Ordinance No. 3551

(Amending or Repealing Ordinances)

CFN=377 - Comprehensive plan
CFN=1229 - Urban Separators
Passed 3/20/2001
Urban Separators
(Secs. 12.04.025; 12.04.263; 12.05.578; 12.04.778; 15.02.073; 15.02.531;
15.02.531; 15.02.532; 15.04.170; 15.04.180)

Amends Ords. 1840;2832;2849;3222;3439;3470;3508;3511;
3521;3523;3561

Amended by Ord. 3600;3612;3663;3664;3690;3742;3761;3770;
3792;3830;3906;3944
Amended by Ord. 4003 (Sec. 15.04.170)
Amended by Ord. 4035 (Sec. 12.04.263)
AN ORDINANCE of the City Council of the City of Kent, Washington: (1) amending the City of Kent Comprehensive Plan by adding a new goal and new policies to the Land Use Element of the Comprehensive Plan relating to urban separators; (2) amending the Comprehensive Plan's land use map by establishing urban separator designations; (3) amending the zoning map by establishing zoning designations for urban separators; (4) amending the subdivision code set forth in Title 12 of the Kent City Code relating to clustering of development in urban separators; (5) amending the zoning code set forth in Title 15 of the Kent City Code relating to zoning of land in urban separators; and (6) terminating the moratorium on the acceptance of applications for land use permits or approvals for property located in urban separators.

WHEREAS, on February 15, 2000, two (2) of the annual comprehensive plan amendment applications for 1999 were tabled by the Kent City Council and sent to the Planning Committee for discussion and determination of the City’s policy on urban separators; and

WHEREAS, the issue of urban separators was discussed during the Planning Committee meetings of March 6, 2000, April 3, 2000, May 1, 2000, and June 5, 2000; and
WHEREAS, on May 1, 2000, the Planning Committee voted to forward a recommendation to the full City Council to recognize the urban separator framework policy but to allow for local flexibility in identifying lands which would fulfill the objectives of the Countywide Planning Policy LU-27; and

WHEREAS, the City Council held meetings on June 6, 2000, and July 5, 2000, to discuss this issue and on July 5, 2000, voted to forward certain principles and guidelines to the Land Use and Planning Board for consideration and inclusion in the comprehensive plan and zoning code as appropriate; 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, on July 18, 2000, the City Council of the City of Kent passed Resolution No. 1574 which declared an emergency pursuant to Chapter 12.02 KCC and authorized an amendment to the City of Kent Comprehensive Plan relating to urban separators; and

WHEREAS, on September 14, 2000, notification of the proposed change was sent to the State of Washington Department of Community Trade and Economic Development, with copies to other state agencies pursuant to RCW 36.70A.106(3), and the required 60-day notification period has expired; and

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WHEREAS, on September 25, 2000, October 16, 2000, and October 23, 2000, the Land Use and Planning Board held public hearings on proposed comprehensive plan, subdivision code, zoning code, and zoning map amendments relating to urban separators; and

WHEREAS, on December 12, 2000, the Land Use and Planning Boards' recommendations were referred to the City Council who in turn referred the Land Use and Planning Board's recommendations to the Planning Committee; and

WHEREAS, on January 8, 2001, the Planning Committee considered the Land Use and Planning Board's recommendations, made minor changes to the same, and has forwarded its recommendations to the full Council for its consideration; and

WHEREAS, on February 27, 2001, the Council Planning Committee reconsidered its earlier recommendation to the full Council and voted to accept the Land Use and Planning Board's recommendation with minor changes; and

WHEREAS, on February 27, 2001, the Planning Committee voted to forward the Land Use and Planning Board's recommendations, as amended, onto the full City Council; and

WHEREAS, the full City Council, after considering the Land Use and Planning Board's recommendations, the recommendations of the Planning Committee, the testimony and information presented, and having considered all relevant material, finds that urban separators are low density lands that define community or municipal identities and boundaries, protect adjacent resource lands, rural areas, and environmentally sensitive areas, and create open space areas or corridors within and between urban areas which provide environmental, visual, recreational, or wildlife benefits; and

Urban Separators
WHEREAS, the City Council also finds that cluster development in urban separator areas permits greater flexibility in design and discourages development sprawl; facilitates the economical and efficient provision of public services; provides a more efficient use of land in harmony with its natural characteristics; and preserves more usable open space, agricultural land, tree cover, recreation areas, and scenic vistas; NOW THEREFORE,

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

SECTION 1. The City of Kent Comprehensive Plan, adopted by Ordinance No. 3222 and subsequently amended, is hereby amended by: (1) amending the narrative language to the "Natural Resources Goals and Policies," of the Land Use Element of the Comprehensive Plan by adding new language to said narrative as set forth in Exhibit "A" attached hereto and incorporated herein by this reference; and (2) by adding Goal LU-28 and Policies LU-28.1 through LU-28.8 to the Land Use Element of the Comprehensive Plan as set forth in Exhibit "B" attached hereto and incorporated herein by this reference.

SECTION 2. The City of Kent Comprehensive Plan adopted by Ordinance No. 3222 as subsequently amended, is further amended to establish new plan designations for urban separators as depicted in the map attached hereto as Exhibit "C" and incorporated herein by this reference.

