ORDINANCE NO. 3608

AN ORDINANCE of the City Council of the City of Kent, Washington, establishing a Planned Action for a site approximately 250 acres in size, bound by James and Harrison Streets, 4th Avenue and 1st Avenue, as described in the adopted Kent Station Supplemental Environmental Impact Statement.

WHEREAS, the Governor’s Task Force on Regulatory Reform recommended changes to state law that would enable local governments to consolidate environmental review of plans prepared under the Washington State Growth Management Act (GMA), and

WHEREAS, both the State Environmental Policy Act (“SEPA”) and Chapter 36 70B Revised Code of Washington (“RCW”) provide for the integration of environmental review with project review through the establishment of “Planned Actions”, and

WHEREAS, Planned Actions expedite the permitting process where substantial planning and environmental analysis have been done prospectively for specific geographic areas that are less extensive than the municipality’s jurisdictional boundaries or that are for certain types of development, and

1 Planned Action Ordinance – Kent Station SEIS
WHEREAS, RCW 43 21C 031 and Washington Administrative Code ("WAC") 197-11-164, -168, and -172 allow for and govern the application of a Planned Action designation, and

WHEREAS, City of Kent Ordinance No 3222 adopted a Comprehensive Plan (April 1995), under the provisions of Chapter 36 70A RCW, that includes goals and policies for Kent's downtown area; and

WHEREAS, City of Kent Ordinance No 3398 adopted the Downtown Strategic Action Plan and Integrated Supplemental Environmental Impact Statement in 1998 as an amendment to the City of Kent Comprehensive Plan, in compliance with the requirements of the GMA to direct growth into urban centers that provide a mix of residential, commercial, educational, and recreational land uses served by a multi-modal transportation system, and

WHEREAS, the City of Kent Downtown Strategic Action Plan provides a basis for master planning and environmental analysis for the subsequent adoption of a Planned Action Ordinance for the Downtown Kent subarea, and its component districts, and

WHEREAS, City of Kent Ordinance 3543, passed on February 20, 2001, rezoned lands previously designated as Downtown Commercial Limited Manufacturing (DLM) within Downtown Kent to Downtown Commercial Enterprise (DCE) and recognized the variety of functions Downtown Kent will be expected to provide as a designated Urban Center pursuant to King County county-wide planning policies for population, employment and services; and

WHEREAS, on February 8, 2001, the City purchased the Borden Chemical site, and

Planned Action Ordinance – Kent Station SEIS
WHEREAS, the Sound Transit Commuter Rail Station began operation in the City of Kent on February 5, 2001, and the presence of this transit service is consistent with and would enhance mixed-use development on the Planned Action site, and

WHEREAS, the City of Kent over the years has provided an ongoing opportunity for public participation and review process for preparation of its Comprehensive Plan, the Downtown Strategic Action Plan and Integrated Environmental Impact Statement, and the Kent Station Planned Action Ordinance, and

WHEREAS, on July 9, 2002 the Kent City Council Planning Committee held a public meeting on this Planned Action Ordinance to allow an opportunity for public comment as required by WAC 197-11-168, and

WHEREAS, the Kent Station Planned Action Supplemental Environmental Impact Statement (hereafter “SEIS”) identifies impacts and mitigation measures associated with the planned development, and

WHEREAS, this Ordinance would designate certain land uses and activities as Planned Actions’ that would be consistent with the Downtown Commercial Enterprise zoning distinct designations within Downtown Kent. NOW, THEREFORE,

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

SECTION 1. - Purpose The City Council declares that the purpose of this ordinance is to
A. Combine environmental analysis with land use planning, and

B. Streamline and expedite the land use permit process by relying on completed and existing detailed environmental analysis for certain land uses allowed in Downtown Kent, and

C. Set forth a procedure designating certain project actions within Downtown Kent as Planned Actions consistent with RCW 43.21C.031; and

D. Provide the public with an understanding of Planned Actions and how the City will process Planned Actions, and

E. Adopt the SEIS as a Planned Action document that provides a framework for encouraging development proposals within the Planned Action Area described in Section 3(A) (“Planned Action Projects”) that are consistent with the goals and policies of the City of Kent Comprehensive Plan and the City of Kent Downtown Strategic Action Plan, as they apply to a portion of the North Core District of Downtown Kent

F. Apply the City's development codes together with the SEIS and mitigation framework described in Section 3 of this Ordinance to expedite and simplify processing Planned Action developments, consistent with RCW 43.21C.240 and WAC 197-11-158
SECTION 2. - Findings The City Council finds that:

A. The City of Kent selects Alternative 2, as set forth in the SEIS, as its preferred alternative, and

B. The City of Kent Comprehensive Plan Environmental Impact Statement, the City of Kent Downtown Strategic Action Plan and Integrated Supplemental Environmental Impact Statement (together "DSAP"), and the SEIS adequately address all significant environmental impacts associated with the Planned Action described in the SEIS for Alternative 2; and

C. The mitigation measures contained in the Mitigation Document, Exhibit A of this Ordinance, together with the City's development standards and any future mitigation measures that may be imposed through the land use process, are adequate to mitigate the significant adverse environmental impacts of the Planned Action Projects addressed in the SEIS Additional voluntary mitigation measures may also be incorporated in a subsequent development agreement pursuant to RCW 36 70B 170; and

D. The SEIS Planned Actions, also referred to as "Planned Action Projects" (as described by Alternative 2 in the SEIS), as set forth in Section 3(D) of this Ordinance, will benefit the public, will protect the environment, and will enhance economic development, and

E. The City has provided numerous opportunities for public involvement and review; has considered all comments received; and this public participation process has resulted in modifications to mitigation measures and Planned Action conceptual alternatives.
F. The Planned Action describes the location, types and quantities of uses anticipated.

