AN ORDINANCE of the City of Kent, Washington, relating to planning and re-zoning for land development, and amending Section 3 of Ordinance 2215 relating to the Arrow Development rezone.

WHEREAS, the City Council has previously adopted Ordinance 2215 relating to the rezone of certain property within the City of Kent, Washington from MA (Industrial Agricultural) to MR-G (Garden Density Multi-Family Residential) zone, and

WHEREAS, said rezone was conditioned upon recommendations of the Hearing Examiner dated January 30, 1980, and

WHEREAS, provisions were made for substantial modifications to the document known as the "Master Plan" and made a part of Ordinance 2215 as Exhibit "A" thereto, and

WHEREAS, hearing was held before the Hearing Examiner May 13, 1981, relative to modifications to the master plan, and

WHEREAS, following said public hearing the Hearing Examiner made recommendations to the Council relative to modifications to the master plan and the Council concurred in said recommendations, NOW, THEREFORE

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

Section 1. Section 3 of Ordinance 2215 which reads as follows:

"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 here-to. 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 to-
1. A 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 modifications 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.

is hereby amended to read as follows:

"Section 3. The rezone is subject to and expressly conditioned upon conditions contained in the recommendation of the Hearing Examiner dated January 30, 1980 and modified May 27, 1981 which conditions are attached hereto as Exhibit "A" identified as "The Lakes Proposed Master Plan Conditions" and incorporated herein by reference as if fully set forth herein".

Section 2. This Ordinance shall take effect and be in force five (5) days from and after its passage, approval and publication as provided by law.

______________________________
ISABEL HOGAN, MAYOR

ATTEST:

______________________________
MARIE JENSEN, CITY CLERK

APPROVED AS TO FORM:

______________________________
DONALD E. MIRK, CITY ATTORNEY
PASSED the 5th day of August, 1981.
APPROVED the ___ day of August, 1981.
PUBLISHED the ___ day of August, 1981.
VETOED by Mayor Hogan the 12th day of August, 1981
Passed over the veto the 8th day of Sept, 1981
Published the ___ day of Sept, 1981

I hereby certify that this is a true copy of Ordinance No. 2307, 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
PROPOSED MASTER PLAN CONDITIONS

1. The property shall be developed substantially as shown on the Master Plan which is attached hereto. The development shall include public dedicated rights-of-way, the lake system of approximately 28 acres, and open space of approximately 35 acres.

2. A total of 2429 (and no more) attached and detached residential units may be developed on the property substantially as shown on the Master Plan, provided that the average density over the entire property shall not exceed 16 units per net acre; except that if all or a portion of the property is developed as a Planned Unit Development (PUD) under the provisions of Section 3.8 of the Kent Zoning Code, the density bonus of 20% may apply.

3. Approximately 35 acres of open space shall be maintained or developed on the property and shall include:
   a. An area of not less than 6.9 acres in size and designated on the Master Plan as the "Russell Woods", which shall be dedicated, or a public access/recreational easement granted to or reserved for the City at such time as the property immediately adjoining the Russell Woods is platted or developed.
   b. A corridor along the Green River averaging not less than 200 feet in width as measured from the ordinary high water line (line of vegetation) of the Green River, as shown on the Master Plan, within which shall be located a public access easement or land dedication beginning at the ordinary high water line (line of vegetation) and extending landward to a point at least 50 feet from the center line of the existing dike.
   c. A landscape buffer area of 50 feet in width along the eastern and northern boundaries of the property as shown on the Master Plan; and
   d. The historic site known as Neely Residence consisting of not less than 1.3 acres, as shown on the Master Plan, which site shall be preserved and dedicated to the City of Kent at or prior to the completion of the development of the property immediately adjoining the Neely Residence.

4. A variety of housing types shall be developed on the property at densities substantially as shown on the Master Plan. The proposed mix of housing unit types includes approximately 15% at eight units per acre, 28% at 14 units per acre, and 57% at 20 units per acre. Upon the City's Planning Department approval, the developer shall have the right to make minor modifications to the locations and mixes of these various housing unit types and densities from the locations and mixes as shown on the Master Plan, EXCEPT there shall be no change permitted in the 8 unit per acre portion of the Master Plan without Hearing Examiner approval.

5. A lake system of a minimum of 28 acres in size as measured at the maximum lake design elevation and located substantially as shown on the Master Plan, shall be constructed in phases determined by the developer subject to the approval of the City Engineering Department to control storm water runoff from the property. The lake system shall provide for on-site detention as the property is developed. With
the availability of the N/S drainage channel as proposed under the drainage LID project, the lake system shall provide at least 80 acre feet of live storage. Point discharge from the lake system into other than the proposed N/S drainage channel system on a permanent basis shall not be permitted until the City has reasonably assured itself that the N/S drainage channel project will not be constructed or three years have lapsed from the date of the rezone ordinance, whichever comes first. Discharges from the lake system into other than the N/S drainage channel system shall require the lake system to provide for approximately 112 acre feet of live storage based on 8-1/2 inches per unit area for a 7 day period, plus or minus ground water and evapotranspiration losses. Discharge from the lake system into the Green River shall be permitted by the City of Kent, except during periods when the river is at or above flood stage, on an interim basis until discharge into the N/S drainage channel and permanently after three years if the N/S drainage channel is not constructed or construction started. A no-protest LID covenant for the proposed N/S drainage channel and detention project shall be executed prior to recordation of the rezone ordinance. The developer shall receive full credit for providing said 80 acre feet of live storage noted herein towards any detention charge levied on the property pursuant to the said proposed LID project. The developer shall reserve for 3 years from the date of this ordinance for use by the City for drainage purposes the area designated on the Master Plan. This 100 foot wide area shall include the easterly 25 feet of the landscape buffer along the eastern boundary of the property as shown on the Master Plan. If at the end of the 3 years, the N/S drainage channel has not been constructed or construction started, this reservation shall terminate. The developer shall be compensated for the fair market value of the 100-foot drainage reservation area if used for the proposed drainage purpose.

