

City of Medical Lake
124 S. Lefevre Street – City Council Chambers
Planning Commission Meeting and Public Hearing
May 25, 2023, 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 5:30 pm. Commissioners Hudson, Jorgenson, and Mayulianos were present in person. Commissioner Munson joined via Zoom at 5:32 pm.
- b) Excused Absences – Commissioner Mark submitted a request for absence. Motion to approve made by commissioner Mayulianos, seconded by commissioner Jorgenson, carried 3-0. Commissioner Munson was not yet present on Zoom.
- c) Commissioner Mark joined the meeting via Zoom mid-way through Elisa Rodriguez’s presentation during the Public Hearing. The exact time was not noted.

2) ADDITIONS TO AGENDA

- a) Commissioner Hudson motioned to move the Public Hearing to Section 6 after the Staff Report and before Scheduled Items, seconded by commissioner Jorgenson, carried 3-0. Voting was done prior to commissioner Munson’s presence on Zoom.

3) APPROVAL OF MINUTES

- a) **April 27, 2023**, Regular Meeting minutes
 - i) Motion to approve made by commissioner Mayulianos, seconded by commissioner Jorgenson, carried 4-0. Commissioner Munson was now present via Zoom and cast his vote.

4) INTERESTED CITIZENS: AUDIENCE REQUESTS AND COMMENTS

- a) None at this time.

5) STAFF REPORTS

None

6) PUBLIC HEARING – LU 2023-005 CA Martin Street

- a) Commissioner Hudson called the Public Hearing to order at 5:34 pm.
- b) Commissioner Hudson addressed the Appearance of Fairness doctrine. No issues or conflicts of interest.
 - i) Commissioner Hudson noted for the record that he is very good friends with the applicant but believes he can be fair and objective in the decision.
- c) No challenges to the appearance of fairness.
- d) Elisa Rodriguez gave a Staff Report and presentation. See attached.
- e) Applicant Vince Barthels – Shared his background - Biologist and a consultant for 25 years with a private engineering firm in Spokane. In 2020, he began looking into this property, did the wetland work and worked with previous staff with the city, namely Doug Ross (City Administrator) and Scott Duncan (Public Works Director). The current proposed plan is consistent with the requirements in 2020 and has gone through the wetlands mitigation sequencing. Noted that he is a wetlands biologist and practitioner, actively in the field and doing wetland delineations. This is in opposition to the Gonzaga professor that private citizen, Tammy Roberson, hired. Stated there is a difference between an academic and someone that works in the field on-site. Reported that this project will not require much fill dirt to be brought in. Noted that the report validated with the Department of Ecology in 2020 is verified for a 5-year period and therefore is still valid.
- f) Public Testimony
 - i) Proponents
 - (1) Paula Thornton resident – lives across the street from the proposed home site. Recognized work put into the report and proposal. Had some questions/concerns – will the owner be building a home to live in or is he making property attractive for sale? Has soil been tested?

ii) Opponents

- (1) Robynn Sleep – not a resident of Medical Lake. Here on behalf of Ms. Roberson. She has a Water Science degree from Spokane Community College and experience using wetland rating systems for Washington. Gave a handout on her research using the D3 Questions. See attached. Stated that using the D3 system, the wetland in question would have 3 points, putting it at a Category 2 Wetland, not a Category 3 as it is currently rated. Went through the 3 D3 questions in her report.
 - (a) The speaker's time ran out so commissioner Hudson motioned to allow an additional 2 minutes, seconded by commissioner Mayulianos, carried 4-0.
- (2) Tammy Roberson, resident of Medical Lake – hired a certified specialized wetland scientist with a Ph.D. and 30+ years of experience. Shared opposing opinions regarding the application.
 - (a) The speaker's time ran out, so commissioner Mayulianos motioned to allow an additional 2 minutes, seconded by commissioner Hudson, carried 4-0.
- (3) Kevin Gaschke, resident of Medical Lake – They are a military family with a home in Medical Lake. Shared his opinion that allowing the proposed building would decrease the quality of life for everyone in the area.
- (4) Marybeth Benson, resident of Medical Lake – Lives next to wetlands on the other side. Has a problem with water in her crawlspace. Concerned about the possibility of a developer coming in and ruining the area.

