Town of Ruston 5117 N Winnifred St. Ruston, WA 98407

Town of Ruston

ORDINANCE 1339

AN ORDINANCE OF THE TOWN OF RUSTON RELATING TO LAND USE AND ZONING, AMENDING THE RUSTON LANDING MASTER DEVELOPMENT PLAN AND ORDINANCE 1319, TO ELIMINATE THE REQUIREMENT TO CONSTRUCT THE BENNETT STREET REALIGNMENT, OCF PARK AND PUBLIC PARKING IMPROVEMENTS, AND TO INCREASE THE ALLOWED NUMBER OF DWELLING UNITS FROM SIXTY (60) TO SIXTY-TWO (62), REGARDING AN APPLICATION MADE BY ONWARD INVESTORS, LLC.

WHEREAS, the Ruston Landing Master Development Plan approved for property located at 5204 North Bennett Street, Ruston, WA 98407, was approved on September 9, 2004; and

WHEREAS, the Commencement Group subsequently applied to amend the Master Development Plan in 2010, and the Town Council issued a decision for partial approval and modification of the Ruston Landing Master Development Plan as set forth in Ordinance 1319 (adopting by reference the Planning Commission's Findings and Recommendation dated August 20, 2010); and

WHEREAS, the East-West Bank now owns the property located at 5204 North Bennett Street; and

WHEREAS, with the written permission of East-West Bank, on August 12, 2011, Onward Investors, LLC has applied to the Town for an amendment to the Ruston Landing Master Development Plan, as approved by the Town Council on September 9, 2004, and as previously amended in Ordinance No. 1319; and

WHEREAS, the Town's SEPA Responsible Official issued an Addendum to Ruston Landing Master Development Plan Mitigated Determination of Non-Significance (Ecology SEPA #2004-5253) on August 16, 2011, (attached hereto as Attachment C within Exhibit A) and incorporated herein by reference); and

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

Town of Ruston Ordinance 1339 Sept [4], 2011 plan, is reviewed under the approval criteria in RMC Section 25.01.060 by the Planning Commission, which forwards its recommendation and written findings of fact to the Town Council; and

WHEREAS, pursuant to RMC Chapter 25.01.060 and 19.01.011 the Town of Ruston Planning Commission reviewed the application and conducted an open record public hearing to hear testimony on the application on September 14, 2011; and

WHEREAS, after hearing public testimony and deliberation, the Planning Commission found that the application complied with the standards set forth in RMC 25.01.060 and voted 4 - 0 to recommend approval with conditions, (as set forth in the Findings and Recommendation attached hereto as Exhibit A and incorporated herein by reference); and

WHEREAS, on September 19, 2011, the Town Council held a closed record hearing on the application, pursuant to RMC Section 19.04.010.

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

Section 1. The Town Council enters the following findings of fact and conclusions of law on the application:

- A. *Notice.* The Town Council finds that the notice of the closed record hearing required by RMC Section 19.04.010 was provided.
- B. Appearance of Fairness. The Mayor asked the Council whether there were any appearance of fairness or conflict of interest issues to disclose. The Council responded as follows: No appearance of fairness or conflict of interest issues were disclosed. The Mayor asked the public whether there were any challenges to himself or any member of the Council on appearance of fairness grounds. There was no response.
- C. Criteria for approval. Amendments to a Master Development Plan must meet the same criteria for approval as the initial proposal. The Planning Commission and Town Council must find that the proposal conforms to the criteria for approval in RMC 25.01.060(d). The Council adopts the analysis, findings and conclusions adopted by the Planning Commission, as set forth in their Findings and Recommendation, attached hereto as Exhibit A.

D. Amendments.

1) The approval of the Master Development Plan adopted on September 9, 2004, Section D, page 1, approved the project as proposed, which at that time allowed a maximum number of sixty (60) dwelling units. This portion of the Master Development Plan was not amended by the 2010 amendments (Ordinance 1319). The Town Council hereby approves the applicant's request to increase the maximum number of dwelling units from sixty (60) to sixty-two (62), as long as the applicant complies with the following conditions:

- a. Building Permits. Currently, the building permit(s) for the structure located at 5204 North Bennett Street have expired. New building permit(s) for work to be performed shall be obtained in accordance with RMC Chapter 12.20.
- b. In accordance with IBC 1107.6.2.1.1, with two additional dwelling units being proposed, (resulting in 62 total units) one of the two additional dwelling units shall be a Type A unit as defined by IBC 1102.1. Alternatively, the applicant may modify one existing unit elsewhere within the building to become a Type A unit so long as the total number of Type A units for the overall project is increased by one.
- c. All outstanding sewer connection fees, (plus two additional connection fees for the two additional units resulting from this amendment), shall be paid prior to building permit issuance.
- 2) The Master Development Plan identified above required that certain off-site improvements, commonly known as the Bennett Street Realignment, OCF Park and public parking improvements be constructed. These off-street improvements are shown on the site plan contained on page 13 of the Ruston Landing Master Development Plan, and were not modified by Ordinance 1319. The applicant has proposed that the approval be modified to eliminate these off-street improvements, and in exchange, the applicant will pay the Town Five Hundred Twenty Thousand Dollars (\$520,000.00) on or before November 18, 2011. The Council agrees to modify the Master Development Plan to eliminate the Bennett Street Realignment, OCF Park and public parking improvements, upon full payment of this amount on or before November 18, 2011. This modification of this condition shall be null and void if applicant fails to make full payment by this deadline. The Town is not obligated to construct any off-site improvements associated with this project, notwithstanding any language to the contrary in any previous ordinance or approval documents. In addition, in exchange for this modification, the applicant agrees to perform the following conditions:
 - a. Consistent with the letter from Onward Investors dated August 22, 2011 an unobstructed aerial fire apparatus access road compliant with the requirements of the International Fire Code Section 503 and Appendix D, as adopted by the Town of Ruston in RMC 12.20.020, shall be provided along the east side of the building from the south property line to a point 150 feet north, prior to occupancy.
 - b. This fire apparatus access road as described above, shall be a combination of paved sidewalk and other all-weather-driving surface designed to support the minimum 75,000 pound imposed loads of fire apparatus due to the height of the building, and shall be located as far east as possible to maximize the space between the building and the fire access road in order to minimize the climbing angle of an extended aerial apparatus. (Based on current property line locations).
 - c. As proposed by Onward Investors, a "grasspave" green space shall be provided north of the fire apparatus access road along the (north) east side of the building on or before prior to final occupancy.

- d. The Fire Department Connection (FDC) currently located along the east side of the building, approximately 220 feet north of 52nd Street shall be relocated to a point along the south side of the building (facing 52nd Street) such that a connected fire apparatus will not obstruct access to the building for other fire apparatus in accordance with IBC & IFC Sections 912.2 and 912.2.1, prior to occupancy.
- e. The relocated FDC shall be provided with access, clear space, protection and signage in accordance with IBC & IFC Sections 912.2 and their subsections.
- f. All remaining off-site improvements, described within the recommended conditions of approval letter prepared by the Town Engineer, dated September 12, 2011, (Attachment H of Exhibit A), shall be completed prior to final occupancy.
- g. The property owner shall provide the Town with final "as-built" drawings of the site, structure, and modified rights of way prior to final occupancy.

<u>Section 2.</u> In order to implement this modification of development approval, the Ruston Landing Master Development Plan shall be amended as set forth in Section 1(D) above.

<u>Section 3.</u> In order to implement this modification of development approval, Section 2 of Ordinance 1319 shall be amended as set forth in Section 1(D) above.

<u>Section 4.</u> All remaining provisions of the Ruston Landing Master Development Plan and Ordinance 1319 not modified as described herein shall remain effective.

<u>Section 5</u>. 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 19 day of September, 2011.

ATTEST:

Town Clerk

Publication Date:

Bruce Hopkins, Mayor

Approved as to form, Town Attorney

Town of Ruston Ordinance 1339 Sept! (1), 2011

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Planning Commission Findings and Recommendation

Proposal to Amend the Ruston Landing Master Development Plan MDP 11-01

I. <u>General Information</u>

A) Owner/Applicant:

East West Bank Bo Zoubeidi 555 Montgomery Street Floor 10 San Francisco, CA 94111

B) Agent

James Fritcher Onward Investors, LLC 7300 Metro Boulevard, Suite 525 Edina, MN 55439

C) Site Address/Parcel Number:

5204 North Bennett Street, Ruston, WA 98407

D) Zoning Designation: Master Planned Development (MDP)

II. <u>Project Description</u>

The applicant proposes to modify the Ruston Landing Master Development Plan (as amended by Ordinance 1319) by eliminating the Bennett Street reconnection, OCF park, and public parking improvements required under the current plan so that construction and final occupancy of the building may be completed separately. In order to do this, the applicant has proposed to provide the Town of Ruston with cash

in an amount equivalent to the value of the required improvement so that the Town may complete the project on a separate timeline from the Commencement Condominium project, and so that the property owner may focus on completing the building and obtaining final occupancy approval.

The applicant has also separately requested that two common areas within the existing building be converted to condominium units, thus increasing the total number of units from 60 to a proposed 62.

III. Applicable Codes and Regulations

A) SEPA Analysis

The Town SEPA Official has determined that no additional substantial environmental impacts will result from this proposed amendment and subsequently issued an Addendum to the Ruston Landing Master Development Plan Mitigated Determination of Non-Significance on August 16, 2011.

B) Comprehensive Plan

Section 2.2 Year 2010 Population Forecast

"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."

<u>Section 3.4 – Residential Concepts and Goals</u>

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."

Goal 7: "Encourage housing as a part of a development plan within the Master Planned development to take advantage of views and proximity to water."

<u>Section 5.5 – Transportation Concepts and Goals</u>

Goal 1: "Maintain an efficient, safe, and well-designed road system that promotes desired development patterns."

Goal 2: "Ensure that transportation facilities necessary to support new development are adequate to serve the development at the time the development is available for occupancy and use..."

Goal 3: "Assure adequate rights-of-way to accommodate future roadways, utilizing the development approval process (e.g. zoning, subdivision and building permit process) to secure right-of-way where appropriate."

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.

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 proposal to amend the Ruston Landing Master Development Plan is in substantial harmony with the

Comprehensive Plan of the Town of Ruston. In essence, elimination of the Bennett Street Realignment, OCF Park and public parking results in no net change in mitigation value as the Town will still be able to pursue the installation of the Bennett Street Realignment, OCF Park, and public parking, if it desires, while also allowing the Town the flexibility to pursue other equitable improvements in the event that acquisition of the property needed to construct the improvements remains cost prohibitive.

The proposal to increase the density from 60 to 62 units is in substantial harmony with the Comprehensive Plan because it more efficiently utilizes available space by increasing density within the existing building shell with no increase in building height, size or lot coverage, and without any substantial increase in impact to the environment.

(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 installation of "grass-pave" emergency vehicle access along the east building face, (as described within the application materials submitted), provides adequate replacement for the emergency vehicle access which was originally anticipated within the realigned Bennett Street right of way. As such, Planning Commission finds that this requirement has been met.

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

Finding: The proposal has undergone SEPA review as described in section III.A. of this report.

(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 proposal to amend the Ruston Landing Master Development Plan by eliminating the Bennett Street Realignment, OCF Park, and public parking has no net impact since by providing the Town with cash in lieu of actual physical improvements, it allows the Town to either pursue completion of the Bennett Street Realignment, OCF Park, and public parking, or pursue other equitable improvements as it deems appropriate, and is therefore compliant with this requirement.

Additionally, the proposal to increase the density from 60 to 62 residential units is in substantial harmony with the character of the surrounding area as it requires no change to the general configuration of the existing structure's shell and parking areas, including no increase in building height, size or lot coverage, and without any substantial increase in impact to the environment.

V. <u>Recommendation</u>

On September 14, 2011, at 7:00 pm, the Planning Commission conducted an open record public hearing, and then considered public testimony on the application during their deliberations and voted 4-0 in favor of a recommendation to the Town Council to approve the request to amend the Ruston Landing Master Development Plan and associated documents as follows:

Ordinance 1155 (Bennett Street Vacation, September 4, 2004)

A) Section 4 of Ordinance 1155 shall be amended 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 comply with all conditions of approval as stated in the Ruston Landing Master Development Plan and its amendments.

Original Ruston Landing Master Development Plan, September 9, 2004, and Ordinance 1319, (First Amendment to the Ruston Landing Master Development Plan), September 20, 2010

The Planning Commission recommends that the Town Council amend the Original Ruston Landing Master Development Plan and Ordinance 1319 to increase the maximum number of dwelling units from 60 to 62, and eliminate the requirement to install the Bennett Street Realignment, OCF Park and public parking improvements, subject to the following conditions of approval:

- B) Within 30 days of final approval of this proposal by the Town Council the property owner shall pay to the Town the sum of \$520,000.00. Failure to do so will cause the ordinances approving the amendments described within this proposal to become null and void.
- C) Currently, the building permit(s) for the structure located at 5204 North Bennett have expired. New building permit(s) for work to be performed shall be obtained in accordance with RMC Chapter 12.20.
- D) In accordance with IBC 1107.6.2.1.1, with two additional dwelling units being proposed, (resulting in 62 total units) one of the two additional dwelling units shall be a Type A unit as defined by IBC 1102.1. Alternatively, the applicant may modify one existing unit elsewhere within the building to become a Type A unit so long as the total number of Type A units for the overall project is increased by one.

- E) Consistent with the letter from Onward Investors dated August 22, 2011 an unobstructed aerial fire apparatus access road compliant with the requirements of the International Fire Code Section 503 and Appendix D, as adopted by the Town of Ruston in RMC 12.20.020, shall be provided along the east side of the building from the south property line to a point 150 feet north, prior to occupancy.
- F) The fire apparatus access road as described above, shall be a combination of paved sidewalk and other all-weather-driving surface designed to support the minimum 75,000 pound imposed loads of fire apparatus due to the height of the building, and shall be located as far east as possible to maximize the space between the building and the fire access road in order to minimize the climbing angle of an extended aerial apparatus. (Based on current property line locations).
- G) As proposed by Onward Investors, a "grasspave" green space shall be provided north of the fire apparatus access road along the (north) east side of the building prior to final occupancy.
- H) The Fire Department Connection (FDC) currently located along the east side of the building, approximately 220 feet north of 52nd Street shall be relocated to a point along the south side of the building (facing 52nd Street) such that a connected fire apparatus will not obstruct access to the building for other fire apparatus in accordance with IBC & IFC Sections 912.2 and 912.2.1, prior to occupancy.
- The relocated FDC shall be provided with access, clear space, protection and signage in accordance with IBC & IFC Sections 912.2 and their subsections.
- J) All remaining off-site improvements, described within the recommended conditions of approval letter prepared by the Town Engineer, dated September 12, 2011, (Attachment H), shall be complied with prior to final occupancy.
- K) All outstanding sewer connection fees, (plus 2 additional connection fees for the two additional units resulting from this amendment), shall be paid prior to building permit issuance.
- L) The applicant shall provide the Town with final "as-built" drawings of the site, structure, and modified rights of way prior to final occupancy.

