



City of Medical Lake Planning Department  
124 S. Lefevre St.  
Medical Lake, WA 99022  
509-565-5000  
[www.medical-lake.org](http://www.medical-lake.org)

## STAFF REPORT TO THE PLANNING COMMISSION

**File:** LU 2023-005 CA (Critical Area Review)

**Date of Staff Report:** May 17, 2023

**Date of Hearing:** May 25, 2023

**Staff Planner:** Elisa Rodriguez 509-565-5019 or [erodriguez@medical-lake.org](mailto:erodriguez@medical-lake.org)

**SEPA:** Proposal is exempt from SEPA per WAC 197-11-800 (1)(b)(i), the construction of a detached single family residential unit.

**Procedure:** This request requires a quasi-judicial review, therefore, the Planning Commission will hold a public hearing, then make a recommendation to the City Council. The City Council will make the final decision. The complete process can be found in the Medical Lake Municipal Code, Section 17.10.040 – Approval Process.

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

**Owner:** Kim Magnis, 962 Hummingbird Lane, Blanchard, ID 83804

**Proposal Location:** N Martin Street, north of W Brooks Road

**Spokane County Parcels:** 14073.0253 & 14182.0402

**Zoning Designation:** Single-Family Residential Zone (R-1)

**Proposal Summary:** The applicant proposes to build a single-family residence. This proposed residence is in the buffer of a category III wetland. The applicant is using the Reasonable Use Exception of section 17.10.100 of the Medical Lake Municipal Code (MLMC).

## PROPOSAL

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

## RELEVANT APPROVAL CRITERIA

In order to be approved, this proposal must comply with MLMC Section 17.10.060 – Approval Criteria for critical area permits and MLMC Section 17.10.100(B) – Reasonable Use Review Criteria.

## PROCEDURAL HISTORY

Application Submitted – April 27, 2023

Application Deemed Complete – May 4, 2023

Notice of Application Mailed and Posted – May 11, 2023

Notice of a Public Hearing Published in Cheney Free Press – May 11, 2023

## ANALYSIS

**Site and Vicinity:** The subject site abuts N. Martin Street to the east, single-family residences to the north and west, and a vacant property containing a wetland to the south. This site is the last vacant lot on the block, except the lot to the south which is fully comprised of a wetland. Approximately 80% of the subject site is a category III wetland. The wetland extends south to W. Brooks Road. The portion of the wetland on the subject site is relatively undisturbed in recent years. The portion of the wetland on the neighboring property to the south has been highly altered, namely walls have been constructed around the perimeter.

The site consists of two interior lots, together measuring 122 feet deep and 180 feet wide, totaling 21,960 square feet. The wetland covers the majority of the lot, excluding the northeast corner, which rises slightly and has 3 pine trees. The portion of the wetland on the subject site is mostly vegetated with grasses and cattails and a willow tree in the northwest corner of the site.

**Zoning:** The site is zoned Single-Family Residential, R-1. This zone allows single-family residences at a density of one unit per 6,000 square feet. The subject site has been zoned Single-Family Residential since 1941, however, the regulations in the municipal code have changed over time.

Three standards of the R-1 Zone that have a direct impact on this proposal are minimum setbacks, minimum building footprint, and minimum parking standards. As early as 1999 these standards were as they are

today. MLMC Section 17.16.060 – Development Standards, requires a 15-foot front setback and a 5-foot side setback. This same section requires two off-street parking spaces of nine by eighteen feet. MLMC Section 17.16.070 – Residential Use Standards, requires a residence to have a minimum of 800 square feet of ground floor area, excluding the garage.

The first critical area ordinance for the City of Medical Lake was adopted in 1994. This ordinance which created MLMC Chapter 17.10 – Resource Lands and Critical Area Preservation, required a critical area permit for any disturbance within 200 feet of a wetland. The residences on the block would have been within 200 feet of today's wetland. However, there is no record of a critical area permit review taking place prior to the construction of those residences built in 1998. This could have been because what is now considered a wetland was not considered a wetland at that time, because wetlands change over time, the City of Medical Lake was not implementing the adopted ordinance, or the records have been lost.

### **ZONING CODE APPROVAL CRITERIA**

Critical Area Reviews are subject to the approval criteria of MLMC 17.10.060.

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.

The applicant is proposing a building footprint in the farthest northeast corner of the site while also meeting the required setbacks of fifteen feet on the front and five feet on the side. The wetland is a category III with a habitat score of 5, therefore a buffer of 130 feet is required. Even though the building is to be located as far as possible from the wetland, it is still within the required buffer. Having no land outside of the wetland and required buffer area, the applicant proposes to use the reasonable use exception of MLMC Section 17.10.100. Due to the makeup of the site, the avoidance of impacts is not feasible, therefore, this criterion is met.

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 the applicable ordinance. The applicant shall seek to minimize the fragmentation of the resource to the greatest extent possible.

The applicant is proposing a relatively small building footprint of 1,248 square feet. However, the site slopes down from the northeast corner to the wetland, therefore, the applicant is also proposing to bring in fill to create a level building footprint. The toe of the fill will be the edge of the area of disturbance, which will have an area of approximately 2,700 square feet. This area of disturbance will be demarcated by a silt fence (Condition A).

The subject wetland is an isolated basin which receives stormwater runoff from W. Brooks Road and has no outlet. In addition, it is completely surrounded by development. W. Brooks Road and N. Martin Street are paved, creating an artificial edge to the buffer. Within the same block, there are seven existing houses (and their respective manicured yards) either partially or completely within the 130-foot required buffer. The proposal allows the wetland to remain intact, while recognizing that it is already isolated by existing development.

The proposal will impact the wetland by disturbing the buffer, including the removal of up to 3 pine trees. The proposed development will remove vegetated areas, change the topography, and create impervious surfaces. To mitigate these impacts, the applicant proposes a planting plan to substantially improve the vegetative structure and habitat value (Condition B).

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

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.

The applicant proposes to compensate for the unavoidable impacts of development by planting native plants at the edge of the wetland as shown in Exhibit A.6.

Per the Wetland Buffer Mitigation Plan (Exhibit A.5), during the month of April or October, native plants will be planted according to the approved site plan (Exhibit A.6). These plants will be protected by a temporary wildlife exclusion fence. All plants shall be native to the Spokane County area. The applicant is also proposing a 5-year maintenance and monitoring plan (Condition C).

The proposed mitigation is on site, in-kind, and sufficient to maintain the functions of the wetland. For these reasons, this criterion is met.

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.

The applicant proposes to develop within the wetland buffer, however, the plantings proposed “will substantially increase the stratification, species richness, and habitat value of the wetland,” according to the applicant, a qualified wetland professional. The wetland report provided by the applicant has been reviewed by a third party, also a qualified wetland professional and has confirmed this statement. The wetland itself is not being reduced in size. For these reasons, this criterion is met.

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.

The purpose of Chapter 17.10 – Critical Areas, is to designate and protect critical areas and their functions and values, while also allowing for reasonable use of property. The subject site houses part of a wetland and its associated habitat. The applicant, a qualified wetland professional, has used the Wetland Rating System for Eastern Washington to determine that this wetland is a category III wetland with a habitat rating of five. Hence, Chapter 17.10 requires a 130-foot buffer. There is no part of the subject site that is outside

of the wetland or buffer, therefore, the applicant is pursuing a reasonable use exception to build in the buffer. The proposal is mitigating for any impacts to the wetland by increasing the quality and variety of vegetation on the site. The wetland is already isolated as a basin and completely surrounded by the built environment. The development does not pose a significant threat to public health, safety, or welfare. The wetland has been identified and categorized, the development is being mitigated, and the proposal is not a significant threat, therefore, this criterion is met.

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.

The applicant, a qualified wetland professional, has determined that the subject wetland is a category III wetland with a habitat score of five. A residential development that has a density higher than one unit per acre is considered high-intensity. High-intensity development requires a 130-foot buffer from a category III wetland with a habitat score of five. Due to the fact that there is not a buildable area outside of the wetland and buffer, the applicant is pursuing a reasonable use exception. The performance standards of 17.10.090.F are being adhered to, therefore, this criterion is met.

Applicant wanting to use the Reasonable Use Exception are subject to the approval criteria of 17.10.100(B)

1. The application of this chapter would deny all reasonable economic use of the property.

There is no area of the subject site that is outside of the wetland and buffer, therefore, if the standards of Chapter 17.10 – Critical Areas, were adhered to, no development would be allowed on this site. Hence, the application of this chapter would deny all reasonable economic use of the property. For this reason, this criterion is met.

2. No other reasonable economic use of the property has less impact on the critical area.

The subject site is zoned Single-Family Residential, R-1. This zone allows single-family residences outright and churches, schools, hospitals, government buildings, and other essential facilities as conditional uses. No other allowed use would have a lesser impact on the wetland than the proposed single-family residence, therefore, this criterion is met.

3. The proposed impact to the critical area is the minimum necessary to allow for reasonable economic use of the property.

The applicant is proposing a 1,248 square foot building footprint, which is similar to the surrounding residences. According to the Spokane County Assessor's website, the twelve residences on the same block and across the street from the proposed residence range in footprint from 826 to 2,490 square feet. The MLMC requires a residence to have a minimum floor area of 800 square feet on the ground floor, not including the garage. Of the four residences that have a smaller footprint than the proposed residence, only one meets today's standard of 800 square feet. The MLMC also requires two parking spaces. If the applicant chooses to build a garage for these spaces, the garage is likely to be no less than 400 square feet. The combination of the 800 square feet of residence and the 400 square feet of garage equal 1,200 square feet.

