

COUNCILMEMBERS

Position No.

1. Tod Gunther
2. John Kelly
3. Michelle Gehring
4. Joachim Pestinger
5. Nicola McDonald
6. Greg Hogan
7. Scott Drennen



ORTING CITY COUNCIL

Study Session Meeting Agenda
Orting Multi-Purpose Center
202 Washington Ave. S, Orting, WA
May 15th, 2019
6PM.

CHAIR, DEPUTY MAYOR GREG HOGAN

1. **CALL MEETING TO ORDER, PLEDGE AND ROLL CALL.**
2. **COMMITTEE REPORTS**
 - Public Works**
 - ✦ *CM Drennen & CM Gunther*
 - Public Safety**
 - ✦ *CM Kelly & CM Pestinger*
 - Community and Government Affairs**
 - ✦ *CM McDonald & CM Gehring*
3. **STAFF REPORTS**
4. **AGENDA ITEMS**
 - A. AB19-16- Sign Code Update, Ordinance No. 2019-1041, Repealing and Replacing Orting Municipal Code Title 13, Chapter 7, Relating Development Regulation Of Signs.**
 - *CM McDonald/ CM Gehring*
 - B. AB19-31-Shoreline Master Program Update and Hearing.**
 - *Talia Tittelfitz / Emily Terrell*
 - C. AB19-32- Sponsorship Application- Summerfest.**
 - *CM McDonald/ CM Gehring*
 - D. AB19-33- Copper Ridge/Meadows 4, Preliminary Plat and Variance.**
 - *Mark Bethune/Emily Terrell*
 - E. AB19-34- RFP- Utility Rate Study.**
 - *Scott Larson*
 - F. AB19-35-City Hall Property, 110 Train St. SE. - Task 1, Data Gap Assessment and Ecology Consultation.**
 - *Mark Bethune*
 - G. AB19-36-Amendment to the City's Franchise Agreement with DM Disposal.**
 - *Mark Bethune*

H. AB19-37- Sanitary Sewer CIPP Rehabilitation Project.

- *CM Drennen /CM Gunther*

I. AB19-38- Fiber Optics- Proposed Amended Purchasing Policy by Resolution No. 2019-13.

- *Mark Bethune*

J. Discussion- Recreational Vehicles.

- *CM Kelly*

K. Discussion- Compensatory Storage.

- *CM Kelly*

L. Discussion- Lot Coverage.

- *CM Kelly*

5. ADJOURNMENT

Motion: *To Adjourn.*



**City of Orting
Council Agenda Summary Sheet**

Subject: Sign Code Update, Ordinance No. 2019-1041, Repealing And Replacing Orting Municipal Code Title 13, Chapter 7, Relating Development Regulation Of Signs		Committee	Study Session	Council
	Agenda Item #:	CGA	AB19-16	AB19-16
	For Agenda of:	3.7.19 4.11.19 5.7.19	2.20.19 4.17.19 5.15.19	5.29.19
	Department:	Planning/Administration		
	Date Submitted:	01/21/2019 Re-submitted 4/12/19		
	Cost of Item:	N/A		
Amount Budgeted:	N/A			
Unexpended Balance:	N/A			
Bars #:	N/A			
Timeline:	N/A			
Submitted By:	CGA Committee/Mark Bethune			
Fiscal Note:				
Attachments: Ordinance No. 2019-1041, & Exhibit A				
SUMMARY STATEMENT:				
<p>After approximately five years of work, at the January 7, 2019 regular meeting, the Planning Commission voted unanimously to recommend approval of the attached Sign Code Update. The Sign Code update amends the Sign Code to comply with recent court cases including the US Supreme Court case <i>Reed v. Town of Gilbert, Ariz.</i>, 135 S. Ct. 2218, 192 L.Ed.2d 236 (2015), and subsequent appellate cases. The Gilbert case requires all non-commercial speech (political, religious, opinion, etc.) to be regulated in a manner that is content free in accordance with the free speech provisions of the First Amendment of the US Constitution. This means these types of signs may be regulated based on location, size, materials and duration but not based on the author or message of the sign. The Ninth Circuit Court recently clarified these provisions with respect to commercial speech, which will be subject to intermediate rather than strict judicial scrutiny. Therefore, commercial signs may be regulated more strictly than non-commercial speech. The attached ordinance complies with both intermediate and strict scrutiny and provides for visually appealing signage while allowing an adequate number, size, location and duration of signs for commercial uses.</p> <p>City Council reviewed the code recommended by the Planning Commission and remanded the sign code to the CGA Committee for potential revisions. The CGA committee reviewed the code on 4/11/19 and made modifications that were reviewed at the 4/17/19 Study Session. Council moved the sign code back to CGA for further review. Changes are noted on page 7, 8, 10, 11, 12,13,16,17, and 18. CGA Committee recommends approval of the changes indicated on the attached proposed ordinance.</p>				
RECOMMENDED ACTION: Move to the Meeting of 5.29.19 for a hearing and vote on the proposed ordinance.				
FUTURE MOTION: To Adopt Ordinance No. 2019-1041, Repealing And Replacing Orting Municipal Code Title 13, Chapter 7, Relating To Development Regulation Of Signs; Providing For Severability; And Establishing An Effective Date				

CITY OF ORTING
WASHINGTON
ORDINANCE NO. 2019-1041

**AN ORDINANCE OF THE CITY OF ORTING,
WASHINGTON, REPEALING AND REPLACING ORTING
MUNICIPAL CODE TITLE 13, CHAPTER 7, RELATING TO
DEVELOPMENT REGULATION OF SIGNS; PROVIDING
FOR SEVERABILITY; AND ESTABLISHING AN
EFFECTIVE DATE**

WHEREAS, the City of Orting is a non-charter optional municipal code city as provided in Title 35A RCW, incorporated under the laws of the state of Washington; and

WHEREAS, the City Council previously adopted regulations pertaining to the design, installation, alteration, relocation, maintenance, use, and removal of signs, codified at Chapter 13-7 of the Orting Municipal Code (OMC); and

WHEREAS, the City Council desires to update and amend OMC Ch. 13-7 in response to the U.S. Supreme Court's decision in Reed v. Town of Gilbert, Ariz., 135 S. Ct. 2218, 192 L.Ed.2d 236 (2015), and subsequent appellate cases, which clarified the law governing local government regulation of signage; and

WHEREAS, the City Council further desires to update OMC Ch. 13-7 so that the regulations are tailored to provide for the orderly development of land and use of property within its corporate limits; and

WHEREAS, the City Council also seeks to amend OMC Ch. 13-7 to ensure the regulations ensure the maintenance of the value of Orting's scenic beauty and rural charm, which are the keystones of the City's quality of life through a comprehensive regulatory program that includes restrictions on signs; and

WHEREAS, the City Council further seeks to adopt a new OMC Ch. 13-7 to update the City's regulations for the location, size, placement and certain features of signs, which are necessary to enable the public to locate goods, services and facilities in the corporate limits of the City and within its extraterritorial jurisdiction, to promote expression by sign while encouraging general community aesthetics and the attractiveness of the community and protecting property values therein; and

WHEREAS, the City Council seeks to amend OMC Ch. 13-7 to ensure the regulations promote the safety of persons and property by providing that approved signs promote and protect the public health, safety, comfort, morals and convenience; do not obstruct firefighting or police surveillance; and do not overload the public's capacity to receive information or increase the

probability of traffic congestion and accidents to vehicles or pedestrians by distracting attention or obstructing vision; and

WHEREAS, the City Council acknowledges that updated regulation of signage can enhance the economy and the business of the City by promoting the reasonable, orderly and effective display of signs, thereby encouraging tourism and increased communication with the public so that business and services may identify themselves; customers and other persons may locate a business or service; signs shall be compatible with their surroundings, appropriate to the type of activity to which they pertain and expressive of the identity of proprietors and other persons displaying signs; and

WHEREAS, the City Council further acknowledges that updated regulation of signage will likely protect the public welfare and enhance the appearance and economic value of the landscape by providing that signs do not interfere with scenic views and that they protect and preserve the unique and natural beauty of the City; do not create a nuisance to persons using the public right-of-way; do not create a nuisance to occupancy of adjacent and contiguous property by their brightness, size, height or movement; and are not detrimental to land or property values; and

WHEREAS, the Planning Commission held a duly noticed public hearing on the proposed new OMC Ch. 13-7 identified herein on January 7, 2019; and

WHEREAS, a draft version of this ordinance was submitted to the Washington State Department of Commerce for review on January 18, 2019; and

WHEREAS, the City Council has considered this ordinance, together with all public comment, and has determined that the proposed regulations are in accord with the Comprehensive Plan, will not adversely affect the public health, safety, or general welfare, and are in the best interest of the citizens of the City; and

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF ORTING, WASHINGTON, DO ORDAIN AS FOLLOWS:

Section 1. OMC Title 13, Chapter 7, Repealed. Orting Municipal Code Title 13, Chapter 7, is hereby repealed in its entirety.

Section 2. OMC Title 13, Chapter 7, Enacted. Orting Municipal Code Title 13, Chapter 7, is hereby enacted in the form stated in Exhibit A hereto, which is adopted by reference herein.

Section 3. Severability. Should any section, paragraph, sentence, clause or phrase of this Ordinance and its Attachment, or its application to any person or circumstance, be declared unconstitutional or otherwise invalid for any reason, or should any portion of this Ordinance be pre-empted by state or federal law or regulation, such decision or pre-emption shall not affect the validity of the remaining portions of this Ordinance or its application to other persons or circumstances.

Section 4. Codification of Ordinance and Attachments. The City Council authorizes the City Clerk to correct any non-substantive errors herein, codify the Ordinance and its Attachments, and publish the modified code.

Section 5. Effective Date. This Ordinance shall be published in the official newspaper of the City and shall take effect and be in full force 5 days after publication.

**ADOPTED BY THE CITY COUNCIL AT A REGULAR MEETING THEREOF ON THE --
_____ DAY OF _____ 2019.**

CITY OF ORTING

Joshua Penner, Mayor

ATTEST/AUTHENTICATED:

Jane Montgomery, City Clerk

Approved as to form:

Charlotte A. Archer
Inslee, Best, Doezie & Ryder, P.S.
City Attorney

Filed with the City Clerk: 1.21.19
Passed by the City Council: 5.29.19
Date of Publication: 5.31.19
Effective Date: 6.4.19

**ORTING MUNICIPAL CODE
TITLE 13 – DEVELOPMENT REGULATIONS
CHAPTER 7 – SIGN REGULATIONS**

13-7-1	FINDINGS AND PURPOSE
13-7-2	DEFINITIONS
13-7-3	EXEMPTIONS
13-7-4	GENERAL REGULATIONS
13-7-5	PERMIT REQUIRED; ADMINISTRATION
13-7-6	PROHIBITED SIGNS; ALL ZONES
13-7-7	SANDWICH BOARD SIGNS
13-7-8	TEMPORARY SIGNS
13-7-9	LIMITATIONS ON PERMANENT SIGNS
13-7-10	SIGN VARIANCES
13-7-11	NONCONFORMING SIGNS
13-7-12	ABATEMENT OF ILLEGAL SIGNS
13-7-13	LIABILITY OF CITY
13-7-14	SEVERABILITY

13-7-1 FINDINGS AND PURPOSE:

A. Findings. The City Council finds as follows:

1. Signs are a means of personal free expression;
2. The use and display of signs is a legitimate use of public and private property, and is an integral part of the business and marketing functions of the local economy and serves to promote and protect private investments in commerce and industry, and is a necessary component of a commercial environment;
3. Signs can promote the efficient transfer of information by providing messages and information needed and sought by the public, allowing businesses and services to identify themselves; and, ensuring that customers and other persons may locate a business or service;
4. Easily read and properly designed and placed signage can be valuable to the public by assisting with way-finding, orientation, and decision making and therefore contribute in a positive way to the health, safety, and welfare of the public;
5. In the absence of regulation, the number of signs tends to proliferate, with property owners' desiring ever increasing numbers and sizes of signs, leading to cluttered and aesthetically blighted property and thoroughfares, and escalation in the size of signs erected by competing businesses;
6. The competition among competing sign owners for visibility of their signs contributes to safety hazards for both vehicles and pedestrians, and undermines the sign owners' original purpose of presenting a clear message of its idea or identification of its premises;

7. Persons exposed to signs can be overwhelmed by the number of messages presented, and may not be able to exercise freedom of choice to observe or ignore said messages, according to the observer's purpose;
8. Regulations restricting the size, material, construction, location and number of signs can create a pleasing environment for the entire community and enhance public safety;
9. Signs erected by the City are, in part, erected for the purpose of maintaining the public safety either through direct control of traffic or through provision of such type of signage as street signs which enable the traveling public to know where they are located and to find where they are going. With the exception of signs identifying government buildings and signs providing information on government-sponsored community events, virtually all government signs are erected purely for public safety purposes. Moreover, their use in the public right-of-way is necessary to ensure their visibility to the motoring public;
10. Public utility signs are frequently of the same nature as those signs erected by governmental entities in that they provide necessary information to safeguard the public from downed power lines and from street excavations. Even where signs serve a propriety purpose, such as identifying markings on utility poles, those signs are marked primarily for the purpose of benefiting the public generally through identification of locations where there may be temporary losses of power and identifying potential hazards;
11. Some signage has a single targeted function and identification of such signage by description is impossible without referring to its function. For instance, address numerals are used for the sole purpose of locating addresses, which is of benefit to persons looking for those addresses and is essential to public safety personnel responding to emergencies. Subdivision signs at the entrances to subdivisions favor a similar purpose in enabling both the traveling public and emergency personnel to quickly locate subdivision entrances for the purpose of either visitation or responding to emergency calls. While such signage is often referenced based upon the function it serves within the context of this ordinance, whenever possible, it is the intent of this ordinance to refer to signs unrelated to the content of the message provided;
12. Driver distraction is a significant cause of motor vehicle accidents leading to property damage and personal injury;
13. Signs visible from motor vehicles being driven upon streets in the City have a visual impact upon the drivers of those vehicles;
14. Signs can overwhelm the public, unduly distract and confuse motorists by diverting attention away from the roadway, and result in safety threats to vehicular and pedestrian traffic;

15. Signs can create traffic hazards by confusing or distracting motorists and pedestrians, or by impairing the driver's ability to see pedestrians, obstacles, or other vehicles, or to read traffic signs;
16. Brightly lit signs, electronic signs, and animated signs waste valuable energy, contribute to light pollution, produce hazardous glare, and create the potential for distracting or confusing motorists, thereby negatively impacting the health, safety, and welfare of the public. Further, digital billboards have the potential to distract drivers for a significantly longer time than non-digital billboards creating a greater potential for driver distraction;
17. Signs which are unregulated as to size, location and appearance can increase the level of distraction of motorists, interfere with early identification of traffic control devices, and hinder the smooth and safe movement of traffic;
18. Portable signs contribute to visual clutter and present distractions to drivers and pedestrian users of the public sidewalks, crosswalks and other pedestrian pathways;
19. Lightweight design and easy mobility of portable signs create a potential for extraordinary safety hazards. Portable signs are often placed in close proximity to public rights-of-way in order to optimally attract the attention of motorists. Such placement creates visual obstruction of oncoming pedestrian and vehicular traffic for motorists ingressing or egressing from a place of business;
20. Portable signs also have a tendency to be blown about in strong winds causing and creating visual clutter, obstruction of pedestrian and vehicular passage, safety hazards, and damage to landscaping;
21. Portable signs with electrical connections and components, if improperly maintained, pose a serious public safety hazard;
22. Improperly constructed and poorly maintained signs may be safety hazards that constitute a public health risk;
23. Moving signs are intended to distract the attention of drivers and pedestrians to call attend to the message on the sign and create a greater distraction to drivers and pedestrians than stationary signs of similar size and appearance;
24. Signs can constitute aesthetic harm by cluttering the rural landscape and highway corridors and adversely affecting the naturally scenic views and native environment;
25. Signs may conceal or obstruct windows, doors, or significant architectural features or details of buildings;
26. Signs can create a hazard due to collapse, fire, collision, decay or abandonment;
27. Signs can obstruct firefighting or police surveillance;

28. Signs can arbitrarily deny the use of the lines of vision from the public right-of way;
29. Regulation of signs can protect the public welfare and enhance the appearance and economic value of the City and protect or increase property values;
30. The regulatory standards set forth in this Code are consistent with customary use in this City and will properly carry out the purposes of this Code.

B. Purpose: This Chapter establishes regulations governing the installation, alteration, relocation, maintenance, use, and removal of signs in the City in a manner that recognizes the importance of signage for the economic well-being of businesses within the City while promoting a quality visual environment and protecting our views and vistas. These regulations are further intended to balance the need to protect the public safety and welfare, the need for a well-maintained and attractive community, the need for adequate identification, communication and advertising; and, to protect free expression.

Specifically, this Chapter seeks to accomplish the following:

1. Encourage commercial communication which is responsive to the needs of the public in locating a business establishment by identification address, product, and/or service information; and
2. Promote the enhancement of business and residential properties and neighborhoods by fostering the erection of signs complementary to the buildings and uses to which they relate and which are harmonious with their surroundings; and
3. To protect and enhance the visual character and identity of the community by the thoughtful placement and design of signs; and
4. To reflect and support the desired character and development patterns of the various zones of the City by requiring that signs, adhere to section 13-6-7 of this title pertaining to the architectural design style for the City. Section 13-6-7 of this title states that these regulations are intended to implement and further the comprehensive plan of the City by ensuring that all development in the mixed use-town center and mixed use-town center north, and all commercial and public development within the City limits, is designed to be consistent with the adopted architectural theme of "turn of the century: western or Victorian"; and
5. Ensure that signs, including indoor signs visible from streets or ways open to the public, do not create obstructions to motorists by interfering with sight lines or directional traffic signs or in any other way endanger the safety, health, or welfare of citizens and visitors to the City; and
6. To ensure that signs are designed, constructed, installed and maintained according to minimum standards to safeguard life, health, property and public welfare; and
7. To ensure that the constitutionally guaranteed right of free speech is protected by regulating signs in a content-neutral manner; and

8. To improve pedestrian and traffic safety; and
9. Eliminate clutter and visual distraction by ensuring signs are appropriate in size and relationship to the subject property, street frontage and building size; and
10. Allow sufficient flexibility and incentive for creative and innovative sign designs; and
11. Safeguard and enhance property values, attract new residents, and encourage orderly City development; and
12. Allow for limited temporary commercial signage in the public right of way, to provide a flow of truthful and legitimate commercial information to consumers to enable them to make vital decisions, particularly as it relates to the purchase of a home, and to further the critical public goal of providing for equal access to housing; and
13. Ensure consistency with the goals and policies of the Comprehensive Plan.

13-7-2 DEFINITIONS:

The following definitions shall apply to this Chapter:

ABANDONED SIGN: A sign that no longer correctly identifies, exhorts, or advertises any person, business, lessor, owner, product, or activity conducted or available on the premises where such sign is located and which has not been changed or removed within one hundred eighty (180) days of a tenancy change; or an on-premises sign which is damaged, in disrepair, or vandalized and not repaired within sixty (60) days of the damaging event.

ANIMATED SIGN: Any permanent sign that flashes or simulates motion with an electronic or manufactured source of supply or contains wind actuated motion (excluding flags or banners). Animated signs may include a sign that meets the definition for revolving signs, or changing message centers.

BANNER SIGN: A permanent sign constructed of a rectangular shape of fabric or other suitable material which is attached or suspended at two (2) ends or continuously across the long side. Attachment or suspension may be from buildings and/or poles. Flags, insignias, canopy signs, and posters are not considered "banner signs".

BILLBOARD SIGN: A large permanent sign which directs attention to a business, profession, product, activity, or service which is not conducted, sold, or offered on the premises where the sign is located. The approximate size of the billboard faces ranges from 12 to 14 feet in height and 24 to 48 feet in width.

CANOPY SIGN: Any permanent sign that is part of or attached to a canopy, or a non-rigid, retractable or non-retractable, protective covering located at the entrance to a structure.

CHANGING MESSAGE CENTER. An electrically controlled permanent sign that displays different copy changes on the same lamp bank which change at intervals of 30 seconds or greater.

CENTER, SHOPPING. A multi-tenant building with one or more stories used for retail and service uses with a shared building and/or parking area.

COPY: The linguistic or graphic content of a sign.

DIRECTIONAL SIGN: A permanent non-commercial sign used to direct pedestrian or vehicular traffic to a facility, service, or business.

DISPLAY CASE: A permanent, freestanding sign with changeable copy.

ELECTRICAL SIGN: A permanent sign or sign structure in which electrical wiring, connections, and/or fixtures are used as part of the sign proper.

EXTERNAL ILLUMINATED SIGN: A permanent sign illuminated by an external light source.

FAÇADE: The entire building front, or street wall face, including grade to the top of the parapet or eaves, and the entire width of the building elevation.

FESTOON (GARLAND): A temporary strip or string of lights or other decorations.

FLAG. A temporary sign composed of a fabric sheet of square, rectangular or triangular shape which is mounted on a pole, cable or rope at one (1) end, including by way of example and not limitation, feather flags, bow flags, flutter and such similar flags.

FLASHING SIGN: An electrical permanent sign or a portion thereof which changes light intensity in a sudden transitory burst, or which switches on and off in a constant pattern in which more than one-third of the non-constant light source is off at any one time.

FLOATING SIGN: A permanent sign that is air or gas filled that floats or has movement in the air.

FREESTANDING SIGN: A permanent sign, not attached to any building or structure, which is securely and permanently attached to the ground or a built-up landscaped area. The height of a freestanding sign shall be measured from the crown of the road adjacent to the location of the sign or from the ground at the base of the sign supports to the top of the sign, whichever is higher in elevation.

FRONTAGE: The measurement, in linear feet, of the length of the property line for a single-tenant building or length of leased building frontage for multitenant buildings or multibuilding complexes.

GRADE: The relative existing ground level in the immediate vicinity of the sign.

GOVERNMENT FLAG. Any flag or badge or insignia of the United States, State of Washington, Pierce County, or City of Orting.

INCIDENTAL SIGN: A permanent sign, generally informational, that has a purpose secondary to the use of the property on which it is located, and which is used to do one or more of the following:

- A. Direct traffic flow, vehicular or pedestrian, i.e., "one-way", "crosswalk", "do not enter", etc.;
- B. Clearly indicates location of ingress and egress points, i.e., "entrance", "exit";
- C. Direct certain activities to certain areas, i.e., "parking", "no parking", "waiting", "loading", etc.; or
- D. Provide other similar incidental information, i.e., "no trespassing", "no hunting", "phone", "ATM", "no dumping", "no loitering".

INTERNAL ILLUMINATED SIGN: A permanent sign with an internal light source shining through the face of the sign. Exposed neon signs are internally illuminated.

MONUMENT SIGN: A permanent freestanding sign having the appearance of a solid base of landscape construction materials such as brick, stucco, stonework, textured wood, tile, or textured concrete that are harmonious with the materials of the primary structure on the subject property.

OFF-PREMISES SIGN: A sign relating, through its message and content, to a business activity, use, product or service not available on the premises upon which the sign is erected.

ON-PREMISES SIGN: A sign which carries a message and content incidental to a lawful use of the premises on which it is located, including signs indicating the business transacted, services rendered, goods sold or produced on the premises, name of the person, firm or corporation occupying the premises.

PERMANENT SIGN. Any sign which is intended to be lasting and is constructed from an enduring material such as masonry and metal which remains unchanged in position, character, and condition (beyond normal wear), and is permanently affixed to the ground, wall or building, provided the sign is listed as a permanent sign in the ordinance.

PORTABLE SIGN: A temporary sign made of any material, including paper, cardboard, wood or metal, which is capable of being moved easily and is not permanently affixed to the ground, structure or building. This also includes sidewalk or sandwich board signs. ~~except those worn by a person.~~

READER BOARD: A permanent sign face designed to allow copy changes either by manual or electronic means.

REAL ESTATE SIGN: Any temporary or permanent sign, which is used to offer property for sale, lease, or rent.

RESIDENTIAL DEVELOPMENT SIGN: A permanent sign which identifies a residential development upon which the sign is located.

REVOLVING SIGN: Any permanent sign that rotates or turns in motion by electrical or mechanical means in a circular pattern.

SANDWICH BOARD/SIDEWALK SIGN: A temporary portable sign consisting of two (2) sign faces hinged at the top and separated at the bottom to make it self-standing.

SEARCH LIGHT: An apparatus for projecting light: an apparatus for projecting a high intensity beam of light in any direction.

SIGN: Any writing, video projection, pictorial representation, number, illustration, decoration, flag, banner, pennant, emblem, or other device which is displayed for informational or communicative purposes. The term “sign” shall include the structure, including all associated brackets, braces, supports, lighting and wires, specifically intended for supporting a sign, whether the sign is free standing or attached or affixed to a building.

SIGN, COMMERCIAL. A permanent or temporary sign erected for a business transaction or advertising the exchange of goods and services.

SIGN HEIGHT: The vertical distance measured from the adjacent grade to the highest point of the sign, except the height of a freestanding sign shall be measured from the crown of the road adjacent to the location of the sign or from the ground at the base of the sign supports to the top of the sign, whichever is higher in elevation.

SIGN, NONCOMMERCIAL. Any permanent or temporary sign that is not a commercial sign. This definition also includes signs regarding fund raising or membership drive activities for noncommercial or nonprofit entities or groups **and political signs**

SIGN STRUCTURE: Any structure that supports or is capable of supporting any sign as defined in this Chapter. A sign structure may be a single pole or may or may not be an integral part of the building or structure.

TEMPORARY SIGN: Any sign, banner, pennant, or valance constructed of cloth, canvas, light fabric, cardboard, wallboard or other like materials. Any sign not permanently attached to the ground, wall or building, intended to be displayed for a short period of time only.

WALL SIGN: Any sign attached directly to and supported by the wall of a building or permanent structure.

13-7-3 EXEMPTIONS:

The standards and regulations set forth in this Chapter apply to all signs proposed for installation in the City, with the exception of the following:

- A. Historic site markers or plaques, gravestones, and address numbers not more than ten (10) inches in height;

B. Signs erected on public property by the state of Washington, the United States, the county of Pierce, or the City of Orting, displaying a public service message, or other regulatory, statutory, traffic control or directional message;

C. Plaques, tablets, or inscriptions indicating the name of a building, date of erection, or other commemorative information, which are an integral part of the building structure or are attached flat to the face of a structure or other natural surface, and do not exceed two (2) square feet in area;

D. Religious displays other than signs regulated by this Chapter;

E. A mural, defined as a one-of-a-kind, hand-painted, hand-tiled, or digitally printed image on the exterior wall of a building that does not contain any commercial message. Murals require a building permit from the City through the architectural design review process, OMC 13-6-7, prior to installation;

F. Signs displayed within the interior of any structure and not visible from streets or ways open to the public, except when such signs negatively impact public health and safety;

G. Incidental signs that do not exceed three (3) square feet in area;

H. Exterior signs bearing the name of the occupant of a dwelling unit, defined at OMC 13-2-5, not exceeding three (3) square feet in area;

I. Government flags;

J. Official or legal notices issued and posted by any public agency, as defined by law, or court; and

K. Public Notices of Development Applications required per OMC Ch. 15.

13-7-4 GENERAL REGULATIONS:

A. Conflict: Where regulations conflict within the provisions codified in this Chapter or with other ordinances, the most stringent regulation shall apply.

B. Visibility: No sign shall be erected that interferes with the visibility of traffic control devices or street name signs nor shall any sign be placed so as to cause visual obstruction of a public right of way.

C. Permanent Sign Structure and Installation: The structure and installation of all signs shall comply with this Chapter, Titles 13 and 10 of the OMC, and the latest adopted edition of the City's building code.

D. Architectural Details: Signs shall be located so as to complement the original architecture features and character of the building. Permanent signs are subject to the requirements of section 13-6-7 of this title. All signs may not cover or obscure important architectural details of a building such as stair railings, turnings, windows, doors, decorative louvers, or similar elements intended to be decorative features of a building design. All signs must appear to be a secondary and

complementary feature of the building facade. Wall signs must be located within architectural sign bands or other blank spaces which visually frame the sign. Blank wall sections above or between windows and doors, for example, may provide an effective location for signage. Signs hanging between pillars and archways may also be an effective design solution.

F. Owner Shall Maintain: All signs shall be maintained by the owner of the sign to show no signs of deterioration, including, but not limited to, rust, holes, discoloration, peeling paint, trash, or overgrowing weeds.

F. Illumination: All sign illumination shall be by indirect lighting and shall be lighted in such a manner that glare from the light source is not visible to pedestrian or vehicle traffic. Temporary signs shall not be illuminated.

G. Permanent Freestanding Signs: Permanent freestanding signs are considered structures for purposes of compliance with required setbacks. Landscaping shall be used in conjunction with all permanent freestanding signs and may utilize shrubs and plantings or decorative features such as concrete bases, planter boxes, or ornaments.

H. Ownership and Removal of Signs:

1. Private Property: The property owner or lessee is responsible for all signs on private property and compliance with this Chapter and all other applicable regulations. The property owner or lessee shall immediately remove all illegal, damaged, vandalized or abandoned signs. Signs on private property in violation of this Chapter shall be abated by the City pursuant to the process set out in this Chapter.

2. Public Right of Way: Except as otherwise provided in this Chapter, no permanent signs shall be placed in the public right of way. Temporary non-commercial signs may be placed in the public right of way with a permit issued by the City, ~~and with the permission of the immediately adjacent property owner~~ and are subject to the regulations set forth in this Chapter. The permittee shall remove permitted temporary sign(s) placed in the public right of way, pursuant to the terms of the permit. The City or its agents may summarily remove any sign placed in the right-of-way or public property in violation of the terms of this Chapter and is entitled to recover the costs of abatement from the permittee, in accordance with the process set out in this Chapter.

I. Directional Signs: On premises permanent directional signs not exceeding four (4) square feet in area may be permitted for each entrance or exit to a surface parking lot. Permanent directional signs may be permitted within the public right of way with the permission of the immediately adjacent property owner, pursuant to the permit process stated in this Chapter. Off premises permanent directional signs, whether on private or public property, shall only identify the facility or site and its distance and direction from the sign.

J. Sign Area Determinations:

1. Sign area for freestanding signs other than monument signs shall be calculated by determining the total surface area of the sign as viewed from any single vantage point, excluding support structures.

2. Sign area for letters or symbols painted or mounted directly on wall or monument signs shall be calculated by measuring the smallest single rectangle which will enclose the combined letters and symbols.

3. Sign area for signs contained entirely within a cabinet and mounted on a wall or monument shall be calculated by measuring the entire area of the cabinet.

4. Perimeter of all other signs shall be established by the smallest rectangle enclosing the extreme limits of the letter module or advertising message being measured.

K. Installation Prohibited:

1. No sign shall be installed, attached to, supported by or propped up against any utility pole, light standard, traffic sign, tree, fire hydrant, or any other public facility located within the public right of way.

2. No sign shall be mounted above the roofline and/or on the roof of a building.

13-7-5 PERMIT REQUIRED, ADMINISTRATION:

A. Permanent Signs - Permit Required: Except as otherwise provided in this Chapter, no permanent sign shall be erected, altered, or relocated within the City without a sign permit issued by the City of Orting Building Department, following submission, review and approval of the sign through the architectural design review process, set out in OMC 13-6-7. This Chapter shall not be construed to require any permit for the change of copy (**font design must conform to ADR's**) on any sign, nor for the repainting, cleaning, and other normal maintenance or repair of a sign or sign structure for which a permit has previously been issued, so long as the sign structure has not been modified in any way.

1. Application: A City sign permit application must be completed and submitted to the City Building Department, and shall include the following:

a. All plans and layouts for the proposed sign, including a drawn to scale site plan to be submitted to the City; and

b. Evidence of commercial general liability insurance with a responsible insurance company, licensed to do business in the state of Washington, properly protecting and indemnifying the City for injury to or death of persons and for property damage arising out of the presence of the permitted sign, including but not limited to a certificate or certificates of insurance, in a form acceptable to the City, and naming the City as an additional insured.

2. No sign permit shall be issued for any sign subject to design review and approval until such time as the sign has been approved pursuant to section 13-6-7 of this title.

3. Time Limitations: Sign permits authorized by the City of Orting Building Department shall expire within one hundred eighty (180) days, if the sign installation has not been completed and approved. If the sign installation has not been completed and approved

within that time period, the permit may be extended for a single period of up to one hundred twenty (120) days from the date of expiration of the initial permit, if the request for extension is made prior to the expiration date of the initial permit. Once the sign is installed and approved by the Building Department, the permit shall expire one (1) year from the date of issuance.

B. Temporary Signs – Permit Required: Except as otherwise provided in this Chapter, no temporary sign shall be erected, altered, or relocated within the City without a sign permit issued by the City of Orting. To obtain a permit, the permittee shall submit an application to the Cashier at City Hall, along with the proposed sign. ~~Once issued, the permit shall be affixed to the sign at all times the sign is displayed.~~ The permit shall state the permit's expiration, which shall be set in accordance with this Chapter.

13-7-6 PROHIBITED SIGNS, ALL ZONES:

The following signs are prohibited in all zones within the City:

A. Permanently constructed signs located in or projecting into the public right of way, unless otherwise provided in this Chapter;

B. Any sign attached to or placed on a vehicle or trailer parked on public ~~or private~~ property. The prohibition of this subsection does not prohibit the identification of a firm or its principal products on a vehicle operating during the normal course of business;

C. Signs which blink, flash, rotate, contain changing images or text that are electronically generated, or are animated by lighting in any fashion, or that are internally illuminated;

D. Signs which by coloring, shape, wording, or location resemble or conflict with traffic control signs or devices;

E. Off premises signs, signage on fencing, and commercial signs in primarily residential zones (RC, RU, RMF), except as specifically allowed in this Chapter;

F. Billboard signs;

G. Floating signs; and

H. Mannequins used for signage.

13-7-7 SANDWICH BOARD SIGNS:

A. Sandwich board signs are a type of temporary sign permitted by the City in accordance with this Chapter but are subject to the permitting process for permanent signs, including architectural design review process stated at OMC 13-6-7. Applicants must provide all information required in OMC 13-6-7 and 13-7-5 to the City of Orting Building Department and must also provide the City with proof of continuous liability insurance for any harm attributable to the sign in an amount established by the City at the time of permit issuance.

