AN ORDINANCE of the City Council of the
City of Kent, Washington, amending sections
8.05.080, 12.04.140, 12.04.155, 12.13.170,
15.02.065, 15.04.170 and 15.08.090 of the Kent
City Code to correct errors and provide clarity as
part of the City’s annual code cleanup.

RECITALS

A. The City considers annual amendments to plans or
development regulations that are suggested by interested persons or are
requested by staff via a docket process. These annual amendments are
part of a comprehensive effort to clean up the City’s municipal code by
correcting errors, providing clarification, and making other similar
housekeeping changes throughout the code.

B. On October 16, 2018, the City Council approved the 2018
Annual Docket list which included three site-specific requests and seven
code amendments, four of which are included in this ordinance.

C. The table housed in Kent City Code (KCC) 8.05.080 of the
City’s Noise Ordinance incorrectly references out of date zoning. The
correction is included in this ordinance.

D. The regulatory language of KCC 15.08.090, pertaining to the
parking or storage of inoperable vehicles, has led to confusion regarding
inoperable vehicles in residential areas. The amendment clarifies that each residentially zoned property may have only one inoperable vehicle on it for more than 30 days, and only if the inoperable vehicle is properly stored and hidden from view.

E. The definition of building height in KCC 15.02.065 does not specify the type of grade to base the measurement from. This lack of information has resulted in confusion for the public. The amendment clarifies that building height is measured from “average finished grade” instead of “grade”. Diagrams are included for ease of calculation and additional verbiage explains how average finished grade is measured.

F. KCC 15.04.170 establishes inconsistent development standards for maximum allowed building height in residential zones for single family dwellings, duplexes, and multi-family. It is believed that some of these inconsistencies are scrivener’s errors which were never identified or corrected. This amendment increases the maximum building height in SR-8, MR-D, MR-T12, MR-T16, MR-G, MR-M and MR-H zones to be 2.5 story/35 feet for single family and duplex products, and 3 story/40 feet for multi-family products, exclusive of multifamily in MR-H.

G. On November 20, 2018, City Council passed Ordinance No. 4290, which amended KCC 12.13.160 and 12.13.170 to implement a school impact fee schedule and maximum fees. School impact fees are set annually through the adoption of the school districts’ Capital Facilities Plans (CFP). The Capital Facilities Plans of school districts are submitted to the City for review, and this review must occur in conjunction with the City’s update of its Capital Facilities Element of the Comprehensive Plan which typically happens in November. The maximum annual increase in school impact fees generally corresponds to the previous calendar year’s increase in construction costs as calculated from October 1st through September 30th. Due to the timing of the comprehensive plan update in November,
utilization of this date range has created a very short window for staff and City Council to review the proposed school impact fees and Capital Facilities Plans prior to adoption of the City budget in December. The amendment of the date range in KCC 12.13.170 to August to August, rather than October to October, would better provide appropriate time for review of the proposed fees and plans, and would avoid a backlog with other city processes.

H. On November 21, 2017, City Council passed Ordinance No. 4257 which amended KCC 12.01.145 as a part of the 2016 Docketed Code Amendments. The amendment changed the public notice mailing radius for short subdivisions from 200 to 300 feet in order to match the radius used for long subdivisions. Additional inconsistencies were discovered after the fact in KCC 12.04.155A and 12.04.140C. This amendment corrects these inconsistencies by also changing the public notice mailing radius in these code sections from 200 feet to 300 feet for the notice of application (NOA) and the public meeting notice for short subdivisions.

I. On June 18, 2019, pursuant to RCW 36. 70A.106, a request for expedited review was sent to the Washington State Department of Commerce, which acknowledged that the request was received on June 20, 2019. On July 5, 2019, the City was granted expedited review.

J. On June 18, 2019, the City’s SEPA Responsible Official issued a Determination of Nonsignificance for the 2018 Housekeeping Amendments (ENV-2019-18, KIVA #RPSW-2191525).

K. The Land Use and Planning Board held a workshop to discuss these code amendments on April 22, 2019. After appropriate public notice, the board held a public hearing on June 24, 2019 to consider the proposed code amendments. The Land Use and Planning Board
recommended approval to the City Council of all items as presented by staff.

L. On July 8, 2019, the Economic and Community Development Committee considered the recommendation of the Board on the proposed code amendments as presented by staff, and made a recommendation of approval to the full City council.

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

ORDINANCE

SECTION 1. - Amendment – KCC 8.05.080. Section 8.05.080 of the Kent City Code, entitled “Zoning classification for EDNA,” is hereby amended as follows:

Sec. 8.05.080 Zoning classification for EDNA.

The following land use zoning classifications as found in the zoning code are assigned the EDNA classification below:

<table>
<thead>
<tr>
<th>Zone</th>
<th>EDNA</th>
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<tr>
<td>RA, R1, MR-D, MR-M, MR-</td>
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<td></td>
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<tr>
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<tr>
<td>MTC-2, MCR, CM-1, CM-2,</td>
<td></td>
</tr>
<tr>
<td>GC</td>
<td></td>
</tr>
</tbody>
</table>
SECTION 2. - Amendment - KCC 12.04.140. Section 12.04.140 of the Kent City Code, entitled "Notice of application," is hereby amended as follows:

Sec. 12.04.140 Notice of Application.

