

Chapter ~~17.10~~17.08 PERMIT PROCESSING

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~~17.10~~17.08.010 Purpose.

The purpose of this chapter is to provide for effective and efficient review of land use and development applications with consistent procedures for similar projects, and to combine procedural and substantive environmental reviews with the review of project permit applications under other applicable requirements. This chapter is intended to provide a framework within which the consistency of project permit applications with the city comprehensive plan and development regulations shall be determined. (Ord. 3889 § 3 (Exh. A), 2017)

~~17.10~~17.08.020 Project review classifications.

Four classes of review are established for the purposes of administering this title. The permits included in each class, the public notice requirements, the hearing body, the decision maker, and appellate body are summarized in Section ~~17.10~~17.08.030.

- A. The city manager or his/her designee is authorized to determine the classification of review for any permit or approval not identified on the following table.
- B. It is the goal of the city to consolidate the permit processing for projects or development activities that require two or more permits or approvals. The city manager or his/her designee shall determine the appropriate means of consolidating the processing of all permits and shall assign the highest class review classification of the individual permits being sought to the consolidated permit application (with Class 4 being the highest followed by Classes 3, 2, and 1). This consolidation may include integrating public hearings, establishing unified comment periods, and/or concurrent reviews. The city manager or his/her designee is authorized to make modifications to the procedural requirements of this title in order to effectively consolidate project reviews.
1. Except for the appeal of a SEPA determination of significance, no more than one open record public hearing and no more than one closed record appeal may occur on a single permit application or master application.
 2. A public meeting(s) may be held prior to an open record hearing. A public meeting may include, but is not limited to: a scoping meeting for the preparation of a draft environmental impact statement or presentation of a final environmental impact statement, an informational meeting, and/or a neighborhood meeting. The proceedings at a public meeting may be recorded and a report or recommendation may be included in the project permit application file. (Ord. 3889 § 3 (Exh. A), 2017)

17.1017.08.030 Permit classification table.

	Types of Permit /Approval/Action	Public Notice	Hearing Body	Decision Maker	Appellate Body
Class 1 Review	<ul style="list-style-type: none"> - <u>Adjustments</u> - Boundary Line Adjustment - Building Permit - Certificate of Appropriateness - Certificate of Design Review - Certificate of Occupancy 	None	None	City Manager or his/her designee	Hearing Examiner

	Types of Permit /Approval/Action	Public Notice	Hearing Body	Decision Maker	Appellate Body
	<ul style="list-style-type: none"> - Clearing and Grading Permit - Code Enforcement Action - Code Interpretation - Fence Permit - Forest Practices Act Permit - Shoreline Authorization - Short Plat Approval (4 lots or less) - SEPA Action (not requiring public notice) - Shoreline Letter of Exemption - Sign Permit - Similar Use Determination - Site Plan Review - Special Event Permit - Temporary Use Permit 				
Class 2 Review	<ul style="list-style-type: none"> - Critical Area Permit - Floodplain Development Permit - SEPA Action (requiring public notice) - Shoreline Substantial Development Permit - Variance (with Class 1 or 2 permit) 	Yes	None	City Manager or his/her designee	Hearing Examiner

	Types of Permit /Approval/Action	Public Notice	Hearing Body	Decision Maker	Appellate Body
Class 3 Review	<ul style="list-style-type: none"> - Conditional Use Permit - Binding Site Plan - Preliminary Subdivision Plat (5 or more lots) /Final Plat - Master Planned Development - Reasonable Use Exception - Shoreline Conditional Use Permit - Shoreline Variance - Variance (with Class 3 permit) 	Yes	Hearing Examiner	Hearing Examiner/ City Council	Superior Court/ Shoreline Hearings Board
Class 4 Review	<ul style="list-style-type: none"> - Comprehensive Plan/Future Land Use Map Amendment - Development Regulation Amendment - Rezone - Shoreline Master Program Amendment 	Yes	Planning Commission	City Council	Superior Court/ Growth Management Hearings Board

(Ord. 3889 § 3 (Exh. A), 2017)

17.1017.08.040 Preapplication conferences.

Prior to formal submittal of a Class 2, 3, or 4 permit application, applicants are encouraged to request a preapplication conference with city staff and representatives of appropriate public agencies. The date, time and place of such conferences shall be at the mutual agreement of the participants. Such conferences are intended as an informal discussion and review of possible applications to assist the applicant in discovery of appropriate city regulations, standards, application materials, and review processes that would be required of a project. A preapplication conference does not vest a proposed project permit application. (Ord. 3889 § 3 (Exh. A), 2017)

17.1017.08.050 Procedures for Class 1 review.

Applications subject to a Class 1 review involve administrative action by the city manager or his/her designee without public notice or an open record public hearing. The city hearing examiner shall conduct an open record public hearing for appeals of decisions on Class 1 permits unless otherwise noted in this title.

