Ordinance No. 3722

(Amending or Repealing Ordinances)

CFN=0961-Growth Management Act
Passed – 11/2/2004
Ch. 12.02 Amendments – Docketing Process

Amends Ords. 3237;3650

Amended by Ord. 3847 (Repeals Secs. 12.02.070.12.02.080;12.02.100)
ORDINANCE NO. 3722

AN ORDINANCE of the City Council of the City of Kent, Washington, amending chapter 12.02 of the Kent City Code to include a docketing process as required by the Growth Management Act.

RECITALS

A. Per RCW 36.70A.130(4), the Growth Management Act (GMA) requires the City of Kent to review and revise its Comprehensive Plan and development regulations by December 1, 2004, to ensure that the Comprehensive plan and the development regulations are in compliance with the requirements of the GMA. This amendment to the City’s development regulations is adopted in accord with that GMA requirement.

B. The GMA has outlined a docketing procedure for jurisdictions to follow that assists the public in making suggested amendments to the Comprehensive Plan and development regulations on an annual basis.

C. On March 1, 2004, the City of Kent issued an Addendum to the Environmental Impact Statement that was prepared for the Kent Comprehensive Plan (the “SEPA Addendum”). This SEPA Addendum analyzed the potential impact of various amendments made pursuant to RCW 36.70A.130(4) (#ENV-93-51).
D. On August 25, 2004, the City provided the required sixty (60) day notification under RCW 36.70A.106 to the state of Washington of the City’s proposed development regulations amendment. This sixty (60) day period has since expired.

E. The City’s Land Use and Planning Board held a workshop on this issue on August 9, 2004, and a public hearing on September 27, 2004. The Council’s Planning and Economic Development Committee addressed the issue at its meeting on October 18, 2004.

F. On November 2, 2004, the City Council voted to amend chapter 12.02 "Procedures for Amendments to Comprehensive Plan" to include a "Docketing" process as required by the GMA.

ORDINANCE

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

SECTION 1. Amendment. Chapter 12.02 of the Kent City Code is amended as follows:

Chapter 12.02

DOCKETING PROCEDURES FOR ANNUAL AMENDMENTS TO COMPREHENSIVE PLAN AND DEVELOPMENT REGULATIONS

Sec. 12.02.010 Annual Docket Amendments and Exceptions.

Amendments to the comprehensive plan land use map, comprehensive plan text, and development regulations may be proposed to respond to changing circumstances or needs of the city via the Annual Docket process. The city council shall consider proposed amendments to the Kent comprehensive plan no more than
once each calendar year, except under the following circumstances, which may be processed separately and in addition to the standard annual update:

A. If an emergency exists, which is defined as an issue of community-wide significance that promotes the public health, safety, and general welfare;

B. To resolve an appeal of a comprehensive plan filed with a growth management hearings board or with the court;

C. To adopt or amend a shoreline master program under the procedures set forth in Chapter 90.58 RCW;

D. The initial adoption of a subarea plan; and

E. The amendment of the capital facilities element of the comprehensive plan that occurs concurrently with the adoption or amendment of the city budget. The city council will hold the public hearing on this matter rather than the land use and planning board.

Sec. 12.02.020. Concurrent review for Comprehensive Plan Amendments.

In considering annual amendments to the comprehensive plan, city staff, the land use and planning board, and the city council shall consider all proposed text and land use map amendments concurrently so as to assess their cumulative impact.

Sec. 12.02.025. Docketing Purpose.

The purpose of this chapter is to establish the procedures and review criteria for amending the city of Kent comprehensive plan and to consider proposed amendment of development regulations through an open and public annual docketing process. "Docketing" refers to compiling and maintaining a list of proposed changes to the comprehensive plan or development regulations in a manner that will ensure
such proposals will be considered by the city and will be available for review by the public.

Sec. 12.02.030. Time of filing.

A. Any person, group or agency may apply to propose amendments to the comprehensive plan or development regulations using a “Docket” form prescribed by the planning services office, which shall be submitted to the Kent planning services office by September 1 of each calendar year.

B. A property owner or authorized agent of the property owner may apply to propose an amendment to the land use map of the comprehensive plan using forms prescribed by the planning services office, which shall be submitted to the planning services office by September 1 of each calendar year. Incomplete land use map amendment applications will not be accepted for filing.

C. Incomplete amendment applications will not be accepted for filing. Requests received each year after September 1 shall be considered in the following year’s comprehensive-plan annual docket amendment process.

Sec. 12.02.035 Emergency amendments.

Repealed by Ord. 3650.

Sec. 12.02.035. Process for review.

A. All proposals for amendments to the comprehensive plan land use map that have been filed with the planning services office in accord with 12.02.030(B) will be forwarded to the city council for action during the current annual comprehensive plan amendment cycle.

Chapter 12.02 Amendments
Docketing Process
B. All proposals for amendments to development regulations that have been filed with the planning services office in accord with 12.02.030(A) will be considered in an Annual Docket Report and forwarded to the city council for action and possible inclusion in a city department work program.

C. All proposals for amendments to the comprehensive plan text and development regulations filed with the planning services office in accord with 12.02.030(A) shall be compiled by the planning services office and distributed for review and comment to those city departments responsible for the applicable element of the comprehensive plan or implementing the development regulation.

D. Using the criteria provided in KCC 12.02.045, city staff will review and submit to the planning services office, no later than October 31st, recommendations as to which proposals should have action taken on them or made part of a city department work program.

E. The planning services office will compile all comments and recommendations on proposed amendments to the comprehensive plan text and development regulations in an Annual Docket Report along with a list of the proposed amendments to the comprehensive plan land use map. The Annual Docket Report shall be presented to the land use and planning board in a public hearing. The land use and planning board will consider the Annual Docket Report and forward a recommendation to the city council, by no later than December 1st, as to which proposals in the Annual Docket Report should be considered for action in the current annual comprehensive plan amendment cycle.

F. Council may accept or modify the recommendation given on the Annual Docket Report by no later than January 31st. Proposed amendments to comprehensive plan text and development regulations not included for action by the city council shall be included for consideration in the next year’s docket for a period of three (3) years.
G. For docketed proposals accepted by the city council for inclusion in the annual comprehensive plan amendment cycle, the planning services office shall prepare a report and recommendation which shall be presented to either the land use and planning board in workshop and public hearing, or to another body designated to hold a public hearing. Recommendations on the annual comprehensive plan amendments shall be forwarded to the city council no later than March 31st.

H. The Annual Docket Report will be posted on the city’s web site throughout the year and updated annually.

Sec. 12.02.040. SEPA review.

After September 1 of each calendar year, the city’s responsible official shall review the cumulative anticipated environmental impact of the proposed amendments to the comprehensive plan land use map, comprehensive plan text, and development regulations—amendments, pursuant to the Washington State Environmental Policy Act (SEPA). If the responsible official determines that an environmental impact statement (EIS), draft-final or supplemental environmental impact statement—(EIS), or other appropriate environmental review is warranted, applicants for amendments to the comprehensive plan land use map may be responsible for a full or proportionate share of the costs of preparing the necessary documents EIS as determined by the responsible official.

Sec. 12.02.045. Annual docket evaluation criteria.

A. Proposed amendments to the comprehensive plan text and development regulations on the Annual Docket may be recommended for action if the following criteria have been met:

1. The proposed comprehensive plan text amendment addresses a matter appropriate for inclusion in the comprehensive plan;
2. The proposal addresses the interests and changed needs of the entire city as identified in its long-range planning and policy documents, including but not limited to the comprehensive plan;

3. The proposal does not raise policy or land use issues that are more appropriately addressed by an ongoing work program approved by city council;

4. The proposal can be reasonably reviewed within the time frame of the current annual work program and existing resources; and

5. The proposal has not been considered by the city council in the last three (3) years.

B. Staff may propose to expand the geographic scope of an amendment to the comprehensive plan land use map to allow for consideration of adjacent property, similarly situated property, or area wide impacts. The following criteria shall be used in determining whether to expand the geographic scope of a proposed land use map amendment:

1. The effect of the proposed amendment on the surrounding area or neighborhood or city;

2. The effect of the proposed amendment on the land use and circulation pattern of the surrounding area or neighborhood or city; and

3. The effect of the proposed amendment on the future development of the surrounding area or neighborhood or city.

Sec. 12.02.050. Comprehensive plan amendment standard of review.

The planning services office may recommend and the city council may approve, approve with modifications, or deny amendments to the comprehensive plan text or land use map designations based upon the following criteria:
1. The amendment will not result in development that will adversely affect the public health, safety, and general welfare; and

2. The amendment is based upon new information that was not available at the time of adoption of the comprehensive plan, or that circumstances have changed since the adoption of the plan that warrant an amendment to the plan; and

3. The amendment is consistent with other goals and policies of the comprehensive plan, and that the amendment will maintain concurrency between the land use, transportation, and capital facilities elements of the plan.

Sec. 12.02.060. Hearing procedures—Notice requirements.

The planning services office shall prepare a report and recommendation on proposed plan amendments which shall be presented to the land use and planning board at a public hearing. For an amendment of the capital facilities element of the comprehensive plan that occurs concurrently with the adoption or amendment of the city budget, the city council will hold the public hearing instead of the land use and planning board. For the initial review of Annual Docket Report described in 12.02.035(F) proposed text amendments, notice of public hearing shall be given in at least one (1) publication in the local newspaper at least ten (10) days prior to the said hearing. For proposed amendments to the comprehensive plan land use plan map amendments, notice of the public hearing shall be given both by publication in the local newspaper as prescribed above, and by notification of all property owners within two hundred (200) feet of the affected property. For revised geographic scope of land use map amendments, notice of public hearing shall be given both by publication in the local newspaper as prescribed above, and by notification of all property owners within the revised land use map amendment area. Affected property is defined as the parcels identified by the applicant, plus any additional parcels contiguous to the applicant's property which the planning manager determines.
should also be considered. The following criteria should be used in deciding whether to expand the geographic scope of a proposed amendment:

1. The effect of the proposed amendment on the surrounding area;

2. The effect of the proposed amendment on the land-use and circulation pattern of the area; and

3. The effect of the proposed amendment on the future development of the area.

Following a public hearing by the land-use and planning board, the planning services office recommendation shall be forwarded to the city council for action.

