



Technical Memo

To City of Ruston City Council

From: Kirsten Peterson, Consultant Planner

Date: June 17, 2025, City Council

Subject Second Reading and Action on 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

On June 3, 2025, the Ruston City Council held a public hearing to consider Ordinance No. 1591 amending the Ruston Municipal Code to implement new state requirements for middle housing. The ordinance responds to Washington State legislation (HB 1110, HB 1337, and HB 2321), which mandates increased housing capacity and flexibility in urban growth areas.

The ordinance brings the City into compliance with the Growth Management Act by:

- Allowing **two units per lot** in residential zones, consistent with Ruston's designation as a **Tier 3 City**.
- Permitting specific **middle housing types**: duplexes, stacked flats, cottage housing, and courtyard apartments.
- Incorporating accessory dwelling unit (ADU) standards that allow up to **two ADUs per lot**, and meet other provisions as required under HB 1337.
- Allowing **zero-lot-line** and **unit lot subdivisions** as required by ESSHB 1110 and ESSSB 5258.
- Updating the zoning map and zoning district names, including creation of several new districts (e.g., Stack Hill, Pearl, Marina, Promenade).
- Establishing revised **parking standards, architectural guidelines, and development definitions** required by the new housing legislation to support middle housing implementation.

The ordinance also reorganizes and modernizes portions of the code to improve clarity, consistency, and usability. Adoption by June 30, 2025, ensures the City maintains local control and avoids defaulting to the state's model ordinance.

The Planning Commission reviewed the ordinance over several months, held a public hearing on May 7, 2025, and forwarded a recommendation of approval to City Council. A SEPA Determination of

Nonsignificance was issued on May 9, 2025, and the 30-day expedited review was submitted to the Department of Commerce on the same day. The revisions later requested by Commerce were incorporated into the ordinance that was entered into the record of the June 3, 2025 City Council public hearing.

During the hearing, testimony from the public led to a few code revisions, which have been incorporated into the updated ordinance being presented for second reading and action. The revisions included:

- Figure 2 (Primary Structure Setbacks) has been modified to reduce the side yard setback from 10 ft to 5 ft. (pg 6 of the ordinance)
- Illustration A (Determination of Lot Grade) has also been updated to reduce the side yard setback from 10 ft to 5 ft (pg 8)
- RMC 25.07.010(d) regarding transitional uses was updated to refer the reader to the zoning map for the specific locations designated for Transitional Uses. In addition, the land use matrix located in RMC 25.07.020 was updated to depict that Transitional Uses would also be required to apply for a conditional use permit process. This is depicted with a “T/C” within the matrix.
- The definition of “dwelling, cottage housing” has been updated to reflect the required definition in the RCW, pursuant to E2SHB 1110. The cottage housing definition in the previous version of the ordinance reflected guidance from an outdated version of the Department of Commerce middle housing user guide.
- The definition for courtyard dwelling has also been updated for consistency with the state definitions.
- The definition of Major Transit Stop had a minor revision to correct two numbers that were transposed from the correct RCW reference.

In addition to the revisions made to the ordinance, a question was raised about the inconsistency in RCW parking requirements near transit. The conflicting pieces of legislation read as follows:

RCW 36.70A.681 (last updated 2023)

(2)(a) A city or county subject to the requirements of this section may not:

(i) Require off-street parking as a condition of permitting development of accessory dwelling units within **one-half mile** walking distance of a major transit stop;

RCW 36.70A.698 (last updated 2020)

Accessory dwelling units—Off-street parking—When prohibited.

(1) Except as provided in subsection[s] (2) and (3) of this section, through ordinances, development regulations, zoning regulations, and other official controls as required under RCW **36.70A.697**, cities may not require the provision of off-street parking for accessory dwelling units within **one-quarter mile** of a major transit stop.

(2) A city may require the provision of off-street parking for an accessory dwelling unit located within **one-quarter mile** of a major transit stop 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.

(3) A city that has adopted or substantively amended accessory dwelling unit regulations within the four years previous to June 11, 2020, is not subject to the requirements of this section.

SCJ Staff Conclusion

While HB 1337 and HB 2321 both discuss within half a mile of a major transit stop for their parking, the RCW **36.70A.698** was a bill passed in 2020 (before HB 1337 and HB 2321) and to the best of our knowledge would only be allowable if the parking study under HB 2321 and HB 1337 is completed - especially since the ½ mile under HB 2321 and HB 1337 are the newer pieces of legislation on the topic. There doesn't appear to be other guidance relating to navigating how to engage with this RCW but that may be a small clean up item needed by the legislature.

PROCEDURAL REQUIREMENTS

Amendments to the development code regulations are considered a legislative process, and require that a recommendation from the Planning Commission be forwarded to City Council as the final decision-making authority. Following the Planning Commission public hearing and recommendation of approval, the City Council held an open record public hearing on June 3, 2025.

The second reading on the ordinance is conducted following the procedures for closed record hearings as follows:

19.04.040 Procedures for closed record hearings.

Closed record hearings shall be conducted generally as provided for public meetings:

- (a) No new evidence or testimony shall be given or received. The parties may submit timely written or oral statements or arguments so long as such statements or arguments use evidence contained in the record before the recommending body.
- (b) Affirm that the Hearing Body must be impartial and request members to state whether there has been any ex parte contact or whether a member has a personal or business interest in application. The Hearing Body shall afford parties an opportunity to challenge the impartiality of the Hearing Body or its member(s).
- (c) The Hearing Body shall be responsible to review the application, staff report, minutes of the open public hearing, and the findings and conclusions, or reasons for decisions or recommendations. The Hearing Body may continue the hearing to review the record.
- (d) The Hearing Body may elect to continue the closed record hearing to consider evidence and testimony before making a decision.
- (e) Make its decision in accordance with Section 19.04.030.

DECISION CRITERIA

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.

Attachment:

Ordinance No. 1591