SECTION 3. The City of Kent zoning map is hereby amended to establish a new zoning map designation for urban separators of Single-Family Residential (SR-1) as depicted in the map attached hereto as Exhibit "C."
SECTION 4. Section 12.04.025 of the subdivision code set forth in the Kent City Code, entitled “Definitions,” is hereby amended to read as follows:

Sec. 12.04.025. Definitions. The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Active recreation activities shall mean all outdoor recreational activities which involve field and court games.

Alley shall mean a public or private way not more than thirty (30) feet wide at the rear or side of property affording only secondary means of vehicular or pedestrian access to abutting property.

Block shall mean a group of lots, tracts, or parcels within well-defined and fixed boundaries.

Clustering or Cluster Subdivision shall mean a development or division of land in which residential building lots are reduced in size and concentrated in specified portion(s) of the original lot, tract or parcel.

Common open space shall mean a parcel or parcels of land or an area of water or a combination of land and water within the site designated for a subdivision or a planned unit development, and designed and intended primarily for the use or enjoyment of residents of a subdivision. Common open space may contain such complementary structures and improvements as are necessary and appropriate for the benefit and enjoyment of residents of the subdivision.

Community park shall mean a park that serves the entire city of Kent and can be located throughout the city. Community parks may have facilities or amenities that are not offered elsewhere in the city, and which can include boating, swimming, fishing, athletic fields, group picnic shelters, play equipment, hard courts, skateparks, and trails, and will vary at each park. Access to the park is by car, public transit, foot or bicycle. Off-street parking is provided.
Comprehensive plan shall mean the document, including maps, adopted by the city council, which outlines the city’s goals and policies relating to management of growth, and prepared in accordance with Chapter 36.70A RCW. The term also includes adopted subarea plans prepared in accordance with Chapter 36.70A RCW.

County auditor shall mean that person as defined in Chapter 36.22 RCW or the office of the person assigned such duties under the King County Charter.

Cul-de-sac shall mean a short street having one (1) end open to traffic and being terminated at the other end by a vehicular turnaround.

Dedication shall mean a deliberate appropriation of land by its owner for any general and public uses, reserving to himself no other rights than such as are compatible with the full exercise and enjoyment of the public uses to which the property has been devoted. The intention to dedicate shall be evidenced by the owner by the presentment for filing of a final plat or a final short plat showing the dedication thereof; and the acceptance by the public shall be evidenced by the approval of such plat for filing by the city.

Division of land shall mean the subdivision of any parcel of land into two (2) or more parcels.

Final approval shall mean the final drawing of the subdivision and dedication prepared for filing for record with the King County auditor and containing all elements and requirements set forth in this chapter.

Final plat shall mean the final drawing of the subdivision and dedication prepared for filing for record with the King County auditor and containing all elements and requirements set forth in this chapter.

Hearing examiner shall mean the person appointed by the mayor, or his or her designee, to conduct public hearings on applications outlined in Ch. 2.32 KCC which creates the hearing examiner, and who prepares a record, findings of fact and conclusions on such applications.

Hillside subdivision shall mean a subdivision in which any lot in the subdivision has average slopes greater than fifteen (15) percent and in which any street in the subdivision has grades greater than seven (7) percent at any point.
Homeowners association shall mean an incorporated nonprofit organization operating under recorded land agreements though which:

1. Each lot owner is automatically a member;
2. Each lot is automatically subject to a proportionate share of the expenses for the organization’s activities, such as maintaining common property; and
3. A charge if unpaid becomes a lien against the property.

Land use and planning board shall mean that body as defined in the Kent City Code.

Lot shall mean a parcel of land of at least sufficient size to meet minimum zoning requirements for use, coverage and area, and to provide such yards and other open spaces as are required in this title. Such lot shall have frontage on an improved public street, or on an approved private street, and may consist of:

1. A single lot of record;
2. A portion of a lot of record;
3. A combination of complete lots of record and portions of lots of record; or
4. A parcel of land described by metes and bounds;

provided, that in no case of division or combination shall any residual lot or parcel be created which does not meet the requirements of this title.

Lot, corner shall mean a lot abutting upon two (2) or more streets at their intersection or upon two (2) parts of the same street, such streets or parts of the same street forming an interior angle of less than one hundred thirty-five (135) degrees within the lot lines.

Lot, frontage shall mean the front of a lot which shall be that portion nearest the street or, if the lot does not abut a street, the portion nearest an ingress/egress easement. On a corner lot, the front yard shall be considered the narrowest part of the lot that fronts on a street, except in industrial and commercial zones, in which case the user of a corner lot has the option of determining which part of the lot fronting on a street shall become the lot frontage.
Lot line adjustment shall mean the adjusting of common property lines or boundaries between adjacent lots, tracts, or parcels for the purpose of rectifying a disputed property line location, freeing such a boundary from any differences or discrepancies or accommodating a minor transfer of land. The resulting adjustment shall not create any additional lots, tracts, or parcels and all reconfigured lots, tracts, or parcels shall contain sufficient area and dimension to meet minimum requirements for zoning and building purposes.

Lot lines shall mean the property lines bounding the lot.

Lot measurements shall mean:

1. The depth of a lot which shall be considered to be the distance between the foremost points of the side lot lines in front and the rearmost points of the side lot lines in the rear.

2. The width of a lot which shall be considered to be the distance between the side lines connecting front and rear lot lines; provided, however, that width between side lot lines at their foremost points where they intersect with the street line shall not be less than eighty (80) percent of the required lot width except in the case of lots on the turning circle of cul-de-sacs, where eighty (80) percent requirements shall not apply.

