

1 **Kittitas County Code**

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3 **Title 15A | PROJECT PERMIT APPLICATION PROCESS\***

4  
5 **Chapters**

- 6 15A.01 Administration, Purpose and Objective  
7 15A.02 Definitions  
8 15A.03 Project Permit Application Review  
9 15A.04 Integration of SEPA and Appeals of SEPA Actions  
10 15A.05 Hearings  
11 15A.06 Notice of Decision  
12 15A.07 Administrative Decisions Appeals  
13 15A.08 Judicial Appeal  
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15 15A.10 Amendments  
16 15A.11 Development Agreements  
17 15A.12 Coordination with State Permitting

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19 \* Prior legislation: Ords. 96-19 and 97-05.  
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22  
23 **Chapter 15A.01**

24 **ADMINISTRATION, PURPOSE AND OBJECTIVE**

25  
26 **Sections**

- 27 15A.01.010 Purpose and authority.  
28 15A.01.020 Administrative and enforcement officers.  
29 15A.01.030 Applicability.  
30 15A.01.040 Roles and responsibilities.  
31 15A.01.050 Severability.  
32

33  
34 **15A.01.010 Purpose and authority.**

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

- 38  
39 1. Each local government planning under RCW 36.70A.040 shall establish a permit review process  
40 that provides for the integrated and consolidated review and decision on two or more project  
41 permits relating to a proposed project action, including a single application review and approval  
42 process covering part of or all project permits requested by an applicant for all or part of a project  
43 action, and a designated permit coordinator.  
44 2. When a project permit application is filed, the project review process should include land use,  
45 environmental, public, and governmental review so that documents prepared under different  
46 requirements can be reviewed together by the public and other agencies, in one project review  
47 process. In the event of inconsistencies within county code pertaining to such processing, this title  
48 shall control. (Ord. 2000-07; Ord. 98-10, 1998).  
49

50 **15A.01.020 Administrative and enforcement officers.**

- 1 1. It shall be the duty of the county ~~planning~~ Community Development Services director or such
- 2 other persons designated by the county commissioners to administer the provisions of this title.
- 3 2. The prosecuting attorney may institute any necessary legal proceedings to enforce the provisions
- 4 of this title.
- 5 3. The county sheriff and his authorized representatives shall have the authority to enforce the
- 6 provisions of this title. (Ord. 200007; Ord. 98-10, 1998).
- 7

8 **15A.01.030 Applicability.**

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

13  
14 **15A.01.040 Roles and responsibilities.**

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

- 18  
19 1. **Applicant.** An applicant is expected to read and understand the county comprehensive plan and  
20 code and be prepared to fulfill the obligations placed on the applicant. Pre-application  
21 conferences are available to anyone who wishes to discuss such obligations prior to submittal.
- 22 2. **~~Planning~~ Community Development Services Director.**
  - 23 a. The ~~planning~~ Community Development Services director is responsible for the
  - 24 administration of portions of KCC Title 15, Environmental Policy, Title 15A, Project
  - 25 Permit Application Process, Title 16, Subdivisions, Title 17, Zoning, Title 17A, Critical
  - 26 Areas, and the shoreline master program.
  - 27 b. Upon request or as determined necessary, the ~~planning~~ Community Development
  - 28 Services director shall interpret the meaning or application of the provisions of said titles
  - 29 and issue a written administrative interpretation. Requests for interpretation shall be
  - 30 written and shall concisely identify the issue and desired interpretation.
  - 31 c. Administrative land use decisions on certain zoning conditional uses, and variances from
  - 32 the standards and dimensional regulations of the zoning code, KCC Title 17, such as
  - 33 setback and yard restrictions.
- 34 3. **Board of County Commissioners.** In addition to its legislative responsibilities under KCC Title  
35 15B, the board shall review and act on the following subjects pursuant to this title:
  - 36 a. Recommendations of the planning commission. Decision-making process by the board
  - 37 shall consist of a public meeting or meetings wherein the board reviews the written
  - 38 record transmitted from the planning commission and issues a written decision in
  - 39 resolution or ordinance form. During such meeting(s), appropriate county staff will
  - 40 present the record to the board, providing information as necessary to ensure county code
  - 41 compliance. No new comment or information will be allowed by the board during the
  - 42 decision-making process.
  - 43 b. Appeals of administrative SEPA actions regarding an action without an underlying
  - 44 permit.
  - 45 c. Open record appeals of administrative SEPA actions when the board of county
  - 46 commissioners makes decision on, or hears appeals of, the underlying action.
  - 47 d. Closed record appeals of administrative SEPA actions, exclusive of board of adjustment
  - 48 SEPA appeal decisions.
- 49 4. **Planning Commission.** The planning commission shall review and make recommendations to  
50 the board of county commissioners on the following applications and subjects:

- 1 a. Applications for preliminary plats and binding site plans.
- 2 b. Other actions requested or remanded by the board of county commissioners.
- 3 c. Development agreements.
- 4 d. Open record appeals of administrative SEPA actions when the planning commission
- 5 makes decision on, or hears appeals of, the underlying action.
- 6 e. In the case of combined applications which require public hearings before the planning
- 7 commission and the board of adjustment, a joint hearing shall be held, and the board of
- 8 adjustment decision shall be final and the planning commission recommendation be
- 9 transmitted to the board of county commissioners for decision. In the event of an open
- 10 record SEPA appeal hearing in conjunction with such a joint hearing, the planning
- 11 commission shall hold the SEPA appeal hearing whose decision shall be appealable to
- 12 the board of county commissioners by closed record SEPA appeal.
- 13 **5. Board of Adjustment.** The board of adjustment shall review and act on the following subjects:
- 14 a. Appeals of administrative determinations on certain zoning conditional uses, and
- 15 variances from the standards and dimensional regulations of the zoning code, KCC Title
- 16 17, such as setback and yard restrictions.
- 17 b. Conditional use permits pursuant to the zoning code, KCC Title 17.
- 18 c. Shoreline permits, including variances, conditional uses, and shoreline substantial
- 19 development permits pursuant to the shoreline master program.
- 20 d. Open record appeals of administrative SEPA actions when the board of adjustment makes
- 21 decision on, or hears appeals of, the underlying action. (Ord. 2000-07; Ord. 9810, 1998).
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#### 23 **15A.01.050 Severability.**

