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**Ordinance No. 389 (Title 14 – Development Code Administration)**

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10/07/2010 03:27:56 PM Page 1 of 47 Fees: 108.00  
Karen Martin County Auditor, Walla Walla County WA



**BOARD OF COUNTY COMMISSIONERS  
WALLA WALLA COUNTY, WASHINGTON**

**ORDINANCE NO. 389**

**APPROVING A REQUEST BY WALLA WALLA COUNTY TO AMEND WALLA WALLA COUNTY CODE TITLE 14 –DEVELOPMENT CODE ADMINISTRATION – IN ORDER TO ENSURE COMPLIANCE WITH RCW 36.70B (LOCAL PROJECT REVIEW) AND CLARIFY PROJECT REVIEW PROCEDURES.**

**Whereas**, it is desirable for the County to have development code administration regulations written in a manner that provides clarity for staff and the general public; and

**Whereas**, Chapter 36.70B RCW sets forth requirements regarding the processing of land use permits; and

**Whereas**, current Walla Walla County Code Title 14 can be arranged in a clearer, more concise format;

**NOW THEREFORE,**

**BE IT ORDAINED**, by the Walla Walla County Board of County Commissioners that:

**Section I. The Board of County Commissioners Makes the Following Findings of Fact:**

1. Notices of a Board of County Commissioners workshop were published in the Waitsburg Times on March 18, 2010, the Walla Walla Union Bulletin on March 16, 2010 and the Tri-City Herald on March 18, 2010.
2. The Board of County Commissioners held a workshop on March 30, 2010.
3. Notices of the Informational Public Meeting were published in the Waitsburg Times on April 8, 2010, the Walla Walla Union Bulletin on April 8, 2010 and Tri-City Herald on April 9, 2010.
4. The Walla Walla County Community Development Staff held an Informational Public Meeting on April 21, 2010.



5. Notices of a Board of County Commissioners' Public Hearing were published in the Waitsburg Times on July 22, 2010, the Walla Walla Union Bulletin on July 18, 2010 and the Tri-City Herald on July 19, 2010.
6. The Board of County Commissioners held the Public Hearing on the proposed changes on August 2, 2010.

**Section II. The Board of County Commissioners Makes the Following Conclusions of Law:**

1. The proposal meets a definable public need.
2. The defined need conforms to policy directives of the comprehensive plan and countywide planning policies.
3. The proposed revisions are consistent with the County Comprehensive Plan, the Growth Management Act and RCW 36.70B.
4. The proposed revisions are in the long term interest of the County.

**Section III. Adoption of Amended Title 14:**

Based on its review to ensure compliance with RCW 36.70A, RCW 36.70B and the Washington Administrative Code, and the analysis and proposed amendments prepared by County staff, the Board of County Commissioners hereby adopts the following proposed code amendments:

The amendments to the Walla Walla County Code Title 14 – Development Code Administration, as presented to the Board of County Commissioners on this date, are adopted as shown in Exhibit A.

**Section IV. Effective Date and Savings:**

This ordinance is effective as of the date of signing.


**Section V:**

If any section, subsection, paragraph, sentence, clause or phase of this ordinance is declared unconstitutional or invalid for any reason, such decision shall not affect the validity of the remaining parts of this ordinance.

**Section VI:**

This ordinance will be published by an approved summary consisting of the title.

Passed by the Walla Walla County Board of County Commissioners in regular session at Walla Walla, Washington, then signed by its membership and attested by its Clerk in authorization of such passage this 5<sup>th</sup> day of October, 2010.



Gregg C. Loney  
Gregg C. Loney, Chairman, District 1

Perry L. Dozier  
Perry L. Dozier, Commissioner, District 2

Gregory A. Tompkins  
Gregory A. Tompkins, Commissioner, District 3

Constituting the Board of County Commissioners of Walla Walla County, Washington

Attest:

Connie R. Vinti  
Connie R. Vinti, Clerk of the Board

Approved as to form

Jesse D. Nolte  
Jesse D. Nolte, Deputy Prosecuting Attorney

## EXHIBIT A

### 1. Amend the list of chapters in WWCC Title 14 Development Code Administration.

#### Title 14

#### DEVELOPMENT CODE ADMINISTRATION

##### Chapters:

- 14.01 ~~Introduction~~ General Provisions
- 14.02 ~~Definitions~~
- 14.03 Administration
- 14.05 ~~Application Forms~~
- 14.07 ~~Project Permit~~ Application Process
- 14.09 ~~Project Permit Classification and Review Process~~ es ~~Application Review and Approval Process~~
- 14.10 Comprehensive Plan Amendment Process
- 14.11 Appeals
- 14.13 Enforcement and Penalties
- 14.15 Development Regulations Amendment Process

### 2. Amend the name of Chapter 14.01 Introduction and the list of Sections.

#### Chapter 14.01

#### INTRODUCTION GENERAL PROVISIONS

##### Sections:

- 14.01.010 Purpose and ~~applicability~~ intent.
- 14.01.015 Applicability.
- 14.01.020 Supersedes where conflict exists.
- 14.01.030 Rules of Interpretation.
- 14.01.040 ~~Definitions.~~

### 3. Amend Section 14.01.010 Purpose and intent as follows:

14.01.010 Purpose and ~~applicability~~ intent.

The purpose of this title is to establish standard procedures for processing and reviewing project permit applications, prescribe the manner in which permits for development and construction are classified and processed, the general procedures and



practices for development permit administration, and the procedures for amending the county's comprehensive plan and development regulations.

~~The purpose of Chapters 14.01, 14.03, 14.05, 14.07 and 14.09 of this code is to enact the processes and time lines for local land development permitting. The objectives of these chapters are to~~ The standards are designed to encourage the preparation of appropriate information early in the permitting review process, eliminate redundancy in the review of applications, ~~to process permit applications in a timely manner, to provide the general public with an adequate opportunity for review and comment, to integrate environmental reviews with development project review, and to provide the development community applicants with a~~ standardized process and predictability timely and predictable review process.

~~The purpose of Chapters 14.10 and 14.15 is to enact the processes, criteria, and timelines for amending the comprehensive plan and development regulations.~~

**4. New Section 14.01.015 Applicability (incorporating a portion of former WWCC 14.01.010).**

14.01.015 Applicability.

This title shall apply to permit applications for comprehensive plan amendments, development regulation amendments, and land development under project permits subject to the provisions in the following titles of the Walla Walla County Code:

Title 15, Buildings and Construction;

Title 16, Subdivisions;

Title 17, Zoning;

Title 18, Environment; and

Walla Walla County Shoreline Master Program

Certain chapters within this title may apply to other titles within the Walla Walla County Code (WWCC), as indicated elsewhere in the WWCC. Other laws, ordinances, regulations and plans have a direct impact on the development of land project permits. These include, but are not limited to, the Walla Walla County Comprehensive Land Use Plan, the Six-Year Transportation Improvement Program, the Walla Walla County Code (WWCC), particularly Titles 11 Stormwater and 12 Streets, Sidewalks and Public Places, 13, 16, 17 and 18, the International Building Code, and the laws, ordinances, regulations and plans of federal, state and local agencies. (Ord. 317 §3(part), 2005)



**5. Amend Section 14.01.020 Supersedes where conflict exists.**

14.01.020 Supersedes where conflict exists.

This title of the Walla Walla County Code (WWCC) shall supersede other titles, chapters and sections of the WWCC where conflict exists regarding the procedures or standards for the review of project permits that are subject to the development regulations in Section 14.01.015.

**6. Amend Section 14.01.030 Rules of interpretation.**

14.01.030 Rules of interpretation.

When not inconsistent with the context, words used in the present tense shall include the future; the singular shall include the plural, and the plural the singular. The words "shall", "will" or "must" are always mandatory, and the word "may" indicates a use of discretion in making a decision.

~~For the purposes of the development code, all words used in the code shall have their normal and customary meaning, unless specifically defined otherwise in this code.~~

~~Words used in the present tense include the future.~~

~~The plural includes the singular and vice versa.~~

~~The words "will" and "shall" are mandatory.~~

~~The word "may" indicates that discretion is allowed.~~

~~The word "used" includes designed, intended or arranged to be used.~~

~~The masculine gender includes the feminine and vice versa.~~

~~Distances shall be measured horizontally unless otherwise specified.~~

~~The word "building" includes a portion of a building or a portion of the lot on which it stands.~~

(Ord. 317 §3(part), 2005)

**7. Repeal Section 14.01.040 Definitions.**

~~14.01.040 — Definitions.~~

~~— Unless the context clearly requires otherwise, the definitions in this section apply throughout this title:~~

~~— "Application" means a request for any land use permit required from the county for proposed development or action, including, without limitation, building permits,~~

conditional uses, binding site plans, planned developments, subdivisions, variances, site plan reviews, permits or approvals required by critical area ordinances, and site-specific rezones.

