

ORDINANCE NO. 4508

AN ORDINANCE of the City Council of the City of Kent, Washington, amending Chapters 11.03 and 15.04 of the Kent City Code to adopt development review exemptions under the State Environmental Policy Act (SEPA) to streamline the review process for infill development in furtherance of the goals and policies of the Comprehensive Plan, and to adopt non-substantive amendments to reorganize existing code provisions into a more appropriate chapter in the Kent City Code.

RECITALS

A. The Washington State Environmental Policy Act (SEPA), Chapter 43.21C RCW, sets forth environmental policy for Washington State and requires that the likely impacts associated with governmental decisions be analyzed and, where appropriate, mitigated. SEPA applies to state agencies, counties, and municipal and public corporations. Government decisions include issuing permits for development projects.

B. SEPA includes various categorical exemptions subject to the rules and limitations on categorical exemptions contained in WAC 197-11-305. The State amended SEPA during the 2023 Legislative Session to add new categorical exemptions (RCW 43.21C.229), and thresholds for minor new construction were also recently updated (WAC 197-11-800), both of which were done in an effort to help encourage infill development. The new

categorical exemption to support infill development is an option available to the City; it is not a requirement.

C. The Washington State Growth Management Act (GMA), Chapter 36.70A RCW, requires state and local governments to manage Washington's growth by designating urban growth areas to accommodate development in urban areas and reduce sprawl and inappropriate conversion of undeveloped land. The City of Kent is within a designated urban growth area and has adopted a Comprehensive Plan to accommodate growth pursuant to RCW 36.70A.140. The City has also adopted a Shoreline Management Program, Critical Areas Ordinance, subarea plans, other development regulations, and applicable state and federal regulations to implement the Comprehensive Plan, SEPA, and GMA. Collectively, these provisions adequately address the environmental analysis, protection, and mitigation for impacts to elements of the environment for the development activity exempted by the new infill exemption.

D. Through this ordinance, the City of Kent adopts the "infill and housing development categorical exemption" pursuant to RCW 43.21C.229 to encourage infill and housing development in furtherance of the goals and policies of its Comprehensive Plan, and revises the exemption applicable to minor new construction that is not otherwise covered by the new infill exemption. This ordinance also repeals existing code provisions, including the City's Planned Action Ordinance, that would otherwise conflict with these new exemptions and codifies elsewhere in the code those nonconflicting provisions of the Planned Action Ordinance that must remain in effect and relate to protection of archaeological sites and artifacts during development. Finally, this ordinance relocates the requirements of onsite recreation and noise mitigation measures for downtown development from the environmental policy chapter of the Kent City Code in KCC 11.03.215, to development standard conditions in KCC 15.04.190 and KCC 15.04.195. This is not a substantive change in requirements, but is instead intended to

improve clarity and implementation since these are development standards required by the City of Kent for downtown development, are not directly tied to SEPA, and are more appropriately organized under Ch. 15.04 KCC instead of KCC 11.03.215.

E. The City of Kent released a Draft Environmental Impact Statement (Draft EIS) on June 14, 2024, which considered the proposed use or density and intensity of use and analyzed multimodal transportation impacts, including impacts to neighboring jurisdictions, transit facilities, and the state transportation system. The Draft EIS included documentation that the requirements for environmental analysis, protection, and mitigation for impacts to elements of the environment have been adequately addressed for future infill development to be exempt from further SEPA analysis. The public comment period was from June 14, 2024 through July 15, 2024.

F. On October 11, 2024, the City provided a minimum of 60 days' notice through a Notice of Intent to adopt "SEPA Exemptions." It was submitted to the Washington State Department of Commerce as well as affected tribes, relevant state agencies, other jurisdictions that may be impacted, and the public. An acknowledgement letter of receipt was sent by the Washington State Department of Commerce on October 14, 2024.

G. On November 8, 2024, the City of Kent issued the Final Environmental Impact Statement (Final EIS) for the 2044 Kent Comprehensive Plan Update, which details probable environmental impacts and mitigation measures for the Comprehensive Plan's Preferred Growth Alternative.

H. The City of Kent received a comment letter from WSDOT with requests for notification of development within one-half mile of the interchange of a state intersection. To achieve this goal, WSDOT's preference was for all development within one-half mile of a WSDOT state intersection to not be exempted. The City discussed these concerns with

WSDOT and resolved WSDOT's concerns by agreeing to send WSDOT Notice of Application materials for all projects subject to noticing requirements.

