



City of Medical Lake
Planning Commission Meeting
May 26, 2022, Minutes

**Please note - due to technical difficulties, this meeting was unavailable via Zoom. Therefore, the meeting in its entirety has been loaded onto thumb drives and made available for check-out at City Hall.*

1) CALL TO ORDER

- a) Commissioner Hudson called the meeting to order at 5:00 p.m.

2) PLEDGE OF ALLEGIENCE

3) COMMISSION MEMBERS PRESENT

- a) Present - Mark Hudson, Andie Mark, Marye Jorgenson, Judy Mayulianos
b) Excused Absences – Carl Munson
c) Staff Present – Rachel Granrath, Planning Consultant; Terri Cooper, Mayor; Katy Allen, Interim Deputy City Administrator; Roxanne Wright, Administrative Assistant

4) APPROVAL OF MINUTES

- a) April 28, 2022, Minutes reviewed and approved

5) INTERESTED CITIZENS: AUDIENCE REQUESTS AND COMMENTS

- a) The following public comments were provided:
- i) Judy Luce – voiced opinion that with expansion, human needs should be considered first then beautification of Medical Lake.
 - ii) Thomas Benson – concern for preservation of wetlands, particularly one located at end of N. Martin St. Wants to be sure there are adequate setbacks to protect waterfowl, upland game, etc.
 - iii) Marybeth Benson – works at the school and has concerns that wetlands were filled in to build the school and what protections are in place to make sure that doesn't happen again with other building projects.
 - iv) Lance Speirs – contractor by trade. Serious concerns that once you build over a wetland you lose the ecosystem, it won't ever come back. Would like to see policies in place to protect wetlands for now and in the future. Make sure we have good oversight of these policies.
 - v) Thomas Benson – in agreement that once wetlands are gone, they are gone forever. Loves the "resort" feel of Medical Lake and wants to see that preserved for future generations.

6) SCHEDULED ITEMS

- a) Critical Areas Ordinance (continued review)
i) Wetlands – Rachel Granrath
(1) Recap of last meeting and explanation of current status of review



- (2) Commission discussions and questions of processes for protecting wetlands, responsible parties, code/ordinance enforcement, penalties for non-compliance.
- (3) Mayor Cooper discussed enforcement/penalties and possible need for legal counsel on certain points. Also commented on importance of oversight, transparency, and diligence going forward.
- ii) Commissioner Mayulianos motioned to table discussion on CAO – Wetlands until next meeting. Andie Mark seconded. Motion carried (4-0)
- iii) Review of mapping (current status and future needs), administrative processes, classifications; section 17.10.140
- iv) Discussed when administrative decision is appropriate vs. when decision is moved to planning commission/city council
- (1) Katy Allen suggested that certain (mid/high intensity) administrative decisions are publicized and posted to the website for transparency and so the public can stay informed.

7) STAFF REPORTS

- a) Rachel Granrath – will work on mapping and draft administrative decision processes into draft document
- b) Katy Allen
 - i) Letter from community member – has been provided to each commissioner
 - ii) Discussed working drafts/final drafts and how to provide community with copies when requested. Danger of having multiple drafts. Once final draft is completed by Ms. Granrath, she will provide to Ms. Allen and it will be posted on our website.
 - iii) Discussed planning commissioners using city e-mail address for all commission business.
 - iv) New City Planner starting June 20, 2022 and will be present at next meeting on June 23, 2022. Discussed the role of that position.
 - (1) New city planning e-mail available for the public – planning@medical-lake.org
- c) Motion by Mark Hudson to add agenda item for additional community member comments at the end of the meeting, seconded by Judy Mayulianos, motion carried (4-0)

8) ADDITIONAL COMMUNITY MEMBER COMMENTS

- a) Marybeth Benson – question re: 6 lots of land on Martin Street by their property and their proximity to wetlands. Mayor Cooper assured that there is a process and permits required before any building can happen. Ms. Allen explained process.
- b) Lance Spiers – question regarding how community members can offer feedback (scheduled period or as it comes up). Explanation given by commissioners.

9) CONCLUSION

- a) Commissioner Jorgenson motioned to conclude meeting, seconded by commissioner Mayulianos, motion carried (4-0), meeting concluded at 6:28 p.m.

****Next scheduled Planning Commission Meeting June 30, 2022****

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23 May 2022

Hi Katy, Mayor Cooper, Mark, et al.