———“Closed record appeal” means an appeal on the record with no new evidence or information allowed to be submitted and only appeal argument allowed.

———“Director” or “community development director” means the duly appointed director of the Walla Walla County community development department or his or her designee.

———“Open record hearing” means a hearing that creates the record through testimony and submission of evidence and information. An open record hearing may be held on an appeal if no open record hearing has previously been held on the application.

———“Public meeting” means an informal meeting, hearing, workshop, or other public gathering to obtain comments from the public or agencies on an application. A public meeting does not constitute a hearing. (Ord. 317 §3(part), 2005)

## **8. Adopt a new Chapter 14.02 Definitions.**

### Chapter 14.02

### DEFINITIONS

Whenever the following words and phrases appear in this title they shall be given the meaning attributed to them by this chapter.

#### Applicant

The individual, partnership, association or corporation applying for a permit and includes property owners, employees, agents, consultants, contractors and successors in interest.

#### Closed record appeal

An administrative appeal on the record 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.

#### Day

Calendar day.

#### Department



The Walla Walla County Department of Community Development or successor agency.

Director

The director of the department of community development of the county of Walla Walla, Washington or his or her designee.

Open record hearing

A hearing that creates the record through testimony and submission of evidence and information.

Project Permit

Any land use or environmental permit or license for a project action, including but not limited to building permits, subdivisions, binding site plans, boundary line adjustments, planned unit developments, conditional uses, shoreline substantial development permits, site development permits, permits or approval required by critical area ordinances, variances, and site-specific rezones authorized by a comprehensive plan or subarea plan.

Public meeting

An informal meeting, hearing, workshop, or other public gathering to obtain comments from the public or agencies on an application. A public meeting does not constitute a hearing.

SEPA

The State Environmental Policy Act (RCW 43.21C)

WWCC

The Walla Walla County Code.

**9. Amend Chapter 14.03 Administration.**

Chapter 14.03  
ADMINISTRATION

Sections:

14.03.010 Roles and responsibilities.

14.03.020 ~~Community development d~~Director.  
14.03.030 Board o f county commissioners.  
14.03.040 Planning commission.  
14.03.050 Hearin g examiner.

14.03.010 Roles and responsibilities.

The regulation of land development includes ~~is a cooperative activity including~~ elected officials, the planning commission, the hearing examiner and county staff. The specific responsibility of these bodies is set forth below.

Applicants for project permits bear the burden of proof of showing compliance with all applicable standards in the Walla Walla County Code. Developers and applicants are expected to read and understand the county development code and be prepared to fulfill the obligations placed on the developer by the Walla Walla County Code (WWCC), particularly Titles 14 through 18. (Ord. 317 §3(part), 2005)

14.03.020 ~~Community development d~~Director.

The ~~community development~~ director shall review and act on the following:

A. Authority. The ~~community development~~ director is responsible for the administration of WWCC Titles 14 Development Code Administration, 15 Buildings and Construction, 16 Subdivisions, 17 Zoning, and 18 Environment and associated requirements and provisions of the Revised Code of Washington and Washington Administrative 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 ~~within forty-five days~~. Applications-Requests for interpretation shall be written and shall concisely identify the issue and desired interpretation.

C. Administrative Decisions. The ~~community development~~ director is responsible for issuing Type 1 and Type 2 decisions as set forth in WWCC Chapter 14.09. ~~administrative decisions as set forth in WWCC Sections 14.09.030 and 14.09.040.~~ (Ord. 317 §3(part), 2005)

D. The director shall assist applicants and make recommendations to decision-making bodies for decisions issued pursuant to this Title.

14.03.030 Board of county commissioners.

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

A. Recommendations of the planning commission;

B. Type 4 and Type 5 decisions as set forth in WWCC Chapter 14.09.~~Final plat approvals in accordance with the procedures for closed record decisions pursuant to WWCC Section 14.09.080; and~~

C. Appeals of the hearing examiner's decision on a rezone that is not of general applicability in accordance with the procedures for closed record decisions pursuant to WWCC Section 14.11.020 ~~14.09.080; and~~ (Ord. 317 §3(part), 2005)

D. Appeals of administrative decisions or determinations made pursuant to Chapter 43.21C RCW and WWCC 18.04 relating to legislative actions and applications.

14.03.040 Planning commission.

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

A. Amendments to the comprehensive plan;

B. Amendments to the subdivision code, WWCC Title 16;

C. Amendments to the zoning code, WWCC Title 17, including changes to the official zoning map which are of general applicability;

D. Amendments to the environment code, WWCC Title 18, except to the SEPA Procedures Code, Chapter 18.04; and

E. Other actions requested or remanded by the board of county commissioners. (Ord. 317 §3(part), 2005)

14.03.050 Hearing examiner.

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

A. Type 3 decisions as set forth in WWCC Chapter 14.09;~~Preliminary subdivisions;~~

B. Appeals of Type 1 and Type 2 decisions;~~Planned unit developments;~~

~~C. Rezones which are not of general applicability;~~

~~D. Applications for variances and conditional use permits;~~

~~E. Amendments and/or alterations to plats;~~

~~F. Petitions for plat vacations;~~

~~—— G. Applications for shoreline management substantial development permits, variances, conditional use permits and nonconforming use permits pursuant to the shoreline management act and the shoreline master program;~~

~~—— H. 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;~~

~~—— I. Appeals alleging an error in a decision of a county official in taking an action on a short subdivision or binding site plan;~~

JC. Appeals ~~of alleging an error in~~ administrative decisions or determinations made pursuant to Chapter 43.21C RCW and WWCC 18.04 relating to Type 2 or Type 3 project permit applications; and

KD. Any other matters as specifically assigned to the hearing examiner by the board of county commissioners or as prescribed by the county code. (Ord. 317 §3(part), 2005)

## **10. Repeal Chapter 14.05 Application Forms.**

### **Chapter 14.05**

#### **APPLICATION FORMS**

##### **Sections:**

~~14.05.010 — Application forms.~~

14.05.010 — Application forms.

~~—— A. An application shall be made using the appropriate form provided by Walla Walla community development department.~~

~~—— B. Each application form shall, at a minimum, include the following:~~

~~—— 1. The application form shall be filled out legibly, in blue or black ink, either hand printed or typewritten;~~

~~—— 2. The name, mailing address and telephone number of each applicant;~~

~~—— 3. The name, mailing address and telephone number of the applicant's representative, if any;~~

~~—— 4. The name, mailing address and telephone number of each owner of the subject property, if different than the applicant(s);~~

~~—— 5. The name, mailing address, telephone number and contractor registration number of the applicant's prime contractor, if any;~~

~~6. The parcel number, legal description and assessor's parcel map for each parcel which is the subject of the proposed development;~~

~~7. The signatures of each applicant or the applicant's representative, and each property owner if different than the applicant(s);~~

~~8. Any other information, documents or materials, as determined by the county, which may be required in the body of the form or by an attachment to the form, e.g., a narrative description of the project.~~

~~C. Each application form shall require designation of a single person or entity to receive determinations and notices required under this code or by RCW Chapter 36.70B. Where a determination or notice to the "applicant" is required by this code or RCW Chapter 36.70B, "applicant" shall mean the person or entity so designated.~~

~~D. 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 Chapter 14.07 WWCC." (Ord. 317 §3(part), 2005)~~

**11. Amend the name of Chapter 14.07 Application Process and the list of Sections.**  
Chapter 14.07

PROJECT PERMIT APPLICATION PROCESS

Sections:

14.07.010     ~~Application process~~Purpose.

14.07.020     Preapplication meeting.

14.07.025     Application requirements.

~~14.07.030     Consolidated application process.~~

~~14.07.040     Plan review.~~

14.07.050     Determination of completeness.

~~14.07.060     Technical review committee.~~

14.07.070     Application vesting.

14.07.080     Notice of application.

~~14.07.090     Notice of public hearing.~~

**12. Amend the name of and content of Section 14.07.010 Application process.**

14.07.010      ~~Application process~~Purpose.