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

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## 31 **Chapter 15A.02**

### 32 **DEFINITIONS**

#### 34 **Sections**

- 35 15A.02.010 Generally.
- 36 15A.02.020 Administrator.
- 37 15A.02.030 Closed record appeal.
- 38 15A.02.040 Consistency.
- 39 15A.02.050 Land use decision.
- 40 15A.02.060 Open record hearing.
- 41 15A.02.070 Person.
- 42 15A.02.080 Project permit or project permit application.
- 43 15A.02.090 Public meeting.
- 44

#### 45 **15A.02.010 Generally.**

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

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1 **15A.02.020 Administrator.**

2 "Administrator" means the county planning director or his/her designee. (Ord. 2000-07; Ord. 98-10,  
3 1998).

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5 **15A.02.030 Closed record appeal.**

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

10  
11 **15A.02.040 Consistency.**

12 "Consistency" means, including but not limited to, compliance, conformity and consistency, and refers to  
13 performance in accordance with Kittitas County comprehensive plan and development regulations. (Ord.  
14 2000-07; Ord. 98-10, 1998).

15  
16 **15A.02.050 Land use decision.**

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

- 19  
20
- 21 1. An application for a project permit or other governmental approval required by law before real  
22 property may be improved, developed, modified, subdivided, or used, but excluding applications  
23 for permits or approvals to use, vacate, or transfer streets, parks, and similar types of public  
24 property, excluding applications for legislative approvals such as area-wide rezones and  
25 annexations, and excluding applications for business licenses;
  - 26 2. An interpretive or declaratory decision regarding the application to a specific property of zoning  
27 or other ordinance or rules regulating the improvement, development, modification, maintenance,  
28 or use of real property; and
  - 29 3. The enforcement by a local jurisdiction of ordinances regulating the improvement, development,  
30 modification, maintenance, or use of real property. (Ord. 2000-07; Ord. 9810, 1998).

31 **15A.02.060 Open record hearing.**

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

36  
37 **15A.02.070 Person.**

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

40  
41 **15A.02.080 Project permit or project permit application.**

42 "Project permit" or "project permit application" means any land use or environmental permit or license  
43 required from a local government for a project action, including but not limited to building permits,  
44 subdivisions, binding site plans, planned unit developments, conditional uses, shoreline substantial  
45 development permits, site plan review, permits or approvals required by critical areas ordinances, site-  
46 specific rezones authorized by a comprehensive plan or subarea plan, but excluding the adoption or  
47 amendment of a comprehensive plan, subarea plan, or development regulations. (Ord. 2000-07; Ord. 98-  
48 10, 1998).

1 **15A.02.090 Public meeting.**

2 "Public meeting" means an informal meeting, hearing, workshop, or other public gathering of people to  
3 obtain comments from the public or other agencies on a proposed project permit prior to the local  
4 government's decision. A public meeting may include, but is not limited to, a design review or  
5 architectural control board meeting, a special review district or community council meeting, or a scoping  
6 meeting on a draft environmental impact statement. A public meeting does not include an open record  
7 hearing. The proceedings at a public meeting may be recorded and a report or recommendation may be  
8 included in the local government's project permit application file. (Ord. 2000-07; Ord. 98-10, 1998).

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11  
12 **Chapter 15A.03**

13 **PROJECT PERMIT APPLICATION REVIEW**

14  
15 **Sections**

16 15A.03.010 Complete application defined.

17 15A.03.020 Preapplication conference.

18 15A.03.030 Application and accompanying data.

19 15A.03.040 Determination of complete application.

20 15A.03.050 Fee schedule.

21 15A.03.060 Notice of application.

22 15A.03.070 Specific procedures for permit review.

23 15A.03.080 Projects exempt from the provisions of notice of application.

24 15A.03.090 Review actions on project permit applications.

25 15A.03.100 Criteria for review of all project actions.

26 [15A.03.110 Posting Sites.](#)

27  
28 **15A.03.010 Complete application defined.**

29 The definition of a complete project permit application is defined in the relevant section of the zoning  
30 code, subdivision code, or, if applicable, development agreement adopted pursuant to this title. (Ord.  
31 2000-07; Ord. 98-10, 1998).

32  
33 **15A.03.020 Preapplication conference.**

34 A preapplication conference is offered to all interested potential applicants. Applicants are encouraged but  
35 not required to request this conference. [Preapplication conferences are required for applications for](#)  
36 [Performance Based Cluster Platting as outlined in Kittitas County Code 16.09.](#)

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

48 **15A.03.030 Application and accompanying data.**

- 1 1. Written application for the approval of the following project activities: zoning variance; zoning  
2 conditional use; short plat, long plat or subdivision; shorelines substantial  
3 development/conditional use, master planned resort; and site-specific rezone shall be filed in  
4 complete form in the ~~planning~~ Community Development Services office upon forms prescribed  
5 for that purpose by the administrator.
- 6 2. The written application shall be accompanied by a site plan showing the dimensions and  
7 arrangement of the proposed development or changes including all proposed land uses and  
8 structures; points of access, roads and parking areas; septic tank and drainfield and replacement  
9 areas; areas to be cut or filled; and natural features such as contours, streams, gullies, cliffs, etc.  
10 The administrator may require other drawings, topographic surveys, photographs, or other  
11 material essential to an understanding of the proposed use and its relationship to the surrounding  
12 properties.
- 13 3. Applications for project permits shall be signed by the owner(s) of the property. All LLC owners  
14 or responsible officers of a corporation and/or any legal entity shall be identified on the  
15 application.
- 16 4. The applicant shall furnish a list of the names and addresses of all persons owning real property  
17 located within ~~300~~ 500 feet from and parallel to the boundaries of the proposed activities and  
18 such contiguous area under the legal control of the applicant.
- 19 5. Appropriate fee(s) paid in full. (Ord. 2000-07; Ord. 98-10, 1998).

