Ordinance No. 3796

(Amending or Repealing Ordinances)

CFN=377 - Comprehensive Plans
2005 Comprehensive Plan Amendments
ORDINANCE NO. 3796

AN ORDINANCE of the city council of the city of Kent, Washington, amending the city of Kent Comprehensive Plan as follows: (1) to change the land use map designation from Single Family, six (6) units per acre (SF-6), to Mixed-Use (MU), with conditions, for property located at 26046 116th Avenue Southeast (CPA-2005-2(B)); and (2) to change the land use map designation from Mobile Home Park (MHP) to Mixed Use (MU) for property located at 509 Washington Avenue North (CPA-2005-2(C)).

RECITALS

A. The Washington State Growth Management Act ("GMA") requires internal consistency among comprehensive plan elements.

B. To assure that comprehensive plans remain relevant and up to date, the GMA requires each jurisdiction to establish procedures whereby amendments to the plan are considered by the city council (RCW 36.70A.130(2)), and limits these amendments to once each year unless certain circumstances exist.

C. The city of Kent has established a procedure for amending the Comprehensive Plan in chapter 12.02 of the Kent City Code, which sets a deadline of September 1st of each year for submittal of requests for comprehensive plan amendments.

D. The city received three (3) timely applications to amend the comprehensive plan's land use designation map, one of which was withdrawn. The remaining two (2) applications involve parcels located at: (1) 26046 116th Avenue Southeast (CPA-2005-2(B)); and (2) 509 Washington Avenue North (CPA-2005-2(C)).
E. The parcel at 26046 116th Avenue Southeast is currently designated Single Family Residential, six (6) units per acre (SF-6), and the applicants are requesting a plan designation of Mixed Use (MU) (CPA-2005-2(B)).

F. The parcel at 509 Washington Avenue North is currently designated Mobile Home Park (MHP), and the applicants are requesting a plan designation of Mixed Use (MU) (CPA-2005-2(C)).

G. The city of Kent Land Use and Planning Board considered CPA-2005-2(B) and CPA-2005-2(C) and conducted a public hearing on the same on February 27, 2006. The Planning and Economic Development Committee considered the applications at its meeting on March 20, 2006. The Committee made the following recommendations: the approval of CPA-2005-2(B) as Mixed-Use (MU), with conditions, and the approval of CPA-2005-2(C) as Mixed Use (MU).

H. The proposed amendments of CPA-2005-2(B), as conditioned, and CPA-2005-2(C) are consistent with the standards of review for comprehensive plan amendments outlined in section 12.02.050 of the Kent City Code.

I. On April 4, 2006, the city council for the city of Kent approved, with conditions, the comprehensive plan amendment CPA-2005-2(B) to amend the comprehensive plan designation to Mixed Use (MU) for the parcel of property located at 26046 116th Avenue Southeast. The condition imposed requires that ingress and egress to and from the property be limited to a right turn into the property and a right turn out of the property. This condition is imposed to alleviate impacts to the neighborhood that would otherwise result from the amended land use designation due to unique circumstances such as the nature of the development in the area and current traffic patterns.

J. On April 4, 2006, the city council for the city of Kent approved the Comprehensive Plan amendment CPA-2005-2(C) to amend the comprehensive plan
designation to Mixed Use (MU) for the parcel of property located at 509 Washington Avenue North.

K. The city’s SEPA responsible official issued a Determination of Nonsignificance (DNS) (#ENV-2005-56(B-D)) for the proposed amendments on February 23, 2006.

L. On January 25, 2006, the city provided the required sixty (60) day notification under RCW 36.70A.106 to the state of Washington of the city’s proposed amendment to the Comprehensive Plan. The sixty (60) day notice period has lapsed.

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

**ORDINANCE**

**SECTION 1.** - *Incorporation of Recitals.* The preceding recitals are incorporated herein.

**SECTION 2.** - *Amendments.* The city of Kent Comprehensive Plan adopted by Ordinance No. 3698 is amended to establish new land use designations for the following parcels:

A. For the property located at 26046 116th Avenue Southeast, from a land use designation of Single Family Residential, six (6) units per acre (SF-6) to a land use designation of Mixed Use (MU), as depicted in the map attached and incorporated as Exhibit “A”, and legally described in the attached and incorporated Exhibit “A-1” (CPA-2005-2(B)), with the following condition: ingress and egress to and from the property shall be limited to a right turn into the property and a right turn out of the property.

B. For the property located at 509 Washington Avenue North, from a land use designation of Mobile Home Park (MHP) to a land use designation of Mixed Use (MU), as depicted in the map attached and incorporated as Exhibit “B”, and legally described in the attached an incorporated Exhibit “B-1” (CPA-2005-2(C)).
SECTION 3. - 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 4. - Effective Date. This ordinance shall take effect and be in force thirty (30) days from and after the date of passage as provided by law.

ATTEST:

[Signature]

BRENDA JACOBER, CITY CLERK

APPROVED AS TO FORM:

[Signature]

TOM BRUBAKER, CITY ATTORNEY

PASSED: 4th day of April, 2006.

APPROVED: 4th day of April, 2006.

PUBLISHED: 8th day of April, 2006.

I hereby certify that this is a true copy of Ordinance No. 3796, passed by the city council of the city of Kent, Washington, and approved by the mayor of the city of Kent as hereon indicated.

[Signature] (SEAL)

BRENDA JACOBER, CITY CLERK

2005 Comprehensive Plan Amendments
This map is a graphic aid only, and is not a legal document. The City of Kent makes no warranty to the accuracy of the labeling, dimensions, continuos, property boundaries or placement or locations of any map features depicted therin. The City of Kent disclaims and shall not be held liable for any and all damage, loss, or liability, whether direct or indirect, or consequential which arises from use of this product.
COMPREHENSIVE PLAN AND ZONING MAP AMENDMENT FOR PARCEL No. 6756700050

LEGAL DESCRIPTION:

Lot 5, Phillip's Fairview Addition, according to the Plat thereof recorded in Volume 67 of Plats, Page 97, records of King County, Washington;

EXCEPT that portion of said Lot 5 deeded to the City of Kent, under King County Recording No. 20030513002723, described as follows;

Beginning at the Southwest corner of said Lot 5 and the East line of the right of way for 116th Avenue Southwest, being the true point of beginning;
THENCE Easterly along said South line for a distance of 21.50 feet;
THENCE North 00°28'42" a distance of 100.03 feet to the North line of said Lot 5;
THENCE Westerly along said North line a distance of 19.00 feet, more or less to the Northwest corner of said Lot 5 and the East line of said 116th Avenue Southeast right of way;
THENCE Southerly along said right of way to the true point of beginning.

Situate in the County of King, State of Washington.
This map is a graphic aid only, and is not a legal document. The City of Kent makes no warranty to the accuracy of the labeling, dimensions, contours, property boundaries, or placement or locations of any map features depicted therein. The City of Kent shall not be held liable for any and all damage, loss or liability, whether direct or indirect or consequential, which arises from use of this product.

1:5,000

March 27, 2006

City of Kent
Planning Services Office
LEGAL DESCRIPTION:

PARCEL 543620 0481

LOT PORTION 25 SUPPLEMENTAL PLAT OF MEEKER'S FIRST ADDITION TO TOWN OF KENT N 161.70 FT OF S 225.85 FT EXC W 222.8 FT OF N 50.40 FT; & EXC E 5.00 FT CONVEYED TO CITY OF KENT BY DEED RECORDING NO 20020315001110