

Kittitas County Code

Title 15A | PROJECT PERMIT APPLICATION PROCESS*

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* Prior legislation: Ords. 96-19 and 97-05.

Chapter 15A.01

ADMINISTRATION, PURPOSE AND OBJECTIVE

Sections

- 15A.01.010 Purpose and authority.
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15A.01.010 Purpose and authority.

It is the purpose of this title to effectively and efficiently administer applications for land use development activities by combining environmental review process, both procedural and substantive, with the procedure for review of project permits.

1. Each local government planning under RCW 36.70A.040 shall establish a permit review process that provides for the integrated and consolidated review and decision on two or more project permits relating to a proposed project action, including a single application review and approval process covering part of or all project permits requested by an applicant for all or part of a project action, and a designated permit coordinator.
2. When a project permit application is filed, the project review process should include land use, environmental, public, and governmental review so that documents prepared under different requirements can be reviewed together by the

public and other agencies, in one project review process. In the event of inconsistencies within county code pertaining to such processing, this title shall control. (Ord. 2000-07; Ord. 98-10, 1998).

15A.01.020 Administrative and enforcement officers.

1. It shall be the duty of the Community Development Services director or such other persons designated by the county commissioners to administer the provisions of this title.
2. The prosecuting attorney may institute any necessary legal proceedings to enforce the provisions of this title.
3. The county sheriff and his authorized representatives shall have the authority to enforce the provisions of this title. (Ord. 200007; Ord. 98-10, 1998).

15A.01.030 Applicability.

The provisions of this title shall apply to all land use permits under KCC Titles 15, 15A, 16, 17, and 17A, county shoreline master program, and to any related regulation or any other ordinance or law implementing these provisions. In the event of conflict with the current county code, this title shall control. (Ord. 2000-07; Ord. 98-10, 1998).

15A.01.040 Roles and responsibilities.

The regulation of land development is a cooperative activity including many different elected and appointed boards and county staff. The specific responsibilities of these bodies is set forth below and outlined in Table A at the end of this title.

1. **Applicant.** An applicant is expected to read and understand the county comprehensive plan and code and be prepared to fulfill the obligations placed on the applicant. Pre-application conferences are available to anyone who wishes to discuss such obligations prior to submittal.
2. **Community Development Services Director.**
 - a. The Community Development Services director is responsible for the administration of portions of KCC Title 15, Environmental Policy, Title 15A, Project Permit Application Process, Title 16, Subdivisions, Title 17, Zoning, Title 17A, Critical Areas, and the shoreline master program.
 - b. Upon request or as determined necessary, the Community Development Services director shall interpret the meaning or application of the provisions of said titles and issue a written administrative interpretation. Requests for interpretation shall be written and shall concisely identify the issue and desired interpretation.
 - c. Administrative land use decisions on certain zoning conditional uses, and variances from the standards and dimensional regulations of the zoning code, KCC Title 17, such as setback and yard restrictions.
3. **Board of County Commissioners.** In addition to its legislative responsibilities under KCC Title 15B, the board shall review and act on the following subjects pursuant to this title:

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- a. Recommendations of the planning commission. Decision-making process by the board shall consist of a public meeting or meetings wherein the board reviews the written record transmitted from the planning commission and issues a written decision in resolution or ordinance form. During such meeting(s), appropriate county staff will present the record to the board, providing information as necessary to ensure county code compliance. No new comment or information will be allowed by the board during the decision-making process.
 - b. Appeals of administrative SEPA actions regarding an action without an underlying permit.
 - c. Open record appeals of administrative SEPA actions when the board of county commissioners makes decision on, or hears appeals of, the underlying action.
 - d. Closed record appeals of administrative SEPA actions, exclusive of board of adjustment SEPA appeal decisions.
4. **Planning Commission.** The planning commission shall review and make recommendations to the board of county commissioners on the following applications and subjects:
- a. Applications for preliminary plats and binding site plans.
 - b. Other actions requested or remanded by the board of county commissioners.
 - c. Development agreements.
 - d. Open record appeals of administrative SEPA actions when the planning commission makes decision on, or hears appeals of, the underlying action.
 - e. In the case of combined applications which require public hearings before the planning commission and the board of adjustment, a joint hearing shall be held, and the board of adjustment decision shall be final and the planning commission recommendation be transmitted to the board of county commissioners for decision. In the event of an open record SEPA appeal hearing in conjunction with such a joint hearing, the planning commission shall hold the SEPA appeal hearing whose decision shall be appealable to the board of county commissioners by closed record SEPA appeal.
5. **Board of Adjustment.** The board of adjustment shall review and act on the following subjects:
- a. Appeals of administrative determinations on certain zoning conditional uses, and variances from the standards and dimensional regulations of the zoning code, KCC Title 17, such as setback and yard restrictions.
 - b. Conditional use permits pursuant to the zoning code, KCC Title 17.
 - c. Shoreline permits, including variances, conditional uses, and shoreline substantial development permits pursuant to the shoreline master program.
 - d. Open record appeals of administrative SEPA actions when the board of adjustment makes decision on, or hears appeals of, the underlying action. (Ord. 2000-07; Ord. 9810, 1998).

15A.01.050 Severability.

If any chapter, section, subsection, sentence, clause, phrase, part or portion of this title is for any reason held to be invalid or unconstitutional by any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this title or the application of the provisions to other persons or circumstances. (Ord. 2000-07; Ord. 98-10, 1998).

Chapter 15A.02
DEFINITIONS

Sections

- 15A.02.010 Generally.
- 15A.02.020 Administrator.
- 15A.02.030 Closed record appeal.
- 15A.02.040 Consistency.
- 15A.02.050 Land use decision.
- 15A.02.060 Open record hearing.
- 15A.02.070 Person.
- 15A.02.080 Project permit or project permit application.
- 15A.02.090 Public meeting.

15A.02.010 Generally.

Certain terms and words used in this title are defined in the following sections. Words used in the present tense include the future; words in the singular number include the plural number; and words in the plural number include the singular number; the word "building" includes the word "structure," and the word "shall" is mandatory and not directory. (Ord. 2000-07; Ord. 98-10, 1998).

15A.02.020 Administrator.

