

## Chapter 22.10

### ADMINISTRATION AND ENFORCEMENT

Sections:

- 22.10.010** **Title.** No Change
- 22.10.020** **Authority.** No Change
- 22.10.030** **Purpose.** No Change
- 22.10.040** **General provisions.** No Change
- 22.10.050** **Interpretation.** No Change
- 22.10.060** **Roles and responsibilities.** REVISED
- 22.10.070** **Performance guarantees and liability protection.** No Change
- 22.10.080** **Reasonable accommodation.** No Change
- 22.10.090** **Violation and enforcement.** No Change
- 22.10.100** **Review, revocation, and modification of permits and approvals.** REVISED

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#### **22.10.060 Roles and responsibilities.**

The roles and responsibilities for carrying out the provisions of the development code are shared by appointed boards and commissions, elected officials and city staff. The authorities of each of these bodies are set forth below.

A. *Zoning Administrator.* The zoning administrator or authorized representative, as the duly appointed representative of the mayor, as established by MMC [2.28.010](#), is charged with the responsibility of the administration of the provisions of the comprehensive plan and the unified development regulations (UDR) for Monroe. Responsibilities of the zoning administrator shall include:

1. Serving in an advisory capacity to the hearing examiner, planning commission, and city council in comprehensive planning and land use matters;
2. Making land use decisions, as set out in Chapter [22.84](#) MMC, Permit Processing;

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3. Delegating specific tasks to other staff members while retaining overall responsibility; and
  4. Making administrative interpretations of the unified development regulations, as provided in this subsection.
    - a. Upon request or as determined necessary, the zoning administrator shall interpret the meaning or application of the provisions of the UDR and issue a written administrative interpretation [following a Type I Permit Review in MMC Chapter 22.84, Permit Processing within thirty days](#). Requests for interpretation shall be submitted in writing and shall concisely identify the issue and desired interpretation. The interpretations shall be based on:
      - i. The defined or common meaning of the words of the provisions;
      - ii. The general purpose of the provision as expressed in this title;
      - iii. The logical or likely meaning of the provision viewed in relation to the comprehensive plan;
      - iv. Input and recommendations from other members of the development review committee; and
      - v. Input and recommendations from the city attorney.
    - b. An interpretation of the UDR will be enforced as if it is part of the UDR. Code interpretations shall be considered superseded if amendments are made by the city council to the code section which was previously interpreted. If the interpretation of the zoning administrator is modified on appeal, the zoning administrator shall amend the interpretation to include the modification and change any reference in the codification of this title.
    - c. All interpretations of the UDR, filed sequentially, shall be available for public inspection and copying at City Hall during regular business hours. The zoning administrator and city attorney, when codifying revisions to this title, shall also make appropriate references in the MMC revisions to code interpretations affecting particular code sections.

d. The zoning administrator may at any time amend an administrative decision to correct ministerial errors clearly identifiable from the public record. Such a correction does not affect any time limit provided for in this title. The zoning administrator may at any time clarify a statement in a written administrative decision as long as the clarification does not alter the intent or effect of the decision.

e. Administrative interpretations, subject to this title, shall be appealable, as outlined under appeal procedures in Chapter [22.84](#) MMC, Permit Processing.

B. *Development Review Committee.* The development review committee (DRC) is a staff committee composed of city department heads or designees and may include representatives from affected utility districts, the fire district, and any other entities or agencies, as deemed appropriate by the zoning administrator. The purpose of the DRC is to bring multidisciplinary knowledge and judgment to situations that emerge through the application of these unified development regulations and other matters related to planning, design, and development. Responsibilities of the development review committee shall include:

1. Reviewing development and land use applications for compliance with city plans and regulations;
2. Coordinating necessary permit reviews; and
3. Identifying the proposal's potential environmental impacts.

C. *Planning Commission.* The planning commission is the designated planning agency for the city per Chapter [35A.63](#) RCW. Responsibilities of the planning commission shall include reviewing and making recommendations on the following actions:

1. Amendments to the comprehensive plan;
2. Amendments to the unified development regulations (this title);
3. Rezone applications; and
4. Pursuant to Chapter [35A.63](#) RCW, all other actions requested or remanded by the city council.

D. *Hearing Examiner.* The office of the land use hearing examiner, "examiner," is created pursuant to RCW [35A.63.170](#) to hear applications for projects subject to the regulations

designated in this title and the Monroe Municipal Code. Chapter [22.84](#) MMC, Permit Processing, sets out the authority of the hearing examiner regarding specific land use actions.

E. *City Council.* The city council is responsible for establishing policy and legislation affecting land use within the city. The city council also acts on the recommendations of the planning commission and the hearing examiner in legislative and quasi-judicial matters. (Ord. 005/2019 § 10 (Exh. B))

### **22.10.100 Review, revocation, and modification of permits and approvals.**

A. *Review of Approved Permits.* Any approval or permit issued under the authority of the unified development regulations may be reviewed for compliance with the requirements of the development regulations, or to determine if the action is creating a nuisance or hazard, has been abandoned, or the approval or permit was obtained by fraud or deception.

1. The review of an approval of a permit may be initiated by the zoning administrator, city administrator, city council, or by petition to the zoning administrator by three property owners or three residents of separate dwelling units in the city, stating their belief as to the noncompliance, nuisance, or hazard of the permitted activity.
2. Upon receipt of information indicating the need for, or upon receiving a request for, review of permit or approval, the zoning administrator shall investigate the matter and take one or more of the following actions:
  - a. Notify the property owner or permit holder of the investigation; and/or
  - b. Issue a civil regulatory order and/or civil fine and/or recommend revocation or modification of the permit or approval; and/or
  - c. Refer the matter to the city attorney; and/or
  - d. Refer the matter to the hearing examiner with a recommendation for action.

B. *Revocation or Modification of Permits and Approvals.*

1. Upon receiving a recommendation from the zoning administrator for revocation or modification of a permit or approval, the hearing examiner shall review the matter at a public hearing, which shall be noticed and held pursuant to MMC 22.84.050 and 22.84.070. Upon a finding that the activity does not comply with the conditions of approval or the provisions of the development regulations, or creates a nuisance or hazard, the hearing examiner may delete, modify, or impose such conditions on the permit or approval they deem sufficient to remedy the deficiencies. If the hearing examiner finds no reasonable conditions that would remedy the deficiencies, the permit or approval shall be revoked and the activity allowed by the permit or approval shall cease.
2. If a permit or approval is revoked for fraud or deception, no similar application shall be accepted for a period of one year from the date of final action and appeal, if any. If a permit or approval is revoked for any other reason, another application may be submitted subject to all of the requirements of the development regulations. (Ord. 005/2019 § 10 (Exh. B))