Ordinance No. 3786

(Amending or Repealing Ordinances)

CFN=121 – Rezones
Passed – 2/7/2006
Canary Hill Rezone

Recorder's # 20060303001820

The date ["Beginning July 1, 1998"] has led to confusion. This date will be deleted from cover sheets of ordinance/resolution revision pages. This cover sheet will be deleted on electronic pages only, no other deletions or changes have been made to the document – 6/21/2012.
ORDINANCE NO. 3786

AN ORDINANCE of the City Council of the City of Kent, Washington, relating to land use and zoning, specifically the rezoning of approximately 5.8 acres of property located at 13624 and 13640 SE 256th Street from SR-4.5 (Single-Family Residential, 4.5 units per acre) to SR-6 (Single-Family Residential, 6 units per acre). (Canary Hill Rezone, #RZ-2005-8)

RECITALS

A. An application was filed on July 1, 2005, by Tim Akins for Harbour Homes, Inc., to rezone approximately 5.8 acres of property located at 13624 and 13640 SE 256th Street in Kent, Washington, from the current zoning of SR-4.5 (Single-Family Residential, 4.5 units per acre) to SR-6 (Single-Family Residential, 6 units per acre). (Canary Hill Rezone, #RZ-2005-8).

B. The City’s SEPA responsible official issued a Determination of Nonsignificance (DNS) (#ENV-2005-43) for the proposed rezone on September 7, 2005.

C. A public hearing on the rezone was held before the hearing examiner on December 7, 2005. On December 22, 2005, the hearing examiner issued findings and conclusions that the Canary Hill Rezone is consistent with the city’s Comprehensive Plan; that the proposed rezone and subsequent development activity would be compatible with the development in the vicinity; that the proposed rezone will not unduly burden the transportation system in the vicinity of the property with significant adverse impacts that cannot be mitigated; that circumstances have
changed since the establishment of the current zoning district to warrant the proposed rezone; and that the proposed rezone will not adversely affect the health, safety, and general welfare of the citizens of the City of Kent.

D. Based on these findings and conclusions, the hearing examiner recommended approval of the Canary Hill Rezone.

E. On February 7, 2006, the City Council determined that the hearing examiner's findings and conclusions are consistent with sections 15.09.050(A)(3) and 15.09.050(C) of the Kent City Code, accepted the findings of the hearing examiner, and adopted the hearing examiner's recommendation for approval of the Canary Hill Rezone from SR-4.5 to SR-6.

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

ORDINANCE

SECTION 1. - Rezone. The property located at 13624 and 13640 SE 256th Street, Kent, Washington consisting of approximately 5.8 acres depicted in Exhibit "A" (marked "Vicinity Map"), attached and incorporated by this reference, and legally described in Exhibit "B", attached and incorporated by this reference, is rezoned from SR-4.5 (Single-Family Residential, 4.5 units per acre) to SR-6 (Single-Family Residential, 6 units per acre). The City of Kent zoning map shall be amended to reflect the rezone granted above.

SECTION 2. - Severability. If any one or more sections, sub-sections, or sentences of this ordinance are held to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portion of this ordinance and the same shall remain in full force and effect.
SECTION 3. - Effective Date. This ordinance shall take effect and be in force five (5) days from and after its passage as provided by law.

ATTEST:

BRENDA JACOBER, CITY CLERK

APPROVED AS TO FORM:

TOM BRUBAKER, CITY ATTORNEY

PASSED: 7 day of February, 2006.

APPROVED: 7 day of February, 2006.

PUBLISHED: 11 day of February, 2006.

I hereby certify that this is a true copy of Ordinance No. 3786 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

(S Seal)
APPLICATION NAME: CANARY HILL
REQUEST:  RZ-2005-8 (2052284) AND SU-2005-3 (2052289)  EXHIBIT "A"

VICINITY MAP
Parcel A

The west 3 acres of the southwest quarter of the southeast quarter of the southwest quarter of Section 22, Township 22 North, Range 5 East, W.M., in King County, Washington, except the west 28.5 feet; and except the south 30 feet deeded to King County by instrument recorded under Recording Number 2677709 for Southeast 256th Street; and except any portion thereof lying within Parcel B.

Parcel B

Beginning at a concrete monument marking the southwest corner of the southeast quarter of the southwest quarter of Section 22, Township 22 North, Range 5 East, W.M., in King County, Washington, thence south 88°59'56" east on the south line of Section 22, 198.00 feet; thence north 00°51'15" east 30.00 feet to the TRUE POINT OF BEGINNING; thence continuing north 00°51'15" east 630.03 feet; thence south 88°58'50" east 22.50 feet to a concrete monument; thence south 00°26'42" west 630.03 feet to a concrete monument; thence north 88°59'56" west 26.50 feet to the TRUE POINT OF BEGINNING.

Parcel C

Beginning at the southwest corner of the northwest quarter of the southeast quarter of the southwest quarter of Section 22, Township 22 North, Range 5 East, W.M., in King County, Washington, thence south 88°58'50" east 28.5 feet to the TRUE POINT OF BEGINNING; thence continuing south 88°58'50" east 192 feet, thence north 00°26'42" east 30 feet, thence north 86°56'50" west 194 feet; thence south 00°51'15" west 30 feet; thence south 88°58'50" east 200 feet to the TRUE POINT OF BEGINNING.
The southwest quarter of the southeast quarter of the southwest quarter, Section 22, Township 22 North, Range 5 East, W.M., in King County, Washington, EXCEPT the east 238.89 feet thereof,
AND EXCEPT the south 20 feet thereof conveyed to King County for Julius Johnston Road Number 362 under Superior Court Cause Number 15732;
AND EXCEPT that portion conveyed to King County for Kent-Black Diamond Middle Road under Recording Number 2677710;
AND EXCEPT that portion lying west of the following described line:

Commencing at a concrete monument marking the southwest corner of the southeast quarter of the southwest quarter in Section 22;
thence south 88°59'56" east on the south line thereof 198 00 feet;
thence north 00°51'15" east 660.03 feet,
thence south 88°58'50" east 22 50 feet to a concrete monument which is the TRUE POINT OF BEGINNING of the line hereina described;
thence south 00°26'42" west 630 03 feet to concrete monument and the terminus of said line

EXHIBIT "B"
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Document Title: City of Kent Ordinance No. 3786 authorizing the rezoning of approximately 5.8 acres of property located at 13624 and 13640 SE 256th Street from Single Family Residential 4.5 units per acre to Single Family Residential 6 units per acre. (Canary Hill Rezone, #RZ-2005-8).

Reference Number(s): N/A

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

Grantee(s): The Public

Abbreviated Legal Description: Ptn. of STR 22-22-5, City of Kent, W.M., King County

Additional legal description is on Exhibit “B” of document.

Assessor’s Property Tax Parcel/Account Number(s): 222205-9035 and 222205-9118

Project Name: Canary Hill Rezone

Said document(s) were filed for record by Pacific Northwest Title as accommodation only. It has not been examined as to proper execution or as to its affect upon title.