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CHAPTER 22.82
SHORELINE ~~MASTER PROGRAM~~ MANAGEMENT

Commented [AB1]: We should call this codified chapter "Shoreline Management" to differentiate from full SMP document

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Sections:

- 5 **22.82.010** Shoreline Master Program Adopted.
6 **22.82.020** Shoreline Environment Designations.
7 **22.82.030** Compliance Required.
8 **22.82.040** Permitted Uses.
9 **22.82.050** Nonconforming Uses.
10 **22.82.060** Exemptions.
11 **22.82.070** Permit – Fees.
12 **22.82.080** Application – Form.
13 **22.82.090** Review Process.
14 **22.82.100** Notice and Hearing Requirements.
15 **22.82.110** Review Process and Criteria for Substantial Development Permits.
16 **22.82.120** Conditional Uses and Variances.
17 **22.82.130** Appeals.
18 **22.82.140** Commencement of Construction – Time Lapse.
19 **22.82.150** Time Requirements of Permit.
20 **22.82.160** Revisions to Permit.
21 **22.82.170** Zoning Administrator's Authority.
22 **22.82.180** Revocation of Permit.
23 **22.82.190** Violation – Penalties.

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22.82.010 Shoreline Master Program Adopted.

28 The City of Monroe Shoreline Master Program, dated August 2008 and amended through required periodic
29 review in **XXX 2019**, or as further amended, and attached to the ordinance codified in this chapter as Exhibit
30 A and incorporated by this reference as if set forth in full, is hereby adopted as the Shoreline Master
31 Program for the City of Monroe as required by Chapter 90.58 RCW. The City of Monroe Shoreline Master
32 Program shall hereafter be referred to as the Monroe SMP within this Chapter.

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22.82.020 Shoreline Environment Designations.

The city's shorelines shall be divided into seven environment designations as shown on the shoreline environment map (Figure 1, Monroe SMP), or as amended. These environment designations include:

- A. Aquatic (A), assigned to shoreline areas waterward of the ordinary high water mark.
- B. High Intensity (HI), assigned to shoreline areas within the City that currently support high-intensity uses related to commerce, transportation or navigation; or are suitable and planned for high-intensity water-oriented uses.
- C. Natural (N), assigned to shoreline areas that are ecologically intact; of particular scientific and educational interest; unable to support new development or uses without significant ecological impacts or risk to human safety; important for conservation and recover of priority species; provides habitat for Federal or State ESA listed species; and/or has unique recreational or scenic value that would be degraded by human development.
- D. Shoreline Residential (SR), assigned to shoreline areas that are predominantly single-family or multifamily residential development or are planned and platted for residential development.
- E. Tye Stormwater Facility (TSF), assigned to shoreline areas if they are human-made stormwater detention facilities with existing or planned recreational and/or public access opportunities.

55 F. Urban Conservancy (UC), assigned to shoreline areas appropriate and planned for development that is
 56 compatible with maintaining or restoring the ecological functions of the area, that are not generally suitable
 57 for water-dependent uses.

58
 59 The purpose, designation criteria, and management policies for the individual shoreline environment
 60 designations are described in Chapter 2 of the Monroe SMP.

61
 62 **22.82.030 Compliance Required.**

63 No developments or uses shall be undertaken on the shorelines of the city of Monroe except those that are
 64 consistent with the policies of this chapter and, after adoption or approval, as appropriate, the applicable
 65 guidelines, regulations, or the Monroe SMP. No substantial development or use shall be undertaken on the
 66 shorelines of the city of Monroe without first obtaining a permit from the city. No exempt development
 67 activities or use as defined in MMC 22.82.060 shall be undertaken without first acquiring a letter of
 68 exemption from the zoning administrator or his/her designee. When development is proposed consistent
 69 with the limited exceptions in WAC 173-27-044, such development shall not require review or permit
 70 approval under this chapter and the Monroe SMP. Nothing in this chapter shall authorize the issuance of a
 71 permit contrary to the laws of Washington State.

72
 73 **22.82.040 Permitted Uses and Permitted Modifications.**

74
 75 A. The following matrix indicates the allowable uses and shoreline modifications and criteria conditioning
 76 use and modification allowances.

- 77
 78 B. The Monroe SMP sets forth all standards for permitted uses.
 79 1. For ease of implementing shoreline management standards, this Chapter codifies this allowable use
 80 and shoreline modification matrix.
 81 2. Where there is a conflict between the chart and the written provisions in Chapters 3, 4, or 5 of the
 82 Monroe SMP, the written provisions shall apply.
 83 3. For any development proposal, the applicant and City shall consider and implement the applicable
 84 shoreline modification (Chapter 4) and shoreline use (Chapter 5) standards of the Monroe SMP.

85
 86 C. Any use, development or substantial development not listed below shall require a Conditional Use
 87 Permit (CUP), unless otherwise classified by the Monroe SMP.

88
 The matrix is coded according to the following legend.
 P = May be permitted
 C = May be permitted as a conditional use only
 X = Prohibited; the use is not eligible for a Variance or Conditional Use Permit
 N/A = Not applicable

	Natural	High Intensity	Urban Conservancy	Shoreline Residential	Tye Stormwater Facility	Aquatic ¹
SHORELINE USE						
Agriculture	X	X	X	X	X	X
Aquaculture	X	X	X	X	X	X
Boating facilities (see notes and SMP Chapter 5, Section F)	X	X	C ⁶	X	P ⁹	P

Commented [AB2]: Updated to provide additional opportunity for 'hand launch / portage access' associated with Cadman Site Park Master Plan... see footnote 6 below

The matrix is coded according to the following legend.

P = May be permitted

C = May be permitted as a conditional use only

X = Prohibited; the use is not eligible for a Variance or Conditional Use Permit

N/A = Not applicable

	Natural	High Intensity	Urban Conservancy	Shoreline Residential	Type Stormwater Facility	Aquatic ¹
Commercial:						
Water-dependent	X	P	C	X	P	X
Water-related, water-enjoyment	X	P	C	X	P	X
Non-water-oriented	X	C	X	X	P	X
Flood hazard management	C ⁴	P	P	P	P	X
Forest practices ⁷	X	P	P	P	P	X
In-stream structures	X	C	C	C	C	C
Industrial:						
Water-dependent	X	P	X	X	X	X
Water-related, water-enjoyment	X	P	X	X	X	X
Non-water-oriented	X	C ⁵	X	X	P	X
Mining	X	X	X	X	X	X
Parking (accessory)	X	P	P	P	P	X
Parking (primary, including paid)	X	X	X	X	X	X
Recreation:						
Water-dependent	C	P	P	P	P	C
Water-related, water-enjoyment	C	P	P	P	P	C
Non-water-oriented	X	C	C ²	C	P	X
Single-family residential	X	X	X	P	X	X
Multifamily residential	X	P	X	P	X	X
Land division (See Section 6.B.7.)	X	P	X	P	P	X
Signs:						
On premises	X	P	X	X	P	X
Off premises	X	X	X	X	P	X
Public, highway	P	P	P	X	P	X
Solid waste disposal	X	X	X	X	X	X

The chart is coded according to the following legend.

