OFFICE OF THE MAYOR

DATE: November 29, 1979
TO: City Council Members
FROM: Mayor Hogan
SUBJECT: VETO MESSAGE

I have vetoed Ordinance 2190 for the following reasons:

1. No assured adequacy of water for development in proposed rezone area.

2. Sewer service to area not available without amendment to King County Sewerage General Plan.

3. Development in proposed rezone area will adversely impact traffic congestion on existing streets.

4. Inventory of existing commercial/industrial acreage exceeds needs of the community for the next 10 to 20 years.

MH/rd
AN ORDINANCE of the City of Kent, Washington, relating to planning and rezoning for land development a portion of certain property originally zoned by the City of Kent as MA (Industrial Agricultural) to M-1 (Industrial Park District) zone. (UPLANDS REZONE)

WHEREAS certain land was zoned by the City of Kent by Ordinance 1827 entitled "Ordinance adopting Zoning Code for the City of Kent, Washington", on the 4th day of June, 1973; and

WHEREAS the effective date of the zoning of said land by said Ordinance 1827 and the effective date of said Ordinance 1827 itself, was the 20th day of June, 1973; and

WHEREAS as required by Ordinance 1827, a public hearing was held before the Planning Commission of the City of Kent, wherein it was recommended that said land not be rezoned, and

WHEREAS thereafter the City Council of the City of Kent did on the 17th day of September, 1979 hold a public hearing on said recommendation insofar as it related to said certain lands, and said public hearing being held after proper notice thereof; and after said public hearing the City Council determined the land should be rezoned to M-1 (Industrial Park District) zone; and

WHEREAS it is found that the rezone of land is in the best interest of the health and welfare of the citizens of the City of Kent and is consistent with the Comprehensive Plan of the City of Kent and consistent with good planning, NOW, THEREFORE

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

Section 1. The following described land situated in the City of Kent, County of King, State of Washington, and presently zoned as MA (Industrial Agricultural) and more particularly described as follows:

That certain property described in Exhibit "A" attached hereto and incorporated herein by reference as if fully set forth herein is hereby rezoned to M-1 (Industrial Park District) zone.
Section 2. The rezone is subject to and expressly conditioned upon those terms and conditions in that certain document entitled "Rezone Agreement - Union Pacific Land Resources Corporation/City of Kent" attached hereto as Exhibit "B" and incorporated herein by reference as if fully set forth herein.

Section 3. The Planning Director of the City of Kent be and he is hereby authorized and directed to indicate upon the Comprehensive Zoning Map of the City of Kent or upon an addendum thereto, the zoning of said property as provided for in Section 1 of this Ordinance.

Section 4. That upon said amendment being shown upon the Comprehensive Zoning Map of the City of Kent, or upon an addendum thereto, the copy of said map or addendum, shall be filed with the Director of Records and Elections of King County, Washington, and the City Clerk of the City of Kent be and she is hereby authorized and directed to record this Ordinance with the County Auditor of King County and pay the filing fee therefore.

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.

William J. Carey
ISABEL HOGAN, MAYOR

ATTEST:

WILLIAM J. ROBERTS, RECORDER

MARIE JENSEN, CITY CLERK

APPROVED AS TO FORM:

DONALD E. MIRK, CITY ATTORNEY

PASSED the 5 day of November, 1979.
APPROVED the 6 day of November, 1979.
PUBLISHED the 9 day of November, 1979.

I hereby certify that this is a true copy of Ordinance No. 2140, passed by the City Council of the City of Kent, Washington, and approved by the Mayor of the City of Kent as hereon indicated.

DONALD E. MIRK, CITY ATTORNEY

Vetoed by mayor Hogan Nov 15, 1979
Passed by the council over the veto Dec 4, 1979
Published again the 7th day of Dec, 1979
PARCEL "A"

A parcel of land situate in the West half (W½) of Section 11 and the Northwest Quarter (NW¼) of Section 14, Township 22 North, Range 4 East of the Willamette Meridian, King County, State of Washington, bounded and described as follows:

Commencing at the south quarter corner of said Section 11:
  thence North 01 degrees 01 minutes 28 seconds East, 280.0 feet to a point on the north line of a parcel of land deeded to Puget Sound Power & Light Company and the TRUE POINT OF BEGINNING;
  thence along said north line South 79 degrees 23 minutes 36 seconds West, 735.24 feet;
  thence continuing along said north line South 82 degrees 48 minutes 44 seconds West, 950.67 feet;
  thence continuing along said north line, North 39 degrees 13 minutes West, 180.23 feet;
  thence parallel with the east line of said Section 11, North 01 degrees 04 minutes 02 seconds East, 1601.64 feet;
  thence parallel with the east-west centerline of said Section 11, South 69 degrees 17 minutes 53 seconds East, 1469.99 feet;
  thence parallel with said north-south centerline of Section 11 North 01 degrees 01 minutes 28 seconds East, 850.73 feet, more or less, to a point on said east-west centerline of Section 11;
  thence along said east-west centerline South 89 degrees 17 minutes 53 seconds East, 370.0 feet to a point on said north-south centerline of Section 11;
  thence along said north-south centerline, South 01 degrees 01 minutes 28 seconds West, 2378.01 feet, more or less, to the TRUE POINT OF BEGINNING.
PARCEL "B"