VI. Public Notice

Public notice was provided at least 14 days prior to the public hearing date of September 14, 2011, as required by RMC Title 19.

September 15, 2011

Kevin Moser.

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Planning Commission Chairman

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

Attachment A - Application Materials, dated August 12, 2011

Attachment B - Letter from Onward Investors (Applicant Revisions to MDP application), dated August 22, 2011

Attachment C - Existing Ruston Landing Master Development Plan

Attachment D - Addendum to SEPA MDNS, dated August 16, 2011

Attachment E - Ordinance 1155 (Bennett Street Vacation)

Attachment F - Ordinance 1319 (Ruston Landing MDP First Amendment)

Attachment G - Building Official/Fire Chief Combined Comments, dated August 22, 2011

Attachment H - Town Engineer Recommended Conditions of Approval, dated September 13, 2011



August 12, 2011

Mr. Rob White Town Planner Town of Ruston 5117 North Winnifred Street Ruston, WA 98407-6597

RE: The Commencement Condominium Project (f/k/a Ruston Landing project) (the "Project") – Application to Modify the Ruston Landing Master Development Plan MDP 09-01, as amended (the "Development Plan") – Additional Optional Request Regarding the Mitigated Determination of Nonsignificance dated August 28, 2004 ("MDNS")

Dear Mr. White:

Onward Investors, LLC, on behalf of itself and its affiliates ("Applicant") is the successful bidder for the purchase of the Project from East West Bank, the current owner of the Project. Applicant is presently negotiating a purchase and sale agreement for the Project with East West Bank. As you might expect, the terms of the purchase and sale agreement contain very compressed time periods in which the Applicant is permitted to perform due diligence activities related to the Project.

Request to Modify the Development Plan

During the course of Applicant's due diligence to date, we have had the opportunity to review the Development Plan, Ordinances 1155 and 1319 of the Town of Ruston and various related materials. The Development Plan, as originally approved on September 17, 2004 anticipated the vacation of Bennett Street between N. 52nd St. and N. 53rd St. as well as the performance of various off-site work. Ordinance 1155 required, as compensation for the vacation of Bennett Street, that:

"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."

For reference purposes we will describe the off-site work set forth in Ordinance 1155 by using the labels established by the Planning Commission of the Town of Ruston in its

Findings and Recommendation dated August 20, 2010, i.e., the Bennett Street Reconnection, the OCF Park Improvements and the Public Parking Improvements (collectively the "Off-Site Improvements"). We understand the Off-Site Improvements were never commenced or completed.

We have also learned that (i) the prior developer of the Project offered to perform certain alternative improvements in lieu of the required Off-Site Improvements and requested a modification to the original Development Plan, (ii) that the Planning Commission's Findings and Recommendation allowed certain minor modifications to the Development Plan, but did not modify the requirement to perform the Off-Site Improvements, and (ii) that Ordinance 1319 adopted the Planning Commission's Findings and Recommendation.

Given that the Off-Site Improvements are to occur on land previously known as the "ASARCO Site" that is now owned by other third parties, the Applicant is concerned that the lack of control over that site could result in preventing or delaying Applicant's ability to perform the Off-Site Improvement work in a timely manner, and ultimately delay obtaining a Certificate of Occupancy for the Project. Therefore, pursuant to Ruston Municipal Code (RMC) Chapter 25.01.060, the Applicant is making this application to amend or modify the Development Plan in the following manner:

- 1. Applicant requests elimination of the requirement contained in the Development Plan, Ordinance 1155 and Ordinance 1319 and the MDNS that Applicant perform the Off-Site Improvement work and all other off-site work not already completed (except as set forth in Section 3 below), and to modify or amend the Development Plan, Ordinance 1155, Ordinance 1319, the MDNS and any related permitting or occupancy approvals to remove all references, requirements and conditions related directly or indirectly to Applicant's performance of the Off-Site Improvement work and to all other off-site work not already completed (except as set forth in Section 3 below), and to transfer said requirements, references and conditions to the Town of Ruston as its obligation. The Applicant agrees to complete its on-site work generally consistent with the Project Site Plan (attached hereto and incorporated herein as Exhibit A).
- 2. In exchange for the elimination of the requirement set forth in Section 1 above and the resulting modifications or amendments of the Development Plan, Ordinance 1155, Ordinance 1319, the MDNS and any related permitting or occupancy approvals, the Applicant proposes to pay the Town of Ruston, as a condition to obtaining a final Certificate of Occupancy for the Project, the sum of \$520,000 to defray the cost of the Off-Site Improvements as and when such work is performed by or for the Town of Ruston.

3. In addition, Applicant agrees to perform, as a condition to obtaining a final Certificate of Occupancy for the Project, the following off-site work on property owned or controlled by the Town of Ruston as shown on Exhibit B:

(a) repair work to the so-called North and South Parking Lots (excluding any work related to pedestrian or vehicular access from said South Parking Lot to Shirley Street), and repair work to the public alley between N. 52nd St. and N. 53rd St. and to a section of the alley a distance of up to 60 feet extending south from N 52nd St., as necessary to return said Parking Lots and the public alley to their condition prior to construction activities performed by the prior developer of the Project (which repair work shall include necessary repaving, but shall not include regrading, unless Applicant elects to perform regrading), (b) apron and curb at the former intersection of N. 52nd St. and vacated Bennett Street to provide garage access, and (c) sidewalk on the north side of N. 52nd St. from Shirley Street to Bennett Street, all in accordance with plans and specifications agreed upon by the Applicant and the Town of Ruston.

The Applicant believes that the payment to the Town of Ruston set forth in Section 2 above is a fair exchange for the elimination of the work set forth in Section 1 above, is adequate compensation for the vacation of Bennett Street, and provides for an equitable public benefit to the existing requirements for such work found in the Development Plan, Ordinance 1155, Ordinance 1319 and the MDNS. As evidence in support thereof, Applicant offers the bid it has obtained from SACO Construction Corporation as set forth in Exhibit B attached hereto and incorporated herein. Applicant notes that the difference between said bid and the offered amount reflects several additional cost items mentioned in the bid itself, as well as contingency. Further, in support of Applicant's proposed changes to the MDNS, it is submitting the SEPA cheeklist set forth in Exhibit C attached hereto and incorporated herein.

Applicant is mindful that its proposal to amend the Development Plan must comply with the approval criteria outlined in RMC 25.01.060(d). Exhibit D attached hereto and incorporated herein constitutes Applicant's statements in support of compliance with RMC 25.01.060(d).

Additional Optional Request Regarding the MDNS

The Applicant also wishes to make an additional request to increase the number of residential units in the Project building from 60 to 62. This would be accomplished without making any changes to the building envelope or any other exterior features of the Project, and would likely involve the conversion of existing amenity space to residential units.

August 12, 2011 Page 4

The Town of Ruston has previously determined in the MDNS that a 60 unit building does not have a probable significant adverse impact on the environment. We believe that adding two residential units within the existing building would not materially change any of the factors affecting environmental impact and would therefore not change the conclusions reached in the current MDNS. Applicant is submitting the SEPA checklist in Exhibit C in support of this proposal as well.

The addition of two units within the present building would have no impact whatsoever on nearly all of the environmental checklist items that supported the original MDNS, because no changes will be made to the building envelope or exterior features of the Project as a result of the additional units. Views and design aesthetics of the Project will not change. Traffic flow will not materially change with the addition of two unit occupants' vehicles. Because the Project contains 124 parking stalls, there will be sufficient on-site parking to meet the Town code, and no material impact on parking overall. And the impact on public services will likely be negligible, inasmuch as increasing the Town's population by four persons (using the assumptions in the MDNS) will not materially impact the use of police, fire, public works and administrative services, nor materially increase the usage of utilities above what a 60 unit condominium building would use.

Although this request to allow the addition of two residential units to the Project building is very important to Applicant's plans for the Project and is closely tied to Applicant's request to modify the Development Plan, we ask that the Planning Commission and the Town of Ruston consider this request independently from our request to modify the Development Plan.

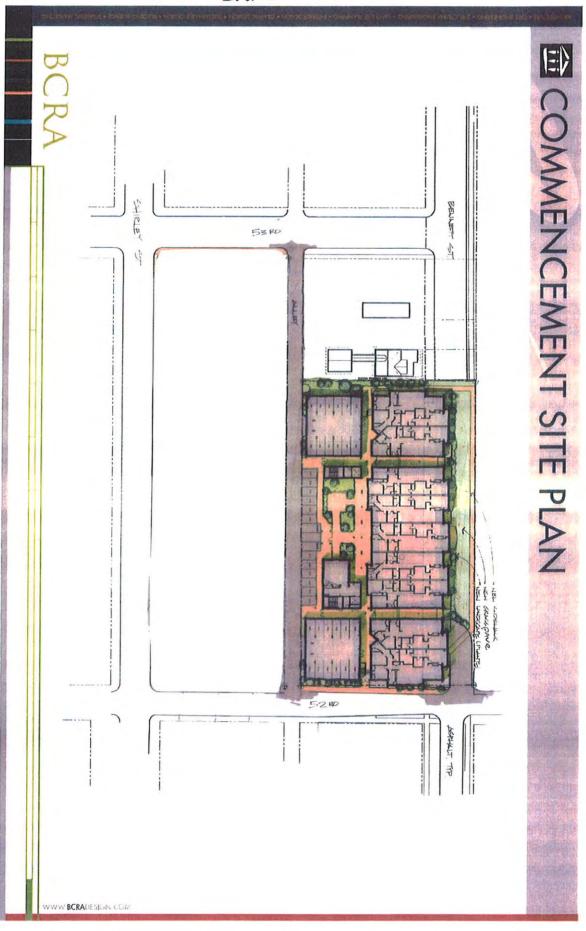
We look forward to consideration and review of Applicant's proposed modifications to the Development Plan, Ordinance 1155, Ordinance 1319, the MDNS and any related permitting and occupancy requirements as expeditiously as possible in order that we can address any comments and obtain approval in the time frame permitted under our pending purchase and sale agreement with East West Bank.

Sincerely,

John Solberg

Senior Managing Director

EXHIBITA



Attachment A

EXHIBIT B SACO

Concept~Synergy~Integrity

Mr. Jim Fritcher Onward , LLC 7300 Metro Boulevard, suite 525 Edina, MN. 55439

Re; Commencement Offsite work

Dear Jim,

We are pleased to provide the following proposal for the new realignment of Bennet Street.

Bennet Street; We assume the Liner under the fill dirt is already in place.

- 1) Includes 5 street lights with an allowance of \$2,650 per light pole.
- 2) Includes all earthwork and utilities per plan and assumes a balance site.
- 3) Grading and installation of vertical curb and sidewalk.
- 4) Paving and striping
- 5) Landscaping and irrigation, hydoseed per A1.02
- 6) No fencing included
- 7) 4 handicap access signs

Total price \$383,341 plus WSST if req'd (assume will be tax exempt for offsite work)

The above price does not include permits, testing or inspection costs. This price reflects work being started at the same time as the Commencement building work is started. A substantial saving can be obtained if extruded curbing can be used in place of the vertical curbs.

Please call with any questions.

Saco Construction

1802 136th Place NE, Suite 1 Bellevue, WA 98005 Phone: (425) 233-6140 Fax: (425) 233-6148

EXHIBIT C

TO:

ROB WHITE

FROM:

ONWARD INVESTORS, LLC ("APPLICANT")

SUBJECT:

SUBMITTAL OF REVISED SEPA CHECKLIST - COMMENCEMENT CONDOMINIUM PROJECT

- RUSTON, WA

DATE:

8/12/2011

Attached is a copy of the SEPA checklist originally submitted by Ruston Landing Group for the Commencement Condominium Project (f/k/a the Ruston Landing Project) Applicant is resubmitting said SEPA checklist (with changes as noted in this memorandum) in support of its application dated August 12, 2011 (the "Application") to modify the Development Plan (as that term is defined in the Application), related ordinances, approvals, permits and the MDNS (as that term is defined in the Application).

As a result of this submittal of a revised SEPA checklist and the proposed cash payment to the Town of Ruston in lieu of Applicant's performance of the Off-Site Improvement work (as defined in the Application), Applicant proposes that Items G,H,M and N contained in Mitigating Measures for SEPA Determination dated July 28, 2004 and referenced in the Development Plan, including Section (C) thereof are no longer applicable.

Please accept the submittal of the attached SEPA checklist as is, but subject to the following revisions:

- 1. Delete response to A.1. and replace with "Commencement Condominium Project"
- 2. Delete response to A.2. and replace with:

Onward Investors, LLC

7300 Metro Boulevard, Suite 525

Edina, MN 55439

Attn: John Solberg, Senior Managing Director

3. Delete response to A.3 and replace with:

Onward Investors, LLC

c/o John Solberg

7300 Metro Boulevard, Suite 525

Edina, MN 55439

Phone: 952-224-2454

- 4. Delete response to A.4 and replace with "August 12, 2011"
- 5. Delete response to A.6. and replace with "Site plan and civil design by Fall 2011. Building permits by November 2011"
- 6. Delete response to A.9. and replace with "East West Bank, the current owner of the property, may have submitted for permitting."
- 7. Delete response to A. 10. and replace with "MPD Development Plan Amendment Approval and Site Development and Building Permits"
- 8. Delete response to A.11. and replace with "Complete the upscale six (6) story condominium building currently consisting of sixty (60) units, not exceeding seventy (70) feet in height. We are proposing to increase the number of residential units to 62. Parking for approximately 124 stalls will be provided. Onsite amenities to include sky lounge and library, exercise room, business center and game room. Bennett Street, abutting the site to the east, has been vacated between N. 52nd Street and N. 53nd Street. We have proposed a cash payment to the Town of Ruston as compensation for said vacation of Bennett Street, which payment is designed to defray the costs of realigning Bennett Street onto the OCl² east of the Project site, providing additional park and open space areas and additional parking.
- 9. Delete response to A.12. and replace with "5204 N. Bennett Street, Ruston, WA 98407"
- 10. Delete response to B.1.e. and replace with "Minor filling and grading will be performed in preparation for landscaping and paving around the existing condominium building."
- 11. Delete the second sentence of the response to B.1.g.
- 12. Delete the phrase ",and the Bennett Street Promonotry Park will be extensively landscaped" at the end of the response to B.1.h.
- 13. Delete response to 3.c.1) and replace with "Storm drainage from the condominium rooftops is complete and managed in accordance with Town of Ruston storm water regulations. No change is anticipated to the existing storm sewer systems."
- 14. Delete response to 4.d. and replace with "Landscaping plans have been previously submitted and approved."
- 15. Delete response to 6.c. and replace with "Applicant's proposed work should not affect energy impacts."
- 16. Delete response to 8.a. and replace with "The site is currently an existing condominium building. The Ruston School Building and adjacent parking lots cover the entire block fronting Shirley Street. The School Building is currently occupied by the city offices of the Town of Ruston, which owns the School Building. Single-family residences abut the site on the south and west. The OCF abuts directly to the east across Bennett Street."
- 17. Delete response to 8.c. and replace with "The Commencement condominium building and integral parking."

