



ECONOMIC & COMMUNITY DEVELOPMENT

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ENVIRONMENTAL REVIEW REPORT

Decision Document

URBAN SEPARATORS

ENV-2018-5, KIVA #RPSA-2182087

ZCA-2016-2, KIVA #RPP6-2160444

Erin George, AICP Responsible Official

I. PROPOSAL

The City of Kent has initiated a non-project environmental review for a proposal to:

a) amend the land use plan map designation for 8 parcels at the northeast corner of the intersection of SE 200th Street and 108th Ave. SE from "Urban Separator" to "SF-6", and amend the zoning designation for these 8 parcels from SR-1 to SR-6; and

b) amend sections 12.04.263 Clustering in urban separators; 15.04.020 Residential land uses; and 15.04.030 Residential land use and development conditions; and add section 15.02.114.1 Duplex with ownership interest; pertaining to permitted uses, subdivision requirements, and development standards in urban separators and the SR-1 zoning district. The proposed amendments better align Kent's cluster subdivision requirements with those of neighboring jurisdictions, allow 25% of new housing units to be duplex and townhouse, and require critical areas in cluster subdivisions to be permanently reserved in open space tracts.

II. BACKGROUND INFORMATION

Kent's comprehensive plan and King County Countywide Planning Policies designate certain areas in the city as Urban Separators. These areas are intended to create visual definition within and between urban areas, buffer rural or resource lands, preserve open space and opportunities for recreation, and connect wildlife and critical area corridors. This designation effectively limits development on these parcels to one residential unit per acre, as all Urban Separators are zoned SR-1, the lowest density allowed under Kent's zoning code. Subdivisions in urban separators must be "clustered"; among other requirements, this means that 50% of the unconstrained portion of the parcel must be set aside as permanent open space.

City council directed staff to comprehensively review the urban separator designation and evaluate its continued relevance in Kent. The alternatives

presented by staff are informed by comments received during one-on-one interviews, two public open houses, and a public hearing, as well as the results from an online public survey. The alternatives include a) amendments to the land use plan map and zoning designations for the westernmost portion of the Panther Lake urban separator, and 2) amendments to the use tables and clustering requirements for urban separators and SR-1 zoning district. These alternatives may be adopted independently or jointly.

Compliance with Kent's Comprehensive Plan (Ordinance 4163), the Washington State Growth Management Act (GMA), The Local Project Review Act (ESHB 1724 and ESB 6094), Kent's Construction Standards (Ordinance 3944) and Concurrency Management (Chapter 12.11, Kent City Code) will require concurrent improvements or the execution of binding agreements by the Applicant/Owner with Kent to mitigate identified environmental impacts. These improvements and/or agreements may include improvements to roadways, intersections and intersection traffic signals, stormwater detention, treatment and conveyance, utilities, sanitary sewerage and domestic water systems. Compliance with Kent's Construction Standards may require the deeding/dedication of right-of-way for identified improvements. Compliance with Title 11.03 and 11.06 of the Kent City Code may require the conveyance of Sensitive Area Tracts to the City of Kent in order to preserve trees, regulate the location and density of development based upon known physical constraints such as steep and/or unstable slopes or proximity to lakes, or to maintain or enhance water quality. Compliance with the provisions of Chapter 6.12 of the Kent City Code may require provisions for mass transit adjacent to the site.

In addition to the above, Kent follows revisions to the Washington State Environmental Policy Act, Chapter 197-11 WAC (effective July 3, 2016), which implements ESHB 1724 and ESB 6094, and rules which took effect on May 10, 2014 in response to 2ESSB 6406 passed by the State Legislature in 2012.

III. ENVIRONMENTAL ELEMENTS

A. Earth

The proposal impacts lands which have documented slopes of greater than 75%. There are many areas in Kent's urban separators which contain identified erodible soils and landslide hazard areas. Erosion could occur as a consequence of new construction in urban separator areas, although no development is proposed at this time. Erosion risk will depend on the exact location and character of future development. All future development will be subject to Kent's Critical Areas Ordinance (KCC 11.06), Surface Water and Drainage Code (KCC 7.07), and Landscaping Regulations (KCC 15.07), which establish requirements and procedures for minimizing erosion impacts.

B. Air

The proposed amendments could result in additional development beyond what is currently achievable in urban separator areas due to

changes to cluster subdivision regulations. This could result in impacts typical of residential subdivision development, including emissions from construction equipment, and additional emissions from private automobiles from new residents. These impacts would be minimal for the proposal retaining the SR-1 zoning designation, as net density would remain at 1 dwelling unit per acre.

