AGENDA
PLANNING COMMISSION
REGULAR MEETING
July 27, 2023, 5:30 PM

COMMISSION ATTENDANCE IN PERSON
PUBLIC MAY ATTEND IN PERSON OR
REMOTELY VIA ZOOM

Join Zoom Meeting

https://us06web.zoom.us/j/88394208146?pwd=YitYWDlHZDBnWmszL245Z1hxM0hzQT09

Meeting ID: 883 9420 8146
Passcode: 989081

Find your local number: https://us06web.zoom.us/u/kc7hz0PHjO

WRITTEN PUBLIC COMMENTS

If you wish to provide written public comments for the Planning Commission meeting, please email your comments to erodriguez@medical-lake.org by 2:00 p.m. the day of the commission 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 2:00 p.m. will be provided to the Planning Commission in advance of the meeting.

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

1) **CALL TO ORDER, PLEDGE OF ALLEGIANCE, AND ROLL CALL**
   a) Excused Absences

2) **ADDITIONS TO AGENDA**

3) **APPROVAL OF MINUTES**
   a) June 22, 2023, Meeting minutes

4) **INTERESTED CITIZENS: AUDIENCE REQUESTS AND COMMENTS**

5) **STAFF REPORTS**
   a) Elisa Rodriguez, City Planner

6) **SCHEDULED ITEMS**
   a) Critical Areas Ordinance-CARA (Critical Aquifer Recharge Area)
   b) City Branding Discussion
   c) Education Packet for New Commission Members
   d) Planning Commission Rules of Procedure

7) **PUBLIC HEARING**

8) **COMMISSION MEMBERS' COMMENTS OR CONCERNS**

9) **INTERESTED CITIZENS: AUDIENCE REQUESTS AND COMMENTS**

10) **CONCLUSION**

City of Medical Lake
124 S. Lefevre Street – City Council Chambers
Planning Commission Meeting
June 22, 2023, Minutes

***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.*

1) CALL TO ORDER, PLEDGE OF ALLEGIANCE, AND ROLL CALL

a) Commissioner Hudson called the meeting to order at 5:30 pm, led the Pledge of Allegiance, and conducted roll call.
   i)

b) Commissioners Mark and Mayulianos submitted a request for an excused absence from tonight's meeting. All other commissioners were present. Commissioner Munson was present via zoom, arriving at 5:38 pm.
   i) Motion to approve commissioner Mark's absence made by commissioner Hudson, seconded by commissioner Jorgenson, carried 3-0.
   ii) Motion to approve commissioner Mayulianos' absence made by commissioner Hudson, seconded by commissioner Jorgenson, carried 3-0.

c) Approval of agenda. Motion to approve agenda made by commissioner Hudson, seconded by commissioner Jorgenson, motion carried 3-0.

2) INTERESTED CITIZENS: AUDIENCE REQUESTS AND COMMENTS

a) Robynn Sleep on behalf of Tammy Roberson – Provided documents for Planning Commissioner review and asked questions related to LU 2023-005 CA and SEPA DNS. See Attachment A.

3) APPROVAL OF MINUTES

a) **May 25, 2023**, Regular Meeting and Public Hearing minutes
   i) Section 6. a.i, correct the word "applicant" to read "owner". Motion to correct made by commissioner Jorgenson, seconded by commissioner Hudson, carried 3-0.
   ii) Motion to approve as corrected made by commissioner Hudson, seconded by commissioner Jorgenson, carried 3-0.

4) STAFF REPORTS

a) Elisa Rodriguez, City Planner
   i) Shared an update on LU Application LU 2023-005 and the SEPA process underway.
   ii) Shared an update on City Council's direction for the Shipping Container Application LU 2022-004 TA.

5) SCHEDULED ITEMS

a) City Planner Elisa Rodriguez presented a history of zoning map amendments and adoptions. See Attachment B.
   i) Considering that previous ordinances did not include maps and how multiple maps exist with dates that do not correlate with legislative action, the City needs to define an official zoning map that is accurate and properly adopted.
   ii) The same presentation will be made to City Council in a future meeting.

b) Commissioner Hudson motioned to table the Critical Areas Ordinance-Critical Aquifer Recharge Area (CARA), seconded by commissioner Jorgenson, carried 3-0.

c) Commissioner Munson opened a discussion on city branding by summarizing his discussion

with the Mayor of Leavenworth, WA. Leavenworth's Bavarian theme began voluntarily, and business improved. A design review board was established, and a slow and gradual process made it into the attraction it is today. He also considered European cities that collect on tourism, naming a few from Britian. Commissioner Hudson suggested looking at French cities, since Medical Lake's settlement is attributed to Andrew Lefevre. City Administrator Sonny Weathers highlighted how Stanley Hallett was a British Lord and encouraged the conversation to continue.

d) Commissioner Hudson motioned to table the Education Packet for New Commission Members until commissioner Mayulianos is present, seconded by commissioner Jorgenson, carried 3-0.
e) Commissioner Hudson motioned to table the Planning Commission Rules and Procedures update, seconded by commissioner Jorgenson, carried 3-0.

6) PUBLIC WORKSHOP

None

7) COMMISSION MEMBERS' COMMENTS OR CONCERNS

None

8) INTERESTED CITIZENS: AUDIENCE REQUESTS AND COMMENTS

None

9) CONCLUSION

a) Commissioner Hudson motioned to conclude the meeting, seconded by commissioner Jorgenson. Motion carried 3-0 and the meeting concluded at 6:32 pm.

Date: _____

_____

Sonny Weathers, City Administrator

Ms. Tammy Roberson
424 W Brooks Road
Medical Lake, WA 99022
tmroberson61@gmail.com

June 22, 2023

Subject: Questions regarding 1) LU 2023-005 CA and 2) LU 2023-005 CA SEPA DNS 2023 06 01

Dear Medical Lake Planning Commission Members and City Planner:

Robynn Sleep is attending the meeting this evening and speaking on my behalf. I would like to know the status of both actions listed above, particularly in relation to the SEPA Public Hearing and DNS Notice dated June 1, 2023. The comment period ended June 15th, what are the next steps?

Specifically:

1. When will a staff report and the SEPA comments be made available to the Planning Commission, to the City Council and to the public?

2. What does the Medical Lake Municipal Code require in this matter, with regard to publicizing the SEPA comments, and the need to hold another public hearing?

3. Will another public hearing be held on the reasonable use exception application by Mr. Barthels on behalf of Mr. Mangis?

4. If a decision has not been made, when will a decision about holding another public hearing be made?

5. What is the timeline for further action on both the SEPA action, and the reasonable use exception application?

6. What further opportunities are there for public involvement and/or appeal of decisions made to date?

If you are not able to answer all these questions this evening, please advise when you will be able to email your responses to me at the address above.

Sincerely,

Tammy M. Roberson

Tammy M. Roberson, MBA
SMSgt USAF Retired/Disabled Veteran
424 W Brooks Rd

Notice of Public Hearing and Determination of Non-Significance (DNS)

Description of Proposal: The applicant is proposing a 1,248 square foot building for a single-family residence in the northeast corner of the subject site. The site is 21, 960 square feet and is composed of two tax parcels. Approximately 80% of the site contains a wetland. The remainder of the site is a required buffer for this wetland. However, MLMC Section 17.10.100 allows an applicant to pursue a reasonable use exception. To prepare for the building, the applicant proposes to bring in fill. The total disturbance area will be approximately 2,700 square feet. A silt fence will be placed at the disturbance limits prior to construction. Prior to the removal of the silt fence, a fence or wall will be built to mark the edge of the protected area. To mitigate the impact of clearing vegetation, bringing in fill, and the creation of impervious surfaces, the applicant proposes to add vegetation in the wetland buffer. These plantings will be monitored and replaced, if necessary, over a period of five years.

Proponent: Vince Barthels, Ardurra, 1717 S Rustle, Suite 201, Spokane, WA 99224

Location of Proposal: N Martin Street, Parcels 14073.0253 & 14182.0402

Lead Agency: City of Medical Lake, Planning Department does not exist.

Threshold Determination: The lead agency has determined that this proposal does not have a probable significant adverse impact on the environment. An environmental impact statement (EIS) is not required under RCW 43.21C.030(2)(c). This decision was made after review of a completed environmental checklist and other information on file with the lead agency. This DNS is issued under WAC 197-11-340(2); the City of Medical Lake will not act on this proposal for 14 days from the date of this notice. **Written comments on this threshold determination must be submitted on or before 2:00 p.m., June 15, 2023** to the project contact listed below.

Appeals: Appeals of this environmental determination may be made per the procedures outlined in MLMC 16.10.420.

To View Documents: Documents associated with this proposal can be viewed on the City of Medical Lake website, at: www.medical-lake.org, or may be reviewed at the City of Medical Planning Department.

Contact Person: Please direct any comments concerning this threshold determination to: Elisa Rodriguez, City Planner P.O. Box 369, Medical Lake, WA 990022; 509-565-5019; erodriguez@medical-lake.org.

SEPA Responsible Official: Sonny Weathers, City Administrator

Date of Issuance: June 1, 2023

Signature

Original from DOE's website.
Items highlighted in yellow are either missing or worded differently in Applicant's SEPA Environmental Checklist.

Attachment A

SEPA ENVIRONMENTAL CHECKLIST

Purpose of checklist

Governmental agencies use this checklist to help determine whether the environmental impacts of your proposal are significant. This information is also helpful to determine if available avoidance, minimization, or compensatory mitigation measures will address the probable significant impacts or if an environmental impact statement will be prepared to further analyze the proposal.

Instructions for applicants

This environmental checklist asks you to describe some basic information about your proposal. Please answer each question accurately and carefully, to the best of your knowledge. You may need to consult with an agency specialist or private consultant for some questions. **You may use "not applicable" or "does not apply" only when you can explain why it does not apply and not when the answer is unknown.** You may also attach or incorporate by reference additional studies reports. Complete and accurate answers to these questions often avoid delays with the SEPA process as well as later in the decision-making process.

The checklist questions apply to **all parts of your proposal,** even if you plan to do them over a period of time or on different parcels of land. Attach any additional information that will help describe your proposal or its environmental effects. The agency to which you submit this checklist may ask you to explain your answers or provide additional information reasonably related to determining if there may be significant adverse impact.

Instructions for lead agencies

Please adjust the format of this template as needed. Additional information may be necessary to evaluate the existing environment, all interrelated aspects of the proposal and an analysis of adverse impacts. The checklist is considered the first but not necessarily the only source of information needed to make an adequate threshold determination. Once a threshold determination is made, the lead agency is responsible for the completeness and accuracy of the checklist and other supporting documents.

Use of checklist for nonproject proposals

For nonproject proposals (such as ordinances, regulations, plans and programs), complete the applicable parts of sections A and B, plus the Supplemental Sheet for Nonproject Actions (Part D). Please completely answer all questions that apply and note that the words "project," "applicant," and "property or site" should be read as "proposal," "proponent," and "affected geographic area," respectively. The lead agency may exclude (for non-projects) questions in "Part B: Environmental Elements" that do not contribute meaningfully to the analysis of the proposal.

Items highlighted in yellow are either missing or worded differently than the one submitted by Vince.

NOTE: Items relating to adjacent lands seem to be missing. For example, "Will the proposal affect current land uses on nearby or adjacent properties?"

A. Background Find help answering background questions

1. Name of proposed project, if applicable:

2. Name of applicant:

3. Address and phone number of applicant and contact person:

4. Date checklist prepared:

5. Agency requesting checklist:

6. Proposed timing or schedule (including phasing, if applicable):

7. Do you have any plans for future additions, expansion, or further activity related to or connected with this proposal? If yes, explain.

8. List any environmental information you know about that has been prepared, or will be prepared, directly related to this proposal.

9. Do you know whether applications are pending for governmental approvals of other proposals directly affecting the property covered by your proposal? If yes, explain.

10. List any government approvals or permits that will be needed for your proposal, if known.

11. Give a brief, complete description of your proposal, including the proposed uses and the size of the project and site. There are several questions later in this checklist that ask you to describe certain aspects of your proposal. You do not need to repeat those answers on this page. (Lead agencies may modify this form to include additional specific information on project description.)

12. Location of the proposal. Give sufficient information for a person to understand the precise location of your proposed project, including a street address, if any, and section, township, and range, if known. If a proposal would occur over a range of area, provide the range or boundaries of the site(s). Provide a legal description, site plan, vicinity map, and topographic map, if reasonably available. While you should submit any plans required by the agency, you are not required to duplicate maps or detailed plans submitted with any permit applications related to this checklist.

B. Environmental Elements

1. Earth Find help answering earth questions

a. General description of the site:

Circle or highlight one: Flat, rolling, hilly, steep slopes, mountainous, other:

b. What is the steepest slope on the site (approximate percent slope)?

c. What general types of soils are found on the site (for example, clay, sand, gravel, peat, muck)? If you know the classification of agricultural soils, specify them, and note any agricultural land of long-term commercial significance and whether the proposal results in removing any of these soils.

d. Are there surface indications or history of unstable soils in the immediate vicinity? If so, describe.

e. Describe the purpose, type, total area, and approximate quantities and total affected area of any filling, excavation, and grading proposed. Indicate source of fill.

f. Could erosion occur because of clearing, construction, or use? If so, generally describe.

g. About what percent of the site will be covered with impervious surfaces after project construction (for example, asphalt or buildings)?

h. Proposed measures to reduce or control erosion, or other impacts to the earth, if any.

2. Air Find help answering air questions

a. What types of emissions to the air would result from the proposal during construction, operation, and maintenance when the project is completed? If any, generally describe and give approximate quantities if known.

b. Are there any off-site sources of emissions or odor that may affect your proposal? If so, generally describe.

c. Proposed measures to reduce or control emissions or other impacts to air, if any.

3. Water Find help answering water questions

a. Surface Water: Find help answering surface water questions

1. **Is there any surface water body on or in the immediate vicinity of the site (including year-round and seasonal streams, saltwater, lakes, ponds, wetlands)? If yes, describe type and provide names. If appropriate, state what stream or river it flows into.**

2. **Will the project require any work over, in, or adjacent to (within 200 feet) the described waters? If yes, please describe and attach available plans.**

3. **Estimate the amount of fill and dredge material that would be placed in or removed from surface water or wetlands and indicate the area of the site that would be affected. Indicate the source of fill material.**

4. **Will the proposal require surface water withdrawals or diversions? Give a general description, purpose, and approximate quantities if known.**

5. **Does the proposal lie within a 100-year floodplain? If so, note location on the site plan.**

6. Does the proposal involve any discharges of waste materials to surface waters? If so, describe the type of waste and anticipated volume of discharge.

b. Ground Water: Find help answering ground water questions

1. Will groundwater be withdrawn from a well for drinking water or other purposes? If so, give a general description of the well, proposed uses and approximate quantities withdrawn from the well. Will water be discharged to groundwater? Give a general description, purpose, and approximate quantities if known.

2. Describe waste material that will be discharged into the ground from septic tanks or other sources, if any (domestic sewage; industrial, containing the following chemicals...; agricultural; etc.). Describe the general size of the system, the number of such systems, the number of houses to be served (if applicable), or the number of animals or humans the system(s) are expected to serve.

c. Water Runoff (including stormwater):

a) Describe the source of runoff (including storm water) and method of collection and disposal, if any (include quantities, if known). Where will this water flow? Will this water flow into other waters? If so, describe.

b) Could waste materials enter ground or surface waters? If so, generally describe.

c) Does the proposal alter or otherwise affect drainage patterns in the vicinity of the site? If so, describe.

d) Proposed measures to reduce or control surface, ground, and runoff water, and drainage pattern impacts, if any.

4. Plants Find help answering plants questions

a. Check the types of vegetation found on the site:

- ☐ deciduous tree: alder, maple, aspen, other
- ☐ evergreen tree: fir, cedar, pine, other
- ☐ shrubs
- ☐ grass
- ☐ pasture
- ☐ crop or grain
- ☐ orchards, vineyards, or other permanent crops.
- ☐ wet soil plants: cattail, buttercup, bullrush, skunk cabbage, other
- ☐ water plants: water lily, eelgrass, milfoil, other
- ☐ other types of vegetation

b. What kind and amount of vegetation will be removed or altered?

c. List threatened and endangered species known to be on or near the site.

d. Proposed landscaping, use of native plants, or other measures to preserve or enhance vegetation on the site, if any.

e. List all noxious weeds and invasive species known to be on or near the site.

5. Animals Find help answering animal questions

a. List any birds and other animals that have been observed on or near the site or are known to be on or near the site.

Examples include:

- Birds: hawk, heron, eagle, songbirds, other:
- Mammals: deer, bear, elk, beaver, other:
- Fish: bass, salmon, trout, herring, shellfish, other:

b. List any threatened and endangered species known to be on or near the site.

c. Is the site part of a migration route? If so, explain.

d. Proposed measures to preserve or enhance wildlife, if any.

e. List any invasive animal species known to be on or near the site.

6. Energy and Natural Resources Find help answering energy and natural resource questions

1. What kinds of energy (electric, natural gas, oil, wood stove, solar) will be used to meet the completed project's energy needs? Describe whether it will be used for heating, manufacturing, etc.

2. Would your project affect the potential use of solar energy by adjacent properties? If so, generally describe.

3. What kinds of energy conservation features are included in the plans of this proposal? List other proposed measures to reduce or control energy impacts, if any.

7. Environmental Health Find help with answering environmental health questions

a. Are there any environmental health hazards, including exposure to toxic chemicals, risk of fire and explosion, spill, or hazardous waste, that could occur because of this proposal? If so, describe.

1. Describe any known or possible contamination at the site from present or past uses.

2. Describe existing hazardous chemicals/conditions that might affect project development and design. This includes underground hazardous liquid and gas transmission pipelines located within the project area and in the vicinity.

3. Describe any toxic or hazardous chemicals that might be stored, used, or produced during the project's development or construction, or at any time during the operating life of the project.

4. Describe special emergency services that might be required.

5. Proposed measures to reduce or control environmental health hazards, if any.

b. Noise

1. What types of noise exist in the area which may affect your project (for example: traffic, equipment, operation, other)?