"Administrator" means the county planning director or his/her designee. (Ord. 2000-07; Ord. 98-10, 1998).

15A.02.030 Closed record appeal.

"Closed record appeal" means an administrative appeal on the record to a local government body or officer, including the legislative body, following an open record hearing on a project permit application when the appeal is on the record with no or limited new evidence or information allowed to be submitted and only appeal argument allowed. (Ord. 2000-07; Ord. 98-10, 1998).

15A.02.040 Consistency.

"Consistency" means, including but not limited to, compliance, conformity and consistency, and refers to performance in accordance with Kittitas County comprehensive plan and development regulations. (Ord. 2000-07; Ord. 98-10, 1998).

15A.02.050 Land use decision.

"Land use decision" means a final determination by a local jurisdiction's body or officer with the highest level of authority to make the determination, including those with authority to hear appeals, on:

1. An application for a project permit or other governmental approval required by law before real property may be improved, developed, modified, subdivided, or used, but excluding applications for permits or approvals to use, vacate, or transfer streets, parks, and similar types of public property, excluding applications for legislative approvals such as area-wide rezones and annexations, and excluding applications for business licenses;
2. An interpretive or declaratory decision regarding the application to a specific property of zoning or other ordinance or rules regulating the improvement, development, modification, maintenance, or use of real property; and
3. The enforcement by a local jurisdiction of ordinances regulating the improvement, development, modification, maintenance, or use of real property. (Ord. 2000-07; Ord. 9810, 1998).

15A.02.060 Open record hearing.

"Open record hearing" means a hearing by a single hearing body or officer, authorized by the local government to conduct such hearings, that creates the local government's record through testimony and submission of evidence and information under procedures prescribed by the local government by ordinance or resolution. (Ord. 2000-07; Ord. 98-10, 1998).

15A.02.070 Person.

"Person" means an individual, partnership, corporation, association, public or private organization, or government entity or agency. (Ord. 2000-07; Ord. 98-10, 1998).

15A.02.080 Project permit or project permit application.

"Project permit" or "project permit application" means any land use or environmental permit or license required from a local government for a project action, including but not limited to building permits, subdivisions, binding site plans, planned unit developments, conditional uses, shoreline substantial development permits, site plan review, permits or approvals required by critical areas ordinances, site-specific rezones authorized by a comprehensive plan or subarea plan, but excluding the adoption or amendment of a comprehensive plan, subarea plan, or development regulations. (Ord. 2000-07; Ord. 98-10, 1998).

15A.02.090 Public meeting.

"Public meeting" means an informal meeting, hearing, workshop, or other public gathering of people to obtain comments from the public or other agencies on a proposed project permit prior to the local government's decision. A public meeting may include, but is not limited to, a design review or architectural control board meeting, a special review district or community council meeting, or a scoping meeting on a draft environmental impact statement. A public meeting does not include an open record

hearing. The proceedings at a public meeting may be recorded and a report or recommendation may be included in the local government's project permit application file. (Ord. 2000-07; Ord. 98-10, 1998).

Chapter 15A.03

PROJECT PERMIT APPLICATION REVIEW

Sections

- 15A.03.010 Complete application defined.
- 15A.03.020 Preapplication conference.
- 15A.03.030 Application and accompanying data.
- 15A.03.040 Determination of complete application.
- 15A.03.050 Fee schedule.
- 15A.03.060 Notice of application.
- 15A.03.070 Specific procedures for permit review.
- 15A.03.080 Projects exempt from the provisions of notice of application.
- 15A.03.090 Review actions on project permit applications.
- 15A.03.100 Criteria for review of all project actions.
- 15A.03.110 Posting Sites.

15A.03.010 Complete application defined.

The definition of a complete project permit application is defined in the relevant section of the zoning code, subdivision code, or, if applicable, development agreement adopted pursuant to this title. (Ord. 2000-07; Ord. 98-10, 1998).

15A.03.020 Preapplication conference.

A preapplication conference is offered to all interested potential applicants. Applicants are encouraged but not required to request this conference except for Performance Based Cluster Platting as outlined in Kittitas County Code 16.09.

1. Prior to formal submittal of a project permit application, one or more optional conferences with appropriate county department representatives and other public agency representatives may be requested by the applicant. The date, time and place of such conferences shall be at the mutual agreement of the participants.
2. Such conferences are intended as informal discussion and review of possible applications to assist the possible applicant in discovery of appropriate county regulations, standards, application formats and review processes that would be required of a project.
3. Such conferences are not publicized and the public is not permitted to attend in order that a potential applicant's interests be protected. (Ord. 2000-07; Ord. 98-10, 1998).

15A.03.030 Application and accompanying data.

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1. Written application for the approval of the following project activities: zoning variance; zoning conditional use; short plat, long plat or subdivision; shorelines substantial development/conditional use, master planned resort; and site-specific rezone shall be filed in complete form in the Community Development Services office upon forms prescribed for that purpose by the administrator.
2. The written application shall be accompanied by a site plan showing the dimensions and arrangement of the proposed development or changes including all proposed land uses and structures; points of access, roads and parking areas; septic tank and drainfield and replacement areas; areas to be cut or filled; and natural features such as contours, streams, gullies, cliffs, etc. The administrator may require other drawings, topographic surveys, photographs, or other material essential to an understanding of the proposed use and its relationship to the surrounding properties.
3. Applications for project permits shall be signed by the owner(s) of the property.
4. The applicant shall furnish a list of the names and addresses of all persons owning real property located within 500 feet from and parallel to the boundaries of the proposed activities and such contiguous area under the legal control of the applicant.
5. Appropriate fee(s) paid in full. (Ord. 2000-07; Ord. 98-10, 1998).

15A.03.040 Determination of complete application.

