

**ORDINANCE NO. 1382**

**AN ORDINANCE OF THE CITY OF RUSTON,  
WASHINGTON AMENDING SECTIONS 25.01.030 AND  
25.01.051 OF THE RUSTON MUNICIPAL CODE  
RELATING TO THE ZONING STANDARDS FOR THE  
COM-P ZONE, EXPANDING GEOGRAPHIC  
APPLICABILITY OF COM-P ZONE, AMENDING THE  
RUSTON ZONING MAP, AND ESTABLISHING AN  
EFFECTIVE DATE.**

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WHEREAS, on September 11, 2012, Ly Ngov, property owner of 5104 and 5118 North Highland Street, (hereinafter "applicant") submitted an application for a text amendment to the City's zoning code which would have the effect of allowing properties which lie more than 120 feet east of Pearl Street to utilize the COM-P zone as a zoning designation; and

WHEREAS, as part of that application, the applicant also sought to amend the City's Official Zoning Map by changing the zoning designation of Pierce County Tax Assessor's parcel numbers 4655000100 and 4655000110 from Commercial (COM) to Commercial-Pearl (COM-P), (attached hereto as Attachment D within Exhibit A); and

WHEREAS, the City's SEPA Responsible Official issued a Determination of Non-Significance (DNS) on October 26, 2012, (attached hereto as Attachment E within Exhibit A); and

WHEREAS, pursuant to Ruston Municipal Code (RMC) Chapter 19.01.011, 25.01.130, and 25.01.140, text amendments to the zoning code and amendments to the City's Official Zoning Map are reviewed by the Planning Commission, which forwards its recommendation and written findings of fact to the City Council; and

WHEREAS, pursuant to RMC Chapter 19.01.011, 25.01.130, and 25.01.140, the Ruston Planning Commission reviewed the application and conducted a public hearing on this issue to hear testimony on the application on November 28, 2012; and

WHEREAS, in the course of reviewing the application, the City Planner recommended to the Planning Commission that RMC 25.01.030 also be amended for consistency purposes; and

WHEREAS, after hearing public testimony and thoroughly deliberating on this issue, the Planning Commission found that the application complied with the standards set forth in RMC 25.01.130 and 25.01.140 and voted 3 – 1 (Pederson opposed) to recommend approval, (as set forth in the Findings and Recommendation attached hereto as Exhibit A and incorporated herein by reference); and

WHEREAS, in accordance with RCW 36.70A.106, this amending ordinance was sent to the State Department of Commerce on November 27, 2012; and

WHEREAS, on January 15, 2013, the City Council held the first reading of this Ordinance; and

WHEREAS, on February 5, 2013, the City Council adopted this Ordinance during its regular meeting at the second reading; NOW, THEREFORE

**THE CITY COUNCIL OF THE CITY OF RUSTON DOES HEREBY ORDAIN AS  
FOLLOWS:**

**Section 1.** Section 25.01.030 of the Ruston Municipal Code is hereby amended to read as follows:

**25.01.030 - Purpose and establishment of zones.**

(a) Purpose of Use Classifications (Zones). Use classifications are adopted to enhance the lifestyle of citizens of Ruston and the region by:

- (1) Regulating the locations of land uses;
- (2) Ensuring that different land uses are compatible and mutually beneficial;
- (3) Making possible efficient and economical public services, including streets, sewers, drainage systems, schools, and other public buildings;
- (4) Requiring orderly arrangements to facilitate movement of people and goods; and
- (5) Protecting natural and cultural resources.

(b) List of Zones Established. The Town of Ruston is hereby divided into ~~four~~<sup>three</sup> types of use districts as follows:

Zone	Use Classification
RES	Residential
COM	Commercial
<u>COM-P</u>	<u>Commercial – Pearl</u>
MPD	Master Planned Development

**Section 2.** Section 25.01.051 of the Ruston Municipal Code is hereby amended to read as follows:

#### **25.01.051 - The COM-P Zone**

(a) Purpose. The COM-P Zone is intended to promote aesthetic quality, pedestrian/shopper comfort and convenience, public safety, and encourage pedestrian oriented commercial/retail development along or near Pearl St. Second and third floor residential uses are encouraged to help create demand for commercial/retail use on the ground floor of mixed use buildings. This district is intended to encourage reuse and upgrades of the existing business buildings and promote retail frontages with street amenities and a direct visual relationship between pedestrians on the sidewalk and uses on the ground floor of the building.

(b) ~~Applicability. The Com P zone designation shall be limited to properties with frontage on the east side of Pearl Street, or lots entirely within 120 feet east of the Pearl Street right of way, between 48th and the centerline of 52nd Street.~~

(e)(b) Permitted Uses. Any use permitted outright in the RES zone is permitted. Residential uses permitted in the Com P zone include multi-family dwellings, including apartments and condominiums, located above ground floor retail and commercial uses. Commercial uses permitted include, but are not limited to retail stores and shops that can be accommodated on parcels with the limited depth available as are usually needed to serve a residential district such as:

- (1) Retail;
- (2) Business, professional, and branch governmental offices;
- (3) Clinics, nursing and convalescent homes with less than 30 beds;
- (4) Hotels with less than 15 rooms;
- (5) Entertainment and indoor recreational uses such as athletic clubs, and swimming clubs;
- (6) Service businesses or stores such as funeral homes, printing and copying, automobile service stations, automobile and truck rental, vehicle, or boat sales or repair primarily enclosed within a building with less than 200 square feet of unenclosed surface parking or service yard space;
- (7) Retail sales nurseries and greenhouses;
- (8) Commercial uses involving production of goods primarily for sale on-site, provided such processing or goods stored or processed shall be limited to those which do not emit odor, dust, smoke, radiation, gas, fumes, noise, vibrations, refuse or waste which would unreasonably affect adjacent property;
- (9) Schools, libraries and other governmental or public institutions primarily serving nearby residences;
- (10) Adult and child day care, nursery and kindergarten centers and facilities;
- (11) Single and multiple-unit dwellings. Multiple unit dwellings must provide retail space occupying the entire first floor with direct access to the sidewalk.

(c)(4) Conditional Uses. The following uses shall be permitted when authorized pursuant to Section 25.01.110, Conditional Uses, Unclassified Uses and Variances:

- (1) Light manufacturing, including cabinet shops and similar enterprises.
- (2) Transportation and utility facilities including: bus terminals; taxi headquarters; maintenance garages; principal use parking facilities; park and ride facilities; radio and television stations; telephone exchanges; cable television facilities; other communication facilities; water distribution and storage facilities; electric substations; sewage collection, pumping and treatment facilities; rail right-of-way and natural gas distributions.
- (3) Churches if:
  - (A) No buildings, active play area, or parking lot is closer than 20 feet to any residential zoned lot.
- (4) Hospitals, clinics, nursing and convalescent homes over 30 beds;
- (5) Entertainment and indoor recreational uses such as bowling alleys, fraternal or community clubs, indoor ice skating rinks, sports arenas, auditoriums and theaters, specifically excluding adult theaters, topless entertainment, adult bookstores and sexually

oriented novelty shops;

(6) Service businesses or stores that require unenclosed surface parking or service yards over 1200 square feet such as funeral homes, printing, automobile service stations, automobile and truck rental, vehicle, or boat sales or repair;

(7) Nurseries and greenhouses producing items for sale at other locations;

(8) Commercial uses involving production of goods primarily for sale at other locations, provided such processing or goods stored or processed shall be limited to those which do not emit odor, dust, smoke, radiation, gas, fumes, noise, vibrations, refuse or waste which would unreasonably affect adjacent property;

(9) Schools, libraries and other governmental or public institutions primarily serving areas outside Ruston;

(10) Adult and child day care, nursery and kindergarten centers and facilities serving not more than 50 persons on site at once;

(d)(e) Minimum Lot Area. There is no minimum lot area in the COM-P zone.

(e)(f) Permitted Height. No structure within the COM-P zoning district shall exceed 35 feet in height and no more than two stories, including all mechanical equipment, except that structures located between 50th Street and 52nd Street shall have additional height allowed so that no structure shall exceed 45 feet in height and no more than three stories, including all mechanical equipment.

(f)(g) Setback and Buffer Requirements.

(1) Yard setback requirements:

(A) Front yard: 0 feet to property line.

(B) Rear yard: 25 feet to property line.

(C) Side yards: 0 feet to property line.

(g)(h) Off Street Parking Requirements. Three on site parking spaces are required for every 25 feet of Pearl Street arterial frontage. The minimum dimensions for the first three on-site spaces is 8 feet by 19 feet. Additional parking within the COM-P zone shall comply with RMC 25.01.090, except that ~~o~~One business and three units of housing may be developed without providing additional on site parking between N. 50th and N. 52nd Streets. One business and two units of housing may be developed without providing additional parking on site south of 50th Street and north of N. 52nd Street.

Parking must comply with RMC 25.01.090 for development over the levels listed in the previous paragraph; except that, multiple unit residential units may provide one parking space per unit.

