

**CITY OF GRANITE FALLS**  
**Granite Falls, Washington**  
**ORDINANCE 1030-2022**

**AN ORDINANCE OF THE CITY OF GRANITE FALLS, WASHINGTON, AMENDING PORTIONS OF THE GRANITE FALLS MUNICIPAL CODE TITLE 19 UNIFIED DEVELOPMENT CODE BY AMENDING SECTION 19.01.030 ENTITLED “INTERPRETATION AND APPLICATION – GENERAL”; AMENDING SECTION 19.04A.040 ENTITLED “COMPLIANCE WITH THIS TITLE REQUIRED”; AMENDING SECTION 19.04A.350 ENTITLED “HEARING EXAMINER”; AMENDING SECTION 19.06.040 ENTITLED “SIGN REGULATIONS”; AMENDING SECTION 19.07.040 ENTITLED “PENALTIES AND ENFORCEMENT”; ADDING A NEW CHAPTER 19.11 ENTITLED “ENFORCEMENT”; ESTABLISHING SEVERABILITY, AND AN EFFECTIVE DATE.**

**WHEREAS**, the Revised Code of Washington (RCW) 36.70A.470(2) stipulates that all cities planning under the Growth Management Act (RCW 36.70A.040) shall provide procedures for any interested citizen or agency to suggest comprehensive plan and development regulation amendments; and

**WHEREAS**, the suggested amendments and zoning code amendments are to be processed consistent with Section 19.04B of the Granite Falls Municipal Code; and

**WHEREAS**, under the Growth Management Act (GMA), the City is authorized to adopt current zoning amendments to implement its Comprehensive Plan; and

**WHEREAS**, amendments to the zoning code are required to ensure consistency with the Comprehensive Plan; and

**WHEREAS**, the development regulation amendment procedures contained in this ordinance are consistent with the procedural guidelines for amendments to the development regulations of the City; and

**WHEREAS**, on May 9, 2022 the Granite Falls Planning Commission reviewed the amendments set forth in this Ordinance during the amendment process; and

**WHEREAS**, the City of Granite Falls SEPA Responsible Official reviewed the amendments and issued a Determination of Non-significance (DNS) on June 4, 2022; and

**WHEREAS**, the Planning Commission held a public hearing on the proposed amendments at their June 14, 2022 meetings via Zoom and in public. No members of the general public were present, and no comments were received regarding the amendments; and

**WHEREAS**, the Planning Commission made a recommendation to City Council to accept the proposed 2022 Development Regulations – Miscellaneous Code Edits as prepared by staff and the consultant; and

**WHEREAS**, the City Council reviewed the proposed edits at their June 1, 2022 meeting and the Planning Commission recommendation at their July 6, 2022 meeting; and

**WHEREAS**, the City Council approved for adoption the 2022 Development Regulation proposed amendments at their July 6, 2022 meeting as submitted by staff; and

**WHEREAS**, public notice as required by law was given for all public hearings, notifying the general public of their opportunity to provide public input concerning the proposed amendments set forth in this Ordinance; and

**WHEREAS**, pursuant to RCW 36.70A.106, the City has notified the Washington State Department of Commerce of the City's intent to adopt the proposed amendments as set out in this ordinance; and

**WHEREAS**, the City Council has determined that it is in the best interest of the city to amend Title 19;

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF GRANITE FALLS DO HEREBY ORDAIN AS FOLLOWS:**

**Section 1.** GFMC Code 19.01.030 entitled "Interpretation and application - General" is hereby amended to read as follows:

**19.01.030 Interpretation and application – General.**

(A) Minimum Requirements. In interpreting and applying the provisions of this UDC, they shall be held to be minimum requirements, adopted for the promotion of the public health, safety, and general welfare. It is not intended by this UDC to interfere with or revoke or invalidate any easement, covenant, or other agreement between parties.

(B) Greater Restrictions. When the provisions of this UDC impose greater restrictions than are imposed by other applicable city, Snohomish County, state, and federal regulations, the provisions of this UDC shall control.

(C) For the purpose of the unified development code, all words used in the code shall have their normal and customary meanings, unless specifically defined otherwise in this code.

(D) Ambiguities or Differences. In case of any ambiguity or difference of meaning or inconsistencies between the text and any illustrations or other graphics, the text throughout this UDC shall control.

~~(D)~~(E) Construction of Words. Unless the context clearly indicates otherwise, words in the present tense can include the future tense, and words in the singular can include the plural, or vice versa. Except for words and terms defined in Chapter 19.02 GFMC and in Chapter 19.07GFMC, all words and terms used in this UDC shall have their customary meanings.

~~(E)~~(F) Shall, Should, May, Will. The words "shall" and "should" and "will" are always mandatory and not discretionary. The word "may" is discretionary.

(G) The word “used” includes designed, intended, or arranged to be used.

(H) The masculine gender includes the feminine and vice versa.

(I) Distance shall be measured horizontally unless otherwise specified.