Sec. 12.02.070. City council action.

Within sixty (60) days after receipt of the planning services office recommendation provided per 12.02.035(G), the city council shall either—affirm, deny, or modify, or return the proposed amendments application to the planning department services office for further consideration. In the event the city council modifies the recommendation, proposed amendment, it shall make its own findings and set forth in writing the reasons for the action taken.

Sec. 12.02.080. Standing.

Comprehensive plan amendments may be initiated by the city planning services office or other administrative staff of the city, private citizens, or the city council.

Sec. 12.02.090. Fees.

Application fees for docketed comprehensive plan land use map amendments shall be the same as the fee established for rezones. There shall be no fee for
docketed proposals to amend the comprehensive plan text or development regulations.

Sec. 12.02.100. Appeals.

Appeals from a decision of the Kent city council shall be pursuant to Chapter 36.70A RCW.

SECTION 2. – Savings. The existing chapter 12.02 of the Kent City Code, which is amended by this ordinance, shall remain in full force and effect until the effective date of this ordinance.

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 portions of this ordinance and the same shall remain in full force and effect.

SECTION 4. – Effective Date. This ordinance shall take effect and be in force thirty (30) days from and after passage as provided by law.

JIM WHITE, MAYOR

ATTEST:

BRENDA JACOBER, CITY CLERK
I hereby certify that this is a true copy of Ordinance No. 3722 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

APPROVED AS TO FORM:

TOM BRUBAKER, CITY ATTORNEY

PASSED: 2 day of November, 2004.
APPROVED: 2 day of November, 2004.
To: Major Jim White, Council President Julie Peterson and Council Members
From: Gloria Gould-Wessen, AICP, GIS Coordinator/Planner
Through: Mayor Jim White

MOTION: Approve Supporting Regulations to 2004 Comprehensive Plan as recommended by the Planning and Economic Development Committee. Adopt Ordinances No. , , , and . The State Growth Management Act (RCW 36.70A.130(4)) requires the City of Kent to review and revise their comprehensive plan and development regulations for compliance with the Act by December 1, 2004. The Council previously approved the comprehensive plan update and directed that any supporting development regulations be brought to the Council for its consideration.

SUMMARY: The State Growth Management Act (GMA) requires that the City's development regulations are consistent with the City's Comprehensive Plan. The following provides a brief description of proposed actions:

1. Rezone properties that are inconsistent with adopted land use designations;
2. Establish notification process for properties located within 500 hundred feet from "Agricultural Resource Land'';
3. Establish "Docketing" process to facilitate amendment process to the comprehensive plan and regulations as required by GMA, and
4. Change "Zone Map" name of "Garden Density Multifamily'' to be consistent with nomenclature found in Kent City Code.

The Planning & Economic Development Committee recommended by a 3-0 vote approval of the attached rezones and regulatory revisions as forwarded by the Land Use & Planning Board.

BUDGET IMPACT: None

BACKGROUND:

Each of the four actions has a separate staff report that is presented in four attachments. "Attachment A" concerns zoning district map changes and includes: a location map; and staff reports for each study area which includes a detailed map. "Attachment B" proposes to establish a notification process by which property owners located within 500 hundred feet of land designated "Agricultural Resource Land" (AG-R) will be notified of their proximity to lands that have the potential for commercial agricultural activities. "Attachment C" proposes to establish a process for public input into land use, development or growth policies and regulations whereby "Docketed" items are compiled and published to ensure they will be considered by the city and available for public review. Lastly, "Attachment D" is a zoning map change whereby the zone designation of MR-G changes from "Garden Density Multifamily'' to "Low Density Multifamily'' as per Kent City Code. The SEPA Responsible Official determined these amendments were consistent with previous environmental analysis and did not require additional environmental review.
Study Areas for Proposed Zoning District Changes

Study Area #1
Study Area #2
Study Area #3
Study Area #4
Study Area #5
Study Area #6
Introduction:
The City’s Zoning District Map needs to be brought into conformance with the Land Use Map in the Comprehensive Plan (the Plan). Consistency between zoning and the land use designations is required by the Growth Management Act (GMA).

Background:
On July 20, 2004, Kent City Council adopted the 2004 Comprehensive Plan Update (Ordinance #3698) as required by the GMA. Overall, the proposed update does not substantially change the direction, theme, goals, or policies of the Plan adopted in 1995. At the time of the update, several land use designation areas were identified as inconsistent with updates to the Land Use Element. Additionally, separate land use studies had been conducted raising a need for a broader examination of existing land use designations. After a series of workshops and public hearings, Kent’s Land Use Map was revised. The proposed amendments to the Zoning District Map are examined based on the following Kent City Code (KCC) section 15.09.050(C) criteria:

1. The proposed rezone is consistent with the Comprehensive Plan; and
2. The proposed rezone and subsequent development of the site would be compatible with development in the vicinity; and
3. The proposed rezone will not unduly burden the transportation system in the vicinity of the property with significant adverse impacts which cannot be mitigated; and
4. Circumstances have changed substantially since the establishment of the current zoning district to warrant the proposed rezone; and
5. The proposed rezone will not adversely affect the health, safety and general welfare of the citizens of the City.

Staff Analysis and Recommendations:
Each of the six (6) study areas (see Study Areas for Proposed Zoning District Changes map for location) have been analyzed based on KCC 15.09.050 criteria; outlining existing conditions; analyzing environmental constraints and access, followed by a summary of the analysis; and concluding with staff recommendation. Each study area analysis is followed by a map that includes existing zoning, the location of streams and inventoried wetlands, parcel lines, and buildings, and a brief description of the site and the zoning recommendation. The study areas are highlighted with a thick dark line. All maps were constructed using the City’s GIS data layers.

The proposed zoning changes are based on changes in the Land Use designations made during the recent Comprehensive Plan update. The City’s SEPA Official found the Environmental Impact Statement (#ENV-93-51) associated with the 1995 Comprehensive Plan was applicable for the recent update to the Plan, requiring an addendum that was completed March 1, 2004. The proposed zoning district map amendments were considered in the addendum and are consistent with the Comprehensive Plan land use designations. No additional SEPA review is required.

Council
November 2, 2004
Supporting Regulation to 2004 Comprehensive Plan - CPZ-2004-1
Attachment – A
Page 1 of 11
STUDY AREA 1: Properties located at 132nd Ave. SE and SE 270th (private road)
The 7.0 acre subject site consisting of six (6) tax parcels is located on slightly rolling terrain along the east side of 132nd Avenue SE, approximately 630 feet north of Southeast 272nd Street/Kent-Kangley Road.

<table>
<thead>
<tr>
<th>Existing Land Use Map Designation</th>
<th>Existing Zoning Districts Map Designation</th>
<th>Proposed Zoning Districts Map Designation</th>
<th>Area Size</th>
</tr>
</thead>
<tbody>
<tr>
<td>C (Commercial)</td>
<td>SR-6 (Single-Family 6.05 unit/acre)</td>
<td>CC (Community Commercial)</td>
<td>0.4 acre</td>
</tr>
<tr>
<td>SF-8 (Single-Family 8 unit/acre)</td>
<td>SR-6 (Single-Family 6.05 unit/acre)</td>
<td>SR-8 (Single-Family 8.71 unit/acre)</td>
<td>6.6 acre</td>
</tr>
</tbody>
</table>

Land Use Map Designations of Surrounding Properties:
North: Single-Family 6 units/acre (SF-6)  
South: Commercial (C) and Low Density Multifamily (LDMF)  
East: Single-Family 6 units/acre (SF-6)  
West: Commercial (C) and Single-Family 8 units/acre (SF-8)

Zoning Districts Map Designations of Surrounding Properties:
North: Single-Family Residential - 6 (SR-6)  
South: Community Commercial (CC) and Garden Density Multifamily (MR-G)  
East: Single-Family Residential - 6 (SR-6)  
West: Community Commercial (CC) and Single-Family Residential - 8 (SR-8)

Existing Land Uses Surrounding Properties:
North: Single-family residences  
South: Two single-family residences directly adjacent (zoned CC) to the site and adjacent to them, a Walgreen's store, and a large multifamily housing development  
East: Single-family residences  
West: The Lake Meridian Marketplace shopping center and a King County Metro Park & Ride facility

Existing Land Uses:
Tax Parcel #2722059189 – A single-family residence and a non-conforming automotive repair home occupation;  
Tax Parcel #2722059183 single-family residence;  
Tax Parcel #2722059187 single-family residence;  
Tax Parcel #2722059170 vacant land;  
Tax Parcel #2722059181 vacant land; and  
Tax Parcel #2722059026 vacant land.
Analysis of Environmental Constraints:
Four (4) of the subject parcels and adjacent property appear to be encumbered by inventoried wetlands, upstream from Soosette Creek. This will limit developable area of the subject site. An estimated 1.21 acres of inventoried wetland area (17%) occupies the subject site – primarily along the frontage of 132nd Avenue Southeast. If the inventoried wetlands are assumed to be classified as Category II, the requisite fifty (50) foot buffers further reduce developable area of the subject site. Approximately 4.31 acres of projected developable area would be available after such reductions.

Analysis of Access:
Access to the subject site will be from 132nd Avenue SE (classified as a Minor Arterial). Approximately 630 feet north of the site is SE 272nd Street (a.k.a., Kent-Kangley Road) which is classified as a "Highway of Regional Significance". At present, pedestrian access to the subject site is limited, without curb, gutter and sidewalk. Although the King County Metro Park & Ride facility is located to the west across 132nd Avenue SE from the subject site, the portion of 132nd Avenue SE adjacent to the subject site is presently not a pedestrian friendly environment. Three (3) subject site parcels are served by a private road off 132nd Avenue SE. Sewer and water are available.

