

City of Medical Lake
124 S. Lefevre Street – City Council Chambers
Planning Commission Meeting and Public Hearing
October 27, 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 5:03 pm, led the pledge of allegiance, and conducted a roll call. Commissioners Hudson and Mayulianos were present in person and commissioners Munson and Mark attended via Zoom.
 - i) Approved Absences
 - (1) Commissioner Jorgenson's absence is approved.
- b) Additions to Agenda
 - i) none

2) APPROVAL OF MINUTES

- a) September 22, 2022, Regular Meeting and Public Hearing
 - i) Motion to amend minutes to reflect the switch of agenda items 2 & 3 made by commissioner Mayulianos, seconded by commissioner Munson, motion carried 4-0. The change in the agenda order was passed at the July 28, 2022, meeting. However, the agenda for this meeting did not accurately reflect that change.
 - (1) Upon further consideration of this meeting, it was noted that the September 22, 2022, minutes were not actually approved and will be placed on the agenda again for the November 17, 2022, commission meeting.

3) INTERESTED CITIZENS: AUDIENCE REQUESTS AND COMMENTS

- a) Tammie Roberson 424 W Brooks – read statement thanking commissioner Munson and gave a summary of her reasons for suggested changes. See attached.
- b) Larry Stoker owner of Monarch Self-Storage in Medical Lake – commented on shipping containers on his property that are currently out of compliance with the city ordinance. Shared that he is working with the city to request a change in the ordinance that would allow the shipping containers.

4) STAFF REPORTS

- a) Elisa Rodriguez, City Planner – reported on the EWU planning class collaboration.

5) SCHEDULED ITEMS

- a) Presentation “Wetlands: Considerations for Management” by Dr. Erin Dascher
 - i) Gave a presentation and answered questions.
- b) Critical Areas Ordinance Decision
 - i) City Planner, Elisa Rodriguez explained the typical decision-making bodies in land use reviews. Shared that it is currently written in the 9/15/22 draft of the CAO that the Planning Commission will make the final approval. However, that was determined not to be the best practice. Discussed the need to choose who will make the final decision and amend the Critical Area Ordinance accordingly. Mrs. Rodriguez presented three options:
 - (1) City Planner
 - (2) Hearing Examiner
 - (3) City Council
 - ii) Mrs. Rodriguez presented the pros and cons of each option. Motion to amend 17.10.040 of the CAO according to Option 3 (Decision made by City Council), made by commissioner Mayulianos, and seconded by commissioner Hudson. Motion carried 3-1 with commissioner Mark abstaining. See attached.
 - iii) Commissioner Munson – shared his thoughts on the CAO decision process and information shared by Ms. Roberson.

- (1) Elisa Rodriguez addressed the concerns and proposed changes to the “Activities Allowed” section of the CAO.
- iv) Commissioner Hudson motioned to amend into 17.10.130 of the 9/15/22 CAO draft the definitions provided at the last meeting, seconded by commissioner Munson. Motion carried 4-0. See attached.
 - (1) Qualified Professional
 - (2) Fish and Wildlife Habitat Conservation Areas and Frequently Flooded Areas
 - (3) Channel Migration Zone/Floodway/Riparian Management Zone
- v) Commissioner Mayulianos motioned to undo the bold wording in the 9/15/22 CAO draft, section 17.10.080 Frequently Flooded Areas, seconded by commissioner Munson. Motion carried 4-0. See attached.
- vi) Commissioner Munson motioned to amend into the 9/15/22 CAO draft, Forest Practices section 17.10.030(B)(15), seconded by commissioner Mayulianos. Motion carried 4-0. See attached.
- vii) Commissioner Munson motioned to amend into the 9/15/22 CAO draft, Non-Conforming Uses section 17.10.030(B)(16), seconded by commissioner Mark. Motion carried 4-0. See attached.
- viii) Motion to send the 9/15/22 CAO draft with amendments to City Council made by commissioner Mark, seconded by commissioner Munson. Motion carried 4-0.
- c) Proposal to change meeting dates for November and December 2022 to November 17, 2022, and December 15, 2022.
 - i) Motion to accept changes to meeting dates made by commissioner Mark, seconded by commissioner Hudson. Motion carried 4-0.

