

**BEFORE THE PLANNING COMMISSION OF
THE CITY OF MEDICAL LAKE, WASHINGTON**

In the matter of the Medical Lake Planning Commission)
considering the adoption of the city’s amended Shoreline)
Master Program. The purpose of the Shoreline Master)
Program is to implement the Shoreline Management Act)
of 1971 and the 2004 Shoreline Management Program)
Guidelines)

**Findings of Fact,
Conclusions and
Recommendations**

File Number: SMP - 1-2008

I. SUMMARY OF PROPOSAL AND DECISION

The Shoreline Management Act of 1971 (RCW 90.58) puts forth a process for managing development of the state’s shorelines through a state-monitored, locally-administered permitting program. Local governments are required to prepare a detailed shoreline inventory and a “Shoreline Master Program” to manage shoreline development.

The state legislature adopted several amendments to the Shoreline Management Act in 2000 which included a requirement that all cities and counties update their Shoreline Master Programs. These amendments were based on the fact that few state municipalities had updated their programs since adopting them in the 1970’s. Other reasons for the legislative mandate are due to the following conditions:

- * The amended Shoreline Management Act, RCW 90.58, places more emphasis on protection and enhancement of shoreline ecological functions and processes.
- * Shoreline physical conditions have significantly changed since the 1970s.
- * More comprehensive and scientific information regarding shoreline ecological functions is now available and should be considered.
- * The 2004 Shoreline Management Program Guidelines require additional goals and policies be written into master plans addressing a private property rights element and an education element

The Department of Ecology adopted Shoreline Master Program Guidelines (WAC 173-26) in January 2004 which required that Medical Lake undertake a comprehensive review of its Shoreline Management Program.

Based upon an inventory of Medical Lake’s jurisdictional shorelines, a system for categorizing various segments of the shorelines of Medical Lake, West Medical Lake and Silver Lake, was established by applying specific environmental designations to certain shoreline segments [WAC173-16-040 (4)]. These environmental designations generally preserve the natural character of the shoreline, prevent the degradation of the physical features of the shorelines and the quality of water and encourage uses in each designation which will enhance the character of that environment. The guidance provided in these designations will ensure that any future activities within these reaches will not result in any loss of ecological functions.

Proposal: In previous years Medical Lake’s Shoreline Management Program was part of Spokane County’s Shoreline Management Program. With the amount of growth the city has experienced over the past decade, the consensus of the Mayor’s Office was for the city to assume administrative control and enforcement actions of its own shoreline program and no longer have Spokane County as the lead agency for shoreline management. In order to plan and effectively

manage shoreline resources the Medical Lake Shoreline Management Program proposes to implement the following actions:

1. Develop a “Shoreline Enhancement Overlay District” (SEOD) 200 feet landward of the lake’s Ordinary High Water Mark.
2. Create shoreline regulations as part of the shoreline program which will implement policies, within the boundaries of the SEOD, which are intended to insure no net loss of ecological functions of Medical Lake’s jurisdictional shorelines.
3. Develop and implement a shoreline restoration plan to restore ecological functions which have been degraded by physical, chemical biological or organic actions over time.

Decision - The Planning Commission recommends that City Council approve the City of Medical Lake’s Shoreline Master Program as amended and it be forwarded to the Washington State Department of Ecology (DOE) for final review and approval. Upon approval of the DOE it is further recommended that the Shoreline Master Program be implemented by city ordinance and made a part of the Medical Lake Comprehensive Plan.

II. GENERAL INFORMATION

- a. Issue: Revision of the city’s Shoreline Master Program
- b. Applicant: City of Medical Lake, Washington
- c. Address: P.O. Box 369, Medical Lake, WA 99022
- d. Hearing Date: June 26, 2008
- e. Location: City Council Chambers, 124 S. Lefevre Street, Medical Lake
- f. Public Notice:
 1. June 19, 2008, Cheney Free Press.
 2. Posted @ City Post Office, Sterling Bank, Community Bulletin Board and City Hall Bulletin Board..
 3. Mail outs to Forty (40) shoreline property owners.
- g. Testimony:
 1. Jeri Morgan
556 S. Lake Drive, Medical Lake, WA
 2. Andie Mark
307 N. Lake Drive, Medical Lake, WA
 3. Kevin Twohig
309 N. Lake Drive, Medical Lake, WA
 4. Barb Twohig
309 N. Lake Drive, Medical Lake, WA
 5. John Nuess
307 N. Lake Drive, Medical Lake, WA

III. REGULATORY AUTHORITY

- a. RCW 36.70A. – Growth Management- Planning by Selected Counties and Cities.
- b. RCW 90.58 – Shoreline Management Act of 1971.
- c. WAC 173-26 – Shoreline Master Program Guidelines.
- d. WAC 173-27 – Shoreline Management Permit Procedures Guidelines.
- e. MLMC Chapter 17.16 – R-1, Single-Family Residential Zoning District.
- f. MLMC Chapter 17.10 – Resource Lands and Critical Areas Preservation.