2. What types and levels of noise would be created by or associated with the project on a short-term or a long-term basis (for example: traffic, construction, operation, other)? Indicate what hours noise would come from the site)?

3. Proposed measures to reduce or control noise impacts, if any.

8. Land and Shoreline Use Find help answering land and shoreline use questions

a. What is the current use of the site and adjacent properties? Will the proposal affect current land uses on nearby or adjacent properties? If so, describe.

b. Has the project site been used as working farmlands or working forest lands? If so, describe. How much agricultural or forest land of long-term commercial significance will be converted to other uses because of the proposal, if any? If resource lands have not been designated, how many acres in farmland or forest land tax status will be converted to nonfarm or nonforest use?

1. Will the proposal affect or be affected by surrounding working farm or forest land normal business operations, such as oversize equipment access, the application of pesticides, tilling, and harvesting? If so, how?

c. Describe any structures on the site.

d. Will any structures be demolished? If so, what?

e. What is the current zoning classification of the site?

f. What is the current comprehensive plan designation of the site?

g. If applicable, what is the current shoreline master program designation of the site?

h. Has any part of the site been classified as a critical area by the city or county? If so, specify.

i. Approximately how many people would reside or work in the completed project?

j. Approximately how many people would the completed project displace?

k. Proposed measures to avoid or reduce displacement impacts, if any.

l. Proposed measures to ensure the proposal is compatible with existing and projected land uses and plans, if any.

m. Proposed measures to reduce or control impacts to agricultural and forest lands of long-term commercial significance, if any.

9. Housing Find help answering housing questions

a. Approximately how many units would be provided, if any? Indicate whether high, middle, or low-income housing.

b. Approximately how many units, if any, would be eliminated? Indicate whether high, middle, or low-income housing.

c. Proposed measures to reduce or control housing impacts, if any.

10. Aesthetics Find help answering aesthetics questions

a. What is the tallest height of any proposed structure(s), not including antennas; what is the principal exterior building material(s) proposed?

b. What views in the immediate vicinity would be altered or obstructed?

c. Proposed measures to reduce or control aesthetic impacts, if any.

11. Light and Glare Find help answering light and glare questions

a. What type of light or glare will the proposal produce? What time of day would it mainly occur?

b. Could light or glare from the finished project be a safety hazard or interfere with views?

c. What existing off-site sources of light or glare may affect your proposal?

d. Proposed measures to reduce or control light and glare impacts, if any.

12. Recreation Find help answering recreation questions

a. What designated and informal recreational opportunities are in the immediate vicinity?

b. Would the proposed project displace any existing recreational uses? If so, describe.

c. Proposed measures to reduce or control impacts on recreation, including recreation opportunities to be provided by the project or applicant, if any.

13. Historic and Cultural Preservation Find help answering historic and cultural preservation questions

a. Are there any buildings, structures, or sites, located on or near the site that are over 45 years old listed in or eligible for listing in national, state, or local preservation registers? If so, specifically describe.

b. Are there any landmarks, features, or other evidence of Indian or historic use or occupation? This may include human burials or old cemeteries. Are there any material evidence, artifacts, or areas of cultural importance on or near the site? Please list any professional studies conducted at the site to identify such resources.

c. Describe the methods used to assess the potential impacts to cultural and historic resources on or near the project site. Examples include consultation with tribes and the department of archeology and historic preservation, archaeological surveys, historic maps, GIS data, etc.

d. Proposed measures to avoid, minimize, or compensate for loss, changes to, and disturbance to resources. Please include plans for the above and any permits that may be required.

14. Transportation Find help with answering transportation questions

a. Identify public streets and highways serving the site or affected geographic area and describe proposed access to the existing street system. Show on site plans, if any.

b. Is the site or affected geographic area currently served by public transit? If so, generally describe. If not, what is the approximate distance to the nearest transit stop?

c. Will the proposal require any new or improvements to existing roads, streets, pedestrian, bicycle, or state transportation facilities, not including driveways? If so, generally describe (indicate whether public or private).

d. Will the project or proposal use (or occur in the immediate vicinity of) water, rail, or air transportation? If so, generally describe.

e. How many vehicular trips per day would be generated by the completed project or proposal? If known, indicate when peak volumes would occur and what percentage of the volume would be trucks (such as commercial and nonpassenger vehicles). What data or transportation models were used to make these estimates?

f. **Will the proposal interfere with, affect, or be affected by the movement of agricultural and forest products on roads or streets in the area? If so, generally describe.**

g. **Proposed measures to reduce or control transportation impacts, if any.**

15. Public Services Find help answering public service questions

a. **Would the project result in an increased need for public services (for example: fire protection, police protection, public transit, health care, schools, other)? If so, generally describe.**

b. **Proposed measures to reduce or control direct impacts on public services, if any.**

16. Utilities Find help answering utilities questions

a. **Circle utilities currently available at the site: electricity, natural gas, water, refuse service, telephone, sanitary sewer, septic system, other:**

b. **Describe the utilities that are proposed for the project, the utility providing the service, and the general construction activities on the site or in the immediate vicinity which might be needed.**

C. Signature Find help about who should sign

The above answers are true and complete to the best of my knowledge. I understand that the lead agency is relying on them to make its decision.

X _____

Type name of signee: Click or tap here to enter text.

Position and agency/organization: Click or tap here to enter text.

Date submitted: Click or tap to enter a date.

D. Supplemental sheet for nonproject actions Find help for the nonproject actions worksheet

IT IS NOT REQUIRED to use this section for project actions.

Because these questions are very general, it may be helpful to read them in conjunction with the list of the elements of the environment.

When answering these questions, be aware of the extent the proposal, or the types of activities likely to result from the proposal, would affect the item at a greater intensity or at a faster rate than if the proposal were not implemented. Respond briefly and in general terms.

1. **How would the proposal be likely to increase discharge to water; emissions to air; production, storage, or release of toxic or hazardous substances; or production of noise?**

    - **Proposed measures to avoid or reduce such increases are:**

2. **How would the proposal be likely to affect plants, animals, fish, or marine life?**

    - **Proposed measures to protect or conserve plants, animals, fish, or marine life are:**

3. **How would the proposal be likely to deplete energy or natural resources?**

    - **Proposed measures to protect or conserve energy and natural resources are:**

4. **How would the proposal be likely to use or affect environmentally sensitive areas or areas designated (or eligible or under study) for governmental protection, such as parks, wilderness, wild and scenic rivers, threatened or endangered species habitat, historic or cultural sites, wetlands, floodplains, or prime farmlands?**

    - **Proposed measures to protect such resources or to avoid or reduce impacts are:**

5. **How would the proposal be likely to affect land and shoreline use, including whether it would allow or encourage land or shoreline uses incompatible with existing plans?**

    - **Proposed measures to avoid or reduce shoreline and land use impacts are:**

6. **How would the proposal be likely to increase demands on transportation or public services and utilities?**

    - **Proposed measures to reduce or respond to such demand(s) are:**

7. **Identify, if possible, whether the proposal may conflict with local, state, or federal laws or requirements for the protection of the environment.**

Also Refer to 3 SEPA documents submitted.

Tammy's comments in purple

Attachment A

Submitted by Applicant

WAC 197-11-960 Environmental checklist.

ENVIRONMENTAL CHECKLIST

Purpose of checklist:

The State Environmental Policy Act (SEPA), chapter 43.21C RCW, requires all governmental agencies to consider the environmental impacts of a proposal before making decisions. An environmental impact statement (EIS) must be prepared for all proposals with probable significant adverse impacts on the quality of the environment. The purpose of this checklist is to provide information to help you and the agency identify impacts from your proposal (and to reduce or avoid impacts from the proposal, if it can be done) and to help the agency decide whether an EIS is required.

Instructions for applicants:

This environmental checklist asks you to describe some basic information about your proposal. Governmental agencies use this checklist to determine whether the environmental impacts of your proposal are significant, requiring preparation of an EIS. Answer the questions briefly, with the most precise information known, or give the best description you can.

You must answer each question accurately and carefully, to the best of your knowledge. In most cases, you should be able to answer the questions from your own observations or project plans without the need to hire experts. If you really do not know the answer, or if a question does not apply to your proposal, write "do not know" or "does not apply." Complete answers to the questions now may avoid unnecessary delays later.

Some questions ask about governmental regulations, such as zoning, shoreline, and landmark designations. Answer these questions if you can. If you have problems, the governmental agencies can assist you.

The checklist questions apply to all parts of your proposal, even if you plan to do them over a period of time or on different parcels of land. Attach any additional information that will help describe your proposal or its environmental effects. The agency to which you submit this checklist may ask you to explain your answers or provide additional information reasonably related to determining if there may be significant adverse impact.

Use of checklist for nonproject proposals:

Complete this checklist for nonproject proposals, even though questions may be answered "does not apply." IN ADDITION, complete the SUPPLEMENTAL SHEET FOR NONPROJECT ACTIONS (part D).

For nonproject actions, the references in the checklist to the words "project," "applicant," and "property or site" should be read as "proposal," "proposer," and "affected geographic area," respectively.

A. BACKGROUND

1. Name of proposed project, if applicable: LU 2023-005 CA N Martin Street Wetland
2. Name of applicant: Vince Barthels
3. Address and phone number of applicant and contact person: Ardurra, 1717 S Rustle, Suite 201, Spokane, WA 99224
4. Date checklist prepared: 5/31/2023
5. Agency requesting checklist: City of Medical Lake
6. Proposed timing or schedule (including phasing, if applicable): Approximately 9 months for construction of a single-family residence.
7. Do you have any plans for future additions, expansion, or further activity related to or connected with this proposal? If yes, explain. No
8. List any environmental information you know about that has been prepared, or will be prepared, directly related to this proposal. Wetland Buffer Mitigation Plan prepared by Vince Bartels, dated July 2020. Review of the plan by Jacob MacCann, Department of Ecology, dated July 21, 2020. Review of the plan by Towey Ecological Services, dated May 4, 2023.

Presentation Slides State it is 174' x 122' whereby site plan dated 16 May states 182' x 122'

Should be 21,228 (presentation interval)

9. Do you know whether applications are pending for governmental approvals of other proposals directly affecting the property covered by your proposal? If yes, explain. None known.
10. List any government approvals or permits that will be needed for your proposal, if known. An approved critical area review is required before building permits may be applied for.
11. Give brief, complete description of your proposal, including the proposed uses and the size of the project and site. There are several questions later in this checklist that ask you to describe certain aspects of your proposal. You do not need to repeat those answers on this page. (Lead agencies may modify this form to include additional specific information on project description.) The proposal is for a single-family residence with a footprint of 1,248 square feet to be located in the buffer of a Category III wetland. The 21,960 square foot site has wetland covering approximately 80% of the site, therefore, development cannot be located outside of the required buffer. The reasonable use exception is being pursued to disturb approximately 2,700 square feet of the site. This disturbance area will include fill brought in to create a level building site. Native plantings are being proposed to mitigate the impact of development in the buffer.
12. Location of the proposal. Give sufficient information for a person to understand the precise location of your proposed project, including a street address, if any, and section, township, and range, if known. If a proposal would occur over a range of area, provide the range or boundaries of the site(s). Provide a legal description, site plan, vicinity map, and topographic map, if reasonably available. While you should submit any plans required by the agency, you are not required to duplicate maps or detailed plans submitted with any permit applications related to this checklist. The site is located on the west side of North Martin Street, just to the north of West Brooks Road in the city of Medical Lake. The site consists of the tax parcels 14073.0253 and 14182.0402.

B. ENVIRONMENTAL ELEMENTS

1. **Earth**

a. General description of the site (circle one): Flat, rolling, hilly, steep slopes, mountainous, other. Shallow slope from northeast corner into a depressional wetland.
b. What is the steepest slope on the site (approximate percent slope)? 15%
c. What general types of soils are found on the site (for example, clay, sand, gravel, peat, muck)? If you know the classification of agricultural soils, specify them and note any prime farmland. Rocky-fourmound complex ?
d. Are there surface indications or history of unstable soils in the immediate vicinity? If so, describe. None known.
e. Describe the purpose, type, and approximate quantities of any filling or grading proposed. Indicate source of fill. The proposal includes approximately 30 cubic yards of fill. The fill will be sourced from local quarries. local gravel
f. Could erosion occur as a result of clearing, construction, or use? If so, generally describe. Erosion could occur from stormwater while soils are exposed. The proposal includes a silt fence to be installed to protect the wetland from any runoff.
g. About what percent of the site will be covered with impervious surfaces after project construction (for example, asphalt or buildings)? Approximately 7% of the site will be impervious surfaces.
h. Proposed measures to reduce or control erosion, or other impacts to the earth, if any: Prior to any ground disturbing activities a silt fence will be installed to protect the wetland. Prior to final occupancy all exposes soil will be reseeded. Should be 8%

a. **Air**

a. What types of emissions to the air would result from the proposal (i.e., dust, automobile, odors, industrial wood smoke) during construction and when the project is completed? If any, generally describe and give approximate quantities if known. No extraordinary air emissions will be present during construction. What is this?
b. Are there any off-site sources of emissions or odor that may affect your proposal? If so, generally describe. None known.
c. Proposed measures to reduce or control emissions or other impacts to air, if any: None.

3. **Water**

a. Surface:

1) Is there any surface water body on or in the immediate vicinity of the site (including year-round and seasonal streams, saltwater, lakes, ponds, wetlands)? If yes, describe type and provide names. If appropriate, state what stream or river it flows into. There is an isolated basin category III wetland on the site.
2) Will the project require any work over, in, or adjacent to (within 200 feet) the described waters? If yes, please describe and attach available plans. Yes, the proposed single-family residence is less than 200 feet from the wetland. The residence is proposed to be as far away from the wetland as possible, but there is no area outside of the buffer on the site.
3) Estimate the amount of fill and dredge material that would be placed in or removed from surface water or wetlands and indicate the area of the site that would be affected. Indicate the source of fill material. There will be no fill or dredging in the wetland. depends on where the actual wetland boundary is based on hydrologic soils.
4) Will the proposal require surface water withdrawals or diversions? Give general description, purpose, and approximate quantities if known. None known.
5) Does the proposal lie within a 100-year floodplain? If so, note location on the site plan. No
6) Does the proposal involve any discharges of waste materials to surface waters? If so, describe the type of waste and anticipated volume of discharge. No.

b. Ground:

1) Will ground water be withdrawn, or will water be discharged to ground water? Give general description, purpose, and approximate quantities if known. No. wording not exact as in DOE
2) Describe waste material that will be discharged into the ground from septic tanks or other sources, if any (for example: Domestic sewage; industrial, containing the following chemicals. . . ; agricultural; etc.). Describe the general size of the system, the number of such systems, the number of houses to be served (if applicable), or the number of animals or humans the system(s) are expected to serve. None.

c. Water runoff (including stormwater):

1) Describe the source of runoff (including storm water) and method of collection and disposal, if any (include quantities, if known). Where will this water flow? Will this water flow into other waters? If so, describe. Stormwater from impervious surfaces will be directed into the soil immediately adjacent to the impervious surface.
2) Could waste materials enter ground or surface waters? If so, generally describe. None known. ?

missing c) from DOE

d. Proposed measures to reduce or control surface, ground, and runoff water impacts, if any: None.

4. **Plants**

a. Check or circle types of vegetation found on the site:

X_____ deciduous tree: alder, maple, aspen, other
X_____ evergreen tree: fir, cedar, pine, other
X_____ shrubs
X_____ grass
_____ pasture
_____ crop or grain
X_____ wet soil plants: cattail, buttercup, bullrush, skunk cabbage, other
_____ water plants: water lily, eelgrass, milfoil, other
_____ other types of vegetation

Has 10 different species per Dr Lefcort.

SEPA Site plan shows cottonwoods + willows — changed at PCM

Attachment A

a. What kind and amount of vegetation will be removed or altered? Three pine trees and grasses will be removed in the disturbance area. The proposal includes plantings to mitigate for the loss of this vegetation. (see mitigation plan)
b. List threatened or endangered species known to be on or near the site. None known.
c. Proposed landscaping, use of native plants, or other measures to preserve or enhance vegetation on the site, if any: Mitigation plantings are proposed at the edge of the wetland. (see mitigation plan)

missing paras

5. **Animals**

a. Circle any birds and animals which have been observed on or near the site or are known to be on or near the site: also have pheasants, quail, long toed salmanders, raccoons, skunks, squirrels, turkeys, canadian geese,

frogs chipmunks

birds: hawk, heron, eagle, **songbirds**, other: **ducks** had 4 mated pairs of ducks (2 teals & 2 mallards with baby ducklings 2023 3 hatchings.
mammals: **deer**, bear, elk, beaver, other:
fish: bass, salmon, trout, herring, shellfish, other: no fish in wetland

a. List any threatened or endangered species known to be on or near the site. None known.
b. Is the site part of a migration route? If so, explain. None known.
c. Proposed measures to preserve or enhance wildlife, if any: Proposed mitigation plantings will enhance the wildlife habitat. ??

6. **Energy and natural resources**

a. What kinds of energy (electric, natural gas, oil, wood stove, solar) will be used to meet the completed project's energy needs? Describe whether it will be used for heating, manufacturing, etc. Electricity and natural gas for a single-family residence.
b. Would your project affect the potential use of solar energy by adjacent properties? If so, generally describe. No.
c. What kinds of energy conservation features are included in the plans of this proposal? List other proposed measures to reduce or control energy impacts, if any: Proposed residence will meet the Washington State Energy Code.

7. **Environmental health**

Missing a whole lot from DOE

a. Are there any environmental health hazards, including exposure to toxic chemicals, risk of fire and explosion, spill, or hazardous waste, that could occur as a result of this proposal? If so, describe. None known.
   1) Describe special emergency services that might be required. Normal services needed for a single-family residence.
   2) Proposed measures to reduce or control environmental health hazards, if any: None.

a. Noise

   1) What types of noise exist in the area which may affect your project (for example: traffic, equipment, operation, other)? None known
   2) What types and levels of noise would be created by or associated with the project on a short-term or a long-term basis (for example: traffic, construction, operation, other)? Indicate what hours noise would come from the site. Only typical noises created by a single-family residence.
   3) Proposed measures to reduce or control noise impacts, if any: None other than working during normal day-light hours.