20  
21 **15A.03.040 Determination of complete application.**

- 22  
23 1. Within 28 days after receiving a project permit application, the local permitting agency shall mail  
24 or provide in person a written determination to the applicant, stating either:
  - 25 a. That the application is complete; or
  - 26 b. That the application is incomplete and what is necessary to make the application  
27 complete. An incomplete application shall expire after 180 calendar days unless the  
28 requested supplemental information is submitted in complete form.
- 29 2. To the extent known by the permitting agency, the permitting agency shall identify other agencies  
30 of local, state or federal governments that may have jurisdiction over some aspect of the  
31 application.
- 32 3. A project permit application is complete for the purposes of this title when it meets the procedural  
33 submission requirements of Kittitas County and is sufficient for continued processing even  
34 though additional information may be required or project modifications may be undertaken  
35 subsequently. The determination of completeness shall not preclude Kittitas County from  
36 requesting additional information or studies either at the time of the notice of completeness or  
37 subsequently if new information is required or substantial changes in the proposed action occur.
- 38 4. Within 14 days after an applicant has submitted to the permitting agency additional information  
39 identified by the permitting agency as being necessary for a complete application, the permitting  
40 agency shall notify the applicant whether the application is complete or what additional  
41 information is necessary. In determining the number of days that have elapsed after Kittitas  
42 County has notified the applicant that the application is complete, the following periods shall be  
43 excluded:
  - 44 a.
    - 45 i. Any period during which the applicant has been requested by Kittitas County to  
46 correct plans, perform required studies, or provide additional required  
47 information. The period shall be calculated from the date Kittitas County notifies  
48 the applicant of the need for the additional information until the earlier of the  
49 date Kittitas County determined whether the additional information satisfies the  
50 request for information or 14 days after the date the information has been  
provided to Kittitas County.

- 1                   ii. If Kittitas County determines that the additional information submitted by the
- 2                   applicant is insufficient, it shall notify the applicant of the continued deficiencies
- 3                   and the procedures under subsection (D)(1)(a) of this section shall apply as if a
- 4                   new request for studies has been made.
- 5           b. Any period during which an environmental impact statement is being prepared following
- 6           a determination of significance pursuant to Chapter 43.21C RCW, if Kittitas County and
- 7           the applicant in writing agree to a time period for completion of an environmental impact
- 8           statement.
- 9           c. Any period of administrative appeals of project permits, if an open record hearing or a
- 10           closed record appeal, or both, are allowed. The time period to consider and decide such
- 11           appeals shall not exceed:
- 12           i. Ninety days for an open record appeal hearing;
- 13           ii. Sixty days for a closed record appeal; and
- 14           iii. The parties to an appeal may agree to extend these time periods.
- 15           d. Any extension of time mutually agreed upon by the applicant and Kittitas County.
- 16           e. These time limits do not apply to a project permit application, if the project:
- 17           i. Requires an amendment to the comprehensive plan or a development regulation;
- 18           ii. Requires approval of a new fully contained community as provided in RCW
- 19           36.70A.350, a master planned resort as provided in RCW 36.70A.360, or the
- 20           siting of an essential public facility as provided in RCW 36.70A.200;
- 21           iii. Is substantially revised by the applicant, in which case the time period shall start
- 22           from the date at which the revised project application is determined to be
- 23           complete.
- 24           f. If Kittitas County is unable to issue its final decision within the time limits provided, it
- 25           shall provide written notice of this fact to the applicant. The notice shall include a
- 26           statement of reasons why the time limits have not been met and an estimated date of
- 27           issuance of the notice of final decision.
- 28           g. Applications shall be void if they remain incomplete for more than 180 days.
- 29           h. This section shall apply to project permit applications filed on or after the date of
- 30           adoption of this title. (Ord. 2000-07; Ord. 9810, 1998).

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32 **15A.03.050 Fee schedule.**

33 The fees for such application processes related to this title shall be established annually by resolution and  
34 may be obtained from ~~the planning department~~[Community Development Services](#). Fees shall be payable  
35 to Kittitas County and shall not be refundable in any case. (Ord. 2000-07; Ord. 98-10, 1998). [For fees](#)  
36 [paid for appeals only, funds not already expended may be refunded.](#)

37  
38 **15A.03.060 Notice of application.**

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

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- 45           1. The notice of application shall be provided within 14 days after the determination of
- 46           completeness in the following method:
- 47           a. Publishing notice, including at least the project location in other than a legal description,
- 48           brief description of project, type of permit(s) required, comment period dates, and
- 49           location where the complete application may be reviewed in the newspaper of general
- 50           circulation in the general area where the proposal is located or in a local land use

1 newsletter published by Kittitas County. A legal notice shall be published for  
2 development applications located in the upper county in newspapers published at least  
3 weekly, in addition to the legal publishing requirement in the official county paper of  
4 record.

5 b. Notifying public or private groups with known interest in a certain proposal or in the type  
6 of proposal being considered.

7 c. Mailing to adjacent landowners. Adjacent landowners are the owners of real property, as  
8 shown by the records of the county assessor, located within ~~300-500~~ feet of any portion  
9 of the boundary of the proposal's tax parcel or lot of record (real property). If the owner  
10 of the real property which is proposed for activity owns another parcel or parcels of real  
11 property which lie adjacent to the real property proposed for activity, notice shall be  
12 given to owners of real property located within ~~300-500~~ feet of any portion of the  
13 boundaries of such adjacently located parcels of real property owned by the owner of the  
14 real property proposed for activity.

