



COUNTY OF WALLA WALLA  
Board of County Commissioners

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**FACSIMILE COVER SHEET**

TO: Scott Powell FROM: Connie R. Vinti, Clerk of the Board

DEPT: \_\_\_\_\_ FAXED BY: \_\_\_\_\_

FAX: \_\_\_\_\_ PHONE: \_\_\_\_\_

DATE: 3/10/04 PAGES (including cover page): 3

RE: THU 14 BUNWLO CODE

COMMENTS:

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IN THE MATTER OF ADOPTING A  
NEW TITLE 14 OF THE WALLA WALLA  
COUNTY CODE

Docket No. P C-96-09

WHEREAS, the 1995 Washington State legislature passed, and the Governor signed into law, the Integration of Growth Management Planning and Environmental Review Act, Engrossed Substitute House Bill 1724, 1995 Laws Chapter 347 (hereinafter the SEPA/GMA Act), requiring counties and cities planning under GMA to establish certain uniform procedural actions in the processing of development applications; and

WHEREAS, the Walla Walla County Regional Planning Department prepared a new Title 14 of the Walla Walla County Code to meet the legislative directive for uniform processing of development applications for consideration by the Planning Commission; and

WHEREAS, on June 5, 1996 the Planning Commission held a public hearing on the proposed adoption of the new Title and upon consideration of the public testimony and evidence recommended to the Board of County Commissioners by a unanimous vote the adoption of the Title based on the following findings:

1. The Development Code Administration ordinance as proposed meets the requirements of ESHB 1724, of which Walla Walla County is required to comply;
2. Implementation of the ordinance will streamline permit processing while providing for expanded public notification and public comment periods for some projects; and

WHEREAS, on June 24, 1996 the Board of County Commissioners held a public hearing on the adoption of the new Title 14 WWCC as recommended by the Planning Commission; and

WHEREAS, upon consideration of the public testimony and evidence from said hearing, and the recommendation of the Planning Commission, the Board concurs with the Planning Commission's recommendation for adoption of the proposed Title;

now, therefore

BE IT ORDAINED, by the Board of County Commissioners for Walla Walla County, Washington, that they will uphold the Planning Commission and approve the following:

1. A new Title 14, entitled "Development Code Administration", attached as Exhibit A to this ordinance and incorporated by this reference, is adopted for Walla Walla County and is added to the Walla Walla County Code;
2. The new Title 14 will prevail in cases of conflict with any portion of existing Walla Walla Walla County Code Titles 15, 16, 17 or 18.

This ordinance shall be in full force and effect for development applications which are submitted to the Walla Walla Walla County Regional Planning Department on or after August 1, 1996.

Done this 25th day of June, 1996

Attest:

Connie R. Dinti  
Clerk of the Board.

Charles A. Maiden  
Chairman  
David J. Cory  
Commissioner  
Lewis L. Jacky  
Commissioner

**TITLE 14**

**DEVELOPMENT CODE ADMINISTRATION**

Chapters:

14.01	INTRODUCTION
14.03	ADMINISTRATION
14.05	CONSOLIDATED APPLICATION PROCESS
14.07	PUBLIC NOTICE REQUIREMENTS
14.09	REVIEW AND APPROVAL PROCESS
14.11	APPEALS

## CHAPTER 14.01

### INTRODUCTION

#### Sections:

- 14.01.010 INTENT
- 14.01.020 RULES OF INTERPRETATION
- 14.01.030 DEFINITIONS

#### 14.01.010 INTENT

The purpose of this title is to combine and consolidate the application, review, and approval processes for land development in the unincorporated areas of Walla Walla County in a manner that is clear, concise, and understandable. It is further intended to comply with state guidelines for combining and expediting development review and integrating environmental review and land use development plans, including provisions for no more than one open record hearing and one closed record appeal for any project permit. Final decisions on development proposals shall be made within 120 days of the date of the Notice of Completeness except as provided in Section 14.09.100.

#### 14.01.020 RULES OF INTERPRETATION

- A. For the purposes of the Development Code, all words used in the code shall have their normal and customary meanings, unless specifically defined otherwise in this code.
- B. Words used in the present tense include the future.
- C. The plural includes the singular and vice-versa.
- D. The words "will" and "shall" are mandatory.
- E. The word "may" indicates that discretion is allowed.
- F. The masculine gender includes the feminine and vice-versa.

#### 14.01.030 DEFINITIONS

The following definitions shall apply to Titles 14 through 18; other definitions may be found in individual titles.

##### 14.01.030 A

**Accessory Dwelling Unit:** Accessory living quarters meeting the criteria specified in Section 17.16.010 WWCC.

**Applicant:** A person seeking development approval from Walla Walla County.



14.01.030 B

**Board:** Board of Walla Walla County Commissioners.

**Building Code:** Title 15 Walla Walla County Code.

14.01.030 C

**Closed Record Appeal:** An administrative appeal on the record to the County, 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 is allowed.

**Comprehensive Plan:** The most recently adopted Comprehensive Plan for the area of the county in which the proposed project will be located.

**Comprehensive Plan Amendment:** An amendment or change to the text or maps of the Comprehensive Plan.

**Conditional Use:** A use allowed in one or more zones as defined by the Zoning Code, but because of characteristics peculiar to such use, the size, technological processes or equipment, or because of the exact location with reference to surroundings, streets, and existing improvements or demands upon public facilities, requires a special degree of control to make such uses consistent and compatible with other existing or permissible uses in the same zone and mitigate adverse impacts of the use.

**County:** Walla Walla County.

**County Commissioners:** Board of Walla Walla County Commissioners.

**Critical Areas:** Areas of environmental sensitivity, which include the following: (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; as defined and regulated in Section 18.08 WWCC.

14.01.030 D

**Date of Decision:** The date on which final action occurs and from which the appeal period is calculated.

**Developer:** Any person who proposes an action or seeks a permit regulated by Titles 14-18 Walla Walla County Code, inclusive.

**Development:** Any land use permit or action regulated by Titles 14-18 WWCC, including but not limited to subdivisions, rezones, conditional use permits, or variances. (See also "Project Permit".)

**Development Code:** Walla Walla County Code Titles 14 through 18.

**Director:** The Director of the Walla Walla County Regional Planning Department or her designee.

14.01.030 E

**Effective Date:** The date a final decision becomes effective.

**Environmental Code:** Title 18 Walla Walla County Code.

14.01.030 F

**Final Decision:** The final action by the Director, Planning Commission or County Commissioners.

14.01.030 N

**Non-Conforming Use:** A lawfully established use which does not conform to the provisions of the Zoning Code.

14.01.030 P

**Party of Record:** Any person who has testified at a hearing or has submitted a written statement related to a development action and who provides the County with a complete address.

**Person:** Any person, firm, business, corporation, partnership or other associations or organization, marital community, municipal corporation, or governmental agency.

**Planned Action:** A significant development proposal as defined in RCW 43.21C.031 as amended.

**Planned Unit Development:** A flexible method of land development which accomplishes the purposes of Chapter 17.20.170 WWCC.

**Plat:** A scale drawing of a subdivision showing lots, blocks, streets or tracts or other divisions or dedications of land to be subdivided.

**Plat, Final:** A precise drawing of a subdivision and dedications which conforms to the approved preliminary plat, meets all the conditions of preliminary plat approval and meets the requirements of the Walla Walla County Auditor for recording.

**Plat, Preliminary:** A neat and approximate scale drawing of a proposed subdivision, showing the existing conditions and the proposed layout of streets, lots, blocks, and other information needed to properly review the proposal.

**Plat, Short:** A precise drawing of a short subdivision and dedications which shows the existing conditions and the proposed layout of private roads, lots and other information needed to properly review the proposal and which meets the requirements of the Walla Walla County Auditor for filing.

**Project:** A proposal for development.

**Project Permit:** Any land use or environmental permit required from the county for a project action, including but not limited to building permits, subdivisions, planned unit developments, conditional uses, critical area permits, site-specific rezones, but excluding the adoption or amendment of a comprehensive plan or development regulation.

**Public Hearing:** An open record hearing conducted by a single hearing body that creates the County's record through testimony and submission of evidence and information.

**Public Meeting:** An informal meeting, workshop or public gathering to obtain comments from the public or other agencies on a proposed project permit prior to the County's decision. A public meeting may include, but is not limited to, design review or a scoping meeting on a draft environmental impact statement. A public meeting does not include an open record hearing, although the proceedings at a public meeting may be recorded and a report or recommendation may be included in the project permit application file.

#### 14.01.030 R

**Rezone:** A change in classification from one zoning district to another.

#### 14.01.030 S

**SEPA:** State Environmental Policy Act.

**Subdivision:** A division of land into five or more lots, tracts or other divisions.

**Subdivision Code:** Title 16 Walla Walla County Code.

**Subdivision, Short:** A division of land into four or fewer lots or tracts.

#### 14.01.030 V

**Variance:** An adjustment in the application the specific regulations of Title 17 WWCC, to a particular property because of special circumstances applicable to it, and because it is deprived of privileges commonly enjoyed by other properties in the same vicinity and zoning district .

