AN ORDINANCE of the City of Kent, Washington, relating to zoning and land use and the preservation and enhancement of water quality; adding new sections 15.08.220, 15.08.222, and 15.08.224 to the Kent City Code [Water Quality Ordinance]; amending Chapter 15.02 KCC.

THE CITY OF KENT, WASHINGTON, DOES HEREBY ORDAIN AS FOLLOWS:

Section 1. A new Section 15.08.220 is added to the Kent City Code as follows:

15.08.220 WATER QUALITY AND HAZARD AREA DEVELOPMENT - PURPOSE

The purpose of Sections 15.08.220 - 15.08.224 [Water Quality] is to regulate the location and density of development based on known physical constraints, and to preserve or enhance water quality in Kent's watercourses. Preserving or enhancing the water quality in Kent's watercourses is a goal established by the adoption of the "Water Quality Management Program" on August 2, 1982 by the Kent City Council.

Section 2. A new Section 15.08.222, is added to the Kent City Code as follows:

15.08.222 WATER QUALITY AND HAZARD AREA DEVELOPMENT - MAP

Development Limitation Areas are hereby delineated on the map "Hazard Area Development Limitations" attached hereto and filed with the City Clerk, and in the Kent Planning Department. Development Limitations within these areas shall be in addition to those limitations and standards set forth in this Title 15. When there is a conflict, the provisions of these Sections 15.08.220 - 15.08.224 KCC shall prevail.

Section 3. A new Section 15.08.224 is added to the Kent City Code as follows:
15.08.224 WATER QUALITY AND HAZARD AREA DEVELOPMENT -

CLASSIFICATIONS AND RESTRICTIONS

A. Classification Categories and Restriction on Lot Coverage (Least to Most Restrictive).

<table>
<thead>
<tr>
<th>Classification</th>
<th>Maximum Amount of Impervious Surfaces Allowed</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Low Hazard Areas</td>
<td>30%</td>
</tr>
<tr>
<td>a. Slopes 15% - 25% together with Class 3 Seismic Hazard and Class 2 Erosion Hazard Area; or</td>
<td>30%</td>
</tr>
<tr>
<td>b. Slopes 15% - 25% together with Class 2 Slide and Slippage and Class 3 Erosion Hazard Area; or</td>
<td>30%</td>
</tr>
<tr>
<td>c. Slopes 15% - 25% together with Class 2 Seismic and Class 3 Erosion Hazard Area; or</td>
<td>30%</td>
</tr>
<tr>
<td>d. 75 to 150 feet from the top of a ravine in which a major or minor stream passes through; or</td>
<td>30%</td>
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<tr>
<td>e. 30 to 50 feet from the ordinary high water mark of a lake. (See illustration, below)</td>
<td>30%</td>
</tr>
<tr>
<td>2. Moderate Hazard Areas</td>
<td>10%</td>
</tr>
<tr>
<td>a. 0 to 30 feet from the ordinary high water mark of a lake. (See illustration)</td>
<td>10%</td>
</tr>
</tbody>
</table>
DEVELOPMENT GUIDELINES WITHIN THE 30 AND 50 FOOT SETBACKS FROM A LAKE

Classification

3. High Hazard Areas
   In High Hazard Areas, the maximum impervious surface allowed on each lot is two percent. High Hazard Areas are defined as those lands where the following conditions exist:
   a. Slopes 15% - 25% together with Class 2 Slide and Slippage and Class 3 Seismic Hazard, and Class 3 Erosion Hazard Area; or 2%
   b. Slopes 15% - 25% together with Class 3 Slide and Slippage and Class 3 Erosion Hazard Area; or 2%
   c. Slopes 25% - 40% together with Class 3 Seismic and Class 3 Erosion Hazard Areas; or 2%
   d. Slopes 25% - 40% together with Class 3 Erosion Hazard Areas. 2%

4. Severe Hazard Areas
   In Severe Hazard Areas the maximum amount of impervious surface allowed on each lot is 0 percent. Severe Hazard Areas are defined as those lands where the following conditions exist:
   a. Slopes 40% and over; or 0%
Classification

b. Slopes 25% - 40% together with Class 3 Slide and Slippage, Class 3 Seismic Hazard, and Class 3 Erosion Hazard areas; or
c. All ravines; or
d. 75 foot setback from the top of any ravine. The top of a ravine is where the slope is generally less than 15%; or

RAVINE

e. 50 foot setback from the ordinary high water mark of any major creek; or
f. 25 foot setback from the ordinary high water mark of any minor creek; or

<table>
<thead>
<tr>
<th>Maximum Amount of Impervious Surfaces Allowed</th>
</tr>
</thead>
<tbody>
<tr>
<td>b. 0%</td>
</tr>
<tr>
<td>c. 0%</td>
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<tr>
<td>d. 0%</td>
</tr>
<tr>
<td>e. 0%</td>
</tr>
<tr>
<td>f. 0%</td>
</tr>
</tbody>
</table>
Classification

Classification of Wetlands and Deep-water Habitats of the United States" by the U.S. Fish and Wildlife Service of the Department of Interior, a copy of which if filed with the City Clerk. This classification shall exclude all wetlands considered in the Valley Floor Studies; or

1. All Unique and Fragile areas defined in the revised Valley Floor Studies, approved by City Council on February 23, 1981, a copy of which is filed with the City Clerk.

