



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

SHORELINE LETTER OF EXEMPTION

File: LU 2026-013 SE

Date: 7/7/2026

Staff Planner: Elisa Rodriguez 509-565-5019 or erodriguez@medical-lake.org

Site: 309 N Lake Drive, Medical Lake, Washington

Spokane County Tax Parcel's: 14182.2361

Applicant/Owner: Cameron Nuess/Kevin Twohig

Land Use Zone: Single-Family Residential (R-1)

Shoreline Zone: Shoreline Residential

SEPA: Determination of Non-Significance was made on May 4, 2026, and is being upheld.

PROPOSAL

The applicant proposes to construct a private residential dock. The dock is proposed to be 8-foot wide by 30-foot long deck and attached to an 10-foot long abutment. The abutment is proposed to be made of concrete and 22 inches high. The dock extending over the water is proposed to be supported by two galvanized 3.5 inch diameter pipes, mounted in two concrete footing pads that roll into position from the shore. Due to unpermitted work done in 2025, stabilization of the shoreline is part of the proposal.

EXEMPTION

Per Section III(C)(g) of the Medical Lake Shoreline Master Program (SMP), construction of a dock that is less than \$11,200 in value is exempt from a Shoreline Development Review. However, a Letter of Exemption demonstrating how the standards of the SMP are met is still required.

STANDARDS

The purpose of the SMP is to guide the City in making decisions that are consistent with the State's Shoreline Management Act (SMA) in a manner that achieves no net loss in ecological function. The SMA was adopted in 1971 to ensure the development of land along the State's

major streams, rivers, lakes, and ocean shores occur in a manner consistent with the maintenance and enhancement of the shoreline's ecological value.

The SMP provides a table (Table 1. Use Compatibility Matrix, page 55) that specifies uses that are not allowed or require a statement of exemption, a substantial shoreline development permit, or a shoreline conditional use permit. No new development is allowed without a review by the City. Docks and piers, when in a Shoreline Residential Zone, require a statement of exemption.

The SMP applies to land that is within 200 feet of the ordinary high water mark (OHWM). Some development has minimum setbacks. Per Table 2. Setback, Height, and Dimensional Standards Matrix (page 56), docks and piers do not have a setback.

Footnote 1 of Table 1, Use Compatibility Matrix, states that All exempt activities must comply with the goals, policies, and applicable use regulations of this program. Section V, Administrative Review – Shoreline Development, section K, Piers and Docks, provides additional standards applicable to this proposal.

1. The pier, with mitigation considered, will result in no net loss of ecological functions.
2. Piers shall be constructed of materials that will not adversely affect water quality or aquatic plants and animals over the long term.
3. To minimize adverse effects on near shore habitats and species caused by overwater structures that reduce ambient light levels, the following shall apply:
 - a. The width of piers shall be the minimum necessary and shall not be wider than 8 feet.
 - b. Materials that will allow light to pass through the pier may be required.

ANALYSIS

In June of 2025, the City was made aware of unpermitted work at the subject site. The owner was contacted and told the work needed to stop until further investigation. Approximately thirty (30) linear feet of vegetation along the shoreline had been removed and wood forms for two retaining walls had been constructed. This work was in preparation for the installation of a dock or pier. Upon consultation with the Department of Ecology, it was determined that the retaining walls constituted a bulkhead which is not permitted (unless to save a residence which is in immediate danger). The owner's representative asked the City and the Department of Ecology to meet at the site to discuss the proposal. On September 9, 2025, this meeting took place and Tess Cooper, with the Department of Ecology confirmed that the retaining wall was illegal and could not be permitted. Furthermore, the removal of shoreline vegetation was a violation of the Shoreline Master Program and needed to be replaced. Due to the willingness of the owner's representative to work with the City to rectify the illegal work, a violation notice was not issued.

