



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

## NOTICE OF DECISION

**File:** LU 2024-025 PP PU CA (Preliminary Plat, Planned Unit Development, and Critical Area Review)

**Date of Notice:** April 4, 2025

**Date of Decision:** April 1, 2025

**City Council Decision:** Denial of a preliminary plat for a 101-lot subdivision at the intersection of S Lefevre Street and Green Gate Lane, parcel number 14192.0002. This decision is final unless appealed.

**SEPA:** The mitigated determination of non-significance that was issued on February 7, 2025, has been withdrawn.

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

**Applicant:** Tom Stirling of Syntier Engineering, representing Solo Cheney, LLC.

**Appeals:** An appeal of the City Council decision must be submitted to the Superior Court within twenty one (21) calendar days after the date of decision pursuant to applicable law and as specified by Chapter 36.70C RCW.

### PROCEDURAL HISTORY

October 22, 2024 – Application submitted

November 18, 2024 – Application deemed incomplete

December 20, 2024 – Additional application materials submitted

January 3, 2025 – Application deemed complete

February 7, 2025 – SEPA Mitigated Determination of Non-Significance issued

February 7, 2025 – Notice of application/SEPA notice distributed

February 12, 2025 – Notice posted on site

February 13, 2025 – Notice of public hearing published in Cheney Free Press

February 27, 2025 – Public hearing held with Planning Commission

March 27, 2025 – Planning Commission recommended denial of the application to the City Council

## PROPOSAL

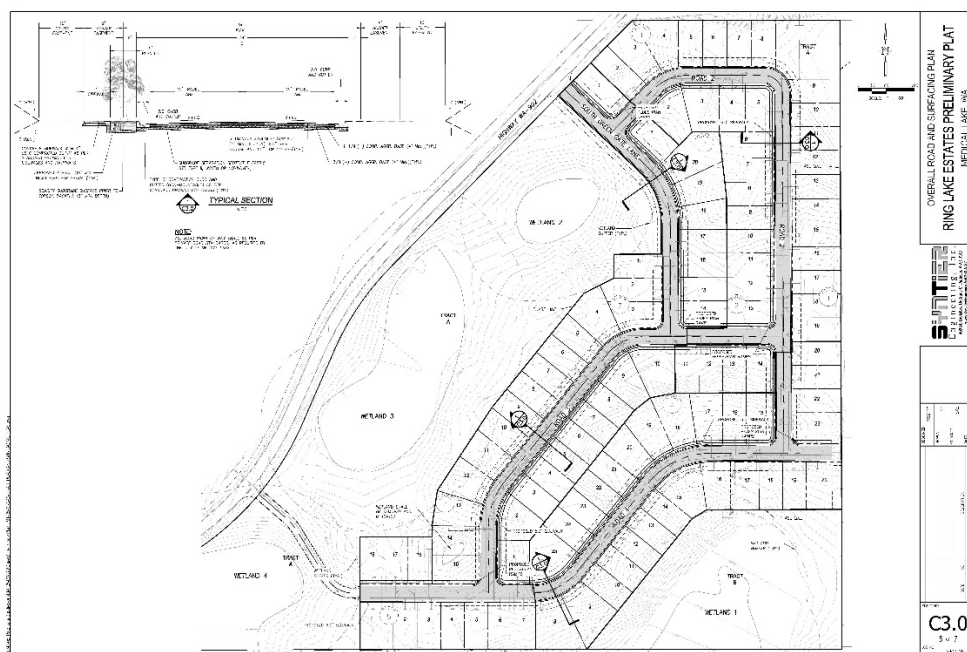
The applicant proposes to divide a 38.25-acre parcel of land into 101 lots for the purpose of single-family residences. The plat also includes three (3) tracts to accommodate five (5) wetlands, their associated buffers and an access to a neighboring residence.

The applicant proposes to develop the subdivision in three (3) phases.

The applicant has applied for a planned unit development to reduce the minimum lot size from 6,000 square feet to 5,000 square feet and the minimum lot width from 60 feet to 50 feet. There are 73 lots that are shown to be less than 6,000 square feet.

