



**AGENDA
PLANNING COMMISSION
MEETING and PUBLIC
HEARING
November 17, 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/87078164911?pwd=U3FKVktjU1BQenVXRlk5dUx3U2tZdz09>

Meeting ID: 870 7816 4911

Passcode: 302291

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+1 312 626 6799 US (Chicago)

+1 360 209 5623 US

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- 1) **CALL TO ORDER, PLEDGE OF ALLEGIANCE, AND ROLL CALL**
 - a) Additions to Agenda
 - b) Excused Absences
- 2) **INTERESTED CITIZENS: AUDIENCE REQUESTS AND COMMENTS**
- 3) **APPROVAL OF MINUTES**
 - a) September 22, 2022, Regular Meeting and Public Hearing
 - b) October 27, 2022, Regular Meeting and Public Hearing
- 4) **STAFF REPORTS**
- 5) **SCHEDULED ITEMS**
 - a) Critical Areas Ordinance
- 6) **PUBLIC HEARING – Continued from October 27, 2022**
 - a) Comprehensive Plan Amendment – Urban Growth Area Change
- 7) **COMMISSION MEMBERS’ COMMENTS OR CONCERNS**
- 8) **INTERESTED CITIZENS: AUDIENCE REQUESTS AND COMMENTS**
- 9) **CONCLUSION**

City of Medical Lake
124 S. Lefevre Street – City Council Chambers
Planning Commission Meeting and Public Hearing
September 22, 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

- i) Commissioner Hudson called the meeting to order at 5 pm, led the Pledge of Allegiance, and conducted roll call. Commissioner Mark attended via Zoom, all other members were present in person.

2) APPROVAL OF MINUTES

- a) August 25, 2022, Regular Meeting minutes and September 8, 2022, Special Meeting minutes
 - i) Motion to accept minutes made by commissioner Mayulianos, seconded by commissioner Munson, motion carried 3-0.

3) INTERESTED CITIZENS: AUDIENCE REQUESTS AND COMMENTS - None

4) STAFF REPORTS – None

5) PUBLIC HEARING – Critical Areas Ordinance Update

- a) Commissioner Hudson called the Public Meeting to order at 5:03 pm and explained purpose of the meeting and discussed appearance of fairness and requested any conflicts of interest.
 - i) Commissioner Hudson shared that his church owns property with no plans to build, therefore no conflict of interest exists.
- b) City Planner, Elisa Rodriguez summarized the staff report for the findings of fact for the approval criteria set out in the municipal code.
- c) Public Testimony
 - i) Scott Holbrook 424 W Brooks – shared commentary about underground waters, wetlands, and boundary lines. Submitted written comment.
 - ii) Tammy Roberson 424 W Brooks – shared commentary on her requested comments and revisions given in previous meetings. Continued with recommendations on Critical Areas Ordinance. Submitted written comment.
 - iii) Barbara Bauman N. Stanley St – gave commentary on past handling of building in wetlands areas (specifically Stanley St. apartments) Shared what her hopes are for the future. Submitted written comment.
 - iv) Marybeth Benson 864 N. Jensen St. – spoke about displacement of wildlife when wetlands are interrupted.
- d) Public hearing closed at 5:57 pm

6) COMMISSION MEMBERS' COMMENTS OR CONCERNS

- a) Motion to table decision on critical areas ordinance update until next meeting on October 27, 2022, made by commissioner Mayulianos, seconded by commissioner Jorgenson, motion carried 3-0.
- b) Commissioner Hudson explained that public comments can be given to city hall by 4 pm on October 27th either by e-mail or in person.

7) INTERESTED CITIZENS: AUDIENCE REQUESTS AND COMMENTS - None

8) CONCLUSION

- a) Motion to conclude meeting made by commissioner Mayulianos, seconded by commissioner Jorgenson, motion carried 3-0 and meeting concluded at 6:01 pm.

Date: _____

Roxanne Wright, Administrative Assistant

Wetland Waters - Seen and Unseen

There is a magic place approximately 10' – 15' down in the earth where the temperature of the ground is fairly constant at about 50 degrees Fahrenheit all year long. It is called the Average Annual Temperature and is made up of the average temperatures every 24 hours and every 365 days a year. In other words, no matter what happens temperature wise on the surface of our land in our country, down about 12' – 13' it stays a constant temperature. This phenomenon is consistent in the lower 48 states.

Across our country lands that gain moisture thru rain and snow and do not allow that moisture to percolate thru to the underground aquifers are called wetlands. They help moderate our temperatures. They help maintain that average annual temperature. And they water plant life which in turn waters and feeds the animal life or wildlife (Flora and Fauna) and the many birds, fish and insect in our world. Insects like the honeybee that pollinate a lot of the foods you eat. Without these pollinators you would not have many of the foods you eat.

All of this is part of our ecosystem. When you hear frogs you know that you have a balanced and happy eco system. When you don't hear frogs in a wetland there may be something wrong.

