CHELAN COUNTY
DEPARTMENT OF COMMUNITY DEVELOPMENT

ZTA 24-197 Staff Report
SSSB 5290 – Title 14 text amendments

TO:	Chelan County Planning Commission
FROM:	Chelan County Community Development
HEARING DATE:	October 23, 2024
FILE NUMBER:	ZTA 24-197

PROPOSAL:

Washington State Senate Bill 5290 amends RCW Chapter 36.70B, with the intent to increase the timeliness and predictability of local project review. The amendments include updated local permit review timelines, clarifications regarding the determination of completeness process, a new exemption from site plan review, updated annual reporting requirements related to permit issuance, and provisions requiring partial permit fee refunds for failure to timely process permit applications. All sections became effective as of July 23, 2023, except for the provisions in Section 7, which include the new permit review timelines and annual reporting requirements. That section is effective as of January 1, 2025. In order to comply with the updated RCW Chapter 36.70B, Chelan County must amend Chelan County Code Title 14. SSSB 5290 is included in Exhibit A, and the updates to Title 14 are included in Exhibit B.

GENERAL INFORMATION

Applicant	Chelan County
SEPA DNS issued	May 10, 2024
Planning Commission Public Hearing	October 23, 2024

SEPA Environmental Review

An environmental checklist has been prepared for these text amendments and is available for review with the file of record. A Determination of Non-Significance was issued on May 10, 2024.

Agency Comments:

None received to date. If received prior to hearing, will be attached as Exhibit D.

Public Comment:

None received to date. (If received prior to hearing, will be attached as Exhibit D.)

SUMMARY OF MAJOR CHANGES INCLUDED IN SSSB 5290

There are new permit review timelines:

1. Issuing final decisions on residential building permit applications shall occur within 90 calendar days.
2. For projects that do not require public notice under RCW 36.70B.110, the final decision must be issues within 65 calendar days of the determination of completeness.
3. For projects that do require public notice under RCW 36.70B.110, the final decision must be issued within 100 days of the determination of completeness.
4. For projects that require both notice under RCW 36.70B.110 and a public hearing, the final decision must be issued within 170 days of the determination of completeness.

Failure to adhere to the established timelines could result in up to a 20% refund depending on the length of the delay, however, Chelan County will be implementing (or has already implemented) optional measures intended to streamline the process as set forth in RCW 36.70B.160(1). The permit fee refund provisions would not apply as long as Chelan County is using at least 3 of the 10 optional measures listed here.

RCW 36.70B160 Additional project review encouraged—Additional measures for certain jurisdictions—Construction *(as amended by 2023 c 338)*.

(1) Each local government is encouraged to adopt further project review and code provisions to provide prompt, coordinated review and ensure accountability to applicants and the public by:

(a) Expediting review for project permit applications for projects that are consistent with adopted development regulations;

(b) Imposing reasonable fees, consistent with RCW 82.02.020, on applicants for permits or other governmental approvals to cover the cost to the city, town, county, or other municipal corporation of processing applications, inspecting and reviewing plans, or preparing detailed statements required by chapter 43.21C RCW. The fees imposed may not include a fee for the cost of processing administrative appeals. Nothing in this subsection limits the ability of a county or city to impose a fee for the processing of administrative appeals as otherwise authorized by law;

(c) Entering into an interlocal agreement with another jurisdiction to share permitting staff and resources;

(d) Maintaining and budgeting for on-call permitting assistance for when permit volumes or staffing levels change rapidly;

(e) Having new positions budgeted that are contingent on increased permit revenue;

(f) Adopting development regulations which only require public hearings for permit applications that are required to have a public hearing by statute;

(g) Adopting development regulations which make preapplication meetings optional rather than a requirement of permit application submittal;

(h) Adopting development regulations which make housing types an outright permitted use in all zones where the housing type is permitted;

(i) Adopting a program to allow for outside professionals with appropriate professional licenses to certify components of applications consistent with their license; or

(j) Meeting with the applicant to attempt to resolve outstanding issues during the review process. The meeting must be scheduled within 14 days of a second request for corrections during permit review. If the meeting cannot resolve the issues and a local government proceeds with a third request for additional information or corrections, the local government must approve or deny the application upon receiving the additional information or corrections.

Exemptions from site plan review: Projects with only interior alterations must be exempt from site plan review provided no new sleeping quarters or bedrooms are added and the following other thresholds are not exceeded, (RCW 35.70B.140(3)):

(1) A local government by ordinance or resolution may exclude the following project permits from the provisions of RCW 36.70B.060 through * 36.70B.090 and 36.70B.110 through 36.70B.130: Landmark designations, street vacations, or other approvals relating to the use of public areas or facilities, or other project permits, whether administrative or quasi-judicial, that the local government by ordinance or resolution has determined present special circumstances that warrant a review process or time periods for approval which are different from that provided in RCW 36.70B.060 through * 36.70B.090 and 36.70B.110 through 36.70B.130.

(2) A local government by ordinance or resolution also may exclude the following project permits from the provisions of RCW 36.70B.060 and 36.70B.110 through 36.70B.130: Lot line or boundary adjustments and building and other construction permits, or similar administrative approvals, categorically exempt from environmental review under chapter 43.21C RCW, or for which environmental review has been completed in connection with other project permits.

(3) A local government must exclude project permits for interior alterations from site plan review, provided that the interior alterations do not result in the following:

(a) Additional sleeping quarters or bedrooms;

(b) Nonconformity with federal emergency management agency substantial improvement thresholds; or

(c) Increase the total square footage or valuation of the structure thereby requiring upgraded fire access or fire suppression systems.

(4) Nothing in this section exempts interior alterations from otherwise applicable building, plumbing, mechanical, or electrical codes.

(5) For purposes of this section, "interior alterations" include construction activities that do not modify the existing site layout or its current use and involve no exterior work adding to the building footprint.

REVIEW CRITERIA

The proposal is necessary in order to comply with new Washington State regulations, specifically SSSB 5290 “Project permits – local project review – various provisions” passed by the Washington State Senate on April 17, 2023.

Pursuant to Chelan County Code (CCC) Section 14.13.040, the following general review criteria were used to evaluate the proposed amendment.

1. *The amendment is necessary to resolve a public land use issue or problem.*

   Finding of Fact: Chelan County is located within Washington State, and is planning under the Growth Management Act. Chelan County must follow State WAC and RCW laws and regulations. Second Substitute Senate Bill 5290 updates sections of RCW 36.70B.

   Conclusion: The proposed amendments to Title 14 are necessary in order to comply with updates to RCW 36.70B.

2 *The amendment is consistent with the goals of the Growth Management Act, RCW 36.70A*.

   Finding of Fact: The proposed text amendments are mandated by new State requirements that update RCW 36.70B.

   Conclusion: The proposed text amendments would ensure compliance with the GMA.

3 *The amendment complies with or supports comprehensive plan goals and policies and/or county-wide planning policies.*

Finding of Fact: The proposed amendment is necessary in order to comply with state regulations. The new timelines are generally already followed by Chelan County.

Conclusion: The proposed amendments comply with county-wide planning policies.

4 *The proposed amendment does not adversely affect lands designated as resource lands of long-term commercial significance or critical areas in ways that cannot be mitigated*.

Finding of Fact: Timeline text amendments will not affect critical areas.

Conclusion: No environmental impact will occur as a result of the amendments.

5 *The amendment is based on sound land use planning practices and would further the general public health, safety and welfare.*

Finding of Fact: The amendments are required by SSSB 5290 and are based on sound planning practices. The general public would be served by the amendments.

Conclusion: The proposed amendment serves the public good.

FINDINGS OF FACT

1. Second Substitute Senate Bill 5290 (SSSB 5290) was passed by the Washington Senate on April 17, 2023.
2. SB 5290 amends the Local Project Review Act, Chapter 36.70B RCW, with the intent to increase the timeliness and predictability of local project review.
3. Chelan County must adopt these new timelines by January 1, 2025.
4. Chelan County must post annual reports of permit timelines to the Department of Commerce starting on March 1, 2025.
5. Title 14 in the Chelan County Code contains Development Permit Procedures and Administration and must be updated to reflect the new changes in SSSB 5290.
6. Chelan County is a county planning under RCW 36.70 (Growth Management Act).
7. RCW 36.70A.210 requires that the Comprehensive Plan be consistent with the provisions of the adopted County-Wide Planning Policies.
8. A Determination of Non-Significance was issued on May 10, 2024. There will be no adverse impact to critical areas as a result of these text amendments.

CONCLUSIONS OF LAW

1. The amendments to Title 14 are consistent with SSSB 5290.
2. The amendments do comply with the Comprehensive Plan designation/siting criteria.
3. The amendments do not adversely affect the county.
4. The amendments do not adversely affect designated resource lands of long-term commercial significance or designated critical areas in ways that cannot be mitigated.
5. The amendment does not adversely affect the supply of land for various purposes available to accommodate projected growth over the twenty-year planning period covered by the Comprehensive Plan.

6. Reviewing agencies and the general public will be given an opportunity to comment on the proposed amendments.
7. The requirements of RCW 43.21C, the State Environmental Policy Act and WAC 197-11, SEPA Rules will be followed.

RECOMMENDATION

These updates are mandated by SSSB 5290 which updates RCW Chapter 36.70B.

EXHIBITS

A. SSSB 5290
B. Title 14 updates
C. Title 14 Definitions updates

CERTIFICATION OF ENROLLMENT

SECOND SUBSTITUTE SENATE BILL 5290

Chapter 338, Laws of 2023

68th Legislature
2023 Regular Session

PROJECT PERMITS—LOCAL PROJECT REVIEW—VARIOUS PROVISIONS

EFFECTIVE DATE: July 23, 2023—Except for section 7, which takes effect January 1, 2025.

Passed by the Senate April 17, 2023
Yeas 47 Nays 0

DENNY HECK

President of the Senate

Passed by the House April 10, 2023
Yeas 98 Nays 0

LAURIE JINKINS

Speaker of the House of Representatives

Approved May 8, 2023 1:17 PM

JAY INSLEE

Governor of the State of Washington

CERTIFICATE

I, Sarah Bannister, Secretary of the Senate of the State of Washington, do hereby certify that the attached is **SECOND SUBSTITUTE SENATE BILL 5290** as passed by the Senate and the House of Representatives on the dates hereon set forth.

SARAH BANNISTER

Secretary

FILED

May 10, 2023

Secretary of State
State of Washington

SECOND SUBSTITUTE SENATE BILL 5290

AS AMENDED BY THE HOUSE

Passed Legislature - 2023 Regular Session

State of Washington 68th Legislature 2023 Regular Session

By Senate Ways & Means (originally sponsored by Senators Mullet, Kuderer, Fortunato, Liias, Nobles, Saldaña, and C. Wilson; by request of Office of the Governor)

READ FIRST TIME 02/24/23.

AN ACT Relating to consolidating local permit review processes; amending RCW 36.70B.140, 36.70B.020, 36.70B.070, 36.70B.080, and 36.70B.160; reenacting and amending RCW 36.70B.110; adding new sections to chapter 36.70B RCW; creating new sections; and providing an effective date.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

Sec. 1. RCW 36.70B.140 and 1995 c 347 s 418 are each amended to read as follows:

(1) A local government by ordinance or resolution may exclude the following project permits from the provisions of RCW 36.70B.060 through 36.70B.090 and 36.70B.110 through 36.70B.130: Landmark designations, street vacations, or other approvals relating to the use of public areas or facilities, or other project permits, whether administrative or quasi-judicial, that the local government by ordinance or resolution has determined present special circumstances that warrant a review process or time periods for approval which are different from that provided in RCW 36.70B.060 through 36.70B.090 and 36.70B.110 through 36.70B.130.

(2) A local government by ordinance or resolution also may exclude the following project permits from the provisions of RCW 36.70B.060 and 36.70B.110 through 36.70B.130: Lot line or boundary

adjustments and building and other construction permits, or similar administrative approvals, categorically exempt from environmental review under chapter 43.21C RCW, or for which environmental review has been completed in connection with other project permits.

(3) A local government must exclude project permits for interior alterations from site plan review, provided that the interior alterations do not result in the following:

(a) Additional sleeping quarters or bedrooms;

(b) Nonconformity with federal emergency management agency substantial improvement thresholds; or

(c) Increase the total square footage or valuation of the structure thereby requiring upgraded fire access or fire suppression systems.

(4) Nothing in this section exempts interior alterations from otherwise applicable building, plumbing, mechanical, or electrical codes.

(5) For purposes of this section, "interior alterations" include construction activities that do not modify the existing site layout or its current use and involve no exterior work adding to the building footprint.

NEW SECTION. **Sec. 2.** A new section is added to chapter 36.70B RCW to read as follows:

(1) Subject to the availability of funds appropriated for this specific purpose, the department of commerce must establish a consolidated permit review grant program. The department may award grants to any local government that provides, by ordinance, resolution, or other action, a commitment to the following building permit review consolidation requirements:

(a) Issuing final decisions on residential permit applications within 45 business days or 90 calendar days.

(i) To achieve permit review within the stated time periods, a local government must provide consolidated review for building permit applications. This may include an initial technical peer review of the application for conformity with the requirements of RCW 36.70B.070 by all departments, divisions, and sections of the local government with jurisdiction over the project.

(ii) A local government may contract with a third-party business to conduct the consolidated permit review or as additional inspection

staff. Any funds expended for such a contract may be eligible for reimbursement under this act.

(iii) Local governments are authorized to use grant funds to contract outside assistance to audit their development regulations to identify and correct barriers to housing development.

(b) Establishing an application fee structure that would allow the jurisdiction to continue providing consolidated permit review within 45 business days or 90 calendar days.

(i) A local government may consult with local building associations to develop a reasonable fee system.

(ii) A local government must determine, no later than July 1, 2024, the specific fee structure needed to provide permit review within the time periods specified in this subsection (1)(b).

(2) A jurisdiction that is awarded a grant under this section must provide a quarterly report to the department of commerce. The report must include the average and maximum time for permit review during the jurisdiction's participation in the grant program.

(3) If a jurisdiction is unable to successfully meet the terms and conditions of the grant, the jurisdiction must enter a 90-day probationary period. If the jurisdiction is not able to meet the requirements of this section by the end of the probationary period, the jurisdiction is no longer eligible to receive grants under this section.

(4) For the purposes of this section, "residential permit" means a permit issued by a city or county that satisfies the conditions of RCW 19.27.015(5) and is within the scope of the international residential code, as adopted in accordance with chapter 19.27 RCW.

NEW SECTION. **Sec. 3.** A new section is added to chapter 36.70B RCW to read as follows:

(1) Subject to the availability of funds appropriated for this specific purpose, the department of commerce must establish a grant program for local governments to update their permit review process from paper filing systems to software systems capable of processing digital permit applications, virtual inspections, electronic review, and with capacity for video storage.

(2) The department of commerce may only provide a grant under this section to a city if the city allows for the development of at least two units per lot on all lots zoned predominantly for residential use within its jurisdiction.

NEW SECTION. **Sec. 4.** A new section is added to chapter 36.70B RCW to read as follows:

(1) Subject to the availability of amounts appropriated for this specific purpose, the department of commerce must convene a digital permitting process work group to examine potential license and permitting software for local governments to encourage streamlined and efficient permit review.

(2) The department of commerce, in consultation with the association of Washington cities and Washington state association of counties, shall appoint members to the work group representing groups including but not limited to:

(a) Cities and counties;

(b) Building industries; and

(c) Building officials.

(3) The department of commerce must convene the first meeting of the work group by August 1, 2023. The department must submit a final report to the governor and the appropriate committees of the legislature by August 1, 2024. The final report must:

(a) Evaluate the existing need for digital permitting systems, including impacts on existing digital permitting systems that are already in place;

(b) Review barriers preventing local jurisdictions from accessing or adopting digital permitting systems;

(c) Evaluate the benefits and costs associated with a statewide permitting software system; and

(d) Provide budgetary, administrative policy, and legislative recommendations to increase the adoption of or establish a statewide system of digital permit review.

Sec. 5. RCW 36.70B.020 and 1995 c 347 s 402 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

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

(2) "Local government" means a county, city, or town.

(3) "Open record hearing" means a hearing, conducted 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. An open record hearing may be held prior to a local government's decision on a project permit to be known as an "open record predecision hearing." An open record hearing may be held on an appeal, to be known as an "open record appeal hearing," if no open record predecision hearing has been held on the project permit.

(4) "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 area ordinances, site-specific rezones ((~~authorized by a comprehensive plan or subarea plan~~)) which do not require a comprehensive plan amendment, but excluding the adoption or amendment of a comprehensive plan, subarea plan, or development regulations except as otherwise specifically included in this subsection.

(5) "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.

Sec. 6. RCW 36.70B.070 and 1995 c 347 s 408 are each amended to read as follows:

(1)(a) Within ((~~twenty-eight~~)) 28 days after receiving a project permit application, a local government planning pursuant to RCW 36.70A.040 shall ((~~mail or~~)) provide ((~~in person~~)) a written determination to the applicant((~~, stating~~)).

(b) The written determination must state either:

((~~(a)~~)) (i) That the application is complete; or

((~~(b)~~)) (ii) That the application is incomplete and that the procedural submission requirements of the local government have not been met. The determination shall outline what is necessary to make the application procedurally complete.

(c) The number of days shall be calculated by counting every calendar day.

(d) To the extent known by the local government, the local government shall identify other agencies of local, state, or federal governments that may have jurisdiction over some aspect of the application.

(2) A project permit application is complete for purposes of this section when it meets the procedural submission requirements of the local government ((~~and is sufficient for continued processing even though additional information may be required or project modifications may be undertaken subsequently~~)), as outlined on the project permit application. Additional information or studies may be required or project modifications may be undertaken subsequent to the procedural review of the application by the local government. The determination of completeness shall not preclude the local government 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. However, if the procedural submission requirements, as outlined on the project permit application have been provided, the need for additional information or studies may not preclude a completeness determination.

(3) The determination of completeness may include or be combined with the following ((~~as optional information~~)):

(a) A preliminary determination of those development regulations that will be used for project mitigation;

(b) A preliminary determination of consistency, as provided under RCW 36.70B.040; ((~~or~~))

(c) Other information the local government chooses to include; or

(d) The notice of application pursuant to the requirements in RCW 36.70B.110.

(4)(a) An application shall be deemed procedurally complete on the 29th day after receiving a project permit application under this section if the local government does not provide a written determination to the applicant that the application is procedurally incomplete as provided in subsection (1)(b)(ii) of this section. When

the local government does not provide a written determination, they may still seek additional information or studies as provided for in subsection (2) of this section.

(b) Within ((~~fourteen~~)) 14 days after an applicant has submitted to a local government additional information identified by the local government as being necessary for a complete application, the local government shall notify the applicant whether the application is complete or what additional information is necessary.

(c) The notice of application shall be provided within 14 days after the determination of completeness pursuant to RCW 36.70B.110.

Sec. 7. RCW 36.70B.080 and 2004 c 191 s 2 are each amended to read as follows:

(1)(a) Development regulations adopted pursuant to RCW 36.70A.040 must establish and implement time periods for local government actions for each type of project permit application and provide timely and predictable procedures to determine whether a completed project permit application meets the requirements of those development regulations. The time periods for local government actions for each type of complete project permit application or project type should not exceed ((~~one hundred twenty days, unless the local government makes written findings that a specified amount of additional time is needed to process specific complete project permit applications or project types~~)) those specified in this section.

((~~The~~)) (b) For project permits submitted after January 1, 2025, the development regulations must, for each type of permit application, specify the contents of a completed project permit application necessary for the complete compliance with the time periods and procedures.

((~~(2)~~)) (c) A jurisdiction may exclude certain permit types and timelines for processing project permit applications as provided for in RCW 36.70B.140.

(d) The time periods for local government action to issue a final decision for each type of complete project permit application or project type subject to this chapter should not exceed the following time periods unless modified by the local government pursuant to this section or RCW 36.70B.140:

(i) For project permits which do not require public notice under RCW 36.70B.110, a local government must issue a final decision within 65 days of the determination of completeness under RCW 36.70B.070;

(ii) For project permits which require public notice under RCW 36.70B.110, a local government must issue a final decision within 100 days of the determination of completeness under RCW 36.70B.070; and

(iii) For project permits which require public notice under RCW 36.70B.110 and a public hearing, a local government must issue a final decision within 170 days of the determination of completeness under RCW 36.70B.070.

(e) A jurisdiction may modify the provisions in (d) of this subsection to add permit types not identified, change the permit names or types in each category, address how consolidated review time periods may be different than permits submitted individually, and provide for how projects of a certain size or type may be differentiated, including by differentiating between residential and nonresidential permits. Unless otherwise provided for the consolidated review of more than one permit, the time period for a final decision shall be the longest of the permit time periods identified in (d) of this subsection or as amended by a local government.

