



## **NOTICE OF STATE ENVIRONMENTAL POLICY ACT (SEPA) DETERMINATION OF NONSIGNIFICANCE (DNS)**

**Project Name: Tollgate Farmstead Improvements, PLN 2019-0331**

**Issuance and Publication Date:** March 26, 2021

**Comment Deadline:** April 12, 4:30 P.M.

**File Number:** PLN 2019-0331

**Description:** The Si View Metropolitan Park District proposes to construct the Tollgate Farmstead Improvements project on four parcels of the Tollgate Farm encompassing approximately 5.15 acres. The project will provide improved site access at the existing farmhouse by constructing a new parking lot for 15 cars and ADA accessible pathways to the existing farmhouse new site improvements. Additional site improvements include construction of a new barn, covered agricultural wash station and kitchen farm garden. Wildlife fencing will be constructed around a three-acre incubator growing space east of Bendigo Boulevard North and north of Ribary Creek. An additional gravel parking area will be constructed on the north side of NW 8<sup>th</sup> Street near the intersection with W North bend Way to provide additional access to the Tollgate Trail system.

The City of North Bend and the applicant entered into a Development Agreement on October 8, 2020. The proposed project is being evaluated for conformance with the Development Agreement and the North Bend Municipal Code in place at that time.

**Proponent:** Si View Metropolitan Park District  
Travis Stombaugh, Director  
P.O. Box 346  
North Bend, WA 98045

**Location:** NW 8<sup>th</sup> Street and Bendigo Boulevard North at Tollgate Farm

**Parcel Number:** 042308-9014  
042308-9017  
042308-9037

**Lead Agency:** City of North Bend

**Responsible Official:** Rebecca Deming, Community and Economic Development Director

**Threshold Determination:**

After review of the existing SEPA Checklist and other supplemental environmental information, the City of North Bend (lead agency for this proposal) has determined pursuant to RCW 43.21C.240 that subject to conformance to the North Bend Municipal Code, the above referenced proposal does not have a probable significant adverse impact on the environment. An environmental impact statement is not required under RCW 42.21.030(2)(c). The SEPA Responsible Official has based this Determination of Nonsignificance (DNS) upon the Findings and Conclusions described below.

This DNS is issued under Washington Administrative Code (WAC) sections 197-11-340 and 350 and North Bend Municipal Code Chapter 14.04. The lead agency will not act on this proposal for 15 days from the date of publication, allowing time for public comment.

**Comments on the Threshold Determination:** If you would like to comment on this Threshold Determination, written comments should be sent to Mike McCarty, Senior Planner, City of North Bend Community and Economic Development, PO Box 896, North Bend WA, 98045, or by email at [mmccarty@northbendwa.gov](mailto:mmccarty@northbendwa.gov). Comments must be received by 4:30pm of the comment deadline above. The City will not take final action on this proposal until after the end of the comment period. Comments received via email should include "Tollgate Farmstead Improvements DNS Comments" in the subject line.

The issuance of this DNS should not be interpreted as acceptance or approval of this proposal as presented. The City of North Bend reserves the right to deny or approve said proposal subject to conditions if it is determined to be in the best interest of the City and/or necessary for the general health, safety, and welfare of the public.

**Responsible Official:**



Rebecca Deming, Community and Economic Development Director  
City of North Bend  
PO Box 896  
North Bend, WA 98045

## **Attachment A: Findings and Conclusions**

This DNS was issued based on the following Findings and Conclusions:

### **Floodplain Findings and Conclusions:**

- A. The project site is partially located within a FEMA-designated special flood hazard area (SFHA) of Ribary Creek and the South Fork Snoqualmie River. A zero-rise analysis dated November 11, 2021 was submitted by the applicant's water resources engineer (The Watershed Company) to document compliance with NBMC 14.12 (Floodplain Management). A net increase of 82 cubic yards in flood storage volume was calculated for the proposed grading plan. The project will result in no increase in base flood elevations (BFEs) or energy grade elevations. A Zero-Rise Certification was included with the Zero-Rise Analysis report. A floodplain permit will be issued prior to construction.

