



## Planning Commission Meeting

### July 1, 2026 – Agenda

City Hall, 920 SE Cedar Falls Way, North Bend, Washington

#### Call to Order and Roll Call

#### Opportunity for Public Comment on Non-Agenda Items

**Public Hearing: Unit Lot Subdivision Regulations and Lot Splitting Regulations** Amendments are proposed to multiple sections of North Bend Municipal Code

- 1) Staff Report for Unit Lot Subdivisions and Lot Splitting Regulations
- 2) NBMC 17.18 Unit Lot Subdivisions
- 3) NBMC 17.22 Lot Splitting Draft Regulations
- 4) NBMC 17.04 Definitions
- 5) NBMC 14.05.220 Critical Area Tracts
- 6) NBMC 20.01.004 Development Permit and Approvals
- 7) Public Comments

#### Planning Commission Recommendation: Unit Lot Subdivisions

#### Planning Commission Recommendation: Lot Splitting Regulations

#### Adjournment

**\*Please Note:** Members of the public may choose to attend the meeting in person or by teleconference. Members of the public attending the meeting in-person will have an opportunity to provide public comment and if attending the meeting by teleconference may submit written comments via in-person drop off, mail, fax, or e-mail to [planning@northbendwa.gov](mailto:planning@northbendwa.gov). All written comments must be received by 4 p.m. on the day of the scheduled meeting and may not exceed 350 words. If an individual requires accommodation to allow for remote oral comment because of a difficulty attending a meeting of the governing body, the City requests notice of the need for accommodation by 3:30 p.m. on the day of the scheduled meeting. Participants can request accommodation to be able to provide a remote oral comment by contacting the City by phone (425) 888-5633 or by email: [planning@northbendwa.gov](mailto:planning@northbendwa.gov). No other remote public comment will be permitted.

Those wishing to access the meeting by teleconference will be required to display your full name to be admitted to the online meeting.



Microsoft Teams Meeting Information:

<https://teams.microsoft.com/>

Meeting ID: 254 741 928 126 74

Password: QH6Vy7yy

Call In Phone Number: 1-323-484-5815,,331447958#

Phone Conference ID: 331 447 958#

## Community and Economic Development Department Staff Report



**Proposal:** Amendments to Title 17 and Title 20 for new sections NBMC 17.18 Unit Lot Subdivisions and NBMC 17.22 Residential Lot Splits, and amendments to NBMC 17.04 Definitions, NBMC 14.05.220 Critical Area Tracts, and NBMC 20.01.004 Types of Development Permits and Approvals.

**Date:** For July 1, 2026 Planning Commission Public Hearing

**Proponent:** City of North Bend

### **Staff Recommendation:**

A motion to approve of the proposed new sections NBMC 17.18 Unit Lot Subdivisions and NBMC 17.22 Residential Lot Splits, and associated amendments to NBMC 17.04 Definitions, NBMC 14.05.220 Critical Area Tracts, and NBMC 20.01.004 Types of Development Permits and Approvals.

## **A. PROPOSED AMENDMENTS:**

Amendments are proposed to the City of North Bend Title 17 for the addition of the Unit Lot subdivision process in NBMC 17.18 and Residential Lot Splitting process in NBMC 17.22, and associated amendments to NBMC 17.04 Definitions, NBMC 14.05.220 Critical Area Tracts, and NBMC 20.01.004 Development Permits and Approvals. The amendments are intended to provide additional streamlined permitting options for the development of new residential units and amend definitions to align with state law. Associated amendments are made to NBMC 14.05.220 and 20.01.004 to clarify the applicability of critical area tracts and land use procedures associated with the two new application types.

### **Unit Lot Subdivisions:**

A new North Bend Municipal Code Chapter 17.18 is proposed establishing Unit Lot Subdivision regulations. The proposed code amendments are in response to recent legislative amendments to RCW 58.17.060 passed by the legislature through Senate Bill 5559, which requires local governments to provide a Unit Lot Subdivision permit process. Unit Lot Subdivisions create lots much like a typical short plat or subdivision, but allow greater flexibility in the application of bulk and dimensional standards, which include setbacks, lot coverage, and minimum lot sizes. Under a Unit Lot Subdivision, the development as a whole on the “parent lot” must meet the applicable bulk and dimensional standards of the underlying zone, but individual unit-lots created within the parent lot are not subject to those standards, except as necessary for compliance of the parent lot. Further information on unit lot subdivisions and typical scenarios for which they may be used can be found within the Department of Commerce’s [Fact Sheet on Unit Lot Subdivisions](#).

The City's draft Unit Lot Subdivision regulations establish that Unit Lot Subdivisions for 9 or fewer lots are processed as a Short Plat, and Unit Lot Subdivisions for greater than 9 lots are processed as a subdivision. Questions have been posed to the Planning Commission as notes within the draft amendments and below as to whether the Planning Commission recommends allowing Unit Lot Subdivisions for single-family homes (as a form of clustering), as well as whether they should be allowed for use when involving more than 9 lots (subject to the subdivision process).

#### Lot Splitting:

A new North Bend Municipal Code Chapter 17.22 is proposed establishing Lot Splitting regulations. The proposed code amendments are in response to recent legislative amendments to RCW 58.17.145 passed by the legislature through House Bill 1096, which requires local governments to provide a Residential Lot Splitting permit process. A Residential Lot Split provides a streamlined administrative process to divide a single residential lot into two lots (the parent lot and one newly-created lot). Further information on lot splitting and typical scenarios for which it may be used can be found within the Department of Commerce's [Fact Sheet on Lot Splitting](#).

Associated amendments to NBMC 17.04 *Definitions* are provided to add new definitions in alignment with adopted definitions in RCW 58.17.020 and 58.17.145 for each new permit process. Additional amendments were made clarifying where the definition for adopted terms are located. Because staff are proposing to repeal and replace Chapter 17.04 Definitions in its entirety (to better address formatting, which would otherwise become overly complicated), new definitions added for conformance to state law pertaining to the Lot Splitting and Unit Lot Subdivision regulations are shown in **yellow highlight** within this section of the packet.

Additionally, minor associated amendments are proposed to NBMC 20.01.004 *Types of Development Permits and Approvals* describing the associated procedure for the unit lot subdivision and residential lot split permit process, and minor associated amendments are proposed to NBMC 14.05.220 adding Lot Splits and Unit Lot Subdivisions to the types of developments that require placing critical areas within tracts.

The proposed municipal code amendments are provided within the attached Exhibits A-E.

## B. FINDING AND ANALYSIS:

**1. Public Hearing:** A public hearing is scheduled the July 1, 2026 Planning Commission Meeting.

**2. Municipal Code Amendment Process:** Municipal code amendments are governed by NBMC 20.08.070 through 20.08.110, evaluated below.