P = May be permitted

C = May be permitted as a conditional use only

X = Prohibited; the use is not eligible for a Variance or Conditional Use Permit

N/A = Not applicable

	Natural	High Intensity	Urban Conservancy	Shoreline Residential	Tye Stormwater Facility	Aquatic ¹
Transportation:						
Water-dependent	X	P	P	P	P	C
Non-water-oriented	X	P ³	C ³	C ³	P	C
Roads, railroads	X	P ³	C ³	P ³	P	C
Utilities (primary)	X	P ³	C ³	P ³	P	C
SHORELINE MODIFICATIONS						
Shoreline stabilization:						
Beach restoration/enhancement	C ⁴	P	P ⁴	P	P	See adjacent upland environment
Bioengineering	C ⁴	P	P ⁴	P	P	
Revetments	X	C ⁴	C ⁴	C ⁴	C	
Bulkheads	X	C ⁴	C ⁴	C ⁴	C	
Breakwaters/jetties/rock weirs/groins	X	X	X	X	X	
Dikes, levees	X	X	X	X	P	
Dredging	X	X	X	X	P ¹⁰	
Hazardous waste cleanup ⁸	P	P	P	P	P	
Fill	X	X	X	X	P	
Piers, docks	X	X	X	X	X ¹¹	

D. Notes and specific criteria for shoreline use and modification matrix:

1. The use or shoreline modification may be allowed in the Aquatic Environment if, and only if, permitted in the adjacent upland environment.
2. Public access, as approved by the City, is a condition of non-water-dependent development on properties with shoreline waterbody frontage.
3. The use may be allowed provided there is no other feasible route or location.
4. The shoreline modification may be allowed for environmental restoration or if the City determines that there will be a net increase in desired shoreline ecological functions.
5. Within the 'Cadman Sky River' industrial property in the High Intensity environment of the Skykomish River, continued aggregate washing, crushing and screening, and continued concrete batching facilities or concrete ready-mix facilities are permitted, together with accessory uses such as truck scales, office trailers, maintenance shops, equipment sheds, aggregate depots, and facilities for fueling equipment, provided that these facilities and activities are not expanded. See Section 5.E. Mining for conditions.
6. The existing boat launch at the Washington State Department of Fish and Wildlife Lewis Street Access Site may be modified and improved consistent with state and federal regulatory agency permits that must be obtained prior to Conditional Use Permit approval. New hand launch facilities may be provided within the Cadman Site park area to provide access for kayaks, canoes, and similar non-motorized and hand launched watercraft along the Cadman Site pond and to adjacent Skykomish River shoreline. Improvements for any hand launch facilities must be consistent with state and federal

Commented [AB3]: City to verify what is still ongoing / allowed at the Cadman Sky River location

- 110 regulatory agency permits which must be obtained prior to Conditional Use Permit approval. No other
111 new boating facilities are allowed in the Urban Conservancy environment.
- 112 7. All forest practices subject to the Washington State Forest Practices Act (Title 222 WAC; Chapters
113 76.09 and 76.13 RCW) must conform to the provisions of that Act, this Program, and any other
114 applicable City requirements. See Section 3.L Vegetation Conservation of the Monroe SMP and Critical
115 Areas Regulations (MMC Chapter 20.05) for other conditions.
- 116 8. Any cleanup activities must be coordinated with approval and oversight by the Department of
117 Ecology, or conducted under Ecology's Voluntary Cleanup Program.
- 118 9. New boating facilities may be constructed to provide improved access for non-motorized and small
119 electric boats (≤ 1.5 hp). All facilities, including boat launches or piers and docks, will be designed in
120 consultation with Washington Department of Fish and Wildlife. No facilities will be constructed to
121 provide long-term moorage.
- 122 10. Dredging may only be conducted as necessary to maintain the stormwater detention function of the
123 pond. Dredging must be conducted in a way that minimizes impacts to ecological functions and any
124 impacts must be mitigated.
- 125 11. The prohibition on piers and docks does not apply to public recreational facilities, which are
126 addressed under Boating Facilities.

127
128 **22.82.040 General Provisions Applicable to All Development Proposals**

- 129
130 A. The following general provisions have been codified from Chapter 3 of the SMP. Including these
131 provisions in this Chapter is intended to improve understanding and effective implementation of standards
132 applicable to common development activities. As noted in each section below, not all standards from
133 Chapter 3 of the SMP have been codified; as such, reference to the Monroe SMP shall be necessary.
134
- 135 B. General standards.
- 136 1. All proposed uses and developments, including those that do not require a shoreline permit,
137 occurring within shoreline jurisdiction, must conform to Chapter 90.58 RCW Shoreline Management Act
138 and the Monroe SMP.
- 139 2. Shoreline uses and modifications listed as "prohibited" shall not be eligible for consideration as a
140 shoreline Variance or shoreline Conditional Use Permit.
- 141 3. The "policies" listed in the Monroe SMP will provide broad guidance and direction and will be used
142 by the City in applying the "regulations."
- 143 4. Where provisions of Chapter 22.82 and the full Monroe SMP conflict, the provisions of the full
144 Monroe SMP shall apply.
- 145 5. Where provisions of the Monroe SMP conflict with each other, the provisions most directly
146 implementing the objectives of the Shoreline Management Act, as determined by the City, shall apply
147 unless specifically stated otherwise.
- 148 5. All uses and development shall result in no net loss of ecological functions to the greatest extent
149 feasible.
- 150 6. All newly created lots with shoreline frontage shall provide a minimum shoreline frontage width of 50
151 feet.
- 152 C. Archeological and Historic Resources
- 153 1. Archaeological sites located both in and outside the shoreline jurisdiction are subject to RCW 27.44
154 (Indian Graves and Records) and RCW 27.53 (Archaeological Sites and Resources) and shall comply
155 with WAC 25-48 as well as the provisions of the Monroe SMP.
- 156 2. The City shall notify the Tulalip Tribes upon receipt of application for work in shoreline areas. The
157 property owner shall allow the Tulalip Tribes to examine the site at a mutually agreed upon time.
- 158 3. All shoreline permits shall contain provisions which require developers to immediately stop work and
159 notify the City, affected tribes and the Washington State Office of Archaeology if any phenomena of

160 possible archaeological interest are uncovered during excavations. In such cases, the developer shall
161 be required to provide for a site inspection and evaluation by a professional archaeologist to ensure that
162 all possible valuable archaeological data are properly salvaged.

