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CHAPTER 14.01
INTRODUCTION

§ 14.01.010. Intent.

The purpose of this title is to combine and consolidate the application, review and approval processes for land development in the city of Grandview in a manner that is clear, concise, and understandable. It is further intended to comply with state guidelines for combining and expediting development review and integrating environmental review and land use development plans.
(Ord. 1450 § 1, 1996)

§ 14.01.020. Applicability.

A. These rules apply to land use permits under GMC Titles 15 through 18 and to any related regulation implementing these provisions or any other ordinance or law.

B. Pursuant to RCW 36.70B.140(2) the following permits or approvals are, however, specifically excluded from the procedures set forth in this title:

1. Landmark designations;

2. Street vacations; or

3. Other approvals relating to the use of areas or facilities.

C. Pursuant to RCW 36.70B.140(2), building permits, boundary line adjustments, other construction permits, or similar administrative approvals which are categorically exempt from environmental review under SEPA (Chapter43.21C RCW) and GMC Title 18, or permits/approvals for which environmental review has been completed in connection with other project permits, are excluded from the following procedures:

1. Determination of completeness;

2. Notice of application;

3. Except as provided in RCW 36.70B.140, optional consolidated project permit review processing;

4. Joint public hearings;

5. Single report stating all the decisions and recommendations made as of the date of the report that do not require an open record hearing;

6. Notice of decision;

7. Completion of project review within any applicable time periods (including the 120-day permit processing time).

(Ord. 1450 § 1, 1996)

§ 14.01.030. Rules of interpretation.

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

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

C. The plural includes the singular and vice-versa.

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

E. The words "may" and "should" indicates that discretion is allowed.

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

G. The masculine gender includes the feminine and vice-versa.

H. Distances shall be measured horizontally unless otherwise specified.

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

(Ord. 1450 § 1, 1996)

§ 14.01.040. Definitions.

The following definitions shall apply to GMC Titles 14 through 18; other and additional definitions may be found in individual titles.

A. "Closed record appeal" means an appeal to the city council, planning commission or other hearing authority based on the existing record generated following an open record hearing with no or limited new evidence or information allowed to be submitted and only appeal argument allowed.

B. "Open record hearing" means a public hearing, at which evidence and information is presented and testimony is taken that creates a record. An open record hearing held prior to the city's decision on a project permit is known as an "open record predecision hearing." An open record hearing held on an appeal is known as an "open record appeal hearing," if no open record predecision hearing has been held on the project permit.

C. "Project permit" or "project permit application" means any land use or environmental permit required from the city of Grandview for a project action, including but not limited to subdivisions, planned unit developments, conditional uses, shoreline substantial development permits, rezones authorized by the comprehensive plan, but excluding the adoption or amendment of a comprehensive plan, or development regulations except as otherwise specifically included.

D. "Comprehensive plan" means the city of Grandview comprehensive plan adopted June 19, 1995, and amendments.

E. "Comprehensive plan amendment" means an amendment or change to the text or maps of the comprehensive plan.

F. "Conditional use" means a use allowed in one or more zones as defined by the zoning code, but which, because of characteristics peculiar to such use, the size, technological processes or equipment, or because of the exact location with reference to surroundings, streets, and existing improvements or demands upon public facilities, requires a special permit in order to provide a particular degree of control to make such uses consistent and compatible with other existing or permissible uses in the same zone and mitigate adverse impacts of the use.

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G. "Developer" means any person who proposes an action or seeks a permit regulated by GMC Titles 14 through 18.

H. "Development" means any land use permit or action regulated by GMC Titles 14 through 18 including but not limited to subdivisions, binding site plans, rezones, conditional use permits, or variances.

I. "Development code" means city of Grandview Municipal Code (GMC) Titles 14 through 18.

J. "Public meeting" means an informal meeting, hearing, workshop, or other public gathering of people to obtain comments from the public or other agencies on a proposed project permit prior to the local government's decision. A public meeting does not include an open record hearing. The proceedings at a public meeting may be recorded and a report or recommendation may be included in the city's project permit application file.

K. "Consistency" includes all terms used in GMC Titles 14 through 18 to refer to performance in accordance with Chapters 36.70A and 36.70B RCW including but not limited to compliance, conformity, and consistency.

L. "Hearing examiner" means a qualified, independent individual who contracts with the city to hear certain land use appeals as designated by the city council.

(Ord. 1450 § 1, 1996; Ord. 1703 § 1, 2005)

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CHAPTER 14.03
ADMINISTRATION

§ 14.03.010. Roles and responsibilities.

A. The regulation of land development is a cooperative activity including different elected and appointed boards, city staff and/or independent hearing examiners contracted with by the city. The specific responsibilities of these bodies are set forth in the following sections.

B. A developer is expected to read and understand Grandview's development code and be prepared to fulfill those requirements and obligations so stated in the code.

(Ord. 1450 § 1, 1996; Ord. 1703 § 2, 2005)

§ 14.03.020. Responsible official/administrator.

A. Authority. The public works director or his designee is responsible for the administration of GMC Titles 14, 15, 16, and 17. The city administrator or his designee is responsible for the administration of GMC Title 18.

B. Administrative Interpretation. Upon request or as determined necessary, the city administrator or his designee shall interpret the meaning or application of the provisions of said titles and issue a written administrative interpretation within 30 days. Requests for interpretation shall be written and shall concisely identify the issue and desired interpretation. (RCW 36.70B.110(11))

C. Administrative Approvals. Administrative approvals are as set forth in GMC § 14.09.010 and 14.09.020.

(Ord. 1450 § 1, 1996; Ord. 1580 § 1, 2000)

§ 14.03.030. City council.

A. Legislative Decisions. The following decisions are legislative, and are not subject to the procedures in this chapter, unless otherwise specified:

1. Zoning code text and zoning district amendments;

2. Adoption of development regulations and amendments;

3. Area-wide rezones to implement new city policies;

4. Adoption of the comprehensive plan and any plan amendments;

5. Annexations.

B. Other Review and Action. In addition to the council's legislative responsibility, they shall review and act on the following subjects:

1. Recommendations of the planning commission;

2. Appeal of administrative interpretations;

3. Appeal of administrative approvals as set forth in GMC § 14.09.010 and 14.09.020.

(Ord. 1450 § 1, 1996; Ord. 1703 § 3, 2005)

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§ 14.03.035. Hearing examiner.

The city council may contract with a qualified, independent hearing examiner to review appeals of a determination of significance (DS) or determination of nonsignificance (DNS) or mitigated determination of nonsignificance (MDNS) under GMC Title 18. Other land use decisions, appeals and variances may be heard by a hearing examiner as determined by the city council at the request of the planning commission or the city administrator.
(Ord. 1703 § 4, 2005)

§ 14.03.040. Planning commission.