B. Sandwich board signs are allowed subject to the following restrictions:

1. Sandwich board signs are limited to thirty-six inches (36") in height and thirty inches (30") in width. They must be constructed of durable materials.

2. Sandwich board signs may be located on public sidewalks or adjacent areas in a manner so as to allow adequate pedestrian circulation allowing a minimum of three (3) feet of available sidewalk path, including safe and unconstrained access to parked vehicles. Sandwich board signs shall be placed adjacent to the sign owner's business or premises except when the applicant can demonstrate a need for placement up to one hundred feet (100') from the business or premises and with the permission of the immediately adjacent property owner(s).

3. No sandwich board sign shall be placed within thirty (30) feet of another sandwich board sign.

4. Under no circumstances may a sandwich board sign be placed on the portion of the public right of way upon which vehicles regularly traverse or park. No sign shall be placed in median strips, planter/traffic islands, or in the roadway, including on vehicles. The City shall determine, at its sole discretion, the approved location of sandwich board signs to ensure pedestrian safety and vehicle circulation. Sandwich board signs shall not be located within thirty feet (30') of street intersections or where they inhibit motorist sight distances.

5. No single business or other party shall site more than one sandwich board sign within the City.

6. Sandwich board signs may only be displayed during the hours the premises or business is open to the general public, provided non-commercial sandwich board signs may be placed in the public right of way for a maximum period of twelve (12) hours per each twenty-four (24) hour period.

7. Sandwich board signs that are not permitted or are otherwise out of compliance with this Chapter shall be abated by the City, pursuant to the process set out in this Chapter.

8. The sign owner shall maintain the sign in the condition originally approved.

9. **Sandwich board signs are not subject to the time limits as stated in 13-7-8 C-1-iii**

A. Temporary signs are allowed throughout the City, subject to the restrictions imposed herein and other relevant parts of this code. No temporary commercial or noncommercial sign shall be located on public property, or within public easements or street rights of way, except as otherwise provided in this Chapter. Except as otherwise provided in this Chapter, temporary signs shall be exempt from the architectural design review requirements of section 13-6-7 of this title.

B. Placement and Size.

1. No temporary signs shall be located within the center median of principal, minor, and collector arterials or within roundabouts, traffic circles, or islands, or within ten (10) feet from any intersection so as to preserve driver site visibility. No temporary signs over thirty-six (36) inches in height are permitted within 15 feet of a road or driveway.

2. Temporary signs shall not be illuminated.

3. Temporary signs shall not be attached to any utility pole, fence, building, structure, object, tree or other vegetation located upon or within any public right-of-way or publicly owned or maintained land.

4. Temporary signs shall not be erected without the permission of the owner of the property on which they are located, nor shall they be placed in such a manner as to obstruct or interfere with traffic or endanger the health or safety of people or endanger property.

C. Additional Regulations Specific to Temporary Commercial Signs.

1. General Commercial Signs.

i. No business or other party shall display more than two (2) temporary commercial signs simultaneously for no longer than thirty (30) continuous days.

ii. No two temporary signs may be closer together than thirty (30) feet.

iii. Temporary signs may be displayed for no more than six (6) 30-day periods, per sign, within a calendar year.

2. Construction: Development projects under construction shall be permitted to place one sign on each street frontage during the period of construction. The total area of all construction signs for each project shall not exceed thirty-two (32) square feet. No construction signs shall be placed until the City has issued a building permit for the project and the sign has been issued a Temporary Sign Permit.

3. Temporary Signs Placed on Property for Sale or Lease. Temporary signs placed on property for sale or lease are permitted, subject to the following:

i. Zones Permitted: Temporary signs placed on property for sale or lease shall be permitted in all zones except the public facilities, open space and recreation zones.

ii. On-Premises: Such signs shall be limited to one sign per street frontage not to exceed six (6) square feet in sign area per side, placed wholly on the property for sale. All temporary signs placed on property for sale or lease shall be removed within five (5) days of the final sale or rental.

iii. Off-Premises: During any time when a property for sale or lease is open for public viewing, one (1) sign per dwelling unit or property for sale or lease may be displayed:

- a. on private property, with the consent of the property owner; or
- b. in public rights-of-way, other than paved vehicular travel lanes, paved parking areas, sidewalks or pedestrian paths, driveway aprons and center medians.

4. Temporary signs advertising the sale of lots located within a planned development under construction shall be permitted; provided, that there shall be no more than one sign per entrance, and each sign shall be not greater than thirty two (32) square feet in area, no greater than eight feet (8') in height, and erected for no longer than a period of one year.

5. Sign Plan. At the time of submittal of an application for final planned development and/or plat approval, the applicant shall submit a sign plan which shall identify all proposed on-site and off-site locations, sizes, and designs for proposed temporary signs advertising the lots and/or houses. The sign plan shall also describe the applicant's responsibility for sign maintenance and removal, which shall be prepared in accordance with the terms of this Chapter. The approved sign plan shall be in force for one year unless an extension is granted by the City.

D. Additional Regulations Specific to Temporary Noncommercial Signs.

1. Temporary noncommercial signs on private property shall not exceed three (3) square feet in area.

2. Temporary noncommercial signs may be placed in the public right of way, subject to the following:

- a. The sign shall not exceed three (3) square feet in area;
- b. The sign shall not be displayed for longer than 180 days per calendar year;
- c. The sign shall be designed and constructed so as not to interfere with the sight distance of, or otherwise present a hazard to, motorists proceeding on or approaching on adjacent streets, alleys, driveways, or parking areas, or of pedestrians proceeding on or approaching on adjacent sidewalks or pedestrian-ways, as determined in the City's sole discretion; and

d. There shall be a minimum of ~~300~~ **30** feet between each sign pertaining to the same noncommercial topic, organization, entity or person.

13-7-9 LIMITATIONS ON PERMANENT SIGNS:

A. Number, Type, Size, and Height Limitations: All permanent signs subject to regulation under this Chapter are subject to the following limitations upon number, height, size, and type:

Frontage On A Public Right Of Way In Feet	Number Of Signs Permitted	Type Of Signs Permitted	Total Aggregate Limit Of All Signs	Maximum Height Of Signs
Less than 50	2	Canopy, wall and under canopy	Maximum of 10% of square footage of building facade	Building sign shall not extend above the roofline. Projected signs and under canopy signs must provide a minimum 7'6" clearance from sidewalk
At least 50 but less than 100	2	Parapet signs, canopy, wall and under canopy	Maximum of 10% of square footage of building facade	Building sign shall not extend above the roofline. Projected signs and under canopy signs must provide a minimum 7'6" clearance from sidewalk
At least 100 but less than 200	2	Parapet signs, canopy, wall and under canopy	Maximum of 10% of square footage of building facade	Building sign shall not extend above the roofline. Projected signs and under canopy signs must provide a minimum 7'6" clearance from sidewalk
At least 200 but less than 300	3	Parapet signs, canopy, wall, under canopy and freestanding	Maximum of 10% of square footage of building facade	Freestanding sign height shall not exceed 5 feet and building sign shall not extend above the roofline. Projected signs and under canopy signs must provide a

				minimum 7'6" clearance from sidewalk
Greater than 300	3	Parapet signs, canopy, wall, under canopy and freestanding	Maximum of 10% of square footage of building facade	Freestanding sign height shall not exceed 8 feet and building sign shall not extend above the roofline. Projected signs and under canopy signs must provide a minimum 7'6" clearance from sidewalk

B. Retail Or Mixed Use Centers:

1. One freestanding monument sign shall be permitted for each street frontage of each center, subject to architectural design review and permitting under OMC 13-6-7 and OMC 13-7-11. The maximum sign area permitted is one hundred sixty (160) square feet for the total of all faces, and no one face shall exceed eighty (80) square feet. The maximum height of a monument sign shall be eight feet (8').

2. A maximum of thirty (30) square feet of sign area shall be permitted for each individual establishment in a center, subject to architectural design review and permitting under OMC 13-6-7 and 13-7-11. No combination of signs shall exceed ten percent (10%) of the facade to which they are attached.

C. Other Permitted Permanent Signs:

1. Permanent Residential Development Signs: One sign at each entrance into the development from each abutting street is permitted, subject to architectural design review and permitting under OMC 13-6-7 and 13-7-11. The sign may be a single sign with two (2) faces of equal size or may be two (2) single faced structures of equal size located on each side of the entrance. Sign faces shall not exceed thirty-two (32) square feet in area. Signs may be externally illuminated.

a. Development signs shall be maintained perpetually by the developer, the owner of the sign, the homeowners' association, or some other entity who is authorized in accordance with the permit.

2. Permanent Residential Home Based Business Signs: Home based businesses may display a limit of one sign. The sign shall be no more than six (6) square feet in size and requires a city permit. The sign will not require Architectural Design Review. The sign can be placed on the home or in the yard. If the sign is placed in the

yard it must be at least one (1) foot away from sidewalks and/or the property line. The sign cannot be more than 3' high from the ground. No lighting allowed of any type. In neighborhoods with Home Owners Association Covenants and Restrictions, home based business signs may not be allowed.

D. Projected and Under Canopy Permanent Signs: Projected and under canopy signs are subject to architectural design review and permitting under OMC 13-6-7 and 13-7-11. A projected sign or under canopy sign may encroach within, upon or over the public right of way, including any public sidewalk, provided that, such sign meets the requirements of this Chapter, the proposed sign is designed and constructed so as not to interfere with the sight distance of, or otherwise present a hazard to, motorists proceeding on or approaching on adjacent streets, alleys, driveways, or parking areas, or of pedestrians proceeding on or approaching on adjacent sidewalks or pedestrian ways, and the sign meets the provisions of OMC 13-7-8.

13-7-10 SIGN VARIANCES:

Any person, business or entity seeking to utilize a sign that is not permitted pursuant to the regulations stated in this Chapter may seek a variance from these regulations. The planning commission reviews sign variance applications and determines if the variances are to be granted using the following criteria:

A. The granting of the sign variance would not be materially detrimental to the property owners in the vicinity, and the variance sought is of minimum sign size, height, and scope to meet the conditions and needs of the applicant;

B. The granting of the variance would not be contrary to the objectives of this Chapter and section 13-6-7 of this title;

C. The signage of the property in question cannot be adequately met under the literal interpretation and strict application of this Chapter; and

D. The granting of the variance is necessary because of special circumstances relating to property location, topography, shape, size, sight distance, and limited view to property.

13-7-11 NONCONFORMING SIGNS:

A. For the purpose of this section, a "nonconforming sign" shall be defined as a sign that meets the following criteria:

1. The sign was lawfully erected as evidenced by prior approval by the Planning Commission; and

2. The sign existed prior to the adoption and/or relevant amendment of these regulations, in the same location affixed in a permanent manner to the ground or the building without modification other than routine maintenance and repair; and

3. The sign is associated with an existing and operating business or activity; and

4. The sign fails to meet one (1) or more requirements of this Chapter.

B. All on site and off-site nonconforming signs not otherwise prohibited by the provisions of this Chapter, installed prior to the year 2000, shall be removed or altered to conform to the provisions of this Chapter when:

1. The nonconforming sign is of a temporary nature;

2. The nature of the business conducted on the premises changes and the sign is changed or modified either in shape, size, or legend;

3. The name of the business changes and the sign is changed or modified either in shape, size, or legend; or

4. The business is discontinued. In this event, the sign(s) and supporting structure(s) shall be removed by the property owner. If said sign(s) is not removed within the specified time period, the City may remove the sign and file a lien against the property to cover costs associated with said removal.

C. Nonconforming signs may not be enlarged or altered in a way which would increase nonconformity.

D. Should any nonconforming sign be damaged by any means to an extent of more than fifty percent (50%) of its replacement cost at time of damage, it shall not be reconstructed except in conformity with the provisions of this Chapter.

E. A nonconforming sign as defined by this section shall be deemed lawful subject to all requirements of this Chapter and this title with the following exceptions: (1) the requirement to obtain a sign installation permit; and (2) enforcement by the City for exceeding or violating limitations on size, shape, location or design imposed by this title.

13-7-12 ABATEMENT OF ILLEGAL SIGNS:

A. Public Nuisance Declared: Any sign that violates the provisions of this Chapter shall be deemed a public nuisance, and shall be abated in accordance with OMC 5-1-7, subject to the following:

1. If the sign is located on private property, the City shall notify the property owner of the existence of the public nuisance and shall direct the owner to remove the sign within ten (10) calendar days after the notice. Failure to remove the sign in accordance with the notice shall also constitute a civil violation, in accordance with OMC 1-13-6. The City shall be entitled to recover all costs of abatement from the property owner, including attorney's fees and costs pursuing abatement for continued violations.

2. The City may remove signs which violate the provisions of this Chapter and constitute a public nuisance from public rights of way and public property, at any time. The owner of the sign, if known, shall be given written notice that the sign shall be destroyed if it is not claimed within ten (10) days of the notice. Failure to remove the sign in accordance

with the notice shall also constitute a civil violation, in accordance with OMC 1-13-6. The City shall be entitled to recover all costs of abatement from the property owner, including attorney's fees and costs pursuing abatement for continued violations.

13-7-13 LIABILITY OF CITY:

This Chapter shall not be construed to relieve from or lessen the responsibility of any person owning, building, altering, constructing, or moving any sign in the City for damages to anyone injured or damaged either to person or property by any defect therein; nor shall the City, or any agent thereof, be held as assuming such liability by reason of a permit or inspection authorized herein or a certificate of inspection issued by the City or any of its agents.

13-7-14 SEVERABILITY

Should any section, paragraph, sentence, clause or phrase of this Chapter, or its application to any person or circumstance, be declared unconstitutional or otherwise invalid for any reason, or should any portion of this Chapter be pre-empted by state or federal law or regulation, such decision or pre-emption shall not affect the validity of the remaining portions of this Chapter or its application to other persons or circumstances.



**City Of Orting
Council Agenda Summary Sheet**

Subject: Hearing- Adopt amendments to the Orting Shoreline Master Program		Committee	Study Session	Council
	Agenda Item #:		AB19-31	AB19-31
	For Agenda of:		5.15.19	5.29.19
	Department:	Planning/Administration		
	Date Submitted:	5.8.19		
Cost of Item:	<u>\$</u>			
Amount Budgeted:	<u>\$</u>			
Unexpended Balance:	<u>\$</u>			
Bars #:				
Timeline:	Jan 2018 through June 30, 2019			
Submitted By:	BHC Consultants			
Fiscal Note: \$15,000 Grant from Dept. of Ecology				
Attachments: Ordinance No 2019-1045				
<p>SUMMARY STATEMENT: The City received a \$15,000 grant from the Department of Ecology to conduct a state-mandated periodic review of the Orting Shoreline Master Program. BHC Consultants has been working on the amendments since January 2018, and adoption of the amendments is required by the State by June 30, 2019.</p> <p>The City has been working closely with the Department of Ecology Grant Manager, Sarah Cassal, to prepare amendments according to Ecology guidance. The amendments to the SMP are provided in the attached redline document (Exhibit A of Ordinance 2019-1045) and also summarized in the attached checklist (Attachment 1) and memo (Attachment 2)</p> <p>The City conducted a joint review process with the Department of Ecology. This included a joint public comment period from March 1 to April 1, 2019, and a joint public hearing before the Planning Commission on April 1, 2019. Planning Commission recommended the amendments for adoption. Ecology has reviewed Exhibit A and has returned the attached "initial determination" of consistency, Attachment 3. The City has requirements listed in the grant and all state noticing requirements including SEPA and notification to the Department of Commerce.</p>				
RECOMMENDED ACTION: Move Forward to the Meeting of 5.29.19 for a Hearing and vote.				
FUTURE MOTION: To Adopt Ordinance No. 2019-1045 An Ordinance Of The City Of Orting, Washington, Relating To Shoreline Management; Amending Section 11-6-1 Of The Orting Municipal Code; Adopting Periodic Review Amendments To The Shoreline Master Program; Providing For Severability; And Establishing An Effective Date.				

**CITY OF ORTING
WASHINGTON**

ORDINANCE NO. 2019-1045

AN ORDINANCE OF THE CITY OF ORTING, WASHINGTON, RELATING TO SHORELINE MANAGEMENT; AMENDING SECTION 11-6-1 OF THE ORTING MUNICIPAL CODE; ADOPTING PERIODIC REVIEW AMENDMENTS TO THE SHORELINE MASTER PROGRAM; PROVIDING FOR SEVERABILITY; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, the people of the State of Washington enacted the Shoreline Management Act by a vote of the people in 1971; and

WHEREAS, the State of Washington Shoreline Management Act (RCW 90.58) (the "Act") adopted in 1972, recognizes that "shorelines are among the most valuable and fragile" resources of the State, and that to protect the public interest in preserving these shorelines, the State and local governments must establish a coordinated planning program to address the types and effects of development occurring along the State's shorelines; and

WHEREAS, the Shoreline Management Act (SMA) requires the City of Orting to develop and administer a Shoreline Master Program (SMP); and

WHEREAS, in April of 2009 the City Council adopted Ordinance No. 2009-874 (adopting the shoreline master program) in accordance with the requirements of the Act; and

WHEREAS, RCW 90.58.080(4) requires the City of Orting to periodically review and, if necessary, revise the master program on or before June 30, 2019; and

WHEREAS, the review process is intended to bring the SMP into compliance with requirements of the act or state rules that have been added or changed since the last SMP amendment, ensure the SMP remains consistent with amended comprehensive plans and regulations, and incorporate amendments deemed necessary to reflect changed circumstances, new information, or improved data; and

WHEREAS, the City of Orting developed a public participation program for this periodic review in accordance with WAC 173-26-090(3)(a) to inform, involve and encourage participation of interested persons and private entities, tribes, and applicable agencies having interests and responsibilities relating to shorelines; and

WHEREAS, the City of Orting has followed its adopted public participation program,

including poster displays and staff available to answer questions at local festivals, public poster displays at the Orting City Library, an Open House, website publication of review materials and project timelines, emails to stakeholders, mailings to property owners in the shoreline, and comment periods; and

WHEREAS, the City of Orting used the Washington State Department of Ecology's checklist of legislative and rule amendments to review amendments to chapter 90.58 RCW and Ecology guidelines that have occurred since the master program was last amended, and determine if local amendments are needed to maintain compliance in accordance with WAC 173-26-090(3)(b)(i); and

WHEREAS, the City of Orting reviewed changes to the comprehensive plan and development regulations to determine if the shoreline master program policies and regulations remain consistent with them in accordance with WAC 173-26-090(3)(b)(ii); and

WHEREAS, the City of Orting considered whether to incorporate any amendments needed to reflect changed circumstances, new information or improved data in accordance with WAC 173-26-090(3)(b)(iii); and

WHEREAS, the City of Orting Planning Commission completed a review of staff recommendations and prepared initial amendments; and

WHEREAS, the City of Orting consulted with the Washington State Department of Ecology (Ecology) early and often during the drafting of the amendments. The City of Orting worked collaboratively with Ecology to address local interests while ensuring proposed amendments are consistent with the policy of RCW 90.58.020 and applicable guidelines in accordance with WAC 173-26-104; and

WHEREAS, City staff consulted with and solicited comments from persons, groups, federal, state, regional, or local agency, and tribes, having interests or responsibilities relating to the shorelines or any special expertise with respect to any environmental impact, which groups include, the United States Army Corps of Engineers, the Puget Sound Regional Council, the Washington State Department of Ecology, the Washington State Department of Fish and Wildlife, the Washington State Department of Commerce, the Washington State Department of Natural Resources, Washington State Department of Agriculture, the Washington state Department of Social Health Services, the Washington State Department of Archaeology and History, the Washington State Department of Health, the Washington State Department of Transportation NW, the Washington State Parks Headquarters, the State of Washington Energy Facility Site Evaluation Council, the Puget Sound Partnership, The Department of Corrections, Pierce County , the Muckleshoot Indian Tribe, the Snoqualmie Tribe, the Duwamish Tribe, the Kikiallus Indian Nation, American Rivers, American Whitewater, Washington Wild, Washington Audubon, the Orting Valley Farmers Market, the Orting Chamber of Commerce, and Orting shoreline property owners; and

WHEREAS, the City of Orting conducted a formal public comment period in compliance with requirements of WAC 173-26-104; and

WHEREAS, the City of Orting published a legal notice in the News Tribune on March 1 for a public hearing on the proposed Planning Commission recommendation(s), including a statement that the hearings were intended to address the periodic review in accordance with WAC 173-26-090(3)(c)(ii); and

WHEREAS, a State Environmental Policy Act (SEPA) environmental checklist was prepared based upon Planning Commission Public Hearing Draft, and the City of Orting SEPA responsible official issued and circulated a copy of the checklist and a Determination of Non-Significance (DNS) on March 1, 2019; and

WHEREAS, the City of Orting provided Notice of Intent to Adopt to the Washington State Department of Commerce in accordance with WAC 173-26-100(5); and

WHEREAS, in consideration of the minor impact of the proposed amendments to the overall SMP, the lack of anticipated public controversy over the proposed amendments, the lack of complexity of the proposed amendments, and the significant level of consultation with affected or responsible public agencies and entities, the City Council chose to hold a single public hearing on the April 1, 2019 to take public testimony regarding the proposed minor amendments to the SMP; and

WHEREAS, the proposed SMP periodic review amendments together with all other documents and records required pursuant to the optional joint review process, WAC 136-26-104, was sent to the Washington State Department of Ecology for review and initial determination; and

WHEREAS, the Washington State Department of Ecology reviewed the proposed SMP periodic review amendments made written findings and conclusions regarding the consistency of the proposed amendments to the SMP with chapter 90.58 RCW policy and its applicable guidelines, finding that the amendments are largely consistent with applicable laws and rules, serving as Ecology's written statement of initial concurrence for the proposed SMP periodic review amendments; and

WHEREAS, the City Council having considered the public testimony and having been in all matters fully advised, found that adoption of the proposed amendments were in the best interest of the public health safety and welfare, and in conformance with the Shoreline Management Act, adopted City Ordinance No. 2019-1045 proposing amendments to the SMP and an effective date; and

WHEREAS, the City Council has considered the proposed amendments to the SMP, and concurs in and approves those changes, which changes have been incorporated into Exhibit "A", attached hereto; and

WHEREAS, in furtherance thereof, the City Council finds that it will be in the best interest of the public health, safety and welfare, to adopt this ordinance, approving the changes to the proposed SMP submitted to the Washington State Department of Ecology pursuant to Ordinance No. 2019-1045, amending the SMP as set forth in attached Exhibit "A", to be effective as set forth in WAC 173-26-120(3);

WHEREAS, this completes the City of Orting's required process for periodic review in accordance with RCW 90.58.080(4) and applicable state guidelines (WAC 173-26).

NOW, THEREFORE, the City Council of the City of Orting, Washington, do ordain as follows:

Section 1. Review and Evaluation. The Orting City Council hereby finds that the review and evaluation required by RCW 90.58.080(4) have occurred, as described in the recitals above.

Section 2. Adoption of Amendments to Shoreline Master Program. The Shoreline Master Program adopted by the City Council pursuant to Ordinance No. 874 and on file with the City Clerk, is hereby amended as shown by the revision marks as set forth in attached Exhibit A, which exhibit is incorporated by this reference as though fully set forth herein.

Section 3. Amendment of OMC Section 11-6-1 (Adopted by Reference). Section 11-6-1 of the Orting Municipal Code is hereby amended to read as follows:

The shoreline master program approved pursuant to Ordinance No. 2009-874, as amended pursuant to Ordinance No. 2019-1045 is hereby adopted by this reference and incorporated as though fully set forth herein. A copy of the shoreline master program, as amended, is on file in the city offices.

Section 4. Adoption. The Orting City Council hereby adopts the above referenced SMP revisions and finds the amended SMP consistent with the requirements of RCW 90.58 and WAC 173-26, as they apply to these amendments.

Section 5. Severability. Should any section, paragraph, sentence, clause or phrase of this Ordinance, or its application to any person or circumstance, be declared unconstitutional or otherwise invalid for any reason, or should any portion of this Ordinance be pre-empted by state or federal law or regulation, such decision or pre-emption shall not affect the validity of the remaining portions of this Ordinance or its application to other persons or circumstances.

Section 6. Submission to Department of Ecology. The planning staff or their designee is directed to submit the SMP and associated documents to the Department of Ecology for their review and approval prior to formal adoption. If/Once approved by the Department of Ecology no further action is necessary for compliance with RCW 90.58.080(4) for the periodic review update due on June 30, 2019.

Section 7. Effective Date. The amendments to the SMP adopted through Ordinance No. 2019-1045 shall be effective 14 days after Department of Ecology final action as provided by RCW 90.58.090(7).

**ADOPTED BY THE CITY COUNCIL AT A REGULAR MEETING THEREOF ON
THE _____ DAY OF MAY, 2019.**

CITY OF ORTING

Joshua Penner, Mayor

ATTEST/AUTHENTICATED:

Jane Montgomery, City Clerk, CMC

APPROVED AS TO FORM:

Charlotte A. Archer
Inslee, Best, Doezie & Ryder, P.S.
City Attorney

Filed with the City Clerk: 5.9.19
Passed by the City Council:
Ordinance No.: 2019-1045
Date of Publication:
Effective Date:

EXHIBIT A

(Periodic Review Amendments to Shoreline Master Program)

From: Talia Tittelfitz
Sent: Wednesday, April 24, 2019 11:40 AM
To: Mark Bethune; Jane Montgomery; Emily Terrell; Margaret O'Harra (MOHarra@cityoforting.org); Charlotte Archer (Charlotte@kenyondisend.com)
Cc: Lauren Moore
Subject: Final Adoption Procedures for the SMP Updates

Hello All,

Basically, the notification below means that the City of Orting is now free to go ahead with all of the necessary adoption procedures for the updates to the SMP, and it doesn't matter what schedule you do this on as long as the final City Council action happens before June 30.

I spoke with Emily and Margaret this morning. Emily says that we can de-couple the SMP Update adoption from the Comprehensive Plan update schedule if we want to, and I would also recommend doing this if it means we can adopt the SMP updates sooner than the Comp Plan updates.

We had the public hearing before the Planning Commission for the SMP Updates on April 1st (with all of the necessary notification). Margaret conferred with her notes from April 1st, and the Planning Commission moved to recommend the updates to the City Council for adoption. BHC is therefore NOT planning to attend the Friday, April 26th special planning commission meeting/open house.

Jane, the questions for you, therefore are:

- On April 1st, the Planning Commission made this motion based on the strike-through version of the SMP that was in their packets, not on an ordinance. Do they need to re-do the recommendation with an Ordinance, or can the City Council proceed with the recommendation to adopt?
- What is the best schedule for getting to a final action by City Council to adopt the SMP updates before June 30th?
- Do you want BHC to be in attendance? We're pretty close to our budget at this point, but if you think Council would want us there either for a study session or for the adoption, we are happy to come. Emily could also probably cover this, or BHC could be on standby via phone if any questions come up.

Sincerely,
Talia

Talia Tittelfitz
Senior Planner



BHC Consultants, LLC
1601 Fifth Avenue, Suite 500
Seattle WA 98101

206. 357.9916 Direct Line

206. 505.3406 Fax
<http://www.bhcconsultants.com>

Locations in Seattle and Tacoma.

This email and all attachments are confidential. For further information about emails sent to or from BHC Consultants or if you have received this email in error, please refer to <http://bhcconsultants.com/bhc/index.cfm/email-disclaimer/>.

From: Mark Bethune <MBethune@cityoforting.org>
Sent: Tuesday, April 23, 2019 10:31 AM
To: Jane Montgomery <JMontgomery@cityoforting.org>; Talia Tittelfitz <Talia.Tittelfitz@bhcconsultants.com>
Subject: FW: Orting SMP Initial Determination

Talia, looks like we will need you to brief the Council on Ecology's final written statement before they vote to approve the changes to the SMP and the adoptions for the Comp Plan???

From: Cassal, Sarah (ECY) [<mailto:salu461@ECY.WA.GOV>]
Sent: Tuesday, April 23, 2019 9:58 AM
To: Talia Tittelfitz
Cc: Chandler, Jackie (ECY); Mark Bethune
Subject: Orting SMP Initial Determination

Talia,

Thank you for the city's April 11, 2019 initial submittal of periodic review amendments to the Orting Shoreline Master Program (SMP). Ecology is required under WAC 173-26-104(3)(b) to make an initial determination of consistency with applicable laws and rules. Ecology has determined the amendments are largely consistent with applicable laws and rules.

This serves as Ecology's written statement of initial concurrence for your proposed SMP periodic review amendments.

As described under WAC 173-26-104(4), the next step in the approval process is for your jurisdiction to formally adopt the amendment through resolution or ordinance and send the SMP final submittal for our formal agency approval as outlined in [WAC 173-26-110](#). The intent of this initial review and determination is to provide local elected officials an opportunity to consider Ecology's analysis before local adoption.

Please let me know if you have questions or concerns. I can be contacted at 360-407-7459, or by email at sarah.cassal@ecy.wa.gov.

Sarah

Sarah M. Cassal | Shoreline Planner | WA Department of Ecology, SWRO | 360.407.7459



Please consider the environment before printing this e-mail

SHORELINE MASTER PROGRAM PERIODIC REVIEW – CITY OF ORTING

Periodic Review Checklist (Version: February 2019)

Introduction

This document is intended for use by counties, cities and towns conducting the “periodic review” of their Shoreline Master Programs (SMPs). This review is intended to keep SMPs current with amendments to state laws or rules, changes to local plans and regulations, and changes to address local circumstances, new information or improved data. The review is required under the Shoreline Management Act (SMA) at [RCW 90.58.080\(4\)](#). Ecology’s rule outlining procedures for conducting these reviews is at [WAC 173-26-090](#).

This checklist summarizes amendments to state law, rules and applicable updated guidance adopted between 2007 and 2017 that may trigger the need for local SMP amendments during periodic reviews.

How to use this checklist

See Section 2 of Ecology’s *Periodic Review Checklist Guidance* document for a description of each item, relevant links, review considerations, and example language.

At the beginning: Use the review column to document review considerations and determine if local amendments are needed to maintain compliance. See WAC 173-26-090(3)(b)(i).

At the end: Use the checklist as a final summary identifying your final action, indicating where the SMP addresses applicable amended laws, or indicate where no action is needed. See WAC 173-26-090(3)(d)(ii)(D), and WAC 173-26-110(9)(b).

Local governments should coordinate with their assigned [Ecology regional planner](#) for more information on how to use this checklist and conduct the periodic review.

Row	Summary of change	Review	Action
2017			
a.	OFM adjusted the cost threshold for substantial development to \$7,047.	2013 SMP references previous \$5,718 cost threshold.	<i>Definitions</i> revised to reflect Substantial Development cost threshold of \$7,047 (p. 24). Updated cost threshold described in 8.5.1, <i>Exemptions from Substantial Development Permit Requirements</i> (p. 82).
b.	Ecology amended rules to clarify that the definition of “development” does not include dismantling or removing structures.	2013 SMP does not define “development” in this way. If clarification would be helpful, it may be incorporated into SMP.	<i>Definitions</i> revised with Ecology example code clarifying that “development” does not include dismantling or removing structures (p. 17).
c.	Ecology adopted rules that clarify exceptions to local review under the SMA.	2013 SMP lists projects pertaining to RCW 80.50 under exemptions to substantial development permits.	SMP revised with three separate sections: 8.3 <i>Exclusions from the Shoreline Management Act</i> , 8.4 <i>Exclusions from the SMP and Local Permitting</i> , and 8.5 <i>Exemptions from Substantial Development Permit Requirements</i> (p. 81).
d.	Ecology amended rules that clarify permit filing procedures consistent with a 2011 statute.	2013 SMP lacks permitting and filing procedures.	SMP revised with 8.7 <i>Permitting and Filing Procedures</i> (p. 84).
e.	Ecology amended forestry use regulations to clarify that forest practices that only involves timber cutting are not SMA “developments” and do not require SDPs.	Forest practices prohibited within shoreline jurisdiction; regardless, 2013 SMP accounts for timber cutting rules.	N/A. See 6.3 <i>Forest Practices</i> (p. 60).
f.	Ecology clarified the SMA does not apply to lands under exclusive federal jurisdiction.	No lands with exclusive federal jurisdiction in city limits.	N/A
g.	Ecology clarified “default” provisions for nonconforming uses and development.	2013 SMP includes tailored provisions for nonconforming use and development. Town will retain existing	No amendment needed. See 8.8 <i>Variance and Conditional Use Permit Criteria</i> , p. 84.

Row	Summary of change	Review	Action
		nonconforming use and development provisions.	
h.	Ecology adopted rule amendments to clarify the scope and process for conducting periodic reviews.	2013 SMP does not describe periodic review scope and procedures in detail. City may follow Ecology procedures for conducting reviews without amending the SMP.	No amendment needed.
i.	Ecology adopted a new rule creating an optional SMP amendment process that allows for a shared local/state public comment period.	2013 SMP states that the SMP review process shall be consistent with WAC Chapter 173-26 requirements.	City is implementing joint review, which can be done without amending the SMP.
j.	Submittal to Ecology of proposed SMP amendments.	2013 SMP does not address the details of SMP amendment submittal process. City will rely on state rule.	No amendment needed. See 8.10 <i>SMP Amendment Procedures</i> (p. 87).
2016			
a.	The Legislature created a new shoreline permit exemption for retrofitting existing structures to comply with the Americans with Disabilities Act .	2013 SMP does not include new permit exemption for retrofits to comply with ADA.	<i>Exemptions from Substantial Development Permits</i> revised to add the ADA exemption to the list of statutory permit exemptions (8.5.12, p. 83).
b.	Ecology updated wetlands critical areas guidance including	2013 SMP adopts 2016 CAO by reference and uses state	SMP revised to adopt 2016 CAO (<i>Critical Areas</i> 5.7.1, p. 42; <i>Conclusions</i> , p. 113). See also 5.7.A.3(C), p. 43.