- A. Applications for Class 1 permits shall be processed by the city in accordance with the following general procedures unless the applicant is otherwise notified in writing:
1. Completeness review and determination of complete application;
 2. Determination of consistency (staff/agency review of application materials);
 - a. Site plan review and downtown design review, as appropriate;
 - ~~3. Issuance of a SEPA threshold determination, if required; and~~
 - ~~4.3.~~ Notification to the applicant of approval or denial of the application. (Ord. 3889 § 3 (Exh. A), 2017)
- B. Applications for Class 1 permits that require a SEPA review shall follow the procedure for a Class 2 review.

17.1017.08.060 Procedures for Class 2 review.

Applications subject to a Class 2 review involve administrative action by the city manager or his/her designee following distribution of a public notice and the opportunity to submit written comments. The city hearing examiner shall conduct an open record public hearing for appeals of decisions on Class 2 permits unless otherwise noted in this title.

- A. Applications for Class 2 permits shall be processed by the city in accordance with the following general procedures unless the applicant is otherwise notified in writing:
1. Preliminary site visit/inspection by city staff and/or preapplication meeting, if appropriate;
 2. Completeness review and determination of complete application;
 3. Determination of ~~C~~consistency (staff/agency review of application materials).
 - a. Site plan review and downtown design review, as appropriate;
 4. Issuance of a notice of application;
 5. Issuance of a SEPA threshold determination, if required;

6. Review of public comments; and
7. Issuance of a notice of decision. (Ord. 3889 § 3 (Exh. A), 2017)

17.1017.08.070 Procedures for Class 3 review.

The city hearing examiner shall conduct an open record public hearing before making a decision on Class 3 permit applications. The decision of the hearing examiner is subject to appeal in superior court or, in the case of shoreline permits, to the shoreline hearings board.

A. Applications for Class 3 permits shall be processed by the city in accordance with the following general procedures, unless the applicant is otherwise notified in writing:

1. Preliminary site visit/inspection by city staff and/or preapplication meeting, if appropriate;

2. Completeness Review and Determination of Complete Application.

2.3. Determination of consistency (staff/agency review of application materials)

- a. Site plan ~~review and downtown design review, as appropriate;~~

3.4. Distribution-Issuance of a notice of application;

4.5. Issuance of a SEPA threshold determination, if required;

5.6. Preparation of a staff report containing relevant information about the application and a determination of consistency. This report may also include a staff recommendation and shall be distributed to the public prior to the open record public hearing;

6.7. An open record public hearing shall be conducted by the hearing examiner, during which the applicant shall be given the opportunity to present the proposed project and interested parties shall be allowed to make comments and submit written testimony; and

7.8. Hearing examiner review of the record and issuance of a notice of decision.

8.9. Note: State law requires that final approval of plats involving five or more lots must be made by the city council and cannot be delegated to the hearing examiner. City staff will review the application for final plat approval and make a recommendation to the city council. (Ord. 3889 § 3 (Exh. A), 2017)

17.1017.08.080 Procedures for Class 4 review.

Decisions on all Class 4 permit applications shall be made by the city council following an open record public hearing conducted by the planning commission.