**Section 2.** GFMC Code 19.04A.040 entitled “Compliance with this title required” is hereby amended to read as follows:

**19.04A.040 Compliance with this title required.**

(A) All land uses, activities, construction, clearing, grading, filling, development, and structural modifications or alterations shall comply with this title and with all permits and approvals granted for the use, activity, construction, clearing, grading, filling, development, intensification, or structural modifications or alterations. Except as required by state law, no permit or approval shall be issued for any parcel of land developed or divided in violation of this title.

(B) All divisions of land shall comply with this title. Any portion of a lot or lots that was used to calculate compliance with this title, standards, or regulations shall not be subsequently subdivided or segregated from such lot or lots or sold or transferred separately from such lot or lots.

(C) Violations and Penalties.

(1) Any person violating any provisions of this title shall be subject to **GFMC 19.04.120 Chapter 19.11**, Enforcement.

(2) Any building, structure, development, activity, land use, or division of land not in conformance with this title, and not a legal nonconformance or exempted by a policy governing existing nonconforming structures or uses, is declared to be unlawful, substandard, and a public nuisance, and is subject to the enforcement and abatement provisions in **GFMC 19.04.120 Chapter 19.11**, Enforcement.

**Section 3.** GFMC Code 19.04A.350 entitled “Hearing examiner” is hereby amended to read as follows (all other provisions of GFMC Section 19.04A.350 entitled “Hearing examiner” remain in effect and unchanged):

**19.04A.350 Hearing examiner.**

(A) The purpose of establishing a “hearing examiner” is to separate the application of land use regulations from policy making; to provide a level of expertise to conduct administrative and quasi-judicial hearings arising from the application of this title and the rules and procedures developed under it; to better protect and promote the interests of the community; and to expand the principles of fairness and due process in public hearings.

(B) Authority and Duties. The “hearing examiner” shall serve at the pleasure of the mayor. The hearing examiner shall interpret, review and make recommendations on implementation of land use regulations as provided by ordinance and may perform other quasi-judicial functions as are delegated by ordinance. Unless otherwise specified, the term “hearing examiner” shall also mean deputy examiners and examiners pro tem. Hearing examiners shall be appointed based on their qualifications for the duties of the office including education and experience.

(1) Influence and Conflict of Interest. No person, including city officials, elected or appointed, shall attempt to influence the hearing examiner in any matter pending before him/her, except at an open record hearing duly called for such purpose, or to interfere with

the hearing examiner in the performance of his/her duties in any way; provided, that this section shall not prohibit the city attorney from rendering legal service to the hearing examiner upon request. The hearing examiner shall be subject to the same code of ethics as set forth in Chapter 42.23 RCW.

(2) Rules. The hearing examiner shall have the power to prescribe rules for the scheduling and conduct of hearings and other procedural matters related to his/her duties.

(3) Powers. The hearing examiner shall have the authority to:

(a) Review and make decisions on the following land use permit matters pursuant to RCW 35A.63.170:

(i) Conditional use permits;

(ii) Variances;

(iii) Preliminary plats;

(iv) Appeals of administrative decisions or determinations;

(v) Planned residential developments (PRDs);

(vi) ~~Binding site plans;~~

~~(vii)~~ Appeals of administrative decisions or determinations pursuant to Chapter 43.21C RCW, the State Environmental Policy Act (SEPA);

~~(viii)~~ (vii) Amortization periods for nonconforming signs;

~~(ix)~~ (viii) Manufactured/mobile home parks;

~~(x)~~ (ix) Nonconforming use permits; and

~~(xi)~~ (x) Appeals of SEPA determinations of the underlying land use action.

(b) Review and decide civil violations in conjunction with enforcement actions of the city as described in ~~GFMC 19.04.120~~ Chapter 19.11, Enforcement.

(c) Review and make recommendations to city council regarding a proposed development agreement in compliance with GFMC 19.04C.045.

(d) Hear and make decisions under GFMC 15.04.050 and 15.04.060.

(4) Procedures. The hearing examiner shall:

(a) Receive and examine available information;

(b) Conduct public hearings in accordance with the provisions of this UDC and Chapter 36.70B RCW and ensure that the city makes a recording of the open record hearing;

(c) Administer oaths and affirmations;

(d) Issue subpoenas and examine witnesses; provided, that no person shall be compelled to divulge information which he/she could not be compelled to divulge in a court of law;

(e) Regulate the course of the hearing;

(f) Make and enter findings of fact and conclusions to support his/her decisions;

(g) Conduct conferences for the settlement or simplification of the issues;

(h) Conduct discovery;

(i) Dispose of procedural requests or similar matters;

(j) Take official notice of matters of law or material facts;

(k) Issue summary orders in supplementary proceedings; and

(l) Take any other action authorized by or necessary to carry out this chapter;

(m) The above authority may be exercised on all matters for which jurisdiction is assigned to the hearing examiner by city ordinance, code or other legal action of the city council. The nature of the hearing examiner's decision shall be as specified in this

chapter and in each ordinance or code which grants jurisdiction to the hearing examiner.