I. After appropriate public notice, the Land Use and Planning Board held a public hearing on November 12, 2024, and recommended the City Council adopt amendments to Chapters 11.03 and 15.04 of the Kent City Code to adopt categorical exemptions to SEPA review and downtown development requirements as presented by staff. No public comments were received. A second public hearing was also held before the City Council on November 19, 2024. Again, no public comments were received.

J. Once this ordinance takes effect, City staff will consider each development proposal individually to ensure it complies with the requirements of SEPA and conforms to all applicable policies, plans, and regulations. The City will only exempt government action related to development that is consistent with all development regulations implementing the Comprehensive Plan, with the exception of any development regulation that is inconsistent with applicable provisions of Chapter 36.70A RCW. In alignment with RCW 43.21C.229, the City will not exempt government action related to development that is inconsistent with the Comprehensive Plan or that would clearly exceed the density or intensity of use called for in the Comprehensive Plan.

K. Having considered the record, the City Council has determined that the City has fulfilled the environmental analysis and notice requirements consistent with RCW 43.21C.229 and WAC 197-11-800, and it adopts this ordinance to amend the Kent City Code in order to establish in Kent new SEPA categorical exemptions. The City Council has also determined this action is consistent with and would not adversely affect the public health, safety, and general welfare of the residents of the City of Kent.

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

ORDINANCE

SECTION 1. - *Amendment – KCC 11.03.210.* Section 11.03.210 of the Kent City Code, entitled “Thresholds for categorical exemptions”, is amended as follows:

Sec. 11.03.210. Thresholds for categorical exemptions.

A. The city establishes that development proposed to fill in an urban growth area is exempt from the requirements of Ch. 46.21C RCW as provided for by this section and RCW 43.21C.299, if:

- 1. The development is either:
 - a. Residential development;
 - b. Mixed-Use development; or
 - c. Commercial (nonresidential) development up to 65,000 square feet, excluding retail development.

2. The development is within an area where current density and intensity is roughly equal to or lower than that called for in the goals and policies of the City’s Comprehensive plan.

B. The exemption provided for in subsection (A) of this section is available only if the proposed development is found to be consistent with the City’s Comprehensive Plan and all applicable development regulations, and the City determines any adverse environmental impact of the proposed development action is adequately addressed by existing development regulations, other local planning documents, or local, state, or federal law.

AC. The city establishes that the following exempt levels for below minor new construction, as authorized by ~~under~~ WAC 197-11-800(1)(c), is

categorically exempt from the threshold determination and EIS requirements of state law, subject to the rules and limitations on categorical exemptions contained in WAC 197-11-305, based on local conditions; ~~for development located outside of the residential mixed use and residential infill development boundaries depicted in KCC 11.03.215(A) and the Downtown Planned Action Area adopted by Ordinance No. 4096:~~

~~1. For single family residential dwelling units in WAC 197-11-800(1)(c): thirty (30) dwelling units or less.~~

~~2. For multifamily residential dwelling units in WAC 197-11-800(1)(c): sixty (60) dwelling units or less.~~

~~3. 1. For agricultural structures in WAC 197-11-800(1)(c): forty thousand (40,000) square feet or less.~~

~~4. 2. For office, school, commercial, recreational, service or storage buildings retail development in WAC 197-11-800(1)(c): buildings of thirty thousand (30,000) square feet or less and ninety (90) or fewer parking spaces.~~

~~5. 3. For fill or excavations in WAC 197-11-800(1)(c): one thousand (1,000) cubic yards or less.~~

~~B. Whenever the city establishes new exempt levels under this section, it shall provide the documentation and notification under WAC 197-11-800(1)(c).~~

~~C. For exempt projects, the city shall follow the cultural resource protection procedures of KCC 11.03.215(F) whether or not the proposal is considered an infill exemption.~~

D. If any of the following exceptions apply, then a development proposal is not exempt from SEPA under section (A) or (C) of this section, and SEPA review will be required:

1. The proposal includes other non-exempt activities (WAC 197-11-305(1)(b));

2. The proposal is undertaken wholly or partly on lands covered by water (WAC 197-11-800(1)(a)(i));

3. The proposal requires a non-exempt National Pollutant Discharge Elimination System (NPDES) permit, including construction stormwater general permits for sites of five (5) acres and above (WAC 197-11-800(1)(a)(ii));

