

SEPA¹ Environmental Checklist

Purpose of checklist

Governmental agencies use this checklist to help determine whether the environmental impacts of your proposal are significant. This information is also helpful to determine if available avoidance, minimization, or compensatory mitigation measures will address the probable significant impacts or if an environmental impact statement will be prepared to further analyze the proposal.

Instructions for applicants

This environmental checklist asks you to describe some basic information about your proposal. Please answer each question accurately and carefully, to the best of your knowledge. You may need to consult with an agency specialist or private consultant for some questions. **You may use “not applicable” or “does not apply” only when you can explain why it does not apply and not when the answer is unknown.** You may also attach or incorporate by reference additional studies reports. Complete and accurate answers to these questions often avoid delays with the SEPA process as well as later in the decision-making process.

The checklist questions apply to **all parts of your proposal**, even if you plan to do them over a period of time or on different parcels of land. Attach any additional information that will help describe your proposal or its environmental effects. The agency to which you submit this checklist may ask you to explain your answers or provide additional information reasonably related to determining if there may be significant adverse impact.

Instructions for lead agencies

Please adjust the format of this template as needed. Additional information may be necessary to evaluate the existing environment, all interrelated aspects of the proposal and an analysis of adverse impacts. The checklist is considered the first but not necessarily the only source of information needed to make an adequate threshold determination. Once a threshold determination is made, the lead agency is responsible for the completeness and accuracy of the checklist and other supporting documents.

Use of checklist for nonproject proposals

For nonproject proposals (such as ordinances, regulations, plans and programs), complete the applicable parts of sections A and B, plus the Supplemental Sheet for Nonproject Actions (Part D). Please completely answer all questions that apply and note that the words "project," "applicant," and "property or site" should be read as "proposal," "proponent," and "affected geographic area," respectively. The lead agency may exclude (for non-projects) questions in “Part B: Environmental Elements” that do not contribute meaningfully to the analysis of the proposal.

¹ <https://ecology.wa.gov/Regulations-Permits/SEPA/Environmental-review/SEPA-guidance/Checklist-guidance>

A. Background

[Find help answering background questions²](https://ecology.wa.gov/Regulations-Permits/SEPA/Environmental-review/SEPA-guidance/SEPA-checklist-guidance/SEPA-Checklist-Section-A-Background)

1. Name of proposed project, if applicable:

Kittitas County 2026 Development Regulations Update

2. Name of applicant:

Kittitas County

3. Address and phone number of applicant and contact person:

Kittitas County Community Development Services

Chad Bala and Jeremy Johnston

411 N. Ruby Street,

Suite 2

Ellensburg, WA 98926

(509)962-7506

4. Date checklist prepared:

August 12, 2026

5. Agency requesting checklist:

Kittitas County

6. Proposed timing of schedule (including phasing, if applicable):

The Board of County Commissioners' consideration of adoption in November of 2026

7. Do you have any plans for future additions, expansion, or further activity related to or connected with this proposal? If yes, explain.

No, the proposed development regulations are non-project actions designed to update Kittitas County Code by ensuring SEPA appeal process clarity, consistency with recent State ADU legislation, and proposing a new Title related to regulations of short-term rentals.

8. List any environmental information you know about that has been prepared, or will be prepared, directly related to this proposal.

No additional environmental review has taken place or is anticipated to take place regarding the proposed amendments, with the exception of this checklist.

9. Do you know whether applications are pending for governmental approvals of other proposals directly affecting the property covered by your proposal? If yes, explain.

² <https://ecology.wa.gov/Regulations-Permits/SEPA/Environmental-review/SEPA-guidance/SEPA-checklist-guidance/SEPA-Checklist-Section-A-Background>

No applications are pending for governmental approvals for other proposals directly affecting this proposal. Future development activities may submit applications and would be subject to the plans and regulations in place at that time.

10. List any government approvals or permits that will be needed for your proposal, if known.

The Kittitas County Board of County Commissioners will consider the proposed development regulations, following the recommendations made by the Planning Commission and a 60-day review by the Washington Department of Commerce. If approved the regulations will be adopted by Ordinance. Corresponding opportunities to provide written and oral public testimony are being provided as part of the public hearings before both the Planning Commission and Board of County Commissioners. Kittitas County will work to address public, agency, and Tribal commentary as part of this process.

Information regarding public meetings, hearings, and opportunities to provide oral and written commentary can be found on the [Kittitas County website](#).

11. Give brief, complete description of your proposal, including the proposed uses and the size of the project and site. There are several questions later in this checklist that ask you to describe certain aspects of your proposal. You do not need to repeat those answers on this page. (Lead agencies may modify this form to include additional specific information on project description.)

There are three non-project actions being proposed:

- Item 26-01 – SEPA appeal process revisions- The proposed revisions will clarify applicable SEPA appeal procedures for administrative vs non-administrative actions.
- Item 26-02 – ADU application criteria – In 2025 Kittitas County adopted development regulations associated with ADU development with the intention of ensuring consistency with HB 1337. Kittitas County has since identified certain criteria within our ADU permitting process that are discretionary and unnecessarily burdensome on applicants. The proposal will remove these unnecessary processes and exempt ADU applications from the discretionary criteria that generally apply to Permitted Administrative uses under Kittitas County Code.
- Item 26-03 – This item will enact short-term rental regulations within Kittitas County.

The proposed regulation are attached as exhibits.

12. Location of the proposal. Give sufficient information for a person to understand the precise location of your proposed project, including a street address, if any, and section, township, and range, if known. If a proposal would occur over a range of area, provide the range or boundaries of the site(s). Provide a legal description, site plan, vicinity map, and topographic map, if reasonably available. While you should submit any plans required by the agency, you are not required to duplicate maps or detailed plans submitted with any permit applications related to this checklist.

Kittitas County is located in central Washington State. It is surrounded by Chelan County and Douglas County to the north, Grant County to the east, Yakima County to the south,

and King County to the west. The proposed development regulation updates affects all lands and land uses within unincorporated Kittitas County.

B.Environmental Elements

1. Earth

[Find help answering earth questions](#)³

a. General description of the site:

Located in central Washington State, Kittitas County includes 1,481,814 acres (2,315 square miles) of land area. Its topography includes mountains, river valleys, and farmland. See the Land Use Element of the Comprehensive Plan for more information.

Circle or highlight one: Flat, rolling, hilly, steep slopes, mountainous, other:

There is a variety of topographies in Kittitas County ranging from flat lands to mountainous terrain within the Cascade Mountain range. The areas that are more mountainous exist in the western portion of the County by the Cascade Mountain range. The more rolling areas are within the middle and eastern portions, and the flat areas are in the lower and eastern areas of Kittitas County where there is more farming.

b. What is the steepest slope on the site (approximate percent slope)?

The topography of Kittitas County ranges from 475 feet along the banks of the Columbia River to 7,986 feet at the highest point at Mount Daniel.

c. What general types of soils are found on the site (for example, clay, sand, gravel, peat, muck)? If you know the classification of agricultural soils, specify them, and note any agricultural land of long-term commercial significance and whether the proposal results in removing any of these soils.

Kittitas County contains several soil types surveyed by the US Department of Agriculture through their [web soil survey](#). Kittitas County includes agricultural lands. The proposed development regulations will not involve removal of any of these soils.

d. Are there surface indications or history of unstable soils in the immediate vicinity? If so, describe.

This is a non-project action (legislative proposal). Unstable soils are expected to exist throughout the County. Future development projects will be reviewed, as required, for compliance with the SEPA guidelines pursuant to KCC 15.04 as well as the County critical area regulations in KCC 17A.

³ <https://ecology.wa.gov/regulations-permits/sepa/environmental-review/sepa-guidance/sepa-checklist-guidance/sepa-checklist-section-b-environmental-elements/environmental-elements-earth>

- e. Describe the purpose, type, total area, and approximate quantities and total affected area of any filling, excavation, and grading proposed. Indicate source of fill.**

This is a non-project action (legislative proposal) and does not propose filling or grading.

- f. Could erosion occur because of clearing, construction, or use? If so, generally describe.**

This is a non-project action (legislative proposal) and no erosion would result from this action.

- g. About what percent of the site will be covered with impervious surfaces after project construction (for example, asphalt or buildings)?**

This is a non-project action (legislative proposal). No construction is being proposed.

- h. Proposed measures to reduce or control erosion, or other impacts to the earth, if any.**

This is a non-project action (legislative proposal). No erosion control measures are applicable.

2. Air

[Find help answering air questions](#)⁴

- a. What types of emissions to the air would result from the proposal during construction, operation, and maintenance when the project is completed? If any, generally describe and give approximate quantities if known.**

This is a non-project action (legislative proposal). There will be no associated air emissions.

- b. Are there any off-site sources of emissions or odor that may affect your proposal? If so, generally describe.**

This is a non-project action (legislative proposal). Offsite sources of emissions or odor are not applicable.

- c. Proposed measures to reduce or control emissions or other impacts to air, if any:**

This is a non-project action (legislative proposal). There is no development being proposed and as such, no need to mitigate for or control emissions.

⁴ <https://ecology.wa.gov/Regulations-Permits/SEPA/Environmental-review/SEPA-guidance/SEPA-checklist-guidance/SEPA-Checklist-Section-B-Environmental-elements/Environmental-elements-Air>

3. Water

[Find help answering water questions](#)⁵

a. Surface:

[Find help answering surface water questions](#)⁶

- 1. Is there any surface water body on or in the immediate vicinity of the site (including year-round and seasonal streams, saltwater, lakes, ponds, wetlands)? If yes, describe type and provide names. If appropriate, state what stream or river it flows into.**

Kittitas County has numerous year-round and seasonal streams. Shorelines run adjacent to Cle Elum River, Columbia River, Kachess River, Little Naches River, Teanaway River, Yakima River, lakes, ponds, and wetlands. Rivers, streams, and lakes which fall under the Shoreline Master Program. This is a non-project action which will impact all of Kittitas County. This is a non-project actions so no physical impacts to critical areas are anticipated.

- 2. Will the project require any work over, in, or adjacent to (within 200 feet) the described waters? If yes, please describe and attach available plans.**

This is a non-project action (legislative proposal) and will not require work over, in, or adjacent to the described waters.

Estimate the amount of fill and dredge material that would be placed in or removed from surface water or wetlands and indicate the area of the site that would be affected. Indicate the source of fill material.

This is a non-project action (legislative proposal). No placement of fill or dredge materials are applicable.

- 3. Will the proposal require surface water withdrawals or diversions? Give a general description, purpose, and approximate quantities if known.**

This is a non-project action (legislative proposal). No surface water withdrawals or diversions are anticipated because of this proposal.

- 4. Does the proposal lie within a 100-year floodplain? If so, note location on the site plan.**

This is a non-project action, but floodplains exist throughout Kittitas County. Most are present along major rivers as provided in question 3 above. Flood hazard data

⁵ <https://ecology.wa.gov/Regulations-Permits/SEPA/Environmental-review/SEPA-guidance/SEPA-checklist-guidance/SEPA-Checklist-Section-B-Environmental-elements/Environmental-elements-3-Water>

⁶ <https://ecology.wa.gov/Regulations-Permits/SEPA/Environmental-review/SEPA-guidance/SEPA-checklist-guidance/SEPA-Checklist-Section-B-Environmental-elements/Environmental-elements-3-Water/Environmental-elements-Surface-water>

for Kittitas County can be found through [FEMA's National Flood Hazard Layer located here.](#)

- 5. Does the proposal involve any discharges of waste materials to surface waters? If so, describe the type of waste and anticipated volume of discharge.**

This is a non-project action (legislative proposal) and as such, no discharges of waste materials to surface waters are anticipated because of this proposal.

b. Ground:

[Find help answering ground water questions](#)⁷

- 1. Will groundwater be withdrawn from a well for drinking water or other purposes? If so, give a general description of the well, proposed uses and approximate quantities withdrawn from the well. Will water be discharged to groundwater? Give a general description, purpose, and approximate quantities if known.**

This is a non-project action (legislative proposal). No discharge or withdraw of water resources are applicable.

- 2. Describe waste material that will be discharged into the ground from septic tanks or other sources, if any (domestic sewage; industrial, containing the following chemicals...; agricultural; etc.). Describe the general size of the system, the number of such systems, the number of houses to be served (if applicable), or the number of animals or humans the system(s) are expected to serve.**

This is a non-project action (legislative proposal). No discharge of waste material is applicable.

Water Runoff (including stormwater):

- 3. Describe the source of runoff (including storm water) and method of collection and disposal, if any (include quantities, if known). Where will this water flow? Will this water flow into other waters? If so, describe.**

This is a non-project action with no associated runoff anticipated.

- 4. Could waste materials enter ground or surface waters? If so, generally describe.**

This is a non-project action (legislative proposal) with no impacts to ground or surface waters.

- 5. Does the proposal alter or otherwise affect drainage patterns in the vicinity of the site? If so, describe.**

This is a non-project action (legislative proposal) with no impacts to ground or surface waters.

⁷ <https://ecology.wa.gov/Regulations-Permits/SEPA/Environmental-review/SEPA-guidance/SEPA-checklist-guidance/SEPA-Checklist-Section-B-Environmental-elements/Environmental-elements-3-Water/Environmental-elements-Groundwater>

d. Proposed measures to reduce or control surface, ground, and runoff water, and drainage pattern impacts, if any:

This is a non-project action (legislative proposal) with no impacts to ground or surface waters.

4. Plants

[Find help answering plants questions](#)

a. Check the types of vegetation found on the site:

- ☒ **deciduous tree: alder, maple, aspen, other**
- ☒ **evergreen tree: fir, cedar, pine, other**
- ☒ **shrubs**
- ☒ **grass**
- ☒ **pasture**
- ☒ **crop or grain**
- ☒ **orchards, vineyards, or other permanent crops.**
- ☒ **wet soil plants: cattail, buttercup, bullrush, skunk cabbage, other**
- ☒ **water plants: water lily, eelgrass, milfoil, other**
- ☐ **other types of vegetation**

Forested areas with various types of evergreen and deciduous trees exist throughout the Cascade Mountain range region of Kittitas County. Shrub species are prominent in the eastern portion of the county. Grass, pasture, and crops can be found in the eastern portion of the county where there is agricultural activity. Wet soil and water plants can be found in wetlands throughout the valley and mountain areas, including along the Columbia River.

b. What kind and amount of vegetation will be removed or altered?

This is a non-project action (legislative proposal). No vegetation removal or alteration is being proposed.

c. List threatened and endangered species known to be on or near the site.

This is a non-project action (legislative proposal). However, in Kittitas County overall, the following sensitive, threatened, endangered species in **Exhibit 1** are reported by the [Washington Department of Fish and Wildlife](#) and [Center for Biological Diversity](#):

Exhibit 1: Threatened or Endangered Plant Species

Species	State Status	Federal ESA Status
Showy Stickseed	Endangered	Endangered
Ute ladies'-tresses	Endangered	Threatened

Wenatchee Mountains Checkermallow	Endangered	Endangered
Whitebark Pine	Sensitive	Threatened

The Kittitas County Code 17A provides additional information regarding State and Federal designated Endangered, Threatened, and Sensitive Species.

d. Proposed landscaping, use of native plants, or other measures to preserve or enhance vegetation on the site, if any.

This is a non-project action (legislative proposal). No vegetation preservation or enhancement measures are necessary.

e. List all noxious weeds and invasive species known to be on or near the site.

While this is a non-project action (legislative proposal), the noxious and invasive species that are known to occur within Kittitas County can be found through the County [Noxious Weed Control Board here](#). Other noxious and invasive species may be present in the County on a case-by-case basis to be determined on the project level and mitigated as directed in Kittitas County Code.

5. Animals

[Find help answering animal questions](#)⁸

a. List any birds and other animals that have been observed on or near the site or are known to be on or near the site.

