



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

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

Date of Staff Report: July 14, 2023

Date of Hearing: May 25, 2023

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

SEPA: A Revised Determination of Non-Significance was issued on July 13, 2023

Procedure: This request requires a quasi-judicial review, therefore, the Planning Commission has held a public hearing, and made a recommendation of approval to the City Council. The City Council must make the final decision.

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).

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

Staff Report to Planning Commission – May 17, 2023

Public Hearing held at Planning Commission – May 25, 2023

Planning Commission Decision – May 25, 2023

SEPA Determination of Non-Significance – June 1, 2023

SEPA Notice – June 1, 2023

Revised SEPA Determination of Non-Significance – July 14, 2023

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.

PLANNING COMMISSION REVIEW

Wetlands and their buffers are regulated by MLMC Chapter 17.10 – Critical Areas. The City of Medical Lake recently adopted an updated chapter in March of this year. The purpose of the chapter is to protect critical areas, including wetlands, and their functions and values, while allowing for a reasonable use of the property. In this instance, the subject site has wetland covering approximately 80% of the site and the required buffer covering the remaining 20%. Since there is no part of the site that is outside of the wetland and buffer, the applicant has applied for a reasonable use exception.

The applicant submitted a wetland report and mitigation plan prepared by a qualified wetland specialist. This report was reviewed by a qualified wetland specialist hired by the City. This consultant concurred with the evidence, assumptions, and plan in the submitted report. (Exhibit F)

To gain approval in a critical area review, an applicant must try to avoid impacts to the wetland. If impacts cannot be avoided, they must be minimized and mitigated with the goal of no net loss. In this application, since impacts to the wetland cannot be avoided, the applicant has proposed to minimize impacts by locating proposed

building footprint as far away from the wetland as possible. The applicant proposes to mitigate the impact of construction by increasing the vegetation along the edge of the wetland.

A public notice was posted, published, and mailed on May 11, 2023. During the two-week written comment period, the City received comments from two public agencies and three citizens.

The Department of Archaeology and Historic Preservation (DAHP) responded. Their email stated, “Our statewide predictive model indicates that there is a high probability of encountering cultural resources within the proposed project area. However, due to the small footprint of the project, DAHP is not requesting a cultural resources survey at this time. We do ask that you prepare an Inadvertent Discovery Plan (IDP) and prepare construction crews for the possibility of encountering archaeological material during ground disturbing activities.” In response to this, the Planning Commission added a condition with this requirement in their recommendation. (Exhibit C)

The Department of Ecology responded via email. In the City’s Notice of Application, it stated that this proposal is exempt from a SEPA review. Ecology stated that even though there is an exemption for single-family residences, there is an exception to this exemption that states any proposal on land wholly or partly covered by water, must have a SEPA review. In response to this, the applicant submitted a SEPA checklist and the City issued a Determination of Non-Significance on June 1, 2023. The comment period closed at 2:00 p.m. on June 15, 2023. (Exhibits B and E)

AJ and Kelli Burton of 850 N Minnie Street emailed comments supporting the proposal. (Exhibit D)

Megan and Kevin Gaschk of 854 N Martin Street emailed comments opposing the proposal. (Exhibit D)

Tammy Roberson of 424 W. Brooks Road emailed documents to support her opposition to the proposal. The first document was a letter from Mr. Trevor Matthews, her attorney, stating that the applicant had not met the burden of proof for the issuance of a critical areas permit or a reasonable use exception. The second document was a letter from Mr. Hugh Lefcort, Ph.D., a professor and wetland scientist. Dr. Lefcort’s letter stated that the wetland was incorrectly categorized as a Type III wetland and should actually be a Type II wetland. Dr. Lefcort included his rating summary worksheet. The third document was a photo of ducks. The fifth, sixth and seventh documents were montages of information provided by Robynn Sleep, a graduate of the Spokane Community College Water Science program.

Prior to the hearing, staff contacted the City’s wetland consultant regarding the information provided by Ms. Roberson. The consultant disagreed with the information provided and stated he still concurred with the applicant’s report. In addition, even if the wetland had a higher rating, it would not be necessary to change the mitigation being proposed.

On May 25, 2023, the Planning Commission held a public hearing regarding the application. During the hearing the applicant, two privately hired consultants, and five citizens provided oral comment.

