

Ordinance No. 3720

(Amending or Repealing Ordinances)

CFN=0131-Zoning Codes
Passed – 11/2/2004
Notification Agricultural Resource Lands
Adding Sec. 12.01.125

Amended by Ord. 4044

ORDINANCE NO. 3720

AN ORDINANCE of the City Council of the City of Kent, Washington, adding section 12.01.125, entitled "Notification of proximity to Agricultural Resource Lands," to the Kent City Code (KCC) to provide for a notification process of potential commercial agricultural activities as required by the Growth Management Act (GMA).

RECITALS

A. Per RCW 36.70A.130(4), the Growth Management Act (GMA) requires the City of Kent to review and revise its Comprehensive Plan and development regulations by December 1, 2004, to ensure that the Comprehensive Plan and the development regulations are in compliance with the requirements of the GMA. This amendment to the City's development regulations is adopted in accord with that GMA requirement.

B. RCW 36.70A.060(1) and Policy LU-30.1 in the 2004 Comprehensive Plan Update require a notification process for properties located within 500 hundred feet (500') of real property with the land use designation "Agricultural Resource Land." These owners must be notified of the potential for commercial agricultural

activities that are not compatible with residential development for certain periods of limited duration.

C. On March 1, 2004, the City of Kent issued an Addendum to the Environmental Impact Statement that was prepared for the Kent Comprehensive Plan (the "SEPA Addendum"). This SEPA Addendum analyzed the potential impact of various amendments made pursuant to RCW 36.70A.130(4) (#ENV-93-51).

D. On August 25, 2004, the City provided the required sixty (60) day notification under RCW 36.70A.106 to the state of Washington of the City's proposed development regulations amendment. This sixty (60) day period has since expired.

E. The City's Land Use and Planning Board held a workshop on this issue on August 9, 2004, and a public hearing on September 27, 2004. The Council's Planning and Economic Development Committee addressed the issue at its meeting on October 18, 2004.

F. On November 2, 2004, the City Council voted to amend chapter 12.01 "*Administration of Development Regulations*" to include a "Notification of proximity to Agricultural Resource Lanes" process as required by the GMA.

ORDINANCE

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

SECTION 1. – *Amendment.* Chapter 12.01 of the Kent City Code is amended to include section 12.01.125, entitled "Notification of proximity to Agricultural Resource Lands," as follows:

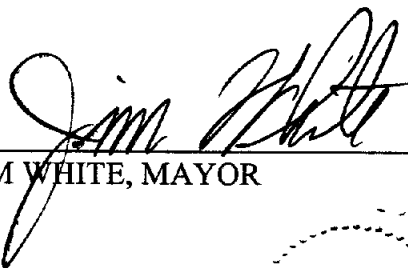
Sec. 12.01.125. Notification of proximity to agricultural resource lands.

Project permit applicants for all plats, short plats, development permits, and substantial building permits for development activities within 500 hundred feet of land designated as agricultural resource lands within the City of Kent, or the comparable land use designation within unincorporated King County, shall be informed by the city of the proximity to agricultural resource lands on which commercial agricultural activities may occur that are not compatible with residential development for certain periods of limited duration.

SECTION 2. – Savings. The existing chapter 12.01 of the Kent City Code, which is amended by this ordinance, shall remain in full force and effect until the effective date of this ordinance.

SECTION 3. – Severability. If any one or more section, subsections, or sentences of this ordinance are held to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portions 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 passage as provided by law.

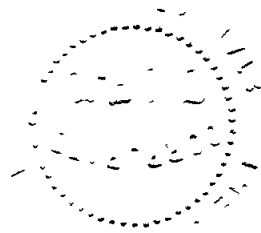


JIM WHITE, MAYOR

ATTEST:



BRENDA JACOB, CITY CLERK



APPROVED AS TO FORM:

Tom Brubaker
TOM BRUBAKER, CITY ATTORNEY

PASSED: 2 day of November, 2004.

APPROVED: 2 day of November, 2004.

PUBLISHED: 6 day of November, 2004.

I hereby certify that this is a true copy of Ordinance No. 3720
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 (SEAL)
BRENDA JACOBER, CITY CLERK

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