



**CITY COUNCIL MEETING AGENDA
TUESDAY, FEBRUARY 7, 2023
HELD REMOTELY & IN PERSON AT CITY HALL
124 S. LEFEVRE ST.**

- Sign up to provide Public Comment at the meeting via calling in
- Submit Written Public Comment Before 4 pm on (February 07, 2023) - *SEE NOTE*
- Join the Zoom Meeting –
<https://us06web.zoom.us/j/86947355214?pwd=WSt5Ky9sNHlwRmowdDhsZXINamlVZz09>

Meeting ID: 869 4735 5214

Passcode: 237185

One tap mobile

+12532050468,,86947355214#,,,,*237185# US

+12532158782,,86947355214#,,,,*237185# US (Tacoma)

Find your local number: <https://us06web.zoom.us/j/kbTE4CyXYC>

WRITTEN PUBLIC COMMENTS

If you wish to provide written public comments for the council meeting, please email your comments to sweathers@medical-lake.org by 4:00 p.m. the day of the council meeting and include all the following information with your comments:

1. The Meeting Date
2. Your First and Last Name
3. If you are a Medical Lake resident
4. The Agenda Item(s) which you are speaking about

*Note – If providing written comments, the comments received will be acknowledged during the public meeting, but not read. All written comments received by 4:00 p.m. will be provided to the mayor and city council members in advance of the meeting.

Questions or Need Assistance? Please contact City Hall at 509-565-5000

REGULAR SESSION – 6:30 PM

1. CALL TO ORDER, PLEDGE OF ALLEGIANCE, ROLL CALL

- A. Absence(s): Don Kennedy. Approved at the January 17, 2023, council meeting.

2. AGENDA APPROVAL

3. INTERESTED CITIZENS: AUDIENCE REQUESTS AND COMMENTS

4. ANNOUNCEMENTS / PROCLAMATIONS / SPECIAL PRESENTATIONS

5. REPORTS

- a. Committee Reports
 - i. Finance Committee
 - ii. Parks and Recreation Committee
- b. Council Comments
- c. Mayor
- d. City Administrator & City Staff
 - i. 2022 Budget Update – Koss Ronholt

6. WORKSHOP DISCUSSION – None listed

7. EXECUTIVE SESSION – Scheduled per RCW 42.30.110(h) (City Council candidate(s) qualifications)

8. ACTION ITEMS

- A. Consent Agenda
 - i. Approve **January 17, 2023**, minutes
 - ii. Approve **February 07, 2023**, Claim Warrants **42113** through **42156** in the amount of **\$66,134.92**, and 13th Month Claim Warrants **42100** through **42112** in the amount of **\$59,676.48**.
- B. Selection of City Council Appointment Candidates

9. RESOLUTIONS

- A. 23-568 Maintenance Journeyman and Lead Requirements
- B. 23-569 Credit/Fuel Card Policy and Procedure
- C. 23-570 Sole Source Public Works Vehicle Purchase - Vactor
- D. 23-571 Sole Source Public Works Vehicle Purchase – Multi-Hog
- E. 23-572 Construction Contract for Reclaimed Water Main Leak

10. PUBLIC HEARING – Critical Areas Ordinance

11. ORDINANCES

- A. First Read - 1108 Critical Areas Ordinance

12. EMERGENCY ORDINANCES – No items listed

13. UPCOMING AGENDA ITEMS

14. INTERESTED CITIZENS

15. CONCLUSION

CITY OF MEDICAL LAKE
City Council Regular Meeting

6:30 PM
January 17, 2023

MINUTES

Council Chambers
124 S. Lefevre Street

NOTE: This is not a verbatim transcript. Minutes contain only a summary of the discussion. A recording of the meeting is on file and available from City Hall.

COUNCIL AND ADMINISTRATIVE PERSONNEL PRESENT

Councilmembers

Don Kennedy
Chad Pritchard
Art Kulibert (via Zoom)
Heather Starr
Tony Harbolt
Bob Maxwell

Administration/Staff

Terri Cooper, Mayor
Sonny Weathers, City Administrator
Koss Ronholt, Finance Director/City Clerk
Sean King, City Attorney
Scott Duncan, Public Works Director
Roxanne Wright, Admin. Assistant

1. CALL TO ORDER, PLEDGE OF ALLEGIANCE, ROLL CALL

- A. Mayor Cooper called the meeting to order at 6:30 pm, led the pledge of allegiance, and conducted roll call. Position #2 is vacant, councilmember Kulibert was present on Zoom, and all others were present in person.
- B. Absences - none

2. AGENDA APPROVAL

- A. Councilmember Kennedy submitted a request for absence from the February 7, 2023 council meeting. Motion to approve absence made by councilmember Harbolt, seconded by councilmember Maxwell, motion carried 5-0, with councilmember Kennedy abstaining.
- B. Mayor Cooper requested a motion to add to the agenda, under section 7 Action Items, subsection C Approval of City Council Internal Committee assignments. Motion made by councilmember Kennedy, seconded by councilmember Maxwell, motion carried 6-0.
- C. Motion to accept agenda as amended made by councilmember Starr, seconded by councilmember Maxwell, motion carried 6-0.

3. INTERESTED CITIZENS: AUDIENCE REQUESTS AND COMMENTS

- A. none

4. ANNOUNCEMENTS / PROCLAMATIONS / SPECIAL PRESENTATIONS – No items listed

5. REPORTS

- A. City Council & Council Committee Reports

- i. Finance Committee – Councilmember Starr shared that the committee reviewed claims and warrants. A lengthy conversation was had regarding the city’s garbage funds and an additional \$7000 needed due to projected cost increases. The committee discussed various ways to avoid passing on the additional cost to customers. Also discussed how to minimize customer service calls regarding garbage service to city hall. Requested to add this topic to a future agenda.
- ii. Public Safety Committee – Councilmember Kennedy shared that the committee discussed the city’s receipt of the notice of termination from the Spokane County Sheriff which begins the two-year transition period. The committee discussed the transition and how to move forward.
- iii. Public Safety Update (FD3/Sheriff) –
 - 1. Lt. Gladden from the Sheriff’s department reported that there had been a break in at the Pioneer Park bathroom but there was no major damage.
 - 2. Chief Rohrbach with Fire District 3 gave an update on year-end statistics. Should finish district wide very close to last year. Medical Lake ended the year with 680 calls, which is very close to historical average. The month of December was the busiest month of the year in Medical Lake as well as district wide. Most of the December calls were weather related due to the frigid temperatures. Shared that he will bring in data on response times at a future meeting.
- iv. Public Works Committee – Councilmember Maxwell shared that both city wells are doing very well with adequate water and recovery. Shared that public works will make two major purchases, a vactor truck and multi-hog snow blower. Gave update that the city has a new company that will offer the same services for the drug testing program.

B. Council Comments

- i. Councilmember Pritchard – no report
- ii. Councilmember Starr – asked Lt. Gladden from the Sheriff’s Department about getting packets with city reports. Lt. Gladden stated that he will look into it and hopes to provide more information in coming meetings.
- iii. Councilmember Kulibert – no report
- iv. Councilmember Kennedy – Reported that he will be attending the STA board meeting on Thursday.
- v. Councilmember Maxwell – no report
- vi. Councilmember Harbolt – no report

C. Mayor Cooper – shared that the part-time Code Enforcement Officer position is open and posted on the city’s website.

D. City Administrator & City Staff

- i. Sonny Weathers, City Administrator
 - 1. Shared that the Washington State Legislative session has begun. Shared that the topic of the appropriation of funds for police services at Eastern State Hospital and Lakeland Village is a priority for the city.
 - a. Mayor Cooper shared that she had received an e-mail from Senator Holy that he has taken on this topic and drafted a proposal for the state budget.
 - 2. Mr. Weathers gave a presentation on Legislative Affairs Strategy

- a. Mayor shared that she will be testifying at legislature re: police reforms and therapeutic court model.
- ii. 2022 Budget Update – Koss Ronholt, Finance Director
 - 1. Shared that revenues are in for the year and all looks positive. More expenditures have been received that are attached to the 2022 budget. Shared that he is working on final numbers to present to council.

6. WORKSHOP DISCUSSION

- A. Critical Areas Ordinance Update
 - i. Elisa Rodriguez, City Planner gave presentation on the Planning Commission’s process. Reminded that the next council meeting on February 7, 2023, will be a public hearing and the first read of the Ordinance.
 - ii. Commissioner Munson shared on his experience with the process.
- B. Credit/Fuel Card Policy and Procedure Update
 - i. Koss Ronholt, Finance Director shared a presentation reviewing the new policy and procedure for credit/fuel cards.
 - 1. Mayor Cooper suggested adding some language as to when receipts are required to be returned to finance.
- C. City Council Internal Committee Assignments
 - i. Mr. Weathers discussed assignments, both current and proposed. Gave a handout with current assignments.
 - ii. Mayor shared that she would like to change the Public Works Committee to a General Government committee which will encompass public works among other city-related topics. Asked council members if they wanted to continue their current committee assignments or change to new ones. Councilmember Kennedy would like to change from Public Safety Committee and Parks and Recreation Committee to General Government Committee and Finance Committee. Councilmember Harbolt would like to be added to the Parks and Recreation Committee and be removed from Public Works Committee. Councilmember Pritchard would like to be added to Parks and Recreation Committee and remain with General Government Committee.
 - 1. Final committee assignments:
 - a. Finance – Councilmembers Starr, Kulibert, and Kennedy
 - b. Parks and Recreation – Councilmembers Starr, Harbolt, and Pritchard
 - c. Public Safety – Councilmembers Kulibert and Maxwell. This leaves one vacancy for the open council position.
 - d. General Government – Councilmembers Maxwell, Prichard, and Kennedy
- D. Maintenance Journeyman and Lead Requirements
 - i. Mr. Weathers gave an overview of the requirements.
 - 1. Mayor Cooper shared the reason behind developing the requirements; to provide clarity and give the ability to measure skills.

7. ACTION ITEMS

- A. Consent Agenda
 - i. Approve **January 3, 2023**, minutes
 - 1. Motion to approve made by councilmember Kennedy, seconded by councilmember Pritchard, carried 6-0.

- ii. Approve **January 17, 2023**, Payroll Claim Warrants **42050** through **42057** and Payroll Payable Warrants **20181** through **20185** in the amount of **\$126,245.44**, Claim Warrants **42081** through **42099** in the amount of **\$247,738.86**, and 13th Month Claim Warrants **42058** through **42080** in the amount of **\$87,251.19**.
 1. Finance committee reviewed and recommended approval.
 2. Motion to approve made by councilmember Starr, seconded by councilmember Kennedy, carried 6-0.

B. Approval of City Council Vacancy Appointment Procedures

- i. Mr. Weathers explained that this process is one of many that will be included in the update of the complete City Council Policies and Procedures Manual. Also shared that a clarification was made regarding the sequestering of candidates during the interviews. Wording has been added to reflect that the city will request that candidates sequester but will not mandate. Reviewed proposed application and questions to candidates and asked council for input/approval on those.
 1. Councilmember Pritchard suggested a question for inclusion on the form. Mayor Cooper explained that each council member will have the opportunity to send in their own personal questions for the interviews.
- ii. Motion to approve process made by councilmember Pritchard, seconded by councilmember Kennedy, carried 6-0.

C. Approval of City Council Internal Committee Assignments and External Appointments

- i. Internal committee assignments were made as provided in the workshop discussion. External appointments include Mayor Cooper to SRTC, councilmember Kennedy to STA, and councilmember Pritchard to HCDAC.
- ii. Motion to approve made by councilmember Maxwell, seconded by councilmember Kennedy, carried 6-0.

8. RESOLUTIONS

- A. 23-566 DSHS Land Lease Amendment #2
 - i. Mayor Cooper explained the amendment.
 - ii. Motion to approve the resolution made by councilmember Kennedy, seconded by councilmember Maxwell, carried 6-0.
- B. 23-567 Parks and Recreation Director Job Description
 - i. Mr. Weathers reviewed the job description, shared feedback received after the first draft was presented, and the changes that were made to the description as a result.
 - ii. Motion to approve resolution made by councilmember Pritchard, seconded by councilmember Kennedy, carried 6-0.

9. PUBLIC HEARING / APPEALS – No items listed

10. ORDINANCES – No items listed

11. EMERGENCY ORDINANCES – No items listed

12. UPCOMING AGENDA ITEMS

- A. CAO Update
- B. Credit Card Policy
- C. Maintenance and Journeyman Lead Requirements Resolution
- D. Garbage Fund
- E. Need for Cameras in some key locations (workshop)
- F. Resolutions for Sole Source Procurement for Public Works vehicle purchases

13. INTERESTED CITIZENS: AUDIENCE REQUESTS AND COMMENTS

- A. Tammy Roberson 424 W Brooks – shared comments regarding the CAO process. Gave handouts. See attachment “A”.

14. EXECUTIVE SESSION – None

15. CONCLUSION

- A. Motion to conclude meeting made by councilmember Pritchard, seconded by councilmember Kennedy. Motion carried 6-0 and meeting concluded at 8:22 pm.

Terri Cooper, Mayor

Koss Ronholt, Finance Director/City Clerk

ATTACHMENT "A"

JANUARY 17, 2023, CITY COUNCIL MINUTES
TAMMY ROBERSON COMMENTS AND HANDOUTS

Summaries of CAO Handouts Provided to PC/City Officials

(Dated: 13 Apr 2022, 23 May 2022, 25 Aug 2022, 8 Sep 2022, 22 Sep 2022, 21 Oct 2022 (Coauthored Suggested Modifications), 27 Oct 2022, 17 Nov 2022, and 15 Dec 2022)

City Council Meeting – 17 Jan 2023

Note: All page numbers at the end of the sentences correspond to the Handouts (located on the City’s website).

1. **13 Apr 2022 Letter, Subj: Improvements in City Procedures in light of the Park at Medical Lake/N. Stanley Wetland (5 pages).** Some major highlights included:

- ◇ City of Medical Lake failed to require the developers to undergo a bunch of environmental review processes based on my investigation (included a large number of public information requests to the City of Medical Lake and the Department of Ecology).
 - SEPA Regulations: The project apparently did not undergo SEPA review until Dec 2021, long after the developer had broken ground – a stop work order was posted at the site.
 - ❖ The biggest problem with this is that interested citizens only know what the City publishes.
 - ❖ By failing to do public SEPA notices, the City prevented the citizens from voicing their opinions on the project until shovels were in the ground.
 - Critical Areas Permitting Rules: The stop work order indicated the City failed to make and report critical areas findings about the project.
 - ❖ The December 2021 stop work order stated that the project did not have a “critical areas” permit as required by MLMC 17.10.
 - ❖ The Critical Areas Ordinance should require any project near a critical area to be publicly noticed.
 - ❖ City officials should not be able to unilaterally waive public notice or environmental review on large projects.
 - ❖ It is scary that projects might get approval from the City with no written records left behind supporting the decisionmaking process.
 - Misc Environmental Compliance: Investigation indicated that the City failed to require the developers to record a “notice of presence of the critical area” with the Spokane County Auditor. This may be a small thing, but it is emblematic of the small ways that corners might be getting cut regarding the environment in our town.
 - Best Available Science Review: The City had failed to require the developer to update its stale wetland delineation report before granting permits.
 - ❖ Ecology states that wetland delineations should be updated every five years.
 - ❖ In the City’s best interest, the City should be required to make written findings that state the basis for decision and identify the evidence relied on in making the decision.
 - Misc Concerns: City was obstructive and hostile towards my requests for information – resisted providing documents and generally refused to communicate with me about my concerns. The City was less interested in “participatory government” and more interested in evading scrutiny.
- ◇ Conclusions (lessons learned) regarding the Stanley Wetland fiasco:
 - Ensure any permit that requires findings by the City be published as public records. Findings should directly state what information the City is relying on in making a decision.
 - Ensure future City officials are not making decisions without secondary oversight and accountability. Any development project in the City should be reviewed by at least one other person in addition to the City Administrator/City Planner.

- Put in place any other reasonable procedures that will help reduce the ability of unelected officials to conceal governmental decisions from public notice. I want to be sure that one person does not have the power to “hide the ball” from citizens who want to participate in local government.
2. **23 May 2022 Letter with 2 attachments, Subj: Comments and Proposed Changes to the Medical Lake Draft Critical Areas Ordinance (9 pages) and “Findings” Proposed Text (3 pages).** Some major highlights included:
- ◇ When I had stated that I wanted our CAO to be more restrictive than state law, what I meant was that I wanted to be sure that the City of Medical Lake was not relying on the State of Washington to protect our critical areas. (page 1)
 - ◇ The following goals are needed to be enshrined in the CAO: (page 2)
 - City Planner/City Administrator can no longer unilaterally waive public notice of critical areas permits or excuse applicants from other ecological protection requirements.
 - Where unelected officials are granted significant discretion, environmental rules should require direct oversight by elected officials.
 - City Planner/City Administrator should be required to make meaningful written findings in support of decisions connected with environmental rules. Those findings should be included in public notices about permitting decisions.
 - Ensure that the public has a meaningful opportunity to review and challenge decisions made by unelected officials.
 - ◇ Some major proposed changes and recommendations requested included the following (which were NOT recommended/approved by the Planning Commission):
 - Add a “*Written Findings Required*” paragraph. When a City official makes a decision, there should be a clear record of the decision and the rationale that supports it. Those findings should be included in public notices about public hearings or permitting decisions and be made immediately available to the public as an addendum to the City Council Agenda so that citizens are made aware of environmental decisions as they occur. (page 1)
 - Add a minimum building setback of 15’ requirement from the edge of a wetland buffer para. (pg 8)
 - Add a yard reduction para (“In order to accommodate for the required buffer zone the City may reduce the front yard setback requirements on individual lots on a case-by-case basis. The front or rear yard shall not be reduced by more than fifty percent.”) The purpose of this provision is to reduce yard setback requirements in order to protect a wetland buffer. (page 8)
 - Add an extra buffer width for isolated wetlands paragraph. Isolated wetlands are more sensitive to degradation and/or accumulation of sediment and/or contaminants. (page 8)
 - ❖ Isolated wetlands benefit from larger buffers.
 - ❖ If a wetland is isolated (meaning it lacks an outlet), its buffer width shall be increased by 25 ft.
 - ❖ Recommendation came from *The Planner’s Guide to Wetland Buffers for Local Governments.*
 - Para regarding access roads/utilities may be permitted within the wetland - NOT factual (pg 7).
 - ❖ Dept of Ecology directly regulates wetlands, the City does not have the power to permit roads to run directly through wetlands.
 - ❖ Any takings claim against the government for a road by necessity should have long since expired by the effect of state law.
 - Add new clause (para D, subpara 16, d): “A decrease in the mitigation ration will require an independent wetland biologist to concur in the report prepared by the applicant...” (page 7)

- Add para (in section 17.10.140 somewhere): “No part of a wetland may be counted as part of a lot’s square footage for purposes of minimum lot area requirements imposed elsewhere in the Code.” (page 9)
 - ◇ Add proposed text that the City of Medical Lake makes the following “Findings”: (pages 1-3)
 - Wetland Buffers Are Essential to Long Term Ecological and Human Health.
 - Wetland Buffers Protect Water Quality of Wetlands.
 - Wetland Buffers Protect Wildlife.
 - Wetland Buffers Trap Pollutants Before They Reach a Wetland.
 - Wetland Buffers Have Other Values.
 - Certain Wetland Traits Increase their Ecological Value.
 - Wider Buffers are Generally Superior to Narrower Buffers.
 - Pollution and Disturbance May Reduce the Effectiveness of Buffers.
 - Buffer Width Affects Sediment Filtration.
 - Wetlands and Their Buffers Represent Critical Habitats for Most Washington Wildlife.
 - Human Activity Can Negatively Affect Buffers.
 - Higher Intensity Human Activity Near a Buffer May Require a Larger Buffer.
 - Buffer Widths are Determined from Four Basic Criteria.
 - Buffer Widths Depend on the Resource Being Protected.
 - Ranges of Effective Buffer Widths.
 - Buffers Are Only One Element of Effective Environmental Policy.
 - Medical Lake Lies Within the Boundaries of State Water Quality Improvement Projects.
3. **Handout dated 25 Aug 2022, Subj: Comments to Draft Medical Lake CAO Sections 7-13 (7 pages).**
- ◇ Some overall comments included (pages 1-2):
 - Require notice to the public when environmental rules are waived.
 - Increase the evidentiary burden on applicants seeking to avoid environment requirements.
 - Require elected officials to directly oversee environmental permitting decisions.
 - Require decision makers to create written findings that become part of the public record when any environmental decision gets made.
 - ◇ Para regarding access roads/utilities may be permitted within the wetland - **NOT** factual (page 4).
 - Presents significant cross regulation problems for the City by purporting to allow activities that state law would forbid.
 - Entire section should be deleted and replaced with the model section from “Wetland Guidance for CAO Updates Eastern Washington Version (page 24)”.
 - It is totally unacceptable for Medical Lake to purport to allow roads, sewer lines, etc. through existing high-value wetlands.
 - ◇ Some proposed changes and recommendations requested included the following (which were NOT recommended/approved by the Planning Commission):
 - Add para to “*Wetland buffer width averaging*”: “Requires the applicant to prove that buffer averaging will “improve wetland protection.” (page 5)
 - The four goals stated above (in #2) were repeated in this handout.
4. **Handout dated 8 Sep 2022 (8 pages).**
- ◇ The following proposed changes and recommendations were repeated once again to the Planning Commission/City Planner:

- Add a “Written Findings Required” paragraph. One of the most important things a government can do for the citizens it governs is to leave a clear record of what it has done and why it has done it. (page 2)
- Add “Buffer Setback” paragraph. “This building setback from the buffer shall be identified on the site plan.” (page 5)
- Add “Extra Buffer Width for Isolated Wetlands” paragraph. (pages 5-6)
- Add new clause (17.10.090 (F) (2) (h)), “A decrease in the mitigation ration will require an independent wetland biologist to concur in the report prepared by the applicant...”. (page 6)
- ◇ Some (new) proposed changes/recommendations included the following:
 - Delete all references to “less information.” (page 4)
 - ❖ The City should never sign off on being *less* informed about a project before approving it.
 - ❖ In the alternative, this section should expressly state that the decision to require less information must be supported by written findings and the decision to require less information is subject to appellate review.
 - Add subparagraph (17.10.090 E (1)): “For critical areas off site of the project site, estimate conditions within 300 ft of the project boundaries using the best available information.” Note: 250’ was updated to 300’ in Dept of Ecology’s Wetland Guidance for Critical Area Ordinance (CAO) Updates: Western and Eastern Washington, dated Oct 2022. (page 5)

5. Handout dated 22 Sep 2022, Subj: Public Hearing Comments on Draft Critical Areas Ordinance (CAO) (only 1 page).

- ◇ The following comments had not been addressed yet:
 - Typos identified in draft ordinance – not corrected.
 - Comments (since May 2022) proposed a variety of reasonable changes to the draft that would improve citizen involvement, clarify ambiguities and help ensure that future development applications leave a suitable written record to citizens to review – not addressed.
- ◇ Referencing Dept of Commerce Critical Areas Handbook dated June 2018:
 - “...Once adopted, the critical areas regulations should contain a “Findings of Fact” or other statement that documents this process...”. (taken from Chapter 1, page 5)
 - **“While development regulations typically apply to new construction activities, the code language for critical areas needs to be broad enough that it protects critical areas from all development activities, including those that do not involve new structures, such as roads.”** (taken from Chapter 3, page 2)
- ◇ WAC 365-190-090 (2) **requires that the Planning Commission consider up-to-date guidance from governmental agencies. – NOT complied with.**

6. Handout for 27 Oct 2022 Planning Commission Meeting (1 page) – three reasons why I had proposed these recommendations be added to the CAO:

- ◇ To ensure City decisions leave a written record that citizens can actually review. Government accountability requires government transparency.
- ◇ To ensure that exceptions don’t “swallow the rule.” Every exception is a vulnerability. I do not want City government to be inflexible, but I also do not want City government to abdicate its environmental responsibilities by granting easy exceptions instead of doing the hard work of careful evaluation.
- ◇ To ensure our CAO follows guidance of state agencies. The Department of Ecology and the Department of Commerce have written excellent guidance manuals for cities like ours. These are valuable resources to be used.