(f) If a local government does not adopt an ordinance or resolution modifying the provisions in (d) of this subsection, the time periods in (d) of this subsection apply.

(g) The number of days an application is in review with the county or city shall be calculated from the day completeness is determined under RCW 36.70B.070 to the date a final decision is issued on the project permit application. The number of days shall be calculated by counting every calendar day and excluding the following time periods:

(i) Any period between the day that the county or city has notified the applicant, in writing, that additional information is required to further process the application and the day when responsive information is resubmitted by the applicant;

(ii) Any period after an applicant informs the local government, in writing, that they would like to temporarily suspend review of the project permit application until the time that the applicant notifies the local government, in writing, that they would like to resume the application. A local government may set conditions for the temporary suspension of a permit application; and

(iii) Any period after an administrative appeal is filed until the administrative appeal is resolved and any additional time period provided by the administrative appeal has expired.

(h) The time periods for a local government to process a permit shall start over if an applicant proposes a change in use that adds or removes commercial or residential elements from the original application that would make the application fail to meet the determination of procedural completeness for the new use, as required by the local government under RCW 36.70B.070.

(i) If, at any time, an applicant informs the local government, in writing, that the applicant would like to temporarily suspend the review of the project for more than 60 days, or if an applicant is not responsive for more than 60 consecutive days after the county or city has notified the applicant, in writing, that additional information is required to further process the application, an additional 30 days may be added to the time periods for local government action to issue a final decision for each type of project permit that is subject to this chapter. Any written notice from the local government to the applicant that additional information is required to further process the application must include a notice that nonresponsiveness for 60 consecutive days may result in 30 days being added to the time for review. For the purposes of this subsection, "nonresponsiveness" means that an applicant is not making demonstrable progress on providing additional requested information to the local government, or that there is no ongoing communication from the applicant to the local government on the applicant's ability or willingness to provide the additional information.

(j) Annual amendments to the comprehensive plan are not subject to the requirements of this section.

(k) A county's or city's adoption of a resolution or ordinance to implement this subsection shall not be subject to appeal under chapter 36.70A RCW unless the resolution or ordinance modifies the time periods provided in (d) of this subsection by providing for a review period of more than 170 days for any project permit.

(l)(i) When permit time periods provided for in (d) of this subsection, as may be amended by a local government, and as may be extended as provided for in (i) of this subsection, are not met, a portion of the permit fee must be refunded to the applicant as provided in this subsection. A local government may provide for the collection of only 80 percent of a permit fee initially, and for the collection of the remaining balance if the permitting time periods are met. The portion of the fee refunded for missing time periods shall be:

(A) 10 percent if the final decision of the project permit application was made after the applicable deadline but the period from the passage of the deadline to the time of issuance of the final decision did not exceed 20 percent of the original time period; or

(B) 20 percent if the period from the passage of the deadline to the time of the issuance of the final decision exceeded 20 percent of the original time period.

(ii) Except as provided in RCW 36.70B.160, the provisions in subsection (1)(i) of this section are not applicable to cities and counties which have implemented at least three of the options in RCW 36.70B.160(1) (a) through (j) at the time an application is deemed procedurally complete.

(2)(a) Counties subject to the requirements of RCW 36.70A.215 and the cities within those counties that have populations of at least ((~~twenty thousand~~)) 20,000 must, for each type of permit application, identify the total number of project permit applications for which decisions are issued according to the provisions of this chapter. For each type of project permit application identified, these counties and cities must establish and implement a deadline for issuing a notice of final decision as required by subsection (1) of this section and minimum requirements for applications to be deemed complete under RCW 36.70B.070 as required by subsection (1) of this section.

(b) Counties and cities subject to the requirements of this subsection also must prepare an annual performance report((~~s~~)) that ((~~include, at a minimum, the following information for each type of project permit application identified in accordance with the requirements of (a) of this subsection:~~

~~(i) Total number of complete applications received during the year;~~

~~(ii) Number of complete applications received during the year for which a notice of final decision was issued before the deadline established under this subsection;~~

~~(iii) Number of applications received during the year for which a notice of final decision was issued after the deadline established under this subsection;~~

~~(iv) Number of applications received during the year for which an extension of time was mutually agreed upon by the applicant and the county or city;~~

~~(v) Variance of actual performance, excluding applications for which mutually agreed time extensions have occurred, to the deadline established under this subsection during the year; and~~

~~(vi) The mean processing time and the number standard deviation from the mean.~~

~~(c) Counties and cities subject to the requirements of this subsection must:~~

~~(i) Provide notice of and access to the annual performance reports through the county's or city's website; and~~

~~(ii) Post electronic facsimiles of the annual performance reports through the county's or city's website. Postings on a county's or city's website indicating that the reports are available by contacting the appropriate county or city department or official do not comply with the requirements of this subsection.~~

~~If a county or city subject to the requirements of this subsection does not maintain a website, notice of the reports must be given by reasonable methods, including but not limited to those methods specified in RCW 36.70B.110(4).~~

~~(3)~~)) includes information outlining time periods for certain permit types associated with housing. The report must provide:

(i) Permit time periods for certain permit processes in the county or city in relation to those established under this section, including whether the county or city has established shorter time periods than those provided in this section;

(ii) The total number of decisions issued during the year for the following permit types: Preliminary subdivisions, final subdivisions, binding site plans, permit processes associated with the approval of multifamily housing, and construction plan review for each of these permit types when submitted separately;

(iii) The total number of decisions for each permit type which included consolidated project permit review, such as concurrent review of a rezone or construction plans;

(iv) The average number of days from a submittal to a decision being issued for the project permit types listed in subsection (2)(a)(ii) of this section. This shall be calculated from the day completeness is determined under RCW 36.70B.070 to the date a decision is issued on the application. The number of days shall be calculated by counting every calendar day;

(v) The total number of days each project permit application of a type listed in subsection (2)(a)(ii) of this section was in review

with the county or city. This shall be calculated from the day completeness is determined under RCW 36.70B.070 to the date a final decision is issued on the application. The number of days shall be calculated by counting every calendar day. The days the application is in review with the county or city does not include the time periods in subsection (1)(g)(i)-(iii) of this section;

(vi) The total number of days that were excluded from the time period calculation under subsection (1)(g)(i)-(iii) of this section for each project permit application of a type listed in subsection (2)(a)(ii) of this section.

(c) Counties and cities subject to the requirements of this subsection must:

(i) Post the annual performance report through the county's or city's website; and

(ii) Submit the annual performance report to the department of commerce by March 1st each year.

(d) No later than July 1st each year, the department of commerce shall publish a report which includes the annual performance report data for each county and city subject to the requirements of this subsection and a list of those counties and cities whose time periods are shorter than those provided for in this section.

The annual report must also include key metrics and findings from the information collected.

(e) The initial annual report required under this subsection must be submitted to the department of commerce by March 1, 2025, and must include information from permitting in 2024.

(3) Nothing in this section prohibits a county or city from extending a deadline for issuing a decision for a specific project permit application for any reasonable period of time mutually agreed upon by the applicant and the local government.

((~~(4) The department of community, trade, and economic development shall work with the counties and cities to review the potential implementation costs of the requirements of subsection (2) of this section. The department, in cooperation with the local governments, shall prepare a report summarizing the projected costs, together with recommendations for state funding assistance for implementation costs, and provide the report to the governor and appropriate committees of the senate and house of representatives by January 1, 2005.~~))

Sec. 8. RCW 36.70B.160 and 1995 c 347 s 420 are each amended to read as follows:

(1) Each local government is encouraged to adopt further project review and code provisions to provide prompt, coordinated review and ensure accountability to applicants and the public((~~, including expedited review for project permit applications for projects that are consistent with adopted development regulations and within the capacity of systemwide infrastructure improvements~~)) by:

(a) Expediting review for project permit applications for projects that are consistent with adopted development regulations;

(b) Imposing reasonable fees, consistent with RCW 82.02.020, on applicants for permits or other governmental approvals to cover the cost to the city, town, county, or other municipal corporation of processing applications, inspecting and reviewing plans, or preparing detailed statements required by chapter 43.21C RCW. The fees imposed may not include a fee for the cost of processing administrative appeals. Nothing in this subsection limits the ability of a county or city to impose a fee for the processing of administrative appeals as otherwise authorized by law;

(c) Entering into an interlocal agreement with another jurisdiction to share permitting staff and resources;

(d) Maintaining and budgeting for on-call permitting assistance for when permit volumes or staffing levels change rapidly;

(e) Having new positions budgeted that are contingent on increased permit revenue;

(f) Adopting development regulations which only require public hearings for permit applications that are required to have a public hearing by statute;

(g) Adopting development regulations which make preapplication meetings optional rather than a requirement of permit application submittal;

(h) Adopting development regulations which make housing types an outright permitted use in all zones where the housing type is permitted;

(i) Adopting a program to allow for outside professionals with appropriate professional licenses to certify components of applications consistent with their license; or

(j) Meeting with the applicant to attempt to resolve outstanding issues during the review process. The meeting must be scheduled within 14 days of a second request for corrections during permit

review. If the meeting cannot resolve the issues and a local government proceeds with a third request for additional information or corrections, the local government must approve or deny the application upon receiving the additional information or corrections.

(2)(a) After January 1, 2026, a county or city must adopt additional measures under subsection (1) of this section at the time of its next comprehensive plan update under RCW 36.70A.130 if it meets the following conditions:

(i) The county or city has adopted at least three project review and code provisions under subsection (1) of this section more than five years prior; and

(ii) The county or city is not meeting the permitting deadlines established in RCW 36.70B.080 at least half of the time over the period since its most recent comprehensive plan update under RCW 36.70A.130.

(b) A city or county that is required to adopt new measures under (a) of this subsection but fails to do so becomes subject to the provisions of RCW 36.70B.080(1)(l), notwithstanding RCW 36.70B.080(1)(l)(ii).

((~~(2)~~)) (3) Nothing in this chapter is intended or shall be construed to prevent a local government from requiring a preapplication conference or a public meeting by rule, ordinance, or resolution.

((~~(3)~~)) (4) Each local government shall adopt procedures to monitor and enforce permit decisions and conditions.

((~~(4)~~)) (5) Nothing in this chapter modifies any independent statutory authority for a government agency to appeal a project permit issued by a local government.

NEW SECTION. **Sec. 9.** A new section is added to chapter 36.70B RCW to read as follows:

(1) The department of commerce shall develop and provide technical assistance and guidance to counties and cities in setting fee structures under RCW 36.70B.160(1) to ensure that the fees are reasonable and sufficient to recover true costs. The guidance must include information on how to utilize growth factors or other measures to reflect cost increases over time.

(2) When providing technical assistance under subsection (1) of this section, the department of commerce must prioritize local

governments that have implemented at least three of the options in RCW 36.70B.160(1).

Sec. 10. RCW 36.70B.110 and 1997 c 429 s 48 and 1997 c 396 s 1 are each reenacted and amended to read as follows:

(1) Not later than April 1, 1996, a local government planning under RCW 36.70A.040 shall provide a notice of application to the public and the departments and agencies with jurisdiction as provided in this section. If a local government has made a threshold determination under chapter 43.21C RCW concurrently with the notice of application, the notice of application may be combined with the threshold determination and the scoping notice for a determination of significance. Nothing in this section prevents a determination of significance and scoping notice from being issued prior to the notice of application. Nothing in this section or this chapter prevents a lead agency, when it is a project proponent or is funding a project, from conducting its review under chapter 43.21C RCW or from allowing appeals of procedural determinations prior to submitting a project permit ((~~application~~)).

(2) The notice of application shall be provided within ((~~fourteen~~)) 14 days after the determination of completeness as provided in RCW 36.70B.070 and, except as limited by the provisions of subsection (4)(b) of this section, ((~~shall~~)) must include the following in whatever sequence or format the local government deems appropriate:

(a) The date of 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 studies requested under RCW 36.70B.070 ((~~or 36.70B.090~~));

(c) The identification of other permits not included in the application to the extent known by the local government;

(d) The identification of existing environmental documents that evaluate the proposed project, and, if not otherwise stated on the document providing the notice of application, such as a city land use bulletin, the location where the application and any studies can be reviewed;

(e) A statement of the public comment period, which shall be not less than fourteen nor more than thirty days following the date of notice of application, and statements 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. A local government may accept public comments at any time prior to the closing of the record of an open record predecision hearing, if any, or, if no open record predecision hearing is provided, prior to the decision on the project permit;

(f) The date, time, place, and type of hearing, if applicable and scheduled at the date of notice of the application;

(g) 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 as provided in RCW 36.70B.030(2) and 36.70B.040; and

(h) Any other information determined appropriate by the local government.

(3) If an open record predecision hearing is required for the requested project permits, the notice of application shall be provided at least fifteen days prior to the open record hearing.

(4) A local government shall use reasonable methods to give the notice of application to the public and agencies with jurisdiction and may use its existing notice procedures. A local government may use different types of notice for different categories of project permits or types of project actions. If a local government by resolution or ordinance does not specify its method of public notice, the local government shall use the methods provided for in (a) and (b) of this subsection. Examples of reasonable methods to inform the public are:

(a) Posting the property for site-specific proposals;

(b) Publishing notice, including at least the project location, description, type of permit(s) required, comment period dates, and location where the notice of application required by subsection (2) of this section and 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 the local government;

(c) Notifying public or private groups with known interest in a certain proposal or in the type of proposal being considered;

(d) Notifying the news media;

(e) Placing notices in appropriate regional or neighborhood newspapers or trade journals;

(f) Publishing notice in agency newsletters or sending notice to agency mailing lists, either general lists or lists for specific proposals or subject areas; and

(g) Mailing to neighboring property owners.

(5) A notice of application shall not be required for project permits that are categorically exempt under chapter 43.21C RCW, unless an open record predecision hearing is required or an open record appeal hearing is allowed on the project permit decision.

(6) A local government shall integrate the permit procedures in this section with ((~~its~~)) environmental review under chapter 43.21C RCW as follows:

(a) Except for a threshold determination and except as otherwise expressly allowed in this section, the local government may not issue a decision or a recommendation on a project permit until the expiration of the public comment period on the notice of application.

(b) If an open record predecision hearing is required, the local government shall issue its threshold determination at least fifteen days prior to the open record predecision hearing.

(c) Comments shall be as specific as possible.

(d) A local government is not required to provide for administrative appeals of its threshold determination. If provided, an administrative appeal ((~~shall~~)) must be filed within fourteen days after notice that the determination has been made and is appealable. Except as otherwise expressly provided in this section, the appeal hearing on a threshold determination ((~~of nonsignificance shall~~)) must be consolidated with any open record hearing on the project permit.

(7) At the request of the applicant, a local government may combine any hearing on a project permit with any hearing that may be held by another local, state, regional, federal, or other agency, if:

(a) The hearing is held within the geographic boundary of the local government; and

(b) ((~~The joint hearing can be held within the time periods specified in RCW 36.70B.090 or the~~)) 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, are hereby authorized to 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.

(8) All state and local agencies shall cooperate to the fullest extent possible with the local government in holding a joint hearing if requested to do so, as long as:

(a) The agency is not expressly prohibited by statute from doing so;

(b) Sufficient notice of the hearing is given to meet each of the agencies' adopted notice requirements as set forth in statute, ordinance, or rule; and

(c) The agency has received the necessary information about the proposed project from the applicant to hold its hearing at the same time as the local government hearing.

(9) A local government is not required to provide for administrative appeals. If provided, an administrative appeal of the project decision and of any environmental determination issued at the same time as the project decision, shall be filed within fourteen days after the notice of the decision or after other notice that the decision has been made and is appealable. The local government shall extend the appeal period for an additional seven days, if state or local rules adopted pursuant to chapter 43.21C RCW allow public comment on a determination of nonsignificance issued as part of the appealable project permit decision.

(10) The applicant for a project permit is deemed to be a participant in any comment period, open record hearing, or closed record appeal.

(11) Each local government planning under RCW 36.70A.040 shall adopt procedures for administrative interpretation of its development regulations.

NEW SECTION. **Sec. 11.** The department of commerce shall develop a template for counties and cities subject to the requirements in RCW 36.70B.080, which will be utilized for reporting data.

NEW SECTION. **Sec. 12.** The department of commerce shall develop a plan to provide local governments with appropriately trained staff to provide temporary support or hard to find expertise for timely processing of residential housing permit applications. The plan shall include consideration of how local governments can be provided with staff that have experience with providing substitute staff support or

that possess expertise in permitting policies and regulations in the local government's geographic area or with jurisdictions of the local government's size or population. The plan and a proposal for implementation shall be presented to the legislature by December 1, 2023.

NEW SECTION. **Sec. 13.** Section 7 of this act takes effect January 1, 2025.

Passed by the Senate April 17, 2023.
Passed by the House April 10, 2023.
Approved by the Governor May 8, 2023.
Filed in Office of Secretary of State May 10, 2023.

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Chapter 14.02
GENERAL PROVISIONS

Sections:

14.02.005 Purpose and applicability.

(1) The purpose of Chapters 14.02, 14.06, 14.08, 14.10 and 14.12 of this code is to enact the processes and timelines for land development permitting and comprehensive plan and development regulation amendments. The objectives of these chapters are to encourage the preparation of appropriate information early in the permitting process; to process permit applications in a timely manner; to provide the general public with an adequate opportunity for review and comment; and to provide the development community with a standardized process and enhanced predictability.

(2) This title shall apply to permit applications for land development under the following titles of the Chelan County Code:

(A) Title 3—Building Regulations;

(B) Title 11—Zoning;

(C) Title 12—Subdivisions;

(D) Title 13—Environment;

(E) Title 15—Development Standards;

(F) Chelan County shoreline master program, including the use regulations therein.

(3) Other laws, ordinances, regulations and plans have a direct impact on the development of land. These include, but are not limited to, the above identified regulations, the Chelan County comprehensive plan and county-adopted city plans, the Chelan County flood damage prevention ordinance, and the laws, ordinances, regulations and plans of federal, state and local agencies. (Res. 2012-78 (part), 8/14/12: Res. 2007-55 (part), 3/27/07: Res. 2000-126 (part), 10/17/00).

14.02.015 Docketing of proposed amendments.

(1) Project review shall be used as a means to make individual project decisions. If during the course of project review, the review authority finds deficiencies in the comprehensive plan or development regulations:

(A) The permitting process shall not be used as a comprehensive planning process; and

(B) The identified deficiencies shall be docketed for possible future comprehensive plan or development regulation amendment.

(2) Any interested person may suggest comprehensive plan or development regulation amendments in writing. The director shall compile and maintain a list of suggested changes which will be considered during the annual amendment of the Chelan County comprehensive plan or pursuant to the timing and procedures as set forth for amendment of the applicable development regulation. (Res. 2012-78 (part), 8/14/12: Res. 2007-55 (part), 3/27/07: Res. 2004-85 (part), 7/27/04: Res. 2003-14 (part), 1/21/03; Res. 2002-10 (part), 1/15/02: Res. 2000-126 (part), 10/17/00).

14.02.020 Administrative interpretations.

Any project applicant or other person may request in writing an administrative interpretation of any development regulation. The county official charged with the responsibility of enforcing and interpreting the applicable regulation shall provide the requested interpretation in writing with supporting documentation within thirty calendar days of receipt of the request. (Res. 2012-78 (part), 8/14/12: Res. 2007-55 (part), 3/27/07: Res. 2000-126 (part), 10/17/00).

14.02.030 Amendments.

Amendments to this title are procedural and shall be processed at the sole discretion of the board of county commissioners. (Res. 2012-78 (part), 8/14/12: Res. 2007-55 (part), 3/27/07: Res. 2002-10 (part), 1/15/02).

Chapter 14.04
ADMINISTRATION

Sections:

14.04.010 Roles and responsibilities.

(1) The regulation of land development is a cooperative activity including elected officials, the planning commission, the hearing examiner and county staff. The specific responsibilities of these bodies are set forth below.

(2) An applicant is expected to read and understand the county development code and be prepared to fulfill the obligations placed on the applicant by the county code, particularly Titles 3 and 11 through 15. (Res. 2012-78 (part), 8/14/12: Res. 2007-55 (part), 3/27/07).

14.04.020 Director.

The director or his/her designee shall review and act on the following:

(1) Authority. The director is responsible for the administration of county code Titles 3, 11, 12, 13, 14 and 15 and associated RCWs and WACs.

(2) Administrative Interpretation. Upon request or as determined necessary, the director shall interpret the meaning or application of the provisions of said titles and issue a written administrative interpretation within thirty calendar days. Requests for interpretation shall be written and shall concisely identify the issue and desired interpretation.

