



**CITY COUNCIL MEETING AGENDA
TUESDAY, JANUARY 17, 2023
HELD REMOTELY & IN PERSON AT CITY HALL
124 S. LEFEVRE ST.**

- Sign up to provide Public Comment at the meeting via calling in
- Submit Written Public Comment Before 4 pm on (January 17, 2023) - *SEE NOTE*
- Join the Zoom Meeting –
<https://us06web.zoom.us/j/87923154710?pwd=VU1sQlIrRE5hWVdKRDIpUjQ4NVdodz09>

Meeting ID: 879 2315 4710

Passcode: 188877

One tap mobile

+12532050468,,87923154710#,,,,*188877# US

+12532158782,,87923154710#,,,,*188877# US (Tacoma)

Find your local number: <https://us06web.zoom.us/j/kcG4Xh3RLW>

WRITTEN PUBLIC COMMENTS

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

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

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

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

REGULAR SESSION – 6:30 PM

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

- A. Absence(s):

2. AGENDA APPROVAL

3. INTERESTED CITIZENS: AUDIENCE REQUESTS AND COMMENTS

4. ANNOUNCEMENTS / PROCLAMATIONS / SPECIAL PRESENTATIONS

5. REPORTS

- a. Committee Reports
 - i. Finance Committee
 - ii. Public Safety Committee
 - iii. Public Safety Update (FD3/Sheriff)
 - iv. Public Works Committee
- b. Council Comments
- c. Mayor
- d. City Administrator & City Staff
 - i. Legislative Affairs Strategy Presentation
 - ii. 2022 Budget Update

6. WORKSHOP DISCUSSION

- A. Critical Areas Ordinance Update
- B. Credit/Fuel Card Policy and Procedure Update
- C. City Council Internal Committee Assignments
- D. Maintenance Journeyman and Lead Requirements

7. ACTION ITEMS

- A. Consent Agenda
 - i. Approve **January 3, 2023**, minutes
 - ii. Approve **January 17, 2023**, Payroll Claim Warrants **42050** through **42057** and Payroll Payable Warrants **20181** through **20185** in the amount of **\$126,245.44**, Claim Warrants **42081** through **42099** in the amount of **\$247,738.86**, and 13th Month Claim Warrants **42058** through **42080** in the amount of **\$87,251.19**.
- B. Approval of City Council Vacancy Appointment Procedures

8. RESOLUTIONS

- A. 23-566 DSHS Land Lease Amendment #2
- B. 23-567 Parks and Recreation Director Job Description

9. PUBLIC HEARING – No items listed

10. ORDINANCES

11. EMERGENCY ORDINANCES – No items listed

12. UPCOMING AGENDA ITEMS

13. INTERESTED CITIZENS

14. EXECUTIVE SESSION – No items listed

15. CONCLUSION



City of Medical Lake Planning Department
124 S. Lefevre St.
Medical Lake, WA 99022
509-565-5000
www.medical-lake.org

STAFF REPORT TO THE CITY COUNCIL

Date of Staff Report: January 12, 2023

Date of Hearing: February 7, 2023

Staff Planner: Elisa Rodriguez 509-565-5019 or erodriguez@medical-lake.org

Proposal: Critical Areas Ordinance Update

SEPA: A Revised Determination of Non-Significance was made on October 6, 2022.

PROPOSAL

The City of Medical Lake is proposing an update to the Critical Areas Ordinance. First adopted in 1994 and updated in 2010, the current code is out of compliance with the Washington State Growth Management Act. (RCW 36.70A) and the Department of Ecology best available science recommendations. The proposal will replace Chapter 17.10 of the municipal code.

RELEVANT APPROVAL CRITERIA

In order to be approved, this proposal must comply with the criteria of Chapter 17 of the Medical Lake Municipal Code (MLMC). Amendments to development regulations can be approved if the review body finds that the criteria of MLMC Chapter 17.56.100 have been met.

SUMMARY OF THE ORDINANCE

The proposed critical areas ordinance has a primary goal of no net loss of functions for those critical areas within the city limits of Medical Lake. The critical areas being protected are wetlands, fish and wildlife habitat conservation areas, and frequently flooded areas. The critical areas ordinance provides development regulations for those properties containing critical areas. These regulations do not override any other local, state, or federal regulations or requirements, but rather work in conjunction with them. If the critical area does not allow reasonable use of the property, the owner may apply for an exception. In most instances, a critical areas permit will be required for development. The ordinance does list some minor exceptions to this requirement. When development is proposed, the owner or representative must submit an application that includes detailed identification and analysis of the critical area on the site. The delineation and analysis must be performed by a qualified professional. This qualified professional must also propose mitigation for the impacts of the proposed

development. Any activity or development that is subject to this ordinance must first try to avoid impacts to the critical area. If that cannot be done, the applicant must try to minimize impacts and compensate those impacts with mitigation. Generally, the performance standards require the identified critical area to be protected with a buffer that limits human activity. When a critical areas permit is required, the Planning Commission will hold a public hearing and make a recommendation to City Council. The City Council will make the final decision on every application.

PROCEDURAL HISTORY

June 24, 2021,	Planning Commission (PC) introduction to a critical areas ordinance (CAO) update. (consultant)
November 18, 2021,	PC CAO work session to review and discuss proposed ordinance language. (consultant)
December 30, 2021,	PC CAO work session to review and discuss proposed ordinance language. (consultant)
March 31, 2022,	PC CAO work session to review and discuss proposed ordinance language. (consultant)
April 28, 2022,	PC CAO work session to review and discuss proposed ordinance language. (consultant)
May 26, 2022,	PC CAO work session to review and discuss proposed ordinance language. (consultant)
June 30, 2022,	PC CAO work session to review and discuss proposed ordinance language. (consultant)
July 28, 2022,	PC CAO work session to discuss process and potential for replacing proposed ordinance language. (city planner)
August 11, 2022,	PC special meeting CAO work session to review and discuss proposed ordinance language. (city planner)
August 25, 2022,	PC CAO work session to review and discuss proposed ordinance language. (city planner)
September 7, 2022,	SEPA Determination of Non-Significance issued.
September 8, 2022,	Public Notice in Cheney Free Press.
September 8, 2022,	PC special meeting CAO work session to review and discuss proposed ordinance language. (city planner)
September 21, 2022	Intent to Adopt submitted to Washington State Department of Commerce.
September 22, 2022	Public Hearing at Planning Commission. Public comment period extended to October 27, 2022.
October 6, 2022	SEPA Determination of Non-Significance reissued with revised SEPA Checklist.
October 13, 2022	Public Notice in Cheney Free Press.
October 27, 2022	Planning Commission voted to recommend approval of the CAO to City Council.
November 17, 2022	Planning Commission voted to reconsider the CAO decision. Decision was tabled.
December 15, 2022	Planning Commission voted to recommend approval of the CAO to City Council.
January 6, 2023	Updated Intent to Adopt submitted to Washington State Department of Commerce.
January 17, 2023	(Scheduled) City Council Workshop.
January 19, 2023	(Scheduled) Public Notice in the Cheney Free Press.
February 7, 2023	(Scheduled) Public Hearing at City Council to consider ordinance to adopt the CAO.
February 21, 2023	(Scheduled) City Council second reading of the proposed CAO ordinance.

PLANNING COMMISSION REVIEW

The Planning Commission must use the stated criteria in MLMC section 17.56.100 to evaluate the amendment and in making a recommendation to the City Council. The criteria along with the findings can be found in the Staff Report to Planning Commission dated September 15, 2022 (Exhibit).

This update to the Critical Areas Ordinance is required by the State of Washington to come into compliance with legislative changes adopted in 2018. At the June 24, 2021 Planning Commission meeting, a planning consultant hired by the City initiated the process. For a year the consultant worked with the Planning Commission on ordinance language. Out of frustration with the prolonged process, the interim city administrator set a public hearing date for the September Planning Commission meeting. In June of 2022, the City hired an in-house city planner. The city planner, after reviewing the language developed by the consultant, considered it difficult to understand and implement and recommended starting over. The Planning Commission agreed to do so, even though it meant additional meetings to accomplish what was needed by September. The new language was gleaned from the City of Vancouver municipal code and altered to meet the conditions of Medical Lake. The Planning Commission spent many thoughtful hours reviewing the code, considering public comment, and revising the language.

A public notice, inviting written comment advertising the public hearing, was posted on September 8, 2022. The public hearing was held at the September 22, 2022 meeting. Four citizens spoke during the hearing, three submitting written comment (Exhibit). The hearing was closed, but the written comment period was extended until October 27, 2022. Two additional citizens submitted written comment during this time (Exhibit). During the October 27 meeting, the Planning Commission deliberated over changes recommended by the city planner. Some of these changes were definitions to provide some clarity and some were the outcome of the public comment received. The recommended changes were adopted and the Commission voted unanimously to send the draft to City Council with a recommendation of approval.

At the November 17, 2022 Planning Commission meeting a commissioner motioned to reconsider the October decision on the Critical Areas Ordinance. The motioned passed 3-2. The item was tabled until the December meeting with a request for the city planner to provide written response to a document of proposed changes put together by a commissioner and a private citizen.

During the December 15, 2022 Planning Commission meeting, the commission deliberated over the document of proposed changes and the responses by the city planner. Some changes were adopted to the draft. The Commission once again voted unanimously to send the revised draft (Exhibit) along with staff report and findings (Exhibit) to the City Council with a recommendation of approval.

RECOMMENDATION

The Planning Commission recommends approval of the Critical Areas Ordinance Update (1/10/23 Draft).

EXHIBITS

- A. Proposed Code Language
 - 1. Critical Areas Ordinance Update Draft, September 15, 2022
 - 2. Critical Areas Ordinance Update Draft, November 8, 2022
 - 3. Critical Areas Ordinance Update Draft, January 6, 2023 (attached)
- B. Public Notifications
 - 1. Legal Notice, Published in Cheney Free Press on September 8, 2022
 - 2. Legal Notice, Published in Cheney Free Press on October 13, 2022
- C. Meeting Minutes
 - 1. Planning Commission, September 22, 2022
 - 2. Planning Commission, October 27, 2022
 - 3. Planning Commission, November 17, 2022
 - 4. Planning Commission, December 15, 2022
- D. Public Comment
 - 1. Scott Holbrook, spoke and received at PC meeting, September 22, 2022 (attached)
 - 2. Tammy Roberson, spoke and received at PC meeting, September 22, 2022 (attached)
 - 3. Barbara Bauman, spoke and received at PC meeting, September 22, 2022 (attached)
 - 4. Marybeth Benson, spoke at PC meeting, September 22, 2022 (see minutes)
 - 5. Shirley Maike, received email, September 25, 2022 (attached)
 - 6. Shirley Maike, received email, September 29, 2022 (attached)
 - 7. Stewart Mitchell, received email, October 18, 2022 (attached)
 - 8. Diane Nichols, emailed to PC members after comment period, December 15, 2022 (attached)
- E. SEPA
 - 1. SEPA Checklist, September 7, 2022
 - 2. SEPA DNS, September 7, 2022
 - 3. Revised SEPA Checklist, October 6, 2022 (attached)
 - 4. Reissued SEPA DNS, October 6, 2022 (attached)
- F. Agency Responses
 - 1. Department of Natural Resources, email received September 23, 2022 (attached)
- G. Intent to Adopt
 - 1. Notice of Intent to Adopt, September 21, 2022
 - 2. Critical Areas Checklist, September 21, 2022 (attached)
 - 3. Commerce Acknowledgement Letter, September 22, 2022
 - 4. Commerce Acknowledgement Letter (for update), January 22, 2023
- H. Staff Report
 - 1. Staff Report and Recommendation to Planning Commission, September 15, 2022 (attached)
- I. Maps
 - 1. Wetland Map (attached)
 - 2. Frequently Flooded Areas (attached)
 - 3. Fish Habitats (attached)

Critical Areas Ordinance 2022 Update Final Draft from Planning Commission

Chapter 17.10 CRITICAL AREAS

- 17.10.010 - Purpose.
- 17.10.020 - General Provisions.
- 17.10.030 - Applicability and Exemptions from Requirement to Obtain Permit.
- 17.10.040 - Approval Process.
- 17.10.050 - Submittal Requirements.
- 17.10.060 - Approval Criteria.
- 17.10.070 - Fish and Wildlife Habitat Conservation Areas.
- 17.10.080 - Frequently Flooded Areas.
- 17.10.090 - Wetlands
- 17.10.100 - Reasonable Use Exceptions.
- 17.10.110 - Minor Exceptions.
- 17.10.120 - Unauthorized Alterations and Enforcement.
- 17.10.130 - Definitions.

Chapter 17.10 CRITICAL AREAS

17.10.010 - Purpose.

- A. The purpose of this chapter is to designate and protect critical areas and their functions and values, while also allowing for reasonable use of property.
- B. As mandated by the Growth Management Act (RCW 36.70A), this chapter provides protection for the critical areas of wetlands, fish and wildlife habitat conservation areas, and frequently flooded areas.
- C. This chapter implements the goals and policies of the Medical Lake Comprehensive Plan, under the Washington Growth Management Act and other related state and federal laws.

17.10.020 - General Provisions.

- A. *No Net Loss of Functions.* Activity shall result in no net loss of functions and values in the critical areas. Since values are difficult to measure, no net loss of functions and values means no net loss of functions. The beneficial functions provided by critical areas include, but are not limited to, water quality protection and enhancement; fish and wildlife habitat; food chain support; flood storage; conveyance and attenuation of flood waters; ground water recharge and discharge; and erosion control. These beneficial functions are not listed in

order of priority. This chapter is also intended to protect residents from hazards and minimize risk of injury or property damage.

B. Relationship to Other Regulations.

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

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

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

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

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

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

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

17.10.030 - Applicability and Exemptions from Requirement to Obtain Permit.

A. *Applicability.*

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

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

- a. The removal, excavation, grading, or dredging of soil, sand, gravel, minerals, organic matter, or material of any kind.
 - b. The dumping of, discharging of, or filling with any material.
 - c. The draining, flooding, or disturbing the water level or water table.
 - d. Pile driving.
 - e. The placing of obstructions.
 - f. The construction, reconstruction, demolition, or expansion of any structure.
 - g. The destruction or alteration of wetland vegetation through clearing, harvesting, shading, intentional burning, or planting of vegetation that would alter the character of a regulated wetland.
 - h. Activities that result in:
 - i. A significant change of water temperature.
 - ii. A significant change of physical or chemical characteristics of the sources of water.
 - iii. A significant change in the quantity, timing, or duration of the water.
 - iv. The introduction of pollutants.
2. The provisions of this chapter shall apply whether or not a permit or authorization is required.
3. No person, company, agency, or applicant shall alter a critical area or buffer (including removal of downed woody vegetation or application of chemicals harmful to fish and wildlife) except as consistent with the requirements of this chapter.

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

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

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

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

1. *Emergencies.* Those activities necessary to prevent an immediate threat to public health, safety, or welfare, or that pose an immediate risk of property damage and that require remedial or preventative action in a time frame too short to allow for compliance with the requirements of this chapter, so long as all of the following apply:

a. The emergency action uses reasonable methods to address the emergency.

b. The emergency action must have the minimum possible impact to the critical area or its buffer.

c. The property owner, person or agency undertaking such action shall notify the city within one working day following commencement of the emergency activity.

d. After the emergency, the property owner, person or agency undertaking the action shall fully fund and conduct necessary restoration and/or mitigation for any impacts to the critical area and buffers resulting from the emergency action in accordance with an approved Critical Areas Report and mitigation plan. The property owner, person or agency undertaking the action must apply for a critical areas permit. The alteration, Critical Areas Report, and mitigation plan shall be reviewed by the city in accordance with the review procedures contained in this chapter.

e. Restoration and/or mitigation activities must be initiated within three months of the date of the emergency or as otherwise determined by the planning official, and completed in a timely manner.

