

CITY OF RUSTON REGULAR COUNCIL MEETING

Tuesday, February 18, 2025

MEETING CALLED TO ORDER

At 7:00PM Mayor Hopkins called the regular Council Meeting to order. Councilmembers present were Councilmember Syler, Councilmember Huson, Councilmember Jensen, and Councilmember Holland. Councilmember Hedrick was excused. Councilmember Syler moved to approve the agenda with a second from Councilmember Jensen, passed 4-0.

MINUTES - Councilmember Syler moved to approve the minutes for the regular Council Meeting of January 21, 2025, with a second from Councilmember Huson, passed 4-0.

STAFF REPORT –

Ruston Police Chief Bautista – Nothing at this time.

Ruston Fire Chief Allen – See attached.

GENERAL PUBLIC COMMENTS – Nothing at this time.

BUSINESS –

ORD 1588 – Update to the Title 19 RMS to make Permit Processing regulations Consistent with SSSB 5290 (1st Reading)

Title 19 of the Ruston Municipal Code (RMC) establishes the City's permit processing regulations consistent with Chapter 36.70B RCW.

Second Substitute Senate Bill 5290 (SSSB 5290) is a Washington State mandate. In 2023, the Washington State legislature enacted SSSB 5290, which amends certain provisions in Chapter 36.70B RCW relating to the review and processing of project permit applications, including the timelines for issuing decisions on project permits. These amendments will take effect on January 1, 2025, therefore, Ruston must update its permit processing chapter for consistency with SSSB 5290, ideally before the end of this calendar year.

The permit processing requirements apply to most, but not all, land use and development permits. See RMC 19.01.010 for exceptions.

Legislative Summary.

The requirements under SSSB 5290 are described below.

The timing requirements for permit processing steps have been changed. Previously, the processing time was 120 days for most permits. However, SSSB 5290 set some faster

processing time periods and also some longer processing time periods based on the permit processing needed. The updated requirements are:

Action	Deadline
Notice of Complete/Incomplete (NOC/NOI)	28 calendar days
Resubmittal after NOI	Review and make decision in 14 days
Notice of Application	Must issue 14 days after NOC
Review times from Notice of Complete (NOC)	
Permits without public notice requirements	65 days from NOC
Permits with public notice but no public hearing	100 days from NOC
Permits with public notice <u>and</u> a public hearing	170 days from NOC

In addition to changing the maximum processing times, the legislation also established *how* to “count” the processing time period (also called the “shot clock”).

- Must include every *calendar* day (not just weekdays).
- Clock is stopped for times when the City is requesting information/revisions. The clock starts again with the applicant’s submittal of the complete additional information
- Clock is stopped for times when applicant has requested a pause. The clock starts again when the applicant notifies the City to begin processing. (All notices must be in writing and the City can set conditions for temporary suspension of a permit application.)
- Clock is stopped during any period after filing an administrative appeal until the appeal is resolved (plus any additional time period provided by the appeal).
- Shot clock goes back to Day 1 if the application proposes:
 - A change of use
 - Adds or removes commercial or residential elements from the original application that would make the application fail to meet the determination of completeness for the new use

- If the applicant suspends the application for more than 60 days (in writing) or the applicant has been non-responsive for more than 60 consecutive days after the City has sent a request for more information. In such case an addition 30 days is added to the shot clock to issue a final decision.

There is nothing in the legislation that would prohibit the City and an applicant from agreeing to extend processing time periods. RCW 36.70B.080(3).

Some types of permits are excluded from the “shot clock” such as Comp Plan amendments. In addition, the City can set forth other exempt permits. The proposed ordinance excludes the following types of permits. This exemption is found in revised RMC 19.01.010:

1. Building and grading permits when exempt from State Environmental Policy Act (SEPA) review (WAC 197-11-800) or when covered by other environmental review.
2. Legislative actions such as area-wide rezones, zoning text amendments, and comprehensive plan amendments.
3. Street vacations.
4. Street and public areas use permits.
5. Sewer system connection permits.
6. Boundary line adjustments.
7. Landmark designations.
8. Adoption of development regulations and amendments thereto.
9. Administrative decisions listed in Section 19.01.011 which are listed as not subject to this Title 19, including sign permits, site plan approval, minor amendments to master development plans, short plats, street excavation permits, right-of-way encroachment permits, temporary encampment permits, and hazards and obstructions.
10. Development Agreements. **this is newly added**

If a city doesn't meet processing deadlines, a portion of the permit fee must be refunded as follows:

- 10% if the final decision was made after the deadline but does not exceed 20% of the original time period; or
- 20% if the final decision issuance exceeded 20% of the original time period.

