



Application Fee: \$750.00

REZONE APPLICATION

Date Submitted: _____

1. APPLICANT:

Name _____

Address _____

Telephone _____

Property Interest _____
(Owner/Representative/Etc.)

2. PETITIONING PROPERTY OWNERS:

NAME	ADDRESS	TELEPHONE NO.
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

3. REZONE PROPOSAL:

From zone(s) _____ to _____

4. LEGAL DESCRIPTION(S) OF SUBJECT PROPERTY(IES) TO BE REZONES:

(ATTACH ADDITIONAL PAGES IF NECESSARY)



5. TOTAL SIZE OF SUBJECT PROPERTY:

6. LOCATION OF PROPERTY [STREET ADDRESS(ES) & PARCEL No.]

7. PROPOSED USE OF PROPERTY:

(ATTACH ADDITIONAL PAGES IF NECESSARY)

8. EXPLAIN WHY THE PROPOSED REZONE WILL BE OF BENEFIT TO THE CITY AND GENERAL PUBLIC'S WELFARE:

(ATTACH ADDITIONAL PAGES IF NECESSARY)

9. LIST CONDITIONS YOU PROPOSE TO PLACE ON THE REZONE APPROVAL TO SAFEGUARD THE SURROUNDING NEIGHBORHOOD FROM POTENTIAL NUISANCES OR HAZARDS EMANATING FROM THE SUBJECT PROPERTY:

(ATTACH ADDITIONAL PAGES IF NECESSARY)

Chapter 17.64

AMENDMENTS AND REZONES

Sections:

- 17.64.010 Purpose.**
- 17.64.020 Who may apply.**
- 17.64.030 Submittal requirements.**
- 17.64.040 Washington State Environmental Policy Act review.**
- 17.64.050 Rezone review procedure.**
- 17.64.060 Decisions criteria.**
- 17.64.070 Zoning map change.**
- 17.64.080 Public hearing notice.**
- 17.64.090 Conduct of public hearings.**
- 17.64.100 Limitation on refilling applications.**
- 17.64.110 Appeal of city council decision to superior court.**
- 17.64.120 Concomitant agreement.**
- 17.64.130 Time limitation on development under rezone.**
- 17.64.140 Performance bond required.**

17.64.010 Purpose. The purpose of this chapter is to establish procedures for changing the zoning of property or the text of the zoning ordinance to reflect changing circumstances, needs, and policies. (Prior code § 11.021.010)

17.64.020 Who may apply.

- A. Reclassification of Property. The property owner, an authorized agent of the owner, or the city may apply. The city may initiate a rezone by the planning commission or the city council passing a motion. Any person or department staff may request that the planning commission or department council initiate a rezone. The department shall complete all necessary forms and provide all other information needed for applications initiated by the planning commission or city council.
- B. Amendment to Zoning Regulations. Any person or the city may apply. For the city to apply, the amendment shall be initiated by a motion passed by either the planning commission or the city council. Any person or department staff may request that the planning commission or city council initiate an amendment. The department shall complete all necessary forms and provide all other information needed for applications initiated by the planning commission or city council. (Prior code § 11.021.020)

17.64.030 Submittal requirements. The department shall specify the application forms and submittal requirements, including the type, detail and number of copies for a rezone or amendment application and shall determine whether it is complete and acceptable for filing. (Prior code § 11.021.020)

17.64.040 Washington State Environmental Policy Act review. The Washington State Environmental Policy Act (SEPA) policies and procedures will generally apply to actions taken under this chapter. Title 14 of the Aberdeen Municipal Code sets forth policies and procedures for SEPA compliance. (Prior code § 11.021.040)