~~The purpose of this chapter is to specify the procedures to be followed for submitting applications for project permits.~~

~~The application process shall consist of the following components:~~

- ~~—— A. Preapplication meeting;~~
- ~~—— B. Plan review;~~
- ~~—— C. Determination of completeness;~~
- ~~—— D. Technical review committee;~~
- ~~—— E. Notice of application;~~
- ~~—— F. Application review;~~
- ~~—— G. Notice of final decision.~~

(Ord. 317 §3(part), 2005)

**13. Amend Section 14.07.020 Preapplication Meeting.**

14.07.020      Preapplication meeting.

~~A. All prospective applicants for Type 2, Type 3, or Type 4 project permits shall participate in a preapplication meeting. The community development director may waive the requirement of a preapplication meeting where proposed development is subject to Type I administrative review.~~

~~—— B. The purpose of the preapplication meeting is to provide the applicant with the best available information regarding the development proposal and application processing requirements, and to assure the availability of complete and accurate development information necessary for review prior to the applicant's expenditure of application fees and the scheduling of the application review process.~~

~~CB. The purpose of the preapplication meeting is to provides an opportunity for the applicant, staff and other agencies to informally discuss and review the proposed development project permit, the application and permit requirements, fees, the review process and schedule, and applicable development standards, plans, policies, and laws.~~

~~—— D. The preapplication meeting shall take place at the community development department offices, unless another location is agreed upon by the director and the~~

~~applicant. The length of the preapplication meeting shall be determined by the complexity of the development proposed by the applicant.~~

~~EC. Within thirty days after the preapplication meeting, the county director will prepare and send the applicant a written summary of the meeting and a list of any specific information documents, information, legal descriptions or other requirements that must be submitted with the application. Such list shall be in addition to the requirements set forth in the appropriate application form.~~

~~F. An applicant may request one or more additional preapplication meeting if the proposed development changes based on information received at the previous meeting. The additional meetings shall be subject to the same procedures as the initial preapplication meeting.~~

~~G. Application forms shall be made available to the applicant following a preapplication meeting.~~

~~H. Applicants for development are encouraged to participate in an informal meeting prior to the preapplication meeting. The purpose of the meeting is to discuss, in general terms, the proposed development, county design standards, design alternatives and required permits and approval process(es). (Ord. 317 §3(part), 2005)~~

#### **14. Adopt a new Section 14.07.025 Application Requirements.**

##### 14.07.025 Application Requirements.

A. An application shall be made using the appropriate forms provided by the department.

B. Each application shall include the following information:

1. The name, mailing address and telephone number of the applicant;
2. The name, mailing address and telephone number of the applicant's representative, if any;
3. The name, mailing address and telephone number of each owner of the subject property, if different than the applicant(s);
4. The name, mailing address, telephone number and contractor registration number of the applicant's prime contractor, if applicable;
5. The name and address of the project action proposed in the project permit, as applicable;
6. The parcel number and assessor's map for all parcels which are the subject of the project permit, if applicable;
7. A description of the project permit;
8. A completed and signed environmental checklist for project permits subject to review under the State Environmental Policy Act;

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

10. Application information required by the provisions of WWCC Title 15 Building and Construction, Title 16 Subdivisions, Title 17 Zoning, and the Walla Walla County Shoreline Master Program, as applicable; and

11. Such other project information deemed necessary for an accurate description of the location and scope of the project permit.

C. 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 WWCC Chapter 14.07." (Ord. 317 §3(part), 2005)

#### **15. Repeal Section 14.07.030 Consolidated application process.**

~~14.07.030 — Consolidated application process.~~

~~—— A. 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.~~

~~—— B. 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.~~

~~—— C. When more than one application is submitted under a consolidated review and the applications are subject to different types of review procedures, 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.~~

~~—— D. 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. (Ord. 317 §3(part), 2005)~~

#### **16. Repeal Section 14.07.040 Plan Review.**

~~14.07.040 — Plan review.~~

~~—— A. A plan review shall be conducted by the county to determine if the application is complete. The 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 and from~~

the preapplication meeting must be submitted. All studies supporting the application or addressing projected impacts of the proposed development must be submitted.

~~——— B. 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. Community development department staff will coordinate the involvement of agencies responsible for the review of setbacks, landscaping, parking, drainage, access, roads, traffic, signs, utilities and any other applicable requirements. (Ord. 317 §3(part), 2005)~~

## **17. Amend Section 14.07.050 Determination of completeness.**

### 14.07.050 Determination of completeness.

~~A. Within twenty-eight days after receiving an a project permit application, the community development director shall complete the plan review of the application and mail to the applicant or provide in person the applicant a written determination that the application is either complete or incomplete.~~

~~BA. Complete application. An application shall be determined complete only when:~~

~~1. An application shall be deemed complete when it meets the requirements of this section and is sufficient for continued processing even though additional information may be required or project modifications may be undertaken subsequently.~~

~~2. An application shall be deemed complete when it contains all of the following information and materials:~~

~~a. ————— 1. A fully completed and signed application form;  
b. ————— 2. Applicable review Application fees paid in full; and  
c. ————— 3. All information and materials required by the application form requirements in Section 14.07.025;~~

~~————— 4. A fully completed and signed environmental checklist for projects subject to review under the State Environmental Policy Act;~~

~~————— 5. The information specified for the desired project in the appropriate title of the Walla Walla County Code;~~

~~————— 6. An accurate site plan disclosing all existing and proposed structures and features applicable to the desired development, for example, parking, landscaping, preliminary drainage plans with supporting calculations, signs, setbacks, etc.;~~

~~7. Any additional information and materials identified at the preapplication meeting or required by applicable development standards, plans, policies or any other federal, state or local laws;~~

~~8. Any supplemental information or special studies identified by the county.~~

3. An application shall be deemed complete if the director does not provide a written determination within twenty-eight days of receiving an application that the application is incomplete as provided in Subsection 14.07.050(B).

4. A determination of completeness shall not preclude the county from requesting additional information or studies if new or additional information is required or a change in the proposed development occurs.

5. 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.

GB. Incomplete application. For applications determined to be incomplete, the ~~directoreounty~~ shall identify, in writing, the specific requirements, information or materials necessary to constitute a complete application. Within fourteen days after its receipt of the additional requirements, information or materials, the ~~directoreounty~~ 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 days will result in a null and void application, with no refund of the filing fees.

~~D. 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.~~

~~E. A determination of completeness shall not preclude the county from requesting additional information or studies if new information is required or a change in the proposed development occurs.~~

~~F. Upon issuing a determination of completeness, the application materials, including the applicable SEPA review information, will be referred to appropriate agencies for review and comment. (Ord. 317 §3(part), 2005)~~

## **18. Repeal Section 14.07.060 Technical review committee.**

14.07.060 ~~Technical review committee.~~

~~\_\_\_\_\_ A. Immediately following the determination of completeness, the county will schedule a meeting of the technical review committee (TRC). The TRC may be composed of representatives of all affected county departments, utility districts, the fire department(s), and any other entities or agencies with jurisdiction.~~

~~\_\_\_\_\_ B. The TRC shall review the development application for issues including but not limited to compliance with county plans and regulations, coordinate necessary permit reviews, and identify the development's potential environmental impacts. (Ord. 317 §3(part), 2005)~~

**19. Amend Section 14.07.070 Vesting.**

14.07.070 Application vesting.

~~An~~ A project permit application submitted under this title shall become vested on the date a determination of completeness is made under this title. 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 or her~~ the proposed development project action after a determination of completeness, as determined by the ~~community development~~ director, the application shall not be considered vested until a new determination of completeness on the changes is made under this title. (Ord. 317 §3(part), 2005)

**20. Amend Section 14.07.080 Notice of application.**

14.07.080 Notice of application.

~~A.~~ Within fourteen days after issuing a determination of completeness, the ~~county~~ director shall issue a notice of application for project permits subject to Type 2, Type 3 or Type 4 review.

A. Content of notice. The notice shall include, but not be limited to, the following information:

1. The date of application, the date of the determination of completeness, and the date of the notice of application;
2. A description of the proposed project action, ~~a list of permits required for the application, and if applicable, a list of any studies requested;~~
3. The identification of other required permits not included in the application, to the extent known by the director ~~county~~;
4. The identification of ~~existing~~ environmental documents, if environmental review is required, which evaluate the proposed development project action and the

location where the ~~application and any studies~~ environmental documents can be reviewed;

5. A statement of the public comment period, which shall be not less than fourteen days, ~~or nor more than thirty days for shoreline permits,~~ 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. For Type 2 decisions, the decision-maker will accept comments until the decision is issued. For decisions requiring an open record public hearing, the decision-maker will accept comments until the close of the record for the hearing;

6. If the proposed development is subject to the State Environmental Policy Act (SEPA), the threshold determination may be made concurrent with the public comment period required in the notice of application, pursuant to the provisions of WAC 197-11-355 "Optional DNS," and Chapter 18.04 of this code;

67. The date, time, location and type of hearing, if applicable and scheduled at the date of the notice of application;

78. A statement of the applicable development regulations that will be used for review of the project permit; and of the preliminary 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;

89. Any other information determined by the county director to be appropriate.

B. ~~Informing the Public Posting.~~ The notice of application shall be posted in the following manner:

4. It shall be posted on the subject property for the duration of the public comment period. The county director shall post notice and the applicant shall ensure that the notice is maintained throughout the entire public comment period. The location and manner of posting shall be determined by the county director. ~~and shown on the applicant's site plan. The director will post the notice of application upon payment of all applicable fees. After the public comment period, the community development department staff person responsible for posting the notice of application~~ director shall sign an affidavit of posting before a notary public, using the form adopted by the community development department, and the affidavit of posting shall be placed in the application file.

