feet. For corner lots fronting arterial or collector streets, front yard building facades shall be set back from the street per line-of-sight requirements for fences as set forth in Table 18.18.175 within the clear view triangle area for traffic safety.
- (7) For single-family detached dwellings ~~in the LDR zoning district~~, cottages, duplexes and fourplexes, garages or carports shall be set back a minimum of 20 feet from the property line to the face of the garage. Rear yard and alley access garages and/or carports are preferred. Garages or carports that gain access from an alley may be set back five feet from the alley property line to the face of the garage. See design guidelines, Chapter 18.34 NBMC. For other multifamily dwellings, parking areas, including but not limited to garages or carports, shall be located in rear yard areas; provided, that understory parking may be provided below units.
- (8) The 20-foot standard is for major utilities; there is no front yard setback requirement for minor utilities.
- (9) Side yard building projections including but not limited to awnings, cornices, eaves, bay windows, and other architectural features may project into side yards not more than 24 inches. Porches may project into side yard areas not more than two feet. For corner lots, side yard building facades shall be set back 10 feet from the street, or per line-of-sight requirements in Table 18.18.175, to provide the clear view triangle area for traffic safety as necessary.

- (10) Side yard setbacks for cottages may be reduced to zero feet on one side lot line if the side yard on the opposite side is a minimum of 10 feet.
- (11) Where more than one multifamily building sits on a lot, interior side yards shall be a minimum of 20 feet between two multifamily buildings.
- (12) Rear yard building projections including but not limited to awnings, cornices, eaves, bay windows, and other architectural features may project into rear yards not more than 30 inches. Porches and decks may project into rear yard areas not more than 15 feet.
- (13) Building Height.
 - a. Building height within 25 feet of a district having a lower height limit shall not exceed the median difference of the allowable height limits of the two districts.
 - b. Chimneys may extend approximately six feet above the maximum height measurement; bell/clock towers or similar architectural design features may extend not more than 10 feet above the 35-foot maximum height requirement in the DC and IC zones; and in no case shall exceed 45 feet; church steeples are permitted up to 45 feet in applicable zoning districts. Rooftop mechanical equipment may extend six feet over the height limit on commercial and industrial buildings if it is set back at least 15 feet from the edge of a roof and covers not more than 10 percent of a roof area.
 - c. DC Zone. Maximum building height from Sydney Avenue North to Downing Avenue North, south of West Second Street (excluding the historic district) shall be 45 feet. Maximum building height, all other areas, shall be 35 feet.
- (14) Maximum building coverage applies to principal and accessory structures on a site, including garages. It does not apply to driveways, parking lots/parking areas, decks/patios, or other nonstructural elements. For cottage residential or other multifamily development, the maximum building coverage and maximum impervious surface coverage applies to the project as a whole when areas held in common are proposed.
- (15) Mixed Building Provision. In the case of mixed-use buildings (e.g., first floor commercial/second floor residential), standards of the first floor use shall apply except that the minimum lot size shall meet the requirements for upper floor dwellings.
- (16) Floor area ratio is equal to the gross building floor area, divided by net on-site land area (square feet). For example, an FAR of 0.25 means a 2,500-square-foot building could be constructed on a lot with 10,000 square feet of net buildable area.
- (17) Transfer of development rights (TDR) is defined and regulated by Chapter [18.36](#) NBMC.
- (18) LDR Zone. Up to 25 percent of lots within a development may have a front setback of 10 feet for homes with side-entry garages.

**EXHIBIT C:
Amended NBMC Table 18.10.050**

Table 18.10.050 – Land Use Performance Standards

TYPE OF LAND USE:	PERFORMANCE STANDARD(S):
<p>1.00 RESIDENTIAL:</p>	<ul style="list-style-type: none"> a. All permitted business uses must obtain a North Bend business license. b. All residential development shall comply with Chapter <u>17.25</u> NBMC, Residential Recreation and Common Space Requirements. c. New first floor residential is prohibited in the DC zone along the entire length of North Bend Way and along Bendigo Boulevard North from West Park Street to West Third Street. d. New first floor residential is prohibited in the NB zone at the intersection of North Bend Way and Mount Si Road. e. To minimize driveway cuts and provide for less congestion along North Bend Way, residential uses and subdivisions shall be accessed by existing or future streets, not driveways, and/or take primary access off Cedar Falls Way or other secondary street. f. Street layout and plat design shall create efficient, well-connected streets and neighborhoods. The alignment of neighborhood streets shall provide for continuation and connectivity to adjacent parcels and neighborhoods. g. Residential plats adjacent to the Burlington Northern right-of-way, future Tanner Trail extension, shall provide pedestrian/trail access to and from the future Tanner Trail. h. For LDR zoning districts, a minimum of 50 percent of the units within any subdivision or BSIP shall set back the garage from the front wall of the home a minimum of five feet. The remaining 50 percent of the units may contain a garage flush with the front wall of the home, provided a porch of not less than six feet in depth by 10 feet in width is provided. All garages within the cottage housing zone shall be set back a minimum of five feet from the front wall of the home.

TYPE OF LAND USE:	PERFORMANCE STANDARD(S):
	<ul style="list-style-type: none"> i. Residential zoning districts within the transitional landscape area (TLA) shall require the following: <ul style="list-style-type: none"> i. Landscaping. Requires the transitional landscape area and landscaping as shown on Figure 1-5 of the North Bend Comprehensive Plan, Land Use Chapter. ii. Where a TLA affects more than 20 percent of the total gross area of any parcel, the TLA may be reduced such that not more than 20 percent of the total gross area of the parcel is affected by the TLA. No fences shall be constructed within the landscape transition zone, except along Interstate 90 (I-90). iii. Regional trail linkages are allowed within the TLA.
<p>1.00 RESIDENTIAL: (continued)</p> <p>1.11 Single-Family Detached Dwellings (SFDD)</p>	<ul style="list-style-type: none"> a. All dwelling units in the LDR, CLDR and CR zones shall be held in fee simple ownership. b. All new developments of 10 or more in the LDR or CLDR zones may choose to apply for PND approval through Chapter <u>18.12</u> NBMC. Developments within the LDR or CLDR zones that propose single-family cottage require PND approval. c. All eaves shall be a minimum of 18 inches. d. For developments containing 50 units/lots or less, a minimum of four floor plans and three elevations per floor plan, totaling 12 elevations, shall be made available. e. For developments containing more than 50 units/lots, a minimum of four floor plans and a total of 16 elevations shall be provided. This can be achieved by providing four floor plans and four elevations per floor plan or by providing additional floor plans and associated elevations resulting in 16 elevations. f. For LDR zoning districts, a minimum of 50 percent of the units within any subdivision or BSIP shall set back the garage from the front wall of the home a minimum of five feet. The remaining 50 percent of the units may contain a garage flush with the front wall of the home, provided a porch of not less than six feet in depth by 10 feet in width is provided. All garages within the cottage housing zone shall be set back a minimum of five feet