2. *Valid Critical Areas Permit.* Any development proposed on property pursuant to a currently valid Critical Areas Permit, provided all conditions and requirements of the Critical Areas Permit are met and the proposed activity is within the scope of the original permit.

3. *Hazard Tree.* Emergency or hazard tree removal conducted so that critical area impacts are minimized.

4. *Landscape Maintenance.* Landscape maintenance (other than tree removal or use of pesticides, herbicides, fungicides or fertilizers) consistent with accepted horticultural practices, such as those recommended by the Washington State University Extension Service, within the boundaries of an existing lawn, garden or landscaped area and not associated with development.

5. *Noxious or Invasive Plants*. Clearing of noxious or invasive plants using hand-held equipment such as a weed-whacker, provided (1) fueling and maintenance take place outside the critical area and buffer; (2) all cleared vegetation is taken away and disposed of properly; and (3) denuded soils are stabilized with native vegetation.

6. *State or Federally Approved Conservation or Preservation*. State or federally approved conservation or preservation of soil, water, vegetation, fish, shellfish, and other wildlife that does not entail changing the structure or functions of the existing critical area or buffer.

7. *Harvesting Wild Crops*. The harvesting of wild crops in a manner that is not injurious to natural reproduction of such crops or other native vegetation and provided the harvesting does not require tilling of soil, planting of crops, chemical applications, or alteration of the critical area or buffer by changing existing topography, water conditions or water sources.

8. *Passive Activities*. Passive outdoor recreation, education, and scientific research activities such as fishing, hiking, and bird watching that do not degrade the critical area or buffer.

9. *Land surveys, soil sampling, percolation tests, and other related activities*. In every case, impacts to the critical area or buffer shall be minimized and disturbed areas shall be stabilized immediately.

10. *Navigational Aids and Boundary Markers*. Construction or modification of navigational aids and boundary markers. Impacts to the critical area or buffer shall be minimized and disturbed areas shall be restored within 72 hours.

11. *Agricultural Activities*. Existing and ongoing agricultural activities conducted on lands defined in RCW 84.34.020(2).

12. *State or Federally Approved Restoration or Enhancement Project*. Implementation of a state or federally approved restoration or enhancement project not related to any development project.

13. *Operation, Repair and Maintenance*. Operation, repair, and maintenance of existing structures, infrastructure, roads, sidewalks, railroads, trails, water, sewer, stormwater, power, gas, telephone, cable, or fiber optic facilities if the activity does not further increase the impact to, or encroach farther within, the critical area or buffer and there is no increased risk to life or property as a result of the proposed operation, repair, or maintenance.

14. *Fence Repair*. Maintenance, repair, and in-kind replacement of existing fences.

15. Those activities and uses conducted pursuant to the Washington State Forest Practices Act and its rules and regulations, WAC 222-12-030.

16. Repair and maintenance of legally established non-conforming uses or structures, provided they do not increase the degree of nonconformity.

17.10.040 - Approval Process.

A. *Critical Areas Permit Process.*

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

10. Concurrency determination. The public works director will issue a concurrency determination no more than 14 days after receiving the notice of application per Chapter 16.02

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

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

13. Hearing. An open record hearing will be conducted by the Planning Commission. The Planning Commission must recommend approval, approval with conditions, or denial to the City Council ~~may adopt the planning official's report and recommendation, modify or reject it~~ based on information presented at the hearing and in the record.

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

~~154.~~ Notice of decision. Within seven days of the decision the planning official will mail notice of the review body's decision (pending appeal) to the applicant, the owner and all recognized organizations or persons who responded in writing to the public notice, testified at the hearing, or requested a notice of decision.

~~165.~~ Ability to appeal. A decision may be appealed to Superior Court pursuant of the review process of RCW 36.70C within 14 calendar days of the signed written decision. Appeals must be submitted by 5:00 p.m. on the 14th day of the appeal period. If the 14th day is a legal holiday, the period ends the next business day. On appeal, the City Council shall conduct a closed record hearing. At the appeal hearing, the appellant, applicant and the city may present written and oral argument limited to matters within the record. The city council may affirm, reverse, modify or remand the decision of the Planning Commission. If the City Council modifies the Planning Commission's decision, it may add new or different conditions as supported by the record, city ordinance or adopted policies/standards. The City Council action shall be passed by a majority vote and set forth in the resolution or ordinance that accompanies the recommendation.

~~176.~~ Recording. All decisions of approval, including conditions, shall be recorded with Spokane County Auditor. The applicant is responsible for the recording the decision against the property and must provide a copy of the recorded decision to the planning department. The decision must be recorded before the approved use is permitted and/or permits are issued, but no later than 30 days from the final decision.

~~187.~~ Effective date. The effective date is the day the decision is signed.

~~198.~~ Expiration. The critical areas permit expires 5 years after the approval date.

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

1. *Covenants*. This section applies to all nonexempt projects that involve critical areas and buffers.
 - a. In order to inform subsequent purchasers of real property of the existence of critical areas, the owner of any property containing a critical area or buffer on which a development proposal is approved shall file a covenant with the county records and elections division according to the direction of the city. The covenant shall state the presence of the critical area or buffer on the property, the application of this chapter to the property, and the fact that limitations on actions in or affecting the critical area or buffer may exist. The covenant shall “run with the land.”
 - b. The applicant shall submit proof that the covenant has been filed for public record before the city approves any site development or construction for the property or, in the case of subdivisions, short subdivisions, planned unit developments, binding site plans, and other developments that involve platting, at or before recording of the plat.
2. *Tracts*. This section applies in addition to subsection (B)(1) of this section to projects that involve platting on properties containing fish and wildlife habitat conservation areas, wetlands, and their buffers. The location of the tract, critical area(s), and buffer(s) shall be shown on the face of the plat. See subsection (B)(2)(b) of this section for exceptions.
 - a. The property owner shall place the subject critical areas and buffers in one or more nondevelopable tracts except when:
 - i. Creation of a nonbuildable tract would result in violation of minimum lot depth standards; or
 - ii. The responsible official determines a tract is impractical.
 - b. When an exception in subsection (B)(2)(a) of this section applies, residential lots may extend into the critical area(s) or buffer(s) provided:
 - i. The location of the outer perimeter of the critical area(s) and buffer(s) is marked in the field and approved by the planning official prior to the commencement of permitted activities and maintained throughout the duration of the permit.
 - ii. A permanent physical demarcation along the outer/upland boundary of the critical area buffer(s) is installed and thereafter maintained. Such demarcation may consist of fencing, hedging or other prominent physical marking that allows wildlife passage, blends with the critical area environment, and is approved by the planning official.
 - iii. Permanent signs are posted at an interval of one per lot for single-family residential uses or at a maximum interval of 200 feet, or as otherwise determined by the planning official, and must be perpetually maintained by the property owner. The sign shall be worded as follows or with alternative language approved by the planning official: “Protected Natural Resource. Call 509-565-5000 for more information.”

C. *Financial Assurances.*

1. When mitigation required pursuant to a development proposal is not completed prior to the city final permit approval, such as final plat approval or final building inspection, the city shall require the applicant to provide security in a form and amount deemed acceptable by the city. If the development proposal is subject to mitigation, the applicant shall provide security in a form and amount deemed acceptable by the city to ensure mitigation is fully functional (including but not limited to construction, maintenance, and monitoring). The security shall be in the amount of 125 percent of the estimated cost of restoring the functions of the critical area that are at risk.
2. The security shall remain in effect for a minimum of 5 years or until the city determines, in writing, that the standards have been met.
3. Depletion, failure, or collection of bond funds shall not discharge the obligation of an applicant or violator to complete required mitigation, maintenance, monitoring, or restoration.
4. Public development proposals shall be relieved from having to comply with the bonding requirements of this section if public funds have previously been committed in the project budget or capital improvement budget for mitigation, maintenance, monitoring, or restoration.
5. Failure to satisfy any critical area requirements established by law or condition including, but not limited to, the failure to provide a monitoring report within 30 days after it is due or comply with other provisions of an approved mitigation plan shall constitute a default, and the city may demand payment of any financial guarantees or require other action authorized by the city code or any other law.
6. Any funds recovered pursuant to this section shall be used to complete the required mitigation. Excess funds shall be returned to the applicant.

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

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

17.10.050 - Submittal Requirements.

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

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

1. The name and contact information of the applicant, a description of the proposal, and identification of the permit requested;
2. A copy of the site plan for the development proposal including:
 - a. A map to scale depicting critical areas, buffers, the development proposal, and any areas to be cleared; and
 - b. Estimate of conditions of all critical areas within 250 feet of the project boundaries using best available information.
 - c. Proposed stormwater management and sediment control plan for the development including a description of any impacts to drainage alterations; and
 - d. A digital map of the geographic information required pursuant to the applicable provisions of this chapter for each critical area and buffer on site.
3. The dates, names, and qualifications of the persons preparing the report and documentation of any fieldwork performed on the site;
4. *Identification and scientific characterization of all critical areas and buffers.* The scientific characterization shall include a detailed assessment of the functional characteristics of the critical areas;
5. An assessment of the probable impacts to critical areas and buffers and risk of injury or property damage including permanent, temporary, temporal, and indirect impacts resulting from development of the site and the operations of the proposed development;
6. A written response to each of the approval criteria in section 17.10.060 Approval Criteria;
7. Plans for adequate mitigation, as needed, to offset any impacts, in accordance with the Mitigation Plan Requirements below.

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

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

E. *Critical Areas Report – Modifications to Requirements.* Modifications to Required Contents. The applicant may consult with the planning official prior to or during preparation of the Critical Areas Report to obtain city approval of modifications to the required contents of the report where, in the judgment of a qualified professional, more or less information is required to adequately address the potential impacts to any critical

areas or buffers and the required mitigation. The planning official may also initiate a modification to the required report contents by requiring either additional or less information, when determined to be necessary to the review of the proposed activity in accordance with this chapter.

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

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

- a. The proposed construction sequence, timing, and duration;
- b. Grading and excavation details;
- c. Erosion and sediment control features;
- d. A planting plan specifying plant species, quantities, locations, size, spacing, and density; and
- e. Measures to protect and maintain plants until established.

f. Surface and subsurface hydrological conditions unless hydrological conditions are irrelevant to the subject critical area.

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

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

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

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

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

17.10.060 - Approval Criteria.

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

A. *Avoid Impacts.* The Applicant shall first seek to avoid all impacts that degrade the functions and values of critical area(s). This may necessitate a redesign of the proposal.

B. *Minimize Impacts.* Where avoidance is not feasible, the applicant shall minimize the impact of the activity and mitigate to the extent necessary to achieve the activity's purpose and the purpose of this ordinance. The applicant shall seek to minimize the fragmentation of the resource to the greatest extent possible.

C. *Compensatory Mitigation.* The applicant shall compensate for the unavoidable impacts by replacing each of the affected functions to the extent feasible. The compensatory mitigation shall be designed to achieve the functions as soon as practicable. Compensatory mitigation shall be in-kind and on-site, when feasible, and sufficient to maintain the functions of the critical area, and to prevent risk from a hazard posed by a critical area to a development or by a development to a critical area.

D. *No Net Loss.* The proposal protects the critical area functions and values and results in no net loss of critical area functions and values.

E. *Consistency with General Purposes.* The proposal is consistent with the general purposes of this chapter and does not pose a significant threat to the public health, safety, or welfare on or off the development proposal site;

F. *Performance Standards.* The proposal meets the specific performance standards of Fish and Wildlife Habitat Conservation Areas section 17.10.070.C, Frequently Flooded Areas section 17.10.080.D, and Wetlands section 17.10.090.F, as applicable.

17.10.070 - Fish and Wildlife Habitat Conservation Areas.

A. *Designation.*

1. Final designations shall be based on site conditions and other available data or information. There are established in the city the following identified Fish and Wildlife Habitat Conservation Areas:

- a. Habitat used by any life stage of state or federally designated endangered, threatened, and sensitive fish or wildlife species. A current list of federally and state identified species is available from the Washington State Department of Fish and Wildlife.
- b. *Priority Habitats and areas associated with Priority Species.* Current maps and lists of Priority Habitats and Species and applicable management recommendations are available from the Washington Department of Fish and Wildlife.
- c. Water bodies including lakes, streams, rivers, and naturally occurring ponds.
- d. Riparian Management Zones. Riparian management zones shall be determined using the best available science, including the Washington Department of Fish and Wildlife publication Riparian Ecosystems: Volumes 1 & 2 (updated July 2020 or as revised).

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

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

The habitat location information is based on:

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

B. *Additional Critical Areas Report Requirements.*

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

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

- a. Observations and measurements of riparian integrity and quality (buffer width, riparian corridor continuity or fragmentation, species diversity, stand age, plant survival rates)

- b. Large woody debris surveys
 - c. Streamflow monitoring
 - d. Water quality monitoring to detect pollution impacts
 - e. Biological monitoring (including fish surveys and benthic macroinvertebrate sampling)
2. If the clearing or development activity is in the Riparian Management Area, the Critical Areas Report shall contain the following information, if applicable, in addition to the general Critical Areas Report requirements of Section 17.10.050.B:
- a. How the clearing or development activity constitutes a water-dependent, water-related or water-enjoyment use; or
 - b. How the clearing or development activity cannot feasibly be located on the site outside of the Riparian Management Area; and
 - c. How the proposal meets the Riparian Management Area width averaging standard in Section 17.10.070.C.3.c; and
 - d. How the proposal will not adversely affect the connectivity of habitat functions.

C. Performance Standards.

1. General.

- a. Development or clearing activities shall protect the functions of the Habitat Conservation Areas on the site. The activity shall result in no net loss of functions. Protection can be provided by avoiding (the preferred protection) or minimizing and mitigating as described in the general critical areas approval criteria in Section 17.10.060. Functions include:
 - i. Providing habitat for breeding, rearing, foraging, protection and escape, migration, and overwintering; and
 - ii. Providing complexity of physical structure, supporting biological diversity, regulating stormwater runoff and infiltration, removing pollutants from water, and maintaining appropriate temperatures.
- b. An applicant shall replace any lost functions preferably by restoring or if not, then by enhancing other habitat functions, so long as the applicant demonstrates that enhancement of the other functions provides no net loss in overall functions and maintains habitat connectivity. An example of unavoidable loss of function would be interruption of a travel corridor in a Riparian Management Zone. To the maximum extent feasible, enhancement shall be undertaken on-site.

c. If development or clearing activity is within a Priority Habitat and Species area, the applicant shall follow Washington Department of Fish and Wildlife Management Guidelines, Management Recommendations or other standards approved by the Washington Department of Fish and Wildlife. Where there are no guidelines, recommendations or other standards, development or clearing may occur provided that:

- i. The development or clearing results in no net loss of habitat function on the site; and
- ii. Functionally significant habitat, defined as habitat that cannot be replaced or restored within 20 years, shall be preserved.

d. Signs for Fish and Wildlife Conservation Areas

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

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

2. Riparian Management Zones.

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

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

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

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

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

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

17.10.080 - Frequently Flooded Areas.

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

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

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

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

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

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

5. Certification, documentation, and demonstration by a qualified professional of how the applicable performance standards will be met.

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

1. *Prohibited Encroachments.* The following are prohibited in the floodway:

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

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

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

17.10.090 – Wetlands.