1. Within 28 days after receiving a project permit application, the local permitting agency shall mail or provide in person a written determination to the applicant, stating either:
 - a. That the application is complete; or
 - b. That the application is incomplete and what is necessary to make the application complete. An incomplete application shall expire after 180 calendar days unless the requested supplemental information is submitted in complete form.
2. To the extent known by the permitting agency, the permitting agency shall identify other agencies of local, state or federal governments that may have jurisdiction over some aspect of the application.
3. A project permit application is complete for the purposes of this title when it meets the procedural submission requirements of Kittitas County and is sufficient for continued processing even though additional information may be required or project modifications may be undertaken subsequently. The determination of completeness shall not preclude Kittitas County from requesting additional information or studies either at the time of the notice of completeness or subsequently if new information is required or substantial changes in the proposed action occur.
4. Within 14 days after an applicant has submitted to the permitting agency additional information identified by the permitting agency as being necessary for a complete application, the permitting agency shall notify the applicant whether the application is complete or what additional information is necessary. In determining the number of days that have elapsed after Kittitas County has

notified the applicant that the application is complete, the following periods shall be excluded:

- a.
 - i. Any period during which the applicant has been requested by Kittitas County to correct plans, perform required studies, or provide additional required information. The period shall be calculated from the date Kittitas County notifies the applicant of the need for the additional information until the earlier of the date Kittitas County determined whether the additional information satisfies the request for information or 14 days after the date the information has been provided to Kittitas County.
 - ii. If Kittitas County determines that the additional information submitted by the applicant is insufficient, it shall notify the applicant of the continued deficiencies and the procedures under subsection (D)(1)(a) of this section shall apply as if a new request for studies has been made.
- b. Any period during which an environmental impact statement is being prepared following a determination of significance pursuant to Chapter 43.21C RCW, if Kittitas County and the applicant in writing agree to a time period for completion of an environmental impact statement.
- c. Any period of administrative appeals of project permits, if an open record hearing or a closed record appeal, or both, are allowed. The time period to consider and decide such appeals shall not exceed:
 - i. Ninety days for an open record appeal hearing;
 - ii. Sixty days for a closed record appeal; and
 - iii. The parties to an appeal may agree to extend these time periods.
- d. Any extension of time mutually agreed upon by the applicant and Kittitas County.
- e. These time limits do not apply to a project permit application, if the project:
 - i. Requires an amendment to the comprehensive plan or a development regulation;
 - ii. Requires approval of a new fully contained community as provided in RCW 36.70A.350, a master planned resort as provided in RCW 36.70A.360, or the siting of an essential public facility as provided in RCW 36.70A.200;
 - iii. Is substantially revised by the applicant, in which case the time period shall start from the date at which the revised project application is determined to be complete.
- f. If Kittitas County is unable to issue its final decision within the time limits provided, it shall provide written notice of this fact to the applicant. The notice shall include a statement of reasons why the time limits have not been met and an estimated date of issuance of the notice of final decision.
- g. Applications shall be void if they remain incomplete for more than 180 days.

- h. This section shall apply to project permit applications filed on or after the date of adoption of this title. (Ord. 2000-07; Ord. 9810, 1998).

15A.03.050 Fee schedule.

The fees for such application processes related to this title shall be established annually by resolution and may be obtained from Community Development Services. Fees shall be payable to Kittitas County and shall not be refundable in any case. (Ord. 2000-07; Ord. 98-10, 1998).

15A.03.060 Notice of application.

Kittitas County shall provide a notice of application to the public and the departments and agencies with jurisdiction. If Kittitas County has made a SEPA determination of significance under Chapter 43.21C RCW concurrently with the notice of application, the notice of application shall be combined with the determination of significance and scoping notice. Nothing in this subsection prevents a determination of significance and scoping notice from being issued prior to a notice of application.

1. The notice of application shall be provided within 14 days after the determination of completeness in the following method:
 - a. Publishing notice, including at least the project location in other than a legal description, brief description of project, type of permit(s) required, comment period dates, and location where the complete application may be reviewed in the newspaper of general circulation in the general area where the proposal is located or in a local land use newsletter published by Kittitas County. Additional legal notice may be published for development applications located in the upper county in newspapers published at least weekly, in addition to the legal publishing requirement in the official county paper of record.
 - b. Notifying public or private groups with known interest in a certain proposal or in the type of proposal being considered.
 - c. Mailing to adjacent landowners. Adjacent landowners are the owners of real property, as shown by the records of the county assessor, located within 500 feet of any portion of the boundary of the proposal's tax parcel or lot of record (real property). If the owner of the real property which is proposed for activity owns another parcel or parcels of real property which lie adjacent to the real property proposed for activity, notice shall be given to owners of real property located within 500 feet of any portion of the boundaries of such adjacently located parcels of real property owned by the owner of the real property proposed for activity.
 - d. Notifying the news media.
 - e. Posting notice via the Kittitas County Website.
 - f. Posting the site as outlined in Kittitas County Code 15A.03.110.
2. The notice of application shall include the following:
 - a. The date of initial application, the date of the notice of completion for the application, and the date of the notice of application.

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- b. A description of the proposed project action and a list of the project permits included in the application and, if applicable, a list of any additional studies requested to complete the application.
 - c. The identification of other permits not included in the application to the extent known by Kittitas County.
 - d. The identification of existing environmental documents that evaluate the proposed project.
 - e. The location where the application and any studies can be reviewed.
 - f. A statement of the public comment period, which shall be not less than 14 nor more than 30 days following the date of the notice of application. This comment period shall be pursuant to Table A at the end of this title.
 - g. Statement of the right of any person to comment on the application, receive notice of and participate in any hearings, request a copy of the decision once made, and any appeal rights.
 - h. Kittitas County will accept public comments at any time prior to the closing of the public comment period of the specific application.
 - i. The date, time, place and type of hearing, if applicable and scheduled at the date of notice of the application.
 - j. A statement of the preliminary determination, if one has been made at the time of notice, of those development regulations that will be used for project mitigation and of consistency.
 - k. Identify the designated permit coordinator.
 - l. Any other information determined appropriate by Kittitas County.
3. If the administrator has a reasonable basis for determining significant adverse environmental impacts are unlikely (pursuant to Chapter 15.04 KCC, SEPA Regulations) for a proposal, the notice of application comment period will suffice for purposes of compliance with Chapter 197-11 WAC, and a second comment period after issuance of the SEPA threshold determination will not be required; provided, the notice of application includes the following:
 - a. A statement indicating that the county expects to issue a DNS for the proposal; and
 - b. A statement indicating that the optional DNS process is being used, and that this may be the only opportunity to comment on the environmental impacts of the proposal; and
 - c. A statement indicating that the proposal may include mitigation measures under applicable codes, and the project review process may incorporate or require mitigation measures regardless of whether an EIS is prepared; and
 - d. A statement indicating that a copy of the subsequent threshold determination for the specific proposal may be obtained upon request.
4. A notice of application shall not be required for project permits that are categorically exempt under Chapter 43.21C RCW (SEPA), unless a public comment period is required or for projects identified in KCC 15A.03.080, Projects exempt from the provisions of notice of application. (Ord. 2000-07; Ord. 98-10, 1998).

