

ORDINANCE NO. 1400

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RUSTON, WASHINGTON, RELATING TO LAND USE AND ZONING, ADOPTING AN IMMEDIATE EMERGENCY MORATORIUM ON THE ACCEPTANCE OF APPLICATIONS FOR NEW DEVELOPMENT OR RE-DEVELOPMENT WITHIN THE COM OR COM-P ZONES, 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, SUCH MORATORIUM TO BE EFFECTIVE IMMEDIATELY, DEFINING THE APPLICATIONS SUBJECT TO THE MORATORIUM, SETTING A DATE FOR A PUBLIC HEARING ON THE MORATORIUM, ESTABLISHING SIX MONTHS AS THE TENTATIVE EFFECTIVE PERIOD UNTIL THE COUNCIL PUBLIC HEARING ON THE CONTINUED MAINTENANCE OF THE MORATORIUM, AND DECLARING AN EMERGENCY NECESSITATING IMMEDIATE ADOPTION OF A MORATORIUM.

WHEREAS, the City Council of the City of Ruston has been in the process of updating its codes, including the City's zoning code; and

WHEREAS, the City Council recently did a targeted text amendment to its land use code in the COM-P zone; and

WHEREAS, this land use text amendment raised issues among the Council and Planning Commission that require a broader review of the City's zoning code in commercial areas (COM and COM-P zones); and

WHEREAS, the City Planning Commission has commenced work on the City's major Comprehensive Plan update; and

WHEREAS, part of the update will include a review of the development and allowed uses appropriate in the City's commercial zones; and

WHEREAS, while this work is underway, the City Council decided that the issue of permitted uses and development in the COM and COM-P zones should be addressed while a

moratorium is in place, to prevent any property owners from submitting applications for development or re-development under the existing codes; and

WHEREAS, the City Council 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 days after adoption (RCW 35A.63.220, RCW 36.70A.390); and

WHEREAS, the City desires to impose an immediate six-month moratorium on the acceptance of development applications for any “development activity” or “development permit” as listed in the table contained in Ruston Municipal Code (RMC) Section 19.01.011, for any property located within the COM or COM-P zones of the City, as shown on the attached zoning map; 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, a copy of which is attached to this Ordinance as Exhibit B, 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 this Ordinance. 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 this Ordinance, 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 this Ordinance 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 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. Moratorium Imposed. The City Council hereby imposes an immediate six-month moratorium on the acceptance of all non-exempt development permit applications for development activities on property located within the COM or COM-P zones, as shown in the map attached hereto as Exhibit A. All such non-exempt applications shall be rejected and returned to the applicant. With regard to the City’s acceptance of any exempt development application, such acceptance shall only allow processing to proceed, but shall not constitute an assurance that the application will be approved.

Section 4. Duration of Moratorium. The moratorium imposed by this Ordinance shall commence on the date of the adoption of this Ordinance. As long as the City holds a public hearing on the moratorium and adopts findings and conclusions in support of the moratorium (as contemplated by Section 5 herein), the moratorium shall not terminate until six (6) months after the date of adoption, or at the time all of the tasks described herein have been accomplished,

whichever is sooner. The Council shall make the decision to terminate the moratorium by ordinance, and termination shall not otherwise be presumed to have occurred.

Section 5. Public Hearing on Moratorium. Pursuant to RCW 36.70A.390 and RCW 35A.63.220, the City Council shall hold a public hearing on this moratorium within sixty (60) days of its adoption, or before May 18, 2013. The Council shall hold this hearing on May 7 _____, 2013. Immediately after the public hearing, the City Council shall adopt findings of fact on the subject of this moratorium and either justify its continued imposition or cancel the moratorium.

