Town of Ruston

ORDINANCE 1319

AN ORDINANCE of the Town of Ruston relating to the approval and modification of the Ruston Landing Master Development Plan, regarding an application made by the Commencement Group, LLC.

WHEREAS, pursuant to Ruston Municipal Code (RMC) Chapter 25.01.060(d) an application for a master development plan, or modification to an existing master development plan, shall be granted by the Council after receiving the recommendation and written findings of fact from the Planning Commission, subject to the approval criteria found in RMC 25.01.060, and

WHEREAS, pursuant to RMC Chapter 25.01.060, the Commencement Group, LLC, submitted a complete application for an amendment to the existing Ruston Landing Master Development Plan, (attached hereto as Exhibit A and incorporated herein by reference), and

WHEREAS, pursuant to RMC Chapter 25.01.060 and 19.01.011 the Town of Ruston Planning Commission reviewed the application and conducted a public hearing to hear testimony on the application on August 18, 2010, after deliberation on the public testimony, the Planning Commission voted 5-0 to recommend partial approval and modification of the proposal to the Town Council, and

WHEREAS, this approval is pursuant to Ruston Municipal Code (RMC) Chapter 15.02 and RCW 43.21C, in that the decision has complied with SEPA, and

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE TOWN OF RUSTON:

Section 1: The Council for the Town of Ruston hereby accepts the Planning Commission's Findings and Recommendation, (attached hereto as Exhibit B and incorporated herein by reference), for partial approval and modification of the amendment submitted.

Section 2: The Council for the Town of Ruston hereby partially approves and modifies the Ruston Landing Master Development Plan amendment as specified in Exhibit B.

Section 3: This Ordinance shall become effective immediately upon publication hereof as provided by RCW 35.27.300.

PASSED BY THE COUNCIL AND APPROVED by me this 20 day of September, 2010.

Bruce Hopkins, Mayor

ATTEST:

Town Clerk

Approved as to Form:

Town Attorney

EXHIBIT A

The Commencement Group, LLC

March 20, 2009

Rob White
Town Planner
Town of Ruston
5117 North Winnifred Street
Ruston, Washington 98407-6597

RE: Conditions of Development Plan Approval of September 17, 2004 for Ruston Landing Project

Dear Mr. White

I have reviewed your letter dated February 16, 2009 and concur with your findings that we have met the conditions for approval except for conditions 1, 2, and 7(H). I am proposing the following:

Condition #1: The Commencement Group, LLC will include verbiage and diagram (approved by The Town of Ruston) in the Condominium Declarations that if parking is ever constructed on the CAP The Commencement residents will not use those parking spaces on a permanent basis.

Condition #2: We are updating landscape plan and will forward under separate cover. Estimate plan submittal by April 15, 2009.

Condition #7(H): The Commencement Group, LLC is requesting a development plan modification (see attached Commencement Site Plan). I have attached a Development Plan application and request as specified in RMC 25.01.140(d)3. In summary we are proposing eliminating the condition of realigning Bennett Street onto the CAP and we instead re-grade the South play ground (parking lot), add landscaping with planters on the West, South and East sides of school building, and clean the exterior of school building to include painting around windows.

I look forward to you comments on our proposed modification and hopefully a quick approval as we are trying to wrap-up this project quickly as possible.

Sincerely,

J. Paul Wagemann

PO Box 2214 Tacoma, Washington 98401

3. Conditional Use, Unclassified Use, Special Use, Site Plan Approval and Variance Permits Applications. An application for these permits or approvals shall contain a site plan which shall include:
   (A) Name, address, telephone number, and signature of the applicant, and the property owner (if different from the applicant).

Applicant	Owner
The Commencement Group, LLC	The Commencement Group
PO Box 2214 Tacoma, WA 98401	PO Box 2214 Tacoma, WA 98401
(253) 209-5638	(253) 314-0403
Signature	Signature
J. Paul Wagemann, Owners Representative	Jeff Brown, Manager

(B) Legal description and tax lot of subject property.

Approved in the original Development Plan Approval dated September 17, 2004

EXHIBIT "A"
LEGAL DESCRIPTION:

Lots 1 through 10, inclusive, Block 1, Howard Heights 2nd Addition, according to the plat thereof recorded in Volume 7 of Plats, page 53, in Pierce County, Washington;

TOGETHER WITH that portion of Bennett Street adjoining which by vacation attached to said premises by operation of law per Town of Ruston Ordinance No. 1155, recorded under Recording Number 200506301234, in Pierce County, Washington, and as conveyed by Quit Claim Deed recorded under Recording Number 200509020134, in Pierce County, Washington.

SUBJECT TO:

1. EASEMENT AND THE TERMS AND CONDITIONS REFERENCED THEREIN, INCLUDING, BUT NOT LIMITED TO, THE FOLLOWING:

RESERVED BY:	Town of Ruston
PURPOSE:	Utility purposes
AREA AFFECTED:	Portion of vacated street adjoining which attached by operation of law
RECORDED:	June 30, 2005
RECORDING NUMBER:	200506301234

2. ACCESS AGREEMENT AND THE TERMS AND CONDITIONS THEREOF:

BY:	The Town of Ruston, a municipal corporation and ASARCO, Incorporated
RECORDED:	May 1, 1991
RECORDING NUMBER:	9105010362

(C) Statement of proposed use or action.

See proposed purpose in the original Development Plan Approval dated September 17, 2004

Construct a six-story condominium building over basement parking consisting of sixty units not to exceed 70 feet in height measured from the alley . Approximately 120 parking stalls will be provided. Onsite amenities will include two roof top terraces with sky lounge and library, exercise room, business center and game room.

(D) Statement of how proposed use complies with the goals, objectives, and policies of the Comprehensive Plan.

See discussion in the original Development Plan Approval dated September 17, 2004

(E) A vicinity map.

See Attached

The Commencement

SCALE 1 : 1,412

100 0 100 200 300

FEET

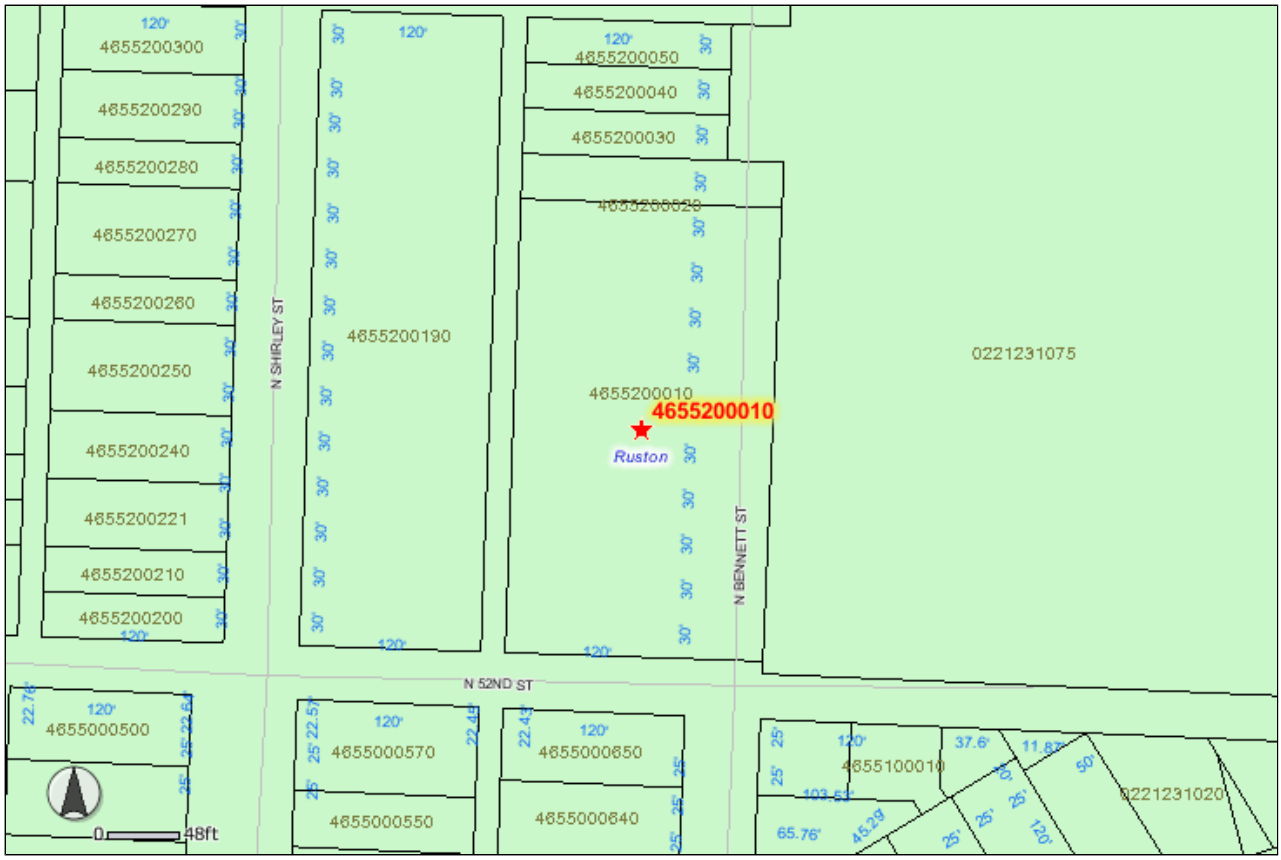
Friday, March 06, 2009 1:02 PM

Pierce County Assessor-Treasurer ePIP

Parcel Map for 4655200010

03/06/2009 01:07 PM

Taxpayer Details		Property Details	
Taxpayer Name:	COMMENCEMENT GROUP LLC	**Parcel Number:**	4655200010
Mailing Address:	PO BOX 2214 TACOMA WA 98401-2214	**Site Address:**	XXX N BENNETT ST
		Account Type:	Real Property
		Category:	Land and Improvements
		Use Code:	9170-COMM VAC LAND



For additional mapping options, visit Public GIS

I acknowledge and agree to the prohibitions listed in RCW 42.17.260(9) against releasing and/or using lists of individuals for commercial purposes. Neither Pierce County nor the Assessor-Treasurer warrants the accuracy, reliability or timeliness of any information in this system, and shall not be held liable for losses caused by using this information. Portions of this information may not be current or accurate. Any person or entity who relies on any information obtained from this system does so at their own risk. ***All critical information should be independently verified.***

"Our office works for you, the taxpayers"

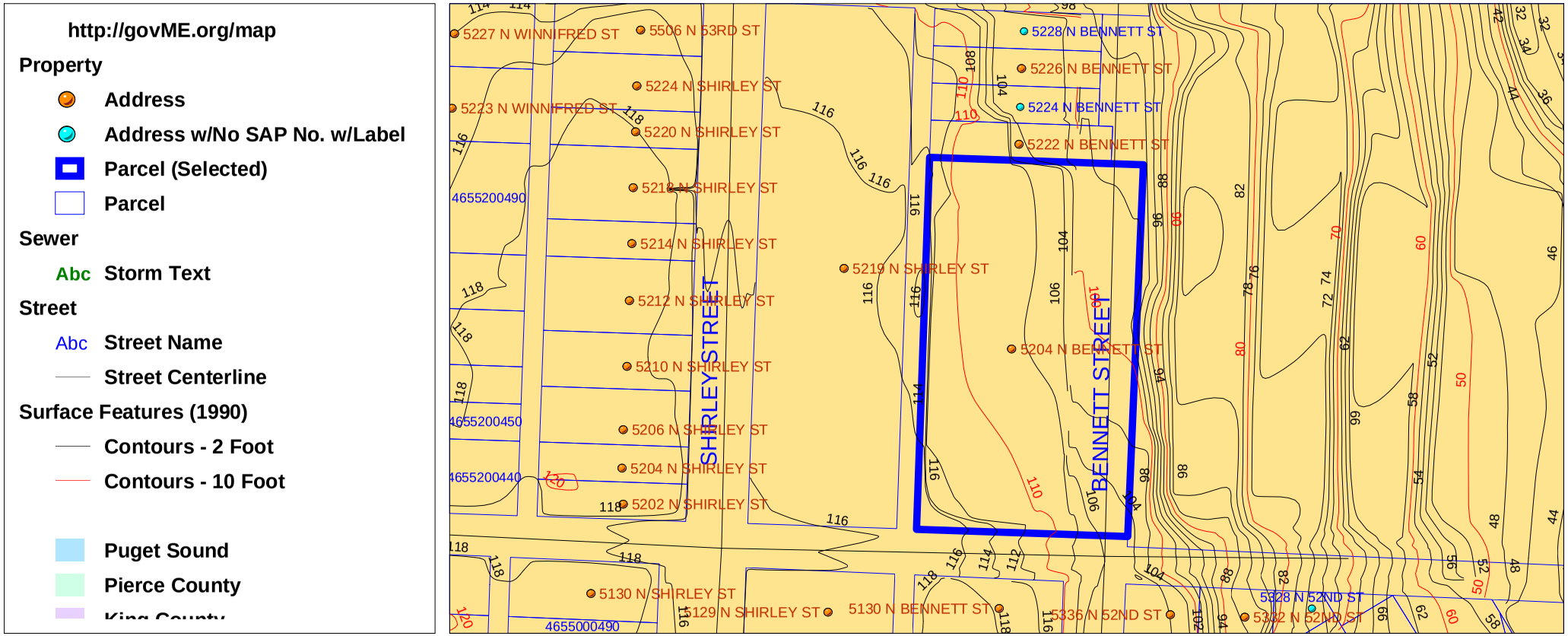
Pierce County Assessor-Treasurer
Dale Washam
2401 South 35th St Room 142
Tacoma, Washington 98409
(253)798-6111 or Fax (253)798-3142
www.piercecountywa.org/atr

(F) A plot plan at one inch equals 50 feet, or other appropriate scale as determined by the Mayor, showing:

(i) North point; and
(ii) Proposed lot line adjustments and improvements; and
(iii) Boundaries, easements, and ownerships as set forth in the legal description; and
(iv) Topography at five-foot contour intervals; and
(v) Existing structures and improvements, parking; and
(vi) Location of existing vegetation including all trees over 10 inches in diameter that might be impacted by the proposal, watercourses, other natural features and environmentally sensitive areas; and utilities and/or septic design, if appropriate; and
(vii) Adjacent streets and rights-of-way; and
(viii) The terms, conditions, covenants, and agreements under which the subject property is bound, if any; and
(ix) An environmental checklist, when required.

See attached. See approved permit drawings on file with the Town of Ruston.

The Commencement Site Plan



SCALE 1 : 1,412

100 0 100 200 300

FEET

Friday, March 06, 2009 4:04 PM

(G) A calculation of the subject property area.

The property area is 1.17 acres or 51,000 sqft. See attached Pierce County Assessor-Treasurer info.

Pierce County Assessor-Treasurer ePIP

Land Characteristics for 4655200010

03/06/2009 01:08 PM

Taxpayer Details		Property Details	
Taxpayer Name:	COMMENCEMENT GROUP LLC	**Parcel Number:**	4655200010
Mailing Address:	PO BOX 2214 TACOMA WA 98401-2214	**Site Address:**	XXX N BENNETT ST
		Account Type:	Real Property
		Category:	Land and Improvements
		Use Code:	9170-COMM VAC LAND
Location:		**Size**	
LEA:	205	**SF:**	51,000
RTSQQ:	02-21-23-1-2	**Acres:**	1.17
		Front Ft:	300
Amenities		**Utilities**	
WF Type:		**Electric:**	Power Installed
View Quality:	View Good	**Sewer:**	Sewer/Septic Installed
Street Type:	Paved	**Water:**	Water Installed

Warning: Appraisal data provided is for informational purposes only and is incomplete for determination of value.

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Pierce County Assessor-Treasurer
Dale Washam
2401 South 35th St Room 142
Tacoma, Washington 98409
(253)798-6111 or Fax (253)798-3142
www.piercecountywa.org/atr

(H) Statement of compliance with subsections of Section 25.01.110 that apply to the application being submitted.

This modification in compliance with all subsections of Section 25.01.110 except as documented in the original Development Plan Approval dated September 17, 2004.

(I) Permit and application fees as established by ordinance and recorded in the Town's schedule of land use application fees.

See Attached Building Permit and Fees paid.

