

CITY OF RUSTON REGULAR COUNCIL MEETING

Tuesday, June 03, 2025

MEETING CALLED TO ORDER – At 7:04 PM Mayor Hopkins called the regular City Council Meeting to order. Councilmembers present were Councilmember Hedrick, Councilmember Syler, Councilmember Jensen, and Councilmember Holland. Councilmember Huson was excused. Following the flag salute, Councilmember Hedrick moved to approve the agenda with a second from Councilmember Syler, passed 4-0.

MINUTES - Councilmember Hedrick moved to approve the minutes for the regular City Council Meeting of May 20, 2025, with a second from Councilmember Syler. Councilmember Jensen moved to amend the minutes to include a correction noting the discussion of 4th of July traffic patterns during the May 20, 2025, Regular City Council Meeting. Councilmember Hedrick then moved to approve the amended minutes, with a second from Councilmember Syler., passed 4-0.

STAFF REPORT – Nothing at this time.

GENERAL PUBLIC COMMENTS –

Ryan Morris – Followed up on an email previously sent to the City of Ruston, clarifying that his message was not intended as a criticism. He shared concerns about the selection of contractors for the underground power conversion project and the poor site conditions following the completion of work—specifically citing issues with erosion control, top-soil quality, and storm drain irrigation. He stated that the current conditions appear to violate the City of Ruston Code and urged the City to ensure all project sites comply with code requirements to prevent any negative impacts.

Talia Thepvongsa – Highlighted the opening of a new business in the City of Ruston, Welcome Restaurant, and encouraged residents to show their support for local businesses.

BUSINESS –

ORD 1591 – Public Hearing – Middle Housing Land Use Update –

Kirsten Peterson, Senior Project Manager with SCJ Alliance provided a presentation for the Middle Housing Update. She expressed she enjoyed working with the Community Development Director, Rob White and the City of Ruston. *Please see the attached presentation.*

At 7:42 PM, Councilmember Hedrick moved to open the Public Hearing for Ordinance 1591 – Middle Housing Land Use Update with a second from Councilmember Syler, passed 4-0.

Ken Brown – Requested clarification on two code sections related to height restrictions in the Baltimore District and the Pearl District. Asked on the specifications regarding the constructions of duplex and accessory dwelling units.

Kevin Moser – Shared the challenges he faces both as a resident and as a Planning Commissioner in navigating the mandates from the State of Washington on this issue. Despite those challenges, he expressed satisfaction with the outcome of the Middle Housing Land Use Update as a resident.

Charles McKenna – Commended the City Council, City Staff, Planning Commission, Rob White, and Kirsten Peterson for their work in developing the Ordinance, emphasizing their thoughtful consideration of its long-term impacts and overall direction.

Maryanne Bell – Requested clarification on the specifications for the required distance of accessory dwelling units (ADUs) from the street and street parking. Additionally, inquired about the subdivision process and how subdivisions are managed. Lastly, asked about the regulation of open spaces within the City of Ruston. She expressed her appreciation to Director White and the volunteer Planning Commission for their efforts on this Ordinance and their contributions to the City's development. *Attached is a written comment provided by Maryanne Bell to the City of Ruston on June 2nd, 2025.*

Kirsten Peterson addressed the questions posed during the Public Hearing from Ken Brown and Maryanne Bell and provided additional information on the ADUs requirements.

Mayor Hopkins inquired on the determining factor for the major transit stop. Kirsten provided the state definition and guidance on Mayor Hopkins question –

“Major transit stop” means:

- (a) a stop on a high capacity transportation system funded or expanded under the provisions of chapter 18.104 RCW;*
- (b) commuter rail stops;*
- (c) stops on rail or fixed guideway systems;*
- (d) and stops on bus rapid transit routes, including those stops that are under construction.*

With no further comments for the Public Hearing, at 7:57 PM, Councilmember Hedrick moved to close the Public Hearing for Ordinance 1591 – Middle Housing Land Use Update, with a second from Councilmember Syler, passed 4-0.

ORD 1591 – Middle Housing Land Use Update – (1st Reading)

INFORMATION / BACKGROUND

The City is required to update its land use code in compliance with the Middle Housing and Accessory Dwelling Unit Legislation. The deadline for adopting compliance legislation is June 30, 2025. This means that you will need to adopt conforming legislation no later than the June 17th Council meeting in order to have the legislation in effect prior to the June 30th deadline. The attached Technical Memo from Kirsten Peterson of SCJ Alliance walks the Council through the legislation. The legislation has been prepared and/or reviewed by SCJ Alliance, Ruston Planning, and the City Attorney's Office.

Due to the short timeline, the City Council will hold the public hearing on this Ordinance. Therefore, at first reading, Council will hold the public hearing. On second reading (June 17th) the Council will be requested to pass the legislation. If the City does not have compliance legislation in place before June 30th, then portions of the land use code would be pre-empted and the Model Code prepared by the Washington State Department of Commerce would automatically take effect. In order to avoid that, we recommend passing this legislation on second reading.

FISCAL CONSIDERATION

None.

ATTACHMENTS

- A. Technical Memo from SCJ Alliance with the following exhibits
 - 1) Middle Housing Update Deadlines
 - 2) City Council Public Hearing Notice
 - 3) SEPA Threshold Determination
 - 4) Ruston Middle Housing Type Exhibit
 - 5) Unit Lot / Zero Lot Line Graphics
- B. Ordinance No. 1591 – Middle Housing Ordinance

RECOMMENDATION / MOTION

This is on for first reading and a public hearing. Hold the public hearing, discuss the legislation and give direction to staff. This matter will return for second reading and action on June 17, 2025.

Councilmember Hedrick inquired about the 25-foot setback on certain streets for single-family homes and whether adding an ADU to those properties would still require maintaining 20% open space. Mayor Hopkins responded, clarifying that the specifications he was referring to apply specifically to cottage housing.

Councilmember Hedrick acknowledged the vision the State Legislature in Olympia is aiming to achieve but expressed concern about the potential impacts of Ordinance 1591. He expressed that the legislation is overly prescriptive given the small size of the City of Ruston. He also referenced ongoing developments within the City and questioned where increased density would realistically take place. While he recognized the need to adopt the Ordinance by the June 30th deadline, he stated that, based on his understanding of density, this approach is not ideal. He expressed appreciation for the work of Rob White, the Planning Commission, and City staff, but emphasized that the policy mandated by the State Legislature is flawed.

Councilmember Jensen thanked Kirsten for the presentation and expressed appreciation for the audience's attendance. She requested the inclusion of a few points in the Ordinance related to the current and proposed zoning maps. Sharing similar concerns as Councilmember Hedrick, she noted that the current Ordinance is imposing requirements on the City that exceed what is necessary for a community of Ruston's size.

She expressed appreciation for Mr. Moser's sentiment that "less is more" and raised specific concerns about what is being permitted under the new zoning designations—particularly the residential transitional use areas. She emphasized the importance of clearly outlining what is allowed in these transitional zones within the Ordinance. She pointed out that the current zoning map shows areas north of Pearl Street shifting from residential to transitional use, and that the proposed chart of allowable uses in these areas appears to go beyond what the State mandates. She highlighted that the chart includes allowances for sixplexes, live/work units, and even hotels in areas she does not believe would be appropriate, such as Pearl Street.

Councilmember Jensen shared resident concerns about existing parking challenges, especially on Highland Street, and warned that allowing sixplexes or hotels would only worsen the situation. She noted that the current draft of the Ordinance does not align with the "less is more" philosophy and urged the Council to be proactive about addressing parking concerns. She reminded the Council that a code was established years ago that would allow for a permitting parking system, though additional steps from the City and Council would be required to implement it. She encouraged serious consideration of that option.

While she acknowledged that passage of Ordinance 1591 does not mean sixplexes or hotels will be immediately built, since such projects still require approval, she

emphasized that adopting the Ordinance makes these developments possible. She concluded by underscoring the need for a clearer explanation of allowed uses in transitional areas and a forward-thinking approach to managing parking.

Mayor Hopkins shared that he had previously discussed some of Councilmember Jensen's concerns with Rob White and asked Rob to provide clarification on those points.

Mr. White clarified that the stretch of parcels from 52nd to Park Avenue is designated in the Comprehensive Plan as future commercial space. He explained that the existing residential zoning in that area has, for the past 30 years, allowed for duplexes, triplexes, multifamily housing, hotels, and motels as conditional uses. However, no applications have been submitted for these uses due to the requirement of a public hearing and a conditional use permit.