### **Critical Areas-Related Findings and Conclusions**

- A. A Wetland and Stream Delineation Report prepared by The Watershed Company dated August 12, 2020 was submitted with the application. Ribary Creek and associated wetlands were identified, and associated buffers extend into the project site. Ribary Creek is a Type F watercourse with a 115-foot buffer, and associated wetlands (Wetland B) is a Category I wetland with a standard buffer of 110 feet. A Critical Areas Report prepared by The Watershed Company dated November 2020 was submitted with the application describing impacts and proposed mitigation.
- B. The proposed project includes impacts to low functioning (e.g., maintained lawn) combined stream and buffer habitat associated with Wetland B and Ribary Creek. Buffer impacts are proposed to accommodate a portion of the concrete sidewalk around the perimeter of a new barn, an ADA compliant concrete trail that will connect to the existing gravel trail, and an emergency turnaround constructed of geolock permeable pavers. Wetland and riparian buffer enhancement is proposed as mitigation for the wetland/riparian buffer impacts.
- C. NBMC 14.05.160 (Nonconforming uses and structures) allows for the continued use of legal nonconforming uses, structures and lots in critical areas if they were lawfully established prior to the effective date of the city's critical areas code. The existing farmstead and agricultural land use pre-date the city's critical areas code, and is considered to be legally nonconforming. The area of nonconformity includes the portions of the farmstead area north and west of the existing gravel trail within the critical areas buffer.
- D. The site improvements proposed within the critical areas buffer are not considered an expansion of the legal nonconforming use as long as there is not a net loss of vegetated buffer (including grass and landscaping areas). The total amount of vegetated buffer pre-project will be the same or more following construction, with enhanced functions. Performance monitoring and reporting will be completed for a minimum of five years following construction.
- E. The proposed incubator farm with wildlife exclusion fencing is proposed within an area of existing agricultural land use that will continue to be in agricultural land use albeit in different production (pastureland to vegetable or similar). A Farm Plan per NBMC 14.05.140(D) is not necessary to install the fencing for the incubator farm due to the critical areas code exemption for existing and ongoing agriculture (NBMC 14.05.130). The incubator farm is also located within shoreline jurisdiction. However, it is a continuation of existing normal agricultural activities and therefore does not meet the definition of substantial development at RCW 90.58.030(3)(e)(iv). Per NBMC 14.20.340(A), existing agricultural uses and future agriculture-recreation activities on the Tollgate Farm are allowed. Per NBMC 14.20.340(C), a

substantial development permit is not required for agricultural development exempted by the provisions of RCW 90.58.030(3)(e)(iv).

- F. Compliance with NBMC 14.20 (Shoreline Regulations) will be required if portions of the project area are determined to be within shoreline jurisdiction.
- G. The entire project area is within a Category II Critical Aquifer Recharge Area (CARA). The limitations on site uses and activities and performance standards for specific activities set forth in North Bend's critical areas ordinance apply to the project.
- H. The City of North Bend has adopted requirements for construction best practices. This project will be required to follow applicable regulations including implementing a Temporary Erosion and Sediment Control (TESC) plan and limitations on vehicle and equipment idling.

#### **Water Quality Findings:**

- A. The applicant submitted a Stormwater Technical Information Report (TIR) prepared by KPFF dated November 2020 describing compliance with the 2009 King County Surface Water Design Manual (KCSWDM) for the proposed project. The proposed project is required to meet enhanced water quality treatment for all Pollution Generating Impervious Surface (PGIS) and Pollution Generating Pervious Surface (PGPS). The proposed permeable pavement for the driveway and parking area achieves enhanced water quality treatment. The geotechnical design recommendations prepared by Associated Earth Sciences, Inc. dated November 2, 2020 support the ability of the subsurface soils infiltrate stormwater and provide the intended water quality treatment. Stormwater generated from the gravel parking area along NW 8<sup>th</sup> Street will sheet flow to a filter strip prior to basic dispersion to remove pollutants. The filter strip will be designed per the 2009 KCSWDM.

#### **Lighting Impacts Findings:**

- A. The project will comply with applicable City of North Bend lighting regulations (NBMC 18.40), including maximum lighting levels beyond the property line and no illumination of critical areas and their buffers that aren't in legal nonconforming land uses currently. The applicant provided a photometric analysis prepared by Mazzetti dated November 13, 2020 to verify compliance with these requirements. Site lighting will be further buffered by buffer enhancement plantings.

#### **Archeological and Historical Resources Findings:**

- A. The applicant prepared a Cultural Resources Assessment prepared by ESA dated January 2021 as required by the Washington State Department of Archeology and Historic Preservation (DAHP). DAHP requested an Archeological Excavation Permit be obtained prior to clearing and grading on site. An archaeological permit was issued by DAHP to the applicant on March 17, 2020 Permit No. 2020-04). Permit No. 2020-04 was amended on October 2, 2020 by DAHP to include additional project elements and reflect project work through September 30, 2021.
- B. North Bend Landmarks Commission issued a Certificate of Appropriateness (#20.22, Type II) pursuant to NBMC 21.31.030 (Ordinance 249). The applicant must submit the final cultural resources report, landscape and drainage system plans to King County Historic Preservation Program (HPP) staff on behalf of the North Bend Landmarks Commission
- C. All project requirements identified in the Cultural Resources Assessment (ESA 2021) prepared for the project shall be implemented in accordance with the amended archeological excavation permit issued by DAHP. Permit Special Conditions include:
  - 1. Follow protocols stated in revised permit application of September 2020.
  - 2. Notify Tribes and DAHP of start date and time.
  - 3. Allow for on-site visits from DAHP and Tribal representatives.

4. Provide PDF copy of draft and final reports and updated site form to consulted parties, Tribes, and DAHP.
5. Report must meet DAHP's Survey and Inventory Standards; include maps drawn to scale, catalog and DAHP permit number.
6. If human remains are encountered, stop work, secure the area, notify the county medical examiner, police, DAHP, and affected Tribes per RCW 27.44.055.