



## Technical Memo

**To** City of Ruston Planning Commission  
**From:** Kirsten Peterson, Consultant Planner  
**Date:** April 2, 2025 Planning Commission Meeting  
**Subject** Updated Middle Housing and Subdivision Ordinance

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### BACKGROUND

During previous Planning Commission meetings, discussion has been held on the “middle housing” requirements for Tier 3 cities that have resulted from the adoption of Engrossed 2nd Substitute House Bill 1110, commonly referred to as “HB 1110”. The main provisions of HB 1110 are codified in RCW 36.70A.635 through RCW 36.70A.638.

As a reminder, “Middle housing” means buildings that are compatible in scale, form, and character with single-family houses and contain two or more attached, stacked, or clustered homes including duplexes, triplexes, fourplexes, fiveplexes, sixplexes, townhouses, stacked flats, courtyard apartments, and cottage housing.

As a Tier 3 city, Ruston is required to allow a density of two units per lot, and will be updating the development code to include the following four middle housing types as permitted uses within the residential zones:

- Duplexes
- Stacked flats
- Cottage housing
- Courtyard apartments

See **Exhibit 2** for example graphics for each of these required middle housing types.

In addition to reviewing the middle housing requirements, this meeting will also focus on related provisions pertaining to unit lot subdivision and zero lot line subdivision requirements. As part of adopting the middle housing requirements, the State legislature included a requirement in ESSHB 1110 requiring cities to allow “zero lot line” short subdivisions. RCW 36.70A.635(5), provides in pertinent part: **“A city must also allow zero lot line short subdivision where the number of lots created is equal to the unit density required in subsection (1) of this section.”** This means that the City of Ruston must allow zero lot line subdivisions that result in two lots for existing lots where residential uses are allowed. In addition, since Ruston is counting ADUs towards the middle

housing density, a lot division could also occur for the allowed ADUs. This will be effectuated via a short unit lot subdivision that is limited to the maximum density in the middle housing ordinance.

Additional amendments have been made to the middle housing ordinance to accommodate the unit lot and zero lot line subdivision requirements.

Materials were provided at previous meetings which depicted several amendments to the Ruston Municipal Code in TrackChanges, which showed the additions and deletions in color. Since the last review the code amendments have been updated into ordinance format. This means that the edits are no longer showing up TrackChanges. Instead, new code language is shown as underlined, and language proposed for deletion is depicted with a ~~striketrough~~. Be advised that this is still in draft, with additional edits to be made and comment bubbles on the right side of the document to explain various the various edits, and future work to completed before the next meeting.

## **SUMMARY**

The following is a summary of the proposed changes in order of appearance in the Code amendment document:

### **RMC 25.01 Definitions**

The definitions have been moved from this section to a new location in a new Chapter 25.99.

### **RMC 25.01.030 Purpose of Zones**

The list of zones has been updated in subsection (b) and the new zoning map will be provided in subsection (c). The use classifications of each zoning district will be clarified before the next PC meeting. The zoning map has also been updated with a more current map that has been under consideration by the Planning Commission for the past couple of years.

### **RMC 25.01.030 Residential RES Zone**

This section has been updated to remove RES from the title and in a) the description has been updated to clarify that the Residential and Stacked Hill Districts are the two zones designated as primarily residential zones.

Subsections (b) through (d) have clarifying language specific to the term residential. A new subsection (e) includes new language regarding unit density, as required by State law. Subsection (h) provides a required descriptor on the amount of open space required for cottage housing.

### **RMC 25.01.040**

Several edits have been made within this section to update language. Some of the more prominent amendments are as follows:

#### **(a) Residential Districts**

Verbiage has been updated to refer to the new zoning districts that are designated primarily for residential uses, and to accommodate for Tier 3 middle housing.

### **(e) Unit Density**

This new subsection has been added to account for the unit density requirements to allow for two units per lot.

### **(g) Permitted Heights**

Explanation on height limitations has been provided, with a comment indicated that HB 1337 allows a city to limit the height of an ADU to 24' or the height of the underlying zone, whichever is lower. This is a topic for discussion with the PC.

In addition to the text amendments, it is proposed to delete the existing images for determination of lot grade and measurement of heights for proposed structures. New graphics have been incorporated in, however, review is warranted as the original images were

### **(h) Minimum Open Space**

This provision specifies that open space requirements for cottage housing shall be equal to at least 20 percent of the total lot area

### **(k) Accessory Dwellings**

While the term middle housing does not include "Accessory Dwelling Units" the City of Ruston is also including legislation (required by House Bill 1337) related to ADU's in the middle housing update. The code amendments within this section are as follows:

- Subsection (1) allows for up to two (2) ADU's on a lot per each single-family dwelling located on the same lot, provided that the unit density standards are not exceeded. This section goes on to further state that if a lot is developed with a duplex, or with two units classified as middle housing, then no ADU is permitted on that lot.
- ADU's to comply with the development standards for the underlying zoning district.
- The maximum gross floor area of an ADU is set at 1,000 square feet. (Although the maximum may be higher, it cannot be less than 1,000 square feet.)
- ADU's will only be allowed on lots that meet the minimum lot size requirements for the principal unit.
- The maximum roof height of an ADU is 25 feet, or the maximum height allowed for the primary unit (whichever is less).
- ADU's may not be used as "short term rentals".
- ADU's will not be allowed on lots with critical areas, lots that are not connected to a public sewer system, or lots that are within the shoreline jurisdiction.
- Subsection (9) provides a reference to the parking requirements for ADU's, found in 25.01.090
- Subsection (10) specifies that garage space and other accessory buildings can be converted into an ADU with the provision that parking spaces removed for conversion to ADU's must be replaced elsewhere on the property. While this language is required under RCW 36.70A.698(1). However, there is an additional step that the City can take:

Under RCW [36.70A.698\(2\)](#) the city may require off-street parking within this ¼ mile if the city has determined that the accessory dwelling unit is in an area with a lack of access to street parking capacity,

physical space impediments, or other reasons. supported by evidence that would make on-street parking infeasible for the accessory dwelling unit.

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

This zoning district has been relabeled as the Pearl District zone.

Similar changes will be made to the remaining zoning district designations, and will be brought forth to the next Planning Commission meeting.

#### **RMC 25.01.080 Parking requirements**

This subsection has been amended to incorporate the off-street parking requirements for middle housing dwellings, in compliance with RCW 36.70A.635(6), as follows:

- No off-street parking will be required within one-half mile walking distance of a major transit stop
- A maximum of two off-street parking spaces per unit shall be required on lots greater than 6,000 square feet before any zero lot line subdivisions or lot splits.
- A maximum of one off-street parking space per unit shall be required on lots no greater than 6,000 square feet before any zero lot line subdivisions or lot splits.

#### **RMC 25.06.040 Building architectural standards**

This section has been revised to include design standards for residential development. This section was proposed by city staff, and includes requirements for weather protected entries, private outdoor open space and common outdoor open space. This is allowable per state so long as the requirements for middle housing are not more restrictive than the standards for all other residential housing types.

#### **RMC 25.07 Land Use Matrix**

Several amendments have been made to this matrix, including the elimination of the three existing zoning districts (RES, COM and COM-P), and the addition of several new zoning districts. New housing types have been included as new rows within the chart. The housing types required to be allowed by the State are depicted as Permitted uses. The other new housing types are depicted as allowable only through approval of a Conditional Use Permit.

#### **RMC 25.99 Definitions**

This is the new location for the definition section. New or modified definitions have been provided for the following. The definitions in red are required for compliance with the middle housing mandates.

- Administrative Design Review
- Dwelling, Cottage Housing
- Dwelling, Courtyard Building
- Dwelling, duplex-stacked
- Dwelling, duplex – side by side

- Dwelling, fourplex
- Dwelling, fiveplex
- Dwelling, high-rise multifamily
- Dwelling, rowhouse
- Dwelling, triplex
- Live-Work Unit
- Major Transit Stop
- Marine-Related Uses
- Middle Housing
- Mixed Use Building
- Mobile Food Vending
- Sales Level 1
- Chapter 29.02.030 – New section for Unit Lot Subdivisions

#### **RMC 29.02 Plats and Subdivisions**

This section incorporates new requirements pertaining to Unit Lot and zero lot line Subdivisions. Amendments include the following

##### **RMC 29.02.010(b)**

New definitions, or words and phrases have been added, including:

- Lot, parent
- Lot split
- Lot, unit
- Subdivision, short unit lot
- Subdivision, zero lot line

##### **RMC 29.02.010(h) and (j)**

Subsection (h) has been amended to incorporate unit lot subdivision references, while also providing clarifying language for short subdivision.

Subsection (j) eliminates a provision regarding process to stay in compliance with the rules pertaining to open and closed record hearings.

##### **RMC 29.02.020 Development of Subdivisions**

Clarifying language has been incorporated and staff has identified procedural steps that will be reviewed prior to the next meeting.

##### **RMC 29.02.25 Unit Lot Short Subdivisions**

This is a new section that has been added to the code for compliance with SB 5258.

##### **RMC 29.02.028 Lot Segregations – Zero-lot-line development**

This is another new section of code added for compliance with state requirements.

**RMC 29.03.020 Approval criteria**

This section of code has been amended to include a provision stating that boundary line revisions shall not create nonconforming lots through the use of unit lot subdivision procedures.

See **Exhibit #3** for visual graphics that represent examples of how the unit lot and zero lot line subdivision can be incorporated.

**Attachments:**

**Exhibit #1 – DRAFT Middle Housing and Subdivision Ordinance**

**Exhibit #2 – Required Middle Housing Type Exhibits**

**Exhibit #3 – Unit Lot / Zero Lot Line Graphics**