17.64.050 Rezone review procedure.

- A. The applicant shall submit an application and any required fees to the department.
 - 1. The department shall review the application and determine if it is complete. The application shall not be deemed filed until the application is complete and all required fees have been paid.
 - 2. The department may establish deadlines for applications. Deadlines shall not be established more than thirty (30) days before planning commission-meeting dates.
 - 3. The planning commission may limit the number of applications to be considered at a meeting as part of the commission's rules of procedure.
- B. Within five working days of the filing of the application, the department shall provide a copy of the application to the SEPA responsible official. SEPA review shall then be conducted as provided by Chapter 14.04.
- C. After a SEPA exemption, SEPA determination of non-significance, or SEPA final environmental impact statement is issued for an application, the department shall schedule a public hearing for the next planning commission meeting where the application can be accommodated and notice given, and provide notice of the hearing on the application as provided in Section 17.64.080.
- D. The planning commission shall conduct a public hearing on the application. The hearing shall be conducted as provided in Section 17.64.090. At the hearing, members of the planning commission may request such additional information as is reasonably necessary to evaluate the application.
- E. After the public hearing has concluded, the planning commission shall make a recommendation on the application.
 - 1. The decision may be made at the same public meeting as the public hearing or at another public meeting. The planning commission shall make a recommendation within thirty-five (35) days of the public hearing date.
 - 2. The recommendation shall be based on the decision criteria in Section 17.64.060.
 - 3. The planning commission may recommend conditions on the proposal or may recommend adoption of a more restrictive zoning district than requested in the application.
 - 4. The planning commission shall adopt findings of fact and conclusions, which support the recommendation.
 - 5. The planning commission recommendation shall not be reconsidered by the planning commission, except as a new application. See Section 17.64.100 for time limits for new applications.
- F. The department shall transmit in writing the recommendation and the findings of fact and conclusions of the planning commission to the city council within fifteen (15) days of the date the recommendation was decided.

- G. At the meeting the planning commission recommendation is received, the city council shall set a date for a public hearing on the application and recommendation. The department shall give notice of the hearing following the requirements of Section 17.64.080.
- H. The city council shall conduct a public hearing on the application. The hearing shall be conducted as provided in Section 17.64.090. At the hearing, members of the city council may request such additional information as is reasonably necessary to evaluate the application.
- I. After conclusion of the public hearing, the city council shall decide the application.
 - 1. The decision may be made at the same public meeting as the public hearing or at another public meeting. The city council shall vote on the application within thirty-five (35) days of the initial public hearing date unless the applicant and any adverse parties agree in writing to an extension of time.
 - 2. The decision shall be based on the decision criteria in Section 17.64.060.
 - 3. The city council may condition the proposal or may adopt a more restrictive zoning district than requested in the application.
 - 4. If the city council considers placing modifications on an application to such an extent that it results in a proposal dissimilar from the description of the proposal contained in the hearing notice, the city council shall hold a new hearing on the modified proposal before approving the application. Notice of this public hearing shall be provided as required by Section 17.64.080.
 - 5. The city council shall adopt findings of fact and conclusions, which support the decision.
 - 6. If the city council approves the application as presented, approves with conditions, or approves with a more restrictive zoning district than requested, such action shall be by ordinance. Any conditions shall be included in the ordinance.
- J. The decision of the city council and the findings of fact and conclusions shall be reduced to writing and mailed to the applicant within seven days of the effective date of adoption of the ordinance.
- K. The applicant or any other party authorized to conduct activities or uses by the decision may commence activity or obtain other required approvals authorized by the decision of the city council on the application seven days following the effective date of the ordinance. Activity commenced before the expiration of the full appeal period provided in Section 17.64.110 is at the sole risk of the applicant or other party undertaking the activity.
- L. The decision of the city council on the application is the final decision of the city and shall not be reconsidered except as a new application. See Section 17.64.100 for time limits for new applications.
- M. The decision of the city council on the application may be appealed to the superior court as provided in Section 17.64.110. (Prior code § 11.021.050)

17.64.060 Decisions criteria. The city may approve applications for rezones as presented, with conditions or with modifications if each of the following criteria is met:

- A. The rezone bears a substantial relationship to the public's health, safety or welfare.
- B. The rezone is in accordance with the comprehensive development plan and the policies of the proposed zoning district.
- C. The rezone is warranted because of changed circumstances, the need for additional property in the proposed zoning district, or because the proposed zoning district is appropriate for reasonable development of the subject property.
- D. The subject property is suitable for development in general conformance with zoning standards under the proposed zoning district.
- E. The rezone will benefit the city as a whole, but will not be substantially detrimental to nearby uses.
- F. The rezone complies with all other applicable criteria and standards of the Aberdeen Municipal Code. (Prior code § 11.021.060)

17.64.070 Zoning map change. Following approval of a rezone and adoption of an ordinance, the department shall alter the zoning map of the city of Aberdeen to reflect the change in the zoning district. The department shall also indicate on the zoning map the number of the ordinance adopting the change and the county auditor filing number of any concomitant agreement. (Prior code § 11.021.070)