The proposed amendments (Alternative A) to the land use plan map and zoning district designations for 8 parcels in the Panther Lake urban separator (Urban Separator to SF-6, and SR-1 to SR-6) could result in greater automobile emissions impacts, as this proposal increases the allowed density on these parcels. Emissions mitigation measures should be developed specific to individual development proposals, consistent with Washington's Air Quality Law.

C. **Water**

Surface waters are present in many locations throughout Kent's urban separator lands. These water bodies include, but are not limited to, the Green River, Panther Lake, Soos Creek, Garrison Creek, Soosette Creek, Johnson Creek, and McSorely Creek. Many other unnamed streams and wetlands exist within Kent's urban separators. Portions of Kent's urban separator lands are within the FEMA-identified 100-year floodplain. All future development in urban separators is subject to the requirements of Kent's Surface Water and Drainage Code (KCC 7.07).

D. **Plants and Animals**

According to Washington Department of Fish and Wildlife Priority Habitat and Species map, streams in Kent's urban separator lands are habitat or breeding grounds for endangered fish species including pink salmon (during odd-numbered years), coho salmon, steelhead, Chinook salmon, bull trout, and resident coastal cutthroat trout. Inventoried bald eagle nests are also present in some locations.

New development facilitated by this proposal may contribute to the overall pattern of habitat fragmentation and encroachment; however, clustering requirements in urban separators require open space corridors to remain in place in such a way that connects wildlife habitat areas. Any future development resulting from this proposal will be subject to the requirements in Kent's Critical Areas Ordinance (KCC 11.06), which establishes standards for avoiding, minimizing, and mitigating impacts to wildlife habitat areas.

E. **Energy and Natural Resources**

New development facilitated by this proposal would require the connection of new residences to electrical, natural gas, and water resources. Per KCC 14.01.010, all new development in Kent is subject to the requirements of the International Energy Conservation Code, 2015 Edition.

F. Environmental Health

Many of Kent's urban separator lands contain inventoried critical areas and buffers. These include wetlands, steep slopes, landslide hazard areas, erodible soils, wildlife habitat areas, and seismic hazard areas. Any development resulting from this proposal will be subject to Kent's permitting process and reviewed for compliance with Kent's development regulations and consistency with existing plans.

G. Aesthetics, Noise, Light and Glare

Any new development resulting from this proposal would be single-family or duplex/townhome structures and would be subject to development standards and height maximums. It is likely to create noise, light, and glare typically associated with residential development and accompanying automobile traffic. In areas which were previously undeveloped, this could be perceived as a negative impact by neighbors. Residential areas in Kent are subject to the restrictions and maximum permissible environmental noise levels in the city's Noise Control Ordinance (KCC 8.05), and KCC 15.08 contains performance standards prohibiting land uses which cause objectionable conditions, including direct or sky-directed glare..

H. Land and Shoreline Use

This proposal would retain residential use designations for all urban separator areas; Alternative B would not amend land use or zoning district designations, while Alternative A would increase the allowed residential density from one unit per acre to six units per acre for eight parcels. Alternative A would result in a small segment of land which is zoned differently from adjacent areas, creating a "zoning island" effect. This is typically considered undesirable from a land use planning perspective.

Within Kent's urban separator shorelines, there are two types of shoreline designations as identified in Kent's Shoreline Master Program: "Urban Conservancy – Low Intensity" (UC-LI), and "Urban Conservancy – Open Space" (UC-OS). Shorelines include those along the Green River, Panther Lake, Big Soos Creek, and Springbrook Creek. New development would be required to comply with Kent's Shoreline Master Plan.

I. Housing

This proposal's impact on the number of new housing units available is expected to be modest. Its effect will likely be at the margins and would not be expected to result in a significant contribution of additional housing units. Based on existing development in urban separators, demolition of existing housing units is likely to be minimal and result in the loss of at most one single family home per new subdivision.

Existing housing in urban separator lands tends toward high-income housing, and new units will likely follow this pattern. However,

Alternative B provides for 25% of new lots/units in an SR-1 subdivision to be duplex or townhome units, which tends to be a more affordable housing type for middle income families.

J. **Recreation**

Soos Creek Park falls within Kent's urban separator lands, as do many informal recreation opportunities within privately owned lands. New subdivisions facilitated by this proposal may displace informal recreation opportunities on developable portions of privately owned land; however, existing cluster subdivision requirements contain provisions for an open space set-aside of 50% of the developable portion of the parent parcel, which could be used by new residents for recreation. The amendments contained in this proposal call for this 50% open space set-aside to come from the entire parcel, while preserving all critical areas and buffers as open space, which could also be used for recreation purposes.