15A.03.070 Specific procedures for permit review.

The specific procedures for individual permit applications and independent administrative actions, including public comment period, public hearing, decision-making body, and appeals, are established pursuant to Table A at the end of this title. (Ord. 2000-07; Ord. 98-10, 1998).

15A.03.080 Projects exempt from the provisions of notice of application.

The following project proposals and land use actions shall be exempt from the provisions of notification when not associated with a larger, overall project. These projects allow an abbreviated application format and do not involve public review or hearing unless appeal to an administrative determination involving the underlying project is properly filed:

1. An act of subdivision not required to be accomplished by long plat, large lot subdivision or short plat;
2. Land use activity permitted without benefit of conditional use approval (administrative or quasi-judicial), as listed in KCC Title 17, Zoning;
3. Minor amendments or modifications to approved developments or permits. Minor amendments are those which may affect the precise dimensions or locations of buildings, accessory structures and driveways, but do not affect the overall project character, increase the number of lots, dwelling units, or density, or decrease the quality or amount of open space;
4. Building and associated construction permits, including but not limited to mechanical, plumbing, tank and manufactured home placement, etc.;
5. Sign permit;
6. Flood development permit;
7. Critical areas binding determination;
8. Septic and associated health permits, including vault privy, pool and food handler, etc.;
9. Well and/or community water system permit;
10. Approval to access onto county road;
11. Acts of right-of-way vacation;
12. Miscellaneous county actions related to use of public areas or facilities; and
13. Those actions categorically exempt from SEPA review, pursuant to Chapter 15.04 KCC, except as may be required by KCC 15A.03.060(D). (Ord. 2000-07; Ord. 98-10, 1998).

15A.03.090 Review actions on project permit applications.

Project review shall include the following steps:

1. A notice of determination of completeness to the applicant.
2. A notice of application to the public and agencies with jurisdiction.
3. No more than one consolidated open record hearing and no more than one closed record appeal.
4. Provisions may be allowed by the local jurisdiction for any public meeting or required open record hearing that may be held on the project by another local,

- state, regional, federal, or other agency, in accordance with provisions of Chapter 36.70B RCW.
5. A single report by a representative of the administrator, stating all the decisions made as of the date of the report on all project permits included in the consolidated permit process. The report shall state any mitigation required or proposed under the development regulations or the agency's authority under RCW 43.21C.060. The report may be the local permit. If a threshold determination other than a determination of significance has not been issued by Kittitas County, the report shall include or append this determination.
 6. A notice of decision.
 7. Except as otherwise provided for in this title, Kittitas County shall issue its notice of final decision on a project permit application within 120 days after Kittitas County notifies the applicant that the application is complete. (Ord. 2000-07; Ord. 98-10, 1998).

15A.03.100 Criteria for review of all project actions.

Project review should start from the fundamental land use planning choices made in local comprehensive plans and regulations, include review of consistency and land use impacts.

1. Applicable comprehensive plans and regulations that identify the type of land use for the site, specify density, and identify and provide for funding of public facilities needed to serve the proposed development and site should be the standard for project review. Consistency should be determined in the project review process by considering four factors found in applicable plans or regulations:
 - a. The type of land use permitted at the site, including uses that may be allowed under certain circumstances, such as planned unit developments and conditional uses, if the criteria for their approval have been satisfied;
 - b. The level of development allowed, such as units per acre or other measures of density;
 - c. Infrastructure, such as the adequacy of public facilities and services identified in the comprehensive plan, to serve the proposed project; and
 - d. The character of the proposed development, such as compliance with specific development standards.
2. In determining consistency, the determinations made pursuant to this title shall be controlling.
3. Project review should not require additional studies or mitigation under Chapter 43.21C RCW (SEPA) where existing regulations have adequately addressed a proposed project's probable specific adverse environmental impacts.
4. Supplemental authority as specified by Chapter 43.21C RCW should be used to the extent that existing requirements do not adequately address a project's specific probable adverse environmental impacts.
5. Nothing in this title limits the authority of a permitting agency to approve, condition, or deny a project as provided in its development regulations adopted under Kittitas County comprehensive plan and development regulations and its

- policies adopted under RCW 43.21C.060. Project review shall be used to identify specific project design and conditions relating to the character of the development, such as details of site plans, curb cuts, drainage swales, transportation demand management, or other measures to mitigate a proposal's probable adverse environmental impacts, if applicable.
6. Consistency between the proposed project and applicable regulations or plan should be determined through a project review process that integrates land use and environmental impact analysis, so that governmental and public review of the proposed project, involving development regulations under Chapter 36.70A RCW, and environmental process under Chapter 43.21C RCW run concurrently and not separately.
 7. During project review, Kittitas County or any subsequent reviewing body shall not reexamine alternatives to or hear appeals on the items identified in such Kittitas County comprehensive plan and development regulation standards, except for issues of code interpretation.
 8. When holding a hearing on a project permit application, the hearing body should utilize the following issues outlined as a review guide: earth, air, water (including irrigation water and its conveyances), plants, animals, energy and natural resources, environmental health, land and shoreline use, housing, aesthetics, light and glare, recreation, historic and cultural preservation, transportation, public services, and utilities. (Ord. 2000-07; Ord. 9810, 1998).

15A.03.110 Posting sites.