Row	Summary of change	Review	Action
	implementation guidance for the 2014 wetlands rating system.	wetlands rating system as revised by Ecology.	
2015			
a.	The Legislature adopted a 90-day target for local review of Washington State Department of Transportation (WSDOT) projects.	2013 SMP does not include optional provisions for WSDOT review.	No amendment needed.
2014			
a.	The Legislature raised the cost threshold for requiring a Substantial Development Permit (SDP) for replacement docks on lakes and rivers to \$20,000 (from \$10,000).	All docks are prohibited in shoreline jurisdiction.	N/A
b.	The Legislature created a new definition and policy for floating on-water residences legally established before 7/1/2014.	The city includes no floating on-water residences.	N/A
2012			
a.	The Legislature amended the SMA to clarify SMP appeal procedures .	2013 SMP does not outline SMP appeal process. City will rely on state laws and rules.	No amendment needed.
2011			
a.	Ecology adopted a rule requiring that wetlands be delineated in accordance with the approved federal wetland delineation manual .	2013 SMP only cites regional supplement, needs to also cite 1987 delineation manual.	SMP revised to cite approved federal wetland delineation manual in 5.7.A.3(A) (p. 43).

Row	Summary of change	Review	Action
b.	Ecology adopted rules for new commercial geoduck aquaculture .	The city includes no marine shorelines.	N/A
c.	The Legislature created a new definition and policy for floating homes permitted or legally established prior to January 1, 2011.	The city includes no floating homes.	N/A
d.	The Legislature authorized a new option to classify existing structures as conforming.	2013 SMP does not incorporate this optional policy.	No amendment needed. See 8.11 <i>Nonconforming Development, Development & Building Permits and Unclassified Uses</i> (p. 88).
2010			
a.	The Legislature adopted Growth Management Act – Shoreline Management Act clarifications .	Incorporated into 2013 SMP.	N/A. Addressed during comprehensive update.
2009			
a.	The Legislature created new “relief” procedures for instances in which a shoreline restoration project within a UGA creates a shift in Ordinary High Water Mark.	2013 SMP does not incorporate this optional process, though it may be used even if the provision is not in the SMP.	No amendment needed.
b.	Ecology adopted a rule for certifying wetland mitigation banks .	Incorporated into 2013 SMP.	N/A. Addressed during comprehensive update. See 5.7.A.3(L), p. 45.
c.	The Legislature added moratoria authority and procedures to the SMA.	2013 SMP does not address optional moratoria procedures. City may rely on statute without amending SMP.	N/A

Row	Summary of change	Review	Action
2007			
a.	The Legislature clarified options for defining "floodway" as either the area that has been established in FEMA maps, or the floodway criteria set in the SMA.	Incorporated into 2013 SMP.	N/A. Addressed during comprehensive update. See <i>Definitions – Floodway</i> (p. 18).
b.	Ecology amended rules to clarify that comprehensively updated SMPs shall include a list and map of streams and lakes that are in shoreline jurisdiction.	Incorporated into 2013 SMP.	N/A. Addressed during comprehensive update. Carbon and Puyallup Rivers listed as shorelines of the state, <i>Introduction</i> (pp. 4-7).
c.	Ecology's rule listing statutory exemptions from the requirement for an SDP was amended to include fish habitat enhancement projects that conform to the provisions of RCW 77.55.181.	Incorporated into 2013 SMP.	N/A. Addressed during comprehensive update. SMP lists as an exemption to the SDP in 8.5.11 (p. 83).
a.	Pg. 9, 1.04.01: Change the following language for clarity "This document does not regulate" The following activities which are prohibited uses within the shoreline jurisdiction in the City of Orting:..."		Revised accordingly (p. 9).
b.	Pg. 80, 8.01(4): Incorrect citation to the WAC. "All exempt projects must obtain a letter of exemption for consistency with WAC 173-27- 050040 ." "		Revised accordingly (p. 80).

DRAFT

SUMMARY OF PROPOSED SMP AMENDMENTS

Proposed amendments to the City of Orting's Shoreline Master Program include the following:

- The cost threshold for substantial development has been revised for conformance with the Office of Financial Management.
- The definition of "Development" has been revised to clarify that dismantling or removing structures do not count as development.
- The City's 2016 Critical Areas Ordinance has been adopted by reference.
- Retrofitting an existing building to comply with the Americans with Disabilities Act has been added to the list of statutory permit exemptions.
- The SMP has been revised to state that wetlands will be delineated in accordance with the approved federal wetland delineation manual.
- An incorrect citation to WAC 173-27-050 has been revised to cite WAC 173-27-040 in the section describing exemptions from substantial development permit requirements.

Other amendments have been proposed to revise the structure of the SMP for clarity and precision. These amendments include:

- There are two new sections to complement the existing section, *Exemptions from Substantial Development Permit Requirements*. The newly added *Exclusions from the Shoreline Management Act* and *Exclusions from the SMP and Local Permitting* will minimize confusion about the administration of the SMP for each of the three categories of exemption and exclusion.
- The City's permit filing procedures have been added to the SMP in a new section.

These are the only suggested amendments to the SMP. No changes have been proposed to the Shoreline Environment designations or any maps.



CITY OF ORTING SHORELINE MASTER PROGRAM



Adopted April, 2009
Amended September, 2013
Amended by Periodic Review, 2019

City Council Study Session Draft, May 15, 2019

Acknowledgements

This shoreline master program was developed with the participation of the people of Orting and the assistance and cooperation of the state Department of Ecology. The City appreciates the contributions made by former Council Members and Planning Commissioners who served during the shoreline planning process. Adopted April, 2009.

This version includes changes made during the 2013 Orting Shoreline Master Program Minor Amendment. Changes are indicated throughout the document by the parenthetical "2013 Amendment" following the amended text. [This version also includes changes made during the 2019 periodic review.](#)

Mayor	Joshua Penner	
City Administrator	Mark Bethune	
City Council	2013	2018
	William Birkes	Tod Gunther
	Sam Colorossi	Barbara Ford
	Scott Drennen	Michelle Gehring
	Ric Fritz	Dave Harman
	Stanley Holland	Nicola McDonald
	Graham Hunt	Scott Drennen
Planning Commission	2013	2018
	Kelly Cochran	Kelly Cochran
	Arlene Dannat	Dennis Paschke
	Keith Erickson	Tyler Daniels
	Jolene Hilt	Karen Wilson
	Greg Hogan	Scott M. Bowman
	Marguerita Nelson	Jeff Craig
	Jennifer Sargent	Jennifer Sargent
Parks Commission	2013	2018
	Barbara Ford	Unknown
	Jolene Hilt	Unknown
	Madeline Jones	Unknown
	Kristina Rivera	Unknown
	Howie Robson	Unknown
Administration	Beckie Meek	
	Margaret O'Harra Buttz	
	Jane Montgomery	
Planning Consultants	BHC Consultants, LLC	

City of Orting Shoreline Master Program

(This page is intentionally left blank)

Table of Contents

1.	INTRODUCTION.....	1
1.1	<i>Introduction</i>	<i>1</i>
1.2	<i>Planning Process and Existing Conditions.....</i>	<i>2</i>
1.3	<i>Shoreline Jurisdiction.....</i>	<i>4</i>
1.4	<i>The Orting Shoreline Master Program - Goals, Policies, and Regulations.....</i>	<i>5</i>
1.5	<i>How the Shoreline Master Program is Used</i>	<i>6</i>
1.6	<i>Relationship of this Shoreline Master Program to Other Plans and Regulations.....</i>	<i>7</i>
1.7	<i>Organization of the Shoreline Master Program</i>	<i>11</i>
1.8	<i>Title</i>	<i>12</i>
2.	DEFINITIONS	13
3.	SHORELINE ENVIRONMENT	25
3.1	<i>Urban Conservancy Shoreline Environment.....</i>	<i>25</i>
3.2	<i>Regulations</i>	<i>26</i>
3.3	<i>Legal Description of Shoreline Environment.....</i>	<i>26</i>
4.	SHORELINE GOALS AND POLICIES	29
4.1	<i>Introduction</i>	<i>29</i>
4.2	<i>Shoreline Uses and Activities.....</i>	<i>29</i>
4.3	<i>Economic Development</i>	<i>30</i>
4.4	<i>Circulation</i>	<i>30</i>
4.5	<i>Recreation.....</i>	<i>31</i>
4.6	<i>Conservation</i>	<i>31</i>
4.7	<i>Historic/Cultural Resources.....</i>	<i>32</i>
4.8	<i>Public Awareness</i>	<i>32</i>
5.	GENERAL POLICIES & REGULATIONS	33
5.1	<i>Introduction</i>	<i>33</i>
5.2	<i>General Regulations.....</i>	<i>33</i>
5.3	<i>Archaeological and Historic Resources.....</i>	<i>34</i>
5.4	<i>Clearing and Grading.....</i>	<i>35</i>
5.5	<i>Environmental Impacts</i>	<i>36</i>
5.6	<i>Flood Hazard Management.....</i>	<i>37</i>
5.7	<i>Critical Areas.....</i>	<i>38</i>
5.7.A	<i>Wetlands.....</i>	<i>39</i>
5.7.B	<i>Salmon and Steelhead Habitats.....</i>	<i>43</i>
5.8	<i>Parking.....</i>	<i>46</i>
5.9	<i>Public Access.....</i>	<i>47</i>

City of Orting Shoreline Master Program

5.10 Signage 51

5.11 Vegetation Conservation..... 52

5.12 Water Quality, Stormwater, and Nonpoint Pollution 54

6. SHORELINE USE POLICIES & REGULATIONS.....57

6.1 Introduction 57

6.2 Commercial Development..... 57

6.3 Forest Practices..... 58

6.4 Industrial Development 58

6.5 Mining 58

6.6 Recreational Development..... 59

6.7 Residential Development..... 60

6.8 Transfer of Development Rights..... 63

6.9 Transportation Facilities..... 64

6.10 Utilities 66

7. SHORELINE MODIFICATION POLICIES & REGULATIONS71

7.1 Introduction 71

7.2 Dredging..... 71

7.3 Fill..... 73

7.4 In-Stream Structures..... 74

7.5 Shoreline Stabilization 74

7.6 Shoreline Habitat and Natural Systems Enhancement Projects 78

8. ADMINISTRATION79

8.1 General 79

8.2 Administrator 79

8.3 Exclusions from the Shoreline Management Act..... 79

8.4 Exclusions from the SMP and Local Permitting 80

8.5 Exemptions from Substantial Development Permit Requirements..... 79

8.6 Fees..... 82

8.7 Permitting and Filing Procedures 83

8.8 Variance and Conditional Use Permit Criteria..... 83

8.9 Time Requirements 86

8.10 Revision of Permits..... 86

8.11 Nonconforming Development, Development & Building Permits and Unclassified Uses..... 87

8.12 Enforcement and Penalties..... 88

8.13 Master Program – Review, Amendments and Adoption..... 89

9. SHORELINE RESTORATION AND PUBLIC ACCESS91



City of Orting Shoreline Master Program

9.1 *Introduction* 91
9.2 *Public Access and Restoration Plan*..... 96

Attachment A – List of Agency Contacts

Attachment B – Shoreline Inventory and Critical Areas Regulations

(Maps and illustrations are bound in a companion document)

Electronic versions of this document may not include all photos, maps and graphics to limit file size.

City of Orting Shoreline Master Program

(This page is intentionally left blank)

INTRODUCTION

1.1 Introduction

1.1.1 Requirements of the Shoreline Management Act

In 1971, the State of Washington legislature enacted the Shoreline Management Act (RCW 90.58) in order to address growing concern about the quality of the state's shoreline environments. This Act recognizes that "shorelines are among the most valuable and fragile" of the state's resources. The Shoreline Management Act and the City of Orting recognize and protect private property rights along the shoreline, while aiming to preserve the quality of this unique resource for all state residents.

The primary purpose of the Act is to provide for the management and protection of the state's shoreline resources by planning for reasonable and appropriate uses. In order to protect the public interest in preserving these shorelines, the Act establishes a coordinated planning program between the state and local jurisdictions to use in addressing the types and effects of development occurring along the state's shorelines. By law, the City is responsible for the following:

1. Development of an inventory of the natural characteristics and land use patterns along shorelines covered by the Act.
2. Preparation of a "Master Program" to determine the future of the shorelines.
3. Development of a permit system to further the goals and policies of both the Act and the local Master Plan.

Under RCW 90.58.030, "shorelines" is defined as "all water areas of the state, including shore lands and their associated wetlands, together with the lands underlying them; except (i) shorelines of statewide significance; (ii) shorelines on segments of streams upstream of a point where the mean annual flow is twenty cubic feet per second or less and the shore lands associated with such upstream segments...." In order to be classified as a shoreline of statewide significance, a river must have a mean annual flow of a minimum of one thousand (1,000) cubic feet per second (cfs). At the City of Orting, the mean annual flow for both the Puyallup and Carbon Rivers is less than 1,000 cfs, therefore, neither river qualifies as a shoreline of statewide significance. The flow of the two rivers does not exceed this threshold until their confluence several miles downstream.

1.1.2 Legislative Findings and Washington Shoreline Management Act Policies

The Shoreline Management Act was adopted by the Washington State Legislature in 1971 as a result of a citizen initiative. The initiative focused on developing a system by which the shorelines of the state could be planned for and protected in a manner that preserved them for all residents of the state to enjoy in the years to come. In passing the Shoreline Management Act, the Legislature determined the following (RCW 90.58.020):

- The shorelines of the state are among the most valuable and fragile of its natural resources and there is great concern throughout the state relating to their utilization, protection, restoration, and preservation.

- Ever increasing pressures of additional uses are being placed on the shorelines, necessitating increased coordination in the management and development of the shorelines of the state.
- Much of the shorelines of the state and uplands adjacent thereto are in private ownership and that unrestricted construction on the privately owned or publicly owned shorelines of the state is not in the best public interest;
- Therefore, coordinated planning is necessary in order to protect the public interest associated with the shorelines of the state which, at the same time, shall be consistent with public interest.
- And, therefore, there is a clear and urgent demand for a planned, rational, and concerted effort, jointly performed by federal, state, and local governments, to prevent the inherent harm in an uncoordinated and piecemeal development of the state's shorelines.

It is the policy of the state to provide for the management of the shorelines of the state by planning for and fostering all reasonable and appropriate uses. This policy is designed to ensure the development of these shorelines in a manner which, while allowing for limited reduction of rights of the public in navigable water, will promote and enhance the public interest. This policy is intended to protect against adverse effects to the public health, the land and its vegetation and wildlife, and the water of the state and its aquatic life, while generally protecting public rights of navigation and its associated activities.

1.2 Planning Process and Existing Conditions

Orting's Shoreline Master Program was originally adopted by the City in 1999. Between 1999 and 2005, Orting conducted numerous public workshops before the City Planning Commission to develop the Orting Shoreline Inventory and updates to the City's Critical Areas Ordinance. The City was provided detailed comments from Ecology on the draft inventory on August 30, 2004. The City sent a response letter concerning the inventory on September 21, 2004. The new Critical Areas Ordinance was adopted by the City in 2005 to include best available science. All studies and correspondence related to the SMP update are part of the administrative record. For the adoption of the final SMP, the Orting Planning Commission will conduct a public hearing on the SMP and final Shoreline Element amendment to the Orting Comprehensive Plan as a part of the annual update cycle. The Commission's recommendation will then be forwarded on to the City Council for their approval. Of particular interest to the City is the coordination of provisions relative to flooding and protection of the shore lands. Improved mapping will also be a product.

The shoreline area of Orting addressed by this element and under the jurisdiction of the City's Shoreline Master Program, is that area adjacent to the Carbon and Puyallup Rivers within the City. There are approximately four and a half miles of shoreline in the City. The majority of shoreline area is held in public ownership, although there are several small parcels in private ownership.

Land uses along the Carbon and the Puyallup Rivers are predominantly residential. This low intensity use is separated from higher intensity uses in Orting by buffers. The Orting Comprehensive Plan designates the shoreline area along both the Puyallup and Carbon Rivers as *Residential*, except for an area of land held by the school district which is planned for recreational use.

The natural resources located within the shoreline area are similar to those expected in a parks and open space area. There are numerous wetlands. Much of the land adjacent to the Carbon River consists of riparian vegetation, especially in the northeast portion of the City.

Many years ago, the U.S. Army Corps of Engineers installed an extensive system of levees on both the Carbon and Puyallup rivers. These levees are maintained by Pierce County. The City has experienced flooding along both the Puyallup and Carbon River, and flooding events have occurred when flows have reached sufficient volume to overflow the levees and/or flows have breached the levees. When such flooding has occurred in the past, the levee has tended to breach on the City side of the river (especially along the Puyallup) and the water has inundated several areas of the City. Several portions of the levees along both the Carbon and Puyallup rivers were replaced or repaired after the flooding events of 1996. The Puyallup and Carbon Rivers are both very shallow and, with the exception of recreation rafting and kayaking, are not viable for boating.

The shoreline area of Orting addressed by this element and under the jurisdiction of the City's Shoreline Master Program, is that area adjacent to the Carbon and Puyallup Rivers within the City. There are approximately five and a half miles of shoreline in the City.

Land uses along the Carbon and the Puyallup Rivers are predominantly residential. This low intensity use is separated from higher intensity uses in Orting by buffers. The Orting Comprehensive Plan designates the shoreline area along both the Puyallup and Carbon Rivers as *Residential*, except for an area of land held by the school district which is planned for recreational use.

There are about 80 parcels in the Orting shoreline jurisdiction area. Some are totally within and some are partially within the shoreline area. Of this total, about 7% are city-owned, 27% are owned by other public agencies, and the remaining 66% are privately-owned. While the number of publicly-owned parcels is only 1/3 of the total, the river frontage of those parcels is very significant. Except for the site of the Orting wastewater treatment plant, and rights-of-way, all of the city-owned parcels are city parks and are zoned "Open Space and Recreation". The rest of the publicly-owned parcels are under the control of the Orting School District and Pierce County. Pierce County owns and manages the levees that exist along both rivers through Orting's jurisdiction.

Segment A - Puyallup River

The City of Orting owns two major sites and controls nearly a mile of the Puyallup River frontage near the north city limits. Village Green Wetlands Park is aptly named and is planned to largely be an open space/riparian habitat with a nominal amount of passive recreation use in the limited upland portion adjacent to the Village Green neighborhood.

Two Orting School District parcels are within the Puyallup River shoreline area. These amount to about ½ mile of river frontage and contain a significant amount of delineated wetlands.

These portions of the shoreline will not be developed. The City has used Conservation Futures grant funding to obtain another major riverfront parcel named "Gratzer Park" that will provide enhancements to the shoreline area in this vicinity.

Pierce County has ownership of most of the Puyallup River shoreline area on both sides of the River in the southern portion of the city (15 parcels). The County and U.S. Army Corps of Engineers have designed the Soldiers Home Setback Levee Project that will create more than a mile of restored riparian habitat. Except for this project, no development within the shoreline jurisdiction in this area is anticipated, given the ownership and environmental characteristics.

Segment B - Carbon River

More than a mile of Carbon River frontage north of the Orting Wastewater Treatment Plant has been dedicated as either private open space or city park land as part of a 2003 residential development permitting process. The wastewater treatment plant site within the shoreline jurisdiction is essentially developed. The Orting School District campus (high school and middle school) has Carbon River frontage that is used for sports activities. The District has no plans for development in this area. Pierce County owns four parcels on the Carbon.

The Carbon and Puyallup Rivers are both very shallow and, with the exception of recreation rafting and kayaking, are not viable for boating. The natural resources located within the shoreline area are similar to those expected in a parks and open space area. There are numerous wetlands. Much of the land adjacent to the Carbon River consists of riparian vegetation, especially in the northeast portion of the City.

1.3 Shoreline Jurisdiction

The Shoreline jurisdiction in Orting includes the “shorelands” of the Carbon and Puyallup Rivers in the City, as the City has defined these areas. As defined under the Shoreline Management Act, *shoreland areas* or *shorelands* are:

“... those lands that extend landward for two hundred (200) feet in all directions as measured on a horizontal plane from the ordinary high water mark; floodways and contiguous floodplain areas landward two hundred (200) feet from such floodways; and all wetlands and river deltas associated with the streams, lakes, and tidal waters which are of a size large enough to be subject to the provisions of (the Shoreline Management Act); the same to be designated as to location by the Washington Department of Ecology. Any county or city may determine that portion of a one-hundred-year-flood plain to be included in its master program as long as such portion includes, as a minimum, the floodway and the adjacent land extending landward two hundred (200) feet there from.”

As defined in this Shoreline Master Program, the Orting shorelands extend two hundred (200) feet from the ordinary high water mark (OHWM) and floodways associated with the Carbon and Puyallup Rivers, and include any wetlands associated with these two rivers, and lands necessary for buffers for critical areas in accordance with RCW 90.58.030(2)(f)(ii). (Refer to Figure 1.03-1 Orting Shoreline Jurisdiction).

1.3.1 Wetlands Jurisdiction

In order to ensure consistency between the Orting Shoreline Master Program and Critical Areas Ordinance, the definitions of wetlands used in this Shoreline Master Program will be as defined in the Orting Critical Areas Ordinance. This definition is as follows:

“Areas that are inundated or saturated by surface water or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, shallow open waters, and similar areas.”

Wetlands do not include those artificial wetlands purposefully and intentionally created from nonwetland sites by human actions, including but not limited to irrigation and drainage ditches, grass-lined swales, canals, detention facilities, wastewater treatment facilities, farm ponds and landscape amenities, and those wetlands created after July 1, 1990, that were unintentionally created as a result of the construction of a road, street, or highway. However, wetlands may include those artificial wetlands intentionally created from nonwetland areas to mitigate conversion of wetlands."

1.4 The Orting Shoreline Master Program - Goals, Policies, and Regulations

1.4.1 Shoreline Goals and Policies

In response to the framework established by the Shoreline Management Act, the City of Orting has adopted a set of nine overarching shoreline management goals that relate to program elements specified in RCW 90.58.100. These goal statements and their supporting policies (provided in Chapter 4) establish the basis from which the environmental designation, policies, regulations, and administrative procedures of the Shoreline Master Program are developed.

The overarching goals have been further developed into policies and regulations that apply to all uses, developments, and activities in the shoreline jurisdictional area of the City. These policies and regulations have been divided into three categories to reflect how they apply to the shoreline environment. The categories include **General Policies and Regulations**, **Shoreline Use Policies and Regulations**, and **Shoreline Modifications Policies and Regulations**.

General Policies and Regulations

The "General Policies and Regulations" of the Shoreline Master Program apply to all uses and activities that may occur within the shoreline jurisdiction. These policies and regulations provide the overall framework for the shoreline's management and are intended to be used in conjunction with the more specific "use and activity" policies and regulations. Categories of "general policies" include such general issues as *Clearing and Grading*, *Environmental Impacts*, *Signage*, *Vegetation Management*, and *View Protection*. These policies and regulations are presented in Chapter 5.

Shoreline Use Policies and Regulations

"Shoreline Use" provisions apply to specific shoreline use categories and provide a greater level of detail in addressing shoreline uses and their impacts. Use policies establish the shoreline management principles that apply to each use category and serve as a bridge between the various elements contained in the overall shoreline goals (e.g., *Circulation*, *Economic Development*, *Public Access*, etc.) and the use regulations that are located in the Shoreline Master Program. Use regulations set physical development and management standards for development of that type of use. Examples of shoreline use categories include *Forest Practices*, *Residential Development*, and *Commercial Development*. These policies and regulations are presented in Chapter 6.

Shoreline Modification Activity

"Shoreline Modification Activities" are those actions that modify the physical configuration or qualities of the shoreline area. Shoreline modification activities usually are undertaken in support of, or in preparation, for a shoreline "use."

Shoreline modification activity policies and regulations are intended to prevent, reduce, and mitigate the negative environmental impacts of proposed shoreline modifications consistent with the goals of the Shoreline Management Act. Policies and regulations relating to shoreline modifications are classified into general regulations for all shoreline modifications and three categories, including *Dredging and Fill*; *Overwater Structures: Piers, Docks, Floats, and Buoys*; and *Shoreline Stabilization*. These policies and regulations are presented in Chapter 7.

~~This document does not regulate the~~ The following ~~activities which~~ are prohibited uses within the shoreline jurisdiction in the City of Orting:

- Aquaculture
- Agriculture
- Mining
- Forestry Practices
- Commercial Development
- Industrial Development
- Boating Facilities
- Piers and Docks

1.5 How the Shoreline Master Program is Used

The City of Orting Shoreline Master Program is a planning document that outlines goals and policies for the shoreline of the City and establishes regulations for development occurring in that area.

In order to preserve and enhance the shoreline of the City of Orting, it is important that all development proposals relating to the shoreline area be evaluated in terms of the City's Shoreline Master Program, and that the City Shoreline Administrator be consulted. Some developments may be exempt from regulation, while others may need to stay within established guidelines, or may require a conditional use permit application or variance application;

ALL proposals must comply with the policies and regulations established by the state Shoreline Management Act as expressed through this local Shoreline Master Program adopted by the City of Orting.

Shoreline Jurisdictions

The Shoreline Management Act (SMA) defines for local jurisdictions the content and goals that should be represented in the Shoreline Management programs developed by each community; within these guidelines, it is left to each community to develop the specific regulations appropriate to that community. Under the SMA, all shorelines of the state meeting the criteria established receive a given shoreline environmental designation. The purpose of the shoreline designation system is to ensure that all land use, development, or other activity occurring within the designated shoreline jurisdiction is appropriate for that area and provides consideration for the special requirements of that environment.

Orting has designated a single shoreline environment for the waterways within its jurisdiction: *Urban Conservancy*. The Urban Conservancy environment is located on both the Puyallup and Carbon Rivers between the ordinary high water mark and two hundred (200) feet landward.

This shoreline environment is described in Chapter 3: Shoreline Environment.

1.6 Relationship of this Shoreline Master Program to Other Plans and Regulations

In addition to compliance with the provisions of the Shoreline Management Act of 1971, the Orting Shoreline Master Program must be consistent with local plans and policy documents, specifically, the Orting Comprehensive Plan and the City's Critical Areas Ordinance. The City's Shoreline Master Program must also be consistent with the regulations developed by the City to implement its plans, such as the zoning code, as well as regulations relating to building construction and safety.

Permit submittal for a shoreline development or use does not exempt an applicant from complying with any other local, county, state, regional or federal statutes or regulations which may also be applicable to such development or use. Examples of activities that may require permits, review, or approval from other agencies are listed in the following table.

Agency	Authority/Jurisdiction	Types of Activity Requiring Permit	Permit
Federal Emergency Management Agency (FEMA)	CFR 44, Part 60 This Ordinance applies to the areas designated as flood zones on FEMA's Federal Insurance Rate Map. The adopted FEMA ordinance enables City residents to acquire federal flood insurance and permits Orting to be eligible to receive Federal Flood Disaster Funds.	All development within and uses of the Floodplain must meet the standards established in Title 14 of the Orting Municipal Code (OMC), Flood Planning Management and Flood Damage Prevention.	Review for compliance with FEMA guidelines is conducted through enforcement of OMC, Title 14.
Army Corps of Engineers	Sect. 10 of Federal River & Harbor Act Jurisdiction extends to Ordinary High Water Mark of the navigable waters of the US Sect. 404 of Clean Waters Act. Jurisdiction extends to Ordinary High Water Mark of all waters of the US and includes all adjacent wetlands	Structures or work in these waters, including marinas, piers, wharves, floats, intake pipes, outfall pipes, pilings, bulkheads, boat ramps, dredging, dolphins, fills, overhead transmission lines, etc. Discharge of dredged materials, fills, grading, ditch side casting, groins, breakwaters, road fills, beach nourishment, riprap, jetties, etc.	Section 10 Permit Section 404 Permit (some limited activities are covered by nationwide general permits)

Agency	Authority/Jurisdiction	Types of Activity Requiring Permit	Permit
Washington Department of Agriculture	Varies	Use of pesticides by any means other than hand pumped device - varied restrictions apply depending on the ownership of the property receiving the pesticide, the type of pesticide, etc.	Varies
Washington State Department of Fish and Wildlife (DFW)	RCW 75.20.100-160. All fresh or salt water in the state	Work, construction, development or other activities that will change the natural flow or bed of any fresh or salt water in the state.	Hydraulic Project Approval (HPA)
Washington State Department of Natural Resources (DNR)	RCW 79.90. Navigable water bodies, including certain lakes, rivers, and streams. These waters are owned by the State of Washington.	Construction, filling, dredging, drilling, mining, road construction, utility installation, etc., within the beds or shorelines of these waters.	Aquatic Lands Lease and/or Authorization.
	RCW 76.09. Waterbodies near forest activities	Forest activities relating to growing, harvesting or processing timber, road construction and maintenance, brush clearing, slash disposal	Forest Practice Approval
Washington State Department of Ecology (DOE)	Section 401, Clean Water Act	Any activity that might result in a discharge of dredge or fill material into water or wetlands, or excavation in water or wetlands that requires a federal permit.	Water Quality Certification
	RCW 90 (various chapters)	Withdrawal of surface or ground water.	Water Use Permit; Certificate of Water Right
	RCW 43.21C Determined by the scope of the project. See also: City of Orting, SEPA.	SEPA is a process that provides a way to analyze and address the environmental impacts of a project and is geared to mesh with already existing permits, approvals, and/or licenses.	State Environmental Policy Act (SEPA) Review

Agency	Authority/Jurisdiction	Types of Activity Requiring Permit	Permit
	Water Pollution Control Act (RCW 90.48)	Act prohibits discharges of polluting matter to any waters of the state, including wetlands. A permit is required for any project potentially impacting state waters.	Various permits, including NPDES, Municipal Wastewater, and Septic permits
City of Orting	Orting Shoreline Master Program (OMC, Title 5, Chapter 4) - SMP jurisdiction is listed in Section 3.03 of this document.	See Chapters 5, 6, and 7 of this document.	Shoreline Substantial Development Permit Shoreline Conditional Use Permit Shoreline Variance
	OMC, Title 10 Building and Construction	Varies - See OMC, Chapter 10	Permits defined by OMC, Chapter 10 (Building, Plumbing, Mechanical, Demolition, etc.)
	OMC, Title 14, Flood Planning Management and Flood Damage Prevention Ordinance (this is the local ordinance to carry out FEMA requirements Within the 100-year floodplain	All development activity, including buildings, mining, filling, dredging, grading, paving, excavations, drilling operations, and storage of equipment or materials.	Floodplain Development Permit - review for compliance with this ordinance is conducted as a part of the development review and building permit process.
	Development Regulations (Zoning Code), OMC, Title 13.	See OMC, Title 13	Zoning Variance Zoning Conditional Use Zone Change
	Environmentally Critical Areas, OMC, Title 11	Critical Areas Ordinance	Critical Areas Ordinance Regulations
	Orting State Environmental Policy Act (SEPA) Policies, OMC, Title 5, Chapter 5 (This is the local ordinance intended to carry out the state SEPA requirements.)	All activity meeting the threshold identified in RCW 43.21C and WAC Chapter 197-11.	State Environmental Policy Act (SEPA) Review
	--	--	Any other adopted permit or required approval

The Shoreline Application and Application Process

In order to simplify the application process for the applicant, the City of Orting has adopted the Joint Aquatic Resources Permit Application, or "JARPA," as a part of its shoreline permit form. The JARPA provides a single application form that can be used to apply to the following agencies and departments for the following applications:

City of Orting

- Shoreline Substantial Development, Conditional Use, Variance Permit or Exemption (within the Orting shoreline jurisdiction)
- Floodplain Management Permit and/or Critical Area Ordinances

Washington Department of Fish and Wildlife

- Hydraulic Project Approval (if project will use, divert, obstruct or change the natural flow or bed of any fresh or salt water of the state).

Washington Department of Ecology

- Section 401 Water Quality Certification (Corps of Engineers Nationwide Permit, FERC Hydropower license, and Corps of Engineers Individual Permit)
- Approval to Allow Temporary Exceeding of Water Quality Standards (if project will create a temporary exceeding of water quality criteria established by the state for in-water work, e.g., changes in turbidity from sediment disturbances and pH changes from concrete curing)

Washington Department of Natural Resources

- Aquatic Resources Use Authorization Notification (if project is on, crosses, or impacts the shorelands of a navigable water)

Army Corps of Engineers

- Section 404 Permit (if project involves a discharge or excavation of dredged or fill materials waterward of OHWM, in waters of the United States, including wetlands)
- Section 10 Permit (any work in or affecting navigable waters of the United States (e.g., floats, piers, docks, dredging, piles, buoys, overhead power lines, etc.)

Coast Guard

- Section 9 Permit (construction of new bridge or modification to existing bridge over navigable waterway)

JARPA enables the applicant to fill out a single application packet that he or she can then forward to other agencies with jurisdiction over the development proposal. Use of the JARPA will simplify the application and review process for both the applicant and the project reviewer. The applicant will have only one application form to complete, and the various agency reviewers will receive the information they need to perform the review and will know that the information provided to other agencies was consistent with what they received.

Other activities that could occur along the shoreline (starting bonfires, disposing or spilling/releasing of regulated or hazardous waste products, use of pesticides, activities within wetlands) may require other permits, review, or approval not identified here.

