

City of Medical Lake  
124 S. Lefevre Street – City Council Chambers  
**Planning Commission Meeting and  
Public Hearing  
December 14, 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, led the Pledge of Allegiance, and conducted roll call. All commissioners were present in person.

**2) ADDITIONS TO AGENDA**

- a) Motion to approve agenda as written made by commissioner Mark, seconded by commissioner Munson, carried 5-0.

**3) APPROVAL OF MINUTES**

- a) November 16, 2023, minutes.
  - i) Motion to approve made by commissioner Mayulianos, seconded by commissioner Munson, carried 5-0.

**4) INTERESTED CITIZENS: AUDIENCE REQUESTS AND COMMENTS**

- a) Tammy Roberson, resident of Medical Lake – spoke about World Wetlands Day. Requested to be added to the January Planning Commission agenda to present on the topic. Spoke about a recent Supreme Court ruling regarding wetlands. See attachment A.

**5) STAFF REPORTS**

- a) Elisa Rodriguez, City Planner – working on long-range Planning items. The Comprehensive Plan is required to be finished by June 2026 so work will begin in January. Will provide the commission with the current copy. Update on Gray Road fire re-building; twenty building permits issued.

**6) SCHEDULED ITEMS**

- a) City Branding Discussion
  - i) Commissioner Munson – asked commissioners for their opinions on design standards for new construction and any topics commissioners want to discuss.
  - ii) Commissioner Mayulianos shared that an artist friend of hers is excited to see art shows, etc. Has meetings set up with other artists and representatives from the Fairchild Air Force Base (FAFB) museum planning. She would love to see the city tie Medical Lake with FAFB. Has spoken to several citizens, and there is the belief that the Planning Commission desires to change the city to encourage people to move here. She explained that the hope is to attract business and commerce. Desire is for economic growth.
  - iii) Commissioner Hudson – suggested that maybe next year a public workshop could be held to see what people are interested in and get the word out that the intent of branding is to increase tourism. Elisa Rodriguez added that part of the Comprehensive Plan includes the City’s vision and requires holding a public meeting. Could possibly combine the branding discussion with that public meeting.

- 1. Motion to table and continue discussion at the next meeting made by

commissioner Hudson, seconded by commissioner Mayulianos, carried 5-0.

- b) Education Packet for New Commissioners
  - i) Commissioner Mayulianos gave an update and shared corrections to the draft packet. Continuing to edit.
    - 1. Motion to table and continue discussion at the next meeting made by commissioner Mayulianos, seconded by commissioner Jorgenson, carried 5-0.

7) **PUBLIC HEARING** Shipping Containers LU 2022-04 TA

- a) Commissioner Hudson called the Public Hearing to order at 5:53 pm, explained the purpose of the hearing, and discussed the appearance of fairness doctrine.
  - i) Commissioner Mayulianos recused herself from the discussion and vote. Doesn't feel she can fairly review the matter with an open mind.
  - ii) Staff Report –Elisa Rodriguez, City Planner, gave a presentation. See attachment B.
  - iii) Public Comment – written comments received from Diane Nichols, resident of ML. Nothing further. See attachment C.
  - iv) Commissioner Hudson closed the Public Hearing at 6:08 pm.
- b) Motion to deny made by commissioner Mark, seconded by commissioner Munson, carried 4-0-1, with commissioner Mayulianos not casting a vote due to recusing herself.
- c) LU 2022-04 TA will go back to City Council.

8) **COMMISSION MEMBERS' COMMENTS OR CONCERNS**


- a) Commissioner Hudson – asked if the WWTP is self-contained and protected. Mr. Weathers responded that it is in process (included in the capital improvement plan). Looking at upgrades to cyber security as systems are upgraded.
- b) Commissioner Mayulianos – asked if city council members or planning commissioners can reside outside of city limits (asked legal counsel). The response was that both city council members and planning commissioners must reside within city limits. Mr. Weathers shared that the Parks and Recreation Advisory Board will use the Medical Lake School District boundaries for residence requirements.

9) **INTERESTED CITIZENS: AUDIENCE REQUESTS AND COMMENTS**

- a) Tammy Roberson, resident of Medical Lake – asked about being added to the agenda for January. Counsel stated that it is not necessary to be added to the agenda. Per the Planning Commission Rules of Procedure, educational presentations are allotted 15 minutes. Ms. Roberson also spoke about Martin St. see attachment A.
- b) Mrs. Rodriguez addressed Ms. Roberson's comments regarding the Martin Street property, stated that the silt fence is installed in the correct location, there is no evidence of erosion on site, and that the applicant does not intend to do any further work on the property until the spring. Clarified that the decision is for the property and that any current or future owner must adhere to the conditions of approval, including, keeping the house within the approved footprint.
- c) Mr. Weathers – shared appreciation for the commissioners and wished all Merry Christmas.

10) **CONCLUSION**

- a) Motion to conclude meeting at 6:22 pm made by commissioner Mayulianos, seconded by commissioner Mark, carried 5-0.

  
\_\_\_\_\_  
Roxanne Wright, Administrative Assistant

# Comments/Letter to Planning Commissioners (14 Dec 2023)

(As Of: 14 Dec 2023)

Good evening, Planning Commissioners and City Officials.

World Wetlands Day will be on 2 Feb 2024. This year's theme is Wetlands and Human Well Being. I am requesting please to be added to the PC Agenda for 25 Jan 2024 to give a slide presentation, or maybe a video, or possibly have a qualified speaker talk since after all, isn't Medical Lake considered a City of wetlands?

