

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: August 18, 2020
Exhibits: Ordinance #1535

Proposed Council Action:

This is on for a Public Hearing, Second Reading and Action. Hold the public hearing, and Adopt Ordinance #1535.

Concurred by Mayor:	Initial & Date
Approved/form by City Atty:	<u>JSR/7-22-2020</u>
Approved by City Engineer:	_____
Approved by Department Head:	_____

INFORMATION / BACKGROUND

This Ordinance amends the procedures for approving Master Development Plans and major amendment to previously approved Master Development Plans. Section 19.01.011 of the Ruston Municipal Code contains the table that contains the procedures for various permits and approvals 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 as currently written 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. Because a Master Development Plan (MDP) is essentially a rezone, having consistent procedures for rezones and MDPs makes sense. The Planning Director recommends that the rezone process also 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-references.

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

A public hearing is scheduled on this Ordinance for August 18, 2020. After holding the public hearing, the Ordinance may be adopted.

RECOMMENDATION / MOTION

Hold a public hearing and then adopt Ordinance #1535.

MOTION 1: I move to open the public hearing on Ordinance #1535.

[Take testimony of everyone wishing to speak. When no further speakers, Motion 2 will be in order.]

MOTION 2: I move to close the public hearing on Ordinance #1535.

MOTION 3: I move to adopt Ordinance #1535 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 in the same manner as re-zones.

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 IN THE SAME MANNER AS RE-ZONES; AND ESTABLISHING AN EFFECTIVE DATE.

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 July 16, 2020 with a comment deadline of July 30, 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 July 16, 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
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 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>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</u> <u>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
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
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 18th day of August, 2020.


APPROVED by the Mayor this 18th day of August, 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: _____

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