I'm writing about the plans to update the ML critical areas ordinance—which we've been going back and forth on for a while now. As I'm sure you can tell, this issue matters a lot to me. I care about our wetlands and other critical ecological areas. It's my passion! Because I am passionate, I want to be helpful, rather than hurtful, to the process. I know that this is a labor of love for you guys and I am grateful for your work.

To the extent you have questions about what it is I am hoping the City will do to improve the CAO, I have provided a summary of my goals for the CAO below. In addition, I have prepared comments and proposed changes to the latest draft of the CAO. They accompany this letter. Before I dive in to my goals, I want to explain why I feel so fired up about this subject.

Last year I made a series of public records requests about the Park at Medical Lake Apartment Complex Project, which is adjacent to a protected wetland. Those requests have left me with the impression that the project broke ground without much oversight. Either the City did not make much of a written record of its review, or it did not do much review at all, or—most likely—both. The project does not seem to have been publicly noticed.

It's true the developers' rezoning request was publicly noticed, but I don't think that process happened again when they applied for building permits. (Which, in my view is the more important part of the process in terms of environmental review.) So, I only became aware of the project after they broke ground. By then, I was late to the party and had little hope of making a difference. Even when I began to make information requests, I could not find a clear record of the decision-making process or of the decisions that were made. Worse than that, the City seems to have failed to make the project undergo SEPA review until I complained. As a result, I felt like the project was forced on citizens with no room for local people to have a say. There was no way for me to be sure that environmental rules were being followed because I could not locate any findings supporting the City's decisions. At this point, there's not much to be done about the apartment project. But, what I can do is fight to make sure that the next project is handled better. That is why I am fired up about this.

Now, with all that said, here are my goals. **When I say that I want our Critical Areas Ordinance to be more restrictive than state law, what I mean is that I want to be sure that we aren't relying on the State of Washington to protect our critical areas.** I want to make sure that we enforce our rules and give citizens a chance to participate in City government. As written, our critical areas rules, are generally acceptable, but there are a lot of holes when it comes to how we enforce them. City officers seem to be able to waive ecological requirements, waive public notice and approve projects without leaving a written record of the basis for their

decisions. I think it would be better if we treated the rules more like rules and less like guidelines.

Therefore, I want to make sure that the following things get enshrined in the MLMC:

1. **The City Administrator can no longer unilaterally waive public notice of critical areas permits or excuse applicants from other ecological protection requirements.**
2. **Where unelected officials are granted significant discretion, environmental rules should require direct oversight by elected officials.**
3. **The City Administrator/ or other responsible officials should be required to make meaningful written findings in support of decisions connected with environmental rules. Those findings should be included in public notices about permitting decisions.**
4. **Ensure that the public has a meaningful opportunity to review and challenge decisions made by unelected officials.**

Thank you for your time and attention to this matter. Thank you for helping to facilitate my participation in this important process. I have attached a proposed section of the critical areas ordinance which I have numbered 17.10.015. The numbering is unimportant to me, but I would like to see the City make some legislative findings about the ecological values that Chapter 17.10 is intended to protect. In addition, I have attached a second document that lays out my comments and proposed changes to the proposed text of Chapter 17.10.

Best,



Tammy M. Roberson, MBA
SMSgt USAF Retired/Disabled Veteran

Attachments:

1. Comments to Medical Lake Proposed Critical Area Ordinance Sections: 17.10.010–.060, .110, and .140.
2. Proposed Text for Section 17.10.015, titled “Findings.”

Comments and Proposed Changes to the Medical Lake Draft Critical Areas Ordinance

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May 23, 2022

Dear City Officials and Members of the Planning Commission,

I make the following comments and propose the following changes to the draft Critical Areas Ordinance. The changes are proposed from several drafts, the last of which is from—I believe—April of this year. In addition, I have proposed a new section which would be inserted between the “Purpose” and “Applicability” portions of the code, section 17.10.015, titled “Findings.” That proposed text is contained in a separate document. I have endeavored to present my comments to align with the current draft in numerical order. Where I propose new text, I have written it in a different font to help improve readability. Where necessary, I have also provided comments to try and communicate the rationale behind my proposed changes. Thank you for your hard work on this matter. If you have questions, comments or concerns, I am eager to aid the Planning Commission in whatever way I can.

Comments and Proposed Changes to “Section 17.10.020 Applicability”

Alter Paragraph 4 to remove “lands designated as” from the first paragraph.