**a. Impacts of Proposed Amendment**

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

- i. **Adjacency Impacts.** The proposed amendments are not specific to any particular properties. Impacts will come from development projects which will be evaluated at the time of application.
  - ii. **Efficiency Impacts.** The proposed amendments may create efficiencies for the applicant on the design of the project site through the unit lot subdivision process by applying development standards to the overall site rather than individual unit lots and simplifies the review process for city staff. The amendments additionally create efficiency in the review timeline for smaller projects suitable for the residential lot splitting process because the subject process does not require a preliminary and final review process and is a consolidated singular review process, reducing the overall permitting timeline.
  - iii. **Fiscal and Economic Impacts.** The amendments have a positive economic impact for the City of North Bend by providing additional processing options for the division of land for the purpose of residential development. These new processes encourage infill development providing for a greater efficiency of land and support the development of new housing units. This is important for increasing the North Bend housing stock and providing new opportunities for homeownership. New residents would also be added to the city's tax base, supporting local businesses.
  - iv. **Environmental Impacts.** No environmental impacts are anticipated from revising the land use performance standards concerning Unit Lot Subdivisions and Residential Lot Spitting processes. Regulations protecting critical areas, managing storm water runoff (including maximum impervious surface limits per property based on zoning), and controlling floodplain impacts are governed by the Critical Area Regulations in NBMC Title 14, and apply regardless of development that occurs on a site. Such review will occur upon submittal of an application for development.
  - v. **Equity Impacts.** No significant equity impacts are anticipated from the proposed amendments. The residential lot splitting process will provide cost and time savings to applicants who may be economically disadvantaged and may create opportunities to sell unutilized property in a more cost-effective mechanism than a subdivision.
  - vi. **Cultural Impacts.** No significant cultural impacts are anticipated from the proposed amendments. Regulations addressing Unit Lot Subdivisions and Residential Lot Splitting provides a new mechanism for dividing residential land and increasing the housing stock in North Bend, increasing housing options that can become available to the community.
- b. **Alternatives to Proposed Amendment.** There are no alternatives available for the proposed amendment as the minimum amendments necessary to meet the state's requirements associated with SB5559 and HB1096.

### 3. Compatibility of Proposed Amendment with North Bend Comprehensive Plan

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

The North Bend Comprehensive Plan Housing Element calls for a mix of housing types and densities to help meet housing demands for the region. The Housing Element also calls for encouraging residential infill and the streamlining of residential permitting processes.

The proposed amendments are consistent with the following Comprehensive Plan Goals and Policies:

Housing Goal 1: Encourage a variety of housing types and densities compatibly located to meet the demands of a diverse population.

Housing Policy 1.1: Encourage the development of single-family residential infill that would blend with surrounding homes and be more affordable and be compatible with existing neighborhoods within the city limits.

Housing Policy 1.2: Encourage the provision of a diversity of housing types and sizes to meet the needs of a wide range of economic levels, age groups and household make-up.

Housing Policy 1.3: Encourage a mix of housing types, models and densities, including but not limited to income levels outlined in the countywide policy.

Housing Policy 1.10: Work with other governmental agencies to develop methods that can streamline the residential permit review process to reduce the impact on affordable housing development.

Housing Policy 4.9: Support and allow the development of a variety of housing types that increase the availability of housing affordable to all economic segments of the city's population.

Housing Policy 4.1: Allow for flexibility in housing development in order to meet population forecasts.

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

In accordance with NBMC 20.08.070 and .080, application for municipal code amendments must be evaluated for compliance with the North Bend Municipal Code. The amendments bring North Bend's municipal code regarding land division permit processes up to state standards.

#### **5. Consistency with NBMC 20.08.100**

Pursuant to NBMC 20.08.100, the City Council shall consider the proposed amendment against the criteria in NBMC 20.08.100 (B). A staff analysis is provided in italics under each criterion below.

1. Is the issue already adequately addressed in the Comprehensive Plan?

*The amendments are to the North Bend Municipal Code and not the Comprehensive Plan. See further description on compatibility of the proposed amendments to the Comprehensive Plan above.*

2. If the issue is not addressed in the Comprehensive Plan, is there a need for the proposed change?

*Yes. As described further under section A, the amendments are provided to allow for streamlined*

*permitting options for land division resulting in the development of new residential units and are also needed to meet state requirements for land division.*

3. Is the proposed change the best means for meeting the identified public need?  
*Yes. The draft amendments are the best means to meet the requirements for additional land division permit processes imposed by the state.*
4. Will the proposed change result in a net benefit to the community?  
*Yes. The proposed regulations will result in a net benefit to the community by allowing for alternative opportunities to divide land for the purposes of providing for new housing units and increasing North Bend's housing stock for detached, attached, middle housing, and accessory dwelling units.*

## **C. QUESTIONS FOR CONSIDERATION BY THE PLANNING COMMISSION CONCERNING THE DRAFT REGULATIONS**

### **1. Does the Planning Commission recommend allowing Unit Lot Subdivisions for more than 9 units?**

The state legislation allows Unit Lot Subdivisions for more than 9 units through the Subdivision Regulations, which the city's draft regulations propose. (Up to 9 are addressed through the Short Plat regulations, and more than 9 through the subdivision regulations in NBMC 17.16. Staff recommend at a minimum allowing it for subdivisions for medium density residential subdivisions (including townhomes, cottages, duplexes/triplexes, etc.). Many developments for medium density residential typologies are more than 9 units, and this expands opportunity for dividing land through this process, enabling more ownership opportunities.

### **2. Does the Planning Commission recommend allowing Unit Lot Subdivisions for new single-family homes?**

The state legislation requiring that jurisdictions allow division of land through Unit Lot Subdivisions do not specify the specific types of residential development that may utilize this type of land division, other than that the process cannot be used for units stacked atop other residences. Unit Lot Subdivisions are ideal for middle housing types such as cottages, duplexes, triplexes, and fourplexes, and townhomes where units are often developed together beside or surrounding shared common space. This same principal could also be applied to single-family homes, with advantages and possible negative consequences described below. The draft regulations as presented propose to allow the use of Unit Lot Subdivisions for single family homes.

#### **a. Advantages – Greater Flexibility:**

- i. Retirement arrangements. Unit Lot Subdivisions for single-family homes can facilitate arrangements such as Strata/Retirement subdivisions, where shared ownership of common land is desired for facilitating collective maintenance.
- ii. Meeting density allowance with critical areas. Unit Lot Subdivisions could be used to achieve the allowed density per the underlying zone by clustering units on smaller lots in areas of the development not occupied by critical areas. Currently, the minimum lot size required by the zone may limit the unit count

achievable to less than what would be allowed without the presence of critical areas.