- 18. In response to 8.i. replace "120" with "124" and replace "60" with "62".
- 19. In response to 9.i. replace "Sixth (60)" with "Sixty-Two (62)"
- 20. Add the following to the response to 11.a. "Applicant's work will not change the existing lighting. The current owner, East West Bank is changing out the exterior lighting fixtures to comply with prior requirements."
- 21. In response to 12.a. delete "Bennett Street Promontory Park as part of completed OCF. (To be built concurrent with project.)"
- 22. Delete response to 12.c. and replace with "Applicant has proposed a cash payment to the Town of Ruston, a portion of which payment is intended to defray the costs of public park area to be provided."
- 23. Delete response to 14.a. and replace with "See Traffic Analysis from Heath & Associates dated July 12, 2004 submitted by previous developer."
- 24. Delete response to 14.c. and replace with "The condominium structure provides approximately 124 parking spaces or 2 parking stalls per unit."
- 25. In response to 14.f. delete "labeled Exhibit C"
- 26. Delete response to 16.b. and replace with "Utilities are currently connected and serving the existing condominium building."

| A. | BACKGROUND |
|----|---|
| 1. | Name of proposed project, if applicable: |
| | Ruston Landing Group Condominium Project |
| 2. | Name, address and phone number of proponent/apolicant: |
| | Ruston Landing Group LLC |
| | 2106 Pacific Avenue, Suite 300 |
| | Tacoma, WA 98402 Attn: Dan Simon, Managing Partner |
| | Attis Dali Omon, managing rathier |
| 3. | Name, address and phone number of contact person: |
| | Agent: Ruston Landing Group |
| | C/O Kevin Foley, AICP 1910 - 64th Avenue West |
| | Tacoma, WA 98466 |
| | Phone: (253) 565-4491 |
| | |
| 4. | Date checklist prepared: |
| | July 12, 2004 |
| 5. | Agency requesting checklist: |
| | Town of Ruston |
| | |
| 6. | Proposed timing or schedule (including phasing, if applicable): |
| | Site plan and civil design approvals by Fall 2004. Building Permits by December |
| | 2004 |
| | · |
| 7. | Do you have any plans for future additions, expansion, or further activity related to or connected with this proposal? If yes, explain. |
| | No. |
| | No. |
| 8. | List any environmental information you know about that has been prepared, or will be prepared, directly related to this proposal. |
| · | None known. |
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TOWN OF RUSTON

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EVALUATION FOR

| | AGENCY USE ONLY |
|-----|---|
| 9. | Do you know whether applications are pending for governmental approvals of other proposals directly affecting the property covered by your proposal? If yes, explain. |
| | None known. |
| 10. | List any government approvals or permits that will be needed for your proposal, if known. |
| | MPD Development Plan Approval Site Development and Building Permits |
| 11. | Give brief, complete description of your proposal, including the proposed uses and the size of the project and site. There are several questions later in this checklist that ask you to describe certain aspects of your proposal. You do not need to repeat those answers on this page. |
| | Construct an upscale six (6) story condominium building consisting of sixty (60) units with basement parking, not to exceed seventy (70) feet in height. Parking for approximately 120 stalls will be provided. Onsite amenities to include two (2) rooftop 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. 52 nd Street and N. 53 rd Street and realigned onto the OCF east of its present location. The realignment will provide additional park and open space areas for the |
| | public as well as provide approximately 65 parking spaces, in addition, the proposal includes remodeling the existing school building for use as the future. Town Hall. A community center and leased commercial spaces will also be included in the existing school building. There will also be a new Fire Station/Maintenance building constructed on the corner of North 52 nd Street and Shirley Street, (See attached site plan and elevations) |
| 12. | Location of the proposal. Give sufficient information for a person to understand the precise location of your proposed project, including a street address, if any. If a proposal would occur over a range of area, provided the range or boundaries of the site(s). |
| | Old Ruston school site generally between Shirley and Bennett Streets and between North 52 nd and 53 nd Streets |
| 13. | Assessor Parcel Number: |
| | 465520-019-0 and 465520-001-0 |

TOWN OF RUSTON

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TO BE COMPLETED BY APPLICANT

EVALUATION FOR AGENCY USE ONLY

B. ENVIRONMENTAL ELEMENTS

1. EARTH

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- General description of the site (circle one):
 Flat rolling, hilly, steep slopes, mountainous, other:
- b. What is the steepest slope on the site (approximate percent slope?)

The steepest slope is approximately 5%. See geotech report by Associated Earth Sciences attached and labeled Exhibit "A". See also topography survey map from Baseline Engineering attached and labeled Exhibit "B".

c. What general types of soils are found on the site (for example, day, sand, gravel, peat, muck)? If you know the classification of agricultural soils, specify them and note any prime farmland.

See above response.

d. Are there surface indications or history of unstable soils in the immediate vicinity?

No.

e. Describe the purpose, type and approximate quantities of filling or grading proposed. Indicate source of fill.

Minor filling and grading will be performed in preparation for the construction of the proposed condominium structure.

 Could erosion occur as a result of clearing, construction, or use? If so, generally describe.

Yes, however, plans will be provided for temporary erosion control protection following Best Management Practices (BMPs) and Town of Ruston guidelines.

TOWN OF RUSTON

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TO BE COMPLETED BY APPLICANT

EVALUATION FOR AGENCY USE ONLY

g. About what percent of the site will be covered with impervious surfaces after project construction (for example, asphalt or buildings)?

The condominium structure will cover approximately 90% of the site. The Ruston School building is nearly 100% impervious surface.

h. Proposed measures to reduce or control erosion, or other impacts to the earth, if any:

The implementation of Best Management Practices (BMPs) and proper erosion control devices constructed and maintained throughout the construction phase will significantly reduce and control erosion. After construction is completed, permanent site landscaping will be installed on the condominium site and the Bennett Street Promontory Park will be extensively landscaped.

2. AIR

a. What types of emissions to the air would result from the proposal (i.e., dust, automobile, odors, industrial wood smoke) during construction and when the project is completed? If any, generally describe and give approximate quantities, if known.

During the construction process there could be an increase in vehicle exhaust (diesel) and dust particle emissions into the ambient air. These emissions will be temporary and the result of soil displacement and from construction vehicles entering and leaving the site. After the project is completed, vehicle exhaust associated with residential traffic will be generated.

b. Are there any off-site sources of emissions or odor that may affect your proposal? If so, generally describe.

None known.

 Proposed measures to reduce or control emissions or other impacts to air, if any.

None proposed.

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EVALUATION FOR AGENCY USE ONLY

3. WATER

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- a. Surface
- Is there any surface water body on or in the immediate vicinity of the site (including year-round and seasonal streams, saltwater, lakes, ponds, wetlands)? If yes, describe type and provide names. If appropriate, state what stream or river it flows into.

No.

Will the project require any work in or adjacent to (within 200 feet) of the described waters? If yes, please describe and attach available plans.

No.

3) Estimate the amount of fill and dredge material that would be placed in or removed from surface water or wetlands and indicate the area of the site that would be affected. Indicate the source of fill material.

None.

4) Will the proposal require surface water withdrawals or diversions? Give general description, purpose, and approximate quantities, if known.

No.

5) Does the proposal lie within a 100-year flood plain? If so, note location on the site plan.

No.

6) Does the proposal involve any discharges of waste materials to surface waters? If so, describe the type of waste and anticipated volume of discharge.

No.

b. Ground:

TOWN OF RUSTON

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EVALUATION FOR AGENCY USE ONLY

 Will the ground water be withdrawn, or will water be discharged to ground water? Give general description, purpose, and approximate quantities, if known.

No.

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2) Describe waste material that will be discharged into the ground from septic tanks or other sources, if any. For example: domestic sewage, industrial, containing the following chemicals . . . agricultural; etc. Describe the general size of the system, the number of such systems, the number of houses to be served, if applicable, or the number of animals or humans the system(s) are expected to serve.

None.

- c. Water Runoff (including storm water):
- 1) Describe the source of runoff (Including storm water) and method of collection and disposal, if any (Include quantities, if known). Where will this water flow? Will this water flow into other waters? If so, describe.

Storm drainage from the condominium rooftops will be managed in accordance with Town of Ruston storm water regulations. Presently the Town uses the 2001 DOE Stormwater Management Manual. Currently, a storm system exists in Bennett Street which apparently flows north into a much larger pipe at the intersection of North 54th and Bennett and then discharges across ASARCO property into Commencement Bay.

2) Could waste materials enter ground or surface waters?

No. Water quality treatment devices for storm water will be incorporated prior to storm discharge to the storm system

d. Proposed measures to reduce or control surface, ground, and runoff water impacts, if any.

Properly designed and constructed street, storm and sanitary utilities based on all applicable standards.

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EVALUATION FOR AGENCY USE ONLY

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| a. | Check or circle types of vegetation found on the site. N/A deciduous tree: alder, maple, aspen, other N/A evergreen tree: fir, cedar, pine, other N/A shrubs N/A grass pasture crop or grain wet soil plants: cattall, buttercup, bullrush, skunk cabbage, other water plants: water lily, eelgrass, milfoil, other other types of vegetation |
|----|--|
| b. | What kind and amount of vegetation will be removed or altered? |
| | None. |
| c. | List threatened or endangered species known to be on or near the site. |
| | None known. |
| d. | Proposed landscaping, use of native plants, or other measures to preserve or enhance vegetation on the site, if any: |

Detailed landscape plans will be developed for review and approval prior to any construction activities associated with the condominium project and the

future Bennett Street Park.

5. ANIMALS

 Underline any birds and animals which have been observed on or near the site or are known to be on or near the site:

birds: hawk, heron, eagle, songbirds, other. seaguils, crows

mammals: deer, bear, elk, beaver, other: rodents fish: bass, salmon, trout, herring, shellfish, other:

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EVALUATION FOR AGENCY USE ONLY

 b. List any threatened or endangered species known to be on or near the site.

None known.

c. Is the site part of a migration route? If so, explain.

Not known.

d. Proposed measures to preserve or enhance wildlife, if any.

None proposed.

6. ENERGY AND NATURAL RESOURCES

a. What kinds of energy (electric, natural gas, oil, wood stove, solar) will be used to meet the completed project's energy needs?

It is anticipated that natural gas and electricity will be the primary energy sources.

b. Would your project affect the potential use of solar energy by adjacent properties? If so, generally describe.

No.

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c. What kinds of energy conservation features are included in the plans of this proposal? List other proposed measures to reduce or control energy impacts, if any.

Construction will be pursuant to latest edition of the IBC building and energy codes.

7. ENVIRONMENTAL HEALTH

a. Are there any environmental health hazards, including exposure to toxic chemicals, risk of fire and explosion, spill, or hazardous waste, that could occur as a result of this proposal? If so, describe.

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EVALUATION FOR AGENCY USE ONLY

ASARCO representatives have been contacted and have acknowledged their responsibility to properly test, remove and dispose of any toxic or hazardous substances associated with past smelter activities on the condominium site.

 Describe special emergency services that might be required.

ASARCO will implement all necessary precautions.

 Proposed measures to reduce or control environmental health hazards, if any:

ASARCO/EPA prescribed cleanup standards and protocals.

b. Noise

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What types of noise exist in the area which may affect your project, (for example: traffic, equipment, operation, other)?

Occasional air traffic overhead and train activity associated with the nearby BN/Santa Fe mainline railroad.

What types of levels would be created by or associated with the project on a short-term or longterm basis (i.e., traffic, construction, operation, other)? Indicate what hours noise would come from the site.

On a short-term basis, temporary noise levels will increase from construction on the site and from construction vehicles. On a long-term basis, a minor and insignificant increase in noise will result from vehicular traffic from the residences and users of the park. Short-term noise will be restricted to daylight hours.

 Proposed measures to reduce or control noise impact, if any.

None proposed.

TOWN OF RUSTON

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EVALUATION FOR AGENCY USE ONLY

8. LAND AND SHORELINE USE

a. What is the current use of the site and adjacent properties?

The condominium site is currently used as a contractor storage and equipment yard. The Ruston School Building and adjacent parking lots cover the entire block fronting Shirley Street. The School Building is currently occupied by ASARCO, Inc., who has a lease until 2005 with a two-year option. Single-family residences abut the site on the south and west. The OCF, as part of the ASARCO redevelopment, abuts directly to the east across Bennett Street.

- Has the site been used for agriculture? If so, describe.
 Not known to have been used for agriculture.
- c. Describe any structures on the site.

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The Ruston School Building.

- d. Will any structures be demolished? If so, what?No.
- What is the current zoning classification of the site?
 Master Planned Development Zone (MPD).
- f. What is the current comprehensive plan designation of the site?

Master Planned/Mixed-Use Development (MPD).

g. If applicable, what is the current shoreline master program designation of the site?

Not applicable.

TOWN OF RUSTON

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EVALUATION FOR AGENCY USE ONLY

 Has any part of the site been classified as an "environmentally sensitive" area? If so, specify.

No.

i. Approximately how many people would reside or work in the completed project?

Upwards of 120 persons will live in the 60 unit condominium complex, based on an average household size of 2.0 persons per unit for active seniors.

j. Approximately how many people would the completed project displace?

None.

 k. Proposed measures to avoid or reduce displacement impacts, if any.

None required.

I. Proposed measures to ensure the proposal is compatible with existing and projected land use and plans, if any.

Development is consistent with the Town's 2003 Comprehensive plan and all MPD zoning requirements.

See Town Comprehensive Plan Vision Statement, page 1, and Sections 1.4 GMA policies, 2.2 Population Forecast, page 10, 3.2 ASARCO site, page 13, 3.3 Overall concept, pages 14-16, 3.4 Residential Development Concepts, page 15 and 3.6 Master Planned Development (MPD) page 18. See also RMC Code section 25,010 entitled Master Planned Development (MPD) zone.

9. HOUSING

a. Approximately how many units would be provided, if any? Indicate whether high, middle, or low-income housing.

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TOWN OF RUSTON

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TO BE COMPLETED BY APPLICANT

EVALUATION FOR AGENCY USE ONLY

Sixth (60) high end, upscale condominium units will be provided. Target market is for affluent seniors and upwardly mobile single and married professionals.

 Approximately how many units, if any, would be eliminated? Indicate whether high, middle, or low-income housing.

None.

 Proposed measures to reduce or control housing impacts, if any.

None proposed.

10. AESTHETICS

a. What is the tailest height of any proposed structure(s), not including antennas; what is the principal exterior building materials(s) proposed?