IV. FINDINGS OF FACT

1. In 2000 the State Legislature adopted several amendments to the Shoreline Management Act of 1971 which included a requirement that all cities and counties update their Shoreline Master Programs to place more emphasis on protection and enhancement of shoreline ecological functions and processes, develop policies to protect private property rights and policies that guarantee and on-going educational program that focuses on city's jurisdictional shorelines.
2. The City of Medical Lake Shoreline Master Program (MLSMP), when approved by ordinance, will implement the requirements of the Shoreline Management Act of 1971 and the 2004 Shoreline Master Program Guidelines. (RCW 90.58).
3. The MLSMP consists of: a shoreline master plan, shoreline enhancement overlay district, shoreline regulations, city critical area ordinance, zoning ordinance and subdivision ordinance.
4. The purpose of The MLSMP explores and discusses the ecological systems in and around the city's shorelines and presents a regulatory framework intended to manage development along those shorelines within the jurisdictional boundary of Medical Lake in a manner consistent with the City's Comprehensive Plan.
5. The shorelines of the state are defined by state law and include in the City of Medical Lake all lands within 200 feet of the line of ordinary high water on Medical Lake, specific shorelines of West Medical Lake and specific shorelines of Silver Lake.
6. The City of Medical Lake's Shoreline Master Plan contains a system to classify shoreline areas into specific environmental designations, and
7. Shorelines of the state are among the most valuable and fragile of its natural resources, and there is great concern throughout the state relating to their utilization, protection, restoration and preservation.
8. Prior to adoption of this master program the City has given notice to owners of shoreline property and the general public of public meetings to discuss and review the City's Shoreline Master Program and afford equal opportunity for any person to express an opposing view.
9. Notification to the public on the amendment process and pending public hearing was carried out in accordance with MLMC 17.56.110, Procedures for Comprehensive Plan Amendments.
10. All persons desiring to comment on the proposed amendments were given full and complete opportunity to be heard.

V. CONCLUSIONS

Having made the findings set forth above, the Medical Lake Planning Commission makes the following conclusions:

1. All public notifications of said amendments to the city's comprehensive plan were done according to provisions and procedures within the Medical Lake Municipal Code.

2. The proposed changes to the Medical Lake Shoreline Master Program was reviewed by the planning commission and found to be acceptable and consistent with the SMA of 1971 and Shoreline Management Program 2004 Guidelines that requires goals and policies be adopted insuring no net loss of ecological functions of the city's jurisdictional shorelines.
3. This Shoreline Management Program update focuses on twelve key elements. These plan elements are equal in importance and to one another.
4. The city will need to initiate various programs and accomplish a number of tasks for the vision of this plan to be realized.
5. The classification system developed for the city's shorelines is based on existing use patterns and the biological and physical character of the shorelines of Medical Lake and specific shorelines of West Medical Lake and Silver Lake.
6. The plan should be viewed as a dynamic document and periodically reviewed to keep pace with changing conditions and evolving community objectives.

VI. DECISION

The Planning Commission recommends that City Council approve the revised Medical Lake Shoreline Master Program as amended and forward it on to the Washington State Department of Ecology for final review and approval. Upon approval of the DOE it is further recommended that the Shoreline Master Program be implemented by city ordinance and made a part of the Medical Lake Comprehensive Plan. Major changes have been made to the following Chapters:

Chapter 3 – Goals and Policies for Shoreline Environments.

- Added a new element entitled Private Property Rights.
- Added a new element entitled Education.

Chapter 4 – Medical Lake Jurisdictional Shorelines and Restoration Techniques.

- Added Management Measures to protect ecosystems.
- Added Management Measures to restore ecosystems.

Chapter 5 – Reach Specific Approaches for Restoration and Protection.

- Developed restoration and protection policies for eight Reaches.

Chapter 6 – Shoreline Regulations.

- Removed commercial and industrial uses from permitted to prohibited.
- Removed Multi-family residential use from permitted to prohibited.
- Made major edits to Section O – Transportation Facilities.

Dated this _____ day of July, 2008

Joyce Callaway, Chairperson
Medical Lake Planning Commission

Doug Ross
City Administrator

