



**REGULAR MEETING AND SPECIAL PUBLIC HEARING OF THE  
NORTH BEND PLANNING COMMISSION  
Wednesday March 19, 2025, 6:30 PM  
City Hall, 920 SE Cedar Falls Way, North Bend, WA**

**AGENDA**

- 1) Call to order and roll call, Planning Commission**
- 2) Opportunity for public comment on non-agenda items**
- 3) Approval of minutes from February 19, 2025**
- 4) Introduction, Public Hearing and Recommendation for Title 14 Environmental Protection and Critical Area Map Series Amendments**
- 5) Adjournment by 8:30 unless otherwise approved.**

**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 must be 350 words or less. If an individual requires accommodation because of a difficulty attending the public meeting, the City requests notice of the need for accommodation by 3:30 p.m. on the day of the scheduled meeting. Participants can request an accommodation to be able to provide remote public comments by contacting the City by phone (425) 888-5633 or by e-mail to [planning@northbendwa.gov](mailto:planning@northbendwa.gov). No other remote public comment will be permitted.

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**REGULAR MEETING OF THE  
NORTH BEND PLANNING COMMISSION  
- ACTION MEETING MINUTES -**

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Wednesday, February 19, 2025,  
Middle Fork Pre-submittal Meeting at 5:30  
Planning Commission Meeting at 6:30 PM

7 This meeting was held at City Hall, 920 SE Cedar Falls Way, North Bend, WA, and was also available online. A  
8 complete video recording of this meeting is available on the City of North Bend YouTube website, at  
9 [www.youtube.com](http://www.youtube.com), under "City of North Bend."

10

**AGENDA ITEM #1: CALL TO ORDER**

11 The meeting was called to order at 5:30 PM.

12

**ROLL CALL**

13 Planning Commissioners present: Brian Fitzgibbon, Juliano Pereira, Sam White, and James Boevers.  
14 Commissioners Matlock, Thiel, and Moe were absent.

15 City Staff Present: James Henderson, CED Director, and Mike McCarty, Planning Manager

16

**AGENDA ITEM #1: Middle Fork Development Pre-Submittal Meeting (In-person only. Audio recording  
17 is available, but not visual recording.)**

18 James Henderson provided an overview of the Master Plan process applicable to the property subject to the North  
19 Bend Municipal Code and introduced the applicants.

20 Katerina Prochaska with Jackson Main Architecture, on behalf of developer/proponent Middle Fork Property  
21 Development LLC, provided a presentation on the concepts for Middle Fork development proposal. Ms. Prochaska  
22 described the applicable zoning, context of the site, and the conceptual site plan and proposal. Ms. Prochaska and  
23 City staff addressed questions raised by members of the public concerning the proposal.

24 Concerns and interests raised by members of the public in attendance included the following:

25

- 26 • Concern about truck traffic from the project and routing and circulation patterns in the area overall including  
27 related truck traffic accessing the Travel Centers of America site as well as along the exit 34 on and off-  
28 ramps
- 29 • Interest in ensuring that truck traffic is limited on SE 140<sup>th</sup>.
- 30 • Concern about the visual impact of loss of trees especially along the 468<sup>th</sup> corridor.
- 31 • Interest in maintaining dark skies and concern about over-lighting from the project, and a desire to not have  
32 too many street lights.
- 33 • Concern about crime rates from certain uses like cannabis dispensaries.
- 34 • Concern about hazards from certain types of materials that may be used in manufacturing processes within  
35 uses on the site.

36 Staff thanked the public for identifying their concerns and interests and noted that these comments and concerns  
37 would be considered in the preparation of the Master Plan for the project. Staff noted the process ahead for  
38 development and review of the Master Plan under the City's development regulations, including future public input  
39 opportunities.

1 **AGENDA ITEM #2: Begin Teams Meeting, Call to Order and Roll Call**

2 The Planning Commission called the formal part of the Planning Commission meeting to order at 6:33pm.

3

4 **AGENDA ITEM #3: Public Comment on Non-Agenda Items**

5 No comments.

6

7 **AGENDA ITEM #4: Approval of minutes from February 5, 2024 meeting**

8 Mike McCarty noted a correction that Hannah Thiel was present at the meeting and wasn't shown on the minutes.

9 Commissioners noted spelling corrections for Pereria and Matlock within the draft.

10 Motion by Commissioner White, seconded by Commissioner Fitzgibbon, to approve the minutes as amended. The

11 motion passed unanimously.

12

13 **AGENDA ITEM #5: Introduction, Public Hearing and Potential Recommendation – Development**

14 **Agreement to allow first floor residential for Mountain View Townhome and Commercial Project.**

15 Planning Manager Mike McCarty provided a summary of the purpose and of the proposed development agreement

16 and proposal by the applicant. Phil O'Sullivan from PJO Holdings provided the applicant's introduction of the

17 proposal. Staff and Mr. O'Sullivan addressed questions of the Commissioners.

18 Commissioner Boevers opened the public hearing at 6:58pm. No members of the community were in attendance

19 to speak for the public hearing. Commissioner Boevers closed the hearing at 6:58 pm.

20

21 Discussion by Commissioners and staff on the proposed DA.

22 Commissioner Fitzgibbon made a motion to recommend Council approval of the Development Agreement.

23 The motion was seconded by Commissioner Pereira and passed unanimously.

24

25 **AGENDA ITEM #5: Adjournment by 8:30 PM unless otherwise approved by the Commission**

26 The Meeting was adjourned at 7:03 p.m.

## Community and Economic Development Department Staff Report



**Proposal:** Amendments to NBMC Title 14 Environmental Protection and Critical Area Map Series in response to 2024 Comprehensive Plan

**Date:** March 19, 2025

**Proponent:** City of North Bend

### **Staff Recommendation:**

A motion to approve of the proposed amendments to Title 14 Environmental Protection and Critical Area Map series as proposed.

## **A. PROPOSED AMENDMENTS:**

The City of North Bend is proposing multiple amendments to Title 14 Environmental Protection and the Critical Area Map Series to reference the best available data and manuals and ensure consistency with Best Available Science. The City hired Otak to provide a technical memorandum to analyze these amendments which is a required action following the 2024 Comprehensive Plan Update. The City considered comments provided in the Washington State Department of Commerce's Critical Areas Checklist and the Washington Department of Fish and Wildlife's (WDFW) Riparian Management Zone Checklist. The City's Senior GIS Analyst reviewed the Critical Area Map Series and refreshed the maps which updated data where available.

The proposed municipal code amendments are attached.

## **B. FINDING AND ANALYSIS:**

1. **Public Hearing:** A public hearing is scheduled for the March 19<sup>th</sup>, 2025 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. **Environmental Impacts.** No environmental impacts are anticipated from these minor amendments to Title 14 and the Map Series. 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.
- ii. **Economic Impacts.** The amendments will not have an economic impact for the City of North Bend, except to further support one of the City's brand statements to Sustainably Manage Growth.
- iii. **Cultural Impacts.** No significant cultural impacts are anticipated from the proposed amendments.

b. **Impacts to Surrounding Properties.** The proposed amendments are not specific to any particular properties.

### **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 Critical Areas and Shoreline Elements call for consistency with King County Countywide Planning Policies and adherence with the most recent guidance manuals from state and federal agencies.

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

Goal 1: Use Best Available Science (BAS) as defined by the Growth Management Act to define and protect Critical Areas.

Goal 3: Protect the natural hydraulic, hydrologic and habitat functions, scenic as well as recreational values of streams.

Goal 5: Preserve, protect, restore and enhance wetlands for their hydraulic, ecological, visual and cultural values.

Goal 7: Protect people, property, water quality and habitat from the negative effects of accelerated erosion and sedimentation.

Goal 11: Maintain Critical Area Base Maps.

### **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, which bring North Bend's municipal code are consistent with the NBMC Title 14 Environmental Protection.

### **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 proposed to provide the most up to date and technical information available. The amendments are also needed to meet requirements for consistency with the 2024 Comprehensive Plan Update.*
3. Is the proposed change the best means for meeting the identified public need?  
*Yes. Ensuring consistency with Best Available Science will ensure Critical areas are protected and maintain functions and values as development occurs.*
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 a high level of environmental protection to meet state and federal requirements.*

## **C. SUMMARY FINDINGS**

- 1) Pursuant to RCW 36.70A.106, the draft regulations were forwarded to Commerce - Growth Management Services on March 7, 2025.
- 2) The Planning Commission considered the proposed draft amendments and held a public hearing at their March 19, 2025 Planning Commission meeting.
- 3) Following consideration of the comments, staff provided additional amendments which the Planning Commission considered at the March 19, 2025 meeting, including a public hearing at which the Commission received and considered comments, attached hereto.
- 4) The CED Committee at their \_\_\_\_\_, 2025 meeting approved moving the proposed amendments to the City Council agenda.
- 5) A State Environmental Policy Act Determination of Non-significance on the proposed amendments was issued on March 7, 2025 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 code amendments and revised maps will result in a benefit to the community by ensuing compliance with Best Available Science.

## **D. 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 amendments to Title 14 Environmental Protection as recommended in the Technical Memorandum and recommends updates to the Critical Area Map Series which support Title 14.

**Planning Commission Recommendation**

Based on the findings above and after consideration of the public comment received at the public hearing, the North Bend Planning Commission recommends **approval/denial/approval with conditions** of the proposed amendments to Title 14 Environmental Protection and the Critical Area Map Series.

