Ordinance No. 3685
(Amending or Repealing Ordinances)

CFN= 745 – Impoundment Reservoir
Passed – 4/20/2004
Impoundment Reservoir Site
Comprehensive Plan and Zoning Designations

Recorder’s # 20040603002499

The date ["Beginning July 1, 1998"] has led to confusion. This date will be deleted from cover sheets of ordinance/resolution revision pages. This cover sheet will be deleted on electronic pages only, no other deletions or changes have been made to the document – 6/21/2012
ORDINANCE NO. 3685

AN ORDINANCE of the City Council of the City of Kent, Washington, relating to and implementing comprehensive plan and zoning designations for the impoundment reservoir property located at the northwest corner of the intersection of 124th Avenue Southeast and South 304th Street.

RECITALS

A. On September 1, 1987, the Kent City Council adopted Ordinance No. 2743, effective on September 9, 1987, approving the annexation of the impoundment reservoir site (the "Annexation Area") into the City of Kent. The Annexation Area is approximately 156 acres of land located at the northwest corner of the intersection of 124th Avenue Southeast and South 304th Street, and is more particularly described in Exhibit A attached to this ordinance.

B. The City acquired ownership of the Annexation Area with the intent to construct an impoundment reservoir to supplement the City's water supply. Given its intended use, comprehensive plan and zoning designations for the Annexation Area were not analyzed at the time of annexation. Subsequent federal, state, and local regulations, however, caused the City to modify its original plans for the Annexation Area, including complete relocation of the reservoir facility to the uplands portion of the property and complete redesign of the facility. The relocation and redesign, compounded by a new regulatory framework, caused the projected costs to construct the impoundment reservoir project to increase dramatically.

Impoundment Reservoir Site Comprehensive Plan and Zoning Designations
C. As an alternative to the impound reservoir, the City was provided an option to purchase a portion of the City of Seattle's share of a new City of Tacoma water supply project. The amount of water made available by exercising this option met or exceeded the projected supply source from the proposed impoundment reservoir project, cost less, and provided a more dependable source of water supply. On October 21, 2003, the City Council passed Resolution No. 1657, declaring that the impound reservoir site was surplus to the City’s needs and was not required for providing continued public utility service. Once surplused, analysis of the comprehensive plan and zoning designations for the Annexation Area was then necessary. On January 6, 2004, the City Council adopted Resolution No. 1663, resolving that 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 in accordance with section 12.02.010 of the Kent City Code.

D. The Washington State Environmental Policy Act (SEPA) requires that comprehensive plan and zoning designations be reviewed as to their potential environmental impact. On January 16, 2004, the City of Kent issued an Addendum to the Environmental Impact Statement that was prepared for the Kent Comprehensive Plan (the “Addendum”). This Addendum analyzed the potential impact of various comprehensive plan and zoning designations for the Annexation Area.

E. The Land Use and Planning Board held workshops and conducted two public hearings on January 26, 2004, and on February 23, 2004, regarding the adoption of comprehensive plan and zoning designations for the Annexation Area.

F. The City Council also held workshops and conducted two public hearings on the comprehensive plan and zoning designation for the Annexation Area. The first public hearing was held on March 2, 2004, and the second public hearing was held on April 6, 2004.
G. During the April 6, 2004, City Council meeting Council adopted comprehensive plan designations of Urban Separator (US) for approximately the south 91 acres and Single Family Residential, three units per acre (SF-3), for approximately the north 65 acres of the Annexation Area. These designations are depicted in Exhibit B attached. At the same time, Council adopted zoning designations of Single Family Residential, one unit per acre (SR-1), for approximately the south 91 acres and Single Family Residential, 3.63 units per acre (SR-3), for approximately the north 65 acres of the Annexation Area. These designations are depicted in Exhibit C attached. The January 16, 2004, Addendum analyzed the comprehensive plan and zoning designations inclusive of those adopted by the Council.

H. Council acknowledged during the April 6, 2004, meeting that the Annexation Area is within the Urban Growth Area, but adopted the above comprehensive plan and zoning designations due to the environmentally sensitive systems that exist within the Annexed Area. There is a large highly classed wetland that drains into salmonid habitat and forms the headwaters of Olsen Creek. The Urban Separator designation creates open space corridors within and between urban areas which provide environmental, visual, recreational and wildlife benefits.