Commercial space existing at the time of this code amendment may be remodeled for any commercial use without providing additional parking. Building enlargements will require additional parking at rates set forth in this section. Parking must be located in the rear yard if

alley access is available. If additional on site parking is required, it may not be located within 20 feet of the front lot line and must be screened from view.

Sound barriers (solid wall higher than the noise generating source) must be provided for parking lots with more than three cars per 25 feet of frontage; garbage and loading areas.

(h)(i) Site Plan Requirements. Site plan approval is required under Section 25.01.140 for any development of:

- (1) Over 50,000 square feet of gross floor area.
- (2) Hotels, motels, nursing homes and convalescent homes of more than 30 rooms or beds.
- (3) Bars, taverns and restaurants adjacent to residential zones.

(i)(j) Fences — Height Restrictions. See section 25.01.101 for further regulations related to rockery/retaining wall height and height of fences on rockeries; and Section (rg), herein, regulating fencing for screening of utilities.

- (1) Fences less than 20 feet from front property line: 36 inches maximum height. Fences must be made of material such as wrought iron or metal chain with bollards or glass and frame.
- (2) Fence in required side yard: 72 inches maximum height, 36 inches maximum height within 20 feet of the front property line.
- (3) Fence in required rear yard: 72 inches maximum height.

(j)(k) Building Design: Building facades closer than 20 feet to the front property line must meet the following requirements:

- (1) Facades over 25 feet wide must provide a five foot yard setback for 50% of the total facade length. The five foot wide area must include street furniture available to the public such as benches and trash receptacles
- (2) At least 60% of the first floor facade must be glass.
- (3) The remaining percentage of the first floor facade material must be brick, copper, or natural stone.
- (4) Awnings must be provided for over 50% of the depth and length of sidewalk area but no greater than seven feet in depth or closer than 4 feet to the curb.
- (5) Buildings over one story must provide retail or commercial space for the entire first floor open to the public on the ground floor fronting Pearl Street.
- (6) Lights must be provided capable of lighting the sidewalk in front of the property. Building wall mounted lights must provide soft "pedestrian friendly" character and environment illumination.

(k)(l) Building Design Standards

(1) General applicability. The design standards of this section are required to implement the goals of the Town of Ruston for Pearl Street Commercial District (ComOM- P). The building design standards apply to all new development in the Com-P district, except as follows:

(A) Standards. Each item of this section shall be addressed individually. Exceptions and exemptions noted for specific development situations apply only to the item noted.

(B) Additions. Additions of less than 5,000 square feet of gross floor area are exempt from the design standards of this section; provided they do not exceed 75 percent of the existing gross floor area.

(C) Temporary. Temporary structures are exempt from the design standards of this section. Temporary structures require review under the building code.

(D) Remodel. Remodel projects valued below 60 percent of the building value, as determined by the Building Code, are exempt from the design standards of this section.

(E) Residential and/or mixed-use. The standards apply only to residential structures of five dwelling units or greater. The standards apply to all mixed-use structures.

(F) Religious assembly and religious facilities which can demonstrate that the design standards impose a substantial burden, administratively or financially, on their free exercise of religion, shall be exempt from compliance.

~~(1)(m)~~ Mass Reduction: The design choices of this item are intended to help reduce the apparent mass of structures and achieve a more human scale environment by providing physical breaks in the building volume that reduce large, flat, geometrical planes on any given building elevation.

1. Mass Reduction Requirements	a. Buildings under 7,000 square feet; gross floor area are not required to provide mass reduction.  b. Buildings from 7,000 square feet; gross floor area to 30,000 square feet gross floor area shall provide at least one mass reduction feature from the choices listed in 25.01.051. <del>(1m)</del> .2.  c. Buildings over 30,000 square feet; gross floor area shall provide at least two mass reduction features from the choices listed in 25.01.051. <del>(1m)</del> .2.
2. Mass reduction Choices	a. Upper story. Buildings with a maximum footprint of 7,000 square feet gross floor area, that do not exceed 14,000 square feet gross floor area, may count use of a second story as a mass reduction feature.  b. Upper story setback. An 8 feet minimum setback for stories above the second story for elevations facing the street or parking lots over 20 stalls. This requirement applies to a maximum of 2 elevations.  c. Wall modulation. Maximum 100 feet of wall without modulation, then a minimum 2 feet deep and 15 feet wide offset of the wall and foundation line on each elevation facing the street, parking lots over 20 stalls, or residential uses.

d. Public plaza. A public plaza of at least 800 square feet of gross floor area or 5 percent of gross floor area, whichever is greater. The plaza shall be located within 50 feet of and visible to the primary public entrance; and contain a minimum of a bench or other seating, tree, planter, fountain, kiosk, bike rack, or art work for each 200 square feet of gross floor area. Plaza contents may count toward other requirements when meeting the required criteria. Walkways do not count as plazas. Plazas shall not be used for storage. Required parking stalls may be omitted to the minimum necessary if needed to provide the plaza.

(m)(n) Rooflines: These requirements are intended to ensure that roofline is addressed as an integral part of building design to avoid flat, unadorned rooflines that can result in an industrial appearing, monotonous skyline. Roofline features are also intended to further reduce apparent building volume and further enhance features associated with residential and human scale development.

Roofline Choices (All buildings shall use one or more of the roofline options)	<p>a. Sloped roof. Use of a roof form with a pitch no flatter than 5/12. Rounded, gambrel, and/or mansard forms may be averaged.</p> <p>b. Modulated roof. Use of features such as a terracing parapet, multiple peaks, jogged ridge lines, dormers, etc., with a maximum of 100 feet uninterrupted roofline between roof modulation elements. Modulation elements shall equal a minimum of at least 15 percent of the roofline on each elevation. The maximum shall be 50 feet of uninterrupted roofline along the eave between roof modulation elements. Roof forms with a pitch flatter than 5/12 are permitted with this option; provided, the appropriate modulation is incorporated.</p> <p>c. Corniced roof. A cornice of two parts with the top projecting at least 6 inches from the face of the building and at least 2 inches further from the face of the building than the bottom part of the cornice. The height of the cornice shall be at least 12 inches high for buildings 10 feet or less in height; 18 inches for buildings greater than 10 feet and less than 30 feet in height; and 24 inches for buildings 30 feet and greater in height. Cornices shall not project over property lines, except where permitted on property lines abutting public right-of-way.</p> <p>d. Canopy Exemption. Gas station canopies, drive-through canopies, or similar canopies are exempt from roofline requirements.</p>
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(n)(o) Windows and Openings: These requirements are intended to increase public visibility for public safety, to provide visual interest to pedestrians that helps encourage pedestrian mobility, and to provide architectural detailing and variety to building elevations on each story.

1. Street level	<p>a. Front, side, or corner side exterior walls facing streets or that contain customer entrances and face customer parking lots of 20 stalls or greater shall have transparent window or openings for at least 60 percent of the</p>
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	<p>area of the ground level wall area, which is defined as the area between 2 feet and 8 feet above the sidewalk on a minimum of 2 such building elevations. The window and opening requirements shall be reduced to 40 percent of the ground level wall area for building elevations that are impacted by steep grades, as outlined below in the steep grade exemption section. The requirement shall be further reduced to 20 percent of the ground level wall area in instances where the application of this standard is not possible due to steep grades and the correlating location of the floor plates of the building. Rough openings are used to calculate this requirement.</p>
	<p>b. Required view. Required windows or openings must provide either views into building work areas, sales areas, lobbies, merchandise displays, or artworks.</p>
	<p>c. Limited alternatives. Alternatives of decorative grilles, art work, or similar features can be substituted for those portions of uses where the provision of natural light can be demonstrated to nullify the intended use (examples include movie theater viewing areas and light sensitive laboratories) and for parking structures, provided an equivalent wall area is covered.</p>
2. Upper levels	<p>a. Front, side, or corner side exterior walls facing streets or walls that contain customer entrances and face customer parking lots of 20 stalls or greater shall use a combination of transparent windows or openings and architectural relief that provide visual demarcation of each floor on a minimum of 2 such building elevations.</p>
	<p>b. Upper level windows shall be a different type than the ground level windows on the same elevation.</p>
	<p>c. For purposes of this requirement, a window type is either a grouping of windows, or a window size, or a window shape.</p>
3. Exemptions	<p>a. Steep grades. The window and opening requirement shall not apply to that portion of a facade where the grade level of the sidewalk of the abutting street is 4 feet or more above or below the adjacent floor level of the building.</p> <p>b. Residential privacy. On sides where <u>Com</u>OM-P District boundaries adjoin Residential District boundaries, structures within the <u>Com</u>OM-P District that are set back at least 7 feet from the property line and screened by landscaping to a minimum height of 6 feet are exempt from the window and opening requirements on the effected side</p>

(o)(p) Facade Surface: These requirements are intended to help reduce the apparent mass of structures and achieve a more human scale environment by providing visual breaks at more frequent intervals to the building volume that reduce large, flat, geometrical planes on any given building elevation, especially at the first story. The choices are also intended to encourage variety in the selection of facade materials and/or treatment and to encourage more active consideration of the surrounding setting.