Comment: The Code makes it clear that not all critical areas have been designated yet. Thus, the Code should apply to critical areas in the City, whether they have been designated is ultimately irrelevant.

Add a sixth paragraph with the following text:

6. Written Findings Required: All permitting decisions, as defined in Section 17.10.030(46), made by the City Administrator or other City Official and regulated by this Chapter shall be supported by written findings expressly stating:
 - a. The decision;
 - b. The information considered;
 - c. The information relied upon; and
 - d. The basis for the decision.

To the maximum extent permitted by the terms of this Code, these written findings shall be a public record of the City of Medical Lake and shall be included in any public notice required under this Chapter as well as included as an addendum to the City Council agenda for the City Council meeting immediately following the decision. When the City Administrator makes multiple permitting decisions pursuant to a single permit requested by a single applicant, those decisions may be consolidated into a single document for ratification as a whole.

This Paragraph applies to “Administrative Decisions” as defined by Section 17.10.030.

Add a Seventh paragraph with the following text:

7. City Administrator’s Decisions Preliminary: Although this section tasks the City Administrator or his or her designee with management of permit applications and environmental review, the Mayor and City Council have both the power and duty to provide direct oversight to the Administrator. The City Administrator’s decision on any permitting decision, including decisions rendered pursuant to administrative review under Section 17.10.060(C) are preliminary until presented to the Mayor and ratified by the City Council pursuant to Paragraph 9 of this section.

Add an eighth paragraph with the following text:

8. Oversight by Mayor: The City Administrator is required to report to the Mayor within one week any time he or she makes permitting decisions regulated under this Chapter. Decisions reported in this manner are preliminary. Decisions cannot be conveyed to the applicant until they have been first communicated to the Mayor. Mayoral Oversight of administrative decisions as defined by Section 17.10.030 may be concurrent with Administrative Review under Section 17.10.060(C)

Add a ninth paragraph with the following text:

9. Oversight by City Council: All preliminary permitting decisions regulated under this Chapter shall be presented to the City Council for ratification. Any such decision made by the City Administrator shall be considered preliminary until it has been ratified. The City Administrator shall present decisions to the City Council in official session. Council ratification of administrative decisions as defined by Section 17.10.030 shall occur after Administrative Review is complete. During the ratification process, the City Council may affirm or reverse the decision of the Administrator. The City Council may also, consistent with the terms of this Chapter, request more information and require re-presentation of the issue after the information has been required. Ratification shall be by majority of the City Council.

***Comment:** The goal of these additions is to facilitate public involvement in environmental review. The City Administrator/ or other responsible officials should be required to make meaningful written findings in support of decisions connected with environmental rules. City Officials should not have silent discretion. When a City Official makes a decision, there should be a clear record of the decision and the rationale that supports it. Those findings should be included in public notices about public hearings or permitting decisions and be made*

immediately available to the public as an addendum to the City Council Agenda so that citizens are made aware of environmental decisions as they occur. Furthermore, because the City Administrator is an unelected official, he or she lacks electoral accountability to the citizens of the City. These sections return the final say on permitting decisions to the officials who are directly accountable at the polls.

Comments and Proposed Changes to Section 17.10.030 Definitions

Alter Paragraph 1) to read

“Administrator” Means the City Administrator or his/her designee.

Revise paragraph 32), “impacts” to read:

32) “Impacts” means the adverse effects of land use and/or development upon critical areas and their plant life, wildlife, water quality and natural beauty.

In the appropriate alphabetical place within this section add a new paragraph with the following text:

‘Permitting Decisions’ means discretionary decisions made by the City Administrator or other City Officials pursuant to the terms of Chapter 17.10 in connection with a permit application. For example, the City Administrator’s decision that a project is exempt from further review under Section 17.10.060(A)(2)(n) is a permitting decision. This definition includes but is not limited to:

- a. Decisions to grant or deny a permit;
- b. Decisions to waive or not require a critical areas report;
- c. Decisions to waive public hearing;
- d. Decisions to permit a reasonable use exception
- e. Decisions to exempt an applicant from further review;
- f. Decisions to modify setback requirements;
- g. Decisions to allow and approve mitigation plans;
- h. Decisions to permit buffer averaging; and/or
- i. Any decision resulting from the discretion of a City Official where the applicant is required to show or prove some fact upon which the decision is contingent.

