

## CHAPTER 18.51

### AMENDMENT AND APPEAL

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**18.51.010: Purpose:** This Chapter provides procedures for amending, supplementing or changing this Title and the Official Zoning Map. (Ord. 5180 Sec. 1, 2007)

**18.51.020: Authority:**

(1) The Planning Director and his agents are charged with the administration and enforcement of this Title. The Department which shall be under the Director's control, is the "Planning Agency" as defined in RCW 35A.63 except for those functions specifically reserved to the Planning Commission or the City Council, respectively.

(2) The Planning Commission performs all duties specified in this Title and conducts all open record hearings concerning changes of zone, amendments to the Comprehensive Plan, and amendments to this Title and such other duties as are reserved to the "Planning Agency" in RCW 35A.63 as require the conducting of public hearings except those specifically reserved to the Hearing Examiner. (Ord. 5422 Sec. 1, 2012: Ord. 5322 Sec. 55, 2010: Ord. 5180 Sec. 1, 2007)

**18.51.030: Procedure:**

(1) **Initiating Changes:** Any change to this Title or the zoning map may be initiated by the Planning Commission, the City Council or any property owner or his agent for property within the area proposed to be changed.

(2) **Filing:** A private application for changes to the zoning map will be on a form provided by the Planning Director and must include:

- (a) A title report showing the names and addresses of the owners of record and all persons having any interest in any property proposed to be rezoned, and a list of the names and addresses of surrounding property owners as they appear on the tax rolls of the County Treasurer of property within 300 feet of the

proposed change-of-zone. If the owner of the property under consideration owns another parcel or parcels of property which lie adjacent to the property under consideration, notice will be given to owners of such property located within 300 feet of the boundaries of such property;

- (b) A legal description of the property;
- (c) A map showing the dimensions of the property and its relation to adjoining streets;
- (d) A filing fee in accord with the adopted fee schedule. (Ord. 5180 Sec. 1, 2007)

**18.51.040: Hearings:** The following open record hearing will be held:

- (1) Planning Commission. The Planning Commission shall hold the required open record hearing. (Ord. 5422 Sec. 2, 2012; Ord. 5180 Sec. 1, 2007)

**18.51.050: Hearing Notices:** Public hearings will be held whenever required by this Title. Fifteen (15) days' notice of the open record hearing will be published in a newspaper of general circulation and mailed to the applicant and other affected property owners. Failure to receive notice of the hearing in no way affects the validity of action taken. (Ord. 5422 Sec. 3, 2012; Ord. 5180 Sec. 1, 2007)

**18.51.060: Zoning of Annexed Areas:** Zoning of areas proposed for annexation will be in accord with RCW 35A.14.72. In addition, open record hearing notices will be mailed to property owners within 300 feet of the exterior boundaries of the property to be annexed. (Ord. 5422 Sec. 4, 2012; Ord. 5180 Sec. 1, 2007)

**18.51.070: Findings:**

- (1) Reports Required. The Planning Commission will file a written report of its recommendations within 60 days. The report and recommendation by the Planning Commission is advisory.
- (2) Findings Required. In order to amend the zoning map, the City Council must find that:
  - (a) The proposed amendment conforms with the comprehensive plan; and
  - (b) Promotes the public necessity, convenience and general welfare; and
  - (c) The proposed amendment does not impose a burden upon public facilities beyond their capacity to serve or reduce such services to lands, which are deemed unacceptable by the City; and
  - (d) The proposed amendment is consistent with all applicable provisions of the Kennewick Municipal Code, including those adopted by reference from the Comprehensive Plan; and
  - (e) Single Family Residential zoned properties only; Property is adjacent and contiguous (which shall include corner touches and property located across a public right-of-way) to property of the same proposed zoning classification or higher zoning classification. (Ord. 5505 Sec. 1, 2013; Ord. 5180 Sec. 1, 2007)

**18.51.080: Action:** The Council may reject, adopt or conditionally adopt the proposed zoning map amendment. The Council may reject, adopt, or conditionally adopt a proposed amendment of this title or may return it to the Planning Commission for further consideration. (Ord. 5505 Sec. 2, 2013; Ord. 5180 Sec. 1, 2007)

**18.51.090: Council Initiation of Amendments:** If the City Council initiates a change-of-zone or change of the Comprehensive Plan it will first be referred to the Planning Commission for a recommendation. (Ord. 5180 Sec. 1, 2007)

**18.51.100: Comprehensive Plan Amendment:**

(1) Pursuant to RCW 36.70.130(2)(a), proposed updates to the Comprehensive Plan will be processed only once a year, except for the adoption of original Subarea Plans, amendments to the Shoreline Master Program, the amendment of the capital facilities chapter concurrent with the adoption of the City budget, in the event of an emergency, or to resolve an appeal of the Comprehensive Plan filed with the Growth Management Hearings Board.

(2) Comprehensive Plan text and map amendments are classified as Type III development applications and shall be processed pursuant to KMC 4.12.110. (Ord. 5338 Sec. 2, 2011; Ord. 5180 Sec. 1, 2007)

**18.51.110: Procedural Amendments:** All amendments to the text of this Title require at least one open record hearing before the Planning Commission. (Ord. 5180 Sec. 1, 2007)

**18.51.120: Resubmission of Petition:** Any petition for a change-of-zone that is not approved may not be resubmitted for six months. (Ord. 5180 Sec. 1, 2007)

**18.51.130: Review:** Any person aggrieved by a final decision of the City Council may petition the Superior Court of Benton County for such relief as he may be entitled within 21 days of the date of that decision. (Ord. 5505 Sec. 3, 2013; Ord. 5180 Sec. 1, 2007)

**18.51.140: Schedule of Fees:** The City Council will establish a fee schedule for various applications. No request will be processed until payment of the fee is made. If fees and charges are incurred during the processing of an application, no change of zone, comprehensive plan amendment, conditional use permit or the like is effective until all fees and charges are paid. (Ord. 5180 Sec. 1, 2007)