1. Blank wall limitation	<p>a. Unscreened, flat, blank walls on the first story more than 25 feet in width are prohibited facing a public street and/or highway right-of-way, residential zone, or customer parking lot. These walls shall use modulation, windows, openings, landscaping, or architectural relief such as visibly different textured material to achieve the required visual break. The visual break shall be at least 1 foot in width. Items provided for other requirements may satisfy this requirement as appropriate. Stored or displayed merchandise, pipes, conduit, utility boxes, air vents, and/or similar equipment do not count toward this requirement.</p> <p>b. COM-P District facades. Pedestrian access to uses above or below street level shall not exceed a maximum of 25 percent of the width of the structure's front facade.</p>
2. Facade variety	<p>a. Buildings under 2,000 square feet gross floor area are exempt from the variety requirement.</p> <p>b. Buildings from 2,000 square feet gross floor area to 30,000 square feet gross floor area shall use at least 2 different materials, textures, or patterns on each building elevation.</p> <p>c. Buildings over 30,000 square feet gross floor area shall use at least 3 different materials, textures, or patterns on each building elevation.</p> <p>d. For purposes of this requirement, each material, texture, or pattern must cover a minimum of 10 percent of each building elevation. Glass does not count toward this requirement. Different texture or pattern shall be visibly different from adjacent public right-of-way or parking area.</p>
3. Building face orientation	<p>a. The building elevation(s) facing street or highway public rights-of-way shall be a front, side, or corner side and shall not contain elements commonly associated with a rear elevation appearance, such as loading docks, utility meters, and/or dumpsters.</p> <p>b. This requirement applies to a maximum of 2 building elevations on any given building.</p>

**(p)(q) Pedestrians:** These requirements are intended to enhance pedestrian mobility and safety in commercial areas by providing increased circulation, decreasing walking distances required to enter large developments, and providing walkways partially shielded from rain and/or snow.

1. Customer entrances	<p>a. Additional entrances. An additional direct customer entrance(s) shall be provided to the same building elevation which contains the primary customer entrance so that customer entrances are no further than 250 feet apart when such elevations face the public street or customer parking lot. If a corner entrance is used, this requirement applies to only 1 elevation.</p> <p>b. Non-residential or mixed-use buildings shall provide at least 1 direct customer entrance, which may be a corner entrance, within 20 feet, facing, and visible to the designated street. For such buildings over 30,000 square feet of gross floor area, the maximum distance is increased to 60 feet.</p>
2. Street level	<p>a. Weather protection shall be provided to cover a minimum of 50 percent</p>

weather protection	<p>of the length of hard surfaced, public or private walkways and/or plazas along facades containing customer and/or public building entries or facing public street frontage.</p> <p>b. Weather protection may be composed of awnings, canopies, overhangs, or similar architectural features. It is required to cover only hard surfaced areas intended for pedestrian use and not areas such as landscaping.</p> <p>c. Weather protection must cover at least 50 percent of the width of the public or private sidewalk and/or walkway, but may be indented as necessary to accommodate street trees, street lights, bay windows, or similar building accessories to not less than 3 feet in width.</p> <p>d. Irrespective of above requirements, the weather protection shall not extend closer than 4 feet to the curb.</p>
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**(g)(7) Screening and Mechanical Equipment:** These requirements are intended to minimize visibility of utilities, mechanical equipment, and service areas to mitigate visual impact on residential privacy, public views, and general community aesthetics.

1. Mechanical Equipment Screening	<p>a. Rooftop. All rooftop mechanical for new construction shall be screened with an architectural element such as a high parapet, a stepped or sloped roof form, or an equivalent architectural feature, which is at least as high as the equipment being screened. Fencing is not acceptable. The intent of the screening is to make the rooftop equipment minimally visible from public rights-of-way within 125 feet of the building, provided said rights-of-way are below the roof level of the building. In those instances where the rights-of-way within 125 feet of the building are above the roof level of the building, the mechanical equipment should be the same color as the roof to make the equipment less visible. The function of the HVAC equipment may not be compromised by the screening requirement. <u>Building height requirements include utility screening.</u></p> <p>b. All ground level mechanical or utility equipment, loading areas, and dumpsters shall be screened from adjacent public street right-of-way, including highways, or residential uses. Items that exceed 4 feet in height must use fencing, structure, or other form of screening, beyond landscaping.</p> <p>c. Small ground level. Items that do not exceed 4 feet above ground level may be screened with landscaped screening. All landscape screening should provide 50 percent screening at the time of planting and 100 percent screening within 3 years of planting.</p> <p>Types: Chain link fencing, with or without slats, is prohibited for required screening.</p>
2. Fencing type limitation	<p>a. Barbed or razor wire. The use of barbed or razor wire is limited to those areas not visible to a public street or to an adjacent residential use.</p> <p>b. Chain link. Chain link or similar wire fencing is prohibited between the front of a building and a public street, except for wetland preservation and recreation uses.</p>

c. Electrified. The use of electrified fencing is prohibited.
d. Fencing between the front of the building line and sidewalk may not be higher than 36 inches and shall have ornamental design and be made of material such as wrought iron or metal chain with bollards or glass and frame.

(r)s Residential Compatibility Standards: The following items apply when the COM-P zone is adjacent to Residential zones. The standards are required to help ensure compatibility between non-residential development and adjacent residential districts, in terms of building bulk and scale, location of activity areas for privacy and noise reduction, provision of green space, and visual separation:

A. Upper Story Setback	Structures with frontage along Pearl Street and 53 <sup>rd</sup> Street shall not intercept a 25° daylight plane inclined into the residential district measured at a height of 25 feet above existing grade from the rear building line setback of the commercial lot.
B. Storage Parking and/or Service Openings	Vehicle parking, and building loading or service areas shall be screened from any residentially-zoned property.
	Sound barriers (solid wall higher than the noise generating source) must be provided for parking lots with more than three cars per 25 feet of frontage along Pearl Street.
	Sound barriers (solid wall higher than the noise generating source) must be provided for all garbage and loading areas
C. Lighting	<p><u>As required by RMC 25.01.103.</u></p> <p><del>1. Outdoor lighting facilities and general yard illumination must point downwards. The beam of light must be no higher than three feet above grade at the property line of any adjoining property.</del></p> <p><del>4. Parking lot lighting shall not exceed 20 feet in height.</del></p>

~~The Ruston Zoning Map is hereby amended consistent with this ordinance, to create the COM-P zoning district as shown on Exhibit A, attached and incorporated herein.~~

**Section 3.** The Ruston Zoning Map attached hereto as Exhibit B shall replace the Ruston Zoning Map adopted by Ordinance 1212 as the new Official Ruston Zoning Map, which is to be kept on file with the City Clerk's office.

**Section 4. 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

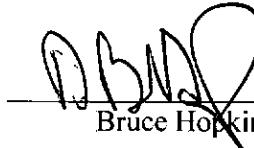
unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this Ordinance.

**Section 5. Publication.** This Ordinance shall be published by an approved summary consisting of the title.

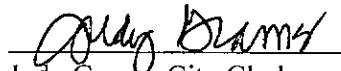
**Section 6. Effective Date.** This Ordinance shall be effective five days after publication as provided by law.

ADOPTED by the City Council of the City of Ruston and attested by the City Clerk in authentication of such passage on this 5<sup>th</sup> day of February, 2013.

APPROVED by the Mayor this 5<sup>th</sup> day of February, 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: \_\_\_\_\_

ORDINANCE NO: 1382



**Planning Commission Findings and Recommendation  
COM-P Zone Text and Zoning Map Amendment  
ORD 1382**

**I. General Information**

**A) Owner/Applicant:**

Ly Ngov  
1924 Pacific Avenue  
Tacoma, WA 98402

**B) Agent**

Dan Kinkella  
(253) 297-3869

**C) Site Address/Parcel Number:**

5104 North Highland Street, Ruston, WA 98407  
Parcel Number 4655000100

5118 North Highland Street, Ruston, WA 98407 (South half only)  
Parcel Number 4655000110 (Does not include 4655000120)

**D) Existing Zoning Designation:** Commercial (COM)

**E) Proposed Zoning Designation:** Commercial Pearl (COM-P)

**II. Project Description**

The applicant proposes to rezone the parcels located at 5104 and the south half of 5118 North Highland Street, (tax parcel #4655000100 and #4655000110) from Commercial (COM) to Commercial-Pearl (COM-P). No Residential (RES) property is proposed to be rezoned to a commercial zone under this application. In order to facilitate this request, an amendments to RMC 25.01.051(b) and (h) are also needed so that use of the COM-P zone is not limited to parcels within 120 feet of Pearl Street and that parking is required in conjunction with any street frontage, not just Pearl Street.

### **III. Applicable Codes and Regulations**

#### **A) SEPA Analysis**

The Town SEPA Official has determined that no environmental impacts will result from this proposed zoning map amendment and therefore issued Determination of Non-Significance (DNS) on October 26, 2012.

