

ORDINANCE NO. 1435

AN ORDINANCE OF THE CITY OF RUSTON, AMENDING SECTION 25.01.140 OF THE RUSTON MUNICIPAL CODE RELATING TO ADMINISTRATION, SITE PLANS, APPEALS AND AMENDMENTS TO CLARIFY THAT THE SITE PLAN APPROVAL PROCESS IS AN ADMINISTRATIVE PROCESS THAT IS APPLICABLE TO DEVELOPMENT WITHIN ALL ZONES CITY-WIDE, AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, the City of Ruston has established a site plan approval process as part of RMC 25.01.140; and

WHEREAS, in accordance with RMC 25.06.020 the City's design standards are applicable to development in all zones city-wide and shall be reviewed for compliance under the site plan approval process contained in RMC 25.01.140; and

WHEREAS, a recent development applicant has alleged that the existing Code on the site plan approval process lacks clarity that it is applicable city-wide in every zone; and

WHEREAS, even though the City believes the code is clear as presently written, the City seeks to have a code that is clear for all readers and does not create any confusion with any applicant as to how this process applies; and

WHEREAS, RMC 19.01.011 sets forth the applicable review process and standards for site plan approvals; and

WHEREAS, RMC 25.01.140 should be amended for consistency with RMC 25.06.020 and RMC 19.01.011 to clarify the applicable review process as well as the applicability of site plan approval to all development in all zones within the City of Ruston; and

WHEREAS, this amendment will increase the clarity of the zoning code and provide ease of reference to all applicants; and

WHEREAS, the City's SEPA Responsible Official issued a Determination of Non-Significance (DNS) on May 9, 2014 and no appeals were filed; and

WHEREAS, in accordance with RCW 36.70A.106, this amending ordinance has been sent to the State Department of Commerce for review on April 21, 2014; and

WHEREAS, the Department had no comments and more than sixty (60) days have passed and now adoption by the City Council is permitted; and

WHEREAS, on April 30, 2014, the Ruston Planning Commission held a public hearing on these revisions; and

WHEREAS, following the public hearing the Planning Commission deliberated on the revisions; and

WHEREAS, after a full deliberation and consideration, the Planning Commission unanimously recommended that the City Council adopt this Ordinance; and

WHEREAS, on August 5, 2014 the City Council held first reading of this Ordinance; and

WHEREAS, on August 19, 2014, the City Council adopted this Ordinance at second reading during its regular meeting; **NOW, THEREFORE**

THE CITY COUNCIL OF THE CITY OF RUSTON DOES HEREBY ORDAIN AS FOLLOWS:

Section 1. Section 25.01.140 of the Ruston Municipal Code is hereby amended to read as follows:

25.01.140 Administration, site plans, appeals and amendments.

- (a) Purpose. This chapter describes the administrative procedures governing applications for permits and approvals required by the City of Ruston Zoning Code and Comprehensive Plan.
- (b) Applicability.

- (1) Conditional Use Permit. A conditional use permit is required for any proposed use which is listed as a conditional use in the zone use classifications. A conditional use permit is also required for the siting of essential public facilities as defined in RCW 36.70A.200.
 - (2) Unclassified Use Permit. An unclassified use permit is required for any proposed use which is not explicitly listed as a permitted or conditional use in the zone use classifications subject to the requirements listed in Section 25.01.110(b).
 - (3) Variance Permit. A variance permit is required for any proposed use which includes a feature which is at variance with a stated requirement in the zone use classifications.
 - (4) Comprehensive Plan Amendment. An amendment for any modification to the Comprehensive Plan, Comprehensive Plan map, zoning code, or zoning map must be reviewed through the City's annual review process.
 - (5) Special Use Permit. A special use permit, where required in this code, shall be reviewed under the provisions of this chapter.
 - (6) Site Plan Approval. Site plan approval shall be required for all development in every zone within the City limits and where required in this code shall consist of review of a site plan meeting the requirements of subsection (d)(3) of this section for compliance with the provisions of the zoning code. Site Plan Approval is an administrative decision requiring review for compliance with adopted codes and other applicable standards.
- (c) Related Measures. Additional procedures and permits may be required which are in addition to the requirements set forth in this chapter and governed by other ordinances, laws or regulations. If a project requires more than one permit or approval, the Mayor may order a consolidation of applications to avoid unnecessary costs and delays.
- (d) Applications.
- (1) Preliminary Meeting. All applicants for permits or approvals are encouraged to meet with the Mayor or designee, prior to submitting an application, to discuss the project, application requirements, obtain any necessary application and checklist forms, and determine any necessary information for the subsequent review meeting.
 - (2) Project Scope Review. The applicant may meet with the Mayor and/or Council to present and discuss the general scope of the project. The Mayor may, depending upon the scope or particular features of the project, request that representatives from other agencies participate in the review process.
 - (3) Conditional Use, Unclassified Use, Special Use, Site Plan Approval and Variance Permits Applications. An application for these permits or approvals shall contain a site plan which shall include:
 - (A) Name, address, telephone number, and signature of the applicant, and the property owner (if different from the applicant).
 - (B) Legal description and tax lot of subject property.
 - (C) Statement of proposed use or action.
 - (D) Statement of how proposed use complies with the goals, objectives, and policies of the Comprehensive Plan.