TYPE OF LAND USE:	PERFORMANCE STANDARD(S):
	<p>from the front wall of the home.</p> <p>g. Compliance with Chapter <u>18.34</u> NBMC.</p>
<p>1.12 Designated Manufactured Homes</p>	<p>a. Manufactured home must be a new manufactured home;</p> <p>b. The manufactured home must be set upon a permanent foundation, as specified by the manufacturer, and that the space from the bottom of the home to the ground be enclosed by concrete or an approved concrete product which can be either load-bearing or decorative;</p> <p>c. The manufactured home must comply with all local design standards applicable to all other homes within the neighborhood in which the manufactured home is to be located;</p> <p>d. The home must be thermally equivalent to the State Energy Code;</p> <p>e. The manufactured home must otherwise meet all other requirements for a designated manufactured home as defined in RCW <u>35.63.160</u>; and</p> <p>f. Must also meet requirements of SFDD (see 1.11(a) and (b) above).</p>
<p>1.13 Manufactured Home Parks</p>	<p>a. Must meet applicable standards of North Bend Municipal Code (NBMC Title <u>16</u>).</p> <p>b. Shall also meet designated manufactured home standards (see 1.12 above), except that homes can be single-wide.</p> <p>c. Must meet requirements of SFDD 1.11(e) and (f).</p>
<p>1.14 Mobile Homes</p>	<p>a. Must meet applicable standards of NBMC Title <u>16</u>.</p>
<p>1.00 RESIDENTIAL: (continued)</p>	
<p>1.15 Mobile Home Parks</p>	<p>a. Must meet applicable standards of NBMC Title <u>16</u>.</p> <p>b. Must meet requirements of SFDD 1.11(e) and (f).</p>

TYPE OF LAND USE:	PERFORMANCE STANDARD(S):
<p>1.16 Cottages</p>	<p>a. A mix of housing sizes shall be provided. A mix is considered a square footage variation of 500 square feet or more, excluding the garage.</p> <p>b. Except as cited in (c) below, a maximum of 10 percent of the total number of units may exceed 1,700 square feet in size, but not more than 2,500 square feet, excluding the garage. The minimum lot size for homes over 1,700 square feet shall be 5,000 square feet or larger. For development sites of two to nine homes, a total of one standard size home may be constructed in conjunction with the cottage homes. When only one home is constructed, it shall be a cottage, unless it is an adult family home. Multifamily and attached homes shall not count towards the ratio allowing standard sized homes in the cottage residential zone.</p> <p>c. For every home 1,300 square feet or less, excluding the garage, the development is allowed to construct one additional home 1,700 square feet or larger, excluding the garage, up to not more than 30 percent of the total lots, including the 10 percent allowed in (b) above.</p> <p>Example: 50-lot subdivision 10 percent of the homes may exceed 1,700 = five homes 10 homes 1,300 square feet or less yields 10 additional homes 1,700 or larger.</p> <p>*15 homes sized 1,700 sq. ft. or larger *10 homes sized 1,300 sq. ft. or smaller *Remaining 25 homes may be sized between 1,300 and 1,700 or multifamily.</p> <p>If no homes are built less than 1,300 sq. ft., then 5 homes may exceed 1,700, with the remaining yielding a mix of sizes under 1,700.</p> <p>d. Homes larger than 1,700 square feet in size are considered a standard sized single-family structure and shall pay impact fees per the single-family rate.</p> <p>e. Adult family homes may be a stand-alone use, are considered a single-family home, shall not exceed 4,500</p>

TYPE OF LAND USE:	PERFORMANCE STANDARD(S):
	<p>square feet and shall be placed on lots no less than approximately 8,000 square feet in size.</p> <p>f. The second floor of approximately 30 percent of the total number of homes shall not exceed 1.5 times the area of the main floor.</p> <p>g. For cottage housing, floor area shall be measured from the interior sides of the exterior walls. The area of internal stairways may be allocated between floors served.</p>
<p>1.00 RESIDENTIAL: (continued)</p> <p>1.16 Cottages (continued)</p>	<p>Cottage areas that do not count towards the total floor area calculation:</p> <ul style="list-style-type: none"> i. Architectural projections, such as bay windows, fireplaces not greater than 24 inches in depth or six feet in width, measured from interior walls. ii. Attached roofed porches. iii. Spaces with a ceiling height of seven feet or less measured to the interior walls, such as in a second floor area under the slope of the roof. iv. Breezeway. v. Detached garages and ADUs, subject to the applicable performance standards of these uses. Detached garages shall be built to the rear of the lot. h. Cottages shall front a public street or shared common open space area. i. Garages shall be sized for one or two vehicles. Garages and/or other on-site parking may be clustered, provided such clustered parking areas are accessed by an alley or located to the side or rear of the cottage housing associated with said parking. Clustered garage structures shall not exceed more than four single vehicular bays in width. A minimum roof pitch of 4:12 shall be provided for garages or other parking structures. Flat roofs shall not be permitted, unless in conjunction with a green roof.

TYPE OF LAND USE:	PERFORMANCE STANDARD(S):
	<p>j. All parts of the primary roof above 18 feet shall be pitched at a minimum of 6:12.</p> <p>k. Eaves of at least 18 inches shall be provided on all cottage structures.</p> <p>l. Each unit shall include an attached front porch not less than 80 square feet minimum with a minimum depth of six feet.</p> <p>m. For developments containing 50 units/lots or less, a minimum of four floor plans and three elevations per floor plan, totaling 12 elevations, shall be made available.</p> <p>n. For developments containing more than 50 units/lots, a minimum of four floor plans and a total of 16 elevations shall be provided. This can be achieved by providing four floor plans and four elevations per floor plan or by providing additional floor plans and associated elevations resulting in 16 elevations.</p> <p>o. Must be reviewed through the PND overlay zoning process if project occurs in the cottage residential zone (CR) or will result in construction of cottages in the LDR or CLDR zones.</p> <p>p. Cottage homes in the LDR, CLDR or CR zones shall be held in fee simple ownership. Units may be located on platted lots or as units in a condominium and may share use of common facilities such as a community gathering room, tool shed, garden, workshop, or parking areas.</p> <p>q. Subject to PND, in the cottage zone, not more than 30 percent of the total dwelling units shall be multifamily attached dwelling units such as duplex, triplex, or fourplex and within the LDR or CLDR zones not more than 15 percent.</p>
1.00 RESIDENTIAL: (continued)	
1.16 Cottages (continued)	<p>r. Pursuant to Chapter 18.12 NBMC, Planned Neighborhood District.</p> <p>s. For development sites located adjacent to the Burlington Northern right-of-way (ROW), the developer may purchase the Burlington Northern ROW and dedicate no less than 40 feet for Tanner Trail and open spaces</p>

TYPE OF LAND USE:	PERFORMANCE STANDARD(S):
	<p>purposes to the city. Any remaining Burlington Northern ROW area in excess of the minimum 40 feet may be incorporated into the development. If the developer opts for this, the following shall apply:</p> <ul style="list-style-type: none"> i. A 15-foot type II landscape buffer shall be provided along the rear property line, owned and maintained by the homeowners association of the development. ii. The applicant shall construct a trail within the Tanner Trail corridor consistent with the trail standards in NBMC <u>19.05.020(L)</u>, together with street trees provided consistent with NBMC <u>19.05.020(D)</u>. iii. The applicant may receive credit for up to 50 percent of the on-site open space requirement provided in NBMC <u>18.12.030(C)</u> if the on-site open space is designed integral with the Tanner Trail open space such that the two open spaces function as one. t. All cottage developments shall provide a pedestrian connection to the Tanner Trail corridor when located adjacent to the trail corridor. u. Within the Cedar Falls Way ROW, existing significant trees shall be retained to the extent feasible. The required sidewalk and planter strip street improvement may meander within the Cedar Falls ROW allowing for the maximum amount of significant tree preservation. v. If sides or rears of structures are oriented to Cedar Falls Way, a 10-foot Type II landscape buffer shall be provided; this buffer may be provided within the Cedar Falls ROW subject to accommodating the necessary sidewalk and planter strip. If the ROW cannot accommodate the necessary street improvements and the 10-foot Type II buffer, the development site shall provide the landscape buffer on site. w. Cottages built outside the cottage residential zone shall pay impact fees applicable to cottage homes. x. In the event another code provision conflicts with the performance standards set forth herein, these performance standards shall govern.
1.21, Duplexes, Triplexes or	a. In the CR zone must be reviewed as PND and shall not constitute more than 15 percent of any new