Approximately 70 feet. Principal exterior building material would be a combination of wood, brick, and masonry and articulated concrete. (See architectural elevations from BCRA architects.)

b. What views in the immediate vicinity would be altered or obstructed?

It is recognized by the project proponent that certain views would be altered by the construction of a six (6) story building on a currently vacant lot. However, it is also recognized that construction of a two (2) story home consistent with the Town's Residential Zone (RMC 25.01.040 – maximum permitted height of 30 feet) would also impact these same views. According to records obtained from the Pierce County Assessor's Office, only 2 of the 10 parcels abutting the site on the west side of Shirley Street are currently assessed "a limited view".

 Proposed measures to reduce or control aesthetic impacts, if any. ~ 1 . 1

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TOWN OF RUSTON

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TO BE COMPLETED BY APPLICANT

EVALUATION FOR AGENCY USE ONLY

The proponents are incorporating quality design and providing public amenities in the form of public park and facility improvements to mitigate view impacts.

11. LIGHT AND GLARE

a. What type of light or glare will the proposal produce? What time of day would it mainly occur?

Light and glare can be anticipated from Interior and exterior lighting. This light or glare would mainly occur in the evenings. Properly designed and screened lighting sources will mitigate this impact.

b. Could light or glare from the finished project be a safety hazard or interfere with views?

No.

c. What existing off-site sources of light or glare may affect your proposal?

None known,

d. Proposed measures to reduce or control light and glare impacts, if any.

None proposed.

12. RECREATION

- a. What designation and informal recreational opportunities are in the immediate vicinity?
 - -Bennett Street Promontory Park as part of completed OCF. (To be built concurrent with project.)
 - -Point Deflance Park approximately ½ mile to the northwest.
- Would the proposed project displace any existing recreational uses? If so, describe.

No.

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TOWN OF RUSTON

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TO BE COMPLETED BY APPLICANT

EVALUATION FOR AGENCY USE ONLY

 Proposed measures to reduce or control impacts on recreation, including recreation opportunities to be provided by the project or applicant, if any.

Public park area to be provided.

13. HISTORIC AND CULTURAL PRESERVATION

a. Are there any places or objects listed on, or proposed for, national, state, or local preservation registers known to be on or next to the site?

No. The Town Council may seek an historic designation at some point in the future for the Ruston School Building.

 Generally describe any landmarks or evidence of historic, archaeological, scientific, or cultural importance known to be on or next to the site.

None known.

c. Proposed measures to reduce or control impacts, if any.

None proposed.

14. TRANSPORTATION

 Identify public streets and highways serving the site, and describe proposed access to the existing street system.
 Show on site plans, if any.

See Traffic Analysis from Heath & Associates dated July 12, 2004 attached and labeled Exhibit "C".

 Is site currently served by public transit? If not, what is the approximate distance to the nearest transit stop?

Pierce Transit bus routes are available along Pearl and North 51st Streets.

TOWN OF RUSTON

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TO BE COMPLETED BY APPLICANT

EVALUATION FOR AGENCY USE ONLY

c. How many parking spaces would the completed project have? How many would the project eliminate?

The Ruston School site will retain its existing parking lots on the north and south sides. The condominium structure will provide approximately 120 parking spaces or 2 parking stalls per unit.

d. Will the proposal require any new roads or streets, or improvements to existing roads or streets, not including driveways? If so, generally describe (Indicate whether public or private).

No.

e. Will the project use (or occur in the immediate vicinity of) water, rail, or air transportation? If so, generally describe.

No.

f. How many vehicular trips per day would be generated by the completed project? If known, indicate when peak volumes would occur.

See aforementioned traffic report labeled Exhibit "C".

 Proposed measures to reduce or control transportation impacts, if any.

None required.

15. PUBLIC SERVICES

 a. Would the project result in an increased need for public services (i.e., fire protection, police protection, health care, schools, other)? If so, generally describe.

This project will have minimal impact on public services.

 Proposed measures to reduce or control direct impacts on public services, if any. 07/28/2004 14:50 FAX 2537523754

TOWN OF RUSTON

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TO BE COMPLETED BY APPLICANT

EVALUATION FOR AGENCY USE ONLY

Increased revenue from the sale of the property and future tax revenue generated from the completed project will offset any impact on public services.

16. Utilitles

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- a. Underline utilities currently available at the site:

 electricity, natural gas, water, refuse service,
 telephone, sanitary sewer, septic system, other. Cable
- Describe the utilities that are proposed for the project, the utility providing the service, and the general construction activities on the site or in the immediate vicinity, which might be needed.

Electricity:

Town of Ruston
Puget Sound Energy

Natural Gas: Water:

City of Tacoma

Telephone:

Qwest

Sanitary Sewer:

City of Tacoma/Town of Ruston

Cable:

Comcast or Click!

C. SIGNATURE

The above answers are true and complete to the best of my knowledge. I understand that the lead agency is relying on them to make its decision.

EXHIBIT D

TO:

ROB WHITE

FROM:

ONWARD INVESTORS, LLC ("APPLICANT")

SUBJECT: S

STATEMENTS IN SUPPORT OF COMPLIANCE WITH RMC 25.01.060(D)

DATE:

8/12/2011

Pursuant to RMC 25.01.060(d), the Planning Commission and 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 an working environment and landscape quality to benefit the Town and the public.

Applicant submits that the Planning Commission in its Findings and Recommendation dated August 20, 2010 and the Town Council in Ordinance 1319 have determined that the Development Plan (as defined earlier in this Application) is in compliance with this provision of the RMC. The Planning Commission and Town Council objected to the previous developer's offer to perform certain work in lieu of the Development Plan's requirement to perform the Off-Site Improvement work (as defined earlier in this Application) as compensation to the Town of Ruston for vacating a portion of Bennett Street. Applicant's has proposed a cash payment to the Town of Ruston (and the performance of certain off-site work as set forth in this Application) in lieu of performing the Off-Site Improvement work for the reasons set forth in this Application. Because of said cash payment the Off-Site Improvements anticipated in the Development Plan can nonetheless be installed; the only change is that the Applicant is not responsible for the installation. The amount of the cash payment is supported by the bid attached as Exhibit B, all as set forth elsewhere in this Application.

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.

Please see Applicant's response to 1. above.

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

Applicant submits that the Planning Commission and Town Council have determined that the Development Plan meets the requirements of the State Environmental Policy Act ("SEPA") and the Town of Ruston issued the MDNS (as defined earlier in this Application). Applicant understands that its proposal as set forth in this Application may result in some further review under SEPA guidelines and policies. However, inasmuch as Applicant's proposals do not increase any adverse environmental impact of the Project, Applicant believes that its proposals pass muster under SEPA.

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.

Please see Applicant's response to 1. above.



August 22, 2011

Mr. Rob White Town Planner Town of Ruston 5117 North Winnifred Street Ruston, WA 98407-6597

RE: The Commencement Condominium Project (f/k/a Ruston Landing project) (the "Project") – Application to Modify the Ruston Landing Master Development Plan MDP 09-01, as amended (the "Development Plan") – Additional Optional Request Regarding the Mitigated Determination of Nonsignificance dated August 28, 2004 ("MDNS")

Clarification Letter

Dear Mr. White:

The Applicant understands that certain written objections have been filed with the Town of Ruston in a letter dated August 19, 2011 (the "Objection Letter") related to our Application submitted August 12, 2011, and wishes to submit this Clarification Letter for your review and consideration in response to those objections.

Capitalized terms in this Clarification Letter will have the same meaning as in the Application submitted August 12, 2011, unless otherwise stated.

Objection 1. The Objection Letter states, "IBC and IFC Sections 912.2 with respect to hydrants, driveways, buildings and landscaping, requires that fire department connections (FDCs) shall be so located that fire apparatus and hose connected to supply the system will not obstruct access to the building for other fire apparatus. The proposal to amend the Ruston Landing (Commencement) Master Development Plan excludes the Bennett Street extension which is what provided the required fire apparatus access road as well as a secondary route for other apparatus to utilize while equipment is connected to the hydrant and fire department connection for the sprinkler and standpipe systems. The current proposal does not include any alternate fire apparatus access roads, routes or access points. As such, the proposal also leaves the existing FDC located at a point approximately 200 feet from the nearest fire apparatus access road."

Clarification to Objection 1.

The Project Site Plan submitted as Exhibit A of the original Application indicated that new Grasspave will be installed on the eastern side of the building. This will run from the north edge of the building garage access to approximately the north end of the Project's property line over the on-site portion of vacated Bennett Street. The Grasspave will extend from as near to the building as possible to the sidewalk shown on the eastern edge of the site on the Project Site Plan. Attached to this Clarification Letter are manufacturer specifications for the Grasspave product we intend to install ("Grasspave2"), a list of Frequently Asked Questions concerning the product, and a partial list of Fire Departments accepting use of Grasspave2 for fire lanes. These documents show not only that Grasspave will meet our aesthetic requirements due to its appearance and operating capability, but that the product is intended for fire lane use too and will meet fire access requirements due to its ability to handle vehicular loads and specifically fire equipment and trucks.

The southerly portion of the Grasspave area on the Project Site Plan will serve as fire access (to a point 150 ft. north of the south property line) and the balance of the Grasspave area will serve as "green space". In order to facilitate the use of the Grasspave area as fire access, the trees that appear on the Project Site Plan immediately north of the garage accessway will have to be removed and the curbing immediately north of the garage accessway will be replaced with Type 'D' mountable cement concrete curb as shown on the plans that were previously approved for the Project.

The Applicant will also relocate the FDC that is currently on the east elevation of the building to an appropriate location on either the south or east elevation of the building near its southeast corner. This will allow access to the FDC from 52nd street while maintaining access to the fire lane.

Objection 2. The Objection Letter further provides that if Applicant's request to add two (2) additional residential units is approved, in order to meet the requirements of IBC 1107.6.2.1.1 (with Washington state amendment) that 5% of the units be Type A units, a fourth Type A will have to be included in the building (in addition to the three Type A units shown in the existing plans).

Clarification to Objection 2. The Applicant agrees and will provide a new Type A unit in one of the additional requested units or modify one of the existing units accordingly. Details of the additional Type A unit will be included in Applicant's building permit submittal.

August 22, 2011 Page 3

Objection 3. The Objection Letter also notes that, "building permits would need to address the modification of spaces to additional dwelling units and demonstrate satisfaction of all exiting requirements, fire protection, plumbing, mechanical and energy code provisions applicable to the revision(s)."

<u>Clarification to Objection 3.</u> The Applicant agrees and will provide appropriate submittals and demonstrate such compliance with its permit application for these unit modifications, if the addition of two residential units is approved by the Town.

Please accept this letter as the Applicant's response to the noted objections, and incorporate the same in the Town's review of its Application the Applicant submitted August 12, 2011. Thank you in advance for your consideration of our proposal.

Sincerely,

James Fritcher

Senior Vice President

Attachments

Partial List of Fire Departments Accepting Use of Grasspave2 for Firelanes

Aurora, Colorado Springs, and Denver, CO Phoenix, Chandler & Scottsdale, AZ Counties of Los Angeles, Orange, CA Riverside County and Palm Springs, CA Oakland, Sacramento & Fresno, CA San Francisco, San Jose, & Santa Clara, CA Portland & Salem, OR Seattle, Kirkland, Bellevue, Olyrnpia & Issaquah, WA Boise & Bellevue, ID Salt Lake City, Orem, & Farmington, UT Forest Lake & Maple Grove, MN Milwaukee & Brookfield/WI Chicago, Wheeling, & Lombard, IL Naperville, Romeoville, & Bloomington, IL Indianapolis & Columbus, IN Detroit, Ann Arbor, & Plymouth, MI Cleveland, Cincinnati, Dayton, & Toledo, OH Covington & Elizabeth, KY Memphis & Brentwood, TN Boston, Weston, Framingham, & Waltham, MA Pittsburg, Bethlehem, Hazelton, Harrisburg & Philadelphia, PA Gaithersburg, Adelphia, Bethesda, Annapolis & Silver Spring, MD Fairfax County, VA Raleigh, Cary, Durham, and Wilmington, NC Athens, GA Boca Raton & Coral Gables, FL West Palm Beach & Jupiter, FL Orlando, Gainsville, & Tampa, FL Birmingham, AL Dallas, Austin, San Antonio, & Texarkana, TX Oklahoma City, OK Kansas City, Lenexa, and Topeka, KS

Please note that the presence of a city or county's name on this list does not necessarily constitute their endorsement or "blanket" approval of the Grasspave2 Grass Paving System, only that they have permitted its use for one or more projects within their jurisdiction. Most fire departments require review and approval of alternative pavement materials with every project.



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Grasspave² Porous Pavement Frequently Asked Questions

information & downloads

Click for other FAQs:

Grasspave² | Gravelpave² | Rainstore³ | Slopetame² | Draincore² | Beachrings²

What is Grasspave²?

products

Grasspave² is a plastic sub-surface reinforcement structure for trafficked areas that supports grass and prevents rutting, mud, and root zone compaction.

What is the difference between GP2 and the competitors?

Grasspave² is the only product on the market that comes in rolls, which makes it easy to cut and install. All the other grass paving products are rigid and must be laid down one at a time on a bed of sand, in a process much like laying paving stones, and cut with a saw. Having the ability to install a flexible product in roll sizes up to 1,350 sq. ft. vastly decreases the time and expense of installation

What are the products dimensions?

The individual Grasspave² rings are one inch deep and two inches in diameter. The product itself comes in five standard roll sizes ranging from 108 sq. ft. to 538 sq. ft. Don't be too concerned with the size, think of it like carpeting - you will be covering the whole area by placing rolls next to adjacent rolls.

How is Grasspave² installed?

Grasspave² is installed over a subbase of stone at a similar depth to what would be put under two inches of asphalt. Once the subbase is down and compacted the Hydrogrow mixture is spread out with a broadcast spreader/seeder. The Grasspave² is then rolled into place and back filled with one inch of sand, Finally the area is either hydroseeded or sodded. Unless there is an emergency, wait two mowings before driving on the grass.

What is Hydrogrow and what purpose does it serve?

Hydrogrow is a fertilizer and soil amendment combination that is spread out on the base course at a rate of one pound per 108 square feet before the Grasspave² is rolled into place. When Hydrogrow comes into contact with water it absorbs and holds a great deal of water and nutrients for the maturing grass roots until they can grow down into the subbase. This reservoir effect is necessary because sand is the growing medium and while it allows water to quickly drain from the surface it also deprives the grass of the substantial moisture it needs to germinate.

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| Brochure |
| Technical Specifications |
| Especificacions Tecnica |
| Design Details |
| FAQs |
| Project Profiles - Case Studies |
| Installation Tutorial |
| Video |
| What is a Permeable Paver? |
| Competitive Advantages |
| Hydrogrow Information |
| Why Sand in the Root Zone? |
| White Papers |
| Roll Sizes |
| Delineation & Marking |
| ADA - Wheelchair Access |
| Material Safety Data Sheet |
| Warranty |

How do I lock Grasspave² together in the field?