Lot of record shall mean a lot which is part of a subdivision recorded in the office of the King County assessor, or a lot or parcel described by metes and bounds, the description of which has been so recorded.

Lot, through shall mean a lot that has both ends fronting on a street. Either end may be considered the front.

Meander line shall mean a line along a body of water intended to be used solely as a reference for surveying.

Neighborhood park shall mean a park that serves a neighborhood (not a subdivision), defined by arterial streets. These parks are generally located centrally in the neighborhood so that the park is easily accessible and neighborhood residents do not have to cross a major arterial to reach the park. Access is primarily by foot or bicycle, so the park is usually no further than one-half mile from any point in the neighborhood. Parking
spaces are typically not provided, unless on-street parking is not available, accessible or safe. Neighborhood parks have amenities for casual activities that are not programmed or organized, or for which a fee is charged. Amenities include play equipment, picnic tables, hard courts (basketball, tennis), walking trails, and open grassy areas.

Official plans shall mean those maps, development plans, or portions thereof, adopted by the city council as provided in chapter 44, section 6, Laws of 1935, as amended. Such plans or maps shall be deemed to be conclusive with respect to the location and width of streets, public parks, and playgrounds and drainage rights-of-way as may be shown thereon.

Park open space shall mean those areas that are environmentally sensitive, wildlife habitat, or wetlands, that remain in a relatively natural state with minimal improvements for public access, interpretation, study or enjoyment.

Park service area shall mean those areas defined by arterial streets or geographic features, and which are identified in the comprehensive park and recreation plan, that a neighborhood park or community park is intended to serve.

Performance bond or guarantee shall mean that security which may be accepted in lieu of a requirement that certain improvements be made before the final plat is approved and signed, including performance bonds, escrow agreements and other similar collateral or surety agreements.

Piggyback or accumulative short subdivision shall mean multiple short subdivision of contiguous land under common ownership. Ownership for purposes of this section shall mean ownership as established at the application submittal date of the initial short subdivision approval.

Plat shall mean a map or representation of a subdivision, showing thereon the division of a tract or parcel of land into lots, blocks, streets and alleys or other divisions and dedications.

Preliminary approval shall mean the official favorable action taken on the preliminary plat of a proposed subdivision, metes and bounds description or dedication, by the hearing examiner following a duly advertised public hearing or on a preliminary
plat of a short subdivision following a duly advertised meeting of the short subdivision committee.

*Preliminary plat* shall mean a neat and precise scale drawing of a proposed subdivision showing the general layout of streets and alleys, lots, blocks and other elements of a plat or subdivision which shall furnish a basis for the approval or disapproval of the general layout of a subdivision.

*Roadway* shall mean that portion of a street intended for the accommodation of vehicular traffic, generally within curblines.

*Short plat* shall mean the map or representation of a short subdivision.

Short subdivision shall mean the division or redivision of land into nine (9) or fewer lots, tracts, parcels, sites, or divisions for the purpose of sale, lease or transfer of ownership. Tracts identified for or with the potential for future development shall be included within the number of lots created, but tracts which are not buildable and/or are intended for public dedication, environmental protection or stormwater detention are not included in the number of lots created.

*Short subdivision, type I* shall mean the division of land into four (4) or less lots, tracts, parcels, sites or divisions for the purpose of sale, lease or transfer of ownership. Tracts identified for or with the potential for future development shall be included within the number of lots created, but tracts which are not buildable and/or are intended for public dedication, environmental protection or stormwater detention are not included in the number of lots created.

*Short subdivision, type II* shall mean the division of land into more than four (4) and less than ten (10) lots, tracts, parcels, sites or divisions for the purpose of sale, lease or transfer of ownership. Tracts identified for or with the potential for future development shall be included within the number of lots created, but tracts which are not buildable and/or are intended for public dedication, environmental protection or stormwater detention are not included in the number of lots created.

*Street* shall mean a public way thirty (30) feet or more in right-of-way width which affords a primary means of access to property.
Subdivision shall mean the division or redivision of land into ten (10) or more lots, tracts, parcels, sites or divisions for the purpose of sale or lease or transfer of ownership; provided, that subdivisions of less than ten (10) parcels may be defined as short subdivisions. Tracts identified for or with the potential for future development shall be included within the number of lots created, but tracts which are not buildable and/or are intended for public dedication, environmental protection or stormwater detention are not included in the number of lots created.

Subdivision, phased shall mean a subdivision, which is developed in increments over a period of time.

Tentative plat shall mean a map drawn in accordance with the same requirements as the preliminary plat map, but submitted prior to preliminary plat submittal.

Tract shall mean a parcel of land proposed for subdivision or subdividing.

Trail system shall mean those pathways that connect points of interest, parks, community facilities, streets, residences, etc. in the community, which are generally not confined within the limits of one park. Trails are intended to be used by bicycles, rollerskaters, and pedestrians; they are not intended to be used by motorized vehicles.

Urban separators shall mean low-density lands that define community or municipal identities and boundaries, protect adjacent resource lands, rural areas, and environmentally sensitive areas, and create open space corridors within and between urban areas which provide environmental, visual, recreational and wildlife benefits.