A. Review and Recommend. Planning commission shall review and make recommendations on the following applications and subjects:

1. Amendments to the comprehensive plan;
2. Amendments to the building code, GMC Title 15;
3. Amendments to the subdivision code, GMC Title 16;
4. Amendments to the zoning code, GMC Title 17, or the official map;
5. Amendments to the environment code, GMC Title 18;
6. Applications for preliminary plats;
7. Other actions requested or remanded by the city council.

The review criteria for certain of the actions are contained within the specific title.

B. Review and Act. The planning commission shall review and act on:

1. Appeals of decisions on home occupation regulations;
2. Applications for conditional use permits;
3. Variances from the standards and dimensional regulations of the zoning code, GMC Title 17, based on specific criteria from RCW 35A.63.110(2).

(Ord. 1450 § 1, 1996; Ord. 1703 § 5, 2005)

§ 14.03.050. Board of adjustment.

Repealed by Ord. 1703.
(Ord. 1450 § 1, 1996)

§ 14.03.060. Building code board of appeals.

A. Review and Act. The board of appeals shall review and act on the following subjects:

1. Appeals of decisions of the code enforcement official on the interpretation or application of the building or fire code;
2. Disapproval of a permit for failure to meet the Uniform Building or Fire Codes.

The review criteria for the building code board of appeals are contained in the

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procedures for conduct of hearing appeals in the current chapters of the various building and fire codes as adopted in the GMC.

(Ord. 1450 § 1, 1996)

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CHAPTER 14.05
APPLICATION PROCESS

§ 14.05.010. Application.

A. The city shall consolidate development application and review in order to integrate the development permit and environmental review process, while avoiding duplication of the review processes.

B. All applications for development permits, design review approvals, variances and other city approvals under the development code shall be submitted on forms provided by the city clerk. All applications shall be signed by or acknowledged by the property owner.

C. Exclusions from the requirements of project permit application processing are contained in GMC § 14.01.020. (RCW 36.70B.120)

(Ord. 1450 § 1, 1996)

§ 14.05.020. Preapplication meetings.

A. Informal. Applicants for development are encouraged to participate in an informal meeting prior to the formal preapplication meeting. The purpose of the meeting is to discuss, in general terms, the proposed development, required permits, required hearings and approval process.

B. Formal. May be initiated by either staff or at the request of an applicant and would be used to identify the procedure, requirements, and the environmental information needed to process the application. The city would invite all affected jurisdictions, agencies and/or special districts as well as affected city departments to the preapplication meeting.

(Ord. 1450 § 1, 1996)

§ 14.05.030. Contents of applications.

A. All applications for approval under GMC Titles 15 through 18 shall include the information specified in the applicable title and on the application checklist. The administrator may require such additional information as reasonably necessary to fully and properly evaluate the proposal.

B. The applicant shall apply for all permits identified in the preapplication meeting or requested as a result of the technical review of the application.

C. All applications shall be given a cursory review to see that the checklist items are included, information lines have been completed, and the application has been signed prior to receipting it in. If all of the information appears to be complete the application is date stamped and receipted in by the city clerk or designee.

(Ord. 1450 § 1, 1996)

§ 14.05.040. Technical review.

A. Within five days of receipt of an application, the administrator shall transmit a copy of the application, or appropriate parts of the application, to the technical review committee (TRC) which may be composed of representatives of each affected city department, utility districts, fire district and any other entities or agencies with jurisdiction, including those

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responsible for determining compliance with state and federal requirements. The affected agencies and city departments shall have 15 days to comment. The administrator may schedule a meeting of the technical review committee (TRC) within the 15 days set for response. If no comments are received, or there is no attendance at any meeting so scheduled within the specified time period, the administrator will presume there are no comments from the agency or city department.

B. The TRC shall review the development application for compliance with city plans and regulations, coordinate necessary permit reviews, and identify the development's environmental impacts. They will also identify exclusions from the requirements of the development permit application processing pursuant to RCW 36.70B.140, such as building permits, short plat adjustments, other construction permits, or similar administrative approvals which are categorically exempt from environmental review under SEPA (Chapter43.21C RCW) and the GMC Title 18, or permits/approvals for which environmental review has been completed in connection with other project permits.

(Ord. 1450 § 1, 1996)

§ 14.05.050. SEPA review.

A. Developments and planned actions subject to the provisions of the State Environmental Policy Act (SEPA) (Chapter 43.21C RCW) shall be reviewed in accordance with the policies and procedures contained in GMC Title 18.

B. SEPA review shall be conducted concurrently with development project review. The following are exempt from concurrent review:

1. Projects categorically exempt from SEPA (Chapter 43.21C RCW) and GMC Title 18.

2. Components of previously completed planned actions, to the extent permitted by law and consistent with the EIS for the planned action.

(Ord. 1450 § 1, 1996)

§ 14.05.060. Letter of completeness.

A. Within 28 days of receiving a date stamped application, and following the TRC the administrator shall provide the applicants with a written determination that the application is complete or incomplete.

B. A project application shall be determined complete only when it contains all of the following:

1. A fully completed, signed, and acknowledged development application and all applicable review fees;

2. A fully completed, signed, and acknowledged environmental checklist for projects subject to review under the State Environmental Policy Act;

3. The information specified for the desired project in the appropriate chapters of the Grandview Municipal Code;

4. Any supplemental information or special studies identified by the TRC or the administrator.

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This determination of completeness shall be made when the application is sufficient for continued processing even though additional information may be required or project modifications may be undertaken subsequently. The city's determination of completeness shall not preclude the city from requesting additional information or studies either at the time of the notice of completeness or at some later time, if new information is required or where there are substantial changes in the proposed action. (RCW 36.70B.090(1))

C. For applications determined to be incomplete, the city shall identify, in writing, the specific requirements or information necessary to constitute a complete application and provide a time limit of 30 days or more at the administrator's discretion, for receipt of the information. Upon submittal of the additional information, the city shall, within 14 days, issue a letter of completeness or identify what additional information is required again with a time limit imposed. If the additional information is not forthcoming within the time stated, the application shall lapse. If the application is not consistent with the applicable codes the application shall lapse with no additional staff review. The applicant may choose to file an amendment to the plan or code and await the necessary legislative action that would allow the proposed project. The application would be returned to the applicant and all or a portion of the filing fee would be refunded as determined by the administrator.

(Ord. 1450 § 1, 1996)

§14.05.065 Application Review and Approval Period

In accordance with RCW 36.70B.080, the City shall issue a final decision for project permits under the following terms:

A. For project permits that do not require public notice, the City shall issue a final decision within 65 days of determination of completeness.

B. For project permits that require public notice, the City shall issue a final decision within 100 days of determination of completeness.