8. **Land and shoreline use**

not answered

a. What is the current use of the site and adjacent properties? The subject site is vacant and it is surrounded by single-family residences.
b. Has the site been used for agriculture? If so, describe. Not for many decades.
c. Describe any structures on the site. None.
d. Will any structures be demolished? If so, what? No.
e. What is the current zoning classification of the site? Single-Family Residential (R-1)
f. What is the current comprehensive plan designation of the site? Single-Family Residential
g. If applicable, what is the current shoreline master program designation of the site? None.
h. Has any part of the site been classified as an "environmentally sensitive" area? If so, specify. Yes, a wetland.
i. Approximately how many people would reside or work in the completed project? One family; an estimated 4-6 people.
j. Approximately how many people would the completed project displace? None.
k. Proposed measures to avoid or reduce displacement impacts, if any: None.
l. Proposed measures to ensure the proposal is compatible with existing and projected land uses and plans, if any: A single-family residence is compatible with the single-family residential neighborhood.

missing info from DOE

missing m from DOE

9. **Housing**

a. Approximately how many units would be provided, if any? Indicate whether high, middle, or low-income housing. One, middle to high-income unit.
b. Approximately how many units, if any, would be eliminated? Indicate whether high,middle, or low-income housing. None.
c. Proposed measures to reduce or control housing impacts, if any: None.

10. **Aesthetics**

a. What is the tallest height of any proposed structure(s), not including antennas; what is the principal exterior building material(s) proposed? Maximum height 35 feet is allowed in an R-1 Zone. No specific building is proposed.
b. What views in the immediate vicinity would be altered or obstructed? None known.
c. Proposed measures to reduce or control aesthetic impacts, if any: None.

11. **Light and glare**

a. What type of light or glare will the proposal produce? What time of day would it mainly occur? Only typical light and glare from a single-family residence.
b. Could light or glare from the finished project be a safety hazard or interfere with views? No.
c. What existing off-site sources of light or glare may affect your proposal? None known.
d. Proposed measures to reduce or control light and glare impacts, if any: None.

12. **Recreation**

a. What designated and informal recreational opportunities are in the immediate vicinity? Medical Lake trail and Peper Park.
b. Would the proposed project displace any existing recreational uses? If so, describe. No.
c. Proposed measures to reduce or control impacts on recreation, including recreation opportunities to be provided by the project or applicant, if any: None.

13. **Historic and cultural preservation** wording incorrect per DOE

a. Are there any places or objects listed on, or proposed for, national, state, or local preservation registers known to be on or next to the site? If so, generally describe. None known.
b. Generally, describe any landmarks or evidence of historic, archaeological, scientific, or cultural importance known to be on or next to the site. None known.
c. Proposed measures to reduce or control impacts, if any: None. An Inadvertent Discovery Plan (IDP) will be developed per the request by DAHP.

14. **Transportation** different wording than DOE's

a. Identify public streets and highways serving the site, and describe proposed access to the existing street system. Show on site plans, if any. N Martin Street.
b. Is site currently served by public transit? If not, what is the approximate distance to the nearest transit stop? The nearest bus stop is approximately 1,000 feet from the site.
c. How many parking spaces would the completed project have? How many would the project eliminate? Two. 2 have or 2 eliminated?
d. Will the proposal require any new roads or streets, or improvements to existing roads or streets, not including driveways? If so, generally describe (indicate whether public or private). No.
e. Will the project use (or occur in the immediate vicinity of) water, rail, or air transportation? If so, generally describe. No
f. How many vehicular trips per day would be generated by the completed project? If known, indicate when peak volumes would occur. Typical for a single-family residence.
g. Proposed measures to reduce or control transportation impacts, if any: None.

15. **Public services**

a. Would the project result in an increased need for public services (for example: fire protection, police protection, health care, schools, other)? If so, generally describe. The increased need will be negligible.
b. Proposed measures to reduce or control direct impacts on public services, if any. None.

16. **Utilities**

a. Bold utilities currently available at the site: **electricity, natural gas, water, refuse service, telephone, sanitary sewer**, septic system, other.
b. ~~Describe the utilities that are~~ proposed for the project, the utility providing the service, and the general construction activities on the site or in the immediate vicinity which might be needed. All of the above, minus septic. No names given not given – answer incomplete.

C. SIGNATURE

The above answers are true and complete to the best of my knowledge. I understand that the lead agency is relying on them to make its decision.

Signature: 

Date Submitted: .....

Robynn Sleep
6310 E Sprague Ave No. 241
Spokane Valley, WA 99212

June 15, 2023

Mr. Sonny Weathers, City Administrator
Medical Lake, WA 99022
Submitted via email: sweathers@medical-lake.org

Ms. Elisa Rodriguez, City Planner
Medical Lake, WA 990022
Submitted via email: erodriguez@medical-lake.org

Subject: Comments regarding LU 2023- 005 CA SEPA DNS 2023 06 01

Dear Ms. Rodriguez and Mr. Weathers:

Thank you for the opportunity to comment on the above referenced Critical Areas permit action. I believe this project is likely to have significant adverse environmental impacts as it is presently configured because it is based on a flawed process, as summarized below, and contains other deficiencies as detailed further down. One item in the project information I didn't understand, and consequently can't comment on, is the Forest Practices Activity Map. It has no application number but does show the south edge of the HUC 12 boundary in which the wetland is located. Is a Forest Practices permit required for this site?

The wetland rating is procedurally flawed and cannot legally be accepted by the city.

The Wetland Rating Report (the rating) that drives every aspect of this action does not comply with the methodology, directions, and requirements of the *"Washington State Wetland Rating System for Eastern Washington, 2014 Update, October 2014 – Effective January 2015, Publication no. 14-06-030."* (the manual)

Failure to follow the requirements set forth in the manual has very likely resulted in an incorrect categorization of the wetland, which in turn invalidates the mitigation plan that is necessarily based on it. The flawed rating means the staff report that incorporates it, and the subsequent presentation of it at the Planning Commission public hearing on May 25th are incorrect. The advisory vote of the Planning Commission, and all public Notice processes are likewise invalidated.

Acceptance of this rating violates the requirement of Medical Lake Municipal Code 17.10.090 Section D, Wetland Ratings, which relies on the proper execution of the manual's prescribed rating methodology to ensure compliance with the city's own requirements:

> "The rating system document contains the definitions and methods for determining if the criteria below are met."

The current rating is in material dispute by a qualified wetland consultant, Dr. Hugh Lefcort, retained by the other owner of the wetland to review the applicant's rating. A new, comprehensive assessment should be required.

In addition to requesting a new rating for the reasons described above, a new rating should be required because the content and methodologies of the current rating are in dispute. The Washington State Wetland Rating System is a Level 2 Assessment, a rapid method that has been scientifically validated, but does not rise to the level of a Comprehensive Assessment (Level 3). Since the rating is disputed, and it is asserted that the wetland is a Category 2, NOT a Category 3, it is reasonable to ask for a more comprehensive assessment, as described in the 2014 manual. (Page 12)

<u>The qualified wetland consultant retained to conduct a new rating must have had no prior involvement with the project and be agreed upon by both owners of the wetland.</u>

As far as I can see, the project documents prepared by the applicant and city make no mention of the fact that this wetland is owned by two separate owners. They have not considered the impact of this Critical Area action on the portion of the wetland owned by Ms. Tammy Roberson, nor its impact on her private property rights. The Environmental Checklist (Impact Statement) is also silent on this important fact. I cannot speak to the motivation of others, but this oversight has the appearance of deception. When Ms. Roberson commented at the May 25th public hearing, speaking of her concerns about wetland impacts, she was publicly humiliated and inaccurately criticized by a city official (Zoom meeting transcript available; I was also present and can describe the event).

Since the wetland will likely score as a Category 2, it will be more "difficult, though not impossible, to replace [than a Category 1] ... but still need a relatively high level of protection," according to the 2014 manual, Page 9. This is a further argument in favor of a more comprehensive wetland assessment because, as stated in the 2014 Manual on page 1:

> "The rating system, however, does not replace a full assessment of wetland functions that may be necessary to plan and monitor a project of compensatory mitigation."

Project impacts to the wetland are long-term; greater mitigation and longer monitoring are required.

Because this project proposes to cut down three large Ponderosa Pine trees located in the wetland buffer, the eventual mitigation plan needs to be for ten years, not five as originally proposed by the applicant. Cutting three mature conifer trees constitutes a significant long-term impact on the wetland that requires, at a minimum, ten years of monitoring. According to the Department of Ecology's website: "In general, monitoring is required for 10 years. The monitoring period may be extended if performance standards are not being met."
https://ecology.wa.gov/Water-Shorelines/Wetlands/Mitigation/Monitoring-requirements
Accessed June 13, 2023

The Determination of Non-Significance is in error.

Unless conditioned as a Mitigated DNS, the impacts to the wetland are assuredly NOT insignificant. I know from attending the May 25th public hearing that the applicant and city of Medical Lake have agreed to certain mitigating conditions. It would be helpful, once issues of the wetland rating and categorization are resolved, if proposed conditions of approval, mitigation and monitoring were to be provided for early comment by the public and public agencies.

Since the construction process is so damaging to the environment under the best of circumstances, let alone in a wetland buffer, I would like to see thoughtful conditions of construction attached to this project action. I think they are best included in the action at hand, rather than waiting until a building permit application. Both the city of Medical Lake and the applicant have experience in this arena; I also have suggestions, included as a separate list at the end of these comments.

Research is needed to determine if the property owner qualifies for the reasonable use exception.

I don't believe the owner of the wetland property is entitled to the reasonable use exception he seeks because his ownership of a non-buildable lot is the result of his own actions. He purchased the lot in 2007. As a developer he can be expected to know what he was buying and know of the restrictions in place at the time. I have seen no evidence that the city of Medical Lake researched or considered the possibility that the owner's situation is because of his own actions.

Further evidence of the owner's knowledge of his actions is found in Spokane county property records, accessed through SCOUT, that show that the property taxes he has paid are a fraction of the amount owners of buildable lots pay. For example, the owner's 2023 tax obligation for his largest parcel (14073.0253, 18,300 square feet) is $36.95 while just across Martin Street from his wetland parcel a vacant land parcel (14073.0274, 11,250 square feet) has a 2023 tax obligation of $514.07—almost 14 times higher than the owner of the wetland pays, and for a much smaller lot.

Below are detailed comments about the prescribed methodology and instructions in the 2014 Eastern Washington Wetland Rating Manual, and why the rating does not meet the requirements.

The manual can be accessed on the Department of Ecology's website and at this link https://apps.ecology.wa.gov/publications/SummaryPages/1406030.html Accessed June 13, 2023

Manual Section 3. Overview for Users

The manual states: "Several of the questions require analyzing and preparing figures." "The list of figures needed to correctly answer the questions is on the back of the first page of the rating form in Appendix A." (Page 12}

The rating summary sheet was provided with the rating, but the list of "Maps and figures required to answer questions correctly for Eastern Washington" which is contained on the back of the rating summary, is not included in the public materials.

Several attachments are included with the rating, but not the listed required maps and figures. For convenience, I've attached a screen capture image, below, of the requirements for Depressional Wetlands.

Wetland name or number_____

Maps and figures required to answer questions correctly for Eastern Washington
Depressional Wetlands

Map of:	To answer questions:	Figure #
Cowardin plant classes and classes of emergents	D 1.3, H 1.1, H 1.5	
Hydroperiods (including area of open water for H 1.3)	D 1.4, H 1.2, H 1.3	
Location of outlet *(can be added to map of hydroperiods)*	D 1.1, D 4.1	
Boundary of area within 150 ft of the wetland *(can be added to another figure)*	D 2.2, D 5.2	
Map of the contributing basin	D 5.3	
1 km Polygon: Area that extends 1 km from entire wetland edge - including polygons for accessible habitat and undisturbed habitat	H 2.1, H 2.2, H 2.3	
Screen capture of map of 303(d) listed waters in basin (from Ecology website)	D 3.1, D 3.2	
Screen capture of list of TMDLs for WRIA in which wetland is found (website)	D 3.3	

According to the manual: "Some of the questions on the rating form can only be answered by drawing polygons on aerial photos of the site and by calculating the relative area of these polygons . . . . " **"The pictures or figures used to make these estimates have to be included with the rating form for the rating to be considered as complete.**" (Page 13, bold type emphasis from the manual)

Manual Section 4. Identifying Wetland Boundaries for Rating

The applicant has attached to the rating aerial images of the land parcels that contain the wetland, yet he has not drawn a boundary of the wetland as required by the manual: "To begin, determine the location and approximate boundaries of all wetlands at the site you are investigating." "The rating form identifies the information that needs to be included on aerial photos or maps and submitted with the form." (Page 15)

Additionally, the applicant's rating is solely of the portion of the wetland on property owned by his client. Yet, the manual states and emphasizes with bold type and all capital letters: "**The entire wetland has to be scored.**" "The method is not sensitive enough, or complex enough, to allow a division of a wetland into smaller units based on level of disturbance, property lines, or plant communities. DO NOT SCORE ONLY THE PART BEING ALTERED OR MITIGATED." (Page 15)

When the entire wetland is scored it includes the "priority habitat" on the south end as listed by the Washington Department of Fish and Wildlife (WDFW) and shown in Appendix B, page 1 of the manual. Specifically: Snags and logs. The south end of the wetland has both snags (standing dead tree) and logs (horizontal dead tree) that far exceed the minimum size requirement to qualify as this type of priority habitat. When correctly rated, this feature gives the wetland one additional point for question H 1.6 and one point for question H 3.1.

Manual Section 5. Detailed Guidance for the Rating Form: Scoring Functions

5.2 (Classifying the plant communities)

According to the manual, different classes of plants need to be shown by drawing a polygon on an aerial photo. For example: "Each polygon within a wetland unit can only have one Cowardian class. For this reason, it is useful to map the Cowardian class on an aerial photo." (Page 37)

The list of required maps and figures also specifies mapping of the Cowardian plant classes by drawing polygons. (Appendix A)

5.3 (Water quality, hydrologic functions)

D 1.2 (Soil)

The applicant's rating includes a soil map but there is no indication in the rating of a field test of the soil as required: "If it is not mapped as an organic or a clay soil, you will need to take at least one sample at the site and determine its composition." (Page 39)

In addition to the lack of evidence of a field test of soils, the rating answers no to question D 1.2 (is the soil true clay or organic). According to the U.S. Department of Agriculture NRCS web soil service, the Rockly-Fourmound Complex does contain 4 percent hydric soil in the depressional areas. If answered correctly, this question could give the wetland an additional 3 points.

D 1.3 (Persistent plants)

The required map or figure is not included in the rating. As stated in the manual: "You will need to draw the area of persistent plants on a map or aerial photo before you can feel confident that your estimates are accurate." (Page 40)

D 1.4 (Seasonal ponding)

There is no information in the rating that shows how the area of seasonal ponding was calculated, although the manual states: "Avoid making visual estimates of area covered by seasonal ponding when standing at the wetland edge. These estimates can be very inaccurate. Drawing the boundary on an aerial photograph and using a ... grid to calculate area is a more accurate way ... "

D 2.4 (Other sources of pollution)

The manual states that "Waterfowl droppings are a source of both excess nutrients and bacteria." (Page 45)

The rating answers no to this question, denying the wetland 1 point, despite photographs presented at the public hearing showing ducks in the wetland.

D 3.0, D 3.1, and D 3.2 (water quality functions)

I addressed these questions at the May 25th public hearing. I provided maps showing the location of the wetland in the watershed, screen capture images of Ecology's Water Quality Atlas (WQA) showing the wetland within the TMDL plan area boundary, and detailed instructions for using the WQA so the information could be independently verified.

These questions are discussed in the manual, including the use of Ecology's tools. (Page 46-47)

A yes response to question 3.2 alone (is the wetland in a TMDL area) gives the wetland an additional 2 points. The list of required maps and figures requires a screen capture image of all TMDL plans for the WRIA in which the wetland is found. (Appendix A). The wetland is found in Water Resource Inventory Area (WRIA) 54, Lower Spokane. The TMDL for the Spokane River is for Dissolved Oxygen. The Water Quality Atlas on the Department of Ecology website clearly shows the wetland located within the plan area.

https://apps.ecology.wa.gov/waterqualityatlas
Accessed June 13. 2023

5.7 (Habitat functions)

As noted in my comment on page 4 and repeated below, failure to rate the entire wetland, which has two owners, resulted in underscoring the habitat value of the wetland. In an urban area subject to development pressure this function takes on greater importance.

> "When the entire wetland is scored it includes the "priority habitat" on the south end as listed by the Washington Department of Fish and Wildlife (WDFW) and shown in Appendix B, page 1 of the manual. Specifically: Snags and logs. The south end of the wetland has both snags (standing dead tree) and logs (horizontal dead tree) that far exceed the minimum size requirement to qualify as this type of priority habitat. When correctly rated, this feature gives the wetland one additional point for question H 1.6 and one point for question H 3.1." (Robynn Sleep comment)

The rating manual requires the use of the current version of the WDFW "Priority Species and Habitat List" to confirm the most up-to-date definitions. Links to access the 2023 updated publication are below, both links were accessed June 13, 2023.

WDFW webpage with link to the publication

https://wdfw.wa.gov/publications/00165

Direct link to the publication

https://wdfw.wa.gov/sites/default/files/publications/00165/wdfw00165.pdf

Suggestions for Conditions of Construction to protect the wetland and its buffer

As a former construction project manager and a current Certified Erosion and Sediment Control Lead (CESCL) in Washington I understand how hard construction can be on the environment and the extreme risk it poses to a wetland. Given that a wetland and its buffer comprise this entire site, best practices, such as those listed below, are essential conditions of construction that should be included in the action at hand. Waiting to address these issues as part of the building permit process risks inadequate protection, and an increased likelihood of unacceptable and avoidable impacts.

Allow no access to the site other than the area of disturbance specified in the plan documents.

No material storage or spoils stockpiled on site.

No use of pesticides.

No porta-pottys on site, they should be placed on the street.

No heavy or motorized equipment onsite; excavation and grading take place from the street.

