

## Agenda Summary Report (ASR)

### Franklin County Board of Commissioners

<b>DATE SUBMITTED:</b> January 21, 2020	<b>PREPARED BY:</b> MillieAnne VanDevender
<b>Meeting Date Requested:</b> January 28, 2020	<b>PRESENTED BY:</b> MillieAnne VanDevender or Nicole Stickney
<b>ITEM:</b> (Select One) <input type="checkbox"/> Consent Agenda <input checked="" type="checkbox"/> Brought Before the Board Time needed: 10 minutes	
<b>SUBJECT:</b> Proposed addition to the Franklin County Code, <b>Title 14 - Development Code Administration</b> . This new title is needed to attain compliance with the Local Project Review Act (RCW 76.70B) and the Land Use Petition Act (Chapter 36.70C RCW), in particular RCW 36.70B as well as RCW 36.70A.470, RCW 43.21C and WAC 365-196-845.	
<b>FISCAL IMPACT:</b> None anticipated.	
<b>BACKGROUND:</b> The addition of this new title (under file #TC 2019-01) will serve a necessary role in formalizing land use and permitting processes and procedures in Franklin County, and should aid in diminishing the County's risk.  Prior to the public hearing, staff received comments from Futurewise and the Department of Commerce, which were addressed by the Planning Commission during their meeting; changes were incorporated into the recommended Ordinance forwarded by the commission to the BOCC.	
<b>RECOMMENDATION:</b> The County Planning Commission recommends approval of the proposed addition of <b>Title 14- Development Code Administration</b> , to the Franklin County Code.  <i>Suggested Motion:</i> Pass ordinance #____, adopting <b>Title 14- Development Code Administration</b> based on the findings.	
<b>COORDINATION:</b> In accordance with procedural requirements under RCW 36.70A.106, the proposed addition of Development Regulations to the County's Code was provided to the state Department of Commerce. A SEPA DNS was issued on November 7, 2019 and there were no comments. The County's prosecuting attorney's office has reviewed the proposed changes.	
<b>ATTACHMENTS:</b> (Documents you are submitting to the Board) Draft Ordinance, Planning Commission 12.03.19 meeting minutes, Planning Commission Staff Report, SEPA DNS and checklist	
<b>HANDLING / ROUTING:</b> (Once document is fully executed it will be imported into Document Manager. Please list <u>name(s)</u> of parties that will need a pdf) <b>To the Clerk of the Board:</b> 1 Original Ordinance <b>To Planning:</b> 1 Copy Ordinance (note: Planning will forward a copy to the State Dept. of Commerce)	

*I certify the above information is accurate and complete.*

\_\_\_\_\_ MillieAnne VanDevender – Franklin County Contract Planner

**FACT SHEET/STAFF SUMMARY**  
**Meeting before the Franklin County Planning Commission**

***THIS IS A LEGISLATIVE ACTION (RCW 42.36.010)***

**Case file:** TC 2019-01 (Text Change) and SEPA 2019-12

**PC Meeting Date:** December 3, 2019

*See the staff report for the application details, description, explanation of public notice, etc.*

**SUMMARY OF THE PUBLIC HEARING:**

The proposal is for a Text Change, stated as ***Title 14 – Development Code Administration*** (under file TC 2019-01), presented by Staff at an open record public hearing on December 3, 2019. This presentation was made at a regular Planning Commission meeting, the proposal is a formalization of development procedures, which would bring the county in greater compliance with the Local Project Review Act (RCW 76.70B) and the Land Use Petition Act (Chapter 36.70C RCW), in particular RCW 36.70B as well as RCW 36.70A.470, RCW 43.21C and WAC 365-196-845. Current development procedures are scattered throughout the various other titles and bylaws of Franklin County. This new title would centralize and make readily available, various development procedures.

The testimony was neutral in presentation and no public testimony was made, there was a written public comment from Future-Wise. Written agency comment was also submitted by the Department of Commerce.

**Findings of Fact Criteria Used by Planning Commission:**

The Planning Commission made and entered findings from the record and conclusions thereof as to whether or not:

1. The proposal is in accordance with the goals, policies, objectives, maps and/or narrative text of the comprehensive plan;
2. The effect of the proposal on the immediate vicinity will be materially detrimental;
3. There is merit and value of the proposal for the community as a whole;
4. Conditions should be imposed in order to mitigate any significant adverse impacts from the proposal;
5. A concomitant agreement should be entered into between the County and the petitioner, and if so, the terms and conditions of such an agreement;

At the December 3<sup>rd</sup> meeting, the Planning Commission discussed the proposal, the comments made, the record as provided, and findings of fact. A motion was made for a positive recommendation to the Franklin County Board of Commissioners for Application TC 2019-01, with alternative findings of fact (as provided below).

**Findings of Fact – Planning Commission:**

The Planning Commission (with assistance from Planning Staff) made and entered the following findings from the record, and conclusions thereof:

1. The proposed use **IS IN** accordance with the goals and policies of the Franklin County Comprehensive Plan.
  - a. An addition to the County's Code of Ordinances to guide review of development in the county meets the intent and spirit of the Franklin County Comprehensive Plan.
  - b. The proposal is consistent with the State's Local Project Review Act (RCW 76.70B) and the Land Use Petition Act (Chapter 36.70C RCW).
2. The effect of the proposal on the immediate vicinity **WILL NOT** be materially detrimental.
  - a. The proposed title is intended to streamline the permitting process for land development occurring throughout the county on unincorporated lands, and ensure that the county's land development procedures are predictable resulting in potential cost and time savings to the applicants and County staff.
  - b. The addition of Title 14 ensures compliance with state guidelines for combining and expediting development review and integrates environmental review with development review.
3. There **IS** merit and value in the proposal for the community as a whole.
  - a. The proposed addition will provide applicants, staff, the public, and decision-makers with necessary and sufficient information to ensure thorough review of activities and their impacts and to allow considered and comprehensive decisions.
  - b. The addition of Title 14 will provide clear enforcement procedures to assure compliance with the development code and enable the Director to take appropriate, timely enforcement actions in administration of the code.
  - c. The community will benefit from the addition of Title 14 as it will detail requirements for public notice and ensure opportunities are granted for parties to comment during development review.
4. Conditions **ARE NOT** required to be imposed in order to mitigate any significant adverse impacts from the proposal.
  - a. N/A-This criterion does not apply as this action is countywide, and not a site or project specific application.

5. A concomitant agreement between the County and the petitioner **IS NOT** required for this application.
  - a. N/A-This criterion does not apply as this action is countywide, and not a site or project specific application.
6. All notifications of the Public Hearing were posted as per County Ordinances and State law.
7. The adoption of Title 14 is consistent with the State's Local Project Review Act (RCW 76.70B) and the Land Use Petition Act (Chapter 36.70C RCW).

**Suggested Motion:** "I move that the Board of County Commissioners adopt the recommendation of the Planning Commission and approve addition of ***Title 14 – Development Code Administration***, based upon the written findings of fact."

**FRANKLIN COUNTY ORDINANCE \_\_\_\_\_**  
**BEFORE THE BOARD OF COUNTY COMMISSIONERS OF**  
**FRANKLIN COUNTY, WASHINGTON**

***Adoption of Title 14- Development Code Administration***

**IN THE MATTER OF COUNTY PLANNING – ADDITION OF TITLE 14-DEVELOPMENT CODE ADMINISTRATION, TO THE COUNTY CODE OF ORDINANCES**

**WHEREAS**, on January 28, 2020, the Board of Franklin County Commissioners, via public meeting, considered the positive recommendation of the Franklin County Planning Commission to add Title 14-Development Code Administration to the Franklin County Code of Ordinances; and

**WHEREAS**, at the public meeting the Board has found that the County Planning Commission, after a public hearing and consideration on **TC 2019-01** did recommend the new Title be adopted, and the Planning Commission forwarded the following listed findings of fact;

1. The proposal **IS IN** accordance with the goals and policies of the Franklin County Comprehensive Plan.
  - a. An addition to the County's Code of Ordinances to guide review of development in the county meets the intent and spirit of the Franklin County Comprehensive Plan.
2. The effect of the proposal on the immediate vicinity **WILL NOT** be materially detrimental.
  - a. The proposed title is intended to streamline the permitting process for land development occurring throughout the county on unincorporated lands and ensure that the county's land development procedures are predictable resulting in potential cost and time savings to the applicants and County staff.
  - b. The addition of Title 14 ensures compliance with state guidelines for combining and expediting development review and integrates environmental review with development review.
3. There **IS** merit and value in the proposal for the community as a whole.
  - a. The proposed addition will provide applicants, staff, the public, and decision-makers with necessary and sufficient information to ensure thorough review of activities and their impacts and to allow considered and comprehensive decisions.

- b. The addition of Title 14 will provide clear enforcement procedures to assure compliance with the development code and enable the Director to take appropriate, timely enforcement actions in administration of the code.
  - c. The community will benefit from the addition of Title 14 as it will detail requirements for public notice and ensure opportunities are granted for parties to comment during development review.
- 4. Conditions **ARE NOT** required to be imposed in order to mitigate any significant adverse impacts from the proposal.
  - a. N/ A - This criterion does not apply as this is not a change to the Zoning Map.
- 5. A concomitant agreement between the County and the petitioner **IS NOT** required for this application.
  - a. N/ A - This criterion does not apply as this is not a change to the Zoning Map.
- 6. All Notifications of the Public Hearing were posted as per County Ordinances and State law.
- 7. The adoption of Title 14 is consistent with the State's Local Project Review Act (RCW 76.70B) the Land Use Petition Act (Chapter 36.70C RCW).

**WHEREAS**, A SEPA Determination of Non-Significance (DNS) was issued on November 7, 2019, with a comment period ending on November 21, 2018. In addition to typical agencies receiving the notification, SEPA notices were sent to the cities of Pasco, Mesa, Kahlotus and Connell; and

**WHEREAS**, In accordance with procedural requirements under RCW 36.70A.106, the proposed text amendment to the County's Development Regulations were provided to the state Department of Commerce on November 19, 2019, for review in advance of potential adoption of changes to the development regulations, for distribution to state agencies, to allow an opportunity for agency comment; and

**WHEREAS**, the intent of the new Title is to ensure County compliance with the Local Project Review Act (RCW 76.70B) and the Land Use Petition Act (Chapter 36.70C RCW); and

**WHEREAS**, the County finds it in the public interest to approve said addition of text;

**NOW, THEREFORE, BE IT ORDAINED** that Title 14-Development Code Administration be added to the County Code of Ordinances as shown in Attachment A.

**APPROVED THIS 28<sup>th</sup> DAY OF JANUARY, 2020.**

**BOARD OF COUNTY COMMISSIONERS  
FRANKLIN COUNTY, WASHINGTON**

\_\_\_\_\_  
**Chair**

\_\_\_\_\_  
**Chair Pro-Tem**

**Attest:** \_\_\_\_\_  
**Clerk of the Board**

\_\_\_\_\_  
**Member**

## ***Attachment A***

# **TITLE 14 DEVELOPMENT CODE ADMINISTRATION**

## **Chapter 14.10 - GENERAL PROVISIONS**

### ***14.10.010 - Title.***

A. This title shall be entitled “development code administration.” The development code shall consist of Title 15, Building and Construction; Title 16, Subdivisions and Division of Land; Title 17, Zoning; and Title 18, Environment.

### ***14.10.020 – Purpose and intent.***

A. The purpose of this title is guiding review of development in the county consistent with the Franklin County Comprehensive Plan, the Growth Management Act (Chapter 36.70A RCW), the Local Project Review Act (Chapter 36.70B RCW), the Land Use Petition Act (Chapter 36.70C RCW), the State Environmental Policy Act (Chapter 43.21C RCW), Plats – Subdivisions – Dedications (Chapter 58.17 RCW), the Shoreline Management Act (Chapter 90.58 RCW), and all regulations established in the associated Washington Administrative Code (WAC).

B. The intent of this title is to:

1. Combine, consolidate and streamline the application, review, approval and appeal processes for land development occurring in the county.
2. Describe the county’s land development procedures in clear, concise, and understandable terms.
3. Comply with state guidelines for combining and expediting development review.
4. Integrate environmental review with development review.
5. Provide applicants, staff, the public and decision-makers with necessary and sufficient information to enable more thorough review of activities and their impacts and to allow considered and comprehensive decisions.
6. Enable the director to take appropriate, timely enforcement actions.
7. Provide clear enforcement procedures to assure compliance with the development code.
8. Enhance public notice and encourage more opportunities to comment during development review.

### ***14.10.030 – Definitions.***

In the event of conflict between the following definitions and other definitions given in this development code, the following shall prevail:

- A. “Area-wide” describes an amendment not requested by specific parties, containing multiple parcels or tracts and multiple ownerships, and proposed for a large area. The Director(s) may deem any proposal to be site-specific if the public interest will be better served by a quasi-judicial process than a legislative process.
- B. “Board of County Commissioners” or “Board” means the Board of County Commissioners of Franklin County.
- C. “Building code” means the codes adopted in Title 15, and any amendments thereto.
- D. “Building permit” means any permit issued by the building official, including building, plumbing, demolition, mechanical, and grading permits.



- E. "Building official" means the Franklin County building official or designee.
- F. "Comprehensive Plan" means the Franklin County Comprehensive Plan.
- G. "County" means Franklin County, Washington.
- H. "Development code" means Titles 14 through 18, including any maps adopted as part thereof.
- I. "Development regulation" means a control placed on development or land use activities, as defined in RCW 36.70A.030.
- J. "Director" means the Planning and Building Director unless otherwise designated.
- K. "Legislative actions" means amendments to the county's Comprehensive Plan or development code, including area-wide amendments to any associated maps, but excluding adoption of state-adopted building codes.
- L. "Planning commission" means the Franklin County planning commission.
- M. "Premises" means any real property or structure.
- N. "SEPA" means State Environmental Policy Act.
- O. "Site-specific" means other than "area-wide" as defined in subsection A of this section.

***14.10.040 - Applicability of definitions.***

The definitions in Section 14.10.030 of this chapter shall apply equally to the entire development code, Franklin County Titles 14 through 19; other defined words may be found in the titles.

***14.10.050 - Time deadlines falling on nonbusiness days.***

Any time deadline established by this development code that falls on a Saturday, Sunday, and holidays where the county offices are closed shall extend to the next business day.

***14.10.060 - Stay of further permits in the event of appeal.***

When any county action taken pursuant to the development code is administratively or judicially appealed, the Director may stay further permit issuances for the use or improvement to which the appeal relates until the appeal has been settled.

***14.10.070 - One-hundred-twenty-day time limit - Exceptions.***

The following time periods shall not count toward the maximum of 120 days which can expire between the determination of completeness and the notice of decision:

- A. Any period commencing with a request by the county that the applicant provide any further information or an environmental impact statement until the applicant provides said information.
- B. Any period during which a comprehensive plan or development regulation amendment is being processed preliminary to deciding upon a permit application.
- C. Any period between the initial determination of completeness and any subsequent determination of completeness should the applicant substantially revise the proposal.
- D. Any period during which any decision related to the permit application is being appealed.
- E. Any period mutually agreed upon by the applicant and the county.
- F. Saturdays, Sundays, holidays established on which the county offices are closed, and the days between December 25th and January 1st.

***14.10.080 - Permit conditions.***

- A. In granting a permit and/or issuing a land use decision, the county may attach thereto such conditions as necessary to make the permit and/or land use decision compatible with the criteria applicable to that permit and/or land use decision and/or to mitigate the impacts associated with granting a permit.
- B. The county may require, as a condition of any permit approval, the posting of a cash performance bond or other security sufficient to fulfill the requirements of this development code and any conditions upon which the permit is granted.

***14.10.090 - Assignability of permits.***

Development permits shall run with the land and be freely assignable.

***14.10.100 - Permit expiration and extensions.***

- A. Unless a more specific provision applies to the type of permit, approved permits shall expire two years after the date of issuance if the action for which the permit is required has not begun, or within five years if construction has not been completed; except as provided in subsections B and C of this section.
- B. An approved preliminary plat shall expire:
  - 1. Within seven years of the date of approval of the preliminary plat if the date of preliminary plat approval was on or before December 31, 2014.
  - 2. Within five years of the date of approval of the preliminary plat if the date of preliminary plat approval is on or after January 1, 2015.
- C. Expiration and extension of the following land use permits shall not be governed by this section:
  - 1. Building permits;
  - 2. Shoreline permits;
  - 3. Land use permits governed by a development agreement shall be pursuant to the development agreement;
  - 4. Any permits for which this development code establishes a specific permit expiration.
- D. Permit applications not excepted above shall expire one year after any application dormancy or hold status, whether initiated by the applicant or during which the county waits for information it has requested of the applicant which is needed in order to process the application.
- E. The Director may extend the date of permit expiration for one year upon request by the applicant prior to said permit's expiration.
- F. Any extensions of time shall be based upon a finding of justifiable cause and that the land use permit is compliant with all applicable codes at the time of the extension request. The Director shall not grant more than one permit extension.

***14.10.110 - Applications are binding.***

All aspects of the application shall be binding for the life of the project/building, including graphic representations such as site plans, building elevations, and related required materials.

***14.10.120 - Minor changes.***

The Director may approve minor changes to the permitted proposal that do not create any additional lots or impacts, provided those changes are so insignificant that, in the Director's judgment, the changes would not have affected the decision of the original decision maker; and provided, that the proposal still complies with this development code. More substantial changes shall require a new permit.

***14.10.130 - Resubmission of application.***

Any permit application that is denied shall not be resubmitted or accepted by the county for reconsideration for a period of six months from the date of the last action by the county on the application or request.

***14.10.140 - Code interpretations.***

- A. Upon request, the Director(s) may interpret the provisions of development regulations subject to this chapter. Requests for interpretation shall be in writing and shall be specific as to the issue of interpretation. The Director may decline to issue code interpretations when the code provision at issue is clear on its face or the request is not made in good faith. The Director's decision not to issue a code interpretation shall not be appealable.
- B. Any final decision on a request for code interpretation shall be in writing and shall include:
  - 1. Findings that relate to applicable development regulations, definitions, or comprehensive plan policies;
  - 2. Development code citation;
  - 3. The context;
  - 4. The interpretation; and
  - 5. The reasoning for the interpretation.
- C. The Director shall apply said interpretations to future instances of like circumstances.
- D. Code interpretations made by the Director may be appealed to the Board of County Commissioners. Any code interpretation pursuant to this section resulting in or directly associated with a permit decision may be considered by the review authority during appeal proceedings for the underlying permit, unless said interpretation was specifically appealed according to the procedures contained herein prior to the permit decision.

**Chapter 14.20 – JURISDICTION AND SCOPE OF AUTHORITY**

***14.20.010 - Responsibility.***

A developer is expected to read and understand the County's development code and be prepared to fulfill the obligations placed on the development by Titles 14 through 18. The County will promptly provide all necessary and relevant information.

***14.20.020 – Director's duty.***

- A. Unless otherwise specified, the Director, public works Director, and building official shall be responsible for the administration and enforcement of Titles 14, 15, 16, 17, and 18 as established by the County Administrator or designee.

- B. The Director shall be the designated permit coordinator for all permits subject to this development code and shall issue decisions for:
1. Building Permits;
  2. Factory Assembled Structure Placement;
  3. Mechanical Permits;
  4. H2A Farm working housing site plan review;
  5. Floodplain permits;
  6. Alteration to land, including grading and leveling, paving, stockpiling, and excavation, the amount of which does not exceed 500 cubic yards;
  7. Home Occupation administration decisions;
  8. Sign Permits;
  9. Boundary Line Adjustments;
  10. Short Plats;
  11. Short Plat Alterations and Vacations;
  12. Binding Site Plans;
  13. Shoreline Letters of Exemption;
  14. Shoreline Substantial Development Permits;
  15. Critical Areas permits / approvals; and
  16. Environmental (SEPA) Review.
- The review of site plans related to any and all of these permits is also conducted by the Director.
- C. The Director, Public Works Director, and building official may delegate administrative authority to their designees.

***14.20.030 - Planning commission.***

- A. The planning commission shall review and make recommendations to the Board on the following applications and subjects:
1. Amendments to the Comprehensive Plan, subarea plans, and development regulations, including the Shoreline Master Program;
  2. Special planning studies assigned to the planning commission;
  3. Zoning changes (text changes to the zoning code and changes to the zoning map);
  4. Conditional Use Permits;
  5. Shoreline Conditional Use Permits;
  6. Shoreline Variances;
  7. Preliminary Plats;
  8. Final Plats;
  9. Area-wide zoning changes;
  10. Applications for variances from the standards and dimensional regulations of the zoning code, official map or other regulatory ordinances; and

11. Other actions requested or remanded by the Board.
- B. The planning commission may propose to the Board that action be initiated on the matters set forth above.
- C. In exercising the foregoing responsibilities, the planning commission shall consider as appropriate any associated environmental or other administrative determination.

***14.20.050 - Board of county commissioners.***

- A. The Board of County Commissioners (Board) shall review and act on the following matters:
  1. All legislative actions relating to the county's Comprehensive Plan, subarea plans, zone districts and zoning, development regulations, policies, ordinance, and regulations;
  2. Development agreements under Chapter 36.70B RCW;
  3. Recommendations from the Planning Commission, including those items included in subsection 14.20.030 (A) of this title;
  4. Appeals of SEPA threshold decisions; and
  5. Appeals of decisions made by the Director pursuant to Title 17, as specified.
- B. In exercising the foregoing responsibilities, the Board shall consider as appropriate any associated environmental or other administrative determinations.

**Chapter 14.30 - PERMITTING PROCESS**

***14.30.010 - Pre-application conference.***

The Director shall conduct a pre-application conference if requested by the applicant. The representatives of all affected County departments, utility districts or providers, the Fire Department, and any other entities or agencies with jurisdiction shall be notified of the meeting. The agencies and included parties shall review the development application and provide input to the Director or his/her designee regarding compliance with plans and regulations, coordination of necessary permit reviews, potential environmental impacts and mitigating measures following review of the environmental checklist completed in accordance with Title 18.

***14.30.020 - Application forms.***

- A. All applications for permits, land use decisions, and other county approvals specified in the development code shall be submitted on application forms prepared or approved by the Director.
- B. All applications shall be signed by the property owner or an authorized representative.

***14.30.030 - Notice of complete application.***

- A. All applications for approval under Titles 15 through 18 shall include information specified in the applicable title. Additional information as reasonably necessary to fully and properly evaluate the proposal may be requested.
- B. At the time the application is submitted, the applicant shall identify all permits that may be applicable to the project.

- C. Within 28 days after receiving a project permit application, the Director shall mail or personally deliver to the applicant a notice that advises the applicant of other agencies that may have jurisdiction over the proposal, if known at that time, and states either:
  - 1. That the application is complete; or
  - 2. That the application is incomplete and what is necessary to make the application complete.
- D. Failure of the Director to provide notice to the applicant, in writing, within the 28-day time frame, shall be deemed as the county's acceptance of the application for processing.
- E. Within 14 days after an applicant has submitted to the county the additional information identified as being necessary for a complete application, the Director shall make a determination of completeness and notify the applicant in the manner provided in subsection C of this section.
- F. The Director's issuance of a determination of completeness shall not preclude the county from requesting additional information or studies, either at the time of the determination of completeness or at some later time if additional information is required or where substantial changes in the proposed action occur.
- G. 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 the proposed project action after a determination of completeness, as determined by the Director, the application shall not be considered vested until a new determination of completeness on the changes is made under this title.
- H. To the extent known by the County, the written determination shall identify other agencies of local, state, or federal government that may have jurisdiction over some aspect of the application. Failure to disclose such agency jurisdiction shall not be deemed a waiver of the requirement to comply with such agency's regulation.
- I. For the purposes of this section, applications are deemed received until a notice of complete application is issued by the Director or the mandatory period to deem an application complete has passed.
- J. A notice of complete application is not required for permits categorically exempt from SEPA.

***14.30.040 - SEPA Review.***

- A. All developments and permits subject to the provisions of the State Environmental Policy Act (SEPA), Chapter 43.21C RCW, shall be reviewed in accordance with Chapter 18.04 of Franklin County Code.
- B. SEPA review shall be conducted concurrently with development project review. Threshold determinations shall be issued within 90 days of the date of the notice of complete application issued by the county.
- C. The following actions are exempt from concurrent review under SEPA:
  - 1. Project permits categorically exempt from SEPA.
  - 2. Project permits that are part of actions previously reviewed under SEPA.
  - 3. Project permits subject to planned actions, so long as the proposed component of the planned action is consistent with the environmental impact statement (EIS) issued for the planned action.

***14.30.050 - RESERVED.***

***14.30.060 - Staff report.***



- A. For permits requiring a staff report, upon conclusion of the review of the permit application, the Director shall prepare a staff report identifying the proposed development; evaluating and analyzing the consistency of the development with applicable plans, codes, criteria and regulations; consolidating the comments of all county departments and outside agencies on the development proposal; proposing findings, conclusions and appropriate conditions of development; and, if applicable, making a recommendation for action on the proposal to the decision making body.
- B. The staff report shall be distributed to the applicant; to county departments; affected outside agencies; and, if applicable, to the decisional body for consideration in advance of the formal public meeting, hearing, or action on the proposed development. Staff reports will be available to the public prior to the formal public meeting, hearing, or action on the proposed development.

***14.30.070 - Decision.***

- A. The Director shall determine if the application is consistent with the development code and the policies of the Comprehensive Plan and notify the applicant within 120 days of the determination of completeness as calculated pursuant to Section 14.10.070 of this title subject to the following:
  - 1. The decision maker may include in a decision any conditions of approval that are necessary to ensure that the proposal complies with all applicable development code and Comprehensive Plan policies.
  - 2. No building permit shall be issued until all related, necessary permits are final, including appeals, unless the Director(s) waives this prohibition based on the applicant signing a statement acknowledging the appeal period and agreeing to remove or modify the permitted work at the applicant's expense should an appeal result in revocation or modification of the appealed permit.
  - 3. Short plats shall not be recorded until after the appeal period has lapsed.

***14.30.080 - Written decision – Content.***

- A. If a written decision is required, the decision maker for the underlying permit shall issue a written decision that shall include at least the following content:
  - 1. A description of the proposed use or action;
  - 2. The location of the property;
  - 3. A statement regarding the status of SEPA review of the proposed actions, if applicable;
  - 4. The date of the public hearing, if applicable;
  - 5. A statement identifying the ordinance or criteria governing the application;
  - 6. Findings of fact and conclusions supporting the decision;
  - 7. The decision denying or approving the application and any conditions, if applicable;
  - 8. The procedures for administrative appeal, if any; and
  - 9. The duration of permit approval and a statement summarizing the applicable permit expiration and extension procedures.
- B. A copy of the staff report prepared consistent with Section 14.30.060 of this title may serve as the final written decision; provided, that the information required pursuant to subsection A of this section is included with the copy of the staff report.