C. For project permits that require public notice and a public hearing, the City shall issue a final decision within 170 days of the deamination of completeness.

If the Town is unable to issue its final decision on a proposed permit application within the time limits provided, the City shall issue a 10% or 20% refund if the final decision is issued after the deadline, but before exceeding 20% of the original time period.

10% refund if the City issues a final decision is:
A. Within 13 days after the 65 day deadline
B. Within 20 days after the 100 day deadline
C. Within 34 days after the 170 day deadline

The Town shall issue a 20% refund if the final decision is made after the above timelines or 20% of the original time period have exceeded.

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CHAPTER 14.07
PUBLIC NOTICE REQUIREMENTS

§ 14.07.010. Notice of development application.

A. A notice of application shall not be required for project permits that are categorically exempt under SEPA (Chapter 43.21C RCW), unless a public comment period or an open record predecision hearing is required such as but not limited to:

1. Application for building permits;
2. Application for lot line adjustments (short plat exemptions);
3. Application for administrative approvals.

B. Within 14 days of issuing a letter of completeness under Chapter 14.05 GMC, the city shall issue a notice of development application. The notice shall include but not be limited to the following:

1. Name of the applicant;
2. Date of application;
3. The date of the letter of completeness;
4. The location of the project;
5. A project description;
6. The requested approvals, actions, and/or required studies;
7. A public comment period not less than 14 nor more than 30 days;
8. Identification of existing environmental documents;
9. A city staff contact and telephone number;
10. The date, time, and place of a public hearing if one is scheduled;
11. A statement that the decision on the application will be made within 120 days of the date of the letter of completeness.

C. The notice of development application shall be posted on the subject property and published once in a newspaper of general circulation. This notice may be issued prior to or together with other required notices when possible, but is not a substitute for the other notices.

D. Except for a determination of significance, the city may not issue its threshold determination or issue a decision or recommendation on a project permit until the expiration of the public comment period on the notice of development application. (RCW 36.70B.110)

E. Notice actions are, but are not limited to those, as shown on Table 14.07.010.

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Table 14.07.010 – Proposed Notices						
Action	**Determination of Completeness**	**Predetermination of Consistency**	**Threshold Determination**	**Categorically Exempt**	**Notice of Application**	**Exempt From Project Review Process**
Building permit (See WAC 197-11-800)	no	no	no/yes	yes/no	no/yes	yes
Short Plat Exemption/ Lot Line Adjustment	no	no	no	yes	no	yes
Home Occupation	no	no	no	yes	no	yes
Conditional Use Permit	yes	yes	yes	no	yes	no
Short Plat	yes	yes	yes	no	yes	no
Pre-Plat	yes	yes	yes	no	yes	no
Final Plat	no	no	no	yes	no	yes
Shoreline Permit	yes	yes	yes	no	yes	no
Variance	yes	yes	no	yes	yes	no
*Comprehensive Plan Amendment	yes	yes	yes	no	yes	no
*Title 17/18 Amendment	yes	yes	yes	no	yes	no
*Change of Zone	yes	yes	yes	no	yes	no
*Change of Future Zone	yes	yes	yes	no	yes	no
*Annexations/Zoning	no	no	no	yes	yes	yes
Planned Development	yes	yes	yes	no	yes	no
*Development Agreement/ Design Standards	yes	yes	yes	no	yes	no
Improvements (Street Signs)	yes	yes	yes	no	yes	no

* Legislative; not subject to 120-day limit.

(Ord. 1450 § 1, 1996)

§ 14.07.020. Notice of administrative approvals.

Notice of administrative approvals subject to notice under GMC § 14.09.020 shall be made as follows:

A. Notification of Preliminary Approval. The administrator shall notify the adjacent property owners of his intent to grant approval. Notification shall be made by mail only. The notice shall include:

1. A description of the preliminary approval granted, including any conditions of approval;

2. A place where further information may be obtained;

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3. A statement that final approval will be granted unless an appeal requesting a public hearing is filed with the city clerk within 14 days of the date of the notice.

(Ord. 1450 § 1, 1996)

§ 14.07.030. Notice of public hearing.

Notice of a public hearing for all development applications and all open record appeals shall be provided for as follows:

A. Content of Notice. The public notice shall include:

1. The name and address of the applicant or the applicant's representative;

2. The description of the affected property, which may be in the form of either a vicinity location or written description, other than a legal description;

3. The date, time and place of the hearing;

4. A description of the subject property reasonably sufficient to inform the public of its location, including but not limited to the use of a map or postal address;

5. The nature of the proposed use or development;

6. A statement that all interested persons may appear and provide testimony;

7. The sections of the code that are pertinent to the hearing procedure;

8. When and where written comments may be received;

9. When and where the application, staff report, or other information may be examined and will be provided at the city's cost;

10. The name and telephone number of the city representative.

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

1. Publication at least 10 days before the date of a public meeting, hearing, or pending action in the official newspaper if one has been designated or a newspaper of general circulation in the city; and

2. Mailing at least 10 days before the date of a public meeting, hearing, or pending action to all property owners as shown on the records of the county assessor of properties within at least 300 feet, not including street rights-of-way, of the boundaries of the property which is the subject of the meeting or pending action; and

3. Posting at least 10 days prior to the meeting, hearing, or pending action at City Hall and at least one notice on the subject property.

C. Joint Hearings.

1. Administrator Determination. The administrator may combine any public hearing on a project permit application with any hearing that may be held by another local, state, regional, federal, or other agency, on a proposed action, as long as: (a) the hearing is held within the city limits; and (b) the requirements of subsection C of this section are

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met. (36.70B.110(7))

2. Applicant Request. The applicant may request that the public hearing on a permit application be combined as long as the joint hearing can be held within the time periods set forth in this title. The applicant may agree to a particular schedule if the additional time is needed in order to complete the hearings. (RCW 36.70B.110(7))

3. Prerequisites to Joint Public Hearing. A joint public hearing may be held with another local, state, regional, federal, or other agency and the city, as long as:

   a. The other agency is not expressly prohibited by statute from doing so; (RCW 36.70B.110(8))

   b. Sufficient notice of the hearing is given to meet each of the agencies' adopted notice requirements as set forth in statute, ordinance, or rule;

   c. The agency has received the necessary information about the proposed project from the applicant in enough time to hold its hearing at the same time as the local government hearing; and

   d. The hearing is held within the geographic boundary of the local government.

D. Continuations. If for any reason, a meeting or hearing on a pending action cannot be completed on the date set in the public notice, the meeting or hearing may be continued to a date certain and no further notice under this section is required.

(Ord. 1450 § 1, 1996)

§ 14.07.040. Notice of appeal hearing.