The applicant shall place at least one (1) public notice board on the property to be subdivided. The public notice board shall be placed on the property as directed by planning services no later than fourteen (14) calendar days after a determination of completeness. If the property to be subdivided is located adjacent to more than one (1) public street or has more than one (1) potential access route, one (1) public notice board shall be placed on the property adjacent to each street or potential access route. A notice of application shall be issued for land segregation applications within fourteen (14) calendar days after the city has made a determination of completeness, and at least fifteen (15) calendar days prior to the short subdivision committee meeting date for short subdivisions or the public hearing for subdivision applications. The notice of application shall include the tentative date of the public meeting or public hearing and shall be mailed, published and posted on the same day, in the following manner:

A. The city shall publish the notice of application in a newspaper of general circulation within the city.

B. The city shall post the notice of application on the public notice board(s) placed on the property and shall also post the notice of application at Kent City Hall and in the register for public review at the planning services office.
C. The city shall mail the notice of application listing the date of the short subdivision committee meeting, or the date of public hearing for subdivisions, to the applicant and all owners of real property as shown by the records of the county assessor’s office within two hundred (200) three hundred (300) feet of any portion of the boundary of the proposed short subdivision and within three hundred (300) feet of any portion of the boundary of the proposed subdivision. In addition, if the property to be short subdivided abuts parcels greater than two (2) acres which have other properties abutting them, these additional properties shall also be mailed a notice of application.

D. The city shall mail or send the notice of application to all agencies with jurisdiction, city departments, and to any person who requests such notice in writing.

E. One notice of application shall be prepared for all permit applications related to the same project at the time of the earliest complete project permit application.

SECTION 3. - Amendment - KCC 12.04.155. Section 12.04.155 of the Kent City Code, entitled “Public meeting/hearing notice,” is hereby amended as follows:

Sec. 12.04.155 Public meeting/hearing notice.
A. Notice of the short subdivision committee meeting shall be given in the following manner:

1. The date of the short subdivision committee meeting shall be listed on the notice of application, which shall be mailed in accordance with KCC 12.04.140 to the applicant and all owners of real property as shown by the records of the county assessor’s office within two hundred (200) three hundred (300) feet of any portion of the boundary of the proposed subdivision.
subdivision. In addition, if the property to be short subdivided abuts parcels greater than two (2) acres which have other properties abutting them, these additional properties shall also be mailed a notice of application. Seven (7) calendar days prior to the short subdivision committee meeting, the city shall mail the short subdivision committee agenda and staff report(s) to the applicant, all owners of the real property, and any person who provided written comments on the application.

B. The notice of public hearing for a subdivision shall be given in the following manner:

1. The notice of public hearing shall be mailed, published and posted on the same day, not less than ten (10) calendar days prior to the hearing date.

2. The city shall post the notice of public hearing on the public notice board(s) on the property.

3. The city shall publish the notice of public hearing in a newspaper of general circulation within the city.

4. The city shall mail a notice of public hearing to the applicant, any person who submits written comments on an application, and all owners of real property as shown by the records of the county assessor’s office within three hundred (300) feet of any portion of the boundary of the proposed subdivision. If the owner of the real property proposed to be subdivided also owns another parcel or parcels of real property which lie adjacent to the real property proposed to be subdivided, the notice shall be mailed to all owners of real property located within three hundred (300) feet of such adjacentely owned parcels. Seven (7) calendar days prior to the public hearing, the city shall mail the public hearing agenda and staff report(s) to the applicant, all owners of the real
property, and any person who provided written comments on the application.

**SECTION 4.** - *Amendment – KCC 12.13.170.* Section 12.13.170 of the Kent City Code, entitled “Maximum allowable fees,” is hereby amended as follows:

**Sec. 12.13.170 Maximum allowable fees.**

School impact fees provided by this chapter shall be assessed based on the calculation set forth in KCC 12.13.140, unless they exceed a maximum allowable fee as set forth in this section. There shall be an increase in the maximum allowable fee each year by the same percentage as the percentage change in the previous calendar year’s average monthly Engineering News Record (ENR) Seattle Area Construction Cost Index values, relative to the corresponding average monthly ENR Construction Cost Index values for the preceding year, as calculated from October 1st through September 30th August 1st through July 31st.

The maximum allowable fee is set at $8,591 for single-family dwelling units and a maximum of $8,755 for multifamily dwelling units for 2019.

**SECTION 5.** - *Amendment – KCC 15.02.065.* Section 15.02.065 of the Kent City Code, entitled “Building Height,” is hereby amended as follows:

**Sec. 15.02.065 Building height.**

*Building height* means the vertical distance from the average finished grade to the highest point of the coping of a flat roof or to the deck line of a mansard roof or to the average height of the highest gable of a pitch or hip roof as depicted in Diagram A below. The average finished grade shall be determined by first delineating the smallest square or rectangle that can enclose the building and then averaging the elevations taken at the
midpoint of each side of the square or rectangle as depicted in Diagram B below; provided that the measured elevations do not include berms.