Install construction fencing on Martin Street and all other points of access to maintain control of the buffer.

Install interior construction fencing around the wetland at the high-water mark to protect the soils.

Post signage reminders of wetland protection guidelines.

Use other, more effective sediment control best management practices (BMPs) along with silt fencing. Also use orange construction net fencing to increase visibility of the BMPs.

No petroleum products on site, no refueling on site.

Maintain spill prevention and control kits on site and train crews in their use.

Formalize wetland protection training for crews along with safety training.

Require that a Certified Erosion and Sediment Control specialist, or other environmental specialist, prepare a site-specific plan to ensure protection of the wetland.

Use straw or coir mats to cover bare soils, don't use vegetated covers that could introduce invasive species.

No concrete wash out on site or in the adjoining street.

Require excavation and concrete contractors to wash equipment before coming to the site to prevent the spread of invasive species.

Collect and store trash, recycling, and hazardous waste offsite.

Conclusion

At the May 25th public hearing, the city of Medical Lake defended its acceptance of the rating largely based on the applicant's expertise, and on the Department of Ecology's 2020 emailed approval of the mitigation plan presented to them by the applicant. (Jacob McCann (former DOE employee) email to applicant and city of Medical Lake former administrator, Tuesday, July 21, 2020, 9:57 a.m.) The city's wetland consultant also approved the mitigation plan, based on the flawed rating.

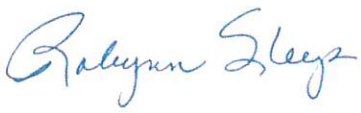
The city continues to defend their acceptance of the rating in the face of well-supported and verifiable opposition, partly because it is under five years old, the Ecology cut-off for requiring a new rating. The age of this rating is irrelevant because of its errors and omissions. Based on the requirements of the city's ordinance 17.10.090 Section D, referenced at the beginning of this letter, acceptance of the flawed rating is a violation of the Medical Lake Municipal Code

I don't understand how the rating provided for public review has been so influential despite its flaws. I realize wetland conditions can change in three years, but that fact doesn't explain the methodological shortcomings.

I believe a new, comprehensive rating is justified. I hope the city will rectify past mistakes and require one by an impartial qualified wetland scientist acceptable to both owners of the wetland.

Thank you for your consideration of my comments. Please don't hesitate to contact me if you have questions.

Sincerely,



Robynn Sleep, AAS Water Science

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June 14, 2023

RE: Comments on LU-2023-005-CA-SEPA-DNS-2023-06-01

Dear Members of the Medical Lake Planning Commission, City Officials, and Department of Ecology Representatives:

I am writing on behalf of Tammy Roberson regarding the City's notice of a determination of nonsignificance in the above-named matter. Both the application materials, and the City's process suffer from technical failures which necessitate reissuance of the subject notices before a determination can be made.

The Applicant has Failed to Use Required Forms and Supply Required Information.

The Applicant has failed to use the correct SEPA forms. The Applicant's SEPA checklist is not submitted on the most recently adopted SEPA Checklist, (2/20/2023). The form can be found at: https://apps.leg.wa.gov/wac/default.aspx?cite=197-11-960.

This failure is material because the latest form requires the applicant to supply extra information which is not contained in the form used by the applicant. For example, the applicant's submission fails to respond to (among others) Questions 4e, 5e and 13d. As WAC 197-11-315 explains: "(1) Agencies **shall use** the environmental checklist substantially in the form found in WAC 197-11-960 to assist in making threshold determinations for proposals." (emphasis added). Because it lacks required information, the present submission does not meet the standard set by the statute. The City must require the applicant to resubmit and then reevaluate the proposal with the benefit of all the information.

In addition, Question 3.a.2 requires the applicant to describe the project and attach all available plans. This has not been done. As with the previous errors, the applicant must be required to resubmit and the City must withdraw its DNS, reevaluate the information and issue a new notice so that commenters have the benefit of all required information in evaluating the SEPA issues.

The City has failed to perform an adequate evaluation of the applicant's documents because it failed to catch these obvious errors. The City must correct these mistakes.

The City's DNS Must be Reissued Because It Does Not Contain the Information Required by the Municipal Code and Revised Code of Washington

The City's DNS states, "Appeals: Appeals of this environmental determination may be made per the procedures outlined in MLMC 16.10.420." The notice fails to comply with he requirements of the code. Medical Lake's Municipal Code, § 16.10.420 requires that: "The city shall give official notice under WAC 197-11-680(5) whenever it issues a permit or approval for which a statute or ordinance establishes a time limit for commencing judicial appeal.[1] The form of the notice shall be substantially in the form provided in WAC 197-11-990. The notice shall be published by the city clerk, applicant or proponent pursuant to RCW 43.21C.080."

The City's notice fails to comply with WAC 197-11-990 because it does not contain all the required information. For example, it fails to state the deadline date of for appeals and where an appeal may be filed as required by the rules.

The Applicant's Submission Contains a Material False Statement

Question A.8 asks the applicant to "List any environmental information you know about that has been prepared, or will be prepared, directly related to this proposal." The applicant correctly lists information prepared that is favorable to his position, but fails to list information prepared by Hugh Lefcort in opposition to the project. An agent for the Applicant was present when Dr. Lefcort's comments and report were presented to the City, but he has neglected to list this information on his checklist.

The Project Is Likely to Have a Significant Adverse Environmental Impact

The City's evaluation of the environmental impact is marred by multiple obvious scientific errors which cause it to undervalue the environmental significance of the subject site. The applicant's wetland rating report contains material misstatements of fact. In particular, the applicant's Depressional Wetland analysis, question D3.3 incorrectly indicates there is not a TMDL for the drainage or basin in which the wetland is found. There is no room for argument on this issue. The subject wetland lies within the Spokane River Dissolved Oxygen TMDL project. According to the wetland rating manual,[2] the controlling manual for wetland evaluation, "If the basin in which the wetland is found has a Total Maximum Daily Loads (TMDL) plan (also called a Water Cleanup Plan) developed for it, then you should answer YES for this question. It is assumed that all wetlands are valuable in a basin where water quality is poor enough to require a TMDL." (emphasis added). This discrepancy, in itself, is enough to change the rating for the wetland from a category 3 to a category 2.

The Mitigation measures are also insufficient. MLMC 17.10.090(H)(4) and Table 17.10.090(6) require applicants engaging in enhancement mitigation to use a ratio of 12:1 for a category II wetland and 8:1 for a category III wetland. The applicant proposes to disturb 2700 feet of wetland

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[1] A judicial appeal is available in this situation pursuant to MLMC 17.10.040

[2] WASHINGTON STATE WETLAND RATING SYSTEM FOR EASTERN WASHINGTON, Department of Ecology (2014) at 47.

buffer. Therefore, to qualify for enhancement on this Category II wetland, the applicant would need to enhance 32,400 square feet of a wetland buffer. The applicant's proposal enhances, at most, a few hundred feet of buffer. By the very terms of the Medicial Lake Municipal Code, this proposal fails to meet the mitigation standards imposed by law.

As other commenters have noted, this will lead to a significant adverse environmental impact. The applicant's plan to disturb the property will cut into an existing wetland, remove buffer soils and replace them with fill. This will reduce the function of the wetland.

Sincerely,

Trevor Matthews
Phillabaum, Ledlin, Matthews & Sheldon, PLLC
Attorneys for Tammy M. Roberson

June 13, 2023

To: City of Medical Lake
Re: LU-2023-005-CA-SEPA-DNS-2023-06-01

I wish to comment on LU-2023-005-CA-SEPA-DNS-2023-06-01, particularly the WAC 197-11-960 Environmental checklist. I am a Professional Wetland Scientist with 34 years of experience working in wetlands. I have published 31 refereed scientific studies; 22 of which concern wetlands. I am a Biology Professor (Full) at Gonzaga University where I have worked for 27 years. Finally, I am the owner of a wetlands consulting business - RS Wetland Delineation LLC.

There are a number of errors in the above Environmental Checklist. It does not use the best available science and inaccurately answers certain questions. Specifically (requested information underlined and applicant's answers in *italics*):

Earth c. What general types of soils are found on the site (for example, clay, sand, gravel, peat, muck)? If you know the classification of agricultural soils, specify them and note any prime farmland. *Rocky-fourmound complex*

This is only partially correct. The upland area around the wetland are certainly Fourmound, i.e. 3114 (a type of well-drained soil) but the wetland itself is not. The checklist is about a wetland, therefore the checklist should also describe the wetland soils that will be damaged by the imported fill material.

Water a1. Is there any surface water body on or in the immediate vicinity of the site (including year-round and seasonal streams, saltwater, lakes, ponds, wetlands)? If yes, describe type and provide names. If appropriate, state what stream or river it flows into. *There is an isolated basin category III wetland on the site.*

This is incorrect. As I reported to the Medical Lake Planning Commission and City Council on May 25, 2023 both orally and in writing, the wetland may have been a Category III Wetland when last surveyed in 2020 but in my professional opinion I believe it is now a Category II wetland. I requested an independent third-party review of the wetland status at that meeting, but my comment was dismissed with accompanied unprofessional and partisan ad hominem disparagement of my professional credentials by City Planner, Ms. Elisa Rodriguez (Zoom recording available).

Water a3. Estimate the amount of fill and dredge material that would be placed in or removed from surface water or wetlands and indicate the area of the site that would be affected. Indicate the source of fill material. *There will be no fill or dredging in the wetland.*

This is incorrect. The environmental determination was evaluated precisely because a wetland will be filled. Filling a wetland requires fill.

Water 3C1 and 3C2. Describe the source of runoff (including storm water) and method of collection and disposal, if any (include quantities, if known). Where will this water flow? Will this water flow into other waters? If so, describe. *Stormwater from impervious surfaces will be directed into the soil immediately adjacent to the impervious surface.*

2) Could waste materials enter ground or surface waters? If so, generally describe. *None known.*

Actually, this is known. Since the wetland is to be filled with gravel and/or soil, then by definition the height of the land will rise. Water flows downhill. Therefore, water and any pollutants from the building site - particularly fertilizers, herbicides, and insecticides commonly used by homeowners - will eventually reach the wetland. A silt fence will be used during construction, but no sort of impervious concrete wall has been outlined in the plan. This answer is an example of the applicant not following the best available scientific knowledge of hydrology and seeming unfamiliarity with the wetland's location within a sensitive TMDL basin.

Respectfully,

Dr. Hugh Lefcort
Professor
Biology Department, Gonzaga University
Professional Wetland Scientist
RS Wetland Delineation LLC

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www.spokelaw.com

May 25, 2023

RE: Comments on LU 2023-005 CA

May 25, 2023

Dear Members of the Medical Lake Planning Commission:

My name is Trevor Matthews, and I represent Tammy M. Roberson, a citizen of Medical Lake. I am writing on her behalf about permit application LU 2023-005 CA, an application for a critical areas permit for a property located on N. Martin Street in Medical Lake. Submitted with this letter is a delineation report prepared by Hugh Lefcort, PhD. Dr. Lefcort is a professor of Biology at Gonzaga who specializes, among other things, in wetland science. Dr. Lefcort has also prepared an opinion letter examining the applicant's submissions.

In Ms. Roberson's view, the applicant has not met the burden imposed by the Medical Lake Municipal Code, either for issuance of a critical areas permit, or for issuance of a reasonable use exception. The applicant fails to provide a variety of required information and fails to explain what the effect the proposed elimination of 2700 square feet of wetland buffer will have on the environment or why the miniscule mitigation plan will prevent those effects. Therefore, for the reasons I will lay out below, the Commission should recommend denial to the City Council. This Commission has a duty to protect the precious environmental resources of Medical Lake. The best way for this Commission to fulfill this duty is to require applicants to conform to the letter of the law. This is a standard that the applicant in this case has not met.

The Condition of the Critical Area Has Changed Since the Applicant's 2020 Rating.

In the applicant's 2020 wetland rating report, the wetland on the subject property was found to be Category III. In 2023, Dr. Lefcort has shown that the hydrological conditions at the site have changed and that the wetland should now be classified as Category II.

Both the Medical Lake Municipal Code and state law require applicants to use the "best available science." Given that the hydrological conditions at the project site have changed, the applicant's documents do not represent the best available science. Furthermore, the applicant's materials understate the significance of the subject wetland and the degree of protection that the law affords

to it. The Commission should recommend denial so that the plan can be reconsidered and resubmitted in light of changed circumstances.

The Applicant's 2020 Boundary Delineation Is Likely to Be Wrong Because of Changed Hydrologic Conditions

The applicant relies on a 2020 boundary delineation to support its plans. As Dr. Lefcort explains in his letter, it is very likely that the wetland has grown in the three years since the applicant delineated the wetland. This means that the Commission should recommend denial until a new, complete delineation occurs. If this is not done, there is a significant risk that the project will, indavertently allow work, to occur within a wetland without SEPA requirements being met.[1]

The Applicant's Plans Propose Severe Incursions into the Buffer.

The Medical Lake Municipal Code declares wetlands *and* their buffers to critical areas in need of ecological protection. *See* MLMC 17.10.060. The applicant's project proposes construction activities located entirely within the buffer. Pursuant to MLMC 17.10.090(F) and accompanying tables, a category II wetland is entitled to a buffer of *at least* 100 feet. In some situations, the Code requires a much larger buffer. The applicant's project gets as close as 21 feet to the edge of the wetland. The Commission should construe the applicant's permitting documents and request for a **reasonable use exception** in light of this fact.

The applicant is seeking permission to make alterations to the buffer in very close proximity to the critical area. The exceptions requested by the applicant are *big exceptions*. The Commission should make certain that the applicant has met the requirements of the MLMC before allowing work to proceed. Based on the submissions provided by the applicant, that burden has not been met.

The Mitigation Plan Does Not Meet the Minimum Requirements Set for Mitigation Activities by the MLMC 17.10.090(H)(4).

The application proposes to permanently eliminate approximately 2700 square feet of category II wetland buffer. To compensate for this, the applicant proposes to engage in compensatory mitigation, as allowed by MLMC 17.10.090(H). The applicant does not state what kind of mitigation (replacement, rehabilitation, etc.) will be employed. This failure means that the application is not complete and should be sent back for more information.

Because the type of mitigation is not explained, commenters are left to make assumptions about the nature of the proposed plan. Ms. Roberson believes that the applicant intends to engage in enhancement mitigation, MLMC 17.10.090(H)(2)(d). This kind of mitigation imposes specific requirements, including informational requirements on the applicant, that have not been met. As the MLMC explains, enhancement mitigation is:

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[1] The State Environmental Policy Act (SEPA) exemption claimed by the applicant is only applicable for so long as the proposed work does not occur in lands covered by water. As soon as the work invades the wetland boundary, SEPA processes become required.

> 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.

Other than proposing that its prescribed plantings will "compensate for the mature Ponderosa Pine tree or trees that will be removed," the applicant absolutely fails to provide the necessary scientific information. The applicant's silence on this issue is not surprising because the plan is not likely to benefit the wetland. Dr. Lefcort has studied the plan and determined that it is likely to harm or provide no benefit to the wetland given its already high level of biological diversity and dense vegetation.

More importantly the applicant utterly fails to engage with the requirements of the MLMC regarding mitigation ratios. As the MLMC explains, mitigation is "Avoiding, minimizing, or compensating for adverse critical area impacts." The Code is specific about just how much compensation is required for mitigation to be legally acceptable. MLMC 17.10.090(H)(4) and Table 17.10.090(6) require applicants engaging in enhancement mitigation to use a ratio of 12:1 for a category II wetland and 8:1 for a category III wetland. The applicant proposes to disturb 2700 feet of wetland buffer. Therefore, to qualify for enhancement on this Category II wetland, the applicant would need to enhance 32,400 square feet of a wetland buffer. The applicant's proposal enhances, at most, a few hundred feet of buffer. This is unacceptable. The City should require the applicant to know and address the requirements of the Code in its application materials—to say nothing of actually following those requirements.

Even the applicant admits that the mitigation ratio requirements have been ignored. The applicant writes, "Cottonwood trees are to be planted at a replacement ratio of 2:1 for each of the mature Ponderosa Pine trees to be removed." The ratio imposed by the code is 12:1, or at the very least, 8:1.

These greater than 1:1 mitigation rules are directly referenced in WETLAND MITIGATION IN WASHINGTON STATE – PART 1, VERSION 1 (2006), which is cited by the applicant in the mitigation plan. There, the Department of Ecology explains, "When compensatory wetland mitigation was first required, the loss of one unit of area (acre) of wetland generally would require one unit of area (acre) of compensation (a 1:1 ratio). However, a 1:1 mitigation ratio is generally no longer considered sufficient (Castelle et al. 1992, King et al. 1993, National Research Council 2001, Granger et al. 2005) due to the risk of failure and temporal loss." *Id.* at 68. This is precisely why the City of Medical Lake imposed the mitigation ratio rules. The Commission should recommend denial.

The Applicant's Request for a Reasonable Use Exception Does Not Excuse the Scientific and Technical Failings of the Submission

The Commission might be tempted to ignore the failings of the applicant's submission based on the idea that the applicant has requested a reasonable use exception to the requirements of the Code. The Commission should not do this. The Code's requirements are designed to set the minimum requirements for permit applications and mitigation plans. It is precisely the fact that the applicant is requesting special treatment—a relaxation of the rules—that means that the applicant must actually address and consider the specific requirements of the Code before seeking to be excused from them. As MLMC 17.10.020 explains, "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." This standard is not met here because the applicant hasn't even shown that compliance is not possible.

Likewise, as will be addressed in greater detail below, 17.10.100(B) requires applicants to show, "The proposal mitigates for the loss of critical area functions to the greatest extent feasible" and "The proposal is consistent with other applicable regulations and standards." The applicant has a duty to limit requests for exceptions to the issues that are truly *unavoidable*. The applicant has not submitted evidence to meet that burden. The applicant has not even complied with the proportionality requirements necessary for successful mitigation.

The Applicant Has Failed to Meet the Requirements for Issuance of a Critical Areas Permit

MLMC 17.10.050(B)(6) requires an applicant to submit "A written response to each of the approval criteria in section 17.10.060." In turn, MLMC 17.10.060(D) requires a written showing that "The proposal protects the critical area functions and values and results in no net loss of critical area functions and values." The applicant has produced a summary assertion that this will not happen, but has not offered sufficient explanation to support the claim.