SECTION 5. A new section, Section 12.04.263, is hereby added to the subdivision code set forth in the Kent City Code to read as follows:

Sec. 12.04.263. Clustering.
A. All Type I short subdivisions in the SR-1 zoning district shall be required to be clustered pursuant to this section when the property is located wholly or partially within an urban separator as designated on the City of Kent Comprehensive Land Use Plan Map.
B. Cluster subdivisions shall be subject to the development standards outlined in Title 15 of the Kent City Code. These standards include minimum lot size, width, yards, setbacks, parking, landscaping, signage, etc.

C. The provisions of KCC 12.04.235 through 12.04.255, as well as other applicable portions of Ch. 12.04 KCC, shall apply unless specifically excepted. In addition, the following standards shall apply to clustered Type I short subdivisions:

1. **Location**: The cluster residential development shall be required in the SR-I zoning district within urban separator areas.

2. **Permitted uses**: The cluster residential development option shall include only single-family residential uses.

3. **Minimum area**: No minimum area is established for a cluster residential development.

4. **Permitted density**: The maximum number of dwelling units permitted in a cluster development shall be no greater than the number of dwelling units allowed for the parcel as a whole for the zoning district in which it is located.

5. **Lot size**: In the interest of encouraging flexibility in site design and the preservation of open space, the minimum lot size of individual building lots within a cluster subdivision is 2,500 square feet. New lots created by any subdivision action shall be clustered in groups not exceeding 8 units. There may be more than one cluster per project. Separation between cluster groups shall be a minimum of 120 feet.

6. **Lot width**: The minimum lot width for individual building lots in a cluster subdivision shall be 30 feet.

7. **Other development standards**: Development standards other than lot size and lot width shall be the same as are required within the zoning district in which the cluster residential development is located.

8. **Common open space** The common open space in a cluster subdivision shall be a minimum of 50% of the non-constrained area of the parcel. The non-constrained area of the parcel includes all areas of the parcel, minus critical areas, as defined in RCW 36.70A.030(5) as currently and hereinafter amended, and buffers. The remainder of the...
non-constrained area of the parcel shall be the buildable area of the parcel. The common
open space tracts created by clustering shall be located and configured in the manner that
best connects and increases protective buffers for environmentally sensitive areas, connects
and protects area wildlife habitat, creates connectivity between the open space provided
by the clustering and other adjacent open spaces as well as existing or planned public parks
and trails, and maintains scenic vistas. Critical areas and buffers shall not be used in
determining lot size and common open space requirements in a cluster subdivision. All
natural features (such as streams and their buffers, significant strands of trees and rock
outcropping), as well as sensitive areas (such as steep slopes and wetlands and their
buffers) shall be preserved.

Future development of the common open space shall be prohibited. Except as
specified on recorded documents creating the common open space, all common open space
resulting from lot clustering shall not be altered or disturbed in a manner that degrades
adjacent environmentally sensitive areas, rural areas, agricultural areas, or resource lands;
impairs scenic vistas and the connectivity between the open space provided by the
clustered development and adjacent open spaces; degrades wildlife habitat; and impairs the
recreational benefits enjoyed by the residents of the development. Such common open
spaces may be retained under ownership by the owner or subdivider, conveyed to residents
of the development, conveyed to a homeowners association for the benefit of the residents
of the development, conveyed to the City with the City's consent and approval or to another
party upon approval of the City of Kent.

SECTION 6. A new section, section 12.05.578, is hereby added to the
subdivision code set forth in the Kent City Code to read as follows:

Sec. 12.05.578. Clustering.
A. All Type II short subdivisions in the SR-1 zoning district shall be required to be
clustered pursuant to this section when the property is located within or contains an urban
separator as designated on the City of Kent Comprehensive Land Use Plan Map.
B. Cluster subdivisions shall be subject to the development standards outlined in Title 15 of the Kent City Code. These standards include minimum lot size, width, yards, setbacks, parking, landscaping, signage, etc.

C. The provisions of KCC 12.04.545 through 12.04.570, as well as other applicable provisions of Ch. 12.04 KCC, shall apply unless specifically excepted. In addition, the following standards shall apply to clustered Type II short subdivisions:

1. *Location:* The cluster residential development shall be required in the SR-1 zoning district within urban separator areas.

2. *Permitted uses:* The cluster residential development option shall include only single-family residential uses.

3. *Minimum area:* No minimum area is established for a cluster residential development.

4. *Permitted density:* The maximum number of dwelling units permitted in a cluster development shall be no greater than the number of dwelling units allowed for the parcel as a whole for the zoning district in which it is located.

5. *Lot size:* In the interest of encouraging flexibility in site design and the preservation of open space, the minimum lot size of individual building lots within a cluster subdivision is 2,500 square feet. New lots created by any subdivision action shall be clustered in groups not exceeding 8 units. There may be more than one cluster per project. Separation between cluster groups shall be a minimum of 120 feet.

6. *Lot width:* The minimum lot width for individual building lots in a cluster subdivision shall be 30 feet.

7. *Other development standards:* Development standards other than lot size and lot width shall be the same as are required within the zoning district in which the cluster residential development is located.

8. *Common open space.* The common open space in a cluster subdivision shall be a minimum of 50% of the non-constrained area of the parcel. The non-constrained area of the parcel includes all areas of the parcel, minus critical areas, as defined in RCW 36.70A.030(5) as currently and hereinafter amended, and buffers. The remainder of the
non-constrained area of the parcel shall be the buildable area of the parcel. The common open space tracts created by clustering shall be located and configured in the manner that best connects and increases protective buffers for environmentally sensitive areas, connects and protects area wildlife habitat, creates connectivity between the open space provided by the clustering and other adjacent open spaces as well as existing or planned public parks and trails, and maintains scenic vistas. Critical areas and buffers shall not be used in determining lot size and common open space requirements in a cluster subdivision. All natural features (such as streams and their buffers, significant strands of trees and rock outcropping), as well as sensitive areas (such as steep slopes and wetlands and their buffers) shall be preserved.