A parcel of land situate in the North Half (N/2) of Section 14, Township 22 North, Range 4 East of the Willamette Meridian, King County, State of Washington, according to an official plat of said land filed in the District Land Office, said parcel being bounded and described as follows:

Commencing at the northeast corner of said Section 14;
thence along the north line of said section North 89 degrees 11 minutes 24 seconds West, 30.09 feet to the TRUE POINT OF BEGINNING;
thence South 00 degrees 51 minutes 01 seconds West, 1088.92 feet;
thence North 89 degrees 08 minutes 59 seconds West, 10.00 feet;
thence South 8 degrees 26 minutes 42 seconds West, 151.33 feet;
thence South 30 degrees 05 minutes 06 seconds West, 61.43 feet to a point on the north line of 228th Street;
thence along said north line North 89 degrees 09 minutes 14 seconds West, 1235.33 feet;
thence continuing along said north line South 62 degrees 53 minutes 12 seconds West, 462.23 feet;
thence leaving said north line North 00 degrees 50 minutes 46 seconds East, 186.71 feet;
thence North 89 degrees 09 minutes 14 seconds West, 899.91 feet;
thence North 89 degrees 07 minutes 49 seconds West, 1846.72 feet;
thence North 01 degrees 05 minutes 47 seconds East, 1711.66 feet, more or less, to the south line of that certain parcel of land deeded to Puget Sound Power & Light Company;
thence along said south line South 89 degrees 13 minutes East, 1121.00 feet, more or less, to an angle point;
thence along an east line of said deeded parcel North 01 degrees 05 minutes 47 seconds East, 149.32 feet to a point on a south line of said deeded parcel;
thence along said south line South 88 degrees 59 minutes 21 seconds East, 720.32 feet to the north quarter corner of said Section 14;
thence along the north line of said section South 89 degrees 11 minutes 24 seconds East, 2602.95 feet to the TRUE POINT OF BEGINNING.
This is an Agreement dated this 15th day of October, 1979, between the City of Kent, a municipal corporation of the State of Washington, hereinafter called "City" and Union Pacific Land Resources Corporation, a Nebraska corporation, 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 while these studies are well under way, it is obvious that more time will be required to complete the studies and for the City to be ready to implement the solutions arising out of the studies.

8. As an alternative to a hold on rezone activity, the City Council did on May 21, 1979, enact Ordinance 2164 which provides in essence that in exchange for continued processing of rezone applications, Owners would agree to help pay the cost of the City's studies and further to develop their properties in accordance with plans evolving from such studies.
9. The Kent City Council in furtherance of the objectives of Ordinance 2164 and in reliance upon the Owner's promise to abide by the conditions contained therein, did process the Owner's Rezone Application which had been submitted upon an application styled RZ-78-22. The City Council recommended approval of the rezone of a portion of the property from MA to M-1 upon condition that the Owner be bound by the results of the studies previously referred to.

Therefore in accordance with the foregoing recital of facts and in consideration of mutual benefits conferred the City and the Owner do hereby agree as follows:

1) City agrees to rezone that portion of Owner's property described in Exhibit "A" attached hereto and incorporated herein by reference as if fully set forth herein from MA to M-1.

2) Owner agrees to pay its proportionate share of the costs to the City of the studies being conducted. The exact amount of the Owner's costs of said studies is not known at this time, but it is agreed that the cost will in no event exceed $130.00 per acre for the property rezoned by the City Council.

3) Owner further agrees that development on the property will be deferred until such time as the City's studies have been completed, or at least until such time as the City feels it has sufficient data upon which to make a determination as to the appropriateness of any development proposed by the Owner.

4) Owner further agrees that in the event that certain contemplated uses to the immediate south of Owner's property should prove to be incompatible with the intended uses on the Owner's property, that the Owner will use its best efforts in working with the developer of property to the south to the end that adequate buffering be provided between any such incompatible uses, if any.

Dated the date first above written.

CITY OF KENT
By Mayor

UNION PACIFIC LAND RESOURCES CORPORATION
By Director-Land & Industrial Development