In addition, under the planned unit development provisions, the applicant proposes to reduce the public right-of-way width from 50 feet to 38 feet, while providing a 10-foot easement on either side of the right-of-way to accommodate swales, sidewalks, and utilities.

The parcel contains five (5) wetlands and associated habitats. All five (5) wetlands are proposed to remain, however the applicant proposes to alter the size and shape of the required buffers. The applicant is proposing to reduce the size of the buffer for Wetland 5, while using buffer averaging for the remaining wetlands. It is also proposed that two (2) streets will run through buffers of Wetland 2 and 4. The planting of 29,000 square feet with 290 trees is being proposed to mitigate for all of these impacts.



## **PUBLIC COMMENT**

Eight (8) individuals submitted written comments prior to the hearing and ten (10) individuals spoke at the hearing, eight (8) county residents and two (2) City residents.

To summarize, the comments addressed concerns about degradation of the wetlands, reduction of wildlife habitat, capacity in the schools, stormwater and groundwater, the capacity of wetlands to hold stormwater, the strain on City infrastructure and services, noise, congestion, crime, change from the “rural nature”, pollution of the wetlands, increased maintenance costs for the City and taxpayers, traffic on Lefevre, and the capacity of the old sanitary sewer lines.

## **ANALYSIS**

The applicant proposes to divide a 38.25-acre parcel of land into 102 lots for the purpose of single-family residences. However, Block 1, Lot 9 is not buildable since a lift station and stormwater detention facility is proposed for that location. This lot should be a tract, distinguishing it as unbuildable. In addition, Block 3, Lot 13 and Block 5, Lot 17 have sanitary sewer facilities that need to be placed in tracts, rather than easements.

### **Density (MLMC 17.16.020)**

The site is located in the Single-Family Residential (R-1) Zone. This zone allows up to 7.3 dwelling units per acre. The proposed land division has a density of 2.67 units per acre.

### **Lot Size (MLMC 17.16.060)**

The R-1 Zone requires a minimum lot size of 6,000 square feet with a minimum lot width of 60 feet. The applicant is proposing lots as small as 5,000 square feet. Not including Block 1, Lot 9, the lots range in size from 5,000 to 9,040 square feet in size. There are 73 lots that are less than 6,000 square feet in size. The applicant may request this reduction as part of a Planned Unit Development.

### **Street and Block Layout (MLMC 15.24.020)**

The subject site fronts on State Route 902 (Lefevre Street). Being a state route, the Washington Department of Transportation controls most aspects of the street. There is a private lane named Green Gate Lane running across the site from the northwest to the southeast. This lane provides access to several residences and terminates approximately a mile south of the site. There is also a private driveway crossing the southwest portion of the site. This driveway provides access to two (2) residences.

The applicant proposes to replace the portion of Green Gate Lane that runs across the site with a new street network. Proposed “Road 4” terminates on the east property line where the lane will continue as it does today.

The private driveway at the south end of the site is proposed to be an emergency access easement that turns into a street (Road 4) once it leaves the wetland buffer going east. There is a tract connecting “Road 4” to the existing driveway on the south property line. With the number of lots proposed, the City will require this to be a permanent entrance and exit from the subdivision.

The street and block layout standards of MLMC Chapter 15.24 require the streets to go the boundaries of the site to accommodate future development. At this time, the properties to the south and east are not within the City limits of Medical Lake. The City’s 20-year projections do not include expansion on this side of town. However, because we cannot predict 50 or 100 years into the future, it is appropriate to require streets to the boundaries of the property so as not to preclude needed development in the distant future. Therefore, instead of a tract, the City will require dedicated right-of-way from “Road 4” to the south property line. For the purpose of connectivity no matter how distant in the future, the City will also require a dedicated right of way to connect “Road 2” to the east property line in the northernmost portion.