~~C2. Where no other public notice, such as the required notice of a public hearing, is required, the~~ The notice of application shall be published once in a newspaper of general circulation in the general area where the proposal is located and in the official gazette of the county. Notices issued for projects located in Ranges 31 and 32 East shall be published in the Tri-City Herald or its successors. Notices for projects located elsewhere in the county shall be published in the Walla Walla Union-Bulletin or its successors.

D. The notice of application shall be mailed to the project applicant and to affected agencies.

E. For Type 3 and Type 4 project permits, the notice of application shall be published and posted at least 15 days prior to any open-record pre-decision hearing.

EF. The notice of application is not a substitute for any required notice of a public hearing; however, the notice of application and notice of public hearing may be consolidated.

~~DG. 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. An application for a single-family residence, accessory uses or other minor construction building permits project permits subject to Type 1 review when they are categorically exempt from SEPA or environmental review has been completed; and~~

~~2. An application for project permits subject to Type 5 review. Application for a lot line adjustment;~~

~~3. Any application for which Type I administrative review is determined applicable. (Ord. 317 §3(part), 2005)~~

## **21. Repeal Section 14.07.090 Notice of public hearing.**

~~14.07.090 — Notice of public hearing.~~

~~When required, notice of a public meeting or hearing for all development applications and all open record appeals shall be given as follows:~~

~~A. Time of Notices. Except as otherwise required, public notification of meetings, hearings, and pending actions under WWCC Titles 14 through 18 shall be made by:~~

~~1. Publication in a newspaper of general circulation and in the official gazette, if any, of the county, at least ten days before the date of a public meeting, hearing, or pending action. Notices issued for projects located in Ranges 31 and 32 East shall be published in~~

the Tri-City Herald or its successors. Notices for projects located elsewhere in the county shall be published in the Walla Walla Union-Bulletin or its successors; and

——— 2. Mailing at least twelve 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, within a radius of five hundred feet of the exterior boundaries of the property which is the subject of the meeting or pending action. The applicant shall supply said list of property owners to the county.

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

——— C. Continuations. 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. (Ord. 317 §3(part), 2005)

**22. Amend the name of Chapter 14.09 Application Review and Approval Process and the list of Sections in the chapter.**

Chapter 14.09

PROJECT PERMIT CLASSIFICATION AND APPLICATION REVIEW AND  
APPROVAL PROCESSES

Sections:

<u>14.09.005</u>	<u>Purpose.</u>
14.09.010	Application review criteria.
14.09.020	Application review classifications.
14.09.030	Type I administrative review of applications.
14.09.040	Type II administrative review of applications.
14.09.050	Type III quasi-judicial review of applications.
14.09.060	Type IV legislative review of applications.
<u>14.09.025</u>	<u>Table of types of review for project permits</u>
<u>14.09.032</u>	<u>Limitation on hearings.</u>
<u>14.09.035</u>	<u>Consolidated review.</u>
<u>14.09.045</u>	<u>Table of application review processes.</u>
<u>14.09.065</u>	<u>Notice of public hearing.</u>
14.09.070	Procedures for public hearings.
14.09.080	Procedures for closed record decisions and appeals.

14.09.085 ~~Decision.~~  
14.09.090 ~~Notice of final decision.~~  
14.09.100 ~~Term of permits.~~

**23. Adopt a new Section 14.09.010 Purpose.**

14.09.005 Purpose.

The purpose of the project permit classification and review process chapter is to establish standardized, consistent and timely review procedures for project permits. The department will coordinate the classification and review of project permits consistent with the provisions in this chapter.

**24. Amend Section 14.09.010 Application review criteria.**

14.09.010 Application review criteria.

A. General. In the absence of applicable criteria in WWCC Title 15 Building and Construction, Title 16 Subdivisions, Title 17 Zoning, Title 18 Environment, the Walla Walla County Shoreline Master Program, or this chapter, project permit applications shall be reviewed for consistency with the applicable goals and policies in the comprehensive plan and/or sub-area plan. ~~Review of an application and proposed development shall be governed by and be consistent with the fundamental land use planning policies and decisions which have been made in the county's 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 the comprehensive plan and development regulations. In the absence of applicable development regulations, the applicable development criteria in the comprehensive plan or sub-area plan adopted under RCW 36.70A shall be determinative. (Ord. 317 §3(part), 2005)~~

B. Rezone not of general applicability review criteria. An application for a rezone not of general applicability shall ~~meet~~ be approved, approved with conditions, or denied based upon a determination that the rezone meets the following review criteria:

1. Is consistent with the goals and policies in the land use, rural and resource lands, and/or Burbank subarea plan elements of the comprehensive plan including the land use maps; and

2. Is consistent with WWCC Title 16 Subdivisions, Title 17 Zoning, Title 18 Environment, the Walla Walla County Shoreline Master Program Title 16 Subdivisions, Title 17 Zoning, and other applicable land use laws and policies of Walla Walla County; and

3. Is not materially detrimental to uses or property in the immediate vicinity of the proposed rezone and to the general public; and

4. Does not create excessive additional requirements at public cost for public facilities and services; and

5. Is warranted:

a. to achieve consistency with the comprehensive plan; or

b. to meet county population and/or employment projections because of a need for additional property in the proposed zoning district ~~to meet county population and/or employment projections~~; or

c. because there are changed conditions since the zoning in the area was adopted to warrant the proposed rezone. "Changed conditions" include public improvements, permitted private development or other conditions or circumstances affecting the subject property that have undergone substantial and material changes not anticipated or contemplated when the zoning and/or subarea plan was last adopted. "Changed conditions" do not include actions taken by the current or former property owners to facilitate a more intense development of the property.

## **25. Amend Section 14.09.020 Application review classifications.**

### 14.09.020 Application review classifications.

All applications for project permits shall be classified for review at one of four levels:

A. Type 1 review is an administrative review process as permitted by RCW 36.70B.140. Decisions are made by the director, no public notice is issued, there is no public comment period, and no public hearing is held. Decisions are appealable to the hearing examiner. Type 1 project permits not exempt from SEPA shall be reviewed using the Type 2 review process. Type 1 reviews should be completed within 45 days and the provisions of Sections 14.09.090(B) through (D) shall apply.

B. Type 2 review is an administrative review process with the decision made by the director. Type 2 reviews require the exercise of limited discretion about

nontechnical issues and about which there may be limited public interest. Public notice is required and decisions are appealable to the hearing examiner.

C. Type 3 review is a quasi-judicial review process with the decision made by the hearing examiner. Public notice and a public hearing are required and decisions are appealable.

D. Type 4 and Type 5 reviews are legislative review processes with the decision made by the Walla Walla County Board of Commissioners.

~~——— A. Following the issuance of a determination of completeness and a notice of application, an application shall be reviewed at one of four levels:~~

- ~~——— 1. Type I administrative review;~~
- ~~——— 2. Type II administrative review;~~
- ~~——— 3. Type III quasi-judicial review;~~
- ~~——— 4. Type IV legislative review.~~

~~——— B. If this title or the Walla Walla County Code (WWCC) provides that a proposed development is subject to a specific type of review, or a different review procedure is required by law, then 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 community development director shall determine the type of review to be used for the type and intensity of the proposed development.~~

~~——— C. Any public meeting or required open public hearing may be combined with any public meeting or open record public 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 the county and within the time limits of this title and RCW Chapter 36.70B. (Ord. 317 §3(part), 2005)~~

## **26. Adopt a new Section 14.09.025 Table of types of review for project permits.**

14.09.025 Table of types of review for project permits.

Table 14-1 below lists the types of review required for various project permits.

<p align="center"><b><u>Table 14-1</u></b></p> <p align="center"><b><u>Types of Review for Project permits</u></b></p>	
<b><u>Project Permit</u></b>	<b><u>Type of Review</u></b>
<u>Accessory Dwelling Unit</u>	<u>Type 1</u>
<u>Binding Site Plan</u>	<u>Type 2</u>
<u>Binding Site Plan, alteration or vacation</u>	<u>Type 2</u>
<u>Binding Site Plan, minor revision</u>	<u>Type 1</u>
<u>Boundary Line Adjustment</u>	<u>Type 1</u>
<u>Building permit</u>	<u>Type 1</u>
<u>Conditional Use Permit</u>	<u>Type 3</u>
<u>Conditional Use Permit, Administrative</u>	<u>Type 2</u>
<u>Critical Area permit</u>	<u>Type 1</u>
<u>Development Agreement</u>	<u>Type 4</u>
<u>Fill and Grading permit</u>	<u>Type 1</u>
<u>Home Occupation permit</u>	<u>Type 1</u>
<u>Illegally divided land, development of</u>	<u>Type 5</u>
<u>Interpretation of codes and ordinances</u>	<u>Type 1</u>
<u>Mobile Home, Temporary Placement</u>	<u>Type 1</u>
<u>Planned Unit Development</u>	<u>Type 3</u>
<u>Planned Unit Development, Amendment</u>	<u>Type 3</u>
<u>Plat, final</u>	<u>Type 5</u>
<u>Plat, final, affidavit of correction</u>	<u>Type 1</u>