7. **Email (2 pages) dated 22 Oct 2022 from Commissioner Munson with Suggested Modifications to the Medical Lake Critical Areas Ordinance (dated 21 Oct 2022) (coauthored) (4 pages).** Attachment #1 is the email from Commissioner Munson to the Planning Commission/City Planner.

- ◇ The following 12 proposed recommendations/changes were finally agreed upon by Commissioner Munson and myself:
 - “*Written Findings Required*” paragraph. (17.10.020 (H)) (page 1)
 - Add “*Permitting Decision*” definition. (17.10.130) (page 1)
 - Add to the end of 17.10.030 (B): “The exemptions provided herein should be construed narrowly, and the enforcement mechanisms contained in this Code, including the power to issue fines, shall apply to wrongfully claimed exemptions.” (page 1)
 - Alter the parenthetical of 17.10.030 (A) (3) so it will be more consistent with existing guidance: “(including removal of downed woody vegetation, application of chemicals harmful to fish and wildlife, or soil excavation, grading, and removal of native vegetation).” (page 1)
 - Alter 17.10.040 (A)15) to make appeal rights clearer. (page 2)
 - Modify the final sentence of 17.10.050 (E): “The planning official may also initiate a modification to the required report contents by requiring additional information when determined to be necessary to the review of the proposed activity in accordance with this chapter.” (page 2)
 - Add paras f and g to 17.10.050 (F) (1): “f. Assessment of existing conditions” and “g. Surface and subsurface hydrological conditions.” (page 2)
 - New proposed text to replace 17.10.090(F) (1) (a) which dealt with building a road through a wetland. Text came from Dept of Ecology CAO Updates regulations. (pages 2-4)
 - Add paragraph “*Buffer Setback*” to 17.10.090 (F) (2): “A minimum building setback of fifteen (15) feet is required from the edge of a wetland buffer. The City Planner may allow intrusions into this setback on a case-by-case basis if it can be demonstrated by clear and convincing evidence that impacts will be satisfactorily mitigated. This building setback from the buffer shall be identified on the site plan.” (page 4)
 - Alter 17.10.090 (C) dealt with delineation and also that the qualified professional must determine and inform the City on the applicant’s behalf (in writing) whether a revision or additional assessment is necessary. (page 4)
 - Add subsection to 17.10.100 (D) dealt with reasonable use exceptions. (page 4)
 - Append “Burden of Proof” under 17.10.110: “Where the applicant seeks an exception to any requirement imposed by this Code, or believes said requirement denies “all reasonable economic use of the subject property,“ justification in support of an exception must be clear and convincing. Grant of an exception, on the other hand, must not be unreasonably withheld.” (page 3)
- ◇ Note: During the Planning Commission on 15 Dec 2022, Commissioner Munson voted “**NO**” to most of his suggested modifications which we had worked on together for almost a month... Do not understand this at all in light of his email which was sent out with these proposed changes. (see Attachment #1).

8. **Handout for 17 Nov 2022. (7 pages)**

- ◇ Comments made by City Planner suggested that some of the text changes proposed by Commissioner Munson and myself were redundant or unnecessary in light of the latest draft ordinance.
- ◇ With a few exceptions, I had strongly disagreed with that assessment.
- ◇ Where the newest draft had obviated the need for certain proposed changes, I had eliminated those proposals in this particular handout.
- ◇ The following proposals are **NOT** considered redundant:

- **Proposed Change #1:** “*Written Findings Required*” paragraph (17.10.020 (H)) and “*Permitting Decision*” new definition (17.10.130). I am proposing something better, a notice of the decision **and the information it is based on.** Government is not accountable without records. (page 2)
- **Proposed Change #2:** Alter 17.10.120 F “*Penalties.*” The City needs to speak clearly about its ability to enforce the critical areas ordinance. Right now the proposed text makes reference to enforcement for unauthorized alternations (in 17.10.120), but it does not attach any enforcement authority to the exceptions and exemptions in the Code. (page 3)
- **Proposed Change #3:** Modify the final sentence 17.10.050(E): “The planning official may also initiate a modification to the required report contents by requiring additional information when determined to be necessary to the review of the proposed activity in accordance with this Chapter.” **I continue to believe the City should not have the power to require less information from applicants before an application is ever submitted.** This just risks regulatory capture. (page 3)
- **Proposed Change #4:** Alter 17.10.050 (F)(1). Add: Assessment of existing conditions. (pg 4)
 - ❖ A mitigation plan should include baseline information to help the reviewing official evaluate what that mitigation plan is designed to preserve or restore.
 - ❖ These requirements are logical because they help the City get a “before and after” view of the proposal.
 - ❖ This also brings the text into closer alignment with the Dept of Ecology’s guidance.
- **Proposed Change #5:** Replace 17.10.090 (F) (1) with new text from Dept of Ecology’s Wetland Guidance for CAO Updates: Eastern WA version, dated Jun 2016. (pages 5-6)
 - ❖ The way that the City has designed this section of the Code is misguided because of State Agencies’ regulatory authority, the City will never have authority to authorized a road to run through a Category I wetland.
 - ❖ Nevertheless, this is precisely what the current draft proposes that the City can do.
 - ❖ **The City should not approve a law that is “dead on arrival” because it conflicts with state regulatory authority.**
 - ❖ The City’s plan to use this text is especially misguided when there is already a model statute written by the Dept of Ecology (dated either Jun 2016 or Oct 2022).
- **Proposed Change #6:** Add “*Buffer Setback*” para to 17.10.090 (F) (2). (page 6)
 - ❖ There is no reason to remove that protection (small buffer setback of 15’) from the Code.
 - ❖ If the Code passes as written, we will end up with a less protection in our CAO than we had in the previous version. This would be a tragedy.
- **Proposed Change #7:** Alter 17.10.090 (C) (2) “*Delineation.*” The present text fails to require the applicant to inform the City if a new delineation or additional assessment is needed. This is a small change, but would add helpful clarity to the text. (page 6)
- **Proposed Change #8:** Alter 17.10.110. This change makes the relative evidentiary burdens on the applicants and the City clear. (page 7)
- ◇ NOTE: Comments made by City Planner dated 6 Dec 2022 regarding redundancies to Commissioner Munson’s Suggested Modifications to the ML CAO (dated 21 Oct 2022) did not take into consideration the Handout given to the City Planner/Planning Commission on 17 Nov 22. In other words, the most current information was not used.

9. **Handout for 15 Dec 2022, Subj: CAO Summary Handout (3 pages).**

- ◇ My comments to the City Planner’s comments about “redundancy” dated 6 Dec 2022:
 - **#1 Proposed Change** (“*Written Findings Required*”): The Planner’s fails to deal with the essential criticism. (page 1)

- ❖ The fact that some of these requirements are partially stated in 17.10.040 is not enough. My goal is to have the requirements to be stated directly in a single location. **This is a very important aspect of citizen oversight.**
- ❖ City Planner’s allegation of redundancy is incorrect.
- ❖ The quoted portions of the Code neglects to include two important requirements:
 - The reporting official states what the “information relied on” is.
 - Nothing in the current Code directly specifies that such a written document will be a public record or that those documents will become part of the next agenda.
- **#2 Proposed Change** adding new sentence to Chapter 17.10.030 (B): (page 1)
 - ❖ No portion of the proposed CAO requires narrow construction of exemptions.
 - ❖ No portion of the proposed CAO explicitly confers the power to levy fines.
- **#3 Proposed Change** regarding Chapter 17.10.030 (A) (3): No objection. (page 1)
- **#4 Proposed Change** to alter Chapter 17.10.040 (A) (15) to make appeal rights clearer. (page 1)
 - ❖ The City would be served to consider edge cases when drafting Code. Just because meetings are ordinarily held on week days does not mean that the Code cannot be written to be as clear as possible.
 - ❖ The important issue being covered by language regarding commencement of an appeal is that an appeal window should not open until the decision is sent out. As written, the appeal window opens when the decision is *made* which creates traps for underinformed citizens.
- **#5 Proposed Change** to modify final sentence in Chapter 17.10.050 (E) “more or less information is required.” (page 2)
 - ❖ The City should not have discretion to require less information from an applicant during a phase where there is no citizen oversight.
 - ❖ Such discretion is vulnerable to abuse and is not subject to meaningful review because the decision is made before citizens ever have a chance to be involved.
 - ❖ Planning Commission voted previously in favor of never having less but the same or more in protections. (source: recording from 31 Mar 2022 Planning Commission Meeting)
- **#6 Proposed Change** to adding subparagraphs to Chapter 17.10.050 (F) (1). (page 2) was added.
- **#7 Propose Change** to the never-ending saga “allowed activities” paragraph (Chapter 17.10.090 (F) (1) (a)). (page 2)
 - ❖ The comments from the City Planner largely ignore the reasons that this comment has been provided - the problem is not the text of 17.10.030.
 - ❖ The problem is that the proposed text of this particular subparagraph (17.10.090(F)(1)(A)) is problematic.
 - ❖ Using my proposed text (from DOE’s Wetland Guidance for CAO Update Eastern Washington version dated Jun 2016) does not drastically change the rules, but it does make for a clear, better code.
 - ❖ According to the Wetland Policy Director at the Dept of Ecology: **The City does not have unilateral authority to approve a road through the middle of a Category I wetland.**
- **#8 Propose Change** dealing with the 15’ building setback from the edge of a wetland buffer (Chapter 17.10.090 (f) (2)). (pages 2-3)
 - ❖ **The previous version of the Code had a building setback from the edge of a buffer and this version should too.**
 - Confusing answer given by City Planner to Commissioners – “A buffer is a setback from a wetland. This proposal is to have a setback from a setback. All other setbacks from property lines still apply.” (see Attachment #2 drawing handout example)

- This buffer setback is actually a building setback which has a very specific purpose – to limit the potential degradation that results to a buffer when someone undertakes construction activities nearby.
- As one knows, each property building lot whatever its shape has set backs from the property. In ML, it is 15 feet from front yard, 15 feet from back yard and 5 feet from side yard. (MLMC 17.16.060) - the building can sit anywhere within these new boundary lines.
- When a wetland boundary is on that property, the house cannot sit any closer to the wetland than the wetland buffer (i.e., 150’ setback which is based on a combination of wetland category ratings, land use intensities, and/or habitat scores).
- In this proposed statement, “a minimum building setback of 15’ is required from the edge of the wetland buffer” means the buffer has its own additional setback. If the wetland has a 150’ buffer, then the house must be 165’ away from the wetland boundary as shown in the retired architect’s drawing example (Attachment #2).
- This shows that the author does not understand or is awkward in her wording.
- ❖ The City should not decrease the protection afforded to critical areas when it writes a new ordinance - it is a specific and limited protection which the City already had and should leave in place.
- ❖ Once again, if the Code passes as is written, we will end up with less protection in our CAO than we had in the previous version. NOT GOOD (especially if one remembers the Stanley Wetland fiasco).
- ❖ Again, the Planning Commission voted previously in favor of never having less but the same or more in protections. (Source: recording from 31 Mar 2022 Planning Commission Meeting)
- **#9 Proposed Change** dealing with Burden of Proof (Chapter 17.10.110). (page 3)
 - ❖ City Planner’s comment is well taken.
 - ❖ Propose that the burden of proof section be included as part of Chapter 17.10.020 – General Provisions – it makes more sense there.

Thank you so much for your time and attention to this extremely important matter.

Very Respectfully,



Tammy M. Roberson, MBA
 SMSgt USAF Retired/Disabled Veteran
 Concerned City of Medical Lake Resident
 424 W Brooks Rd

2 Enclosures/Attachments

Attachment #1: Emails dated 22 Oct 2022 at 17:11:59/13:16:34, Subj: Modifications to Medical Lake CAO. (2 pages)

Attachment #2: Drawing Example of An Additional 15’ (Building) Wetland Buffer Setback. (1 page)

Subject: Re: Modifications to Medical Lake CAO
From: "Tammy Roberson" <tmroberson61@gmail.com>
Sent: 10/22/2022 17:11:59
To: "Carl Munson" <cmunson@medical-lake.org>;

Good evening Commissioner Munson,

Thank you again for assisting and taking me seriously and for the wonderful comments you made below! I truly appreciate your hard work and dedication to our City. Maybe you will wake up some of the Commissioners and City officials to actually listen to concerned citizens and then hopefully take some kind of action!

Have a wonderful night.

Take care,
Tammy

----- Original Message -----

From "Carl Munson" <cmunson@medical-lake.org>
To "Mark Hudson" <mhudson@medical-lake.org>; "Marye Jorgenson" <mjorgenson@medical-lake.org>; "Andie Mark" <amark@medical-lake.org>; "Judy Mayulianos" <jmayulianos@medical-lake.org>
Cc "Elisa Rodriguez" <ERodriguez@medical-lake.org>; "tmroberson61@gmail.com" <tmroberson61@gmail.com>; "Mayor Terri Cooper" <tcooper@medical-lake.org>; "Roxanne Wright" <rwright@medical-lake.org>
Date 10/22/2022 13:16:34
Subject Modifications to Medical Lake CAO

To: Medical Lake Planning Commissioners Mark Hudson, Marye Jorgenson, Andie Mark and Judy Mayulianos
Attn: Mayor Terri Cooper, City Planner Elisa Rodriguez, Administrative Assistant Roxanne Wright
Fm: Medical Lake Planning Commissioner Carl Munson
Re: Critical Area Ordinance revisions
Date: October 22, 2022

During the last Planning Commission meeting, as before, Tammy Roberson again spoke about the Critical Area Ordinance, specifically stating what she believed were weaknesses needing attention. At previous meetings, Ms. Roberson had stated her concerns and given each Board member pages stating those concerns together with the applicable regulations.

Her comments were always reasonable, deserving our attention. During the last meeting she stated that the Board members appeared uninterested in her prior suggestions (because, while we listened, we

undertook no responsive action). This reaction is not as it should be. When a concerned citizen works to the extent Ms. Roberson did in an attempt to improve city regulations, her concerns should be treated seriously.

After the meeting, I approached Ms. Roberson and asked her to email those Ordinance items with which she had the greatest concern (no others) and I would study them, comparing her suggestions with existing wording the Medical Lake Critical Areas Ordinance, and get back to her.

Between September 27th, when Ms. Roberson sent the regulations she believed most needed attention together with her recommendations, and last night, October 21st, when I summarized the results of our ongoing joint effort, we corresponded back and forth. Our correspondence took the form of my suggesting changes to, and sometimes elimination of, recommended changes Ms. Roberson sent me, whereupon she would correspond as to whether my suggestions were acceptable.

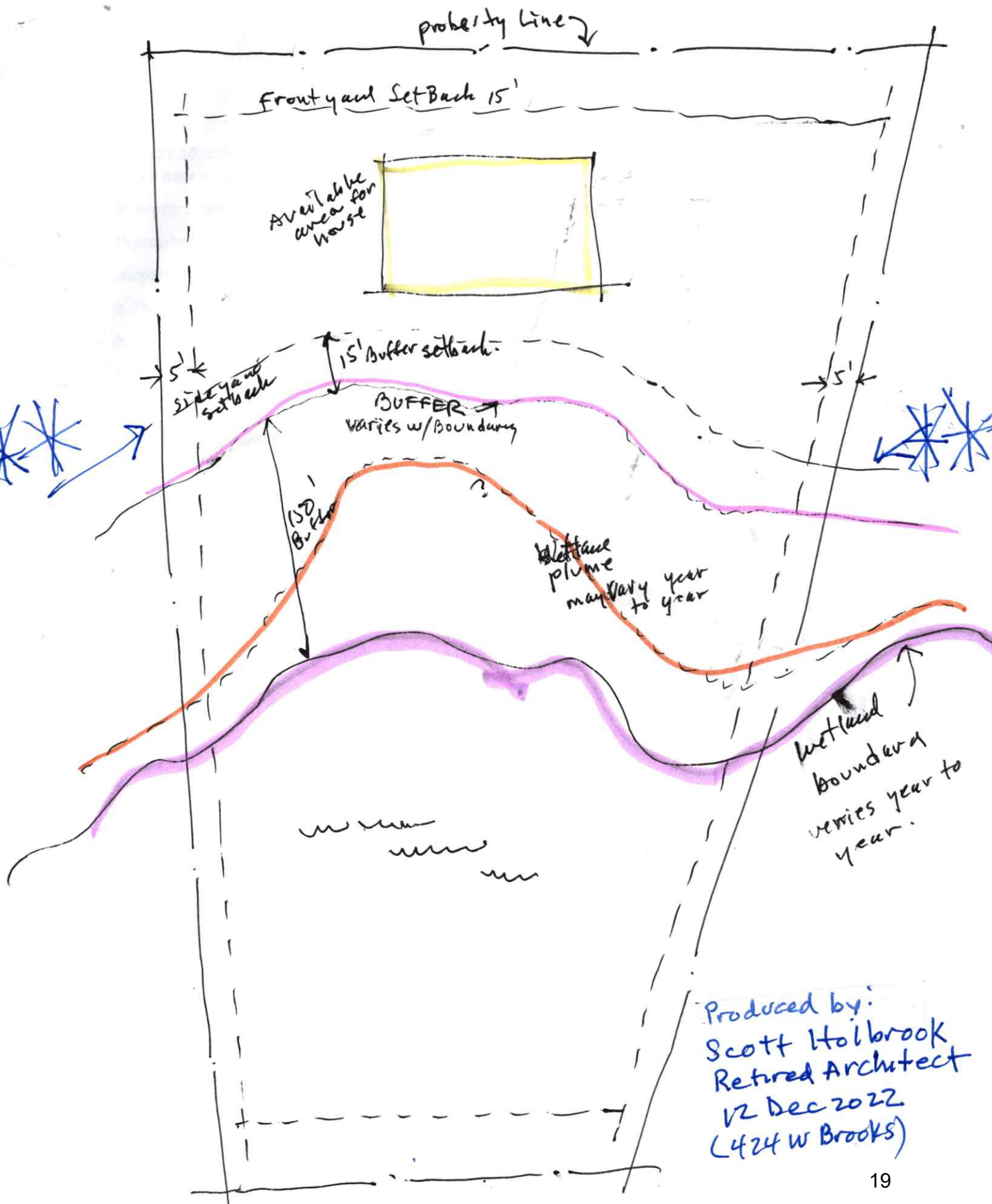
The back-and-forth was a bit of an ordeal, the attached recommended amendments not reflecting the time involved concluding them. The consequence, however, should be cleaner, more logical, but reasonably unburdensome Critical Areas Ordinance language in several places.

On the subject of time, I realize the timing is awkward, and ask your forgiveness in this regard. The time required, however, was productive.