G. Public services and facilities are adequate to serve the proposed Planned Action.

SECTION 3. - Procedure and Criteria for Evaluating and Determining Projects as Planned Actions

A. Planned Action Area. The Planned Action designation shall apply to all parcels bound by 1st Avenue on the east between James and Smith Streets, 4th Avenue on the west between James and Harrison Streets, James Street on the north between 1st and 4th Avenues, and Harrison Street on the south between 2nd and 4th Avenues, referred to in this Ordinance as the “Planned Action site.” The property is illustrated in Exhibit B and legally described in Exhibit C. Additionally, the Planned Action designation shall apply to any off-site improvements necessitated by the proposed Planned Action development where the impacts of the off-site improvements have been analyzed in the SEIS.

B. Environmental Document. A Planned Action designation for a site-specific Planned Action Project permit application shall be based on the environmental analysis contained in the draft SEIS issued by the City on April 23, 2002, and the Final SEIS issued by the City on July 8, 2002, and those environmental documents incorporated by reference or adopted in the SEIS. The Council’s Mitigation Document, Exhibit A, is based upon the environmental analysis in the SEIS, and is incorporated into this Ordinance by this reference. The Mitigation Document, together with existing City codes, ordinances, development regulations and standards and applicable county, state or federal requirements and standards, shall provide the framework for the decision by the City to impose conditions on a Planned Action project. Other environmental
documents incorporated by reference in the SEIS may also be utilized to assist in analyzing impacts and determining appropriate mitigation measures.

C. Planned Action Designated  Land uses and activities described in the SEIS, subject to the thresholds described in Section 3(D) and the mitigation measures described in the Mitigation Document, Exhibit A, are designated Planned Actions or Planned Action Projects pursuant to RCW 43.21C.031. A land use permit application for a site-specific Planned Action Project within the Subarea shall be designated as a Planned Action if it meets the criteria set forth in Section 3(D) of this Ordinance and applicable laws, codes, development regulations and standards of the City.

D. Planned Action Thresholds.

1. Land Use  Subject to the mitigation measures described in Exhibit A, the following land uses and development levels, together with the customary accessory uses and amenities described in the SEIS, are Planned Actions pursuant to RCW 43 21C.031:

   a. Land Uses  The following uses are the primary uses analyzed in the SEIS.

      i. Office,
      ii. Retail commercial;
      iii. Restaurant,
      iv. Multifamily residential,
      v. Cinema,
      vi. Community College;
      vii. Hotel & Conference Center;
      viii. Surface parking,
      ix. Structured parking, and
      x. Street and infrastructure improvements.
b. *Land Use Review Threshold*  The Planned Action designation applies to future development proposals that are comparable to or that are within the range established by SEIS Proposed Action Alternative 2, as shown in the Summary of Development table below:

*Kent Station Alternative – Summary of Development in Alternative 2*

<table>
<thead>
<tr>
<th>LAND USE</th>
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<tr>
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<td>138,000</td>
</tr>
<tr>
<td>Community College</td>
<td>50,000</td>
</tr>
<tr>
<td>Hotel/Conference Center</td>
<td>169,400 sf</td>
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<tr>
<td>Hotel Rooms</td>
<td>200 rooms</td>
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<tr>
<td>Multi-family Residential (sq feet)</td>
<td>434,000 sf</td>
</tr>
<tr>
<td>Housing Units</td>
<td>480 units</td>
</tr>
<tr>
<td>Total Commercial/Residential Development</td>
<td>1,121,800 sf</td>
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<tr>
<td>Park / Open Space</td>
<td>53,000 sf</td>
</tr>
<tr>
<td>Civic Plaza (Alt 2)/Plaza Area (Alt 3)</td>
<td>23,000</td>
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<td>Park Block (Alt 2)/Town Sq (Alt 3)</td>
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<td>Parking (stalls)</td>
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</table>
A list of general uses available to the land use categories featured in the above Summary of Development table, with appropriate development standards, is described in Kent City Code 15 04. Surface parking includes on-street spaces within the site, and structured parking includes ‘stand-alone’ parking garages as well as parking structured within and beneath mixed-use development.

If future development proposals in the Planned Action area exceed the maximum development parameters reviewed in the SEIS, further environmental review may be required under SEPA, as provided in WAC 197-11-172. If proposed plans significantly change the location of uses in a manner that would alter the environmental determinations in the SEIS, additional SEPA review also would be required. Shifting the total build-out of square footage between uses may be permitted so long as the total build-out does not exceed the aggregate amount of development, trip generation, and parking thresholds reviewed under the SEIS, and so long as the impacts of that development have been identified and mitigated in the SEIS and the Mitigation Document.

2 Building Heights and Thresholds. The Planned Action Area is entirely located within the Downtown Commercial Enterprise (DCE) zoning district. Under Kent City Code 15 04 190, there is no height limitation in the DCE zoning district. However, proposed building height is subject to Kent City Code 15 09 046 Downtown Design Review. The building heights reviewed in the SEIS range from one story to six stories. In comparison with the building heights reviewed in the SEIS, a proposed increase in height greater than one (1) additional story may require additional SEPA review to address aesthetic impacts.

3 Building Setbacks: Building setbacks shall be established by existing development regulations and Downtown and Multifamily Design Review.
4. **Open Space.** Open space shall be established by existing development regulations and Downtown and Multifamily Design Review. In no case shall the Civic Plaza and Park Block total less than 53,000 square feet, as analyzed in the SEIS. Of this total, approximately 30,000 square feet will be developed by the City as a Park Block.

5. **Transportation.**
   a. **Trip Ranges:** The range of trips reviewed in the SEIS are as follows:

   
<table>
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<tr>
<th>Time Period</th>
<th>Total Trips</th>
<th>Inbound</th>
<th>Outbound</th>
</tr>
</thead>
<tbody>
<tr>
<td>Weekday Daily Total</td>
<td>13,200</td>
<td>6,600</td>
<td>6,600</td>
</tr>
<tr>
<td>Weekday PM Peak Hour</td>
<td>1,380</td>
<td>675</td>
<td>705</td>
</tr>
</tbody>
</table>

   b. **Trip Threshold** Uses or activities that would exceed the maximum trip levels shown above will require additional SEPA review.

c. **Public Works Discretion** The Public Works Director shall have discretion to determine incremental and total trip generation, consistent with the ITE Trip Generation Manual (latest ed.), for each Planned Action Project permit application proposed under this Planned Action.