<p align="center"><b><u>Table 14-1</u></b></p> <p align="center"><b><u>Types of Review for Project permits</u></b></p>	
<b><u>Project Permit</u></b>	<b><u>Type of Review</u></b>
<u>Plat, final, alteration or vacation</u>	<u>Type 3</u>
<u>Rezone not of general applicability</u>	<u>Type 3</u>
<u>Shoreline Substantial Development permit</u>	<u>Type 3</u>
<u>Shoreline Conditional Use permit</u>	<u>Type 3</u>
<u>Shoreline Variance</u>	<u>Type 3</u>
<u>Short Plat, final</u>	<u>Type 2</u>
<u>Short Plat, final, affidavit of correction</u>	<u>Type 1</u>
<u>Short Plat, final, alteration or vacation</u>	<u>Type 2</u>
<u>Short Subdivision, preliminary</u>	<u>Type 2</u>
<u>Short Subdivision, preliminary, major revision</u>	<u>Type 2</u>
<u>Short Subdivision, preliminary, minor revision</u>	<u>Type 1</u>
<u>Site Development permit</u>	<u>Type 2</u>
<u>Site Development permit, amendment</u>	<u>Type 2</u>
<u>Sign permit</u>	<u>Type 1</u>
<u>Subdivision, large lot</u>	<u>Type 2</u>
<u>Subdivision, large lot, alteration or vacation</u>	<u>Type 2</u>
<u>Subdivision, preliminary</u>	<u>Type 3</u>
<u>Subdivision, preliminary, major revision</u>	<u>Type 3</u>
<u>Subdivision, preliminary, minor revision</u>	<u>Type 1</u>

<u>Table 14-1</u>	
<u>Types of Review for Project permits</u>	
<u>Project Permit</u>	<u>Type of Review</u>
<u>Variance</u>	<u>Type 3</u>
<u>Variance, minor</u>	<u>Type 2</u>

A. If this title or the Walla Walla County Code (WWCC) provides that a project permit is subject to a specific type of review not listed in Sections 14.09.020 or 14.09.025, or a different review procedure is required by law, then the application for such project permit shall be processed and reviewed accordingly. If this chapter does not provide for a specific type of review for a project permit, 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 project permit.

B. The SEPA procedures in WWCC Chapter 18.04 are supplemental to the procedures in this title. The review required by this chapter and the review required by Title 18 shall be conducted concurrently. Any project permit classified for Type 1 review but not exempt from SEPA shall be reviewed using the Type 2 process.

27. Repeal Section 14.09.030 Type I administrative review of applications, Section 14.09.040 Type II administrative review of applications, Section 14.09.050 Type III quasi-judicial review of applications and Section 14.09.060 Type IV legislative review of applications.

14.09.030 — Type I administrative review of applications.

— Type I 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 categorically exempt from the State Environmental Policy Act (SEPA). Permits reviewed through this process are not subject to the requirements of Chapter 14.07 of this title. The community development director may approve, approve with conditions, or deny the application after the date the application is accepted as complete. The decision of the community development director is final unless an administrative appeal process is provided for in this or any other title within this code. This type of review includes, but is not limited to, the following:

— A. Interpretation of codes and ordinances;

— B. Single family and other minor building permits not subject to environmental review;

- ~~—— C. Fence permits;~~
- ~~—— D. Home occupation permits;~~
- ~~—— E. Shoreline exemptions;~~
- ~~—— F. Critical area permits;~~
- ~~—— G. Sign permits;~~
- ~~—— H. Boundary line adjustments;~~
- ~~—— I. Fill and grading permits;~~
- ~~—— J. Encroachment permits to work within a right-of-way;~~
- ~~—— K. Flood development permits; and~~
- ~~—— L. Minor amendments or modifications to approved developments or permits which may affect the precise dimensions or location of buildings, accessory structures and driveways, but do not affect the overall project character, increase the number of lots, dwelling units or density, or decrease the quality or amount of open space. (Ord. 317 §3(part), 2005)~~

~~14.09.040 — Type II administrative review of applications.~~

~~—— A. Type II 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, and generally does not require a public hearing. This type of review includes, but is not limited to, the following:~~

- ~~—— 1. Short subdivisions;~~
- ~~—— 2. Binding site plans;~~
- ~~—— 3. Minor variances of twenty percent or less to the dimensional standards contained in Titles 15, 16, 17 and 18, subject to the approval criteria in Title 18 of this code;~~
- ~~—— 4. Multifamily, commercial, industrial and/or nonresidential building permits and site plans that are subject to environmental review pursuant to Title 16 and the State Environmental Policy Act (SEPA).~~

~~—— B. The review procedure under Type II administrative review shall be as follows:~~

- ~~—— 1. Upon issuing a determination of completeness pursuant to Section 14.07.050 of this title, the county shall issue a notice of application per Section 14.07.080 of this~~

~~title. If the proposed development is subject to the State Environmental Policy Act (SEPA), the threshold determination may be made concurrent with the public comment period required in the notice of application, pursuant to the provisions of WAC 197-11-355 "Optional DNS," and Chapter 18.04 of this code.~~

~~2. Upon completion of the public comment period and the comment period required by SEPA, if applicable, the community development director may approve, approve with conditions, or deny the application. The decision of the community development director shall be in writing pursuant to Section 14.09.090 of this chapter, and is final unless an administrative appeal process is provided for in this or any other title within this code. The county shall mail the notice of decision to the applicant and all parties of record. (Ord. 317 §3(part), 2005)~~

~~14.09.050 — Type III quasi-judicial review of applications.~~

~~A. Type III quasi-judicial review shall be used when the development or use proposed under the application requires a public hearing before a hearing body which will generally be the hearing examiner. This type of review includes, but is not limited to, the following:~~

- ~~1. Administrative appeals, including those relating to RCW 43.21C;~~
  - ~~2. Preliminary subdivisions;~~
  - ~~3. Plat amendments, alterations and/or vacations;~~
  - ~~4. Conditional use permits and amendments thereto;~~
  - ~~5. Planned unit developments;~~
  - ~~6. Variances;~~
  - ~~7. Applications for shoreline management substantial development permits, variances, conditional use permits and nonconforming use permits pursuant to the shoreline management act and shoreline master program;~~
  - ~~8. Rezones which are not of general applicability;~~
  - ~~9. Appeals alleging an error in a decision of a county official in the interpretation or the enforcement of the zoning code or any other development regulation;~~
  - ~~10. Appeals alleging an error in a decision of a county official in taking an action on a short plat or binding site plan; and~~
  - ~~11. Other similar development permit applications.~~
- ~~B. The review procedure under Type III quasi-judicial review shall be as follows:~~



~~1. Upon issuing a determination of completeness pursuant to Section 14.07.050 of this title, the county shall issue a notice of application per Section 14.07.080 of this title. If the proposed development is subject to the State Environmental Policy Act (SEPA), the threshold determination may be made concurrent with the public comment period required in the notice of application, pursuant to the provisions of WAC 197-11-355 "Optional DNS," and Chapter 18.04 of this code.~~

~~2. Upon completion of the public comment period and the comment period required by SEPA, if applicable, a public hearing shall be held by the appropriate hearing body, which will generally be the hearing examiner.~~

~~3. At least ten calendar days before the date of a public hearing, not including the date of the hearing, the county shall issue public notice of the date, time, location and purpose of the hearing, pursuant to Section 14.07.090 of this title.~~

~~4. The county will issue a written staff report, integrating the SEPA review and threshold determination and recommendation regarding the application(s) prior to the date of the public hearing, which will generally be seven calendar days before the date of the public hearing. A copy of the staff report will be mailed to the hearing examiner, the applicant or the applicant's designated representative and will be made available to the public for review and inspection. The county shall make available a copy of the staff report, subject to payment of a reasonable charge, to other parties who request it.~~

~~5. Public hearings shall be conducted in accordance with the rules of procedure adopted by the hearing body. Lacking any adopted hearing procedures, the provisions of Section 14.09.070 of this chapter shall be used to conduct the public hearing. A public hearing shall be recorded on either audio or audio-visual tape.~~

~~6. Within ten working days after the date the public record closes, the hearing body shall issue a written decision regarding the application(s).~~

~~7. The hearing body may approve, approve with conditions or deny the application and shall mail the notice of its decision to the community development department, applicant, the applicant's designated representative, the property owner(s), and any other parties of record. The decision shall be issued pursuant to Section 14.09.090 (Notice of final decision) of this chapter. (Ord. 317 §3(part), 2005)~~

14.09.060 — Type IV legislative review of applications:

~~A. Legislative review shall be used when the proposed development involves the creation, implementation or amendment of county policy or law. Projects reviewed through this process are not subject to the requirements of Chapter 14.07 of this title.~~

~~This type of review includes, but is not limited to, comprehensive plan, sub-area plan, zoning code (including zone map amendments of general applicability) and/or other development code reviews, amendments and updates.~~