#### **B) Comprehensive Plan**

##### **Official Comprehensive Plan Map** - (attachment C)

Please refer to attachment C for information on the location of the subject site. The Ruston Comprehensive Land Use Map is a tool used as part of the comprehensive planning process which generally categorizes land into generic land uses such as industrial, commercial, and residential. Once this tool is developed, City's implement the "generalized" designation by assigning actual zoning designations to specific properties upon the Official Zoning Map. In Ruston's case, up until 2008, we only had one zone designation for each generalized category of land use, i.e. a Commercial land use designation resulting in a COM zone assignment. In 2008, Ruston created a second type of commercial zone, known as the Commercial-Pearl (COM-P) zone. Since there are now two commercial zoning designation types, Ruston has the ability to choose which one is appropriate for any given site which has a "Commercial" land use designation.

##### **Comprehensive Plan, Section 3.3 – Overall Concept**

Goal 1: "Develop a balance of residential, commercial, industrial and open space uses that create a fiscally sound community while maintaining the character of the town."

##### **Comprehensive Plan, Section 3.5 – Commercial Concepts and Goals**

Goal 1: "Encourage development of a range of retail, commercial and office uses to support local, community and regional needs."

Goal 3: "Provide neighborhood-shopping facilities easily accessible to residential areas."

Goal 4: "Encourage commercial uses to locate in areas suitable for intensive development."

Goal 5: "Promote site-sensitive and efficient commercial design."

## Exhibit A to ORD 1382

Goal 6: "Provide convenient and safe pedestrian and vehicular access to and within commercial areas."

Goal 7: "Design commercial development so that it is aesthetically compatible with surrounding buildings, significant historic properties, and natural features."

### **Commercial Development Concept, (Section 3.5 continued)**

Commercial development will be encouraged along Pearl Street, North 51<sup>st</sup> Street and in the MPD. Also, the north end of Pearl Street is considered a potential commercial areas that may be designated for commercial development in the future if conditions are appropriate (see attachment C). Any conversion to commercial designation and use in this area should occur on the entire side of the block facing Pearl Street and not lot by lot.

Commercial areas are intended to serve the day-to-day retail and service needs of Ruston residents. Some small scale, multi-family development may also occur in commercial areas. The commercial area is within walking distance for Ruston residents, which will help maintain the community's small town atmosphere. The appearance and character of the commercial area is important. A sign ordinance, and in certain cases such as the Master Planned Development district, architectural design review should be implemented and enforced.

Adequate retail goods and services are important to both Town residents and the Town tax base. Also, the commercial area should be designed so that access to and within the area is safe and convenient for both motorized and non-motorized traffic.

For the commercial and MPD areas, implementing regulations should include the following site and architectural design requirements:

- Architecture distinctive to Ruston rather than standardized building designs.
- Visual continuity among adjacent development (including consideration of site design, landscaping, building design and signage).
- Provision for pedestrian circulation
- Pedestrian/bicycle linkages to adjacent residential neighborhoods.
- Sign regulations.
- Consider special design themes for the MPD area (and possibly other portions of the Town such as marine theme, (commercial areas), copper oriented theme.

### **Parking for the Commercial Areas Along Pearl and 51<sup>st</sup> Streets, (section 3.5 continued)**

## Exhibit A to ORD 1382

The Commercial areas along Pearl Street and North 51<sup>st</sup> Street are characterized by existing residential and commercial structures on relatively small lots. It is not possible in many cases to reuse the existing structure for the commercial uses allowed by zoning because it is not possible to provide on-site parking to the level required in the zoning code without demolition of the existing structure.

In order to encourage use of existing structures for commercial purposes, reduction of the parking requirement in this area may be allowed in cases where use of an existing structure for commercial purposes is proposed.

A policy of parking reduction should be implemented in conjunction with cooperative efforts to develop parking lots to serve the commercial area and create a pedestrian oriented shopping district.

### C) Ruston Municipal Code

#### **RMC 19.01.011 – Permits and review procedures.**

This section of the municipal code states that zoning map amendments, (rezones), are to be processed as Legislative Decisions with the Planning Commission holding a public hearing, followed by a report with findings and recommendation forwarded to the City Council for a final decision.

#### **RMC 25.01.050 – Commercial (COM) zone.**

This section of the municipal code contains the purpose, uses and performance standards for the COM zone.

#### **RMC 25.01.051 – Commercial-Pearl (COM-P) zone.**

This section of the municipal code contains the purpose, uses and performance standards for the COM-P zone. The specific portions of this section of code that needs to be amended in order to process this application is RMC 25.01.051(b), which states the following:

*(b) Applicability. The COM-P zone designation shall be limited to properties with frontage on the east side of Pearl Street, or lots entirely within 120 feet east of the Pearl Street right of way, between 48<sup>th</sup> and the centerline of 52<sup>nd</sup> Street.*

*(h) Off Street Parking Requirements. Three on site parking spaces are required for every 25 feet of Pearl Street frontage...*

#### **RMC 25.01.130 – Rezones.**

Applications for rezones may be made by the Planning Commission, Council, or any interested property owner. Applications for rezones may be considered only

## Exhibit A to ORD 1382

once per calendar year. The Planning Commission shall review proposals by holding a public hearing and then forwarding their findings and recommendation to the City Council within 60 days after the public hearing. Criteria for review shall include the following:

- Consistency with the Comprehensive Plan
- Consideration of the public health, safety and welfare
- Demonstration of any changes in conditions which warrant the rezone

### **IV. Analysis, Findings and Conclusions**

Occasionally an opportunity to both enhance community character and facilitate economic development presents itself. Ruston's Planning Commission believes that this application represents such an opportunity.

Several months ago, Ruson staff met with the current property owner to discuss potential development options for the subject site. In that meeting it was noted that the current zoning for the site is Commercial (COM), a zone which is significantly different from the adjacent Commercial-Pearl (COM-P) zone. As was discussed in that meeting, there are undesirable redevelopment obstacles to both the developer and to the citizens of Ruston which are presented by the COM zone included the following:

- 1) The COM zone requires a front yard setback of 20 feet and 7.5 foot side yard setback. If the site is located along 51st Street, the front setback may be reduced to zero, but the side yard setback remains at 7.5 feet. In an area where pedestrian access, thoughtful design, and traditional commercial architectural facades are desired, front and side yard setbacks which are not related to the mass and scale of the architecture are an obsolete concept which underutilizes Ruston's limited commercial core.
- 2) The COM zone does not provide reduced parking requirements as recommended by the Comprehensive Plan. The reduced parking requirements of the COM-P zone were put in place to encourage economic development and should be provided in both the COM and COM-P zones. As written, the only zone which provides this incentive is the COM-P.
- 3) The COM zone limits building height to 25 feet, (or 30 with an 8/12 roof with no dormers). Limiting height to 25 feet for the subject site does not protect substantial view properties and like item #2 above, underutilizes valuable commercial core properties which could be redeveloped with more intense uses if additional heights such as those offered in the COM-P were allowed.
- 4) The COM zone does not require many of the community-character-building architectural standards found in the COM-P zone such as mass and scale reduction; building modulation; screening of dumpsters and parking areas; placement of pedestrian entrances adjacent to the sidewalk; required use of windows, brick, copper or stone in

facades; cornices on flat roof buildings; benches or seating along the sidewalk; or pedestrian awnings over entrances and windows along sidewalks.

As the above issues were discussed, it became apparent that a proposal to rezone the property from COM to COM-P could be favorable to both the community and the applicant. In short, if this proposal is approved, the applicant mainly gets the benefit of increased building height and a reduction in required parking, while Ruston citizens get a redevelopment project which will be required to meet substantial design review standards while at the same time facilitating economic development within the commercial core.

As required by RMC 25.01.130(e)(4), prior to approval, findings must be developed which state that, 1) the proposed zoning map amendment is consistent with the Comprehensive Plan; 2) there is consideration of public health, safety and welfare; and 3) there is consideration of changes in conditions which warrant the rezone. Findings for these items are as follows:

- 1) The proposed COM-P Zoning Text and Map Amendment is consistent with the Comprehensive Plan. As can be seen on the Ruston Comprehensive Land Use Map, (attachment C), the subject site has a land use designation of commercial. Both the COM and COM-P zones may be used as zoning designations to achieve the goals of the commercial land use designation. Additionally, the design standards which are incorporated within the COM-P zone are both consistent with and enhance Ruston's ability to further the Comprehensive Plan goals identified in section III.B of this report.
- 2) Adequate consideration has been given to the public health, safety and welfare, and no unanticipated impacts which would be detrimental are expected to result. As both the COM and COM-P zones allow similar uses there is likely no change in public health and safety. Increased benefits to public welfare are expected through the provision of pedestrian and architectural design elements which enhance community character and encourage efficient use of the site, which in turn encourages economic development and helps to grow Ruston's tax base.
- 3) Changes in conditions which warrant the rezone are many, but include at least the following:
  - a. The former use of the site as a vehicle storage yard for Schaffer's Automotive is no longer in existence since Schaffer's Automotive ceased operations. The result is that an unused chain-link and razor wire fenced lot remains and no productive use of the site currently exists.
  - b. New property owners bring fresh perspective and a desire to redevelop the site to a more productive and aesthetically pleasing use.
  - c. Ruston is in need of economic development opportunities which will increase the City's tax base. Rezoning the subject site will provide the property owner with the needed flexibility to turn this site into a productive business.