#### 14.01.030 W

**WWCC:** Walla Walla County Code.

#### 14.01.030 Z

**Zone, Zone District:** A defined area of the County within which the use of land is regulated and certain uses permitted and other uses excluded as set forth in Title 17 WWCC.

**Zoning Code:** Title 17 Walla Walla County Code.

## CHAPTER 14.03

### ADMINISTRATION

#### Sections:

- 14.03.010 ROLES AND RESPONSIBILITIES
- 14.03.020 DIRECTOR OF REGIONAL PLANNING
- 14.03.030 PLANNING COMMISSION
- 14.03.040 BOARD OF COUNTY COMMISSIONERS
- 14.03.050 BUILDING CODE BOARD OF APPEALS

#### 14.03.010 ROLES AND RESPONSIBILITIES

- A. The regulation of land development is a cooperative activity including many different elected and appointed boards and County staff. The specific responsibilities of these bodies is set forth below.
- B. A developer is expected to read and understand the Walla Walla County Development Code and be prepared to fulfill the obligations placed on the developer by Titles 14 through 18, WWCC.

#### 14.03.020 DIRECTOR OF REGIONAL PLANNING

- A. Authority: The Director of Regional Planning is responsible for the administration of Titles, 14, 15, 16, 17 and 18 of the Walla Walla County Code.
- B. 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 with 30 days. Requests for interpretation shall be written and shall concisely identify the issue and desired interpretation. Administrative interpretations which find that an application to the Planning Commission is required shall not be subject to appeal after an application for action by the Planning Commission has been submitted.
- C. Administrative Decisions without Notice: The Director may approve, approve with conditions, or deny the following without notice:
  - 1. Extensions of time for approval.
  - 2. Minor amendments or modifications to approved developments or permits. Minor amendments are those which may affect the precise dimensions or location of buildings, accessory structures and driveways, but do not: (a) affect overall project character, (b) increase the number of lots, dwelling units or density, or (c) decrease the quality or amount of open space.
  - 3. Variances from the standards and dimensional regulations of the Zoning Code, Title 17, such as height, width, setback and yard restrictions in which the

requested adjustment to is 20% or less than the specified requirement.

4. Critical Areas Permits.
5. Building Permits.
6. Accessory Dwelling Permits.
7. Short plats, except those within the RF-2 zoning district; short plat amendments, and vacations of short plats.
8. Conditional Use Permits for quarries located on designated Mineral Lands of Long-term Commercial Significance, as identified in Ordinance #233.

D. Administrative Decisions with Notice: The Director may grant preliminary approval, preliminary approval with conditions or deny the following actions subject to the notice and appeal requirements set forth in Section 14.09.020:

1. Class 1 Administrative Decision
  - a. Conditional Use Permits of the following types:
    - i. Home occupations.
    - ii. Temporary placement of mobile homes or travel trailers for hardship conditions specified in Section 17.40.030.
    - iii. Single-wide mobile homes located in the AR zoning district.
  - b. Changes in non-conforming use.
2. Class 2 Administrative Decision
  - a. Short plats of property within the RF-2 zoning district.

#### 14.03.030 PLANNING COMMISSION

A. The Planning Commission shall review, hold public hearings, and make recommendations on the following applications and subjects:

1. Amendments to the Comprehensive Plan.
2. Amendments to the Subdivision Code, Title 16.
3. Amendments to the Zoning Code, Title 17, or the Official Map.
4. Amendments to the Environment Code, Title 18.

5. Applications for Preliminary Plats and Planned Unit Developments.
- B. The Planning Commission shall review, hold public hearings and act on the following applications and subjects:
1. Conditional Use Permits; except those set forth as administrative decisions in Section 14.03.020.
  2. Variances from the standards and dimensional regulations of the Zoning Code, Title 17, such as height, width, size, setback and yard restrictions; except those set forth as administrative decisions in Section 14.03.020.
  3. Appeals of administrative decisions.
  4. Appeals of administrative interpretations.
- C. The Planning Commission shall review and act on the following:
1. Appeals of SEPA Determinations of Non-significance of the underlying land use actions.
  2. Appeals of SEPA Determinations of Significance.
  3. Other actions requested or remanded by the Board of County Commissioners.

#### 14.03.040 BOARD OF COUNTY COMMISSIONERS

- A. The Board of County Commissioners shall review and act on the following subjects:
1. Recommendations of the Planning Commission.
  2. Appeals of Planning Commission actions.
  3. Final plats and vacation or alteration of long plats.
- B. The Board shall review, hold public hearings and act on the following subjects:
1. Amendments to the text of Titles 14, 15, 16, 17 and 18.
  2. Amendments to the Comprehensive Plan.
  3. Other legislative matters which may come before the Board.

#### 14.03.050 BUILDING CODE BOARD OF APPEALS

The Board of Appeals shall review and act on the following subjects:

- A. Appeals of decisions of the Building Official on the interpretation or application of the Building or Fire Code.
- B. Disapproval of permits for failure to meet the Building or Fire Codes.

## CHAPTER 14.05

### CONSOLIDATED APPLICATION PROCESS

#### Sections:

14.05.010	APPLICATION
14.05.020	PREAPPLICATION MEETINGS
14.05.030	CONTENT OF APPLICATIONS
14.05.040	NOTICE OF COMPLETENESS
14.05.050	TECHNICAL REVIEW
14.05.060	SEPA REVIEW

#### 14.05.010 APPLICATION

- A. The County shall consolidate development application and review in order to integrate the development permit and environmental review process, while avoiding duplication of the review process. Applicants proposing project actions which require two or more permits may elect to have the County consolidate the review process for the permits.
- B. All applications for development permits and other County approvals under the Development Code shall be submitted on forms provided by the Regional Planning Department. All applications shall be signed by the property owner and the applicant.

#### 14.05.020 PREAPPLICATION MEETINGS

- A. Informal. Applicants are encouraged to participate in an informal meeting prior to the submission of applications, or prior to the formal preapplication meeting if one is required. The purpose of the informal meeting is to discuss, in general terms, the proposed development, design standards and alternatives, and required permits and approval process.
- B. Formal. Every person proposing a subdivision of more than four lots or a planned unit development in the unincorporated area of Walla Walla County shall attend a preapplication meeting. The purpose of the meeting is to discuss the nature of the proposed development, application and permit requirements, fees, review process and schedule, applicable plans, policies and regulations. In order to expedite development review, the County shall invite all affected jurisdictions, agencies and/or special districts to the preapplication meeting.

#### 14.05.030 CONTENT OF APPLICATIONS

- A. All applications for approval under Titles 15 through 18 shall include the information specified in the applicable title. The Director may require such additional information as reasonably necessary to fully and properly evaluate the proposal.



- B. The applicant shall apply for all permits that are identified by the Director as being necessary for the approval of the proposed development.

#### 14.05.040 NOTICE OF COMPLETENESS

- A. Within twenty-eight (28) days of receiving a date stamped application, the County shall review the application and as set forth below, provide applicants with a written determination that the application is complete or incomplete.
- B. A project application shall be declared complete only when it contains all of the following materials:
1. A fully completed, signed, and acknowledged development application and all applicable review fees,
  2. A fully completed, signed, and acknowledged environmental checklist for projects subject to review under the State Environmental Policy Act,
  3. The information specified for the desired project in the appropriate chapters of the Walla Walla County Code and as identified in Section 14.05.030, and
  4. Any supplemental information or special studies identified by the Environmental Review Committee.
- C. For applications determined to be incomplete, the County shall identify, in writing, the specific requirements or information necessary to constitute a complete application. Upon submittal of the additional information, the County shall, within fourteen (14) days, issue a Notice of Completeness or identify what additional information is required.
- D. A Notice of Completeness is not required for projects for which the permit is issued with the twenty-eight (28) day period, provided that they are categorically exempt from SEPA or environmental review has been completed.
- E. Issuance of a Notice of Completeness shall not preclude the County from requesting additional information or studies either at the time of the notice or subsequently if new information is required or substantial changes in the proposed action occur.

#### 14.05.050 TECHNICAL REVIEW

- A. For projects requiring review under SEPA, a meeting of the County Environmental Review Committee (ERC) shall be held prior to the issuance of a Notice of Completeness. The ERC may be composed of representatives of all affected County departments, utility districts, fire district, and other entities or agencies with jurisdiction.
- B. The ERC shall review the development application for compliance with County plans and regulations, coordinate necessary permit reviews, and identify the development's environmental impacts.

#### 14.05.060 SEPA REVIEW

- A. Developments and planned actions subject to the provisions of the State Environmental Policy Act (SEPA) shall be reviewed in accordance with the policies and procedures contained in Chapter 18.04 WWCC. Threshold determinations shall be issued with ninety (90) days of the completed application.
- B. SEPA review shall be conducted concurrently with development project review. The following are exempt from concurrent review:
  - 1. Projects categorically exempt from SEPA.
  - 2. Components of previously completed planned actions, to the extent permitted by law and consistent with the EIS for the planned action.