## **Chapter 14.40 – RESERVED**

## **Chapter 14.50 – PUBLIC NOTICE**

### ***14.50.010 - Notice of application.***

If a public notice of application is required, the Director shall issue a notice of development application, within 14 days of issuing a determination of completeness under Section 14.30.030 of this title, containing the following information:

- A. Name of the applicant(s).
- B. Date of application.
- C. Date of issue for the determination of completeness.
- D. Location of the project.
- E. Project description (summary), including zoning classification.
- F. Requested and necessary approvals, actions, and/or studies (summary).
- G. Duration of the public comment period.
- H. Identification of existing applicable environmental documents, if any.
- I. A determination of specific critical areas that are or are not affected by the proposed development.
- J. County staff contact information.
- K. Date, time, and place of the public hearing for the permit if a public hearing is required and the date of the hearing has been set at the time of the notice of application.
- L. A statement that, barring excluded periods, the decision on the application is anticipated within 120 days of the determination of completeness.
- M. Other information as the Director deems necessary, or as required by county code for the application type.

### ***14.50.020 - Notice of public hearing.***

Notice of any required public hearing shall be issued a minimum of fifteen (15) days, but no more than thirty (30) days, prior to the public hearing. The notice of the public hearing shall include the following information:

- A. The application or project file number;
- B. Name of applicant(s);
- C. A general description of the proposed project;
- E. The development approvals required for the project;
- E. The actions or decisions recommended, if known;
- F. A description of the property, including the address of the property if one is available;
- G. A vicinity map or sketch if determined useful by the Director;
- H. The time, date and place of the public hearing;
- I. A statement that anyone wishing to appear and testify at the public hearing may do so;



- J. A statement that if, for any reason, the hearing cannot be commenced or completed on the date specified, the hearing may be continued to a date, place and time certain without further notice under this section; and
- K. The contact person or place where further information may be obtained.

***14.50.030 - Method of publication.***

All required notices, except notices of decision which are governed by Section 14.50.050 of this chapter, shall be:

- A. Mailed to each property owner of record, within five hundred (500) feet of the property when it is located in an urban growth area (UGA) or rural settlement areas. For applications not within an urban growth area or rural settlement area, written notice shall be mailed to each property owner within one mile of the area proposed to be changed or altered. Owners of record shall be determined by a report (obtained from the county assessor's office or licensed title company) not more than thirty (30) calendar days preceding the date of publication.
- B. Mailed or emailed to any person who has made a written request to receive such notice.
- C. Mailed or emailed to the jurisdiction or government agency that might have an interest in or be affected by a proposed action, as determined by the Director.
- D. Posted at courthouse and Planning and Building Department lobby.
- E. Posted on the subject property with a brightly colored sign, at least 2 feet by 3 feet in size, that bares the title "LAND USE ACTION PENDING" and lists the telephone number for the Franklin County Planning Department.
- F. The Director(s) may publicize a given permit proposal more broadly or by additional means than stated herein if a greater level of public awareness is deemed necessary.

***14.50.040 - Comment period.***

If a public comment period is required, the comment period shall be at least fifteen (15) calendar days except in the following cases when a longer comment period is required:

- A. For applications or proposals subject to the shoreline master program, a thirty (30) day public comment period shall be provided prior to any public hearing or taking any final action on the application or proposal.
- B. Notices of scoping associated with a determination of significance under the State Environmental Policy Act shall be followed by a minimum of a twenty-one (21) day comment period; provided, that the longer comment period shall not apply if the scoping notice is included with the notice of application issued pursuant to Chapter 14.50.010 of this title.
- C. Notice of availability of a draft environmental impact statement shall be followed by a thirty (30) day comment period; provided, that the Director can extend the comment period for an additional fifteen (15) calendar days if a request for an extension has been submitted to the county prior to the end of the initial thirty (30) day comment period.

***14.50.050 - Notice of decision.***

- A. If a written notice of decision is required, the county shall provide a written notice of decision within 120 days as calculated pursuant to Section 14.10.070 of this title that shall include:
  - 1. A list of all project permits included in the decision, including all permits being reviewed through the consolidated permit review process;
  - 2. The date of the public hearing, if applicable;
  - 3. The date and description of the decision;
  - 4. A statement of any threshold determination made under SEPA (Chapter 43.21C RCW), if applicable;
  - 5. The procedures for administrative appeal, if any;
  - 6. The duration of permit approval and a statement summarizing the permit expiration and extension procedures provided in Section 14.10.100 of this title;
  - 7. A statement that the complete project permit file, including findings, conclusions and conditions of approval, if any, is available for review. The notice shall list the place the file is available and the name and telephone number of the county representative to contact about reviewing the file.
- B. Required written notices of decision shall be:
  - 1. Mailed to the applicant, the county assessor, and anyone who, prior to the decision, requested notice of the decision or submitted substantive comments on the application or was otherwise a party of record;
  - 2. Posted on the development site on the same sign(s) on which was posted the previous notice(s); and
  - 3. Posted at the courthouse and the Planning and Building Department lobby.
- C. For development applications requiring Planning Commission review and Board approval, the notice shall be the signed ordinance or resolution in lieu of the items included in subsections (A) and (B) of this chapter.

## **Chapter 14.60 – ZONING AND SUBDIVISION CODE TEXT AMENDMENTS**

**14.60.010 - Purpose.**

The purpose of this chapter is to establish procedures to amend the development code text, under Title 16 Subdivisions, and Title 17 Zoning, and to provide for public participation. The adoption and amendment of development regulations are nonproject legislative actions and are exempt from the procedural requirements of Chapter 36.70B RCW and are distinct from the processes outlined in Chapters 17.80, 17.82 and 17.84 of Title 17. Such actions often require substantial written and oral testimony as the review of such documents may involve revisions at both the advisory and legislative level, thereby necessitating multiple open record hearings. It is therefore the intent of this chapter to provide a process for the consistent and orderly facilitation for adoption and amendments to development regulations in compliance with Chapters 36.70A and 43.21C RCW.

**14.60.020 - Initiation of amendments.**

- A. The board of commissioners, upon its own motion, may conduct an open record hearing to amend the text, or request that the planning commission conduct a public hearing to develop a recommendation on a text amendment.
- B. The planning commission may initiate an open record hearing to develop a recommendation for a text amendment.
- C. Any resident or property owner may petition the board for a text amendment by submitting an application on forms provided by the Planning Department.
- D. Applications may be submitted by any interested person, including applicants, citizens, staff of other agencies, and county staff. Only a property owner or an authorized agent of the property owner may submit a site-specific amendment application unless such amendment is necessary for consistency between the Comprehensive Plan and development regulations.
- E. City and County Coordination.
  - 1. Text amendments to the subdivision and/or zoning code shall be coordinated between the county and cities to ensure the intent and purpose of the joint development regulations are maintained. Coordination shall consist of providing affected jurisdictions the opportunity to participate in drafting the text amendment through comment and consultation.
- F. Required Information. Applications must be submitted to the planning and building department on forms provided by the department and must include at least the following information:
  - 1. Name and address of applicant; and
  - 2. Name and address of property owner of record (site-specific amendments only); and
  - 3. Description of the proposed amendment including proposed text or policy language; and
  - 4. County assessor's map outlining the subject property and including the section, township and range (site-specific amendments only); and
  - 5. Explanation of how the proposed amendment(s) meets the review criteria in Section 17.84.060 (A) of Title 17; and
  - 6. A completed environmental (SEPA) checklist; and
  - 7. Such other information or forms as required by the planning and building department.
- G. Optional Additional Information. Amendments may be accompanied by amendments to other development regulations, including zoning necessary to implement the proposed amendment(s). Such other proposed amendments are subject to the applicable application requirements and approval criteria for those amendments.

- H. Fees. Non-refundable application fees must be paid in full prior to acceptance of an amendment application by the building and planning department.

***14.60.030 - Processing Timeline.***

All changes and amendments to the development code are legislative processes and are not subject to deadlines for issuance of a final decision or project permit applications. There is no deadline for the board's final decision on the amendments, nor is there any limitation on the number of hearings that the county may hold to consider the amendments.

***14.60.040 - Public participation and notice requirements.***

- A. Purpose. The public participation process set forth in this chapter is intended to solicit from the public and outside agencies proposed amendments and to provide an opportunity for public comment on proposed amendments. This purpose is achieved by broad dissemination of proposed amendments, opportunity for written comments, public meetings after effective notice, provisions for open discussion, and consideration of public comments.
- B. Basic Elements. The county shall provide for early and continuous public participation in the amendment of development regulations. At a minimum public participation shall include the following elements:
  - 1.. Public notice of all relevant workshop meetings, public hearings, and other meetings of the planning commission and board of county commissioners. Methods of notice may include, but are not limited to use of the following: notice in a publication of general circulation and other appropriate publications; news media notification; mailed notice to property owners whose property is directly affected; posting on the internet; and displays in public facilities; and;
  - 2. The Director shall ensure that at least ten (10) days prior to any public hearing the following notice requirements are completed by the planning and building department: Notice of the time, place, and general purpose of any open record hearing required by this chapter shall be published in a newspaper of general circulation in the county.
  - 3. Availability of all current proposed amendments and amendment applications in the planning and building department during normal business hours.

***14.60.050 - Amendment in conflict with Comprehensive Plan.***

In the event any proposed amendment, supplement, change to or repeal of this chapter is in conflict with the Comprehensive Plan, such amendment or change shall not be entertained until and if the Comprehensive Plan is first, or concurrently, amended.

***14.60.060 - Planning commission—Findings and recommendations.***

- A. The planning commission shall hold at least one public hearing on the application and consider the request under the criteria set forth in subsection (B). The Planning Commission may also hold public workshops or open study sessions prior to any public hearing. Following a public hearing, the commission shall forward its written recommendation on the application to the board.

- B. After completion of a hearing on a petition for change to the development regulations, the planning commission shall make and enter findings from the records and conclusions thereof which support its recommendation and find whether or not:
  - 1. The proposal is in accord with the goals and policies of the Comprehensive Plan including the county-wide planning policies;
  - 2. The effect of the proposal will be materially detrimental;
  - 3. There is merit and value in the proposal for the community as a whole;
- C. The planning commission shall render its recommendation to approve, approve with modifications and/or conditions, or reject the petition based on its findings and conclusions. The commission's recommendation, to include its findings and conclusions, shall be forwarded to the board of commissioners at a regular business meeting thereof.

***14.60.080 – Board review and decision, transmittal to the state and appeals.***

- A. Initial transmittal to State. The planning director shall transmit a copy of any proposed amendment of the development regulations to the appropriate Washington State agency at least sixty days prior to the expected date of final action by the board of county commissioners, consistent with Chapter 36.70A RCW.
- B. Workshop Meeting. Prior to a public hearing, the board may review the recommendations of the planning commission in one or more workshop meetings.
- C. 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. More than one public hearing may be scheduled if needed. The Board of commissioners shall, at a regular meeting, review the findings from the records and conclusions thereof and the recommendation of the Planning Commission and enter findings based on the criteria set forth in Section 14.60.060 subsection (B) of this chapter.
- D. Adoption form. Development regulation amendments that are approved shall be adopted by ordinance and written findings provided addressing the criteria set forth in Section 14.60.060 subsection (B) of this chapter. All reviewed amendments that are rejected shall be addressed in a resolution.
- E. Transmittal to State. The Director shall transmit a copy of any adopted Code amendment to the appropriate Washington State agency within ten days after adoption by the board.
- F. Appeals. Any appeals of the board's decision shall be filed with the Growth Management Hearings Board in accordance with the provisions of Chapter 36.70A RCW.

**Chapter 14.70 – COMPREHENSIVE PLAN AMENDMENTS**

***14.70.010 - Purpose.***

The purpose of this chapter is to establish procedures to amend text (content which is not a map, including tables and exhibits) or maps (i.e., urban growth area (UGA) boundaries and land use designation maps) of the Franklin County Comprehensive Plan and to provide for early and continuous public participation. The adoption and amendment of a comprehensive plan are nonproject legislative actions and are exempt from the procedural requirements of Chapter 36.70B RCW and are distinct from the processes outlined in Chapters 17.80, 17.82 and 17.84 of the Zoning Code. Such actions often require substantial written and oral testimony as the review of such documents may involve revisions at both the advisory and legislative level, thereby necessitating multiple open record hearings. It is therefore the intent of this chapter to provide a process for

the consistent and orderly facilitation for adoption and amendments to the Comprehensive Plan in compliance with Chapters 36.70A and 43.21C RCW.

***14.70.020 – Exceptions to the amendment process.***

- A. The Growth Management Act (GMA) generally allows amendments to comprehensive plans only once per year, except as otherwise provided in RCW 36.70A.130(2)(a), so that the cumulative impacts of all proposed amendments can be analyzed.
- B. The Board of County Commissioners (Board) may amend the Comprehensive Plan more frequently under the following circumstances:
  - 1. Initial adoption of an identified subarea plan that does not modify the Comprehensive Plan policies and designations applicable to the subarea;
  - 2. The adoption or amendment of the shoreline master program under the procedures set forth in Chapter 90.58 RCW;
  - 3. The amendment of the capital facilities element of a comprehensive plan that occurs concurrently with the adoption or amendment of the county budget; and
  - 4. Any other circumstance specifically described in RCW 36.70A.130. For purposes of RCW 36.70A.130(2)(b), an emergency may be declared by the board when delaying action until the next annual review process would jeopardize human safety or property, or otherwise result in substantial harm to the public.

***14.70.030 – Initiation of amendments.***

- A. Annual Docket process – submission deadlines.
  - 1. Proposed amendments to the Comprehensive Plan shall be submitted to the Planning and Building Department between January 1 and March 31 of each year, except that submission deadlines may be altered by the planning department in years where the County is conducting a mandatory periodic update.
  - 2. In years where the County is conducting a mandatory periodic update, the deadlines under subsection (A)(1) shall apply, unless amended deadlines are announced and published written notice is provided before the end of January.
  - 3. Applications to amend urban growth areas shall only be submitted during even numbered years, unless a city or the County is required to conduct a periodic update to their comprehensive plans under the Growth Management Act which is due during an odd numbered year.
- B. In years where the County is conducting a mandatory periodic update to the Comprehensive Plan, under the requirements of the Growth Management Act, the amendments may be initiated by any interested person, including applicants, citizens, and staff of other agencies, except as provided in subsection (C).
- C. City and County Coordination.
  - 1. Comprehensive Plan text amendments impacting or effecting Urban Growth Areas shall be coordinated between the county and cities to ensure the intent and purpose of the joint development regulations are maintained. Coordination shall consist of providing affected jurisdictions the opportunity to participate in drafting the text amendment through comment and consultation.
  - 2. An application to amend the County's Comprehensive Plan to revise the boundaries of an urban growth area may only be submitted by the city whose urban growth area is the subject of the application and must be signed by a representative of that city authorized in writing by that city's council to submit the application.



- D. Processing timeline. All Comprehensive Plan amendments are legislative processes and are not subject to deadlines for issuance of a final decision or project permit applications. While the county may consider amendments only once a year, there is no deadline for the board's final decision on the amendments, nor is there any limitation on the number of hearings that the county may hold to consider the amendments.

***14.70.040 - Requirements for amendment applications.***

- A. General application requirements. The following information must be provided on application forms provided by the planning department:
1. Name and address of the person or persons proposing the amendment;
  2. An environmental checklist (SEPA);
    - a. In lieu of a SEPA checklist a copy of a SEPA determination, SEPA addendum, or an environmental impact statement (EIS) can be provided, if a determination has been made by a city as lead agency, or if an EIS has been prepared.
  3. All associated fees as established by the County;
  4. A written statement explaining the following:
    - a. The reason why the amendment is proposed;
    - b. How the amendment is consistent with the Washington State Growth Management Act;
    - c. How the amendment is consistent with the adopted County-Wide Planning Policies (CWPP);
    - d. How the amendment furthers the purpose of the County's Comprehensive Plan;
    - e. How the amendment advances the public health, safety and general welfare;
    - f. How the amendment is internally consistent with the County's Comprehensive Plan, as well as other adopted County plans and codes;
    - g. If applicable, how the project will meet concurrency requirements for transportation; and
    - h. Supplemental environmental review and/or critical areas review if determined by the Planning Director to be required.
- B. Comprehensive Plan text amendment requirements. In addition to the general application requirements, the following additional information shall accompany a text amendment application:
1. The proposed element, chapter, section, and page number of the Comprehensive Plan to be amended.
  2. Proposed text changes, with new text shown in an underline format, and deleted text shown in strikeout format.
- C. Comprehensive Plan map amendment requirements. Map amendments include changes to any of the several maps included in the Comprehensive Plan including, but not limited to, the land use map, future roadways map, parks and trails map, etc. All map amendment applications shall include the information specified under general application requirements. In addition, land use map amendment applications shall be accompanied by the following information:
1. The current land use map designation for the subject parcel(s).
  2. The land use map designation requested.
  3. A complete legal description describing the combined area of the subject parcel(s).
  4. A copy of the county tax assessor's map of the subject parcel(s).

5. A vicinity map showing:
    - a. All land use designations within 500 feet of the subject parcel(s).
    - b. All parcels within 500 feet of the subject parcel and all existing uses of those parcels.
    - c. All roads abutting and/or providing access to the subject parcel(s) including information on road classifications (arterial, collector, access) and improvements to such roads.
    - d. Location of shorelines and critical areas on or within 500 feet of the site, if applicable.
    - e. The location of existing utilities and water sources serving the subject parcels including water lines, wells, electrical, sewer (if applicable) and septic systems.
    - f. The location and uses of existing structures located on the subject parcel(s).
  6. The current official zoning map designation for the subject parcel(s).
  7. A detailed plan which indicates any proposed infrastructure or capital facilities improvements.
  8. Other information as may be required by the Building and Planning Director to assist in accurately assessing the conformance of the application with the standards for approval.
- D. All applications for an amendment to an Urban Growth Area must also include:
1. Map(s) and an aerial photograph(s) depicting the specific land area(s) proposed for inclusion within the UGA boundary, the relationship of such area(s) to the existing UGA, the current corporate boundaries and the general location and acreage of planned open spaces and greenbelts that will remain as open space within the area(s) proposed for inclusion within a UGA, as per RCW 36.70A.110(2);
  2. A map and aerial photograph(s) showing the total acreage involved in the proposed UGA addition, the proposed pattern and acreages of urban land uses and densities for the area proposed for inclusion;
  3. A buildable lands analysis to demonstrate the capacity of lands already included within the city's UGA boundary, and indicating if the city has designated adequate amounts of residential, commercial, and industrial lands to meet the growth needs incorporated in their comprehensive plans. The buildable lands analysis should be generally developed to meet the guidelines as established by the State Department of Commerce.
  4. A copy of the city council resolution or ordinance authorizing submittal of the application to the County and approving the capital facilities plan referenced below with a finding that the capital facilities plan complies with RCW 36.70A.070(3).
  5. A transportation and capital facilities plan for the area proposed to be added to the UGA that has been approved by resolution of the city council that contains the following:
    - a. An inventory of the existing public facilities and public services, as those terms are defined by RCW 36.70A.030, that are within the current UGA (inclusive of incorporated areas) and the area proposed to be added to the UGA, showing the locations and capacities of the public facilities;
    - b. A forecast of the needs for the next twenty (20) years of such public facilities and public services as identified levels of service that are needed within the current UGA (inclusive of incorporated areas) and the proposed area to be added to the UGA;
    - c. The necessary locations and capacities of expanded or new public facilities and public services within the current UGA (inclusive of incorporated areas) and the proposed area to be added to the UGA;
    - d. For the proposed area to be added to the UGA at least a six-year plan to finance such public facilities and public services within projected funding capacities that clearly identifies sources of public money for such purposes; and



- e. Identification of revisions to the city's land use element if probable funding falls short of meeting existing needs and to ensure that the city's land use element and capital facilities plan element (and financing plan therein) are coordinated and consistent.

***14.70.050 – Determination of completeness for proposed amendments.***

- A. The Planning Director shall review all applications and make a written determination of completeness within thirty (30) days of receipt of application. If an application is determined to be incomplete the Director shall identify what is necessary to make the application complete.
- B. Applicants will be required to provide any additional material requested by the Director within thirty (30) days of the date of the request.
- C. Applications which are determined to be incomplete as of sixty (60) days after the annual application deadline date will not be considered during the current annual review process.
- D. Applicants for amendments to the Comprehensive Plan are required to contact the Planning Department and arrange for a pre-application conference prior to submittal of an application for amendment, to avoid delays in processing.

***14.70.060 - Notice requirements.***

The Planning Director shall ensure that at least ten (10) days prior to any public hearing the following notice requirements are completed by the Planning and Building Department:

- A. Notice of the time, place, and general purpose of any public hearing required by this chapter shall be published in a newspaper of general circulation in the county.
- B. For site-specific land use amendment proposals, the notice of public hearing shall be mailed to all property owners within five hundred (500) feet in an urban growth area (UGA) and rural settlement areas. For applications not within an urban growth area or rural settlement area, written notice shall be mailed to each property owner within one mile of the area proposed to be changed or altered. Owners of record shall be determined by a report (obtained from the county assessor's office or licensed title company) not more than thirty (30) calendar days preceding the date of publication.
- C. Substantial compliance with subsections (A) and (B) above shall be deemed to be full and sufficient compliance.

***14.70.070 – Initial docket.***

The planning department staff shall assign an application number to proposed amendments and all applications shall be placed on a docket. A current copy of the docket shall be maintained by the building and planning department and shall be available for public inspection during department business hours.

***14.70.080 – Public hearing on initial docket and considerations for processing.***

- A. Staff Report. After compiling the preliminary docket, the Planning Director shall review the suggested amendments and prepare a staff report to the board recommending which proposed amendments should be placed on the final docket. The staff report shall address whether the proposed amendment is needed, appropriate, and in compliance with the applicable annual review.

- B. Initial Review by the Board. In a public hearing, the board will consider all proposed amendments which were timely submitted for the current calendar year. This consideration will include all relevant facts including the application materials. The board will also consider:
  - 1. Whether there have been substantial changes to the area of proposed amendment since the last adoption or amendment of the Comprehensive Plan, and
  - 2. Whether assumptions inherent in the Comprehensive Plan remain valid.
- C. The Board shall consider each application separately. After review of all the proposed amendments, the Board shall decide which applications will be placed on the final docket for the current annual amendment process.
- D. The Board will make and enter findings as to the applications that will not pass on to the final docket. No findings or conclusions are required for those applications that are forwarded to the planning commission for further processing during the current annual review.

***14.70.090 - Planning commission—Findings and recommendations.***

- A. Once the applications are forwarded to the planning commission for further processing on the final docket, the Planning Director shall ensure that the applications have been reviewed under SEPA, and that a SEPA threshold decision was issued.
- B. The Planning and Building Department shall review and assess applications contained in the final docket. The Director shall prepare a staff report and recommendation as to each proposed amendment based on the criteria in Section 14.70.110 of this chapter. The Director shall provide notice and opportunity for comment from the public and/or other agencies.
- C. The planning commission shall then hold at least one public hearing on the applications and consider them concurrently under the criteria set forth in Section 14.70.110 of this chapter. The Planning Commission may also hold workshops or study sessions prior to any public hearing. Following a public hearing, the commission shall forward its written recommendation on the applications to the board.

***14.70.100 - Board review and decision, transmittal to the state and appeals.***

- A. Initial transmittal to State. The Planning Director shall transmit a copy of any proposed amendment of the Comprehensive Plan to the appropriate Washington State agency at least sixty days prior to the expected date of final action by the board of county commissioners, consistent with Chapter 36.70A RCW.
- B. Workshop Meeting. Prior to a public hearing, the board may review the recommendations of the planning commission in one or more workshop meetings. Workshops are not mandatory.
- B. 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. More than one public hearing may be scheduled if needed.
- C. Adoption form. Comprehensive Plan amendments that are approved shall be adopted by ordinance and make written findings addressing the criteria of Section 14.70.110 of this chapter. All Comprehensive Plan amendments that are rejected shall be addressed in a resolution.
- D. Map amendments. If land use map amendments are adopted, the board shall direct staff to amend the Comprehensive Plan land use map accordingly.
- E. Transmittal to State. The Planning Director shall transmit a copy of any adopted Comprehensive Plan amendment to the appropriate Washington State agency within ten days after adoption by the board.

- F. Appeals. Any appeals of the board's decision shall be filed with the Growth Management Hearings Board in accordance with the provisions of Chapter 36.70A RCW.

***14.70.110 – Approval criteria and consideration of cumulative effects.***

- A. Every applicant for a Comprehensive Plan amendment must demonstrate how each of the following criteria for approval has been satisfied in their application materials.
1. The proposal is in accord with the goals and policies of the Comprehensive Plan including the county-wide planning policies;
  2. The effect of the proposal on the immediate vicinity will not be materially detrimental to the land use that is the bases of the comprehensive plan or the zoning designation;
  3. The proposed amendment will not result in probable significant adverse impacts to the transportation network, capital facilities, utilities, parks, and environmental features which cannot be mitigated and will not place uncompensated burdens upon existing or planned services;
  4. In the case of an amendment to the Comprehensive Plan land use map, that the subject parcels being re-designated are physically suitable for the allowed land uses in the designation being requested, including compatibility with existing and planned surrounding land uses and the zoning district locational criteria contained within the Comprehensive Plan and zoning code;
  5. The proposed amendment is consistent with the Growth Management Act, and other applicable interjurisdictional policies and agreements, and/or other state or local laws; and
  6. The amendment advances the public health, safety, or welfare and is in the best interest of the residents of Franklin County.
- B. Additional criteria for Urban Growth Area amendments. For each proposal to amend an urban growth area policy or land use map the Planning Commission and Board shall consider:
1. The 20-year population and employment projections for the county;
  2. The extent to which the urban growth occurring within the county has located within each city and the unincorporated urban growth areas;
  3. The allocation of projected county population and/or employment to the urban growth areas;
  4. A buildable lands analysis for each urban growth area;
  5. Existing urban growth area boundaries;
  6. Other proposed changes affecting urban growth areas; and
  7. The ability to provide cost-effective public facilities and services.
- C. Proposals for plan amendments shall be considered concurrently to ascertain the cumulative effect of all items on the final docket in accordance with WAC 365-196-640. Proposals may be considered at separate meetings or hearings, so long as the final action has taken into consideration the cumulative effect of all the proposed amendments to the Comprehensive Plan.

**Chapter 14.80 – PUBLIC HEARINGS**

***14.80.010 - General.***

- A. Public hearings on permit applications requiring a public hearing shall be conducted in accordance with this chapter.

- B. Actions require public hearings include the following, which may have additional requirements as specified in the chapters addressing the action or permit under consideration:
  - 1. Zoning and Subdivision Code Text Amendments – Chapter 14.60 of this title
  - 2. Comprehensive Plan Amendments – Chapter 14.70 of this title
  - 3. Preliminary Plat – Title 16, Chapter 16.20
  - 4. Appeal of a Short Plat Administrative Decision – Title 16, Chapter 16.20
  - 5. Planned Density Development – Title 17, Chapter 17.60
  - 6. Variances – Title 17, Chapter 17.80
  - 7. Conditional Use Permits – Title 17, Chapter 17.82
  - 8. Rezoning – Title 17, Chapter 17.84
  - 9. Planned Unit Development – Title 17, Chapter 17.58
- C. Public hearings for permits and decisions addressed in Title 18, including shoreline permits and SEPA Appeals, are not governed by this chapter.