## Exhibit A to ORD 1382

- d. The recent completion of the Commencement Condominium Project, along with the ongoing efforts of the Point Ruston development continue to spark surrounding commercial interest along 51<sup>st</sup> and Pearl Streets from Point Ruston to Point Defiance Park. In order to facilitate this interest, Ruston should modify its development standards to encourage development and enhance community character whenever and wherever feasible.

In summary, the Ruston Planning Commission is in support of this proposal as it is consistent with the Ruston Comprehensive Plan; provides opportunity to enhance the public health, safety and welfare; and new economic development needs exist now which were not considered when the COM-P zoning designation was first created and assigned to commercial properties fronting on Pearl Street in 2008.

### **V. Recommendation**

The Ruston Planning Commission recommends that the City Council approve the request to amend the Ruston Zoning Map and COM-P zoning standards. At the public hearing held on November 28, 2012, the following motion was approved (3-1, Pederson opposed):

*I move that the Ruston Planning Commission forward a recommendation to the Ruston Council to approve the request to rezone the subject property by amending the official zoning map and amending the COM-P zoning standards as detailed in draft Ordinance 1382.*

### **VI. Public Notice**

Public notice was provided at least 14 days prior to the public hearing date of November 28, 2012, as required by RMC Title 19.



December 13, 2012

Kevin Moser,  
Planning Commission Chairman

The following documents are attached for your review:

- Attachment A, Existing Ruston Zoning Map
- Attachment B, Proposed Ruston Zoning Map
- Attachment C, Existing Ruston Land Use Designations Map
- Attachment D, Application Materials, dated September 11, 2012
- Attachment E, SEPA DNS, dated October 26, 2012

**LEGEND**

RES	RESIDENTIAL ZONE
COM	COMMERCIAL ZONE
COM-P	COMMERCIAL ZONE - PEARL
MPD	MASTER PLANNED DEVELOPMENT

SCALE (IN FEET)

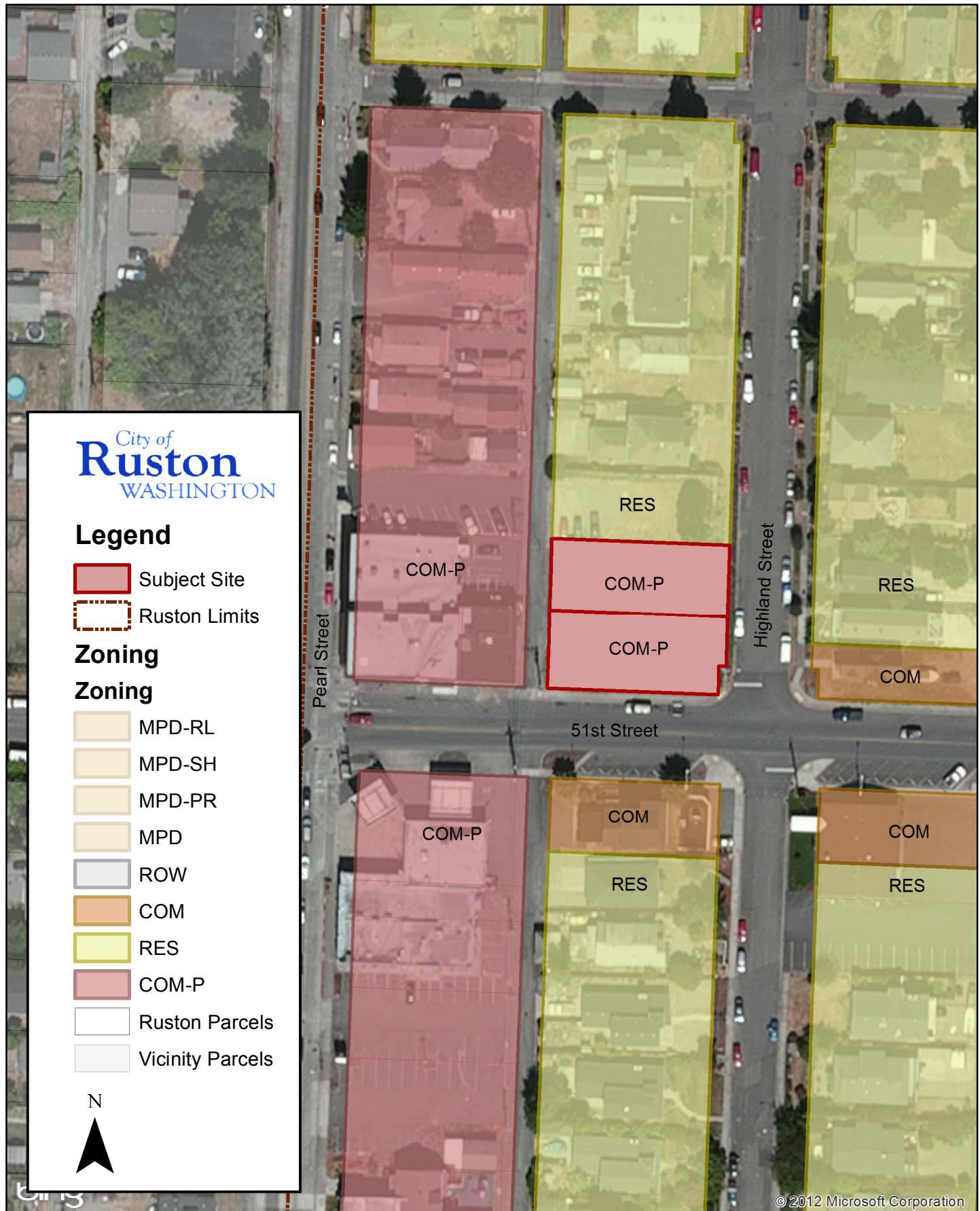
0 200 400 800

SCALE: 1" = 400'