d. **Off-Site Mitigation** As provided in the SEIS in order to mitigate transportation related impacts, an Environmental Mitigation Fee shall be paid to participate in and pay a proportionate share of the construction cost to fund the South 272nd/South 277th Street Corridor, which supports an alternative vehicular route that does not require passing through Downtown Kent.
e. **Road Improvements** The Planned Action would require off-site road improvements as follows:

**Phase I (0 to 690 net new PM peak hour trips)**

Subject to the Public Work’s Director’s discretion provided for in subsection 5(c) above, Phase I mitigation will be triggered by the first application and will apply to all developments until the point those developments generate up to a total of 690 net new PM peak hour trips. For any of these proposals, all of the traffic improvements listed below must be constructed before the City will issue any Certificates of Occupancy. At the discretion of the Public Works Director, the City may accept a fee in lieu of constructing these improvements. Any fee shall be for the full cost to the City for the construction of the improvements.

- **4th Avenue N/S 228th Street:** Construct a right-turn lane on eastbound S 228th Street to southbound 4th Avenue N. Combined with protected phasing for this new right-turn lane, operations could be improved from LOS F to LOS D during the PM peak hour.

- **Central Avenue S/W Willis Street:** Construct a new right-turn lane on southbound Central Avenue S to westbound W Willis Street. The new right-turn lane would operate protected with east and westbound left-turn movements to establish a LOS D.

- **2nd Avenue S/W Willis Street:** This unsignalized intersection is anticipated to operate at LOS F on the minor approaches of 2nd Avenue S in 2010 with either the Proposed Action or No Action alternatives. Restrict
left-turn movements from W Willis Street onto 2nd Avenue S.

Phase II (690 to 1,460 net new PM peak hour trips)

Subject to the Public Works Director’s discretion provided for in subsection 5(c) above, Phase II mitigation will be triggered by any development that raises the total trip generation above 690 net new PM peak hour trips. For any of these developments, all of the traffic improvements listed below must be constructed before the City will issue any Certificates of Occupancy. At the discretion of the Public Works Director, the City may accept a fee in lieu of constructing these improvements. Any fee shall be for the full cost to the City for the construction of the improvements.

- **4th Avenue S/W Willis Street**: Widen to create a second left-turn lane on eastbound W Willis Street to northbound 4th Avenue S and extend the right-turn lane on southbound 4th Avenue S to westbound W Willis Street. The intersection would operate at LOS D during the PM peak hour with these improvements.

- **4th Avenue N/W Harrison Street**: Create channelized right-turn lanes on the eastbound and westbound approaches of Harrison Street. Operations would improve for right-turning vehicles, by allowing right-turning vehicles to bypass vehicles that are waiting in the through/left-turn lane and enter the 4th Avenue N traffic stream more quickly.
These road improvements have been analyzed in the SEIS. Significant changes to the road improvement plan proposed as part of any Planned Action Project that have the potential to significantly increase impacts to air quality, water quality, fisheries resources, noise levels or other factors beyond the levels analyzed in the SEIS may require additional SEPA review.

6 Earth: A significant change from the base of information and significant impacts contained in the SEIS under Prior Planning and Environmental Review and from the soil and groundwater contamination identified under Earth/Environmental Health in Chapter III of the SEIS that have the potential to adversely affect water quality, fisheries resources or environmental health concerns shall require additional SEPA review, including possible MTCA compliance.

7 Air Quality: A significant change in site layout or traffic generation from that identified and evaluated in the SEIS that could affect localized air quality would require additional SEPA review. Construction related mitigation measures to reduce air quality impacts, as outlined in the SEIS, shall be incorporated into the construction plans where appropriate.

8 Water: A significant change from the base of information and significant impact analysis contained in the SEIS under Prior Planning and Environmental Review, and from the wetlands that were analyzed under Wetlands in Chapter III of the SEIS that have the potential to adversely affect water quality or fisheries resources in a material manner not identified in the SEIS will require additional SEPA review. The City will rely on adopted local, state, and federal regulations to mitigate the significant impacts to water quality and quantity from the Planned Actions.
9. Public Services and Utilities  A significant change from the base of
information and significant impact analysis contained in the SEIS under
Prior Planning and Environmental Review, and a significant increase in
the number of square feet or dwelling units beyond the maximum
number reviewed in the SEIS, which has the potential to result in
significant adverse environmental impacts not previously identified in
the SEIS in the development's provision of public services and utilities
will require additional SEPA review.

E Planned Action Review Criteria.

1. The SEPA Official or designee is authorized to designate a project
application as a Planned Action pursuant to RCW 43.21C.031(2)(a), if
the project application meets all of the following conditions:

a. The project meets the description of a Planned Action Project as
set forth in this Ordinance, and will implement any applicable
mitigation measures identified in this Ordinance; and

b. The project is located within the Planned Action Area or is an
off-site improvement directly related to a proposed development
on the subject site; and

c. The project is consistent with the City of Kent Comprehensive
Plan and the Downtown Kent Action Plan; and

d. The project's significant adverse environmental impacts have
been adequately identified in the SEIS; and

e. The project falls within the Planned Action thresholds
established in Section 3(D) of this Ordinance; and

f. The SEPA Official has determined that the project's significant
impacts have been mitigated through the application of the
Mitigation Document in Exhibit A, as well as other applicable
City, county, state and federal requirements and conditions,
which together constitute sufficient mitigation for the significant environmental impacts associated with the proposed project; and

g. The proposed project complies with all applicable local, county, state, and federal regulations, and where appropriate, the proposed project complies with needed variances or modifications or other special permits have been identified; and

h. The proposed project is not an essential public facility

**Effect of Planned Action**

1 Upon designation by the SEPA Responsible Official that the development proposal within the Planned Action Area qualifies as a Planned Action pursuant to this Ordinance and WAC 197-11-172, the project shall not be subject to a SEPA threshold determination, an environmental impact statement (EIS), or any additional review under SEPA.

2. Being designated a Planned Action or Planned Action Project means that a proposed project has been reviewed in accordance with this Ordinance, and found to be consistent with the development parameters and environmental analysis included in the SEIS, including its incorporated and adopted documents.