## CHAPTER 14.07

### PUBLIC NOTICE REQUIREMENTS

#### Sections:

14.07.010	NOTICE OF DEVELOPMENT APPLICATION
14.07.020	NOTICE OF PUBLIC MEETING
14.07.030	NOTICE OF ADMINISTRATIVE APPROVAL
14.07.040	NOTICE OF PUBLIC HEARING
14.07.050	NOTICE OF APPEAL
14.07.060	NOTICE OF DECISION

#### 14.07.010 NOTICE OF DEVELOPMENT APPLICATION

- A. Within fourteen (14) days of issuing a letter of completeness under Chapter 14.05.040, the County shall issue a Notice of Development Application. The notice shall include but not be limited to the following:
1. Date of the notice,
  2. The name of the applicant,
  3. Date of application,
  4. The date of the Notice of Completeness,
  5. A project description and location,
  6. The requested permits, actions, and/or required studies,
  7. Identification of other permits required but not included in the application,
  8. Identification of existing environmental documents,
  9. A public comment period not less than fourteen (14) nor more than thirty (30) days,
  10. The date, time, and place of a public hearing if one has been scheduled.
  11. A statement that the decision on the application will be made within 120 days of the date of the Notice of Completeness.
  12. A Regional Planning Department staff contact and phone number.

- B. The Notice of Development Application shall be posted on the subject property and published in a weekly Register of Development Applications which shall be posted in the Regional Planning Department and distributed to local newspapers.
- C. A Notice of Application is not required for the following actions, when they are categorically exempt from SEPA or environmental review has been completed:
  - 1. Applications for building permits.
  - 2. Applications for administrative decisions.

#### 14.07.020 NOTICE OF PUBLIC MEETING

Notice of a public meeting shall include, but not be limited to, distribution to local newspapers and mailing of notice to any parties which have commented on a Notice of Development Application related to the public meeting.

#### 14.07.030 NOTICE OF ADMINISTRATIVE APPROVAL

Notice of Administrative Approvals subject to notice under Section 14.03.020 D shall be made as follows:

- A. Notification of Preliminary Approval, Class 1 Administrative Decision: The Director shall notify the adjacent property owners of her intent to grant approval. Notification shall be made by mail only. The notice shall include:
  - 1. A description of the preliminary approval granted, including any conditions of approval.
  - 2. An address and phone number of the Regional Planning Department staff contact from whom further information may be obtained.
  - 3. A statement that final approval will be granted unless an appeal requesting a public hearing is filed with the Director within fifteen (15) days of the date of the notice.
- B. Notification of Preliminary Approval, Class 2 Administrative Decision:
  - 1. Requirements shall be the same as in Section 14.07.030 A, except that notification shall be made to property owners within 1,000 feet of the subject property.

#### 14.07.040 NOTICE OF PUBLIC HEARING

Notice of a public hearing for all development applications, open record appeals and legislative actions for which a public hearing is required shall be given as follows:

- A. Time of Notices: Except as otherwise required, public notification of hearings under Title 14 through 18 WWCC, shall be made by:
1. Publication at least fifteen (15) days before the date of a public hearing in the official newspaper if one has been designated or a newspaper of general circulation in the County; and
  2. For site-specific applications, mailing at least fifteen (15) days before the date of a public hearing to all property owners shown on the records of the County Assessor within 500 feet of the boundaries of the property which is the subject of the hearing; and
  3. Posting at least fifteen (15) days before the hearing one notice on or near the subject property (for site-specific applications) and one notice at the County Courthouse.
- B. Content of Notice: The public notice shall include, but not be limited to, a general description of the proposed project, action to be taken, a non-legal 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, including a complete legal description, can be obtained. The notice shall also include the threshold determination issued under SEPA when applicable.
- C. Continuations: If for any reason, a hearing cannot be completed on the date set in the public notice, the hearing may be continued to a date certain and no further notice under this section is required.

#### 14.07.050 NOTICE OF APPEAL

In addition to the posting and publication requirements of Section 14.07.040, notice of appeals shall be as follows:

- A. For appeals of administrative approvals, notice shall be mailed to property owners as specified in Section 14.07.030.
- B. For closed record appeals, mailing to parties of record from the Planning Commission meeting.

#### 14.07.060 NOTICE OF DECISION

A written notice for all final decisions shall be mailed to the applicant and all parties of record. The Notice of Decision shall include a statement of any threshold determination and any procedures for administrative appeal. The Notice of Decision may be a copy of (a) the report of decision on the project permit application, (b) signed ordinance or resolution, or (c) building permit.

## CHAPTER 14.09

### REVIEW AND APPROVAL PROCESS

#### Sections:

14.09.010	ADMINISTRATIVE DECISIONS WITHOUT NOTICE
14.09.020	ADMINISTRATIVE DECISIONS WITH NOTICE
14.09.030	PLANNING COMMISSION REVIEW AND RECOMMENDATION OR ACTION
14.09.040	BOARD OF COUNTY COMMISSIONER ACTION
14.09.050	PROCEDURES FOR PUBLIC MEETINGS
14.09.060	PROCEDURES FOR PUBLIC HEARINGS
14.09.070	PROCEDURES FOR CLOSED RECORD APPEALS
14.09.080	RECONSIDERATION
14.09.090	REMAND
14.09.100	FINAL DECISION

#### 14.09.010 ADMINISTRATIVE DECISIONS WITHOUT NOTICE

- A. The Director may approve, approve with conditions, or deny without notice those actions specified in Section 14.03.020 C. A written decision which includes findings and conclusions which support and are consistent with the criteria specified in the sections of the Development Code which are applicable to the requested permit shall be issued.
- B. The Director's decisions under this section shall be final on the date issued.

#### 14.09.020 ADMINISTRATIVE DECISIONS WITH NOTICE

- A. The Director may grant preliminary approval or approval with conditions of those actions specified in Section 14.03.020 D subject to the requirements of this section. Notice of preliminary approval shall be in accordance with Section 14.07.030.
- B. The Director may deny the actions specified in Section 14.03.020 D with no notice other than a Notice of Decision to the applicant as required in Section 14.07.060.
- C. Preliminary decisions under this section shall become final subject to the following:
  - 1. If no appeal is submitted, the preliminary decision becomes final at the expiration of the 15-day notice period. A written decision which includes findings and conclusions which support and are consistent with the criteria specified in the sections of the Development Code which are applicable to the requested permit shall be issued.
  - 2. If a written notice of appeal is received within the specified time the matter will be referred to the Planning Commission for a public hearing.

#### 14.09.030 PLANNING COMMISSION REVIEW AND RECOMMENDATION OR ACTION

- A. Staff Report. The Director shall prepare a staff report on the proposed development or action summarizing the comments and recommendations of County departments, affected agencies and special districts, and evaluating the development's consistency with the County's Development Code, adopted plans and regulations. The staff report shall include findings, conclusions and proposed recommendations for disposition of the development application.
- B. Hearing. The Planning Commission shall conduct a public hearing on development proposals for the purpose of taking testimony, hearing evidence, considering the facts pertinent to the proposal, and evaluating the proposal for consistency with the County's Development Code, adopted plans and regulations. Notice of the Planning Commission hearing shall be in accordance with Section 14.07.040.
- C. Required Findings. The Planning Commission shall not approve or recommend approval of a proposed development unless it first makes findings and conclusions which support and are consistent with the criteria specified in the sections of the Development Code which are applicable to the requested permit.
- D. Recommendation. Upon approving or disapproving a development proposal or action, the Planning Commission shall prepare and adopt a resolution setting forth its findings and conclusions. The resolution shall be finalized no later than at the regularly scheduled Planning Commission meeting following the public hearing. Nothing shall prohibit the Planning Commission from directing the Chair to finalize the resolution prior to the next scheduled Planning Commission meeting. Actions which require a recommendation to the Board of County Commissioners shall be forwarded to the Board within fourteen (14) days following the finalization of the resolution by the Planning Commission Chair.

#### 14.09.040 BOARD OF COUNTY COMMISSIONER ACTION

- A. Actions. Upon receiving a recommendation from the Planning Commission or notice of any matter requiring the Board's attention, the Board shall perform the following actions as appropriate:
  - 1. Make a decision on a Planning Commission recommendation.
  - 2. Hold a public hearing and make a decision on Comprehensive Plan Amendments and amendments to the text of the Development Code.
  - 3. Hold a closed record review and make a decision on an appeal of a Planning Commission action.
- B. Decisions. The County Commissioners shall make its decision by motion, resolution, or ordinance as appropriate.

1. A Board decision on a Planning Commission recommendation or following a public hearing shall include one of the following actions:
  - a. Approve as recommended.
  - b. Approve with additional conditions.
  - c. Modify, with or without the applicant's concurrence, provided that the modifications do not:
    - i. Enlarge the area or scope of the project,
    - ii. Increase the density or proposed building size, or
    - iii. Significantly increase adverse environmental impacts as determined by the responsible official.
  - d. Deny (reapplication or resubmittal is permitted).
  - e. Deny with prejudice (reapplication or resubmittal is not allowed for one year).
  - f. Remand for further proceedings and/or evidentiary hearing in accordance with Section 14.09.090.
2. Actions by the Board which are not consistent with the recommendation of the Planning Commission shall not be made without findings and conclusions which include:
  - a. Specification of that portion of the Planning Commission's findings which are determined to be in error, and
  - b. How the Board's action better addresses the criteria outlined in the code for the specific permit requested.
3. A Board decision following a closed record appeal review shall include one of the following actions:
  - a. Grant the appeal in whole or in part.
  - b. Deny the appeal in whole or in part.
  - c. Remand for further proceedings and/or evidentiary hearing in accordance with Section 14.09.090.