When updating the land use matrix, he noted that much of the effort involved recognizing existing master development plans and assigning them district names and standards for clarity and consistency in future staff use. He walked through the process of updating the matrix, explaining how uses and density were evaluated and assigned based on where they seemed most appropriate. He emphasized that areas already identified for these types of uses were intentionally left in place to meet the State's requirements while minimizing direct impacts to adjacent single-family homes, using that approach as a balancing strategy.

Addressing parking concerns, Mr. White shared that staff had conducted approximately 20 counts over the years, tracking the number of parked vehicles and available stalls on the street. Although a broader zoning reorganization was originally planned as part of this Ordinance, staff pivoted to prioritize meeting the State's compliance deadline. He noted that a future Ordinance is anticipated, which will include more detailed data—such as parking availability on specific dates—to support better management of parking within the City.

Councilmember Jensen thanked Rob White for his clarification and expressed her agreement with his approach of addressing the current state mandates through Ordinance 1591 while planning to address parking concerns through a future Ordinance. She echoed his comments regarding the importance of maintaining clear guidelines for transitional space areas and emphasized the need to preserve the conditional use process for certain types of buildings.

Rob White further explained the conditional use process, noting that it requires a public hearing and allows the City to apply specific conditions to proposed developments on a case-by-case basis.

Mayor Hopkins addressed the significant density that City of Tacoma will to the City of Ruston with their allowance of their housing.

Councilmember Holland emphasized that, in addition to considering the needs of the City of Ruston, the City must also take into account its proximity to and interactions with the City of Tacoma. He agreed with Councilmember Jensen's comments and shared that it seems that the State Legislature appears to prioritize its own approach over the City's local knowledge and experience in addressing these issues. He shared his perspective on the challenges posed by the mandates being imposed on the City and not having a choice but to vote on in favor of this Ordinance to comply with the State Legislation.

Councilmember Holland emphasized that, in addition to addressing the needs of the City of Ruston, consideration must also be given to its proximity and relationship with the City of Tacoma. He agreed with Councilmember Jensen's remarks, noting that the State Legislature seems to prioritize its own agenda over the City's local expertise and understanding of community needs. He expressed concern over the challenges created by these mandates and acknowledged that, despite his reservations, the City has little choice but to adopt the Ordinance in order to remain in compliance with State requirements.

RES 810 – Authorizing Adoption of the eCityGov Alliance Interlocal Agreement

INFORMATION / BACKGROUND

Ruston has explored entry into an agreement with the eCityGov Alliance for use of the MyBuildingPermit.com platform for accepting, tracking, commenting and issuing decisions for development permits. The eCityGov Alliance ("Alliance") was founded by several cities under the Interlocal Cooperation Act (Ch. 39.24 RCW) in 2018 to provide a coordinated portal for the delivery of municipal services and sharing resources. The Alliance has created several shared software applications and related products to deliver public sector services via the internet, including MyBuildingPermit.com. Signing the Agreement allows Ruston to access and utilize the services.

FISCAL CONSIDERATION

Fees are established and scaled based on the size of each participating city and its 5-year rolling average for permit revenue. For Ruston, the one-time onboarding fee would be \$25,000 and the annual subscription fee would be \$2,072.47 (which would be pro-rated for 2025). The City would be billed quarterly for the subscription fee.

RECOMMENDATION

Adopt Resolution No. 810.

Mayor Hopkins expressed his disappointment with the current permitting software, MyGov, citing ongoing difficulties experienced by users. He announced that the City will be transitioning to a new system, MyBuildingPermit, which is designed specifically for municipalities and not driven by profit. This platform will allow the City to streamline its permitting process and customize the system to align with Ruston's specific building requirements. He informed the Council that there is a one-time entry fee of \$25,000, which includes training, access to necessary forms, a sandbox environment for system development, and onboarding support.

Councilmember Jensen requested clarification on the training resources and the source of funding for the one-time fee. Mayor Hopkins explained that the training will cover both initial onboarding and ongoing support. The cost will be covered using existing funds, including allocations from the general fund and utility accounts.

Councilmember Hedrick moved to approve Resolution 810, with a second from Councilmember Syler, passed 4-0.

RES 811 – Awarding Public Works Contract for 2024-2025 TIB Highland-Shirley Pavement Overlay Project to Tucci & Sons, LLC and Authorizing the Mayor to sign and implement the Agreement

INFORMATION / BACKGROUND

Project Description. This project is the 2024-25 TIB Highland-Shirley Pavement Overlay Project. The City Engineer is recommending the Council award the contract to Tucci & Sons, LLC as the lowest responsible and responsive bidder.

Public Bidding Process. In accordance with State law, any public works project over \$300,000 must be awarded via the full competitive bidding process which requires advertising for bids or a “call for bids.” The Call for Bids published in the Tacoma Daily Index April 24, 2025. In addition, the solicitation was sent out via email to a large group list that was obtained from MRSC. The bid call was open for approximately 4 weeks from April 24, 2025 to May 22, 2025. The bid opening took place at 10:00 AM on May 22, 2025, at Ruston City Hall. The City received three responsible and responsive bids as follows:

	Contractor	Total
1	Tucci & Sons, LLC	\$363,518.00
2	Becker Blacktop, LLC	\$395,610.00
3	Puget Paving Construction, Inc.	\$398,633.00

The City Engineer’s Office recommends awarding the Project Contract to the lowest responsible bidder who submitted a responsive bid which was Tucci & Sons, LLC.

If the Council authorizes this Contract award at the June 3, 2025 Council Meeting, then construction is anticipated to begin this summer and is expected to be substantially complete on or before October 15, 2025.

The public works contract is attached. The documents that attach to the public works contract are very lengthy and are not attached but will be available for your review upon request. If Council would like to view these additional pages prior to that time, they can be emailed to you. If you would like to receive the plans electronically, please contact Steve Willie of the City Engineer's Office and he will make those available.

FISCAL CONSIDERATION

The grant from TIB is funding this project is \$352,222. The City's required match is up to the full project cost of \$363,518, plus sales tax.

RECOMMENDATION / MOTION

Pass Resolution #811.

Councilmember Jensen expressed her gratitude to City staff for their efforts in securing the grant and bid, and she highlighted the cost savings achieved through the agreement.

Mayor Hopkins added that there are additional funding opportunities and resources on the horizon for the City.

Councilmember Hedrick moved to approve Resolution 811, with a second from Councilmember Syler, passed 4-0.

CLAIMS/PAYROLL – Councilmember Hedrick moved to approve the Claims for June 03, 2025, with a second from Councilmember Syler, passed 4-0.

MAYOR'S TIME – Addressed a public comment regarding contractor selection by clarifying that the City of Ruston is required to award the project to the lowest responsible bidder. Additionally, emphasized that the Department of Ecology closely monitors the removal and replacement of materials to ensure proper handling and compliance with regulations.

Informed the audience and City Council that the City's Right of Way is city property, and residents should not be financially responsible to return the Right of Way to its original state. If residents would like to change it he welcomes input for the process. The contractors try to return the areas to their original state.

Expressed gratitude to the Planning Commission and expressed the daunting presence of Ordinance 1591 with the understanding that this is a State mandate but also taking into consideration the City's best interests.

Councilmember Hedrick – Echoed the Mayor's remarks regarding Ordinance 1591 and thanked City staff for their efforts in coordinating and implementing the legislation. He also shared that he has been in communication with Tacoma Parks and the City of Tacoma regarding anticipated traffic impacts related to upcoming events.

Councilmember Syler – Nothing at this time.

Councilmember Huson – Nothing at this time.

Councilmember Jensen – Thanked Rob White in advance for the forthcoming adjustments to Ordinance 1591 and expressed appreciation to the audience for sharing their comments. She addressed the ongoing issues related to Dune Park and Metro Parks, urging residents to report incidents by calling 911 in order to create an official record. She also encouraged community members to join her in attending the upcoming Metro Parks Commission meeting on June 9th, 2025.

Councilmember Holland – Nothing at this time.

MEETING AJOURNED – At 8:30 pm Councilmember Hedrick moved to adjourn, with a second from Councilmember Syler, passed 4-0.



