

TOWN OF RUSTON

ORDINANCE 1275

AN ORDINANCE of the Town of Ruston relating to the approval of a shoreline substantial development permit, regarding an application made by Point Ruston LLC for the development of a water-front mixed-use hotel and related public amenities within the regulated shorelines area of Commencement Bay, upon the site of the former Asarco Superfund site, pursuant to the approved Point Ruston Master Development Plan (PRMDP), Town of Ruston Shoreline Master Program (SMP), the Ruston Municipal Code (RMC), and all other applicable development regulations.

WHEREAS, the Shoreline Management Act (SMA), pursuant to RCW 90.58, requires the Town to develop, adopt, and implement a Shoreline Master Program, and

WHEREAS, in 1974 the Town of Ruston approved Ordinance 651, adopting a SMP for the lands located within the regulated shoreline area of the Town, and

WHEREAS, in 1983, the site was included on the National Priorities List pursuant to Comprehensive Environmental Response, Compensation, and Liability Act of 1980, 42 U.S.C. 9601-9657 ("CERCLA") and has since undergone extensive environmental remediation under an EPA Consent Decree that was negotiated between EPA and Asarco and lodged in the U.S. District Court for Western Washington on January 3, 1997, and

WHEREAS, pursuant to RMC Chapter 25.01.060, Asarco and other stakeholders conducted extensive public outreach in order to form the basis for the land use planning and redevelopment strategy for the site, ultimately approving Ordinance 1002, which adopted the Asarco Master Development Plan (Asarco MDP), and

WHEREAS, consistent with terms of the 1997 Consent Decree site cleanup by Asarco began in 1998; however, cleanup of the site, originally scheduled for completion in 2003, was delayed as a result of Asarco's limited funding availability, and sale of the Tacoma Smelter site was already in-progress when Asarco filed for bankruptcy in August 2005, and

WHEREAS, as part of the sale of Asarco's assets in bankruptcy, the site was sold through a nationwide auction, and upon Point Ruston LLC's purchase and control of the property it has undertaken a similar and extensive land use planning process in order to form the basis of its redevelopment strategy for the site, while taking into consideration the requirements of the 2006 Consent Decree and other development regulations, and

WHEREAS, as part of this land use planning process, pursuant to RMC Chapter 25.01.060, after months of public process and consultation, the Town of Ruston Planning Commission held a public hearing on regarding the PRMDP, and after deliberation

unanimously recommended passage of the PRMPD (attached herewith as Exhibit D), and

WHEREAS, pursuant to RMC Chapter 25.01.060(a)(3), the Town approved Ordinance 1224, enacting the PRMDP, superseding the previously approved Asarco MDP, and specifically contemplating a hotel and public shoreline amenities uses, as well as regulating such requirements as height, bulk and scale and required public access improvements within the regulated shoreline area, and

WHEREAS, pursuant to RMC Chapter 15.01 and the SMA (RCW 90.58), Point Ruston LLC has applied for a Conditional Use Shoreline Substantial Development for the construction and development of a 175 room hotel, with applicable ancillary uses such as a health club facility, restaurant, lounge, and conference facility, as well as for the development of a minimum 50 foot wide waterfront promenade standing along the entire edge of the Town's shoreline (attached as Exhibit B), and

WHEREAS, pursuant to RMC Chapter 15.01 and 19.01.011 the Town of Ruston Planning Commission ("Commission") reviewed the application and conducted a public hearing to hear testimony on the application on November 12 2008, and on November 19th, 2008, after deliberation on the public testimony, the Planning Commission unanimously recommended passage of the proposal to the Town Council, and

WHEREAS, this approval is pursuant to Ruston Municipal Code (RMC) Chapter 15.02 and RCW 43.21C, in that the decision has complied with SEPA, and

WHEREAS, this approval is pursuant to the approved PRMDP, Town of Ruston Shoreline Master Program, the Ruston Municipal Code, and all other applicable development regulations.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN OF RUSTON

Section 1: The Council for the Town of Ruston hereby accepts the Commission's recommendation (attached as Exhibit C) for approval of the Point Ruston LLC application.

Section 2: The Council for the Town of Ruston hereby approves the application by Point Ruston LLC for a Condition Use Shoreline Substantial Development Permit, and adopts the attached Findings of Fact (attached as Exhibit A).

PASSED BY THE COUNCIL AND APPROVED by me this 5th day of January 2008.

Bruce Hopkins, Mayor

ATTEST:

Town Clerk