Ordinance No. 2469

["Beginning July 1, 1998"]

(Amending or Repealing Ordinances)

Sec. 15.09.055 Amended by Ord. 3409;
Secs. 15.09.050 & 15.09.055 Amended by Ord. 3424
Sec. 2.54.100 (Now 2.32.090) Amended by Ord. 3511
Sec. 2.32.090(B) Amended by Ord. 3560
ORDINANCE NO. 2233

AN ORDINANCE of the City of Kent, Washington relating to zoning of annexed areas; amending KCC 2.32.20 (Ordinance 1674) relating to the Planning Commission; amending KCC 2.54.40 (Ordinance 2233) relating to the Hearing Examiner; amending KCC 15.03.020 relating to official zoning map and KCC 15.09.050 relating to amending the zoning code; establishing a new Section 15.09.055 to provide for initial zoning of annexed areas.

THE CITY OF KENT DOES HEREBY ORDAIN AS FOLLOWS:

Section 1. KCC 2.32.20 is amended as follows:

2.32.20. DUTIES AND POWERS OF THE COMMISSION. The Commission shall conduct public hearings relating to the Comprehensive Plan and the implementation thereof (conduct public hearings on all rezone applications and all initial zoning for newly annexed territory to the City of Kent). The Commission shall review (all) proposed amendments to the Zoning (Ordinance) and Subdivision Ordinances which fall within the planning function, and other regulatory ordinances which designate the Commission as having responsibility for such ordinance.

The Commission shall be represented by the Planning Director or his designated representative on any Citizen Advisory Committee or body appointed by the City Council, the Commission or any officer of the City of Kent to investigate, analyze, review or make recommendations for plans for the physical, social and economic development of the City of Kent. The findings and recommendations of any such committee shall be reviewed by the Planning Director, presented to the Commission, and forwarded to the City Council with the Commission's comments and recommendations.

The Commission, through the Planning Director, shall act in an advisory capacity to the City Council on planning matters.

The Commission (shall) may present to the Planning Director proposed programs and recommendations for budgetary appropriations to be included in the following year's budget.
Section 2. KCC 2.54.40 is hereby amended as follows:

2.54.40.— DUTIES OF THE EXAMINER

(1) Applications. The Examiner shall receive and examine available information, conduct public hearings, prepare a record thereof, and enter findings of fact and conclusions based upon those facts, which conclusions shall represent the final action on the application, unless appealed, as hereinbelow specified, for the following types of applications:
(a) Conditional use permits;
(b) Shoreline permits;
(c) Sign variances.

The Examiner shall receive and examine available information, conduct public hearings, prepare a record thereof and enter findings of fact and conclusions based upon those facts, together with a recommendation to the City Council, for the following applications:
(a) Rezones;
(b) Preliminary plats;
(c) Planned unit developments;
(d) Special use combining districts, including mobile home park combining districts.
(e) Initial zoning designations for annexed areas or zoning designations for proposed annexations to become effective upon annexation.

The Examiner shall also conduct public hearings when required under the provisions of the State Environmental Policy Act; conduct public hearings relative to possible revocation of any conditional use permit; conduct such other hearings as the Council may from time to time deem appropriate.

(2) Recommendation or Decision.
(a) The Examiner's recommendation or decision may be to grant or deny the application, or the Examiner may recommend or require of the applicant such conditions, modifications and restrictions as the Examiner
finds necessary to make the application compatible with its environment and carry out the objectives and goals of the comprehensive plan, the zoning code, the subdivision code, and other codes and ordinances of the City. Conditions, modifications and restrictions which may be imposed are, but are not limited to, additional setbacks, screenings in the form of landscaping and fencing, covenants, easements and dedications of additional roads rights-of-way. Performance bonds may be re-required to insure compliance with conditions, modifications and restrictions.

(b) In regard to applications for rezones, preliminary and final plat approval, PUD's and special use combining districts the Examiner's findings and conclusions shall be submitted to the City Council, which shall have the final authority to act on such applications. The hearing by the Examiner shall constitute the hearing by the City Council.

Section 3. KCC 15.03.020 is hereby amended as follows:

15.03.020 OFFICIAL ZONING MAP

A. The designation, location and boundaries of the various districts are shown on the Official Zoning Map. Said Official Zoning Map is hereby adopted and made a part of this code.