Bruce Hopkins, Mayor

ATTEST:



Mario A. Ortega, Jr., City Clerk

Ruston, WA

Middle Housing Update

City Council | June 3, 2025




SCJ ALLIANCE
CONSULTING SERVICES

Agenda

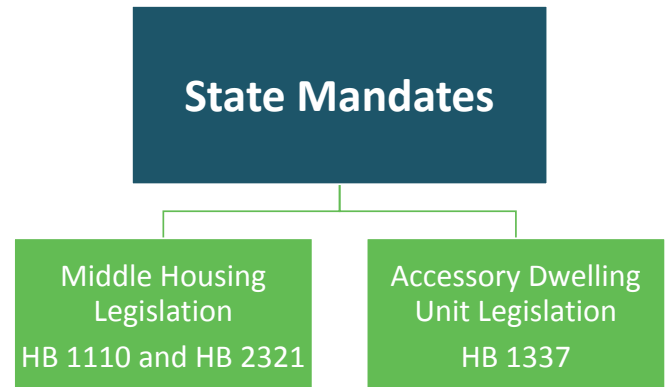
1. Overview of State Housing Legislation
2. Tier 3 Requirements for Ruston
3. What is Middle Housing?
4. Middle Housing in Ruston
5. Proposed Code Revisions
6. Subdivision Code Updates
7. Milestones
8. Next Steps



Overview of Middle Housing Legislation

2023–2024: WA Legislature passed HB 1110, HB 1337, and HB 2321

- These laws require cities to update zoning to allow middle housing types and increased density in residential areas.
- Cities must allow at least two accessory dwelling units (ADUs) on all lots that are located in all zoning districts that allow for single-family homes.
- Cities are also required to update their subdivision code to allow for unit lot subdivisions and zero lot line subdivisions.



Why Does Middle Housing Legislation Impact Ruston?

The City of Ruston is a city that meets the following criteria:

- Within a contiguous urban growth area with the largest city
- County with a population of more than 275,000
- Population less than 25,000

Thus, **Ruston is categorized as a Tier 3 City.**

As a Tier 3 City, Ruston **must** adopt middle housing requirements by **June 30, 2025**

- Failure to do so by the deadline means the City is subject to the Model Ordinance developed by the Department of Commerce – *a significant change from current code*

Middle Housing Update Deadlines (six months after GMA Update)			
June 30, 2025	June 30, 2026	December 31, 2026	December 31, 2027
OVER 75,000 Population	25,000 - 75,000 Population	Less than 25,000 Population, within a contiguous UGA with largest city	
Auburn 77,245	Bothell 48,161	Algona	3,290
Bellevue 151,854	Bremerton 43,505	Arlington	19,868
Everett 110,629	Burien 52,066	Beaux Arts	317
Federal Way 101,830	Des Moines 32,888	Black Diamond	4,697
Kent 136,588	Edmonds 42,853	Brier	6,560
Kirkland 92,175	Issaquah 40,051	Clyde Hill	3,126
Renton 106,785	Lake Stevens 35,630	Covington	20,777
Seattle 737,015	Lakewood 63,612	DuPont	10,151
Tacoma 219,346	Lynnwood 38,568	Edgewood	12,327
Bellingham 91,482	Maple Valley 28,013	Fife	10,999
Vancouver 190,915	Marysville 70,714	Fircrest	7,156
Kennewick 83,921	Mercer Island 25,748	Hunts Point	457
Pasco 77,108	Puyallup 42,937	Kenmore	23,914
Spokane 228,989	Redmond 73,256	Lake Forest Park	13,630
Spokane Valley 102,976	Sammamish 67,455	Medina	2,915
Yakima 96,968	SeaTac 31,454	Mill Creek	20,926
	Shoreline 58,608	Milton	8,697
	University Place 34,866	Mountlake Terrace	21,286
	Camas 26,065	Mukilteo	21,538
	Lacey 53,526	Newcastle	13,017
	Mount Vernon 35,219	Normandy Park	6,771
	Olympia 55,382	Pacific	7,235
	Tumwater 25,573	Pert Orchard	15,587
	Richland 60,560	Ruston	1,055
	Walla Walla 34,060	Stellacoom	6,727
	Wenatchee 35,575	Sumner	10,621
	Moses Lake 25,146	Tukwila	21,798
		Woodinville	13,069
		Woodway	1,318
		Yarrow Point	1,134
		Washougal	17,039
		Airway Heights	10,757
		Liberty Lake	12,003
		Millwood	1,881

How does Washington State define 'Middle Housing'?

"**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.

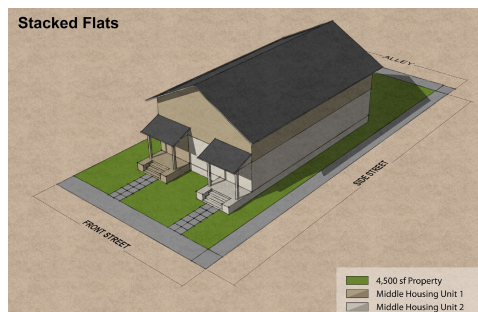
RCW 36.70A.030



State Requirements for City of Ruston

As a Tier 3 City, Ruston has fewer requirements than Tier 1 and 2 cities.

Tier 3 cities are only required to allow for two units per lot, with only these four types required:



Middle Housing Graphics – Duplex (Required for Tier 3 Cities)



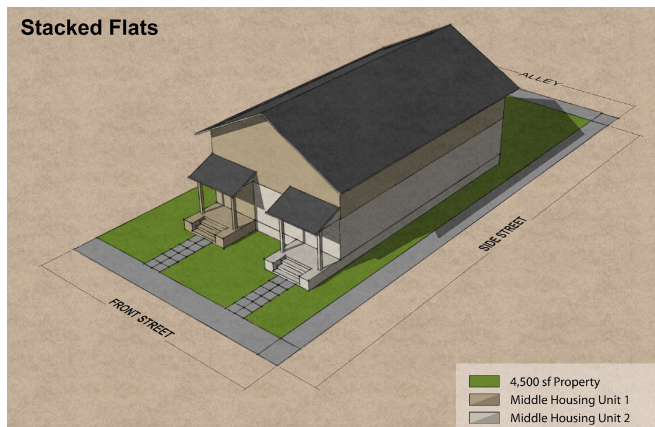
- Duplex configuration must be allowed, although the City can define the term.

Middle Housing Graphics – Stacked Flats (Required for Tier 3 Cities)

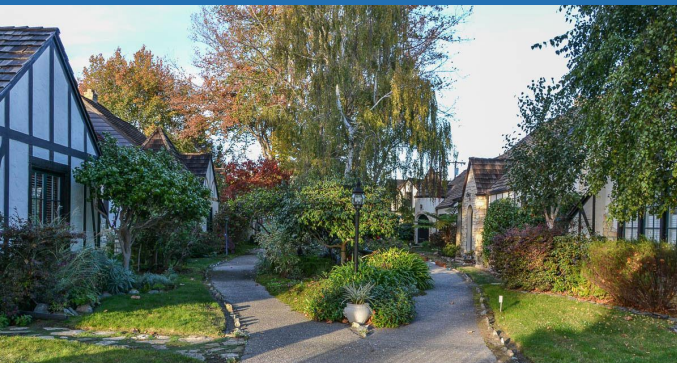


- “Stacked Flats” must be defined in the RMC per RCW [36.70A.030\(40\)](#). Ruston definition is as follows:

“Dwelling units in a residential building of no more than three stories on a residential zoned lot in which each floor may be separately rented or owned.”



Middle Housing Graphics – Cottage Housing (Required for Tier 3 Cities)



- “Cottage Housing” definition in RCW **36.70A.030(9)**

“Residential units on a lot with a common open space that either: (a) Is owned in common; or (b) has units owned as condominium units with property owned in common and a minimum of 20 percent of the lot size as open space.”

Middle Housing Graphics – Courtyard Apartments (Required for Tier 3 Cities)



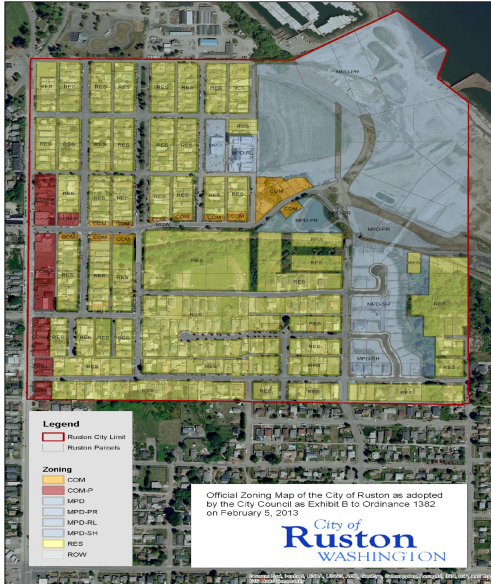
- “Courtyard Apartment” definition in RCW **36.70A.030(10)**:

“Attached dwelling units arranged on two or three sides of a yard or court”

