



Technical Memo

To City of Ruston Planning Commission

From: Kirsten Peterson, Consultant Planner

Date: June 3, 2025, City Council

Subject Public Hearing for adoption of Middle Housing and Unit Lot Subdivision Ordinance No.1591 implementing State-mandated middle housing regulations pursuant to House Bills (HB) 1110, 2321, and 1337

Summary

In 2023, the Washington State Legislature passed, and the Governor signed into law, House Bills (HB) 1110 and HB 1337, amending the Growth Management Act, Chapter 36.70A RCW (GMA). HB 2321 was adopted in 2024 to clarify housing requirements of HB 1110. These legislative amendments require many cities to update their zoning regulations to allow additional densities and housing types defined as “middle housing” in predominantly residential land use districts, along with several other associated requirements to help encourage the development of these housing types.

House Bill 1337 requires cities and counties to allow two accessory dwelling units (ADUs) per lot in urban growth areas and establishes standards for jurisdictions to use. The City of Ruston will also be allowing ADU's to be utilized to meet density requirements and has incorporated the ADU requirements into the middle housing ordinance.

The adopted definition of “Middle housing” found within RCW 36.70A.030 is as follows:

“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.

The City of Ruston has been classified by Washington State as a Tier 3 City, which means that the City has a population of less than 25,000 in 2020, is in a county with a population of at least 275,000, and is in a contiguous urban growth area with the largest city in the county.

As a Tier 3 City, Ruston has fewer requirements than Tier 1 and 2 cities and is only required to allow for a minimum of two units per lot. As noted in the RCW definition, there are nine (9) types of housing that are identified as middle housing. Tier 3 cities are only required to accommodate for the housing unit types

which can reasonably accommodate two units per lot. By default, the State is limiting the required housing types for Tier 3 cities to the following:

- Duplexes
- Stacked flats
- Cottage housing
- Courtyard apartments

The Ruston Municipal code will be updated to allow for these middle housing units within residential zoning districts. These updates, and other requirements of the new legislation specific to Tier 3 cities, have been incorporated into an ordinance that would amend the Ruston Municipal Code (RMC) in order to achieve compliance with state requirements. These revisions are outlined in the Proposed Revisions section below. Additionally, Exhibit #4 has been provided as a visual representation of how these types of middle housing units might fit on a 4,500 sq ft lot in Ruston.

In addition to the Middle Housing and Subdivision mandates from the State, the City Staff and Planning Commission have also been working on additional updates to the development code to make process improvements and reorganize several sections of code. This will come back to the Planning Commission and City Council as a second phase of code amendments following adoption of the middle housing ordinance.

State Mandates

Middle Housing. Through adoption of the new housing legislation, the Department of Commerce was directed to provide technical assistance to cities to help with implementation of the new middle housing legislation.

RCW 36.70A.636(2)(a) states that “the department shall publish model middle housing ordinances no later than six months following July 23, 2023.” A model housing ordinance was published and went through several iterations before a final version was completed in November 2024. RCW 36.70A.636(b) goes on further to state:

(b) In any city subject to RCW 36.70A.635 that has not passed ordinances, regulations, or other official controls within the time frames provided under RCW 36.70A.635(11), the model ordinance supersedes, preempts, and invalidates local development regulations until the city takes all actions necessary to implement RCW 36.70A.635.

Subdivision Mandates. 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, by adoption of different legislation in 2023 (ESSSB 5258), the Legislature amended the State Subdivision Act (Ch. 58.17 RCW) to requires the following:

(3) All cities, towns, and counties shall include in their short plat regulations procedures for unit lot subdivisions allowing division of a parent lot into separately owned unit lots. Portions of the parent lot not subdivided for individual unit lots shall be owned in common by the owners of the individual unit lots, or by a homeowners' association comprised of the owners of the individual unit lots.

RCW 58.17.060(3).

Thus, while the middle housing legislation only requires the City to allow the zero lot line short subdivisions up to the two lots per residential lot, ESSSB 5258 requires the general allowance of unit lot short subdivisions, not just zero lot line short subdivisions. The proposed draft code accomplishes compliance only with the middle housing requirements using the unit lot subdivision procedures as the most effective way to have the subdivision be consistent with the underlying zoning and built environment in Ruston.

As a Tier 3 City, Ruston **must** adopt new middle housing regulations **by June 30, 2025**. The Middle Housing Update deadlines produced by the Department of Commerce has been included as **Exhibit 1**.

If the middle housing ordinance is not adopted by the June 30, 2025 deadline, then the model ordinance as described above will preempt the City's regulations and take effect. Because the City took early action, it has been able to integrate only the required sections of the RCW. If the City adopts the proposed amendments prior to June 30, 2025, it will not be governed by the model housing ordinance.