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

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

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

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

1. Category I wetlands are: 1) alkali wetlands; 2) wetlands of high conservation value that are identified by scientists of the Washington Natural Heritage Program/DNR; 3) bogs and calcareous fens; 4) mature and old-growth forested wetlands over ¼ acre with slow-growing trees; 5) forests with stands of aspen; and 6) wetlands that perform many functions well (scores between 22-27). These wetlands are those that 1) represent a unique or rare wetland type; or 2) are more sensitive to disturbance than most wetlands; or 3) are relatively undisturbed and contain ecological attributes that are impossible to replace within a human lifetime; or 4) provide a high level of function.
2. Category II wetlands are: 1) forested wetlands in the floodplains of rivers; 2) mature and old-growth forested wetlands over ¼ acre with fast-growing trees; 3) vernal pools; and 4) wetlands that perform functions well (scores between 19-21 points). These wetlands are difficult, though not impossible, to replace and provide high levels of some functions.
3. Category III wetlands have a moderate level of functions (scores between 16-18 points). They generally have been disturbed in some way and are less diverse or more isolated from other natural resources. These wetlands can be often adequately replaced with well-planned mitigation.
4. Category IV wetlands have the lowest levels of functions (scores fewer than 16 points) and are often heavily disturbed. These are wetlands that should be able to be replaced, or in some cases improved. However, experience has shown that replacement cannot be guaranteed in any specific case. These wetlands may provide some important functions and also need to be protected.

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

1. A written assessment, data sheets and accompanying maps of any wetlands or buffers on the site including the following information:
 - a. Hydrogeomorphic (HGM) subclassification and Cowardin class;
 - b. Wetland category;
 - c. Wetland delineation and required buffers;

- d. Existing wetland acreage;
 - e. Vegetative, faunal, and hydrologic characteristics;
 - f. Soil types and substrate conditions;
 - g. Topographic elevations, at one-foot contours; and
 - h. A discussion of the water sources supplying the wetland and documentation of hydrologic regime (locations of inlet and outlet features, water depths throughout the wetland, evidence of recharge or discharge, evidence of water depths throughout the year -- drift lines, algal layers, moss lines, and sediment deposits).
2. Functional evaluation for the wetland and buffer using Ecology's most current approved method and including the reference of the method and all data sheets.
3. Proposed mitigation, if needed, including a discussion of alternatives and trade-offs inherent in the various alternatives (for example, where enhancement for one function would adversely affect another), a written description and accompanying maps of the mitigation area, including the following information:
- a. Existing and proposed wetland acreage;
 - b. Existing and proposed vegetative and faunal conditions;
 - c. Surface and subsurface hydrological conditions of existing and proposed wetlands and hydrologically associated wetlands including an analysis of existing hydrologic regime and proposed hydrologic regime for enhanced, created, or restored mitigation areas;
 - d. Relationship to lakes, streams and rivers in the watershed;
 - e. Soil type and substrate conditions;
 - f. Topographic elevations, at one-foot contours;
 - g. Required wetland buffers including existing and proposed vegetation;
 - h. Identification of the wetland's contributing area; and
 - i. A functional assessment of proposed mitigation to ensure no net loss of shoreline ecological function.

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

1. *Wetlands.*

a. In Category I wetlands only the following activities may be allowed:

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

ii. Trails and wildlife viewing structures; provided, that the trails and structures minimize the impact and are constructed so that they do not interfere with wetland hydrology and do not result in increased sediment entering the wetland.

b. In Category II wetlands only the following activities may be allowed:

i. Activities allowed in Category I wetlands.

ii. Enhancement and restoration activities aimed at protecting the soil, water, vegetation or wildlife.

iii. Within shoreline jurisdiction, water-dependent, water-related or water-enjoyment activities where there are no feasible alternatives that would have a less adverse impact on the wetland, its buffers and other critical areas.

iv. Where non-water dependent, related or enjoyment activities are proposed, it shall be presumed that alternative locations are available, and activities and uses shall be prohibited unless the applicant demonstrates that the basic project purpose cannot reasonably be accomplished and successfully avoid or result in less adverse impacts on a wetland on another site or sites in the city of Medical Lake.

c. In Category III wetlands only the following activities may be allowed:

i. Activities allowed in Category II wetlands.

ii. Other activities may be allowed if the applicant demonstrates that the basic project purpose cannot reasonably be accomplished and avoid or result in less adverse impacts on a wetland or its buffer than alternative uses or designs (including reduction in the size, scope, configuration or density of the project).

iii. Stormwater management facilities. A wetland or its buffer can be physically or hydrologically altered if: 1) there will be no net loss of functions and values of the wetland; 2) the wetland does not contain a breeding population of any native amphibian species; 3) the wetland lies in the natural routing of the runoff, and the discharge follows the natural routing; 4) all local and state stormwater regulations, codes, manuals, and permits are being followed; and 5) all functions and values that are lost will be compensated.

- d. In Category IV wetlands only the following activities may be allowed:
 - i. Activities allowed in Category III wetlands.
 - ii. Activities and uses that result in impacts may be permitted in accordance with an approved critical areas report and mitigation plan if the proposed activity is the only reasonable alternative that will accomplish the applicant's objectives. Full mitigation for the loss of acreage and functions shall be provided under the terms established pursuant to Section 17.10.090.F.2.

2. *Wetland Buffers.*

- a. **Buffer Requirements.** The following buffer widths have been established in accordance with the best available science. They are based on the land use intensity, the category of wetland, and the habitat score as determined by a qualified wetland professional using the *Washington State Wetland Rating System for Eastern Washington; 2014 Update* (Ecology Publication #14-060-030, or as revised).
- b. For high intensity uses, the buffers in Table 17.10.090(3) can be used if the impact measures of Table 17.10.090(5) are implemented.
- c. If an applicant chooses not to, or are unable to apply the impact measures of Table 17.10.090(5), then Table 17.10.090(4) must be used.
- d. The buffer widths in Tables 17.10.090(2-4) assume that the buffer is vegetated with a native plant community appropriate for the ecoregion. If the existing buffer is unvegetated, sparsely vegetated, or vegetated with invasive species that do not perform needed functions, the buffer should either be planted to create the appropriate plant community or the buffer should be widened to ensure that adequate functions of the buffer are provided.
- e. Buffer widths are measured horizontally from the edge of the wetland:
- f. All buffers shall be measured from the wetland boundary as surveyed in the field.
- g. Areas which are completely functionally separated from a wetland and do not protect the wetland from adverse impacts may be excluded from buffers otherwise required.

Table 17.10.090(1) LAND USE INTENSITIES

Land Use Intensity	Land Use
High	Commercial, industrial, and institutional uses. Residential uses greater than 1 unit per acre. High-intensity recreation such as golf courses, playgrounds, and ball fields.

Land Use Intensity	Land Use
Moderate	Residential uses equal to or less than 1 unit per acre. Moderate-intensity recreation such as paved trails. Utility corridors without a maintenance road.
Low	Low-intensity open space including unpaved trails.

Table 17.10.090(2) Buffer widths for Low Intensity Uses

Wetland Category	Buffer width (in feet) based on habitat score			
	3-4	5	6-7	8-9
Category I: Based on total score or Forested	50	60	75	125
Category I: Bogs and Wetlands of High Conservation Value	175			
Category I: Alkali	125			
Category II: Based on total score or Forested	50	60	75	125
Category II: Vernal pool	125			
Category III	40	60	75	125
Category IV	25			

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

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

Category II: Vernal pool	150			
Category III	60	90	120	150
Category IV	40			

Table 17.10.090(4) Buffer Widths for High Intensity Uses

Wetland Category	Buffer width (in feet) based on habitat score			
	3-4	5	6-7	8-9
Category I: Based on total score or Forested	100	130	180	200
Category I: Bogs and Wetlands of High Conservation Value	250			
Category I: Alkali	200			
Category II: Based on total score or Forested	100	130	180	200
Category II: Vernal pool	200			
Category III	80	130	180	200
Category IV	50			

Table 17.10.090(5) Measures to Minimize Impacts on Wetlands

Disturbance	Required Measures to Minimize Impacts
Lights	<ul style="list-style-type: none"> • Direct lights away from wetland
Noise	<ul style="list-style-type: none"> • Locate activity that generates noise away from wetland • If warranted, enhance existing buffer with native vegetation plantings adjacent to noise source • For activities that generate relatively continuous, potentially disruptive noise, such as certain heavy industry, establish an additional 10' heavily vegetated buffer strip immediately adjacent to the outer wetland buffer
Toxic runoff	<ul style="list-style-type: none"> • Route all new, untreated runoff away from wetland while ensuring wetland is not dewatered • Establish covenants limiting use of pesticides within 150' of wetland • Apply integrated pest management

Stormwater runoff	<ul style="list-style-type: none"> • Retrofit stormwater detention and treatment for roads and existing adjacent development • Prevent channelized flow from lawns that directly enters the buffer • Use Low Intensity Development techniques
Change in water regime	<ul style="list-style-type: none"> • Infiltrate or treat, detain, and disperse into buffer new runoff from impervious surfaces and new lawns
Pets and human disturbance	<ul style="list-style-type: none"> • Use privacy fencing or plant dense vegetation to delineate buffer edge and to discourage disturbance using vegetation appropriate for the ecoregion • Place wetland and its buffer in a separate tract or protect with a conservation easement
Dust	<ul style="list-style-type: none"> • Use best management practices to control dust

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

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

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

G. *Signs and Fencing of Wetlands.*

1. The location of the outer perimeter of the wetland and buffer shall be marked in the field, and such marking shall be approved by the planning official prior to the commencement of permitted activities. Such field markings shall be maintained throughout the duration of the permit.
2. A permanent physical demarcation along the upland boundary of the wetland buffer shall be installed and thereafter maintained. Such demarcation may consist of fencing, hedging or other prominent physical marking that allows wildlife passage, blends with the wetland environment, and is approved by the planning official.

3. Permanent fencing of the wetland buffer on the outer perimeter shall be erected and thereafter maintained when there is a substantial likelihood of the presence of domestic grazing animals within the property unless the planning official determines that the animals would not degrade the functions of the wetland or buffer.

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

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

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

a. The lost wetland or buffer provides minimal functions as determined by a site-specific function assessment, and the proposed compensatory mitigation action(s) will provide equal or greater functions or will provide functions shown to be limited within a watershed through a formal Washington State watershed assessment plan or protocol; or

b. Out-of-kind replacement will best meet formally identified watershed goals, such as replacement of historically diminished wetland types.

2. *Mitigation Actions.*

a. *Creation.* The manipulation of the physical, chemical or biological characteristics present to develop a wetland on an upland or deepwater site where a biological wetland did not previously exist. Activities typically involve excavation of upland soils to elevations that will produce a wetland hydroperiod, hydric soils, and support the growth of hydrophytic plant species. Creation results in a gain in wetland acres and functions.

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

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

1. The application of this chapter would deny all reasonable economic use of the property;
2. No other reasonable economic use of the property has less impact on the critical area;
3. The proposed impact to the critical area is the minimum necessary to allow for reasonable economic use of the property;
4. The inability of the applicant to derive reasonable economic use of the property is not the result of actions by the applicant after the effective date of this chapter, or its predecessor;
5. The proposal does not pose a significant threat to the public health, safety, or welfare on or off the development proposal site;
6. The proposal mitigates for the loss of critical area functions to the greatest extent feasible.
7. The proposal is consistent with other applicable regulations and standards.

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

17.10.110 - Minor Exceptions.

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

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

1. Unusual conditions or circumstances exist that are peculiar to the intended use, the land, the lot, or something inherent in the land, and that are not applicable to all other lands in the city;
2. The unusual conditions or circumstances do not result from the actions of the applicant;
3. Granting the minor exception requested will not confer on the applicant any special privilege that is denied by this chapter to other lands, structures, or buildings under similar circumstances;
4. The minor exception is necessary for the preservation and enjoyment of a substantial property right of the applicant such as is possessed by the owners of other properties in the city;

5. Degradation of the functions (including public health and safety) of the subject critical areas and any other adverse impacts resulting from granting the minor exception will be minimized and mitigated to the extent feasible in accordance with the provision of this chapter;

6. Granting the minor exception will not otherwise be materially detrimental to the public welfare or injurious to the property or improvements in the vicinity of the subject property;

7. The proposed development complies with all other applicable standards.

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

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

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

17.10.120 - Unauthorized Alterations and Enforcement.

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

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

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

food chains, reducing flooding and erosive flows, wave attenuation, historical or archaeological importance, educational opportunities, and recreation.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Wetlands – Those areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas.

Wetlands do not include those artificial wetlands intentionally created from non-wetland sites, including, but not limited to, irrigation and drainage ditches, grass-lined swales, canals, detention facilities, wastewater treatment facilities, farm ponds, and landscape amenities, or those wetlands created after July 1, 1990, that were unintentionally created as a result of the construction of road, street, or highway. Wetlands may include those artificial wetlands intentionally created from non-wetland areas to mitigate the conversion of wetlands.

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

Wetland Waters - Seen and Unseen

There is a magic place approximately 10' – 15' down in the earth where the temperature of the ground is fairly constant at about 50 degrees Fahrenheit all year long. It is called the Average Annual Temperature and is made up of the average temperatures every 24 hours and every 365 days a year. In other words, no matter what happens temperature wise on the surface of our land in our country, down about 12' – 13' it stays a constant temperature. This phenomenon is consistent in the lower 48 states.

Across our country lands that gain moisture thru rain and snow and do not allow that moisture to percolate thru to the underground aquifers are called wetlands. They help moderate our temperatures. They help maintain that average annual temperature. And they water plant life which in turn waters and feeds the animal life or wildlife (Flora and Fauna) and the many birds, fish and insect in our world. Insects like the honeybee that pollinate a lot of the foods you eat. Without these pollinators you would not have many of the foods you eat.

All of this is part of our ecosystem. When you hear frogs you know that you have a balanced and happy eco system. When you don't hear frogs in a wetland there may be something wrong.

Does the balance of our eco system effect the quality of life on this planet? The uneducated and unconcerned think and say NO. The educated and concerned say YES. The wildlife says YES, the plants, trees, bushes flowers say YES. The honeybees that do so much pollinating so we can eat say YES. Butterflies say YES. Fish, water fowl, and birds of all kinds say YES. What happens when this balanced system gets out of balance?

The wetland boundary that we talk so much about is a theoretical line that can fluctuate each year sometimes quite high and sometimes lower in lower water years. A wetland boundary line that is marked on a drawing is often drawn too low or close in when someone wants to justify building too close to a wetland and sometimes it is too far out when activists want to save a wetland. For every wetland boundary as seen on the surface there is a corresponding line or area beneath the soil that designates the underground plume of the wetland and extends its boundary. This line is not the same year after year. It fluctuates depending on the moisture we get. That is why some years our homes that were built too close have mold problems in their crawl spaces. That is also why the area around wetlands are greener adjacent to the boundary

Every map of the wetland showing the above ground boundary should also have a corresponding dotted line marking the underground plume where the wetland extends underground and outward from the above ground boundary line. This line can extend out 10 feet or 110 feet. *(On the Stanley project we asked why they were removing 5700 CY of dirt and replacing it with 7200 CY of dirt. Just to give you a relative idea how much 5700 CY is, it takes 300 - 19yd trailer hauls to remove 5700 CY of excavated fill dirt. It takes 379 trailer hauls to bring in 7200 CY of fill dirt. We asked what was the excavation for and never got an answer. In my opinion they were they removing wetland plume dirt that was not suitable for foundations? Most projects try to balance the cut and fill so as not to remove dirt from the project site which is expensive. This project removed a lot of dirt and we could never get an answer to the questions of what was the excavation and removed dirt for? This was a major red flag.)*

Usually the ground adjacent to a wetland, beyond the boundary is greener most of the year compared to the land just beyond. This is the plume that is saturated with wetland water. Based on a variety of conditions this underground water stays most of the year to keep the plant life moist and alive. Have you ever wondered why some stands of trees, bushes, flora are green all year and yet no one waters them? And in our area we do not have much rain during the summer months. It is these underground pockets of water that keep much of the flora alive. In our area we have an exceptionally good amount of rock that is tight together and after years and years of silty soils running over them the pores fill up and they hold water. Medical Lake, West Medical Lake, Silver Lake, Clear Lake and the countless small lakes and ponds surrounding these lakes (with no inlets nor outlets) and our city come to mind. Mother Nature has created these bodies of water for a purpose. They help water the flora and fauna and moderate our local temperatures. Wetlands are an essential part of our eco system and should not be disturbed. Once we allow out of town developers to build on our wetlands then the word gets out and everybody wants to buy swamp land in Medical Lake and build on our precious wetlands, destroying the home of countless wildlife, beneficial insects and others that call them home. And like Ansel Adams said once they are gone they are gone and you can't get them back.