***14.80.020 - Responsibility of the Director.***

- A. The Director shall:
  - 1. Schedule project applications for review and public hearing;
  - 2. Provide the required notice;
  - 3. Prepare the staff report on the application, which shall be a single report which sets forth all of the decisions made on the proposal as of the date of the report, including recommendations on project permits in the consolidated permit process that do not require an open record predecision hearing. The report shall also describe any mitigation required or proposed under the city's development regulations or SEPA authority. If the threshold determination, other than a determination of significance, has not been issued previously by the county the report shall include or append this determination; and
  - 4. Prepare the notice of decision and mail a copy of the notice of decision to those entitled by this title to receive the decision.

***14.80.030 - Presentation of evidence.***

- A. Except for hearings on appeals of administrative decisions, any person may testify. In hearings on appeals from Director decisions, testimony shall be limited to witnesses designated by the Director, witnesses designated by the appellant, and witnesses designated by any person granted the right of intervention by the approval body proceeding over the hearing.
- B. All reasonably probative (material and relevant) evidence will be permitted. The judicial rules of evidence shall not be strictly applied. The body proceeding over the hearing may accord such weight to the evidence as is deemed appropriate.
- C. The body proceeding over the hearing may take official notice of commonly known and accepted information, such as:
  - 1. Ordinances, resolutions, rules, officially adopted development standards, and state law; and
  - 2. Public records and facts judicially noticeable by law.

- D. The body proceeding over the hearing has the authority to call witnesses and request written evidence in order to obtain the information necessary to make a decision and may request written comment from and the appearance of the designated representative of any county department that has an interest in or may affect an application for a proposed use.
- G. The body proceeding over the hearing may impose reasonable limitations on the number of witnesses to be heard and the nature and length of their testimony to avoid repetitious or irrelevant testimony, expedite the hearing, or avoid continuation of the hearing.
- H. No testimony or oral statement regarding the substance or merits of an application is allowable after the close of the public hearing. No documentary material submitted after the close of the hearing will be considered by the body proceeding over the hearing unless additional time to submit such material has been granted and all parties are given an opportunity to review the material and file rebuttal material or argument.

***14.80.040 - Record of hearing – Content.***

- A. The body proceeding over the hearing shall establish and maintain a record of all proceedings and hearings conducted including a sound recording which shall be available for transcription, as necessary.
- B. The record of a hearing shall include, but is not limited to, the following contents:
  - 1. The written application or appeal;
  - 2. The names and addresses of all participants;
  - 3. The Director's written report;
  - 4. All evidence received or considered by the body proceeding over the hearing;
  - 5. The decision or recommendation of the body proceeding over the hearing;
  - 6. Tape recordings of all proceedings; and
  - 7. Records of notice given of the hearing.

***14.80.050 - Appeal of recommendation- Filing requirements.***

Any recommendation of the planning commission may be appealed in accordance with one of the following methods:

- A. Applicant. Within fourteen (14) calendar days from the date of the planning commission recommendation, the applicant files written appeal with the Planning and Building Director.
- B. Other Parties of Record. Within fourteen (14) calendar days from the date of the Planning Commission recommendation, file written appeal with the Planning and Building Director. Parties of record include any person who testified at the open record public hearing on the application, and any person who submitted written comments concerning the application at the open record public hearing (excluding persons who have only signed petitions or mechanically produced form letters).
- C. Either method of appeal shall include payment of an appeal fee.
- D. A proper and timely filed appeal shall cause the board of commissioners to schedule a closed record appeal hearing, notice of which has to be given in accordance with the notice requirements of section 14.50.020 and 14.50.030 of this title, to consider the appeal of the planning commission's recommendation. Notice shall also be sent to all parties of record, whether or not they have filed an appeal.
- E. Either method of appeal shall include payment of an appeal fee.



- F. **Content of Appeal.** Appeals shall be in writing and contain the following information:
1. Appellant's name, address and phone number;
  2. A statement describing appellant's standing to appeal;
  3. Identification of the application which is the subject of the appeal;
  4. Appellant's statement of grounds for appeal and the facts upon which the appeal is based with specific references to the facts in the record;
  5. The specific relief sought; and
  6. A statement that the appellant has read the appeal and believes the contents to be true, followed by the appellant's signature.
- E. **Effect.** The timely filing of an appeal shall stay the hearing body's decision until such time as the appeal is concluded or withdrawn.

***14.80.060 - Procedure for closed record decision / appeal.***

- A. Closed record appeals and closed record hearings shall be on the record established at the open record hearing before the hearing body whose decision is appealed, which shall include the written decision of the hearing body, a transcript or recording of the proceedings, and copies of any exhibits admitted into the record.
- B. No new testimony or other evidence will be accepted by the appeal body except: (1) new information that was unknown to the parties at the time of the hearing which could not reasonably have been discovered by the parties and is necessary for a just resolution of the appeal; and (2) relevant information that, in the opinion of the appeal body, was improperly excluded by the hearing body. Appellants who believe that information was improperly excluded must specifically request, in writing prior to the closed record appeal hearing, that the information be made part of the record. The request shall describe the information excluded, its relevance to the issues appealed, the reason(s) that the information was excluded by the hearing body, and why the hearing body erred in excluding the information. No reference to excluded information shall be made in any presentation to the appeal body on the merits, written or oral, until the appeal body has determined that the information should be admitted.
- C. Parties to the appeal may present written and/or oral arguments to the appeal body. Argument shall describe particular errors committed by the hearing body with specific references to the administrative record. The appellant shall bear the burden to demonstrate that substantial evidence does not exist in the administrative record to support the decision of the hearing body.
- D. The hearing shall commence with a presentation by the Director or the Director's designee of the general background of the proposed development and issues in dispute. After the Director's presentation, the appellant shall first present oral argument and then other parties of record shall make their arguments. The appeal body may question any party concerning disputed issues but shall not request information not in administrative record.
- E. The appeal body shall determine whether there is substantial evidence in the administrative record to support the decision of the hearing body. The appeal body may affirm, modify or reverse the decision of the hearing body. Upon written agreement by the applicant to waive the requirement for a decision within the time periods set forth in RCW 36.70B.080, as allowed by RCW 36.70B.080(3), the appeal body may remand the decision to the hearing body for additional information.

***14.80.070 - Judicial appeals.***

The county's final decision on an application may be appealed by a party of record with standing to file a land use petition in Franklin County superior court. Such petition must be filed within twenty-one (21) days after issuance of the decision, as provided in Chapter 36.70C RCW.

**FRANKLIN COUNTY  
PLANNING COMMISSION  
AGENDA**

**REGULAR MEETING:** December 3, 2019 – 6:30 P.M.  
**COMMISSIONER'S MEETING ROOM**  
**Franklin County Courthouse**  
**Entrance at Main Door – 1016 North 4<sup>th</sup> Avenue, Pasco, WA**

**OPEN PLANNING COMMISSION REGULAR MEETING – 6:30 P.M.**

**CALL TO ORDER**

**ROLL CALL**

Current Planning Commission Members/Districts/Terms:

<b>Member</b>	<b>District</b>	<b>Term Expires</b>
Mike Vincent	Columbia River West Area	August 1, 2021
Roger Lenk	Riverview/Pasco UGAB	August 27, 2022
Layton Lowe	Connell/Kahlotus Area (Combined)	December 9, 2023
Claude Pierret	Snake River Area	May 1, 2023
Kent McMullen	Riverview/Pasco UGAB	March 26, 2023
Mike Corrales	Basin City Area	May 1, 2020
Melinda Didier	Eltopia Area	March 1, 2020

**DECLARATION OF QUORUM**

**PLEDGE OF ALLEGIENCE**

**APPROVAL OF AGENDA**

Approval of (or requested changes to) Agenda for December 3, 2019

**APPROVAL OF MINUTES**

Postponed to next regularly scheduled meeting.

**PUBLIC HEARING - ITEM #1 – TC 2019-01**, consideration of the draft Title 14, Development Code Administration. This is a proposed addition to the Franklin County Code, which will be codified as Title 14 - Development Code Administration. This new title is needed to attain compliance with the Local Project Review Act (RCW 76.70B) and the Land Use Petition Act (Chapter 36.70C RCW), in particular RCW 36.70B as well as RCW 36.70A.470, RCW 43.21C and WAC 365-196-845. The addition of this new title will serve a necessary role in formalizing land use and permitting processes and procedures in Franklin County, and should aid in diminishing the County's risk. (See Planning Enabling Act – Counties, RCW 36.70.200 through 36.70.290). *(This is a legislative item so the public will have additional opportunities to provide comments to the Board of County Commissioners.)*



**APPLICANT:** Franklin County Planning and Building

**OWNER:** N/A

1. **Open Public Hearing**
  - a. Staff Report
  - b. Proponents
  - c. Opponents
  - d. Clarification of Public Statements/Questions
2. Close Public Hearing
3. Planning Commission Discussion
4. Recommendation/Motion/Finding of Fact

**ADMINISTRATIVE ITEMS**

- Discussion: Draft Intergovernmental Agreement (IGA) between Franklin County and the City of Mesa for Building and Planning Services

**UPDATE ON PAST ITEMS**

- CUP 2019-06 Garibay (Outdoor Event Center)

**ADIJOURN PLANNING COMMISSION REGULAR MEETING**



# FRANKLIN COUNTY

## PLANNING AND BUILDING DEPARTMENT

### Planning Commission Public Hearing Procedures, Protocols and Etiquette

#### **The Planning Commission Process:**

The Planning Commission is a seven (7) member volunteer board that is appointed by the Board of County Commissioners.

This public hearing is the 'only' open record hearing for a land use application and is the public's opportunity to speak in favor or against an application. The Planning Commission is not a "final" decision making committee but rather makes "recommendations" to the elected officials for the different applications they review. The purpose of the 'open record public hearing' is for the Commission to gather factual information to assist them in formulating their recommendations. The hearing is not a debate or a question and answer session with the audience.

Copies of the agenda and staff reports are available in the hearing room. Please ask staff if you have any questions.

#### **The Public Hearing:**

The Chair will introduce the item on the agenda. The public hearing will be "opened" and Staff will be requested to give a summary of the Staff report.

1. **The Chair will request input from proponents (people in favor of the application).** Please step forward to the middle of the room or near a podium and state your name and address for the record before stating your testimony.
2. **The Chair will request input from opponents (people not in favor of the application).** Please step forward to the middle of the room or near a podium and state your name and address for the record before stating your testimony.
3. **The Chair will ask the public for any clarification of statements or questions.** Also the Planning Commission members may ask questions of proponents and opponents. Please step forward to the middle of the room or near a podium and state your name and address for the record before stating your testimony.
4. **The Chair will "close" the public hearing.**
5. **The Chair will allow for Planning Commission Member discussion only.** Once deliberation has ended The Chair will ask for a motion for recommendation with findings of fact and/or conditions.

#### **Hearing Tips, Protocols and Etiquette:**

*Please speak clearly. State your name and address for the record;*

*Speak only when recognized by the Chair;*

*Focus your testimony on the matter at hand, state only the relevant facts and opinions;*

*Avoid repetitive testimony. If another witness has made similar points please make note of it in the record and state that you concur with the previous speaker;*

*Please be prepared to limit your comments to five (5) minutes per speaker per item. When large groups are present, the Chair may reduce the time per speaker (usually to three minutes each);*

*Speaking time may not be deferred to another witness;*

*Do not speak to the Commission unless you step forward to the middle of the room or near a podium;*

*Exhibits (photographs, letters, maps) become part of the permanent record and cannot be returned;*

The Commission's hearings are conducted in a courtroom-like environment and audience conduct shall be in accordance with courtroom etiquette. Clapping, cheering, speaking out of order or disorderly conduct are not appropriate and are grounds for removal from the hearing room by order of the Chair. Pagers and cellular phones should be turned off or placed on vibrate as to not disturb the hearing.

Please contact the Planning and Building Department at 545-3521 if you have questions.

**FRANKLIN COUNTY  
PLANNING COMMISSION  
MINUTES  
December 3, 2019**

**MEMBERS PRESENT:**

Claude Pierret, Layton Lowe, Roger Lenk and Kent McMullen

**MEMBERS ABSENT:**

Mike Vincent, Melinda Didier and Mike Corrales

**STAFF PRESENT:**

Planning & Building Director, Derrick Braaten

MillieAnne VanDevender (AHBL, Inc), Contract Planner

Rebeca Gilley, Julie Michel and Aaron Gunderson were present from the Planning and Building Department. Matt Mahoney attended from Public Works.

The Franklin County Planning Commission was called to order at approximately 6:30 p.m. by **Chair Claude Pierret**. A quorum was present.

**PLEDGE OF ALLEGIANCE**

**Chair Pierret** informed the Planning Commission of the item on the agenda, TC 2019-01, and asked for a motion to approve the Agenda for the meeting.

**Commissioner McMullen** made a motion to approve the agenda.

**Commissioner Lenk** seconded.

Motion passed.

**APPROVAL OF MINUTES/ AGENDA:**

**Chair Pierret** said the approval of meeting minutes from the November 12, 2019 Planning Commission meeting have been postponed until the next regularly scheduled meeting.

**PUBLIC HEARING INTRODUCTION:**

**Chair Pierret** read the following:

*"It is now time for the Public Hearing Portion of our Meeting"  
Good evening and welcome:*

**Chair Pierret** did not read the ground rules for the meeting, no public in attendance.

**Chair Pierret** asked the Commission members to keep in mind that the Planning Commission is prohibited by law from communicating with members of the public on the subject matter of these hearings except in these hearings. Chair Pierret also stated that the Planning Commission may not participate in a decision in which there is an appearance of conflict of interest to the average person. He asked,

“As to the matters which are before us today has anyone:

- Had any ex parte communications,
- Have any ownership interests in the properties,
- Have any business dealings with proponents or opponents of the matters, or
- Have business associates or immediate family who may be either benefited or harmed by a decision in these matters?”

**Chair Pierret** asked if any Commission Member had any declarations regarding any of the items on the agenda. There were none.

**Chair Pierret** asked if anyone in the audience would object to any Commission Member hearing any of the items on the agenda. There was no one in the audience. He proceeded by stating,

“The order of the hearing shall be as follows:

1. Planning staff shall provide a staff report; the Commission may ask questions of staff;
2. Final staff comments

**Chair Pierret** then asked “Are there any procedural questions before we begin the public hearing?”

There were none.

#### **OPEN THE PUBLIC HEARING FOR THE REGULAR PLANNING COMMISSION MEETING:**

Public Hearing opened at 6:33 pm.

#### **ITEM #1 - TC 2019-01 & SEPA 2019-12**

An addition to the Franklin County Code, Title 14, Development Code Administration.

**APPLICANT:** Franklin County Planning & Building Department

**OWNER:** N/A

#### **STAFF REPORT**

Mrs. VanDevender provided a summary of the written staff report. She explained the new title is needed to attain compliance with the Local Project Review Act (RCW 76.70B) and the Land Use Petition Act (Chapter 36.70C RCW), in particular RCW 36.70B as well as RCW 36.70A.470, RCW 43.21C and WAC 365-196-845.

Mrs. VanDevender stated the Planning Commission was presented the information at a workshop that was held on September 24, 2019 and feedback was given by the Commission. She said the County's Prosecuting Attorney's office reviewed the proposed changes also.

Mrs. VanDevender asked if there were any questions or comments from the Commission.

**Commissioner Lenk** suggested that the definition of area-wide could incorporate RCW 42.36.10 in order to be more understandable. He asked about the need for a Board of Adjustments (as mentioned in the Staff Report) to hear variances instead of the Planning Commission.

Mr. Braaten explained the topic of using a Board of Adjustments is something that needs to be looked at.

**Commissioner Lenk** asked about assignability of permits. There was discussion.

**Commissioner Lenk** had questions about permit extensions. Mr. Braaten explained how the process is working right now and said he will research whether a recently passed ordinance affects the proposed language.

**Commissioner Lenk** asked about the completion of an application. He said he could not find where the staff could extend the 28 day time frame. Mrs. VanDevender and Mr. Braaten explained.

**Commissioner Lenk** asked about the 500 foot or one mile radius required for public notice. Mr. Braaten said the proposed code section will be revised to reflect the 500 foot or one mile language in place elsewhere in the Code.

**Commissioner Lenk** asked what can be done to correct the current timing challenges with the Comprehensive Plan Updates. Mrs. VanDevender explained that the addition of Title 14 is the first step for preventing Comprehensive Plan delays in the future. Mr. Braaten further addressed the topic of applications for UGA expansions.

Mrs. VanDevender said comments were received from Future Wise and Department of Commerce after packets had been mailed so Planning Commission members were given copies of the letters at the start of the meeting. She read from comments received from Future Wise first. There was discussion.

Mr. Mahoney pointed out that Future Wise typically cites case law. There was discussion about state law versus federal law and what should and should not be included in proposed Title 14.

**Commissioner Lenk** asked if Future Wise will get a response from the County. Mr. Braaten explained anyone that comments, gets a letter.

There was discussion over mineral and resource lands.

Mrs. VanDevender summarized the Department of Commerce letter. Mr. Braaten and Mr. Mahoney commented on transportation, services, and grants.

Mrs. VanDevender explained that with no further questions, the next step would be to make a motion to adopt the findings of facts. There was discussion.

**Commissioner Lenk** made a motion to adopt the findings of fact as contained in the staff report for recommendation of approval to the Board of County Commissioners.

Commissioner McMullen seconded.

**Chair Pierret** asked for a vote.

Vote: TC 2019-01

Clause Pierret – yes

Layton Lowe – yes

Roger Lenk - yes

Kent McMullen – yes

Motion was approved.

**Meeting adjourned** at 8:09 pm.

**Agenda Item #1**

**STAFF REPORT**

**TC 2019-01**

**TITLE 14, DEVELOPMENT CODE ADMINISTRATION**

## **FACT SHEET/STAFF REVIEW**

### **Hearing before the Franklin County Planning Commission**

**Case-file:** **TC 2019-01 / SEPA 2019-12**  
An addition to the Franklin County Code, Title 14 - Development Code Administration.

**Hearing Date:** December 3, 2019

**Applicant:** Franklin County-Derrick Braaten, Director of Planning and Building

**Location:** **N/A – the code will apply to all lands in unincorporated Franklin County**

#### **ATTACHMENTS TO THIS STAFF REPORT:**

1. DRAFT Ordinance for BOCC adoption [Proposed code is shown as Attachment A]
2. SEPA DNS and Checklist

#### **APPLICATION DESCRIPTION:**

This is a proposed addition to the Franklin County Code, which will be codified as Title 14 - Development Code Administration. This new title is needed to attain compliance with the Local Project Review Act (RCW 76.70B) and the Land Use Petition Act (Chapter 36.70C RCW), in particular RCW 36.70B as well as RCW 36.70A.470, RCW 43.21C and WAC 365-196-845.

#### **PUBLIC NOTICE:**

1. A Public Notice was published in the Franklin County Graphic on November 7, 2019.
2. A SEPA Determination of Non-Significance (DNS) was issued on November 7, 2019, with a comment period ending on November 21, 2018. In addition to typical agencies receiving the notification, SEPA notices were sent to the cities of Pasco, Mesa, Kahlotus and Connell.

#### **NOTICE TO THE STATE DEPARTMENT OF COMMERCE, GROWTH MANAGEMENT SERVICES:**

In accordance with procedural requirements under RCW 36.70A.106, the proposed text amendment to the County's Development Regulations were provided to the state Department of Commerce on November 19, 2019, for review in advance of potential adoption of changes to the development regulations, for distribution to state agencies, to allow an opportunity for agency comment.

#### **APPLICABLE STANDARDS/ORDINANCES:**

1. Franklin County Comprehensive Plan.
2. Local Project Review Act (RCW 76.70B)
3. Land Use Petition Act (Chapter 36.70C RCW)



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Addition of Title 14- Development Code Administration

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**ADDITIONAL BACKGROUND INFORMATION:**

The County's prosecuting attorney's office has reviewed the proposed changes.

The addition of this new title will serve a necessary role in formalizing land use and permitting processes and procedures in Franklin County, and should aid in diminishing the County's risk. To further reduce risk, the County should determine at a future date if a Board of Adjustments needs to be established to hear variances, instead of the Planning Commission. Alternatively, the County could establish the office of a Hearing Examiner who would preside over public hearings and make determinations on such requests. (See *Planning Enabling Act – Counties, RCW 36.70.200 through 36.70.290*).

**COMMENTS/CRITERIA FOR FINDINGS OF FACT:**

As of the date of this staff report, no comments have been received.

Any additional comments received by the Planning Department prior to the Public Hearing will be distributed to the Planning Commission in an Exhibit packet for review at the Hearing.

**RECOMMENDATION: (TC 2019-01)**

The adoption of a new Title which will add to the body of development regulations in the County is a legislative matter (policy decision). Planning and Building staff has elected to use the criteria found in **Title 17, Chapter 17.84 Amendments and Rezones** of the Franklin County Development Regulations, as a process to guide this code adoption. Consistent with that chapter, the Planning Commission shall:

1. Render a recommendation to approve, approve with modifications and/or conditions, or reject the petition based on its findings and conclusions. The Planning Commission's recommendation, to include its findings and conclusions, shall be forwarded to the Board of Commissioners at a regularly scheduled business meeting thereof.
2. After completion of an ~~open-record~~ hearing on the petition, the Planning Commission shall make and enter findings from the records and conclusions thereof which support its recommendation and find whether or not: **(Findings of Fact by Planning Commission)**
  - a. The proposal is in accordance with the goals and policies of the comprehensive plan.
  - b. The effect of the proposal on the immediate vicinity will be materially detrimental.
  - c. There is merit and value in the proposal for the community as a whole.

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Addition of Title 14- Development Code Administration

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- d. Conditions should be imposed in order to mitigate any significant adverse impacts from the proposal.
- e. A concomitant agreement should be entered into between the county and the petitioner, and if so, the terms and conditions of such an agreement.

**Staff:** Staff recommends the Planning Commission forward a **POSITIVE RECOMMENDATION**, according to the following suggested findings of fact:

**Suggested Findings of Fact:**

1. The proposal **IS IN** accordance with the goals and policies of the Franklin County Comprehensive Plan.
  - a. An addition to the County's Code of Ordinances to guide review of development in the county meets the intent and spirit of the Franklin County Comprehensive Plan.
2. The effect of the proposal on the immediate vicinity **WILL NOT** be materially detrimental.
  - a. The proposed title is intended to streamline the permitting process for land development occurring throughout the county on unincorporated lands, and ensure that the county's land development procedures are predictable resulting in potential cost and time savings to the applicants and County staff.
  - b. The addition of Title 14 ensures compliance with state guidelines for combining and expediting development review and integrates environmental review with development review.
3. There **IS** merit and value in the proposal for the community as a whole.
  - a. The proposed addition will provide applicants, staff, the public, and decision-makers with necessary and sufficient information to ensure thorough review of activities and their impacts and to allow considered and comprehensive decisions.
  - b. The addition of Title 14 will provide clear enforcement procedures to assure compliance with the development code and enable the Director to take appropriate, timely enforcement actions in administration of the code.
  - c. The community will benefit from the addition of Title 14 as it will detail requirements for public notice and ensure opportunities are granted for parties to comment during development review.

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4. Conditions **ARE NOT** required to be imposed in order to mitigate any significant adverse impacts from the proposal.
  - a. N/A - This criterion does not apply as this is not a change to the Zoning Map.
5. A concomitant agreement between the County and the petitioner **IS NOT** required for this application.
  - a. N/A - This criterion does not apply as this is not a change to the Zoning Map.
6. All Notifications of the Public Hearing were posted as per County Ordinances and State law.
7. The adoption of Title 14 is consistent with the State's Local Project Review Act (RCW 76.70B) the Land Use Petition Act (Chapter 36.70C RCW).

**SUGGESTED MOTION:**

*I move that the Planning Commission adopt the findings of fact as contained in the staff report, and recommend approval of the proposed addition of **Title 14- Development Code Administration** based on the findings.*

# DEVELOPMENT CODE UPDATE TITLE 14- DEVELOPMENT CODE ADMINISTRATION



FRANKLIN COUNTY PLANNING COMMISSION  
Tuesday, December 3, 2019

# Description

- This is a proposed addition to the Franklin County Code, which will be codified as Title 14 - Development Code Administration.
- This new title is needed to attain compliance with the Local Project Review Act (RCW 76.70B) and the Land Use Petition Act (Chapter 36.70C RCW), in particular RCW 36.70B as well as RCW 36.70A.470, RCW 43.21C and WAC 365-196-845.

# Public Notice



- A Public Notice was published in the Franklin County Graphic on November 7, 2019.
- A SEPA Determination of Non-Significance (DNS) was issued on November 7, 2019, with a comment period ending on November 21, 2018. In addition to typical agencies receiving the notification, SEPA notices were sent to the cities of Pasco, Mesa, Kahlotus and Connell.
- The proposed text amendment was provided to the state Department of Commerce on November 19, 2019.



# Comments



- ☐ Alison Cable of Futurewise submitted comments today (12.03.19).
- ☐ We recommend incorporation of the comments as follows:

# Comments

- Futurewise suggested a clarification of the definition of area-wide to read as follows:

“A. “Area-wide” describes an amendment not requested by specific parties, containing multiple parcels or tracts and multiple ownerships, and proposed for a large area. ~~land area containing four or more parcels, contiguous or noncontiguous, or comprising 40 or more acres, which area as an integral proposal is considered for a change in zoning or comprehensive plan designation; provided, that The~~ The Director(s) may deem any proposal to be sitespecific if the public interest will be better served by a quasi-judicial process than a legislative process.”

# Comments

- ☐ Futurewise suggested language be added to the criteria of Findings for the Planning Commission when Zoning and Subdivision Code Text Amendments are proposed. We recommend the addition of the following:
  - ☐ “B. After completion of a hearing on a petition for change to the development regulations, the planning commission shall make and enter findings from the records and conclusions thereof which support its recommendation and find whether or not:
    - ☐ 1.      The proposal is in accord with applicable state laws and state regulations;
    - ☐ ~~1.2~~ The proposal is in accord with the goals and policies of the Comprehensive Plan including the county-wide planning policies;
    - ☐ ~~2. 3.~~ The effect of the proposal will be materially detrimental;
    - ☐ ~~3. 4.~~ There is merit and value in the proposal for the community as a whole;

# Comments

- Futurewise suggested the following edit 14.70.060(B) to provide clarity:
  - “B. For site-specific land use amendment proposals ~~(i.e. sites involving four or fewer parcels, or sites consisting of multiple contiguous parcels under a single ownership),~~ the notice of public hearing shall be mailed to all property owners within five hundred (500) feet in an urban growth area (UGA) and rural settlement areas. For applications not within an urban growth area or rural settlement area, written notice shall be mailed to each property owner within one mile of the area proposed to be changed or altered. Owners of record shall be determined by a report (obtained from the county assessor's office or licensed title company) not more than thirty (30) calendar days preceding the date of publication.