The proposed development regulations are non-project actions (legislative proposal)..

Overall, Kittitas County is home to a range of migratory and local wildlife species including, but not limited, to hawk, heron, eagle, songbird, deer, bear, elk, beavers, bass, salmon, and trout species. A full list of habitats can be seen on the [Priority Habitats and Species \(PHS\) on the web app](#) and <https://geodataservices.wdfw.wa.gov/hp/phs/>

b. List any threatened and endangered species known to be on or near the site.

Overall, Kittitas County is home to the following reported threatened and endangered species in **Exhibit 2** as reported by the [Washington Department of Fish and Wildlife](#) and [Center for Biological Diversity](#):

Exhibit 2: Threatened or Endangered Animal Species

Species	State Status	Federal ESA Status
Bull Trout	Candidate	Threatened

⁸ <https://ecology.wa.gov/Regulations-Permits/SEPA/Environmental-review/SEPA-guidance/SEPA-checklist-guidance/SEPA-Checklist-Section-B-Environmental-elements/Environmental-elements-5-Animals>

Species	State Status	Federal ESA Status
Chinook Salmon		Threatened (Upper Columbia Spring Run is Endangered)
Coho Salmon		Threatened – Lower Columbia
Steelhead	Candidate	Threatened
Sockeye Salmon		Threatened – Ozette Lake Endangered – Snake River
Canada Lynx	Endangered	Threatened
Gray Wolf	Endangered	Endangered
Marbled Murrelet	Endangered	Threatened
Monarch Butterfly	Candidate	Candidate
North American Wolverine	Candidate	Threatened
Northern Spotted Owl	Endangered	Threatened
Yellow-billed Cuckoo	Endangered	Threatened

c. Is the site part of a migration route? If so, explain.

The proposed development regulations are non-project actions. However, it is likely that portions of Kittitas County are part of one or more migratory routes across species. Migratory animals may include species of elk, birds, and fish. Elk are found in the southern range and hill areas. The Columbia River is a migration corridor for migratory waterfowl, the Columbia River bull trout, and the Middle Columbia River steelhead. Washington State is also part of the Pacific Flyway for migratory songbirds.

d. Proposed measures to preserve or enhance wildlife, if any.

The proposed development regulations are non-project actions. (legislative proposal). The proposal does not include measures to preserve or enhance wildlife.

e. List any invasive animal species known to be on or near the site.

This is a non-project action; however, the Washington Invasive Species Council of the Washington State Recreation and Conservation Office has identified the species [linked here as priority invasive species in Washington State.](#)

6. Energy and natural resources

[Find help answering energy and natural resource questions](#)⁹

- a. **What kinds of energy (electric, natural gas, oil, wood stove, solar) will be used to meet the completed project's energy needs? Describe whether it will be used for heating, manufacturing, etc.**

None proposed as part of the non-project action (legislative proposal).

- b. **Would your project affect the potential use of solar energy by adjacent properties? If so, generally describe.**

This is a non-project action (legislative proposal) and will not cause solar energy impacts.

- c. **What kinds of energy conservation features are included in the plans of this proposal? List other proposed measures to reduce or control energy impacts, if any.**

This is a non-project action (legislative proposal) with no projected energy impacts.

7. Environmental health

[Health Find help with answering environmental health questions](#)¹⁰

- a. **Are there any environmental health hazards, including exposure to toxic chemicals, risk of fire and explosion, spill, or hazardous waste, that could occur because of this proposal? If so, describe.**

This is a non-project action (legislative proposal). No known or possible contamination of sites associated with this proposal. Any future use will be required to meet all County, State, and Federal requirements.

1. **Describe any known or possible contamination at the site from present or past uses.**

This is a non-project action (legislative proposal). There are no known or possible contamination of sites associated with this proposal.

Describe existing hazardous chemicals/conditions that might affect project development and design. This includes underground hazardous liquid and gas transmission pipelines located within the project area and in the vicinity.

This is a non-project action (legislative proposal). No known hazardous chemicals/conditions are part of this non-project action.

Describe any toxic or hazardous chemicals that might be stored, used, or produced during the project's development or construction, or at any time during the operating life of the project.

Not applicable. This is a non-project action (legislative proposal).

⁹ <https://ecology.wa.gov/Regulations-Permits/SEPA/Environmental-review/SEPA-guidance/SEPA-checklist-guidance/SEPA-Checklist-Section-B-Environmental-elements/Environmental-elements-6-Energy-natural-resou>

¹⁰ <https://ecology.wa.gov/Regulations-Permits/SEPA/Environmental-review/SEPA-guidance/SEPA-checklist-guidance/SEPA-Checklist-Section-B-Environmental-elements/Environmental-elements-7-Environmental-health>

2. Describe special emergency services that might be required.

Not applicable. This is a non-project action (legislative proposal). No special emergency services are required for this non-project action.

3. Proposed measures to reduce or control environmental health hazards, if any.

This is a non-project action (legislative proposal) which will not create or impact any environmental health hazards.

b. Noise

1. What types of noise exist in the area which may affect your project (for example: traffic, equipment, operation, other)?

This is a non-project action (legislative proposal). While the proposed items will not create any noise impacts, the STR regulations will attempt to reduce noise impacts associated with STR's.

2. What types and levels of noise would be created by or associated with the project on a short-term or a long-term basis (for example: traffic, construction, operation, other)? Indicate what hours noise would come from the site)?

This is a non-project action (legislative proposal) that will not create any noise impacts. It may reduce noise impacts from existing STR's.

3. Proposed measures to reduce or control noise impacts, if any:

This is a non-project action (legislative proposal) that will not create any noise impacts. It may reduce noise impacts from existing STR's.

8. Land and shoreline use

[Find help answering land and shoreline use questions](https://ecology.wa.gov/Regulations-Permits/SEPA/Environmental-review/SEPA-guidance/SEPA-checklist-guidance/SEPA-Checklist-Section-B-Environmental-elements/Environmental-elements-8-Land-shoreline-use)¹¹

a. What is the current use of the site and adjacent properties? Will the proposal affect current land uses on nearby or adjacent properties? If so, describe.

As part of this non-project action, current land uses are not impacted. Future development will need to undergo its own separate environmental review process. Possible effects to current land uses on nearby or adjacent properties will be evaluated through application of Kittitas County code and state and federal regulations, depending on the proposal.

b. Has the project site been used as working farmlands or working forest lands? If so, describe. How much agricultural or forest land of long-term commercial significance will be converted to other uses because of the proposal, if any? If resource lands have not been designated, how many acres in farmland or forest land tax status will be converted to nonfarm or nonforest use?

¹¹ <https://ecology.wa.gov/Regulations-Permits/SEPA/Environmental-review/SEPA-guidance/SEPA-checklist-guidance/SEPA-Checklist-Section-B-Environmental-elements/Environmental-elements-8-Land-shoreline-use>

This is a non-project action (legislative proposal) and therefore no specific project site.

- 1. Will the proposal affect or be affected by surrounding working farm or forest land normal business operations, such as oversize equipment access, the application of pesticides, tilling, and harvesting? If so, how?**

No. This is a non-project action which will apply to the whole County

- c. Describe any structures on the site.**

This is a non-project action that involves all of Kittitas County.

- d. Will any structures be demolished? If so, what?**

This is a non-project action. No structures are being demolished as part of this proposal.

- e. What is the current zoning classification of the site? .**

The zoning map applies to all areas of the County not incorporated as a city. For the zoning relating to the cities within Kittitas County, refer to the appropriate city's zoning map.

- f. What is the current comprehensive plan designation of the site?**

The proposal involves every Comprehensive Plan designation.

- g. If applicable, what is the current shoreline master program designation of the site?**

Not applicable.

- h. Has any part of the site been classified as a critical area by the city or county? If so, specify.**

This is a non-project action which involves the entire County. No critical area or shoreline impacts are anticipated.

- i. Approximately how many people would reside or work in the completed project?**

Exhibit 3: Kittitas County Growth and Housing Allocations

Jurisdiction	City/UGA	Future Population (2046)	Total Housing Units Allocated
Cle Elum	City	3,005	380
	UGA	46	6
Ellensburg	City	25,631	3,012
	UGA	3,074	293
Kittitas	City	1,974	203
	UGA	76	6
Roslyn	City	1,395	210
	UGA	5	0

South Cle Elum	City	768	87
	UGA	83	6
Unincorporated Rural	Rural	24,563	1,423

Exhibit 4: Countywide Job Projections

Employment Projections	2022	2046
Total All Jobs	17,932	22,983
Total Occupied Housing Units	19,975	25,601
Jobs to Housing Ratio	0.90	0.90

j. Approximately how many people would the completed project displace?

This is a non-project action (legislative proposal) and as such, this action is not anticipated to contribute to displacement.

k. Proposed measures to avoid or reduce displacement impacts, if any.

This is a non-project action (legislative proposal) and as such, this action is not anticipated to contribute to displacement.

l. Proposed measures to ensure the proposal is compatible with existing and projected land uses and plans, if any.

The Comprehensive Plan under the land use element speaks to the existing and future land uses in the county's unincorporated areas and refers back to the countywide planning policies and Growth Management Act requirements as appropriate to ensure compatibility in land use applications. This is a non-project action. The short term rental regulations do propose to only allow STR's in zones that allow for single family residences.

m. Proposed measures to reduce or control impacts to agricultural and forest lands of long-term commercial significance, if any:

The proposals do not anticipate any impacts to agriculture or forest lands of long term significance.

9. Housing

[Find help answering housing questions](#)¹²

- a. **Approximately how many units would be provided, if any? Indicate whether high, middle, or low-income housing.**

The proposals are not expected to have any impact on housing stock.

- b. **Approximately how many units, if any, would be eliminated? Indicate whether high, middle, or low-income housing.**

The proposals are not expected to have any impact on housing stock.

- c. **Proposed measures to reduce or control housing impacts, if any:**

The proposals are not expected to have any impact on housing stock.

10. Aesthetics

[Find help answering aesthetics questions](#)¹³

- a. **What is the tallest height of any proposed structure(s), not including antennas; what is the principal exterior building material(s) proposed?**

This is a non-project action (legislative proposal). No structures are proposed.

- b. **What views in the immediate vicinity would be altered or obstructed?**

This is a non-project action (legislative proposal). No view impacts are anticipated.

- c. **Proposed measures to reduce or control aesthetic impacts, if any:**

This is a non-project action (legislative proposal). No aesthetic impacts are anticipated.

11. Light and glare

[Find help answering light and glare questions](#)¹⁴

- a. **What type of light or glare will the proposal produce? What time of day would it mainly occur?**

This is a non-project action (legislative proposal). No light or glare impacts are anticipated.

- b. **Could light or glare from the finished project be a safety hazard or interfere with views?**

¹² <https://ecology.wa.gov/Regulations-Permits/SEPA/Environmental-review/SEPA-guidance/SEPA-checklist-guidance/SEPA-Checklist-Section-B-Environmental-elements/Environmental-elements-9-Housing>

¹³ <https://ecology.wa.gov/Regulations-Permits/SEPA/Environmental-review/SEPA-guidance/SEPA-checklist-guidance/SEPA-Checklist-Section-B-Environmental-elements/Environmental-elements-10-Aesthetics>

¹⁴ <https://ecology.wa.gov/Regulations-Permits/SEPA/Environmental-review/SEPA-guidance/SEPA-checklist-guidance/SEPA-Checklist-Section-B-Environmental-elements/Environmental-elements-11-Light-glare>

This is a non-project action (legislative proposal). No light or glare impacts are anticipated.

c. What existing off-site sources of light or glare may affect your proposal?

This is a non-project action (legislative proposal). No light or glare impacts are anticipated.

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d. Proposed measures to reduce or control light and glare impacts, if any:

This is a non-project action (legislative proposal). No light or glare impacts are anticipated.

12. Recreation

[Find help answering recreation questions](#)

a. What designated and informal recreational opportunities are in the immediate vicinity?

Kittitas County is home to an array of recreation opportunities, including but not limited to, parks, trails, camping, water sports, and athletic fields.

b. Would the proposed project displace any existing recreational uses? If so, describe.

This is a non-project action (legislative proposal). No recreational uses are proposed to be displaced.

c. Proposed measures to reduce or control impacts on recreation, including recreation opportunities to be provided by the project or applicant, if any:

This is a non-project action (legislative proposal). No direct recreational impacts are anticipated.

13. Historic and cultural preservation

[Find help answering historic and cultural preservation questions](#)¹⁵

a. Are there any buildings, structures, or sites, located on or near the site that are over 45 years old listed in or eligible for listing in national, state, or local preservation registers? If so, specifically describe.

This is a non-project action (legislative proposal) with no specific site impacted. The proposals will impact the entire County.

b. Are there any landmarks, features, or other evidence of Indian or historic use or occupation? This may include human burials or old cemeteries. Are there any material

¹⁵ <https://ecology.wa.gov/Regulations-Permits/SEPA/Environmental-review/SEPA-guidance/SEPA-checklist-guidance/SEPA-Checklist-Section-B-Environmental-elements/Environmental-elements-13-Historic-cultural-p>

evidence, artifacts, or areas of cultural importance on or near the site? Please list any professional studies conducted at the site to identify such resources.

This is a non-project action; however, Kittitas County is located on the ancestral lands of the Pshwanapum and other bands of the Yakama Nation. The Treaty of 1855 with the Yakama (12 Stat. 951) is the contract between the US government and Yakama Nation regarding the secession of land and protection of rights. As such, there are likely lands throughout Kittitas County that have Indigenous belongings or are cultural and burial sites.

Future development proposals would be subject to SEPA individually as well as development permit review by the County. Both of these processes include an assessment of material evidence, artifacts, or areas of cultural importance on or near a project site.

- c. Describe the methods used to assess the potential impacts to cultural and historic resources on or near the project site. Examples include consultation with tribes and the department of archeology and historic preservation, archaeological surveys, historic maps, GIS data, etc.**

Kittitas County is located on the ancestral lands of the Pshwanapum and other bands of the Yakama Nation and is subject to the Treaty of 1855. No site-specific methods were used to assess potential impacts as this is a non-project action (legislative proposal). The County will continue to coordinate and engage Tribal Governments through plan implementation and additional projects.

- d. Proposed measures to avoid, minimize, or compensate for loss, changes to, and disturbance to resources. Please include plans for the above and any permits that may be required.**

This is a non-project action (legislative proposal). Kittitas County will continue to engage Tribal Nations to identify any losses, changes to, or disturbances to resources, if any. The County is committed to engage, to identify, and prevent any loss, but anticipates no impacts from these proposals.

14. Transportation

[Find help with answering transportation questions](#)¹⁶

- a. Identify public streets and highways serving the site or affected geographic area and describe proposed access to the existing street system. Show on site plans, if any.**

The Kittitas County identifies the existing streets and road network within the County and is available through the [County Public Works department here](#).

The transportation network in the County is made up of state highways, rural roads, urban streets, and local collectors. The major routes include I-90, I-82, and SR 97.

¹⁶ <https://ecology.wa.gov/Regulations-Permits/SEPA/Environmental-review/SEPA-guidance/SEPA-checklist-guidance/SEPA-Checklist-Section-B-Environmental-elements/Environmental-elements-14-Transportation>

Additional information is also located in the Transportation Element (Section 5) of the Comprehensive Plan update.

- b. Is the site or affected geographic area currently served by public transit? If so, generally describe. If not, what is the approximate distance to the nearest transit stop?**

The County is currently served by Central Transit, provided by HopeSource, as the public transit service. The county route service area can be found here: [Kittitas County Connector — HopeSource](#)

- c. Will the proposal require any new or improvements to existing roads, streets, pedestrian, bicycle, or state transportation facilities, not including driveways? If so, generally describe (indicate whether public or private).**

No, this is a non-project action with no anticipated impacts on transportation infrastructure.

