ORDINANCE NO. 3605

AN ORDINANCE of the City Council of the City of Kent, Washington, relating to and implementing comprehensive plan and zoning designations for the DeMarco Annexation

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, the City’s Planning staff began work on the comprehensive plan and zoning designation for the Annexation Area, as outlined in Section 15 09 055 of the Kent Zoning Code, and

DeMarco Annexation Comprehensive Plan and Zoning Designations
WHEREAS, the Land Use and Planning Board, prior to making a recommendation to the City Council, conducted a public hearing on May 21, 2001, to take public testimony on amendments to the comprehensive plan and zoning map for the Annexation Area, and

WHEREAS, the City Council held two public hearings on the comprehensive plan and zoning designation for the Annexation Area, the first public hearing was held on July 17, 2001, and the second public hearing was held on August 21, 2001, 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 adopted zoning of Single Family Residential (SR-6) and Single Family Residential (SR-4.5) for the Annexation area, and

WHEREAS, the Washington State Environmental Policy Act (SEPA) requires that comprehensive plans be reviewed as to their potential environmental impact, and that on May 23, 2001, the City of Kent issued an Addendum to the Environmental Impact Statement that was prepared for the Kent Comprehensive Plan, and that this Addendum analyzed the comprehensive plan and zoning designations inclusive of those adopted by the City Council on September 18, 2001, and

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 No 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 No 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 36 70A 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,

WHEREAS, Ordinance No 3572 was repealed in its entirety on December 11, 2001, and

WHEREAS, the Land Use and Planning Board conducted a public hearing on March 11, 2002, to take public testimony on amendments to the comprehensive plan and zoning map for the Annexation Area, and

WHEREAS, the City Council held two public hearings on the comprehensive plan and zoning designation for the Annexation Area, the first public hearing was held on April 2, 2002, and the second public hearing was held on May 7, 2002, and

WHEREAS, during the May 7, 2002, meeting the City Council adopted comprehensive plan designations of Single Family Residential, 6 units per acre (SF-6) and Neighborhood Services for the Annexation Area, as depicted in Exhibit “A” attached, and

3  *DeMarco Annexation Comprehensive Plan and Zoning Designations*
WHEREAS, during the May 7, 2002, meeting the City Council adopted zoning designations of Single Family Residential (SR-6) and Neighborhood Convenience Commercial for the Annexation Area, as depicted in Exhibit “B” attached hereto, and

WHEREAS, the Washington State Environmental Policy Act (SEPA) requires that comprehensive plans be reviewed as to their potential environmental impact, and on March 4, 2002, the City of Kent issued a Revised Environmental Impact Statement Addendum (Revised Addendum), and this Revised Addendum analyzed the comprehensive plan and zoning designations inclusive of those adopted by the City Council on May 7, 2002, NOW THEREFORE,

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

SECTION 1. Pursuant to Chapter 12.02 of the Kent City Code and RCW 36.70A.130, the comprehensive plan designations of Single Family Residential, 6 units per acre (SR-6) and Neighborhood Services for the area known as the DeMarco Annexation area shall be established as outlined in Exhibit A attached hereto and incorporated herein by reference.

SECTION 2. Pursuant to Kent City Code Section 15.09.055 and the laws of the State of Washington, the zoning designations of Single Family Residential (SR-6) and Neighborhood Convenience Commercial District (NCC) for the area known as the DeMarco Annexation area shall be established as outlined in Exhibit B attached hereto and incorporated herein by this reference.
SECTION 3. Severability  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 4. Effective Date  This Ordinance shall take effect and be in force thirty (30) days from the time of its final approval and passage as provided by law.

JIM WHITE, MAYOR

ATTEST

BRENDA JACOBER, CITY CLERK

APPROVED AS TO FORM

TOM BRUBAKER, CITY ATTORNEY
I hereby certify that this is a true copy of Ordinance No. 3605, 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

Mary Simmons, Acting
DeMarco Annexation
Land Use & Planning Board
Recommendation

Comprehensive Plan
#AZ-2001-1

March 2002
Kent Planning Services
WASHINGTON STATE COUNTY AUDITOR/RECORDER'S COVER SHEET

Document Title: City of Kent Ordinance No. 3605 relating to and implementing comprehensive plan and zoning designations for the DeMarco Annexation.

Reference Number(s): N/A

Grantor(s): N/A

Grantee(s): N/A

Abbreviated Legal Description: Ptn of N ½ of 21-22-5 plat of Winsberg Haven, recorded Vol. 157 plats, pages 12-15 and the plat of Terra Heights, recorded Vol. 125, pages 7-9; and Ptn of S ½ of 16-22-5 recorded

Assessor's Property Tax Parcel/Account Number(s): -- N/A