4. The proposal requires a non-exempt license governing emissions to air (WAC 197-11-800(1)(a)(iii));

5. The proposal requires a land use decision that is not exempt under WAC 197-11-800(6) (WAC 197-11-800(1)(a)(iv));

6. The proposal includes demolition of structures or facilities with recognized historical significance such as a listing in a historic register (WAC 197-11-800(2)(g)); or

7. The proposal requires a Class IV forest practices approval (RCW 43.21C.037).

E. For exempt projects, the city shall follow the following cultural resource protection procedures:

1. In the event that a proposed development is proposed on or immediately surrounding a site containing an archaeological resource, as defined in Chapter 27.53 RCW, the potential impacts on the archaeological resource shall be considered and, if needed, a study conducted by a professional archaeologist shall be required to be conducted at the applicant's expense to determine whether the proposed development project would materially impact the archaeological resource.

2. If the impacts on archaeological resources cannot be avoided, the city shall require that an applicant obtain all appropriate permits consistent with state and federal laws and that any required archaeological

studies are completed before permitting any project that would disturb archaeological resource(s). Under Chapter 27.53 RCW, a permit must be obtained from the state Department of Archaeology and Historic Preservation (DAHP) prior to disturbing a known archaeological resource or site. The avoidance of archaeological resources through selection of project alternatives and changes in design of project features in the specific area of the affected resource(s) would eliminate the need for measuring or mitigating impacts.

3. Developers and property owners shall immediately stop work and notify the city, DAHP, and affected tribes if archaeological resources are uncovered during excavation. Following such notification, the city may require implementation of subsections (E)(1) and (E)(2) of this section.

4. If impacts cannot be avoided on a historic resource that is determined eligible for listing on either state or national historic registers, the applicant shall consult with DAHP regarding mitigation options and shall provide documentation of consultation to the city.

5. To include DAHP in the review of historic properties that may be exempt, the city will notify the State Historic Preservation Officer (SHPO) regarding proposals involving eligible or designated historic properties through the evaluation of proposals consistent with Chapter 12.01 KCC.

SECTION 2. – Amendment – KCC 11.03.215. Section 11.03.215 of the Kent City Code, entitled “Categorical exemptions for residential mixed use and residential infill development” is hereby repealed in its entirety.

SECTION 3. – Amendment – KCC 11.03.220. Section 11.03.220 of the Kent City Code, entitled “Use of exemptions”, is amended as follows:

Sec. 11.03.220. Use of exemptions.

A. Each department within the city that receives an application for a license or, in the case of governmental proposals, the department initiating the proposal, shall determine whether the license and/or the proposal is exempt. The department's determination that a proposal is exempt shall be final and not subject to administrative review. If a proposal is exempt, none of the procedural requirements of this chapter apply to the proposal. The city shall not require completion of an environmental checklist for an exempt proposal.

B. In determining whether or not a proposal is exempt, the department shall make certain the proposal is properly defined and shall identify the governmental licenses required (WAC 197-11-060). If a proposal includes exempt and nonexempt actions, the department shall determine the lead agency, even if the license application that triggers the department's consideration is exempt.

C. If a proposal includes both exempt and nonexempt actions, the city may authorize exempt actions prior to compliance with the procedural requirements of this chapter, except that:

1. The city shall not give authorization for:

a. Any nonexempt action;

b. Any action that would have an adverse environmental impact; or

c. Any action that would limit the choice of reasonable alternatives.

2. A department may withhold approval of an exempt action that would lead to modification of the physical environment, when such modification would serve no purpose if nonexempt actions were not approved; and

3. A department may withhold approval of exempt actions that would lead to substantial financial expenditures by a private applicant when the expenditures would serve no purpose if nonexempt actions were not approved.

~~D. The city may authorize a categorical exemption for residential mixed use, non-retail commercial space, and residential infill development for specifically designated portions of the Downtown Subarea Action Plan area pursuant to KCC 11.03.215.~~

SECTION 4. - *Amendment - KCC 15.04.190.* Section 15.04.190 of the Kent City Code, entitled "Commercial and industrial zone development standards", is amended as follows:

Sec. 15.04.190. Commercial and industrial zone development standards.