#### **Street Right-of-Way (MLMC 15.24.030)**

All of the proposed streets are designed as local access streets. Local access streets are required to have a fifty (50) foot right-of-way. Within the right-of-way, there shall be thirty two (32) feet of paved roadway, curbs (not rolled) and five (5) foot sidewalks. The proposed land division has public streets with a right-of-way width of thirty eight (38) feet. Within this right-of-way, it is proposed that there be thirty (30) feet of paved roadway, a rolled curb on one side and gravel on the other. Ten (10) foot easements are proposed on both sides of the right-of way to accommodate a swale on one side and sidewalks on both. The applicant may request this configuration as part of a Planned Unit Development. Roadside swales are not addressed in the MLMC, however, due to drainage issues in this area, the City asked the applicant to consider drainage swales between the curb and the sidewalk.

The existing Green Gate Lane serves eleven (11) residences. Under current county zoning regulations, this number could increase to nineteen (19). In addition, if the zoning ever changed to allow higher densities, this route could see a large increase in traffic. For this reason, the City will require at least one (1) street connecting Lefevre Street (SR-902) to the east property line where it will connect to the remaining Green Gate Lane, to be a collector arterial, requiring a sixty (60) foot right-of-way and thirty six (36) feet of paved roadway.

Lefevre Street (SR-902), being a state highway, is regulated by the Washington Department of Transportation. No comments were received regarding this development. However, it is the desire of the City to have two (2) pedestrian crossings for access to the Medical Lake Trail in lieu of a sidewalk along the perimeter of the site due to the proximity of the wetland to Lefevre Street.

### **Lots (MLMC 15.24.040)**

Lots are required to be sixty (60) feet in depth. All the proposed depth of lots are 100 feet or greater. Building setbacks are required to be shown on the plat, however, the proposal shows only a sample lot with setbacks. This is a concern due to the proposal having sidewalks in an easement, rather than the right-of-way. Front setbacks are normally measured from the front property line, not the back of sidewalk. This would allow residences to be constructed closer to the sidewalk than normal. This is a particular concern for garage entrances. If a garage entrance is twenty (20) feet from the property line, then it is likely that a vehicle parked in the driveway would block the sidewalk, which would be in violation of MLMC Chapter 11.12.

### **Drainage and Storm Sewers (MLMC 15.24.060)**

The original application had stormwater piped from drains in the streets to swales (some in the wetland buffers). Upon the request of the City, the applicant was asked to explore drainage swales on the side of the roadway between the curb and the sidewalk. This request is due to known water filtration issues in this part of the city. The applicant revised the proposal to include a ten (10) foot swale on one side of the street.

These roadside swales are directed to the wetland buffers, with the exception of the northeast corner of the site which is proposed to have a stormwater detention facility constructed. There are five (5) stormwater basins with the stormwater piped to outfalls with rip-rap energy dispersion at the edge of the wetland buffers.

### **Water Facilities (MLMC 15.24.070)**

The applicant proposes to connect all lots to the City water system. A water main is available in Jefferson Street, to the north of the site. The applicant proposes to run a water main from the northeast corner of the site, through the back of the City Maintenance Facility, and across Lefevre Street to connect. As an alternative, the applicant proposes to run a water main across private property to the east of the City Maintenance Facility and connect to the water main in Jim Darby Street. This would benefit the City water system by creating a loop to keep water flowing. However, the applicant has not secured permission from the landowner.

Fire hydrant locations will be required during the final plat review.

### **Sewerage Facilities (MLMC 15.24.080)**

The applicant proposes to connect to the City sanitary sewer system. A sewer main is available in Jefferson Street, to the north of the site. However, this sewer main connects to the Lakeshore lift station which sends sewage to the Lakeshore main. Both of these facilities are at capacity. At this time, the City does not have a funded project to address the capacity issue for the southern portion of the City. The applicant is aware of this and has engaged in discussions regarding a solution, but has not provided a written plan for providing sanitary sewer capacity for this development.

On site, the applicant is proposing three (3) lift stations. Two (2) are on residential lots and one(1) is in a wetland buffer. These will all need to be placed in tracts outside of wetland buffers.

