

ORDINANCE NO. 1463

AN ORDINANCE OF RUSTON, WASHINGTON, RELATING TO AMENDING PROJECT PERMIT APPLICATION PROCEDURES, AMENDING SECTIONS 19.01.010 AND 19.01.011 OF THE RUSTON MUNICIPAL CODE TO REFLECT CHANGES OF PROCEDURE WHEREBY THE DECISION MAKER FOR CERTAIN DECISIONS IS THE CITY'S HEARING EXAMINER, CHANGING THE FOLLOWING DECISIONS FROM THE COUNCIL TO THE HEARING EXAMINER: CONDITIONAL USE PERMIT, WIRELESS COMMUNICATION FACILITIES PERMIT, VARIANCE PERMIT, MASTER DEVELOPMENT PLAN APPROVALS, SHORELINE PERMITS, SHORELINE CONDITIONAL USE PERMITS, SPECIAL USE PERMITS, APPEALS OF ADMINISTRATIVE INTERPRETATIONS AND APPEALS OF SEPA DETERMINATIONS, AND MAKING THE HEARING EXAMINER A RECOMMENDING BODY (TO THE COUNCIL) FOR REZONES, AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, in January 2015, the City Council created the Office of the Hearing Examiner by adoption of Ordinance No. 1450 which is codified as Chapter 1.20 of the Ruston Municipal Code ("RMC"); and

WHEREAS, in accordance with RMC 1.20.020(A), the City Council is authorized to appoint the City Hearing Examiner; and

WHEREAS, on February 17, 2015, the City Council by Resolution No. 598 appointed a City Hearing Examiner; and

WHEREAS, in order to have the Hearing Examiner hear certain matters for the City, the Ruston Municipal Code needs to be updated to change the applicable decision maker to the City's Hearing Examiner; and

WHEREAS, by passage of Ordinance Nos. 1453 and 1454, the City Council has adopted revisions to the City Code to utilize the Hearing Examiner for appeal of enforcement procedures under Chapter 12.40 RMC and 25.03 RMC; and

WHEREAS, the summary of permit procedures in contained in Chapter 19.01 RMC and needs to be updated for consistency with the process revisions; and

WHEREAS, on August 18, 2015, the City Council held the first reading of this Ordinance; and

WHEREAS, on September 1, 2015, the City Council adopted this Ordinance during its regular meeting at the second reading; **NOW, THEREFORE,**

THE CITY COUNCIL OF THE CITY OF RUSTON HEREBY ORDAINS AS FOLLOWS:

Section 1. Section 19.01.010 of the Ruston Municipal Code is hereby amended to read as follows:

19.01.010 - Applicability.

- (a) The following project permits are excluded from the procedures of this title:
- (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.

- (b) This title shall apply to:
- (1) Title 25 (Zoning) as follows:
 - (A) Conditional Use Permit;
 - (B) Unclassified Use Permit;
 - (C) Variance Permit;
 - (D) Special Use Permit.
 - (2) Chapter 15.01 (Shorelines).
 - (3) Title 29 (Subdivisions).
- (c) The Mayor is authorized, with the assistance of the CityTown Clerk and other persons designated by the Mayor, to administer this title and to employ other persons to perform administrative functions related to the designated administrative actions, including the use of a Hearing Examiner.

Section 2. Section 19.01.011 of the Ruston Municipal Code is hereby amended to read as follows:

19.01.011 - Permits and review procedures.

The following table shows land use or land use-related permit and/or approval procedures in Ruston:

Type of Permit/Approval	Subject to Title 19	Administration	Planning Commission	<u>Hearing Examiner</u>	Town-City Council	RMC
Legislative Decisions (See RMC 19.01.010(a))						
Adoption of and amendment to development regulations	No	Report	Recommendation	<u>No</u>	Decision	25.01.135
Comprehensive Plan Amendment	No	Report	Recommendation	<u>No</u>	Decision	29.01
Zoning Map Amendment	No	Report	Recommendation	<u>No</u>	Decision	25.01.140