- iii. Greater open space preservation. Under the same principal described in ii above, the allowance to cluster units with smaller lots on a portion of a property may encourage developers to preserve additional open space areas outside of critical areas and their buffers that could otherwise be developed. This may be particularly useful for retaining groves of mature trees or forested areas, providing larger greenbelt or general open space areas than what might otherwise be developed under conventional bulk and dimensional standards.
- b. Possible negative consequence: Feel of conventional single-family neighborhood may be diminished in the areas of clustering. With clustered units on smaller lots to preserve open space or critical areas, the density within the clustered areas is greater, even though the overall density may not exceed that allowed for the underlying zone. Some may feel that this diminishes the traditional neighborhood feel of homes on conventional lots with standard setbacks as would otherwise be required. To mitigate this issue, the draft regulations proposes limiting clusters to no more than 9 units per cluster, which must be separated from other clusters by open space.

## D. SUMMARY FINDINGS

- 1) Pursuant to RCW 36.70A.106, the draft regulations were forwarded to Commerce - Growth Management Services on May 27, 2026.
- 2) The Planning Commission considered the proposed draft amendments at their June 3rd, 2026 Planning Commission meetings and held a public hearing. At that meeting, Commissioners requested more information to support considering whether to allow Unit Lot Subdivisions for single-family homes, and whether to allow Unit Lot Subdivisions when used for developments proposed to contain more than 9 unit lots (through the subdivision process). Questions have been added as notes within the draft amendments to facilitate this consideration.
- 3) Written comment was received from the Snoqualmie Tribe, included in Exhibit F, which staff addressed by including provisions in the critical areas regulations concerning Unit Lot Subdivisions and Lot Splits noting that these reviews require placing critical areas within tracts.
- 4) On July 1, 2026 the Planning Commission held a public hearing on the draft regulations. Comment included (.....to be completed following meeting.)
- 5) A State Environmental Policy Act Determination of Non-significance on the proposed amendments was issued on June 12, 2026 and noticed appropriately.
- 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 newly proposed sections to Title 17 will result in a benefit to the community by enabling the development of infill development and alternative land division permitting pathways consistent with state law, which can help to increase the supply of housing and will make for the efficient use of residential lands.

## E. RECOMMENDATION

### **Staff Recommendation**

The proposal is consistent with the development regulation amendment procedures in NBMC 20.08 and is supported by policies within the Comprehensive Plan. Staff recommends approval of the new sections NBMC 17.18 *Unit Lot Subdivisions* and NBMC 17.22 *Residential Lot Splits*, and associated amendments to NBMC 17.04 *Definitions* and NBMC 20.01.004, *Types of Development Permits and Approvals*.

### **Planning Commission Recommendation**

(...TO BE CONSIDERED FOLLOWING JULY 1 PUBLIC HEARING...)

Based on the findings above and after consideration of the public comment received at the public hearing, the North Bend Planning Commission recommends **approval** of the proposed new sections NBMC 17.18 *Unit Lot Subdivisions* and NBMC 17.22 *Residential Lot Splits*, and associated amendments to NBMC 17.04 *Definitions* and NBMC 20.01.004 *Types of Development Permits and Approvals*.

### **Exhibits:**

- Exhibit A: NEW Section NBMC 17.18 *Unit Lot Subdivisions*
- Exhibit B: NEW Section NBMC 17.22 *Residential Lot Splitting*
- Exhibit C: Amended Section NBMC 17.04 *Definitions*
- Exhibit D: Amended Section NBMC 14.05.220 *Critical Areas Tract*
- Exhibit E: Amended Section NBMC 20.01.004 *Types of Development and Approvals*
- Exhibit F: Written comment received

**Chapter 17.18  
UNIT LOT SUBDIVISIONS**

Sections:

17.18.010	Title
17.18.020	Purpose
17.18.030	Applicability
17.18.040	Application and processing procedures
17.18.050	General regulations
17.18.060	Recording
17.18.070	Revision and Expiration
17.18.080	Appeals

**17.18.010 Title**

This chapter shall be known as the Unit Lot Subdivision Ordinance and may be cited as such.

**17.18.020 Purpose.**

A unit lot subdivision may be sought in conjunction with a specific residential development proposal or segregation of an ADU and allows for division of a parent lot into separately owned unit lots pursuant to RCW 58.17.060(3), as an alternative to condominium ownership permitted pursuant to chapter 64.90 RCW. Unit lot subdivisions allow for more flexible creation of lots of varying sizes and mixtures of housing types, including but not limited to attached and detached units, and accessory dwelling units, provided that no dwelling units are stacked on another dwelling unit or another use. Development on individual unit lots is not required to conform with all development standards that typically apply to individual lots, as long as development on the parent lot conforms with all applicable development standards, as further described in this chapter.

**17.18.030 Applicability.**

Every unit lot subdivision shall comply with the provisions of this chapter.

A. A unit lot subdivision creates a relationship between the parent lot and each unit lot created, allowing for individual ownership of each individual unit lot, and associated improvements, while only applying site specific development standards to the parent lot as a whole.

B. A unit lot subdivision may be sought in conjunction with any development that results in two or more dwelling units meeting the standards of this chapter in which no dwelling units are stacked on another dwelling unit or another use.

C. A unit lot subdivision may also be used to subdivide an accessory dwelling unit(s) from the principal structure.

D. A unit lot subdivision may be combined with a subdivision or short subdivision so long as the portion of the development utilizing this chapter meets the requirements of this chapter.

E. A unit lot subdivision may be used to cluster single-family residential and cottage lots subject to conformance with the unit lot subdivision regulations within this chapter.

**17.18.040 Application and processing procedures.**

Unit lot subdivisions resulting in nine or fewer unit lots shall be processed as short subdivisions, and all others shall be processed as subdivisions, subject to all provisions of Chapter 17.12 NBMC and Chapter 17.16 NBMC.

#### 17.18.050 General regulations.

A. Development Standards: Development as a whole on the parent lot, rather than individual unit lots, shall comply with the bulk and dimensional standards in NBMC 18.10.040, and land use performance standards in NBMC 18.10.050, as applicable to the underlying zone, except that no reductions shall be allowed to building setbacks or separation requirements required for building code and fire code conformance.

B. A unit lot subdivision cannot be used to permit land uses or densities that are not otherwise allowed in the zone in which the unit lot subdivision is proposed.

C. When utilized for new single-family homes (not including accessory dwelling units) within the Low-Density Residential Zone or Constrained Low-Density Residential Zone, the following additional provisions apply to unit lot subdivisions:

1. The rear lot line setback established in NBMC 18.10.030 shall be applied wherever the rear of a housing structure faces an exterior property line of the parent lot.

2. Where utilized to cluster single-family homes on smaller areas of a site for the sake of preserving common open space or critical areas, clusters of unit lots within a subdivision (more than 9 units) shall not exceed a total of 9 units, and shall be separated from other clusters of unit lots by shared common open space.