The site slopes down from the northeast corner of the property to the wetland, therefore, the applicant proposes to bring in fill to level the building footprint. This will create a disturbance area of approximately 2,700 square feet. This disturbance area encompasses the proposed building footprint, the required setbacks, the driveway, and enough perimeter area to construct the house.

If the reasonable economic use of the property is a residence, which is similar in size to those of the surrounding properties, then a 1,248 square foot building footprint and a 2,700 square foot disturbance area is the minimum necessary impact on the critical area to allow a reasonable use. For this reason, the criterion is met.

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.

The original critical areas ordinance was adopted by the City of Medical Lake in 1994. The subject site configuration and physical makeup predates this ordinance. The only thing that has changed for this site is the regulations set out in the municipal code. The inability of the applicant to derive reasonable economic use of the property is not the result of actions by the applicant, therefore, this criterion is met.

5. The proposal does not pose a significant threat to the public health, safety, or welfare on or off the development proposal site.

The subject site is located on a block that is fully built out. The wetland, which is an isolated basin, possibly predates the residences. However, prior to 1994, the City of Medical Lake did not have regulations protecting the wetland. The proposed residence will not impact the wetland insofar as the wetland will not adversely affect the surrounding development. At this time, adding an additional residence will not pose a significant threat to the public health, safety, or welfare on or off the site, therefore, this criterion is met.

6. The proposal mitigates for the loss of critical area functions to the greatest extent feasible.

The applicant, a qualified wetland professional, proposes to mitigate the clearing and filling for the proposed development by planting native plants at the wetland perimeter. These plantings will be monitored by the applicant and the city for a period of five years to ensure 80% survival. In addition, a wall of fence will be built at the edge of the disturbance area, providing a clear boundary of the area that should remain undisturbed (Condition D). Finally, a perpetual deed restriction will be recorded with the property, informing future owners of the wetland, buffer, and regulations restricting development (Condition E). For these reasons, the loss of critical area functions have been mitigated to the greatest extent possible, and this criterion is met.

7. The proposal is consistent with other applicable regulations and standards.

In addition to the regulations and standards of Chapter 17.10 – Critical Areas, already covered in this review, section 17.10.090(G)(4) requires a permanent sign to be placed at the site to inform citizens of the existence

of a natural resource (Condition F) and section 17.10.040(A)(17) requires the final critical area review decision be recorded with Spokane County Auditor's office (Condition G).

The proposed building footprint will allow a future residence to meet the development regulations of the Medical Lake Municipal Code as written today. These regulations include minimum setbacks, minimum ground floor residence footprint, and minimum parking standards. The proposal is consistent with other applicable regulations and standards, therefore, this criterion is met.

## **CONCLUSION**

The proposal to build a single-family residence on a property with no area outside of a wetland or its buffer cannot avoid impacts to the wetland. However, using a reasonable use exception, those impacts have been minimized to the extent reasonable and all impacts will be mitigated to the extent necessary to retain the function and value of the wetland and its habitat. The applicant's wetland report was prepared by a qualified wetland professional, and this report was also reviewed and confirmed by a qualified wetland professional contracted by the City of Medical Lake. The applicant has demonstrated that the applicable approval criteria have been met. Because the approval criteria are met, the proposal should be approved.

## **RECOMMENDATION**

The approval criteria set out in MLMC 17.10.060 and 17.10.100 have been met. Therefore, the planning official recommends that the Planning Commission approve the Critical Area Review for a building of 1,248 square feet and a disturbance area of approximately 2,700 square feet, including the removal of trees with the following conditions of approval:

- A. Prior to any ground disturbance or the cutting of trees, the applicant must properly place a silt fence along the line of disturbance as shown on the site plan (Exhibit A.6). This silt fence must remain in place until all construction (including the permanent fence or wall) and landscaping is finished.
- B. The mitigation planting must be done in accordance with the planting plan (Exhibit A.5). The plants must be planted in the months of April or October to be the most successful. This timing may be adjusted with the approval of the City's qualified wetland professional consultant. The mitigation plantings must be completed prior to final occupancy of the residence.
- C. The mitigation plantings, per the approved Wetland Buffer Mitigation Plan (Exhibit A.5), will be monitored and maintained by the property owner for a period of five years. This includes an annual report submitted to the City of Medical Lake Planning Department prior to December 1<sup>st</sup>.
- D. A fence or wall of the owner's choosing delineating the permanent no disturbance area of the wetland must be constructed in the location depicted on the site plan (Exhibit A.6). This fence/wall must be constructed prior to final occupancy of the residence.
- E. Prior to receiving a building permit, the owner shall record a covenant with the Spokane County Auditor's office to inform subsequent purchasers of the existence of critical areas. The covenant shall state the presence of the critical area and buffer on the property, the application of this MLMC Chapter 17.10 – Critical Areas, 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."

- F. A Permanent sign shall be posted along the street frontage 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."
- G. The decision, including conditions, shall be recorded with the Spokane County Auditor. The applicant is responsible for recording the decision against the property and must provide a copy of the recorded decision to the City's 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.

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

Recommend approval, with conditions, of the critical area review as presented in the staff report.

Recommend approval, amending the conditions, of the critical area review as presented in the staff report.

Recommend denial of the critical area review.

**EXHIBITS**

- A. Application Materials
  - 1. Response to Approval Criteria of MLMC Section 17.10.060
  - 2. Response to Approval Criteria of MLMC Section 17.10.100
  - 3. Email re: Department of Ecology dated July 21, 2020
  - 4. Site Plan dated April 25, 2023
  - 5. Wetland Buffer Mitigation Plan dated July 2020
  - 6. Revised Site Plan dated May 16, 2023
- B. Public Notifications
  - 1. Notice of Application dated May 11, 2023
  - 2. Legal Notice, Published in Cheney Free Press on May 11, 2023
- C. SEPA (none)
- D. Communications
  - 1. Letter of Completeness dated May 4, 2023
  - 2. Memo re: review of Wetland Mitigation Plan received May 4, 2023
- E. Maps
  - 1. Aerial from the National Wetland Inventory website dated May 17, 2023



The following are responses to the Approval Criteria per 17.10.060 for the Proposed Mangis Development linked to Parcels 14073.0253 & 14182.0402.

- A. All direct impacts to the onsite wetland have been avoided. This development proposal yields approx. 2,700 Sf of wetland buffer impacts. The entire parcel is encumbered with wetlands and associated buffer zones.
- B. Minimization measures – complete avoidance is not possible. A minimal development footprint was established in the northeast corner and encompasses approx. 2,700 SF.
- C. Compensatory Mitigation is proposed onsite and in-kind (see Wetland Buffer Mitigation Plan dated July 2020).
- D. The proposed enhancement plantings will provide a functional lift over time. The proposed project should result in no net loss of wetland habitat (or functions and values).
- E. This proposal does not pose a significant threat to the public health, safety, or welfare of the citizens of Medical Lake.
- F. Performance standards are consistent with the Wetlands Section 17.10.090.F.

The following are responses to the Approval Criteria per 17.10.100(B) for the Proposed Mangis Development linked to Parcels 14073.0253 & 14182.0402.

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

1. The application of this chapter would deny all reasonable economic use of the property;

**The entire site is covered by wetlands and associated buffer zones. Without an Reasonable Use Exception all reasonable economic use would eliminated or taken away from the Applicant.**

2. No other reasonable economic use of the property has less impact on the critical area;

**There are no other reasonable economic uses for this property.**

3. The proposed impact to the critical area is the minimum necessary to allow for reasonable economic use of the property;

**The single-family development footprint has been reduced to approximately 2,700 SF, which represents a minimum necessary for development for this site configuration.**

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;

**A mitigation plan was developed prior to the effective date of this Section of the Code. See Mitigation Plan dated July 2020.**

5. The proposal does not pose a significant threat to the public health, safety, or welfare on or off the development proposal site;

**This proposal does not pose a significant threat to the public health, safety, or welfare of the citizens of Medical Lake.**

6. The proposal mitigates for the loss of critical area functions to the greatest extent feasible; and

**The Mitigation Plan has been developed to mitigate for the wetland buffer encroachments.**

7. The proposal is consistent with other applicable regulations and standards.

**Performance standards are consistent with the Wetlands Section 17.10.090.F.**

**Vince Barthels**

---

**From:** McCann, Jacob (ECY) <JMCA461@ECY.WA.GOV>  
**Sent:** Tuesday, July 21, 2020 9:57 AM  
**To:** Vince Barthels; dross@medical-lake.org  
**Cc:** Kim Mangis  
**Subject:** RE: Mangis Wetland Buffer Mitigation Plan - for your review and approval

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Vince – As proposed, the Mangis Buffer Mitigation Plan provides reasonable assurance that the project will result in no net loss of wetland functions and values on the site. Due to buffer encumbrance, it is a challenging site to develop, but the small project footprint, conservation easement/deed restriction, and enhancement plantings help minimize impacts and may provide a functional lift over time.

Please let me know if you have any questions.