The following comments will inform the City of Medical Lake on the recent Supreme Court Ruling "*Sackett v. Environmental Protection Agency*" in regards to what it actually means for Medical Lake's wetlands and "waters of the United States" and most importantly to stop any bad information and myths from the get go.

- 1) Attended on 16 Oct 2023 (via Zoom) Ecology's informational session on "Proposed 2024 agency request legislation: dredge-and-fill permit program." These slides and also Ecology's Publication 23-06-012 "Focus on: Protecting state wetlands and streams" will be attached along with these comments.
- 2) All wetlands in WA State are still protected by:
  - a) 1945 Water Pollution Control Act RCW 90.48.
  - b) 1990 Growth Management Act RCW 36.70A.
  - c) 1972 Shoreline Management Act RCW 90.583) The Supreme Court decision weakens FEDERAL protections for wetlands and streams.
- 3) These waterbodies are critical for absorbing runoff to preserve water quality, reduce flooding, and essential to the survival of endangered and threatened species.
- 4) WA has state laws and regulations that will continue to protect these waters.
- 5) More development projects are getting state review. – Before the federal decision, developers typically used the Corps' streamlined Nationwide Permit for small impacts to state waters and specific activities such as residential development and road maintenance.
- 6) To protect state water quality, Ecology is currently using state administrative orders to review and authorized residential development and road maintenance that impact state waters without federal protection.
- 7) Ecology's informational session was presented because a new state review process is needed.

- a) The Bill request would create a new permit program – creating a new dredge and fill permit program as well as establishing a fee to collect expenses for issuing and administering the program.
  - b) Under this approach, each project would be reviewed using agency guidance and best available science.
  - c) The agency would also define, when available, acceptable mitigation approaches for wetland impacts.
- 8) While WA state law will continue to protect wetlands and other waters of the state, the Sackett decision means significantly fewer federal resources are available to deal with oil spills and other environmental emergencies to state waters. Ecology plans to continue responding swiftly to all spills to WA waters even when federal funding or assets are unavailable.

Thank you for your valuable time.






Tammy M. Roberson, MBA  
SMSgt USAF Retired  
Disabled Veteran (100% service connected)  
Concerned ML Resident/Wetland Owner and Advocate

# Life interlaced Wetlands and people

CARE - NURTURE - SUPPORT



    
WorldWetlandsDay.org  
#ActForWetlands



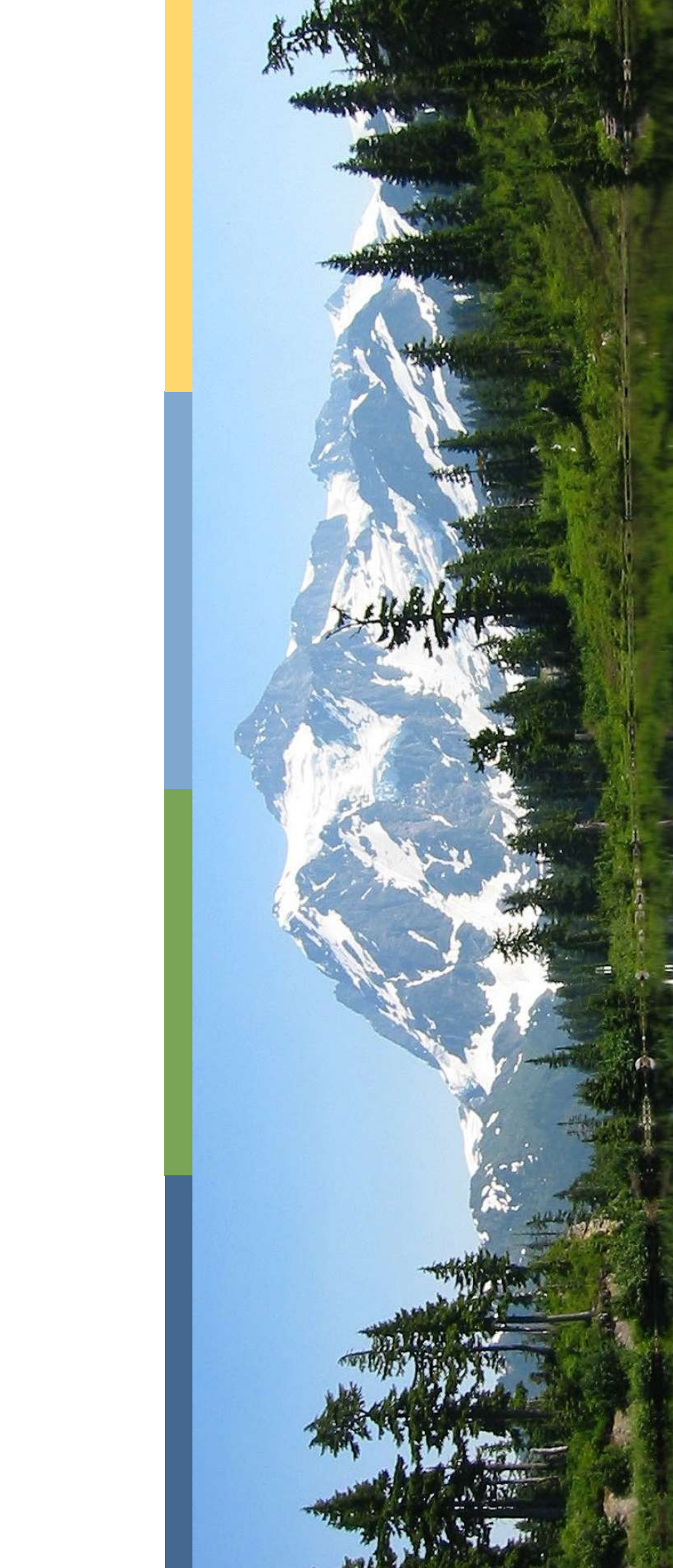
Food and Agriculture  
Organization of the  
United Nations

