

**ATTACHMENT A: FINDINGS AND CONCLUSIONS  
FOR PROPOSED COMPREHENSIVE UPDATE TO THE CITY OF MEDICAL LAKE  
SHORELINE MASTER PROGRAM**

SMP Submittal accepted January 16, 2013, Resolution Number 480  
Prepared by Jeremy Sikes on August 5, 2015

**Brief Description of Proposed Amendment:**

The City of Medical Lake has submitted to Ecology for approval, a comprehensive update to their Shoreline Master Program (SMP) to comply with Shoreline Management Act (SMA) and SMP Guidelines requirements. The updated master program submittal contains locally tailored shoreline management policies, regulations, environment designation maps, administrative provisions as well as a Cumulative Impacts Analysis and Restoration Plan. No parts of the local ordinances are adopted by reference as part of the SMP, as the City has elected to incorporate complete Critical Areas language into the updated Master Program. The new critical areas provisions provide a level of protection to critical areas located with shorelines of the state that assures no net loss of shoreline ecological function pursuant to *RCW 90.58.610, and RCW 36.70A.480(4)*. Additional reports and supporting information and analyses noted below, are included in the submittal.

**FINDINGS OF FACT**

**Need for amendment.** The proposed amendment is needed to comply with the statutory deadline for a comprehensive update of the City's local Shoreline Master Program pursuant to RCW 90.58.080 and 100. This amendment is also needed for compliance with the planning and procedural requirements of the SMP Guidelines contained in WAC 173-26 and 27. The City previously adopted the 1975 Spokane County Shoreline Master Program and thus, this update will be the first SMP specific to the City since the inception of shoreline planning in the state. This SMP update is needed to address land use changes that have occurred along the City's shorelines since 1975. This update also provides consistency among the updated SMP Guidelines, current science regarding protection of shoreline resources, the City's Comprehensive and Flood Management Plans, and the shoreline protection provisions of neighboring jurisdictions.

**SMP provisions to be changed by the amendment as proposed:**

This comprehensive SMP update is intended to entirely replace the City's existing SMP, simply the adopted 1975 Spokane County SMP. This updated SMP does not increase the linear extent of shorelines to be covered and regulated by the City. Approximately 3.1 miles of shoreline on Medical Lake, 8.7 miles of shoreline on Silver Lake, and 4.0 miles of shoreline on West Medical Lake will be regulated under the updated SMP.

Changes to the original 1975 Spokane County SMP, which was being applied in city limits are manifold. The submittal is a comprehensive SMP update designed to comply with the Shoreline Management Act (SMA) (RCW 90.58) and the 2003 SMP Guidelines (WAC 173-26, Part III), and will replace the existing SMP.

Ecology provided review and technical assistance to the City on its initial draft. Miscommunication led each party to assume the other was acting on the draft. During the summer of 2010, Ecology again entered into a review of the locally adopted draft in coordination with City staff to try to remedy known shortcomings. The City undertook to address them, and another draft and new deliverables were delivered as part of the locally adopted SMP in the fall of 2012. The locally adopted SMP, while complete, had some critical formatting shortcomings and some elements that were inadvertently omitted. Due to extremely limited staff resources at the City, Ecology undertook to reformat the SMP for usability, flow, and internal consistency while also adding the missing elements needed for substantive compliance with the SMA and providing technical required changes. Close coordination with the City has allowed Ecology to craft required and recommended changes to the SMP that reflect the intent of the original locally adopted plan.

**Amendment History, Review Process:** The City indicates the proposed SMP amendments originated from a local planning process that began on January 1, 2004. The record shows that workshops open to the public were held throughout the process, oftentimes in concert with a regularly scheduled planning commission meeting, and a public hearing before the Planning Commission was held on June 26, 2008. Affidavits of publication provided by the City indicate notice of the hearing was published in the Cheney Free Press on June 19, 2008. The City submitted documents to Ecology shortly thereafter, but a miscommunication over the completeness of the submittal led both the City and Ecology to believe that the other party was acting on the draft.