Comment: *This text is written as though the final code will allow the City Administrator to waive a critical areas report, public notice of permit, etc. I am strongly against these powers because they represent silent discretion by an unelected official. Thus, if my other comments on those issues are adopted, this section will need to be edited to remove these references. As text gets closer to its final version, specific references to portions of the Code that require written findings could be included to improve clarity. I am happy to help with that process if the Commission would find it useful.*

If the numbering from the current draft survives to the final draft, this entry would become paragraph 46 and all paragraphs thereafter would have their number increased by one.

Revise the definition for “Review Authority” so that it occurs as its own number paragraph in the appropriate place.

Comment: *This phrase is currently only used in this section, as near as I can tell. Is there a reason it has a special definition? To the extent it is used elsewhere in the Chapter, it should be revised to reflect oversight by the City Council and Mayor. This comment also applies to paragraphs 52 and 53 of this section.*

Include a definition for “Wetland(s)”

Comment: *the current draft contains no definition for the word “wetland.” This should be carefully defined consistent with the definitions provided by the best available biological science.*

Comments and Proposed Changes to Section 17.10.040

Append the following text to Section 17.10.040(C)(6):

Passive recreation allowed under this section is only permissible if it is also consistent with the requirements of Section 17.10.140(D)(7).

Comment: *This is designed to avoid potential conflict between the two sections and to make clear that the City intends both rules to be applied.*

Comments and Proposed Changes to Section 17.10.060:

Append a subparagraph to paragraph C with the following text:

3. *Presentation to Mayor and Ratification by City Council.* Consistent with Section 17.10.020(7) of this Code, the City Administrator shall present his or her decisions on matters subject to Administrative Review to the Mayor for review and City Council for ratification after Administrative Review is complete.

Alter the first sentence of Paragraph E to read “All applications for permits to conduct activities located on or near a project site may require a critical areas report as necessary per 17.18.120.” This should correct an erroneous use of the word “is.”

Comment: *It is unclear what paragraph E is intended to achieve. What is meant by the phrase “on or near a project site?” Is this intended to reference secondary permits for a project? Further clarity on the meaning and intent of this section is desirable.*

Comment: *Paragraph G’s reciprocal attorney fees clause may actually deter rather than incentivize enforcement actions. If the City risks paying the defendant’s fees if it fails to enforce the rules, might cause the City to let violators slip by. This section should be revised to remove*

the attorney fees clause or make it contingent on the City's successful enforcement, such that the City is never required to pay defendant's fees under the Chapter.

Amend Paragraph H to delete the following phrase: ~~“unless the city City administrator finds that the activity is so minor as to not affect a critical area.”~~ In the alternative, amend Paragraph H to read:

. . . , unless the City Administrator finds that the activity is so minor as to not affect a critical area. Such a determination must be made in writing as required by Section 17.10.020(6). The decision to waive a public hearing must be presented to the Mayor ratified by the City Council pursuant to Section 17.10.020. Once ratified, the decision to waive public notice shall be appealable by any party with standing pursuant to Section 17.48 for fifteen days after ratification by the City Council. All residents of the City of Medical Lake shall have standing to appeal. If a public hearing is required, notice shall be given in accordance with section 17.45.100 of this Code.

Comment: *I find this provision of the Code to be highly objectionable. The City Administrator should never be allowed to shield applicants from public scrutiny on projects that are a matter of public record. If such a waiver is to be allowed that decision should be available for appeal by any City resident.*

Amend the first sentence of Paragraph I to read:

Permit Actions. The City Administrator shall approve, approve with conditions, or deny an application within thirty days of the public hearing; except that where additional information is required by the City Administrator the period may be extended by sixty days. Decisions of the City Administrator are subject to presentation and ratification requirements of Section 17.10.020. In acting on the application, the City Administrator shall, in writing, grant, approve or conditionally approve the proposed activity. If a decision must be made in a ninety-day period and there is insufficient information or time to process the application, a denial will be issued.

Amend Subparagraph 3 of Paragraph J to read:

Denial of an application would cause an extraordinary hardship on the applicant. Critical area applications shall not be effective and no activity thereunder shall be allowed during the time provided to file an appeal. The decision to approve an application based on an extraordinary hardship shall be subject to the public notice and hearing provisions of Sections 17.45. and 16.04. An extraordinary hardship must be proved by clear cogent and convincing evidence:

- A. of the hardship; and
- B. that no other satisfactory alternative exists.
- C. The hardship is not the result of the applicant's failure to act with reasonable care and promptness.