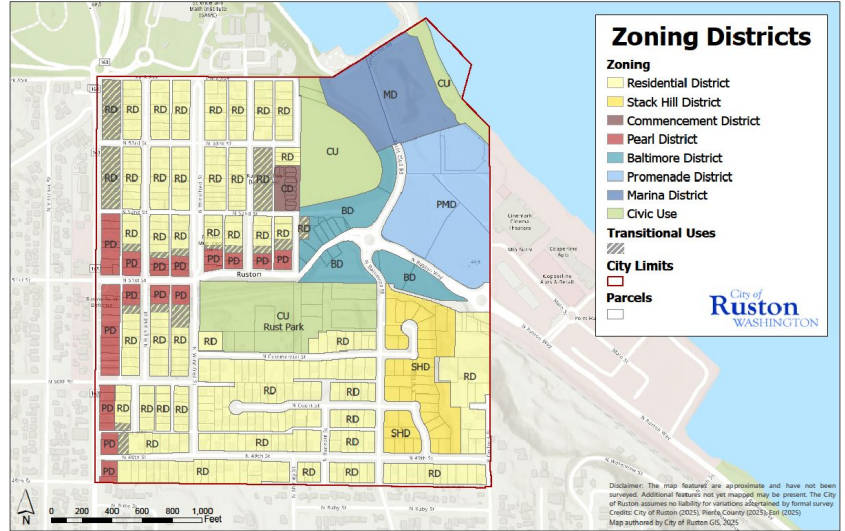
Proposed Code Revision – New Zoning Map

EXISTING ZONING MAP

Official Zoning Map



PROPOSED ZONING MAP



Proposed Revision – New Zoning Classifications

REVISED ZONING CLASSIFICATIONS

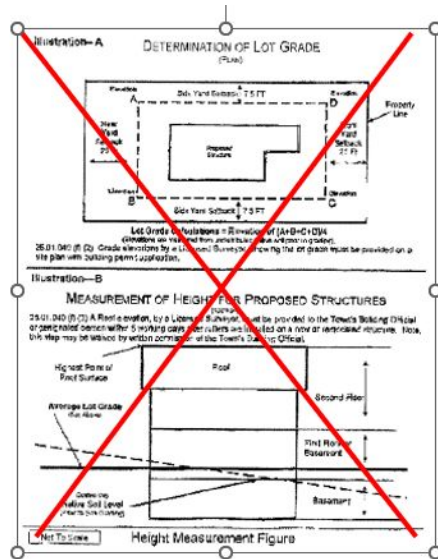
Zoning District	Use Classification
<u>RES RESIDENTIAL DISTRICT</u>	Residential
<u>COM</u>	Commercial
<u>COM-P</u>	Commercial – Pearl
<u>MPD</u>	Master Planned Development
<u>STACK HILL DISTRICT</u>	Residential
<u>COMMENCEMENT DISTRICT</u>	Residential
<u>PEARL DISTRICT</u>	Mixed Use
<u>BALTIMORE DISTRICT</u>	Mixed Use
<u>CIVIC USE DISTRICT</u>	Public Use and Open Space
<u>PROMENADE DISTRICT</u>	Mixed Use
<u>MARINA DISTRICT</u>	Mixed Use

REVISED LAND USE MATRIX

[illegible]

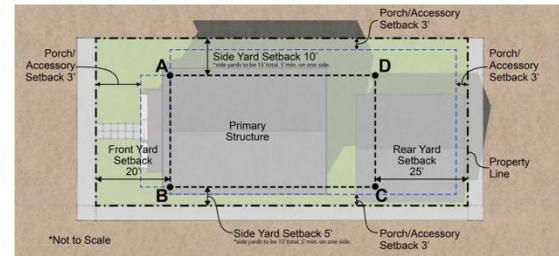
Proposed Revision – New (Legible) Graphics

OLD GRAPHIC



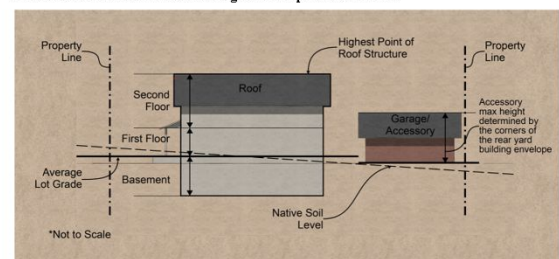
UPDATED GRAPHICS

Illustration A – Determination of Lot Grade



Lot Grade Calculations = Elevation of (A+B+C+D)/4

Illustration B – Measurement of Height for Proposed Structures



Height Measurement Figure

Revisions to Definitions – RMC Chapter 25.99

Several language and terminology revisions are required to properly address Middle Housing State Legislation. Definitions in **RED** are required for middle housing compliance.

- **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

Required Revision – Off Street Parking

New subsection of provisions incorporated to comply with State Requirements RCW 36.70A.635(6):

- No off-street parking will be required within one-half mile walking distance of a major transit stop.
- 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 subdivisions or lot splits.
- 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.

Required Revisions – Accessory Dwelling Units

Although ADUs are not classified as middle housing, Ruston is updating ADU regulations to comply with HB 1337 and RCW 36.70A.681(1).

The amendments to the middle housing code are:

- ADUs now count toward density and minimum lot size requirements
- Two ADUs allowed per single-family home, but none allowed on duplex /other middle housing lots
- New development standards:
 - Only allowed on lots meeting minimum size and sewer connection
 - Not allowed on critical areas or shoreline lots
 - Max 1,000 sq ft floor area; max 25 ft height (or lower if primary unit is lower)
- Parking exemptions near major transit stops
- Garage and accessory building conversions allowed, with replacement parking required
- Condominium conversion of ADU's must be allowed through unit lot subdivision process
- Detached ADU's may be sited at a lot line if the lot line abuts a public alley, unless it is a public alley that the City regularly snowplows.

Accessory Dwelling Units – Example Graphics

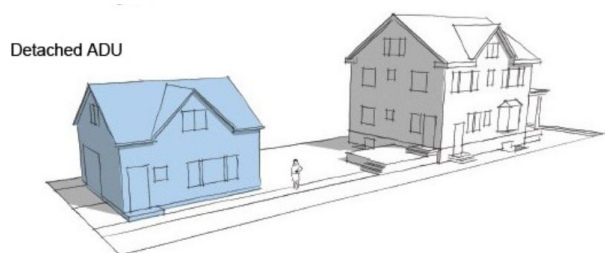
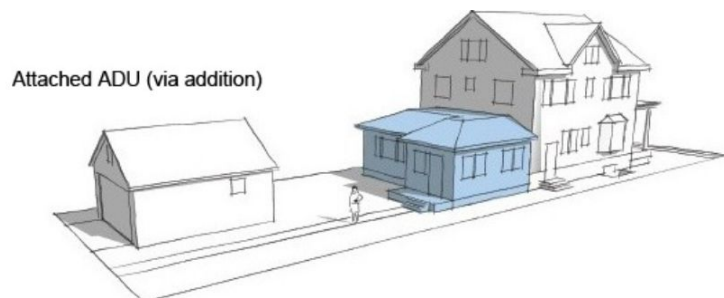
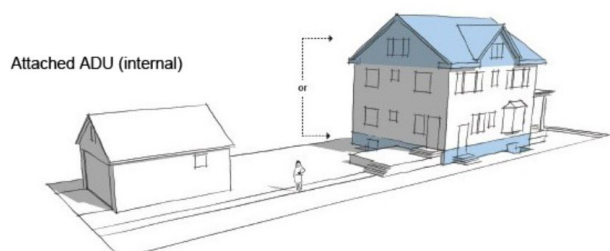
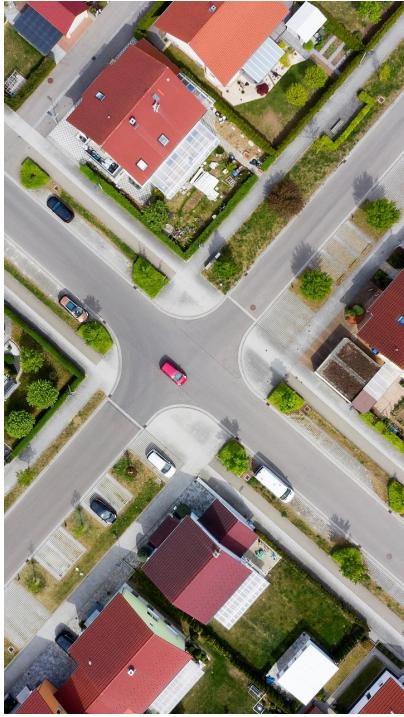


Image credit: City of Saint Paul, MN

Accessory Dwelling Units – Example Graphic on 4,500 sqft lot

Subdivision Updates – RMC 29.02



What is a subdivision?