B. The Official Zoning Map shall be on file in the Planning Department Office. Said Map shall be identified by the signature of the City Clerk and City Attorney and bear the title, "City of Kent Official Zoning Map, Ordinance 1827".

C. Display Zoning Map. In addition to the Official Zoning Map there may be a Display Zoning Map which may be used to generally indicate the various districts, but not to locate precise boundaries.
D. Amendments. If changes are made in the district boundaries or other matters portrayed by the Official Zoning Map after the amendment has been approved by the City Council. The signature of the City Clerk and the City Attorney shall be entered on the Official Zoning Map with the ordinance number of the amendment. Each amendment shall be filed as part of the Official Zoning Record.

E. Unclassified Property. All property not otherwise classified on the Official Zoning Map shall be treated as follows:

1. Interim Zoning. All property not otherwise classified on the Official Zoning map is hereby placed in an Interim Zone. Such an Interim Zone shall be governed by provisions applicable to the RI-20 Single Family Residential District.

2. Upon annexation of property, or the City otherwise being made aware of property in the Interim Zoning designation, the Planning Director shall commence all necessary steps to zone such property. Interim Zoning of property shall be for six (6) months unless otherwise provided by ordinance.

Section 4. KCC 15.09.050 is hereby amended as follows:

15.09.050 AMENDMENTS

A. Purpose

This code may be amended by the City Council by changing the boundaries of zoning districts (rezones which change the official zoning map) or by changing any other provisions thereof (text amendments which add, delete or otherwise modify the text of the zoning code) wherever the public necessity and convenience and the general welfare require such amendment, by following the procedures of this section.

1. An amendment may be initiated by:
   a. Zoning code text and official zoning map amendments may be initiated by resolution of intention by the City Council.
(Text amendments are heard by the Planning Commission and City Council; zoning map amendments are heard by the Hearing Examiner.)

b. Zoning code text amendments may be initiated by resolution of intention by the Planning Commission.
c. Official zoning map amendments (rezones) may be initiated by application of one or more owners, or their agents, of the property affected by the proposed amendment, which shall be made on a form prescribed by the Planning Department and filed with the Planning Department. Said application shall be submitted at least forty-five (45) days prior to the next regularly scheduled public hearing date, and shall be heard by the Hearing Examiner within one hundred (100) days of the date of said application—provided, however, that this period may be extended in any case for which an environmental impact statement is required.

2. Public hearing

The Hearing Examiner shall hold at least one public hearing on any proposed amendment, and shall give notice thereof in at least one publication in the local newspaper at least ten days prior to the public hearing.

a. Notice shall be given to all property owners within at least two hundred (200) feet and, when determined by the Planning Director, a greater distance of the exterior boundaries of the property subject of the application. Such notice to be sent ten (10) days prior to the public hearing.

The failure of any property owner to receive said notice of hearing will not invalidate the proceedings.

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b. Public notices shall be posted in three conspicuous places on or adjacent to the property subject of the application at least ten (10) days prior to the date of the public hearing.

3. Recommendation of the hearing examiner

Following the aforesaid public hearing, the Hearing Examiner shall make a report of findings and recommendations with respect to the proposed amendment and shall forward such to the City Council, which shall have the final authority to act on said amendment.

4. City Council Action

Within thirty (30) days of receipt of the Hearing Examiner’s recommendation, the City Council shall, at a regular public meeting, consider said recommendation.

If the application for an amendment is denied by the City Council, said application shall not be eligible for resubmittal for one year from date of said denial, unless specifically stated to be without prejudice. A new application affecting the same property may be submitted if, in the opinion of the Hearing Examiner, circumstances affecting the application have changed substantially.

((B. Zoning Annexed Lands

lands annexed to the City after the effective date of this code shall be classified into zoning districts after the Planning Commission has held at least one hearing to consider the Comprehensive Plan land use designation for the annexed area and forwarded a recommendation to the City Council who shall hold at least one public hearing on the Comprehensive Plan designation and after the Hearing Examiner has held at least one public hearing to consider the initial zoning district classification and made a recommendation to the City Council. The City Council shall hold at least two public hearings to be held at least thirty days

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Section 5. A new Section 15.09.055 is added to the Kent City Code as follows:

15.09.055 Zoning Annexed Lands

A. Purpose

It is the purpose of this section to provide a procedure to insure that the initial zoning of annexed territories is in conformance with City goals, policies and plans.