Ecology reengaged with the City in the summer of 2010. Working closely with City staff, Ecology determined that a few elements were needed to complete the submittal, the most significant being a restoration plan. City staff, with the assistance of a citizen's advisory group, developed a restoration plan and collated the necessary documents. Given the length of time between opportunities for the public to review the draft SMP and the inclusion of a restoration plan, an additional public meeting was held on July 28, 2012.

With passage of Resolution #480, on November 6, 2012, the City authorized staff to forward the proposed amendments to Ecology for approval.

The proposed SMP amendments were received by Ecology for state review and verified as complete on January 16, 2013. Notice of the state comment period was distributed to state task force members and interested parties identified by the City on February 21, 2013, in compliance with the requirements of WAC 173-26-120, and as follows:

The state comment period began on March 1, 2013 and continued through April 1, 2013.

Three individuals or organizations submitted comments on the proposed amendments. Ecology sent all oral and written comments it received to the City on April 2, 2013.

The City requested additional time to prepare its response to comments on May 9, 2013.

On July 17, 2013, the City submitted to Ecology its responses to issues raised during the state comment period. Having overlooked one comment, the City amended its responses on August 21, 2013. Ecology's own responses to issues raised during the comment period are available as part of the SMP amendment process record.

Ecology found that the locally adopted draft, while complete, was difficult to follow, contained some outdated references, and was missing important sections. The City of Medical Lake had the desire to improve the locally adopted draft, but with only a part-time contract planner, did not have the capacity to re-work the program to improve usability. At their request, Ecology worked closely with City staff to reformat the entire plan, add missing critical areas elements, move portions of the inventory and characterization out of the regulation section, reformat the use compatibility and dimensional standards tables, and creating a table of contents. City staff reviewed and concurred with the edits and reformatting, which are included here as required or recommended changes. Ecology also incorporated text edits the City proposed to address comments received during the state public comment period.

**Consistency with Chapter 90.58 RCW:** The proposed amendment has been reviewed for consistency with the policy of RCW 90.58.020 and the approval criteria of RCW 90.58.090(3), (4) and (5). The City has also provided evidence of its compliance with SMA procedural requirements for amending their SMP contained in RCW 90.58.090(1) and (2).

**Consistency with “applicable guidelines” (Chapter 173-26 WAC, Part III):** The proposed amendment has been reviewed for compliance with the requirements of the applicable Shoreline Master Program Guidelines (WAC 173-26-171 through 251 and 173-26-020 definitions). This included review of a SMP Submittal Checklist, which was completed by the City.

**Consistency with SEPA Requirements:** The City submitted evidence of SEPA compliance in the form of a SEPA checklist and issued a Determination of Non-Significance (DNS) for the proposed SMP amendments on January 9, 2013. Notice of the SEPA determination was published in the Cheney Free Press on December 13, 2012. Ecology did not comment on the DNS.

**Other Studies or Analyses supporting the SMP update:** Ecology also reviewed the following reports, studies, map portfolios and data prepared for the City in support of the SMP amendment:

These supporting documents include:

- *Shoreline Inventory and Characterization dated June 2005*
- *Medical Lake Cumulative Impacts Analysis (undated)*
- *Shoreline Restoration Plan dated December 2011*
- *Medical Lake Planning Commission Findings of Fact (SMP-1-2008) dated July 2008*
- *Shoreline Jurisdiction Map Portfolio dated October 2007*
- *Shoreline Master Plan Comment Submittal dated May 22, 2013 and SEPA Review and Comments Response Letter dated July 17, 2013*
- *Email Correspondence “Jurisdictional Expansion as necessary”; Glen Scholten dated August 21, 2013*

### **Summary of Issues Raised During The Public Review Process:**

Issues raised during the public comment period were primarily minor, and could be addressed through text edits to the locally adopted draft. The City and Ecology found that many of the substantive comments posed improvements to SMP clarity, and the City drafted text edits specific to each comment as warranted (see Public Comment Summary for Medical Lake SMP).