(3) Administrative Decisions. Unless otherwise directed in an applicable regulation, the director is responsible for issuing administrative decisions (both “limited and full”) as set forth herein. (Res. 2012-78 (part), 8/14/12: Res. 2007-55 (part), 3/27/07).

14.04.030 Board of county commissioners.

The board of county commissioners shall review and act on the following subjects:

(1) Recommendations of the planning commission;

(2) Appeals of the hearing examiner’s decision on a rezone that is not of general applicability (site-specific) in accordance with the procedures for closed record decisions;

(3) May adopt policy consistent with the respective titles in the Chelan County Code; and

(4) Final plat approvals. (Res. 2012-78 (part), 8/14/12: Res. 2007-55 (part), 3/27/07).

14.04.040 Planning commission.

The planning commission shall review and make recommendations on the following issues:

(1) Amendments to the comprehensive plan;

(2) Amendments to the zoning code, Title 11, except for changes to the official zoning map that are not of general applicability (site-specific);

(3) Amendments to the subdivision code, Title 12;

(4) Amendments to Chapters 14.13 and 14.14 of this title;

(5) Amendments to the development standards code, Title 15; and

(6) Other actions requested or remanded by the board of county commissioners. (Res. 2012-78 (part), 8/14/12: Res. 2007-55 (part), 3/27/07).

14.04.050 Hearing examiner.

The hearing examiner shall review and make decisions on the following applications:

(1) Preliminary subdivisions;

(2) Planned developments;

(3) Rezones which are not of general applicability (site-specific);

(4) Applications for variances and conditional use permits;

(5) Applications for shoreline variances and shoreline conditional use permits;

(6) Amendments and/or alterations to plats;

(7) Petitions for plat vacations;

(8) Appeals alleging an error in a decision of a county official in the interpretation or the enforcement of the zoning code or any other part of the development code;

(9) Appeals alleging an error in a decision of a county official in taking an action on a short subdivision or binding site plan;

(10) Appeals alleging an error in administrative decisions or determinations pursuant to Chapter 43.21C RCW; and

(11) Any other matters as specifically assigned to the hearing examiner by the board of county commissioners or as prescribed by the county code. (Res. 2012-78 (part), 8/14/12: Res. 2007-55 (part), 3/27/07).

Chapter 14.06
APPLICATION FORMS

Sections:

14.06.010 Application forms.

(1) An application shall be made using the appropriate form adopted by the department.

(2) Each adopted application form shall, at a minimum, include the following:

(A) That the application form be filled out legibly, in blue or black ink, either hand-printed or typewritten;

(B) The name, mailing address, e-mail address (if available) and telephone number of each applicant;

(C) The name, mailing address, e-mail address (if available) and telephone number of the applicant's representative, if any;

(D) The name, mailing address, e-mail address (if available) and telephone number of each owner of the subject property, if different than the applicant(s);

(E) For building permits, the name, mailing address, e-mail address (if available), telephone number and, if using a contractor, the contractor's name and registration number;

(F) The parcel number, legal description and assessor's parcel map for each parcel which is the subject of the proposed development;

(G) The signatures of each applicant or the applicant's representative, and each property owner if different than the applicant(s);

(H) Any other information, documents or materials, as determined by the department, which may be required in the body of the form or by an attachment to the form.

(3) Each application form shall require designation of a contact person to receive determinations and notices required under this code or by Chapter 36.70B RCW. Where a determination or notice to the "applicant" is required by this code or Chapter 36.70B RCW, "applicant" means the contact person so designated.

(4) Each application shall contain the following statement:

This application shall be subject to all additions to and changes in the laws, regulations and ordinances applicable to the proposed development until a determination of completeness has been made pursuant to Section 14.08.030, ~~except variance, planned development, and rezone requests~~.

(Res. 2012-78 (part), 8/14/12: Res. 2007-55 (part), 3/27/07: Res. 2000-126 (part), 10/17/00).

Chapter 14.08
APPLICATION PROCESS

Sections:

14.08.005 Application process.

All application communication shall be electronic unless otherwise requested by the applicant. The application process shall consist of the following components:

(1) Pre-application meetings (~~required for major subdivision and~~ recommended ~~for all other applications~~);

(2) Plan review;

(3) Determination of completeness;

(4) Notice of application;

(5) Application review;

(6) Notice of final decision. (Res. 2012-78 (part), 8/14/12: Res. 2007-55 (part), 3/27/07: Res. 2000-126 (part), 10/17/00).

14.08.010 Pre-application meetings.

(1) As determined necessary and appropriate by the community development department, prospective applicants may be required to participate in a pre-application meeting. ~~If~~ Although a pre-application meeting is not required, an applicant may still request such conference. Prior to the scheduling of a pre-application meeting, the applicant shall submit to the department ~~four sets of~~ plans and other information sufficient to describe essential features of the property, and a narrative explaining the proposed or contemplated uses and development. ~~Additionally, the applicant may also submit electronic copies of plans and application materials.~~ Pre-application meeting fees are as outlined in the adopted fee schedule, and are collected at the time of pre-application submittal.

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(2) The purpose of the pre-application meeting is to provide the applicant with the best available information regarding the development proposal and application processing requirements. The pre-application meeting provides an opportunity for the applicant, staff and other agencies to informally discuss and review the proposed development, the application and permit requirements, fees, the review process and schedule, and applicable development standards, plans, policies, and laws.

(3) The department shall provide a checklist of development requirements, submittal checklist, appropriate application forms, support documentation, and appropriate fees. Additional information or studies may be required during the review process that was not known of at the time of the submission of the application materials. ~~As part of the preparation for a pre-application conference, county staff shall schedule a date for a site visit and make every reasonable effort to visit the site, weather conditions permitting. If the director determines that a site visit is infeasible, due to weather conditions, the applicant may reschedule the pre-application meeting or waive this requirement.~~

(4) The department shall provide the best assessment of any issues relevant to the application and provide the applicant and interested parties a written summary of the pre-application conference. Provided an application is submitted consistent with materials presented at the pre-application conference, the applicant and the county can reasonably rely on commitments made at the pre-application conference. (Res. 2012-78 (part), 8/14/12: Res. 2007-55 (part), 3/27/07: Res. 2003-98 (part), 7/22/03: Res. 2000-126 (part), 10/17/00).

14.08.015 Consolidated application process.

(1) When more than one application for a proposed development is required, the applicant may elect to have all applications submitted for review at one time, except that application requests requiring legislative action must be processed separately if required by law.

(2) Applications for proposed development and planned actions subject to the provisions of the State Environmental Policy Act (SEPA) shall be reviewed concurrently and in accordance with the state and local laws, regulations and ordinances.

(3) When more than one application is submitted under a consolidated review and the applications are subject to different types of review procedure, all of the applications for the proposed development shall be subject to the highest level of review procedure which applies to any of the applications.

(4) If an applicant elects a consolidated application process, the determination of completeness, the notice of application, and the notice of final decision must include all applications being reviewed, except that application requests requiring legislative action must be processed separately, if required by law. (Res. 2012-78 (part), 8/14/12: Res. 2007-55 (part), 3/27/07: Res. 2000-126 (part), 10/17/00).

14.08.020 Plan review.

(1) A plan review shall be conducted to determine if the application is complete. A plan review shall determine if adequate information is provided in or with the application in order to begin processing the application and that all required information and materials have been supplied in sufficient detail to begin the application review process. All information and materials required by the application form or from the pre-application meeting must be submitted. All studies supporting the application or addressing projected impacts of the proposed development must be submitted. The department shall not knowingly accept and hold incomplete applications materials waiting for the applicant to submit all required application materials.

(2) The purpose of the plan review is to ensure adequate information is contained in the application materials to demonstrate consistency with applicable comprehensive plans, development regulations and other applicable county codes. Department staff will coordinate the involvement of other agencies responsible for review. (Res. 2012-78 (part), 8/14/12: Res. 2007-55 (part), 3/27/07: Res. 2000-126 (part), 10/17/00).

14.08.030 Determination of completeness.

(1) Within twenty-eight calendar days after receiving an application, the department shall complete the plan review of the application and provide the applicant a written determination that the application is complete or incomplete. ~~; provided, however, that if a pre-application conference was held, then such plan review, at the request of the applicant, shall be reviewed for completeness at a scheduled intake meeting, and if complete, such notice of completeness shall be issued within four working days of the completion of the intake meeting.~~ An application shall be deemed procedurally complete on the 29th day after receiving a project permit application if the county does not provide a written determination to the applicant that the application is either complete or incomplete. ~~complete under this section if the county does not provide a written determination that the application is incomplete.~~

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(2) An application shall be determined complete only when it contains all of the following information and materials:

(A) A fully completed and signed application;

(B) Applicable review fees;

(C) All information and materials required by the application form and any information required as a result of ~~by~~ a pre-application ~~meeting~~ meeting~~conference~~;

(D) A fully completed and signed environmental checklist for projects subject to review under the State Environmental Policy Act;

(E) A plot plan disclosing all existing and proposed structures and features applicable to the desired development; for example, parking, landscaping, preliminary drainage plans with supporting calculations, signage, setbacks, etc.;

(F) Any supplemental information or special studies identified by the director.

(3) For applications determined to be incomplete, the department shall identify, in writing, the specific requirements, information or materials necessary to constitute a complete application. Within fourteen (14) calendar days ~~ten working days~~ after its receipt of the additional requirements, information or materials, the department shall issue a determination of completeness or identify the additional requirements, information, or materials still necessary for completeness. Failure to submit the requested information within sixty calendar days will result in a null and void application, with no refund of the filing fees. An applicant may request additional time, as follows:

(A) First request for forty-five calendar ~~-~~day time extension: The applicant shall provide written request five working days prior to the original date of void.

(B) Second request for forty-five calendar ~~-~~day time extension: The applicant shall provide written request five working days prior to the date of void. The request shall include documentation demonstrating advancement towards a complete application.

(C) Final request for time extension: The applicant shall provide written request with support documentation, as outlined in subsection (3)(B) of this section, a minimum of fourteen (14) calendar ~~ten working~~ days prior to the date of void. The request shall include a specific date to complete the application requirements. The applicant and the director shall establish a mutually agreed upon time extension.

(4) A determination of completeness shall identify, to the extent known, other local, state or federal agencies that may have jurisdiction over some aspect of the application.

(5) A determination of completeness shall not preclude the county from requesting additional information or studies where a change in the proposed development occurs, or if there are errors

or inconsistencies in the materials submitted by the applicant. Where any other request for additional information is made of the applicant, such request shall be justified and reasonably necessary to complete a thorough evaluation of the proposal. (Res. 2012-78 (part), 8/14/12: Res. 2007-55 (part), 3/27/07: Res. 2000-126 (part), 10/17/00).

14.08.040 Application vesting.

An application shall become vested on the date a determination of completeness is made under this title, except for variance, planned development, and rezone requests which do not vest until approval by the applicable reviewing body, unless coupled with application requests that do become vested. Thereafter, the application shall be reviewed under the codes, regulations and other laws in effect on the date of vesting; provided, in the event an applicant substantially changes his/her proposed development after a determination of completeness, as determined by the director, the application shall not be considered vested until a new determination of completeness on the changes is made under this title. (Res. 2012-78 (part), 8/14/12: Res. 2007-55 (part), 3/27/07: Res. 2000-126 (part), 10/17/00).

14.08.050 Notice of application.

(1) Within fourteen (14) calendar days after issuing a determination of completeness, the department shall issue a notice of application. ~~If an open record pre-decision hearing or administrative decision is required, the notice of application shall be provided at least fifteen calendar days prior to the date of open record hearing.~~ The notice shall include, but not be limited to, the following:

(A) The date of application, the date of the determination of completeness, and the date of the notice of application;

(B) A description of the proposed project action, a list of permits required for the application, and, if applicable, a list of any studies requested;

(C) The identification of other required permits not included in the application, to the extent known by the director;

(D) The identification of existing environmental documents which evaluate the proposed development and the location where the application and any studies can be reviewed;

(E) A statement of the public comment period, which shall be not less than fourteen calendar days nor more than thirty calendar days (for permits reviewed pursuant to the Shoreline Management Act and Chelan County shoreline master program) following the date of the notice of application, and a statement of the right of any person to comment on the application, receive notice of and participate in any hearings, and request a copy of the decision once made, and a statement of any appeal rights. Public comments will be accepted at any time prior to the closing of the record of an open meeting predecision hearing or prior to the decision on the project permit if no predecision open record hearing is required;

(F) The date, time, location and type of hearing, if applicable and scheduled at the date of the notice of application;

(G) A statement of the preliminary State Environmental Policy Act (SEPA) determination, if one has been made at the time of notice of application, of those development regulations that will be used for project mitigation and of consistency with the type of land use of the proposed site, the density and intensity of proposed development, infrastructure necessary to serve the development, and the character of the development;

(H) Any other information determined by the department to be appropriate.

(2) Notice of application shall be provided to the public and the departments and agencies with jurisdiction in the following manner:

(A) Where no other public notice, such as the required notice of a public hearing, is required, the notice of application shall be published in a newspaper of general circulation in the general area where the proposal is located. Said notice shall contain information regarding the project location, description, type of permit(s) required, comment period dates and location where the complete application may be reviewed.

(B) Posting the notice of application on the subject property by the applicant for site-specific proposals for the duration of the public comment period. The sign must be maintained at the location and in good condition and shall be the responsibility of the applicant until the sign(s) and post(s) are returned to the county after the required public comment period. After the public comment period, the applicant shall sign an affidavit of posting with the department verifying that the above requirements have been met. Any necessary replacement of the notice of application sign(s) and post(s) shall be the sole responsibility of the applicant.

(C) Mailing to all property owners, as shown on the records of the county assessor, and all street addresses of properties within three hundred feet or greater if required by other ordinances.

(D) When the subject property is located in a remote area and posting the notice of application will not provide reasonable and meaningful notice to the public, the director may require additional and/or alternative means of informing the public of the notice of application.

(3) The notice of application is not a substitute for any required notice of a public hearing. It may serve as notice of a public hearing, provided it contains all of the information required for a public hearing notice and complies with all other public notice requirements for the type of action being sought.

(4) A notice of application is not required for the following actions or when the actions are categorically exempt from SEPA or environmental review has been completed in connection with other project permits.

(A) Application for a single-family residence, accessory uses or other minor construction building permits.

(B) Application for boundary line adjustments or certificate of exemption.

(C) Any application for which limited administrative review is determined applicable.

(D) Legislative actions such as comprehensive plan amendments, area-wide rezones, etc.

(5) A State Environmental Policy Act (SEPA) threshold determination may be issued for a proposal concurrent with the notice of application. (Res. 2014-38 (Atts. A, B) (part), 4/15/14; Res. 2012-78 (part), 8/14/12: Res. 2007-55 (part), 3/27/07: Res. 2004-16 (part), 1/27/04; Res. 2000-126 (part), 10/17/00).

14.08.060 Notice of public hearing.

(1) Except as otherwise required, notice of a public meeting or hearing for all development applications and all open record appeals shall be given as follows:

(A) Publication in the official newspaper at least ten calendar days before the date of a public meeting, hearing or pending action; and

(B) Mailing at least ten calendar days before the date of a public meeting, hearing or pending action to all property owners, as shown on the records of the county assessor, and all street addresses of properties within three hundred feet, not including street rights-of-way, or the boundaries of the property which is the subject of the meeting or pending action.

(2) The public notice shall include a general description of the proposed project, action to be taken, a nonlegal description of the property or a vicinity map or sketch, the time, date and place of the public hearing and the place where further information may be obtained.

(3) If for any reason, a meeting or hearing on a pending action cannot be completed on the date set in the public notice, the meeting or hearing may be continued to a date, time and place certain and no further notice under this section is required. (Res. 2014-100 (Atts. A, B) (part), 10/7/14: Res. 2012-78 (part), 8/14/12: Res. 2007-55 (part), 3/27/07).

Chapter 14.10
APPLICATION REVIEW

Sections:

14.10.005 Application review criteria.

Review of an application and proposed development shall be governed by and be consistent with the fundamental land use planning policies and choices which have been made in adopted comprehensive plans and development regulations. The review process shall consider the type of land use permitted at the proposed site, the density and intensity of the proposed development, the infrastructure available and needed to serve the development, the character of the development and its consistency with development regulations. In the absence of applicable development regulations, the applicable development criteria in the comprehensive plan or subarea plan adopted under Chapter 36.70A RCW shall be determinative. (Res. 2012-78 (part), 8/14/12: Res. 2007-55 (part), 3/27/07: Res. 2000-126 (part), 10/17/00).

14.10.010 Application review classification.

(1) Following the issuance of a determination of completeness and a notice of application, an application shall be reviewed at one of four levels, as determined by the applicable county department: limited administrative review, full administrative review, quasi-judicial review, and legislative review.

(2) If this title or the Chelan County Code provides that a proposed development is subject to a specific type of review, or a different review procedure is required by law, the application for such development shall be processed and reviewed accordingly. If this title does not provide for a specific type of review or if a different review procedure is not required by law, then the director shall determine the type of review to be used for the type and intensity of the proposed development. In instances where more than one type of review applies to a project, the process shall follow the review procedure for the highest-level decision.

(3) Any public meeting or required open record hearing may be combined by the department with any public meeting or open record hearing that may be held on the proposed development by another local, state, federal or other agency. Hearings shall be combined if requested by the applicant. However, joint hearings must be held within Chelan County and within the time limits of this title and Chapter 36.70B RCW.

(4) No more than one open record public hearing and one closed record appeal shall be held on an application. (Res. 2012-78 (part), 8/14/12: Res. 2007-55 (part), 3/27/07: Res. 2000-126 (part), 10/17/00).

14.10.020 Limited administrative review of applications.

Limited administrative review shall be used when the proposed development is subject to clear, objective and nondiscretionary standards that require the exercise of professional judgment about technical issues and the proposed development is exempt from the State Environmental Policy Act (SEPA). Included within this type of review are interpretation of codes and ordinances, boundary line adjustments and certificates of exemption, and other permits that are categorically exempt from SEPA compliance. The department may approve, approve with conditions, or deny the application after the date the application is accepted as complete, without public notice. The decision of the department is final. Decisions made and/or actions taken, including without limitation administrative interpretations, may be appealed to the hearing examiner pursuant to Chapter 14.12, except there shall be no administrative appeal of the issuance of building permits. (Res. 2012-78 (part), 8/14/12: Res. 2007-55 (part), 3/27/07: Res. 2000-126 (part), 10/17/00).

14.10.030 Full administrative review of applications.

(1) Full administrative review shall be used when the proposed development is subject to objective and subjective standards that require the exercise of limited discretion about nontechnical issues and about which there may be limited public interest. The proposed development may or may not be subject to SEPA review. Included within this type of review are short subdivisions, binding site plans and building permits that require SEPA review. Shoreline substantial development permits and shoreline conditional use permits shall be reviewed consistent with the adopted Chelan County shoreline master program.

(2) This review procedure under full administrative review shall be as follows:

(A) If the proposed development is subject to the State Environmental Policy Act (SEPA), the threshold determination shall be made after the closing of the public comment period required in the notice of application.

(B) Upon the completion of the public comment period and the comment period required by SEPA, if applicable, the department may approve, approve with conditions, or deny the application. The department shall mail the notice of decision to the applicant and all parties of record. The decision shall include:

(i) A statement of the applicable criteria and standards in the development codes and other applicable law;

(ii) A statement of the findings of the review authority, stating the application's compliance or noncompliance with each applicable criterion, and assurance of compliance with applicable standards;

(iii) The decision to approve or deny the application and, if approved, conditions of approval necessary to ensure the proposed development will comply with all applicable laws; provided, however, all conditions of approval attached to any land use approval shall be based on statutory requirements or peer-reviewed science. Such statutes (including the specific applicable section or sections) or science shall be cited in the condition or footnoted to each condition of approval. It

is expected of any agency or department requesting a condition to demonstrate compliance with this provision, and no approval authority will attach conditions which do not meet this test;

(iv) A statement that the decision is final unless appealed as provided in the respective governing regulation within fourteen (14) calendar days ~~ten working 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;

(v) A statement that the complete case file, including findings, conclusions and conditions of approval, if any, is available for inspection during the open office hours at Chelan County department of community development. The notice shall list the place and telephone number of the department.

(C) The decision may be appealed to the hearing examiner pursuant to Chapter 14.12.

(3)(A) The following alterations or additions to an approved site development plan for conditional use permits may be approved administratively by the director. Changes may only be approved administratively if they do not have significant impact to the surrounding area, do not significantly modify the adopted conditions of approval, and are categorically exempt from SEPA or environmental review.