Diagram A

Measuring Building Height
Diagram B

1. The average finished grade shall be determined by first delineating the smallest square or rectangle that can enclose the building.

2. Determine AFG:
   (AVERAGE FINISHED GRADE CALCULATIONS TO BE SHOWN ON SITE PLAN.)
   Average the elevations taken at the midpoint of each side of the square or rectangle.
   (Add the elevation at each point, then divide the total by four (number of mid-points of the rectangle, to determine the average.)
   Formula: $A + B + C + D = \frac{112 + 116.25 + 113 + 109}{4} = 112.56 \text{ AFG}$

<table>
<thead>
<tr>
<th>A</th>
<th>112</th>
</tr>
</thead>
<tbody>
<tr>
<td>B</td>
<td>116.25</td>
</tr>
<tr>
<td>C</td>
<td>113</td>
</tr>
<tr>
<td>D</td>
<td>109</td>
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</tbody>
</table>
SECTION 6. - Amendment - KCC 15.04.170. Section 15.04.170 of the Kent City Code, entitled "Agricultural and residential zone development standards," is hereby amended as follows:
Re: Annual Code

Housekeeping

<table>
<thead>
<tr>
<th>Section</th>
<th>Description</th>
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<tbody>
<tr>
<td>12.04.170 Agricultural and Residential Zone Development Standards</td>
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</tr>
<tr>
<td>District</td>
<td>Zoning District</td>
</tr>
<tr>
<td>----------</td>
<td>----------------</td>
</tr>
<tr>
<td>MHP</td>
<td>Mobile Home Park Combining</td>
</tr>
<tr>
<td>MR-H</td>
<td>High Density Multifamily Residential</td>
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<td>MR-M</td>
<td>Medium Density Multifamily Residential</td>
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<td>MR-L</td>
<td>Low Density Multifamily Residential</td>
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<td>MR-T12</td>
<td>Multifamily Residential Townhouse</td>
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<tr>
<td>MR-G</td>
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</tr>
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<td>MR-T8</td>
<td>Single-Family Residential</td>
</tr>
<tr>
<td>MR-D</td>
<td>Duplex Multifamily Residential</td>
</tr>
<tr>
<td>SR-3</td>
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<tr>
<td>A-10</td>
<td>Agricultural</td>
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</tbody>
</table>

Additional standards for specific uses are contained in Chapters 3.05 and 15.09 of the City of Santa Clara, California. Use of the planning process is recommended for any major development or change in use. Contact the City Planning Department for guidance. The information contained in this document is for general reference only and is not intended to be comprehensive or exhaustive. The City of Santa Clara reserves the right to change or modify this information at any time. Please refer to the City's official sources for the most current information. This document is not intended to be a substitute for legal advice and should not be used as such. All rights reserved.
SECTION 7. - Amendment - KCC 15.08.090. Section 15.08.090 of the Kent City Code, entitled "Parking or storage of inoperable vehicles," is hereby amended as follows:

Sec. 15.08.090 Parking or storage of inoperable vehicles.

No more than one (1) vehicle of any kind in inoperable condition not licensed nor legally operable upon roadway shall be stored or parked on any residentially zoned property for more than thirty (30) days unless said vehicle is stored in an enclosed area and hidden from view of surrounding neighbors. Only one vehicle of any kind in an inoperable condition, not licensed nor legally operable upon the roadway, may be stored or parked on a residentially zoned property for more than thirty (30) days. Such vehicle must be stored or parked in an enclosed area and hidden from view of surrounding neighbors.

SECTION 8. - 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 9. - 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.

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SECTION 10. - Effective Date. This ordinance shall take effect and be in force thirty days from and after its passage, as provided by law.

DANA RALPH, MAYOR
July 16, 2019
Date Approved

KIMBERLEY A. KOMOTO, CITY CLERK
July 16, 2019
Date Adopted

TAMMY WHITE, DEPUTY CITY ATTORNEY
July 19, 2019
Date Published

Housekeeping Ordinance -
Re: Annual Code Cleanup
STATE OF WASHINGTON, COUNTY OF KING }  
AFFIDAVIT OF PUBLICATION  
PUBLIC NOTICE  
Polly Shepherd, being first duly sworn on oath that she is the Publisher of the  

Kent Reporter  
a weekly newspaper, which newspaper is a legal newspaper of general circulation and is now and has been for more than six months prior to the date of publication hereinafter referred to, published in the English language continuously as a weekly newspaper in King County, Washington. The Kent Reporter has been approved as a Legal Newspaper by order of the Superior Court of the State of Washington for King County. The notice in the exact form annexed was published in regular issues of the Kent Reporter (and not in supplement form) which was regularly distributed to its subscribers during the below stated period. The annexed notice, a:  

Public Notice  
was published on July 19th, 2019. The full amount of the fee charged for said foregoing publication is the sum of $114.81.  

Polly Shepherd  
Publisher, Kent Reporter  
Subscribed and sworn to me this 19th day of July, 2019.  

Gale Gwin, Notary Public for the State of Washington, Residing in Covington, Washington