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05-21-86

CITY OF BELLEVUE, WASHINGTON

ORDINANCE NO. 3658

AN ORDINANCE regarding a methane collection facility in the vicinity of the former Eastgate landfill site; declaring a limited public emergency; exempting the proposed collection facility from notice and appeal processes of the Bellevue Land Use Code, Clearing and Grading Code and Building Code; and designating this ordinance as a public emergency ordinance necessary for the protection of the public health and safety.

THE CITY COUNCIL OF THE CITY OF BELLEVUE, WASHINGTON, DOES ORDAIN AS FOLLOWS:

Section 1. The City Council hereby finds and determines:

A. Recent studies indicate that methane gas is migrating underground from the area of the former Eastgate landfill to surrounding areas. The former landfill is located within a larger site owned by the Boeing Company and occupied, in part, by the Boeing Computer Center. Tests by Boeing indicate that the highest concentrations of methane are migrating laterally to the east and southeast of the former landfill in a relatively confined geologic strata. Stabilized concentrations along the eastern perimeter of the Boeing site range from 0% to 37% at a depth of 26 feet below the surface.

B. Methane is a colorless, odorless gas produced by decaying organic matter. It is potentially explosive in concentrations between 5% and 15%.

C. Tests in nearby residential areas have not detected methane at surface levels. The methane is therefore not presently an imminent threat to human life. However, on-site concentrations are, in some cases, at potentially explosive levels and migration is apparently an ongoing process. The existing situation therefore represents a substantial potential risk to public health and safety that should be remedied as expeditiously as possible. The King County Health Department concurs with this determination.

D. The Boeing Company has proposed installation of a methane collection system on the site. This system would collect and pump methane from underground and destroy it by a controlled combustion chamber. The King County Health Department and the City of Bellevue concur with this remedial proposal.

E. Construction of the collection system should proceed as

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expeditiously as possible to avoid the continuing migration of methane. The movement of methane increases as barometric pressures decrease. The facility should therefore be constructed prior to the winter months, which are characterized by lower barometric pressures. Construction can also be accomplished most efficiently during the upcoming dry season.

F. The proposed system requires various permits and approvals from the City, including a clearing and grading permit, building permit and design review approval. The processes for obtaining these permits and approvals involve, in some cases, notice periods prior to City action and/or appeal periods subsequent to City action. These processes could extend by many months the time for obtaining the necessary permits and approvals and, therefore, the time for undertaking construction.

G. The public health, safety and welfare require that the project proceed immediately and without the potential procedural delays that existing code requirements regarding notice and appeal could cause. The public benefit in the expeditious construction of the project outweighs any public benefit in maintaining in effect those procedural provisions.

Section 2. Based upon the above findings, the City Council concludes that it is necessary in the interest of the public health, safety and welfare to exempt the proposed methane collection system in the vicinity of the former Eastgate landfill site from the notice and appeal provisions of the Bellevue City Code, as provided in Section 3 hereof.

Section 3. The proposed methane collection system for the vicinity of the Eastgate landfill site is hereby exempted from and shall not be subject to any notice or administrative appeal provisions of the Bellevue City Code, including:

A. Bellevue City Code 23.76.030A.9. requiring that the application for a clearing and grading permit be processed under Process II, and Bellevue City Code 23.76.036, regarding administrative appeals under Bellevue City Code Chapter 23.76.

B. Bellevue City Code 3.50.060 regarding appeals to the Building Code Board of Appeals.

C. Bellevue City Code 20.30F.130 regarding the applicable procedure for design review.

Section 4. Based on Section 2 hereof, the City Council designates this ordinance as a public emergency ordinance necessary for the protection of the public health and safety, to be effective upon adoption.

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PASSED by a majority plus one of the whole membership of the Council this 27th day of May, 1986, and effective upon passage.

(SEAL)


Cary E. Bozeman, Mayor

Approved as to form:

Richard L. Andrews, City Attorney


Richard L. Andrews, City Attorney

Attest:


Marie K. O'Connell, City Clerk

Published June 1, 1986