## **Summary of Issues Identified by Ecology as Relevant To Its Decision:**

As noted above, the locally adopted draft required significant re-formatting for ease of use, and text edits throughout to ensure compliance with several WAC and RCW provisions. Working closely with city staff, Ecology produced a newly revised SMP based on the locally adopted draft. The revisions are both substantive and non-substantive and are shown in two accompanying documents to these findings.

- Attachment B displays the final re-formatted product that incorporates both recommended and required changes as reviewed by the City.
- Attachment C shows the edits directly on the original locally adopted draft with Ecology's comments and notations regarding whether they are required or recommended changes and the rationale for each.

## **CONCLUSIONS OF LAW**

After review by Ecology of the complete record submitted and all comments received, Ecology concludes that the City's proposed comprehensive SMP update/amendment, subject to and including Ecology's required changes (itemized in Attachment C), is consistent with the policy and standards of RCW 90.58.020 and RCW 90.58.090 and the applicable SMP guidelines (WAC 173-26-171 through 251 and .020 definitions). This includes a conclusion that approval of the proposed SMP, subject to required changes, contains sufficient policies and regulations to assure that no net loss of shoreline ecological functions will result from implementation of the new updated master program (WAC 173-26-201(2)(c)).

Ecology also concludes that recommended changes to the submittal (identified during the review process and also itemized in Attachment C) would be consistent with SMA policy and the guidelines and would be beneficial to SMP implementation. These changes are not required, but can, if accepted by the City, be included in Ecology's approved SMP amendments.

A complete revised SMP, which incorporates both required and recommended changes, along with the new table of contents, and the format revisions requested by the City is attached herein as Attachment B.

Ecology concludes that those SMP segments relating to shorelines of statewide significance provide for the optimum implementation of Shoreline Management Act policy (RCW 90.58.090(5)).

Ecology concludes that the City has complied with the requirements of RCW 90.58.100 regarding the SMP amendment process and contents.

Ecology concludes that the City has complied with the requirements of RCW 90.58.130 and WAC 173-26-090 regarding public and agency involvement in the SMP update and amendment process.

Ecology concludes that the City has complied with the purpose and intent of the local amendment process requirements contained in WAC 173-26-100, including conducting open houses and public hearings, notice, consultation with parties of interest and solicitation of comments from tribes, government agencies and Ecology.

Ecology concludes that the City has complied with requirements of Chapter 43.21C RCW, the State Environmental Policy Act.

Ecology concludes that the City's comprehensive SMP update submittal to Ecology was complete pursuant to the requirements of WAC 173-26-110 and WAC 173-26-201(3)(a) and (h) requiring a SMP Submittal Checklist.

Ecology concludes that it has complied with the procedural requirements for state review and approval of shoreline master program amendments as set forth in RCW 90.58.090 and WAC 173-26-120.

Ecology concludes that the City has chosen to exercise its option pursuant to RCW 90.58.030(2)(d)(ii) to increase shoreline jurisdiction to include buffer areas of critical areas within shorelines of the state. Therefore, as required by RCW 36.70A.480(6), effective upon approval of the SMP, Critical Areas within shorelines, and land necessary for buffers on those areas are regulated solely by the updated SMP.

## **DECISION AND EFFECTIVE DATE**

Based on the preceding, Ecology has determined the proposed amendments comprehensively updating the SMP, are consistent with Shoreline Management Act policy, the applicable guidelines and implementing rules, once required changes set forth in Attachment C are approved by the City. Ecology approval of the proposed amendments with required changes is effective 14 days from Ecology's final action approving the amendment.

As provided in RCW 90.58.090(2)(e)(ii) the City may choose to submit an alternative to the changes required by Ecology. If Ecology determines that the alternative proposal is consistent with the purpose and intent of Ecology's original changes and with RCW 90.58, then the department shall approve the alternative proposal and that action shall be the final. Approval of the updated SMP and proposed alternative/s is effective 14 days from Ecology's final action approving the alternative/s.