Future development of the common open space shall be prohibited. Except as specified on recorded documents creating the common open space, all common open space resulting from lot clustering shall not be altered or disturbed in a manner that degrades adjacent environmentally sensitive areas, rural areas, agricultural areas, or resource lands; impairs scenic vistas and the connectivity between the open space provided by the clustered development and adjacent open spaces; degrades wildlife habitat; and impairs the recreational benefits enjoyed by the residents of the development. Such common open spaces may be retained under ownership by the owner or subdivider, conveyed to residents of the development, conveyed to a homeowners association for the benefit of the residents of the development, conveyed to the City with the City's consent and approval or to another party upon approval of the City of Kent.

**SECTION 7.** A new section, section 12.04.778, is hereby added to the subdivision code set forth in the Kent City Code to read as follows:

Sec. 12.04.778. Clustering.
A. All subdivisions in the SR-1 zoning district shall be required to be clustered pursuant to this section when the property is located within or contains an urban separator as designated on the City of Kent Comprehensive Land Use Plan Map.
B. Cluster subdivisions shall be subject to the development standards outlined in Title 15 of the Kent City Code. These standards include minimum lot size, width, yards, setbacks, parking, landscaping, signage, etc.

C. The provisions of KCC 12.04.745 through 12.04.770, as well as other applicable provisions of Ch. 12.04 KCC, shall apply unless specifically excepted. In addition, the following standards shall apply to clustered subdivisions:

1. **Location:** The cluster residential development option shall be required in the SR-1 zoning district within urban separator areas.

2. **Permitted uses:** The cluster residential development option shall include only single-family residential uses.

3. **Minimum area:** No minimum area is established for a cluster residential development.

4. **Permitted density:** The maximum number of dwelling units permitted in a cluster development shall be no greater than the number of dwelling units allowed for the parcel as a whole for the zoning district in which it is located.

5. **Lot size:** In the interest of encouraging flexibility in site design and the preservation of open space, the minimum lot size of individual building lots within a cluster subdivision is 2,500 square feet. New lots created by any subdivision action shall be clustered in groups not exceeding 8 units. There may be more than one cluster per project. Separation between cluster groups shall be a minimum of 120 feet.

6. **Lot width:** The minimum lot width for individual building lots in a cluster subdivision shall be 30 feet.

7. **Other development standards:** Development standards other than lot size and lot width shall be the same as are required within the zoning district in which the cluster residential development is located.

8. **Common open space.** The common open space in a cluster subdivision shall be a minimum of 50% of the non-constrained area of the parcel. The non-constrained area of the parcel includes all areas of the parcel, minus critical areas, as defined in RCW 36.70.030(5) as currently and hereinafter amended, and buffers. The remainder of the non-
The constrained area of the parcel shall be the buildable area of the parcel. The common open space tracts created by clustering shall be located and configured in the manner that best connects and increases protective buffers for environmentally sensitive areas, connects and protects area wildlife habitat, creates connectivity between the open space provided by the clustering and other adjacent open spaces as well as existing or planned public parks and trails, and maintains scenic vistas. Critical areas and buffers shall not be used in determining lot size and common open space requirements in a cluster subdivision. All natural features (such as streams and their buffers, significant strands of trees and rock outcropping), as well as sensitive areas (such as steep slopes and wetlands and their buffers) shall be preserved.

Future development of the common open space shall be prohibited. Except as specified on recorded documents creating the common open space, all common open space resulting from lot clustering shall not be altered or disturbed in a manner that degrades adjacent environmentally sensitive areas, rural areas, agricultural areas, or resource lands; impairs scenic vistas and the connectivity between the open space provided by the clustered development and adjacent open spaces; degrades wildlife habitat; and impairs the recreational benefits enjoyed by the residents of the development. Such common open spaces may be retained under ownership by the owner or subdivider, conveyed to residents of the development, conveyed to a homeowners association for the benefit of the residents of the development, conveyed to the City with the City's consent and approval or to another party upon approval of the City of Kent.

SECTION 8. A new section, section 15.02.073, is hereby added to the zoning code set forth in the Kent City Code to read as follows:

Sec. 15.02.073. Clustering or Cluster Subdivision. Clustering or Cluster Subdivision means a development or division of land in which residential building lots are reduced in size and concentrated in specified portion(s) of the original lot, tract, or parcel.
SECTION 9. Section 15.02.531 of the zoning code set forth in the Kent City Code, entitled “Use,” is hereby amended to read as follows:

Sec. 15.02.531. Use. *Use* means an activity for which land or premises or a building thereon is designed, arranged or intended, or for which it is occupied or maintained, let or leased.

SECTION 10. A new section, section 15.02.531, is hereby added to the zoning code set forth in the Kent City Code to read as follows:

Sec. 15.02.531. Urban separators. *Urban separators* are low-density lands that define community or municipal identities and boundaries, protect adjacent resource lands, rural areas, and environmentally sensitive areas, and create open space corridors within and between urban areas which provide environmental, visual, recreational and wildlife benefits.