In addition to the posting and publication requirements of GMC § 14.07.030, notice of appeal hearings shall be as follows:

A. For administrative approvals, notice shall be mailed to adjacent property owners.

(Ord. 1450 § 1, 1996)

§ 14.07.050. Notice of decision.

A written notice for all final decisions shall be sent to the applicant and all parties of record. For development applications requiring planning commission review and city council approval, the notice shall be the signed ordinance or resolution.

(Ord. 1450 § 1, 1996)

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CHAPTER 14.09
REVIEW AND APPROVAL PROCESS

§ 14.09.010. Administrative approvals without notice.

The administrator shall approve, approve with conditions, or deny the following without notice:

A. Lot line adjustments (short plat exemptions);

B. Extension of time for approval;

C. Minor amendments or modifications to approved developments or permits. Minor amendments are those which may affect the precise dimensions or location of buildings, accessory structures and driveways, but do not affect: (1) the overall project character, (2) increase the number of lots, dwelling units, or density, or (3) decrease the quality or amount of open space;

D. Home occupations.

(Ord. 1450 § 1, 1996)

§ 14.09.020. Administrative approvals subject to notice.

The administrator shall either approve, approve with conditions, or deny the following actions subject to the notice and appeal requirements of this chapter:

A. Short subdivisions (short plats).

(Ord. 1450 § 1, 1996)

§ 14.09.030. Planning commission proceedings.

A. Actions. Upon receiving a staff report and recommendation from the staff or notice of any other matter requiring the planning commission's attention, the commission shall perform the following actions as appropriate:

1. Make a decision on a staff recommendation.

2. Hold hearings and make decisions on conditional use permits.

3. Review and provide recommendations based on the appropriate chapters of the Grandview Municipal Code.

a. Staff Report. A staff report will be prepared on the proposed development or action summarizing the comments and recommendations of the city departments, affected agencies and special districts, evaluating the development's consistency with the city's development code, adopted plans and regulations. The staff report shall include findings, conclusions and a proposed recommendation(s) for disposition of the development application.

b. Hearing. The planning commission or hearing examiner (if determined under this chapter) shall conduct an open record public hearing on the development proposal or proposal(s) for the purpose of taking testimony, hearing evidence, considering the facts pertinent to the proposal, and evaluating the proposal for consistency with the city's development code, adopted plans and regulations.

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Notice of the hearing shall be in accordance with GMC § 14.07.030.

c. Required Findings. The planning commission or hearing examiner shall not recommend approval of a proposed development unless it first makes the following findings and conclusions:

i. The development is consistent with the comprehensive plan and meets the requirements and intent of the Grandview Municipal Code.

ii. The development makes adequate provisions for drainage, streets and other public ways, irrigation water, domestic water supply, and sanitary wastes.

iii. The development adequately mitigates impacts identified under other GMC chapters and in particular GMC Title 18.

iv. The development is beneficial to the public health, safety and welfare and is in the public interest.

v. The development does not lower the level of service of transportation below the minimum standards as shown within the comprehensive plan. If the development results in a level of service lower than those shown in the comprehensive plan, the development may be approved if improvement or strategies to raise the level of service are made concurrent with the development. For the purpose of this section, "concurrent with the development" is defined as the required improvements or strategies in place at the time of occupancy, or a financial commitment is in place to complete the improvements or strategies within six years of approval of the development.

vi. The area, location and features of any land proposed for dedication are a direct result of the development proposal, are reasonably needed to mitigate the effects of the development, and are proportional to the impacts created by the development.

4. Recommendation. Following the open record hearing, the planning commission or hearing examiner shall prepare a report setting forth its findings, conclusions and recommendations and shall transmit this report to the city council within 14 days following the open record hearing.

B. Decisions. The planning commission or hearing examiner shall make its decision by motion, and provide written findings and conclusions.

1. A planning commission or hearing examiner decision on a conditional use permit following a public hearing shall include one of the following actions:

a. Approve as recommended;

b. Approve with conditions;

c. Modify; provided, that the modifications do not:

i. Enlarge the area or scope of the project;

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ii. Increase the density or proposed building size;

iii. Significantly increase adverse environmental impacts as determined by the responsible official;

d. Deny (reapplication or resubmittal is permitted);

e. Deny with prejudice (reapplication or resubmittal is not allowed for one year);

f. Remand for further proceedings and/or evidentiary hearing in accordance with GMC § 14.09.070.

2. A planning commission or hearing examiner decision following an open record appeal hearing shall include one of the following actions:

a. Grant the appeal in whole or in part;

b. Deny the appeal in whole or in part;

c. Remand for further proceedings.

(Ord. 1450 § 1, 1996; Ord. 1703 § 7, 2005)

§ 14.09.040. City council proceedings.

A. Actions. Upon receiving a recommendation from the planning commission, hearing examiner or notice of any other matter requiring the council's attention, the council shall perform the following actions as appropriate:

1. Make a decision on a planning commission or hearing examiner recommendation.

2. Hold hearings and make decisions based on the appropriate chapters of the Grandview Municipal Code on the following:

a. Appeal of administrative interpretations;

b. Appeal of administrative decisions;

c. Other matters not prohibited by law.

B. Decisions. The city council shall make its decision by motion, resolution, or ordinance as appropriate.

1. A council decision on a planning commission or hearing examiner recommendation or following a public hearing shall include one of the following actions:

a. Approve as recommended;

b. Approve with conditions;

c. Modify; provided, that the modifications do not:

i. Enlarge the area or scope of the project;

ii. Increase the density or proposed building size;

iii. Significantly increase adverse environmental impacts as determined by the

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responsible official;

d. Deny (reapplication or resubmittal is permitted);

e. Deny with prejudice (reapplication or resubmittal is not allowed for one year);

f. Remand for further proceedings and/or evidentiary hearing in accordance with GMC § 14.09.070.

2. A council decision following a closed record appeal hearing shall include one of the following actions:

a. Grant the appeal in whole or in part;

b. Deny the appeal in whole or in part;

c. Remand for further proceedings.

3. The following decisions are legislative, and are not subject to the procedures in this chapter, unless otherwise specified:

a. Zoning code text and zoning district amendments;

b. Adoption of development regulations and amendments;

c. Area-wide rezones to implement new city policies;

d. Adoption of the comprehensive plan and any plan amendments; and

e. Annexations.

C. Council Enactments Not Restricted. Nothing in this chapter or the permit processing procedures shall limit the authority of the city council to make changes to the city's comprehensive plan, as part of an annual revision process, or to make changes to the city's development regulations (RCW 36.70B.020(4)).

(Ord. 1450 § 1, 1996; Ord. 1703 § 8, 2005)

§ 14.09.050. Procedure for public hearings.