BUILDING DEPARTMENT
TOWN OF RUSTON, WASHINGTON

5117 N WINNIFRED ST
RUSTON, WA 98407
Phone 253-759-3544

Recorded Owner		Location of Property		Building Valuation	24,080,514.00
RUSTON LANDING GROUP, LLC		5204 N BENNETT		Building Fees	$ 89,854.40
Required Inspections:		Owner Address Alan Manning		Plan Check 65%	58,405.36
Footings/Setbacks	X	2106 Pacific Ave #300		Mechanical ***	9,768.38
Foundation	X	Tacoma, WA 98402		Plumbing ***	14,854.50
Plumbing	X	Phone # 253-381-3262		State Fee	122.50
Heating/Mechanical	X	Town of Ruston #2713		Hammond/Collier	6,362.00
Frame	X	State Tax ID #278 000 897 1		Huitt Zollars	18,125.63
Insulation	X	Permit Number		Sub-Total	$ 197,492.77
Drywall/Nailing	X	**05-027**		Electric	60,000.00
Sheeting/Siding	X	Date 8/31/2005		Sewer	2,000.00
Roofing	X	**PERMIT TYPE (CIRCLE REQUEST)**		Other	(12,000.00)
Windows	X	**BUILDING**	**MECHANICAL** **PLUMBING**	Sound Inspections	4,000.00
Final	X	**ELECTRIC**	**SEWER** **OTHER**	**PERMIT TOTAL**	$ 251,492.77

DESCRIPTION OF WORK: NEW 60 UNIT CONDOMINIUM PROJECT WITH BELOW GRADE PARKING **Commercial inspections outside the Monday and Wednesday schedule of the Town of Ruston will be billed directly by Sound Inspections to the applicant at $80.00 per hour with a 2 hour minimum.

***includes plan review costs for mechanical and plumbing permits

Mechanical Contractor:	MacDonald Miller	License No.	TBA
Plumbing Contractor:	MacDonald Miller	License No.	TBA
Building Contractor:	Lease Crutcher Lewis	License No.	TBA

RECEIVED SEP 1 2005 BY TOWN OF RUSTON CLERK

RECEIPTS FOR ALL LABOR AND MATERIALS MAY BE REQUIRED TO BE PROVIDED TO THE BUILDING OFFICIAL PRIOR TO FINALIZATION

ALL WORK MUST BE INSPECTED PRIOR TO CONCEALMENT.
PLEASE CALL 48 HOURS PRIOR TO SCHEDULE INSPECTION.

SEPARATE PERMITS ARE REQUIRED FOR PLUMBING, HEATING, VENTILATION, AIR CONDITIONING AND ELECTRICAL. ELECTRICAL PERMITS ARE REQUIRED AND OBTAINED FROM THE DEPARTMENT OF LABOR AND INDUSTRIES. ALL ELECTRICALLY HEATED DWELLING UNITS ARE REQUIRED TO BE DESIGNED AND CONSTRUCTED IN COMPLIANCE WITH THE NORTH WEST ENERGY CODE. THIS PERMIT BECOMES NULL AND VOID IF WORK OR CONSTRUCTION AUTHORIZED IS NOT COMMENCED WITHIN 180 DAYS, OR IF CONSTRUCTION OR WORK IS SUSPENDED OR ABANDONED FOR A PERIOD OF 180 DAYS AT ANY TIME AFTER WORK IS COMMENCED. I HEREBY CERTIFY THAT I HAVE READ AND EXAMINED THIS APPLICATION AND KNOW THE SAME TO BE TRUE AND CORRECT. ALL PROVISIONS OF LAWS AND ORDINANCES GOVERNING THIS TYPE OF WORK WILL BE COMPLIED WITH WHETHER SPECIFIED HEREIN OR NOT. THE GRANTING OF A PERMIT DOES NOT PRESUME TO GIVE AUTHORITY TO VIOLATE OR CANCEL THE PROVISIONS OF / PROVISIONS OF ANY OTHER STATE OR LOCAL LAW REGULATING CONSTRUCTION OR THE PERFORMANCE OF CONSTRUCTION. I CERTIFY NO WORK WILL BE DONE EXCEPT AS DESCRIBED ABOVE OR ON _____ ACCOMPANYING PLANS. ALL WORK WILL BE PERFORMED IN COMPLIANCE WITH ALL CODES AND ORDINANCES OF THE TOWN OF RUSTON.

APPLICANTS SIGNATURE _____ DATE 9/1/05

RUSTON LANDING GROUP, LLC BY ALPHA 7 MANAGER BY DAN T. SIMON, ITS MANAGER

BUILDING OFFICIAL or AGENT _____ DATE 09/1/05

WHITE - ADDRESS FILE PINK - NUMERICAL FILE YELLOW - COUNTY

(J) Other information deemed appropriate by the Mayor, Town Council or Planning Commission including but not limited to:

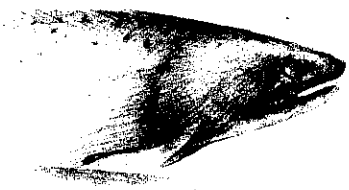
(i) Soils map and general description of soil types and their suitability for the proposed uses.

See attached. Approved in the original Development Plan Approval dated September 17, 2004

Geotechnical Engineering

Water Resources

Solid and Hazardous Waste



Ecological/Biological Sciences

Geologic Assessments

Associated Earth Sciences, Inc.

Subsurface Exploration, Geologic Hazard, and Preliminary Geotechnical Engineering Report

RUSTON CONDOMINIUMS

Ruston, Washington

Prepared for

Ruston Landing Group
c/o Baseline Engineering, Inc.

Project No. KE04279A
June 10, 2004

BCRA Dan Mallot
Civil

Associated Earth Sciences, Inc.

June 10, 2004
Project No. KE04279A

Ruston Landing Group
c/o Baseline Engineering, Inc.
1910 64th Avenue West
Tacoma, Washington 98466

Attention: Mr. Kevin Foley

Subject: Subsurface Exploration, Geologic Hazard, and Preliminary Geotechnical Engineering Report
Ruston Condominiums
Ruston, Washington

Dear Mr. Foley:

We are pleased to present the enclosed copies of the above-referenced preliminary report. This report summarizes the results of our subsurface exploration, geologic hazard, and geotechnical engineering studies and offers preliminary recommendations for the design and development of the proposed project.

We have enjoyed working with you on this study and are confident that the recommendations presented in this report will aid in the successful completion of your project. If you should have any questions or if we can be of additional help to you, please do not hesitate to call.

Sincerely,
ASSOCIATED EARTH SCIENCES, INC.
Kirkland, Washington

Curtis J. Koger, P.G., P.E.G., P.Hg.
Principal Geologist/Hydrogeologist

CJK/da – KE04279A2 – Projects\2004279A\KE\WP-W2K

SUBSURFACE EXPLORATION, GEOLOGIC HAZARD, AND PRELIMINARY GEOTECHNICAL ENGINEERING REPORT

RUSTON CONDOMINIUMS

Ruston, Washington

Prepared for:
Ruston Landing Group
c/o Baseline Engineering, Inc.
1910 64th Avenue West
Tacoma, Washington 98466

Prepared by:
Associated Earth Sciences, Inc.
911 5th Avenue, Suite 100
Kirkland, Washington 98033
425-827-7701
Fax: 425-827-5424

June 10, 2004
Project No. KE04279A

I. PROJECT AND SITE CONDITIONS

1.0 INTRODUCTION

This report presents the results of our subsurface exploration, geologic hazard, and preliminary geotechnical engineering study for the proposed Ruston Condominiums located in Ruston, Washington (Figure 1). The approximate locations of our explorations are shown on the attached Site and Exploration Plan, Figure 2. In the event that any changes in the nature, design, or location of the structures are planned, the conclusions and recommendations contained in this report should be reviewed and modified, or verified, as necessary.

1.1 Purpose and Scope

The purpose of this study was to provide subsurface data to be used in the preliminary design and development of the subject project. Our study included a review of available geologic literature, drilling exploration borings, and performing geologic studies to assess the type, thickness, distribution, and physical properties of the subsurface sediments and shallow ground water conditions. Preliminary geotechnical engineering studies were also conducted to determine the type of suitable foundation, allowable foundation soil bearing pressures, anticipated settlements, excavation shoring recommendations, permanent basement/retaining wall lateral earth pressures, floor support recommendations, and drainage considerations. This report summarizes our geotechnical fieldwork and recommendations. This report was prepared based on discussions with Kevin Foley of Baseline Engineering, Inc. (Baseline) and review of conceptual sketches of the proposed development

1.2 Authorization

Authorization to proceed with this study was granted by Kevin Foley on behalf of the Ruston Landing Group. Our study was accomplished in general accordance with our scope of work letter dated May 5, 2004 and our discussions with Kevin Foley. This report has been prepared for the exclusive use of the Ruston Landing Group and their agents, for specific application to this project. Within the limitations of scope, schedule, and budget, our services have been performed in accordance with generally accepted geotechnical engineering and engineering geology practices in effect in this area at the time our report was prepared. No other warranty, express or implied, is made. Our observations, findings, and opinions are a means to identify and reduce the inherent risks to the owner.

2.0 PROJECT AND SITE DESCRIPTION

The site consists of gently sloping property currently being used by a contractor to store equipment. The site is bound by North 52nd Street on the south side, an alley on the west side, residential property on the north side and North Bennett Street on the east side. Access to the site is currently from a driveway located at the southeast corner of the property. The site is primarily covered with a crushed rock surfacing with minor amounts of vegetation along the perimeter of the property.

A partial contour map of the area supplied to AESI by Baseline shows an estimated elevation change across the property of approximately 12 feet. Generally, the site slopes down toward the east. A small rockery wall with a height ranging from 0 to 3.5 feet borders the site on the west and south sides. The east side of the site slopes down at an approximate 2H:1V (Horizontal:Vertical) inclination to a small concrete retaining wall located adjacent to the sidewalk.

This report was completed with an understanding of the project based on information provided to AESI by Baseline. Present plans call for the construction of a six-story condominium building with one to two levels below grade parking. No other details were known at the time this preliminary report was prepared.

3.0 SUBSURFACE EXPLORATION

Our field study included drilling two exploration borings to gain information about the site. The logs of the borings are included in the Appendix of this report. The various types of sediments, as well as the depths where characteristics of the sediments changed, are indicated on these logs. The depths indicated on the logs where conditions changed might represent gradational variations between sediment types. If changes occurred between sample intervals in our borings, they were interpreted. The locations of the borings are presented on Figure 2.

The conclusions and recommendations presented in this report are based on the exploration borings completed for this study. The number, location, and depth of the explorations were completed within site and budgetary constraints. Because of the nature of exploratory work below ground, extrapolation of subsurface conditions between field explorations is necessary. It should be noted that differing subsurface conditions might sometimes be present due to the random nature of deposition and the alteration of topography by past grading and/or filling. The nature and extent of any variations between the field explorations may not become fully evident until construction. If variations are observed at that time, it may be necessary to re-evaluate specific recommendations in this report and make appropriate changes.

3.1 Exploration Borings

The exploration borings were completed by advancing a hollow-stem auger with a limited access track-mounted drill rig. During the drilling process, samples were obtained at 5-foot depth intervals. The borings were continuously observed and logged by a geotechnical engineer from our firm. The exploration logs presented in the Appendix are based on the field logs, drilling action, and inspection of the samples secured.

Disturbed but representative samples were obtained by using the Standard Penetration Test (SPT) procedure in accordance with ASTM:D 1586. This test and sampling method consists of driving a standard 2-inch outside-diameter, split-barrel sampler a distance of 18 inches into the soil with a 140-pound hammer free-falling a distance of 30 inches. The number of blows for each 6-inch interval is recorded and the number of blows required to drive the sampler the final 12 inches is known as the Standard Penetration Resistance ("N") or blow count. If a total of 50 blows are recorded within one 6-inch interval, the blow count is recorded as the number of blows for the corresponding number of inches of penetration. The resistance, or N-value, provides a measure of the relative density of granular soils or the relative consistency of cohesive soils; these values are plotted on the attached boring logs.

Geotechnical soil samples obtained from the split-barrel sampler were classified in the field and representative portions placed in watertight containers. The samples were then transported to our geotechnical laboratory for further visual classification and laboratory testing, as necessary.

4.0 SUBSURFACE CONDITIONS

Subsurface conditions at the project site were inferred from the field explorations accomplished for this study, visual reconnaissance of the site, and review of applicable geologic literature. The following section presents more detailed subsurface information

4.1 Stratigraphy

Lodgement Till

Sediments consisting of dense to very dense, fine sand with variable amounts of silt and gravel were encountered in each of the exploration borings below the crushed rock surfacing. We interpret these sediments to be representative of Vashon lodgement till. The Vashon lodgement till was deposited directly from basal, debris-laden glacial ice during the Vashon Stade of the Fraser Glaciation. The high relative density characteristic of lodgement till is due to its consolidation by the massive weight of the glacial ice from which it was deposited. The upper portion of the till can become weathered to a medium dense state, though this portion of

the till was not encountered within our explorations. The lodgement till sediments extended to the maximum depths explored.

Our classification of the geologic units at the site is not consistent with a published geologic map of the area (*Review Draft Geologic Map of the Gig Harbor 7.5-minute Quadrangle, Washington,* by Troost, Booth, and Wells dated September 30, 2003). This geologic map shows the site underlain by Vashon recessional outwash. Recessional outwash was not encountered within either of the two borings completed for this study. Recessional outwash may have been present at one time, but removed during past grading activities.

4.2 Hydrology

At the time of drilling, ground water seepage was encountered in exploration boring EB-2 at approximately 17.5 feet below current grade. The encountered ground water was interpreted to be perched water seeping from a more permeable sandy lens within the lodgement till. It should be noted that fluctuations in the level of the ground water and the rate of ground water seepage may occur due to the time of the year, variations in the amount of precipitation, and changes in site development.

Based on our observations of the secured samples and the amount of ground water on the drilling equipment, it is our opinion that the site will not require a major dewatering system in order to complete the anticipated excavation. Localized areas of ground water accumulation or seepage may occur, but should be controllable by pumping from open sumps within the excavation.

II. SEISMIC HAZARDS AND MITIGATIONS

The following discussion of potential seismic hazards is based on the geologic and ground water conditions as observed and discussed herein.

5.0 SEISMIC HAZARDS AND RECOMMENDED MITIGATION

Earthquakes occur in the Puget Lowland with great regularity. Fortunately, the vast majority of these events are small and are usually not felt. However, large earthquakes do occur as evidenced by the February 28, 2001, 6.8-magnitude event, the 1949, 7.2-magnitude event, and the 1965, 6.5-magnitude event. The 1949 earthquake appears to have been the largest in this area during recorded history.

Generally, there are four types of potential geologic hazards associated with large seismic events: 1) surficial ground rupture; 2) seismically induced landslides; 3) liquefaction; and 4) the ground motion. The potential for each of these hazards to adversely impact the proposed project is discussed below.

5.1 Surficial Ground Rupture

Generally, the largest earthquakes, which have occurred in the Puget Sound area, are sub-crustal events with epicenters ranging from 50 to 70 kilometers in depth. For this reason, no surficial faulting, or earth rupture, as a result of deep, seismic activity has been documented to date, in the Ruston area. Therefore, it is our opinion based on existing geologic data that the risk of surface rupture impacting the proposed project is low and no mitigations are recommended.

5.2 Seismically Induced Landslides

A relatively small slope is located on the east side of the site with an approximate 2H:1V inclination and an approximate vertical height of 8 to 10 feet. It is anticipated that this slope will be excavated during site development activities for the building and underground parking. Due to the lack of steep slopes and the strength of the site soils, it is our opinion that there is virtually no risk of seismically induced landslides occurring on the property.

5.3 Liquefaction

Liquefaction is a process through which unconsolidated soil loses strength as a result of vibratory shaking, such as that which occurs during a seismic event. During normal conditions, the weight of the soil is supported by both grain-to-grain contacts, and by the

pressure within the pore spaces of the soil below the water table. Extreme vibratory shaking can disrupt the grain-to-grain contact, increase the pore pressure, and result in a decrease in soil shear strength. The soil is said to be liquefied when nearly all of the weight of the soil is supported by pore pressure alone. Liquefaction can result in deformation of the sediment, and settlement of overlying structures. Areas most susceptible to liquefaction include those areas underlain by coarse silt and sand with low relative densities, accompanied by a shallow water table.

Our exploration borings encountered typically unsaturated, dense to very dense soils that are not considered susceptible to liquefaction. No liquefaction mitigation measures are necessary.

5.4 Ground Motion

Based on the site stratigraphy and visual reconnaissance of the site, it is our opinion that any earthquake damage to the proposed new construction (founded on a suitable bearing strata) would be caused by the intensity and acceleration associated with the event and not any of the above-discussed impacts. Structural design of the building should follow 1997 *Uniform Building Code* (UBC) standards for Seismic Zone 3 (Z-Factor = 0.3, 1997 UBC Table 16I), and a soil profile type Sc (1997 UBC Table 16J).