Comment: *Catchall provisions like this one should be jealously guarded. Otherwise, they threaten to swallow the entire Code. If the City is going to excuse someone from complying with*

the Code based on an extraordinary hardship, they should be required to produce extraordinary evidence and citizens should be given notice and chance to comment.

Comments and Proposed Changes to Section 17.10.110 (May 10, 2022 draft)

17.10.110 Purposes and Objectives: This section be relisted such that “Purposes and Objectives” is marked as paragraph A. Thereafter, any “goals and policies” laid out in this paragraph should be number subparagraphs, “17.10.110(A)(1)”, for example. In addition, the end of this paragraph should either have more “goals and polices” inserted, or should be edited to be singular.

Comments and Proposed Changes to Section 17.10.110 - Critical Area - Fish and Wildlife Habitat Management and Mitigation Plan

This portion of the section should be lettered and numbered in a way that makes it consistent with the rest of the section text.

Paragraph 1 should be edited to say “Eastern Washington” rather than “~~North Central~~ Washington.”

Paragraph 4 and 6 should have the word “qualified” interlineated before the word “professional” such that this entire section consistently uses the phrase “qualified professional.”

The final unnumbered/unlettered paragraph of this section should be modified to remove the words “~~but are not mandatory~~”. Where available, these recommendations should be obtained.

Comments and Proposed Changes to 17.10.140 Wetlands

Paragraph (B) should have the following sentence appended to subparagraph (2):

The City will begin seeking funding to perform wetlands mapping no later than Fiscal Year 2023.

Subparagraph 3 of Paragraph B should be amended to read:

All areas within the City meeting the wetland designation criteria in that procedure are hereby designated critical areas and are subject to the provisions of this Chapter. Wetland delineations are valid for five years; after such date the City shall require the applicant to do the following:

- a. Have a qualified wetland professional to update the delineation report;
or
- b. Have a qualified wetland professional submit a report that shows that an update is unnecessary.

Comment: *Because City Officials are not qualified to determine whether a wetland delineation is still valid after five years, it would be better to have that assessed by a qualified professional.*

Paragraph B should be edited to add a new subparagraph, number 4, which contains the text that reads: “*Rating*. Wetlands shall be rated . . .”

Paragraph D, Subparagraph 1 should be amended to read:

New or changed activities and uses shall be prohibited from wetlands or wetland buffers unless the applicant can show by clear and convincing evidence that the proposed activity will not degrade the functions and values of the wetland or other critical areas, or as otherwise provided in this title.

Paragraph D, Subparagraph 2 should have the following sentence appended:

“ . . . ensure development does not result in adverse impacts to wetlands. The decision to decrease a buffer width under this section shall be a permitting decision subject to the public notice and hearing provisions of Sections 17.45. and 16.04 whether or not the underlying permit application would ordinarily require public hearing.”

Comment: 17.10.140(D)(7)(b) uses a catchall for passive recreation. I think it would be better to identify specifically what counts as passive recreation and leave no holes.

Paragraph D, Subparagraph 4, Should have a clause appended to it that reads:

f. No Buffer shall reduced to less than twenty-five (25) feet.

Paragraph D, Subparagraph 8 should be amended in the following manner:

Storm water management facilities shall be allowed within the outer 25% of a wetland buffer around Category III or IV wetlands, provided ~~that no other location is feasible, and that the location of such facilities will not degrade the functions of the wetland or its buffer.~~ applicants can prove by clear and convincing evidence that:

- a. no other location is feasible; and
- b. The location will not degrade the functions of the wetland or its buffer.

Paragraph D, Subparagraph 16 should have a new clause appended. The new clause “d” will read:

d. A decrease in the mitigation ratio will require an independent wetland biologist to concur in the report prepared by the applicant. Where an applicant seeks relief under this subparagraph, the applicant shall be required to pay the reasonable cost for the City to hire an independent wetland biologist to review and concur or dissent from the applicant’s proposed findings.

Paragraph D, Subparagraph 17, clause c should be amended to read:

c. Access roads and utilities serving the proposed subdivision may be permitted within ~~the wetland and associated~~ buffers only if the City determine that the applicant has established by clear and convincing evidence determines that no other feasible alternative exists.

Comment: *Because the Department of Ecology directly regulates wetlands, the City does not have the power to permit roads to run directly through wetlands. In addition, this would be an extremely undesirable ecological result. Any takings claim against the government for a road by necessity should have long since expired by the effect of state law.*

The Blocks of Text after subparagraph 18, titled “Riparian Buffers” and “development standards” should be assigned their own paragraph letter and the section should be reformatted accordingly.