Does the balance of our eco system effect the quality of life on this planet? The uneducated and unconcerned think and say NO. The educated and concerned say YES. The wildlife says YES, the plants, trees, bushes flowers say YES. The honeybees that do so much pollinating so we can eat say YES. Butterflies say YES. Fish, water fowl, and birds of all kinds say YES. What happens when this balanced system gets out of balance?

The wetland boundary that we talk so much about is a theoretical line that can fluctuate each year sometimes quite high and sometimes lower in lower water years. A wetland boundary line that is marked on a drawing is often drawn too low or close in when someone wants to justify building too close to a wetland and sometimes it is too far out when activists want to save a wetland. For every wetland boundary as seen on the surface there is a corresponding line or area beneath the soil that designates the underground plume of the wetland and extends its boundary. This line is not the same year after year. It fluctuates depending on the moisture we get. That is why some years our homes that were built too close have mold problems in their crawl spaces. That is also why the area around wetlands are greener adjacent to the boundary

Every map of the wetland showing the above ground boundary should also have a corresponding dotted line marking the underground plume where the wetland extends underground and outward from the above ground boundary line. This line can extend out 10 feet or 110 feet. *(On the Stanley project we asked why they were removing 5700 CY of dirt and replacing it with 7200 CY of dirt. Just to give you a relative idea how much 5700 CY is, it takes 300 - 19yd trailer hauls to remove 5700 CY of excavated fill dirt. It takes 379 trailer hauls to bring in 7200 CY of fill dirt. We asked what was the excavation for and never got an answer. In my opinion they were they removing wetland plume dirt that was not suitable for foundations? Most projects try to balance the cut and fill so as not to remove dirt from the project site which is expensive. This project removed a lot of dirt and we could never get an answer to the questions of what was the excavation and removed dirt for? This was a major red flag.)*

Usually the ground adjacent to a wetland, beyond the boundary is greener most of the year compared to the land just beyond. This is the plume that is saturated with wetland water. Based on a variety of conditions this underground water stays most of the year to keep the plant life moist and alive. Have you ever wondered why some stands of trees, bushes, flora are green all year and yet no one waters them? And in our area we do not have much rain during the summer months. It is these underground pockets of water that keep much of the flora alive. In our area we have an exceptionally good amount of rock that is tight together and after years and years of silty soils running over them the pores fill up and they hold water. Medical Lake, West Medical Lake, Silver Lake, Clear Lake and the countless small lakes and ponds surrounding these lakes (with no inlets nor outlets) and our city come to mind. Mother Nature has created these bodies of water for a purpose. They help water the flora and fauna and moderate our local temperatures. Wetlands are an essential part of our eco system and should not be disturbed. Once we allow out of town developers to build on our wetlands then the word gets out and everybody wants to buy swamp land in Medical Lake and build on our precious wetlands, destroying the home of countless wildlife, beneficial insects and others that call them home. And like Ansel Adams said once they are gone they are gone and you can't get them back.

Scott Holbrook, retired architect / 424 W Brooks Rd, Medical Lake / 509-842-8698 / earthsun51@gmail.com

Public Hearing Comments to Draft Critical Areas Ordinance (CAO)

(Please have these comments (1 page in total), Dated September 22, 2022 included with the Planning Commission Minutes for today's public hearing.)

Dear City Officials and Planning Commission Members,

I understand that there could be a vote on the proposed draft critical areas ordinance today. I have previously submitted detailed comments to that draft. As near as I can tell, those comments have not been addressed. For example, my comments identify typos in the draft ordinance that have not yet been corrected. In addition, my comments propose a variety of reasonable changes to the draft that will improve citizen involvement, clarify ambiguities and help ensure that future development applications leave a suitable written record to citizens to review. I renew my comments and urge you to take the necessary time to revise this draft ordinance to make it as good as it can possibly be.

In addition, in the time since your last meeting, I have identified more governmental guidance that I believe will be helpful in evaluating and revising the draft ordinance. That guidance is: Critical Areas Handbook: A Handbook for Reviewing Critical Areas Regulations published by the Department of Commerce, 2018. <https://www.commerce.wa.gov/serving-communities/growth-management/growth-management-topics/critical-areas/>

I found the following passages to be particularly relevant to my previous comments:

“A well-documented record should support local governments’ decision-making, including the facts relied upon, the analysis used, and the conclusions reached. The record should include a description of the review that was conducted, and the rationale for that review. Once adopted, the critical areas regulations should contain a “**Findings of Fact**” or other statement that documents this process...” (Chapter 1, page 5 from Dept of Commerce Critical Areas Handbook dated June 2018)

“While development regulations typically apply to new construction activities, the code language for critical areas needs to be broad enough that it protects critical areas from all development activities, including those that do not involve new structures, **such as roads.**” (Chapter 3, page 2 from Dept of Commerce Critical Areas Handbook dated June 2018)

Finally, I want to direct the commission’s attention to state regulations governing critical areas ordinances: WAC 365-190 is titled “minimum guidelines to classify agriculture, forest, mineral lands and critical areas.” <https://app.leg.wa.gov/wac/default.aspx?cite=365-190&full=true>

WAC 365-190-090(2) requires this commission to consider up-to-date guidance from governmental agencies.