I have attached our finished regulations recommendations for the Board's inspection and subsequent revision. While I doubt you'll find anything unreasonable (the intent was to make things more reasonable), I appreciate you giving the attached your critical attention.

Carl Munson
Commissioner

Example: 17 Dec 2022 Planning Commission



Produced by:
Scott Holbrook
Retired Architect
12 Dec 2022
(424 W Brooks)

**CITY OF MEDICAL LAKE
SPOKANE COUNTY, WASHINGTON
RESOLUTION NO. 23-568**

**A RESOLUTION OF THE CITY OF MEDICAL LAKE ESTABLISHING
MAINTENANCE JOURNEYMAN AND LEAD REQUIREMENTS IN THE CITY
OF MEDICAL LAKE PERSONNEL POLICY**

WHEREAS, the Medical Lake City Council adopted a personnel policy on February 5, 1991, wherein the personnel policy establishes policies and procedures (“Personnel Policy”) relating to the City Medical Lake employees and other such matters properly related thereto; and

WHEREAS, City Staff and the Medical Lake City Council are desirous of amending the Personnel Policy to create a new Maintenance Journeyman and Lead Requirements for such positions in the City of Medical Lake.

NOW, THEREFORE, be it Resolved by the City Council of the City of Medical Lake, Washington as follows:

1. City of Medical Lake Personnel Policy. The Personnel Policy is hereby amended to create a new Maintenance Journeyman and Lead Requirements section, which is attached hereto as Exhibit A and incorporated herein by this reference.
2. Amendments as Needed. The City of Medical Lake, through the City Council by Resolution, may amend, change, supplement or update any and all sections, terms or portions of the Personnel Policy as presently exist or as necessary.
3. Authority. The Mayor and City Administrator shall carry out the duties of enforcing the Personnel Policy and procedures prescribed therein.
4. Severability. If any section, sentence, clause or phrase of this Resolution shall be found to be invalid by a court of competent jurisdiction, such invalidity shall not affect the remainder of said Resolution.
5. Effective Date. The Resolution shall become effective immediately upon passage by the Medical Lake City Council.

Approved by the City Council this 7th day of February, 2023.

Terri Cooper, Mayor

ATTEST:

Koss Ronholt, City Clerk

APPROVED AS TO FORM:

Sean P. Boutz, City Attorney

Appendix A. MAINTENANCE JOURNEYMAN AND LEAD CLASSIFICATION REQUIREMENTS

A.1. INTRODUCTION: The following comprehensive set of training standards and expectations includes On-the-Job Training (OJT), Job Knowledge, Job Proficiency, and Job Experience as the hallmarks of a successful career and identifies the skills, qualifications, and proficiency requirements to develop and progress as Public Works Maintenance personnel at the City of Medical Lake.

A.2. TRAINING STANDARD COMPONENTS:

A.2.1: *On-the-Job Training (OJT)* consists of hands-on, over the shoulder training at worksites and duty locations used to increase proficiency and skill for position qualification.

A.2.2: *Job Knowledge* is satisfied through required worksite and safety training. Knowledge is mandatory of all Core Public Works Areas (defined in Standard Skill Requirements below).

A.2.3: *Job Proficiency* results from hands on training provided on the job through tasks regularly performed in the work center (see Proficiency Levels as explained below).

A.2.4: *Job Experience* is gained during and after OJT through various assignments, jobs, and projects that build expertise and competence.

A.2.5: *Skills* are learned abilities that are developed through variety of practice and training.

A.2.6: *Qualifications* come from formal, documented training that results in specific certifications.

A.3. PROFICIENCY LEVELS:

A.3.1: Standard Skills

1. Task Performance ranges from limited to competent
 - a. Can do simple parts of the task to all parts of the task
 - b. Needs to be told or shown to merely needs spot checks of completed work.
2. Task Knowledge ranges from knowing nomenclature to knowing operating principles
 - a. Can name parts, tools, and simple facts to being able to identify why and when a task must be done and why each step is needed.
3. Subject Knowledge ranges from knowing facts to knowing analysis
 - a. Can identify basic facts and terms about the subject to analyzing facts and principles and drawing conclusions about the subject.

A.3.2: Journeyman Skills

1. Task Performance ranges from competent to highly proficient
 - a. Can do all parts of the task to completing the task quickly and accurately.
 - b. Needs only a spot check of completed work to being able to tell or show others how to do the task.
2. Task Knowledge ranges from knowing operating principles to advanced theory
 - a. Can identify why and when a task must be done and why each step is needed to predict, isolate, and resolve problems about the task.
3. Subject Knowledge ranges from knowing analysis to knowing evaluation
 - a. Can analyze facts and principles and draw conclusions about the subject to evaluating conditions and making proper decisions about the subject.

A.4. STANDARD SKILL AND KNOWLEDGE REQUIREMENTS (TASK ACCOMPLISHMENT)

A.4.1. Core Public Works Areas

1. Streets
 - a. Assessment, repair, and maintenance of City streets and alleys
 - b. Install and maintain street and traffic signs
 - c. Snow Removal
 - d. Working knowledge of city storm water system
2. Water/Sewer
 - a. Waste-water collection system, lift stations, and pressure sewer mains
 - b. Water distribution system, taps, repair, water mains, and hydrants
 - c. Maintenance and operation of wells, transmission lines, and reservoirs
 - d. Read and repair water meters
 - e. All types of de-watering pumps
 - f. Monitor and test water quality, conduct water sampling
 - g. Install, maintain, and repair storm sewers and catch basins
3. Park Maintenance
 - a. Maintenance and repair of park equipment and irrigation systems
 - b. Maintenance and repair of lake aerators
 - c. Maintenance of sports playing fields and their layouts.
 - d. Parks buildings Facilities maintenance
4. Heavy Equipment (operation and maintenance)
 - a. Grader
 - b. Loader
 - c. Backhoe
 - d. Sweeper
 - e. Dump Truck
 - f. Service Truck
 - g. Various small tractors
5. Safety
 - a. CPR/First Aid
 - b. Water Basics
 - c. Confined Space
 - d. Flagger/Traffic Control
 - e. Trench Safety
 - f. Lockout/Tagout

A.5. JOURNEYMAN SKILL AND KNOWLEDGE REQUIREMENTS (PROJECT ACCOMPLISHMENT)

1. All Standard Skill and Knowledge Requirements are completed and current.
2. 2 years of maintenance experience with a proven high level of understanding in all Core Public Works Areas.
3. Recommendation from the Maintenance Lead/Public Works Director
4. Plan, assign, supervise, and participate in assigned projects and report operational needs and results to the Maintenance Lead.
5. Additional Qualifications
 - a. No violent crime or domestic violence criminal law convictions.
 - b. No DUI or amended reduction DUI convictions in the past 10 years.
 - c. Driving Record/Abstract) with no more than two moving violations.
 - d. Proficiency Training
 - i. Team Leader
 - ii. Trainer
 - iii. Task Certifier
 - e. Certifications
 - i. Commercial Driver License (Class B)
 - ii. Water Distribution Manager 1 or 2
 - iii. Worksite Safety/OSHA Competent Person

A.6. MAINTENANCE LEAD SKILL AND KNOWLEDGE REQUIREMENTS (PROJECT MANAGEMENT)

1. All Standard and Journeyman Skill and Knowledge Requirements are completed and current.
2. 5 years of maintenance/public works experience with mastery in all Core Public Works Areas.
3. Recommendation from the Public Works Director and Mayoral approval.
4. Receives direction and objectives from the Public Works Director and reports on operational needs and results.
5. Able to plan, assign, supervise, and participate in daily operations of the Public Works Department.
6. Able to assume full responsibility for training Maintenance Employees as necessary for the functioning of the Department.
7. Ability and willingness to pursue increased knowledge of budget, manpower, resources, compliance programs, and personnel management.
 - a. Prepare cost estimates for procurement of parts, equipment, and supplies.
 - b. Monitor and ensure compliance with applicable local, state, and federal laws.
 - c. Assist Public Works Director in timekeeping for Maintenance Employees.
8. Additional Task Qualification
 - a. Certifications
 - i. Cross Connection Control Specialist

**CITY OF MEDICAL LAKE
SPOKANE COUNTY, WASHINGTON
RESOLUTION NO. 23-569**

**A RESOLUTION OF THE CITY OF MEDICAL LAKE AMENDING THE ADOPTED
FINANCIAL POLICY FOR CREDIT CARDS AND ESTABLISHING A FUEL CARD
POLICY FOR THE CITY OF MEDICAL LAKE, WASHINGTON**

WHEREAS, The City of Medical Lake (“City”) adopted Resolution 310 Credit Card Usage Policy on the 19th day of August 1997; and

WHEREAS, The City does not currently have a policy related to the use of fuel cards; and

WHEREAS, it is best practice to review and update policies every one (1) to three (3) years; and

WHEREAS, City Staff recommends adopting policies related specifically to the use of fuel cards; and

WHEREAS, The Finance Committee reviewed the proposed update to the City’s credit card policy on December 20, 2022, and recommended no changes; and

WHEREAS, City Council held a workshop discussion on the proposed update on January 3, 2023, and recommended including specific language for the timing of Card Transaction Listing (Attachment D) submission;

NOW, THEREFORE, be it resolved by the City Council of the City of Medical Lake, Washington as follows:

Section 1. Credit Card & Fuel Card Policy Adopted. The Council hereby adopts the City of Medical Lake’s Credit Card & Fuel Card Policy, attached hereto as Exhibit “A” and incorporated herein by this reference, to be added to the City’s Financial Policies and assigned policy number 14.100 for the City of Medical Lake.

Section 2. Severability. If any section, sentence, clause, or phrase of this Resolution shall be found to be invalid by a court of competent jurisdiction, such invalidity shall not affect the remainder of said Resolution.

Section 3. Effective Date. This Resolution shall become effective immediately upon passage by the Medical Lake City Council.

Adopted this 7th day of February, 2023.

Terri Cooper, Mayor

ATTEST:

Koss Ronholt, Clerk/Treasurer

APPROVED AS TO FORM:

Sean P. Boutz, City Attorney

City of Medical Lake

POLICY & PROCEDURES

Credit Cards & Fuel Cards

Policy 14.100

Definitions

1. Credit Card – a purchase card issued by a financial institution with an established credit limit.
2. Fuel Card – a purchase card issued by a fuel card company for the sole purpose of purchasing fuel.
3. Cardholder - Employees with access to a credit or fuel card.
4. Fuel Card Manager – The City Administrator or designee.

Card Responsibility and Accountability

1. It is the responsibility of each individual cardholder to:
 - a. Safeguard the credit or fuel card and card number at all times; lost or stolen credit or fuel card must be reported immediately to the credit card agency and the Finance Director;
 - b. Not allow anyone to use a City card and/or card number who is not authorized to do so;
 - c. Obtain and retain original itemized receipts for goods and services purchased. The purpose of the charge and the name of the individual involved must be written clearly on the receipt by the cardholder. The employee may be allowed to file an affidavit (Attachment A) in lieu of a receipt if the original receipt is lost or a receipt is not obtained;
 - d. Reconcile card transactions by completing a Card Transaction Listing (Attachment D) and submitting it, along with supporting receipts and documentation, to their department head for review and approval. For fuel cards, this process will be completed by the Fuel Card Manager. Department Heads will then submit the approved Card Transaction Listing and supporting documentation in a timely manner to the Finance Department for review and payment processing;
 - e. Surrender the credit card and corresponding support documentation to the Finance Department upon separation from the City of Medical Lake.
2. It is the responsibility of the Finance Director to evaluate if current credit card limits are appropriate, conducted annually. Evaluation will be based on average monthly credit card purchases.

Credit Card Usage:

Procedures for Obtaining Credit Cards

1. The Finance Director, with the approval of the City Administrator, may issue a credit card to an individual who meets the following conditions:

- a. He or she is an employee of the City of Medical Lake, and
 - b. Said employee agrees to be held liable to the credit card company for all charges while conducting official City of Medical Lake business.
 - c. The department or individual has demonstrated an identifiable operational need to have a card.
 - d. Individual credit cards may not be in the name of a contractor, contract employee, or non-permanent City of Medical Lake Employee
2. The City of Medical may establish a credit card in the name of a City of Medical Lake employee with a financial institution provider for City of Medical Lake business only. Department Heads may make requests for credit cards for employees, to be approved by the City Administrator.
 3. The Finance Director shall be responsible for the credit card application and credit limit setting process. Credit limits will be set based on expected monthly operational needs. All City of Medical Lake issued credit cards will include both the name of the City and the employee.
 4. Prior to receiving the new credit card, the credit card applicant shall read and sign the Credit Card Agreement (Attachment B)

Authorized Card Use

1. Travel Expenses. City Departments are hereby authorized to use credit cards to cover travel expenses incident to authorized lodging, meals, meeting registrations, and transportation.
 - a. Within 15 days of the return date, the official or employee using a credit card shall submit a fully itemized travel expense voucher, including itemized receipts. Any expenses not allowed by the City Administrator shall be paid by the official or employee by check, United States currency, or salary deduction.
 - b. If disallowed charges are not paid before the charge card billing is due and payable, the City of Medical Lake shall have a lien against the official or employee's salary as provided in RCW 42.24.115.
2. Authorized Purchases. Official budgeted government purchases include:
 - a. Merchandise or services required as a function of their duties at the City of Medical Lake.
 - b. Any purchase which exceeds the established purchase order limit must have a purchase order assigned prior to purchase.
 - c. Purchase of food and/or non-alcoholic drinks may be made so long as they are purchased for City of Medical Lake events such as Employee Appreciation, Council Retreats and other council related events that require attending members to be present through typical lunch hours. Purchases must adhere to guidelines and documentation as set forth in Policy 14.112, Travel & Meals.
3. Unauthorized and/or Inappropriate purchases. Credit cards must never be used to purchase items of personal or for non-City of Medical Lake purposes, even if the cardholder intends to reimburse the City of Medical Lake. Unauthorized and/or inappropriate use includes, but is not limited to:
 - a. Items for personal use;
 - b. Items for non-City of Medical Lake purposes;

- c. Cash or cash advances;
 - d. Alcoholic beverages;
 - e. Weapons of any kind or explosives;
 - f. Relocation expenses;
 - g. Personal entertainment; and
 - h. Personal recreation
4. Distribution. Credit card applications and distributions shall be the responsibility of the Finance Director or the Department Head of each department. Appointed Department Heads shall obtain approval of the City Administrator prior to obtaining credit cards for his/her department. The Department Head shall be responsible for use of credit cards within his/her department.
 5. Authority. The City Administrator shall have authority to revoke use of any credit card so issued, allow a department another credit card, or change a credit limit. The Finance Director shall have this authority in the absence of the City Administrator.

Fuel Card Usage:

Procedures for Obtaining Fuel Cards

1. The Fuel Card Manager will be the City Administrator or designee. The responsibility of the Fuel Card Manager is to issue or revoke fuel cards as seen fit for the business purposes of the City.
2. All unissued fuel cards will remain in the possession of the Finance Director. The Fuel Card Manager may request fuel cards from the Finance Director and issue said fuel card to an individual who meets the following conditions:
 - a. He or she is an employee of the City of Medical Lake, and
 - b. Said employee agrees to be held liable to the fuel card company for all charges while conducting official City of Medical Lake business.
 - c. The department or individual has demonstrated an identifiable operational need to have a card.
 - d. Individual fuel cards may not be in the name of a contractor, contract employee, or non-permanent City of Medical Lake Employee.
3. The Finance Director shall be responsible for documenting the distribution of fuel cards to employees.
4. All employees must sign a fuel card agreement (Attachment C) before utilizing any City fuel cards.

Authorized Card Use

1. Fuel cards are for the express purpose of fueling city vehicles and equipment. Under no circumstances is a fuel card to be used for personal vehicles or to purchase items other than fuel.
2. Department Directors may enact more restrictive fuel card policies within their respective departments.

ATTACHMENT A
AFFIDAVIT OF LOST OR DESTROYED RECEIPT

Name: _____

Position: _____

Last four digits of card number: _____

I declare on oath, that the original receipts for the transaction dated _____ of _____ from _____ has been lost or destroyed. The vendor has been contacted and is not able to provide a duplicate receipt for this purchase. Please accept the detail of the transaction below in lieu of an itemized receipt for this transaction.

I understand that falsification of the itemization of this purchase constitutes an act of fraud.

Items purchased	Amount

Please list each item on a separate line. Use a supplemental sheet if necessary.

Signature _____

Date _____

Finance Director Signature _____

Date _____

ATTACHMENT B

CREDIT CARD USER AGREEMENT

I, _____, as an employee of the City of Medical Lake accept personal responsibility for the safeguard and proper use of the City credit card (last four numbers) # _____ which has been assigned to me for use in performance of my job, in accordance with the terms outlined below.

Credit cards may be used for travel related business expenses (within and outside the City), and conference/class registrations incurred by the assigned individual only.

Credit cards may be used for purchasing department supplies up to \$ _____

I have read and understand the credit card policies and procedures as set out in Credit Cards & Fuel Cards Policy 14.100.

I understand the City Administrator will disallow my use of a City credit card for violation or misuse of the credit card and/or credit card policies and procedure and that such violation or misuse may subject me to discipline, including termination, under the City's Personnel Policies.

I understand that each time I use, or authorize the use thereof, that I am adhering to the following statement:

"I hereby certify under penalty of perjury that this is a true and correct claim for necessary expenditures incurred by me and that no payment has been received by me on account thereof."

I understand that I will be held personally liable for inappropriate charges I incur to the City credit card, and payment for any such inappropriate charges is hereby authorized to be withheld from my paycheck.

The undersigned individual has read and understands the above statements.

Employee: _____

Date: _____

Department Head: _____

Date: _____

ATTACHMENT C

FUEL CARD USER AGREEMENT

I, _____, as an employee of the City of Medical Lake, accept personal responsibility for the safeguard and proper use of the City fuel card, which has been assigned to me or my department for use in performance of my job, in accordance with the terms outlined below.

City fuel cards may be only used for purchasing fuel for City vehicles, using my individual fuel card pin number. I will not share my pin number with any employee other than the Fuel Card Manager, who is responsible for monitoring employee pins.

I have read and understand the fuel card policies and procedures as set out in Credit Cards & Fuel Cards Policy 14.100.

I understand the Fuel Card Manager will disallow my use of a City fuel card for violation or misuse of the credit card and/or credit card policies and procedure and that such violation or misuse may subject me to discipline, including termination, under the City's Personnel Policies.

I understand that each time I use, or authorize the use thereof, that I am adhering to the following statement:

"I hereby certify under penalty of perjury that this is a true and correct claim for necessary expenditures incurred by me and that no payment has been received by me on account thereof."

I understand that I will be held personally liable for inappropriate charges I incur to the City credit card, and payment for any such inappropriate charges is hereby authorized to be withheld from my paycheck.

The undersigned individual has read and understands the above statements.

Employee: _____

Date: _____

Department Head: _____

Date: _____

**CITY OF MEDICAL LAKE
SPOKANE COUNTY, WASHINGTON
RESOLUTION NO. 23-570**

**A RESOLUTION OF THE CITY OF MEDICAL LAKE DECLARING A
SOLE SOURCE PURCHASE OF A 2008 VACTOR 2100 CLASSIC JETTER
TRUCK AND WAIVING PROCUREMENT REQUIREMENTS PURSUANT TO
SECTION 3A OF THE CITY OF MEDICAL LAKE PROCUREMENT POLICIES**

WHEREAS, the City of Medical Lake (“City”) approved the expenditure and allocation of ARPA funding for the purchase of Public Works Equipment on July 19th, 2022; and

WHEREAS, Public Works requires the use of a vactor truck for sewer line and lift station cleaning, hydro-excavation and other critical tasks related to water and sewer lines; and

WHEREAS, Per the City’s Resolution 22-544 Procurement Policies, Section 3A, competitive bidding requirements may be waived by the City if purchases are clearly and legitimately limited to a single source; and

WHEREAS, City Staff examined multiple brands and manufactures of vactor trucks and located a singular vehicle with the required specifications from Owen Equipment Company for a total of \$155,000.00; and

WHEREAS, the City Council finds that a sole source purchase does exist and that it is appropriate to waive the aforementioned procurement requirements in relation to this purchase.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MEDICAL LAKE, WASHINGTON, pursuant to Section 3A of the City’s Procurement Policy, a Sole Source Purchase exists for the above stated reasons to waive procurement requirements for the purchase of the 2008 Vactor 2100 Classic Jetter Truck from Owen Equipment Company for \$155,000.00

ADOPTED this 7th day of February, 2023.

Mayor, Terri Cooper

Attest:

Approved as to Form:

Finance Director, Koss Ronholt

City Attorney, Sean P. Boutz



City of Medical Lake

Sole Source Justification Form

Item: 2008 Vactor 2100 Classic

1. Describe the item and its function

2008 Vactor 2100 classic / Vactor / Jetter Truck - This truck replaces our current Jetter truck purchased in the early 1980's for sewer line cleaning and sewer lift station cleaning. This machine will also hydro-excavate areas that we cannot dig in due to the proximity of critical utilities. It will also be used in the event of a sewer backup with its ability to hold up to 1500 gallons of water that can be shuttled to our sewer treatment plant for processing.

2. The item is a sole source* because:

- sole provider of a licensed or patented good or service
- sole provider of items that are compatible with existing equipment, inventory, systems, programs or services
- sole provider of goods and services for which the City has established a standard**
- sole provider of factory-authorized warranty service
- sole provider of goods or services that will meet the specialized needs of the City or perform the intended function (detail below or in an attachment)
- the vendor/distributor is a holder of a used item that would represent good value and is advantageous to the City (attach information on market price survey, availability, etc.)

