ORDINANCE NO. 4305

AN ORDINANCE of the City Council of the City of Kent, Washington, declaring an emergency and adopting an interim zoning ordinance amending title 15 of the Kent City Code by adding definitions of "transit operations and maintenance facilities" and "transportation and transit facilities including high capacity transit facilities," by specifying that transit operations and maintenance facilities are permitted in the CM-2 District, but not in the MCR District or the MTC-1 and MTC-2 Districts, setting a date for a public hearing, and providing that the ordinance will take effect immediately upon passage.

RECITALS

A. Chapters 36.70A and 35A.63 of the Revised Code of Washington place primary responsibility for planning for the development of land within Kent with its legislative body. The Washington Supreme Court has recognized the Growth Management Act (GMA) as a clear example of legislation that creates public policy to be implemented at the local level, by representatives more attuned to the individual needs, wants, and characteristics of the cities they serve.

B. The City is committed to meeting its core duty under the GMA to plan for growth and fashion regulations that ensure the wise use of land within Kent. To that end, the City has undertaken an expansive
planning process to shape the future development of the Midway area and to meet several specific goals of the GMA.

C. On December 13, 2011, in anticipation of the arrival of link light rail service, the Midway Subarea Plan and corresponding design guidelines were adopted to encourage urban growth where it is most appropriate, reduce sprawl, promote a variety of residential densities and housing types, and to encourage economic growth.

D. In furtherance of the overarching goals of the Midway Subarea Plan and the Midway Design Guidelines, the City has carefully crafted zoning regulations in the Midway area to ensure that future development is consistent with the adopted vision of the Plan, and that the community will benefit from the City’s extensive long-range planning efforts.

E. The Kent City Council adopted the Midway Subarea Plan as the result of a collaborative, multi-jurisdictional planning effort taking place over several years. It was a culmination of extensive community involvement, substantial expense of time and public resources, and an expansive environmental review.

F. Community involvement leading up to the Midway Subarea Plan’s adoption included dozens of public meetings over the course of several years, including stakeholder committees, developer forums, open house meetings, public workshops, neighborhood meetings, joint advisory meetings between the leadership of Kent and Des Moines, Land Use and Planning Board workshops and meetings, City Council workshops and committee meetings, and public hearings.
G. Prior to adopting the Midway Subarea Plan, the City conducted and completed an extensive environmental review of the proposal under the State Environmental Policy Act (SEPA) over the course of nearly two years.

H. The overall goal of the Midway Subarea Plan is to: "Create a dense, pedestrian-friendly, sustainable community that provides jobs, housing, services and public open space around nodes of high capacity mass transit while maintaining auto-oriented uses between the transit oriented nodes." It envisions a well-designed built environment, including pedestrian friendly streetscapes, multimodal connections, and a variety of housing types and jobs that support transit use.

I. On December 13, 2011, the City adopted zoning to support the implementation of the Midway Subarea Plan, including zones such as the Midway Commercial/Residential Districts and the Midway Transit Community District that are north of approximately South 245th Street, and the Commercial Manufacturing-2 District south of South 245th Street.

J. The Midway Subarea Plan specifically identifies a distinction between the Midway areas north and south of approximately South 245th Street. To the north, the intended uses are categorized as Transit-Oriented Community and include high intensity transit supportive mixed-use with a residential focus and strong pedestrian orientation, with no single use, big box, industrial or auto-dependent uses. To the south, the intended uses are categorized as Highway Commercial Corridor and include a wide range of community, citywide, or regional commercial and light industrial uses that are primarily vehicle-dependent.

K. The Midway Commercial/Residential District and Midway Transit Community Districts prohibit uses such as outdoor storage of
trucks, heavy equipment, and contractor storage yards. These uses are inconsistent with and detrimental to the strong pedestrian orientation of the Midway Commercial/Residential and Midway Transit Community Districts due to the size and scale, as well as noise impacts. In general, uses with large footprints are not compatible with pedestrian-oriented development, as large footprints severely limit pedestrian connectivity and interest, and result in a greater need for vehicular transportation.

