Ordinance No. 3581

["Beginning July 1, 1998"]

(Amending or Repealing Ordinances)

Repeals Ord. 3572
ORDINANCE NO. 3581

AN ORDINANCE of the City Council of the City of Kent, Washington, repealing Ordinance 3572 regarding comprehensive plan and zoning designations for the DeMarco Annexation area and reverting to the previous King County Comprehensive Plan designations and a zoning designation of Single Family Residential (SR-2)

WHEREAS, on June 19, 2001, the Kent City Council adopted Ordinance No 3562, effective on July 1, 2001, approving the annexation of the DeMarco Annexation (the "Annexation Area") into the City of Kent, and

WHEREAS, the Annexation Area is approximately 266 acres of land contiguous with the City's existing boundary, and is generally bound on the west by 116th Avenue SE, on the east by 132nd Avenue SE, on the north by SE 231st, and on the south by SE 240th, and is more particularly described in Exhibit A and B to this ordinance, and

WHEREAS, the comprehensive plan designation for the Annexation Area is an issue of community-wide significance that promotes the public health, safety, and general welfare of the citizens of Kent, and

WHEREAS, during the September 18, 2001 meeting, the City Council adopted Ordinance number 3572 which adopted a comprehensive plan designation of Single Family Residential, 6 units per acre (SF-6) for the Annexation area and further
WHEREAS, on September 25, 2001 there was filed *Lotto and Toppano v City of Kent* in King County Superior Court, cause number 01-2-26006-5 KNT, which included allegations of procedural defects in the City’s public process used to adopt Ordinance number 3572, and

WHEREAS, on October 25, 2001, there was filed *Lotto and Toppano v City of Kent* before the Central Puget Sound Growth Management Hearings Board case number 01-3-0024, which included allegations of procedural defects in the City’s public process used to adopt Ordinance number 3572 in violation of the requirements of Chapter 35 70 RCW, the Growth Management Act; and

WHEREAS, in accordance with RCW 36 70A 130(2)(b) and in consideration of the Superior Court and Growth Management Hearings Board causes of action being dismissed, the City Council on November 20, 2001 authorized execution of stipulations or agreements whereby Ordinance No. 3572 would be repealed, interim zoning of SR-2 would be adopted, and an appropriate public process would be followed to reconsider and adopt comprehensive plan and zoning designations for the annexation area, NOW THEREFORE,

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

**SECTION 1.** Ordinance No. 3572 is hereby repealed in its entirety

**SECTION 2.** In accordance with section 15 03 020(E) of the Kent City Code, the annexation area shall revert to interim zoning of Single-Family Residential (SR-2), as seen on Attachment "A"

*Repeal Ordinance No. 3572 - DeMarco Annexation*
SECTION 3. The comprehensive plan designation for the annexation area shall revert to the previous designations of

King County urban residential 4-12 units per acre
King County urban residential 12 plus units per acre
(SF-6) Single Family Residential, 6 units per acre

as seen on Attachment "B"

SECTION 4. The interim zoning and comprehensive plan designations set forth above shall remain in effect until the City Council adopts an ordinance establishing new comprehensive plan and zoning designations for the annexation area.

SECTION 5. - 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 6. - Effective Date This ordinance shall take effect and be in force five (5) days from and after passage and publication as provided by law.

JIM WHITE, MAYOR

ATTEST

BRENDA JACOBER, CITY CLERK
APPROVED AS TO FORM

ROGER LUBOVICH, CITY ATTORNEY

PASSED 11 day of December, 2001
APPROVED 11 day of December, 2001
PUBLISHED 15 day of December, 2001

I hereby certify that this is a true copy of Ordinance No. 3571 passed by the City Council of the City of Kent, Washington, and approved by the Mayor of the City of Kent as hereon indicated.

BRENDA JACOBER (SEAL)
BRENDA JACOBER, CITY CLERK

Repeal Ordinance No. 3572 - DeMarco Annexation
DeMarco Annexation Area

Zoning Repeal
Ordinance No. 3572

Legend
DeMarco Annexation Area
Kent City Limits
Buildings

December 11, 2001
Kent Planning Services

Attachment A