

ORDINANCE NO. 1042

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LAKE FOREST PARK ADOPTING A SHORELINE MASTER PROGRAM FOR THE CITY OF LAKE FOREST PARK, AND AMENDING CHAPTER 16.18 OF THE LAKE FOREST PARK MUNICIPAL CODE.

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, portions of the City of Lake Forest Park that include shorelines of state-wide significance along Lake Washington were annexed into the City in the early 1990s; and

WHEREAS, pursuant to WAC 173-26-160, the annexed shoreline areas in Lake Forest Park continued to be governed by the King County Shoreline Master Program; and

WHEREAS, the City of Lake Forest Park ("City") is required to adopt and update its own Shoreline Master Program ("SMP") pursuant to the SMA and WAC 173-26; and

WHEREAS, on May 16, 2007 the City issued a Final Shoreline Analysis Report, an inventory and characterization of the city's shorelines to assess ecological functions and ecosystem-wide processes operating within the city's shoreline jurisdiction and to serve as a baseline from which future development actions in the shoreline jurisdiction will be measured; and

WHEREAS, there has been extensive public participation with respect to the SMP, including but not limited to the following: public meetings before the Lake Forest Park Planning Commission, a public workshop, and a public hearing; and

WHEREAS, the Mayor appointed a Shoreline Master Program Update Taskforce that included shoreline property owners and members of the Environmental Quality Commission and members of the Planning Commission; and

WHEREAS, Shoreline Master Program Update Taskforce began meeting on October 5th, 2006 and met 11 times before completing its review of the draft SMP and supporting studies on April 26th, 2007; and

WHEREAS, the Planning Commission began its review of a draft SMP in September of 2007 and completed it on March 11, 2008 after seven meetings; and

WHEREAS, the Planning Commission adopted Resolution 08-01 recommending that the Council considered the SMP and Restoration Plan for adoption; and

WHEREAS, the Lake Forest Park City Council appointed a subcommittee of the Council to review the SMP and recommend any revisions; and

WHEREAS, the Lake Forest Park City Council considered the SMP at study sessions and regular meetings on June 10, July 8, September 9, and September 23, 2010; and

WHEREAS, the Lake Forest Park City Council has concluded that implementation of the SMP will result in "no net loss" in shoreline ecological function relative to the baseline, and will ultimately produce a net improvement in shoreline ecological function; and

WHEREAS, the Lake Forest Park City Council concludes that the SMP is consistent with and meets the Guidelines established under WAC Chapter 173.26; and

WHEREAS, the Lake Forest Park City Council concludes that the SMP is consistent with and implements Shoreline Management Act (RCW 90.58 and the Growth Management Act (RCW 36.70); and

WHEREAS, a Determination of Non-significance was issued on the SMP by the City's State Environmental Policy Act responsible official on August 25th, 2010; and

WHEREAS, the City Council adopted Resolution No. 1225 on October 18, 2010 authorizing submittal of the Shoreline Master Program (SMP) to Ecology for review; and

WHEREAS, Ecology began the agency's review process by providing an initial public comment period for the SMP that opened February 25, 2011 and closed March 28, 2011; and

WHEREAS, Ecology provided notice for a second comment period from July 22, 2011 through August 22, 2011 in response to public comment suggesting that sufficient notice was not provided during the first comment period; and

WHEREAS, Ecology submitted a September 12, 2011 letter to the City summarizing the key issues from all the public comments; and

WHEREAS, the City provided Ecology with a response to these comments on December 9, 2011; and

WHEREAS, On April 12, 2012, the Department of Ecology approved the Lake Forest Park Shoreline Master Program (SMP), conditioned on several required changes thereto; and

WHEREAS, On June 28, 2012, the Council reviewed the required amendments and set a public hearing on the draft SMP for July 26, 2012 for consideration of the adoption of the SMP; and

WHEREAS, at the July 26, 2012 public hearing, various citizens requested more time to considering the new regulations prior to adoption and the Council directed the Administration to hold an open house prior to the adoption of the SMP; and

WHEREAS, the open house was held on October 17, 2012 and was attended by at least twenty citizens, most whom were waterfront property owners; and

WHEREAS, the City staff and consultant met with an Ecology representative in December of 2012 and discussed amendments to Ecology's required changes in response to citizen comments from the open house; and

WHEREAS, the proposed SMP was sent to the Washington State Department of Commerce in accordance with RCW 36.70A.106 and acknowledged by Commerce as having been received on August 2, 2010 signifying that the City had met the Growth Management Act notice to state agency requirements in RCW 36.70A.106 for this submittal; and

WHEREAS, the City Council wishes to adopt the the SMP along with the changes required by the Department of Ecology;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF LAKE FOREST PARK DO ORDAIN AS FOLLOWS:

Section 1. Shoreline Master Program Adopted. The City Council hereby adopts the City of Lake Forest Park Shoreline Master Program as set forth in the eight chapters and two appendices of Attachment A hereto.

Section 2. Chapter 16.18 LFPMC Amended. Chapter 16.18 of the Lake Forest Park Municipal Code is hereby amended to read as follows:

**Chapter 16.18
SHORELINE MASTER PROGRAM**

Sections:

16.18.010 Shoreline Master Program adopted.

16.18.020 Uses and development in shoreline shall comply with SMP.

16.18.010. Shoreline Master Program adopted.

The 2012 Lake Forest Park Shoreline Master Program, as shown in Attachment A to Ordinance No. 1042, and as may be amended from time to time in the future in accordance with the Washington Shoreline Management Act (RCW 90.58), is hereby adopted by reference and is hereinafter referred to as the Lake Forest Park SMP.

16.18.020. Uses and development in shoreline shall comply with SMP.

As set forth in more detail in Section 6.2. of the SMP, all shoreline uses, development and shoreline modification activities, including those that do not require a shoreline substantial development permit, shall conform to and comply with the intent, policies, and regulations of the SMP, including but not limited to the SMP's Shoreline Management Goals, Shoreline Environment Designation provisions (including the environment designation map), General

Regulations, Specific Shoreline Use Policies and Regulations, and Shoreline Modification Activity Regulations. Environmentally sensitive areas within the shoreline management area jurisdiction are regulated by the City of Lake Forest Park Environmentally Sensitive Areas Regulations for the Shoreline Management Area set forth in the SMP's Appendix A. The provisions of Chapter 16.16 of the Lake Forest Park Municipal Code do not apply to environmentally sensitive areas within the shoreline management area jurisdiction.

Section 3. Severability. If any section, sentence, clause or phrase of this ordinance should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this ordinance.

Section 4. Publication and Effective Date. This ordinance or a summary thereof consisting of the title shall be published in the official newspaper of the City, and shall take effect and be in full force five (5) days after passage and publication.

Section 5. Corrections by City Clerk or Code Reviser. Upon approval of the City Attorney, the City Clerk and the code reviser are authorized to make necessary corrections to this ordinance, including but not limited to the correction of clerical errors; references to other local, state or federal laws, codes, rules, or regulations; or ordinance numbering and section/subsection numbering.

PASSED BY A MAJORITY VOTE of the members of the City of Lake Forest Park City Council on 23rd day of May, 2013 and signed into authentication this 24th day of May, 2013.

APPROVED:



Mary Jane Goss, Mayor

ATTESTED



Evelyn Jahed, Deputy City Clerk