D. Parking. Within the parent lot, parking required for a dwelling unit may be provided on a different unit lot than the unit lot with the dwelling unit for which the parking serves, as long as the right to use the parking is included in notes on the face of the plat or formalized by an easement recorded with the King County Recorder.

E. Portions of the parent lot not subdivided for individual unit lots shall be owned in common by the owners of the individual unit lots, or by a homeowners' association comprised of the owners of the individual unit lots.

F. Additional design and development of the individual unit lots is subject to the application of development standards to the parent lot and may accordingly be limited. Subsequent platting actions and additions or modifications to structure(s) may not create or increase any nonconformity of the parent lot.

#### 17.18.060 Recording.

A. The title of the plat shall include the phrase "Unit Lot Subdivision."

B. Notes shall be placed on the face of the plat or short plat as recorded with the County Recorder to state the following:

1. Approval of the design and layout of the development on each unit lot was granted by the review of the development, as a whole, on the parent lot.

2. Subsequent subdivision, additions, or modifications to unit lots or unit lot structure(s) may not create or increase any nonconformity of the parent lot, as a whole.

3. Additional development or redevelopment of the individual unit lots may be limited as a result of the application of development standards to the parent lot.

C. Access easements, joint use and maintenance agreements, and covenants, conditions and restrictions (CC&Rs) identifying the rights and responsibilities of property owners and/or the homeowners' association shall be executed for use and maintenance of common facilities and features and shall be recorded with the County Recorder. Common facilities and features include, but are not limited to, common garage, parking, and vehicle access areas; bike parking;

**Commented [MM1]:** Planning Commission - Note the draft regulations allow for unit lot subdivisions for both subdivisions (creating more than 9 lots), and for use with single family homes. Related questions:

1. Consider whether you recommend allowing unit lot subdivisions for use with more than 9 lots. This is optional under the state regulations. Staff recommend at a minimum allowing it for subdivisions for medium density residential subdivisions (including townhomes, cottages, duplexes/triplexes, etc.)

2. Consider whether you recommend allowing unit lot subdivisions for new single-family homes (in the LDR zone and CLDR Zone). Currently the draft proposes to allow this, which would essentially allow clustering of lots smaller than what the underlying zone would typically allow, to preserve open space or accommodate critical area buffers, while not exceeding the overall density allowance of the underlying zone (4 units/acre for LDR, 2 units/acre for CLDR). This allows more flexibility for developers, and better open space preservation, but could result in higher-density cluster areas that may not be seen as supporting traditional single-family neighborhood feel. See related comment below.

**Commented [MM2]:** This provision is intended to prevent Unit Lot Subdivisions from clustering all of the development capacity onto one area of the site, which might therefore be considered inconsistent with the overall idea and intent of the single-family zone to promote lower-density, more spread-out single-family neighborhoods.

solid waste collection areas; underground utilities; common open space; shared interior walls; exterior building facades and roofs; and other similar features.

D. All other recording provisions shall be as established for final plats and final short plats as provided in NBMC 17.16.

**17.18.070 Revision and expiration**

- A. Revisions to unit lot subdivisions that have received preliminary approval but have not yet been recorded shall be subject to the revision process for preliminary short subdivisions and preliminary subdivisions pursuant to 17.12, as applicable based on the number of lots.
- B. Expiration. Preliminary approval of a unit lot subdivision shall expire five years from the date of the notice of decision if the unit lot subdivision has not been recorded.
- C. Alterations. Alterations to recorded unit lot subdivisions must follow the alteration process for short subdivisions or for subdivisions pursuant to 17.16, as applicable based on the number of lots.

**17.18.080 Appeals**

Any decision of the director may be appealed following the procedures set forth in the NBMC, including but not limited to Chapters 20.01 and 20.06 NBMC.

## **Chapter 17.22 RESIDENTIAL LOT SPLITTING**

Sections:

17.22.010	Title
17.22.020	Purpose
17.22.030	Definitions
17.22.040	Applicability
17.22.050	Application requirements
17.22.060	General regulations
17.22.070	Procedures of lot splitting
17.22.080	Criteria for approval
17.22.090	Engineering requirements
17.22.100	Recording
17.22.110	Appeals

### **NBMC 17.22.010 – Title**

This chapter shall be known as the Lot Splitting Ordinance and may be cited as such.

### **NBMC 17.22.020 – Purpose**

A residential lot split allows for a parent lot within a residential zone to be split to produce a newly created lot through an administrative procedure. The parent lot and newly created lot are designed in conformance with all development standards described in [NBMC Title 18](#). The purpose of this chapter is to allow an existing residential lot to be split to create a new residential lot in accordance with [RCW 58.17.145](#) as an alternative to a short subdivision permitted pursuant to [RCW 58.17.060](#). Residential lot splitting allows a streamlined process for the creation of new detached or attached housing, middle housing, and accessory dwelling units.

### **NBMC 17.22.030 – Definitions**

The following definitions are specific to Chapter 17.22 NBMC:

- A. “Lot split survey” means the final survey prepared for filing for record with the county auditor and containing all elements and requirements for a lot split.
- B. “Newly created lot” means a lot that was created by a lot split.
- C. “Parent lot” means a lot that is subject to a lot split.

### **17.22.040 – Applicability**

Every residential lot splitting application shall comply with the provisions of this chapter.

- A. This chapter applies to the division of a residentially zoned parent lot to produce a newly created lot from and in addition to the parent lot.
- B. These provisions do not apply to:
  1. Any parent lot that is not buildable under adopted critical areas, shorelines, stormwater, setbacks, impervious surface areas, and building coverage standards. Such parent lots are not eligible for a lot split under this section;

2. The division of land in nonresidential zones or for nonresidential uses;
3. The division of land for right-of-way, road construction, or utility facilities;
4. The division of land for more than one newly created lot; and
5. The division of a nonconforming lot that furthers a nonconformity.

### **17.22.050 – Application Requirements**

A complete residential lot splitting application shall meet the application requirements for preliminary plats, preliminary short plats, and preliminary binding site plans as provided in NBMC 17.08.150, except that specific submittal requirements for stormwater shall only be subject the Stormwater Regulations in Chapter 14.16 NBMC, and submittal requirements for landscaping shall only be subject to the Landscape Regulations in Chapter 18.18 NBMC.

### **17.22.060 – General Regulations**

- A. Any development or use on the newly created lot is subject to all existing state and local laws including those specified in this section. Nothing in this section modifies the requirements for approval of residential building permits in Chapter 19.27 RCW.
- B. Prior to proceeding with any development, the applicant must obtain permits from the city and other agencies as applicable for land use review, environmental review, drainage review, and frontage improvements.
- C. Development on both the parent lot and the newly created lot shall comply with the bulk and dimensional standards in NBMC 18.10.040, and land use performance standards in NBMC 18.10.050, as applicable to the underlying zone.
- D. A lot split survey and legal description shall be prepared by a land surveyor in accordance with Chapter [58.09 RCW](#) and Chapter [332-130 WAC](#), Surveys and recording.