Scott Holbrook, retired architect / 424 W Brooks Rd, Medical Lake / 509-842-8698 / earthsun51@gmail.com

Public Hearing Comments to Draft Critical Areas Ordinance (CAO)

(Please have these comments (1 page in total), Dated September 22, 2022 included with the Planning Commission Minutes for today's public hearing.)

Dear City Officials and Planning Commission Members,

I understand that there could be a vote on the proposed draft critical areas ordinance today. I have previously submitted detailed comments to that draft. As near as I can tell, those comments have not been addressed. For example, my comments identify typos in the draft ordinance that have not yet been corrected. In addition, my comments propose a variety of reasonable changes to the draft that will improve citizen involvement, clarify ambiguities and help ensure that future development applications leave a suitable written record to citizens to review. I renew my comments and urge you to take the necessary time to revise this draft ordinance to make it as good as it can possibly be.

In addition, in the time since your last meeting, I have identified more governmental guidance that I believe will be helpful in evaluating and revising the draft ordinance. That guidance is: Critical Areas Handbook: A Handbook for Reviewing Critical Areas Regulations published by the Department of Commerce, 2018. <https://www.commerce.wa.gov/serving-communities/growth-management/growth-management-topics/critical-areas/>

I found the following passages to be particularly relevant to my previous comments:

“A well-documented record should support local governments’ decision-making, including the facts relied upon, the analysis used, and the conclusions reached. The record should include a description of the review that was conducted, and the rationale for that review. Once adopted, the critical areas regulations should contain a **“Findings of Fact”** or other statement that documents this process...” (Chapter 1, page 5 from Dept of Commerce Critical Areas Handbook dated June 2018)

“While development regulations typically apply to new construction activities, the code language for critical areas needs to be broad enough that it protects critical areas from all development activities, including those that do not involve new structures, **such as roads**.” (Chapter 3, page 2 from Dept of Commerce Critical Areas Handbook dated June 2018)

Finally, I want to direct the commission’s attention to state regulations governing critical areas ordinances: WAC 365-190 is titled “minimum guidelines to classify agriculture, forest, mineral lands and critical areas.” <https://app.leg.wa.gov/wac/default.aspx?cite=365-190&full=true>

WAC 365-190-090(2) requires this commission to consider up-to-date guidance from governmental agencies.

I am extremely grateful for your time, attention, and service throughout this important process.

Tammy Roberson, 424 W Brooks Rd, Medical Lake (tmroberson61@gmail.com)

The wetland issue in our city is nothing new. Unfortunately in the past it was treated without much importance, even though our ecosystems and health of our environment; city and our citizens depend on it.

As a citizen since 2000 and witnessing City politics for 20 years, it has been a hard watch. After being extremely involved in the N Stanley situation and knowing that the environment and life that relied on that environment was literally kicked to the curb, rules bent and actions which were taken during a time when no such actions should have been allowed. The only reason that one blew up was because people were afraid the apartments would bring in sexual predators and other crime. And now?????

Moving and pushing boundaries, workers washing off their boots in the middle of the wetland, and just a non caring attitude/behaviors of the importance to our environment. Now construction workers are parking on the edge of the existing land.

It's too late for the wetland on N Stanley and for the wetlands behind / around the elementary school which got pushed through it is my understanding that there is a proposed subdivision near/behind the maintenance shop. I am pleading that the city take the reigns back and do what is in the best interest of the environment, not development. The other wetlands and its inhabitants suffered dearly from selfish developer money desires and a city not standing up for the environment that makes our town unique.

It is my hope that the planning commission, the city officials and the developers get beyond the greed and money and think about the generations to come and how these current and future projects are handled and the wetlands, wildlife and other environmental factors are not ignored and literally overlooked for the mighty dollar. I was aware of another wetland not too far away that was literally moved from Spokane County to Stevens County near Loon Lake. How does that benefit the occupants that called that area and every wet land we destroy or figuratively move help anything? Over 50 miles away.

Finally being able to access the Zoom meetings recently, I felt that no one really cared about our wetlands and the effects on the aquifer and our diverse, fragile environment. Let's do it right going forward. If not now, when? If not your educated direction and voice, who? Before it's too late.

Tammy's background, experience, and knowledge is a God send and saves you a ton of work. What I witnessed on the zoom call, didn't appear that the planning commission would rather just move to the next agenda item. Her knowledge and input is free consulting services, please don't pass it up. And please plan for long term, not today, not a couple years. The situation on North Stanley St is unforgivable.

Thank you.

Barb Baumann

1009 N Stanley Street Medical Lake, WA 99022

Elisa Rodriguez

From: Shirley Maike <smaike@centurytel.net>
Sent: Sunday, September 25, 2022 10:20 AM
To: scottscuncan@medical-lake.org; Elisa Rodriguez
Subject: Critical Areas Ordinance

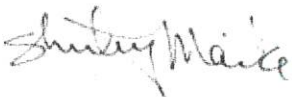
I have reviewed the proposed ordinance that was presented to the Planning Commission last week. Page 7 # 13 and 14 state that the Planning Commission may adopt the planning official's report and recommendations....etc. and that within seven days of the decision, the planning official will mail notice of the review body's decision (pending appeal)....

I do not find any definition of the "review body" but in this context it appears that that the decision is made by the planning commission not the council or other body/individual. In reviewing RCW 35.63, I find numerous references to a Planning Commission making recommendations to the Council but found no reference that the Planning Commission has the authority in and of itself to be a decision making body. And in my 30 years as a City Council member and Mayor, at no time were we told that the Planning Commission could make decisions on its own right. They were recommendations to the Council only. That's one reason we had a hearings examiner.

I am asking that you provide me with legal authority that grants the Planning Commission the authority to make a decision about an application to impact a critical area rather than make a recommendation to the Council.

On page 6, # 7, it is stated that the applicant and public are notified of the application's completeness and that a public hearing will be held. Is this for every single application in a critical area? Single family homes, etc? I seems that this will delay development by days if not months and when homelessness is such an issue in every community how does requiring a public hearing for every single application in a critical area help to abate this issue?

I look forward to hearing from you on these issues.



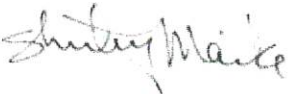
Shirley Maike
PO Box 388
Medical Lake, WA 99022-0388
509.299.5451
Cell: 509.981.3363
Email: smaike@centurytel.net

Elisa Rodriguez

From: Shirley Maike <smaike@centurytel.net>
Sent: Thursday, September 29, 2022 7:12 PM
To: Elisa Rodriguez
Subject: RE: Critical Areas Ordinance

Elisa, that's why the City has had a Hearings Examiner for so many years. And the City Administrator/Planner was able to make the minor decisions. If the expectation that every application in a critical area must have a public hearing, there is a heavy burden on one individual (hearing examiner/city administrator) or group (city council). It might be helpful to examine why every single application has to have a public hearing.

I appreciate your taking the time to investigate the legality of having a planning commission make final decisions. This effort will save the city from litigation down the road.



Shirley Maike
PO Box 388
Medical Lake, WA 99022-0388
509.299.5451
Cell: 509.981.3363
mail: smaike@centurytel.net

From: Elisa Rodriguez <ERodriguez@medical-lake.org>
Sent: Thursday, September 29, 2022 2:27 PM
To: Shirley Maike <smaike@centurytel.net>
Cc: Mayor Terri Cooper <tcooper@medical-lake.org>
Subject: RE: Critical Areas Ordinance

Dear Shirley,

First, I want to say that in my planning experience I have worked for jurisdictions where the Planning Commission was the decision-making body for some types of applications. When I wrote the critical areas ordinance update, I wanted to make sure that there was a public hearing, but didn't want to overburden an applicant with requiring a City Council decision. After reading through all the RCW's and WAC's and speaking to our legal counsel, there does not appear to be any law that allows a Planning Commission to make a final decision. I am truly surprised. In light of this, at the next Planning Commission meeting, I will initiate a discussion regarding who should be making the final decision. The three options are: 1) administrative (the planner); 2) a hearings examiner; or 3) the City Council (still with a recommendation from the Planning Commission).

Thank you for bringing this to my attention. I would have never investigated it otherwise.

Elisa

From: Shirley Maike <smaike@centurytel.net>
Sent: Wednesday, September 28, 2022 5:53 PM
To: Elisa Rodriguez <ERodriguez@medical-lake.org>
Subject: RE: Critical Areas Ordinance

Thank you Elisa.

From: Elisa Rodriguez <ERodriguez@medical-lake.org>
Sent: Wednesday, September 28, 2022 2:05 PM
To: Shirley Maike <smaike@centurytel.net>
Subject: RE: Critical Areas Ordinance

Dear Shirley,

Thank you for expressing your concerns regarding the ability of the Planning Commission to make a decision rather than a recommendation. I am waiting for our legal counsel to examine the question and will get back to you as soon as I am able.

Elisa Rodriguez
City Planner
Medical Lake
509-565-5019
Tue-Wed 8-3
Thu 8-2

From: Shirley Maike <smaike@centurytel.net>
Sent: Sunday, September 25, 2022 10:20 AM
To: scottscuncan@medical-lake.org; Elisa Rodriguez <ERodriguez@medical-lake.org>
Subject: Critical Areas Ordinance

I have reviewed the proposed ordinance that was presented to the Planning Commission last week. Page 7 # 13 and 14 state that the Planning Commission may adopt the planning official's report and recommendations....etc. and that within seven days of the decision, the planning official will mail notice of the review body's decision (pending appeal)....

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I look forward to hearing from you on these issues.

Shirley Maike

Shirley Maike
PO Box 388
Medical Lake, WA 99022-0388
509.299.5451
Cell: 509.981.3363
Email: smaike@centurytel.net

Elisa Rodriguez

From: Stewart Mitchell <sm351@hotmail.com>
Sent: Tuesday, October 18, 2022 12:13 PM
To: Elisa Rodriguez; TINAANDFAM81@GMAIL.COM
Subject: Habitat/Wetland Designations

Follow Up Flag: Follow up
Flag Status: Completed

Hello Elisa,

I left you a voicemail this morning and am following up with an email regarding the land next to my property at 701 S Evergreen Dr. I'm just curious if the area has been reviewed by the city and if there are any changes planned. Ultimately, we would like to expand our existing lot to encompass a portion of that land if possible. Thanks in advance for your time and look forward to any information you can provide.

Sincerely,
Stewart and Tina Mitchell

Elisa Rodriguez

From: Andie Mark
Sent: Thursday, December 15, 2022 3:23 PM
To: Elisa Rodriguez
Subject: FW: CAO

From: Diane Nichols <hsteacher509@gmail.com>
Date: Thursday, December 15, 2022 at 2:59 PM
To: Carl Munson <cmunson@medical-lake.org>, Andie Mark <amark@medical-lake.org>, "Jmayuliani@medical-lake.org" <Jmayuliani@medical-lake.org>, Marye Jorgenson <mjorgenson@medical-lake.org>, Mark Hudson <mhudson@medical-lake.org>
Subject: CAO

Dear Commission Members,

My name is Diane Nichols. I have been a resident of Medical Lake for almost 37 years. There have been many changes in town since we moved here.

In reviewing the CAO draft and suggested changes by Tammy Roberson in conjunction with Commissioner Munson, I would like to express my support of those changes.

I would like to emphasize that the commission needs to err on the side of preserving our environment, especially the wetlands since they seem to be the areas that are infringed upon the most.

I support language as used by Ms Roberson to have more transparency; more documentation not less; accountability by all city officials by including language that would ensure that the process for the decision is clearly documented and available to citizens; making sure that the process is equal to or greater than what was required in the past not less to make things easier on developers.

I also have concerns about the language at 17.10.020 that states..".the planning official shall be authorized to interpret exact location of mapped critical area boundary." Where is the oversight? Why does one individual have sole authority to declare boundary of critical area?

I know the city has experienced problems in the past with too much control concentrated in the hands of one individual with no oversight. What are provisions for 17.10.020 if the planning official position is not filled at a particular time that decisions need to be made?

Thank you for your work in this vital area. I hope you will address the concerns and amend the draft to reflect the conservative approach to protecting our beautiful environment.

Diane Nichols

SEPA ENVIRONMENTAL CHECKLIST (REVISED)

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.

A. Background [\[HELP\]](#)

1. Name of proposed project, if applicable: Critical Areas Ordinance Update
2. Name of applicant: City of Medical Lake

3. Address and phone number of applicant and contact person: Elisa Rodriguez, City Planner, 124 Levferve Street, Medical Lake, WA 99022, 509-565-5019

4. Date checklist prepared: 6 September 2022 -- **Revised 6 October 2022 (changes in bold)**

5. Agency requesting checklist: City of Medical Lake

6. Proposed timing or schedule (including phasing, if applicable): There will be a public hearing held by the Planning Commission on Thursday, September 22, 2022. The ordinance is expected to be adopted by the end of the calendar year.

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. The city is following the guidance of the Washington State Departments of Ecology and Commerce on updating critical area ordinances. This includes, but is not limited to the *Critical Areas Assistance Handbook* (revised January 2007) and the *Wetland Guidance to CAO Updates: Eastern Washington Version* (June 2016). **In addition, the Department of Fish and Wildlife Riparian Ecosystems Vol I & II (December 2020) and Management Recommendations for Priority Habitat's: Riparian (1997) were used in constructing the Fish and Wildlife Habitat Conservation Areas chapter.**

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. No.

10. List any government approvals or permits that will be needed for your proposal, if known. Department of Ecology must approve updates to Critical Area Ordinances.

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 City of Medical Lake with a population of 4,950 and an area of 3.58 square miles contains critical areas required to be regulated by the state. The city has a critical area ordinance that was originally adopted in 1994 and updated in 2010. The proposal is to update the ordinance to meet current state requirements. The critical area ordinance regulates wetlands, fish and wildlife habitats, and frequently flooded areas. The city does not have any geographically hazardous areas. The city water supply comes from an aquifer deep below the surface, therefore, it does not have a critical aquifer recharge area. All well heads are outside city limits.

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 proposed critical areas ordinance update encompasses all for the City of Medical Lake incorporated area.

B. Environmental Elements [\[HELP\]](#)

1. Earth [\[help\]](#)

a. **General description of the site:** The city has unique geological features and natural resources as the regional landscape, known as the West Plains, rises in elevation above the City of Spokane. The land in and around Medical Lake, geologically known as the Channeled Scablands, is its own micro-region with geologic characteristics not found anywhere else in the world. This area is characterized by the hilly terrain, exposed basalt outcroppings, and a large number of small ponds and lakes and the ecosystems that support them. The City of Medical Lake shares its name with the lake that is central to the community. The city limits also abut West Medical Lake and Silver Lake. The foundation material of these lakes and the adjoining community is basalt bedrock. The soil consists of unconsolidated silty-clay alluvium to the north and south of the lakes. Ground water, rain and snow are the primary sources of recharge for the lakes, while evaporation, groundwater, and irrigation are primary discharges. A transition point from the scabland ecosystem and the forests to the east creates a blending of high desert plants and Ponderosa pines. The wildlife that is found in the area is also consistent with this edge ecology including whitetail deer, birds, and fish.