Alternatively, guidelines presented in the 2003 *International Building Code* (IBC) may be used. Information presented in Figure 1615(1) indicates a mapped spectral acceleration for short periods of S_s = 1.25g. Information presented in Figure 1615(2) indicates a mapped spectral acceleration for a 1 second period of S_1 = 0.40g. Based on the results of subsurface exploration and on an estimation of soil properties at depth using available geologic data, Site Class "C" in conformance with Table 1615.1.1 may be used. Site coefficients F_a = 1.0 and F_v = 1.4 in conformance with IBC Tables 1615.1.2(1) and 1615(2), respectively, may be used.

6.0 EROSION HAZARDS AND MITIGATION

To mitigate the erosion hazard potential and off-site sediment transport during and after construction, we would recommend the following:

1. All storm water from impermeable surfaces, including roadways and roofs, should be tightlined into approved facilities.

2. Clean water entering construction areas should be collected and routed around disturbed areas and released below construction limits in accordance with applicable permits.

3. Temporary sediment catchment/treatment facilities should be constructed to intercept and treat any sediment-laden water from the construction area.

4. Exposed soil that will be subject to repeated ingress/egress traffic should be covered with a layer of crushed quarry rock of asphalt treated base (ATB).

5. Check dams should be used along drainage swales, and silt fences should be placed along the lower elevations of clearing on the property.

6. If possible, construction should proceed during the drier periods of the year and disturbed areas should be re-vegetated as soon as possible. Temporary erosion control measures should be maintained until permanent erosion control measures are established.

7. Soils that are to be reused around the site should be stored in such a manner as to reduce erosion. Protective measures may include, but are not necessarily limited to, covering with plastic sheeting, the use of low stockpiles in flat areas, or the use of hay bales/silt fences. Due to the limited space on the site, it is not anticipated that large quantities of excess soil will be stockpiled on-site.

8. Inlet protection should be provided for nearby catch basins.

III. DESIGN RECOMMENDATIONS

7.0 INTRODUCTION

Our exploration indicates that, from a geotechnical standpoint, the parcel is suitable for the proposed development provided the recommendations contained herein are properly followed. The bearing soil is relatively shallow and spread footing foundations may be used. Foundations bearing on the very dense natural soils are capable of providing suitable building support. Anticipated building loads were not known at the time this report was prepared. Excavation for the anticipated underground parking level(s) will require the installation of a shoring system.

8.0 SITE PREPARATION

Buried utilities, pavement, debris, and any other deleterious material should be removed or relocated if they are under planned building areas. Erosion control measures and surface water control should be established around the perimeter of the excavation to satisfy City of Ruston requirements.

8.1 Temporary Cut Slopes

In our opinion, stable construction slopes should be the responsibility of the contractor and should be determined during construction. For estimating purposes, however, we anticipate that temporary, unsupported cut slopes up to 6 feet high, above any ground water seepage zones, in the dense to very dense lodgement till soil can be planned at a maximum slope of 0.5H:1V. Flatter slopes should be provided adjacent to traffic lanes and/or utilities. Slopes no steeper than 1H:1V are recommended where traffic or utilities are within a distance equal to the slope height back from the top of slope. Deeper cut slopes should be shored as discussed in section 13.0 *Temporary Excavation Shoring*. As is typical with earthwork operations, some sloughing and raveling may occur and cut slopes may have to be adjusted in the field. In addition, WISHA/OSHA regulations should be followed at all times.

8.2 Site Disturbance

The on-site soils contain a high percentage of fine-grained material that makes them moisture-sensitive and subject to disturbance when wet. The contractor must use care during site preparation and excavation operations so that the underlying soils are not softened. If disturbance occurs, the softened soils should be removed and the area brought to grade with

structural fill. Consideration should be given to protecting access and staging areas with an appropriate section of crushed rock or asphalt treated base (ATB).

If crushed rock is considered for the access and staging areas, it should be underlain by an engineering stabilization fabric to reduce the potential of fine-grained materials pumping up through the rock and turning the area to mud. The fabric will also aid in supporting construction equipment, thus reducing the amount of crushed rock required. We recommend that at least 10 inches of rock be placed over the fabric; however, due to the variable nature of the near-surface soils and differences in wheel loads, this thickness may have to be adjusted by the contractor in the field.

9.0 STRUCTURAL FILL

Should structural fill be necessary to establish desired grades beneath lightly loaded portions of the project (floors, etc.), it should be placed and compacted according to the recommendations presented in this section. Due to the anticipated high foundation bearing loads, structural fill should not be placed beneath building footings or columns. All references to structural fill in this report refer to subgrade preparation, fill type, placement, and compaction of materials as discussed in this section. If a percentage of compaction is specified under another section of this report, the value given in that section should be used.

After initial stripping and excavation has been performed, the upper 12 inches of exposed ground below floor slabs may have to be recompacted to a firm, nonyielding condition or at least 90 percent of the modified Proctor maximum dry density using ASTM:D 1557 as the standard. Recompaction is not required if dense, undisturbed soils are exposed at subgrade elevation. If the subgrade contains too much moisture, adequate recompaction may be difficult or impossible to obtain and should probably not be attempted. In lieu of recompaction, the area to receive fill should be blanketed with washed rock or quarry spalls to act as a capillary break between the new fill and the wet subgrade. Where the exposed ground remains soft and further overexcavation is impractical, placement of an engineering stabilization fabric may be necessary to prevent contamination of the free-draining layer by silt migration from below. In foundation areas, excavation should continue until undisturbed firm native soils are encountered.

After the exposed ground is tested and approved, or a free-draining rock course is laid, structural fill may be placed to attain desired grades. Structural fill is defined as nonorganic soil, acceptable to the geotechnical engineer, placed in maximum 8-inch loose lifts with each lift being compacted to at least 95 percent of the modified Proctor maximum dry density using ASTM:D 1557 as the standard. In the case of roadway and utility trench filling, the backfill should be placed and compacted in accordance with City of Ruston standards.

The contractor should note that AESI should evaluate any proposed fill soils prior to their use in fills. This would require that we have a sample of the material at least 72 hours in advance of filling activities to perform a Proctor test and determine its field compaction standard. Soils in which the amount of fine-grained material (smaller than the No. 200 sieve) is greater than approximately 5 percent (measured on the minus No. 4 sieve size) should be considered moisture-sensitive. Use of moisture-sensitive soil in structural fills is not recommended. The on-site soils generally contained significant amounts of silt and clay and are considered moisture-sensitive. In addition, construction equipment traversing the site when the soils are wet can cause considerable disturbance. For all fills, a select import material consisting of a clean, free-draining gravel and/or sand should be used. Free-draining fill consists of non-organic soil with the amount of fine-grained material limited to 5 percent by weight when measured on the minus No. 4 sieve fraction.

A representative from our firm should inspect the subgrades and be present during placement of structural fill to observe the work and perform a representative number of in-place density tests. In this way, the adequacy of the earthwork may be evaluated as filling progresses and any problem areas may be corrected at that time. It is important to understand that taking random compaction tests on a part-time basis will not assure uniformity or acceptable performance of a fill. As such, we are available to aid the owner in developing a suitable monitoring and testing frequency.

10.0 FOUNDATIONS

Conventional spread footings and column pads may be used for building support when founded on the undisturbed, dense to very dense lodgement till. We recommend that an allowable bearing pressure of 8,000 pounds per square foot (psf) be used for design purposes, including both dead and live loads. An increase of one-third may be used for short-term wind or seismic loading. All footings must penetrate to the prescribed bearing stratum and no footing should be founded in or above loose, organic, or fill soils. Footings should not be constructed on fill material.

It should be noted that the area bounded by lines extending downward at 1H:1V from any footing must not intersect another footing. In addition, a 1.5H:1V line extending down from any footing must not daylight because sloughing or raveling may eventually undermine the footing. Thus, footings should not be placed near the edge of steps or cuts in the bearing soils.

Anticipated settlement of footings founded on the dense to very dense lodgement till should be on the order of 1 inch. However, disturbed soil not removed from footing excavations prior to footing placement could result in increased settlements. All footing areas should be inspected by AESI prior to placing concrete to verify that the design bearing capacity of the soils has

been attained and that construction conforms to the recommendations contained in this report. Such inspections will be required by the City of Ruston. A perimeter foundation drain system should be provided as discussed under the section on *Drainage Considerations*.

The on-site soils contain a high percentage of fine-grained material that makes them moisture-sensitive and subject to disturbance when wet. The contractor must use care during site preparation and excavation operations so that the underlying soils are not softened. If disturbance occurs, the softened soils should be removed and foundations extended down to competent natural soil. Once the base of the excavation is reached, consideration should be given to "armoring" the exposed subgrade with a thin layer of rock to provide a working surface during foundation construction. We recommend a 12-inch layer of compacted quarry spalls for this purpose.

11.0 FLOOR SUPPORT

A slab-on-grade floor may be used over structural fill or hard/very dense natural ground. The floor should be cast atop a minimum of 6 inches of pea gravel to act as a capillary break. An impervious moisture barrier should be placed over the capillary break. A 2-inch-thick layer of dry sand is recommended on top of the moisture barrier to aid in concrete curing and to prevent damage to the barrier. This sand layer must be kept dry, or it should be omitted from the floor section.

The lowest level of the building will support car traffic. Slab design can assume a soil subgrade modulus of 200 pounds per cubic inch (pci) for slabs cast onto very dense natural ground. Depending on ground water conditions encountered, an underslab drainage system may be necessary. For preliminary planning, an underslab system should consist of a series of 6-inch-diameter PVC, perforated drain lines 20 to 30 feet on center. The drainpipes should have an invert located a minimum of 12 inches below the capillary break layer. The drain trenches should be filled with pea gravel, which communicates with the capillary break material. All of the drain lines should be routed to the permanent building drainage system.

12.0 DRAINAGE CONSIDERATIONS

The lodgement till is glacially compacted, relatively impermeable, and water will tend to perch atop this stratum. Traffic across this soil, when it is damp or wet will result in disturbance of the otherwise firm stratum. Therefore, prior to site work and construction, the contractor should be prepared to provide drainage and subgrade protection. As the site excavation progresses, the contractor can maintain a temporary drainage system to keep the excavation base "dry". A system of pumped sumps should be sufficient to control the anticipated flows

from any perched ground water and precipitation. The water levels should be maintained at least 2 feet below the base of the excavation until a permanent, underslab drainage system is established, if necessary.

When permanent exterior walls are constructed, a drainage system should be incorporated to collect water seeping through the shoring. Prior to constructing the permanent exterior walls, a drainage mat, such as Mira-Drain, should be placed from near the top of the wall to its base. The bottom of the drainage mats should communicate with a permanent perimeter drainage system. Weep holes through the concrete facing and collection pipes at the wall base should also be provided.

13.0 TEMPORARY EXCAVATION SHORING

A deep excavation to accommodate one to two levels of below grade parking is currently being planned for this project. Preliminary site sketches available to AESI at the time of this report did not provide any details with regards to the location and extent of the proposed excavation. Temporary excavation shoring will be required to support the excavation and surrounding streets/alleys and utilities. This section of the report presents preliminary design considerations and criteria for use in the design of the excavation shoring. With this information and other pertinent data, it should be the responsibility of the shoring subcontractor(s) to determine the appropriate design details, construction methods, and procedures for installation of the shoring system.

The most common method of shoring used in the Puget Sound area consists of wide-flange steel beams (soldier piles). For excavations of approximately 15 feet or less, the soldier piles typically may be cantilevered without the use of tiebacks or bracing. Soldier piles are placed in pre-drilled holes that extend below the bottom of the excavation. The portion of each soldier pile extending below the bottom of the excavation is grouted in place with sufficient strength concrete to transmit the load from the soldier beams into the soil below the excavation level. The upper portion of the soldier pile is then backfilled with a relatively weak grout so that it may be removed as necessary for placement of lagging.

Shoring may be designed to resist active lateral earth pressures where no settlement sensitive structures are located behind the wall. An active earth pressure condition theoretically assumes that the wall is allowed to yield laterally approximately one-tenth of 1 percent of the wall height. This small amount of yielding typically results in some minor settlement behind the wall. Considering the dense nature of the glacial sediments underlying the site, it is anticipated that the influence of wall deflection during construction should be minimal. If minor settlement does occur, we estimate it will occur within a distance behind the wall equal to the height of the wall. At-rest pressures should be used in shoring design where settlement

cannot be tolerated. The tolerance for settlement should be decided upon before completing the shoring design.

For excavations of 15 feet or less, the soldier piles typically may be cantilevered without the use of bracing. For wall heights such that a cantilever wall is not feasible, the wall will have to be anchored as the excavation progresses. We recommend anchoring the wall using tiebacks. A tieback system usually consists of drilling behind the soldier pile wall at an angle below horizontal and installing high strength rods or cables with a grout anchor. Easements from adjacent property owners will have to be obtained for any necessary tieback anchors. The anchor holes should be drilled in a manner to minimize loss of ground and not endanger adjacent anchors, surrounding subgrades, or buried utilities due to subsidence. Any permanent shoring elements should be provided with suitable corrosion protection.

13.1 Lateral Earth Pressures for Retained Soil

For a cantilever shoring system or a shoring system braced by a single level of tiebacks, the applied lateral pressure can be represented by a triangular pressure distribution termed as an equivalent fluid density. We have provided equivalent fluid densities for shoring design based on a level backslope. Surcharge loads from adjacent roads and alleys should be added as appropriate. Pressure distributions are shown on the attached Figure 3. The pressure distribution should be assumed to be applied over the pile spacing above the base of the excavation. Below the base of the excavation, the pressure should be applied over one concreted soldier pile diameter.

13.2 Passive Soil Resistance

To resist lateral loads, an allowable passive equivalent fluid unit weight of 350 pounds per cubic foot (pcf) should be used for design assuming the soldier piles are embedded in undisturbed, very dense lodgement till sediments. The passive fluid pressure can be assumed to act over two concreted pile diameters. The passive envelope should be truncated to neglect the first 2 feet of pile penetration below the base of the lowest adjacent excavation elevation. The passive pressure presented incorporates a factor of safety of at least 2.

13.3 Vertical Pile Loads

Soldier piles for shoring are typically set in pre-augured holes and backfilled with lean or structural concrete. Vertical loads on piles could be resisted by a combination of friction and end bearing. We recommend an allowable side friction value of 400 (psf) and an end bearing value of 30 kips per square foot (ksf) for design. Side friction should be neglected within the upper 2 feet below the base of the excavation. The 10 ksf end bearing value is predicated on embedment of at least 10 feet below the base of the excavation and assumes penetration into

the very dense lodgement till sediments. These values include a factor of safety of at least 1.5. Embedment depths of soldier piles below final excavation level must be designed to provide adequate lateral and/or kickout resistance to horizontal loads and satisfy moment equilibrium.

13.4 Tiebacks

Tieback anchors may be necessary for lateral support of the higher segments of the soldier pile wall. Any permanent anchors should be provided with double corrosion protection. The tieback anchors may be designed with a tentative allowable tieback-soil adhesion of 1,000 psf when the anchor is located in glacially consolidated soil. The anchors must extend behind the no-load zone as defined on Figure 3.

Tieback anchors should be constructed with centralizers/spacers along the bonded length to keep the anchor centered within the drilled hole. Tiebacks should also be fitted with a bond breaker, such as solid PVC pipe, in the no-load zone.

Anchor tests must be performed to verify that the design resistance is available on the installed anchors. A common anchor testing program would consist of at least two 200 percent verification tests of the design or allowable load in each major soil unit, plus proof loading every production anchor to 130 percent of the design load. These tests should conform to the recommendations of the Post-Tensioning Institute for verification testing and proof loading of production anchors. Anchor tests and their results should be observed and recorded by a representative of Associated Earth Sciences, Inc. (AESI). Anchors should be locked off at 100 percent of the design loads. The anchors should be designed to fail by anchor pullout rather than by yielding steel.

13.5 Lagging

We recommend that the soldier piles be spaced at maximum distance of 8 feet on-center. The entire space between the piles should be temporarily retained using treated wood lagging. Lagging should be designed for 50 percent of the lateral loads. This reduced value is due to "soil arching" between the piles. Soils should be excavated from between the piles to facilitate placement of the wood lagging over the full retained soil height. Voids behind the lagging must be backfilled with washed pea gravel or clean, free-draining sand and gravel material.

13.6 Wall Drainage

Ground water seepage was encountered in EB-2 during our subsurface exploration program. Therefore, seepage within the retained height is expected. Backfilling of the voids behind the lagging with a free-draining material will allow collected water to seep through the lagging. However, where the wall will have a permanent concrete facing, a drainage composite between

the lagging and the concrete facing should be installed to provide an outlet for the accumulated seepage. Weep holes through the concrete facing and collection pipes at the wall base should also be provided.

13.7 Inspections

Since completion of the piling and tiebacks takes place below ground, the judgment and experience of the geotechnical engineer or his field representative must be used as a basis for determining the acceptability of each pile. Consequently, the use of the presented design information requires that a qualified geotechnical engineer or engineering geologist from our firm inspect all piles and shoring installation. AESI, acting as the owner's field representative, would keep records of pertinent installation data. A final summary report would then be distributed following completion of pile installation.