TYPE OF LAND USE:	PERFORMANCE STANDARD(S):
1.22	development.
1.23 Fourplexes in the Cottage Residential (CR) District	b. Duplexes, triplexes or fourplexes permitted in the CR district shall be held in fee simple ownership.
1.00 RESIDENTIAL: (continued)	
1.31 Adult Family Homes	<ul style="list-style-type: none"> a. A North Bend business license is required. b. Up to six adults maximum are allowed. c. Must comply with applicable local, county and state standards related to building, fire, safety, health, and operations, including but not limited to those in Chapter <u>388-76 WAC</u>. d. Must be a single-family detached dwelling.
1.32 Childcare	a. A North Bend business license is required.
1.32a Family Day Care Provider	b. Childcare facilities must comply with all applicable building, fire, safety, health, and business licensing requirements, including a license from the Department of Early Learning.
1.32b Childcare Center	<ul style="list-style-type: none"> c. Childcare/day care facilities shall have hours of operation where there are no drop-off/pick-ups of children, or deliveries, between the hours of 10:00 p.m. and 5:00 a.m., unless the facility is located on a collector or arterial street. d. In approving, conditioning, or denying an application for a childcare center or family day care business license, the city may consider, in addition to respective criteria for each use, the following: <ul style="list-style-type: none"> i. The location of the proposed facility in relation to traffic impacts and safety concerns to the adjacent neighborhood. ii. The impacts the proposed facility may have on the residential character of the neighborhood.

TYPE OF LAND USE:	PERFORMANCE STANDARD(S):
1.00 RESIDENTIAL: (continued)	
1.32 Childcare	iii. The cumulative impacts of the proposed facility in relation to similar city-approved facilities in the immediate vicinity.
1.32a Family Day Care Provider	iv. The imposition of a condition under which the city reserves the right to impose conditions or to reconsider the facility within a certain timeframe from approval date, based on complaints filed with the city on violation of childcare/day care or home occupation facility standards.
1.32b Childcare Center (continued)	
1.33 Homes for the Elderly and Related	a. Must comply with all applicable guidelines and standards of the Washington State Department of Social and Health Services or its successor agency.
1.42 Boarding Houses	a. A North Bend business license is required. b. May not exceed two boarding rooms; must be owner-occupied. c. Must meet any applicable county and/or state standards and regulations, in addition to local codes, including but not limited to building, fire, safety, and health codes. d. Must be in a single-family detached dwelling or related ADU.
1.51 Accessory Residential Uses	a. In residential districts, may include but are not limited to carports and garages, fences, decks, patios, swimming pools, sports courts, hot tubs, storage buildings, other outbuildings, accessory dwelling units (ADUs), and recreation and social clubhouses associated with multifamily developments. An accessory use may be attached (i.e., located within or sharing one full wall in common with a residence) or detached (i.e., in a separate structure or outbuilding to the dwelling). b. Detached accessory uses on lots smaller than three-fourths acre in size shall not be higher than 25 feet to the highest point of the structure. c. Detached accessory uses on lots smaller than three-fourths acre in size shall cumulatively not have a building

TYPE OF LAND USE:	PERFORMANCE STANDARD(S):
	<p>footprint more than 75 percent of the building floor area of the principal structure; provided any single-family home shall be allowed to have up to 500 square feet of detached garage or carport and any cottage or multifamily unit shall be allowed to have up to 250 square feet of detached garage or carport per dwelling, and ADU guidelines (below) must be met. For multifamily housing units, the 75 percent standard shall be measured against the largest principal structure on site. Uses that do not require a building permit (buildings less than 200 square feet), as well as swimming pools, sports courts, and other nonstructural site elements, are excluded from the footprint calculations.</p> <p>d. Detached accessory uses on lots of three-fourths acre in size or larger may be larger than the height and size limitations established in (b) and (c) above, if set back a minimum of 20 feet behind the front wall of the principal residential structure, and a minimum of 10 feet from side or rear lot lines.</p> <p>e. Structures containing an accessory use shall meet the setback requirements of the primary residential structure if the structures are attached. Fences, and decks not over 30 inches in height, are excluded from this provision.</p> <p>f. Must comply with standards in NBMC <u>18.10.041</u> unless otherwise superseded by the standards in this section.</p>
1.00 RESIDENTIAL: (continued)	
1.52 Accessory Dwelling Units (ADUs)	<p>a. Single-family detached dwellings, including designated manufactured homes, are permitted to have one ADU. ADUs shall not be permitted in conjunction with any other principal residential use, including but not limited to manufactured homes or mobile homes.</p> <p>b. An ADU may be attached (i.e., located within or attached to an SFDD) or detached (i.e., incorporated in a garage or other outbuilding to the single-family dwelling).</p> <p>c. ADUs shall not be permitted on lots less than 4,000 square feet.</p> <p>d. ADUs shall not be larger than 10 percent the lot area or 800 square feet, whichever is smaller, and contain a maximum of one bedroom. Studios are allowed on lots less than 5,000 square feet and ADUs shall meet the</p>

TYPE OF LAND USE:	PERFORMANCE STANDARD(S):
	<p>height requirements of 1.51(b).</p> <p>e. ADUs cannot be separated or subdivided in ownership from the principal dwelling.</p> <p>f. The primary dwelling unit shall be owner-occupied. Permission for an ADU can only be applied for and granted to the property owner.</p> <p>g. The ADU shall conform to lot coverage and setback requirements for the LDR district.</p> <p>h. ADUs shall meet all building, electrical, fire, plumbing, and other applicable code requirements.</p>
1.00 RESIDENTIAL: (continued)	
1.53 Home Occupations	<p>a. A North Bend business license is required, and a home occupation may only be undertaken in a residential dwelling unit in which the operator of the home occupation actually resides. A home occupation business license shall be issued under and subject to Chapter 5.04 NBMC, and shall further be subject to the following provisions.</p> <p>b. A home occupation business license shall not be granted in any case for automobile-related services, direct sale of merchandise on the premises, warehousing of materials, manufacturing that involves the conversion of raw materials, medical marijuana collective gardens or any other use involving legal sales or exchanges of marijuana, the provision of tattoos, or the provision of body piercings. Interior, incidental storage not to exceed 500 and 300 cubic feet of materials, respectively, for single-family and multifamily housing units is permitted. Exterior storage is prohibited, except for the growing or storing of plants in rear or side yards of SFDDs that are associated with the home occupation.</p> <p>c. Not more than 25 percent or 500 square feet, whichever is less, of the total floor area of a dwelling unit shall be devoted to the home occupation, excluding attached garages and other accessory structures.</p> <p>d. No more than one person who is not a resident of the dwelling can participate in the home occupation.</p>

