

Ordinance No. 3282

["Beginning July 1, 1998"]

(Amending or Repealing Ordinances)

CFN=786 – SEPA
Passed – 3/19/1996
Environmental Review

Amended by Ord. 3573
Amended by Ord. 3746

ORDINANCE NO. 3282

*Amends Ords
2494, 2511,
2547 + 2818*

AN ORDINANCE of the City Council of the City of Kent, Washington, amending Section 11.03.510(D)(3) of the Kent City Code to update the policies which provide additional bases for conditioning a proposal subject to environmental review under Chapter 11.03 Kent City Code.

WHEREAS, the State Environmental Policy Act (SEPA) authorizes cities to place conditions on a Declaration of Nonsignificance; and

WHEREAS, pursuant to RCW 43.216.060 the authority to place conditions on a proposal must be based upon policies identified by the governmental authority and incorporated into regulations, plans, or codes; and

WHEREAS, the policies identified by the City of Kent are set forth as code provisions under Section 11.03.510 Kent City Code; and

WHEREAS, subsequent changes in law and policy have made it necessary to update the policies set forth in Section 11.03.510(D)(1)(a)-(z); NOW, THEREFORE,

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

SECTION 1. Section 11.03.510(D)(3) of the Kent City
Code is hereby amended as follows:

Sec. 11.03.510. Substantive authority.

A. The policies and goals set forth in this chapter are
supplementary to those in the existing authorization of the city.

B. The city may attach conditions to a permit or approval
for a proposal so long as:

1. Such conditions are necessary to mitigate specific
probable significant adverse environmental impacts
identified in environmental documents prepared pursuant
to this chapter;
2. Such conditions are in writing;
3. The mitigation measures included in such conditions are
reasonable and capable of being accomplished;
4. The city has considered whether other local, state, or
federal mitigation measures applied to the proposal are
sufficient to mitigate the identified impacts; and
5. Such conditions are based on one (1) or more laws or

regulations as provided in chapter 11.03 and subsection D. of this section and identified in writing in the license or other decision document.

C. The city may deny a permit or approval for a proposal on the basis of state environmental policy act so long as:

1. A finding is made that approving the proposal would result in probable significant adverse environmental impacts that are identified in a final environmental impact statement or final supplementary environmental impact statement prepared pursuant to this chapter;
2. A finding is made that there are no reasonable mitigation measures capable of being accomplished that are sufficient to mitigate the identified impact; and
3. The denial is based on one (1) or more policies identified in subsection D. below and identified in writing in the license or other decision document.

D. The city designates and adopts by reference the following additional policies as the basis for the city's exercise of authority pursuant to this section:

1. The city shall use all practicable means, consistent with other essential considerations of state policy, to improve and coordinate plans, functions, programs and resources to the end that the state and its citizens

may:

- a. Fulfill the responsibilities of each generation as trustee of the environment for succeeding generations;
- b. Assure for all people of the state safe, healthful, productive and aesthetically and culturally pleasing surroundings;
- c. Attain the widest range of beneficial uses of the environment without degradation, risk to health or safety or other undesirable and unintended consequences;
- d. Preserve important historic, cultural and natural aspects of our national heritage;
- e. Maintain, wherever possible, an environment which supports diversity and variety of individual choice;
- f. Achieve a balance between population and resource use which will permit high standards of living and a wide sharing of life's amenities; and
- g. Enhance the quality of renewable resources and approach the maximum attainable recycling of depletable resources.

2. The city recognizes that each person has a fundamental and inalienable right to a healthful environment and that each person has a responsibility to contribute to the preservation and enhancement of the environment.
3. The city adopts by reference the policies in the following city codes, ordinances, and resolutions:
 - a. The citywide comprehensive plan as prepared and adopted pursuant to the State Growth Management Act and adopted on April 18, 1995 by the Kent City Council by Ordinance 3222 (~~resolution 817~~) and its specific components, and elements including but not limited to the east hill plan (resolution number 972), the west hill plan (resolution 1016), the city central business district plan (resolution number 764), and the valley floor comprehensive plan (resolution numbers 873 and 924), and as amended including all amendments thereto.
 - b. Shoreline master program (~~resolution number 907~~) as adopted by the Washington State Department of Ecology on June 16, 1992 and as adopted by the Kent City Council on July 21, 1992 by Ordinance 3056 and including all amendments thereto.
 - c. The surface water and drainage code, Kent City Code chapter 707 and including all amendments thereto.