	Zoning Districts												
	NCC	CC	DC	DCE	MTC-1	MTC-2	MCR	CM	GC	I1	I2	I3	AG
Minimum lot area: square feet or acres, as noted	10,000 sq ft	10,000 sq ft	5,000 sq ft (1) (66)	5,000 sq ft (66)	7,500 sq ft	7,500 sq ft	7,500 sq ft	10,000 sq ft	10,000 sq ft (66)	10,000 sq ft	15,000 sq ft	15,000 sq ft	1 acre
Maximum site coverage: percent of site	40%	40%	100%	100%	80%	100%	80%	50%	40%	60%	65%	75%	60%
Minimum yard requirements: feet													
Front yard	10 ft	15 ft	(2)	(3)	20 ft	(68)	20 ft	15 ft	20 ft	15 ft	15 ft	25 ft	(5)
Side yard	(8)	(9)	(2)	(3)	(68) (10)	(68) (10)	(68) (10)	(10)	(10)	10 ft	10 ft	15 ft	(12)

	Zoning Districts												
	NCC	CC	DC	DCE	MTC-1	MTC-2	MCR	CM	GC	I1	I2	I3	AG
Side yard on flanking street of corner lot										15 ft	15 ft	20 ft	
Rear yard	(8)	20 ft	(2)	(3)	(68) (19)	(68) (19)	(68) (19)	(19)	(19) (2)	(20)	(20) (21)	(20) (21)	(20) (21)
Yards, transitional conditions										(24)	(24)	(24)	(24)
Additional setbacks										(29)	(29)	(29)	(29)
Height limitation: in stories/not to exceed in feet	2 stry/ 35 ft	3 stry/ 40 ft (30)	4 stry/ 60 ft	(32)	7 stry/65 ft (69) (70)	16 stry/200 ft (70)	16 stry/200 ft (70)	2 stry/ 35 ft (30)	2 stry/ 35 ft (30)	8 stry/ 85 ft	8 stry/ 85 ft	8 stry/ 85 ft	2 stry/ 35 ft (35)
Landscaping	The landscaping requirements of Chapter 15.07 KCC shall apply.												
										(52)			(52)

	Zoning Districts												
	NCC	CC	DC	DCE	MTC-1	MTC-2	MCR	CM	GC	I1	I2	I3	AG
Outdoor storage	(39)	(39)						(40) (41)	(40)	15% of site area (43) (44)	30% of site area (43) (44)	50% of site area (43) (45)	(43)
Signs	The sign regulations of Chapter 15.06 KCC shall apply.												
Vehicle drive-through, drive-in, and service bays	(46)	(46)		(46)	(46)		(46)	(46)	(46)	(46)	(46)	(46)	
Loading areas										(47) (48)	(47) (48)	(47) (48)	(47)
Off-street parking	The off-street parking requirements of Chapter 15.05 KCC shall apply.												
	(57)	(57)						(57)	(57)	(57)	(57)	(57)	(57)

	Zoning Districts												AG
	NCC	CC	DC	DCE	MTC-1	MTC-2	MCR	CM	GC	I1	I2	I3	
Design review		(4)(11) (15)	(31)	(31)	(71)	(71)	(71)	(4)(72)	(4)(11) (15) (72)	(73)	(73)	(73)	
Additional standards	(50) (56) (62) (63) (64) (65)	(50) (56)	(5) (6) (50) (56)	(5) (6) (50) (56) (67)	(50) (56)	(50) (56)	(50) (56)	(50) (56)	(50) (56)	(50) (54) (55) (56) (59) (63) (16)	(50) (54) (55) (56) (59) (63)	(50) (54) (55) (56) (59) (63)	(50) (53) (54) (55) (56) (59)

SECTION 5. – *Amendment – KCC 15.04.195.* Section 15.04.195 of the Kent City Code, entitled “Commercial and industrial land use development standard conditions”, is amended as follows:

Sec. 15.04.195. Commercial and industrial land use development standard conditions.

1. Minimum lot of record or 5,000 square feet, whichever is less.

2. None, except as required by landscaping, or if off-street parking is provided onsite. See the downtown design review criteria outlined in KCC 15.09.046.

