AN ORDINANCE of the City Council of the City of Kent, Washington, relating to and implementing comprehensive plan and zoning designations for the property designated Agricultural (A-1), Agricultural General (AG), and Medium Density Multifamily Residential (MR-M) on the City's valley floor

WHEREAS, the Washington State Growth Management Act requires internal consistency among comprehensive plan and zoning elements, and

WHEREAS, on November 6, 2000, and December 11, 2000, the City Council Planning Committee discussed the existing policies related to agricultural lands and on December 11, 2000, moved to direct staff to analyze the City's policies on property designated Agricultural (A-1) and Agricultural General (AG) on the City's valley floor (hereafter referred to as the "study area"), and

WHEREAS, on May 1, 2001, the City Council passed Resolution No 1587 providing that revisions of policies related to agricultural lands as part of the City of Kent Comprehensive Plan constitute an issue of community-wide significance that promotes the public health, safety, and general welfare in accordance with the definition of an emergency set forth in Chapter 12.02 of the Kent City Code, and

Agricultural Lands
Comprehensive Plan
and Zoning Amendments
WHEREAS, by letter dated September 18, 2001, the Washington State Department of Community, Trade and Economic Development was notified of the City's declared emergency to pursue amendments to the Kent Comprehensive Plan and Zoning Text and Maps regarding agricultural lands; and

WHEREAS, City staff divided the study area into three (3) components the southern area as depicted in Exhibit A attached, the central area as depicted in Exhibit B attached, and the northern area as depicted in Exhibit C attached; and

WHEREAS, on March 28, 2001, City staff invited all property owners in the study area to an open house and sought their comments on existing and future land use policies for the study area; and


WHEREAS, the Land Use and Planning Board held public hearings on the following dates in order to hear public testimony on the issues relating to the study area September 24, 2001, October 8, 2001, February 11, 2002, and March 25, 2002, and

WHEREAS, on March 25, 2002, the Land Use and Planning Board made a recommendation to the City Council regarding the comprehensive plan and zoning code map, text, and use amendments related to the study area; and
WHEREAS, on January, 15, 2002, and April 2, 2002, the City Council held workshops on the issues related to the study area, and on April 16, 2002, the City Council referred the issue to the Planning Committee, and

WHEREAS, the Planning Committee discussed the Land Use and Planning Board’s recommendation and other related study area issues at meetings on May 7, 2002, and May 21, 2002, referring the matter to the Planning Services Office for further consideration of issues related to the study area, and

WHEREAS, the Planning Committee further discussed the Land Use and Planning Board’s recommendation and other related study area issues at a meeting on June 4, 2002, and

WHEREAS, on June 18, 2002, the City Council held a workshop on the issues related to the study area and referred the issues to the Planning Committee, and

WHEREAS, on July 9, 2002, the Planning Committee recommended to the City Council that the Land Use and Planning Board’s recommendation be accepted in part and modified in part; and

WHEREAS, during the July 16, 2002, meeting, the City Council adopted the changes to the comprehensive plan and zoning code designations for the southern study area as depicted in Exhibit A, which is attached and incorporated by this reference, based on the following findings:

1. The changes to the comprehensive plan designations in Exhibit A are consistent with the standards of review for comprehensive plan amendments outlined in Section 12 02.050 of the Kent City Code.
2. The changes to the zoning code designations in Exhibit A are consistent with the standards of review for zoning amendments in Section 15.09.050(C),

3. The southern study area is located within the urban growth area of the City of Kent,

4. The majority of the real property currently zoned Agricultural, one (1) unit per acre (A-1) with King County tax parcel number 3522049001 has been used for a dairy processing plant causing the property to not be compatible with an agricultural resource land designation and an agricultural zoning designation,

5. The real property currently zoned Agricultural, one (1) unit per acre (A-1) with King County tax parcel number 2422049089 has had its development rights purchased by King County as part of the King County Farmland Preservation Program and will have consistent land use designations by amending the comprehensive plan designation to Agricultural Resource Land and the zoning designation from Agricultural, one (1) unit per acre (A-1) to Agricultural, one (1) unit per ten (10) acres (A-10), and

WHEREAS, during the July 16, 2002, meeting the City Council adopted changes to the comprehensive plan and zoning code designations for the central study area from Agricultural (A-1) to Single Family one (1) unit per acre (SR-1), and from Medium Density Multifamily Residential (MR-M) to Single Family one (1) unit per acre (SR-1) as depicted in Exhibit B, which is attached and incorporated by this reference, based on the following findings:

1. The changes to the comprehensive plan designations in Exhibit B are consistent with the standards of review for comprehensive plan amendments outlined in Section 12.02.050 of the Kent City Code,

2. The changes to the zoning code designations in Exhibit B are consistent with the standards of review for zoning amendments in Section 15.09.050(C),
3. The central study area is located within the urban growth area of the City of Kent;

4. Testimony has shown that the markets relied on by the farmers and necessary to support long-term commercially significant agricultural production will no longer be available for the products produced due to a consolidation of the wholesale purchasers outside of Washington State and a change from regional to global purchasing.