PROPOSED REVISIONS

The full revisions to the code are outlined below. Where applicable, Staff has indicated which sections of code are required to be updated for compliance with the new housing legislation. Other minor edits have been made to improve flow and consistency within the code.

When reading the attached ordinance, please note that the language which is underlined indicates that it is an addition to the existing city code. Language shows with a ~~strike through~~ indicates that it is existing language proposed for deletion.

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(b) List of Zones Established

The zoning districts listed in the existing City Code include: "Residential", "Commercial", "Commercial-Pearl" and "Master Planned Development". City staff and the Planning Commission have been working for some time to update the Zoning Map to modify the boundaries of the zoning districts and create new zoning districts. This section of code has been updated to outline the new zoning districts, and update the use classifications for each zone. The new zoning districts are as follows:

- Residential
- Stack Hill
- Commencement
- Pearl
- Baltimore
- Civic and Open Space
- Promenade
- Marina

The Official Zoning Ruston Map has also been updated in this section of code to reflect the boundaries and names of the new zoning districts.

RMC 25.01.040 Residential RES Zone

Several edits have been made within this section to update language for conformance with legislation for middle housing and ADU's. The amendments are as follows:

(a) Residential Districts

This subsection has been amended to incorporate the allowance of Tier 3 middle housing units within this RES zoning district.

(e) Unit Density

This new subsection has been added to account for the Tier 3 unit density requirements to allow for two units per lot, with an exception for lots below 1,000 sq ft.

(g) Permitted Heights

This subsection has been amended to include clarity on height limitations for accessory buildings, and the Illustrations A and B (for determining lot grade and height measurements) have been replaced with more legible graphics.

(h) Minimum Open Space

This provision has been updated for compliance with the middle housing regulations, and specifies that open space requirements for cottage housing shall be equal to at least 20 percent of the total lot area

(k) Accessory Dwelling Units.

This subsection has been relocated to a new subsection 25.01.065. At present the ADU regulations are located in the section specific to the RES zoning district; however, with the middle housing updates, ADU's are now allowed in all zoning district where residential uses are permitted. As described in the new land use matrix, ADU's will be permitted within the Residential, Stack Hill, and Pearl Districts.

(l) Garages, Surface Parking Driveways and Access Structures.

A new subsection (1)(D) has been added to provide a cross-reference to the provisions for ADU garage conversions.

(o) Architectural Standards.

This section previously stated that all development within the RES zoning district was subject to the architectural standards. It has been amended to refer to development within “all residential zoning districts” being subject to the architectural standards.

RMC 25.01.050 Baltimore District

The Baltimore District (BD) Zone is a new zoning district classification for what was previously referred to as the COM District. It is comprised of properties that used to be within both the COM and COM-P zoning districts. The zoning remains mixed-use, and the development standards for the BD Zone are fairly consistent with the former COM zone, with additional clarification provided. Lots located with the Point Ruston Master Development Plan are also required to comply with the requirements of Ordinance No. 1264.

RMC 25.01.051 Pearl District

This section of code formerly outlined the development standards for the COM-P zone but is now the location for the new Pearl District, another mixed-use zoning district.

RMC 25.01.052 Marina District

This is a new section of code which has been added for the development standards for the new Marina District, a mixed-used zoning district.

RMC 25.01.053 Promenade District

This is a new section of which code has been added for the development standards for the new Promenade District, a mixed-used zoning district.

RMC 25.01.054 Stack Hill District

This is a new section of code which has been added for the development standards for the new Stack Hill District, a zoning district intended primarily for residential uses.

RMC 25.01.055 Commencement District

This is a new section of code which has been added for the development standards for the new Commencement District, intended primarily for high rise multi-family residential uses.

RMC 25.01.056 Civic Use District

This is a new section of code which is intended to provide designated areas within Ruston that prioritize the development and preservation of civic uses for public benefit.

RMC 25.01.061 Point Ruston Master Planned Development Zone (MPD)

This section has been deleted from the Code in reference to the MPD zone; however portions of this subsection have been relocated into the standards for the other zoning districts, such as the Stack Hill District Zone.

RMC 25.01.065 Accessory Dwelling Units

This subsection, which is specific to the ADU regulations, has been relocated from RMC 25.01.040(k), which is specific to just the RES zoning district. Under new legislation, ADU's will now be permitted in more than one zoning district as depicted in the RMC 25.07.020 land use matrix. The existing regulations have also been updated for conformity with the requirements of HB 1337. Updates 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 shall 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 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 (8) provides a reference to the parking requirements for ADU's, found in 25.01.090
- Subsection (9) 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.

- Subsection (10) allows for condominium conversions of ADU's, and has been incorporated for conformance with RCW 36.70A.681 which reads:

(k) A city or county may not prohibit the sale or other conveyance of a condominium unit independently of a principal unit solely on the grounds that the condominium unit was originally built as an accessory dwelling unit;

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.