L. On the other hand, the Commercial Manufacturing-2 District south of South 245th Street allows uses such as outdoor storage of trucks, heavy equipment, and contractor storage yards. Uses of this type, size, and scale fit with the existing and planned scale of the area, are further removed from the pedestrian-oriented transit station, and are consistent with vehicle-dependent uses.

M. The City desires to see the Midway Subarea Plan realized to enhance the Midway area and catalyze appropriate development.

N. The City has not adopted development or zoning regulations that are specific to transit operation or maintenance facilities. "Transit stations" and "transit operations and maintenance facilities" serve drastically different purposes, encompass significantly different characteristics, and carry substantially different development impacts.

O. Transit operations and maintenance facilities have large scale footprints, generally in the range of dozens of acres. They operate in the middle of the night due to the vehicles being available for maintenance during the hours when there is no transit service. They provide little value or interest for pedestrians and displace potential pedestrian-oriented land uses such as store fronts, personal services, and restaurants and entertainment.
P. The Midway Commercial/Residential District and Midway Transit Community 1 and 2 Districts are intended for dense, compact development including retail, office and residential. A large footprint light industrial use such as an operations and maintenance facility will be detrimental to the public interest by making pedestrian-oriented redevelopment less appealing. The characteristics of transit operations and maintenance facilities makes them inappropriate in the Midway Commercial/Residential District and the Midway Transit Community 1 and 2 Districts. These facilities are incompatible with the long established Midway goals, policies, and development regulations and are incompatible with the pedestrian orientation of a transit station.

Q. The characteristics of transit operations and maintenance facilities are, however, appropriate for and are compatible with the Commercial Manufacturing-2 District south of South 245th Street. Not only is the Midway Commercial-Manufacturing-2 District appropriate for these facilities, several sites for operations and maintenance facilities are available in this zone.

R. If the development of an operations and maintenance facility is not subject to an ordinance imposing reasonable zoning and permitting considerations that provide adequate locations for siting the facility, the development may be located in an area contrary to the Midway Subarea Plan goals and policies, as well as contrary to the best interests of Kent as a whole.

S. It is in the best interests of the health, safety, and welfare of the current and future residents of Kent to enact interim zoning regulations relating to the siting and development of transit operations and maintenance facilities. The failure to enact an interim zoning regulation
may result in the location of a transit operations and maintenance facility without proper consideration of the impacts to future planned development and existing plans. Such development will adversely impact future development and long-range planning performed as part of the Midway Subarea Plan and will result in significantly decreased realization of the vision therein.

T. The City has a strong interest in fostering a vibrant and productive economic environment and a growth management goal to promote economic opportunity within the City through land use planning. Without immediate interim zoning controls relating to the City’s acceptance, processing, and approval of development applications related to operations and maintenance facilities, the City is at substantial risk of rendering moot years of extensive long-range planning and preparation and negatively impacting the future viability of the Midway Subarea Plan as envisioned by the community and its leadership.

U. Based on the above, the City Council concludes that immediate interim zoning prohibiting transit operations and maintenance facilities in the Midway Commercial/Residential District and Midway Transit Community 1 and 2 Districts, but specifically allowing them in the Midway Commercial Manufacturing-2 District, is required. To protect the public health, safety, and welfare, it is necessary to establish the interim zoning in order to prevent the acceptance, processing, and approval of development applications related to operations and maintenance facilities within the Midway Commercial/Residential District and the Midway Transit Community 1 and 2 Districts. Contemporaneously, it is reasonable to specify in the interim zoning ordinance that operations and maintenance facilities are permitted in the Midway Commercial Manufacturing-2 District.
V. Due to the detrimental impacts to the area that will be caused by siting an operations and maintenance facility in the Midway Commercial/Residential District and the Midway Transit Community 1 and 2 Districts, the City declares the need for the interim zoning ordinance an emergency.