Medical Lake has twenty-five (25) existing residential docks/piers along the east shoreline. The City does not have record of the dates in which these docks/piers were constructed. It is probably some or all were constructed after the adoption of the Medical Lake SMP. However, it is possible that if a proposed dock was under the dollar threshold listed in the SMP for exceptions, the owner was given the go ahead. No letter of exemption was issued, no application of standards for pier/docks was implemented, and no analysis of no net loss conducted.

Despite the incorrect implementation of the SMP in the past. The regulations of the SMP must be followed including this letter of exemption

The applicant submitted a Land Use Review Application on April 28, 2026, along with a SEPA Checklist and a Shoreline Impact Assessment & Mitigation Plan. A SEPA Determination of Non-significance was issued on May 4, 2026, followed by a 2-week comment period. The City asked Tess Cooper with Ecology to review the Shoreline Impact Assessment & Mitigation Plan on behalf of the City.

The plan describes the proposed work as a dock that is eight (8) feet wide and thirty (30) feet long, attached to an abutment that is approximately 10-11 feet long. In addition, the dock will be supported by two galvanized 3.5 inch diameter pipes, mounted in two concrete footing pads that roll into position onto the lakebed. Finally, the dock will be elevated above the water and decked with Trex or other similar product. All materials from the bulkhead will be removed and the slope restored. The shoreline will be restabilized by replacing rock that was removed and stockpiled during the construction of the bulkhead forms. The rock will be placed along the toe of the slope, but outside of the waterline and backfilled with soil to replicate the original grade. Clean gravel will be placed around the rock. Native trees and shrubs will be planted within the shoreline area to replace the removed plants at a 1:1.5 ratio. Disturbed areas will be reseeded with native grass species.

Spokane Regional Clean Air Agency submitted comments on May 6, 2026. The comments concern asbestos, dust, outdoor burning, odors, diesel exhaust, and other air pollution (see Exhibit E).

Department of Ecology submitted comments on May 27, 2026. The comments concern best management practices for erosion and sediment control during construction (see Exhibit F).

Tess Cooper with the Department of Ecology submitted comments on June 1, 2026. The comments expressed concern that what the proposal labeled an abutment is in fact a bulkhead, which is not permitted. Furthermore, there is an absence of mitigation sequencing, which is first to avoid, then to minimize impacts. She cites the lack of discussion on the need for a dock that is eight (8) feet wide and thirty (30) feet long. Her recommendation is to request a revision of the dock dimensions and an explanation as to how the dimensions meet the mitigation sequencing. (see Exhibit G)

To clarify the distinction between a bulkhead and an abutment, construction drawings were requested from the applicant/owner. These additional drawings and related specifications were submitted on June 5, 2026. These drawings clarified how the pier was being attached to the abutment and the depth of the abutment (22 inches). The drawings also clarified that the proposal is a fixed pier and not a floating dock. (See Exhibits B & C)

The City asked the applicant/owner to provide justification for having the pier eight (8) feet wide. The applicant submitted a letter on June 23, 2026, stating that the proposed pier is to provide safe and functional water access for the family. More specifically, to provide a safe distance from the pier edge while carrying equipment, life jackets, paddles, and other gear. The applicant also states that this width provides additional safety during periods of elevated wind, when watercrafts can be difficult to manage.

1. The pier, with mitigation considered, will result in no net loss of ecological functions.

The proposed pier is eight (8) feet wide by thirty (30) feet long and attached to the shoreline via an abutment that is ten (10) feet, six (6) inches long, twenty-two (22) inches high and approximately twenty-four (24) inches wide per Exhibit #. The area of disturbed shoreline is approximately thirty (30) linear feet due to the unpermitted work that took place in 2025. The impact of the dock and previous work is the removal of vegetation, disturbance of the shoreline, possible pollutants from the pier materials, and shading of aquatic vegetation. The disturbed shoreline will be replanted with 15 to 30 native plants and reseeded with native seed per Exhibit D. The proposed materials for the pier are appropriate for an aquatic environment. The pier has an east-west orientation and relatively narrow width. The mitigation is reasonably designed to replace lost shoreline vegetation, habitat, erosion control, and water-quality functions.