5. The central study area is not supported nearby with agricultural support services necessary to sustain long-term commercially significant agricultural production.

6. The system of roadways currently existing in the central study area make difficult the movement of farm equipment necessary for long-term commercially significant agricultural production.

7. The use of King County tax parcel numbers 2322049010 and 2322049009 as a golf course is incompatible with agricultural resource lands.

8. The use of King County tax parcel numbers 2222049006, 0002000021, 2322049064, and 2322049072 as parks is incompatible with agricultural resource lands.

9. The use of King County tax parcel numbers 0002000010, 0002000001, 0002000023, and 0002000003 as the City of Seattle’s Public Utility/Solid Waste Division water quality detention pond is incompatible with agricultural resource lands.

10. The central study area is isolated from other agricultural resource lands in the Lower Green River Agricultural Production District.

11. The small size of the following King County tax parcels in the central study area is incompatible with agricultural resource lands: 2222049037, 2222049052, 2222049056, 2222049048, 2222049174, and 2222049051.
12 The proximity of residential development to the northeast is incompatible with agricultural resource lands;

13 The following King County tax parcel numbers can no longer sustain long-term commercially significant agricultural production because they contain wetlands that have remained fallow for a significant number of years so that draining the wetlands and plowing the fallow fields cannot be done without the lengthy process of obtaining a DA Army Corps of Engineers permit at significant expense. 0002000010, 0002000001, 0002000023, 0002000003, 0002000021, 2222049029, 2222049057, 2222049060, 2222049051, 2222049048, 2222049056, 2222049052, 2222049037, 2222049174, and 2222049030,

14 The value of the property in the central study area will be higher with designations of Single Family one (1) unit per acre (SR-1),

15 The low density designation of Single Family one (1) unit per acre (SR-1) is appropriate due to Frager Road’s designation as a scenic and recreational road,

16 The low density designation of Single Family one (1) unit per acre (SR-1) is appropriate due to the wetlands located on the following King County tax parcels: 0002000010, 0002000001, 0002000023, 0002000003, 0002000021, 2222049029, 2222049057, 2222049060, 2222049051, 2222049032, 2222049048, 2222049056, 2222049052, 2222049037, 2222049174, 2322049010, 2322049064, and 2322049072,

17 The low density designation of Single Family one (1) unit per acre/SR-1 is appropriate due to the Federal Emergency Management Agency’s Flood Insurance Rate Map Zone AE floodway designation on the following King County tax parcels 0002000010, 0002000001, 0002000023, 0002000003, 2222049006, 0002000021, 2322049010, 2222049029, 2222049060, 2222049057, 2222049032, 2222049051, 2222049176, 1522049137, 2322049006, 2322049081, 2222049048, 2222049056, 2222049052, 2222049037, 2222049174, 2322049064, 2322049072, and 2222049030,
18 The low density designation of Single Family one (1) unit per acre (SR-1) is appropriate due to the lack of sewer and water services,

19 The low density designation of Single Family one (1) unit per acre (SR-1) is appropriate due to the Green River having been designated a river of statewide significance, and

WHEREAS, during the August 6, 2002, meeting the City Council adopted a motion regarding King County tax parcel numbers 2322049036 and 2322049076 in the central study area whereby the existing zoning designation of Medium Density Multi-family Residential (MR-M) shall remain unchanged and the comprehensive plan designation shall be changed to Medium Density Multi-family (MDMF) as depicted in Exhibit B, and

WHEREAS, during the July 16, 2002, meeting, the City Council adopted changes to the comprehensive plan and zoning code designations for the northern study area from Agricultural (A-1) to Agricultural Resource Land (A-10), Single Family one (1) unit per acre (SR-1), and Single Family three (3) units per acre (SR-3) as depicted in Exhibit C, which is attached and incorporated by this reference, based on the following findings