(i) Additions to buildings; provided, that the increase in floor area is less than ten percent of the total floor area of all buildings on the approved site development plan and the addition(s) does not exceed allowable densities of the underlying zone or requirements governing lot coverage.

(ii) Minor adjustments to building or structure locations; provided, that the density or intensity of use is not increased and does not significantly affect adjacent uses, impact critical areas or setbacks thereto, or otherwise require a variance or reasonable use exception.

(iii) Changes in parking areas; provided, that adopted regulations and conditions are met.

(iv) Modifications in landscape plans; provided, that required percentages of landscaping or open space are not reduced below those prescribed in this code or as previously approved in the conditional use permit.

(B) The following alterations to conditions of approval for an approved site development plan are deemed minor in nature and may be approved administratively by the director. Changes may only be approved administratively if they do not have significant impact to the surrounding area, do not significantly modify the adopted conditions of approval, and are categorically exempt from SEPA or environmental review.

(i) Alteration to a condition that is inconsistent with current practices and standards.

(ii) Alteration to a condition that is inconsistent with the current zoning designation.

(iii) Alteration to a condition that is no longer appropriate based on changed circumstances of the site or surrounding area.

If a condition of approval is altered to be consistent with an adopted standard, then it must be demonstrated that the adopted standard is at least equivalent to the condition of approval in terms of implementing the general purpose of Title 11.

(C) The administrative review and approval procedure shall be as follows:

(i) Within seven (7) calendar days ~~five business days~~ of issuance of preliminary approval on an alteration, the department shall issue a notice of preliminary approval. The preliminary approval shall include the following:

(a) The date of application and the date of the preliminary approval;

(b) A description of the preliminarily approved alterations or additions, a list of permits required for the application, and, if applicable, a list of any studies requested;

(c) The identification of other required permits not included in the application, to the extent known by the director;

(d) The identification of existing environmental documents which evaluate the proposed development and the location where the application and any studies can be reviewed;

(e) A statement of the applicable criteria and standards in the development codes and other applicable law;

(f) A statement of the findings of the review authority, stating the application's compliance or noncompliance with each applicable criterion, and assurance of compliance with applicable standards;

(g) A statement of the public comment period, the right of any person to comment on the application, to request a copy of the decision once made, and a statement of any appeal rights. Any public comments must be submitted within ten business days following notice of the preliminary approval;

(h) Any other information determined by the department to be appropriate.

(ii) The notice of preliminary approval shall be made available to the public for review and inspection at the department office during normal business hours, and shall be distributed ~~mailed and e-mailed, if e-mail address is provided,~~ to all adjacent property owners and all parties of record or their designated representative. The department shall make available a copy of the notice of preliminary approval~~, subject to payment of a reasonable charge,~~ to other parties who request it.

(iii) If no public comments in opposition to the preliminary approval are received by the department during the public comment period, the director shall issue a decision approving the proposed alterations, subject to any conditions of approval thereto.

(iv) If public comments in opposition to the preliminary approval are received by the department within the public comment period, the director shall issue a written decision regarding the application in consideration of the comments received. Such decision shall be issued within ten business days following the public comment period. The director may approve with conditions or deny the application.

(v) The decision of the director shall include the information set forth in subsections (2)(B)(i) through (v) of this section. Notice of the decision shall be distributed ~~mailed~~ to the applicant and any parties of record.

(vi) The decision of the director shall be final unless appealed pursuant to Section 14.12.005.

(D) Applications for administrative alterations or modifications pursuant to subsection (3)(A) of this section shall only be accepted once per year, the period of which shall be considered to begin from the date of any final decision issued pursuant to this section. (Res. 2018-41, 5/29/18: Res. 2012-78 (part), 8/14/12: Res. 2007-55 (part), 3/27/07: Res. 2000-126 (part), 10/17/00).

14.10.040 Quasi-judicial review of applications.

(1) Quasi-judicial review shall be used when the development or use proposed under the application requires a public hearing before a hearing body. This type of review shall be used for appeals of administrative decisions, major subdivisions, conditional use permits, planned developments, variances, shoreline substantial development permits, shoreline variances, shoreline conditional uses, rezones that are not of general applicability (site-specific) and other similar applications.

(2) The review procedure under quasi-judicial review shall be as follows:

(A) A quasi-judicial review process requires an open record public hearing before the appropriate hearing body.

(B) The public hearing shall be held after the completion of the public comment period and the comment period required by SEPA, if applicable.

(C) The notice of public hearing shall be given as identified in Chapter 14.08.

(D) At least seven (7) calendar ~~five working~~ days prior to the date of the public hearing, the department will issue a written staff report, integrating the SEPA review and threshold determination and shall make available to the public a copy of the staff report for review and inspection, and shall ~~mail and e-mail,~~ distribute ~~if address is provided,~~ a copy of the staff report and ~~recommendation~~ consistency analysis to the applicant or the applicant's designated

representative. The department shall make available a copy of the staff report., ~~subject to payment of a reasonable charge, t~~o other parties who request it.

(E) Public hearings shall be conducted in accordance with the rules of procedure adopted by the hearing body. A public hearing shall be recorded ~~on either audio or audio-visual tape.~~ If for any reason the hearing cannot be completed on the date set in the public notice, it may be continued during the public hearing to a specified date, time and location, without further public notice required.

(F) Within ten (10) working days after the date the public record closes, the hearing body shall issue a written decision regarding the application(s).

(G) The hearing body may approve, approve with conditions or deny the application and shall distribute ~~mail and e-mail, if address is provided,~~ the notice of its decision to the department, applicant, the applicant's designated representative, the property owner(s), and any other parties of record. The decision shall include:

(i) A statement of the applicable criteria, standards and law; and

(ii) A statement of the findings of fact and conclusions of law the hearing body made showing the proposal does or does not comply with each applicable approval criterion and assurance of compliance with applicable standards; and

(iii) A statement of the conditions of approval (if any); provided, however, all conditions of approval attached to any land-use approval shall be based on statutory requirements or peer-reviewed science. Such statutes (including the specific applicable section or sections) or science shall be cited in the condition or footnoted to each condition of approval. It is expected of any agency or department requesting a condition to demonstrate compliance with this provision, and no approval authority will attach conditions which do not meet this test; and

(iv) A statement that the decision is final unless appealed. The appeal closing date shall be listed; and

(v) A statement that the complete case file, including findings, conclusions and conditions of approval, if any, is available for inspection during the open office hours at Chelan County department of community development. The notice shall list the place and telephone number of the department. (Res. 2012-78 (part), 8/14/12: Res. 2007-55 (part), 3/27/07: Res. 2003-98 (part), 7/22/03: Res. 2000-126 (part), 10/17/00).

14.10.050 Legislative review of applications.

(1) Legislative review shall be used when the proposal involves the creation, implementation or amendment of county policy or law. In contrast to the other procedure types, legislative review usually applies to a relatively large geographic area containing several property owners. This type of review shall be used for comprehensive plan, subarea plan, zoning and/or development code amendments and generalized zoning district map reclassifications.

(2) Legislative review shall be conducted as follows:

(A) Legislative review requires at least one open record public hearing before the Chelan County planning commission and one public meeting before the Chelan County board of commissioners.

(B) The application shall contain all information and material requirements required by the appropriate application form and any pre-application meeting.

(C) Each notice of public hearing shall be given as identified in Chapter 14.08. The notice shall include notice of the SEPA threshold determination used by the department.

(D) At least seven (7) calendar ~~five working~~ days prior to the hearing, the department shall issue a ~~written~~ staff report, integrating the SEPA review and threshold determination and shall make available to the public a copy of the staff report for review and inspection, and shall distribute ~~mail and e-mail, if address is provided,~~ a copy of the staff report and ~~recommendation~~ consistency analysis to the applicant or the applicant's designated representative, and planning commission members. The department shall make available a copy of the staff report~~, subject to a reasonable charge,~~ to other persons who request it~~.~~

(E) Following the public hearing and in accordance with RCW 36.70.630, the recommendation of the planning commission shall be forwarded to the board of county commissioners. Upon receiving the recommendation from the planning commission, the board of county commissioners shall set a public meeting to consider the proposal, at which the board may either accept or reject the recommendation, or remand the application back to the planning commission for reopening of the open record hearing to consider specific issues identified by the county commission.

(F) The board of county commissioners must hold a public hearing to consider any changes to the recommendation of the planning commission. The board of county commissioners may approve, approve with conditions, deny or remand the proposal back to the planning commission for further review after such public hearing. The final decision of the board of county commissioners shall be adopted by resolution or as otherwise provided for by law.

(G) The final decision of the board of county commissioners shall be in writing and include:

(i) A statement of the applicable criteria and law;

(ii) A statement of the findings indicating the application's compliance or noncompliance with each applicable approval criterion;

(iii) The decision to approve, condition or reject the planning commission recommendation or remand for further review;

(iv) A statement that the decision is final unless appealed pursuant to Chapter 14.12 to superior court within twenty-one days of the issuance of the decision, as determined pursuant to Chapters 36.70A and/or 36.70C RCW, as applicable. The appeal closing date shall be listed;

(v) A statement that the complete case file, including findings, conclusions and conditions of approval, if any, is available for inspection during the open office hours at Chelan County department of community development. The notice shall list the place and telephone number of the department. (Res. 2012-78 (part), 8/14/12: Res. 2007-55 (part), 3/27/07: Res. 2004-85 (part), 7/27/04; Res. 2000-126 (part), 10/17/00).

14.10.060 Notice of final decision.

The project permit review timelines include every calendar day and are as follows:

(1) The county shall ~~should~~ not exceed ~~-~~sixty-five (65) days after the date of determination of completeness. ~~one hundred twenty days, pursuant to RCW 36.70B.080,~~ to issue a written notice of final decision on an application for project permits which do not require public notice under RCW 36.70B.110; Limited Administrative Review. ~~reviewed pursuant to either a full administrative or a quasi-judicial review process within one hundred twenty calendar days after the date of the determination of completeness, unless timelines are specified otherwise in the respective title.~~ In determining the number of days that have elapsed, the following periods shall be excluded:

(A) Any period during which the applicant has been requested by the department to correct plans, perform required studies, or provide additional information or materials. The period shall be calculated from the date the department issues the request to the applicant to, the earlier of, the date the department determines whether the additional information satisfies its request or fourteen days after the date the information has been received by the department.

(B) If the county determines the information submitted by the applicant under subsection (1)(A) of this section is insufficient, it shall again notify the applicant of deficiencies and the procedures under subsection (1)(A) of this section shall apply to the request for information.

(C) Any period during which an environmental impact statement (EIS) is being prepared following a determination of significance pursuant to Chapter 43.21C RCW.

(D) Any period for administrative appeals.

(E) Any extension of time mutually agreed upon in writing by the applicant and the department.

(2) The county shall not exceed one hundred (100) days after the determination of completeness to issue a written notice of final decision on an application reviewed that requires public notice under RCW 36.70B.110; Full Administrative Review. In determining the number of days that have elapsed, the following periods shall be excluded:

(A) Any period during which the applicant has been requested by the department to correct plans, perform required studies, or provide additional information or materials. The period shall be calculated from the date the department issues the request to the applicant to, the earlier of, the date the department determines whether the additional information satisfies its request or fourteen days after the date the information has been received by the department.

(B) If the county determines the information submitted by the applicant under subsection (2)(A) of this section is insufficient, it shall again notify the applicant of deficiencies and the procedures under subsection (2)(A) of this section shall apply to the request for information.

(C) Any period during which an environmental impact statement (EIS) is being prepared following a determination of significance pursuant to Chapter 43.21C RCW.

(D) Any period for administrative appeals.

(E) Any extension of time mutually agreed upon in writing by the applicant and the department.

(3) The county shall not exceed one hundred and seventy (170) days after the determination of completeness to issue a written notice of final decision on an application reviewed that requires public notice under RCW 36.70B.110 and a public hearing; Quasi-Judicial Review. In determining the number of days that have elapsed, the following periods shall be excluded:

(A) Any period during which the applicant has been requested by the department to correct plans, perform required studies, or provide additional information or materials. The period shall be calculated from the date the department issues the request to the applicant to, the earlier of, the date the department determines whether the additional information satisfies its request or fourteen days after the date the information has been received by the department.

(B) If the county determines the information submitted by the applicant under subsection (3)(A) of this section is insufficient, it shall again notify the applicant of deficiencies and the procedures under subsection (3)(A) of this section shall apply to the request for information.

(C) Any period during which an environmental impact statement (EIS) is being prepared following a determination of significance pursuant to Chapter 43.21C RCW.

(D) Any period for administrative appeals.

(E) Any extension of time mutually agreed upon in writing by the applicant and the department.

(4) The county shall not exceed ninety (90) calendar days after the determination of completeness to issue a final decision on residential building permits. In determining the number of days that have elapsed, the following periods shall be excluded:

(A) Any period during which the applicant has been requested by the department to correct plans, perform required studies, or provide additional information or materials. The period shall be calculated from the date the department issues the request to the applicant to, the earlier of, the date the department determines whether the additional information satisfies its request or fourteen days after the date the information has been received by the department.

(B) If the county determines the information submitted by the applicant under subsection (4)(A) of this section is insufficient, it shall again notify the applicant of deficiencies and the procedures under subsection (4)(A) of this section shall apply to the request for information.

(C) Any period during which an environmental impact statement (EIS) is being prepared following a determination of significance pursuant to Chapter 43.21C RCW.

(D) Any period for administrative appeals.

(E) Any extension of time mutually agreed upon in writing by the applicant and the department.

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The time limit by which the county will issue a notice of final decision does not apply if an application:

(A) Requires an amendment to the comprehensive plan or a development regulation.

(B) Requires approval of a new fully self-contained community, a master planned resort, or the siting of an essential public facility, as are provided in Chapter 36.70A RCW and as may be hereafter amended.

(C) Is substantially revised by the applicant after a determination of completeness has been issued, in which case the time period shall start from the date on which the revised project application is determined to be complete as provided for in Section 14.08.030.

(3) If the county is unable to issue its final decision within the time limits provided for in this section, 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 for issuance of the notice of final decision.

(4) The review authority shall provide the notice of decision or copy of findings of fact and conclusions of law and decision to the applicant, agent (if applicable), surveyor (if applicable), commenting agencies of jurisdiction, and any parties of record (any person who prior to the rendering of the decision requested notice of decision, submitted written comments on the application, or testified at the public hearing). (Res. 2012-78 (part), 8/14/12: Res. 2007-55 (part), 3/27/07: Res. 2003-98 (part), 7/22/03: Res. 2002-10 (part), 1/15/02: Res. 2000-126 (part), 10/17/00).

Chapter 14.12
APPEALS

Sections:

14.12.005 Appeals.

(1) An appeal of an administrative decision shall be timely filed with the department, pursuant to Section 14.12.010, by the applicant or any party of record. The administrative appeal shall be heard as an open record appeal by the hearing examiner at a public hearing.

(2) An appeal of a final legislative decision or final quasi-judicial decision of the board of county commissioners shall be timely filed as a judicial appeal pursuant to Section 14.12.020.

(3) An appeal of the final decision of the hearing examiner shall be timely filed as a judicial appeal.

(4) The county shall have no obligation to the applicant or any party to defend an appeal from a decision of the department, hearing examiner, planning commission or the board of county commissioners. (Res. 2012-78 (part), 8/14/12: Res. 2007-55 (part), 3/27/07: Res. 2003-98 (part), 7/22/03: Res. 2000-126 (part), 10/17/00).

14.12.010 Administrative appeals.

(1) An administrative appeal to the hearing examiner shall be filed with the department within ten working days of the issuance of the decision appealed, together with the applicable appeal fee.

(2) The notice of appeal shall contain a concise statement identifying:

(A) The decision being appealed;

(B) The name and address of the appellant and his/her interest(s) in the application or proposed development;

(C) The specific reasons why the appellant believes the decision to be erroneous, including identification of each finding of fact, each conclusion, and each condition or action ordered which the appellant alleges is erroneous. The appellant shall have the burden of proving the decision is erroneous;

(D) The specific relief sought by the appellant;

(E) The appeal fee. (Res. 2012-78 (part), 8/14/12: Res. 2007-55 (part), 3/27/07: Res. 2003-98 (part), 7/22/03: Res. 2000-126 (part), 10/17/00).

14.12.020 Judicial appeals.

(1) Appeals of a final action of the county with respect to an application for which all administrative appeals specifically authorized have been timely exhausted shall be filed in the superior court and served on all necessary parties as follows:

(A) Within twenty-one days after the date of issuance of the notice of final decision, pursuant to Chapter 36.70C RCW, et seq.;

(i) Exempted shoreline decisions, listed under RCW 36.70C.030, are not subject to the judicial appeal process but may request a reconsideration pursuant to Section 14.12.040.

(B) Within sixty days after the date of issuance of the notice of final decision or legislative adoption pursuant to Chapter 36.70A RCW, et seq.

(2) In addition to all other applicable law related to service, notice of the appeal and any other pleadings required to be filed with the superior court shall be served on the Chelan County prosecuting attorney and the director of community development within the statutorily applicable time period.

(3) The appellant shall arrange for transcription of any hearings held on the application and file all transcripts. All costs of transcription and preparing the record on appeal shall be paid by the appellant. The appellant shall, prior to the department's preparation of the record, pay an advance deposit to the department in an amount determined by the department's fee schedule for copying materials. The fee schedule shall represent the department's reasonable costs of

duplicating the record. Any excess advance deposit shall be promptly refunded to the appellant. (Res. 2014-100 (Atts. A, B) (part), 10/7/14; Res. 2012-78 (part), 8/14/12: Res. 2007-55 (part), 3/27/07: Res. 2000-126 (part), 10/17/00).

14.12.030 SEPA appeals.

(1) A major purpose of this title is to combine environmental considerations with public decisions. Therefore, any appeal brought under the State Environmental Policy Act (SEPA) shall be linked to a specific governmental action. SEPA provides a basis for challenging whether governmental action is in compliance with the substantive and procedural provisions of Chapter 43.21C RCW, Chapter 197-11 WAC and Title 13 of the Chelan County Code. It is not intended to create an independent cause of action unrelated to a specific governmental action.

(2) Appeals under SEPA shall be taken from the land use permit decision of the county, together with its accompanying environmental determinations. (Res. 2012-78 (part), 8/14/12: Res. 2007-55 (part), 3/27/07: Res. 2000-126 (part), 10/17/00).

14.12.040 Reconsideration.

Any aggrieved party or agency that believes the decision of the hearing examiner is unsound based upon errors in procedure, law, interpretation of adopted policy, fact, judgment, or the discovery of new factual evidence which, by due diligence, could not have been found prior to the hearing examiner's hearing, may make a written request for reconsideration by the hearing examiner within ten working days of the filing of the written record of decision. The request for reconsideration shall be submitted to the community development department on forms provided by the department. Reconsideration of the decisions is wholly within the discretion of the hearing examiner. If the hearing examiner chooses to reconsider, the examiner may take such further action deemed proper and may render a revised decision within five working days after the date of filing of the request for reconsideration. A request for reconsideration is not a prerequisite to filing an appeal pursuant to this title. (Res. 2012-78 (part), 8/14/12: Res. 2007-55 (part), 3/27/07).

Chapter 14.13
DEVELOPMENT REGULATION TEXT AMENDMENTS

Sections:

14.13.010 Purpose.

A change in circumstances or conditions may warrant a change to development regulations. The purpose of this chapter is to establish the provisions to amend development regulation text, including Title 11, Zoning, Title 12, Subdivisions, Title 14, Development Permit Procedures and Administration, Title 15, Development Standards, and Title 16, Enforcement and Violations, when the change would be consistent with the goals, objectives, policies, and designations of the county comprehensive plan and the intent of this title. (Res. 2012-78 (part), 8/14/12: Res. 2007-55 (part), 3/27/07: Res. 2004-85 (part), 7/27/04).

14.13.020 Authorization to initiate amendments.

Proposed text amendments to Chelan County development regulations identified above may be initiated for review by the board of Chelan County commissioners, the Chelan County planning commission, Chelan planning staff, or by application by a member of the public or an authorized agent. Such amendments shall be consistent with the intent, goals, policies, and land use designations contained in the county comprehensive plan. If the proposed amendment is inconsistent with the provisions of the comprehensive plan, approval of an amendment to the county comprehensive plan consistent with the provisions contained in Title 14, Chapter 14.14, of the Chelan County Code is required prior to authorizing the amendment. (Res. 2012-78 (part), 8/14/12: Res. 2007-55 (part), 3/27/07: Res. 2004-85 (part), 7/27/04).