The applicant, Vince Barthels, a biologist and wetland consultant, explained that he had brought this same proposal to the City in 2020. At that time, the Department of Ecology stated in an email that the proposal

caused no net loss of function to the wetland. He also stated that he agreed with the finding in the staff report. However, he disagreed with the statements made by Hugh Lefcort, Ph.D. and Robynn Sleep.

Paula Thorton, a nearby resident, stated support for the proposal.

Robynn Sleep, present on the behalf of Tammy Roberson, stated that she has a Water Science degree from Spokane Community College and that she has experience using the wetland rating system of Washington. Ms. Sleep explained that she believes the applicants rating system worksheet was completed incorrectly due to the answer to section D.3, specifically, Is the water quality improvement provided by the site valuable to society? Furthermore, changing the answer to this section could increase the category of wetland from a Category III to a Category II.

Tammy Roberson, a nearby resident that owns the other half of the subject wetland, stated her opposition to the proposal. She summarized the letter from her hired consultant, Hugh Lefcort, Ph.D.

Kevin Gaschke, a nearby resident, was opposed to the proposal, stating that the proposal would decrease the quality of life for everyone in the area.

Marybeth Benson, a nearby resident, was opposed to the proposal, stating she has water in her crawlspace and is concerned about the developer ruining the area.

Hugh Lefcort, Ph.D., a consultant hired by Tammy Roberson, stated that he could not go onto the subject private property to evaluate the wetland.

After considering the staff report, applicant statement, and public testimony, the Planning Commission deliberated over the criteria for approval. The outcome was a vote of 4-1 in favor of a recommendation of approval.

As a result of the comment period from the SEPA Determination of Non-Significance issued on June 1, 2023, the City received comments from the Department of Ecology, and three individuals representing Tammy Roberson.

The Department of Ecology responded via email, stating that best management practices for erosion and sediment control are needed.

Dr. Hugh Lefcort emailed a letter wherein he cited four questions of the SEPA checklist where he believes the answers given by the applicant are incorrect or incomplete.

Trevor Matthews emailed a letter. Mr. Matthews stated that the applicant used the incorrect SEPA Checklist form and the City did not include the appropriate appeal information in the Determination of Non-Significance. In addition, he states that the wetland rating form from Dr. Lefcort should have been listed as a known document in the Checklist, that the applicant has incorrectly rated the wetland, and that the mitigation measures of MLMC 17.10.090(H)(4) are not being followed. A new SEPA Checklist became effective in January 2023 per WAC 197-11-960. Accordingly, the applicant submitted a revised Checklist.

Robynn Sleep emailed a letter. Ms. Sleep's letter details several reasons why she believes the wetland rating worksheet done by the applicant is incorrect. In addition, Ms. Sleep states that she believes the DNS was done in error, and that the reasonable use exception should not be granted because the owner knew the site was unbuildable when purchased. Finally, Ms. Sleep provides seventeen (17) additional conditions she believes should be considered if the application is to be approved.

In response to the comments received from the SEPA notification period, City staff requested the City wetland consultant review all of the comments submitted both for the SEPA and for the public hearing to determine the validity of the comments. The consultant, Mr. Bill Towey, provided his response on July 4, 2023. To evaluate the comments, Mr. Towey reviewed the Wetland Rating and Mitigation Plan submitted by Mr. Barthels, the Wetland Rating Summary submitted by Dr. Lefcort, and the Wetland Evaluation on record at the City written by Dr. Quinn and requested by Tammy Roberson. The three (3) experts, through their professional evaluations of the site, arrived at three (3) different categories for the same wetland. Mr. Towey states that in this instance, because mitigation due to disturbance of the buffer is based on the function and value of the wetland, the actual category of the wetland does not change the required mitigation. Furthermore, any public comment referring to the mitigation ratios of MLMC 17.10.090 (6) is in error, because that section refers to wetlands, not their buffers. Finally, Mr. Towey concluded that the applicant's proposed mitigation is adequate for the proposed disturbance in the wetland buffer.

In response to the comments submitted, the revised SEPA checklist, and Mr. Towey's review, a Revised Determination of Non-Significance was issued on July 14, 2023.

RECOMMENDATION

The Planning Commission recommends approval of application LU 2023-005 CA, a critical area review for a single-family residence to be constructed in the buffer of a Type III wetland. The criteria along with the findings can be found in the Staff Report to Planning Commission dated May 17, 2023 (Exhibit A). As part of this recommendation, the Planning Commission found it appropriate to add the following conditions:

H. Prior to approval of a building permit, the applicant must submit an Inadvertent Discovery Plan (IDP) to the City of Medical Lake and prepare construction crews for the possibility of encountering archaeological material during ground disturbing activities.