1. The changes to the comprehensive plan designations in Exhibit C are consistent with the standards of review for comprehensive plan amendments outlined in Section 12.02.050 of the Kent City Code,

2. The changes to the zoning code designations in Exhibit C are consistent with the standards of review for zoning amendments in Section 15.09.050(C),

3. The real property currently zoned Agricultural, one (1) unit per acre (A-1) with King County tax parcel numbers 0222049017, 0222049022, 1022049139, and 1022049004 have had the development rights purchased by King
County as part of the King County Farmland Preservation Program and will have consistent land use designations by amending the comprehensive plan designation to Agricultural Resource Land and the zoning designation from Agricultural, one (1) unit per acre (A-1) to Agricultural, one (1) unit per ten (10) acres (A-10),

4 The northern study area is located within the urban growth area of the City of Kent;

5 Testimony has shown that the markets relied on by the farmers and necessary to support long-term commercially significant agricultural production will no longer be available for the products produced due to a consolidation of the wholesale purchasers outside of Washington State and a change from regional to global purchasing,

6 The system of roadways currently existing in the northern study area and the principal arterials South 212th Street, Interstate 5, and State Route 181 make difficult the movement of farm equipment necessary for long-term commercially significant agricultural production,

7 The northern study area is isolated from other agricultural resource lands in the Lower Green River Agricultural Production District;

8 The following King County tax parcels are used as single family residences, which are incompatible with agricultural resource lands: 0222049045, 0222049030, 2632000005, 2632000010, 2632000015, 2632000020, 2632000025, 2632000075, 2632000080, 2632000085, 2632000090, 2632000095, 2632000100, 2632000105, 2632000110, 2632000115, 2632000121, 2632000200, 2632000195, 1022049015, 1022049199, 1022049198, 7533000010, 7533000020, 7533010010, and 7533010020,

9 The proximity of high density residential development adjacent to and southwest of the northern study area is incompatible with agricultural resource lands,
10. The proximity of high density residential development adjacent to and west of the northern study area is incompatible with agricultural resource land,

11. The proximity of high density residential development adjacent to and south of the northern study area is incompatible with agricultural resource land,

12. The following King County tax parcel numbers can no longer sustain long-term commercially significant agricultural production because they contain wetlands that have remained fallow for a significant number of years so that draining the wetlands and plowing the fallow fields cannot be done without the lengthy process of obtaining a DA Army Corps of Engineers permit at significant expense: 0222049045, 0222049026, 0222049018, 1122049007, 1122049070, 1122049008, 2632000030, 1522049001, 1522049016, 0002000004, 1022049001, 0322049024, 0322049023, 0322049102, 1022049003, 1022049175, 1022049184, 1022049185, 1022049186, 1022049078, 1022049006, 1022049189, 1022049113, 1022049200, and 2632000205;

13. The small size of the following King County tax parcels are incompatible with an agricultural resource lands designation: 1022049184, 1022049185, 1022049186, and 1022049070;

14. The use of King County tax parcel numbers 1022049045 and 1022049033 by Drainage District No 1 is incompatible with agricultural resource lands;

15. The use of King County tax parcel number 1022049070 as a construction business’s staging area has changed the character of the soil so that it no longer has the soil classification needed for agricultural resource lands;

16. King County tax parcel numbers 2632000205 and 2632000295 have urban soils rather than the soil classification needed for agricultural resource lands;

17. The existing commercial, wholesale, greenhouse operation on King County tax parcel number 1122049010 has changed the character of the soil so that it no longer has the soil classification needed for agricultural resource lands;
18. The use of former King County tax parcel numbers 1022049078, 1522049001, 1522049016, and 0002000004 as a clean water detention facility is incompatible with agricultural resource lands.

19. The value of the property in the northern study area will be higher with designations of Single Family one (1) unit per acre (SR-1) and Single Family three (3) units per acre (SR-3).