3. What necessary features does this vendor provide which are not available from other vendors? Be specific.

This vendor offers a used 2008 Vactor 2100 classic that has low hours and is in excellent working condition. The vendor has replaced most of the high use components such as various suction and pressure hoses and 2 valves on the drain system and has performed a suction test to verify that is in proper working order. This unit offers the best value for the city.

4. What steps were taken to verify that these features are not available elsewhere?

- other brands/manufacturers were examined (list phone numbers and names, and explain why these were not suitable): Click or tap here to enter text.
- other vendors were contacted (list phone numbers and names, and explain why these were not suitable): Click or tap here to enter text.
- other (please explain): Click or tap here to enter text.

* *Sole Source: only one vendor possesses the unique and singularly available capability to meet the requirement of the solicitation.*

** *Procurements of items for which the City has established a standard by designating a brand or manufacturer or by pre-approving via a testing shall be competitively bid if there is more than one vendor of the item.*

Department: Public Works

Department Contact: Scott Duncan

Phone: 509 299 7715

Requested Vendor: Owen equipment

Vendor's Address: 8721 S 218th ST Kent WA 98512

Vendor Contact: Randy Wheelhouse

Phone: 2538525819

Cost Estimate: \$ 155,000.00

If the cost of the sole source procurement is greater than the appropriate procurement threshold for department action, immediately contact Finance or the City Attorney as appropriate.

My department's recommendation for sole source is based upon an objective review of the good/service being required and appears to be in the best interest of the City. I know of no conflict of interest on my part or personal involvement in any way with this request. No gratuities, favor, or compromising action have taken place. Neither has my personal familiarity with particular brands, types of equipment, materials or firms been a deciding influence on my request to sole source this purchase when there are other known suppliers to exist.

Signature of Requestor

Date

Signature of Department Head or Designee

Date

VENDOR LIST

- Owen Equipment – 2100 PD International / VIN # 1HTWXAHT99J117600
2008 Vactor 2100 Classic 140,000.00 + Tax. 8721 S 218th St. KENT WA 98031
253 852 5819
- Big Truck and Equipment – 2012 Vactor HX PD Vactor. 239,000.00 (out of Budget)
- One.7 Inc. Truck Sales – 2012 Vactor 2100 Used Low hours. \$225,000.00 This truck showed signs of
Having pumped salt water as it was showing signs of rust in critical areas.
- One.7 Inc truck Sales Inc. Used GapVax M/C 1312 \$525,000.00 This truck is an equivalent of a Vactor 2100 series. This was a low hour truck in like new condition but, is out of our targeted Price range.

Examples attached.



**City of Medical Lake
Purchase Requisition Form
Must be completed for all purchases exceeding \$500.00**

Supplier and Address:

Owen Equipment Company
PO Box 515458
Los Angeles, CA 90051-6758
800 992-3656

Department Requesting Purchase:

MAINTENANCE

Requested By:

Bryan Musser

Account Number(s):

--	--	--

Date of Request:

1/4/2023

Please Ship the Following Items as Specified

Qty	Description	Unit Price	Total
1	Eq. ID# 1310	\$140,398.55	\$140,398.55
	Model: 2100PD		
	S/N 08-12V-11520		
	Chassis: International		
	VIN: 1HTWXAHT99J117600		
		Subtotal	\$140,398.55
		<input checked="" type="checkbox"/> Sales Tax (8.8%)	\$14,180.25
		Vehicle Sales Tax 0.3	\$421.20
		TOTAL	\$155,000.00

**Qty and Unit Price required.

Description of use:

Water and Sewer Hydro Escavator

FOR DEPT. HEADS ONLY

Signature:

<input type="checkbox"/> Approved	<input type="checkbox"/> Denied	P.O #	Date
-----------------------------------	---------------------------------	-------	------



ENVIRONMENTAL SALES • SERVICES • PARTS • RENTALS

Please remit payment to:
Owen Equipment Company
 PO Box 515458
 Los Angeles, CA 90051 - 6758
 Federal ID No: 93-0666853
(800) 982-3656

DELIVERY TICKET
 Owen Equipment - Kent

Customer Acct #	Branch	Sls
30014	2	814

Sales Order #	Date
112730	12/21/2022

Sold to:
 City of Medical Lake
 PO Box 369
 Medical Lake, WA 99022

Shipped To:
 City of Medical Lake
 PO Box 369
 Medical Lake, WA 99022

Ship Via:

Order Date	Customer Purchase Order	Customer Contact	Customer Ph #

Description	Extended
-------------	----------

Eq. ID #:	1310	\$140,398.55
Model :	2100 PD	
S/N:	08-12V-11520	
Chassis:	International	
VIN:	1HTWXAHT99J117600	

Sub Total:	\$140,398.55
Applicable Sales Tax: 10.10%	\$14,180.25
Vehicle Sales Tax: 0.30%	\$421.20
FET Taxes:	\$0.00
Total Due Before License Fees	\$155,000.00
License Fees	\$0.00
Total Due	\$155,000.00
Less Deposit	\$0.00
Net Balance Due	<u>\$155,000.00</u>

****Formal Invoice Will Be Emailed Within One Business Day****

Contact Name For Email:

Contact Email Address:

Received By _____ Date _____

Sold By _____ Date _____

PAYMENT TERMS:

PARTS & BRUSH INVOICES - NET 30 DAYS FROM DATE OF INVOICE
 SHIPPING AND HANDLING FEES WILL BE ASSESSED FOR ALL EXPEDITED FREIGHT
 EQUIPMENT SALES AND RENTAL INVOICES - Due on Receipt
 1.5% FINANCE CHARGE ON ALL PAST DUE AMOUNTS
 SHIPPING AND HANDLING FEES WILL BE ASSESSED FOR ALL EXPEDITED FREIGHT

WARRANTY:

SELLER EXPRESSLY DISCLAIMS ALL EXPRESS WARRANTIES ON PRODUCTS IT SELLS. ANY WARRANTY IS THAT OF THE MANUFACTURER ONLY AND NOT OF OWEN EQUIPMENT COMPANY



The equipment:

Make Vactor Model 2100 S/N 08-12V-11520

is being sold "as-is, where is, with all faults". Owen Equipment Company makes no warranties nor representations to buyer whatsoever, including warranties of merchantability and fitness for a particular purpose with respect to the above described equipment except that owner warrants that we are the lawful owner of said equipment, and that the equipment is free and clear of any liens and encumbrances, and that we as the owner have good right and title to convey ownership of said equipment. Buyer acknowledges and is aware that proper and safe operation and maintenance of said equipment is of paramount importance. Improper and unsafe operation risks life and limb of operator and others in the operation of said equipment, the user must always be familiar with and follow the directions of the safety manual and owners manual on machine as well as all factory installed placards and instruction decals. Purchaser understands that they have an absolute duty to thoroughly inspect the purchased unit, including the adequacy and proper operation of all safety devices / features and to make all repairs necessary for this equipment's safe operation. In light of purchasers inspection obligations stated and agreed to by seller and purchaser herein as well as dictated by ANSI requirements, purchaser further acknowledges waiving any ANSI requirement that Owen Equipment Company inspect the subject equipment prior to sale and delivery. Owen Equipment Company is not responsible for any misrepresentation due to year, hours, serial number, appearance, mechanical condition or quality of attached equipment as it is "as-is used equipment" and has been represented to the best of our limited knowledge of its history.

If you as a purchaser are required to pay state sales tax on this purchased equipment you must remit yourself to your proper state department of revenue. Owen Equipment Company will not be held responsible to collect, remit, or to be liable for any unpaid State sales tax.

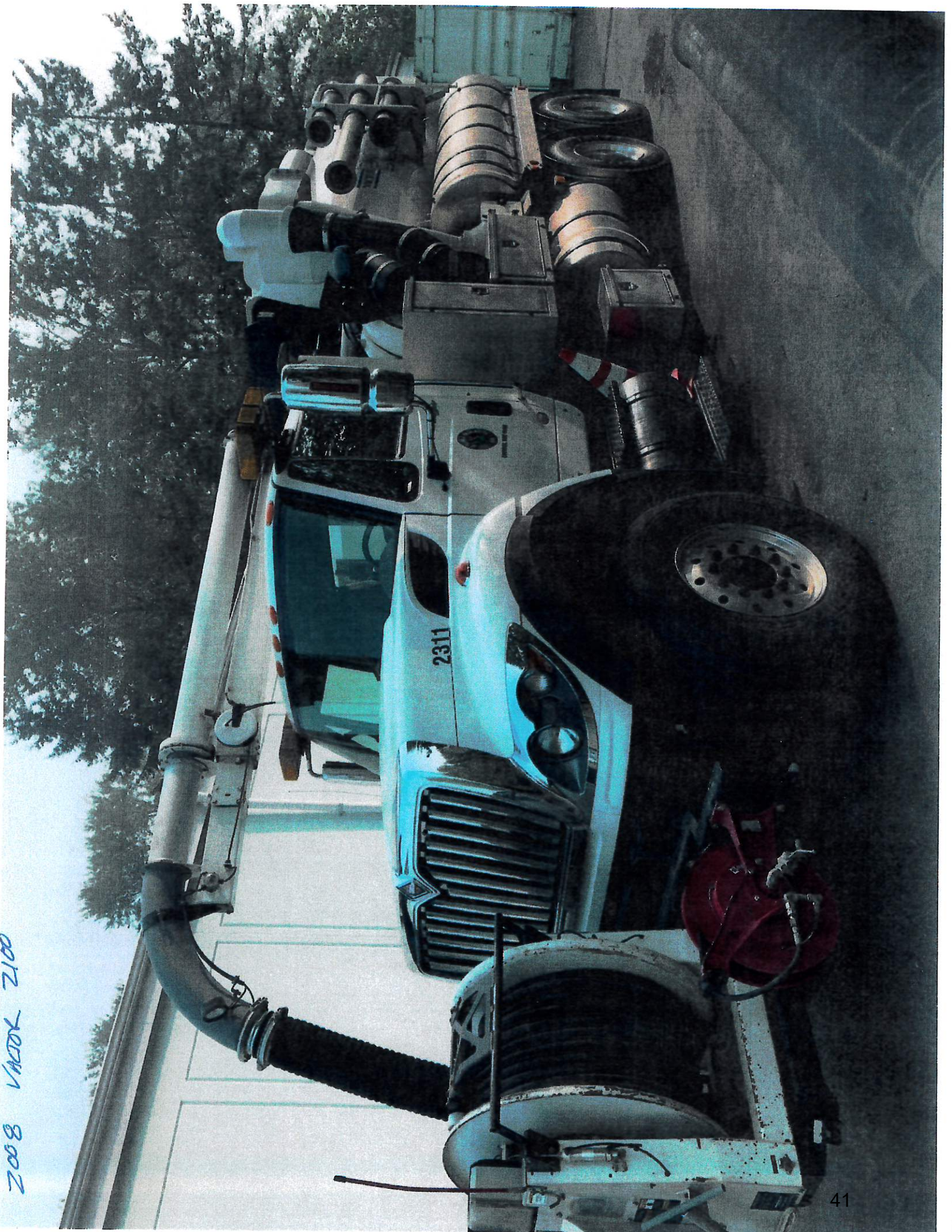
I represent that as a purchaser of the equipment noted I read and understand this disclaimer and agree to the content and my responsibilities as a purchaser of said equipment.

Buyer printed name _____

Buyer Signature _____

Signed this date _____

2008 Vactor 2100





4303
HOURS

*

RH04321

3008 VACTOR

140
85
KM/H
MPH

40

RN04321
10409
MILES
*
ZOE VACTOR

ULTRA
DIESEL

Photos (12)



2012 VACTOR HXX

Miscellaneous Equipment

USD **\$239,500**

Save Compare

Email Seller

CURRENCY [Get Financing*](#)

Machine Location: [14557 Randall Ave Fontana, California 92335](#)

Seller Information

BIG TRUCK & EQUIPMENT

Contact: Case Bor

Phone: [\(888\) 281-3726](tel:(888)281-3726)

Fontana, California 92335

[\(888\) 281-3726](tel:(888)281-3726)

[WhatsApp](#)

[Video Chat](#)

[View Seller Information](#)

Photos (12)



DR H XX

Save Compare

Email Seller

CURRENCY [Get Financing*](#)

Machine Location: [14557 Randall Ave Fontana, California 92335](#)

[View Seller Information](#)


 Contact Us


 **Get Shipping Quotes**

 **Apply for Financing**

General

Year	2012
Manufacturer	VACTOR
Model	HXX
Hours	4,307
Condition	Used
Stock Number	5476
Description	2012 Kenworth T800 Vactor HXX Hydro Excavation Vacuum Truck, Cummins ISX12 @ 425HP, Eaton Fuller 10 Speed, Air Brakes, A/C, 3,000W In Cab Inverter, Vactor HXX Hydro Excavation Vacuum, 12 Cubic Yard Debris Tank, 1,200 Gallon Water Capacity, Water Pump 20GPM 2,500 PSI, High Pressure Water Hand Gun, Hilbon 8702 PD Blower @ 4,307 Hours, Water Boiler @ 0.5 Hours, 8" Hydraulic Vacuum Hose Boom Extendable 7' With 320 Degree Rotation, Cold Weather Package, 20K Front, 46K Rears, 12,350LB Pusher Axle, 78,350LB GVWR, 6,042 Total Truck Hours, Odometer Reading 53,716 Miles

Interior

2012 Vactor 2100

\$225,000.00



2012 Vactor 2100

2223 61,338 miles

Cummins ISC 6 Cylinder 8.3 L Diesel 350hp Engine. Allison 3000 Automatic Transmission.

Roots 624 RCSV 18 Blk Blower.

Newly replaced boom tubing, from hopper to end of hose.

Includes 8" Suction tubes, Clamps, 8"-6" Reducer digging tube.

High pressure gun with wand, High pressure digging gun with extension tube and ripsaw tip.

Jetter Nozzle. Truck has both High Pressure and Low pressure, Hydraulic Dump Door, Debris Body Washout.

One.7, Inc.

Phone: (425) 413-1211

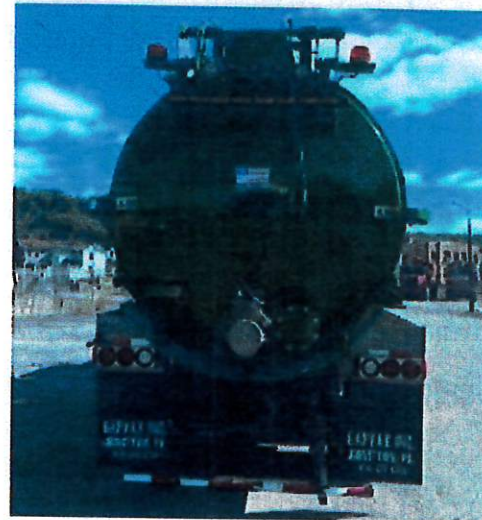
Email: sales@1point7.com

Website: www.1point7.com

27034 SE Kent Kangley Road
Ravensdale, WA 98051

Disclaimer: All information listed above is believed to be accurate. Photos, specifications, prices, and all other information are subject to change or correction without notice. All liability is expressly disclaimed. All used equipment is sold as is, no warranty is expressed or implied.

2020 GapVax MC1312 Combo Unit for Sale
\$525,000.00



2020 GapVax MC1312 Hydro Excavator Truck

- * Peterbilt 348 6X4 350hp Chassis
- * Paccar PX-9 Rated for 350 HO
- * Allison 6 speed automatic
- * 12 Yard Debris Body
- * 1,300 Gallon Water Tank
- * 8" Front Mounted telescopic boom with 26' reach and 180 degree rotation

One.7, Inc.

Phone: (425) 413-1211

Text: (425) 471-4548

Email: sales@1point7.com

Website: www.1point7.com

Disclaimer: All information listed above is believed to be accurate. Photos, specifications, prices, and all other information are subject to change or correction without notice. Price does not include FET or applicable Sales Tax. All liability is expressly disclaimed. All used equipment is sold as is, no warranty is expressed or implied.

1972 C65



**CITY OF MEDICAL LAKE
SPOKANE COUNTY, WASHINGTON
RESOLUTION NO. 23-571**

**A RESOLUTION OF THE CITY OF MEDICAL LAKE DECLARING A
SOLE SOURCE PURCHASE OF MULTIHOG CX 2019 BLOWER WAIVING
PROCUREMENT REQUIREMENTS PURSUANT TO SECTION 3A OF THE
CITY OF MEDICAL LAKE PROCUREMENT POLICIES**

WHEREAS, the City of Medical Lake (“City”) approved the expenditure and allocation of ARPA funding for the purchase of Public Works Equipment on July 19th, 2022; and

WHEREAS, Public Works requires the use of a blower for snow and ice removal and cleaning of streets and sidewalks; and

WHEREAS, Per the City’s Resolution 22-544 Procurement Policies, Section 3A, competitive bidding requirements may be waived by the City if purchases are clearly and legitimately limited to a single source; and

WHEREAS, City Staff examined multiple brands and manufactures of blowers and located a singular vehicle with the required specifications from Hardline Equipment for a total of \$104,544.00; and

WHEREAS, the City Council finds that a sole source purchase does exist and that it is appropriate to waive the aforementioned procurement requirements in relation to this purchase.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MEDICAL LAKE, WASHINGTON, pursuant to Section 3A of the City’s Procurement Policy, a Sole Source Purchase exists for the above stated reasons to waive procurement requirements for the purchase of the Multihog CX 2019 blower from Hardline Equipment for \$104,544.00

ADOPTED this 7th day of February, 2023.

Mayor, Terri Cooper

Attest:

Approved as to Form:

Finance Director, Koss Ronholt

City Attorney, Sean P. Boutz



City of Medical Lake

Sole Source Justification Form

Item: 2019 Multihog

1. Describe the item and its function

Used 2019 Multihog 75 hp tractor than can be used in several areas in public works. Attachments include: 48" snow blower. Other uses: snow plowing city trails and keeping sidewalks clear along 902 and city facilities parking areas. This machine will utilize existing attachments that the city already owns. ie: 79" snow blower and a 60"plow blade. Broom attachments and front deck mowers are available for this tractor that will assist in spring and summer mowing of alleys and street right of ways.

2. The item is a sole source* because:

- sole provider of a licensed or patented good or service
- sole provider of items that are compatible with existing equipment, inventory, systems, programs or services
- sole provider of goods and services for which the City has established a standard**
- sole provider of factory-authorized warranty service
- sole provider of goods or services that will meet the specialized needs of the City or perform the intended function (detail below or in an attachment)
- the vendor/distributor is a holder of a used item that would represent good value and is advantageous to the City (attach information on market price survey, availability, etc.)

3. What necessary features does this vendor provide which are not available from other vendors? Be specific.

This vendor is a mid west representative for Multihog and is offering this machine at a discount based on its used condition. This machine comes with a 6 month warranty.

4. What steps were taken to verify that these features are not available elsewhere?

- other brands/manufacturers were examined (list phone numbers and names, and explain why these were not suitable): Click or tap here to enter text.
- other vendors were contacted (list phone numbers and names, and explain why these were not suitable): Click or tap here to enter text.
- other (please explain): Click or tap here to enter text.

* *Sole Source: only one vendor possesses the unique and singularly available capability to meet the requirement of the solicitation.*

** *Procurements of items for which the City has established a standard by designating a brand or manufacturer or by pre-approving via a testing shall be competitively bid if there is more than one vendor of the item.*

Department: Public Works

Department Contact: Scott Duncan

Phone: 509 299 7715

Requested Vendor: Hardline Equipment

Vendor's Address: po box 39 Henderson co

Vendor Contact: Russell Loomis

Phone: 3032888989

Cost Estimate: \$ 104,544.00

If the cost of the sole source procurement is greater than the appropriate procurement threshold for department action, immediately contact Finance or the City Attorney as appropriate.

My department's recommendation for sole source is based upon an objective review of the good/service being required and appears to be in the best interest of the City. I know of no conflict of interest on my part or personal involvement in any way with this request. No gratuities, favor, or compromising action have taken place. Neither has my personal familiarity with particular brands, types of equipment, materials or firms been a deciding influence on my request to sole source this purchase when there are other known suppliers to exist.