### **NBMC 17.22.070 – Procedures of Lot Splitting**

Residential lot splitting applications are processed as a Type 1 administrative, nonexempt development permit under NBMC 20.01.004 and Table 20.01.004.

### **NBMC 17.22.080 – Criteria for Approval**

The decision on a residential lot split shall be based on the following criteria:

- A. No more than one newly created lot is created through the lot split;
- B. Both the parent lot and the newly created lot meet the bulk and dimensional standards under chapter 18.10 NBMC;
- C. The parent lot was not created through the splitting of a residential lot authorized by this section;
- D. The parent lot is located in a residential zone and not in an exclusively nonresidential zone;

- E. The newly created lot is developed in a manner that would be a conforming use in the underlying zone under NBMC Title 18;
- F. If the lot split would require demolition or alteration of any existing housing that would displace a renter, the applicant must recommend a displacement mitigation strategy that may include, but is not limited to, relocation assistance;
- G. The applicable sewer and water purveyors have issued certificates of availability to serve the newly created lot and dwelling units;
- H. Access and utility rights are granted or conveyed as necessary prior to recording of the lot split survey to provide access for the maximum number of dwelling units that could be developed on the newly created lot, provided such access rights may be reduced consistent with a city's adopted codes, regulations, or design standards as applicable through review of a subsequent application for a building permit, short subdivision, unit lot subdivision, subdivision application, or short subdivision if less than the maximum number of dwelling units are built on the newly created lot;
- I. Environmentally critical areas, as defined in Chapters [14.05](#) through [14.12](#) NBMC, are protected; and
- J. The planning manager or other designee determines that the application follows all applicable development regulations.

#### **NBMC 17.22.090 – Engineering Requirements**

- A. The parent lot and the newly created lot shall be designed in accordance with the City's stormwater regulations in chapter 14.16 NBMC.
- B. The applicant shall be required to submit for a certificate of concurrency in accordance with Chapter [20.12](#) NBMC.
- C. Dedication for right-of-way improvements shall be required for both the parent lot and newly created lot as part of the approval process.
- D. Frontage improvements shall be required with a land use or construction application for new dwelling units on the parent lot and/or the newly created lot. Frontage improvements shall be designed in accordance with the adopted Public Works Standards.
- E. The newly created lot shall be exempt from frontage improvements when the frontage area is less than 20 lineal feet.

#### **NBMC 17.22.100 – Recording**

- A. Within sixty days of a residential lot split approval, the applicant shall record the lot split survey with the King County Recorder's Office and shall provide a copy of the recorded document to city staff.
- B. The lot split survey provided for recording shall include the following notes:
  - 1. Further lot splits are not permitted on either the parent lot or newly created lot;

2. The approval of the residential lot split does not guarantee the provision of utility connection or suitable stormwater design until a final design is provided under an associated construction permit;
  3. The city is immune from any liability, loss, or other damage suffered by another that is related to the city's approval of the lot split, including if the lot split creates a lot that is later determined by be unbuildable;
  4. The permitted number of dwelling units on each lot is not vested at the time of the residential lot split, but is subject to the zoning map and zoning regulations in effect at the time of application for such residential development; and
  5. Frontage improvements for the newly created lot or parent are required upon application of a land use or construction permit.
- C. No permits for construction may be issued until the recording process is completed.

The existing North Bend Municipal Code Chapter 17.04, Definitions, shall be repealed in its entirety and replaced with the following:

## **Chapter 17.04**

### **DEFINITIONS**

#### **A. "A."**

1. "Alteration" means the modification of a previously recorded plat, short plat, binding site plan, or any portion thereof, that results in modifications to conditions of approval, the addition of new lots or more land, or the deletion of existing lots or the removal of plat or lot restrictions or dedications that are shown on the recorded plat.

2. "Applicant" means a property owner, or a public agency or public or private utility that owns a right-of-way or other easement or has been adjudicated the right to such easement pursuant to RCW 8.12.090, or any person or entity designated or named in writing by the property or easement owner to be the applicant, in an application for a development proposal, permit or approval.

#### **B. "B."**

1. "Binding site plan" means a plan drawn to scale processed in accordance with Chapter 17.20 NBMC and Chapter 58.17 RCW.

2. "Building envelope" means the area of a lot that delineates the limits of where a building may be placed on a lot.

3. "Building site" means a parcel, consisting of one or more lots or portions thereof, that is capable of being developed under current federal, state, and local statutes, including zoning and use provisions, dimensional standards, minimum lot area for construction, minimum lot width, shoreline master program provisions, sensitive area provisions, and health and safety provisions.

#### **C. "C."**

1. "Civil engineer" means an individual registered and licensed as a professional civil engineer pursuant to Chapter 18.43 RCW.

2. "Condominium" means real property, portions of which are designated for separate ownership and the remainder of which is designated for common ownership solely by the owners of those portions as defined in Chapters 64.32 and 64.34 RCW. Real property is not a condominium unless the undivided interests in the common elements are vested in the unit owners and unless a declaration, survey map and plans have been recorded pursuant to Chapter 64.32 or 64.34 RCW.

#### **D. "D."**

1. "Dedication" means the deliberate conveyance of land by an owner for any general and public uses, reserving no rights other than those that are compatible with the full exercise and enjoyment of the public uses for which the property has been conveyed. The intention to

dedicate shall be evidenced by the owner by the presentment for filing of a final plat, short plat or binding site plan showing the dedication thereon or quit claim deed. The acceptance by the public shall be evidenced by the approval of such plat, short plat, binding site plan or statutory warranty deed for filing by the county.

2. “Department” means the North Bend Community and Economic Development Department.

3. “Development engineer” means the North Bend public works director, or his or her designee, authorized to oversee the review, conditioning, inspection and acceptance of right-of-way use permits, roads, grading, utilities, and drainages constructed pursuant to permits administered by the department and required pursuant to this title. Either the public works director or his designee shall be a professional civil engineer registered and licensed pursuant to Chapter 18.43 RCW.

4. “Director” means the director of the North Bend Community and Economic Development Department or his or her designee.

E. “E.”

1. “Easement” means a right granted by a property owner to specifically named parties or to the public for the use of certain land for specified purposes, that may include, but are not limited to, road access, pedestrian or bicycle pathways, minerals, utilities, drainage, and open space.

2. “Engineered preliminary drainage plan” means a preliminary plan, consistent with the current edition of the King County Surface Water Design Manual, that shows the locations, types and approximate sizes of the proposed drainage and conveyance facilities, including any required bioswales, wetponds or other water quality facilities.