~~——— B. Legislative review shall be conducted as follows:~~

~~——— 1. Legislative review generally requires at least one public hearing before the planning commission, and at least one public hearing before the board of county commissioners.~~

~~——— 2. When an application by a private individual is part of the proposed legislative action, the application shall contain all information and material requirements, including the appropriate fee(s), required by the appropriate application form and any preapplication meeting.~~

~~——— 3. At least ten calendar days before the date of the first planning commission hearing, not including the date of the hearing, the community development director shall issue public notice of the date, time, location and purpose of the hearing pursuant to Section 14.07.090 of this title. The notice may include notice of the SEPA threshold determination issued by the community development director.~~

~~——— 4. The county will issue a written staff report, integrating the SEPA review and threshold determination and recommendation regarding the application(s) prior to the date of the public hearing, which will generally be seven days before the date of the public hearing. A copy of the staff report will be mailed to the planning commission, the applicant or the applicant's designated representative and will be made available to the public for review and inspection. The county shall make available a copy of the staff report, subject to payment of a reasonable charge, to other parties who request it.~~

~~——— 5. Following the public hearing of the planning commission, in accordance with RCW 36.70, a 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 they may either accept or reject the recommendation.~~

~~——— 6. 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.~~

~~——— 7. In the event the board of county commissioners determines that the public hearing record of the planning commission is insufficient or otherwise flawed, the board of county commissioners may remand the matter back to the planning commission to~~



~~correct the deficiencies. The board of county commissioners shall specify the items or issues to be considered and the time frame for completing the additional work.~~

~~8. The final decision of the board of county commissioners shall be by ordinance, resolution or motion, as appropriate. Where the final decision of the board of county commissioners is made by motion, it shall be in writing and shall include those items described in Section 14.09.090 of this chapter. (Ord. 317 §3(part), 2005)~~

**28. Adopt a new Section 14.09.032 Limitation on hearings.**

14.09.032 Limitation on hearings.

Except for the appeal of a determination of significance as provided in RCW 43.21C.075, project permits shall be subject to no more than one open record hearing and one closed record appeal.

**29. Adopt a new Section 14.09.035 Consolidated review.**

14.09.035 Consolidated review.

A. When more than one project permit is required for a project action, the applicant may elect to have all project permit applications consolidated and reviewed at one time.

B. When multiple project permits for a project action are subject to different types of review, all of the project permit applications shall be consolidated and reviewed under the highest level of review which applies to any of the project permits.

C. Under consolidated review the determination of completeness, the notice of application, and the notice of decision must include all project permit applications being reviewed. (Ord. 317 §3(part), 2005)

D. If project reviews are consolidated as provided in Subsections 14.09.035(A) and (B), no more than one consolidated open record hearing and one closed record hearing shall be held.

E. Any required public hearing may be combined with any other public hearing that may be held on the project permit by another local, state, federal or other agency. Hearings may be combined if requested by the applicant. However, joint hearings must be held within the county and within the time limits of this title and RCW Chapter 36.70B. (Ord. 317 §3(part), 2005)

**30. Adopt a new Section 14.09.045 Table of application review processes.**



14.09.045 Table of application review processes.

Table 14-2 below summarizes the review process for each type of review in Table 14-1. Provisions related to the review process for amendments to the county's comprehensive plan and development regulations are contained in WWCC Chapters 14.10 and 14.15.

<p align="center"><b>Table 14-2</b> <b>Summary of Application Review Processes</b></p>					
	<u><b>Type 1</b></u>	<u><b>Type 2</b></u>	<u><b>Type 3</b></u>	<u><b>Type 4</b></u>	<u><b>Type 5</b></u>
<u><b>Decision-Maker</b></u>	<u>Director</u>	<u>Director</u>	<u>Hearing Examiner</u>	<u>Board of County Commissioners</u>	<u>Board of County Commissioners</u>
<u><b>Pre-Application Meeting</b></u>	<u>No</u>	<u>Yes</u>	<u>Yes</u>	<u>Yes</u>	<u>No</u>
<u><b>Determination of Completeness</b></u>	<u>Within 28 days after receiving an application</u>	<u>Within 28 days after receiving an application</u>	<u>Within 28 days after receiving an application</u>	<u>Within 28 days after receiving an application</u>	<u>No</u>
<u><b>Notice of Application</b></u>	<u>No</u>	<u>Within 14 days after issuing a determination of completeness</u>	<u>Within 14 days after issuing a determination of completeness<sup>1</sup></u>	<u>Within 14 days after issuing a determination of completeness<sup>1</sup></u>	<u>No</u>
<u><b>Public Comment Period</b></u>	<u>No</u>	<u>Within 14-30 days after issuance of a notice of application</u>	<u>Within 14-30 days after issuance of a notice of application</u>	<u>Within 14-30 days after issuance of a notice of application</u>	<u>No</u>
<u><b>Public Hearing</b></u>	<u>No</u>	<u>No</u>	<u>Yes</u>	<u>Yes</u>	<u>No</u>
<u><b>Notice of</b></u>	<u>No</u>	<u>No</u>	<u>Publication at least 10 days</u>	<u>Publication at least 10 days</u>	<u>No</u>

<b><u>Public Hearing</u></b>			<u>prior and mailing at least 12 days prior to the date of the public hearing</u>	<u>prior and mailing at least 12 days prior to the date of the public hearing</u>	
<b><u>Notice of Decision</u></b>	<u>No</u>	<u>Within 120 days of the date of a determination of completeness</u>	<u>Within 120 days of the date of a determination of completeness</u>	<u>By ordinance, resolution or motion</u>	<u>By ordinance, resolution or motion</u>
<b><u>Appeal</u></b>	<u>Hearing Examiner</u>	<u>Hearing Examiner</u>	<u>Superior Court<sup>2</sup></u>	<u>Superior Court</u>	<u>Superior Court</u>

<sup>1</sup> The notice of application also must be issued at least 15 days prior to the date of an open record pre-decision hearing.

<sup>2</sup> Appeals of site-specific rezones must be made to the Board of County Commissioners as provided in WWCC Section 14.11.020 before appeal can be made to Superior Court.

### **31. Adopt a new Section 14.09.065 Notice of public hearing.**

#### 14.09.065 Notice of public hearing.

Notice of a public hearing shall be given as follows:

A. Time of Notices. Except as otherwise required, public notification of public hearings under this title shall be made by:

1. Publication in a newspaper of general circulation and in the official gazette, if any, of the county, at least ten days before the date of a public hearing. Notices issued for project permits located in Ranges 31 and 32 East shall be published in the Tri-City Herald or its successors. Notices for project permits located elsewhere in the county shall be published in the Walla Walla Union-Bulletin or its successors; and

2. For Type 3 and Type 4 project permits or site-specific comprehensive plan or site-specific zoning amendments, mailing at least twelve days before the date of a public hearing to all property owners, as shown on the records of the county assessor, within a radius of five hundred feet of the exterior boundaries of the property that is the subject of the project permit, site-specific comprehensive plan or site-specific zoning amendment. The director shall prepare said list of property owners.



B. Content of Notice. The public notice shall include a description of the project permit, a general, nonlegal description of the property location or a vicinity map or sketch (if applicable), the time, date and place of the public hearing, purpose of the hearing, and the place where further information may be obtained.

**32. Amend Section 14.09.070 Procedures for public hearings.**

14.09.070 Procedures for public hearings.

A. Public hearings shall be recorded and 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 public hearing shall be declared open and, in general, the following sequence of events shall be observed:~~

~~A. Staff presentation, including submittal of any administrative reports. The hearing body may ask questions of the staff;~~

~~B. Applicant presentation, including submittal of any materials. The hearing body may ask questions of the applicant;~~

~~C. Testimony or comments by the public germane to the matter. Questions directed to the staff or the applicant shall be posed by the hearing body at its discretion;~~

~~D. Rebuttal, response or clarifying statements by the staff, the applicant, or the public;~~

~~E. The evidentiary portion of the public hearing shall be closed and, where applicable, the hearing body shall deliberate on the matter before it. (Ord. 317 §3(part), 2005)~~

B. The director shall issue a written staff report, integrating the SEPA review and threshold determination and recommendation regarding the project permit(s) prior to the date of the public hearing, which shall generally be seven days before the date of the public hearing. A copy of the staff report shall be mailed to the hearing body, the applicant or the applicant's designated representative and shall be made available to the public for review and inspection. The director shall make available a copy of the staff report, subject to payment of a reasonable charge, to other parties who request it.

C. If for any reason a public hearing cannot be completed on the date set in the public notice, the hearing body may continue the public hearing to a date, time and place certain and no further notice under this section is required.