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

ORDINANCE

SECTION 1. - Preliminary Findings. The recitals set forth above are hereby adopted as the city council's preliminary findings of fact in support of the interim zoning controls imposed by this ordinance. The city council may, in its discretion, adopt additional findings of fact at the conclusion of the public hearing referenced in this ordinance; provided, if after a public hearing, no additional findings of fact are adopted, the preliminary findings of fact shall become the final findings of fact of the city council without further action.

SECTION 2. - Interim Zoning Imposed. Pursuant to the provisions of Article XI, Section 11 of the Washington State Constitution, RCW 35A.63.220, and RCW 36.70A.390, an interim zoning ordinance is hereby adopted and the Kent City Code is amended as set forth in Sections 3, 4, 5, 6, and 7 of this ordinance.

SECTION 3. - Amendment - New 15.02.527.5. Chapter 15.02 of the Kent City Code, entitled "Definitions" is hereby amended to add a new section 15.02.527.5, entitled, "Transit operations and maintenance facilities" as follows:
Sec. 15.02.527.5. Transit operations and maintenance facilities. Transit operations and maintenance facilities means facilities that serve the primary purpose of storing, refueling, cleaning, repairing, refurbishing, rehabilitating, reconstructing, renovating, rebuilding, improving or otherwise maintaining transit vehicles. Transit operations and maintenance facilities are characterized as being used to support the function of fixed route or fixed track transit systems, but not serving passengers directly. Transit operations and maintenance facilities may include, but not be limited to, buildings or structures, including office space, as well as outdoor storage space and large areas of track to support said facilities.

SECTION 4. Amendment – New KCC 15.02.528.5. Chapter 15.02 of the Kent City Code, entitled “Definitions” is hereby amended to add a new section 15.02.528.5, entitled, “Transportation and transit facilities, including high-capacity transit facilities” as follows:

Sec. 15.02.528.5. Transportation and transit facilities, including high-capacity transit facilities. Transportation and transit facilities, including high-capacity transit facilities means heavy rail stations, light rail stations, and bus depots that serve the primary purpose of boarding, alighting, or otherwise transferring passengers onto or off of transit vehicles. Transportation and transit facilities do not include bus stops within the right of way. Transportation and transit facilities including high-capacity transit facilities may include such appurtenances as ticketing systems, rider amenities, loading and unloading zones, parking lots, driver comfort stations, traction power substations, security offices, or others similar uses that are accessory to the primary purpose of serving passengers of the particular heavy rail station, light rail station, or bus depot at which they are located.
SECTION 5. - Amendment to KCC 15.04.050. Section 15.04.050 of the Kent City Code, entitled “Manufacturing land use development conditions,” is hereby amended as follows:

Sec. 15.04.050. Manufacturing land use development conditions.

1. The following uses require a conditional use permit:

   a. Manufacture of such types of basic materials as follows:

      i. Gum and wood chemicals and fertilizers, and basic industrial organic and inorganic chemicals or products such as alkalis and chlorine, industrial and liquid petroleum, gases, cellophane, coal tar products, dyes and dye products, impregnated products, tanning compounds, and glue and gelatin.

      ii. Hydraulic cement, concrete, gypsum, lime, carbon, carbon black, graphite, coke, glass, and similar products.

   b. Manufacture of products such as the following:

      i. Ammunition, explosives, fireworks, matches, photographic film, missile propellants, and similar combustibles.

      ii. Rubber from natural, synthetic, or reclaimed materials.

      iii. Paving and roofing materials or other products from petroleum derivatives.

   c. Refining of materials such as petroleum and petroleum products, metals and metal ores, sugar, and fats and oils.
d. Distilling of materials such as bone, coal, coal tar, coke, wood, and other similar distillates.

e. Heavy metal processes, such as ore reduction or smelting, including blast furnaces, and including drop forging, drop hammering, boiler plate works, and similar heavy metal operations:

   i. Asphalt batching plants.

