



Location: 400 W. Gowe • Mail to: 220 4th Avenue South • Kent, WA 98032-5895
Permit Center (253) 856-5302 FAX: (253) 856-6412
www.ci.kent.wa.us/permitcenter

Planning Services

Zoning Map Amendment (Rezone) Application

Please print in black ink only.

Public Notice Board Fee and
Application Fee...See Fee Schedule

Application #: _____ KIVA #: _____
OFFICE USE ONLY OFFICE USE ONLY

Name: _____

Address/Location: _____ Zone: _____

King County Parcel Number (s): _____ Acres: _____

¼ Section _____ Section _____ Township _____ N Range _____ E

Applicant: (mandatory)

Name: _____ Daytime Phone: _____

Mailing Address: _____ Fax Number: _____

City/State/Zip: _____ Signature: _____

Professional License No: _____ Contact Person: _____

Property Owner 1: (mandatory if different from applicant; attach additional info/signature sheets if more than one property owner)

Name: _____ Daytime Phone: _____

Mailing Address: _____ Fax Number: _____

City/State/Zip: _____ Signature: _____

Property Owner 2: (if more than two property owners attach additional info/signature sheets)

Name: _____ Daytime Phone: _____

Mailing Address: _____ Fax Number: _____

City/State/Zip: _____ Signature: _____

The above signed property owners, certify that the above information is true and correct to the best of our knowledge and under penalty of perjury, each state that we are all of the legal owners of the property described above and designate the following party to act as our agent with respect to this application:

Agent/Consultant/Attorney: (mandatory if primary contact is different from applicant)

Name: _____ Daytime Phone: _____

Mailing Address: _____ Fax Number: _____

City/State/Zip: _____ License No.: _____

Email Address: _____

OFFICE USE ONLY:

City-Initiated

Privately Initiated

Date Application Received: _____ Received by: _____

Date Application Complete: _____ Completeness Review by: _____

Rezone Submittal Requirements Checklist

THE APPLICANT MUST ADDRESS EACH OF THE FOLLOWING STANDARDS AND CRITERIA. THE INFORMATION MUST BE SUBMITTED ON SEPARATE 8 1/2 X 11-INCH SHEETS OF PAPER, TYPED WITH ONE-INCH MARGINS. PROVIDE THE FOLLOWING:

- A. Seven (7) copies of responses addressing the following Kent City Code Section 15.09.050 (C) criteria which shall be used by the City Council to evaluate any proposed rezone. **Such an amendment shall only be granted if the Hearing Examiner and City Council determine that the request is consistent with these criteria.**
 1. The proposed rezone is consistent with the Comprehensive Plan
 2. The proposed rezone and subsequent development of the site would be compatible with the development in the vicinity.
 3. The proposed rezone will not unduly burden the transportation system in the vicinity of the property with significant adverse impacts which cannot be mitigated.
 4. Circumstances have changed substantially since the establishment of the current zoning district to warrant the proposed rezone.
 5. The proposed rezone will not adversely affect the health, safety, and general welfare of the citizens of the City of Kent.
- B. If the rezone is proposed to change the zoning designation to M1-C, provide seven (7) copies of responses addressing the following Kent City Code Section 15.09.050 (D) criteria, in addition to the responses for Kent City Code Section 15.09.050(C), which shall be used by the City Council to evaluate any proposed rezone to M1-C. **Such an amendment shall only be granted if the City Council determines that the request is consistent with these criteria.**
 1. The proposed rezone is in close proximity or contiguous to major arterial intersections identified on the Comprehensive Plan as being appropriate locations for commercial type land uses.
- C. If the rezone is proposed to change the zoning designation to include a Mixed Use Overlay, provide seven (7) copies of responses addressing the following Kent City Code Section 15.09.050 (E) criteria, in addition to the responses for Kent City Code Section 15.09.050(C), which shall be used by the City Council to evaluate any proposed rezone to Mixed Use Overlay. **Such an amendment shall only be granted if the City Council determines that the request is consistent with these criteria.**
 2. Rezoning to M1-C shall not be speculative in nature, but shall be based on generalized development plans and uses. *(Provide drawings and text illustrating the proposed development plans and uses for the rezoned property)*
 1. The proposed rezone is contiguous to an existing mixed use overlay area or is at least one (1) acre in size.
 2. The proposed area is located within close proximity to existing residential uses and existing commercial uses which would support residential use.
 3. The proposed area is located in close proximity to transit stops, parks, and community facilities.
- D. If the rezone is proposed to change the zoning designation to Multifamily Residential Townhouse, provide seven (7) copies of responses addressing the following Kent City Code Section 15.09.050 (F) criteria, in addition to the responses for Kent City Code Section 15.09.050(C), which shall be used by the City Council to evaluate any proposed rezone to Multifamily Residential Townhouse. **Such an amendment shall only be granted if the City Council determines that the request is consistent with these criteria.**
 1. The proposed rezone site is adjacent to or has convenient access to an arterial street to ensure that the traffic accessing the MR-T development minimizes the disruption to single family residential neighborhoods.

