Ordinance No. 2953
(Amending or Repealing Ordinances)

CFN=200 – Outside Sewer & Water Requests
CFN=567 – Annexation Policy
Passed – 11/20/1990
Outside Utility Services

Amends 2696;2767 (formerly Ch. 4.22.10 now 7.11)

Amended by Ord. 3671
ORDINANCE NO. 2953

AN ORDINANCE of the City of Kent, Washington, amending Kent City Code Chapter 4.22 (Ordinances 2696 and 2767) relating to the City's policies in the provision of utility service outside of its boundaries, by adding additional language relating to the manner in which consistency between the City's Comprehensive Plan and any area contained in an annexation petition will be determined until such time as the 1990-1993 Comprehensive Plan Update is complete.

WHEREAS, the Revised Code of Washington (RCW) 35.67.310 and 35.92.170 authorize the City of Kent to extend and allow connection of its sewer and waterwork systems beyond its corporate boundaries upon such terms, conditions and payments as may be prescribed by ordinance; including the requirement of a written agreement between the property owner and the City, which is filed with the county auditor and constitutes a covenant running with the property; and

WHEREAS, the City of Kent has enacted such an ordinance (Ordinance 2696, as last amended by Ordinance 2767), codified at Kent City Code (KCC) Chapter 4.22, entitled "City Policy Utility Service Outside the City"; and

WHEREAS KCC § 4.22.010 sets forth the conditions under which the City agrees to provide the extension of its utility service outside its boundaries, which includes the requirement
that such services be provided in conjunction with a petition for annexation of the property; and

WHEREAS, one of the requirements to be contained in such petition is that the property proposed to be annexed be consistent with the City's Comprehensive Plan; and

WHEREAS, the City is now undertaking to update its Comprehensive Plan because some of its designations are incompatible with more recent City policies, but the update may not be complete until 1993; and

WHEREAS, in this interim period of time until issuance of the Comprehensive Plan Update, a determination must be made as to the consistency of the area proposed to be annexed and the more recent City land use and zoning policies and goals; and

WHEREAS, the Planning Committee decided that the Kent Planning Director should make this determination in the interim; NOW, THEREFORE,

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

Section 1. Ordinance 2696, as last amended by Ordinance 2767 and codified at KCC 4.22.010 is further amended to read as follows:

4.22.010. The City of Kent will not provide utility services to properties outside the corporate limits of Kent, but within the City of Kent's primary sphere of interest for
annexation purposes as adopted by Resolution, unless the property owner covenants and agrees as follows:

((i+1)) A. The owner will petition for annexation of the property to the City of Kent and give notice of intent to annex at the time their property is included within any area which is being considered for annexation by the City of Kent under terms and conditions established by the City of Kent through the Public Works Department consistent with the provisions of this Ordinance set forth below.

((i+2)) B. The owner understands and agrees that upon annexation the property will be assessed and taxed at the same rate and on the same basis as property within the City is assessed and taxed, and to pay any outstanding indebtedness of the City contracted prior to or existing at the time of annexation.

((i+3)) C. The owners agree to design and construct all public improvements to meet or exceed City of Kent subdivision and construction standards. The City of Kent Public Works Department reserves its right to withhold providing sanitary sewer and water service until said public improvements have been constructed in accordance with said standards.

((i+4)) D. The owners agree to provide the City of Kent with mylar-reproducible as-built construction drawings of said public improvements prior to initiating building construction on any lot within the proposed subdivision of the property.

((i+5)) E. The owners agree that development of the property will create significant impacts on the City including immediate impacts to the City's streets, roads, and traffic
system. The owners agree and covenant that they will participate in the cost of constructing required improvements determined to be necessary by the City of Kent. These actions must be completed to the City of Kent's satisfaction prior to the City providing utility service to the subject property.

((16)) F. The owner shall agree to pay a proportionate share of all costs associated with the construction of said road and traffic system improvements as determined by the City of Kent. The method for determining the owners' contribution toward the construction of said improvements shall be based upon a formula determined by the Director of the Public Works Department.

((17)) G. Covenants and promises contained in such agreements shall run with the land and shall be binding upon all parties and successors in interest having or acquiring any right, title or interest in the property and improvements described in any agreement.

((18)) H. The owners agree that should it fail to comply with any of the covenants of any agreements executed with the City of Kent, the City may at its sole discretion terminate the City's utility services. (0.2696 §1)

((19)) I. The owners agree that the annexation areas shall be consistent with applicable subarea land use plans and the City-wide Comprehensive Plan; provided, however, that the owners further agree that until such time as the 1990-1993 Comprehensive Plan Update is complete, consistency with the City's long-range planning goals shall be determined by the Planning Director, and that the City may withhold full implementation of the Comprehensive Land Use Plan map designations in its annexation
zoning proposals in order to achieve a more orderly physical development pattern and to implement its goals of twenty percent density reduction in multifamily residential areas.

The owners will state in their petition for annexation the existing King County zoning designation and certify that it is consistent with the City of Kent's plan as determined by the Planning Director until such time as the 1990-1993 Comprehensive Plan Update is complete.

Section 2. Effective date. This ordinance shall take effect and be in force thirty (30) days from and after its passage, approval and publication as provided by law.

Section 3. Severability. The provisions of this ordinance are declared to be separate and severable. The invalidity of any clause, sentence, paragraph, subdivision, section or portion of this ordinance, or the invalidity of the application thereof to any person or circumstance shall not affect the validity of the remainder of this ordinance, or the validity of its application to other persons and circumstances.

DAN KELLEHER, MAYOR

ATTEST:

MARIE JENSEN, CITY CLERK
APPROVED AS TO FORM:

ROGER A. LUBOVICH, CITY ATTORNEY

PASSED the _____ day of _____________, 1990.
APPROVED the _____ day of _____________, 1990.
PUBLISHED the _____ day of _____________, 1990.

I hereby certify that this is a true copy of Ordinance No. 2963, passed by the City Council of the City of Kent, Washington, and approved by the Mayor of the City of Kent as hereon indicated.

(SEAL)
MARIE JENSEN, CITY CLERK