A. Ex Parte Communications. No member of a hearing body may communicate, directly or indirectly, regarding any issue in a proceeding before him or her, other than to participate in communications necessary to procedural aspects of maintaining an orderly process, unless he or she provides notice and opportunity for all parties to participate; except as provided in this section:

1. The hearing body may receive advice from legal counsel;

2. The hearing body may communicate with staff members (except where the proceeding relates to a code enforcement investigation or prosecution).

If, before serving as the hearing body in a quasi-judicial proceeding, any member of the hearing body receives an ex parte communication of a type that could not properly be received while serving, the member of the hearing body, promptly after starting to serve, shall disclose the communication as described as follows:

1. All written communications received;

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2. All written responses to the communications;
3. The substance of all oral communications received, and all responses made;
4. Identify each person from whom the member received any ex parte communication.

The hearing body shall advise all parties that these matters have been placed on the record. Upon request made within 10 days after notice of the ex parte communication, any party desiring to rebut the communication shall be allowed to place a rebuttal statement on the record.

B. Disqualification.

1. A member of the hearing body who is disqualified shall be counted for purposes of forming a quorum. Any member who is disqualified may do so only by making full disclosure to the audience, abstaining from voting on the proposal, vacating the seat on the hearing body and physically leaving the hearing.

2. If all members of the hearing body are disqualified, all members present after stating their reasons for disqualification shall be requalified and shall proceed to resolve the issues.

3. Except for council legislative decisions as shown in GMC § 14.03.030(A), a member absent during the presentation of evidence in a hearing may not participate in the deliberations or decision unless the member has reviewed the evidence received.

C. Public Hearings Procedure. Public hearings shall be conducted in accordance with the hearing body's rules of procedure and shall serve to create or supplement an evidentiary record upon which the body will base its decision. Following are the procedures for open record public hearings and closed record public hearings.

1. Open Record Public Hearing Procedure. The following procedure is used by the Grandview planning commission/city council to meet appearance of fairness requirements and to create or supplement the hearing record:

TONIGHT THE PUBLIC HEARING WILL INCLUDE THE FOLLOWING ACTION(S) *(List the Action(s) and Location of Proposal)*

PLANNING COMMISSION CHAIR/MAYOR

1. These hearings must be fair in form and substance as well as appearance, therefore:

a. Is there anyone in the audience who objects to my participation as Mayor, or any Commissioner's/Councilmember's participation in these proceedings? (If objections, the objector must state his/her name, address, and the reason for the objection.)

b. Do any of the Commissioners/Councilmembers have an interest in this property or issue? Do any of you stand to gain or lose any financial benefit as a result of the outcome of this hearing? Can you hear and consider this in a fair and objective manner?

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c. Has any member of the Commission/Council engaged in communication outside this hearing with opponents or proponents on these issues to be heard? If so, that member must place on the record the substance of any such communication so that other interested parties may have the right at this hearing to rebut the substance of the communication.

d. Thank you, the hearing will continue.

(or)

At this point, Commissioner/Councilmember ***** will be excusing himself from the meeting. [Ask Commissioner/Councilmember to state his/her reasons for being excused.]

2. The purpose of this hearing is for the Commission/Council to hear and consider the pertinent facts relating to this application.

3. Everyone present will be given an opportunity to be heard.

THE PUBLIC HEARING FOR THE _____ IS NOW OPEN.

1. Before hearing from the public, the _____ will present the staff report. (_____ gives report.)

2. Comments will be received from the APPLICANT.

3. Comments received by mail will now be entered in the record. The Clerk reads any received.

4. As this public hearing must proceed in an orderly fashion, I am asking your cooperation in the following procedure:

a. When you address the Commission/Council, begin by stating your name and address for the record.

b. Speak slowly and clearly.

c. You will be allowed five minutes for your comments.

d. If additional time is needed, it will be provided after everyone has had an opportunity to comment.

e. The Commissioners/Councilmembers will hold their questions until everyone has had an opportunity to comment.

Public comments will now be received.

5. City Staff, do you have additional comments?

6. Does the APPLICANT have additional comments?

7. Are there additional comments from the public?

8. Commissioners/Councilmembers, do you have any questions of the public or staff?

9. The public testimony portion of this hearing is now closed. No further comments will be received.

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10. Now that we have heard the public comments and you have reviewed the documents (staff report, prior hearings, letters) concerning this application, this subject is open for discussion of findings of fact and conclusions by the Commissioners/Councilmembers. If you are in agreement with the staff report, you may adopt (or adopt with modifications) its findings and conclusions as a basis for your action or you may state your own findings and conclusions.

2. Closed Record Public Hearing Procedure. The following procedure is used by the Grandview city council to meet appearance of fairness requirements and to create or supplement the hearing record:

TONIGHT THE CLOSED RECORD PUBLIC HEARING WILL INCLUDE THE FOLLOWING ACTION(S) *(List the Action(s) and Location of Proposal)*

_____

MAYOR

1. These hearings must be fair in form and substance as well as appearance, therefore:

a. Is there anyone in the audience who objects to my participation as Mayor, or any Councilmember's participation in these proceedings? (If objections, the objector must state his/her name, address, and the reason for the objection.)

b. Do any of the Councilmembers have an interest in this property or issue? Do any of you stand to gain or lose any financial benefit as a result of the outcome of this hearing? Can you hear and consider this in a fair and objective manner?

c. Has any member of the Council engaged in communication outside this hearing with opponents or proponents on these issues to be heard? If so, that member must place on the record the substance of any such communication so that other interested parties may have the right at this hearing to rebut the substance of the communication.

d. Thank you, the hearing will continue.

(or)

At this point, Councilmember ***** will be excusing himself from the meeting. [Ask Councilmember to state his/her reasons for being excused.]

2. The purpose of this hearing is for the Council to review the record and consider the pertinent facts relating to this application.

3. No new testimony will be allowed. Any clarification of the record being requested by the Councilmembers will first be authorized by the Mayor after consulting with the City Attorney.

THE CLOSED RECORD PUBLIC HEARING FOR THE _____WILL NOW BEGIN.

1. The record generated will be provided by staff. _____will provide a review of the record. (_____gives report.)

2. Councilmembers will now consider the record and discuss among themselves the facts and testimony from the open record hearing. (Discussion and any requests for clarification of the record are made).

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(Requests for clarification are directed to the Mayor and must be specific to the record. The Mayor after consulting with the City Attorney will authorize the clarification or deny it based on the opinion of the City Attorney.

3. If clarification of the record is authorized:

Mayor:

a. When you address the Commission/Council, begin by stating your name and address for the record.

b. Speak slowly and clearly.

c. You will be allowed to only provide the clarification of the record as authorized. No new testimony will be allowed.