3. No minimum setback is required. If a rear and/or side yard abuts a residential district, a 20-foot setback may be required for any yard abutting a residential district. See the downtown design review criteria outlined in KCC 15.09.046.

4. Independent senior living facilities, assisted living facilities, and residential facilities with health care are subject to the requirements of KCC 15.09.045(D) for multifamily design review, unless they are located within downtown or along Meeker Street from 64th Avenue South to Kent-Des Moines Road, where they are subject to downtown design review pursuant to KCC 15.09.046.

5. ~~{Reserved}~~. The following private onsite recreation and open space requirements shall apply:

a. Each proposal shall provide private onsite recreation and open space for leisure, play, and sport activities at a ratio of two hundred (200) square feet per dwelling unit.

b. Each residential or mixed-use development is required to provide the private onsite recreation and open space in one (1) or more of the following arrangements:

i. An individual balcony or screened patio for each unit.

ii. Small, shared courtyards and a furnished children's play area.

iii. Roof-top open space – roof garden or game court.

c. The private onsite recreation and open space proposed by the applicant shall be approved by the planning director.

6. ~~[Reserved]~~. Development shall comply with Ch. 8.05 KCC and the following noise mitigation measures:

a. To address traffic and transit noise, the city may, at its discretion, require new residential development to install triple-pane glass windows or other building insulation measures using its authority under the Washington State Energy Code (KCC 14.01.010).

7. [Reserved].

8. No side or rear yard is required, except when abutting a district other than NCC, in which case the yard shall be not less than five feet in width; provided, however, that if the abutting district or use is residential, then the yard shall be 10 feet in width and fully landscaped.

9. No side yard is required, except when abutting a more restrictive district, in which case the side yard shall be not less than 20 feet in width.

10. No side yard is required, except when abutting a residential district, in which case the side yard shall be not less than 20 feet in width.

11. All projects along Meeker Street from 64th Avenue South to Kent-Des Moines Road are subject to KCC 15.09.046 for downtown design review.

12. [Reserved].

13. [Reserved].

14. [Reserved].

15. Design review for mixed use development is required as provided for in KCC 15.09.045(F); see KCC 15.04.200 for mixed use development standards.

16. In the I1 zoning district only, the following dock-high door to building footprint square footage ratios shall apply, and shall be cumulative such that first tier applies to the first 30,000 square feet of larger buildings, the second tier applies to the square footage above 30,000 square feet and below 100,000 square feet, and so on. Square footage refers to the building footprint; each building shall be allotted a number of doors available based on size of building and presence of enhanced options within the project. Enhanced options are described in the industrial design guidelines adopted in KCC 15.09.047. Allotted doors may be reapportioned amongst any building within the project after the total project allotment has been determined. Decimals shall be rounded up.

Building Footprint Square Footage Tier		Possible Building Footprint Square Footage Available	Number of Enhanced Options in Project	Applicable Ratio	Total Doors Available per Tier
1	0 – 30,000 sf	Up to 30,000 sf	Any	1:3,000 sf	Up to 10
2	30,000 sf to 100,000 sf	Up to 70,000 sf	0	1:15,000 sf	Up to 5
			1	1:10,000 sf	Up to 7
			2 or more	1:7,500 sf	Up to 9
3	100,000 sf to 200,000 sf	Up to 100,000 sf	0 or 1	1:20,000 sf	Up to 5
			2	1:15,000 sf	Up to 7
			3 or more	1:10,000 sf	Up to 10
4	200,000 sf or more	No cap	0 or 1	1:30,000 sf	No cap
			2	1:20,000 sf	
			3	1:15,000 sf	
			4 or more	1:10,000 sf	

17. [Reserved].

18. [Reserved].

19. No rear yard is required, except when abutting a residential district, in which case the rear yard shall be not less than 20 feet in width.

20. No rear yard is required, except as may be required by other setback provisions of this section.

21. No rear yard is required, except as may be required by transitional conditions.

22. [Reserved].

23. [Reserved].

24. Transitional conditions shall exist when an AG, I1 or I3 district adjoins a residential district containing a density of two dwelling units or more per acre or a proposed residential area indicated on the city comprehensive plan. Such transitional conditions shall not exist where the separation includes an intervening use such as a river, freeway, railway main line, major topographic differential, or other similar conditions, or where the industrial properties face on a limited access surface street on which the housing does not face. When transitional conditions exist as defined in this subsection, a yard of not less than 50 feet shall be provided between the uses.