The Text under “Development Standard” should be amended to read:

Within critical areas and their buffers, the City shall prohibit soil excavation, grading, removal of native vegetation species . . .

Add a paragraph somewhere in Section 17.10.140 that reads:

Building Setback. A minimum building setback of fifteen feet is required from the edge of a wetland buffer. The City Administrator may allow intrusions into this setback on a case-by-case basis if it can be demonstrated by clear and convincing evidence that impacts can be satisfactorily mitigated. This building setback from the buffer shall be identified on the site plan.

Add a paragraph somewhere in Section 17.10.140 that reads:

Yard Reduction. In order to accommodate for the required buffer zone the City Administrator may reduce the front yard setback requirements on individual lots on a case-by-case basis. The front or rear yard shall not be reduced by more than fifty percent. The purpose of this provision is to reduce yard setback requirements in order to protect a wetland buffer.

Comment: *This draft does not presently require setbacks from wetland buffers. The previous ordinance required a 15 foot building setback from a wetland buffer pursuant to Section 17.10.140(E). This draft also lacks the option to permit the Administrator to reduce a front yard setback reduction to protect a buffer on the opposite side of a structure. Both of these provisions should be retained in the Code and added to a future draft.*

Add a paragraph somewhere in Section 17.10.140 that reads:

Extra buffer width for isolated wetlands. The City of Medical Lake recognizes that isolated depressional wetlands are more sensitive to degradation and/or accumulation of sediment and/or contaminants. Therefore, isolated wetlands benefit from larger buffers. If a wetland is isolated, meaning it lacks an outlet, its buffer width shall be increased by twenty-five (25) feet.

Comment: *This suggestion comes from the The Planner’s Guide to Wetland Buffers for Local Government, page 13. The document is available online here:*

<https://www.eli.org/research-report/planners-guide-wetland-buffers-local-governments#:~:text=The%20upland%20area%20surrounding%20a,friendly%20land%20use%20and%20development.>

Add a paragraph somewhere in Section 17.10.140 that reads:

No part of a wetland may be counted as part of a lot's square footage for purposes of minimum lot area requirements imposed elsewhere in this Code.

Proposed Text

17.10.015 Findings:

In Adopting this Chapter of the Municipal Code, the City of Medical Lake makes the following findings:

1. **Wetland Buffers Are Essential to Long Term Ecological and Human Health:** It is a fact known in the State of Washington and the City of Medical Lake that wetlands and their buffers are essential for long term ecological health and to human health.

This conclusion is supported by Washington State Department of Ecology Publications: 05-05-06-006 Wetlands in Washington State - Volume 1: A Synthesis of the Science; 05-06-008 Wetlands in Washington State - Volume 2: Guidance for Protecting and Managing Wetlands; 13-06-011 Update on Wetland Buffers: The State of the Science, Final Report.

The findings made herein are based on these publications and other scientific publications of the State of Washington.

2. **Wetland Buffers Protect Water Quality of Wetlands:** Buffers protect the water quality of wetlands through the following mechanisms:
 - a. They remove sediment (and attached pollutants) from surface water flowing across the buffer.
 - b. They biologically treat surface and shallow groundwater through plant uptake or by biological conversion of nutrients and bacteria into less harmful forms.
 - c. They bind dissolved pollutants by absorption onto clay and humus particles in the soil.
 - d. They help maintain the water temperatures in the wetland through shading and blocking wind.
 - e. They remove pollutants from groundwater flows through interaction of the soils and deep-rooted plants.
 - f. They infiltrate polluted surface waters and slow the flow so pollutants can be removed more effectively.
3. **Wetland Buffers Protect Wildlife:** Research indicates buffers benefit wildlife living in and near wetlands.
 - a. Buffers serve as wildlife habitat.
 - b. Buffers can screen wetland habitat from the disturbances of adjacent human development.
 - c. Buffers may provide connectivity between otherwise isolated habitat areas.
4. **Wetland Buffers Trap Pollutants Before They Reach a Wetland:** Research supports the basic conclusion that buffers trap pollutants before they reach a wetland, thus protecting its functions. Many different factors control the effectiveness of a buffer at trapping pollutants. These factors include:
 - a. Width;
 - b. Slope;

