A Resolution of the Planning Advisory Board of the City of Lakewood recommending approval of various updates to the city’s Shoreline Master Program

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

WHEREAS, pursuant to Title 36.70A RCW, on July 10, 2000, the City adopted the City of Lakewood Comprehensive Plan (Plan) pursuant to the Growth Management Act (GMA); and on August 20, 2001, the City adopted a Land Use and Development Code (Chapter 18A of the Lakewood Municipal Code); and

WHEREAS, pursuant to Title RCW 36.70A, in 2004 the City Council adopted the City of Lakewood Critical Areas Ordinance (Lakewood Municipal Code Chapter 14A.142); and

WHEREAS, upon incorporation the City adopted Lakewood Municipal Code Section 14.00 through 14.134 regarding shorelines without using the required procedures of WAC 173-19 (later replaced by WAC 173-26); and

WHEREAS, since 1997 the City of Lakewood has utilized the Pierce County Shoreline Regulations (Title 20 of the Pierce County Code) and the Shoreline Master Plan dated March 4, 1974, pursuant to direction by the Department of Ecology and WAC 173-26-160; and

WHEREAS, RCW 90.58.080 and WAC 173-26-090 requires the City of Lakewood to review, and if necessary, update their Shoreline Master Program by December 1, 2011; and

WHEREAS, the Department of Ecology has provided the City with a $100,000 grant to perform its update pursuant to WAC 173-26; and

WHEREAS, the City retained AHBL Inc. (referred to as the Consultant) to produce all required documentation as listed within the grant provided by the Washington State Department of Ecology which includes a Public Participation Plan, Shoreline Inventory and Characterization Report, Shoreline Master Program, Cumulative Impact Analysis, and Restoration Plan; and

WHEREAS, the City held six public meetings with the public to solicit comments and concerns prior to the creation of the Shoreline Inventory and Characterization Report; and
WHEREAS, the City held two public meetings with the public in January 2011 for discussion on the draft of the original draft of the *Shoreline Master Program*, dated November 2010; and

WHEREAS, the City modified the original draft of the Shoreline Master Program (titled 1st Revision of the *Shoreline Master Program*), dated July 1, 2011; and

WHEREAS, the Planning Advisory Board held study sessions during August, September and October of 2011, to prepare for a public hearing in 2011; and

WHEREAS, the Planning Advisory Board held a formal public hearing on the proposed Shoreline Master Program on November 9, 2011; and

WHEREAS, the Planning Advisory Board held further study sessions in November and December 2011, and considered the public testimony received through the public hearing process, and deliberated on the proposed shoreline policies and regulations;

THEREFORE, BE IT RESOLVED that the Planning Advisory Board for the City of Lakewood does hereby recommend to the Lakewood City Council that the City’s shoreline master program be updated as follows:

1. The *City of Lakewood Shoreline Master Program*, prepared by AHBL Consultants dated January 13, 2012, be adopted and incorporated as an amendment to the Lakewood Municipal Code, with amendments as necessary to allow the replacement of the pre-existing pier/dock on Waughop Lake, and deletion of the reference to Footnote #2 for Water-enjoyment Recreation in the Conservancy column in Table 1.

2. That Section 14A.142.040 of the Lakewood Municipal Code be amended to read as follows:

**14A.142.040 - Applicability and Mapping**

   A. Applicability.

   This Title shall apply to all lands, land uses and development activity in the City which are designated as Critical Areas or Natural Resource Lands by the City, including wetlands. Properties containing critical areas or natural resource lands are subject to this Title. When the requirements of this Title are more stringent than those of other City codes and regulations, the requirements of this Title shall apply.

   Where a site contains two or more critical areas, the site shall meet the minimum standards and requirements for each identified critical area as set forth in this Title.
Critical areas on lands subject to the Washington State Shoreline Management Act (SMA) and regulated by the City’s shoreline management regulations shall be regulated under the shoreline provisions and are not subject to the procedural and substantive requirements of this Title. Nothing in this section, however, is intended to limit or change the quality of information to be applied in protecting critical areas within shorelines of the state. Shorelines of the state shall not be considered critical areas under this Title except to the extent that specific areas located within such shorelines qualify for critical area designation based on the definition of critical areas provided by RCW 36.70A.030(5) and have been designated as such by the City’s critical areas regulations.

If the City's shoreline regulations do not include land necessary for buffers for critical areas that occur within shoreline areas, then the City shall continue to regulate those critical areas and their required buffers pursuant to this Title.