4. Now that we have reviewed the record concerning this application, this subject is open for decision. Council may:

a. Approve as recommended.

b. Approve with conditions.

c. Modify, with or without the applicant's concurrence, provided that the modifications do not:

i. Enlarge the area or scope of the project.

ii. Increase the density or proposed building size.

iii. Significantly increase adverse environmental impacts as determined by the responsible official.

iv. Deny (reapplication or resubmittal is permitted).

v. Deny with prejudice (reapplication or resubmittal is not allowed for one year).

vi. Remand for further proceedings and/or evidentiary hearing in accordance with Section 14.09.070.

(Ord. 1450 § 1, 1996)

§ 14.09.060. Procedures for closed record appeals.

Closed record appeals shall be conducted in accordance with the hearing body's rules of procedure and shall serve to provide argument and guidance for the body's decision. Closed record appeals shall be conducted generally as provided for closed record public hearings. Except as provided in GMC § 14.09.070, no new evidence or testimony shall be given or received. The parties to the appeal may submit timely written statements or arguments.
(Ord. 1450 § 1, 1996)

§ 14.09.070. Remand.

In the event the city council determines that the public hearing record or record on appeal is insufficient or otherwise flawed, the council may remand the matter back to the hearing body to correct the deficiencies. The council shall specify the

items or issues to be considered and the time frame for completing the additional work. The council may hold a public hearing on a closed record appeal only for the limited purposes

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identified as follows: The council may receive evidence in addition to that contained in the agency record for judicial review, only if it relates to the validity of the agency action at the time it was taken and is needed to decide disputed issues regarding: (a) improper constitution as a decision-making body or grounds for disqualification of those taking the agency action; (b) unlawfulness of procedure or of decision-making process; or (c) material facts in rule making, brief adjudications, or other proceedings not required to be determined on the agency record. (RCW 34.05.562(1))
(Ord. 1450 § 1, 1996)

§ 14.09.080. Final decision.

A. Time. The final decision on a development proposal shall be made within 120 days from the date of the letter of completeness. Exceptions to this include:

1. Amendments to the comprehensive plan or development code;

2. Any time required to correct plans, perform studies or provide additional information; provided, that within 14 days of receiving the requested additional information, the administrator shall determine whether the information is adequate to resume the project review;

3. Substantial project revisions made or requested by an applicant, in which case the 120 days will be calculated from the time that the city determines the revised application to be complete;

4. All time required for the preparation and review of an environmental impact statement;

5. Projects involving the siting of an essential public facility;

6. An extension of time mutually agreed upon by the city and the applicant;

7. All time required to obtain a variance;

8. Any remand to the hearing body;

9. All time required for the administrative appeal of a determination of significance.

Procedural flows for decisions are as shown, but not limited to those, on Table 14.09.080, "Procedures".

B. Effective Date. The final decision of the council or hearing body shall be effective on the date stated in the decision, motion, resolution, or ordinance; provided, that the date from which appeal periods shall be calculated shall be the date the council or hearing body takes action on the motion, resolution, or ordinance.

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Table 14.09.080 – Procedures

ACTION	Public Comment Period	Open Record Predecision Meeting	Open Record Hearing	Decision	Open Record Appeal	Closed Record Appeal
Building permit	No/15 days	No	No	Staff/BO	AB	SC
Short Plat Exemption/ Lot Line Adjustment	No	No	No	Staff/PWD	CC	SC
Home Occupation	No	No	No	Staff/PWD	PC	CC
Conditional Use Permit	15 days	No	PC	PC	No	SC
Short Plat (30/90 days)	No	No	No	Staff/PWD	CC	SC
Preliminary Plat (30/90 days)	15 days	No	PC	CC	No	SC
Final Plat (30/90 days)	No	No	No	CC	No	SC
Shoreline Permit	15 days	PC	CC	CC	No	SHB
Variance	15 days	No	BADJ	BADJ	No	SC
Comprehensive Plan Amendment	3 to 6 months	PC	CC	CC	EWGMHB	SC
Title 17/18 Amendment	15 days	No	PC	CC	No	SC
Change of Zone	15 days	No	PC	CC	No	SC
Change of Future Zone	15 days	No	PC	CC	No	No
Annexations/Zoning	No	CC	PC	CC/BRB	No	No
Planned Development/Bind Site	15 days	no	PC	CC	No	SC
Development Agreement/ Design Standards	No	No	PC	CC	No	SC
Improvements (Street Signs)	No	No	PC	CC	No	SC

Legislative; not subject to 120-day limit.

BO – Building Official
AB – Appeals Board
SHB – Shoreline Hearings Board
PWD – Public Works Director
PC – Planning Commission
BADJ – Board of Adjustment
CC – City Council
SC – Superior Court
BRB – Boundary Review Board
EWGMHB – Eastern Washington Growth Management Hearings Board

(Ord. 1450 § 1, 1996; Ord. 1580 § 2, 2000)

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CHAPTER 14.10
TRANSPORTATION CONCURRENCY MANAGEMENT

Article I
General Provisions

§ 14.10.010. Title and scope.

This chapter shall be hereafter known as the "concurrency management ordinance" and in the context herein may be referred to as "this chapter."
(1 § 1, 2001; Ord. 1610 Ch)

§ 14.10.020. Purpose.

The purpose of this chapter is to provide provisions for determining that development within the city of Grandview does not cause the level of service for a transportation facility to decline below adopted city level of service standards and to ensure that adequate public facilities meeting acceptable levels of service are provided to support development impacts.
(1 § 2, 2001; Ord. 1610 Ch)

§ 14.10.030. Administration.

A. Administrative Official. The city of Grandview mayor, or a person designated by the mayor, shall be the administrative official of this chapter and shall have the authority to administrate, interpret, and enforce all provisions herein.

B. Fees. A review and processing fee of $250.00 shall be required for any concurrency review required for any development permit application and must be paid in full to the city prior to the commencement of the review. Concurrency exempt applications shall not be subject to the additional concurrency review fee.
(1 § 3, 2001; Ord. 1610 Ch)

§ 14.10.040. Amendments.

The Grandview city council shall have the sole authority to amend or repeal any or all parts of this chapter.
(1 § 4, 2001; Ord. 1610 Ch)

§ 14.10.050. Exemptions.

The following shall be exempt from the provisions of this chapter:

A. Development permits issued prior to the effective date of the ordinance codified in this chapter provided the permit or permits have not expired;

B. Construction of public transportation facilities;

C. De minimis development pursuant to GMC § 14.10.070(E);

D. Public parks and recreational facilities;

E. Public libraries;

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F. Publicly funded educational facilities.

(1 § 5, 2001; Ord. 1610 Ch)

§ 14.10.060. Severability.

If any part of this chapter is held invalid by a court of jurisdiction, such invalidation shall not affect the validity of the remainder of this chapter.