163 4. Permits issued in areas known to contain archaeological artifacts and data shall include a
164 requirement that the developer provide for a site inspection and evaluation by a professional
165 archaeologist in coordination with affected Native American tribes. The permit shall require approval by
166 the City before work can begin on a project following inspection. Significant archaeological data or
167 artifacts shall be recovered before work begins or resumes on a project.

168 5. Significant archaeological and historic resources shall be permanently preserved for scientific study,
169 education and public observation. Significant archaeological and historic resources shall be handled in
170 conformance with the federal Native American Graves Protection and Repatriation Act. When the City
171 determines that a site has significant archaeological, natural, scientific or historical value, a Substantial
172 Development Permit shall not be issued for activities which would pose a threat to the site. The City
173 may require that development be postponed in such areas to allow investigation of public acquisition
174 potential and/or retrieval and preservation of significant artifacts.

175 6. See Chapter 3, Section C for additional standards regarding emergency actions, standards for
176 archaeological excavations, park and open spacing planning considerations, and public interpretation
177 consideration.

178 D. Critical Areas

179 1. The City of Monroe Critical Areas Regulations, as adopted by Ordinance xxx [PENDING] and
180 codified in MMC 22.80, are herein incorporated into this Program except for the following:

- 181 a. 22.80.050(B), Exemptions.
- 182 b. 22.80.050(C), Exceptions, including public agency and utility exception (subsection C.1) and
183 reasonable use exception (subsection C.2), and innovative development design (subsection C.3).
- 184 c. 22.80.060, Nonconforming uses.

185 2. In the event of a contradiction between this SMP and the Critical Areas Regulations (MMC 22.80),
186 the provision more protective of the environment shall apply, as determined by the City.

187 3. MMC 22.80.090 (Stream Development Standards) requires a minimum buffer of two hundred (200)
188 feet from Type 1 streams. The Skykomish River and Woods Creek are both classified as Type 1
189 streams. MMC 22.80 also include provisions for increasing the stream buffer as necessary to protect
190 streams when either the stream is particularly sensitive to disturbances or the development poses
191 unusual impacts.

192 4. In accordance with statute, wetlands associated with waters of the state fall within Shoreline
193 Management Act jurisdiction. Buffer areas of wetlands and other critical areas that extend outside of the
194 boundary of shoreline jurisdiction are regulated under the City of Monroe Critical Areas Ordinance
195 (MMC 20.05). Activities occurring in these buffer areas would not require Monroe SMP review, and
196 exceptions listed above shall not apply.

197 5. Allowances for Tye Stormwater Facility fringe wetlands. Wetlands that have developed around the
198 edges of the Tye Stormwater Facility must be delineated and protected as outlined in MMC 22.80.
199 However, the buffer from any Tye Stormwater Facility-fringe wetland shall only extend to the waterward
200 edge of paved roads or gravel parking areas greater than 50 feet in width. Water-dependent uses, such
201 as docks, may be permitted in wetlands that have developed adjacent to the Tye Stormwater Facility,
202 provided that any impacts are mitigated.

203 6. In addition to the Critical Areas Regulations, the City has adopted flood hazard area regulations,
204 Monroe Municipal Code 14.01, which are administered by the City engineer. In accordance with WAC
205 173-26-221(3)(c), new structural flood hazard reduction measures should be allowed "only when it can
206 be demonstrated by a scientific and engineering analysis that they are necessary to protect existing
207 development, that nonstructural measures are not feasible, that impacts to ecological function and
208 priority species and habitat can be successfully mitigated so as to assure no net loss and that
209 appropriate vegetation conservation actions are undertaken."

Commented [PD(4)]: Update with new CAO reference and local ordinance number and date.

Commented [AB5R4]: addressed

Commented [PD(6)]: Why remove this section? I don't see new equivalent language.

Commented [AB7R6]: Added back in

Commented [AB8]: Needs to be updated to new UDR organization

210 7. All integrating critical areas regulations from Chapter 3, Section D of the Monroe SMP are codified in
211 this section.

212

213 E. Environmental Impacts and Mitigation

214 1. All project proposals within shoreline jurisdiction, including those for which a shoreline permit is not
215 required, shall comply with RCW43.21c, the Washington State Environmental Policy Act.

216 2. Projects that cause significant ecological impacts, as defined in Monroe SMP Chapter 8
217 (Definitions), are not allowed unless mitigated, according to the sequence in Item 4 below, to avoid
218 reduction or damage to ecosystem-wide processes and ecological functions.

219 3. Projects that cause significant adverse impacts, other than significant ecological impacts, shall be
220 mitigated according to the sequence in Item 4 below.

221 4. When applying mitigation to avoid or minimize significant adverse effects and significant ecological
222 impacts, the City will apply the following sequence of steps in order of priority, with (a) being top priority:

- 223 a. Avoiding the impact altogether by not taking a certain action or parts of an action;
- 224 b. Minimizing impacts by limiting the degree or magnitude of the action and its implementation by
225 using appropriate technology or by taking affirmative steps to avoid or reduce impacts;
- 226 c. Rectifying the impact by repairing, rehabilitating, or restoring the affected environment;
- 227 d. Reducing or eliminating the impact over time by preservation and maintenance operations;
- 228 e. Compensating for the impact by replacing, enhancing, or providing substitute resources or
229 environments; and
- 230 f. Monitoring the impact and the compensation projects and taking appropriate corrective
231 measures.

232 5. The City will set mitigation requirements or permit conditions based on impacts identified. In
233 determining appropriate mitigation measures, avoidance of impacts by means such as relocating or
234 redesigning the proposed development will be applied first. Lower priority measures will be applied only
235 after higher priority measures are demonstrated to be not feasible or not applicable. When critical areas
236 are impacted, mitigation will be designed consistent with the Critical Areas Regulations as applicable in
237 shoreline jurisdiction.