Signature of Requestor

Date

Signature of Department Head or Designee

Date



Po Box 39
Henderson, Co. 80640

Proposal

Phone: 303-288-8989
Fax: 303-288-8787
www.hardlineequipment.com

Date	No.
1/3/2023	3139

Name / Address
City of Medical Lake Scott Duncan 801 S Lefevre Medical Lake, WA 99022

Ship To

P.O. No.	Rep	VIN #	Body S/N #	Body Model #	
	RL	UN9CX23K1KDO15366		CX75	
Item	Qty	U/M	Description	Rate	Amount
Multihog			MultiHog CX75 - DEMO UNIT Yellow in Colorado / 2019 MultiHog CX75 <hours 50> (VIN UN9CX23K1KDO15366) Unit is out of std warranty - MultiHog is authorizing 6 months warranty from date of in service. - 75 HP Kohler Tier 4 final engine - Cab heating (Standard), - Air-suspended driver seat - Top-mounted road lights - Permanent 4 wheel drive with positive drive lock - Front 3 point linkage including mechanical adjustment of linkage rotation and float - Joystick with front linkage lift function including float and a second double acting (D/A) hydraulic function to front - 13 pin socket on front - 7,716 lbs gross vehicle weight - Manually adjustable heated mirrors - Rotating beacon - Mechanical top link - Tipping rear cover over rear engine - Cab tilt - Radio - Standard yellow RAL1023 panels for CX 75	76,500.00	76,500.00
Multihog			26.4 gallon tee connection from front to rear		0.00
Multihog			Hydraulic LS Pump 0-26 GPM pump to front		0.00
Multihog			- Front Mechanical PTO 1000 RPM, 1 3/8", 6 tooth spline shaft (clockwise rotation)		0.00

Proposal Valid For 30 Days From Proposal Date

Total



Po Box 39
Henderson, Co. 80640

Proposal

Phone: 303-288-8989
Fax: 303-288-8787
www.hardlineequipment.com

Date	No.
1/3/2023	3139

Name / Address
City of Medical Lake Scott Duncan 801 S Lefevre Medical Lake, WA 99022

Ship To

P.O. No.	Rep	VIN #	Body S/N #	Body Model #	
	RL	UN9CX23K1KDO15366		CX75	
Item	Qty	U/M	Description	Rate	Amount
Multihog			- Variable pitch reversible fan		0.00
Multihog			- 2 x DA valves to front and 1x DA valve to rear		0.00
Multihog			- 2 x DA (Double Acting) lever valve block - required for hydraulic tipping rear and hydraulic rotation of front linkage		0.00
Multihog			- Hydraulic rotation with radial floatation of front linkage		0.00
Multihog			- Mechanical Top Link / Mechanical Cab Tilt		0.00
Multihog			- Combined cab heating & air conditioning		0.00
Multihog			- Cab doors with opening windows (set of 2, one per door)		0.00
Multihog			- 2 LED work lights (front)		0.00
Multihog			- 2 LED work lights (rear)		0.00
Multihog			- LED Amber Flasher Lights (set of 4)		0.00
Multihog			- High torque option		0.00
Multihog			- Permanent 4 wheel drive with drive lock & SD traction control		0.00
Multihog			- BFG All Terrain LT225/75/16 tires with narrow mudguards Machine width 48.6"		0.00
Snow & Ice	1	ea	2019 Zaugg Blower - 4 1/2' wide / Serial # 36761 / Type SF65-60-L-140	15,500.00	15,500.00
Freight and Han...			Freight to: 801 S. Lefevre Medical Lake, WA 99022 Medical Lake/Spokane Cnty WA 3206	4,000.00	4,000.00
				8.90%	8,544.00

Proposal Valid For 30 Days From Proposal Date

Total	\$104,544.00
--------------	--------------

Thank you for your business. Sales Tax Notice: Hardline Equipment LLC will be collecting all Sales Taxes due unless Buyer provides exemption documentation acceptable to your jurisdiction. This includes, but not limited to, all affiliated Nexus interstate Sales Taxes for your specific state and jurisdiction. This is subject to change. If Sales Tax is not presented on this document Hardline Equipment reserves the right to collect and remit sales taxes to comply with your state and jurisdiction regulations. By receiving this document, you agree to the collection of Sales Taxes.



VENDOR LIST

- Hardline equipment, Henderson CO. 2019 Multihog 180 Hrs. Unit has more comfort features than needed. (303-288-8989)
- Snoquip, Inc. Used Holder tractor with a snow blower approx. \$158,000.00 88-inch snow blower. (916-372-4641)
- Tracy Road Equipment: 2016 Holder C992 approx.-\$94,320.00 This machine has higher hours and does not come with attachments. (315-594-7007)
- Swiderski Equipment, Inc. 2011 Holder C480 Approx. \$67,500.00 This machine has 588 Hrs. This is an older machine with no attachments. (715-693-3015)

Photos (6)



2016 HOLDER C992

Miscellaneous Equipment

USD **\$94,320**

Save

Compare

[✉ Email Seller](#)

CURRENCY [Get Financing*](#)

Machine Location: 6803 Manlius Center Road East Syracuse, New York 13057 [↗](#)

Seller Information

[View Seller Information](#) [↗](#)

TRACEY ROAD EQUIPMENT INC.

Contact: Sales Staff Syracuse

Phone: (315) 594-7007

East Syracuse, New York 13057

[Visit Our Website](#) [↗](#)

[📞 \(315\) 594-7007](#) [↗](#)

[📱 WhatsApp](#) [↗](#)

[📺 Video Chat](#) [↗](#)



Contact Us



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CURRENCY Apply for Financing

General

Year 2016

Manufacturer HOLDER

Model C992

Hours 388

Condition Used

Stock Number MT84327

Description 2016 HOLDER C992 TRACTOR, ENCLOSED CAB WITH HEAT AND A/C, HEATED AIR SUSPENSION, HYDROSTATIC ALL WHEEL DRIVE, PLANETARY AXLES WITH HIGH AND LOW GEAR, MECHANICAL DIFFERENTIAL LOCK FRONT & REAR ELEC/HYD ACTUATION, DUAL DRIVE INCLUDES AUTOMATIC SHIT FROM HYDROSTATIC TO MECHANICAL DRIVE AT 16 MPH (LOWEST FUEL CONSUMPTION), 25MPH TRANSIT SPEED, HIGH FLOW HYDRAULICS 0-31 GPM FRONT AND REAR, 2 HYDRAULIC SETS (4 CONTROL VALVES, DOUBLE ACTING), ELECTRO HYDRAULIC ATTACHMENT FOR FRONT LIFT WITH SIDE AND LATERAL ADJUSTMENTS, ENGINE BLOCK HEATER, HEATED WINDSHIELD & HEATED EXTERIOR MIRRORS, FRONT AND REAR LED WORKLIGHT, BACK-UP ALARM, MECHANICAL FRONT PTO 540/1,000

OPTIONAL ATTACHMENTS AVAILABLE

Powertrain

Horsepower

92 HP

See All Miscellaneous Equipment From Seller

See All Construction Equipment From Seller

Share Listing:

*Notice: Financing terms available may vary depending on applicant and/or guarantor credit profile(s) and additional approval conditions. Assets aged 10-15 years or more may require increased finance charges. Financing approval may require pledge of collateral as security. Applicant credit profile including FICO is used for credit review. Commercial financing provided or arranged by Express Tech-Financing, LLC pursuant to California Finance Lender License #60DBO54873. Consumer financing arranged by Express Tech-Financing, LLC pursuant to California Finance Lender License #60DBO54873 and state licenses listed at this [link](#). Consumer financing not available for consumers residing in Nevada, Vermont, or Wisconsin. Additional state restrictions may apply. Equal opportunity lender.



SNOQUIP, INC.

3400 West Capitol Ave.
West Sacramento, CA 95691

(916) 372-4641 (800) 994-4641
FAX: (916) 372-1450

12/16/2022

City of Medical Lake

We are pleased to offer the following:

Used Holder S130 with Heated windshield and seat, block heater, bumper/counter weight. 4 function hydraulics - Lift, top link, chute rotation and chute deflection.

“contractors package” - no A/C or 40L, 120L high flow.

Holder S130 SN180 - 114 hours \$158,000.00

With Snoquip XX88 snow blower SN588

Holder S130 SN173 – 296 hours \$158,000.00

With Snoquip XX88 snow blower SN585

Delivery each to Medical Lake \$1200.00

We will come up for a day and do some training with your people as well.

All subject to prior sale, Prices valid for 30 days, FOB Medical Lake WA

Mike Campbell

Photos (10)



62

2011 HOLDER C480

Miscellaneous Equipment

USD **\$67,500**

Save

Compare

[✉ Email Seller](#)

CURRENCY* [Get Financing*](#)

Machine Location: [820 Old Hwy. 51 North Mosinee, Wisconsin 54455](#)

Seller Information

[View Seller Information](#)

Swiderski Equip, Inc. - Mosinee

Contact: Swiderski Equipment - Mosinee

Phone: **(715) 693-3015**

Mosinee, Wisconsin 54455


[Visit Our Website](#)

[📞 \(715\) 693-3015](#)

[📺 Video Chat](#)

 Email Seller

 Video Chat

 Get Shipping Quotes

CURRENCY. Apply for Financing

General

Year

2011

Manufacturer

HOLDER

Model

C480

Hours

588

Serial Number

204001251

Condition

Used

Stock Number

A54344

Description

Used- Holder C480 articulated utility machine with cab, heat, front 3 pt, 60" snow blower, rear drop spreader, 10.5x80-18 tires, a hydraulic dump box and a diesel engine



Po Box 39
Henderson, Co. 80640

Proposal

Phone: 303-288-8989
Fax: 303-288-8787
www.hardlineequipment.com

Date	No.
12/21/2022	3143

Name / Address
Scott Duncan PO Box 369 Medical Lake, WA 99022

Ship To

P.O. No.	Rep	VIN #	Body S/N #	Body Model #
	RL	015368		CX75

Item	Qty	U/M	Description	Rate	Amount
Multihog	1		2019 MultiHog CX75 - 75 HP Kohler Tier 4 final engine SERIAL # UN9CX23KIKD015368 APPROX 180 HRS - Need to verify - Air suspended heated drivers seat - Top mounted road lights - Permanent 4 wheel drive with positive drive lock - Front 3 point linkage including hydraulic adjustment of linkage rotation and float - Joystick with front linkage lift function including float and a second double acting (D/A) hydraulic function to front - 13 pin socket on front - 7,716 lbs gross vehicle weight - Manually adjustable heated mirrors - Rotating beacon and flashing amber lights - Mechanical top link - Tipping rear cover over engine - Cab tilt - Radio - Demo unit is out of warranty, Multihog has agreed to a complimentary 1 year warranty - Black Panels	88,648.00	88,648.00
Multihog	1		Front Mechanical PTO 1000 RPM, 1 3/8", 6 tooth spline shaft (clockwise rotation)		0.00
Multihog	1		Variable pitch reversible fan		0.00
Multihog	1		Hydraulic LS Pump 0-26.4 gpm pump to front		0.00
Multihog	1		26.4 gallon tee connection from front to rear		0.00
Multihog	1		2 x DA valves to front (3 x DA total) and 1 x DA valve to rear (1 x DA rear total)		0.00

Proposal Valid For 30 Days From Proposal Date

Total



Po Box 39
Henderson, Co. 80640

Proposal

Phone: 303-288-8989
Fax: 303-288-8787
www.hardlineequipment.com

Date	No.
12/21/2022	3143

Name / Address
Scott Duncan PO Box 369 Medical Lake, WA 99022

Ship To

P.O. No.	Rep	VIN #	Body S/N #	Body Model #	
	RL	015368		CX75	
Item	Qty	U/M	Description	Rate	Amount
Multihog	1		Hydraulic Rotation with radial floatation of front linkage		0.00
Multihog	1		Combined cab heating & air conditioning		0.00
Multihog	1		Cab doors with opening windows (set of 2, one per door)		0.00
Multihog	1		2 LED Work Lights (front)		0.00
Multihog	1		2 LED Work Lights (rear)		0.00
Multihog	1		LED Amber Flasher Lights (set of 4)		0.00
Multihog	1		High Torque Option		0.00
Multihog	1		Permanent 4 wheel drive with drive lock & SD traction control		0.00
Multihog			BFG All Terrain LT225/75/16 tires with narrow mudguards		0.00
			Subtotal		88,648.00
Snow & Ice	1	ea	Zaugg model SF 65E-60-L-140 Snow Blower - Demo Unit - 1000 RPM PTO blower for MultiHog CX75 - Sheer pin protection - Left hand discharge chute - Hardox cutting edge - 3 flap hydraulic control ejection flaps - Hydraulic control discharge chute - Demo unit come with full 1 year warranty parts and labor	15,500.00	15,500.00
			Customer Pick-Up in Commerce City, CO. Sales Tax	0.00%	0.00

Proposal Valid For 30 Days From Proposal Date

Total	\$104,148.00
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Thank you for your business. Sales Tax Notice: Hardline Equipment LLC will be collecting all Sales Taxes due unless Buyer provides exemption documentation acceptable to your jurisdiction. This includes, but not limited to, all affiliated Nexus interstate Sales Taxes for your specific state and jurisdiction. This is subject to change. If Sales Tax is not presented on this document Hardline Equipment reserves the right to collect and remit sales taxes to comply with your state and jurisdiction regulations. By receiving this document, you agree to the collection of Sales Taxes.



**CITY OF MEDICAL LAKE
SPOKANE COUNTY, WASHINGTON
RESOLUTION NO. 23-572**

**A RESOLUTION OF THE CITY OF MEDICAL LAKE APPROVING
THE CONTRACT BETWEEN THE CITY OF MEDICAL LAKE AND
GENERAL INDUSTRIES, INC.**

WHEREAS, the City of Medical Lake prepared certain Plans and Specifications for a Reclaimed Water Main Leak – 2023l project, that were provided to General Industries, Inc. and which included certain contractual documents concerning the performance of work by General Industries, Inc.; and

WHEREAS, the parties are desirous of entering into a supplemental Construction Contract for such work contained therein; and

WHEREAS, the Construction Contract contains the specific terms and conditions agreed upon by the parties along with those other identified documents therein.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MEDICAL LAKE, WASHINGTON, as follows:

Section 1. Approval. The City Council hereby approves of the Construction Contract between the City of Medical Lake and General Industries, Inc. for Reclaimed Water Main Leak – 2023 as set forth in the attached Exhibit A, which is incorporated herein.

Section 2. Severability. If any section, sentence, clause, or phrase of this resolution should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this resolution.

Section 3. Effective Date. This Resolution shall be effective immediately upon passage by the City of Medical Lake City Council.

ADOPTED this 7th day of February, 2023.

Terri Cooper, Mayor

Attest:

Approved as to Form:

Koss Ronholt, City Clerk

Sean P. Boutz, City Attorney

CONSTRUCTION CONTRACT

Reclaimed Water Main Leak - 2023

THIS AGREEMENT, entered into this _____ day of _____, 2023, between the CITY OF

MEDICAL LAKE, hereinafter referred to as the Owner and General Industries, Inc., hereinafter referred to as the Contractor:

WITNESSETH:

WHEREAS, the Owner has heretofore caused to be prepared certain Plans and Specifications emailed on Oct. 24, 2022 and other Contract Documents described in the said Specifications, for **Reclaimed Water Main Leak - 2023**, which Contract Documents fully and accurately describe the terms and conditions under which the Contractor shall perform the work contemplated, together with the manner and time of performance; and

WHEREAS the Contractor has, on the 30th day of November, 2022, submitted for consideration and filed with the Owner a Proposal for **Reclaimed Water Main Leak - 2023** and has agreed to accept in full payment therefore a sum of money to be computed from the actual quantities finally in place and the prices set forth in the Proposal, said amount based on Lump Sum and/or estimated quantities being up to \$ 18,977.99.

NOW, THEREFORE, in consideration of the payment to be made and the mutual promises covenanted by the aforesaid parties, it is hereby agreed that the Owner accepts the Proposal for the Contractor to perform all of the work listed in the Proposal, that the said Proposal shall become a part of this Agreement and the Contract Documents, that the said Contract Documents shall comprise the complete Agreement for construction of the work contemplated hereby, and that both aforesaid parties shall be equally and fully bound by the terms thereof. This instrument shall be binding upon the successors, assigns, heirs, administrators, or executors of the aforesaid parties hereto, or upon any person, firm, or corporation claiming any right or interest under or through any of them. In the event of suit or action by either party of this Agreement to enforce any right hereunder, the party adjudged to be in default shall pay in addition, the costs and disbursements allowed by law for reasonable attorney's fee.

IN WITNESS WHEREOF, the aforesaid parties have hereunto set their hands and seals and deliver this instrument on the date first above written.

CITY OF MEDICAL LAKE

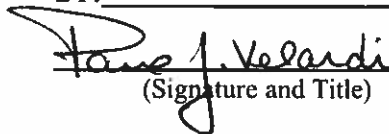
CONTRACTOR

BY: _____
(SEAL)

_____ **GENERAL INDUSTRIES, INC.**

BY: Paul J. Velardi

ATTEST: _____

 Paul J. Velardi President
(Signature and Title)

APPROVED AS TO FORM

By: _____

**CITY OF MEDICAL LAKE
SPOKANE COUNTY, WASHINGTON
ORDINANCE NO. 1108**

**AN ORDINANCE OF THE CITY OF MEDICAL LAKE, WASHINGTON RELATING
TO CRITICAL AREAS AND AMENDING AND REPEALING VARIOUS SECTIONS
AND SUBSECTIONS AND ADDING NEW SECTIONS TO TITLE 17, CHAPTER 17.10
OF THE MEDICAL LAKE MUNICIPAL CODE.**

WHEREAS, City of Medical Lake Municipal Code (MLMC) 17.10 contains the City development regulations pertaining to the protection of critical areas within the City; and

WHEREAS, the Growth Management Act (GMA) requires the City of Medical Lake to review and update its' Critical Areas Regulations pursuant to RCW 36.70A.130; and

WHEREAS, the environmental impacts of the amendments to the critical areas regulations resulted in the issuance of a Determination of Non-Significance (DNS) on October 6, 2022; and

WHEREAS, the City of Medical Lake Planning Commission (Planning Commission) considered the proposed Critical Areas Regulations amendments at a properly noticed public hearing on September 22, 2022, so as to receive public testimony; and

WHEREAS, at its December 15, 2022, meeting, the Planning Commission voted to recommend approval of the amendments to the Critical Areas Regulations; and

WHEREAS, on February 7, 2023, the City Council discussed the proposed Critical Areas Regulations amendments at a properly noticed open public meeting; and

WHEREAS, pursuant to RCW 36.70A.370, the City used the process established by the Washington State Attorney General to assure the protection of private property rights; and

WHEREAS, pursuant to RCW 36.70A.106, on September 21, 2022, the City provided the Washington State Department of Commerce with a sixty (60) day notice of its intent to adopt the amendment(s) to the MLMC; and

WHEREAS, the City Council considered the entire public record, public comments, written and oral, and the Planning Commission's recommendation; and

WHEREAS, this Ordinance is supported by the staff report and materials associated with this Ordinance, including documents on file with the City of Medical Lake; and

WHEREAS, this Ordinance is also supported by the professional judgment and experience of the City staff who have worked on this proposal; and

WHEREAS, RCW 35A.63 and RCW 36.70A and Article 11 of the Washington State Constitution authorize and permit the City to adopt this Ordinance; and

WHEREAS, the City Council determined that the proposed amendments are in accord with the Comprehensive Plan, will not adversely affect the public health, safety, or general welfare, and are in the best interest of the citizens and property owners of the City; and

WHEREAS, the City Council determined that the proposed amendments are consistent with the goals and requirements of the GMA; and

WHEREAS, it is the City Council expectation that this Ordinance will not be published as required by law until it is approved by the Washington State Department of Ecology; and

WHEREAS, once the Department of Ecology approves the Ordinance, then it may be published as required by law.

NOW, THEREFORE, the City Council of the City of Medical Lake, Washington does ordain as follows:

Section 1. Amendment. MLMC 17.10 Resource Lands and Critical Areas Preservation is amended and repealed, where applicable, as set forth in Exhibit A to this Ordinance.

Section 2. Ratification. Any act consistent with the authority and prior to the effective date of this Ordinance is hereby ratified and affirmed.

Section 3. Severability. If any section, sentence, clause or phrase of this Ordinance should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this Ordinance.

Section 4. Effective Date. This Ordinance shall be in full force and effect five (5) days after publication of this Ordinance or a summary thereof in the official newspaper of the City as provided by law.

PASSED by the City Council this _____ day of February, 2023.

Mayor, Terri Cooper

ATTEST:

Finance Director/City Clerk Koss Ronholt

APPROVED AS TO FORM:

City Attorney, Sean P. Boutz

Date of Publication:

Effective Date:

Chapter 17.10 CRITICAL AREAS

17.10.010 - Purpose.

17.10.020 - General Provisions.

17.10.030 - Applicability and Exemptions from Requirement to Obtain Permit.

17.10.040 - Approval Process.

17.10.050 - Submittal Requirements.

17.10.060 - Approval Criteria.

17.10.070 - Fish and Wildlife Habitat Conservation Areas.

17.10.080 - Frequently Flooded Areas.

17.10.090 - Wetlands

17.10.100 - Reasonable Use Exceptions.

17.10.110 - Minor Exceptions.

17.10.120 - Unauthorized Alterations and Enforcement.

17.10.130 - Definitions.

Chapter 17.10 CRITICAL AREAS

17.10.010 - Purpose.

A. The purpose of this chapter is to designate and protect critical areas and their functions and values, while also allowing for reasonable use of property.

B. As mandated by the Growth Management Act (RCW 36.70A), this chapter provides protection for the critical areas of wetlands, fish and wildlife habitat conservation areas, and frequently flooded areas.

C. This chapter implements the goals and policies of the Medical Lake Comprehensive Plan, under the Washington Growth Management Act and other related state and federal laws.

17.10.020 - General Provisions.

A. *No Net Loss of Functions.* Activity shall result in no net loss of functions and values in the critical areas. Since values are difficult to measure, no net loss of functions and values means no net loss of functions. The beneficial functions provided by critical areas include, but are not limited to, water quality protection and enhancement; fish and wildlife habitat; food chain support; flood storage; conveyance and attenuation of flood waters; ground water recharge and discharge; and erosion control. These beneficial functions are not listed in order of priority. This chapter is also intended to protect residents from hazards and minimize risk of injury or property damage.

