ORDINANCE NO. 2164

AN ORDINANCE of the City of Kent, Washington, relating to planning for the orderly development of lands within the City currently zoned as R-A (Residential Agricultural) and M-A (Industrial Agricultural) and to the application of the City policy concerning rezoning activities relating to these lands, and declaring an emergency.

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

Section 1. Findings and Declarations of Purpose.

1) There are presently 2,230 acres of land within the City of Kent zoned R-A (Residential Agricultural) and M-A (Industrial Agricultural).

2) The purpose of the R-A and M-A zones are defined as follows:

A. Residential Agricultural

Purpose: "It is the purpose of this district to protect existing agricultural uses and to preserve in agricultural uses land suited to eventual development in other uses, primarily residential, pending proper timing for the economical provisions of utilities, major streets and other facilities, so that compact, orderly development will occur."

(Section 3.1, Kent Zoning Code)

B. Industrial Agricultural

Purpose: "The purpose of this district is to allow for the continuation of agricultural uses and to provide orderly transition from existing agricultural uses to future industrial uses of high quality; pending proper timing for the economical provisions of utilities, major streets or other facilities so that compact, orderly development will occur and to avoid mixture of incompatible land uses which will be difficult to eliminate once permitted."

(Section 3.16, Kent Zoning Code)

3) Information provided to the City by private developers indicates that rezone requests are either pending or imminent with respect to 895 acres or 40% of the land currently zoned R-A or M-A.
4) The information provided to the City indicates that 3,000 to 5,000 new jobs are expected to be created if the lands are rezoned as contemplated.

5) An additional 7,000 to 8,000 new residences are estimated as a result of proposed development in the R-A or M-A areas, or an increase of 37% over the present population of the City.

6) Projections are that these changes will occur within the next five to eight years.

7) The R-A and M-A areas of the City are located in that portion of the City commonly known as the "Valley Floor".

8) The Valley Floor is a unique area of the City in that it is the only remaining large, open, and relatively undeveloped part of the City not currently zoned for intensive use. Also, the Green River, a river of "statewide significance" flows through the Valley Floor.

9) The contemplated development in the Valley Floor will severely impact traffic circulation, storm and surface water build-up and run-off, domestic water consumption and future development of the Green River corridor both in terms of aesthetic considerations and possible degradation of water quality.

10) There are no currently viable plans available to the City for controlling or directing the rate or quality of growth in the Valley Floor.

11) In order to intelligently plan for the growth it is necessary that the City have time to adequately study the impacts of increased traffic, storm and surface water build-up and run-off, domestic water consumption, and possible deterioration of the Green River corridor.

12) The City is currently in the process of updating its 1972 Comprehensive Water Plan. It is anticipated that a Traffic Circulation Plan, Storm and Surface Water Drainage Plan and Green River Corridor Plan can be developed together with strategies for implementation within a reasonable period of time from the adoption of
this Ordinance

Section 2. Application of Policies Concerning R-A and M-A Zoned Lands Within the City of Kent.

1) For a period of six months from the effective date of this Ordinance, the City of Kent, including the Kent Planning Department and Kent Planning Commission shall not accept, process, hear, recommend for approval or approve rezone applications for more intensive use classifications for any of the lands in the City currently zoned R-A (Residential Agricultural) or M-A (Industrial Agricultural), unless and until the City and the owner and/or developer of any land for which such rezone has been requested have entered into an agreement substantially similar to the sample agreement attached here-to as Exhibit "A".

Section 3. Duration. Continued application of the provisions of Section 2 beyond six months from the effective date of this Ordinance shall require further Council action by Ordinance.

Section 4. Emergency Clause. This Ordinance is necessary for the protection of public health, safety, public property or public peace and shall become immediately effective upon adoption.

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

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ISABEL HOGAN, MAYOR

ATTEST:

__________________________
MARIE JENSEN, CITY CLERK

APPROVED AS TO FORM:

__________________________
DONALD E. MIRK, CITY ATTORNEY
PASSED the 21st day of May, 1979.
APPROVED the 21st day of May, 1979.
PUBLISHED the 21st day of May, 1979.

I hereby certify that this is a true copy of Ordinance No. 2167, passed by the City Council of the City of Kent, Washington, and approved by the Mayor of the City of Kent as hereon indicated.

MARIE JENSEN, CITY CLERK

Ord. 2192 amended Dec. 3 - "hears Jan 31, 1980"
Ord. 2207 " " " July 17, 1980"
AN AGREEMENT RELATING TO LAND USE PLANNING AND IMPLEMENTATION OF PLANS RELATING TO SURFACE WATER RUNOFF, TRAFFIC CIRCULATION, SEWER AND WATER SERVICE AND PROTECTION OF THE GREEN RIVER IN CERTAIN AREAS OF THE CITY OF KENT

THIS IS AN AGREEMENT DATED THIS ___ DAY OF MAY, 1979, BETWEEN THE CITY OF KENT, A MUNICIPAL CORPORATION IN THE STATE OF WASHINGTON, HEREINAFTER CALLED "CITY" AND ________________________________, OWNER OF CERTAIN LANDS WITHIN THE CITY OF KENT, HEREINAFTER CALLED "OWNER".