B. Mapping.

Maps may be developed and maintained by the City which show the general location of critical areas for informational purposes. The actual presence of critical areas and the applicability of these regulations shall be determined by the classification criteria established for each critical area.

3. That Section 18A.02.502 of the Lakewood Municipal Code be amended to read as follows:

18A.2.502- Process Types - Permits

Permit Process Types. Permit applications for review pursuant to this section shall be classified as a Process I, Process II, Process III, or Process IV action. Process V actions are legislative in nature. Permit applications and decisions are categorized by process type as set forth in Table 3. The differences between the processes are generally associated with the different nature of the decisions and the decision-making body as described below.

TABLE 3: APPLICATION PROCESSING PROCEDURES

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<tbody>
<tr>
<td>Permits</td>
<td>Zoning</td>
<td>Administrative</td>
<td>Conditional Use;</td>
<td>Zoning Map</td>
<td>Generalized or</td>
</tr>
<tr>
<td>Certification; Building permit; Design Review; Sign permit; Temporary Sign permit; Accessory Living Quarters; Limited Home Occupation; Temporary Use; Manufactured or Mobile Home permit; Boundary Line Adjustments; Minor modification of Process II and III permits; Final Site Certification; Certificate of Occupancy; ***Sexually Oriented Business extensions</td>
<td>Uses; Short Plat; SEPA; Home Occupation; Administrative Variance; Binding Site Plans, Minor Plat Amendment, Major modification of Process II permits; Shoreline Conditional Use; Shoreline Variance; Shoreline Substantial Development Permits;</td>
<td>Major Variance; Preliminary Plat; Major Plat Amendment; Major modification of Process III permits; Shoreline Conditional Use; Shoreline Variance; Shoreline Substantial Development Permit when referred by the Shoreline Administrator; Public Facilities Master Plan</td>
<td>Amendments; Site-specific Comprehensive Plan map amendments; Specific Comprehensive Plan text amendments; Shoreline Redesignation, <strong>Final Plat</strong>; <strong>Development Agreement</strong>; <strong>No hearing required or recommendation made by Planning Advisory Board</strong>; comprehensive ordinance text amendments; Area-wide map amendments; Annexation; Adoption of new planning-related ordinances;</td>
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<td>Impacts</td>
<td>Minimal or no effect on others, so issuance of permit is not dependent on others</td>
<td>Application of the standards may require some knowledge of impacts and effect upon others</td>
<td>Potential significant effect on some persons or broad impact on a number of persons</td>
<td>Potential significant effect on some persons or broad impact on a number of persons</td>
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<tr>
<td>Notice &amp; Comment</td>
<td>Participation of applicant only</td>
<td>Nearby property owners invited to comment on an application</td>
<td>In addition to applicant, others affected invited to present initial information</td>
<td>In addition to applicant, others affected invited to present initial information</td>
<td>Anyone invited to present information</td>
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<tr>
<td>Recommendation</td>
<td>NA</td>
<td>NA</td>
<td>Community Development Department Staff</td>
<td>Planning Advisory Board, except for Final Plat and Development Agreement as noted **above</td>
<td>Planning Advisory Board</td>
</tr>
<tr>
<td>Decision-Making Body</td>
<td>Community Development Director</td>
<td>Community Development Director</td>
<td>Hearing Examiner</td>
<td>City Council</td>
<td>City Council</td>
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<tr>
<td>Appeal</td>
<td>Hearing Examiner Community Development Director's decision on</td>
<td>Hearing Examiner</td>
<td>Superior Court</td>
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4. That existing Sections 14.06 through 14.134 of the Lakewood Municipal Code regarding Shoreline Use Regulations be deleted in their entirety; and that regulation of shoreline development will instead be based on the shoreline master program update as recommended herein.

5. That Sections 18A.40.200 through 260 of the Lakewood Municipal Code regarding the Riparian Overlay (RO) zone be deleted in their entirety based on the finding that adequate and appropriate provisions for the preservation and protection of the functions of creeks and streams are provided through the City’s critical areas regulations (Lakewood Municipal Code Section 14A.142 et seq.) and the City’s shoreline master program as herein amended.

PASSED AND ADOPTED at a regular meeting of the Planning Advisory Board on February 1, 2012, by the following vote:

AYES: BOARDMEMBERS: Daniels, Brown, Zawilski, Coleman-Lacadie, Taylor

NAYS: BOARDMEMBERS: None

ABSENT: BOARDMEMBERS: Calta, Babbit

Don Daniels, Chairman
Planning Advisory Board

ATTEST:

Dan Catron, Principal Planner
A signed copy of this resolution is available upon request