2. Piers shall be constructed of materials that will not adversely affect water quality or aquatic plants and animals over the long term.

The proposal contains materials that are intended to avoid long-term pollutant discharge and habitat degradation.

3. To minimize adverse effects on near shore habitats and species caused by overwater structures that reduce ambient light levels, the following shall apply:
 - a. The width of piers shall be the minimum necessary and shall not be wider than 8 feet.
 - b. Materials that will allow light to pass through the pier may be required.

The proposed pier will be located twenty (20) inches above the ordinary high water mark. The applicant has stated that eight (8) feet of width is necessary for safe maneuvering with paddleboards, kayaks, and associated equipment (see Exhibit H). The pier will be decked with Trex decking or similar product with one half (1/2) inch between planks. The pier has an east-west orientation, allowing light from the south throughout the day. The shadow cast from the eight (8) feet of width is minimal and will shift throughout the day. The Medical Lake SMP does not mandate grating to allow light penetration.

CONCLUSION

The proposed pier, slope restoration, and plantings support the goal of no net loss by mitigating the impacts of the development. In addition, the materials proposed to be used are appropriate for aquatic environments and the size and orientation of the pier will create a minimal amount of shade, therefore having a negligible impact on aquatic life.

ADMINISTRATIVE DECISION

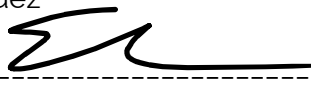
Approval of a letter of exemption for a proposed eight (8) foot by thirty (30) foot pier and associated abutment in conformance with Exhibits A-C, with the following conditions:

Condition 1: The disturbed shoreline must be revegetated in conformance with the mitigation plan created by Anderson Environmental Consulting (AEC), dated March 2026. Specifically section 4.3 Restoration/Replacement of Functions and Exhibit A of this letter.

Condition 2: The applicant/owner must contact the Medical Lake Planning Department for inspection upon completion of the pier and plantings within one month from installation.

Condition 3: The applicant/owner must ensure the long-term success of the mitigation planting in accordance with section 4.4 of the AEC mitigation plan. This includes submitting an annual monitoring report to the Medical Lake Planning Department.

Senior Planner: Elisa Rodriguez

Decision Rendered By:  on July 7, 2026.

Decision Emailed and Mailed: July 7, 2026.

APPEALS

This decision is final unless appealed. This decision may be appealed to the City Council within fourteen (14) days of this decision being mailed. To appeal this decision, submit a letter to Medical Lake City Hall by 4:00 p.m. on July 21, 2026.

EXPIRATION

This letter of exemption is valid for five (5) years from the date of the decision.

ENFORCEMENT

Failure to comply with the approval and/or the condition of approval is considered a violation of the SMP and can incur a civil penalty of up to \$1000.

ADDITIONAL PERMITS

A Hydraulic Project Approval from the Washington State Department of Fish and Wildlife is required for in water projects.

EXHIBITS

- A. Site Plan
- B. Abutment Construction Drawing
- C. Support Construction Drawing
- D. Restoration Plantings
- E. Spokane Regional Clean Air Agency comments
- F. Department of Ecology, general comments
- G. Department of Ecology, Tess Cooper comments
- H. Applicant Dock Width Justification letter

Nuess Shoreline Impact Assessment
PID 14182.2361
T 24N R 42E S18
47.5747869, -117.6847873
Spokane County

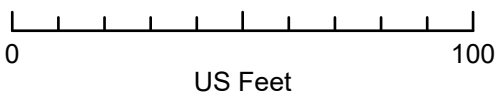


Sources: Esri, TomTom, Garmin, FAO, NOAA, USGS, (c) OpenStreetMap contributors, and the GIS User Community, Spokane Image Consortium, Microsoft, Vantor