B. Determining Precise Location of Hazard Areas.

1. The Hazard Area Development Limitations Map adopted by KCC 12.08.222 is based upon the most accurate data available at the time of preparation.

2. To more accurately determine the location of hazard areas, the City may require additional information with development proposals, including, but not limited to, a survey of

Maximum Amount of Impervious Surfaces Allowed

- 5 -
the area. The Hazard Area Map shall be corrected by Planning and Public Works Departments based upon more recent and accurate information accepted by said departments.

C. Other Requirements - Relocation of a Major or Minor Creek.

1. All major and minor creeks in the City of Kent, where they flow on or across undeveloped land, shall be retained in their natural state and location.

2. Where retaining the major or minor creek in its natural state may interfere with a proposed development, a site specific plan hereinafter known as a Stream Plan, drawn to scale, shall be prepared which indicates how the development will be constructed in relation to the stream and in relation to required storm drainage regulations.

3. A Stream Plan shall be submitted to the Kent Planning Department for their review prior to the issuance of any permit: zoning, building, grading, storm drainage, hydraulics.

4. The Planning Department shall review the Stream Plan in relation to the proposed development plan and make a determination that the Plan does protect the integrity of the major or minor creek.

5. The Planning Department may cause a modification of the development plan to ensure that the integrity of the major or minor creek is in fact retained.

6. Any authorization for changing the course of a major or minor creek or for working in a major or minor creek shall follow guidelines and recommendations of the Washington State Department of Fisheries and Game (RCW 75.20.100).

7. Setbacks from a relocated major creek shall be 50 feet or as recommended by the Washington State Department of Fisheries and Game, whichever is the greater.

8. Setbacks from a relocated minor creek shall be 25 feet or as recommended by the Washington State Department of Fisheries and Game, whichever is the greater.

D. Exceptions.

1. Low Hazard Areas
   a. Development within 75 to 150 feet of the top of a ravine through which a major or minor creek passes may be permitted under the existing zoning requirements if it can be demonstrated to the Planning Director that water quality and quantity will not be impacted.
2. **Severe Hazard Areas**
   a. 50 foot setback from the ordinary high water mark of any major creek. Impervious surfaces may be allowed a maximum of 20 percent closer to the ordinary high water mark of a major creek, if shading vegetation is presently located.

   ![Industrial Example](image)

   ![Residential Example](image)

3. **All Hazard Areas**
   a. The Planning Director shall have the authority to waive specific requirements or impose additional requirements in unique or special circumstances to assure the fulfillment of the stated purpose of this chapter and to allow for flexibility and innovation of design. Special circumstances or unique conditions shall be reviewed with the Planning Director prior to submittal of the development plan. Examples of special conditions might include:

   - Preservation of unique wildlife habitat;
   - Preservation of natural or native areas;
   - Compliance with special easements;
   - Unique site uses;

4. **Vehicular and Pedestrian Access**
   a. In situations where vehicular and/or pedestrian access cannot reasonably be provided by avoiding identified watercourses, then such access shall be allowed in the form of a vehicular or pedestrian bridge. Construction of any
bridge shall be subject to the approval of the Public Works
department regarding storm drainage and hydraulics, and guidelines
and recommendations of the Washington State Department of
Fisheries and Game.

Section 4. Chapter 15.02 KCC is amended to add the
following definitions:

15.02.132 EROSION HAZARD AREAS

A. Class 1 Erosion Hazard Areas
   All areas of the City, other than Class 2 or 3
   Erosion Hazard Areas. These areas are areas where no development
   limitations are deemed necessary, except where described under
   Chapter 15.04 - District Regulations.

B. Class 2 Erosion Hazard Areas
   All soils mapped by the Soil Conservation Service as
   having moderate to severe erosion hazard potential. These soils
   in the City of Kent include Arens, Alderwood material (AmC),
   Alderwood gravelly sandy loam (AgC), and Everett gravelly sandy
   loam (Evd).

C. Class 3 Erosion Hazard Areas
   All soils mapped by the Soil Conservation Service as
   having a severe to very severe erosion hazard potential. These
   soils in the City of Kent include Alderwood gravelly sandy loam
   (Agd) and Alderwood Kitsap soil (AKF).