15 d. Mailing to potentially affected landowners. For projects in which it can be logically  
16 determined that additional landowners beyond the 500 foot minimum requirement as  
17 identified in Section C above shall be noticed, Community Development Services shall  
18 extend notice to such areas. This includes project areas in which projects are serviced by  
19 public roads, private roads, easements, or rights-of-way in which the extent of the 500  
20 foot requirement does not cover all subject properties serviced by the public roads,  
21 private roads, easements, or rights-of-way, and areas where other possible development  
22 impacts may affect properties beyond the 500 foot notice requirements.

23 ~~d~~.e. Notifying the news media.

24 f. Posting notice via the Kittitas County Website.

25 g. Posting the site as outlined in Kittitas County Code 15A.03.110.

26 2. The notice of application shall include the following:

27 a. The date of initial application, the date of the notice of completion for the application,  
28 and the date of the notice of application.

29 b. A description of the proposed project action and a list of the project permits included in  
30 the application and, if applicable, a list of any additional studies requested to complete  
31 the application.

32 c. The identification of other permits not included in the application to the extent known by  
33 Kittitas County.

34 d. The identification of existing environmental documents that evaluate the proposed  
35 project.

36 e. The location where the application and any studies can be reviewed.

37 f. A statement of the public comment period, which shall be not less than 14 nor more than  
38 30 days following the date of the notice of application. This comment period shall be  
39 pursuant to Table A at the end of this title.

40 g. Statement of the right of any person to comment on the application, receive notice of and  
41 participate in any hearings, request a copy of the decision once made, and any appeal  
42 rights.

43 h. Kittitas County will accept public comments at any time prior to the closing of the public  
44 comment period of the specific application.

45 i. The date, time, place and type of hearing, if applicable and scheduled at the date of notice  
46 of the application.

47 j. A statement of the preliminary determination, if one has been made at the time of notice,  
48 of those development regulations that will be used for project mitigation and of  
49 consistency.

50 k. Identify the designated permit coordinator.

l. Any other information determined appropriate by Kittitas County.

3. If the administrator has a reasonable basis for determining significant adverse environmental impacts are unlikely (pursuant to Chapter 15.04 KCC, SEPA Regulations) for a proposal, the notice of application comment period will suffice for purposes of compliance with Chapter 197-11 WAC, and a second comment period after issuance of the SEPA threshold determination will not be required; provided, the notice of application includes the following:
  - a. A statement indicating that the county expects to issue a DNS for the proposal; and
  - b. A statement indicating that the optional DNS process is being used, and that this may be the only opportunity to comment on the environmental impacts of the proposal; and
  - c. A statement indicating that the proposal may include mitigation measures under applicable codes, and the project review process may incorporate or require mitigation measures regardless of whether an EIS is prepared; and
  - d. A statement indicating that a copy of the subsequent threshold determination for the specific proposal may be obtained upon request.
4. A notice of application shall not be required for project permits that are categorically exempt under Chapter 43.21C RCW (SEPA), unless a public comment period is required or for projects identified in KCC 15A.03.080, Projects exempt from the provisions of notice of application. (Ord. 2000-07; Ord. 98-10, 1998).

**15A.03.070 Specific procedures for permit review.**

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

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

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

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

1 **15A.03.090 Review actions on project permit applications.**

2 Project review shall include the following steps:

- 3
- 4 1. A notice of determination of completeness to the applicant.
- 5 2. A notice of application to the public and agencies with jurisdiction.
- 6 3. No more than one consolidated open record hearing and no more than one closed record appeal.
- 7 4. Provisions may be allowed by the local jurisdiction for any public meeting or required open
- 8 record hearing that may be held on the project by another local, state, regional, federal, or other
- 9 agency, in accordance with provisions of Chapter 36.70B RCW.
- 10 5. A single report by a representative of the administrator, stating all the decisions made as of the
- 11 date of the report on all project permits included in the consolidated permit process. The report
- 12 shall state any mitigation required or proposed under the development regulations or the agency's
- 13 authority under RCW 43.21C.060. The report may be the local permit. If a threshold
- 14 determination other than a determination of significance has not been issued by Kittitas County,
- 15 the report shall include or append this determination.
- 16 6. A notice of decision.
- 17 7. Except as otherwise provided for in this title, Kittitas County shall issue its notice of final
- 18 decision on a project permit application within 120 days after Kittitas County notifies the
- 19 applicant that the application is complete. (Ord. 2000-07; Ord. 98-10, 1998).
- 20

21 **15A.03.100 Criteria for review of all project actions.**

22 Project review should start from the fundamental land use planning choices made in local comprehensive

23 plans and regulations, include review of consistency and land use impacts.

24

- 25 1. Applicable comprehensive plans and regulations that identify the type of land use for the site,
- 26 specify density, and identify and provide for funding of public facilities needed to serve the
- 27 proposed development and site should be the standard for project review. Consistency should be
- 28 determined in the project review process by considering four factors found in applicable plans or
- 29 regulations:
- 30 a. The type of land use permitted at the site, including uses that may be allowed under
- 31 certain circumstances, such as planned unit developments and conditional uses, if the
- 32 criteria for their approval have been satisfied;
- 33 b. The level of development allowed, such as units per acre or other measures of density;
- 34 c. Infrastructure, such as the adequacy of public facilities and services identified in the
- 35 comprehensive plan, to serve the proposed project; and
- 36 d. The character of the proposed development, such as compliance with specific
- 37 development standards.
- 38 2. In determining consistency, the determinations made pursuant to this title shall be controlling.
- 39 3. Project review should not require additional studies or mitigation under Chapter 43.21C RCW
- 40 (SEPA) where existing regulations have adequately addressed a proposed project's probable
- 41 specific adverse environmental impacts.
- 42 4. Supplemental authority as specified by Chapter 43.21C RCW should be used to the extent that
- 43 existing requirements do not adequately address a project's specific probable adverse
- 44 environmental impacts.
- 45 5. Nothing in this title limits the authority of a permitting agency to approve, condition, or deny a
- 46 project as provided in its development regulations adopted under Kittitas County comprehensive
- 47 plan and development regulations and its policies adopted under RCW 43.21C.060. Project
- 48 review shall be used to identify specific project design and conditions relating to the character of
- 49 the development, such as details of site plans, curb cuts, drainage swales, transportation demand
- 50

1 management, or other measures to mitigate a proposal's probable adverse environmental impacts,  
2 if applicable.