At the time of an initial inquiry or when a permit application is submitted, the City Shoreline Administrator will inform an applicant, to the best of the administrator's knowledge, of any additional regulations and statutes that may apply to the proposed project. The final responsibility for complying with such other statutes and regulations, however, shall rest with the applicant. A list of agencies, departments and phone numbers is provided in the Appendix of this SMP. Questions about permits, licenses, or review may be directed to the Permit Assistance Center of the Washington Department of Ecology.

Potential Inconsistency between Various Policies and Regulations

The goals, policies, and regulations in this Shoreline Master Program apply in addition to other adopted ordinances and rules. It is the intent of regulatory reform to minimize or eliminate conflicts between the various applicable City regulations, however, if conflicts exist, the policies and regulations that provide more protection to the shoreline area shall apply. These interlocking development regulations are intended to make shoreline development responsive to specific design needs and opportunities along the City's shorelines, and to protect the public's interest in the shorelines' recreational and aesthetic values.

1.7 Organization of the Shoreline Master Program

This Master Program is divided into nine Chapters:

Chapter 1: Introduction provides general background information on the state Shoreline Management Act; the development of the Shoreline Master Program in Orting; a general discussion of when and how a shoreline master program is used, how the shoreline master program relates to other plans and regulatory documents, and an explanation of the shoreline application and permit process.

Chapter 2: Definitions provides definitions for terms found in this document.

Chapter 3: Shoreline Environment describes the natural and built environment along the City of Orting shoreline and identifies management policies for this environment.

Chapter 4: Shoreline Goals and Policies lists the general goals that provide the foundation for the policies and regulations found in the Orting Shoreline Master Program.

Chapter 5: General Policies and Regulations. This chapter is based on the overall shoreline goals identified in Chapter 4. The general policies and regulations apply to all uses and activities that may occur in the shoreline jurisdiction. These regulations are intended to be used in conjunction with the more specific use and activity policies and regulations in the Orting Shoreline Master Program.

Chapter 6: Shoreline Use Policies and Regulations. This chapter addresses the policies and regulations that apply for only specific uses and activities typically found in shoreline areas. These policies provide a greater level of detail in addressing shoreline uses and their impacts and provide the physical development and management standards for various types of use.

Chapter 7: Shoreline Modification Policies and Regulations. This chapter addresses those actions that modify the physical configuration or qualities of the shoreline area. These policies and regulations are intended to prevent, reduce and mitigate the negative environmental impacts of proposed shoreline modifications consistent with the goals of the Shoreline Management Act.

Chapter 8: Administration provides the system by which the Orting Shoreline Master Program will be administered and enforced and provides specific information on the application process and criteria used in evaluating requests for shoreline substantial development permits, conditional use permits, and variances.

Chapter 9: Shoreline Restoration and Public Access lists the shoreline restoration and public access priorities to guide and increase public access to and recreational use of the shoreline areas within the city. It also provides information about outreach organizations and funding.

Appendix A: List of Federal and State Agency Contacts

Appendix B: Orting Shoreline Inventory Report and Orting's Critical Areas Regulations

1.8 Title

This document shall be known and may be cited as the "Orting Shoreline Master Program." This document may refer to itself as "this Master Program."

DEFINITIONS

Accessory Use or Accessory Structure - Any structure or portion of a structure or use incidental and subordinate to the primary use or development.

Adjacent Lands - Lands adjacent to the shorelines of the state (outside of shoreline jurisdiction). The Shoreline Management Act (SMA) directs local governments to develop land use controls (i.e., zoning, comprehensive planning) for such lands consistent with the policies of the SMA, related rules and the local shoreline master program (see Chapter 90.58.340 RCW).

Administrator (Shoreline Administrator) - The City Administrator or his/her designee, charged with the responsibility of administering the shoreline master program.

Anadromous Fish - Species, such as salmon, which are born in fresh water, spend a large part of their lives in the sea, and return to freshwater rivers and streams to procreate.

Appurtenance - A structure or development which is necessarily connected to the use and enjoyment of a single family residence and is located landward of the ordinary high water mark and the perimeter of a wetland. (On a statewide basis, normal appurtenances include a garage, deck, driveway, utilities, fences, installation of a septic tank and drainfield and grading which does not exceed two hundred fifty (250) cubic yards and which does not involve placement of fill in any wetland or waterward of the OHWM. Refer to WAC 173-27-040(2)(g).

Average Grade Level - The average of the natural or existing topography of the portion of the lot, parcel, or tract of real property which will be directly under the proposed building or structure; provided, that in case of structures to be built over water, average grade level shall be the elevation of ordinary high water. Calculation of the average grade level shall be made by averaging the ground elevations at the midpoint of all exterior walls of the proposed building or structure (WAC 173-27-030(3)).

Benthos - Benthos are living organisms associated with the bottom layer of aquatic systems, at the interface of the sediment (or substrate) and overlying water column. Benthos commonly refers to an assemblage of insects, worms, algae, plants, and bacteria.

Best Available Technology (BAT) - The most effective method, technique, or product available which is generally accepted in the field, and which is demonstrated to be reliable, effective and preferably low maintenance.

Best Management Practices (BMPs) - BMPs are methods of improving water quality that can have a great effect when applied by numerous individuals. BMPs encompass a variety of behavioral, procedural, and structural measures that reduce the amount of contaminants in stormwater runoff and in receiving waters.

Bioengineering - See *Soil Bioengineering*.

Buffers or Buffer Area - Vegetated areas adjacent to wetlands, or other aquatic resources that can reduce impacts from adjacent land uses through various physical, chemical, and/or biological processes

Clearing - The destruction or removal of vegetation ground cover, shrubs, and trees including, but not limited to, root material removal and/or topsoil removal.

Comprehensive Plan - A generalized, coordinated land use policy statement adopted by the governing body of a county, city or town. Also referred to as a comprehensive land use plan.

Conditional Use - A conditional use is a use, development, or substantial development which is classified as a conditional use or is not classified within this shoreline master program.

Critical Areas – Critical areas are lands with natural hazards or lands that support certain unique, fragile, or valuable resource areas. Critical areas include the following ecosystems: areas with a critical recharging effect on aquifers used for drinking water; fish and wildlife habitat conservation areas; frequently flooded areas; geologically hazardous areas; wetlands and streams.

Development - A use consisting of the construction or exterior alteration of structures; dredging; drilling; dumping; filling; removal of any sand, gravel, or minerals; bulkheading; driving of piling; placing of obstructions; or any project of a permanent or temporary nature which interferes with the normal public use of the surface of the waters overlying lands subject to the Act at any state of water level (RCW 90.58.030(3d)). This definition of development does not include dismantling or removing structures if there is no other

Development Regulations - The controls placed on development or land use activities by a county or city, including, but not limited to, zoning ordinances, critical areas ordinances, all portions of a shoreline master program other than goals and policies approved or adopted under chapter 90.58 RCW, official controls, planned unit development ordinances, subdivision ordinances, and binding site plan ordinances, together with any amendments thereto.

Dock - A dock is a floating landing and moorage facility for commercial and pleasure watercraft which abuts the shoreline and does not include recreational decks, storage facilities, or other appurtenances.

Dredge Spoil - The material removed by dredging; also referred to as "dredge material."

Dredging - Excavation or displacement of the bottom or shoreline of a water body. Dredging can be accomplished with mechanical or hydraulic machines. Most dredging is done to maintain channel depths or berths for navigational purposes; other dredging is for flood hazard reduction, water intake maintenance, or for cleanup of polluted sediments.

Ecology - The Washington State Department of Ecology.

Emergency - An unanticipated and imminent threat to public health, safety, or the environment which requires immediate action within a time too short to allow full compliance with the master program. Emergency construction is construed narrowly as that which is necessary to protect property from the elements (RCW 90.58.030(3eiii) and WAC 173-27-040(2d)). See also **Substantial Development**, section (D).

Enhancement - Alteration of an existing resource to improve or increase its characteristics and processes without degrading other existing functions. Enhancements are to be distinguished from resource creation or restoration projects.

Critical Areas Ordinance (Title 11, OMC), Orting - This ordinance provides the goals, policies, and implementing regulations for protecting the designated environmentally critical areas of Orting. The ordinance addresses sensitive area development controls; measures important for protecting and preserving these resources; preventing or mitigating cumulative adverse environmental impacts to sensitive areas; and serves to alert the public to the development limitations of sensitive areas.

Exemption - Certain specific developments as listed in WAC 173-27-040 are exempt from the definition of substantial developments and are, therefore, exempt from the substantial development permit process of the SMA. An activity that is exempt from the substantial development provisions of the Shoreline Management Act (SMA) must still be carried out in compliance with policies and standards of the Act and the local master program. Conditional use and/or variance permits may also still be required even though the activity does not need a substantial development permit (RCW 90.58.030(3e); WAC 173-27-040(1b)). See also **Substantial Development**.

Fair Market Value – The open market bid price for conducting the work, using the equipment and facilities, and purchase of the goods, services and materials necessary to accomplish the development. This would normally equate to the cost of hiring a contractor to undertake the development from start to finish, including the cost of labor, materials, equipment and facility usage, transportation and contractor overhead and profit. The fair market value of the development shall include the fair market value of any donated, contributed or found labor, equipment or materials;

Fill - The addition of soil, sand, rock, gravel, sediment, earth retaining structure or other material to an area waterward of the ordinary high water mark, in wetlands, or on shorelands in a manner that raises the elevation or creates dry land.

Floodplain - Synonymous with 100-year floodplain. The land area susceptible to being inundated by stream derived waters with a 1 percent chance of being equaled or exceeded in any given year. The limits of this area are based on flood regulation ordinance maps or a reasonable method that meets the objectives of the SMA (WAC 173-22-030(4)).

Floodway - The area, as identified in this master program, that either: (i) has been established in federal emergency management agency flood insurance rate maps or floodway maps; or (ii) consists of those portions of a river valley lying streamward from the outer limits of a watercourse upon which flood waters are carried during periods of flooding that occur with reasonable regularity, although not necessarily annually, said floodway being identified, under normal conditions, by changes in surface soil conditions or changes in types or quality of vegetative ground cover conditions, topography, or other indicators of flooding that occurs with reasonable regularity, although not necessarily annually. Regardless of the method used to identify the floodway, the floodway does not include lands that can reasonably be expected to be protected from flood waters by flood control devices maintained by or maintained under license from the federal government, the state, or a political subdivision of the state.

Forest Practices - Any activity conducted on or directly related to forest land and relating to growing, harvesting, or processing timber. These activities include, but are not limited to:

road and trail construction, final and intermediate harvesting, pre-commercial thinning, reforestation, fertilization, prevention and suppression of disease and insects, salvage of trees and brush control. See WAC 222-16-010(21).

Grading - The movement or redistribution of the soil, sand, rock, gravel, sediment, or other material on a site in a manner that alters the natural contour of the land.

HPA - Hydraulic Project Approval - The permit issued by the Washington State Departments of Fisheries or Wildlife pursuant to the State Hydraulic Code Chapter 75.20.100-140 RCW.

Hearings Board - The Orting Planning Commission is designated as the Hearings Board as referenced in this document (see section 8.03, *Orting Hearings Board*).

Height - The distance measured from the average grade level to the highest point of a structure; provided, that television antennas, chimneys and similar appurtenances shall not be used in calculating height, except where it obstructs the view of a substantial number of residences on areas adjoining such shorelines; provided further, that temporary construction equipment is excluded in this calculation (WAC 173-27-030(9)). See also **Building Height**.

In-kind Replacement - To replace wetlands, streams, habitat, biota or other organisms with substitute flora or fauna whose characteristics closely match those destroyed, displaced, or degraded by an activity.

In-Stream Structure - A structure that is waterward of the ordinary high water mark and either causes or has the potential to cause water impoundment or the diversion, obstruction, or modification of water flow.

JARPA (Joint Aquatic Resources Permit Application) - The Washington Joint Aquatic Resources Permit Application can be used to apply for Hydraulic Project Approvals, Shoreline Management Permits, Approvals for Exceedance of Water Quality Standards, Water Quality Certifications, Coast Guard Bridge Permits, Department of Natural Resources Use Authorization, and Army Corps of Engineers permits. The City of Orting uses this application as a part of its shoreline permit applications.

Fill - The placement of soil, sand, rock, gravel existing sediment or other material (excluding solid waste) to create new land, tideland, or bottom land along the shoreline waterward of the ordinary high water mark or on wetland or upland areas in order to raise the elevation.

Levee - A large dike or embankment, often having an access road along the top, which is designed as part of a system to protect land from floods.

Marshes, Bogs and Swamps – See **Wetlands**; also **Hydrophyte**, and **Hydric soil**.

Mitigation - The process of avoiding, reducing, or compensating for the environmental impact(s) of a proposal (see WAC 197-11-768). The following is a list of mitigation techniques, listed in order of preference, with (a) being the most preferred:

- a. Avoiding the impact altogether by not taking a certain action or parts of an action;

- b. Minimizing impacts by limiting the degree or magnitude of the action and its implementation, by using appropriate technology, or by taking affirmative steps to avoid or reduce impacts;
- c. Rectifying the impact by repairing, rehabilitating, or restoring the affected environment;
- d. Reducing or eliminating the impact over time by preservation and maintenance operations during the life of the action;
- e. Compensating for the impact by replacing, enhancing, or providing substitute resource or environments; and
- f. Monitoring the impact and the compensation project and taking appropriate corrective measures.

Native Plants - These are plants that occur naturally, and that distribute and reproduce without aid. Native plants in western Washington are those that existed prior to intensive settlement that began in the 1850s.

Natural Riparian Habitat Corridor - The streamside environment designed and maintained primarily for fisheries and wildlife habitat, water quality improvement, groundwater recharge and secondarily for flood attenuation and storage, while allowing controlled public access that avoids damage to natural resources.

Nonconforming Development - A shoreline use or structure which was lawfully constructed or established prior to the effective date of the applicable Shoreline Management Act/Shoreline Master Program provision, or amendments thereto, but which no longer conforms to the applicable shoreline provisions (WAC 173-27-080(1)).

Non-water-oriented Uses - Those uses that are not water-dependent, water-related, or water-enjoyment. Adding public access features to a non-water-oriented use does not automatically change the inherent use to a water-enjoyment use. Examples include, but are not limited to, professional offices, automobile sales or repair shops, mini-storage facilities, residential development, department stores, and gas stations. See also **Water-enjoyment**, **Water-related**, and **Water-oriented**.

Normal Maintenance - Those usual acts to prevent a decline, lapse, or cessation from a lawfully established condition (WAC 173-27-040(2b)). See also **Substantial Development (B.)**, and **Normal Repair**.

Normal Protective Bulkhead - A bulkhead, common to single-family residences, constructed at or near the ordinary high water mark to protect an existing single-family residence, and which sole purpose is for protecting land from erosion, not for the purpose of creating new land (WAC 173-27-040(2c)).

Normal Repair - To restore a development to a state comparable to its original condition, including but not limited to its size, shape, configuration, location and external appearance, within a reasonable period after decay or partial destruction except where repair involves total replacement which is not common practice or causes substantial adverse effects to the shoreline resource or environment (WAC 173-27-040(2b)). See also **Normal Maintenance**.

Off-site Replacement - To replace wetlands or other shoreline environmental resources away from the site on which a resource has been impacted by a regulated activity.

OHWM, Ordinary High Water Mark - That mark that will be found by examining the bed and banks and ascertaining where the presence and action of waters are so common and usual, and so long continued in all ordinary years, as to mark upon the soil a character distinct from that of the abutting upland, in respect to vegetation as that condition exists on June 1, 1971, as it may naturally change thereafter, or as it may change thereafter in accordance with permits issued by a local government or the department.

WAC 173-22-030(11) specifically states that for rivers/streams where the ordinary high water mark cannot be found, it shall be the line of mean high water. For braided rivers and streams, the ordinary high water mark is found on the banks forming the outer limits of the depression within which the braiding occurs.

On-site Replacement - To replace wetlands or other shoreline environmental resources at or adjacent to the site on which a resource has been impacted by a regulated activity.

Practicable Alternative - An alternative that is available and capable of being carried out after taking into consideration short-term and long-term cost, options of project scale and phasing, existing technology and logistics in light of overall project purposes.

Professional Engineer - A person who, by reason of his or her special knowledge of the mathematical and physical sciences and the principles and methods of engineering analysis and design, acquired by professional education and practical experience, is qualified to practice engineering and is licensed by the state of Washington or another state.

Public Interest - The interest shared by the citizens of the state or community at large in the affairs of government, or some interest by which their rights or liabilities are affected such as an effect on public property or on health, safety, or general welfare resulting from a use or development (WAC 173-27-030(14)).

Qualified Professional – A person with experience and training in the pertinent scientific discipline, and who is a qualified scientific expert with expertise appropriate for the relevant critical area subject in accordance with WAC 365-195-905(4). A qualified professional must have obtained a B.S. or B.A. or equivalent degree in biology, engineering, environmental studies, fisheries, geomorphology or related field, and a minimum of two years of related work experience.

A qualified professional for habitats or wetlands must have a degree in biology and professional experience related to the subject species.

A qualified professional for a geological hazard must be a professional engineer or geologist, licensed in the state of Washington.

A qualified professional for critical aquifer recharge areas must be a hydrogeologist, geologist, engineer, or other scientist with experience in preparing hydrogeologic assessments.

Restoration - The reestablishment or upgrading of impaired ecological shoreline processes or functions. This may be accomplished through measures including, but not limited to, revegetation, removal of intrusive shoreline structures and removal or treatment of toxic materials. Restoration does not imply a requirement for returning the shoreline area to aboriginal or pre-European settlement conditions.

Revetment - Erosion protection measures constructed on a slope, normally in the range of 1.5:1 to 2:1 (horizontal: vertical). Construction materials may be rock riprap, gabions, interlocking concrete parent units, or similar materials.

Riparian - Of, on, or pertaining to the banks of a river.

Riprap - A layer, facing, or protective mound of stones placed to prevent erosion, scour, or sloughing of a structure or embankment; also, the stone so used.

Runoff - Water that is not absorbed into the soil but rather flows along the ground surface following the topography.

SEPA - see *State Environmental Policy Act*.

SEPA Checklist - A checklist is required of some projects under SEPA to identify the probable significant adverse impacts on the quality of the environment. The checklist will also help to reduce or avoid impacts from a proposal, and help the responsible governmental agency decide whether a full environmental impact statement (EIS) is required (WAC 197-11-960).

SMA - see *Shoreline Management Act*. **SMP** - see *Shoreline Master Program*.

Salmon and Steelhead Habitats - Gravel bottomed streams, creeks, and rivers used for spawning; streams, creeks, rivers, side channels, ponds, lakes, and wetlands used for rearing, feeding, adult residency, cover and refuge from predators and high water; streams, creeks, lakes, rivers, estuaries, and shallow areas of saltwater bodies used as migration corridors; and salt water bodies used for rearing, feeding, adult residency, and refuge from predators and currents.

Shall - "Shall" indicates a mandate; the particular action must be done.

Shoreland Areas or **Shorelands** - Those lands extending landward for two hundred (200) feet in all directions as measured on a horizontal plane from the ordinary high water mark; floodways and contiguous floodplain areas landward two hundred (200) feet from such floodways; and all wetlands and river deltas associated with the streams, lakes, and tidal waters which are subject to the provisions of this chapter; the same to be designated as to location by the Washington Department of Ecology. Any county or city may determine that portion of a one-hundred-year-flood plain to be included in its master program as long as such portion includes, as a minimum, the floodway and the adjacent land extending landward two hundred (200) feet there from.

Within the City of Orting, the shorelands (i.e., shoreline jurisdiction) extend two hundred (200) feet from the ordinary high water mark (OHWM) and floodways associated with the Carbon and Puyallup Rivers, and include any wetlands associated with these two rivers, and land necessary for buffers for critical areas in accordance with RCW 90.58.030(2)(f)(ii).

Shoreline Administrator - The Orting Shoreline Administrator is the City Administrator. (See section 8.02, Administrator)

Shoreline Environment Designations - The categories of shorelines established by local shoreline master programs in order to provide a uniform basis for applying policies and use regulations within distinctively different shoreline areas. See WAC 173-26.

Shoreline Jurisdiction - The term describing all of the geographic areas covered by the SMA, related rules and the applicable master program. Also, such areas within a specified local government's authority under the SMA. See definitions of **Shorelines**, **Shorelines of the State**, **Shorelines of Statewide Significance**, and **Wetlands**.

Shoreline Management Act of 1971 - Chapter 90.58 RCW, as amended.

Shoreline Master Program (SMP) - The comprehensive use plan and related use regulations, together with maps, diagrams, charts, or other descriptive material and text, a statement of desired goals, and standards developed in accordance with the policies enunciated in RCW 90.58.020. The SMP is used by local governments to administer and enforce the permit system for shoreline management. Master programs must be developed in accordance with the policies of the SMA, be approved and adopted by the state, and be consistent with the rules (WACs) adopted by Ecology.

As provided in RCW 36.70A.480, the goals and policies of a shoreline master program for a county or city approved under Chapter 90.58 RCW shall be considered an element of the county or city's comprehensive plan. All other portions of the shoreline master program for a county or city adopted under Chapter 90.58 RCW, including use regulations, shall be considered a part of the county or city's development regulations.

Shoreline Modification - Physical construction on, or alteration to, a shoreline area. Examples of shoreline modifications include piers, docks, bulkheads, riprap, and other modifications to riparian and wetland areas.

Shoreline Permit - A substantial development, conditional use, revision or variance permit or any combination thereof (WAC 173-27-030(13)).

Shorelines - All of the water areas of the state, including reservoirs and their associated shorelands, together with the lands underlying them, except (a) shorelines of statewide significance; (b) shorelines on segments of streams upstream of a point where the mean annual flow is twenty (20) cubic feet per second or less, and the wetlands associated with such upstream segments; and (c) shorelines on lakes less than twenty (20) acres in size and wetlands associated with such small lakes (see RCW 90.58.030(2)(d) and WAC 173-18, 173-19 and 173-22).

Shorelines Hearings Board - A six member, state-level quasi-judicial body, created by the SMA, which hears appeals by any aggrieved party on the issuance of a shoreline permit, enforcement penalty and appeals by local government on Ecology approval of master programs, rules, regulations, guidelines or designations under the SMA. See RCW 90.58.170; 90.58.180; and WAC 173-27-220 and 173-27-290.

Shorelines of Statewide Significance - A select category of shorelines of the state, defined in RCW 90.58.030(2)(e), where special preservationist policies apply and where greater planning authority is granted by the SMA. Permit review must acknowledge the use priorities for these areas established by the SMA. Neither the Puyallup River or Carbon River qualifies as a shoreline of statewide significance within the City of Orting. See RCW 90.58.020.

Shorelines of the State - The total of all shorelines and shorelines of statewide significance.

Should - The particular action is **required**, unless there is a **compelling reason** against it.

Soil Bioengineering - An applied science that combines structure, biological and ecological concepts to construct living structures that stabilizes the soil to control erosion, sedimentation and flooding using live plant materials as a main structural component.

Structural (or Hard) Erosion Control - Measures which include revetments, bulkheads, and seawalls, vertical rock walls, and similar facilities, constructed parallel to and near the ordinary high water mark for the purpose of protecting adjacent uplands from the erosive action of waves or currents.

Structure - A permanent or temporary edifice or building, or any piece of work artificially built or composed of parts joined together in some definite manner, whether installed on, above or below the surface of the ground or water, except for vessels (WAC 173-27-030(15)).

Substantial Development - Any development of which the total cost or fair market value exceeds ~~\$5,718.00 (circa 2008)~~ ~~\$7,047 (or as adjusted by the state OFM)~~, or any development which materially interferes with the normal public use of the water or shorelines of the state. The dollar threshold established in this subsection is adjusted for inflation by the state office financial management (OFM) every five years beginning July 1, 2007; EXCEPT for those uses excepted from the definition of substantial development by RCW 90.58.030(3)(e)(i)-(xi), and WAC 173-27-040. These exemptions are listed in section 8.05 of Chapter 8: Administration. See also Development and Exemption.

Variance - A means to grant relief from the specific bulk, dimensional or performance standards specified in the master program. A variance is not a means to vary the *use* of a shoreline. Variance permits must be specifically approved, approved with conditions, or denied by Ecology (See WAC 173-27-170).

WAC - Washington Administrative Code.

Water-dependent Uses - A use or a portion of a use which cannot exist in a location that is not adjacent to the water and which is dependent on the water by reason of the intrinsic nature of its operations. Examples of water-dependent uses may include, marinas, aquaculture, sewer outfalls, swimming, and fishing. See also **Water-enjoyment**, **Water-related**, **Water-oriented** and **Non-water oriented**.

Water-enjoyment - A recreational use, or other use facilitating public access to the shoreline as a primary characteristic of the use; or a use that provides for recreational use or aesthetic enjoyment of the shoreline for a substantial number of people as a general characteristic of the use and which through the location, design, and operation ensures the public's ability to enjoy the physical and aesthetic qualities of the shoreline. In order to qualify as a water-enjoyment use, the use must be open to the general public and the shoreline oriented space within the project must be devoted to the specific aspects of the use that fosters shoreline enjoyment. Primary water-enjoyment uses may include, but are not limited to, parks, piers and other improvements facilitating public access to shorelines of the state; and general water-enjoyment uses may include, but are not limited to, restaurants, museums, aquariums, scientific/ecological reserves, resorts and mixed-use commercial, provided, that such uses conform to the above water-enjoyment specifications and the provisions of the master program. See also **Water-dependent**, **Water-related**, **Water-oriented**, and **Non-water oriented**.

Water-oriented - A use that is water dependent, water-related, or water-enjoyment, or a combination of such uses. See also **Water-dependent**, **Water-enjoyment**, **Water-related**, and **Non-water oriented**.

Water-related - A use or a portion of a use which is not intrinsically dependent on a waterfront location but whose economic viability is dependent upon a waterfront location because:

- a. Of a functional requirement for a waterfront location such as the arrival or shipment of materials by water or the need for large quantities of water or,
- b. The use provides a necessary service supportive of the water-dependent commercial activities and the proximity of the use to its customers makes its services less expensive and/or more convenient. Examples include manufacturers of ship parts large enough that transportation becomes a significant factor in the products cost, professional services serving primarily water-dependent activities and storage of water-transported foods. Examples of water-related uses may include warehousing of goods transported by water, seafood processing plants, hydroelectric generating plants, gravel storage when transported by barge, oil refineries where transport is by tanker and log storage.

See also **Water-dependent**, **Water-enjoyment**, **Water-oriented**, and **Non-water oriented**.

Watershed Restoration Project - "Watershed restoration project" means a public or private project authorized by the sponsor of a watershed restoration plan that implements the plan or a part of the plan and consists of one or more of the following activities:

- a. A project that involves less than ten (10) miles of stream reach, in which less than twenty-five (25) cubic yards of sand, gravel, or soil is removed, imported, disturbed or discharged, and in which no existing vegetation is removed except as minimally necessary to facilitate additional plantings;
- b. A project for the restoration of an eroded or unstable stream bank that employs the principles of bioengineering, including limited use of rock as a stabilization only at the toe of the bank, and with primary emphasis on using native vegetation to control the erosive forces of flowing water; or
- c. A project primarily designed to improve fish and wildlife habitat, remove or reduce impediments to migration of fish, or enhance the fishery resource available for use by all of the citizens of the state, provided that any structure, other than a bridge or culvert or instream habitat enhancement structure associated with the project, is less than two hundred (200) square feet in floor area and is located above the ordinary high water mark of the stream.

Watershed Restoration Plan - "Watershed restoration plan" means a plan, developed or sponsored by the Department of Fish and Wildlife, the Department of Ecology, the Department of Natural Resources, the Department of Transportation, a federally recognized Indian tribe acting within and pursuant to its authority, a city, a county, or a conservation district that provides a general program and implementation measures or actions for the preservation, restoration, re-creation, or enhancement of the natural resources, character, and ecology of a stream, stream segment, drainage area, or watershed for which agency and public review has been conducted pursuant to chapter 43.21C RCW, the State Environmental Policy Act.

Wetlands – “Wetlands” means areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marches, bogs and similar areas. Wetlands do not include those artificial wetlands intentionally created from nonwetland sites, including, but not limited to, irrigation and drainage ditches, grass-lined swales, canals, detention facilities, wastewater treatment facilities, farm ponds, and landscape amenities, or those wetlands created after July 1, 1990, that were unintentionally created as a result of the construction of a road, street, or highway. Wetlands may include those artificial wetlands intentionally created from nonwetland areas to mitigate the conversion of wetlands.

The criteria for identifying wetlands under the Shoreline Management Act is available in the Washington State Wetland Identification and Delineation Manual, Ecology Publication # 96-94.

Wetland Creation (Establishment) – The manipulation of the physical, chemical, or biological characteristics present to develop a wetland on an upland or deepwater site, where a biological wetland did not previously exist. Activities typically involve excavation of upland soils to elevations that will produce a wetland hydroperiod, hydric soils, and support the growth of hydrophytic plant species (Gwin et al. 1999). Establishment results in a gain in wetland acreage and function.

Wetland Enhancement – The manipulation of the physical, chemical, or biological characteristics of a biological wetland to heighten, intensify or improve specific function(s) or to change the growth stage or composition of the vegetation present. Enhancement is undertaken for specified purposes such as water quality improvement, flood water retention or wildlife habitat. Activities typically consist of planting vegetation, controlling non-native or invasive species, modifying site elevations to result in open water ponds, or some combination of these. Enhancement results in a change in wetland functions and can lead to a decline in other wetland functions. It does not result in a gain in wetland acreage.

Wetland Impacts, Indirect – result from activities adjacent to or upslope from an aquatic resource that may affect the way the aquatic resource functions. Indirect impacts can result from construction activities nearby (e.g. producing sediment that enters the wetland or other aquatic resource). Indirect impacts can also result from changing the hydrology in an area so there is too much or too little water after project construction, thereby changing or limiting wetland function. A road that crosses through a wetland affects more than just the area of wetland under the road fill. The flow of water through the wetlands often changes and the road may provide a barrier to animal movement as well as ongoing disturbances. In other instances, indirect impacts occur when so much of a wetland is lost that the remaining wetland area can't provide functions at its former levels. With some functions, as wetland size diminishes the functions and values of the wetland provided by the wetland decrease. In such cases, the agencies may consider the entire wetland to be adversely impacted and compensatory mitigation will be required for both direct and indirect impacts to the wetland.

Wetland Impacts, Permanent – are described as those impacts that result in the permanent loss of wetlands and/or waters of the U.S. These types of impacts are usually related to the footprint of a fill or other impacts such as completely drained areas.

Wetland Impacts, Temporal (long-term effects) – refer to those functions that can and will eventually be replaced but cannot and do not achieve similar functionality in a short period of time. Temporal impacts for replacing functions, such as song bird habitat in a tree canopy provided by a 50-year old palustrine forested wetland, may take over 20 years to develop the level of function lost at the impact site. Temporal impacts normally require compensatory mitigation and are usually reflected as an increase in the mitigation ratios required.

Wetland Impacts, Temporary (short-term effects) – are those lasting for a limited time and where functions can be replaced in a relatively short period of time (about one year). Compensatory mitigation is normally not required for temporary impacts to functions if these functions can be replaced within one growing season for the impact. For example, replacing the functions (such as habitat for small mammals, water quality functions, nutrient uptake) for palustrine emergent (PEM) wetlands may be done within one growing season if the disturbance is not severe.

Wetland Preservation (Protection/Maintenance) – The removal of a threat to, or preventing the decline of, wetland conditions by an action in or near a wetland. This term includes the purchase of land or easements, repairing water control structures or fences, or structural protection. Preservation does not result in a gain of wetland acres, but it may result in a gain in functions over the long term.

Wetland Restoration, – The manipulation of the physical, chemical, or biological characteristics of a site with the goal of returning natural or historic functions to a former or degraded wetland. For the purpose of tracking net gains in wetland acres, restoration is divided into:

Wetland Re-establishment – The manipulation of the physical, chemical, or biological characteristics of a site with the goal of returning natural or historic functions to a former wetland. Activities could include removing fill material, plugging ditches, or breaking drain tiles. Re-establishment results in a gain in wetland acres and functions.

Wetland Rehabilitation – The manipulation of the physical, chemical, or biological characteristics of a site with the goal of repairing natural or historic functions and processes of a degraded wetland. Activities could involve breaching a dike to reconnect wetlands to a floodplain, restoring tidal influence to a wetland, or breaking drain tiles and plugging drainage ditches. Rehabilitation results in a gain in wetland function but does not result in a gain in wetland acres.

SHORELINE ENVIRONMENT

3.1 Urban Conservancy Shoreline Environment

GOAL S-UC 1 Ensure that the designated Urban Conservancy shoreline environment in Orting is protected and preserved by restricting intensive development along shorelines, providing a wildlife buffer between the river and the adjoining residential and public service areas. Restore ecological functions of open space, flood plain and other sensitive lands where they exist in urban and developed settings, while allowing a variety of compatible uses.