- d. Will the project or proposal use (or occur in the immediate vicinity of) water, rail, or air transportation? If so, generally describe.**

No, this is a non-project action with no anticipated impacts on transportation infrastructure.

- e. How many vehicular trips per day would be generated by the completed project or proposal? If known, indicate when peak volumes would occur and what percentage of the volume would be trucks (such as commercial and nonpassenger vehicles). What data or transportation models were used to make these estimates?**

None, this a non-project action.

- f. Will the proposal interfere with, affect, or be affected by the movement of agricultural and forest products on roads or streets in the area? If so, generally describe.**

This is a non-project action (legislative proposal). However, it is not anticipated that this proposal will interfere with, affect, or be affected by the movement of agricultural and forest products on roads or streets in the area.

- g. Proposed measures to reduce or control transportation impacts, if any:**

This is a non-project action with no anticipated impacts on transportation.

15. Public services

[Find help answering public service questions¹⁷](#)

- a. Would the project result in an increased need for public services (for example: fire protection, police protection, public transit, health care, schools, other)? If so, generally describe.**

No.

¹⁷ <https://ecology.wa.gov/regulations-permits/sepa/environmental-review/sepa-guidance/sepa-checklist-guidance/sepa-checklist-section-b-environmental-elements/environmental-elements-15-public-services>

- b. **Proposed measures to reduce or control direct impacts on public services, if any.**

This is a non-project action (legislative proposal) which anticipates no impacts on public services.

16. Utilities

[Find help answering utilities questions¹⁸](#)

- a. **Circle utilities currently available at the site: electricity, natural gas, water, refuse service, telephone, sanitary sewer, septic system, other:**

This is a non-project action; however all of these utilities are present in Kittitas County and can be found in more detail under the Utilities Element (Section 7) of the Comprehensive Plan.

- b. **Describe the utilities that are proposed for the project, the utility providing the service, and the general construction activities on the site or in the immediate vicinity which might be needed.**

This is a non-project action (legislative proposal) which will not require utilities.

C. Signature

[Find help about who should sign¹⁹](#)

The above answers are true and complete to the best of my knowledge. I understand that the lead agency is relying on them to make its decision.

X 

Type name of signee: Jamey Ayling

Position and agency/organization: Kittitas County Community Development Services Planning Manager

Date submitted: 8-12-26

¹⁸ <https://ecology.wa.gov/regulations-permits/sepa/environmental-review/sepa-guidance/sepa-checklist-guidance/sepa-checklist-section-b-environmental-elements/environmental-elements-16-utilities>

¹⁹ <https://ecology.wa.gov/Regulations-Permits/SEPA/Environmental-review/SEPA-guidance/SEPA-checklist-guidance/SEPA-Checklist-Section-C-Signature>

D. Supplemental sheet for nonproject actions

[Find help for the nonproject actions worksheet²⁰](#)

Do not use this section for project actions.

Because these questions are very general, it may be helpful to read them in conjunction with the list of the elements of the environment.

When answering these questions, be aware of the extent the proposal, or the types of activities likely to result from the proposal, would affect the item at a greater intensity or at a faster rate than if the proposal were not implemented. Respond briefly and in general terms.

- 1. How would the proposal be likely to increase discharge to water; emissions to air; production, storage, or release of toxic or hazardous substances; or production of noise?**

It is not anticipated that this non-project legislative action will cause these increases to occur.

- 2. How would the proposal be likely to affect plants, animals, fish, or marine life?**

This non-project legislative action itself would not affect plant, animal, or fish life.

- 3. How would the proposal be likely to deplete energy or natural resources?**

As a non-project action, the proposal will not directly deplete energy or natural resources.

- 4. How would the proposal be likely to use or affect environmentally sensitive areas or areas designated (or eligible or under study) for governmental protection, such as parks, wilderness, wild and scenic rivers, threatened or endangered species habitat, historic or cultural sites, wetlands, floodplains, or prime farmlands?**

The proposals would not have any impact on any wildlife, prime lands, or critical areas

- 5. How would the proposal be likely to affect land and shoreline use, including whether it would allow or encourage land or shoreline uses incompatible with existing plans?**

The proposed items will not have any direct or indirect impacts on Shoreline or associated uses.

- 6. How would the proposal be likely to increase demands on transportation or public services and utilities?**

The proposals will have no impact on transportation services or utilities.

- 7. Identify, if possible, whether the proposal may conflict with local, state, or federal laws or requirements for the protection of the environment.**

²⁰ <https://ecology.wa.gov/regulations-permits/sepa/environmental-review/sepa-guidance/sepa-checklist-guidance/sepa-checklist-section-d-non-project-actions>

Kittitas County anticipates no conflict with other jurisdictional regulations or environmental controls. One of the items (26-02) is designed to ensure consistency with State laws.

CHAPTER 15.04
STATE ENVIRONMENTAL POLICY ACT¹

Article I
Authority

§ 15.04.010. Authority.

The county adopts this chapter under the State Environmental Policy Act (SEPA), RCW 43.21C.120, and the SEPA procedures, WAC 197-11-904. This chapter contains this county's SEPA procedures and policies. The SEPA Rules, Chapter 197-11 WAC, must be used in conjunction with this chapter.
(Ord. 2011-013, 2011)

1. Editor's Note: Legislation previously included in Ch. 15.04: Ord. 84-5; Ord. 93-19; Ord. 96-19; Ord. 97-10; Ord. 98-10; Ord. 2009-25.

Article II General Requirements

§ 15.04.020. Purpose of this part and adoption by reference.

This article contains the basic requirements that apply to the SEPA process. The county adopts the following sections of Chapter 197-11 of the Washington Administrative Code by reference, except as modified by additional definitions under KCC § 15.04.030.

WAC

197-11-040 Definitions

197-11-050 Lead agency.

197-11-060 Content of environmental review.

197-11-070 Limitations on actions during SEPA process.

197-11-080 Incomplete or unavailable information.

197-11-090 Supporting documents.

197-11-100 Information required of applicants.

197-11-158 SEPA/GMA project review - Reliance on existing plans, laws, and regulations.

197-11-164 Planned actions - Definitions and criteria.

197-11-168 Ordinances or resolutions designating planned actions - Procedures for adoption.

197-11-172 Planned actions - Project review

197-11-210 SEPA/GMA integration.

197-11-220 SEPA/GMA definitions.

197-11-228 Overall SEPA/GMA integration procedures.

197-11-230 Timing of an integrated GMA/SEPA process.

197-11-232 SEPA/GMA integration procedures for preliminary planning, environmental analysis, and expanded scoping.

197-11-235 SEPA/GMA integration documents.

197-11-238 SEPA/GMA integration monitoring.

197-11-250 SEPA/Model Toxics Control Act integration.

197-11-253 SEPA lead agency for MTCA actions.

197-11-256 Preliminary evaluation.

197-11-259 Determination of nonsignificance for MTCA remedial actions.

197-11-262 Determination of significance and EIS for MTCA remedial actions.

197-11-265 Early scoping of MTCA remedial actions.

197-11-268 MTCA interim actions.

(Ord. 2011-013, 2011; Ord. 2014-015, 2014)

§ 15.04.030. Additional definitions.

In addition to those definitions contained within WAC 197-11-700 through 197-11-799 and 197-11-220, when used in this chapter, the following terms shall have the following meanings, unless the context indicates otherwise:

"Department" Any division, subdivision or organizational unit of the county established by ordinance, rule, or order.

"Early notice" The county's response to an applicant stating whether it considers issuance of a determination of significance likely for the applicant's proposal (mitigated determination of nonsignificance (DNS) procedures).

"Ordinance" The ordinance, resolution, or other procedure used by the county to adopt regulatory requirements.

"SEPA rules" Chapter 197-11 WAC adopted by the Department of Ecology.
(Ord. 2011-013, 2011)

§ 15.04.040. Designation of responsible official.

1. For those proposals for which the county is the lead agency, the responsible official shall be the director of the department of community development or his appointed designee.
2. For all proposals for which the county is the lead agency, the responsible official shall make the threshold determination, supervise scoping and preparation of any required environmental impact statement (EIS), and perform any other functions assigned to the "lead agency" or "responsible official" by those sections of the SEPA rules that were adopted by reference in Section 15.04.020.
3. The county shall retain all documents required by the SEPA rules (WAC Chapter 197-11) and make them available in accordance with RCW Chapter 42.56.
(Ord. 2011-013, 2011)

§ 15.04.050. Lead agency determination and responsibilities.

1. The department within the county receiving an application for or initiating a proposal that involves a nonexempt action shall determine the lead agency for that proposal under WAC 197-11-050, 197-11-253, and 197-11-922 through 197-11-940, unless the lead agency has been previously determined or the department is aware that another department or agency is in the process of determining the lead agency.
2. When the county is the lead agency for a proposal, the department receiving the application shall determine the responsible official who shall supervise compliance with the threshold determination requirements, and if an EIS is necessary, shall

supervise preparation of the EIS.

3. When the county is not the lead agency for a proposal, all departments of the county shall use and consider, as appropriate, either the DNS or the final EIS of the lead agency in making decisions on the proposal. No county department shall prepare or require preparation of a DNS or EIS in addition to that prepared by the lead agency, unless required under WAC 197-11-600. In some cases, the county may conduct supplemental environmental review under WAC 197-11-600.
4. If the county or any of its departments receives a lead agency determination made by another agency that appears inconsistent with the criteria of WAC 197-11-253 or 197-11-922 through 197-11-940, it may object to the determination. Any objection must be made to the agency originally making the determination and resolved within fifteen days of receipt of the determination, or the county must petition the department of ecology for a lead agency determination under WAC 197-11-946 within the fifteen-day time period. Any such petition on behalf of the county must be initiated by the responsible official.
5. Departments of the county are authorized to make agreements as to lead agency status or shared lead agency duties for a proposal under WAC 197-11-942 and 197-11-944: Provided, That the responsible official and any department that will incur responsibilities as the result of such agreement approve the agreement.
6. Any department making a lead agency determination for a private project shall require sufficient information from the applicant to identify which other agencies have jurisdiction over the proposal.
7. When the county is lead agency for a MTCA remedial action, the department of ecology shall be provided an opportunity under WAC 197-11-253(5) to review the environmental documents prior to public notice being provided. If the SEPA and MTCA documents are issued together with one public comment period under WAC 197-11-253(6), the county shall decide jointly with ecology who receives the comment letters and how copies of the comment letters will be distributed to the other agency.

(Ord. 2011-013, 2011)

§ 15.04.060. Transfer of lead agency status to a state agency.

For any proposal for a private project where the county would be the lead agency and for which one or more state agencies have jurisdiction, the county's responsible official may elect to transfer the lead agency duties to a state agency. The state agency with jurisdiction appearing first on the priority listing in WAC 197-11-936 shall be the lead agency and the county shall be an agency with jurisdiction. To transfer lead agency duties, the county's responsible official must transmit a notice of the transfer together with any relevant information available on the proposal to the appropriate state agency with jurisdiction. The responsible official of the county shall also give notice of the transfer to the private applicant and any other agencies with jurisdiction over the proposal.

(Ord. 2011-013, 2011)

§ 15.04.070. Additional timing considerations.

1. For nonexempt proposals, the DNS or the final EIS for the proposal shall accompany the county's staff recommendation to any appropriate advisory body, such as the planning commission.
2. If the county's only action on a proposal is a decision on a building permit or other license that requires detailed project plans and specifications, the applicant may request in writing that the county conduct environmental review prior to submission of the detailed plans and specifications.

(Ord. 2011-013, 2011)

Article III
Categorical Exemptions and Threshold Determinations

§ 15.04.080. Purpose of this part and adoption by reference.

This article contains the rules for deciding whether a proposal has a "probable significant, adverse environmental impact" requiring an environmental impact statement (EIS) to be prepared. This part also contains rules for evaluating the impacts of proposals not requiring an EIS. The county adopts the following sections by reference as supplemented in this part:

RCW

43.21C.410 Battery charging and exchange station installation.

WAC

197-11-300 Purpose of this part.

197-11-305 Categorical exemptions.

197-11-310 Threshold determination required.

197-11-315 Environmental checklist.

197-11-330 Threshold determination process.

197-11-335 Additional information.

197-11-340 Determination of nonsignificance (DNS).

197-11-350 Mitigated DNS.

197-11-355 Optional DNS process.

197-11-360 Determination of significance (DS)/ initiation of scoping.

197-11-390 Effect of threshold determination.

(Ord. 2011-013, 2011)

§ 15.04.090. Flexible thresholds for categorical exemptions.

1. The county establishes the following exempt levels for minor new construction under WAC 197-11-800(1)(b) based on local conditions:
 - a. For residential dwelling units in WAC 197-11-800(1)(b)(i): up to 20 residential dwelling units.
 - b. For agricultural structures in WAC 197-11-800(1)(b)(ii):
 - i. up to 10,000 square feet of ground coverage within the boundaries of an urban growth area; or
 - ii. up to 30,000 square feet of ground coverage outside the boundaries of an urban growth area. This exemption shall not apply to feed lots ;

- c. For office, school, commercial, recreational, service or storage buildings in WAC 197-11-800(1)(b)(iii): up to 12,000 square feet with associated parking up to 40 parking spaces;
 - d. For parking lots in WAC 197-11-800(1)(b)(iv): up to 40 parking spaces;
 - e. For landfills and excavations in WAC 197-11-800(1)(b)(v): up to 500 cubic yards.
2. Whenever the county establishes new exempt levels under this Section, it shall send them to the Department of Ecology, Headquarters Office, Olympia, Washington 98504 under WAC 197-11-800(1)(c).
(Ord. 2011-013, 2011; Ord. 2012-009, 2012)

§ 15.04.110. Use of exemptions.

1. Each department within the county that receives an application for a license or, in the case of governmental proposals, the department initiating the proposal shall determine whether the license and/or the proposal is exempt. The department's determination that a proposal is exempt shall be final and not subject to administrative review. If a proposal is exempt, none of the procedural requirements of this chapter apply to the proposal. The county shall not require completion of an environmental checklist for an exempt proposal.
2. In determining whether or not a proposal is exempt, the department shall make certain the proposal is properly defined and shall identify the governmental licenses required (WAC 197-11-060). If a proposal includes exempt and nonexempt actions, the department shall determine the lead agency, even if the license application that triggers the department's consideration is exempt.
3. If a proposal includes both exempt and nonexempt actions, the county may authorize exempt actions prior to compliance with the procedural requirements of this chapter, except that:
 - a. The county shall not give authorization for:
 - i. Any nonexempt action;
 - ii. Any action that would have an adverse environmental impact; or
 - iii. Any action that would limit the choice of alternatives.
 - b. A department may withhold approval of an exempt action that would lead to modification of the physical environment, when such modification would serve no purpose if nonexempt action(s) were not approved; and
 - c. A department may withhold approval of exempt actions that would lead to substantial financial expenditures by a private applicant when the expenditures would serve no purpose if nonexempt action(s) were not approved.

(Ord. 2011-013, 2011)

§ 15.04.115. Environmental checklist.

1. Except as provided in subsection (4) of this section, a completed environmental checklist (or a copy), in the form provided in WAC 197-11-960, shall be filed at the same time as an application for a permit, license, certificate, or other approval not specifically exempted in this chapter; except, a checklist is not needed if the county and applicant agree an EIS is required, SEPA compliance has been completed, or SEPA compliance has been initiated by another agency. The county shall use the environmental checklist to determine the lead agency, and if the county is the lead agency, for determining the responsible official and for making the threshold determination.
2. For private proposals, the county will require the applicant to complete the environmental checklist, providing assistance as necessary. For county proposals, the department initiating the proposal shall complete the environmental checklist for that proposal.
3. The county may require that it, and not the private applicant, will complete all or part of the environmental checklist for a private proposal, if either of the following occurs:
 - a. The county has technical information on a question or questions that is unavailable to the private applicant; or
 - b. The applicant has provided inaccurate information on previous proposals or on proposals currently under consideration.
4. For projects submitted as planned actions under WAC 197-11-164, the county shall use its existing environmental checklist form or may modify the environmental checklist form as provided in WAC 197-11-315. The modified environmental checklist form may be prepared and adopted along with or as part of a planned action ordinance, or developed after the ordinance is adopted. In either case, a proposed modified environmental checklist form must be sent to the department of ecology to allow at least a thirty-day review prior to use.