14.13.030 Initiation of emergency amendments.

Emergency amendments may be initiated by the board of county commissioners, outside of the normal amendment review cycle, upon a finding that a situation necessitates expeditious action to preserve the health, safety or welfare of the public. Staff shall immediately evaluate and analyze the emergency amendment and forward it to the planning commission for review at a public hearing. After the public hearing, the planning commission shall make a recommendation on the proposed amendment(s) to the board of county commissioners. (Res. 2012-78 (part), 8/14/12: Res. 2007-55 (part), 3/27/07: Res. 2004-85 (part), 7/27/04).

14.13.040 Evaluation criteria.

The approval, modification or denial of a development regulation amendment application shall be evaluated on, but not limited to, the following criteria:

(1) The amendment is necessary to resolve a public land use issue or problem.

(2) The amendment is consistent with goals of the Growth Management Act, Chapter 36.70A RCW.

(3) The amendment complies with or supports comprehensive plan goals and policies and/or county-wide planning policies.

(4) The proposed amendment does not adversely affect lands designated as resource lands of long-term commercial significance or critical areas in ways that cannot be mitigated.

(5) The amendment is based on sound land use planning practices and would further the general public health, safety and welfare. (Res. 2012-78 (part), 8/14/12: Res. 2007-55 (part), 3/27/07: Res. 2004-85 (part), 7/27/04).

14.13.050 Amendment review process.

Applications shall contain the information necessary to review the proposal as set forth in the provisions contained in Chapter 14.06 of this title and such other information as is needed to determine conformance with this title and the comprehensive plan. Additional information may be requested by the administrator at any time during the review process, and must be provided in a timely manner. The application shall be filed with the community development department along with the appropriate fee. Applications for development regulation text amendments will be reviewed in conformance with Section 14.10.050 of this title. (Res. 2012-78 (part), 8/14/12: Res. 2007-55 (part), 3/27/07: Res. 2004-85 (part), 7/27/04).

14.13.060 Transmittal of regulations to the state.

Pursuant to RCW 36.70A.106(3), the department shall notify and transmit copies of proposed regulation amendments to the appropriate Washington State agencies as required by law, or successor agency at least sixty calendar days prior to anticipated action on recommendations of the planning commission. The department shall also transmit to agencies as required by law regulation amendments adopted by the board of county commissioners, within ten calendar days of adoption. (Res. 2012-78 (part), 8/14/12: Res. 2007-55 (part), 3/27/07: Res. 2004-85 (part), 7/27/04).

Chapter 14.14
COMPREHENSIVE PLAN AMENDMENTS

Sections:

14.14.010 Intent.

The intent of this chapter is to establish roles and responsibilities of the planning staff, the planning commission, and the board of county commissioners relating to adoption of the county comprehensive plan; and county-adopted city plans, as these plans pertain to the unincorporated portions of the cities' urban growth areas (UGAs); and amendments thereto pursuant to the requirements of Chapters 36.70 and 36.70A RCW. (Res. 2012-78 (part), 8/14/12: Res. 2007-55 (part), 3/27/07: Res. 2004-85 (part), 7/27/04: Res. 2000-126 (part), 10/17/00).

14.14.020 County docket.

All proposed comprehensive plan amendments and development regulation amendments submitted or identified in compliance with the provisions of this chapter and Chapter 14.13 shall be placed on a docket maintained by the director, and will be taken through the amendment process. (Res. 2012-78 (part), 8/14/12: Res. 2007-55 (part), 3/27/07: Res. 2004-85 (part), 7/27/04: Res. 2000-126 (part), 10/17/00).

14.14.025 Applicability.

(1) The requirements of this chapter shall apply to all applications or proposals for changes to the comprehensive plan text and maps, including without limitation goals, policies, and land use designations, unless specifically exempted herein. The following types of plan amendments may be considered through the plan amendment process:

(A) Site-specific land use designation map changes including land use and/or urban growth area boundaries;

(B) Area-wide land use designation map changes;

(C) Minor technical map corrections;

(D) Changes to plan maps other than the land use designation maps;

(E) Plan policy or other text changes;

(F) Amendments to county-adopted city plans, as these plans relate to the unincorporated portions of the cities' UGAs.

(2) The criteria, but not the timing requirements, of this chapter shall apply to plan amendments that are exempt from requirements for annual concurrent review of plan amendments, per RCW 36.70A.130. These include:

(A) The initial adoption of a subarea plan;

(B) The adoption or amendment of a shoreline master program under the procedures set forth in Chapter 90.58 RCW;

(C) The amendment of the capital facilities element of a comprehensive plan that occurs concurrently with the adoption or amendment of a county or city budget;

(D) Amendments necessary to address an emergency situation;

(E) Amendments required to resolve a comprehensive plan appeal decision filed with a growth management hearings board or with the court. (Res. 2012-78 (part), 8/14/12: Res. 2007-55 (part), 3/27/07).

14.14.030 Initiation of comprehensive plan amendments.

Comprehensive plan amendments may be initiated and docketed as follows:

(1) Proposed amendments to county-adopted city plans docketed pursuant to Section 14.14.040 of this title; or

(2) Application submitted for comprehensive plan text or map designation amendments submitted pursuant to Sections 14.14.045 and 14.14.050 of this title; or

(3) By March 1st of each year the board of Chelan County commissioners, planning commission, and staff will identify and docket amendments which address inconsistencies and/or deficiencies in any portion of the county comprehensive plan; or county-adopted city plans, as these plans relate to the unincorporated portions of the cities' UGAs. For the purposes of this chapter, inconsistencies and/or deficiencies refer to the absence of required or potentially desirable content of a comprehensive plan; or

(4) The board of Chelan County commissioners shall hold a public meeting in April of each year in order to consider county sponsorship and docketing of:

(A) Other comprehensive plan map designation amendments proposed by the board of Chelan County commissioners, planning commission, or staff to correct inconsistencies or deficiencies in the comprehensive plan;

(B) Other citizen requested text or map designation amendments. (Res. 2012-78 (part), 8/14/12: Res. 2007-55 (part), 3/27/07: Res. 2004-85 (part), 7/27/04: Res. 2003-15 (part), 1/21/03: Res. 2000-126 (part), 10/17/00).

14.14.040 Proposed amendments to county-adopted city plans.

(1) Process. The county has adopted the cities of Leavenworth, Wenatchee, Entiat, Chelan and Cashmere comprehensive plans, as these plans relate to the unincorporated portions of each city's urban growth area (UGA). All proposed amendments to these plans that affect the unincorporated portions of the cities' urban growth areas shall be submitted to the county pursuant to the process outlined in this section. In recognition of the cities' primary role in planning for growth and development within the UGAs, all proposed amendments to the cities' comprehensive plans affecting the unincorporated portions of the UGAs shall be reviewed by the respective city's legislative authority. The county shall attempt to reach agreement with each city on any changes to urban growth areas associated with the cities.

(2) Application Deadlines for Proposed Amendments to County-Adopted City Plans. Deadlines to submit applications for proposed amendments are as follows:

(A) Applications from the public for proposed text and/or land use map amendments affecting the unincorporated portions of the cities' UGAs must be submitted to the county no later than the first business calendar day of March.

(B) The proposed amendments will be forwarded to the appropriate city no later than March 15th, or first business calendar day thereafter, if the fifteenth day happens to fall on a weekend, for consideration by the city's legislative authority. Amendment requests from the public submitted after the first business calendar day of March will be processed during the following year's amendment process.

(C) Draft staff reports with recommendations on all proposed amendments to the text and land use maps of a city's comprehensive plan affecting the unincorporated portions of the urban growth area, including amendments that have been initiated by that city's respective legislative authority, shall be forwarded to the county by September 30th for review at the Chelan County planning commission workshop, normally held on the fourth Monday of October.

(D) After the respective city's legislative authority has held a duly advertised public hearing on proposed amendments to the text and/or land use maps of a city's comprehensive plan affecting the unincorporated portions of the urban growth area, including amendments that have been initiated by that city's respective legislative authority, the amendment and recommendation shall be submitted to the county twenty-one calendar days prior to the scheduled planning commission hearing, normally held on the fourth Monday in November. The cities shall provide their recommendations in the form of a staff report which addresses the criteria under Sections 14.14.047 and/or 14.14.060, as applicable. The staff report shall also include an outline of the city's amendment process and decision on each proposed amendment, supported by suggested findings of fact and conclusions of law.

(E) The cities' recommendations regarding proposed amendments to the text and/or land use maps of a city's comprehensive plan affecting the unincorporated portions of the urban growth area shall be considered by the Chelan County planning commission at a duly advertised public hearing and a recommendation will be forwarded to the board of Chelan County commissioners.

(F) The board of Chelan County commissioners shall consider the planning commission's recommendations regarding proposed amendments to the text and/or land use maps of a city's comprehensive plan affecting the unincorporated portions of the urban growth area pursuant to the review process outlined in Sections 14.14.100 and 14.14.110.

(G) The county's final adoption of the proposed amendments to the text and/or land use maps of a city's comprehensive plan affecting the unincorporated portions of the urban growth area can occur once per each calendar year cycle. (Res. 2014-100 (Atts. A, B) (part), 10/7/14; Res. 2012-78 (part), 8/14/12: Res. 2007-55 (part), 3/27/07: Res. 2004-85 (part), 7/27/04: Res. 2003-15 (part), 1/21/03: Res. 2000-126 (part), 10/17/00).

14.14.045 Applications for comprehensive plan text changes.

(1) Application Requirements for Comprehensive Plan Text Amendments. Applications for Chelan County comprehensive plan text amendments must be submitted in writing to the director of the community development department on the application form provided by the department. Applications must be in conformance with the requirements and process outlined in this title, and shall include the following:

(A) Applicant information including:

(i) The name, address and phone number of each person submitting the application; and

(ii) The name, address and phone number of any agent acting on the owner's behalf, including a notarized agent authorization form.

(B) Comprehensive plan text amendment information including:

(i) A detailed statement of what is proposed to be changed; and

(ii) Explain why the change is needed. What public land use issue or problem is resolved by the proposed change; and

(iii) Explain how the proposed amendment is consistent with the goals of the Washington State Growth Management Act (Chapter 36.70A RCW as amended) and any applicable county-wide planning policies; and

(iv) A statement of how the text amendment complies with or supports the comprehensive plan's goals and policies, or how amendment of the plan's goals or policies is supported by changing conditions or state or federal mandates; and

(v) Will the proposed text amendment affect lands designated as resource lands of long-term commercial significance and/or critical areas? If so, how will the proposed amendment impact these areas; and

(vi) Explain how the proposed change would serve the interests of not only the applicant, but the public as a whole, including health, safety or welfare.

(2) Application Fees. An application processing fee for comprehensive plan text amendments shall be collected as defined in the county's fee schedule, as amended.

(3) Application Deadlines for the Chelan County Comprehensive Plans. Deadlines to submit all applications for proposed comprehensive plan map text amendments must be submitted in writing to the director of the community development department no later than the first business calendar day of March. All proposed amendments submitted after the above-noted dates shall be processed during the next year's amendment cycle. (Res. 2012-78 (part), 8/14/12: Res. 2007-55 (part), 3/27/07: Res. 2004-85 (part), 7/27/04).

14.14.047 Amendment review criteria for comprehensive plan text changes.

Proposed text amendments to the Chelan County comprehensive plan and county-adopted city plans must meet the following criteria:

(1) The proposal is necessary to address a public land use issue or problem; and

(2) The proposed amendment is consistent with the requirements of the Washington State Growth Management Act (Chapter 36.70A RCW as amended) and any applicable county-wide planning policies; and

(3) The text amendment complies with or supports the comprehensive plan's goals and policies, or how amendment of the plan's goals or policies is supported by changing conditions or state or federal mandates; and

(4) The amendment does not adversely affect lands designated as resource lands of long-term commercial significance or designated critical areas in ways that cannot be mitigated; and

(5) The proposed amendment would serve the interests of not only the applicant, but the public as a whole, including health, safety or welfare. (Res. 2012-78 (part), 8/14/12: Res. 2007-55 (part), 3/27/07: Res. 2004-85 (part), 7/27/04).

14.14.050 Applications for comprehensive plan map or urban growth area amendments.

(1) Application Requirements for Individual Requests for Comprehensive Plan Map or Urban Growth Area (UGA) Amendments. Applications for amendments to the Chelan County comprehensive plan maps, or county-adopted city comprehensive plan maps as these plans related to the unincorporated portions of each city's urban growth area (UGA), must be submitted in writing to the director of the community development department on the application form provided by the department. Applications must be in conformance with the requirements and process outlined in this title. Separate applications must be submitted for properties under separate ownerships and must contain the following information:

(A) Application information as outlined in the application including:

(i) The name, address and phone number of each person submitting the application; and

(ii) The name, address and phone number of any agent acting on the owner's behalf, including a notarized authorization form; and

(iii) The name, address and phone number of all owners with an interest in the affected property;

(B) Parcel/site information as outlined in the application;

(C) Comprehensive plan amendment information as outlined in the application including:

(i) A detailed statement of what is proposed to be changed and why. Identify the specific comprehensive plan land use designation map and zoning map that would be amended; and

(ii) Explain how the proposed amendment is consistent with the goals of the Washington State Growth Management Act (Chapter 36.70A RCW as amended) and any applicable county-wide planning policies; and

(iii) A statement of how the amendment complies with or supports the comprehensive plan's goals and policies; and

(iv) A detailed statement on how the land use designation amendment complies with comprehensive plan land use designation/siting criteria; and

(v) A statement of how the amendment is consistent with and supported by the capital facility element and the transportation element of the comprehensive plan, or if not, what changes to these elements would be required; and

(vi) For land use designation amendments, identify the land uses surrounding the affected property and describe how the proposed change would affect the surrounding land uses. Describe why the proposed amendment is more appropriate than the existing land use designation; and

(vii) Will the proposed amendment affect lands designated as resource lands of long-term commercial significance and/or critical areas? If so, how will the proposed amendment impact these areas; and

(viii) How would the proposed amendment affect the supply of land that is available for various purposes to accommodate projected growth over the twenty-year planning period covered by the comprehensive plan; and

(ix) Explain how the proposed change would serve the interests of not only the applicant, but the public as a whole, including health, safety or welfare; and

(x) For any proposed urban growth area boundary changes submitted pursuant to Section 14.14.040, a detailed statement describing:

(a) That the designated area of expansion is contiguous to an existing UGA; and

(b) How the area is characterized by urban growth; and

(c) The availability of or plans of urban governmental services; and

(d) The compatibility of the proposal with designated natural resource lands and the protection of designated critical areas; and

(e) That there is insufficient land within the existing urban growth area to permit the urban growth that is forecast to occur in the twenty-year time frame covered by the comprehensive plan, or there can be shown an overriding public interest which shall clearly demonstrate that the amendment of the urban growth area is necessary to protect the health, safety, and welfare;

(D) A completed SEPA checklist;

(E) The applicable processing fee for comprehensive plan amendments and SEPA review as determined by the county's adopted fee schedule, as amended, except that amendment requests by the cities shall not require the collection of said fees; and

(F) Additional information determined by the director of the community development department as being necessary for an initial evaluation of the proposal.

(2) Application Fees. An application processing fee for comprehensive plan map or urban growth area amendments shall be collected, defined in the county's fee schedule, as amended. Fees collected pertaining to an application for a comprehensive plan amendment within the unincorporated portion of a city urban growth area shall be equally shared with the relevant city.

(3) Application Deadlines for the Chelan County Comprehensive Plan. Deadlines to submit all applications for proposed comprehensive plan map or urban growth area amendments must be submitted in writing to the director of the community development department no later than the first business calendar day of March. All proposed amendments submitted after the above-noted dates shall be processed during the next year's amendment cycle.

(4) Where an individual application for a site-specific amendment to the Chelan County comprehensive plan land use designations map or county-adopted city comprehensive plan land use designations map (as it relates to the unincorporated portions of each city's UGA) is approved, a subsequent application for an amendment to the corresponding zoning map (site-specific rezone) is required to be submitted by the applicant to be reviewed and processed before the county hearing examiner according to the provisions of this title for quasi-judicial review of applications, Chapters 36.70 and 36.70B RCW, as applicable. (Res. 2014-100 (Atts. A, B) (part), 10/7/14; Res. 2012-78 (part), 8/14/12: Res. 2008-103, 7/15/08; Res. 2007-55 (part), 3/27/07: Res. 2004-85 (part), 7/27/04: Res. 2000-126 (part), 10/17/00).

14.14.060 Amendment review criteria for comprehensive plan maps, urban growth area and county-adopted city plans.

(1) General Review Criteria. Proposed amendments to the Chelan County comprehensive plan maps and county-adopted city comprehensive plan maps as these plans relate to the unincorporated portions of each city's urban growth area (UGA) must meet the following criteria:

(A) The proposal is consistent with the goals of the Growth Management Act (Chapter 36.70A RCW), and any applicable county-wide planning policies; and

(B) The amendment is consistent with or supports the Chelan County comprehensive plan goals and policies; and

(C) The amendment complies with comprehensive plan land use designation/siting criteria; and

(D) The amendment is supported by and consistent with the capital facility element and the transportation element. Amendments that would alter existing provisions of the capital facilities

or transportation elements shall demonstrate why existing provisions should not continue to be in effect or why existing provisions should be amended; and

(E) The amendment does not adversely affect the surrounding land uses; and

(F) The amendment does not adversely affect lands designated as resource lands of long-term commercial significance or designated critical areas in ways that cannot be mitigated; and

(G) The amendment does not adversely affect the supply of land for various purposes which is available to accommodate projected growth over the twenty-year planning period covered by the comprehensive plan; and

(H) The proposed amendment serves the interests of both the applicant and the general public including public health, safety, and welfare.

(2) Urban Growth Area Amendments. In addition to the criteria stated previously, proposed urban growth area boundary amendments must also meet all of the following criteria:

(A) The area designated for the expansion of any urban growth area shall be contiguous to an existing urban growth boundary; and

(B) Urban growth areas shall contain areas characterized by urban growth; and

(C) Urban growth areas shall be served by or planned to be served by urban governmental services; and

(D) Urban growth areas shall be designated so as to be compatible with natural resource lands and the protection of designated critical areas; and

(E) Expansion or amendment of an urban growth area should also meet one of the following two criteria:

(i) There is insufficient land within the existing urban growth area to permit and support the urban growth that is forecast to occur in the twenty-year time frame covered by the comprehensive plan, including population forecasts and allocated urban population projections; or

(ii) There can be shown an overriding public interest which shall clearly demonstrate: that the amendment of the urban growth area is necessary to protect the public health, safety and welfare; and that said amendment shall further the goals and policies of the comprehensive plan and the Growth Management Act. (Res. 2012-78 (part), 8/14/12: Res. 2008-103, 7/15/08; Res. 2007-55 (part), 3/27/07: Res. 2004-85 (part), 7/27/04: Res. 2000-126 (part), 10/17/00).

14.14.070 Environmental review.

(1) All applications for amendments to the county plan and county-adopted city plans must submit a completed environmental checklist with the application materials. The county shall act as lead agency of proposed amendments to the county plan, consistent with the requirements of Chapter 43.21C RCW.

(2) Environmental review by the county shall consolidate, as much as practical, site-specific SEPA review with review of the entire package of proposed comprehensive plan amendments to provide consideration of cumulative effects of proposed amendments. Costs of SEPA review related to applications for amendments will be charged to the individual applicant(s), per the county's adopted fee schedule, as amended.

(3) The cities shall act as the lead agency for SEPA review for proposed amendments affecting the unincorporated portions of the cities' UGAs. Environmental review for proposals affecting the unincorporated portions of the cities' UGAs shall be completed during the cities' review process, pursuant to Section 14.14.040. Documentation of the environmental review process conducted by the cities shall be forwarded to the county along with the recommendation on proposals affecting the unincorporated portions of the cities' UGAs. Fees collected pertaining to SEPA review for an application for a comprehensive plan amendment within the unincorporated portion of a city urban growth area shall be equally shared with the relevant city. (Res. 2012-78 (part), 8/14/12: Res. 2007-55 (part), 3/27/07: Res. 2000-126 (part), 10/17/00).

14.14.080 Sixty-day review.

(1) Sixty-day review to the required state agencies, pursuant to RCW 36.70A.106, shall occur in July and August for the adoption or amendment of the county comprehensive plan. Amendments permitted by this chapter to occur outside of the yearly amendment cycle are also subject to the sixty-day review requirements of RCW 36.70A.106.

(2) For proposals affecting the unincorporated portions of the cities' UGAs, the sixty-day review period shall occur as outlined in the particular city's amendment process. The cities shall be responsible for initiating and conducting the required sixty-day review for their UGA. The review period will be jointly sponsored by Chelan County. (Res. 2012-78 (part), 8/14/12: Res. 2007-55 (part), 3/27/07: Res. 2000-126 (part), 10/17/00).