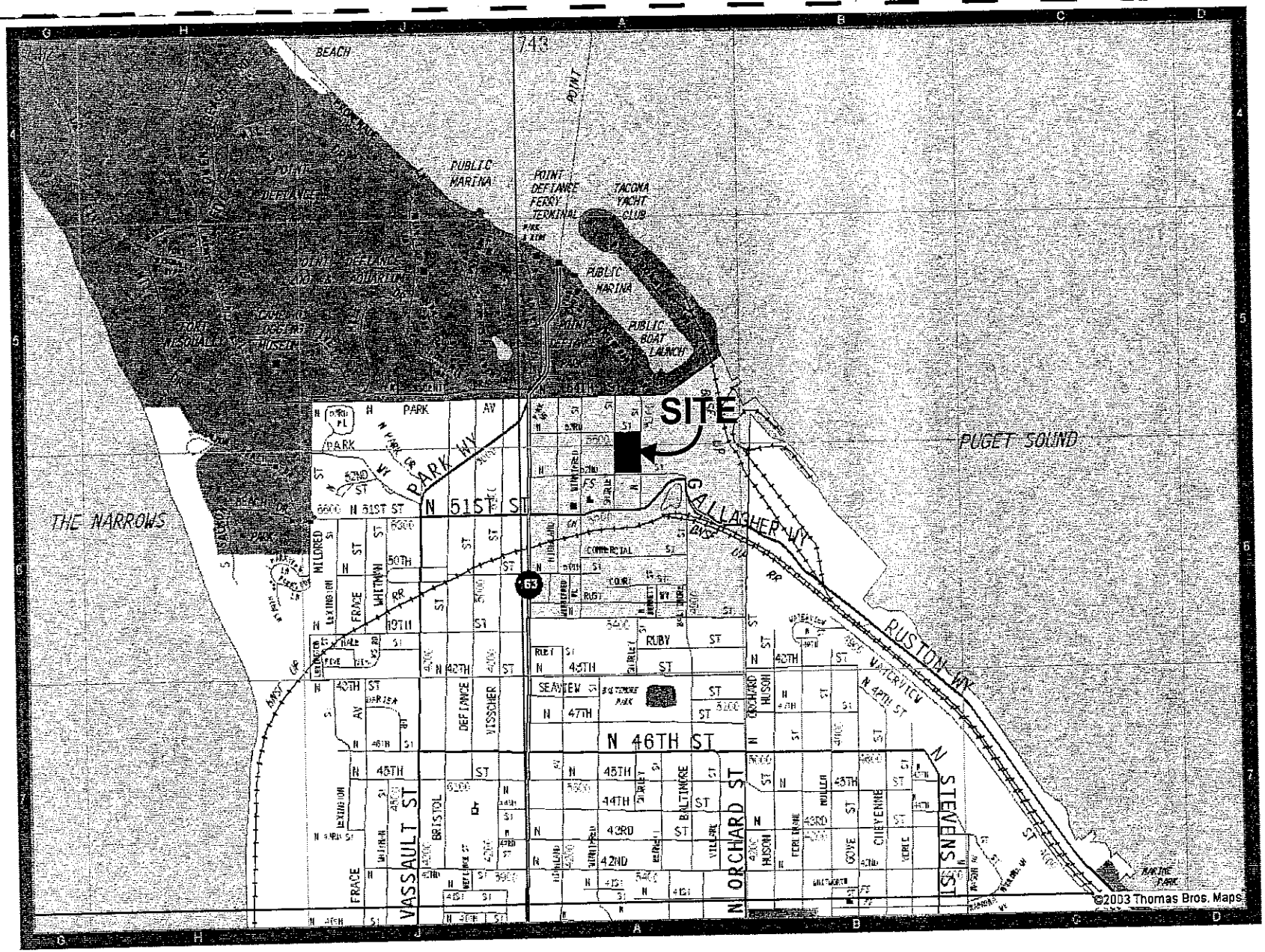
13.8 Monitoring

A survey of the surrounding structures and other critical reference points should be performed prior to construction activities. These points should then be accurately monitored, both horizontally and vertically by a licensed surveyor, until the excavation is complete and permanent walls are constructed. A photographic and/or video survey is also recommended for surrounding structures to document their condition prior to development. This monitoring would act to provide early notice of site settlement and provide an accurate record of pre-construction site conditions.

14.0 PROJECT DESIGN AND CONSTRUCTION MONITORING

We are available to provide additional geotechnical consultation as the project design develops and possibly changes from that upon which this report is based. We recommend that AESI perform a geotechnical plan review prior to completion of the final design. In this way, our earthwork and foundation recommendations may be properly interpreted and implemented in the design.

We are also available to provide geotechnical engineering and monitoring services during construction. The integrity of the foundation depends on proper site preparation and construction procedures. In addition, engineering decisions may have to be made in the field in the event that variations in subsurface conditions become apparent. Construction monitoring services are not part of this current scope of work.



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NOT TO SCALE

Associated Earth Sciences, Inc.

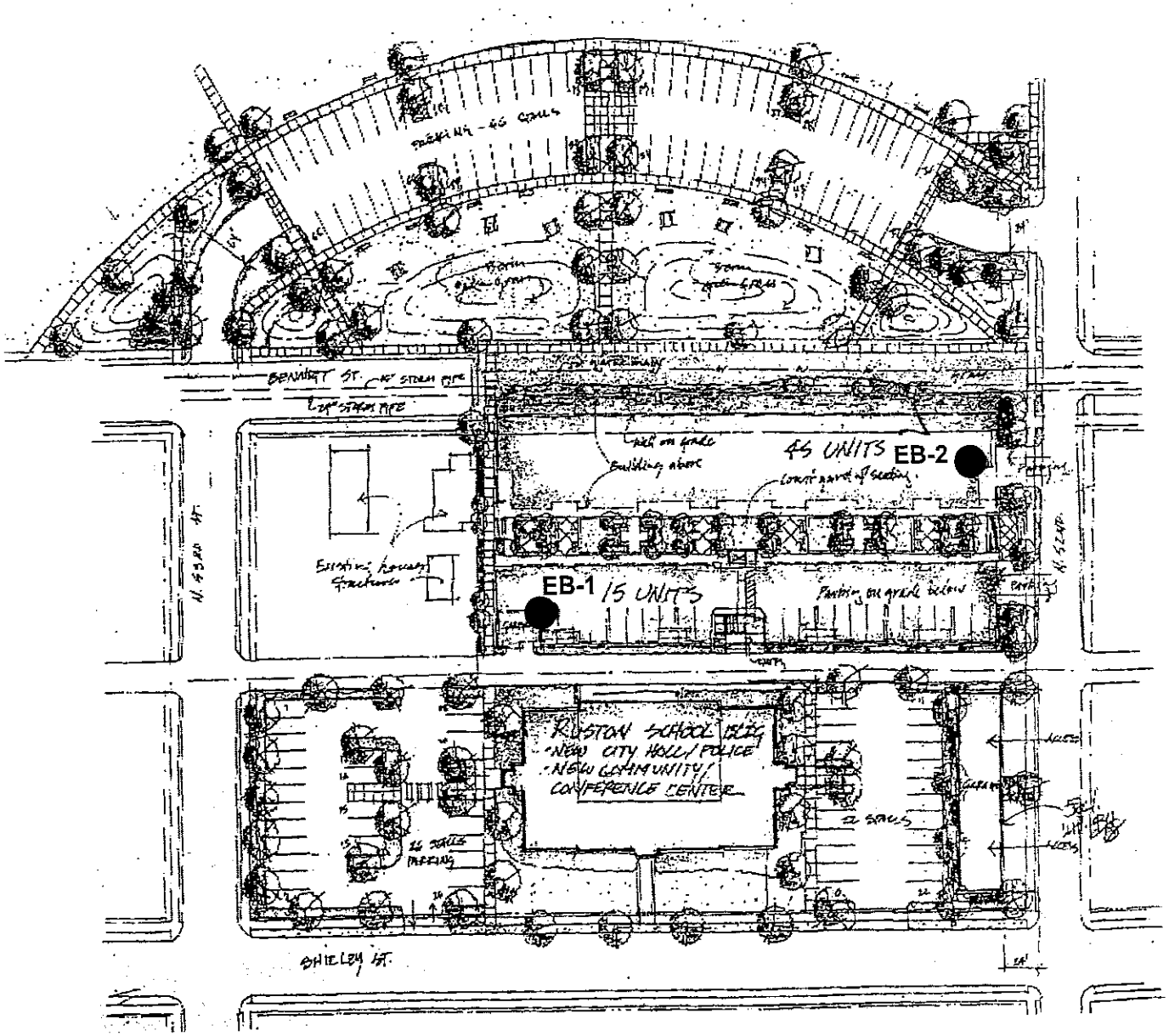
VICINITY MAP
RUSTON CONDOMINIUMS
RUSTON, WASHINGTON

FIGURE 1

DATE 5/04

PROJ. NO. KE04279A

04279 ruston condos\04279-vicinity.cdr page1



LEGEND

EB-1 ● Approximate location of exploration boring

N

NOT TO SCALE

REFERENCE: BASE MAP PROVIDED BY CLIENT.

Associated Earth Sciences, Inc.

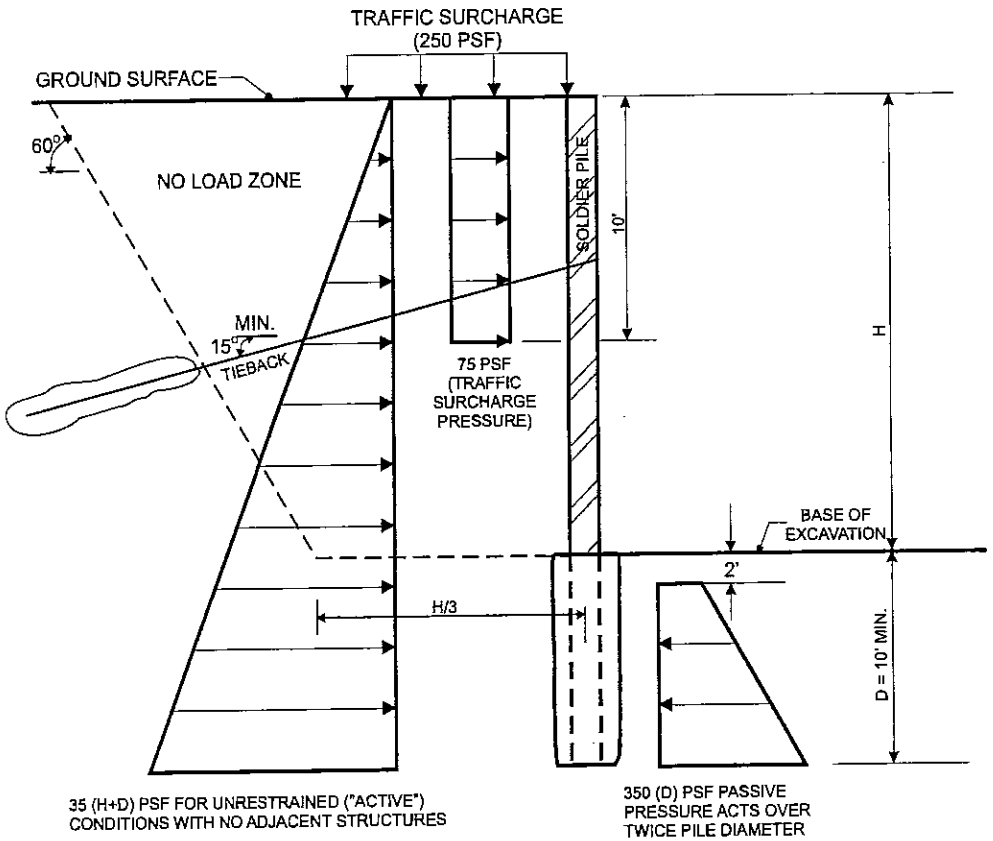
SITE AND EXPLORATION PLAN
RUSTON CONDOMINIUMS
RUSTON, WASHINGTON

FIGURE 2

DATE 5/04

PROJ. NO. KE04279A

04279 ruston condos\04279-site.cdr page1



NOTES:

1. Soldier pile embedment depth "D" should consider necessary vertical capacity, kick-out,and overturning resistance.
2. Passive pressure includes a factor of safety of 2.
3. Allowable skin friction of soldier pile = 1000 psf over depth "D". Allowable end bearing = 15,000 psf.
4. Diagram does not include hydrostatic pressures and assumes walls are suitably drained to prevent buildup of hydrostatic pressure.
5. Diagram is illustrative and not referenced to a particular location.
6. Diagram does not include pressures due to surface surcharges from adjacent structures, sloping ground, or stockpiled materials. These pressures (if any) must be provided by the structural engineer based on a site survey.
7. Lagging may be designed using 50 percent of the active/at-rest earth pressure.
8. All tiebacks should be prestressed to 130% of design load and locked off at 100% of design load. Tieback anchor is to be located behind the no-load zone. Two or three tiebacks should be proof-tested to 200% of design load per Post-Tensioning Institute Guidelines. Sufficient tendons should be provided for test loads.
9. Allowable tieback soil adhesion = 1000 psf.
10. Allowable skin friction of soldier pile = 400 psf. Allowable end bearing = 30 ksf with a minimum 10' embedment.

NOT TO SCALE

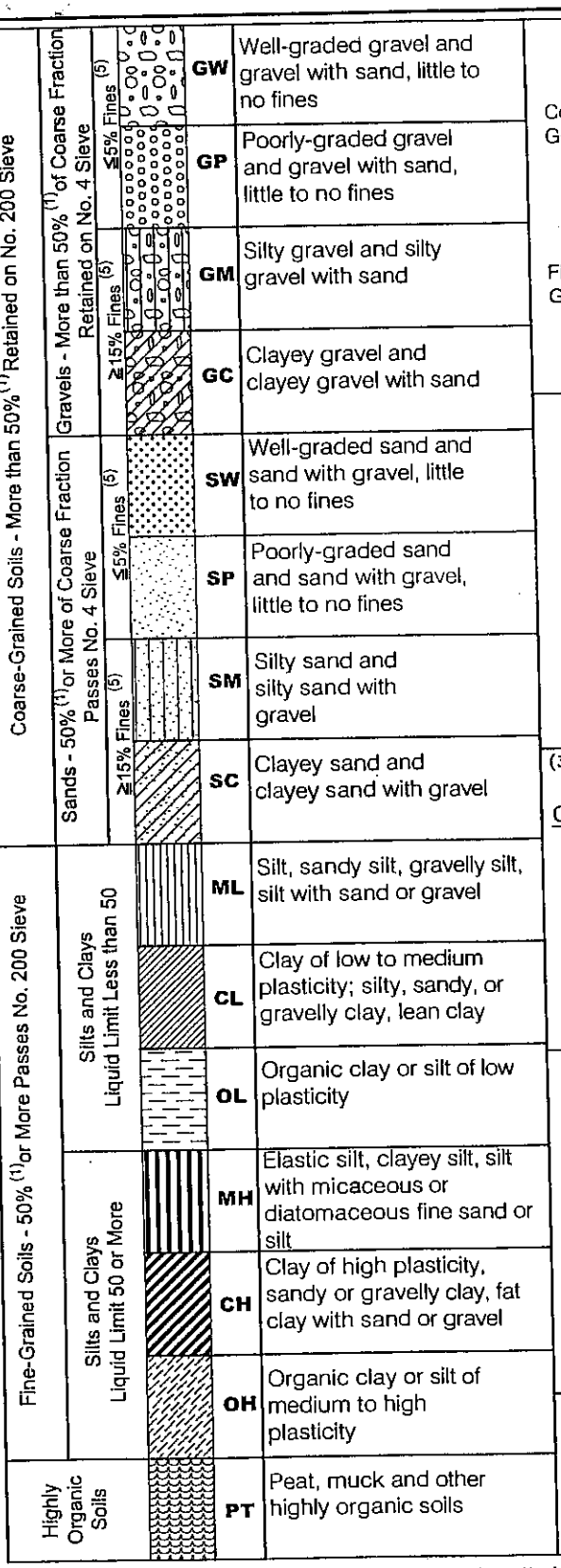
Associated Earth Sciences, Inc.