**Attachments:**

- A: Municipal Code Amendments
- B: Best Available Science Technical Memorandum
- C: Critical Area Map Series
- D: Written comment received: DNR comments March 11, 2025; Tulalip Tribe March 17, 2025



## Technical Memorandum

**To:** Jamie Burrell, Senior Planner, City of North Bend  
**From:** Jeff Gray, MS, PWS  
**Copies:**  
**Date:** February 27, 2025  
**Subject:** Best Available Science Review for the City of North Bend 2025 Critical Areas Code Update  
**Project No.:** Otak 33067.300-002

VIA EMAIL

This technical memorandum includes the Best Available Science (BAS) review to support the City of North Bend's (City) 2025 Critical Areas Code updates. A review of BAS regarding environmentally sensitive areas (i.e., critical areas) is required per the Washington State Growth Management Act [Chapter 36.70A of the Revised Code of Washington (RCW)]. Major updates to the City's Critical Areas Ordinance were passed in 2018 (City ordinance 1688), which were completed subsequent to the City's last Comprehensive Plan Update that occurred in 2015. The City updated and approved Comprehensive Plan updates again in December 2024, including the Critical Areas Element (Chapter 2).

This memorandum includes the critical areas BAS review, and recommended amendments to the North Bend Municipal Code (NBMC) Chapters 14.05 through 14.12 regarding critical areas regulations. Completed versions of the Washington State Department of Commerce's Critical Areas Checklist and the Washington Department of Fish and Wildlife's (WDFW) Riparian Management Zone Checklist for Critical Areas Ordinances were previously included with the BAS review memorandum dated July 25, 2023.

### Best Available Science Review

The City recently updated critical areas regulations in 2018 based on Best Available Science (BAS). The following sections were significantly updated: Chapter 14.05 (Critical Areas – Administration, General Provisions and Definitions), Chapter 14.06 (Wetland Critical Areas), Chapter 14.07 (Critical Aquifer Recharge Areas), Chapter 14.09 (Fish and Wildlife Habitat Conservation Areas). Chapters 14.11 (Geologically Hazardous Areas) and Chapter 14.12 (Floodplain Management) did not require substantive updates based on BAS, and were updated to reflect critical areas report requirements that were moved to Chapter 14.05. Chapter 14.08 (Streams) was repealed and incorporated into Chapter 14.09. Chapter 14.10 (Channel Migration Zones) was not updated because the City does not regulate channel migration zones as stated in Chapter 14.10.010 (Purpose) largely due to overlapping floodplain development regulations.

Since 2018, the Washington Department of Fish and Wildlife (WDFW) and the Washington Department of Ecology (Ecology) have released updated guidance based on BAS for management of riparian zones along and streams and wetland mitigation. Riparian ecosystem BAS has been synthesized in *Volume 1: Science Synthesis and Management Implications* (Quinn et al. 2020) that describes how riparian ecosystems and watersheds affect ecological functions and aquatic habitats. *Volume 2: Management Recommendations* (Rentz et al. 2020) provides guidance for cities to protect and restore functioning riparian ecosystems. Healthy functioning riparian ecosystems are fundamental for clean water, productive salmon populations, and climate resilient watersheds. In 2021,

Ecology led the preparation of *Wetland Mitigation in Washington State, Part 1: Agency Policies and Guidance (Version 2)* (Ecology et al. 2021) that provides updated guidance on compensatory mitigation based on BAS. All three documents are intended to support local governments in developing consistent policies based on BAS as required under the Growth Management Act.

Ecology also published *Critical Aquifer Recharge Areas Guidance* (2005, revised March 2021) to help local jurisdictions protect local groundwater resources under the Growth Management Act. The City regulates CARAs and Wellhead Protection Areas in accordance with King County's analysis and map, and is periodically updated based on current information.

### **Riparian Ecosystems**

Per Quinn et al. (2020) and Rentz et al. (2020), riparian ecosystems are defined as the area that provides full ecological function for bank stability, shade, pollution removal, detrital inputs, recruitment of large woody debris, and wildlife movement. The current term or approach to managing these habitats is to identify them as Riparian Management Zones (RMZ) rather than buffers as is commonly used in most critical areas ordinance. The preferred term is RMZ because buffer implies undeveloped natural areas that can contribute habitat to riparian functions, whereas RMZ is meant to capture the area capable of providing full functions and is managed to that end.

One of the goals of managing RMZs is the Desired Future Condition (DFC), in which habitat composition and structure is old, structurally complex conifer-dominated forest with large diameter trees, numerous snags and logs, and multi-strata canopies that promote plant diversity. This is used as the benchmark for the DFC in riparian areas. A significant component of implementing the RMZ management concept is to use the site-potential tree height (SPTH) for determining RMZ widths on streams. Tree height refers to the average height of the tallest dominant tree (200 years or older) in which key riparian ecosystem functions are effectively captured. The effectiveness of providing riparian functions decreases as the distance from a stream increases. Designating RMZs based on at least SPTH<sub>200</sub> is therefore a scientifically supported approach to protecting and managing fully functioning riparian ecosystems, including salmon.

Rentz et al. (2020) describes procedures for delineating RMZs in forested ecosystems. The inner edge of the RMZ should be based on the active channel as determined by the location of the stream ordinary high water mark (OHWM) following Ecology's OHWM delineation manual (Anderson et al. 2016). The outer edge should be the recommended minimum based on SPTH<sub>200</sub>, vegetation composition, and pollution removal. The minimum RMZ width for pollution removal is 100 feet, which has been documented to remove 80-95% or more of common stream contaminants (e.g., nitrogen, phosphorous, sediment, and most pesticides). The mean SPTH<sub>200</sub> in western Washington ranges from 100 to 240 feet, and is correlated with soil types that support different climax trees species. The greater of the two (e.g., one full SPTH<sub>200</sub> and the 100-foot pollution removal overlay) should be utilized to determine the regulated RMZ to protect all key riparian functions. WDFW has created the SPTH mapping tool that covers the City of North Bend (<https://arcg.is/1ueq0a>), which can be used if this approach is adopted by local agencies for regulating riparian ecosystems.

In addition, Quinn et al. (2020) and Rentz et al. (2020) do not distinguish between non-fish bearing and fish-bearing streams. No evidence or scientific literature was identified that full riparian ecosystem functions along non-fish bearing streams are less important to aquatic ecosystems than full riparian ecosystem functions along fish-bearing streams due to their connectivity.

### **Wetlands Mitigation**

Ecology's *Wetland Mitigation in Washington State, Part 1: Agency Policies and Guidance (Version 2)* (Ecology et al 2021) provides updated guidance when selecting, designing, and implementing compensatory mitigation based on BAS to ensure that environmental policies and regulatory requirements are achieved. The updated guidance

emphasizes mitigation sequencing, functional assessment tools, how to determine adequate compensation for lost wetland functions and values, the importance of site selection for habitat connectivity, and long-term sustainability and protection. Guidance on calculating impacts addresses permanent and temporary impacts, short and long-term temporary impacts, indirectly impacts, and shading (e.g., habitat conversion).

The goal of any project that impacts wetlands is to achieve “no net loss” of wetland functions and values that has been a key national and state policy goal since 1989. Determining no net loss is contingent on the amount of compensation required to offset wetland losses, and typically requires compensating for both area and functions. Commonly used methods for evaluating the adequacy of proposed compensation include using Ecology’s *Calculating Credits and Debits for Compensatory Mitigation* (Credit-Debit Method) (Hruby 2012) and mitigation ratios.

## Findings of Fact

The City reviewed current BAS for critical areas protected under Title 14 (Environmental Protection), including wetlands, CARAs, streams, FWHCAs, channel migration zones, geologically hazardous areas, and floodplains. The City found that the most substantive potential code changes would be to NBMC 14.09 (Streams and Other Fish and Wildlife Habitat Areas) from expanding stream buffer widths (e.g., Riparian Management Zones) per WDFW’s recommendations catalogued in WDFW’s *Volume 1: Science Synthesis and Management Implications* (Quinn et al. 2020) and *Volume 2: Management Recommendations* (Rentz et al. 2020).

The City evaluated the feasibility of implementing increased standard stream buffers based on the 200-year SPTH using WDFW’s SPTH200 and RMZ Values mapping tool (<https://arcg.is/1ueq0a>), which would result in buffer increases on Type F streams from the current 115 feet to between 105 feet (red alder) and 235 feet (Douglas-fir), and on Type N streams generally from 65 feet to 100 feet based on water quality protection functions. Type S streams are regulated under NBMC 14.20, and have buffer widths generally ranging from 85 feet to 150 feet depending on the shoreline environmental designation and the presence of levees and FEMA-mapped floodways.

The City acknowledged additional stream protections within the current city code that are beyond the standard stream buffers in certain development scenarios. Examples include wetlands along a stream which can have buffers up to 225 feet for wetlands with high habitat scores, and buffer widths on streams with FEMA-mapped floodways being measured from the extent of the floodway rather than the OHWM of a stream channel (NBMC 14.20.290.B.6). The reaches of Ribary Creek and South Fork Snoqualmie River north of Bendigo Boulevard North has a protected area over 1,000 feet wide, for example, which is much larger than the standard stream buffer due to the mapped floodplain. Much of this floodplain area is owned and protected by the City as open space already. A large portion of the City is within a mapped FEMA floodplain due to the confluence of the South Fork Snoqualmie River and the Middle Fork Snoqualmie River north of city limits.

The City considered basin characteristics recognizing that much of the city is already developed with commercial and residential land uses, and that the levee system along the South Fork Snoqualmie River limits the riparian protections that wider buffers could potentially provide. Wider stream buffers would also be limited to intervening roads per the City code.

The City acknowledges that there are opportunities to implement wider stream buffers per WDFW’s guidance in certain areas zoned for development with intensive land uses, such as the west side of Gardiner Creek between Alm Way and West Ribary Way south of Interstate 90. The City code also includes the option of implementing larger stream buffers at NBMC 14.09.030.D on a case by case basis when necessary to protect stream functions and values due to special stream characteristics or when developments pose unusual impacts.