The applicant has not explained how elimination of 2700 sq. ft. of wetland buffer will affect the wetland, nor why the substandard mitigation plan will prevent those effects, other than to simply allege that it will. Dr. Lefcort refutes this in his letter to the Commission, "this proposal suggests that the developer can disturb 2700 square feet of a functioning, healthy wetland buffer without replacing or otherwise compensating for the loss. The result will be a reduction in wetland functions." The Commission must recommend denial because these failings cannot be remedied without resubmission and redesign of the mitigation plan. As proposed, the applicant's submission violated 17.10.060(D).

The Applicant Has Not Met the Requirements for Issuance of a Reasonable Use Exception

To be eligible for a reasonable use exception, the applicant must show, pursuant to MLMC 17.10.100(B):

> 1. The application of this chapter['s buffer requirements] 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; **and**
7. The proposal is consistent with other applicable regulations and standards.

The use of the word "and" in the requirements shows that the applicant must demonstrate that all seven requirements are met before a permit can issue. At least three of these criteria are unmet: The applicant has failed to meet this burden in the following ways.

2. The applicant has asserted, but not supported or explained why the regulation denies the property "all reasonable economic use" unless the applicant can build a house. This burden has not been met. The applicant has not analyzed any other means of producing income from the land. For example: the applicant could potentially operate an apiary on the property while imposing a much reduced ecological cost on the subject wetland. The application makes no attempt to consider alternative land uses and thereby assumes without evidence that building a house is the only economic activity available.
3. The applicant does not seem to have considered means of moving the disturbance further away from the wetland. The applicant has not sought permission to move the building further away from the wetland by having the lot and front yard setbacks reduced. By moving the building closer to the property line, the applicant could get further away from the wetland which would reduce the impact of the project on the critical area.
6. Because the applicant has not complied with, or even addressed, the mitigation ratio requirements contained in the MLMC, the applicant has failed to demonstrate that the proposal "mitigates for the loss of critical area functions to **the greatest extent feasible**." This issue has not been considered nor addressed and the criterion is necessarily unmet.

The Mitigation Plan Does Not Meet the Requirements imposed by MLMC 17.10.050(F)

According to the Code, critical areas applicants who request a mitigation plan must submit detailed construction plans which include grading and excavation details. The submission does not meet this requirement. There is no excavation and grading details nor detailed construction plans for the building.

Conclusion

The applicant is proposing to make serious incursions into the buffer of a Category II wetland. In support of this request the applicant has:

- Relied on a wetland delineation report that fails to reflect the current status of the critical area;
- Relied on application documents which cite to an out-of-date version of the critical areas ordinance;
- Failed to consider other less ecologically burdensome potential economic uses for the property before selecting this one;
- Failed to demonstrate that this building is the only available economic activity for the property;
- Failed to explain how elimination of 2700 sq. ft. of buffer will affect the subject wetland;
- Failed to explain how the proposed mitigation will compensate for the loss of buffer land;
- Failed to follow, or even address the mitigation ratios imposed by the MLMC;
- Failed to demonstrate that the proposed mitigation will be effective to the "greatest extent feasible" as required by the MLMC;
- Proposed mitigation that Dr. Lefcort believes may actually be deleterious to the wetland.
- Failed to demonstrate that there will be no net loss of function after the project is accomplished.

For these and other failings, the Commission should recommend denial.

Sincerely,

Trevor Matthews
Phillabaum, Ledlin, Matthews & Sheldon, PLLC
Attorneys for Tammy M. Roberson

Wetland name or number TR Tammy Roberson

RATING SUMMARY – Eastern Washington

Name of wetland (or ID #): Par 14073.0253 & 14182.0902 Date of site visit: 5/17/23

Rated by Dr. Hugh Lefcort Trained by Ecology? __ Yes X No Date of training March 2009
Trained by Richard Chan ENV LLC course

HGM Class used for rating Depressional Wetland has multiple HGM classes? ___ Y X N

NOTE: Form is not complete without the figures requested (*figures can be combined*).
Source of base aerial photo/map National Wetland Inventory (Figure 1)

OVERALL WETLAND CATEGORY II (based on functions X or special characteristics ___)

1. Category of wetland based on FUNCTIONS

___ **Category I** – Total score = 22-27
X **Category II** – Total score = 19-21
___ **Category III** – Total score = 16-18
___ **Category IV** – Total score = 9-15

FUNCTION	Improving Water Quality	Hydrologic	Habitat	
	Circle the appropriate ratings			
Site Potential	H (M) L	(H) M L	(H) M L	
Landscape Potential	H (M) L	(H) M L	H (M) L	
Value	(H) M L	H M (L)	H M (L)	TOTAL
Score Based on Ratings	7	7	6	20

Score for each function based on three ratings *(order of ratings is not important)*

9 = H,H,H
8 = H,H,M
7 = H,H,L
7 = H,M,M
6 = H,M,L
6 = M,M,M
5 = H,L,L
5 = M,M,L
4 = M,L,L
3 = L,L,L

2. Category based on SPECIAL CHARACTERISTICS of wetland

CHARACTERISTIC	CATEGORY *Circle the appropriate category*
Vernal Pools	II III
Alkali	I
Wetland of High Conservation Value	I
Bog and Calcareous Fens	I
Old Growth or Mature Forest – slow growing	I
Aspen Forest	(I)
Old Growth or Mature Forest – fast growing	II
Floodplain forest	II
None of the above	

5/25/23

Wetland name or number_____

DEPRESSIONAL WETLANDS **Water Quality Functions** - Indicators that the site functions to improve water quality		Points (only 1 score per box)
D 1.0. Does the site have the potential to improve water quality?		
D 1.1. Characteristics of surface water outflows from the wetland: Wetland has no surface water outlet Wetland has an intermittently flowing outlet Wetland has a highly constricted permanently flowing outlet Wetland has a permanently flowing, unconstricted, surface outlet	(points = 5) points = 3 points = 3 points = 1	5
D 1.2. The soil 2 in below the surface (or duff layer) is true clay or true organic *(use NRCS definitions of soils)*	YES = 3 (NO = 0)	0
D 1.3. Characteristics of persistent vegetation (Emergent, Scrub-shrub, and/or Forested Cowardin classes) Wetland has persistent, ungrazed, vegetation for > $^2/_3$ of area Wetland has persistent, ungrazed, vegetation from $^1/_3$ to $^2/_3$ of area Wetland has persistent, ungrazed vegetation from $^1/_{10}$ to < $^1/_3$ of area Wetland has persistent, ungrazed vegetation < $^1/_{10}$ of area	(points = 5) points = 3 points = 1 points = 0	5
D 1.4. Characteristics of seasonal ponding or inundation: *This is the area of ponding that fluctuates every year. Do not count the area that is permanently ponded.* Area seasonally ponded is > ½ total area of wetland Area seasonally ponded is ¼ - ½ total area of wetland Area seasonally ponded is < ¼ total area of wetland	points = 3 (points = 1) points = 0	1
Total for D 1	Add the points in the boxes above	11

Rating of Site Potential If score is:___**12- 16 = H** _X_**6- 11 = M** ___**0- 5 = L** *Record the rating on the first page*

D 2.0. Does the landscape have the potential to support the water quality function of the site?		
D 2.1. Does the wetland receive stormwater discharges?	(Yes = 1) No = 0	1
D 2.2. Is > 10% of the area within 150 ft of the wetland in land uses that generate pollutants?	(Yes = 1) No = 0	1
D 2.3. Are there septic systems within 250 ft of the wetland?	Yes = 1 (No = 0)	0
D 2.4. Are there other sources of pollutants coming into the wetland that are not listed in questions D 2.1- D 2.3? Source_____	(Yes = 1) No = 0	1
Total for D 2	Add the points in the boxes above	3

Rating of Landscape Potential If score is:_X_**3 or 4 = H** ___**1 or 2 = M** ___**0 = L** *Record the rating on the first page*

D 3.0. Is the water quality improvement provided by the site valuable to society?		
D 3.1. Does the wetland discharge directly (i.e., within 1 mi) to a stream, river, or lake that is on the 303(d) list?	Yes = 1 (No = 0)	0
D 3.2. Is the wetland in a basin or sub-basin where water quality is an issue in some aquatic resource [303(d) list, eutrophic lakes, problems with nuisance and toxic algae]? Lake Spokane	(Yes = 1) No = 0	1
D 3.3. Has the site been identified in a watershed or local plan as important for maintaining water quality (*answer YES if there is a TMDL for the drainage or basin in which the wetland is found*)?	(Yes = 2) No = 0	2
Total for D 3	Add the points in the boxes above	3

Rating of Value If score is:_X_**2-4 = H** ___**1 = M** ___**0 = L** *Record the rating on the first page*

Wetland name or number TR

DEPRESSIONAL WETLANDS

Hydrologic Functions - Indicators that the site functions to reduce flooding and erosion.

Points (only 1 score per box)

D 4.0. Does the site have the potential to reduce flooding and erosion?

D 4.1. Characteristics of surface water outflows from the wetland:

Wetland has no surface water outlet	points = 8	8
Wetland has an intermittently flowing outlet	points = 4	
Wetland has a highly constricted permanently flowing outlet	points = 4	
Wetland has a permanently flowing unconstricted surface outlet	points = 0	

(If outlet is a ditch and not permanently flowing treat wetland as "intermittently flowing")

D 4.2. Depth of storage during wet periods: *Estimate the height of ponding above the bottom of the outlet. For wetlands with no outlet, measure from the surface of permanent water or deepest part (if dry).*

Seasonal ponding: > 3 ft above the lowest point in wetland or the surface of permanent ponding	points = 8	8
Seasonal ponding: 2 ft - < 3 ft above the lowest point in wetland or the surface of permanent ponding	points = 6	
The wetland is a headwater wetland	points = 4	
Seasonal ponding: 1 ft - < 2 ft	points = 4	
Seasonal ponding: 6 in - < 1 ft	points = 2	
Seasonal ponding: < 6 in or wetland has only saturated soils	points = 0	

Total for D 4 — Add the points in the boxes above: 16

Rating of Site Potential If score is: X **12-16 = H** ___ **6-11 = M** ___ **0-5 = L** *Record the rating on the first page*

D 5.0. Does the landscape have the potential to support the hydrologic functions of the site?

D 5.1. Does the wetland receive stormwater discharges?	Yes = 1 No = 0	1
D 5.2. Is > 10% of the area within 150 ft of the wetland in a land use that generates runoff?	Yes = 1 No = 0	1
D 5.3. Is more than 25% of the contributing basin of the wetland covered with intensive human land uses?	Yes = 1 No = 0	1
Total for D 5	Add the points in the boxes above	3

Rating of Landscape Potential If score is: X **3 = H** ___ **1 or 2 = M** ___ **0 = L** *Record the rating on the first page*

D 6.0. Are the hydrologic functions provided by the site valuable to society?

D 6.1. The wetland is in a landscape that has flooding problems.

Choose the description that best matches conditions around the wetland being rated. *Do not add points. Choose the highest score if more than one condition is met.*

The wetland captures surface water that would otherwise flow down-gradient into areas where flooding has damaged human or natural resources (e.g., houses or salmon redds), AND

Flooding occurs in sub-basin that is immediately down-gradient of wetland	points = 2	
Surface flooding problems are in a sub-basin farther down-gradient	points = 1	

The existing or potential outflow from the wetland is so constrained by human or natural conditions that the water stored by the wetland cannot reach areas that flood.

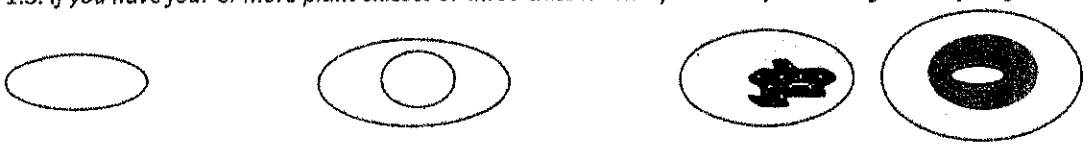
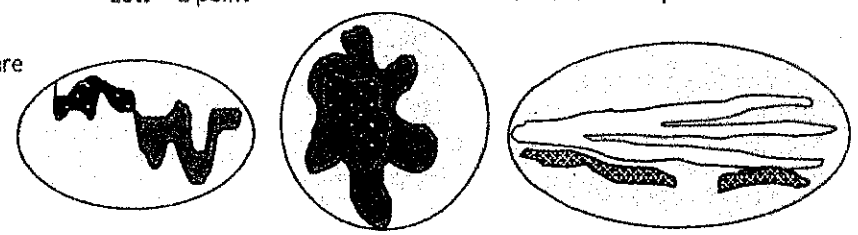
Explain why Does not have an outlet	points = 0	0
There are no problems with flooding downstream of the wetland	points = 0	

D 6.2. Has the site has been identified as important for flood storage or flood conveyance in a regional flood control plan? Yes = 2 No = 0 — 0

Total for D 6 — Add the points in the boxes above: 0

Rating of Value If score is: ___ **2-4 = H** ___ **1 = M** X **0 = L** *Record the rating on the first page*

Wetland name or number TR

These questions apply to wetlands of all HGM classes. **HABITAT FUNCTIONS** - Indicators that site functions to provide important habitat	(only 1 score per box)
H 1.0. Does the wetland have the potential to provide habitat for many species?	
H 1.1. Structure of the plant community: *Check the Cowardin vegetation classes present and categories of emergent plants. Size threshold for each category is >= ¼ ac or >= 10% of the wetland if wetland is < 2.5 ac.* ___ Aquatic bed ___ Emergent plants 0-12 in (0-30 cm) high are the highest layer and have > 30% cover ___ Emergent plants >12-40 in (>30-100 cm) high are the highest layer with >30% cover X Emergent plants > 40 in (> 100 cm) high are the highest layer with >30% cover X Scrub-shrub (areas where shrubs have >30% cover) X Forested (areas where trees have >30% cover) 4 or more checks: points = 3 (3 checks: points = 2) 2 checks: points = 1 1 check: points = 0	2
H 1.2. Is one of the vegetation types Aquatic Bed? Yes = 1 (No = 0)	0
H 1.3. Surface water Yes ✓ H 1.3.1. Does the wetland have areas of open water (without emergent or shrub plants) over at least ¼ ac **OR** 10% of its area during the March to early June **OR** in August to the end of September? *Answer YES for Lake Fringe wetlands.* Yes = 3 points & go to H 1.4 No = go to H 1.3.2 NO X H 1.3.2. Does the wetland have an intermittent or permanent, and unvegetated stream within its boundaries, or along one side, over at least ¼ ac or 10% of its area? *Answer yes only if H 1.3.1 is No.* (Yes = 3) No = 0	3
H 1.4. Richness of plant species Count the number of plant species in the wetland that cover at least 10 ft². *Different patches of the same species can be combined to meet the size threshold. You do not have to name the species.* *Do not include Eurasian milfoil, reed canarygrass, purple loosestrife, Russian olive, Phragmites, Canadian thistle, yellow-flag iris, and saltcedar (Tamarisk)* # of species 10 Willow, aspen, Rose, Maple, Black Walnut, honeysuckle, elderberry, Service berry, Snow berry, cattails, boxelder Scoring: (> 9 species: points = 2) 4-9 species: points = 1 < 4 species: points = 0	2
H 1.5. Interspersion of habitats Decide from the diagrams below whether interspersion among types of plant structures (described in H 1.1), and unvegetated areas (open water or mudflats) is high, moderate, low, or none. *Use map of Cowardin and emergent plant classes prepared for questions H 1.1 and map of open water from H 1.3. If you have four or more plant classes or three classes and open water, the rating is always high.*  **None** = 0 points **Low** = 1 point **Moderate** = 2 points All three diagrams in this row are (**High** = 3 points)  Riparian braided channels with 2 classes	Figure 1 3

Wetland name or number TR

H 1.6. Special habitat features *Check the habitat features that are present in the wetland. The number of checks is the number of points.* X Loose rocks larger than 4 in OR large, downed, woody debris (> 4 in diameter) within the area of surface ponding or in stream. X Cattails or bulrushes are present within the wetland. X Standing snags (diameter at the bottom > 4 in) in the wetland or within 30 m (100 ft) of the edge. X Emergent or shrub vegetation in areas that are permanently inundated/ponded. X Stable steep banks of fine material that might be used by beaver or muskrat for denning (> 45 degree slope) OR signs of recent beaver activity ____ Invasive species cover less than 20% in each stratum of vegetation *(canopy, sub-canopy, shrubs, herbaceous, moss/ground cover)*	5
Total for H 1 — Add the points in the boxes above	15

Rating of Site Potential If score is: X 15-18 = H ___ 7-14 = M ___ 0-6 = L *Record the rating on the first page*

H 2.0. Does the landscape have the potential to support habitat functions of the site?	
H 2.1. Accessible habitat (only area of habitat abutting wetland). If total accessible habitat is: *Calculate:* % undisturbed habitat 0 + [(% moderate and low intensity land uses)/2] 30/2 = 15 % > 1/3 (33.3%) of 1 km Polygon — points = 3 20-33% of 1km Polygon — points = 2 10-19% of 1km Polygon — points = 1 <10% of 1km Polygon — points = 0	1
H 2.2. Undisturbed habitat in 1 km Polygon around wetland. *Calculate:* % undisturbed habitat 25 + [(% moderate and low intensity land uses)/2] 30/2 = 40 % Undisturbed habitat > 50% of Polygon — points = 3 Undisturbed habitat 10 - 50% and in 1-3 patches — points = 2 Undisturbed habitat 10 - 50% and > 3 patches — points = 1 Undisturbed habitat < 10% of Polygon — points = 0	2
H 2.3. Land use intensity in 1 km Polygon: > 50% of Polygon is high intensity land use — points = (-2) Does not meet criterion above — points = 0	-2
H 2.4. The wetland is in an area where annual rainfall is less than 12 in, and its water regime is not influenced by irrigation practices, dams, or water control structures. *Generally, this means outside boundaries of reclamation areas, irrigation districts, or reservoirs* — Yes = 3 (No = 0)	0
Total for H 2 — Add the points in the boxes above	1