□ E. In addition to answering the above criteria, the applicant must submit all of the following information and materials:

1. The completed original application, making sure that all of the required signatures are obtained.
2. Seven (7) copies of complete legal descriptions of all parcels involved with the proposed map amendment.
3. Seven (7) copies of a vicinity map showing the affected parcels in relation to surrounding properties.
4. Seven (7) copies of a map (minimum scale of one inch = 200 feet) showing all of the subject parcels which would be affected by the proposed map amendment, the present zoning of all adjoining property within 200 feet, and any other information pertinent to this zoning request. PLEASE FOLD LARGE MAPS TO FIT INTO AN 8-1/2" X 14" ENVELOPE WITH THE APPLICATION NAME OF THE PLAN SHOWING.
5. One (1) copy of the site map (Section 4 above) at a reduced size of an 8½ x 11-inch sheet.
6. One (1) copy of signed Certificates of Water and Sewer Availability, if served by other than City of Kent Water and Sewer. Please verify service district area with the Public Works Department prior to submitting an application. Certificate forms are attached.
7. Environmental checklist application must be completed and all required copies and supporting materials submitted in conjunction with this application. See fee schedule for environmental checklist processing fee.
8. Seven (7) copies of detailed site plans, drawn to decimal scale. ALL LARGE MAPS MUST BE FOLDED TO FIT INTO AN 8 1/2 X 14-INCH ENVELOPE WITH THE APPLICATION NAME OF THE PLAN SHOWING.
 - a. All rezone applications must include the following information on the site plans:

- 1) Vicinity map clearly showing the location of the project with respect to public streets and other parcels and development
 - 2) Property lines
 - 3) North arrow and engineering scale (ie. 1"=20'; not 1/8"=1' architectural scale)
 - 4) King County tax identification number
 - 5) Lot dimensions
 - 6) All existing and proposed public and private roads, driveway accesses and road right-of-ways and access easements with dimensions and road names.
 - 7) All existing major manmade or natural features
 - 8) The location of existing building(s)
 - 9) Dimensions of existing building(s)
 - 10) Building height and number of stories
 - 11) Setback distance from all existing structures to property lines
 - 12) Areas of future development
 - 13) Adjacent uses (undeveloped, single family, commercial, etc.)
 - 14) Water features or wetlands, including but not limited to, lakes, ponds, saltwater, year-round or seasonal streams, creeks, wetlands, gully or natural drainage way, drainage ditches, etc.
 - 15) Critical areas such as hazard area slopes and endangered wildlife habitat
- b. If the rezone is proposed to change the zoning designation to M1-C; the site plan must also include the following items (#16–30):
- 16) The location of proposed building(s)
 - 17) Dimensions of proposed building(s)

- 18) Proposed building height and number of stories
- 19) Setback distance from all proposed structures to property lines
- 20) Location of proposed parking areas
- 21) Vehicle loading and unloading areas, including truck loading and maneuvering area
- 22) Location of paved areas
- 23) Location of proposed landscape areas (include dimensions and area)
- 24) Location of stormwater drainage and detention facilities
- 25) Location of outside storage areas (include dimensions and area)
- 26) List of all Hazardous materials and waste, the quantities and location on site
- 27) Existing and proposed fences (specify type of fence)
- 28) Architectural drawings showing all existing and proposed building elevations.
- 29) Required Building Code data on all existing and proposed structures:
 - a) Type of construction per UBC
 - b) Sprinklered/non-sprinklered
 - c) Occupancy classifications per UBC Chapter 3
 - d) Total lot area (square feet)
 - e) Total building area with area breakdown by levels (1st floor, mezzanine, etc.)
 - f) Allowable area calculations
 - g) Percent of site coverage
 - h) Area per occupancy (office, manufacturing, warehouse, retail, etc.)
 - i) Total number of parking stalls (include handicapped)
- j) Total square footage of parking and maneuvering area
- k) Total square footage of paved area
- l) Square footage of required landscaping areas
- 30) Existing tree survey, drawn to a decimal scale, which must illustrate:
 - a) The precise location of all trees that are six (6) inches caliper or greater at three (3) feet above grade (forestry standard), including the location of the drip line of each tree
 - b) The caliper size of each tree at three (3) feet above grade (forestry standard)
 - c) The common name of each tree (i.e. fir, spruce, maple, alder, etc.)
 - d) Specify which trees are intended to be retained or removed with development
 - e) The tree survey must address each tree location in relation to all existing and proposed development on the site including, but not limited to, the following information:
 - (1) Property lines with lot dimensions.
 - (2) Proposed and existing building locations
 - (3) All existing and proposed public and private roads, driveway accesses and road right-of-ways and easements (access, utility, stormwater, etc.), with dimensions and road names, including curbs and gutters, sidewalks and/or edges of pavement.
 - (4) Location of all parking areas, vehicle loading and unloading areas, other paved areas, fences, trash dumpsters, outdoor storage