3 Planned Action Projects will not be subject to further procedural review under SEPA. However, these projects will be subject to conditions as outlined in this document and the attached Exhibit A, which are designed to mitigate any environmental impacts resulting from the project proposal. Additionally, projects will be subject to applicable City, state and federal regulatory requirements. The Planned Action designation shall not excuse a project from meeting the City’s code and ordinance requirements apart from the SEPA process.
G Planned Action Permit Process. The Planning Manager or designee shall review projects and determine whether they meet the criteria as Planned Actions under applicable state, federal, and local laws, regulations, codes and ordinances. The review procedure shall consist, at a minimum, of the following:

1. Development applications will meet the requirements of Kent City Code ("KCC") Titles 6, 7, 11, 12, 13, 14 and 15. Applications shall be made on forms provided by the City and shall include a SEPA checklist or revised SEPA checklist or such other environmental review forms provided by the Community Development, Fire, and Public Works Departments. The checklist may be incorporated into the form of an application.

2. The Planning Manager will determine whether the application is complete as provided in KCC Chapter 1201.

3. If the project application is within the Planned Action Area, the application shall be reviewed to determine whether the proposed application is consistent with and meets all of the qualifications specified in Section 3 of this Ordinance.

4. After the City receives and reviews a complete application, the SEPA Official shall determine, utilizing the criteria and procedures contained in WAC 197-11-172, whether the project qualifies as a Planned Action. If the project does qualify as a Planned Action, the Planning Manager shall notify the applicant, and the project shall proceed in accordance with the appropriate permit procedure, except that no additional SEPA review, threshold determination, or EIS will be required.

5. Public notice for projects that qualify as Planned Actions shall be tied to the underlying permit and not to SEPA notice requirements. If notice is otherwise required for the underlying permit, the notice shall state that...
the project has qualified as a Planned Action. If notice is not otherwise required for the underlying permit, no special notice is required.

6. If a project is determined not to be a Planned Action, the Planning Manager shall notify the applicant and prescribe a SEPA review procedure consistent with the City SEPA procedures and state laws. The notice to the applicant shall describe the elements of the application that result in disqualification as a Planned Action.

7. Projects disqualified as a Planned Action may use or incorporate relevant elements of the environmental review analysis in the SEIS prepared for the Planned Action, as well as other environmental documents to assist in meeting SEPA requirements. The SEPA Official may choose to limit the scope of the SEPA review to those issues and environmental impacts not previously addressed in the SEIS.

SECTION 4. - Time Period. This Planned Action Ordinance shall be reviewed no later than December 1, 2010 by the Planning Manager to determine its continuing validity with respect to the environmental conditions of the Planned Action Area and the vicinity and adequacy of Planned Action requirements and mitigation. Based upon this review, this Ordinance may be amended as needed, and another review period may be specified.

SECTION 5. - Conflict In the event of a conflict between the Ordinance or any mitigation measures imposed pursuant thereto and any ordinance or regulation of the City, the provisions of this Ordinance shall control EXCEPT that provision of any Uniform Code shall supersede.

SECTION 6. - Severability Should any section, subsection, paragraph, sentence, clause or phrase of this Ordinance or its application be declared unconstitutional or invalid for any reason, such decision shall not affect the validity of
the remaining portions of this Ordinance or its application to any other person or situation.

**SECTION 7. - Third Party Liability.** This Ordinance does not create or otherwise establish or designate any particular class or group of persons who will or should be especially protected or benefited by the terms of these regulations. No provision or term used in these regulations is intended to impose any duty whatsoever upon the City or any of its officers, employees, or agents.

Notwithstanding any language used in this Ordinance, it is not the intent of this Ordinance to create a duty and/or cause of action running to any individual or identifiable person, but rather any duty is intended to run only to the general public.

**SECTION 8. - Effective Date.** This Ordinance shall be effective upon its passage, approval, and five (5) days from and after its passage, approval and publication as provided by law.

Judy Woods
HM WHITE, MAYOR PRO TEM

ATTEST:

BRENDA JACOBER, CITY CLERK

Planned Action Ordinance – Kent Station SEIS
APPROVED AS TO FORM:

TOM BRUBAKER, CITY ATTORNEY

PASSED: 16 day of July, 2002.
APPROVED: 16 day of July, 2002
PUBLISHED: 20 day of July, 2002.

I hereby certify that this is a true copy of Ordinance No. 3608 passed by the City Council of the City of Kent, Washington, and approved by the Mayor of the City of Kent as hereon indicated.

BRENSA JACOBER, CITY CLERK
INTRODUCTION AND PURPOSE

The State Environmental Policy Act (SEPA) requires environmental review for project and non-project proposals that may have significant impacts upon the environment.

In order to meet SEPA requirements, the SEPA Official for the City of Kent issued a Draft Supplemental Environmental Impact Statement for the Kent Station Planned Action on April 23, 2002, and a Final Supplemental Environmental Impact Statement on July 8, 2002 (collectively, the “SEIS”). The SEIS has identified significant impacts that would occur with the future redevelopment of the subject site together with a number of possible measures to mitigate those significant impacts.

The purpose of this Mitigation Document is to establish specific mitigation measures, based upon significant impacts identified in the SEIS. The mitigation measures would apply to future development proposals that are deemed, pursuant to the City’s Planned Action Ordinance and WAC 197-11-172, to constitute Planned Actions or Planned Action Projects that are comparable to the Proposed Action reviewed in the SEIS, and that are located on the approximately 25 acre subject site (see Exhibit B). The mitigation measures may also apply to off-site improvements, if they were analyzed in the SEIS. Pursuant to RCW 43 21C 240 and WAC 197-11-150, this mitigation is in addition to the mitigation required by other applicable City, county, state and federal regulations and requirements.

USE OF TERMS

As several similar terms are utilized in this Mitigation Document, the following phrases or words are defined briefly.

