AN ORDINANCE of the City Council of the City of Kent, Washington, amending the City of Kent Comprehensive Plan pursuant to Resolution No. 1470 and Chapter 12.02 Kent City Code.

WHEREAS, the City of Kent began hearings with its Planning Commission on the proposed Kent Comprehensive Plan from July to December of 1994 in which a draft plan was considered by the Planning Commission; and

WHEREAS, the Planning Commission's recommendations were referred to the City Council who in turn referred the Commission's recommendations to the Council's Planning Committee; and

WHEREAS, the Council Planning Committee conducted hearings from March through April of 1995 on the draft Kent Comprehensive Plan; and

WHEREAS, at a March 7, 1995, hearing, a member of the public testified, and requested that the City allow more flexibility for retail uses in the M-1(C) Zoning District; and
WHEREAS, on March 28, 1995, after reviewing the request for more flexibility in the M-1(C) Zoning District, and in preparation for the Planning Committee's April 4, 1995, meeting, the planning department staff prepared a memorandum recommending the addition of a land use policy (LU-16.4) which would allow more flexibility for retail uses in the M-1(C) Zoning District; and

WHEREAS, on April 4, 1995, the Council Planning Committee considered this recommendation and unanimously voted to add policy LU-16.4 to the Land Use Element of the Kent Comprehensive Plan; and

WHEREAS, on April 4, 1995, the Planning Committee voted to forward the draft Comprehensive Plan, as amended, onto the full City Council; and

WHEREAS, the Exhibit including LU-16.4 was inadvertently omitted from the Ordinance actually adopted by the Kent City Council; and

WHEREAS, the expectations of the public who attended the public hearings before the Planning Committee and the City Council were that the Kent Comprehensive Plan would include the added Land Use Policy LU-16.4; and
WHEREAS, the intent of the Planning Committee was to include LU-16.4 as an added Land Use Policy to the Land Use Element of the Kent Comprehensive Plan; and

WHEREAS, the public participated in public hearings and expressed its desire that the City adopt this additional Land Use Element into the Kent Comprehensive Plan thereby allowing greater flexibility in the M-1(C) Zoning District; and

WHEREAS, an omitted policy from the Land Use Element of the Kent Comprehensive Plan defeats the expectations of the participants in the public hearings and the recommendations of the Kent Planning Committee; and

WHEREAS, amending the Kent Comprehensive Plan to include Land Use Element Policy LU-16.4 as recommended by the Planning Committee and as reviewed by the Kent Council as a part of their Council packet on April 18, 1995, but inadvertently omitted from the Exhibits attached to the Comprehensive Plan Ordinance is consistent with the expectations of the public during public hearings at which the matter was discussed and serves the general welfare of the public; and

WHEREAS, the Washington State Growth Management Act and Chapter 12.02 of the Kent City Code authorize the City of Kent to amend its Comprehensive Plan
only once per calendar year except in the case of an emergency; and

WHEREAS, under Section 12.02.035 of the Kent City Code an emergency is defined as an issue of community-wide significance that promotes the public health, safety and general welfare; and

WHEREAS, by Resolution No. 1470, the City Council of the City of Kent found that the inadvertent omission of Land Use Element Policy LU-16.4 is an issue of community-wide significance as it affects the expectations of the public who participated in the public hearings and its omission from the Kent Comprehensive Plan is not consistent with the recommendation of the Kent Planning Committee, or the intent of the Kent City Council; and

WHEREAS, on May 7, 1996, the City Council of the City of Kent declared an emergency pursuant to Chapter 12.02 KCC and authorized an amendment to the City of Kent Comprehensive Plan; and

WHEREAS, on May 29, 1996, the City's Land Use and Planning Board conducted a public hearing on the proposed adoption of LU-16.4 and unanimously recommended City Council approval; NOW THEREFORE,

THE CITY COUNCIL OF THE CITY OF KENT, WASHINGTON DOES HEREBY RESOLVE AS FOLLOWS:
SECTION 1. The City Council of the City of Kent amends the Land Use Element of the City of Kent Comprehensive Plan by adding Policy LU-16.4 a copy of which is attached as Exhibit A and incorporated herein by this reference.

SECTION 2. If any one or more sections, subsections, or sentences of this Ordinance are held to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portion of this Ordinance and the same shall remain in full force and effect.

SECTION 3. This Ordinance shall take effect and be in force thirty (30) days from and after its passage, approval and publication as provided by law.

JIM WHITE, MAYOR

ATTEST:

BRENDA JACOBER, CITY CLERK
APPROVED AS TO FORM:

[Signature]

ROGER A. DUBOVICH, CITY ATTORNEY.

PASSED 18 day of June, 1996.

APPROVED 19 day of June, 1996.

PUBLISHED 21 day of June, 1996.

I hereby certify that this is a true copy of Ordinance No. 3362, passed by the City Council of the City of Kent, Washington, and approved by the Mayor of the City of Kent as hereon indicated.

[Signature]
BRENDA JACOBER, CITY CLERK
Policy LU-16.4 - To expand retail opportunities to provide necessary personal and business services for the general industrial area, implement the recommendations of the West Valley Industrial study regarding potential areas for expanded retail opportunities for properties within the M1 Industrial Park district.