B. *Relationship to Other Regulations.*

1. These critical areas regulations shall apply in addition to zoning and other regulations adopted by the city.
2. Any individual critical area that overlaps another type of critical area shall meet the requirements that provide the most protection to the critical areas involved.
3. When there is a conflict between any provisions of this chapter or any other regulations, that which provides the most protection to the subject critical area shall apply.
4. Conditions of approval of a project affecting critical areas may be supplemented by a review under the State Environmental Policy Act (SEPA), as locally adopted.
5. Compliance with the provisions of this chapter does not constitute compliance with other federal, state, and local regulations and permit requirements. The applicant is responsible for complying with other state and federal requirements in addition to the requirements of this chapter. Obtaining all applicable state and federal permits shall be made a condition of a Critical Areas Permit. Such permits shall be obtained prior to issuance of permits for development, construction or site disturbance.

C. *Jurisdiction.* All areas within the city meeting the definition of one or more critical areas, whether mapped or not, are hereby designated critical areas and with their buffers are subject to the provisions of this chapter.

D. *Abrogation and Greater Restrictions.* This chapter is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this chapter and another ordinance, easement, covenant, or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

E. *Severability.* This chapter and the various parts thereof are hereby declared to be severable. Should any section of this chapter be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the chapter as a whole, or any portion thereof other than the section so declared to be unconstitutional or invalid.

F. *Warning and Disclaimer of Liability.* The standards established herein are minimum standards. The standards are established for regulatory purposes only. Minimum compliance with these standards may not be sufficient protection from identified or unidentified hazards. City establishment of these minimum standards is not a representation that these standards are sufficient protection from any hazard. Critical areas development should be based on sound scientific and engineering considerations that may be more stringent than this chapter. The city assumes no liability if these established standards prove to be insufficient protection.

G. *Interpretation of Critical Area Boundaries.* The planning official shall be authorized to interpret the exact location of the mapped critical area boundary. Final designations shall be based on site conditions and other available data or information.

H. *Exceptions.* Where the applicant seeks an exception to any requirement imposed by this code, or believes said requirement denies all reasonable economic use of the subject property, justification in support of an exception must be clear and convincing. Grant of an exception, on the other hand, must not be unreasonably withheld.

17.10.030 - Applicability and Exemptions from Requirement to Obtain Permit.

A. *Applicability.*

1. Unless exempted by this chapter the provisions of this chapter shall apply to all lands, all land uses, clearing and development activity, and all structures and facilities in the city located within a critical area or buffer or on a site containing a critical area or buffer including single-family residential lots platted before July 19, 1994, and developments such as play structures that require no other permits.

The following are examples of activities regulated within a critical area or its buffer:

- a. The removal, excavation, grading, or dredging of soil, sand, gravel, minerals, organic matter, or material of any kind.
- b. The dumping of, discharging of, or filling with any material.
- c. The draining, flooding, or disturbing the water level or water table.
- d. Pile driving.
- e. The placing of obstructions.
- f. The construction, reconstruction, demolition, or expansion of any structure.
- g. The destruction or alteration of wetland vegetation through clearing, harvesting, shading, intentional burning, or planting of vegetation that would alter the character of a regulated wetland.
- h. Activities that result in:
 - i. A significant change of water temperature.
 - ii. A significant change of physical or chemical characteristics of the sources of water.
 - iii. A significant change in the quantity, timing, or duration of the water.
 - iv. The introduction of pollutants.

2. The provisions of this chapter shall apply whether or not a permit or authorization is required.

3. No person, company, agency, or applicant shall alter a critical area or buffer (including removal of downed woody vegetation or application of chemicals harmful to fish and wildlife) except as consistent with the requirements of this chapter.

4. The Critical Areas Permit required pursuant to this chapter shall be obtained prior to undertaking any activity or development regulated by this chapter, unless exempted by this chapter.

5. Land that is located wholly within a wetland or its buffer may not be subdivided.

B. *Exemptions.* Reasonable methods shall be used to avoid potential impacts to critical areas. Any damage to, or alteration of, a critical area that is not a necessary outcome of the exempt activity shall be corrected at the property owner's expense.

The following activities are exempt from needing a Critical Areas Permit:

1. *Emergencies.* Those activities necessary to prevent an immediate threat to public health, safety, or welfare, or that pose an immediate risk of property damage and that require remedial or preventative action in a time frame too short to allow for compliance with the requirements of this chapter, so long as all of the following apply:
 - a. The emergency action uses reasonable methods to address the emergency.
 - b. The emergency action must have the minimum possible impact to the critical area or its buffer.
 - c. The property owner, person or agency undertaking such action shall notify the city within one working day following commencement of the emergency activity.
 - d. After the emergency, the property owner, person or agency undertaking the action shall fully fund and conduct necessary restoration and/or mitigation for any impacts to the critical area and buffers resulting from the emergency action in accordance with an approved Critical Areas Report and mitigation plan. The property owner, person or agency undertaking the action must apply for a critical areas permit. The alteration, Critical Areas Report, and mitigation plan shall be reviewed by the city in accordance with the review procedures contained in this chapter.
 - e. Restoration and/or mitigation activities must be initiated within three months of the date of the emergency or as otherwise determined by the planning official, and completed in a timely manner.
2. *Valid Critical Areas Permit.* Any development proposed on property pursuant to a currently valid Critical Areas Permit, provided all conditions and requirements of the Critical Areas Permit are met and the proposed activity is within the scope of the original permit.
3. *Hazard Tree.* Emergency or hazard tree removal conducted so that critical area impacts are minimized.
4. *Landscape Maintenance.* Landscape maintenance (other than tree removal or use of pesticides, herbicides, fungicides or fertilizers) consistent with accepted horticultural practices, such as those recommended by the Washington State University Extension Service, within the boundaries of an existing lawn, garden or landscaped area and not associated with development.
5. *Noxious or Invasive Plants.* Clearing of noxious or invasive plants using hand-held equipment such as a weed-whacker, provided (1) fueling and maintenance take place outside the critical area and buffer; (2) all cleared vegetation is taken away and disposed of properly; and (3) denuded soils are stabilized with native vegetation.

6. *State or Federally Approved Conservation or Preservation.* State or federally approved conservation or preservation of soil, water, vegetation, fish, shellfish, and other wildlife that does not entail changing the structure or functions of the existing critical area or buffer.
7. *Harvesting Wild Crops.* The harvesting of wild crops in a manner that is not injurious to natural reproduction of such crops or other native vegetation and provided the harvesting does not require tilling of soil, planting of crops, chemical applications, or alteration of the critical area or buffer by changing existing topography, water conditions or water sources.
8. *Passive Activities.* Passive outdoor recreation, education, and scientific research activities such as fishing, hiking, and bird watching that do not degrade the critical area or buffer.
9. *Land surveys, soil sampling, percolation tests, and other related activities.* In every case, impacts to the critical area or buffer shall be minimized and disturbed areas shall be stabilized immediately.
10. *Navigational Aids and Boundary Markers.* Construction or modification of navigational aids and boundary markers. Impacts to the critical area or buffer shall be minimized and disturbed areas shall be restored within 72 hours.
11. *Agricultural Activities.* Existing and ongoing agricultural activities conducted on lands defined in RCW 84.34.020(2).
12. *State or Federally Approved Restoration or Enhancement Project.* Implementation of a state or federally approved restoration or enhancement project not related to any development project.
13. *Operation, Repair and Maintenance.* Operation, repair, and maintenance of existing structures, infrastructure, roads, sidewalks, railroads, trails, water, sewer, stormwater, power, gas, telephone, cable, or fiber optic facilities if the activity does not further increase the impact to, or encroach farther within, the critical area or buffer and there is no increased risk to life or property as a result of the proposed operation, repair, or maintenance.
14. *Fence Repair.* Maintenance, repair, and in-kind replacement of existing fences.
15. Those activities and uses conducted pursuant to the Washington State Forest Practices Act and its rules and regulations, WAC 222-12-030.
16. Repair and maintenance of legally established non-conforming uses or structures, provided they do not increase the degree of nonconformity.

17.10.040 - Approval Process.

A. *Critical Areas Permit Process.*

1. Consolidated reviews. Applications for more than one project on a site may be consolidated into a single application. When more than one review is requested and the reviews have different procedures, the application is processed using the most comprehensive review process.
2. Timeline. A final decision should be made within 120 days from the date the application was deemed complete or a written notice given to the applicant specifying the reasons why the time limits will not be met and an estimated date of issuance.
3. Application. The applicant must submit an application on a city form, to include three paper copies and one electronic copy of the following: 1) a written description of the proposal; 2) a site plan; 3) all required reports and mitigation plans; and 4) a written response to all applicable approval criteria, and the correct fee.
4. Environmental checklist. A completed environmental checklist as specified in Chapter 16.10, may be required with a land use application.
5. Completeness check. Upon receipt of an application it shall be routed to other departments for a determination of completeness under RCW 36.70B.070. Within 28 days the city shall provide written notice that: (a) the application is complete or (b) additional information is required. Once the applicant supplies the additional information, the planning official has 14 days to determine if the application is complete or request further information. If the requested information is not received within 60 days of notice of an incomplete application, the application will be considered abandoned and the city will not refund the application fee.
6. Additional governmental authority. The planning official must notify the applicant of any other governmental authority that may have jurisdiction over some aspect of the proposed project within 28 days of submittal.
7. Notice of application. Following the determination of completeness, the city shall, within 14 days, provide the applicant and the public with a notice of application. Once the applicant receives the notice of application, the applicant shall within 14 days of receipt place a public notice in the local newspaper. The notice shall include the time, place, and purpose of the of the public hearing.
8. Public comment period. The public may provide written comment for a period of no fewer than 14 days and no greater than 30 days as specified in the public notice, provided public comment may be accepted prior to closing the record where there is an open record hearing or the decision.
9. Department responses. City department directors notified of the application must provide a written response to the planning official within 14 days of the notice.
10. Concurrency determination. The public works director will issue a concurrency determination no more than 14 days after receiving the notice of application per Chapter 16.02

11. SEPA threshold determination. The planning official will issue a SEPA threshold determination no fewer than 15 days prior to a hearing.

12. Review. The planning official must provide a single report stating the approval criteria, findings and a recommendation to the Planning Commission prior to the hearing.

13. Hearing. An open record hearing will be conducted by the Planning Commission. The Planning Commission must recommend approval, approval with conditions, or denial to the City Council based on information presented at the hearing and in the record.

14. Final Decision Authority. The City Council has final decision authority preceded by the recommendation of the Planning Commission.

15. Notice of decision. Within seven days of the decision the planning official will mail notice of the review body's decision (pending appeal) to the applicant, the owner and all recognized organizations or persons who responded in writing to the public notice, testified at the hearing, or requested a notice of decision.

16. Ability to appeal. A decision may be appealed to Superior Court pursuant of the review process of RCW 36.70C.

17. Recording. All decisions of approval, including conditions, shall be recorded with Spokane County Auditor. The applicant is responsible for the recording the decision against the property and must provide a copy of the recorded decision to the planning department. The decision must be recorded before the approved use is permitted and/or permits are issued, but no later than 30 days from the final decision.

18. Effective date. The effective date is the day the decision is signed.

19. Expiration. The critical areas permit expires 5 years after the approval date.

B. *Notice on Title – Covenant and Tracts.*

1. *Covenants.* This section applies to all nonexempt projects that involve critical areas and buffers.

a. In order to inform subsequent purchasers of real property of the existence of critical areas, the owner of any property containing a critical area or buffer on which a development proposal is approved shall file a covenant with the county records and elections division according to the direction of the city. The covenant shall state the presence of the critical area or buffer on the property, the application of this chapter to the property, and the fact that limitations on actions in or affecting the critical area or buffer may exist. The covenant shall “run with the land.”

b. The applicant shall submit proof that the covenant has been filed for public record before the city approves any site development or construction for the property or, in the case of subdivisions, short subdivisions, planned unit developments, binding site plans, and other developments that involve platting, at or before recording of the plat.

2. *Tracts*. This section applies in addition to subsection (B)(1) of this section to projects that involve platting on properties containing fish and wildlife habitat conservation areas, wetlands, and their buffers. The location of the tract, critical area(s), and buffer(s) shall be shown on the face of the plat. See subsection (B)(2)(b) of this section for exceptions.

a. The property owner shall place the subject critical areas and buffers in one or more nondevelopable tracts except when:

- i. Creation of a nonbuildable tract would result in violation of minimum lot depth standards; or
- ii. The responsible official determines a tract is impractical.

b. When an exception in subsection (B)(2)(a) of this section applies, residential lots may extend into the critical area(s) or buffer(s) provided:

- i. The location of the outer perimeter of the critical area(s) and buffer(s) is marked in the field and approved by the planning official prior to the commencement of permitted activities and maintained throughout the duration of the permit.
- ii. A permanent physical demarcation along the outer/upland boundary of the critical area buffer(s) is installed and thereafter maintained. Such demarcation may consist of fencing, hedging or other prominent physical marking that allows wildlife passage, blends with the critical area environment, and is approved by the planning official.
- iii. Permanent signs are posted at an interval of one per lot for single-family residential uses or at a maximum interval of 200 feet, or as otherwise determined by the planning official, and must be perpetually maintained by the property owner. The sign shall be worded as follows or with alternative language approved by the planning official: "Protected Natural Resource. Call 509-565-5000 for more information."

C. *Financial Assurances*.

1. When mitigation required pursuant to a development proposal is not completed prior to the city final permit approval, such as final plat approval or final building inspection, the city shall require the applicant to provide security in a form and amount deemed acceptable by the city. If the development proposal is subject to mitigation, the applicant shall provide security in a form and amount deemed acceptable by the city to ensure mitigation is fully functional (including but not limited to construction, maintenance, and monitoring). The security shall be in the amount of 125 percent of the estimated cost of restoring the functions of the critical area that are at risk.

2. The security shall remain in effect for a minimum of 5 years or until the city determines, in writing, that the standards have been met.

3. Depletion, failure, or collection of bond funds shall not discharge the obligation of an applicant or violator to complete required mitigation, maintenance, monitoring, or restoration.
4. Public development proposals shall be relieved from having to comply with the bonding requirements of this section if public funds have previously been committed in the project budget or capital improvement budget for mitigation, maintenance, monitoring, or restoration.
5. Failure to satisfy any critical area requirements established by law or condition including, but not limited to, the failure to provide a monitoring report within 30 days after it is due or comply with other provisions of an approved mitigation plan shall constitute a default, and the city may demand payment of any financial guarantees or require other action authorized by the city code or any other law.
6. Any funds recovered pursuant to this section shall be used to complete the required mitigation. Excess funds shall be returned to the applicant.

D. *Critical Area Inspections.* Reasonable access to the site shall be provided to the city, state, and federal agency review staff for the purpose of inspections during any proposal review, restoration, emergency action, or monitoring period.

F. *Appeals.* Any decision to approve, condition, or deny a development proposal or other activity based on the requirements of this chapter may be appealed according to Section 17.10.040.A.15.

17.10.050 - Submittal Requirements.

A. *Preparation by Qualified Professional.* Any required Critical Areas Report shall be prepared by a qualified professional as defined herein.

B. *General Critical Areas Report Contents.* At a minimum, the Critical Areas Report shall contain the following:

1. The name and contact information of the applicant, a description of the proposal, and identification of the permit requested;
2. A copy of the site plan for the development proposal including:
 - a. A map to scale depicting critical areas, buffers, the development proposal, and any areas to be cleared; and
 - b. Estimate of conditions of all critical areas within 250 feet of the project boundaries using best available information.
 - c. Proposed stormwater management and sediment control plan for the development including a description of any impacts to drainage alterations; and

d. A digital map of the geographic information required pursuant to the applicable provisions of this chapter for each critical area and buffer on site.

3. The dates, names, and qualifications of the persons preparing the report and documentation of any fieldwork performed on the site;

4. *Identification and scientific characterization of all critical areas and buffers.* The scientific characterization shall include a detailed assessment of the functional characteristics of the critical areas;

5. An assessment of the probable impacts to critical areas and buffers and risk of injury or property damage including permanent, temporary, temporal, and indirect impacts resulting from development of the site and the operations of the proposed development;

6. A written response to each of the approval criteria in section 17.10.060 Approval Criteria;

7. Plans for adequate mitigation, as needed, to offset any impacts, in accordance with the Mitigation Plan Requirements below.

C. *Additional Information.* Any additional information required for the specific critical areas and buffers as specified in Section 17.10.070 Fish and Wildlife Habitat Conservation Area, Section 17.10.080 Frequently Flooded Areas, and Section 17.10.090 Wetlands.

D. *Other Reports or Studies.* Unless otherwise provided, a Critical Areas Report may be supplemented by or composed, in whole or in part, of any reports or studies required by other laws and regulations or previously prepared for and applicable to the development proposal site, as approved by the planning official, provided, the site conditions have not changed since the earlier report or study was completed.

E. *Critical Areas Report – Modifications to Requirements.* Modifications to Required Contents. The applicant may consult with the planning official prior to or during preparation of the Critical Areas Report to obtain city approval of modifications to the required contents of the report where, in the judgment of a qualified professional, more or less information is required to adequately address the potential impacts to any critical areas or buffers and the required mitigation. The planning official may also initiate a modification to the required report contents by requiring either additional or less information, when determined to be necessary to the review of the proposed activity in accordance with this chapter.

F. *Mitigation Plan Requirements.* When mitigation is required, the applicant shall submit a mitigation plan as part of the Critical Areas Report. The mitigation plan shall include:

1. *Detailed Construction Plans.* The mitigation plan shall include descriptions of the mitigation proposed, such as:

a. The proposed construction sequence, timing, and duration;

b. Grading and excavation details;

- c. Erosion and sediment control features;
- d. A planting plan specifying plant species, quantities, locations, size, spacing, and density; and
- e. Measures to protect and maintain plants until established.
- f. Surface and subsurface hydrological conditions unless hydrological conditions are irrelevant to the subject critical area.

These written descriptions shall be accompanied by detailed site diagrams, scaled cross sectional drawings, topographic maps showing slope percentage and final grade elevations, and any other drawings appropriate to show construction techniques or anticipated final outcome.

2. *Monitoring Program.* The mitigation plan shall include a program for monitoring construction of the mitigation project and for assessing a completed project. A protocol shall be included, outlining the schedule for site monitoring, and how the monitoring data will be evaluated to determine if the performance standards are being met. A monitoring report shall be submitted as needed to document milestones, successes, problems, and contingency actions of the mitigation project. The mitigation project shall be monitored for a period necessary to establish that performance standards have been met, but not for a period less than five (5) years.

When the applicant believes that the conditions of the monitoring plan are met, the applicant shall contact the City and request that the City verify and certify so in writing. The City shall conduct an on-site assessment as part of the verification process. The applicant shall provide reasonable access to the property as necessary for verification and certification.

When the City has verified and certified that the conditions of the monitoring plan have been met, the critical area shall no longer be considered as mitigation, but as a naturally-occurring critical area when processing a future development permit application(s).

3. *Adaptive Management.* The mitigation plan shall include identification of potential courses of action, and any corrective measures to be taken if monitoring or evaluation indicates project performance standards are not being met.

17.10.060 - Approval Criteria.

Any activity or development subject to this chapter, unless otherwise provided for in this chapter, shall be reviewed and approved, approved with conditions, or denied based on the proposal's ability to comply with all of the following criteria. The city may condition the proposed activity as necessary to mitigate impacts to critical areas and their buffers and to conform to the standards required by this chapter. Activities shall protect the functions of the critical areas and buffers on the site.

- A. *Avoid Impacts.* The Applicant shall first seek to avoid all impacts that degrade the functions and values of critical area(s). This may necessitate a redesign of the proposal.
- B. *Minimize Impacts.* Where avoidance is not feasible, the applicant shall minimize the impact of the activity and mitigate to the extent necessary to achieve the activity's purpose and the purpose of this ordinance. The applicant shall seek to minimize the fragmentation of the resource to the greatest extent possible.
- C. *Compensatory Mitigation.* The applicant shall compensate for the unavoidable impacts by replacing each of the affected functions to the extent feasible. The compensatory mitigation shall be designed to achieve the functions as soon as practicable. Compensatory mitigation shall be in-kind and on-site, when feasible, and sufficient to maintain the functions of the critical area, and to prevent risk from a hazard posed by a critical area to a development or by a development to a critical area.
- D. *No Net Loss.* The proposal protects the critical area functions and values and results in no net loss of critical area functions and values.
- E. *Consistency with General Purposes.* The proposal is consistent with the general purposes of this chapter and does not pose a significant threat to the public health, safety, or welfare on or off the development proposal site;
- F. *Performance Standards.* The proposal meets the specific performance standards of Fish and Wildlife Habitat Conservation Areas section 17.10.070.C, Frequently Flooded Areas section 17.10.080.D, and Wetlands section 17.10.090.F, as applicable.

17.10.070 - Fish and Wildlife Habitat Conservation Areas.

A. *Designation.*

1. Final designations shall be based on site conditions and other available data or information. There are established in the city the following identified Fish and Wildlife Habitat Conservation Areas:
 - a. Habitat used by any life stage of state or federally designated endangered, threatened, and sensitive fish or wildlife species. A current list of federally and state identified species is available from the Washington State Department of Fish and Wildlife.
 - b. *Priority Habitats and areas associated with Priority Species.* Current maps and lists of Priority Habitats and Species and applicable management recommendations are available from the Washington Department of Fish and Wildlife.
 - c. Water bodies including lakes, streams, rivers, and naturally occurring ponds.

d. Riparian Management Zones. Riparian management zones shall be determined using the best available science, including the Washington Department of Fish and Wildlife publication Riparian Ecosystems: Volumes 1 & 2 (updated July 2020 or as revised).