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

ORDINANCE

SECTION 1. – Comprehensive Plan Designation. For the Annexation Area legally described in Exhibit A, incorporated herein, the comprehensive plan designations of Urban Separator (US) for approximately the south 91 acres and Single Family Residential, three units per acre (SF-3), for approximately the north 65 acres shall be established as depicted in Exhibit B incorporated herein. These
designations are in accord with Chapter 12.02 of the Kent City Code and RCW 36.70A.130.

SECTION 2. – Zoning Designation. For the Annexation Area legally described in Exhibit A, the zoning designations of Single Family Residential, one unit per acre (SR-1), for approximately the south 91 acres and Single Family Residential, 3.63 units per acre (SR-3), for approximately the north 65 acres shall be established as depicted in Exhibit C incorporated herein. These designations are in accord with Section 15.09.055 of the Kent City Code and Chapter 36.70A RCW.

SECTION 3. – Severability. If any one or more section, subsections, or sentences of this ordinance are held to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portion of this ordinance and the same shall remain in full force and effect.

SECTION 4. – Effective Date. This ordinance shall take effect and be in force thirty (30) from the time of its final approval and passage as provided by law.

ATTEST:

BRENDA JACOBER
BRENDAL JACOBER, CITY CLERK

APPROVED AS TO FORM:

TOM BRUBAKER, CITY ATTORNEY
PASSED: 20 day of April, 2004.
APPROVED: 20 day of April, 2004.
PUBLISHED: 24 day of April, 2004.

I hereby certify that this is a true copy of Ordinance No. 3685 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

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EXHIBIT A
PARCEL A:
The south half of the southeast quarter of the northwest quarter of Section 4, Township 21 North, Range 5 East, W.M., in King County, Washington;
EXCEPT the east 194 feet of the north half of said south half of the southeast quarter;
ALSO EXCEPT that portion thereof lying within the right of way of 124th Avenue Southeast, the westerly margin of which was established by deed recorded under Recording Number 7501270237;

AND

The northeast quarter of the southwest quarter of Section 4, Township 21 North, Range 5 East, W.M., in King County, Washington;
EXCEPT that portion thereof lying within the right of way of 124th Avenue Southeast, the westerly margin of which was established by deed recorded under Recording Number 7501270237;

AND

The north 3 acres of Tract 9, The Sound Trustee Company's Third Addition, according to the plat thereof recorded in Volume 13 of Plats, page 100, in King County, Washington.

PARCEL B:
Tract 9;
EXCEPT the north 3 acres, and Tract 10;
EXCEPT the south 120 feet thereof, all in The Sound Trustee Company's Third Addition, according to the plat thereof recorded in Volume 13 of Plats, page 100, in King County, Washington.

PARCEL C:
The southeast quarter of the southwest quarter of Section 4, Township 21 North, Range 5 East, W.M., in King County, Washington;
EXCEPT that portion thereof lying within the right of way of 124th Avenue Southeast, the westerly margin of which was established by deed recorded under Recording Number 7411040248;
ALSO EXCEPT that portion thereof lying within the right of way of Southeast 304th Street;
ALSO EXCEPT that portion thereof conveyed to King County for road purposes by deed recorded under Recording Number 6027009;
ALSO EXCEPT that portion thereof described as follows:

Beginning at the intersection of the west line of said subdivision and the northerly margin of Southeast 304th Street;
Thence north 01°18'56" east, along the west line thereof, a distance of 700.00 feet;
Thence south 75°38'01" east a distance of 472.02 feet;
Thence south 23°16'16" east a distance of 664.25 feet to the northerly margin of said Southeast 304th Street;
Thence north 87°52'16" west, along said northerly margin, a distance of 750.00 feet to the point of beginning.

EXHIBIT "A"
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PARCEL D:
Lot 3 of King County Short Plat Number 780014, recorded under Recording Number 8101150681, being a portion of the north half of the southeast quarter of the northwest quarter of Section 4, Township 21 North, Range 5 East, W.M., in King County, Washington; EXCEPT that portion of said north half lying within the right of way of 124th Avenue Southeast, the westerly margin of which was established by deed recorded under Recording Number 7409040402.

PARCEL E:
Lot 2 of King County Short Plat Number 780014, recorded under Recording Number 8101150681, being a portion of the north half of the southeast quarter of the northwest quarter of Section 4, Township 21 North, Range 5 East, W.M., in King County, Washington; EXCEPT that portion of said north half lying within the right of way of 124th Avenue Southeast, the westerly margin of which was established by deed recorded under Recording Number 7409040402.