(circle 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 as a result 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 [\[help\]](#)

- 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** [\[help\]](#)

a. Surface Water: [\[help\]](#)

- 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 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: [\[help\]](#)

- 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 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 (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.

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

3) 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** [\[help\]](#)

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** [\[help\]](#)

a. List any birds and other animals which 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 [\[help\]](#)

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

7. Environmental Health [\[help\]](#)

- 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.
 - 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 [\[help\]](#)

- 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 as a result 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** [\[help\]](#)

- 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** [\[help\]](#)

- 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?
- b. Proposed measures to reduce or control aesthetic impacts, if any:

11. Light and Glare [\[help\]](#)

- 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 [\[help\]](#)

- 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 [\[help\]](#)

- 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 [\[help\]](#)

- 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. How many additional parking spaces would the completed project or non-project proposal have? How many would the project or proposal eliminate?
- d. 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).
- e. Will the project or proposal use (or occur in the immediate vicinity of) water, rail, or air transportation? If so, generally describe.
- f. 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?
- g. 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.
- h. Proposed measures to reduce or control transportation impacts, if any:

15. Public Services [\[help\]](#)

- 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 [\[help\]](#)

- 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 [\[HELP\]](#)

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: _____

Name of signee _____

Position and Agency/Organization _____

Date Submitted: _____

D. Supplemental sheet for nonproject actions [\[HELP\]](#)

(IT IS NOT NECESSARY to use this sheet 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: The critical areas ordinance has a primary goal of preventing net loss to the values and functions of the critical areas being protected.

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: The critical areas ordinance exists to protect critical areas and their functions and values. This includes plants, animals, and fish. This is done by seeking to avoid all impacts that degrade the functions and values of the critical area. Where avoidance is not feasible, the impact of the activity shall be minimized and mitigated for.

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

Proposed measures to protect or conserve energy and natural resources are: The purpose of the critical areas ordinance is to protect natural resources. This is done by seeking to avoid all impacts that degrade the functions and values of the critical area. Where avoidance is not feasible, the impact of the activity shall be minimized and mitigated for.

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: The critical areas ordinance main purpose is to avoid or reduce impacts from development. Any development, requiring a permit or not, will be regulated by the ordinance.

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: The critical areas ordinance complements the Shoreline Master Program. The ordinance also contains provisions for reasonable use, meaning that if a property would not otherwise be developable due to the amount of critical areas on the site, the owner would still be allowed reasonable use of the property.

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: The critical areas ordinance should not increase the demands on transportation, public services, or utilities.

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

Protection of critical areas is mandated by the Growth Management Act. This ordinance was developed using guidance from the Washington State departments of Commerce, Ecology, and **Fish and Wildlife** and the best available science.

Subject: Fwd: Public Hearing on the Urban Growth Boundary
From: "Scott Holbrook" <earthsun51@gmail.com>
Sent: 10/28/2022 04:32:15
To: erodriques@medical-lake.org;
CC: "Tammy" <tmroberson61@gmail.com>;

----- Forwarded message -----

From: **Scott Holbrook** <earthsun51@gmail.com>
Date: Sat, Oct 22, 2022 at 4:26 PM
Subject: Public Hearing on the Urban Growth Boundary
To: <erodriques@medical-lake.org>

Elisa,

Just got a copy of the proposed urban growth boundary info and quickly reviewed it and am forwarding my comments.

I have reviewed your Latest Urban Growth Boundary or Urban Growth Area map and info and wish to make a few statements:

It would be a travesty to build on wetlands, forestlands and farmlands. All of these should be protected from excessive building projects that could be accomplished by big money interests that tend to deforest an area, scrub it surgically and sell all forested trees for sale to lumber mills. Wetlands, forests and farmlands frame the areas where our local wildlife call home.

We have seen from so many other cities across this country the impact on the environment and local wildlife what such projects have left in their wake. Long gone are the single family who wants to tastefully build a home without raping the land and devastating the wildlife. Most of the issues we are facing which get a big tag of changing climate is not what we are told. When we cut down trees we eliminate the production of oxygen and the ability of that vegetation to absorb carbon dioxide. This is a synergistic relationship we humans and animals have with our environment. It is a delicate balance that must be maintained to project life on this planet. In my career I have seen way too many project that cut down trees only to sell them for money and then after the project is completed plant little tiny trees and shrubs that may give off 1% of the former oxygen and 1% of the capacity to absorb the carbon dioxide that we then give off.

In our area we are blessed to be surrounded by forests, wetlands and farmlands that have provided a beautiful backdrop to our human activities. Once gone they cannot be brought back. Once gone the wildlife are forced to leave but the problem is they are having a growing harder time to find a place to go. So much is being taken away from them in the name of development and big developers have tunnel vision on profits and no concern for what they leave behind.

Unfortunately in the past under past administrations we have allowed builders to build on our local swamp land, cut down some of our forests and that sent out the word that oh come on buy this lesser

expensive land in the Medical Lake area they will allow you to build on what really should not be built on.

I do not agree with changing zoning to allow big money to build on our limited city wetlands, forestlands and farmlands.

Thank you

Scott Holbrook

earthsun51@gmail.com

Notice of a **Reissued**
Determination of Non-Significance (DNS)

Description of Proposal: Notice of a public comment period is issued for the Update to the Critical Area Ordinance. The proposed non-project legislative action is to amend the Critical Area regulations in accordance with the Growth Management Act requirements. The critical areas ordinance regulates certain activities and development in and near wetlands, fish & wildlife habitat conservation areas, and frequently flooded areas. The draft includes updates in accordance with state law and best available science, reorganization, and functional changes to certain requirements.

Proponent: City of Medical Lake 124 S Lefevre Street, P.O. Box 369, Medical Lake, WA 99022

Location of Proposal: City limits of the City of Medical Lake

Lead Agency: City of Medical Lake, Planning Department

Threshold Determination: The lead agency has determined that this non-project action 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 4:00 p.m., October 27, 2022** to the project contact listed below.

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

Public Hearing: A public hearing was held before the Planning Commission on Thursday, September 22, 2022 at 5 p.m. The Planning Commission closed the hearing, but has continued the decision until the October 27, 2022 meeting.

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: Elisa Rodriguez

Date of Issuance: October 6, 2022

Elisa Rodriguez

From: Sears, Tricia (DNR) <Tricia.Sears@dnr.wa.gov>
Sent: Friday, September 23, 2022 10:33 AM
To: Elisa Rodriguez
Cc: Sears, Tricia (DNR); Kuhta, Scott (COM)
Subject: City of Medical Lake's CAO, comments from WGS

Follow Up Flag: Follow up
Flag Status: Flagged

Hello Elisa,

In keeping with the interagency correspondence principles, I am providing you with draft comments on the City of Medical Lake's proposed update of its Comprehensive Plan (Commerce ID# 2022-S-4342).

I looked at the entire proposal, but did not do a detailed review of areas outside our purview.

There is no language regarding geologically hazardous areas.

Thank you for considering our comments. If you have any questions or need additional information, please contact me. For your convenience, if there are no concerns or follow-up discussion, you may consider these comments to be final as of the 60-day comment deadline of 11/20/22.

Cheerio,
Tricia

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



Department of Commerce

CRITICAL AREAS CHECKLIST

A Technical Assistance Tool From Growth Management Services – updated January 2020

Name of city or county: City of Medical Lake	
Staff contact, phone, and e-mail address: Elisa Rodriguez, 509-565-5019, erodriguez@medical-lake.org	
<p>INSTRUCTIONS</p> <p>This checklist is intended to help local governments update their development regulations, pursuant to the schedule in RCW 36.70A.130(4) (updated in 2012). We strongly encourage but do not require jurisdictions to complete the checklist and return it to Growth Management Services (GMS), along with their updates. This checklist may be used by all jurisdictions, including those local governments planning for resource lands and critical areas only. For general information on update requirements, refer to Keeping your Comprehensive Plan and Development Regulations Current: A Guide to the Periodic Update Process under the Growth Management Act, August, 2016 and WAC 365-196-610 (updated in 2015).</p> <p>Bold items are a GMA requirement or may be related requirements of other state or federal laws.</p> <p>Commerce WAC provisions are advisory under Commerce’s statutory mandate to provide technical assistance, RCW 43.330.120 which states that the Department of Commerce “...shall help local officials interpret and implement the different requirements of the act through workshops, model ordinances, and information materials.” <u>Underlined</u> items are links to Internet sites and may include best practices or other ideas to consider. If you have questions, call GMS at (360) 725-3066.</p> <p>Updates to Commerce WAC – Revisions to the Commerce WAC relating to critical areas have been provided in a table with dates of changes on the Growth Management Act Periodic Update web site. The table can be used with this checklist to determine what changes have been made since the last update of your critical areas regulations.</p> <p>How to fill out the checklist</p> <p>Using the current version of your critical areas regulations, fill out each item in the checklist. Select the check box or type in text fields, answering the following question:</p> <p>Is this item addressed in your current Critical Areas Ordinance (CAO)? If YES, fill in the form with citation(s) to where in the plan or code the item is addressed. We recommend using citations rather than page numbers because they stay the same regardless of how the document is printed. If you have questions about the requirement, follow the hyperlinks to the relevant statutory provision or rules. If you still have questions, visit the Commerce Growth Management Services Web page or contact one of the Commerce planners assigned to your region.</p>	<p>Contents</p> <p>Instructions.....1</p> <p>Overall Requirements.....2</p> <p>Wetlands.....3</p> <p>Critical Aquifer Recharge Areas.....4</p> <p>Frequently Flooded Areas.....5</p> <p>Geologically Hazardous Areas.....6</p> <p>Fish and Wildlife Habitat Conservation Areas.....7</p> <p>Designating and Protecting Waters of the State.....8</p> <p>Anadromous Fisheries.....8</p> <p>Reason Use Exceptions.....8</p> <p>Agricultural Activities.....9</p> <p>Forest Practices Regulations.....9</p> <p>Good Ideas.....9</p>

<p>Also see the Puget Sound Partnership's Salmon Recovery web site for WRIA Plans in Puget Sound.</p>	
<p>DESIGNATING AND PROTECTING WATERS OF THE STATE</p> <p>RCW 90.48.020 defines waters of the state, which include all surface waters, salt waters, groundwater and all other water courses in Washington. WAC 365-190-130(2) (updated in 2010) recommends designating all waters of the state as fish and wildlife habitat conservation areas (FWHAs).</p> <p>Stream types are classified in WAC 222-16-030 (updated in 2006) with field verification, or an alternate system that considers factors listed in WAC 365-190-130(4)(f)(iii). See http://www.dnr.wa.gov/forest-practices-water-typing to use Washington State Department of Natural Resources (DNR)'s stream typing system.</p> <p>Establish buffers to maintain no net loss of riparian ecosystem functions.</p> <p>Designate areas that risk contaminating or harming shoreline resources including tidelands and bedland suitable for shellfish harvest, kelp and eelgrass beds and forage fish spawning areas.</p>	<p>Do you designate waters of the state as FWHCAs?</p> <p><input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A</p> <p>Location in Text 17.10.070(A)(2)</p> <p>Do your regulations protect waters of the state?</p> <p><input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A</p> <p>Location in Text: 17.10.070(C)</p>
<p>ANADROMOUS FISHERIES</p> <p>Policies and regulations for protecting critical areas give special consideration to conservation or protection measures necessary to preserve or enhance anadromous fisheries. RCW 36.70A.172(1) is the requirement and WAC 365-195-925 (updated in 2000) lists criteria involved. This requirement applies to all five types of critical areas.</p> <p>WAC 365-190-130(4)(i) recommends sources and methods for protecting fish and wildlife habitat conservation areas, including salmonid habitat. Counties and cities may use information prepared by the United States Department of the Interior Fish and Wildlife Service, National Marine Fisheries Service, the Washington State Department of Fish and Wildlife, the State Recreation and Conservation Office, and the Puget Sound Partnership to designate, protect and restore salmonid habitat. Counties and cities should consider recommendations found in the regional and watershed specific salmon recovery plans (see the Governor's Salmon Recovery Office webpage and the Puget Sound Partnership's Salmon Recovery webpage).</p> <p>Land Use Planning for Salmon, Steelhead and Trout: A land use planner's guide to salmonid habitat protection and recovery (October 2009) is an excellent resource.</p> <p>The Washington State Recreation and Conservation Office (RCO) website includes information on salmon recovery efforts.</p>	<p>Do your regulations give special consideration to anadromous fisheries?</p> <p><input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A</p> <p>Location in Text:</p>
<p>REASONABLE USE EXCEPTIONS</p> <p>The Critical Areas Ordinance (CAO) allows for "reasonable use" if the CAO would otherwise deny all reasonable use of property. Reasonable use provisions should limit intrusions into critical areas to the greatest extent possible. RCW 36.70A.370 (1991). Common exemptions include emergencies, remodels that do not further extend into critical areas, surveying, walking, and development that has already</p>	<p>Do you have reasonable use provisions?</p> <p><input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>Location in Text:</p>

<p>been completed with critical areas review under a previous permit. See Critical Areas Handbook, Chapter 3: Structuring Critical Areas Regulations, p.9 (Updated June, 2018).</p>	<p>17.10.100</p>
<p>AGRICULTURAL ACTIVITIES NOT UNDER VSP (COUNTIES ONLY)</p> <p>Critical areas regulations as they specifically apply to agricultural activities in counties or watersheds not participating in the Voluntary Stewardship Program (VSP) have been reviewed, and if needed, revised pursuant to RCW 36.70A.130. RCW 36.70A.710(6) "Agricultural activities" means all agricultural uses and practices as defined in RCW 90.58.065.</p> <p>VSP Counties After watershed work plan approval, VSP counties are encouraged to reference and describe their participation in the program within their critical areas development regulations (WAC 365-196-832). See Critical Areas Handbook, Chapter 5: Protecting Critical Areas in Natural Resource Lands (Updated June, 2018).</p>	<p>Did you review your regulations as they apply to agricultural activities?</p> <p><input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A</p> <p>Location in Text: 17.10.030(B)(11)</p>
<p>FOREST PRACTICES APPLICATION REGULATIONS</p> <p><i>If applicable, regulations for forest practices have been adopted: RCW 36.70A.570 (adopted in 2007).</i></p> <p>RCW 76.09.240, amended in 2011, requires many counties over 100,000 in population, and the cities and towns within those counties to adopt regulations for forest practices. These are often included in clearing and grading ordinances.</p>	<p>Have you adopted forest practices regulations?</p> <p><input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A</p> <p>Location in Text:</p>
<p>GOOD IDEAS</p> <p>Non-regulatory measures to protect or enhance functions and values of critical areas may be used to complement regulatory methods. These may include:</p> <ul style="list-style-type: none"> • public education • stewardship programs • pursuing grant opportunities • water conservation • joint planning with other jurisdictions and non-profit organizations • stream and wetland restoration activities • transfer of development rights <p>No net loss of critical area functions and values is a recommended approach for development regulations in WAC 365-196-830(4). If development regulations allow harm to critical areas, they should require compensatory mitigation of the harm.</p>	<p>Are you using non-regulatory measures to protect critical areas?</p> <p><input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>Location in Text:</p> <p>Do your regulations address no net loss and require compensatory mitigation?</p> <p><input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>Location in Text: 17.10.020(A)</p>

Monitoring and adaptive management is encouraged in [WAC 365-195-905\(6\)](#) to improve implementation of your regulations. See Commerce's Monitoring chapter in the updated [Critical Areas Handbook \(June 2018\)](#).

Do you have a monitoring and adaptive management program for your CAO?