Policies

- Pol. S-UC 1 The City shall designate as Urban Conservancy those shoreline areas meeting one or more of the following criteria:
1. They are suitable for water-related or water-enjoyment uses;
 2. They are open space, floodplain or other sensitive areas that should not be more intensively developed; They have potential for ecological restoration; They retain important ecological functions, even though partially developed; or
 3. They have the potential for development that is compatible with ecological restoration.
- Pol. S-UC 2 The shorelines of the Carbon and Puyallup Rivers within the city limits of Orting shall be designated as the Urban Conservancy shoreline environment.
- Pol. S-UC 3 All shorelines of the Carbon and Puyallup Rivers annexed to the City from its urban growth area shall be automatically assigned the Urban Conservancy shoreline environment designation until redesignated through a shoreline master program amendment.
- Pol. S-UC 4 New development should be limited to water-related or water-enjoyment uses.
- Pol. S-UC 5 Non water-related or non-water-enjoyment development should not be permitted in the Urban Conservancy environment.
- Pol. S-UC 6 Residential development may be allowed when self-contained or when supporting public facilities such as sewer, water, and power are available, and where allowing such development will not lead to higher densities in the future.
- Pol. S-UC 7 Critical areas, such as wetlands should be protected through vegetation management, maintenance, and erosion control regulations.
- Pol. S-UC 8 The use regulations for the Urban Conservancy shoreline environment shall be as indicated by Chapters 5, 6, and 7 of this Master Program. Uses that preserve the natural character of the area or promote preservation of open space, floodplain or sensitive lands either directly or over the long term should be the primary allowed uses.

3.2 Regulations

- A. No new or expanded structure shall exceed a height of 35 feet, except for transmission lines and radio towers and other similar structures.
- B. Permanent and temporary structures, storage, and hard surfaces shall be set back a minimum of 150 feet from the ordinary high water mark. Setbacks are measured landward, on a horizontal plane, perpendicular to the shoreline.
- C. Developments associated with water-dependent uses and public access are not required to meet the 150 foot setback. However, where such development can be approved within the 150 foot setback, the placement of structures, storage, and hard surfaces shall be limited to the minimum necessary for the successful operation of the use. Accessory parking within public rights-of-way or on city land and serving shoreline access areas shall be restricted to a maximum of 3,000 square feet per site and shall not be covered with impervious surfaces.
- D. Flood hazard management structures (such as setback levees, dikes and revetments) may be allowed to intrude into the 150 foot setback when there are no feasible alternative locations and is the minimum necessary. The proposal must be consistent with an approved flood hazard management plan and with the policies and regulations in sections 5.05 Environmental Impacts, 5.07 Critical Areas and 7.05 Shoreline Stabilization to ensure no net loss of ecological functions. (2013 Amendment)

3.3 Legal Description of Shoreline Environment

3.3.1 General

The following section accurately defines and maps the Urban Conservancy shoreline environment designation in the City of Orting.

3.3.2 Written Description

- A. Carbon River
 - 1. South Bank: Beginning at a point where the Carbon River intersects with Orting city limits in the northeast corner of Sec. 32 T19 R5E, thence downstream along said Carbon River to the point where the northern Orting city limits intersects the Carbon River in the northwest corner of Sec. 19 T19 R5E. Downstream, from the point where the Old City of Orting corporate limits intersect with the newly annexed portion of the City in the northwest corner of Sec. 29 T19N R5E, the City jurisdiction extends to the riverside edge of the top of the levee. Elsewhere, City jurisdiction extends to the centerline of the Carbon River.
- B. Puyallup River
 - 1. South Bank: Beginning at a point where the Puyallup River intersects with the southeastern Orting City limits in the northwest corner of Sec. 5 T18N R5E, thence downstream along said Puyallup River to the point where it intersects

a portion of the southwestern Orting city limits in the southeast corner of Sec.31 T19N R5E.

2. North Bank: Beginning at a point where the Puyallup River intersects with the southeastern Orting city limits in the northwest corner of Sec.5 T18N R5E, thence downstream along said Puyallup River to the point where it intersects the northern Orting city limits in the northeast corner of Sec.25 T19N R4E. Downstream, from the point where the Old City of Orting corporate limits intersect with the newly annexed portion of the City in the northeast corner of Sec. 31 T19N R5E, the City jurisdiction extends to the riverside edge of the top of the levee.

3.3.3 Shoreline Environment Designation Map

Figure 1 depicts the Urban Conservancy shoreline environment designation contained within the City of Orting.

SHORELINE GOALS AND POLICIES

4.1 Introduction

Shoreline management goals relating to program elements specified in RCW 90.58.100 have been identified for the City of Orting. These goal statements, and their supporting policies, address the following shoreline elements: Shoreline Uses and Activities, Economic Development, Circulation, Recreation, Conservation, Historic/Cultural Resources, and Public Access. These goals establish the basis from which the environmental designation, policies, regulations, and administrative procedures of the Shoreline Master Program are developed.

4.2 Shoreline Uses and Activities

GOAL S-UA 1 Maintain, restore and improve the quality of our shorelines.

Policies

- Pol. S-UA 1 Ensure that activities and facilities are located on the shorelines in such a manner as to retain or improve the quality of the environment as it is designated for that area.
- Pol. S-UA 2 Preserve shorelines in a manner that assures a balance of shoreline uses with minimal adverse effect on the quality of water, life, or environment.
- Pol. S-UA 3 Preference should be given to those uses or activities which enhance the natural amenities of the shorelines and which depend on a shorelines location or provide public access to the shoreline.
- Pol. S-UA 4 Proposed shoreline uses and activities that have the potential of being objectionable due to noise or odor or otherwise offensive or unsafe conditions should be mitigated before approval is granted.
- Pol. S-UA 5 Ensure that proposed shoreline uses are distributed, located and developed in a manner that will maintain or improve the health, safety and welfare of the public.

GOAL S-UA 2 Promote reasonable and appropriate use of the shorelines, while recognizing and protecting private property rights consistent with the public interest.

Policies

- Pol. S-UA 6 Public access should be maintained and regulated.
- Pol. S-UA 7 Ensure that proposed shoreline uses do not infringe upon the rights of others or upon the rights of private ownership.
- Pol. S-UA 8 Ensure that all planning, zoning and other regulatory and nonregulatory programs governing lands adjacent to shoreline jurisdiction are consistent with one another, the goals and policies of the Shoreline Management Act and the regulations and the provisions established in the Orting Shoreline Master Program.

4.3 Economic Development

GOAL S-ED 1 Ensure healthy, orderly economic growth by allowing those economic activities within the shorelands of Orting that will be an asset to the economy of the area and protect the quality of the shoreline environment.

Policies

- Pol. S-ED 1 Promote recreational uses of the shorelines to contribute to the economic attractiveness of the community.
- Pol. S-ED 2 Proposed economic development in the shoreline should be consistent with Orting's comprehensive plan and development regulations. Conversely, upland uses on adjacent lands outside of immediate SMA jurisdiction (in accordance with RCW 90.58.340) should be consistent with the purpose and intent of this Master Program as they affect the shoreline.

4.4 Circulation

GOALS-PA/C1 Provide safe, reasonable and adequate access and circulation systems to shorelines that have the least possible adverse effect on unique or fragile shoreline features and existing ecological systems, while contributing to the functional and visual enhancement of the shoreline.

Policies

- Pol. S-PA/C 1 Emphasis should be placed on pedestrian and bicycle paths, rather than roads.
- Pol. S-PA/C 2 Parking facilities on shorelands are discouraged.
- Pol. S-PA/C 3 Shoreline trails, parks and public access points along the Carbon and Puyallup Rivers shall be integrated with the City's trail system.
- Pol. S-PA/C 4 Public access shall be sensitive to the unique characteristics of the shoreline and the natural character and quality of the environment and adjacent wetlands.
- Pol. S-PA/C 5 Locate vehicular circulation facilities as far upland as possible to reduce interference with natural shoreline resources and other more appropriate shoreline uses. Where possible, avoid creating barriers between adjacent uplands and the shorelines.
- Pol. S-PA/C 6 Discourage shoreline uses that curtail or reduce physical and visual access to the water and shoreline area.
- GOALS-PA/C2 Increase and improve public access to shoreline areas provided that private rights, public safety, and the natural shoreline character are not adversely affected.

Policies

- Pol. S-PA/C7 Public right-of-way to and along the shoreline should provide pedestrian access.

4.5 Recreation

GOAL S-R 1 Provide additional water-oriented recreation opportunities that are diverse, convenient and adequate to support active, passive, and contemplative uses while protecting the integrity and character of the shoreline.

Policies

- Pol. S-R 1 Recreational fishing should be supported and maintained.
- Pol. S-R 2 Water-related recreational activities including accessibility to the shoreline edge and provisions of passive and active recreational uses should be encouraged.
- Pol. S-R 3 Encourage recreational uses that are compatible with adjacent uses.
- Pol. S-R 4 Encourage state agencies and other local governments to acquire additional property for public recreational use.
- Pol. S-R 5 Integrate recreational elements into federal, state and local public access and conservation plans.

4.6 Conservation

GOAL S-C 1 The resources and amenities of all shorelines within Orting are to be protected and preserved for use and enjoyment by present and future generations.

Policies

- Pol. S-C 1 Erosion and pollution should be prevented.
- Pol. S-C 2 Shoreline development should result in no net loss of shoreline environmental resources, such as water circulation, sand and gravel movement, erosion and accretion.
- Pol. S-C 3 Reclaim and restore areas which are biologically and aesthetically degraded while maintaining appropriate use of the shoreline.
- Pol. S-C 4 Unique, rare and fragile natural and man-made features as well as scenic vistas and wildlife habitats should be preserved and protected from degradation or interference.
- Pol. S-C 5 Public access to unique or fragile geological or biological areas such as wetlands should be limited.
- Pol. S-C 6 Development of shorelines that are identified as hazardous or sensitive should be discouraged.
- Pol. S-C 7 Spawning grounds for steelhead and salmon should be protected, improved, and, if feasible, enhanced.

4.7 Historic/Cultural Resources

GOAL S-H/C1 Protect, preserve and/or restore important archaeological, historical, and cultural sites located in the shorelands of Orting for educational, scientific, and enjoyment of the general public.

Policies

- Pol. S-H/C 1 Acquire historic/cultural sites to ensure their protection and preservation with available funding.
- Pol. S-H/C 2 Encourage educational projects and programs that foster a greater appreciation of the importance of shoreline management and environmental conservation.
- Pol. S-H/C 3 Ensure that access to such sites does not reduce their cultural attraction or degrade the quality of the environment.

4.8 Public Awareness

GOAL S-PA 1 Increase public awareness of its responsibility to maintain the quality of the environment and the intent of the Shoreline Management Act.

Policies

- Pol. S-PA 1 The City should develop standardized markers to inform the public of shoreline access routes, parking, and allowable activities in each area.
- Pol. S-PA 2 The City should promote ways to educate citizens on tools and techniques that minimize adverse impacts on water quality.
- Pol. S-PA 3 The City should coordinate with local schools on providing programs on the adverse impacts of littering, clearing brush, and off-road vehicle traffic on shorelines and water quality.

GENERAL POLICIES & REGULATIONS

5.1 Introduction

The following general policies and regulations are based upon the overall shoreline goals established in this Master Program (Chapter 4). The general policies and regulations apply to all uses and activities that may occur within the shoreline jurisdiction. These policies and regulations provide the overall framework for shoreline management.

The following general regulations are intended to be used in conjunction with the more specific use and activity policies and regulations in the Orting Shoreline Master Program. These categories of General Policies and Regulations include:

- General Regulations
- Archaeological and Historic Resources
- Clearing and Grading
- Environmental Impacts
- Critical Areas
 - Wetlands
 - Salmon and Steelhead Habitats
- Flood Hazard Management
- Parking
- Public Access
- Signage
- Vegetation Conservation
- Water Quality, Stormwater, and Nonpoint Pollution

5.2 General Regulations

- A. All proposed shoreline uses, and shoreline modification activities including those that do not require a Shoreline Substantial Development Permit, must conform to the Shoreline Goal provisions, General provisions, Environment Designation provisions (including the environment designation maps), Shoreline Use provisions and Shoreline Modification provisions.
- B. All proposed shoreline development shall be designed in accordance with the State Environmental Policy Act, the City's Critical Areas Ordinance, the City's Municipal Code, and federal FEMA flood control regulations.
- C. Shoreline modification activities must be in support of an allowable shoreline use which conforms to the provisions of this Master Program. Except as otherwise noted, all shoreline modification activities not associated with a legally existing or an approved shoreline use are prohibited.
- D. All proposed uses and development occurring within shoreline jurisdiction must

conform to chapter 90.58 RCW, the Shoreline Management Act, and this master program.

- E. Where provisions of this Master Program conflict with each other, the critical areas regulations, or with other laws, ordinances or programs, the more protective provisions shall apply.

5.3 Archaeological and Historic Resources

5.3.1 Applicability

Archaeological and historic resources, because of their finite nature, are valuable links to the past and should be considered whenever a development is proposed along the state's shorelines. Where such resources are either recorded at the Department of Archaeological and Historic Preservation and/or with the City of Orting, or have been inadvertently uncovered, the following regulations apply. (2013 Amendment)

5.3.2 Policies

- 1. Public or private uses and activities should be prevented from destroying or damaging any site having historic, cultural, scientific or educational value.

5.3.3 Regulations

- A. All shoreline permits shall contain provisions which require developers to immediately stop work and notify the City, State Office of Archaeology and Historic Preservation and affected Indian tribes of any archaeological phenomena uncovered during excavations. In such cases, the developer shall be required to provide for a site inspection and evaluation by a professional archaeologist in coordination with affected Indian tribes to ensure that all possible valuable archaeological data is properly salvaged.
- B. Archaeological and historic resources shall be permanently preserved for scientific study, education, and public observation. If a professional archaeologist with concurrence from DAPH determines that a site has archeological, natural, scientific, or historical value, a shoreline substantial development permit shall not be issued. The City may require that development be postponed in the affected areas to allow investigation of public acquisition potential and/or retrieval and preservation of artifacts. (2013 Amendment)
- C. In the event that unforeseen factors constituting an emergency as defined in RCW
- D. 90.58.030 necessitate rapid action to retrieve or preserve artifacts or data, the project may be exempted from the permit requirements. If the project is exempt, the City shall notify the State Department of Ecology, the State Attorney General's Office, the Office of Archaeological and Historic Preservation, and affected Indian tribes in a timely manner.
- E. Archaeological sites located both in and outside the shoreline jurisdiction are subject to RCW 27.44 (Indian Graves and Records) and RCW 27.53 (Archaeological Sites and Records) and shall comply with WAC 25-48 as well as the provisions of this Master Program.

- F. Identified historical or archaeological resources shall be designed and managed to provide maximum protection to the resource and surrounding environment.

5.4 Clearing and Grading

5.4.1 Applicability

Clearing and grading is the activity associated with developing property for a particular use. Specifically, "clearing" means the removal of vegetative ground cover and/or trees including, but not limited to, root and/or topsoil removal. "Grading" means the physical manipulation of the earth's surface and/or surface drainage pattern without significantly adding or removing on-site materials. Clearing and grading activities may cause increased erosion, siltation, increased runoff and flood volumes, reduced flood storage capacity, and altered habitat.

5.4.2 Policies

1. All clearing and grading activities should be designed and conducted to preserve water quality and to minimize impacts to wildlife habitat, sedimentation of creeks, streams, ponds, lakes, wetlands and other water bodies.
2. Clearing and grading activities in shoreline areas should be limited to the minimum necessary to accommodate shoreline development.
3. The City encourages proper site planning, construction timing and practices, bank stabilization, bioengineering, the usage of erosion and drainage control methods, the use of best available technology, vegetation control methods, and proper maintenance of all proposed developments to ensure quality environmental projects are constructed.
4. All cleared and disturbed sites remaining after construction has been completed should be promptly replanted with native vegetation. In limited circumstances, sites may be replanted with non-native plant species as approved by the City with input from the Department of Natural Resources, Department of Ecology, and other appropriate agencies consulted by the City. The planting plan should include appropriate soil bioengineering techniques and utilize best management practices.
5. All clearing and grading activities should be designed with the objective of maintaining natural diversity in vegetation species, age, and cover density. Clearing and grading should not lead to any net loss of ecological function of the shoreline jurisdiction.
6. All clearing and grading plans should address species removal, replanting, irrigation, erosion and sedimentation control. The clearing and grading plan should meet the City's municipal code requirements and regulations regarding maximum percentage of site clearing permitted.

5.4.3 Regulations

- A. Land clearing, grading, filling shall be limited to the minimum necessary for development. Surfaces cleared of vegetation and not developed must be replanted within one (1) year with native species. The City, in consultation with appropriate resource agencies, shall review the proposal to confirm that amount of land clearing,

grading, filling, and alteration of drainage features is the minimum necessary for development.

- B. All shoreline development, both during and after construction, shall control, treat and release surface water runoff so that the quality of receiving waters and shore properties and features are not adversely affected. Control measures include but are not limited to levees, catch basins or settling ponds, oil interceptor drains, grassy swales, planted buffers and fugitive dust controls.
- C. Clearing and grading within the designated shoreline structural setback areas shall not exceed the following maximums (all measurements should be taken parallel to the shoreline). Clearing and grading of public street ends within public rights-of-way to provide shoreline access and limited accessory parking may not exceed 70% of the right-of-way area:

Parcels with:

Less than 200 feet of shoreline frontage

Between 200 to 500 feet of shoreline frontage

Over 500 feet of shoreline frontage

Maximum Cleared Area Allowed:

30 feet maximum of the lot frontage along the shoreline

15% of the lot frontage along the shoreline

15% of the total lot frontage, provided clearing occurs in two or more segments separated by at least 100 feet of undisturbed area, where no one segment exceeds seventy- five (75) feet in length along the shoreline

5.5 Environmental Impacts

5.5.1 Applicability

The Shoreline Management Act is concerned with the environmental impacts that degrade the shoreline and its waters with contaminants, including the cumulative impacts of petroleum products, chemicals, solid or human waste or soil sediments from erosion.

5.5.2 Policies

1. The adverse impacts (noise, light, glare, etc.) of shoreline uses and activities on the environment should be minimized during all phases of development (e.g., design, construction, management, and use).
2. Development and activities within the shoreline jurisdiction should not result in a net loss of ecological function.

5.5.3 Regulations

- A. Noise levels shall not interfere with the quiet enjoyment of the shoreline.
- B. Ambient noise levels shall be a factor in evaluating a shoreline permit application. Shoreline developments that would increase noise levels to the extent that the natural character of the shoreline would be disrupted shall be prohibited.

- C. Solid waste, liquid waste and untreated effluent shall be prohibited within the shoreline jurisdiction.
- D. The release of oil, hazardous materials or chemicals within the shoreline jurisdiction is prohibited. Equipment used to transport, store, handle or apply hazardous materials shall be maintained in a safe and leak proof condition. If there is evidence of leakage, further use of the equipment shall be suspended until corrected.
- E. Proposed shoreline uses and activities shall utilize best management practices to prevent increased surface runoff and to control, treat and release surface water runoff. The Administrator shall review and approve the method of surface water control and the maintenance program for all shoreline development proposals. Control measures include but are not limited to catch basins or settling ponds, installation and required maintenance of oil/water separators, grassy swales, interceptor drains and landscaped buffers.
- F. Proposed shoreline development shall utilize best management practices and effective erosion control methods (such as those defined in the Stormwater Management Manual for the Puget Sound Basin and the City's stormwater management ordinance) during both construction and operation.
- G. Proposed shoreline uses and activities shall be located, designed, constructed and managed to avoid disturbance of and to minimize impacts to water quality, fish and wildlife resources, including spawning, nesting, rearing, feeding and habitat areas, and migratory routes.
- H. Proposed shoreline development shall not cause any hazard to public health and safety and the proposal shall be aesthetically compatible with the surrounding area.
- I. Herbicides and pesticides shall not be applied or allowed to enter water bodies or wetlands unless approved by the appropriate agencies (State Department of Agriculture, Ecology, U.S. Department of Agriculture, and/or the Seattle Regional Office of Environmental Protection Agency (EPA)).
- J. Alternatives to the use of chemical fertilizers, herbicides, and pesticides shall be a preferred best management practice (BMP). The use of time release fertilizer and herbicides shall be preferred over liquid or concentrate application.
- K. All new shoreline development and activities within the Orting shoreline jurisdiction shall be located, designed, constructed, and managed in a manner that avoids, minimizes, and mitigates adverse impacts to the environment. In approving shoreline developments, the City shall ensure that shoreline development, use, and/or activities will not result in a net loss of ecological function. To this end, the City may require mitigation consistent with WAC 173-26-201(2)(e).

5.6 Flood Hazard Management

5.6.1 Applicability

GOAL S-FM 1 Protect the City of Orting from losses and damage created by flooding.

5.6.2 Policies

1. The City shall coordinate with outside public agencies, including the U.S. Army Corps of Engineers, the Federal Emergency Management Administration, and other appropriate interests to seek solutions to flooding. The City shall support projects that have a positive environmental benefit.
2. The City shall emphasize long-term solutions over short term solutions.

5.6.3 Regulations

- A. The City shall require and utilize the following information during its review of flood protection proposals:
 - Purpose of the project;
 - Hydraulic characteristics of the river within one-half (0.5) mile on each side of the proposed project;
 - Existing shoreline stabilization and flood protection devices within one-half (0.5) mile on each side of the proposed project;
 - Biological characteristics of the area, including fish and wildlife resources;
 - Construction material and methods;
 - Physical, geological, and/or soil characteristics of the area;
 - Predicted impact upon area shore and hydraulic processes, adjacent properties, and shoreline and water uses; and
 - Alternative measures (including non-structural) that will achieve the same purpose.
- B. Development and uses proposed within shoreline jurisdiction shall be consistent with the City's flood hazard prevention regulations.

5.7 Critical Areas

5.7.1 Applicability

Critical areas constitute the most environmentally fragile parcels within the City which support resources that are economically and culturally important to the State of Washington under the Shoreline Management Act. They can be natural resources that provide fish habitat or areas that may threaten the health and safety of the public, such as floodways or unstable slopes.

"Critical areas" shall apply to the following:

- a. Wetlands;
- b. Areas with a critical recharging effect on aquifers used for potable waters;
- c. Fish and wildlife habitat conservation areas;
- d. Frequently flooded areas;
- e. Geologically hazardous areas

The City of Orting **Environmentally Critical Areas regulations** as codified in Title 11 of the Orting Municipal Code (Ordinance 305, 6-30-20052016-985, 7-13-2016), are herein incorporated into this master program except as noted. Any conflicts between the incorporated ordinances and the SMP are resolved in favor of the regulation that is most protective of the ecological functions. Exceptions to applicability of the environmentally critical area regulations in the shoreline jurisdiction are OMC 11-1-4 Exemptions; 11-1-5 Reasonable Use Exceptions; 11-1-8 Variances; Chapter 2 Critical Area Determinations; 11-4-1 Wetlands; 11-4-2-C Impervious Surface Ratio; 11-4-2-E Development Design; and 11-4-6 Critical Habitat Areas. (2013 Amendment)

5.7.2 Policies

1. For proposed shoreline uses, developments, and activities within the Orting shoreline jurisdiction, the City shall protect existing ecological functions and processes of critical areas using best available science. This includes the restoration of degraded shoreline areas, if applicable.
2. Conserve and maintain designated open spaces for ecological reasons and for educational and recreational purposes.
3. Recognize that the interest and concern of the public is essential to the improvement of the environment. The City shall sponsor and support public information programs to that end.
4. The level of public access should be appropriate to the degree of uniqueness or fragility of the geological and biological characteristics of the shoreline (e.g., wetlands, spawning areas).

5.7.3 Regulations

- A. Proposed shoreline uses and activities shall be located, designed, constructed and managed to protect the existing ecological functions of critical areas.
- B. Proposed shoreline uses, developments, and activities on sites within the shoreline jurisdiction must comply with all applicable local, state and federal laws including but not limited to FEMA flood control management codes and regulations and the State Environmental Policy Act.

5.7.A Wetlands

5.7.A.1 Applicability

Wetlands serve many important ecological and environmental functions, and help to protect public health, safety, and welfare. The beneficial functions performed by wetlands include, but are not limited to, providing habitat for fish and wildlife; recharging and discharging ground water; and storing storm and flood waters to reduce flooding and erosion. The following provisions apply to all wetlands delineated according to the wetland delineation manual. (2013 Amendment)

5.7.A.2 Policies

1. Wetland ecosystems should be preserved and protected, and unavoidable impacts should be mitigated, so that there is no net loss of wetland acreage and functions. Where feasible, wetland quality should be improved.
2. A wetland buffer zone of adequate width should be maintained between a wetland and any adjacent development to protect the ecological functions and integrity of the wetland. The width of the buffer zone should be based upon the functions and sensitivity of the wetland and the potential impacts associated with the adjacent land use.
3. All activities that could potentially affect wetland ecosystems should occur outside of the wetland and the buffer zone in a manner that prevents adverse impacts to the wetland functions.

5.7.A.3 Regulations

- A. Wetlands shall be delineated in accordance with the Regional Supplement to the Corps of Engineers Wetland Delineation Manual: Western Mountains, Valleys, and Coast Region (Version 2.0, US Army Corps of Engineers, 2010), or as revised (2013 Amendment). Identification of wetlands and delineation of their boundaries shall be done in accordance with Ecology's approved federal wetland delineation manual and applicable regional supplements.
- B. Wetlands shall be rated according to the "Washington State Wetland Rating System for Western Washington, Revised," Ecology Publication # 104-06-0235, August 2004/October 2014, or as revised by Ecology.
- C. Shoreline development proposed within 300 feet of a shoreline jurisdictional wetland shall require preparation of a wetland analysis by a qualified professional. The analysis shall include a wetland delineation, the wetland rating, a functional assessment of the wetland and potential buffers, and notes of any water features and other critical areas and their related buffers in the proximity of the wetland. This requirement may be waived or modified when the City determines, in consultation with Ecology, that the activity will have no impact on adjacent wetlands.
- D. Development and uses shall be prohibited from wetlands and buffers, except as provided for in this shoreline master program. In wetlands, only the following uses shall be allowed, provided they are conducted using best management practices:
 1. Outdoor recreational activities, including fishing, bird-watching, and hiking
 2. The maintenance of drainage ditches.
 3. Nature trails. Trails shall be limited to elevated trails in wetlands for pedestrian use only, placed within the outer twenty-five (25) feet of the wetland.
 4. Utility lines.

5. Shoreline flood hazard management facilities including levees, dikes, and revetments. (2013 Amendment)
- E. In addition to those activities listed above in Regulation No. D, the following activities are allowed within wetland buffers provided that buffer impacts are minimized and that disturbed areas are immediately restored:
1. Normal maintenance and repair of existing structures or improved areas. Maintenance and repair do not include modifications that change the character, scope or size of the original structure or improved area.
 2. Nature trails. Trails shall be limited to permeable surfaces for pedestrian use only.
 3. Vegetation-lined swales designed for storm water management; provided that they are placed within the outer twenty-five (25) feet of the buffer of Category III or IV wetlands, only.
 4. Shoreline restoration.
- F. Standard wetland buffer widths are those determined by Ecology and described in *Wetlands in Washington State, Volume 2: Guidance for Protecting and Managing Wetlands*, Appendix 8-C, Buffer Alternative 3, Ecology Publication #05-06-008, or as revised by Ecology. Buffer widths are based on wetland category, wetland characteristics and land use intensity.
- G. Wetland buffers shall be retained in their natural condition. Buffers shall be maintained as areas of undisturbed native vegetation for the protection of wetland functions.
- H. The buffers for a wetland created, restored or enhanced as compensation for approved wetland alterations shall be the same as the buffer required for the category of the created, restored or enhanced wetland.
- I. Development or uses shall not be authorized in a wetland or its' buffer unless applicants demonstrate that all reasonable efforts have been examined with the intent to avoid and minimize impacts to wetlands. When an alteration to a wetland is proposed, such alteration shall be avoided, minimized, or compensated for in the following sequential order of preference:
1. Avoiding the impact altogether by not taking a certain action or parts of an action;
 2. Minimizing impacts by limiting the degree or magnitude of the action and its implementation, by using appropriate technology, or by taking affirmative steps to avoid or reduce impacts;
 3. Rectifying the impact by repairing, rehabilitating, or restoring the affected environment;
 4. Reducing or eliminating the impact over time by preservation and

- maintenance operations during the life of the action;
5. Compensating for the impact by replacing, enhancing, or providing substitute resources or environments; and/or
 6. Monitoring the impact and taking appropriate correctivemeasures.
- J. Where wetland or buffer alterations are permitted by the City, the applicant shall mitigate impacts to achieve no net loss of wetland acreage and functions. Compensatory mitigation shall be provided according to *Wetlands in Washington State, Volume 2: Guidance for Protecting and Managing Wetlands*, Appendix 8-C, Ecology Publication #05-06-008, or as revised by Ecology.
- K. Mitigation plans shall be consistent with *Wetland Mitigation in Washington State, Part 2: Developing Mitigation Plans*, Ecology Publication #06-06-011b, or as revised by Ecology.
- L. Credits from a wetland mitigation bank may be approved for use as mitigation for unavoidable impacts to wetlands when:
1. The bank is certified under Chapter 173-700 WAC;
 2. The Shoreline Administrator, in consultation with Ecology, determines that the wetland mitigation bank provides appropriate mitigation for the authorized impacts; and
 3. The proposed use of credits is consistent with the terms and conditions of the bank's certification.
 4. The location of the outer perimeter of the wetland and buffer shall be marked in the field, and such marking shall be approved by the Shoreline Administrator prior to the commencement of permitted activities. Such field markings shall be maintained throughout the duration of the permit.
- M. Permanent signs. As a condition of any permit or authorization issued pursuant to this master program, the City may require the applicant to install permanent signs along the boundary of a required wetland buffer.
- N. Permanent signs shall be made of a metal face and attached to a metal post, or another material of equal durability. Signs must be posted at an interval of one per lot or every 200 feet, whichever is less, and must be maintained by the property owner in perpetuity. The sign shall be worded as follows or with alternative language approved by the Administrator:
1. "Protected Area"
 2. "Do Not Disturb"
 3. "Contact [local contact information]"
 4. "Regarding Uses and Restriction"

- O. Fencing. The City shall condition any permit or authorization to require the applicant to install a permanent fence at the edge of the wetland buffer, when fencing will prevent future impacts to the wetland area. Fencing installed as part of a proposed activity or as required shall be design so as to not interfere with species migration and shall be constructed in a manner that minimizes impacts to riparian and wetland areas.
- P. Performance or maintenance bonds or other security may be required by the City to assure that work is completed, monitored and maintained.

5.7.B Salmon and Steelhead Habitats

5.7.B.1 Applicability

It is vital to protect and enhance salmonid habitats within the Carbon and Puyallup Rivers and the smaller tributaries that flow into these waterways. The following policies and regulations apply to the Carbon and Puyallup Rivers, and the streams and tributaries within the designated shoreline jurisdiction that provide habitat for salmonids. (Refer to the *Orting Shoreline Inventory & Characterization Report* and the Washington State Department of Fish and Wildlife salmonid habitat database for specific locations of salmon and steelhead habitats).

Potential salmonid habitats within shorelines in Orting are: 1) gravel bottomed streams used for spawning; 2) areas of streams and wetlands used for rearing, feeding, and refuge from predators and high waters; and 3) streams used as migration corridors.

5.7.B.2 Policies

1. The City encourages aggressive efforts to protect and enhance salmonid habitat because of its importance to the aquatic ecosystem and the local economy.
2. Non-water dependent or non-water-related uses, activities, structures and fills should not be located in salmonid habitats.
3. Where new non-water-dependent uses, activities, and structures must locate in salmonid habitats, impacts on these areas shall be lessened to the greatest extent possible. Significant unavoidable impacts should be mitigated by creating in-kind replacement habitat near the project where feasible. Where in-kind replacement mitigation is not feasible, rehabilitation of degraded habitat is required.
4. Proposed development that have the potential to significantly affect salmonid habitat shall develop mitigation measures in consultation with the City of Orting, the State Department of Fish and Wildlife, the U.S. Army Corps of Engineers, the Washington State Department of Ecology and the Muckleshoot Indian Tribe.
5. For proposed development, the City prefers full spanning structures without center support piles for crossing salmonid habitat.
6. Proposed structures and uses that create significant impervious surfaces shall include stormwater treatment systems.

Review of proposals for new impervious surfaces shall be guided by the City's adopted stormwater regulations in conjunction with the impervious surface and stormwater treatment requirements of the most recent version of Stormwater Management Manual for the Puget Sound Basin. This review shall apply with the following exception:

- a. The Orting Shoreline Administrator or his/her designee shall have authority to waive compliance with these guidelines for proposals with total impervious surface areas less than five thousand (5,000) square feet if the impact of the proposal does not warrant runoff treatment. Proposals for new impervious surface areas greater than five thousand (5,000) square feet shall adhere to the Stormwater Management Manual for the Puget Sound Basin regulations.
7. The City of Orting encourages and supports Adopt-A-Stream programs and similar efforts to protect and rehabilitate salmonid spawning, rearing, feeding, refuge, and migration habitat.

5.7.B.3 Regulations

- A. Proposed shoreline development and activity shall be scheduled to protect biological productivity and to minimize interference with salmonid migration, spawning, and rearing.
- B. Proposed fish bypass facilities shall allow adult fish to migrate upstream. New fish bypass facilities shall prevent fry and juveniles migrating downstream from being trapped or harmed.
- C. All new development sites adjacent to the Puyallup or Carbon River shall retain a one hundred and fifty (150) foot buffer of native vegetation measured from the ordinary high water mark (OHWM) of the river.
- D. Proposed shoreline protection structures are allowable only under the following conditions:
 1. The applicant demonstrates that shoreline or streambank stabilization is necessary, and
 2. The applicant demonstrates that soil bioengineering techniques for stabilization are not feasible or otherwise will not be successful.
- E. Proposed shoreline protection structures may intrude into salmonid habitat only where the applicant can demonstrate that all of the following conditions are met:
 1. An alternative alignment, location, or technology is not feasible;
 2. The project is designed to minimize impacts on the environment;
 3. The project does not adversely affect salmonid spawning habitat;
 4. The facility is in the public interest; and if the project will create significant unavoidable adverse impacts on habitat, the impacts are mitigated by creating in-kind replacement habitat near the project. Where in-kind

replacement mitigation is not feasible, rehabilitation of degraded habitat may be required as a substitute.