Thanks,

*Jacob McCann*

Wetlands/Shorelands Specialist  
Department of Ecology | Eastern Region  
Desk 509-329-3584 | Cell 509-209-4428

*This communication is a public record and may be subject to disclosure per RCW 42.56.*

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**From:** Vince Barthels <vbarthels@to-engineers.com>  
**Sent:** Monday, July 13, 2020 5:09 PM  
**To:** dross@medical-lake.org; McCann, Jacob (ECY) <JMCA461@ECY.WA.GOV>  
**Cc:** Kim Mangis <k.mangis@yahoo.com>  
**Subject:** Mangis Wetland Buffer Mitigation Plan - for your review and approval

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Doug and Jacob,

At your earliest convenience, please review and offer your feedback on the attached Wetland Buffer Mitigation Plan. If you would like to discuss further, please call anytime.

Thanks,

VINCE BARTHELS | *Spokane Office Manager / Environmental Services Manager*



121 W. Pacific Avenue | Suite 200 | Spokane, Washington 99201

O 509-319-2580 | C 509-951-9564

[www.to-engineers.com](http://www.to-engineers.com)



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**LEGEND**

- APPROXIMATE SUBJECT PROPERTY BOUNDARY (3.8 ACRES TOTAL)
- CATEGORY III DEPRESSIONAL WETLAND (APPROX. 4 ACRES)
- PROPOSED BUILDING SITE (1348 SF)
- PHOTO POINT (P)
- FENCED PLANTING ENCLOSURE 16' X 30' (480 SF)
- ROCK WALL OR SPLIT RAIL FENCE TO BE INSTALLED
- SILT FENCE LOCATION

NOTE: AREA LANDWARD OF THE ROCK WALL IS APPROX. 2,700 SF.

PLANTING SCHEDULE			
SYMBOL	TREE	SIZE	NUMBER
△	ASPENS	5 GALLON	10
X	COYOTE WILLOWS	STAKE PLANTINGS	5
○	RED-OSSER DOGWOOD	5 GALLON	5
□	COTTONWOOD	5 GALLON	2 + TBD
○	LUPINE	PLANTING PLUGS	5

NOTE: SEE SHEET 3 FOR PLANTING DETAILS

**SPOKANE COUNTY PARCELS  
#14073.0253 & #14182.0402  
WETLAND MITIGATION EXHIBIT & SITE PLAN  
KIM MANGIS (PROPERTY OWNER)  
UPDATED 04/26/2023**



SHEET

**T-O ENGINEER**  
121 W. PACIFIC AVENUE SUITE 200  
SPOKANE, WA 99201  
PHONE: (509) 319-2500 WWW.T-ENGINEERS.COM  
E-MAIL: T-ENGINEERS@T-ENGINEERS.COM

# Wetland Buffer Mitigation Plan

Spokane County Parcel #'s 14073.0253 & 14182.0402 (approx. 0.50 acres)

Within the City of Medical Lake, Spokane County, Washington

Physical Address to be determined along N. Martin Street

SW ¼ of Sec. 7, T24N. R41E.



Prepared for:

**Kim Mangis**

[k.mangis@yahoo.com](mailto:k.mangis@yahoo.com)

(509) 991-2201

July 2020

 **T-O ENGINEERS**

Vince Barthels, Biologist

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## Project Description

This mitigation plan is written in response to the proposed development of a single family residence within Spokane County Parcel #'s 14073.0253 & 14182.0402, encompassing approximately 0.5 acres and contained within the City of Medical Lake, Washington (see **Wetland Mitigation Exhibit & Site Plan, Appendix A**). The subject property is owned by Kim Mangis, who is proposing to construct a small house (1,248 SF), while maintaining standard City lot setbacks, within a developable area encumbering approximately 2,700 SF in the northeastern corner of the subject property.

A Category III depressional wetland occupies approximately 80% of the subject parcel (see **DOE Rating Forms, Appendix B**). **Appendix B** also contains relevant reference maps and baseline data, such as: the Department of Natural Resources (DNR) Water Map, FEMA Map, National Wetland Inventory (NWI) Map, Soils Map, and Priority Habitat and Species (PHS) Data. The remaining portions of the property are encumbered by the wetland buffer zone consistent with Medical Lake's Municipal Code - Chapter 17.10.140. The anticipated wetland buffer encroachments consider mitigation sequencing and strive to minimize the developable footprint. This plan aims to provide adequate on-site mitigation measures that do not adversely affect existing wetland functions and values, while providing a reasonable and practical development scenario.

This Mitigation Plan is aimed at substantially improving the vegetative structure and habitat value in accordance with the general principals outlined in the Wetland Mitigation in Washington State – Part 1: Agency Policies and Guidance (Version 1) [DOE etal. 2006]. Given the high probability of the successful implementation of the wetland buffer enhancement plantings and measures described herein, the overall mitigation approach should be deemed appropriate and fair.

The mitigation components and associated planned maintenance and monitoring efforts, are outlined in the subsequent portions of this plan.

## Mitigation Approach

This plan utilizes on-site permittee-responsible mitigation for the anticipated clearing and filling of 0.061 acres (or 2,700 SF) of wetland buffer area. Moreover, this plan also compensates for the mature Ponderosa Pine tree or trees that will be removed. The proposed mitigation site (encompassing the entire subject parcels excluding the identified 2,700 SF) will be housed within a perpetual deed restriction or conservation easement and recorded with the City of Medical Lake and the Spokane County Assessor.



In order to delineate the developable portion of the property (0.061 acres) from the wetland and enhanced wetland buffer zone (0.438 acres), the property owner shall construct a split rail fence or a small rock wall (less than 4' in height) to provide a clear boundary. The wetland and enhanced buffer zone (0.438 acres) should remain as undisturbed as possible.

A variety of planting plugs, stake plantings, and 5-gallon nursery-sized native plantings are prescribed to be installed within the proposed mitigation site (0.438 acres). Temporary wildlife exclusion fencing (composed of cattle panels and metal t-posts) around the plantings and a supplemental irrigation system will be installed to increase the success of the installed plantings.

### Planting Plan

The vegetation installation will occur concurrently with the site development activities and during the spring or fall months when vegetation planting is the most successful (i.e. within the months of April or October). Please refer to **Appendix A**, for a depiction of the wetland mitigation site and for the area in which each species will be planted.

**Table 1**, below, details the species, size class, planting zones, spacing and quantities recommended for the prescribed native plantings. Overall, the prescribed plant schedule yields a total of 22+ trees or shrubs and 5 planting plugs.

**Table 1. Prescribed Plant Schedule.**

Common Name	Scientific Name	Size	Zone	Spacing	Quantity
Coyote willow	<i>Salix exigua</i>	Stakes	Fenced Enclosure	1 per 50 sq ft	10
Red-osier Dogwood	<i>Cornus sericea</i>	5-gallon	Fenced Enclosure	1 per 50 sq ft	5
Lupine	<i>Lupinus spp.</i>	Planting plugs	In Area where concrete rubble to be removed	1 per 5 sq ft	5
Quaking aspen	<i>Populus tremuloides</i>	5-gallon	Fenced Enclosure	1 per 50 sq ft	10
Cottonwood	<i>Populus spp.</i>	5-gallon	Outside Fenced Enclosure	1 per 50 sq ft	2+*
				<b>Total</b>	<b>22+</b>

**Note (\*): Cottonwood trees are to be planted at a replacement ratio of 2:1 for each of the mature Ponderosa Pine trees to be removed. Currently, there is one Ponderosa Pine tree anticipated to be removed and housed on the subject parcel. If additional Ponderosa Pine trees are removed from the public right-of-way or neighboring parcel to the north (south of the existing house), then additional cottonwood trees will be required to be replanted at the replacement ratio of 2:1.**

## **Installation of Prescribed Plantings**

All plant materials shall be native to the Spokane County area and from native stock. All plants should be kept saturated and shaded until the time of installation, as well as healthy, vigorous, and free from any signs of insect, disease, mechanical injury, or signs of environmental or other stress. Actively growing plants should only be planted during the frost-free periods.

The following planting instructions should be followed for container, plugs, and stake plantings. All planting materials shall be watered immediately following installation. Please refer to **Appendix A** for the complete Planting Details.

### Nursery-sized container plantings

- Plantings should be placed in a hole that is at least three times as wide and double the height as the nursery container.
- A slow release fertilizer, such as Osmocote or Equal, can be used as specified by the manufacturer but should only be placed in planting holes.
- All plants should be removed from their containers, placed in individual holes, and backfilled with native soil.
- Root balls should be covered with at least 2 inches of soil and a generous quantity of water should be given to each planting immediately after installation.
- A protective wrap or weed barrier shall be placed in a 1.5-foot radius at the trunk of 5-gallon woody plantings installed.

### Planting plugs

- Planting plugs shall be planted as soon as adequate soil moisture and conditions are reached (i.e. 40-45°F at a soil depth of 4 inches).
- Planting plugs shall be placed upright in individual holes that measure 4 inches deep and 3 inches wide and backfilled with loosely packed soil.
- The rooting media of the planting plug should be covered with native soil or the imported topsoil.

### Stake plantings

- Stakes should be at least ½ inches in diameter and 4-5 feet in length.
- Stakes should be soaked at least 24 hours prior to planting.
- Stake plantings should be installed with random alternating orientation to encourage growth while maintaining natural looking aesthetics.