A. Applications for Class 4 permits shall be processed by the city in accordance with the following procedures, unless the applicant is otherwise notified in writing:

1. Preliminary site visit/inspection by city staff and/or preapplication meeting, if appropriate;

2. Completeness review and determination of complete application;

2.3. Determination of consistency (staff/agency review of application materials)

3.4. Distribution-Issuance of a notice of application;

4.5. Issuance of a SEPA threshold determination, if required;

5.6. Preparation of a staff report and staff recommendation that shall be forwarded to the planning commission and be made available for public review prior to the open record public hearing;

6.7. Distribution of the proposed amendments to state agencies, as appropriate, for review and comment;

7.8. An open record public hearing shall be conducted by the planning commission, during which the applicant shall be given the opportunity to present the proposed amendment, and interested parties shall be allowed to make comments and submit written testimony;

8.9. A review of the complete record by the planning commission and the adoption of a recommendation to the city council;

9.10. The recommendation of the planning commission along with a complete copy of the record shall be provided to the city council for review prior to their decision;

10.11. City council review and action; and

11.12. Issuance of a notice of decision. (Ord. 3889 § 3 (Exh. A), 2017)

17.1017.08.090 Completeness review.

All applications shall be submitted on such forms and in accordance with such procedures as may be prescribed by the city; provided, that:

A. All applications shall be signed by the property owner or show owner consent of the application by the agent acting on the owner's behalf;

B. All applicable fees shall be submitted at the time of application unless otherwise specified;

- C. A completed SEPA checklist shall be filed at the same time as an application for all permits, except when:
1. The city has determined the activity to be categorically exempt from the requirements of SEPA; or
 2. The city and applicant agree that an EIS is required; or
 3. SEPA compliance for the proposed project has already been completed; or
 4. SEPA compliance has been initiated by another agency;
- D. Within twenty-eight days of submittal, the city shall conduct a review of all application materials to determine if the application is complete and ready for processing. The city shall then make a determination of completeness and shall provide the applicant with written notification which states:
1. That the application is complete and ready for processing or that the application is incomplete and what is necessary to make the application complete;
 2. To the extent known by the city, other agencies that may also have jurisdiction over the application; and
 3. To the extent known by the city, other permits or approvals that may be required;
- E. Nothing in this title shall limit the city from incorporating the notice of application and determination of completeness into one document;
- F. The issuance of a determination of a complete application shall not preclude the city from requesting additional information from the applicant in order to complete the processing of an application;
- G. If the city determines an application is not complete, or that additional information is necessary to complete the review of the application, and the applicant fails to respond to the request from the city in the established time frames, the city shall notify the applicant in writing that the application has lapsed and become void. (Ord. 3889 § 3 (Exh. A), 2017)

17.08.100 Vesting of applications.

A. Applications are vested and subject to the rules and regulations contained in Kelso Municipal Code (KMC) Title 17 on the date the application is deemed technically complete as determined by the planning official.

B. Supplemental information required after vesting of a complete application shall not affect the validity of the vesting for such application unless the information is requested because incorrect information

is submitted by the applicant and if the incorrect information would materially affect the final decision on the application.

- C. Modifications required by the director to a pending application, other than those set forth in subsection (B) of this section, shall not be deemed a new application and shall not affect vesting.
- D. An applicant-requested modification occurring either before or after issuance of the permit shall eliminate vesting, when such modification would result in a substantial change in a project's review requirements. Under such a condition, the application will be deemed a new application. Examples of a substantial change include modifications resulting in a different type of decision, i.e., Class 1 to Class 2 or a change requiring a new SEPA threshold determination. Modifications that reduce the scope of a proposal or reduce environmental impacts would not be considered a substantial change.
- E. Building permits shall be subject to the edition of the building code in place at the time of application.
- F. Nothing herein shall restrict the director's authority to impose conditions on project permits pursuant to the State Environmental Policy Act (SEPA), Chapter 43.21C RCW and WAC 197-11-600.
- G. Applications for legislative changes, such as plan amendments or requests for rezoning, do not create a vested right to development regulations in effect at the time the legislative application was submitted.
- H. Nothing herein shall be construed to imply, allow or require vesting to any fees or charges, including but not limited to application fees, administrative fees or charges, appeal fees and reimbursement charges. Fees due shall be those fees in effect on the date the fee is paid as adopted by the city council.

17.1017.08.100 Notice of application.

Following the issuance of a determination of a complete application, the city shall issue a notice of application for all Class 2, 3, and 4 permit applications.

- A. Notices of application shall include:
 - 1. A description of the proposed action;
 - 2. Identification of the permits and approvals that may be required and opportunities for public review and comment; and
 - 3. SEPA actions taken or preliminary SEPA threshold determinations, if any.

