

## **EXHIBIT I: Docket Item 14-07**

### **14-07 Kittitas County Proposal:**

**Amend portions of KCC Title 15A to allow for consistency and clarity for permit review efficiency.**

### **Exhibit I**

Ordinance 2014-015 Kittitas County Comprehensive Plan and Development Code Update

December 2, 2014

Page I-1

Kittitas County Code Title 15A, Project Permit Application Process, is amended as follows:

## Title 15A

### Project Permit Application Process

#### Chapters

- 15A.01 Administration, Purpose and Objective
- 15A.02 Definitions
- 15A.03 Project Permit Application Review
- 15A.04 Integration of SEPA ~~and Appeals of SEPA Actions~~
- 15A.05 Hearings
- 15A.06 Notice of Decision
- 15A.07 Administrative Decisions Appeals
- 15A.08 Judicial Appeal
- 15A.09 Planned Actions
- 15A.10 Amendments
- 15A.11 Development Agreements
- 15A.12 Coordination with State Permitting
- 15A.13 ~~Site Plan Review (Repealed)~~

#### Chapter 15A.03

#### PROJECT PERMIT APPLICATION REVIEW

##### Sections

- 15A.03.010 Complete application defined.
- 15A.03.020 Pre-application conference.
- 15A.03.030 Application and accompanying data.
- 15A.03.040 Determination of complete application.
- 15A.03.045 Permit processing time.
- 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.03.030 Application and accompanying data.**

1. Written application for the approval of ~~the following proposed~~ project activities such as: zoning variance; zoning conditional use; short plat, long plat or subdivision; binding site plans; shorelines substantial development/conditional use/~~variance~~; 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.

### Exhibit I

Ordinance 2014-015 Kittitas County Comprehensive Plan and Development Code Update

December 2, 2014

Page I-2

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~~wetlands, ~~cliffs~~hazardous slopes, 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. Appropriate fee(s) paid in full. (Ord. 2010-014, 2010; Ord. 2007-22, 2007; 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:

~~4.~~

~~4.~~a. 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.

- i. 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 (~~D4~~)(~~4a~~)(~~a~~) of this section shall apply as if a new request for studies has been made.

**Exhibit I**

- 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.03.080 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, or binding site plan;
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;

**Exhibit I**

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. 2007-22, 2007; Ord. 2000-07; Ord. 98-10, 1998)

**15A.03.110 Posting site.**

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 return the signed affidavit of posting form to~~contact~~ Community Development Services. (Ord. 2007-22, 2007)

**Chapter 15A.04**

**INTEGRATION OF SEPA ~~AND APPEALS OF SEPA ACTIONS~~**

**Sections**

15A.04.010 SEPA integration.

15A.04.020 ~~Appeal of SEPA actions. (Repealed)~~

15A.04.030 ~~Notice of SEPA actions. (Repealed)~~

**15A.04.020 Appeal of SEPA actions. (Repealed)**

- ~~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.~~

**Exhibit I**

Ordinance 2014-015 Kittitas County Comprehensive Plan and Development Code Update

December 2, 2014

Page I-5

- ~~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 appeal of a threshold determination or of the adequacy of an EIS. Successive appeals on these issues shall be to Superior Court of Hearing Board, as appropriate. (Ord. 2014-008, 2014; Ord. 2000-07; Ord. 9810, 1998)~~

**15A.04.030 Notice of SEPA actions. (Repealed)**

- ~~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.13**

**SITE PLAN REVIEW (Repealed)**

**Sections**

~~15A.13.010 Purpose.~~

~~15A.13.020 Applicability.~~

~~15A.13.030 Procedures.~~

~~15A.13.040 Criteria for approval.~~

~~15A.13.050 Amendments to approved site plans.~~

~~15A.13.060 Appeals of site plan determinations.~~

**15A.13.010 Purpose.**

~~Site plan review is an evaluation of development plans to identify compliance with applicable regulations, requirements and standards; to ensure that the proposal is coordinated with known and~~

**Exhibit I**

Ordinance 2014-015 Kittitas County Comprehensive Plan and Development Code Update

December 2, 2014

Page I-6

~~planned development on adjacent sites and within the subarea; to determine whether roads, access, capital facilities and utilities are adequate to serve the proposed development; and to ensure that development will protect the health, safety and general welfare of County residents. (Ord. 2009-25, 2009)~~

#### **15A.13.020 Applicability.**

~~Site plan review and approval is required prior to the development, occupancy or use of any site within the area. Site plan review shall apply to all new development, redevelopment, expansion or site improvements that will change the physical conditions of a site and is required prior to issuance of building permit. Site plan review is not intended to review and determine the appropriateness of a given use on a particular site. (Ord. 2010-011; Ord. 2009-25, 2009)~~

