

ORDINANCE NO. 711

AN ORDINANCE of the City Council of the City of Lakewood, Washington: adopting the periodic review amendments to the 2014 Shoreline Master Program and adopting the 2019 Shoreline Restoration Plan and directing the Planning Commission to hold an annual Restoration Plan activities review.

WHEREAS, the City of Lakewood incorporated effective February 28, 1996; and,

WHEREAS, the City of Lakewood is a non-charter optional municipal code city as provided in Title 35A RCW, incorporated under the laws of the State of Washington, and planning pursuant to the Growth Management Act (GMA), Chapter 36.70A RCW; and

WHEREAS, the Washington Shoreline Management Act (RCW 90.58, referred to herein as "SMA") recognizes that shorelines are among the most valuable and fragile resources of the state, and that state and local government must establish a coordinated planning program to address the types and effects of development occurring along shorelines of state-wide significance; and

WHEREAS, the City is required to develop a Shoreline Master Program ("SMP") pursuant to the SMA and WAC 173-26; and,

WHEREAS, on August 14, 2014, the City adopted Ordinance No. 590 adopting an SMP; and

WHEREAS, in 2018 the City entered into Grant Agreement #SEASMP-1719-LakPWD-00060 with the Department of Ecology (ECY) to conduct an SMP periodic review; and

WHEREAS, on February 1, 2019, a Determination of Non-Significance was issued consistent with the State Environmental Policy Act (SEPA) (RCW 43.21C), and a Notice of Issuance (#201900536) was published in the SEPA Register; and

WHEREAS, on March 20, 2019, following proper public notice, a public hearing, and extensive public participation including two open houses and a City meeting with representatives from the Chambers Clover Creek Watershed Council and Tahoma Audubon Society, the Planning Commission adopted Resolution 2019-02 recommending approval of periodic review amendments to the 2014 Lakewood SMP, adoption of the 2019 Shoreline Restoration Plan (Restoration Plan), and establishing an annual Restoration Plan activities review; and

WHEREAS, on April 1, 2019, the Community and Economic Development Department published a Notice of City Council Public Hearing in *The News Tribune*; and

WHEREAS, Notice of Public hearing was also published on the City's website and in the City Manager's Bulletin; and

WHEREAS, on April 15, 2019, the Lakewood City Council held a public hearing on the adoption of proposed periodic review amendments to the SMP, adoption of the Restoration Plan, and establishment of an annual process to review restoration activities in the City by the Planning Commission; and

WHEREAS, throughout the review by the Planning Commission and City Council in 2018 and 2019, the City has communicated regularly with ECY and incorporated amendments to the draft SMP and Restoration Plan based on ECY recommendations;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF LAKEWOOD, WASHINGTON, DO ORDAIN AS FOLLOWS:

Section 1. Shoreline Master Program periodic review amendments adopted. The City Council hereby adopts the 2019 periodic review amendments to the City of Lakewood Shoreline Master Program ("SMP"), which incorporates the required and recommended changes noted by ECY, a copy of which is attached to this ordinance as Exhibit A and incorporated herein by this reference. A copy of said SMP shall be on file in the office of the City Clerk for public use and

copies of this ordinance, together with copies of the SMP, shall be distributed and filed as required by law. In the event of a conflict between the SMP and any provision of Title 14 of the Lakewood Municipal Code, the SMP shall control.

Section 2. Shoreline Restoration Plan adopted. The City Council hereby adopts the 2019 City of Lakewood Shoreline Restoration Plan (“Restoration Plan”) dated April 22, 2019, which incorporates the required and recommended changes noted by the ECY, a copy of which is attached to this ordinance as Exhibit B and incorporated herein by this reference. A copy of said Restoration Plan shall be on file in the office of the City Clerk for public use and copies of this ordinance, together with copies of the Restoration Plan, shall be distributed and filed as required by law. In the event of a conflict between the Restoration Plan and any provision of the SMP or Title 14 of the Lakewood Municipal Code, the SMP shall control.

Section 3. Annual review of Restoration Plan activities established. The City Council hereby establishes a process for the Planning Commission to hold a meeting annually at which reports will be provided by organizations and individuals who have conducted shoreline restoration activities within the City, and the Commission will determine whether to recommend amendments to the Restoration Plan for Council consideration.

Section 4. Severability. If any sections, sentence, clause or phrase of this Ordinance shall be held to be invalid or unconstitutional by a court of competent jurisdiction, or its application held inapplicable to any person, property or circumstance, such invalidity or unconstitutionality or inapplicability shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this Ordinance or its application to any other person, property or circumstance.

Section 5. Effective Date. This ordinance shall take effect fourteen days following the date of a letter to the City of Lakewood from the Washington State Department of Ecology approving the SMP and Restoration Plan adopted by this ordinance.

PASSED by the City Council this 6th day of May, 2019.

CITY OF LAKEWOOD



Don Anderson, Mayor

Attest:



Briana Schumacher, City Clerk

Approved as to Form:



Heidi Ann Wachter, City Attorney