- Stake plantings should be buried at least 3 feet so that the roots can reach the water table and so that  $\frac{3}{4}$  of the total length is planted below ground. A probe or stinger may be used to dig the hole at the appropriate depth.
- The terminal bud on each cutting should be removed.
- Stake plantings should be placed at a depth in which 4 to 6 buds underground and 2 to 3 buds above ground.
- The soil shall be tamped around each cutting to ensure no air pockets remain.

### Maintenance and Monitoring

The prescribed plantings shall receive five years of monitoring and maintenance at the responsibility of the property owner. The goal is to establish an 80% survival rate for all native woody plantings and a maximum tolerance for weedy species within the mitigation site of 20%.

#### Maintenance over the 5-year period includes the following:

1. Wildlife exclusionary fencing to be installed around the planting areas to protect the area from ungulate browsing. At the end of the monitoring period (i.e. after Year 5), the fencing shall be removed by the property owner after the site has met the performance standards. After removing the fencing, a sign indicating the site is a wetland mitigation site/sensitive area shall be posted along the eastern boundary of the mitigation site (along N. Martin Road).
2. The installed plantings will be temporarily irrigated (via drip lines or an extended hose) to allow the newly installed plantings to mature and develop adequate root systems for the first 2 to 3 growing seasons post planting.
3. Plantings that die during the 5-year maintenance and monitoring period will be removed and replaced by the property owner.
4. Noxious weeds will be identified and treated with Aquamaster™ herbicide<sup>1</sup>. This herbicide is selected for this specific application because it is a non-selective, glyphosate [N-(phosphonomethyl)glycine], aquatic herbicide that controls emerged vegetation in environments where water is present. Aquamaster™ is highly effective on more than 190 species of emerged weeds.

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<sup>1</sup> Aquamaster™ shall be purchased and applied by a Washington State Licensed Applicator. Treatment applications would be in accordance to the labeled directions, established by Monsanto.

After the newly installed vegetation assemblages have been established and deemed successful for a period of no less than five years, the site will be considered as part of the zero-landscape area, meaning additional monitoring or maintenance efforts would not be warranted.

Monitoring efforts would begin after the "as-built" drawings have been submitted to the appropriate regulatory agencies (namely, the Department of Ecology (DOE) and the City of Medical Lake) by the property owner post planting. No less than four established photo points shall be illustrated on the "as-built" drawings. All planting areas must be monitored year-round, for a period of no less than 5 continuous years, with an annual report submitted to the appropriate regulatory agencies, including the DOE and the City of Medical Lake by December 1<sup>st</sup> of each year. The annual report shall be formatted consistent with the *Mitigation Monitoring Report Format* guidance (dated October 10, 2008) generated by the USACE Seattle District (see **Appendix C**).

All plant materials must be cataloged according to their condition (i.e., living, stressed, or dead) and a percent of survivability must be given. The annual reports must also identify all maintenance concerns, adaptive management strategies employed, and include a photo-inventory (a minimum of six, 3 by 4-inch original color photographs) that displays the planting areas. All photos are to be taken from the established photo-reference points and archived by area, date, and time of photograph.

Based on monitoring results, adaptive management of the site will be utilized. If the site is not trending towards performance standards identified within this plan, additional management actions may be required and may include:

1. Additional plantings;
2. Weed treatment and removal;
3. Re-seeding;
4. Extension of the monitoring period; and,
5. Adding additional monitoring points.

### Site Protection

The proposed mitigation site (encompassing approximately 0.438 acres) would need to be surveyed and contained within a perpetual deed restriction or conservation easement and recorded with Spokane County Assessor and the City of Medical Lake. If the planting success rate falls below the success or performance threshold of 80%, then the Property Owner may be required to provide adequate additional compensatory mitigation in another form, through consultation with the DOE

and the City of Medical Lake. After the mitigation site has fulfilled the performance standards and has been released from further mitigation measures from all of the agencies, the site may be dedicated to the local land trust or to the City of Medical Lake or another public entity. Again, this site will remain in a perpetual deed or conservation easement regardless of ownership.

## Conclusion

This report offers a practical, permittee-responsible mitigation approach for the anticipated impacts correlated to 0.061 acres of Category III depressional wetland buffer area along N. Martin Road. The prescribed plantings will substantially increase the stratification, species richness, and habitat value of the wetland housed onsite. Performance goals should be achieved through maintenance, monitoring and adaptive management over a 5-year period. The annual reporting requirement provides the avenue of active agency coordination over the 5-year monitoring period. It should be noted however, that the final authority to implement this plan rests with the appropriate regulatory agencies.

Respectfully submitted by:



**July 5, 2020**

Vince Barthels, Biologist  
**T-O ENGINEERS**

## Literature Cited

Washington State Department of Ecology (DOE), U.S. Army Corps of Engineers (USACE) Seattle District, and U.S. Environmental Protection Agency (EPA) Region 10. March 2006. Wetland Mitigation in Washington State – Part 1: Agency Policies and Guidance (Version 1). Washington State Department of Ecology Publication #06-06-011a. Olympia, WA.

## Appendix A – Wetland Mitigation Exhibit & Site Plan and Planting Details







**Appendix B – DOE Rating Forms, DNR Water Map, FEMA Map, NWI  
Map, Soils Map, and PHS Data**

Wetland name or number Kim Mangis (KM)

## RATING SUMMARY – Eastern Washington

Name of wetland (or ID #): Parcel #15: 14073.0253 & 14182.0402 Date of site visit: 5-4-2020

Rated by Vince Barthels (T-O) Trained by Ecology?  Yes  No Date of training 10-30-08

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

NOTE: Form is not complete without the figures requested (figures can be combined).

Source of base aerial photo/map Google Earth

Figure 1 = Wetland Assessment Exhibit A; and, Figure 2 = 1 Km Radius

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

### 1. Category of wetland based on FUNCTIONS

Category I – Total score = 22-27

Category II – Total score = 19-21

Category III – Total score = 16-18

Category IV – Total score = 9-15



FUNCTION	Improving Water Quality			Hydrologic			Habitat			
	<i>Circle the appropriate ratings</i>									
Site Potential	H	<u>M</u>	L	<u>H</u>	M	L	H	<u>M</u>	L	
Landscape Potential	H	<u>M</u>	L	<u>H</u>	M	L	H	<u>M</u>	L	
Value	H	M	<u>L</u>	H	M	<u>L</u>	H	M	<u>L</u>	
Score Based on Ratings	<u>5</u>			<u>7</u>			<u>5</u>			<u>17</u>

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

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

### 2. Category based on SPECIAL CHARACTERISTICS of wetland

CHARACTERISTIC	CATEGORY	
	<i>Circle the appropriate category</i>	
Vernal Pools	<u>II</u>	III
Alkali		I
Wetland of High Conservation Value		I
Bog and Calcareous Fens		I
Old Growth or Mature Forest – slow growing		I
Aspen Forest		I
Old Growth or Mature Forest – fast growing		II
Floodplain forest		II
None of the above	<u>X</u>	

  
  
 5-4-2020

Wetland name or number KM

<b>DEPRESSIONAL WETLANDS</b>		Points (only 1 score per box)
<b>Water Quality Functions</b> - Indicators that the site functions to improve water quality		
<b>D 1.0. Does the site have the potential to improve water quality?</b>		
<b>D 1.1. Characteristics of surface water outflows from the wetland:</b> Wetland has no surface water outlet Wetland has an intermittently flowing outlet Wetland has a highly constricted permanently flowing outlet Wetland has a permanently flowing, unconstricted, surface outlet	points = 5 points = 3 points = 3 points = 1	5
<b>D 1.2. The soil 2 in below the surface (or duff layer) is true clay or true organic (use NRCS definitions of soils)</b> <u>Rocky-Fourmond complex, 0-15% slopes</u> YES = 3 NO = 0	YES = 3 NO = 0	0
<b>D 1.3. Characteristics of persistent vegetation (Emergent, Scrub-shrub, and/or Forested Cowardin classes)</b> Wetland has persistent, ungrazed, vegetation for > 2/3 of area Wetland has persistent, ungrazed, vegetation from 1/3 to 2/3 of area Wetland has persistent, ungrazed vegetation from 1/30 to < 1/3 of area Wetland has persistent, ungrazed vegetation < 1/30 of area	points = 5 points = 3 points = 1 points = 0	5
<b>D 1.4. Characteristics of seasonal ponding or inundation:</b> <i>This is the area of ponding that fluctuates every year. Do not count the area that is permanently ponded.</i> Area seasonally ponded is > 1/2 total area of wetland Area seasonally ponded is 1/2 - 1/3 total area of wetland <u>≈ 40%</u> Area seasonally ponded is < 1/3 total area of wetland	points = 3 points = 1 points = 0	1
<b>Total for D 1</b>	<b>Add the points in the boxes above</b>	<b>11</b>