PRELIMINARY TEMPORARY SOLDIER PILE WALL DESIGN CRITERIA

RUSTON CONDOMINIUMS
RUSTON, WASHINGTON

FIGURE 3
DATE 6/04
PROJ. NO. KE04279A

APPENDIX



Terms Describing Relative Density and Consistency

	Density	SPT[2] blows/foot
Coarse-Grained Soils	Very Loose	0 to 4
	Loose	4 to 10
	Medium Dense	10 to 30
	Dense	30 to 50
	Very Dense	>50
	Consistency	**SPT[2] blows/foot**
Fine-Grained Soils	Very Soft	0 to 2
	Soft	2 to 4
	Medium Stiff	4 to 8
	Stiff	8 to 15
	Very Stiff	15 to 30
	Hard	>30

Test Symbols

G = Grain Size
M = Moisture Content
A = Atterberg Limits
C = Chemical
DD = Dry Density
K = Permeability

Component Definitions

Descriptive Term	Size Range and Sieve Number
Boulders	Larger than 12"
Cobbles	3" to 12"
Gravel	3" to No. 4 (4.75 mm)
Coarse Gravel	3" to 3/4"
Fine Gravel	3/4" to No. 4 (4.75 mm)
Sand	No. 4 (4.75 mm) to No. 200 (0.075 mm)
Coarse Sand	No. 4 (4.75 mm) to No. 10 (2.00 mm)
Medium Sand	No. 10 (2.00 mm) to No. 40 (0.425 mm)
Fine Sand	No. 40 (0.425 mm) to No. 200 (0.075 mm)
Silt and Clay	Smaller than No. 200 (0.075 mm)

(3) Estimated Percentage

Component	Percentage by Weight
Trace	<5
Few	5 to 10
Little	15 to 25
With	- Non-primary coarse constituents: ≥ 15% - Fines content between 5% and 15%

Moisture Content

Dry - Absence of moisture, dusty, dry to the touch

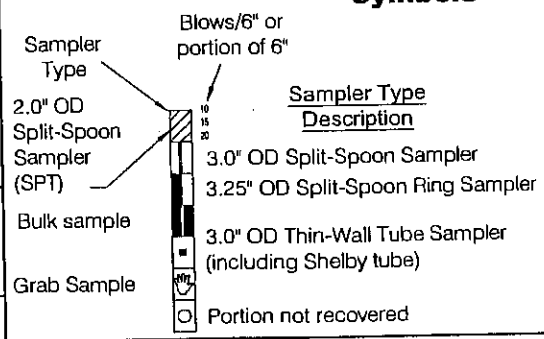
Slightly Moist - Perceptible moisture

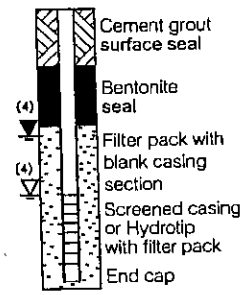
Moist - Damp but no visible water

Very Moist - Water visible but not free draining

Wet - Visible free water, usually from below water table

Symbols





(1) Percentage by dry weight
(2) (SPT) Standard Penetration Test (ASTM D-1586)
(3) In General Accordance with Standard Practice for Description and Identification of Soils (ASTM D-2488)
(4) Depth of ground water
▼ ATD = At time of drilling
▽ Static water level (date)
(5) Combined USCS symbols used for fines between 5% and 15%

Classifications of soils in this report are based on visual field and/or laboratory observations, which include density/consistency, moisture condition, grain size, and plasticity estimates and should not be construed to imply field or laboratory testing unless presented herein. Visual-manual and/or laboratory classification methods of ASTM D-2487 and D-2488 were used as an identification guide for the Unified Soil Classification System.

Associated Earth Sciences, Inc.

Exploration Log Key

FIGURE A-1

blocksllog_key.dwg 11/02/01

Associated Earth Sciences, Inc.

Exploration Log

Project Number	Exploration Number	Sheet
KE04279A	EB-1	1 of 1

Project Name: Ruston Condominiums
Location: Ruston, WA
Driller/Equipment: Davies Drilling
Hammer Weight/Drop: 140# / 30"

Ground Surface Elevation (ft):
Datum: N/A
Date Start/Finish: 05/21/04,05/21/04
Hole Diameter (in):

Depth (ft)	ST	Samples	Graphic Symbol	DESCRIPTION	Well Completion	Water Level	Blows/6"	Blows/Foot 10 20 30 40	Other Tests
				Lodgement Till					
5		S-1		Moist to very moist, light brown/gray, fine SAND with few silt and gravel.			10 24 25	▲49	
10		S-2		Moist, brown/gray, very fine to fine SAND with some silt and few gravel.			37 50/2"	▲50/2"	
15		S-3		Bouncing on rock. Moist, brown/gray, very fine to fine SAND with some silt and gravel.			50/1"	▲50/1"	
20		S-4		Moist, slightly oxidized, brown/gray, medium to coarse SAND with few silt, some gravel.			36 50/4"	▲50/4"	
25		S-5		Moist to very moist, gray, fine to medium SAND with some silt, few gravel.			50/4"	▲50/4"	
30		S-6		Large rock. No recovery.			50/2"	▲50/2"	
				Bottom of exploration boring at 30.2 feet					
35									

Sampler Type (ST):
- 2" OD Split Spoon Sampler (SPT)
- 3" OD Split Spoon Sampler (D & M)
- Grab Sample
- No Recovery
- Ring Sample
- Shelby Tube Sample

M - Moisture
- Water Level ()
- Water Level at time of drilling (ATD)

Logged by: MAM
Approved by:

ESIBOR 04279A-1.GPJ June 1, 2004

Associated Earth Sciences, Inc.

Exploration Log

Project Number	Exploration Number	Sheet
KE04279A	EB-2	1 of 1

Project Name: Ruston Condominiums
Location: Ruston, WA
Driller/Equipment: Davies Drilling
Hammer Weight/Drop: 140# / 30"

Ground Surface Elevation (ft):
Datum: N/A
Date Start/Finish: 05/21/04,05/21/04
Hole Diameter (in):

Depth (ft)	ST	Samples	Graphic Symbol	DESCRIPTION	Well Completion	Water Level	Blows/6"	Blows/Foot (10 20 30 40)	Other Tests
				Fill Water line at 2' to 2.5'.					
				Lodgement Till					
5		S-1		Very moist, brown, SILTY fine SAND with some gravel.			50/3"		50/3"
10		S-2		Moist, brown, fine SAND with few silt, some gravel.			50/5"		50/5"
15		S-3		Moist, slightly oxidized tan, fine SAND with few silt and gravel.			38 50/4"		50/4"
20		S-4		Moist, brown, fine to medium SAND with some silt and gravel. (18" of water on sampler)			17 50/5"		50/5"
25		S-5		Moist, brown, fine SAND with some silt and gravel.			50/5"		50/5"
30		S-6		No recovery. Large rock in sampler tip.			50/6"		50/6"
				Bottom of exploration boring at 30.5 feet					
35									

Sampler Type (ST):
- 2" OD Split Spoon Sampler (SPT)
- 3" OD Split Spoon Sampler (D & M)
- Grab Sample
- No Recovery
- Ring Sample
- Shelby Tube Sample

M - Moisture
Water Level ()
Water Level at time of drilling (ATD)

Logged by: MAM
Approved by:

ESIBOR 04279A-1.GPJ June 1, 2004

(ii) Landscape plan.

See Condition #2 Landscape Plan submitted for approval with this modification request.

(iii) A calculation of the number of dwelling units (if involving residential), gross floor area (if involving nonresidential)building coverage area, impervious surface area, number of employees (if nonresidential) and parking spaces.

Sixty units as approved in the original Development Plan Approval dated September 17, 2004

(iv) Building elevations.

Seventy feet in height as measured from the alley as approved in the original Development Plan Approval dated September 17, 2004. See Attached Elevations.

The COMMENCEMENT

INVESTOR INFORMATION PACKAGE • 2006

ELEVATIONS

(v) Grading plan and evidence of compliance with Section 25.01.080.

Approved in the original Development Plan Approval dated September 17, 2004. See approved permit drawings on file with the Town of Ruston.

(vi) Storm drainage plan and evidence of compliance with Section 25.01.080.

Construction Stormwater General Permit #WAR-007028. See attached Permit. See approved permit drawings on file with the Town of Ruston.

STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY
PO Box 47600 • Olympia, WA 98504-7600 • 360-407-6000
711 for Washington Relay Service • Persons with a speech disability can call 877-833-6341

March 12, 2008

J Paul Wagemann
The Commencement Group
PO Box 2214
Tacoma WA 98401

Dear J Paul Wagemann:

RE: Transfer of Coverage under the Construction Stormwater General Permit

Permit Number:	**WAR-007028**
Site Name:	The Commencement
Location:	5204 North Bennett St
	Ruston WA Pierce
Disturbed Acres:	1.17
Receiving Water:	Commencement Bay

The Washington Department of Ecology (Ecology) received a Transfer of Coverage form for your Construction Stormwater General Permit and an updated application with the new owner information. This letter notifies you that our records have been updated to show The Commencement Group is responsible for meeting the general permit requirements, effective 03/12/2008. **Please retain this letter with your permit (enclosed), stormwater pollution prevention plan (SWPPP), and site log book. It is the official record of permit coverage for your site.**

This letter also explains some of the requirements in the Construction Stormwater General Permit for construction sites that disturb from one to less than five acres. Please take time to read the permit and contact Ecology if you have any questions.

Inspections (Special Condition S4, pages 10-12 for additional information)

- You must conduct weekly visual inspections of your site to ensure your best management practices (BMPs) are functioning properly.
- A Certified Erosion and Sediment Control Lead (CESCL) must inspect your site. Ecology maintains a list of training classes to obtain CESCL certification on its website: http://www.ecy.wa.gov/programs/wq/stormwater/cescl.htm.

Sampling and Analysis (Special Condition S4, pages 10-15 for additional information)

- Beginning October 1, 2008, operators of sites from one to less than five acres must sample stormwater discharges for turbidity using a turbidity meter or transparency tube, unless the discharge goes to an impaired waterbody. **Note that the time frame for this condition is under appeal and may change.** You will be notified prior to October 2008 if there is a change.
- Permittees must sample stormwater discharges for pH if the project involves any amount of engineered soils (cement treated base, cement kiln dust, fly ash, etc.) or over 1,000 cubic yards of poured or recycled concrete.
- The permit sets benchmark (target) levels for turbidity, transparency, and pH. When discharge samples exceed a benchmark, additional permit requirements must be followed.
- Submit all sampling data to Ecology on the enclosed discharge monitoring report (DMR). The DMR includes instructions on how to perform sampling and reporting.

Discharges to Impaired Waterbodies (Special Condition S8, pages 18-21 for additional information)

- If your site discharges into a water body that is on the impaired waterbodies list (i.e., "303(d)" list) for turbidity, fine sediment, high pH, or phosphorus, additional sampling is required.
- EPA recently approved the 2004 version of the 303(d) list, which includes water bodies not on the previous list. Ecology will be reviewing the newly approved list and will notify you if any additional sampling requirements apply to you.

Stormwater Pollution Prevention Plan (Permit Condition S9, pages 21-29 for additional information)

- Each site must have a complete Stormwater Pollution Prevention Plan (SWPPP) on the site prior to the start of construction. This plan describes the erosion and sediment control measures used on the site to protect water quality.
- Remember to keep your SWPPP updated. The permit contains specific timelines for SWPPP updates based on inspection results by the CECSL or Ecology inspector.

Notice of Termination (Special Condition S10, page 29 for additional information)

- You may request termination (cancel) when the site has undergone final stabilization with permanent vegetation or equivalent measures that prevent erosion.
- To request termination of permit coverage, submit a Notice of Termination (NOT) to Ecology. If you do not submit a NOT, you will remain responsible for permit compliance and permit fees.

Appeal of Permit Coverage
You may appeal the terms and conditions of a general permit, as they apply to an individual discharger, within 30 days of the effective date of coverage of that discharger (see Chapter 43.21B RCW). This appeal is limited to the general permit's applicability or non-applicability to a specific discharger.

The Revised Code of Washington (RCW) 43.21.B310, contains the procedures and requirements for the appeal. Appeals should be directed to:

Pollution Control Hearings Board
PO Box 40903
Olympia, Washington 98504-0903

Department of Ecology
Appeals Coordinator
P.O. Box 47608
Olympia, Washington 98504-7608

Additional Information
Ecology is committed to providing assistance to you. Please review our web page at http://www.ecy.wa.gov/programs/wq/stormwater/construction/. Now available — a stormwater sampling video that demonstrates appropriate sampling methods!

Questions
For questions about transfers, terminations, and other administrative issues, please contact Josh Klimek at 360-407-7451 or jokl461@ecy.wa.gov.

Ecology Regional Assistance
If you have questions regarding stormwater management issues at your construction site, please contact Margaret Hill (360-407-0246) of Ecology's
Southwest Regional Office in Lacey.

If you have questions regarding this letter, please call Josk Klimek at 360-407-7451.

Sincerely,

Nancy L. Winters

Nancy L. Winters, Section Manager
Program Development Services Section
Water Quality Program

Enclosure: Construction Stormwater General Permit

cc: Ecology Permit Fee Unit, HQ
Stormwater File, HQ

Issuance Date: November 16, 2005
Effective Date: December 16, 2005
Expiration Date: December 16, 2010

CONSTRUCTION STORMWATER GENERAL PERMIT

National Pollutant Discharge Elimination System (NPDES) and State Waste Discharge General Permit for Stormwater Discharges Associated With Construction Activity

State of Washington
Department of Ecology
Olympia, Washington 98504-7600

In compliance with the provisions of
The State of Washington Water Pollution Control Law
Chapter 90.48 Revised Code of Washington
and
The Federal Water Pollution Control Act
(The Clean Water Act)
Title 33 United States Code, Section 1251 et seq.

Until this permit expires, is modified or revoked, Permittees that have properly obtained coverage under this general permit are authorized to discharge in accordance with the special and general conditions which follow.

David C. Peeler, Manager
Water Quality Program
Washington State Department of Ecology

TABLE OF CONTENTS

SUMMARY OF PERMIT REPORT SUBMITTALS

Refer to the Special and General Conditions for additional submittal requirements.

Permit Section	Submittal	Frequency	First Submittal Date
S5.A	High Turbidity/Transparency Phone Reporting	As Necessary	Within 24 hours
S5.B	Discharge Monitoring Report	Monthly	Within 15 days after the applicable monitoring period
S5.F	Noncompliance Notification	As necessary	Immediately
S5.F	Noncompliance Notification – Written Report	As necessary	Within 5 Days of non-compliance
G2.	Notice of Change in Authorization	As necessary	
G6.	Permit Application for Substantive Changes to the Discharge	As necessary	
G8.	Application for Permit Renewal	1/permit cycle	No later than 180 days before expiration
G9.	Notice of Permit Transfer	As necessary	
G20.	Notice of Planned Changes	As necessary	
G22.	Reporting Anticipated Non-compliance	As necessary	

SUMMARY OF REQUIRED ON SITE DOCUMENTATION

Permit Conditions	Document Title
Conditions S2, S5	Permit Coverage Letter
Conditions S2, S5	Construction Stormwater General Permit
Conditions S4, S5	Site Log Book
Conditions S9, S5	Stormwater Pollution Prevention Plan (SWPPP)

SPECIAL CONDITIONS

S1. PERMIT COVERAGE

A. Permit Area

This general permit covers all areas of Washington State, except for federal and tribal lands specified in S1.D.3.

B. Operators Required to Seek Coverage Under this General Permit:

1. *Operators* of the following *construction activities* are required to seek coverage under this permit:

   a. Clearing, grading and/or excavation which results in the disturbance of one or more acres, and discharges *stormwater* to *surface waters of the state*; and clearing, grading and/or excavation on *sites* smaller than one acre which are part of a larger *common plan of development or sale*, if the common plan of development or sale will ultimately disturb one acre or more, and discharges stormwater to surface waters of the state.

      i. This includes forest practices that are part of a construction activity that will result in the disturbance of one or more acres, and discharges to surface waters of the state (i.e., forest practices which are preparing a site for construction activities); and

   b. Any size construction activity discharging stormwater to waters of the state which the Department of Ecology (Ecology):

      i. Determines to be a *significant contributor of pollutants* to waters of the state of Washington, or

      ii. Reasonably expects to cause a violation of any water quality standard.

2. Operators of the following activities are not required to seek coverage under this permit, unless specifically required under Condition S1.B.1.b. (Significant Contributor):

   a. Construction activities which discharge all stormwater and non-stormwater to *ground water*, and have no *point source* discharge to surface water or a *storm sewer system* that drains to surface waters of the state;

   b. Construction activities covered under an Erosivity Waiver (Condition S2.C);

   c. Routine maintenance that is performed to maintain the original line and grade, hydraulic capacity, or original purpose of a facility.

C. Authorized Discharges:

1. Stormwater Associated with Construction Activity. Subject to compliance with the terms and conditions of this permit, *Permittees* are authorized to discharge stormwater associated with construction activity to surface waters of the state or to a storm sewer system that drains to surface waters of the state.