Summary of Analysis:
The environmental constraints will be mitigated through Kent's development regulations, ensuring buffers, and if necessary, restoration. Clustering or the use of a PUD can facilitate the citing of housing where areas are affected by wetlands. Having direct access to a minor arterial and a highway of regional significance provides the needed capacity for increased density. While there are deficiencies in multi-modal amenities (i.e., sidewalks), Kent's development regulations will ensure the necessary upgrade. The proximity to existing commercial uses and a METRO Park & Ride supports higher residential density and additional commercial uses.

Staff Recommendation:
Apply Community Commercial (CC) to Tax Parcel #2722059189
Apply Single-Family Residential – 8 (SR-8) to Tax Parcels #2722059183, #2722059187, #2722059170, #2722059181, and #2722059026.
PROPOSED ZONING CHANGE
STUDY AREA #1
From SR-6
To SR-8 & CC

Legend
- CITY LIMITS
- 25' Contours
- Creek
- Inventoried Wetlands
- Major Hydrology
- Buildings
- Study Area

Brief Description
* Approximately 0.4 acres proposed for CC
* Approximately 6.6 acres proposed for SR-8
* Existing land use on the 0.4 acres is a non-conforming radiator rebuild business
* Existing land uses on the 6.6 acres are single-family residences and vacant land.
STUDY AREA 2: Properties located along Kent-Kangley Road and 116th Ave. SE
The 6.1 acre subject site consisting of four (4) tax parcels is located along Kent-Kangley Road on terrain that drops gently 10-15 feet to the south.

Land Use Map Designations of Surrounding Properties:
North: Single-Family 6 units/acre (SF-6) and Single-Family 8 units/acre (SF-8)
South: Single-Family 6 units/acre (SF-6)
East: Single-Family 6 units/acre (SF-6)
West: Low Density Multifamily (LDMF)

Zoning Districts Map Designations of Surrounding Properties:
North: Single-Family Residential -6 (SR-6) and Single-Family Residential - 8 (SR-8)
South: Single-Family Residential - 6 (SR-6)
East: Single-Family Residential - 6 (SR-6)
West: Garden Density Multifamily (MR-G)

Existing Land Uses Surrounding Properties:
North: Single-family residences, a vacant lot, and a large day care facility
South: Single-family residences
East: Single-family residences
West: Single-family residences and retirement home

Existing Land Uses:
Tax Parcel #2722059092 - Small variety store and three (3) cabins;
Tax Parcel #2722059096 - Vacant, with building permit for gas station & mini-mart;
Tax Parcel #2722059013 - Single-family residence; and
Tax Parcel #2722059014 - Single-family residence.

Analysis of Environmental Constraints:
The site slopes to the south approximately 10-15 feet and a creek flows between two of the properties (tax parcel #2822059092 and #2822059096) into off-site wetlands located to the south. This will limit developable area of the subject site. While no wetlands are inventoried on site, the buffer from the off-site wetland will impact the developable area, as will the creek that runs through the site. An estimated 480 feet of creek transverses the site. Applying the requisite twenty-five (25) foot buffer to the creek, the developable land area is reduced by an estimated 0.55 acre. The off-site wetland buffer also impacts the site by approximately 0.2 acre. In total 0.75 acre of critical area and buffer (12%) occupies the subject site. Approximately 5.35 acres of projected developable area would be available after such reductions.

Council
November 2, 2004
Supporting Regulation to 2004 Comprehensive Plan - CPZ-2004-1
Attachment – A
Page 4 of 11
Analysis of Access:
Access to the subject site will be from Kent-Kangley Road (a.k.a SE 272nd or SR-516). Kent-Kangley Road is classified as a "Highway of Regional Significance" and as such has limitations on ingress/egress access points. Three (3) of the four (4) properties have access only from Kent-Kangley. One has additional access from 116th Ave SE. Curb, gutter and sidewalk exist along the entire frontage of the site. Sewer and water are available.

Summary of Analysis:
The environmental constraints will be mitigated through Kent’s development regulations, ensuring buffers to both on-site and off-site conditions. The existing slope can facilitate parking under buildings that face the street (Kent-Kangley Road). Development allowed within CC-MU would not adversely impact the capacity of Kent-Kangley and issues surrounding access would be address during the permit process.

Staff Recommendation:
Apply Community Commercial/Mixed Use (CC-MU) to Tax Parcels #2822059092, #2822059096, #2722059013, and #2722059014.
City of Kent
Existing Zoning

PROPOSED ZONING CHANGE
STUDY AREA #2
From NCC
To CC-MU

Legend
• CITY LIMITS
• 25' Contours
• Creek
• Inventoried Wetlands
• Major Hydrology
• Buildings
• Study Area

Brief Description
* Approximately 6.1 acres of existing NCC
* Existing land uses are mini-grocery/multifamily (3 cabins behind retail), two single-family residences, and future gas station/mini market.

KENT Planning Services
August 2004

ATTACHMENT A - LU&PB Public Hearing 9/27/04
STUDY AREA 3  Properties located along 92nd Ave. South and South 208th St.

The 22.7 acre subject site consisting of fourteen (14) tax parcels is located along 92nd Ave South on terrain that drops to the west at generally 16% down to State Route 167. The site is bound to the north by South 200th and to the south by South 208th Streets.

<table>
<thead>
<tr>
<th>Existing Land Use Map Designation</th>
<th>Existing Zoning District</th>
<th>Proposed Zoning District</th>
<th>Area Size</th>
</tr>
</thead>
<tbody>
<tr>
<td>SF-6 (Single-Family - 6 units/acre)</td>
<td>SR-1 (Single-Family Residential 1)</td>
<td>SR-4.5 (Single-Family Residential 4.5)</td>
<td>0.4 acre</td>
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<tr>
<td>SF-6 (Single-Family - 6 units/acre)</td>
<td>SR-3 (Single-Family Residential 3)</td>
<td>SR-4.5 (Single-Family Residential 4.5)</td>
<td>22.3 acre</td>
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</table>

Land Use Map Designations of Surrounding Properties:
- North: Single-Family 6 units/acre (SF-6)
- South: Commercial (C) and Single-Family 6 units/acre (SF-6)
- East: Single-Family 6 units/acre (SF-6) and Single-Family 1 unit/acre (SF-1)
- West: Manufacturing/Industrial Center (MIC)

Zoning Districts Map Designations of Surrounding Properties:
- North: Single-Family Residential – 4.5 (SR-4.5)
- South: Single-Family Residential – 6 (SR-6) and Neighborhood Community Commercial (NCC)
- West: Limited Industrial (M2)

Existing Land Uses Surrounding Properties:
- North: Single-family residence
- South: Single-family residence and a warehouse grocery store (across S 208th)
- East: Single-family residences
- West: Warehousing just past SR-167

Existing Land Uses:
- Tax Parcels #0622059045 & #0722059116 - Vacant; and
- Tax Parcels #0622059007, #0622059099, #0622059105, #0622059034, #0622059083, #0622059056, #0622059036, #0622059063, #0622059057, #0622059071, #0622059068, and #0622059041 – Single-family residences.

Analysis of Environmental Constraints:
The site slopes to the west are approximately 16% on average. At the base of the slope is a linear wetland abutting SR-167. Not all properties are affected by the wetlands, but all are affected by the slope. Research conducted on nearby properties during the annual comprehensive plan amendment process (#CPA-2002-2[D]) found that soil conditions combined with slope lead to conclude that seismic hazards conditions exist. Considering the existing environmental constraints, approximately four (4) acres are unconstrained by steep topography and may be easily developed. Kent’s clustering standards would allow density to be built on the portion of the site that is generally flatter and located along 92nd Ave. South.

Council
November 2, 2004
Supporting Regulation to 2004 Comprehensive Plan - CPZ-2004-1
Attachment - A
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Analysis of Access:
Access to the subject site will be from 92nd Avenue South which is fed from the North by Talbot Road South and from the South by South 208th Street. There are no curb, gutter and sidewalk nor drainage improvement along 92nd Ave. South. Access off of South 208th Street is difficult from the east and would require safety improvements. Sewer and water are available.

Summary of Analysis:
The environmental constraints will be mitigated through Kent's development regulations. Clustering or the use of a PUD can facilitate the siting of development. Street improvements will be necessary at the time of development.

Staff Recommendation:
Apply Single-Family Residential 4.5 (SR-4.5) to Tax Parcels #0622059007, #0622059099, #0622059105, #0622059034, #0622059083, #0622059056, #0622059036, #0622059063, #0622059057, #0622059071, #0622059068, #0622059045, #0722059116 and #0622059041.
PROPOSED ZONING CHANGE
STUDY AREA #3
From SR-3 & SR-1
To SR-4.5

Legend
- CITY LIMITS
- 25' Contours
- Creek
- Inventoried Wetlands
- Major Hydrology
- Buildings
- Study Area

Brief Description
* Approximately 0.4 acres of existing SR-1
* Approximately 2.4 acres of existing SR-3
* Existing land use on the 0.4 acres is a single-family residence
* Existing land uses on the 2.4 acres are single-family residences.
STUDY AREA 4  Properties located along 64th Avenue South and South 236th Street

The 11.4 acre subject site consisting of one (1) tax parcel is located along 64th Avenue South and South 236th Street. The terrain consists of the flat Duwamish/Green River bottom land.

<table>
<thead>
<tr>
<th>Existing Land Use Map Designation</th>
<th>Existing Zoning Districts Map Designation</th>
<th>Proposed Zoning Districts Map Designation</th>
<th>Area Size</th>
</tr>
</thead>
<tbody>
<tr>
<td>LDMF (Low Density Multifamily)</td>
<td>MA (Industrial Agricultural)</td>
<td>MR-G (Garden Density Multifamily)</td>
<td>11.4 acre</td>
</tr>
</tbody>
</table>

Land Use Map Designations of Surrounding Properties:
North: Low Density Multifamily (LDMF)
South: Low Density Multifamily (LDMF)
East: Industrial (I) and Low Density Multifamily (LDMF)
West: Low Density Multifamily (LDMF)

Zoning Districts Map Designations of Surrounding Properties:
North: Garden Density Multifamily (MR-G)
South: Garden Density Multifamily (MR-G)
East: Industrial Park (M1) and Garden Density Multifamily (MR-G)
West: Garden Density Multifamily (MR-G)

Existing Land Uses Surrounding Properties:
North: Mixed residential community (PUD)
South: Mixed residential community (PUD)
East: Warehousing and vacant land (zoned MR-G)
West: Mixed residential community (PUD)

Existing Land Uses:
Tax Parcel #1422049030 – Elementary School

Analysis of Environmental Constraints:
The site has no environmental constraints.