## Municipal Code Amendments – Recommended Updates

Municipal code amendments are provided below based on the review of BAS for critical areas. Completed versions of the Washington State Department of Commerce's Critical Areas Checklist and WDFW's Riparian Management Zone Checklist for Critical Areas Ordinances are attached.

- 1) 14.06.010 (Designation): Update RCW reference to WAC 173-22-035 regarding wetland delineations using the approved federal manual and regional supplement.
- 2) 14.12.010.S (Applicability): Updated code citation in first paragraph to 14.050.040(S) for SFHA definition.
- 3) 14.05.040.G.1 (G Definitions) and 14.11.020 (Designation): Suggest updating the definition of geologically hazardous areas to be consistent with RCW 36.70A.030(14) and WAC 365-190-120(1): "Geologically hazardous areas" means areas that because of their susceptibility to erosion, sliding, earthquake, or other geological events, are not suited to the siting of commercial, residential, or industrial development consistent with public health or safety concerns.
- 4) 14.05.040.C.8 (critical areas): Update critical areas definition to include recently added amendment to RCW 36.70A.030 and WAC 365-190-030: "Fish and wildlife habitat conservation areas" does not include such artificial features or constructs as irrigation delivery systems, irrigation infrastructure, irrigation canals, or drainage ditches that lie within the boundaries of and are maintained by a port district or an irrigation district or company." The full critical areas definition per the RCW and WAC is:

"Critical areas" include the following areas and ecosystems: (a) Wetlands; (b) areas with a critical recharging effect on aquifers used for potable water; (c) fish and wildlife habitat conservation areas; (d) frequently flooded areas; and (e) geologically hazardous areas. "Fish and wildlife habitat conservation areas" does not include such artificial features or constructs as irrigation delivery systems, irrigation infrastructure, irrigation canals, or drainage ditches that lie within the boundaries of and are maintained by a port district or an irrigation district or company.

- 5) 14.09.040.A.1.e (Permitted alterations): Delete this section since it conflicts with the manuals described in the section heading, or replace this section with: "All stream crossings shall follow WDFW's 2013 Water Crossing Design Guidelines, or as updated, along with consideration of NMFS's 2011 Anadromous Salmonid Passage Facility Design, or as updated. Stream crossing design shall follow the best available science and coordinate with WDFW."
- 6) 14.09.030 (Buffers): In the section introduction, include a reference to delineating the OHWM in accordance with Ecology's OHWM delineation manual (Anderson et al. 2016), as updated. The manual is titled Determining the Ordinary High Water Mark for Shoreline Management Act Compliance in Washington State, available at: <https://apps.ecology.wa.gov/publications/documents/1606029.pdf>
- 7) 14.09.040.A.5 (Septic systems): Update code to exclude new septic systems from stream buffers, not just the inner buffer. The inner buffer is not defined in the code, and is generally interpreted to assume the entire buffer.
- 8) 14.05.140.A.2.f (hazard trees): Encourage the creation of snags in critical areas or their buffers rather than complete tree removal if feasible.
- 9) 14.05.240 (Critical areas report/studies): Suggest adding a statement requiring critical areas reports to address project's climate resiliency within critical areas (e.g., increase habitat connectivity, planning for wider range of stream flows, and increase stream shading).
- 10) 14.05.250.E (Compensatory Mitigation): Include a reference to *Wetland Mitigation in Washington State, Part 1: Agency Policies and Guidance (Version 2)* (Ecology et al. 2021), as amended, and *Part 2: Developing Mitigation Plans* (Ecology et al. 2006), as amended.

**Attachments:**

- 1) Washington State Department of Commerce's Critical Areas Checklist
- 2) WDFW Riparian Management Zone Checklist for Critical Areas Ordinances

**References**

Anderson, P., S. Meyer, P. Olson, and E. Stockdale. 2016. Determining the Ordinary High Water Mark for Shoreline Management Act Compliance in Washington State. Ecology Publication No. 16-06-029. Available at: <https://apps.ecology.wa.gov/publications/documents/1606029.pdf>

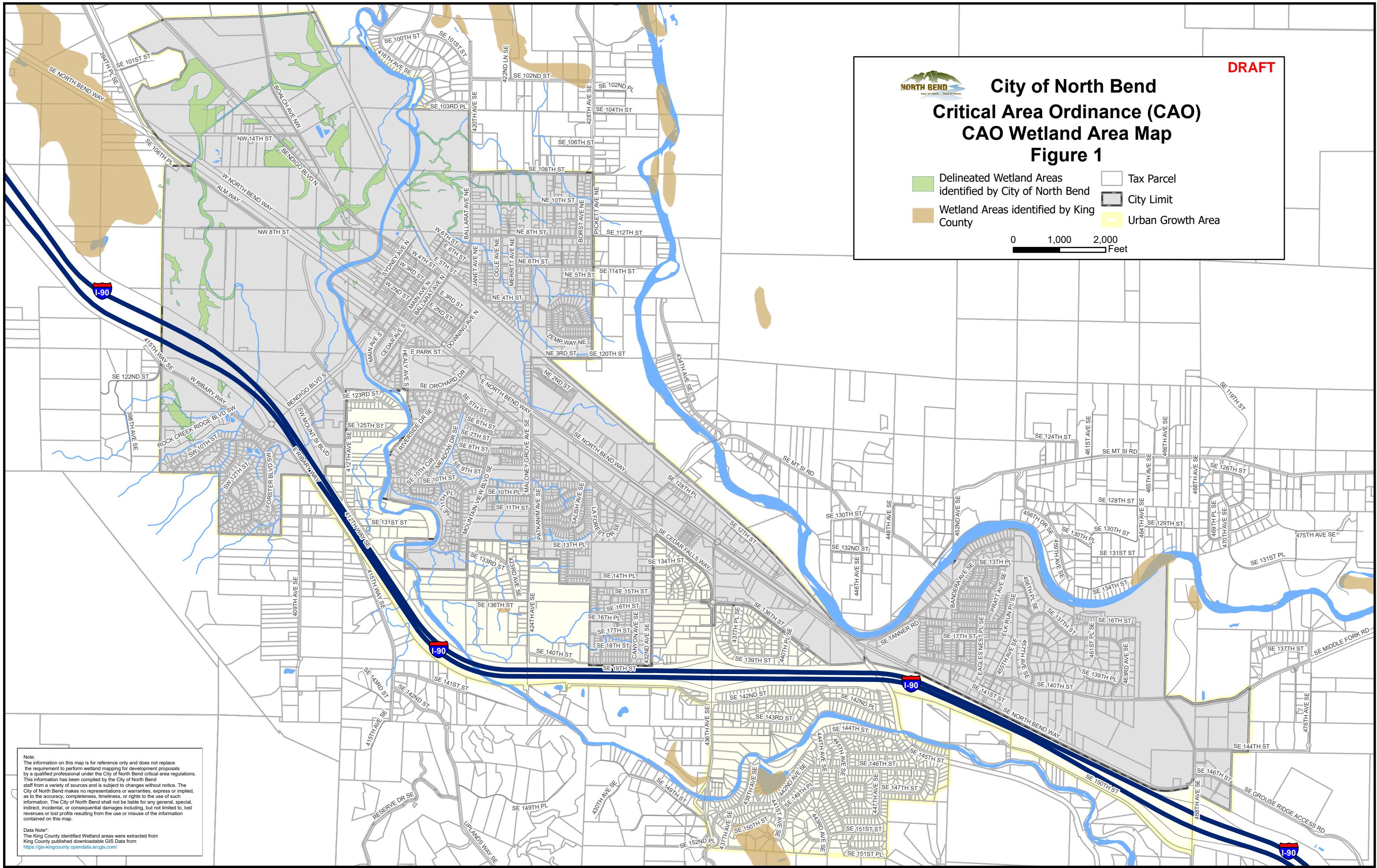
Ecology [Washington Department of Ecology]. 2005. Critical Aquifer Recharge Areas Guidance, revised March 2021. Available at: <https://apps.ecology.wa.gov/publications/documents/0510028.pdf>