14.14.090 Staff reports.

Planning staff shall prepare staff report(s) to evaluate all proposed amendments, including environmental review, as required. The staff report(s) shall provide an integrated and cumulative analysis of proposed amendments and shall evaluate whether proposed amendments meet the criteria under Sections 14.14.047 and/or 14.14.060, as applicable. The staff report shall include suggested findings, conclusions and proposed recommendations for disposition of the proposed amendments. The staff report, together with proposed drafts of the plan or amendments, shall be available to the public a minimum of ten calendar days before a public hearing(s) on the amendment proposal(s). (Res. 2012-78 (part), 8/14/12: Res. 2007-55 (part), 3/27/07: Res. 2000-126 (part), 10/17/00).

14.14.100 Planning commission review.

The planning commission will review the staff report(s), application materials, environmental documents, and consider public and agency comments in providing a recommendation to the board of county commissioners. The planning commission should hold a public hearing(s) between September and October for consideration of amendments to the county comprehensive plan, and the county-adopted city plans occurring during the yearly amendment process. The planning commission shall also hold a public hearing(s) for consideration of a recommendation on any amendment occurring outside of the yearly amendment cycle that is permitted to occur by the provisions of this chapter. In providing a recommendation to the board of county commissioners, amendment proposals must meet the criteria as required under Section 14.14.060. (Res. 2012-78 (part), 8/14/12: Res. 2007-55 (part), 3/27/07: Res. 2000-126 (part), 10/17/00).

14.14.110 Board of county commissioners' review.

The board of county commissioners should hold public hearings in November and December to consider adoption of recommendations for amendments to the county comprehensive plan, and the county-adopted city plans, for those amendments processed during the yearly amendment process. Recommendations from the planning commission may be adopted as proposed or be amended, based upon review by the board of county commissioners, provided by the criteria in Section 14.14.060. In no instance shall the board of county commissioners adopt proposed amendments prior to the conclusion of the required sixty-day review process. Upon adoption of any amendments, staff shall forward the amendments to the required state and local agencies. The final adoption of the proposed amendments to the county comprehensive plan and the county-adopted cities' plans should occur by the thirty-first day of December. Adopted changes to text or land use designation map amendments shall be completed without delay. (Res. 2012-78 (part), 8/14/12: Res. 2007-55 (part), 3/27/07: Res. 2003-16, 1/21/03: Res. 2000-126 (part), 10/17/00).

14.14.120 Public participation program.

(1) The general public will be made aware, in December of each year, of the upcoming comprehensive plan amendment process through press releases to the local media. The minimum requirements for citizen participation in this section and the procedures and timelines set forth in this chapter establish the public participation program for comprehensive plan amendments.

(2) Public participation in the comprehensive plan amendment process shall be encouraged. Methods which may be considered include but are not necessarily limited to direct mailings, newsletter and newspaper articles, legal advertisements, notices posted in public places, radio interviews, radio advertisements, citizen advisory committees, technical advisory committees, public workshops, and public meetings. At a minimum, a public hearing shall be held by the planning commission in which the opportunity for written and oral testimony will be provided. The board of county commissioners may choose to adopt the recommendation of the planning commission in an open public meeting without the opportunity for further testimony. Should the board of county commissioners wish to amend the planning commission recommendation, the

board of county commissioners shall provide notice of and hold a public hearing, at which the opportunity for oral and written testimony shall be provided. Public notice requirements for hearings before the planning commission and board of county commissioners shall be as set forth in this title. (Res. 2012-78 (part), 8/14/12: Res. 2007-55 (part), 3/27/07: Res. 2000-126 (part), 10/17/00).

14.14.130 Emergency and other amendments.

Pursuant to RCW 36.70A.130, certain amendments may occur outside of the timelines described in this chapter. These amendments are as outlined below:

(1) A proposed amendment to the Chelan County shoreline master program shall not be subject to the once per year review requirements of this chapter. Program amendments shall instead follow the process required in Chapter 90.58 RCW.

(2) The amendment of the capital facilities element of a comprehensive plan that occurs concurrently with the adoption or amendment of a county budget shall not be subject to the once per year review requirements of this chapter, but shall be subject to the review procedures and requirements contained in the balance of this chapter.

(3) An emergency amendment may only be adopted if the board of county commissioners finds that the amendment is necessary to address an immediate situation of federal, state, subarea or county-wide concern regarding the public health, safety, and general welfare, as opposed to a private interest; to correct a misrepresentation, mistake, or error that has been made, and that can be substantiated and documented as an oversight or omission by the county; and the situation cannot adequately be addressed by waiting until the annual comprehensive plan amendment process. Emergency amendments shall be initiated by the board of county commissioners, evaluated and analyzed by staff and will be reviewed by the planning commission at a public hearing, from which a recommendation on the proposed amendment(s) will be forwarded to the board of county commissioners. Recommendations by staff and the planning commission and action taken on emergency amendments by the board of county commissioners shall be based upon the emergency amendment meeting the criteria of Section 14.14.060.

(4) An amendment to resolve an appeal of an adopted comprehensive plan filed with the Growth Management Hearings Board or with the court. (Res. 2012-78 (part), 8/14/12: Res. 2007-55 (part), 3/27/07: Res. 2004-16 (part), 1/27/04: Res. 2000-126 (part), 10/17/00).

14.14.140 Urban growth area boundary amendments.

(1) Urban Growth Area Boundary Review. Urban growth area boundary amendments may be evaluated on a yearly basis pursuant to the timelines outlined under this title. Every five years, or as updated population projections become available from the Washington State Office of Financial Management, beginning in 2002, the county and cities shall meet to discuss updated population projections. Population growth allocations for urban growth areas shall be coordinated with the cities, with the final determination made by the county. If changes to the urban growth area boundary appear to be necessary due to significant increases or decreases in

projected population that significantly differ from prior population projections, the cities and the county may choose to initiate a study of the urban growth boundaries. At least once every ten years, coinciding with the provision of new population projections by the Washington State Office of Financial Management, staff, in coordination with the cities, shall conduct a study of the urban growth areas. A report evaluating key indicators and trends shall be forwarded to the planning commission and board of county commissioners for their review. Key indicators shall be evaluated for the preceding cycle to establish trends over time from the base year. Key indicators may include but not necessarily be limited to population, land absorption conversion rate of vacant and underdeveloped land, residential densities, residential vacancy rates, infrastructure, geographic distribution of growth, and affordable housing.

(2) Use of Studies. If key indicators show a substantial increase or decrease from the baseline data developed in the comprehensive plan, the data collected may signal that the supply of land is over or under allocated or that development is occurring in a manner that is inconsistent with the intent of the plan. However, it is not intended for the data collected to always trigger an adjustment to urban growth boundaries. The information collected shall be used to assist decision makers in evaluating trends and assessing the performance of the goals and policies contained within the plan. (Res. 2012-78 (part), 8/14/12: Res. 2007-55 (part), 3/27/07: Res. 2000-126 (part), 10/17/00).

14.14.150 Appeals.

(1) Any action to review the final decision of the board of county commissioners on a comprehensive plan, or plan amendment that is subject to the jurisdiction of the Growth Management Hearings Boards shall be processed according to the law governing such challenges.

(2) If the decision of the board of county commissioners is not subject to the jurisdiction of the Growth Management Hearings Board, appeals shall proceed according to the requirements of Chapter 14.02 and any applicable RCWs. (Res. 2012-78 (part), 8/14/12: Res. 2007-55 (part), 3/27/07: Res. 2000-126 (part), 10/17/00).

14.14.160 Emergency or interim regulations.

The provisions of RCW 36.70A.390 for emergency or interim maps or regulations, or moratoria, if applicable, shall supersede the requirements of this title. (Res. 2012-78 (part), 8/14/12: Res. 2007-55 (part), 3/27/07: Res. 2000-126 (part), 10/17/00).

Chapter 14.16
BONDING

Sections:

14.16.010 Purpose.

The purpose of this chapter is to provide a means to assure that the terms and conditions of approval, established and agreed upon after review of development under the Chelan County Code, are actually and properly complied with and implemented in a timely fashion. The provisions shall apply except where otherwise provided for in the Chelan County Code. (Res. 2012-78 (part), 8/14/12: Res. 2007-55 (part), 3/27/07: Res. 2002-10 (part), 1/15/02: Res. 2000-126 (part), 10/17/00).

14.16.020 Performance bond or surety required as a condition of approval.

As a condition of approval of the issuance of any development permit or any permit issued under the Chelan County Code, the administrator may require security for the performance and completion of any proposed or required condition of approval. (Res. 2012-78 (part), 8/14/12: Res. 2007-55 (part), 3/27/07: Res. 2002-10 (part), 1/15/02: Res. 2000-126 (part), 10/17/00).

14.16.030 Criteria.

(1) The performance bond or surety shall be approved by the administrator and shall be in a form acceptable to the Chelan County prosecuting attorney and the director of the affected department or agency.

(2) The review authority shall determine the specific type of performance bond or surety to be used. The value of this device shall be equal to at least one hundred fifty percent of the estimated cost of the improvement(s) to be performed, to be utilized by the county to perform any necessary work, to reimburse the county for performing any necessary work, and to reimburse the county for documented administrative costs associated with action on the device. To determine this value, the applicant must submit two cost estimates for the improvements to be performed. If costs incurred by the county exceed the amount provided by the assurance device, the property owner shall reimburse the county in full, or the county may file a lien against the subject property for the amount of any deficit.

(3) Upon completion of the required work by the property owner and approval by the county at or prior to the completion date(s) identified in the assurance device, the county shall promptly release the device.

(4) If the performance bond or surety is required, the property owner shall provide the county with an irrevocable notarized agreement granting the county and its agents the right to enter the property and perform any required work remaining uncompleted at the expiration of the completion date(s) identified in the assurance device. (Res. 2012-78 (part), 8/14/12: Res. 2007-55 (part), 3/27/07: Res. 2000-126 (part), 10/17/00).

14.16.040 Performance bond waivers.

Pursuant to Chapter 36.32 RCW, Chelan County shall not require any state agency, unit of local government, gas company or public utility district (as defined in RCW 80.04.010) to secure the performance of a permit requirement with a performance bond or surety as a condition of issuing a permit or approval for a building project. The administrator may, however, require such state agency, unit of local government, gas company or public utility district to sign an agreement to complete required improvements and protect the county's rights and duty to remedy unsatisfactory performance. (Res. 2012-78 (part), 8/14/12: Res. 2007-55 (part), 3/27/07: Res. 2000-126 (part), 10/17/00).

14.16.050 Bonding for fire apparatus roads.

The surety bond posted for a fire apparatus road shall be pulled and used for the construction of said fire apparatus road upon the submittal of the first building permit application for any of the lots that the road is to provide access for. (Res. 2012-78 (part), 8/14/12: Res. 2007-55 (part), 3/27/07: Res. 2000-126 (part), 10/17/00).

14.16.060 Improvement agreement.

(1) Private facilities may be bonded, as required by the administrator or hearing examiner decision.

(2) Prior to final approval of any short subdivision, major subdivision, binding site plan, cluster subdivision, or any other land division reviewed pursuant to Title 12, the applicant shall either install all required improvements and repair any existing streets or other facilities damaged in the development of the land division or shall execute and file an agreement with the county specifying the work to be accomplished within a period of time acceptable to the county within which the applicant shall complete all improvement work to the satisfaction of both the county engineer and the administrator. The applicant(s) shall furnish the county with a performance bond or other surety to guarantee the proper completion of all public improvements. Such surety shall be in conformance with this title and posted in an amount equal to one hundred fifty percent of the estimated costs of the outstanding work, and in a form approved by the county prosecuting attorney. Responsible surety shall be in a form acceptable to the prosecuting attorney. The term of the improvement agreement shall not exceed one year from the date of filing of the final plat. If the applicant fails to complete the required work within the prescribed time period, the county shall complete the same and recover the full cost and expense thereof from the applicant or his surety. All improvements are subject to inspection and approval by the county engineer and the administrator.

(3) The improvement agreement may provide for construction of the improvements in units or phases; for extensions of time under the conditions and circumstances specified therein; for the termination of the agreement upon completion of the improvements deemed by the county engineer and the administrator to be equivalent to the improvements specified in the improvement agreement; for progressive remittances to the applicant from any deposit funds which the applicant may have made in lieu of posting a surety bond; provided, however, that no progress payments in excess of ninety percent of the value of any installment work shall be made prior to final project acceptance. (Res. 2014-38 (Atts. A, B) (part), 4/15/14; Res. 2012-78 (part), 8/14/12: Res. 2010-68 (part), 7/13/10).

Chapter 14.18
DEVELOPMENT AGREEMENTS

Sections:

14.18.010 Purpose.

This chapter establishes the mechanism under which the county may enter into development agreements as authorized by RCW 36.70B.170. (Res. 2012-78 (part), 8/14/12: Res. 2007-55 (part), 3/27/07: Res. 2002-108 (part), 7/16/02).

14.18.020 Development agreements—Basic requirements.

(1) Discretion to Enter Development Agreement. A development agreement is an optional device that may be used at the sole discretion of the county.

(2) Who May Enter. The property owner and the county shall be parties to a development agreement; provided, that if a proposed development is within an adopted municipal UGA, the applicable town or city may also be a party to the agreement. The following may be considered

for inclusion as additional parties in a development agreement: contract purchasers, lenders, third-party beneficiaries and utility service providers.

(3) Content of Development Agreements. A development agreement shall set forth standards, conditions, and time periods that apply to and govern the development, use and mitigation of the property subject to the agreement.

(4) When Development Agreements May Be Approved. A development agreement may be entered into prior to, concurrent with, or following approval of project permits for development of the property.

(5) Consistency with the Chelan County Code. The development standards and conditions set forth in a development agreement shall be consistent with the applicable development regulations set forth in the Chelan County Code at the time the agreement is approved. (Res. 2012-78 (part), 8/14/12: Res. 2007-55 (part), 3/27/07: Res. 2002-108 (part), 7/16/02).

14.18.030 Development standards to be addressed in development agreements.

(1) A development agreement shall include, at a minimum, the following types of development controls and conditions:

(A) Project elements such as permitted uses, residential densities, and nonresidential densities and intensities or building sizes;

(B) The amount and payment of impact fees imposed or agreed to in accordance with any applicable provisions of state law, any reimbursement provisions, other financial contributions by the property owner, inspection fees, or dedications;

(C) Mitigation measures, development conditions, and other requirements under Chapter 43.21C RCW;

(D) Design standards such as maximum heights, setbacks, drainage and water quality requirements, landscaping, and other development features;

(E) Affordable housing;

(F) Parks and open space preservation;

(G) Phasing;

(H) Review procedures and standards for implementing decisions;

(I) A build-out or vesting period for applicable standards; and

(J) Any other appropriate development requirement or procedure. (Res. 2012-78 (part), 8/14/12: Res. 2007-55 (part), 3/27/07: Res. 2002-108 (part), 7/16/02).

14.18.040 Procedures.

(1) A development agreement shall be initiated by a written request from the property owner to the Chelan County department of community development.

(2) When a development agreement is being considered prior to project permit approvals, the applicant shall provide the county with the same information that is required for a complete application for such project permits in order for the county to determine the development standards and conditions to be included in the development agreement.

(3) When a development agreement is being considered following approval of project permits, the development standards and other conditions set forth in such project permits shall be used in the development agreement without modification.

(4) The board of Chelan County commissioners may approve a development agreement under RCW 36.70B.170 through 36.70B.210. The hearing examiner is delegated authority to conduct hearings and make recommendations for development agreements, but final approval thereof is reserved to the board.

(5) An approved and fully executed development agreement shall be recorded with the Chelan County auditor.

(6) Prior to the expiration, an approved existing development agreement may be extended by the applicant by execution of a new development agreement pursuant to this section. Required conditions may be modified by the county for an extension of an existing development agreement. (Res. 2012-78 (part), 8/14/12: Res. 2007-55 (part), 3/27/07: Res. 2003-14 (part), 1/21/03; Res. 2002-108 (part), 7/16/02).

14.18.050 Effect of development agreement.

(1) A development agreement is binding on the parties and their successors, including a city that assumes jurisdiction through incorporation or annexation of the area covering the property subject to the development agreement, in accordance with RCW 36.70B.170.

(2) A development agreement shall be enforceable during its term by a party to the agreement.

(3) A development agreement shall govern during the term of the agreement all or that part of the development specified in the agreement, and may not be subject to an amendment to a zoning ordinance, development standard, or regulation adopted after the effective date of the agreement.

(4) Permits issued by the county after the execution of the development agreement shall be consistent with the agreement. (Res. 2012-78 (part), 8/14/12: Res. 2007-55 (part), 3/27/07: Res. 2002-108 (part), 7/16/02).

Chapter 14.20
PROCESS FOR LIFTING, WAIVING OR RESCINDING FOREST PRACTICES DEVELOPMENT MORATORIA

Sections:

14.20.010 Authority.

This chapter is established pursuant to the Forest Practices Act, Chapter 76.09 RCW. (Res. 2012-78 (part), 8/14/12: Res. 2002-85 § 100.010, 6/11/02).

14.20.020 Purpose.

This chapter establishes a process for lifting or rescinding development moratoria placed on properties pursuant to Chapter 76.09 RCW, and also establishes a process for waiving such moratoria for the purpose of building a single-family dwelling. (Res. 2012-78 (part), 8/14/12: Res. 2002-85 § 100.020, 6/11/02).

14.20.030 Definitions.

In addition to the following definitions, this resolution shall rely upon existing definitions contained in Chapter 15.70, the Washington State Forest Practices Act (Chapter 76.09 RCW),

the Rules for the Washington State Forest Practices Act (Chapter 222-16 WAC), and Chapter 14.98.

"Applicant" means the person, party, firm, corporation, legal entity, or agent thereof that proposes a forest practice on property in Chelan County for the property owner, or makes application for lifting, waiving, or rescinding development moratoria placed on property in Chelan County pursuant to Chapter 76.09 RCW.

Classes of Forest Practices. The four classifications of forest practice activities are described in WAC 222-16-050 and RCW 76.09.050. The "class of forest practice" is determined by considering several factors including but not limited to the type of activity proposed (e.g., harvesting, thinning), its scale, the affected environment, and future use of the site. The description of the classes of forest practice paraphrased below are intended to summarize the classifications and do not supersede the specific definitions described in Chapter 222-16 WAC and Chapter 76.09 RCW:

"Class I" are those forest practices that have been determined to have no direct potential for damaging a public resource. Examples of Class I forest practices include the culture and harvest of Christmas trees and seedlings; tree planting and seeding; and cutting and/or removal of less than five thousand board feet of timber for personal use (e.g., firewood, fence post) in any consecutive twelve-month period. Class I forest practices may be conducted without submitting an application or a notification to Chelan County, except that when Class I forest practices involve timber harvesting or road construction within "urban growth areas" designated pursuant to Chapter 36.70A RCW, they are processed as Class IV forest practices. These forest practices are not subject to environmental review under Chapter 43.21C RCW.

"Class II" are those forest practices which have less than an ordinary potential for damaging a public resource. Examples of Class II forest practices include, with certain exclusions, the construction of advance fire trails; salvage of logging residue; partial cutting of five thousand board feet per acre or less; and timber harvests of less than forty acres. Class II forest practices require notification to the DNR prior to being conducted. Property logged pursuant to a Class II permit must be reforested and is intended to remain in timber production. Class II shall not include forest practices:

(A) On lands platted after January 1, 1960, as provided in Chapter 58.17 RCW or on lands that have or are being converted to another use;

(B) Which require approvals under the provisions of the Hydraulics Act, RCW 77.55.100;

(C) Within "shorelines of the state" as defined in RCW 90.58.030;

(D) Excluded from Class II by the state forestry board; or

(E) Which involve timber harvesting or road construction within "urban growth areas" designated pursuant to Chapter 36.70A RCW, which are processed as Class IV.

“Class III” are those forest practices not listed under Class I, II, and IV. Class III forest practices require permit approval by the DNR. Property logged pursuant to a Class III permit must be reforested and is intended to remain in timber production.

“Class IV” forest practices are divided into two categories as follows:

(A) Class IV-General are those forest practices, unless listed as Class IV-Special, occurring on lands within UGAs; and forest practices (other than those in Class I or II) on lands platted after January 1, 1960, or on lands which are being converted to a use other than commercial timber production. Examples of Class IV-General forest practices include harvest of timber and conversion of land to agricultural, residential or commercial uses. Reforestation is not required under a Class IV-General forest practices permit as the property subject to the permit is being converted to a non-forestry use.