#### 14.09.050 PROCEDURES FOR PUBLIC MEETINGS

Public meetings shall be conducted in accordance with the rules of procedure for the body conducting the meeting, and may be formal or informal meetings.

#### 14.09.060 PROCEDURES FOR PUBLIC HEARINGS

- A. Conduct: Public hearings shall be conducted in accordance with the hearing body's rules of procedure and shall serve to create or supplement an evidentiary record upon which the body will base its decision. The Chair shall open the public hearing and, in general, observe the following sequence of events:
1. Staff presentation, including submittal of any administrative reports and written correspondence received prior to the hearing. Members of the hearing body may ask questions of staff.
  2. Applicant presentation, including submittal of any material. Members of the hearing body may ask questions of the applicant.
  3. Testimony or comments by the public pertinent to the matter. Questions directed to the staff or the applicant shall be posed by the Chair at its discretion.
  4. Rebuttal, response or clarifying statements by the staff and the applicant.
  5. The evidentiary portion of the public hearing shall be closed and the hearing body shall deliberate on the matter.
- B. Consolidated Hearings: The County may combine any hearing on a project permit with any hearing that may be held by another local, state, regional, federal or other agency provided that the hearing is held within Walla Walla County.

#### 14.09.070 PROCEDURES FOR CLOSED RECORD APPEALS

Closed record appeal meetings shall be conducted in accordance with the ruling body's rules of procedure and shall serve to provide argument and guidance for the body's decision. Closed record appeal meetings shall include a staff review of the project, the record from the hearing, and a reading of the written appeal arguments. Except as provided in Section 14.09.090, no new evidence or testimony shall be given or received. The parties to the appeal and/or the applicant must submit written statements or arguments at least twenty (20) days prior to the date of the meeting at which the appeal will be considered. Written arguments shall be limited to ten (10) pages.

#### 14.09.080 RECONSIDERATION

A party to a public hearing or closed record appeal may seek reconsideration only of a final decision by filing a written request for reconsideration with the Director with five (5) days of the announcement of the final decision. The request shall comply with Section 14.11.020 B. The

Board or hearing body shall consider the request at its next regularly scheduled meeting, without public comment or argument by the party filing the request. If the request is denied, the previous action shall become final. If the request is granted, the Board or hearing body may immediately revise and reissue its decision or any call for argument in accordance with the procedures for closed record appeals. Reconsideration should be granted only when an obvious legal error has occurred or a material factual issue has been overlooked that would change the previous decision.

#### 14.09.090 REMAND

In the event the Board of County Commissioners determines that the public hearing record on appeal is insufficient or otherwise flawed, the Board may remand the matter back to the hearing body to correct the deficiencies. The Board shall specify the items or issues to be considered and the time frame for completing the additional work. The Board may hold a public hearing on a closed record appeal only for the limited purposes identified in RCW 34.05.562(1).

#### 14.09.100 FINAL DECISION

- A. Time. The final decision on a development proposal shall be made within 120 days from the date of the Notice of Completeness. Exceptions to this include:
1. Amendments to the Comprehensive Plan or Development Code.
  2. Any time required to correct plans, perform studies or provide additional information, provided that within 14 days of receiving the requested additional information, the Director shall determine whether the information is adequate to resume the project review.
  3. Substantial project revisions made or requested by an applicant, in which case the 120 days will be calculated from the time that the County determines the revised application to be complete.
  4. All time required for the preparation and review of an environmental impact statement.
  5. Projects involving the siting of an essential public facility, a master planned resort, or a fully contained community.
  6. An extension of time mutually agreed upon by the County and the applicant.
  7. All time required for the administrative appeal of a Determination of Significance.
  8. Time required for administrative appeals of project permits, provided that the time period for appeals shall not exceed (a) ninety (90) days for an open record appeal hearing, and (b) sixty (60) days for a closed record appeal. The parties to an appeal may agree to extend these time periods.
  9. Any remand to the hearing body.

- B. Effective Date. The final decision of the Board or Planning Commission shall be effective on the date stated in the decision, motion, resolution, or ordinance, provided that the date from which appeal periods shall be calculated shall be the date the Board or hearing body takes action on the motion, resolution, or ordinance.

## CHAPTER 14.11

### APPEALS

#### Sections:

- 14.11.010 APPEAL OF ADMINISTRATIVE INTERPRETATIONS AND DECISIONS
- 14.11.020 APPEAL TO THE PLANNING COMMISSION
- 14.11.030 APPEAL OF PLANNING COMMISSION RECOMMENDATIONS
- 14.11.040 APPEAL TO THE BOARD OF COUNTY COMMISSIONERS
- 14.11.050 JUDICIAL APPEAL

#### 14.11.010 APPEAL OF ADMINISTRATIVE INTERPRETATIONS AND DECISIONS

Administrative interpretations and administrative decisions may be appealed to the Planning Commission by the applicant or by parties of record.

#### 14.11.020 APPEAL TO THE PLANNING COMMISSION

- A. Filing. Every appeal to the Planning Commission shall be filed with the Director within fourteen (14) days after the date of the recommendation or decision of the matter being appealed.
- B. Contents. The notice of appeal shall contain a concise statement which identifies:
  - 1. The decision being appealed,
  - 2. The name and address of the appellant and his interest(s) in the matter,
  - 3. The specific reasons why the appellant believes the decision to be wrong. The appellant shall bear the burden of proving the decision was wrong,
  - 4. The desired outcome or changes to the decision, and
  - 5. The appeals fee.

#### 14.11.030 APPEAL OF PLANNING COMMISSION RECOMMENDATIONS

Decisions of the Planning Commission may be appealed to the Board of County Commissioners by applicant or parties of record from the Planning Commission hearing.

#### 14.11.040 APPEAL TO THE BOARD OF COUNTY COMMISSIONERS

- A. Filing. Every appeal to the County Commissioners shall be filed with the Director within ten (10) days after the date of the decision of the matter being appealed.

- B. Contents. The contents of the application shall be the same as those specified in 14.11.020 B.

14.11.050 JUDICIAL APPEAL

- A. Appeals of the final decision of the County Commissioners or other County board or body involving Titles 14 to 18 WWCC, and for which all other appeals specifically authorized have been timely exhausted, shall be made to Walla Walla County Superior Court in accordance with the Land Use Petition Act, RCW 36.70C.

IN THE MATTER OF ADOPTING A  
NEW TITLE 14 OF THE WALLA WALLA  
COUNTY CODE

Docket No. P C-96-09

WHEREAS, the 1995 Washington State legislature passed, and the Governor signed into law, the Integration of Growth Management Planning and Environmental Review Act, Engrossed Substitute House Bill 1724, 1995 Laws Chapter 347 (hereinafter the SEPA/GMA Act), requiring counties and cities planning under GMA to establish certain uniform procedural actions in the processing of development applications; and

WHEREAS, the Walla Walla County Regional Planning Department prepared a new Title 14 of the Walla Walla County Code to meet the legislative directive for uniform processing of development applications for consideration by the Planning Commission; and

WHEREAS, on June 5, 1996 the Planning Commission held a public hearing on the proposed adoption of the new Title and upon consideration of the public testimony and evidence recommended to the Board of County Commissioners by a unanimous vote the adoption of the Title based on the following findings:

1. The Development Code Administration ordinance as proposed meets the requirements of ESHB 1724, of which Walla Walla County is required to comply;
2. Implementation of the ordinance will streamline permit processing while providing for expanded public notification and public comment periods for some projects; and

WHEREAS, on June 24, 1996 the Board of County Commissioners held a public hearing on the adoption of the new Title 14 WWCC as recommended by the Planning Commission; and

WHEREAS, upon consideration of the public testimony and evidence from said hearing, and the recommendation of the Planning Commission, the Board concurs with the Planning Commission's recommendation for adoption of the proposed Title;

now, therefore

BE IT ORDAINED, by the Board of County Commissioners for Walla Walla County, Washington, that they will uphold the Planning Commission and approve the following:

1. A new Title 14, entitled "Development Code Administration", attached as Exhibit A to this ordinance and incorporated by this reference, is adopted for Walla Walla County and is added to the Walla Walla County Code;
2. The new Title 14 will prevail in cases of conflict with any portion of existing Walla Walla Walla County Code Titles 15, 16, 17 or 18.

This ordinance shall be in full force and effect for development applications which are submitted to the Walla Walla Walla County Regional Planning Department on or after August 1, 1996.

Done this 25<sup>th</sup> day of June, 19 96

Attest:

Connie R. Dinti  
Clerk of the Board.