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

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

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

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

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

Wetland name or number KM

<b>DEPRESSIONAL WETLANDS</b>		Points (only 1 score per box)
<b>Hydrologic Functions</b> - Indicators that the site functions to reduce flooding and erosion.		
<b>D 4.0. Does the site have the potential to reduce flooding and erosion?</b>		
<b>D 4.1. Characteristics of surface water outflows from the wetland:</b>		
Wetland has no surface water outlet	points = 8	<b>8</b>
Wetland has an intermittently flowing outlet	points = 4	
Wetland has a highly constricted permanently flowing outlet	points = 4	
Wetland has a permanently flowing unconfined surface outlet (If outlet is a ditch and not permanently flowing treat wetland as "intermittently flowing")	points = 0	
<b>D 4.2. Depth of storage during wet periods: Estimate the height of ponding above the bottom of the outlet. For wetlands with no outlet, measure from the surface of permanent water or deepest part (if dry).</b>		
Seasonal ponding: > 3 ft above the lowest point in wetland or the surface of permanent ponding	points = 8	<b>6</b>
Seasonal ponding: 2 ft - < 3 ft above the lowest point in wetland or the surface of permanent ponding	points = 6	
The wetland is a headwater wetland	points = 4	
Seasonal ponding: 1 ft - < 2 ft	points = 4	
Seasonal ponding: 6 in - < 1 ft	points = 2	
Seasonal ponding: < 6 in or wetland has only saturated soils	points = 0	
<b>Total for D 4</b>	<b>Add the points in the boxes above</b>	<b>14</b>
<b>Rating of Site Potential</b> If score is: <u>X 12-16 = H</u> 6-11 = M 0-5 = L <span style="float: right;">Record the rating on the first page</span>		

<b>D 5.0. Does the landscape have the potential to support the hydrologic functions of the site?</b>		
<b>D 5.1. Does the wetland receive stormwater discharges?</b>	Yes = 1 No = 0	<b>1</b>
<b>D 5.2. Is &gt; 10% of the area within 150 ft of the wetland in a land use that generates runoff?</b>	Yes = 1 No = 0	<b>1</b>
<b>D 5.3. Is more than 25% of the contributing basin of the wetland covered with intensive human land uses?</b>	Yes = 1 No = 0	<b>1</b>
<b>Total for D 5</b>	<b>Add the points in the boxes above</b>	<b>3</b>
<b>Rating of Landscape Potential</b> If score is: <u>X 3 = H</u> 1 or 2 = M 0 = L <span style="float: right;">Record the rating on the first page</span>		

<b>D 6.0. Are the hydrologic functions provided by the site valuable to society?</b>		
<b>D 6.1. The wetland is in a landscape that has flooding problems.</b>		
Choose the description that best matches conditions around the wetland being rated. Do not add points. Choose the highest score if more than one condition is met.		
The wetland captures surface water that would otherwise flow down-gradient into areas where flooding has damaged human or natural resources (e.g., houses or salmon redds), AND		
Flooding occurs in sub-basin that is immediately down-gradient of wetland	points = 2	
Surface flooding problems are in a sub-basin farther down-gradient	points = 1	
The existing or potential outflow from the wetland is so constrained by human or natural conditions that the water stored by the wetland cannot reach areas that flood.		
Explain why <u>no outlet</u>	points = 0	<b>0</b>
There are no problems with flooding downstream of the wetland	points = 0	
<b>D 6.2. Has the site has been identified as important for flood storage or flood conveyance in a regional flood control plan?</b>	Yes = 1 No = 0	<b>0</b>
<b>Total for D 6</b>	<b>Add the points in the boxes above</b>	<b>0</b>
<b>Rating of Value</b> If score is: 2-4 = H 1 = M <u>X 0 = L</u> <span style="float: right;">Record the rating on the first page</span>		

Wetland name or number KM

**These questions apply to wetlands of all HGM classes.** (only 1 score per box)  
**HABITAT FUNCTIONS** - Indicators that site functions to provide important habitat

H 1.0. Does the wetland have the potential to provide habitat for many species?

H 1.1. Structure of the plant community:  
 Check the Cowardin vegetation classes present and categories of emergent plants. Size threshold for each category is  $\geq 1/4$  ac or  $\geq 10\%$  of the wetland if wetland is  $< 2.5$  ac.

Aquatic bed  
 Emergent plants 0-12 in (0-30 cm) high are the highest layer and have  $> 30\%$  cover  
 Emergent plants >12-40 in (>30-100 cm) high are the highest layer with  $>30\%$  cover  
 Emergent plants  $> 40$  in (> 100 cm) high are the highest layer with  $>30\%$  cover  
 Scrub-shrub (areas where shrubs have  $>30\%$  cover) 4 or more checks: points = 3  
 Forested (areas where trees have  $>30\%$  cover) 3 checks: points = 2  
 2 checks: points = 1  
 1 check: points = 0

2

H 1.2. Is one of the vegetation types Aquatic Bed? Yes = 1 No = 0

0

H 1.3. Surface water  
 H 1.3.1. Does the wetland have areas of open water (without emergent or shrub plants) over at least  $1/4$  ac OR 10% of its area during the March to early June OR in August to the end of September? Answer YES for Lake Fringe wetlands. Yes = 3 points & go to H 1.4 No = go to H 1.3.2  
 H 1.3.2. Does the wetland have an intermittent or permanent, and unvegetated stream within its boundaries, or along one side, over at least  $1/4$  ac or 10% of its area? Answer yes only if H 1.3.1 is No. Yes = 3 No = 0

3


H 1.4. Richness of plant species  
 Count the number of plant species in the wetland that cover at least 10 ft<sup>2</sup>. Different patches of the same species can be combined to meet the size threshold. You do not have to name the species. Do not include Eurasian milfoil, reed canarygrass, purple loosestrife, Russian olive, Phragmites, Canadian thistle, yellow-flag iris, and saltcedar (Tamarisk)

# of species 6  
Willow (2), aspen, cattails, box elder, locust


Scoring:  $> 9$  species: points = 2  
 $4-9$  species: points = 1  
 $< 4$  species: points = 0

1


H 1.5. Interspersion of habitats  
 Decide from the diagrams below whether interspersions among types of plant structures (described in H 1.1), and unvegetated areas (open water or mudflats) is high, moderate, low, or none. Use map of Cowardin and emergent plant classes prepared for questions H 1.1 and map of open water from H 1.3. If you have four or more plant classes or three classes and open water, the rating is always high.



None = 0 points





Low = 1 point




Moderate = 2 points

All three diagrams in this row are High = 3 points







Riparian braided channels with 2 classes

Figure 1  
3

Wetland name or number KM

<p><b>H 1.6. Special habitat features</b>  <i>Check the habitat features that are present in the wetland. The number of checks is the number of points.</i></p> <p><input checked="" type="checkbox"/> Loose rocks larger than 4 in OR large, downed, woody debris (&gt; 4 in diameter) within the area of surface ponding or in stream.</p> <p><input checked="" type="checkbox"/> Cattails or bulrushes are present within the wetland.</p> <p><input type="checkbox"/> Standing snags (diameter at the bottom &gt; 4 in) in the wetland or within 30 m (100 ft) of the edge.</p> <p><input checked="" type="checkbox"/> Emergent or shrub vegetation in areas that are permanently inundated/ponded.</p> <p><input checked="" type="checkbox"/> Stable steep banks of fine material that might be used by beaver or muskrat for denning (&gt; 45 degree slope) OR signs of recent beaver activity</p> <p><input type="checkbox"/> Invasive species cover less than 20% in each stratum of vegetation (<i>canopy, sub-canopy, shrubs, herbaceous, moss/ground cover</i>)</p>	4
<p>Total for H 1</p>	13

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

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

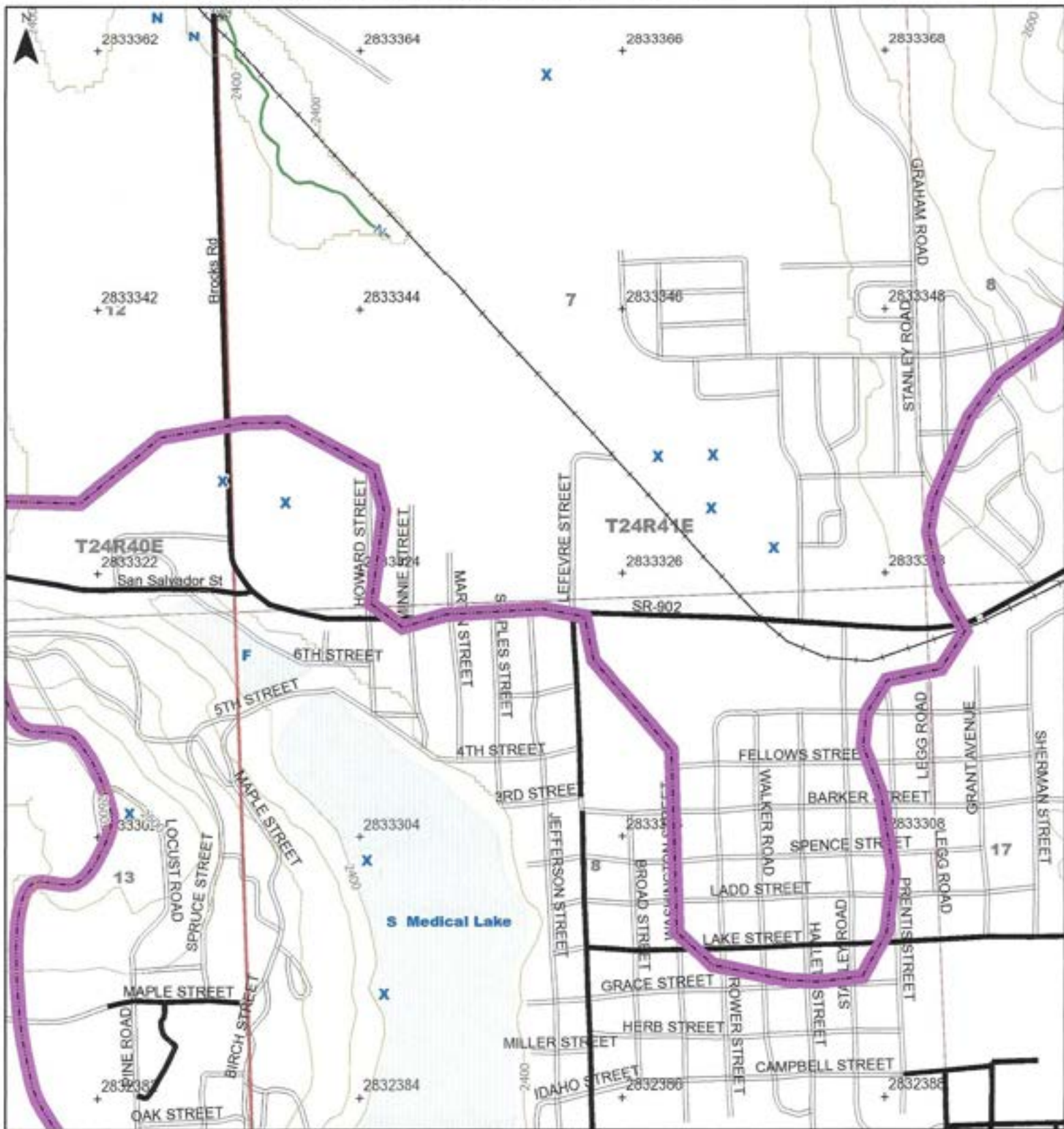
**Rating of Landscape Potential** If score is: 4-9 = H 1-3 = M < 1 = L Record the rating on the first page