20. The low density designation of Single Family one (1) unit per acre (SR-1) is appropriate for the following King County tax parcels due to Prager Road’s designation as a scenic and recreational road: (former)1022049078, (former)1522049001, (former)1522049016, (former)0002000004, 0222049045, 0222049026, 0222049030, 0222049018, and 1122049007;

21. The density designation of Single Family three (3) units per acre (SR-3) is appropriate for the following parcels due to Prager Road’s designation as a scenic and recreational road: 1022049062, 1022049100, 1022049030, 1022049031, and 1022049152;

22. The low density designation of Single Family one (1) unit per acre (SR-1) is appropriate due to the wetlands located on the following King County tax parcels: 0222049045, 0222049026, 0222049030, 0222049018, 1122049007, 1122049070, 1122049008, 2632000030, 2632000025, 1522049001, 1522049016, 0002000004, 1022049001, 0322049024, 0322049023, 0322049102, 1022049003, 1022049175, 1022049184, 1022049185, 1022049186, 1022049078, 1022049006, 1022049189, 1022049113, and 1022049200;

23. The low density designation of Single Family one (1) unit per acre (SR-1) is appropriate due to the lack of sewer and water services;

24. The low density designation of Single Family one (1) unit per acre (SR-1) is appropriate on the following King County tax parcels due to the Green River having been designated a river of statewide significance: (former) 1022049078, (former)1522049001, (former)1522049016, (former)0002000004,
WHEREAS, because the only Agricultural Resource Lands in the City of Kent have had their development rights purchased by King County, there will not be a transfer of development rights or a purchase of development rights program created, and

WHEREAS, the Washington State Environmental Policy Act (SEPA) requires that comprehensive plans be reviewed as to their potential environmental impact, and on March 5, 2002, a Determination of Nonsignificance was issued analyzing the comprehensive plan and zoning amendments inclusive of those adopted by the City Council on July 16, 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 Agricultural Resource Lands and Agricultural Support for the area known as the southern portion of the
agricultural study area shall be established as outlined in Exhibit A attached and incorporated by reference

**SECTION 2.** Pursuant to Kent City Code Section 15 09 050 and the laws of the State of Washington, the zoning designations of Agricultural General (AG) and Agricultural, one (1) unit per ten (10) acres (A-10) for the area known as the southern portion of the agricultural study area shall be established as outlined in Exhibit A attached and incorporated by reference

**SECTION 3.** Pursuant to Chapter 12 02 of the Kent City Code and RCW 36 70A 130, the comprehensive plan designation of Single Family one (1) unit per acre for the area known as the central portion of the agricultural study area shall be established as outlined in Exhibit B attached and incorporated by reference

**SECTION 4.** Pursuant to Kent City Code Section 15 09 050 and the laws of the State of Washington, the zoning designation of Single Family Residential one (1) unit per acre (SR-1) for the area known as the central portion of the agricultural study area shall be established as outlined in Exhibit B attached and incorporated by reference

**SECTION 5.** Pursuant to Chapter 12 02 of the Kent City Code and RCW 36 70A 130, the comprehensive plan designations of Agricultural Resource Lands, Single Family one (1) unit per acre, and Single Family three (3) units per acre for the area known as the northern portion of the agricultural study area shall be established as outlined in Exhibit C attached and incorporated by reference
SECTION 6. Pursuant to Kent City Code Section 15 09 050 and the laws of the State of Washington, the zoning designations of Agricultural one (1) unit per ten (10) acres (A-10), Single Family Residential one (1) unit per acre (SR-1), and Single Family Residential three (3) units per acre (SR-3) for the area known as the northern portion of the agricultural study area shall be established as outlined in Exhibit C attached and incorporated by this reference.

SECTION 7. If any one (1) 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 8. This Ordinance shall take effect and be in force thirty (30) days from and after the date of passage and publication as provided by law.

JIM WHITE, MAYOR

ATTEST

BRENDA JACOBER, CITY CLERK

APPROVED AS TO FORM

TOM BRUBAKER, CITY ATTORNEY
PASSED  6 day of August, 2002.
APPROVED  6 day of August, 2002
PUBLISHED. 10 day of August, 2002

I hereby certify that this is a true copy of Ordinance No 26/1, 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
CITY CLERK
Central Study Area
Comprehensive Plan
CPA-2000-3

Legend
- Study Area
- Tax Parcels
- Green River
- Road Centerline
- Land Use
- Agricultural Resource Land
- Agricultural Support
- Medium Density Multifamily
- Single-Family 1 unit/acre
- Single-Family 3 units/acre

KENT
Planning Services
August 6, 2002

Scale 1:12337
Central Study Area
Zoning
CPA-2000-3

Legend
- Study Area
- Tax Parcels
- Green River
- Road Centerline

Zoning
- Agricultural - A-10
- Agricultural General - AG
- Single-Family Residential - SR-1
- Single-Family Residential - SR-3

KENT
Planning Services
August 6, 2002

Scale 1:12337

EXHIBIT B

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