   ii. Concrete mixing and batching plants, including ready-mix concrete facilities.

   iii. Rock crushing plants and aggregate dryers.

   iv. Sandblasting plants.

f. Animal and food processing, including the following and similar operations:

   i. Tanning, dressing, and finishing of hides, skins, and furs.

   ii. Meat and seafood products, curing, canning, rendering, and slaughtering.

   iii. Nitrating of cotton and other materials.

   iv. Rendering of animal grease or tallow, fish oil, and similar materials.

   v. Slaughtering, stockyard, feedlot, dairy, and similar operations.

   vi. Pickling and brine curing processes.

   vii. Wholesale produce markets.
g. Salvage, wrecking, and disposal activities, including the following and similar operations:

i. Automobile and building wrecking and salvage.

ii. Salvage of industrial waste materials such as metal, paper, glass, rags, and similar materials.

iii. Sewage disposal and treatment plants.

iv. Dump and sump operations for such uses as rubbish, garbage, trash, and other liquid and solid wastes.

h. Storage of the following kinds of goods:

i. Bulk storage of oil, gas, petroleum, butane, propane, liquid petroleum gas, and similar products, and bulk stations and plants.

ii. Used building materials, mover’s equipment, relocated buildings, impounded vehicles, and similar materials.

iii. Explosives or fireworks, except where incidental to a principally permitted use.

iv. Fertilizer or manure.

2. [Reserved].

3. Small scale light manufacturing operations as follows: stamping, brazing, testing, electronic assembly, and kindred operations where the building, structure, or total operation does not encompass more than 10,000 square feet of area. The 10,000-square-foot total shall include all indoor and outdoor storage areas associated with the manufacturing operation. Only one 10,000-square-foot manufacturing operation shall be permitted per lot.
4. Conditional use for manufacturing of paint, but manufacturing of paint is permitted outright in the M3 zone.

5. Contractor shops where most of the work is done on call, and which do not rely on walk-in trade, but where some incidental storage or semi-manufacturing work is done on the premises, such as carpentry, heating, electrical, or glass shops, printing, publishing, or lithographic shops, furniture, upholstery, dry cleaning, and exterminators.

6. Accessory uses include sales of product accessory to and directly related to the manufacturing or warehousing use on the site.

7. For permitted uses, accessory hazardous substance land uses, including onsite hazardous waste treatment or storage facilities, which are not subject to cleanup permit requirements of Chapter 11.02 KCC, subject to the provisions of KCC 15.08.050, except offsite hazardous waste treatment or storage facilities, which are not permitted in this district. Fuel farm facilities are not allowed in AG or A-10 zones.

8. For permitted uses, hazardous substance land uses, including onsite hazardous waste treatment or storage facilities, which are not subject to cleanup permit requirements of Chapter 11.02 KCC and which do not accumulate more than 5,000 pounds of hazardous substances or wastes or any combination thereof at any one time on the site, subject to the provisions of KCC 15.08.050, except offsite hazardous waste treatment or storage facilities, which are not permitted in this district.

9. Includes incidental storage facilities and loading/unloading areas.

10. Includes incidental storage facilities, which must be enclosed, and loading/unloading areas.
11. Including transportation and transit terminals with repair and storage facilities, and rail-truck transfer uses, except classification yards in the category of “hump yards.”

12. For permitted uses, accessory hazardous substance land uses, including onsite hazardous waste treatment or storage facilities, which are not subject to cleanup permit requirements of Chapter 11.02 KCC, subject to the provisions of KCC 15.08.050. Offsite hazardous waste treatment or storage facilities are not permitted in this district, except through a special use combining district.

13. Conditional use permit required for trucking terminals and rail-truck transfer uses.

14. For permitted uses, accessory hazardous substance land uses, including onsite hazardous waste treatment or storage facilities, which are not subject to cleanup permit requirements of Chapter 11.02 KCC, subject to the provisions of KCC 15.08.050, except offsite hazardous waste treatment or storage facilities, which require a conditional use permit in this district.