I. The cottonwoods and Coyote Willows proposed in the mitigation plantings shall be replaced with additional aspens and Red-Osier Dogwoods.

THE CITY COUNCIL MAY CHOOSE TO DO ONE OF THE FOLLOWING:

Approve the Critical Area Review, with conditions, adopting the findings of fact in the staff report to the Planning Commission, the additional conditions described in the staff report to City Council, and the Revised SEPA Determination of Non-Significance.

Approve the Critical Area Review with any amendments to the above.

Deny the Critical Area Review.

EXHIBITS

- A. Staff Report
 - 1. Staff Report to Planning Commission, May 17, 2023 (attached)
- B. Public Notifications
 - 1. SEPA Notice, Published in Cheney Free Press on June 1, 2023
- C. Meeting Minutes
 - 1. Planning Commission, May 25, 2023 (attached)
- D. Written Comment
 - 1. Additional Information for Public Hearing, May 25, 2023 (in Exhibit C.1)
 - 2. Department of Ecology, June 14, 2023 (attached)
 - 3. Dr. Hugh Lefcort, June 13, 2023 (attached)
 - 4. Trevor Matthews, June 14, 2023 (attached)
 - 5. Robynn Sleep, June 15, 2023 (attached)
- E. SEPA
 - 1. SEPA Checklist, June 1, 2023
 - 2. SEPA DNS, June 1, 2023
 - 3. Revised SEPA Checklist, July 10, 2023 (attached)
 - 4. Revised SEPA DNS, July 14, 2023 (attached)
- F. Reports
 - 1. Wetland Evaluation by Dr. Robert Quinn, May 7, 2020 (attached)
 - 2. Wetland Buffer Mitigation Plan Review by Towey Ecological Services, July 4, 2023 (attached)



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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

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 1st.
- 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.

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

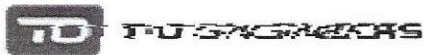
THIS EMAIL ORIGINATED FROM OUTSIDE THE WASHINGTON STATE EMAIL SYSTEM - Take caution not to open attachments or links unless you know the sender AND were expecting the attachment or the link

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



MERIDIAN, ID | BOISE, ID | NAMPA, ID | COEUR D'ALENE, ID | SPOKANE, WA | HEBER CITY, UT | CODY, WY

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CC EXHIBIT A.1 LU 2023-005 CA

LEGEND

- APPROXIMATE SUBJECT PROPERTY BOUNDARY (.5 ACRES TOTAL)
- ▨ CATEGORY III DEPRESSIONAL WETLAND (APPROX. .4 ACRES)
- ▨ PROPOSED BUILDING SITE (1248 SF)
- ⊙ PHOTO POINT (5)
- ▭ FENCED PLANTING ENCLOSURE 16' X 30' (480 SF)
- ROCK WALL OR SPLIT RAIL FENCE TO BE INSTALLED
- SF SILT FENCE LOCATION

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

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

NOTE: SEE SHEET 2 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) 319-2580 WWW.T-OENGINEERS.COM
E-FILE: Wetland.ERI@tw.com JOB: 202312



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

(509) 991-2201

July 2020



T-O ENGINEERS

Vince Barthels, Biologist
121 W. Pacific Ave., Suite 200
Spokane, WA 99201

vbarthels@to-engineers.com

509-319-2580 [office]

509-951-9564 [cell]

Contents

Project Description.....	1
Mitigation Approach	1
Planting Plan.....	2
Installation of Prescribed Plantings.....	3
Maintenance and Monitoring	4
Site Protection	5
Conclusion.....	6
Literature Cited	7

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

Appendix C - Mitigation Monitoring Report Format Guidelines

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+*
				Total	22+

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 ration 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™ herbicide¹. 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.