- 3 6. Consistency between the proposed project and applicable regulations or plan should be  
4 determined through a project review process that integrates land use and environmental impact  
5 analysis, so that governmental and public review of the proposed project, involving development  
6 regulations under Chapter 36.70A RCW, and environmental process under Chapter 43.21C RCW  
7 run concurrently and not separately.
- 8 7. During project review, Kittitas County or any subsequent reviewing body shall not reexamine  
9 alternatives to or hear appeals on the items identified in such Kittitas County comprehensive plan  
10 and development regulation standards, except for issues of code interpretation.
- 11 8. When holding a hearing on a project permit application, the hearing body should utilize the  
12 following issues outlined as a review guide: earth, air, water (including irrigation water and its  
13 conveyances), plants, animals, energy and natural resources, environmental health, land and  
14 shoreline use, housing, aesthetics, light and glare, recreation, historic and cultural preservation,  
15 transportation, public services, and utilities. (Ord. 2000-07; Ord. 9810, 1998).

16  
17 **15A.03.110 Posting sites.**  
18

- 19 1. These provisions shall apply to all development applications, except for development applications  
20 processed administratively.
- 21 2. The applicant shall post the subject property with signs as required by Community Development  
22 Services.
- 23 3. Signs shall be posted on each road frontage on the subject property and shall be clearly visible  
24 and accessible.
- 25 4. Signs shall be posted and on-site prior to issuance of a Notice of Application.
- 26 5. The sign shall be a minimum 2 feet by 3 feet and laminated and posted in a sturdy manner to  
27 remain on-site until such a time that written authorization to remove the sign has been issued by  
28 Community Development Services. It shall be the responsibility of the applicant to properly  
29 dispose of the sign.
- 30 6. At the time of development application, Community Development Services will identify the  
31 number of signs needed and the location of each sign on the subject property.
- 32 7. It shall be the responsibility of the applicant to place the sign structure in which the sign will be  
33 posted on-site. At such time the structure is in place, the applicant shall contact Community  
34 Development Services, who will then be responsible for posting the notice on the sign-structure  
35 prior to publishing of the notice.  
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42  
43 **Chapter 15A.04**  
44 **INTEGRATION OF SEPA AND APPEALS OF SEPA ACTIONS**  
45

46 **Sections**

- 47 15A.04.010 SEPA integration.  
48 15A.04.020 Appeal of SEPA actions.  
49 15A.04.030 Notice of SEPA actions.  
50

1 **15A.04.010 SEPA integration.**

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

- 5  
6 1. Existing plans, regulations, rules or laws that provide environmental analysis and measures that  
7 avoid or otherwise mitigate the probable specific adverse environmental impacts of proposed  
8 projects should be integrated with, and should not be duplicated by, environmental review under  
9 Chapter 43.21C RCW and Chapter 15.04 KCC.
- 10 2. Through an integrated project review process:  
11 a. If the applicable regulations require studies that adequately analyze all of the project's  
12 specific probable adverse environmental impacts, additional studies under SEPA will not  
13 be necessary on those impacts;  
14 b. If the applicable regulations require measures that adequately address such environmental  
15 impacts, additional measures would likewise not be required under SEPA; and  
16 c. If the applicable regulations do not adequately analyze or address a proposal's specific  
17 probable adverse environmental impacts, additional review will be required.
- 18 3. In deciding whether a specific adverse environmental impact has been addressed by an existing  
19 rule or law of another agency with jurisdiction with environmental expertise with regard to a  
20 specific environmental impact, Kittitas County shall consult orally or in writing with that agency.  
21 In making this deferral, Kittitas County shall base or condition its project approval on compliance  
22 with these other existing rules or laws.
- 23 4. Nothing in this title limits the authority of an agency in its review or mitigation of a project to  
24 adopt or otherwise rely on environmental analyses and requirements under other laws.
- 25 5. Except for a determination of significance, the administrator may not issue his/her threshold  
26 determination under SEPA, or issue a decision or a recommendation on a project permit until the  
27 expiration of the public comment period on the notice of application, except for categorical  
28 exemptions.
- 29 6. Nonsignificant threshold determinations shall be included with or appended to the single report of  
30 decision or recommendation.
- 31 7. An environmental impact statement (EIS) shall be prepared on proposals for legislation and other  
32 major actions having a probable significant, adverse environmental impact. The EIS may be  
33 combined with the recommendation or report on the proposal or issued as a separate document.  
34 The substantive decisions or recommendations shall be clearly identified in the combined  
35 document. (Ord. 2000-07; Ord. 98-10, 1998).
- 36

37 **15A.04.020 Appeal of SEPA actions.**

- 38  
39 1. Appeals shall be of the governmental action together with its accompanying environmental  
40 determinations. Kittitas County shall consolidate an appeal of procedural issues made under  
41 Chapter 43.21C RCW and Chapter 15.04 KCC (such as a decision to require particular mitigation  
42 measures or to deny a proposal) with a hearing or appeal on the underlying governmental action  
43 by providing for a single simultaneous hearing before one hearing body to consider the agency  
44 decision on a proposal and any environmental determinations made, with the exception of the  
45 appeal, if any, of a threshold determination of significance.
- 46 2. Appeals of environmental determinations made or lacking under Chapter 43.21C RCW or  
47 Chapter 15.04 KCC shall be commenced within 10 working days to the Kittitas County board of  
48 commissioners, with appropriate administrative fee. Such appeals shall be filed pursuant to  
49 Chapter 15A.07 KCC. The agency shall give official notice stating the date and place for  
50 commencing an appeal. If there is no time period for appealing the underlying governmental

1 action, and a notice of action under RCW 43.21C.080 is used, appeals shall be commenced within  
2 the time period specified by RCW 43.21C.080.