# TOWN OF RUSTON

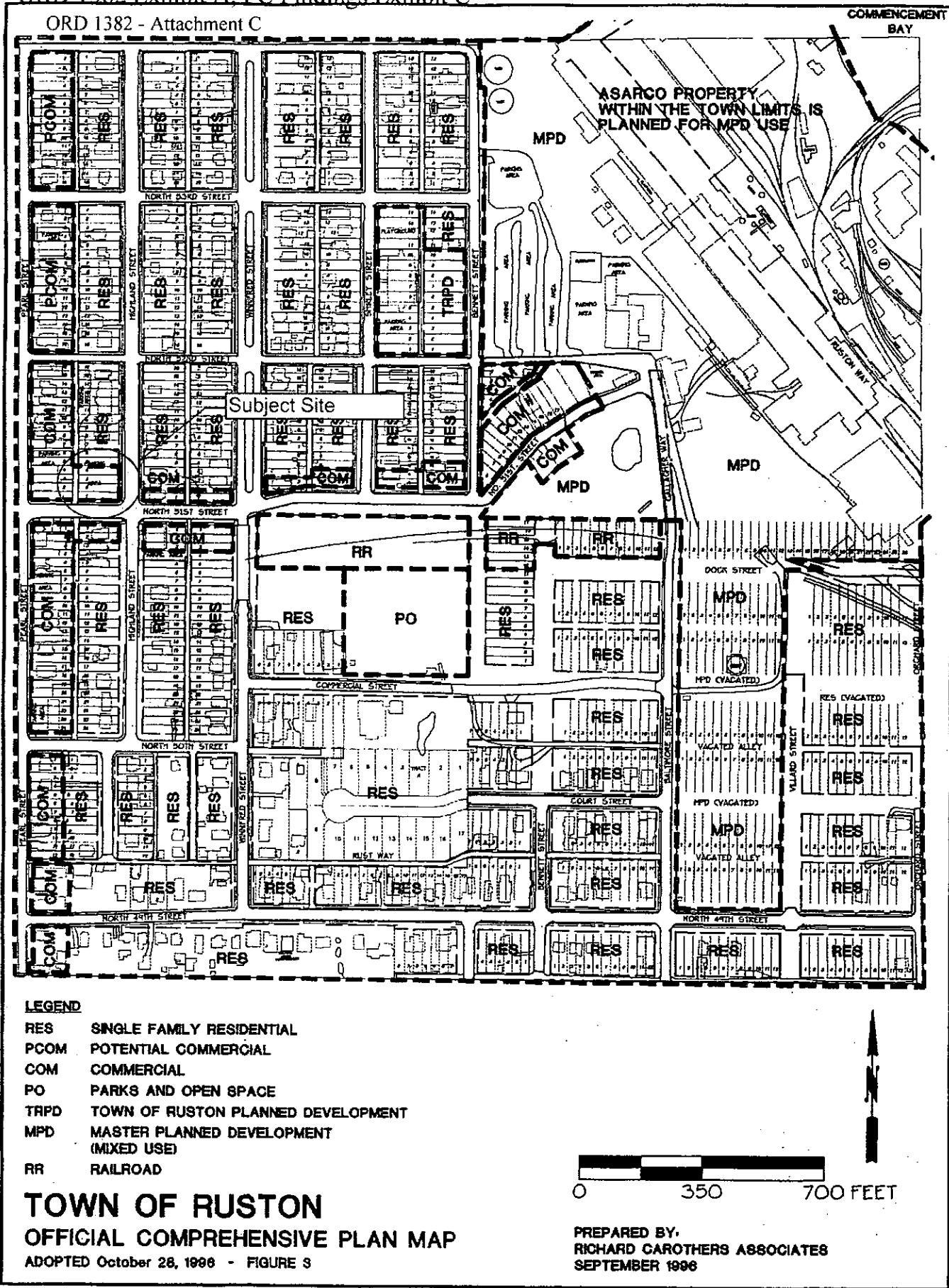
## OFFICIAL ZONING MAP

HUITT-ZOLLARS

**City of Ruston Planning Commission****Attachment B****Proposed Zoning - ORD 1382**

ORD 1382 Exhibit A, PC Findings Exhibit C

ORD 1382 - Attachment C



*Town of*  
**Ruston**  
 WASHINGTON

5117 North Winnifred Street  
 Ruston, WA 98407  
 Phone (253) 759-3544

**Rezone/Zoning Map Amendment  
 Application and Submittal Checklist**

Project Location (address and parcel number) <b># 4655000100    # 4656000110</b>	Permit Number (staff use only)
5106 N. HIGHLAND ST, RUSTON, WA, 98407 5118 N. HIGHLAND ST, RUSTON, WA 98407	
Applicant Name <b>LY NGOV</b>	Project Name (staff use only)
Applicant Mailing Address <b>1924 PACIFIC AVE    TACOMA, WA    98402</b>	Applicant Phone <b>(253) 272 8200</b>
	Applicant E-mail Address <b>RUSSELB22@GMAIL.COM</b>
I certify that I have read and examined this application and have completed it with information that I know to be true and correct. I also give permission for Town employees to enter the site to perform any necessary inspections.  <i>John Guillot</i> <b>OWNER AGENT</b> <b>9/11/2012</b> Applicant Signature Date	

Applicant Checklist for Rezone/Zoning Map Amendment Requests - (Please see RMC 25.01.130 for additional details)		Included?
Yes		Yes Need N/A
<input checked="" type="checkbox"/>	<b>Review Fee Deposit</b> (\$7,900 total with 50% due at application submittal (\$3,950), as per Resolution 499)	<input type="checkbox"/> <input type="checkbox"/>
<input checked="" type="checkbox"/>	<b>Statement of Justification.</b> Please provide a written statement of justification which addresses the criteria for approval, (consistency with Ruston's Comprehensive Plan, consideration of public health safety and welfare, and any demonstration of changes in conditions warranting the rezone).	<input type="checkbox"/> <input type="checkbox"/>
<input checked="" type="checkbox"/>	<b>Site Plan.</b> A proposed site plan showing the location of the affected lot, building(s), sign(s), and utilities, including all entrances, exits, setbacks, building height, off-street parking, streets and sidewalks, storage yards and screening.	<input type="checkbox"/> <input type="checkbox"/>
<input checked="" type="checkbox"/>	<b>Vicinity Map.</b> Please provide a map showing the surrounding lots with their current zoning and surrounding streets.	<input type="checkbox"/> <input type="checkbox"/>
Please submit this completed application along with all required materials to the Town Planner at <a href="mailto:robw@rustonwa.org">robw@rustonwa.org</a> , or to the Town Clerk at 5117 North Winnifred, Ruston, WA 98407.		staff use only

STATEMENT OF JUSTIFICATION

Notable Positive benefits to zoning adjustment:

- In accordance with both Pierce County and the WA, GMA (Growth Management Act) regulations, the town of Ruston hopes to see commercial urban services have a greater fiscal impact on the community, which should in-turn promote interest in commercial zoning adjustments.
- The 51st street property itself represents a natural corridor for commercial development.
- The existence of increased commercial space on this plot will increase the density of urban service amongst 51st St. business. This would follow the pattern of development in this specific area, which already appears to possess a degree commercial intentionality according to existing zoning structure.
- Being that this property exists on the southern most boundary of the town, its ability to have a direct impact on the way in which the town is introduced in designation form neighboring communities provides this location with an added strategic relevance as a focal point for urban service and tourism.

## ORD 1382 Exhibit A, PC Findings Exhibit D

### **Legal Descriptions**

#### **Parcel 4655000100**

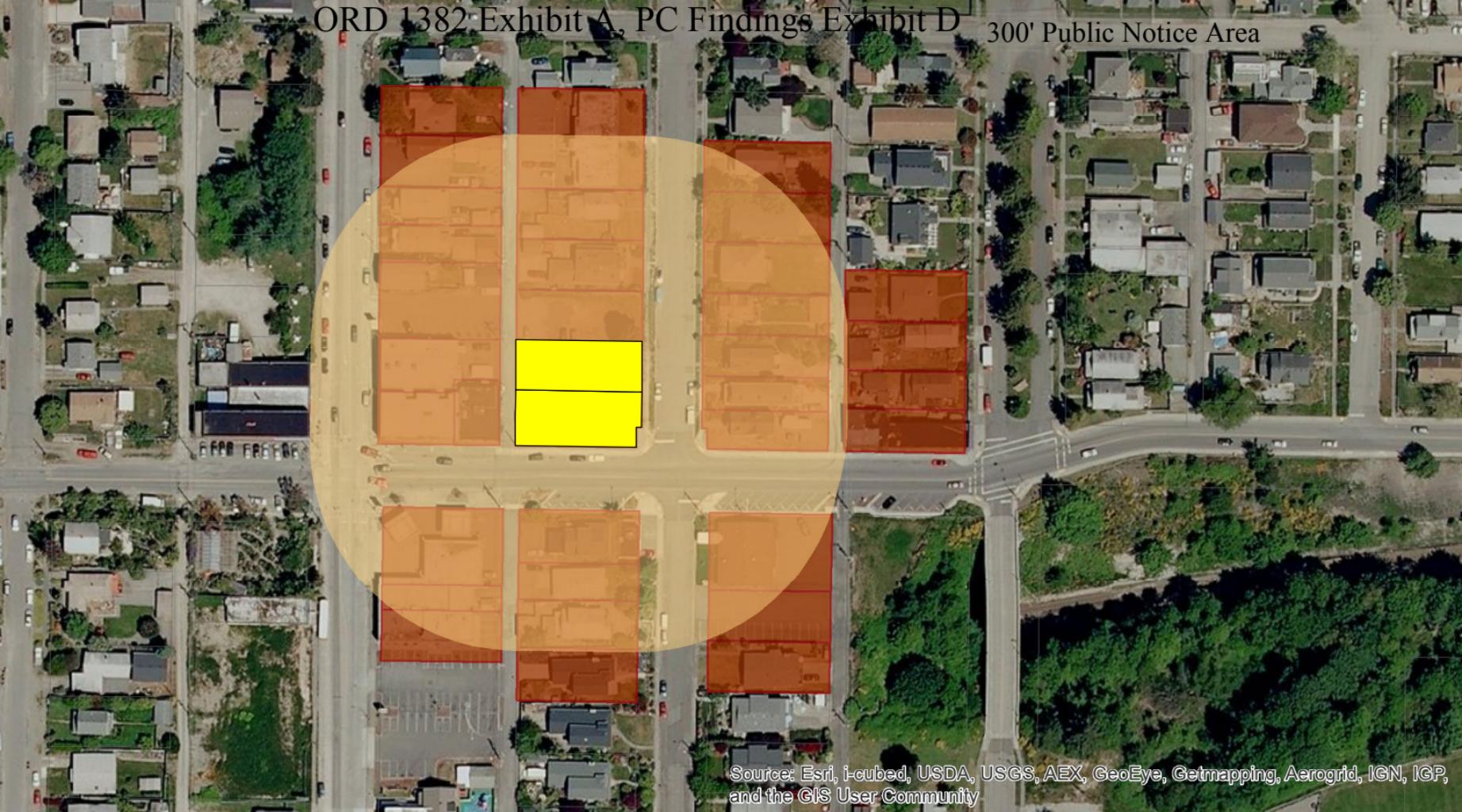
Section 23 Township 21 Range 02 Quarter 12 HOWARD HEIGHTS: L 1 & 2 B 2 TOG/W W 5 FT VAC  
HIGHLAND ST ABUTT VAC BY TOWN OF RUSTON ORD NO 1116 AFN 2002-10-04-0661 ALSO TOG/W VAC  
N 5 FT N 51ST ST VAC BY ORD NO 1157 AFN 200506301235 DC/BL 06-02-03BL DC/BL

#### **Parcel 4655000110**

Section 23 Township 21 Range 02 Quarter 12 HOWARD HEIGHTS L 3 & 4 B 2 TOG/W W 5 FT VAC  
HIGHLAND ST ABUTT VAC BY TOWN OF RUSTON ORD NO 1116 AFN 2002-10-04-0661 DC/BL 06-02-03BL

ORD 1382 Exhibit A, PC Findings Exhibit D

300' Public Notice Area



# ORD 1382 Exhibit A, PC Findings Exhibit D

## ENVIRONMENTAL CHECKLIST WAC 197-11-960

### *Purpose of checklist:*

The State Environmental Policy Act (SEPA), chapter 43.21C RCW, requires all governmental agencies to consider the environmental impacts of a proposal before making decisions. An environmental impact statement (EIS) must be prepared for all proposals with probable significant adverse impacts on the quality of the environment. The purpose of this checklist is to provide information to help you and the agency identify impacts from your proposal (and to reduce or avoid impacts from the proposal, if it can be done) and to help the agency decide whether an EIS is required.