Yes

No

Location in Text:

17.10.050(F)(2)



City of Medical Lake Planning Department
124 S. Lefevre St.
Medical Lake, WA 99022
509-565-5000
www.medical-lake.org

STAFF REPORT AND RECOMMENDATION TO THE PLANNING COMMISSION

Date of Hearing: September 22, 2022

Date of Staff Report: September 15, 2022

Staff Planner: Elisa Rodriguez 509-565-5019 or erodriguez@medical-lake.org

Proposal: Critical Areas Ordinance Update

SEPA: A Determination of Non-Significance was made on September 7, 2022.

PROPOSAL

The City of Medical Lake is proposing an update to the Critical Areas Ordinance. First adopted in 1994 and updated in 2010, the current code is out of compliance with the Washington State Growth Management Act.(RCW 36.70A) and the Department of Ecology best available science recommendations.

RELEVANT APPROVAL CRITERIA

In order to be approved, this proposal must comply with the criteria of Chapter 17 of the Medical Lake Municipal Code (MLMC). Amendments to development regulations can be approved if the review body finds that the criteria of MLMC Chapter 17.56.100 have been met.

PROCEDURAL HISTORY

June 24, 2021, Planning Commission (PC) introduction to a critical areas ordinance (CAO) update. (consultant)
November 18, 2021, PC CAO work session to review and discuss proposed ordinance language. (consultant)
December 30, 2021, PC CAO work session to review and discuss proposed ordinance language. (consultant)
March 31, 2022, PC CAO work session to review and discuss proposed ordinance language. (consultant)
April 28, 2022, PC CAO work session to review and discuss proposed ordinance language. (consultant)
May 26, 2022, PC CAO work session to review and discuss proposed ordinance language. (consultant)
June 30, 2022, PC CAO work session to review and discuss proposed ordinance language. (consultant)
July 28, 2022, PC CAO work session to discuss process and potential for replacing proposed ordinance language. (city planner)

August 11, 2022, PC special meeting CAO work session to review and discuss proposed ordinance language.
(city planner)

August 25, 2022, PC CAO work session to review and discuss proposed ordinance language. (city planner)

September 7, 2022, SEPA Determination of Non-Significance issued.

September 8, 2022, Public Notice in Cheney Free Press.

September 8, 2022, PC special meeting CAO work session to review and discuss proposed ordinance language.
(city planner)

ANALYSIS

The proposed critical areas ordinance has a primary goal of no net loss of functions for those critical areas within the city limits of Medical Lake. The critical areas being protected are wetlands, fish and wildlife habitat conservation areas, and frequently flooded areas. The critical areas ordinance provides development regulations for those properties containing critical areas. These regulations do not override any other local, state, or federal regulations or requirements, but rather work in conjunction with them. If the critical area does not allow reasonable use of the property, the owner may apply for an exception. In most instances, a critical areas permit will be required for development. The ordinance does list some minor exceptions to this requirement. When development is proposed, the owner or representative must submit an application that includes detailed identification and analysis of the critical area on the site. The delineation and analysis must be performed by a qualified professional. This qualified professional must also propose mitigation for the impacts of the proposed development. Any activity or development that is subject to this ordinance must first try to avoid impacts to the critical area. If that cannot be done, the applicant must try to minimize impacts and compensate those impacts with mitigation. Generally, the performance standards require the identified critical area to be protected with a buffer that limits human activity. When a critical areas permit is required, the Planning Commission will hold a public hearing before making a decision on the application.

ZONING CODE APPROVAL CRITERIA

17.56.020 - Purpose.

This section shall apply to initial adoption of the comprehensive plan and subsequent adoption of amendments or additional elements to the comprehensive plan. The purpose of this chapter is to establish a procedure pursuant to the requirements of RCW 36.70A of the Growth Management Act for the amendment or revision of the city comprehensive plan and development regulations.

17.56.100 – Criteria for Regulation of Plan Amendments.

Recognizing that the comprehensive plan was developed and adopted after significant study and public participation, the principles, goals, objectives and policies contained therein shall be granted substantial weight when considering any proposed amendment. Therefore, the burden of proof for justifying a proposed amendment rests with the applicant. The approval, modification or denial of an amendment application by the planning commission shall be evaluated on the following criteria:

1. The amendment is necessary to resolve inconsistencies between the comprehensive plan and implementing ordinances, or inconsistencies between the plan or ordinances and local, state or federal mandates.

Findings: The Washington State Legislature adopted amendments to the Growth Management Act, effective in 2018, that affect critical areas ordinances. The Department of Commerce provides a *Critical Areas Checklist* (updated January 2020) to give guidance to for updates. The backbone of critical area ordinances is using the best available science to designate, define, and protect critical areas.

The proposed ordinance update mimics the structure of the City of Vancouver municipal code section 20.740. The regulations are based on the *Critical Areas Assistance Handbook* (revised January 2007) and the *Wetland Guidance to CAO Updates: Eastern Washington Version* (June 2016).

The proposed sources and maps proposed for adoption are the Department of Ecology Washington Water Data – Hydrology, the Department of Natural Resources Forest Practices Mapping Tool (fpamt.dnr.wa.gov), the Department of Fish and Wildlife Priority Habitat and Species Map (geodataservices.wdfw.wa.gov/hp/phs), And the FEMA Flood Insurance Rate Map.

For the above reasons, the proposed ordinance update fixes inconsistencies with state regulations. Therefore, this criterion is met

2. The amendment of the plan and/or the development regulations will further the implementation of the comprehensive plan and resolve inconsistency between the two in a manner that will not adversely impact the general public health, safety, and/or welfare.

Findings: Action Item #5 of the Medical Lake Comprehensive Plan 2019 Update (MLCP) states, “Update critical areas ordinances as appropriate and keep track of “best available science”.” This proposal is fulfilling this action item.

In addition, the MLCP has the following policies that directly pertain to critical areas:

61. Maintain the quantity and quality of wetlands, riparian areas and critical areas within the jurisdiction of, adopting storm water and critical areas ordinances as appropriate.
69. Limit development in or adjacent to fish and wildlife habitat areas that diminishes indicator species.
70. Develop guidelines for critical areas and natural lands that minimize species and habitat fragmentation due to development.

Goal #29 of the MLCP states, “Limit development activities within critical areas or adjacent to resource land to minimize impacts to the natural environment, as well as protect the public health, safety, and general welfare of the community.”

The proposed critical areas ordinance update is written to maintain the quantity and quality of critical areas by buffering development near them and creating guidelines for limiting the impacts of development. For these reasons, the proposed amendments further the implementation of the MLCP. Therefore, this criterion is met.

3. Conditions have changed so much since the adoption of the comprehensive plan on factors such as, but not limited to population, employment, housing, transportation, capital facilities, or economic conditions that the existing goals, policies, objectives and/or map classifications of the comprehensive plan or development regulations are inappropriate.

Findings: The Medical Lake Comprehensive Plan was updated in 2019 and the conditions in Medical Lake have not changed to an extent where the existing goals, policies, objective, and/or map classifications are inappropriate. The proposed ordinance update aligns with and carries out the intent of the MLCP. Therefore, this criterion is met.

4. Substantial conditions exist where the available supply of forecasted lands for residential, commercial, industrial, recreation or agriculture have been absorbed and there is insufficient land available for a twenty-year supply.

Findings: The proposed critical areas ordinance update does not include provisions for expanding the City of Medical Lake's Urban Growth Area. The Medical Lake Municipal Code (MLMC) currently has a chapter addressing development in or near critical areas. The proposed ordinance update is not decreasing the amount of buildable land within the city. For these reasons, proposal is not affecting the supply of land. Therefore, this criterion is met.

5. If the comprehensive plan amendment proposal involves extension of water and/or sewer services outside of the urban growth boundary, the following additional criteria must be met:
 - a. The proposal must be in response to an immediate threat to public health or safety;
 - b. The proposal is necessary for the protection of the aquifer(s) designated pursuant to RCW 36.70.A170;
 - c. The proposal is necessary to maintain existing levels of service in existing urban or suburban developments.

Findings: The proposed critical areas ordinance update does not involve the extension of water and/or sewer services outside of the urban growth boundary, therefore, this criterium is not applicable.

6. The proposed amendment is consistent with the overall intent of the goals of the comprehensive plan.

Findings: The Medical Lake Comprehensive Plan 2019 Update has 30 goals. Goal #29 speaks directly to critical areas. It states, "Limit development activities within critical areas or adjacent to resource land to minimize impacts to the natural environment, as well as protect the public health, safety, and general welfare of the community." The proposed critical areas ordinance update limits and mitigates for development and activities in and around critical areas. By preventing degradation of the quality and quantity of critical areas, the regulations are protecting the public health, safety, and general welfare of the community. For these reasons, this criterium is met.

7. The proposed amendment is consistent with RCW 36.70A, the Growth Management Act, the county-wide planning policies and applicable multicounty planning policies.

Findings: The Growth Management Act (GMA) requires all cities and counties in Washington to adopt regulations protecting "critical areas" in order to preserve the natural environment, wildlife habitats, and sources of fresh drinking water. Critical area regulations also encourage public safety by limiting development in areas prone to natural hazards like floods and landslides.

RCW 36.70A.030(5) defines five types of critical areas:

Wetlands

Areas with a critical recharging effect on aquifers used for potable water
Fish and wildlife habitat conservation areas
Frequently flooded areas
Geologically hazardous areas

The proposed critical areas ordinance update includes development regulations for wetlands, fish and wildlife habitat conservation areas, and frequently flooded areas. The land within the city limits of Medical Lake does not contain any geologically hazardous areas. In addition, the City of Medical Lake supplies its water system from an aquifer several hundred feet below the surface and groundwater within the city is not recharging this aquifer, therefore protecting the groundwater for this reason is not necessary. Finally, there are no city wells within the city limits of Medical Lake, therefore, there are no wellheads to be protected.

The County Wide Policies for Spokane County (2011 printing) has 19 goals. Goal #12 states, Jurisdictions should work together to protect natural resource lands outside of Urban Growth Areas (UGAs) and to protect critical areas and open space within Urban Growth Areas (UGAs). The City of Medical Lake is within a UGA. The proposed critical areas ordinance update protects critical areas within the City of Medical Lake.

For the above reasons the proposed update is consistent with state and county policies. Therefore, this criterion is met.

8. Where an amendment to the comprehensive plan map is proposed, the proposed designation is adjacent to property having a similar and compatible designation.

Findings: The proposal does not include amendments to the comprehensive plan map, therefore, this criterion is not applicable.

9. Public facilities, infrastructure and transportation systems are present to serve the intended amendment or provisions have been made in accordance with the comprehensive plan to provide the necessary facilities.

Findings: The proposed critical areas ordinance update is to regulate development in or near critical areas. The city has an adopted critical areas ordinance. This proposal is to update that ordinance to meet the current requirements of the state under the GMA. The update does not increase the potential for development within the City of Medical Lake, hence, there will not be an increased need for public facilities, infrastructure, and transportation systems. For these reasons, the criterion is met.

10. The proposed amendment is complimentary and compatible with adjacent land uses and the surrounding environment.

Findings: The ordinance update compliments the Medical Lake Shoreline Management Plan. The purpose of the proposed critical areas ordinance update is to protect critical areas and their functions and values, while also allowing for reasonable use of property. This proposal affects all land with critical areas within the City of Medical Lake and does not prevent development. These regulations

require development to try to avoid critical areas and or mitigate for any impacts created by the development. For these reasons, the proposed amendment is complimentary and compatible with all land uses and environmentally sensitive areas, including shorelines. Therefore, this criterion is met.

11. The proposed amendment does not adversely affect lands designated as agricultural and/or resource lands of long term commercial significance or critical areas.

Findings: The proposed critical areas ordinance update was written to protect critical areas by limiting development and mitigating for impacts, therefore, they will not adversely affect them. In addition, the proposed amendments do not affect agricultural land of long-term commercial significance because “Existing and ongoing agricultural activities protected under the federal Food Security Act” are exempted from these regulations. For these reasons, this criterion is met.

CONCLUSION

The proposed critical areas ordinance update will replace the current Chapter 17.10 of the Medical Lake Municipal Code. The ordinance contains development regulations to protect critical areas within the city limits of Medical Lake. The critical areas being protected are wetlands, fish and wildlife habitat conservation areas, and frequently flooded areas. The proposed ordinance update works in concert with the Shoreline Master Plan. These regulations strive to protect the values and functions of critical areas by restricting the location of development and requiring mitigation for any impacts of that development on the critical area. The proposed ordinance update is consistent with the Medical Lake Comprehensive Plan and the requirements of the Washington State Growth Management Act.

RECOMMENDATION

The approval criteria set out in MLMC 17.56.100 have been met. Therefore, the planning official recommends that the Planning Commission approve the proposed critical areas ordinance update.

The Planning Commission may choose to do one of the following:

Recommend approval of the proposed critical areas ordinance as presented in the staff report.

Recommend approval of the proposed critical areas ordinance with amendments or conditions.

Recommend denial of the proposed critical areas ordinance.