# Comments

- Futurewise suggested a change to 14.70.110(B) to specify that Agricultural and mineral resource lands of long-term commercial significance cannot be included within an urban growth area.
- This is not recommended as FCC 14.70.110(A)(5) already provides for: "The proposed amendment is consistent with the Growth Management Act..."

# Suggested Motion

- ☐ I move that the Planning Commission adopt the findings of fact as contained in the staff report, and recommend approval of the proposed addition of Title 14- Development Code Administration based on the findings.



## **TITLE 14 DEVELOPMENT CODE ADMINISTRATION**

### **Chapter 14.10 - GENERAL PROVISIONS**

#### ***14.10.010 - Title.***

A. This title shall be entitled "development code administration." The development code shall consist of Title 15, Building and Construction; Title 16, Subdivisions and Division of Land; Title 17, Zoning; and Title 18, Environment.

#### ***14.10.020 - Purpose and intent.***

A. The purpose of this title is guiding review of development in the county consistent with the Franklin County Comprehensive Plan, the Growth Management Act (Chapter 36.70A RCW), the Local Project Review Act (Chapter 36.70B RCW), the Land Use Petition Act (Chapter 36.70C RCW), the State Environmental Policy Act (Chapter 43.21C RCW), Plats - Subdivisions - Dedications (Chapter 58.17 RCW), the Shoreline Management Act (Chapter 90.58 RCW), and all regulations established in the associated Washington Administrative Code (WAC).

B. The intent of this title is to:

1. Combine, consolidate and streamline the application, review, approval and appeal processes for land development occurring in the county.
2. Describe the county's land development procedures in clear, concise, and understandable terms.
3. Comply with state guidelines for combining and expediting development review.
4. Integrate environmental review with development review.
5. Provide applicants, staff, the public and decision-makers with necessary and sufficient information to enable more thorough review of activities and their impacts and to allow considered and comprehensive decisions.
6. Enable the director to take appropriate, timely enforcement actions.
7. Provide clear enforcement procedures to assure compliance with the development code.
8. Enhance public notice and encourage more opportunities to comment during development review.

#### ***14.10.030 - Definitions.***

In the event of conflict between the following definitions and other definitions given in this development code, the following shall prevail:

- A. "Area-wide" describes a land area containing four or more parcels, contiguous or noncontiguous, or comprising 40 or more acres, which area as an integral proposal is considered for a change in zoning or comprehensive plan designation; provided, that the Director(s) may deem any proposal to be site-specific if the public interest will be better served by a quasi-judicial process than a legislative process.
- B. "Board of County Commissioners" or "Board" means the Board of County Commissioners of Franklin County.
- C. "Building code" means the codes adopted in Title 15, and any amendments thereto.
- D. "Building permit" means any permit issued by the building official, including building, plumbing, demolition, mechanical, and grading permits.
- E. "Building official" means the Franklin County building official or designee.

- F. "Comprehensive Plan" means the Franklin County Comprehensive Plan.
- G. "County" means Franklin County, Washington.
- H. "Development code" means Titles 14 through 19, including any maps adopted as part thereof.
- I. "Development regulation" means a control placed on development or land use activities, as defined in RCW 36.70A.030.
- J. "Director" means the Planning and Building Director unless otherwise designated.
- K. "Legislative actions" means amendments to the county's Comprehensive Plan or development code, including area-wide amendments to any associated maps, but excluding adoption of state-adopted building codes.
- L. "Planning commission" means the Franklin County planning commission.
- M. "Premises" means any real property or structure.
- N. "SEPA" means State Environmental Policy Act.
- O. "Site-specific" means other than "area-wide" as defined in subsection A of this section.

***14.10.040 - Applicability of definitions.***

The definitions in Section 14.10.030 of this chapter shall apply equally to the entire development code, Franklin County Titles 14 through 19; other defined words may be found in the titles.

***14.10.050 - Time deadlines falling on nonbusiness days.***

Any time deadline established by this development code that falls on a Saturday, Sunday, and holidays where the county offices are closed shall extend to the next business day.

***14.10.060 - Stay of further permits in the event of appeal.***

When any county action taken pursuant to the development code is administratively or judicially appealed, the Director may stay further permit issuances for the use or improvement to which the appeal relates until the appeal has been settled.

***14.10.070 - One-hundred-twenty-day time limit - Exceptions.***

The following time periods shall not count toward the maximum of 120 days which can expire between the determination of completeness and the notice of decision:

- A. Any period commencing with a request by the county that the applicant provide any further information or an environmental impact statement until the applicant provides said information.
- B. Any period during which a comprehensive plan or development regulation amendment is being processed preliminary to deciding upon a permit application.
- C. Any period between the initial determination of completeness and any subsequent determination of completeness should the applicant substantially revise the proposal.
- D. Any period during which any decision related to the permit application is being appealed.
- E. Any period mutually agreed upon by the applicant and the county.
- F. Saturdays, Sundays, holidays established on which the county offices are closed, and the days between December 25th and January 1st.

***14.10.080 - Permit conditions.***

- A. In granting a permit and/or issuing a land use decision, the county may attach thereto such conditions as necessary to make the permit and/or land use decision compatible with the criteria applicable to that permit and/or land use decision and/or to mitigate the impacts associated with granting a permit.
- B. The county may require, as a condition of any permit approval, the posting of a cash performance bond or other security sufficient to fulfill the requirements of this development code and any conditions upon which the permit is granted.

***14.10.090 - Assignability of permits.***

Development permits shall run with the land and be freely assignable.

***14.10.100 - Permit expiration and extensions.***

- A. Unless a more specific provision applies to the type of permit, approved permits shall expire two years after the date of issuance if the action for which the permit is required has not begun, or within five years if construction has not been completed; except as provided in subsections B and C of this section.
- B. An approved preliminary plat shall expire:
  - 1. Within seven years of the date of approval of the preliminary plat if the date of preliminary plat approval was on or before December 31, 2014.
  - 2. Within five years of the date of approval of the preliminary plat if the date of preliminary plat approval is on or after January 1, 2015.
- C. Expiration and extension of the following land use permits shall not be governed by this section:
  - 1. Building permits;
  - 2. Shoreline permits;
  - 3. Land use permits governed by a development agreement shall be pursuant to the development agreement;
  - 4. Any permits for which this development code establishes a specific permit expiration.
- D. Permit applications not excepted above shall expire one year after any application dormancy or hold status, whether initiated by the applicant or during which the county waits for information it has requested of the applicant which is needed in order to process the application.
- E. The Director may extend the date of permit expiration for one year upon request by the applicant prior to said permit's expiration.
- F. Any extensions of time shall be based upon a finding of justifiable cause and that the land use permit is compliant with all applicable codes at the time of the extension request. The Director shall not grant more than one permit extension.

***14.10.110 - Applications are binding.***

All aspects of the application shall be binding for the life of the project/building, including graphic representations such as site plans, building elevations, and related required materials.

***14.10.120 - Minor changes.***

The Director may approve minor changes to the permitted proposal that do not create any additional lots or impacts, provided those changes are so insignificant that, in the Director's judgment, the changes would not

have affected the decision of the original decision maker; and provided, that the proposal still complies with this development code. More substantial changes shall require a new permit.

***14.10.130 - Resubmission of application.***

Any permit application that is denied shall not be resubmitted or accepted by the county for reconsideration for a period of six months from the date of the last action by the county on the application or request.

***14.10.140 - Code interpretations.***

- A. Upon request, the Director(s) may interpret the provisions of development regulations subject to this chapter. Requests for interpretation shall be in writing and shall be specific as to the issue of interpretation. The Director may decline to issue code interpretations when the code provision at issue is clear on its face or the request is not made in good faith. The Director's decision not to issue a code interpretation shall not be appealable.
- B. Any final decision on a request for code interpretation shall be in writing and shall include:
  - 1. Findings that relate to applicable development regulations, definitions, or comprehensive plan policies;
  - 2. Development code citation;
  - 3. The context;
  - 4. The interpretation; and
  - 5. The reasoning for the interpretation.
- C. The Director shall apply said interpretations to future instances of like circumstances.
- D. Code interpretations made by the Director may be appealed to the Board of County Commissioners. Any code interpretation pursuant to this section resulting in or directly associated with a permit decision may be considered by the review authority during appeal proceedings for the underlying permit, unless said interpretation was specifically appealed according to the procedures contained herein prior to the permit decision.

**Chapter 14.20 - JURISDICTION AND SCOPE OF AUTHORITY**

***14.20.010 - Responsibility.***

A developer is expected to read and understand the County's development code and be prepared to fulfill the obligations placed on the development by Titles 14 through 18. The County will promptly provide all necessary and relevant information.

***14.20.020 - Director's duty.***

- A. Unless otherwise specified, the Director, public works Director, and building official shall be responsible for the administration and enforcement of Titles 14, 15, 16, 17, and 18 as established by the County Administrator or designee.
- B. The Director shall be the designated permit coordinator for all permits subject to this development code and shall issue decisions for:
  - 1. Building Permits;



2. Factory Assembled Structure Placement;
3. Mechanical Permits;
4. H2A Farm working housing site plan review;
5. Floodplain permits;
6. Alteration to land, including grading and leveling, paving, stockpiling, and excavation, the amount of which does not exceed 500 cubic yards;
7. Home Occupation administration decisions;
8. Sign Permits;
9. Boundary Line Adjustments;
10. Short Plats;
11. Short Plat Alterations and Vacations;
12. Binding Site Plans;
13. Shoreline Letters of Exemption;
14. Shoreline Substantial Development Permits;
15. Critical Areas permits / approvals; and
16. Environmental (SEPA) Review.

The review of site plans related to any and all of these permits is also conducted by the Director.

- C. The Director, Public Works Director, and building official may delegate administrative authority to their designees.

**14.20.030 - Planning commission.**

- A. The planning commission shall review and make recommendations to the Board on the following applications and subjects:
1. Amendments to the Comprehensive Plan, subarea plans, and development regulations, including the Shoreline Master Program;
  2. Special planning studies assigned to the planning commission;
  3. Zoning changes (text changes to the zoning code and changes to the zoning map);
  4. Conditional Use Permits;
  5. Shoreline Conditional Use Permits;
  6. Shoreline Variances;
  7. Preliminary Plats;
  8. Final Plats;
  9. Area-wide zoning changes;
  10. Applications for variances from the standards and dimensional regulations of the zoning code, official map or other regulatory ordinances; and
  11. Other actions requested or remanded by the Board.
- B. The planning commission may propose to the Board that action be initiated on the matters set forth above.

- C. In exercising the foregoing responsibilities, the planning commission shall consider as appropriate any associated environmental or other administrative determination.

***14.20.050 - Board of county commissioners.***

- A. The Board of County Commissioners (Board) shall review and act on the following matters:
1. All legislative actions relating to the county's Comprehensive Plan, subarea plans, zone districts and zoning, development regulations, policies, ordinance, and regulations;
  2. Development agreements under Chapter 36.70B RCW;
  3. Recommendations from the Planning Commission, including those items included in subsection 14.20.030 (A) of this title;
  4. Appeals of SEPA threshold decisions; and
  5. Appeals of decisions made by the Director pursuant to Title 17, as specified.
- B. In exercising the foregoing responsibilities, the Board shall consider as appropriate any associated environmental or other administrative determinations.

**Chapter 14.30 – PERMITTING PROCESS**

***14.30.010 - Pre-application conference.***

The Director shall conduct a pre-application conference if requested by the applicant. The representatives of all affected County departments, utility districts or providers, the Fire Department, and any other entities or agencies with jurisdiction shall be notified of the meeting. The agencies and included parties shall review the development application and provide input to the Director or his/her designee regarding compliance with plans and regulations, coordination of necessary permit reviews, potential environmental impacts and mitigating measures following review of the environmental checklist completed in accordance with Title 18.

***14.30.020 - Application forms.***

- A. All applications for permits, land use decisions, and other county approvals specified in the development code shall be submitted on application forms prepared or approved by the Director.
- B. All applications shall be signed by the property owner or an authorized representative.

***14.30.030 - Notice of complete application.***

- A. All applications for approval under Titles 15 through 18 shall include information specified in the applicable title. Additional information as reasonably necessary to fully and properly evaluate the proposal may be requested.
- B. At the time the application is submitted, the applicant shall identify all permits that may be applicable to the project.
- C. Within 28 days after receiving a project permit application, the Director shall mail or personally deliver to the applicant a notice that advises the applicant of other agencies that may have jurisdiction over the proposal, if known at that time, and states either:
1. That the application is complete; or



2. That the application is incomplete and what is necessary to make the application complete.
- D. Failure of the Director to provide notice to the applicant, in writing, within the 28-day time frame, shall be deemed as the county's acceptance of the application for processing.
- E. Within 14 days after an applicant has submitted to the county the additional information identified as being necessary for a complete application, the Director shall make a determination of completeness and notify the applicant in the manner provided in subsection C of this section.
- F. The Director's issuance of a determination of completeness shall not preclude the county from requesting additional information or studies, either at the time of the determination of completeness or at some later time if additional information is required or where substantial changes in the proposed action occur.
- G. 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 the proposed project action after a determination of completeness, as determined by the Director, the application shall not be considered vested until a new determination of completeness on the changes is made under this title.
- H. To the extent known by the County, the written determination shall identify other agencies of local, state, or federal government that may have jurisdiction over some aspect of the application. Failure to disclose such agency jurisdiction shall not be deemed a waiver of the requirement to comply with such agency's regulation.
- I. For the purposes of this section, applications are deemed received until a notice of complete application is issued by the Director or the mandatory period to deem an application complete has passed.
- J. A notice of complete application is not required for permits categorically exempt from SEPA.

**14.30.040 - SEPA Review.**

- A. All developments and permits subject to the provisions of the State Environmental Policy Act (SEPA), Chapter 43.21C RCW, shall be reviewed in accordance with Chapter 18.04 of Franklin County Code.
- B. SEPA review shall be conducted concurrently with development project review. Threshold determinations shall be issued within 90 days of the date of the notice of complete application issued by the county.
- C. The following actions are exempt from concurrent review under SEPA:
  1. Project permits categorically exempt from SEPA.
  2. Project permits that are part of actions previously reviewed under SEPA.
  3. Project permits subject to planned actions, so long as the proposed component of the planned action is consistent with the environmental impact statement (EIS) issued for the planned action.

**14.30.050 - RESERVED.**

**14.30.060 - Staff report.**

- A. For permits requiring a staff report, upon conclusion of the review of the permit application, the Director shall prepare a staff report identifying the proposed development; evaluating and analyzing the consistency of the development with applicable plans, codes, criteria and regulations; consolidating the comments of all county departments and outside agencies on the development proposal; proposing

findings, conclusions and appropriate conditions of development; and, if applicable, making a recommendation for action on the proposal to the decision making body.

- B. The staff report shall be distributed to the applicant; to county departments; affected outside agencies; and, if applicable, to the decisional body for consideration in advance of the formal public meeting, hearing, or action on the proposed development. Staff reports will be available to the public prior to the formal public meeting, hearing, or action on the proposed development.

#### ***14.30.070 - Decision.***

- A. The Director shall determine if the application is consistent with the development code and the policies of the Comprehensive Plan and notify the applicant within 120 days of the determination of completeness as calculated pursuant to Section 14.10.070 of this title subject to the following:
1. The decision maker may include in a decision any conditions of approval that are necessary to ensure that the proposal complies with all applicable development code and Comprehensive Plan policies.
  2. No building permit shall be issued until all related, necessary permits are final, including appeals, unless the Director(s) waives this prohibition based on the applicant signing a statement acknowledging the appeal period and agreeing to remove or modify the permitted work at the applicant's expense should an appeal result in revocation or modification of the appealed permit.
  3. Short plats shall not be recorded until after the appeal period has lapsed.

#### ***14.30.080 - Written decision – Content.***

- A. If a written decision is required, the decision maker for the underlying permit shall issue a written decision that shall include at least the following content:
1. A description of the proposed use or action;
  2. The location of the property;
  3. A statement regarding the status of SEPA review of the proposed actions, if applicable;
  4. The date of the public hearing, if applicable;
  5. A statement identifying the ordinance or criteria governing the application;
  6. Findings of fact and conclusions supporting the decision;
  7. The decision denying or approving the application and any conditions, if applicable;
  8. The procedures for administrative appeal, if any; and
  9. The duration of permit approval and a statement summarizing the applicable permit expiration and extension procedures.
- B. A copy of the staff report prepared consistent with Section 14.30.060 of this title may serve as the final written decision; provided, that the information required pursuant to subsection A of this section is included with the copy of the staff report.

#### **Chapter 14.40 – RESERVED**

#### **Chapter 14.50 – PUBLIC NOTICE**

**14.50.010 - Notice of application.**

If a public notice of application is required, the Director shall issue a notice of development application, within 14 days of issuing a determination of completeness under Section 14.30.030 of this title, containing the following information:

- A. Name of the applicant(s).
- B. Date of application.
- C. Date of issue for the determination of completeness.
- D. Location of the project.
- E. Project description (summary), including zoning classification.
- F. Requested and necessary approvals, actions, and/or studies (summary).
- G. Duration of the public comment period.
- H. Identification of existing applicable environmental documents, if any.
- I. A determination of specific critical areas that are or are not affected by the proposed development.
- J. County staff contact information.
- K. Date, time, and place of the public hearing for the permit if a public hearing is required and the date of the hearing has been set at the time of the notice of application.
- L. A statement that, barring excluded periods, the decision on the application is anticipated within 120 days of the determination of completeness.
- M. Other information as the Director deems necessary, or as required by county code for the application type.

**14.50.020 - Notice of public hearing.**

Notice of any required public hearing shall be issued a minimum of fifteen (15) days, but no more than thirty (30) days, prior to the public hearing. The notice of the public hearing shall include the following information:

- A. The application or project file number;
- B. Name of applicant(s);
- C. A general description of the proposed project;
- E. The development approvals required for the project;
- E. The actions or decisions recommended, if known;
- F. A description of the property, including the address of the property if one is available;
- G. A vicinity map or sketch if determined useful by the Director;
- H. The time, date and place of the public hearing;
- I. A statement that anyone wishing to appear and testify at the public hearing may do so;
- J. A statement that if, for any reason, the hearing cannot be commenced or completed on the date specified, the hearing may be continued to a date, place and time certain without further notice under this section; and
- K. The contact person or place where further information may be obtained.

#### ***14.50.030 - Method of publication.***

All required notices, except notices of decision which are governed by Section 14.50.050 of this chapter, shall be:

- A. Mailed to all owners of property within 300 feet of any portion of the proposed action according to the current county assessor's records, exclusive of public rights-of-way, of the property that is the subject of the application, including any property that is contiguous and under the same or common ownership and control.
- B. Mailed or emailed to any person who has made a written request to receive such notice.
- C. Mailed or emailed to the jurisdiction or government agency that might have an interest in or be affected by a proposed action, as determined by the Director.
- D. Posted at courthouse and Planning and Building Department lobby.
- E. Posted on the subject property with a brightly colored sign, at least 2 feet by 3 feet in size, that bares the title "LAND USE ACTION PENDING" and lists the telephone number for the Franklin County Planning Department.
- F. The Director(s) may publicize a given permit proposal more broadly or by additional means than stated herein if a greater level of public awareness is deemed necessary.

#### ***14.50.040 - Comment period.***

If a public comment period is required, the comment period shall be at least fifteen (15) calendar days except in the following cases when a longer comment period is required:

- A. For applications or proposals subject to the shoreline master program, a thirty (30) day public comment period shall be provided prior to any public hearing or taking any final action on the application or proposal.
- B. Notices of scoping associated with a determination of significance under the State Environmental Policy Act shall be followed by a minimum of a twenty-one (21) day comment period; provided, that the longer comment period shall not apply if the scoping notice is included with the notice of application issued pursuant to Chapter 14.50.010 of this title.
- C. Notice of availability of a draft environmental impact statement shall be followed by a thirty (30) day comment period; provided, that the Director can extend the comment period for an additional fifteen (15) calendar days if a request for an extension has been submitted to the county prior to the end of the initial thirty (30) day comment period.

#### ***14.50.050 - Notice of decision.***

- A. If a written notice of decision is required, the county shall provide a written notice of decision within 120 days as calculated pursuant to Section 14.10.070 of this title that shall include:
  - 1. A list of all project permits included in the decision, including all permits being reviewed through the consolidated permit review process;
  - 2. The date of the public hearing, if applicable;
  - 3. The date and description of the decision;
  - 4. A statement of any threshold determination made under SEPA (Chapter 43.21C RCW), if applicable;
  - 5. The procedures for administrative appeal, if any;



6. The duration of permit approval and a statement summarizing the permit expiration and extension procedures provided in Section 14.10.100 of this title;
  7. A statement that the complete project permit file, including findings, conclusions and conditions of approval, if any, is available for review. The notice shall list the place the file is available and the name and telephone number of the county representative to contact about reviewing the file.
- B. Required written notices of decision shall be:
1. Mailed to the applicant, the county assessor, and anyone who, prior to the decision, requested notice of the decision or submitted substantive comments on the application or was otherwise a party of record;
  2. Posted on the development site on the same sign(s) on which was posted the previous notice(s); and
  3. Posted at the courthouse and the Planning and Building Department lobby.
- C. For development applications requiring Planning Commission review and Board approval, the notice shall be the signed ordinance or resolution in lieu of the items included in subsections (A) and (B) of this chapter.

#### **Chapter 14.60 – ZONING AND SUBDIVISION CODE TEXT AMENDMENTS**

**14.60.010 - Purpose.**

The purpose of this chapter is to establish procedures to amend the development code text, under Title 16 Subdivisions, and Title 17 Zoning, and to provide for public participation. The adoption and amendment of development regulations are nonproject legislative actions and are exempt from the procedural requirements of Chapter 36.70B RCW and are distinct from the processes outlined in Chapters 17.80, 17.82 and 17.84 of Title 17. Such actions often require substantial written and oral testimony as the review of such documents may involve revisions at both the advisory and legislative level, thereby necessitating multiple open record hearings. It is therefore the intent of this chapter to provide a process for the consistent and orderly facilitation for adoption and amendments to development regulations in compliance with Chapters 36.70A and 43.21C RCW.

**14.60.020 - Initiation of amendments.**

- A. The board of commissioners, upon its own motion, may conduct an open record hearing to amend the text, or request that the planning commission conduct a public hearing to develop a recommendation on a text amendment.
- B. The planning commission may initiate an open record hearing to develop a recommendation for a text amendment.
- C. Any resident or property owner may petition the board for a text amendment by submitting an application on forms provided by the Planning Department.
- D. Applications may be submitted by any interested person, including applicants, citizens, staff of other agencies, and county staff. Only a property owner or an authorized agent of the property owner may submit a site-specific amendment application unless such amendment is necessary for consistency between the Comprehensive Plan and development regulations.
- E. City and County Coordination.
  - 1. Text amendments to the subdivision and/or zoning code shall be coordinated between the county and cities to ensure the intent and purpose of the joint development regulations are maintained. Coordination shall consist of providing affected jurisdictions the opportunity to participate in drafting the text amendment through comment and consultation.
- F. Required Information. Applications must be submitted to the planning and building department on forms provided by the department and must include at least the following information:
  - 1. Name and address of applicant; and
  - 2. Name and address of property owner of record (site-specific amendments only); and
  - 3. Description of the proposed amendment including proposed text or policy language; and
  - 4. County assessor's map outlining the subject property and including the section, township and range (site-specific amendments only); and
  - 5. Explanation of how the proposed amendment(s) meets the review criteria in Section 17.84.060 (A) of Title 17; and
  - 6. A completed environmental (SEPA) checklist; and
  - 7. Such other information or forms as required by the planning and building department.
- G. Optional Additional Information. Amendments may be accompanied by amendments to other development regulations, including zoning necessary to implement the proposed amendment(s). Such other proposed amendments are subject to the applicable application requirements and approval criteria for those amendments.



- H. **Fees.** Non-refundable application fees must be paid in full prior to acceptance of an amendment application by the building and planning department.

***14.60.030 - Processing Timeline.***

All changes and amendments to the development code are legislative processes and are not subject to deadlines for issuance of a final decision or project permit applications. There is no deadline for the board's final decision on the amendments, nor is there any limitation on the number of hearings that the county may hold to consider the amendments.

***14.60.040 - Public participation and notice requirements.***

- A. **Purpose.** The public participation process set forth in this chapter is intended to solicit from the public and outside agencies proposed amendments and to provide an opportunity for public comment on proposed amendments. This purpose is achieved by broad dissemination of proposed amendments, opportunity for written comments, public meetings after effective notice, provisions for open discussion, and consideration of public comments.
- B. **Basic Elements.** The county shall provide for early and continuous public participation in the amendment of development regulations. At a minimum public participation shall include the following elements:
1. Broad dissemination of the schedule adopted pursuant to section 14.15.015, proposed amendments, and meeting notices. Methods may include, but are not limited to use of the following: notice in a publication of general circulation and other appropriate publications; news media notification; mailed notice to property owners whose property is directly affected; posting on the internet; and displays in public facilities; and
  2. Public notice of all relevant workshop meetings, public hearings, and other meetings of the planning commission and board of county commissioners;
  3. The Director shall ensure that at least ten (10) days prior to any public hearing the following notice requirements are completed by the planning and building department: Notice of the time, place, and general purpose of any open record hearing required by this chapter shall be published in a newspaper of general circulation in the county.
  4. Availability of all current proposed amendments and amendment applications in the planning and building department during normal business hours.

***14.60.050 - Amendment in conflict with Comprehensive Plan.***

In the event any proposed amendment, supplement, change to or repeal of this chapter is in conflict with the Comprehensive Plan, such amendment or change shall not be entertained until and if the Comprehensive Plan is first, or concurrently, amended.

***14.60.060 - Planning commission—Findings and recommendations.***

- A. The planning commission shall hold at least one public hearing on the application and consider the request under the criteria set forth in subsection (B). The Planning Commission may also hold public workshops or open study sessions prior to any public hearing. Following a public hearing, the commission shall forward its written recommendation on the application to the board.

- B. After completion of a hearing on a petition for change to the development regulations, the planning commission shall make and enter findings from the records and conclusions thereof which support its recommendation and find whether or not:
  - 1. The proposal is in accord with the goals and policies of the Comprehensive Plan including the county-wide planning policies;
  - 2. The effect of the proposal will be materially detrimental;
  - 3. There is merit and value in the proposal for the community as a whole;
- C. The planning commission shall render its recommendation to approve, approve with modifications and/or conditions, or reject the petition based on its findings and conclusions. The commission's recommendation, to include its findings and conclusions, shall be forwarded to the board of commissioners at a regular business meeting thereof.