D. Soil Conservation Service maps referenced herein are
   on file with the City Clerk.

15.02.222 LANDSLIDE AREAS

A. Class 1 Landslide Areas
   All areas of the City, other than Class 2 or 3 Landslide
   Hazard Areas. These areas are areas where no development
   limitations are deemed necessary, except where described under
   Chapter 15.04 - District Regulations.

B. Class 2 Landslide Areas
   Slopes of 15 percent or greater with permeable sub-
   surface material (predominately sand and gravel) to base level.

C. Class 3 Landslide Areas
   "Class 3 landslide hazard areas" means those areas
   subject to a severe risk of landslide, due to the combination of:
(a) slopes greater than fifteen (15) percent; and (b) impermeable subsurface material (typically silt and clay) sometimes inter-bedded with permeable subsurface material (predominantly wet sand and gravel) between the top and base (foot) elevations; and (c) characterized by springs or seeping groundwater during the wet season (November to February). These areas include both active and currently inactive slides.

15.02.342 SEISMIC HAZARD AREAS

A. Class 1 Seismic Hazard Areas
All areas of the City, other than Class 2 or 3 Seismic Hazard Areas. These areas are areas where no development limitations are deemed necessary, except where described under Chapter 15.04 - District Regulations.

B. Class 2 Seismic Hazard Areas
"Class 2 Seismic hazard areas" means those areas where soils are characterized by moderately well-drained alluvium and glacial outwash of moderate density.

C. Class 3 Seismic Hazard Areas
"Class 3 seismic hazard areas" means those areas subject to severe risk of earthquake damage due to soils of low density due to poorly drained or impervious alluvium due to highly saturated organic material or due to slopes greater than fifteen (15) percent, excluding those alderwood gravelly sandy loam (AgD) soils located on slopes less than 25 percent overlying thick sequences of Vashon till.

15.02.112 DRAINAGE DITCHES

A man-made channel with a bed, bank or sides which discharges surface waters into a major or minor creek, lake, pond or wetland.

15.02.202 IMPERVIOUS SURFACES

That hard surface area which either prevents or retards the entry of water into the soil mantle as it entered under natural conditions preexistent to development, and/or that hard surface area which causes water to run off the surface in greater quantities or at an increased rate of flow from that present under
natural conditions preexistent to development. Common impervious surfaces include, but are not limited to, roof tops, concrete or asphalt paving, paved walkways, patios, driveways, parking lots or storage areas, and oiled, macadam or other surfaces which similarly impede the natural infiltration of surface water.

15.02.217 LAKES

Natural or artificial bodies of water of two or more acres and/or where the deepest part of the basin at low water exceeds two meters (6.6 feet). Artificial bodies of water with a recirculation system approved by the Public Works Department are not included in this definition.

15.02.092 CREEKS, MAJOR

The following are major creeks identified by the City of Kent.
A. Mill Creek
B. Garrison Creek and its tributaries
C. Springbrook Creek
D. Johnson Creek
E. Midway Creek
F. Star Lake Creek
G. Bingaman Creek
H. Mullen Slough
I. Mill Creek (Auburn)
J. West Branch Big Soos Creek and tributaries.
The location of these creeks is identified on the map entitled "Hazard Area Development Limitations," KCC 15.08.222.

15.02.093 CREEKS, MINOR

All creeks other than major creeks and generally including the following criteria: a course or route as formed by nature, or as altered by human activity and generally consisting of a channel with a bed, banks, or side substantially throughout its length along with surface waters, with some regularity, naturally and normally flow or drain from high to lower lands. The location of these creeks is identified on the map entitled "Hazard Area Development Limitations," KCC 15.08.222.
15.02.337 RAVINE

An area constituting a "young valley" which contains a major or minor creek. It includes the bottom land of the ravine and the ravine sidewalls to a point where the slopes are less than fifteen (15) percent. See following illustration.

15.02.539 VEGETATION, SHADING

This is vegetation planted on the south side of a major creek that generally provides shade from midmorning to midafternoon. Examples of shading vegetation are specified in KCC 15.08.200, "Landscaping."

Section 5. Effective Date. 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:

MARIE JENSEN, CITY CLERK
APPROVED AS TO FORM:

P. STEPHEN DIJULIO, CITY ATTORNEY

PASSED the 3 day of ___, 1984.
APPROVED the 4 day of ___, 1987.
PUBLISHED the 6 day of ___, 1984.

I hereby certify that this is a true copy of Ordinance No. 2451, 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)

0503B-183A
WATER QUALITY MANAGEMENT PROGRAM
EXECUTIVE SUMMARY

CITY OF KENT
APRIL 1982

MIDWAY CREEK, WEST HILL
Classification of Wetlands and Deepwater Habitats of the United States

Fish and Wildlife Service
U.S. Department of the Interior