<p><b>H 3.0. Is the habitat provided by the site valuable to society?</b></p>	
<p><b>H 3.1. Does the site provide habitat for species valued in laws, regulations, or policies? Choose the highest score that applies to the wetland being rated</b></p> <p>Site meets ANY of the following criteria: points = 2</p> <ul style="list-style-type: none"> <li><input type="checkbox"/> It has 3 or more priority habitats within 100 m (see Appendix B)</li> <li><input type="checkbox"/> It provides habitat for Threatened or Endangered species (any plant or animal on state or federal lists)</li> <li><input type="checkbox"/> It is mapped as a location for an individual WDFW species</li> <li><input type="checkbox"/> It is a Wetland of High Conservation Value as determined by the Department of Natural Resources</li> <li><input type="checkbox"/> it has been categorized as an important habitat site in a local or regional comprehensive plan, in a Shoreline Master Plan, or in a watershed plan</li> </ul> <p>Site has 1 or 2 priority habitats within 100 m (see Appendix B) points = 1</p> <p>Site does not meet any of the criteria above <u>points = 0</u></p>	0

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

*Nothing Reported on PHS Data dated 2-11-2020. 14*

# Forest Practices Activity Map - Application # \_\_\_\_\_



Map Symbols	
	Harvest Boundary
	Road Construction
	Stream
	RMZ / WMZ Buffers
	Rock Pit
	Landing
	Waste Area
	Clumped WRTS/QRTS
	Existing Structure

**Additional Information**

**Legal Description**  
 S07 T24.0N R41.0E, S08 T24.0N R41.0E  
 S13 T24.0N R40.0E, S12 T24.0N R40.0E  
 S17 T24.0N R41.0E, S18 T24.0N R41.0E



Extreme care was used during the compilation of this map to ensure its accuracy. However, due to changes in data and the need to rely on outside information, the Department of Natural Resources cannot accept responsibility for errors or omissions, and therefore, there are no warranties that accompany this material.

