



**AGENDA
PLANNING COMMISSION MEETING
July 28, 2022, 5:00 PM**

**COMMISSION ATTENDANCE IN PERSON
PUBLIC MAY ATTEND IN PERSON OR REMOTELY VIA ZOOM**

Join Zoom Meeting

<https://us06web.zoom.us/j/87909288926?pwd=SVVhUUNXTXlqakhpMDNqRXhabXZRdz09>

Meeting ID: 879 0928 8926

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1) Call to Order, Pledge of Allegiance, and Roll Call

a) Additions to Agenda

b) Excused Absences

2) Approval of Minutes – June 30, 2022

3) Interested Citizens: Audience Requests and Comments

4) Staff reports

5) Scheduled Items

a) Work Session – Critical Areas Ordinance

6) Commission Members' Comments or Concerns

7) Interested Citizens: Audience Requests and Comments

8) Conclusion



City of Medical Lake
Planning Commission Meeting
June 30, 2022, Minutes

NOTE: This is not a verbatim transcript. Minutes contain only a summary of the discussion. A recording of the meeting is on file and available from City Hall.

1) CALL TO ORDER, PLEDGE OF ALLEGIANCE, AND ROLL CALL

- a) Commissioner Hudson called the meeting to order at 5:00 p.m.
- b) Commissioner Hudson asked for any additions or changes to the agenda.
 - i) Katy Allen requested to switch the order of the meeting, to begin with, section 5 before section 4.
All in agreement.
- c) Commission members present: Mark Hudson, Marye Jorgenson, Judy Mayulianos, Carl Munson, Andie Mark
- d) Excused Absences – None
- e) Staff Present: Rachel Granrath, Planning Consultant, Elisa Rodriguez, City Planner, Terri Cooper, Mayor; Katy Allen, Interim Deputy City Administrator; Roxanne Wright, Administrative Assistant

2) APPROVAL OF MINUTES

- a) May 26, 2022, Minutes
 - i) Motion to accept minutes made by commissioner Mark, seconded by commissioner Mayulianos, motion carried 5-0

3) INTERESTED CITIZENS: AUDIENCE REQUESTS AND COMMENTS

- a) The following public comments were provided:
 - i) Marybeth Benson – asked a question regarding the bike path near her home; if it is owned by the city and if anyone purchased it, could they do away with the bike path. Commissioner Hudson explained that the property in question is owned by the church that he pastors and that they made an agreement with the city that if they ever built on the land, they would relocate the bike path.
 - ii) Thomas Benson – discussion regarding mowing and spraying of the area near wetlands – unsure who does it.

4) SCHEDULED ITEMS

- a) Critical Areas Ordinance (continued review)
 - i) Wetlands – Rachel Granrath
 - (1) Nothing new to report, open to questions.
 - (2) Judy Mayulianos – has reviewed but questioned whether more time may be needed due to the volume of information.
 - (3) Commissioner Hudson – discussed the rating of low, moderate, and high impact areas re: land use and how many people review. Presented suggestion that on the Wetlands CAO, for low and

moderate impact, one set of “eyes” is sufficient, but with high impact, would want two sets. Discussed with Rachel the language of changing the requirement.

- (a) Mayor Cooper discussed options of people that could be designated. Now that we have a new City Planner and will have a new City Administrator, they can fulfill that role. It was originally designed to work this way. Rachel will draft a policy for it.
- (4) Commissioner Mark – gave an opinion that it seems as if it is “babysitting the planner” with some of the detailed wording.
 - (a) Commissioner Hudson stated that it was worded that way to help prevent the issues that arose in the past.
- (5) Katy Allen – Commented on the recurring theme of commission desiring transparency. Inquired if there is a policy or statement on file that outlines this desire.
 - (a) Rachel responded that there is a bigger picture beyond the CAO Wetlands issue that is being discussed. The city has been working on the comprehensive plan for a very long time. Transparency policy would need to encompass all actions by the Planning Commission, not just this current discussion regarding the CAO.
- (6) Katy Allen reminded that we are currently out of compliance so this needs to be moved along and adopted as soon as possible.
- (7) Mayor Cooper commented when there are strong documents and ordinances in place, the expectation is that they are followed. Making a stronger rule doesn’t make a stronger person. The city holds its employees to the letter of the law, rules, and guidelines. The city makes laws and rules for the position with the expectation that the people will uphold them.
- (8) Commissioner Hudson asked if the code can be amended later if needed. Rachel stated that yes, it can, same as all our codes.