World  
Wetlands Day  
2 February 2024



Wetlands and Human Wellbeing





# Agency Request Legislation Dredge and Fill Permit Program

Lauren Driscoll, Wetlands Section Manager

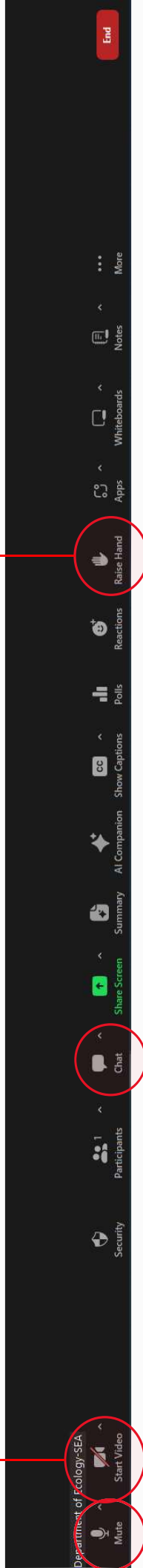
October 16, 2023

Please start or stop your video by selecting the Start Video button

To raise your hand and ask a question please select this button and we will call on you - be ready to unmute yourself

Please unmute yourself by selecting the Mute button

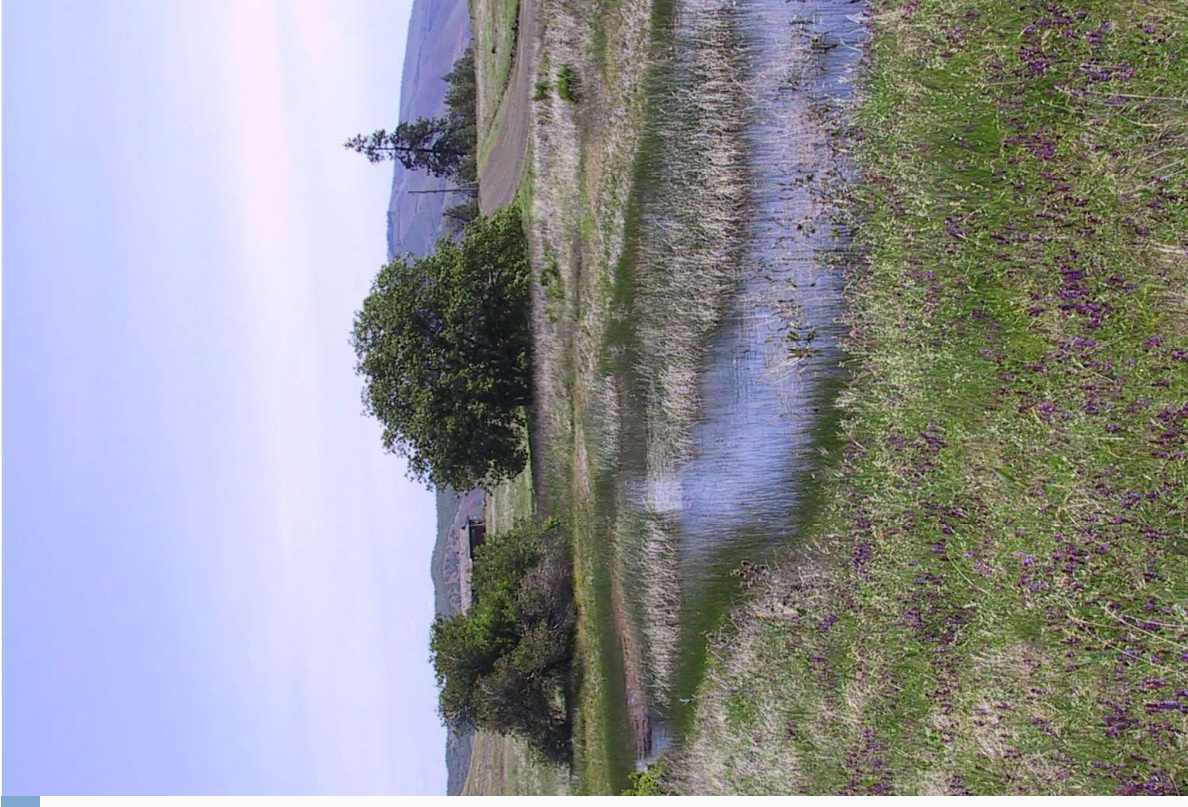
To enter questions/text in the Chat please select this button



