Ordinance No. 3700
(Amending or Repealing Ordinances)

CFN=0131 - Zoning Codes
CFN=0205 - Building and Fire Codes
Passed - 7/20/04
Hazardous Substance Land Use Facilities Amendment
Sec. 15.08.050(D)(9)

Amends Ords. 2801;2808;3507;3691
ORDINANCE NO. 3700

AN ORDINANCE of the City Council of the City of Kent, Washington, amending section 15.08.050(D)(9) to be consistent with the recently adopted International Fire Code.

RECITALS

A. Section 15.08.050(D)(9) of the Kent City Code references the Uniform Fire Code, which was replaced by the International Fire Code by vote of the Kent City Council on May 4, 2004. This zoning code amendment changes the fire code reference to the City’s current fire code, whatever that code may be at the time.

B. On April 29, 2004, the City provided the required sixty (60) day notification under RCW 36.70A.106 to the state of Washington of the City’s proposed amendment to the zoning code. This sixty (60) day period has since expired.

C. On July 6, 2004, the City Council voted to amend section 15.08.050(D)(9) of the Kent City Code to eliminate the reference to the Uniform Fire Code and include a reference to the City’s current fire code.

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

SECTION 1. Amendment. Section 15.08.050(D)(9) of the Kent City Code, entitled "Hazardous substances or waste" is amended as follows:

Sec. 15.08.050(D)(9). Hazardous substances or waste.

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 Chapter 70.105 RCW;

   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 KCC 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 KCC 15.08.224(B), shorelines of statewide significance, or shorelines of the state;

      (3) One-quarter (1/4) 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;
c. Hazardous substance land use facilities shall not be located in a one hundred (100) year floodplain;

d. Hazardous substance land use facilities which are not entirely enclosed within a building shall provide a type I solid screen landscaping of a width of at least ten (10) feet in the hazardous substance facility buffer zone required by subsection (9)(b)(4) of this section;

e. Aboveground hazardous substance land use facilities shall be constructed with containment controls which will prevent the escape of hazardous substances or wastes in the event of an accidental release from the facility, and shall meet federal, state and local design and construction requirements;

f. Underground hazardous substance land use facilities shall meet federal, state and local design and construction requirements;

g. Hazardous substance land uses shall comply with Article 80 of the Uniform Fire Code as revised in 1988 and thereafter adopted Fire Codes;

h. Hazardous substance land uses shall provide for review and approval by the city fire department of a hazardous substance spill contingency plan for immediate implementation in the event of a release of hazardous substances or wastes at the facility;

i. Hazardous substance land uses should use traffic routes which do not go through residential zones;

j. Hazardous substance land uses in the O, NCC, CC and DC zones shall be entirely enclosed within a building; and

k. Without limiting the application of the Uniform Fire Code adopted Fire Codes to diesel fuel tanks, above and below ground diesel fuel storage tanks exclusively intended for use on stationary, on-site, oil burning equipment (such as electrical power generator systems) in nonresidential zoning districts shall be exempt from the hazardous substance regulations of this section, and above and below ground diesel fuel tanks of up to six thousand (6,000) gallons intended exclusively for use on stationary, on-site, oil burning equipment (such as electrical power generator systems) in residential zones shall be exempt from the hazardous substance regulations of this section for essential governmental facilities only. The hazardous substance zoning code regulations, including the existing five hundred (500) gallon limit for hazardous substances for residential uses, shall otherwise remain in force and effect. Additionally, all above-ground diesel fuel tanks over five hundred (500) gallons exempted by this subsection are required to have a five (5) foot minimum landscape buffer surrounding the tank to buffer the visual impacts of these tanks. Moreover, the planning director shall have the discretion to increase or modify this landscape buffer requirement depending upon the specific circumstances posed by any particular tank location.
In case of conflict between any of these site development standards and the
development standards of specific zoning districts or other requirements of this title,
the more restrictive requirement shall apply.

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 its passage as provided by law.

JIM WHITE, MAYOR

BRENDA JACOBER, CITY CLERK

TOM BRUBAKER, CITY ATTORNEY

I hereby certify that this is a true copy of Ordinance No. 3700 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

Hazardous Substance Land Use Facilities Amendment