- (E) A vicinity map.
- (F) A plot plan at one inch equals 50 feet, or other appropriate scale as determined by the Mayor, showing:
 - (i) North point; and
 - (ii) Setbacks and heights; and
 - (iii) Proposed lot line adjustments and improvements; and
 - (iv) Boundaries, easements, and ownerships as set forth in the legal description; and
 - (v) Topography at two-foot contour intervals; and
 - (vi) Existing structures and improvements, parking; and
 - (vii) Location of all proposed and existing vegetation including all trees over 10 inches in diameter that might be impacted by the proposal, watercourses, other natural features and environmentally sensitive areas; and utilities and/or septic design, if appropriate; and
 - (viii) Adjacent streets and rights-of-way; and
 - (ix) The terms, conditions, covenants, and agreements under which the subject property is bound, if any; and
 - (x) An environmental checklist, when required.
- (G) A calculation of the subject property area.
- (H) Statement of compliance with subsections of Section 25.01.110 that apply to the application being submitted.
- (I) Permit and application fees as established by ordinance and recorded in the City's schedule of land use application fees.
- (J) Other information deemed appropriate by the Mayor, City Council or Planning Commission including but not limited to:
 - (i) Soils map and general description of soil types and their suitability for the proposed uses.
 - (ii) Landscape plan.
 - (iii) A calculation of the number of dwelling units (if involving residential), gross floor area (if involving nonresidential) building coverage area, impervious surface area, number of employees (if nonresidential) and parking spaces.
 - (iv) Building elevations.
 - (v) Grading plan and evidence of compliance with Section 25.01.080
 - (vi) Storm drainage plan and evidence of compliance with Section 25.01.080
 - (vii) Utilities plan and evidence of compliance with Comprehensive Plan goals, objectives, and policies related to utilities.

- (viii) A draft of any proposed conveyance, conditions, and restrictions related to maintenance of open space and commonly owned improvements.

(4) Amendment Approval Application.

(A) An application for an amendment to the Comprehensive Plan or zoning code shall contain:

- (i) A precise statement of the proposed amendment and reasons for proposing.
- (ii) Any other information deemed appropriate by the Mayor, Council or Planning Commission.

(B) An application for an amendment to the Comprehensive Plan map or zoning map shall contain:

- (i) A complete legal description of the subject property.
- (ii) The names and addresses of all recorded owners of the subject property.
- (iii) The names and notarized signatures of record owners of at least 51 percent of the tax parcels within the subject property who support the amendment (if an application for a zoning map amendment only, or by other than City Council).
- (iv) The names and addresses of all record owners of property lying within 300 feet of the exterior boundary of the subject property.
- (v) Permit and application fees as established by ordinance and recorded in the City's schedule of land use application fees (if application by other than City Council).
- (vi) Any other information deemed appropriate by the Mayor, Council or Planning Commission.

(e) Review, Notice, Hearing, and Decisions.

(1) The Mayor, City Council and Planning Commission will hear and review all applications under this chapter pursuant to the procedures in Title 19 of the Ruston Municipal Code.

(2) City Council Review and Decision. The City Council shall consider the application in a public meeting within 30 days of receipt of the Planning Commission's recommendation. The City Council shall vote to: (A) approve the application as submitted; (B) approve the application subject to modifications or development conditions; (C) disapprove; or (D) refer the application back to the Planning Commission for further consideration within a specified period of time. The Mayor shall transmit a copy of the City Council's report and decision to the applicant and all parties of record.

(f) Effect of Approval. All permits and approvals granted pursuant to this code shall be binding on the applicants and their successors, assignees, contractors and any other party participating in the development, if the project is undertaken.

An approved amendment shall be binding on all persons after their effective date, except where rights to building permits and other City approvals are vested under a prior building permit application or an approved site plan.

(1)Expiration. Any permit or approval granted pursuant to this code becomes null and void if use or development is not commenced pursuant to the approval within the time specified in such permit or approval or, if no date is specified, before the time noted in the following schedule:

- (A) Conditional use: two years;
- (B) Unclassified use: two years;
- (C) Variance: two years;
- (D) Site Plan Approval: two years;

The Mayor may extend an approval or permit if the applicant demonstrates that substantial progress has been made toward completing the requirements, or that the delay is caused by factors beyond the applicant's control. The Mayor's extension shall be submitted in writing to all parties and the City Council.


Section 2. 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 3. Publication. This Ordinance shall be published by an approved summary consisting of the title.

Section 4. Effective Date. This Ordinance shall be effective five days after publication as provided by law.

ADOPTED by the City Council of the City of Ruston and attested by the City Clerk in authentication of such passage on this 19 day of August, 2014.

APPROVED by the Mayor this 19 day of August, 2014.



Bruce Hopkins, Mayor

ATTEST/AUTHENTICATED:



Judy Grams, City Clerk

APPROVED AS TO FORM:



Office of the City Attorney

FILED WITH THE CITY CLERK:
PASSED BY THE CITY COUNCIL:
PUBLISHED:
EFFECTIVE DATE:
ORDINANCE NO: 1435