Rating of Landscape Potential If score is: ___ 4-9 = H (X 1-3 = M) ___ < 1 = L *Record the rating on the first page*

H 3.0. Is the habitat provided by the site valuable to society?	
H 3.1. Does the site provide habitat for species valued in laws, regulations, or policies? *Choose the highest score that applies to the wetland being rated* Site meets ANY of the following criteria: — points = 2 — It has 3 or more priority habitats within 100 m (see Appendix B) — It provides habitat for Threatened or Endangered species (any plant or animal on state or federal lists) — It is mapped as a location for an individual WDFW species — It is a Wetland of High Conservation Value as determined by the Department of Natural Resources — It has been categorized as an important habitat site in a local or regional comprehensive plan, in a Shoreline Master Plan, or in a watershed plan Site has 1 or 2 priority habitats within 100 m (see Appendix B) — points = 1 Site does not meet any of the criteria above — points = 0	0

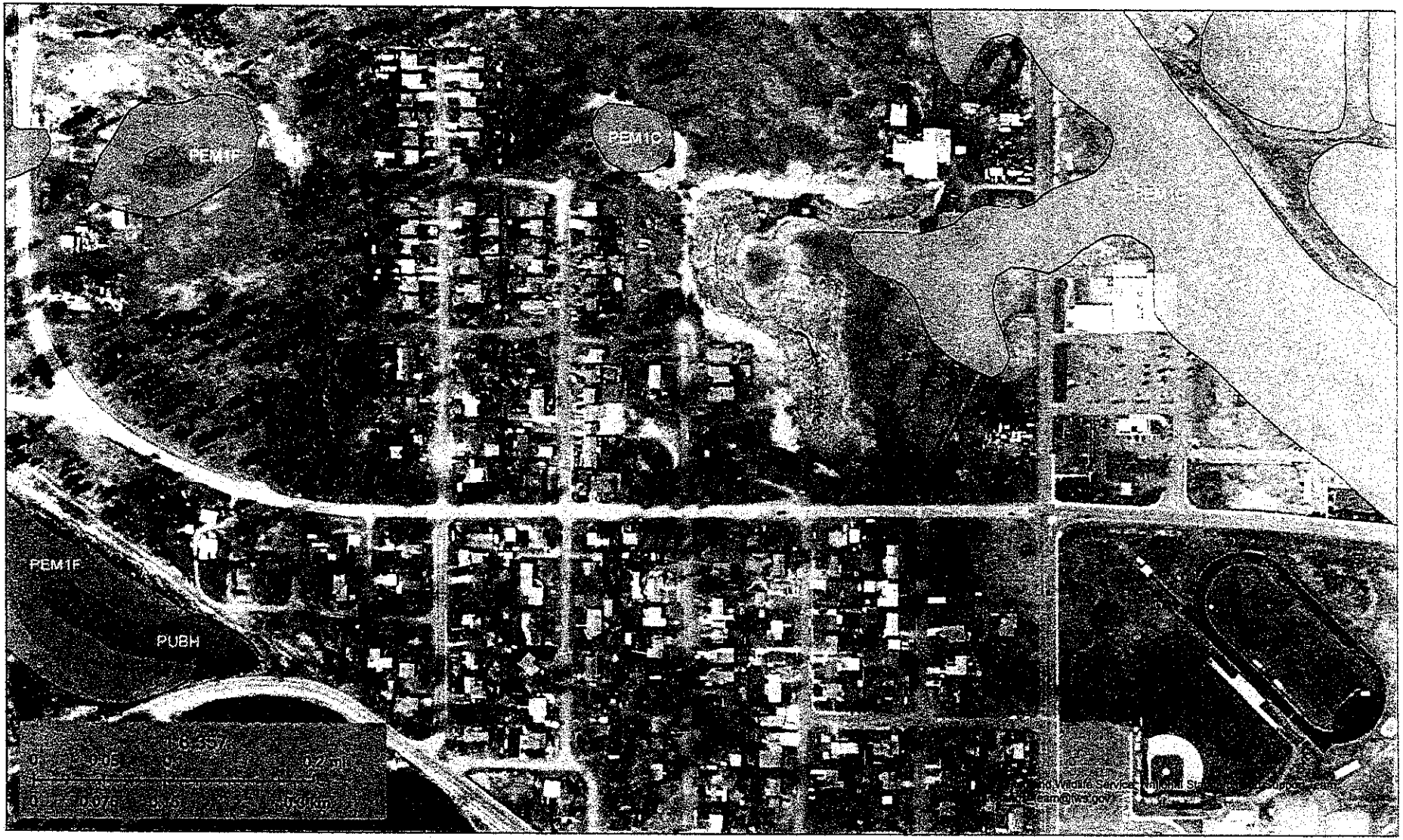
Rating of Value If score is: ___ 2 = H ___ 1 = M (X 0 = L) *Record the rating on the first page*

U.S. Fish and Wildlife Service

National Wetlands Inventory

Wetlands

Fs 1



May 17, 2023

Wetlands

- Estuarine and Marine Deepwater
- Estuarine and Marine Wetland
- Freshwater Emergent Wetland
- Freshwater Forested/Shrub Wetland
- Freshwater Pond
- Lake
- Other
- Riverine

This map is for general reference only. The US Fish and Wildlife Service is not responsible for the accuracy or currentness of the base data shown on this map. All wetlands related data should be used in accordance with the layer metadata found on the Wetlands Mapper web site.

National Wetlands Inventory (NWI)
This page was produced by the NWI mapper

Attachment A

May 23, 2023

Dear Medical Lake Planning Commission and City Council,

I represent Ms. Tammy Roberson and I wish to comment on *Notice of Application (LU 2023-005 CA)* on her behalf. I am a certified Professional Wetland Scientist with a Ph.D. and 34 years of experience working in wetlands. I am also a full professor of biology at Gonzaga University where I have worked for 27 years. Additionally, I have published 31 refereed publications; 22 of them concerning wetlands.

The subject property contains a large portion of a wetland. A neighboring parcel, which belongs to Ms. Roberson, contains another large portion of the wetland. On May 17, 2023 I closely examined the section of the wetland owned by Ms. Roberson. From the property line I also observed the proposed building site. I have identified problems with the proposed mitigation plan contained within the Notice of Application.

1. Mr. Barthels rated the wetland as a Category III Wetland in 2020. It may have been Category III three years ago. This week, I performed a new rating. Partially based on high plant diversity of the site, I rated it as a Category II—which means the wetland is entitled to a higher level of protection today than it was in 2020. My rating for the subject wetland is attached.

2. The site contains wooden stakes that may have been placed when Mr. Vince Barthels of T-O Engineering performed a Wetland Rating (7/5/20). If those are indeed the assessed wetland delineation markers, which would be consistent with the Notice of Application, then their placement may be in error given hydrological changes over the last three years. Since the site is private I was unable to look for hydric soils, but judging from the vegetation I believe that the wetland extends further to the east than is marked in the mitigation plan. In my opinion, there is a serious risk that the proposed building site is partially within the wetland. I suggest that the council ask the property owner to hire a third expert (not myself or T-O Engineering) to conduct a new, up-to-date Wetland Delineation.

3. The plan calls for the planting of willow and cottonwood trees. This is an odd design choice, since willows and cottonwoods both transpire a great deal of water so they will alter the delicate hydrological balance of the wetland. In any case, this does not "mitigate" any ecological function of the wetland that is lost due to development. True mitigation would require reducing street runoff to the wetland and attempting to create a wetland where one does not currently exist. I do not believe this plan conforms with the best available science.

4. The site is not suitable for other mitigation strategies. Medical Lake's code identifies three types of mitigation: Creation or reestablishment, rehabilitation, and enhancement.

- Creation: No location for the creation of a replacement wetland has been identified. In my opinion this is the only suitable form of mitigation for a site like this.
- Rehabilitation: The buffer that the applicant proposes to build on is healthy and well-vegetated. It is not in need of new planting. Existing local species are already present and flourishing at the site.
- Enhancement: as I mentioned above, the proposed enhancement strategies are likely to be deleterious, or have no effect.

Medical Lake's critical areas ordinance sets steep requirements for mitigation strategies. In a Category II wetland, the code requires a ratio of 3:1 for creation or reestablishment mitigation, 6:1 for rehabilitation and 12:1 for enhancement. The development proposal does not even attempt to address these requirements, let alone meet them. Nor does the proposal mitigate for the loss of critical areas functions to the greatest extent feasible, as required by the municipal code.

In truth, this proposal suggests that the developer can disturb 2700 square feet of a functioning, healthy wetland buffer without replacing or otherwise compensating for the loss. The result will be a reduction in wetland functions.

In conclusion, I would like to focus on the City of Medical Lake's Critical Area Ordinance #1108, which states:

> "Category II wetlands are: 1) forested wetlands in the floodplains of rivers; 2) mature and oldgrowth 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**" (bolding added).

I agree with the City's ordinance concerning the difficulty of replacing wetlands. The science is in its infancy and even today we have a poor understanding of how wetlands function,[1] let alone how to replace them. In my professional opinion The City would be wise to require a new delineation report before allowing construction to proceed. Thereafter, the City should require the applicant to propose new mitigation based on the best available science and the requirements of the municipal code.

In addition to the project proposal, I also wish to address the Staff Report to the Planning Committee submitted by the applicant on 5/17/23. Under the heading *Zoning Code Approval Criteria B.* it states:

"The proposal minimizes the impact of the development by keeping the disturbed area furthest from the wetland and mitigates its impact by planting appropriate vegetation to increase the value of the wetland and its habitat. For these reasons, this criterion is met."

It is my professional opinion that plantings do not increase the value of the wetland and its habitat. The site already has high diversity of plants. Adding more plants will not add to the value of the wetland. Ecological theory would suggest that in a stable ecosystem, adding new species will simply result in the extirpation (local extinction) of other species. Adding fill negatively impacts the wetland and additional plant species will increase competition and alter the current hydrologic status.

Furthermore, *Zoning Code Approval Criteria D.* states: *"No Net Loss. The proposal protects the critical area functions and values and results in no net loss of critical area functions and values."*

In my professional opinion reducing the footprint of the wetland - by definition - results in a net loss of critical area functions and values. The wetland is very small. A larger wetland may be able to absorb such an insult, but not a small wetland.

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[1] (1) LK, Swartz, BR, Hossack, E, Muths, RL, Newell, WH, Lowe. 2019. Aquatic macroinvertebrate community responses to wetland mitigation in the Greater Yellowstone Ecosystem. *Freshwater Biology* 64: 942– 953. https://doi.org/10.1111/fwb.13276

Zoning Code Approval Criteria D. continues: *"The applicant proposes to develop within the wetland buffer, however, the plantings proposed "will substantially increase the stratification, species richness, and habitat value of the wetland, according to the applicant, a qualified wetland professional."*

In my professional opinion this is incorrect. As stated above the plantings do not add ecological value. This discrepancy of opinion may be explained by the observation that the author of the statement, Mr. Barthels, is not listed as certified by the Society of Wetland Scientists https://www.wetlandcert.org/ (on the left of the home page) which is the gold standard of approval for wetland scientists. I am certified by the society as a *Professional Wetland Scientist*. I am hesitant to make an argument for credentialism, but I believe that in this instance it is justified.

Respectfully,

Hugh Lefcort, Ph.D.

Zoning Map History

1960 **New Zones**: R-1, R-2, R-3, C-1, and I-1 adopted into the municipal code

1994 **New Zones**: Institutional zone added to municipal code

1997 **New Comprehensive Plan**: Includes zoning map, but replaced two years later.

1999 **New Zones**: Ordinance 876 added zones R-1P, Parks and Open Space, and Schools and Public Lands added to the municipal code. Likely, these changed the zoning map. Most likely, the foam core map dated 5/27/99 represents these changes.

2000 **New Zones**: North Sub-Area Plan adopted, Ordinance 897, and new Mixed-Use (MC-1) Zone adopted, Ordinance 899. Likely, these changed the zoning map. Ordinance 897 has an exhibit that shows how the zoning map was likely changed.

2005 **Zone Change**: Fox Ridge South developed as R-1 (no mention of R-2 zoning)

2006 **Zoning Map**: Cannot find any adopting ordinance. This map appears to be correct for the time.

2006 **Zone Change**: Fox Ridge West from I-1 to R-1

2007 **Comprehensive Plan**: Update, includes zoning map. This map includes several known errors.

2010 **Comprehensive Plan**: Update, includes zoning map (same as 2007). This map includes several known errors.

2014 **Zone Change**: Community Center site from R-3 to R-1

2014 **Zoning Map**: Cannot find any adopting ordinance. This map includes one known error, the Community Center Site.

2019 **Comprehensive Plan**: Update, includes zoning map. This map includes two known errors, the Community Center Site and the Old Funeral Home site.

2020 **Zone Change**: Park Apartments from C-1 to MC-1

2020 **Zone Change**: 208 Lefevre from C-1 to R-1

Sites with Inconsistencies

Site A (Fox Ridge West):

Approved zone change in 2006.

This site should be zoned R-1, Single-Family Residential.

Site B (Shepard Field):

Found no zone change information.

Shown as a park zone only on the 2014 map.

Should this site be Parks and Open Space zone or R-2 zone?

Site C (Triangle below Wilcox Park):

Found no zone change information.

Shown as either all C-1, Commercial or a combination of C-1 and R-3, Multi-Family Residential.

Can we make this all commercial? If part of it should be residential, where is that line?

Site D (Fox Ridge South):

Portion of lot was zoned R-2 on some maps.

In 2005, the approved subdivision mentions only R-1. No official zone change.

This site should be zoned R-1, Single-Family Residential.

Site E (Old Funeral Home):

It is likely part of this site became C-1, Commercial, in 2000, when the North Sub-area Plan was adopted. On some maps all of the site is zoned C-1. No additional zone change information was found

Per the diagram, only a portion of this lot should be zoned C-1, with the remaining R-1.

Site F (Percival Properties):

Although shown as R-2, Two-Family, and R-3, Multi-Family, on the 1999 map (likely adopted with Ordinance 876), this site is shown as R-1, Single-Family residential in the maps adopted with Ordinance 897 which was adopted in 2000. No other zone change information found.

This site should be zoned R-1, Single Family Residential.

Site G (The Old Emporium):

This site is always shown as R-1, Single-Family Residential, however, the 2007 Comprehensive Plan Update shows a zone change request. However, a decision was not found.

This site should be zoned R-1, Single Family Residential.

6/22/23

Site H (208 S Lefevre St):

Approved zone change from C-1 to R-1 in 2020.

This site should be zoned R-1, Single Family Residential.

Site I (Community Center):

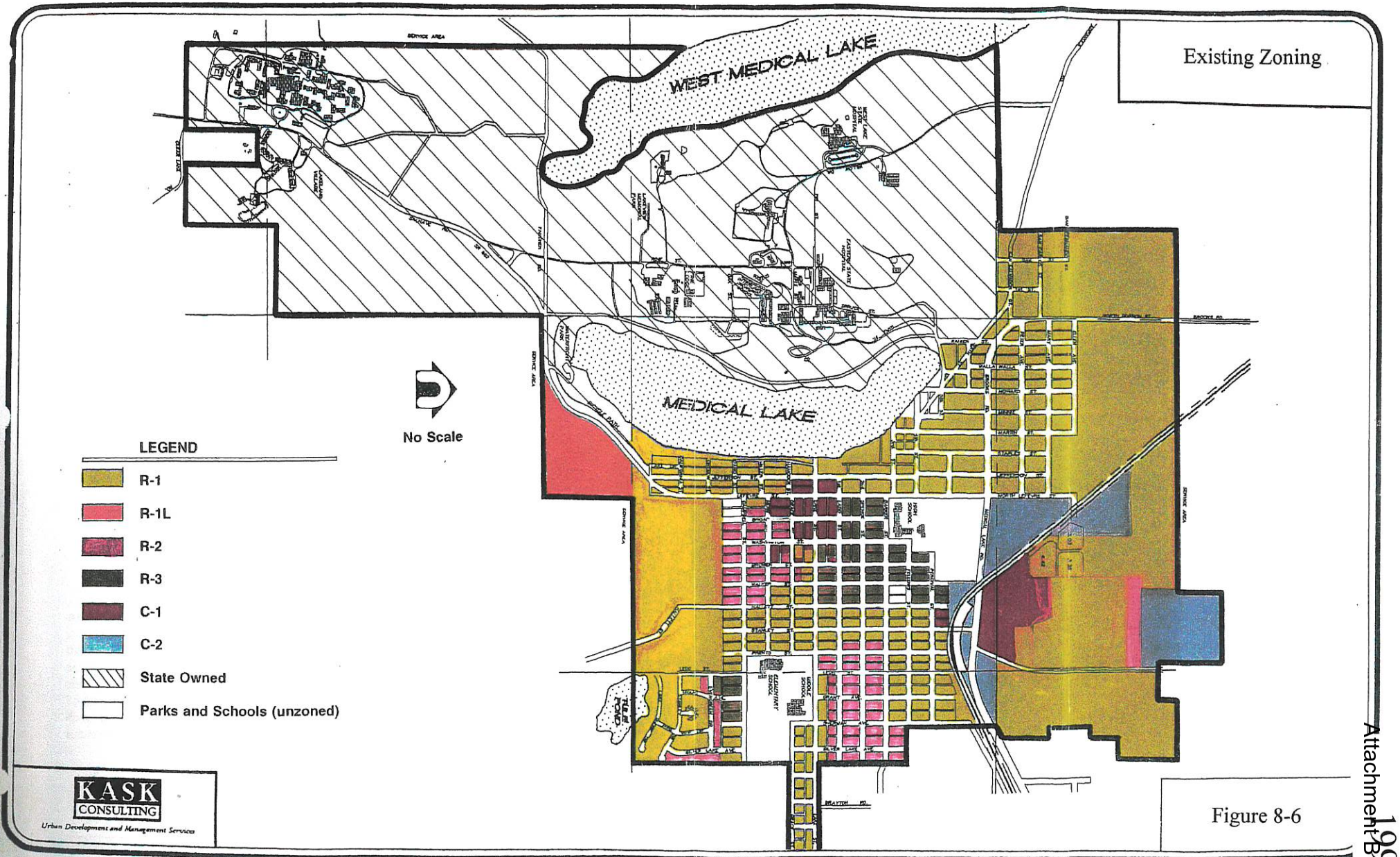
Approved zone change from R-3 to R-1 in 2014.