iii) Rebuttal

- (1) Vince Barthels – offered rebuttals to oppositions. The regulatory agency, which is the Department of Ecology, has the final say in this matter and they have already given approval in 2020. Addressed the assertions made by the professor (Hugh Lefcort) hired by Ms. Roberson and stated that his report is not a delineation report, but rather an opinion letter.
 - (2) Tammy Roberson introduced Professor Hugh Lefcort from Gonzaga (submitted report) on Zoom – He explained that he couldn't observe the wetland because it's private property. Stated that the key issue is having the wetland delineated.
- iv) Lahnje Henderson, resident of Medical Lake (via Zoom) – Shared that there was a property at the end of W 5th that experienced water in the crawlspace after the city did some excavation to widen the road. She enjoys the nature in Medical Lake and proposes to leave the property (wetland) as is and not build.
- v) City Planner, Elisa Rodriguez – Explained that the Wetland Report is good for 5 years and that it is the best available science. Spoke with Bill Towey, City's wetland specialist consultant, about the letter from Dr. Lefcort. Mr. Towey refuted most of the information and supported the applicant's report and delineation. Shared that half of the wetland being discussed is on Ms. Roberson's property. Noted that Ms. Roberson has altered the wetland and its buffer. The wetland on her property has been greatly altered by bringing in the concrete from the public sidewalk to build a retaining wall as well as bringing in additional soil. The concrete can change the pH of the water and hurt the plants. None of these activities are allowed per the Critical Areas Ordinance, therefore Ms. Roberson is in violation.

g) Hearing Body

- i) Commissioner Hudson confirmed with Mr. Barthels that the proposed application would result in no net loss to the wetlands. Mr. Barthels confirmed and shared that the report issued on July 21, 2020, by the Department of Ecology, states that there is no net loss of wetland on site.
 - ii) No other questions or comments from commissioners.
- h) Commissioner Hudson closed the Public Hearing at 7:03 pm.
- i) Commissioner Mayulianos motioned to table the decision until next month to review everything, seconded by commissioner Jorgenson, motion failed to carry, 2-3 with commissioners Hudson, Mark, and Munson voting nay. The decision will not be tabled.
 - j) Discussion between commissioners. Ms. Rodriguez answered a question about the needed SEPA Determination of Non-Significance. Explained process and that since everyone being notified received the original notice, she doesn't expect any new comments.
 - k) Motion to deny made by commissioner Mayulianos, seconded by commissioner Jorgenson, after further discussion, commissioner Jorgenson withdrew her second. The motion died.
 - l) Motion to recommend approval based on the findings in the staff report and adding Condition H for an Inadvertent Discovery Plan, Condition I for replacing the mitigation trees of willow and cottonwood with red osier dogwoods and aspens, and the requirement that a SEPA is completed, made by commissioner Mark, seconded by commissioner Munson, carried 4-1, with commissioner Mayulianos voting nay.

7) SCHEDULED ITEMS

- a) Official Zoning Map
- b) Critical Areas Ordinance-CARA (Critical Aquifer Recharge Area)
- c) City Branding Discussion
- d) Education Packet for New Commission Members
- e) Planning Commission Rules of Procedure
- f) Motion to table all scheduled items made by commissioner Mark, seconded by commissioner Munson, carried 5-0.

8) COMMISSION MEMBERS' COMMENTS OR CONCERNS

- a) none

9) INTERESTED CITIZENS: AUDIENCE REQUESTS AND COMMENTS

- a) Tammy Roberson, Medical Lake resident– stated for the record in response to Ms. Rodriguez’s earlier statement regarding wetland violations, that she got permission from previous City Administrator, Doug Ross, to do what they did to the wetland on their property. Stated that they “shook” on it.

10) CONCLUSION

- a) Motion to conclude made by commissioner Mayulianos, seconded by commissioner Jorgenson. Motion carried 5-0 and meeting concluded at 7:25 pm.

Date: _____

Roxanne Wright, Administrative Assistant