(1 § 6, 2001; Ord. 1610 Ch)

§ 14.10.070. Definitions.

For the purpose of this chapter, the following definitions shall apply:

A. "Certificate of concurrency" means the certificate issued by the city of Grandview upon finding that an application for a development permit will not result in the reduction of the level of service standards set forth within the city of Grandview comprehensive plan.

B. "Comprehensive plan" means the city of Grandview comprehensive plan update.

C. "Concurrency" means when adequate public facilities meeting the level of service standards are in place at the time a development permit is issued; or a permit is issued subject to the determination that necessary facilities will be in place when the impacts of the development occur; or that improvements or strategies are in place at the time of development; or that a financial commitment is in place to complete the improvements or strategies within six years of the time of the development.

D. "Concurrency management system" means the determination by the city that development approvals, when issued, will not result in the reduction of the level of service standards established within the comprehensive plan.

E. "De minimis development" means a proposed development of such low intensity as to have a minimal effect, if any, upon the level of service standards set forth in the city comprehensive plan. Single-family dwellings and any development generating less than 50 vehicular trips per day shall be deemed de minimis for the purpose of this chapter.

F. "Development" means, for the purposes of this chapter, any activity which requires a subdivision or short subdivision approval, a building permit, or a binding site plan approval.

(1 § 7, 2001; Ord. 1610 Ch)

§ 14.10.080. Conflict of terms.

In the event a conflict of terms exists between any part of this chapter and any part of any other city ordinance or code, the more restrictive terms shall apply.

(1 § 8, 2001; Ord. 1610 Ch)

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Article II
Concurrency Review

§ 14.10.090. Level of service standards.

For the purpose of this chapter, level of services (LOS) for transportation facilities shall be those standards set forth within the transportation element of the city of Grandview comprehensive plan and are hereby adopted by reference.
(2 § 1, 2001; Ord. 1610 Ch)

§ 14.10.100. Project review.

A. Certificate of Concurrency.

1. A concurrency evaluation shall be completed by the administrative official at the time a development permit is applied for or during the course of permit review. The administrative official shall conclude the review by either determining the proposed project does not meet LOS standards, or is exempt from concurrency review, or meets LOS standards whereby a certificate of concurrency shall be issued and attached to the development permit application. A proposed project that does not meet LOS standards shall be prohibited unless mitigation methods, as described in GMC § 14.10.110, are implemented to meet LOS standards.

2. The permit applicant shall provide the city with all information and applicable fees required by the administrative official to complete a concurrency evaluation on the proposed development. It shall be the responsibility of the applicant to provide studies, surveys, traffic counts, engineering reviews or any other items of information determined to be necessary for an accurate concurrency evaluation.

3. A certificate of concurrency shall be accorded the same terms and conditions as those for the underlying development permit. If a development permit time line is extended, the certificate shall also be extended for the same time duration. A certificate of concurrency shall be valid only for the development permits approved for the same parcel and is transferable to any new owners of the parcel in which it was issued.

4. A certificate of concurrency shall expire simultaneously with the expiration or city revocation of the development permit for which it applies. In the absence of a development permit expiration date, the certificate of concurrency shall expire one year from the time the development permit was issued.

5. An applicant may request a preliminary permit application meeting with the administrative official to discuss potential concurrency requirements prior to formally applying for a development permit or permits.

B. Traffic Impact Calculations.

1. Trip Generation. Traffic calculations shall be based on the trip generation averages described within the latest available edition of the Institute of Transportation Engineers (ITE) Trip Generation Manual for the particular type and extent of the development being proposed.

2. Concurrency Test. The projected number of trips generated by a proposed

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development shall be subtracted from available capacity of the impacted transportation facility. If projected demand is less than available capacity, the project is not adverse to level of service standards and shall be issued a certificate of concurrency.

3. Area of Impact. At a minimum, the area of impact used to determine concurrency shall be the following distances beginning at the point of access of the development to the nearest point of the affected transportation facility:

    a. Residential development:

        i. Ten dwelling units or less: one-quarter mile;

        ii. Eleven to 50 dwelling units: one-half mile;

        iii. Over 50 dwelling units: one mile.

    b. Nonresidential development:

        i. Up to 100 vehicular trips: one-quarter mile;

        ii. One hundred to 500 vehicular trips: one-half mile;

        iii. More than 500 vehicular trips: one mile.

(2 § 2, 2001; Ord. 1610 Ch; Ord. 2017-1 § 1)

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Article III
Mitigation

§ 14.10.110. Mitigation methods – Options.

If mitigation is determined necessary to maintain level of service standards for an impacted transportation facility, the applicant may choose among the following actions:

A. Reduce the size of the project until LOS standards are met;

B. Enter into a legally binding development agreement with the city providing for the completed construction of all required improvements within six years of development approval;

C. Be subject to a development approval conditioned that the required improvements be completed prior to the issuance of building permits, final plat or site plan approvals associated with the development;

D. Await the city's completion of mitigating improvements if such improvements are underway or planned as part of the city's capital facilities plan or other schedule of improvements for public facilities;

E. The applicant may propose transportation demand management strategies to reduce vehicle trips generated by the project development. The administrative official shall determine any corresponding trip volume reduction resulting from demand management strategies and use them for the purposes of determining concurrency compliance pursuant to this chapter and the comprehensive plan.

(3 § 1, 2001; Ord. 1610 Ch)

§ 14.10.120. Mitigation criteria – Acceptable mitigation.

Acceptable impact mitigation requires a finding by the administrative official that:

A. The mitigation contributes to transportation facility performance and level of service;

B. The mitigation is consistent with the city of Grandview comprehensive plan;

C. Any improvements to an intersection or roadway do not shift traffic to a residential area or other intersections where there is no mitigation being proposed;

D. The mitigation does not interfere with any other city transportation objective pursuant to the comprehensive plan;

E. Any adverse environmental impacts of the facility improvement may be reasonably minimized or eliminated;

F. The improvements are consistent with accepted engineering standards.

(3 § 2, 2001; Ord. 1610 Ch)

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Article IV
Monitoring/effective Date

§ 14.10.130. Annual report.

A. An annual report shall be prepared as part of the concurrency management system and shall include the following information:

1. A summary of development activity and type of activity;

2. A summary of building permits which were issued for the preceding year;

3. The quantity of development represented by the building permits;

4. Development permits that were affected by the terms of this chapter;

5. Development that was completed during the year.

B. The annual report shall include an evaluation of any development affecting transportation facilities and indicate:

1. The capacity available for each facility prior to the reporting period and the end of the reporting period;

2. Any portions of the available capacity of a facility held for final development permits for any project;

3. A comparison of actual existing capacity and levels of service to adopted levels of service pursuant to the comprehensive plan;

4. A forecast for the capacity of each transportation facility based upon the most recent schedule of capital improvements pursuant to the comprehensive plan capital facilities element.