(Ord. 2011-013, 2011)

§ 15.04.120. Mitigated DNS.

1. As provided in this section and WAC 197-11-350, the responsible official may issue a DNS based on conditions attached to the proposal by the responsible official or on changes to, or clarifications of, the proposal made by the applicant.
2. An applicant may request in writing early notice of whether a DS is likely under WAC 197-11-350. The request must:
 - a. Follow submission of a permit application and environmental checklist for a nonexempt proposal for which the department is lead agency; and
 - b. Precede the county's actual threshold determination for the proposal.

- c. The responsible official should respond to the request for early notice within thirty working days. The response shall:
 - i. Be written;
 - ii. State whether the county currently considers issuance of a DS likely and, if so, indicate the general or specific area(s) of concern that is/are leading the county to consider a DS; and
 - iii. State that the applicant may change or clarify the proposal to mitigate the indicated impacts, revising the environmental checklist and/or permit application as necessary to reflect the changes or clarifications.
- d. As much as possible, the county should assist the applicant with identification of impacts to the extent necessary to formulate mitigation measures.
- e. When an applicant submits a changed or clarified proposal, along with a revised or amended environmental checklist, the county shall base its threshold determination on the changed or clarified proposal and should make the determination within fifteen days of receiving the changed or clarified proposal:
 - i. If the county indicated specific mitigation measures in its response to the request for early notice, and the applicant changed or clarified the proposal to include those specific mitigation measures, the county shall issue and circulate a DNS under WAC 197-11-340(2).
 - ii. If the county indicated areas of concern, but did not indicate specific mitigation measures that would allow it to issue a DNS, the county shall make the threshold determination, issuing a DNS or DS as appropriate.
 - iii. The applicant's proposed mitigation measures (clarifications, changes or conditions) must be in writing and must be specific. For example, proposals to "control noise" or "prevent storm water runoff" are inadequate, whereas proposals to "muffle machinery to X decibels" or "construct 200-foot storm water retention pond at Y location" are adequate.
 - iv. Mitigation measures which justify issuance of a mitigated DNS may be incorporated in the DNS by reference to agency staff reports, studies or other documents.
- 3. A mitigated DNS is issued under WAC 197-11-340(2), requiring a fourteen-day comment period and public notice.
- 4. Mitigation measures incorporated in the mitigated DNS shall be deemed conditions of approval of the permit decision and may be enforced in the same manner as any term or condition of the permit, or enforced in any manner specifically prescribed by the county.
- 5. If the county's tentative decision on a permit or approval does not include mitigation

measures that were incorporated in a mitigated DNS for the proposal, the county should evaluate the threshold determination to assure consistency with WAC 197-11-340(3)(a) (withdrawal of DNS).

6. The county's written response under subsection (2) of this section shall not be construed as a determination of significance. In addition, preliminary discussion of clarifications or changes to a proposal, as opposed to a written request for early notice, shall not bind the county to consider the clarifications or changes in its threshold determination.

(Ord. 2011-013, 2011)

Article IV
Environmental Impact Statement (EIS)

§ 15.04.125. Purpose of this part and adoption by reference.

This article contains the rules for preparing environmental impact statements. The county adopts the following sections by reference, as supplemented by this part:

WAC

- 197-11-400 Purpose of EIS.
- 197-11-402 General requirements.
- 197-11-405 EIS types.
- 197-11-406 EIS timing.
- 197-11-408 Scoping.
- 197-11-410 Expanded scoping.
- 197-11-420 EIS preparation.
- 197-11-425 Style and size.
- 197-11-430 Format.
- 197-11-435 Cover letter or memo.
- 197-11-440 EIS contents.
- 197-11-442 Contents of EIS on nonproject proposals.
- 197-11-443 EIS contents when prior nonproject EIS.
- 197-11-444 Elements of environment.
- 197-11-448 Relationship of EIS to other considerations.
- 197-11-450 Cost-benefit analysis.
- 197-11-455 Issuance of DEIS.
- 197-11-460 Issuance of FEIS.

(Ord. 2011-013, 2011)

§ 15.04.130. Preparation of EIS - Additional considerations.

1. Preparation of draft and final EIS's (DEIS and FEIS) and draft and final supplemental EIS's (SEIS) is the responsibility of the department of community development under the direction of the responsible official. Before the county issues an EIS, the responsible official shall be satisfied that it complies with this chapter and WAC Chapter 197-11.
2. The DEIS and FEIS or draft and final SEIS may be "prepared" by county staff or by a consultant selected by the county or the applicant. If the responsible official requires an EIS for a proposal and determines that someone other than the county

will prepare the EIS, the responsible official shall notify the applicant immediately after completion of the threshold determination. The responsible official shall also notify the applicant of the county's procedure for EIS preparation, including approval of the DEIS and FEIS prior to distribution.

- a. The Kittitas County planning department shall prepare and maintain a list of qualified environmental consultants and firms. Any proposed consultant whose name is not on the list must submit a statement of qualifications including information on experience in the preparation of environmental impact statements. Upon approval of the submitted qualifications, the planning director shall add the name to the list of qualified consultants.
3. The county may require an applicant to provide information the county does not possess, including specific investigations. However, the applicant is not required to supply information that is not required under this chapter or that is being requested from another agency. (This does not apply to information the county may request under another ordinance or statutes).

(Ord. 2011-013, 2011)

§ 15.04.140. Additional elements to be covered in EIS.

1. The analysis of the following additional elements may be included as part of the environment for the purpose of EIS content, but does not add to the criteria for threshold determinations or perform any other function or purpose under this chapter:
 - a. Economy;
 - b. Social policy analysis;
 - c. Cost-benefit analysis;
 - d. Any other element that may be dictated by special circumstances associated with the proposal.
2. Inclusion of these elements in an EIS will be at the discretion of the responsible official as determined by the scoping process.

(Ord. 2011-013, 2011)

Article V
Commenting

§ 15.04.150. Adoption by reference.

This article contains rules for consulting, commenting, and responding on all environmental documents under SEPA, including rules for public notice and hearings. The county adopts the following sections by reference, as supplemented in this part:

WAC

- 197-11-500 Purpose of this part.
- 197-11-502 Inviting comment.
- 197-11-504 Availability and cost of environmental documents.
- 197-11-508 SEPA register.
- 197-11-510 Public notice.
- 197-11-535 Public hearings and meetings.
- 197-11-545 Effect of no comment.
- 197-11-550 Specificity of comments.
- 197-11-560 FEIS response to comments.
- 197-11-570 Consulted agency costs to assist lead agency.

(Ord. 2011-013, 2011)

§ 15.04.160. Public notice.

1. Whenever possible, the county shall integrate the public notice required under this section with existing notice procedures for the county's nonexempt permit(s) or approval(s) required for the proposal.
2. Whenever the county issues a DNS under WAC 197-11-340(2) or a DS under WAC 197-11-360(3) the county shall give public notice as follows:
 - a. If public notice is required for the nonexempt license, the notice shall state whether a DS or DNS has been issued and when comments are due.
 - b. If an environmental document is issued concurrently with the notice of application, the public notice requirements for the notice of application in RCW 36.70B.110(4) will suffice to meet the SEPA public notice requirements in WAC 197-11-510(1).
 - c. If no public notice is otherwise required for the permit or approval, the county shall give notice of the DNS or DS by:
 - i. Publishing notice on the same day of each week for two consecutive weeks in a legal newspaper of record in the county; and

- ii. Whenever the county issues a DS under WAC 197-11-360(3), the county shall state the scoping procedure for the proposal in the DS as required in WAC 197-11-408 and in the public notice.
 - iii. Mailing or emailing notice to all parties on the notice of application listing, as described in KCC Chapter 15A.03.
3. If a DNS is issued using the optional DNS process, the public notice requirements for a notice of application in RCW 36.70B.110(4) as supplemented by the requirements in WAC 197-11-355 will suffice to meet the SEPA public notice requirements in WAC 197-11-510(1)(b).
4. Whenever the county issues a DEIS under WAC 197-11-455(5) or a SEIS under WAC 197-11-620, notice of the availability of those documents shall be given by:
 - a. Indicating the availability of the DEIS in any public notice required for a nonexempt license; and
 - b. Posting the property, for site-specific proposals;
 - c. Publishing notice in a newspaper of general circulation in the county, city, or general area where the proposal is located; and
 - d. Mailing a copy of the notice to property owners within five hundred feet of the proposal.
5. Public notice for projects that qualify as planned actions shall be tied to the underlying permit as specified in WAC 197-11-172(3).
6. The county may require an applicant to complete the public notice requirements for the applicant's proposal at his or her expense.
(Ord. 2011-013, 2011; Ord. 2014-015, 2014)

§ 15.04.170. Designation of official to perform consulted agency responsibilities for the county.

1. The director of the department of community development or his/her appointed designee shall be responsible for preparation of written comments for the county in response to a consultation request prior to a threshold determination, participation in scoping, and reviewing a DEIS.
2. The department of community development shall be responsible for the county's compliance with WAC 197-11-550 whenever the county is a consulted agency and is authorized to develop operating procedures that will ensure that responses to consultation requests are prepared in a timely fashion and include data from all appropriate departments of the county.
(Ord. 2011-013, 2011)

Article VI
Using Existing Environmental Documents

§ 15.04.180. Purpose of this part and adoption by reference.

This article contains rules for using and supplementing existing environmental documents prepared under SEPA or National Environmental Policy Act (NEPA) for the county's own environmental compliance. The county adopts the following sections of Chapter 197-11 by reference:

WAC

197-11-164 Planned actions - Definition and criteria.

197-11-168 Ordinances or resolutions designating planned actions - Procedures for adoption.

197-11-172 Planned actions - Project review.

197-11-600 When to use existing environmental documents.

197-11-610 Use of NEPA documents.

197-11-620 Supplemental environmental impact statement - Procedures.

197-11-625 Addenda - Procedures.

197-11-630 Adoption - Procedures.

197-11-635 Incorporation by reference - Procedures.

197-11-640 Combining documents.

(Ord. 2011-013, 2011)

Article VII
SEPA and Agency Decisions

§ 15.04.190. Purpose of this article and adoption by reference.

This article contains rules (and policies) for SEPA's substantive authority, such as decisions to mitigate or reject proposals as a result of SEPA. This article also contains procedures for appealing SEPA determinations to agencies or the courts. The county adopts the following sections by reference:

WAC

197-11-650 Purpose of this part.

197-11-655 Implementation.

197-11-660 Substantive authority and mitigation.

197-11-680 Appeals.

(Ord. 2011-013, 2011)

§ 15.04.200. Substantive authority.

1. The policies and goals set forth in this chapter are supplementary to those in the existing authorization of the county.
2. The county may attach conditions to a permit or approval for a proposal so long as:
 - a. Such conditions are necessary to mitigate specific probable adverse environmental impacts identified in environmental documents pursuant to this chapter;
 - b. Such conditions are in writing;
 - c. The mitigation measures included in such conditions are reasonable and capable of being accomplished;
 - d. The county has considered whether other local, state, or federal mitigation measures applied to the proposal are sufficient to mitigate the identified impacts; and
 - e. Such conditions are based on one or more policies in subsection (4) of this section and cited in the license or other decision document.
3. The county may deny a permit or approval for a proposal on the basis of SEPA so long as:
 - a. A finding is made that approving the proposal would result in probable significant adverse environmental impacts that are identified in a FEIS or final SEIS pursuant to this chapter and
 - b. A finding is made that there are no reasonable mitigation measures capable of

being accomplished that are sufficient to mitigate the identified impact; and

- c. The denial is based on one or more policies identified in subsection (4) of this section and identified in writing in the decision document.
4. The county designates and adopts by reference the following policies as the basis for the county's exercise of authority pursuant to this section:
- a. The county shall use all practicable means, consistent with other essential considerations of state policy, to improve and coordinate plans, functions, programs, and resources to the end that the state and its citizens may:
 - i. Fulfill the responsibilities of each generation as trustee of the environment for succeeding generations;
 - ii. Assure for all people of Washington safe, healthful, productive, and aesthetically and culturally pleasing surroundings;
 - iii. Attain the widest range of beneficial uses of the environment without degradation, risk to health or safety, or other undesirable and unintended consequences;
 - iv. Preserve important historical, cultural, and natural aspects of our national heritage;
 - v. Maintain, wherever possible, an environment which supports diversity and variety of individual choice;
 - vi. Achieve a balance between population and resource use which will permit high standards of living and a wide sharing of life's amenities; and
 - vii. Enhance the quality of renewable resources and approach the maximum attainable recycling of depletable resources.
 - b. The county recognizes that each person has a fundamental and inalienable right to a healthful environment and that each person has a responsibility to contribute to the preservation and enhancement of the environment.
 - c. The county adopts by reference the policies in the following county ordinances, resolutions, plans, rules, and regulations by reference:
 - i. The Kittitas County Comprehensive Floodplain Hazard Management Plan; adopted December 1996, as may hereby be amended;
 - ii. The Kittitas County Shoreline Management Master Program, as may hereafter be amended;
 - iii. The Kittitas County Comprehensive Plan adopted December 2010, as may hereafter be amended;
 - iv. Kittitas County Noise Ordinance, Chapter 9.45 of this code;

- v. Kittitas County Zoning Code, Title 17 of this code, as may hereafter be amended;
- vi. The Kittitas County Flood Damage Prevention Ordinance,
- vii. The Kittitas County Recreation Plan/Outdoor Recreation Inventory, as may hereafter be amended
- viii. The Kittitas County Building and Construction Code, Title 14 of this code, as may hereafter be amended;
- ix. The Kittitas County Board of Health regulations, Title 8 of this code;
- x. Kittitas County Subdivision Code, Title 16 of this code, as may hereafter be amended;
- xi. The Kittitas County Roads and Bridges Code, Title 12 of this code, as may hereafter be amended;
- xii. The Kittitas County Critical Areas Ordinance, Title 17A of this code, as may hereafter be amended;
- xiii. Kittitas County-wide planning policies, adopted July 26, 2010, as may hereafter be amended.

(Ord. 2014-015, 2014; Ord. 2011-013, 2011)

§ 15.04.210. Appeals.

1. The county establishes the following administrative appeal procedures under RCW 43.21C.075 and WAC 197-11-680:
 - a. All appeals of SEPA threshold determinations in which the underlying action is not legislative, shall be heard by the hearing examiner.~~An administrative appeal relating to a FEIS or DNS for a nonexempt action that does not require a public hearing shall be heard by the board of county commissioners.~~
 - b. For SEPA threshold determinations associated with non-project legislative actions, appeals shall be heard by the applicable designated body outlined in KCC 15B.~~An administrative appeal relating to a FEIS or DNS for a nonexempt action that requires a public hearing shall be combined with and heard by the recommending body for the underlying action.~~
 - c. Administrative appeals relating to a DS shall be heard by the hearing examiner.
 - d. For any appeal under this subsection, the county shall provide for a record in compliance with KCC Chapter 15A.07.
2. The county shall give official notice under WAC 197-11-680(5) whenever it issues a permit or approval for which a statute or ordinance establishes a time limit for commencing judicial appeal.
3. Subsequent appeals of SEPA determinations, after the Open Record appeal to ~~either the Hearing Examiner or board of county commissioners~~, shall be made to Superior

Court, or hearings board, as appropriate, as part of an appeal of the associated

decision, and shall be made to the appropriate appellate body within ten (10) working days to the Kittitas County Board of Commissioners. 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.