2. Stormwater Associated with Construction Support Activity. This permit also authorizes stormwater discharges from support activities related to the permitted construction site (e.g., off-site equipment staging yards, material storage areas, borrow areas, etc.) provided:

   a. The support activity is directly related to the permitted construction site that is required to have an NPDES permit; and

   b. The support activity is not a commercial operation serving multiple unrelated construction projects, and does not operate beyond the completion of the construction activity; and

   c. Appropriate controls and measures are identified in the *Stormwater Pollution Prevention Plan* (SWPPP)for the discharges from the support activity areas.

3. Non-Stormwater Discharges. The categories and sources of non-stormwater discharges identified below are conditionally authorized, provided the discharge is consistent with the terms and conditions of this permit:

   a. Discharges from fire fighting activities;

   b. Fire hydrant system flushing;

   c. Potable water including uncontaminated water line flushing (de-chlorinated);

   d. Pipeline hydrostatic test water;

   e. Uncontaminated air conditioning or compressor condensate;

   f. Uncontaminated ground water or spring water;

   g. Uncontaminated excavation *de-watering* (in accordance with S9.D.10)

   h. Uncontaminated discharges from foundation or footing drains;

   i. Water used to control dust;

   j. Routine external building wash down that does not use detergents; and

   k. Landscape irrigation.

(vii) Utilities plan and evidence of compliance with Comprehensive Plan goals, objectives, and policies related to utilities.

Approved in the original Development Plan Approval dated September 17, 2004. See approved permit drawings on file with the Town of Ruston.

(viii) A draft of any proposed conveyance, conditions, and restrictions related to maintenance of open space and commonly owned improvements.

Approved in the original Development Plan Approval dated September 17, 2004

EXHIBIT B

TOWN OF RUSTON
PLANNING SERVICES

5117 North Winnifred Street Ruston, Washington 98407-6597
Phone (253)759-3544 Fax (253)752-3754

Planning Commission Findings and Recommendation Commencement Condominium Proposal to Amend the Ruston Landing Master Development Plan MDP 09-01

I. General Information

A) Owner/Applicant:
The Commencement Group, LLC
Paul Wagemann
P.O. Box 2214
Tacoma, WA 98401

B) Site Address/Parcel Number:
5204 North Bennett Street, Ruston, WA 98407

C) Zoning Designation: Master Planned Development (MDP)

II. Project Description

As the Commencement Condominium project, (formerly called the Ruston Landing project), has progressed through the various stages of approval and construction, a variety of changes have occurred, without formal approval through the public process. As such, the applicant has now submitted a revised site plan reflecting the most recent proposal and seeks approval from the Town.

First of all, it should be acknowledged that there are several minor details of the constructed building that vary from the original approved Ruston Landing Master Development Plan which were reviewed and approved by the previous administration and staff. The formal approval of these minor changes occurred on September 1, 2005, when the building permit for the project was issued. These minor changes included items such as reconfiguration of courtyard planters and common space, elimination of a walkway along the north portion of the building, and dimensional adjustments to parking spaces, (no reduction in the quantity of parking spaces occurred), and other minor items. For the purposes of this report, these minor items will be referred to as "minor amendments".

More substantial modifications to the proposal occurred shortly thereafter which were more related to real estate transactions between the property owner and the Town. Generally speaking, the Town agreed to accept the property and structures where Town Hall is now located, (which were owned by the applicant at that time), along with $100,000 cash, in exchange for elimination of the requirement to build a public services building and remodel the interior of the School Building. This exchange of real property and cash was a result of a real estate transaction, and not specifically related to requirements of the approved Ruston Landing Master Development Plan. Although not specifically related to the land use permit, these improvements were still shown upon the various plans and documents for the project, (as they remain today), and therefore should be eliminated since they are no longer applicable. For the purposes of this report, these items will be referred to as "real estate amendments".

More recently, the applicant has expressed that he no longer desires to reconstruct a large portion of the required off-site public improvements. Specifically, the applicant has requested elimination of the Bennett Street reconnection, along with the associated parking, public open space, and recreational area. These items are required both by the master development plan and Ordinance 1155, and are shown on the approved building permit plan set. Alternatively, the applicant proposes to make improvements to the School Building, (a building it currently holds a five-time renewable 99 year lease for), including repaving and regrading the damaged south School Building parking lot; providing new landscaping fronting on Shirley Street; and repainting the windows. For the purposes of this report, these items will be referred to as the "Bennett Street Reconnection, OCF Park, and Public Parking Amendments".

III. Applicable Codes and Regulations

A) SEPA Analysis

The Town has already completed SEPA review under the original proposal. No further review is required at this time.

B) Comprehensive Plan

Section 2.2 Year 2010 Population Forcast

"Population forecasting is an integral part of the planning process. The GMA requires jurisdictions to estimate the number of new households and jobs that will be accommodated by the year 2010. Through the comprehensive planning process, each jurisdiction must, at a minimum, provide adequate land, transportation, capital facilities and utilities to accommodate this growth over a twenty-year period.

"Because the Town of Ruston is predominantly built out and its boundaries are set, there is little opportunity for growth in the area."

"Pierce County as a whole is projected to grow from 700,820 people in 2000 to 1,071,468 people in 2025, an increase of approximately 12%. This growth is significant. The Pierce County Growth Management Coordinating Committee preliminary population allocation for Ruston is 760 people by the year 2022, a 0.03% increase from the 2000 population of 738. The Town believes this number to be a realistic reflection of growth of Town areas outside the MPD zone. In 2017, areas outside the MPD zone should be built to the current zoning capacity and have at least a population of 760."

Section 3.4 – Residential Concepts and Goals

Goal 1: "Protect and enhance the character and vitality of established residential neighborhoods."

Goal 2: "Promote residential design that is environmentally sensitive, energy-efficient, and aesthetically pleasing. Implement state regulations related to energy conservation and environmental preservation in addition to Town regulations. View protection is addressed in the height limit aspects of the zoning code. Encourage building types and designs that respect the natural landscape and are compatible in scale and character with any significant historic properties and nearby residential development.

Section 4.3 – Housing Concepts and Goals

Goal 2: "Encourage maintenance and rehabilitation of the residential neighborhoods, including continued private investment in the existing housing stock."

Goal 4: "Provide flexibility in zoning and subdivision regulations to encourage a variety of housing types."

C) Ruston Municipal Code

RMC 25.01.060 – Master Planned Development (MPD) Zoning Standards

RMC 25.01.060(a) Purpose. This is a zoning district that may be developed only in accordance with a specific development plan. The approved development plan is an integral part of this zoning district and all development shall comply with said plan. The master planned development zone is designed and intended to enable and encourage the development of large tracts of land which are under unified ownership or control, or lands which by reason of existing or planned land uses are appropriate for development under this section, so as to achieve land development patterns which will maintain and enhance the physical, social and economic values of an area and the Town of Ruston. To this end, there may be provided within such areas a combination of land uses, including a variety of

residential types, commercial, industrial, public and semi-public areas, arranged and designed in accordance with modern land planning principles and development techniques; and in such a manner as to be properly related to each other, the surrounding community, the shoreline, the planned thoroughfare system, and other public facilities such as water and sewer systems, parks, schools and utilities. The master planned development zone and procedure are further established to provide a land developer with reasonable assurance that specific uses proposed from time to time, if in accordance with an approved development plan, will be acceptable to the Town; and to provide the Town Planning Commission and the Town Council with a long-term proposal for the development of a given area.

RMC 25.01.060(b) General Provisions.

RMC 25.01.060(b)(1) Qualifications. MPD districts may be established on parcels of land which, because of their unified ownership or control, size, topography proximity to large public facilities, or exceptional or unusual locational advantages, are suitable for planned development in a manner consistent with the purposes of this section.

RMC 25.01.060(b)(2) Permitted Uses. All uses would be permitted in substantial harmony with the Comprehensive Plan subject to approval of a development plan by the Town Council.

RMC 25.01.060(b)(3) Property Development Standards. All land uses in an MPD district shall conform to the property development standards set forth in the development plan approved by the Town Council.

RMC 25.01.060(b)(4) Approvals Required. No structure or building shall be built or remodeled upon land in the MPD district until Town Council approval has been obtained as outlined herein. Material and information shall be provided for specific types of uses as follows:

RMC 25.01.060(b)(4)(A) Wherever residential development is proposed within a MPD district, the development plan shall contain at least the following information: (i) The approximate number of dwelling units proposed by type of dwelling and the density, i.e., the number of dwelling units proposed per gross acre for each type of use. (ii) The standards of height, open space, building coverage, yard area, landscaping and pedestrian facilities, parking facilities and the kinds of street and land improvements proposed.

RMC 25.01.060(b)(4)(D) For MPD districts or units thereof containing institutional, recreational or other public or quasi-public development, the development plan shall contain the following information: (i) General types of uses proposed in the entire development and each major section thereof. (ii) Significant applicable information with respect to enrollment, residence employment, attendance, or other social or economic characteristics of development. (iii) The standards of height, open space, buffering, landscaping, pedestrian and vehicular circulation, off-street parking and loading, and signs intended for the development.

RMC 25.01.060(d) Findings Required. Findings are required before approval or denial of an application for a proposed MPD district. Before approval or modified approval of an application for a proposed MPD district, the Planning Commission and the Town Council must find:

(1) That the development proposed is in substantial harmony with the Comprehensive Plan of the Town of Ruston, and can be coordinated with existing and planned development of surrounding areas, and will produce a living and working environment and landscape quality to benefit the Town and the public.
(2) That the streets and thoroughfares proposed are suitable and adequate to serve the proposed uses and the anticipated traffic which will be generated thereby.
(3) That the MPD has been reviewed under the State Environmental Policy Act, according to the procedures specified therein.
(4) The Planning Commission and Town Council shall further find that the facts submitted with the application and presented at the hearing establish that:

(A) In the case of proposed residential development, that such development will constitute a residential environment of sustained desirability and stability, that it will be in harmony with the character of the surrounding area, and that the sites proposed for public facilities, such as playgrounds and parks, are adequate to serve the anticipated population.

D) Ruston Ordinance 1155

On September 8, 2004, the Town Council held a public hearing to consider vacation of Bennett Street between 52nd and 53rd Streets in order to allow the Ruston Landing project to have additional space to construct upon. As vacation without compensation would be considered a gift of public funds, (and is therefore not legal), compensation was agreed to as follows:

"*The petitioners shall realign Bennett Street onto adjoining property and improve such property for park and open space purposes, all as approved by the Town in conjunction with the Master Plan Development zone site plan approval. The street vacation must necessarily be effective before the relocation and park improvement work can be completed. Therefore, to secure this obligation, the petitioner shall deposit $250,000 in escrow under the terms of an escrow agreement satisfactory with the Mayor and Town Attorney before this ordinance is recorded and becomes effective.*"

Ordinance 1155 was approved on September 20, 2004 and is still in effect. The compensation required by this ordinance was integrated into the overall site plan and master development plan for the project, and was fully agreed to by the applicant. It should be specifically noted that no appeals were filed after passage

of Ordinance 1155, or the Ruston Landing Master Development Plan. To date, the applicant has not submitted a specific request to amend this ordinance.

IV. Analysis, Findings and Conclusions

Amendments to a Master Development Plan must meet the same criteria for approval as the initial proposal. As such, the Planning Commission and Town Council must find that the proposal conforms to the approval criteria outlined in RMC 25.01.060(d), (detailed above in section III of this report), as follows:

(1) That the development proposed is in substantial harmony with the Comprehensive Plan of the Town of Ruston, and can be coordinated with existing and planned development of surrounding areas, and will produce a living and working environment and landscape quality to benefit the Town and the public.

Finding: The Planning Commission finds that the minor amendment and real estate amendment portions of this proposal comply with this requirement. However, the Bennett Street Reconnection, OCF Park, and Public Parking Amendments do not. The application materials do not adequately address this issue. The applicant has not provided adequate evidence that parking lot paving, site landscaping, and window painting to the Town owned School Building will provide equitable public benefit to the existing requirements of Ordinance 1155, and the Ruston Landing Master Development Plan. The Planning Commission finds that this proposal would provide substantially inferior public benefit.

(2) That the streets and thoroughfares proposed are suitable and adequate to serve the proposed uses and the anticipated traffic which will be generated thereby.

Finding: The Planning Commission finds that the minor amendment and real estate amendment portions of this proposal comply with this requirement. As stated above, the Bennett Street Reconnection, OCF Park, and Public Parking Amendments do not. The application materials do not adequately address this issue. The applicant has not provided adequate evidence that parking lot paving, site landscaping, and window painting to the Town owned School Building will provide equitable public benefit to the existing requirements of Ordinance 1155, and the Ruston Landing Master Development Plan. The Planning Commission finds that this proposal would provide substantially inferior public benefit.

(3) That the MPD has been reviewed under the State Environmental Policy Act, according to the procedures specified therein.

Finding: The proposal has already undergone SEPA review as part of the original proposal. As such, this requirement is not applicable.

(4) The Planning Commission and Town Council shall further find that the facts submitted with the application and presented at the hearing establish that in the case of proposed residential development, that such development will constitute a residential environment of sustained desirability and stability, that it will be in harmony with the

character of the surrounding area, and that the sites proposed for public facilities, such as playgrounds and parks, are adequate to serve the anticipated population.

Finding: The Planning Commission finds that the minor amendment and real estate amendment portions of this proposal comply with this requirement. As stated above, the Bennett Street Reconnection, OCF Park, and Public Parking Amendments do not. The application materials do not adequately address this issue. The applicant has not provided adequate evidence that parking lot paving, site landscaping, and window painting to the Town owned School Building will provide equitable public benefit to the existing requirements of Ordinance 1155, and the Ruston Landing Master Development Plan. The Planning Commission finds that the proposal is in direct conflict with this requirement as it proposes to eliminate public view access, parking and recreational facilities which were specifically required as part of the original proposal.

In conclusion, it should be noted that the alternative improvements proposed under this application to the Bennett Street Reconnection, OCF Park, and Public Parking Amendments specifically include the following:

1) Repaint Windows on the School Building
2) Repave and re-grade the south parking lot of the School Building
3) Install new landscaping in front of the School Building along Shirley Street.

Finally, it should be emphasized that the applicant currently holds a five-time renewable 99 year lease, (495 years total), for one half of the School Building. As such, any value attributed to the proposed improvements should be reduced by one half, since they would personally and exclusively benefit from them for the effective life of the improvements.

V. Recommendation

The Planning Commission makes the following recommendations regarding the three separate elements of the amendment proposal:

Minor Amendments:
The Planning Commission recommends that the Town Council approve the minor amendments as described in section II of this report as proposed, subject to the following condition:

A) No further amendments to the master development plan shall be permitted, regardless of whether they are minor or substantial, without Town Council approval.
B) The applicant shall provide the Town with final "as-built" drawings prior to final occupancy.

Real Estate Amendments

The Planning Commission recommends that the Town Council approve the previously negotiated real estate amendments as described in section II of this report as proposed, subject to the following condition:

C) Prior to final occupancy, the applicant shall provide the Town with a revised site plan reflecting any changes approved through this amendment proposal.

Bennett Street Reconnection, OCF Park, and Public Parking Amendments
The Planning Commission recommends that the Town Council modify the master development plan to include the following condition:

D) The applicant shall reconstruct the Bennett Street road segment between 52nd and 53rd streets, including all associated parking and open space, as approved in the original Ruston Landing Master Development Plan, and as further detailed on the building permit for the Commencement Condominium Building, and also as specifically required by Ordinance 1155. Alternatively, the applicant may propose a substitute improvement so long as it provides equitable value in terms of financial, aesthetic, recreational, and functional value to the Town. Any proposal to provide a substitute improvement shall be submitted to the Town Planner in writing and be accompanied by the following, prior to Town Council consideration:

1. An appraisal for the value of both the existing Bennett Street reconnection and OCF Park improvement project, and the proposed substitute improvement. The appraisals shall each be prepared by a licensed appraiser. Estimates for any improvements shall be prepared by a licensed architect or engineer as deemed appropriate by the Town.
2. Site plan and elevation drawings at a scale appropriate for the proposed alternative.
3. A written description of the proposal, including a comparative analysis of public benefit as it relates to the existing requirement. Specifically, the analysis shall address both financial public impacts and non-financial public impacts such as loss of transportation network connectivity for all modes of transportation, loss of public scenic view opportunity, loss of public parking, and loss of recreational and open space opportunities.

E) The applicant shall provide the Town with final "as-built" drawings prior to final occupancy.

VI. Public Notice

Public notice was provided at least 14 days prior to the public hearing date of August 18, 2010, as required by RMC Title 19.