(4 § 1, 2001; Ord. 1610 Ch)

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CHAPTER 14.11
APPEALS

§ 14.11.010. Appeal of administrative interpretations and approvals.

Administrative interpretations and administrative approvals may be appealed, by applicants or parties of record, to the city council.
(Ord. 1450 § 1, 1996)

§ 14.11.020. Appeal to the city council.

A. Filing. Every appeal to the city council shall be filed with the city clerk within 14 days after the date of the decision of the matter being appealed and must include an appeal fee of $150.00, except that the local government shall extend the appeal period for an additional seven days if state or local rules adopted pursuant to Chapter 43.21C RCW allow public comment on a determination of nonsignificance issued as part of the appealable project permit decision.

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

1. The decision being appealed;

2. The name and address of the appellant and his interest(s) in the matter;

3. The specific reasons why the appellant believes the decision to be wrong. The appellant shall bear the burden of proving the decision was wrong;

4. The desired outcome or changes to the decision.

(Ord. 1450 § 1, 1996; Ord. 1519 § 1, 1998)

§ 14.11.030. Judicial appeal.

A. Appeals from the final decision of the city council, planning commission, or board of appeals, hearing examiner, or other city board or body involving GMC Titles 14 through 18 and for which all other appeals specifically authorized have been timely exhausted, shall be made to Yakima County superior court within 21 days of the date the decision or action became final, unless another time period is established by state law or local ordinance.

B. Notice of the appeal and any other pleadings required to be filed with the court shall be served on the city clerk or mayor within the applicable time period. This requirement is jurisdictional.

C. The cost of transcribing and preparing all records ordered certified by the court or desired by the appellant for such appeal shall be borne by the appellant. The appellant shall post with the city clerk prior to the preparation of any records an advance fee deposit in the amount specified by the city clerk. Any overage will be promptly returned to the appellant.

(Ord. 1450 § 1, 1996; Ord. 1703 § 9, 2005)

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CHAPTER 14.13
ENFORCEMENT

§ 14.13.010. Enforcing official – Authority.

The administrator(s) shall be responsible for enforcing GMC Titles 14 through 18 and may adopt administrative rules to meet that responsibility. The administrator may delegate enforcement responsibility to other staff as appropriate.
(Ord. 1450 § 1, 1996)

§ 14.13.020. General penalty.

Compliance with the requirements of GMC Titles 14 through 18 shall be mandatory. The general penalties and remedies established in Chapter 1.16 GMC, for such violations shall apply to any violation of those titles. The enforcement actions authorized under this chapter shall be supplemental to those general penalties and remedies.
(Ord. 1450 § 1, 1996)

§ 14.13.030. Application.

A. Actions under this chapter may be taken in any order deemed necessary or desirable by the administrator to achieve the purpose of this chapter or of the development code.

B. Proof of a violation of a development permit or approval shall constitute prima facie evidence that the violation is that of the applicant and/or owner of the property upon which the violation exists. An enforcement action under this chapter shall not relieve or prevent enforcement against any other responsible person.

(Ord. 1450 § 1, 1996)

§ 14.13.040. Civil regulatory order.

A. Authority. A civil regulatory order may be issued and served upon a person if any activity by or at the direction of that person is, has been, or may be taken in violation of the development code.

B. Notice. A civil regulatory order shall be deemed served and shall be effective when posted at the location of the violation and/or delivered to any suitable person at the location and/or delivered by mail or otherwise to the owner or other person having responsibility for the location.

C. Content. A civil regulatory order shall set forth:

1. The name and address of the person to whom it is directed;

2. The location and specific description of the violation;

3. A notice that the order is effective immediately upon posting at the site and/or receipt by the person to whom it is directed;

4. An order that the violation immediately cease, or that the potential violation be avoided;

5. An order that the person stop work until correction and/or remediation of the violation

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as specified in the order;

6. A specific description of the actions required to correct, remedy, or avoid the violation, including a time limit to complete such actions;

7. A notice that failure to comply with the regulatory order may result in further enforcement actions, including civil fines and criminal penalties.

D. Remedial Action. The administrator may require any action reasonably calculated to correct or avoid the violation, including but not limited to replacement, repair, supplementation, revegetation, or restoration.

E. Appeal. A civil regulatory order may be appealed in accordance with GMC § 14.11.010. (Ord. 1450 § 1, 1996)

§ 14.13.050. Civil fines.

A. Authority. A person who violates any provision of the development code, or who fails to obtain any necessary permit, or who fails to comply with a civil regulatory order shall be subject to a civil fine.

B. Amount. The civil fine assessed shall not exceed $1,000 for each violation. Each separate day, event, action or occurrence shall constitute a separate violation.

C. Notice. A civil fine shall be imposed by a written notice, and shall be effective when served or posted as set forth in GMC § 14.13.040(B). The notice shall describe the date, nature, location and act(s) comprising the violation, the amount of the fine, and the authority under which the fine has been issued.

D. Collection. Civil fines shall be immediately due and payable upon issuance and receipt of the notice. The administrator may issue a regulatory order stopping work until such fine is paid. If remission or appeal of the fine is sought, the fine shall be due and payable upon issuance of a final decision. If a fine remains unpaid 30 days after it becomes due and payable, the administrator may take actions necessary to recover the fine. Civil fines shall be paid into the city's general fund.

E. Application for Remission. Any person incurring a civil fine may, within 10 days of receipt of the notice, apply in writing to the administrator for remission of the fine. The administrator shall issue a decision on the application within 10 days. A fine may be remitted only upon a demonstration of extraordinary circumstances.

F. Appeal. A civil fine may be appealed to the city council as set forth in GMC § 14.11.010. (Ord. 1450 § 1, 1996)

§ 14.13.060. Review of approved permits.

A. Review. Any approval or permit issued under the authority of the development code may be reviewed for compliance with the requirements of the development code, 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.

B. Initiation of Review. The review of an approval or permit may be initiated by stating the initiators belief, in writing, as to the noncompliance, nuisance or hazard of the permitted

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activity.

C. Administrator's Investigation. Upon receipt of information indicating the need for, or upon receiving a request for, review of permit or approval, the administrator shall investigate the matter and take one or more of the following actions:

1. Notify the property owner or permit holder of the investigation; and/or

2. Issue a civil regulatory order and/or civil fine and/or recommend revocation or modification of the permit or approval; and/or

3. Refer the matter to the city attorney; and/or

4. Notify the initiator of action or findings.

(Ord. 1450 § 1, 1996)

§ 14.13.070. Revocation or modification of permits and approvals.

A. Reapplication. 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 code.

(Ord. 1450 § 1, 1996)

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