# Why are we here?

To explain what we're proposing

A Dredge and Fill permit program that includes a fee structure

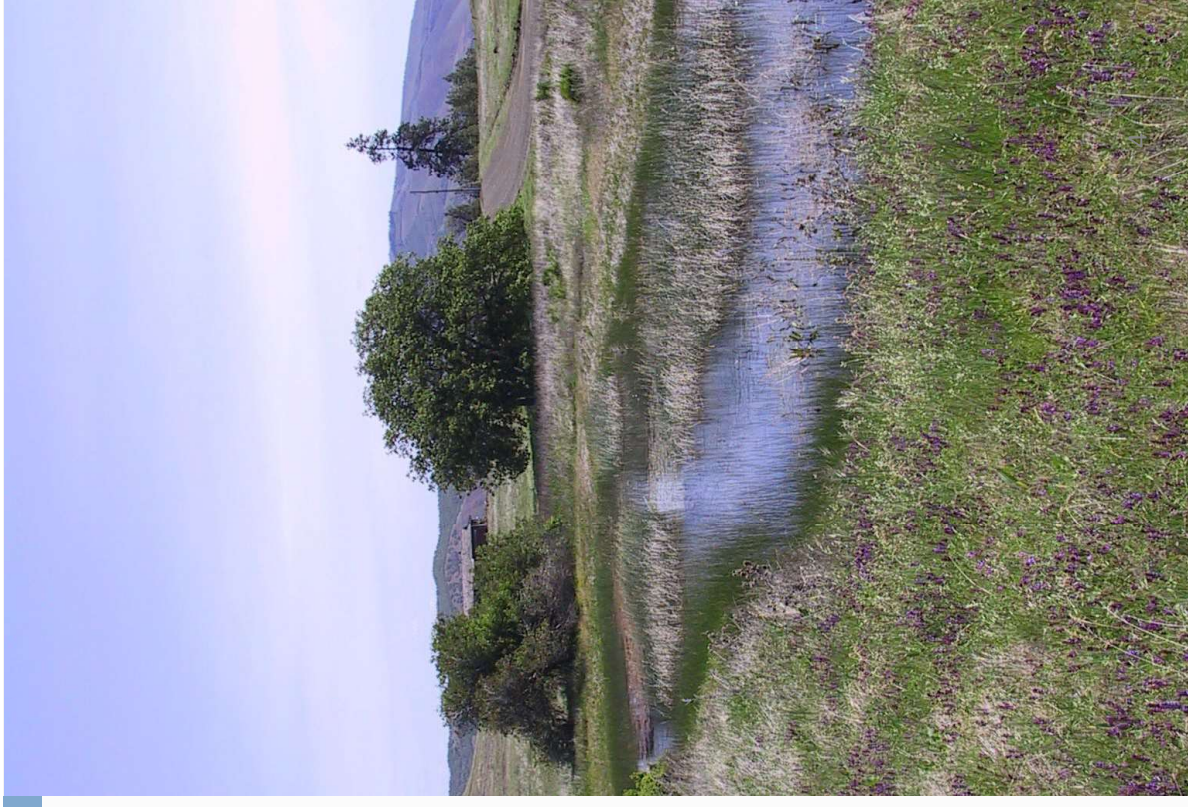




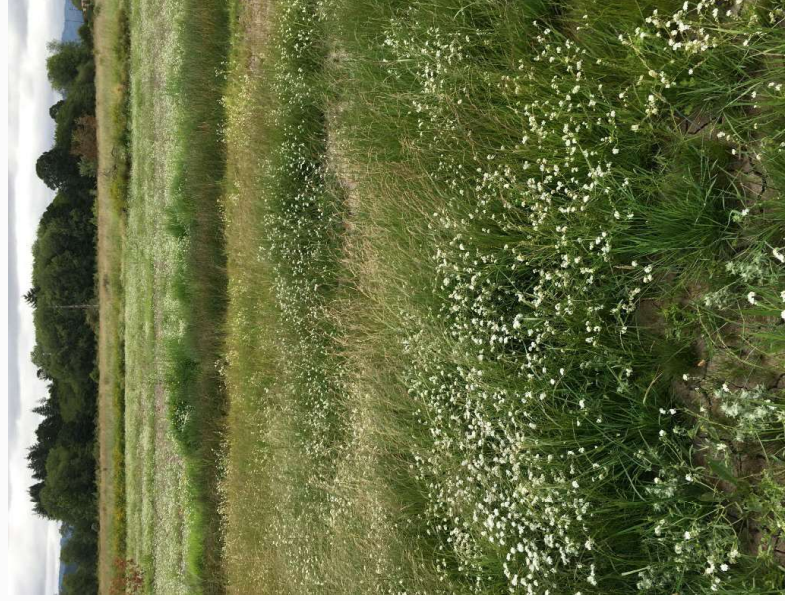
# Why are we here?

## To hear from you

- What types of impacts to your community could you foresee from the legislation and proposed dredge and fill permit system?
- Are there considerations that Ecology should keep in mind as we move forward with the program?
- What else should we be thinking about?



# What brought us here?



- Supreme Court decision in Sackett v. EPA
- Amended “Waters of the US” rule

This changed the definition of Waters of the US to exclude many wetlands and streams that were formerly regulated.