TYPE OF LAND USE:	PERFORMANCE STANDARD(S):
	<p>e. No use of electrical or mechanical equipment which would change the fire rating of the structure or which would create audible or visible interference in radio or television receivers or which would cause fluctuations in line voltage outside the dwelling is allowed. If deemed necessary, the business shall be inspected by the fire marshal, and the applicant must commit to implement all required fire safety measures within a stated time period.</p> <p>f. In addition to parking required for the residents and one permitted nonresident employee, there can be no more than two vehicles parked on or in the vicinity of the property as a result of the business at any one time.</p> <p>g. There can be no more than two deliveries per day either to or from the residence by a private delivery service, and no other use of a commercial vehicle other than that normally used by the applicant or an employee is allowed.</p>
<p>1.00 RESIDENTIAL: (continued)</p>	
<p>1.53 Home Occupations (continued)</p>	<p>h. In approving, conditioning, or denying an application for a home occupation business license, the city may consider, in addition to respective criteria for each use, the following:</p> <ul style="list-style-type: none"> i. The location of the proposed facility in relation to traffic impacts and safety concerns to the adjacent neighborhood. ii. The impacts the proposed facility may have on the residential character of the neighborhood. iii. The cumulative impacts of the proposed facility in relation to similar city-approved facilities in the immediate vicinity. iv. The imposition of a condition under which the city reserves the right to impose conditions or to reconsider the facility within a certain timeframe from approval date, based on complaints filed with the city for violation of family day care or home occupation business license standards. <p>i. Within all commercial zones, no home occupation business license will be issued for a use that is otherwise</p>

TYPE OF LAND USE:	PERFORMANCE STANDARD(S):
	<p>prohibited in the underlying zone.</p> <p>j. Signs for home occupations shall be mounted on or adjacent to a front door and may not exceed two square feet in cumulative area.</p>
<p>1.54 Upper Floor Dwelling Units and Mixed Use Horizontal and 2.34 (Commercial/Residential)</p>	<p>a. In a PND overlay, where applicable, and in the HDR district, the maximum permitted size is 10 units (i.e., 10 units per individual structure).</p> <p>b. Individual buildings with three or more units in a PND overlay shall be located strictly along collector or higher level roadways, and at corner locations whenever possible.</p> <p>c. New multifamily dwellings constructed on North Bend Way or Bendigo Boulevard shall be second story or above in the DC zoning district.</p>
<p>1.55 Interim Housing</p>	<p>a. Interim housing uses are temporary and must comply with procedures and standards outlined in Chapter 18.25 NBMC.</p>



**Staff Report and Planning Commission Recommendation
Constrained Low Density Residential Zone Bulk and Dimensional Amendments to
NBMC 18.10.020(A), 18.10.030, 18.10.040, 18.10.050, 18.12.010, and 18.12.030**

Date: April 29, 2016

Proponent: City of North Bend (via Ordinance 1578)

I. Summary of Proposed Municipal Code Amendments:

After a thorough review of the Planning Commission's recommendation to the City Council for the major update to the North Bend Comprehensive Plan, on December 8, 2015, the Council adopted the update to the Comprehensive Plan, which created the Constrained Low Density Residential (CLDR) zone.

As part of the City Council's review of the Planning Commission's recommendation the City Council expanded the area affected by the CLDR zone from that as recommended by the Planning Commission. Then on January 5, 2016 the City Council adopted Ordinance 1576 which adopted the North Bend Municipal Code (NBMC) zoning and development regulations necessary to implement the CLDR Zone.

Subsequent to the adoption of the Ordinance 1576, the City Council further evaluated the CLDR zoning and development regulations as adopted by Ordinance 1576 and determined that additional revisions were necessary to the CLDR zoning in order to more fully reflect the City Council's intent.

Therefore, after further evaluation of the NBMC zoning and development regulations associated with the CLDR zone, on February 2, 2016 the City Council passed Ordinance 1578 adopting interim regulations amending sections 18.10.020(A), 18.10.030, 18.10.040, 18.10.050, 18.12.010, and 18.12.030 of the North Bend Municipal Code as they relate to Constrained Low Density Residential zone.

The language of the draft amendments recommended by the Planning Commission is provided in the attached Exhibit A.

II. Impacts of Proposed Amendment

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

- 1) **Environmental Impacts.** No environmental impacts are anticipated from amending the CLDR bulk and dimensional standards as proposed. Regulations protecting critical areas, managing

stormwater runoff, and controlling floodplain impacts are governed by the Critical Area Regulations in NBMC Title 14, and apply regardless of what type of development occurs on a site.

- 2) **Economic Impacts.** Increasing the minimum and minimum-average lot sizes within the CLDR zone may slightly decrease the potential yield of a single-family residential project constructed within this zone (depending on the lot configuration, presence of critical areas or other site constraints, and other factors). It therefore potentially could result in higher prices for homes sold within the development. However, the overall density allowance remains at 2 units per acre, and applicants may reduce extra open space or reconfigure lots to achieve 2 units per acre with the larger lot sizes.
- 3) **Cultural Impacts.** No significant cultural impacts are anticipated from the amendments. The amendments are proposed consistent with maintaining the City's rural character as articulated in the City's Vision Statement.
- 4) **Impacts to Surrounding Properties.** No negative impacts to surrounding properties are anticipated from the amendments. The amendments are intended to reduce visual impacts of higher-density residential development to adjacent properties and ensure compatibility with existing single-family residential development patterns.

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

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

The Comprehensive Plan describes the Constrained Low Density Residential Use in Section E.1, as follows:

Constrained Residential is a portion of the Low-Density Residential designation that is recognized for having larger lots or development constraints, such as frequently flooded areas, geologically hazardous areas, river and stream corridors, channel migration areas, wetlands, and native wildlife and fish habitat. Density in this area is expected to reach a maximum of two dwelling units per acre. The CLDR area includes properties located within the floodplain and floodway areas adjacent to the South Fork of the Snoqualmie River, and includes properties within the UGA, characterized by larger lot sizes and in keeping with the rural character recognized as important in the city's vision statement.

The Comprehensive Plan doesn't specify the applicable bulk and dimensional requirements beyond the overall permitted density for the CLDR zone. The overall allowed density in the proposed amendments remains 2 units per acre, and the amendments are therefore consistent with the Comprehensive Plan. The amendments are also consistent with Policy LU 1.11 – "Preserve the 'established' character in existing neighborhoods that are significantly built-out by zoning for infill development to occur at densities that are consistent with the existing development pattern." The larger lot sizes proposed in the amendments are specifically intended to better match with those of existing development patterns.

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

In accordance with NBMC 20.08.070 and .080, applications for municipal code amendments must be evaluated for compliance with the North Bend Municipal Code. NBMC Section 18.10.020(A) establishes

the purpose of the CLDR Zone, and is specifically being amended as a part of this proposal. See draft language in Exhibit A.

Planning Commission Findings and Analysis

Pursuant to NBMC 20.08.100, the Planning Commission shall consider the following criteria with respect to a proposed amendment the criteria in NBMC 20.08.100 (B) as follows: (Staff analysis is provided in italics under each criterion below).

1. Is the issue already adequately addressed in the Comprehensive Plan?
The Comprehensive Plan does not specifically address lot size, but establishes the CLDR zone at 2 units per acre, which the amendments remain consistent with. The amendments are intended to help maintain rural character as described in the City's Vision Statement that guides the Comprehensive Plan.
2. If the issue is not addressed in the Comprehensive Plan, is there a need for the proposed change?
The City Council has requested the proposed change, with reasons as articulated in Ordinance 1578.
3. Is the proposed change the best means for meeting the identified public need?
The Planning Commission has reviewed and considered the interim regulations passed by the City Council via Ordinance 1578, and through the course of its review has made amendments to the interim regulations, which the Planning Commission sees as the best means for meeting the identified public need for the amendments.
4. Will the proposed change result in a net benefit to the community?
The City Council provided that the change would result in a net benefit to the community as articulated in Ordinance 1578. The Planning Commission, in recommending amendments to the interim controls of Ordinance 1578, will need to likewise affirm that these amendments result in a net benefit to the community.