"Subdivision" is the division or redivision of land which creates additional lots. It is the way to legally create these additional lots or tracts which can be separate building sites.

These lots can then be legally sold.

What are the types of subdivisions?

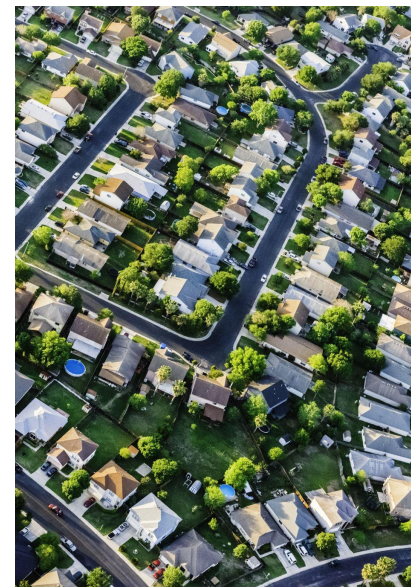
A **short subdivision** is the division or redivision of land into four or fewer lots, tracts, parcels, sites, or divisions for the purpose of sale, lease, or transfer of ownership.

A **subdivision** (also called a long subdivision) is the division or redivision of land into five or more lots, tracts, parcels, sites, or divisions for the purpose of sale, lease, or transfer of ownership.

See RMC 29.02.010.

■ **Short Subdivision = 4 or fewer lots**

■ **Long Subdivision = 5 or more lots**

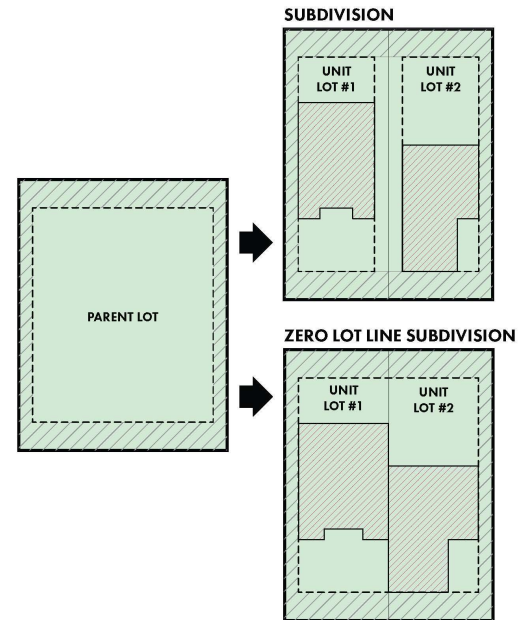


Zero Lot Line Subdivision Requirements

RCW 36.70A.635(5) which was adopted as part of ESSHB 1110 (Middle Housing Law) requires:

“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.”

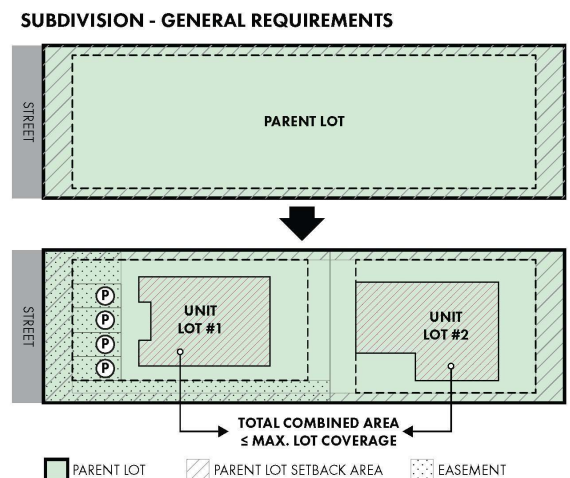
Since the Ruston density requirement under middle housing is two middle housing units per lot, this means that Ruston must allow a zero lot line subdivision to take a single residential lot and divide it into two lots.



State Subdivision Act Amendment

A different bill (ESSSB 5258) in 2023 updated the State Subdivision Act, Ch. 58.17 RCW. RCW 58.17.060(3) to require the following:

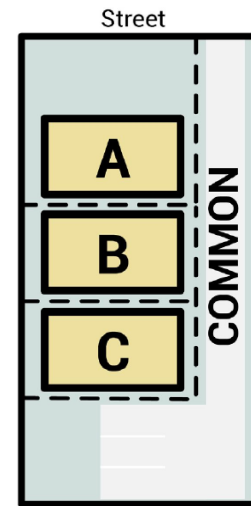
All cities, towns, and counties shall include in their short plat regulations procedures for unit lot subdivisions allowing division of a parent lot into separately owned unit lots. Portions of the parent lot not subdivided for individual unit lots shall be owned in common by the owners of the individual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



What is a “Unit Lot Subdivision”?

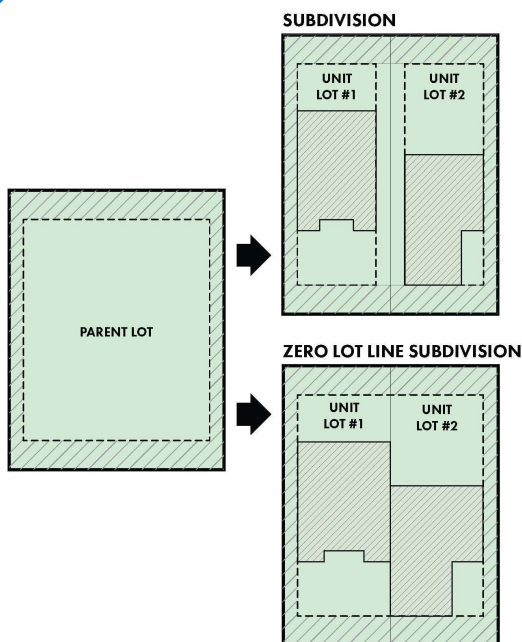
A “Unit Lot Subdivision” a type of subdivision that allows a parent lot (original lot) to be divided into two or more unit lots within a development that also includes common areas and that is approved through the unit lot subdivision process.

A unit lot subdivision may be a type of short subdivision, or a type of long subdivision, depending on the number of lots created.

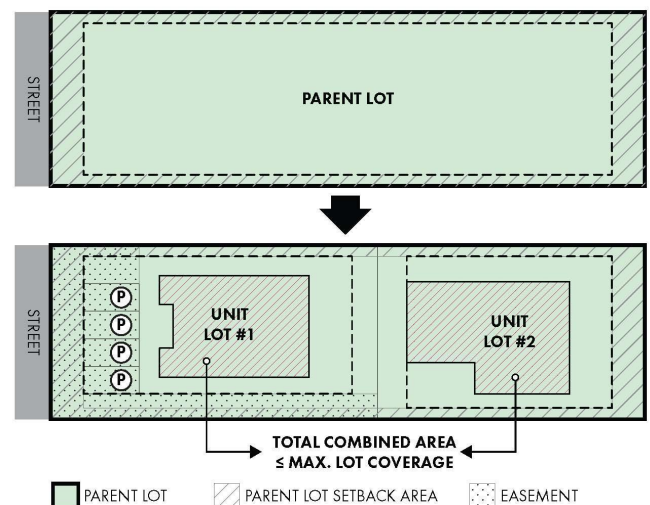


Example unit lot subdivision with three unit lots and a tract held in common.

Subdivision Graphics

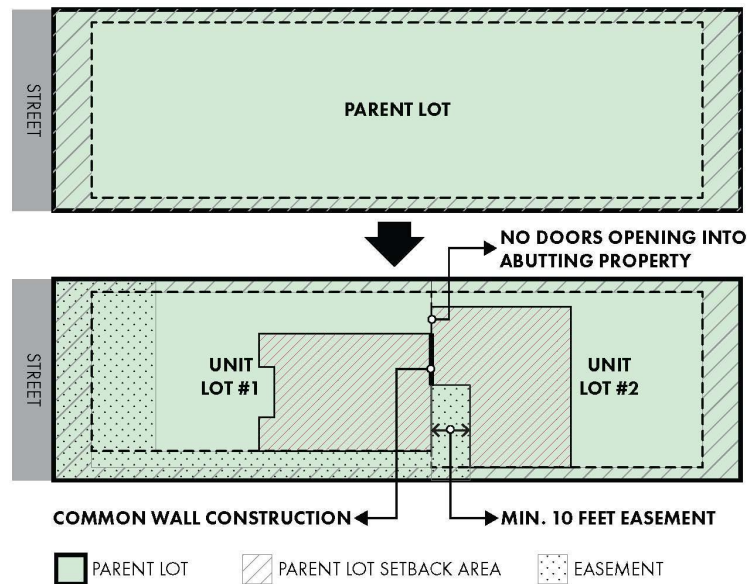


SUBDIVISION - GENERAL REQUIREMENTS



Additional Zero Lot Line Subdivision Graphic

ZERO LOT LINE SUBDIVISION - LOT SEGREGATIONS



What types of middle housing may use the subdivision code?