**Sidewalks (MLMC 15.24.090 & 11.20.035)**

Sidewalks are required to be on both sides of the street, five (5) feet in width, and within the right-of-way. The applicant is proposing five (5) foot sidewalks located in easements throughout the subdivision. The City will require the sidewalks to be within the right-of-way when possible. Due to the requested roadside drainage swales, it is possible that a portion of the sidewalk will be in the required ten (10) foot utility easement. The exception is the southern entrance off Lefevre Street (SR-902). It is proposed without curbs and sidewalks. The City will require a sidewalk only on the north side of the street because this street right-of-way is running through a wetland buffer. New subdivisions are required to add a curb and sidewalk for the length of the property line abutting the existing street. In this case, the property abuts Lefevre Street (SR-902) for approximately 1800 feet. Nearly the entire length of the street frontage is in wetland buffers. For this reason, the City will not require sidewalks along the site, but rather pedestrian crossing to the Medical Lake Trail on the other side of Lefevre Street (SR-902).

**Utilities (MLMC 15.24.100)**

All utilities are required to be underground with connections to each lot provided by the developer. Ten (10) foot utility easements will be required to run parallel to all streets.

**CONCURRENCY (MLMC 16.02)**

**Water**

This site is within the City of Medical Lake water service area and there is existing capacity for this development. See the Concurrency Test for more information.

**Electricity**

This site is within the Avista service area. No comments were received.

**Sanitary Sewer**

This site is within the City of Medical Lake sanitary sewer service area. The collection zone for this development is located in is at capacity. Without a solution proposed by the applicant, this development cannot be served. See the Concurrency Test for more information.

**Solid Waste**

This site is within the City of Medical Lake solid waste disposal area and there is existing capacity for this development. See the Concurrency Test for more information.

### **Stormwater Management**

This site is within the City of Medical Lake stormwater management area. The proposal has not provided enough information for the City to conclude that stormwater management needs will be met. See the Concurrency Test for more information.

### **Streets**

Lefevre Street (SR-902) is a state highway and regulated by the Department of Transportation. No comments were received.

### **Transit**

This site is served by the Spokane Transit Authority.

### **Law Enforcement**

This site is served by the Spokane County Sheriff's office in contract with the City of Medical Lake.

### **Fire Protection/Emergency Medical**

This site is served by Spokane County Fire District 3. No comments were received.

### **Schools**

This site is served by the Medical Lake School District. No comments were received.

### **Parks**

This site is within the City of Medical Lake Parks and Recreation district and there are parks within a half mile to serve the development.

### **Libraries**

This site is within the Spokane County Library District and there is a public library within a mile of the development.

## **IMPACT FEES (MLMC 16.05)**

### **Fire Protection (MLMC 16.06)**

A Fire Impact Fee will be charged at the issuance of each residential building permit in this subdivision. The Fire Impact Fee is currently set at \$104 per residence.

### **Parks, Recreation, and Open Space (MLMC 16.07)**

The applicant does not propose to provide park space within the subdivision. Dedication of park space or recreational facilities, per MLMC 16.07.030, is not a suitable alternative if the area would be less than 40,000 square feet and the development is close to existing developed park space. Therefore, a Parks Impact Fee will be charged at the issuance of each residential building permit in this subdivision. The Park Impact Fee is currently set at \$1,210 per residence.

### **Schools (MLMC 16.09)**

A Schools Impact Fee will be charged at the issuance of each residential building permit in this subdivision. The School Impact Fee is currently set at \$268 per residence.

## **AGENCY RESPONSES TO SEPA DETERMINATION**

### **Department of Archeology and Historic Preservation**

Due to the potential of the site to contain archaeological resources, DAHP is requesting a professional archaeological survey be conducted prior to ground disturbing activities. The SEPA MDNS will be revised to include this requirement.

### **Department of Fish and Wildlife**

With the retention of Wetland 5, the DFW considers the revised plans to adequately address the impacts to the buffers with averaging and associated mitigation plantings. DFW also agrees that there is not priority shrub steppe habitat present on that parcel.