Summary Findings:

1. The City Council approved Ordinance 1578 on February 2, 2016, establishing interim regulations pertaining to the bulk and dimensional standards applicable to the Constrained Low Density Residential Zone, and directing the Planning Commission to consider and recommend permanent amendments to the City Council.
2. The Planning Commission reviewed the interim regulations established by Ordinance 1578 at their March 24, April 14, and April 28, 2016 meetings.
3. Pursuant to RCW 36.70A.106, the draft amendments were forwarded to Commerce - Growth Management Services on April 28, 2016.
4. A State Environmental Policy Act Determination of Nonsignificance and Notice of Hearing was issued and published in the Valley Record on April 13, 2016. No comments were received on the DNS.
5. The Planning Commission held a public hearing on the proposed amendments at their April 18, 2016 meeting. No comments were received.
6. The proposed amendments are consistent with the procedures established in NBMC 20.08, *Comprehensive Plan and Development Regulations Amendment Procedures*. The Planning

Commission finds that the proposed amendments are consistent with the criteria in NBMC 20.08.100(B) and would result in a net benefit to the community.

7. The Planning Commission recommends the following amendments to section 18.10.030 from the interim regulations established in Ordinance 1578, which have been incorporated into the attached Exhibit A:
 - a. Section 1.31 – Allow Adult Family Homes in the CLDR zone.
 - b. Section 1.32b – Don't allow Child Day Care Centers in the CLDR zone.
 - c. Section 4.10 – Allow Open Space, Park Trail and Recreation uses in the CLDR zone.
 - d. Section 4.13 – Don't allow Athletic Fields/Sports Facilities in the CLDR zone.
8. At the April 28, 2016 Planning Commission meeting, the Planning Commission concurred with the amendments to the CLDR zone, subject to the Planning Commission recommendations provided in finding 7 above. However, the Planning Commission expressed dissatisfaction with the expansion of the CLDR zone adopted by the City Council following the original recommendation by the Planning Commission on this zone during the Comprehensive Plan update process. A motion was passed unanimously by the Planning Commission to provide notice to the City Council that the CLDR expansion, as adopted by the Council, significantly exceeds the Planning Commission's original intent and recommendation for the CLDR zone to specifically address environmentally constrained areas, such as frequently flooded areas, geologically hazardous areas, river and stream corridors, channel migration areas, wetlands, and native wildlife and fish habitat.

Planning Commission Recommendation

Following consideration of the Comprehensive Plan and Development Regulation Amendment process in NBMC 20.08.070 through 20.08.110 and public comment received at the public hearing, the Planning Commission recommends approval of amendments as provided in the attached Exhibit A, subject to the additional notification to the City Council articulated in Finding 8 above.



Planning Commission Chair

Date April 29, 2016

Exhibits

Exhibit A – Proposed Municipal Code Amendments



City Council Agenda Bill

SUBJECT:		Agenda Date: June 7, 2016	AB16-062
A Motion Authorizing Two Historic District Grants for the McClellan and Masonic Lodge Buildings		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	
Cost Impact: \$12,000			
Fund Source: 108 – Economic Development			
Timeline: Immediate			
Attachments: McClellan Building Images, Unity Masonic Lodge Images			
SUMMARY STATEMENT:			
<p>Resolution No. 759 authorizes the Mayor to enter into contracts consistent with RCW 35.21.395 for the purpose of facilitating and encouraging historic preservation of buildings within the City’s historic district. The resolution enables the City to allocate funds from the City’s Economic Development Budget by contract for actual construction costs for historic restoration. Through the Historic District Fund Grant and Economic Development Program (“the Program”) and per previous Council direction, the City can authorize funding assistance for exterior removal of alpine themes and/or restoration work related to historic preservation equal to 30% of the cost of the improvements; however the total amount contributed shall not exceed \$6,000. The City had two applicants request funds through the Program, one for improvements to the McClellan Building, and the other for the Unity Masonic Lodge. Details related to each request are as follows:</p> <p>Grant A: Façade assistance for the improvements to the McClellan Building, which includes restoration of existing stucco, replacement of windows and front and rear entries. The associated restoration work is estimated to cost \$58,634.80.</p> <p>Grant B: Façade assistance for the improvements to the Unity Masonic Lodge includes repair of storefront windows, leaking cornices and broken tiles on the face of building, which damage was likely caused by the alpine façade installation (i.e., holes from the bolts). See the attached images of the alpine façade. The associated restoration work is estimated to cost approximately \$57,000.</p> <p>The Community and Economic Development Committee asked staff to confirm that both projects would be considered historic restoration verses normal maintenance. King County Historic District considers both of these to be restoration projects and they will require a Type 1 COA (Certificate of Appropriateness) from the King County Historic Preservation Program. Any project that alters a designated feature of a King County Landmark must be approved through a formal design review process. A Type 1 permit is for projects that involve restoration of historic features and major repairs using the same type of materials originally found on the building.</p> <p>Due to the cost estimates of the two projects, it is likely that both grants will reach the \$6,000 threshold.</p>			
COMMITTEE REVIEW AND RECOMMENDATION: The Community and Economic Development Committee reviewed the two grant applications and recommended they be brought to Council for discussion.			
RECOMMENDED ACTION: MOTION to approve AB16-062, authorizing Two (2) Historic District Grants in an amount not to exceed \$6,000 each, in a form and content acceptable to the City Attorney.			
RECORD OF COUNCIL ACTION			
<i>Meeting Date</i>	<i>Action</i>	<i>Vote</i>	
June 7, 2016			

North Bend McClellan Building



North Bend Unity Masonic Building





City Council Agenda Bill

SUBJECT:	Agenda Date: June 7, 2016	AB16-063
Motion Authorizing a Construction Agreement and Temporary Construction Easement with NB Property Partners Relating to the Park Street Roundabout 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: \$20K – Construction Agreement; \$20K – Temporary Easement; ~\$30,000 – Property Improvements		
Fund Source: TIF or TIB		
Timeline: \$40K at time of Construction Project Award by City Council & \$30K Improvements during RAB Project.		

Attachments: Construction Agreement and Temporary Construction Easement

SUMMARY STATEMENT:

The City of North Bend (City) and their engineering consultant Reid Middleton (RM) are currently designing the Park Street Roundabout (RAB) and channelization project on East North Bend Way located between East Park Street and the existing SE Cedar Falls Way Roundabout. The proposed westbound NBW channelization approaching the new RAB necessitates the removal of six existing frontage parking stalls located at 400 (North Bend Cleaners) East North Bend Way, NB Therapeutic Massage (410), Tip Top Nails (418), Snoqualmie Valley Weight Loss Center (420), and six apartment units (above the retail shops). The property (site) is owned by NB Property Partners, LLC, which is managed by Mike Simons (managing partner).

The affected site tax parcel number is 857090-0244 and site area is 15,085 square feet (0.35 acres). The two-story building internal square footage is 7,685 square feet. The building was built in 1950, but many of the units have had substantial tenant improvements over the years, as indicated by the City’s consultant appraiser.