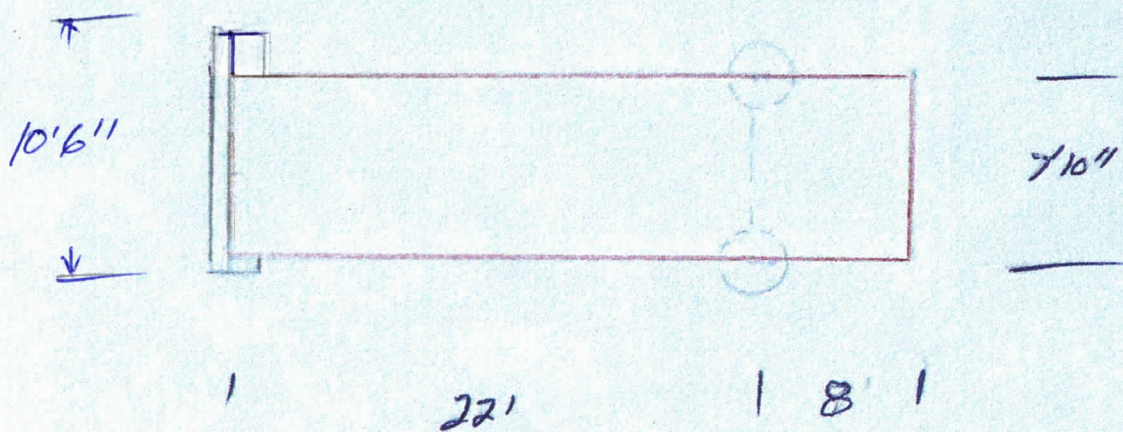
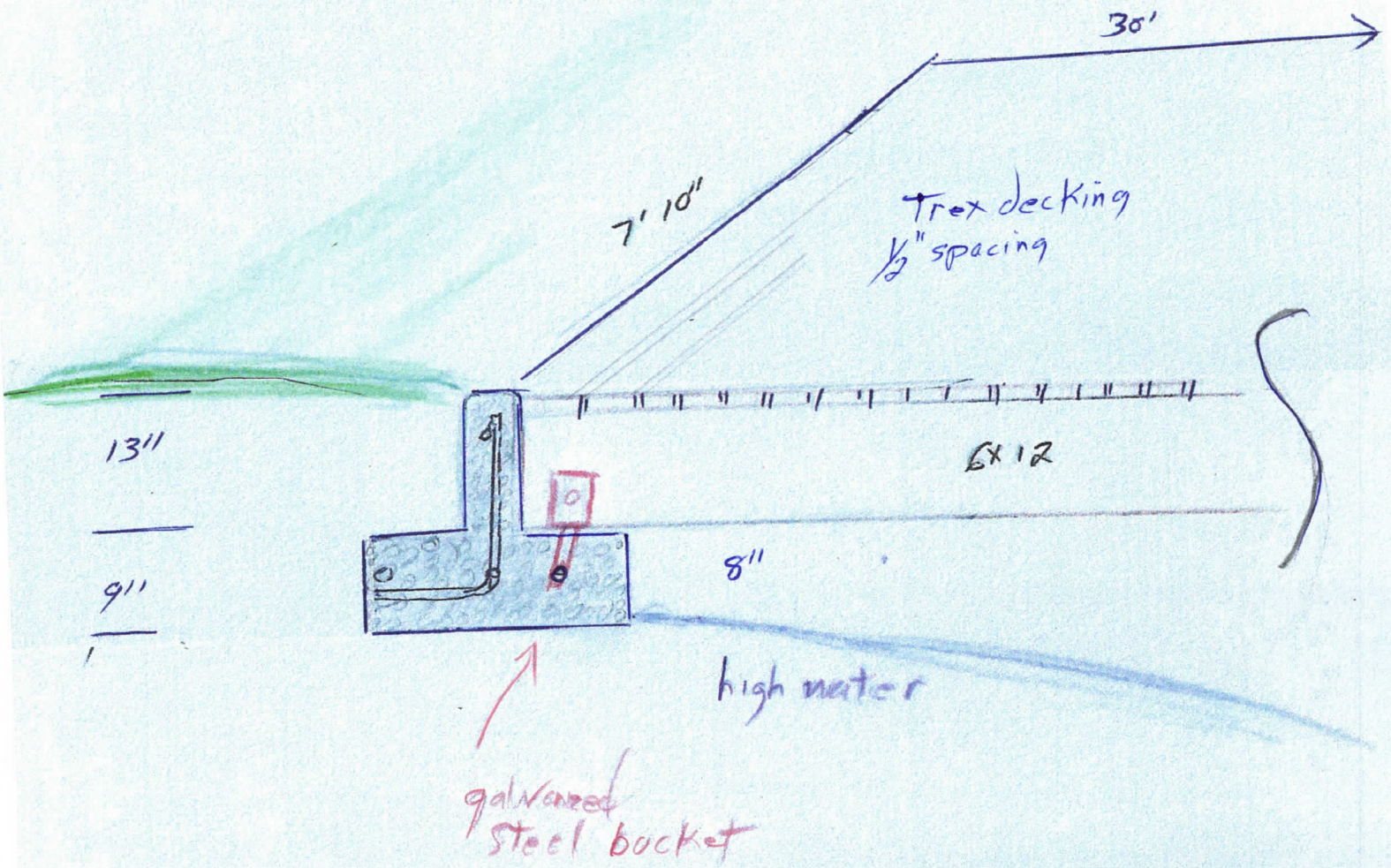
Legend