### *Instructions for applicants:*

This environmental checklist asks you to describe some basic information about your proposal. Governmental agencies use this checklist to determine whether the environmental impacts of your proposal are significant, requiring preparation of an EIS. Answer the questions briefly, with the most precise information known, or give the best description you can.

You must answer each question accurately and carefully, to the best of your knowledge. In most cases, you should be able to answer the questions from your own observations or project plans without the need to hire experts. If you really do not know the answer, or if a question does not apply to your proposal, write "do not know" or "does not apply." Complete answers to the questions now may avoid unnecessary delays later.

Some questions ask about governmental regulations, such as zoning, shoreline, and landmark designations. Answer these questions if you can. If you have problems, the governmental agencies can assist you.

The checklist questions apply to all parts of your proposal, even if you plan to do them over a period of time or on different parcels of land. Attach any additional information that will help describe your proposal or its environmental effects. The agency to which you submit this checklist may ask you to explain your answers or provide additional information reasonably related to determining if there may be significant adverse impact.

### *Use of checklist for nonproject proposals:*

Complete this checklist for nonproject proposals, even though questions may be answered "does not apply." IN ADDITION, complete the SUPPLEMENTAL SHEET FOR NONPROJECT ACTIONS (part D).

For nonproject actions, the references in the checklist to the words "project," "applicant," and "property or site" should be read as "proposal," "proposer," and "affected geographic area," respectively.

### TO BE COMPLETED BY APPLICANT

\*\*\*OFFICIAL USE ONLY\*\*\*

SEPA # ORD 1382

Case # \_\_\_\_\_

Related Cases: \_\_\_\_\_

Date Received: \_\_\_\_\_

By: \_\_\_\_\_

Submittal: \_\_\_\_\_

Complete        Incomplete       

Information Requested:  
\_\_\_\_\_  
\_\_\_\_\_

### EVALUATION FOR AGENCY USE ONLY

#### A. BACKGROUND

1. Name of proposed project, if applicable:  
No project name yet

2. Applicant:  
Name: Ly Ngov  
Address: 1924 Pacific Ave S, Tacoma WA 98402  
Phone: 253-272-8200

3. Representative/Contact Person:  
Name: Russel Brunton  
Address: 1924 Pacific Ave S, Tacoma WA 98402  
Phone: 253-232-8007

# ORD 1382 Exhibit A, PC Findings Exhibit D

TO BE COMPLETED BY APPLICANT

EVALUATION FOR  
AGENCY USE ONLY

4. Date checklist prepared: 9/21/12
5. Agency requesting checklist: Town of Ruston, Washington
6. Proposed timing or schedule (including phasing, if applicable):  
Not applicable, in development.
7. Do you have any plans for future additions, expansion, or further activity related to or connected with this proposal? If yes, explain.

Although we do plan on developing the property for use in the future we do not currently have any specific plans. There are conceptual ideas that we have but nothing specific.

8. List any environmental information you know about that has been prepared, or will be prepared, directly related to this proposal.

None has already been prepared.

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.

No other applications pending.

10. List any government approvals or permits that will be needed for your proposal, if known.

Not known at this time.

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. (Lead agencies may modify this form to include additional specific information on project description.)

At this time we'd are proposing to change the zoning for these two lots from COM to COM-P. The latter designation will allow more flexibility in maximizing the development potential of the lots by reducing the parking requirements. Beyond this change in designation, we do not have any specific plans for the properties.

# ORD 1382 Exhibit A, PC Findings Exhibit D

TO BE COMPLETED BY APPLICANT

EVALUATION FOR  
AGENCY USE ONLY

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, and section, township, and range, if known. If a proposal would occur over a range of area, provide the range or boundaries of the site(s). Provide a legal description, site plan, vicinity map, and topographic map, if reasonably available. While you should submit any plans required by the agency, you are not required to duplicate maps or detailed plans submitted with any permit applications related to this checklist.

5104 North Highland & 5118 North Highland Street, Ruston Washington.

## B. ENVIRONMENTAL ELEMENTS

### 1. Earth

a) General description of the site (circle one): Flat, rolling, hilly, steep slopes, mountainous, other.

Flat

b) What is the steepest slope on the site (approximate percent slope)?

0%

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

These flat are gravel lots that were used for parking and storage, other than the gravel, we do not have a soils report.

d) Are there surface indications or history of unstable soils in the immediate vicinity? If so, describe.

No

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

No filling/grading proposed currently.

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

No erosion is expected since these are flat commercial lots.

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

Unknown.

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

N/A

# ORD 1382 Exhibit A, PC Findings Exhibit D

TO BE COMPLETED BY APPLICANT

EVALUATION FOR  
AGENCY USE ONLY

## 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.

Unknown.

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

No.

c) Proposed measures to reduce or control emissions or other impacts to air, if any:

N/A

## 3. Water

a) Surface:

(1) 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.

(2) Will the project require any work over, in, or adjacent to (within 200 feet) 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.

N/A

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

No.

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EVALUATION FOR  
AGENCY USE ONLY

(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:

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

No.

(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 is expected to serve.

None.

c) Water runoff (including stormwater):

(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 water will be directed to the storm drains are per code.

(2) Could waste materials enter ground or surface waters? If so, generally describe.

No.

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

None.

## 4. Plants

a) Check or circle types of vegetation found on the site:

deciduous tree: alder, maple, aspen, other  
 evergreen tree: fir, cedar, pine, other  
 shrubs  
 grass  
 pasture  
 crop or grain  
 wet soil plants: cattail, buttercup, bulrush, 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?

No vegetation currently on the site.

c) List threatened or endangered species known to be on or near the site.

None.

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EVALUATION FOR  
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c) Proposed landscaping, use of native plants, or other measures to preserve or enhance vegetation on the site, if any: No development of a landscape plan yet.

## 5. Animals

a) Circle 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:

mammals: deer, bear, elk, beaver, other:

fish: bass, salmon, trout, herring, shellfish, other:

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

None.

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

No.

d) Proposed measures to preserve or enhance wildlife, if any:

None proposed at this time.

## 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? Describe whether it will be used for heating, manufacturing, etc.

Not known at this time.

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

Not known at this time.

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:

Not known at this time.

## 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.

No hazardous materials or waste known.

(1) Describe special emergency services that might be required.

None at this time.

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

N/A

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EVALUATION FOR  
AGENCY USE ONLY

b) Noise

- (1) What types of noise exist in the area which may affect your project (for example: traffic, equipment, operation, other)?
- (2) What types and levels of noise would be created by or associated with the project on a short-term or a long-term basis (for example: traffic, construction, operation, other)? Indicate what hours noise would come from the site.

None.

- (3) Proposed measures to reduce or control noise impacts, if any:

N/A

## 8. Land and shoreline use

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

Not being used. adj properties are residences to the north and east, and commercial to the south and east.

--

b) Has the site been used for agriculture? If so, describe.

No.

c) Describe any structures on the site.

None.

d) Will any structures be demolished? If so, what?

N/A

e) What is the current zoning classification of the site?

Commercial (COM)

f) What is the current comprehensive plan designation of the site?

Commercial

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

h) 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?

--

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

None.

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

Not applicable.

(1) Proposed measures to ensure the proposal is compatible with existing and projected land uses and plans, if any:

## 9. Housing

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

Unknown.

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

None

c) Proposed measures to reduce or control housing impacts, if any:

N/A

## 10. Aesthetics

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

Unknown. Less than that allowed by the zoning however, 40'. Building materials unknown.

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

Unknown at this time.

c) Proposed measures to reduce or control aesthetic impacts, if any:

Not known at this time.

## 11. Light and glare

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

Unknown at this time.

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

Unknown at this time.

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

Unknown at this time.

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

Unknown at this time.