Other edits have been to the parking section to refer to the new zoning district designations. Additionally, the definitions have been relocated to the new definitions section of RMC 25.99.160.

RMC 25.06.020 Applicability

This section has been updated as a matter of housekeeping for appropriate cross-referencing.

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 25.07.010 Interpretation of Land Use Matrix

A new subsection (d) has been added to describe the use of “Transitional uses” referenced with the letter “T” in the land use matrix.

RMC 25.07.020 Land Use Matrix

The existing land use matrix has been deleted, as several new zoning districts are being created. The new matrix depicts 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 those that are required for compliance with the middle housing mandates. The remainder of the new definitions were developed by City Staff over time for the purpose of providing clarity and improving the user experience.

- **Administrative Design Review**
- **Development Regulations** (this definition was inadvertently left out of previous versions of the ordinance)
- **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, stacked flat
- Dwelling, townhouse
- Dwelling, triplex
- Live-Work Unit
- Major Transit Stop
- Marine-Related Uses
- Middle Housing
- Mixed Use Building
- Mobile Food Vending
- Sales Level 1
- Single-family zones
- Transitional Use

RMC 29.02 Plats and Subdivisions

This section incorporates new requirements pertaining to Unit Lot and zero lot line Subdivisions following guidance from the Department of Commerce and the applicable RCW's. Amendments include the following:

- **RMC 29.02.010 Filing and Acceptance of Subdivisions**
Subsection 29.02.010 (b) has incorporated new definitions, or words and phrases, including:
 - Lot (definition has been amended)
 - 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 procedures.
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 regarding compliance with the City's adopted public works standards.
- **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 to allow for zero lot line subdivisions.

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

PROCEDURAL REQUIREMENTS

Amendments to the development code regulations are considered to be a legislative process, and require a recommendation from the Planning Commission be forwarded to City Council as the final decision-making authority.

The Planning Commission began reviewing the mandated middle housing requirements in December 2024. Their final review of the ordinance took place on May 7, 2025, after which they forwarded a recommendation of approval to the City Council.

Public Notice

Notice of the City Council June 3, 2025 public hearing was published in the Tacoma Daily Index on May 15, 2025. See **Exhibit 2**.

SEPA and State Review

City staff issued a SEPA Threshold Determination of Nonsignificance on Friday, May 9, 2025, with the 14-day comment period ending on May 23, 2025. The draft ordinance was also submitted to the Washington State Department of Commerce on May 9, 2025 with a request for a 30-day expedited review. As of the date of this report no comments from state agencies have been received. The Commerce review will need to be finalized prior to City Council taking action on the ordinance adoption.

DECISION CRITERIA

The procedures for open record public hearings are outlined in Chapter 19.04.020 of the Ruston Municipal Code. The Final Administrative Actions are described in RMC 19.04.030 with the following guidance for issuing Decisions:

- (a) Actions. Upon receiving a recommendation from a designated recommending body, the final decision maker or Hearing Body (i.e., Hearing Examiner or City Council) shall perform the following actions as appropriate:
 - (1) Make a decision on the recommending body's recommendations. Where the recommending body has held an open record public hearing, Hearing Body shall review the matter at a closed record hearing.
 - ...
- (b) Decisions. The Hearing Body shall make its decision in writing as appropriate.

- (1) A Hearing Body decision following an open record public hearing (if applicable) shall include one of the following actions:
 - (A) Approve as recommended by the recommending body.
 - (B) Approve with additional conditions.
 - (C) Modify; provided, that the modifications do not significantly increase adverse environmental impacts as determined by the responsible official.
 - (D) Deny (reapplication or resubmittal is permitted).
 - (E) Deny with prejudice (reapplication or resubmittal is not allowed for one year).
 - (F) Remand for further proceedings where appropriate.
- (2) Notice of Decision. A written notice for all final decisions shall be sent to the applicant and to all parties of record. Persons who desire to be a party of record shall so notify the City Clerk and provide the City Clerk their name and mailing address. For development applications requiring Planning Commission or Hearing Examiner review and City Council approval, the notice shall be the signed ordinance or resolution.

RECOMMENDATION

The Planning Commission has forwarded a recommendation of approval of Ordinance No. 1591, amending the development code for compliance with the Growth Management Act. Staff recommends that the City Council open the public hearing and consider public comment at the June 3, 2025, public hearing.

Exhibits:

- Exhibit #1** – Middle Housing Update Deadlines
- Exhibit #2** – CC Public Hearing Notice
- Exhibit #3** – SEPA Threshold Determination
- Exhibit #4** -- Ruston Middle Housing Type Exhibits
- Exhibit #5** – Unit Lot / Zero Lot Line Graphics

Attachment:

DRAFT Middle Housing Ordinance No. 1591