

ORDINANCE NO. 1477

AN ORDINANCE OF THE CITY OF RUSTON, AMENDING CHAPTER 19.01 OF THE RUSTON MUNICIPAL CODE, AMENDING SECTION 19.01.010 AND 19.01.011 OF THE RUSTON MUNICIPAL CODE TO UPDATE THE PROCEDURES CODE TO INCORPORATE CHANGES TO THE ZONING CODE REGARDING MASTER DEVELOPMENT PLANS AND AMENDMENTS TO MASTER DEVELOPMENT PLANS WHICH WERE MADE UNDER ORDINANCE NO. 1476, TO ALLOW AN ADMINISTRATIVE PROCESS FOR MINOR AMENDMENTS, MAKING CLEAN-UP AMENDMENTS TO CLARIFY WHICH PROCEDURES ARE SUBJECT TO TITLE 19, AMENDING CROSS-REFERENCES TO REFLECT UPDATED CODES, AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, the City of Ruston has adopted changes to its Master Development Plan procedures under Ordinance No. 1476 which changes the City's Zoning Code and creates a new minor amendment procedure for Master Development Plans; and

WHEREAS, the existing Zoning Code contained no provisions or process for amending an approved Master Development Plan; and

WHEREAS, it is appropriate for the City to have a process to amend an approved Master Development Plan; and

WHEREAS, in order to ensure consistency in the Code, an update to the City's Procedures Code, Chapter 19.01 RMC is needed to capture the updated process for Master Development Plans as outlined in Ordinance No. 1476; and

WHEREAS, clarification in RMC 19.01.010 was needed to more specifically identify procedures which are not subject to Title 19 RMC, including the new minor MDP amendment

and other procedure which are listed as not being subject to Title 19 RMC in RMC 19.01.011;
and

WHEREAS, during the process of updating this code, it was discovered that there were outdated references in RMC 19.01.011 regarding digging and grading in the right of way which should be updated consistent to cross reference the current codes (Right of Way Encroachment Permit – Chapter 14.03 RMC and Street Excavation Permit – Chapter 14.08 RMC); and

WHEREAS, the City Council held first reading on this Ordinance on October 20, 2015;
and

WHEREAS, on November 3, 2015, 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 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.
 - (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 and Hazards and Obstructions.
- (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.
 - (E) Master Development Plan Approvals and Major Amendments of MDPs.
- (2) Chapter 15.01 (Shorelines).
- (3) Title 29 (Subdivisions).
- (c) The Mayor is authorized, with the assistance of the City 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	Admini- stration	Planning Commission	Hearing Examiner	City Council	RMC
Legislative Decisions (See RMC 19.01.010(a))						
Adoption of and amendment to development regulations	No	Report	Recommendation	No	Decision	25.01.135
Comprehensive Plan Amendment	No	Report	Recommendation	No	Decision	29.01
Zoning Map Amendment	No	Report	Recommendation	No	Decision	25.01.140
Zoning Text Change	No	Report	Recommendation	No	Decision	25.01.135
Street Vacations, etc.	No	Report		No	Decision	RCW 35.79
Quasi-Judicial Decisions (Set Forth in RMC 19.01.010(b))						
Conditional Use Permit	Yes	Recommendation	No	Decision	No	25.01.110
Wireless Communication	Yes	Recommendation	No	Decision	No	25.02 and 25.01.110

Facilities Permit						
Unclassified Use Permit	Yes	Report	Recommendation	No	Decision	25.01.110
Variance Permit	Yes	Recommendation	No	Decision	No	25.01.110
Approval or <u>Major</u> Amendment of Development Plan/Development Agreement in MPD Zone.	Yes	Recommendation	No	Decision	No	25.01.060
Subdivisions	Yes	Report	Recommendation	No	Decision	29.02
Shoreline Permit	Yes	Recommendation	No	Decision	No	15.01
Shoreline Conditional Use or Variance Permit	Yes	Recommendation	No	Decision	No	15.01
Special Use Permit (Auxiliary Dwelling Unit, Yard Variation on Corner Properties)	Yes	Recommendation	No	Decision	No	25.01.140
Rezone	Yes	Report	No	Recommendation	Decision	25.01.130
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
<u>Minor Amendment of Approved Master Development Plan</u>	<u>No</u>	<u>Decision</u>				<u>25.08.040</u>
Boundary Line (Lot Line) Adjustments	No	Decision				29.03

Short Plat	No				Decision	29.02
Digging and Grading in public ROW or public place <u>Right of Way Encroachment Permits</u>	No	Decision				12.02 <u>14.03</u>
<u>Street Excavation Permits</u>	<u>No</u>	<u>Decision</u>				<u>14.08</u>
Hazards and Obstructions	No	Decision			Review Exceptions to Chapter 14.03	14.03
Administrative Interpretations	Yes	Decision	No	Yes, if decision is appealed	No	19.04.030 19.09
SEPA Determinations	Yes	Decision	No	Yes, if decision is appealed	No	15.02 19.04.030


Section 3. 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 4. Publication. This Ordinance shall be published by an approved summary consisting of the title.

Section 5. Effective Date. This Ordinance shall be effective five days after publication as provided by law.

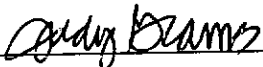
ADOPTED by the City Council of the City of Ruston and attested by the City Clerk in authentication of such passage on this 3rd day of November, 2015.

APPROVED by the Mayor this 3rd day of November, 2015.



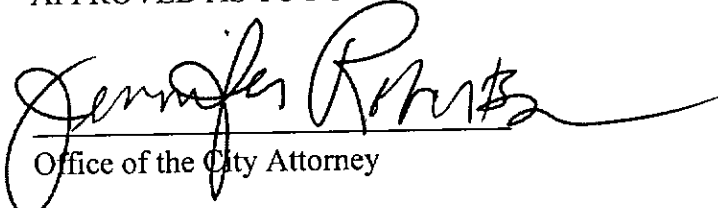
Bruce Hopkins, Mayor

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: _____

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