RECITAL OF FACTS

1. THE CITY OF KENT IS EXPERIENCING A PERIOD OF EXTREMELY RAPID GROWTH AND DEVELOPMENT.
2. THERE ARE AREAS OF THE CITY WHICH HAVE UNIQUE CHARACTERISTICS WHICH REQUIRE CAREFUL PLANNING TO PRESERVE, PROTECT AND ENHANCE.
3. MANY OF THESE AREAS ARE CURRENTLY ZONED EITHER INDUSTRIAL AGRICULTURAL (MA) OR RESIDENTIAL AGRICULTURAL (RA).
4. APPLICATIONS FOR REZONES FOR MANY OF THESE AREAS ARE CURRENTLY PENDING OR IN PROCESS.
5. THE AREA LOCATED GENERALLY NORTH OF WEST JAMES STREET AND WEST OF WEST VALLEY HIGHWAY IS THE AREA UNDER THE GREATEST IMMEDIATE PRESSURE FOR DEVELOPMENT.
6. THE CITY HAS NO ULTIMATE PLANS FOR CONTROL OF STORM AND SURFACE WATER RUNOFF IN THE AREA, NOR ULTIMATE PLANS FOR SERVING THE AREA WITH SEWER OR WATER, NOR FOR THE PROTECTION AND PRESERVATION OF THE AREAS ADJACENT TO THE GREEN RIVER.
7. THE CITY HAS BEGUN A SERIES OF STUDIES DESIGNED TO PROVIDE SOLUTIONS TO THE PROBLEMS CREATED BY DEVELOPMENT AND IT APPEARS THAT SIX MONTHS MAY BE REQUIRED
TO COMPLETE THE STUDIES AND FOR THE CITY TO BE READY TO IMPLEMENT THE SOLUTIONS ARISING OUT OF THE STUDIES.

8. THE CITY HAS CONTEMPLATED PLACING A SIX MONTH HOLD ON ALL REZONE ACTIVITY IN THE R-A AND M-A ZONED AREAS OF THE CITY PENDING COMPLETION OF THE STUDIES AND IMPLEMENTATION POLICIES.

9. AS AN ALTERNATIVE TO A HOLD ON REZONE ACTIVITY IT HAS BEEN SUGGESTED THAT THE CITY AND PROPERTY OWNERS IN THE AREAS AFFECTED ENTER INTO JOINT PLANNING IMPLEMENTATION STUDIES, AND FURTHER THAT PROPERTY OWNERS AGREE TO DEVELOP THEIR PROPERTIES IN ACCORDANCE WITH THE PLANS EVOLVING FROM SUCH JOINT STUDIES.

THEREFORE IN ACCORDANCE WITH THE FOREGOING RECITAL OF FACTS AND IN CONSIDERATION OF MUTUAL BENEFITS CONFERRED THE CITY AND OWNER DO HEREBY AGREE AS FOLLOWS:

1) CITY AND OWNER WILL JOINTLY STUDY OR CAUSE TO BE STUDIED THE EFFECTS OF THE OWNER'S PROPOSED DEVELOPMENT ON SURFACE AND STORM WATER RUNOFF, TRAFFIC CIRCULATION, SEWER AND WATER UTILITY SERVICE AND POSSIBLE HARMFUL EFFECTS ON AREAS ADJACENT TO THE GREEN RIVER.

2) DURING THE PERIOD OF TIME THAT THE STUDIES ARE BEING CONDUCTED, WHICH, IT IS CONTEMPLATED, SHOULD NOT EXCEED SIX MONTHS, THE CITY SHALL CONTINUE TO PROCESS ANY APPLICATION FOR REZONE CURRENTLY ON FILE WITH THE CITY OR WHICH MAY BE HEREAFTER FILED FOR REZONE FROM R-A OR M-A TO
SOME DIFFERENT ZONING CLASSIFICATION.

3) OWNER AGREES AND UNDERSTANDS THAT ANY DEVELOPMENT CONTEMPLATED IN ANY AREA FOR WHICH A REZONE IS PROPOSED MUST CONFORM TO THE CITY'S ULTIMATE PLANS FOR HANDLING STORM AND SURFACE WATER, TRAFFIC CIRCULATION, SEWER AND WATER UTILITY SERVICE AND PROTECTION OF THE GREEN RIVER, NOT ONLY IN THE AREA PROPOSED FOR REZONE BY THE OWNER, BUT IN OTHER AREAS WHICH MAY BE AFFECTED OR IMPACTED BY THE OWNER'S DEVELOPMENT.

4) CITY AND OWNER AGREE THAT AN EQUITABLE BASIS FOR BEARING THE COSTS OF THE STUDIES CONTEMPLATED BY THIS AGREEMENT WOULD BE FOR THE OWNER TO BEAR THOSE COSTS DIRECTLY RELATING TO THE OWNER'S PROPOSED DEVELOPMENT AND FOR THE CITY AND THE OWNER TO JOINTLY SHARE THE COST OF THE STUDIES RELATING TO THE OWNER'S PROPOSED DEVELOPMENT AS IT RELATES TO OTHER AREAS WHICH MAY BE AFFECTED OR IMPACTED BY THE OWNER'S DEVELOPMENT.