### **Department of Ecology**

Due to the potential for dangerous wastes during construction the owner should familiarize themselves with the Ecology construction and demolition website to help identify and designate waste.

After conducting a site visit there is a reasonable suspicion that there are additional wetlands on the site. The applicant must investigate the potential wetlands and provide a report by a qualified wetland specialist.

Due to the site being more than one (1) acre in size, the applicant must get a Construction Stormwater General Permit from Ecology.

### **Department of Social and Health Services**

Looking at recent water use, DSHS has concerns about providing sufficient water to the City to service the proposed development. Note that DSHS does not serve as the water purveyor for Medical Lake and does not have the authority to speak to the capacity of the City's water system.



## **PRELIMINARY PLAT APPROVAL CRITERIA (MLMC 15.12.100)**

Before approving or disapproving or modifying or conditionally approving a preliminary plat it shall be determined:

1. If appropriate provisions are made for, but not limited to, the public health, safety, and general welfare, for open spaces, drainage ways, streets or roads, alleys, other public ways, transit stops, potable water suppliers, sanitary wastes, parks and recreation, playgrounds, schools and school grounds, and shall consider all other relevant facts, including sidewalks and other planning features that assure safe walking conditions for students who walk to and from school.
2. If all areas of the proposed subdivision which may involve soil or topographical conditions presenting hazards or requiring special precautions have been identified by the subdivider and that the proposed uses of these areas are compatible with such conditions.
3. If the subdivider has taken every effort to mitigate the impacts of the proposed subdivision regarding public health, safety, and welfare.

**Findings:** The applicant proposes to divide a 38.25-acre lot into a 101-lot subdivision (plat shows 102 lots, but one is mislabeled) for the purpose of single-family residences. The site is located in an R-1 zone and the proposed density is 2.67 units per acre which is under the maximum 7.3 units per acre for the zone. Lots range in size from 5,000 to 9,040 square feet. The R-1 zone requires 6,000-square foot lots, however, the applicant has applied for reduced minimum lot size through a Planned Unit Development Review (see below). The applicant is also requesting to phase the development, but has not provided detailed information on how the infrastructure would be phased.

The site fronts on Lefevre Street (SR-902), considered an arterial street, has a private lane (Green Gate Lane) and a private driveway running through it to provide access to residences on other properties. The proposed design includes four (4) streets that will provide frontage to all the new lots and access to the continuation of the private land and driveway. They are all proposed as local access streets, however, the future development potential for lots accessed by Green Gate Lane supports the need for a route from Lefevre Street (SR-902) to be a collector arterial. Collector arterials are required to have sixty (60) foot rights-of-way with forty eight (48) feet of paved roadway.

All of the proposed streets are designed to have a thirty eight (38) foot right-of-way with ten (10) foot public easements on either side. The right-of way and easements are proposed to have thirty two (32) feet of paved roadway, a rolled curb and five (5) foot sidewalks on one side and a drainage swale and five (5) foot sidewalks on the other. The

MLMC requires fifty (50) foot rights-of-way for local access streets. The code also requires sidewalks to be within the right-of-way, not in an easement. The applicant has applied for these alterations through a Planned Unit Development Review (see below).

The applicant proposes to provide drainage swales on one side of every street to accommodate stormwater. Overflow from these swales will be piped to outfalls with rip-rap energy dispersion in two (2) wetland buffers and a stormwater retention facility. Stormwater and a high water table poses a great concern in this area. Many residents in the southern portion of Medical Lake deal with water issues in their basements and crawl spaces. Some resort to using sump pumps to control flooding. It is illegal to connect sump pumps to the sanitary sewer system. To prevent residents who feel tempted to do so when they feel they lack options, it is appropriate to require a tap to the stormwater system for every lot. In addition, knowing the likely high water table problems in the area, it is appropriate to restrict construction of basements.