I am extremely grateful for your time, attention, and service throughout this important process.

Tammy Roberson, 424 W Brooks Rd, Medical Lake (tmroberson61@gmail.com)

Talking Paper for Planning Commission Public Hearing on 22 Sep 2022

Dear City Officials, Planning Commission Members, and Residents.

I understand that there could be a vote on the proposed draft critical areas ordinance today. I have previously submitted detailed comments to that draft.

As near as I can tell, those comments have not been addressed. For example, my comments identify typos in the draft ordinance that have not yet been corrected. In addition, my comments propose a variety of reasonable changes to the draft that will improve citizen involvement, clarify ambiguities and help ensure that future development applications leave a suitable written record to citizens to review.

I renew my comments and urge you to take the necessary time to revise this draft ordinance to make it as good as it can possibly be.

In addition, in the time since your last meeting, I have identified more governmental guidance that I believe will be helpful in evaluating and revising the draft ordinance. That guidance is: Critical Areas Handbook: A Handbook for Reviewing Critical Areas Regulations published by the Department of Commerce, 2018.

I found the following passages to be particularly relevant to my previous comments:

“A well-documented record should support local governments’ decision-making, including the facts relied upon, the analysis used, and the conclusions reached. The record should include a description of the review that was conducted, and the rationale for that review. Once adopted, the critical areas regulations **should contain a “Findings of Fact”** or other statement that documents this process...” (Chapter 1, page 5 from Dept of Commerce Critical Areas Handbook dated June 2018)

“While development regulations typically apply to new construction activities, the code language for critical areas needs to be broad enough that it protects critical areas from all development activities, including those that do not involve new structures, **such as roads.**” (Chapter 3, page 2 from Dept of Commerce Critical Areas Handbook dated June 2018)

Finally, I want to direct the commission’s attention to state regulations governing critical areas ordinances: WAC 365-190 is titled “minimum guidelines to classify agriculture, forest, mineral lands and critical areas.”

WAC 365-190-090(2) requires this commission to consider up-to-date guidance from governmental agencies.

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

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

The wetland issue in our city is nothing new. Unfortunately in the past it was treated without much importance, even though our ecosystems and health of our environment; city and our citizens depend on it.

As a citizen since 2000 and witnessing City politics for 20 years, it has been a hard watch. After being extremely involved in the N Stanley situation and knowing that the environment and life that relied on that environment was literally kicked to the curb, rules bent and actions which were taken during a time when no such actions should have been allowed. The only reason that one blew up was because people were afraid the apartments would bring in sexual predators and other crime. And now?????

Moving and pushing boundaries, workers washing off their boots in the middle of the wetland, and just a non caring attitude/behaviors of the importance to our environment. Now construction workers are parking on the edge of the existing land.

It's too late for the wetland on N Stanley and for the wetlands behind / around the elementary school which got pushed through it is my understanding that there is a proposed subdivision near/behind the maintenance shop. I am pleading that the city take the reigns back and do what is in the best interest of the environment, not development. The other wetlands and its inhabitants suffered dearly from selfish developer money desires and a city not standing up for the environment that makes our town unique.

It is my hope that the planning commission, the city officials and the developers get beyond the greed and money and think about the generations to come and how these current and future projects are handled and the wetlands, wildlife and other environmental factors are not ignored and literally overlooked for the mighty dollar. I was aware of another wetland not too far away that was literally moved from Spokane County to Stevens County near Loon Lake. How does that benefit the occupants that called that area and every wet land we destroy or figuratively move help anything? Over 50 miles away.

Finally being able to access the Zoom meetings recently, I felt that no one really cared about our wetlands and the effects on the aquifer and our diverse, fragile environment. Let's do it right going forward. If not now, when? If not your educated direction and voice, who? Before it's too late.

Tammy's background, experience, and knowledge is a God send and saves you a ton of work. What I witnessed on the zoom call, didn't appear that the planning commission would rather just move to the next agenda item. Her knowledge and input is free consulting services, please don't pass it up. And please plan for long term, not today, not a couple years. The situation on North Stanley St is unforgivable.

Thank you.

Barb Baumann

1009 N Stanley Street Medical Lake, WA 99022

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. Commissioner Jorgenson was absent, and commissioners Munson and Mark attended via Zoom. Commissioners Hudson and Mayulianos were present in person.
- 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) Tammy 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.

**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

A photograph of a wetland landscape. In the center, a narrow water channel flows through a field of tall, green grasses. The water reflects the sky, which appears to be a pale, hazy blue. The grasses are dense and vibrant green, with some taller stalks in the foreground. The overall scene is a natural, serene wetland environment.