Unlike Gravelpave², you do not have to nail Grasspave² in place or snap the product logether. There are male and female connectors along the edges of the product but it is not necessary to snap the rolls together as the grass will lock the product in place once the roots are established.

What depth of base course does the product require?

Grasspave² requires approximately the same depth of base course as two inches of asphalt.

What type of base course does the product require?

The composition of the base course is outlined in our specifications as a 3/4 inch minus sandy gravel compacted to 95% modified proctor. The base should allow enough void space for water to percolate and grass roots to grow. If you intend on using a material that will seal tight once compacted (such as limestone) you must add a 30% mixture of sand to create the required void space. Download the base course information.

What types of grass should I use in the product?

Use a species that is both deep rooting and hardy. Generally a Blue/Rye/Fescue mix in northern climates and Zoysia, Fescue, or Bermuda types in southern climates.

Can I seed or sod over the product?

A very good stand of grass may be achieved through hydroseeding with wood or paper. Mulches such as straw or pine needle should not be used when seeding because of their low moisture holding content. Sod can be used as long as it contains very little soil which may compact and kill the grass with use. A sod that has been washed, cut thin (1/2 inch), or grown in sand or sandy loam is acceptable.

What material is the Grasspave² filled with and why?

Grasspave² is filled with only one inch of clean sharp sand (soil is never used), overfilling the rings can lead to ruls and product failure. Sand is used as the growing medium because it allows water to percolate very quickly and will never compact and become muddy with use, like soil. Our Hydrogrow mixture is used to provide a water reservoir to the grass roots while they are getting established.

How heavy of a load can Grasspave² support?

With a pounds per square inch (psi) capacity of 5,720, Graspave2 can support any load that is legal to drive on the street. The highest truck tire pressure allowed to drive on the roads is 120psi, fire truck outriggers are only around 81psi. Grasspave² is designed to transfer the surface load to the subbase which should be designed to a depth that will support the anticipated loads.

How much traffic can the product withstand?

Since the Grasspave² has an organic wearing surface it can take limited traffic without dying or becoming stressed. The product is ideal in areas that will receive little regular traffic, but can be used in situations like employee parking that may see three turnovers a day. Higher frequency traffic areas that require Permeable Paver should use Gravelpave².

EXHIBIT A TO ORDINANCE 1339 Attachment B

hydustry info

| Architects |
|----------------------------|
| Contractors and Installers |
| Engineers |
| Green/Sustainable/LEED** |
| Homeowners |
| Landscape Architects |
| Sports, Golf, Park & Rec |
| Starmwater |

Can Grasspave² be used for Firelanes?

Yes, Invisible Structures has installed numerous firelanes around the country. We have letters of acceptance from municipalities and testing data available to help in gaining the acceptance of Grasspave² for firelanes in your area.

What is the installed cost for Grasspave² vs. Asphalt/Concrete?

Grasspave² is generally 10-15% higher than hard paving surfaces. However, using Grasspave² can eliminate the need for stormwater drainage and collection systems which could provide a significant savings over asphalt or concrete. The maintenance of the Grasspave² over a 15-20 year life span is so minimal that it can also produce a savings of 40% of asphalt and concrete.

Can we plow Grasspave²?

Yes, we have numerous installations across the country that are plowed on a regular basis. We recommend using skids on the corner of the plow blades to raise the blade and keep it from coming into contact with the grass and potentially tearing the product out of the ground. Many plows already have skids or a flexible plastic/rubber piece on the bottom of the blade that protects the blade while plowing asphalt streets and can be used very easily on the Grasspave² system.

How is Grasspave² Maintained?

Irrigate and feed as a normal lawn, but DO NOT aerate. A good rule of thumb is if golf courses in your area use irrigation, you will need irrigation for a Grasspave².

What is the product cost of Grasspave²?

ISI can't give an exact price, that has to be done by our manufacture's representative.

What is the installed cost of Grasspave²?

The installing cost varies a lot depending on the size of the installation and geographic location.

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Grasspave² Technical Specifications

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TECHNICAL SPECIFICATION - Grasspave2 with 92% Void Space and Hydrogrow Mixture

CSI Master Format 32 12 43 Flexible Porous Pavement (Section 02795 Porous Pavement)

PART 1 - GENERAL

- 1.01 General Provisions
- A. The Conditions of the Contract and all Sections of Division 1 are hereby made a part of this Section.

1.02 Description of Work

- A. Work included:
- Provide and install sandy gravel road base as per Geotechnical Engineer's recommendations and/or as shown on drawings, to provide adequate support for project design loads. See 2.02 Materials.
- 2. Provide Grasspave2 Paving System products including Grasspave2 units, Hydrogrow soil polymer, and installation per the manufacturer's instructions furnished under this section.
 - 3. Provide and install clean sharp sand to fill the Grasspave2 units, when needed.
 - 4. Provide and install grass by using sod or hydroseeding.
 - B. Related Work:
 - 1. Subgrade preparation under Section 31 20 00 Earth Moving (02200 Earthwork).
- Utilities and subsurface drainage Section 33 40 00 Storm Drainage Utilities (02700 Subsurface Drainage and Structures), as needed.
 - 3. Irrigation installation Section 32 80 00 Irrigation (02810 Irrigation), when needed.

1.03 Quality Assurance

- A. Follow Section 01 33 23 Shop Drawings, Product Data, and Samples (01340 Shop Drawings, Product Data, and Samples) requirements.
- B. Installation: Performed only by skilled workpeople with satisfactory record of performance on landscaping or paving projects of comparable size and quality.

1.04 Submittals

- A. Submit manufacturer's product data and installation instructions.
- B. Submit a 10" x 10" section of Grasspave2 material for review. Reviewed and accepted samples will be returned to the contractor.
 - C. Submit material certificates for base course and sand fill materials.

1.05 Delivery, Storage, and Handling

SOTVICOS

Find a Reseller/Partner Request Information News & eNewsletter Partner Login Grasspavo² info Brochure **Technical Specifications** Especificacions Tecnica Design Details FAQs Project Profiles - Case Studies Installation Tutorial Video What is a Permeable Paver? Competitive Advantages Hydrogrow Information Why Sand in the Root Zone? White Papers Roll Sizes Delineation & Marking ADA - Wheetchair Access Material Safety Data Sheet Warranty

A. Protect Grasspave2 units from damage during delivery and store under tarp to protect from sunlight,

when time from delivery to installation exceeds one week. Keep Hydrogrow in a dark and dry location.

1.06 Project Conditions

A. Review installation procedures and coordinate Grasspave2 work with other work affected. Generally, Grasspave2 is installed at the same time as project grass installation, nearly the last site construction activity.

- · All hard surface paving adjacent to Grasspave2 areas, including concrete walks and asphalt paving must be completed prior to installation of Grasspave2.
- · Gradients for grass porous paving surfaces can vary from flat to 20%, depending upon vehicle types to use the surface. Please note that fire lanes, or other emergency vehicles, will generally require a gradient that is less than 6%. If there are any questions regarding existing gradients on this project, please contact the Project Designer, or Invisible Structures, Inc.

D. Cold weather:

- 1. Do not use frozen materials or materials mixed or coated with ice or frost. Be careful in handling rolls of Grasspave2 in temperatures below 50 degrees F, as product connectors become stiff and can separate, and the individual units will retain the roll curl until warmed to room temperature (aided by placement in sun for 15 to 20 minutes). If cold weather is anticipated, Grasspave2 can be shipped in flat sheets that measure 1-meter (40") square.
 - 2. Do not build on frozen work or wet, saturated or muddy subgrade.
- E. Protect partially completed paving against damage from other construction traffic when work is in progress, and until grass root system has matured (about 3 to 4 weeks). Any barricades constructed must still be accessible by emergency and fire equipment during and after installation.
 - F. Protect adjacent work from damage during Grasspave2 installation.

PART 2 - PRODUCTS

2.01 Availability

A. Manufacturer: (Grasspave2, Hydrogrow) Invisible Structures, Inc., 1600 Jackson Street., Suite 310, Golden, Colorado 80401. Call from USA and Canada 800-233-1510 toll free, International 303-233-8383, Fax 303-233-8282.

B. Local Sales Representative: (Contact Manufacturer)

2.02 Materials

A. Base Course: Sandy gravel material from local sources commonly used for road base construction, passing the following sieve analysis.

| | Sieve | % | Passing P |
|------|-------|-------|-----------|
| 1" | | 100 | |
| 3/4" | | 90-10 | 0 |
| 3/8" | | 70-80 | |
| #4 | | 55-70 | |
| #10 | | | 45-55 |
| #40 | | | 25-35 |
| #200 | | 3-8 | |

1. Sources of the material can include either "pit run" or "crusher run." Crusher run material will generally

EXHIBIT A TO ORDINANCE 1339 Attachment B

Architects Contractors and Installers Engineers

Industry Info

Homeowners

Green/Sustainable/LEED **

Landscape Architects Sports, Golf, Park & Rec-

Stormwater

require sharp sand to be added to mixture (33% by volume) to ensure long-term porosity. If there is difficulty in finding local sources to meet this sieve analysis, and alternative mixture can be created by mixing 2/3 crushed drainage rock (0.75" dia) with 1/3 coarse, well-draining sand (AASHTO M6 or ASTM C-33).

- 2. Selected materials should be nearly neutral in pH (range from 6.5 to 7.2) to provide adequate root zone development for turf.
- 3. Alternative materials such as crushed shell, limerock, and/or crushed lava may be considered for base course use, provided they are mixed with sharp sand (33%), and brought to proper compaction.
 (Crushed shell and limerock alone can set up like concrete without sand added.)
 - Hydrogrow Mix: A proprietary soil amendment manufactured by Invisible Structures, Inc., provided with Grasspave2.
- C. Grasspave2 Grass Paving Units:
- 1. Lightweight injection-molded plastic units 0.5x0.5x0.025m (20"x20"x1" high, 2.7 ft2 each) with hollow rings rising from a strong open grid allowing maximum grass root penetration and growth.
- 2. Unit weight = 510 g (18 oz.), volume = 8% solid.
- 3. The plastic shall be 100% pre-consumer recycled HDPE plastic resin, with minimum 3% carbon black concentrate added for UV protection.
- 4. Loading capability is equal to 402 kg/cm2 (5721 psi, 823,824 psf, 7.4 million psy, 39,273 kPA, 3707 tons/sq.yd.) when filled with sand, over an appropriate depth of base.
- 5. Grasspave2 is shipped in pre-assembled rolls that vary from 10 square meters (108 sf) to 50 square meters (1345 sf).
- 6. Male/Female Fastener Tensile Strength (from a Pull Test) is equal to 80,208 N/m (450 lbsf/in.)
- 7. Standard color is black.

Any products failing to meet these standards will be rejected.

D. Sand: To fill the 25 mm (one inch) high rings and spaces between the rings when seeding or using 13 mm (half inch) thick sod (soil thickness):

(Choose one of the following paragraphs to suit project requirements.)

- 1. Coarse, well-draining sand (washed concrete sand- AASHTO M6 or ASTM C-33).
- 2. United States Golf Association (USGA) greens (section) sand mix "The Root Zone Mixture."
- E. Grass: Use species resistant to wear by traffic generally a Blue/Rye/Fescue mix used for athletic fields in northern climates, and Zoysia, Fescue, or Bermuda types in southern climates. (Check with local sod and seed suppliers for preferred mixtures.) (Dedicated fire lanes can use same grass species used on surrounding turf.) (Parking applications require greatest wear-resistant species possible, generally available only by seed or sprigging.)

(Choose one of the following paragraphs to suit project requirements.)

- 1. Sod: Use 13 mm (0.5") thick (soil thickness) rolled sod from a reputable local grower. Species should be wear resistant, free from disease, and in excellent condition. Sod shall be grown in sand or sandy loam soils only. Sod grown in soils of clay, silt, or high organic materials such as peat, will not be accepted.
- 2. Seed: Use seed materials, of the preferred species for local environmental and projected traffic conditions, from certified sources. Seed shall be provided in containers clearly labeled to show seed name, lot number, net weight, % weed seed content, and guaranteed % of purity and germination. Pure Live Seed types and amount shall be as shown on plans.
- F. Mulch: (Needed only for seeding.) Shall be of wood or paper cellulose types of commercial mulch materials often used in conjunction with hydroseeding operations. Mulches of straw, pine needles, etc. will

EXHIBIT A TO ORDINANCE 1339 Attachment B

EXHIBIT A TO ORDINANCE 1339
Attachment B

not be acceptable because of their low moisture holding capacity.

- G. Fertilizer: A commercial "starter" fertilizer, with Guaranteed Analysis of 17-23-6, or as recommended by local grass supplier, for rapid germination and root development.
- H. Grasspave2 Sign: A sign to identify the presence of Grasspave2 paving, stating that special maintenance is required, with the Manufacturer's phone number, and made of durable materials for outdoor exposure shall be provided and installed.
- I. Fire lane Signage & Delineation: Fire lanes must be identified regarding their entrance and physical location with the placement of signs, gates, curbs, bollards, etc. Specific signage wording and other details must be coordinated with and approved by local fire authorities.

PART 3 - EXECUTION

3.01 Inspection

(It is recommended that Fire Department inspectors be scheduled to inspect installation of Grasspave2 during preparation of the subbase, installation of the base course, and installation of Grasspave2 units.

Most small projects can accommodate these inspections all on the same day. Verify with Fire Department if certificates of inspection are required.)

- A. Examine subgrade and base course installed conditions. Do not start Grasspave2 installation until unsatisfactory conditions are corrected. Check for improperly compacted trenches, debris, and improper gradients.
- B. Installation constitutes acceptance of existing conditions and responsibility for satisfactory performance. If existing conditions are found unsatisfactory, contact Project Manager for resolution.

3.02 Preparation

(Ensure that subbase materials are structurally adequate to receive designed base course, wearing course, and designed loads. Generally, excavation into undisturbed normal strength soils will require no additional modification. Fill soils and otherwise structurally weak soils may require modifications, such as geotextiles, geogrids, and/or compaction (not to exceed 90%). Ensure that grading and soil porosity of the subbase will provide adequate subsurface drainage.)

- A. Place base course material over prepared subbase to grades shown on plans, in lifts not to exceed 150 mm (6"), compacting each lift separately to 95% Modified Proctor. Leave minimum 25 mm (1") to 35 mm (1.5") for Grasspave2 unit and sand/sod fill to Final Grade.
- B. Spread all Hydrogrow mix provided (spreader rate = 4.53 kg per 100 m2 (10 lbs per 1076 ft2) evenly over the surface of the base course with a hand-held, or wheeled, rotary spreader. The Hydrogrow mix should be placed immediately before installing the Grasspave2 units to assure that the polymer does not become well and expanded when installing the units.

