ORDINANCE NO. 4120

AN ORDINANCE of the City Council of the city of Kent, Washington, amending Section 15.08.260 of the Kent City Code to revise development standards of the Green River Corridor District relating to building height and length. Green River Corridor District Zoning Code Amendment (ZCA-2014-3).

RECITALS

A. In 1981, the Kent City Council approved the Valley Studies Program creating the Green River Corridor Special Interest District to protect, conserve and manage areas generally located on both sides of the Green River, and to ensure that urban development within the district is compatible with the open nature configuration of the Green River and its adjacent lands.

B. On March 19, 1985, the City Council adopted Ordinance No. 2544 in order to provide definitions, regulations and standards for the Green River Corridor Special Interest District.

C. Since 1985, significant changes to development regulations on environmentally sensitive lands and the creation of the Green River Natural Resources Enhancement Area have resulted in the protection of a substantial portion of the east side of the Green River Corridor Special Interest District from future urban development.
D. The purpose of the Green River Corridor Special Interest District has been met by a land use pattern which is compatible with the open natural configuration of the Green River and its adjacent lands, and few undeveloped industrial properties remain within the Green River Corridor.

E. On May 17, 2005, the City Council adopted Ordinance No. 3750, which applied building height limitations only to riverfront lots in the corridor and changed the name of the Green River Corridor Special Interest District to the Green River Corridor District.

F. While crafting the Downtown Subarea Action Plan ("DSAP") and expanding the downtown boundaries west of State Route 167, staff noted that Green River Corridor District requirements contained in Section 15.08.260 of Kent City Code ("KCC") limit building height to 35 feet and limit building length to 200 feet within 1,000 feet of the Green River. The height standard conflicts with the new 65 foot height limit applied by the DSAP to the GC-MU zoning district, which includes portions of the downtown planning area that are also located within the Green River Corridor District.

G. Among other restrictions, the City's Shoreline Master Program ("SMP") restricts buildings within 200 feet of the Green River to 35 feet in height, if views are impaired.

H. Zoning district development standards contained in Chapter 15.04 KCC also apply to riverside lands, and contain height limitations that vary by zoning district. Most zones, except GC-MU, limit height to 35 or 40 feet.

I. Zoning districts, the SMP, and the Green River Corridor District standards contain overlapping building height regulations, creating
an opportunity for simplification and elimination of inconsistencies within the code.

J. The Green River Corridor District regulations restrict buildings within the corridor to no more than 200 feet in length; however, buildings located in several industrial zones are allowed to exceed 200 feet in length if vegetative screening is provided.

K. As development intensity in commercial zones is similar to that in industrial zones, also exempting GC-MU (the only commercial zone in the corridor) from this building length standard is logical.

L. The SMP already requires a 15 foot landscape buffer between new buildings or parking lots and the Green River Trail.

M. Development in the GC-MU zoning district also must comply with mixed use design guidelines, which address blank walls.

N. In light of shoreline landscaping requirements and design guidelines, amending the building length exception to include GC-MU is logical.

O. On June 16, 2014, notice was sent to the Washington State Department of Commerce requesting expedited review for an amendment to the development regulations. On July 2, 2014, the City was granted expedited review and was informed that it had met the Growth Management Act (GMA) notice requirements under RCW 36.70A.106.

P. On June 9, 2014 and July 14, 2014, the Land Use and Planning Board ("LUPB") held workshops to discuss revisions to the Green River Corridor District regulations.
Q. On July 23, 2014, the City’s State Environmental Policy Act (SEPA) Responsible Official issued a Determination of Nonsignificance for revisions to the Green River Corridor District regulations.

R. The LUPB held a public hearing on July 28, 2014, and moved to recommend revisions to the Green River Corridor District regulations to the City Council.

S. The Economic & Community Development Committee considered the LUPB’s recommendation at a meeting on August 11, 2014 and forwarded its own recommendation to the full City Council.

T. The City Council concurs with the LUPB and finds that amendments to the Green River Corridor District regulations would eliminate duplication and inconsistencies within the Kent City Code and assist the public by allowing more flexibility in site design for the few remaining developable sites near the Green River.

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

ORDINANCE

**SECTION 1.** - Amendment. Section 15.08.260 of the Kent City Code is hereby amended as follows:

Sec. 15.08.260. Green River Corridor district regulations.

A. Purpose. The Green River Corridor district is hereby created to protect, conserve, and manage areas generally located on both sides of the Green River, and to ensure that urban development within the district
is compatible with the open natural configuration of the Green River and its adjacent lands.

B. Location.

1. The Green River Corridor district is that area of the city one thousand (1,000) feet from the ordinary high-water line of the Green River; provided, that the shoreline master program shall govern development within the first two hundred (200) feet of the ordinary high-water line of the river. The district is more particularly described as follows:

Two (2) strips of land each eight hundred (800) feet in width which begin at the north city limit line, on March 4, 1985, and end at the south city limit line, which south line ends in Section 30, Township 22 North, Range 5 East, W.M. Each strip shall be measured from each side of the Green River and the measurement shall be two hundred (200) feet from the ordinary high-water line of the river, all in King County, Washington; except any portions thereof lying outside of the city limits.

2. Property exemption. Property platted in accordance with the city subdivision code, Ordinance No. 1840, before March 2, 1981 (adoption of the Valley Studies), shall be exempt from the provisions of this section.

C. Development standards.

1. Green River access. No building or lot within the district shall be constructed or created without providing access to the Green River via public sidewalks or a private trail system. Such sidewalks or private trail systems shall connect to riverside public trails or scenic drives at intervals of one thousand (1,000) feet or less in industrial developments, and intervals of five hundred (500) feet or less in residential developments.
2. Pedestrian access in residential development. In residential developments, pedestrian access to the Green River shall be accomplished without crossing streets or roads, except scenic and recreational roads, unless clearly shown to be infeasible.