In addition to the building and six stalls on the site’s south side, the site area contains a QFC drive aisle on the east side, paved / gravel parking on the north side (in back), and public parking on Downing Ave to the west. Assessed property value per 2015 King County Tax Records is \$1,152,700 {land was valued at \$210,800 and improvements (building) was \$941,900}. In late 2015 / early 2016, the City’s appraisal for the property came in at approximately \$1.3 million. The photo below is looking westbound down North Bend Way (vehicle is driving parallel on the sidewalk, which is very unsafe).



What is the Problem? Proposed roundabout geometry and location conflict with ability to continue to use the six existing parking stalls on private property in front of Mountain View (MV) building. The Park Street RAB is rated one of the City’s highest transportation capital priorities in our 6-year TIP. Resolving this conflict is one of the project’s critical paths.

Where is the Problem? MV property is at the NE corner of Downing Avenue / NBW intersection. The location of the six existing parking stalls south of the building are the problem.

Why is it a Problem? Pedestrian and driver safety, functionality of the roundabout, traffic impacts, etc. are negatively impacted if the roundabout was designed to accommodate the six existing parking stalls.

City Council Agenda Bill

Proposed Solution: During the past several months, City staff have pursued and prepared a Construction Agreement (CA) and Temporary Construction Easement (TCE) {both attached} to remove the six existing parking stalls and replace with four new stalls in a different location, as part of the project. City staff believe that in order to move this project forward, the CA and TCE should be approved by City Council. Mike Simons has verbally indicated to Public Works Director Mark Rigos that the CA and TCE are acceptable to him. Upon your approval, these documents will be signed by Mr. Simons and sent to the Recorder’s Office for recording.

The value of the two lost parking stalls was determined to be \$10,000 each or \$20,000 total. The value of the TCE was negotiated to be \$20,000. The construction cost of the curb cut, commercial concrete apron, paving improvements and channelization has been estimated at \$30,000. This is a total cost of \$70,000 to the project costs.

A concurrent step for this Park Street RAB project is for Director Rigos to present the project to the PSRC (Puget Sound Regional Council) Grant Selection Committee for the Large City Category, which occurred on Wednesday, May 18 as the City requested \$2.9 million in grant funds. Based on information received on May 31, 2016, it appears the City will not be selected for the Large City Category Grant of \$2.9 million, but it does appear that the City of North Bend will be selected / approved by Puget Sound Regional Council for the Small City Category Grant of ~\$1.3 million for the Downtown Plaza project. If this becomes official, then the City will have adequate funding to build the Downtown Plaza project in 2017.

The City would need to consider all possible funding sources in order for the Park Street RAB project to be constructed in 2017. The City will also be applying this month for a TIB grant for the RAB project. RM will continue to complete the civil engineering design and construction documents by the end of 2016, so that the project is “shovel ready” when funds are available.

During the next few months, City staff will evaluate options for the Park Street RAB to be built in 2017, or it may have to be postponed, unless funds are available. For now, City staff recommends that this particular Agenda Bill be approved by City Council, so that the easement can be recorded, and it will no longer be a project constraint.

COMMITTEE REVIEW AND RECOMMENDATION: This item was discussed at the May 11, 2016 Transportation and Public Works Committee and was recommended for approval.

RECOMMENDED ACTION: MOTION to approve AB16-063, authorizing a construction agreement and temporary construction easement with NB Property Partners, LLC related to the Park Street Roundabout project, in the amount of \$40,000, in a form and content acceptable to the City Attorney.

RECORD OF COUNCIL ACTION

<i>Meeting Date</i>	<i>Action</i>	<i>Vote</i>
June 7, 2016		

**CONSTRUCTION AGREEMENT
BETWEEN THE CITY OF NORTH BEND
AND NB PROPERTY PARTNERS, LLC**

This Construction Agreement (“Agreement”) is entered into by between the City of North Bend, a municipal corporation in the State of Washington (“City”), and NB Property Partners, LLC, a limited liability company (“NB Property Partners”), and is effective as of the date of the last signature below.

WHEREAS, NB Property Partners is the owner of real property located at 400 East North Bend Way, North Bend, Washington, 98045, King County Tax Parcel Number 857090-0244 (“Subject Property”), which also includes business addresses at 410, 418, and 420 E North Bend Way; and

WHEREAS, the Subject Property is occupied by four commercial tenants whose storefronts face the south side of the building; and

WHEREAS, the location of six existing storefront parking stalls at the south side of the Subject Property conflicts with the design of the City of North Bend Park Street Roundabout project (“the Project”), which is one of the highest priorities in the City’s 2016–2021 Six-Year Transportation Improvement Plan; and

WHEREAS, redesign of the Project to accommodate the existing parking stalls would negatively impact pedestrian and driver safety, traffic, and the functionality of the new roundabout; and

WHEREAS, the current location of the parking stalls presents a threat to pedestrian safety because vehicles lack adequate room to back out without driving on the adjacent sidewalk; and

WHEREAS, NB Property Partners has agreed to grant the City a temporary construction easement (the “Temporary Construction Easement”) to remove the six existing parking stalls as part of the Project and replace them with four new parking stalls in a different location that accommodate the Project design (the “Improvements”); and

WHEREAS, the relocation and reduction of parking stalls may create a long-term decrease in customer and revenue generation for tenants of the Subject Property; and

WHEREAS, the relocation and reduction of parking stalls may affect NB Property Partners’ long-term ability to find and keep commercial tenants; and

WHEREAS, the Temporary Construction Easement will create construction disturbance that negatively impacts businesses on the Subject Property; and

WHEREAS, the City has agreed to compensate NB Property Partners for the

Temporary Construction Easement and for the projected impacts of the relocation and reduction of parking stalls; and

WHEREAS, NB Property Partners has agreed to accept such compensation in exchange for granting easement rights and accepting the relocation and reduction of parking stalls to accommodate the Project design;

NOW THEREFORE, in consideration of the mutual benefits and conditions set forth herein, the City and NB Property Partners (collectively “the Parties”) do agree as follows:

1. **City’s Obligations.** The City shall:

- 1.1 Pay to NB Property Partners a sum of \$20,000 as full compensation for the reduction in parking on the Subject Property from six stalls to four stalls, which is necessary to accommodate the Project design; provided, that this amount shall be paid no later than 10 days prior to the date on which the City or City’s authorized employees, agents, or contractors commence installation or construction of the Improvements on the Subject Property (the “Commencement Date”).
- 1.2 Pay to NB Property Partners a sum of \$20,000 in exchange for a Temporary Construction Easement on the south side of the Subject Property between the building and the public right-of-way, which Easement is attached hereto as **Agreement Exhibit A** and incorporated by this reference; provided, that this amount shall also be paid no later than 10 days prior to the Commencement Date.
- 1.3 During the Project design phase in 2016, consult with NB Property Partners regarding landscaping and sidewalk(s) in the private and public property frontage between the building and the public right-of-way; provided, that final design and specifications will be at the sole discretion of the City.
- 1.4 Provide parking lot channelization and thin pavement overlay in the north side parking lot including proper storm drainage collection and conveyance to the City stormwater system.
- 1.5 Upon completion of the Improvements, provide signage, as depicted on **Agreement Exhibit B** attached hereto and incorporated herein by this reference, on the two southernmost shoulder parking stalls on Downing Avenue for use of the west two commercial tenants of the Subject Property.
- 1.6 At the option of NB Property Partners, install asphalt paving and striping at existing north parking lot of Subject Property and/or construct a one-way ingress and curb cut into the north side of the Subject Property, each as depicted and described in **Agreement Exhibit C**; provided, that NB Property

Partners must declare its desire to exercise this option no later than October 1, 2016, upon which a separate and subsequent temporary construction easement shall be prepared, executed and recorded no later than December 31, 2016.

