

ORDINANCE NO. 1419

AN ORDINANCE OF THE CITY OF RUSTON, WASHINGTON, REGARDING BOUNDARY LINE REVISIONS, AMENDING CHAPTER 29.03 OF THE RUSTON MUNICIPAL CODE TO REVISE APPROVAL CRITERIA AND MAKING HOUSEKEEPING AMENDMENTS, AMENDING SECTIONS 29.03.020, 29.03.030 AND 29.03.040, AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, the City has received an application for a Code Amendment to the Boundary Line Revision Chapter of the Ruston Municipal Code (Chapter 29.03 RMC) from Alex Koval and Craftsman Structures LLC for the purpose changing the code to allow a boundary line adjustment that will change the orientation of existing lot lines; and

WHEREAS, the Planning Director has reviewed the application for the Code Amendment and recommends approval of such amendment with additional "housekeeping" amendments being made concurrently; and

WHEREAS, on September 25, 2013, the Ruston Planning Commission held a public hearing on the application for Code Amendment to the Boundary Line Revision Chapter of the Ruston Municipal Code (Chapter 29.03 RMC); and

WHEREAS, following the public hearing the Planning Commission deliberated on the code amendment application, the public testimony and the recommendation of the Planning Director; and

WHEREAS, after a full deliberation and consideration, the Planning Commission recommends Chapter 29.03 RMC be amended as contained in Ordinance 1419 and that the City Council adopt this Ordinance; and

WHEREAS, the City's SEPA Responsible Official issued a Determination of Non-Significance (DNS) on August 22, 2013; and

WHEREAS, in accordance with RCW 36.70A.106, this amending ordinance has been sent to the State Department of Community, Trade and Economic Development with a request for expedited review; and

WHEREAS, the request for expedited review was granted on October 8, 2013 and after October 22, 2013 the required time will have passed to allow adoption by the City Council on the date of adoption; and

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

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

THE CITY COUNCIL OF THE CITY OF RUSTON HEREBY ORDAINS AS FOLLOWS:

Section 1. Section 29.03.020 of the Ruston Municipal Code is hereby amended to read as follows:

29.03.020 Approval criteria.

(a) The Mayor's designee shall review and approve, approve with conditions, or disapprove boundary line revisions. The Mayor's designee shall make written findings that the declaration of boundary line revision shall not:

- (1) Increase the number of lots nor diminish in size open space or other protected environments;
- ~~(2) Change the orientation of existing lot lines;~~
- ~~(3) Diminish the size of any lot so as to result in a lot of less area or width than prescribed by zoning or other regulations;~~
- ~~(4) Create or diminish any easement or deprive any parcel of access or utilities;~~

- (~~54~~) Diminish or impair drainage, water supply, existing sanitary sewage disposal, and access or easement for vehicles, utilities, and fire protection for any lot;
- (~~65~~) Increase the nonconforming aspects of an existing nonconforming lot;
- (~~76~~) Re-plat or vacate a plat or short subdivision; or
- (~~87~~) Amend the conditions of approval for a previously platted property.

Section 2. Section 29.03.030 of the Ruston Municipal Code is hereby amended to read as follows:

29.03.030 Application requirements.

- (a) Application for a declaration of boundary line revision shall be ~~made~~filed with the ~~Town~~City Clerk. The application shall contain:
 - (1) Current title report or subdivision guarantee,
 - (2) Three copies of a plan, and one mylar measuring 18 inches by 24 inches. The plan shall be prepared by a licensed land surveyor on reproducible material. Unless otherwise approved by the Mayor's designee, the plan shall be produced at a scale of not less than one inch equals 20 feet. The plan shall identify the following:
 - (A) Complete and accurate legal descriptions (including any recorded easements along with recording numbers) of the existing original parcel(s);
 - (B) An accurate, scaled drawing of the existing (original) parcels, depicting the location of all roads, easements, structures, drain fields, and dimensions, distances from all structures to property lines, and the use of any structures;
 - (C) The formal declaration (including a future subdivision clause if combining any lots);
 - (D) Notarized acknowledgments and signatures of all property owners identified in the title report;
 - (E) Complete and accurate legal descriptions (including any recorded easements along with recording numbers) of the revised parcel(s);
 - (F) An accurate, scaled drawing of the revised parcel(s), depicting the location of all roads, easements, structures, drain fields, and dimensions, distances from all structures to property lines, and the use of any structures.

(G) Property corners or a suitable material shall be set at all new lot corners by a surveyor licensed in the State of Washington, in accordance with RCW 58.09.120.

Section 3. Section 29.03.040 of the Ruston Municipal Code is hereby amended to read as follows:

29.03.040 Approval of declaration of boundary line revision.

The declaration of boundary line revision must be certified for filing by the Mayor's designee. The ~~Town~~City Clerk will record the declaration of boundary line revision with the County Auditor. The applicant shall pay all costs associated with ~~Town~~City Review and with this recording, in accordance with the City's fee schedule. ~~Fees and deposit as determined by the Town Clerk will be required.~~

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.

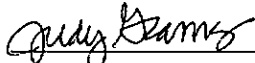
ADOPTED by the City Council of the City of Ruston and attested by the City Clerk in authentication of such passage on this 5th day of November, 2013.

APPROVED by the Mayor this 5th day of November, 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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