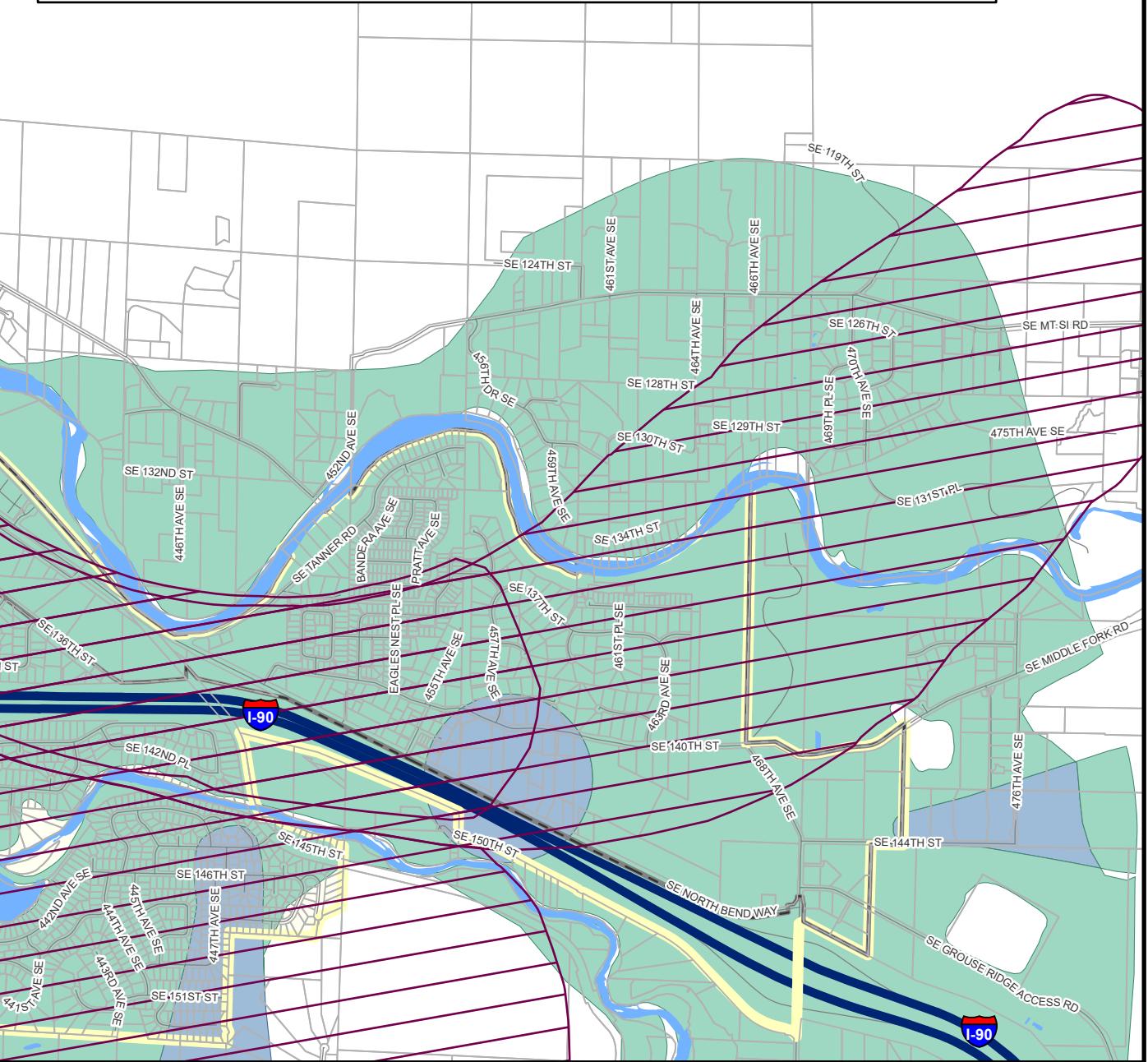
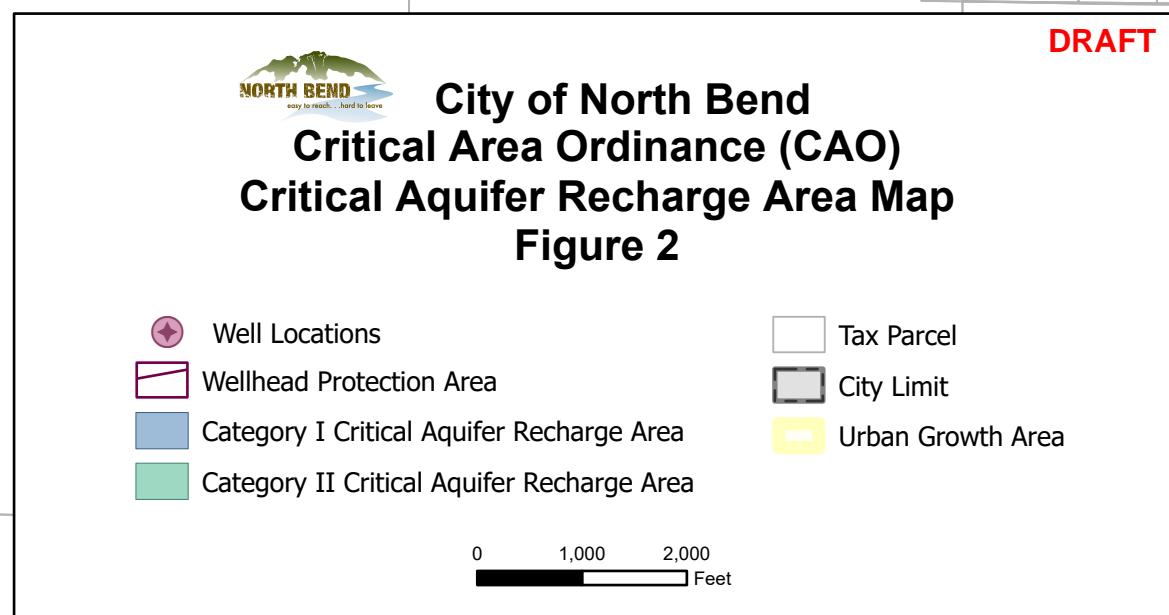
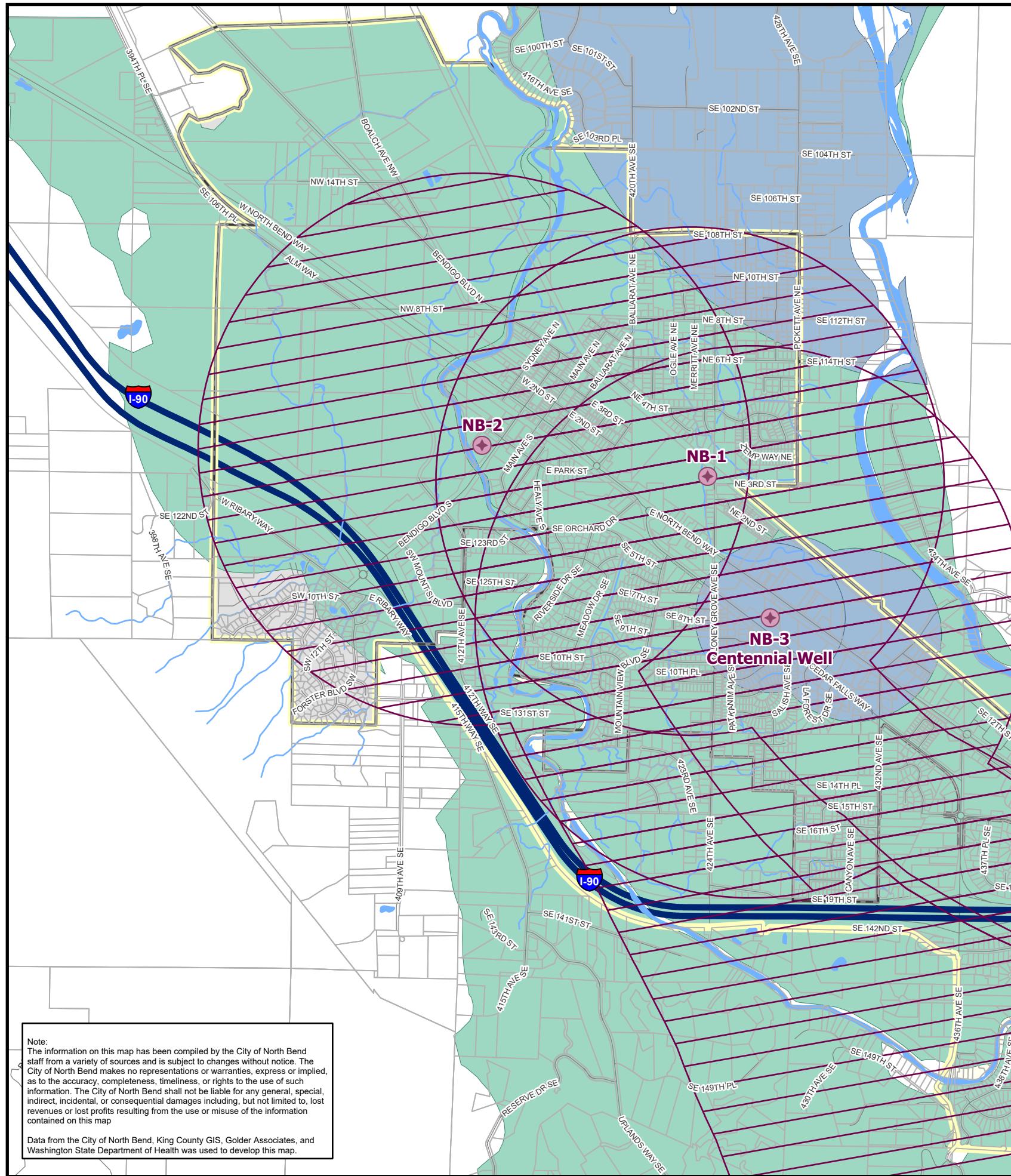
Ecology, US Army Corps of Engineers, and US Environmental Protection Agency (Region 10). 2021. Wetland Mitigation in Washington State, Part 1: Agency Policies and Guidance (Version 2). Ecology Publication No. 21-06-003. Available at: <https://ecology.wa.gov/Water-Shorelines/Wetlands/Mitigation/Interagency-guidance>

Hruby, T. 2012. Calculating Credits and Debits for Compensatory Mitigation (revised March 2012). Ecology Publication No. 10-06-011. Available at:  
<https://apps.ecology.wa.gov/publications/summarypages/1006011.html>

Quinn, T., G.F. Wilhere, and K.L. Krueger, technical editors. 2020. Riparian Ecosystems, Volume 1: Science Synthesis and Management Implications. Habitat Program, Washington Department of Fish and Wildlife, Olympia.

Rentz, R., A. Windrope, K. Folkerts, and J. Azerra. 2020. Riparian Ecosystems, Volume 2: Management Recommendations. Habitat Program, Washington Department of Fish and Wildlife, Olympia.