- | | |
|-------------------------------|--------------------------------|
| Estimated OHWM | Dock |
| Estimated Wetland Boundary | Abutment |
| 200 ft Shoreline Jurisdiction | Impact Area/Vegetation Removal |
| 250 ft Cat. I Wetland Buffer | Mitigation Area |
| Cobble Placement | Property Line |
| | Spokane County Parcels |

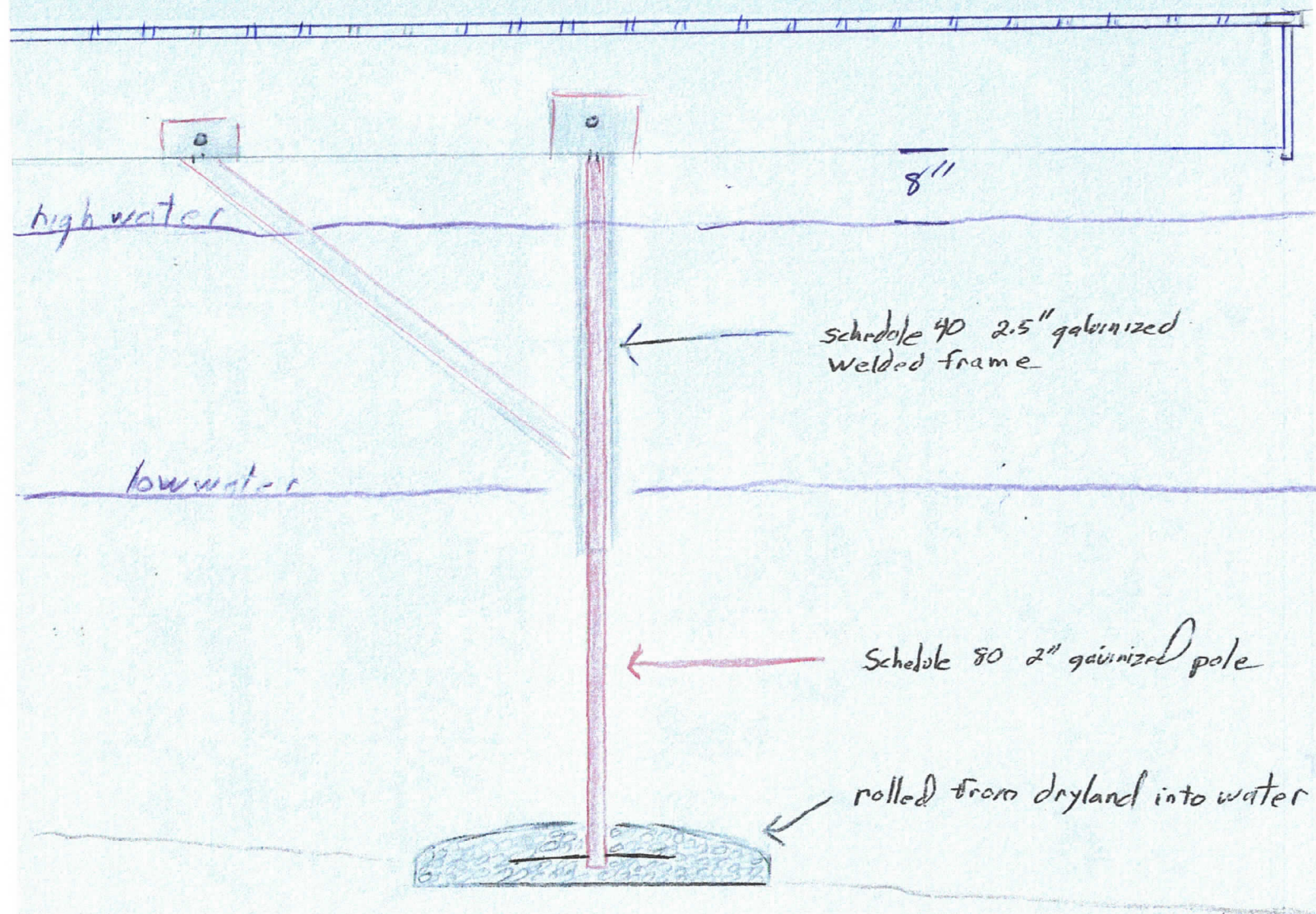
Scale: 1:500



ANDERSON ENVIRONMENTAL CONSULTING



Plan View



- Dock piers will be set on concrete footings rather than driven into the lakebed with an impact hammer which will have less noise and vibration impacts to aquatic species.
- The dock will be slightly raised above the water to allow light under the dock.
- The dock colors will be natural tones.
- The decking material will be Trex type material which is not toxic to fish and wildlife.

4.3 RESTORATION / REPLACEMENT OF FUNCTIONS

4.3.1 Vegetation Replacement

Grasses and shrubs previously removed (estimated total of about 22 plants) will be replaced at a 1:1.5 ratio (approximately 33 plants over approximately 650 sf). Although the shoreline regulations only require a 1:1 ratio, the increased ratio for plants and area will help offset temporal loss of coverage since the plants will take several years to achieve the size and function of the plants that were removed. The plants will be placed along the