# ORD 1382 Exhibit A, PC Findings Exhibit D

TO BE COMPLETED BY APPLICANT

EVALUATION FOR  
AGENCY USE ONLY

## 12. Recreation

a) What designated and informal recreational opportunities are in the immediate vicinity?

None.

b) Would the proposed project displace any existing recreational uses? If so, describe.

No.

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

N/A

## 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? If so, generally describe.

No.

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

None.

c) Proposed measures to reduce or control impacts, if any:

N/A.

## 14. Transportation

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

The properties are adjacent to North 51st, Highland Ave, and an alley perpendicular to North 51st.  
Access unknown at this time.

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

Not directly served, but there are stops within 300 feet.

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

None now to eliminate, parking will be provided per code.

c) 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).

Unknown at this time.

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

No.

# ORD 1382 Exhibit A, PC Findings Exhibit D

TO BE COMPLETED BY APPLICANT

EVALUATION FOR  
AGENCY USE ONLY

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

Unknown.

g) Proposed measures to reduce or control transportation impacts, if any:

Unknown at this time.

## 15. Public services

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

Unknown at this time.

b) Proposed measures to reduce or control direct impacts on public services, if any:

Unknown at this time.

## 16. Utilities

a) Circle utilities currently available at the site: electricity, natural gas, water, refuse service, telephone, sanitary sewer, septic system, other.

Electricity, natural gas, water, refuse service, sanitary sewer, and telephone.

b) 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.

Unknown.

## 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.

Signature: ZB

Date Submitted: 9/21/12

ORD 1382 Exhibit A, PC Findings Exhibit D



File: 00000713.dwg Drawing: \00000713\00000713.dwg\00000713.dwg Date: 06.09.2007 11:24:58 AM

**TOWN OF RUSTON  
OFFICIAL ZONING MAP**

## VICINITY MAP

## LEGEND

RES RESIDENTIAL ZONE  
COM COMMERCIAL ZONE  
COM-P COMMERCIAL ZONE - PEARL  
MPD MASTER PLANNED DEVELOPMENT

SCALE (IN FEET)

SCALE: 1 = 400'

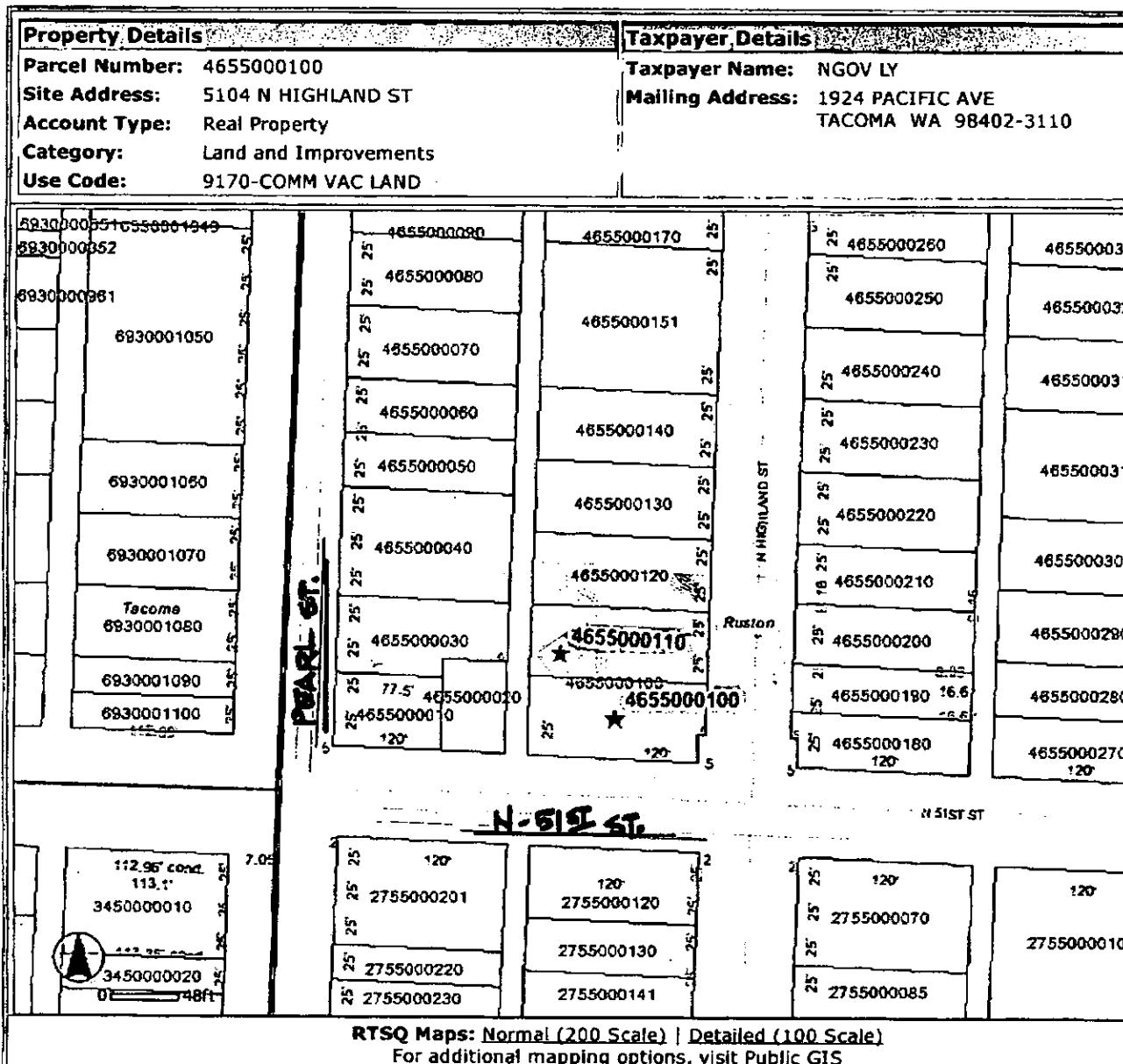
HUNT-ZOLLARS

## ORD 1382 Exhibit A, PC Findings Exhibit D

## Pierce County Assessor-Treasurer ePIP

## Parcel Map for 4655000100

09/11/2012



I acknowledge and agree to the prohibitions listed in RCW 42.56.070(9) against releasing and/or using lists of individuals for purposes. Neither Pierce County nor the Assessor-Treasurer warrants the accuracy, reliability or timeliness of any information in this system. Pierce County and the Assessor-Treasurer 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 that 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 taxpayer"**

Pierce County Assessor-Treasurer

Dale Washam

2401 South 35th St Room 142

Tacoma, Washington 98409

(253)798-6111 or Fax (253)798-3142

## DETERMINATION OF NONSIGNIFICANCE

**City of Ruston**  
**File Number: Ordinance 1382**  
**COM-P Rezone**

**To:** All Departments and Agencies with Jurisdiction  
**Subject:** Determination of Non-Significance (DNS)

In accordance with WAC 197-11-340, a copy of the Determination of Non-Significance (DNS) for the project described below is transmitted:

**Applicant:** Ly Ngov  
1924 Pacific Ave  
Tacoma, WA 98402

**Proposal:** A zoning map amendment to change the zoning for tax parcel numbers 4655000100 and 4655000110 from Commercial (COM) to Commercial-Pearl (COM-P) within the Town of Ruston.

**Location:** The affected site is located at 5104 and 5118 North Highland Street, Ruston, WA 98407.

**Lead Agency:** City of Ruston

**Contact:** Rob White  
City Planner  
5117 North Winnifred  
Ruston, WA 98407  
[robw@rustonwa.org](mailto:robw@rustonwa.org)

The lead agency for this proposal has determined that this project does not have a probable significant adverse impact on the environment. An environmental impact statement (EIS) is not required under RCW 43.21C.030(2)(9c). 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.

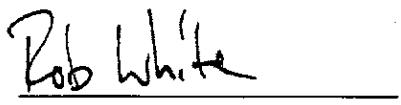
This Determination of Non-Significance (DNS) is issued under WAC 197-11-340(2). The City will not act on this proposal for 14 days from the date of issue. Comments must be submitted by 5:00 p.m. by the closing of the comment deadline. The Responsible Official will reconsider

## ORD 1382 Exhibit A, PC Findings Exhibit E

the DNS based on timely comments and may retain, modify, or, if significant adverse impacts are likely, withdraw the DNS. If the DNS is retained, it will be final after the expiration of the comment deadline.

**Responsible Official:** Rob White, City Planner

**SEPA Official Signature:**

A handwritten signature in black ink that reads "Rob White". The signature is written in a cursive style with a clear 'R' and 'W'.

**Issue Date:** October 26, 2012

**Comment Deadline:** 5:00 p.m., November 9, 2012.

**NOTE:** The issuance of this Determination of Non-Significance (DNS) does not constitute project approval. The applicant must comply with all other applicable requirements of the City of Ruston and other agencies with jurisdiction prior to receiving construction permits.

# Official Zoning Map