- 3 3. Appeals on SEPA procedures shall be limited to review of a final threshold determination and  
4 final EIS. These appeals may occur prior to an agency's final decision on a proposed action.  
5 Appeal of the intermediate steps under SEPA (e.g., lead agency determination, scoping, draft EIS  
6 adequacy) shall not be allowed.  
7 4. Kittitas County shall provide for only one administrative appeal of a threshold determination or of  
8 the adequacy of an EIS. Successive administrative appeals on these issues shall not be allowed.  
9 (Ord. 2000-07; Ord. 9810, 1998).

10  
11 **15A.04.030 Notice of SEPA actions.**

- 12  
13 1. Notice of any SEPA action taken by a governmental agency may be publicized by the acting  
14 governmental agency in substantially the form as set forth in rules adopted under RCW  
15 43.21C.110:  
16 a. By publishing notice on the same day of each week for two consecutive weeks in a legal  
17 newspaper of record;  
18 b. By filing notice with the Department of Ecology at its main office in Olympia prior to the  
19 date of the last newspaper publication; and  
20 c. Mailing notice to all parties on the notice of application listing, as defined in Chapter  
21 15A.03 KCC.  
22 2. Except as otherwise provided in RCW 43.21C.075(5)(a), any action to set aside, enjoin, review,  
23 or otherwise challenge any such governmental action or subsequent governmental action for  
24 which notice is given as provided in subsection A of this section on grounds of noncompliance  
25 with the provisions of this title and other laws shall be commenced within 21 days from the date  
26 of last newspaper publication of the notice pursuant to subsection A of this section, or be barred.  
27 (Ord. 2000 07; Ord. 98-10, 1998).  
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30  
31 **Chapter 15A.05**  
32 **HEARINGS**

33  
34 **Sections**

- 35 15A.05.010 Hearings.  
36 15A.05.020 Procedures for hearings.  
37

38 **15A.05.010 Hearings.**

39 Kittitas County shall hold a public hearing on each application for a project permit if one is so required.  
40

- 41 1. Upon the filing of an application for a development activity as set forth in this title and other  
42 laws, the administrator shall, in consultation with the appropriate hearing body chair, set the time  
43 and place for a public hearing if one is so required on such a matter, and written notice thereof  
44 shall be sent through the United States mail to all parties on the notice of application listing, as  
45 defined in Chapter 15A.03 KCC.  
46 2. Kittitas County may combine any hearings on a project permit with any hearings that may be held  
47 by another local, state, regional, federal, or other agency; provided, that the hearing is held within  
48 the geographic boundary of the local government. Hearings shall be combined if requested by an  
49 applicant, as long as the joint hearing can be held within required time periods or the applicant  
50 agrees to the schedule in the event that additional time is needed in order to combine the hearings.

1 All agencies of the state of Washington, including municipal corporations and counties  
2 participating in a combined hearing shall issue joint hearing notices and develop a joint format,  
3 select a mutually acceptable hearing body or officer, and take such other actions as may be  
4 necessary to hold joint hearings consistent with each of their respective statutory obligations.  
5 Each government entity shall render their respective decision according to their statutory  
6 obligations. (Ord. 2000-07; Ord. 9810, 1998).

7  
8 **15A.05.020 Procedures for hearings.**

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

- 12  
13 1. Staff presentation, including submittal of any administrative reports. Members of the hearing  
14 body may ask questions of the staff.  
15 2. Applicant presentation, including submittal of any materials. Members of the hearing body may  
16 ask questions of the applicant.  
17 3. Testimony or comments by the public germane to the matter. Questions directed to the staff or the  
18 applicant shall be posed by the chair at its discretion.  
19 4. Rebuttal, response or clarifying statements by the staff and the applicant.  
20 5. The evidentiary portion of the public hearing shall be closed and the hearing body shall deliberate  
21 on the matter before it. (Ord. 2000-07; Ord. 98-10, 1998).

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24  
25 **Chapter 15A.06**

26 **NOTICE OF DECISION**

27  
28 **Sections**

29 15A.06.010 Notice of decision issuance.

30 15A.06.020 Order to include finding of fact.

31  
32 **15A.06.010 Notice of decision issuance.**

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

- 38  
39 1. Kittitas County shall provide notice of decision in the same manner as the notice of application.  
40 2. The notice of decision shall be provided to the following persons:  
41 a. The applicant;  
42 b. Any person who, prior to the rendering of the decision, specifically requested notice of  
43 the decision;  
44 c. Any person who, prior to the rendering of the decision, submitted substantive comments  
45 on the application. (Ord. 2000-07; Ord. 98-10, 1998).

46  
47 **15A.06.020 Order to include finding of fact.**

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

1  
2  
3 **Chapter 15A.07**

4 **ADMINISTRATIVE DECISIONS APPEALS**

5  
6 **Sections**

7 15A.07.010 Appeal of determination or decision.

8 15A.07.020 Procedures for closed record appeals.

9 15A.07.030 Procedures for open record appeals.

10 15A.07.040 Remand.

11 15A.07.050 Appeal of decision - Scope of authority.