6. Public utilities and roads shall be installed on the property in phases as needed to serve the developed portions of the property. Extension of public utilities shall be in accordance with the City's respective comprehensive plan and adopted policies.

a. The public roadway through the property shall be developed in phases to serve the developed portions of the property substantially as shown on the Master Plan with the westerly loop section as the dominant (through) traffic corridor between S. 228th Street and James Street. The public roadway system shall be dedicated or deeded to the City in conjunction with development of the property or portions thereof and plans shall be subject to review and approval by the City.

b. The developer shall be permitted to relocate Russell Road as shown on the Master Plan.

c. The location of the dedicated right-of-way to 64th Avenue South, as shown on the Master Plan, is approximate and the exact location shall be determined at the time of development of that portion of the property or at such time as the City administratively determines that it must be constructed for public safety purposes; EXCEPT that if the Public Works Department determines that a connection to 64th Avenue South is not justified or required, this roadway connection shall be eliminated from the Master Plan and plat.
d. The private collector roadways shown on the Master Plan are conceptual and are meant to depict land allocations and not the actual location of private collector streets. These private collector roadways shall be developed in phases to serve the developed portions of the property. The exact location of these private collector roadways shall be determined at the time these roadways are developed and subject to approval of the City Public Works Department and Planning Department.

7. In conjunction with the platting of the property or any portion thereof, the south half of South 228th Street from the easterly boundary of the property to the existing intersection with Russell Road, as measured from the center line of the existing pavement, shall be improved with pavement to a half street width of at least 22 feet, cement concrete curb and gutter, street lighting, storm drainage, underground power, cement concrete sidewalk and other related appurtenances including bicycle lanes and wheelchair ramps, and the developer shall dedicate to the City the necessary right-of-way such that the southerly half street right-of-way width for this portion of South 228th, as measured from the center line of the existing pavement, shall be at least 40 feet. The developer shall be permitted to bond or provide other security acceptable to the City for such improvements to the south half of South 228th Street. Any additional right-of-way required to provide sufficient width to construct a full 44 foot curb to curb section with sidewalks and bicycle lanes on both sides adjacent to the Pacific Propeller property shall be dedicated by the developer.

8. Prior to the recordation of the rezone ordinance, a no-protest LID covenant shall be executed for (a) improvement of James Street with pavement, curb and gutter, street lights, sidewalks, underground power, storm drainage system and other related appurtenances including wheelchair ramps and bicycle lanes (b) the improvement of 64th Avenue with pavement, curb and gutter, street lights, sidewalks, underground power, storm drainage system and other related appurtenances including wheelchair ramps and bicycle lanes, (c) the improvement of 228th Street with pavement, curb and gutter, street lights, sidewalks, underground power, storm drainage system and other related appurtenances including wheelchair ramps and bicycle lanes, and (d) the construction of the P-1 and P-2 Valley Drainage Channel project otherwise known as the Soil Conservation Service East Side Green River Watershed project.

9. Prior to the recordation of the rezone ordinance, the developer shall deed to the City for street purposes the easterly 40 feet of the property for 64th Avenue except for the south 250 feet thereof.

10. Prior to issuance of any construction permits, the City shall review development plans for each phase to insure compliance with the Master Plan. Minor modifications to the Master Plan by the developer may be permitted upon approval of the Planning Department. Permitted minor modifications to the Master Plan shall include, but not be limited to, increases or decreases of less than 10% in the number of acres and proposed locations and mixes of housing unit types and densities, increases or decreases of less than 10% in the size of the lake system, increases or decreases of less than 10% in the total acres of open space, or increases or decreases of less than 10% in the acres devoted to public dedicated streets; provided that in any event a total of 2429 (and no more) attached and detached residential units may be developed on the
property; except if all or portions of the property are developed through a PUD, the 20% density bonus may apply. Changes in the Master Plan which may become necessary due to changes in technology, energy constraints, transportation methods, or any other circumstances which were not contemplated at the time of approval may also be permitted; provided that a total of 2429 (and no more) attached and detached residential units may be developed on the property; provided further that if all or portions of the property are developed through a PUD, the 20% density bonus may apply. Any major modifications shall be reviewed by the Hearing Examiner at a public hearing.

11. These conditions shall supersede and replace in all respects those conditions which were adopted by the City Council pursuant to Ordinance No. 2215 and shall be binding upon the developer as owner of the property, its successors and assigns and the City.

Entered this 27th day of May, 1981, pursuant to the authority granted under Ordinance #2233, City of Kent.

N. M. BURKE, HEARING EXAMINER

Request for Reconsideration

Any part of record who feels the decision of the Examiner is based on error of procedure or fact may file a written request for reconsideration with the Hearing Examiner no later than 14 days of the date of the decision. Reconsideration requests should be addressed to: Hearing Examiner, 220 South 4th Avenue, Kent, Washington 98031.
 APPLICATION Name: ARROW DEV. COMPANY
 Number: RZ-79-14 Date: 5/13/81
 Request: REVISED MASTER PLAN CONDITIONS
 SITE PLAN
 SCALE = NO SCALE

LEGEND:
application site
zoning boundary
city limits