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# Kittitas County Code

## Title 15B | AMENDMENTS TO COUNTY PLANS, CODES AND STANDARDS

### Chapters

- 15B.01 Administration, Purpose and Objective
- 15B.02 Definitions
- 15B.03 Amendments to Comprehensive Plan
- 15B.04 Amendments to Development Regulations
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### Chapter 15B.01

#### ADMINISTRATION, PURPOSE AND OBJECTIVE

### Sections

- 15B.01.010 Purpose and authority.
- 15B.01.020 Applicability.
- 15B.01.030 Administration - Roles and responsibilities.
- 15B.01.050 Severability.

#### **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, are exempt from the procedural requirements of Title 15A of this code 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. (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 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 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).

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## **Chapter 15B.02**

### **DEFINITIONS**

#### **Sections**

15B.02.010 Generally.

15B.02.020 Person.

15B.02.030 Consistency.

15B.02.040 Open record hearing.

15B.02.050 Public meeting.

#### **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).

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## **Chapter 15B.03**

### **AMENDMENTS TO COMPREHENSIVE PLAN**

#### **Sections**

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

15B.03.020 Concurrent review except during emergencies.

15B.03.030 Docketing.

15B.03.035 Application requirements.

15B.03.040 Procedures.

#### **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 (part), 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 (part), 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 January 1st to June 30th of each calendar year. Amendments docketed after June 30th shall be considered in the following calendar year. Amendments to the comprehensive plan docketed by June 30th shall be approved or denied by the board of county commissioners on or before December 31st of that same calendar year. (Ord. 98-10 (part), 1998).

### **15B.03.035 Application requirements.**

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

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

### **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 (part), 1998).

## **Chapter 15B.04**

### **AMENDMENTS TO DEVELOPMENT REGULATIONS**

## Sections

- 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.

### **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 (part), 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 (part), 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 January 1st to June 30th of each calendar year. Amendments docketed after June 30th shall be considered in the following calendar year. Amendments to development regulations docketed by June 30th shall be approved or denied by the board of county commissioners on or before December 31st of that same calendar year. (Ord. 98-10 (part), 1998)

### **15B.04.035 Application requirements.**

Applications shall be filed on forms prescribed by the ~~Community Development Services~~ Public Services Department. The application shall be accompanied by a SEPA checklist in conformance with the KCC 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 (part), 1998)

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## **Chapter 15B.05**

### **APPEALS**

## Sections

- 15B.05.010 Appeals.
- 15B.05.020 Growth management hearings board.
- 15B.05.030 Superior court.

**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. (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).

**Table B  
Procedures for Non-Docketed Legislative Items**

	<b>Open Record Hearing</b>	<b>SEPA Review</b>	<b>Public Hearing*</b>	<b>SEPA Review**</b>	<b>Admin. Appeal</b>	<b>Decision</b>	<b>Judicial/SEPA Appeal***</b>
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).

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