

CITY OF KENNEWICK
ORDINANCE NO. 5954

AN ORDINANCE RELATING TO HEARING EXAMINER AND AMENDING
SECTION 4.02.080 AND SECTION 4.02.110 OF THE KENNEWICK
MUNICIPAL CODE

THE CITY COUNCIL OF THE CITY OF KENNEWICK, WASHINGTON, DO ORDAIN AS
FOLLOWS:

Section 1. Section 4.02.080 of the Kennewick Municipal Code, be, and the same hereby is,
amended to read as follows:

4.02.080: Duties of the Examiner—Applications and Decisions.

The Hearing Examiner shall have the following duties with respect to applications of
matters submitted before him or her.

- (1) Decisions of the Hearing Examiner. The Hearing Examiner shall receive and
examine available information, conduct open record appeal hearings or open
record 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 further to Superior Court, as specified
in this Section for the following:
 - (a) Open record appeal hearings on the following applications and/or
administrative decisions:
 - (i) Lot Line Adjustment;
 - (ii) Accessory Apartment;
 - (iii) Parcel Combination;
 - (iv) Home Occupation;
 - (v) Additional Animals;
 - (vi) Comparable Use;
 - (vii) Manufactured Housing In-fill;
 - (viii) Conditional Use Permit;
 - (ix) Site Plan Approval;
 - (x) Short Plat;
 - (xi) Appeals of SEPA determinations, excluding SEPA determinations
on Comprehensive Plan Amendment Applications;
 - (xii) Business license denials, revocations;
 - (xiii) Appeals from sign permit decisions; and
 - (xiv) Appeals from administrative land use interpretation decisions.
 - (b) Open record public hearings on the following applications:
 - (i) Variance; applications for variances from the terms of the zoning
code and subdivision code;
 - (ii) Preliminary Plats;
 - (iii) Shoreline Permits; and
 - (iv) Planned Development Permits.

- (c) Such other matters as may be designated by the Council.
 - (d) Open record appeal hearing of a department director's administrative decision when provided in the Kennewick Municipal Code.
- (2) The Examiner shall have the power to prescribe rules and regulations for the conduct of hearings under this Chapter, subject to review by the City Council. The Examiner shall have the authority to conduct public hearings and appeal hearings through a virtual format with the consent of the applicant or appellant.

(Ord. 5954 Sec. 1, 2021; Ord. 5391 Sec. 1, 2011; Ord. 5321 Sec. 1, 2010)

Section 2. Section 4.02.110 of the Kennewick Municipal Code, be, and the same hereby is, amended to read as follows:

4.02.110: Public Hearing.

- (1) Before rendering a decision on any application for which a public hearing is required, the Examiner shall hold a public hearing thereon. Unless otherwise required by the Kennewick Municipal Code, all hearings conducted by the Examiner shall be open record hearings. Notice of the place and time of the public hearing shall be given as provided in the ordinance governing the application. If none is specifically set forth, such notice shall be given in accordance with KMC Chapter 4.12. Per KMC 4.02.080(2) the Examiner may conduct the public hearing through a virtual format upon consent of the applicant or appellant and the public notice will provide the link through which the public may view or participate in the hearing.
- (2) During the public hearing, the Examiner shall have the authority to administer oaths and preserve order. At the close of the testimony the Examiner may close the public hearing, continue the hearing to a time and date certain, or close the public hearing pending the submission of additional information on or before a date certain.
- (3) Until a final action on the application is taken, the Examiner may dismiss the application for failure to diligently pursue the application after notice is given to all parties of record.
- (4) If a project consists of different actions which require separate hearings to be held for each action, one consolidated hearing shall be held as required by KMC Chapter 4.12.

(Ord. 5954 Sec. 2, 2021; Ord. 5391 Sec. 3, 2011; Ord. 5321 Sec. 1, 2010)

Section 3. This ordinance shall be in full force and effect five days from and after its passage, approval and publication as required by law.

PASSED BY THE CITY COUNCIL OF THE CITY OF KENNEWICK, WASHINGTON, this 7th day of December, 2021, and signed in authentication of its passage this 7th day of December, 2021.

Attest:

DON BRITAIN, Mayor

TERRI L. WRIGHT, City Clerk

ORDINANCE NO. 5954 filed and recorded
in the office of the City Clerk of the City of
Kennewick, Washington this 8th day of
December, 2021

Approved as to Form:

LISA BEATON, City Attorney

TERRI L. WRIGHT, City Clerk

DATE OF PUBLICATION_____