Ordinance No. 3458

(Amending or Repealing Ordinances)

CFN=472 – Shoreline Master Program
Passed 5/4/1999
Shoreline Master Program

Repeals Ord 3056 in its entirety

{SHORELINE MASTER PROGRAM MANUAL IS IN COUNCIL FILE "#472 1990-PRESENT"}

Repealed by Ord. 3931 in its entirety
ORDINANCE NO. 3458

AN ORDINANCE of the City Council of the City of Kent, Washington, repealing Chapter 11.04 of the Kent City Code and enacting a new Chapter 11.04 to adopt by reference the new Shoreline Master Program as approved and enacted by the Department of Ecology; and further amending the City of Kent’s comprehensive plan to include the goals and policies of the Shoreline Master Program as an element of the comprehensive plan.

WHEREAS, the Washington state legislature has mandated that the City of Kent develop a Shoreline Master Program pursuant to the Shoreline Management Act, Ch. 90.58 RCW; and

WHEREAS, the Shoreline Management Act authorizes the Department of Ecology to adopt, approve, amend, and adjust the City’s Shoreline Master Program; and

WHEREAS, RCW 36.70A.480 states that the goals and policies of a local Shoreline Master Program shall be considered an element of a local government’s comprehensive plan and that all other portions of the Shoreline Master Program, including use regulations, shall be considered part of a local government’s development regulations; and

WHEREAS, the City of Kent amended its Shoreline Master Program in conjunction with a grant from the Washington State Department of Ecology and pursuant to a scope of work outlined in a grant agreement between the City and the Department of Ecology; and
WHEREAS, on December 14, 1998, the Land Use and Planning Board held a public hearing to consider amendments to the Shoreline Master Program and comprehensive plan; and

WHEREAS, on February 2, 1999, the City Council approved amendments to the City's Shoreline Master Program which were submitted to the Department of Ecology for review and approval; and

WHEREAS, after providing all required public notice and after conducting all required public hearings, the Department of Ecology has approved the City of Kent’s latest revisions to its Shoreline Master Program; and

WHEREAS, the City’s latest revision became effective under the Department of Ecology's rule making authority pursuant to Ch. 90.58 RCW and WAC 173-26 on April 20, 1999; NOW, THEREFORE,

THE CITY COUNCIL OF THE CITY OF KENT, WASHINGTON, DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1. Chapter 11.04 of the Kent City Code entitled “Shoreline Master Program” is hereby repealed in its entirety.

SECTION 2. There is hereby established a new Chapter 11.04 of the Kent City Code entitled “Shoreline Master Program” to read as follows:

Chapter 11.04 Shoreline Master Program

Sec. 11.04.010. Adopted. The City’s Shoreline Master Program, including provisions related to permit processing and enforcement, as approved and enacted by the State Department of Ecology pursuant to Chapter 90.58, RCW and Chapter 173-26, WAC, is hereby incorporated by reference, as authorized by RCW 35A.12.140, as if fully set forth herein. A copy of the Shoreline Master Program shall be filed with the City
Clerk and be made available for public inspection at the City Clerk’s Office and at the City Planning Department.

**SECTION 3.** Pursuant to RCW 36.70A.480, the City of Kent comprehensive plan is hereby amended to include the goals and policies of the City’s Shoreline Master Program as an element of the comprehensive plan.

**SECTION 4. - Severability.** If any one or more sections, subsections, or sentences of this Ordinance are held to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portion of this Ordinance and the same shall remain in full force and effect.

**SECTION 5. - Effective Date.** This Ordinance shall take effect and be in force thirty (30) days from and after its passage, approval, and publication as provided by law.

[Signature]

JIM WHITE, MAYOR

ATTEST:

BRENDA JACOBER, CITY CLERK, DEPUTY

APPROVED AS TO FORM:

ROGER A. LUBOVICH, CITY ATTORNEY
PASSED: 4th day of MAY, 1999.

APPROVED: 5th day of MAY, 1999.

PUBLISHED: 7th day of MAY, 1999.

I hereby certify that this is a true copy of Ordinance No. 3458, passed by the City Council of the City of Kent, Washington, and approved by the Mayor of the City of Kent as hereon indicated.

DONNA SWAW (SEAL)

BRENDA JACODER, CITY CLERK,

DONNA SWAW, DEPUTY