- B. A preliminary SEPA threshold determination or preliminary SEPA action may be included with notice of application if such preliminary actions have been made at the time the notice of application is issued. A preliminary SEPA threshold determination, or preliminary SEPA action, does not substitute, or in any way circumvent, the process for making a final SEPA threshold determination or in taking a SEPA action. Preliminary SEPA determinations are intended to encourage early public comment on project applications. (Ord. 3889 § 3 (Exh. A), 2017)

17.1017.08.110 SEPA threshold determinations.

A threshold determination is required for any proposal that is not categorically exempt within ninety days that an application and supporting documentation has been deemed complete. All threshold determinations shall result in a determination of nonsignificance (DNS), or a determination of significance (DS); provided, that the city may also issue a mitigated determination of nonsignificance (MDNS) based on conditions attached to the proposal, or on changes to or clarifications of the proposal made by the applicant.

- A. After submission of an environmental checklist and prior to a threshold determination, the city shall notify the applicant if it is considering issuing a DS. As a result, the applicant may clarify or change features of the proposal to mitigate the impacts which make the DS likely. If a proposal continues to have a probable significant adverse environmental impact, even with the mitigating measures, an EIS shall be prepared.
- B. If a preliminary SEPA threshold determination was not made in conjunction with a notice of application, and no probable significant adverse impacts are anticipated, a determination of nonsignificance shall be issued and a fifteen-day comment period may be required.
- C. If a predecision open record public hearing is required, the SEPA threshold determination must be issued at least fifteen days before the hearing.
- D. If the city makes a SEPA determination of significance (DS) concurrently with the notice of application, the notice of application shall be combined with the determination of significance and scoping notice.
- E. Whenever the city makes a threshold determination, it shall seek to include the public notice for the SEPA action with the notice of application or notice of decision for any associated land use application(s) or permits; provided, that:
 - 1. If no public notice is required for the permit or approval, the city shall give notice of the DNS or DS by publishing a notice in the city's newspaper of record;

2. Whenever the city issues a DS, all public notices shall state the scoping procedure for the required EIS; and
 3. Whenever the city issues a DEIS (draft EIS), or SEIS (supplemental EIS), notice of the availability of those documents shall be given by at least two of the following methods:
 - a. Indicating the availability of the DEIS or SEIS in any public notice required for an associated land use application or permit;
 - b. Posting the property, for site-specific proposals;
 - c. Publishing notice in the city's newspaper of record;
 - d. Notifying public or private groups which have expressed interest in a certain proposal or in the type of proposal being considered;
 - e. Notifying the news media; and/or
 - f. Publishing notice in agency newsletters and/or sending notice to agency mailing lists.
- F. Mitigation measures incorporated in the MDNS shall be deemed conditions of approval of the permit decision and may be enforced in the same manner as any term or condition of the permit, or enforced in any manner specifically prescribed by the city.
- G. Nothing in this section shall limit the authority of the city in its review or mitigation of a project to adopt or otherwise rely on environmental analyses and requirements under other laws, as provided by Chapter [43.21C](#) RCW. (Ord. 3889 § 3 (Exh. A), 2017)

17.1017.08.120 Determination of consistency.

As part of all project and application reviews, the city shall determine if a proposed project or development activity is consistent with applicable city development regulations, and the goals, policies, and objectives of the adopted comprehensive plan.

- A. All multifamily development proposals, nonresidential development proposals, and mixed-use development proposals shall be subject to a site plan review in accordance with the provisions of this title unless waived in writing by the city. (Ord. 3889 § 3 (Exh. A), 2017)

17.1017.08.130 Site plan review.

The purpose of a site plan review is to help ensure that new development activities do not adversely affect the public health, safety and welfare of residents of Kelso, and that new development activities are compatible with existing patterns of development and the provisions of the Kelso comprehensive plan.