There are exceptions to this refund requirement if the City adopts or utilizes three or more of the practices that are set forth in RCW 36.70B.160(1)(a)-(j). These practices are primarily administrative in nature and therefore are not included in the attached ordinance.

Summary of Revisions to Title 19 MMC.

In addition to adding development agreements to RMC 19.01.010, the following changes were made:

RMC 19.02.020:

- Determination of Completeness: RMC 19.02.020.c was amended to make the language regarding a complete application consistent with SSSB 5290.
- Notice of incomplete application: RMC 19.02.020.f.3 was revised to allow more methods of providing the notice of incomplete application (since the City uses a permit portal and email for most things)
- A new subsection "h" was added to allow the City to not issue a notice of complete if it issues the permit prior to the time period when that notice would need to be issued.

RMC 19.05.010:

This section was dramatically modified for consistency with SSSB 5290 as shown on the table above.

Planning Commission Review and Recommendation.

The Planning Commission held a public hearing on this Ordinance on January 8, 2025 and recommends Council approval.

FISCAL CONSIDERATION

None. However, failure to meet the new processing deadlines could lead to being required to refund a portion of the permit fees.

Mayor Hopkins briefly explained some of the details regarding ORD 1588 and the complexities surrounding the processing and approval of permits. He voiced concerns about the increased workload on City staff due to the shorter timeframe for processing permits. He addressed ongoing issues within the federal government and municipalities.

Councilmember Jensen commented on details regarding the timelines within ORD 1588 and questioned the type of permits that are exempt from ORD 1588, and the reasoning behind it.

RES 803 – Appointing Stu Lehr to the Ruston Planning Commission Position No. 5 for a partial 6-year term which ends on June 30, 2026

Position #5 on the Ruston Planning Commission was previously made vacant. The Mayor recommends appointing Stu Lehr to this seat to complete the partial 6-year term which will expire on June 30, 2026.

In accordance with RMC 1.07.020, the process for appointing Planning Commissioners is an appointment by the Mayor and a confirmation by the Council. The attached Resolution #803 appoints Stu Lehr to Position #5 for a partial 6-year term ending June 30, 2026. If Council agrees with the Mayor's appointment, then adoption of the Resolution is recommended.

Mayor Hopkins and the City Council expressed gratitude to Mr. Lehr for his commitment to serving on the Ruston Planning Commission.

Councilmember Syler moved to approve Resolution 803, with a second from Councilmember Huson, passed 4-0.

CLAIMS/PAYROLL – Councilmember Syler moved to approve Claims for February 4, 2025, and February 18, 2025, and Payroll for February 5, 2025, with a second from Councilmember Huson, passed 4-0.

MAYOR'S TIME – Mayor Hopkins provided an update on discussions with the City of Fircrest regarding the implementation of traffic cameras and their ability to meet the City's needs. He stated that options will continue to be explored.

He also gave an update on the financial audit and the Clean Energy audit, elaborating on the costs associated with the Clean Energy audit and the ongoing process with the City of Tacoma. He questioned the objectives of the Clean Energy audit and its implications for the City of Ruston, expressing concerns about potential fines and the standards being applied. He further conveyed frustration over navigating the audit requirements to avoid penalties.

Lastly, Mayor Hopkins provided updates on the Point Ruston parking garage and the related challenges.

Councilmember Hedrick – Nothing at this time.

Councilmember Syler – Questioned how the City of Tacoma was able and permitted to remove the City of Ruston from its reporting numbers for the Clean Energy audit.

Councilmember Huson – Nothing at this time.

Councilmember Jensen – Shared upcoming events in Ruston, including the Ruston Egg Hunt on April 19, with volunteer opportunities for event preparation on March 6 and March 13. Announced the resumption of street cleaning events starting March 8. Additionally, noted that a Park Clean-Up Day, in coordination with Metro Parks, is scheduled for March 29.

Councilmember Holland – Provided information on the presentation Chief Bautista attended at the City of Fircrest regarding the implementation of traffic cameras, including details on the traffic study, vetting process, and potential revenue generation.

MEETING ADJOURNED – At 7:31 PM Councilmember Syler moved to adjourn, with a second from Councilmember Huson, passed 4-0.



Bruce Hopkins, Mayor

ATTEST:



Mario A. Ortega, Jr., City Clerk

Ruston Fire Department Monthly Review for January 2025

Tuesday, February 18, 2025

Presented by Chief Bruce Allen

Total Incidents (YTD) 7, January (1 Fire/Service, 6 Medical Aid)

Volunteer Hours: January **1432** Hours, YTD 1432 Hours

Membership Roster (21 out of 25): (18 Members, 3 Officers)

State of Business

- Our Member in the Bates EMT class scored 95 on their Midterm exam.
- Our two Members in the Buckley FFI Academy are doing well.
- We are finally seeing some reimbursement for Ambulance transports.