1. These provisions shall apply to all development applications, except for development applications processed administratively.
 2. The applicant shall post the subject property with signs as required by Community Development Services.
 3. Signs shall be posted on each road frontage on the subject property and shall be clearly visible and accessible.
 4. Signs shall be posted and on-site prior to issuance of a Notice of Application.
 5. The sign shall be a minimum 2 feet by 3 feet and laminated and posted in a sturdy manner to remain on-site until fifteen days after the expiration of the notice of decision appeal period. . It shall be the responsibility of the applicant to properly dispose of the sign.
 6. At the time of development application, Community Development Services will identify the number of signs needed and the general location of each sign on the subject property.
 7. It shall be the responsibility of the applicant to place the structure in which the sign will be posted on-site. At such time the structure and sign is in place, the applicant shall contact Community Development Services.
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Chapter 15A.04

INTEGRATION OF SEPA AND APPEALS OF SEPA ACTIONS

Sections

15A.04.010 SEPA integration.

15A.04.020 Appeal of SEPA actions.

15A.04.030 Notice of SEPA actions.

15A.04.010 SEPA integration.

The State Environmental Policy Act is not intended to create a cause of action unrelated to a specific governmental action. Kittitas County shall integrate the permit procedures in this title with environmental review under Chapter 43.21C RCW (SEPA) and Chapter 15.04 KCC as follows.

1. Existing plans, regulations, rules or laws that provide environmental analysis and measures that avoid or otherwise mitigate the probable specific adverse environmental impacts of proposed projects should be integrated with, and should not be duplicated by, environmental review under Chapter 43.21C RCW and Chapter 15.04 KCC.
2. Through an integrated project review process:
 - a. If the applicable regulations require studies that adequately analyze all of the project's specific probable adverse environmental impacts, additional studies under SEPA will not be necessary on those impacts;
 - b. If the applicable regulations require measures that adequately address such environmental impacts, additional measures would likewise not be required under SEPA; and
 - c. If the applicable regulations do not adequately analyze or address a proposal's specific probable adverse environmental impacts, additional review will be required.
3. In deciding whether a specific adverse environmental impact has been addressed by an existing rule or law of another agency with jurisdiction with environmental expertise with regard to a specific environmental impact, Kittitas County shall consult orally or in writing with that agency. In making this deferral, Kittitas County shall base or condition its project approval on compliance with these other existing rules or laws.
4. Nothing in this title limits the authority of an agency in its review or mitigation of a project to adopt or otherwise rely on environmental analyses and requirements under other laws.
5. Except for a determination of significance, the administrator may not issue his/her threshold determination under SEPA, or issue a decision or a recommendation on a project permit until the expiration of the public comment period on the notice of application, except for categorical exemptions.
6. Nonsignificant threshold determinations shall be included with or appended to the single report of decision or recommendation.
7. An environmental impact statement (EIS) shall be prepared on proposals for legislation and other major actions having a probable significant, adverse

environmental impact. The EIS may be combined with the recommendation or report on the proposal or issued as a separate document. The substantive decisions or recommendations shall be clearly identified in the combined document. (Ord. 2000-07; Ord. 98-10, 1998).

15A.04.020 Appeal of SEPA actions.

1. Appeals shall be of the governmental action together with its accompanying environmental determinations. Kittitas County shall consolidate an appeal of procedural issues made under Chapter 43.21C RCW and Chapter 15.04 KCC (such as a decision to require particular mitigation measures or to deny a proposal) with a hearing or appeal on the underlying governmental action by providing for a single simultaneous hearing before one hearing body to consider the agency decision on a proposal and any environmental determinations made, with the exception of the appeal, if any, of a threshold determination of significance.
2. Appeals of environmental determinations made or lacking under Chapter 43.21C RCW or Chapter 15.04 KCC shall be commenced within 10 working days to the Kittitas County board of commissioners, with appropriate administrative fee. Such appeals shall be filed pursuant to Chapter 15A.07 KCC. The agency shall give official notice stating the date and place for commencing an appeal. If there is no time period for appealing the underlying governmental action, and a notice of action under RCW 43.21C.080 is used, appeals shall be commenced within the time period specified by RCW 43.21C.080.
3. Appeals on SEPA procedures shall be limited to review of a final threshold determination and final EIS. These appeals may occur prior to an agency's final decision on a proposed action. Appeal of the intermediate steps under SEPA (e.g., lead agency determination, scoping, draft EIS adequacy) shall not be allowed.
4. Kittitas County shall provide for only one administrative appeal of a threshold determination or of the adequacy of an EIS. Successive administrative appeals on these issues shall not be allowed. (Ord. 2000-07; Ord. 9810, 1998).

15A.04.030 Notice of SEPA actions.

1. Notice of any SEPA action taken by a governmental agency may be publicized by the acting governmental agency in substantially the form as set forth in rules adopted under RCW 43.21C.110:
 - a. By publishing notice on the same day of each week for two consecutive weeks in a legal newspaper of record;
 - b. By filing notice with the Department of Ecology at its main office in Olympia prior to the date of the last newspaper publication; and
 - c. Mailing notice to all parties on the notice of application listing, as defined in Chapter 15A.03 KCC.
2. Except as otherwise provided in RCW 43.21C.075(5)(a), any action to set aside, enjoin, review, or otherwise challenge any such governmental action or subsequent governmental action for which notice is given as provided in

subsection A of this section on grounds of noncompliance with the provisions of this title and other laws shall be commenced within 21 days from the date of last newspaper publication of the notice pursuant to subsection A of this section, or be barred. (Ord. 2000 07; Ord. 98-10, 1998).

Chapter 15A.05 HEARINGS

Sections

15A.05.010 Hearings.

15A.05.020 Procedures for hearings.

15A.05.010 Hearings.

Kittitas County shall hold a public hearing on each application for a project permit if one is so required.

1. Upon the filing of an application for a development activity as set forth in this title and other laws, the administrator shall, in consultation with the appropriate hearing body chair, set the time and place for a public hearing if one is so required on such a matter, and written notice thereof shall be sent through the United States mail to all parties on the notice of application listing, as defined in Chapter 15A.03 KCC.
2. Kittitas County may combine any hearings on a project permit with any hearings that may be held by another local, state, regional, federal, or other agency; provided, that the hearing is held within the geographic boundary of the local government. Hearings shall be combined if requested by an applicant, as long as the joint hearing can be held within required time periods or the applicant agrees to the schedule in the event that additional time is needed in order to combine the hearings. All agencies of the state of Washington, including municipal corporations and counties participating in a combined hearing shall issue joint hearing notices and develop a joint format, select a mutually acceptable hearing body or officer, and take such other actions as may be necessary to hold joint hearings consistent with each of their respective statutory obligations. Each government entity shall render their respective decision according to their statutory obligations. (Ord. 2000-07; Ord. 9810, 1998).