Charles A. Maiden  
Chairman  
David J. Gray  
Commissioner  
Lewis L. Jacky  
Commissioner



**TITLE 14**

**DEVELOPMENT CODE ADMINISTRATION**

Chapters:

14.01	INTRODUCTION
14.03	ADMINISTRATION
14.05	CONSOLIDATED APPLICATION PROCESS
14.07	PUBLIC NOTICE REQUIREMENTS
14.09	REVIEW AND APPROVAL PROCESS
14.11	APPEALS

## CHAPTER 14.01

### INTRODUCTION

#### Sections:

- 14.01.010 INTENT
- 14.01.020 RULES OF INTERPRETATION
- 14.01.030 DEFINITIONS

#### 14.01.010 INTENT

The purpose of this title is to combine and consolidate the application, review, and approval processes for land development in the unincorporated areas of Walla Walla County in a manner that is clear, concise, and understandable. It is further intended to comply with state guidelines for combining and expediting development review and integrating environmental review and land use development plans, including provisions for no more than one open record hearing and one closed record appeal for any project permit. Final decisions on development proposals shall be made within 120 days of the date of the Notice of Completeness except as provided in Section 14.09.100.

#### 14.01.020 RULES OF INTERPRETATION

- A. For the purposes of the Development Code, all words used in the code shall have their normal and customary meanings, unless specifically defined otherwise in this code.
- B. Words used in the present tense include the future.
- C. The plural includes the singular and vice-versa.
- D. The words "will" and "shall" are mandatory.
- E. The word "may" indicates that discretion is allowed.
- F. The masculine gender includes the feminine and vice-versa.

#### 14.01.030 DEFINITIONS

The following definitions shall apply to Titles 14 through 18; other definitions may be found in individual titles.

#### 14.01.030 A

**Accessory Dwelling Unit:** Accessory living quarters meeting the criteria specified in Section 17.16.010 WWCC.

**Applicant:** A person seeking development approval from Walla Walla County.



**Director:** The Director of the Walla Walla County Regional Planning Department or her designee.

14.01.030 E

**Effective Date:** The date a final decision becomes effective.

**Environmental Code:** Title 18 Walla Walla County Code.

14.01.030 F

**Final Decision:** The final action by the Director, Planning Commission or County Commissioners.

14.01.030 N

**Non-Conforming Use:** A lawfully established use which does not conform to the provisions of the Zoning Code.

14.01.030 P

**Party of Record:** Any person who has testified at a hearing or has submitted a written statement related to a development action and who provides the County with a complete address.

**Person:** Any person, firm, business, corporation, partnership of other associations or organization, marital community, municipal corporation, or governmental agency.

**Planned Action:** A significant development proposal as defined in RCW 43.21C.031 as amended.

**Planned Unit Development:** A flexible method of land development which accomplishes the purposes of Chapter 17.20.170 WWCC.

**Plat:** A scale drawing of a subdivision showing lots, blocks, streets or tracts or other divisions or dedications of land to be subdivided.

**Plat, Final:** A precise drawing of a subdivision and dedications which conforms to the approved preliminary plat, meets all the conditions of preliminary plat approval and meets the requirements of the Walla Walla County Auditor for recording.

**Plat, Preliminary:** A neat and approximate scale drawing of a proposed subdivision, showing the existing conditions and the proposed layout of streets, lots, blocks, and other information needed to properly review the proposal.

**Plat, Short:** A precise drawing of a short subdivision and dedications which shows the existing conditions and the proposed layout of private roads, lots and other information needed to properly review the proposal and which meets the requirements of the Walla Walla County Auditor for filing.

## CHAPTER 14.03

### ADMINISTRATION

#### Sections:

- 14.03.010 ROLES AND RESPONSIBILITIES
- 14.03.020 DIRECTOR OF REGIONAL PLANNING
- 14.03.030 PLANNING COMMISSION
- 14.03.040 BOARD OF COUNTY COMMISSIONERS
- 14.03.050 BUILDING CODE BOARD OF APPEALS

#### 14.03.010 ROLES AND RESPONSIBILITIES

- A. The regulation of land development is a cooperative activity including many different elected and appointed boards and County staff. The specific responsibilities of these bodies is set forth below.
- B. A developer is expected to read and understand the Walla Walla County Development Code and be prepared to fulfill the obligations placed on the developer by Titles 14 through 18, WWCC.

#### 14.03.020 DIRECTOR OF REGIONAL PLANNING

- A. Authority: The Director of Regional Planning is responsible for the administration of Titles, 14, 15, 16, 17 and 18 of the Walla Walla County Code.
- B. 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 with 30 days. Requests for interpretation shall be written and shall concisely identify the issue and desired interpretation. Administrative interpretations which find that an application to the Planning Commission is required shall not be subject to appeal after an application for action by the Planning Commission has been submitted.
- C. Administrative Decisions without Notice: The Director may approve, approve with conditions, or deny the following without notice:
  - 1. Extensions of time for approval.
  - 2. Minor amendments or modifications to approved developments or permits. Minor amendments are those which may affect the precise dimensions or location of buildings, accessory structures and driveways, but do not: (a) affect overall project character, (b) increase the number of lots, dwelling units or density, or (c) decrease the quality or amount of open space.
  - 3. Variances from the standards and dimensional regulations of the Zoning Code, Title 17, such as height, width, setback and yard restrictions in which the

5. Applications for Preliminary Plats and Planned Unit Developments.
- B. The Planning Commission shall review, hold public hearings and act on the following applications and subjects:
1. Conditional Use Permits; except those set forth as administrative decisions in Section 14.03.020.
  2. Variances from the standards and dimensional regulations of the Zoning Code, Title 17, such as height, width, size, setback and yard restrictions; except those set forth as administrative decisions in Section 14.03.020.
  3. Appeals of administrative decisions.
  4. Appeals of administrative interpretations.
- C. The Planning Commission shall review and act on the following:
1. Appeals of SEPA Determinations of Non-significance of the underlying land use actions.
  2. Appeals of SEPA Determinations of Significance.
  3. Other actions requested or remanded by the Board of County Commissioners.

#### 14.03.040 BOARD OF COUNTY COMMISSIONERS

- A. The Board of County Commissioners shall review and act on the following subjects:
1. Recommendations of the Planning Commission.
  2. Appeals of Planning Commission actions.
  3. Final plats and vacation or alteration of long plats.
- B. The Board shall review, hold public hearings and act on the following subjects:
1. Amendments to the text of Titles 14, 15, 16, 17 and 18.
  2. Amendments to the Comprehensive Plan.
  3. Other legislative matters which may come before the Board.

#### 14.03.050 BUILDING CODE BOARD OF APPEALS

The Board of Appeals shall review and act on the following subjects:

## CHAPTER 14.05

### CONSOLIDATED APPLICATION PROCESS

#### Sections:

14.05.010	APPLICATION
14.05.020	PREAPPLICATION MEETINGS
14.05.030	CONTENT OF APPLICATIONS
14.05.040	NOTICE OF COMPLETENESS
14.05.050	TECHNICAL REVIEW
14.05.060	SEPA REVIEW

#### 14.05.010 APPLICATION

- A. The County shall consolidate development application and review in order to integrate the development permit and environmental review process, while avoiding duplication of the review process. Applicants proposing project actions which require two or more permits may elect to have the County consolidate the review process for the permits.
- B. All applications for development permits and other County approvals under the Development Code shall be submitted on forms provided by the Regional Planning Department. All applications shall be signed by the property owner and the applicant.

#### 14.05.020 PREAPPLICATION MEETINGS

- A. Informal. Applicants are encouraged to participate in an informal meeting prior to the submission of applications, or prior to the formal preapplication meeting if one is required. The purpose of the informal meeting is to discuss, in general terms, the proposed development, design standards and alternatives, and required permits and approval process.
- B. Formal. Every person proposing a subdivision of more than four lots or a planned unit development in the unincorporated area of Walla Walla County shall attend a preapplication meeting. The purpose of the meeting is to discuss the nature of the proposed development, application and permit requirements, fees, review process and schedule, applicable plans, policies and regulations. In order to expedite development review, the County shall invite all affected jurisdictions, agencies and/or special districts to the preapplication meeting.

#### 14.05.030 CONTENT OF APPLICATIONS

- A. All applications for approval under Titles 15 through 18 shall include the information specified in the applicable title. The Director may require such additional information as reasonably necessary to fully and properly evaluate the proposal.

#### 14.05.060 SEPA REVIEW

- A. Developments and planned actions subject to the provisions of the State Environmental Policy Act (SEPA) shall be reviewed in accordance with the policies and procedures contained in Chapter 18.04 WWCC. Threshold determinations shall be issued with ninety (90) days of the completed application.
- B. SEPA review shall be conducted concurrently with development project review. The following are exempt from concurrent review:
  - 1. Projects categorically exempt from SEPA.
  - 2. Components of previously completed planned actions, to the extent permitted by law and consistent with the EIS for the planned action.

- B. The Notice of Development Application shall be posted on the subject property and published in a weekly Register of Development Applications which shall be posted in the Regional Planning Department and distributed to local newspapers.
- C. A Notice of Application is not required for the following actions, when they are categorically exempt from SEPA or environmental review has been completed:
  - 1. Applications for building permits.
  - 2. Applications for administrative decisions.

#### 14.07.020 NOTICE OF PUBLIC MEETING

Notice of a public meeting shall include, but not be limited to, distribution to local newspapers and mailing of notice to any parties which have commented on a Notice of Development Application related to the public meeting.