6) PUBLIC HEARING

- a) Comprehensive Plan Amendment – Urban Growth Area Change
 - i) Commissioner Hudson opened the public hearing at 6:07 pm.
 - ii) Staff Report Elisa Rodriguez – gave report and explanation of Urban Growth Area. Shared citizen concerns that were submitted. Answered some of the questions that were posed.
 - iii) Question and answer session between concerned citizens, Mrs. Rodriguez, Tom Haggerty (City Engineer), and Mayor Cooper.
 - iv) Public Comments
 - (1) Tammy Roberson 424 W Brooks – commented on UGA and SEPA environmental checklist. See attached.
 - (2) Scott Holbrook 424 W Brooks – commented on shoreline related to UGA.
 - v) Motion to continue Public Hearing to the next meeting on November 17, 2022, made by commissioner Hudson, seconded by commissioner Mayulianos. Motion carried 4-0.

7) COMMISSION MEMBERS' COMMENTS OR CONCERNS

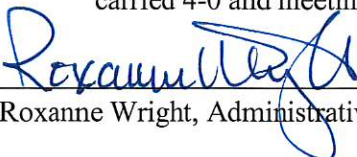
- a) none

8) INTERESTED CITIZENS: AUDIENCE REQUESTS AND COMMENTS

- a) Tammy Roberson 424 W Brooks – shared concerns that many of the proposals she and commissioner Munson worked on for the CAO were not included in the amendments.
- b) Scott Holbrook 424 W Brooks – gave comment on setback requirements for wetlands.
- c) Lucas Walsh with Cheney Free Press – introduced himself and his intent to attend as many meetings as possible.
- d) Commissioner Mayulianos asked for clarification on what Mrs. Rodriguez and commissioner Munson discussed and the changes to the CAO that were suggested as a result. Commissioner Munson responded with what his understanding was of the process. Discussed that there would be an opportunity to make a motion to reconsider at this or the next meeting if she so desired.

9) CONCLUSION

- a) Motion to conclude meeting made by commissioner Mayulianos, seconded by commissioner Munson. Motion carried 4-0 and meeting concluded at 7:25 pm.



 Roxanne Wright, Administrative Assistant

11/21/22

 Date

**Handout for 27 Oct 2022 Planning Commission Meeting
(1st Opportunity for Interested Citizens)**

City officials, Planning Commission members and residents:

First and foremost, I would like to thank Commissioner Munson publicly for going the “extra five hundred miles.” In my opinion, Commissioner Munson is dedicated in trying to improve our City by putting in many, many hours of personal research time.

Secondly, I would like to summarize the three reasons why I have proposed these recommendations be added to our CAO:

- 1) To ensure City decisions leave a written record that citizens can actually review. Government accountability requires government transparency.
- 2) To ensure that exceptions don’t “swallow the rule.” Every exception is a vulnerability. I don’t want City Government to be inflexible, but I also don’t want City Government to abdicate its environmental responsibilities by granting easy exceptions instead of doing the hard work of careful evaluation.
- 3) To try to ensure our CAO follows guidance of state agencies. The Department of Ecology and the Department of Commerce have written excellent guidance manuals for Cities like ours. These are a valuable resource and the amended code makes use of this guidance in a number of important ways.

Thank you for your patience, time, and assistance in helping to preserve our City wetlands.

Tammy M. Roberson
City of ML Concerned Resident
424 W Brooks Rd, Medical Lake

Proposed Edit to 9/15/22 Draft of the Critical Areas Ordinance Update
Add CMZ, Floodway & RMZ Definitions

17.10.130 Definitions

Channel Migration Zone – The area within which a river channel is likely to migrate and occupy over a specified time period (e.g., 100 years).

Floodway – Is the area that has been established in federal emergency management agency flood insurance rate maps or floodway maps.