- A. A site plan review shall be required for all proposed development activities ~~in the residential mixed density (RMD), residential multifamily (RMF), the commercial and industrial zones (NC, GC, RC, LI, and GI), and the open space (OPN) zones, unless waived in writing by the city.~~
- ~~1. In addition to a site plan review, proposed development activities located within the downtown design overlay must also comply with the city of Kelso design standards.~~
- 2.1. Development activities subject to a site plan review shall be determined by the city and shall include new construction, modifications to existing uses or structures that increase the size of the building or the intensity of the use, and/or changes of use.
- 3.2. The site plan review shall include the whole site, including subsequent phases of development without regard to existing or proposed lot lines.
- 4.3. A site plan review permit is separate from and does not replace other required permits such as a conditional use permit or a shoreline substantial development permit. A site plan review may be combined and reviewed concurrently with other permits and approvals, as determined by the city.
- 5.4. The site plan review must be conducted prior to, or with the approval of the city concurrent with, the review of any required building permit or clearing and grading permit applications.
- B. A site plan review application shall be submitted in a format prescribed by the city and may include, but is not limited to, the following on plans that are drawn to scale:
1. The location and dimension of the lot(s).
 2. Existing topography and natural features.
 3. Proposed grading and drainage facilities, including areas to be preserved or protected for the implementation of low impact development stormwater features in accord with the provisions of the Kelso Engineering Design Manual.
 4. The footprint of existing and proposed structures, proposed building heights, proposed building setbacks, and the proposed uses.
 5. The location of existing and proposed roads, access plans, parking facilities, loading areas, curbs, drains, paving, hydrants, sign and light pole locations, walls, fences, walks, approaches, and proposed landscaping plans.
 6. The location of existing and proposed water, storm, and sanitary sewer lines and facilities.

7. The nature, location, dimensions of environmentally sensitive areas, shorelines, or floodplain areas and their associated buffers, if any, on or adjacent to the site.
 8. All required technical reports prepared by experts with demonstrated qualifications in the area(s) of concern.
 9. Any additional information deemed necessary by the city.
- C. The city may approve a proposed site plan in whole or in part, with or without conditions, if all of the following findings of fact can be made in an affirmative manner:
1. The project is consistent with the Kelso comprehensive plan and meets the requirements and intent of the Kelso Municipal Code, including the type of land use and the intensity/density of the proposed development.
 2. The physical location, size, and placement of the development on the site and the location of the proposed uses within the project minimize impacts to any critical resource or floodplain area to the greatest extent possible or are compatible with the character and intended development pattern of the surrounding properties.
 3. The project makes adequate provisions for water supply, storm drainage, sanitary sewage disposal, emergency services, and environmental protection to ensure that the proposed project would not be detrimental to public health and safety.
 4. Public access and circulation including non-motorized access, as appropriate, are adequate to and on the site.
 5. Adequate setbacks and buffering have been provided. Any reduction to setbacks or buffer widths is the minimum necessary to allow for reasonable economic use of the lot and does not adversely impact the functional value of the critical resource area or adjoining land uses.
 6. The physical location, size, and placement of proposed structures on the site and the location of proposed uses within the project are compatible with and relate harmoniously to the surrounding area.
 7. The project adequately mitigates impacts identified through the SEPA review process, if required.
 8. The project would not be detrimental to the public interest, health, safety, or general welfare.
- D. Authorization of a site plan review shall be valid for one year after the effective date, and shall lapse at that time unless a building permit has been issued.

1. The city may extend the site plan review if it finds that the facts on which the site plan review is approved have not changed substantially. (Ord. 3889 § 3 (Exh. A), 2017)

17.1017.08.140 Permit processing.

- A. Applications determined to be complete and accepted for processing may be approved or disapproved by the city in accordance with the procedures in this chapter; provided, that:
 1. The city may request additional information from the applicant at any time, and may suspend the processing of an application(s) pending the receipt of requested information.
 - a. Such requests shall be made in writing and shall identify the additional information required, the reason for the information, and the time frames for submitting the additional information.
 - b. If the applicant does not respond to the request for additional information within one year, the application may be terminated.
- B. The city may approve, approve subject to conditions, or deny an application based on the information included in the record.
 1. In approving an application, the city may impose such conditions and safeguards as may be required to comply with the provisions of this title and to protect the public health, safety, and welfare. These conditions and safeguards may include, but are not limited to, the following:
 - a. Measures identified during the environmental review process;
 - b. Measures necessary to comply with the provisions of the Kelso comprehensive plan;
 - c. Measures necessary to comply with provisions of the Kelso Municipal Code; and/or
 - d. Measures necessary to ensure compatibility of the proposed development activity with neighboring land uses, and consistency with the intent and character of the zoning district. This may include, but is not limited to:
 - i. Increasing the required lot size, setback or yard dimensions;
 - ii. Limiting the height of buildings or structures;
 - iii. Controlling the number and location of vehicular access points;
 - iv. Requiring the dedication of additional rights-of-way for future public street improvements identified in an adopted transportation plan;