(B) Class IV-Special are those forest practices which have the potential to result in a substantial impact to the environment and require an environmental checklist in compliance with the State Environmental Policy Act (SEPA). Examples of Class IV-Special forest practices include forest practices conducted on lands designated as critical wildlife habitat for threatened or endangered wildlife species; timber harvest, road construction, aerial application of pesticides and site preparation in national, state, or local parks; and forest practices involving the filling or draining of more than 0.5 acres of wetland.

“Comprehensive plan” means the current comprehensive plan for Chelan County.

“Conversion option harvest plan (COHP)” means a voluntary plan approved by Chelan County indicating the limits of harvest areas, road locations, and open space. An approved COHP gives a landowner the ability to harvest timber on a site, while maintaining the option to convert lands to a non-forest production use in the future. A six year moratorium shall not be imposed on a site that meets the conditions of an approved COHP.

“Critical areas” include the following areas and ecosystems as regulated under Title 11 of the Chelan County Code:

(A) Wetlands;

(B) Areas with a critical recharging effect on aquifers used for potable water;

(C) Fish and wildlife habitat conservation areas;

(D) Frequently flooded areas; and

(E) Geologically hazardous areas.

“Diseased tree” means a tree that in the opinion of the director or an assigned expert approved by Chelan County (such as but not limited to, a professional forester or landscape architect), has a

strong likelihood of infecting other trees or brush in the area or becoming a hazard as a result of the disease.

“Forest land” means all land which is capable of supporting a merchantable stand of timber and is not actively used for a use which is incompatible with timber growing. Forest land does not include agricultural land that is or was enrolled in the conservation enhancement program by contract if such agricultural land was historically used for agricultural purposes and the landowner intends to use the land for agricultural purposes in the future.

“Forest practice” means any activity conducted on or directly pertaining to forest land and relating to growing, harvesting, or processing timber, including but not limited to:

(A) Road and trail construction;

(B) Harvesting, final and intermediate;

(C) Precommercial thinning;

(D) Reforestation;

(E) Fertilization;

(F) Prevention and suppression of diseases and insects;

(G) Salvage of trees; and

(H) Brush control.

“Forest practices” shall not include preparatory work such as tree marking, surveying and road flagging, and removal or harvesting of incidental vegetation from forest lands such as berries, ferns, greenery, mistletoe, herbs, mushrooms, and other products which cannot normally be expected to result in damage to forest soils, timber, or public resources.

“Forest practices application or notification” means the application or notification required to be submitted to the Washington State Department of Natural Resources for the conduct of forest practices.

“Hazard tree” means any tree which, in the opinion of the director or an expert approved by Chelan County (such as, but not limited to, a professional forester or landscape architect), has a strong likelihood of causing a hazard to life or property.

Moratorium, Development. “Development moratorium” established pursuant to Chapter 76.09 RCW, whereby the county shall deny any or all applications for permits or approvals, including building permits and subdivision approvals, relating to non-forestry uses of land subject to the application.

Moratorium, Notice of. “Notice of moratorium” means the document used by the Department of Natural Resources to obtain the landowner’s signature acknowledging the intent not to convert to non-forestry uses as prescribed in the Washington State Forest Practices Act.

“Professional forester” means a person with academic and field experience in forestry or urban forestry. This may include arborists certified by the International Society of Arboriculture, foresters with a degree in forestry from a Society of American Foresters (SAF) accredited forestry school, member of the Washington Association of Consulting Foresters, or urban foresters with a degree in urban forestry. (Res. 2012-78 (part), 8/14/12: Res. 2002-85 § 100.030, 6/11/02).

14.20.040 Applicability.

This chapter applies to all property in Chelan County subject to development moratoria established pursuant to Chapter 76.09 RCW. (Res. 2012-78 (part), 8/14/12: Res. 2002-85 § 100.040, 6/11/02).

14.20.050 Fees.

Fees for applications filed pursuant to this chapter are set forth in the current Chelan County department of building/fire safety and planning, planning division fee schedule. (Res. 2012-78 (part), 8/14/12: Res. 2002-85 § 100.050, 6/11/02).

14.20.060 Administration.

(1) Approvals Required. An approval pursuant to this chapter must be obtained from Chelan County for the following:

(A) Request for Removal of Development Moratorium. An approved request for removal of development moratorium shall be required prior to the approval of any development permits by Chelan County for land which is subject to a development moratorium established pursuant to Chapter 76.09 RCW, except for the construction of one single-family residence pursuant to Section 14.20.080(4) of this chapter.

(B) Request for Single-Family Dwelling Waiver. An approved request for single-family dwelling waiver pursuant to Section 14.20.080(4) of this chapter, shall be required prior to the construction of a single-family residence or related improvements on land which is subject to a development moratorium established pursuant to Chapter 76.09 RCW.

(C) Request to Rescind Development Moratorium. An approved request to rescind a development moratorium established pursuant to Chapter 76.09 RCW shall be required to annul such moratoria.

(2) Application Requirements.

(A) Pre-application Meetings. The provisions for a pre-application meeting for review of any application filed pursuant to this chapter are set forth in Section 14.08.010. Such review is optional, upon request of the applicant, for applications filed under this section.

(B) Application Filing. An application shall be required for all approvals pursuant to this chapter in accordance with the provisions of Title 14 of the Chelan County Code.

(3) Review.

(A) Application Review. The department shall conduct a review of any application submitted in accordance with the provisions outlined in Chapter 14.08 of the Chelan County Code.

(B) Review Responsibilities.

(i) The director, or designee, is responsible for administration, circulation, and review of an application filed for single-family dwelling waivers.

(ii) The hearing examiner shall be the decision authority for requests to remove a development moratorium and administrative appeals.

(iii) Other county departments, other jurisdictions and state agencies, as determined by the department, may review an application and forward its respective recommendation to the director or examiner as appropriate.

(C) Compliance with Other Codes and Policies. An application filed pursuant to this chapter shall also comply with all applicable adopted policies and the Chelan County Code, as now existing or hereafter amended, including but not limited to:

(i) Chelan County comprehensive plan;

(ii) Shoreline master program for Chelan County;

(iii) Title 11, Zoning;

(iv) Title 12, Subdivisions;

(v) Title 14, Development Permit Procedures and Administration; and

(vi) Title 15, Development Standards. (Res. 2012-78 (part), 8/14/12: Res. 2002-85 § 100.060, 6/11/02).

14.20.070 Standards.

(1) General. Forest practices subject to this chapter shall be subject to the standards of WAC Title 222 except as modified or supplemented by Chelan County critical area regulations as found in Title 11, Zoning, of the Chelan County Code.

(2) Time Period for Final Decision. The provisions for issuing a notice of final decision on any application filed pursuant to this chapter are set forth in Title 14, Development Permit Procedures and Administration Resolution.

(3) Development Applications. Development applications submitted with or subsequent to a request for lifting or waiving a development moratorium are subject to all applicable Chelan County development standards. (Res. 2012-78 (part), 8/14/12: Res. 2002-85 § 100.070, 6/11/02).

14.20.080 Lifting, waiving, or rescinding development moratoria.

This chapter provides standards for the hearing examiner to remove a six-year development moratorium established pursuant to Chapter 76.09 RCW and standards for the director, or designee to waive such moratoria for construction of a single-family dwelling, and standards for the director or designee to rescind such moratoria.

(1) General Requirements. Pursuant to Chapter 76.09 RCW, development applications and project construction for any development activity shall be prohibited on a site subject to an established moratorium, unless relief is granted under subsection (3) or (4) of this section.

(2) Consequences of a Development Moratorium. Pursuant to Chapter 76.09 RCW, development moratoria will be recorded with the Chelan County auditor. All development moratoria recorded by Chelan County shall apply to that portion of the site described on the notice of moratorium under "Legal description of the Forest Practice Operation."

Pursuant to Chapter 76.09 RCW, Chelan County shall not accept any application for development of property and shall terminate review of any application for development of land that is or becomes subject to a six-year development moratorium. A new application shall be required for development of the site after the six-year moratorium expires, or is lifted, waived or rescinded pursuant to this chapter.

(3) Request for Lifting of Development Moratorium. Any property owner with property subject to a development moratorium established pursuant to Chapter 76.09 RCW may request a release from such moratoria by filing a completed "Release From Moratorium Application." The hearing examiner may lift any development moratorium established pursuant to this chapter when the following requirements are met.

(A) Public Hearing Required.

(i) The planning director, or designee, shall set a date for public hearing before the hearing examiner for lifting a development moratorium after all the requests for additional information or plan corrections have been satisfied.

(ii) The public hearing shall follow the procedures set forth in Title 14 of the Chelan County Code, Chapter 14.10, Application Review.

(B) Review Criteria. The hearing examiner shall consider the lifting of a development moratorium established pursuant to Chapter 76.09 RCW when the following criteria are met:

(i) The person requesting the release did not attempt to avoid the county review or the requirements of a forest practice conversion application; and

(ii) The forest practices conducted on the site meet the standards set forth in Section 14.20.070; and

(iii) Critical areas or critical area buffers have not been damaged or damage to critical areas or critical area buffers can be repaired with restoration; and

(iv) Corrective actions are implemented which would bring the forest practices into compliance with this chapter.

(C) Determinations.

(i) The hearing examiner shall review all requests for removal of a development moratorium, including any comments received and applicable county regulations or policies, and may inspect the property prior to rendering a decision.

(ii) The hearing examiner may approve an application for a request to remove a development moratorium, approve the application with conditions, including corrective actions to restore any damage to critical areas or critical area buffers, require modification of the proposal to comply with specified requirements or local conditions, or deny the application if it fails to comply with requirements of this chapter.

(4) Request for Single-Family Dwelling Moratoria Waiver. Any property owner with property subject to a development moratorium established pursuant to Chapter 76.09 RCW may request a waiver of such moratoria for the construction of a single-family dwelling by filing a completed "Release From Moratorium Application."

(A) Review. Requests for a single-family dwelling moratorium waiver will be reviewed consistent with the procedures set forth in Title 14 of the Chelan County Code, Section 14.10.020.

(B) Review Criteria. The director, or designee, may waive the moratorium established pursuant to Chapter 76.09 RCW solely for construction of one single-family residence or related accessory buildings or both on a legal lot and building site under the following conditions:

(i) The parcel is a legal lot of record; and

(ii) The area for which a waiver of the moratorium is being sought shall not exceed two acres in size; and

(iii) The construction activity is consistent with the provisions of all applicable Chelan County codes including but not limited to Title 11, Zoning, and the shoreline master program; and

(iv) The harvest was conducted under, and consistent with, an approved forest practices permit in compliance with the State Forest Practices Act; and

(v) A binding written commitment is submitted to, and approved by the county, and recorded with the county auditor, so as to run with the land, which:

(a) Contains a site plan depicting the building site area, any critical areas within the building site area, and access roads; and

(b) Commits the applicant to complete the reforestation in accordance with applicable forest practice reforestation requirements for areas other than the building site area; and

(vi) The development moratorium shall remain in effect for all other non-forestry uses of the site that are subject to county approval.

(C) Determinations. The director, or designee, may approve, approve with conditions, or deny the request for single-family dwelling moratoria waiver.

(5) Request for Rescission of Development Moratorium. Any property owner with property subject to a development moratorium established pursuant to Chapter 76.09 RCW may request a rescission of such moratoria by filing a completed "Release from Moratorium Application."

(A) Review. Requests for rescinding a development moratorium established pursuant to Chapter 76.09 RCW will be reviewed consistent with the procedures set forth in Title 14 of the Chelan County Code, Section 14.10.020.

(B) Review Criteria. The director, or designee, may rescind a development moratorium established pursuant to Chapter 76.09 RCW, subject to the following conditions:

(i) An approved forest practices permit has been either withdrawn or expired; and

(ii) No subsequent timber harvest has taken place.

(iii) Determinations. The director, or designee, shall either approve or deny the request to rescind a development moratorium established pursuant to Chapter 76.09 RCW. (Res. 2012-78 (part), 8/14/12: Res. 2002-85 § 100.080, 6/11/02).

14.20.090 Appeals.

Appeals of decisions made pursuant to this chapter are available pursuant to Chapter 14.12 of the Chelan County Code. (Res. 2012-78 (part), 8/14/12: Res. 2002-85 § 100.090, 6/11/02).

Chapter 14.22
OPEN SPACE PUBLIC BENEFIT

Sections:

14.22.010 Purpose.

Chapter 84.34 RCW was enacted by the Washington State Legislature in 1970 for the purpose of maintaining, preserving, conserving, and otherwise continuing in existence open space lands for the production of food, fiber and to assure the use and enjoyment of natural resources and scenic beauty for the economic well-being of the state and its citizens. This chapter provides a rating system pursuant to Chapter 84.34 RCW for the evaluation of open space lands and does not include and will not be used to assess agricultural or designated forest and timber land, pursuant to Chapter 458-30 WAC and WAC 458-40-530 and 458-40-540, as amended. (Res. 2014-100 (Atts. A, B) (part), 10/7/14: Res. 2012-99 (Att. A (part)), 10/30/12).

14.22.020 Definitions.

Words used in this chapter are defined under Chelan County Code Chapter 14.98 and RCW 84.34.020, unless a different meaning is required by the context. In the case of reference to a specific regulation or department, the definitions within the referenced regulation shall prevail. In the case of the dispute or confusion, reference shall be made to Webster's Dictionary, Black's Law Dictionary or the New Illustrated Book of Development Regulations. (Res. 2012-99 (Att. A (part)), 10/30/12).

14.22.030 Process.

All application for open space public benefit shall be processed in the following manner:

(1) Applications and fees shall be collected prior to or on the first Tuesday in September for processing by December 31st of the same year.

(2) Review of applications shall be completed using the criteria of this chapter.

(3) All applications received shall be reviewed by the planning commission for a recommendation prior to review and determination by the board of Chelan County commissioners. (Res. 2014-100 (Atts. A, B) (part), 10/7/14: Res. 2012-99 (Att. A (part)), 10/30/12).

14.22.040 Application requirements.

All applications for open space public benefit shall be made using the appropriate form adopted by Chelan County community development department, consistent with Section 14.06.010 and, at a minimum, shall include the following:

(1) The total number of acres within the area to be considered for rating;

(2) A narrative statement describing the resources present and the type of public access and a public benefit rating sheet; see C-2 in Section 14.22.080, Appendix A—Charts; and

(3) A verification of payment from the county treasurer. The verification must indicate that all taxes, assessments, fees, fines and/or penalties of land have been satisfied.

(4) The board of Chelan County commissioners shall not consider an application without the treasurer's certificate.

(5) For applicants requesting points for a conservation easement with Chelan County, the applicant shall provide a title report to ensure no judgments are outstanding against the parcel. (Res. 2014-100 (Atts. A, B) (part), 10/7/14: Res. 2012-99 (Att. A (part)), 10/30/12).

14.22.060 Open space public benefit criteria.

The public benefit rating system shall be used to value property for tax assessment purposes as provided in this program. This system and the amount of property tax reduction are based upon the number of eligibility points for which a property or a portion of a property qualifies.

(1) Eligibility. All lands within Chelan County obtaining the required points under the valuation schedule (see C-1 in Section 14.22.080, Appendix A—Charts) and meeting the requirements of the public benefit rating system are eligible for consideration under this program. Additionally, lands containing structures are generally not eligible for consideration except where they are appurtenant to the priority resource.

(2) Eligibility Points. Eighteen kinds of open space priority resources are identified in the public benefit rating system for classification as open space. Detailed definitions and criteria for classification have been developed for each priority resource.

Eligibility and the public benefit rating system are based on a point system. The point system is composed of the following rating factors:

(A) Priority Resources. Resources are rated according to high or medium priority.

High equals five points, medium equals three points.

(B) Public Access. Points are accrued according to type of access.

Unlimited access equals eight, limited access (due to resource sensitivity) equals six, limited access (seasonal and/or upon special arrangements) equals four, no public access equals zero.

(C) Bonus Categories. Variable points are accrued with regard to special conditions. Lands with at least one priority resource, a conservation easement, and public access qualify for the largest valuation reduction.

(3) Priority Resources and Eligibility Point System. Lands which contain the following priority resources may be eligible for classification as open space, as outlined in this chapter:

(A) High Priority Resources. Five points each (seven categories maximum from subsections (3)(A) and (B) of this section).

(i) Archaeological Sites.

Definition: All sites and locations of prehistorical or archaeological interest including but not limited to burial sites, camp sites, rock shelters, caves, and the artifacts and implements of the culture.

Data Source: Location and details of known sites are on file at the Washington State Office of Archaeology and Historic Preservation and the Chelan County P.U.D.

Eligibility: Eligible lands are those which are:

(a) On file at the Washington State Office of Archaeology and Historic Preservation; or

(b) On file with the Chelan County public utility district; or

(c) Verified by an expert in the field as containing the same features and acceptable by the State Office of Archaeology and Historic Preservation for addition to their inventory.

(ii) Farm and Agricultural Conservation Land.

Definition: Land that is traditional farmland, grazing land, or range land, may have been classified under agricultural open space, has not been irrevocably devoted to a use inconsistent with agricultural uses, or has a high potential for returning to commercial agriculture.

Data Source: Chelan County department of community development data (such as zoning maps, GIS data, etc.) and Chelan County assessor records will be used to determine if lands are presently zoned and/or classified as agricultural.

Eligibility: Commercial farm lands not presently classified under agricultural open space and meeting the definition of farm and agricultural land under RCW 84.34.020 and zoned for agricultural use.

(iii) Fish-Rearing Habitat: Ponds and Streams I.

Definition: Types 1, 2, 3, 4, and 5 waters as defined by WAC 222-16-030.

Data Source: Catalog of Washington Streams, Washington State Department of Fish and Wildlife.

Eligibility:

(a) Eligible lands contain water bodies designated as Types 1 through 5 by the Washington State Department of Natural Resources.

(b) The eligible area must include a minimum of three hundred feet of contiguous shoreline length or ponds and lakes greater than one-half acre. Eligible contiguous upland buffer area (any area beyond the ordinary high water mark) is limited to one acre per one hundred feet of shoreline length for streams and four times the lake or pond area.

(iv) Shoreline Environment.

Definition: A lake or stream shoreline and its “associated wetlands” as defined by WAC 173-18-080.

Data Source: Chelan County shoreline master program and WAC 173-18-080.

Eligibility: Eligible lands are those identified as shoreline environments and their associated wetlands in the Chelan County shoreline master program. Only those lands in the actual shoreline classification adjacent to the water shall be eligible for the public benefit rating system. This area encompasses two hundred feet upland from the ordinary high water mark, that area in the one-hundred-year floodplain, or the edge of the associated wetland boundary, whichever is greater. Use restrictions shall be placed within these areas and no forest practice shall take place.

(v) Historical Sites.

Definition: A building, structure, or site which is of significance to the county’s cultural heritage, including, but not limited to, Native American and pioneer settlements, old buildings, forts, trails, landings, bridges, or the sites thereof, together with interpretive facilities, and which is identified on a local, state, or national register of historic places.

Data Source: National Register of Historic Places, Washington State Register of Historic Places/Washington Heritage Register, and future local registers.

Eligibility: Properties eligible for open space classification are lands associated with properties listed on a state or national register or any local register of historic places which is developed in the future. Improvements to the land, including structures, are not eligible.

(vi) Private Recreation Areas.

Definition: An area devoted to facilities and equipment for recreational purposes, including swimming pools, tennis courts, golf courses, playgrounds, and other similar uses whether the use of such area is limited to private membership or open to the public upon the payment of a fee. Recreational vehicle parks are not eligible.

Data Source: No county inventory available.

Eligibility: Eligible lands are those meeting the above definition. Improvements to the land, including structures, will not be eligible. Lands with clubhouses, restaurants, parking areas, and other nonrecreation structures are not eligible.

(vii) Rural Open Space Outside Urban Growth Areas.

Definition: One or more acres of land located within two miles of an urban growth area designated by Chelan County. However, land which is open only to those paying a membership or initiation fee shall be considered open to the public only if the following conditions are met:

(a) Membership or other access is available without discrimination on the basis of race, religion, sexual orientation, creed, ethnic origin, or gender; and

(b) In the case of land affording recreational opportunities, it is open to use by organized groups from schools, senior citizen organizations, or bona fide educational or recreational organizations managed by a governmental entity or sponsored by an organization qualifying for tax exempt status under subsection 501(c)(3) of the Internal Revenue Code upon payment of no more than a reasonable user fee.

Data Source: Urban growth areas as designated within Chelan County comprehensive plans.

Eligibility: Eligible lands are those meeting the definition above.

(viii) Significant Wildlife Habitat Area.

Definition: An area which is characterized by the presence of important habitats and species or other animals in such frequency and diversity for critical ecological processes occurring, such as breeding, nesting, nursery, feeding, migration, and resting.