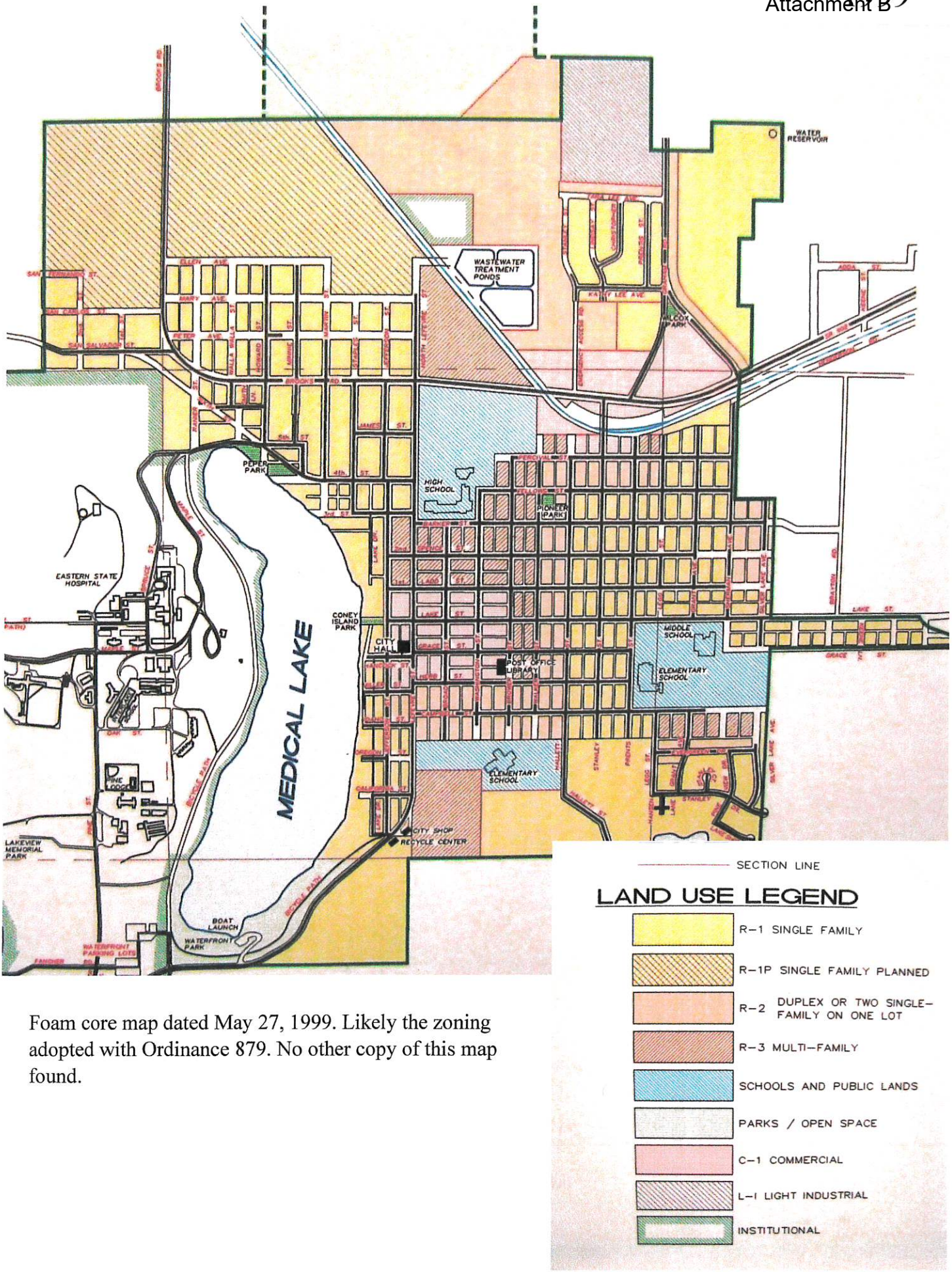
This site should be zoned R-1, Single Family Residential.

Site J (Park Apartments):

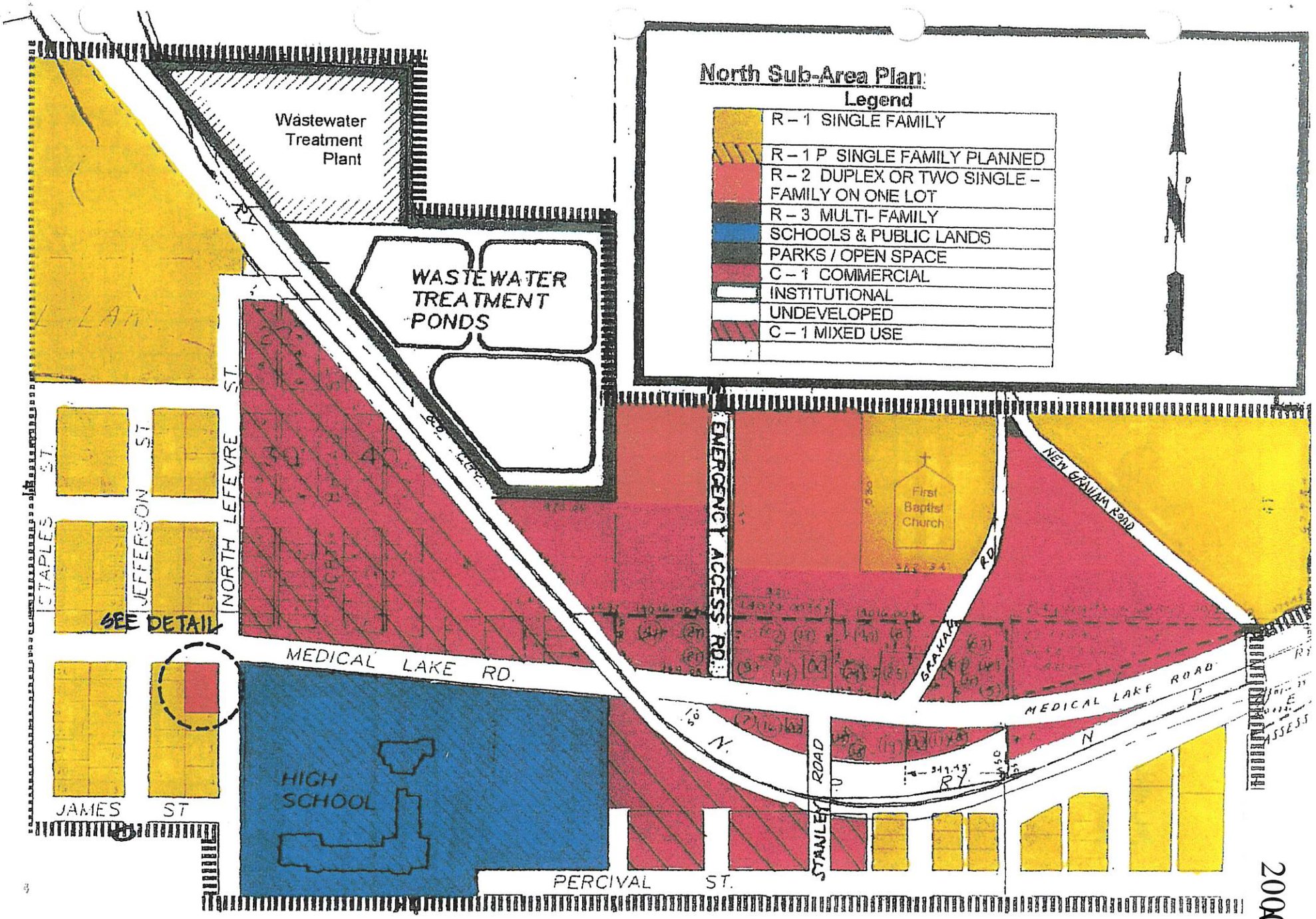
Approved zone change from C-1 to MC-1 in 2020.

This site should be zoned MC-1, Mixed Use Commercial.


Existing Zoning
WEST MEDICAL LAKE
MEDICAL LAKE
No Scale
LEGEND
R-1
R-1L
R-2
R-3
C-1
C-2
State Owned
Parks and Schools (unzoned)
KASK CONSULTING
Urban Development and Management Services
Figure 8-6



Foam core map dated May 27, 1999. Likely the zoning adopted with Ordinance 879. No other copy of this map found.



NORTH SUB-AREA PLAN

and deed for the uses and purposes therein
and and affixed my seal this fifteenth (15th) day
John Tate
Notary Public
In and for Washington Territory.

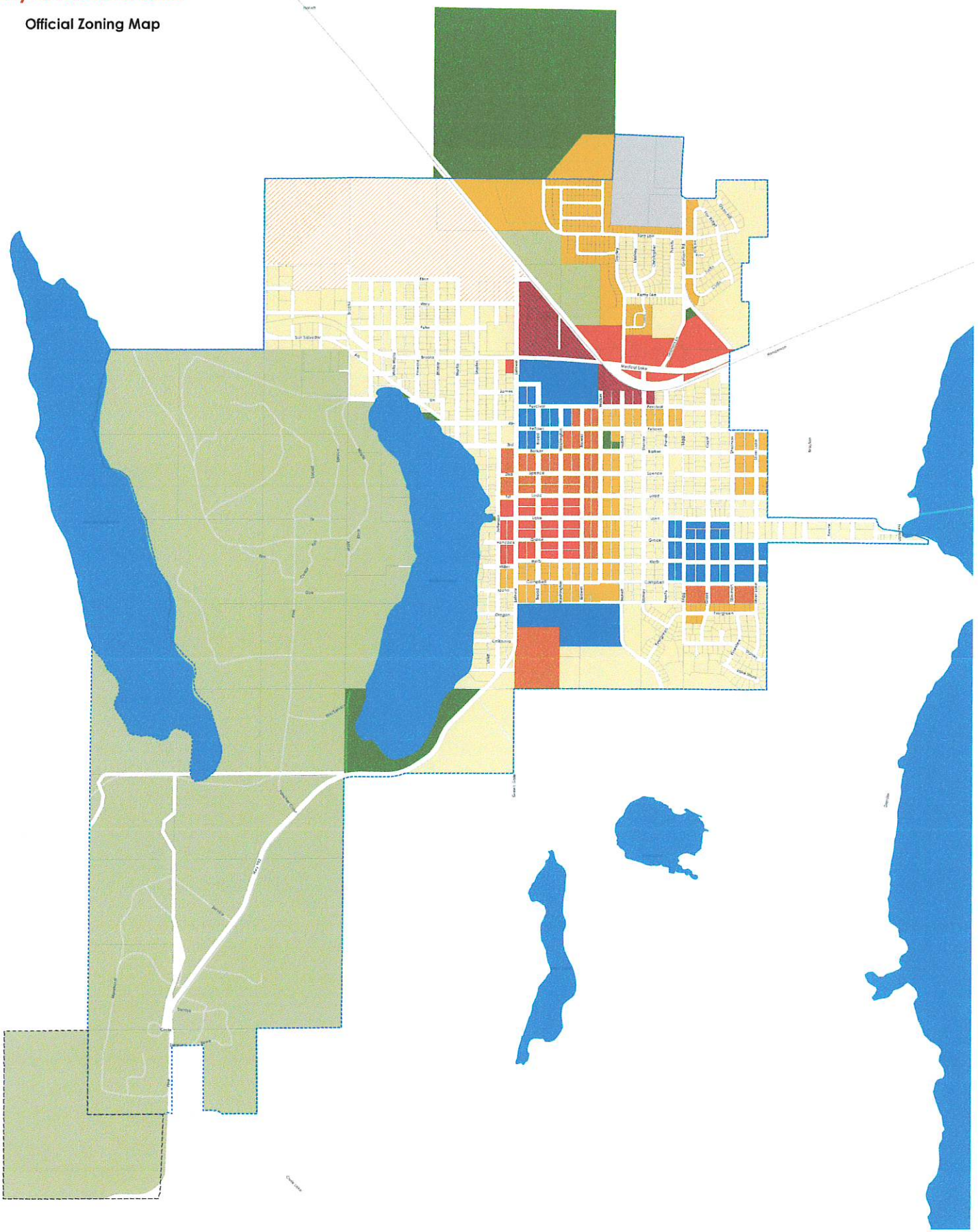
going and [illegible] copy of plat
as recorded in Plat Book A [illegible] and that same is
correctly transcribed.
Russ Butler
Deputy Auditor

2004 Attachment B

Attachment B 2006

City of Medical Lake

Official Zoning Map



Medical Lake City Boundary
Medical Lake UGA
Commercial
C-1 Mixed Use
R-1 Single Family
R-2 Duplex or Two Single Family on one lot
Multi-Family
R-1P Single Family Planned
Light Industrial
Institutional
Parks / Open Space
Schools and Public Lands

0 200 400 800 1,200 1,600 Feet

April 2006

CITY OF MEDICAL LAKE OFFICIAL ZONING MAP

Pam McBroom, Finance Director, City of Medical Lake Date

Information shown on this map is compiled from various sources, subject to ongoing changes and is not warranted for accuracy. This document should serve as a starting point for your investigation or inquiry. Legal documents should be obtained from the appropriate agency before taking any action.

Figure 4.2
Medical Lake Zoning Map

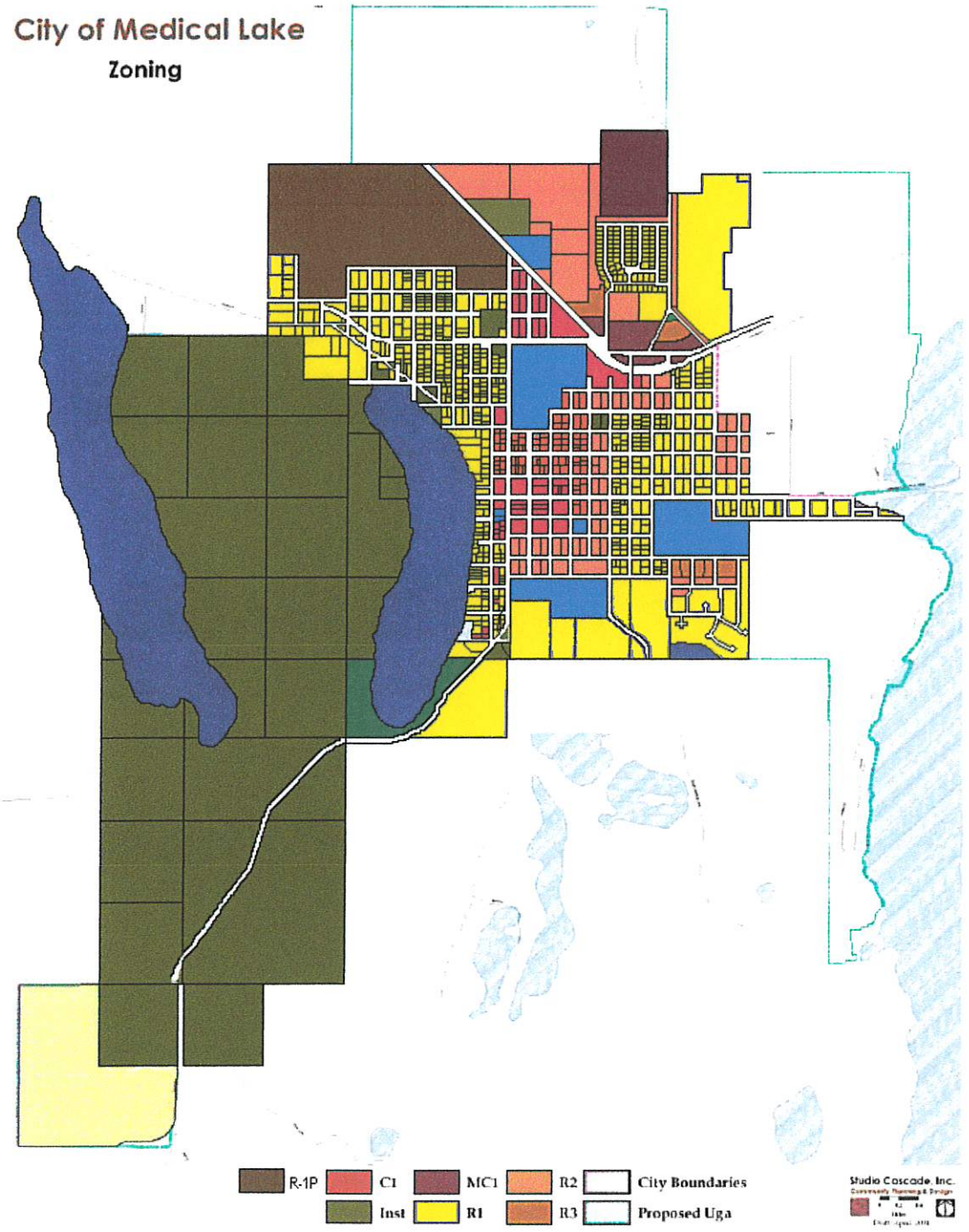
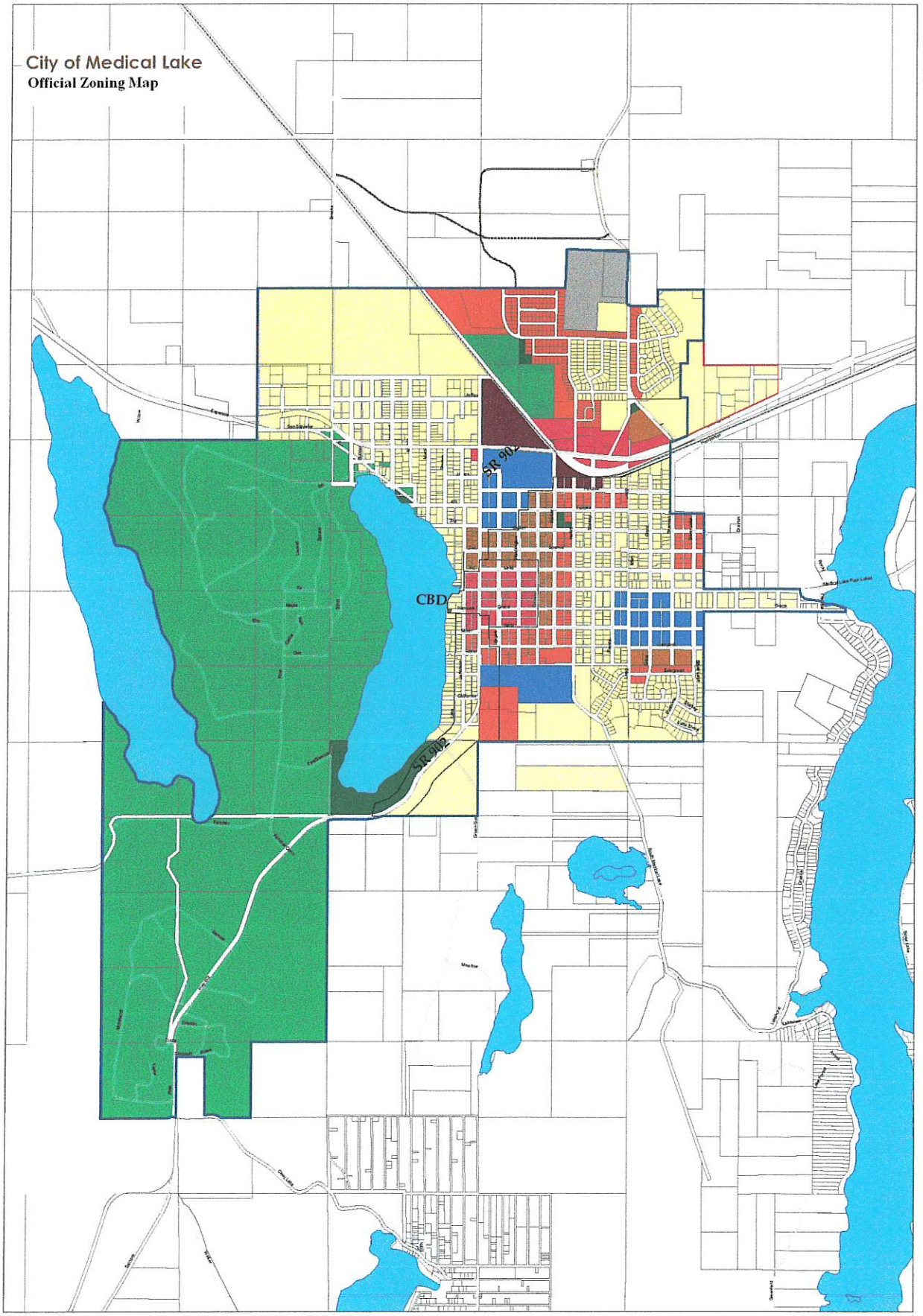