¹ 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 1st 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

CC EXHIBIT A.1 LU 2023-005 CA



LEGEND

- APPROXIMATE SUBJECT PROPERTY BOUNDARY (5 ACRES TOTAL)
 - CATEGORY III DEPRESSIONAL WETLAND (APPROX. 4 ACRES)
 - PROPOSED BUILDING SITE (1248 SF)
 - PHOTO POINT (5)
 - FENCED PLANTING ENCLOSURE
18' X 30' (480 SF)
 - ROCK WALL OR SPLIT RAIL FENCE TO BE INSTALLED
- 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	5
	RED-OSIER DOGWOOD	5 GALLON	5
	COTTONWOOD	5 GALLON	2 + TBD
	LUPINE	PLANTING PLUGS	5

NOTE: SEE SHEET 2 FOR PLANTING DETAILS

SPokane County Parcels
 #14073.0253 & #14182.0402
 Wetland Mitigation Exhibit & Site Plan
 Kim Mangis (Property Owner)

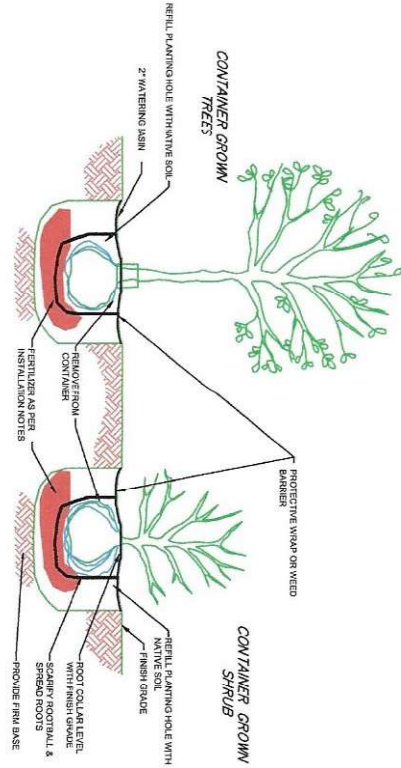


SHEET 1 OF 2

T-O ENGINEERS

121 W. PACIFIC AVENUE SUITE 200
 SPOKANE, WA 99201
 PHONE: (509) 319-2580 WWW.T-O-ENGINEERS.COM
 FILE: Wetland EXH.dwg DATE: 7/2/23 JOB: 20232

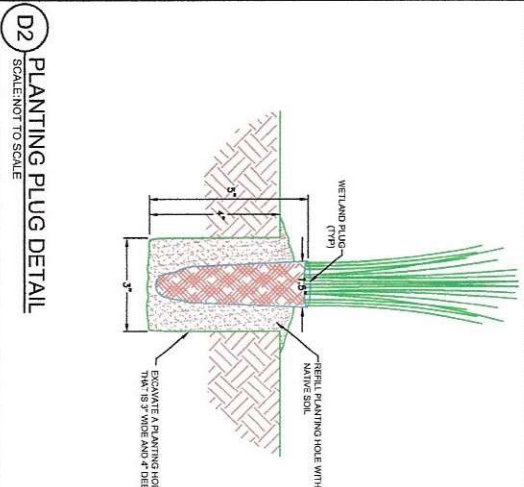
CC EXHIBIT A.1 LU 2023-005 CA



INSTALLATION NOTES:

1. ALL PLANTING AND SITE PREPARATION OPERATIONS SHALL BE CONDUCTED ACCORDING TO AMERICAN NURSERYMAN'S ASSOCIATION GUIDELINES.
2. ALL PLANT MATERIALS SHALL BE NATIVE TO THE SPOKANE COUNTY AREA. PLANT MATERIAL SHALL BE FROM NATIVE STOCK. NO CULTIVARS OR HORTICULTURAL VARIETIES WILL BE ALLOWED.
3. ALL PLANT MATERIAL, SCHEDULED FOR INSTALLATION WILL BE IDENTIFIED IN THE PLANT SCHEDULE FOR THIS PROJECT. PROPOSALS FOR SUBSTITUTIONS REQUIRE THE APPROVAL OF THE PROJECT BIOLOGIST.
4. THE REQUIREMENTS OF ALL NURSERY GROWN PLANT MATERIALS ARE IDENTIFIED IN THE PLANT SCHEDULE. ALL PLANTS SHALL BE GROWN IN CONTAINERS. ONLY SOUND, HEALTHY, VIGOROUS PLANTS, FREE OF DEFECTS, DISEASE, AND ALL FORMS OF INFESTATIONS WILL BE ACCEPTED.
5. DIG, PACK, TRANSPORT, AND HANDLE ALL PLANTS WITH CARE TO ENSURE PROTECTION FROM INJURY. STORE PLANTS IN THE MANNER NECESSARY TO ACCOMMODATE THEIR HORTICULTURAL REQUIREMENTS. HEEL-IN PLANTS IF NECESSARY TO KEEP THEM FROM DRYING OUT.
6. SHRUBS AND TREES SHALL BE KEPT SATURATED AND SHADED UNTIL THE ACTUAL TIME OF INSTALLATION. DO NOT ALLOW PLANTINGS TO DRY OUT OR SIT IN THE SUN PRIOR TO OR DURING INSTALLATION. IMMEDIATELY SATURATE SHRUBS AND TREES AFTER PLANTING TO AVOID CAPILLARY STRESS.
7. BACKFILL EXCAVATED PITS WITH NATIVE SOIL.
8. A PROTECTIVE WRAP OR WEED BARRIER SHALL BE PLACED IN A 3 FT RADIUS AT THE TREE TRUNK FOR PLANTINGS INSTALLED.
9. INSTALL TRANSPLANTER TYPE FERTILIZER, SUCH AS OSMOCOTE SLOW RELEASE FERTILIZER (16-16-16 ANALYSIS) OR EQUAL, TO SHRUB AND TREE PITS. APPLICATION RATE SHALL BE AS SPECIFIED BY THE MANUFACTURER. FERTILIZER WILL BE ALLOWED IN PLANTING PITS ONLY.

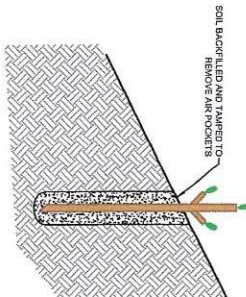
D1 CONTAINER GROWN TREES/SHRUBS
SCALE: NOT TO SCALE



INSTALLATION NOTES:

1. LARGE DIAMETER CUTTINGS OR STAKES SHOULD BE AT LEAST 1/2" IN DIAMETER. WILLOW STAKE PLANTINGS SHOULD BE 4-5 FEET IN LENGTH AND SHALL BE BURIED AT LEAST 3 FEET SO THAT THE ROOTS CAN REACH THE WATER TABLE.
2. TERMINAL BUD ON EACH CUTTING SHALL BE REMOVED.
3. CUTTING SHALL HAVE 3/4" OF TOTAL LENGTH PLANTED BELOW GROUND. 4 TO 6 BUDS SHALL BE UNDERGROUND AND 2 TO 3 BUDS ABOVE GROUND ON EACH CUTTING. BASE OF CUTTING SHALL EXTEND AT LEAST 3 FEET BELOW THE GROUND SURFACE.
4. SOIL SHALL BE TAMPED AROUND EACH CUTTING TO ENSURE NO AIR POCKETS REMAIN AROUND CUTTING.
5. CUTTINGS OR STAKES SHALL BE SOAKED AT LEAST 24 HOURS, BUT NOT MORE THAN 7 DAYS, PRIOR TO PLANTING.
6. A PROBE OR STINGER MAY BE USED TO CREATE AN OPENING LARGE ENOUGH TO ENSURE THE BASE OF THE CUTTING ENTERS A DEPTH OF AT LEAST 3 FEET. IT IS CRITICAL THAT THE BASE OF THE CUTTING ENTERS INTO THE WATER TABLE.
7. WILLOW STAKE PLANTINGS SHALL BE INSTALLED WITH RANDOM ALTERNATING ORIENTATION (IE SLIGHT DEVIATIONS FROM VERTICAL) TO ENCOURAGE GROWTH WHILE MAINTAINING NATURAL LOOKING AESTHETICS. VERTICAL PLANTING ORIENTATION IS ILLUSTRATED IN THE DETAIL.

D2 PLANTING PLUG DETAIL
SCALE: NOT TO SCALE



D3 WILLOW STAKE PLANTING DETAIL
SCALE: NOT TO SCALE

SPOKANE COUNTY PARCELS
 #14073.0253 & #14182.0402
 KIM MANGIS (PROPERTY OWNER)
 PLANTING DETAILS

T-O ENGINEERS
 121 W. PACIFIC AVENUE SUITE 200
 SPOKANE, WA 99201
 PHONE: (509) 319-2580 FAX: (509) 319-2590
 E-MAIL: Planting_Details@t-o-engineers.com DATE: 8/28/20 JOB: 20212

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