#### 14.07.030 NOTICE OF ADMINISTRATIVE APPROVAL

Notice of Administrative Approvals subject to notice under Section 14.03.020 D shall be made as follows:

- A. Notification of Preliminary Approval, Class 1 Administrative Decision: The Director shall notify the adjacent property owners of her intent to grant approval. Notification shall be made by mail only. The notice shall include:
  - 1. A description of the preliminary approval granted, including any conditions of approval.
  - 2. An address and phone number of the Regional Planning Department staff contact from whom further information may be obtained.
  - 3. A statement that final approval will be granted unless an appeal requesting a public hearing is filed with the Director within fifteen (15) days of the date of the notice.
- B. Notification of Preliminary Approval, Class 2 Administrative Decision:
  - 1. Requirements shall be the same as in Section 14.07.030 A, except that notification shall be made to property owners within 1,000 feet of the subject property.

#### 14.07.040 NOTICE OF PUBLIC HEARING

Notice of a public hearing for all development applications, open record appeals and legislative actions for which a public hearing is required shall be given as follows:

## CHAPTER 14.09

### REVIEW AND APPROVAL PROCESS

#### Sections:

14.09.010	ADMINISTRATIVE DECISIONS WITHOUT NOTICE
14.09.020	ADMINISTRATIVE DECISIONS WITH NOTICE
14.09.030	PLANNING COMMISSION REVIEW AND RECOMMENDATION OR ACTION
14.09.040	BOARD OF COUNTY COMMISSIONER ACTION
14.09.050	PROCEDURES FOR PUBLIC MEETINGS
14.09.060	PROCEDURES FOR PUBLIC HEARINGS
14.09.070	PROCEDURES FOR CLOSED RECORD APPEALS
14.09.080	RECONSIDERATION
14.09.090	REMAND
14.09.100	FINAL DECISION

#### 14.09.010 ADMINISTRATIVE DECISIONS WITHOUT NOTICE

- A. The Director may approve, approve with conditions, or deny without notice those actions specified in Section 14.03.020 C. A written decision which includes findings and conclusions which support and are consistent with the criteria specified in the sections of the Development Code which are applicable to the requested permit shall be issued.
- B. The Director's decisions under this section shall be final on the date issued.

#### 14.09.020 ADMINISTRATIVE DECISIONS WITH NOTICE

- A. The Director may grant preliminary approval or approval with conditions of those actions specified in Section 14.03.020 D subject to the requirements of this section. Notice of preliminary approval shall be in accordance with Section 14.07.030.
- B. The Director may deny the actions specified in Section 14.03.020 D with no notice other than a Notice of Decision to the applicant as required in Section 14.07.060.
- C. Preliminary decisions under this section shall become final subject to the following:
  - 1. If no appeal is submitted, the preliminary decision becomes final at the expiration of the 15-day notice period. A written decision which includes findings and conclusions which support and are consistent with the criteria specified in the sections of the Development Code which are applicable to the requested permit shall be issued.
  - 2. If a written notice of appeal is received within the specified time the matter will be referred to the Planning Commission for a public hearing.

1. A Board decision on a Planning Commission recommendation or following a public hearing shall include one of the following actions:
  - a. Approve as recommended.
  - b. Approve with additional conditions.
  - c. Modify, with or without the applicant's concurrence, provided that the modifications do not:
    - i. Enlarge the area or scope of the project,
    - ii. Increase the density or proposed building size, or
    - iii. Significantly increase adverse environmental impacts as determined by the responsible official.
  - d. Deny (reapplication or resubmittal is permitted).
  - e. Deny with prejudice (reapplication or resubmittal is not allowed for one year).
  - f. Remand for further proceedings and/or evidentiary hearing in accordance with Section 14.09.090.
2. Actions by the Board which are not consistent with the recommendation of the Planning Commission shall not be made without findings and conclusions which include:
  - a. Specification of that portion of the Planning Commission's findings which are determined to be in error, and
  - b. How the Board's action better addresses the criteria outlined in the code for the specific permit requested.
3. A Board decision following a closed record appeal review shall include one of the following actions:
  - a. Grant the appeal in whole or in part.
  - b. Deny the appeal in whole or in part.
  - c. Remand for further proceedings and/or evidentiary hearing in accordance with Section 14.09.090.



Board or hearing body shall consider the request at its next regularly scheduled meeting, without public comment or argument by the party filing the request. If the request is denied, the previous action shall become final. If the request is granted, the Board or hearing body may immediately revise and reissue its decision or any call for argument in accordance with the procedures for closed record appeals. Reconsideration should be granted only when an obvious legal error has occurred or a material factual issue has been overlooked that would change the previous decision.

#### 14.09.090 REMAND

In the event the Board of County Commissioners determines that the public hearing record on appeal is insufficient or otherwise flawed, the Board may remand the matter back to the hearing body to correct the deficiencies. The Board shall specify the items or issues to be considered and the time frame for completing the additional work. The Board may hold a public hearing on a closed record appeal only for the limited purposes identified in RCW 34.05.562(1).

#### 14.09.100 FINAL DECISION

A. Time. The final decision on a development proposal shall be made within 120 days from the date of the Notice of Completeness. Exceptions to this include:

1. Amendments to the Comprehensive Plan or Development Code.
2. Any time required to correct plans, perform studies or provide additional information, provided that within 14 days of receiving the requested additional information, the Director shall determine whether the information is adequate to resume the project review.
3. Substantial project revisions made or requested by an applicant, in which case the 120 days will be calculated from the time that the County determines the revised application to be complete.
4. All time required for the preparation and review of an environmental impact statement.
5. Projects involving the siting of an essential public facility, a master planned resort, or a fully contained community.
6. An extension of time mutually agreed upon by the County and the applicant.
7. All time required for the administrative appeal of a Determination of Significance.
8. Time required for administrative appeals of project permits, provided that the time period for appeals shall not exceed (a) ninety (90) days for an open record appeal hearing, and (b) sixty (60) days for a closed record appeal. The parties to an appeal may agree to extend these time periods.
9. Any remand to the hearing body.

## CHAPTER 14.11

### APPEALS

#### Sections:

- 14.11.010 APPEAL OF ADMINISTRATIVE INTERPRETATIONS AND DECISIONS
- 14.11.020 APPEAL TO THE PLANNING COMMISSION
- 14.11.030 APPEAL OF PLANNING COMMISSION RECOMMENDATIONS
- 14.11.040 APPEAL TO THE BOARD OF COUNTY COMMISSIONERS
- 14.11.050 JUDICIAL APPEAL

#### 14.11.010 APPEAL OF ADMINISTRATIVE INTERPRETATIONS AND DECISIONS

Administrative interpretations and administrative decisions may be appealed to the Planning Commission by the applicant or by parties of record.

#### 14.11.020 APPEAL TO THE PLANNING COMMISSION

- A. Filing. Every appeal to the Planning Commission shall be filed with the Director within fourteen (14) days after the date of the recommendation or decision of the matter being appealed.
- B. Contents. The notice of appeal shall contain a concise statement which identifies:
  - 1. The decision being appealed,
  - 2. The name and address of the appellant and his interest(s) in the matter,
  - 3. The specific reasons why the appellant believes the decision to be wrong. The appellant shall bear the burden of proving the decision was wrong,
  - 4. The desired outcome or changes to the decision, and
  - 5. The appeals fee.

#### 14.11.030 APPEAL OF PLANNING COMMISSION RECOMMENDATIONS

Decisions of the Planning Commission may be appealed to the Board of County Commissioners by applicant or parties of record from the Planning Commission hearing.

#### 14.11.040 APPEAL TO THE BOARD OF COUNTY COMMISSIONERS

- A. Filing. Every appeal to the County Commissioners shall be filed with the Director within ten (10) days after the date of the decision of the matter being appealed.

**To:** Board of Commissioners and Connie  
**From:** Laurie Klicker  
**Subject:** Revisions to Title 14  
**Date:** June 21, 1996

# MEMORANDUM

Attached is a revised version of Title 14. Included are slight modifications based on the Planning Commission's recommendation and on my meeting with Jim Nagle and Michelle regarding the section on appeals. The deleted text is shown in an overstrike and the additional text is highlighted with a gray box.

**TITLE 14**

**DEVELOPMENT CODE ADMINISTRATION**

Chapters:

14.01	INTRODUCTION
14.03	ADMINISTRATION
14.05	CONSOLIDATED APPLICATION PROCESS
14.07	PUBLIC NOTICE REQUIREMENTS
14.09	REVIEW AND APPROVAL PROCESS
14.11	APPEALS

## CHAPTER 14.01

### INTRODUCTION

#### Sections:

14.01.010	INTENT
14.01.020	RULES OF INTERPRETATION
14.01.030	DEFINITIONS

#### 14.01.010 INTENT

The purpose of this title is to combine and consolidate the application, review, and approval processes for land development in the unincorporated areas of Walla Walla County in a manner that is clear, concise, and understandable. It is further intended to comply with state guidelines for combining and expediting development review and integrating environmental review and land use development plans, including provisions for no more than one open record hearing and one closed record appeal for any project permit. Final decisions on development proposals shall be made within 120 days of the date of the Notice of Completeness except as provided in Section 14.09.100.