**33. Repeal Section 14.09.080 Procedures for closed record decisions and appeals.**



~~14.09.080 — Procedures for closed record decisions and appeals.~~

~~—— A. Closed record decisions and appeals shall be conducted in accordance with the hearing body's rules of procedure as provided for public hearings, and shall serve to provide argument and guidance for the body's decision.~~

~~—— B. Closed record decisions on requests for final plat approval of a preliminary subdivision shall consist of the following recommendations for approval or disapproval:~~

~~—— 1. A recommendation from the county health department administrator as to the adequacy of the proposed means of sewage disposal and availability of water supply;~~

~~—— 2. A recommendation from the county community development director as to the compliance with all terms of the preliminary approval of the proposed subdivision; and~~

~~—— 3. A recommendation of approval or disapproval from the county engineer.~~

~~—— C. Upon review of the request for final plat approval of a preliminary subdivision, the hearing body shall approve, disapprove or remand the final plat to the applicant with specific instructions for compliance with the preliminary subdivision approval.~~

~~—— D. For closed record appeals, no new evidence or testimony shall be given or received, except that the parties to an appeal may submit timely written statements or arguments. (Ord. 317 §3(part), 2005)~~

**34. Adopt a new Section 14.09.085 Decision.**

14.09.085 Decision.

After reviewing the project permit and the applicable criteria, the decision maker may approve, approve with conditions or deny the project permit application.

**35. Amend Section 14.09.090 Notice of final decision.**

14.09.090 Notice of final decision.

A. The county will strive to issue a written notice of final decision on an application reviewed pursuant to either a Type II administrative or a Type III quasi-judicial review process within one hundred twenty days after the date of the determination of completeness. In determining the number of days that have elapsed since the date of the determination of completeness, the following periods shall be excluded. Except as provided in this section, a written notice of decision shall be issued as follows:

1. Within one hundred twenty days after the date of the determination of completeness for a project permit reviewed pursuant to a Type 2 review process.

2. Within fourteen days of the date the public record closes and within one hundred twenty days of the date of the determination of completeness for a project permit reviewed pursuant to a Type 3 review process.

B. In determining the number of days that have elapsed since the date of the determination of completeness, the following periods shall be excluded:

1. Any period during which the applicant has been requested by the ~~county~~ director or decision-maker to correct plans, perform required studies, or provide additional information or materials. The period shall be calculated from the date the ~~director issues the written request is issued~~ to the applicant to, the earlier of, the date the ~~director or decision-maker~~ determines whether the additional information satisfies its request or fourteen days after the date the information has been received by the director or decision-maker ~~community development department~~;

2. If the ~~county~~ director or decision-maker determines the information submitted by the applicant under subsection (A)(1) of this section is insufficient, it shall again notify the applicant of deficiencies and the procedures under subsection (A)(1) of this section shall apply to the request for information;

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

4. Any period for administrative appeals, which shall not exceed ninety days for open record appeals, and sixty days for closed record appeals;

5. Any extension of time mutually agreed upon, in written form, by the applicant and the director or decision-maker ~~county~~.

BC. The time limit by which the director or decision-maker ~~county will strive to shall~~ issue a written notice of final decision does not apply if an application:

1. Requires an amendment to a comprehensive plan or development regulation;

2. Requires the siting of an essential public facility, as provided in RCW Chapter 36.70A and as may be hereafter amended;

3. 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 permit application is determined to be complete; or

4. Is a Type 4 decision.

~~CD.~~ If ~~the director is unable to issue its~~ a final decision is not issued within the time limits provided for in this section, ~~he or she the director or decision-maker~~ 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.

~~DE.~~ In accordance with state law, the county is not liable for damages which may result from the failure to issue a timely notice of final decision.

~~EF.~~ ~~The written notice of final decision for Type II administrative decisions, Type III quasi-judicial decisions and legislative actions made by motion of the hearing body shall include the following information~~ The written notice of a decision for Type 2, Type 3 and Type 4 reviews shall include the following information:

1. A statement of the applicable criteria and standards in the development codes and other applicable law;
2. A statement of the findings of the review authority, stating the application's compliance or noncompliance with each applicable criterion, and assurance of compliance with applicable standards;
3. The decision to approve or deny the application and, if approved, conditions of approval, if any, necessary to ensure the proposed development project permit will comply with all applicable laws;
4. A statement that the decision is final unless appealed as provided in Chapter 14.11 (Appeals) of this title. The statement shall state the appeal closing date and describe how a party may appeal the decision, including applicable fees and the elements of a notice of appeal;
5. A statement that the complete case file, including findings, conclusions and conditions of approval, if any, is available for inspection. The notice shall list the place, days and times when the case file is available for inspection and the name and telephone number of the department's of community development's representative designee to contact to arrange inspection;
6. A statement that the affected property owner(s) may request a change in valuation for property tax purposes notwithstanding any program of revaluation.
67. A written notice of decision rendered by the board of county commissioners may be in the form of the signed ordinance or resolution.

G. The written notice of decision for all decisions shall be mailed to the applicant(s), the property owner(s), if applicable, parties of record, the department, if applicable, and the county assessor within five days of issuance.

FH. Effective Date. The final decision of the board of county commissioners or hearing body decision-maker shall be effective on the date stated in the notice of decision, resolution or ordinance. (Ord. 317 §3(part), 2005)

**36. Repeal Section 14.09.100 Term of permits**

14.09.100 — Term of permits.

— Unless otherwise provided in Titles 15, 16, 17 or 18 of this code, if no work related to a permit issued under the authority of this title has been commenced within one year of the date of final decision, or if the project has not completed within three years of the date of final decision, the permit shall be deemed to have expired.

— A. Permit Extensions. Type 1 and 2 permits may be extended for up to one year by the director provided that the permit has not expired. Type 3 permits may be extended for up to one year by the hearing examiner provided that the permit has not expired. (Ord. 317 §3(part), 2005)

**37. Amend Section 14.10.040(C) (6) Applications for comprehensive plan amendments.**

6. Explanation of how the proposed amendment meets the requirements of Section 14.10.015 and 14.10.040(F), and the applicable criteria in Sections 14.10.060(D)(3) and 14.10.070(B)(3),(4), and (5); and

**38. Amend Section 14.10.060(C) Preliminary docket – Adoption of final docket.**

C. Community Development Department Review. After compiling the preliminary docket, the director shall review the suggested amendments and prepare a staff report to the planning commission recommending which proposed amendments should be placed on the final docket. The staff report shall address the need and appropriateness of each proposed amendment and its compliance with the applicable annual review criteria in Section 14.10.015 and the requirements of Section 14.10.040(F).

**39. Amend Section 14.10.060(D)(2) and (D)(3) Preliminary docket – Adoption of final docket.**

2. Public Hearing. The planning commission shall conduct a public hearing on the proposed amendments on the preliminary docket as set forth in Sections ~~14.07.090~~14.09.065 and 14.09.070 of this title.

3. Recommendations. Following the hearing, the planning commission shall make a recommendation to the board of county commissioners on each proposed amendment as to whether or not the amendment should be placed on the final docket. The planning commission's recommendation shall be based upon the perceived need, urgency and appropriateness of each proposed amendment and its compliance with the applicable annual review criteria in Section 14.10.015 ~~and the requirements of Section 14.10.040(F).~~

**40. Amend Section 14.10.060(E)(1) Preliminary docket – Adoption of final docket.**

1. Review and Decision Process. The board of county commissioners shall review and consider the planning commission's report and recommended final docket at a regularly scheduled commissioner's meeting. The board of county commissioners may adopt the planning commission's recommended final docket without a public hearing; however, in the event that a majority of the board of county commissioners decides to add or subtract proposed amendments, it shall first conduct a public hearing as set forth in Sections 14.09.065 and 14.09.070~~14.07.090~~ of this title.

**41. Amend Section 14.10.070(B)(2) Final docket – Adoption of final docket.**

2. Public Hearing. The planning commission shall conduct a public hearing on the proposed amendments as set forth in Sections 14.09.065 and 14.09.070~~14.07.090~~ of this title.

**42. Amend Section 14.10.070(C)(2) Final docket – Adoption of final docket.**

2. Public Hearing. The board of county commissioners shall consider the proposed amendments to the comprehensive plan at a regularly scheduled meeting and conduct a public hearing, as set forth in Sections 14.09.065 and 14.09.070~~14.07.090~~ of this title.

**43. Amend Section 14.11.010 Appeal of administrative interpretations and decisions.**

14.11.010 Appeal of administrative interpretations and decisions.

Administrative interpretations and administrative decisions pursuant to Section 14.09.020 ~~Sections 14.09.030(A), 14.09.040(A) and (B)~~ of this title, including appeals of administrative decisions or determinations made pursuant to RCW 43.21C, may be appealed, by applicants or parties of record, to the hearing examiner as provided for in Section 14.11.030 of this chapter. ~~There are no appeals of administrative decisions issued pursuant to Sections 14.09.030(B) through (H) of this title.~~ (Ord. 317 §3(part), 2005)

**44. Amend 14.11.020 Appeal of hearing examiner decisions.**

Appeals of a rezone not of general applicability (site-specific) shall be made within ten days after the date of the Hearing Examiner's decision to the board of county commissioners for review at a closed record appeal as provided for in Section 14.11.030 of this chapter. If the ten-day period ends on a weekend or on a holiday, the following working day shall be the tenth day. All other decisions of the hearing examiner may be appealed, by applicants or parties of record from the hearing examiner public hearing, to the Walla Walla County Superior Court as provided for in Section 14.11.040 of this chapter; provided, however, that no final decision of the hearing examiner may be appealed to Walla Walla County Superior Court unless such party has first brought a timely motion for reconsideration of the hearing examiner's decision pursuant to Section 14.11.060 of this chapter.