***14.60.080 - Board review and decision, transmittal to the state and appeals.***

- A. Initial transmittal to State. The planning director shall transmit a copy of any proposed amendment of the development regulations to the appropriate Washington State agency at least sixty days prior to the expected date of final action by the board of county commissioners, consistent with Chapter 36.70A RCW.
- B. Workshop Meeting. Prior to a public hearing, the board may review the recommendations of the planning commission in one or more workshop meetings.
- B. 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. More than one public hearing may be scheduled if needed. The Board of commissioners shall, at a regular meeting, review the findings from the records and conclusions thereof and the recommendation of the Planning Commission and enter findings based on the criteria set forth in Section 14.06.080 subsection (B) of this chapter.
- C. Adoption form. Development regulation amendments that are approved shall be adopted by ordinance and make written findings addressing the set forth in Section 14.06.080 subsection (B) of this chapter. All reviewed amendments that are rejected shall be addressed in a resolution.
- E. Transmittal to State. The Director shall transmit a copy of any adopted Comprehensive Plan amendment to the appropriate Washington State agency within ten days after adoption by the board.
- F. Appeals. Any appeals of the board's decision shall be filed with the Growth Management Hearings Board in accordance with the provisions of Chapter 36.70A RCW.

**Chapter 14.70 - COMPREHENSIVE PLAN AMENDMENTS**

***14.70.010 - Purpose.***

The purpose of this chapter is to establish procedures to amend text (content which is not a map, including tables and exhibits) or maps (i.e., urban growth area (UGA) boundaries and land use designation maps) of the Franklin County Comprehensive Plan and to provide for early and continuous public participation. The adoption and amendment of a comprehensive plan are nonproject legislative actions and are exempt from the procedural requirements of Chapter 36.70B RCW and are distinct from the processes outlined in Chapters 17.80, 17.82 and 17.84 of the Zoning Code. Such actions often require substantial written and oral testimony as the review of such documents may involve revisions at both the advisory and legislative level, thereby necessitating multiple open record hearings. It is therefore the intent of this chapter to provide a process for

the consistent and orderly facilitation for adoption and amendments to the Comprehensive Plan in compliance with Chapters 36.70A and 43.21C RCW.

**14.70.020 – Exceptions to the amendment process.**

- A. The Growth Management Act (GMA) generally allows amendments to comprehensive plans only once per year, except as otherwise provided in RCW 36.70A.130(2)(a), so that the cumulative impacts of all proposed amendments can be analyzed.
- B. The Board of County Commissioners (Board) may amend the Comprehensive Plan more frequently under the following circumstances:
  - 1. Initial adoption of an identified subarea plan that does not modify the Comprehensive Plan policies and designations applicable to the subarea;
  - 2. The adoption or amendment of the shoreline master program under the procedures set forth in Chapter 90.58 RCW;
  - 3. The amendment of the capital facilities element of a comprehensive plan that occurs concurrently with the adoption or amendment of the county budget; and
  - 4. Any other circumstance specifically described in RCW 36.70A.130. For purposes of RCW 36.70A.130(2)(b), an emergency may be declared by the board when delaying action until the next annual review process would jeopardize human safety or property, or otherwise result in substantial harm to the public.

**14.70.030 – Initiation of amendments.**

- A. Annual Docket process – submission deadlines.
  - 1. Proposed amendments to the Comprehensive Plan shall be submitted to the Planning and Building Department between January 1 and March 31 of each year, except that submission deadlines may be altered by the planning department in years where the County is conducting a mandatory periodic update.
  - 2. In years where the County is conducting a mandatory periodic update, the deadlines under subsection (A)(1) shall apply, unless amended deadlines are announced and published written notice is provided before the end of January.
  - 3. Applications to amend urban growth areas shall only be submitted during even numbered years, unless a city or the County is required to conduct a periodic update to their comprehensive plans under the Growth Management Act which is due during an odd numbered year.
- B. In years where the County is conducting a mandatory periodic update to the Comprehensive Plan, under the requirements of the Growth Management Act, the amendments may be initiated by any interested person, including applicants, citizens, and staff of other agencies, except as provided in subsection (C).
- C. City and County Coordination.
  - 1. Comprehensive Plan text amendments impacting or effecting Urban Growth Areas shall be coordinated between the county and cities to ensure the intent and purpose of the joint development regulations are maintained. Coordination shall consist of providing affected jurisdictions the opportunity to participate in drafting the text amendment through comment and consultation.
  - 2. An application to amend the County's Comprehensive Plan to revise the boundaries of an urban growth area may only be submitted by the city whose urban growth area is the subject of the application and must be signed by a representative of that city authorized in writing by that city's council to submit the application.



- D. **Processing timeline.** All Comprehensive Plan amendments are legislative processes and are not subject to deadlines for issuance of a final decision or project permit applications. While the county may consider amendments only once a year, there is no deadline for the board's final decision on the amendments, nor is there any limitation on the number of hearings that the county may hold to consider the amendments.

**14.70.040 - Requirements for amendment applications.**

- A. **General application requirements.** The following information must be provided on application forms provided by the planning department:
1. Name and address of the person or persons proposing the amendment;
  2. An environmental checklist (SEPA);
    - a. In lieu of a SEPA checklist a copy of a SEPA determination, SEPA addendum, or an environmental impact statement (EIS) can be provided, if a determination has been made by a city as lead agency, or if an EIS has been prepared.
  3. All associated fees as established by the County;
  4. A written statement explaining the following:
    - a. The reason why the amendment is proposed;
    - b. How the amendment is consistent with the Washington State Growth Management Act;
    - c. How the amendment is consistent with the adopted County-Wide Planning Policies (CWPP);
    - d. How the amendment furthers the purpose of the County's Comprehensive Plan;
    - e. How the amendment advances the public health, safety and general welfare;
    - f. How the amendment is internally consistent with the County's Comprehensive Plan, as well as other adopted County plans and codes;
    - g. If applicable, how the project will meet concurrency requirements for transportation; and
    - h. Supplemental environmental review and/or critical areas review if determined by the Planning Director to be required.
- B. **Comprehensive Plan text amendment requirements.** In addition to the general application requirements, the following additional information shall accompany a text amendment application:
1. The proposed element, chapter, section, and page number of the Comprehensive Plan to be amended.
  2. Proposed text changes, with new text shown in an underline format, and deleted text shown in strikeout format.
- C. **Comprehensive Plan map amendment requirements.** Map amendments include changes to any of the several maps included in the Comprehensive Plan including, but not limited to, the land use map, future roadways map, parks and trails map, etc. All map amendment applications shall include the information specified under general application requirements. In addition, land use map amendment applications shall be accompanied by the following information:
1. The current land use map designation for the subject parcel(s).
  2. The land use map designation requested.
  3. A complete legal description describing the combined area of the subject parcel(s).
  4. A copy of the county tax assessor's map of the subject parcel(s).

5. A vicinity map showing:
    - a. All land use designations within 500 feet of the subject parcel(s).
    - b. All parcels within 500 feet of the subject parcel and all existing uses of those parcels.
    - c. All roads abutting and/or providing access to the subject parcel(s) including information on road classifications (arterial, collector, access) and improvements to such roads.
    - d. Location of shorelines and critical areas on or within 500 feet of the site, if applicable.
    - e. The location of existing utilities and water sources serving the subject parcels including water lines, wells, electrical, sewer (if applicable) and septic systems.
    - f. The location and uses of existing structures located on the subject parcel(s).
  6. The current official zoning map designation for the subject parcel(s).
  7. A detailed plan which indicates any proposed infrastructure or capital facilities improvements.
  8. Other information as may be required by the Building and Planning Director to assist in accurately assessing the conformance of the application with the standards for approval.
- D. All applications for an amendment to an Urban Growth Area must also include:
1. Map(s) and an aerial photograph(s) depicting the specific land area(s) proposed for inclusion within the UGA boundary, the relationship of such area(s) to the existing UGA, the current corporate boundaries and the general location and acreage of planned open spaces and greenbelts that will remain as open space within the area(s) proposed for inclusion within a UGA, as per RCW 36.70A.110(2);
  2. A map and aerial photograph(s) showing the total acreage involved in the proposed UGA addition, the proposed pattern and acreages of urban land uses and densities for the area proposed for inclusion;
  3. A buildable lands analysis to demonstrate the capacity of lands already included within the city's UGA boundary, and indicating if the city has designated adequate amounts of residential, commercial, and industrial lands to meet the growth needs incorporated in their comprehensive plans. The buildable lands analysis should be generally developed to meet the guidelines as established by the State Department of Commerce.
  4. A copy of the city council resolution or ordinance authorizing submittal of the application to the County and approving the capital facilities plan referenced below with a finding that the capital facilities plan complies with RCW 36.70A.070(3).
  5. A capital facilities plan for the area proposed to be added to the UGA that has been approved by resolution of the city council that contains the following:
    - a. An inventory of the existing public facilities, as that term is defined by RCW 36.70A.030, that are within the current UGA (inclusive of incorporated areas) and the area proposed to be added to the UGA, showing the locations and capacities of the public facilities;
    - b. A forecast of the needs for the next twenty (20) years of such public facilities as identified levels of service that are needed within the current UGA (inclusive of incorporated areas) and the proposed area to be added to the UGA;
    - c. The necessary locations and capacities of expanded or new public facilities within the current UGA (inclusive of incorporated areas) and the proposed area to be added to the UGA;
    - d. For the proposed area to be added to the UGA at least a six-year plan to finance such public facilities within projected funding capacities that clearly identifies sources of public money for such purposes; and

- e. Identification of revisions to the city's land use element if probable funding falls short of meeting existing needs and to ensure that the city's land use element and capital facilities plan element (and financing plan therein) are coordinated and consistent.

***14.70.050 – Determination of completeness for proposed amendments.***

- A. The Planning Director shall review all applications and make a written determination of completeness within thirty (30) days of receipt of application. If an application is determined to be incomplete the Director shall identify what is necessary to make the application complete.
- B. Applicants will be required to provide any additional material requested by the Director within thirty (30) days of the date of the request.
- C. Applications which are determined to be incomplete as of sixty (60) days after the annual application deadline date will not be considered during the current annual review process.
- D. Applicants for amendments to the Comprehensive Plan are required to contact the Planning Department and arrange for a pre-application conference prior to submittal of an application for amendment, to avoid delays in processing.

***14.70.060 - Notice requirements.***

The Planning Director shall ensure that at least ten (10) days prior to any public hearing the following notice requirements are completed by the Planning and Building Department:

- A. Notice of the time, place, and general purpose of any public hearing required by this chapter shall be published in a newspaper of general circulation in the county.
- B. For site-specific land use amendment proposals (i.e. sites involving four or fewer parcels, or sites consisting of multiple contiguous parcels under a single ownership), the notice of public hearing shall be mailed to all property owners within five hundred (500) feet in an urban growth area (UGA) and rural settlement areas. For applications not within an urban growth area or rural settlement area, written notice shall be mailed to each property owner within one mile of the area proposed to be changed or altered. Owners of record shall be determined by a report (obtained from the county assessor's office or licensed title company) not more than thirty (30) calendar days preceding the date of publication.
- C. Substantial compliance with subsections (A) and (B) above shall be deemed to be full and sufficient compliance.

***14.70.070 – Initial docket.***

The planning department staff shall assign an application number to proposed amendments and all applications shall be placed on a docket. A current copy of the docket shall be maintained by the building and planning department and shall be available for public inspection during department business hours.

***14.70.080 – Public hearing on initial docket and considerations for processing.***

- A. Staff Report. After compiling the preliminary docket, the Planning Director shall review the suggested amendments and prepare a staff report to the board recommending which proposed amendments should be placed on the final docket. The staff report shall address whether the proposed amendment is needed, appropriate, and in compliance with the applicable annual review.



- B. **Initial Review by the Board.** In a public hearing, the board will consider all proposed amendments which were timely submitted for the current calendar year. This consideration will include all relevant facts including the application materials. The board will also consider:
  - 1. Whether there have been substantial changes to the area of proposed amendment since the last adoption or amendment of the Comprehensive Plan, and
  - 2. Whether assumptions inherent in the Comprehensive Plan remain valid.
- C. **The Board shall consider each application separately.** After review of all the proposed amendments, the Board shall decide which applications will be placed on the final docket for the current annual amendment process.
- D. **The Board will make and enter findings as to the applications that will not pass on to the final docket.** No findings or conclusions are required for those applications that are forwarded to the planning commission for further processing during the current annual review.

***14.70.090 - Planning commission—Findings and recommendations.***

- A. **Once the applications are forwarded to the planning commission for further processing on the final docket, the Planning Director shall ensure that the applications have been reviewed under SEPA, and that a SEPA threshold decision was issued.**
- B. **The Planning and Building Department shall review and assess applications contained in the final docket. The Director shall prepare a staff report and recommendation as to each proposed amendment based on the criteria in Section 14.70.110 of this chapter. The Director shall provide notice and opportunity for comment from the public and/or other agencies.**
- C. **The planning commission shall then hold at least one public hearing on the applications and consider them concurrently under the criteria set forth in Section 14.70.110 of this chapter. The Planning Commission may also hold workshops or study sessions prior to any public hearing. Following a public hearing, the commission shall forward its written recommendation on the applications to the board.**

***14.70.100 - Board review and decision, transmittal to the state and appeals.***

- A. **Initial transmittal to State.** The Planning Director shall transmit a copy of any proposed amendment of the Comprehensive Plan to the appropriate Washington State agency at least sixty days prior to the expected date of final action by the board of county commissioners, consistent with Chapter 36.70A RCW.
- B. **Workshop Meeting.** Prior to a public hearing, the board may review the recommendations of the planning commission in one or more workshop meetings. Workshops are not mandatory.
- B. **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. More than one public hearing may be scheduled if needed.
- C. **Adoption form.** Comprehensive Plan amendments that are approved shall be adopted by ordinance and make written findings addressing the criteria of Section 14.70.110 of this chapter. All Comprehensive Plan amendments that are rejected shall be addressed in a resolution.
- D. **Map amendments.** If land use map amendments are adopted, the board shall direct staff to amend the Comprehensive Plan land use map accordingly.
- E. **Transmittal to State.** The Planning Director shall transmit a copy of any adopted Comprehensive Plan amendment to the appropriate Washington State agency within ten days after adoption by the board.



- F. **Appeals.** Any appeals of the board's decision shall be filed with the Growth Management Hearings Board in accordance with the provisions of Chapter 36.70A RCW.

**14.70.110 – Approval criteria and consideration of cumulative effects.**

- A. Every applicant for a Comprehensive Plan amendment must demonstrate how each of the following criteria for approval has been satisfied in their application materials.
1. The proposal is in accord with the goals and policies of the Comprehensive Plan including the county-wide planning policies;
  2. The effect of the proposal on the immediate vicinity will not be materially detrimental to the land use that is the bases of the comprehensive plan or the zoning designation;
  3. The proposed amendment will not result in probable significant adverse impacts to the transportation network, capital facilities, utilities, parks, and environmental features which cannot be mitigated and will not place uncompensated burdens upon existing or planned services;
  4. In the case of an amendment to the Comprehensive Plan land use map, that the subject parcels being re-designated are physically suitable for the allowed land uses in the designation being requested, including compatibility with existing and planned surrounding land uses and the zoning district locational criteria contained within the Comprehensive Plan and zoning code;
  5. The proposed amendment is consistent with the Growth Management Act, and other applicable interjurisdictional policies and agreements, and/or other state or local laws; and
  6. The amendment advances the public health, safety, or welfare and is in the best interest of the residents of Franklin County.
- B. Additional criteria for Urban Growth Area amendments. For each proposal to amend an urban growth area policy or land use map the Planning Commission and Board shall consider:
1. The 20-year population and employment projections for the county;
  2. The extent to which the urban growth occurring within the county has located within each city and the unincorporated urban growth areas;
  3. The allocation of projected county population and/or employment to the urban growth areas;
  4. A buildable lands analysis for each urban growth area; and
  5. Existing urban growth area boundaries; and
  6. Other proposed changes affecting urban growth areas.
- C. Proposals for plan amendments shall be considered concurrently to ascertain the cumulative effect of all items on the final docket in accordance with WAC 365-196-640. Proposals may be considered at separate meetings or hearings, so long as the final action has taken into consideration the cumulative effect of all the proposed amendments to the Comprehensive Plan.

**Chapter 14.80 – PUBLIC HEARINGS**

**14.80.010 - General.**

- A. Public hearings on permit applications requiring a public hearing shall be conducted in accordance with this chapter.
- B. Actions require public hearings include the following, which may have additional requirements as specified in the chapters addressing the action or permit under consideration:

1. Zoning and Subdivision Code Text Amendments – Chapter 14.60 of this title
  2. Comprehensive Plan Amendments – Chapter 14.70 of this title
  3. Preliminary Plat – Title 16, Chapter 16.20
  4. Appeal of a Short Plat Administrative Decision – Title 16, Chapter 16.20
  5. Planned Density Development – Title 17, Chapter 17.60
  6. Variances – Title 17, Chapter 17.80
  7. Conditional Use Permits – Title 17, Chapter 17.82
  8. Rezoning – Title 17, Chapter 17.84
  9. Planned Unit Development – Title 17, Chapter 17.58
- C. Public hearings for permits and decisions addressed in Title 18, including shoreline permits and SEPA Appeals, are not governed by this chapter.

***14.80.020 - Responsibility of the Director.***

- A. The Director shall:
1. Schedule project applications for review and public hearing;
  2. Provide the required notice;
  3. Prepare the staff report on the application, which shall be a single report which sets forth all of the decisions made on the proposal as of the date of the report, including recommendations on project permits in the consolidated permit process that do not require an open record predecision hearing. The report shall also describe any mitigation required or proposed under the city's development regulations or SEPA authority. If the threshold determination, other than a determination of significance, has not been issued previously by the county the report shall include or append this determination; and
  4. Prepare the notice of decision and mail a copy of the notice of decision to those entitled by this title to receive the decision.

***14.80.030 - Presentation of evidence.***

- A. Except for hearings on appeals of administrative decisions, any person may testify. In hearings on appeals from Director decisions, testimony shall be limited to witnesses designated by the Director, witnesses designated by the appellant, and witnesses designated by any person granted the right of intervention by the approval body proceeding over the hearing.
- B. All reasonably probative (material and relevant) evidence will be permitted. The judicial rules of evidence shall not be strictly applied. The body proceeding over the hearing may accord such weight to the evidence as is deemed appropriate.
- C. The body proceeding over the hearing may take official notice of commonly known and accepted information, such as:
1. Ordinances, resolutions, rules, officially adopted development standards, and state law; and
  2. Public records and facts judicially noticeable by law.
- D. The body proceeding over the hearing has the authority to call witnesses and request written evidence in order to obtain the information necessary to make a decision and may request written comment from

and the appearance of the designated representative of any county department that has an interest in or may affect an application for a proposed use.

- G. The body proceeding over the hearing may impose reasonable limitations on the number of witnesses to be heard and the nature and length of their testimony to avoid repetitious or irrelevant testimony, expedite the hearing, or avoid continuation of the hearing.
- H. No testimony or oral statement regarding the substance or merits of an application is allowable after the close of the public hearing. No documentary material submitted after the close of the hearing will be considered by the body proceeding over the hearing unless additional time to submit such material has been granted and all parties are given an opportunity to review the material and file rebuttal material or argument.

***14.80.040 - Record of hearing - Content.***

- A. The body proceeding over the hearing shall establish and maintain a record of all proceedings and hearings conducted including a sound recording which shall be available for transcription, as necessary.
- B. The record of a hearing shall include, but is not limited to, the following contents:
  - 1. The written application or appeal;
  - 2. The names and addresses of all participants;
  - 3. The Director's written report;
  - 4. All evidence received or considered by the body proceeding over the hearing;
  - 5. The decision or recommendation of the body proceeding over the hearing;
  - 6. Tape recordings of all proceedings; and
  - 7. Records of notice given of the hearing.

***14.80.050 - Appeal of recommendation- Filing requirements.***

Any recommendation of the planning commission may be appealed in accordance with one of the following methods:

- A. **Applicant.** Within fourteen (14) calendar days from the date of the planning commission recommendation, the applicant files written appeal with the Planning and Building Director.
- B. **Other Parties of Record.** Within fourteen (14) calendar days from the date of the Planning Commission recommendation, file written appeal with the Planning and Building Director. Parties of record include any person who testified at the open record public hearing on the application, and any person who submitted written comments concerning the application at the open record public hearing (excluding persons who have only signed petitions or mechanically produced form letters).
- C. Either method of appeal shall include payment of an appeal fee.
- D. A proper and timely filed appeal shall cause the board of commissioners to schedule a closed record appeal hearing, notice of which has to be given in accordance with the notice requirements of section 14.50.020 and 14.50.030 of this title, to consider the appeal of the planning commission's recommendation. Notice shall also be sent to all parties of record, whether or not they have filed an appeal.
- E. Either method of appeal shall include payment of an appeal fee.
- F. **Content of Appeal.** Appeals shall be in writing and contain the following information:



1. Appellant's name, address and phone number;
  2. A statement describing appellant's standing to appeal;
  3. Identification of the application which is the subject of the appeal;
  4. Appellant's statement of grounds for appeal and the facts upon which the appeal is based with specific references to the facts in the record;
  5. The specific relief sought; and
  6. A statement that the appellant has read the appeal and believes the contents to be true, followed by the appellant's signature.
- E. **Effect.** The timely filing of an appeal shall stay the hearing body's decision until such time as the appeal is concluded or withdrawn.

***14.80.060 - Procedure for closed record decision / appeal.***

- A. Closed record appeals and closed record hearings shall be on the record established at the open record hearing before the hearing body whose decision is appealed, which shall include the written decision of the hearing body, a transcript or recording of the proceedings, and copies of any exhibits admitted into the record.
- B. No new testimony or other evidence will be accepted by the appeal body except: (1) new information that was unknown to the parties at the time of the hearing which could not reasonably have been discovered by the parties and is necessary for a just resolution of the appeal; and (2) relevant information that, in the opinion of the appeal body, was improperly excluded by the hearing body. Appellants who believe that information was improperly excluded must specifically request, in writing prior to the closed record appeal hearing, that the information be made part of the record. The request shall describe the information excluded, its relevance to the issues appealed, the reason(s) that the information was excluded by the hearing body, and why the hearing body erred in excluding the information. No reference to excluded information shall be made in any presentation to the appeal body on the merits, written or oral, until the appeal body has determined that the information should be admitted.
- C. Parties to the appeal may present written and/or oral arguments to the appeal body. Argument shall describe particular errors committed by the hearing body with specific references to the administrative record. The appellant shall bear the burden to demonstrate that substantial evidence does not exist in the administrative record to support the decision of the hearing body.
- D. The hearing shall commence with a presentation by the Director or the Director's designee of the general background of the proposed development and issues in dispute. After the Director's presentation, the appellant shall first present oral argument and then other parties of record shall make their arguments. The appeal body may question any party concerning disputed issues but shall not request information not in administrative record.
- E. The appeal body shall determine whether there is substantial evidence in the administrative record to support the decision of the hearing body. The appeal body may affirm, modify or reverse the decision of the hearing body. Upon written agreement by the applicant to waive the requirement for a decision within the time periods set forth in RCW 36.70B.080, as allowed by RCW 36.70B.080(3), the appeal body may remand the decision to the hearing body for additional information.

***14.80.070 - Judicial appeals.***

The county's final decision on an application may be appealed by a party of record with standing to file a land use petition in Franklin County superior court. Such petition must be filed within twenty-one (21) days after issuance of the decision, as provided in Chapter 36.70C RCW.

DRAFT

**Agenda Item #1**

**PUBLIC NOTICE**

**TC 2019-01**

**TITLE 14, DEVELOPMENT CODE ADMINISTRATION**



STATE OF WASHINGTON  
DEPARTMENT OF COMMERCE

1011 Plum Street SE • PO Box 42525 • Olympia, Washington 98504-2525 • (360) 725-4000  
www.commerce.wa.gov

December 3, 2019

Mr. Derrick Bratten  
Planning & Building Director  
1016 N. 4<sup>th</sup> Ave.  
Pasco, WA 99301

RE: The addition of Title 14 to the Franklin County Development Code

Dear Mr. Bratten,

We want to express our support for the changes to the Franklin County development regulations. The provisions in Title 14 will provide important clarity for applicants, staff, the Planning Commission, and the Board of County Commissioners as you review development proposals and consider amendments to your Comprehensive Plan. In particular, we appreciate the provisions of 14.70.040(D) and 14.70.110(B), as these sections reflect the statutory requirements regarding amendments to urban growth area (UGA) boundaries. These provisions should ensure that the County receives better quality applications when considering UGA proposals.

We have a few minor recommendations we encourage you to consider to improve these provisions.

- We recommend amending 14.70.040(D)(5) to state:

*"A transportation and capital facilities plan for the area proposed to be added to the UGA that has been approved by resolution of the city council that contains the following:"*

Public facilities, as defined in the statute and referenced in your code, would require an inventory and analysis of the transportation system. However, local governments typically have separate six-year financing plans for transportation and capital facilities, and the underlying analysis is contained in separate comprehensive plan elements. We believe additional specification will result in a more complete UGA application for the County.

- We encourage the County to amend 14.70.040(D)(5) to reference both public facilities, and public services, as defined in RCW 36.70A.030. Addressing both public facilities and public services better corresponds with the statutory requirements to provide urban services in UGAs. The County could consider adjusting subsection A to read:

*"An inventory of the existing public facilities and public services, as those terms are defined by RCW 36.70A.030, that are within the current UGA (inclusive of*



incorporated areas) and the area proposed to be added to the UGA, showing the locations and capacities of the public facilities;"

You may also consider referencing public services in other subsections of 14.70.040(D)(5) as you see fit.

- We encourage the County to amend 14.70.110(B) to include a reference to the ability to provide urban facilities and services. The County may include a new subsection that reads:

*The ability to provide cost-effective public facilities and services, and*

Once again, we commend your work on Title 14 and appreciate the opportunity to provide comments. We extend our continued support to Franklin County in achieving the goals of the Growth Management Act and the vision of your community. If you have any questions please feel free to contact me at [william.simpson@commerce.wa.gov](mailto:william.simpson@commerce.wa.gov) or 509-280-3602.

Sincerely,



William Simpson, AICP  
Senior Planner  
Growth Management Services  
Washington State Department of Commerce

cc: David Andersen, AICP, Managing Director, Growth Management Services



816 Second Ave, Suite 200, Seattle, WA 98104  
p. (206) 343-0681  
futurewise.org

December 3, 2019

Mr. Claude Pierret, Chairperson  
Franklin County Planning Commission  
Franklin County Planning Department  
502 W. Boeing Street  
Pasco, Washington 99301

Dear Chairperson Pierret and Planning Commissioners:

**Subject:** Comments on proposed Title 14 - Development Code Administration.  
Sent via email to: [planning2@co.franklin.wa.us](mailto:planning2@co.franklin.wa.us)

Thank you for the opportunity to comment on proposed Title 14 - Development Code Administration. Futurewise works throughout Washington State to support land-use policies that encourage healthy, equitable, and opportunity-rich communities, and that protect our most valuable farmlands, forests, and water resources. Futurewise has members across Washington State including Franklin County. We have the following recommendations for proposed Title 14.

