ORDINANCE NO. 2815

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 MR-G (Garden Density Multi-Family Residential) zone. (ARROW DEVELOPMENT 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 2180, a public hearing was held before the Hearing Examiner of the City of Kent, wherein it was recommended that said land be rezoned subject to certain conditions, and

WHEREAS thereafter the City Council of the City of Kent did on the 3rd day of March, 1980 hold a public hearing on said recommendation insofar as it related to said certain lands, said hearing being held after proper notice thereof; and after said public hearing the City Council determined the land should be rezoned to MR-G (Garden Density Multi-Family Residential) 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 findings and conclusions of the Hearing Examiner issued January 30, 1980 and the amended findings and conclusions issued February 26, 1980, both under the style of RZ-79-14 hereby are adopted as the findings and conclusions of the City Council.
Section 2. 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 MR-G (Garden Density Multi-Family Residential) zone.

Section 3. The rezone is subject to and expressly conditioned upon the conditions contained in the recommendation of the Hearing Examiner dated January 30, 1980 and which are:

1. The property shall be developed substantially as shown on the master plan as submitted as part of the record and shown on the plan attached hereto. The principal elements of the master plan are considered to be: Major circulation pattern, open space including the lake system, general pattern of the residential development (as may be modified by MR-G zoning), and areas of perimeter landscaping and buffering.

2. The density for the entire property shall not exceed 16 units per net acre. For the purposes of calculating net density, that portion of the total site devoted to public streets or access and major open space areas including the lakes and waterways, and the Green River corridor shall be excluded from the area on which the number of residential units is based.

EXCEPT that if all or a portion of the site is developed as a Planned Unit Development under the provisions of Section 3.8 of the Kent Zoning Code, the density bonus of 20% may apply.

3. Compliance with the agreement signed by Arrow Development Corporation and the City of Kent on January 15, 1980, pursuant to Ordinance 2164 providing for development of the property in accordance with the ordinances and
decisions adopted by the City after conclusion of the Valley Studies Program.

4. Phasing of the development to be determined by the City at the completion of the Valley Studies Program.

5. Prior to issuance of any construction permits, the Planning Department shall review development plans for each phase to ensure compliance with the Master Plan shown as Exhibit "A". Any substantial modification shall be reviewed by the Hearing Examiner at a public hearing. Such modifications include increased densities except by a Planned Unit Development, significant relocation of major circulation routes, or modification of location or character of major open spaces.

Section 4. 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 2 of this Ordinance.

Section 5. 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 6. This Ordinance shall take effect and be in force five (5) days from and after its passage, approval and publication as provided by law.

ATTEST:  

ISABEL HOGAN, MAYOR

MARIE JENSEN, CITY CLERK

APPROVED AS TO FORM:

DONALD E. MIRK, CITY ATTORNEY
I hereby certify that this is a true copy of Ordinance No. 3215, 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 (SEAL)
DATE: March 26, 1980
TO: Council Members
FROM: Mayor Hogan
SUBJECT: VETO MESSAGE ORDINANCE 2215

I have vetoed Ordinance 2215 because it is not in the best interest of the health and welfare of the citizens of the City of Kent for the following reasons:

1. Initial reports indicate traffic requirements for development in the IPP area exceed the physical capability (seven to eight lanes on West Valley) or the financial capability of the City.

2. The City is currently issuing building permits with the caveat there may not be an adequate supply of water. While legally defensible, this position is not in the City's or developer's best interest.

3. Any further development on the Valley floor will contribute to the further degradation of air quality and increase the current area of non-attainment.

4. A city-wide storm drainage utility has just been initiated. While developers in the IPP area have agreed to fund their portion of the system, no funding source has been developed for the total system.

5. The agreement (between IPP area developers and the City to share costs of the study while processing rezone requests) has resulted in studies of transportation, surface water and land use which indicates the massive social, physical and economic impacts to the Kent area citizens. Development in the IPP area as well as in other areas of the City must be coordinated with the City's ability to absorb the impact costs.

Ordinance 2215 - Arrow Development Rezone - passed Mar 17, 1980
EXHIBIT "A"

PARCEL 1:
The southwest quarter of the southeast quarter of Section 14, Township 22 North, Range 4 East, W. M., in King County, Washington; ALSO, that portion of Government Lots 1 and 2, Section 14, Township 22 North, Range 4 East, W. M., in King County, Washington, in said county, and of David A. Neely Donation Claim No. 37, lying easterly of the easterly margin of the County Road (Russell Road), southerly of that tract of land conveyed to Luty Fay Zbinden by deed dated October 6, 1922, recorded in Volume 1185 of Deeds, page 299, under King County Recording No. 1662019, records of said County, EXCEPT the west 20 acres thereof; and EXCEPT the south 30 feet deeded to the City of Kent for street purposes.