3.03 Installation of Grasspave2 Units

A. Install the Grasspave2 units by placing units with rings facing up, and using pegs and holes provided to maintain proper spacing and interlock the units. Units can be easily shaped with pruning shears or knife. Units placed on curves and slopes shall be anchored to the base course, using 16d Common nails with fender washer, as required to secure units in place. Tops of rings shall be between 6 mm to 13 mm (0.25" to 0.5") below the surface of adjacent hard-surface pavements.

B. Install sand in rings as they are laid in sections by "back-dumping" directly from a dump truck, or from buckets mounted on tractors, which then exit the site by driving over rings already filled with sand. The sand is then spread laterally from the pile using flat bottomed shovels and/or wide "asphalt rakes" to fill the rings. A stiff bristled broom should be used for final "finishing" of the sand. The sand must be

EXHIBIT A TO ORDINANCE 1339

Attachment B

"compacted" by using water from hose, irrigation heads, or rainfall, with the finish grade no less than the top of rings and no more than 6 mm (0.25") above top of rings.

3.04 Installation of Grass

(Choose one paragraph below to meet grass installation method desired.)

A. (Preferred method) Hydroseeding/hydro-mulching - A combination of water, seed and fertilizer are homogeneously mixed in a purpose-built, truck-mounted tank. The seed mixture is sprayed onto the site at rates shown on plans and per hydroseeding manufacturer's recommendations. Coverage must be uniform and complete. Following germination of the seed, areas lacking germination larger than 20 cm x 20 cm (8" x 8") must be reseeded immediately. Seeded areas must be fertilized and kept moist during development of the turf plants.

B. Install thin sod directly over sand filled rings, filled no higher than the top of the rings. Sod strips should be placed with very tight joints. Sodded areas must be fertilized and kept moist during root establishment (minimum of 3 weeks). Sodded areas must be protected from any traffic, other than emergency vehicles, for a period of 3 to 4 weeks, or until the root system has penetrated and established well below the Grasspave2 units.

C. Install grass seed at rates per grass type. A light "dusting" of commercial topsoil mix, not to exceed 1/2" (25 mm) can be placed above the rings and seed mix to aid germination rates. Seeded areas must be fertilized and kept moist during development of the turf plants.

3.05 Protection

(Choose one paragraph below to match grass installation method.)

A. Seeded areas must be protected from any traffic, other than emergency vehicles, for a period of 4 to 8 weeks, or until the grass is mature to handle traffic.

B. Sodded areas must be protected from any traffic, other than emergency vehicles, for a period of 3 to 4 weeks, or until the root system has penetrated below the Grasspave2 units.

3.06 Cleaning

A. Remove and replace segments of Grasspave2 units where three or more adjacent rings are broken or damaged, reinstalling as specified, so no evidence of replacement is apparent.

B. Perform cleaning during the installation of work and upon completion of the work. Remove all excess materials, debris, and equipment from site. Repair any damage to adjacent materials and surfaces resulting from installation of this work.

END OF SECTION

If you have any questions regarding this specification, please call Invisible Structures, Inc. 1-800-233-1510, overseas call 303-233-8383. Version 02/2011

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TOWN OF RUSTON NOTICE OF FINAL DECISION

RUSTON LANDING PROPOSAL

RECEIVED

SEP 2 0 2004

DEVELOPMENT PLAN APPROVAL

HUITT-ZOLLARS SEATTLE

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.

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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.

AGEN

- 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

Age 6

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.

(KHE)

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.

- 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.
- 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.

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- 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.
- 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.
 - 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

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- 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.

Date

Signed

Kim Wheeler, Mayor

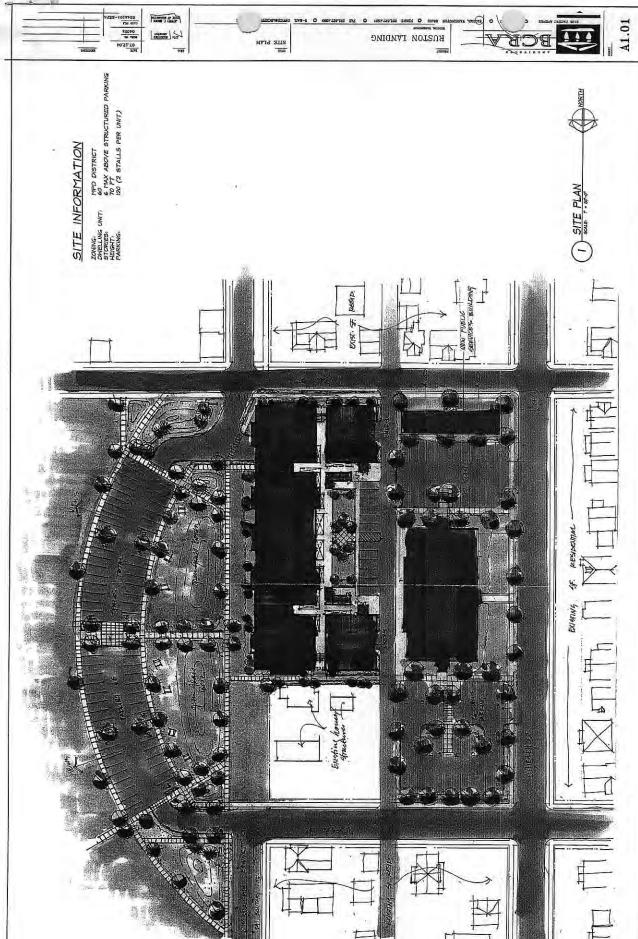
Attest

Karen Murphy, Town Clerk/Treasurer

Attachment C

Kuston Landing

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Addendum to the Ruston Landing Master Development Plan MITIGATED DETERMINATION OF NONSIGNIFICANCE (Ecology SEPA #2004-5253) Issued July 28, 2004

Town of Ruston
File Number: MDP 11-01

To: Washington State Department of Ecology

Subject: SEPA 2004-5253 Addendum to Ruston Landing Master Development Plan

MDNS

Applicant: Onward Investors, LLC

7300 Metro Blvd Edina, MN 55439

Proposal: Due to changes in property ownership, the applicant has experienced difficulty in

acquiring ownership, easements, and/or development rights to complete certain mitigation items required in the original MDNS for this project. As a result, the applicant has requested that the Town of Ruston accept cash in an amount equivalent to the value of the required improvements, allowing completion and occupancy of the condominium project by the applicant, and completion of the off-site Bennett Street Realignment and OCF Park improvements, (mitigation items G, H, M, and N from the original MDNS), at the Town's option and in timing with other local projects. The applicant also requests to convert two common areas into two separate condominium units thus increasing the total unit count

from 60 to 62.

Location: The project is located at 5204 North Bennett Street, Ruston, WA 98407.

Lead Agency: Town of Ruston

Contact: Rob White

Town Planner

5117 North Winnifred Ruston, WA 98407 robw@rustonwa.org

The lead agency for this proposal has reviewed the applicant's request and determined that it is acceptable to the Town of Ruston as no significant increase in impact will result. This decision

was made after review of a completed environmental checklist and other information on file with the lead agency. This information is available to the public upon request.

Revised Mitigation.

Mitigation items G, H, M, and N found on page 3 of the attached MDNS are hereby replaced with the following required mitigation item, (all other mitigation required under the original MDNS remains unchanged):

- A. Prior to obtaining final occupancy, the applicant shall pay to the Town of Ruston the sum of \$520,000 in lieu of providing the off-site improvements described in mitigation items G, H, M, and N, (commonly described as the Bennett Street Realignment and OCF Park Improvements), which were originally required by the Ruston Landing Master Development Plan MDNS, issued July, 28, 2004.
- B. Within 30 days of final approval of the second amendment to the Ruston Landing Master Development Plan by the Town Council, (Permit #MDP 11-01), the property owner shall pay the \$520,000 specified in mitigation item A above. Failure to do so will cause this Addendum to become null and void.

The Town will not act on this proposal for 14 days from the original date of issue. Comments must be submitted by 5:00 p.m. by the closing of the comment deadline. The Responsible Official will reconsider the amendment to the mitigation items based on timely comments and may retain, modify, or, if significant adverse impacts are likely, withdraw the Addendum. If the Addendum is retained, it will be final after the expiration of the comment deadline.

Responsible Official: Rob White, Town Planner

SEPA Official Signature:

Revised Issue Date: August 23, 2011

Original Issue Date: August 16, 2011

Comment Deadline: 5:00 p.m., August 30, 2011.

NOTE: The issuance of this Addendum to the Ruston Landing Master Development Plan MDNS does not constitute project approval. The applicant must comply with all other applicable requirements of the Town of Ruston and other agencies with jurisdiction prior to receiving construction permits.

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

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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:

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

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

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

Town of Ruston Ordinance 1318 September __, 2010 PASSED BY THE COUNCIL AND APPROVED by me this 2 day of September, 2010.

Bruce Hopkins, Mayor

ATTEST:

Town Clerk

Approved as to Forms

Sy duo

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

- 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 | PO Box 2214 |
| Tacoma, WA 98401 | Tacoma, WA 98401 |
| (253) 209-5638 | (253) 314-0403 |
| Halwa | |
| Signature | Signature |
| J. Paul Wagemann, Owners Representative | Jeff Brown, Manager |

Ruston Municipal Code
Title 25 Zoning – 25.01.140(d)3 – REV 7-08

(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 9105010362

RECORDING NUMBER:

(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.

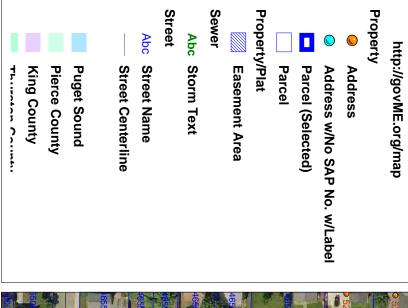
See discussion in the original Development Plan Approval dated September 17, 2004

(E) A vicinity map.

See Attached

Attachment F

The Commencement



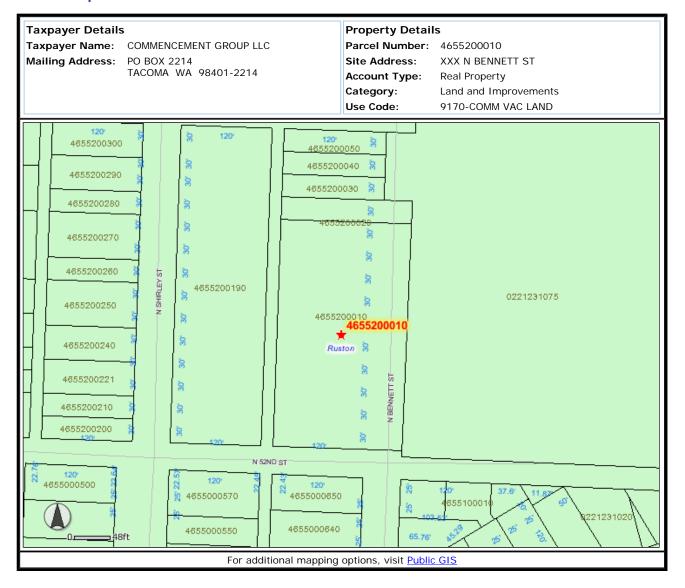




Pierce County Assessor-Treasurer ePIP

Parcel Map for 4655200010

03/06/2009 01:07 PM



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

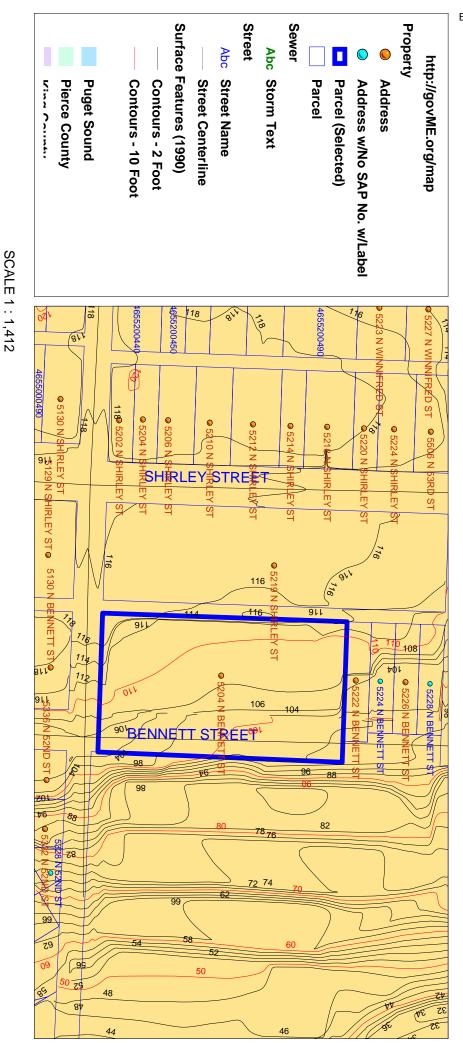
2401 South 35th St Room 142 Tacoma, Washington 98409 (253)798-6111 or Fax (253)798-3142 www.piercecountywa.org/atr

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- (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



(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.