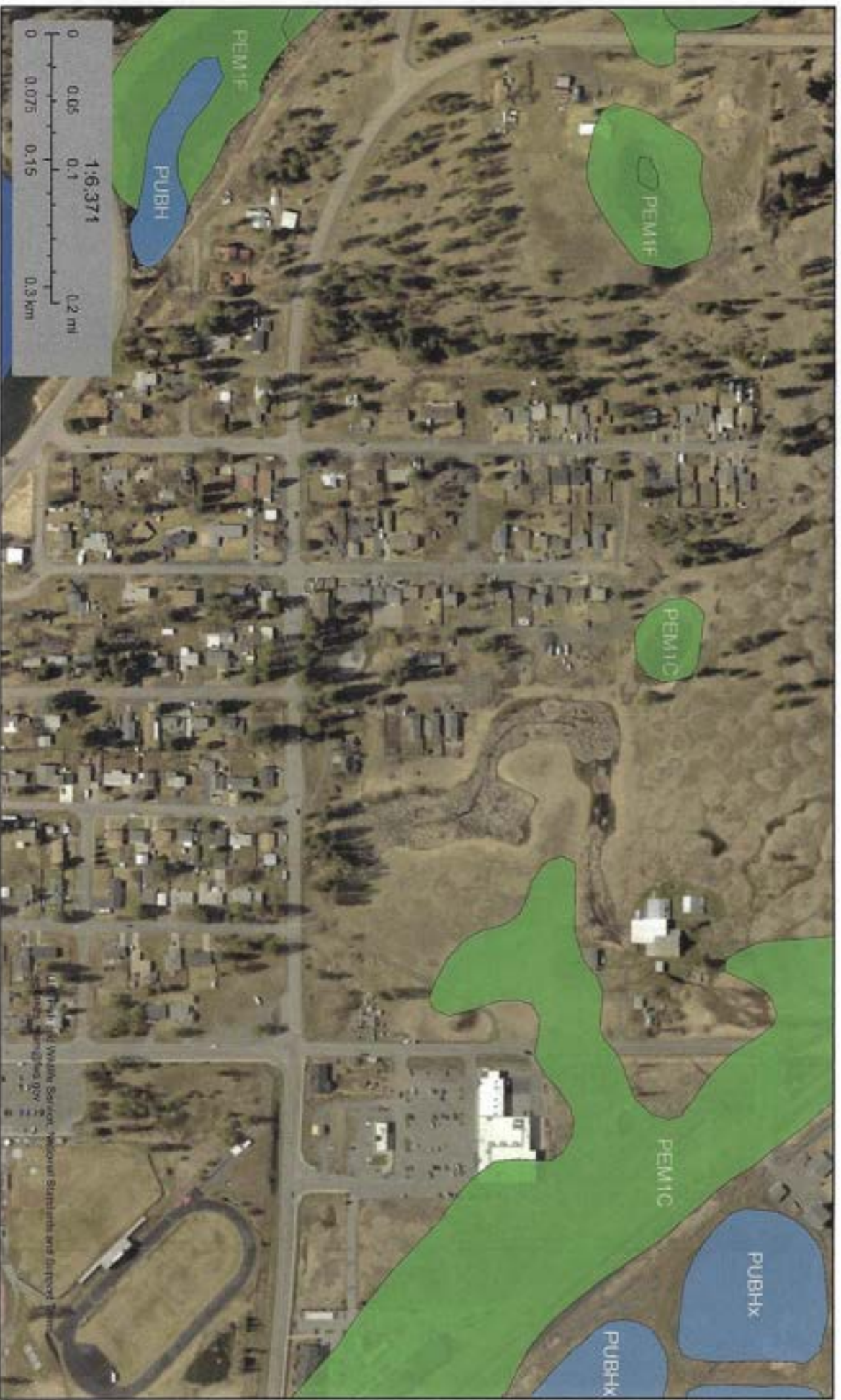
0 0.25  
  
 Miles  
 Date: 2/11/2020      Time: 1:32:36 PM







# Martin St. Medical Lake



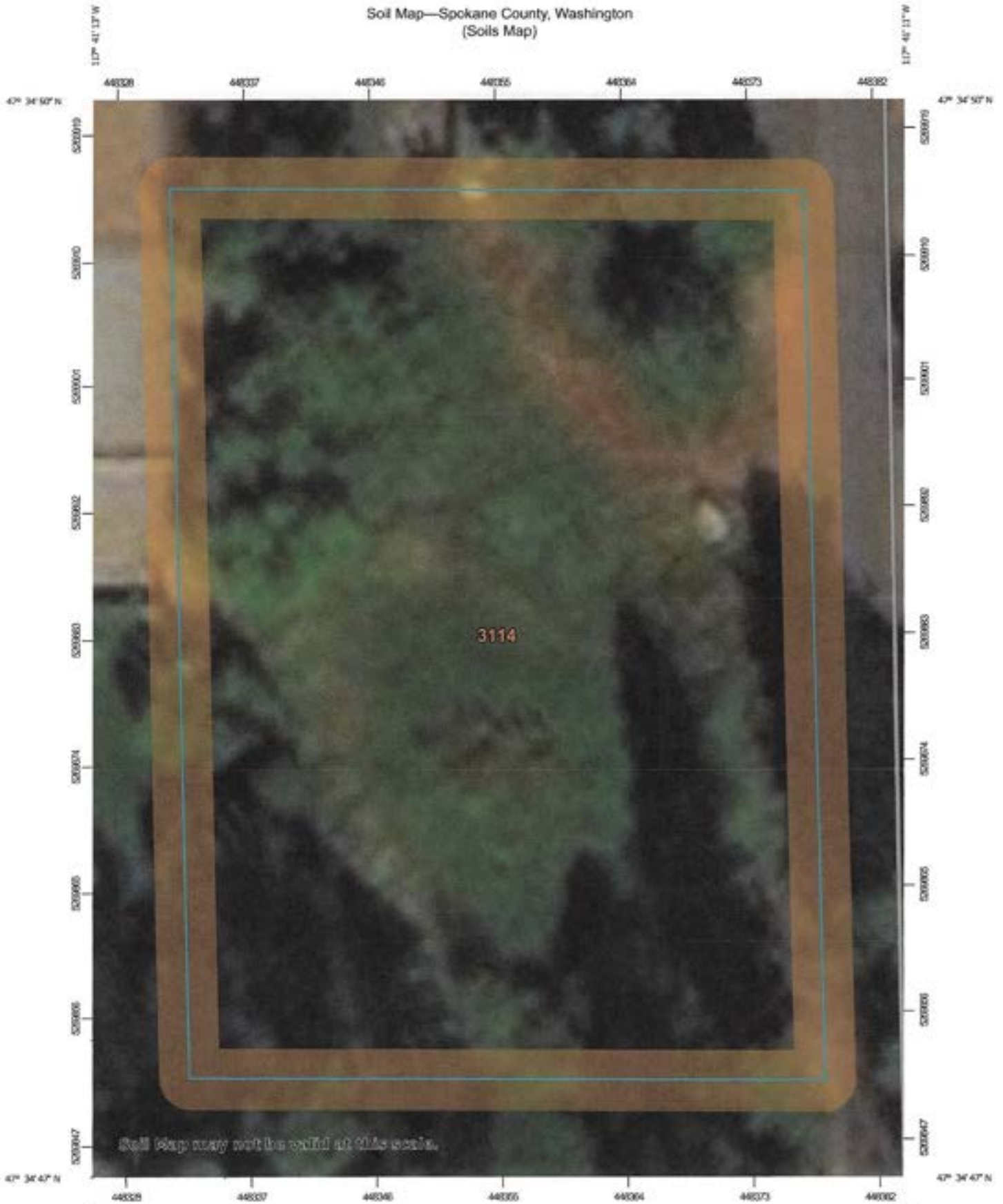
February 11, 2020

### Wetlands

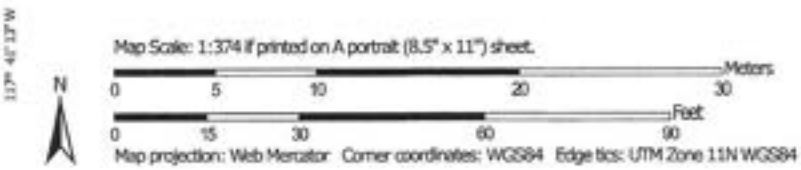
- Estuarine and Marine Deepwater
- Estuarine and Marine Wetland
- Freshwater Emergent Wetland
- Freshwater Forested/Shrub Wetland
- Freshwater Pond
- Lake
- Other
- Riverine

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










































Soil Map—Spokane County, Washington  
(Soils Map)



Soil Map may not be valid at this scale.



## MAP LEGEND

	Area of Interest (AOI)		Soil Area
	Area of Interest (AOI)		Stony Spot
	Soils		Very Stony Spot
	Soil Map Unit Polygons		Wet Spot
	Soil Map Unit Lines		Other
	Soil Map Unit Points		Special Line Features
<b>Special Point Features</b>			
	Blowout		Water Features
	Borrow Pit		Streams and Canals
	Clay Spot	<b>Transportation</b>	
	Closed Depression		+++
	Gravel Pit		Rails
	Gravelly Spot		Interstate Highways
	Landfill		US Routes
	Lava Flow		Major Roads
	Marsh or swamp		Local Roads
	Mine or Quarry		Background
	Miscellaneous Water		Aerial Photography
	Perennial Water		
	Rock Outcrop		
	Saline Spot		
	Sandy Spot		
	Severely Eroded Spot		
	Sinkhole		
	Slide or Slip		
	Sodic Spot		

## MAP INFORMATION

The soil surveys that comprise your AOI were mapped at 1:24,000.

Warning: Soil Map may not be valid at this scale.

Enlargement of maps beyond the scale of mapping can cause misunderstanding of the detail of mapping and accuracy of soil line placement. The maps do not show the small areas of contrasting soils that could have been shown at a more detailed scale.

Please rely on the bar scale on each map sheet for map measurements.

Source of Map: Natural Resources Conservation Service

Web Soil Survey URL:

Coordinate System: Web Mercator (EPSG:3857)

Maps from the Web Soil Survey are based on the Web Mercator projection, which preserves direction and shape but distorts distance and area. A projection that preserves area, such as the Albers equal-area conic projection, should be used if more accurate calculations of distance or area are required.

This product is generated from the USDA-NRCS certified data as of the version date(s) listed below.

Soil Survey Area: Spokane County, Washington  
Survey Area Data: Version 11, Sep 16, 2019

Soil map units are labeled (as space allows) for map scales 1:50,000 or larger.

Date(s) aerial images were photographed: Jun 5, 2015—Sep 19, 2016

The orthophoto or other base map on which the soil lines were compiled and digitized probably differs from the background imagery displayed on these maps. As a result, some minor shifting of map unit boundaries may be evident.

## Map Unit Legend

Map Unit Symbol	Map Unit Name	Acres in AOI	Percent of AOI
3114	Rockly-Fourmound complex, 0 to 15 percent slopes	0.7	100.0%
<b>Totals for Area of Interest</b>		<b>0.7</b>	<b>100.0%</b>



# WASHINGTON DEPARTMENT OF FISH AND WILDLIFE PRIORITY HABITATS AND SPECIES REPORT

SOURCE DATASET: PHSPlusPublic  
REPORT DATE: 02/11/2020 1:35

Query ID: P200211133448

Common Name Scientific Name Notes	Site Name Source Dataset Source Record Source Date	Priority Area Occurrence Type More Information (URL) Mgmt Recommendations	Accuracy	Federal Status State Status PHS Listing Status	Sensitive Data Resolution	Source Entry Geometry Type

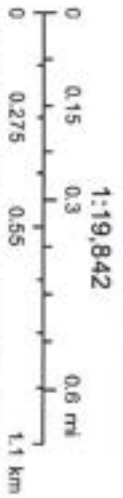
**DISCLAIMER.** This report includes information that the Washington Department of Fish and Wildlife (WDFW) maintains in a central computer database. It is not an attempt to provide you with an official agency response as to the impacts of your project on fish and wildlife. This information only documents the location of fish and wildlife resources to the best of our knowledge. It is not a complete inventory and it is important to note that fish and wildlife resources may occur in areas not currently known to WDFW biologists, or in areas for which comprehensive surveys have not been conducted. Site specific surveys are frequently necessary to rule out the presence of priority resources. Locations of fish and wildlife resources are subject to variation caused by disturbance, changes in season and weather, and other factors. WDFW does not recommend using reports more than six months old.

# WDFW Test Map



February 11, 2020

- PHS Report Clip Area
- PT
- LN
- POLY
- AS MAPPED
- SECTION
- QTR-TWP
- TOWNSHIP



Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community

## Appendix C – Mitigation Monitoring Report Format Guidelines





US Army Corps  
of Engineers  
Seattle District

# Mitigation Monitoring Report Format

October 10, 2008



On April 10, 2008, the U.S. Army Corps of Engineers (Corps) and U.S. Environmental Protection Agency published the *Compensatory Mitigation for Losses of Aquatic Resources; Final Rule* (Mitigation Rule) which governs compensatory mitigation for activities authorized by Department of the Army (DA) permits (33 CFR 325 and 332). The Mitigation Rule requires the submittal of monitoring reports.

Monitoring reports are documents intended to provide the Corps with information to determine if a compensatory mitigation project site is successfully meeting its performance standards. Standardized monitoring report requirements aid the Corps when reviewing compensatory mitigation sites, thereby allowing the Corps to effectively assess the status and success of a compensatory mitigation project.

Mitigation monitoring reports must be concise and effectively provide the information necessary to assess and document the status of the compensatory mitigation project. The level of detail of the monitoring reports must be commensurate with the scale and scope of the compensatory mitigation project. Monitoring reports should generally follow a 10-page maximum format, but may be longer for compensatory mitigation projects with complex monitoring requirements.

Monitoring reports must include the following:

## A. Project Overview (1 page)

- (1) Corps Permit Reference Number and Name or Corps Reference Number and Name of the Mitigation Bank or In-Lieu fee Project, as applicable.
- (2) Name of the party responsible for conducting the monitoring and the date(s) the inspection was conducted.
- (3) A brief paragraph describing the purpose of the approved project, acreage and type of aquatic resources impacted, and mitigation acreage and type of aquatic resources authorized to compensate for the aquatic impacts.
- (4) Written description of the location, any identifiable landmarks of the compensatory mitigation project including information to locate the site perimeter(s), and coordinates of the mitigation site (expressed as latitude and longitude).
- (5) Dates the compensatory mitigation project commenced and/or was completed.
- (6) Short statement on whether the performance standards are being met.
- (7) Dates of any recent corrective or maintenance activities conducted and a description of those activities since the previous report submission.
- (8) Specific recommendations for any additional corrective or remedial actions.