- d. Underground installation of electrical or communications facilities, underground requirements, chapter 7.07 Kent City Code chapter 7.10. and including all amendments thereto.
- e. Transportation master plan (resolution number 1014 and amended by resolution 1032) and Green River Valley transportation action plan (resolution number 1127) and including all amendments thereto.
- f. Wastewater facilities master plan, Kent City Code chapter 7.09 and including all amendments thereto.
- g. Comprehensive water plan (ordinance numbers ~~2369~~ 2829 and ~~2329~~ 2960) and conservation element resolution 1361 and including all amendments thereto.
- h. Construction standards for public works, Kent City Code sections 6.02.010 and 6.02.020 (ordinance 3117) and including all amendments thereto.
- i. Street use requirements, Kent City Code chapter 6.07 and including all amendments thereto.
- j. Flood hazard protection, Kent City Code, chapter 14.07 9 and including all amendments thereto.
- k. Subdivisions Kent City Code chapter 12.04 and

including all amendments thereto.

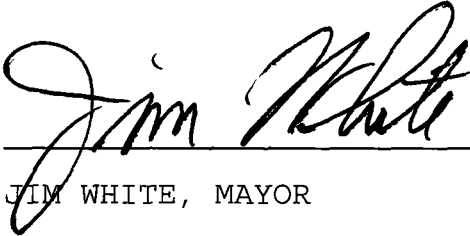
- l. Mobile home parks, Kent City Code chapter 12.05 and including all amendments thereto.
- m. Valley studies (as adopted by resolution numbers 920, 921, 923 and 924).
- n. Noise control, Kent City Code chapter 8.05 and including all amendments thereto.
- o. State building code, together with local implementing ordinances, title 13 4 including all amendments thereto.
- p. State fire code, together with the local implementing ordinances, title 13 and including all amendments thereto.
- q. Zoning, Kent City Code title 15 and including all amendments thereto.
- r. Recreational vehicle park ~~code~~, Kent City Code chapter 12.06 and including all amendments thereto.
- s. Water shortage emergency regulations, Kent City Code chapter 7.13 and water conservation ordinance 2227 and including all amendments thereto.

- ~~t.~~ ~~Comprehensive park and recreation system plan,~~
~~chapter 6.10.~~
- † t. Required public improvements, Kent City Code
chapters 6.02 and 6.03 and including all
amendments thereto.
- ‡ u. Storm and surface water utility, Kent City Code
chapter 7.05 and including all amendments thereto.
- ‡ y. Storm drainage policies (~~resolution numbers 920~~
~~and 937~~ ordinance number 2547) and including all
amendments thereto.
- × w. Six-year transportation improvement plan
(resolution number ~~1020~~ 1444 and including all
amendments thereto.
- ‡ x. Comprehensive sewerage plan (resolution number
915) and including all amendments thereto.
- ‡ y. Fire master plan (ordinance number 2511) and
including all amendments thereto.
- z. Wetlands Management (ordinance 3109) and including
all amendments thereto.

SECTION 2. Severability. If any one or more sections,
sub-sections or sentences of this chapter are held to be

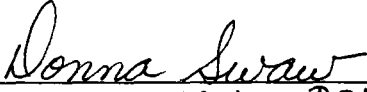
unconstitutional or invalid, such decision shall not affect the validity of the remaining portion of this Ordinance and the same shall remain in full force and effects.

SECTION 3. 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.

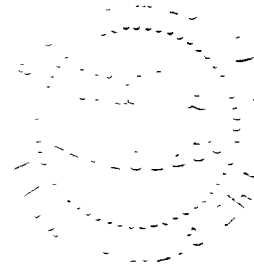


JIM WHITE, MAYOR

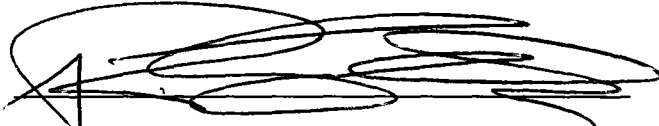
ATTEST:



DONNA SWAW DEPUTY
~~BRENDA JACOB~~, CITY CLERK



APPROVED AS TO FORM:



ROGER A. LUBOVICH, CITY ATTORNEY

PASSED 19 day of March, 1996.

APPROVED 20th day of March, 1996.

PUBLISHED 22nd day of March, 1996.

I hereby certify that this is a true copy of Ordinance No. 3282, 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 JACOB~~, CITY CLERK, ~~DEPUTY~~
DONNA SWAW