Analysis of Access:
Access to the subject site will be from 64th Avenue South (classified as a minor arterial) and South 236th Street (classified as a residential collector arterial). Both streets are improved with curb, gutter, and sidewalks. 64th Avenue South is also improved for bicycle use (i.e., bike trail). Sewer and water are available.

Summary of Analysis:
The Neely-O'Brien Elementary School was built in the early 90's and is surrounded by the housing development called "The Lakes". The change in land use was instituted because of the elimination of the Community Facilities land use designation and reflects the surrounding residential use. There are no environmental or access constraints.

Staff Recommendation:
Apply Garden Density Multifamily (MR-G) to Tax Parcel #1422049030

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City of Kent
Existing Zoning

PROPOSED ZONING CHANGE
STUDY AREA #4
From MA
To MR-G

Legend
- CITY LIMITS
- 25' Contours
- Creek
- Inventoried Wetlands
- Major Hydrology
- Buildings
- Study Area

Brief Description
* Approximately 11.4 acres of existing MA
* Existing land use is an elementary school.
STUDY AREA 5  Properties located along Military Road South and Kent-Des Moines Road

The 5.5 acre subject site consists of one (1) tax parcel located along Military Road South and Kent-Des Moines Road (a.k.a., SR-516). The zoning district boundary includes a portion of Interstate-5 and its northern access ramps. Approximately half of the tax parcel is presently zoned Community Commercial (CC). The terrain of the parcel gently slopes to the southeast.

<table>
<thead>
<tr>
<th>Existing Land Use Map Designation</th>
<th>Existing Zoning District Map Designation</th>
<th>Proposed Zoning District Map Designation</th>
<th>Area Size</th>
</tr>
</thead>
<tbody>
<tr>
<td>C (Commercial)</td>
<td>SR-2 (Single-Family Residential - 2)</td>
<td>CC (Community Commercial)</td>
<td>5.5 acre</td>
</tr>
</tbody>
</table>

Land Use Map Designations of Surrounding Properties:
North: None (City of Sea-Tac)
South: Commercial (C)
East: Commercial (C)
West: Commercial (C) and (Pacific Ridge – City of Des Moines)

Zoning Districts Map Designations of Surrounding Properties:
North: None (City of Sea-Tac)
South: Community Commercial (CC)
East: Community Commercial (CC)
West: General Commercial (GC) and (Pacific Ridge – City of Des Moines)

Existing Land Uses Surrounding Properties:
North: Freeway (I-5)
South: Freeway (I-5), Highway (SR-516) and METRO Park & Ride
East: Auto repair shops, RV sales, commercial bakery distribution, and vacant land
West: Hotels, multifamily and single-family residences

Existing Land Uses:
Tax Parcel #7260200095 – METRO Park & Ride

Analysis of Environmental Constraints:
The site has no environmental constraints.

Analysis of Access:
Access to the subject site is from Military Road South (classified as a minor arterial), which is fed from the south by Kent-Des Moines Road (a.k.a., SR-516) a “Highway of Regional Significance”. The METRO Park & Ride is developed to accommodate all modes of transportation.

Summary of Analysis:
With METRO’s dedication to providing alternatives to single occupancy vehicles (SOV) and the Region’s need for such facilities, the existing land use is not expected to change. There is no constraint to existing or commercial uses at this site.

Staff Recommendation:
Apply Community Commercial (CC) to Tax Parcel #7260200095 and I-5 ROW

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PROPOSED ZONING CHANGE
STUDY AREA #5
From SR-2
To CC

Legend
- CITY LIMITS
- 25' Contours
- Creek
- Inventoried Wetlands
- Major Hydrology
- Buildings
- Study Area

Brief Description
* Approximately 5.5 acres of existing SR-2
* Existing land uses are a I-5 interchange and a METRO Park & Ride.

ATTACHMENT A - LU&PB Public Hearing 9/27/04
STUDY AREA 6  Properties located along Military Road South and South 248th Street

The 2.5 acre subject site consisting of nine (9) tax parcels is located along Military Road South between South 248th Street at the south end of the site and where 38th Avenue South converges with Military Road South at the north end of the site. Several of the study area parcels are directly adjacent parcels zoned Community Commercial and have existing commercial and service uses (i.e., three parcels at a total of 2.3 acres). Located at a crest of a hill, the terrain is generally flat.

<table>
<thead>
<tr>
<th>Existing Land Use Designation</th>
<th>Zoning Districts Map Designation</th>
<th>Proposed Zoning Districts Map Designation Change</th>
<th>Area Size</th>
</tr>
</thead>
<tbody>
<tr>
<td>C (Commercial)</td>
<td>NCC (Neighborhood Community Commercial)</td>
<td>CC (Community Commercial)</td>
<td>2.5 acre</td>
</tr>
</tbody>
</table>

Land Use Map Designations of Surrounding Properties:
North: Single-Family 6 units/acre (SF-6)
South: Single-Family 6 units/acre (SF-6)
East: Single-Family 6 units/acre (SF-6)
West: Single-Family 6 units/acre (SF-6)

Zoning Districts Map Designations of Surrounding Properties:
North: Single-Family Residential - 6 (SR-6)
South: Single-Family Residential - 6 (SR-6)
East: Single-Family Residential - 6 (SR-6)
West: Single-Family Residential - 6 (SR-6)

Existing Land Uses Surrounding Properties:
North: Single-family residential
South: Single-family residential
East: Single-family residential and Army National Guard facility
West: Single-family residential

Existing Land Uses:
Tax Parcel #2222049145 – Convenience store;
Tax Parcel #2222049144 – Office;
Tax Parcel #2222049153 – Fast food;
Tax Parcel #2222049010 – Auto parts;
Tax Parcel #1253200020 – Single-family residence;
Tax Parcel #1253200025 – Daycare; and
Tax Parcel #1253200075, #1253200070, and #1253200015 - Vacant

Analysis of Environmental Constraints:
The site has no environmental constraints.

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Analysis of Access:
Access to the subject site is from Military Road South (classified as a minor arterial), which is fed from the north by Kent-Des Moines Road (a.k.a., SR-516) a "Highway of Regional Significance" and from the south by South 272nd Street (classified as a minor arterial). There are older curb, gutter, and sidewalks along the entire western edge of the site and along the eastern edge up to the vacant land. There are no improvements along South 249th Street. Sewer and water are available.

Summary of Analysis:
This vintage 1950's shopping mall has had some improvements over the years. It serves both the surrounding residential community as well as customers driving through the neighborhood. There are no constraints to re-development.

Staff Recommendation:
Apply Community Commercial (CC) to Tax Parcels #2222049145, #2222049144, #2222049153; #2222049010, #1253200020, #1253200025, #1253200075, #1253200070, and #1253200015.
PROPOSED ZONING CHANGE
STUDY AREA #6
From NCC
To CC

Brief Description
* Approximately 2.5 acres of existing NCC
* Approximately 2.3 acres of existing CC
* Existing land uses are medical/dental offices, auto parts & repair, law office, dry cleaner, beauty salon, pizza, and a converted grocery into a ministry.

City of Kent
Existing Zoning

Legend
- CITY LIMITS
- 25' Contours
- Creek
- Inventoried Wetlands
- Major Hydrology
- Buildings
- Study Area

ATTACHMENT A - LU&PB Public Hearing 9/27/04
Introduction:
Properties within 500 hundred feet of the land use designation “Agricultural Resource Land” must be notified of the potential for commercial agricultural activities as required by the Growth Management Act (GMA). The process needs to first be codified and later implemented during the development permitting process.

Background:
In conjunction with the 2004 Comprehensive Plan Update (Ordinance #3698), the city conducted a study of agricultural lands to determine their status. The study determined that there were no lands of long-term commercial significance as defined by GMA with the exception of properties that had their development rights purchased during the King County Agricultural Preservation Program in the 1980’s. Those properties were designated “Agricultural Resource Land” (AG-R) (see Ordinance #3612). Subsequently, goals and policies supporting the “Agricultural Resource Land” were incorporated into the Land Use Element. They are:

- Goal LU-30: Ensure the conservation and enhancement of productive agricultural land via regulation, acquisition, or other methods.
- Policy LU-30.1: Establish a notification process as specified by the GMA to ensure incompatible land uses adjacent to agricultural lands are aware of adjacent agricultural resource land.

Staff Analysis and Recommendations:
Land Use Policy LU-30.1 directs the city to establish a notification process. The GMA specifies that “Counties and cities shall require that all plats, short plats, development permits, and building permits issued for development activities on, or within five hundred feet of land designated as agricultural lands...contain a notice that the subject property is within or near designated agricultural...resource lands on which a variety of commercial activities may occur that are not compatible with residential development for certain periods of limited duration.” Within Title 12 “Planning and Land Development” of Kent City Code (KCC), staff recommends the following text amendment:

12.01.125 Notification of proximity to Agricultural Resource Lands.
Project permit applicants for all plats, short plats, development permits and substantial building permits for development activities within 500 hundred feet of land designated as agricultural resource lands within the City of Kent, or the comparable land use designation within unincorporated King County, shall be informed by the city of the proximity to agricultural resource lands on which commercial agricultural activities may occur that are not compatible with residential development for certain periods of limited duration.

*P:\Planning\2002 Comp Plan Update\Regulations\AttachB_Council\110204_CPZ-2004-1.doc*
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Introduction:
Staff proposes amending Kent City Code (KCC) Title 12 "Planning and Land Development" Chapter 12.02 "Procedures for Amendments to Comprehensive Plan" to include a "Docketing" process as required by the Growth Management Act (GMA).