238 6. All shoreline development shall be located and constructed to avoid significant adverse impacts to
239 human health and safety.

240 7. Application of the mitigation sequence shall achieve no net loss of ecological functions for each new
241 development and will not result in required mitigation in excess of that necessary to assure that
242 development will result in no net loss of shoreline ecological functions and not have a significant
243 adverse impact on other shoreline functions fostered by the policy of the act.

244 8. When compensatory measures are appropriate pursuant to the mitigation priority sequence above,
245 preferential consideration shall be given to measures that replace the impacted functions directly and in
246 the immediate vicinity of the impact. However, alternative compensatory mitigation within the watershed
247 that addresses limiting factors or identified critical needs for shoreline resource conservation based on
248 watershed or comprehensive resource management plans applicable to the area of impact may be
249 authorized. Authorization of compensatory mitigation measures may require appropriate safeguards,
250 terms or conditions as necessary to ensure no net loss of ecological functions.

251 9. All integrating environmental impact regulations from Chapter 3, Section E of the Monroe SMP are
252 codified in this section.

253

254 F. Riparian Corridor Management and Flood Hazard Reduction

255 1. The applicant shall provide the following information as part of a shoreline permit application.

- 256 a. Location of the 100-year floodplain, channel migration zone (CMZ) or, if there is no CMZ, the
257 bank full width boundary, and ordinary high water mark.
- 258 b. Existing shoreline stabilization and flood-protection works on the site.
- 259 c. Physical, geological, and soil characteristics of the area.

Commented [AB9]: Anita / Ben – not sure how you want to approach SMP definitions? If you are planning to integrate into overall UDR definitions chapter, then you could reference to that Chapter... but there may be some conflicts between 'SMP' definitions (as required by State) and what you have for the rest of your development code. In which case, maintaining reference to full Shoreline Master Program could be easiest.

- 260 d. Predicted impacts upon area shore and ecological processes, adjacent properties, and shoreline
261 and water uses.
- 262 e. Analysis of alternative construction methods, development options, or flood protection measures,
263 both structural and nonstructural.
- 264 f. Description of existing shoreline vegetation and measures to protect existing vegetation and to
265 re-establish vegetation.
- 266 2. New development must be consistent with items (a) through (e) below in addition to the provisions of
267 this Program. In cases of inconsistency, the provisions most protective of shoreline ecological functions
268 and processes shall apply:
- 269 a. The City's comprehensive flood hazard reduction plan.
- 270 b. The applicable provisions of the City floodplain regulations adopted under Chapter 86.16 RCW.
- 271 c. A State-approved comprehensive flood control management plan, when available, and in
272 accordance with Chapter 86.16 RCW and the National Flood Insurance Program.
- 273 d. The City stormwater management program.
- 274 e. Conditions of Hydraulic Project Approval, issued by Washington Department of Fish and Wildlife,
275 may be incorporated into permits issued for flood protection.
- 276 3. New development, including significant vegetation removal and shoreline stabilization, is not allowed
277 within the CMZ except for:
- 278 a. Protection and restoration actions that increase the ecosystem-wide processes or ecological
279 functions.
- 280 b. Bridges, utility lines, and other public utility and transportation structures where no other feasible
281 alternative exists. Where such structures are allowed, mitigation shall be required that protects or
282 restores impacted functions and processes in the affected portion of the watershed.
- 283 c. Repair and maintenance of an existing legal structure, provided that such actions do not create
284 significant ecological impacts.
- 285 d. Development on a previously altered site where it is demonstrated that the development restores
286 ecological processes and functions of the applicable portion of the watershed to a more natural
287 condition.
- 288 e. Modifications or additions to an existing legal development, provided that channel migration is
289 not further limited and that the new development includes appropriate ecological restoration. The
290 City will set requirements based on the type of proposed use and the biophysical condition of the
291 site. In this case, the new development must not adversely affect hydrological conditions and must
292 include appropriate restoration measures as determined by the City.
- 293 f. Measures to reduce shoreline erosion, provided that it is demonstrated that the erosion rate
294 exceeds that which would normally occur in a natural condition, that the measure does not interfere
295 with fluvial hydrological and geomorphologic processes normally acting in natural conditions, and
296 that the measure increases habitat for priority species associated with the river or stream. It is the
297 intent of this provision to allow measures that protect property at the same time as restoring
298 ecosystem-wide processes and functions where scientific and technical information demonstrate
299 that this may be accomplished.
- 300 4. The City shall determine whether or not the previous exceptions apply to the development proposal
301 in question. The City may require the project proponent to submit documentation or analysis based on
302 scientific and technical information demonstrating that the development proposal meets the exception
303 criteria (a) through (f) above. Further, such exceptions will be allowed only where it can be shown that
304 these activities, along with mitigation measures associated with the development, will not increase flood
305 elevations, decrease storage capacity, or restrict the natural erosion and accretion processes
306 associated with channel migration.
- 307 5. Significant ecological impacts of all development in the CMZ and structural hazard reduction
308 measures shall be mitigated according to the priorities listed under "mitigation," 22.82.040.E.
- 309 6. Otherwise allowed development in the CMZ and flood hazard reduction measures shall employ the
310 type of construction or measure that causes the least significant ecological impacts. When authorizing
311 development within the CMZ, the City will require that the construction method with the least negative
312 significant ecological impacts be used.

- 313 7. Existing hydrological connections into and between water bodies, such as streams, tributaries,
314 wetlands, and dry channels, shall be maintained. Where feasible, obstructed channels shall be re-
315 established as a condition of non-water-dependent uses, development in the CMZ, and structural flood
316 hazard reduction measures.
- 317 8. Re-establishment of native vegetation waterward of a new structure is required where feasible. The
318 City may require re-establishment of vegetation landward of the structure if it determines such
319 vegetation is necessary to protect and restore ecological functions.
- 320 9. Designs for flood hazard reduction measures and shoreline stabilization measures in river corridors
321 must be prepared by qualified professional engineers (or geologists or hydrologists) who have expertise
322 in local riverine processes.
- 323 10. Structural flood hazard reduction projects that are continuous in nature, such as dikes or levees,
324 shall provide for public access unless the City determines that such access is not feasible or desirable
325 according to the criteria in the Public Access section.
- 326 11. Along with the above criteria and the allowed use and modifications table in 22.82.040, refer to
327 Chapter 3, Section F (standards 11 – 17) of the Monroe SMP for limits on specific uses within the 100-
328 year floodplain.