**Please clarify the definition of area-wide consistent with state law. Please see 14.10.030(A) in the Planning Commission Packet, 12-03-2019 on page 9 of 73**

Proposed 14.10.030(A) includes a definition of area-wide, to distinguish area-wide amendments from site specific amendments. "A site-specific rezone occurs 'when there are specific parties requesting a classification change for a specific tract.'" <sup>1</sup> For the purposes of a site-specific amendment or rezone a "tract" is not limited to a single lot or parcel. The *Cathcart-Malby-Clearview Community Council* decision challenged the zoning on two parcels of land which was held to be a site-specific rezone and a "single tract." <sup>2</sup> The tract can also be quite large. In *Smith v. Skagit County*, the tract the county rezoned was 480 acres and it was required to be quasi-judicial. <sup>3</sup> In *Tugwell*, a rezone reviewed under LUPA, the tract was approximately 115 acres. <sup>4</sup> The tract in *Woods* was 251.63 acres and was properly challenged under LUPA and so was a site-specific rezone. <sup>5</sup>

<sup>1</sup> *Woods v. Kittitas Cty.*, 162 Wn. 2d 597, 612 fn. 7, 174 P.3d 25, 32 (2007).

<sup>2</sup> *Cathcart-Malby-Clearview Cmty. Council v. Snohomish Cty.*, 96 Wn.2d 201, 203 & 212, 634 P.2d 853, 855 & 860 (1981).

<sup>3</sup> *Smith v. Skagit Cty.*, 75 Wn.2d 715, 736, 453 P.2d 832, 844 (1969, *holding modified by State v. Post*, 118 Wn.2d 596, 826 P.2d 172 (1992)).

<sup>4</sup> *Tugwell v. Kittitas Cty.*, 90 Wn. App. 1, 5, 951 P.2d 272, 274 (1997).

<sup>5</sup> *Woods v. Kittitas Cty.*, 162 Wn.2d 597, 603 & 610, 174 P.3d 25, 28 & 31 (2007).

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December 3, 2019  
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The definition of area-wide in proposed 14.10.030(A) is inconsistent with these decisions because four or more parcels is probably too few, the 40-acre limit is much too small, and the proposed definition would allow specific parties to request an amendment that would be considered area-wide. So, we recommend that "area-wide be defined as follows with our additions underlined and our deletions struck through:

- A. "Area-wide" describes an amendment not requested by specific parties, containing multiple parcels or tracts and multiple ownerships, and proposed for a large area.~~land area containing four or more parcels, contiguous or noncontiguous, or comprising 40 or more acres, which area as an integral proposal is considered for a change in zoning or comprehensive plan designation; provided, that~~ the Director(s) may deem any proposal to be site-specific if the public interest will be better served by a quasi-judicial process than a legislative process.

Please require compliance with the applicable state laws and regulation for zoning and subdivision code amendments. Please see proposed 14.60.060(B) in the Planning Commission Packet, 12-03-2019 on page 22 of 73

Chapter 14.60 applies to zoning and subdivision code text amendments. Several state laws including the Growth Management Act in chapter 36.70A, the Local Project Review Act in Chapter 36.70B RCW, the subdivision statutes in chapter 58.17 RCW contain requirements that amendments to the zoning and subdivision regulations must meet. State regulations, such as those adopted to implement the State Environmental Policy Act (SEPA), also include requirements that apply to zoning and subdivision code amendments. Some of these requirements are so specific they will not be included in the comprehensive plan, but development regulation must still comply with these laws and regulations. Therefore, we recommend that one of the criteria for the Planning Commission to consider when the commission makes its findings and regulations should be whether the zoning or subdivision regulation complies with the applicable state laws and state regulations. We recommend this requirement be added to proposed 14.60.060(B).

Please clarify proposed 14.60.080. Please see proposed 14.60.080 in the Planning Commission Packet, 12-03-2019 on page 22 of 73

Proposed 14.60.080 includes two subsection (B)s. The proposed section should be re-lettered. The second proposed 14.60.080(B) requires the Board of County Commissioners to consider and make findings based on the criteria in proposed 14.60.080(B). This reference should be to proposed 14.60.060(B). The reference to proposed 14.60.080(B) in proposed 14.60.080(C) should also be to proposed 14.60.060(B).

Franklin County Planning Commission  
December 3, 2019  
Page 3

**Require mailed notice to property owners within 500 feet for all site-specific amendments. Please see proposed 14.70.060(B) in the Planning Commission Packet, 12-03-2019 on page 26 of 73**

We recommend that all site-specific land use amendments require mailed notice to all potentially impacted property owners. This is because a site-specific amendment is usually privately initiated or is initiated by specific parties, lacks the protections of county-initiated amendments, and singles out limited areas for deferential treatment that may adversely impact nearby properties or uses. Site-specific is also defined by proposed 14.10.030(O) so it does not have to be defined in proposed 14.70.060(B). So, we recommend that proposed 14.70.060(B) be revised as follows with our proposed deletions struck through:

- B. For site-specific land use amendment proposals ~~(i.e. sites involving four or fewer parcels, or sites consisting of multiple contiguous parcels under a single ownership)~~, the notice of public hearing shall be mailed to all property owners within five hundred (500) feet in an urban growth area (UGA) and rural settlement areas. For applications not within an urban growth area or rural settlement area, written notice shall be mailed to each property owner within one mile of the area proposed to be changed or altered. Owners of record shall be determined by a report (obtained from the county assessor's office or licensed title company) not more than thirty (30) calendar days preceding the date of publication.

**We strongly support requiring a public hearing for the Board of County Commissioner's initial review of the docket for prospective comprehensive plan amendments. Please see proposed 14.70.080 in the Planning Commission Packet, 12-03-2019 on page 27 of 73**

Futurewise strongly supports requiring a public hearing for the Board of County Commissioner's initial review of the docket for prospective comprehensive plan amendments. The public may have information the Board of Commissioners will find helpful in deciding whether to formally consider the proposed amendment. This information may also be helpful to county staff. Providing an opportunity to comment early in the process may help nearby residents and property owners bring their concerns to the attention of the county and the applicant. So, providing for a public hearing should be helpful to the Board of County Commissioners, staff, public, and applicant.

**Include as one of the criteria for including land in an urban growth area is that it is not agricultural lands or mineral resource lands of long-term commercial significance. Please see proposed 14.70.110(B) in the Planning Commission Packet, 12-03-2019 on page 28 of 73**

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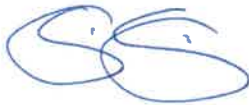
Agricultural and mineral resource lands of long-term commercial significance cannot be included within an urban growth area unless they no longer meet the designation criteria or, for agricultural land, are included in a purchase or transfer development rights program.<sup>6</sup> So we recommend that one of the criteria for designating urban growth areas in proposed 14.70.110(B) is that the land is not designated as agricultural or mineral resource lands of long-term commercial significance. This is necessary to comply with the Growth Management Act and to maintain Franklin County's economically important agricultural industry.

Thank you for considering our comments. If you require additional information, please contact Alison Cable at telephone (206) 343-0681 Ext. 114 and email: [alison@futurewise.org](mailto:alison@futurewise.org) or Tim Trohimovich at telephone (206) 343-0681 Ext. 118 and email: [tim@futurewise.org](mailto:tim@futurewise.org).

Very Truly Yours,



Alison Cable  
**Tri-Cities Program Manager**



Tim Trohimovich, AICP  
**Director of Planning & Law**

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<sup>6</sup> RCW 36.70A.060(1)(a); RCW 36.70A.060(4).

**AFFIDAVIT OF PUBLICATION**  
**STATE OF WASHINGTON**  
**SS:**  
**COUNTY OF FRANKLIN**

*Katherine Troubridge* being first duly sworn on oath deposes and says that she is the manager of the FRANKLIN COUNTY GRAPHIC, a weekly newspaper. That said newspaper is a legal newspaper approved by the Superior Court of the State of Washington, in and for Franklin County, under order made and entered on the 11th day of January, 1955, and it is now and has been for more than six months prior to the date of the publication hereinafter referred to, published in the English language continually as a weekly newspaper, in Connell, Franklin County, Washington, and that the annexed is a true copy of

**FRANKLIN COUNTY PLANNING DEPARTMENT**

**SEPA 2019-12/TC 2019-01 PUBLIC NOTICE**

as it was published in regular issue (and not in supplemental form) of said newspaper, once each week for a period of one week to-wit, commencing on the 7th day of November, 2019, and that such newspaper was regularly distributed to its subscribers during all of said period, that the full amount of \$46.50 has not been paid in full at the legal rate.

*Katherine Troubridge*  
Manager

Subscribed and sworn to before me this 7th day of

November, 2019

**B KIM HEIDER**  
Notary Public  
State of Washington  
My Appointment Expires  
Jun 8, 2021

*B Kim Heider*  
Notary Public in and for the  
State of Washington, residing in Connell.  
My Commission Expires: 01-09-2021

**NOTICE OF PUBLIC HEARING**  
NOTICE IS HEREBY GIVEN that the Franklin County Planning Commission will hold a public hearing to consider the addition of Title 14 - Development Code Administration to the Franklin County Development Code (Franklin County Project, number TC 2019-01). The public hearing will take place on December 3, 2019 at 6:00 P.M. in the Franklin County Courthouse, Commission Room 1010, 1010 4th Avenue, Pasco, WA 99301 and is open to any person who wishes to present any support for or objection to the application. Written comments are accepted prior to the public hearing and those comments shall be submitted to the Franklin County Planning Department, 502 W. Boeing Street, Pasco, Washington 99301.  
**NOTING AS FURTHER GIVEN** that said proposal has been reviewed under the requirements of the State Environmental Policy Act, as amended, along with the Environmental Checklist and other information. A determination has been made as to the environmental impacts of the proposal and a Determination of Non-Significance (DNS) has been issued. Accordingly, an Environmental Impact Statement is not required. This determination was made on November 2, 2019 and comments regarding the determination and the environmental impacts of the proposal can be made to the Planning Department by Thursday, November 21, 2019. Franklin County Planning Department, 502 W. Boeing Street, Pasco, Washington 99301, or by calling (509) 545-3521. DATED AT PASCO, WASHINGTON ON THIS 7th DAY OF NOVEMBER, 2019.  
[Published November 7, 2019 in the Franklin County Graphic.]

RECEIVED

FRANKLIN COUNTY  
PLANNING DEPARTMENT

Submitted to be Paid - 130

Initial: *JKH*

Date: *11-12-19*





## AFFIDAVIT OF PUBLICATION

Account #	Ad Number	Identification	PO	Amount	Cols	Depth
449382	0004449285	NOTICE OF PUBLIC HEARING NOTICE IS HER	A 2019-12 / TC 2019-01 Public N	\$118.31	1	4.42 In

Attention: Rebeca Gilley

FRANKLIN CNTY PLANNING & BUILDING/LEGALS  
502 W BOEING ST.  
PASCO, WA 99301

### NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that the Franklin County Planning Commission will hold a public hearing to consider the addition of Title 14 - Development Code Administration to the Franklin County Development Code (Franklin County Project number TC 2019-01). The public hearing will take place on December 3, 2019 at 6:30 p.m. in the Franklin County Courthouse, Commissioners Meeting Room, 1016 North 4th Avenue, Pasco, WA 99301 and all concerned may appear and present any support for or objections to the application. Written comments are accepted prior to the public hearing and those comments shall be submitted to the Franklin County Planning Department, 502 W. Boeing Street, Pasco, Washington 99301.

NOTICE IS FURTHER GIVEN that said proposal has been reviewed under the requirements of the State Environmental Policy Act, as amended, along with the Environmental Checklist and other information. A determination has been made as to the environmental impacts of the proposal and a Determination of Non-Significance (DNS) has been issued. Accordingly, an Environmental Impact Statement is not required. This determination was made on November 7, 2019 and comments regarding the determination and the environmental impacts of the proposal can be made to the Planning Department by Thursday, November 21, 2019.

Information concerning the proposal can be obtained at the Franklin County Planning Department, 502 W. Boeing Street, Pasco, Washington 99301, or by calling (509) 545-3521.

DATED AT PASCO, WASHINGTON  
ON THIS 7th DAY OF NOVEMBER  
2019.

/s/ Derrick Braaten, Planning and Building Director

COUNTY OF BENTON)

.SS

STATE OF WASHINGTON)

Victoria Rodela, being duly sworn, deposes and says, I am the Legals Clerk of The Tri-City Herald, a daily newspaper. That said newspaper is a local newspaper and has been approved as a legal newspaper by order of the superior court in the county in which it is published and it is now and has been for more than six months prior to the date of the publications hereinafter referred to, published continually as a daily newspaper in Benton County, Washington. That the attached is a true copy as it was printed in the regular and entire issue of the Tri-City Herald and not in a supplement thereof, ran 1 time(s) commencing on 11/07/2019, and ending on 11/07/2019, and that said newspaper was regularly distributed to its subscribers during all of this period.

(Signature of Legals Clerk)

SUBSCRIBED AND SWORN BEFORE  
ME THIS 11th DAY OF November 2019

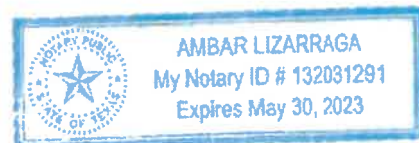
Notary Public in and for the State of Texas  
residing in Dallas County

Submitted to be Paid - 130

Initial: JAM

Date: 11-18-19

✓001784  
101132 4107



Extra charge for lost or duplicate affidavits.  
Legal document please do not destroy!



## Department of Commerce

# THANK YOU

We have received your amendment submission. Please allow 1-3 business days for review. Please keep the Submittal ID as your receipt and for any future questions. We will also send an email receipt to all contacts listed in the submittal.

## Submittal ID: 2019-S-930

### Submittal Date Time: 11/19/2019

#### Submittal Information

Jurisdiction	Franklin County
Submittal Type	60-day Notice of Intent to Adopt Amendment
Amendment Type	Development Regulation Amendment

#### Amendment Information

Brief Description  
Proposed creation of new Title 14, Development Code Administration

☐ Yes, this is a part of the 8-year periodic update schedule, required under RCW 36.70A.130.

Anticipated/Proposed Date of Adoption 01/28/2020

#### Attachments

Attachment Type	File Name	Upload Date
Development Regulation Amendment - Draft	TC 2019-01 Dev Code Rev Ch 14.pdf	11/19/2019 02:17 PM
SEPA Materials	SEPA 2019-12, SEPA Checklist, Title 14.pdf	11/19/2019 02:17 PM
SEPA Materials	SEPA 2019-12, DNS.pdf	11/19/2019 02:18 PM
Staff Report	TC 2019-01 Title 14 PC Staff Report.pdf	11/19/2019 02:46 PM

#### Contact Information

Prefix	Mr.
First Name	Derrick
Last Name	Braaten
Title	Planning & Building Director
Work	(509) 545-3521

Cell

Email

dbraaten@co.franklin.wa.us

☐ Yes, I would like to be contacted for Technical Assistance.

## Certification

---

☐ I certify that I am authorized to submit this Amendment for the Jurisdiction identified in this Submittal and all information provided is true and accurate to the best of my knowledge.

Full Name

Derrick Braaten

Email

dbraaten@co.franklin.wa.us

**Agenda Item #1**

**SEPA DETERMINATION & SEPA CHECKLIST**

**TC 2019-01**

**TITLE 14, DEVELOPMENT CODE ADMINISTRATION**

## FRANKLIN COUNTY, WASHINGTON

### STATE ENVIRONMENTAL POLICY ACT (SEPA) DETERMINATION OF NONSIGNIFICANCE (DNS)

**Description of proposal:** Passage of an ordinance and adoption of Title 14-Development Code Administration. The title is necessary for guiding review of development in the county consistent with the Franklin County Comprehensive Plan, the Growth Management Act (Chapter 36.70A RCW), the Local Project Review Act (Chapter 36.70B RCW), the Land Use Petition Act (Chapter 36.70C RCW), the State Environmental Policy Act (Chapter 43.21C RCW), Plats – Subdivisions – Dedications (Chapter 58.17 RCW), the Shoreline Management Act (Chapter 90.58 RCW), and all regulations established in the associated Washington Administrative Code (WAC).

**File Number:** SEPA 2019-12

**Proponent:** Franklin County Planning and Building Department

**Location:** County-Wide

**Legal Description:** Franklin County, WA.

**Lead agency:** Franklin County, Washington.

The lead agency for this proposal has determined that it does not have a probable significant adverse impact on the environment. An environmental impact statement (EIS) is not required under RCW 43.21C.030 (2)(c). This decision was made after review of a completed environmental checklist and other information on file with the lead agency. This information is available to the public on request.

This DNS is issued under WAC 197-11-350; the lead agency will not act on this proposal for 14 days from the date of publication (November 7, 2019). Comments must be submitted by: November 21, 2019.

**Responsible official:** Derrick Braaten

**Position/title/Phone:** Planning and Building Director – (509) 545-3521

**Address:** 502 W Boeing St, Pasco, Washington 99301

**Date/Signature:**

11/7/2019 - Derrick Braaten

Any agency or person may appeal this SEPA determination by filing a written appeal to the responsible official no later than November 21, 2019. Contact the responsible official to read or ask about the procedure for SEPA appeals.

## SEPA ENVIRONMENTAL CHECKLIST FRANKLIN COUNTY, WASHINGTON

### ***Purpose of checklist:***

Governmental agencies use this checklist to help determine whether the environmental impacts of your proposal are significant. This information is also helpful to determine if available avoidance, minimization or compensatory mitigation measures will address the probable significant impacts or if an environmental impact statement will be prepared to further analyze the proposal.

### ***Instructions for applicants:***

This environmental checklist asks you to describe some basic information about your proposal. Please answer each question accurately and carefully, to the best of your knowledge. You may need to consult with an agency specialist or private consultant for some questions. You may use "not applicable" or "does not apply" only when you can explain why it does not apply and not when the answer is unknown. You may also attach or incorporate by reference additional studies reports. Complete and accurate answers to these questions often avoid delays with the SEPA process as well as later in the decision-making process.

The checklist questions apply to all parts of your proposal, even if you plan to do them over a period of time or on different parcels of land. Attach any additional information that will help describe your proposal or its environmental effects. The agency to which you submit this checklist may ask you to explain your answers or provide additional information reasonably related to determining if there may be significant adverse impact.

For guidance on completing this form or assistance in understanding a question, visit  
<http://www.ecy.wa.gov/programs/sea/sepa/ChecklistGuidance.html>

The SEPA Handbook is available online at:  
<http://www.ecy.wa.gov/programs/sea/sepa/handbk/hbintro.html>

### ***Use of checklist for nonproject proposals:***

For nonproject proposals (such as ordinances, regulations, plans and programs), complete the applicable parts of sections A and B plus the supplemental sheet for nonproject actions (part D). Please completely answer all questions that apply and note that the words "project," "applicant," and "property or site" should be read as "proposal," "proponent," and "affected geographic area," respectively. The lead agency may exclude (for non-projects) questions in Part B - Environmental Elements –that do not contribute meaningfully to the analysis of the proposal.



## **A. Background**

1. Name of proposed project, if applicable:

**Franklin County Comprehensive Plan Periodic Update –  
Adoption of Title 14- Development Code Administration**

2. Name of applicant:

**Franklin County**

3. Address and phone number of applicant and contact person:

**Mr. Derrick Braaten**

**Planning and Building Director**

**Franklin County Planning and Development Department**

**502 W Boeing Street**

**Pasco, WA 99301**

**509.545.3521**

4. Date checklist prepared:

**October 29, 2019**

5. Agency requesting checklist:

**Franklin County Planning and Building Department**

6. Proposed timing or schedule (including phasing, if applicable):

**The Franklin County Planning Commissioners will hold a public hearing on December 3, 2019 to consider the addition of a new title to Franklin County's Development Code, Title 14- Development Code Administration. Upon the recommendation of the Planning Commission, the Franklin County Board of Commissioners will hold a public hearing in January to consider an ordinance to adopt the new Title.**

7. Do you have any plans for future additions, expansion, or further activity related to or connected with this proposal? If yes, explain.

**Yes, this addition of Title 14 is related to the County's periodic update to its Comprehensive Plan. Per RCW 36.70A, development regulations are required to be consistent with adopted comprehensive plans. Title 14 is one of several development regulations intended for addition or revision in order to implement the updated Comprehensive Plan. Adoption of Title 14 at this stage is necessary to establish procedures to amend existing development code text, under Title 16 Subdivisions and Title 17 Zoning, and to provide for public participation in the amendment process.**

8. List any environmental information you know about that has been prepared, or will be prepared, directly related to this proposal.

- **DNS for the original establishment of the Urban Growth Area Boundaries in 1995, as well as the Comprehensive Plan adoption in 1995**
- **DNS and SEPA Checklist 4/4/2001 to change the comprehensive plan designation from Agricultural Production to Industrial on a 20.0 acre parcel located southwest of the intersection of Selph Landing Rd and Glade North Rd**
- **SEPA Checklist June 2004**
- **DNS, SEPA Checklist March 2005 -UGA amendments and Comprehensive Plan**
- **DNS 11/2/2007, SEPA Checklist October 2007 - CPA 2007-01 amending the UGA Boundaries for the cities of Connell, Kahlotus, Mesa and Pasco; CPA 2007-02 for the 2007 county GMA comprehensive plan update**
- **DNS, SEPA Checklist October 2019-Adoption of Countywide Planning Policies**

9. Do you know whether applications are pending for governmental approvals of other proposals directly affecting the property covered by your proposal? If yes, explain.

Franklin County is conducting a periodic update of its Comprehensive Plan in accordance with the state's Growth Management Act (GMA). As part of that process, the County accepted UGA amendment requests from incorporated cities within the County. Currently, review of the UGA applications is on hold. The Cities of Connell and Pasco are supplementing their requests with further information and documentation. The City of Pasco is now in the process of possibly amending its request, following the preparation of an Environmental Impact Statement (EIS) which is being used to study three alternatives. This process is expected to conclude in spring 2020, and then the County will resume processing of the application, with any changes.

Franklin County recently (October 2019) adopted updated County-wide Planning Policies.

10. List any government approvals or permits that will be needed for your proposal, if known.

Passage of an Ordinance by the Board of County Commissioners.

11. Give brief, complete description of your proposal, including the proposed uses and the size of the project and site. There are several questions later in this checklist that ask you to describe certain aspects of your proposal. You do not need to repeat those answers on this page. (Lead agencies may modify this form to include additional specific information on project description.)

This non-project proposal includes the adoption of a new title to Franklin County's Development Code, Title 14- Development Code Administration.

The title is necessary for guiding review of development in the county consistent with the Franklin County Comprehensive Plan, the Growth Management Act (Chapter 36.70A RCW), the Local Project Review Act (Chapter 36.70B RCW), the Land Use Petition Act (Chapter 36.70C RCW), the State Environmental Policy Act (Chapter 43.21C RCW), Plats – Subdivisions – Dedications (Chapter 58.17 RCW), the Shoreline Management Act (Chapter 90.58 RCW), and all regulations established in the associated Washington Administrative Code (WAC).

12. Location of the proposal. Give sufficient information for a person to understand the precise location of your proposed project, including a street address, if any, and section, township, and range, if known. If a proposal would occur over a range of area, provide the range or boundaries of the site(s). Provide a legal description, site plan, vicinity map, and topographic map, if reasonably available. While you should submit any plans required by the agency, you are not required to duplicate maps or detailed plans submitted with any permit applications related to this checklist.

Franklin County Development Code, Title 14- Development Code Administration, applies generally to all properties located within the current limits of Franklin County. Franklin County is located in eastern Washington State, in the mid-Columbia Valley. To the West, the Columbia River flows and provides the border with Benton County. Grant and Adams County are located to the north. The Snake River and its tributary, the Palouse River, create the separation from Walla Walla and Whitman counties.

**- PART B IS OMITTED BY FRANKLIN COUNTY FOR THIS NON-PROJECT ACTION -**

### C. Signature

The above answers are true and complete to the best of my knowledge. I understand that the lead agency is relying on them to make its decision.

Signature: 

Name of signee Derrick Braaten

Position and Agency/Organization Planning and Building Director

Date Submitted: November 7, 2019

## **D. supplemental sheet for nonproject actions**

**(IT IS NOT NECESSARY to use this sheet for project actions)**

Because these questions are very general, it may be helpful to read them in conjunction with the list of the elements of the environment.

When answering these questions, be aware of the extent the proposal, or the types of activities likely to result from the proposal, would affect the item at a greater intensity or at a faster rate than if the proposal were not implemented. Respond briefly and in general terms.

1. How would the proposal be likely to increase discharge to water; emissions to air; production, storage, or release of toxic or hazardous substances; or production of noise?

As a non-project action, the proposal will not increase discharge to water; emissions to air; production, storage, or release of toxic or hazardous substances; or production of noise.

Proposed measures to avoid or reduce such increases are:

In order to prevent impacts to water and air from future development, Title 14 contains requirements for the integration of environmental review with development review; it provides applicants, staff, the public and decision-makers with necessary and sufficient information to enable more thorough review of activities and their impacts and to allow considered and comprehensive decisions; and provides clear enforcement procedures to assure compliance with the development code.

2. How would the proposal be likely to affect plants, animals, fish, or marine life?

As a non-project action, the proposal will not affect plants, animals, fish, or marine life.

Proposed measures to protect or conserve plants, animals, fish, or marine life are:

In order to prevent impacts from future development to plants, animals, fish, or marine life, Title 14 - Development Code Administration guides review of development in the county consistent with the State Environmental Policy Act (Chapter 43.21C RCW) and the Shoreline Management Act (Chapter 90.58 RCW).

3. How would the proposal be likely to deplete energy or natural resources?

As a non-project action, the proposal will not deplete energy or natural resources.

Proposed measures to protect or conserve energy and natural resources are:

None proposed.

4. How would the proposal be likely to use or affect environmentally sensitive areas or areas designated (or eligible or under study) for governmental protection; such as parks, wilderness, wild and scenic rivers, threatened or endangered species habitat, historic or cultural sites, wetlands, floodplains, or prime farmlands?

**No direct impacts to environmentally sensitive areas or areas designated for government protection are expected as a result of the non-project action.**

**Proposed measures to protect such resources or to avoid or reduce impacts are:**

**Proposed Title 14 establishes that development proposals are subject to the requirements in the Franklin County Code Title 14, Title 15- Buildings and Construction, Title 16- Subdivisions, Title 17- Zoning, and Title 18- Environment. SEPA and Critical Areas requirements are contained within Title 18- Environment and there are no proposed changes to established protection and mitigation measures contained therein.**

5. How would the proposal be likely to affect land and shoreline use, including whether it would allow or encourage land or shoreline uses incompatible with existing plans?

**The proposed adoption of Title 14 does not affect land and shoreline use, nor does it encourage land or shoreline uses incompatible with existing plans.**

**Proposed measures to avoid or reduce shoreline and land use impacts are:**

**Future development will continue to be subject to Franklin County's Land Use Codes and Shoreline Master Program. Title 14 is intended to integrate environmental review and development review in order to enable more thorough review of activities and their impacts and to allow considered and comprehensive decisions.**

6. How would the proposal be likely to increase demands on transportation or public services and utilities?

**As a non-project action, the adoption of Title 14- Development Code Administration will not directly increase demands on transportation or public services and utilities.**

**Proposed measures to reduce or respond to such demand(s) are:**

**None proposed.**

7. Identify, if possible, whether the proposal may conflict with local, state, or federal laws or requirements for the protection of the environment.