- Cottages
- DADU and maybe AADU
- Duplex (if side-by-side type)
- Courtyard apartment
- Townhomes (although not a required middle housing type in Ruston)

Subdivisions are NOT used for Stacked Flats.

Subdivision Procedures Updates to RMC 29.02

Subsection 29.02.010 (b) Filing and Acceptance of Subdivisions

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

Updates to incorporate short subdivisions, zero lot line, and unit lot subdivisions:

29.02.010 - Filing and Acceptance of Subdivisions

29.02.010 - amendments:

- Subsection (h) 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.

29.02.25 Unit Lot Short Subdivision Procedures

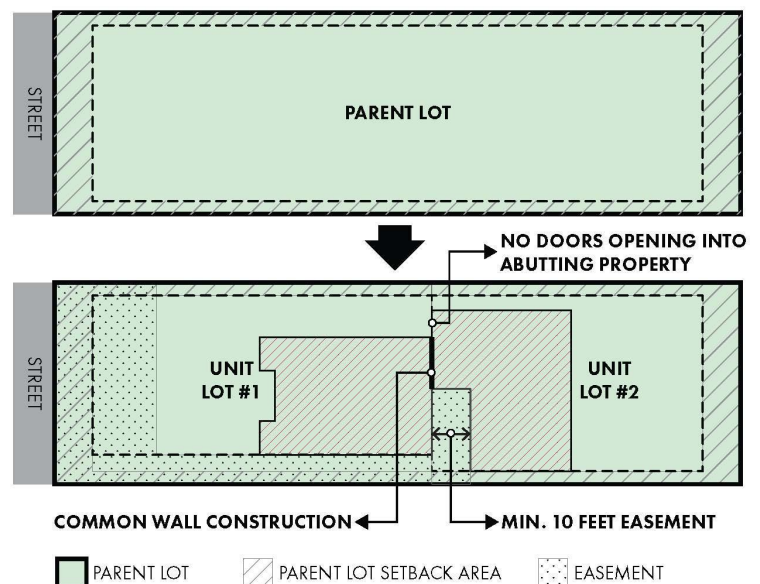
- Newly added procedures following State mandates

Zero Lot Line Subdivisions – New Code Section

RMC 29.02.028 Lot Segregations - Zero Lot Line development

- Allows interior setbacks to be zero
- Requires a 10-foot separation, except for common wall construction.
- Disallows structures in the easement areas
- Disallows doors or windows that loom over abutting property

ZERO LOT LINE SUBDIVISION - LOT SEGREGATIONS



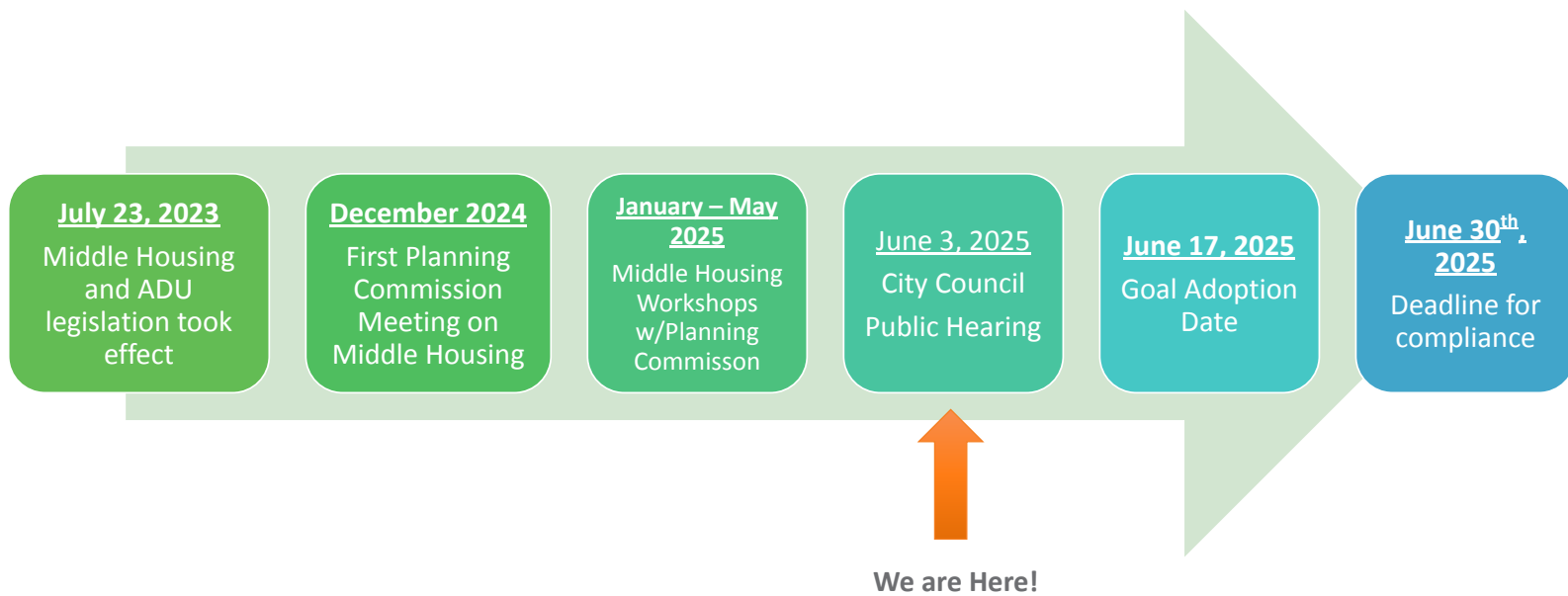
Limitations for Subdivided Property

- Zoning Code still applies unless exception (i.e., lot size, height)
- Total lot coverage for existing lot is applied to all of the lots collectively (E.G., if the lot coverage for the original lot is 50% and that lot becomes two lots, the lot coverage for the two lots combined, will still be 50%)
- All unit lots need to be outside of critical areas or buffers
- Unit lots need not comply with the minimum lot area, minimum density, or dimensional requirements **but** the overall development of the parent lot must meet the development and design standards of the underlying zone.
(e.g., setbacks on the exterior of the parent lot must meet code.)

Limitations for Subdivided Property

- Can park for one unit on another area of the property with recorded easement.
- Must provide easements for ingress, egress, emergency services, and utilities access to and from each unit lot (with recorded easement)
- The individual unit lots are not separate buildable lots in the traditional sense. Additional development of the individual unit lots may be limited as a result of the application of development standards to the parent lot.
- If one lot is for an ADU, it cannot be converted to a different type of dwelling unit later
- Subsequent platting actions, additions, or modifications to any buildings may not create a nonconformity of the parent lot.
- Additional divisions of land which create a new lot shall not be permitted in the Unit Lot Subdivision

Major Code Update Milestones



THANK YOU!

Required Revisions – Accessory Dwelling Units

RCW 36.70A.681

Accessory dwelling units—Limitations on local regulation.

- (1) In addition to ordinances, development regulations, and other official controls adopted or amended to comply with this section and RCW 36.70A.680, a city or county must comply with all of the following policies:
- (a) The city or county may not assess impact fees on the construction of accessory dwelling units that are greater than 50 percent of the impact fees that would be imposed on the principal unit;
 - (b) The city or county may not require the owner of a lot on which there is an accessory dwelling unit to reside in or occupy the accessory dwelling unit or another housing unit on the same lot;
 - (c) The city or county must allow at least two accessory dwelling units on all lots that are located in all zoning districts within an urban growth area that allow for single-family homes in the following configurations:
 - (i) One attached accessory dwelling unit and one detached accessory dwelling unit;
 - (ii) Two attached accessory dwelling units; or
 - (iii) Two detached accessory dwelling units, which may be comprised of either one or two detached structures;
 - (d) The city or county must permit accessory dwelling units in structures detached from the principal unit;
 - (e) The city or county must allow an accessory dwelling unit on any lot that meets the minimum lot size required for the principal unit;

Required Revisions – Accessory Dwelling Units

RCW 36.70A.681

- (f) The city or county may not establish a maximum gross floor area requirement for accessory dwelling units that is less than 1,000 square feet;
- (g) The city or county may not establish roof height limits on an accessory dwelling unit of less than 24 feet, unless the height limitation that applies to the principal unit is less than 24 feet, in which case a city or county may not impose roof height limitation on accessory dwelling units that is less than the height limitation that applies to the principal unit;
- (h) A city or county may not impose setback requirements, yard coverage limits, tree retention mandates, restrictions on entry door locations, aesthetic requirements, or requirements for design review for accessory dwelling units that are more restrictive than those for principal units;
- (i) A city or county must allow detached accessory dwelling units to be sited at a lot line if the lot line abuts a public alley, unless the city or county routinely plows snow on the public alley;
- (j) A city or county must allow accessory dwelling units to be converted from existing structures, including but not limited to detached garages, even if they violate current code requirements for setbacks or lot coverage;
- (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; and
- (l) A city or county may not require public street improvements as a condition of permitting accessory dwelling units.