329
330 G. Parking (where allowed as accessory use)

- 331 1. Parking facilities shall be designed and landscaped to minimize adverse impacts upon adjacent
332 shoreline and abutting properties. Landscaping shall consist of native vegetation and plant materials
333 approved by the City and be planted before completion of the parking area in such a manner that
334 plantings provide effective screening within three years of project completion.
- 335 2. Parking facilities serving individual buildings located on parcels that are contiguous with shoreline
336 waterbodies shall be located landward from the principal building being served, EXCEPT when the
337 parking facility is within or beneath the structure and adequately screened, or in cases when an
338 alternate location would have less environmental impact on the shoreline.
- 339 3. Parking facilities for shoreline activities shall provide safe and convenient pedestrian circulation
340 within the parking area and to the shorelines.
- 341 6. Parking facilities shall provide adequate facilities to prevent surface water runoff from contaminating
342 water bodies, using best available technologies and include a maintenance program that will assure
343 proper functioning of such facilities over time.

344
345 H. Public Access

- 346 1. Development, uses and activities on public lands shall be designed and operated to avoid blocking,
347 reducing or adversely interfering with the public's physical access to the water and shorelines,
348 unless such access would cause ecological impacts.
- 349 2. Public access provided by shoreline street ends, public utilities, rights-of-way, and other public lands
350 shall not be diminished. RCW 35.79.035 and RCW 36.87.130 restrict the City from vacating right-of-
351 way which abuts on a body of fresh water unless the purpose of the vacation is to enable the public
352 authority to acquire the vacated property for boat launching sites, or for park, viewpoint, recreational,
353 and educational or other public purposes.
- 354 3. Shoreline development, uses and activities shall be designed and operated to avoid blocking,
355 reducing, or adversely interfering with the public's visual access to the water and shorelines, except
356 that vegetation conservation and shoreline restoration activities may intrude into view corridors
357 where necessary to protect or restore ecological functions. The City may require the development
358 proposal to be relocated or reconfigured to reduce view blockage.
- 359 4. Along with the above criteria, refer to Chapter 3, Section H (standards 4 - 7) of the Monroe SMP for
360 additional public access requirements.

361

362 I. Vegetation Conservation

- 363 1. All development, including clearing and grading, shall minimize significant vegetation removal to the
364 extent feasible. In order to implement this regulation, applicants proposing development that
365 includes significant vegetation removal, clearing or grading, must provide, as a part of a shoreline
366 permit or a letter of exemption application, a site plan, drawn to scale, indicating extent of the
367 proposed clearing and/or grading. The City may require that the proposed development or extent of
368 clearing and grading be modified to mitigate the impacts to ecological functions.
- 369 2. Restoration of any shoreline that has been disturbed or degraded shall use native plant materials
370 with a diversity and type similar to that which naturally occurs on-site unless the City finds that native
371 plant materials are inappropriate or not hardy in the particular situation.
- 372 3. The Monroe SMP includes additional detailed standards for ensuring vegetation conservation,
373 including Shoreline Environment Designation specific criteria. For all development that includes
374 clearing of existing native vegetation, the applicant and City shall ensure consistency with Chapter 3,
375 Section L of the Monroe SMP.

376 J. Water Quality

- 377 1. All shoreline development, both during and after construction, shall avoid or minimize ecological
378 impacts, including any increase in surface runoff, through control, treatment, and release of surface
379 water runoff so that the receiving water quality and shore properties and features are not adversely
380 affected.
- 381 2. All development shall conform to local, state, and federal water quality regulations, provided the
382 regulations do not conflict with this Program. Where there is a conflict, provisions most protective of
383 the natural ecology shall apply. The City of Monroe adopts the latest version of the Department of
384 Ecology Stormwater Management Manual for Western Washington to regulate stormwater discharge
385 and management.
- 386 3. Water Quality regulations apply to the Tye Stormwater Facility environment and its associated
387 Aquatic environment only as they are consistent with maintaining the primary purpose of the human-
388 made Tye Stormwater Facility, collecting and treating stormwater runoff from existing and future
389 developments within its catchment area. Any loss of ecological functions must be mitigated.
- 390 4. All water quality regulations from Chapter 3, Section M of the Monroe SMP are codified in this
391 section.

392 **22.82.050 Nonconforming Uses and Developments.**

- 394 A. "Nonconforming use or development" means a shoreline use or development which was lawfully
395 constructed or established prior to the effective date of the Shoreline Management Act or this Chapter, or
396 amendments thereto, but which does not conform to present regulations or standards within the Monroe
397 SMP.
- 398 B. Structures that were legally established and are used for a conforming use, but which are
399 nonconforming with regard to setbacks, buffers or yards; area; bulk; height or density, may be maintained
400 and repaired and may be enlarged or expanded provided that said enlargement does not increase the
401 extent of nonconformity by further encroaching upon or extending into areas where construction or use
402 would not be allowed for new development or uses.
- 403 C. Uses and developments that were legally established and are nonconforming with regard to the use
404 regulations of the Monroe SMP may continue as legal nonconforming uses. Such uses shall not be
405 enlarged or expanded, except that nonconforming single-family residences that are located landward of the
406 ordinary high water mark may be enlarged or expanded in conformance with applicable bulk and
407 dimensional standards by the addition of space to the main structure or by the addition of normal
408 appurtenances as defined in WAC 173-27-240(2)(g) upon approval of a Conditional Use Permit.

