



Technical Memo

To City of Ruston Planning Commission
From: Malissa Paulsen, Consultant Planner
Date: August 3, 2025, Planning Commission
Subject Critical Areas Ordinance Update (Title 30, RMC)

Summary

The City of Ruston has prepared updates to Title 30 – Critical Areas of the Ruston Municipal Code to ensure consistency with the Washington State Growth Management Act (RCW 36.70A), the requirement to use Best Available Science (BAS), and updated guidance from the Washington State Department of Ecology (Ecology) and the Washington Department of Fish and Wildlife (WDFW).

This ordinance addresses three major critical area types:

- **Wetlands (Chapter 30.20):** Updated wetland rating system, and buffer standards to reflect Ecology's current model guidance. Strengthened mitigation sequencing and added Ecology's credit-debit method for mitigation banking. Monitoring/reporting requirements expanded for long-term compliance.
- **Critical Aquifer Recharge Areas (Chapter 30.30):** Expanded designation criteria to include wellhead protection areas and Ecology susceptibility maps. Introduced susceptibility ratings (high, moderate, low) and required Level 1 & Level 2 hydrogeological assessments. Strengthened performance standards to maintain recharge capacity and water quality. Added new prohibitions (landfills, certain mining, injection wells) and an adaptive management framework to ensure continued compliance with BAS.
 - Added Prohibited Infiltration Areas and associated requirements to limit infiltration near or on Superfund sites, State cleanup sites, areas of known or suspected contamination, and high-risk land uses.
- **Fish and Wildlife Habitat Conservation Areas (Chapter 30.60):** Updated designations to align with WDFW's Priority Habitats and Species program. Incorporated WDFW's site-specific tree height buffer guidance to ensure riparian buffers reflect the mature height of dominant native trees. Established default 100-foot buffers where tree data is lacking, and required buffer expansions for sensitive areas. Clarified buffer averaging (limited to 25% reduction) and added provisions for mitigation, fencing, and habitat connectivity.

- **Definitions (Chapter 30.70):** Updated to modernize terminology and align with Ecology, WDFW, GMA guidance, and improve consistency across the Critical Areas Ordinance. Key changes included updated and expanded definitions, added technical definitions, clarification of terms, and integration of groundwater and infiltration terminology.

SCJ Staff Conclusion

The proposed updates to Title 30 – Critical Areas of the Ruston Municipal Code ensure that the City's regulations remain compliant with the Growth Management Act (RCW 36.70A), reflect Best Available Science (BAS), and are consistent with current guidance from the Washington State Department of Ecology and the Washington Department of Fish and Wildlife.

The amendments strengthen protection of wetlands, aquifers, fish and wildlife habitat, and groundwater resources through clarified definitions, updated technical standards, and the incorporation of new state guidance. In particular, the ordinance introduces stricter infiltration limits citywide due to Ruston's location within an EPA Superfund site, establishes science-based riparian buffer standards tied to tree height, and incorporates modernized wetland buffers, mitigation sequencing, and monitoring requirements.

Together, these updates improve clarity, consistency, and defensibility of the City's critical area regulations, while balancing environmental protection with predictable permitting for property owners and developers. Staff concludes that adoption of these amendments will protect public health, safety, and welfare, while ensuring that Ruston remains in compliance with state law and best available science.

PROCEDURAL REQUIREMENTS

Amendments to the development code regulations are considered a legislative process, and require that a recommendation from the Planning Commission be forwarded to City Council as the final decision-making authority. Following the Planning Commission public hearing and recommendation of approval, the City Council will hold an open record public hearing prior to formal adoption.

The second reading on the ordinance is conducted following the procedures for closed record hearings as follows:

19.04.040 Procedures for closed record hearings.

Closed record hearings shall be conducted generally as provided for public meetings:

- (a) No new evidence or testimony shall be given or received. The parties may submit timely written or oral statements or arguments so long as such statements or arguments use evidence contained in the record before the recommending body.
- (b) Affirm that the Hearing Body must be impartial and request members to state whether there has been any ex parte contact or whether a member has a personal or business interest in application. The Hearing Body shall afford parties an opportunity to challenge the impartiality of the Hearing Body or its member(s).

- (c) The Hearing Body shall be responsible to review the application, staff report, minutes of the open public hearing, and the findings and conclusions, or reasons for decisions or recommendations. The Hearing Body may continue the hearing to review the record.
- (d) The Hearing Body may elect to continue the closed record hearing to consider evidence and testimony before making a decision.
- (e) Make its decision in accordance with Section 19.04.030.

DECISION CRITERIA

The Final Administrative Actions are described in RMC 19.04.030 with the following guidance for issuing Decisions:

- (a) Actions. Upon receiving a recommendation from a designated recommending body, the final decision maker or Hearing Body (i.e., Hearing Examiner or City Council) shall perform the following actions as appropriate:
 - (1) Make a decision on the recommending body's recommendations. Where the recommending body has held an open record public hearing, Hearing Body shall review the matter at a closed record hearing.
 - ...
- (b) Decisions. The Hearing Body shall make its decision in writing as appropriate.
 - (1) A Hearing Body decision following an open record public hearing (if applicable) shall include one of the following actions:
 - (A) Approve as recommended by the recommending body.
 - (B) Approve with additional conditions.
 - (C) Modify; provided, that the modifications do not 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 where appropriate.
 - (2) Notice of Decision. A written notice for all final decisions shall be sent to the applicant and to all parties of record. Persons who desire to be a party of record shall so notify the City Clerk and provide the City Clerk their name and mailing address. For development applications requiring Planning Commission or Hearing Examiner review and City Council approval, the notice shall be the signed ordinance or resolution.

Attachments:

Chapter_30.20___WETLANDS 8.21.2025.docx

Chapter_30.30___CRITICAL_AQUIFER_RECHARGE_AREAS 8.25.25.docx

Chapter_30.60___FISH_AND_WILDLIFE_CONSERVATION_AREAS 8.21.2025.docx

Chapter_30.70___DEFINITIONS 8.21.2025.docx