3. Parking facilities. Parking facilities for access to the Green River shall be located as near as practicable to riverfront parks or historic sites and shall be clustered in lots not exceeding thirty (30) cars. Every public parking area shall be visible from a street accessible to the public and be situated so that the public can clearly see riverfront open space and gain access to the public portion of that open space.

4. Payment in lieu of parking facilities. The city may accept or require payment in lieu of providing parking facilities which are required as a condition of the issuance of development permits.

5. Loading dock location. Loading docks shall not be constructed on river-facing sides of buildings unless a minimum fifty (50) foot buffer of native vegetation is provided to screen the loading docks from the shoreline, unless otherwise required by the Kent shoreline master program. Other design and landscaping requirements may be imposed by the planning manager to meet the purpose of the Green River Corridor district.

6. Building height. On riverfront lots, buildings located outside the two hundred (200) foot shoreline management zone but within the district shall not exceed thirty-five (35) feet in height.

76. Exterior walls of buildings. No building on any riverfront lot shall have an exterior wall parallel to, or within forty-five (45) degrees of parallel to, the river which exceeds two hundred (200) feet in length,
except as follows: buildings on riverfront lots in the MA, M1, M1-C, M2, GC-MU and M3 zoning districts may have exterior walls parallel to, or within forty-five (45) degrees of parallel to, the river which exceed two hundred (200) feet in length, provided they are screened by a vegetative buffer per subsection (C)(9)(c) of this section.

87. **Lots.**

   a. Each riverfront lot within a subdivision shall contain area sufficient to comply with minimum lot size requirements of Ch. 15.04 KCC and provide a public access easement and building setback line as required by this section.

   b. No subdivision of professional and office (O), general commercial (GC), industrial agricultural (MA), industrial park (M1), and limited industrial (M2) zoned land shall be approved unless each lot within the subdivision has an upland boundary at least five hundred (500) feet from the ordinary high-water line of the river.

98. **Vegetation buffer.**

   a. A permanent vegetation buffer, in accordance with KCC 15.07.050(C) pertaining to landscaping type III, shall be maintained or established for each building or use within the district. Any materials storage yard, truck maneuvering area, equipment parking area, junkyard, refuse storage, or similar use within the district shall install such a permanent vegetative buffer between the use and the Green River within two (2) years of the effective date of the ordinance from which this section is derived.

   b. Landscape screening and buffer strips shall be planted in order to be harmonious with those already planted on adjacent
properties and consistent with the city landscaping requirements as set out in Ch. 15.07 KCC.

c. Buildings on riverfront lots in industrial zoning districts which have exterior walls exceeding two hundred (200) feet in length parallel to, or within forty-five (45) degrees of parallel to, the river must be screened by a vegetation buffer. This vegetative buffer shall be located along the length of the property line located parallel to, or within forty-five (45) degrees of parallel to, the river, for a minimum depth of twenty (20) feet in accordance with type III, visual buffer landscape standards pursuant to KCC 15.07.050(C). In addition, an earth berm of a minimum of forty-eight (48) inches in height must be provided for.

109. Rail lines. No rail lines shall be permitted within five hundred (500) feet of the Green River; provided, however, rail lines shall be permitted to within three hundred (300) feet of the Green River in those locations specified on Exhibit B attached to the ordinance from which this section is derived and by this reference incorporated in this section, such locations having been found to be best suited to rail.

1110. Road access. All new lots and buildings shall be designed with primary street access to streets other than scenic and recreational roads, unless no other access is available.

1211. Street connections. Development shall include no street connections to scenic and recreational roads, unless no other access is available.

1312. Utilities. Utilities shall be installed in accordance with Ch. 7.10 KCC.
§ 1413. Surface drainage facilities. Surface drainage facilities such as drainage channels and retention areas shall be designed to applicable city standards and shall be integral parts, if possible, of any common trail and open space system connections to the riverfront.

D. Performance standards.

1. Fish and game requirements. The applicant shall comply with applicable requirements of the State Department of Fisheries and State Department of Game for preventing and mitigating adverse impacts on fish and wildlife resources and enhancing wildlife habitat.

2. Flood control works. If city funds are used in the construction of flood control works such as dikes, levees, or floodwalls, public rights of access to such works shall be dedicated prior to construction, where practicable.

SECTION 2. - Corrections by City Clerk or Code Reviser. Upon approval of the City Attorney, the City Clerk and the code reviser are authorized to make necessary corrections to this ordinance, including the correction of clerical errors; ordinance, section, or subsection numbering; or references to other local, state or federal laws, codes, rules, or regulations.

SECTION 3. - Severability. If any one or more section, subsection, or sentence of this ordinance is held to be unconstitutional or invalid, that decision shall not affect the validity of the remaining portion of this ordinance and that remaining portion shall maintain its full force and effect.
SECTION 4. - Effective Date. This ordinance shall take effect and be in force five (5) days after its passage and publication, as provided by law.

SUZETTE COOKE, MAYOR

ATTEST:

RONALD F. MOORE, CITY CLERK

APPROVED AS TO FORM:

TOM BRUBAKER, CITY ATTORNEY

PASSED: 19th day of August, 2014.

APPROVED: 19th day of August, 2014.

PUBLISHED: 22nd day of August, 2014.

I hereby certify that this is a true copy of Ordinance No. 4120 passed by the City Council of the City of Kent, Washington, and approved by the Mayor of the City of Kent as hereon indicated.

RONALD F. MOORE, CITY CLERK

(SEAL)