The applicant proposes to provide public water mains throughout the site with connections to each lot. The new network will be connected to the City of Medical Lake water system via a water main in Jefferson Street, to the north of the site. The applicant proposes to run a water main from the northeast corner of the site, through the back of the City Maintenance Facility, and across Lefevre Street to connect. As an alternative, the applicant proposes to run a water main across private property to the east of the City Maintenance Facility and connect to the water main in Jim Darby Street. This would benefit the City water system by creating a loop to keep water flowing. However, the applicant has not secured permission from the landowner. The Public Works Director has confirmed that either of these options are viable.

The applicant proposes to provide public sanitary mains throughout the site with connections to each lot. The new network will be connected to the City of Medical Lake sanitary sewer system via a sewer main in Jefferson Street, to the north of the site. Being lower in elevation than the main in Jefferson Street, multiple lift stations will be required to pump the sewage north. The applicant proposes to run a sewer main from the northeast corner of the site, through the back of the City Maintenance Facility, and across Lefevre Street to connect. However, the Jefferson Street Main connects to the Lakeshore lift station which feeds into the Lakeshore main line. Both the Lakeshore lift station and main line are at capacity. As an alternative, the applicant proposes to run a sewer main across private property to the east of the City Maintenance Facility and connect to the sewer main in Jim Darby Street. However, this sewage also routes to the Lakeshore lift station, which is at capacity. The applicant has discussed solutions with the City, but no formal solution has been submitted.

The applicant has not proposed a park site within the proposed subdivision. The subject site is within one-half mile of Waterfront Park, which contains a playground, a sand volleyball court, a beach, ballfields, and picnic areas. Due to the proximity of Waterfront Park, the City will not require a park to be constructed within the subdivision. Therefore, residences within the subdivision will be required to pay the park impact fee at the time of building permit.

The Medical Lake School District has three (3) schools within the City limits. Measuring from the intersection of Lefevre Street (SR-902) and Green Gate Lane, students would have to walk approximately two-thirds of a mile to reach Hallett Elementary School, approximately three-quarters of a mile to reach Medical Lake High School, and slightly over a mile to reach Medical Lake Middle School. There are no sidewalks on Lefevre Street (SR-902) from the site until Grace Street, therefore children walking to school will be on the shoulder of a street that has a thirty (30) mile per hour speed limit. It is ideal that a sidewalk is constructed along Lefevre to create a safer walking environment. It is appropriate to require a five (5) foot sidewalk on the east side of Lefevre Street (SR-902) from the intersection of Green Gate Lane to the northern edge of the subject site.

Spokane Transit Authority has an hourly bus service that runs on Lefevre Street (SR-902). There are currently bus stops at the entrance to Waterfront Park and Jefferson Street. Therefore, there are transit stops within a half mile of the proposed lots to serve future residents.

In conclusion, the preliminary plat has potential for meeting the approval criteria if conditions are placed on the approval, or the applicant revises the proposal to meet the requirements listed above. However, the preliminary plat cannot be separated from the planned unit development or the critical area review, neither of which have met the approval criteria. **For this reason, the criteria are not met.**

#### **PLANNED UNIT DEVELOPMENT APPROVAL CRITERIA (MLMC 17.34.040)**

The requirements of the municipal code may be adjusted, subject to the following limitations:

1. The total off-street parking facilities shall not be less than the sum of the required facilities for the various uses computed separately, provided that shared use of parking spaces may be approved in accordance with MLMC Section 17.36.030(2).

**Findings:** MLMC Section 17.36.030 requires two (2) off-street parking spaces per residence. These spaces must be on a paved surface and can be in a driveway or in a

garage. The applicant is not requesting an exception to this standard. **For this reason, the criterion is met.**

2. All public or private streets, paving, curbs, sidewalks, utilities, lights, parks, recreation facilities and similar facilities shall be developed according to City standards, unless specifically waived by the planning commission upon recommendation of the director of the appropriate City department.