B. Determination of the Planning Director

Whenever the Council shall determine that the best interest and general welfare of the City would be served by annexing territory, the Planning Director will cause an examination to be made of the Comprehensive Plans of the City. If the Planning Director determines that there is no Comprehensive Plan, or the Comprehensive Plan is not current, for the area of the proposed annexation, the Planning Director will cause an application to be made to the Planning Commission for an update of the Comprehensive Plan. If the Planning Director determines that a current Comprehensive Plan exists for the area of the proposed annexation, the Planning Director will cause an application to be filed with the Hearing Examiner for an initial zoning recommendation.

C. Recommendation of the Planning Commission

Upon application by the Planning Director, the Planning Commission shall hold at least one public hearing to consider the Comprehensive Plan for the area of the proposed annexation. Notice of the time, place and purpose of such hearing shall be mailed to all property owners in the area to be annexed and given by publication in a newspaper of general circulation in the City and in the area to be annexed at least 10 days prior to the hearing.
Upon completion of the hearing, the Planning Commission shall transmit a copy of its recommendations for the Comprehensive Plan to the Council for its consideration.

D. Recommendation of the Hearing Examiner

Upon application by the Planning Director, the Hearing Examiner shall hold at least one public hearing to consider the initial zoning for the area of the proposed annexation. Notice of the time, place and purpose of such hearing shall be mailed to all property owners in the area to be annexed and given by publication in a newspaper of general circulation in the City and in the area to be annexed at least 10 days prior to the hearing. Within 14 days of the conclusion of the hearing, the Examiner shall make written findings from the record and conclusions therefrom as to the initial zoning of the area of the proposed annexation. The decision of the Hearing Examiner shall be limited to recommending initial zoning designations which are consistent with the current Comprehensive Plan. The Examiner shall file the decision with the City Council at the expiration of the period provided for a re-hearing or within 14 days of the conclusion of a re-hearing if one is conducted.

E. City Council Action

1. Comprehensive Plan

Within 60 days of the receipt of the recommendation from the Planning Commission for the Comprehensive Plan for the area of the proposed annexation, the City Council shall consider the Comprehensive Plan at a public meeting. The Council may approve or disapprove the Comprehensive Plan as submitted, modify and approve as modified, or refer the Comprehensive Plan back to the Planning Commission for further proceedings. If the matter is referred to the Planning Commission, the Council shall specify the time within which the Planning Commission shall report back to the Council with findings and recommendations on the matters referred
to it. An affirmative vote of not less than a majority of the total members of the Council shall be required for approval. Upon approval of the Comprehensive Plan for the area of the proposed annexation, the Planning Director shall cause an application to be made to the Hearing Examiner for recommendations for initial zoning pursuant to the procedures set forth in this section.

2. Initial Zoning.

Upon receipt of the recommendations of the Hearing Examiner for the initial zoning of the area of the proposed annexation, the Council shall hold two or more public hearings at least 30 days apart. Notice of the time and place and purpose of such hearing shall be given by publication in a newspaper of general circulation in the City and in the area to be annexed at least 10 days prior to the hearing. The ordinance adopting the initial zoning may provide that it will become effective upon the annexation of the area into the City. The City Clerk shall file a certified copy of the ordinance and any accompanying maps or plats with the County Auditor.

Section 6. Effective Date. This ordinance shall take effect and be in force five (5) days from and after its passage, approval and publication as provided by law.

ATTEST:

MARIE JENSEN, CITY CLERK

APPROVED AS TO FORM:

P. STEPHEN DIJULIO, CITY ATTORNEY
PASSED the ___ day of __________, 1984.

APPROVED the ___ day of __________, 1984.

PUBLISHED the ___ day of __________, 1984.

I hereby certify that this is a true copy of Ordinance No. 2469, passed by the City Council of the City of Kent, Washington, and approved by the Mayor of the City of Kent as hereon indicated.

(SEAL)
MARIE JENSEN, CITY CLERK