12  
13 **15A.07.010 Appeal of determination or decision.**

- 14  
15 1. An appeal of an administrative land use decision shall be filed with the board of county  
16 commissioners within 10 working days of the date of the decision.  
17 2. Appeals shall contain a written, concise statement identifying:  
18 a. The decision being appealed;  
19 b. The name and address of the appellant and his interest(s) in the matter;  
20 c. The specific reasons why the appellant believes the decision to be wrong. The appellant  
21 shall bear the burden of proving the decision was wrong;  
22 d. The desired outcome or changes to the decision;  
23 e. The appeals fee.  
24 3. Upon the filing of a timely appeal, the administrator shall, in consultation with the appropriate  
25 hearing body chair pursuant to KCC 15A.01.040, set the time and place at which the matter will  
26 be considered. The officer from whom the appeal is being taken shall forthwith transmit to the  
27 reviewing body all of the records pertaining to the decision being appealed from, together with  
28 such additional written report as he deems pertinent. (Ord. 2000-07; Ord. 98-10, 1998).  
29

30 **15A.07.020 Procedures for closed record appeals.**

- 31  
32 1. Closed record appeals shall be conducted in accordance with the hearing body's rules of  
33 procedure and shall serve to provide argument and guidance for the body's decision. Closed  
34 record appeals shall be conducted generally as provided for public hearings. No new evidence or  
35 testimony shall be given or received. The parties to the appeal may submit timely written  
36 statements or arguments.  
37 2. A written decision by the hearing body shall be issued within 60 days of the appeal being filed.  
38 (Ord. 2000-07; Ord. 98-10, 1998).  
39

40 **15A.07.030 Procedures for open record appeals.**

- 41  
42 1. Open record appeals shall be conducted in accordance with the hearing body's rules of procedure  
43 and shall serve to provide argument and guidance for the body's decision. Open record appeals  
44 shall be conducted generally as provided for public hearings. New evidence or testimony may be  
45 given or received.  
46 2. A written decision by the hearing body shall be issued within 90 days of the appeal being filed.  
47 (Ord. 2000-07; Ord. 98-10, 1998).  
48

49 **15A.07.040 Remand.**

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

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

4  
5 **15A.07.050 Appeal of decision - Scope of authority.**

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

11  
12  
13  
14 **Chapter 15A.08**  
15 **JUDICIAL APPEAL**

16  
17 **Sections**

18 15A.08.010 Judicial appeal.

19  
20 **15A.08.010 Judicial appeal.**

- 21  
22
- 23 1. Proceedings for review shall be commenced by filing a land use petition in superior court. This  
24 process shall be the exclusive means of judicial review of land use decisions, except for:
    - 25 a. Land use decisions of a local jurisdiction that are subject to review by a quasi-judicial  
26 body created by state law, such as the Shorelines Hearings Board or the Growth  
27 Management Hearings Board;
    - 28 b. Judicial review of applications for a writ of mandamus or prohibition; or
    - 29 c. Claims provided by any law for monetary damages or compensation.
  - 30 2. The land use petition is timely if it is filed and served on all required parties within 21 days of the  
31 issuance of the land use decision pursuant to Chapter 36.70C RCW.
  - 32 3. For the purposes of this section, the date on which a land use decision is issued is:
    - 33 a. Three days after a written decision is mailed by the local jurisdiction or, if not mailed, the  
34 date on which the local jurisdiction provides notice that a written decision is publicly  
35 available;
    - 36 b. If the land use decision is made by ordinance or resolution by a legislative body sitting in  
37 a quasi-judicial capacity, the date the body passes the ordinance or resolution; or
    - 38 c. If neither subsection (C)(1) nor (C)(2) applies, the date the decision is entered into the  
39 public record.
  - 40 4. Standing to bring a land use petition is limited to the following persons:
    - 41 a. The applicant and the owner of property to which the land use decision is directed;
    - 42 b. Another person aggrieved or adversely affected by the land use decision, or who would  
43 be aggrieved or adversely affected by a reversal or modification of the land use decision.  
44 A person is aggrieved or adversely affected only when all of the following conditions are  
45 present:
      - 46 i. The land use decision has prejudiced or is likely to prejudice that person;
      - 47 ii. That person's asserted interests are among those that the local jurisdiction was  
48 required to consider when it made the land use decision;
      - 49 iii. A judgment in favor of that person would substantially eliminate or redress the  
50 prejudice to that person caused or likely to be caused by the land use decision;  
and

- 1                   iv.    The petitioner has exhausted his or her administrative remedies to the extent  
2                   required by law. (Ord. 2000-07; Ord. 98-10, 1998).

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5  
6   **Chapter 15A.09**  
7   **PLANNED ACTIONS**

8  
9   **Sections**

10 15A.09.010 Planned actions.

11 15A.09.020 SEPA integration with planned actions.

12  
13   **15A.09.010 Planned actions.**

- 14  
15       1. For the purposes of this chapter, a planned action means one or more types of project actions that:  
16           a. Are designated planned actions by an ordinance or resolution adopted by Kittitas County  
17           under RCW 36.70A.040;  
18           b. Have had the significant impacts adequately addressed in an environmental impact  
19           statement prepared in conjunction with a comprehensive plan or subarea plan adopted  
20           under Chapter 36.70A RCW, or a fully contained community, a master planned resort, a  
21           master planned development, or a phased project;  
22           c. Are subsequent or implementing projects for the proposals listed in subsection (A)(1) or  
23           (A)(2) of this section;  
24           d. Are located within an urban growth area, as defined in RCW 36.70A.030;  
25           e. Are not essential public facilities as defined in RCW 36.70A.200; and  
26           f. Are consistent with a comprehensive plan adopted under Chapter 36.70A RCW.  
27       2. Kittitas County shall limit planned actions to certain types of development or to specific  
28       geographical areas that are less extensive than the jurisdictional boundaries of the county and may  
29       limit a planned action to a time period identified in the environmental impact statement or the  
30       ordinance or resolution. (Ord. 2000-07; Ord. 98-10, 1998).

31  
32   **15A.09.020 SEPA integration with planned actions.**

33 A planned action does not require a threshold determination under Chapter 43.21C RCW and Chapter  
34 15.04 KCC, or the preparation of an environmental impact statement, but is subject to environmental  
35 review and mitigation. (Ord. 2000-07; Ord. 98-10, 1998).

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37  
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39   **Chapter 15A.10**  
40   **AMENDMENTS**

41  
42   **Sections**

43 15A.10.010 Continual evaluation.

44 15A.10.020 Review procedure.

45 15A.10.030 Deficiencies during project permit review.