2. Property Partners' Obligations. NB Property Partners shall:

- 2.1 Grant the City a Temporary Construction Easement on the south side of the Subject Property between the building and the public right-of-way, which Easement shall be executed and recorded substantially in the form attached hereto as Exhibit A and recorded with the King County Recorder's Office prior to _____, 2016.

3. General Provisions.

- 3.1 Modification. No modification of this Agreement is valid unless evidenced in writing and signed by both Parties.
- 3.2 Assignment. Neither Party to this Agreement shall transfer or assign any right or obligation hereunder without the prior written consent of the other Party.
- 3.3 Indemnification. Each of the Parties to this Agreement shall protect, defend, indemnify, and hold harmless the other Party, its officers, officials, employees, and agents, while acting within the scope of their employment as such, from any and all costs, claims, judgment, and/or awards of damages, arising out of, or in any way resulting from, the other Party's negligent acts or omissions. No Party shall be required to indemnify, defend, or hold harmless the other Party if the claim, suit, or action for injuries, death, or damages is caused by the sole negligence of the other Party. Where such claims, suits, or actions result from the concurrent negligence of the Parties, the indemnity provisions provided herein shall be valid and enforceable only to the extent of each Party's own negligence. Each of the Parties agrees that its obligations under this Section extend to any claim, demand, and/or cause of action brought by, or on behalf of, any of its employees or agents. For this purpose, each of the Parties, by mutual negotiation, hereby waives, with respect to the other Party only, any immunity that would otherwise be available against such claims under the Industrial Insurance provisions of Title 51 RCW. This indemnification shall survive the termination of this Agreement.
- 3.4 Notices. Any written notice required or permitted to be given herein shall be made by registered or certified U.S. mail, return receipt requested, or by delivery in person to the Party which is the intended recipient of the notice, at

the following addresses or to such other respective addresses as either Party hereto may from time to time designate in writing:

To the City of North Bend: Londi Lindell, City Administrator
City of North Bend
P.O. Box 896
211 Main Avenue North
North Bend, Washington 98045

To NB Property Partners, LLC: Attn: Mike Simons
12001 SE 73rd Pl.
Newcastle, WA 98056

3.5 Integration. This Agreement constitutes the entire agreement and understanding between the Parties and supersedes any and all prior agreements and understandings, oral or written, relating to the subject matter hereof.

3.6 Applicable Law; Venue; Attorney’s Fees. This Agreement shall be governed by and construed in accordance with the laws of the State of Washington. In the event any suit, arbitration or other proceeding is instituted to enforce any term of this Agreement, the Parties specifically understand and agree that venue shall be properly laid in King County, Washington. The prevailing party in any such action shall be entitled to its attorney’s fees, expert witness fees, and other costs of suit.

IN WITNESS WHEREOF, the Parties hereto have executed this Agreement, effective as of the date first indicated above.

CITY OF NORTH BEND

NB PROPERTY PARTNERS, LLC

By: _____
Kenneth G. Hearing, Mayor

By: _____
Michael Simons, Owner

Date: _____

Date: _____

STATE OF WASHINGTON)
) ss.
COUNTY OF KING)

On this ____ day of _____, 2016, did personally appear before me, the undersigned Notary Public in and for the State of Washington, Kenneth G. Hearing, who is known to me to be or has produced satisfactory evidence that he is the person that executed the foregoing instrument and who stated on oath that he is authorized to execute said instrument and acknowledged it as the Mayor of the City of North Bend to be the free and voluntary act of such party for the uses and purposes stated therein.

GIVEN under my hand and official seal this ____ day of _____, 2016.

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

STATE OF WASHINGTON)
) ss.
COUNTY OF KING)

On this ____ day of _____, 2016, did personally appear before me, the undersigned Notary Public in and for the State of Washington, Michael Simons, who is known to me to be or has produced satisfactory evidence that he is the person that executed the foregoing instrument and who stated on oath that he is authorized to execute said instrument and acknowledged it as the _____ of NB Property Partners, LLC to be the free and voluntary act of such party for the uses and purposes stated therein.

GIVEN under my hand and official seal this ____ day of _____, 2016.

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

AGREEMENT EXHIBIT A:

Temporary Construction Easement

[ATTACH COPY OF SIGNED TCE]

City of North Bend; Attn.:
Mark Rigos, P.E., Public Works Director
P.O. Box 896
North Bend, WA 98045

CR# _____ Date _____ Loc. _____

Document Title: TEMPORARY CONSTRUCTION EASEMENT

Grantor: NB Property Partners, LLC

Grantee: City of North Bend

Site Legal Description:

TAYLORS SNOQUALMIE PRAIRIE AC TRS PORTION OF TRACT 17 – BEGIN SE CORNER OF NE 1/4 OF SECTION 09-23-08 TH N 00-45-00 W 16 FT TH N 89-47-25 W 184.28 FT TAP ON NELY MGN OF NORTH BEND WAY STATE HWY NO 2 & A POINT ON ARC OF CURVE CENTER BEARING N 37-11-00 E TH NWLY ALONG SAID NELY MGN ALONG ARC OF CURVE TO RIGHT RADIUS OF 2825 FT THRU C/A OF 03-55-23 193.43 FT TH N 48-53-37 W 97.37 FT TO POB TH N 48-53-37 W 105 FT TH N 34-30-00 E 115.99 FT TH S 55-30-00 E 65 FT TH N 34-30-00 E 23 FT TH S 55-30-00 E 58.18 FT TH S 41-37-16 W 152.24 FT TO POB - AKA PARCEL 2 (REVISED) CITY OF NORTH BEND LOT LINE ADJUSTMENT NO 9505801-10 RECORDING NO 9502029001

Impacted Legal Description: See **Exhibit A** (“Easement Area”)

Assessor’s No.: 857090-0244

Grantor, NB PROPERTY PARTNERS, LLC, a Washington limited liability company (“Property Partners”), for valuable consideration, hereby grants to Grantee, CITY OF NORTH BEND, a Washington municipal corporation (“City”), or its agents, the right, permit, license, an easement to use and occupy the lands described on **Exhibit A** (the “Easement Area”), which

Easement Area is part of a larger parcel owned by Grantor (the "Grantor Property"), for the purpose of improving the Easement Area and adjacent right-of-way in connection with the City of North Bend Park Street Roundabout project, which shall include, but not be limited to, removing six parking stalls on the south side of the Easement Area and replacing said stalls with four new parking stalls on the southeast quadrant of the Easement Area, which will include City approved landscaping, sidewalk(s), and paved access to each of the four existing storefronts, (the "Improvements"), as depicted on **Exhibit B** ("Easement Exhibit Map"), which is incorporated by this reference. This Agreement shall commence on the date on which the City or City's authorized employees, agents, or contractors commence installation or construction of the Improvements (the "Commencement Date"). The Agreement shall expire three (3) months after the Commencement Date. Grantee shall provide the Grantor written notice fifteen (15) days prior to the Commencement Date.

Said temporary construction easement contains a total area of approximately 9,000 square feet, more or less.

All work in the Easement Area shall be performed in a good workmanlike manner in accordance with standard construction practices for public streets and related public improvements in the North Bend, Washington area. In the event of any damage or destruction to any portion of the Grantor Property resulting from any construction in the Easement Area, City shall immediately restore, repair or rebuild the damaged or destroyed portion of such property with all due diligence as nearly as possible to at least as good a condition as it was immediately prior to such damage or destruction. It is understood and agreed that upon completion of construction of said project, the City or its agents shall restore said lands to their original grade, condition, and utility, including the replacement of any improvements now located thereon, except as otherwise indicated above regarding the reduction and relocation of the parking stalls. City shall keep the Grantor Property free and clear of all liens, charges and other monetary encumbrances arising out of any work within the Easement Area.