SECTION 11. Section 15.02.532 of the zoning code set forth in the Kent City Code, entitled “Use, change of,” is hereby amended to read as follows:

Sec. 15.02.532. Use, change of. A change of use shall be determined to have occurred when it is found that the general character of the operation has been modified. This determination shall include review of but not be limited to: (1) hours of operation, (2) materials processed or sold, (3) required parking, (4) traffic generation, (5) impact on public utilities, (6) clientele, and (7) general appearance and location.
SECTION 12. Section 15.04.170 of the zoning code set forth in the Kent City Code, entitled “Agricultural and residential zone development standards,” is hereby amended to read as follows:
### Sec. 15.04.170. Agricultural and Residential Zone Development Standards.

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**Table Data:****

- **Agricultural and Residential Zone Development Standards.**
- **Zero lot line and clustering (24)**
  - The provisions in Sections 15.08.300, 310, 320, and 330 shall apply.
- **Signs**
  - The sign regulations of Chapter 15.06 shall apply.
- **Offstreet parking**
  - The off-street parking requirements of Chapter 15.05 shall apply.
- **Landscaping**
  - The landscaping requirements of Chapter 15.07 shall apply.
- **Multi-family Transition Area**
  - Additional standards for specific uses are contained in Chapter 15.08 and Chapter 15.09.
- **Multi-family design review**
  - Additional standards for specific uses are contained in Chapter 15.08 and Chapter 15.09.
SECTION 13. Section 15.04.180 of the zoning code set forth in the Kent City Code, entitled “Agricultural and residential land use development standard conditions,” is hereby amended by adding a new condition which shall read as follows:

Sec. 15.04.180. Agricultural and residential land use development standard conditions.

1. Minimum lot area is eight thousand five hundred (8,500) square feet for the first two (2) dwelling units, and two thousand five hundred (2,500) square feet for each additional dwelling unit.

2. Minimum lot area is eight thousand five hundred (8,500) square feet for the first two (2) dwelling units, and one thousand six hundred (1,600) square feet for each additional dwelling unit.

3. Minimum lot area is eight thousand five hundred (8,500) square feet for the first two (2) dwelling units, and nine hundred (900) square feet for each additional dwelling unit.

4. To determine minimum lot width for irregular lots, a circle of applicable diameter (the minimum lot width permitted) shall be scaled within the proposed boundaries of the lot; provided, that an access easement to another lot is not included within the circle.

5. Interior yards shall not be computed as part of the site coverage.

6. Porches and private shared courtyard features may be built within the front building setback line.

7. For properties abutting on West Valley Highway, the frontage on West Valley Highway shall be considered the front yard.

8. Proposed front yards less than twenty (20) feet in depth are subject to approval by the planning director, based on review and recommendation from the public works department relative to the existing and future traffic volumes and right-of-way requirements as specified in the city comprehensive transportation plan and city construction standards.
9. At least twenty (20) linear feet of driveway shall be provided between any garage, carport or other primary parking area and the street property line with the exception of an alley property line.

10. An aggregate side yard of thirty (30) feet shall be provided. A minimum of ten (10) feet shall be provided for each side yard. On a corner lot the side yard setback shall be a minimum of twenty (20) feet from the property line.

11. Each side yard shall be a minimum of ten (10) percent of the lot width; however, regardless of lot width, the yard width need not be more than thirty (30) feet.

12. Structures for feeding, housing and care of animals, except household pets, shall be set back fifty (50) feet from any property line.

13. Additional setbacks for the agriculture general (AG) zoning district.
   a. Structures for feeding, housing and care of animals shall be set back fifty (50) feet from any property line.
   b. Transitional conditions shall exist when an AG district adjoins a residential district containing a density of two (2) dwelling units or more per acre or a proposed residential area indicated on the city comprehensive plan. Such transitional conditions shall not exist where the separation includes an intervening use such as a river, railroad main line, major topographic differential or other similar conditions, or where the industrial properties face on a limited access surface street on which the housing does not face. When transitional conditions exist, as defined in this subsection, a yard of not less than fifty (50) feet shall be provided.
   c. Setbacks, Green River. Industrial development in the AG district abutting the Green River, or Russell Road or Frager Road where such roads follow the river bank, shall be set back from the ordinary high-water mark of the river a minimum of two hundred (200) feet. Such setbacks are in accordance with the city comprehensive plan and in accordance with the high quality of site development typically required for the industrial park areas of the city and in accordance with the state Shoreline Management Act of 1971, and shall be no more restrictive than, but as restrictive as, the Shoreline Management Act.
14. An inner court providing access to a double-row building shall be a minimum of twenty (20) feet.

15. The distance between principal buildings shall be at least one-half (1/2) the sum of the height of both buildings; provided, however, that in no case shall the distance be less than twelve (12) feet. This requirement shall also apply to portions of the same building separated from each other by a court or other open space.

16. The height limitations shall not apply to barns and silos; provided, that they are not located within fifty (50) feet of any lot line.

17. Beyond this height, to a height not greater than either four (4) stories or sixty (60) feet, there shall be added one (1) additional foot of yard for each additional foot of building height.

18. The planning director shall be authorized to approve a height greater than four (4) stories or sixty (60) feet; provided, such height does not detract from the continuity of the area. When a request is made to exceed the building height limit, the planning director may impose such conditions, within a reasonable amount of time, as may be necessary to reduce any incompatibilities with surrounding uses.