Section 6. 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 7. Declaration of Emergency. The City Council hereby declares that an emergency exists necessitating that this Ordinance take effect immediately upon passage by a majority vote plus one of the whole membership of the Council, and that the same is not subject to a referendum (RCW 35A.12.130). Without an immediate moratorium on the City's acceptance of non-exempt development applications for property, such applications could become vested, leading to development that could be incompatible with the codes eventually adopted by the City. Therefore, the moratorium must be imposed as an emergency measure to protect the public health, safety and welfare, and to prevent the submission of a flood of applications to the City in an attempt to vest rights for an indefinite period of time. This Ordinance does not affect any existing vested rights, nor will it prohibit all development in the City, because those property owners with exempt applications/permits, those with previously

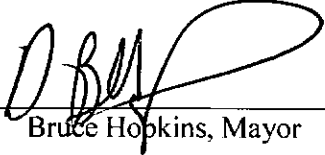
obtained approvals for development or redevelopment of the type identified as "exempt" may proceed with processing and development, as the case may be.

Section 8. Publication. This Ordinance shall be published by an approved summary consisting of the title.

Section 9. Effective Date. This Ordinance shall take effect and be in full force and effect immediately upon passage, as set forth in Section 7, as long as it is approved by a majority plus one of the entire membership of the Council, as required by RCW 35A.12.130.

ADOPTED by the City Council of the City of Ruston and attested by the City Clerk in authentication of such passage on this 19th day of March, 2013.

APPROVED by the Mayor this 19th day of March, 2013.



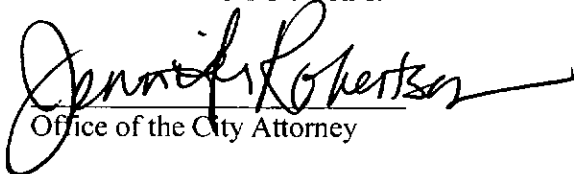
Bruce Hopkins, Mayor

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: 1400

EXHIBIT "A"
Adopted Zoning Map

Official Zoning Map



EXHIBIT "B"
RMC 19.01.011

19.01.011 - Permits and review procedures.

The following table shows land use or land use-related permit and/or approval procedures in Ruston:

Type of Permit/Approval	Subject to Title 19	Administration	Planning Commission	Town Council	RMC
Legislative Decisions (See RMC 19.01.010(a))					
Adoption of and amendment to development regulations	No	Report	Recommendation	Decision	25.01.135
Comprehensive Plan Amendment	No	Report	Recommendation	Decision	<u>29.01</u>
Zoning Map Amendment	No	Report	Recommendation	Decision	<u>25.01.140</u>
Zoning Text Change	No	Report	Recommendation	Decision	25.01.135
Street Vacations, etc.	No	Report		Decision	RCW 35.79
Quasi-Judicial Decisions (Set Forth in RMC 19.01.010(b))					
Conditional Use Permit	Yes				<u>25.01.110</u>
Wireless Communication Facilities Permit	Yes	Report	Recommendation	Decision	<u>25.02</u> and <u>25.01.110</u>
Unclassified Use Permit	Yes	Report	Recommendation	Decision	<u>25.01.110</u>
Variance Permit	Yes	Report	Recommendation	Decision	<u>25.01.110</u>
Approval or Amendment of Development Plan/Development Agreement in MPD Zone.	Yes	Report	Recommendation	Decision	<u>25.01.060</u>
Subdivisions	Yes	Report	Recommendation	Decision	<u>29.02</u>
Shoreline Permit	Yes	Report	Recommendation	Decision	<u>15.01</u>
Shoreline Conditional Use or Variance Permit	Yes	Report	Recommendation	Decision	<u>15.01</u>
Special Use Permit (Auxiliary Dwelling Unit, Yard Variation on Corner Properties)	Yes	Report	Recommendation	Decision	<u>25.01.140</u>
Administrative Decisions Requiring Review for Compliance with Adopted Codes.					

Building Permit, Grading Permit	No	Decision			IBC
Sign Permit	No	Decision			<u>25.01.100</u>
Site Plan Approval	No	Decision			<u>25.01.140</u>
Boundary Line (Lot Line) Adjustments	No	Decision			<u>29.03</u>
Short Plat	No			Decision	<u>29.02</u>
Digging and Grading in public ROW or public place	No	Decision			<u>12.02</u>
Hazards and Obstructions	No	Decision		Review Exceptions to <u>Chapter</u> <u>14.03</u>	<u>14.03</u>

(Ord. 1178 § 1, Nov. 21, 2005; Ord. 1211 § 2, April 16th, 2007; Ord. 1324, § 1, Dec. 23rd, 2010).