- c. Type of vegetation (herbaceous, shrub, trees);
 - d. Type of pollutant (e.g. nitrogen, phosphorus, sediment, coliform bacteria);
 - e. Geochemical and physical properties of the soil;
 - f. Infiltration rates of soils;
 - g. Source of pollutants (surface water or groundwater);
 - h. Concentration of pollutants;
 - i. Path of surface water through the buffer; and
 - j. For phosphorus, the amount of phosphorus already trapped by the soil.
5. **Wetland Buffers Have Other Values:** Wetlands and the buffers serve to mitigate the effects of climate change, drought other pervasive environmental problems.
 6. **Certain Wetland Traits Increase their Ecological Value:** The effectiveness of a buffer depends on a variety of characteristics of the wetland, including but not limited to:
 - a. Buffer width;
 - b. Buffer slope;
 - c. Soil infiltration;
 - d. Surface roughness (partially caused by vegetation);
 - e. Slope length and pitch; and
 - f. Adjacent land use practices.
 7. **Wider Buffers Are Generally Superior to Narrower Buffers:** All else being equal, wider buffers should be more effective than narrower ones at serving the ecological purposes of buffers. However, the other site-specific factors listed above can change the effectiveness of wider buffers. Based on situational differences, different buffer widths may be needed to achieve the same level of protection because other environmental factors are also important.
 8. **Pollution and Disturbance May Reduce the Effectiveness of Buffers:** Buffers may lose their effectiveness if they are subject to very high levels of pollutants. If they become saturated with sediment and pollutants they become less effective.
 9. **Buffer Width Affects Sediment Filtration:** While smaller buffers can effectively reduce coarse sediments and the pollutants that adhere to them, substantially wider buffers are necessary to remove fine sediments. These effects may depend heavily on the character of the buffer itself. Site-specific factors (vegetation density and spacing, initial soil water content, saturated hydraulic conductivity, and sediment characteristics) are so important in determining the effectiveness of a buffer that simple designs do not account for these factors can fail to perform their protective functions.
 10. **Wetlands and Their Buffers Represent Critical Habitats for Most Washington Wildlife:** The majority of wildlife species in Washington use wetland habitats for some portion of their life-history needs.
 11. **Human Activity Can Negatively Affect Buffers:** Human actions can reduce the effectiveness of buffers in the long term through removal of buffer vegetation, soil compaction, sediment loading, and dumping of garbage.
 12. **Higher Intensity Human Activity Near a Buffer May Require a Larger Buffer:** Buffers may become saturated with sediment over time and become less effective at removing pollutants. The literature indicates that this should be considered when determining buffer widths.
 13. **Buffer Widths Are Determined from the Following Four Basic Criteria:**
 - a. The functions and values of the aquatic resource to be protected by the buffer;

- b. The characteristics of the buffer itself and of the watershed contributing to the aquatic resource;
- c. The intensity of the adjacent land use (or proposed land use) and the expected impacts that result from that land use; and
- d. The specific functions that the buffer is supposed to provide, including the targeted species to be managed and an understanding of their habitat needs.

14. Buffer Widths Depend on the Resource Being Protected: Protecting wildlife habitat functions of wetlands generally requires larger buffers than protecting water quality functions of wetlands.

15. Ranges of Effective Buffer Widths:

- a. 25 to 75 feet for wetlands with minimal habitat functions and low-intensity land uses adjacent to the wetland;
- b. 75 to 150 feet for wetlands with moderate habitat functions and moderate or high-intensity land uses adjacent to the wetland;
- c. 150 to 300+ feet for wetlands with high habitat functions, regardless of the intensity of the land uses adjacent to the wetland.

16. Buffers Are Only One Element of Effective Environmental Policy: Current research indicates that a broader approach to protecting wildlife is needed. Buffers alone may not prevent the populations of many species from declining. Wetland policies that rely on only on buffer widths may be ineffective at protecting amphibians or other wetland species that disperse across the landscape.

17. Medical Lake Lies Within the Boundaries of State Water Quality Improvement Projects: As of (Date adoption of new ordinance), the majority of the City of Medical Lake is situated within the boundaries of the Spokane River Dissolved Oxygen Total Maximum Daily Load Project, or the Palouse River Watershed Toxics Total Maximum Daily Load Project, or both. Permit applicants whose properties are within these boundaries have a duty to ensure their applications accurately reflect this fact. This duty also extends to new water quality improvement projects that may be approved by the State of Washington in the future.