F. “F.”

1. “Facilities” means unstaffed facilities that are used for the transmission or reception, or both, of wireless communication services, including, but not necessarily limited to, antenna arrays, transmission cables, equipment shelters, and support structures.

2. “Final Plat” – See “Plat, final”

3. “Final Short Plat” – See “Short Plat – Final”

4. “Financial guarantee” means a form of financial security posted to ensure timely and proper completion of improvements, compliance with the North Bend Municipal Code, or to warrant materials, workmanship of improvements and design. Financial guarantees include assignments of funds, cash deposits, surety bonds and other forms of financial security acceptable to the director.

G. “G.”

1. “General site plan” means a site plan approved pursuant to this title that is not based on a recorded final planned unit development, a building permit, an as-built site plan for developed sites or a site development permit issued for the entire site.

H. “H.”

1. “Homeowners’ association” means any combination or grouping of persons or any association, corporation or other entity that represents homeowners residing in a short

subdivision, subdivision or binding site plan. A homeowners' association need not have any official status as a separate legal entity under the laws of the state of Washington.

I. "I."

1. "Improvements" means constructed appurtenances, including but not limited to road and drainage construction, utility installation, recreational features, lot grading prior to a building permit, plat monument signs, and survey monuments.

2. "Innocent purchaser" means an individual who has purchased real property for value and states under oath that he or she had no knowledge at any time prior to or during the sale that the lot had been or is being created in violation of the provisions of this title.

J. "J." Reserved.

K. "K." Reserved.

L. "L."

1. "Land surveyor" means an individual licensed as a land surveyor pursuant to Chapter 18.43 RCW.

2. "Lot" means a physically separate and distinct parcel of property that has been created pursuant to the provisions of this title, or pursuant to any previous laws governing the subdivision, short subdivision or segregation of land.

3. "Lot, parent," or "parent lot" means an initial residential lot that is subdivided into unit lots through the unit lot subdivision process in NBMC 17.18, or subject to a lot split under NBMC 17.22.

4. "Lot Split" means the administrative process of dividing an existing lot into two lots for the purpose of sale, lease, transfer of ownership pursuant to NBMC 17.22.

5. "Lot, unit," or "unit lot" means a fractional part of subdivided lands having fixed boundaries that is created through the unit lot subdivision of a parent lot pursuant to the unit lot subdivision process in NBMC 17.18.

M. "M." Reserved.

N. "N." Reserved.

O. "O."

1. "Ownership interest" means having property rights as a fee owner or contract purchaser.

P. "P."

1. "Parent parcel" means each existing lot that is located within the perimeter of a proposed boundary line adjustment application.

2. "Parent Lot" – See "lot, parent."

3. "Personal wireless services" means any federally licensed personal wireless service.

4. “Piggyback platting” means a proposed means of segregation whereby property is short subdivided multiple times in order to avoid the requirements of a full subdivision.
5. “Plat, Final,” or “final plat” means the final drawing of the subdivision and dedication prepared for filing with the county auditor and containing all elements and requirements set forth in this title and in Chapter 58.17 RCW.
6. “Plat, Preliminary” or “preliminary plat” means a neat and approximate drawing of a proposed subdivision showing the general layout of streets, alleys, lots, blocks and other elements of a subdivision required by this title and Chapter 58.17 RCW. The preliminary plat shall be the basis for the approval or disapproval of the general layout of a subdivision.

Q. “Q.” Reserved.

R. “R.”

1. “Revisions” means a change prior to recording of a previously approved preliminary plat, preliminary short plat or binding site plan that includes, but is not limited to, the addition of new lots, tracts or parcels.

S. “S.”

1. “Segregation” means a division of land by any of the following means: subdivisions, short subdivisions, binding site plans and divisions described in NBMC 17.08.040.
2. “Short plat – final, or final short plat” means the final drawing of the short subdivision and dedication prepared for filing with the county auditor and containing all elements and requirements set forth in this title and in Chapter 58.17 RCW.
3. “Short plat -preliminary,” or “preliminary short plat” means a neat and approximate drawing of a proposed short subdivision showing the general layout of streets, alleys, lots, blocks and other elements of a short subdivision required by this title and Chapter 58.17 RCW. The preliminary short plat shall be the basis for the approval or disapproval of the general layout of a subdivision.
4. “Short subdivision” means a division or redivision of land into nine or fewer lots, tracts, parcels or sites for the purpose of sale, lease or transfer of ownership.
5. “Subdivision” means a division or redivision of land into 10 or more lots, tracts or parcels for the purpose of sale, lease or transfer of ownership.

T. “T.”

1. “Tract” means land reserved for specified uses including, but not limited to, reserve tracts, recreation, open space, sensitive areas, surface water retention, utility facilities and access. Tracts are not considered lots or building sites for purposes of residential dwelling construction.

U. “U.”

1. “Unit Lot Subdivision” means a subdivision or short subdivision proposed as part of a residential development project that meets the development standards applicable to the parent lot at the time the application is vested, but which may result in development on one or more individual unit lots becoming nonconforming as to specified land use and development standards based on the analysis of the individual unit lot.

2. "Unit Lot" – See "Lot – Unit."

V. "V." Reserved.

W. "W." Reserved.

X. "X." Reserved.

Y. "Y." Reserved.

Z. "Z." Reserved.

**Chapter 14.05.220**  
**CRITICAL AREA TRACTS**

- A. Critical area tracts are legally created nonbuildable land areas containing critical areas and their buffers that shall remain undeveloped pursuant to the critical area regulations. Separate critical area tracts are not an integral part of the lot in which they are created; are not intended for sale, lease, or transfer; and shall be incorporated in the area of the parent lot for purposes of subdivision and method of allocation and minimum lot size. The following development proposals shall identify such areas as separate tracts:
1. Subdivisions;
  2. Short subdivisions;
  3. Planned residential developments;
  4. Contract rezones;
  - ~~5.~~ 5. Binding site improvement plans;
  - ~~6.~~ 6. Residential Lot Splitting;
  - ~~5.7.~~ 5.7. Unit Lot Subdivisions; and
  - ~~6.8.~~ 6.8. Master site plans.
- B. Responsibility for maintaining tracts shall be held by a homeowners' association, adjacent lot owners (in an undivided interest), the permit applicant or designee, or other appropriate entity as approved by the city.
- C. The following note shall appear on the face of all plats, PRDs, binding site improvement plans, residential lot splits, unit lot subdivisions, master site plans, site plan/design review, or contract rezones and shall be recorded on the title for all affected lots:

Note: All lots adjoining separate tracts identified as native growth protection easements are jointly and severally responsible for the maintenance and protection of the tracts. Maintenance includes ensuring that no alteration occurs within the separate tract and that vegetation remains undisturbed unless the express written permission of the city of North Bend has been received.