When impervious surfaces from previous development completely functionally isolate the Riparian Management Zone from the waterbody, the regulated riparian area shall extend from the ordinary high water mark to the impervious surfaces. If the waterbody is not completely physically isolated, but is completely functionally isolated, the Planning Official may adjust the regulated riparian area to reflect site conditions and sound science.

2. *Habitat Location Information.* Information on the approximate location and extent of Habitat Conservation Areas is available from the planning official.

The habitat location information is based on:

- a. Washington Department of Fish and Wildlife Priority Habitat and Species Maps;
- b. Washington Department of Natural Resources Official Water Type Reference Maps;

B. *Additional Critical Areas Report Requirements.*

1. A Critical Areas Report for a Riparian Management Area or Riparian Buffer shall include evaluation of the habitat functions using a habitat evaluation tool approved by the Washington Department of Fish and Wildlife.

In addition to the standards of Section 17.10.050.B, where a mitigation plan is required as part of the Critical Areas Report for a fish and wildlife habitat conservation area that involves a water body, Riparian Management Area or Riparian Buffer, the monitoring program protocol shall include where relevant to the impacted functions:

- a. Observations and measurements of riparian integrity and quality (buffer width, riparian corridor continuity or fragmentation, species diversity, stand age, plant survival rates)
- b. Large woody debris surveys
- c. Streamflow monitoring
- d. Water quality monitoring to detect pollution impacts
- e. Biological monitoring (including fish surveys and benthic macroinvertebrate sampling)

2. If the clearing or development activity is in the Riparian Management Area, the Critical Areas Report shall contain the following information, if applicable, in addition to the general Critical Areas Report requirements of Section 17.10.050.B:

- a. How the clearing or development activity constitutes a water-dependent, water-related or water-enjoyment use; or
- b. How the clearing or development activity cannot feasibly be located on the site outside of the Riparian Management Area; and
- c. How the proposal meets the Riparian Management Area width averaging standard in Section 17.10.070.C.3.c; and
- d. How the proposal will not adversely affect the connectivity of habitat functions.

C. *Performance Standards.*

1. *General.*

- a. Development or clearing activities shall protect the functions of the Habitat Conservation Areas on the site. The activity shall result in no net loss of functions. Protection can be provided by avoiding (the preferred protection) or minimizing and mitigating as described in the general critical areas approval criteria in Section 17.10.060. Functions include:
 - i. Providing habitat for breeding, rearing, foraging, protection and escape, migration, and overwintering; and
 - ii. Providing complexity of physical structure, supporting biological diversity, regulating stormwater runoff and infiltration, removing pollutants from water, and maintaining appropriate temperatures.
- b. An applicant shall replace any lost functions preferably by restoring or if not, then by enhancing other habitat functions, so long as the applicant demonstrates that enhancement of the other functions provides no net loss in overall functions and maintains habitat connectivity. An example of unavoidable loss of function would be interruption of a travel corridor in a Riparian Management Zone. To the maximum extent feasible, enhancement shall be undertaken on-site.
- c. If development or clearing activity is within a Priority Habitat and Species area, the applicant shall follow Washington Department of Fish and Wildlife Management Guidelines, Management Recommendations or other standards approved by the Washington Department of Fish and Wildlife. Where there are no guidelines, recommendations or other standards, development or clearing may occur provided that:
 - i. The development or clearing results in no net loss of habitat function on the site; and
 - ii. Functionally significant habitat, defined as habitat that cannot be replaced or restored within 20 years, shall be preserved.
- d. Signs for Fish and Wildlife Conservation Areas

i. *Temporary markers.* The location of the outer perimeter of the fish and wildlife habitat conservation area shall be marked in the field, and such marking shall be approved by the planning official prior to the commencement of permitted activities. Such field markings shall be maintained throughout the duration of the permit.

ii. *Permanent signs.* Permanent signs shall be posted on public and private properties at an interval of one per lot for single family residential uses or at a maximum interval of 200 feet or as otherwise determined by the planning official, and must be perpetually maintained by the property owner. The sign shall be worded as follows or with alternative language approved by the planning official: "Natural Resource Area. Call 509-565-5000 for information."

2. Riparian Management Zones.

In addition to the standards in Section 17.10.070.C.1 the standards in this section shall apply in Riparian Management Areas and Buffers.

a. *Riparian Management Zone.* No development or clearing activity is allowed within the Riparian Management Zone unless such activity is:

i. A water-dependent, water-related or water-enjoyment activity where there are no feasible alternatives that would have a less adverse impact on the Riparian Management Area or Riparian Buffer. The applicant shall minimize the impact and mitigate for any unavoidable impact to functions; Cost may be considered, but shall not be overriding; or

ii. A road, railroad, trail, or a water, sewer, stormwater conveyance, gas, power, cable, fiber optic, or telephone facility that cannot feasibly be located outside of the Riparian Management Area, that minimizes impacts, and that mitigates for any unavoidable impact to functions. Cost may be considered, but shall not be overriding; or

iii. Mitigation for activities allowed by this chapter, providing the activity provides no net loss of riparian habitat functions on the site.

b. Owners of developed properties within the Riparian Management Zone are encouraged to enhance the area by planting native plants and to apply integrated pest management.

17.10.080 - Frequently Flooded Areas.

This section shall apply to all special flood hazard areas within the boundaries of the city of Medical Lake.

A. *Designation.* Frequently flooded areas are the areas of special flood hazards identified by the Federal Insurance Administration and the Federal Emergency Management Agency (FEMA)

When base flood elevation (BFE) data has not been provided in frequently flooded areas, the planning official shall obtain, review, and reasonably utilize any base flood elevation and floodway data available from a federal, state or other source in order to administer the provisions of this chapter

B. *Warning and Disclaimer of Liability.* The degree of flood protection required by this chapter is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by manmade or natural causes. This chapter does not imply that land outside the areas of special flood hazards or uses permitted within such areas will be free from flooding or flood damages. This chapter shall not create liability on the part of the city of Medical Lake, any officer or employee thereof, or the Federal Insurance Administration for any flood damages that result from reliance on this chapter or any administrative decision lawfully made hereunder.

C. *Additional Critical Areas Report Requirements.* In addition to the Critical Areas Report requirements in Section 17.10.050 Submittal Requirements, the following information shall be submitted. Elevation data shall reference the NAVD 1988 Datum.

1. Base (100-year) flood elevation in relation to mean sea level. When base flood elevation has not been provided or is not available from an authoritative source, it shall be generated by the applicant for developments which contain at least 50 lots or 5 acres, whichever is less.
2. Elevation in relation to mean sea level, of the lowest floor (including basement) of all existing and proposed structures.
3. Elevation in relation to mean sea level to which any structure's lowest floor (including basement) is raised to be at least 1 foot above the base flood elevation or for nonresidential flood-proofed structures, the elevation in relation to mean sea level to which any structure is flood-proofed.
4. *Description of strategies taken to avoid, minimize, and mitigate unavoidable impacts to public safety.* When the base flood elevation has not been provided, the Critical Areas Report shall include a discussion of how and whether the proposed development would be reasonably safe from flooding. Historical data, high water marks, photographs of past flooding and other available information will be used as the basis for this discussion and conclusion.
5. Certification, documentation, and demonstration by a qualified professional of how the applicable performance standards will be met.

D. *Performance Standards.* Except as noted, the following standards apply to all structures and development (including but not limited to the placement of manufactured homes, substantial improvement, roads, railroads, trails, water, sewer, stormwater conveyance, gas, power, cable, fiber optic or telephone facilities) in all areas of special flood hazards and channel migration zones.

1. *Prohibited Encroachments.* The following are prohibited in the floodway:
 - a. Water wells.

- b. On-site waste disposal systems.
- c. Residential structures or other structures for human habitation including but not limited to:
 - i. Building envelopes within subdivisions;
 - ii. New construction or reconstruction of residential structures;
 - iii. Placement or replacement of manufactured homes (all types);
 - iv. Critical facilities housing vulnerable populations and emergency services; and
 - v. Recreational vehicles.

2. *Property Damage.* Development shall not result in adverse impacts to other properties either upstream or downstream.

3. *Drainage.* Drainage paths around structures and on slopes shall be adequate to guide floodwaters around and away from proposed structures and adjacent properties.

17.10.090 – Wetlands.

A. *Purpose.* Wetlands provide beneficial functions which include, but are not limited to, providing food, breeding nesting and/or rearing habitat for fish and wildlife; recharging and discharging ground water; contributing to stream flow during low flow periods; stabilizing stream banks and shorelines; storing storm and flood waters to reduce flooding and erosion; and improving water quality through biofiltration, adsorption, and retention and transformation of sediments, nutrients, and toxicants.

B. *Designation.* Wetlands are those areas, designated in accordance with the 1987 Federal Wetland Delineation Manual and applicable regional supplements. All areas meeting the wetland definition, mapped or not, are hereby designated critical areas and subject to this chapter.

C. *Delineation.* Wetland delineations are valid for five years; after such date a qualified professional must determine whether a revision or additional assessment is necessary.

D. *Wetland Ratings.* Wetlands shall be rated according to the Washington State Department of Ecology (Ecology) wetland rating system, as set forth in the Washington State Wetland Rating System for Eastern Washington: 2014 Update (Ecology Publication #14-06-030, or as revised). The rating system document contains the definitions and methods for determining if the criteria below are met. The most recent version of the rating system form must be used. Wetland Rating Categories are as follows:

1. Category I wetlands are: 1) alkali wetlands; 2) wetlands of high conservation value that are identified by scientists of the Washington Natural Heritage Program/DNR; 3) bogs and calcareous fens; 4) mature and old-growth forested wetlands over ¼ acre with slow-growing trees; 5) forests with

stands of aspen; and 6) wetlands that perform many functions well (scores between 22-27). These wetlands are those that 1) represent a unique or rare wetland type; or 2) are more sensitive to disturbance than most wetlands; or 3) are relatively undisturbed and contain ecological attributes that are impossible to replace within a human lifetime; or 4) provide a high level of function.

2. Category II wetlands are: 1) forested wetlands in the floodplains of rivers; 2) mature and old-growth forested wetlands over ¼ acre with fast-growing trees; 3) vernal pools; and 4) wetlands that perform functions well (scores between 19-21 points). These wetlands are difficult, though not impossible, to replace and provide high levels of some functions.

3. Category III wetlands have a moderate level of functions (scores between 16-18 points). They generally have been disturbed in some way and are less diverse or more isolated from other natural resources. These wetlands can be often adequately replaced with well-planned mitigation.

4. Category IV wetlands have the lowest levels of functions (scores fewer than 16 points) and are often heavily disturbed. These are wetlands that should be able to be replaced, or in some cases improved. However, experience has shown that replacement cannot be guaranteed in any specific case. These wetlands may provide some important functions and also need to be protected.

E. *Additional Critical Areas Report Requirements.* A critical areas report for wetlands shall be prepared according to the Washington State Wetland Rating System for Eastern Washington. The critical areas report shall contain an analysis of the wetlands including the following site- and proposal-related information:

1. A written assessment, data sheets and accompanying maps of any wetlands or buffers on the site including the following information:
 - a. Hydrogeomorphic (HGM) subclassification and Cowardin class;
 - b. Wetland category;
 - c. Wetland delineation and required buffers;
 - d. Existing wetland acreage;
 - e. Vegetative, faunal, and hydrologic characteristics;
 - f. Soil types and substrate conditions;
 - g. Topographic elevations, at one-foot contours; and
 - h. A discussion of the water sources supplying the wetland and documentation of hydrologic regime (locations of inlet and outlet features, water depths throughout the wetland, evidence of recharge or discharge, evidence of water depths throughout the year – drift lines, algal layers, moss lines, and sediment deposits).

2. Functional evaluation for the wetland and buffer using Ecology's most current approved method and including the reference of the method and all data sheets.

3. Proposed mitigation, if needed, including a discussion of alternatives and trade-offs inherent in the various alternatives (for example, where enhancement for one function would adversely affect another), a written description and accompanying maps of the mitigation area, including the following information:

- a. Existing and proposed wetland acreage;
- b. Existing and proposed vegetative and faunal conditions;
- c. Surface and subsurface hydrological conditions of existing and proposed wetlands and hydrologically associated wetlands including an analysis of existing hydrologic regime and proposed hydrologic regime for enhanced, created, or restored mitigation areas;
- d. Relationship to lakes, streams and rivers in the watershed;
- e. Soil type and substrate conditions;
- f. Topographic elevations, at one-foot contours;
- g. Required wetland buffers including existing and proposed vegetation;
- h. Identification of the wetland's contributing area; and
- i. A functional assessment of proposed mitigation to ensure no net loss of shoreline ecological function.

F. *Performance Standards.* Development or clearing activities shall protect the functions of wetlands and wetland buffers on the site. Activities shall result in no net loss of wetland or buffer functions. Protection may be provided by avoiding (the preferred protection) or minimizing and mitigating as described in the general critical areas performance standards.

1. *Wetlands.*

- a. In Category I wetlands only the following activities may be allowed:
 - i. A road, railroad, trail, water, sewer, stormwater conveyance, gas, power, cable, fiber optic or telephone facility that cannot feasibly be located outside of the wetland, that minimizes the impact, and that mitigates for any unavoidable impact to functions. Cost may be considered, but shall not be overriding; or
 - ii. Trails and wildlife viewing structures; provided, that the trails and structures minimize the impact and are constructed so that they do not interfere with wetland hydrology and do not result in increased sediment entering the wetland.

- b. In Category II wetlands only the following activities may be allowed:
 - i. Activities allowed in Category I wetlands.
 - ii. Enhancement and restoration activities aimed at protecting the soil, water, vegetation or wildlife.
 - iii. Within shoreline jurisdiction, water-dependent, water-related or water-enjoyment activities where there are no feasible alternatives that would have a less adverse impact on the wetland, its buffers and other critical areas.
 - iv. Where non-water dependent, related or enjoyment activities are proposed, it shall be presumed that alternative locations are available, and activities and uses shall be prohibited unless the applicant demonstrates that the basic project purpose cannot reasonably be accomplished and successfully avoid or result in less adverse impacts on a wetland on another site or sites in the city of Medical Lake.
- c. In Category III wetlands only the following activities may be allowed:
 - i. Activities allowed in Category II wetlands.
 - ii. Other activities may be allowed if the applicant demonstrates that the basic project purpose cannot reasonably be accomplished and avoid or result in less adverse impacts on a wetland or its buffer than alternative uses or designs (including reduction in the size, scope, configuration or density of the project).
 - iii. Stormwater management facilities. A wetland or its buffer can be physically or hydrologically altered if: 1) there will be no net loss of functions and values of the wetland; 2) the wetland does not contain a breeding population of any native amphibian species; 3) the wetland lies in the natural routing of the runoff, and the discharge follows the natural routing; 4) all local and state stormwater regulations, codes, manuals, and permits are being followed; and 5) all functions and values that are lost will be compensated.
- d. In Category IV wetlands only the following activities may be allowed:
 - i. Activities allowed in Category III wetlands.
 - ii. Activities and uses that result in impacts may be permitted in accordance with an approved critical areas report and mitigation plan if the proposed activity is the only reasonable alternative that will accomplish the applicant's objectives. Full mitigation for the loss of acreage and functions shall be provided under the terms established pursuant to Section 17.10.090.F.2.

2. *Wetland Buffers.*

a. Buffer Requirements. The following buffer widths have been established in accordance with the best available science. They are based on the land use intensity, the category of wetland, and the habitat score as determined by a qualified wetland professional using the *Washington State Wetland Rating System for Eastern Washington; 2014 Update* (Ecology Publication #14-060-030, or as revised).

b. For high intensity uses, the buffers in Table 17.10.090(3) can be used if the impact measures of Table 17.10.090(5) are implemented.

c. If an applicant chooses not to, or are unable to apply the impact measures of Table 17.10.090(5), then Table 17.10.090(4) must be used.

d. The buffer widths in Tables 17.10.090(2-4) assume that the buffer is vegetated with a native plant community appropriate for the ecoregion. If the existing buffer is unvegetated, sparsely vegetated, or vegetated with invasive species that do not perform needed functions, the buffer should either be planted to create the appropriate plant community or the buffer should be widened to ensure that adequate functions of the buffer are provided.

e. Buffer widths are measured horizontally from the edge of the wetland:

f. All buffers shall be measured from the wetland boundary as surveyed in the field.

g. Areas which are completely functionally separated from a wetland and do not protect the wetland from adverse impacts may be excluded from buffers otherwise required.

Table 17.10.090(1) LAND USE INTENSITIES

Land Use Intensity	Land Use
High	Commercial, industrial, and institutional uses. Residential uses greater than 1 unit per acre. High-intensity recreation such as golf courses, playgrounds, and ball fields.
Moderate	Residential uses equal to or less than 1 unit per acre. Moderate-intensity recreation such as paved trails. Utility corridors without a maintenance road.
Low	Low-intensity open space including unpaved trails.

Table 17.10.090(2) Buffer widths for Low Intensity Uses

	Buffer width (in feet) based on habitat score			
Wetland Category	3-4	5	6-7	8-9

Category I: Based on total score or Forested	50	60	75	125
Category I: Bogs and Wetlands of High Conservation Value	175			
Category I: Alkali	125			
Category II: Based on total score or Forested	50	60	75	125
Category II: Vernal pool	125			
Category III	40	60	75	125
Category IV	25			

Table 17.10.090(3) Buffer Widths for Medium Intensity Uses or High Intensity Uses that have minimized impacts via Table 17.10.090(5)

	Buffer width (in feet) based on habitat score			
Wetland Category	3-4	5	6-7	8-9
Category I: Based on total score or Forested	75	90	120	150
Category I: Bogs and Wetlands of High Conservation Value	190			
Category I: Alkali	150			
Category II: Based on total score or Forested	75	90	120	150
Category II: Vernal pool	150			
Category III	60	90	120	150
Category IV	40			

Table 17.10.090(4) Buffer Widths for High Intensity Uses

	Buffer width (in feet) based on habitat score			
Wetland Category	3-4	5	6-7	8-9

Category I: Based on total score or Forested	100	130	180	200
Category I: Bogs and Wetlands of High Conservation Value	250			
Category I: Alkali	200			
Category II: Based on total score or Forested	100	130	180	200
Category II: Vernal pool	200			
Category III	80	130	180	200
Category IV	50			

Table 17.10.090(5) Measures to Minimize Impacts on Wetlands

Disturbance	Required Measures to Minimize Impacts
Lights	<ul style="list-style-type: none"> • Direct lights away from wetland
Noise	<ul style="list-style-type: none"> • Locate activity that generates noise away from wetland • If warranted, enhance existing buffer with native vegetation plantings adjacent to noise source • For activities that generate relatively continuous, potentially disruptive noise, such as certain heavy industry, establish an additional 10' heavily vegetated buffer strip immediately adjacent to the outer wetland buffer
Toxic runoff	<ul style="list-style-type: none"> • Route all new, untreated runoff away from wetland while ensuring wetland is not dewatered • Establish covenants limiting use of pesticides within 150' of wetland • Apply integrated pest management
Stormwater runoff	<ul style="list-style-type: none"> • Retrofit stormwater detention and treatment for roads and existing adjacent development • Prevent channelized flow from lawns that directly enters the buffer • Use Low Intensity Development techniques
Change in water regime	<ul style="list-style-type: none"> • Infiltrate or treat, detain, and disperse into buffer new runoff from impervious surfaces and new lawns
Pets and human disturbance	<ul style="list-style-type: none"> • Use privacy fencing or plant dense vegetation to delineate buffer edge and to discourage disturbance using vegetation appropriate for the ecoregion • Place wetland and its buffer in a separate tract or protect with a conservation easement
Dust	<ul style="list-style-type: none"> • Use best management practices to control dust

h. *Wetland Buffer Width Averaging.* The buffer width may be modified in accordance with an approved critical areas report on a case-by-case basis by averaging buffer widths. Buffer width averaging shall not be used in combination with a minor exception. Averaging of buffer widths may only be allowed where a qualified professional wetland scientist demonstrates that:

- i. Such averaging will not reduce wetland functions or functional performance; and
- ii. The wetland varies in sensitivity due to existing physical characteristics, or the character of the buffer varies in slope, soils, or vegetation, and the wetland would benefit from a wider buffer in places and would not be adversely impacted by a narrower buffer in other places; and
- iii. The total area contained in the buffer area after averaging is no less than that which would be contained within the standard buffer; and
- iv. The buffer width is reduced by no more than twenty-five percent of the standard width and at no point to less than twenty-five feet.

i. *Buffer Maintenance.* Except as otherwise specified or allowed in accordance with this chapter, wetland buffers shall be maintained according to the approved critical areas permit.