SEPA Terms

"Action” means projects or programs financed, licensed, regulated, conducted or approved by an Agency. “Project actions” involve decisions on a specific project such as a construction or management activity for a defined geographic area. “Non-project” actions involve decisions about policies, plans or programs. (See WAC 197-11-704)

"Planned Action” refers to types of project actions that are designated by ordinance for a specific geographical area and addressed in an EIS, in conjunction with a comprehensive plan or subarea plan, a fully contained community, a master planned resort, a master planned development or phased project. (See WAC 197-11-164).
“Proposal” means a proposed action, which may be actions and regulatory decisions of an agency, or any actions proposed by applicants. (See 197-11-784)

Other Terms

The subject site or Planned Action Area may be referenced as “Kent Station,” “site,” “subject site” or “Planned Action Area” in this document. Mitigation measures may also apply to off-site improvements analyzed in the SEIS.

This document includes mitigation measures that are tied to the approval of site plans, construction plans, civil plans, plats, planned unit developments, and design review. Regulations are found in Kent City Code Titles 6, 7, 11, 12, 13, 14 and 15.

General Interpretation

Where a mitigation measure includes the words “shall” or “will” the requirement is mandatory. Where “should” or “would” appear the words convey the City’s expectation and desires given circumstances presently known, with recognition that pertinent alternate or equivalent requirements may be imposed as more detailed design or reports are conducted consistent with the mitigation measures.

Unless stated specifically otherwise, the mitigation measure requirements to prepare plans, conduct studies, construct improvements, conduct maintenance activities, etc., are the responsibility of the future developer(s) to fund and/or carry out.

DEVELOPMENT PROPOSED UNDER PLANNED ACTION

Proposed Action

The Proposed Action reviewed in the SEIS includes.

- Approval of a plan to redevelop the Planned Action Area within Kent’s Downtown as a mixed-use urban village.

- Adoption of an ordinance designating the Kent Station Site as a Planned Action for purposes of SEPA compliance (per RCW 43.21C.031(2)(a), and WAC 197-11-164 and 197-11-168).

The City of Kent Downtown Strategic Action Plan identified the Subject Site (“Site”) as a key redevelopment opportunity and recommended preparing a master plan. The Planned Action designation reflects a decision that adequate environmental review has been completed and that further environmental review, under SEPA, for each specific development phase would not be necessary if it is determined that any given Planned Action Project is consistent with the development levels specified in the Planned Action Ordinance and evaluated in the SEIS and/or applicable development regulations.
The Planned Action includes a combination of retail, commercial, educational/institutional, residential and mixed-use redevelopment projects through the year 2010. It also includes the City’s approval of Planned Unit Development (PUD)/master plan, administrative design review, wetland mitigation plan, subdivision, civil construction drawings, and building permits. A program of road, infrastructure, and streetscape improvements are integral to the redevelopment proposal. The City and the Kent Station developer may also execute a development agreement, pursuant to RCW 36 70B.170. The agreement would set forth the development standards, mitigation requirements, review procedures, etc applicable to future development.

The SEIS provides conceptual information on the potential mix of uses, building density and height, access/circulation, recreation and open space opportunities and other development features. The intensity of site development would fall within the range of development represented in Alternative 2 of the SEIS (Reference Chapter II of the Draft SEIS). The proposed development thresholds consist of 518,400 square feet of commercial, 169,400 square feet (200 rooms) of hotel/conference center, and 480 units of housing (434,000 square feet). Also included are 2932 parking stalls and 53,000 square feet of park/open space.

Applicability of Mitigation Document

This mitigation document applies to the Proposed Action, Alternative 2 analyzed in the SEIS. For the mitigation document to apply to future development proposed in the Planned Action Area, that proposed development must be comparable to or within the range established by Alternative 2, as shown below.

\textit{Kent Station Alternative 2 – Summary of Development}

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</tr>
</tbody>
</table>
Building heights range from one to six stories (Reference Chapter II, Tables 4 and 5 in the SEIS).

All of the alternatives would provide the same public street improvements to 1st, 2nd and 4th Avenues N. Two new public streets would also traverse the site: 1) Temperance Street between 1st and 2nd Avenues N., and 2) 2nd Avenue N. would be extended from Smith Street to 4th Avenue N. (Reference Chapter II-14 – II-16 of the SEIS).

If future proposed plans exceed the maximum development parameters reviewed, supplemental environmental review may be required pursuant to WAC 197-11-172 and other applicable SEPA Rules.

MITIGATION DOCUMENT

Based upon the SEIS, which is incorporated by this reference, this Mitigation Document identifies significant adverse environmental impacts that are anticipated to occur in conjunction with the development of the Proposed Action. Mitigation measures are hereby established under SEPA Rules to address specific impacts identified in the SEIS, based upon the Proposed Action.

Additional consistency review under the Planned Action, site plan review, and other permit approvals will be required for specific development actions under the Proposed Action pursuant to WAC 197-11-172. Additional project conditions may be imposed on what are deemed to be Planned Action Projects based upon the analysis of the proposal in relationship to independent requirements of city, state or federal requirements or review criteria.

Any applicant for a project within the Planned Action Area may request modifications to these mitigation measures, if appropriate and as a result of changed circumstances, in order to allow an equivalent substitute mitigation or removal of a mitigation requirement. Such modifications would be evaluated by the City SEPA Responsible Official prior to any approvals by the City, based upon SEPA Rules.

As permitted under SEPA Rules (WAC 197-11-660), it is recognized that there may be some adverse impacts that are unavoidable because reasonable or feasible mitigation cannot be achieved for the Proposed Action.

Provided below for each element of the environment analyzed in the SEIS for the Proposed Action are (a) summary of and/or reference to SEIS analysis of significant environmental impacts (direct, indirect and cumulative); (b) summary of significant unavoidable adverse impacts, (c) mitigation measures established by this Mitigation Document, and (d) a list of federal and state laws and local policies/regulations on which mitigation measures are based.
In combination, regulations applicable to each element of the environment and mitigation measures imposed by this document will apply to and govern any Planned Action Project and will adequately mitigate all significant environmental impacts caused by the Proposed Action, except for those impacts that are identified as “significant unavoidable adverse impacts”

1. **Earth/Environmental Health**

   A. **Significant Impacts** Chapter III of the SEIS addresses remediation of on-site soil and groundwater contamination. Other potential environmental impacts to earth resources and environmental health (e.g., noise) have been adequately addressed in previous environmental documents and are summarized in Chapter II of the SEIS. A summary of impacts is provided below based upon the SEIS Summary Matrix.