## 2023 Amended Final WOTUS rule

- Eliminated significant nexus standard
- Defined adjacent wetlands as having a continuous surface connection
- Removed interstate wetlands





# Non-federally protected waters

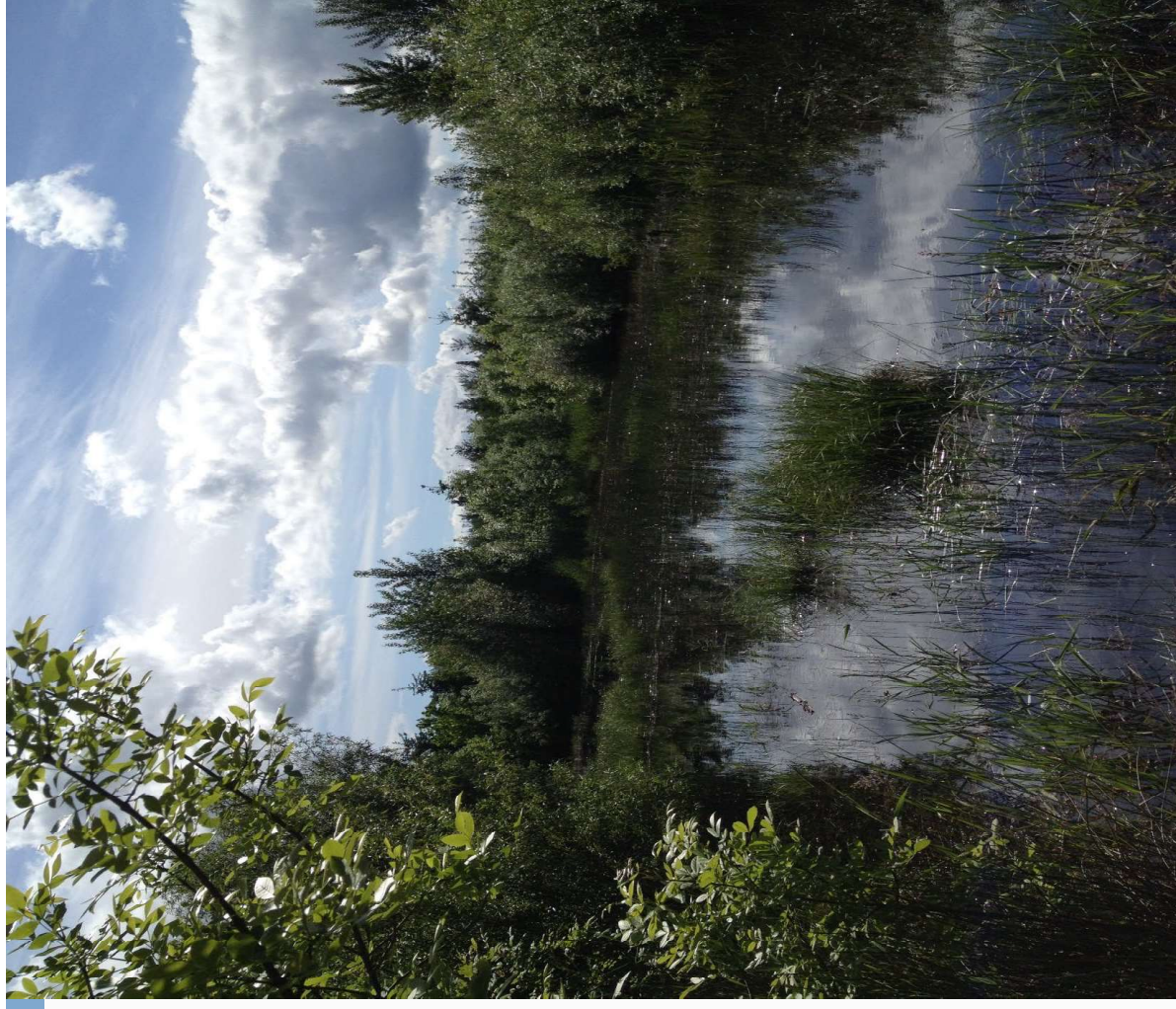
- Wetlands behind dikes
- Ephemeral Streams
- Depressional Wetlands
- Wetlands without a continuous surface connection to a regulated water
- Interdunal wetlands along the coast
- Intermittent Streams?





# Implications

- Over 50% of wetlands
- ~14% of streams
- Loss of Nationwide Permit Process







# All Wetlands Still Protected

- Water Pollution Control Act  
RCW 90.48
- Growth Management Act  
RCW 36.70A
- Shoreline Management Act  
RCW 90.58