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

Proposed Edit to 9/15/22 Draft of the Critical Areas Ordinance Update
Added Habitat and Flooded Area Definitions

17.10.130 Definitions

Fish and Wildlife Habitat Conservation Areas – Areas that serve a critical role in sustaining needed habitats and species for the functional integrity of the ecosystem, and which, if altered, may reduce the likelihood that the species will persist over the long term. These areas may include, but are not limited to, rare or vulnerable ecological systems, communities, and habitat or habitat elements including seasonal ranges, breeding habitat, winter range, and movement corridors, and areas with high relative population density or species richness. Counties and cities may also designate locally important habitats and species. Fish and wildlife habitat conservation areas do not include such artificial features or constructs as irrigation delivery systems, irrigation infrastructure, irrigation canals, or drainage ditches that lie within the boundaries of, and are maintained by, a port district or an irrigation district or company.

Frequently Flooded Areas - Lands in the flood plain subject to at least a one percent or greater chance of flooding in any given year, or within areas subject to flooding due to high groundwater. These areas include, but are not limited to, streams, rivers, lakes, coastal areas, wetlands, and areas where high groundwater forms ponds on the ground surface.

Critical Areas Ordinance Update
Option 3: Decision Made by City Council

17.10.040 - Approval Process.

A. Critical Areas Permit Process.

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

Critical Areas Ordinance Update

Option 3: Decision Made by City Council

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

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

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

13. Hearing. An open record hearing will be conducted by the Planning Commission. The Planning Commission must recommend approval, approval with conditions, or denial to the City Council based on information presented at the hearing and in the record.

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

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

16. Ability to appeal. A decision may be appealed to Superior Court pursuant of the review process of RCW 36.70C

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

18. Effective date. The effective date is the day the decision is signed.

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

Suggested Edits of the Critical Areas Ordinance Update
Expand Qualified Professional

17.10.130 Definitions

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

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

Proposed Edit to 9/15/22 Draft of the Critical Areas Ordinance Update
Undo bold text in Frequently Flooded Areas

17.10.080(D) Frequently Flooded Areas

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

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

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

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

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

Elisa,

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

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

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

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

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

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

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

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

Thank you

Scott Holbrook

earthsun51@gmail.com

Dear City Officials,

I would like to submit the following comments to the proposed SEPA DNS and UGA Amendment issues that are set for hearing today.

Issues of Law and Procedure:

The October 13th, “Notice of Public Hearing and Determination of Non-Significance (DNS)” incorrectly requires comments to be submitted by September 22, 2022. This date is *before* the issuance of the DNS. A new DNS must be issued and the appropriate time for comments must be given. Comment timelines are important because interested parties might be dissuaded from participation if they are led to believe the time for comments has already expired.

The City’s October 13, 2022 “SEPA ENVIRONMENTAL CHECKLIST” for the UGA amendments alleges that, “The proposed UGA changes do not include any shorelines. The proposal is consistent with the Medical Lake Comprehensive Plan.” However, the City’s October 20, 2022 “CITY OF MEDICAL LAKE RELOCATED UGA” Map clearly depicts that the proposed UGA actually encompasses a large portion of the shore of Silver Lake. The environmental checklist needs to be revised and reissued in connection with the new DNS and hearing. Citizens cannot give appropriate comments if the information in the submission is false.

For example, RCW § 36.70A.130(3)(c)(ii) sets the requirements for amendments to a UGA. It requires that:

“the urban growth area or areas may be revised to accommodate identified patterns of development and likely future development pressure for the succeeding 20-year period if the following requirements are met: ...

(ii) The areas added to the urban growth area are not or have not been designated as agricultural, forest, or mineral resource lands of long-term commercial significance.

(iii) Less than 15 percent of the areas added to the urban growth area are critical areas; . . .

(viii) The revised urban growth area is contiguous, does not include holes or gaps, and will not increase pressures to urbanize rural or natural resource lands.” RCW 36.70A.130(3).

As of right now, there is no evidence that these issues have been adequately analyzed or whether all agencies with authority (namely, the Department of Natural Resources) have been properly notified.

Thank you for your attention to this important matter.

Best,

Tammy M. Roberson, 424 W Brooks Rd