19. Except for lots used for agricultural practices, the maximum impervious surface area allowed shall be ten thousand (10,000) square feet when the lot is greater than one (1) acre.

20. The following uses are prohibited:
   a. The removal of topsoil for any purpose.
   b. Grade and fill operations; provided, that limited grade and fill may be approved as needed to construct permitted buildings or structures.
   c. All subsurface activities, including excavation for underground utilities, pipelines or other underground installations, that cause permanent disruption of the surface of the land. Temporarily disrupted soil surfaces shall be restored in a manner consistent with agricultural uses.
   d. Dumping or storage of nonagricultural solid or liquid waste, or of trash, rubbish or noxious materials.

Urban Separators
Activities that violate sound agricultural soil and water conservation management practices.

21. Outdoor storage for industrial uses shall be located at the rear of a principally permitted structure and shall be completely fenced.

22. Mobile home park combining district, MHP. The standards and procedures of the city mobile home park code shall apply. General requirements and standards for mobile home park design, KCC 12.04.520; mobile home parks, Ch. 12.05 KCC.

23. Except for lots used for agricultural practices, the maximum impervious surface area allowed shall be ten thousand (10,000) square feet.

24. Minimum lot width, building setbacks, and minimum lot size regulations may be modified consistent with provisions for zero lot line and clustering housing development.

25. The requirements of KCC 15.08.215 shall apply in any multifamily transition area, which includes any portion of a multifamily district within one hundred (100) feet of a single-family district or within one hundred (100) feet of a public street right-of-way.

26. The requirements of KCC 15.09.045 for multifamily design review shall apply to any multifamily dwelling of three (3) or more units.

27. Minimum lot area is eight thousand five hundred (8,500) square feet for the first two (2) dwelling units, and three thousand five hundred (3,500) square feet for each additional dwelling unit.

28. The following zoning is required to be in existence on the entire property to be rezoned at the time of application of a rezone to an MR-T zone: SR-8, MR-D, MR-G, MR-M, MR-H, O, O-MU, NCC, CC, GC, DC or DCE.

29. All multifamily townhouse developments in the MR-T zone shall be condominiums only. A condominium plat shall be filed and recorded pursuant to Chapter 64.32 RCW prior to approval of a development permit by the city.
30. As an option to the five (5) foot side yard requirement for single-family development in all multi-family zoning districts as set forth in 15.04.170, a side yard width of no less than three (3) feet may be utilized under the following conditions:

1. Fire hydrants for the development, as required by the fire code set forth in Title 13 of the Kent City Code, will be placed a maximum of 300 feet in separation;

2. The required fire hydrants shall have a minimum fire flow of 1,500 gallons per minute; and

3. Emergency vehicle access roads shall be provided to the development, which includes an improved road accessible within 150 feet of all portions of the exterior first floor of the structure.

This option is subject to the approval of the Washington State Building Council. Application of this option shall be effective upon receipt by the City of Kent of such approval.

31. Where lands are located wholly or partially within the urban separator, as designated on the City of Kent Comprehensive Land Use Plan Map, dwelling units shall be required to be clustered, subject to the provisions of Kent City Code Chapter 12.04 entitled "Subdivisions". The density in a cluster subdivision shall be no greater than the density that would be allowed on the parcel as a whole, including all critical areas (creeks, wetlands, geological hazard areas) and buffers, using the maximum density provisions of the zoning district in which it is located.

The common open space in a cluster subdivision shall be a minimum of 50% of the non-constrained area of the parcel. The non-constrained area of the parcel includes all areas of the parcel, minus critical areas, as defined in RCW 36.70A.030(5) as currently and hereinafter amended, and buffers. The remainder of the non-constrained area of the parcel shall be the buildable area of the parcel. The common open space tracts created by clustering shall be located and configured in the manner that best connects and increases protective buffers for environmentally sensitive areas, connects and protects area wildlife habitat, creates connectivity between the open space provided by the clustering and other
adjacent open spaces as well as existing or planned public parks and trails, and maintains
scenic vistas. Critical areas and buffers shall not be used in determining lot size and
common open space requirements in a cluster subdivision. All natural features (such as
streams and their buffers, significant strands of trees and rock outcropping), as well as
sensitive areas (such as steep slopes and wetlands and their buffers) shall be preserved, as
open space in a cluster subdivision.

Future development of the common open space shall be prohibited. Except as
specified on recorded documents creating the common open space, all common open space
resulting from lot clustering shall not be altered or disturbed in a manner that degrades
adjacent environmentally sensitive areas, rural areas, agricultural areas, or resource lands;
impairs scenic vistas and the connectivity between the open space provided by the
clustered development and adjacent open spaces; degrades wildlife habitat; and impairs the
recreational benefits enjoyed by the residents of the development. Such common open
spaces may be retained under ownership by the owner or subdivider, conveyed to residents
of the development, conveyed to a homeowners association for the benefit of the residents
of the development, conveyed to the City with the City’s consent and approval or to another
party upon approval of the City of Kent.

The minimum lot size of individual lots within a clustered subdivision is 2,500
square feet, and the minimum lot width is 30 feet. In the event that common open space
prohibits development of one single family residence on the parcel, the common open
space will be reduced by the amount necessary to meet the minimum 2500 square foot lot
size. New lots created by any subdivision action shall be clustered in groups not exceeding
eight (8) units. There may be more than one (1) cluster per project. Separation between
cluster groups shall be a minimum of 120 feet. Sight obscuring fences are not permitted
along cluster lot lines adjacent to the open space area.

