

Chapter 19.05 – ADMINISTRATION AND ENFORCEMENT

Section 19.05.010 - Planning Office - Duties.

1. The Planning Office as designated by the Director of Public Works, shall administer and enforce the provisions of this title. If the Planning Office finds that any provision of this title is being violated, the Planning Office shall notify in writing the person responsible for such violation, indicating nature of the violation and the action necessary to correct it. The Planning Office shall order discontinuance of illegal use of land, buildings, or structures; removal of illegal buildings or structures or additions or structural changes thereto; discontinuance of any illegal work being done; or shall take any other action authorized by this title to insure compliance with or to prevent violation of its provisions.

2. The Planning Office shall make available to the public application materials for approvals and amendments authorized by this title. Each application shall be referred to the County Planner for preparation of a staff report.

3. The County Planner shall issue Rural Housing Certificates for rural residential uses that meet the requirements of Section 19.10.060. No permit for erection, alteration, moving, or repair of any building shall be issued until an application has been made for a Rural Housing Certificate except in the case of Rural Residential Site Review (RRSR). The final Certificate shall be issued in conformity with the provisions of this title upon completion of the work. Failure to obtain a Rural Housing Certificate where required is a violation of this title. (Revised 2/17/04, Ordinance #062209)

4. Following receipt of the report from the County Planner, described in Section 19.05.020, the Planning Office shall notify the applicant of the decision regarding the request for a Rural Housing Certificate. If the application is denied, the applicant shall be notified of the right to appeal that decision to the Board of Adjustment according to the procedures outlined in Section 19.06.050. If the application is approved, all property owners within 1,500 feet of the exterior boundaries of the proposed residential building footprint shall be notified of their right to appeal that decision also according to the procedures outlined in Section 19.06.050.

5. The Planning Office shall review all development permits to determine that the permit requirements of this ordinance have been satisfied and that all necessary permits have been obtained from those federal, state, or local governmental agencies from which prior approval is required. When base flood evaluation data has not been provided in the Flood Insurance Study for Whitman County, with accompanying Flood Insurance Maps, the Planning Office shall obtain, review and reasonably utilize any base flood elevation and floodway data available from a federal, state or other source, in order to administer this ordinance.

6. The Planning Office shall obtain and record the actual elevation (in relation to mean sea level) of the lowest floor (including basement) of all new or substantially improved structures, and whether or not the structure contains a basement. For all new or substantially improved flood proofed structures, the Planning Office shall also maintain the flood proofing certifications required in Section 19.50.060 (c).

7. The Planning Office shall maintain for public inspection all records pertaining to the provisions of this ordinance.

Section 19.05.015 - Administrative Use Permits.

1. Surface Mining and Rock Crushing. In the event a surface mining and/or rock crushing operation is located more than one mile from an incorporated community or designated unincorporated rural community and is proposed to be located at a distance greater than 1,000 feet from any residence, or in the event that the proposed surface mining and/or rock crushing operation is proposed to be located within 1,000 feet of a residence and proper waivers are filed with and approved by the Planning Office, and there has been no request for a public hearing and Conditional Use Permit in accordance with Sections 19.59 and 19.60.

2. Blasting or Explosive Demolition. Any activity where blasting or explosive demolition is required shall be done only in accordance with Section 19.60, and other conditions determined necessary for the protection of public health, safety and welfare.

Section 19.05.020 - Planning Director - Duties.

1. The Planning Director shall receive all applications for approval of residential use under Section 19.10.060 of this title. The Planning Director shall prepare a report either certifying or not certifying that the requirements of this title have been met. The applicant shall receive written notice of the decision postmarked within fourteen (14) days of the date of application. When necessary to collect further information, the Planning Director may indicate to the applicant an additional period of fourteen (14) days will be taken to prepare the report. Failure of the Planning Director to submit the report within these time periods shall constitute a denial of the request for residential use. A report by the Planning Director finding that a proposed residential use does not meet the requirements of Section 19.10.060 shall be final subject to appeal under Section 19.05.030. Pending appeal, no building permits or Rural Housing Certificates shall be issued.

3. The Planning Director shall review all applications for amendments to the zoning map, conditional use permits and variances, and shall prepare a staff report for the Planning Commission or Board of Adjustment, whichever has jurisdiction.

4. The Planning Director shall, after payment of fee, review site plans for inert earth fills of less than 2,000 cubic yards, and shall issue an administrative permit unless other regulations apply. The Planning Director may, if so indicated by the SEPA Environmental Checklist results, require a conditional use permit procedure, in which case this administrative fee will be returned, and the conditional use permit fee charged.

Section 19.05.030 - Interpretation and Enforcement Decisions-Appeals.

It is the intent of this title that all questions of interpretation or enforcement shall first be presented to the administrative official. Appeals from administrative decisions shall be made to the Board of Adjustment. Appeal from the decisions of the Board of Adjustment shall be to a court of competent jurisdiction as provided for by R.C.W. 36.70C et.seq.

Section 19.05.040 - Penalties.

Any person, firm, company, corporation or organization that violates or otherwise fails to comply with the provisions of this title shall be subject to a civil penalty of not more than

\$300 for each violation. Each day's continuance thereof shall be deemed a separate and distinct violation. The existence of a civil penalty or pendency of any proceedings to enforce and collect such a civil penalty under the provisions of this chapter shall not be construed to affect the right of the County to proceed with the enforcement of the provisions of this title by other civil proceedings either at law or equity in any court of competent jurisdiction. Compliance may be enforced by injunctive order at the suit of the County or by an owner or owners of land affected or anyone who may otherwise demonstrate that standing has been conferred upon them by law. The County, at its option, may also seek revocation of any permit or license previously granted pursuant to the provisions of this title. The provisions of this section are in addition to the provisions of Section 1.12.010 of Title I of the Whitman County Code.

Section 19.05.050 - Fees.

No permit, certificate, conditional use permit, variance or rezone shall be issued, nor shall any action be taken on proceedings before the Board of Adjustment or Planning Commission unless or until all charges and fees have been paid in full.