areas, and areas reserved for future development.

- (5) Location of all utilities, stormwater detention facilities and other development requiring tree removal
- (6) Location of all proposed landscape areas
- (7) Sight distance triangles for all driveway locations and across the corners of properties at street intersections.

- 9. One (1) copy of the site and development plans (Section 8 above) at a reduced size of 8½ x 11-inch sheets.

All above items and any other material that may be required by the city must be submitted at the time of application in order for the application to be accepted. The application will then be reviewed for completeness and a notice of completeness or incompleteness will be mailed to the applicant within 28 calendar days of receipt of the application.



Zoning Map Amendment (Rezone) Application Instructions

A zoning map amendment or “rezone” is an application to change the zoning designation on property for which the comprehensive plan map designation is already consistent with the proposed zoning request. A rezone is the type of action which requires special consideration prior to being permitted because of its possible impact on adjacent developments, the environment, and the growth and development of the City. The purpose of the rezone process is to allow changes to be made to the established pattern of development while encouraging proper integration into the existing community of uses. The nature and characteristics of the proposed zone map amendment shall be reviewed during the application and public hearing process to determine whether or not the designation is appropriate and compatible in the location proposed. The Hearing Examiner is authorized to hold a public hearing and make a recommendation to the City Council under Section 15.09.050 of the Kent City Code. The City Council is authorized to make the final decision on zoning map amendments.

I. Pre-Application Conference

If an applicant elects to submit for a pre-application meeting, the meeting shall precede the submittal of any project permit application and the environmental checklist, if required. A pre-application meeting is designed to bring together the applicant and designated City development application review staff (including, but not limited to, Public Works, Planning, Building, Fire and Parks) to review and discuss a proposed project in its preliminary stages.

II. Rezone Application Process

A. Standing of Applicant

Zoning map amendments (rezones) may be initiated by one or more owners of the property affected by the proposed amendment, by resolution of intention of the City Council, Planning Services or other administrative staff of the city.

B. Application Form

Requests for zoning map amendments (rezones) must be submitted on the forms prescribed by Planning Services. Provide all information requested on the application form. Answer all criteria and standards clearly and in as much detail as possible. Return the completed forms and supporting materials with the required number of copies and the appropriate fees to the Permit Center.

All items requested on the application and any other material that may be required by the city must be submitted at the time of application in order for the application to be accepted.

C. Fees

There is a nonrefundable application fee for a Zoning Plan Map Amendment, Environmental Checklist and Public Notice Board. See Fee Schedule for application fees. Checks should be made payable to the City of Kent.

D. Environmental Review

A complete environmental checklist must be submitted in conjunction with this application including all required supporting materials and the appropriate fee.

E. Completeness Review

Within twenty-eight (28) calendar days after receiving the rezone application, Planning Services shall mail or personally provide to the applicant a written determination of completeness which identifies, to the extent known by the city, other agencies with jurisdiction over the rezone application and states either that the application is complete or incomplete and, if incomplete, what information is necessary to make the application complete.

A determination of completeness shall be made when an application is considered to be sufficient for continued processing even though additional information may be required or modifications may be undertaken subsequently. A determination of completeness does not preclude the city from requesting additional information or studies either at the time of notice of completeness or at some later time, if new information is required or where there are substantial changes in the proposal.

When the application is determined to be complete, Planning Services shall accept it and note the date of acceptance.