   - Exposure to contaminated soils and groundwater on the site could pose potential health risks to the public. Health risks are the basis of the applicable cleanup levels that are being implemented through a cleanup plan.

   B. **Significant Unavoidable Adverse Impacts** Provided that reasonable mitigation measures are properly followed, no significant unavoidable impacts are anticipated.

   C. **Mitigation Measures** The mitigation measures established below address impacts identified in Chapter III of the SEIS.

   - No mitigation measures beyond those already identified and being implemented in connection with cleanup of the Borden Chemical Facility, BNSF, Reiman Trust, Brutsche, Silvestri and adjacent sites are required. Cleanup activities would be coordinated with redevelopment of the site and associated construction activities.

   - Any required clean up actions will occur as part of, and concurrent with, site preparation and construction activities for the 2nd Avenue extension and other proposed on-site development. Consistent with the recommended monitoring program, any monitoring wells displaced by redevelopment shall be relocated.

   - Monitoring shall occur as recommended in the Phase II site assessment reports.

   - Earthwork should be accomplished during the dry season from May to September whenever possible, when soils are likely to be compacted and when erosion and sedimentation activity are at a seasonal low.

   - Erosion control methods in the short term can include channeling surface water runoff, erosion preventing slope cover (e.g. straw), channel liners, and sedimentation control ponds. Long term methods include minimizing the concentration of runoff onto fill, cut or natural slopes, and minimizing disturbances to natural drainage courses and existing vegetation.
2. **Air Quality**

   **A. Significant Impacts**  Chapter II of the SEIS includes an examination of significant impacts to air quality in terms of construction activities, generated traffic, and indirect air emissions. In general, reduced emissions of particulates, carbon monoxide and nitrogen oxides would be associated with concentrating growth in a mixed-use pattern at higher densities in pedestrian-oriented areas. Localized dust and exhaust emissions would be generated from construction activities.

   - An Air Quality Conformity Analysis was conducted in conjunction with the FSEIS. No significant impacts were identified and no mitigation measures related to conformity are required.

   **B. Significant Unavoidable Adverse Impacts:** Provided that reasonable mitigation measures are properly followed, no significant unavoidable impacts are anticipated.

   **C. Mitigation Measures:** The following construction related mitigation measures to reduce air quality impacts shall be incorporated into the construction plans where appropriate:

   - Use only equipment and trucks that are maintained in optimal operational condition
   - Require all off road equipment to be retrofitted with emission reduction equipment (i.e., require participation in Puget Sound region Diesel Solutions by project sponsors and contractors)
   - Use bio diesel or other lower-emission fuels for vehicles and equipment
   - Use carpooling or other trip reduction strategies for construction workers
   - Stage construction to minimize overall transportation system congestion and delays to reduce regional emissions of pollutants during construction
   - Implement construction curbs on hot days when region is at risk for exceeding the ozone NAAQS, and work at night instead
   - Implement restrictions on construction truck idling (e.g., limit idling to a maximum of 5 minutes)
   - Locate construction equipment away from sensitive receptors such as fresh air intakes to buildings, air conditioners, and sensitive populations
   - Locate construction staging zones where diesel emissions won’t be noticeable to the public or near sensitive populations such as the elderly and the young
   - Spray exposed soil with water or other suppressant to reduce emissions of PM10 and deposition of particulate matter
   - Pave or use gravel on staging areas and roads that would be exposed for long periods
   - Cover all trucks transporting materials, wetting materials in trucks, or providing adequate freeboard (space from the top of the material to the top of the truck bed), to reduce PM10 emissions and deposition during transport
- Provide wheel washers to remove particulate matter that would otherwise be carried off-site by vehicles to decrease deposition of particulate matter on area roadways.
- Remove particulate matter deposited on paved, public roads, sidewalks, and bicycle and pedestrian paths to reduce mud and dust; sweep and wash streets continuously to reduce emissions.
- Cover dirt, gravel, and debris piles as needed to reduce dust and wind-blown debris.
- Route and schedule construction trucks to reduce delays to traffic during peak travel times to reduce air quality impacts caused by a reduction in traffic speeds.

3. Noise
   A. Significant Impacts. Increased noise and vibration would be associated with construction. These impacts could be intensive in some locations for limited periods of time. Some construction equipment and methods (e.g., pile driving) can produce peak noise levels greater than 100dBA, as well as significant vibration.

   B. Significant Unavoidable Adverse Impacts. Provided that reasonable mitigation measures are properly followed, no significant unavoidable impacts are anticipated.

   C. Mitigation Measures.
   - Mitigation measures for construction impacts may include enforcement of limits of the hours of construction activity, proper maintenance of equipment, use of mufflers and/or temporary sound barriers, alternative construction techniques (e.g., pile auguring), contractor preparation of noise control plans, and active monitoring and enforcement of applicable standards.

4. Wetlands
   A. Significant Impacts. Chapter III of the SEIS includes an examination of significant impacts to wetlands. A summary of impacts is provided below based upon the SEIS Summary Matrix. For a more detailed discussion of impacts, see Chapter III of the SEIS.
   - Three on-site wetlands would be filled to permit construction of planned buildings, roads and infrastructure.

   B. Significant Unavoidable Adverse Impacts. The wetland functions, values and area would be lost, and are unavoidable in the context of the alternative site plans and the City’s goals for Downtown development.
C  **Mitigation Measures.**

- Mitigation, in the form of off-site compensation, would occur consistent with the City’s adopted wetland standards and regulations and shall include the preparation of a wetland mitigation plan.

5. **Land Use**

A. **Significant Impacts** Chapter III of the SEIS includes an examination of significant impacts to land use. A summary of impacts is provided below based upon the SEIS Summary Matrix. For a more detailed discussion of impacts, see Chapter III of the SEIS.