EXHIBITS

Proposed Critical Areas Ordinance

Proposed Wetland Map

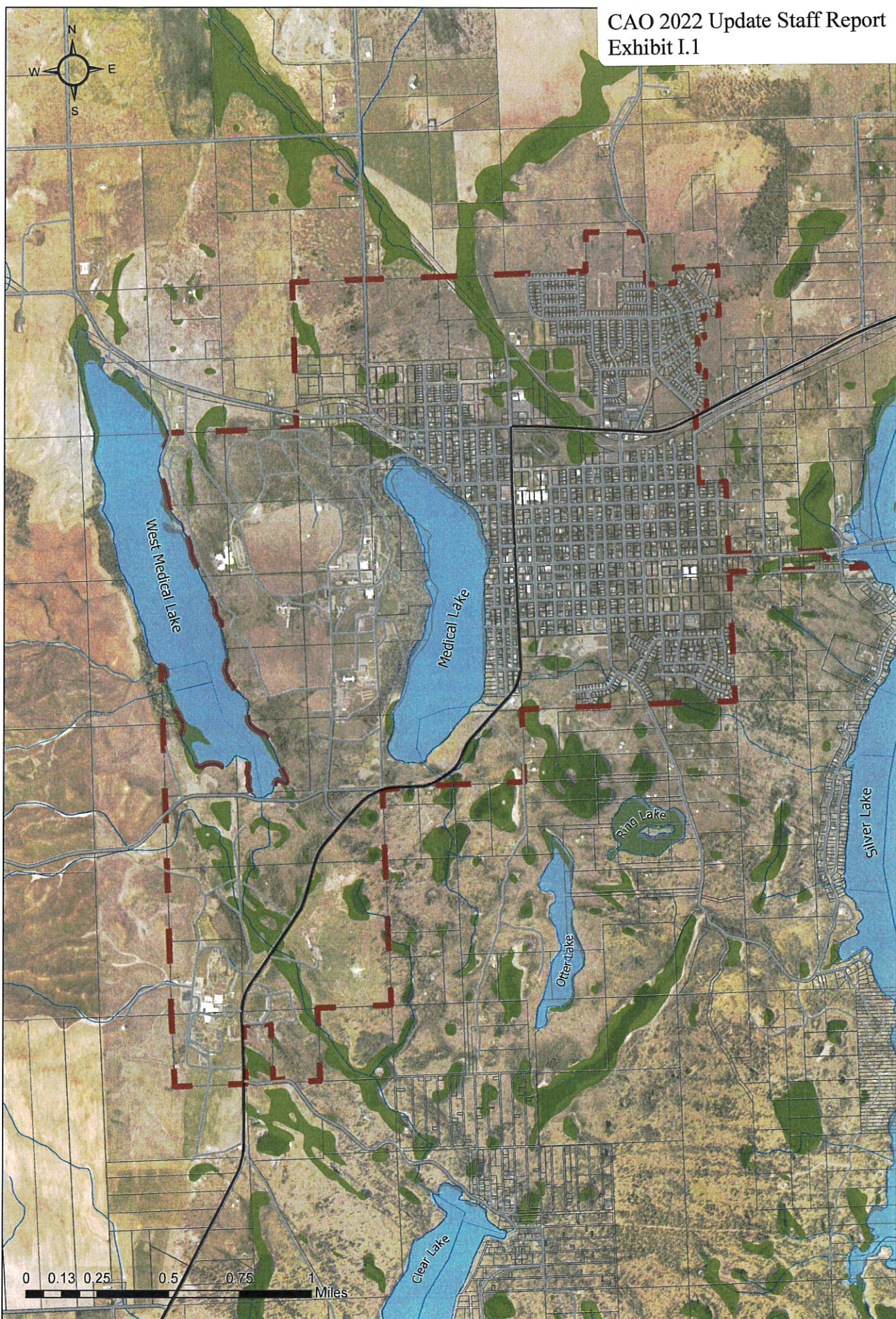
Proposed Fish and Wildlife Habitat Map

Proposed Frequently Flooded Areas Map





SEPA Checklist, September 7, 2022

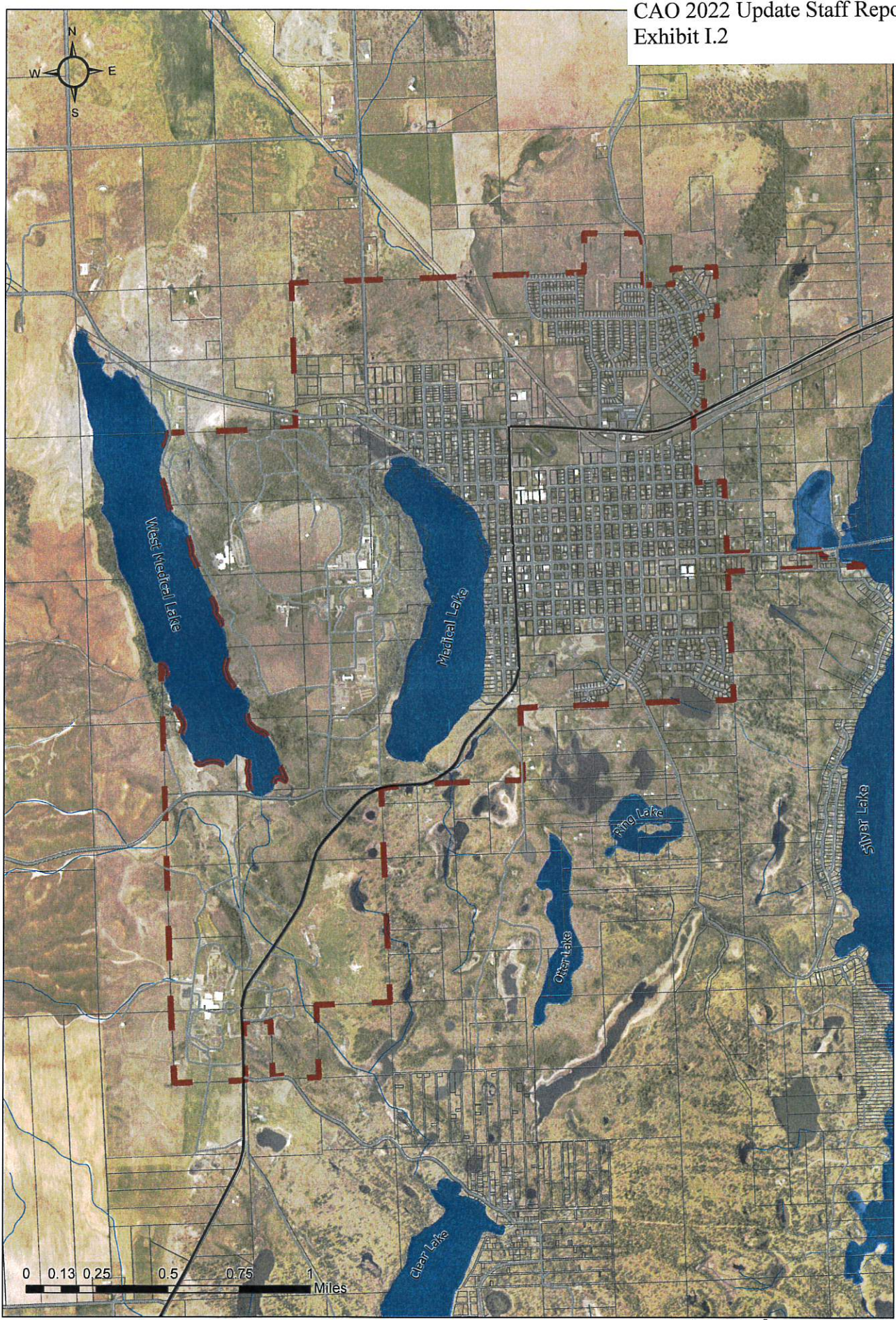
SEPA DNS, September 7, 2022

Notice of Publication, Legal Notice, Published in Cheney Free Press on September 8, 2022





- Integrated Fish Distribution
-  Brown Trout
 -  Largemouth Bass
 -  Rainbow Trout
 -  City Limits



Legend

 Special Flood Hazard Areas	 City Limits
 Possible or Undetermined	 Parcels

City of Medical Lake

POLICY & PROCEDURES

Credit Cards & Fuel Cards

Policy 14.100

Definitions

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

Card Responsibility and Accountability

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

Credit Card Usage:

Procedures for Obtaining Credit Cards

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

Updated _____

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

Authorized Card Use

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

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

Fuel Card Usage:

Procedures for Obtaining Fuel Cards

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

Authorized Card Use

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

Updated _____



City of Medical Lake

ATTACHMENT A

AFFIDAVIT OF LOST OR DESTROYED RECEIPT

Name: _____

Position: _____

Last four digits of card number: _____

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

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

Items purchased	Amount

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

Signature _____

Date _____

Finance Director Signature _____

Date _____



City of Medical Lake

ATTACHMENT B

CREDIT CARD USER AGREEMENT

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

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

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

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

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

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

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

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

The undersigned individual has read and understands the above statements.

Employee: _____

Date: _____

Department Head: _____

Date: _____



City of Medical Lake

ATTACHMENT C

FUEL CARD USER AGREEMENT

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

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

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

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

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

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

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

The undersigned individual has read and understands the above statements.

Employee: _____

Date: _____

Department Head: _____

Date: _____



City of Medical Lake

ATTACHMENT D Card Transaction Listing

Cardholder: _____ Last 4 of card #: _____

Department: _____

Item Description	Vendor	Amount

Employee Signature: _____

Department Head Signature: _____

Introduction

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

Training Standard Components

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

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

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

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

Skills are learned abilities that are developed through variety of practice and training.

Qualifications come from formal, documented training that results in specific certifications.

Proficiency Levels

- *Standard Skills*
 - Task Performance ranges from limited to competent
 - Can do simple parts of the task to all parts of the task
 - Needs to be told or shown to merely needs spot checks of completed work.
 - Task Knowledge ranges from knowing nomenclature to knowing operating principles
 - Can name parts, tools, and simple facts to being able to identify why and when a task must be done and why each step is needed.
 - Subject Knowledge ranges from knowing facts to knowing analysis
 - Can identify basic facts and terms about the subject to analyzing facts and principles and drawing conclusions about the subject.
- *Journeyman Skills*
 - Task Performance ranges from competent to highly proficient
 - Can do all parts of the task to completing the task quickly and accurately.
 - Needs only a spot check of completed work to being able to tell or show others how to do the task.
 - Task Knowledge ranges from knowing operating principles to advanced theory
 - Can identify why and when a task must be done and why each step is needed to predict, isolate, and resolve problems about the task.
 - Subject Knowledge ranges from knowing analysis to knowing evaluation
 - Can analyze facts and principles and draw conclusions about the subject to evaluating conditions and making proper decisions about the subject.

Standard Skill and Knowledge Requirements (Task Accomplishment)

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

Journeyman Skill and Knowledge Requirements (Project Accomplishment)

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

Maintenance Lead Skill Requirements (Project Management)

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

CITY OF MEDICAL LAKE
City Council Regular Meeting

6:30 PM
January 3, 2023

Council Chambers
124 S. Lefevre Street

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.

COUNCIL AND ADMINISTRATIVE PERSONNEL PRESENT

Councilmembers

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

Administration/Staff

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

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

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

2. AGENDA APPROVAL

- A. Councilmember Kennedy motioned to approve the agenda, seconded by councilmember Maxwell, motion carried 6-0.

3. INTERESTED CITIZENS: AUDIENCE REQUESTS AND COMMENTS

- A. none

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

5. REPORTS

- A. City Council & Council Committee Reports
 - i. Finance Committee – Councilmember Starr reported that they discussed claims and warrants.
 - ii. Parks & Recreation Committee – Councilmember Kennedy shared that youth basketball is starting two weeks later than normal. New scoreboards for Waterfront Park have been delivered and will be installed by maintenance. Shared information regarding the AWC

employee wellness program. The city can qualify for a reduction in insurance rates if employees complete a wellness test.

iii. Public Safety Update

1. Deputy Gladden was present but had nothing to share.
2. FD3 Chief Rohrbach shared that the fire department received many weather-related calls over the holidays. Shared that he does not have the year-end call data available yet.

B. Council Comments

- i. Councilmember Pritchard – no report
- ii. Councilmember Starr – no report
- iii. Councilmember Kulibert – no report
- iv. Councilmember Kennedy – no report
- v. Councilmember Maxwell - no report
- vi. Councilmember Harbolt – no report

C. Mayor Cooper – Thanked council for a great job on the work that went into passing the 2023 budget. Shared that the WWTP plant and Parks & Recreation positions will be posted soon.

D. City Administrator & City Staff

i. Sonny Weathers gave updates on the following:

1. Shared that he recently met with Ptera Broadband. The fixed wireless option will be available first quarter. The website link is now available: Ptera.com/mdlkwa. Mr. Weathers encouraged citizens to go to the website and input their information to keep up with the progress.
2. Shared letter received from Liberty Lake thanking our WWTP staff for their help with a recent incident.
3. Shared appreciation to our first responders for their work on the recent domestic violence fatality incident in Medical Lake. Shared information to the public about www.endtheviolencespokane.org.

ii. Mayor Cooper shared about the open committee positions. Councilmember Kennedy will continue serving on STA, and councilmember Pritchard will continue serving on the Spokane County Housing and Community Development Advisory Committee (HCDAC).

1. Proposed the addition of a general government committee to consolidate some of the committees such as Public Works, Public Safety, and Information Systems. Will bring it back to a future agenda.

6. WORKSHOP DISCUSSION

A. City Council Vacancy Position Procedures

- i. Mr. Weathers shared a presentation on procedures for filling vacant city council positions.

B. Committee Assignments (Internal and External)

- i. Motion to continue this topic to the next meeting made by councilmember Starr, seconded by councilmember Kennedy, motion carried 6-0.

- C. Parks and Recreation Director Job Description
 - i. Mr. Weathers shared a presentation regarding the city's parks and recreation department needs and the job description drafted for a Parks and Recreation Director.

7. ACTION ITEMS

- A. Consent Agenda
 - i. Approve **December 20, 2022**, minutes
 - 1. Motion to approve made by councilmember Kennedy, seconded by councilmember Maxwell, and motion carried 6-0.
 - ii. Approve **January 03, 2023**, Claim Warrants **42015** through **42049** in the amount of **\$168,443.54**.
 - 1. Finance committee reviewed and recommended approval of warrants.
 - 2. Motion to approve made by councilmember Starr, seconded by councilmember Maxwell, and motion carried 6-0.

8. RESOLUTIONS

- A. 23-563 Amendment to Forte Payment Processing Agreement
 - i. Motion to approve made by councilmember Kennedy, seconded by councilmember Starr, and motion carried 6-0.
- B. 23-564 TIB Grant Lefevre Street Restriping and Sidewalk
 - i. Scott Duncan shared information regarding this project.
 - ii. Motion to approve made by councilmember Kennedy, seconded by councilmember Maxwell and motion carried 6-0.
- C. 23-565 TIB Grant 2022 Maintenance Project
 - i. Scott Duncan shared information regarding this project.
 - ii. Motion to approve made by councilmember Kennedy, seconded by councilmember Pritchard, and motion carried 6-0.

9. PUBLIC HEARING / APPEALS – No items listed

10. ORDINANCES – No items listed

11. EMERGENCY ORDINANCES – No items listed

12. UPCOMING AGENDA ITEMS

- A. CAO workshop
- B. Golf carts
- C. Maintenance position criteria for advancement
- D. Council policies and procedures
- E. PO's for vector truck

13. INTERESTED CITIZENS: AUDIENCE REQUESTS AND COMMENTS

- A. Elizabeth Rosenbeck – asked a question about why there will be sequestering during council position interviews. Mayor Cooper and Mr. Weathers addressed the question.

14. EXECUTIVE SESSION – None

15. CONCLUSION

- A. Motion to conclude meeting made by councilmember Pritchard, seconded by councilmember Kennedy. Motion carried 6-0 and the meeting concluded at 7:43 pm.

Terri Cooper, Mayor

Koss Ronholt, Finance Director/City Clerk

DRAFT

Filling City Council Vacancies in Medical Lake

1. **Advertisement.** The City Administrator will prepare and submit a press release to *The Spokesman Review* and *The Cheney Free Press* in addition to posting it on the City's website and social media sites. The application period will be 14 days.
2. **Application.** The application form will request the following information from the applicants: pertinent contact information; confirmation the applicant is a qualified elector (in accordance with RCW 42.04.20); and answers to City Council approved questions. Applications will be available at City Hall and on the City's website.
3. **Supplemental Materials.** In addition to the application form, the applicants will be required to provide a current resume and letter of interest.
4. **Conclusion of Application Period.** The application period shall be open for a minimum of two weeks and no more than 30 days. Applications received by the deadline date and time will be copied and circulated by the City Administrator to the Mayor and City Council within one (1) business day following the deadline. Candidates who submit completed application packets by the deadline will be required to also submit information necessary for the City to conduct a criminal background check, the results of which will be provided to the Mayor and City Council.
5. **Council Evaluation of Candidates.** City Councilmembers, individually, will conduct an initial review of all completed applications. Council will meet in executive session at the next regular Council meeting to discuss applicant qualifications.

In the event the City receives more than three (3) completed applications, each City Councilmember will submit an unranked list of names of candidates the Councilmember wishes to move forward in the process. The City Administrator will provide an unranked, aggregated list to the Council during the executive session held prior to the interview meeting. Immediately following the executive session, Council shall meet in public session to select which candidates will be invited to participate in an interview at the next regular Council meeting. The decision as to which candidates will be interviewed will be at the sole discretion of the City Council. The City Administrator shall notify applicants selected for interview of the location, date, time, and format of City Council interviews. In the event Council does not select all applicants to move forward to the interview, the City Administrator will notify those candidates not selected of their status.

Prior to the date and time of the interview meeting, each Councilmember shall submit one interview question and one back-up question to the Mayor and City Administrator. If two or more Councilmembers submit the same primary question, the Mayor shall choose whose to accept, and the back-up question(s) from the other Councilmember(s) will be used. The final list of questions will be provided to all of Council prior to the interview meeting. Each Councilmember will ask their question during the interviews.