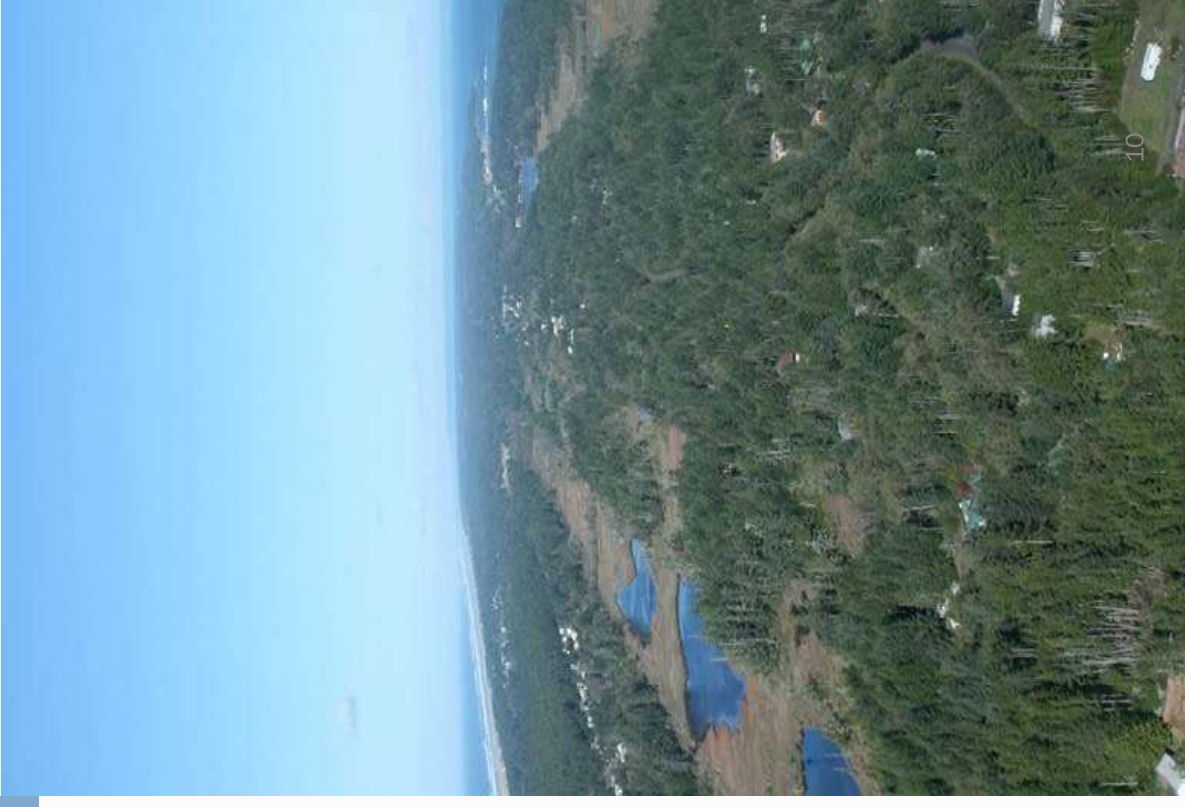
# Current state

Administrative Orders under RCW 90.48.120  
– enforcement order

Previously 19 AOs per year expected to grow  
to 50-100 AOs/year

Not a streamlined process

Increased violations



# Dredge and Fill Permit Program

What does the proposed bill do?

The bill would:

- Direct Ecology to implement a dredge and fill permit program to protect all state waters.
- Direct Ecology to establish fees.
- Add the dredge and fill permit program to appeals heard by the state Pollution Control Hearings Board.



## Questions to consider

- What types of impacts to your community could you foresee from the legislation and proposed dredge and fill permit system?
- Are there considerations that Ecology should keep in mind as we move forward with the program?
- What else should we be thinking about?



**Thank you**





# Focus on: Protecting state wetlands and streams



## Supreme Court decision weakens federal protections for wetlands and streams

Wetlands cover more than 900,000 acres in Washington, about 2% of the state's total land area. They help absorb the impacts of floods, provide erosion control, filter and clean stormwater runoff, and recharge our underground sources of drinking water. Wetlands also offer essential habitat for salmon, birds and other wildlife.

Until May 2023, most of these waters were considered "waters of the United States" and received federal protection under the Clean Water Act. A recent U.S. Supreme Court decision – **Sackett v Environmental Protection Agency** – significantly weakened federal protections for many of these areas.

Waters losing federal protections include ephemeral streams that run dry at certain times of year, as well as wetlands in areas such as coastal dunes, floodplains, behind dikes, and those not directly connected to a stream. Interstate wetlands are also no longer protected.

An analysis by the Washington Department of Ecology indicates more than 50% of Washington's wetlands and 14% of state streams no longer receive federal oversight due to the **Sackett** decision.

On Aug. 29, 2023, EPA and U.S. Army Corps of Engineers issued a final amended federal rule that conforms to the Supreme Court decision.

However, state law still protects these waters.

## How Washington law protects wetlands

Multiple Washington state laws offer continued oversight and protections for activities that could impact wetlands and streams. These include the 1945 Water Pollution Control Act, 1972 Shoreline Management Act, and 1990 Growth Management Act, as well as other statutes.

## More development projects getting state review

Before the federal decision, developers typically used the Corps' streamlined Nationwide Permit for small impacts to state waters and specific activities such as residential development and road maintenance.

To protect state water quality, Ecology is currently using state administrative orders to review and authorize these types of proposals that impact state waters without federal protection. Before **Sackett**, Ecology issued a handful of administrative orders annually. Due to the high court decision, Ecology now estimates 50 to 100 projects a year will need administrative orders.

While this system provides needed environmental protections, issuing individual state administrative orders is less efficient and transparent than a traditional permitting program.

## New state review process needed

Currently, administrative orders are the only mechanism allowing some development projects to move forward legally. A new approach is needed to protect state water quality.

1. **Immediate** (fiscal years 2025 to 2027): More staff are needed to form an interim approach for using administrative orders while building a state permit program, provide education and outreach, and respond to violations.
2. **Long-term** (fiscal year 2025 with implementation in fiscal year 2028): Build an efficient and streamlined permit pathway to review and authorize projects in waters of the state.

A permit program for state waters would provide greater transparency and predictability for the regulated community. It can also provide a pathway for authorizing specific types of actions or projects under certain thresholds.

### Bill request would create new permit program

Under a new bill request, Ecology would be directed to create a new dredge and fill permit program as well as establish a fee to collect expenses for issuing and administering the program.

In implementing the permit program, the department would consider options for streamlining the permit process, including the development of general permits for common project types such as restoration projects, culvert replacement, and maintenance.

Under the proposal, Ecology would establish a fee schedule to be adopted by state rule and adjusted no more than once every two years. Fees charged would be based on factors relating to the complexity of permit issuance.