August 20, 2010

Kevin Moser,
Planning Commission Chairman

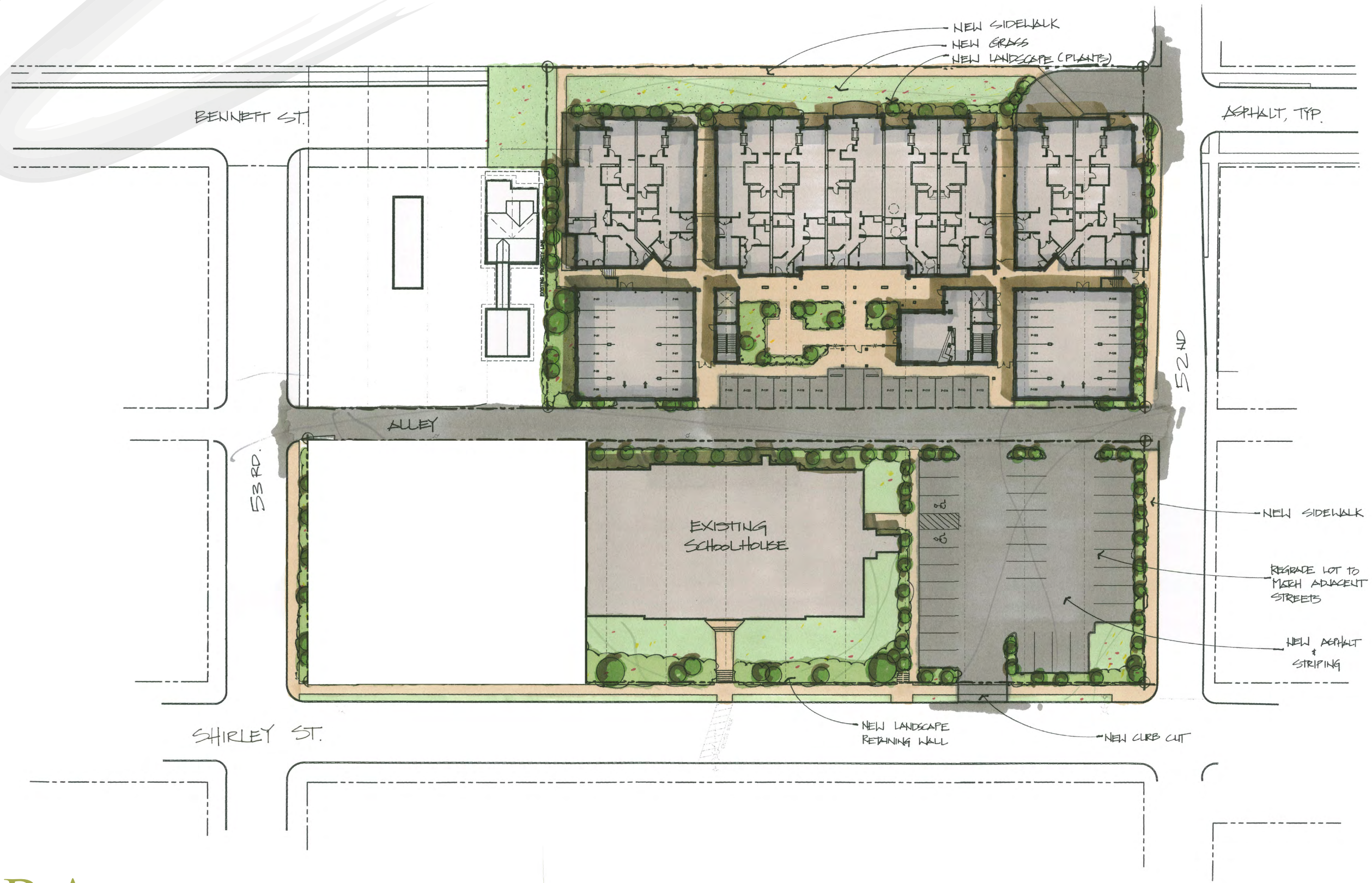
The following documents pertinent to your review are either attached or available for review in the Town file:

Application Materials, including proposed site plan

Existing Ruston Landing Master Development Plan, including site plan

Ordinance 1155

COMMENCEMENT SITE PLAN



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TOWN OF RUSTON NOTICE OF FINAL DECISION

RUSTON LANDING PROPOSAL

DEVELOPMENT PLAN APPROVAL

Issued pursuant to Ruston Municipal Code 19.02, Thursday September 9, 2004

BACKGROUND:

(1) Applicant; *Ruston Landing Group LLC*

(2) Date of the application; *July 13, 2004*

(3) *Notice of Counter Complete application issued; July 23, 2004*

(4) SEPA MDNS issued; July 28, 2004

(5) The location of the project; *Site of the former Ruston School bounded by Shirley and Bennett Streets and North 52nd and 53rd streets.*

(6) Project description;

- *Construct a six-story condominium building over basement parking consisting of sixty units not to exceed 70 feet in height measured from the alley . Approximately 120 parking stalls will be provided. Onsite amenities will include two roof top terraces with sky lounge and library, exercise room, business center and game room.*
- *Bennett Street, abutting the site to the east, will be vacated between N. 52nd St and N. 53rd St and realigned onto the Onsite Containment Facility(OCF) east of its present location. The realignment will provide access to additional park and open space areas for the public as well as provide approximately 65 parking spaces. (A petition for vacation has been submitted and is under consideration as a separate application.)*
- *The existing School Building will be remodeled for use as the future Town Hall. A community center and leased commercial spaces will also be included in the existing school building.*
- *A new Fire and Public Services Building will be constructed on the corner of North 52nd Street and Shirley Street.*

Prepared By Carl Stixrood, Town Planner

Approved by Kim Wheeler, Mayor

(6) Requested approvals,

The current request is for approval of a Development Plan within an existing Master Planned Development zone. Future required approvals include utility connection approvals and building permits . Studies provided (available at Town Hall) include Geotechnical Investigation, Site Survey, and Traffic Study.

(7) Actions;

The Ruston Town Council took action to approve the master development plan submitted by the Ruston Landing Group by passing the following motion at its September 8, 2004 closed record meeting.

Approve the master development plan submitted by Ruston Landing Group for all four aspects of the proposal subject to the conditions outlined in the Summary and Conclusions section of the August 17, 2004 staff report.

The mayor is further authorized to prepare a notice of final decision that incorporates the August 17, 2004 staff report findings, recommendations and conditions, as well as the conclusions presented in the two memos from the Town Planner dated September 3, 2004 and September 7, 2004.

Record

This matter came to the council for a closed record hearing following an open record hearing by the Planning Commission. The written record considered by the council is comprised of: (1) a large notebook submitted by the Applicant and made up of various application documents and City documents; (2) Dan Wombacher's memorandum as Planning Commission Chair concerning the August 23rd and August 30th proceedings; (3) the Huitt-Zollars memorandum dated September 3rd, 2004; (4) the Huitt-Zollars memorandum dated September 7th, 2004; (5) the letter from Jane Hunt, Brad Huson and Ron Miller received by the City Clerk on September 2nd, 2004; and (6) the letter from William T. Lynn dated September 2, 2004 concerning the appearance of fairness doctrine.

Planning Commission

The Planning Commission's recommendation was expressed in the Wombacher memorandum and the Hunt/Miller/Huson letter. The Council was able to review the position of the Planning Commission although the recommendation was not in the form of a motion. The Council did not remand to the Commission for further action, indicating they felt the record was sufficient to make a decision. The letter from Hunt/Miller/Huson raised questions after the record was closed that were addressed by the Huitt-Zollars memos dated September 3rd and September 7th. The Council motion includes the position expressed in the Huitt-Zollars memos as an acceptable response to the questions posed in their letter.

SEPA

The requirements of the State Environmental Policy Act have been met. After review of the Environmental Checklist and related studies, the City issued a mitigated determination of non-significance on July 28th, 2004. No critical comments were received in response to the MDNS and the MDNS was not appealed. This represents an unchallenged finding that the project will not have significant adverse environmental impacts.

(A) A STATEMENT OF THE APPLICABLE CRITERIA AND STANDARDS IN THIS TITLE AND OTHER APPLICABLE LAW;

The Staff Report, as entered into this record, accurately describes and identifies the applicable criteria and standards. The report, as noted on pages 5 through 17, and the Huitt-Zollars memos of September 3 and September 7 is incorporated by reference as though fully set forth.

(B) A STATEMENT OF THE FACTS THAT SHOWS THE APPLICATION DOES OR DOES NOT COMPLY WITH EACH APPLICABLE APPROVAL CRITERION AND STANDARDS;

General

1. The zoning on the property is now and has been since 1998 "Master Planned Development" or "MPD".

2. The Comprehensive Plan map designates the property as "Town of Ruston-Planned Development". The only Comprehensive Plan provisions that address planned developments is under the heading "Master Plan Development"(MPD). Accordingly, the Town's focus in analyzing Comprehensive Plan consistency is on the Master Planned Development section of the Comprehensive Plan.

3. In the case of any conflict between the zoning and the Comprehensive Plan, the zoning prevails. Some have argued that the Comprehensive Plan policies regarding property designated "Residential" should apply. As noted above, the Council finds that the primary policies that apply are those in the MPD section. The Council has, however, reviewed all of the policies of the Comprehensive Plan and finds the project to be in substantial conformance with the plan.

4. In analyzing the relationship between the project and the surrounding neighborhood and in reviewing the consistency of the project with the Comprehensive Plan, the Town must examine the site and the proposal in context. This includes the context of the physical location of the property which is on the boundary between a residential area and the MPD area regulated by the Asarco redevelopment plan. The ASARCO site will be developed with a mixed use project that is more intense than the uses to the west of the subject property. The character of the area surrounding the subject property is established by both the ASARCO large redevelopment project including the associated open space/containment facility and the residential development to the west.

5. The context for the review of the project must also take into account the uses that exist on the subject property now and historically. Those uses include the prior school use, and current ASARCO offices and municipal uses including the police station and the public meeting spaces. The current use of the eastern portion of the site is a staging area/contractor's yard for Asarco remediation activities. These current uses create impacts to the surrounding area. It presently is not a residential site and is already serving as a mixed-use development site. The site includes a school building of much larger scale than the surrounding residences to the west.

6. Finally, the context requires the Council to consider the uses that are permitted outright in the MPD zone. The Town has previously made a determination that this site should be zoned MPD and that decision is incorporated in all Town planning documents. The uses allowed in the MPD zone are broad and include residential, commercial and industrial. This represents a determination by the Town that this area is not an exclusively residential one, but rather is one where much more intense uses can be permitted. The Town Plan recognizes increased development pressures and the MPD is in response to that (Section 3.2 of the Plan). The uses that are proposed by the subject application here are actually at the low end of the intensity spectrum in comparison to other uses that would be permitted in the MPD. For example, commercial uses could generate significantly more traffic, involve more light and glare, and still necessitate large buildings. Industrial uses could involve noise, glare, traffic, and hours of operation conflicts with surrounding areas. The proposal is viewed as a transition between single family uses to the west and more intense uses to the east allowed under the approved development plan for the ASARCO property.

7. In applying the MPD zoning on the property, the Town made a determination that the development would not be subject to specific regulations on height, density, setbacks, open space and other aspects of development.

Instead, the Town elected to view a specific development plan for the property so that it could set appropriate limitations on these elements in consideration of a specific design and a specific proposal for use. This is in keeping with the Town's Vision Statement that states, among other things, "zoning requirements and approval processes for development are to be flexible enough to accommodate changing development interests and public priorities (Section 1.1 Town Comprehensive Plan). Again, the establishment of the MPD zone represents a prior decision by the Town that this property would likely not be used in the same manner as the residential properties to the west.

8. Comprehensive Plan goals regarding Master Planned Development emphasize maximizing development of the property to assure a strong tax base and to provide employment and "residential space" (Section 3.6 of the Plan). Maximizing development can be accomplished by either developing taller buildings or by allowing buildings that cover more of the site. In this case, views from surrounding properties to the west would be blocked by any building of two stories or more. A six-story building does not block important views appreciably more than would a two-story building. In this case, an alternative development plan that covered more of the site with shorter buildings would actually block the views from virtually all surrounding properties. By contrast, the taller building proposed by the applicant leaves view corridors on the north and south ends of the property that better protect views, leave more open areas and help reduce the scale of the proposal from the perspective of some adjoining properties.

9. With respect to housing in general, it is noted in Plan goals that housing as part of a development plan within the Master Planned Development should be encouraged to take advantage of views and proximity to water (Section 4.3 of the Plan).

10. The Master Planned Development element of the Town Comprehensive Plan (section 3.6) provides direction as to what is intended from a land use standpoint for properties zoned MPD. Mixed use development is recognized as an important part of the community. It specifically states that "Master Planned/Mixed-Use developments involve a mix of commercial, residential, retail and possibility light manufacturing uses", subject to compatibility review. It further states that future developments in the MPD should be maximized in order to provide employment, residential space and a strong tax base. The proposal by the applicant meets

these objectives by incorporating four parts of a mixed use development, including commercial, residential, and public service uses.

Specific elements of the proposal are examined below:

RUSTON SCHOOL RENOVATION

Development Plan Approval for RUSTON SCHOOL RENOVATION – Findings of Fact

A. Based on the plans submitted in the application, the Council finds that the development proposed is in substantial harmony with the Comprehensive Plan and can be coordinated with existing and planned development of surrounding areas, and will produce a living and working environment and landscape quality to benefit the Town and the public. The site is shown in the Comprehensive Plan as Master Planned Development with the school remaining and renovations occurring. Proposed uses are similar to existing uses so the proposal is not expected to produce a substantial change in the relationship between the renovated school building and surrounding area. Renovated parking for the building is separated from residential areas by streets. Perimeter and interior landscaping is proposed. The unique landscape and architectural character of the front of the school building is maintained. The Town Hall/office/community center uses will generate pedestrian and vehicle traffic; however these uses are essential for the community to function and are best located on a site where most Town residents can walk to them.

B. Streets are suitable and adequate to serve the proposed uses and the anticipated traffic that will be generated thereby. No new streets are proposed. The applicant has submitted a traffic report that shows that level of service A or B will be maintained after project completion. The Town has adopted level of service D for its arterials in section 5.3 of the Comprehensive Plan. The renovation of the school building is not expected to change traffic volumes substantially since proposed uses are similar to existing ASARCO office uses at the school site. Adequate off-street parking will be provided and will be coordinated with the remainder of the mixed-use development occurring on the site and surrounding properties by provisions in the code for community parking facilities.

C. See previous statement regarding SEPA compliance.

D. The Council further finds that the development will be appropriate in area, location and overall planning to the purpose intended, and that such development will be in harmony with the character of the surrounding areas. The School Building under its current use (office, police and storage) has been a harmonious part of the character of this portion of the Town and will continue to be so after its renovation for use as Town Hall. As previously noted, renovations of the existing building is contemplated and encouraged in the Town Comprehensive Plan.

Conclusions and recommendations for Ruston School Renovation

The proposed renovation of the Ruston School Building is not a substantial change in intensity of use over what presently exists. Council takes note of improvements to the adjacent parking lots with landscaping, surfacing and new striping which will substantially improve the appearance of the School site. Conditions of approval are recommended and set forth in Section D below.

NEW FIRE AND PUBLIC WORKS SERVICES BUILDING

Development Plan Approval for Police, Fire and Public Works Services Building – Findings of Fact

A. Based on the plans submitted in the application, the Council finds that the development proposed is in substantial harmony with the Comprehensive Plan, and can be coordinated with existing and planned development of surrounding areas, and will produce a living and working environment and landscape quality to benefit the Town and the public. The proposed uses are similar in many respects to existing uses related to the existing ASARCO contractor storage and equipment yard so the proposal is not expected to produce a substantial change in the relationship between the site and surrounding area. The Fire and Public Works Services Building will generate routine public works traffic and emergency vehicle traffic. However these uses are essential for the community to function and are best located on a site that is centralized in the service area and provides rapid response times. The building is low profile and view impacts are minimized.

B. The existing streets are suitable and adequate to serve the proposed uses and the anticipated traffic which will be generated. Vehicles entering and leaving the services building will primarily use 52nd street, Shirley Street, and Winnifred Street.

C. See previous statement regarding SEPA compliance.

D. The Council further finds that the development will be appropriate in area, location and overall planning to the purpose intended, and that such development will be in harmony with the character of the surrounding areas. The location of the proposed Fire and Public Works Services Building will be designed to be compatible and functional for the use intended. The location may create some minor impacts on adjacent property, but the proposed functions need to be located near Town Hall for greatest efficiency.

Conclusions and recommendations for Police, Fire and Public Works Services Building

The proposed construction of a new Fire and Public Works Services Building on the site of the Town Hall will increase efficiency and effectiveness of Town services and is in the immediate public interest.