15. The following require a conditional use permit:

   a. Offsite hazardous waste treatment or storage facilities, subject to the provisions of KCC 15.08.050.

   b. Any hazardous substance land use that is not an accessory use to a principally permitted use.

16. Warehousing and distribution facilities and the storage of goods or products, except for those goods or products specifically described as permitted to be stored only as conditional uses in the M3 district.

17. Conditional use for car loading and distribution facilities, and rail-truck transfer uses.
18. Warehousing and distribution facilities and the storage of goods or products, including rail-truck transfer uses.

19. Miniwarehouses; provided, that the following development standards shall apply for miniwarehouses, superseding those set out in KCC 15.04.190 and 15.04.200. For purposes of this title, miniwarehouses means any real property designed and used for the purpose of renting or leasing individual storage space to occupants who are to have access to the space for the purpose of storing and removing personal property on a self-service basis, but does not include a garage or other storage area in a private residence. No occupant may use a miniwarehouse for residential purposes.

   a. Frontage use. The first 150 feet of lot depth, measured from the property line or right-of-way inward from the street frontage, shall be reserved for principally permitted uses for this district, or for the office or onsite manager’s unit, signage, parking, and access. A maximum of 25 percent of the frontage may be used for access to the storage unit area; provided, that in no case shall the access area exceed 75 feet in width. No storage units or structures shall be permitted within this 150 feet of commercial frontage depth.

   b. Lot size. Minimum lot size is one acre; maximum lot size is four acres.

   c. Site coverage. Site coverage shall be in accordance with the underlying zoning district requirements.

   d. Setbacks. Setbacks shall be as follows:

      i. Front yard: 20 feet.

      ii. Side yard: 10 feet.
iii. Rear yard: 10 feet.

e. Height limitation. The height limitation is one story.

f. Outdoor storage. No outdoor storage is permitted.

g. Signs. The sign requirements of Chapter 15.06 KCC shall apply.

h. Off-street parking.

i. The off-street parking requirements of Chapter 15.05 KCC shall apply.

ii. Off-street parking may be located in required yards, except in areas required to be landscaped.

i. Development plan review. Development plan approval is required as provided in KCC 15.09.010.

j. Landscaping. Landscaping requirements are as follows:

i. Front yard: 20 feet, type III (earth berms).

ii. Side yard: 10 feet, type II abutting commercial uses or districts; type I abutting residential uses or districts.

iii. Rear yard: 10 feet, type II abutting commercial uses or districts; type I abutting residential uses or districts.

For maintenance purposes, underground irrigation systems shall be provided for all landscaped areas.

k. Onsite manager. A resident manager shall be required on the site and shall be responsible for maintaining the operation of the facility in conformance with the conditions of the approval. The economic and community development
department shall establish requirements for parking and loading areas sufficient to accommodate the needs of the resident manager and the customers of the facility.

l. *Drive aisles.* Drive aisle width and parking requirements are as follows:

   i. Fifteen-foot drive aisle and 10-foot parking aisle.

   ii. Parking for manager’s quarters and visitor parking.

m. *Building lengths.* The horizontal dimension of any structure facing the perimeter of the site shall be offset at intervals not to exceed 100 feet. The offset shall be no less than 20 feet in the horizontal dimension, with a minimum depth of five feet.

n. *Building materials.* If abutting a residential use or zone, residential design elements such as brick veneer, wood siding, pitched roofs with shingles, landscaping, and fencing shall be used. No incompatible building colors should be used when abutting a residential use or zone.

o. *Prohibited uses.* Use is restricted to dead storage only. The following are specifically prohibited:

   i. Auctions (other than tenant lien sales), commercial, wholesale or retail sales, or garage sales.

   ii. The servicing, repair, or fabrication of motor vehicles, boats, trailers, lawn mowers, appliances, or other similar equipment.

   iii. The operation of power tools, spray painting equipment, table saws, lathes, compressors, welding equipment, kilns, or other similar equipment.
iv. The establishment of a transfer and storage business.

v. Any use that is noxious or offensive because of odor, dust, noise, fumes, or vibration.

vi. Storage of hazardous or toxic materials and chemicals or explosive substances.

p. Fencing. No razor wire is allowed on top of fences.