Page 1 of 1
EXHIBIT A TO ORDINANCE 1339
Attachment F

Pierce County Assessor-Treasurer ePIP

Land Characteristics for 4655200010

03/06/2009 01:08 PM

| Taxpayer Details | S | Property Details | | | | |
|----------------------|------------------------|------------------|------------------------|--|--|--|
| Taxpayer Name: | COMMENCEMENT GROUP LLC | Parcel Number: | 4655200010 | | | |
| Mailing Address: | PO BOX 2214 | Site Address: | XXX N BENNETT ST | | | |
| | TACOMA WA 98401-2214 | 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 W | | Water: | Water Installed | | | |

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

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

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(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

| | | | | | Phone | 253-759-3544 |
|--|---|--|---|--|---|---|
| Recorded Owner | | Location o | of Property | | Building Valuation | 24,080,514.00 |
| RUSTON LANDING GRO | UP, LLC | 5204 N B | NNETT | | Building Fees | \$ 89,854.40 |
| Required Inspections: | • | Owner Ad | dress Alan Ma | nning | Plan Check 65% | 58,405.36 |
| Footings/Setbacks | X | 2106 Paci | fic Ave #300 | | Mechanical *** | 9,768.38 |
| Foundation | X | Tacoma, \ | VA 98402 | | Plumbing *** | 14,854.50 |
| Plumbing | Х | Phone # | 253-381-3262 | • | State Fee | 122.50 |
| Heating/Mechanical | Χ., | Town of R | uston #2713 | | Hammond/Collier | 6,362.00 |
| Frame | X | State Tax | ID #278 000 89 | 71. | 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 | Х | Date | 8/31/2005 | | Sewer | 2,000,00 |
| Roofing | х | PERMIT TY | PE (CIRCLE RE | QUEST) | Other | (12,000.00) |
| Windows | X | BUILDING | MECHANICAL | PLUMBING | Sound Inspections | 4,000.00 |
| Final | х | ELECTRIC | SEWER | OTHER | PERMIT TOTAL | \$ 251,492.77 |
| vill be billed directly by \$ **includes plan review o flechanical Contractor: | osts for m | nechanical a | and plumbing p | | - 46 | |
| dechanical Contractor: | · · · · · · · · · · · · · · · · · · · | MacDonald | d Miller | inenida entriciai en como | License No. | SFFBA 2005 / |
| Plumbing Contractor: | | MacDonald | | | License No. | TOWN OF RUSTON |
| Building Contractor: | | Lease Crut | | | License No. | |
| RECEIPTS FOR ALL L | ABOR AN | ID MATERIA | LS MAY BE RE | QUIRED TO | BE PROVIDED TO 1 | HE BUILDING OFFICIAL |
| ALL WORK M PLEASE CALI | _ 48 H | BE INSF OURS | PRIOR TO | OSCHE | EDULE INSP | PECTION. |
| EPARATE PERMITS ARE REQUIRED FO ID OBTAINED FROM THE DEPARTMEN DISTRUCTED IN COMPUANCE WITH I NOT COMMENCED WITHIN 180 DAYS, ITER WORK IS COMMENCED, I HEREI L PROVISIONS OF LAWS AND ORDINA RANTING OF A PERMIT DOES NOT PRO- EGULATING CONSTRUCTION OR THE E COMPANYING PLANS, ALL WORK WILL | IT OF LABOR AN THE NORTH WE OR IF CONSTRI EY CERVIEY THI NOES DOVERN ESUME TO OVE PERFORMANCE | ID INDUSTRIES, A STEMERGY CODE UCTION DR WORK INT I HAVE READ AN ING THIS TYPE OF AUTHORITY TO YE OF CONSTRUCT | LL ELECTRICALLY HEAT E. THIS PERMIT BECOME (IS SUSPENDED OR AB ID EXAMINED THIS APPL WORK WILL BE COMP OLATE OR CANCEL THE ON. ! CERTIFY NO WOR | ED DWELLING UNITES NULL AND VOID ANDONED FOR A F L'CATION AND KNOW L'ED WITH WHETHE FROMSIONS OF A EX WILL BE DONE E | IS ARE REQUIRED TO BE DES IF WORK OR CONSTRUCTION PERIOD OF 1811 DAYS AT AWY T IN THE SAME TO BE TRUE AND PROVISIONS OF ANY OTHER S EXCEPT AS DESCRIBED ABOM | RIGHED AND (AUTHORIZED) IME) CORRECT, IT THE STATE OR LOCAL LAW |
| PPLICANTS SIGNATURE RUSTON LANDING | | K J | 7 444 144 144 144 144 144 144 144 144 14 | DAT | | |
| RUSTON LANDING JILDING OFFICIAL OF AGENT | | L DI ALPHA | I MANAGER BY | AN I. SEVION, | | 1/05 |
| /HITE - ADDRESS FILE | | PINK - NUN | MERICAL FILE | | YELLOW - COUN | |
| | | | | | | |

- (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

ff Da Mallot

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 reevaluate 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

Subsurface Exploration, Geologic Hazard, and Preliminary Geotechnical Engineering Report Project and Site Conditions

Ruston Condominiums Ruston, Washington

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 subcrustal 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.
- 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 <u>undisturbed</u>, <u>dense</u> to <u>very dense lodgement till</u>. 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 <u>must</u> 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

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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 preconstruction 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.

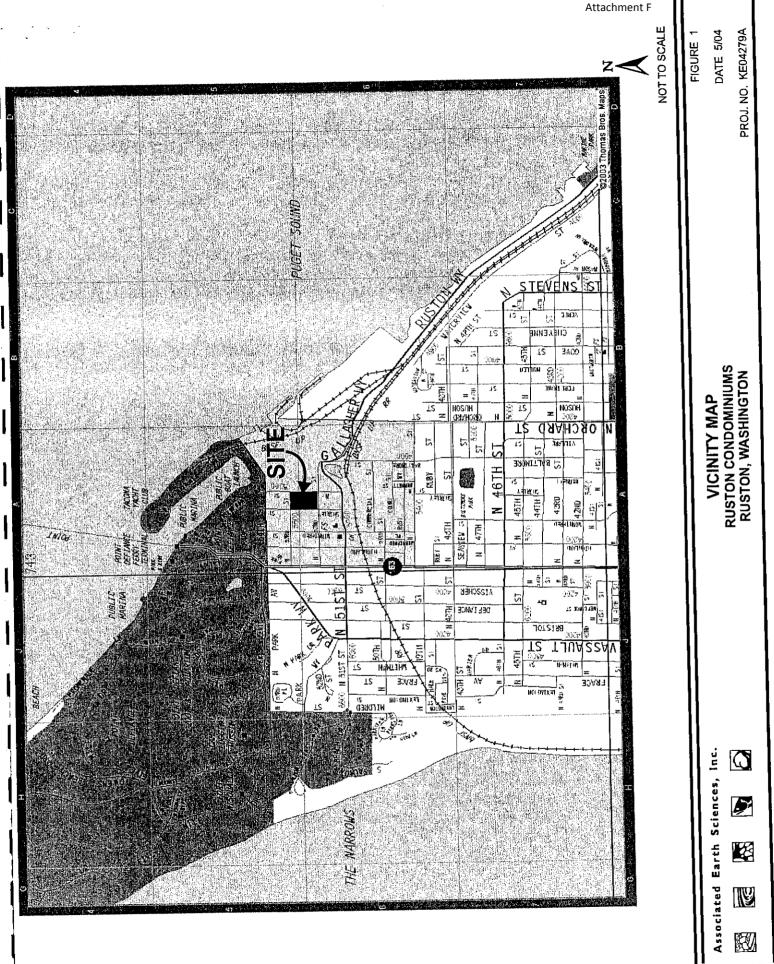


EXHIBIT A TO ORDINANCE 1339

NOT TO SCALE

Approximate location of exploration boring

LEGEND

FIGURE 2

DATE 5/04

PROJ. NO. KE04279A



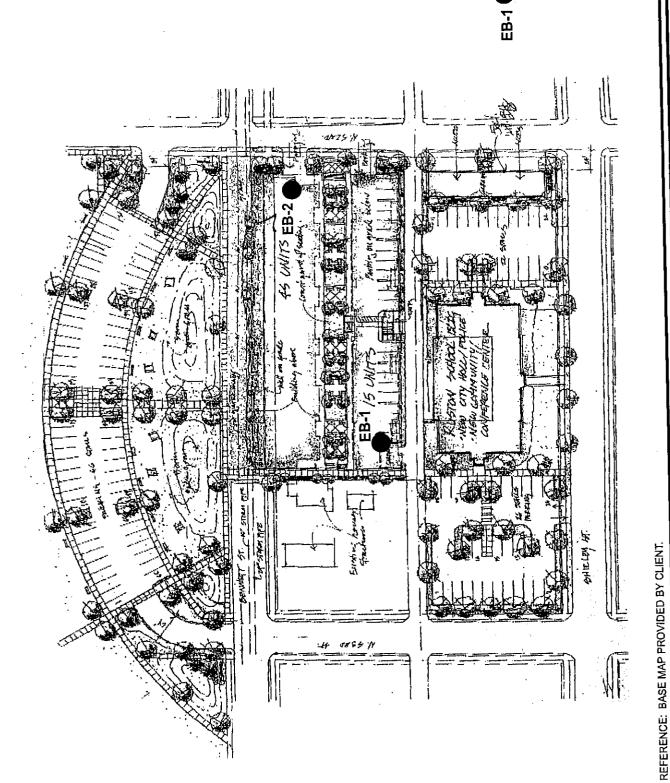
SITE AND EXPLORATION PLAN RUSTON CONDOMINIUMS RUSTON, WASHINGTON

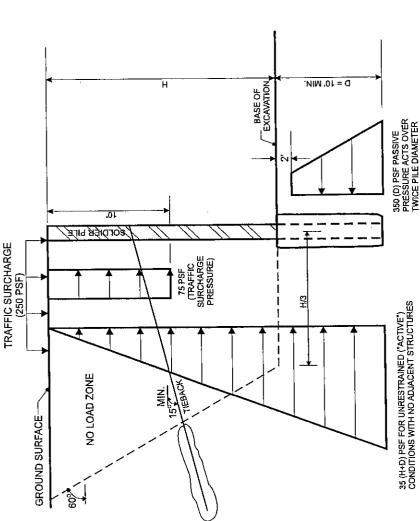












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Diagram does not include hydrostatic pressures and assumes walls

Allowable skin friction of soldier pile = 1000 psf over depth "D". Allowable end bearing = 15,000 psf.

1. Soldier pile embedment depth "D" should consider necessary vertical capacity, kick-out, and overturning resistance. Passive pressure includes a factor of safety of 2.

NOTES:

are suitably drained to prevent buildup of hydrostatic pressure.

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.

Diagram is illustrative and not referenced to a particular location.

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. Lagging may be designed using 50 percent of the active/at-rest All tiebacks should be prestressed to 130% of design load and earth pressure. ۲.

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Allowable tieback soil adhesion = 1000 psf.

Allowable skin friction of soldier pile = 400 psf. Allowable end bearing = 30 ksf with a minimum 10' embedment. ₽.

NOT TO SCALE

ACTIVE AND AT-REST PRESSURES ACT OVER SOLDIER PILE SPACING ABOVE EXCAVATION LEVEL AND ONE PILE DIAMETER BELOW THE EXCAVATION

50 (H-D) PSF FOR FULLY RESTRAINED ("AT-REST") CONDITIONS TO BE USED ADJACENT TO EXISTING STRUCTURES

Earth Sciences, Inc. Associated B W

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PRELIMINARY TEMPORARY SOLDIER PILE WALL DESIGN CRITERIA RUSTON CONDOMINIUMS RUSTON, WASHINGTON

DATE 6/04 FIGURE

PROJ, NO. KE04279A

APPENDIX

| <u>``</u> | 1 1 | 0,0, | Ψ | | | Torms Dos | cribing R | elative Densit | y and Consistency |
|--|--|---------|---|-----|---|---|--|--|--|
| ieve Coarse Fraction | (5) | 8.8. | G | w ç | Vell-graded gravel and gravel with sand, little to no fines | į | Density /ery Loose | SPT ⁽²⁾ blows/foot 0 to 4 | • |
| No. 200 Sieve 50% (1) of Coarse | No. 4 Sieve ≤5% Fin | | - | P | Poorly-graded gravel and gravel with sand, ittle to no fines | Coarse- L Grained Soils M | Loose Medium Dense Dense Very Dense | 4 to 10 10 to 30 30 to 50 > 50 SPT ⁽²⁾ blows/foot | Test Symbols G = Grain Size M = Moisture Content A = Atterberg Limits |
| Coarse-Grained Solis - More than 50% ⁽¹⁾ Retained on No. 200 Sleve 0% ⁽¹⁾ or More of Coarse Fraction Gravels - More than 50% ⁽¹⁾ of Coa | Retained on No. | | G | | Silty gravel and silty gravel with sand | Fine- Grained Soils | onsistency Very Soft Soft Medium Stiff Stiff | 0 to 2 2 to 4 4 to 8 8 to 15 | C = Chemical DD = Dry Density K = Permeability |
| 50%(1) Retained on I Gravels - More than | F 215% | | 6 | | Clayey gravel and clayey gravel with sand | | Very Stiff Hard Com | 15 to 30 >30 ponent Defini | tions |
| Soils - More than 50 Coarse Fraction G | | 7.4.7.4 | • | sw | Well-graded sand and sand with gravel, little to no fines | Descriptive Ter Boulders Cobbles | m Size R Larger 3" to 1 | ange and Sieve Nu than 12" | <u>ımber</u> |
| ained Soils - | 10. 4 Sieve | | | SP | Poorly-graded sand and sand with gravel, little to no fines | Gravel Coarse Gravel Fine Gravel Sand Coarse Sand | 3" to 3 3/4" to No. 4 No. 4 | 3/4" o No. 4 (4.75 mm) (4.75 mm) to No. 200 (4.75 mm) to No. 10 (| 2.00 mm) |
| Coarse-Grained Sands - 50% (1) or More of | Passes No. | | | SM | Silty sand and silty sand with gravel | Medium Sand Fine Sand Silt and Clay | No. 14 No. 4 | 0 (2.00 mm) to No. 40 0 (0.425 mm) to No. 2 ler than No. 200 (0.075 | (0.425 mm) 00 (0.075 mm) |
| Sands - | | | | sc | Clayey sand and clayey sand with gravel | (3) Estimated Component | Percentage Weight | by Dry - Ab | isture Content sence of moisture, sty, dry to the touch Moist - Perceptible |
| 200 Sieve | s nan 50 | | | ML | Silt, sandy silt, gravelly silt, silt with sand or gravel | | <5 5 to 10 15 to 25 -primary coarse | Moist - f | moisture Damp but no visible water oist - Water visible but |
| es No. 200 | Silts and Clays Liquid Limit Less than 50 | | | CL | Clay of low to medium plasticity; silty, sandy, or gravelly clay, lean clay | - Fine | stituents: <u>></u> 15 is content betwand 15% | een Wet - V | not free draining isible free water, usually com below water table |
| ore Pa | Sil Liquid 1 | | | OL | Organic clay or silt of low plasticity | 1 | Blows/6" or portion of 6" | Symbols | Cement grout surface seal |
| s - 50% ⁽¹⁾ or M | ys More | | | MH | diatomaceous fine sand or silt | 2.0" OD Split-Spoon Sampler (SPT) | 3.0" OD Spli | mpler Type escription it-Spoon Sampler blit-Spoon Ring Sampl | Bentonite seal Filter pack with blank casing |
| Fine-Grained Soils - | Silts and Clays | | | СН | Clay of high plasticity, sandy or gravelly clay, fat clay with sand or gravel | Bulk sample Grab Sample | 3.0" OD Thir (including Sl | n-Wall Tube Sampler helby tube) | Screened casing or Hydrotip with filter pack |
| Fine-(| | | | Oł | Organic clay or silt of medium to high plasticity | (1) Percentage by (2) (SPT) Standard (ASTM D-1586 | d Penetration T | est (| Depth of ground water ATD = At time of drilling Static water level (date) |
| Highly | Solls | | | PΊ | Peat, muck and other highly organic soils | (a) In General Acc Standard Prac and Identificat | cordance with otice for Descrip tion of Soils (AS | otion STM D-2488) | ∑ Static water level (date) Combined USCS symbols used for fines between 5% and 15% point of the condition, grain size, and Static water level (date) Combined Water |

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.