If the city does not provide a written determination to the applicant that the application is incomplete, the application shall be deemed complete at the end of the 28-day completeness review period. The time period for review of applications begins following the determination of a complete application.

F. Submission of Additional Information for an Incomplete Application

If the applicant receives a written determination from the city that an application is not complete, the applicant shall have up to ninety (90) calendar days to submit the necessary information to the city.

If the applicant either refuses in writing to submit additional information or does not submit the required information within the ninety (90) calendar day period, the application shall lapse because of a lack of information necessary to complete the review.

Within fourteen (14) calendar days after an applicant has submitted the requested additional information, the city shall again make the completeness determination as described above, and shall notify the applicant in the same manner.

G. Public Notice

The applicant is required to place one or more public notice boards on the property. The public notice board must be placed on the property as directed by Planning Services, and no later than 14 days after a determination of completeness. The applicant must remove the public notice board(s)

from the property within seven (7) days after the conclusion of the public meeting(s). Posting and notice board information is available at the Permit Center (253-856-5302).

H. Notice of Application

A notice of application shall be issued within fourteen (14) calendar days after the City has made a determination of completeness and at least fifteen (15) calendar days prior to the public hearing. One notice of application will be done for all permit applications related to the same project at the time of the earliest complete application.

City staff will post the notice of application on the public notice board located on the property and will also post the notice of application at Kent City Hall and in the register for public review at the Planning Services counter.

The city will mail a notice of application to all agencies with jurisdiction and any person who requests such notice in writing.

The city will publish the notice of application in a newspaper of general circulation within the city.

I. Comment

Planning Services shall send a copy of the application to each affected agency and city department for review and comment. The city will also mail a notice of application to any person who requests such notice in writing. The affected agencies, city departments and the public shall have fourteen (14) calendar days to comment on the application. Planning Services must receive all public comments on the notice of application by 4:30 p.m. on the last day of the comment period. Comments may be mailed, personally delivered or sent by facsimile. Comments should be as specific as possible. The agency or department is presumed to have no comments if comments are not received within the specified time period. The Planning Manager shall grant an extension of time only if the application involves unusual circumstances. Any extension shall only be for a maximum of three (3) additional calendar days.

J. Application Modifications

Minor changes in the application must be submitted no later than two working weeks prior to the scheduled public hearing on the application. Major changes in the application may require a new application submittal and/or a new SEPA determination.

III. Public Hearing Process

A. Scheduling for Hearing Examiner

An application will be scheduled for a hearing before the Hearing Examiner meeting after the application has been determined to be complete. The date set for a public hearing shall be no more than 100 days after the application has been determined to be complete. This time limit may be extended if an Environmental Impact Statement is required.

B. Notice of Public Hearing

City staff will post the notice of public hearing on the public notice board already located on the property.

The city will publish the notice of the public hearing in a newspaper of general circulation in the city.

The city will mail notice of public hearing to the applicant, any person who submits written comments on an application and all owners of real property as shown by the records of the county assessor's office within three hundred (300) feet of any portion of the boundary of the proposed rezone. Notices shall be mailed, posted and first published not less than ten (10) calendar days prior to the hearing date.

C. Staff Report

Planning Services shall coordinate and assemble the comments and recommendations of other city departments and governmental agencies having an interest in the application and shall prepare a report summarizing the factors involved and the staff's findings and recommendations. The report will be filed with the Hearing Examiner at least seven (7) calendar days prior to the scheduled hearing and copies of the report will be mailed to the applicant and made available for use by any interested party for the cost of reproduction.

D. Public Hearing

Before making a recommendation, the Hearing Examiner shall hold an open record public hearing on any proposed zoning map amendment.

Order of Public Hearing Procedures:

1. Presentation by city staff to describe the application, summarize issues presented, and give a recommendation;
2. Presentation by applicant or representative;
3. Presentations, questions or statements by members of the public interested in the application;
4. Responses to questions by staff and applicant (rebuttal);
5. Final recommendation by city staff (if necessary);
6. Applicant and public may be permitted to respond to final recommendations if appropriate.

E. Due Process Considerations

Hearings before the Hearing Examiner are quasi-judicial proceedings, which means that certain due process protections apply. For example, no one may contact the Hearing Examiner in any manner, other than in the public hearing, for the purpose of influencing a decision, nor may the Hearing Examiner participate in any matter where he or she has a financial or personal interest, or where he or she has prejudged the matter in any way. Any person who has grounds to believe the Hearing Examiner may be influenced by a consideration outside the public record should promptly bring that concern to the attention of the Hearing Examiner.