4. 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.
5. 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.
6. 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.

6.7. Exception for Non-Project Legislative Actions. SEPA determinations issued in connection with non-project legislative actions under Title 15B (such as comprehensive plan/ development regulation amendments processed through the annual docket process) shall not be subject to administrative appeal under this section or Chapter 15A.07. Such SEPA determinations shall be reviewed as part of the legislative process under Title 15B, with any subsequent appeal governed exclusively by Chapter 15B.05.

(Ord. 2011-013, 2011; Ord. 2014-008, 2014; Ord. 2014-015, 2014)

§ 15.04.220. Notice/statute of limitation.

1. The county, applicant for, or proponent of an action may publish a notice of action pursuant to RCW 43.21C.080 for any action.
2. The form of the notice shall be substantially in the form provided in WAC 197-11-990. The notice shall be published by the county auditor, applicant or proponent pursuant to RCW 43.21C.080.

(Ord. 2011-013, 2011)

Article VIII
Definitions

§ 15.04.230. Purpose of this article and adoption by reference.

This article contains uniform usage and definitions of terms under SEPA. The county adopts the following sections by reference, as supplemented by WAC 173-806-040, except as modified by additional definitions under KCC § 15.04.030:

WAC

- 197-11-700 Definitions.
- 197-11-702 Act.
- 197-11-704 Action.
- 197-11-706 Addendum.
- 197-11-708 Adoption.
- 197-11-710 Affected tribe.
- 197-11-712 Affecting.
- 197-11-714 Agency.
- 197-11-716 Applicant.
- 197-11-718 Built environment
- 197-11-720 Categorical exemption.
- 197-11-721 Closed record appeal.
- 197-11-722 Consolidated appeal.
- 197-11-724 Consulted agency.
- 197-11-726 Cost benefit analysis.
- 197-11-728 County.
- 197-11-730 Decision maker.
- 197-11-732 Department.
- 197-11-734 Determination of nonsignificance (DNS).
- 197-11-736 Determination of significance (DS).
- 197-11-738 EIS.
- 197-11-740 Environment
- 197-11-742 Environmental checklist
- 197-11-744 Environmental document.
- 197-11-746 Environmental review.
- 197-11-750 Expanded scoping.

- 197-11-752 Impacts.
- 197-11-754 Incorporation by reference.
- 197-11-756 Lands covered by water.
- 197-11-758 Lead agency.
- 197-11-760 License.
- 197-11-762 Local agency.
- 197-11-764 Major action.
- 197-11-766 Mitigated DNS.
- 197-11-768 Mitigation.
- 197-11-770 Natural environment.
- 197-11-772 NEPA.
- 197-11-774 Nonproject.
- 197-11-775 Open record hearing.
- 197-11-776 Phased review.
- 197-11-778 Preparation.
- 197-11-780 Private project.
- 197-11-782 Probable.
- 197-11-784 Proposal.
- 197-11-786 Reasonable alternative.
- 197-11-788 Responsible official.
- 197-11-790 SEPA.
- 197-11-792 Scope.
- 197-11-793 Scoping.
- 197-11-794 Significant.
- 197-11-796 State agency.
- 197-11-797 Threshold determination.
- 197-11-799 Underlying governmental action.

(Ord. 2011-013, 2011)

Article IX
Categorical Exemptions

§ 15.04.240. Adoption by reference.

The county adopts by reference the following rules for categorical exemptions, as supplemented in this ordinance, including KCC § 15.04.090 (Flexible thresholds), KCC § 15.04.110 (Use of exemptions).

WAC

197-11-800 Categorical exemptions.

197-11-880 Emergencies.

197-11-890 Petitioning DOE to change exemptions.

(Ord. 2011-013, 2011)

Article X
Agency Compliance

§ 15.04.250. Purpose of this article and adoption by reference.

This article contains rules for agency compliance with SEPA, including rules for charging fees under the SEPA process, designating categorical exemptions that do not apply within critical areas, listing agencies with environmental expertise, selecting the lead agency, and applying these rules to current agency activities. The county adopts the following sections by reference:

WAC

197-11-900 Purpose of this part.

197-11-902 Agency SEPA policies.

197-11-916 Application to ongoing actions.

197-11-920 Agencies with environmental expertise.

197-11-922 Lead agency rules.

197-11-924 Determining the lead agency.

197-11-926 Lead agency for governmental proposals.

197-11-928 Lead agency for public and private proposals.

197-11-930 Lead agency for private projects with one agency with jurisdiction.

197-11-932 Lead agency for private projects requiring licenses from more than one agency, when one of the agencies is a county.

197-11-934 Lead agency for private projects requiring licenses from a local agency, not a county and one or more state agencies.

197-11-936 Lead agency for private projects requiring licenses from more than one state agency.

197-11-938 Lead agencies for specific proposals.

197-11-940 Transfer of lead agency status to a state agency.

197-11-942 Agreements on lead agency status.

197-11-944 Agreements on division of lead agency duties.

197-11-946 DOE resolution of lead agency disputes.

197-11-948 Assumption of lead agency status.

(Ord. 2011-013, 2011)

§ 15.04.260. Fees.

1. For every environmental checklist the county will review when it is lead agency, the county shall establish a fee by resolution as referenced in Chapter 4.08 and shall collect the fee prior to undertaking a threshold determination.

2. For every environmental impact statement, the county shall require fees for its activities in accordance with the provisions of this chapter:
 - a. When the county is the lead agency for a proposal requiring an EIS and the responsible official determines that an EIS shall be prepared by employees of the county, a development agreement will be established between the county and the applicant to insure that the county collects reasonable fee from any applicant to cover costs incurred by the county in preparing the EIS.
 - b. The responsible official may determine that the county will contract directly with a consultant for preparation of an EIS, or a portion of the EIS, for activities initiated by some persons or entity other than the county and may bill such costs and expenses directly to the applicant. The county may require the applicant to post bond or otherwise insure payment of such costs. Such consultants shall be selected by mutual agreement of the county and applicant after a call for proposals.
 - c. If a proposal is modified so that an EIS is no longer required, the responsible official shall refund any fees collected under (a) or (b) of this subsection which remain after incurred costs are paid.
 - i. The county may charge any person for copies of any document prepared under this chapter, and for mailing the document, in a manner provided by chapter 42.17 RCW.

(Ord. 2011-013, 2011; Ord. 2017-001, 2017)

§ 15.04.270. Administrative guidelines.

The responsible official is authorized to adopt further administrative guidelines to provide processing, administration and interpretation of these regulations. All such policies shall be in writing and available to the public in the offices of the department of community development.

(Ord. 2011-013, 2011)

§ 15.04.280. Title.

If any provision of this ordinance or its application to any person or circumstance is held invalid, the remainder of this ordinance, or the application of the provision to other persons or circumstances, shall not be affected.

(Ord. 2011-013, 2011)

Article XI
Forms

§ 15.04.290. Adoption by reference.

The county adopts the following forms and sections by reference:

WAC

197-11-960 Environmental checklist.

197-11-965 Adoption notice.

197-11-970 Determination of nonsignificance (DNS).

197-11-980 Determination of significance and scoping notice (DS).

197-11-985 Notice of assumption of lead agency status.

197-11-990 Notice of action.

(Ord. 2011-013, 2011)

Title 15A

PROJECT PERMIT APPLICATION PROCESS

Chapter 15A.01 ADMINISTRATION, PURPOSE AND OBJECTIVE

- § 15A.01.010. Purpose and authority.**
- § 15A.01.020. Administrative and enforcement officers.**
- § 15A.01.030. Applicability.**
- § 15A.01.040. Roles and responsibilities.**
- § 15A.01.050. Severability.**

Chapter 15A.02 DEFINITIONS

- § 15A.02.010. Generally.**
- § 15A.02.020. Administrator.**
- § 15A.02.030. Repealed.**
- § 15A.02.040. Consistency.**
- § 15A.02.045. Department.**
- § 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.**

Chapter 15A.03 PROJECT PERMIT APPLICATION REVIEW

- § 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. Deadline extensions and supplemental information.**
- § 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 site.**
- § 15A.03.120. Project permit categories and review timelines.**

Chapter 15A.04 INTEGRATION OF SEPA AND APPEALS OF SEPA ACTIONS

- § 15A.04.010. SEPA integration.**
- § 15A.04.020. Repealed.**
- § 15A.04.030. Repealed.**

Chapter 15A.05 HEARINGS

- § 15A.05.010. Hearings.**
- § 15A.05.020. Procedures for hearings.**

Chapter 15A.06 NOTICE OF DECISION

- § 15A.06.010. Notice of decision issuance.**
- § 15A.06.020. Order to include finding of fact.**

Chapter 15A.07 ADMINISTRATIVE DECISIONS APPEALS

- § 15A.07.010. Appeal of determination or decision.**
- § 15A.07.020. Procedures for administrative appeals.**

KITTITAS COUNTY CODE

§ 15A.07.030. Repealed.

§ 15A.07.040. Remand.

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

Chapter 15A.08
JUDICIAL APPEAL

§ 15A.08.010. Judicial appeal.

Chapter 15A.09
PLANNED ACTIONS

§ 15A.09.010. Planned actions.

§ 15A.09.020. SEPA integration with planned actions.

Chapter 15A.10
AMENDMENTS

§ 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.

Chapter 15A.11
DEVELOPMENT AGREEMENTS

§ 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.

Chapter 15A.12
COORDINATION WITH STATE
PERMITTING

§ 15A.12.010. State permit coordination.

Chapter 15A.13
SITE PLAN REVIEW

Chapter 15A.14
TABLE A

Editor's Note: Legislation previously included in Title 15A: Ord. 96-19 and Ord. 97-05.

CHAPTER 15A.01
ADMINISTRATION, PURPOSE AND OBJECTIVE

§ 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. 98-10, 1998; Ord. 2000-07; Ord. 2025-003, 3/18/2025)

§ 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. 98-10, 1998; Ord. 2000-07; Ord. 2007-22, 2007; Ord. 2025-003, 3/18/2025)

§ 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. 98-10, 1998; Ord. 2000-07; Ord. 2025-003, 3/18/2025)

§ 15A.01.040. Roles and responsibilities.

The regulation of land development is a cooperative activity including many different elected and appointed bodies 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 (CDS 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 CDS 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.
 - d. The CDS Director or his/her designee shall have the authority to review and approve, deny, or approve with conditions, applications for the following:
 - i. Letters of exemption from a shoreline substantial development permit;
 - ii. Shoreline substantial development permits;
 - iii. Revisions to shoreline substantial development permits; and
 - iv. Requests for timing extensions for i through iii above.
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:
 - 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 for Legislative matters 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 site-specific rezones.
 - c. Development Agreements.
4. Hearing Examiner - Decision. The Hearing Examiner shall review and make a final decision for the purposes of appeal under KCC § 15A.07 on the following applications and subjects pursuant to this title:
 - a. Initial local County decision on Shoreline Conditional Use Permits subject to the Shoreline Master Program;
 - b. Initial local County decision on Shoreline Variances pursuant to the Shoreline Master Program;
 - c. Shoreline substantial development permits that are included in consolidated permit applications that are subject to Hearing Examiner review and action;

- d. Conditional use permits pursuant to the Zoning Code, KCC Title 17;
 - e. Application for preliminary plats;
 - f. Site-Specific Rezone applications;
 - g. Appeals of administrative SEPA actions regarding an action without an underlying permit;
 - h. Open record appeal of administrative SEPA actions;
 - i. Appeal of administrative determinations such as short plats, variances, and code interpretations;
 - j. Other actions requested or remanded by the Board of County Commissioners; and
 - k. Appeal of administrative determinations regarding road standard variance decisions.
5. Washington State Department of Ecology. The Washington State Department of Ecology shall be responsible for the final approval, denial, or approval with conditions for the following:
- a. Shoreline conditional use permits and revisions to same; and
 - b. Shoreline variances and revisions to same.
- (Ord. 2014-008, 2014; Ord. 2016-006, 2016; Ord. 2018-021, 2018; Ord. 2022-005, 2022; Ord. 2025-003, 3/18/2025)

§ 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. 98-10, 1998; Ord. 2000-07; Ord. 2025-003, 3/18/2025)

CHAPTER 15A.02
DEFINITIONS

§ 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. 98-10, 1998; Ord. 2000-07; Ord. 2025-003, 3/18/2025)

§ 15A.02.020. Administrator.

"Administrator" means the County Planning Director or his/her designee.

(Ord. 98-10, 1998; Ord. 2000-07; Ord. 2025-003, 3/18/2025)

§ 15A.02.030. Repealed.

(Ord. 98-10, 1998; Ord. 2000-07; Ord. 2012-009, 2012; Ord. 2025-003, 3/18/2025)

§ 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. 98-10, 1998; Ord. 2000-07; Ord. 2025-003, 3/18/2025)

§ 15A.02.045. Department.

"Department" means the Community Development Services Department.

(Ord. 2025-003, 3/18/2025)

§ 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. 9810, 1998; Ord. 2000-07; Ord. 2025-003, 3/18/2025)

§ 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. 98-10, 1998; Ord. 2000-07; Ord. 2025-003, 3/18/2025)

§ 15A.02.070. Person.

"Person" means an individual, partnership, corporation, association, public or private organization, or government entity or agency.

(Ord. 98-10, 1998; Ord. 2000-07; Ord. 2025-003, 3/18/2025)

§ 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. 98-10, 1998; Ord. 2000-07; Ord. 2025-003, 3/18/2025)

§ 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. 98-10, 1998; Ord. 2000-07; Ord. 2025-003, 3/18/2025)

CHAPTER 15A.03
PROJECT PERMIT APPLICATION REVIEW

§ 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. 98-10, 1998; Ord. 2000-07; Ord. 2025-003, 3/18/2025)

§ 15A.03.020. Pre-application conference.

A pre-application conference is offered to all interested potential applicants. Applicants are encouraged but not required to request this conference except in the case of a Cluster Platting and Conservation Platting, Planned Unit Development, master planned resort, conditional use permit, shoreline substantial development permit, shoreline conditional use permit, shoreline variance, rezone and any preliminary plat over nine lots where a pre-application conference is required.

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.
4. A pre-application conference may be waived if the CDS Director or Planning Official determines that the proposal is relatively simple (has few, if any, development-related issues), is substantially similar to a prior proposal affecting the same property, or is substantially similar to other projects developed by the same applicant. In order to request a pre-application waiver, the applicant shall submit a completed pre-application waiver request form, a written narrative justifying the request for a pre-application waiver, and the required fee.

(Ord. 98-10, 1998; Ord. 2000-07; Ord. 2007-22, 2007; Ord. 2007-22, 2007; Ord. 2010-014, 2010; Ord. 2011-013, 2011; Ord. 2013-001, 2013; Ord. 2016-006, 2016; Ord. 2025-003, 3/18/2025)

§ 15A.03.030. Application and accompanying data.

1. Written application for the approval of 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.
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, wetlands, 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).
 - a. Eighty percent of all application fees are due at the time of application submittal. The remaining 20% is due prior to permit issuance. In the event the Department does not issue a decision within the time limits established in KCC § 15A.03.120, the remaining 20% of the permit fees shall be reduced up to the following amounts:
 - i. Ten percent of the full permit fee if the decision was delayed no more than 20% of the overall processing timeline.
 - ii. Twenty percent of the full permit fee if the decision was delayed more than 20% of the overall processing timeline.

Example

A non-administrative process has a maximum processing timeline of 170 days from the date of notice of complete application. If the department exceeds this timeline by up to 10% of the total allotted time (171-203 days), then 10% of the application fee will be refunded. In this scenario, if the Department issues a determination beyond 204 days, the applicant will receive a 20% reduction in the permitting fee. *This example excludes any timeline modifications established in KCC § 15A.03.120(4).