Background:
The GMA has outlined a procedure for jurisdictions to follow that assists the public in making suggested amendments to the Comprehensive Plan, development regulations, and growth policies on an annual basis. The suggested amendment "shall be docketed" which refers to compiling and maintaining a list of suggested changes to the comprehensive plan or development regulations to ensure they will be considered by the city and will be available for review by the public. Planning Services provided an informal docket during the 2004 Comprehensive Plan Update to solicit public input. There are existing procedures for the City Council to consider amendments to the Comprehensive Plan found in Chapter 12.02. Staff proposes to expand the chapter to include the annual docket, thereby formalizing what Planning Services has provided the public throughout the development and update of the Comprehensive Plan.

Staff Recommendations:
Staff recommends a code text amendment to Chapter 12.02 that integrates language for an annual docket process. The following proposed text amendment includes: a new purpose section (12.02.025); a new process for review (12.02.035); a new annual docket evaluation criteria (12.02.045); and additions to existing sections to include docketing.
Chapter 12.02

DOCKETING PROCEDURES FOR ANNUAL AMENDMENTS TO COMPREHENSIVE PLAN AND DEVELOPMENT REGULATIONS

12.02.010 Annual Docket Amendments and Exceptions.

Amendments to the comprehensive plan land use map, comprehensive plan text, and development regulations may be proposed to respond to changing circumstances or needs of the city via the Annual Docket process. The city council shall consider proposed amendments to the Kem comprehensive plan no more than once each calendar year, except under the following circumstances, which may be processed separately and in addition to the standard annual update:

A. If an emergency exists, which is defined as an issue of community-wide significance that promotes the public health, safety, and general welfare;

B. To resolve an appeal of a comprehensive plan filed with a growth management hearings board or with the court;

C. To adopt or amend a shoreline master program under the procedures set forth in Chapter 90.58 RCW;

D. The initial adoption of a subarea plan; and

E. The amendment of the capital facilities element of the comprehensive plan that occurs concurrently with the adoption or amendment of the city budget. The city council will hold the public hearing on this matter rather than the land use and planning board.

12.02.020 Concurrent review for Comprehensive Plan Amendments.

In considering annual amendments to the comprehensive plan, city staff, the land use and planning board, and the city council shall consider all proposed text and land use map amendments concurrently so as to assess their cumulative impact.

12.02.025 Docketing Purpose

The purpose of this Chapter is to establish the procedures and review criteria for amending the City of Kent comprehensive plan and to consider proposed amendment of development regulations through an open and public annual docketing process. “Docketing” refers to compiling and maintaining a list of proposed changes to the comprehensive plan or development regulations in a manner that will ensure such proposals will be considered by the city and will be available for review by the public.

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12.02.030 Time of filing.

A. Any person, group or agency may apply to propose amendments to the comprehensive plan or development regulations using a “Docket” form prescribed by the planning services office which shall be submitted to the Kent planning services office by September 1 of each calendar year.

B. A property owner or authorized agent of the property owner may apply to propose an amendment to the land use map of the comprehensive plan using forms prescribed by the planning services office which shall be submitted to the planning services office by September 1 of each calendar year. Incomplete land use map amendment applications will not be accepted for filing.

C. Incomplete amendment applications will not be accepted for filing. Requests received each year after September 1 shall be considered in the following year’s comprehensive plan annual docket amendment process.

12.02.035 Emergency amendments.

Repealed by Ord. 3650.

12.02.035 Process for review

A. All proposals for amendments to the comprehensive plan land use map that have been filed with the planning services office in accord with 12.02.030(B) will be forwarded to the City Council for action during the current annual Comprehensive Plan amendment cycle.

B. All proposals for amendments to development regulations that have been filed with the planning services office in accord with 12.02.030(A) will be considered in an Annual Docket Report and forwarded to the City Council for action and possible inclusion in a city department work program.

C. All proposals for amendments to the comprehensive plan text and development regulations filed with the planning services office in accord with 12.02.030(A) shall be compiled by the planning services office and distributed for review and comment to those city departments responsible for the applicable element of the comprehensive plan or implementing the development regulation.

D. Using the criteria provided in KCC 12.02.045, city staff will review and submit to the planning services office, no later than October 31st, recommendations as to

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which proposals should have action taken on them or made part of a city department work program.

E. Planning services will compile all comments and recommendations on proposed amendments to the comprehensive plan text and development regulations in an Annual Docket Report along with a list of the proposed amendments to the comprehensive plan land use map. The Annual Docket Report shall be presented to the land use and planning board in a public hearing. The land use and planning board will consider the Annual Docket Report and forward a recommendation to the city council, by no later than December 1st, as to which proposals in the Annual Docket Report should be considered for action in the current annual Comprehensive Plan amendment cycle.

F. Council may accept or modify the recommendation given on the Annual Docket Report by no later than January 31st. Proposed amendments to comprehensive plan text and development regulations not included for action by the city council shall be included for consideration in the next year’s docket for a period of three (3) years.

G. For docketed proposals accepted by the city council for inclusion in the annual Comprehensive Plan amendment cycle, the planning services office shall prepare a report and recommendation which shall be presented to either the land use and planning board in workshop and public hearing, or to another body designated to hold a public hearing. Recommendations on the annual Comprehensive Plan amendments shall be forwarded to the city council no later than March 31st.

H. The Annual Docket Report will be posted on the city’s web site throughout the year and updated annually.

12.02.040 SEPA review.

After September 1 of each calendar year, the city’s responsible official shall review the cumulative anticipated environmental impact of the proposed amendments to the comprehensive plan land use map, comprehensive plan text, and development regulations amendments, pursuant to the Washington State Environmental Policy Act (SEPA). If the responsible official determines that an environmental impact statement (EIS), draft final or supplemental environmental impact statement (EIS), or other appropriate environmental review is warranted, applicants for amendments to the comprehensive plan land use map may be responsible for a full or proportionate share of the costs of preparing the necessary documents EIS-as determined by the responsible official.

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12.02.045 Annual Docket evaluation criteria

A. Proposed amendments to the comprehensive plan text and development regulations on the Annual Docket may be recommended for action if the following criteria have been met:

A. The proposed comprehensive plan text amendment addresses a matter appropriate for inclusion in the comprehensive plan;
B. The proposal addresses the interests and changed needs of the entire city as identified in its long-range planning and policy documents, including but not limited to the comprehensive plan;
C. The proposal does not raise policy or land use issues that are more appropriately addressed by an ongoing work program approved by city council;
D. The proposal can be reasonably reviewed within the time frame of the current annual work program and existing resources;
E. The proposal has not been considered by the city council in the last three (3) years.

B. Staff may propose to expand the geographic scope of an amendment to the comprehensive plan land use map to allow for consideration of adjacent property, similarly situated property, or area wide impacts. The following criteria shall be used in determining whether to expand the geographic scope of a proposed land use map amendment:

1. The effect of the proposed amendment on the surrounding area or neighborhood or city;
2. The effect of the proposed amendment on the land use and circulation pattern of the surrounding area or neighborhood or city; and
3. The effect of the proposed amendment on the future development of the surrounding area or neighborhood or city.

12.02.050 Comprehensive Plan Amendment Standard of review.

The planning services office may recommend and the city council may approve, approve with modifications, or deny amendments to the comprehensive plan text or land use map designations based upon the following criteria:

1. The amendment will not result in development that will adversely affect the public health, safety, and general welfare; and

2. The amendment is based upon new information that was not available at the time of adoption of the comprehensive plan, or that circumstances have changed since the adoption of the plan that warrant an amendment to the plan; and

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3. The amendment is consistent with other goals and policies of the comprehensive plan, and that the amendment will maintain concurrency between the land use, transportation, and capital facilities elements of the plan.

12.02.060 Hearing procedures—Notice requirements.

The planning services office shall prepare a report and recommendation on proposed plan amendments which shall be presented to the land use and planning board at a public hearing. For an amendment of the capital facilities element of the comprehensive plan that occurs concurrently with the adoption or amendment of the city budget, the city council will hold the public hearing instead of the land use and planning board. For the initial review of Annual Docket Report described in 12.02.035(D)—proposed text amendments, notice of public hearing shall be given in at least one (1) publication in the local newspaper at least ten (10) days prior to the said hearing. For proposed amendments to the comprehensive plan land use plan map amendments, notice of the public hearing shall be given both by publication in the local newspaper as prescribed above, and by notification of all property owners within two hundred (200) feet of the affected property. For revised geographic scope of land use map amendments, notice of public hearing shall be given both by publication in the local newspaper as prescribed above, and by notification of all property owners within the revised land use map amendment area. Affected property is defined as the parcels identified by the applicant, plus any additional parcels contiguous to the applicant’s property which the planning manager determines should also be considered. The following criteria should be used in deciding whether to expand the geographic scope of a proposed amendment:

1. The effect of the proposed amendment on the surrounding area;

2. The effect of the proposed amendment on the land use and circulation pattern of the area; and

3. The effect of the proposed amendment on the future development of the area.

Following a public hearing by the land use and planning board, the planning services office recommendation shall be forwarded to the city council for action.

12.02.070 City council action.

Within sixty (60) days after receipt of the planning services office recommendation provided per 12.02.035(G), the city council shall either affirm, deny, or modify, or return the proposed amendments application to the planning department services office for further consideration. In the event the city council modifies the recommendation proposed amendment, it shall make its own findings and set forth in writing the reasons for the action taken.

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12.02.080 Standing.

Comprehensive plan amendments may be initiated by the city planning services office or other administrative staff of the city, private citizens, or the city council.

12.02.090 Fees.

Application fees for docketed comprehensive plan land use map amendments shall be the same as the fee established for rezones. There shall be no fee for docketed proposals to amend the comprehensive plan text or development regulations.

12.02.100 Appeals.

Appeals from a decision of the Kent city council shall be pursuant to Chapter 36.70A RCW.
RCW 36.70A.130
Comprehensive plans -- Review -- Amendments.