**DRAFT**  
**City of North Bend**  
**Critical Area Ordinance (CAO)**  
**Streams and Other Fish & Wildlife Habitat Areas Map**  
**Figure 3**

|   |   |
|---|---|
| <b>Shorelines Type S Stream</b>         | <b>Type S Water Buffer</b>  |
| <b>Fish Type F Water</b>                | <b>Type F Stream / Water Buffer</b>                                   |
| <b>Non-Fish Perennial Type Np Water</b> | <b>Type Np Stream / Water Buffer</b>                                  |
| <b>Non-Fish Seasonal Type Ns Water</b>  | <b>Type Ns Stream / Water Buffer</b>                                  |
| <b>Conveyance Type C Water</b>          | <b>Non-stream drainages regulated for flood and storm conveyance.</b> |
| <b>Type Np Stream</b>                   | <b>Tax Parcel</b>   |
| <b>Type F Stream</b>                    | <b>City Limit</b>   |
| <b>Type Ns Stream</b>                   | <b>Urban Growth Area</b>  |
| <b>Type C Stream</b>                    |   |

Shorelines of State (rivers over 20 cfs, marine shorelines, and lakes over 20 acres) including periodically inundated areas of their associated wetlands.

Type S buffers vary - see Chapter 14.20 Shoreline Regulations of the North Bend Municipal Code for guidance.

All non-shorelines of the state, streams, lakes, ponds, or other impoundments that have a surface area of 0.5 acres or greater and that have fish or fish habitat.

Developed and vested areas within the Exit 31 & Forster Woods neighborhood are subject to a 25' buffer. See the North Bend Municipal Code for details.

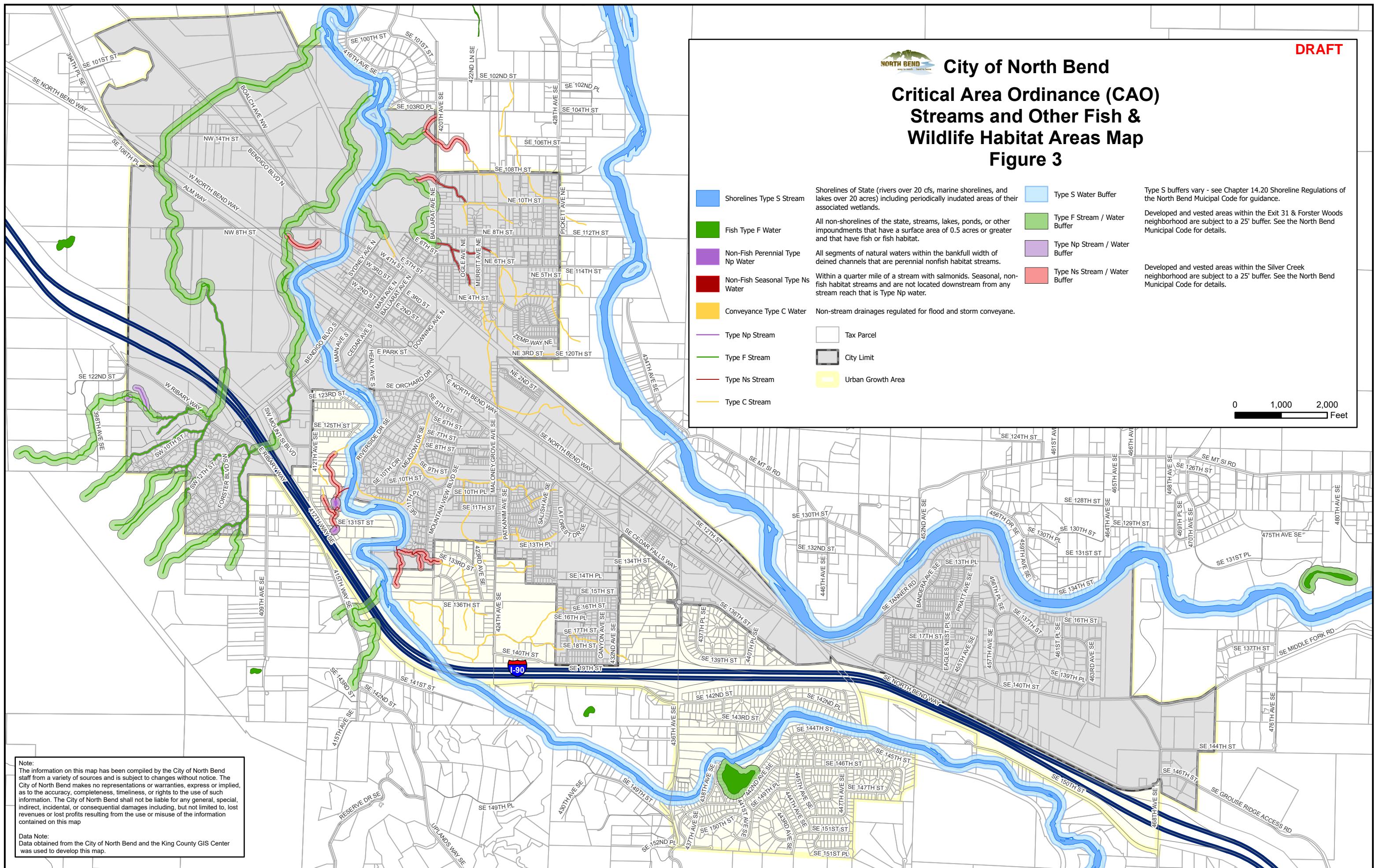
All segments of natural waters within the bankfull width of defined channels that are perennial nonfish habitat streams.

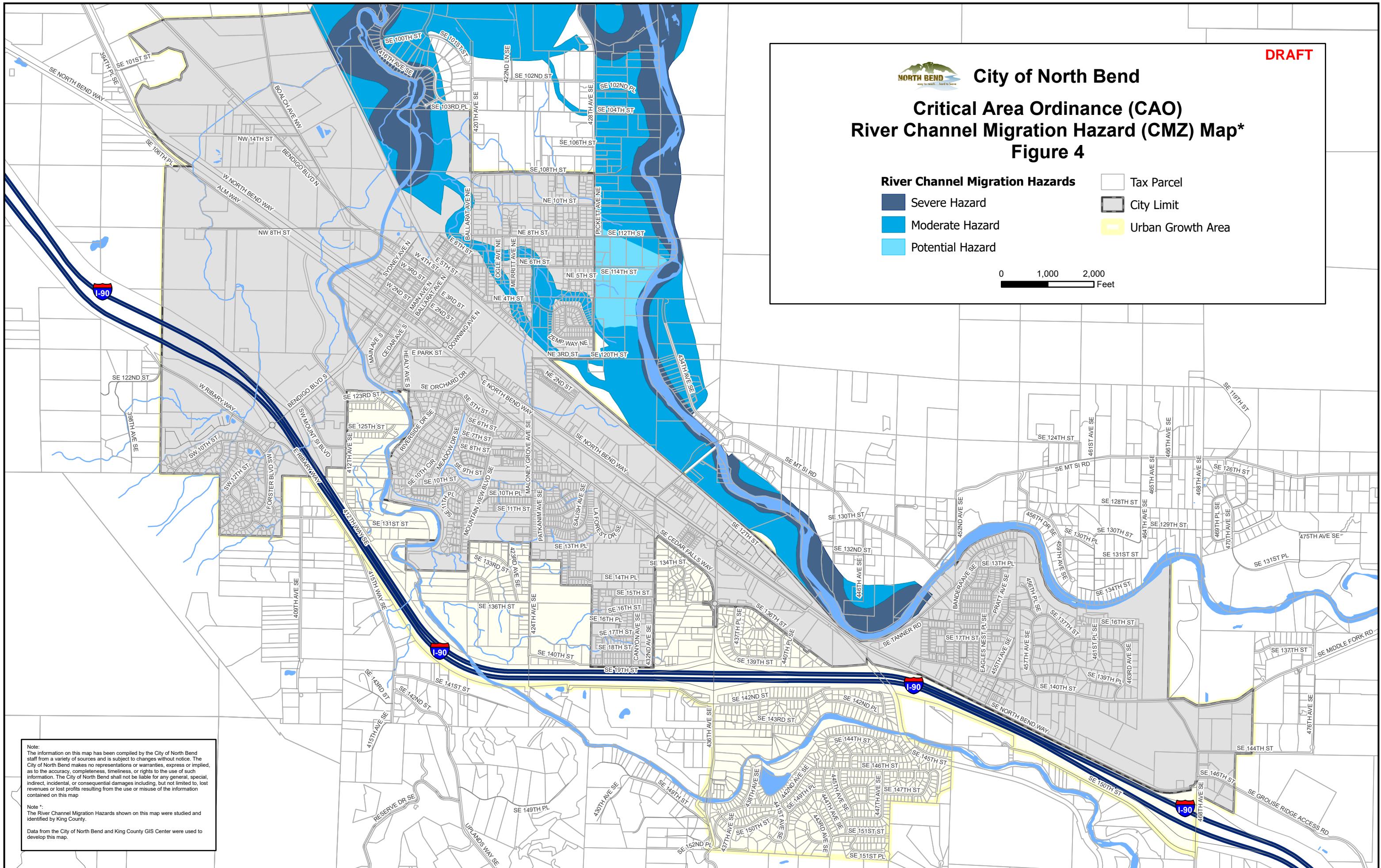
Developed and vested areas within the Silver Creek neighborhood are subject to a 25' buffer. See the North Bend Municipal Code for details.