- 411
412 D. A use which is listed as a conditional use, but which existed prior to adoption of the Monroe Monroe
413 SMP or any relevant amendment and for which a Conditional Use Permit has not been obtained, shall be
414 considered a nonconforming use. A use which is listed as a conditional use, but which existed prior to the
415 applicability of the Monroe SMP to the site and for which a Conditional Use Permit has not been obtained,
416 shall be considered a nonconforming use.
417
418 E. A structure for which a Variance has been issued shall be considered a legal nonconforming structure
419 and the requirements of this section and the Monroe SMP shall apply as they apply to preexisting
420 nonconformities.
421 F. A structure which is being or has been used for a nonconforming use may be used for a different
422 nonconforming use only upon the approval of a Conditional Use Permit. A Conditional Use Permit may be
423 approved only upon a finding that:
424 1. No reasonable alternative conforming use is practical; and
425 2. The proposed use will be at least as consistent with the policies and provisions of the Act and the
426 Monroe SMP and as compatible with the uses in the area as the preexisting use. In addition, such
427 conditions may be attached to the permit as are deemed necessary to assure compliance with the
428 above findings, the requirements of the Monroe SMP and the Shoreline Management Act and to assure
429 that the use will not become a nuisance or a hazard.
430
431 G. A nonconforming structure which is moved any distance must be brought into conformance with the
432 Monroe SMP and the Act.
433
434 H. If a nonconforming development is damaged to an extent not exceeding seventy-five percent of the
435 replacement cost of the original development, it may be reconstructed to those configurations existing
436 immediately prior to the time the development was damaged, provided that application is made for the
437 permits necessary to restore the development within six months of the date the damage occurred, all
438 permits are obtained and the restoration is completed within two years of permit issuance.
439
440 I. If a nonconforming use is discontinued for twelve consecutive months or for twelve months during any
441 two-year period, the nonconforming rights shall expire and any subsequent use shall be conforming. A use
442 authorized pursuant to subsection (6) of this section shall be considered a conforming use for purposes of
443 this section.
444
445 J. An undeveloped lot, tract, parcel, site, or division of land located landward of the ordinary high water
446 mark which was established in accordance with local and state subdivision requirements prior to the
447 effective date of the Act or the Monroe SMP, but which does not conform to the present lot size standards
448 may be developed if permitted by other land use regulations of the City of Monroe and so long as such
449 development conforms to all other requirements of the Monroe SMP and the Act.
450
451 K. These standards are consistent with the nonconforming standards contained in Chapter 6(D) of the
452 Monroe SMP.

453 **22.82.060 Exemptions.**

- 454
455 A. Application and Interpretation of Exemptions.
456 1. The city shall narrowly construe exemptions. Only those developments that meet the precise terms
457 of one or more of the listed exemptions, in the definition for substantial development, found in Chapter 8
458 of the Monroe SMP, or those exemptions or exceptions listed in WAC 173-27-040, and/or Chapter 90.58
459 RCW may be granted exemption from the substantial development permit process.
460 2. An exemption from the substantial development permit process is not an exemption from
461 compliance with the Shoreline Management Act or the Monroe SMP, or from any other regulatory or
462 municipal requirements. All uses and developments must be consistent with the policies and provisions
463 of the Monroe SMP and the Shoreline Management Act. A development or use either listed as a

464 conditional use in the Monroe SMP or an unlisted use, must obtain a conditional use permit even though
465 the development or use does not require a substantial development permit. When a proposed
466 development or use does not comply with the bulk, dimensional and performance standards of the
467 Monroe SMP, such development or use shall require a variance.

468 3. The burden of proof that a development or use is exempt from the shoreline permit process is on the
469 applicant; as such, a written request for exemption shall be submitted to the community development
470 department, with the proposed development application, in conformance with this section.

471 4. If any part of a proposed development is not eligible for an exemption, then a substantial
472 development permit is required for the entire proposed development project.

473 5. The city of Monroe may attach conditions to the approval of exempted developments and/or uses,
474 as necessary, to assure consistency of the project with the Shoreline Management Act and the Monroe
475 SMP.

476
477

22.82.070 Permit – Fees.

478 All persons desiring a shoreline permit or any other approval required by the Monroe SMP shall make
479 application by paying a fee as set out in the city's fees resolution and filing an application with the
480 community development department.

481
482

22.82.080 Application – Form.

483 Applications for permits and approvals shall be made on forms prescribed by the community development
484 department, and shall contain the name and address of the applicant, a description of the development, the
485 location of the development, and any other information deemed necessary.

486
487

22.82.090 Review Process – Generally.

488 Requests for a shoreline substantial development permit require review and decision by the City
489 Zoning Permit Administrator. Requests for a shoreline variance, or a shoreline conditional use permit
490 require review by the city of Monroe hearing examiner. The hearing examine Zoning Permit Administrator's
491 decision on substantial development permits is final, and may include conditions as necessary to meet
492 Monroe SMP policies and standards. The hearing examiner shall have the authority to hear and make
493 findings, conclusions, and grant recommendations on shoreline conditional use permits and variances. The
494 city council shall have the authority to grant shoreline conditional use permits and variances, with conditions
495 as necessary to meet Monroe SMP policies and standards. The city shall submit all issued conditional use
496 permits and variances to the Department of Ecology for its approval or disapproval. All applicants shall
497 prove that a proposed development or use is consistent with the Monroe SMP as well as the requirements
498 of this chapter.
499

Commented [AB10]: Verify that I have this terminology correct

500
501

22.82.100 Notice and Hearing Requirements.

502 A. Upon receipt of an application for a ~~shoreline substantial development permit~~, shoreline variance or
503 shoreline conditional use permit, the city shall cause notice of the application to be published, at least once
504 a week for two consecutive weeks, in a newspaper of general circulation within the city. The second notice
505 shall be published not less than thirty days prior to action by the community development department. The
506 city shall also cause notice of the application to be mailed to each property owner of record within five
507 hundred feet of the proposed development. The date of the mailing shall not be less than seven days in
508 advance of the department action.

509 B. Upon completion of review of the proposed shoreline permit by the community development department,
510 staff shall schedule a public hearing at the next available hearing date, in front of the hearing examiner, to
511 consider the ~~shoreline substantial development permit~~, shoreline variance or shoreline conditional use
512 permit application. The hearing examiner shall issue a written decision ~~or recommendation~~ no later than ten
513 working days following the public hearing.

514

22.82.110 Review Process and Criteria for Substantial Development Permits.

Commented [AB11]: See comment above. For SSDPs, most other jurisdictions typically don't require a Hearing Examiner review/decision

515 ~~A. The hearing examiner shall hold a public hearing on the proposed substantial development permit and~~
516 ~~approve, approve with conditions, or deny the application.~~

517 ~~BA.~~ A substantial development permit shall be granted only when the development proposed is
518 consistent with:

- 519 1. The policies and procedures of the Shoreline Management Act;
- 520 2. The provisions of this regulation; and
- 521 3. The approved Monroe SMP.

522 ~~BC.~~ The city of Monroe may attach conditions to the approval of permits as necessary to assure
523 consistency of the project with the Shoreline Management Act and the Monroe SMP.