- Proposed development would be of higher density and intensity than the No Action alternative and therefore involve potentially greater impacts. However, proposed development would be comparable to the density and intensity permitted under current zoning.
- A mix of uses would occur.
- The character of the site would change significantly from low-density, auto-oriented, suburban area with small buildings surrounded by large parking lots, to an urbanized, pedestrian-oriented/transit-oriented district.
- Borden Playfields would be replaced by urban park space resulting in a net reduction of between 3.5 and 3.8 acres of park land in the City. Demand could increase at other park facilities.
- Increased light, noise, and activity associated with an urban area may be noticeable from residential area to the north.
- Proposal would encourage new economic, civic and pedestrian activity in the area that indirectly could result in increased development pressure on surrounding properties to intensify.
- Some existing uses may be displaced and could relocate within the site or nearby commercial districts. As redevelopment occurs, potential land use conflicts between adjacent low intensity uses and new development could result.

B. **Significant Unavoidable Adverse Impacts:** Some displacement of existing land uses on the Kent Station Planned Action site would occur. Some limited contrast in land use intensity, bulk and scale would occur, primarily where larger buildings are proposed adjacent to existing single family residences. Impacts relating to lighting and noise may be mitigated but cannot be entirely avoided; they are considered to be an inherent characteristic of a mixed-use urban neighborhood.

C  **Mitigation Measures.** Kent’s adopted Comprehensive Plan, zoning regulations and Downtown Design Guidelines provide policies, processes, standards and development regulations that would mitigate most identified impacts.

- Utilize careful site planning, building design and buffering. Utilize techniques such as lighting limits, full cut-off fixtures, ample landscaping to buffer
adjacent uses and ensure privacy, placement/orientation of some building elements (e.g., deliveries, solid waste receptacles) to help control noise.

- Locate taller buildings in the interior of the site, set back upper stories of taller buildings from the street, or utilize additional screening or other design techniques to reduce the impact to existing single family neighborhoods.

- To minimize potential business and employment displacement impacts that would occur on-site, the City should provide technical assistance in relocation to other suitable sites.

- In mixed-use areas, the potential intrusion of noise from commercial, office and retail areas into residential areas should be minimized by limiting noisy activities (e.g. trash collection or composting) to hours outside of 11 pm to 7 am.

6. **Relationship to Plans, Policies and Regulations**

**A Significant Impacts.** Chapter III of the SEIS reviews the consistency of the Kent Station Planned Action alternatives to selected federal, state, regional and local plans, policies and/or regulations.

- The proposal is consistent with GMA planning goals to guide growth into an area with existing and planned infrastructure. The proposal also is consistent with the City of Kent’s land use designations, transportation, economic development, and community design policies and goal of redeveloping Downtown from a low-intensity suburban character to a higher intensity urban character.

**B Significant Unavoidable Adverse Impacts** None are anticipated

**C Mitigation Measures** No specific mitigation measures are warranted beyond the application of City regulations, which in many cases contain mitigation features. Future development or redevelopment within the Downtown is subject to existing federal and regional storm water management plan requirements, local development regulations, local concurrency regulations, and design standards.

7. **Aesthetics**

**A Significant Impacts.** Chapter III of the SEIS includes examination of significant impacts to visual character, including intensity, bulk/scale/height, visual compatibility, streetscape continuity, and light and glare generated. A summary of impacts is provided below based upon the SEIS Summary Matrix.

- The proposal is likely to improve visual quality overall. Proposed development would support the Historic District by improving streetscapes, pedestrian connections, and urban parks, resulting in a more unified Downtown core area.

- The proposal would provide mixed-use development in buildings ranging from one to six stories in height and lot coverage of up to 95 percent. Most buildings would contain ground floor retail uses to encourage a lively...
pedestrian oriented environment. On-street, surface and structured parking would be provided.

- Some negative impacts could result from differences in bulk and scale along the northern edges of the site, where more intensive development would be near single family residential uses. The proposed development also would be larger in bulk and scale than the structures in the adjacent Historic Core District.
- Light, glare and shadowing likely will increase.

B Significant Unavoidable Adverse Impacts: The expected significant visual and aesthetic change is generally considered to be positive and are consistent with the City of Kent Comprehensive Plan. Mitigation measures below, together with the City’s adopted development regulations and design standards are adequate to mitigate the anticipated significant adverse impacts.

C Mitigation Measures
- Utilize careful site planning, building design and buffering. Utilize techniques such as lighting limits, full cut-off fixtures, low hanging street lamps, and ample landscaping to buffer adjacent uses and ensure privacy.
- Locate taller buildings in the interior of the site, set back upper stories of taller buildings from the street, or utilize additional screening or other design alternatives to reduce the impact to existing single family neighborhoods.
- Prohibit reflective building materials.

8. Transportation

A Significant Impacts: Chapter III and Appendix C of the SEIS examines significant impacts to parking and the transportation system. A summary of impacts is provided below based upon the SEIS Summary Matrix.

- Trip Generation: New Weekday trip generation ranges from a total of 13,200 daily and 1,380 PM peak hour trips.
- Levels of Service: Intersection levels of service are expected to generally remain the same as 2010 Baseline for more than half of the study area intersections. At these intersections, a slight increase in delay is expected but increase in total intersection volume is insufficient to cause a noticeable change in LOS. Between 14 and 16 study intersections are anticipated to operate at or over capacity with or without the Proposed Action. In comparison to 2010 Baseline, 5 additional intersections would operate at or over capacity with Alternative 2.
  - Valley Freeway SB Ramps/W Willis Street
  - Valley Freeway NB Ramps/W Willis Street
  - 4th Avenue S/W Willis Street
  - 4th Avenue N/W Harrison Street
  - 1st Avenue N/W James Street
- Site Access: With or without the Proposed Action, intersections around the perimeter of the site, those providing a connection between the site and the
external street system, are expected to operate at between LOS A and F. Unsignalized access points intersecting with W James and W Smith Streets are anticipated to operate at LOS F, while the signalized access points on these arterials are expected to operate at LOS A and LOS B. The unsignalized access points on the more minor roads are anticipated to operate between LOS B and C and intersections internal to the site are expected to operate at LOS B or better.