5) STAFF REPORTS

- a) Katy Allen
 - i) All commissioners now have city e-mail accounts that are active. Instructed that Executech can assist in the setup if necessary.
 - ii) Discussed the last meeting being loaded onto thumb drives and made accessible to the public.
 - iii) Introduced new City Planner, Elisa Rodriguez
 - iv) Discussed cleaning up references to titles for the planning department
 - v) Discussed a new process for the distribution of meeting information. Moving forward the minutes and agenda out by mid-month and posted to the website.
 - (1) Documents available the week before the meeting – no formal documents attached because there aren’t any new ones
 - (2) There will be a public hearing set for Sept. 22, 2022, regarding the Critical Area Ordinance. The Planning Commission will make any necessary updates and present them to city council.

6) ADDITIONAL COMMUNITY MEMBER COMMENTS

Tammy Roberson – stated several concerns regarding critical areas and submitted comments (Attachment A)

Commissioner Munson acknowledged and voiced appreciation for all of Ms. Roberson’s work.

Paula Thornton – shared concerns regarding flood plain issues when building. Katy Allen shared that a representative from FEMA stopped by City Hall and dropped off a flood plain map. Noted that the city is not in a flood plain. Ms. Allen also explained the process required of developers during building.

Marybeth Benson – shared information about flood waters on their property in the past.

Thomas Benson – Inquired about recourse if codes are not followed. Mayor explained the process. Katy Allen explained the development process.

Tammy Roberson – question about permit process including public notice. Katy Allen explained thresholds for when public notice is required. Rachel explained the legal requirements for public notice.

Commissioner Munson – offered to meet more often if needed to get through all the work ahead. Commissioner Hudson asked Rachel if she thinks it is possible to get through everything by the public hearing on 9/22.

Mayor Cooper shared that more meetings are allowed but it will depend on the availability of staff, etc. Requested that it be consolidated into one document then discuss how it will be managed in the next few meetings. Proposed that having the consolidated document mid-July and reviewed for the July planning commission meeting, then any changes/additions can be discussed and moved forward. Commission agreed.

7) **CONCLUSION**

- a) Motion to conclude meeting made by commissioner Mayulianos, seconded by commissioner Munson, motion carried 5-0, and the meeting concluded at 6:03 pm.

DRAFT

Planning Commission Meeting Minutes, June 30, 2022
Attachment "A"
Citizen Comments – Tammy Roberson

1) The City does not have the power to permit roads to run directly through the wetlands and associated buffers even "when the City determines that no other feasible alternatives exists" as stated in the current draft. DOE directly regulates wetlands. This would be an extremely undesirable ecological result and any takings claim against the government for a road by necessity should have long expired by the effect of state law.

2) There should be no disparity (lines made) between low and high impacts when it comes to wetlands especially since a lot of the wetlands within City limits are isolated (lacks an outlet) depressional wetlands which are more sensitive to degradation and/or accumulation of sediment and/or containments.

3) Code Enforcement: DOE only becomes involved with the wetland itself. The City handles any buffer issues. DOE cannot come to the rescue regarding disagreements with wetland buffers.

4) The following items are missing from the current draft: a) Does not presently require building setbacks from wetland buffers (previously one required 15 ft building setbacks from the wetland buffer). b) Lacks the option to permit the Administrator to reduce a front yard setback reduction to protect a buffer on the opposite side of a structure. c) No definition for the word "wetland". d) "By clear and convincing evidence" is the legal terminology that needs to be used in the CAO to have a better chance of holding the applicant accountable.

5) A majority of the City of Medical Lake lies within the boundaries of two State Water Quality Improvement Projects (Spokane River and Palouse River Watersheds). The permit applicants whose properties are within these boundaries have a duty to ensure their applications accurately reflect this fact with the City confirming this.

6) There is a July 2018 Modifications for Habitat Score Ranges from DOE.

7) The Planner's Guide to Wetland Buffers for Local Governments by the Environmental Law Institute is a wonderful resource to use and quite easy to understand.