524 D. The ~~hearing examiner's Zoning Permit Administrator's~~ decision shall become final and the permit shall be
525 issued upon the terms and conditions prescribed by the ~~hearing examiner Zoning Permit Administrator~~, if no
526 appeal is filed. The ~~hearing examiner's City's~~ decision shall be filed with the Department of Ecology. In the
527 event the ~~hearing examiner Zoning Permit Administrator~~ determines the use or development is inconsistent
528 with the above criteria, the application shall be denied.

529 **22.82.120 Review Process and Criteria for Conditional Uses and Variances.**

531 The city shall adopt provisions for conditional use and variance permits, consistent with Chapter 6 of the
532 Monroe SMP, to ensure that the strict interpretation of the Monroe SMP will not create unnecessary
533 hardships or thwart the policies of this title or the Shoreline Management Act.

534 A. Shoreline Conditional Use Permits. The hearing examiner shall have the authority to hear and make
535 findings, ~~conclusions, and recommendations and decisions~~ on shoreline conditional use permits. The ~~city-~~
536 ~~council~~ ~~hearing examiner~~ shall have the authority to grant, in appropriate cases and subject to appropriate
537 conditions and safeguards, shoreline conditional use permits. The city shall submit all issued conditional
538 use permits to the Department of Ecology for its approval or disapproval. The criteria for granting conditional
539 use permits are the following:

- 540 1. Uses classified in the Monroe SMP as conditional uses may be authorized, provided the applicant
541 can demonstrate all of the following:
 - 542 a. That the proposed use will be consistent with the policies of the Shoreline Management Act and
543 the policies of the Monroe SMP.
 - 544 b. That the proposed use will not interfere with the normal public use of public shorelines.
 - 545 c. That the proposed use of this site and design of the project will be compatible with other
546 permitted uses within the area.
 - 547 d. That the proposed use will cause no unreasonably adverse effects to the shoreline environment
548 designation in which it is to be located.
 - 549 e. That the public interest suffers no substantial detrimental effect.
- 550 2. Other uses which are not classified or set forth in the Monroe SMP may be authorized as conditional
551 uses; provided, that the applicant can demonstrate, in addition to the criteria set forth in subsections
552 (A)(1) and (3) of this section, that extraordinary circumstances preclude reasonable use of the property
553 in a manner consistent with the use regulations of the Monroe SMP.
- 554 3. In the granting of all conditional use permits, consideration shall be given to the cumulative impact of
555 additional requests or like actions in the area.
- 556 4. Uses specifically prohibited by the Monroe SMP may not be authorized pursuant to either subsection
557 (A)(1) or (3) of this section.

558 B. Shoreline Variances. The hearing examiner shall have the authority to hear and make findings and
559 ~~decisions, conclusions, and recommendations~~ on shoreline variances. The ~~city council~~ ~~hearing examiner~~
560 shall have authority to grant variances from the substantive requirements of this Monroe SMP. The purpose
561 of a variance is strictly limited to granting relief to specific bulk, dimensional, or performance standards set
562 forth in this Monroe SMP, where there are extraordinary or unique circumstances relating to the properties,
563 such that the strict implementation of the Monroe SMP would impose unnecessary hardships on the
564 applicant or thwart the policies set forth in the Shoreline Management Act. The city shall submit all issued
565 variances to the Department of Ecology for final approval or disapproval. The criteria for granting variances
566 shall be consistent with the Shoreline Management Act and include the following:

- 567 1. Variances should be granted in a circumstance where denial of the permit will not thwart the policy
568 enumerated in the Shoreline Management Act or the Monroe SMP. In all instances, extraordinary
569 circumstances shall be shown, and the public interest shall suffer no substantial detrimental effect.
570 2. Variances for development that will be located landward of the ordinary high-water mark may be
571 authorized, provided the applicant can demonstrate all of the following:
572 a. That the strict application of the bulk, dimensional, or performance standards as set forth in the
573 Monroe SMP precludes or significantly interferes with a reasonable permitted use of the property.
574 b. That the hardship is specifically related to the property and is the result of unique conditions,
575 such as irregular lot shape, size, or natural features, in the application of the Monroe SMP and not,
576 for example, from deed restrictions or the applicant's own actions.
577 c. That the design of the project will be compatible with other permitted activities in the area and
578 not cause adverse effects to adjacent properties or the shoreline environment designation.
579 d. That the variance does not constitute a grant of special privilege not enjoyed by other properties
580 in the area, and will be the minimum necessary to afford relief.
581 e. That the public interest will suffer no substantial detrimental effect.
582 3. Variances for development that will be located waterward of the ordinary high-water mark may be
583 authorized, provided the applicant can demonstrate all of the criteria specified above; and provided, that
584 the applicant can demonstrate that the public rights of navigation and use of the shorelines will not be
585 adversely affected by the granting of the variance.
586 4. In granting of all variances, consideration shall be given to the cumulative impact of additional
587 requests or like actions in the area.
588 5. Variances from the use regulations of the Monroe SMP are prohibited.
589

590 **22.82.130 Appeals.**

591 Appeals of shoreline permit decisions and decisions on shoreline permit revisions, letters of exemption and
592 other approvals required by the Monroe SMP shall be heard in accordance with MMC Chapter 21.84 and
593 RCW 90.58.180.
594

595 **22.82.140 Commencement of Construction – Time Lapse.**

596 No one who is issued a permit hereunder shall be authorized to commence construction until twenty-one
597 days have elapsed from the date that the permit is filed with the Washington State Department of Ecology
598 for substantial development permits. For shoreline conditional use and variance permits, construction shall
599 not commence until twenty-one days after the Department of Ecology has made its decision regarding the
600 permit or until all review proceedings are terminated, if such proceedings were initiated within said twenty-
601 one-day period. All permits shall be submitted to the Department of Ecology for filing consistent with WAC
602 173-27-130.
603

604 **22.82.150 Time Requirements of Permit.**

- 605 A. The time requirements of this section shall apply to all substantial development, variance or conditional
606 use permits authorized by this chapter.
607 B. Construction activities shall commence, or, where no construction activities are involved, the use or
608 activity shall commence, within two years of the effective date of a shoreline permit. The hearing examiner
609 may authorize a single extension for a period not to exceed one year, based on reasonable factors, if a
610 request for extension has been filed before the expiration date and notice of the proposed extension is
611 given to parties of record.
612 C. Authorization to conduct construction activities, pursuant to the approved shoreline permit, shall
613 terminate five years after the effective date of a shoreline permit. The hearing examiner may authorize a
614 single extension for a period not to exceed one year, based on reasonable factors, if a request for extension
615 has been filed before the expiration date and notice of the proposed extension is given to parties of record
616 and to the Department of Ecology.
617 D. The effective date of a shoreline permit shall be the date of filing with the Department of Ecology for a
618 substantial development permit or the date of decision by the Department of Ecology for any required
619 conditional use permit and/or variance. This excludes time for which a use or activity was not actually

620 pursued due to appeals, legal actions or the need to obtain other permits and approvals for the
621 development.