- F. Proposed bridges must be designed and constructed in a manner that minimizes impacts to the riparian habitat subject to the following conditions:
1. Bridge supports must be landward of the ordinary high water mark, and
 2. Bridges over the Carbon or Puyallup Rivers must have open pile supports.
- G. If a bridge is not feasible for a stream crossing, the City of Orting may allow the use of stream conveyance facilities beneath a crossing subject to City staff review. All stream conveyance facilities must have natural stream bed materials in the bottom to replicate habitat conditions in the natural stream channel. Due to this requirement, the descending order of priority for stream conveyance facilities is as follows:
1. Bottomless arch culverts are preferable because they preserve the natural bed of the stream channel;
 2. If an artificial-bottomed culvert must be used, it is preferable to use an elliptical culvert because it provides a wider channel bottom than a circular culvert;
 3. If neither a bottomless arch or elliptical culvert can be used, then it is acceptable to use a circular culvert;
 4. Any culvert used as a crossing structure shall be as short in length as possible and use vertical head walls instead of mitered ends.
- The City of Orting may decide on a case-by-case basis what is acceptable for accomplishing a water crossing based on the review of site conditions. The City may also consider the use of new water crossing technologies as they emerge.
- H. New in-water utility corridors may be located in salmonid habitat provided the applicant shows that all of the following conditions are met:
1. An alternative alignment is not feasible;
 2. The project is located and designed to minimize its impacts on the environment;
 3. Adverse impacts caused by the project are adequately mitigated; and
 4. Any fill is located landward of the ordinary high-water mark.
 5. When installing in-water utilities, the installer should reestablish the preconstruction elevation and contour of the river or stream bed. Placement of fill materials shall be conducted in a manner that minimizes impacts on the environment, and
 6. The facility must be in the public interest.

- I. Dredging which will adversely affect salmonid habitat shall be allowed only when the applicant obtains a conditional use permit and demonstrates that all of the following conditions are met:
 - 1. The dredging is for a water-dependent use;
 - 2. An alternative to dredging or an alternative dredging location is not feasible;
 - 3. The dredging activities are designed to minimize impacts on the environment;
 - 4. The dredging project is in the public interest; and
 - 5. If the project will create significant unavoidable adverse impacts on habitat, the impacts are mitigated by creating in-kind replacement habitat near the project. Where in-kind mitigation is not feasible, rehabilitation of degraded habitat may be required as a substitute.
- J. Permanent river bed or stream channel modifications and realignments are prohibited within salmonid habitats, except when the proposed modifications or realignments are part of a fish habitat restoration project which has been reviewed and approved by the Washington State Department of Fish and Wildlife, U.S. Fish and Wildlife Service, or the U.S. Army Corps of Engineers.
- K. The removal of riparian vegetation within or adjacent to salmonid habitat shall be prohibited unless the activity is part of a City-approved restoration project. See section on *Vegetation Management* in this chapter.
- L. Outfalls within or upstream of salmonid spawning areas shall be designed and constructed to prevent scouring or other disturbance of salmonid spawning beds.

5.8 Parking

5.8.1 Applicability

Parking is the temporary storage of automobiles or other motorized vehicles. The following provisions apply only to parking that is accessory to a permitted shoreline use.

5.8.2 Policies

- 1. Parking in shoreline areas should directly serve a permitted shoreline use.
- 2. Parking facilities should be located and designed to minimize adverse impacts including those related to stormwater runoff, water quality, visual qualities, public access, and vegetation and habitat maintenance.
- 3. Parking should be planned to achieve optimum use. Where possible, parking should serve more than one use (e.g., serving recreational use on weekends, public facility uses on weekdays).

5.8.3 Regulations

- A. Parking facilities in shorelines are not a preferred use and shall be allowed only as necessary to support an authorized use.
- B. Parking facilities shall provide adequate provisions to control surface water runoff from contaminating water bodies.
- C. Parking facilities shall be in areas where they will have the least possible effect on the unique and fragile shoreline features. Development proposals for parking facilities shall be designed to have no net loss of ecological function of the shoreline area.
- D. Parking facilities must be set back a minimum of one hundred and fifty (150) feet from the ordinary high water mark unless they are small accessory facilities of not more than 3,000 square feet located on public rights-of-way or city-owned land are supporting public recreational uses and are not impervious.

5.9 Public Access

5.9.1 Applicability

Shoreline public access is the physical ability of the general public to reach and touch the water's edge and/or the ability to have a view of the water and the shoreline from upland locations. Public access includes picnic areas, pathways, fishing areas, trails, promenades, bridges, street ends, viewpoints and others.

There are about 80 parcels in the Orting shoreline jurisdiction area. Some are totally within and some are partially within the shoreline area. Of this total, about 7% are city-owned, 27% are owned by other public agencies, and the remaining 66% are privately-owned. While the number of publicly-owned parcels is only 1/3 of the total, the river frontage of those parcels is very significant. Except for the site of the Orting wastewater treatment plant, and rights-of-way, all of the city-owned parcels are city parks and are zoned "Open Space and Recreation". The rest of the publicly-owned parcels are under the control of the Orting School District and Pierce County. Pierce County owns and manages the levees that exist along both rivers through Orting's jurisdiction.

Segment A - Puyallup River

The City of Orting owns two major sites and controls nearly a mile of the Puyallup River frontage near the north city limits. Village Green Wetlands Park is aptly named and is planned to largely be an open space/riparian habitat with a nominal amount of passive recreation use in the limited upland portion adjacent to the Village Green neighborhood.

Three Orting School District parcels are within the Puyallup River shoreline area. These amount to about ¾ mile of river frontage and contain a significant number of delineated wetlands. These portions of the shoreline will not be developed. The District and the City have secured a Conservation Futures grant funding for a "Central Park and Riverfront Habitat" project that will provide enhancements to the shoreline area in this vicinity.

Pierce County has ownership of most of the Puyallup River shoreline area on both sides of the River in the southern portion of the city (15 parcels). The County and U.S. Army Corps of Engineers have designed the Soldiers Home Setback Levee Project that will create more than a mile of restored riparian habitat. Except for this project, no development within the shoreline jurisdiction in this area is anticipated, given the ownership and environmental characteristics.

Segment B - Carbon River

More than a mile of Carbon River frontage north of the Orting Wastewater Treatment Plant has been dedicated as either private open space or city park land as part of a 2003 residential development permitting process. The wastewater treatment plant site within the shoreline jurisdiction is essentially developed. The Orting School District campus (high school and middle school) has Carbon River frontage that is used for sports activities. The District has no plans for development in this area. Pierce County owns four parcels on the Carbon.

Legal Framework for Public Access

An important goal of the Shoreline Management Act is to protect and enhance public access to the state's shorelines. Specifically, the SMA states:

RCW 90.58.020:

"[T]he public's opportunity to enjoy the physical and aesthetic qualities of natural shorelines of the state shall be preserved to the greatest extent feasible consistent with the overall best interest of the state and the people generally.

"Alterations of the natural conditions of the shorelines of the state, in those limited instances when authorized, shall be given priority for...development that will provide an opportunity for substantial numbers of people to enjoy the shorelines of the state."

Public access to and use of the shoreline is supported, in part, by the Public Trust Doctrine. The essence of the doctrine is that the waters of the state are a public resource owned by and available to all citizens equally for the purposes of navigation, conducting commerce, fishing, recreation and similar uses and that this trust is not invalidated by private ownership of the underlying land. The doctrine limits public and private use of shorelands to protect the public's right to use the waters of the state. The Public Trust Doctrine does not allow the public to trespass over privately owned uplands to access the tidelands. It does, however, protect public use of navigable water bodies below the ordinary high water mark.

Requiring public access on privately owned property as a condition of development has been the subject of considerable legal review. The Constitution of Washington State and the U.S. Constitution provide both the authority for conducting the activities necessary to carry out the Shoreline Management Act and significant limitations on that authority. While the SMA stresses the need for public access, the U.S. Constitution provides for protection of certain private property rights. Where public access is required as a permit condition, the courts have stated that there must be a rational connection between the project's impact on public access and the public access requirement.

5.9.2 Policies

1. Public access to the Orting shorelines does not include the right to enter upon or cross private property, except for dedicated public easements.

2. Public access provisions should be incorporated into all private and public developments, except for individual single family residences.
3. Development uses and activities on or near the shoreline should not impair or detract from the public's visual or physical access to the water.
4. Public access to the shoreline should be sensitive to the unique characteristics of the shoreline and should preserve the natural character and quality of the environment and adjacent critical areas.
5. Where appropriate, public access should be provided as close as possible to the water's edge without adversely affecting a sensitive environment.
6. Shoreline areas that hold unique value for public enjoyment should be purchased for public use, and public access areas should be of sufficient size to allow appropriate access, passage and enjoyment of the water.
7. Public access should be designed to provide for public safety and to minimize potential conflicts with private property and individual privacy. This may include providing a physical separation to reinforce the distinction between public and private space, achieved by providing adequate space, through screening with landscape planting or fences, or other means.
8. Public views of the shoreline should be enhanced and preserved. Enhancement of views should not be construed to mean excess removal of vegetation.
9. Public access facilities should be constructed of environmentally friendly materials and support healthy natural processes, whenever financially feasible and possible.
10. Public access facilities should be maintained to provide a clean and safe experience and protect the environment.

5.9.3 Regulations

- A. Public access required. Public access shall be required for all shoreline development and uses, except for a single family residence or residential projects containing three (3) or fewer dwelling units.
- B. A shoreline development or use that does not provide public access may be authorized provided it is demonstrated by the applicant and determined by the City that one or more of the following provisions apply.
 1. Unavoidable health or safety hazards to the public exist which cannot be prevented by any practical means;
 2. Inherent security requirements of the proposed development or use cannot be satisfied through the application of alternative design features or other solutions;

3. The **cost** of providing the access, easement, or an alternative amenity is unreasonably disproportionate to the total long-term cost of the proposed development.
4. Unacceptable environmental harm such as damage to fish spawning areas will result from the public access which cannot be mitigated; or
5. Significant undue and unavoidable conflict between the proposed access and adjacent uses would occur and cannot be mitigated.
6. Provided further, that the applicant has first demonstrated and the City of Orting has determined that all reasonable alternatives have been exhausted, including but not limited to:
 - a. Regulating access by such means as limiting hours of use to daylight hours.
 - b. Designing separation of uses and activities, with such means as fences, terracing, and providing access that is physically separated from the proposal, such as a nearby street end, an offsite viewpoint, or a trail system.

Where the above conditions cannot be met, a payment in lieu of providing public access shall be required in accordance with RCW 82.02.020 (relating to fees associated with development).

- C. Developments, uses, and activities shall be designed and operated to avoid blocking, reducing, or adversely interfering with the public's visual or physical access to the water and the shorelines. In providing visual access to the shoreline, the natural vegetation shall not be excessively removed either by clearing or by tree topping.
- D. Public access sites shall be connected directly to the nearest public street.
- E. Public access sites shall be made barrier free for the physically disabled where feasible.
- F. Required public access sites shall be fully developed and available for public use at the time of occupancy or use of the development or activity.
- G. Public access easements and permit conditions shall be recorded on the deed where applicable or on the face of a plat or short plat as a condition running in perpetuity with the land. Said recording with the Auditor's office shall occur at the time of permit approval (RCW 58.17.110; relating to subdivision approval or disapproval).
- H. The standard state approved logo and other approved signs that indicate the public's right of access and hour of access shall be constructed, installed, and maintained by the applicant in conspicuous locations at public access sites. In accordance with Public Access regulation #B in this section, signs controlling or restricting public access may be approved as a condition of permit approval.

- I. Future actions by the applicant or other parties shall not diminish the usefulness or value of the public access site.
- J. Physical public access shall be designed to prevent significant impacts to sensitive natural systems.
- K. Whenever financially feasible and practical, the City shall require the use of environmentally friendly materials and technology in such things as building materials, paved surfaces, porous pavement, etc., when developing public access to the shoreline.
- L. Where public access trails are to be provided the trail shall be no wider than 8, plus one foot gravel shoulders, for a maximum width of 10 feet. Trails shall be located to avoid and minimize environmental impacts. Trails shall be made of pervious surfaces to the extent reasonably feasible.

5.10 Signage

5.10.1 Applicability

A sign is defined as a device of any material, including structural component parts, which is used or intended to be used to attract attention to the subject matter for advertising, identification or informative purposes. The following provisions apply to any commercial or advertising sign directing attention to a business, professional service, community, site, facility, or entertainment, conducted or sold either on or off premises.

5.10.2 Policies

- 1. Signs should be designed and placed so that they are compatible with the aesthetic quality of the existing shoreline and adjacent land and water uses.
- 2. Signs should not visually block views of the water or shorelines.
- 3. The design of signs should not reduce vehicle safety or visual aesthetics from adjacent property.
- 4. Signs should be of a permanent nature and physically attached to the building.
- 5. Outdoor advertising and billboards should not be considered an appropriate use within the shoreline jurisdiction.

5.10.3 Regulations

- A. All signs shall be located and designed to minimize interference with views of the shoreline.
- B. The following signs are allowed:
 - 1. Highway signs necessary for operation, safety and direction.
 - 2. Public information signs directly relating to a shoreline use or activity.

3. Off-premise, free standing signs for community identification, information, or directional purposes.
- C. The following signs are prohibited:
1. Signage in view corridors which impair visual access.
 2. Billboards.
 3. Signs placed on trees or other natural features.
 4. Commercial signs for products, services or facilities located off-site.
- D. All signs shall comply with the City's sign ordinance.

5.11 Vegetation Conservation

5.11.1 Applicability

Vegetation within and adjacent to water bodies provides a valuable function for the health of riparian ecosystems. Vegetation conservation includes activities to protect and restore vegetation along or near shorelines that contribute to the ecological functions of shoreline areas. Vegetation conservation provisions include the prevention or restriction of plant clearing and earth grading, vegetation restoration, and the control of invasive weeds and nonnative species.

Best available science indicates that the length, width, and species composition of a shoreline vegetation community contribute substantively to the aquatic ecological functions. Likewise, the biota within the aquatic environment is essential to ecological functions of the adjacent upland vegetation. The ability of vegetated areas to provide critical ecological functions diminishes as the length and width of the vegetated area along shorelines is reduced. When shoreline vegetation is removed, the narrower the area of remaining vegetation, the greater the risk that the functions will not be performed.

The technology of bioengineering uses live plant materials as a main structural component. As these plant materials grow, these systems work with the natural environment to create the permanent protection and preservation of land. The advantage of soil bioengineering is often found where conventional stabilization and erosion control methods are limited in benefits, uneconomical, unsuitable or ineffective. Vegetation also mitigates seasonal temperature swings of waters, provides habitat for wildlife, and contributes to the aesthetic quality of the area. This system should be considered when evaluating any shoreline modification activity.

5.11.2 Policies

1. Native plant communities within and bordering shorelines, wetlands, creeks, and side channels should be protected and maintained to protect the ecological functions of the shoreline environment.
2. Shoreline restoration projects should, wherever feasible, use soil bioengineering techniques to minimize the processes of erosion, sedimentation, and flooding.

3. Aquatic weed management should involve usage of native plant materials **wherever** possible in soil bioengineering applications and habitat restoration activities. Where removal of aquatic vegetation is necessary, it should be done only to the extent necessary to allow water-dependent activities to continue. Removal or modification of aquatic vegetation should prevent adverse impacts to native plant communities and salmonid habitat. Weed management and removal should include appropriate handling or disposal of weeds and weed seedlings.
4. The design and usage of native vegetation for prevention and control of shoreline erosion should be encouraged where:
 - a. The length and configuration of the shoreline will accommodate the proposed design;
 - b. Such protection is a reasonable solution to the needs of the specific site; and
 - c. Shoreline restoration will accomplish the following objectives:
 - i. Recreate natural shoreline conditions and habitat;
 - ii. Reverse otherwise erosional conditions; and
 - iii. Enhance access to the shore, especially to public shores.
5. The following best management practices should be incorporated into vegetation management activities:
 - a. Avoid use of herbicides, fertilizers, insecticides, and fungicides near water bodies within the City.
 - b. Limit the amount of lawn and garden watering to reduce surface runoff.
 - c. Dispose of grass clippings, leaves, or twigs properly; do not sweep these materials into the street, into a body of water, or near a storm drain.

5.11.3 Regulations

- A. Shorelines shall be protected from degradation caused by the modifications of the land surface within the shoreline area and/or the adjacent uplands.
- B. Restoration of any shoreline or streambank that has been disturbed or degraded shall use noninvasive plant materials with a diversity and type similar to that which most recently occurred on-site.
- C. Stabilization of exposed erosion-prone surfaces along shorelines of rivers, streams, side channels, and wetlands shall, wherever feasible, utilize soil bioengineering techniques.

- D. Aquatic vegetation control shall only occur when native plant communities and associated habitats are threatened or where an existing water dependent use is restricted by the presence of weeds. Aquatic vegetation control shall occur in compliance with applicable state and federal regulations.
- E. A shoreline substantial development permit is required for the control of aquatic vegetation by any method that disturbs the river bottom sediment.
- F. The application of herbicides or pesticides in rivers, streams, wetlands, or ditches requires a permit from the Washington State Department of Ecology and may require preparation of a SEPA checklist for review by the City and other state agencies.
- G. Trimming of trees and vegetation is allowed within shoreline setback areas without a landscape plan, provided:
- This provision is not interpreted to allow clearing of vegetation,
 - Trimming does not include topping, stripping or imbalances; a minimum of 60% of the original crown shall be retained to maintain tree health,
 - Trimming does not impact the ecological functions and values of the shoreline area, including fish and wildlife habitat,
 - Trimming is not located within a wetland or wetland buffer.
- H. The removal of noxious weeds is allowed. Prior to any weed removal, the applicant must obtain authorization from the City for noxious weed removal activities within the shoreline jurisdiction.
- I. The required shoreline setback shall be treated as a riparian buffer of undisturbed native vegetation for the protection of shoreline functions. The riparian buffer shall extend 150 feet landward from the OHWM, EXCEPT
- J. Developments associated with a water-dependent uses and public access are not required to meet the 150 foot setback. However, where such development can be approved within the 150 foot setback, the placement of structures, storage, and hard surfaces shall be limited to the minimum necessary for the successful operation of the use. In no case shall parking facilities be allowed within the 150 foot setback, unless they are small facilities of not more than 3,000 square feet in area, are not impervious surfaces, and are accessory to public recreational uses.
- K. The limited clearing and grading allowed per Section 5.04.03, Regulation No. C.

5.12 Water Quality, Stormwater, and Nonpoint Pollution

5.12.1 Applicability

The following section applies to all new development and uses within shorelines of the state, as defined in WAC 173-26-020, that affect water quality.

5.12.2 Policies

1. The City should prevent impacts to water quality and stormwater quantity that would result in a net loss of shoreline functions, or a significant impact to aesthetic qualities, or recreational opportunities.
2. The City of Orting should ensure that there is mutual consistency between shoreline management provisions and other regulations that address water quality and storm water quantity, including public health, storm water, and water discharge standards. The regulations that are most protective of ecological functions should apply.

5.12.3 Regulations

- A. All new development proposals shall comply with the *Stormwater Management Manual for Western Washington, Volumes I-V (Ecology Publication Nos. 05-10-029 through 033)* and other City regulations that address water quality and storm water quantity, including public health, storm water, and water discharge standards.
- B. The City shall encourage restoration of natural floodplain functions that will have multiple benefits: reduction of flood damage to life and property and improvement to water quality and fish and wildlife habitat.

(This page is intentionally left blank)

SHORELINE USE POLICIES & REGULATIONS

6.1 Introduction

Shoreline Use provisions are more detailed than the preceding General Shoreline Policies and Regulations. The Shoreline Use policies and regulations apply to *specific* shoreline use categories and provide a greater level of detail in addressing shoreline uses and their impacts. Use policies establish the shoreline management principles that apply to each use category and serve as a bridge between the various elements in the Shoreline Master Program goals (e.g., Circulation, Economic Development, Public Access, etc.) and the use regulations that follow. Use regulations set physical development and management standards for development of that type of use. Shoreline Use categories include:

- Commercial Development
- Forest Practices
- Industrial Development
- Mining
- Recreational Development
- Residential Development
- Transportation Facilities
- Utilities

Development standards, specifically minimum setback requirements, are identified under each specific shoreline use, as appropriate.

6.1.1 Regulations

The following activities are specifically prohibited uses within the shoreline jurisdiction in the City of Orting:

- Agriculture
- Aquaculture
- Boating facilities
- Commercial development
- Forest practices
- Industry
- Mining
- Piers and docks

6.2 Commercial Development

6.2.1 Applicability

Commercial development means those uses that are involved in wholesale, retail, service and business trade. Examples include hotels, commercial horticultural nurseries, commercial kennels, shops, offices, and restaurants.

6.2.2 Regulations

- A. Commercial development is a prohibited use activity within the City's shoreline jurisdiction.

6.3 Forest Practices

6.3.1 Applicability

Forest Practices are uses and activities relating to the growing, harvesting and limited processing of timber. This includes, but is not limited to, (1) site preparation and regeneration; (2) protection from insects, fire and disease; (3) silviculture practices such as thinning, fertilization and release from competing vegetation; and (4) harvesting. Forest practices do not include log storage (see section 6.07, *Industrial Development*). Timber cutting, alone, is not a development subject to a substantial development permit, however, this activity is subject to review under Chapter 222, Section 16 WAC, Forest Practices Act Exemptions. Road building or grading for landings or major fire trails associated with timber removal are defined as developments and may require substantial development permits (see section 6.11, *Transportation Facilities*).

The policies and regulations pertaining to these activities are not applicable to the City of Orting. There are no known timber-harvesting related operations within the shoreline jurisdiction. Any timber-removal activities occurring within the shoreline jurisdiction must comply with state regulations. If such activities are established in the future, regulations will be established by amendment to this program.

6.3.2 Regulations

- A. Forest Practices are a prohibited use activity within the Orting shoreline jurisdiction.

6.4 Industrial Development

6.4.1 Applicability

Industrial developments are facilities for processing, manufacturing and storage of finished or semi-finished goods and food stuffs.

6.4.2 Regulations

- A. Industrial development is a prohibited use activity within the Orting shoreline jurisdiction.

6.5 Mining

6.5.1 Applicability

Mining is the removal of naturally occurring materials from the earth for beneficial uses. Bar removal for flood hazard reduction is not defined as mining.

6.5.2 Regulations

- A. Mining activities are a prohibited use within the Orting shoreline jurisdiction.

6.6 Recreational Development

6.6.1 Applicability

Recreational development includes passive recreational activities, such as hiking, viewing and fishing. It also includes facilities for active uses, such as parks, campgrounds, and other outdoor recreation areas. This section applies to both public and private shoreline recreational facilities. Recreational development in the Urban Conservancy shoreline environment should be for water-dependent and water-related recreational uses.

6.6.2 Policies

1. The coordination of local, state, and federal recreation planning should be encouraged so as to mutually satisfy recreational needs. Shoreline recreational developments should be consistent with all adopted park, recreation, and open space plans.
2. The location and design of shoreline recreational developments should relate to local population characteristics, density and special activity demands. Acquisition priorities should consider these needs, demands, and special opportunities as well as public transit access and access for the physically impaired, where planned or available.
3. Recreational developments should be located, designed and operated to be compatible with, and minimize adverse impacts on, environmental quality and valuable natural features as well as on adjacent and surrounding land and water uses. Favorable consideration should be given to proposals which complement their environment and surrounding land and water uses, and which leave natural areas undisturbed and protected.
4. Shoreline areas with a potential for providing recreation or public access opportunities should be identified for this use and acquired by lease of purchase and incorporated into the City's parks, trails and open space plan.
5. The linkage of shoreline parks, recreation areas and public access points with nonmotorized linear systems, such as hiking paths, bicycle paths and easements should be encouraged through cooperative programs and policies. Planning of shoreline parks, public access points and linear systems should be coordinated with the City's nonmotorized transportation plan.
6. Recreational developments should be located and designed to preserve, enhance, or create scenic views and vistas.
7. The use of shoreline street ends and publicly owned lands for public access and development of recreational opportunities should be encouraged.
8. The use of off-road vehicles and other motorized recreational vehicles should be prohibited in all shoreline areas.
9. All recreational developments should make adequate provisions for:
 - a. Vehicular and pedestrian access, both on-site and off-site;
 - b. Proper water supply and solid and sewage waste disposal methods;

- c. Security and fire protection;
- d. The prevention of overflow and trespass onto adjacent properties, through, but not limited to, landscaping, fencing and posting of property; and
- e. Design of such development to avoid conflicts with adjacent private property or natural habitat areas.

6.6.3 Regulations

- A. Recreational development that is water dependent, water-related, and water enjoyment are permitted in the Urban Conservancy environment.
- B. Recreational development shall be designed to avoid conflict with private property rights, and to create the minimum objectionable impact to the adjoining property.
- C. Public access to the water's edge shall be provided with all new recreational development proposals submitted to the City.
- D. Accessory parking associated with public recreational uses shall be designed to have a minimum impact on the shoreline environment.
- E. For recreation development that requires the use of fertilizers, pesticides or other toxic chemicals, the applicant shall submit plans demonstrating the methods to be used to prevent these applications and resultant leachate from entering adjacent water bodies. The developer shall be required to leave a chemical free swath at least two hundred (200) feet in width landward of the ordinary high water mark and associated wetlands to achieve no net loss of ecological functions.
- F. Signs indicating the public's right of access to shoreline areas shall be installed and maintained in conspicuous locations at the point of access and the entrance and should conform to the sign regulations in this Shoreline Master Program.

6.7 Residential Development

6.7.1 Applicability

Residential development means one or more buildings, structures, lots, parcels, or portions thereof which are designed for and used or intended to be used to provide a place of abode for human beings as allowed uses according to Title 15 of the Orting Municipal Code. Single family residences are a priority use only when developed in a manner consistent with control of pollution and prevention of damage to the shoreline environment.

6.7.2 Permit Exemptions

Exemptions shall be construed narrowly. Only those developments that meet the precise terms of one or more of the listed exemptions may be granted exemption from the substantial development permit process.

An exemption from the substantial development permit process is not an exemption from compliance with the Shoreline Management Act or this Master Program, nor from any other regulatory requirements. To be authorized, all uses and developments must be consistent with the policies and provisions of the Orting SMP and the Shoreline Management Act. A

development or use that is listed as a conditional use pursuant to the Orting SMP or is an unlisted use, must obtain a conditional use permit even though the development or use does not require a substantial development permit. When a development or use is proposed that does not comply with the bulk, dimensional and performance standards of the SMP, such development or use can only be authorized by approval of a variance.

The burden of proof that a development or use is exempt from the permit process is on the applicant. If any part of a proposed development is not eligible for exemption, then a substantial development permit is required for the entire proposed development project. The Orting Shoreline Administrator may attach conditions to the approval of exempted developments and/or uses as necessary to assure consistency of the project with the act and the local master program.

Developments that are exempt from obtaining approval for a substantial development permit are listed in Washington Administrative Code (WAC) 173-27-040.

6.7.3 Policies

1. Residential development shall should be permitted only where there are adequate provisions for utilities, circulation, and access.
2. Residential development should be prohibited in environmentally sensitive areas including, but not limited to wetlands, floodways, etc.
3. The overall density of development, lot coverage and height of structures should be appropriate to the physical capabilities of the site.
4. Recognizing the single purpose, irreversible, and space consumptive nature of shoreline residential development, new development should provide adequate setbacks and natural buffers from the water and ample open space among structures to provide space for outdoor recreation, protect natural features, preserve views, and minimize use conflicts.
5. Best available science should be used for protection of ground water supplies, erosion control, drainage systems, aquatic and wildlife habitat, preservation of geohydraulic processes, and open space.
6. Shoreline subdivisions and planned unit developments should be designed so as to preserve existing shoreline vegetation, control erosion, and protect water quality, shoreline aesthetic characteristics, views, and provide public access and use of the shoreline and water.
7. All short and long subdivision residential development should provide dedicated and improved public access to the shoreline in a manner which is appropriate to the site and the nature and size of the development.
8. To avoid takings issues, the City shall should within the shoreline jurisdiction.

9. New shoreline residential development and accessory uses shall should be prohibited over water, in wetlands, in floodways and in geologic hazardous areas where they would cause foreseeable risk to people or improvements from geological conditions during the life of the development.
10. New residential development should be encouraged to cluster dwelling units in order to preserve natural features, minimize physical impacts and reduce utility and road costs.
11. Structures or other developments accessory to residential uses should be designed and located to blend into the site as much as possible. Accessory use and structures should be located landward of the principal residence.
12. All residential buildings and associated structures shall should be arranged and designed so as to preserve views and vistas to and from shorelines and water bodies.

6.7.4 Regulations

- A. Residential development is a permitted use in the Urban Conservancy environment, subject to the regulations contained in this section.
- B. New (subdivided) residential development shall not be approved for which flood hazard management, shoreline protection measures or bulkheading will be required to create residential lots or site area. New residential development shall be located and designed to avoid the need for structural shore defense and flood protection works in the future.
- C. All residential development shall dedicate, improve, and provide maintenance provisions for pedestrian access to the shorelines for all residents of the development and the general public.
- D. All lots created for buildable purposes shall be platted so that they contain a buildable area when all setbacks restrictions are considered.
- E. Subdivisions of four (4) or more waterfront lots shall dedicate, improve, and provide maintenance provisions for a pedestrian easement that provides area sufficient to ensure usable access to and along the shoreline for all residents of the development and the general public. When required, public access easements shall be a minimum of fifteen (15) feet in width and shall comply with the public access standards contained in this Master Program (see *Chapter 5 section on Public Access*).
- F. New shoreline residential development and accessory uses shall be prohibited over water, in wetlands, in floodways, and in geologically hazardous areas where they would cause foreseeable risk from geological conditions to people or improvements during the life of the development.

6.7.5 Bulk Regulations for Development

- A. Lot Coverage - Not more than thirty percent (30%) of the gross lot area shall be covered by impervious material, including parking areas.

- B. **Setbacks** - Within the Urban Conservancy Environment the required setback for residential homes and associated structures from property lines abutting the ordinary high water mark shall be one hundred and fifty (150 feet). If the property line lies waterward of the ordinary high water mark, the residential building and associated structural setback shall be measured from the ordinary high water mark.
- C. **Height Limitations** - The maximum height above average grade level of any residential home shall be thirty-five (35) feet unless a variance from the provisions of the Shoreline Master Program and underlying zoning is obtained.

6.8 Transfer of Development Rights

6.8.1 Applicability

If a parcel or portion of a parcel lies within the required setback for buildings and structures from the ordinary high water mark in the Urban Conservancy environment, a property owner may transfer residential development rights from the required setback to another site or sites within the City of Orting. The transfer of development rights shall meet the following criteria:

1. **Transfer of Development Rights (TDR) Concept**

The idea of Transfer of Development Rights is based upon the legal concept of property law that the right to develop real estate is one of the "bundle of rights" included in fee simple ownership of land. Fee simple ownership of real estate allows the owner to sell, lease, or trade any one or all of the "bundle of rights" to his property which includes the right to use, lease, sell, or abandon the property or any of its components of ownership not retained by a previous owner such as mineral, oil, gas, air, and/or development rights. These rights of ownership are subject to the limitation and legislative powers of the local government.
2. **Development Rights**

A development right is a simple extension of the rights normally associated with land ownership. When legally established a development right has value separate from the land itself. It can be subject to reasonable regulation by local government under the police power. The development right can be transferred by the owner, by means of gift or sale, to another property. The land owner may sell the development rights and still retain the title to the land and the right to use the surface of the land on a limited basis.
3. **Planning Commission**

The Planning Commission shall consider the request for TDR at the public hearing for the land use proposal for the receiving parcel.
4. **Deed Restrictions**

To ensure that the sending parcel is adequately protected, a restriction shall be placed on the deed which expressly prohibits all regulated activities within the required setback. This restriction shall be required regardless of the number of dwelling units for which the development rights are transferred. A memorandum of agreement (MOA) between the applicant and the City shall be recorded with the City Clerk. The MOA shall refer to all deed restrictions related to the property.

5. **Calculation of Rights to be Transferred**

TDR shall not exceed the number of dwelling units which would be allowed on the sending parcel according to the zoning designation of the sending parcel, if there were no development restrictions tied to the area contained within the required setback. The number of dwelling units from the sending parcel shall be calculated by the method established in the City's zoning ordinance under Transfer of Development Rights.

6. **Incentive**

The increased number of dwelling units on the receiving parcel shall not be more than twenty-five percent (25%) above the number of dwelling units allowed according to the zoning designation on the receiving parcel(s). This number of dwelling units allowed on the receiving parcel according to the zoning classification shall be calculated by the method established in the City's zoning ordinance under Transfer of Development Rights.

7. **Multiple Receiving Sites**

TDR may go to more than one receiving parcel; however, this shall not increase the total number of transferred dwelling units which are allowed.

8. **Receiving Site Design**

TDR shall be allowed only if the land use proposal on the receiving parcel(s) is designed in such a way that the increased density:

- a. Is consistent with any land use plan associated with the receiving parcel and with goals, purposes, and intents of the zoning designation of the receiving parcel; and,
- b. Is compatible with the existing and likely future developments in the vicinity; and,
- c. Adequately addresses infrastructure, natural and other constraints, and does not result in significant environmental impacts, especially in the shoreline environment.

9. **Minimum Lot Size**

Minimum lot size on the receiving parcel must be adjusted based on the method established in the City's zoning ordinance under Transfer of Development Rights.

10. **Final Approval**

TDR shall not be approved until final plat approval or other final approval for the receiving parcel is granted by the City Council.

6.9 Transportation Facilities

6.9.1 Applicability

Transportation facilities are those structures and developments that aid in land and water surface movement of people, goods, and services. They include roads and highways, bridges, bikeways, trails, and other related facilities.