PARCEL F:
Lot 4 of King County Short Plat Number 780014, recorded under Recording Number 8101150681, being a portion of the north half of the southeast quarter of the northwest quarter of Section 4, Township 21 North, Range 5 East, W.M., in King County, Washington; EXCEPT that portion of said north half lying within the right of way of 124th Avenue Southeast, the westerly margin of which was established by deed recorded under Recording Number 7409040402.

PARCEL G:
Government Lot 3, Section 4, Township 21 North, Range 5 East, W.M., in King County, Washington; EXCEPT that portion thereof lying within the right of way of 124th Avenue Southeast, the westerly margin of which was established by deed recorded under Recording Number 7409040401; ALSO EXCEPT therefrom the following described tract:

Beginning at the northeast corner of the above described property, being the TRUE POINT OF BEGINNING of the exception herein described; Thence west, along the north line of said Lot 3, a distance of 255.00 feet; Thence south, parallel with the east line of said Lot 3, a distance of 272.00 feet; Thence east, parallel with the north line of said Lot 3, a distance of 100.0 feet; Thence south, parallel with the east line of said Lot 3, a distance of 114.00 feet; Thence east, parallel with the north line of said Lot 3, a distance of 155.00 feet; Thence north, parallel with and 30.00 feet from the east line of said Lot 3, a distance of 387.00 feet to the TRUE POINT OF BEGINNING.
PARCEL H:
Lot 1 of King County Short Plat Number 780014, recorded under
Recording Number 8101150681, being a portion of the north half of
the southeast quarter of the northwest quarter of Section 4,
Township 21 North, Range 5 East, W.M., in King County, Washington;
EXCEPT that portion of said north half lying within the right of way
of 124th Avenue Southeast, the westerly margin of which was
established by deed recorded under Recording Number 7409040402.

PARCEL I:
That portion of the south half of Tract 11, The Sound Trustee
Company's Third Addition, according to the plat thereof recorded in
Volume 13 of Plats, page 100, in King County, Washington, lying
easterly of the following described line:

Beginning at the southeast corner of said tract;
Thence north, along the east line thereof, a distance of 50.00 feet
to the TRUE POINT OF BEGINNING of the line herein described;
Thence in a northwesterly direction in a straight line to a point on
the north line of the south half of said tract, which point lies
135.00 feet west of the east line of said tract, being the terminus
of the line herein described.

PARCEL J:
The east 194 feet of the north half of the south half of
the southeast quarter of the northwest quarter of Section 4, Township 21
North, Range 5 East, W.M., in King County, Washington;
EXCEPT that portion thereof lying within the right of way of 124th
Avenue Southeast, the westerly margin of which was established by
deeds recorded under Recording Number 7412300186 and 7412300187.

PARCEL K:
That portion of the north half of Tract 11, The Sound Trustee
Company's Third Addition, according to the plat thereof recorded in
Volume 13 of Plats, page 100, in King County, Washington, lying
easterly of the following described line:

Beginning at the southeast corner of said north half;
Thence west, along the south line of said north half, a distance of
135.00 feet to the TRUE POINT OF BEGINNING of the line herein
described;
Thence in a northwesterly direction in a straight line to a point on
the north line of said tract, which point lies 313.36 feet west of
the northeast corner of said tract and is the terminus of the line
herein described.

PARCEL L:
The east half of the south 120 feet of Tract 10, Sound Trustee
Company's Third Addition, according to the plat thereof recorded in
Volume 13 of Plats, page 100, in King County, Washington.
EXHIBIT B
City of Kent
Impoundment Site
CPA-2003-2
Comprehensive Plan Designation

Exhibit "B"

City of Kent
Planning Services Office

April 13, 2004
Document Title: City of Kent Ordinance No. 3685 relating to implementing comprehensive plan and zoning designations for the impoundment reservoir property consisting of approximately 156 acres of land located at the northwest corner of the intersection of 124th Avenue Southeast and South 304th Street from comprehensive plan designations of Urban Separator (US) for approximately the south 91 acres and Single Family Residential, three units per acre (SF-3), for approximately the north 65 acres with the zoning designations of Single Family Residential.

Reference Number(s): N/A

Grantor(s): City of Kent, a Washington municipal corporation

Grantee(s): The Public

Abbreviated Legal Description: Ptns of STR O2453, W.M., King County, Washington

Additional legal description on Exhibit A – 3 pages – of document

Assessor's Property Tax Parcel/Account Number(s): 786700-0046 and 042105-9016

Project Name: Impoundment Reservoir Site Comprehensive Plan and Zoning Designations