#### 14.01.020 RULES OF INTERPRETATION

- A. For the purposes of the Development Code, all words used in the code shall have their normal and customary meanings, unless specifically defined otherwise in this code.
- B. Words used in the present tense include the future.
- C. The plural includes the singular and vice-versa.
- D. The words "will" and "shall" are mandatory.
- E. The word "may" indicates that discretion is allowed.
- F. The masculine gender includes the feminine and vice-versa.

#### 14.01.030 DEFINITIONS

The following definitions shall apply to Titles 14 through 18; other definitions may be found in individual titles.

#### 14.01.030 A

**Accessory Dwelling Unit:** Accessory living quarters meeting the criteria specified in Section 17.16.010 WWCC.

*Draft Three - County Commissioner's Hearing*

**Development Code:** Walla Walla County Code Titles 14 through 18.

**Director:** The Director of the Walla Walla County Regional Planning Department or her designee.

14.01.030 E

**Effective Date:** The date a final decision becomes effective.

**Environmental Code:** Title 18 Walla Walla County Code.

14.01.030 F

**Final Decision:** The final action by the Director, Planning Commission or County Commissioners.

14.01.030 N

**Non-Conforming Use:** A lawfully established use which does not conform to the provisions of the Zoning Code.

14.01.030 P

**Party of Record:** Any person who has testified at a hearing or has submitted a written statement related to a development action and who provides the County with a complete address.

**Person:** Any person, firm, business, corporation, partnership of other associations or organization, marital community, municipal corporation, or governmental agency.

**Planned Action:** A significant development proposal as defined in RCW 43.21C.031 as amended.

**Planned Unit Development:** A flexible method of land development which accomplishes the purposes of Chapter 17.20.170 WWCC.

**Plat:** A scale drawing of a subdivision showing lots, blocks, streets or tracts or other divisions or dedications of land to be subdivided.

**Plat, Final:** A precise drawing of a subdivision and dedications which conforms to the approved preliminary plat, meets all the conditions of preliminary plat approval and meets the requirements of the Walla Walla County Auditor for recording.

**Plat, Preliminary:** A neat and approximate scale drawing of a proposed subdivision, showing the existing conditions and the proposed layout of streets, lots, blocks, and other information needed to properly review the proposal.

**Plat, Short:** A precise drawing of a short subdivision and dedications which shows the existing conditions and the proposed layout of private roads, lots and other information needed to

*Draft Three - County Commissioner's Hearing*

14.01.030 Z

**Zone, Zone District:** A defined area of the County within which the use of land is regulated and certain uses permitted and other uses excluded as set forth in Title 17 WWCC.

**Zoning Code:** Title 17 Walla Walla County Code.

*Draft Three - County Commissioner's Hearing*

3. Variances from the standards and dimensional regulations of the Zoning Code, Title 17, such as height, width, setback and yard restrictions in which the requested adjustment to is 20% or less than the specified requirement.
  4. Critical Areas Permits.
  5. Building Permits.
  6. Accessory Dwelling Permits.
  7. Short plats, except those within the RF-2 zoning district, short plat amendments, and vacations of short plats.
  8. Conditional Use Permits for quarries located on designated Mineral Lands of Long-term Commercial Significance, as identified in Ordinance #233.
- D. Administrative Decisions with Notice: The Director may grant preliminary approval, preliminary approval with conditions or deny the following actions subject to the notice and appeal requirements set forth in Section 14.09.020:
1. Class 1 Administrative Decision
    - a. Conditional Use Permits of the following types:
      - i. Home occupations.
      - ii. Temporary placement of mobile homes or travel trailers for hardship conditions specified in Section 17.40.030.
      - iii. Single-wide mobile homes located in the AR zoning district.
    - b. Changes in non-conforming use.
  2. Class 2 Administrative Decision
    - a. Short plats of property within the RF-2 zoning district.

14.03.030 PLANNING COMMISSION

- A. The Planning Commission shall review, hold public hearings, and make recommendations on the following applications and subjects:
1. Amendments to the Comprehensive Plan.
  2. Amendments to the Subdivision Code, Title 16.
  3. Amendments to the Zoning Code, Title 17, or the Official Map.



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14.03.050 BUILDING CODE BOARD OF APPEALS

The Board of Appeals shall review and act on the following subjects:

- A. Appeals of decisions of the Building Official on the interpretation or application of the Building or Fire Code.
- B. Disapproval of permits for failure to meet the Building or Fire Codes.

*Draft Three - County Commissioner's Hearing*

- B. The applicant shall apply for all permits that are identified by the Director as being necessary for the approval of the proposed development.

14.05.040 NOTICE OF COMPLETENESS

- A. Within twenty-eight (28) days of receiving a date stamped application, the County shall review the application and as set forth below, provide applicants with a written determination that the application is complete or incomplete.
- B. A project application shall be declared complete only when it contains all of the following materials:
  - 1. A fully completed, signed, and acknowledged development application and all applicable review fees,
  - 2. A fully completed, signed, and acknowledged environmental checklist for projects subject to review under the State Environmental Policy Act,
  - 3. The information specified for the desired project in the appropriate chapters of the Walla Walla County Code and as identified in Section 14.05.030, and
  - 4. Any supplemental information or special studies identified by the Environmental Review Committee.
- C. For applications determined to be incomplete, the County shall identify, in writing, the specific requirements or information necessary to constitute a complete application. Upon submittal of the additional information, the County shall, within fourteen (14) days, issue a Notice of Completeness or identify what additional information is required.
- D. A Notice of Completeness is not required for projects for which the permit is issued with the twenty-eight (28) day period, provided that they are categorically exempt from SEPA or environmental review has been completed.
- E. Issuance of a Notice of Completeness shall not preclude the County from requesting additional information or studies either at the time of the notice or subsequently if new information is required or substantial changes in the proposed action occur.

14.05.050 TECHNICAL REVIEW

- A. For projects requiring review under SEPA, a meeting of the County Environmental Review Committee (ERC) shall be held prior to the issuance of a Notice of Completeness. The ERC may be composed of representatives of all affected County departments, utility districts, fire district, and other entities or agencies with jurisdiction.
- B. The ERC shall review the development application for compliance with County plans and regulations, coordinate necessary permit reviews, and identify the development's environmental impacts.

**CHAPTER 14.07**

**PUBLIC NOTICE REQUIREMENTS**

Sections:

14.07.010	NOTICE OF DEVELOPMENT APPLICATION
14.07.020	NOTICE OF PUBLIC MEETING
14.07.030	NOTICE OF ADMINISTRATIVE APPROVAL
14.07.040	NOTICE OF PUBLIC HEARING
14.07.050	NOTICE OF APPEAL
14.07.060	NOTICE OF DECISION

14.07.010 NOTICE OF DEVELOPMENT APPLICATION

- A. Within fourteen (14) days of issuing a letter of completeness under Chapter 14.05.040, the County shall issue a Notice of Development Application. The notice shall include but not be limited to the following:
1. Date of the notice,
  2. The name of the applicant,
  3. Date of application,
  4. The date of the Notice of Completeness,
  5. A project description and location,
  6. The requested permits, actions, and/or required studies,
  7. Identification of other permits required but not included in the application,
  8. Identification of existing environmental documents,
  9. A public comment period not less than fourteen (14) nor more than thirty (30) days,
  10. The date, time, and place of a public hearing if one has been scheduled.
  11. A statement that the decision on the application will be made within 120 days of the date of the Notice of Completeness.
  12. A Regional Planning Department staff contact and phone number.

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- A. Time of Notices: Except as otherwise required, public notification of hearings under Title 14 through 18 WWCC, shall be made by:
1. Publication at least fifteen (15) days before the date of a public hearing in the official newspaper if one has been designated or a newspaper of general circulation in the County; and
  2. For site-specific applications, mailing at least fifteen (15) days before the date of a public hearing to all property owners shown on the records of the County Assessor within 500 feet of the boundaries of the property which is the subject of the hearing; and
  3. Posting at least fifteen (15) days before the hearing one notice on or near the subject property (for site-specific applications) and one notice at the County Courthouse.
- B. Content of Notice: The public notice shall include, but not be limited to, a general description of the proposed project, action to be taken, a non-legal 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, including a complete legal description, can be obtained. The notice shall also include the threshold determination issued under SEPA when applicable.
- C. Continuations: If for any reason, a hearing cannot be completed on the date set in the public notice, the hearing may be continued to a date certain and no further notice under this section is required.

14.07.050 NOTICE OF APPEAL

In addition to the posting and publication requirements of Section 14.07.040, notice of appeals shall be as follows:

- A. For appeals of administrative approvals, notice shall be mailed to property owners as specified in Section 14.07.030.
- B. For closed record appeals, mailing to parties of record from the Planning Commission meeting.

14.07.060 NOTICE OF DECISION

A written notice for all final decisions shall be mailed to the applicant and all parties of record. The Notice of Decision shall include a statement of any threshold determination and any procedures for administrative appeal. The Notice of Decision may be a copy of (a) the report of decision on the project permit application, (b) signed ordinance or resolution, or (c) building permit.