46 15A.10.040 Public participation program for amendments.

47  
48   **15A.10.010 Continual evaluation.**

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

1 **15A.10.020 Review procedure.**

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

6  
7 **15A.10.030 Deficiencies during project permit review.**

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

15  
16 **15A.10.040 Public participation program for amendments.**

17 Any interested person, including applicants, citizens, county commission and board members, and staff of  
18 other agencies may suggest plan or development regulation amendments. The suggested amendments  
19 shall be docketed with the ~~planning~~ [Community Development Services](#) department and considered by  
20 Kittitas County planning commission and board of county commissioners on at least an annual basis  
21 pursuant to KCC Title 15B, consistent with the provisions of RCW 36.70A.130. (Ord. 2000-07; Ord. 98-  
22 10, 1998).

23  
24  
25  
26 **Chapter 15A.11**

27 **DEVELOPMENT AGREEMENTS**

28  
29 **Sections**

30 15A.11.010 Development agreements.

31 15A.11.020 General requirements.

32 15A.11.030 Request for development agreement.

33 15A.11.040 Effect.

34 15A.11.050 Recording parties and successors bound.

35 15A.11.060 Public hearing.

36 15A.11.070

37  
38 **15A.11.010 Development agreements.**

39 Kittitas County may enter into development agreements pursuant to RCW 36.70B.170 through  
40 36.70B.210. A decision to enter into a development agreement shall be made on a case-by-case basis. A  
41 development agreement may be appropriate for large, complex or phased projects, or projects which were  
42 not contemplated by existing development regulations or existing application procedures. A development  
43 agreement may include provisions which are different or in addition to other county development  
44 regulations, as long as impacts are mitigated. (Ord. 2000-07; Ord. 9810, 1998).

45  
46 **15A.11.020 General requirements.**

- 47  
48  
49 1. Kittitas County may enter into a development agreement with a person having ownership or  
50 control of real property within the county's jurisdiction.

- 1       2. A development agreement must set forth the development standards and other provisions that  
2       shall apply to and govern and vest the development, use and mitigation of the development of the  
3       real property for the duration specified in the agreement.
- 4       3. A development agreement shall be consistent with applicable county development regulations,  
5       except as such development regulations have been modified by the development standards  
6       contained in the agreement.
- 7       4. A development agreement does not affect the validity of a contract rezone, concomitant  
8       agreement, annexation agreement, or other agreement in existence on July 23, 1995, or adopted  
9       under separate authority, that includes some or all of the development standards provided in  
10      subsection E of this section.
- 11     5. For purposes of this chapter, "development standards" include, but are not limited to:
  - 12       a. Project elements such as permitted uses, residential densities, and nonresidential densities  
13       and intensities or building sizes;
  - 14       b. Mitigation measures, development conditions, and other requirements under Chapter  
15       43.21C RCW;
  - 16       c. Design standards such as maximum heights, setbacks, drainage and water quality  
17       requirements, landscaping, and other development features;
  - 18       d. Road and sidewalk standards;
  - 19       e. Affordable housing;
  - 20       f. Water, sewer, storm drainage and other infrastructure requirements;
  - 21       g. Parks and open space preservation;
  - 22       h. Phasing;
  - 23       i. Development review processes, procedures and standards for implementing decisions,  
24       including methods of reimbursement to the county for review processes;
  - 25       j. A build-out or vesting period for applicable development standards;
  - 26       k. Process for amending the development agreement; and
  - 27       l. Any other appropriate development requirement or procedure.
- 28     6. A development agreement may obligate a party to fund or provide services, infrastructure, or  
29     other facilities. Project applicants and local governments may include provisions and agreements  
30     whereby applicants are reimbursed over time for financing public facilities. A development  
31     agreement shall reserve authority to impose new or different regulations to the extent required by  
32     a serious threat to public health and safety. (Ord. 2000-07; Ord. 98-10, 1998).

33  
34 **15A.11.030 Request for development agreement.**

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

42  
43 **15A.11.040 Effect.**

44 Unless amended or terminated, a development agreement is enforceable during its term by a party to the  
45 agreement. A development agreement and the development standards in the agreement govern during the  
46 term of the agreement, or for all or that part of the built-out period specified in the agreement, and may  
47 not be subject to an amendment to a zoning ordinance or development standard or regulation adopted  
48 after the effective date of the agreement. A permit or approval issued by Kittitas County after the  
49 execution of the development agreement must be consistent with the development agreement. (Ord. 2000-  
50 07; Ord. 98-10, 1998).

**15A.11.050 Recording parties and successors bound.**

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

**15A.11.060 Public hearing.**

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

**15A.11.070**

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

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

**Sections**

15A.12.010 State permit coordination.

**15A.12.010 State permit coordination.**

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

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

1	substantive SEPA authority						
2	and adequacy of an EIS <sup>1</sup> :						
3	Independent administrative	None	None	Staff	BOA/BCC <sup>3</sup>	None	Sup. Court
4	rulings:						
5	<b>QUASI-JUDICIAL</b>						
6							
7	Zoning Conditional Uses:	15 days	BOA	BOA	None	None	Sup. Court
8	Long Plats:	15 days	PC	BCC	None	None	Sup. Court
9	Shorelines Substantial	15 days	BOA	BOA	None	None	Shorelines
10	Development/Cnd. Use:						Board
11	Shorelines Setback Variance:	15 days	BOA	BOA	None	None	Shorelines
12							Board
13	Site-Specific Rezone to	30 days	PC	BCC	None	None	Sup. Court
14	Zoning Map (Including						
15	PUD) <sup>4</sup> :						
16	Development Agreement:	30 days	PC	BCC	None	None	Sup. Court
17							

<sup>1</sup> See KCC 15A.01.040 for clarification of roles and responsibilities.

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

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

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

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

Legend:

BCC - Board of County Commissioners

BOA - Board of Adjustment

PC - Planning Commission

staff - County administration

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

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

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

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