17.64.080 Public hearing notice.

- A. Notices for public hearings for rezones shall contain the following information:
 1. The name of the applicant and, if applicable, the project name;
 2. The street address of the subject property or a description of the property in non-legal terms sufficient to identify the location;
 3. Mailed notices shall contain a vicinity map indicating the location of the subject property;
 4. A brief description of the proposal and existing and proposed zoning designations of the subject property;
 5. The deadline for comment;
 6. The date, time and place of the public hearing;
 7. A statement of the right of any person to participate in the public hearing;
 8. The notice for the city council hearing shall include a statement of the appeal process.
- B. Notices for public hearings for amendments to the zoning ordinance shall contain the following information:
 1. A summarization of the existing text and the proposed language of the amendment;
 2. The name of the applicant requesting the change;
 3. The deadline for comment;
 4. The date, time and place of the public hearing;
 5. A statement of the right of any person to participate in the public hearing;
 6. The notice for the city council hearing shall include a statement of the appeal process.

- C. The department shall provide notice at least ten days before a scheduled public hearing date.
- D. The department shall provide notice of public hearings for rezone applications by:
 - 1. Publishing within a newspaper of general circulation within the city;
 - 2. Mailing notice of the public hearing to the applicant, the property owner, and each person identified by the real property records of the Grays Harbor County Assessor as the owner of real property within three hundred (300) feet of any boundary of the subject property and of an contiguous property in the applicant's ownership. Failure to receive a properly mailed notice shall not effect the validity of any testimony or the legality of any action taken;
 - 3. Posting the subject property with at least one notice visible from a public street;
 - 4. Posting notice at one place visible to the public in Aberdeen City Hall.
- E. The department shall provide notice of public hearings for amendments to the zoning ordinance by:
 - 1. Publishing notice of the public hearing in a newspaper of general circulation within the city;
 - 2. Posting notice at one place visible to the public in Aberdeen City Hall;
 - 3. Mailing notice of the public hearing to each person who has requested such notice in writing. Failure to receive a properly mailed notice shall not affect the validity of any testimony or the legality of any action taken. (Prior code § 11.021.080)

17.64.090 Conduct of public hearings.

- A. Any person may participate in the public hearing by making an oral presentation or by submitting written comments to the department before the public hearing. The department shall transmit all written comments received before the public hearing to the planning commission or city council no later than the public hearing.
- B. An electronic sound recording of each hearing before the planning commission and the city council shall be made and retained for at least one year after the date of such hearing.
- C. All documentary evidence presented at a hearing, as well as all other types of physical evidence shall be made a part of the record of the proceedings and shall be kept by the department.
- D. The planning commission or city council may continue a public hearing until a subsequent meeting and may keep the hearing open to take additional information up to the point the decision is made. No further notice of a continued hearing need be given unless a period of six weeks or more elapses between hearing dates.
- E. The planning commission or city council may place reasonable and equitable limitations on testimony, the presentation of evidence and arguments, and questions so the matter at issue may be heard and decided without undue delay. (Prior code § 11.021.090)

17.64.100 Limitation on refilling applications. After a final decision denying an application, the department shall not accept any application for substantially the same proposal within one year from the date of denial. (Prior code § 11.021.100)

17.64.110 Appeal of city council decision to superior court. Any person may appeal the decision of the city council to superior court no more than thirty (30) days following the date of the city council decision on the application. Failure to appeal within the thirty-day period bars any further appeal process. (Prior code § 11.021.110)

17.64.120 Concomitant agreement. The city of Aberdeen may require that the applicant enter into a concomitant agreement with the city as a condition of the rezone and may, through that agreement, impose conditions designed to mitigate potential impacts of the rezone and the development pursuant to the rezone. After approval, all concomitant agreements shall be filed for record with the real property records of the Grays Harbor County Auditor. All concomitant agreements filed for record shall contain a legal description of the real property to which they apply. (Prior code § 11.021.020)

17.64.130 Time limitation on development under rezone. The city may, in the ordinance approving the rezone, establish a reasonable time within which development of the subject property must begin. If the city has established such a time limitation, the rezone will be considered revoked if the applicant, or a successor in interest to the applicant, has not obtained the necessary development permits and completed substantial construction by the specified date. (Prior code § 11.021.130)

17.64.140 Performance bond required. In appropriate circumstances, the city may require a reasonable performance assurance device in conformance with Section 17.96.140 to assure compliance with the ordinance of the zoning regulations, any development conditions or any concomitant agreement. (Prior code § 11.021.140)