**SECTION 14. - Moratorium Termination.** The moratorium on the
acceptance of applications for any land use permit or approval for subdivisions, short plats,
or any other similar application that increases the number of lots and/or density on property
located within the currently established urban separators, as identified in the Soos Creek
Community Plan and in areas proposed for inclusion as an urban separator in the City of Kent, as set forth in Resolution No. 1576, shall terminate on the effective date of this ordinance.

**SECTION 15. – Severability.** If any one or more section, 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 16. – Effective Date.** This ordinance shall take effect and be in force thirty (30) days from and after its passage as provided by law.

ATTEST:

JIM WHITE, MAYOR PRO TEM

APPROVED AS TO FORM:

ROGER LUBOVICH, CITY ATTORNEY

I hereby certify that this is a true copy of Ordinance No. 3551 passed by the City Council of the City of Kent, Washington, and approved by the Mayor of the City of Kent as hereon indicated.

Jackie Buffett  (SEAL)
BRENDA JACOBER, CITY CLERK

Council Secretary
Exhibit “A”

NARRATIVE ADDITION TO NATURAL RESOURCES GOALS AND POLICIES OF LAND USE ELEMENT OF COMPREHENSIVE PLAN

(to be added at the end of the existing narrative of this section)

Kent is home to approximately five watersheds with major creek systems, all with varying degrees of urban development. The Soos Creek Watershed is a region of approximately 70 square miles and within the Kent City limits includes the Upper Soos Creek and Soosette Creek subbasins. The system has close to 90 miles of streams flowing into the Green River, and the basin includes many wetlands and lakes. The Soos Creek Basin Plan, adopted by King County in January 1992, recommended a combination of tools for basin management aimed at correcting surface water problems and providing protection for the basin’s water resources. One of the tools recommended was to maintain rural densities, especially in areas of the Soosette Creek subbasin.

Big Soos Creek is a major creek lying within the Green River Basin. The creek meanders in and out of the easterly city limits of Kent and provides a natural open space corridor between the cities of Kent and Covington and between Urban Growth Areas and Rural Areas of unincorporated King County. Big Soos Creek provides significant habitat for fish and wildlife, and it is an area of natural beauty that provides recreational and educational opportunities throughout the region. The Soos Creek Trail, which runs for 4 miles from Gary Grant Park at SE 208th and 137th Avenue SE to Lake Meridian Park, provides opportunities for walking, bicycling and horseback riding.

The east and west banks of the Green River valley and other unique natural features such as the Olsen Creek canyon provide natural opportunities for urban separators. The eastern plateau in particular provides a natural separation between the cities of Kent and Covington, and between the urban and rural areas of unincorporated King County.

The Olsen Creek canyon provides separation between a portion of Kent and Auburn. This separation continues as a result of both natural features and existing land use preservation within the Agricultural Production District of King County. In addition, the wetlands and floodplains of the Northeast Auburn drain, Mill Creek (Auburn) and Mullen Slough limit development potential. The result is a complete east-west corridor of environmental, visual, recreational and wildlife benefits.
Exhibit “B”

NATURAL RESOURCES GOALS AND POLICIES ADDITION TO LAND USE ELEMENT OF COMPREHENSIVE PLAN

(to be added at the end of the existing goals and policies of this section)

**Goal LU-28** – Establish urban separators to protect environmentally sensitive areas, including lakes, streams, wetlands, and geologically unstable areas such as steep slopes, to create open space corridors that provide environmental, visual, recreational and wildlife benefits within and between urban growth areas, and to take advantage of unusual landscape features such as cliffs or bluffs and environmentally unique areas.

**Policy LU-28.1** – Establish urban separators as low-density areas of no greater than one dwelling unit per acre.

**Policy LU-28.2** – Only allow amendments to the urban separator policy at the time coinciding with King County’s 20-year review of its 1994 Policy Update of the Comprehensive Plan or by Kent City Council initiation because of pending danger or public safety.

**Policy LU-28.3** – Require subdivisions within or adjacent to urban separators to provide open space linkages within or to the urban separator.

**Policy LU-28.4** – Establish urban separators as links between, and for protection of, sensitive areas, public parks, open spaces or trails, critical aquifer recharge areas, floodplains, high value wetlands, unstable slopes, regionally or locally significant resource areas, fish and wildlife habitat and other unique environmental features.

**Policy LU-28.5** – Coordinate with appropriate South King County agencies, adjacent cities, and unincorporated King County to create a regional approach to Urban Separators.

**Policy LU-28.6** – Link urban separators within the City of Kent to those of adjacent cities and unincorporated King County.

**Policy LU-28.7** – Encourage well-designed land use patterns, including clustering of housing units, transfer of development rights, zero lot lines and other techniques to protect and enhance urban separators.

**Policy LU-28.8** – Consider funding options, land trusts, purchase of development rights, and other methods for public acquisition of urban separators.
Exhibit "C"

Urban Separators
Planning Committee Recommendation
2/27/01

Legend

- Kent City Limits
- Potential Annexation Area
- Urban Separators & Open Space
- Open Space/Park
- Urban Separator

*Note
Comprehensive Plan Map = Urban Separator
Zoning Map = Single Family (SR-1)

0 2 Miles