**§ 20.01.004. Types of development permits and approvals.**

For the purposes of this title, nonexempt development permits shall be classified under major headings of either "I. Administrative" or "II. Quasi-Judicial," as indicated in Table 20.01.004 (column 1). Administrative permit decisions are made by a city staff person, typically the community services director. Quasi-judicial permit decisions are made by an elected or appointed body that adjudicates and makes decisions based on information and analysis presented. Specific permit types are listed under subheadings of "Administrative" and "Quasi-Judicial" in Table 20.01.004 (column 1: I.a. – j. and II.k. – x.). These specific types represent the spectrum of land use permits or approvals currently required by North Bend's land use codes. The table also presents information on respective code citations (column 2); requirements for environmental review (column 3); staff recommendation (column 4); staff decision (column 5); hearing requirements (columns 6 and 7); decision body (column 8); types of appeals and appeal bodies (columns 9 and 10); and judicial appeal (column 11). Explanatory notes are provided at the bottom of the table.

# Exhibit D - Critical Area Tracts

City of North Bend, WA

§ 20.01.004

§ 20.01.004

Table 20.01.004 Development Permit and Approval Framework

Permit Type – I Administrative	Code Requirement	SEPA Review	Staff Recommend	Staff Decision	Open Record Hearing	Closed Record Hearing	Decision Body	Open Record Appeal	Closed Record Appeal	Court Appeal
a. SEPA Threshold Determination	14.04.060	E or NE	No	Yes	No	No	CED	No	No	Yes
b. Critical Area Study	14.05.240	E or NE	No	Yes	No	No	CED	HE	No	Yes
c. Floodplain Permit	14.12.030	E or NE	No	Yes	No	No	CED	HE	No	Yes
d. Short Subdivisions (Short Plat), <del>and</del> Binding Site Plans, <u>and Unit Lot Subdivisions (9 or fewer lots)</u>	17.12, <u>17.18</u>	E or NE	No	Yes	No	No	CED	HE	No	Yes
e. Boundary Line Adjustments	17.28	E or NE	No	Yes	No	No	CED	HE	No	Yes
f. Landscape Review	18.18.020	E or NE	No	Yes	No	No	CED	No	No	Yes
g. Design Review	18.34.040	E or NE	No	Yes	No	No	CED	HE	No	Yes
h. Clearing and Grading Permits	19.10.200	E or NE	No	Yes	No	No	CE	HE	No	Yes
i. Site Plan	18.14	E or NE	No	Yes	No	No	CED	No	No	Yes
<u>j. Residential Lot Split</u>	<u>17.22</u>	<u>E or NE</u>	<u>No</u>	<u>Yes</u>	<u>No</u>	<u>No</u>	<u>CED</u>	<u>No</u>	<u>No</u>	<u>Yes</u>
<u>k.</u> Other Administrative Permits (Construction Permits)		E or NE	No	Yes	No	No	Varies	Varies	No	Yes

Permit Type – II Quasi-Judicial	Code Requirement	SEPA Review	Staff Recommend	Staff Decision	Open Record Hearing	Closed Record Hearing	Decision Body	Open Record Appeal	Closed Record Appeal	Court Appeal
<u>k.</u> Public Agency/Utility Exemption	14.05.140	No	Yes	No	HE	No	HE	No	No	Yes
<u>l.</u> Reasonable Use CAO Exemption	14.05.140	No	Yes	No	HE	No	HE	No	No	Yes
<u>m.</u> Shoreline Conditional Use	14.20.680	E or NE	Yes	No	HE	No	HE	No	State Shoreline Board	Yes
<u>n.</u> Shoreline Substantial Development Permits	14.20.670	E or NE	No	Yes	No	No	CED	No	State Shoreline Board	Yes

# Exhibit D - Critical Area Tracts

City of North Bend, WA

§ 20.01.004

§ 20.01.004

<a href="#">p</a> . Shoreline Variances	14.20.690	E or NE	Yes	No	HE	No	HE	No	State Shoreline Board	Yes
<b>Permit Type – II Quasi-Judicial</b>	<b>Code Requirement</b>	<b>SEPA Review</b>	<b>Staff Recommend</b>	<b>Staff Decision</b>	<b>Open Record Hearing</b>	<b>Closed Record Hearing</b>	<b>Decision Body</b>	<b>Open Record Appeal</b>	<b>Closed Record Appeal</b>	<b>Court Appeal</b>
<a href="#">p</a> . Mobile Home Parks	16.12.005	E or NE	No	Yes	No	No	CED	No	No	Yes
<a href="#">q</a> . Preliminary Plat <u>and Unit Lot Subdivision (10 or more lots)</u>	17.12, 17.18	Yes	Yes	No	HE	No	HE	No	No	Yes
<a href="#">r</a> . Final Plat	17.16	No	Yes	No	No	CC	CC	No	No	Yes
<a href="#">s</a> . Conditional Use Permits	18.24.020	E or NE	Yes	No	HE	No	HE	No	No	Yes
<a href="#">t</a> . Variances	18.26.030	E or NE	Yes	No	HE	No	HE	No	No	Yes
<a href="#">u</a> . Comprehensive Plan and Development Regulation Amendments	20.08.050	E or NE	Yes	No	PC	No	CC	No	No	Yes
<a href="#">v</a> . Special District, Master Plan, and Master Plan Amendments	18.13	E or NE	Yes	No	HE	No	HE	No	No	Yes

CC – City Council CE – City Engineer CED – Community and Economic Development  
 HE – Hearing Examiner DOE – Department of Ecology E or NE – Exempt or Nonexempt PC – Planning Commission

§ 20.01.004

§ 20.01.004

(Ord. 989 § 1 (part), 1996; Ord. 1172 § 28, 2002; Ord. 1321 § 1, 2008; Ord. 1464 § 1 (Exh. A (part)), 2012; Ord. 1466 § 1 (Exh. A), 2012; Ord. 1749 § 3, 2021; Ord. 1816 § 2 (Exh. A), 2024)



North Bend Planning Commission  
City of North Bend  
920 SE Cedar Falls Way  
North Bend, WA 98045

June 4, 2026

**RE:** Comments on Proposed Unit Lot Subdivision and Residential Lot Splitting

Dear Chair Thiel and members of the Planning Commission,

On behalf of the almost 2,500 members of the Master Builders Association of King and Snohomish Counties (MBAKS), I am writing to express our strong support for the city's effort to implement unit lot subdivision under Senate Bill 5559 and residential lot splitting under House Bill 1096. MBAKS appreciates the planning commission's decision to advance these tools together in a single code update, and we commend city staff for developing draft language that reflects the underlying intent of both laws.