shoreline no closer than 10 foot from the edge of the abutment and to prevent damaging plants due to the expected human access the shoreline and water. Although an area totaling 2490 sf is identified in the site plan the entire area is not intended to be mitigation, but plants should cover at least 650 sf within the restored site and mitigation area. Mitigation plantings will be concentrated on the south side of the property near the shoreline, while areas to be reseeded with grass. A native grass species such as Sandberg bluegrass or similar species should be seeded in all areas where ground is exposed. See **Table 4** for a list from which plants may be chosen and recommended spacings. Plantings will be irrigated but will not be fertilized to prevent nutrients from entering the lake and contributing to eutrophication.

Table 4 Plants That May be Used

Common Name	Scientific Name	Approximate Spacing (ft)	Area (sqft)	Note
Ponderosa pine	<i>Pinus ponderosa</i>	15	225	At least 3 trees must be planted and survive
Quaking aspen	<i>Populus tremuloides</i>	15	225	
Chokecherry	<i>Prunus virginiana</i>	10	100	
Snowberry	<i>Symphoricarpos albus</i>	5	25	
Wood rose	<i>Rosa woodsii</i>	5	25	
Red-osier dogwood	<i>Cornus sericea</i>	5	25	
Golden currant	<i>Ribes aureum</i>	5	25	
Native grass species	<i>Poa secunda</i>	NA	NA	
Total			650	