Required Revisions – Accessory Dwelling Units

RCW 36.70A.681

- (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;
 - (ii) Require more than one off-street parking space per unit as a condition of permitting development of accessory dwelling units on lots smaller than 6,000 square feet before any zero lot line subdivisions or lot splits; and
 - (iii) Require more than two off-street parking spaces per unit as a condition of permitting development of accessory dwelling units on lots greater than 6,000 square feet before any zero lot line subdivisions or lot splits.

Required Revisions – Accessory Dwelling Units

RCW 36.70A.681

(b) The provisions of (a) of this subsection do not apply:

(i) If a local government submits to the department an empirical study prepared by a credentialed transportation or land use planning expert that clearly demonstrates, and the department finds and certifies, that the application of the parking limitations of (a) of this subsection for accessory dwelling units will be significantly less safe for vehicle drivers or passengers, pedestrians, or bicyclists than if the jurisdiction's parking requirements were applied to the same location for the same number of detached houses. The department must develop guidance to assist cities and counties on items to include in the study; or

(ii) To portions of cities within a one mile radius of a commercial airport in Washington with at least 9,000,000 annual enplanements.

(3) When regulating accessory dwelling units, cities and counties may impose a limit of two accessory dwelling units, in addition to the principal unit, on a residential lot of 2,000 square feet or less.

(4) The provisions of this section do not apply to lots designated with critical areas or their buffers as designated in RCW **36.70A.060**, or to a watershed serving a reservoir for potable water if that watershed is or was listed, as of July 23, 2023, as impaired or threatened under section 303(d) of the federal clean water act (33 U.S.C. Sec. 1313(d)).

Maryanne Bell – Comments on Middle Housing Proposed Ordinance 1591 – June 3rd Meeting

3 GENERAL ISSUES below, followed by some granular questions seeking clarification on other sections of Ordinance 1591:

- i) **ADU DENSITY on alleys,**
- ii) **Parking on Streets and Alleyways; and**
- iii) **Encouraging future residential SOLAR PANELS and electric charging stations.**

i) DENSITY ON ALLEYS –

Except for a couple dozen homes - including mine on Commercial, Court and Villard Streets, **95 % of homes in Ruston have rear alleyways.**

Under mandatory State law (RCW 36.70A.681), 2 ADUs are allowed per single family lot either within 3 feet of the common rear yard lot line of back to back neighbors, (like my home). But these 2 ADUs per single family lot are allowed **on the zero lot line** of all the Ruston alleyways, which are not routinely 'snowplowed'.

AND – at least potentially under this Ordinance- – EACH PAIR of homes across an alleyway (and each pair of homes like mine with no rear alley) can now have

- **UP TO FOUR 25 FOOT ADUs with ZERO setback from the alley – RIGHT ON THE PROPERTY LINE FACING EACH OTHER; or**
- **UP TO FOUR 25 FOOT ADUS within 6 feet of each other across a common rear lot boundary line;**

That's a lot of **POTENTIAL DENSITY** on **ALLEYWAYS** and within common rear lot lines in Ruston– with **limited access to emergency vehicles and fire hydrants.**

I SAY “**POTENTIAL DENSITY**” – because Ruston has a requirement for **50% Open Space ON SINGLE FAMILY PARCELS** that continues to PROVIDE some REASONABLE overarching ‘tension’ with eligible **Middle Housing Density.**

By contrast, Tacoma has only **10% OPEN SPACE REQUIREMENTS** – not that we want to go there either.

BUT In order to **reduce** that **FUTURE POTENTIAL crowding** of **zero lot line alleyway ADU units in Ruston:**

Would the Planning Commission CONSIDER:

OFFERING INCENTIVES to encourage pulling ADUs BACK AWAY from the lot lines on ALLEYWAYS IN RUSTON without forcing the city to incur costs of ‘**routine snowplowing**’ on alleyways which may be too narrow for most snowplows?

For EXAMPLE, could we offer applicants the incentive of ***reduced Open Space requirements***, say **FOR EVERY 5 OR 10 FOOT SETBACK FROM THE ALLEY ZERO LOT LINE WE COULD OFFER A 5% OR 10% REDUCTION IN *THAT 50% OPEN SPACE REQUIREMENT***?

A 10 FOOT SETBACK MAY ALLOW PERPENDICULAR PARKING FOR TENANTS OFF THE ALLEY, AND WOULD REDUCE THE NECESSITY FOR ADUs on alleyways to be built at 25 feet to provide parking at the first floor level. *(I have a 10,000 sq. foot lot and I am struggling to plan an ADU in my rear yard because of Open Space constraints with the mandatory 2 offstreet parking spaces for lots 6k sq ft or more. So someone like me would view a 25 foot carriage house (ADU above a new garage) as serving both purposes, while also reducing the footprint impact on Open Space. And if I can get a rooftop garden – it should technically be a net net impact on Open Space on my lot. Imagine what investors in vacant lots could plan for with that available State mandated density.)*

Voluntary incentives would not contravene mandatory state law and that leads me to my second point :

ii) Parking on Streets and Alleyways;

I think (I could be wrong) that most existing PRIMARY STRUCTURE garages are TYPICALLY used for storage and very FEW Single Family garages actually house multiple homeowner vehicles.

Foreseeable Crowding of **ADU TENANT VEHICLES ON ALLEYWAYS** could make EMERGENCY VEHICLE ACCESS DIFFICULT and could even trigger ***LIFE safety issues in the event of a fire or medical emergency.***

I know that **several Council Members** are already exploring ON STREET PERMIT PARKING.

AND I WOULD ONLY ADD A REQUEST for consideration by Council:

That ruston permit parking concepts go ***one step further than tacoma's*** permit parking.

Tacoma ties Street PERMIT Parking to 'zones' – ***USUALLY NOT ON THE PERMIT HOLDER'S OWN STREET FRONTAGE, but within blocks – for e.g. look at the parking off 6th Ave.***

I WOULD ASK CONSIDERATION TO MAKE PERMIT PARKING IN RUSTON **TIED TO THE ABUTTING HOMEOWNER'S street frontage. So we don't have neighbors' or their tenants routinely parking in front of your home.** (Those two new \$2m++ homes at the east end of Commercial are probably going to have several vehicles. The constraints of their shared driveway, and awkward right angle garages in back will predictably bring overflow parking to adjacent neighbors' street frontage because the proximity to the intersection with Baltimore and the bulbouts limit their own on street frontage parking.)

FINALLY:

III) Encouraging Future SOLAR PANELS and Electric Charging Stations:

Solar panels function most efficiently by placement on south facing roof slopes.

But this ***RUNS COUNTER*** to the existing AND proposed ***ROOF DESIGN CRITERIA of north south ridgelines*** that ***parallel VIEW CORRIDORS***.

I WONDER IF A COMPROMISE MIGHT BE CONSIDERED to encourage RESIDENTIAL SOLAR PANELS in the Future.

For example:

1. Create a **View Sensitive OVERLAY in the Residential District (VSD)**;
2. In that VSD – leave the north south ridgeline as currently drafted in Ordinance 1591 and other sections of the RMC;
3. Eliminate the existing ***automatic*** entitlement to 30 feet vis a vis Dormers in THE VSD (Tacoma’s VSD requires a variance above 25 feet last I checked), AND
4. ***ONLY IN THE CASE OF STEEP TOPOGRAPHY*** – allow a computation of bonus feet to mitigate the deficit from steep slope gradient.
5. ***BUT OUTSIDE THE RESIDENTIAL VSD*** - where view is not an issue, allow east west or other ridgelines ***encouraging south facing slopes*** and even flat rooftop gardens (like the 2 homes built by Alex Koval on Highland Street) and automatically allow heights up to 30 feet for the **primary structure**, keeping ADU heights to the proposed 25 feet (I thought State law allowed a maximum of 24 feet?).
6. As for **Electric Charging Stations**, before the State mandates public electric charging stations along residential streets, community gathering places etc - can we proactively impose an **‘IMPACT FEE’ line item** in the Permitting Fees of all new construction for ***future Public Electric Charging Stations*** and start creating a reserve fund for that purpose?