25. [Reserved].

26. [Reserved].

27. [Reserved].

28. [Reserved].

29. Development abutting the Green River, or Russell Road or Frager Road where such roads follow the river bank, shall be set back from the ordinary high-water mark of the river a minimum of 200 feet. Such setbacks are in accordance with the state Shoreline Management Act of 1971, and shall be no more or less restrictive than the Shoreline Management Act.

30. The economic and community development director shall be authorized to grant one additional story in height, if during development

plan review it is found that this additional story would not detract from the continuity of the area. More than one additional story may be granted by the land use and planning board.

31. The downtown design review requirements of KCC 15.09.046 shall apply.

32. No maximum height limit is required, except for parcels located within a downtown commercial enterprise – transitional overlay (DCE-T), where the height limit is 35 feet. See also the downtown design review criteria outlined in KCC 15.09.046.

33. [Reserved].

34. [Reserved].

35. Beyond this height, to a height not greater than either four stories or 60 feet, there shall be added one additional foot of yard for each one foot of additional building height. The economic and community development director shall be authorized to approve one additional story, provided such height does not detract from the continuity of the area, and may impose such conditions as may be necessary to reduce any incompatibility with surrounding uses. Any additional height increase may be granted by the land use and planning board.

36. [Reserved].

37. [Reserved].

38. [Reserved].

39. Outdoor storage areas are prohibited.

40. Outdoor storage areas shall be fenced for security and public safety by a sight-obscuring fence unless it is determined through the development plan review that a sight-obscuring fence is not necessary.

41. Any unfenced outdoor storage areas shall be paved with asphaltic concrete, cement, or equivalent material to be approved by the city engineer.

42. [Reserved].

43. Outside storage or operations yards in the I1, I2 and I3 districts shall be permitted only as accessory uses. Such uses are incidental and subordinate to the principal use of the property or structure. Outdoor storage is limited to 15 percent of the total site area in the I1 district, 30 percent of the total site area in the I2 district, and 50 percent of the total site area in the I3 district.

44. Outside storage or operations yards shall be confined to the area to the rear of a line which is an extension of the front wall of the principal building, and shall be reasonably screened from view from any street by appropriate walls, fencing, earth mounds, or landscaping.

45. Outside storage or operations areas shall be fenced for security and public safety at the property line.

46. Wherever feasible, drive-up/drive-through facilities shall be accessed from the rear of a site and run along an interior lot line or building elevation. Landscaping, sufficient to soften the visual impact of vehicle stacking areas, may be required.

47. Truck courts and loading areas must be located in such a manner that no loading, unloading, or maneuvering of trucks associated therewith takes place on public rights-of-way.

48. Earth berms and landscaping shall be provided along street frontages as necessary to screen dock-high loading areas from public rights-of-way. Berms shall be a minimum of 36 inches and a maximum of 42 inches in height. Landscaping located on the berm shall conform to Type III landscaping as described in KCC 15.07.050.

49. [Reserved].

50. Development plan approval is required as provided in KCC 15.09.010.

51. [Reserved].

52. Where building walls face adjacent streets and are unfenestrated for more than 40 feet at any point along the facade, additional

landscaping shall be required to reduce visual impacts. In such circumstances, Type II landscaping, as defined in KCC 15.07.050, shall be required; provided, that evergreen trees shall be at least 10 feet in height and deciduous trees shall be a minimum of two-inch caliper at the time of planting.

53. [Reserved].

54. Multitenant buildings shall be permitted.

55. All required yards, parking areas, storage areas, operations yards, and other open uses on the site shall be maintained in a neat and orderly manner appropriate for the district at all times. The economic and community development director shall be authorized to reasonably pursue the enforcement of this subsection where a use is in violation, and to notify the owner or operator of the use in writing of such noncompliance. The property owner or operator of the use shall be given a reasonable length of time to correct the condition.

56. The performance standards as provided in KCC 15.08.050 shall apply.

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

58. [Reserved].