**Findings:** MLMC Section 15.24.030 requires local access street to have fifty (50) foot rights-of-way with thirty two (32) feet of paved roadway, and five (5) foot sidewalks on both sides of the street. The applicant is requesting to reduce the right-of way width to thirty eight (38) feet with a thirty (30) foot paved roadway. Due to the reduced right-of-way, the applicant is proposing to have the sidewalks located in a public easement. In early conversations, the City asked the applicant to consider stormwater drainage swales between the curb and sidewalk on both sides of the road. The proposal has a swale on one side of the road with the explanation that it will require less piping under the roadway.

The applicant has requested this reduction in right-of-way width to maximize the square footage of land for each lot. If the standard right-of-way width was used, each lot would lose at least 500 square feet in size. The wider the street frontage, the more square footage of lot area would be lost.

It is standard to have utility easements adjacent to rights-of-way where underground utilities are placed. In that situation, the property owner can still have landscaping and a usable space. On the other hand, placing a public sidewalk in an easement reduces the amount of yard for the property owner. In addition, there could be liability issues if a person was injured while on private property, even if it is in an easement.

The request to reduce the right-of way width and put the sidewalks in easements benefits the developer in the short-term, but does not benefit the City or the residents in the long-term. **For this reason, this criterion is not met.**

3. The maximum building coverage, yard requirements and maximum height shall be the same as the underlying zone, but may be modified by the planning commission, provided consideration is given the following principles:
  - A. Privacy. Mitigating measures may include fences, insulation, and landscaping to provide reasonable visual and acoustical privacy for dwelling units and spaces for private use;
  - B. Light and Air. Building spacing, coverage and heights shall be designed to provide adequate natural light and air;

- C. Code Compliance. In no case shall spacing, setbacks, heights or buildings violate fire or building code requirements;
- D. Compatibility. The planned unit development shall be integrated with surrounding land uses and minimize any negative impact resulting from the development.

**Findings:** The R-1 Zone, as specified in MLMC 17.16, requires lots to be a minimum of 6,000 square feet with a minimum width of sixty (60) feet. The applicant is requesting the minimum lot size to be reduced to 5,000 square feet with a minimum width of fifty (50)s feet. The proposed layout includes seventy-three (73) lots that are less than 6,000 square feet. There are many concerns regarding stormwater and groundwater on this site. The more impervious area created, the more issues that will have to be overcome. Having smaller lots will increase the number of houses, driveways, and other impervious surfaces such as patios and sheds. The increased stormwater runoff from and increased impervious surface area is a negative impact for both the future residents and the surrounding property owners. **For this reason, this criterion is not met.**

- 4. The requirements for front yards for the R-1 zone shall apply to all exterior boundary lines of the site.

**Findings:** The applicant is not asking to reduce setbacks. **For this reason, this criterion is met.**

#### **CRITICAL AREA REVIEW APPROVAL CRITERIA (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.
- B. Minimize Impacts. Where avoidance is not feasible, the applicant shall minimize the impact of the activity and mitigate to the extent necessary to achieve the activity's purpose and the purpose of this ordinance. The applicant shall seek to minimize the fragmentation of the resource to the greatest extent possible.
- C. Compensatory Mitigation. The applicant shall compensate for the unavoidable impacts by replacing each of the affected functions to the extent feasible. The compensatory mitigation shall be designed to achieve the functions as soon as practicable. Compensatory mitigation shall be in-kind and on-site, when feasible, and sufficient to maintain the functions of the critical area, and to prevent risk from a hazard posed by a critical area to a development or by a development to a critical area.
- D. No Net Loss. The proposal protects the critical area functions and values and results in no net loss of critical area functions and values.
- E. Consistency with General Purposes. The proposal is consistent with the general purposes of this chapter and does not pose a significant threat to the public health, safety, or welfare on or off the development proposal site;

F. Performance Standards. The proposal meets the specific performance standards of Fish and Wildlife Habitat Conservation Areas Section 17.10.070.C, frequently flooded areas, Section 17.10.080.D, and wetlands Section 17.10.090.F, as applicable.

