Ordinance No. 3036

(Amending or Repealing Ordinances)

CFN=131 – Zoning Codes
Passed 4/7/1992
Relating to the duties and appeal procedures of the land use hearing examiner, amending Section 2.54.100 and 2.54.140 of the Kent City Code.

Amended by Ord. 3424 (Secs. 2.54.100 now 2.32.090; 2.54.140 now 2.32.130)
Amended by Ord. 3511 (Sec. 2.54.100)
Amended by Ord. 3560 (Sec. 2.32.090)
Amended by Ord. 4044 (Sec. 2.32.130)

The date ["Beginning July 1, 1998"] has led to confusion. This date will be deleted from cover sheets of ordinance/resolution revision pages. This cover sheet will be deleted on electronic pages only; no other deletions or changes have been made to the document – 6/21/2012
ORDINANCE NO. 3036

AN ORDINANCE of the City of Kent, Washington, relating to the duties and appeal procedures of the Land Use Hearing Examiner, amending Section 2.54.100 and 2.54.140 of the Kent City Code (amending Ordinances 2802, 2469, and 2233).

WHEREAS, Kent City Code (K.C.C.) Section 2.54.100 describes the duties of the Land Use Hearing Examiner for the City of Kent, by providing an exhaustive list of all of the types of appeals heard by the Examiner; and

WHEREAS, by adoption of the Multi-Family Design Review and amendment of the General Business License Ordinances, more types of appeals must be added to this list; and

WHEREAS, K.C.C. Section 2.54.140 also must be amended, since it provides that the Hearing Examiner shall issue a written decision within fourteen days of the conclusion of the public hearing on a matter, which is inconsistent with the authorizing statute, which provides that the Hearing Examiner shall issue his or her written opinion within ten working days following conclusion of testimony and hearings (RCW 35A.63.170); NOW, THEREFORE,

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

Section 1. Kent City Code Section 2.54.100 (as last amended by Ordinances 2802, 2469 and 2233), is hereby amended to read as follows:
2.54.100. DUTIES OF THE EXAMINER.

A. Applications.

1. The Examiner shall receive and examine available information, conduct public hearings, prepare a record thereof, and enter findings of fact and conclusions based upon these facts, which conclusions shall represent the final action on the application, unless appealed, as hereinbelow specified, for the following types of applications:

   ((1-))  a. Conditional use permits;
   ((2-))  b. Shoreline permits;
   ((3-))  c. Sign variances;
   ((4-))  d. Planned Unit Developments;
   e. Multi-Family Design Review; and
   f. Business Licenses (denials, revocations).

2. 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. Special use combining districts, including mobile home park combining districts.
   d. Initial zoning designations for annexed areas or zoning designations for proposed annexations to become effective upon annexation.
3. 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 for time to time deem appropriate.

B. Recommendation or Decision.

1. 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 road rights-of-way. Performance bonds may be re-required to insure compliance with conditions, modifications and restrictions.

2. In regard to applications for rezones, preliminary and final plat approval 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 2. K.C.C. Section 2.54.140 (Section 14 of Ordinance 2233) is hereby amended to read as follows:
2.54.140 EXAMINER'S DECISION AND RECOMMENDATION — FINDINGS REQUIRED. When the Examiner renders a decision or recommendation, the Examiner shall make and enter written findings from the record and conclusions therefrom which support such decision, which decision shall be rendered within ten working days following conclusion of all testimony and hearings, unless a longer period is mutually agreed to in writing by the applicant and the Hearing Examiner. (fourteen calendar days of the conclusion of the hearing.) The copy of such decision, including findings and conclusions, shall be transmitted by certified mail, return receipt requested, to the applicant and other parties of record in the case requesting the same.

In the case of applications requiring Council approval, the Examiner shall file a decision with the City Council at the expiration of the period provided for a rehearing, if one is conducted or within ten working days following conclusion of all testimony and rehearings on the matter. (within fourteen days of the conclusion of a rehearing).

Section 3. Effective Date. This ordinance shall take effect and be in force thirty (30) days from and after its passage, approval and publication as provided by law.

DAN KELLEHER, MAYOR

ATTEST:

BRENDA JACOBER, CITY CLERK
APPROVED AS TO FORM:

ROGER A. LUBOVICH, CITY ATTORNEY

PASSED the 7th day of April, 1992
APPROVED the 8th day of April, 1992
PUBLISHED the 11th day of April, 1992

I hereby certify that this is a true copy of Ordinance No. 3036, 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