59. Development within 500 feet of a regional trail is subject to the following regional trail corridor development standards:

a. Regional trails for the purposes of this section shall include scenic and recreational roads and the Green River Trail, Interurban Trail, and Puget Power Trail.

b. Regional trail access. No building or lot shall be constructed or created within 500 feet of a regional trail without providing public access to the regional trail via public sidewalks or a trail system dedicated for public use by a public access easement. Such sidewalks or

private trail systems shall connect to regional trails at intervals of 500 feet or less, and shall be accomplished with minimal street crossings.

c. All public access easements shall be no less than 20 feet wide.

d. All public access points shall have standard city of Kent signage indicating trail access.

e. No street connections to scenic and recreational roads shall be permitted unless no other vehicle access is practical.

f. Additional requirements for buildings in Regional Trail Corridors with footprint areas greater than 75,000 square feet are included in KCC 15.09.047, Industrial design review.

60. [Reserved].

61. [Reserved].

62. Parking should be located either next to or behind the building. Parking should not be placed between the street and the building.

63. A direct pedestrian connection shall be provided from the street to the building at intervals of no more than 500 feet. If the property abuts a public park or trail a direct pedestrian connection shall be provided from the park or trail to the building.

64. Screening by either an enclosure and/or evergreen landscaping shall be provided for mechanical equipment, service doors, and garbage areas. Rooftop equipment shall be enclosed with a parapet or similar design feature.

65. Structures shall be designed to maintain the residential character of the surrounding neighborhood. Modulating the building mass, adding dormer windows, covered entryways, or porches are ways to enhance the human scale and provide a residential dimension to structures.

66. Minimum lot area requirements do not apply to multifamily development in the Kent downtown planning area identified in KCC 15.09.046.

67. Within the downtown commercial enterprise-transitional overlay (DCE-T), downtown design review guidelines regarding balconies and/or upper floor setbacks (sections III.B and III.C) are required elements, not optional elements.

68. No yard, except as required by landscaping, or if surface parking is provided onsite. See the Midway Design Guidelines and KCC 15.09.045.

69. The height limitation of new construction in MTC-1 zoning district abutting a residential district shall be 35 feet in height within 20 feet from the residential district and 45 feet in height within 40 feet from the residential district.

70. New construction shall conform to applicable Federal Aviation Administration regulations, including 14 C.F.R. Part 77, as presently constituted or as may be subsequently amended.

71. The transit-oriented community design review requirements of KCC 15.09.045(G) shall apply.

72. Transitional housing with three or more families outside of downtown is subject to multifamily design review as provided in KCC 15.09.045(D).

73. Development in the I1, I2, and I3 districts shall be subject to KCC 15.09.047, Industrial design review.

SECTION 6. – *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 7. – *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 8. - Effective Date. This ordinance shall take effect and be in force thirty days from the time of final passage, as provided by law.



DANA RALPH, MAYOR

December 10, 2024
Date Approved

ATTEST:




KIMBERLEY A. KOMOTO, CITY CLERK

December 10, 2024
Date Adopted

December 13, 2024
Date Published

APPROVED AS TO FORM:



TAMMY WHITE, CITY ATTORNEY



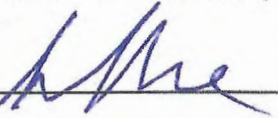
Kent Reporter

Affidavit of Publication

State of Washington }
County of King } ss

Amanda Kahlke being first duly sworn, upon oath deposes and says: that he/she is the legal representative of the Kent Reporter a weekly newspaper. The said newspaper is a legal newspaper by order of the superior court in the county in which it is published and is now and has been for more than six months prior to the date of the first publication of the Notice hereinafter referred to, published in the English language continually as a weekly newspaper in King County, Washington and is and always has been printed in whole or part in the Kent Reporter and is of general circulation in said County, and is a legal newspaper, in accordance with the Chapter 99 of the Laws of 1921, as amended by Chapter 213, Laws of 1941, and approved as a legal newspaper by order of the Superior Court of King County, State of Washington, by order dated June 16, 1941, and that the annexed is a true copy of KEN1003206 PH COMP PLN as it was published in the regular and entire issue of said paper and not as a supplement form thereof for a period of 1 issue(s), such publication commencing on 11/08/2024 and ending on 11/08/2024 and that said newspaper was regularly distributed to its subscribers during all of said period.

The amount of the fee for such publication is \$126.91.



Subscribed and sworn before me on this
8 day of November
2024



Notary Public in and for the State of
Washington.

City of Kent, City Clerk - LEGAL ADS 1 50431432
KIM KOMOTO

