

ORDINANCE NO. 1465

AN ORDINANCE OF RUSTON, WASHINGTON, RELATING TO AMENDING PROJECT PERMIT APPLICATION PROCEDURES, AMENDING SECTION 19.05.010 OF THE RUSTON MUNICIPAL CODE TO REFLECT CHANGES OF PROCEDURE WHEREBY THE DECISION-MAKER FOR CERTAIN DECISIONS IS THE CITY'S HEARING EXAMINER, UPDATING THE CODE TO MAKE THE LANGUAGE NEUTRAL AND APPLICABLE TO VARYING DECISION-MAKERS, AND MAKING CLEAN-UP AMENDMENTS, 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, by adoption of Ordinance No. 1463, the City Council will update the permit processing procedures contained in Chapter 19.01 RMC; and

WHEREAS, Section 19.05.010 of the Ruston Municipal Code contains the requirements for implementing these procedures and will need to also be updated to include the Hearing Examiner as a the decision-maker; and

WHEREAS, additional clean-up amendments changing “town” to “city” should also be made; 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 19.05.010 of the Ruston Municipal Code is hereby amended to read as follows:

19.05.010 - Decision time lines.

Administrative, Planning Commission, Hearing Examiner and ~~Town~~ City Council actions shall be scheduled promptly so that a final decision on a technically complete application shall not require more than 120 days; provided:

- (a) If a determination of significance (DS) is issued, then the ~~Planning Commission~~ applicable hearing body shall issue a recommendation not sooner than seven calendar days after a final environmental impact statement is issued.
- (b) An applicant may agree in writing to extend the time in which the ~~Planning Commission~~ applicable hearing body shall issue a recommendation. The ~~Planning Commission~~ applicable hearing body may consider new evidence the applicant introduces with or after such a written request.
- (c) In determining the number of days that have elapsed after the ~~Town~~ City has notified the applicant that the application is technically complete, the following periods shall be excluded:

- (1) Any period during which the applicant has been requested by the Town City to correct plans, perform required studies, or provide additional required information. The period shall be calculated from the date the Town City notifies the applicant of the need for additional information until the earlier of the date the Town determines whether the additional information satisfies the request for information or 14 days after the date the information has been provided to the Town City.
- (2) If the Town City determines that the information submitted by the applicant is insufficient, it shall notify the applicant of the deficiencies and the procedures under subsection (c)(1) of this section shall apply as if a new request for studies has been made.
- (3) Any period of time during which an environmental impact statement is being prepared, which shall not exceed one year from the issuance of the determination of significance unless the Town City and applicant have otherwise agreed in writing to a longer period of time. If no mutual written agreement is completed, then the application shall become null and void after the one-year period unless the Town City Engineer determines that delay in completion is due to factors beyond the control of the applicant.
- (d) If the Town City is unable to issue its final decision within the time limits provided in this title, it shall provide written notice to the applicant with a statement of reasons why the time limits have not been met and an estimated date for issuance of the notice of final decision.

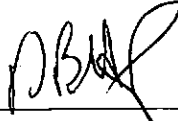
Section 2. Severability. If any section, sentence, clause or phrase of this Ordinance should be held to be unconstitutional or unlawful by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this Ordinance.

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

Section 4. Effective Date. This Ordinance shall take effect and be in full force and effect five days after publication, as provided by law.

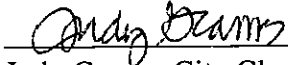
ADOPTED by the City Council of the City of Ruston and attested by the City Clerk in authentication of such passage on this 1st day of September, 2015.

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



Bruce Hopkins, Mayor

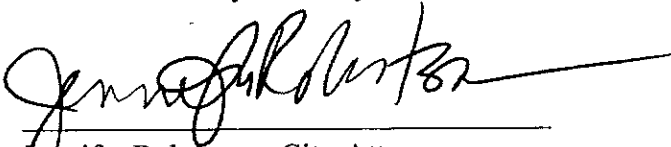
ATTEST/AUTHENTICATED:



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: _____

ORDINANCE NO: 1465