

Staff Report to the Hearing Examiner

Commercial Street Triplex – Conditional Use Permit (CUP) 24-0140

General Information

Applicant/Architect:

Melissa Nordquist, Ferguson Architecture
1818 Tacoma Avenue S, Suite 100
Tacoma, WA 98402

Property Owner:

Matthew Hockin
5605 N 46th Street
Tacoma, WA 98407

Site Address/Parcel Number:

5324 N Commercial Street, Ruston, WA
APN 2365000343

Zoning Designation: Residential (RES)

Project Description

The applicant requests approval of a Conditional Use Permit (CUP) to construct a new three-unit multifamily building (triplex) on a currently vacant lot. Each unit will be approximately 1,875 square feet over three stories (3 bedrooms, 3 bathrooms). A detached garage at the alley will provide three enclosed parking stalls, one stall in an attached garage, with one additional uncovered stall near the trash and recycle storage area. One public on-street parallel parking stall on N Commercial Street qualifies toward the total. The project is required to provide six parking stalls (two per unit) and achieves compliance with five on-site stalls plus one on-street stall credit. Each dwelling unit will include at least 200 sq/ft of private usable open space.

Staff Analysis, Findings, and Conclusions

State Environmental Policy Act (SEPA)

Introduction

SEPA ensures potential environmental impacts are identified and addressed early in project review. Although triplex construction is typically categorically exempt, SEPA review was warranted for this proposal due to likely disturbance of soils previously remediated under the ASARCO Smelter/Tacoma Smelter Plume cleanup.

Applicable Requirement

Pursuant to SEPA (WAC 197-11) and the Ruston Municipal Code, the City must issue a threshold determination evaluating potential impacts. The City issued a Determination of Nonsignificance (DNS) on June 25, 2025 (SEPA 25-0095).

Staff Findings

During the SEPA comment period, the Washington State Department of Ecology submitted a letter (dated July 9, 2025) noting the site's location within/near areas affected by historical smelter emissions and other contaminated sites. Ecology's comments request soil sampling for arsenic and lead, potential enrollment in the Voluntary Cleanup Program, and measures for soil handling, dust control, and proper disposal. Staff recommends conditioning the CUP to require compliance with Ecology's SEPA comment letter to ensure environmental health and safety during site development.

Comprehensive Plan

Introduction

The Comprehensive Plan sets the City's long-range policy direction for growth, housing, transportation, community character, and environmental stewardship. Conditional use decisions must demonstrate consistency with the Plan's relevant goals and policies. Applicable goals and policies are listed below.

Goals

- GMA Goal #2 (Reduce Sprawl): Encourage infill over conversion of undeveloped land.
- GMA Goal #4 (Housing): Promote a variety of housing types and affordability.

Policies

- Framework (FW-6, FW-14, FW-23, FW-29): Architectural compatibility; integration of multifamily; support for housing choice.
- Community Character (CC-4, CC-5, CC-6, CC-16, CC-23): Compatible infill, pedestrian orientation, and neighborhood form.

- Land Use (LU-7, LU-13, LU-15): Compact development, multimodal access, and environmentally sensitive site design.
- Housing (HO-1, HO-8): Provide a range of housing types, including multifamily; encourage affordability.
- Capital Facilities (CF-5): Efficient use of infrastructure and reduced impervious surfaces where feasible.
- Transportation (T-1, T-5, T-12, T-16): Pedestrian-oriented design, safe streets, alley access, and multimodal connectivity.
- Environmental (EN-2, EN-5): Protect water quality; address slope stability and geologic hazards.
- Public Participation (PP-2): Transparent and accessible public review processes.
- Housing & Land Use: Three family-sized units increase housing choice within a compact infill pattern near services (HO-1, HO-8; LU-7, LU-13).
- Community Character: Pitched rooflines, porches, and articulated elevations reinforce the residential form (CC-4, CC-5, CC-6, CC-16, CC-23).
- Transportation: Pedestrian entries and alley circulation improve safety and multimodal connectivity (T-1, T-5, T-12, T-16).
- Environmental & Capital Facilities: Catch-and-convey stormwater design and limited impervious area support water quality and infrastructure efficiency (EN-2, EN-5; CF-5).
- Public Participation: Mailed and published notice and a public hearing provide an accessible forum for input (PP-2).

Staff Findings

The proposed triplex is consistent with the Comprehensive Plan. It adds housing variety on an infill parcel while preserving neighborhood scale. The design incorporates porches and a pitched roof; provides private open space for each unit; and uses alley access and sidewalk connections to support a walkable, multimodal environment. Stormwater will be conveyed to the public system consistent with City standards.

Ruston Municipal Code

Introduction

The Ruston Municipal Code (RMC) implements the Comprehensive Plan by establishing development standards. Each applicable code section is cited below followed by staff findings.

