ORDINANCE NO. 3386

AN ORDINANCE of the City Council of the City of Kent, Washington, amending Section 15.02.178 and amending Section 15.08.030(B)(1) of the Kent Zoning Code.

WHEREAS, in 1992 the Safe Water Drinking Act mandated that all water systems be tested for lead and copper; and

WHEREAS, the City of Kent performed an analysis of its system which it completed in 1995 and concluded that the City construct treatment facilities to improve overall water quality in its system; and

WHEREAS, the proposed method of treatment is "liquid feed," utilizing caustic soda (sodium hydroxide), which is defined as a hazardous substance under both the City zoning code and the Washington Administrative Code; and

WHEREAS, the two proposed treatment facilities are located in zones which do not permit the use of "hazardous substances"; and

WHEREAS, alternatives to the liquid feed caustic soda have been evaluated by the City and its consultants, but such alternatives are not cost effective, practical or create the chance of contamination problems; and
WHEREAS, the Kent Planning Committee reviewed the matter at its meeting on October 21, 1997; and

WHEREAS, the Committee recommended that the matter be referred to the Land Use and Planning Board for review and recommendation; and

WHEREAS, the Land Use and Planning Board reviewed the alternatives, reports, and recommendations pertaining to the proposed water treatment facilities and recommended alternative number three at its hearing on November 24, 1997; NOW THEREFORE,

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

SECTION 1. Section 15.02.178 of the Kent Zoning Code is hereby amended as follows:

Section 15.02.178. Hazardous substance land use facility. Hazardous substance land use Facility means the projected line enclosing the area of all structures and lands on which hazardous substance land use activities occur, have occurred in the past or will occur in the future. This does not include the application of products for agricultural purposes; or the use, storage, or handling of hazardous substances used in public water treatment facilities.

SECTION 2. Section 15.08.030(B)(1) of the Kent Zoning Code is hereby amended as follows:

Sec. 15.08.030. General conditional uses.

A. Purpose. It is the purpose of this section to identify certain types of land uses that usually require relatively greater freedom of location than other uses restricted to certain districts by this title. General conditional uses may be allowed in the various zoning
districts following the procedures in this section 15.09.030. General conditional uses may have one (1) or all of the following characteristics:

1. Public necessity requires such use in all or several districts.
2. Their technical, operating or service characteristics are such as to make it impractical to restrict their location only to certain districts.
3. Although they fit the description in subsections 1. and 2. of this section, their impact or effect on the immediate neighborhood or vicinity in which they are located may be detrimental in the absence of adequate performance standards, development controls or good site planning.

It is, therefore, the purpose of this section to reconcile potential conflicts between public necessity of certain uses and their possible detrimental effects on other uses.

B. Types of uses identified. The uses identified for the purpose of this section will generally fall into several broad categories, as follows:

1. *Utility, transportation and communication facilities.* Includes electrical substations, pumping or regulating devices for the transmission of water, (including public water treatment facilities), gas, steam, petroleum, etc., bus stops, transit stations, etc.

2. *Public facilities.* Includes firehouses, police stations, libraries and administrative offices of governmental agencies.

3. *Open space uses.* Includes cemeteries, parks, playgrounds, golf courses and other recreation facilities, including buildings or structures associated therewith.

4. *Drive-in churches; welfare facilities.* Drive-in churches, retirement homes, convalescent homes and other welfare facilities (excluding group homes class I, II and III as defined in section 15.02.173), whether privately or publicly operated, facilities for rehabilitation or correction, private clubs, fraternal lodges, etc.

5. *Schools.* Primary and secondary schools, vocational schools and colleges, whether privately or publicly operated.
SECTION 3. - Severability. If any one or more sections, 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 4. - Effective Date. This Ordinance shall take effect and be in force five (5) days after passage and publication as provided by law.

ATTEST:

BRENDA JACOBER, CITY CLERK, ACTING

APPROVED AS TO FORM:

ROGER A. LUBOVICH, CITY ATTORNEY


I hereby certify that this is a true copy of Ordinance No. 3386, 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, ACTING