**Findings:** The critical area report submitted by the applicant delineated and rated five (5) wetlands that are completely or partially on the subject site. The rating forms were completed in July of 2021 by Shelly Gilmore, who has since retired. Delineations and ratings are acceptable for up to five (5) years. It was discovered by the wetland consultant hired by the City that all of the ratings forms have a typo in H 3.1 on page 14. They all have a two (2) point item marked in the left column, but only one (1) point is given in the right column. This changes the rating for all of the wetlands. After the correction, the wetlands are categorized as follows:

Wetland 1:	Total Score = 20	Habitat Score = 7	Category = 2	Buffer = 120 feet
Wetland 2:	Total Score = 22	Habitat Score = 7	Category = 1	Buffer = 120 feet
Wetland 3:	Total Score = 22	Habitat Score = 7	Category = 1	Buffer = 120 feet
Wetland 4:	Total Score = 22	Habitat Score = 7	Category = 1	Buffer = 120 feet
Wetland 5:	Total Score = 17	Habitat Score = 6	Category = 3	Buffer = 120 feet

It has been brought to the City's attention that there are potentially more wetlands on the site. The Department of Ecology, looking at historic aeriels and visiting the site, determined that there is high potential for a vernal wetland to the east of Wetland 2. In addition, there are two (2) wetlands to the northeast of Green Gate Lane shown on a Department of Natural Resources Forestry Permit. Due to the absence of this critical information, the application cannot be properly evaluated. **For this reason, these criteria are not met.**

## CONCLUSION

The proposed preliminary plat does not meet a collection of standards required by the Medical Lake Municipal Code. The adjustments requested through the Planned Unit Development review are not meeting the required criteria for approval. The applicant has failed to provide complete information for the critical area review. For these reasons, this application should not be approved.

## EXHIBITS (Available at [www.medical-lake.org](http://www.medical-lake.org))

- A. Application Materials
  - 1. Preliminary Plat Drawings (revised), February 6, 2025
  - 2. Critical Area Report (revised), February 7, 2025
  - 3. Phasing Exhibit, December 20, 2024
  - 4. Preliminary Plat Written Description, December 20, 2024

5. Planned Unit Development Written Description, December 20, 2024
6. Critical Area Review, December 20, 2024
7. Trip Generation Letter, December 20, 2024
- B. Correspondence
  1. Letter of Incompleteness, November 18, 2024
  2. Letter of Completeness, January 3, 2025
  3. Meeting Summary, January 14, 2025
- C. Public Notifications
  1. Public Notice Instructions, February 7, 2025
  2. Notice of Application, February 7, 2025
  3. Public Notice for Newspaper
  4. Site Notice
  5. Public Notice Affidavit, February 18, 2025
- D. SEPA
  1. SEPA Checklist, December 12, 2024
  2. SEPA Determination of Non-Significance, February 7, 2025
- E. City Department Comments
  1. Parks Department, February 19, 2025
  2. Concurrency Test, February 20, 2025
  3. Wetland Consultant, February
- F. Agency Comments
  1. Department of Archeology and Historic Preservation, February 19, 2025
  2. Department of Fish and Wildlife, February 20, 2025
  3. Department of Ecology, February 26, 2025
  4. Department of Social and Health Services, February 26, 2025
- G. Citizen Comments
  1. Chad Pritchard, February 16, 2025
  2. Julie Larson, February 24, 2025
  3. Kevin Larson, February 24, 2025
  4. John Nuess, February 25, 2025
  5. Kathy Frem, February 26, 2025
  6. Diane Nichols, February 27, 2025
  7. John Nuess, February 27, 2025
  8. Tammy Roberson, February 25, 2025
  9. Tammy Roberson, February 27, 2025
  10. Tammy Roberson (at hearing), February 27, 2025
  11. Barbara Baumann, February 27, 2025
- H. Staff Report
  1. Staff Report to Planning Commission, February 20, 2025
  2. Staff Report to City Council, March 28, 2025
- I. Minutes
  1. Planning Commission, February 27, 2025