

ORDINANCE NO. 1403

AN ORDINANCE OF THE CITY OF RUSTON, RELATING TO THE STACK HILL MASTER DEVELOPMENT PLAN, AMENDING THE STACK HILL MASTER DEVELOPMENT PLAN TO MAKE A MINOR REVISION TO THE CONFIGURATION OF BALTIMORE STREET, AND ALSO ELIMINATING THE STREET TREE REQUIREMENT FROM BOTH BALTIMORE STREET AND 49TH STREET AND REPLACING THE STREET TREES WITH ALTERNATE LANDSCAPE VEGETATION, AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, Point Ruston applied for a plat alteration for the property in the Bay View Addition Plat in 2007, named the Stack Hill subdivision; and

WHEREAS, the Stack Hill Preliminary Plat approval was adopted by the City Council of the City of Ruston¹ on August 6, 2007 under Ordinance #1224; and

WHEREAS, in addition to granting Preliminary Plat Approval, Ordinance #1224 also granted approval of the Stack Hill Master Development Plan (“MDP”); and

WHEREAS, final plat approval was granted by the City of Ruston on July 21, 2008 under Resolution #429; and

WHEREAS, the City Council approved Resolution #541 on January 29, 2013 to allow for an extension of time to complete certain improvements required as part of the Stack Hill Plat Approval; and

WHEREAS, on April 1, 2013 the applicant/owner of the Stack Hill Subdivision made application to the City of Ruston to amend both the Plat and the MDP; and

¹ Since the plat and MDP were approved, the Town of Ruston has reorganized as a code city, operating under Title 35A of the Revised Code of Washington.

WHEREAS, the application for amendment to the MDP included a minor revision to the final configuration of Baltimore Street to allow a narrowing of Baltimore Street between Sta. 801+90 and 803+06.09 to avoid the necessity of moving high pressure natural gas facilities; and

WHEREAS, the application for amendment the MDP also included a request to eliminate the requirement for planting street trees on both Baltimore Street and N. 49th Street and instead to install bark or mulch in the six foot planting strips; and

WHEREAS, the City Engineer, Jerome Morrissette, recommended approval of the minor revision to the final configuration of Baltimore Street based on the traffic calming effect of slightly narrowing the street at the requested locations; and

WHEREAS, the City Engineer also recommended approval of the elimination of the street tree requirement; and

WHEREAS, the City Planner, Rob White, also recommended approval of these Amendments to the MDP, however, Mr. White recommended that the street tree requirement be replaced with another vegetation installation requirement rather than bare mulch/bark; and

WHEREAS, on April 17, 2013 the Ruston Planning Commission held an open record public hearing on this application to amend the Stack Hill MDP; and

WHEREAS, during that hearing the Planning Commission accepted testimony from the applicant and the applicant's representative and received written comments from members of the public. After closing the hearing the Planning Commission deliberated on the same; and

WHEREAS, on April 17, 2013 the Planning Commission adopted Findings and a Recommendation for Approval of the Amendment of the Stack Hill MDP to the Council a copy of which is attached hereto as Exhibit 1; and

WHEREAS, on May 7, 2013 the City Council conducted a closed record review of the Planning Commission's recommendation pursuant to Title 19 RMC; and

WHEREAS, on May 21, 2013, the City Council voted to approve the Findings and Recommendation of the Planning Commission to amend the Stack Hill MDP; and

WHEREAS, fifty one (51) days have elapsed since the date of the application to amend the MDP; NOW, THEREFORE

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

Section 1. The Findings of the Planning Commission dated April 17, 2013 are adopted by the City Council and attached hereto as Exhibit 1.

Section 2. The Stack Hill Master Development Plan is hereby amended as follows:

- A. Baltimore Street Development Standards is revised to allow the pavement width to taper from seventeen (17) feet for the half-street to fifteen (15) feet for the half-street only between Sta. 801+90 and 803+06.09, in the manner depicted on Sheet RD-1 as approved under City of Ruston SEP 13-01 and attached hereto as Exhibit 2. Additionally, the final striping configuration shall be required to create enhanced safety and traffic calming, as approved by the City Engineer.
- B. The requirement to plant street trees in the six (6) foot planting strip on Baltimore Street is eliminated and is replaced by a requirement to plant the six (6) foot landscape strips with native drought-tolerant, evergreen ground cover which produces seasonal color such as Kinnikinnick or other similar plantings. Furthermore, all landscape beds shall be planted at a density so as to provide a minimum of 70% coverage within 1 year of installation. Prior to installation, a landscape plan which has been prepared by a landscape architect must be submitted to the City for review and approval. A bond shall be provided to the City of Ruston by the applicant to ensure that 70% coverage is achieved and that landscaping survives a minimum of one year from the date of acceptance of the above required landscaping by the City of Ruston.
- C. The requirement to plant street trees in the six (6) foot planting strip on the north side of N. 49th Street is eliminated and is replaced by a requirement to plant the six (6) foot landscape strips with native drought-tolerant, evergreen ground cover which produces seasonal color such as Kinnikinnick or other similar plantings. Furthermore, all landscape beds shall be planted at a density so as to provide a

minimum of 70% coverage within 1 year of installation. Prior to installation, a landscape plan which has been prepared by a landscape architect must be submitted to the City for review and approval. A bond shall be provided to the City of Ruston by the applicant to ensure that 70% coverage is achieved and that landscaping survives a minimum of one year from the date of acceptance of the above required landscaping by the City of Ruston

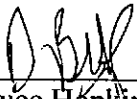
Section 3. Severability. If any section, sentence, clause or phrase of this Ordinance should be held to be unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this Ordinance.

Section 4. Publication. This Ordinance shall be published by an approved summary consisting of the title.

Section 5. 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 21st day of May, 2013.

APPROVED by the Mayor this 21st day of May, 2013.



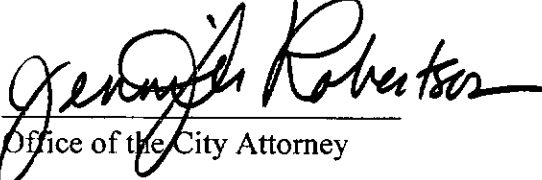
Bruce Hopkins, Mayor

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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