622 E. Revisions to permits lawfully extended under subsections (B) and (C) of this section and in accordance
623 with the provisions of MMC 22.82.160 (WAC 173-27-100) may be authorized after original permit
624 authorization has expired; provided, that this procedure shall not be used to extend the original permit time
625 requirements or to authorize substantial development after the time limits of the original permit.

626 F. The city of Monroe shall notify the Department of Ecology of any change to the effective date of a
627 permit, and explain the basis for approving the change in writing. Any change to the time limits of a permit,
628 except an extension under subsections (B) and (C) of this section, and except as authorized by RCW
629 90.58.143, shall require a new permit application.

630 **22.82.160 Revisions to Permit.**

632 A permit revision is required whenever the applicant proposes substantive changes to the design, terms, or
633 conditions of an approved permit. Changes are substantive if they materially alter the project in a manner
634 that relates to its conformance to the terms and conditions of the permit, or compliance with the Monroe
635 SMP. Changes which are not substantive in effect may not require approval of a revision; however, the
636 community development department must be notified and review the proposed revision to determine if the
637 revision is substantive or not.

638 A. When an applicant seeks to revise a substantial development, conditional use, or variance permit, the
639 community development department shall request from the applicant detailed plans and text describing the
640 proposed changes in the permit.

- 641 1. If the community development department determines that the proposed changes are within the
642 scope and intent of the original permit, the department may approve the revision, provided it is
643 consistent with the Shoreline Management Act and the Monroe SMP.
- 644 2. "Within the scope and intent of the original permit" means the following:
 - 645 a. No additional over- or in-water construction will be involved.
 - 646 b. Lot coverage and height may be increased a maximum of ten percent from provisions of the
647 original permit; provided, that revisions involving new structures not shown on the original site plan
648 shall require a new permit.
 - 649 c. The revised permit does not authorize development to exceed height, lot coverage, setback, or
650 any other requirements of the Monroe SMP, except as authorized under a variance granted by the
651 original permit or a part thereof.
 - 652 d. Additional or revised landscaping is consistent with any conditions attached to the original permit
653 and with the Monroe SMP.
 - 654 e. The use authorized pursuant to the original permit is not changed.
 - 655 f. The project revision will cause no adverse environmental impact.
- 656 3. The zoning administrator may authorize revisions to shoreline permits after the original permit
657 authorization has expired under RCW 90.58.143. The purpose of such revisions shall be limited to
658 authorization of changes, which are consistent with this section and which would not require a permit for
659 the development or change proposed under the terms of Chapter 90.58 RCW and the Monroe SMP. If
660 the proposed change constitutes substantial development, then a new permit is required; provided, this
661 subsection shall not be used to extend the time requirements or to authorize substantial development
662 beyond the time limits of the original permit.
- 663 4. If the revision, or the sum of the revision and any previously approved revisions, will violate the
664 criteria specified above, the city shall require the applicant to apply for a new substantial development,
665 conditional use, or variance permit, in the manner provided for herein.
- 666 5. The department of community development shall file with the Department of Ecology the revision
667 approval, including the revised site plans and text consistent with the provisions of WAC 173-27-180 as
668 necessary to clearly indicate the authorized changes, and the final ruling on consistency with this
669 section. In addition, the city shall notify parties of record of their action.
- 670 6. If the revision to the original permit involves a conditional use or variance, the city shall submit the
671 revision to the Department of Ecology for final approval, approval with conditions, or denial. The
672 Department of Ecology shall render and transmit to the city and the applicant its final decision within

673 fifteen days of receipt of the submittal from the city. The city shall notify parties of record of the
674 Department of Ecology's final decision.
675 7. The revised permit is effective immediately upon final decision by the city or, when appropriate
676 under subsection (A)(6) of this section, upon final action by the Department of Ecology.
677 8. Appeals shall be in accordance with RCW 90.58.180 and shall be filed within twenty-one days from
678 the date of receipt of the city's action by the Department of Ecology or, when appropriate under
679 subsection (A)(6) of this section, the date the Department of Ecology's final decision is transmitted to the
680 city and the applicant. Appeals shall be based only upon contentions of noncompliance with the
681 provisions of subsection (A)(2) of this section. Construction undertaken pursuant to that portion of a
682 revised permit not authorized under the original permit is at the applicant's own risk until the expiration
683 of the appeals deadline. If an appeal is successful in proving that a revision is not within the scope and
684 intent of the original permit, the decision shall have no bearing on the original permit.
685

686 **22.82.170 Zoning Administrator's Authority.**

687 The zoning administrator shall have the authority to immediately stop any work under a permit, which the
688 administrator believes, in good faith, is not in compliance with the permit or any other actions in violation of
689 the Monroe SMP. Upon issuance of such a stop order, the permittee shall immediately cease and desist
690 such portion of the development which is ordered stopped, but may continue working on the other portions
691 of the development. As soon as it is practical thereafter, a hearing will be held before the city's hearing
692 examiner to determine whether the conditions of the permit were violated, and if so, whether to cancel the
693 permit or determine what other action should be taken. Notice of hearing shall be in the form and manner
694 prescribed in MMC Chapter 21.84, Permit Processing.
695

696 **22.82.180 Revocation of Permit.**

697 A. Any permit issued hereunder may be revoked by the hearing examiner upon a finding that a permittee
698 has not complied with the conditions of a permit, subject, however, to a hearing as hereinafter provided.
699 B. Before such permit is revoked by the hearing examiner, the city shall set a date for a public hearing
700 following the public notice requirements of MMC Chapter 21.84, Permit Processing, to determine whether
701 the permittee has violated the conditions of the permit.
702

703 **22.82.190 Violation – Penalties.**

704 Violations of the Shoreline Management Act or the Monroe SMP are subject to MMC Chapter 1.04 and also
705 constitute a misdemeanor, as specified in MMC 1.01.110.