- The Proposed Action provides 2,932 parking stalls, with 995 shared stalls in the Sound Transit Garage and surface parking lot. Proposed supply falls within the minimum and maximum range depending on time of day and day of week. Anticipated demand, separate from commuter demand, also falls within the minimum and maximum code requirements. Adopted code requirements are sufficient to satisfy anticipated parking impacts.

- With or without the Proposed Action, construction would generate some truck and vehicle traffic associated with excavation and hauling, delivery of materials, and similar types of activity. While construction may cause inconveniences directly adjacent to the site, the impacts would be temporary and are not expected to extend to the surrounding study area.

- The City has identified the S 277th Street Corridor improvements (both constructed and portions planned for construction), as providing significant relief on the existing east/west corridor system, including SR 516. This corridor and associated improvements will provide a necessary commuter alternate route from I-5 to Kent's East Hill which bypasses the Downtown Core. Environmental Mitigation Assessments charged to the developer will be assessed at the LID rate for the S 272nd/S 277th Corridor and will proportionately pay toward improvements along that corridor that are identified on the City’s 6-Year Transportation Capital Improvement Plan.

B Significant Unavoidable Adverse Impacts: Traffic will increase as a result of forecast growth, with or without implementation of the alternatives. Congestion will increase and levels of service will decrease at nearby intersections.

C. Mitigation Measures

- Construction Traffic. The City will provide project specifications that will dictate the route used by construction traffic to enter and exit the construction site, stipulate the hours of work, and stipulate maximum permitted noise levels. The contractor shall provide traffic control when construction traffic would disrupt the normal traffic flow. This traffic control will be in the form of flaggers, variable message signs, light and other traffic control devices. The hours of work shall minimize the impact at heavy traffic times. The contractor shall maintain City roads used by construction traffic by keeping them clean at all times. The contractor shall control dust by wetting the site frequently or by other means acceptable and approved by the City.

- Transportation Management Program: The developer and the City shall develop a Transportation Management Plan (TMP) for employment and
residential components of Kent Station. The TMP shall support a goal of reducing employee and residential Single Occupant Vehicle (SOV) travel along with the potential increase in transit and rail service over time.

- **Off-Site Mitigation** The Kent Station developer shall pay an Environmental Mitigation Fee to participate in and pay a proportionate share of the construction costs to the City's South 272nd/South 277th Street Corridor project to support an alternative vehicular through-route that bypasses Downtown Kent. The fee shall be at a rate of $1,068 per PM Peak hour trip (in 1986 dollars to be adjusted for inflation based upon the Consumer Price Index, US City Average for all Urban Consumers, or the substituted index as prepared by the US Department of Labor).

Additionally, the following improvements to the local transportation system shall be provided for Phase I Mitigation (0 to 690 net new PM peak hour trips):

- **4th Avenue N/S 228th Street** Construct a right-turn lane on eastbound S 228th Street to southbound 4th Avenue N. Combined with protected phasing for this new right-turn lane, operations could be improved from LOS F to LOS D during the PM peak hour.

- **Central Avenue S/W Willis Street**: Construct a new right-turn lane on southbound Central Avenue S to westbound W Willis Street. The new right-turn lane would operate protected with east and westbound left-turn movements to establish a LOS D.

- **2nd Avenue S/W Willis Street**: This unsignalized intersection is anticipated to operate at LOS F on the minor approaches of 2nd Avenue S in 2010 with either the Proposed Action or No Action alternatives. Restrict left-turn movements from W Willis Street onto 2nd Avenue S.

The following improvements to the local transportation system shall be provided for Phase II Mitigation (690 to 1,460 net new PM peak hour trips):

- **4th Avenue S/W Willis Street** Widen to create a second left-turn lane on eastbound W Willis Street to northbound 4th Avenue S and extend the right-turn lane on southbound 4th Avenue S to westbound W Willis Street. The intersection would operate at LOS D during the PM peak hour with these improvements.

- **4th Avenue N/W Harrison Street** Create channelized right-turn lanes on the eastbound and westbound approaches of Harrison Street. Operations would improve for right-turning vehicles, by allowing right-turning vehicles to bypass vehicles that are waiting in the through/left-turn lane and enter the 4th Avenue N traffic stream more quickly.
9. **Nexus**

It is appropriate, as per WAC 197-11-660 and RCW 43 21C.060 that the City of Kent establish conditions to mitigate any identified impacts associated with this proposal, consistent with the City's substantive SEPA authority, Kent City Code section 11 03 510.
EXHIBIT C

Legal Description

Those portions of the Southeast quarter of Section 13, Township 22, Range 4 East, W.M., and of the Northeast quarter of the Northeast quarter in Section 24, Township 22, Range 4 East, W.M., including platted properties therein lying South of the North right-of-way margin of James Street, lying West of the East right-of-way margin of 1st Avenue North, lying East of the West right-of-way margin of 4th Avenue North, and lying North of the South right-of-way margin of West Harrison Street; together with that portion lying East of the West right-of-way margin of 2nd Avenue North and lying North of the South right-of-way margin of West Harrison Street.

Situate in King County, State of Washington, W.M.
Document Title: City of Kent Ordinance No. 3608 establishing a Planned Action for a site approximately 25.0 acres in size, as described in the adopted Kent Station Supplemental Environmental Impact Statement.

Reference Number: N/A

Grantor(s): City of Kent

Grantee(s): The Public / Ordinance No. 3608

Abbreviated Legal Description: SE ¼, Section 13, Township 22, Range 4E; NE ¼ of NE ¼, Section 24, Township 22, Range 4E

Additional legal description is on Page 34 (Exhibit C) of document.

Assessor's Property Tax Parcel/Account Number(s): 7142800000, 7142800005, 7142800021, 7142800025, 7142800065, 7142800190, 7142800135, 7142800160, 7142800165, 7142800170, 7142800171, 7142800180, 7142800185, 7142805555, 2422049010, 2422049126, 2422049127, 2422049144, 2422045555, 9825700445, 9825700495, 9825700505, 9825700510, 9825700515, 9825700520, 9825700535, 9825705555,