(Ord. 98-10, 1998; Ord. 2000-07; Ord. 2007-22, 2007; Ord. 2010-014, 2010; Ord. 2014-015, 2014; Ord. 2025-003, 3/18/2025)

§ 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. 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 (4)(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. 9810, 1998; Ord. 2000-07; Ord. 2014-015, 2014; Ord. 2025-003, 3/18/2025)

§ 15A.03.045. Deadline extensions and supplemental information.

1. Once an application has been deemed complete, the Director may request the applicant to submit additional corrections, studies or other information on the proposed project. The Director shall set a reasonable deadline for the submittal of corrections, studies or other information when requested, and shall provide written notification of such requests to the applicant.
2. Failure by the applicant to meet such deadline shall be cause for the application to be void. However, an extension of such deadline may be requested by an applicant if the request is made prior to the expiration of the deadline. Extension requests shall be submitted in writing, include a justification of why an extension is warranted.
3. When considering a request for a deadline extension, the Director shall give consideration to the code provisions to which the project is vested, if any. In order to assure equity in permit processing between past, current, and future applicants, deadline extensions shall be limited to one extension after code provisions affecting the project have changed. Once code provisions have changed as to make the vested code substantially different than current code, a requested deadline extension of up to six months may be granted, but it shall be the final extension granted. The Director shall determine whether code changes have created substantially different regulations.
4. The Director shall provide a written, mailed response to the applicant with its decision on each extension request.

(Ord. 2010-014, 2010; Ord. 2013-001, 2013; Ord. 2018-021, 2018; Ord. 2025-003, 3/18/2025)

§ 15A.03.050. Fee schedule.

The fees for application related to this title shall be established by resolution and are referenced within Title 4 of the Kittitas County Code.

(Ord. 98-10, 1998; Ord. 2000-07; Ord. 2007-22, 2007; Ord. 2017-001, 2017; Ord. 2025-003, 3/18/2025)

§ 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. Mailed notice for Solar Power Production Facilities shall be provided in accordance with KCC § 17.61C.080(2).
 - d. Notifying the news media.
 - e. Posting notice via the Kittitas County Website.
 - f. Posting the site as outlined in KCC § 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.
 - 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. 98-10, 1998; Ord. 2000-07, 2000; Ord. 2007-22, 2007; Ord. 2018-018, 2018; Ord. 2025-003, 3/18/2025)

§ 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. 98-10, 1998; Ord. 2000-07; Ord. 2025-003, 3/18/2025)

§ 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 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;
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;
13. Those actions categorically exempt from SEPA review, pursuant to Chapter 15.04 KCC, except as may be required by KCC § 15A.03.060(4);
14. Those actions exempt from shoreline substantial development permitting process as set forth in WAC 173-27-040(2) and RCW 90.58.030.
(Ord. 98-10, 1998; Ord. 2000-07; Ord. 2007-22, 2007; Ord. 2014-015, 2014; Ord. 2016-006, 2016; Ord. 2025-003, 3/18/2025)

§ 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 in accordance with KCC § 15A.03.120.
(Ord. 98-10, 1998; Ord. 2000-07; Ord. 2025-003, 3/18/2025)

§ 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. 9810, 1998; Ord. 2000-07; Ord. 2025-003, 3/18/2025)

§ 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 two feet by three feet and laminated and posted in a sturdy manner to remain on site until 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 Community Development Services.

(Ord. 2007-22, 2007; Ord. 2014-015, 2014; Ord. 2025-003, 3/18/2025)

§ 15A.03.120. Project permit categories and review timelines.

1. Administrative permits.
 - a. Administrative permits include those land use applications that do not require public notice or a public hearing.
 - b. Decisions on administrative application shall be made within 30 days of the deemed

complete date. For administrative applications that do not require a deem complete step, a decision shall be issued within 65 days of the submittal date. These timelines can be modified when any of the criteria of KCC § 15A.03.120(4) are met.

2. Administrative permits with public notice requirement.
 - a. When an administrative permit requires public notice, a decision shall be issued within 100 days from the deemed complete date.
 - b. Preliminary short plat applications shall follow the determination schedule outlined in Chapter 58.17 RCW.
3. Non-administrative permits.
 - a. A non-administrative permit is a permit that requires public notice and an open record public hearing.
 - b. Decisions on non-administrative permits shall be issued within 170 days from the deemed complete date.
 - c. Preliminary plat applications shall follow the determination schedule outlined in Chapter 58.17 RCW.
4. Exceptions.
 - a. The permit timelines established in this section do not include:
 - i. Circumstances in which an applicant and the Department agree in writing upon an extension to the processing timeline.
 - ii. Any time in which the Department is waiting on the applicant to submit information necessary for application processing, which has been requested by the Department in writing.
 - iii. Multiple applications for the same project processed concurrently shall adhere to the longest decision schedule permit category involved.
 - iv. The timelines established in this section shall not apply to Development Agreements, Planned Unit Developments, Master Planned Resorts, Land Development Code amendments and Comprehensive Plan amendment applications.
5. Any written notice from the Department requesting additional information shall include a notice that non-responsiveness for 60 consecutive days may result in 30 days being added to the time for review. Non-responsiveness means that the applicant is not making demonstrable progress on providing additional requested information to the Department, or that there is no ongoing communication from the applicant to the Department on the applicant's ability or willingness to provide the additional information.

(Ord. 2025-003, 3/18/2025)

CHAPTER 15A.04

INTEGRATION OF SEPA AND APPEALS 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.

~~7.8.~~ This chapter applies to project permit applications under Title 15A. For environmental review associated with non-project legislative actions, see Title 15B.

(Ord. 98-10, 1998; Ord. 2000-07; Ord. 2025-003, 3/18/2025)

§ 15A.04.020

PROJECT PERMIT APPLICATION PROCESS

§ 15A.04.030

§ 15A.04.020. Repealed.

(Ord. 9810, 1998; Ord. 2000-07; Ord. 2014-008, 2014; Ord. 2014-015, 2014; Ord. 2025-003, 3/18/2025)

§ 15A.04.030. Repealed.

(Ord. 98-10, 1998; Ord. 2000 07; Ord. 2014-015, 2014; Ord. 2025-003, 3/18/2025)

CHAPTER 15A.05
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. 9810, 1998; Ord. 2000-07; Ord. 2025-003, 3/18/2025)

§ 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. Questions to the staff shall be posed by the chair at its discretion.
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. 98-10, 1998; Ord. 2000-07; Ord. 2014-008, 2014; Ord. 2022-017, 2022; Ord. 2025-003, 3/18/2025)

CHAPTER 15A.06
NOTICE OF DECISION

§ 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 Hearing Examiner or 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; and
 - c. Any person who, prior to the rendering of the decision, submitted substantive comments on the application.

(Ord. 98-10, 1998; Ord. 2000-07; Ord. 2007-37, 2007; Ord. 2025-003, 3/18/2025)

§ 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. 98-10, 1998; Ord. 2000-07; Ord. 2025-003, 3/18/2025)

CHAPTER 15A.07
ADMINISTRATIVE DECISIONS APPEALS

§ 15A.07.010. Appeal of determination or decision.

1. An appeal of an administrative land use decision shall be filed with the ~~Board of~~ Community Development Services Department 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; and
 - e. The appeals fee. The appeal shall contain only the above listed material, and shall not contain or attempt to introduce new evidence, testimony, or declaration.
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 and establish a briefing schedule for the parties. The officer from whom the appeal is being taken shall forthwith transmit to the reviewing body and the parties all of the records pertaining to the decision being appealed. The appellant's brief and supporting declarations shall be due no sooner than 15 days after having received the administrative record and no later than 30 days prior to the hearing date. Briefing and supporting declarations from the County and any other respondents shall be due 10 working days prior to the hearing date. There shall be no response or rebuttal briefing by any party. All parties submitting briefing with or without supporting declarations have the responsibility to deliver copies of such documents to the hearing body and all other parties within the time limits set herein.

(Ord. 98-10, 1998; Ord. 2000-07; Ord. 2010-008; Ord. 2014-008, 2014; Ord. 2019-013, 2019; Ord. 2025-003, 3/18/2025)

§ 15A.07.020. Procedures for administrative appeals.

1. Administrative appeals shall serve to provide argument and guidance for the body's decision. The deciding body shall conduct the appeal as an open record hearing. The parties to the appeal shall submit timely written statements or arguments to the decision-making body.
2. The hearing body shall deliberate on the matter in public after closing the open record portion of the hearing and reach its decision on the appealed matter.
3. A written decision by the hearing body shall be issued within 30 days of the close of the Administrative hearing.

(Ord. 98-10, 1998; Ord. 2000-07; Ord. 2010-008; Ord. 2014-008, 2014; Ord. 2025-003, 3/18/2025)

§ 15A.07.030. Repealed.

(Ord. 98-10, 1998; Ord. 2000-07; Ord. 2010-008; Ord. 2025-003, 3/18/2025)

§ 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; Ord. 2025-003, 3/18/2025)

§ 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. 98-10, 1998; Ord. 2000-07; Ord. 2025-003, 3/18/2025)

CHAPTER 15A.08
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 (3)(a) nor (3)(b) 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. 98-10, 1998; Ord. 2000-07; Ord. 2025-003, 3/18/2025)

CHAPTER 15A.09
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 (1)(a) or (1)(b) 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. 98-10, 1998; Ord. 2000-07; Ord. 2025-003, 3/18/2025)

§ 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; Ord. 2025-003, 3/18/2025)

CHAPTER 15A.10
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. 98-10, 1998; Ord. 2000-07; Ord. 2025-003, 3/18/2025)

§ 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. 98-10, 1998; Ord. 2000-07; Ord. 2025-003, 3/18/2025)

§ 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. 98-10, 1998; Ord. 2000-07; Ord. 2025-003, 3/18/2025)

§ 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. 98-10, 1998; Ord. 2000-07; Ord. 2007-22, 2007; Ord. 2025-003, 3/18/2025)

CHAPTER 15A.11
DEVELOPMENT AGREEMENTS

§ 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. The provisions of a development agreement shall be consistent with the County's Comprehensive Plan and all applicable county development regulations, as long as impacts are mitigated.

(Ord. 9810, 1998; Ord. 2000-07; Ord. 2019-013, 2019; Ord. 2025-003, 3/18/2025)

§ 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 5 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. 98-10, 1998; Ord. 2000-07; Ord. 2025-003, 3/18/2025)

§ 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(5) 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. 98-10, 1998; Ord. 2000-07; Ord. 2025-003, 3/18/2025)

§ 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. 98-10, 1998; Ord. 2000-07; Ord. 2025-003, 3/18/2025)

§ 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. 98-10, 1998; Ord. 2000-07; Ord. 2025-003, 3/18/2025)

§ 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. 98-10, 1998; Ord. 2000-07; Ord. 2025-003, 3/18/2025)

§ 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. 98-10, 1998; Ord. 2000-07; Ord. 2025-003, 3/18/2025)

CHAPTER 15A.12
COORDINATION WITH STATE PERMITTING

§ 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. 98-10, 1998; Ord. 2000-07; Ord. 2025-003, 3/18/2025)

PROJECT PERMIT APPLICATION PROCESS

§ 15A.12.010

CHAPTER 15A.13

SITE PLAN REVIEW

(Ordinance 2014-015, 2014; Ord. 2025-003, 3/18/2025)

CHAPTER 15A.14

TABLE A

(Ord. 98-10, 1998; Ord. 2000-07; Ord. 2009-25, 2009; Ord. 2010-011, 2010; Ord. 2012-009, 2012; Ord. 2013-001, 2013; Ord. 2014-008, 2014; Ord. 2014-015, 2014; Ord. 2016-006, 2016; Ord. 2018-021, 2018; Ord. 2022-017, 2022; Ord. 2025-003, 3/18/2025)

Table A					
	Step 1 Public Comment Period	Step 2 Open Record Hearing	Step 3 Decision	Step 4 Administrative Appeal	Step 5 Judicial Appeal*
Binding Site Plan:	15 days	None	Staff	HE	Sup. Court
Zoning Variance:	15 days	None	Staff	HE	Sup. Court
Public Agency and Utility Exception:	15 days	None	Staff	HE	Sup. Court
Reasonable Use Exception:	15 days	None	Staff	HE	Sup. Court
Permitted Administrative Uses ⁵ :	15 days	None	Staff	HE	Sup. Court
Short Plats:	15 days	None	Staff	HE	Sup. Court
Boundary Line Adjustments:	None	None	Staff	HE	Sup. Court
Grade and Fill Permit:	None	None	Staff	HE	Sup. Court
SEPA Actions: Appeals of threshold determinations ¹ :	15 days	None	Staff	HE	Sup. Court
SEPA Actions: The exercise of substantive SEPA authority and adequacy of an EIS ¹ :	15 days	None	Staff	HE	Sup. Court
Independent administrative rulings:	None	None	Staff	HE	Sup. Court
Zoning Conditional Uses (Administrative):	15 days	None	Staff	HE	Sup. Court
Zoning Conditional Uses (Hearing):	15 days	HE	HE	None	Sup. Court
Long Plats:	15 days	HE	HE	None	Sup. Court
Shoreline Exemptions	None	None	Staff	None	Shorelines Board

Table A					
	Step 1 Public Comment Period	Step 2 Open Record Hearing	Step 3 Decision	Step 4 Administrative Appeal	Step 5 Judicial Appeal*
Shoreline Substantial Development	30 days	None	Staff/HE ⁶	None	Shorelines Board
Shorelines Conditional Use:	30 days	HE	Department of Ecology	None	Shorelines Board
Shorelines Variance:	30 days	HE	Department of Ecology	None	Shorelines Board
Site-Specific Rezone to Zoning Map (Including PUD) ⁴ :	30 days	HE	HE	BCC	Sup. Court
Development Agreement:	30 days	BCC	BCC	None	Sup. Court

¹See KCC § 15A.01.040 for clarification of roles and responsibilities. [This chapter does not apply to SEPA appeals associated with non-project legislative actions processed under Title 15B.](#)

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

³Hearing 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.

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

⁵In 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.

⁶The Hearing Examiner has the authority to review, approve, deny, or approve with conditions, applications for shoreline substantial development permits that are included in consolidated permit applications that are subject to Board review and action.

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.

Title 15B

AMENDMENTS TO COUNTY PLANS, CODES AND STANDARDS

Chapter 15B.01 ADMINISTRATION, PURPOSE AND OBJECTIVE	§ 15B.03.030. Docketing. § 15B.03.035. Application requirements. § 15B.03.040. Procedures.
§ 15B.01.010. Purpose and authority. § 15B.01.020. Applicability. § 15B.01.030. Administration - Roles and responsibilities. § 15B.01.050. Severability.	Chapter 15B.04 AMENDMENTS TO DEVELOPMENT REGULATIONS § 15B.04.010. Changes consistent with comprehensive plan. § 15B.04.020. Revisions limited to annual review - Exceptions. § 15B.04.030. Docketing. § 15B.04.035. Application requirements. § 15B.04.040. Procedures.
Chapter 15B.02 DEFINITIONS § 15B.02.010. Generally. § 15B.02.020. Person. § 15B.02.030. Consistency. § 15B.02.040. Open record hearing. § 15B.02.050. Public meeting.	Chapter 15B.05 APPEALS § 15B.05.010. Appeals. § 15B.05.020. Growth management hearings board. § 15B.05.030. Superior court.
Chapter 15B.03 AMENDMENTS TO COMPREHENSIVE PLAN § 15B.03.010. Amendments limited to annual review - Exceptions. § 15B.03.020. Concurrent review except during emergencies.	Chapter 15B.06 TABLE B

CHAPTER 15B.01
ADMINISTRATION, PURPOSE AND OBJECTIVE

§ 15B.01.010. Purpose and authority.

