

Ordinance No. 3573

["Beginning July 1, 1998"]

(Amending or Repealing Ordinances)

CFN=786 – SEPA
Passed – 9/18/2001
Endangered Species Act

Amends Ords. 2494;2511;3547;2818;3282
Amended by Ord. 3746

ORDINANCE NO. 3573

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 include Resolution No. ~~1605~~ which addresses impacts of development in relation to the Endangered Species Act, under the City's substantive State Environmental Policy Act authority.

WHEREAS, the State Environmental Policy Act ("SEPA") authorizes cities to place mitigating conditions on certain development proposals; and

WHEREAS, pursuant to RCW 43.21C.060, the City's substantive 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 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)(3) by adding a new subsection 11.03.510(D)(3)(aa) regarding Endangered Species Act ("ESA") mitigation measures; 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 by adding a new subsection (aa) to read as follows:

Sec. 11.03.510. Substantive authority.

.....

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:

.....

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 and its specific components and elements, and including all amendments thereto.

b. Shoreline master program 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, Ch. 7.07 KCC and including all amendments thereto.

d. Underground installation of electrical or communications facilities, Ch. 7.10 KCC and including all amendments thereto.

e. Transportation master plan (Resolution 1014 and amended by Resolution 1032) and Green River Valley transportation action plan (Resolution 1127) as may hereafter be amended and including all amendments thereto.

- f. Wastewater facilities master plan, Ch. 7.09 KCC and including all amendments thereto.
- g. Comprehensive water plan (Ordinances 2829 and 2960) and conservation element Resolution 1361 and including all amendments thereto.
- h. Construction standards for public works, KCC 6.02.010 and 6.02.020 (Ordinance 3117) and including all amendments thereto.
- i. Street use permit requirements, Ch. 6.07 KCC and including all amendments thereto.
- j. Flood hazard protection, Ch. 14.09 KCC and including all amendments thereto.
- k. Subdivisions, Ch. 12.04 KCC and including all amendments thereto.
- l. Mobile home parks, Ch. 12.05 KCC and including all amendments thereto.
- m. Valley studies (as adopted in Resolutions 920, 921, 922, 923, and 924).
- n. Noise control, Ch. 8.05 KCC and including all amendments thereto.
- o. State building code, together with the local implementing ordinances, KCC Title 14 and including all amendments thereto.
- p. State fire code, together with the local implementing ordinances, KCC Title 13 and including all amendments thereto.
- q. Zoning, KCC Title 15 and including all amendments thereto.
- r. Recreational vehicle park, Ch. 12.06 KCC and including all amendments thereto.
- s. Water shortage emergency regulations, Ch. 7.13 KCC and Water Conservation Ordinance 2227 and including all amendments thereto.
- t. Required public improvements, Chs. 6.02 and 6.03 KCC and including all amendments thereto.

u. Storm and surface water drainage utility, Ch. 7.05 KCC and including all amendments thereto.

v. Storm drainage policies (Ordinance 2547) and including all amendments thereto.

w. Six (6) year transportation improvement plan (Resolution 1444) and including all amendments thereto.

x. Comprehensive sewerage plan (Resolution 915) and including all amendments thereto.

y. Fire master plan (Ordinance 2511) and including all amendments thereto.

z. Wetlands management (Ordinance 3109) and including all amendments thereto.

aa. Endangered Species Act development policies (Resolution No. 1605), including all amendments.

SECTION 2. – Severability. If any one or more section, 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 3. – Effective Date. This ordinance shall take effect and be in force thirty (30) days from and after passage as provided by law.

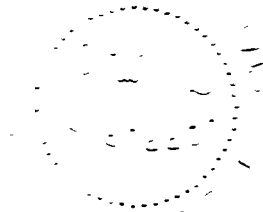


JIM WHITE, MAYOR


ATTEST:



BRENDA JACOBER, CITY CLERK



APPROVED AS TO FORM:


ROGER LUBOVICH, CITY ATTORNEY

PASSED: 18 day of September, 2001.

APPROVED: 18 day of September, 2001.

PUBLISHED: 22 day of September, 2001.

I hereby certify that this is a true copy of Ordinance No. 3573
passed by the City Council of the City of Kent, Washington, and approved by the
Mayor of the City of Kent as hereon indicated.

 (SEAL)
BRENDA JACOBER, CITY CLERK

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