Date: 5/6/26

To: Elisa Rodriguez, City of Medical Lake

RE: Spokane Regional Clean Air Agency Requirements for *Construction Projects*:

Project Name: Lake St bulk head and dock project

File or Permit #:

Site Address: 309 N Lake St

Parcel #: 14182.0261

The following is a list of concerns/issues that may need to be addressed for this project as determined from information received by this office. The list is provided as a summary of general requirements and does not relieve the proponent from meeting all local, state, and/or federal regulations. For additional information or clarification, contact Spokane Clean Air at (509) 477-4727. Copies of Spokane Clean Air regulations are available at www.SpokaneCleanAir.org.

Construction related requirements:

- **Asbestos** <https://spokanecleanair.org/asbestos/>: Spokane Clean Air requires an Asbestos Survey to be performed by a certified AHERA Building Inspector prior to most renovation and all demolition projects. The project may also require a formal notification form to be submitted to Spokane Clean Air. Fees and waiting periods apply. Contact Spokane Clean Air before renovation or demolition activities begin to avoid potential compliance issues and/or project delays.
- **Dust** <https://spokanecleanair.org/for-business/dust-control/>: Dust emissions during demolition, construction and excavation projects must be controlled. This may require the use of water sprays, tarps, sprinklers, or suspension of activity during certain weather conditions.
 - Measures must be taken to avoid the deposition of dirt and mud from unpaved surfaces onto paved surfaces. If tracking or spills occur on paved surfaces, measures must be taken immediately to clean these surfaces.
 - Spokane Clean Air strongly recommends that all traveled surfaces (i.e. ingress, egress, parking areas, access roads, etc.) be paved and kept clean to minimize dust emissions.
- **Outdoor burning** <https://spokanecleanair.org/burning/outdoor-burning/>: Debris generated as a result of this project must be disposed of by means other than burning.
- **Odors** <https://spokanecleanair.org/air-quality/odors/>: If objectionable odors result from this project, effective control apparatus and measures must be taken to reduce odors to a minimum.
- **Diesel exhaust**: Special attention should be given to proper maintenance of diesel-powered construction equipment to reduce the impact of diesel exhaust, a suspected carcinogen.

Air quality permitting requirements:

- **Notice of Construction (NOC)** <https://spokanecleanair.org/for-business/notice-of-construction/>: Per Spokane Clean Air regulations, a NOC permit is required to be submitted and approved prior to the construction, installation, or establishment of an air pollution source. This includes emergency generators rated at 500 hp (375 kW) or higher and natural gas heating equipment units rated at 4 MMBTU/hr or higher (input). Contact the engineering section at Spokane Clean Air for a NOC application.



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

Eastern Region Office

4601 North Monroe St., Spokane, WA 99205-1295 • 509-329-3400

May 27, 2026

Elisa Rodriguez
City of Medical Lake, Planning Department
124 S Lefevre Street
Medical Lake, WA 99022

Re: Nuess Dock
File# LU 2026-013 SE, Ecology SEPA# 202601874

Dear Elisa Rodriguez:

Thank you for the opportunity to provide comments on the State Environmental Policy Act (SEPA) Determination of Non-Significance for the **Nuess Dock** proposal. Based on review of the checklist associated with this project, the Department of Ecology (Ecology) has the following comments:

Water Quality Program

Chad Sauve, (509) 934-6202, chad.sauve@ecy.wa.gov

Best Management Practices (BMPs) for erosion and sediment control must be used on the construction site and adjacent areas to prevent upland sediments from entering surface water. Refer to the [2024 Stormwater Management Manual for Eastern Region](#). All ground disturbed by construction activities must be stabilized. When appropriate, use native vegetation typical of the site.

If you have any questions or would like to respond to these comments, please contact the appropriate program staff listed above. If you have questions about SEPA, please reach out to sepahelp@ecy.wa.gov.