15A.05.020 Procedures for hearings.

Public hearings shall be conducted in accordance with the hearing body's rules of procedure and shall serve to create or supplement an evidentiary record upon which the body will base its decision. The chair shall open the public hearing and, in general, observe the following sequence of events:

1. Staff presentation, including submittal of any administrative reports. Members of the hearing body may ask questions of the staff.

2. Applicant presentation, including submittal of any materials. Members of the hearing body may ask questions of the applicant.
3. Testimony or comments by the public germane to the matter. Questions directed to the staff or the applicant shall be posed by the chair at its discretion.
4. Rebuttal, response or clarifying statements by the staff and the applicant.
5. The evidentiary portion of the public hearing shall be closed and the hearing body shall deliberate on the matter before it. (Ord. 2000-07; Ord. 98-10, 1998).

Chapter 15A.06

NOTICE OF DECISION

Sections

15A.06.010 Notice of decision issuance.

15A.06.020 Order to include finding of fact.

15A.06.010 Notice of decision issuance.

A notice of decision shall be provided that includes a statement of any threshold determination made under Chapter 43.21C RCW (SEPA) and the procedures for administrative appeal, if any. The notice of decision may be a copy of the report or decision on the project permit application. For projects requiring planning commission review and board of county commissioner approval, the notice shall be the signed ordinance or resolution.

1. Kittitas County shall provide notice of decision in the same manner as the notice of application.
2. The notice of decision shall be provided to the following persons:
 - a. The applicant;
 - b. Any person who, prior to the rendering of the decision, specifically requested notice of the decision;
 - c. Any person who, prior to the rendering of the decision, submitted substantive comments on the application. (Ord. 2000-07; Ord. 98-10, 1998).

15A.06.020 Order to include finding of fact.

Kittitas County shall, in making an order, requirement, decision or determination, include in a written record of the case the findings of fact upon which the action is based. (Ord. 2000-07; Ord. 98-10, 1998).

Chapter 15A.07

ADMINISTRATIVE DECISIONS APPEALS

Sections

15A.07.010 Appeal of determination or decision.

15A.07.020 Procedures for closed record appeals.

15A.07.030 Procedures for open record appeals.

15A.07.040 Remand.

15A.07.050 Appeal of decision - Scope of authority.

15A.07.010 Appeal of determination or decision.

1. An appeal of an administrative land use decision shall be filed with the board of county commissioners within 10 working days of the date of the decision.
2. Appeals shall contain a written, concise statement identifying:
 - a. The decision being appealed;
 - b. The name and address of the appellant and his interest(s) in the matter;
 - c. The specific reasons why the appellant believes the decision to be wrong. The appellant shall bear the burden of proving the decision was wrong;
 - d. The desired outcome or changes to the decision;
 - e. The appeals fee.
3. Upon the filing of a timely appeal, the administrator shall, in consultation with the appropriate hearing body chair pursuant to KCC 15A.01.040, set the time and place at which the matter will be considered. The officer from whom the appeal is being taken shall forthwith transmit to the reviewing body all of the records pertaining to the decision being appealed from, together with such additional written report as he deems pertinent. (Ord. 2000-07; Ord. 98-10, 1998).

15A.07.020 Procedures for closed record appeals.

1. Closed record appeals shall be conducted in accordance with the hearing body's rules of procedure and shall serve to provide argument and guidance for the body's decision. Closed record appeals shall be conducted generally as provided for public hearings. No new evidence or testimony shall be given or received. The parties to the appeal may submit timely written statements or arguments.
2. A written decision by the hearing body shall be issued within 60 days of the appeal being filed. (Ord. 2000-07; Ord. 98-10, 1998).

15A.07.030 Procedures for open record appeals.

1. Open record appeals shall be conducted in accordance with the hearing body's rules of procedure and shall serve to provide argument and guidance for the body's decision. Open record appeals shall be conducted generally as provided for public hearings. New evidence or testimony may be given or received.
2. A written decision by the hearing body shall be issued within 90 days of the appeal being filed. (Ord. 2000-07; Ord. 98-10, 1998).

15A.07.040 Remand.

In the event the reviewing body determines that the public hearing record or record on

appeal is insufficient or otherwise flawed, that body may remand back to the hearing body to correct the deficiencies. The reviewing body shall specify the items or issues to be considered and the time frame for completing the additional work. (Ord. 2000-07; Ord. 98-10, 1998).

15A.07.050 Appeal of decision - Scope of authority.

In exercising the power granted herein, the reviewing body may, in conformity with county code, reverse or affirm, wholly or in part, or may modify the order, requirement, decision or determination appealed from, and may make such order, requirement, decision or determination as should be made and, to that end, shall have all the powers of the officer from whom the appeal is taken, insofar as the decision on the particular issue is concerned. (Ord. 2000-07; Ord. 98-10, 1998).

Chapter 15A.08
JUDICIAL APPEAL

Sections

15A.08.010 Judicial appeal.

15A.08.010 Judicial appeal.

1. Proceedings for review shall be commenced by filing a land use petition in superior court. This process shall be the exclusive means of judicial review of land use decisions, except for:
 - a. Land use decisions of a local jurisdiction that are subject to review by a quasi-judicial body created by state law, such as the Shorelines Hearings Board or the Growth Management Hearings Board;
 - b. Judicial review of applications for a writ of mandamus or prohibition; or
 - c. Claims provided by any law for monetary damages or compensation.
2. The land use petition is timely if it is filed and served on all required parties within 21 days of the issuance of the land use decision pursuant to Chapter 36.70C RCW.
3. For the purposes of this section, the date on which a land use decision is issued is:
 - a. Three days after a written decision is mailed by the local jurisdiction or, if not mailed, the date on which the local jurisdiction provides notice that a written decision is publicly available;
 - b. If the land use decision is made by ordinance or resolution by a legislative body sitting in a quasi-judicial capacity, the date the body passes the ordinance or resolution; or
 - c. If neither subsection (C)(1) nor (C)(2) applies, the date the decision is entered into the public record.
4. Standing to bring a land use petition is limited to the following persons:
 - a. The applicant and the owner of property to which the land use decision is directed;

- b. Another person aggrieved or adversely affected by the land use decision, or who would be aggrieved or adversely affected by a reversal or modification of the land use decision. A person is aggrieved or adversely affected only when all of the following conditions are present:
 - i. The land use decision has prejudiced or is likely to prejudice that person;
 - ii. That person's asserted interests are among those that the local jurisdiction was required to consider when it made the land use decision;
 - iii. A judgment in favor of that person would substantially eliminate or redress the prejudice to that person caused or likely to be caused by the land use decision; and
 - iv. The petitioner has exhausted his or her administrative remedies to the extent required by law. (Ord. 2000-07; Ord. 98-10, 1998).