6. **Interviews.** Interviews shall be scheduled during a regular Council meeting. The meeting will be open to the public. The Mayor shall provide an overview of the format and ground rules for the interview portion of the meeting. In order to ensure each candidate has a fair and equal opportunity to speak with Council, all candidates will be asked to voluntarily sequester themselves at City Hall for the duration of all candidate interviews. Access to electronic devices shall be prohibited during sequestration. Candidates will be ushered to and from the City Council Chambers by a member of City staff in order to participate in their interview at the pre-

determined time. Candidates will be released from sequestration upon conclusion of the final interview and may observe the remainder of the public portion of the Council meeting. Each candidate interview shall be no more than twenty (20) minutes in length. Each interview shall follow the following format:

- The applicant shall provide an opening statement to the City Council (up to 3 minutes).
 - The City Council shall ask the predetermined set of questions, one question per Councilmember, which must be responded to by the applicant. Each applicant will be asked and will answer the same set of questions and will have two (2) minutes to answer each question (up to 12 minutes).
 - The applicant may provide a closing statement to the City Council (up to 2 minutes).
7. **Voting.** Upon completion of the interviews, Councilmembers will convene into executive session to further evaluate the qualifications of the candidates; however, all interviews, nominations, and votes taken by the Council shall be in open session.

Voting will take place during open session of a regular Council meeting and will continue until a nominee receives a majority of votes. At any time during the voting process, the City Council may postpone voting until the next regular Council meeting. Nothing shall prevent the City Council from reconvening into executive session to further discuss candidate qualifications.

The nomination and election process will proceed as follows:

1. The Mayor calls for nominations.
2. When there are no further nominations, the Mayor announces that nominations are closed.
3. The nominees are then voted on in the order the nominations were made. The vote is taken by voice and show of hands. Each Councilmember may only vote for one candidate.
4. The process continues until a nominee receives a majority of the votes.
5. The first nominee receiving a majority vote is declared the new Councilmember. If there is a tie vote, the Mayor may choose whether or not to break the tie. If the Council fails to select an appointee from the nominees presented, the Council may:
 - a. Recess into Executive Session to discuss the qualifications of the applicants.
 - b. Make a motion to revote on the nominees.
 - c. Make a motion to reopen the nominations and add to the initial slate. Once nominated, no candidate is removed from consideration unless they withdraw.
 - d. Make a motion to postpone the vote on nominees.
 - e. Solicit additional information from the applicants/nominees.
 - f. Make any other allowable motion under Robert's Rules of Order.

The Mayor shall declare the nominee receiving the majority vote as the new Councilmember and he or she shall be sworn into office at the earliest opportunity or no later than the next regularly scheduled City Council meeting.

Interview Format

The Mayor will welcome each candidate and read the following script at the start of each interview:

1. Your candidate interview is a tightly scheduled affair. You have 20 minutes to provide an opening statement (3 minutes) and answer one question from each Councilmember for a total of six (6) questions (2 minutes each).
2. Time management cues will be provided to you. When “time” is announced, you may finish your sentence before the next question is asked. You will be evaluated based on your application materials and interview responses.
3. If there is a pause between questions, it is because Councilmembers are taking notes. If you need a question repeated, please ask.
4. Council will deliberate on the slate of candidates and take action making a selection later tonight during our regular Council meeting.

Opening Comments (Mayor): Again, welcome and thank you for being here. Please start off by introducing yourself and providing your opening statement.

Questions #1: (Councilmember Don Kennedy):

Question #2: (Councilmember Bob Maxwell):

Question #3: (Councilmember Tony Harbolt):

Question #4: (Councilmember Art Kulibert):

Question #5: (Councilmember Heather Starr):

Question #6: (Councilmember Chad Pritchard):

Closing Comments (Mayor): That is all the time we have. Thank you for your thoughtful responses. Our plan is to deliberate on the slate of candidates and take action tonight during the regular Council meeting, unless a motion is made and passes to continue deliberation until the next regular Council meeting.

**CITY OF MEDICAL LAKE
SPOKANE COUNTY, WASHINGTON
RESOLUTION NO. 23-566**

**A RESOLUTION OF THE CITY OF MEDICAL LAKE APPROVING
LAND LEASE AMENDMENT NO. 2 BETWEEN THE STATE OF
WASHINGTON DEPARTMENT OF SOCIAL HEALTH SERVICES AND THE
CITY OF MEDICAL LAKE, WASHINGTON**

WHEREAS, the City of Medical Lake and State of Washington Department of Social Health Services (“DSHS”) previously entered into a Lease Agreement under Lease Number 2176-99164 (“Lease”) to lease certain real property as set forth therein; and

WHEREAS, the City of Medical Lake and DSHS are desirous of amending the Lease pursuant to the attached Land Lease Amendment No. 2 contained in Exhibit A; and

WHEREAS, Land Lease Amendment No. 2 identifies the revisions to be made to the Lease.

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

Section 1. Approval of Agreement. The Council hereby approves Land Lease Amendment No. 2 in the form attached to this Resolution as Exhibit “A” and by reference incorporated herein.

Section 2. Authorization. The Mayor is authorized and directed to execute the Land Lease Amendment No. 2 on behalf of the City in substantially the form attached as Exhibit “A”. The Mayor and Finance Director/City Clerk are each hereby authorized and directed to take such further action as may be appropriate in order to affect the purpose of this Resolution and the Land Lease Amendment No. 2 authorized hereby.

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

Section 4. Effective Date. This Resolution shall become effective immediately upon its adoption.

ADOPTED this 17th day of January, 2023.

Mayor Terri Cooper

Attest:

City Clerk, Koss Ronholt

Approved as to Form:

City Attorney, Sean P. Boutz

**LAND LEASE AMENDMENT No. 2
BETWEEN
THE STATE OF WASHINGTON
THE DEPARTMENT OF SOCIAL HEALTH SERVICES
AND
THE CITY OF MEDICAL LAKE**

This Lease Amendment No. 2 modifies Lease Number 2176-99164 between the State of Washington, Department of Social and Health Services, hereinafter called the Lessor and the City of Medical Lake, hereinafter called the Lessee and will become effective upon full execution by the parties.

Premise: The Lessor hereby leases to the Lessee the following described lands situated in Spokane County, Washington, to wit:

That portion of the NW ¼, Section 19, Township 24 North, Range 41 East, W.M., lying north and west of the (Medical Lake-Tyler Road) State Highway No. 902; and also that portion of the NE ¼ NE ¼, Section 24, Township 24 North, Range 40 East, W.M., lying south of stone pillars of entrance to Eastern Washington State Hospital described as follows: The south 980 feet of the east 1,046.55 feet lying east of the approach road to Eastern Washington State Hospital except the west 30 feet and the south 30 feet thereof for road purposes.

The above described lands contain an area of 45.0 acres, more or less.

No other property owned by DSHS shall be used for any purpose by the Lessee, unless otherwise contracted to do so under a separate agreement.

By Agreement of the above parties, the purpose of this Lease Amendment is to revise the original Lease Agreement as follows:

1. To delete the language in section **1. Occupancy** of the original Lease and replace it in its entirety with the following new language: **1. Occupancy** The lease shall begin 11/01/1967 and terminate on 4/30/2023, unless terminated sooner as provided herein.

All other terms, conditions covenants, and amendments to this Lease, unless specifically altered, modified, or changed herein, remain in full force and effect

IN WITNESS WHEREOF, this Amendment is executed on the latest date by the persons signing below, who warrant that they have the authority to execute the Amendment.

CITY OF MEDICAL LAKE:

DEPARTMENT OF SOCIAL & HEALTH SERVICES:

Signature

Signature

Print Name

Jeanne Rodriguez

Print Name

Title

Capital Assets Manager

Title

Date

Date

**CITY OF MEDICAL LAKE
SPOKANE COUNTY, WASHINGTON
RESOLUTION NO. 23-567**

**A RESOLUTION OF THE CITY OF MEDICAL LAKE ESTABLISHING
THE PARKS AND RECREATION DIRECTOR POSITION AND ASSOCIATED
JOB DESCRIPTION.**

WHEREAS, City staff recommends the establishment of a new, non-union, exempt leadership position to support the City's mission and strategic objectives through the planning, development, promotion, and delivery of comprehensive community recreation, youth and adult sports, community events, and outreach; and

WHEREAS, City staff recommends that the Parks and Recreation Director position be set at a salary range of \$4,916 - \$6,700 per month based on required skills and duties; and

WHEREAS, the Mayor and City Council find that the attached job description serves the best interest of the City.

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

Section 1. Parks and Recreation Director Job Description. The City Council hereby establishes the position of Parks and Recreation Director and adopts the attached job description for the position. The City Council finds the job description will assist the City in employing an individual on the basis of ability, education and training or experience to perform the duties of this position. The Mayor and Council reserve the right to waive any job qualification to serve the interests of the City.

Section 2. Employee. Employee shall exercise his/her best efforts and due diligence in order to perform the duties of the position or employment, which are set forth in the job description and/or by union contract.

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

ADOPTED this 17th day of January, 2023.

Mayor, Terri Cooper

Attest:

Approved as to Form:

Finance Director, Koss Ronholt

City Attorney, Sean P. Boutz

City of Medical Lake



Job Description

Job Title: Parks and Recreation Director

Department: Parks and Recreation

Reports To: City Administrator

Effective Date: 1/17/2023

Salary Range: \$4,916 - \$6,700 per month

The Parks and Recreation Director is appointed by the Mayor and reports to the City Administrator. Work is performed under general guidance and direction and according to City policies, procedures, and various State and federal regulations.

Major Function and Purpose

The Parks and Recreation Director offers strong visionary and recreation experience to provide planning, oversight, leadership, and day-to-day management of the City's parks and recreation programs. As a member of the leadership team, the Parks and Recreation Director supports the City's mission and strategic objectives through the planning, development, promotion, and delivery of comprehensive community recreation, youth and adult sports, community events, and outreach.

A. Essential Functions:

1. Create and manage the vision, mission, goals, and strategic priorities for the Parks and Recreation Department to align with and support the mission, vision, strategic plan, and needs of the City.
2. Plan and direct the development, marketing, implementation, and evaluation of a comprehensive community recreation program that meets city goals, including but not limited to sports, fitness, arts, adaptive and specialized recreation, senior programs, youth programs, adult programs, and community events.
3. Work with advisory boards, elected officials, and other local and regional agencies to plan, create, and implement short-and long-range strategic program plans to maximize the effectiveness of program delivery in response to community need, established cost recovery, level of service standards, and other relevant factors.

4. Coach, mentor, manage, and train direct report staff and volunteers. Develop work schedules, maintain employee timesheets, and perform personnel evaluations as necessary.
5. Work with the Public Works Director to oversee implementation of the Parks and Recreation work plan, assigned work, activities, and projects related to the acquisition, development, and maintenance of City parks and recreational facilities and programs.
6. Meets frequently with the City Administrator to receive general direction and objectives of the Department and to report on operational needs and results. Provides input to City Administrator on long-range goals, objectives, and budgeting for the Department.
7. Recommend, develop, and maintain Parks and Recreation Department policies and procedures. Ensure programs comply with applicable regulations and requirements.
8. Direct community outreach efforts to ensure Parks and Recreation information is effectively, proactively, and consistently communicated with the public.
9. Work with Department staff, partner with local and regional agencies and organizations, and provide staff support to advisory boards to proactively identify opportunities to improve systems, processes, and services.
10. Develop and implement an annual operating budget. Oversee the creation and tracking of revenue goals and budgeted expenses for each program.
11. Perform other duties as required.

The job description should not be construed to imply that these requirements are the exclusive standards of the position. Incumbents will follow any other instructions and perform any other related duties, as may be lawfully required by their supervisor.

B. Supervisory Responsibility

This is the head supervisory position of the department, operating under the direction of the City Administrator. The Parks and Recreation Director manages the Recreation Coordinator, Seasonal Employees, and volunteers. Supervisory responsibilities include providing daily work direction, approval of absences and overtime, an overview of timesheets, and making recommendations regarding hiring, terminations, pay changes, or job changes.

C. Reporting Relationships

Reports to the City Administrator.

D. Knowledge, Skills, or Abilities Desired

While requirements may be representative of minimum levels of knowledge, skills, and abilities, to perform this job successfully, the incumbent will possess the abilities or aptitudes to perform each duty proficiently.

1. Knowledge of youth, teen, adult, recreational sports, adaptive and specialized recreation programs, and large-scale special event planning and delivery.
2. Knowledge of and effective interpretation and application of federal, state, and local policies, laws, and regulations.
3. Skilled in conflict resolution and providing excellent customer service to a broad range of participants and constituents.
4. Strong problem solving, organizational, and goal setting experience with the ability to set priorities and realistic time parameters.
5. Possess excellent written, listening, and verbal communication skills.
6. Ability to complete multiple tasks simultaneously and accommodate shifts in priorities.
7. Proficient computer skills with knowledge of spreadsheet and word processing; skills using data-based systems to maintain records and generate reports.
8. Website and social media marketing acumen and skills using graphic design applications to produce activity guides.
9. Ability to develop and maintain effective organizational structure, financial control, and management information systems for the Parks and Recreation function.
10. Supervisory, training, and mentoring skills.

E. Special Requirements

A valid state driver's license is required. First Aid and CPR certification is desirable.

F. Working Conditions

The work environment characteristics described here are representative of those an employee encounters while performing the essential functions of this job. Reasonable accommodations may be made to enable individuals with disabilities

to perform the essential functions. Appropriate safety equipment, clothing, and training in its use are provided by the employer.

While performing the duties of this job, the employee primarily works in an office setting subject to frequent interruptions and occasionally works in outside weather conditions being exposed to wet and/or humid conditions and/or caustic chemicals. May be exposed to highly stressful situations and individuals who are irate or hostile; may be subject to long hours due to attendance at City Council and Committee meetings and other responsibilities required at this executive level. Flexibility to work evening and weekend hours and occasional overnight travel to conferences and training sessions is required.

G. Contacts and Relationships

The Parks and Recreation Director will have daily contact with employees of the City and with the citizens of the community. In addition, he/she will be expected to present him/herself in a manner creditable to the City in all contacts with any individual, agency, or jurisdiction.

H. Physical Requirements

The physical demands described here are representative of those that must be met by an employee to successfully perform the essential functions of this job. Reasonable accommodations may be made to enable individuals with disabilities to perform the essential functions.

While performing the duties of this job, the employee is regularly required to use hands and fingers to handle, feel, or operate objects, tools, or controls and reach with hands and arms. The employee is required to walk, sit, climb or balance, stoop, kneel, stand, and talk or hear. The employee must frequently lift and/or move up to 50 pounds. Specific vision abilities required by this job include close vision, distance vision, color vision, peripheral vision, depth perception, and the ability to adjust focus.

I. Experience and Training

A bachelor's degree from an accredited college or university in recreation, park resources, business administration, public administration, education, or a related field.

Five years or more of municipal Parks and Recreation services experience or demonstrated equivalent.

Grant writing experience preferred.

Any combination of experience and training that provides the desired skills, knowledge, and abilities will be considered.

Requirements outlined in this job description may be subject to modification to reasonably accommodate individuals with disabilities who are otherwise qualified for employment in this position. However, some requirements may exclude individuals who pose a direct threat or significant risk to the health and safety of themselves or other employees.

J. Selection Guidelines

Formal application, rating of education and experience, oral interview and reference check, and job-related tests may be required.

The duties above are intended only as illustrations of the various types of work that may be performed. The omission of specific statements of duties does not exclude them from the position if the work is similar, related, or a logical assignment to the position.

This job description does not constitute an employment agreement between the Employer and employee and is subject to change as the needs of the Employer and requirements of the job change. This job description should not be construed to imply that these requirements are the exclusive standards of the position. The duties listed above are intended only as illustrations of the various types of work that may be performed. Incumbents will follow any other instructions, and perform any other related duties, as may be lawfully required by their supervisor.

Signature

Date