PROPOSED PARK IMPROVEMENTS

Development Plan Approval for OCF Park Improvements – Findings of Fact

A. Based on the plans submitted in the application, the Council finds that the development proposed is in substantial harmony with the Comprehensive Plan and can be coordinated with existing and planned development of surrounding areas, and will produce a living and working environment and landscape quality to benefit the Town and the public, assuming an enhanced pedestrian connection is strengthened between the school building and OCF park. The OCF site is shown in the Comprehensive Plan as park use, which is consistent with the proposal. To be more consistent with adopted plans for the site, the Council desires that walks north and south of the proposed condominium building should be carefully designed to encourage pedestrian usage, and provided with handrails and possibly lighting to create an inviting public pedestrian spine that continues directly to the proposed parking along relocated Bennett Street. This will also serve to link park parking with Town Hall during peak use (meeting) times.

B. Streets are suitable and adequate to serve the proposed park uses. The conclusions reached in the traffic report indicate that Comprehensive Plan levels of service will not be exceeded.

C. See previous statement regarding SEPA compliance.

D. The Council further finds that such development for the OCF park will be in harmony with the character of the surrounding area as depicted in the ASARCO Master Plan.

Conclusions and recommendations for approval for OCF Park Improvements

The proposed construction of park improvements on the site of the OCF will implement the goal for establishing a park on the OCF. The Council is concerned that a long-term concept be developed with ASARCO for the balance of the OCF that identifies with the original concept. Conditions of approval will mitigate this concern and are set forth in Section D below.

NEW CONDOMINIUM BUILDING

Development Plan Approval for New Condominium Building(s) – Findings of Fact

A. Based on the plans submitted in the application, the Council finds that the development proposed is in substantial harmony with the Comprehensive Plan and can be coordinated with existing and planned development of surrounding areas, and will produce a living and working environment and landscape quality to benefit the Town and the public. The location of the condominium structure at the edge of a large future public open space will mitigate the height proposed given the overall context as explained in earlier sections of this decision. As indicated in the applicant's SEPA checklist, and concurred in by staff and this Council, blockage of water views (over what could occur under residential development) will not

be substantially increased with the extra height requested. The proposal will not have a substantial affect on the ability of adjacent property owners to develop or use their property.

B. Streets are suitable and adequate to serve the proposed uses. The Town accepted the applicant's traffic report which indicates that the project will meet Town level of service standards.

C. See previous statement regarding SEPA compliance.

D. The Council further finds that such development will constitute a residential environment of sustained desirability and stability, that it will be in harmony with the character of the surrounding area, and that the sites proposed for public facilities, such as playgrounds and parks are adequate to serve the anticipated population. The architectural quality of the structure proposed by the applicant will provide an upscale residential environment that will be an asset to the community and a showcase for future residential development on the ASARCO properties.

Conclusions and recommendations for New Condominium Facility

The proposed construction of new Condominium Buildings east of the existing school building will create some view blockage but will result in greatly improved financial and public service conditions for the Town. General property values in the vicinity of the proposal may increase as a result of this project. The Council is approving this element of the development in the context of location at the edge of a large undeveloped area planned for mixed-use development (ASARCO) and in keeping with the purpose and intent of the MPD zone.

(C) THE REASONS FOR A CONCLUSION TO APPROVE OR DENY;

It is the conclusion of the Council that the proposal is consistent with Town ordinances, adopted plans and applicable regulations. The Council takes note of the fact that the site is zoned MPD which is a considerably different type of zoning classification than the abutting Residential zone to the west. The MPD zone promotes a mixed use environment of residential, commercial and industry. The Council concurs with the town planner that previous Commissions and Town Councils intended for the school site to be developed in a unique and innovative manner for the betterment of the Town. The current application is consistent with this intent as expressed in adopted documents.

The Council is mindful that the Comprehensive Plan provides broad land use policy direction and the proposal must be found generally consistent with the Comprehensive Plan. The zoning code governs the specifics of land use and typically provides site-specific guidance for height, setbacks and lot coverage but in the MPD zone, these aspects of a development are established through adoption of a specific "Development Plan". This allows the Council necessary discretion and flexibility in determining development standards in an MPD zone.

- The Council is persuaded that obstruction of view corridors has been shown by the applicant to be a minimum increase over what would occur if the property were developed under residential zoning. Views down the 52nd and 53rd Streets will be maintained.

- The Council is mindful that a 60 unit building might not be typically considered "small scale" however the applicant has incorporated several architectural design measures to break the building down into smaller visual elements which enhance compatibility with adjacent residential areas. The height is greater than allowed on adjacent properties to the west but the architectural style of the building emphasizes individual dwelling units rather than a large building block.

- Finally, the site has a history of mixed use in a residential area. The current use of the site is for offices and contractor storage yard; prior use was for a school.

Council member Don Senecal specifically pointed out that the proposal is consistent with several of the Goals of the Washington State Growth Management Act (GMA) provided to guide local governments in preparing comprehensive Plans. These goals are stated and incorporated in the Town Comprehensive Plan and Councilmember Senecal specifically pointed to project consistency with Goal 1. Urban Growth; Goal 2. Reduce Sprawl; Goal 4. Housing; Goal 5. Economic Development; and Goal 9. Open Space and Recreation. The text of these goals are set forth in section 1.4 of the Comprehensive Plan. In summary, the Town Plan seeks to balance these GMA Goals, including, among other things, emphasizing "economic development to provide a long-term tax base for the Town."

(D) ANY CONDITIONS OF APPROVAL NECESSARY TO ENSURE THE PROPOSED DEVELOPMENT WILL COMPLY WITH APPLICABLE CRITERIA AND STANDARDS;

The proposal by the Ruston Land Group is hereby approved, subject to the following conditions and the site plan submitted with the application shall be the development regulation under which future use and improvement of the site would be governed.

1. Parking proposed in the park east of the proposal site will be for public use and the joint use of school renovation/Town Hall and park users. A covenant to this effect will be required.
2. Landscaping as proposed in site plan A1.01 will be provided.
3. A revised plan for the OCF Park showing how adopted concepts will be revised to fit proposed pedestrian circulation patterns must be provided prior to issuance of a building permit.
4. Plans providing construction level details of proposed pedestrian spines located north and south of the proposed condominium building between the school building and east edge of the proposed parking lot along the relocated Bennett street must be provided with the building permit application.

5. A plan for modification of adopted plans for the OCF Park will be provided prior to issuance of a building permit (see Park and Open section of the Comprehensive Plan and the Site Plan in the ordinance adopting the ASARCO Master Development Plan). No change to the applicant's commitments for construction of park improvements is proposed. The plan must show how adopted concepts may be revised to fit proposed pedestrian circulation patterns. It is noted that a concept plan in response to this concern was provided at the hearing.

6. Property owners to the North must be provided plans for pedestrian and vehicular access to their property prior to final approval of Bennett Street Vacation between the north edge of the condominium parcel and North 53rd street.

7. The following conditions identified during environmental review are incorporated as conditions that must be met prior to issuance of a building permit.

   A) Correspondence indicating sewer availability from Tacoma and permission to connect to their interceptor sewer.

   B) Correspondence from Tacoma sewer utility indicating that proposed improvements will allow adequate access to their facilities for maintenance and operations.

   C) Design approval from Ruston Electric Utility for upgrades required to serve the proposal.

   D) Correspondence indicating water availability from Tacoma Water Department.

   E) Correspondence from all other utility providers currently located in Bennett Street indicating that the proposed design of improvements will allow acceptable access for maintenance and operations.

   F) An erosion control plan meeting the requirements of the Department of Ecology Manual.

   G) Documentation that the new public works facility is designed to allow operation under current Best Management Practices for prevention of storm water pollution.

   H) Documentation from ASARCO that the relocated Bennett Street right of way will be available for public street purposes.

   I) Documentation that parking at a rate of 2 spaces per unit is provided on site.

   J) A sidewalk plan demonstrating that existing walks are continued through the site and provide links to existing and proposed structures.

   K) A circulation plan demonstrating that road access to existing properties is maintained.

   L) Correspondence from each of the following Town of Ruston departments indicating that physical improvements meet all Town requirements.

      1). Police

2). Fire

3). Public Works (Storm water, sidewalks, new streets, curb cuts, solid waste collection)

4). Parks

M) A detailed landscape plan for the condominium site and relocated Bennett Street (park) shall be submitted for review and approval at the time of building permit application.

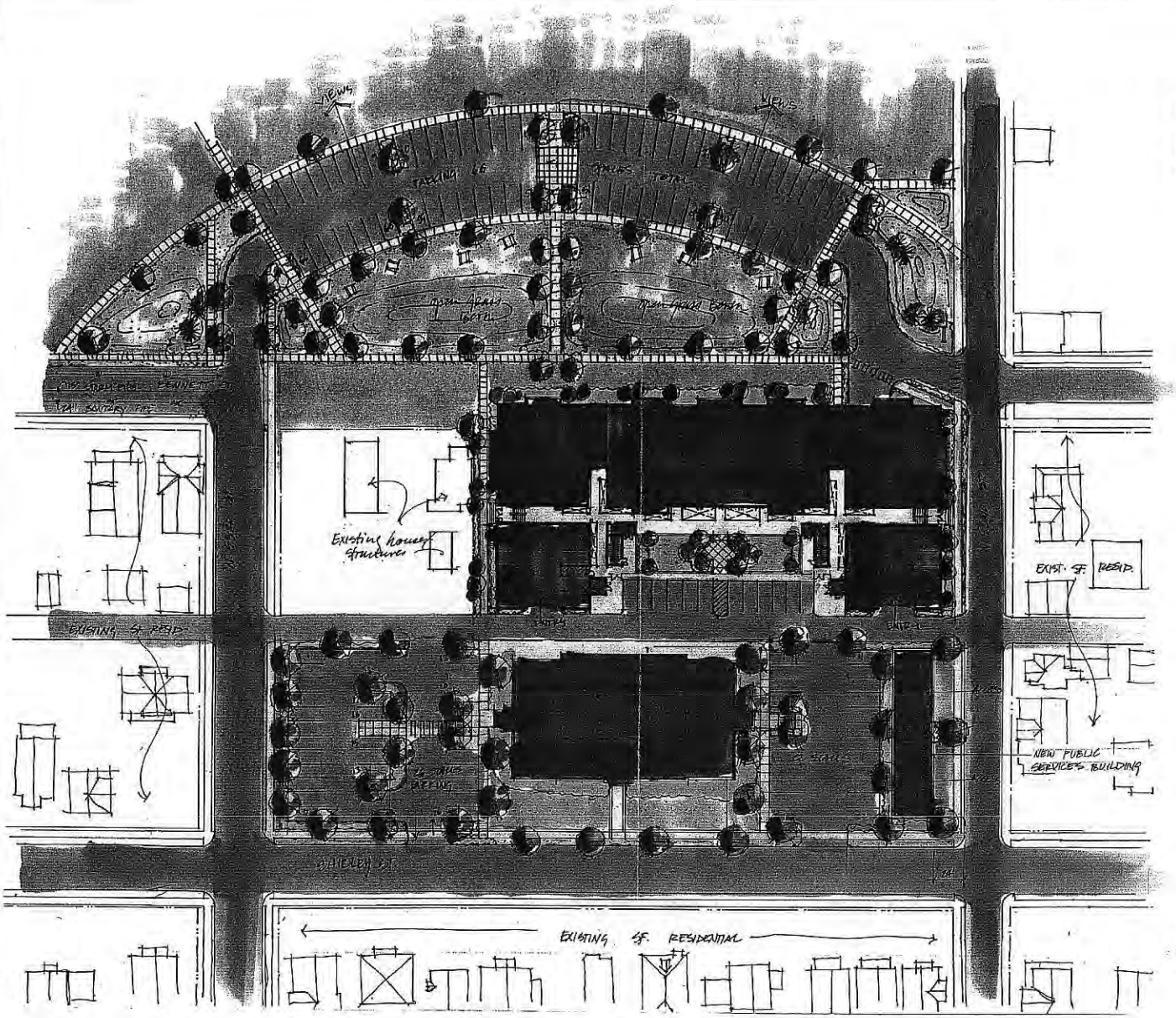
N) Design guidelines for the proposal shall be developed by the applicant for review and approval of the Town Council. Guidelines should address façade articulations, color schemes, landscaping and rooftop features.

This notice shall be sent to the applicant and to all parties of record.

9/17/04
Date

Signed
Kim Wheeler, Mayor

Attest
Karen Murphy, Town Clerk/Treasurer



SITE INFORMATION

ZONING:	MPD DISTRICT
DWELLING UNIT:	60
STORIES:	6 MAX ABOVE STRUCTURED PARKING
HEIGHT:	70 FT
PARKING:	120 (2 STALLS PER UNIT)

1 SITE PLAN
SCALE: 1" = 30'-0"

NORTH

DATE 07.12.04
SCALE 1/16" = 1'-0"
JOB NO. 0402
CAD FILE 0402A101-SITE.dwg

TITLE SITE PLAN

PROJECT RUSTON LANDING
ROYAL WASHINGTON 98092 253.437.4895 FAX 253.437.4897 E-MAIL OFFICE@BCRA.COM

ARCHITECTS BCRA
2128 PACIFIC AVENUE

SHEET A1.01

LEASE CRUTCHER LEWIS

THE WAGNER GROUP INC

ARCHITECTURE
CIVIL ENGINEERING
INTERIOR DESIGN
LAND USE PLANNING
GRAPHIC DESIGN
BCRA

Ruston Landing
RUSTON LANDING GROUP

TOWN OF RUSTON

ORDINANCE NO. 1155

AN ORDINANCE OF THE TOWN OF RUSTON VACATING A PORTION OF BENNETT STREET

WHEREAS, a petition for vacation of a portion of Bennett Street between 52n Street and 53rd Street (legally described hereinafter) was filed with the Town of Ruston, the owners of nearly 90% of the abutting property; and

WHEREAS, the vacation is being pursued in conjunction with the development of adjacent Town-owned property by Ruston Landing Group LLC ("Petitioner"); and

WHEREAS, THE Town Council held a public hearing on the vacation of said street ROW on September 8, 2004, and notice of such hearing was given as required by law; and

WHEREAS, following the public hearing, the Town Council has found that the public use, benefit, and welfare will be best served by the vacation of said public right-of-way and that the vacation meets the requirements of state law and specifically, RCW Chapter 35.70;

NOW, THEREFORE, the Town Council of the Town of Ruston, WA, do ordain as follows:

Section 1. Street Vacation – That portion of Bennett Street between North 52nd Street and North 53rd Street located in the Town of Ruston, County of Pierce, State of Washington and legally described below, is hereby vacated.

> That portion of Bennett Street lying south of North 53rd Street in the Town of Ruston, Pierce County, Washington; and north of North 52nd Street in the Town of Ruston, Pierce County, Washington and east of Lots 1 through 14, Block 1, of Howard Heights 2nd Addition, as per plat recorded in Volume 7 of plats, page 53, records of Pierce County Auditor.

Section 2. Existing and Future Utility Access – An easement is hereby retained for utility purposes over those portions of the vacated right-of-way where utility providers require access or operation, maintenance, and expansion of existing utility improvements. Any utilities within the vacated right-of-way must be preserved and protected by the property owner. Utilities may be moved at the property owner's expense with approval by the utility.

Section 3. Costs – The petitioners shall pay the Town's out of pocket costs for this street vacation prior to this ordinance becoming effective.

Section 4. Compensation – The petitioners shall realign Bennett Street onto adjoining property and improve such property for park and open space purposes, all as approved by the Town in conjunction with the Master Plan Development zone site plan approval. The street vacation must necessarily be effective before the relocation and park improvement work can be completed. Therefore, to secure this obligation, the petitioner shall deposit $250,000 in escrow under the terms of an escrow agreement satisfactory with the Mayor and Town Attorney before this ordinance is recorded and becomes effective.

Section 5. Recording – Upon approval of the escrow agreement and deposit of the funds described above in Section 4 of this ordinance, a certified copy of this Ordinance shall be recorded by the Town Clerk in the office of the Pierce County Auditor.

Section 6. Severability – Should any section, paragraph, sentence, clause, or phrase of this Ordinance, or its application to any person or circumstance, be declared unconstitutional or otherwise invalid for any reason, or should any portion of this Ordinance be pre-empted by state of federal law or regulation, such decision of preemption shall not affect the validity of the remaining portions of this Ordinance or its application to other persons or circumstances.

Section 7. Effective Date – Upon receipt of payment in accordance with Section 3 and compensation in accordance with Sections 4 and 5, this Ordinance shall be published in the official newspaper of the Town and shall take effect and be in full force and effect.

PASSED THE COUNCIL AND APPROVED BY THE MAYOR this 20th day of September, 2004.

Mayor Kim B. Wheeler

ATTEST:

Town Clerk