Sincerely,

Amanda Hiebert
SEPA Coordinator
Eastern Region Office

Elisa Rodriguez

From: Cooper, Tess (ECY) <TECO461@ECY.WA.GOV>
Sent: Monday, June 1, 2026 2:48 PM
To: Elisa Rodriguez
Subject: RE: Review of Nuess Dock

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Elisa,

I apologize for missing the comment period deadline, I hope this review can still be added to the record.

I was asked to review the Nuess Dock request in response to an unpermitted action that received Ecology's enforcement assistance. The vegetation removal and 30 foot long concrete abutment was not approvable under the SMA or Medical Lake SMP and Ecology recommended complete removal and restoration of the site to come into compliance. This Exemption request is to reduce the size of the abutment and add a dock to the project site in an attempt to bring the site into compliance.

I have had the chance to review the project proposal as well as the SIA & Mitigation Report. It appears this Exemption request is for the dock only while the site plan and report discuss a concrete abutment which would not qualify under a Shoreline Exemption as it is not classified as a normal protective bulkhead to protect the primary structure. Therefore, I can not recommend approval of the concrete abutment under this Exemption request as it should be reviewed separately under a Shoreline Substantial Development Permit.

Docks are listed as an allowed use in Table 1. Use Compatibility Matrix on page 55 of the Medical Lake SMP, and falls under the cost threshold to qualify as an Exempt Activity. Additionally, section K.1.h.i Lists Docks width to be no wider than eight (8) feet. However, mitigation sequencing requires that projects must first avoid, and then minimize impacts. There is no discussion of why a 8' wide and 30' long is the minimum necessary to achieve the accessory use for this property. While the SMP allows an 8' wide dock this is generally well above average dock size in the region, and 8x30 foot dock seems excessive for this location and does not appear to meet the minimization requirements of mitigation sequencing. For example, Spokane County dock performance standards allow 4' wide and a length to be the minimum necessary to accomplish moorage for a boat at a 4 foot water depth. While these are not the requirements for Medical Lake it is a good example of what is reasonable and necessary as apposed to excessive.

It is my recommendation to request a revision of the dock dimension and an explanation in the SIA Report as to how the dimensions meet the mitigation sequencing.

Sincerely,

Tess Cooper

Shoreline Compliance Specialist

Shorelands & Environmental Assistance Program

Eastern Region Office

Washington Department of Ecology

509-934-7013 cell

June 15, 2026

Dear Sonny,

We respectfully request approval of a new private residential dock measuring 8 feet in width and 30 feet in length at our property located at 309 N Lake Drive.

This proposal is intended to provide safe and functional water access for our family while maintaining consistency with the objectives of the Shoreline Management Act and the City of Medical Lake Shoreline Master Program.

The requested dock width is driven primarily by site-specific safety considerations. Medical Lake is frequently subject to significant wind events that create wave action and challenging conditions for water access. Our family primarily uses kayaks and paddleboards. The requested 8-foot dock width provides additional space for the safe launching and retrieval of these watercrafts and allows users to maintain a safe distance from the dock edge while carrying equipment, life jackets, paddles, and other gear while also reducing congestion and improving maneuverability. The additional width also improves safety during periods of elevated wind when these watercrafts can be difficult to manage from a narrow dock.

Given the wind exposure, open-water conditions, and safety considerations associated with this site, we respectfully request approval of the proposed 8-foot-wide dock.

To further minimize impacts of the shoreline, we propose utilizing the minimum amount of concrete necessary to create a stable and secure connection between the dock and the upland portion of the property.

The proposed concrete landing would be limited in size and designed solely to support the dock access point. This approach allows us to avoid more extensive shoreline modifications while providing safe access to the dock during varying weather conditions and throughout the year.

We believe the design represents a reasonable balance between shoreline protection, environmental stewardship, and safe residential access to Medical Lake.

Thank you for your consideration and for your continued assistance throughout the review process.

Sincerely,

Cameron & Kelly Nuess