G. *Signs and Fencing of Wetlands.*

1. The location of the outer perimeter of the wetland and buffer shall be marked in the field, and such marking shall be approved by the planning official prior to the commencement of permitted activities. Such field markings shall be maintained throughout the duration of the permit.
2. A permanent physical demarcation along the upland boundary of the wetland buffer shall be installed and thereafter maintained. Such demarcation may consist of fencing, hedging or other prominent physical marking that allows wildlife passage, blends with the wetland environment, and is approved by the planning official.
3. Permanent fencing of the wetland buffer on the outer perimeter shall be erected and thereafter maintained when there is a substantial likelihood of the presence of domestic grazing animals within the property unless the planning official determines that the animals would not degrade the functions of the wetland or buffer.
4. Permanent signs shall be posted at an interval of one per lot for single-family residential uses or at a maximum interval of two hundred feet, or as otherwise determined by the planning official, and must be perpetually maintained by the property owner. The sign shall be worded as follows or with alternative language approved by the planning official: "Protected Natural Resource. Call 509-565-5000 for more information."

H. *Compensatory Mitigation*. Compensatory mitigation for alterations to wetlands shall be used only for impacts that cannot be avoided or minimized, and shall achieve equivalent or greater biologic functions. Compensatory mitigation plans shall be consistent with *Wetland Mitigation in Washington State – Part 2: Developing Mitigation Plans – Version 1*, (Ecology Publication #06-06-011b, March 2006 or as revised), and *Selecting Wetland Mitigation Sites Using a Watershed Approach (Eastern Washington)* (Publication #10-06-015, August 2012 or as revised).

1. *Mitigation for Lost or Affected Functions*. Compensatory mitigation actions shall address functions affected by the alteration to achieve functional equivalency or improvement, and shall provide similar wetland or buffer functions as those lost, except when:

- a. The lost wetland or buffer provides minimal functions as determined by a site-specific function assessment, and the proposed compensatory mitigation action(s) will provide equal or greater functions or will provide functions shown to be limited within a watershed through a formal Washington State watershed assessment plan or protocol; or
- b. Out-of-kind replacement will best meet formally identified watershed goals, such as replacement of historically diminished wetland types.

2. *Mitigation Actions*.

- a. *Creation*. The manipulation of the physical, chemical or biological characteristics present to develop a wetland on an upland or deepwater site where a biological wetland did not previously exist. Activities typically involve excavation of upland soils to elevations that will produce a wetland hydroperiod, hydric soils, and support the growth of hydrophytic plant species. Creation results in a gain in wetland acres and functions.
- b. *Reestablishment*. The manipulation of the physical, chemical or biological characteristics of a site with the goal of returning natural or historic functions to a former wetland. Activities could include removing fill material, plugging ditches or breaking drain tiles. Reestablishment results in a gain in wetland acres and functions.
- c. *Rehabilitation*. The manipulation of the physical, chemical or biological characteristics of a site with the goal of repairing natural or historic functions and processes of a degraded wetland. Activities could involve breaching a dike to reconnect wetlands to a floodplain, restoring tidal influence to a wetland, or breaking drain tiles and plugging drainage ditches. Rehabilitation results in a gain in wetland functions but not in wetland acres.
- d. *Enhancement*. The manipulation of the physical, chemical or biological characteristics of a biological wetland to increase or improve specific functions or to change the growth stage or composition of the vegetation present. Enhancement is undertaken for specified purposes such as water quality improvement, flood water retention or wildlife habitat. Activities typically consist of planting vegetation, controlling nonnative or invasive species, modifying site elevations to result in

open water ponds, or some combination of these. Enhancement results in a change in certain wetland functions and can lead to a decline in other wetland functions. It does not result in a gain in wetland acres.

3. *Type and Location of Mitigation.* Compensatory mitigation for ecological functions shall be in kind. Compensatory mitigation shall be on site or within the impacted wetland's: (i) contributing area; (ii) stream reach; (iii) sub-watershed; or (iv) watershed. The mitigation site shall be where the greatest level of wetland functions can be achieved. Mitigation actions may be conducted in a different watershed when:

- a. Based on a determination of the natural capacity of the potential mitigation sites to mitigate for the impacts, there are no reasonable on-site or in-watershed opportunities, or those opportunities do not have a high likelihood of success. Consideration shall include: anticipated wetland mitigation replacement ratios, buffer conditions and proposed widths, hydrogeomorphic classes of on-site wetlands when restored, proposed flood storage capacity, and potential to impact riparian fish and wildlife habitat including connectivity; or
- b. Watershed goals for water quality, flood or conveyance, habitat or other wetland functions have been established and strongly justify location of mitigation at another site; or

4. *Mitigation Ratios.*

a. *Replacement Ratios.*

i. The replacement ratios shall apply to wetland mitigation that: (1) is for the same hydrogeomorphic subclass (e.g., riverine flow-through, depressionnal outflow or flats), and Cowardin class (e.g., palustrine emergent, palustrine forested or estuarine wetlands); (2) is on site; (3) is in the same category; (4) is implemented prior to or concurrent with alteration; and (5) has a high probability of success.

ii. The replacement ratios are based on replacing the affected wetland with a compensation wetland of the same category, and hydrogeomorphic (HGM) subclass and Cowardin class.

iii. The replacement ratios do not apply to the use of credits from a state-certified wetland mitigation bank. When credits from a certified bank are used, replacement ratios should be consistent with the requirements of the bank's certification.

iv. *Mitigation Ratios.* Mitigation ratios are as follows (see Section 17.10.090.H.2 for definitions of mitigation actions):

Table 17.10.090(6) Wetland Mitigation Ratios

Category and Type of Wetland	Creation or Re-establishment	Rehabilitation	Enhancement
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Category I: Bog, Natural Heritage Site	Not considered possible	Case by Case	Case by Case
Category I: Mature Forest	6:1	12:1	24:1
Category I: Based on Functions	4:1	8:1	16:1
Category II	3:1	6:1	12:1
Category III	2:1	4:1	8:1
Category IV	1.5:1	3:1	6:1

5. *Mitigation Timing.* The mitigation shall be implemented prior to or concurrent with alterations. If mitigation is implemented after alteration is allowed, the planning official may require additional mitigation to compensate for temporal losses of wetland functions.

6. *Buffers for Mitigation Wetlands.* Refer to Wetland Buffer Tables 17.10.090(2-4).

17.10.100 - Reasonable Use Exceptions.

A. *Exception Request and Review Process.* If the application of this chapter would deny all reasonable economic use of the subject property, the property owner may apply for an exception pursuant to this section through the Critical Areas Permit Process of Section 17.10.040.A.

An application for a reasonable use exception shall be made to the city and shall include a Critical Areas Report, including mitigation plan, if necessary; and any other related project documents, such as permit applications to other agencies, special studies, and environmental documents prepared pursuant to the State Environmental Policy Act (RCW 43.21C).

B. *Reasonable Use Review Criteria.* The city shall approve Critical Areas Permits for reasonable use exceptions when all of the following criteria are met:

1. The application of this chapter would deny all reasonable economic use of the property;
2. No other reasonable economic use of the property has less impact on the critical area;
3. The proposed impact to the critical area is the minimum necessary to allow for reasonable economic use of the property;

4. The inability of the applicant to derive reasonable economic use of the property is not the result of actions by the applicant after the effective date of this chapter, or its predecessor;
5. The proposal does not pose a significant threat to the public health, safety, or welfare on or off the development proposal site;
6. The proposal mitigates for the loss of critical area functions to the greatest extent feasible.
7. The proposal is consistent with other applicable regulations and standards.

C. *Burden of Proof.* The burden of proof shall be on the applicant to bring forth evidence in support of the application and to provide sufficient information on which any decision has to be made on the application.

17.10.110 - Minor Exceptions.

A. *Minor Exceptions Authorized.* Minor exceptions of no greater than 10% from the standards of this chapter may be authorized through the critical area permit process.

B. *Minor Exception Criteria.* A minor exception from the standards of this chapter may be granted only if the applicant demonstrates that the requested action conforms to all of the following criteria.

1. Unusual conditions or circumstances exist that are peculiar to the intended use, the land, the lot, or something inherent in the land, and that are not applicable to all other lands in the city;
2. The unusual conditions or circumstances do not result from the actions of the applicant;
3. Granting the minor exception requested will not confer on the applicant any special privilege that is denied by this chapter to other lands, structures, or buildings under similar circumstances;
4. The minor exception is necessary for the preservation and enjoyment of a substantial property right of the applicant such as is possessed by the owners of other properties in the city;
5. Degradation of the functions (including public health and safety) of the subject critical areas and any other adverse impacts resulting from granting the minor exception will be minimized and mitigated to the extent feasible in accordance with the provision of this chapter;
6. Granting the minor exception will not otherwise be materially detrimental to the public welfare or injurious to the property or improvements in the vicinity of the subject property;
7. The proposed development complies with all other applicable standards.

C. *Conditions May Be Required.* In granting any minor exception, the city may attach such conditions and safeguards as are necessary to secure adequate protection of critical areas and developments from adverse impacts, and to ensure conformity with this chapter.

D. *Time Limit.* The city shall prescribe a time limit within which the action for which the minor exception is required shall be begun, completed, or both. Failure to begin or complete such action within the established time limit shall void the minor exception.

E. *Burden of Proof.* The burden of proof shall be on the applicant to bring forth evidence in support of the application and upon which any decision has to be made on the application.

17.10.120 - Unauthorized Alterations and Enforcement.

A. *Enforcement.* When a wetland or its buffer has been altered in violation of this Chapter, all ongoing development work shall stop and the critical area shall be restored. The city shall have the authority to issue a “stop-work” order to cease all ongoing development work and order restoration, rehabilitation, or replacement measures at the owner’s or other responsible party’s expense to compensate for violation of this chapter.

B. *Requirement for Restoration Plan.* In the event the city initiates enforcement action or files a complaint in court, the city may require a restoration plan consistent with the requirements of this chapter. Such a plan shall be prepared by a qualified professional using the best available science and shall describe how the actions proposed meet the minimum requirements described below. The planning official shall, at the violator’s expense, seek expert advice in determining whether the plan restores the affected area to its pre-existing condition or, where that is not possible, restores the functions of the affected area. Inadequate plans shall be returned to the applicant or violator for revision and re-submittal.

C. *Minimum Performance Standards for Restoration.* . For alterations to frequently flooded areas, wetlands, and fish and wildlife habitat conservation areas, the following minimum performance standards shall be met for the restoration of a critical area, provided that if the violator can demonstrate that greater functional and habitat values can be obtained, these standards may be modified:

1

1. The structure and functions of the critical area or buffer prior to violation shall be restored, including water quality and habitat functions;
2. The soil types and configuration prior to violation shall be replicated;
3. The critical area and buffers shall be replanted with native vegetation;
4. Drainage patterns shall be resorted to those existing before the alteration; and
5. Information demonstrating compliance with the requirements in Section 17.10.050.F Mitigation Plan Requirements shall be submitted to the planning official.

D. *Site Investigations*. The planning official is authorized to make site inspections and take such actions as are necessary to enforce this chapter. As a condition of the restoration plan, the applicant shall grant reasonable access to the property.

E. *Noncompliance in Frequently Flooded Areas*. No structure or land shall hereafter be constructed, located, extended, converted, or altered without full compliance with the terms of this chapter and other applicable regulations. Violations of the provisions of this chapter by failure to comply with any of its requirements (including violations of conditions and safeguards established in connection with conditions) shall constitute a misdemeanor. Any person who violates this chapter or fails to comply with any of its requirements shall upon conviction, be subject to enforcement under subsection A of this section. Nothing herein contained shall prevent the city of Medical Lake from taking such other lawful action as is necessary to prevent or remedy any violation.

17.10.130 - Definitions.

Alkali Wetland – A wetland characterized by the presence of shallow saline water with a high PH, as described in *Washington State Wetland Rating System for Eastern Washington: 2014 Update* (Ecology publication #14-06-30, or as revised).

Alteration – Any human-induced change in an existing condition of a critical area or its buffer. Alterations include, but are not limited to, grading, filling, channelizing, dredging, clearing of vegetation, construction, compaction, excavation, or any other activity that changes the character of the critical area.

Best Available Science – Current scientific information used in the process to designate, protect, or restore critical areas that is derived from valid scientific process as defined by WAC 365-195-900 through 925.

Best Management Practices – The utilization of methods, techniques, or products which have been demonstrated to be the most effective and reliable for minimizing impacts.

Bog – A low-nutrient, acidic wetland with organic soils and characteristic bog plants, as described in *Washington State Wetland Rating System for Eastern Washington: 2014 Update* (Ecology publication #14-06-30, or as revised).

Buffer – The area contiguous with a critical area that maintains the functions and/or structural stability of the critical area.

Calcareous Fen – An alkaline peat wetland in which the groundwater is typically rich in calcium and magnesium sulfates, as described in *Washington State Wetland Rating System for Eastern Washington: 2014 Update* (Ecology publication #14-06-30, or as revised).

Channel Migration Zone – The area within which a river channel is likely to migrate and occupy over a specified time period (e.g., 100 years).

Clearing – The destruction, disturbance, or removal of logs, scrub-shrub, stumps, trees, or any vegetative material by burning, chemical, mechanical, or other means.

Critical Areas – Critical areas include any of the following areas or ecosystems: fish and wildlife habitat conservation areas, frequently flooded areas, and wetlands, as defined in RCW 36.70A and this chapter.

Creation – The manipulation of the physical, chemical, or biological characteristics to develop a wetland on an upland or deepwater site, where a wetland did not previously exist. Creation results in a gain in wetland acreage and function. A typical action is the excavation of upland soils to elevations that will produce a wetland hydroperiod and hydric soils, and support the growth of hydrophytic species.

Development – A land use consisting of the construction or exterior alteration of structures; grading, dredging, drilling, or dumping; filling; removal of sand, gravel, or minerals; bulk heading; driving of pilings; or any project of a temporary or permanent nature which modifies structures, land, or shorelines.

Enhancement – The manipulation of the physical, chemical, or biological characteristics of a critical area to heighten, intensify or improve specific function(s) or to change the growth stage or composition of the vegetation present. Enhancement is undertaken for specified purposes such as water quality improvement, flood water retention, or wildlife habitat. Enhancement results in a change in critical area function(s) and can lead to a decline in other critical area functions, but does not result in the gain of critical area acres. Examples are planting vegetation, controlling non-native or invasive species, and modifying site elevations to alter hydroperiods.

Fish and Wildlife Habitat Conservation Areas – Areas that serve a critical role in sustaining needed habitats and species for the functional integrity of the ecosystem, and which, if altered, may reduce the likelihood that the species will persist over the long term. These areas may include, but are not limited to, rare or vulnerable ecological systems, communities, and habitat or habitat elements including seasonal ranges, breeding habitat, winter range, and movement corridors, and areas with high relative population density or species richness. Counties and cities may also designate locally important habitats and species. Fish and wildlife habitat conservation areas do 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.

Flood Hazard Area – The lands listed in a floodplain which are areas adjacent to a lake, stream, ocean or other body of water lying outside the ordinary band of the water body and periodically inundated by flood flow subject to a one percent or greater expectancy of flooding in any given year.

Floodway – Is the area that has been established in federal emergency management agency flood insurance rate maps or floodway maps.

Frequently Flooded Areas - Lands in the flood plain subject to at least a one percent or greater chance of flooding in any given year, or within areas subject to flooding due to high groundwater. These areas include, but are not limited to, streams, rivers, lakes, coastal areas, wetlands, and areas where high groundwater forms ponds on the ground surface.

Functions and Values – The services provided by critical areas to society, including, but not limited to, improving and maintaining water quality, providing fish and wildlife habitat, supporting terrestrial and aquatic food chains, reducing flooding and erosive flows, wave attenuation, historical or archaeological importance, educational opportunities, and recreation.

Hydric Soil – The soil that is saturated, flooded or ponded long enough during the growing season to develop anaerobic conditions in the upper part.

Hydroperiod – The seasonal occurrence of flooding and/or soil saturation which encompasses the depth, frequency, duration and seasonal pattern of inundation.

Hydrophyte – An aquatic plant growing in water or on a substrate (hydric soil) that is at least periodically deficient in oxygen where the saturated soil is too wet for most plants to survive. Examples of these plants are cattails, sedges and bulrush.

Impervious Surface – A surface area which either prevents or retards the entry of water into the soil mantle as under natural conditions prior to development. A non-vegetated surface area which causes water to run off the surface in greater quantities or at an increased rate of flow from the flow present under pre-development or pre-developed conditions. Common impervious surfaces include, but are limited to, rooftops, walkways, patios, driveways, parking lots, storage areas, concrete or asphalt paving, gravel roads, packed earthen materials, and oiled, macadam or other surfaces which similarly impede the natural infiltration of stormwater.

In-Kind Compensation – To replace critical areas with substitute areas whose characteristics and functions closely approximate those destroyed or degraded by regulated activity.

Infiltration – The downward entry of water into the immediate surface of soil.

Isolated Wetland – A wetland that is hydrologically isolated from other aquatic resources.

Mature and Old-Growth Forested Wetland – As defined by *Washington State Wetland Rating System for Eastern Washington: 2014 Update* (Ecology publication #14-06-30, or as revised).

Mitigation – Avoiding, minimizing, or compensating for adverse critical area impacts.

Monitoring – Evaluating the impacts of development proposals on the biological, hydrological, and geological elements of such systems, and assessing the performance of required mitigation measures through the collection and analysis of data by various methods for the purpose of understanding and documenting changes in natural ecosystems and features. Monitoring includes gathering baseline data.

Native Vegetation – Plant species that occur naturally in a particular region or environment and were present before European colonization.

Ordinary High Water Mark – That mark which is found by examining the bed and banks of water bodies and ascertaining where the presence and action of waters are so common and usual, and so long continued in all ordinary years, that the soil has a character distinct from that of the abutting upland in the respect to vegetation.

Planning Official – The city official appointed or retained by the city to administer to administer and enforce zoning and planning regulations.

Priority Habitat – The seasonal range or habitat element with which a given species is primarily associated and which, if altered, may reduce survival potential of that species over the long term. These may include: habitat areas of high relative density or species richness, breeding habitats, with high vulnerability to alteration.

Priority Species – Species which are of concern due to their population status and sensitivity to habitat alteration. Priority species include those which are state listed as endangered, threatened, or sensitive species as well as other species of concern and game species.

Qualified Professional – A person with expertise in the pertinent scientific discipline directly related to the critical area in question. The qualified professional shall have a minimum of a B.S. or B.A., or equivalent certification, and a minimum of two years of directly related work experience.

Qualified Professional, Wetlands – A qualified professional for wetlands must be a professional wetland scientist with at least two years of full-time work experience as wetland professional, including delineating wetlands using the federal manual and supplements, preparing wetlands reports, conducting function assessments, and developing implementing mitigation plans.

Rare, Threatened, or Endangered species - Plant or animal species that are regionally relatively uncommon, are nearing endangered status, or whose existence is in immediate jeopardy and that are usually restricted to highly specific habitats.

Reestablishment – The manipulation of the physical, chemical, or biological characteristics of a site with the goal of returning natural or historic functions to a former critical area. Reestablishment results in rebuilding a former critical area and results in a gain in critical area acres and functions. Activities could include removing fill, plugging ditches, or breaking drain tiles.

Rehabilitation – The manipulation of the physical, chemical, or biological characteristics of a site with the goal of repairing natural or historic functions and processes of a degraded critical area. Rehabilitation results in a gain in wetland function but does not result in a gain in wetland acres. Activities could involve breaching a dike to reconnect wetlands to a floodplain or returning tidal influence to a wetland.

Repair or Maintenance – An activity that restores the character, scope, size, and design of serviceable area, structure, or land use to its previously authorized and undamaged condition. Activities that change the character, size, or scope of a project beyond the original design and drain, dredge, fill, flood, or otherwise alter critical areas are not included in this definition.

Restoration – Measures taken to restore an altered or damaged natural feature, including: 1) active steps taken to restore damaged wetlands, streams, protected habitat, or their buffers to the functioning condition that existed prior to an unauthorized alteration; and 2) actions performed to reestablish structural and functional characteristics of the critical area that have been lost by alteration, past management activities, or catastrophic events.

Riparian - Relating to or living or located on the bank of a natural watercourse (such as a river) or sometimes of a lake or a tidewater.

Riparian Management Zone – The riparian management zone is defined by the greater of the outermost point of the riparian vegetative community or the pollution removal function, at 100-feet.

Species – Any group of animals or plants classified as a species or subspecies as commonly accepted by the scientific community.

Stream – An area where open surface water produces a defined channel or bed, not including irrigation ditches, canals, storm or surface water runoff devise, or other entirely artificial watercourses, unless they are used by salmonids or are used to convey a watercourse naturally occurring prior to construction. A channel or bed need not contain water year-round, provided there is evidence of at least intermittent flow during years of normal rainfall.

Unavoidable Impacts – Adverse impacts that remain after all appropriate and practicable avoidance and minimization has been achieved.

Vernal Pool – Small depressions in scabrock or in shallow soils that fill with snowmelt or spring rains as described in *Washington State Wetland Rating System for Eastern Washington: 2014 Update* (Ecology publication #14-06-30, or as revised).

Water-Dependent Activity – An activity or use that requires the use of surface water to fulfill the basic purpose of the proposed project.

Wetlands – Those areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas. Wetlands do not include those artificial wetlands intentionally created from non-wetland sites, including, but not limited to, irrigation and drainage ditches, grass-lined swales, canals, detention facilities, wastewater treatment facilities, farm ponds, and landscape amenities, or those wetlands created after July 1, 1990, that were unintentionally created as a result of the construction of road, street, or highway. Wetlands may include those artificial wetlands intentionally created from non-wetland areas to mitigate the conversion of wetlands.

Wetland of High Conservation Value – A wetland that has been identified by scientists from the Washington Natural Heritage Program as an important ecosystem for maintaining plant diversity in Washington State.