IV. Decision Process

A. Decision Criteria

The Hearing Examiner and the City Council use the criteria in Kent City Code Section 15.09.050 (C) to evaluate any proposed rezone. **An amendment shall only be granted if the City Council determines that the request is consistent with all of the applicable criteria, and subject to the requirements of Chapter 12.01 of the**

Kent City Code.

1. If the rezone is proposed to change the zoning designation to M1-C, Kent City Code Section 15.09.050 (D) criteria, in addition to the criteria in Kent City Code Section 15.09.050(C), shall be used by the Hearing Examiner and the City Council to evaluate any proposed rezone to M1-C. *[Note: A rezone to the M1-C zone shall not be speculative in nature, but must be based on generalized development plans].*
2. If the rezone is proposed to change the zoning designation to include a Mixed Use Overlay (MU), Kent City Code Section 15.09.050 (E) criteria, in addition to the criteria in Kent City Code Section 15.09.050(C), shall be used by the Hearing Examiner and the City Council to evaluate any proposed rezone to Mixed Use Overlay. *[Note: The MU Overlay boundary may be expanded within the CC, GC or O zones only].*
3. If the rezone is proposed to change the zoning designation to Multifamily Residential Townhouse (MR-T), Kent City Code Section 15.09.050 (F) criteria, in addition to the responses for Kent City Code Section 15.09.050(C), shall be used by the Hearing Examiner and the City Council to evaluate any proposed rezone to Multifamily Residential Townhouse. *[Note: The entire property to be rezoned to MR-T must be zoned SR-8, MRD, MRG, MRM, MRH, O, O-MU, NCC, CC, GC, DC or DCE at the time of rezone application]*

[Note: All multifamily townhouse developments in the MR-T zone are required to be condominiums only].

B. Hearing Examiner Recommendation

Following the public hearing, the Hearing Examiner will make a report of findings, conclusions and recommendation with respect to the proposed amendment and submit it to the City Council, which shall have the final authority to act on the amendment.

The Hearing Examiner's recommendation shall be filed with the City Council at the expiration of

the reconsideration period, or if reconsideration is accepted, within ten (10) working days after the decision on reconsideration.

A copy of the recommendation, including the findings and conclusions, will be mailed to the applicant and any other parties of record who request the information.

C. Request for Reconsideration

A party of record who believes that a recommendation of the hearing examiner is based on erroneous procedures, errors of law or fact, or the discovery of new evidence which could not be reasonably available at the prior hearing, may make a written request for reconsideration by the Hearing Examiner within five (5) working days of the date the recommendation is rendered. If a request for reconsideration is accepted, a decision is not final until after a decision on reconsideration is issued.

A reconsideration request must set forth the specific errors or new information relied upon by such appellant and shall cite specific references to the findings and/or criteria. Reconsideration requests should be addressed to: Hearing Examiner, 220 Fourth Avenue S., Kent, WA 98032. Reconsideration requests are answered in writing by the Hearing Examiner within five (5) working days of the request.

D. City Council Decision

The City Council will consider the Hearing Examiner's recommendation at a regular City Council meeting and issue a final decision. The City Council can accept, deny or remand the recommendation back to the Hearing Examiner.

If the application for a rezone is denied by the City Council, said application will not be eligible for resubmittal for one (1) year from the date of the 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.

E. Notice of Decision

The city will provide a notice of decision, which include a statement of any threshold determination made under SEPA, and the procedures for appeal. The notice of decision will be mailed to the applicant and any person who, prior to the rendering of the decision, requested notice of the decision or submitted substantive comments on the application.

V. Appeals

The decision of the City Council is appealable to the King County Superior Court within twenty-one (21) calendar days from the issuance of a notice of decision and in accordance with the requirements of KCC Chapter 12.01 and RCW 36.70C.

THESE INSTRUCTIONS PROVIDE GENERAL INFORMATION ONLY AND DO NOT REFLECT THE COMPLETE TEXT OF THE PERMIT PROCESS REVIEW. SEE THE KENT CITY CODE FOR COMPLETE TEXT AND REQUIREMENTS.

Any person requiring a disability accommodation should contact the city in advance for more information. For TDD relay service for Braille, call 1-800-833-6385, For TDD relay service for the hearing impaired, call 1-800-833-6388, or call the City of Kent at (253) 856-5725.