ORDINANCE NO. 3640

AN ORDINANCE of the city council of the city of Kent, Washington, amending the Kent Zoning Map to change the zoning designations as follows (1) from Single-Family, 1 unit per acre (SR-1), to Single-Family, 3.63 units per acre (SR-3) for property located at 4412 South 216th Street (CPZ-2002-2), (2) from Single Family, 2.18 units per acre (SR-2) to Single-Family, 3.63 units per acre (SR-3) for property located at 9119 South 192nd Street (CPZ-2002-3); and (3) from Single-Family, 3.63 units per acre (SR-3) to Single-Family, 4.53 units per acre (SR-4.5) for property located at 20129 92nd Avenue South (CPZ-2002-4).

WHEREAS, pursuant to the Washington Growth Management Act ("GMA"), the city of Kent accepts applications for comprehensive plan amendments once each year, and

WHEREAS, the city of Kent received applications to amend the Comprehensive Plan’s land use plan map designations, and four (4) of those applications involve properties requesting corresponding amendments to the zoning map designation of the following parcels: (1) 26922 132nd Avenue South (CPZ-2002-1), (2) 4412 South 216th Street (CPZ-2002-2), (3) 9119 South 192nd Street (CPZ-2002-3), and (4) 20129 92nd Avenue South (CPZ-2002-4), which applications were received in Kent, Washington, by the September 2002 deadline; and

WHEREAS, the Kent Land Use & Planning Board held a public hearing on the proposed comprehensive plan and zoning map amendments on January 27, 2003, and made the following recommendations: the denial of CPZ-2002-1, CPZ-2002-2, and
WHEREAS, on March 4, 2003, the Kent City Council passed the zoning amendments as follows.

A. For property located at 4412 South 216th Street (CPZ-2002-2), zoning map amendment from Single-Family, 1 unit per acre (SR-1), to Single-Family, 3.63 units per acre (SR-3) with the following conditions: (i) that the owner must provide the city with documentation from governing agencies confirming prior converted cropland status, (ii) Frager Road must have been closed by the city to through traffic, and (iii) the owner must provide a water drainage and storm drainage control plan that does not increase the amount of water flow from the subject property onto King County tax parcels 1022049198, 1022049199, 1022049015, 7533000020, 7533000010, 7533010010, and 7533010020; the owners must construct the system in accordance with the approved plan, and the owner must provide, at the public works director’s discretion, either a written guarantee to the owners of the tax parcels referenced above that water flow will not be increased onto the tax parcels from development of the subject site, or the owner must post a bond benefiting the tax parcels referenced above to be used to alleviate problems or damage caused by the water drainage and storm drainage systems as constructed.

B. For property located at 9119 South 192nd Street (CPZ-2002-3), zoning map amendment from Single Family, 2 18 units per acre (SR-2) to Single-Family, 3.63 units per acre (SR-3), and

C. For property located at 20129 92nd Avenue South (CPZ-2002-4), zoning map amendment from Single-Family, 3 63 units per acre (SR-3) to Single-Family, 4.53 units per acre (SR-4.5) on the condition that, prior to development to SR 4.5, the owner provide safety improvements to the NE corner of the subject site as well as other traffic mitigation measures the city determines to be necessary in order to accommodate the additional density.

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

**SECTION I. – Amendment** The city of Kent zoning map is amended to establish a new zoning map designation for the property located at 4412 South 216th Street, Kent, Washington, and legally described on the attached Exhibit "A," from a zoning designation of Single Family, 1 unit per acre (SR-1), to Single-Family, 3.63 units per acre (SR-3), and
per acre (SR-3) and as depicted in the attached Exhibit “A-1,” incorporated by this reference, (CPZ-2002-2) subject to the following conditions: (i) that the owner must provide the city with documentation from governing agencies confirming prior converted cropland status; (ii) Fraser Road must have been closed by the city to through traffic; and (iii) the owner must provide a water drainage and storm drainage control plan that does not increase the amount of water flow from the subject property onto King County tax parcels 1022049198, 1022049199, 1022049015, 7533000020, 7533000010, 7533010010, and 7533010020; the owners must construct the system in accordance with the approved plan, and the owner must provide, at the public works director’s discretion, either a written guarantee to the owners of the tax parcels referenced above that water flow will not be increased onto the tax parcels from development of the subject site, or the owner must post a bond benefiting the tax parcels referenced above to be used to alleviate problems or damage caused by the water drainage and storm drainage systems as constructed.

SECTION 2. Amendment The city of Kent zoning map is amended to establish a new zoning map designation for the property located at 9119 South 192nd Street, Kent, Washington, from a zoning designation of Single-Family (SR-2), 2.18 units per acre to Single-Family (SR-3), 3.63 units per acre, as depicted in the attached Exhibit “B” and incorporated by this reference (CPZ-2002-3).

SECTION 3. Amendment The city of Kent zoning map is amended to establish a new zoning map designation for the property located at 20129 92nd Avenue South, Kent, Washington, and legally described on the attached Exhibit “C” from a zoning designation of Single-Family (SR-3), 3.63 units per acre to Single-Family (SR-4.5), 4.53 units per acre, as depicted in the attached Exhibit “C-1” incorporated by this reference (CPZ-2002-4), on the condition that prior to development to SR 4.5, the owner provide safety improvements to the northeast corner of the subject site as well as other traffic mitigation measures the city determines to be necessary in order to accommodate the additional density.
SECTION 4. - 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 5. - Effective Date  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.

ATTEST

BREND A JACO BER, CITY CLERK
Mary Simmons

APPROVED AS TO FORM.

TOM BRUBAKER, CITY ATTORNEY

PASSED 18 day of March, 2003

APPROVED 18 day of March, 2003

PUBLISHED 22 day of March, 2003

I hereby certify that this is a true copy of Ordinance No. 36YO, passed by the city council of the city of Kent, Washington, and approved by the mayor of the city of Kent as hereon indicated.

BREND A JACO BER, CITY CLERK
Mary Simmons
LEGAL DESCRIPTION

East 646 feet of South half of Southwest quarter of Northeast quarter in Section 1, Township 22 North, Range 4 East W M, less County road

Exhibit "A"
LEGAL DESCRIPTION

THAT PORTION OF THE NORTHEAST ¼ OF THE NORTHEAST ¼ OF THE SOUTHWEST ¼ OF SECTION 6, TOWNSHIP 22 NORTH, RANGE 5 EAST W.M., LYING EAST OF THE EAST RIGHT-OF-WAY LINE OF PRIMARY STATE HIGHWAY NO. 5;

EXCEPT THE EAST 30 FEET THEREOF CONVEYED TO KING COUNTY FOR 92ND AVE. S. BY DEED RECORDED UNDER RECORDING NO. 665910;

SITUATE IN THE CITY OF KENT, COUNTY OF KING, STATE OF WASHINGTON.
This map is a graphic aid only and is not a legal document. The City of Kent makes no warranty to the accuracy of the labeling, dimensions, contours, property boundaries or placement or locations of any map features depicted thereon. The City of Kent disclaims and shall not be held liable for any and all damage, loss or liability, whether direct or indirect or consequential which arises from use of the product.

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March 10, 2003
City of Kent
Planning Services Office