PARCEL 2:
The west 20 acres of that portion of Government Lots 1 and 2, Section 14, Township 22 North, Range 4 East, W. M., in King County, Washington, and of David A. Neely Donation Claim No. 37, lying easterly of the easterly margin of the County Road (Russell Road), southerly of that tract of land conveyed to Luty Fay Zbinden by deed dated October 6, 1922, recorded in Volume 1185 of Deeds, page 299, under King County Recording No. 1662019, records of said County, EXCEPT the west 20 acres for road.

PARCEL 3:
That certain portion of the northwest quarter of the southeast quarter of Section 14, Township 22 North, Range 4 East, W. M., in King County, Washington, described as follows:

Beginning at the west line thereof at a concrete monument 415.44 feet south 1°14'38" west from the stone monument marking the center of said Section 14;

thence easterly along the southerly line of the Thomas Neely Tract, as described in deed recorded under King County Recording No. 895046 and along fence a distance of 243.8 feet to the true point of beginning, which point is marked by an iron pipe driven in the ground;

thence south 1°14'38" west along a line parallel to said west line 905.50 feet to south line of said subdivision which point is marked by an iron pipe driven in ground;

thence along said south line south 88°43'27" east 192.4 feet, which point is marked by an iron pipe;

(Continued)
thence north 1°14'38" east along a line parallel to west line of said subdivision 905.4 feet to the south line of said Thomas Neely Tract and the fence;
thence westerly along said south line and fence 192.4 feet to the true point of beginning;
also a tract of land described as follows:

Commencing at the southeast corner of Lot 4, Section 14, Township 22 North, Range 4 East, W. M., in King County, Washington;
thence north 88°43'27" west along the south line of said Lot 4 a distance of 765.99 feet to the southwest corner of said Lot 4;
thence in the David A and Irene Neely Donation Claim north 88°35'14" west 1105.14 feet to the center of the county road, which point is marked by an iron pipe driven in the ground;
thence north 2°22'30" east along the center of said road 334.6 feet which point is marked by an iron bolt driven in the ground;
thence south 88°43'21" east 1864.64 feet to the center line of said Section 14, which point is marked by a concrete monument;
thence along the center line of said Section 14 north 1°14'38" east 574 feet to a point on the south line of said Thomas Neely property, which point is marked by a concrete monument;
thence along said south line of said Thomas Neely property easterly 243.8 feet to a point which is marked by an iron pipe driven in the ground;
thence south 1°14'38" west along a line parallel with the center line of said Section 14, 905.5 feet to the south line of the northwest quarter of the southeast quarter of said Section 14, which point is marked by an iron pipe driven in the ground;
thence along said south line north 88°43'27" west 243.8 feet to the point of beginning;
EXCEPT the west 30 feet for Russell Road.

PARCEL 4:

PARCEL "A" Being a portion of the David A. Neely Donation Claim No. 37 of Township 22 North, Range 4 East, W. M., in King County, Washington; said tract beginning at an iron pipe driven in the ground in the center of the County Road marking the northeast corner of this tract and the southeast corner of tract of land deeded to Prudence Grace Neely under King County Recording Number 1100689;
thence north 85°52'30" west along the southerly line of the said Prudence Grace Neely Tract 1019 feet to the bank of White River, which point is witnessed by an iron pipe driven in the ground;
thence southerly and then easterly along the meander of the right bank of White River to a point where the center of the County Road projected southerly intersects the said river bank;

(Continued)
thence north 2°04'46" east along the center line of said County Road and
the same produced 570 feet to the place of beginning.

PARCEL "B" That portion of the east 1130 feet of the David A. Neely
Donation Claim No. 37 of Township 22 North, Range 4 East, W. M., in King
County, Washington, lying southwesterly of Russell Road.

PARCEL "C" That portion of Government Lots 1 and 2 of Section 14,
Township 22 North, Range 4 East, W. M., in King County, Washington,
described as follows:

Beginning at a stone monument in the north line of said Government Lot
2, which is recognized as the southwest corner of the David A. Neely
Donation Claim No. 37;

thence east along said north line to the southwesterly line of Russell
Road;

thence southeasterly along said road to the westerly extension of the
north line of the north line of James Street to the riverbank;

thence northerly along said riverbank to the point of beginning.