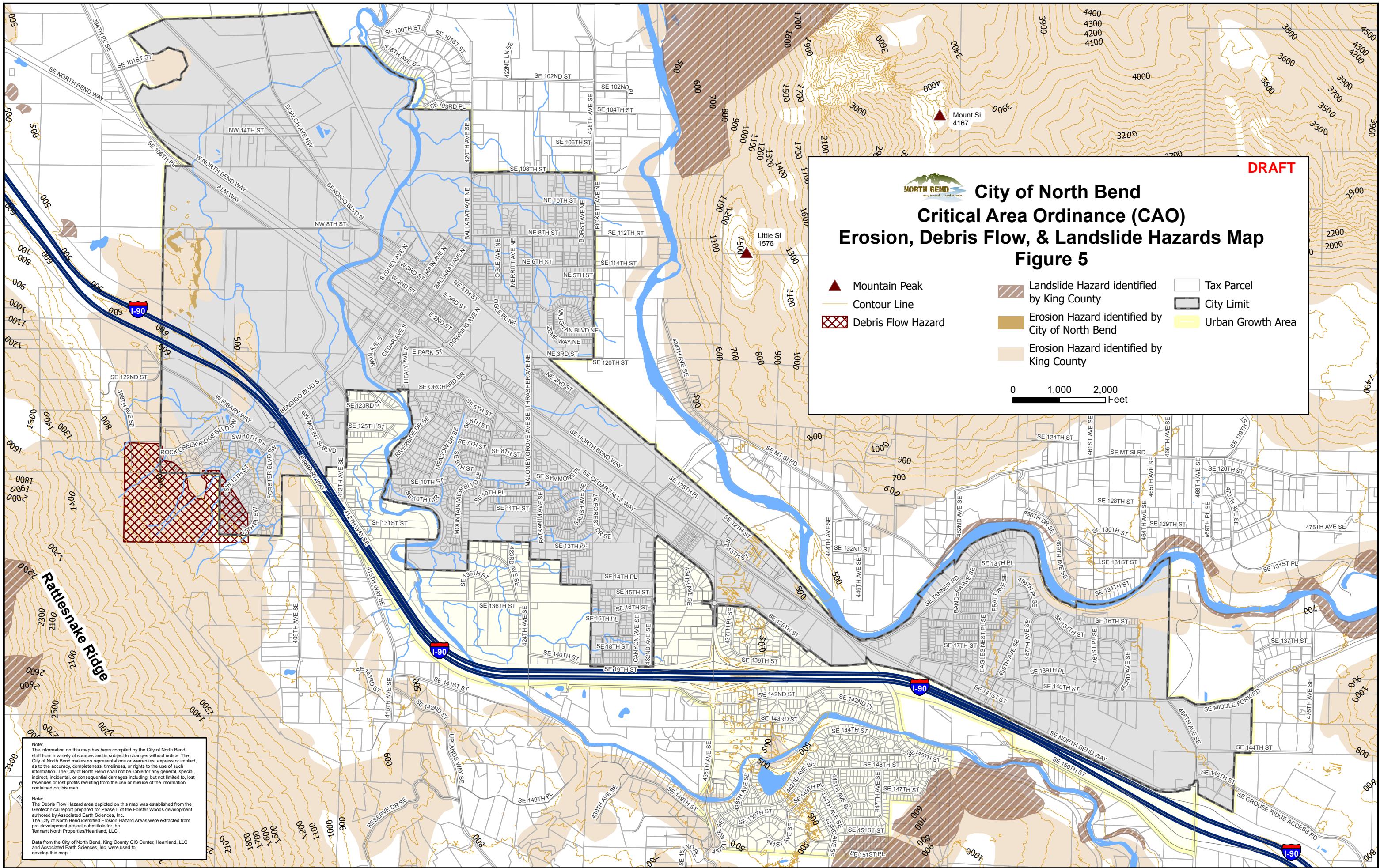
Within a quarter mile of a stream with salmonids. Seasonal, non-fish habitat streams and are not located downstream from any stream reach that is Type Np water.

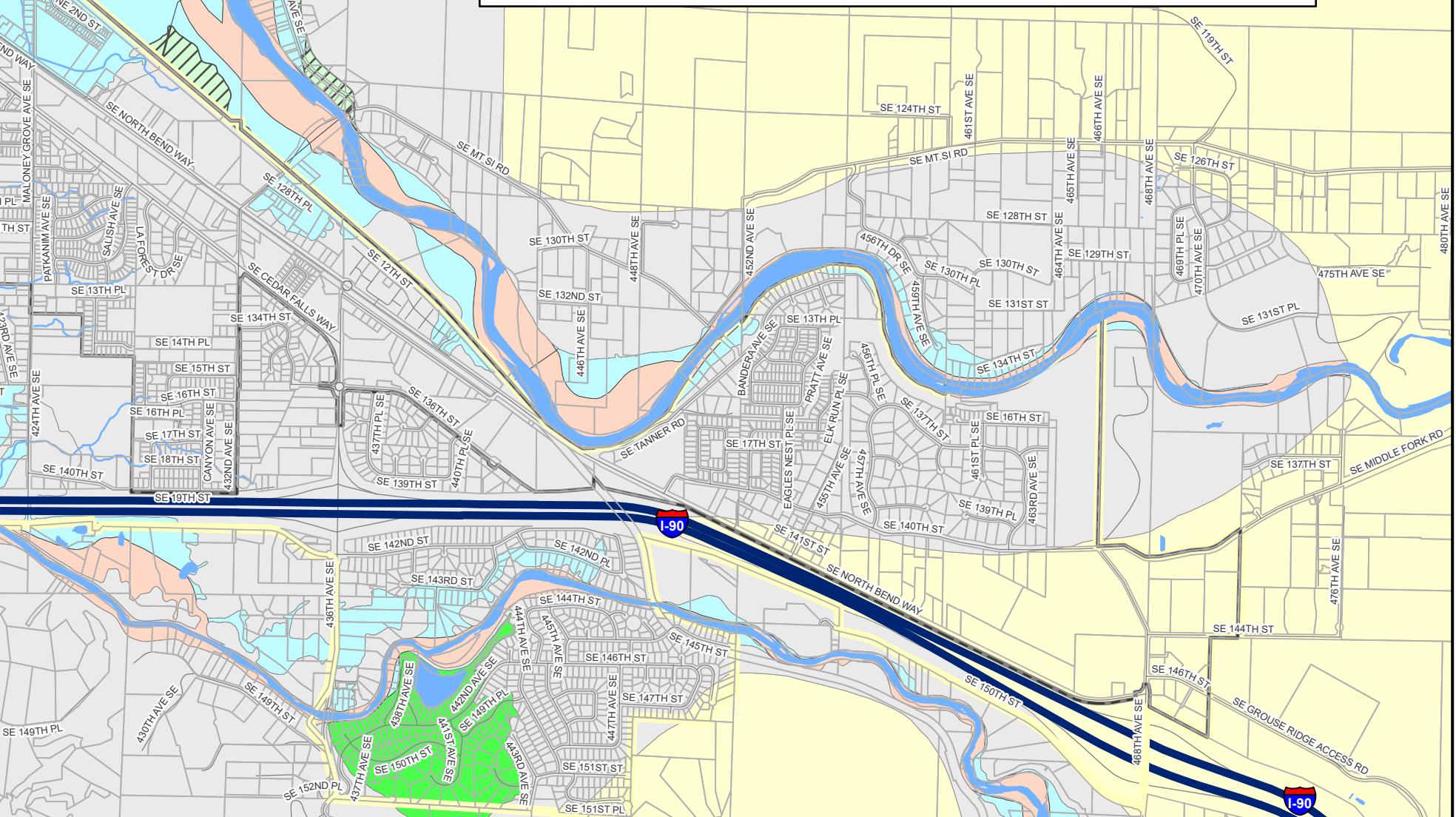
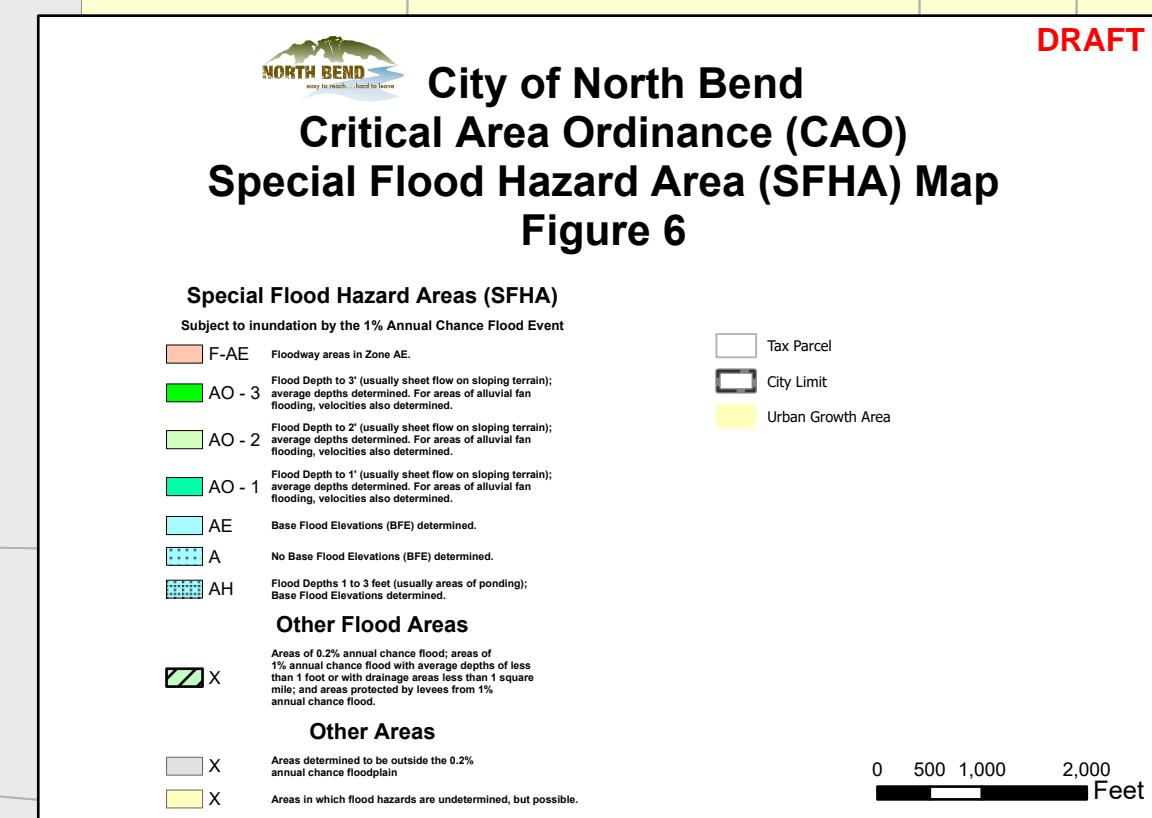
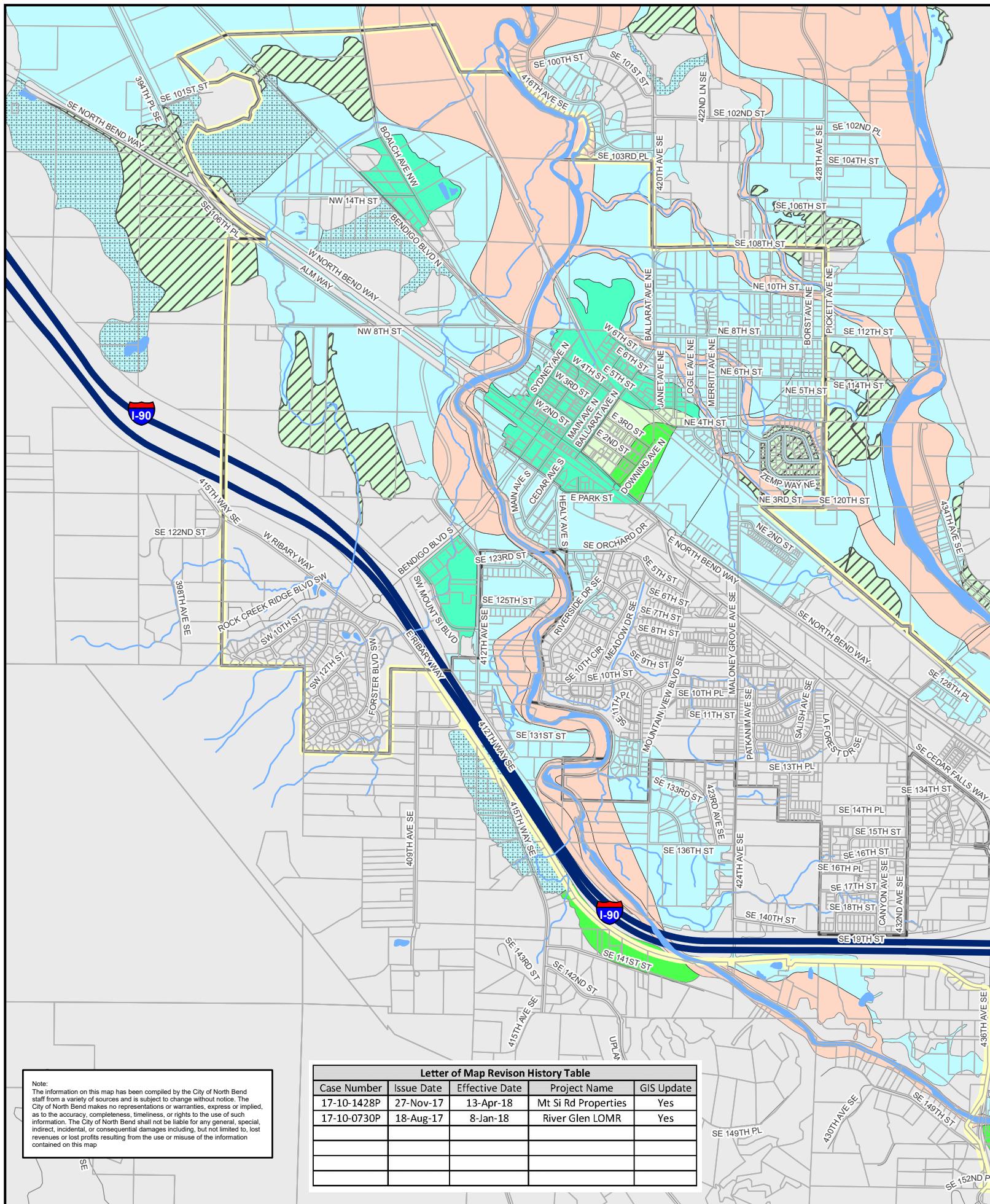
Non-stream drainages regulated for flood and storm conveyance.