20. Prohibited are those manufacturing activities having potentially deleterious operational characteristics, such as initial processing of raw materials (forging, smelting, refining, and forming).

21. The ground level or street level portion of all buildings in the pedestrian overlay of the DC district, set forth in the map below, must be retail or pedestrian-oriented. Pedestrian-oriented development shall have the main ground floor entry located adjacent to a public street and be physically and visually accessible by pedestrians from the sidewalk, and may include the following uses:

a. Retail establishments, including but not limited to convenience goods, department and variety stores, specialty shops such as apparel and accessories, gift shops, toy shops, cards and paper goods, home and home accessory shops, florists, antique shops, and book shops;

b. Personal services, including but not limited to barber shops, beauty salons, and dry cleaning;

c. Repair services, including but not limited to television, radio, computer, jewelry, and shoe repair;
d. Food-related shops, including but not limited to restaurants (including outdoor seating areas and excluding drive-in restaurants) and taverns;

e. Copy establishments;

f. Professional services, including but not limited to law offices and consulting services; and

g. Any other use that is determined by the economic and community development director to be of the same general character as the above permitted uses and in accordance with the stated purpose of the district, pursuant to KCC 15.09.065, Interpretation of uses.

22. Permitted uses are limited to storage, warehousing, processing, and conversion of agricultural, dairy, and horticultural products, but not including slaughtering, meat packing, and fuel farm facilities.
23. Excluding slaughtering, rendering, curing, or canning of meat or seafood products.

24. Except for those goods or products specifically described as permitted to be stored as conditional uses.

25. Excluding explosive fuels and propellants.

26. Excluding predominantly drop forge and drop hammer operations.

27. Other accessory uses and buildings customarily appurtenant to a permitted use, except for onsite hazardous waste treatment and storage facilities, which are not permitted in residential zones.


29. Limited to 25 percent of gross floor area. Reference KCC 15.04.080(5).

30. Retail or services uses which exceed the 25 percent limit on an individual or cumulative basis shall be subject to review individually through the conditional use permit process. A conditional use permit shall be required on an individual tenant or business basis and shall be granted only when it is demonstrated that the operating characteristics of the use will not adversely impact onsite or offsite conditions on either an individual or cumulative basis.

31. Reuse or replacement of existing structures for nonagricultural uses is allowed where it is shown that the existing structures are obsolete for agricultural use and will have no viable economic use unless they can be put to nonagricultural use. Any replacement structures must maintain or enhance the agricultural appearance of the property. Signs shall be limited to not more than 100 square feet in area per business, and of that amount, freestanding signs shall not exceed 40 square feet in area. No
increase in the area of existing impervious surface shall be allowed in connection with a nonagricultural use.

32. Accessory structures composed of at least two walls and a roof, not including accessory uses or structures customarily appurtenant to agricultural uses, are subject to the provisions of KCC 15.08.160.

SECTION 6. - Amendment to KCC 15.04.060. Section 15.04.060 of the Kent City Code, entitled "Transportation, public and utilities land uses," is hereby amended as follows:

Sec. 15.04.060. Transportation, public and utilities land uses.
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**Interim Zoning Ordinance**

**Transit Ops. and Maint. Facilities**
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<th>Utility and transportation facilities: electrical substations, pumping or regulating devices for the transmission of water, gas, steam, petroleum, etc.</th>
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*Interim Zoning Ordinance*