Figure 4.2 Current Zoning Map



City of Medical Lake Official Zoning Map

Medical Lake City Boundary
Proposed UGA
Light Industrial
Commercial
Public/Institutional
Mixed-Use
Multi-Family
Two-Family
Single-Family

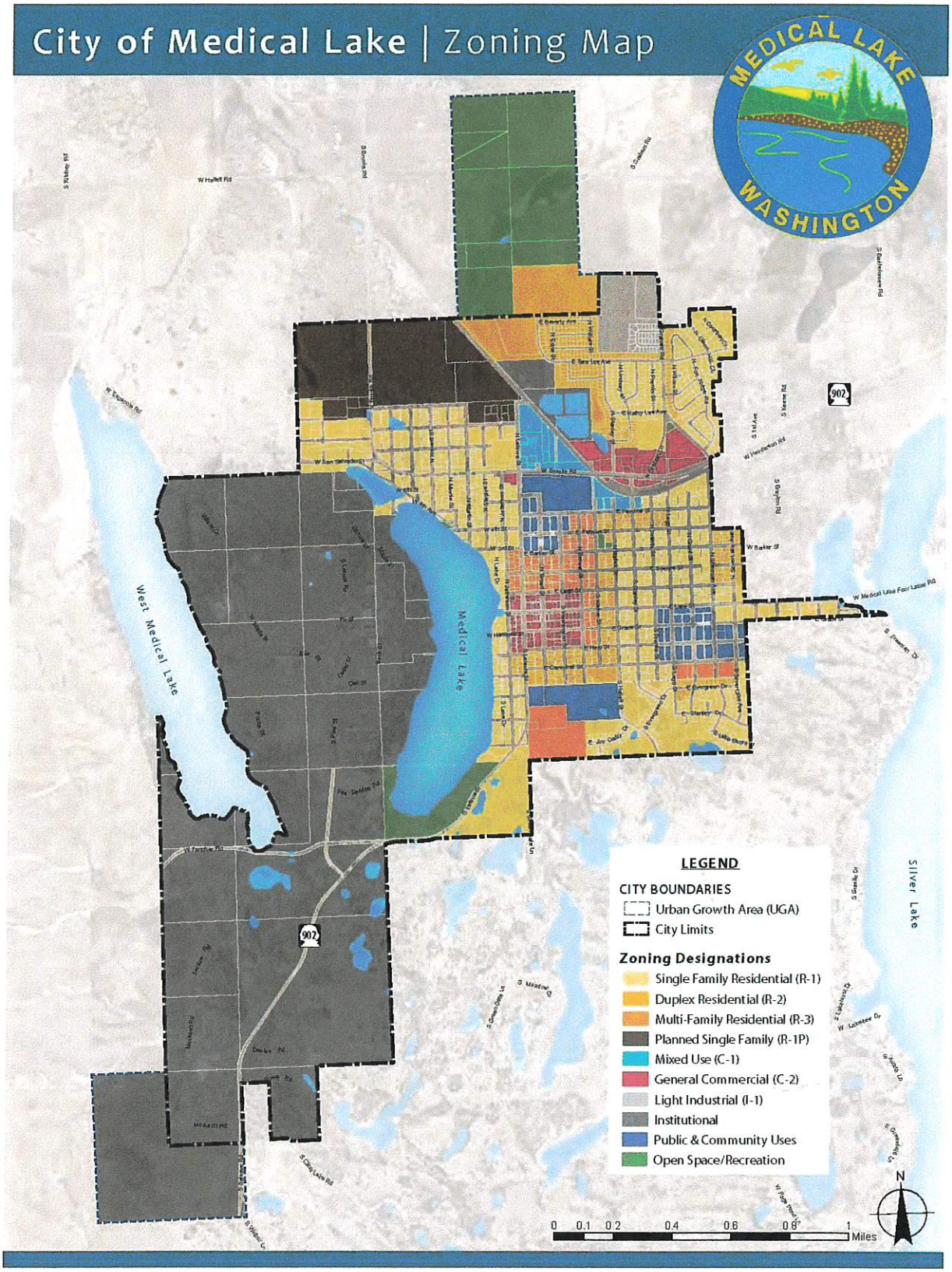
0 250 500 1,000 1,500 2,000 2,500 3,000
Feet

Studio Cascade

Pam McBroom, Finance Director
City of Medical Lake

Date

Figure 3.2 Medical Lake Zoning Map

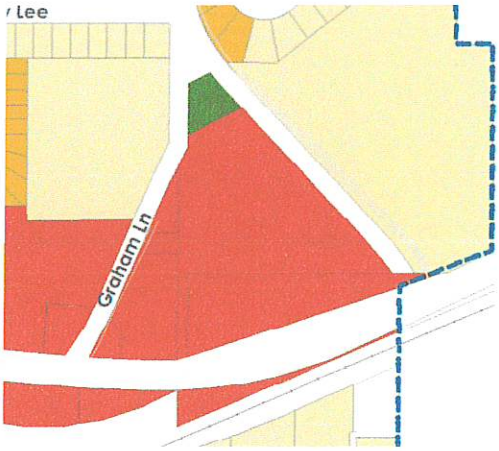


Site C:

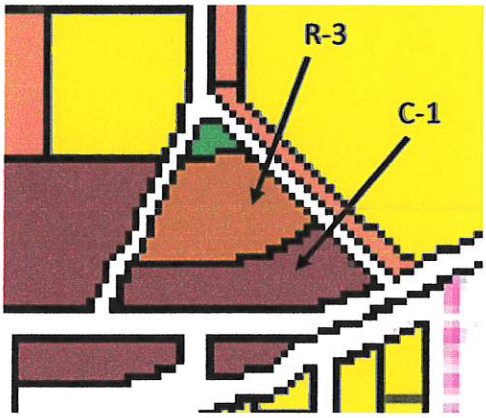
Properties bordered by N Graham Lane, N Graham Road and Highway 902

Aerial Photo from Spokane County Scout Wetbsite (copied 5/21/23)

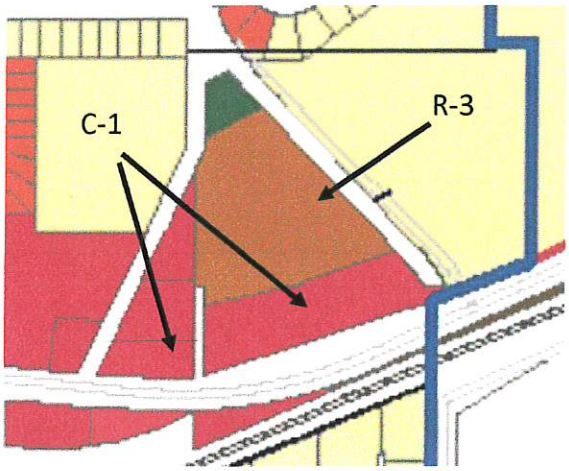
Zoning Map dated April 2006
All C-1 Commercial Zone



Zoning Map in the 2007 & 2010 Comprehensive Plans



Zoning Map dated 3/25/2014



Zoning Map in the 2019 Comp Plan
All C-1 Commercial Zone

July 17, 2023

Dear Commissioners,

During our June meeting, via Zoom I summarized a half-hour, May discussion I had with Carl Florea, Mayor of Leavenworth. The purpose of my call was to get insight into the municipal branding effort undertaken by Leavenworth.

Mayor Florea told me that in 1962 Leavenworth was dying. Logging was lagging and the railroad had taken much of its work elsewhere. Many small businesses had closed, and buildings were boarded up. Initially encouraged by a group of concerned women, the city fathers contracted a University of Washington study which concluded Leavenworth needed to have a unique identity to attract tourism. The study gave them three options: 1) Old West, 2) Gay 90's, and 3) Alpine Village. They chose the latter, calling it "Bavarianizing."

Implementing the theme was a slow process. In the beginning, building design modification was voluntary and only three downtown building/business owners were on board. Pushback was unsurprisingly strong from both 1) those with little else to do and 2) most business owners – with the town in the tank, who had money to spend on some alpine village scheme? The increase in business for the three who tried it, however, encouraged others to gradually follow.

Leavenworth now has a Design Review Board, and Mayor Florea emphasized that any construction done in the tourist commercial zone must be "old world Bavarian," e.g., 16/12 pitch roofs, old fonts for signage, large, overhanging eaves, etc.

"Leavenworth" is now grounded in its architecture. His statement, "It's a lot cheaper to drive to Leavenworth than fly to Austria" summed up one reason Leavenworth is cooking.

The other reason is incentive to go to Leavenworth. All year around Leavenworth has festivals, e.g., Ocktoberfest, Washington State Autumn Leaf Festival, Icicle Creek Chamber Music Festival, Christmas Town USA, January Ice Festival, Village of Lights: Love from Leavenworth [Valentine's Day throughout February], and a bunch of others. Christmas Town has the biggest draw. Business is booming.

Here are some of Mayor Florea's suggestions for branding and implementation.

- From what he said and implied, pick a European town that already draws tourists in Europe and emulate that town's architectural and landscaping characteristics.
- Establish clear design parameters and a design review board. Within reason, don't compromise. If something is done at all, it should be done right. This means not being kitschy. What is built should not look like a parody of the real thing.
- Plan for adequate parking. Leavenworth's biggest headache is adequate parking for tourists who come year around. Downtown parking is metered in a town of 2,590 (Medical Lake has 4,915).
- Plan for and encourage adequate hospitality facilities (with conforming architecture). People who come here want attractive places to stay and upscale restaurants.
- Capitalize on what we already have. Blue grass, 4th of July, fall and winter festivals come to mind. Fairchild proximity should be considered.
- Above all, be patient. The transition will take years. Initially, few will be onboard, while naysayers will be vocal. "It can't be done." But anything can be done.

From what I've read, immigrant English visionary Stanley Hallett (*Lord* Stanley Hallett before he left England) built his three-story home with an eye toward being the first of many fine homes in Medical Lake. Disappointingly, 120 years later the latter have yet to arrive.

A magazine article described present Medical Lake as "sleepy" with "dusty taverns and pick-up trucks." Medical Lake is a little more than that.

Progress will happen. The idea is to direct it (planning) for the long-term betterment of the community.

As we've discussed, the potential of our diamond-in-the-rough city is what we will make of it. Following from the discussion with Mayor Florea, I've watched YouTube videos and read articles about tourist villages in France, Spain, England, Scotland, Ireland, the Netherlands, and Romania. Theme villages of interest were:

Spain: **Albaicin**, pop.6,600, in southern Spain, in the Granada district of Andalusia. Spanish architecture. Works there, probably wouldn't work here. We're too far north and too far removed from historical Spanish influence.

Netherlands: **Giethoorn**, pop. 2,600, called the Venice of the Netherlands for its myriad canals and small bridges. Attractive architecture, a little different than elsewhere in the Netherlands.

Volendam, pop. 23,000, known for its colorful wooden houses and old fishing boats in the harbor. Homes are small. Consistent characteristics include 16/12 pitch roofs which appear ubiquitous across old Europe, and multi pane windows.

Ireland:

Adare, County Limerick, pop. 1,129, founded in the 13th century, has simple older homes but hosts a 5-star hotel because Adare has an excellent golf course that attracts from all over the world.

The Adare course will host the 2027 Ryder Cup.

Dalkey, County Dublin, pop. 8,405, has a castle, beaches, restaurants, and old seaside homes. Nice.

Scotland: **Shieldaig**, pop. 85, fishing town in the Northwest Highlands. Attractive, older, seaside homes. While Shieldaig Scotch uses the village as part of its promotion and advertising, there's no Scotch distillery there. Aye, 'tis a sad fact.

Kelso, pop. 6.900. Founded in the early 12th century, Sir Walter Scott (1771-1832), who had an eye for architecture (Abbotsford) himself, thought this the prettiest town in Scotland. That was then, but it's still attractive.

Pitlochry (Pit-lok' ree), pop. 3,000 (5,000 during tourist season). I believe Sir Walter Scott would be quite impressed with Pitlochry today, perhaps more so than Kelso. Pitlochry is a beautiful Scottish town that has it all. Golf, distilleries, Highland Games.

Lots of stuff here for Medical Lake to think about. Some area hotels are converted castles, and some of the hotels that look like castles never were. Nice stone and brick residences with the 16/12 roof pitch, vertical windows, etc. Here are some videos. https://www.youtube.com/watch?v=_YcOmyn8lUg

https://www.youtube.com/watch?v=Zwkj3LaW0qY

https://www.youtube.com/watch?v=VJpX-bexa30

I can see Medical Lake emulating Pitlochry.

England: **Stratford-on-Avon**, pop. 136,500, besides "Shakespeare," the town has some charming old English architecture. Dormers. Half timbered, brick, and stone homes. Classic 16/12 pitch, slate roofs, and vertical, multi pane Georgian windows. Georgian roofs.

Canterbury, pop. 43.500, incorporating Gothic and Romanesque elements in its stone carvings and stained-glass windows, Canterbury is a little too rich for Medical Lake, but gives us some ideas.

Surrey, pop. 1.19 million, a suburb of London. Variety of old (good) and new ("ghastly") architecture. London proximity. Dormers. 16/12 pitch, slate roofs. Vertical Georgian, multi pane windows. Older architecture was dominant (more so when Lord Hallett lived there).

Bibury, pop. 630. British poet William Morris called rural Bibury "the most beautiful village in England." 14th century Arlington Row is a string of quaint stone cottages; initially housed sheep herders and their families.

Romantic Bibury attracts tourists from all over. Many weddings. In the Cotswold region. 16/12 pitch roofs, dormers, vertical multi pane windows. Stone and brick walls, and slate roofs.

Bourton-on-the-Water, pop. 4,200, called the Venice of the Cotswolds because of its canals and bridges. Beautiful brick or stone homes with 16/12 pitch, slate roofs. Dormers. Vertical multi pane windows. Romantic. Heavy tourism.

Castle Combe, pop. 344, quaint, stone architecture. Named after a Norman castle built in 12th century, subsequently destroyed. The attractive village has been used in many films, staring such as Rex Harrison, Anthony Newly, and Anthony Hopkins. 16/12 pitch, slate roofs. Dormers. Stone and brick walls. Vertical multi pane windows.

Like Bibury and Bourton-on-the-Water, Castle Combe is in the Cotswold region.

France: **Conques**, pop. 1,600, 80 miles SSW of Toulouse, is a merger of four communes in 2016. Brick, stone, stucco, slate. Narrow walkways. Supposed to be one of the more attractive towns in France but is actually spartan.

Collonges-la-Rouge, pop. 510 , 55 miles SSE of Limoges, has 14th century turrets and towers.

The distinctive red sandstone (rich in iron oxide) construction sets it apart. A little more attractive than Conques. Stone walls, slate roofs, vertical, multi pane windows.

The English villages in the Cotswold region are attractive, and of those Bibury looked the best in terms of appearance and practicality, although all three Cotswold villages were very appealing.

Scotland's Pitlochry impressed me the most. Pitlochry had much Medical Lake could emulate.

While the two French villages were written up as being among the most attractive in France, I wasn't impressed.

This is a start. What we want to do is emulate whatever village or historical architectural style we ultimately choose.

Dig into this. I welcome any additional recommendations you may have. We need to choose well.

Thanks,

Carl

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