Nonproject legislative actions, including, but not limited to, the adoption and amendment of the comprehensive plan and development regulations, including any accompanying environmental determinations under KCC Chapter 15.04 (SEPA) are exempt from the procedural requirements of Title 15A of this code, including without limitation the administrative appeal procedures in Chapter 15A.07 and any SEPA-specific administrative appeal provisions in Chapter 15.04, and Chapter 36.70B RCW. Such actions often require substantial written and oral testimony as the review of such documents may involve revisions at both the advisory and legislative level, thereby necessitating multiple open record hearings. It is therefore the intent of this chapter to provide a process for the consistent and orderly facilitation for nonproject legislative actions in compliance with Chapters 36.70A and 43.21C RCW. SEPA determinations associated with actions under this title shall be reviewed as part of the legislative process; there shall be no separate administrative appeal of such SEPA determinations under Title 15A or Chapter 15.04. (Ord. 98-10 (part), 1998)

§ 15B.01.020. Applicability.

The provisions of this title shall apply to comprehensive plan and development regulation amendments under Titles 15, 16, 17, and 17A of this code.
(Ord. 9810 (part), 1998)

§ 15B.01.030. Administration - Roles and responsibilities.

It shall be the duty of the county planning director or such other persons designated by the board of county commissioners to administer the provisions of this title; however, the legislative process 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 B at the end of this title, Procedures for Non-Docketed Legislative Items.

1. Planning director. The planning director is responsible for the administration of this title, and portions of Chapter 15.04, SEPA Regulations.
2. Board of county commissioners. The board shall review and act on recommendations of the planning commission. Decision making process by the board shall consist of a public hearing or meeting wherein the board reviews the written record transmitted from the planning commission and issues a written decision in resolution or ordinance form. Additional written and/or oral testimony may be considered by the board at said public hearing or meeting.
3. Planning commission. The planning commission shall review and make recommendations to the board of county commissioners on the following applications and subjects:
 - a. Amendments pursuant to KCC Chapter 15B, Amendments to County Plans, Codes and Standards.
 - b. Other actions requested or remanded by the board of county commissioners.
4. Superior court. Hears appeals to administrative SEPA actions along with underlying legislative decision.
5. Growth hearings board. Hears appeals to administrative SEPA actions along with

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underlying legislative decision relating to growth management planning, pursuant to RCW
36.70A.280(1)(a).

(Ord. 2011-013, 2011; Ord. 98-10 (part), 1998)

§ 15B.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. 98-10 (part), 1998)

CHAPTER 15B.02
DEFINITIONS

§ 15B.02.010. Generally.

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 "shall" is mandatory and not directory.

(Ord. 98-10 (part), 1998)

§ 15B.02.020. Person.

"Person" means an individual, partnership, corporation, association, public or private organization, or government entity or agency.

(Ord. 98-10 (part), 1998)

§ 15B.02.030. 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. 98-10 (part), 1998)

§ 15B.02.040. 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. 98-10 (part), 1998)

§ 15B.02.050. 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 comprehensive plan or development regulation amendment prior to the local government's decision. A public meeting may include, but is not limited to, a planning commission meeting, a board of county commissioners study session, 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 applicable legislative file.

(Ord. 98-10 (part), 1998)

CHAPTER 15B.03

AMENDMENTS TO COMPREHENSIVE PLAN

§ 15B.03.010. Amendments limited to annual review - Exceptions.

Proposed amendments or revisions of the comprehensive plan are considered by the county board of commissioners no more frequently than once a year except that amendments may be considered more frequently pursuant to Table B at the end of this title, Procedures for Non-Docketed Legislative Items:

1. The initial adoption of a subarea plan; and
 2. The adoption or amendment of a shoreline master program under the procedures set forth in Chapter 90.58 RCW.
- (Ord. 98-10, 1998)

§ 15B.03.020. Concurrent review except during emergencies.

All proposals shall be considered by Kittitas County concurrently so the cumulative effect of the various proposals can be ascertained. However, after appropriate public participation Kittitas County may adopt amendments or revisions to its comprehensive plan whenever an emergency exists or to resolve an appeal of a comprehensive plan filed with a growth management hearings board or with the court.

(Ord. 98-10, 1998)

§ 15B.03.030. Docketing.

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 planning department for annual consideration by the Kittitas County planning commission and board of county commissioners. For purposes of this section, docketing refers to compiling and maintaining a list of suggested changes to the comprehensive plan in the planning department in a manner that will ensure such suggested changes will be considered by Kittitas County and will be readily available for review by the public. Docketing for the calendar year shall be taken from the first Friday in May of each calendar year. Amendments docketed after the first Friday in May shall be considered in the following calendar year. Amendments to the comprehensive plan docketed by the first Friday in May shall be approved or denied by the board of county commissioners on or before December 31st of that same calendar year.

(Ord. 98-10, 1998; Ord. 2025-001, 1/7/2025)

§ 15B.03.035. Application requirements.

Applications shall be filed on forms prescribed by the Community Development Services department. The application shall be accompanied by a SEPA checklist in conformance with the KCC Chapter 15.04 SEPA Regulations and by review fee(s) paid in full.

(Ord. 2011-013, 2011; Ord. 2017-001, 2017)

§ 15B.03.040. Procedures.

Kittitas County shall maintain and provide for the following procedures, when considering

amendments to the comprehensive plan, in order to facilitate public participation:

1. Broad dissemination of proposals and alternatives. The docket shall be available for public review in the planning department during regular business hours. Alternatives to a proposal may be submitted by any party prior to the closing of the written testimony portion of the public hearing before the planning commission.
2. Opportunity for written comments. Written testimony shall be allowed from the date of docketing up to the date of closing of the public written testimony portion of the public hearing.
3. Public meetings. Study sessions and hearings shall be held only after effective notice has been distributed.
4. Provisions for open discussion. Hearings shall allow for time allotments in order that all parties that wish to give oral or written testimony may do so.
5. Communication programs and information services. A newsletter shall be produced for distribution to all parties that have requested to receive it by mail by the planning department that summarizes amendments docketed and projected meeting and hearing dates. Copies of proposed amendments shall be available at cost of reproduction.
6. Consideration of and response to public comments. Planning commission and board of county commissioners members should review the testimony submitted in their findings.
7. Notice of decision. Publication in the paper of record of a notice that Kittitas County has adopted the comprehensive plan or amendment thereto, and such publication shall state all petitions relating to whether or not such action is in compliance with the goals and requirements of this chapter, or Chapters 36.70A, 43.21C or 90.58 RCW must be filed within sixty days after the publication date.

(Ord. 98-10, 1998)

CHAPTER 15B.04
AMENDMENTS TO DEVELOPMENT REGULATIONS

§ 15B.04.010. Changes consistent with comprehensive plan.

Any change to development regulations shall be consistent with and implement the comprehensive plan as adopted pursuant to Chapter 36.70A RCW.
(Ord. 98-10, 1998)

§ 15B.04.020. Revisions limited to annual review - Exceptions.

Proposed amendments or revisions of development regulations shall be docketed for annual consideration by the county board of commissioners in order to review the cumulative effect of the various proposals and thereby ensure consistency. However, amendments may be considered more frequently at the discretion of the planning director; provided appropriate public participation takes place pursuant to Table B at the end of this title, Procedures for Non-Docketed Legislative Items.
(Ord. 98-10, 1998)

§ 15B.04.030. Docketing.

For purposes of this section, docketing refers to compiling and maintaining a list of suggested changes to the development regulation(s) in the planning department in a manner that will ensure such suggested changes will be considered by Kittitas County and will be readily available for review by the public. Docketing for the calendar year shall be taken from the first Friday in May of each calendar year. Amendments docketed after the first Friday in May shall be considered in the following calendar year. Amendments to development regulations docketed by the first Friday in May shall be approved or denied by the board of county commissioners on or before December 31st of that same calendar year.
(Ord. 98-10, 1998; Ord. 2025-001, 1/7/2025)

§ 15B.04.035. Application requirements.

Applications shall be filed on forms prescribed by the Community Development Services department. The application shall be accompanied by a SEPA checklist in conformance with the KCC Chapter 15.04 SEPA Regulations and by review fee(s) paid in full. The fee for such application shall be established annually by resolution.
(Ord. 2011-013, 2011)

§ 15B.04.040. Procedures.

Kittitas County shall utilize the procedures listed in Section 15B.03.040 when considering amendments to docketed development regulations in order to facilitate public participation.
(Ord. 98-10, 1998)

CHAPTER 15B.05
APPEALS

§ 15B.05.010. Appeals.

The final adoption of and/or amendments to the Kittitas County comprehensive plan or development regulations, combined with any administrative environmental determinations (e.g., final threshold determination or final EIS) issued pursuant to Chapter 15.04 of this code, may be appealed through the growth management hearings board, superior court, and/or other applicable federal or state law. No separate administrative appeal of SEPA determinations shall be available for actions governed by this title.

(Ord. 98-10 (part), 1998)

§ 15B.05.020. Growth management hearings board.

Proceedings for review by the growth management hearings board may be commenced by filing a petition pursuant to RCW 36.70A.290.

(Ord. 98-10 (part), 1998)

§ 15B.05.030. Superior court.

Proceedings for review by superior court may be commenced by requesting a writ of mandamus, writ of prohibition, or by filing a petition pursuant to RCW 36.70A.295.

(Ord. 98-10 (part), 1998)

CHAPTER 15B.06

TABLE B

Table B Procedures for Non-Docketed Legislative Items							
	Open Record Hearing	SEPA Review	Public Hearing*	SEPA Review**	Admin. Appeal	Decision	Judicial/ SEPA Appeal***
DR/CP Amendment	PC	Staff	BCC	Staff	None	BCC	Sup. Court/ GMA Board

* May be open or closed record at the discretion of the BCC.

** Supplemental SEPA review may be required if substantial changes occur at BCC level.

*** Growth management related documents are appealed to the growth management hearings board, pursuant to RCW 36.70A.280(1)(a).

CHAPTER 17.60B
PERMITTED ADMINISTRATIVE USES

§ 17.60B.010. Applicability.

The provisions of this chapter shall apply to all uses listed as an administrative use in the applicable zoning district. Administrative uses are those uses subject to standards that are applicable for all permits and those that require the exercise of limited discretion about non-technical issues and about which there may be limited public interest. The proposed development may or may not be subject to SEPA review.

(Ord. 2007-22, 2007)

§ 17.60B.020. Purpose.

The purpose of this chapter is to establish criteria and procedures for uses, which due to their unique qualities may require additional regulations or other special degrees of control. The administrative use process, which includes public notice and comment, is required to ensure that the activity, if established, will be in full compliance with the applicable regulations and that such uses are compatible with the comprehensive plan, adjacent uses, planned uses and the character of the vicinity.

(Ord. 2007-22, 2007)

§ 17.60B.030. Administrative authority.

The Director is authorized to approve, approve with the conditions stated in this chapter and additional conditions deemed necessary to satisfy the purposes of this chapter and the criteria found in Section 17.60B.050 an administrative use permit. Any additional requirements obtained from other sections of the Kittitas County Code above those specified in this title, or modification of the proposal to comply with specified requirements or local conditions is also authorized.

(Ord. 2007-22, 2007; Ord. 2012-009, 2012; Ord. 2013-001, 2013)

§ 17.60B.040. Fees.

(Ord. 2007-22, 2007; Ord. 2013-001, 2013; repealed by Ord. 2017-001, 2017)

§ 17.60B.045. Exceptions.

1. Accessory Delling Unit development applications are not subject to Section 15A.03.060 Notice of Application.

2. Accessory Dwelling Unit development applications are not subject to the Administrative Review criteria established in Section 17.60B.050.

§ 17.60B.050. Administrative review.

The development standards of this title shall be used by the applicant in preparing the administrative use permit application, and by the administrator in determining the acceptability of permitting a use in a certain location. The applicant has the burden

of proving that the proposed use meets criteria set forth below in this section. An administrative use permit may be approved only if all of the following findings can be made regarding the proposal and are supported by the record:

1. That the granting of the proposed administrative use permit approval will not:
 - a. Be detrimental to the public health, safety, and general welfare;
 - b. Adversely affect the established character of the surrounding vicinity and planned uses; nor
 - c. Be injurious to the uses, property, or improvements adjacent to, and in the vicinity of, the site upon which the proposed use is to be located.
2. That the granting of the proposed administrative use permit is consistent and compatible with the intent of goals, objectives and policies of the comprehensive plan, and any implementing regulation.
3. That all conditions necessary to mitigate the impacts of the proposed use are conditions that are measurable and can be monitored and enforced.
4. That the applicant has addressed all requirements for a specific use.
(Ord. 2007-22, 2007; Ord. 2022-017, 2022)

§ 17.60B.060. Administrative action.

A decision by the administrator shall include the following:

1. A statement of the applicable criteria and standards in the development codes and other applicable law.
2. A statement of the findings of the review authority, stating the applicant's compliance or noncompliance with each applicable criterion, and assurance of compliance with applicable standards.
3. The decision to approve or deny the application; if approved any decision must state all conditions of approval.
4. A statement that the decision is final unless appealed as provided in the respective governing regulation within fourteen (14) calendar days after the date the notice of decision is mailed. The appeal closing date shall be listed. The statement shall describe how a party may appeal the decision, including applicable fees and the elements of a notice of appeal.
5. A statement that the complete case file is available for inspection and the name and telephone number of the department's representative to contact to arrange inspection.
(Ord. 2007-22, 2007; Ord. 2013-001, 2013)

§ 17.60B.070. Permit processing and notice.

Administrative use permits shall be processed in accordance with the provisions contained in this chapter and the provisions of Title 15A, Project Permit Application Process of the Kittitas County Code, except as otherwise established in this Title.
(Ord. 2007-22, 2007)

§ 17.60B.080. Effect.

In any case where an administrative use permit is granted under the terms of this title, no building or other permit shall be issued until the end of the appeal period allowed in

Title 15A, Project Permit Application Process of the Kittitas County Code. An appeal of the decision shall automatically stay the issuance of building or other permits until such appeal has been completed.

(Ord. 2007-22, 2007)

§ 17.60B.090. Transfer of ownership.

The granting of an administrative use permit and the conditions set forth run with the land; compliance with the conditions of the administrative use permit is the responsibility of the current owner of the property, the applicant and successors.

(Ord. 2007-22, 2007)

§ 17.60B.100. Expiration.

An administrative use permit shall become void three (3) years after approval or such other time period as established by the administrator if no substantial construction or satisfying the conditions of approval has taken place.

(Ord. 2007-22, 2007)

§ 17.60B.110. Appeal of administrator's decision.

Action by the Administrator is final unless an appeal in writing is filed with Community Development Services, together with the applicable fee, within the time allowed per KCC Title 15A, Project Permit Application Process of the Kittitas County Code. The request shall conform to the requirements of KCC Chapter 15A.07, Project Permit Application Process of the Kittitas County Code.

(Ord. 2007-22, 2007; Ord. 2012-009, 2012; Ord. 2013-001, 2013; Ord. 2019-013, 2019)

§ 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 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;
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;
13. Those actions categorically exempt from SEPA review, pursuant to Chapter 15.04 KCC, except as may be required by KCC § 15A.03.060(4);
14. Those actions exempt from shoreline substantial development permitting process as set forth in WAC 173-27-040(2) and RCW 90.58.030.