**Supporting Homeownership Through Fee-Simple Ownership**

Unit lot subdivision and residential lot splitting serve different technical purposes, but they share a common goal: enabling individual, fee-simple ownership of middle housing that would otherwise be built as rental product or sold through the condominium framework. The distinction is not merely technical, and the costs it eliminates are real.

The condominium ownership path carries significant overhead that makes it impractical for most middle housing builders and buyers: increased legal and administrative costs, extended timelines, insurance requirements, and financing constraints that together suppress for-sale housing production statewide.

For builders, that means a viable product. For buyers, that means access. Both tools are essential for translating North Bend's zoning capacity into homes the for-sale market can actually deliver and buy.

**Unit Lot Subdivision Allows for Needed Flexibility**

Unit lot subdivision also delivers a site design benefit that conventional platting cannot. Because development standards apply to the parent lot as a whole rather than to each individual unit lot, builders can cluster homes more creatively within the overall building envelope. Units can be arranged around groves of trees, steep slopes, or critical area buffers that would otherwise constrain or eliminate development on individually platted lots. This flexibility produces better site design, more efficient use of urban land, and housing that fits the site rather than fighting it, all without changing what the underlying zone allows.

We also want to affirm a point that resonated during Tuesday's discussion: these tools do not change permitted density. What is allowed to be built in North Bend's residential zones does not increase because of unit lot subdivision or lot splitting. What changes is the ability to own units separately, opening middle housing to a far broader pool of buyers and builders who depend on fee-simple title to access





conventional financing. Impact fees, environmental review, and traffic analysis are based on allowed development, not actual development. Unit lot subdivision and lot splitting do not change those calculations.

### **MBAKS Supports ....**

MBAKS supports the staff recommended nine-unit threshold for administrative processing, which keeps the process streamlined for the majority of projects while reserving the public hearing process for larger development.

MBAKS encourages the commission to extend unit lot subdivision beyond the nine-unit short plat threshold by also adopting ULS procedures for the subdivision process. State law requires ULS for short plats, but cities may extend it to subdivisions at their discretion, and other Washington jurisdictions including Wenatchee and Anacortes have done so. MBAKS recommends extending short and long subdivisions. That allows those projects to use parent-lot development standards, extending the tool's flexibility and efficient use of land to larger projects without reducing community oversight.

Residential lot splitting opens housing production to a participant that conventional subdivision processes have largely priced out: the individual homeowner. A traditional short subdivision can take two to three years to complete, with upfront engineering costs, full frontage improvements along the entire property, and procedural complexity that makes it viable only for professional developers. The lot split process changes this. These are precisely the small-scale, scattered infill opportunities that add housing supply in places where infrastructure already exists.

### **MBAKS Supports ...**

City staff identified the right framework for frontage improvements Tuesday, and MBAKS supports it. Deferring parent lot obligations to future redevelopment and tying newly created lot requirements to actual construction rather than to the lot split itself, is the appropriate approach. The threshold-based exemption for short frontages discussed Tuesday, using something like the 30-foot example raised by staff and commissioners, is also the right direction. Short, disconnected improvements that do not connect to an existing pedestrian network provide little public benefit while imposing costs that can make a simple lot split financially unviable for the individual homeowner this tool is designed to serve.

For both tools, infrastructure requirements should remain proportionate to actual construction activity and the real impact of the project. Front-loaded obligations are one of the most reliable ways to make these tools unworkable for the individual homeowners and smaller builders they are designed to serve.

MBAKS fully supports North Bend's effort to advance both of these tools toward adoption well ahead of the 2027 deadline. Unit lot subdivision and residential lot splitting are precisely the kind of land use reforms that help North Bend accommodate growth efficiently, expand homeownership opportunities, and make better use of existing infrastructure. We encourage the commission to move forward to the July 2 public hearing and look forward to participating at that time.

Thank you for your continued work on housing in North Bend.

Respectfully,

Ryan Makinster  
Government Affairs Manager  
[rmakinster@mbaks.com](mailto:rmakinster@mbaks.com)

cc: Mike McCarty, Planning Manager, Community and Economic Development



June 22<sup>nd</sup>, 2026

Mike McCarty  
920 SE Cedar Falls Way  
North Bend, WA 98045

Via email to [planning@northbendwa.gov](mailto:planning@northbendwa.gov)

*RE: Amendments to Title 17 of the North Bend Municipal Code Relating to Unit Lot Subdivisions and Residential Lot Splitting.*

Dear Mike McCarty and Planning Commissioners,

On behalf of the Snoqualmie Indian Tribe (Tribe), please accept these comments on the proposed amendments to NBMC Title 17, *Land Segregation, Impact Fees and Mitigation* adding new regulations addressing Unit Lot Subdivisions and Residential Lot Splitting. We appreciate the opportunity to provide these comments and ask that they are considered for the public hearing planned for July 1<sup>st</sup> and for the SEPA threshold determination.

The Snoqualmie Tribe is a federally recognized sovereign Indian Tribe and a signatory to the Treaty of Point Elliott of 1855, in which it reserved to itself certain rights and privileges and ceded certain lands to the United States. As a signatory to the Treaty of Point Elliott, the Tribe specifically reserved to itself, among other things, the right to fish at usual and accustomed areas and the “privilege of hunting and gathering roots and berries on open and unclaimed lands” off-reservation throughout the modern-day state of Washington (Treaty of Point Elliott, art. V, 12 Stat. 928). The Tribe has lived on, tended, and managed this land since time immemorial and the rivers, lakes, and surrounding lands are vitally important both ecologically and culturally.

While we support allowing lot splitting and unit lot subdivisions to promote infill development and more efficient use of already developed lands, rather than conversion of forested or natural areas, we recommend strengthening these regulations to ensure continued protection of critical areas.

We recognize that the proposed regulations already state that development under unit lot subdivisions and lot splitting remains subject to applicable development standards (NBMC 17.18 and NBMC 17.22), including requirements intended to protect critical areas as defined in Chapters 14.05 through 14.12 NBMC. However, we have observed situations




where critical areas are protected at the time of subdivision approval, yet lots are still created with little or no practical buildable area remaining outside critical areas, buffers, setbacks, or other development constraints. As a result, subsequent property owners may seek exemptions and variances based on claims of lack of reasonable use after substantial financial investment has already occurred that result in reductions of these protections.

To ensure protection of critical areas and avoid creating development constraints for future property owners, we recommend adding language to NBMC 17.18 and NBMC 17.22 stating that subdivision approval shall not result in the creation of any lot or unit lot that cannot reasonably accommodate development consistent with this title without encroachment into critical areas, buffers, required setbacks, or other protected areas.

This standard would help ensure that additional housing opportunities are achieved without facilitating development into critical areas and their buffers.

Thank you for your consideration.

Sincerely,

Signed by:  
  
FD46697F80FA4F3...

Shelby Burgess

Environmental Review Analyst, Government Affairs & Special Projects