**Section 4.** GFMC Code 19.06.040 entitled “Sign regulations” is hereby amended to read as follows (all other provisions of GFMC Section 19.06.040 entitled “Sign regulations” remain in effect and unchanged):

**19.06.040 Sign regulations.**

(R) Administration and Enforcement.

(1) Authority. The process and requirements for administration and enforcement are defined in ~~GFMC19.04.120 Chapter 19.11, Enforcement~~. If the enforcement process in ~~GFMC19.04.120 Chapter 19.11, Enforcement~~ has been pursued to the point of fines, then the city of Granite Falls may also file criminal charges against the violator.

(2) Responsibility. The ultimate responsibility for any sign shall be borne by the legal owner of the property or business where the sign is located. The city’s designated official may require, when necessary, that the property owner or agent be party to, or applicant for, a sign permit.

**Section 5.** GFMC Code 19.07.040 entitled “Penalties and enforcement” is hereby amended to read as follows (all other provisions of GFMC Section 19.07.040 entitled “Penalties and enforcement” remain in effect and unchanged):

**19.07.040 Penalties and enforcement.**

(A) Enforcement – Penalties.

(1) Site Inspections. The designated official is authorized to make site inspections and take such actions as necessary to enforce this title. The designated official shall present proper credentials and make a reasonable effort to contact any property owner before entering onto private property.

(2) Order Remedial Action. The designated official shall have the authority to order restoration, rehabilitation or replacement measures to compensate for the destruction or degradation of critical area lands at the owner’s expense, and may force compliance by suit filed in a court having jurisdiction.

(3) Penalty Imposed. Any person who fails to comply with the provisions of this title shall be subject to a penalty as provided in ~~GFMC19.04.120 Chapter 19.11, Enforcement~~ per day for each day of noncompliance, measured from the date the violation begins until the person complies with the requirements of this title.

**Section 6.** A new GFMC Chapter 19.11 entitled “Enforcement” is hereby added to Title 19 to read as follows:

**Chapter 19.11  
Enforcement**

(A) Enforcing Official – Authority. The designated official shall be responsible for enforcing this UDC and this code and may adopt administrative rules to meet that responsibility. The

designated official may delegate enforcement responsibility to other department heads, building inspector, fire chief, or chief of police as appropriate.

(B) General Penalty. Compliance with the requirements of this UDC shall be mandatory. The general penalties and remedies established in subsections (D) and (E) of this section for such violations shall apply to any violation of the UDC. The enforcement actions authorized under this chapter shall be supplemental to those general penalties and remedies.

(C) Application.

(1) Action Taken. Actions under this chapter may be taken in any order deemed necessary or desirable by the designated official to achieve the purpose of this chapter or of the development code.

(2) Violation. 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.

(D) Civil Regulatory Order.

(1) 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.

(2) 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 or delivered by mail or otherwise to the owner or other person having responsibility for the location.

(3) Content. A civil regulatory order shall set forth:

(a) The name and address of the person to whom it is directed.

(b) The location and specific description of the violation.

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

(d) An order that the violation immediately cease, or that the potential violation be avoided.

(e) An order that the person stop work until correction and/or remediation of the violation as specified in the order.

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

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

(4) Remedial Action. The designated official may require any action reasonably calculated to correct or avoid the violation including, but not limited to, replacement, repair, supplementation, revegetation, or restoration.

(E) Civil Fines.

(1) 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.

(2) 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.

(3) Notice. A civil fine shall be imposed by a written notice, and shall be effective when served or posted as set forth in subsection (D) of this section. 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.

(4) Collection. Civil fines shall be immediately due and payable upon issuance and receipt of the notice. The designated official 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 designated official may take actions necessary to recover the fine. Civil fines shall be paid into the city's general fund.

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

(6) Appeal. A civil fine may be appealed to the hearing examiner as set forth in GFMC 19.04B.140.

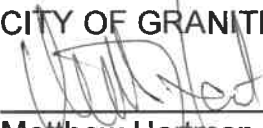
**Section 7. Copy to Commerce Department.** Pursuant to RCW 36.70A.106(3), the City Clerk is directed to send a copy of this ordinance to the State Department of Commerce for its files within ten (10) days after adoption of this ordinance.

**Section 8. Severability.** If any section, sentence, clause or phrase of this Ordinance should be held to be unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this Ordinance.


**Section 9. Effective Date.** This Ordinance shall take effect and be in full force five (5) days after passage and publication of an approved summary consisting of the title.

ADOPTED by the City Council and APPROVED by the Mayor this 6th day of July, 2022.

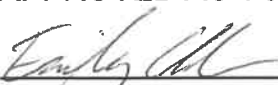
CITY OF GRANITE FALLS

  
\_\_\_\_\_  
Matthew Hartman, Mayor

ATTEST:

  
\_\_\_\_\_  
Darla Reese, MMC, City Clerk

APPROVED AS TO FORM:

  
\_\_\_\_\_  
Thom Graafstra, City Attorney  
Emily Guildner, City Attorney

Passed by City Council: July 6, 2022

Date of Publication: July 9, 2022

Effective Date: July 14, 2022