#### **15A.13.030 Procedures.**

1. ~~The process for review of a site plan shall be as follows:
  - a. ~~Review of proposals that are consistent with the applicable land use designation in the Comprehensive Plan and Subarea Plan, and with the applicable zoning designation shall be processed as an administrative decision and shall be determined by the Director of Community Development Services pursuant to KCC 15A.07.~~
  - b. ~~Review for proposals that also require preliminary subdivision approval or zoning reclassification shall be heard and decided by the Hearing Examiner, consistent with the procedures rezones specified in KCC 15A.03.~~~~
2. ~~Site plan review may be conducted independently or concurrently with any other development approval or permit required by this title.~~
3. ~~Preapplication conference. A preapplication conference between the applicant and County staff is optional but is recommended. Refer to KCC 15A.03.020.~~
4. ~~Application Requirements. An application for site plan review shall include the following:
  - a. ~~Narrative description of the proposal including: (a) site size, building size, and impervious surface coverage, and amount of area devoted to open space and recreation, landscaping and parking; calculations of gross and net density (b) designations of the property in the Comprehensive Plan, Snoqualmie Subarea Plan and zoning; (c) elevations and perspective drawings of proposed structures and other proposed improvements; (d) any agreements, covenants or other provisions that affect the proposal; and (e) signatures, mailing addresses and phone numbers of all owners of record or agents of the subject property.~~
  - b. ~~Vicinity map, showing site boundaries and existing roads and accesses within and bounding the site;~~
  - c. ~~Site plans, drawn to a scale no less than one inch equals fifty feet, showing the location and size of uses, buffer and open space areas, landscaped areas, areas of disturbance outside building footprints, and any existing structures, easements and utilities;~~
  - d. ~~Topographic map, based on a site survey, delineating existing contours at no less than 5-foot intervals, and which locates existing streams, wetlands and other natural features;~~
  - e. ~~Conceptual landscape plan;~~
  - f. ~~Parking and circulation plan;~~~~

## **Exhibit I**

Ordinance 2014-015 Kittitas County Comprehensive Plan and Development Code Update

December 2, 2014

Page I-7

- ~~g. Preliminary stormwater management plan;~~
  - ~~h. Preliminary utilities plan;~~
  - ~~i. Other reports or studies as determined applicable by the Director, including but not limited to geotechnical, critical areas, and/or traffic;~~
  - ~~j. SEPA environmental checklist unless the proposal is categorically exempt per KCC 15.04, Environmental Policy, or the applicant has agreed to prepare an environmental impact statement;~~
  - ~~k. A list of the names and addresses of property owners of record within 500 feet of the project boundaries. The Director of Community Development Services may modify these requirements based on the size, scope and complexity of the proposal.~~
- ~~5. Review and processing of applications for site plan review shall follow the procedures for review of other project permits as specified in KCC 15A.03. (Ord. 2010-011; Ord. 2009-25, 2009)~~

**~~15A.13.040 Criteria for approval.~~**

~~To be approved, or approved with conditions, a site plan must be consistent with the County's Comprehensive Plan and the Subarea Plan, and with all applicable development regulations, codes and other County requirements. A proposed site plan shall also satisfy the criteria of KCC 17.60B.050. (Ord. 2010-011; Ord. 2009-25, 2009)~~

**~~15A.13.050 Amendments to approved site plans.~~**

~~Proposed alterations to an approved site plan shall be processed consistent with KCC 17.36.070. (Ord. 2009-25, 2009)~~

**~~15A.13.060 Appeals of site plan determinations.~~**

~~Appeals of decisions on site plans shall follow the procedures of KCC 15A.07. (Ord. 2009-25, 2009)~~

Table A

	Step 1 Public Comment Period	Step 2 Open Record Hearing	Step 3 Decision	Step 4 Administrative Appeal	Step 5 Judicial Appeal*
<del>Binding <u>Site Plan</u>:<u>Site Plan</u> <u>Review</u>:</del>	15 days	None	Staff	BCC	Sup. Court
Zoning Variance:	15 days	None	Staff	BCC	Sup. Court
Permitted Administrative Uses <sup>5</sup> :	15 days	None	Staff	BCC	Sup. Court
Short Plats:	15 days	None	Staff	BCC	Sup. Court
Boundary <del>Lot</del> -Line Adjustments:	None	None	Staff	BCC	Sup. Court

**Exhibit I**

Ordinance 2014-015 Kittitas County Comprehensive Plan and Development Code Update

December 2, 2014

Page I-8



<u>Grade and Fill Permit:</u>	<u>None</u>	<u>None</u>	<u>Staff</u>	<u>BCC</u>	<u>Sup. Court</u>
SEPA Actions: Appeals of threshold determinations:	15 days	None	Staff	HE	Sup. Court
SEPA Actions: The exercise of substantive SEPA authority and adequacy of an EIS <sup>1</sup> :	15 days	None	Staff	HE/BCC <sup>2</sup>	Sup. Court
Independent administrative rulings:	None	None	Staff	BCC <sup>3</sup>	Sup. Court
Zoning Conditional Uses (Administrative):	15 days	None	Staff	BCC	Sup. Court
Zoning Conditional Uses (Hearing):	15 days	HE	BCC	None	Sup. Court
Long Plats:	15 days	HE	BCC	None	Sup. Court
Shorelines Substantial Development/Cnd. Use:	<del>15</del> -30 days	HE	BCC	None	Shorelines Board
Shorelines Setback Variance:	<del>15</del> -30 days	HE	BCC	None	Shorelines Board
Site-Specific Rezone to Zoning Map (Including PUD) <sup>4</sup> :	30 days	HE	BCC	None	Sup. Court
Development Agreement:	30 days	BCC	BCC	None	Sup. Court

(Ord. 2013-001, 2013; (Ord. 2012-009, 2012; Ord. 2010-011 ; Ord. 2009-25, 2009; Ord. 2000-07; Ord. 98-10, 1998)

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 Hearing Examiner for all actions associated with a project before him/her, 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.

## Exhibit I

Ordinance 2014-015 Kittitas County Comprehensive Plan and Development Code Update

December 2, 2014

Page I-9

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 HE 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 HE's decision on the underlying application shall be quasi-judicial.

Legend:

BCC - Board of County Commissioners

HE - Hearing Examiner

Staff - County administration

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.

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## **Exhibit I**

Ordinance 2014-015 Kittitas County Comprehensive Plan and Development Code Update

December 2, 2014

Page I-10