ORDINANCE NO. 21-3970

AN ORDINANCE OF THE CITY OF KELSO, WASHINGTON AMENDING KELSO MUNICIPAL CODE CHAPTER 17.30 AND AMENDING THE SHORELINE MANAGEMENT PROGRAM (SMP) TO UPDATE PROVISIONS OF THE KELSO SMP, SMP APPENDIX C, SMP APPENDIX E AND ASSOCIATED SMP PERIODIC REVIEW CHECKLIST, AS DETERMINED BY PERIODIC UPDATE

WHEREAS, the City has undertaken a periodic review of the Kelso regulations for shorelines areas and associated wetlands; and

WHEREAS, the Kelso Planning Commission considered the updates in the fall of 2021 and held a public hearing on August 10, 2021 and September 14, 2021, and has recommended to the City Council to amend the Kelso Municipal Code as set forth in this ordinance; and

WHEREAS, the City has issued a determination of non-significance under the State Environmental Policy Act regarding the proposed changes and has addressed all comments received;

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

Section 1. Public Interest. The Kelso City Council finds it to be in the public interest to adopt these amendments to the City's Shoreline Master Program ordinance to protect and maintain shorelines and wetland areas within the City.

Section 2. Amending KMC 17.30.010.

A. In 2016 the Washington State Department of Ecology approved an updated shoreline master program for the city of Kelso in accordance with the provisions of Chapter 90.58 RCW. This shoreline master program, as may be hereinafter periodically amended or updated as required under Chapter 90.58 RCW, is hereby adopted and the most recent amended shoreline master program as approved by the City Council and the Department of Ecology shall regulate development. This updated shoreline master program governs all new development activities and uses within two hundred feet of the ordinary high water mark and associated wetlands of the following bodies of water:

1. Columbia River;
2. Cowlitz River;
3. Coweeman River; and
4. Owl Creek.
Section 3. The City Council hereby adopts an amended Shoreline Master Program, Appendix C, Appendix E and associated SMP Periodic Review Checklist, all of which are attached hereto as Exhibit A and incorporated fully by this reference.

Section 4. **Corrections.** The City Clerk and the codifiers of this ordinance are authorized to make necessary clerical corrections to this ordinance including, but not limited to, the correction of scrivener's/clerical errors, references, ordinance numbering, section/subsection numbers and any references thereto.

Section 5. **Severability.** Any provision of this ordinance or its application to any person, legal entity, or circumstance is held invalid; the remainder of the ordinance or its application to other persons, legal entities, or circumstances is not affected.

Section 6. **Effective Date.** This ordinance shall be in full force and effect five (5) calendar days after adoption and publication pursuant to law.

ADOPTED by the City Council and SIGNED by the Mayor this 16th day of November, 2021.

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MAYOR

Nancy Malone

ATTEST/AUTHENTICATION:

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CITY CLERK

APPROVED AS TO FORM:

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CITY ATTORNEY

PUBLISHED: Nov. 20, 2021