6.9.2 Policies

1. New roads, railroads and bridges in the Urban Conservancy environment should be minimized and allowed only when related to and necessary for the support of permitted shoreline activities. New roads and bridges in the Urban Conservancy environment are prohibited, except when related to and necessary for the support of permitted shoreline activities. Major new highways should be located out of shoreline jurisdiction.
2. New roads should be planned to fit the topographical characteristics of the shoreline such that minimum alteration of natural conditions results. New transportation facilities should be located and designed to minimize the need for shoreline protection measures and minimize the need to modify natural drainage systems. The number of waterway crossings should be limited to the minimum number possible.
3. Trail and bicycle paths should be encouraged along the Puyallup and Carbon River in places where they are compatible with the natural character resources and ecology of the shoreline, such as in areas where there is a potential for a nonmotorized transportation linkage to existing public access area.
4. Joint use of transportation corridors within shoreline jurisdiction for roads, utilities and motorized forms of transportation should be encouraged.
5. Abandoned or unused road or railroad rights-of-way which offer opportunities for public access to the water should be acquired and/or retained for such use.

6.9.3 Regulations

- A. New roads and bridges in the Urban Conservancy environment are prohibited, except when related to and necessary for the support of permitted shoreline activities.
- B. New transportation facilities and services shall utilize existing transportation corridors whenever possible, provided that facility additions and modifications will not adversely impact shoreline resources and are otherwise consistent with this program. If expansion of the existing corridor will result in significant adverse impacts, then a less disruptive alternative shall be utilized.
- C. New transportation and primary utility facilities shall make joint use of rights-of-way and should consolidate river crossings when technically, economically, and environmentally feasible.
- D. Developers of roads must be able to demonstrate the following to the appropriate reviewing authority:
 1. The need for a shoreline location and that no reasonable upland alternative exists.
 2. The construction is designed to protect the adjacent shorelands against erosion, uncontrolled or polluting drainage, and other factors detrimental to the environment both during and after construction.

3. That the project will be planned to fit the existing topography as much as possible, thus minimizing alterations to the natural environment.
 4. That all debris and other waste materials from construction will be disposed of in such a way as to prevent their entry into any water body.
 5. That proposed bridges will be built high enough to allow the passage of debris and anticipated high water flows.
 6. That when new roads will afford scenic vistas, viewpoint areas will be provided. Scenic corridors shall have sufficient provision for safe pedestrian and nonmotorized vehicular travel.
 7. That the proposal complies with the City's Comprehensive Plan.
- E. New road designs must provide appropriate pedestrian and nonmotorized vehicular crossings where public access to shorelines is intended.
- F. Where roads or non-motorized facilities cross streams or rivers, pedestrian and nonmotorized linear access along rivers will be provided except where precluded by safety factors.
- G. New roads shall not be located so as to require large portions of streams to be routed into and through culverts.
- H. Fills for transportation facility development are prohibited in water bodies and wetlands, except when all structural and upland alternatives have proven economically infeasible and the transportation facilities are necessary to support uses consistent with this Master Program. Pile or pier supports shall be the preferred choice whereas the placement of fill would be the last resort option. Land fills in wetlands for transportation purposes are subject to 7.03.03(1).

6.10 Utilities

6.10.1 Applicability

Utilities are services and facilities that produce, transmit, store, process, or dispose of electric power, gas, water, sewage, communications, and the like.

6.10.2 Policies

1. Utilities should utilize existing transportation and utility sites, rights-of-way and corridors whenever possible, rather than creating new corridors. Joint use of rights-of-way and corridors should be encouraged.
2. Utilities should be prohibited in wetlands, critical wildlife areas or other unique and fragile areas unless no feasible alternatives exist.
3. New utility facilities should be located so as not to require shoreline protection works.
4. Utility facilities and corridors should be located so as to protect scenic views. When possible, new utilities should be placed underground or alongside or under bridges.

5. Utility facilities and rights-of-way should be designed to preserve the natural landscape and to minimize conflicts with present and planned land uses.
6. New solid waste disposal activities and facilities should be prohibited in shoreline areas.

6.10.3 Regulations

- A. New solid waste disposal sites and facilities are prohibited.
- B. All underwater pipelines transporting liquids intrinsically harmful to aquatic life or potentially injurious to water quality are prohibited, unless no other alternative exists. In those instances where no other alternative exists, the use can be permitted as a conditional use. Automatic shut-off valves shall be provided on both sides of the river or associated water body.
- C. The following utility facilities, which are not essentially water-dependent, can be permitted as a conditional use if it can be shown that no reasonable alternative exists:
 1. Water system treatment plants;
 2. Sewage system line, interceptors, and pump stations;
 3. Electrical energy generating plants, substations, lines, and cables;
 4. Petroleum and gas pipelines
- D. The design, construction, and operation of permitted utilities shall minimize, insofar as practical, interference with the public's use of the water.
- E. Utility lines shall not be placed in such a way that they would cause obstruction to the public's views of the Puyallup and Carbon River shoreline.
- F. Utility development shall, through coordination with local government agencies, provide for compatible, multiple use of sites and rights-of-way.
- G. Utility development shall include public access to the shoreline, trail systems, and other forms of recreation, providing such uses will not unduly interfere with utility operations, endanger the public health, safety and welfare, or create a significant and disproportionate liability for the owner.
- H. Construction of utilities in water, underwater or in adjacent wetlands shall be designed to avoid habitat impacts to the maximum extent feasible, including being timed to avoid fish and wildlife migratory and spawning periods. Utilities shall not be located such that they would substantially interfere with critical species migration.
- I. Repair and maintenance of an existing legal use shall be allowed, provided that such actions do not cause significant ecological impacts or increase flood hazards to other uses.

- J. New utility lines including electricity, communications, and fuel lines shall be located underground, and existing above ground lines shall be moved underground during normal replacement processes, except:
1. Where the presence of bedrock or other obstructions make such placement infeasible; or
 2. Where the line or pipe is in a geologic hazard area, in which case it shall be located above ground and properly anchored and/or designed so that it will continue to function in the event of an underlying slide.
- K. When utilities are installed underground, installation shall be accomplished by boring beneath the scour depth and hyporheic zone of the channel, where feasible.
- L. Transmission and distribution facilities shall cross areas of shoreline jurisdiction by the shortest most direct route feasible, unless such route would cause significant environmental damage.
- M. Utility facilities requiring withdrawal of water from a river or stream shall be located only where minimum flows as established by the Washington State Department of Fisheries can be maintained.
- N. Utility developments shall be located and designed to avoid the usage of structural or artificial shoreline modifications.
- O. Water lines shall be completely buried under the river bed in all river crossings except where such lines may be affixed to a bridge structure.
- P. Applications for the installation of utility facilities shall include the following:
1. Description of the proposed facilities;
 2. Reasons why the utility facility requires a shoreline location;
 3. Alternative locations considered and reasons for their elimination;
 4. Location of other utility facilities in the vicinity of the proposed project and any plans to include the other types of utilities in the project;
 5. Plans for reclamation of areas disturbed both during construction and following decommissioning and/or completion of the useful life of the utility;
 6. Plans for control of erosion and turbidity during construction and operation; and
 7. Identification of any possibility for locating the proposed facility at another existing utility facility site or within an existing utility right-of-way.
- Q. Stormwater conveyance facilities.
- Stormwater conveyance may only be permitted in shoreline setback areas or critical areas or their buffers subject to the following:

1. When no other feasible alternative with less impact exists;
2. Mitigation for impacts is provided; and
3. Vegetation is maintained and enhanced along open channels to retard erosion, filter sediments and pollution, and shade the water.

Point discharges from surface water facilities and roof drains shall be:

1. Conveyed via continuous storm pipe downslope to a point where there are no erosion hazards areas downstream from the discharge; or
 2. Discharged at flow durations matching pre-development conditions, with adequate energy dissipation, into existing channels that previously conveyed stormwater runoff in the pre-developed state;
- R. Repair and maintenance of an existing legal use shall be allowed, provided that such actions do not cause significant ecological impacts or increase flood hazards to other uses.
- S. New utility developments shall be designed, constructed and installed to create no net loss to the ecological functions of the Orting shoreline areas.

(This page is intentionally left blank)

SHORELINE MODIFICATION POLICIES & REGULATIONS

7.1 Introduction

Shoreline modification activities are those actions that modify the physical configuration or qualities of the shoreline area. Shoreline modification activities usually are undertaken in support of, or in preparation for, a shoreline use. A single use may require several different shoreline modification activities.

Shoreline modification activity policies and regulations are intended to prevent, reduce, and mitigate the negative environmental impacts of proposed shoreline modifications consistent with the goals of the Shoreline Management Act. A proposed development must meet all of the regulations for both applicable uses and activities as well as the general and environment designation regulations.

7.2 Dredging

7.2.1 Applicability

Dredging is the removal or displacement of earth or sediments such as gravel, sand, mud, or silt and/or other materials or debris from any stream, river or lake and associated shorelines and wetlands. Dredging is normally done for specific purposes or uses such as for constructing and maintaining canals, installing pipelines or cable crossings, or for levee or drainage system repair and maintenance. Dredging may also be used for gravel bar removal for the purposes of flood hazard management, and to mine for aggregates such as sand and gravel.

Dredge material disposal is the depositing of dredged materials on land or into water bodies for the purpose of either creating new or additional lands for other uses or disposing of the by-products of dredging.

7.2.2 Policies

1. Dredging waterward of the ordinary high water mark for the primary purpose of obtaining fill material should not be allowed, except when the material is necessary for the restoration of ecological functions.
2. Dredging and dredge material disposal should be located and conducted in a manner that minimizes damage to existing ecological values and natural resources of the area to be dredged and of the disposal site.
3. Dredging operations should be planned and conducted to minimize adverse impacts to other shoreline uses, properties and values.
4. Dredge material disposal in water bodies should be discouraged, except for habitat improvement or where depositing dredge material on land would be more detrimental to shoreline resources than deposition in water areas.
5. Dredging and dredge material disposal operations should be periodically reviewed for consistency with the Shoreline Master Program.

6. New development siting and design should avoid the need for new and maintenance dredging.

7.2.3 Regulations

- A. Dredging for the primary purpose of obtaining fill or construction material is prohibited.
- B. Dredging waterward of the ordinary high water mark for the primary purpose of obtaining fill material shall not be allowed, except when the material is necessary for the restoration of ecological functions. When allowed, the site where the fill is to be placed must be located waterward of the ordinary high water mark. The project must be either associated with a MTCA or CERCLA habitat restoration project or, if approved through a shoreline conditional use permit, any other significant habitat enhancement project.
- C. Dredging and dredge material disposal shall be done in a manner which avoids or minimizes significant ecological impacts and impacts which cannot be avoided should be mitigated in a manner that assures no net loss of ecological functions.
- D. Disposal of dredge material on shorelands or wetlands within a river's channel migration zones shall be discouraged.
- E. Dredging for the purpose of establishing, expanding, or relocating or reconfiguring water channels and basins should be allowed where necessary and then only when significant ecological impacts are minimized and when mitigation is provided.
- F. Maintenance dredging should be restricted to maintaining previously dredged and/or existing authorized location, depth, and width.
- G. Removal of gravel from the high water flow channel bed for flood hazard management purposes shall be subject to a conditional use permit. Sand and gravel shall not be removed for the sole purpose of obtaining the materials.
- H. Dredging material which will not cause violation of State Water Quality Standards may be used in permitted fill projects.
- I. Proposals for dredging and dredge disposal shall include all feasible mitigating measures to protect marine habitats and to minimize adverse impacts.
- J. Upland disposal sites shall be selected by criteria which include the effect on wildlife habitat.
- K. Dredging and dredge disposal shall be carefully scheduled to protect biological productivity and to minimize interference with fishing activities.
- L. Dredging and dredge disposal shall not occur in wetlands, except as authorized by a conditional use permit, and provided the wetland does not serve any of the valuable functions of wetlands identified in Section 5.07 (*Critical Areas*) of this Master Program.

- M. Dredging is a conditional use in the Urban Conservancy shoreline environment.
- N. The City shall require that the removal of gravel for flood management purposes be consistent with an adopted flood hazard reduction plan and with this chapter and allowed only after a biological and geomorphological study shows that extraction has a long-term benefit to flood hazard reduction, does not result in a net loss of ecological functions, and is part of a comprehensive management solution.
- O. New development siting and design shall avoid the need for new and maintenance dredging.

7.3 Fill

7.3.1 Applicability

Fill is the addition of soil, sand, rock, gravel, sediment, earth retaining structure, or other material (excluding solid waste) to an area waterward of the ordinary high water mark in wetlands, or on shorelands in a manner that raises the elevation of the area or creates dry land. Any fill activity conducted within shoreline jurisdiction must comply with the following provisions.

7.3.2 Policies

1. Fill (in a river or wetland) should be prohibited and only allowed when necessary to support the design and construction of a shoreline restoration or environmental enhancement project that is beneficial to the Puyallup and/or Carbon Rivers.

7.3.3 Regulations

1. Fill (in a river or wetland) shall be permitted as a conditional use only if the following would apply:
 - a. In conjunction with the construction and installation of bridges or utilities for which there is a demonstrated public need and where no feasible upland sites, routes or design solutions exist;
 - b. As part of approved shoreline flood hazard management such as levees, dikes, or revetments, an environmental restoration or enhancement project, such as a fisheries or habitat enhancement project; or
 - c. In conjunction with an approved road development provided that pile supports are proven structurally infeasible; pile supports shall be utilized in preference to fills. (2013 Amendment)
2. Speculative, sanitary and solid waste landfills are prohibited.
3. Mitigation for wetland impacts must be implemented pursuant to wetland policies and regulations contained in section 507.A of this Shoreline Master Program.
4. If the project proposal is permitted as a conditional use, then the land use application shall include the following information:
 - a. Proposed use of the fill area;
 - b. Physical, chemical and biological characteristics of the fill material

- c. Source of fill material
 - d. Method of placement and compaction
 - e. Location of fill relative to natural and/or existing drainage patterns
 - f. Location of the fill perimeter relative to the floodway
 - g. Perimeter erosion control or stabilization means
 - h. Type of surfacing and runoff control devices, and
 - i. Location of wetlands or other critical areas
5. Fill materials shall be clean sand, gravel, soil, rock or similar material. Use of polluted soils is prohibited. The developer shall provide evidence that the material has been obtained from a clean source prior to fill placement.

7.4 In-Stream Structures

7.4.1 Applicability

In-stream structures are defined as a structure that is waterward of the ordinary high water mark and either causes or has the potential to cause water impoundment or the diversion, obstruction, or modification of water flow.

7.4.2 Policies

- 1. In-stream structures should provide for the protection and preservation, of ecosystem-wide processes, ecological functions, and cultural resources, including, but not limited to, fish and fish passage, wildlife and water resources, shoreline critical areas, hydrogeological processes, and natural scenic vistas.

7.4.3 Regulations

- A. New in-stream structures shall provide for the protection and preservation, of ecosystem-wide processes, ecological functions, and cultural resources, including, but not limited to, fish and fish passage, wildlife and water resources, shoreline critical areas, hydrogeological processes, and natural scenicvistas.
- B. In reviewing new applications for in-stream structures, the Orting Shoreline Administrator shall consider the following:
 - 1. Watershed functions and processes, and
 - 2. Environmental concerns, with special emphasis on protecting and restoring priority habitats and species.

7.5 Shoreline Stabilization

7.5.1 Applicability

Shoreline stabilization and flood protection are actions taken primarily to address erosion impacts to upland property and improvements caused or associated with current, flood, wakeor wave action. These actions include structural and nonstructural methods including, but not

limited to: riprap, bulkheads, levees, and bioengineering/vegetative management methods. "Hard" structural stabilization measures refer to those with solid, hard surfaces, such as concrete bulkheads, while "soft" structural measures rely on softer materials, such as biotechnical vegetation measures or beach enhancement. Generally, the harder the construction measure, the greater the impact on shoreline processes, including sediment transport, geomorphology, and biological functions. Structural shoreline stabilization also often results in vegetation removal and damage to near-shore habitat and shoreline corridors. (Note: additions to or increases in the size of existing shoreline stabilization measures shall be considered new structures. Normal repair and or maintenance of shoreline stabilization structures including patching, sealing, refinishing, replenishing of backfill materials, or replacement of no more than 20 percent of the structure shall not cause significant ecological impacts.)

7.5.2 Exemptions

The Shoreline Management Act exempts the operation and maintenance of any system of levees, ditches, drains, or other facilities existing on June 4, 1975, which were created, developed or utilized primarily as a part of an agricultural drainage or diking system from substantial development permits. Washington Administrative Code (WAC) 173-27-040 provides a list of all types of projects that are exempt from obtaining a shoreline substantial development permit.

7.5.3 Policies

1. Levees should be located, designed, constructed and maintained so that they will not cause significant damage to adjacent properties or valuable resources, and so that the physical integrity of the natural shore process is maintained.
2. Levees should be permitted only when the purpose or primary use being protected is consistent with this program and when they can be developed in a manner compatible with the multiple use of the floodway and associated resources, such as wildlife habitat, water quality, aesthetics, recreational resources and public access.
3. Subdivision of land shall be regulated to assure that the lots created will not require shoreline stabilization in order for reasonable development to occur.
4. Shoreline stabilization structures should be limited to the minimum size necessary.
5. Public access should be required as part of publicly financed shoreline erosion control measures.

7.5.4 Regulations

- A. Shoreline stabilization and flood protection works are prohibited in wetlands except as authorized in this SMP. They are also prohibited in salmonid spawning areas. (2013 Amendment)
- B. If permitted, all new shoreline modification activity shall be located and designed to prevent or minimize environmental impacts and the need for bank stabilization and flood protection measures. Shoreline modifications and flood protection measures shall result in no net loss of ecological functions associated with the shorelines.

- C. Use of car bodies, scrap building materials, scrap concrete and concrete block, asphalt from street work, or any discarded piles of equipment or appliances for the stabilization of shorelines shall be prohibited.
- D. Flood control levees shall be landward of the floodway, including any wetlands directly interrelated and interdependent with the Puyallup and Carbon Rivers, except as authorized in this SMP so long as they do not disrupt water flows and habitat connectivity. (2013 Amendment)
- E. Shoreline modification shall to the greatest extent possible, be planned, designed, and constructed to allow for channel migration. These developments shall not reduce the volume and storage capacity of the rivers and adjacent wetlands and/or flood plains and shall not result in a cumulative increase of the flood hazard.
- F. River and stream channel direction modification, and realignment are prohibited unless they are essential to uses that are consistent with this Master Program.
- G. New structural flood hazard reduction measures may be allowed in shoreline jurisdiction only when it can be demonstrated by a scientific and engineering analysis that they are necessary to protect existing development, that nonstructural measures are not feasible, that impacts ecological functions and priority species and habitats can be successfully mitigated so as to assure no net loss, and that appropriate vegetation conservation actions are undertaken consistent with WAC 173-26-221(5).
- H. Structural flood hazard reduction measures shall be consistent with the City's adopted flood hazard management plan approved by the Department of Ecology that evaluates cumulative impacts to the watershed system.
- I. The removal of gravel for flood management purposes shall be consistent with the City's adopted flood hazard management plan and with this Master Program and allowed only after a biological and geomorphological study shows that extraction has a long-term benefit to flood hazard reduction, does not result in a net loss of ecological functions, and is part of a comprehensive flood management solution. (2013 Amendment)

Bulkheads, Dikes, Levees and Revetments:

- J. Bulkheads shall be prohibited in the Orting shoreline jurisdiction.
- K. Dikes and levees and revetments shall only be authorized by conditional use permit and shall be consistent with all flood control management plans and regulations adopted by the City of Orting.
- L. New levees shall be limited in size to the minimum height required to protect adjacent lands consistent with FEMA certification.
- M. Dikes, levees and revetments shall be placed landward of the floodway, OHWM, or channel migration zone (whichever is further landward) except as current deflectors necessary for protection of bridges and roads, provided that flood hazard reduction projects may be authorized if it is determined that no other alternative to reduce flood hazards to existing development is feasible.

- N. If an armored revetment is proposed, the siting and design of revetments shall be performed using appropriate engineering principles, including the usage of guidelines from both the Natural Resources Conservation Service and the U.S. Army Corps of Engineers and the following design criteria shall be met:
1. The size and quantity of the material shall be limited to only that necessary to withstand the estimated energy intensity of the hydraulic system;
 2. Filter cloth must be used to aid drainage and help prevent settling;
 3. The toe reinforcement or protection must be adequate to prevent a collapse of the system from river scouring or wave action; and
 4. Fish habitat components, such as large boulders, logs, and stumps must be considered in the design subject to Hydraulic Project Approval by the Washington Department of Fish and Wildlife, NOAA Fisheries, U.S. Fish and Wildlife Service and the U.S. Army Corps of Engineers.
- O. All new projects shall include and provide improved access to public shorelines whenever possible.
- P. Proposals for dikes, levees and revetments shall contain geotechnical report prepared by a qualified professional and a detailed evaluation of potential losses to floodplain values. These reports shall address the following:
1. Justification for the need for stabilization
 2. Groundwater discharge
 3. Associated wetlands
 4. Water quality
 5. Erosion/sedimentation including estimates of rate of erosion and urgency (damage within 3 years)
 6. An evaluation of alternate solutions (including non-structural)
 7. Additional information to be submitted with proposals for dikes, levees and revetments shall include:
 - Purpose of the project;
 - Hydraulic characteristics of the river within at least one-half mile on each side of the proposed project;
 - Existing shoreline stabilization and flood protection devices within one-half mile on each side of the proposed project;
 - Construction material and methods;
 - Physical, geological, and/or soil characteristics of the area; and
 - Predicted impact upon area shore and hydraulic processes, adjacent properties, and shoreline and water use.

Upon project completion, all disturbed shoreline areas shall be restored to as near pre-project configuration as possible and replanted with appropriate vegetation. All losses in riparian vegetation or wildlife habitat shall be mitigated at a ratio of at least 1:1.25 (habitat lost to habitat replaced).

7.6 Shoreline Habitat and Natural Systems Enhancement Projects

7.6.1 Applicability

Shoreline habitat and natural systems enhancement projects include those activities proposed and conducted specifically for the purpose of establishing, restoring, or enhancing habitat for priority species in shorelines.

7.6.2 Policies

1. Shoreline modification projects such as modification of vegetation, removal of non-native or invasive plants, shoreline stabilization, dredging, and filling, should be allowed, provided that the primary purpose of such actions is clearly restoration of the natural character and ecological functions of the shoreline.

7.6.3 Regulations

- A. Shoreline modification projects such as modification of vegetation, removal of non-native or invasive plants, shoreline stabilization, dredging, and filling, shall be allowed, provided that the primary purpose of such actions is clearly restoration of the natural character and ecological functions of the shoreline.
- B. The City of Orting shall allow for projects that address legitimate restoration needs and priorities and facilitate implementation of the attached City of Orting Shoreline Restoration and Public Access Chapter (refer to Chapter 9 of this SMP).

ADMINISTRATION

8.1 General

Any person wishing to undertake a development within the Orting shoreline jurisdiction shall apply to the Orting Shoreline Administrator for a shoreline permit. Based on the provisions of this Master Program, the Administrator shall determine if a substantial development permit, a shoreline conditional use permit, and/or a shoreline variance is required.

All proposed uses and development occurring within the City's shoreline jurisdiction must conform to chapter 90.58 RCW, the Shoreline Management Act and this master program whether or not a permit is required.

1. Section 8.01.01 General Development Review Regulations:
2. No authorization to undertake use or development on shorelines shall be granted by the City unless upon review the use or development is determined to be consistent with the review criteria of WAC 173-27-140.
3. A substantial development permit shall be granted only when the development proposed is consistent with review criteria of WAC 173-27-150.
4. All exempt projects must obtain a letter of exemption for consistency with WAC 173-27-040.
5. Conditional use and variance permits, in addition to City approval, require review and approval by Ecology consistent with WAC 173-27-200.

8.2 Administrator

The City Administrator, or his/her official designee, is hereinafter known as the Administrator and is vested with:

1. Overall administrative responsibility for this Master Program;
2. Authority to approve, approve with conditions, or deny Shoreline Substantial Development Permits and permit revisions in accordance with the policies and provisions of this Master Program;
3. Authority to grant statements of exemption from Shoreline Substantial Development Permits; and,
4. Authority to determine compliance with RCW 43.21 C, State Environmental Policy Act.

1. Projects consistent with an environmental excellence program agreement (pursuant to RCW 90.58.045 and RCW 43.21K)

~~2. Energy facilities projects authorized through the Energy Facility Site Evaluation Council process (pursuant to RCW 80.50)~~

8.38.5 Exemptions from Substantial Development Permit Requirements

Exempt developments, which are outlined below, shall not require a Substantial Development Permit. However, an exempt development may require a conditional use permit, and/or variance from the Orting Shoreline Master Program provisions. All exempt projects must obtain a "Statement of Exemption" from the City of Orting's Administrator.

~~n exemption from the Substantial Development Permit requirement does not constitute an exemption from the policies and use regulations of the Shoreline Management Act, the provisions of this Master Program, or other applicable city, state, or federal permit requirements. Please refer to WAC 173-27-040(2) as amended for the State of Washington, for a complete listing of exemptions from substantial development requirements. When a proposal requires an exemption from the provisions of this SMP and is subject to federal permits such as U.S. Army Corps of Engineers' section 10 or section 404, the City shall provide letter of exemption to the state Department of Ecology.~~

Note: Exemptions are to be construed narrowly. Only those proposals that meet the precise terms of one or more of the listed exemptions may be granted exemptions from the permit process. If any part of the project is not exempt, then a Substantial Development Permit is required for the entire proposal. It is the burden of the applicant to show that it applies.

The following list outlines exemptions that shall not be considered substantial developments for the purpose of this Master Program:

1. Any development of which the total cost or fair market value, whichever is higher, does not exceed ~~\$5,718.00~~ \$7,047 (or as adjusted by the state OFM), if such development does not materially interfere with the normal public use of the water or shorelines of the state; For purposes of determining whether or not a permit is required,

the total cost or fair market value shall be based on the value of development that is occurring on shorelines of the state as defined in RCW 90.58.030 (2)(c). The total cost or fair market value of the development shall include the fair market value of any donated, contributed or found labor, equipment or materials;

2. Normal maintenance or repair of existing structure or developments, including damage by accident, fire, or elements. Replacement of a structure or development may be authorized as repair where such replacement is the common method of repair for the type of structure or development and the replacement structure or development is comparable to the original structure or development including but not limited to its size, shape, configuration, location and external appearance and the replacement does not cause substantial adverse effects to shoreline resources or environment;
3. Construction of the normal protective bulkhead common to single family residences. A normal protective bulkhead is not exempt if constructed for the purpose of creating dry land. When a vertical or near vertical wall is being constructed or reconstructed, not more than one (1) cubic yard of fill per one (1) foot of wall may be used as backfill. When an existing bulkhead is being repaired by construction of a vertical wall fronting the existing wall, it shall be constructed no further waterward of the existing bulkhead than is necessary for construction of new footings. When a bulkhead has deteriorated such that an ordinary high water mark has been established by the presence and action of water landward of the bulkhead then the replacement bulkhead must be located at or near the actual ordinary high water mark. Beach nourishment and bioengineered erosion control projects may be considered a normal protective bulkhead when any structural elements are consistent with the above requirements and when the project has been approved by the Department of Fish and Wildlife.
4. Emergency construction necessary to protect property from damage by the elements. Emergency construction does not include development of new permanent protective structures where none previously existed. Where new protective structures are deemed by the administrator to be the appropriate means to address the emergency situation, upon abatement of the emergency situation the new structure shall be removed or any permit which would have been required, absent an emergency, pursuant to chapter 90.58 RCW, these regulations, or the local master program, obtained. All emergency construction shall be consistent with the policies of chapter 90.58 RCW and the local master program. As a general matter, flooding or other seasonal events that can be anticipated and may occur but that are not imminent are not an emergency;
5. Construction by an owner, lessee, or contract purchaser of a single family residence for his own use or for the use of his family, which residence does not exceed a height of thirty-five feet (35) above average grade level and meets all requirements of the state agency or local government having jurisdiction thereof.
6. The marking of property lines or corners on state owned lands, when such marking does not significantly interfere with the normal public use of the surface water;
7. Operation and maintenance of any system of levees, ditches, drains, or other facilities existing on September 8, 1975, which were created, developed, or utilized primarily as part of an agricultural drainage or diking system.

- 9-8. Site exploration and investigation activities that are prerequisite to preparation of an application for development authorization under Orting's Master Program, if:
- i. The activity does not interfere with the normal public use of the surface waters;
 - ii. The activity will have no significant adverse impact on the environment including but not limited to fish, wildlife, fish or wildlife habitat, water quality, and aesthetic values;
 - iii. The activity does not involve the installation of any structure, and upon completion of the activity the vegetation and land configuration of the site are restored to conditions existing before the activity;
 - iv. A private entity seeking development authorization under this section first posts a performance bond or provides other evidence of financial responsibility to the local jurisdiction to ensure that the site is restored to preexisting conditions; and
 - v. The activity is not subject to the permit requirements of RCW 90.58.550;
- ~~10-9~~ The process of removing or controlling aquatic noxious weeds, as defined in RCW 17.26.020, through the use of an herbicide or other treatment methods applicable to weed control that are recommended by a final environmental impact statement published by the department of agriculture or the department of ecology jointly with other state agencies under chapter 43.21C RCW;
- ~~11-10~~ Watershed restoration projects as defined herein. The City of Orting shall review the projects for consistency with the shoreline master program in an expeditious manner and shall issue its decision along with any conditions within forty-five (45) calendar days of receiving all materials necessary to review the request for exemption from the applicant. No fee may be charged for accepting and processing requests for exemption for watershed restoration projects as used in this section.
- 12-14. A public or private project, the primary purpose of which is to improve fish or wildlife habitat or fish passage, when all of the following apply:
- i. The project has been approved in writing by the Department of Fish and Wildlife as necessary for the improvement of the habitat or passage and appropriately designed and sited to accomplish the intended purpose;
 - ii. The project has received hydraulic project approval by the Department of Fish and Wildlife pursuant to chapter 75.20 RCW; and
 - iii. The local government has determined that the project is consistent with the local shoreline master program. The local government shall make such determination in a timely manner and provide it by letter to the project proponent.
12. The external or internal retrofitting of an existing structure with the exclusive purpose of compliance with the Americans with Disabilities Act of 1990 (42 U.S.C. Sec 12101 et seq.) or to otherwise provide physical access to the structure by individuals with disabilities.

8.48.6 Fees

For projects that require a shoreline permit, filing fees in an amount established by the City Council shall be paid to the City of Orting at the time of the application.

Shoreline permits are processed at the City of Orting as a Type 2 according to Orting Municipal Code Chapter 15-4.

Permit filing procedures shall be consistent with WAC 173-27. After all of City of Orting's permit administrative appeals periods are complete and the permit documents are amended to incorporate any resulting changes, the City of Orting will mail the permit using return receipt requested mail to the Department of Ecology regional office and the Office of Attorney General. Projects that require both Conditional Use and or Variances shall be mailed simultaneously with any Substantial Development Permits for the project.

The permit and documentation of the City of Orting's final decision will be mailed together with the complete permit application; a findings and conclusion letter; a permit data form (cover sheet); and applicable SEPA documents.

Consistent with RCW 90.58.140(6), the state's Shorelines Hearings Board twenty-one (21) day appeal period starts with the date of filing, which is defined below.

1. For Projects that only require a Substantial Development Permit: the date that Ecology receives the City of Orting decision.
2. For a Conditional Use Permit or Variance: the date that Ecology's decision on the Conditional Use Permit or Variance is transmitted to the applicant and the City of Orting.
3. For Substantial Development Permits simultaneously mailed with a Conditional Use Permit or Variance to Ecology: the date that Ecology's decision on the Conditional Use Permit or Variance is transmitted to the applicant.

8.58.8 Variance and Conditional Use Permit Criteria

The Shoreline Management Act states that Master Programs shall contain provisions covering conditional uses and variances that are consistent with WAC 173-27. These provisions should be applied in a manner, which while protecting the environment, will assure that a person will be able to use his/her property in a fair and equitable manner.

8.5.18.8.1 Variances

1. **Purpose.** The purpose of a variance permit is strictly limited to granting relief to specific bulk, dimensional, or performance standards set forth in the Master Program. A variance is also appropriate where there are extraordinary or unique circumstances relating to the property such that the strict implementation of the Master Program would impose unnecessary hardships on the applicant.
 - i. Construction pursuant to this Permit shall not begin nor can construction be authorized except as provided in RCW 90.58.020. In all instances, extraordinary circumstances shall be shown and the public interest shall suffer no substantial detrimental effect.

2. **Application.** An application for a shoreline variance shall be submitted on a form with accompanying material as required by the Administrator.
 - i. An applicant for a Substantial Development Permit who wishes to request a variance shall submit the variance application and the Permit simultaneously.
3. **Criteria for Granting Variances.**
 - i. Variance permits may be granted in circumstances where denial of the permit would result in a conflict with the Shoreline Management Act. In all instances the applicant must demonstrate that extraordinary circumstances shall be shown and the public interest shall suffer no substantial detrimental effect.
 - ii. Variance permits for development and/or uses that will be located landward of the ordinary high water mark (OHWM), and/or landward of any wetland may be authorized provided the applicant can demonstrate all of the following:
 - (a) That the strict application of the bulk, dimensional or performance standards set forth in the applicable master program precludes, or significantly interferes with, reasonable use of the property;
 - (b) That the hardship described in (a) of this subsection is specifically related to the property, and is the result of unique conditions such as irregular lot shape, size, or natural features and the application of the master program, and not, for example, from deed restrictions or the applicant's own actions;
 - (c) That the design of the project is compatible with other authorized uses within the area and with uses planned for the area under the comprehensive plan and shoreline master program and will not cause adverse impacts to the shoreline environment;
 - (d) That the variance will not constitute a grant of special privilege not enjoyed by the other properties in the area;
 - (e) That the variance requested is the minimum necessary to afford relief; and
 - (f) That the public interest will suffer no substantial detrimental effect.
 - iii. Variance permits for development and/or uses that will be located waterward of the ordinary high water mark (OHWM), or within any wetland may be authorized provided the applicant can demonstrate all of the following:
 - (a) That the strict application of the bulk, dimensional or performance standards set forth in the applicable master program precludes all reasonable use of the property;
 - (b) That the proposal is consistent with the criteria established under subsection (2)(b) through (f) of this section; and
 - (c) That the public rights of navigation and use of the shorelines will not be adversely affected.