(1)(a) Each comprehensive land use plan and development regulations shall be subject to continuing review and evaluation by the county or city that adopted them. A county or city shall take legislative action to review and, if needed, revise its comprehensive land use plan and development regulations to ensure the plan and regulations comply with the requirements of this chapter according to the time periods specified in subsection (4) of this section. A county or city not planning under RCW 36.70A.040 shall take action to review and, if needed, revise its policies and development regulations regarding critical areas and natural resource lands adopted according to this chapter to ensure these policies and regulations comply with the requirements of this chapter according to the time periods specified in subsection (4) of this section. Legislative action means the adoption of a resolution or ordinance following notice and a public hearing indicating at a minimum, a finding that a review and evaluation has occurred and identifying the revisions made, or that a revision was not needed and the reasons therefore. The review and evaluation required by this subsection may be combined with the review required by subsection (3) of this section. The review and evaluation required by this subsection shall include, but is not limited to, consideration of critical area ordinances and, if planning under RCW 36.70A.040, an analysis of the population allocated to a city or county from the most recent ten-year population forecast by the office of financial management.

(b) Any amendment of or revision to a comprehensive land use plan shall conform to this chapter. Any amendment of or revision to development regulations shall be consistent with and implement the comprehensive plan.

(2)(a) Each county and city shall establish and broadly disseminate to the public a public participation program consistent with RCW 36.70A.035 and 36.70A.140 that identifies procedures and schedules whereby updates, proposed amendments, or revisions of the comprehensive plan are considered by the governing body of the county or city no more frequently than once every year. "Updates" means to review and revise, if needed, according to subsection (1) of this section, and the time periods specified in subsection (4) of this section. Amendments may be considered more frequently than once per year under the following circumstances:

(i) The initial adoption of a subarea plan that does not modify the comprehensive plan policies and designations applicable to the subarea;

(ii) The adoption or amendment of a shoreline master program under the procedures set forth in chapter 90.58 RCW; and

(iii) The amendment of the capital facilities element of a comprehensive plan that occurs concurrently with the adoption or amendment of a county or city...
budget.

(b) Except as otherwise provided in (a) of this subsection, all proposals shall be considered by the governing body concurrently so the cumulative effect of the various proposals can be ascertained. However, after appropriate public participation a county or city may adopt amendments or revisions to its comprehensive plan that conform with this chapter whenever an emergency exists or to resolve an appeal of a comprehensive plan filed with a growth management hearings board or with the court.

(3) Each county that designates urban growth areas under RCW 36.70A.110 shall review, at least every ten years, its designated urban growth area or areas, and the densities permitted within both the incorporated and unincorporated portions of each urban growth area. In conjunction with this review by the county, each city located within an urban growth area shall review the densities permitted within its boundaries, and the extent to which the urban growth occurring within the county has located within each city and the unincorporated portions of the urban growth areas. The county comprehensive plan designating urban growth areas, and the densities permitted in the urban growth areas by the comprehensive plans of the county and each city located within the urban growth areas, shall be revised to accommodate the urban growth projected to occur in the county for the succeeding twenty-year period. The review required by this subsection may be combined with the review and evaluation required by RCW 36.70A.215.

(4) The department shall establish a schedule for counties and cities to take action to review and, if needed, revise their comprehensive plans and development regulations to ensure the plan and regulations comply with the requirements of this chapter. The schedule established by the department shall provide for the reviews and evaluations to be completed as follows:

(a) On or before December 1, 2004, and every seven years thereafter, for Clallam, Clark, Jefferson, King, Kitsap, Pierce, Snohomish, Thurston, and Whatcom counties and the cities within those counties;

(b) On or before December 1, 2005, and every seven years thereafter, for Cowlitz, Island, Lewis, Mason, San Juan, Skagit, and Skamania counties and the cities within those counties;

(c) On or before December 1, 2006, and every seven years thereafter, for Benton, Chelan, Douglas, Grant, Kittitas, Spokane, and Yakima counties and the cities within those counties; and

(d) On or before December 1, 2007, and every seven years thereafter, for Adams, Asotin, Columbia, Ferry, Franklin, Garfield, Grays Harbor, Klickitat, Lincoln, Okanogan, Pacific, Pend Oreille, Stevens, Wahkiakum, Walla Walla, and Whitman
counties and the cities within those counties.

(5)(a) Nothing in this section precludes a county or city from conducting the review and evaluation required by this section before the time limits established in subsection (4) of this section. Counties and cities may begin this process early and may be eligible for grants from the department, subject to available funding, if they elect to do so.

(b) State agencies are encouraged to provide technical assistance to the counties and cities in the review of critical area ordinances, comprehensive plans, and development regulations.

(6) A county or city subject to the time periods in subsection (4)(a) of this section that, pursuant to an ordinance adopted by the county or city establishing a schedule for periodic review of its comprehensive plan and development regulations, has conducted a review and evaluation of its comprehensive plan and development regulations and, on or after January 1, 2001, has taken action in response to that review and evaluation shall be deemed to have conducted the first review required by subsection (4)(a) of this section. Subsequent review and evaluation by the county or city of its comprehensive plan and development regulations shall be conducted in accordance with the time periods established under subsection (4)(a) of this section.

(7) The requirements imposed on counties and cities under this section shall be considered "requirements of this chapter" under the terms of RCW 36.70A.040 (1). Only those counties and cities in compliance with the schedules in this section shall have the requisite authority to receive grants, loans, pledges, or financial guarantees from those accounts established in RCW 43.155.050 and 70.146.030. Only those counties and cities in compliance with the schedules in this section shall receive preference for grants or loans subject to the provisions of RCW 43.17.250.

[2002 c 320 § 1; 1997 c 429 §§ 1-21; 1995 c 347 § 106; 1990 1st ex.s. c 17 § 13.]

NOTES:

Prospective application -- 1997 c 429 §§ 1-21: See note following RCW 36.70A.3201.

Severability -- 1997 c 429: See note following RCW 36.70A.3201.

Finding -- Severability -- Part headings and table of contents not law -- 1995 c 347: See notes following RCW 36.70A.470.

RCW 36.70A.130(2) does not apply to master planned locations in industrial land banks: RCW 36.70A.367(5).
Introduction:
The City’s Zoning District Map nomenclature for Garden Density Multifamily (MR-G) is inconsistent with Kent City Code (KCC). Staff proposes to change the Zoning District Map label for MR-G from Garden Density Multifamily to Low Density Multifamily.

Background:
Chapter 15.03 establishes the official Zoning Map. In this chapter, the various zoning districts are named with abbreviations, defined, and the official zoning map adopted as part of the title. The district regulations (Chapter 15.04) and other zoning chapters refer to the various zoning districts. Throughout the zoning code MR-G is referred to as Low Density Multifamily Residential. Nowhere in the Kent City Code is MR-G referred to as Garden Density Multifamily. The discrepancy may have occurred in 1998 during the extensive reformatting of the Kent Zoning Code (Ordinance #3409 & #3439).

Staff Recommendation:
Staff recommends amending the official Zoning Map legend from Garden Density Multifamily to Low Density Multifamily and maintain the abbreviation MR-G.
PLANNING & ECONOMIC DEVELOPMENT COMMITTEE MINUTES
OCTOBER 18, 2004

COMMITTEE MEMBERS: Chair Tim Clark, Ron Harmon, Bruce White

The meeting was called to order by Chair Clark at 4:00 P.M.

Approval of Minutes
Committee Member White Moved and Committee Member Harmon Seconded a motion to approve the minutes of the October 4, 2004 meeting. Motion Carried 3-0.

#CPZ-2004-1 Supporting Regulations to 2004 Comprehensive Plan
Planner Gloria Gould-Wessen stated that the Land Use and Planning Board held a hearing on September 27, 2004 and unanimously recommended approval of proposed supporting regulations to the updated Comprehensive Plan which comprised several area-wide rezones and three (3) regulatory text changes.

Ms. Wessen described six (6) study areas for proposed area-wide rezones that establish consistency between the 2004 Comprehensive Plan Land Use Map and the Zoning District Map.

Ms. Wessen described three (3) regulatory text changes: 1) Establish a notification process for properties located within 500 feet of Agricultural Resource Lands; 2) Establish a docketing system required by the Growth Management Act to facilitate the amendment process for the Comprehensive Plan and regulations; 3) A proposal to change the nomenclature in the Zoning District Map from Garden Density Multifamily (MR-G) to Low Density Multifamily (MR-G) to be consistent with the zoning code.

Member Harmon asked staff why we don’t have a land use designation of SF-4.5 to support the proposed zoning of SR-4.5 in Study Area 3 when 4.5 du/acre is the most appropriate density based on environmental constraints. Member Clark recalled that SR-4.5 zone was established during the Meridian Annexation and asked staff to clarify.

In response to Chair Clark, Community Development Director Fred Satterstrom stated that when the Meridian area was annexed in 1996 it was designated with a King County zoning of RS-9600 equivalent to Kent’s SR-4.5 zoning district, and the result was that much of that area came into the City as SR-4.5. He stated that the City’s nearest land use designation allowing a 4.5 du/acre density at the time of annexation was SF-6. A good portion of the Lake Meridian area was designated as SR-6 or RS-7200 under King County. He stated properties are not capped at SR-4.5, and that people can seek rezones to SF-6 and remain consistent with Kent’s Comprehensive Plan.

Mr. Satterstrom acknowledged Chair Clark’s concerns regarding appropriate zoning densities for lands with environmentally constrained areas. He stated that the Growth Management Hearings Board requires an urban density of 4 du/acre. There is more flexibility to achieve density on environmentally constrained land with the higher density zoning. For small areas with steep slopes the City can rely on the critical areas ordinance to control impacts. If the natural carrying capacity of land can accommodate 4.5 du/acre there is probably nothing intrinsically different to handle 6 du/acre.

Member Harmon asked staff to explore adding an extra tool in the Comprehensive Plan to apply SF-4.5 if that’s the vision. Mr. Satterstrom stated that staff at some point would like to eliminate the necessity for property owners to come forward with a rezone from SF-4.5 to SR-6 when the land use designation is already SF-6. Rather than a site by site rezone process, he believes an area should be looked at legislatively. The City could do the analysis and decide the appropriate land use designation, eliminate a clumsy process, and establish some predictability in its zoning by applying zoning equivalent to the Comprehensive Plan designation.

