AN ORDINANCE of the City of Kent, Washington, relating to Ordinance 2718, Environmental Review and Community Impact Mitigation permits, and amending Section 4.19.050 of the Kent City Code Chapter, and adding Section 4.9.095 to the Kent City Code.

WHEREAS, the Kent City Council adopted Ordinance No. 2718 to adequately assess and recover costs of processing permit applications, reviewing cleanup plans and analyzing community/environmental impacts relating to solid waste and hazardous waste disposal sites and the siting of solid waste energy resource/recovery facilities in the City of Kent through an integrated and comprehensive permit system; and

WHEREAS, required cleanups at solid waste and hazardous waste sites often involve emergency remedial measures within critical time frames that do not necessarily involve traditional land use development activities; and

WHEREAS, the Kent City Council has determined that a single, annual permit system will expedite environmental cleanup and siting review, facilitating federal, state, and local coordination of cleanups and facility siting; and

WHEREAS, Ordinance No. 2718 provides for the consolidation of substantive and procedural municipal requirements of the City to undertake such activity; and

WHEREAS, substantive and procedural City requirements relating to land use and zoning may interfere with or adversely delay required remedial cleanups through strict application of such requirements; NOW, THEREFORE,

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

Section 1. City Council finds that the traditional application of substantive and procedural land use requirements by
the City may interfere with and adversely affect remedial cleanup activities of solid waste and hazardous waste sites in the City of Kent. To expedite such cleanups and to meet critical time frames which may be necessary on a case by case basis involving potential hazardous and immediate impacts to public's health, safety and welfare, including the environmental health of the community, the Council finds that a system for waiving substantive and procedural land-use requirements for such development activities is necessary for the protection of the public's health, safety and welfare.

Section 2. The City Council further finds that provisions for a system for integrating and waiving substantive and procedural land use requirements for undertaking such required cleanups should be exercised through an application process designed to facilitate remedial cleanups of solid waste and hazardous waste facilities. Such a system shall utilize existing environmental review and community impact application procedures set forth in Kent City Code now or hereinafter amended. The Council further finds that administration of this Ordinance shall be coordinated by the Public Works and Planning Departments.

Section 3. Chapter 4.19 of the Kent City Code is amended to read as follows:

4.19.050. INCORPORATION OF OTHER PERMIT REQUIREMENTS.

A. An application for a permit issued under this Chapter shall constitute an application for all required permits and licenses otherwise required by the City; provided however, that every permit issued by the Public Works and Planning Departments under the provisions of this Chapter shall not excuse compliance of other substantive and procedural requirements of the Kent City Code.

B. An application made under this Chapter by the applicant shall be routed to the Planning, Code Enforcement, and other appropriate departments for consolidated permit review by a permit committee co-chaired by the Directors of Public Works and Planning or designees for review and comment.
C. Upon such review, the Director of the Planning Department is authorized to waive, in part or in whole, substantive and procedural requirements of Title 15 of the Kent City Code relating to zoning and land use upon an evaluation of the following criteria:

1. Adverse impact of substantive and procedural land use requirements upon overall cleanup project feasibility, including project costs, ability of federal, state and local enforcement agencies or owner, including project contractor, to meet cleanup deadlines and schedules, and ability of owner or project contractor to meet required performance standards for cleanup.

2. Duration of cleanup activities at the cleanup site.

3. The nature of cleanup activities undertaken at the cleanup site, including the existence of an imminent or threatened release of hazardous waste into the environment and immediate need to prevent or minimize the release of hazardous waste which may cause a substantial danger to the public health or environment.

4. The degree to which such land use and zoning requirements present unusual hardships and practical difficulties inconsistent with the purposes sought in a government required cleanup of a solid waste or hazardous waste site from the strict application of such land use and zoning requirements.

5. Actual conflict of any local substantive or procedural land use requirements with federal or state requirements.
D. The Planning Director may grant waivers of the above described provisions in whole or in part for the period of the permit but, in any event, not to exceed one year. Waiver renewals may thereafter be requested by an applicant in any successive permit applications submitted to the City under this Chapter.

Section 4. The Kent City Code Chapter 15.09 is amended to create a new section as follows:

15.09.095. CLEANUP OF SOLID WASTE AND HAZARDOUS WASTE FACILITIES.

Application of land use and zoning code regulations contained in Kent City Code Chapter 15.04, off-street parking and loading requirements of Kent City Code Chapter 15.05, landscaping regulations of Kent City Code Chapter 15.07, general and supplemental provisions of Kent City Code Chapter 15.08 and administration provisions of Kent City Code Chapter 15.09 relating to development plan review, zoning permits, and conditional uses relating to the required cleanup of solid waste and hazardous waste facilities under this chapter shall be governed under procedures and requirements as set forth in Kent City Code Section 4.19.050.

Section 5. Any act consistent with the authority and prior to the effective date of this ordinance is hereby ratified and confirmed.

Section 6. Effective Date. This ordinance shall take effect and be in force five (5) days from and after its passage, approval and publication as provided by law.

Section 7. The Provisions of this Ordinance are declared to be separate and severable. The invalidity of any clause, sentence, paragraph, subdivision, section or portion of this Ordinance, or the invalidity of the application thereof to any person or circumstance shall not affect the validity of the remainder of the Ordinance, or the validity of its application to
other persons or circumstances.

ATTEST:

BRENDA JACOBER, DEPUTY CITY CLERK

APPROVED AS TO FORM:

SANDRA DRISCOLL, CITY ATTORNEY

PASSED the 15 day of Sept, 1987.
APPROVED the 16 day of Sept, 1987.
PUBLISHED the 18 day of Sept, 1987.

I hereby certify that this is a true copy of Ordinance No. 2745, 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, DEPUTY CITY CLERK

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