14.15. Accessory Dwelling Unit permits

(Ord. 98-10, 1998; Ord. 2000-07; Ord. 2007-22, 2007; Ord. 2014-015, 2014; Ord. 2016-006, 2016; Ord. 2025-003, 3/18/2025)

CHAPTER 15A.14

TABLE A

(Ord. 98-10, 1998; Ord. 2000-07; Ord. 2009-25, 2009; Ord. 2010-011, 2010; Ord. 2012-009, 2012; Ord. 2013-001, 2013; Ord. 2014-008, 2014; Ord. 2014-015, 2014; Ord. 2016-006, 2016; Ord. 2018-021, 2018; Ord. 2022-017, 2022; Ord. 2025-003, 3/18/2025)

Table A					
	Step 1 Public Comment Period	Step 2 Open Record Hearing	Step 3 Decision	Step 4 Administrative Appeal	Step 5 Judicial Appeal*
Binding Site Plan:	15 days	None	Staff	HE	Sup. Court
Zoning Variance:	15 days	None	Staff	HE	Sup. Court
Public Agency and Utility Exception:	15 days	None	Staff	HE	Sup. Court
Reasonable Use Exception:	15 days	None	Staff	HE	Sup. Court
Permitted Administrative Uses ^{5,7} :	15 days	None	Staff	HE	Sup. Court
Short Plats:	15 days	None	Staff	HE	Sup. Court
Boundary Line Adjustments:	None	None	Staff	HE	Sup. Court
Grade and Fill Permit:	None	None	Staff	HE	Sup. Court
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 ¹ :	15 days	None	Staff	HE	Sup. Court
Independent administrative rulings:	None	None	Staff	HE	Sup. Court
Zoning Conditional Uses (Administrative):	15 days	None	Staff	HE	Sup. Court
Zoning Conditional Uses (Hearing):	15 days	HE	HE	None	Sup. Court
Long Plats:	15 days	HE	HE	None	Sup. Court
Shoreline Exemptions	None	None	Staff	None	Shorelines Board
Shoreline Substantial Development	30 days	None	Staff/HE ⁶	None	Shorelines Board
Shorelines Conditional Use:	30 days	HE	Department of Ecology	None	Shorelines Board
Shorelines Variance:	30 days	HE	Department of Ecology	None	Shorelines Board

Table A					
	Step 1 Public Comment Period	Step 2 Open Record Hearing	Step 3 Decision	Step 4 Administrative Appeal	Step 5 Judicial Appeal*
Site-Specific Rezone to Zoning Map (Including PUD) ¹ :	30 days	HE	HE	BCC	Sup. Court
Development Agreement:	30 days	BCC	BCC	None	Sup. Court

¹See KCC § 15A.01.040 for clarification of roles and responsibilities.

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

³Hearing 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.

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

⁵In 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.

⁶The Hearing Examiner has the authority to review, approve, deny, or approve with conditions, applications for shoreline substantial development permits that are included in consolidated permit applications that are subject to Board review and action.

⁷[Accessory Dwelling Unit applications do not require a notice of application or comment period.](#)

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.

Item 26-03 - Short Term Rental Regulations

Chapter 17.63

Short Term Rentals

Sections

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[17.63.020](#) Purpose

[17.63.030](#) Applicability

[17.63.040](#) Procedures

[17.63.050](#) Decision criteria

[17.63.060](#) Violations

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17.63.010 Definitions.

1. **“Non-Noise Decibel Level Related Violation”** means any violation of this Title, except for violations of KCC 17.63.060 (1)(g).
2. **“Noise Decibel Level Related Violation”** or **“Noise Violation”** means violations of KCC 17.63.060 (1)(g).
3. **“Class 1 Sound Level Meter”** means a professional-grade sound level meter or monitoring system that meets or exceeds the requirements of ANSI/ASA S1.4-2014 (or latest version) or IEC 61672-1 Class 1 (Precision) standards and is annually calibrated to NIST-traceable standards.
4. **“Class 2 Noise Monitoring Device”** means a commercially available, privacy- safe consumer-grade noise monitoring system (examples include but are not limited to Alertify, Minut, or County-approved equivalent devices) that:
 - a. Does not record audio or video of guests or conversations;
 - b. Measures and logs decibel levels (dBA) with date and time stamps;
 - c. Provides real-time alerts to the operator or designated contact when noise levels exceed permitted limits; and

d. Generates downloadable reports of noise data that can be provided to the County upon request.

5. “**Confirmed Violation**” means that upon investigating a noise complaint, the authorized official reviews data from an Approved Class 2 Noise Monitoring Device or measurements taken with an Approved Class 1 Sound Level Meter, and determines that a violation of the 80 dBA quiet-hours limit has occurred in violation of this Title. Confirmed Violation also means a determination made by Code Enforcement that a Non-Noise Decibel Level Related Violation occurred in violation of this Chapter.

6.” **Committed Violation**” means a committed finding made by a court of law or Hearings’ Examiner, finding that an alleged Confirmed Violation occurred in violation of this Title.

7. “**Contact**” means the operator or the operator's representative who is the point of contact for any short-term rental guest for the duration of the guest's stay in the short-term rental.

8. ” **Dwelling unit**” means a residential dwelling of any type, including a single-family residence, apartment, condominium, cooperative unit, or room, in which a person may obtain living accommodations for less than thirty (30) days, but not including duly licensed bed and breakfast, inn, hotel, motel, or timeshare property.

9. “**Fee**” and “**Payment**” mean remuneration or anything of economic value that is provided, promised, or donated primarily in exchange for services rendered.

10. “**Guests**” means any person or persons renting a short-term rental unit.

11. “**Operator**” or “**short-term rental operator**” means any person who receives payment for owning or operating a dwelling unit, or portion thereof, as a short-term rental unit.

12. “**Owner**” means any person who, alone or with others, has title or interest in any building, property, dwelling unit, or portion thereof, with or without accompanying actual possession thereof, and including any person who as agent, executor, administrator, trustee, or guardian of an estate has charge, care, or control of any building, dwelling unit, or portion thereof. A person whose sole interest in any building, dwelling unit, or portion thereof is solely that of a lessee under a lease agreement is not considered an owner. A person whose sole interest in any building, dwelling unit, or portion thereof is solely that of a creditor or lien holder, is not considered an owner.

13. “**Owner Occupied short-term rental**” means a residential property in which the legal owner occupies the property as their primary residence and offers short-term lodging to transient guests within the primary dwelling and/or within an accessory

dwelling unit, guesthouse, carriage house, or similar subordinate residential structure located on the same lot, provided the owner maintains continuous occupancy on the property during the rental period.

14. **“Person”** has the same meaning as provided in RCW 82.04.030.

15. **“Short-term rental”** means a lodging use, that is not a hotel or motel or bed and breakfast, in which a dwelling unit, or portion thereof, that is offered or provided to a guest by a short-term rental operator for a fee for fewer than thirty consecutive nights.

a. Short-term rental does not include any of the following: i. A dwelling unit that is occupied by the owner for at least six months during the calendar year in which fewer than three rooms are rented at any time; ii. A dwelling unit, or portion thereof, that is used by the same person for thirty or more consecutive nights; or iii. A dwelling unit, or portion thereof, that is operated by an organization or government entity that is registered as a charitable organization with the Secretary of State, State of Washington, or is classified by the federal internal revenue service as a public charity or a private foundation, and provides temporary housing to individuals that are being treated for trauma, injury, or disease, or other family members.

16. **“Short-term rental advertisement”** means any method of soliciting use of a dwelling unit for short-term rental purposes.

17. **“Short-term rental platform”** or **“platform”** means a person or organization that provides a means through which an operator may offer a dwelling unit, or portion thereof, for short-term rental use, and from which the person or entity financially benefits from providing the platform. Examples include, but are not limited to: Airbnb and Vrbo. Merely publishing a short-term rental advertisement for accommodation does not make the publisher a short-term rental platform.

17.63.020 Purpose.

The purpose of this chapter is to establish procedures and standards for the permitting of Short-term rentals. The intent is to balance the property rights of owners with the health and safety of renters and to reduce impacts to neighboring properties.

17.63.030 Applicability

The regulations established in Chapter 17.63 KCC shall apply to all Short-term rental uses within Kittitas County, except as otherwise provided in this chapter. Additionally, the following standards apply:

1. Short-term rental permits are non-transferable. Any change in ownership shall require a new permit.
2. All Short-term rentals shall comply with all applicable local, State, and Federal regulations and licensing standards.

3. Failure to meet or maintain the requirements of this Title may result in fees/penalties, suspension of a Short-term rental permit, requirement to upgrade a sound/noise measuring/metering device, or revocation of a Short-term rental permit, as outlined in KCC 17.63.060.
4. Owner occupied Short-term rentals are not subject to this Title.
5. Short-term rentals within a Planned Unit Development (PUD) or Master Planned Resort (MPR) shall be subject to this Title unless expressly authorized by an approved Development Agreement or PUD Final Development Plan.

17.63.040 Procedures.

Short-term rentals shall not operate without a permit except as otherwise provided in this chapter. Short-term rental applications shall be processed as Independent administrative rulings as indicated in Table A, Chapter 15A.14 KCC. Upon submittal of an application, CDS will issue a notice to adjacent neighbors of the subject property and any contiguously owned property boundaries within 14 days from the date of complete application submittal. The notice shall contain the following information.

1. The address and parcel number of the proposed Short-term rental property
2. Contact information for the owner and/or property manager who will be managing the property.
3. The assigned Short-term rental number/application file number.

Decisions of short-term rental applications shall demonstrate consistency with the Decision criteria outlined in KCC 17.63.050. Permits shall be renewed annually.

17.63.050 Decision criteria.

The Community Development Services department shall review Short-term rental permit applications in accordance with the provisions of this section and may approve or deny the Short-term rental permit based on compliance with the criteria established below.

1. Required Findings.
 - a. The property is located in a permitted zone and any structure(s) utilized for rental purposes were legally established.
 - b. The property is not encumbered by any active code enforcement cases.
 - c. The applicant shall provide a Short-term rental management plan including
 - i. A site plan of the rental indicating the following;

- a. Functional smoke alarms in every sleeping room, hallway outside sleeping areas, and on every level of the home.
- b. Carbon Monoxide detectors required in every sleeping room, hallway outside sleeping areas, and on every level of the home.
- c. At least 1 ABC-rated fire extinguisher per floor. Fire extinguishers must be mounted, visible, and accessible to guests with clear signage or instruction posted on proper use.
- d. Every bedroom must have at least one emergency window or exterior door that meets current building code standards. Pathways to exits must be clear and unobstructed.
- e. The property must be accessible year-round to emergency vehicles, including fire trucks. Driveway width and turnaround space must meet minimum standards for emergency access.
- f. If the property permits use of fire pits, fireplaces, or BBQ's, appropriate fire suppression tools (e.g., hose, shovel, fire extinguisher, and sand bucket) within 75 feet. Any applicable burn ban information must be clearly posted near the equipment and kept up to date.
- ii. An off-street parking plan which demonstrates availability of adequate off-street parking for all guests and no anticipated overflow onto public or private roads. No reliance on street parking for additional guests.
 - a. Adequate turnarounds and no disruption to emergency access or school bus routes.
- iii. A printed and posted emergency evacuation map showing all exits, fire extinguisher locations, and guest instructions describing evacuation procedures and emergency contact numbers.
 - a. Proposed methods to ensure renters are informed of the Kittitas County Noise Ordinance (Chapter9.45 KCC) and current burn ban conditions.
- d. The applicant shall sign an affidavit describing a commitment to maintain the standards outlined in the Short-term management plan and provide any changes and/or updates to the plan or managing entity to CDS within seven calendar days of changes.

- e. The applicant shall inform all renters of the restrictions noted in the Short-term rental management plan and post a copy of the plan in a conspicuous location near the entry of the rental.
- f. The applicant shall be required to demonstrate consistency with KCC Noise Ordinance Chapter 9.45 through meeting the following criteria:
 - i. The operator shall install and maintain an operational Approved Class 2 Noise Monitoring Device in the closest available location to any primary exterior communal gathering area. The device must remain operational at all times while the short-term rental is being rented. An upgrade to a Class 1 sounds level meter may be required consistent with KCC
 - ii. Quiet hours are established by KCC 9.45. During this time noise levels shall not exceed 80 decibels.
 - iii. In the event of a code enforcement or law enforcement complaint, noise reports shall be provided as requested in writing by Kittitas County Community Development Services within 30 days of the request.
 - iv. Installation of a noise monitoring device with the following minimum characteristics.
 - a. Privacy safe- does not record video or audio of guests.
 - b. Capable of active decibel monitoring during quiet hours.
 - c. Reporting function that alerts the STR manager immediately of violations and provides reports of past data.
 - d. Installed in the closest available location to any primary exterior communal gathering area.
 - e. Noise monitoring device must remain operational while the STR is being rented.

17.63.060 Violations.

1. Noise Violations. Noise violations during quiet hours shall be enforced using the following tiered system based on the required monitoring device:

a. Initial Tier – Approved Class 2 Noise Monitoring Device Confirmed Noise Violations documented by data from the required Approved Class 2 Noise Monitoring Device shall be handled as follows:

- i. First Confirmed Noise Violation – Warning letter issued.
- ii. Second Confirmed Noise Violation – Compliance letter.
- iii. Third Confirmed Noise Violation – Compliance letter and written notice requiring upgrade to a Class 1 Sound Level Meter within 30 days.

b. Post-Upgrade Tier – Class 1 Sound Level Meter After the required upgrade to a Class 1 Sound Level Meter. The Owner shall provide evidence to Community Development Services that a qualified device has been installed. Subsequent Confirmed Noise Violations shall be verified using the Class 1 device and handled as follows:

- i. First Confirmed Noise Violation (Class 1) – Compliance letter and \$500 fine.
- ii. Second Confirmed Noise Violation (Class 1) – Compliance letter and 60-day permit suspension.
- iii. Third Confirmed Noise Violation (Class 1) – Revocation of the STR permit for a period of 365 days.

c. The number of Confirmed Violations is measured on a rolling twelve (12) month period beginning from the date of the first Confirmed Noise Violation letter for each tier.

d. Failure to install, maintain, or provide reports from the required monitoring device (Class 2 or Class 1) within 30 days of a written request, shall itself constitute a Confirmed Violation.

e. Unsubmitted reports within 30 days of a written request will result in a Confirmed Violation.

f. Failure to pay a fine outlined in KCC 17.63.060(1)(b)(i) within 30 days of service of a compliance letter and request for payment, shall itself constitute a Confirmed Violation, and shall be immediate grounds for collection through a collection agency, or other available lawful remedies.

g. Noise levels at 80 decibels or above that extend beyond a (30) thirty-minute window, as indicated by any tier noise monitoring device shall constitute a Noise Violation.

h. If required to upgrade to a Class 1 device pursuant to KCC 17.63.060(1)(b), upgrades shall be in place until the owner receives no confirmed violation for a period of 6 months following confirmation of installation of the Class 1 device.

2. Allowing the operation of or advertisement of a short-term rental without a valid permit, whether the operation of or advertisement occurs prior to issuance of a valid permit, occurs after a permit has been suspended, or occurs after a permit has been revoked, shall itself constitute a Confirmed Violation.

3. The remedies set forth in this Title are not exclusive. Code Enforcement may force compliance of any Confirmed Violation of this Chapter through the remedies available in Title 18 KCC, provided the remedies afforded Confirmed Noise Violations under KCC 17.63.060(1)(a)-(b) have first been exhausted. Further, nothing in this code limits or restricts the authority of the county to pursue other lawful criminal, civil or equitable remedies to abate, discontinue or correct Confirmed Violations, provided the remedies afforded Confirmed Noise Violations under KCC 17.63.060(1)(a)-(b) have first been exhausted.

4. Any (3) three committed violations of Non-Noise Decibel Level Related Violations within a 24 month period shall result in revocation of the STR permit for 365 days.

5. All outstanding fines must be paid to be considered for renewal of annual permits.

17.63.070 Appeals.

1. Any appeals of a Short-term rental permit determination shall be processed in accordance with Chapter 15A.07 KCC.