WETLANDS: CONSIDERATIONS FOR MANAGEMENT

Dr. Erin D. Dascher

10/27/2022

WETLAND ECOSYSTEM SERVICES

GLOBALLY

Wetlands account for 40.6% of the estimated value of global ecosystem services (Costanza et al. 2014, Ramsar Convention on Wetlands 2018).

ECOSYSTEM SERVICES

- Provide habitat
- Biogeochemical cycling
- Nutrient Storage and cycling
- Carbon storage
- Erosion protection
- Pollution amelioration

HYDROLOGICAL SERVICES

- Flood abatement
- Water quality improvements
- Waste/storm water treatment
- Water storage and diversion

ECONOMIC SERVICES

- Extractive activities
- Agriculture
- Forestry
- Ecotourism
- Recreation industry

CULTURAL SERVICES

Aesthetics
Inspiration
Educational opportunities
Recreation

WETLANDS WORK FOR US!

GLOBALLY, 50% OF PRE-INDUSTRIAL WETLANDS HAVE BEEN LOST

WETLAND LOSS IMPACTS GROUNDWATER RECHARGE

WETLANDS PLAY KEY ROLES IN OUR ECOSYSTEMS AND OUR COMMUNITIES

NEEF Wetlands Work for Us

Wetlands play a key role in recharging groundwater.

Playa lakes, a type of wetland, help recharge the High Plains Aquifer, which provides drinking water to 82% of people living above it, in parts of 8 states from South Dakota to Texas.

Wetlands help reduce the pollution that flows downstream to rivers, lakes, bays and coastal waters.

Without the filtering capabilities of the Congaree Bottomland Hardwood Swamp in South Carolina, nearby communities would need to build a \$5 million wastewater treatment plant.

Wetlands store water and buffer communities from the worst impacts of severe floods.

Wetlands along the Mississippi River once stored at least 60 days of floodwater. Today they store only 12 due to filling and draining. As a result, there is more frequent flooding of towns and cities along the river.

Wetlands play a key role in fishing, agriculture and recreation.

Wetlands provide important food products like cranberries, blueberries, fish and rice. They also provide food, water and shelter for species like striped bass, peregrine falcon, otter and black bear.

It is estimated that half of the original wetland area in the lower 48 states has already been lost.

Learn more about how you can protect wetlands where you live:
NEEFusa.org

Sources:
EPA, USGS, NOAA

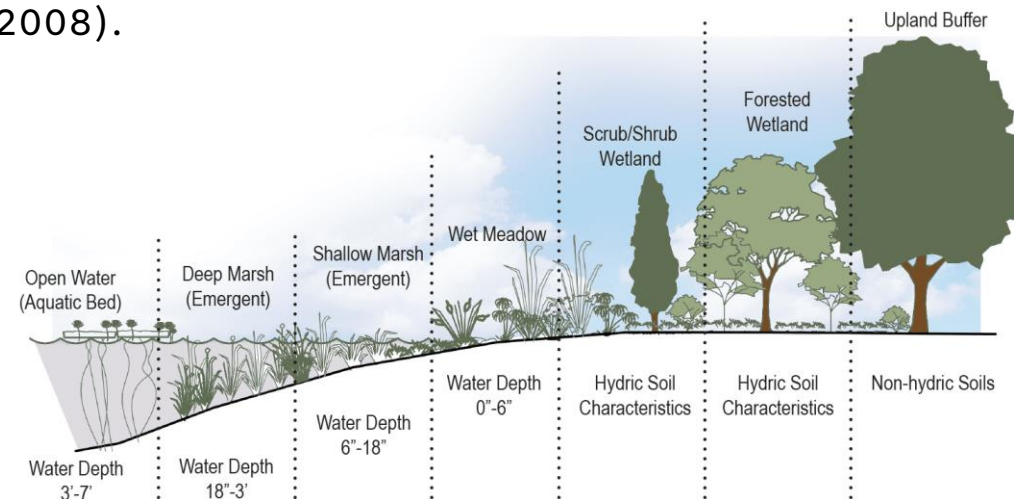
WETLAND PROTECTIONS

WETLAND CONSERVATION

- In order to protect wetlands, the upland areas surrounding wetlands must also be protected as they are essential to the wetland survival and functionality.