Under this approach, each project would be reviewed using agency guidance and best available science.

Ecology would develop discrete, transparent criteria, and thresholds for decision-making. The agency would also define, when available, acceptable mitigation approaches for wetland impacts.

### Other impacts from federal changes

While state law will continue to protect wetlands and other waters of the state, the **Sackett** decision means significantly fewer federal resources are available to deal with oil spills and other environmental emergencies to state waters. Ecology plans to continue responding swiftly to all spills to Washington waters even when federal funding or assets are unavailable.

### Related information

- [State wetland regulations<sup>1</sup>](#)
- [An overview of wetlands<sup>2</sup>](#)
- [Statement from Ecology director<sup>3</sup>](#)

### Contact information

Lauren Driscoll  
Lauren.Driscoll@ecy.wa.gov  
(360) 584-5107

### ADA accessibility

To request an ADA accommodation, contact Ecology by phone at 360-407-6831 or email at [ecyadacoordinator@ecy.wa.gov](mailto:ecyadacoordinator@ecy.wa.gov), or visit <https://ecology.wa.gov/accessibility>. For Relay Service or TTY, call 711 or 877-833-6341

<sup>1</sup> <https://ecology.wa.gov/Water-Shorelines/Wetlands/Regulations/State-wetland-regulations>

<sup>2</sup> <https://ecology.wa.gov/Water-Shorelines/Wetlands/Wetlands-overview>

<sup>3</sup> <https://ecology.wa.gov/About-us/Who-we-are/News/2023/May-25-Director-Watson-statement-on-Supreme-Court>

# Letter/Comments for PC Meeting 14 Dec 2023 (2<sup>nd</sup> Citizens Comments)

(As Of: 14 Dec 2023)

Good evening, Planning Commissioners and City Officials.

I'm here to talk about the never-ending saga of repeated violations regarding the silt fencing for Mr Mangis' approved Notice of Application Decision which he proposes to build a single-family residence within the required buffer of a Category II wetland (Brooks/N Martin).

- 1) The owner stated on 16 Nov 2023 (via an email), "I wonder if I can put it off till spring, since there won't be any more activity on the property till that time"? The owner is fully aware he is still not in compliance (since Aug 2023) with the City's final Notice of Application Decision.
- 2) The City Planner responded back on 17 Nov 2023, stating "...it is important that it gets installed as soon as possible." As of 4 Dec 2023, the City Planner did not receive any communications from the owner nor has the violations been fixed as of 13 Dec 2023 (show photos). Has the owner contacted the City since 4 Dec?
- 3) According to an email dated 16 Nov 2023, the owner has been in contact with a builder who is interested in purchasing the property and building a home on it. Both the owner and this builder will be setting an appointment with the City Planner after the holidays.
- 4) Since the Brooks/N Martin Wetland is considered one Category II wetland with two property owners, I had requested to the City to be invited to this meeting when scheduled.
- 5) Based on this new information, what is the City's game plan now? **The new owner/builder still needs to follow the requirements of the approved "foot print"**. Will the silt fencing be fixed before spring? **Nope, the City Planner has not been in contact with the owner since she saw no erosion going on. She had stated she had gone out to the site after each time it snowed or rained and that the silt fencing is more than adequate based on it not having that much slope. Also, the new silt fence extension was not in the original approved decision and therefore, the City Planner had to ask if the owner would extend it to its proper location. He said yes.** Will Mangis' be held accountable by the City for violating the City's approved final decision notice multiple times? **Nope, City is only concerned about meeting compliance and not about repeated violations.** Will the City ensure the new builder complies with the final decision and does not try to change the house dimensions, etc.? **The new builder still has to be in compliance with the original "footprint" that was approved...**

**Note: The City Planner's responses (in blue) given above have been summarized.**

Thank you for your valuable time.



Tammy M. Roberson, MBA  
SMSgt USAF Retired  
Disabled Veteran (100% service connected)  
Concerned ML Resident/Wetland Owner and Advocate











**From:** [Diane Nichols](#)  
**To:** [Mark Hudson](#); [Marye Jorgenson](#); [Jmayuliani@medical-lake.org](mailto:Jmayuliani@medical-lake.org); [Andie Mark](#); [Carl Munson](#)  
**Cc:** [Elisa Rodriguez](#); [Sonny Weathers](#); [Roxanne Wright](#)  
**Subject:** Shipping Containers  
**Date:** Wednesday, December 13, 2023 7:07:39 PM

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Name: Diane Nichols  
Medical Lake Resident  
Ref: Planning Commission Meeting, December 14, 2024  
Agenda item #7 Shipping Containers LU 2022-04 TA

Dear Planning Commissioners,

I am writing regarding the agenda item concerning shipping containers.

Per the Staff Report included in your packet under Zoning Approval Criteria the following items are noteworthy:

17.56.100 Item #2 notes that criterion are not met regarding aesthetics. Shipping containers will cause a negative appearance in Medical Lake.

17.56.100 Item #3 states that under the Comprehensive Plan the criterion are not met. The appearance of Medical Lake would not be enhanced by the shipping containers and this does not further compliment the Comprehensive Plan.

17.56.100 Item #10 states that criterion are not met due to shipping containers not being complementary to the adjacent land uses. It is in contradiction to the Comprehensive Plan and not in keeping with the aesthetics of Medical Lake.

I have not specifically quoted all the statements but rather highlighted them in my summary to point out that there are specific reasons why these shipping containers should not be allowed in Medical Lake.