**45. Amend Subsection 14.11.030 Administrative appeals.**

A. Filing. Every appeal to the hearing examiner or board of County Commissioners shall be filed with the county within ten calendar days after the date of the decision of the matter being appealed. If the ten-day period ends on a weekend or on a holiday, the following working day shall be the tenth day.

B. Contents. The notice of appeal shall contain a concise statement identifying:

1. The decision being appealed;
2. The name and address of the appellant and his or her interest(s) in the matter;
3. The specific reasons why the appellant believes the decision to be wrong, including identification of each finding of fact, each conclusion, and each condition or action ordered which the appellant alleges is erroneous. The appellant shall bear the burden of proving the decision was wrong;

4. The specific desired outcome or changes to the decision;
5. The appeal fee.

C. Process. Upon receipt of a notice of appeal containing all information required in ~~subsection~~ Subsection 14.11.030(B) of this section, the county shall schedule with the applicable hearing body either an open record appeal hearing or a closed record appeal hearing if an open record hearing has already been held on an application. Notice of the time, date and place of an appeal hearing shall be communicated by the county to the Appellant(s) and applicant. No additional notice is required. Open record appeal hearings shall be conducted in accordance with the hearing body's rules of procedure.

D. Closed record appeals shall be conducted in accordance with the hearing body's rules of procedure and shall serve to provide argument and guidance for the body's decision. Closed record appeals shall be conducted generally as provided for public hearings, except that no new evidence or testimony shall be given or received except as provided in subsection (D)(3) of this section. The parties to the appeal may submit timely written statements or arguments.

1. A decision following a closed record appeal hearing 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.
2. In the event the hearing body determines that the public hearing record or record on appeal is insufficient or otherwise flawed, it may remand the matter back to the hearing body to correct the deficiencies. The items or issues to be considered and the time frame for completing the additional work shall be specified.
3. The hearing body may receive new evidence in addition to that contained in the record on appeal only if it relates to the validity of the underlying decision at the time the decision was made and is needed to decide disputed issues regarding:
  - a. The proper constitution of or disqualification grounds pertaining to the decisionmaker;
  - b. The use of unlawful procedure.

E. Standards for granting relief. The hearing body may grant relief only if the party seeking relief has carried the burden of establishing that one of the standards set forth in (a) through (e) of this subsection has been met. The standards are:

(1) The body or officer that made the decision engaged in unlawful procedure or failed to follow a prescribed process, unless the error was harmless;

(2) The decision is an erroneous interpretation of the law, after allowing for such deference as is due the construction of a law by the administrative decision maker with expertise;

(3) The decision is not supported by evidence that is substantial when viewed in light of the whole record before the hearing body;

(4) The decision is a clearly erroneous application of the law to the facts; or

(5) The decision is outside the authority or jurisdiction of the body or officer making the decision.

E F. SEPA Appeals. In addition to the items listed above, all applicable provisions related to appeals authorized by the WWCC Chapter 18.04, RCW 43.21C and WAC 197-11 shall be governed by the requirements and procedures outlined in WWCC Chapter 18.04. Where there is a conflict, the procedures outlined in Chapter 18.04 shall control.  
~~complied with when filing administrative appeals of SEPA decisions or determinations.~~

#### **46. Amend Section 14.11.040 Judicial appeals.**

##### 14.11.040 Judicial appeals

Appeals from the final land use decision of the board of county commissioners or hearing examiner involving WWCC Titles 14 Development Code Administration, 15 Buildings and Construction, 16 Subdivisions, 17 Zoning or 18 Environment, and for which all other appeals specifically authorized have been timely exhausted, including the provisions of Section 14.11.060 of this chapter, shall be made to Walla Walla County Superior Court pursuant to RCW 36.70C and served on the County and all necessary parties within twenty-one days of the date the decision or action became final, unless another time period is established by state law ~~or local ordinance~~. ~~Notice of the appeal and any other pleadings required to be filed with the court shall be served on the Walla~~

~~Walla board of county commissioners and Walla Walla prosecuting attorney within the applicable time period. This requirement is jurisdictional.~~

**47. Amend Section 14.11.060 Reconsideration.**

**14.11.060 Reconsideration**

An applicant or party of record to a hearing examiner's public hearing may seek reconsideration only of a final decision by filing a written request for reconsideration with the ~~administrator~~ director within ten days of the final decision. The request shall comply with WWCC ~~Section~~ Subsection 14.11.030(B). Requests for reconsideration must be based on one of the following grounds: (1) A material error of law was made; (2) a material error or omission of material fact was made; (3) new material information is presented that was not knowable at the time of hearing. The hearing examiner shall, within ~~thirty~~ fifteen days of receipt of the request for reconsideration, ~~consider the grant or deny the request at a public meeting,~~ without additional ~~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 hearing examiner may immediately revise and reissue its decision or may call for argument in accordance with the procedures for closed record appeals. ~~Reconsideration will be granted only when an obvious legal error has occurred or a material factual issue has been overlooked that would change the previous decision.~~ (Ord. 317 §3(part), 2005)

**48. Amend Section 14.15.015(B) General procedures – Review schedule.**

B. Review Schedule. Prior to December 1<sup>st</sup> of each year the director of ~~community development~~ shall submit a recommendation to the board of county commissioners specifying a general schedule of the review process for the following year. After consideration of the director's recommendation the board of county commissioners shall adopt a resolution prior to December 31<sup>st</sup> specifying a general schedule of the review process for the following year.

**49. Amend Section 14.15.060(C) Preliminary docket – Adoption of final docket.**

C. Community Development Department Review. After compiling the preliminary docket, the director shall review the suggested amendments and prepare a staff report to the planning

commission recommending which proposed amendments should be placed on the final docket. The staff report shall address the following criteria:

- ~~1. The amendment complies with Section 14.15.040(F); and~~
- ~~2~~1. The amendment is consistent with the comprehensive plan; and
- ~~3~~2. The amendment is consistent with other development regulations, unless accompanied by amendments to such other development regulations; and
- ~~4~~3. The amendment is appropriate for consideration at this time.

**50. Amend Section 14.15.060(D) Preliminary docket – Adoption of final docket.**

D. Planning Commission Review. All proposed amendments shall be reviewed and assessed by the planning commission, which shall make a recommendation to the board of county commissioners after considering the staff report prepared by the director.

1. Workshop Meeting. The planning commission may first review the recommendations of the director in a workshop meeting(s)
2. Public Hearing. The planning commission shall conduct a public hearing on the proposed amendments on the preliminary docket as set forth in Sections 14.09.065 and 14.09.070~~14.07.090~~ of this title.

3. Recommendations. Following the hearing, the planning commission shall make a recommendation to the board of county commissioners on each proposed amendment as to whether or not the amendment should be placed on the final docket. The planning commission's recommendation shall be based upon the following criteria:

- ~~a. The amendment complies with Section 14.15.040(F); and~~
- ~~b~~a. The amendment is consistent with the comprehensive plan; and
- ~~e~~b. The amendment is consistent with other development regulations, unless accompanied by amendments to such other development regulations; and
- ~~d~~c. The amendment is appropriate for consideration at this time.

**51. Amend Section 14.15.060(E)(1) Preliminary docket – Adoption of final docket.**

E. Board of County Commissioner's Decision--Adoption of Final Docket.

1. Review and Decision Process. The board of county commissioners shall review and consider the planning commission's report and recommended final docket at a regularly scheduled commissioner's meeting. The board of county commissioners may adopt the planning commission's recommended final docket without a public hearing;

however, in the event that a majority of the board of county commissioners decides to add or subtract proposed amendments, it shall first conduct a public hearing as set forth in Sections 14.09.065 and 14.09.070~~14.07.090~~ of this title.

**52. Amend Section 14.15.070(B)(2) Final docket – Review and recommendation.**

2. Public Hearing. The planning commission shall conduct a public hearing on the proposed amendments as set forth in Sections 14.09.065 and 14.09.070~~14.07.090~~ of this title.

**53. Amend Section 14.15.070(C)(2) Final docket – Review and recommendation.**

2. Public Hearing. The board of county commissioners shall consider the proposed amendments to the development regulations at a regularly scheduled meeting and conduct a public hearing, as set forth in Sections 14.09.065 and 14.09.070~~14.07.090~~ of this title.