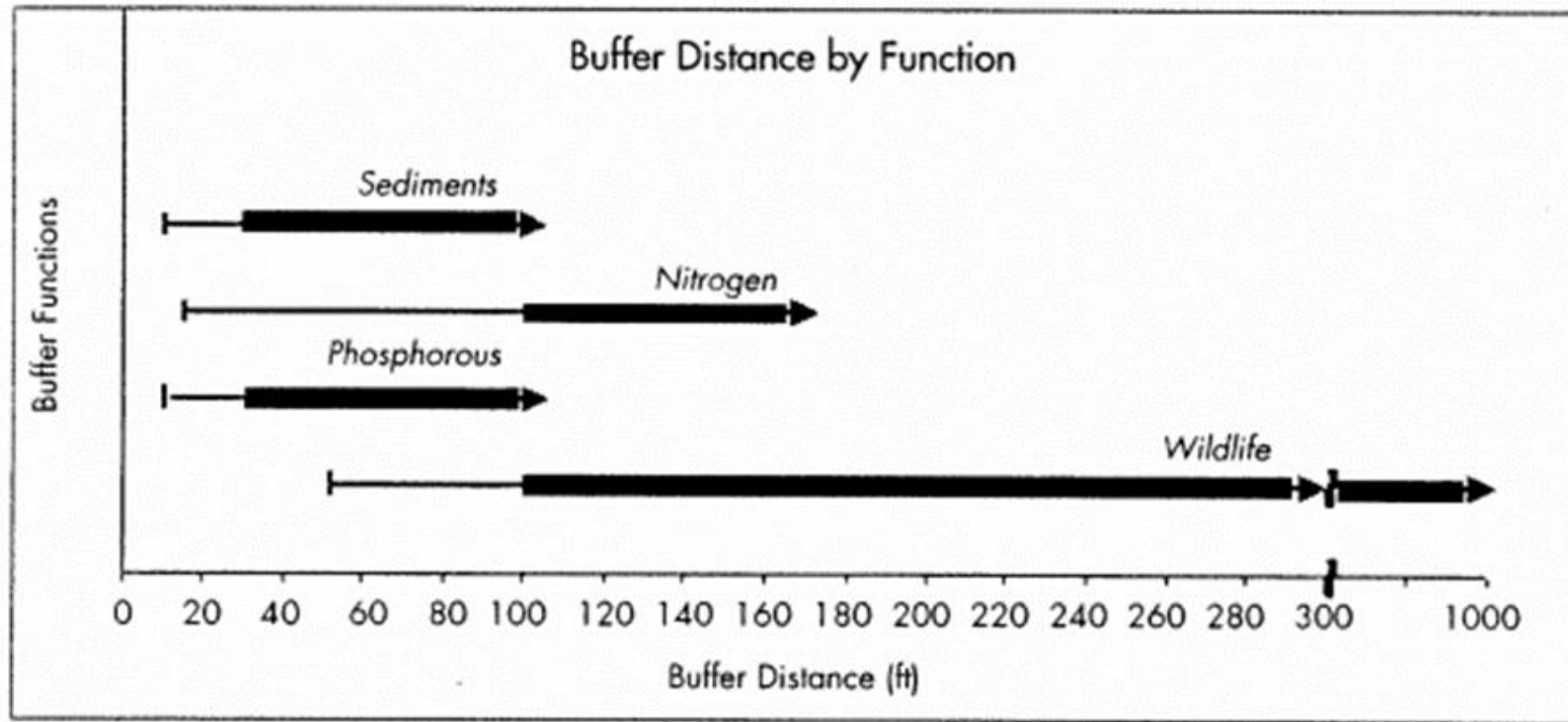
WETLAND BUFFERS

- Help moderate impacts of altered hydrologic regimes and flooding in urban areas (City of Boulder 2007).
- Protect local communities from hazards associated with extreme events (ELI 2008).



WETLAND BUFFERS

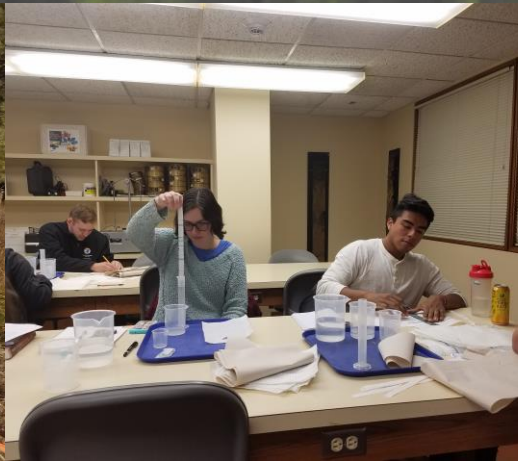
Effective buffer distance for water quality and wildlife protection functions.



The thin arrow represents the range of potentially effective buffer distances for each function based on available scientific literature. The thick bar represents the buffer distances that may be most effective for each function. (ELI 2008)

WETLAND OPPORTUNITIES

- Wetlands contribute to the beautiful landscapes of Medical Lake.
- Children and students benefit from having places to learn and play in nature.
- Wetlands are an outdoor laboratory that researchers and their students use.
- Protecting wetlands provides increased recreational opportunities for people in the Medical Lake community, from walking along their shores to swimming in their waters.



THANK YOU!

Erin D. Dascher, Ph.D.

509-359-7003

edascher@ewu.edu



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
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.

