

**Subject: Ordinance #1535 – Amending Permit Procedures for Approval or Amendment of Master Development Plan**

**Dept. Origin:** Planning Dept.  
**Prepared by:** Jennifer Robertson  
 City Attorney’s Office  
**For Agenda of:** July 21, 2020  
**Exhibits:** Ordinance #1535

**Proposed Council Action:**

This is on for First Reading. Unless directed otherwise, this matter will return to Council at its next Council Meeting for a Public Hearing and Adoption.

	Initial & Date
<b>Concurred by Mayor:</b>	_____
<b>Approved/form by City Atty:</b>	<u>JSR/7-13-2020</u>
<b>Approved by City Engineer:</b>	_____
<b>Approved by Department Head:</b>	_____

**INFORMATION / BACKGROUND**

Section 19.01.011 of the Ruston Municipal Code contains the table that sets forth procedures for various permits and approval in Ruston. The City Planning Director recently reviewed this table and is recommending revisions to the procedure for approving Master Development Plans and major amendments of Master Development Plans. This is because this procedure is inconsistent with the rezone procedures. Rezones are processed with a report by the Planning Director, followed by a recommendation by the City’s Hearing Examiner, with the final decision being made by the City Council. The Planning Director recommends that this same process be used for reviewing Master Development Plans and major amendments thereto. In addition to these changes, the proposed Ordinance corrects some confusing language in the table and updates the code cross-reference.

No other changes to RMC 19.01.011 are proposed at this time.

**RECOMMENDATION / MOTION**

No action requested as this is on for First Reading. Unless directed otherwise, this matter will return to Council at its next Council Meeting for a Public Hearing and Adoption.

**ORDINANCE NO. 1535**

**AN ORDINANCE OF THE CITY OF RUSTON, WASHINGTON, REGARDING PROCEDURES FOR MASTER DEVELOPMENT PLANS AND AMENDMENTS THERETO, AMENDING SECTION 19.01.011 OF THE RUSTON MUNICIPAL CODE TO ENSURE MASTER DEVELOPMENT PLANS ARE PROCESSED SIMILAR TO RE-ZONES; AND ESTABLISHING AN EFFECTIVE DATE.**

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WHEREAS, the City's Planning Director recently discovered some errors in Section 19.01.011 regarding procedures for approving Master Development Plans and major amendments thereto as well as some typographical errors; and

WHEREAS, Master Development Plans and major amendments of such Plans are equivalent to a rezone; and

WHEREAS, rezones are processed with a report by the Planning Director, a recommendation by the City's Hearing Examiner, and the final decision by the City Council; and

WHEREAS, the City Council desires to use this same process for Master Development Plans and major amendments and inadvertently changed this process when Chapter 19.01 RMC was updated; and

WHEREAS, the City's SEPA Responsible Official issued a Determination of Non-Significance (DNS) on \_\_\_\_\_, 2020 with a comment deadline of \_\_\_\_\_, 2020; and

WHEREAS, in accordance with RCW 36.70A.106, this amending ordinance has been sent to the State Department of Commerce with a request for expedited review on \_\_\_\_\_, 2020; and

WHEREAS, the request for expedited review was granted and the required time has passed to allow adoption by the City Council on the date of adoption; and

WHEREAS, on July 21, 2020, the City Council held first reading on this Ordinance; and

WHEREAS, on August 18, 2020, the Ruston City Council held a duly noticed public hearing on this Ordinance; and

WHEREAS, on August 18, 2020, the City Council held second reading of this Ordinance; and

WHEREAS, after due consideration, the City adopted this Ordinance during its regular meeting at second reading; **NOW, THEREFORE**

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

**Section 1.** Section 19.01.020 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	Hearing Examiner	City Council	RMC
<b>Legislative Decisions (See RMC 19.01.010(a))</b>						
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

<b>Quasi-Judicial Decisions (Set Forth in RMC 19.01.010(b))</b>						
Conditional Use Permit	Yes	Recommendation	No	Decision	No	25.01.110
Wireless Communication Facilities Permit	Yes	Recommendation	No	Decision	No	25.02 and 25.01.110
Unclassified Use Permit	Yes	Report	Recommendation	No	Decision	25.01.110
Variance Permit	Yes	Recommendation	No	Decision	No	25.01.110
Approval or Major Amendment of <u>of Master Development Plan/Development Agreement in MPD Zone.</u>	Yes	<u>Recommendation Report</u>	No	<u>Decision Recommendation</u>	<u>No-Decision</u>	<u>25.01.060 Chapter 25.08</u>
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
<b>Administrative Decisions Requiring Review for Compliance with Adopted Codes.</b>						
Building Permit, Grading Permit	No	Decision				IBC

Sign Permit	No	Decision				25.01.100
Site Plan Approval	No	Decision				25.01.140
Minor Amendment of Approved Master Development Plan	No	Decision				25.08.040
Boundary Line (Lot Line) Adjustments	No	Decision				29.03
Short Plat	No				Decision	29.02
Right-of-Way Encroachment Permits	No	Decision				14.03
Street Excavation Permits	No	Decision				14.08
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
Temporary Encampment Permit	No	Decision	No	Only for Appeal of Permit Revocation	No	Chapter 25.11

**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 \_\_\_\_ day of \_\_\_\_\_, 2020.

APPROVED by the Mayor this \_\_\_\_ day of \_\_\_\_\_, 2020.

\_\_\_\_\_  
Bruce Hopkins, Mayor

ATTEST/AUTHENTICATED:

\_\_\_\_\_  
Judy Grams  
City Clerk

APPROVED AS TO FORM:

\_\_\_\_\_  
Jennifer S. Robertson  
City Attorney's Office

FILED WITH THE CITY CLERK: \_\_\_\_\_  
PASSED BY THE CITY COUNCIL: \_\_\_\_\_  
PUBLISHED: \_\_\_\_\_  
EFFECTIVE DATE: \_\_\_\_\_  
ORDINANCE NO: 1535