The only constraint for ADU fees in State Law (*RCW 36.70A.681*) “(a) *The city or county may not assess impact fees on the construction of accessory dwelling units that are greater than 50 percent of the impact fees that would be imposed on the principal unit;*”

Below are my more granular questions and clarifications on the proposed Ordinance 1591.

=====

Questions and Clarifications on proposed Ordinance 1591 –

1. In the definition of **Open Space** in **RMC 25.99.150**, “**Open Space**” means generally a portion of the area of a site, ***other than required yards***, which is required by this zoning code to be maintained free of impervious surfaces, although it may include features for public use such as community buildings, swimming pools, trails, tennis courts, and parking (when specifically provided for public users of the open space).

"Open space, private" means that ***open space*** within a privately owned lot.

RMC 25.01.040 Residential District (RES) zones (h) – includes other features that count toward the required 50% ‘Open Space’ for primary structures and ADUs including ‘**rooftop gardens**’

RMC 25.99.180 – “**Required Yard**” means the area between the *lot line and required setback*.

Q 1. Am I interpreting the term “Open Space” correctly in relation to the required 50% Open Space for Primary and ADU structures in the Residential Zone as ***not allowing the required yards to count as Open Space***?

Q 2. If so, what “Open Space” would be left on private lots if we eliminate required setbacks from the computation of ***Open Space*** other than the BTZ? Do we need to delete the reference to ‘Required Yard’?

Q 3. If rooftop gardens qualify as Open Space, do we need a ***different Roof design criteria*** for ADUs to encourage flat or gently sloping single sloped roofs instead of ridgelines or peaked roofs?

2. RMC 20.01.065 – sub section a) (3) – “The maximum gross floor area for an ***accessory dwelling*** unit is 1,000 square feet”

Q 1. Is there a difference between ‘gross floor area’ and ‘finished floor area’?

Q 2. If an ADU is built on top of a new or existing garage – like a carriage house, Is the garage space ON THE FIRST FLOOR counted as part of the 1,000 sq ft limit? Because the garage space is not technically ‘dwelling’ space – I am assuming ***no, I do NOT have to count the ground*** floor garage space?

3. RMC 25.01.040 Residential District (RES) zones.

Sub para f – 3 A - Side yards – the former 15 feet ***combined*** side yards is deleted and replaced by 10 feet. [But in all *drawings and depictions* of middle housing -including vacant lots - the side yard is depicted as ***5 plus 10 feet - for a combined 15 feet.***]

Q 1: i) Have we changed the side yard SETBACK requirements OF A PRIMARY RESIDENCE to a ***combined 10 feet*** with the exception of driveways from the front street along the side setback?

4. 25.01.040 Residential District (RES) zones – sub para h) “**Minimum Open Space.** *A minimum amount of open space equal to at least 50 percent of the total lot area shall be required, provided that for cottage housing, the minimum amount of open space shall be equal to at least 20 percent of the total lot area.*”

Q 1. If Cottage Housing only requires ***20 percent*** Open Space which is much easier to achieve than 50% Open Space for ADUs, why would single family lot owners not choose to build a Cottage House instead of an ADU?

Q 2. In this regard – why does the definition of Cottage Space refer to 6 units when as a Tier 3 City, Ruston is only required to provide 4 types of housing and not more than 2 units per lot ***in all residential zones***?

Q 3. Are we missing the definition of ‘**Courtyard Housing**’?

See SCJ's Consultant's report – “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.

Even in the report's exhibit with drawings depicting the 4 types of housing – duplex, stacked flats, cottage and courtyard homes **are 2 per lot – Cottage homes are not depicted as a 6 unit multi-family group of homes.**

RMC 25.99.010 Definitions “D” “**Dwelling, cottage housing**” means *a group of six small, detached, house-scaled buildings typically up to one and a half stories in height, arranged to define a shared entry court that is open to, visible, and accessed from the street.*

Q 4. If above is the mandatory guiding principle, in ALL Residential zones - Ordinance 1591 defines Cottage housing as **6 units per single family lot** when only 2 cottage houses are allowed under Residential Zone density limitations. Is there an inconsistency?

Q 5. What is meant by (in relation to the definition of a Cottage house) a ‘**house scaled**’ building – an ADU is limited to a maximum of 1,000 sq ft – how big are stacked flats, cottages, duplexes and courtyard apartments and where are their requirements set out? (**RCW 36.70A.681** requires them to be allowed in ALL residential districts)

Q 6. Do we have a **definition of “Primary Structure”**? If a 4500 sq ft lot has a 1,000 sq ft house on it e.g the home next to the old City Hall, and the owner builds another 1,000 sq ft house on it – is that an ADU or is that a cottage or courtyard apartment?

5. RMC 25.99.130 “M” Definitions. “**Major transit stop**” means: (a) a stop on a high capacity transportation system funded or expanded under the provisions of chapter **18.104 RCW**;

Comment: (I think there's a typo – it should be RCW **81.104 not** RCW **18.104** which relates to construction of wells for water)

25.01.090 Parking requirements. (4) “*Off-street parking for each middle housing dwelling unit and each accessory dwelling unit shall be provided as follows: (A) **No off-street parking shall be required for middle housing units within one-half mile walking distance of a major transit stop.***”

Q 1. Does **Major transit stop** include ordinary bus stops? Because most of Highland St and maybe even parts of 49th St are within a half mile of bus stops on 46th and Pearl streets. Does a “major transit stop” only refer to **express bus and light rail** and other high capacity, express transport?

Q 2. What about the Vashon Island Ferry Terminal? Is that a Major transit stop?

6. RMC 25.01.090 4)A, B, and C) - Parking requirements.

Q 1. Do all ADUs require 1 or 2 offstreet parking spaces including **conversions in Primary structures or of existing garages**?

Q 2. If the Primary structure has *more than the minimum required parking spaces for the Primary*, can those **pre-existing, excess, offstreet, parking spaces of the Primary fulfill the offstreet parking requirements for the new ADU**? For e.g. my house has 3 garages – if I only need 2 for my primary residence – if I build an ADU can the 3rd garage fulfill one of the ‘offstreet parking spaces’ for an ADU?

Q 3. Does the offstreet parking requirement for ADUs plus the 50% Open Space requirement across the board inadvertently **encourage construction of 2 storey 25 foot carriage houses** that block views and create looming, vertical density on alleyways – because 2 storey carriage houses use smaller footprints than an ADU with a separate offstreet parking space? This increases the chances of maintaining the 50% Open Space requirement for the lot. Is this intentional? Even in view sensitive areas?

Q 4. Should a different criteria apply in View Sensitive areas? Especially with respect to zero lot line rear alley ADUs – potentially up to 4 x 25 foot structures **for each pair of homes** across an alleyway.

7. RMC 25.01.065 Accessory Dwelling Units. a) (9) “Garage space and other accessory buildings may be **converted** into an accessory dwelling unit provided that the unit density set forth in RMC 25.01.040(e) is not exceeded. However, if the converted accessory building contained parking, the minimum parking standards for both the principal unit and any accessory dwelling unit **must be replaced elsewhere on the property**.”

RMC 25.01.120 (a) Nonconforming use rules ...apply to any accessory buildings that are converted which are not consistent with the applicable codes at the time of conversion.

Q 1. Is RMC 25.01.065 a) (9) consistent with RCW 36.70A.681 (j) “A city or county must allow accessory dwelling units to be converted from existing structures, including but not limited to detached garages, **even if they violate current code requirements for setbacks or lot coverage**;

Q 2. If the nonconforming use is because the converted garage space must now be replaced with offstreet parking spaces and there **is insufficient Open Space to do so** – does RCW 36.70A.681 (j) **override RMC 25.01.065 (j) and RMC 25.01.120** to allow the conversion regardless of the violation of offstreet parking requirements – in other words does the RCW **exempt** the offstreet parking requirement for garage conversion ADUs **or allow** offstreet parking regardless of lot coverage?

8. Section 11. Section 25.01.061, “Point Ruston Master Planned Development Zone (MPD) of the Ruston Municipal Code is hereby deleted from the Ruston Municipal Code as a distinct zoning district. Provided, however, that the Ordinance(s) which were previously codified as RMC 25.01.061 remain in effect as an **“approved entitlement”** but will no longer be codified.”

Q 1. What does that mean?

Q 2. Which entity does the “Approved Entitlement” inure to? Any subsequent owner of the vacant parcels in the MPD? i.e. Terra Cotta **and their legal successors in interest** if they successfully purchase the MPD parcels in the receivership?