

ORDINANCE NO. 1406

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RUSTON, WASHINGTON, RELATING TO THE ADOPTION OF FINDINGS AND CONCLUSIONS TO SUPPORT AN EMERGENCY MORATORIUM ON THE ACCEPTANCE OF APPLICATIONS FOR NEW DEVELOPMENT OR RE-DEVELOPMENT WITHIN THE COM OR COM-P ZONES AS SHOWN ON THE OFFICIAL ZONING MAP, UNTIL SUCH TIME AS THE CITY FINISHES THE PROCESS OF CODE REVIEW AND AMENDMENT RELATING TO USES AND DEVELOPMENT PERMITTED IN THE COM OR COM-P ZONES, DEFINING THE APPLICATIONS SUBJECT TO THE MORATORIUM, AND CONFIRMING THE MAINTENANCE OF THE MORATORIUM FOR SIX MONTHS AFTER INITIAL IMPOSITION AS THE EFFECTIVE PERIOD.

WHEREAS, the City Council of the City of Ruston may adopt an immediate moratorium for a period of up to six months on the acceptance of certain development permit applications, as long as the City Council holds a public hearing on the proposed moratorium within sixty (60) days after adoption (RCW 35A.63.220, RCW 36.70A.390); and

WHEREAS, on March 19, 2013, the Ruston City Council passed Ordinance No. 1400 imposing an immediate moratorium on the acceptance of applications for new development or certain types of re-development within the COM or COM-P as shown on the official zoning map; and

WHEREAS, the City held a public hearing on the moratorium on May 7, 2013; and

WHEREAS, in accordance with Ordinance No. 1400, the City Council is required to adopt findings of fact on the subject of this moratorium after the public hearing and to either justify its continued imposition or cancel the moratorium; and

WHEREAS, on May 7, 2013 the City Council by super-majority voted to waive first reading of this Ordinance; and

WHEREAS, on May 7, 2013, the Council by super-majority adopted this Ordinance during its regular meeting; and

WHEREAS, the City Council desires to enter findings and conclusions in support of the continued maintenance of the moratorium for a period of six months after the adoption of the moratorium (which would be on or about September 19, 2013); **NOW, THEREFORE,**

THE CITY COUNCIL OF THE CITY OF RUSTON, WASHINGTON, ORDAINS AS FOLLOWS:

Section 1. Definitions. For the purpose of this Ordinance, the following definitions shall apply:

A. "Exempt Development Permits" shall include all of the following permit applications for "development" or "development activity" defined in RMC Section 19.01.011, which were determined complete by City staff and submitted to the City on or before the effective date of this Ordinance;

B. "Non-Exempt Development Permits" shall include any permits or permit applications for any "development activity" as defined in RMC Section 19.01.011 proposed to take place on property located within the City's COM or COM-P zone area, submitted after the effective date of Ordinance #1400. Any permits meeting this description that were submitted to the City but not determined complete by City staff on or before the effective date of Ordinance #1400, are also "non-exempt development permits." The COM and COM-P zones are shown on the City's official zoning map, as adopted by Ordinance #1382, a copy of which map is attached to Ordinance #1400 as Exhibit A.

Section 2. Purpose. The purpose of this moratorium is to allow the City to continue the process of analyzing the issue of permitted uses and development standards in the COM and COM-P zones without the possibility that developers will flood the City with applications for

development under the existing codes. The Planning Commission will be studying this issue and making recommendation to the City Council. Additional time is needed to fully review this issue and study the alternatives available to the City.

Section 3. Findings and Conclusions in Support of Moratorium. On May 7, 2013, the City Council held a public hearing on the moratorium imposed on March 19, 2013.

A. Rob White, City Planning Director, provided the chronology of events and background for the Council's consideration of uses and development in the COM and COM-P zones. Mr. White explained that both the Council and the Planning Commission have been working review and better define the uses and requirements for these zones for several years and that there have been multiple related meetings and hearings, including a recent privately-initiated land use text amendment addressing requirements for the COM-P zone. Mr. White further explained that as a result of the recent text amendment and the recently initiated Comprehensive Plan Update, that the Planning Commission recommended taking a closer look at these zones. The Planning Commission has a work-study session scheduled for May 22, 2013 on this issue. On March 19, 2013 the City Council decided that any new development in the COM and COM-P zones should be placed on a temporary hold until this work is completed, and adopted the emergency moratorium ordinance (Ordinance #1400).

On March 19, 2013, Ordinance 1400 was presented to the City Council as an emergency measure, and the Council passed it to be effective immediately. A hearing was scheduled on Ordinance No. 1400, to take place on May 7, 2013.

On May 7, 2013, the Council held the public hearing. Six (6) members of the public asked to speak on the issue. Of the members of the public speaking at the hearing no people spoke in favor of continuing the moratorium and six (6) people spoke against continuing the

moratorium. No written materials were received from the public on this issue prior to the close of the public hearing.

B. After this testimony and staff reports, the City Council discussed the need for the moratorium. The Council identified the COM and COM-P zones as areas that need further review and definitions for uses and development standards. It is important to ensure that development in these zones are compatible with the primarily residential character of Ruston, which is a difficult task, given that the small size of the Commercial zones in Ruston, their location immediately adjacent to residential areas, the increasing value of property in the area, and the desire of property owners to ensure that they can develop their properties to the fullest extent possible.

C. The City Council determined to maintain the moratorium imposed by Ordinance No. 1400 for the six-month period allowed by state law, based on the above facts. The Council concluded that maintenance of the moratorium was required for the public health, safety and welfare, and without a moratorium, there was a risk that development applications for the type of development not favored by the public could become vested under the existing codes and constructed, thereby thwarting the efforts of the Council.

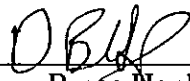
Section 4. Moratorium Maintained. A moratorium shall be maintained on the acceptance of all non-exempt development permit applications for property inside the City limits for six months, which began on the date of adoption of Ordinance No. 1400. The City Council hereby directs the City Clerk to schedule consideration of the moratorium prior to the expiration of this moratorium. The Council shall make the decision to terminate the moratorium by ordinance, and termination shall not otherwise be presumed to have occurred.

Section 5. Severability. If any section, sentence, clause or phrase of this Ordinance should be held to be unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this Ordinance.

Section 6. Effective Date. This Ordinance shall take effect and be in full force five (5) days after passage and publication of an approved summary consisting of the title.

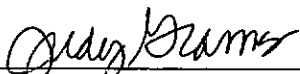
ADOPTED by the City Council of the City of Ruston and attested by the City Clerk in authentication of such passage on this 7th day of May, 2013.

APPROVED by the Mayor this 7th day of May, 2013.



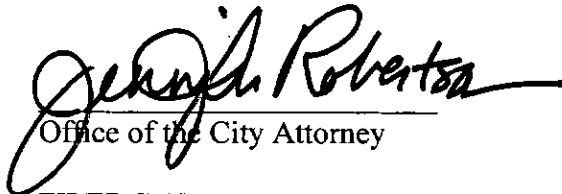
Bruce Hopkins, Mayor

ATTEST/AUTHENTICATED:



Judy Grams, City Clerk

APPROVED AS TO FORM:



Office of the City Attorney

FILED WITH THE CITY CLERK: _____

PASSED BY THE CITY COUNCIL: _____

PUBLISHED: _____

EFFECTIVE DATE: _____

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