Planning Manager Charlene Anderson stated that staff is not presenting a comprehensive plan change, but is presenting the area-wide zoning changes to be consistent with the Comprehensive Plan designation that was recently updated. Member Harmon stated that he would like staff to consider a land use designation of SF-4.5. Chair Clark stated that the area under discussion is currently designated with SR-1 and SR-3 zoning which he believes is logical based on the complex issues associated with the lands.

Ms. Anderson reiterated that the Comprehensive Plan Designation is already 6 units per acre and at the time a project application is submitted to the City for consideration, staff will review the proposal to determine
how development will affect the land. The applicant then would be required to comply with sensitive area regulations for slope or wetland, roadway issues and detention areas.

Ms. Anderson responded to Chair Clark that this proposal is an area-wide zoning change as part of the comprehensive plan, and encompasses commercial, multifamily and some publicly owned space per the recent comprehensive plan update.

Ms. Wessen clarified the zoning proposals with respect to Study Area 1 and Study Area 5 in response to questions from Member Harmon.

Member Harmon MOVED to approve #CPZ-2004-1 Supporting Regulations to 2004 Comprehensive Plan as recommended by the Land Use and Planning Board and move this on to Council. Member White SECONDED. Motion CARRIED 3-0.

Urban Density Study
Ms. Wessen stated that in June 2004 Council passed a resolution directing Planning staff to study Urban Densities related to the Comprehensive Plan. She stated that a land use policy states that staff would look at urban density based on the Central Puget Sound Growth Management Hearings Board rulings for the Puget Sound Region per their definition of Urban Density at 4 units per acre.

Ms. Wessen defined the areas affected as part of the urban density study. She stated that staff has scheduled three community outreach workshops at three elementary schools on East Hill to inform the public of these rulings. Ms. Wessen invited the committee members to attend the scheduled workshops.

Assistant City Attorney Kim Adams Pratt updated the Committee on court cases since Council’s passage of the resolution directing staff to look at urban densities. She stated that the City has been sued by 1000 Friends on an appeal to the Growth Management Hearings Board and we are involved in that process now under the Growth Board’s jurisdiction.

Ms. Pratt stated that a recent case decided at the end of September against the City of Bonney Lake had issues similar to those our Council will be looking at. Bonney Lake completed its comp plan update, lowering some densities of 2 to 4 units per acre. The Growth Management Hearings Board (GMHB) found that these densities were too low for an urban area. The GMHB found Bonney Lake’s comprehensive plan update invalid and directed Bonney Lake to complete a study, change the densities, and return to the GMHB for review of Bonney Lake’s corrective actions. Ms. Pratt stated that once a city is involved in an appeal process with the GMHB, the City is under its scrutiny and must comply with its timeframes and directives.

Bruce White questioned if the Urban Density study is being pursued as a result of the current case under appeal with Kent and the GMHB. Ms. Pratt stated that she believes that the urban density study will allow the City to receive an extension from the GMHB, thereby deferring a decision in this case until after Council has had opportunity to review urban densities. Ms. Pratt stated that 1000 Friends and Kent Legal staff believe that the GMHB will grant an extension to the current case schedule so that Kent will have the opportunity to carry out its urban density study before a hearing on the merits of the case.

In response to Member Harmon Ms. Wessen stated that after completing their research, 1000 Friends sent a letter to all cities in the King County area referencing that community’s zoning and or land use designations in preparation for their own passage of the comprehensive plan.

City Attorney Tom Brubaker clarified Kim Adams Pratt statement by saying that based on the GMHB decisions the City can comp areas at less than 4 units per acre if they can demonstrate that parcels contain large, complex sensitive areas and the City’s existing Critical Areas Regulations do not adequately address concerns associated with impacts to those sensitive areas.

#ZCA-2004-1 Manufactured Housing
Planning Manager Charlene Anderson stated that this issue was brought forward to the Committee last July as the result of a Senate Bill signed by Governor Locke allowing designated manufactured housing in all residential zoning districts and prohibiting discrimination in consumer housing choices.

Ms. Anderson stated that this issue was heard before the Land Use and Planning Board who recommended a change to Kent’s Zoning Code to allow designated manufactured homes in residential areas. She stated that this issue was brought to the Committee in July and the Committee asked staff to bring it back for

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consideration in October. Ms. Anderson stated that current statewide legislation does not go into effect until July 1, 2005.

Ms. Anderson stated that in the meantime it has been rumored that the State Legislature might reconsider their previous legislative decision. She stated that staff proposes that the Committee consider two options: 1) Approve the Land Use and Planning Board's recommendations; then, if the State Legislature withdraws this law, the City could repeal that ordinance or 2) defer a decision until after this year's 2005 legislative session to determine if anything changes with that law. Ms. Anderson stated that, theoretically, staff would have time before mid July 2005 to move forward with an amendment to the Kent City Code.

Tom Sharp, PO Box 918, Maple Valley, WA 98038 stated that he spoke before the Committee in July. He stated that Kent regulations require $4000 for a building permit and would like to see that the rules and regulations that pertain to a stick built home are applied to factory housing citing for example zoning regulations, mitigation fees, structural analysis and storm drainage.

Harmon asked if staff determined whether foundation standards differ for stick-built homes versus manufactured homes.

Ms. Anderson stated that State Legislation refers to the manufacturer's specifications and allows the city to add exterior siding materials commonly used on conventional site built Uniform Building Code single family residences. She cited the portion of the Senate Bill which states that this Federal regulation is equivalent to the State's Uniform Building Code, which indicates that the federal regulation does comply with the Uniform Building Code. Ms. Anderson stated that any siting would have to comply with setback standards and other codes and ordinances set for any single family residences, except the structure itself.

Ms. Anderson addressed further concerns of Member Harmon by stating that staff has incorporated all of the caveats that are allowed in the State Code.

After deliberations by the Committee, Member Harmon MOVED to send this issue back to Committee in May 2005. Member White SECONDED. Motion CARRIED 3 to 0.

Countywide Planning Policies-Amendment to Table LU-1, Household & Employment Targets

Ms. Anderson stated that the King County Council will be reviewing changes to previously established household and employment targets which affect the city of Kent's potential annexation area. She stated that the housing target would decrease from 619 to 546 because of a King County error in allocating previous targets. Ms. Anderson stated that the increase in the employment target within the potential annexation area from 44 to 287 meshes with the capacity that is actually in our potential annexation area.

Ms. Anderson stated that this is a countywide planning policy amendment that already passed the Growth Management Planning Committee and once approved by King County Council (potentially in December), it would be sent to all cities. She stated that if this amendment is ratified, it is incorporated into the Countywide Planning Policies. Ms. Anderson stated that this amendment will return to the Committee possibly in December or January once it becomes official.

Adjournment

Chair Clark adjourned the meeting at 5:05 pm

Pamela Mottram,  
Admin Secretary, Planning Services

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Steve Dowell MOVED and Elizabeth Watson SECONDED not to take action on CPA-2004-1 Downtown Strategic Action Plan Update, rather to take this back to the Land Use and Planning Board at a workshop on October 11, 2004 to address recommendations brought forward through the public hearing process. Motion CARRIED.

CPZ-2004-1 SUPPORTING REGULATIONS TO THE 2004 COMPREHENSIVE PLAN UPDATE
Planner Gloria Gould-Wessen stated that this is being brought forward as the result of Resolution 1680 directing staff to revise development regulations that are in direct conflict with the Comprehensive Plan.

Ms. Wessen stated that at the August 9th Land Use and Planning Board Workshop staff reviewed the Comprehensive Plan’s goals and policies using the State Department of Community Trade and Economic Development’s development regulations checklists and determined that staff needed to establish notification for agricultural resource lands, establish a docketing process and update the zoning district nomenclature. Ms. Wessen stated that as a result of land use changes in the Comprehensive Plan update, some zoning changes were also being presented.

Attachment A: Ms. Wessen stated that the zoning district map must be consistent with the Comprehensive Plan. She referred to Attachment A as having criteria to review proposed zoning amendments, as well as details on the six study areas which includes analysis and staff recommendations for each.

Study Area 1 is 7 acres in size, consists of six parcels located off of 132nd Avenue Southwest, approximately 630 feet along the southeast edge north of Southeast 272nd or Kent Kangley Road. One parcel has a land use designation of (C) Commercial and the others are SF-8.

Ms. Wessen described existing land uses on and surrounding the subject site. She stated that environmental constraints for this area include four lots with inventoried wetlands accounting for approximately 1.2 acres or 17% of the land area. She stated that staff has applied a fifty-foot buffer, estimating that about 4.1 acres of the 6.6 acres is developable based on the wetlands and buffers. She described clustering and PUDs could be applied at development. Ms. Wessen talked about access and transportation issues indicating that 132nd Avenue Southeast is a minor arterial and Kent Kangley Road is a highway of regional significance.

Ms. Wessen stated that staff recommends applying a (CC) Community Commercial zone for tax parcel #2722059189 and (SR-8) Single Family Residential for the remaining properties.

Study Area 2 is approximately 6.1 acres in size with four tax parcels located along Kent Kangley Road and gently slopes to the south about 10 to 15 feet. She stated that the existing land use designation is Mixed Use (MU) with existing zoning of (NCC) Neighborhood Convenience Commercial. Ms. Wessen stated that staff is recommending changing the zoning to (CC-MU) Community Commercial Mixed Use.

Ms. Wessen stated that environmental constraints is a creek that runs through and between two parcels into a wetland off site. She stated that staff applied a 25 foot buffer from the creek reducing the developable land approximately 12% leaving 5.35 acres of possible developable land.
Ms. Wessen stated that access to the properties is from Kent Kangley Road with 116th Avenue providing access to one of the lots. She stated that curb, gutter and sidewalks surround the properties along 216th and Kent Kangley Road with water and sewer available to the sites.

Ms. Wessen stated that environmental constraints could be mitigated through the city's development regulations. She stated that the slope would accommodate underground parking. She stated that staff recommends a zoning designation of (CC-MU) Community Commercial/Mixed Use for these properties.

