Ordinance No. 3818

(Amending or Repealing Ordinances)

CFN=377 – Comprehensive Plan
CFN=131 – Zoning Code Amendments
Passed – 11/7/06
Muth Zoning/Land Use Map-Amendment
ORDINANCE NO. 3818

AN ORDINANCE of the City Council of the City of Kent, Washington, amending the Kent Zoning Map to change the zoning designation from Agricultural, 10 acres per unit (AG-10) to a zoning designation of Single Family Residential, 1 unit per acre (SR-1) (CPZ-2006-1); and amending the City of Kent Comprehensive Plan to change the land use designation from Agricultural Resource Land (AG-R) to a land use designation Urban Separator (US) (CPA-2006-2) for property located at 21320 – 42nd Avenue South.

RECITALS

A. The city of Kent received an application from Silver Oaks LLC to amend the comprehensive plan’s land use map designation and amend the zoning map designation of the property located at 21320 – 42nd Avenue South (CPZ-2006-1 and CPA-2006-2), hereafter the “Muth Amendments”. The Kent city council adopted Resolution 1720 declaring that an emergency exists and authorizing staff to process the proposed amendment to the comprehensive plan outside of the annual amendment process.

B. Subsequent to filing the application, the development rights for this parcel have been purchased back from King County and the city of Kent has accepted the deed to the parcel from the applicant. As the owner of the parcel, the city has entered into an agreement whereby Silver Oaks LLC will construct on the upland portion of the property a storm detention facility and the remainder of the parcel will be used for enhancement of Johnson Creek and its associated wetland and buffer.
C. The city of Kent Land Use & Planning Board held a public hearing on the Muth Amendments on September 25, 2006. The Planning and Economic Development Committee considered the application at its meeting on October 16, 2006. The Committee made the following recommendations: amendment of the city of Kent's zoning map designation to Single Family Residential, 1 unit per acre (SR-1) for CPZ-2006-1, and amendment to the City of Kent's land use map designation to Urban Separator (US) for CPA-2006-2.

D. On September 18, 2006, the city's SEPA responsible official adopted a existing environmental documents consisting of the City of Kent Comprehensive Plan Environmental Impact Statement (ENV-93-51) and SEPA Addendum dated November 15, 2004 (ENV-2004-53(A-D)). The SEPA Addendum explained that the Muth Amendments would not create unavoidable impacts beyond those previously identified in the EIS.

E. On August 29, 2006, the city provided the required sixty (60) day notification under RCW 36.70A.106 to the state of Washington of the Muth Amendments. The sixty (60) day notice period has lapsed.

F. The Muth Amendments are consistent with the standards of review for zoning amendments in section 15.09.050(C) of the Kent City Code (KCC), and with the stand of review for comprehensive plan amendments in KCC section 12.02.050.

G. On November 7, 2006, the Kent City Council made the following decisions on the Muth Amendments:

1. Approve a zoning designation amendment from Agricultural, 10 acres per unit (AG-10) to a zoning designation of Single Family Residential, 1 unit per acre (SR-1), as depicted on the map attached and incorporated as Exhibit "A," (CPZ-2006-1).

2. Approve a comprehensive plan amendment from a land use designation of Agricultural Resource Land (AG-R) to a land use designation of Urban Separator (US), as depicted on the map attached as Exhibit "B" and incorporated by this reference (CPA-2006-2).
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. - Amendment. The city of Kent zoning map is amended to establish a new zoning map designation for the property located at 21320 - 42nd Avenue South, Kent, Washington, and legally described on the attached and incorporated Exhibit "C." The amendment is from a zoning designation of Agricultural, 10 acres per unit (AG-10) to a zoning designation of Single Family Residential, 1 unit per acre (SR-1), as depicted in the map attached and incorporated as Exhibit "A."

SECTION 3. - Amendment. The city of Kent comprehensive plan by is amended to establish new land use designations for the property located at 21320 - 42nd Avenue South, Kent, Washington, and legally described on the attached and incorporated Exhibit "C". The amendments is from a land use designation of Agricultural Resource Land (AG-R) to Urban Separator (US) as depicted on the map attached as Exhibit "B" and incorporated by this reference (CPA-2006-2).

SECTION 4. - Severability. If any one or more sections, subsections, or sentences of this ordinance are held to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portion of this Ordinance and the same shall remain in full force and effect.

SECTION 5. - Effective Date. This Ordinance shall take effect and be in force thirty (30) days from and after the date of passage and publication as provided by law.

Suzette Cooke, Mayor

Muth Zoning/Land Use Map—Amendment
I hereby certify that this is a true copy of Ordinance No. 3818, 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
Muth
CPZ 2006-1
From: Agricultural (A-10)
To: Single-Family Residential 1 du/acre (SR-1)
EXHIBIT "B"

Muth
CPA 2006-2
From: Agricultural Resource Land (AGR)
To: Urban Separator (US)

Legend

- CITY LIMITS
- PARCELS

Urban Separator (US)

KENT Planning Services
October 2006
The North 1/2 of the Southwest 1/4 of the Northeast 1/4 of Section 10, Township 22, Range 4 East, W.M., except the East 195.52 feet thereof; and except that portion lying within 42nd Avenue South (Wm. A. Johnson Road No. 1432), and except that portion lying within the right-of-way for Drainage Ditch No. 2, and except that portion conveyed to King County for Orillia Road (S. 212th St.) by deeds recorded under # 5975361 and 5975362, records of King County, Washington.