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14.09.030 PLANNING COMMISSION REVIEW AND RECOMMENDATION

- A. Staff Report: The Director shall prepare a staff report on the proposed development or action summarizing the comments and recommendations of County departments, affected agencies and special districts, and evaluating the development's consistency with the County's Development Code, adopted plans and regulations. The staff report shall include findings, conclusions and proposed recommendations for disposition of the development application.
- B. Hearing. The Planning Commission shall conduct a public hearing on development proposals for the purpose of taking testimony, hearing evidence, considering the facts pertinent to the proposal, and evaluating the proposal for consistency with the County's Development Code, adopted plans and regulations. Notice of the Planning Commission hearing shall be in accordance with Section 14.07.040.
- C. Required Findings. The Planning Commission shall not approve ~~or recommend approval of~~ a proposed development unless it first makes findings and conclusions which support and are consistent with the criteria specified in the sections of the Development Code which are applicable to the requested permit.
- D. Recommendation. Upon approving or disapproving a development proposal or action, the Planning Commission shall prepare and adopt a resolution setting forth its findings and conclusions. The resolution shall be finalized no later than at the regularly scheduled Planning Commission meeting following the public hearing. Nothing shall prohibit the Planning Commission from directing the Chair to finalize the resolution prior to the next scheduled Planning Commission meeting. Actions which require a recommendation to the Board of County Commissioners shall be forwarded to the Board within fourteen (14) days following the finalization of the resolution by the Planning Commission Chair.

14.09.040 BOARD OF COUNTY COMMISSIONER ACTION

- A. Actions. Upon receiving a recommendation from the Planning Commission or notice of any matter requiring the Board's attention, the Board shall perform the following actions as appropriate:
  - 1. ~~Make a decision on a Planning Commission recommendation, provided that the~~  
~~time for appeal of the Planning Commission recommendation has passed.~~
  - 2. Hold a public hearing and make a decision on Comprehensive Plan Amendments and amendments to the text of the Development Code.
  - 3. Hold a closed record review and make a decision on an appeal of a Planning Commission ~~recommendation or action.~~
- B. Decisions. The County Commissioners shall make its decision by motion, resolution, or ordinance as appropriate.

14.09.050 PROCEDURES FOR PUBLIC MEETINGS

Public meetings shall be conducted in accordance with the rules of procedure for the body conducting the meeting, and may be formal or informal meetings.

14.09.060 PROCEDURES FOR PUBLIC HEARINGS

- A. Conduct: Public hearings shall be conducted in accordance with the hearing body's rules of procedure and shall serve to create or supplement an evidentiary record upon which the body will base its decision. The Chair shall open the public hearing and, in general, observe the following sequence of events:
1. Staff presentation, including submittal of any administrative reports and written correspondence received prior to the hearing. Members of the hearing body may ask questions of staff.
  2. Applicant presentation, including submittal of any material. Members of the hearing body may ask questions of the applicant.
  3. Testimony or comments by the public pertinent to the matter. Questions directed to the staff or the applicant shall be posed by the Chair at its discretion.  
~~Testimony from those persons in favor of the proposal shall be taken before testimony from those persons opposing the proposal.~~
  4. Rebuttal, response or clarifying statements by the staff and the applicant.
  5. The evidentiary portion of the public hearing shall be closed and the hearing body shall deliberate on the matter.
- B. Consolidated Hearings: The County may combine any hearing on a project permit with any hearing that may be held by another local, state, regional, federal or other agency provided that the hearing is held within Walla Walla County.

14.09.070 PROCEDURES FOR CLOSED RECORD APPEALS

Closed record ~~appeals~~ ~~appeal meetings~~ shall be conducted in accordance with the ruling body's rules of procedure and shall serve to provide argument and guidance for the body's decision. Closed record ~~appeal review~~ ~~appeal meetings~~ shall include a staff review of the project, the record from the hearing, and a reading of the written appeal arguments. Except as provided in Section 14.09.090, no new evidence or testimony shall be given or received. The parties to the appeal and/or the applicant must submit ~~timely~~ written statements or arguments at least twenty (20) days prior to the date of the meeting at which the appeal will be considered. Written arguments shall be limited to ten (10) pages.

14.09.080 RECONSIDERATION

A party to a public hearing or closed record appeal may seek reconsideration only of a final

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9. Any remand to the hearing body.
- B. Effective Date. The final decision of the Board or Planning Commission shall be effective on the date stated in the decision, motion, resolution, or ordinance, provided that the date from which appeal periods shall be calculated shall be the date the Board or hearing body takes action on the motion, resolution, or ordinance.

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14.11.040 APPEAL TO THE BOARD OF COUNTY COMMISSIONERS

- A. Filing. Every appeal to the County Commissioners shall be filed with the Director within ten (10) days after the date of the ~~recommendation or~~ decision of the matter being \_\_\_\_\_ appealed.
- B. Contents. The contents of the application shall be the same as those specified in 14.11.020 B.

14.11.050 JUDICIAL APPEAL

- A. Appeals of the final decision of the County Commissioners or other County board or body involving Titles 14 to 18 WWCC, and for which all other appeals specifically authorized have been timely exhausted, shall be made to Walla Walla County Superior Court in accordance with the Land Use Petition Act, RCW 36.70C.



RECEIVED  
JUN 03 1996  
WALLA WALLA COUNTY  
COMMISSIONERS

- I. REQUEST FOR ADOPTION OF AMENDMENT TO WALLA WALLA COUNTY CODE
- A. Applicant: Walla Walla County  
P C-96-09
- B. Nature of Request: Adoption of new Title 14 to Walla Walla County Code - Development Code Administration.

II. BACKGROUND INFORMATION

ESHB 1724, an act relating to implementing the governor's task force on regulatory reform recommendations, was passed by the House and the Senate during the regular session of the 1995 Washington State Legislature. To comply with 1724, Walla Walla County must do the following:

- A. Combine the environmental review process, both procedural and substantive, with the procedure for review of project permits.
- B. Provide for no more than one open record hearing and one closed record appeal for project permit applications.
- C. Establish an integrated and consolidated project permit process.
- D. Notify an applicant within 28 days after receiving a project permit whether or not the application is complete or, if incomplete, what is necessary to complete the application.
- E. Issue a notice of final decision within 120 days after the notification that the application is complete.
- F. Provide a notice of application to the public within 14 days after the determination of completeness.
- G. Process comprehensive plan amendments and amendments to development regulations one time per calendar year.

III. MAJOR DIFFERENCES FROM EXISTING CODED AND PROCESSES AND THE PROPOSED ORDINANCE:

In order to meet the mandated requirements of 1724 and in adhering to the spirit of the law to streamline permit processing, a new chapter is proposed to be added to Walla Walla County Code. The following list highlights the significant changes that are included in the proposed ordinance.

- A. **Authority for decisions by Planning Director is expanded.** Section 14.03.020 C and D specify actions for which the Planning Director has authority to decide. Some actions may be made with no notice and some actions are taken after a preliminary decision has been issued to surrounding property owners. Certain variances and conditional use permits which currently require review by the Planning Commission have been included in this section. As proposed, these

presentation but prior to the opening of the public hearing and also includes a time for rebuttal prior to closing of the public hearing.

Adoption of these procedures by including a new chapter to the county code will mean there will be conflicts with this ordinance and the existing subdivision, building, zoning, and environmental codes. The actual ordinance adopting this title will state that if conflicts exist, Title 14 will prevail.

#### IV. FUTURE ACTIONS

In addition to adoption of the new Title 14, other actions will be required to meet the intent of the law and to make some of the procedures in the new ordinance possible. While some of these will require future action by the Planning Commission, these actions should be considered to part of the recommendation.

##### A. Short term (three months or less)

1. Adoption of a policy by resolution that comprehensive plan amendments and amendments to development regulations will be processed only one time each year and procedures for implementing the policy. *PER Committee*
2. Amend SEPA ordinance to declare the Planning Director the county's "Responsible Official" for issuing environmental determinations and providing for appeals to the Planning Commission.
3. Review and revise application fee schedule where appropriate to reflect changes in administrative decision review and differences in publication requirements.
4. Review and revise staff procedures, application and appeal forms, application deadlines and docketing system.

##### B. Long term (six months to two years)

1. Include procedures for processing Shoreline Substantial Development permits in Title 14.
2. Following adoption of GMA comprehensive plan, consolidate definition, enforcement and penalty sections from Subdivision, Building, Zoning and Environmental Codes into Title 14 to reduce bulk of the codes and to eliminate inconsistencies. Other inconsistencies in the development codes will also be revised at the time.
3. Review and revise where appropriate the criteria by which project permits are evaluated.

REPORT OF THE WALLA WALLA COUNTY ENVIRONMENTAL REVIEW COMMITTEE

EA-96-15

WALLA WALLA COUNTY

**SIGNIFICANCE:** The Walla Walla County Environmental Review Committee recommends that the proposal would have a Non-Significant impact upon the environment.

**FINDINGS:**

1. The proposal will meet the requirements of ESHB 1724.
2. The proposal is non-project in nature and will therefore not have a direct impact upon the environment.