RMC 25.01.040 – Residential Zone Standards

Code Summary: *In the Residential District, maximum building height is 25 feet; up to 30 feet is permitted for roofs with a pitch of at least 8:12.*

Staff Findings:

- Height: The proposed roof is approximately 8:12, qualifying the project for the 30-foot allowance; elevations indicate compliance with the 30-foot standard. A final detailed compliance review is required prior to building permit issuance.
- Setbacks: Required front, side, and rear yard setbacks are met per the submitted plans. A final detailed compliance review is required prior to building permit issuance.
- Open Space: Each unit provides at least 200 sq/ft of private usable open space, exceeding the vested Residential Zoning District standard and consistent with current policy direction provided in the recently adopted Ordinance 1591 (Middle Housing Update). Overall open space for the site is provided at approximately 50% of the total lot area. A detailed calculation is required with the building permit application, and compliance will be determined prior to issuance of a building permit.

RMC 25.01.090 – Parking

Code Summary: *Two off-street parking spaces shall be provided for each dwelling unit.*

Staff Findings:

- Requirement: Six spaces required (two per unit).
- Provided: Four enclosed garage stalls and one uncovered stall on-site, plus one public on-street parallel stall along N Commercial (hydrant location prevents a second on-street stall).
- Total: Six stalls (5 on-site + 1 on-street credit), meeting the RMC standard.

RMC 25.01.110(b) – Conditional Uses

Code Summary: *Conditional uses shall be granted only when the Hearing Examiner finds they are consistent with the Comprehensive Plan, compatible with adjacent uses, and not detrimental to the public welfare.*

Staff Findings:

- Scale & Character: The triplex is consistent with the neighborhood's established residential scale and character. The building height complies with the RES district's 30-foot standard through use of a pitched roof with an 8:12 slope, which is comparable to nearby two- and three-story residences. The façade is articulated with porches, recessed entries, and roofline modulation, which break up the building mass and avoid a monolithic appearance. Exterior materials are compatible with surrounding homes and

reinforce the residential character. Landscaping along N Commercial Street and the alley further softens the building edge and integrates the project into the streetscape.

- **Safety & Access:** No significant traffic or pedestrian hazards anticipated; emergency access via N Commercial and the alley is adequate. Frontage improvements and alley paving will be required under a Street Excavation Permit, which is typically reviewed concurrently with a building permit.
- **External Impacts:** Anticipated noise, light, and glare are typical of residential use; landscaping and entries enhance compatibility.

Staff Conclusion and Recommendation

Conclusion

Staff concludes that the application meets the applicable requirements of the Comprehensive Plan and Ruston Municipal Code for issuance of a Conditional Use Permit, provided specific conditions are applied.

Recommendation

Approve CUP 24-0140 for the proposed triplex at 5324 N Commercial Street, subject to the following conditions of approval:

1. **Compliance:** Construct the project in substantial conformance with the approved site plan and elevations for CUP 24-0140.
2. **Parking:** Provide a minimum of 5 on-site parking spaces and apply 1 on-street stall credit along N Commercial Street to meet the 6-space requirement.
3. **Open Space:** Each dwelling unit shall provide at least 200 square feet of private usable open space. Final open space calculations and landscape plan details shall be reviewed for compliance with Ruston's zoning code by the Community Development Director prior to building permit issuance.
4. **Frontage and Alley Improvements:** Prior to occupancy, the applicant shall apply for a street excavation permit to construct frontage and alley improvements in accordance with Ruston's street standards.
5. **Stormwater:** Final drainage plans shall be reviewed and approved by the City Engineer consistent with the submitted SSP/SWPPP and City standards.
6. **Construction Practices:** Implement approved SWPPP best management practices to protect remediated soils, prevent dust, control erosion, and protect receiving waters during grading and construction.

7. Ecology Compliance: Comply with the Washington State Department of Ecology SEPA comment letter dated July 9, 2025. Provide evidence of compliance to the City prior to issuance of site development permits.

8. Recording: Prior to building permit issuance, record the Hearing Examiner's final decision and the approved site plan with the Pierce County Auditor, per RMC 25.01.110(b)(3).

9. Expiration: This CUP approval shall expire if the applicant does not commence construction within 24 months, unless extended by the Community Development Director.

Public Notice

Notice of application and public hearing was provided consistent with RMC Title 19.

Public Comment

RMC Title 19 requires mailed and published notice of a conditional use permit and a public hearing, providing affected property owners and interested citizens the opportunity to comment.

To date, the City has not received any written or verbal public comments regarding this application. Ecology's letter constitutes an agency comment under SEPA review. Any additional comments received prior to or at the public hearing will be provided to the Hearing Examiner for consideration.

Staff Report Prepared by

Rob White
Community Development Director
City of Ruston

Date: August 15, 2025

Exhibits

Exhibit A – Application Form (Dec 12, 2024)

Exhibit B – Written Statements (Apr 8, 2025)

Exhibit C – Plan Set (Aug 6, 2025)

Exhibit D – Survey (May 5, 2025)

Exhibit E – Civil Plans (Apr 8, 2025)

Exhibit F – SSP & SWPPP (Apr 8, 2025)

Exhibit G – SEPA DNS (Jun 25, 2025)

Exhibit H – Ecology SEPA Comment Letter (Jul 9, 2025)