| soči | ate | | | ciences, Inc. | | Exploration | LO | g _ | | | She | et | |
|---------------|------------|--------------|-------------------|--|---------------------------------------|----------------------------------|--------------------|------------|----------------|-----------|---------------|---------|-------------|
| | S | | 77 | 9 0 | Project Number KE04279A | Exploration Num | iber 1901 | | | | 1 0 | | |
| ject N | | | | Ruston Condo | | | | | urface | | | | |
| tion | | | | Ruston WA | | | Datum Date S | | t/Finish | _N _0: | /A 5/21/04 | 1,05/21 | 1/04 |
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| (a) Inday | s | Samples | Graphic Symbol | | | | Well Completion | /ater | Blows/6" | | | | |
| , | T | ادّ | | | DESCRIPTION | | 0 | 5 | | 10 2 | 20 30 | 40 | |
| 十 | + | | | | Lodgement Till | | | ļ | | | | | |
| 5 | | S-1 | | Moist to very moi | st, light brown/gray, fine SAND | with few silt and gravel. | | | 10 24 25 | | | | 49 |
|) | | S-2 | | Moist, brown/gra | y, very fine to fine SAND with s | some silt and few gravel. | | | 37 50/2" | | | | 5 |
| 5 | | S-3 | | Bouncing on roc and gravel. | k. Moist, brown/gray, very fine | to fine SAND with some silt | | | 5 0/1" | | | | 5 |
| 20 | | S-4 | | Moist, slightly or some gravel. | cidized, brown/gray, medium to | coarse SAND with few silt, | | | 36 50/4" | | | | , |
| 25 | | S-5 | | Moist to very me | oist, gray, fine to medium SANI | D with some silt, few gravel. | | | 50/4" | | | | • |
| 30 | | S-6 | 5 | Large rock. No Bottom of explora | recovery. tion boring at 30.2 feet | | _/ | | 50/2" | | | | |
| 35 | | | | | | | | | | | | | |
| | am (1) | 2" (| | ST): it Spoon Sampler (it Spoon Sampler (| | M - Moisture ∑ Water Level () | | | | | | gged by | |

| Àsso | elai | ted E | arth S | ciences, Inc. | | Exploration | Log | | |
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| | | © | ** | | Project Number KE04279A | Exploration Num EB-2 | ber | Sheet 1 of 1 | |
| roject | Na | | | Ruston Condor Ruston, WA | | | Ground Surface E Datum | elevation (ft) | |
| ocatio Priller/E | Ξqu | | | Davies Drilling | | | Date Start/Finish Hole Diameter (in | _05/21/04,05/2 | 1/04 |
| lamme | er V | Neigh | ıt/Drop ⊤ | 140# / 30" | | | | , | |
| € | | es | So Pic | | | | Well Completion Water Level Blows/6" | Blows/Foot | Other Tests |
| Depth (ft) | S | Samples | Graphic Symbol | | | | We ompl /ater Blow | | ther |
| | | ဟ | | | DESCRIPTION | | 0 5 1 | 0 20 30 40 | |
| | | | | Water line at 2' to 2 | Fill 2.5'. | | | | |
| | | | | | | | | | |
| | | | | | Lodgement Till | | | | |
| 5 | | S-1 | | | ON TO CHE CAND WITH THE | | 50/3" | | ↑ 50/3" |
| Ü | , | 3-1 | | Very moist, brown, | SILTY fine SAND with some grav | vei. | | | |
| | | | | | | | | | |
| | | | | | | | | | |
| 10 | - | S-2 | | Moist brown fine | SAND with few silt, some gravel. | | 50/5" | | ↑ 50/5" |
| | | 3-2 | | Moist, brown, line | SAND WITH 16W SIII, SOME GRAVER | | | | |
| | | | | | | | | | |
| | | | | | | | | | |
| 15 | | S-3 | , | Moist slightly oxid | ized tan, fine SAND with few silt a | and gravel. | 38 50/4" | | ↑ 50/4" |
| | 1 | 3-3 | | india, angina, | | - | | | |
| | | | | | | | | | |
| | | | - | | | | | | |
| 20 | Т | S-4 | 1 | Moist, brown, fine | to medium SAND with some silt a | and gravel. (18" of | 17 50/5" | | 50/5" |
| | | | | water on sampler) | | | | | |
| | | | | | | | | | |
| | | | | | | | | | |
| 25 | þ | s-s | 5 | Moist, brown, fine | SAND with some silt and gravel. | | 50/5" | | ♣ 50/5" |
| | | | | | | | | | |
| | | | | | | | | | |
| | | | | | | | 1 | | |
| - 30 | - | S-(| 6 | No recovery. Larg | ge rock in sampler tip. | | | | ↑ 50/6" |
| | ŀ | | | Bottom of exploration | n boring at 30,5 feet | • | | | |
| | ļ | | | | | | | | |
| _ | | | | | | | | | |
| 35 | | | | | | | | | |
| | | | | | | | | | |
| | | | | | | | | | |
| | | | | | | | | | |
| | | | Type (S | | OT) No Door | M - Moisture | | Logged by: | MAM |
| | | | | t Spoon Sampler (SF t Spoon Sampler (D | & M) Ring Sample | ☑ Water Level () | | Approved b | |
| | | l . | ıb Sam | | Shelby Tube Sample | ▼ Water Level at time | of drilling (ATD) | | |

The Commencement Development Plan Modification

(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.



ELEVATIONS



The Commencement Development Plan Modification

(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

100017 ing 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.

J Paul Wagemann Page 2 03/12/2008

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.

J Paul Wagemann Page 3 03/12/2008

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, Section Manager

ancy L. Stinters

Program Development Services Section

Water Quality Program

Enclosure:

Construction Stormwater General Permit

cċ:

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

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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 | 1 |
| 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.
 - 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. <u>Stormwater Associated with Construction Activity</u>. 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. <u>Stormwater Associated with Construction Support Activity</u>. 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. <u>Non-Stormwater Discharges</u>. 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.

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The Commencement Development Plan Modification

(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



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. <u>Public Notice</u>

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

Kevin Moser,

Planning Commission Chairman

August 20, 2010

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

CODEPROS

August 22, 2011

Rob White, Town Planner Town of Ruston 5117 N. Winnifred Street Ruston, WA 98407-6597

Re: The Commencement: Application to amend the Ruston Landing Master Development Plan

Dear Mr. White,

Earlier today I received a copy of a revision to the application to amend the Ruston Landing Master Development Plan that addresses the issues raised in the August 19, 2011 letter on the same subject. Also received is an e-mail from Fire Chief Torbet expressing satisfaction with the revised proposal. As the Town of Ruston Building Official, I hereby recommend approval of the proposal to amend the Ruston Landing (Commencement) Master Development Plan with conditions as follows:

- Consistent with the letter from Onward Investors dated August 22, 2011, an
 unobstructed aerial fire apparatus access road compliant with the requirements
 of the International Fire Code Section 503 and Appendix D, as adopted by the
 Town of Ruston in RMC 12.20.020, shall be provided along the east side of the
 building from the south property line to a point 150 feet north.
- 2. The fire apparatus access road (combination of paved sidewalk and other all-weather-driving surface designed to support the minimum 75,000 lb. imposed loads of fire apparatus) due to the height of the building, shall be located as far east as possible to maximize the space between the building and the access road in order to minimize the climbing angle of an extended aerial apparatus. (Based on current property line locations)
- 3. As proposed by Onward Investors, a "grasspave" green space shall be provided north of the fire apparatus access road along the (north) east side of the building.
- 4. The Fire Department Connection (FDC) shall be relocated to a point along the south side of the building (facing 52nd Street) such that a connected fire apparatus will not obstruct access to the building for other fire apparatus in accordance with IBC & IFC Sections 912.2 and 912.2.1
- The relocated FDC shall be provided with access, clear space, protection and signage in accordance with IBC & IFC Sections 912.3 and their subsections.

- In accordance with IBC 1107.6.2.1.1, with two additional dwelling units being proposed (resulting in 62 total units) one of the two additional units shall be a Type A dwelling unit.
- 7. A building permit (or permits) in accordance with RMC Chapter 12.20, shall be obtained to address all items not previously completed and approved under the original (expired) building permit(s), as well as any additions, alterations or modifications proposed.

If you have any questions regarding this recommendation for approval, or any of the suggested conditions, please let me know.

Sincerely,

Michael J. Barth, M.C.P.

Building Official, Town of Ruston

CODEPROS,LLC

cc: Bruce Hopkins, Mayor Carol Morris, Town Attorney Don Torbet, Fire Chief

Rob White

From: Jerry Morrissette [jerry@jwmorrissette.com] Sent: Monday, September 12, 2011 3:25 PM To: ROB WHITE (rob.white@centurvtel.net)

Cc:

MAYOR BRUCE HOPKINS; STEVE T (taylors@rustonwa.org); Don Torbet; 'Kunkel, Jeremy';

CAROL MORRIS (carol a morris@msn.com)

RUSTON-COMMENCEMENT CONDO'S RECOMMENDATION FOR AMENDED MDP WITH Subject:

CONDITIONS

Attachments: 08146 Commencement Condos - Onward Investors.pdf; c 2.01.pdf; c 3.01.pdf; c 4.02.pdf

Rob:

In conformance with your request, please find attached:

- 1. The "Recommended Conditions of Approval/Amended Master Development Plan" correspondence.
- 2. Improvement plan sheets C2.01, C3.01 and C4.02 from BCRA received at the town on January 07, 2010 (and shown as attachments to item 1).

Unless I hear back from you otherwise, I am NOT sending the originals by snail mail to you. I plan on attending the planning commission meeting on Wednesday evening. Please feel free to contact me if you have any guestions. Jerry

Jerome W. Morrissette, P.E. Principal Engineer

Jerome W. Morrissette & Associates, Inc., P.S. 1700 Cooper Point Road SW #B-2 Olympia, WA 98502-1110 360.352.9456 Office 360.352.9990 Fax



TOWN OF RUSTON

5117 N. WINNIFRED STREET

RUSTON, WASHINGTON 98407-6597

PHONE (253) 759-3544

FAX (253) 752-3754

September 12, 2011

Mr. Rob White, Town Planner Town of Ruston 5117 N. Winnifred St. Ruston, WA 98407-6597

Re:

Town of Ruston

Commencement Condominiums / Onward Investors

Recommended Conditions of Approval / Amended Master Development Plan

Dear Mr. White:

As a follow-up to your 8/30/11 (2:14 pm) dated email request, this correspondence is intended to provide the "frame work" for establishing the sufficient detail necessary so that all parties understand what "off-site" improvements (all improvements not included in, or under the building) are necessary, and that these necessary improvements can be included as "specific conditions" in a staff recommendation for the Amended Master Development Plan (MDP) approval. The following identifies the "priorities" that will be used as a basis of reviewing the improvements required (as I previously identified in my email to you dated August 29, 2011, with item 4 added to make sure that all facilities damaged previously due to the project are included):

- 1. The improvement plans as approved by Town Engineer on 10-12-2005.
- 2. The improvement plans provided by the previous developer's engineer (BCRA) in order to modify the previously approved improvement plans (specifically including revised plan sheet C3.01 for the south parking lot, and related plan sheets, received by the Town on January 7, 2010).
- 3. Those modifications to the improvement plans identified in items 1 and 2 above, if any, as proposed by the proponent or the Town, as deemed appropriate by the Town Engineer and Town Planner.
- 4. All facilities previously damaged as a result of the attempt to install the required improvements, or activities related to the project.

To assist with clarity of my recommendations for "specific conditions", please see the attached plan sheets C2.01, C3.01 and C4.02 which were provided to the Town on January 07, 2010 by the previous developer as definition of the improvement items necessary to be completed (and included in my 11/9/09 dated "bond estimate").

Mr. White Page 2 of 3

With the above "priorities", the following list of "specific conditions" are provided as recommended conditions for approval of the amended MDP (in the same order as my 11/9/09 dated "Commencement Condo's Bond Estimate". Please note that I have included all items in an attempt to provide a record of the current status of the required improvements):

I. Wagemann Item

A. South Playground Parking – Provide for improvements included in BCRA plan sheet C2.01, C3.01, C4.02, and those related and applicable plan sheets approved by the Town of Ruston Town Engineer on 10/12/05, all as field approved by the Town Engineer.

E. 52nd Street

- 1. Underground Power Now complete per email from the Town's Electrical Engineer dated August 27, 2011 (9:01 am).
- 2. Street Lighting Completed per Town Electrical Engineer's email dated August 27, 2011.
- 3. Underground Phone Previously completed.
- 4. Underground Cable Previously completed.
- 5. Curbs / Sidewalks To be completed in accordance with the January 07, 2010 BCRA submittal, and the plans previously approved by the Town, all subject to the field approval by the Town Engineer.
- 6. Landscaping To be completed as field approved by the Town Planner and the Town Engineer.
- 7. Paving To be completed in accordance with the January 07, 2010 BCRA submittal (plan sheets C2.01, C3.01 and C4.02), and (all applicable) plans previously approved by the Town, all subject to the field approval by the Town Engineer.
- F. Lowden Property Landscape This landscaping has been deemed a "civil matter", and will be completed by the developer without comment by the Town.
- G. Commencement (From Wagemann estimate provided on approximately 11/5/09 and identified as "Exhibit F"). Provide improvements identified by previous developer (and partially shown on revised BCRA drawings) including:
 - a. Curbs and sidewalks along alley and 52nd.
 - b. Asphalt at the interface of 52nd and Bennett Street and the entry into the basement parking area.
 - c. Landscaping and irrigation at perimeter areas, along ROW and neighboring properties.
 - d. Patch 53rd and Bennett.

Mr. White Page 3 of 3

II. Other Items

- Alley Paving To be completed in accordance with the January 07, 2010 BCRA submittal, and the plans previously approved by the Town, all subject to the field approval by the Town Engineer.
- 2. "Commencement" These items are included in item I, item G above.
- Parking Lot at 53rd and Shirley ("North Parking Lot") These
 improvements are necessary due to the damage provided by the previous
 developer to the North Parking Lot. The specific items necessary will
 include:
 - a. The provision of a supplemental topographic survey necessary to provide for the design drawings that are necessary to specifically define of the scope of the construction required.
 - b. Improvements Provide design drawings (for the Town Engineer's approval) which depict the proposed improvements. The improvements must include asphalt removal and replacement of all asphalt within the existing fence line, including the paved (previously) sloped area along the public alley. Asphalt restoration section shall include 2" of asphalt concrete, over 3" of asphalt treated base, over compacted sub-grade per the improvement plan section "B" shown on improvement plan sheet C2.02 (2005 dated improvement plans).
- Asbuilt Drawings Preparation Provide asbuilt drawings of all the improvements constructed in conformance with the Town Engineer's requirements.
- Vacated Bennett Street Area Improvements To be completed in accordance with the January 07, 2010 BCRA submittal, and the plans previously approved by the Town, all subject to the field approval by the Town Engineer.

Please feel free to contact me if you have any questions.

Very Truly Yours,

Jerome W. Morrissette, P.E., Town of Ruston Engineer