*Transit Ops. and Maint. Facilities*
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| Wireless telecommunications facility (WTF) by administrative approval | P | P | (2) | (2) | P | P | (2) | (2) | P | P | (2) | (2) | P | P | (1) | (1) | P | P | (1) | (1) | P | P | (1) | (1) | P | P | (1) | (1) |
| Wireless telecommunications facility (WTF) by conditional use permit | C | C | C | C | C | C | C | C | C | C | C | C | C | C | C | C | C | C | C | C | C | C | C | C | C | C | C |
| EV charging station | A | A | A | A | (9) | (9) | A | A | A | A | (9) | (9) | A | A | A | A | A | A | A | A | A | A | A | A | A | A |
| Rapid charging station | A | A | A | A | (10) | (10) | A | A | A | A | (10) | (10) | A | A | A | A | A | A | A | A | A | A | A | A |

**Interim Zoning Ordinance**

*Transit Ops. and Maint. Facilities*
SECTION 7. - Amendment to KCC 15.04.065. Section 15.04.065 of the Kent City Code, entitled “Transportation, public and utilities land use development conditions,” is hereby amended as follows:

Sec. 15.04.065 Transportation, public and utilities land use development conditions.

1. For WTF towers 90 feet or less for a single user and up to 120 feet for two or more users.

2. For WTF towers that are within the allowable building height for the district in which they are located.

3. All WTFs are subject to applicable portions of KCC 15.08.035.

4. A conditional use permit for a WTF is required if it is greater than 90 feet for a single user or 120 feet for two or more users.

5. A conditional use permit is required if the WTF exceeds the allowable building height of the district.

6. Transportation and transit terminal, including repair and storage facilities, and including rail-truck transfer uses, except classification yards in the category of “hump yards.”

7. [Reserved].

8. If on property owned, leased or otherwise controlled by the city or other government entity subject to KCC 15.08.035(I).

9. Level 1 and 2 charging only.

10. Only as part of a general conditional use identified in KCC 15.08.030.

11. High capacity transit facilities shall be consistent with Chapter 15.15 KCC.
12. A conditional use permit is required for high capacity transit facilities that cross multiple zoning districts. No other transportation and transit facilities are allowed in the MHP zoning district.

13. Accessory structures composed of at least two walls and a roof, not including accessory uses or structures customarily appurtenant to agricultural uses, are subject to the provisions of KCC 15.08.160.

**SECTION 8.** - *Effective Period for Interim Zoning.* The interim zoning set forth in this ordinance shall be in effect for a period of six months from the date this ordinance is passed and shall automatically expire at the conclusion of that six month period unless the same is renewed as provided in RCW 35A.63.220 and RCW 36.70A.390, or unless terminated sooner by the city council.

**SECTION 9.** - *Public Hearing.* Pursuant to RCW 35A.63.220 and RCW 36.70A.390, the city council will hold a public hearing, at the city council’s regular meeting, at 7:00 p.m. in Council Chambers, Kent City Hall, on February 5, 2019, or as soon thereafter as the business of the city council shall permit in order to take public testimony and to consider adopting further findings.

**SECTION 10.** - *Referral to Staff.* In accordance with KCC 15.09.050, the city council hereby directs the planning director to propose land use regulations relating to transit operations and maintenance facilities for inclusion in the permanent zoning regulations or other provisions of the Kent City Code. This direction shall constitute the city council’s resolution of intention in accordance with KCC 15.09.050.

**SECTION 11.** - *Severability.* If any one or more section, subsection, or sentence of this ordinance is 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 12.** - *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 13.** - *Effective Date – Public Emergency Declared.* Pursuant to the preliminary findings, and in accordance with RCW 35A.12.130, the city council hereby declares the existence of a public emergency and in order to protect the public health, safety, property, and peace, this ordinance shall be effective upon adoption by a majority plus one of the whole membership of the council. The city clerk is directed to publish a summary of this ordinance at the earliest possible publication date.

DANA RALPH, MAYOR

Date Approved

KIMBERLEY A. KOMOTO, CITY CLERK

Date Adopted

Date Published

APPROVED AS TO FORM:

ARTHUR "PAT" FITZPATRICK, CITY ATTORNEY

Interim Zoning Ordinance
Transit Ops. and Maint. Facilities