Zoning Text Change	No	Report	Recommendation	<u>No</u>	Decision	25.01.135
Street Vacations, etc.	No	Report		<u>No</u>	Decision	RCW 35.79
Quasi-Judicial Decisions (Set Forth in RMC 19.01.010(b))						
Conditional Use Permit	Yes	<u>Recommendation</u>	<u>No</u>	<u>Decision</u>	<u>No</u>	25.01.110
Wireless Communication Facilities Permit	Yes	Report <u>Recommendation</u>	Recommendation <u>No</u>	<u>Decision</u>	Decision <u>No</u>	25.02 and 25.01.110
Unclassified Use Permit	Yes	Report	Recommendation	<u>No</u>	Decision	25.01.110
Variance Permit	Yes	Report <u>Recommendation</u>	Recommendation <u>No</u>	<u>Decision</u>	Decision <u>No</u>	25.01.110
Approval or Amendment of Development Plan/Development Agreement in MPD Zone.	Yes	Report <u>Recommendation</u>	Recommendation <u>No</u>	<u>Decision</u>	Decision <u>No</u>	25.01.060
Subdivisions	Yes	Report	Recommendation	<u>No</u>	Decision	29.02
Shoreline Permit	Yes	Report <u>Recommendation</u>	Recommendation <u>No</u>	<u>Decision</u>	Decision <u>No</u>	15.01

Shoreline Conditional Use or Variance Permit	Yes	<u>Report Recommendation</u>	<u>Recommendation No</u>	<u>Decision</u>	<u>Decision No</u>	15.01
Special Use Permit (Auxiliary Dwelling Unit, Yard Variation on Corner Properties)	Yes	<u>Report Recommendation</u>	<u>Recommendation No</u>	<u>Decision</u>	<u>Decision No</u>	25.01.140
<u>Rezone</u>	<u>Yes</u>	<u>Report</u>	<u>No</u>	<u>Recommendation</u>	<u>Decision</u>	<u>25.01.130</u>
Administrative Decisions Requiring Review for Compliance with Adopted Codes.						
Building Permit, Grading Permit	No	Decision				IBC
Sign Permit	No	Decision				25.01.100
Site Plan Approval	No	Decision				25.01.140
Boundary Line (Lot Line) Adjustments	No	Decision				29.03
Short Plat	No				Decision	29.02
Digging and Grading in public ROW or public place	No	Decision				12.02
Hazards and	No	Decision			Review	14.03

Obstructions					Exceptions to Chapter 14.03	
<u>Administrative Interpretations</u>	<u>Yes</u>	<u>Decision</u>	<u>No</u>	<u>Yes, if decision is appealed</u>	<u>No</u>	<u>19.04.030;</u> <u>19.09</u>
<u>SEPA Determinations</u>	<u>Yes</u>	<u>Decision</u>	<u>No</u>	<u>Yes, if decision is appealed</u>	<u>No</u>	<u>15.02</u> <u>19.04.030</u>

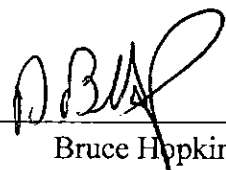
Section 3. Severability. If any section, sentence, clause or phrase of this Ordinance should be held to be unconstitutional or unlawful by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this Ordinance.

Section 4. Publication. This Ordinance shall be published by an approved summary consisting of the title.

Section 5. Effective Date. This Ordinance shall take effect and be in full force and effect five days after publication, as provided by law.

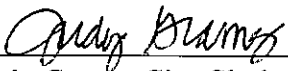
ADOPTED by the City Council of the City of Ruston and attested by the City Clerk in authentication of such passage on this 1st day of September, 2015.

APPROVED by the Mayor this 1st day of September, 2015.



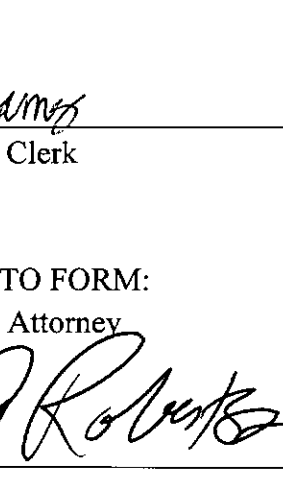
Bruce Hopkins, Mayor

ATTEST/AUTHENTICATED:



Judy Grams, City Clerk

APPROVED AS TO FORM:
Office of the City Attorney



Jennifer Robertson, City Attorney

FILED WITH THE CITY CLERK: _____
PASSED BY THE CITY COUNCIL: _____
PUBLISHED: _____
EFFECTIVE DATE: _____
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