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
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:**

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

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



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

PUBLIC HEARING NOTICE

NOTICE IS HEREBY GIVEN TO ALL INTERESTED PARTIES THAT: The Planning Commission of Medical Lake will conduct a Public Hearing on the City of Medical Lake Comprehensive Plan Amendment – Urban Growth Area Change. A Reissued SEPA Determination of Non-Significance was made on November 3, 2022. Attendees will have the opportunity to publicly comment on the topic in person or by submitting written comments to the contact person below. The public hearing will be held Thursday, November 17, 2022, beginning at 5 p.m. during the regularly scheduled Planning Commission meeting. The meeting will be held in person at City Hall, 124 S. Lefevre Street, Medical Lake, Washington, and remotely via Zoom.

The Zoom link can be found per the published Planning Commission Agenda on the city's website: <https://medical-lake.org/>

Individuals planning to attend the meeting who require special assistance to accommodate physical, hearing, or other impairments, please contact City Hall at (509) 565-5000 as soon as possible so that arrangements may be made. Without advance notice, it may not be possible to provide the required accommodation(s).

Submit written comments to: Elisa Rodriguez, City Planner
509-565-5000 or 509-565-5019
erodriguez@medical-lake.org



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

PROPOSAL EXPLANATION

The Washington State Growth Management Act (GMA) tasks each city and county to plan for 20-year growth projections by creating an Urban Growth Area (UGA).

The current City of Medical Lake UGA was approved by City Council in 2010 and adopted by Spokane County in 2013. The current unincorporated areas of the UGA have low development potential, therefore, the City is proposing to amend the UGA to include lands that are easy to serve by extending the current water, sewer, and transportation systems and are more likely to be developed in the next 20 years.

More information about the GMA and UGA's can be found at <https://mrsc.org/Home/Explore-Topics/Planning/General-Planning-and-Growth-Management/Growth-Management-Act.aspx>.

A previous public notice was sent out to a limited number of property owners and a public hearing was held at a Planning Commission meeting on October 27th. The City has received feedback from a number of property owners. The public hearing was continued to the November meeting, and more property owners are receiving mailed notices so the City can get more feedback in order to make a new proposal on the UGA location.

Having your property in the UGA does not mean immediate or forced annexation, but it does make it possible to be annexed into the City of Medical Lake.

More information about annexations can be found at <https://mrsc.org/Home/Explore-Topics/Legal/Incorporation/Annexation.aspx>.

Attached are five maps:

Map 1: Location of the current UGA boundary. Proposal is to remove these areas.

Map 2: Possible area for a new UGA. This general area is the most likely location for growth to happen based on city services and land use regulations. A more specific proposal will be provided after we receive your feedback.

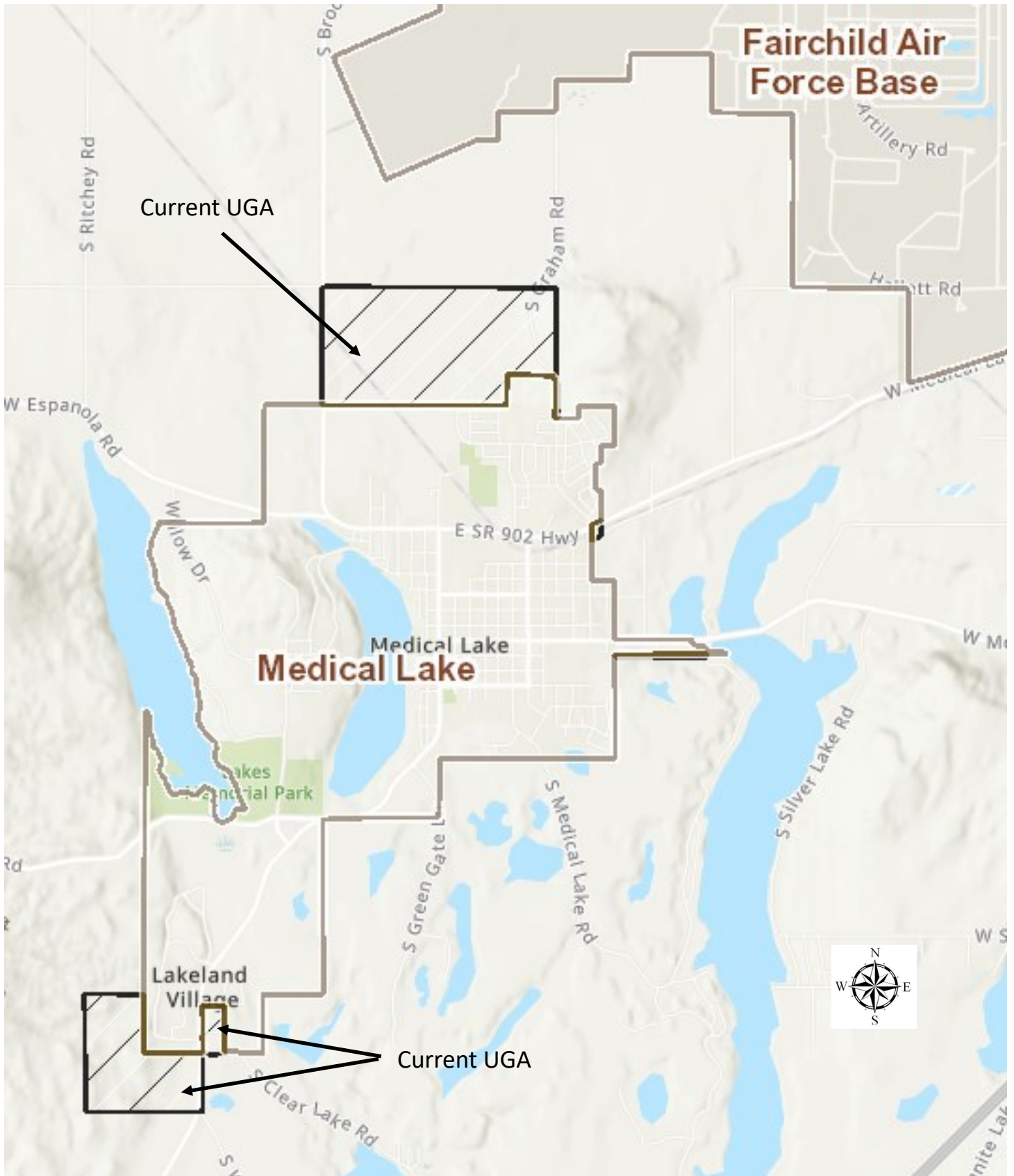
Map 3: Detail of the northern third of the area shown in Map 2.