Chapter 15A.09 PLANNED ACTIONS

Sections

15A.09.010 Planned actions.

15A.09.020 SEPA integration with planned actions.

15A.09.010 Planned actions.

1. For the purposes of this chapter, a planned action means one or more types of project actions that:
 - a. Are designated planned actions by an ordinance or resolution adopted by Kittitas County under RCW 36.70A.040;
 - b. Have had the significant impacts adequately addressed in an environmental impact statement prepared in conjunction with a comprehensive plan or subarea plan adopted under Chapter 36.70A RCW, or a fully contained community, a master planned resort, a master planned development, or a phased project;
 - c. Are subsequent or implementing projects for the proposals listed in subsection (A)(1) or (A)(2) of this section;
 - d. Are located within an urban growth area, as defined in RCW 36.70A.030;
 - e. Are not essential public facilities as defined in RCW 36.70A.200; and
 - f. Are consistent with a comprehensive plan adopted under Chapter 36.70A RCW.
2. Kittitas County shall limit planned actions to certain types of development or to specific geographical areas that are less extensive than the jurisdictional boundaries of the county and may limit a planned action to a time period identified in the environmental impact statement or the ordinance or resolution. (Ord. 2000-07; Ord. 98-10, 1998).

15A.09.020 SEPA integration with planned actions.

A planned action does not require a threshold determination under Chapter 43.21C RCW and Chapter 15.04 KCC, or the preparation of an environmental impact statement, but is subject to environmental review and mitigation. (Ord. 2000-07; Ord. 98-10, 1998).

**Chapter 15A.10
AMENDMENTS**

Sections

15A.10.010 Continual evaluation.

15A.10.020 Review procedure.

15A.10.030 Deficiencies during project permit review.

15A.10.040 Public participation program for amendments.

15A.10.010 Continual evaluation.

The Kittitas County comprehensive plan, elements thereof, and development regulations shall be subject to continuing evaluation and review by Kittitas County. (Ord. 2000-07; Ord. 98-10, 1998).

15A.10.020 Review procedure.

Nonproject legislative actions, including but not limited to the adoption and amendment of the comprehensive plan and development regulations, are exempt from the procedural requirements of this title. The procedures for nonproject legislative actions are provided for in KCC Title 15B. (Ord. 2000-07; Ord. 98-10, 1998).

15A.10.030 Deficiencies during project permit review.

If, during project permit review, Kittitas County identifies deficiencies in county plans or regulations, the project permit review shall continue, and the identified deficiencies shall be docketed for possible future amendments pursuant to KCC Title 15B. For purposes of this section, a deficiency in a comprehensive plan or development regulation refers to the absence of required or potentially desirable contents of a comprehensive plan or development regulation. It does not refer to whether a development regulation addresses a project's probable specific adverse environmental impacts which the permitting agency could mitigate in the normal project review process. (Ord. 2000-07; Ord. 98-10, 1998).

15A.10.040 Public participation program for amendments.

Any interested person, including applicants, citizens, county commission and board members, and staff of other agencies may suggest plan or development regulation amendments. The suggested amendments shall be docketed with the Community Development Services department and considered by Kittitas County planning commission and board of county commissioners on at least an annual basis pursuant to KCC Title 15B, consistent with the provisions of RCW 36.70A.130. (Ord. 2000-07; Ord. 98-10, 1998).

Chapter 15A.11 DEVELOPMENT AGREEMENTS

Sections

- 15A.11.010 Development agreements.
- 15A.11.020 General requirements.
- 15A.11.030 Request for development agreement.
- 15A.11.040 Effect.
- 15A.11.050 Recording parties and successors bound.
- 15A.11.060 Public hearing.
- 15A.11.070

15A.11.010 Development agreements.

Kittitas County may enter into development agreements pursuant to RCW 36.70B.170 through 36.70B.210. A decision to enter into a development agreement shall be made on a case-by-case basis. A development agreement may be appropriate for large, complex or phased projects, or projects which were not contemplated by existing development regulations or existing application procedures. A development agreement may include provisions which are different or in addition to other county development regulations, as long as impacts are mitigated. (Ord. 2000-07; Ord. 9810, 1998).

15A.11.020 General requirements.

1. Kittitas County may enter into a development agreement with a person having ownership or control of real property within the county's jurisdiction.
2. A development agreement must set forth the development standards and other provisions that shall apply to and govern and vest the development, use and mitigation of the development of the real property for the duration specified in the agreement.
3. A development agreement shall be consistent with applicable county development regulations, except as such development regulations have been modified by the development standards contained in the agreement.
4. A development agreement does not affect the validity of a contract rezone, concomitant agreement, annexation agreement, or other agreement in existence on July 23, 1995, or adopted under separate authority, that includes some or all of the development standards provided in subsection E of this section.
5. For purposes of this chapter, "development standards" include, but are not limited to:
 - a. Project elements such as permitted uses, residential densities, and nonresidential densities and intensities or building sizes;
 - b. Mitigation measures, development conditions, and other requirements under Chapter 43.21C RCW;
 - c. Design standards such as maximum heights, setbacks, drainage and water quality requirements, landscaping, and other development features;

- d. Road and sidewalk standards;
 - e. Affordable housing;
 - f. Water, sewer, storm drainage and other infrastructure requirements;
 - g. Parks and open space preservation;
 - h. Phasing;
 - i. Development review processes, procedures and standards for implementing decisions, including methods of reimbursement to the county for review processes;
 - j. A build-out or vesting period for applicable development standards;
 - k. Process for amending the development agreement; and
 - l. Any other appropriate development requirement or procedure.
6. A development agreement may obligate a party to fund or provide services, infrastructure, or other facilities. Project applicants and local governments may include provisions and agreements whereby applicants are reimbursed over time for financing public facilities. A development agreement shall reserve authority to impose new or different regulations to the extent required by a serious threat to public health and safety. (Ord. 2000-07; Ord. 98-10, 1998).

