Ordinance No. 3285

(Amending or Repealing Ordinances)

CFN=131 – Zoning Codes
Passed 3/19/1996
Regarding Zoning Setback Requirements for Hazardous Substance Land Uses
and Amending KCC Sec. 15.08.050(D)(9)(b)(3)

Amended by Ord. 3916
AN ORDINANCE of the City Council of the City of Kent, Washington, regarding zoning setback requirements for Hazardous Substance Land Uses and amending Kent City Code Section 15.08.050(D)(9)(b)(3).

WHEREAS, the City allows hazardous substances land uses outright in the M2 (Limited Industrial) and M3 (General Industrial) zoning districts; and

WHEREAS, a portion of the Interurban Trail runs through the center of the M2 and M3 industrial districts; and

WHEREAS, the setback restriction for hazardous substance land uses from "public recreation areas" is 1/4 mile resulting in a portion of the Interurban Trail being inaccessible in the absence of a variance; and

WHEREAS, the City has consistently granted variances for hazardous substance land uses in the M2 and M3 industrial districts; and

WHEREAS, the City has been able to address any
environmental impacts associated with the hazardous substance land uses in the M2 and M3 industrial districts through the SEPA process; and

WHEREAS, the requirement for a variance from the 1/4 mile setback restriction is impractical given the Interurban Trail's course through the M2 and M3 industrial districts; NOW, THEREFORE,

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

SECTION 1. Section 15.08.050(D)(9)(b)(3) of the Kent City Code is hereby amended as follows:

9. Hazardous substances or wastes. No release of hazardous substances or wastes as can contaminate any water supply, interfere with bacterial processes in sewage treatment or otherwise cause the emission of dangerous or offensive elements shall be permitted at any point into any public sewer, private sewage disposal system, watercourse or water body, or the ground, except in accordance with standards approved by the state department of ecology or other appropriate state or federal agency. The relevant provisions of federal, state and local laws and regulations shall apply, and compliance shall be certified by applicants for permits under this title. The following site development standards shall apply:

a. Hazardous waste facilities shall meet the location standards for siting dangerous waste management
facilities adopted pursuant to RCW ch. 70.105;

b. Hazardous substance land use facilities shall be located at least:

(1) Two hundred (200) feet from unstable soils or slopes which are delineated on the hazard area development limitations map or as may be more precisely determined per subsection 15.08.224 B.;

(2) Two hundred (200) feet from the ordinary high-water mark of major or minor streams or lakes which are delineated on the hazard area development limitations map or as may be more precisely determined per subsection 15.08.224 B., shorelines of statewide significance, or shorelines of the state;

(3) One-quarter mile from public parks, public recreation areas or natural preserves, or state or federal wildlife refuges, provided that for purposes of this section public recreation areas does not include public trails;

(4) Fifty (50) feet from any property line to serve as an onsite hazardous substance land use facility buffer zone;
(5) Five hundred (500) feet and one hundred (100) feet from a residential zone and a residential unit respectively; and

(6) Five hundred (500) feet from a public gathering place or agricultural land or zone, in the case of a nonagricultural hazardous substance land use facility;

SECTION 2. If any one or more sections, sub-sections, 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. 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 SWALD, DEPUTY
BRENDA JACOBER, 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. 3255, 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, CITY CLERK, DEPUTY

DONNA SWAW

HAZARDOIR