## **B. Requirements (1 page)**

List the monitoring requirements and performance standards, as specified in the approved mitigation plan, mitigation banking instrument, or special conditions of the DA permit, and evaluate whether the compensatory mitigation project site is successfully achieving the approved performance standards or trending towards success. A table is a recommended option for comparing the performance standards to the conditions and status of the developing mitigation site.

## **C. Summary Data (maximum of 4 pages)**

Summary data must be provided to substantiate the success and/or potential challenges associated with the compensatory mitigation project. Monitoring data must be provided to assess the measurable criteria of each mitigation performance standard. Data collection efforts, as summarized in the monitoring report, must focus on determining whether performance standards are being met.

Photo documentation must be provided to support the findings and recommendations referenced in the monitoring report and to assist the Corps in assessing whether the compensatory mitigation project is meeting applicable performance standards for that monitoring period. In addition to photos at designated points or transects, photo documentation must include a panoramic view(s) of the entire mitigation site. Submitted photos must be formatted on standard 8 ½" x 11" paper, dated with the date the photo was taken, and clearly labeled with the direction from which the photo was taken. The photo location points must also be identified on the appropriate maps.

## **D. Maps (maximum of 3 pages)**

Maps must be provided to show the location of the compensatory mitigation site relative to other landscape features, habitat types, locations of photographic reference points, transects, sampling data points, and/or other features pertinent to the mitigation plan. In addition, the submitted maps and plans must clearly delineate the mitigation site perimeter(s), which will assist the Corps in locating the mitigation area(s) during subsequent site inspections. Each map or diagram must be on standard 8 ½" x 11" paper. As-built plans may be included.

## **E. Conclusions (1 page)**

A general statement must be included that describes the conditions of the compensatory mitigation project. If performance standards are not being met, a brief explanation of the difficulties and potential remedial actions proposed by the permittee or sponsor, including a timetable, must be provided. For any potential remedial actions identified, the permittee or sponsor must specify which remedial actions will be implemented. The Corps will ultimately determine if the mitigation site is successful for a given monitoring period.



NOTE: APPROXIMATE SUBJECT PARCEL BOUNDARY DIMENSIONS FROM LIMITED SURVEY DATA PERFORMED BY BRIAN MCCLUER, PLS, FROM ARDURRA.

**LEGEND**

- APPROXIMATE SUBJECT PROPERTY BOUNDARY (5.5 ACRES TOTAL)
- CATEGORY III DEPRESSIONAL WETLAND (APPROX. 4 ACRES)
- PROPOSED BUILDING SITE (1248 SF)
- PHOTO POINT (P)
- FENCED PLANTING ENCLOSURE (8' X 30' (480 SF))
- ROCK WALL OR SPLIT RAIL FENCE TO BE INSTALLED
- BELT FENCE LOCATION

NOTE: AREA LANDWARD OF THE ROCK WALL IS APPROX. 2,700 SF.

PLANTING SCHEDULE			
SYMBOL	TREE	SIZE	NUMBER
	ASPENS	5 GALLON	10
	COYOTE WILLOWS	STAKE PLANTINGS	8
	RED-OSSER DOGWOOD	8 GALLON	8
	COTTONWOOD	5 GALLON	2 + TBD
	LUPINE	PLANTING PLUGS	8

NOTE: SEE SHEET 2 FOR PLANTING DETAILS

**SPOKANE COUNTY PARCELS**  
 #14073.0253 & #14182.0402  
**WETLAND MITIGATION EXHIBIT & SITE PLAN**  
 KIM MANGIS (PROPERTY OWNER)  
 UPDATED 05/16/2023



SHEET 1 OF 2

ARDUJ  
 1717 S. RUSTLE STREET, SU  
 SPOKANE, WA 99204  
 509-318-2860 | WWW.ARDUR



# LU 2023-005 CA NOTICE OF APPLICATION

The City of Medical Lake invites you to comment on this application!

**Date of Application:**  
April 27, 2023

**Date Application was Determined Complete:**  
May 4, 2023

**Date of this Notice:**  
May 11, 2023

**Comment Due Date:**  
May 25, 2023, 2:00pm

**Public Hearing:**  
May 25, 2023, 5:30pm

Individuals planning to attend the meeting who require special assistance to accommodate physical, hearing, or other other impairments, please contact City Hall at (509) 565-5000 as soon as possible so that arrangements may be made. Without advance notice, it may not be possible to provide the required accommodation(s).

**Environmental Review:**  
Per WAC 197-11-800 (1)(b)(i), the construction of a detached single family residential unit is exempt from a SEPA review.

**Direct Comments to:**  
Elisa Rodriguez  
City Planner  
[erodriguez@medical-lake.org](mailto:erodriguez@medical-lake.org)

Planning Department  
124 S Lefevre Street  
Medical Lake, WA 99022  
509-565-5019

**PROPOSAL DESCRIPTION:** The applicant proposes to build a single-family residence. The subject site contains a wetland, therefore, a Critical Area Review is required.

**PROPOSAL LOCATION:** Parcel #'s 14073.0253 & 14182.0402

**ZONING:** Single Family Residential (R-1)

**APPLICATION:** Additional information will be posted with the PC agenda at [www.medical-lake.org](http://www.medical-lake.org) The complete file may be reviewed in the Planning Department during the hours of 8 a.m. to 4 p.m. Monday through Friday.

**PROPOSAL APPLICANT:** Vince Barthels, Ardurra, 1717 S Rustle, Suite 201, Spokane, WA 99224

**REQUIRED REVIEWS:** Critical Area Review. The final decision will be made by the City Council.

**PUBLIC HEARING:** The Medical Lake Planning Commission will hold a public hearing on Thursday, May 25th, 2023 at 5:30 p.m. in person at the Medical Lake City Hall and virtually via Zoom to consider this application. A web link to the Zoom Meeting will be posted on the City's website [www.medical-lake.org](http://www.medical-lake.org) with the meeting agenda. The public is encouraged to attend.

**PUBLIC COMMENT:** The public may submit comments in writing to the City Planner from the time of this notice until 2:00 p.m. on May 25th, 2023. In addition, the public may speak and/or submit written comments at the Public Hearing.

### VICINITY MAP:





### **PUBLIC NOTICE**

The Medical Lake Planning Commission will hold a public hearing on Thursday, May 25th, 2023 at 5:30 p.m. in person at the Medical Lake City Hall and virtually via Zoom to consider application LU 2023-005 CA (Critical Area Review). A web link to the Zoom Meeting will be posted on the City's website [www.medical-lake.org](http://www.medical-lake.org) with the meeting agenda. The public is encouraged to attend.

The applicant proposes to build a single-family house on N Martin Street, just north of W Brooks Road, parcels 14073.0253 & 14182.0402. The site contains a wetland, therefore a Critical Area Review is required. A single-family house is exempt from SEPA.

The public comment period (written comments) is open through 2:00 p.m. on May 25th, 2023. Direct comments to Elisa Rodriguez, Planning Department, City of Medical Lake, 124 S Lefevre St, Medical Lake, WA. Phone: 509-565-5019. E-mail: [erodriguez@medical-lake.org](mailto:erodriguez@medical-lake.org)

Application information will be posted with the PC agenda on the city website. For more information, please contact the person above.

Individuals planning to attend the meeting who require special assistance to accommodate physical, hearing, or other impairments, please contact City Hall at (509) 565-5000 as soon as possible so that arrangements may be made. Without advance notice, it may not be possible to provide the required accommodation(s).



City of Medical Lake

124 S. Lefevre St.

P.O. Box 369

Medical Lake, WA 99022-0369

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May 4, 2023

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

Re: Letter of Completeness LU 2023-005 CA

Dear Mr. Barthels

This letter is to inform you that application LU 2023-005 (Critical Area Review) has been deemed complete.

A public hearing with the Planning Commission has been scheduled for Thursday, May 25<sup>th</sup>, 2023 at 5:30 p.m.

If you have any questions about the above requirements, please contact me at 509-565-5019 or [erodriguez@medical-lake.org](mailto:erodriguez@medical-lake.org).

Sincerely,

A handwritten signature in black ink, appearing to read "Elisa Rodriguez".

Elisa Rodriguez  
City Planner



## Towey Ecological Services

24211 S. Harmony Rd.  
Cheney, WA 99004  
509-939-5203

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Elisa Rodriguez  
City Planner  
Medical Lake, WA

**RE: Review of Wetland Buffer Mitigation Plan-Parcel #14073.0253 and 14182.0402**

I have reviewed the Wetland Buffer Mitigation Plan, prepared by T-O Engineers dated July 2020, associated with the proposed project within parcel #14073.0253 and 14182.0402. The information contained in the report was reviewed on May 4, 2023.

- The report submitted by the project applicant meets the criteria of the Medical Lake Municipal Code (MLMC) 17.10.060. Mitigation sequencing is outlined in the report, addressing the minimization of adversely affecting the existing functions and values of the identified wetland. All required information is sufficiently contained within the report.
- The mitigation plan meets the requirements of the MLMC 17.10.090 (H). All required wetland mitigation information is sufficiently contained within the report (applicable Sections A-H).
- The information provided in the report meets requirements in the MLMC 17.10.100 (B)(6). The proposal recommends mitigation for the loss of critical area functions to the greatest extent feasible.

  
Spokane County Qualified Wetland Specialist



Aerial Photo from <https://fwsprimary.wim.usgs.gov/wetlands/apps/wetlands-mapper/> copied 5/17/23.