- v. Requiring the designation of public use easements and the recording of same;
 - vi. Increasing or decreasing the number of required off-street parking and/or loading spaces as well as designating the location, screening, drainage, surfacing or other improvement of a parking area;
 - vii. Limiting the number, size, height, shape, location and lighting of signs;
 - viii. Requiring view-obscuring fencing, landscaping or other facilities to protect adjacent or nearby properties;
 - ix. Requiring site reclamation upon discontinuance of use and/or expiration or revocation of the project permit;
 - x. Limiting hours and size of operation; and
 - xi. Controlling the siting of the use and/or structures on the property.
2. The city may deny an application based on finding that the proposed action:
- a. Would have a probable, significant, adverse impact on the environment that cannot be reasonably mitigated;
 - b. Is not consistent with the goals and policies of the Kelso comprehensive plan;
 - c. Information required by the city in order to complete the processing was not provided in accordance with the provisions of this title; or
 - d. Does not comply with the provisions of the Kelso Municipal Code. (Ord. 3889 § 3 (Exh. A), 2017)

17.1017.08.150 Notice of decision.

A notice of decision shall be issued for all Class 2, 3 and 4 permit applications. A notice of decision may not be issued until the expiration of the comment period on the notice of application.

A. Notices of decision shall include:

- 1. A description of the decision or actions taken;
- 2. Any mitigation or conditions of approval required under applicable development regulations or under SEPA;

3. If a SEPA threshold determination has not been issued previously, the notice of decision shall state this determination; and
4. A description of applicable appeal procedures. (Ord. 3889 § 3 (Exh. A), 2017)

~~17.10~~17.08.160 Appeals.

- A. Standing to initiate an administrative appeal of Class 1 and 2 reviews is limited to the applicant or owner of the property in which the project permit is proposed, parties of record, affected agencies or tribes, or any person aggrieved by the final decision and who will suffer direct and substantial impacts from approval or denial of the project. The term “parties of record” for the purposes of this title shall mean:
 1. Any person who testified at the open record public hearing on the application; or
 2. Any person who submitted written comments in response to the notice of application or environmental review; or
 3. 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).
- B. All appeals of interpretations or actions regarding Class 1 and 2 reviews shall be filed in a format prescribed by the city along with the required fee, within fourteen days of the date of the interpretation or action. If the deadline to file an appeal falls on a weekend or on a city holiday, the deadline shall become the next business day. The city shall mail written notice to all parties of record to apprise them of all open and closed record public appeal hearings and shall place a public notice in the city’s newspaper of record at least fourteen days before the open record appeal hearing.
 1. The notice of appeal shall specify the claimed error(s) and issue(s) which the appellate body is asked to consider, and shall specifically state all grounds for such appeal. Issues or grounds of appeal which are not so identified need not be considered by the appellate body;
 2. The appellants and any respondents to the notice of appeal shall have the opportunity to present oral and written arguments during open record appeal hearings. For all closed record appeals, the record shall be limited to information presented during the preceding open record hearing. Oral argument shall be confined to the established record and to any alleged errors in the decision;
 3. Following an appeal hearing, the appellate body may affirm, reverse or modify the decision of record and shall adopt its own written findings and conclusions in support of its decision; and

4. The city may require an applicant and/or the appellant to reimburse the city for the cost of preparing materials to be used during open record public hearings or closed record appeals including but not limited to the cost of copying, taping, and/or transcribing a certified record of the proceedings.
- C. Appeals of SEPA threshold determinations or SEPA actions shall be combined with any appeals of associated applications or permits.
1. If the final decision incorporates the SEPA threshold determination subject to a fourteen-day comment period, a joint twenty-one-calendar-day appeal period shall be provided on both the project decision and the SEPA threshold determination.
- D. All Class 3 and Class 4 land use decisions and the decisions of the hearing examiner on appeals of Class 1 and 2 permits may be appealed by a party with standing to file a land use petition in Washington State Superior Court, unless otherwise specified, in accordance with the provisions of Chapter [36.70C](#) RCW. Such petition must be filed within twenty-one days of issuance of the decision. This process shall be the exclusive means of judicial review except for local land use decisions reviewable by a quasi-judicial body created by state law, such as the shorelines hearings board.
1. Appeals of decisions of shoreline permits shall be heard by the Washington State Shorelines Hearings Board in accordance with the provisions of Chapter [90.58](#) RCW.
 2. Proposed amendments to the city's shoreline master program must be approved by the Washington State Department of Ecology. Appeals of decisions on proposed amendments by the Department of Ecology shall be heard by the Washington State Growth Management Hearings Board in accordance with the provisions of Chapter [90.58](#) RCW. (Ord. 3889 § 3 (Exh. A), 2017)