0 1,000 2,000  
Feet









**From:** [Sears, Tricia \(DNR\)](#)  
**To:** [Jamie Burrell](#)  
**Cc:** [Sears, Tricia \(DNR\)](#); [Holman, Carol \(COM\)](#); [Oliver, Emma \(DNR\)](#)  
**Subject:** North Bend's Development Regulations (2025-S-8148): WGS comments  
**Date:** Tuesday, March 11, 2025 10:28:17 AM  
**Attachments:** [image004.png](#)

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Hello Jamie,

In keeping with the interagency correspondence principles, I am providing you with comments on North Bend's Development Regulations (2025-S-8148).

For this proposal submitted via Planview, I looked at the proposal and focused on areas related to WGS work. Of note, but not limited to, I look for language around the geologically hazardous areas, mineral resource lands, mining, climate change, and natural hazards mitigation plans.

Specifically in this proposal, I reviewed the 2025 NBMC Title 14 Environmental Protection Amendments Limited PDF, BAS Technical Memo and Checklists PDF, and the Staff Report and Planning Commission Recommendation 2025 Amendments.

Those documents show a change to the definition of geologically hazardous areas, among other things. That's good to bring it be consistent with RCW 36.70A.030(14) and WAC 365-190-120(1). That is one of the recommendations I make frequently, to keep the local code consistent with the RCW and WAC. As part of BAS, you will see again that I recommend including a reference to the WGS Geologic Information Portal.

I previously provided comments to you on 12/6/24 and 12/10/24 related to 2024-S-7724. I have included these below for your convenience.

Below, I include our usual language for this and future endeavors.

Recognizing the limitations of the current proposals, I want to mention that it would be great for you to consider these in current or future work, be it in your comprehensive plan, development code, and SMP updates, and in your work in general:

- Consider adding a reference to WAC 365-190-120 geologically hazardous areas for definitions in other areas besides the CAO. In addition, consider adding a reference to WAC 365-196-480 for natural resource lands.
- Consider adding a reference to the WGS Geologic Information Portal in other areas besides the CAO. If you have not checked our interactive database, the WGS Geologic Information Portal, lately, you may wish to do so. [Geologic Information Portal | WA - DNR](#)
- If you have not checked out our Geologic Planning page, you may wish to do so. [Geologic Planning | WA - DNR](#)

Thank you for considering our comments. If you have any questions or need additional information, please contact me. For your convenience, if there are no concerns or follow-up discussion, you may consider these comments to be final as of the 60-day comment deadline of 5/6/24.

Have a great day!

Cheerio,  
Tricia

Tricia R. Sears (she/her/hers)  
**Geologic Planning Liaison**  
Washington Geological Survey (WGS)  
Washington Department of Natural Resources (DNR)  
Cell: 360-628-2867 | Email: [tricia.sears@dnr.wa.gov](mailto:tricia.sears@dnr.wa.gov)

---

**From:** Sears, Tricia (DNR)  
**Sent:** Tuesday, December 10, 2024 3:37 PM  
**To:** Jamie Burrell <JBURRELL@NORTHBENDWA.GOV>  
**Cc:** Holman, Carol (COM) <carol.holman@commerce.wa.gov>; Sears, Tricia (DNR) <Tricia.Sears@dnr.wa.gov>  
**Subject:** RE: North Bend's Development Regulations (2024-S-7724): WGS comments

Hi Jamie,

Thank you for the invitation to review North Bend's Critical Areas Maps at the link you provided. As an overall comment, the maps are attractively designed and easy to read.