K. **Historic and Cultural Preservation**

According to the State of Washington Information System for Architectural and Archaeological Records Data (WISAARD) database, there are no inventoried historic or cultural resources in urban separator lands.

Although this is a nonproject action, if archeological materials are discovered during work for any project action, the applicant must stop work and notify the State Department of Archaeology and Historical Preservation.

L. **Transportation**

The expected additional trips per day resulting from the code amendments in Alternative B would be expected to be minimal, as they do not increase the allowed net density beyond one unit per acre. Its effects on the number of housing units achieved will likely be at the margins and would not be expected to result in a significant contribution of additional housing units.

The total area included in Proposal A is approximately 4.3 acres and currently contains 8 single family homes. A zoning amendment changing these four acres from 1 du/acre to 6 du/acre would allow roughly (not accounting for site constraints or design considerations) a maximum additional 16 dwelling units for a total of 24 units (4 x 6 = 24). According to the 2012 ITE Trip Generation Manual, this would add approximately 1 new PM peak trip per unit, or 16 total new PM peak trips.

New subdivisions in urban separator lands facilitated by this proposal would likely require new internal roads, depending on the number and location of new lots relative to the existing road network.

M. **Public Services**

New development facilitated by this proposal may result in a minor increase in demand for public services, including fire protection, police, health care, and schools. The effects of Alternative B on the number of housing units achieved will likely be at the margins and would not be expected to result in a significant contribution of additional housing units. It would therefore have an insignificant impact on demand for public services.

The amendments proposed in Alternative A would increase the demand for public services to the extent additional housing units are added. Multiplying 16 new units by Kent's average household size (2.9 people), results in slightly more than 46 new people requiring access to public services in this 4.3-acre area.

N. Utilities

Most of Kent's urban separator lands are within water and sewer service areas and are served with public utilities, although there are some exceptions. Several properties in Kent's urban separators currently have no established connections to a water or sewer system. Some have difficult terrain, including steep slopes and landslide hazard areas, which would add to the difficulty and expense of connection to this infrastructure.

Other utilities, including electricity and natural gas, are available with established connections in many urban separator areas, while some would require new connections to be made for new development.

IV. SUMMARY AND RECOMMENDATION

A. It is appropriate per WAC 197-11-660 and RCW 43.21C.060 that the City of Kent establish conditions to mitigate any identified impacts associated with this proposal. Supporting documents for the following conditions and mitigating measures include:

1. City of Kent Comprehensive Plan as prepared and adopted pursuant to the State Growth Management Act;
2. The Shoreline Management Act (RCW 90.58) and the Kent Shoreline Master Program;
3. Kent City Code Section 7.07 Surface Water and Drainage Code;
4. City of Kent Transportation Master Plan, and current Six-Year Transportation Improvement Plan;
5. Kent City Code Section 7.09 Wastewater Facilities Master Plan;
6. City of Kent Comprehensive Water System Plan;
7. Kent City Code Section 6.02 Required Infrastructure Improvements;
8. Kent City Code Section 6.07 Street Use Permits;
9. Kent City Code Section 14.09 Flood Hazard Regulations;
10. Kent City Code Section 12.04 Subdivisions, Binding Site Plans, and Lot Line Adjustments;

11. Kent City Code Section 12.05 Mobile Home Parks and 12.06 Recreation Vehicle Park;
 12. Kent City Code Section 8.05 Noise Control;
 13. City of Kent International Building and Fire Codes;
 14. Kent City Code Title 15, Zoning;
 15. Kent City Code Section 7.13 Water Shortage Emergency Regulations and Water Conservation Ordinance 2227;
 16. Kent City Code Sections 6.03 Improvement Plan Approval and Inspection Fees;
 17. Kent City Code Section 7.05 Storm and Surface Water Utility;
 18. City of Kent Comprehensive Sewerage Plan;
 19. City of Kent Fire Department Regional Fire Authority Capital Facilities and Equipment Plan; and
 20. Kent City Code Chapter 11.06, Critical Areas.
 21. Department of Ecology Tacoma Smelter Plume Model Remedies Guidance (Publication Number 12-09-086-A)
- B. It is recommended that a Determination of Nonsignificance (DNS) be issued for this non-project action.

KENT PLANNING SERVICES