City shall indemnify, defend and save NB Property Partners harmless from and against any and all demands, liabilities, damages, expenses, causes of action, suits, claims and judgments, including reasonable attorneys' fees, arising from injury or death to person or damage to property that occurs as a result of City performing Easement Area work.

Dated this _____ day of _____, 2016.

GRANTOR: NB Property Partners, LLC, a Washington limited liability company

By: _____
Michael Simons, Owner

EXHIBIT A:

Legal Description of Easement Area

(See attached)

EXHIBIT B:

Exhibit Map

(See attached)

Exhibit "A"
Mountain View Parcel North Bend

A temporary construction easement for the parcel below within the parking and planter areas minus the existing building area.

That portion of Tract 17, W. H. Taylor's Plat of Snoqualmie Prairie Acre Tracts, according to the plat thereof recorded in volume 6 of Plat's, page(s) 32, in King County Washington, described as follows:

Beginning at the Southeast corner of the Northeast quarter of Section 9, Township 23 north, Range 8 east, W.M., King County, Washington;

Thence north 00° 45'00" west along the east line thereof, a distance of 16.00 feet;

Thence north 89° 47'25" west parallel with the south line of said subdivision, a distance of 184.28 feet to a point on the northeasterly margin of North Bend Way (State Highway Number 2), and a point of the arc of a curve, the center of which bears north 37° 11'00" east;

Thence northwesterly along said northeasterly margin, along the arc of a curve to the right, said curve having a radius of 2,825.00 feet, through a central angle of 03° 55'23" a distance of 193.43 feet;

Thence north 48° 53'37" west continuing along said northeasterly margin, a distance of 97.37 feet to the TRUE POINT OF BEGINNING of the herein described tract;

Thence north 48° 53'37" west continuing along said northeasterly margin, a distance of 105.00 feet;

Thence north 34° 30'00" east a distance of 115.99 feet;

Thence south 55° 30'00" east a distance of 65.00 feet;

Thence north 34° 30'00" east a distance of 23.00 feet;

Thence south 55° 30'00" east a distance of 58.18 feet;

Thence south 41° 37'16" west a distance of 152.24 feet to the TRUE POINT OF BEGINNING;

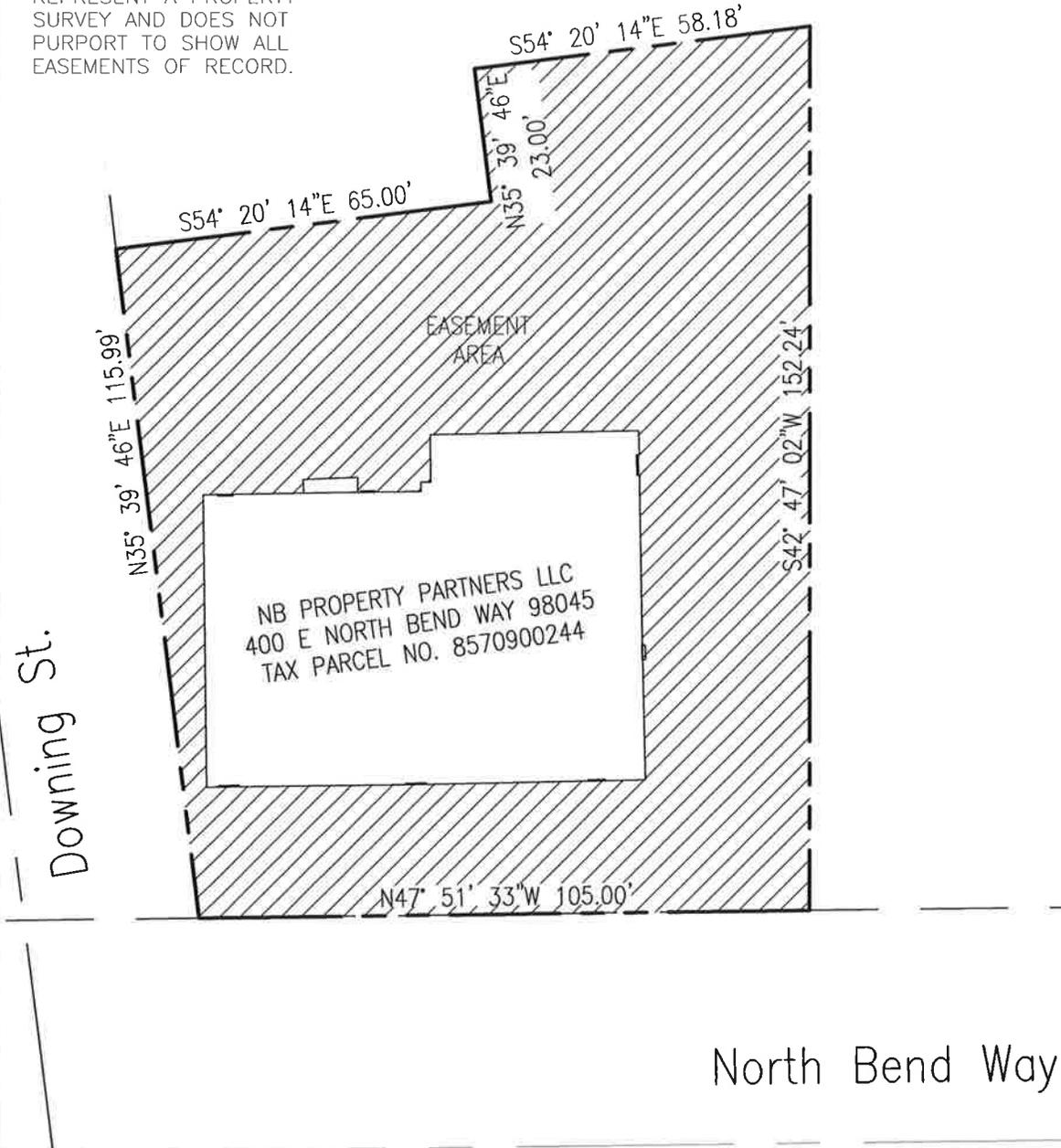
(ALSO KNOWN AS Parcel 2, City of North Bend Lot Line Adjustment Number (9505801-10 recorded under King County Recording Number 9502029001).

EXHIBIT B

THE BEARINGS SHOWN
HEREON ARE BASED ON
WASHINGTON STATE PLANE
VALUES AND DIFFER FROM
THE LOT DESCRIPTION.



THIS MAP DOES NOT
REPRESENT A PROPERTY
SURVEY AND DOES NOT
PURPORT TO SHOW ALL
EASEMENTS OF RECORD.



728 134th Street SW · Suite 200
Everett, Washington 98204
Ph: 425 741-3800

SCALE: 1" = 30' DATE: 03/24/16

I:\25\2014\021\SURVEY\Mountain View-5421.DWG

AGREEMENT EXHIBIT B:

Parking Signage (Sample)

**South Sign along east side of Downing Avenue North will be posted:
PARKING RESERVED FOR 400 MV BUILDING (7AM – 5PM)**

**North Sign along east side of Downing Avenue North will be posted:
PARKING RESERVED FOR 410 MV BUILDING (9AM – 5PM)**