**It is not the intent of Title 14- Development Code Administration to conflict with local, state, or federal laws or requirements for the protection of the environment. The title is needed in order to attain compliance with the Growth Management Act (Chapter 36.70A RCW), the Local Project Review Act (Chapter 36.70B RCW), the Land Use Petition Act (Chapter 36.70C RCW), the State Environmental Policy Act (Chapter 43.21C RCW), Plats – Subdivisions – Dedications (Chapter 58.17 RCW), the Shoreline Management Act (Chapter 90.58 RCW), and all regulations established in the associated Washington Administrative Code (WAC).**

**Agenda Item #1**

**Draft BoCC Ordinance**

**TC 2019-01**

**TITLE 14, DEVELOPMENT CODE ADMINISTRATION**

## **DRAFT COPY – FOR PLANNING COMMISSION REVIEW**

### **FRANKLIN COUNTY ORDINANCE \_\_\_\_\_**

#### **BEFORE THE BOARD OF COUNTY COMMISSIONERS OF FRANKLIN COUNTY, WASHINGTON**

#### ***Adoption of Title 14- Development Code Administration***

#### **IN THE MATTER OF COUNTY PLANNING – ADDITION OF TITLE 14-DEVELOPMENT CODE ADMINISTRATION, TO THE COUNTY CODE OF ORDINANCES**

**WHEREAS**, on January 28, 2020, the Board of Franklin County Commissioners, via public meeting, considered the positive recommendation of the Franklin County Planning Commission to add Title 14-Development Code Administration to the Franklin County Code of Ordinances; and

**WHEREAS**, at the public meeting the Board has found that the County Planning Commission, after a public hearing and consideration on TC 2019-01 did recommend the new Title be adopted, and the Planning Commission forwarded the following listed findings of fact;

1. The proposal **IS IN** accordance with the goals and policies of the Franklin County Comprehensive Plan.
  - a. An addition to the County's Code of Ordinances to guide review of development in the county meets the intent and spirit of the Franklin County Comprehensive Plan.
2. The effect of the proposal on the immediate vicinity **WILL NOT** be materially detrimental.
  - a. The proposed title is intended to streamline the permitting process for land development occurring throughout the county on unincorporated lands and ensure that the county's land development procedures are predictable resulting in potential cost and time savings to the applicants and County staff.
  - b. The addition of Title 14 ensures compliance with state guidelines for combining and expediting development review and integrates environmental review with development review.
3. There **IS** merit and value in the proposal for the community as a whole.
  - a. The proposed addition will provide applicants, staff, the public, and decision-makers with necessary and sufficient information to ensure thorough review of activities and their impacts and to allow considered and comprehensive decisions.

- b. The addition of Title 14 will provide clear enforcement procedures to assure compliance with the development code and enable the Director to take appropriate, timely enforcement actions in administration of the code.
  - c. The community will benefit from the addition of Title 14 as it will detail requirements for public notice and ensure opportunities are granted for parties to comment during development review.
- 4. Conditions **ARE NOT** required to be imposed in order to mitigate any significant adverse impacts from the proposal.
  - a. N/ A - This criterion does not apply as this is not a change to the Zoning Map.
- 5. A concomitant agreement between the County and the petitioner **IS NOT** required for this application.
  - a. N/ A - This criterion does not apply as this is not a change to the Zoning Map.
- 6. All Notifications of the Public Hearing were posted as per County Ordinances and State law.
- 7. The adoption of Title 14 is consistent with the State's Local Project Review Act (RCW 76.70B) the Land Use Petition Act (Chapter 36.70C RCW).

**AND WHEREAS**, the County finds it in the public interest to approve said addition of text;

**NOW, THEREFORE, BE IT ORDAINED** that Title 14-Development Code Administration be added to the County Code of Ordinances as shown in Attachment A.

**APPROVED THIS 28<sup>th</sup> DAY OF JANUARY, 2020.**

**BOARD OF COUNTY COMMISSIONERS  
FRANKLIN COUNTY, WASHINGTON**

\_\_\_\_\_  
**Chair**

\_\_\_\_\_  
**Chair Pro-Tem**

**Attest:** \_\_\_\_\_  
**Clerk of the Board**

\_\_\_\_\_  
**Member**

## ***Attachment A***

# **TITLE 14 DEVELOPMENT CODE ADMINISTRATION**

## **Chapter 14.10 - GENERAL PROVISIONS**

### ***14.10.010 - Title.***

A. This title shall be entitled "development code administration." The development code shall consist of Title 15, Building and Construction; Title 16, Subdivisions and Division of Land; Title 17, Zoning; and Title 18, Environment.

### ***14.10.020 - Purpose and intent.***

A. The purpose of this title is guiding review of development in the county consistent with the Franklin County Comprehensive Plan, the Growth Management Act (Chapter 36.70A RCW), the Local Project Review Act (Chapter 36.70B RCW), the Land Use Petition Act (Chapter 36.70C RCW), the State Environmental Policy Act (Chapter 43.21C RCW), Plats - Subdivisions - Dedications (Chapter 58.17 RCW), the Shoreline Management Act (Chapter 90.58 RCW), and all regulations established in the associated Washington Administrative Code (WAC).

B. The intent of this title is to:

1. Combine, consolidate and streamline the application, review, approval and appeal processes for land development occurring in the county.
2. Describe the county's land development procedures in clear, concise, and understandable terms.
3. Comply with state guidelines for combining and expediting development review.
4. Integrate environmental review with development review.
5. Provide applicants, staff, the public and decision-makers with necessary and sufficient information to enable more thorough review of activities and their impacts and to allow considered and comprehensive decisions.
6. Enable the director to take appropriate, timely enforcement actions.
7. Provide clear enforcement procedures to assure compliance with the development code.
8. Enhance public notice and encourage more opportunities to comment during development review.

### ***14.10.030 - Definitions.***

In the event of conflict between the following definitions and other definitions given in this development code, the following shall prevail:

- A. "Area-wide" describes a land area containing four or more parcels, contiguous or noncontiguous, or comprising 40 or more acres, which area as an integral proposal is considered for a change in zoning or comprehensive plan designation; provided, that the Director(s) may deem any proposal to be site-specific if the public interest will be better served by a quasi-judicial process than a legislative process.
- B. "Board of County Commissioners" or "Board" means the Board of County Commissioners of Franklin County.
- C. "Building code" means the codes adopted in Title 15, and any amendments thereto.
- D. "Building permit" means any permit issued by the building official, including building, plumbing, demolition, mechanical, and grading permits.



- E. "Building official" means the Franklin County building official or designee.
- F. "Comprehensive Plan" means the Franklin County Comprehensive Plan.
- G. "County" means Franklin County, Washington.
- H. "Development code" means Titles 14 through 19, including any maps adopted as part thereof.
- I. "Development regulation" means a control placed on development or land use activities, as defined in RCW 36.70A.030.
- J. "Director" means the Planning and Building Director unless otherwise designated.
- K. "Legislative actions" means amendments to the county's Comprehensive Plan or development code, including area-wide amendments to any associated maps, but excluding adoption of state-adopted building codes.
- L. "Planning commission" means the Franklin County planning commission.
- M. "Premises" means any real property or structure.
- N. "SEPA" means State Environmental Policy Act.
- O. "Site-specific" means other than "area-wide" as defined in subsection A of this section.

***14.10.040 - Applicability of definitions.***

The definitions in Section 14.10.030 of this chapter shall apply equally to the entire development code, Franklin County Titles 14 through 19; other defined words may be found in the titles.

***14.10.050 - Time deadlines falling on nonbusiness days.***

Any time deadline established by this development code that falls on a Saturday, Sunday, and holidays where the county offices are closed shall extend to the next business day.

***14.10.060 - Stay of further permits in the event of appeal.***

When any county action taken pursuant to the development code is administratively or judicially appealed, the Director may stay further permit issuances for the use or improvement to which the appeal relates until the appeal has been settled.

***14.10.070 - One-hundred-twenty-day time limit - Exceptions.***

The following time periods shall not count toward the maximum of 120 days which can expire between the determination of completeness and the notice of decision:

- A. Any period commencing with a request by the county that the applicant provide any further information or an environmental impact statement until the applicant provides said information.
- B. Any period during which a comprehensive plan or development regulation amendment is being processed preliminary to deciding upon a permit application.
- C. Any period between the initial determination of completeness and any subsequent determination of completeness should the applicant substantially revise the proposal.
- D. Any period during which any decision related to the permit application is being appealed.
- E. Any period mutually agreed upon by the applicant and the county.
- F. Saturdays, Sundays, holidays established on which the county offices are closed, and the days between December 25th and January 1st.

**14.10.080 - Permit conditions.**

- A. In granting a permit and/or issuing a land use decision, the county may attach thereto such conditions as necessary to make the permit and/or land use decision compatible with the criteria applicable to that permit and/or land use decision and/or to mitigate the impacts associated with granting a permit.
- B. The county may require, as a condition of any permit approval, the posting of a cash performance bond or other security sufficient to fulfill the requirements of this development code and any conditions upon which the permit is granted.

**14.10.090 - Assignability of permits.**

Development permits shall run with the land and be freely assignable.

**14.10.100 - Permit expiration and extensions.**

- A. Unless a more specific provision applies to the type of permit, approved permits shall expire two years after the date of issuance if the action for which the permit is required has not begun, or within five years if construction has not been completed; except as provided in subsections B and C of this section.
- B. An approved preliminary plat shall expire:
  - 1. Within seven years of the date of approval of the preliminary plat if the date of preliminary plat approval was on or before December 31, 2014.
  - 2. Within five years of the date of approval of the preliminary plat if the date of preliminary plat approval is on or after January 1, 2015.
- C. Expiration and extension of the following land use permits shall not be governed by this section:
  - 1. Building permits;
  - 2. Shoreline permits;
  - 3. Land use permits governed by a development agreement shall be pursuant to the development agreement;
  - 4. Any permits for which this development code establishes a specific permit expiration.
- D. Permit applications not excepted above shall expire one year after any application dormancy or hold status, whether initiated by the applicant or during which the county waits for information it has requested of the applicant which is needed in order to process the application.
- E. The Director may extend the date of permit expiration for one year upon request by the applicant prior to said permit's expiration.
- F. Any extensions of time shall be based upon a finding of justifiable cause and that the land use permit is compliant with all applicable codes at the time of the extension request. The Director shall not grant more than one permit extension.

**14.10.110 - Applications are binding.**

All aspects of the application shall be binding for the life of the project/building, including graphic representations such as site plans, building elevations, and related required materials.

**14.10.120 - Minor changes.**

The Director may approve minor changes to the permitted proposal that do not create any additional lots or impacts, provided those changes are so insignificant that, in the Director's judgment, the changes would not have affected the decision of the original decision maker; and provided, that the proposal still complies with this development code. More substantial changes shall require a new permit.

***14.10.130 - Resubmission of application.***

Any permit application that is denied shall not be resubmitted or accepted by the county for reconsideration for a period of six months from the date of the last action by the county on the application or request.

***14.10.140 - Code interpretations.***

- A. Upon request, the Director(s) may interpret the provisions of development regulations subject to this chapter. Requests for interpretation shall be in writing and shall be specific as to the issue of interpretation. The Director may decline to issue code interpretations when the code provision at issue is clear on its face or the request is not made in good faith. The Director's decision not to issue a code interpretation shall not be appealable.
- B. Any final decision on a request for code interpretation shall be in writing and shall include:
  - 1. Findings that relate to applicable development regulations, definitions, or comprehensive plan policies;
  - 2. Development code citation;
  - 3. The context;
  - 4. The interpretation; and
  - 5. The reasoning for the interpretation.
- C. The Director shall apply said interpretations to future instances of like circumstances.
- D. Code interpretations made by the Director may be appealed to the Board of County Commissioners. Any code interpretation pursuant to this section resulting in or directly associated with a permit decision may be considered by the review authority during appeal proceedings for the underlying permit, unless said interpretation was specifically appealed according to the procedures contained herein prior to the permit decision.

**Chapter 14.20 – JURISDICTION AND SCOPE OF AUTHORITY**

***14.20.010 - Responsibility.***

A developer is expected to read and understand the County's development code and be prepared to fulfill the obligations placed on the development by Titles 14 through 18. The County will promptly provide all necessary and relevant information.

***14.20.020 - Director's duty.***

- A. Unless otherwise specified, the Director, public works Director, and building official shall be responsible for the administration and enforcement of Titles 14, 15, 16, 17, and 18 as established by the County Administrator or designee.

- B. The Director shall be the designated permit coordinator for all permits subject to this development code and shall issue decisions for:**
- 1. Building Permits;**
  - 2. Factory Assembled Structure Placement;**
  - 3. Mechanical Permits;**
  - 4. H2A Farm working housing site plan review;**
  - 5. Floodplain permits;**
  - 6. Alteration to land, including grading and leveling, paving, stockpiling, and excavation, the amount of which does not exceed 500 cubic yards;**
  - 7. Home Occupation administration decisions;**
  - 8. Sign Permits;**
  - 9. Boundary Line Adjustments;**
  - 10. Short Plats;**
  - 11. Short Plat Alterations and Vacations;**
  - 12. Binding Site Plans;**
  - 13. Shoreline Letters of Exemption;**
  - 14. Shoreline Substantial Development Permits;**
  - 15. Critical Areas permits / approvals; and**
  - 16. Environmental (SEPA) Review.**
- The review of site plans related to any and all of these permits is also conducted by the Director.**
- C. The Director, Public Works Director, and building official may delegate administrative authority to their designees.**

***14.20.030 - Planning commission.***

- A. The planning commission shall review and make recommendations to the Board on the following applications and subjects:**
- 1. Amendments to the Comprehensive Plan, subarea plans, and development regulations, including the Shoreline Master Program;**
  - 2. Special planning studies assigned to the planning commission;**
  - 3. Zoning changes (text changes to the zoning code and changes to the zoning map);**
  - 4. Conditional Use Permits;**
  - 5. Shoreline Conditional Use Permits;**
  - 6. Shoreline Variances;**
  - 7. Preliminary Plats;**
  - 8. Final Plats;**
  - 9. Area-wide zoning changes;**
  - 10. Applications for variances from the standards and dimensional regulations of the zoning code, official map or other regulatory ordinances; and**



11. Other actions requested or remanded by the Board.
- B. The planning commission may propose to the Board that action be initiated on the matters set forth above.
- C. In exercising the foregoing responsibilities, the planning commission shall consider as appropriate any associated environmental or other administrative determination.

***14.20.050 - Board of county commissioners.***

- A. The Board of County Commissioners (Board) shall review and act on the following matters:
  1. All legislative actions relating to the county's Comprehensive Plan, subarea plans, zone districts and zoning, development regulations, policies, ordinance, and regulations;
  2. Development agreements under Chapter 36.70B RCW;
  3. Recommendations from the Planning Commission, including those items included in subsection 14.20.030 (A) of this title;
  4. Appeals of SEPA threshold decisions; and
  5. Appeals of decisions made by the Director pursuant to Title 17, as specified.
- B. In exercising the foregoing responsibilities, the Board shall consider as appropriate any associated environmental or other administrative determinations.

**Chapter 14.30 - PERMITTING PROCESS**

***14.30.010 - Pre-application conference.***

The Director shall conduct a pre-application conference if requested by the applicant. The representatives of all affected County departments, utility districts or providers, the Fire Department, and any other entities or agencies with jurisdiction shall be notified of the meeting. The agencies and included parties shall review the development application and provide input to the Director or his/her designee regarding compliance with plans and regulations, coordination of necessary permit reviews, potential environmental impacts and mitigating measures following review of the environmental checklist completed in accordance with Title 18.

***14.30.020 - Application forms.***

- A. All applications for permits, land use decisions, and other county approvals specified in the development code shall be submitted on application forms prepared or approved by the Director.
- B. All applications shall be signed by the property owner or an authorized representative.

***14.30.030 - Notice of complete application.***

- A. All applications for approval under Titles 15 through 18 shall include information specified in the applicable title. Additional information as reasonably necessary to fully and properly evaluate the proposal may be requested.
- B. At the time the application is submitted, the applicant shall identify all permits that may be applicable to the project.

- C. Within 28 days after receiving a project permit application, the Director shall mail or personally deliver to the applicant a notice that advises the applicant of other agencies that may have jurisdiction over the proposal, if known at that time, and states either:
  - 1. That the application is complete; or
  - 2. That the application is incomplete and what is necessary to make the application complete.
- D. Failure of the Director to provide notice to the applicant, in writing, within the 28-day time frame, shall be deemed as the county's acceptance of the application for processing.
- E. Within 14 days after an applicant has submitted to the county the additional information identified as being necessary for a complete application, the Director shall make a determination of completeness and notify the applicant in the manner provided in subsection C of this section.
- F. The Director's issuance of a determination of completeness shall not preclude the county from requesting additional information or studies, either at the time of the determination of completeness or at some later time if additional information is required or where substantial changes in the proposed action occur.
- G. 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 the proposed project action after a determination of completeness, as determined by the Director, the application shall not be considered vested until a new determination of completeness on the changes is made under this title.
- H. To the extent known by the County, the written determination shall identify other agencies of local, state, or federal government that may have jurisdiction over some aspect of the application. Failure to disclose such agency jurisdiction shall not be deemed a waiver of the requirement to comply with such agency's regulation.
- I. For the purposes of this section, applications are deemed received until a notice of complete application is issued by the Director or the mandatory period to deem an application complete has passed.
- J. A notice of complete application is not required for permits categorically exempt from SEPA.

**14.30.040 - SEPA Review.**

- A. All developments and permits subject to the provisions of the State Environmental Policy Act (SEPA), Chapter 43.21C RCW, shall be reviewed in accordance with Chapter 18.04 of Franklin County Code.
- B. SEPA review shall be conducted concurrently with development project review. Threshold determinations shall be issued within 90 days of the date of the notice of complete application issued by the county.
- C. The following actions are exempt from concurrent review under SEPA:
  - 1. Project permits categorically exempt from SEPA.
  - 2. Project permits that are part of actions previously reviewed under SEPA.
  - 3. Project permits subject to planned actions, so long as the proposed component of the planned action is consistent with the environmental impact statement (EIS) issued for the planned action.

**14.30.050 - RESERVED.**

**14.30.060 - Staff report.**



- A. For permits requiring a staff report, upon conclusion of the review of the permit application, the Director shall prepare a staff report identifying the proposed development; evaluating and analyzing the consistency of the development with applicable plans, codes, criteria and regulations; consolidating the comments of all county departments and outside agencies on the development proposal; proposing findings, conclusions and appropriate conditions of development; and, if applicable, making a recommendation for action on the proposal to the decision making body.
- B. The staff report shall be distributed to the applicant; to county departments; affected outside agencies; and, if applicable, to the decisional body for consideration in advance of the formal public meeting, hearing, or action on the proposed development. Staff reports will be available to the public prior to the formal public meeting, hearing, or action on the proposed development.

**14.30.070 - Decision.**

- A. The Director shall determine if the application is consistent with the development code and the policies of the Comprehensive Plan and notify the applicant within 120 days of the determination of completeness as calculated pursuant to Section 14.10.070 of this title subject to the following:
  - 1. The decision maker may include in a decision any conditions of approval that are necessary to ensure that the proposal complies with all applicable development code and Comprehensive Plan policies.
  - 2. No building permit shall be issued until all related, necessary permits are final, including appeals, unless the Director(s) waives this prohibition based on the applicant signing a statement acknowledging the appeal period and agreeing to remove or modify the permitted work at the applicant's expense should an appeal result in revocation or modification of the appealed permit.
  - 3. Short plats shall not be recorded until after the appeal period has lapsed.

**14.30.080 - Written decision - Content.**

- A. If a written decision is required, the decision maker for the underlying permit shall issue a written decision that shall include at least the following content:
  - 1. A description of the proposed use or action;
  - 2. The location of the property;
  - 3. A statement regarding the status of SEPA review of the proposed actions, if applicable;
  - 4. The date of the public hearing, if applicable;
  - 5. A statement identifying the ordinance or criteria governing the application;
  - 6. Findings of fact and conclusions supporting the decision;
  - 7. The decision denying or approving the application and any conditions, if applicable;
  - 8. The procedures for administrative appeal, if any; and
  - 9. The duration of permit approval and a statement summarizing the applicable permit expiration and extension procedures.
- B. A copy of the staff report prepared consistent with Section 14.30.060 of this title may serve as the final written decision; provided, that the information required pursuant to subsection A of this section is included with the copy of the staff report.

## **Chapter 14.40 - RESERVED**

## **Chapter 14.50 - PUBLIC NOTICE**

### ***14.50.010 - Notice of application.***

If a public notice of application is required, the Director shall issue a notice of development application, within 14 days of issuing a determination of completeness under Section 14.30.030 of this title, containing the following information:

- A. Name of the applicant(s).
- B. Date of application.
- C. Date of issue for the determination of completeness.
- D. Location of the project.
- E. Project description (summary), including zoning classification.
- F. Requested and necessary approvals, actions, and/or studies (summary).
- G. Duration of the public comment period.
- H. Identification of existing applicable environmental documents, if any.
- I. A determination of specific critical areas that are or are not affected by the proposed development.
- J. County staff contact information.
- K. Date, time, and place of the public hearing for the permit if a public hearing is required and the date of the hearing has been set at the time of the notice of application.
- L. A statement that, barring excluded periods, the decision on the application is anticipated within 120 days of the determination of completeness.
- M. Other information as the Director deems necessary, or as required by county code for the application type.

### ***14.50.020 - Notice of public hearing.***

Notice of any required public hearing shall be issued a minimum of fifteen (15) days, but no more than thirty (30) days, prior to the public hearing. The notice of the public hearing shall include the following information:

- A. The application or project file number;
- B. Name of applicant(s);
- C. A general description of the proposed project;
- E. The development approvals required for the project;
- E. The actions or decisions recommended, if known;
- F. A description of the property, including the address of the property if one is available;
- G. A vicinity map or sketch if determined useful by the Director;
- H. The time, date and place of the public hearing;
- I. A statement that anyone wishing to appear and testify at the public hearing may do so;

- J. A statement that if, for any reason, the hearing cannot be commenced or completed on the date specified, the hearing may be continued to a date, place and time certain without further notice under this section; and
- K. The contact person or place where further information may be obtained.

***14.50.030 - Method of publication.***

All required notices, except notices of decision which are governed by Section 14.50.050 of this chapter, shall be:

- A. Mailed to all owners of property within 300 feet of any portion of the proposed action according to the current county assessor's records, exclusive of public rights-of-way, of the property that is the subject of the application, including any property that is contiguous and under the same or common ownership and control.
- B. Mailed or emailed to any person who has made a written request to receive such notice.
- C. Mailed or emailed to the jurisdiction or government agency that might have an interest in or be affected by a proposed action, as determined by the Director.
- D. Posted at courthouse and Planning and Building Department lobby.
- E. Posted on the subject property with a brightly colored sign, at least 2 feet by 3 feet in size, that bares the title "LAND USE ACTION PENDING" and lists the telephone number for the Franklin County Planning Department.
- F. The Director(s) may publicize a given permit proposal more broadly or by additional means than stated herein if a greater level of public awareness is deemed necessary.

***14.50.040 - Comment period.***

If a public comment period is required, the comment period shall be at least fifteen (15) calendar days except in the following cases when a longer comment period is required:

- A. For applications or proposals subject to the shoreline master program, a thirty (30) day public comment period shall be provided prior to any public hearing or taking any final action on the application or proposal.
- B. Notices of scoping associated with a determination of significance under the State Environmental Policy Act shall be followed by a minimum of a twenty-one (21) day comment period; provided, that the longer comment period shall not apply if the scoping notice is included with the notice of application issued pursuant to Chapter 14.50.010 of this title.
- C. Notice of availability of a draft environmental impact statement shall be followed by a thirty (30) day comment period; provided, that the Director can extend the comment period for an additional fifteen (15) calendar days if a request for an extension has been submitted to the county prior to the end of the initial thirty (30) day comment period.

***14.50.050 - Notice of decision.***

- A. If a written notice of decision is required, the county shall provide a written notice of decision within 120 days as calculated pursuant to Section 14.10.070 of this title that shall include:
  - 1. A list of all project permits included in the decision, including all permits being reviewed through the consolidated permit review process;

2. The date of the public hearing, if applicable;
  3. The date and description of the decision;
  4. A statement of any threshold determination made under SEPA (Chapter 43.21C RCW), if applicable;
  5. The procedures for administrative appeal, if any;
  6. The duration of permit approval and a statement summarizing the permit expiration and extension procedures provided in Section 14.10.100 of this title;
  7. A statement that the complete project permit file, including findings, conclusions and conditions of approval, if any, is available for review. The notice shall list the place the file is available and the name and telephone number of the county representative to contact about reviewing the file.
- B. Required written notices of decision shall be:
1. Mailed to the applicant, the county assessor, and anyone who, prior to the decision, requested notice of the decision or submitted substantive comments on the application or was otherwise a party of record;
  2. Posted on the development site on the same sign(s) on which was posted the previous notice(s); and
  3. Posted at the courthouse and the Planning and Building Department lobby.
- C. For development applications requiring Planning Commission review and Board approval, the notice shall be the signed ordinance or resolution in lieu of the items included in subsections (A) and (B) of this chapter.

## **Chapter 14.60 – ZONING AND SUBDIVISION CODE TEXT AMENDMENTS**



#### ***14.60.010 - Purpose.***

The purpose of this chapter is to establish procedures to amend the development code text, under Title 16 Subdivisions, and Title 17 Zoning, and to provide for public participation. The adoption and amendment of development regulations are nonproject legislative actions and are exempt from the procedural requirements of Chapter 36.70B RCW and are distinct from the processes outlined in Chapters 17.80, 17.82 and 17.84 of Title 17. Such actions often require substantial written and oral testimony as the review of such documents may involve revisions at both the advisory and legislative level, thereby necessitating multiple open record hearings. It is therefore the intent of this chapter to provide a process for the consistent and orderly facilitation for adoption and amendments to development regulations in compliance with Chapters 36.70A and 43.21C RCW.

#### ***14.60.020 - Initiation of amendments.***

- A. The board of commissioners, upon its own motion, may conduct an open record hearing to amend the text, or request that the planning commission conduct a public hearing to develop a recommendation on a text amendment.
- B. The planning commission may initiate an open record hearing to develop a recommendation for a text amendment.
- C. Any resident or property owner may petition the board for a text amendment by submitting an application on forms provided by the Planning Department.
- D. Applications may be submitted by any interested person, including applicants, citizens, staff of other agencies, and county staff. Only a property owner or an authorized agent of the property owner may submit a site-specific amendment application unless such amendment is necessary for consistency between the Comprehensive Plan and development regulations.
- E. City and County Coordination.
  - 1. Text amendments to the subdivision and/or zoning code shall be coordinated between the county and cities to ensure the intent and purpose of the joint development regulations are maintained. Coordination shall consist of providing affected jurisdictions the opportunity to participate in drafting the text amendment through comment and consultation.
- F. Required Information. Applications must be submitted to the planning and building department on forms provided by the department and must include at least the following information:
  - 1. Name and address of applicant; and
  - 2. Name and address of property owner of record (site-specific amendments only); and
  - 3. Description of the proposed amendment including proposed text or policy language; and
  - 4. County assessor's map outlining the subject property and including the section, township and range (site-specific amendments only); and
  - 5. Explanation of how the proposed amendment(s) meets the review criteria in Section 17.84.060 (A) of Title 17; and
  - 6. A completed environmental (SEPA) checklist; and
  - 7. Such other information or forms as required by the planning and building department.
- G. Optional Additional Information. Amendments may be accompanied by amendments to other development regulations, including zoning necessary to implement the proposed amendment(s). Such other proposed amendments are subject to the applicable application requirements and approval criteria for those amendments.