15A.11.030 Request for development agreement.

A project applicant may submit a request for a development agreement to Kittitas County. The request should describe the project and the specific reasons why the project is suitable for a development agreement. The request should identify the development standards set forth in KCC 15A.11.020(E) that the applicant is requesting be included in the development agreement and any other reasonable information requested by the county. The request shall be filed with the planning office upon forms prescribed for that purpose by the administrator. The fee for such request shall be established pursuant to KCC 15A.03.050. (Ord. 2000-07; Ord. 98-10, 1998).

15A.11.040 Effect.

Unless amended or terminated, a development agreement is enforceable during its term by a party to the agreement. A development agreement and the development standards in the agreement govern during the term of the agreement, or for all or that part of the built-out period specified in the agreement, and may not be subject to an amendment to a zoning ordinance or development standard or regulation adopted after the effective date of the agreement. A permit or approval issued by Kittitas County after the execution of the development agreement must be consistent with the development agreement. (Ord. 2000-07; Ord. 98-10, 1998).

15A.11.050 Recording parties and successors bound.

A development agreement affecting property in Kittitas County shall be recorded with the real property documents of Kittitas County. During the term of the development agreement, the agreement is binding on the parties, their successors and assigns, including any city that assumes jurisdiction through incorporation or annexation of the area covering the property subject to the development agreement. (Ord. 2000-07; Ord. 98-10, 1998).

15A.11.060 Public hearing.

The county shall only approve a development agreement by ordinance or resolution after a public hearing. The county legislative body, or other body designated by the legislative body to conduct the public hearing, may conduct the hearing. If the development agreement relates to a project permit application, the provisions of Chapter 36.70C RCW shall apply to the appeal of the decision on the development agreement. (Ord. 2000-07; Ord. 98-10, 1998).

15A.11.070

Nothing in RCW 36.70B.170 through 36.70B.200 and Section 501, Ch. 374, Laws of 1995, or this chapter is intended to authorize the county to impose impact fees, inspection fees, or dedications or to require any other financial contributions or mitigation measures except as expressly authorized by other applicable provisions of state law. (Ord. 2000-07; Ord. 98-10, 1998).

**Chapter 15A.12
 COORDINATION WITH STATE PERMITTING**

Sections

15A.12.010 State permit coordination.

15A.12.010 State permit coordination.

Kittitas County may enter into coordinated permitting process with state and local permitting agencies pursuant to Chapter 90.60 RCW upon a case-by-case basis. Such decision to enter into a coordinated permitting process with other state and local agencies shall be made by the administrator on a case-by-case basis. (Ord. 2000-07; Ord. 98-10, 1998).

	Step 1 Public Comment Period	Step 2 Open Record Hearing	Step 3 Decision	Step 4 Open Record Appeal	Step 5 Closed Record Appeal	Step 6 Judicial Appeal*
ADMINISTRATIVE						
Zoning Variance:	15 days	None	Staff	BOA	None	Sup. Court
Zoning Administrative Conditional Uses ⁵ :	15 days	None	Staff	BOA	None	Sup. Court
Short Plats:	15 days	None	Staff	BCC	None	Sup. Court
Segregations/Lot Line Adjustments:	None	None	Staff	BCC	None	Sup. Court
SEPA Actions: Appeals of threshold determinations:	15 days	None	Staff	BOA/PC	None BCC	Sup. Court
SEPA Actions: The	15 days	None	Staff	BOA/BCC ²	None	Sup. Court

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exercise of substantive
SEPA authority and
adequacy of an EIS¹:

Independent administrative rulings:	None	None	Staff	BOA/BCC ³	None	Sup. Court
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QUASI-JUDICIAL

Zoning Conditional Uses:	15 days	BOA	BOA	None	None	Sup. Court
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Long Plats:	15 days	PC	BCC	None	None	Sup. Court
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Shorelines Substantial Development/Cnd. Use:	15 days	BOA	BOA	None	None	Shorelines Board
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Shorelines Setback Variance:	15 days	BOA	BOA	None	None	Shorelines Board
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Site-Specific Rezone to Zoning Map (Including PUD) ⁴ :	30 days	PC	BCC	None	None	Sup. Court
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Development Agreement:	30 days	PC	BCC	None	None	Sup. Court
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¹ See KCC 15A.01.040 for clarification of roles and responsibilities.

² Open record appeals of SEPA actions are heard by the hearing body making the decision on, or hearing the appeal of, the underlying application.

³ BOA for all actions associated with a project before them, all independent actions regarding KCC Title 17, Zoning; BCC for all actions associated with a project before them, and for independent actions regarding all county policies, codes, and standards not associated with KCC Title 17, Zoning.

⁴ Unless the rezone requires a comprehensive plan amendment which would then follow the comprehensive plan amendment process as outlined in KCC Title 15B.

⁵ In the event that a procedural appeal is filed pursuant to Chapter 15A.04 KCC, the BOA shall consider and issue a final decision on both the administrative appeal and the underlying project permit application under a single consolidated open record hearing. In such an event, the BOA's decision on the underlying application shall be quasi-judicial.

Legend:

- BCC - Board of County Commissioners
- BOA - Board of Adjustment
- PC - Planning Commission
- staff - County administration

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NOTE: In the case of combined applications which require public hearings before the planning commission and the board of adjustment, a joint hearing shall be held, and the board of adjustment decision shall be final and the planning commission recommendation transmitted to the board of commissioners for decision.

NOTE: In the case of application requiring combined legislative and quasi-judicial actions, a development agreement may provide for appropriate review and hearing body.

* Please review state revised and administrative code for appropriate judicial reviewing bodies.