AN ORDINANCE of the City Council of the City of Kent, Washington, repealing Ordinance No. 3458 and adopting a new Shoreline Master Program to be approved by the Washington State Department of Ecology; and further amending the City of Kent's Comprehensive Plan to include the goals and policies of the updated Shoreline Master Program as the Shoreline Element of the Comprehensive Plan and making other Comprehensive Plan amendments in accord with the updated Shoreline Master Program.

RECITALS

A. The Washington State Legislature has mandated that the City of Kent update its Shoreline Master Program (SMP) pursuant to the Shoreline Management Act, Chapter 90.58 RCW, and the Shoreline Master Program Guidelines, WAC 173-26.

B. The Shoreline Management Act is a cooperative program between local governments and the state, and is administered by the Washington State Department of Ecology, who must review and approve all SMPs. SMP's govern properties 200 feet landward of each shoreline's ordinary high water mark and are intended to balance use and protection of shorelines. Shorelines consist of lakes greater than 20 acres in size as

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well as streams and rivers with flows greater than 20 cubic feet per second.

C. The Growth Management Act in RCW 36.70A.480 provides that the goals and policies of a local SMP shall be considered an element of a local government's comprehensive plan. Comprehensive plans are allowed to be amended outside of the annual amendment process if the amendment is the adoption or amendment of an SMP, as we have in this case.

D. The City's State Environmental Policy Act (SEPA) responsible official issued a Determination of Nonsignificance on July 18, 2009 for this update to the SMP and amendment to the Comprehensive Plan. A draft version of the SMP update was also submitted to the Washington State Department of Community, Trade, and Economic Development on May 29, 2009. The 60 day notification period, per RCW 36.70A.106, has now lapsed.

E. The SMP update has involved extensive public participation. Such participation included formation of a Citizens' Advisory Committee that met monthly with staff to review the draft SMP; a Lake Meridian community meeting on June 9, 2008; two public open houses on October 2, 2008 and February 9, 2009; and solicitation of comments from parties of record, agencies, interest groups, tribes and adjacent jurisdictions. The Land Use and Planning Board discussed the SMP at its workshops on February 25, 2008, February 9 and June 22, 2009. The Board also held public hearings on July 27 and August 10, 2009. The Planning and Economic Development Committee considered the SMP at meetings on March 10, 2008; February 9, July 13, and August 24, 2009.
F. The Shoreline Management Act authorizes the Department of Ecology to adopt, approve, amend and adjust the City’s SMP.

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

ORDINANCE

SECTION 1. - Repealed. Ordinance No. 3458 of the City of Kent, enacting a Shoreline Master Program, adopted on May 4, 1999, is hereby repealed.

SECTION 2. - Adopt. The City hereby approves and adopts the updated Shoreline Master Program as set forth in Exhibit “A” attached and incorporated by this reference.

SECTION 3 - Amendment. Pursuant to RCW 36.70A.480, the City of Kent Comprehensive Plan is hereby amended to replace, in its entirety, Appendix C, “1999 Kent Shoreline Master Program – Goals & Policies,” with “Chapter 13, Shoreline Element,” containing the policies of the updated Shoreline Master Program as set forth in Exhibit “B” attached and incorporated by this reference. The Comprehensive Plan is also amended as set forth in Exhibit “C” attached and incorporated herein to reflect provisions in the updated SMP such as the addition of water bodies to SMP jurisdiction.

SECTION 4. - Savings. The existing Shoreline Master Program, which is repealed and replaced by this ordinance, shall remain in full force and effect until the effective date of this ordinance.

SECTION 5. - Severability. If any one or more sections,
subsection, 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 6. - Effective Date.** The effective date of the approved Shoreline Master Program is dependent on approval by the Washington State Department of Ecology per WAC 173-26-120(7), but shall in no event be sooner than thirty (30) days from and after the date of passage of this ordinance.

![Signature]

SUZETTE COOKE, MAYOR

ATTEST:

![Signature]

BRENDA JACOBER, CITY CLERK

APPROVED AS TO FORM:

![Signature]

TOM BRUBAKER, CITY ATTORNEY

PASSED: 15 day of September, 2009.

APPROVED: 15 day of September, 2009.

PUBLISHED: 19 day of September, 2009.

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I hereby certify that this is a true copy of Ordinance No. 3731 passed by the City Council of the City of Kent, Washington, and approved by the Mayor of the City of Kent as hereon indicated.

BRENDA JACOBER (SEAL)
BRENDA JACOBER, CITY CLERK