Data Sources: Washington State Department of Natural Resources, Natural Heritage Program Database (Tier 1 Wetlands) and Natural Area Preserves; shoreline master program for Chelan County; and Washington State Department of Fish and Wildlife, Priority Habitats and Species Database.

Eligibility:

(a) “Tier 1” wetlands identified by the Washington State Department of Natural Resources, Natural Heritage Program; or

(b) Shoreline environments, where a minimum of three hundred feet of contiguous shoreline length is included, and the contiguous upland buffer area (any area beyond ordinary high water mark, one-hundred-year floodplain, or associated wetland boundary) is no greater than one acre per one hundred feet of shoreline length; or

(c) Sites located within or adjacent to migration corridors identified by the Washington State Department of Fish and Wildlife, specifically the Squilchuck Creek Area, Navarre Coulee, Knapp Coulee, and future migration corridors; or

(d) Class I wetlands regulated under the Chelan County critical areas ordinance; or

(e) Important habitats and species regulated under the Chelan County critical areas ordinance; or

(f) Sites located adjacent to natural area preserves (NAP) as identified by the Washington State Department of Natural Resources, including Upper Dry Gulch NAP, Entiat Slopes NAP, Larkspur Meadows NAP, and future natural area preserves.

(g) Eligible lands include those that meet the definition above and the following conditions:

(I) The resources are confirmed by the data sources indicated or identified by either the appropriate state agency or a competent professional whose findings are substantiated by the appropriate state agency.

(II) The resources are included within a habitat management plan developed by a qualified wildlife habitat biologist that includes the following conditions the owners agree to follow:

(1) Land use limitations needed for the long-term viability of the important species or habitat;

(2) Limitations for access by humans and domesticated animals, as needed;

(3) Management measures that will enhance the species’ viability, if needed; and

(4) Recommended review intervals for at least the following twenty years.

(ix) Special Plants Sites.

Definition: Those vascular plant species defined as being either endangered, threatened, or sensitive species in the Washington State Department of Natural Resources, Natural Heritage Program.

Data Source: Location and details of known sites are on file in the Natural Heritage database at the Washington State Department of Natural Resources, Natural Heritage Program.

Eligibility: Eligible sites are those in the Natural Heritage database or which are verified by an expert in the field as containing the same plants and which are acceptable by the state agency for addition to the database.

(x) Urban Growth Area Open Space.

Definition: One or more acres of land and located within the boundaries of an urban growth area designated by Chelan County. However, land which is open only to those paying a membership or initiation fee shall be considered open to the public only if the following conditions are met:

(a) Membership or other access is available without discrimination on the basis of race, religion, sexual orientation, creed, ethnic origin, or gender; and

(b) In the case of land affording recreational opportunities, it is open to use by organized groups from schools, senior citizen organizations, or bona fide educational or recreational organizations managed by a governmental entity or sponsored by an organization qualifying for tax exempt status under subsection 501(c)(3) of the Internal Revenue Code upon payment of no more than a reasonable user fee.

Data Source: Urban growth areas as designated within Chelan County comprehensive plans.

Eligibility: Eligible lands are those meeting the definition above.

(xi) Trail Linkage.

Definition: Land used as a public urban or rural off-road trail linkage for pedestrian, equestrian, bicycle, or other uses which remains in private ownership. The trail linkage shall be no less than fourteen feet in width and the owner provides a trail easement to an appropriate public or private entity, acceptable to Chelan County as to form. Such an easement must be recorded with the Chelan County assessor within four months of the granting of a tax reduction for the property. Use of motorized vehicles is prohibited on trails receiving tax reductions in this category, except in the case of medical or police emergencies.

Data Source: Copy of recorded or proposed easement for review by Chelan County community development department.

Eligibility: Eligible site properties must be used as a public urban or rural trail linkage which remains in private ownership. The amount of land may be of less than any minimum size prescribed in any other category; provided, that the trail linkage and buffer shall be no less than

fourteen feet in width, unless the reviewing agency determines that, for linkage purposes, an exception to this provision is allowable and the owner agrees to provide a trail easement, acceptable as to form to Chelan County, or to an eligible and appropriate public or private entity. The trail must be primarily off-road and separated from any road by at least twenty-five feet, unless the reviewing agency determines that for linkage purposes an exception to this provision is allowable. Sidewalks within a road right-of-way are not intended to qualify under this category. Fencing is not allowed within the right-of-way unless the fence is along a property line. Gates are only allowable subject to review and approval of the existing gate, proposed gate, or proposed replacement gate by the appropriate local parks division.

(xii) Aquifer Protection Area.

Definition: Those areas designated in the Chelan County critical areas ordinance as aquifer recharge areas.

Data Source: No inventory available.

Eligibility: Eligible sites are those meeting the above definition. Certain uses may be restricted due to the sensitive nature and function of the land. Native vegetation must be preserved or a plan for revegetation must be submitted and approved.

(xiii) Surface Water Quality Buffer Area I.

Definition: An undisturbed zone of native growth vegetation adjacent to a lake, pond, river, stream, or wetland that will benefit a surface water body by protecting water quality and reducing erosion. To be considered a surface water quality buffer area, the property owner must provide livestock restrictions (fencing), if necessary, or be subject to a conservation plan approved by the natural resources conservation district.

Data Source: Catalog of Washington Streams, Chelan County shoreline master program, Chelan County critical areas ordinance, National Wetlands Inventory Maps.

Eligibility: Eligible lands must meet the definition above. In addition, the area must be preserved from clearing or intrusion by domesticated animals or structures. All such lands in or adjacent to pasture land must be fenced to prevent intrusion by domesticated animals. The buffer width is measured upland from the ordinary high water mark or the outer edge of a regulated wetland. The buffer does not include the body of water waterward of the ordinary high water mark or the wetland itself. There are two ways for eligible lands to meet these requirements:

(a) Provide at least fifty percent additional buffer width beyond that required by regulation; or

(b) Fence existing livestock out of the buffer required by regulation.

(B) Medium Priority Resources. Three points each.

(i) Public Lands Buffer.

Definition: Lands lying adjacent to neighborhood parks, forests, wildlife preserves, natural area preserves, or sanctuaries.

Data Source: Washington State Department of Natural Resources Public Lands Map.

Eligibility: Lands being buffered shall be in public ownership.

(ii) Fish-Rearing Habitat: Ponds and Streams II.

Definition: Small lakes, over one-half acre in size, and streams and creeks located within a well-defined channel that carry a perennial flow throughout the year (ninety percent of the time or more) that are used in the life cycles of anadromous fish, based on data compiled by the Washington State Department of Fisheries and other agencies with appropriate expertise, and which also support anadromous fish.

Data Source: Catalog of Washington Streams, Washington State Department of Fish and Wildlife.

Eligibility: Eligible lands are those meeting the definition above. The area to be included encompasses two hundred feet upland from the ordinary high water mark or the edge of a wetland associated with that water body, whichever is greater. Use restrictions may be placed on these areas. Sites cannot qualify for both fish-rearing habitat: ponds and streams categories.

(iii) Scenic Vistas or Resources.

Definition: An area of natural features which is visually significant to the aesthetic character of the county and is visible from a public right-of-way.

Data Source: No inventory available.

Eligibility: Eligibility will be evaluated based on the following criteria:

(a) Historically significant view corridors which are visible to significant numbers of the general public from a public right-of-way.

(b) Areas designated as scenic highways or byways by a federal, state, or local government agency or an organization qualifying for tax exempt status under subsection 501(c)(3) of the Internal Revenue Code whose primary mission is the preservation of scenic vistas.

(c) Eligible lands must be of sufficient size to preserve substantially the scenic resource value and must contain a minimum of ten acres.

(iv) Geological Features.

Definition: Those special features that are unique in Washington, which can be destroyed easily, and which can be effectively protected in a natural area, generally including but not limited to

special geologic locations (fossils), works of geomorphology (waterfalls), works of glaciation (patterned ground), and other special geological occurrences.

Data Source: Washington State Department of Natural Resources, Natural Heritage Plan.

Eligibility: Minimum area eligible for classification, whether in single or multiple ownerships, is ninety percent of the feature. Eligibility for geological features must be verified by a qualified geologist. A qualified geologist is a person who has earned a degree in geology from an accredited college or university, or a person who has equivalent educational training and has experience as a practicing geologist.

(v) Fee Recreation and Public Access Parking.

Definition: An area that has designated parking for the public and fee recreational activities. All recreational activities and fees collected must be administered by a nonprofit organization. The nonprofit organization shall have qualified and be certified as a nonprofit organization under subsection 501(c)(3) of the Internal Revenue Code.

Data Source: Not available.

Eligibility: Eligible sites are those in which the recreational activity is present and parking is provided. The site may not have been developed to its maximum potential under its current zoning classification.

(C) Bonus Categories. The following categories contribute to or in some way enhance the public benefit of the priority resources. Where applicable, the priority resource qualifications specify if they can be combined with other similar priority resources.

(i) Resource enhancement/restoration: five points.

Definition: Enhancement of a resource eligible for points under the PBRS.

Data Source: No inventory available.

Eligibility: Eligible lands are those that:

(a) Are eligible to receive points for the resource being enhanced; and

(b) Have an official enhancement plan developed in cooperation with the Natural Resources Conservation Service, the U.S. Fish and Wildlife Service, and/or the Department of Fish and Wildlife, which contains clear steps and timelines for completion.

(c) Eligible lands will be reviewed at the time projected for completion of the enhancement work and re-rated for open space classification if the enhancement plan has not been completed. The Chelan County community development department has discretion to allow extensions for

completing enhancement work only with a written enhancement plan revision by the agency which developed the original plan.

(ii) Surface water quality buffer area II: three or five points.

Definition: A riparian or wetland buffer width of at least twice that required by the Chelan County critical areas ordinance or shoreline master program.

Data Source: Catalog of Washington Streams, Chelan County shoreline master program, Chelan County critical areas ordinance, and National Wetlands Inventory Maps.

Eligibility: Sites qualifying under the "surface water quality buffer area" receive additional points through the provision of additional buffer which is preserved from clearing and livestock intrusion. Three additional points are awarded for buffers no less than two times the buffer required by the applicable ordinance, and five additional points are awarded for buffers no less than three times the buffer required by the applicable ordinance. Sites cannot qualify for points under both the priority resource and the bonus category.

(iii) Contiguous parcels under separate ownership: two points.

Definition: Contiguous parcels of land with the same open space resources, regardless of whether under the same ownership or not, are eligible for treatment as a single parcel if open space classification is sought under the same application. "Contiguous parcels" are defined as parcels abutting each other without any significant natural or manmade barrier separating them or parcels abutting a publicly owned open space but not necessarily abutting each other without any significant natural or manmade barriers separating the publicly owned open space and the parcels seeking open space classification or each other in the event that they do abut.

Data Source: Not applicable.

Eligibility: Treatment as contiguous parcels shall include the requirement to pay only a single application fee, and the requirement that the total area of all parcels combined must equal or exceed any required minimum (rather than each parcel being required to meet such minimums). Parcels given this contiguous parcels bonus must all be accepted under identical terms and conditions of access, easements, and restrictions. Individual parcels may be withdrawn from open space classification consistent with all applicable rules and regulations without affecting the continued eligibility of all other parcels accepted under the same application; provided, that the combined area of the parcels remaining in open space classification must equal or exceed any minimum size requirement established in the PBRS and that access to the remaining parcels is not affected. Contiguous parcels must meet the following conditions:

(a) The application must include two or more parcels.

(b) The owners of parcels included in the application must agree to identical terms and conditions for inclusions in the program.

(iv) Conservation/historic easement: eight points.

Definition: An easement that restricts, in perpetuity, further potential development or other uses of a property and which may include a requirement for native growth protection.

Process: A conservation or historic easement is a legal means by which a landowner can voluntarily set permanent limitations on the future use of land thus protecting the land's particular attributes. The easement is conveyed to a qualifying conservation organization or public agency, but the land remains in private ownership and the owner retains full control over public access. Donation of a conservation or historic easement may also qualify as a charitable deduction on federal income, estate, or gift taxes.

Provisions: A conservation easement shall include those interests or rights authorized to be held or acquired by RCW 84.34.210 or 64.04.130. Among other things, a landowner could convey his rights to harvest timber, graze the property, subdivide, develop, construct additional roads, hunt, excavate, etc. Conservation easements, in some cases, have been applied to land which is developed, but the easement provides for the retention of a specific natural area that contains an important resource or habitat.

Historic easements apply to historically important lands and to historic structures that are listed on the National Register of Historic Places (or are located in and contribute to the historic significance of a National Register Historic District). The easement typically results in a limitation on land development or structure modification which will ensure the ongoing preservation of a historic parcel of land or a historic structure and its setting.

Generally, the organization or agency receiving the easement may not conduct any development or management activities on the land, but usually has only the rights to inspect the property periodically to ensure that the terms of the easement are carried out and to enforce the easement in court if necessary.

(D) Super Bonus Category (One Hundred Percent Reduction). The following category contributes to or in some way enhances the public benefit of the priority resources. Where applicable, the priority resource qualifications specify if they can be combined with other similar priority resources.

(i) At least one high priority resource and public access and a conservation easement.

(E) Public Access. The following category contributes to or in some way enhances the public benefit of the priority resources. Where applicable, the priority resource qualifications specify if they can be combined with other similar priority resources.

(i) While public access is not required for most categories of open space, some degree of access is encouraged for all lands enrolled in the open space tax program unless access would be harmful to the resource, such as sensitive plants or animals. The kind of public access proposed shall be stated on the application request, e.g., a certain seasonal period, unlimited, signed nature

trail, etc. When public access is proposed, it may be made a condition of approval by the board of Chelan County commissioners as provided in RCW 84.34.037.

Types of Access:

(a) Unlimited public access: eight points. This provision provides for year-round access by any member of the public without specialized interest in the resource.

(b) Limited public access (due to resource sensitivity): six points. When access to a parcel is to be limited due to the sensitive nature of the resource, the access shall be provided only to appropriate user groups. The activities of those user groups shall generally be limited to scientific, educational, or research purposes. Those appropriate user groups may include but not be limited to university researchers, Audubon Society, Nature Conservancy, Native Plant Society, or other organizations with specialized interest in the resource.

(c) Limited public access (seasonal and/or upon special arrangements): four points. Access to the public is allowed, with or without special arrangements with the property, for any period of less than the full year (seasonal access).

(d) No public access: zero points. No public access is allowed or members only access which is restricted at all times to members of the organization utilizing the land.

(ii) Where public access is provided, access points shall be awarded according to physical accessibility as well as owner willingness for public access. No access points shall be awarded if the property is not reasonably accessible.

For properties where public access is provided, the county may furnish and maintain a standardized sign or require the applicant to furnish and maintain a standardized sign designating the property as part of the open space tax program.

(iii) Limitations of Public Access. As a condition of granting open space classification, the legislative body may not require public access on land classified under RCW 84.34.020(1)(b)(iii) for the purpose of promoting conservation of wetlands. (Res. 2014-38 (Atts. A, B) (part), 4/15/14; Res. 2012-99 (Att. A (part)), 10/30/12).

14.22.070 Severability.

If any section, subsection, sentence, clause or phrase of this title is, for any reason, held to be invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the validity or constitutionality of the remaining portions of this title, it being hereby expressly declared that this title, and each section, subsection, sentence, clause, and phrase hereof, would have been prepared, proposed, adopted, approved, and ratified irrespective of the fact that any one or more other sections, subsections, sentences, clauses or phrases be declared invalid and unconstitutional. (Res. 2012-99 (Att. A (part)), 10/30/12).

14.22.080 Appendix A—Charts.

Numbers	Title
C-1	Valuation Schedule
C-2	Public Benefit Rating Sheet

C-1

Valuation Schedule

Public Benefit Rating Points	Reduction in Fair Market Value	Current Use Value
0 – 4	0%	100%
5 – 10	50%	50%
11 – 15	60%	40%
16 – 20	70%	30%
21 – 34	80%	20%
35+	90%	10%
Super Bonus	100%	0%

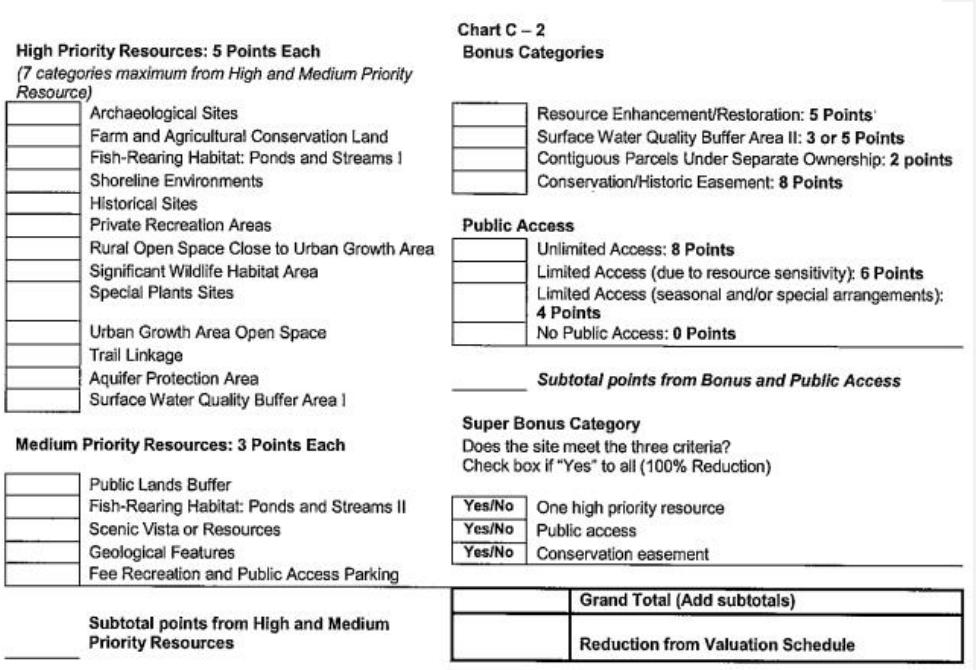

Chart C – 2

High Priority Resources: 5 Points Each

(7 categories maximum from High and Medium Priority Resource)

- ☐ Archaeological Sites
- ☐ Farm and Agricultural Conservation Land
- ☐ Fish-Rearing Habitat: Ponds and Streams I
- ☐ Shoreline Environments
- ☐ Historical Sites
- ☐ Private Recreation Areas
- ☐ Rural Open Space Close to Urban Growth Area
- ☐ Significant Wildlife Habitat Area
- ☐ Special Plants Sites
- ☐ Urban Growth Area Open Space
- ☐ Trail Linkage
- ☐ Aquifer Protection Area
- ☐ Surface Water Quality Buffer Area I

Medium Priority Resources: 3 Points Each

- ☐ Public Lands Buffer
- ☐ Fish-Rearing Habitat: Ponds and Streams II
- ☐ Scenic Vista or Resources
- ☐ Geological Features
- ☐ Fee Recreation and Public Access Parking

☐ **Subtotal points from High and Medium Priority Resources**

Bonus Categories

- ☐ Resource Enhancement/Restoration: **5 Points**
- ☐ Surface Water Quality Buffer Area II: **3 or 5 Points**
- ☐ Contiguous Parcels Under Separate Ownership: **2 points**
- ☐ Conservation/Historic Easement: **8 Points**

Public Access

- ☐ Unlimited Access: **8 Points**
- ☐ Limited Access (due to resource sensitivity): **6 Points**
- ☐ Limited Access (seasonal and/or special arrangements): **4 Points**
- ☐ No Public Access: **0 Points**

☐ ***Subtotal points from Bonus and Public Access***

Super Bonus Category

Does the site meet the three criteria?
Check box if "Yes" to all (100% Reduction)

- Yes/No One high priority resource
- Yes/No Public access
- Yes/No Conservation easement

☐ **Grand Total (Add subtotals)**

☐ **Reduction from Valuation Schedule**

(Res. 2012-99 (Att. A (part)), 10/30/12).

14.98.1567 Residential permit.

“Residential permit” means a permit issued by a city or county that satisfies the conditions of RCW 19.27.015(5) and is within the scope of the international residential code, as adopted in accordance with RCW 19.27

14.98.1487 Project permit.

“Project permit” means any land use or environmental permit or license required from a local government for a project action, including but not limited to subdivisions, binding site plans, planned unit developments, conditional uses, shoreline substantial development permits, site plan review, permits or approvals required by critical area ordinances, site-specific rezones which do not require a comprehensive plan amendment, but excluding the adoption or amendment of a comprehensive plan, subarea plan, or development regulations.

14.98.1512 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 a decision by the county. 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 EIS. 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 county project permit application file.