PARCEL 5:

That portion of the Donation Land Claim of David A. Neely, designated as
Claim No. 37 being parts of Sections 10, 11, 14 and 15, Township 22
North, Range 4 East, W. M., in King County, Washington, described as
follows:

Beginning at the southwest corner of Government Lot 4 in Section 14,
Township 22 North, Range 4 East, W. M., in King County, Washington, and
running

thence north 2°06'40" east, along the easterly line of said Donation
Land Claim, 332.05 feet to the northerly line of Tract conveyed to David
Neely by Deed recorded in Volume 869 of Deeds on Page 416, records of
King County, Washington;

thence north 88°43'21" west, along the said southerly line, 1104.68 feet
to an iron bolt in the center of County Road and the true point of
beginning of the tract herein described;

thence north 85°52'30" west, along the northerly line of said Tract and
the southerly line of Tract conveyed to Michael E. Dolan by Deed recorded
in Volume 859 of Deeds, on Page 501, a distance of 960 feet to the bank
of White River;

thence southwesterly, along the meanders of White River, to an intersection
with a line parallel to and distant 454.5 feet southerly of the preceding
course of this description at a point marked by an iron pipe driven in
the ground and the northwest corner of a Tract conveyed to Ruby Thelma
Neely by Deed recorded in Volume 1188 of Deeds on Page 56, records of
King County, Washington;

(Continued)
thence south 85°52'30" east, along a line parallel to the northerly line of this Tract and along the northerly line of said Ruby Thelma Neely Tract, 1019 feet to a point in the center of County Road marked by an iron pipe driven in the ground;

thence north 2°22'30" east, along the center of said County Road, 454.7 feet to the true point of beginning;

EXCEPT the easterly 30 feet for County Road.
Parcel 6:

That portion of the David A. Neely Donation Land Claim No. 37 and of Section 14, Township 22 North, Range 4 East, W.M., in King County, Washington, described as follows:

Beginning at a stone monument marking the center of said Section 14,
then thence South 88°37'40" East along an existing fence line 1315.72 feet to a concrete monument;
then thence South 1°20'09" West 415.57 feet to a concrete monument;
then thence North 88°38'10" West 1314.53 feet to a concrete monument;
then thence South 1°27'38" West 573.96 feet to a concrete monument;
then thence North 88°40'13" West along an existing fence line 1836.01 feet;
then thence North 2°26'07" East 1144.96 feet;
then thence South 88°13'23" East 428.97 feet to a point of curve to the left having a radius of 1176.28 feet; through a central angle of 21°07'37" an arc distance of 433.74 feet to a point of tangency;
then thence North 70°39'00" East 1025.69 feet to the West line of Government Lot 5;
then thence South 1°14'15" West along the West line thereof 589.65 feet to the true point of beginning.
Parcel 7:

That portion of David A. Neely Donation Claim No. 37 and of Section 14, Township 22 North, Range 4 East, W.M., in King County, Washington, described as follows:

Commencing at a stone monument marking the center of said Section 14; thence South 1°10'18" West along the East line of Government Lot 4, 415.76 feet to a concrete monument; thence continuing South 1°27'38" West 573.96 feet along an existing fence line to a concrete monument; thence North 88°40'13" West along an existing fence line 1866.02 feet to a concrete monument in the center of County Road known as Russell Road; thence North 85°49'22" West 30.01 feet to the true point of beginning; thence North 2°26'07" East 1143.94 feet; thence North 88°13'23" West 263.29 feet to a point of curve to the right having a radius of 730 feet through a central angle of 10°49'33" an arc distance of 137.93 feet to a point of tangency; thence North 77°23'50" West 70.74 feet to a point of curve to the left having a radius of 670 feet through a central angle of 8°33'38" an arc distance of 100.10 feet to a point of tangency; thence North 85°57'28" West 107.02 feet to a point of curve to the right having a radius of 380 feet through a central angle of 29°08'45" an arc distance of 193.30 feet to a point of tangency; thence North 56°48'43" West 76.84 feet to a point of curve to the left having a radius of 670 feet through a central angle of 9°46'37" an arc distance of 114.33 feet to a point of tangency; thence North 66°35'20" West 54.49 feet to a point of curve to the right having a radius of 240 feet through a central angle of 36°53'10" an arc distance of 154.51 feet to a point of tangency; thence North 29°42'10" West 130.12 feet to a point of curve to the right having a radius of 830 feet through a central angle of 1°47'28" an arc distance of 25.95 feet to the South line of the North 287.83 feet as measured at right angles of the South one-half of David A. Neely Donation Land Claim No. 37, said 287.83 feet being equal to 310 feet as measured along the East side of road as described in deed recorded under Auditor's File No. 4017151; thence North 88°47'03" West 146 feet, more or less, along the South line of the said 287.83 feet to the East bank of the Green River; thence Southwesterly and Southeasterly along the East bank thereof to a point North 85°49'22" West of the point of beginning; thence South 85°49'22" East 948 feet, more or less, to the true point of beginning.