With the Planning Commission researching and discussing brand ideas and themes for the city; additionally the Mayor, City officials, residents and local organizations nurturing the growth of small business and tourism; it seems quite obvious that shipping containers do not achieve the aesthetics that are in keeping with the vision and future growth of the City of Medical Lake.

The recommendation of the planning official is to deny the proposed text amendment in Section 17.42.030 of the Municipal Code. I strongly urge the Planning Commission to maintain your position of not allowing shipping containers in Medical Lake and to deny the proposed text amendment.

Respectfully,  
Diane Nichols

**From:** [Diane Nichols](#)  
**To:** [Mark Hudson](#); [Marye Jorgenson](#); [Jmayuliani@medical-lake.org](mailto:Jmayuliani@medical-lake.org); [Carl Munson](#); [Andie Mark](#)  
**Cc:** [Sonny Weathers](#); [Roxanne Wright](#)  
**Subject:** Photos  
**Date:** Thursday, December 14, 2023 1:59:54 PM

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Diane Nichols  
Medical Lake Resident  
Planning Commission meeting December 14, 2023  
Agenda Item 6A

I apologize that all the photos did not load to the previous email.

Hopefully, this attachment works! Apologies for the inconvenience.

Thank you.  
Diane Nichols

**From:** [Diane Nichols](#)  
**To:** [Mark Hudson](#); [Marye Jorgenson](#); [Carl Munson](#); [Andie Mark](#); [Jmayuliani@medical-lake.org](mailto:Jmayuliani@medical-lake.org)  
**Cc:** [Sonny Weathers](#); [Roxanne Wright](#)  
**Subject:** Branding Discussion  
**Date:** Thursday, December 14, 2023 1:52:40 PM

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Diane Nichols  
Medical Lake Resident  
Meeting: December 14, 2023 Planning Commission  
Agenda Item: 6A Branding Discussion

Dear Commissioners,

I commend the vision, research and discussion that is happening in the Planning Commission regarding the future of Medical Lake.

I have attached some pictures I feel are examples of concerns raised in some previous discussions. Although it is not in the purview of the Planning Commission to correct these issues, I believe it is very relevant to the discussion. As part of long range planning, the aesthetics of the entire city, not just the business corridor, have to be addressed.

Many of these pictures are taken of residences that are along the Medical Lake trail system. That system, as you know, not only goes around the lake but through residential areas. Is that what you want visitors to see? If you promote races such as a triathlon, walkathon for charity events, bike races or leisurely walking, this is what you will encounter on parts of the trail. We have families coming to Shepard Field for Parks and Rec soccer games. This is what they must drive by or park next to when attending the games. Is this the face of Medical Lake that we want to show to our visitors? Will visitors return if this is what they encounter? I believe these are valid questions for discussion when it comes to branding and themes for the city.

We can't legislate everyone into compliance. How do we get citizens to buy into this vision? Can you develop a plan to work with other communities, non profits, volunteer groups to help clean up Medical Lake?

Colville is a city with approximately the same population as Medical Lake. They have transformed that city through Main Street grants. In the spring, one day is designated as "Bark Day". Businesses close and everyone works together to go to the logging operation in town and get free bark to beautify the town. Neighbors help neighbors and it is a fun, productive day. They have an agreement with Avista crews to string lights throughout the downtown business district at Christmas which turns it into a beautiful scene. Some examples to think about.

Additionally, I have some questions regarding the golf course discussion:

Where would this course be located? Medical Lake is surrounded by a lot of state land, wetlands and lots of rock. How would you work with these challenges to develop a golf course?

What about water usage? We already experience water restrictions in the summer. How do you envision being able to afford water to keep the course green? Is that the best use of our

natural resources? Would the profits outweigh the strain on the ecosystem?

The suggestion of miniature golf is a valid one. It is making a comeback with families. It might be more conducive to the terrain and water concerns that we have here. Also, golf simulators are very popular right now. The right building, materials and software could have the potential for a very profitable business.

Thank you for thinking and planning ahead. I hope these questions and suggestions contribute positively to the discussion.

Sincerely,

Diane Nichols



# SHIPPING CONTAINERS

LU 2022-04 TA  
Text Amendment



# HISTORY

March 23

Planning  
Commission

Hearing

Recommendation of  
Denial

May 2

City Council

Hearing

Led to Change in  
Language

October 3

City Council

Ordinance 1115

To allow shipping  
containers on non-  
residential properties

# LANGUAGE

## Original

Allow Shipping Containers in the C-1 Zone.

## Current

Allow Shipping Containers on properties with mini-storage facilities or schools.

Standards for location, screening, condition, size

Maximum of 4 on a school site and 15% of units for mini-storage facilities

# APPROVAL CRITERIA

Does this resolve any inconsistencies?

Does this implement the comprehensive plan?

Does this address any changed conditions?

Does this help a depleted land supply?

Is this consistent with the comprehensive plan?

Is this consistent with the County and the GMA?

Is this complementary and compatible with adjacent land uses?

Does this adversely affect critical areas?



# CONCLUSION

Allowing shipping containers would be a contradiction to the comprehensive plan which mandates maintaining an attractive community.

For this reason, a denial is appropriate.

# ACTION

Recommend Denial  
as presented in the  
staff report

Recommend  
approval of the  
proposed text  
amendment, as  
written, with a  
statement of how the  
approval criteria are  
met.

Request planner to  
amend proposed  
code and write  
findings for an  
approval.