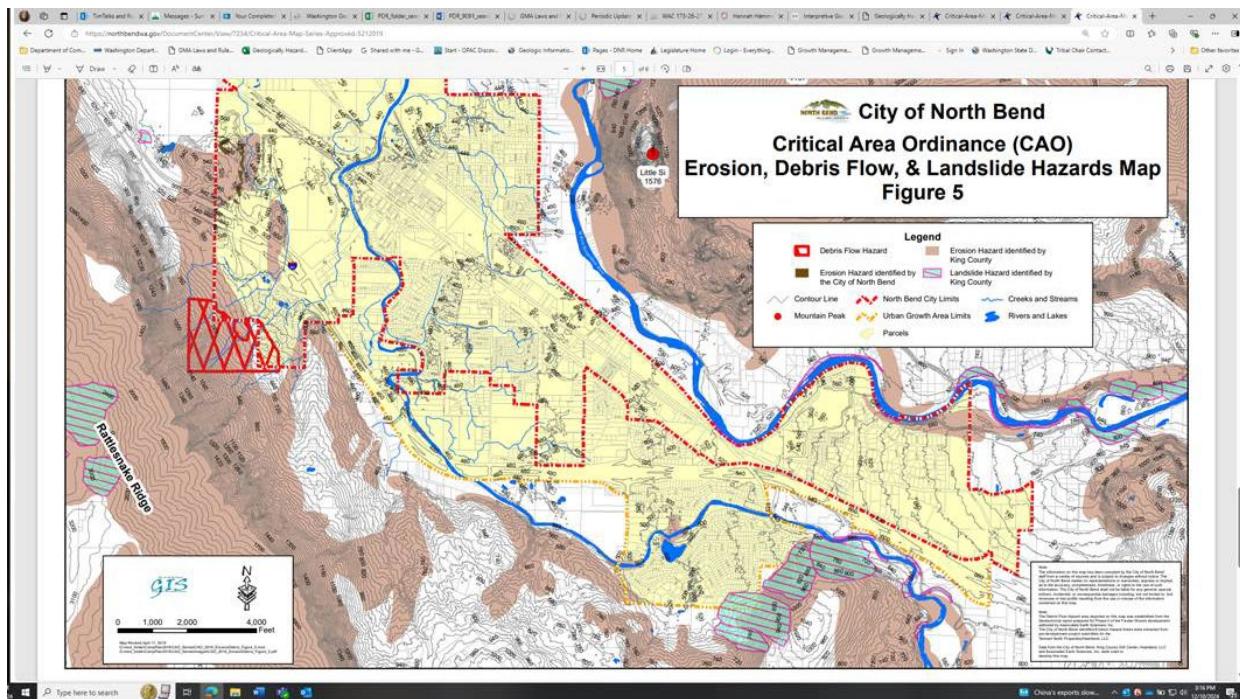
I have attached a print screen of the map that is most relevant to WGS area of expertise.

I have several comments related to the legend and the notes boxes.

In your notes box, there are geotechnical reports from development proposals cited, along with the King County GIS, North Bend, and two consulting companies. That is good but I notice there is no reference to the WGS Geologic Information Portal. If you have not checked our interactive database, the WGS Geologic Information Portal, lately, you may wish to do so. This source contains best available science, [Geologic Information Portal | WA - DNR](#). We are happy to help you with the understanding and use of the information.

The legend makes distinctions between North Bend and King County identification of hazard information. It shows erosion information from both jurisdictions, landslide information from one jurisdiction, and the debris flow information is not noted with a jurisdictional name. For consistency, suggest noting which jurisdiction identified the debris flow information, and noting if there is landslide information for landslides in North Bend. The map shows the landslide green stripe pattern outside and just barely inside the city boundary. It shows the debris flow information similarly, outside and just inside the city boundary. It shows a small amount of erosion identified by North Bend in the city boundary and no landslide information identified by North Bend. Have you adopted King County provisions into North Bend's code for the hazard areas that King County has identified and that you show inside the city boundary?

I hope you find these comments helpful.



Cheerio,  
Tricia

Tricia R. Sears (she/her/hers)  
**Geologic Planning Liaison**  
 Washington Geological Survey (WGS)  
 Washington Department of Natural Resources (DNR)  
 Cell: 360-628-2867 | Email: [tricia.sears@dnr.wa.gov](mailto:tricia.sears@dnr.wa.gov)

**From:** Jamie Burrell <[JBURRELL@NORTHBENDWA.GOV](mailto:JBURRELL@NORTHBENDWA.GOV)>  
**Sent:** Monday, December 9, 2024 7:28 AM  
**To:** Sears, Tricia (DNR) <[Tricia.Sears@dnr.wa.gov](mailto:Tricia.Sears@dnr.wa.gov)>  
**Cc:** Holman, Carol (COM) <[carol.holman@commerce.wa.gov](mailto:carol.holman@commerce.wa.gov)>  
**Subject:** RE: North Bend's Development Regulations (2024-S-7724): WGS comments

External Email

Good morning,

Also, if you have any initial comments on our Critical Area map set please let me know.

We will be working on draft amendments early 2025 taking to Planning Commission in March if the current schedule sticks.  
[Critical-Area-Map-Series-Approved-5212019](https://northbendwa.gov/DocumentCenter/View/7724/Critical-Area-Map-Series-Approved-5212019)

Jamie Burrell  
 Senior Planner  
 City of North Bend  
[jburrell@northbendwa.gov](mailto:jburrell@northbendwa.gov)  
 425-888-7642 425-428-0928 (cell)



**From:** Sears, Tricia (DNR) <[Tricia.Sears@dnr.wa.gov](mailto:Tricia.Sears@dnr.wa.gov)>

**Sent:** Friday, December 6, 2024 8:25 AM  
**To:** Jamie Burrell <[JBURRELL@NORTHBENDWA.GOV](mailto:JBURRELL@NORTHBENDWA.GOV)>  
**Cc:** Sears, Tricia (DNR) <[Tricia.Sears@dnr.wa.gov](mailto:Tricia.Sears@dnr.wa.gov)>; Holman, Carol (COM) <[carol.holman@commerce.wa.gov](mailto:carol.holman@commerce.wa.gov)>  
**Subject:** North Bend's Development Regulations (2024-S-7724): WGS comments

12/6/24

Hello Jamie,

In keeping with the interagency correspondence principles, I am providing you with comments on North Bend's Development Regulations (2024-S-7724).

For this proposal submitted via Planview, I looked at the proposal and focused on areas related to WGS work. Of note, but not limited to, I look for language around the geologically hazardous areas, mineral resource lands, mining, climate change, and natural hazards mitigation plans.

Specifically in this proposal, I reviewed the PC Staff Report and Proposed 2024 Comp Plan Code amendments PDF.

None of the proposed changes are in the areas of WGS focus noted above. WGS has no suggested changes for the current proposal.

Below, I include our usual language for this and future endeavors.

Recognizing the limitations of the current proposals, I want to mention that it would be great for you to consider these in current or future work, be it in your comprehensive plan, development code, and SMP updates, and in your work in general:

- Consider adding a reference to WAC 365-190-120 geologically hazardous areas for definitions in other areas besides the CAO. In addition, consider adding a reference to WAC 365-196-480 for natural resource lands.
- Consider adding a reference to the WGS Geologic Information Portal in other areas besides the CAO. If you have not checked our interactive database, the WGS Geologic Information Portal, lately, you may wish to do so. [Geologic Information Portal | WA - DNR](#)
- If you have not checked out our Geologic Planning page, you may wish to do so. [Geologic Planning | WA - DNR](#)

Thank you for considering our comments. If you have any questions or need additional information, please contact me. For your convenience, if there are no concerns or follow-up discussion, you may consider these comments to be final as of the 60-day comment deadline of 1/5/24.

Cheerio,  
Tricia

Tricia R. Sears (she/her/hers)  
**Geologic Planning Liaison**  
Washington Geological Survey (WGS)  
Washington Department of Natural Resources (DNR)  
Cell: 360-628-2867 | Email: [tricia.sears@dnr.wa.gov](mailto:tricia.sears@dnr.wa.gov)



Natural Resources Department  
Environmental Division  
6406 Marine DR NW  
Tulalip, WA 98271

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March 17, 2025

Jamie Burrell | Senior Planner  
City of North Bend

Re: City of North Bend 2025 Critical Areas Code Update

The Tulalip Tribes hold constitutionally protected, treaty-reserved rights to harvest, consume, and otherwise manage fish, shellfish, and other natural resources within our historic lands and waters. These treaty rights and resources are integral to supporting the tribal economy, and play a vital role in ensuring the health, welfare, and cultural ways of life of the tribe and tribal community.

We all rely on our precious natural resources, and on a clean and healthy natural environment. Most people recognize this to some degree, but few truly understand the subtle yet cascading impacts that even small encroachments into environmentally sensitive areas, bit by bit, over time, can cause. But we do, and we recognize that current policy and practices are failing to provide the protections we need.

Do we have data to show that we're failing to protect our resources? Yes. There are many studies, some of which are our own, that demonstrate that negative changes are continuing to happen in our watersheds over time, such as increased levels of harmful nutrients and pollutants in streams, decreased dissolved oxygen levels, warming water temperatures, loss of wetlands, loss of water quantity in streams, and ongoing habitat degradation.

The science is always advancing, and there's a general trend of discovering time and again that our environmental protections are still not robust enough. In a Proviso published by the Wa Dept of Fish & Wildlife just last year, it is stated that *"Despite significant investments in the recovery of salmon and other fish and wildlife species, scientific evidence of continued ecosystem decline in Washington indicates that policies are not working or are not going far enough to protect our state's rich natural heritage. We must protect what we currently have and restore ecological and watershed functions—through increased investments and actions at a greater scale and pace—if salmon and other threatened species are to have a chance for recovery in Washington, especially in the face of climate change and continued human population growth."*

The Tulalip Tribes are federally recognized successors in the interest to the Snohomish, Snoqualmie, Skykomish, and other allied tribes and bands signatory to the Treaty of Point Elliott.



6406 Marine DR NW  
Tulalip, WA 98271  
360-716-4617

Because of this trend, we recommend the following changes:

1. Increase buffer widths to Site Potential Tree Height.
2. Increase buffers to a minimum of 100ft on non-fish bearing streams, and wetlands associated with fish bearing streams.
3. Require mitigation sequencing on all wetlands, regardless of their size, category, or habitat score.
4. Above all, critical areas and their buffers should not be considered “available” land for building, or turned to as a means of alleviating housing demand. This is “pushing the easy button”, and as long as there’s an easy button to push, that’s what will happen. These sensitive areas are as necessary for all of us as buildable land is, and we strongly encourage the city to recognize this, and look for other ways, and other places to provide that much-needed housing.

Thank you for considering our concerns,

Todd Gray  
Environmental Protection Ecologist  
The Tulalip Tribes | Natural Resources Dept.  
360-716-4620 | [toddgray@tulaliptribes-nsn.gov](mailto:toddgray@tulaliptribes-nsn.gov)