17.1017.08.170 Performance.

- A. Any action authorized under this title shall be completed within two years from the date of approval, unless otherwise specified by the city. Failure to meet the time limit set shall void the approval; except that the city may authorize a time extension upon request, provided such extension request is filed in writing prior to the required completion date. Such extension request shall detail unique and special circumstances that prohibited the completion of the use authorized.
- B. The city may revoke a project permit issued pursuant to this title if it is ascertained that the application included any false information material to the project permit approval, or if it develops that the conditions and safeguards made a part of the terms under which the approval was granted have not been complied with or are not now being maintained.

1. If the city finds the conditions and safeguards made part of the terms under which the project permit was granted have not been complied with or are not being maintained, the city shall prescribe a reasonable time for correction, and if corrections are not made within the time limit, the permit may be suspended or revoked.
 2. The suspension or revocation of a permit may be appealed to the city hearing examiner in order to show cause why such permit approval should not be suspended or revoked.
 3. An application for a permit previously revoked under this section cannot be submitted until all remedial actions required of the applicant/project sponsor/ property owner have been completed and all fines, penalties, and fees paid.
- C. Violation of such conditions and safeguards, when made part of the terms under which the project permit is granted, shall be considered a violation of this title and may result in suspension or revocation of the permit and/or enforcement actions in accordance with the provisions of the Kelso Municipal Code. (Ord. 3889 § 3 (Exh. A), 2017)

17.1017.08.180 Public notice requirements.

For permit applications that require public notice the following provisions shall apply:

- A. These public notice requirements shall apply to the following unless otherwise specified:
 1. Notices of application;
 2. Notices of decisions (Class 4 review only);
 3. Public hearing notices;
 4. SEPA threshold determinations; and
 5. Notices of appeals.
- B. All public notices will be mailed at least fifteen days prior to the date of any required public hearing and/or comment period to the:
 1. Applicant;
 2. Owners of all parcels within three hundred feet of the boundaries of the parcel in question and any adjacent parcels under the ownership or control of the project sponsor;
 3. Agencies with jurisdiction;

4. Parties who have provided oral or written testimony on the permit and requested to be on the mailing list;
 5. Parties who have submitted written requests to receive notice; and
 6. Parties of record.
- C. Public notices shall be published in the general newspaper of record at least fifteen days prior to the date of any public hearing and/or any public comment periods.
- D. Copies of public notices shall also be posted or available for review at City Hall. (Ord. 3889 § 3 (Exh. A), 2017)

~~17.10.190 Variances.~~

~~This section shall govern the issuance of variances for certain provisions of this title.~~

~~A. A variance may be granted to the density, dimension, height, setback and development standards; provided, that all other provisions of this title can be met.~~

~~B. Under no circumstances shall the city grant a variance to allow a use not permissible under the terms of this title in the zoning district involved, or any use expressly or by implication prohibited in the zoning district by the terms of this title.~~

~~C. Variances may be approved by the city based on a finding that such variance will not be contrary to the public interest and the comprehensive plan or where literal enforcement of the provisions of this title would result in undue hardship. A variance shall not be granted unless the city further finds that the applicant has demonstrated all of the following:~~

- ~~1. That special circumstances applicable to the subject property, including size, shape, topography, location or surroundings, do exist; and~~
- ~~2. That because of such special circumstances, strict application of this title would deprive the subject property of rights and privileges enjoyed by other properties in the vicinity under identical zoning district classification; and~~
- ~~3. That the granting of the variance will not be materially detrimental to the public welfare or injurious to the property or improvements in the vicinity and zoning district classification in which the property is situated; and~~
- ~~4. That the special circumstances do not result from the actions of the applicant; and~~

5. ~~That the granting of a variance will be in harmony with the general purpose and intent of this title, the specific zoning district, and the comprehensive plan. (Ord. 3889 § 3 (Exh. A), 2017)~~