Map 4: Detail of the central third of the area shown in Map 2.

Map 5: Detail of the southern third of the area shown in Map 2.

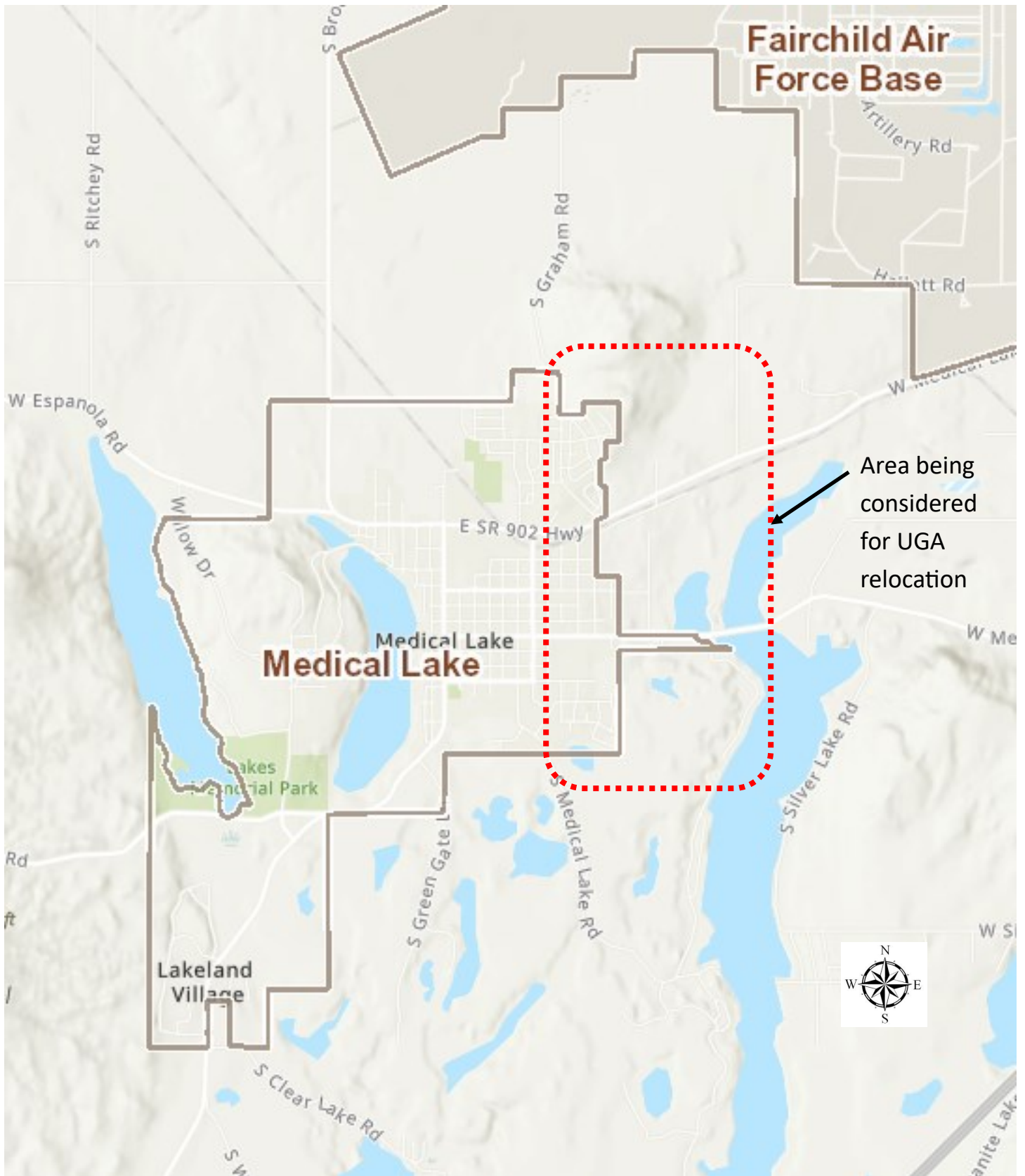
Map 1

Current Urban Growth Area locations for City of Medical Lake



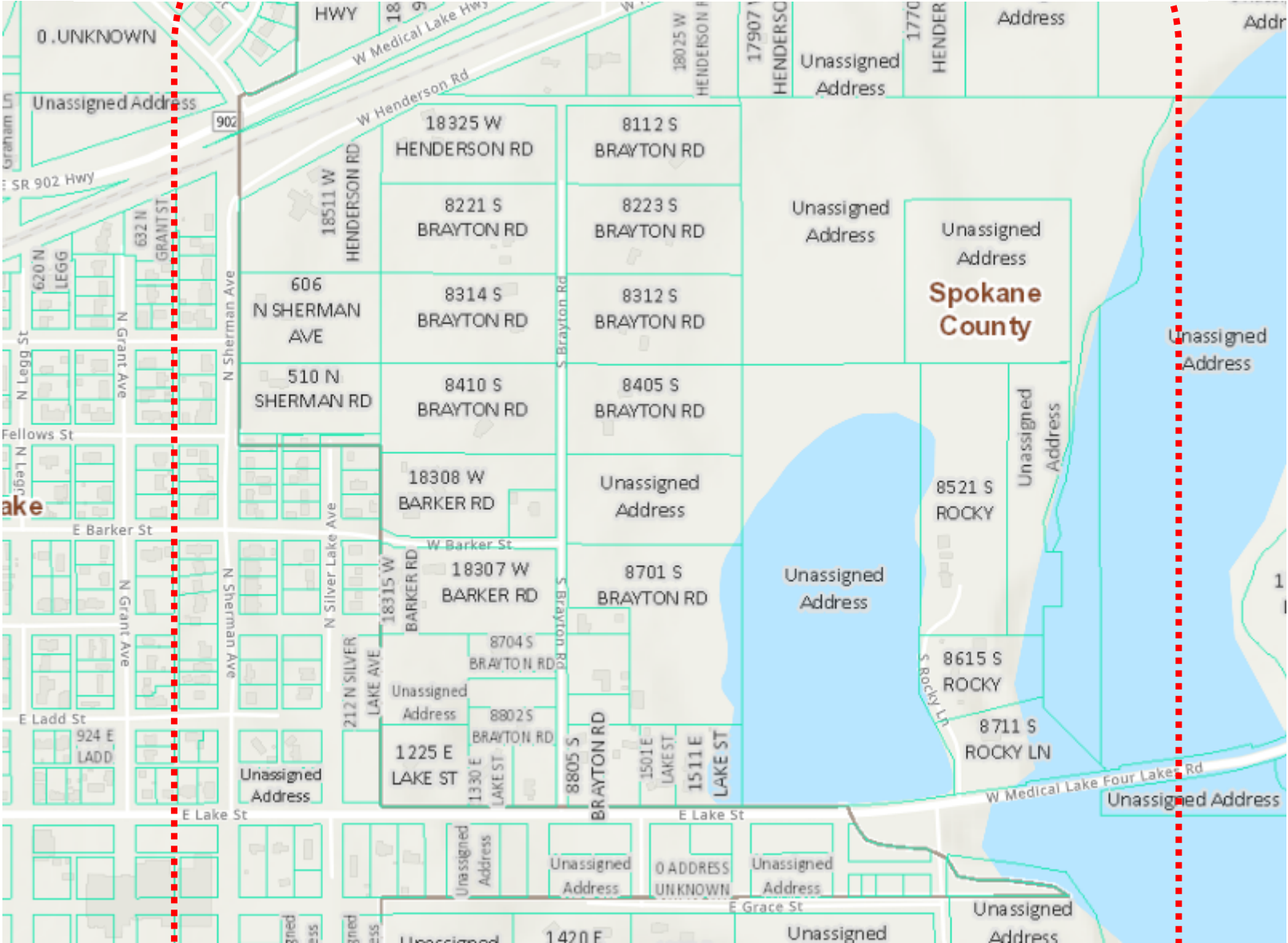
Map 2

Proposed Urban Growth Area location for City of Medical Lake



Map 4: Central section of Map 2

Possible location of Urban Growth Area



Source: cp.spokanecounty.org/SCOUT Nov. 2, 2022

Map 5: Southern section of Map 2

Possible location of Urban Growth Area