**Study Area 3** is 22.7 acres consisting of 14 tax lots located along 92nd Avenue South and are zoned SR-1 and SR-3. Ms. Wessen stated that there is an error in the Land Use Map Table whereas the Land Use Designation should read 6 units per acre rather than 8 units per acre. She stated that the slope is fairly steep at a 16% slope down to SR-167. The Study Area is bounded by 208th to the south and 200th to the north. The land use designation is SF-6.

Ms. Wessen stated that the slope is the biggest environmental constraint with a linear wetland located at the base of that slope which runs along SR-167. She stated that through a previous comprehensive plan amendment review process, it was determined that both the slope and soils created a seismic problem in this area. She stated that 92nd is a rural road with no curbs, gutters, or sidewalks and that the city's development regulations would require upgrades to that road.

Ms. Wessen stated that the city's Clustering and PUD ordinances would allow density on developable portions of the properties. She stated that staff is recommending increasing the zoning to SR-4.5 (4.5 units per acre) for this area.

**Study Area 4** is located on the Valley Floor off of 164th Ave South and is developed with the Nealy O'Brien School, constructed in the 90's. She stated that the property is surrounded by “The Lakes” and industrial use located to the north and east. Sidewalks surround the school with a bicycle path separated from the streets.

Ms. Wessen stated that during the Comprehensive Plan update process, staff eliminated the Community Facilities land use designation as it was never consistently applied and had been intended to designate schools, fire stations, police stations and parks. Ms. Wessen stated that since facilities like schools are allowed within any zoning district, staff created a new designation for open space and parks. The land use designation of (LDMF) Low Density Multifamily was applied. She stated that there are no environmental constraints associated with this property and that staff is proposing a zoning designation of (MR-G) Garden Density Multifamily consistent with surrounding zoning.

**Study Area 5** is located off of Military Road, next to I-5 and close to SR-516, and consists of an I-5 interchange and an existing Metro Park and Ride. Ms. Wessen stated that this site had previously been designated SF-1 and then changed to (C) Commercial and indicated that there were no environmental constraints on this property. She stated that staff is proposing to change this site to (CC) Community Commercial to remain consistent with surrounding zoning.

**Study Area 6** is located off Military Road and SR-516 and near an Army National Guard facility. Ms. Wessen stated that this site consists of 9 tax parcels totaling 2.5 and presently zoned (NCC) Neighborhood Convenience Commercial. Ms. Wessen stated that through the comprehensive plan process, staff changed the subject area to (C) Commercial with the intent to
be consistent with surrounding land uses and to change these nine parcels to (CC) Community Commercial, stating that existing land uses such as convenience stores, daycares and auto-part stores are appropriate for that kind of zoning.

Ms. Wessen stated that there are no environmental constraints saying that Military Road is a minor arterial and presently supports the local traffic as well as supporting pass-through traffic heading north or south to 272nd or SR-516. Ms. Wessen stated that staff recommends rezoning these properties to (CC) Community Commercial to remain consistent with the Comprehensive Plan.

Ms. Wessen asked for questions from the LU&PB.

Member Dowell stated that to obtain needed densities for housing development in Study Area #3, he recommends increasing zoning from SR-4.5 as recommended by staff to SR-6. Ms. Wessen stated that property owners would not be restricted from applying for a rezone to SR-6 and SR-4.5 was consistent with a recent annual comprehensive plan amendment.

Member Watson questioned if the Study Area #2 property would have access through 116th as well as Kent Kangley. Ms. Wessen stated that of the four properties, three parcels have access only off of Kent Kangley and one property has access off of 116th and Kent Kangley.

Member Ferguson asked if the Midway Land Fill area will have any impacts on Study Areas #5 & #6 as those study areas are on affected ground. Ms. Wessen stated that Study Area #5 involves the I-5 Interchange and a developed park and ride lot with the land fill located downslope to the east. She stated she was unaware of Study Area #6 being effected by the Midway Landfill.

Ms. Wessen responded to concerns raised by Member Dowell with rezoning Study Area 6 from NCC to CC as Dowell related that this area is a neighborhood business area.

Ms. Wessen stated that staff evaluated NCC areas through the Comprehensive Plan Update process including Study Areas #2 and #6, whereby staff felt that CC was appropriate for Study Area #6 due to high traffic volumes that pass through the area and the existence of CC zoning interspersed with the existing NCC.

Ms. Anderson clarified for Steve Dowell’s benefit, that in Study Area #3 only properties zoned SR-1 and SR-3 are under consideration for rezoning to SR-4.5. She stated that City Council had approved a previous application for land use and zoning designation changes adjacent to this study area to SR-4.5 and staff suggests carrying this forward to the properties being considered tonight.

Ms. Wessen proceeded in her presentation to describe the regulatory changes as recommended by staff.

Attachment B: Ms. Wessen explained that GMA requires the city to notify property owners located within 500 feet of agricultural resource land of their proximity to agricultural land and the possibility of commercial agricultural activities from time to time.
Ms. Wessen stated that staff completed an agricultural land study several years back and determined that there were no commercially viable agricultural land uses in Kent with the exception of properties that had development rights purchased of which there were three. Ms. Wessen stated that Kent borders unincorporated King County to the south where a large amount of agricultural land exists.

Ms. Wessen stated that as a result of establishing the Land Use Policy during the Comprehensive Plan update process, staff proposes the following adding the following language: KCC 12.01.125 - Notification of Proximity to Agricultural Resource Lands: “Project permit applicants for all plats, short plats, development permits and substantial building permits for development activities within 500 feet of land designated as agricultural resource lands within the City of Kent, or the comparable land use designation within unincorporated King County, shall be informed by the City of the proximity to agricultural resource lands on which commercial agricultural activities may occur that are not compatible with residential development for certain periods of limited duration.”

Attachment C: Ms. Wessen explained that this was an effort to formalize the annual Docketing process based on GMA requirements. Ms. Wessen stated that staff proposes to incorporate this process within Section 12.02 of KCC where the procedures for amending the Comprehensive Plan is located. She stated that Docketing is a process where the public has opportunity to propose comprehensive plan text changes as well as regulatory changes. Ms. Wessen stated that the city is required to list them, maintain them and consider them in a public hearing. She said the city has maintained an informal Docket process during the recent Comprehensive Plan update. Ms. Wessen described the proposed textual changes as defining docketing and establishing review procedures, evaluation criteria, and filing deadline dates.

Ms. Wessen stated that during the annual review process if staff determines that a land use map amendment application is not complete it will not move forward to City Council. All proposals for text amendments to the development regulations or comprehensive plan will be considered as part of the annual docket report. All proposed text changes to the comprehensive plan or development regulations will be reviewed by their specific city departments.

Ms. Wessen stated that if someone were to suggest that a four-way stop was needed at a particular intersection; they could docket it, staff would accept it; it would go to Transportation where it would be reviewed based on review criteria, it would be placed on an annual docket report as either an action item to be included in the work program or it would be considered for further review and considered by City Council annually for 3 years.

Ms. Wessen described the public hearing process involved with the annual docketing report. She stated that all map amendments would be taken to Council for action and considered in that year’s docket. Ms. Wessen summarized staff’s docket process as holding a public hearing by the Board; forwarding the “Annual Docket Report” to City Council for amendment or approval; moving forward any action items and all map amendments back to the Board for workshop and final public hearing; and concluding with final City Council action. The annual docket report would be posted on the City’s web site. Ms. Wessen described the criteria staff would use to evaluate the annual docket referencing KCC Section 12.02.45.
Ms. Wessen referred to KCC 12.02.090 in regards to fee charges indicating that any docketed items for text amendments to development regulations or the Comprehensive Plan are free of charge. There will be no fee changes for Comprehensive Plan map amendments.

Attachment D: Ms. Wessen proposes a change to the Official Zoning District Map nomenclature to be consistent with Kent City Code. She stated that throughout the Zoning Code, Garden Density Multifamily (MR-G) is referred to as Low-Density Multifamily. Staff proposes amending the Zoning Map's legend to Low Density Multifamily and maintain the abbreviation MR-G.

Vice Chair Greg Worthing declared the Public Hearing Open.

John Kastien, 20609 94th Ave S, Kent, WA stated that he supports staff's proposal for a SR-4.5 zoning designation for Study Area #3 as well as the concept of cluster housing.

Paul Morford, PO Box 6345, Kent, WA stated that as a registered civil engineer, he is familiar with the property located next to SR-167 (Study Area #3). He stated that he believes this property would be better suited to SR-8 or SR-6 at the minimum in lieu of SR-4.5 as recommended by staff. He stated that SR-6 exists to the east, the freeway to the west and commercial development to the south, so that SR-6 would allow the density needed for development of this area. Mr. Morford voiced his support for Commercial zoning off of 132nd next to the Metro Park and Ride (Study Area #1).

Mr. Chang Kim, 23252 & 23254 Military Rd. S, Kent, WA stated that he is concerned with inconsistencies in the zoning of Study Area #5. He stated that he owns three businesses consisting of two auto mechanic and one auto body shop directly across from the Metro Park and Ride on Military Road. He stated that his property is surrounded by (GC) General Commercial zoning which allows large dealerships such as Poulsbo RV (located north of the Metro Park and Ride). Mr. Kim stated that his property is located across from the Metro Park and Ride and is zoned (CC) Community Commercial which restricts him from selling automobiles and would like it changed to GC. Mr. Kim stated that due to the anticipated increase in traffic volumes by 40 to 60 percent with the widening of Military Road to five lanes, changing his zoning to GC would be an advantage for his business.

Steve Dowell informed Mr. Kim that he could apply for a rezone to GC.

Steve Dowell MOVED and Theresa Ferguson SECONDED a motion to close the Public Hearing. Motion CARRIED. Vice Chair Worthing declared the public hearing closed.

Steve Dowell MOVED and Elizabeth SECONDED a motion to approve CPZ-2004-1 Supporting Regulations to the 2004 Comprehensive Plan recommended by staff and to move this on to City Council for consideration. Motion CARRIED unanimously.

ADJOURNMENT
Vice Chair Worthing adjourned the meeting at 8:45 p.m.