- H. **Fees.** Non-refundable application fees must be paid in full prior to acceptance of an amendment application by the building and planning department.

***14.60.030 - Processing Timeline.***

All changes and amendments to the development code are legislative processes and are not subject to deadlines for issuance of a final decision or project permit applications. There is no deadline for the board's final decision on the amendments, nor is there any limitation on the number of hearings that the county may hold to consider the amendments.

***14.60.040 - Public participation and notice requirements.***

- A. **Purpose.** The public participation process set forth in this chapter is intended to solicit from the public and outside agencies proposed amendments and to provide an opportunity for public comment on proposed amendments. This purpose is achieved by broad dissemination of proposed amendments, opportunity for written comments, public meetings after effective notice, provisions for open discussion, and consideration of public comments.
- B. **Basic Elements.** The county shall provide for early and continuous public participation in the amendment of development regulations. At a minimum public participation shall include the following elements:
1. Broad dissemination of the schedule adopted pursuant to section 14.15.015, proposed amendments, and meeting notices. Methods may include, but are not limited to use of the following: notice in a publication of general circulation and other appropriate publications; news media notification; mailed notice to property owners whose property is directly affected; posting on the internet; and displays in public facilities; and
  2. Public notice of all relevant workshop meetings, public hearings, and other meetings of the planning commission and board of county commissioners;
  3. The Director shall ensure that at least ten (10) days prior to any public hearing the following notice requirements are completed by the planning and building department: Notice of the time, place, and general purpose of any open record hearing required by this chapter shall be published in a newspaper of general circulation in the county.
  4. Availability of all current proposed amendments and amendment applications in the planning and building department during normal business hours.

***14.60.050 - Amendment in conflict with Comprehensive Plan.***

In the event any proposed amendment, supplement, change to or repeal of this chapter is in conflict with the Comprehensive Plan, such amendment or change shall not be entertained until and if the Comprehensive Plan is first, or concurrently, amended.

***14.60.060 - Planning commission—Findings and recommendations.***

- A. The planning commission shall hold at least one public hearing on the application and consider the request under the criteria set forth in subsection (B). The Planning Commission may also hold public workshops or open study sessions prior to any public hearing. Following a public hearing, the commission shall forward its written recommendation on the application to the board.

- B. After completion of a hearing on a petition for change to the development regulations, the planning commission shall make and enter findings from the records and conclusions thereof which support its recommendation and find whether or not:
  - 1. The proposal is in accord with the goals and policies of the Comprehensive Plan including the county-wide planning policies;
  - 2. The effect of the proposal will be materially detrimental;
  - 3. There is merit and value in the proposal for the community as a whole;
- C. The planning commission shall render its recommendation to approve, approve with modifications and/or conditions, or reject the petition based on its findings and conclusions. The commission's recommendation, to include its findings and conclusions, shall be forwarded to the board of commissioners at a regular business meeting thereof.

***14.60.080 – Board review and decision, transmittal to the state and appeals.***

- A. Initial transmittal to State. The planning director shall transmit a copy of any proposed amendment of the development regulations to the appropriate Washington State agency at least sixty days prior to the expected date of final action by the board of county commissioners, consistent with Chapter 36.70A RCW.
- B. Workshop Meeting. Prior to a public hearing, the board may review the recommendations of the planning commission in one or more workshop meetings.
- B. 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. More than one public hearing may be scheduled if needed. The Board of commissioners shall, at a regular meeting, review the findings from the records and conclusions thereof and the recommendation of the Planning Commission and enter findings based on the criteria set forth in Section 14.06.080 subsection (B) of this chapter.
- C. Adoption form. Development regulation amendments that are approved shall be adopted by ordinance and make written findings addressing the set forth in Section 14.06.080 subsection (B) of this chapter. All reviewed amendments that are rejected shall be addressed in a resolution.
- E. Transmittal to State. The Director shall transmit a copy of any adopted Comprehensive Plan amendment to the appropriate Washington State agency within ten days after adoption by the board.
- F. Appeals. Any appeals of the board's decision shall be filed with the Growth Management Hearings Board in accordance with the provisions of Chapter 36.70A RCW.

**Chapter 14.70 – COMPREHENSIVE PLAN AMENDMENTS**

***14.70.010 - Purpose.***

The purpose of this chapter is to establish procedures to amend text (content which is not a map, including tables and exhibits) or maps (i.e., urban growth area (UGA) boundaries and land use designation maps) of the Franklin County Comprehensive Plan and to provide for early and continuous public participation. The adoption and amendment of a comprehensive plan are nonproject legislative actions and are exempt from the procedural requirements of Chapter 36.70B RCW and are distinct from the processes outlined in Chapters 17.80, 17.82 and 17.84 of the Zoning Code. Such actions often require substantial written and oral testimony as the review of such documents may involve revisions at both the advisory and legislative level, thereby necessitating multiple open record hearings. It is therefore the intent of this chapter to provide a process for

the consistent and orderly facilitation for adoption and amendments to the Comprehensive Plan in compliance with Chapters 36.70A and 43.21C RCW.

***14.70.020 – Exceptions to the amendment process.***

- A. The Growth Management Act (GMA) generally allows amendments to comprehensive plans only once per year, except as otherwise provided in RCW 36.70A.130(2)(a), so that the cumulative impacts of all proposed amendments can be analyzed.
- B. The Board of County Commissioners (Board) may amend the Comprehensive Plan more frequently under the following circumstances:
  - 1. Initial adoption of an identified subarea plan that does not modify the Comprehensive Plan policies and designations applicable to the subarea;
  - 2. The adoption or amendment of the shoreline master program under the procedures set forth in Chapter 90.58 RCW;
  - 3. The amendment of the capital facilities element of a comprehensive plan that occurs concurrently with the adoption or amendment of the county budget; and
  - 4. Any other circumstance specifically described in RCW 36.70A.130. For purposes of RCW 36.70A.130(2)(b), an emergency may be declared by the board when delaying action until the next annual review process would jeopardize human safety or property, or otherwise result in substantial harm to the public.

***14.70.030 – Initiation of amendments.***

- A. Annual Docket process – submission deadlines.
  - 1. Proposed amendments to the Comprehensive Plan shall be submitted to the Planning and Building Department between January 1 and March 31 of each year, except that submission deadlines may be altered by the planning department in years where the County is conducting a mandatory periodic update.
  - 2. In years where the County is conducting a mandatory periodic update, the deadlines under subsection (A)(1) shall apply, unless amended deadlines are announced and published written notice is provided before the end of January.
  - 3. Applications to amend urban growth areas shall only be submitted during even numbered years, unless a city or the County is required to conduct a periodic update to their comprehensive plans under the Growth Management Act which is due during an odd numbered year.
- B. In years where the County is conducting a mandatory periodic update to the Comprehensive Plan, under the requirements of the Growth Management Act, the amendments may be initiated by any interested person, including applicants, citizens, and staff of other agencies, except as provided in subsection (C).
- C. City and County Coordination.
  - 1. Comprehensive Plan text amendments impacting or effecting Urban Growth Areas shall be coordinated between the county and cities to ensure the intent and purpose of the joint development regulations are maintained. Coordination shall consist of providing affected jurisdictions the opportunity to participate in drafting the text amendment through comment and consultation.
  - 2. An application to amend the County's Comprehensive Plan to revise the boundaries of an urban growth area may only be submitted by the city whose urban growth area is the subject of the application and must be signed by a representative of that city authorized in writing by that city's council to submit the application.



- D. **Processing timeline.** All Comprehensive Plan amendments are legislative processes and are not subject to deadlines for issuance of a final decision or project permit applications. While the county may consider amendments only once a year, there is no deadline for the board's final decision on the amendments, nor is there any limitation on the number of hearings that the county may hold to consider the amendments.

**14.70.040 - Requirements for amendment applications.**

- A. **General application requirements.** The following information must be provided on application forms provided by the planning department:
1. Name and address of the person or persons proposing the amendment;
  2. An environmental checklist (SEPA);
    - a. In lieu of a SEPA checklist a copy of a SEPA determination, SEPA addendum, or an environmental impact statement (EIS) can be provided, if a determination has been made by a city as lead agency, or if an EIS has been prepared.
  3. All associated fees as established by the County;
  4. A written statement explaining the following:
    - a. The reason why the amendment is proposed;
    - b. How the amendment is consistent with the Washington State Growth Management Act;
    - c. How the amendment is consistent with the adopted County-Wide Planning Policies (CWPP);
    - d. How the amendment furthers the purpose of the County's Comprehensive Plan;
    - e. How the amendment advances the public health, safety and general welfare;
    - f. How the amendment is internally consistent with the County's Comprehensive Plan, as well as other adopted County plans and codes;
    - g. If applicable, how the project will meet concurrency requirements for transportation; and
    - h. Supplemental environmental review and/or critical areas review if determined by the Planning Director to be required.
- B. **Comprehensive Plan text amendment requirements.** In addition to the general application requirements, the following additional information shall accompany a text amendment application:
1. The proposed element, chapter, section, and page number of the Comprehensive Plan to be amended.
  2. Proposed text changes, with new text shown in an underline format, and deleted text shown in strikeout format.
- C. **Comprehensive Plan map amendment requirements.** Map amendments include changes to any of the several maps included in the Comprehensive Plan including, but not limited to, the land use map, future roadways map, parks and trails map, etc. All map amendment applications shall include the information specified under general application requirements. In addition, land use map amendment applications shall be accompanied by the following information:
1. The current land use map designation for the subject parcel(s).
  2. The land use map designation requested.
  3. A complete legal description describing the combined area of the subject parcel(s).
  4. A copy of the county tax assessor's map of the subject parcel(s).

5. A vicinity map showing:
    - a. All land use designations within 500 feet of the subject parcel(s).
    - b. All parcels within 500 feet of the subject parcel and all existing uses of those parcels.
    - c. All roads abutting and/or providing access to the subject parcel(s) including information on road classifications (arterial, collector, access) and improvements to such roads.
    - d. Location of shorelines and critical areas on or within 500 feet of the site, if applicable.
    - e. The location of existing utilities and water sources serving the subject parcels including water lines, wells, electrical, sewer (if applicable) and septic systems.
    - f. The location and uses of existing structures located on the subject parcel(s).
  6. The current official zoning map designation for the subject parcel(s).
  7. A detailed plan which indicates any proposed infrastructure or capital facilities improvements.
  8. Other information as may be required by the Building and Planning Director to assist in accurately assessing the conformance of the application with the standards for approval.
- D. All applications for an amendment to an Urban Growth Area must also include:
1. Map(s) and an aerial photograph(s) depicting the specific land area(s) proposed for inclusion within the UGA boundary, the relationship of such area(s) to the existing UGA, the current corporate boundaries and the general location and acreage of planned open spaces and greenbelts that will remain as open space within the area(s) proposed for inclusion within a UGA, as per RCW 36.70A.110(2);
  2. A map and aerial photograph(s) showing the total acreage involved in the proposed UGA addition, the proposed pattern and acreages of urban land uses and densities for the area proposed for inclusion;
  3. A buildable lands analysis to demonstrate the capacity of lands already included within the city's UGA boundary, and indicating if the city has designated adequate amounts of residential, commercial, and industrial lands to meet the growth needs incorporated in their comprehensive plans. The buildable lands analysis should be generally developed to meet the guidelines as established by the State Department of Commerce.
  4. A copy of the city council resolution or ordinance authorizing submittal of the application to the County and approving the capital facilities plan referenced below with a finding that the capital facilities plan complies with RCW 36.70A.070(3).
  5. A capital facilities plan for the area proposed to be added to the UGA that has been approved by resolution of the city council that contains the following:
    - a. An inventory of the existing public facilities, as that term is defined by RCW 36.70A.030, that are within the current UGA (inclusive of incorporated areas) and the area proposed to be added to the UGA, showing the locations and capacities of the public facilities;
    - b. A forecast of the needs for the next twenty (20) years of such public facilities as identified levels of service that are needed within the current UGA (inclusive of incorporated areas) and the proposed area to be added to the UGA;
    - c. The necessary locations and capacities of expanded or new public facilities within the current UGA (inclusive of incorporated areas) and the proposed area to be added to the UGA;
    - d. For the proposed area to be added to the UGA at least a six-year plan to finance such public facilities within projected funding capacities that clearly identifies sources of public money for such purposes; and



- e. Identification of revisions to the city's land use element if probable funding falls short of meeting existing needs and to ensure that the city's land use element and capital facilities plan element (and financing plan therein) are coordinated and consistent.

***14.70.050 – Determination of completeness for proposed amendments.***

- A. The Planning Director shall review all applications and make a written determination of completeness within thirty (30) days of receipt of application. If an application is determined to be incomplete the Director shall identify what is necessary to make the application complete.
- B. Applicants will be required to provide any additional material requested by the Director within thirty (30) days of the date of the request.
- C. Applications which are determined to be incomplete as of sixty (60) days after the annual application deadline date will not be considered during the current annual review process.
- D. Applicants for amendments to the Comprehensive Plan are required to contact the Planning Department and arrange for a pre-application conference prior to submittal of an application for amendment, to avoid delays in processing.

***14.70.060 - Notice requirements.***

The Planning Director shall ensure that at least ten (10) days prior to any public hearing the following notice requirements are completed by the Planning and Building Department:

- A. Notice of the time, place, and general purpose of any public hearing required by this chapter shall be published in a newspaper of general circulation in the county.
- B. For site-specific land use amendment proposals (i.e. sites involving four or fewer parcels, or sites consisting of multiple contiguous parcels under a single ownership), the notice of public hearing shall be mailed to all property owners within five hundred (500) feet in an urban growth area (UGA) and rural settlement areas. For applications not within an urban growth area or rural settlement area, written notice shall be mailed to each property owner within one mile of the area proposed to be changed or altered. Owners of record shall be determined by a report (obtained from the county assessor's office or licensed title company) not more than thirty (30) calendar days preceding the date of publication.
- C. Substantial compliance with subsections (A) and (B) above shall be deemed to be full and sufficient compliance.

***14.70.070 – Initial docket.***

The planning department staff shall assign an application number to proposed amendments and all applications shall be placed on a docket. A current copy of the docket shall be maintained by the building and planning department and shall be available for public inspection during department business hours.

***14.70.080 – Public hearing on initial docket and considerations for processing.***

- A. Staff Report. After compiling the preliminary docket, the Planning Director shall review the suggested amendments and prepare a staff report to the board recommending which proposed amendments should be placed on the final docket. The staff report shall address whether the proposed amendment is needed, appropriate, and in compliance with the applicable annual review.

- B. **Initial Review by the Board.** In a public hearing, the board will consider all proposed amendments which were timely submitted for the current calendar year. This consideration will include all relevant facts including the application materials. The board will also consider:
  - 1. Whether there have been substantial changes to the area of proposed amendment since the last adoption or amendment of the Comprehensive Plan, and
  - 2. Whether assumptions inherent in the Comprehensive Plan remain valid.
- C. **The Board shall consider each application separately.** After review of all the proposed amendments, the Board shall decide which applications will be placed on the final docket for the current annual amendment process.
- D. **The Board will make and enter findings as to the applications that will not pass on to the final docket.** No findings or conclusions are required for those applications that are forwarded to the planning commission for further processing during the current annual review.

***14.70.090 - Planning commission—Findings and recommendations.***

- A. **Once the applications are forwarded to the planning commission for further processing on the final docket, the Planning Director shall ensure that the applications have been reviewed under SEPA, and that a SEPA threshold decision was issued.**
- B. **The Planning and Building Department shall review and assess applications contained in the final docket. The Director shall prepare a staff report and recommendation as to each proposed amendment based on the criteria in Section 14.70.110 of this chapter. The Director shall provide notice and opportunity for comment from the public and/or other agencies.**
- C. **The planning commission shall then hold at least one public hearing on the applications and consider them concurrently under the criteria set forth in Section 14.70.110 of this chapter. The Planning Commission may also hold workshops or study sessions prior to any public hearing. Following a public hearing, the commission shall forward its written recommendation on the applications to the board.**

***14.70.100 - Board review and decision, transmittal to the state and appeals.***

- A. **Initial transmittal to State.** The Planning Director shall transmit a copy of any proposed amendment of the Comprehensive Plan to the appropriate Washington State agency at least sixty days prior to the expected date of final action by the board of county commissioners, consistent with Chapter 36.70A RCW.
- B. **Workshop Meeting.** Prior to a public hearing, the board may review the recommendations of the planning commission in one or more workshop meetings. Workshops are not mandatory.
- B. **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. More than one public hearing may be scheduled if needed.
- C. **Adoption form.** Comprehensive Plan amendments that are approved shall be adopted by ordinance and make written findings addressing the criteria of Section 14.70.110 of this chapter. All Comprehensive Plan amendments that are rejected shall be addressed in a resolution.
- D. **Map amendments.** If land use map amendments are adopted, the board shall direct staff to amend the Comprehensive Plan land use map accordingly.
- E. **Transmittal to State.** The Planning Director shall transmit a copy of any adopted Comprehensive Plan amendment to the appropriate Washington State agency within ten days after adoption by the board.

- F. **Appeals.** Any appeals of the board's decision shall be filed with the Growth Management Hearings Board in accordance with the provisions of Chapter 36.70A RCW.

***14.70.110 – Approval criteria and consideration of cumulative effects.***

- A. Every applicant for a Comprehensive Plan amendment must demonstrate how each of the following criteria for approval has been satisfied in their application materials.
1. The proposal is in accord with the goals and policies of the Comprehensive Plan including the county-wide planning policies;
  2. The effect of the proposal on the immediate vicinity will not be materially detrimental to the land use that is the bases of the comprehensive plan or the zoning designation;
  3. The proposed amendment will not result in probable significant adverse impacts to the transportation network, capital facilities, utilities, parks, and environmental features which cannot be mitigated and will not place uncompensated burdens upon existing or planned services;
  4. In the case of an amendment to the Comprehensive Plan land use map, that the subject parcels being re-designated are physically suitable for the allowed land uses in the designation being requested, including compatibility with existing and planned surrounding land uses and the zoning district locational criteria contained within the Comprehensive Plan and zoning code;
  5. The proposed amendment is consistent with the Growth Management Act, and other applicable interjurisdictional policies and agreements, and/or other state or local laws; and
  6. The amendment advances the public health, safety, or welfare and is in the best interest of the residents of Franklin County.
- B. Additional criteria for Urban Growth Area amendments. For each proposal to amend an urban growth area policy or land use map the Planning Commission and Board shall consider:
1. The 20-year population and employment projections for the county;
  2. The extent to which the urban growth occurring within the county has located within each city and the unincorporated urban growth areas;
  3. The allocation of projected county population and/or employment to the urban growth areas;
  4. A buildable lands analysis for each urban growth area; and
  5. Existing urban growth area boundaries; and
  6. Other proposed changes affecting urban growth areas.
- C. Proposals for plan amendments shall be considered concurrently to ascertain the cumulative effect of all items on the final docket in accordance with WAC 365-196-640. Proposals may be considered at separate meetings or hearings, so long as the final action has taken into consideration the cumulative effect of all the proposed amendments to the Comprehensive Plan.

**Chapter 14.80 – PUBLIC HEARINGS**

***14.80.010 - General.***

- A. Public hearings on permit applications requiring a public hearing shall be conducted in accordance with this chapter.
- B. Actions require public hearings include the following, which may have additional requirements as specified in the chapters addressing the action or permit under consideration:



1. Zoning and Subdivision Code Text Amendments – Chapter 14.60 of this title
  2. Comprehensive Plan Amendments – Chapter 14.70 of this title
  3. Preliminary Plat – Title 16, Chapter 16.20
  4. Appeal of a Short Plat Administrative Decision – Title 16, Chapter 16.20
  5. Planned Density Development – Title 17, Chapter 17.60
  6. Variances – Title 17, Chapter 17.80
  7. Conditional Use Permits – Title 17, Chapter 17.82
  8. Rezoning – Title 17, Chapter 17.84
  9. Planned Unit Development – Title 17, Chapter 17.58
- C. Public hearings for permits and decisions addressed in Title 18, including shoreline permits and SEPA Appeals, are not governed by this chapter.

***14.80.020 - Responsibility of the Director.***

- A. The Director shall:
1. Schedule project applications for review and public hearing;
  2. Provide the required notice;
  3. Prepare the staff report on the application, which shall be a single report which sets forth all of the decisions made on the proposal as of the date of the report, including recommendations on project permits in the consolidated permit process that do not require an open record predecision hearing. The report shall also describe any mitigation required or proposed under the city's development regulations or SEPA authority. If the threshold determination, other than a determination of significance, has not been issued previously by the county the report shall include or append this determination; and
  4. Prepare the notice of decision and mail a copy of the notice of decision to those entitled by this title to receive the decision.

***14.80.030 - Presentation of evidence.***

- A. Except for hearings on appeals of administrative decisions, any person may testify. In hearings on appeals from Director decisions, testimony shall be limited to witnesses designated by the Director, witnesses designated by the appellant, and witnesses designated by any person granted the right of intervention by the approval body proceeding over the hearing.
- B. All reasonably probative (material and relevant) evidence will be permitted. The judicial rules of evidence shall not be strictly applied. The body proceeding over the hearing may accord such weight to the evidence as is deemed appropriate.
- C. The body proceeding over the hearing may take official notice of commonly known and accepted information, such as:
1. Ordinances, resolutions, rules, officially adopted development standards, and state law; and
  2. Public records and facts judicially noticeable by law.
- D. The body proceeding over the hearing has the authority to call witnesses and request written evidence in order to obtain the information necessary to make a decision and may request written comment from

and the appearance of the designated representative of any county department that has an interest in or may affect an application for a proposed use.

- G. The body proceeding over the hearing may impose reasonable limitations on the number of witnesses to be heard and the nature and length of their testimony to avoid repetitious or irrelevant testimony, expedite the hearing, or avoid continuation of the hearing.
- H. No testimony or oral statement regarding the substance or merits of an application is allowable after the close of the public hearing. No documentary material submitted after the close of the hearing will be considered by the body proceeding over the hearing unless additional time to submit such material has been granted and all parties are given an opportunity to review the material and file rebuttal material or argument.

#### ***14.80.040 - Record of hearing - Content.***

- A. The body proceeding over the hearing shall establish and maintain a record of all proceedings and hearings conducted including a sound recording which shall be available for transcription, as necessary.
- B. The record of a hearing shall include, but is not limited to, the following contents:
  - 1. The written application or appeal;
  - 2. The names and addresses of all participants;
  - 3. The Director's written report;
  - 4. All evidence received or considered by the body proceeding over the hearing;
  - 5. The decision or recommendation of the body proceeding over the hearing;
  - 6. Tape recordings of all proceedings; and
  - 7. Records of notice given of the hearing.

#### ***14.80.050 - Appeal of recommendation- Filing requirements.***

Any recommendation of the planning commission may be appealed in accordance with one of the following methods:

- A. Applicant. Within fourteen (14) calendar days from the date of the planning commission recommendation, the applicant files written appeal with the Planning and Building Director.
- B. Other Parties of Record. Within fourteen (14) calendar days from the date of the Planning Commission recommendation, file written appeal with the Planning and Building Director. Parties of record include any person who testified at the open record public hearing on the application, and any person who submitted written comments concerning the application at the open record public hearing (excluding persons who have only signed petitions or mechanically produced form letters).
- C. Either method of appeal shall include payment of an appeal fee.
- D. A proper and timely filed appeal shall cause the board of commissioners to schedule a closed record appeal hearing, notice of which has to be given in accordance with the notice requirements of section 14.50.020 and 14.50.030 of this title, to consider the appeal of the planning commission's recommendation. Notice shall also be sent to all parties of record, whether or not they have filed an appeal.
- E. Either method of appeal shall include payment of an appeal fee.
- F. Content of Appeal. Appeals shall be in writing and contain the following information:



1. Appellant's name, address and phone number;
  2. A statement describing appellant's standing to appeal;
  3. Identification of the application which is the subject of the appeal;
  4. Appellant's statement of grounds for appeal and the facts upon which the appeal is based with specific references to the facts in the record;
  5. The specific relief sought; and
  6. A statement that the appellant has read the appeal and believes the contents to be true, followed by the appellant's signature.
- E. Effect. The timely filing of an appeal shall stay the hearing body's decision until such time as the appeal is concluded or withdrawn.

***14.80.060 - Procedure for closed record decision / appeal.***

- A. Closed record appeals and closed record hearings shall be on the record established at the open record hearing before the hearing body whose decision is appealed, which shall include the written decision of the hearing body, a transcript or recording of the proceedings, and copies of any exhibits admitted into the record.
- B. No new testimony or other evidence will be accepted by the appeal body except: (1) new information that was unknown to the parties at the time of the hearing which could not reasonably have been discovered by the parties and is necessary for a just resolution of the appeal; and (2) relevant information that, in the opinion of the appeal body, was improperly excluded by the hearing body. Appellants who believe that information was improperly excluded must specifically request, in writing prior to the closed record appeal hearing, that the information be made part of the record. The request shall describe the information excluded, its relevance to the issues appealed, the reason(s) that the information was excluded by the hearing body, and why the hearing body erred in excluding the information. No reference to excluded information shall be made in any presentation to the appeal body on the merits, written or oral, until the appeal body has determined that the information should be admitted.
- C. Parties to the appeal may present written and/or oral arguments to the appeal body. Argument shall describe particular errors committed by the hearing body with specific references to the administrative record. The appellant shall bear the burden to demonstrate that substantial evidence does not exist in the administrative record to support the decision of the hearing body.
- D. The hearing shall commence with a presentation by the Director or the Director's designee of the general background of the proposed development and issues in dispute. After the Director's presentation, the appellant shall first present oral argument and then other parties of record shall make their arguments. The appeal body may question any party concerning disputed issues but shall not request information not in administrative record.
- E. The appeal body shall determine whether there is substantial evidence in the administrative record to support the decision of the hearing body. The appeal body may affirm, modify or reverse the decision of the hearing body. Upon written agreement by the applicant to waive the requirement for a decision within the time periods set forth in RCW 36.70B.080, as allowed by RCW 36.70B.080(3), the appeal body may remand the decision to the hearing body for additional information.

***14.80.070 - Judicial appeals.***

The county's final decision on an application may be appealed by a party of record with standing to file a land use petition in Franklin County superior court. Such petition must be filed within twenty-one (21) days after issuance of the decision, as provided in Chapter 36.70C RCW.