- (d) In the granting of all variance permits, consideration shall be given to the cumulative impact of additional requests for like actions in the area. Variances from the use regulations of the master program are prohibited.

8.5.28.8.2 Conditional Use Permits

1. **Purpose.** The purpose of a conditional use permit is to allow greater flexibility in varying the application of the use regulations of the Master Program in a manner consistent with the policies of RCW 90.58.020; provided that conditional use permits should also be granted in a circumstance where denial of the permit would result in a thwarting of State policy enumerated in RCW 90.58.020. In authorizing a conditional use special conditions may be attached to the permit by the City of Orting or by the Department of Ecology to prevent undesirable effects of the proposed use. Uses that are specifically prohibited by the Master Program may not be authorized with the approval of a conditional use permit.
2. **Application.** An application for a conditional use permit shall be submitted on a form provided by the Administrator and accompanying material as required by the Orting Municipal Code.
 - i. An applicant for a shoreline substantial development permit which requires a conditional use permit shall submit applications for both permits simultaneously.
3. **Criteria for Granting Shoreline Conditional Use Permits.** Uses classified as a conditional use may be authorized provided that the applicant can demonstrate consistency with all of the conditional use criteria listed in WAC 173-27-160:
 - i. That the proposed use will be consistent with the policies of RCW 90.58.020 and the Master Program;
 - ii. That the proposed use will not interfere with the normal public use of public shorelines;
 - iii. That the proposed use of the site and design of the project is compatible with other authorized uses within the area and with uses planned for the area under the Comprehensive Plan and this Master Program;
 - iv. That the proposed use will cause no significant adverse effects to the shoreline environment in which it is to be located; and
 - v. That the public interest will suffer no substantial detrimental effect.
4. In the granting of all conditional use permits, consideration shall be given to the cumulative impact of additional requests for like actions in the area. For example, if conditional use permits were granted for other developments in the area where similar circumstances exist, the total of the conditional uses shall also remain consistent with the policies of RCW 90.58.020 and shall not produce substantial adverse effects to the shoreline environment.
5. Other uses that are not classified or set forth in the Master Program may be authorized as conditional uses provided the applicant can demonstrate consistency with the requirements of this section and the requirements for conditional uses

contained in the Master Program. Uses that are specifically prohibited by this Master Program may not be authorized pursuant to this section.

8.68.9 Time Requirements

The City of Orting may issue shoreline permits with termination dates that are consistent with WAC 173-27-090. The following requirements apply for shoreline permits in Orting:

1. **Application.** The time requirements of this section shall apply to all substantial development permits and to any development authorized by a shoreline variance or conditional use permit authorized by this chapter.
2. **Time Limits for Substantial Progress.** Construction activities shall be commenced or, where no construction activities are involved, the use or activity shall be commenced within two years of the effective date of a substantial development permit.
3. **Extension.** Authorization to conduct development activities shall terminate five years after the effective date of a substantial development permit. However, the City may authorize a single extension for a period not to exceed one year based on reasonable factors, if a request for extension has been filed before the expiration date and notice of the proposed extension is given to parties of record and to the department.
4. **Effective Date.** The effective date of a substantial development permit shall be the date of filing as provided in RCW 90.58.140(6). The permit time periods in subsections (2) and (3) of this section do not include the time during which a use or activity was not actually pursued when administrative appeals or legal actions were pending or due to the need to obtain any other government permits and approvals for the development that authorize the development to proceed, including all reasonably related administrative or legal actions on any such permits or approvals.
5. **Revisions.** Revisions to permits may be authorized after original permit authorization has expired, provided, that this procedure shall not be used to extend the original permit time requirements or to authorize substantial development after the time limits of the original permit have elapsed.
6. **Notification.** The City shall notify the department in writing of any change to the effective date of a permit, as authorized by this section, with an explanation of the basis for approval of the change. Any change to the time limits of a permit other than those authorized by RCW 90.58.143 as amended shall require a new permit application.

8.78.10 Revision of Permits

1. A permit revision is required whenever the applicant proposes substantive changes to the design, terms or conditions of a project from that which is approved in the permit. Changes are substantive if they materially alter the project in a manner that relates to its conformance to the terms and conditions of the permit, the Master Program or the policies and provisions of chapter 90.58 RCW. Changes that are not substantive in effect do not require approval of a revision.

2. An application for a revision must include detailed plans and text describing the proposed changes.
3. Applications for revisions shall be reviewed and authorized in accordance with WAC 173-27-100.

8.8.11 Nonconforming Development, Development & Building Permits and Unclassified Uses

8.8.18.11.1 Nonconforming Development

Nonconforming development is a shoreline use or structure which was lawfully constructed or established prior to the effective date of the Act or the Master Program, or amendments thereto, but which does not conform to present regulations or standards of the Master Program or policies of the act. In such cases, the following standards shall apply:

~~1. Nonconforming development may be continued provided that it is not enlarged or expanded and said enlargement does not increase the extent of nonconformity and by further encroaching upon or extending into areas where construction or use would not be allowed for new development or uses;~~

~~A nonconforming development which is moved any distance must be brought into conformance with the Master Program and the Act;~~

- ~~* Restricts the ability of a master program to limit redevelopment, expansion, or replacement of overwater structures located in hazardous areas, such as floodplains and geologically hazardous areas or;~~
- ~~* Affects the application of other federal, state, or local government requirements to residential structures;~~

~~2.1 If a nonconforming structure is damaged to an extent not exceeding seventy-five (75) percent replacement cost of the nonconforming structure, it may be reconstructed to those configurations existing immediately prior to the time the structure was damaged, so long as restoration is completed within one year of the date of damage, with the exception that, single family nonconforming development may be one hundred (100) percent replaced if restoration is completed within three years of the date of damage;~~

- 3-2.** If a nonconforming use is discontinued for twelve (12) consecutive months or for twelve (12) months during any two-year period, any subsequent use shall be conforming; it shall not be necessary to show that the owner of the property intends to abandon such nonconforming use in order for the nonconforming rights to expire;
- 4-3.** A nonconforming use shall not be changed to another nonconforming use, regardless of the conforming or nonconforming status of the building or structure in which it is housed.
- 5-4.** An undeveloped lot, tract, parcel, site, or division which was established prior to the effective date of the Act and the Master Program, but which does not conform to the present lot size or density standards may be developed so long as such development conforms to all other requirements of the Master Program and the Act.
- 6-5.** A use which is listed as a conditional use but which existed prior to adoption of the Master Program for which a conditional use permit has not been obtained shall be considered a nonconforming use. A use which is listed as a conditional use but which existed prior to the applicability of the Master Program to the site and for which a conditional use permit has not been obtained shall be considered a nonconforming use. A structure for which a variance has been issued shall be considered a legal nonconforming structure and the requirements of this section shall apply as they apply to preexisting nonconformities.

8.8.28.11.2 Development and Building Permits

No building permit or other development permit shall be issued for any parcel of land developed or divided in violation of this Master Program. All purchasers or transferees of property shall comply with provisions of the Act and this Master Program and each purchaser or transferee may recover damages from any person, firm, corporation, or agent selling, transferring, or leasing land in violation of the Act or this Master Program including any amount reasonable spent as a result of inability to obtain any development permit and spent to conform to the requirements of the Act or this Master Program as well as cost of investigation, suit, and reasonable attorney's fees occasioned thereby. Such purchaser, transferee, or lessor may, as an alternative to conforming their property to these requirements, may rescind the sale, transfer, or lease and recover cost of investigation, and reasonable attorney's fees occasioned thereby from the violator.

8.98.12 Enforcement and Penalties

8.9.18.12.1 Enforcement

1. The provisions of the Orting Municipal Code relating to zoning enforcement shall apply to this Master Program.
2. All provisions of the Master Program shall be enforced by the Shoreline Administrator and/or a designated representative.
3. The choice of enforcement action and the severity of any penalty should be based on the nature of the violation and the damage or risk to the public or to public resources. The existence or degree of bad faith of the persons subject to the enforcement action, the benefits that accrue to the violator, and the cost of obtaining compliance

may also be considered.

8.9.28.12.2 Penalty

1. Any person found to have willfully engaged in activities on the City's shorelines in violation of the Shoreline Management Act of 1971 or in violation of the City's Master Program, rules or regulations adopted pursuant thereto shall be subject to the penalty provisions of Orting Municipal Code (civil citation penalties and criminal penalties).

8.9.38.12.3 Public and Private Redress

1. Any person subject to the regulatory program of the Master Program who violates any provision of the Master Program or the provisions of a Permit issued pursuant thereto shall be liable for all damages to public or private property arising from such violation, including the cost of restoring the affected area to its condition prior to such violation. The City's attorney may bring suit for damages under this section on behalf of the City. Private persons shall have the right to bring suit for damages under this section on their own behalf and on behalf of all persons similarly situated. If liability has been established for the cost of restoring an area affected by violation, the court shall make provisions to assure that restoration will be accomplished within a reasonable time at the expense of the violator. In addition to such relief, including monetary damages, the court, in its discretion, may award attorneys' fees and costs of the suit to the prevailing party.

8.9.48.12.4 Delinquent Permit Penalty

1. A person applying a Permit after commencement of the use or activity may, at the discretion of the City be required, in addition, to pay a delinquent Permit penalty not to exceed three (3) times the appropriate Permit fee: Provided, that a person who has caused, aided or abetted a violation within two (2) years after the issuance of a regulatory order, notice of violation or penalty by the department or the City against said person may be subject to a delinquent Permit penalty not to exceed ten (10) times the appropriate Permit fee. Delinquent Permit penalties shall be paid in full prior to resuming the use or activity.

8.108.13 Master Program – Review, Amendments and Adoption

8.10.18.13.1 Master Program Review

1. This Master Program shall be periodically reviewed and amendments shall be made as are necessary to reflect changing local circumstances, new information or improved data, and changes in State statutes and regulations. This review process shall be consistent with WAC 173-26 requirements and shall include a local citizen involvement effort and public hearing to obtain the views and comments of the public.

8.10.28.13.2 Amendments to Master Program

1. Any of the provisions of this Master Program may be amended as provided for in RCW 90.58.120 and .200 and Chapter 173-26 WAC. Amendments or revisions to the Master Program, as provided by law, do not become effective until approved by the

Washington State Department of Ecology.

Proposals for shoreline environment re-designation (i.e., amendments to the shoreline maps and descriptions), must demonstrate consistency with the criteria set forth in WAC 173-26.

8.10.38.13.3 Severability

1. If any provisions of this Master Program, or its application to any person or legal entity or parcel of land or circumstances, is held invalid, the remainder of the Master Program, or the application of the provisions to other persons or legal entities or parcels of land or circumstances, shall not be affected.

8.118.14 Use and Modification Matrix

8.11.18.14.1 Shoreline Use and Modification Matrix

<<PLACEHOLDER FOR TABLE>>

SHORELINE RESTORATION AND PUBLIC ACCESS

9.1 Introduction

This Shoreline Restoration and Public Access Action Plan was prepared for the City of Orting pursuant to direction and funding under the Washington State Department of Ecology SMP grant number G0400215 to update the City's Shoreline Master Program. The purpose of this plan is to guide and increase public access and recreational use of the shoreline areas within the City of Orting. Besides increasing public access to the shoreline, this plan is intended to improve the overall habitat conditions and shoreline resources. Orting is located in central Pierce County. The Puyallup and Carbon Rivers pass through and border the city.

This plan was drafted in accordance with the Washington State Department of Ecology shoreline management guidelines. A significant feature of the guidelines is the requirement that local governments include within their shoreline master program, a "real and meaningful" strategy to address restoration of shorelines WAC 173-26-186(8). The state guidelines emphasize that any development must achieve no net loss of ecological functions. The guidelines go on to require a goal of using restoration to improve the overall condition of habitat and resources and makes "planning for and fostering restoration" an obligation of local government. From WAC 173-26-201(2)(c):

Master programs shall also include policies that promote restoration of ecological functions, as provided in WAC 173-26-201 (2)(f), where such functions are found to have been impaired based on analysis described in WAC 173-26-201 (3)(d)(i). It is intended that local government, through the master program, along with other regulatory and nonregulatory programs, contribute to restoration by planning for and fostering restoration and that such restoration occur through a combination of public and private programs and actions. Local government should identify restoration opportunities through the shoreline inventory process and authorize, coordinate and facilitate appropriate publicly and privately initiated restoration projects within their master programs. The goal of this effort is master programs which include planning elements that, when implemented, serve to improve the overall condition of habitat and resources within the shoreline area of each city and county.

WAC 173-26-2012(f) states further that "...master programs provisions should be designed to achieve overall improvements in shoreline ecological functions over time when compared to the status upon adoption of the master program."

Restoration planning should be focused on tools such as economic incentives, broad funding sources such as Salmon Restoration Funding, volunteer programs, and other strategies. WAC 173-26-186(8)(c) and WAC 173-26-201(2)(f) explain the "basic concept" of restoration planning.

Furthermore, because restoration planning must reflect the individual conditions of a shoreline, restoration planning provisions contained in the guidelines expressly note that a restoration plan will vary based on:

- Size of jurisdiction
- Extent and condition of shorelines
- Availability of grants, volunteer programs, other tools
- The nature of the ecological functions to be addressed

In addition to restoration, the Shoreline Management Act (SMA) requires cities and counties to make provisions for public access to publicly owned areas along shorelines that preserve and increase recreational opportunities.

The overarching policy is that “the public’s opportunity to enjoy the physical and aesthetic qualities of natural shorelines of the state shall be preserved to the greatest extent feasible consistent with the overall best interest of the state and the people generally. “Alterations of the natural conditions of the shorelines of the state, in those limited instances when authorized, shall be given priority for...development that will provide an opportunity for substantial numbers of people to enjoy the shorelines of the state.”

The SMA also implements the common law Public Trust Doctrine. The essence of this court doctrine is that the waters of the state are a public resource for the purposes of navigation, conducting commerce, fishing, recreation and similar uses and that this trust is not invalidated by private ownership of the underlying land. The doctrine limits public and private use of shorelands to protect to public’s right to use the waters of the state.

This shoreline restoration and public access plan is designed to meet the requirements for restoration planning outlined in the Ecology guidelines, in which restoration planning is an integrated component of shoreline master programs. The restoration and public access plan builds off of the City of Orting Shoreline Inventory and Characterization Report, which provides a comprehensive inventory and analysis of shoreline conditions in Orting, including rating specific functions and process of each shoreline segment.

This restoration and public access plan provides a vision for ecological restoration and public access which includes goals and opportunities. It also establishes city strategies for implementation, including recognition of existing and ongoing programs, and it provides a framework for long-term monitoring of shoreline restoration and shoreline conditions. While this restoration and public access plan includes broad goals, specific implementation measures, budgets, schedules, and individual monitoring programs will be needed for individual restoration projects as they occur. There will be some limitations poised by the levees which are owned and maintained by Pierce County, the City’s stormwater system and water quality management programs, and the recent upland development near the shoreline areas. Periodically, it is important for the City to evaluate the effectiveness of this plan and to adapt to changing conditions. At a minimum, this restoration and public access plan (as well as the entire Shoreline Master Program) will be reevaluated according to the schedule adopted by the state Legislature.

9.1.1 Vision Statement

The vision statement establishes the overarching idea of the future restored ecosystem and enhanced public access. This statement seeks to explain the intent of addressing ecological restoration and public access.

Orting Public Access and Restoration Vision:

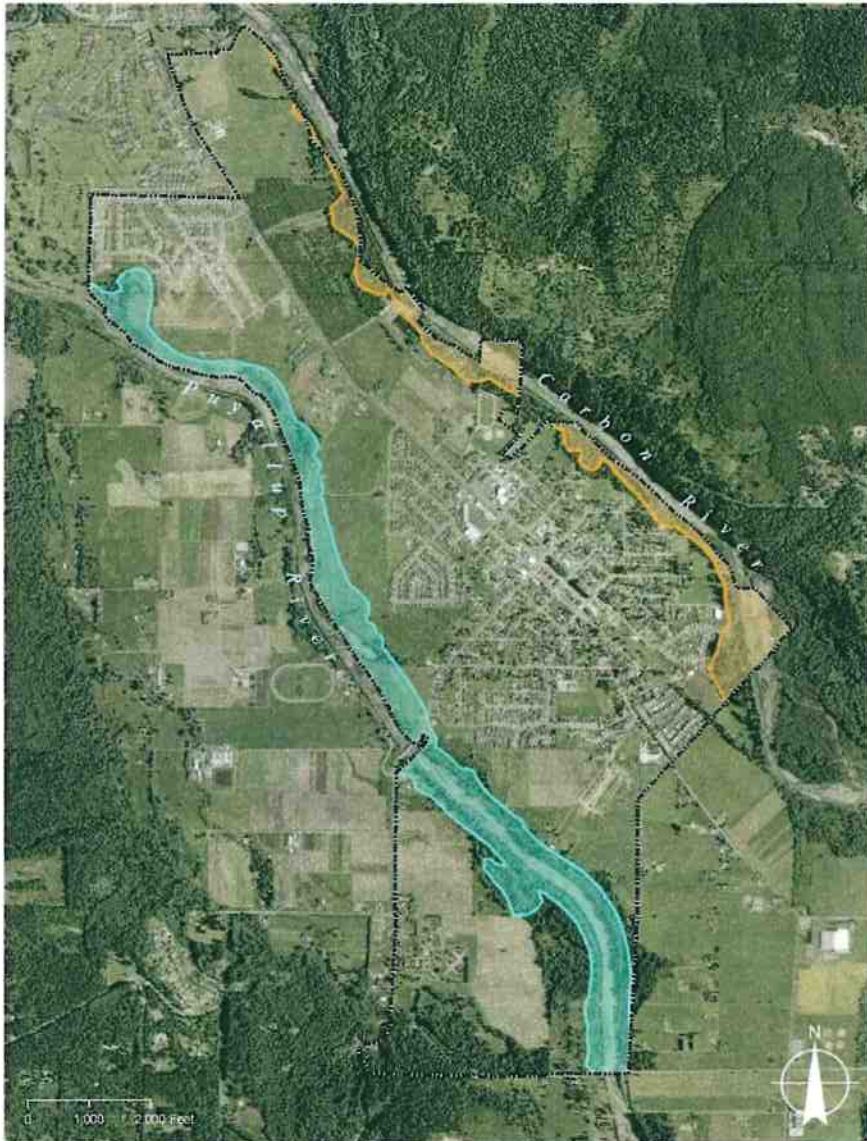
Degraded ecological processes and habitats of the Orting shoreline are restored so that, when combined with protection of existing resources, flood management, and enhanced public access along the levees, a net improvement to the shoreline ecosystem is obtained to benefit native fish and wildlife and the people of Orting.

Restoration occurs over time through a combination of public and private ventures and leverages opportunities presented by shoreline development in a way that enhances the environment and is compatible with planned shoreline uses.

9.1.2 Project Location and Shoreline Segments

Orting is located in central Pierce County. For this document, the City of Orting shoreline area is divided into two (2) segments: Segment A is the Puyallup River and Segment B is the Carbon River. Refer to Map 1 listed below.

Map 1: Geographical Area Location.



9.1.3 Context Description

The city is situated south of the confluence of the Carbon and Puyallup Rivers between River Mile (RM) 19.4 and 22.6 of the Puyallup River and RM 0.8 and 3.4 of the Carbon River. According to the 2005 aerial photo and GIS analysis, the area and length calculations of the project site are as follows:

- Length of shoreline is 4.5 miles (within city limits measured at mean high water)
- Square footage of shoreline jurisdiction for the Puyallup River (Segment A) is approximately 9,021,700 square feet (207 acres)
- Square footage of shoreline jurisdiction for the Carbon River (Segment B) is approximately 3,733,600 square feet (86 acres)

There are about 80 parcels in the Orting shoreline jurisdiction area. Some are totally within and some are partially within the shoreline area. Of this total, about 7% are city-owned, 27% are owned by other public agencies, and the remaining 66% are privately-owned. While the number of publicly-owned parcels is only 1/3 of the total, the river frontage of those parcels is very significant. Except for the site of the Orting wastewater treatment plant, and rights-of-way, all of the city-owned parcels are city parks and are zoned "Open Space and Recreation". The rest of the publicly-owned parcels are under the control of the Orting School District and Pierce County. Pierce County owns and manages the levees that exist along both rivers through Orting's jurisdiction.

Segment A - Puyallup River

The City of Orting owns two major sites and controls nearly a mile of the Puyallup River frontage near the north city limits. Village Green Wetlands Park is aptly named and is planned to largely be an open space/riparian habitat with a nominal amount of passive recreation use in the limited upland portion adjacent to the Village Green neighborhood.

Three Orting School District parcels are within the Puyallup River shoreline area. These amount to about ¾ mile of river frontage and contain a significant amount of delineated wetlands. These portions of the shoreline will not be developed. The District and the City have secured a Conservation Futures grant funding for a "Central Park and Riverfront Habitat" project that will provide enhancements to the shoreline area in this vicinity.

Pierce County has ownership of most of the Puyallup River shoreline area on both sides of the River in the southern portion of the city (15 parcels). The County and U.S. Army Corps of Engineers have designed the Soldiers Home Setback Levee Project that will create more than a mile of restored riparian habitat. Except for this project, no development within the shoreline jurisdiction in this area is anticipated, given the ownership and environmental characteristics.

Segment B - Carbon River

More than a mile of Carbon River frontage north of the Orting Wastewater Treatment Plant has been dedicated as either private open space or city park land as part of a 2003 residential development permitting process. The wastewater treatment plant site within the shoreline jurisdiction is essentially developed. The Orting School District campus (high school and middle school) has Carbon River frontage that is used for sports activities. The District has no plans for development in this area. Pierce County owns four parcels on the Carbon.

9.2 Public Access and Restoration Plan

This restoration and public access plan includes goals and policies listed in the following sections that are explicit to this plan. The City of Orting's overall shoreline goals and policies can be found in the City's adopted Shoreline Master Program (SMP). Specifically, shoreline goals and policies are addressed in Chapter 4 of the SMP.

The SMP also contains shoreline regulations that are more detailed and would apply to a particular type of land use, such as the construction of a wildlife viewing platform and associated recreational trail system.

9.2.1 Public Access Goals

The following are the City of Orting's public access goals for the Puyallup and Carbon River shorelines. These goals that were established for this Shoreline Restoration and Public Access Plan are the basis for SMP policies and regulations included under the general and specific use requirements of the city's Shoreline Master Program.

Goal #1: Opportunity

Future projects and related facilities should provide public access to the shoreline for educational restoration opportunities that benefit residents of the City of Orting and the surrounding communities.

Policy 1.1 Preference should be given to those uses or activities which enhance the natural amenities of the shorelines and which depend on a shorelines location or provide public access to the shoreline.

Policy 1.2 Increase and improve public access to shoreline areas provided that private rights, public safety, and the natural shoreline character are not adversely affected.

Goal #2: Education

Development of the Orting School District middle school site should include design features to portray the distinctive habitat improvements created by the Conservation Futures Restoration Project. All restoration projects should have a strong educational component to allow for increased public awareness and participation by the Orting community.

Goal #3: Ecology

All future development projects and restoration projects, such as the Soldiers Home Setback Levee Project should be developed and managed in a way that enhances water quality, open space, and natural resource values while minimizing conflicts between public access and habitat conditions.

Goal #4: Quality

Improvements to existing and future public access sites should be designed and constructed for: structural integrity, function, cost effectiveness, efficiency in long-term maintenance and operations.

Goal #5: Safety

Improvement and management of the levees should provide safe public use opportunities and should not preclude long-term construction access needs, emergency and maintenance access.

Policy 1.3 Ensure that proposed shoreline uses do not infringe upon the rights of others or upon the rights of private ownership.

9.2.2 Restoration Goals

The city's shoreline restoration goals are listed below. Similar to the public access goals listed in the previous section above, these shoreline restoration goals are the basis for all of the restoration-related goals, policies, and regulations in the 2006 update to the Orting SMP.

Goal #1: Water Quality

Restore, protect, and enhance the shoreline function of water quality improvement, such as trapping sediment and filtering turbidity, nutrients and metals.

Goal #2: Flood Protection

Reduce impacts of flooding events by improving the storage of floodwaters and thereby reducing peak flows and erosion.

Goal #3: Vegetation

Restore, protect, and enhance natural vegetation. Encourage removal of invasive species and plant native species to enhance diversity of vegetative structure.

Goal #4: Habitat

Restore, protect and enhance habitat functions. Enhance the diversity of habitat and improve the connectivity of the restored shoreline areas with existing high quality habitat.

9.2.3 Shoreline Restoration and Public Access Priorities

The overarching goals for restoring the Orting shoreline are to: improve water quality, flood protection, vegetation and habitat functions of the shoreline. These goals identify the direction of needed improvement.

Priorities identify specific actions that are measurable and that can be taken to achieve the above stated goals. For example, to meet the goal of improving vegetation, a priority would be to remove invasive species and plant with native species that would provide diverse habitat, improved flood protection and have the capacity to filter and improve the water quality downstream.

By translating these goals into priorities, the top priorities for Orting shoreline restoration and public access are:

- Increase floodwater storage capacity
- Increase vegetation structure and diversity
- Increase habitat diversity and connectivity
- Improve the effectiveness of filtering floodwaters

- Reduce coverage of invasive species
- Improve the safety of the levee system

These priorities assist the City with defining actions or projects to restore the natural processes and ecological functions identified in the Orting Inventory and Characterization Report.

Opportunities and strategies are then identified as means of implementing the top priorities. At this level, no measurable performance standards are applied to goals. For example, the overall goal is to improve water quality to meet the vision of a restored ecosystem, not to improve it by a specific amount. Individual restoration projects that may be implemented as part of this plan are expected to include specific measurable goals.

Alteration of Key Processes

There are key ecological processes that have been altered in the Orting shoreline jurisdiction to some extent. These processes are being threatened by development outside of the city, as well as by changes within the city such as loss of vegetation and increased impervious surfaces. The shoreline restoration and public access opportunities for both rivers are described below.

Priorities for public access and restoration for specific sites were assessed. From the list of 18 public access sites considered, nine of the sites were chosen for restoration opportunities.

Table 1 shows priority ranking of the 18 sites. The rankings were based somewhat subjectively on perceived environmental and public benefit, property/easement availability and existing conditions.

Table 1: Public Access and Restoration Opportunities Goals and Rankings

Public Access, Restoration Site	Public Access Goals	Restoration Goals	Ranking	Ownership (Public or Private)	Location (Puyallup or Carbon River)
Gratzer Park (Site A4)	Education, Ecology Opportunity, Quality	Water Quality, Vegetation, Habitat	Very High	Public	Puyallup
Soldiers Home Setback Levee (Site A8)	Safety, Quality, Ecology	Flood Protection, Water Quality, Habitat, Vegetation	Very High	Public	Puyallup
Calistoga Setback Levee (Site A5)*	Quality	Flood protection, Habitat, Vegetation, Water Quality*	Very High	Public	Puyallup
Ptarmigan Elementary (Site A3)	Education, Ecology Opportunity, Quality	Water Quality, Vegetation, Habitat	High	Public	Puyallup
Calistoga Lift Station (Site A6)	Opportunity	Vegetation	Moderate	Public	Puyallup
Beckett Lane (Site A7)	Opportunity		Moderate	Public	Puyallup
Albert Bell Road (Site A9)	Opportunity		Moderate	Public	Puyallup
Mellinger Ave NW (Site A1)	Opportunity		High	Private	Puyallup
Village Green Future (Site A2)	Education, Opportunity, Quality	Habitat, Vegetation, Water Quality	High	Private	Puyallup
200th Street (Site A10)	Safety, Quality, Ecology	Flood Protection, Water Quality	Moderate	Private	Puyallup
Orting Wastewater Treatment Plant (Site B5)	Opportunity, Parking		Very High	Public	Carbon
Orting High School (Site B7)	Education, Quality	Vegetation, Habitat	Moderate	Public	Carbon
River's Edge (Site B1)	Opportunity		Moderate	Private	Carbon
River's Edge (Site B2)	Opportunity		Moderate	Private	Carbon
Carbon River Landing (Site B3)	Opportunity		Moderate	Private	Carbon
Carbon River Landing (Site B4)	Opportunity		Moderate	Private	Carbon
River Avenue (Site B8)	Opportunity, Parking	Vegetation	Very High	Public†	Carbon
Bridge Street (Site B9)	Opportunity		High	Public†	Carbon
Engfer's Property (Site B6)	Opportunity		Moderate	Private	Carbon

* (2013 Amendment)

† Denotes right-of-way as publicly-owned property.

Restoration and Public Access Priorities

Five of the sites shown in Table 1 have priorities ranked as very high priority. These sites were ranked highly because the sites are owned by a public agency (i.e. – the City of Orting, Pierce County, etc.) The sites selected as very high priority for public access and/or restoration are as follows:

- Gratzer Park (Site A4)
- Calistoga Setback Levee (Site A5)
- Soldiers Home Setback Levee (Site A8)
- Orting Wastewater Treatment Plant (Site B5)
- River Avenue (Site B8)

And four sites were ranked as high priority because they are in private ownership but have opportunity for restoration and access to the shoreline. These sites are not for public use at this time:

- Mellinger Ave NW (Site A1)
- Village Green Future (Site A2)
- Ptarmigan Elementary (A3)
- Bridge Street (Site B9)

These very high priority and high priority sites are discussed below together with the remaining sites that received a moderate ranking. (2013Amendment)

9.2.4 List of all of the Restoration and Public Access Sites

The following is a discussion of the conditions, restoration and public access prescriptions, and potential restored functions for all of the 18 sites.

Mellinger Ave NW (Site A1) Rank: High Priority

This location has high potential for public access to the river. Currently, access is gained through an unmarked easement between two private residences. The easement is not easily identified as a public right-of-way.

- *Restoration and Public Access Prescription*
Create a public access opportunity by improving visibility of access point.
- *Implementation and Timing*
The City of Orting may seek funding for an IAC grant to improve public access at this site.

Village Green Future (Site A2) Rank: High Priority

This site has good potential for creating a public access opportunity. Future development of this site could include plans for public access.

- *Restoration and Public Access Prescription*
Enhance the wetland complex adjacent to the development. Create an interpretative public access trail through the wetlands. Remove invasive vegetation. Plant native riparian species.

- *Implementation and Timing*
The city will continue to look for funding that provides more opportunities for trail development and public access.

Ptarmigan Elementary (A3) and Gratzler Park (Site A4) Rank: High Priority for both Sites A3 and A4

The location at 159th Avenue would be an excellent opportunity for protection and enhancement since it is owned by the Orting School District and the City has identified it as an area to be preserved for parks, open space, trails, and shoreline enhancement.

- *Restoration and Public Access Prescription*
Create a public access opportunity with interpretative trails along the shoreline areas and remove invasive vegetation. Re-vegetate with native wetland plant species.
- *Implementation and Timing*
Over the past year, the City has been actively searching for funding opportunities to restore and enhance the shoreline areas for this site. The creation of Gratzler Park has been discussed at length during public meetings as part of the adoption of the Orting Comprehensive Plan Updates and during the creation of the new Orting Parks, Recreation, and Open Space Plan. The parks plan was adopted by the City Council in 2004. In this parks plan, the creation of Gratzler Park was listed as the top priority by all of the citizens who participated in the development of that plan.

The Orting School District has sold a portion of the property to Pierce County as part of the Conservation Futures Program. In turn, the County has transferred ownership to the City for development of a community park, stormwater facilities, wetland enhancements and other public amenities. A preliminary master plan for the area has been prepared. The elements of Phase One are two ballfields (one baseball and one softball) with a gravel parking lot, landscaping next to the parking lot, ADA spaces, and an accessible pathway to the ballfields from the parking area.

The finalized master plan for the site will be to create a four-leaf clover ballfield layout with expanded parking to the north, tennis courts, a football-soccer field to the west, a children's play area, and a complete trail system with interpretative signage. Future trails would have access to the shoreline, possibly utilize the Puget Sound Energy easement, and eventually connect to the Orting Foot Hills trail and Middle school site to the north. Phase One of the park has been completed and the City is currently seeking funding to begin Phase Two of Gratzler Park. (2013 Amendment)

Calistoga Setback Levee (Site A5) Rank: Very High Priority

This site runs from River Mile 19.8 to River Mile 21.5 along the east bank of the Puyallup River and is one of the best existing public access sites. It is currently developed and has established access. Public access opportunities could be improved relatively easily with trail improvements and signage.

- *Restoration and Public Access Prescription*
Improve plant diversity and habitat within existing wetland complex. Enhance riparian habitat and provide stream restoration along the River. Improve the path to the river by creating a more defined walking area. Replant denuded areas along this pedestrian path with native vegetation.

- *Implementation and Timing*
The City has funding for the initial phase of the project and is currently seeking grants for public access improvements and will continue to look for innovative ways to fund these types of projects. (2013 Amendment)

Calistoga Lift Station (Site A6) Rank: Moderate Priority

Though this location currently has marginal access to the river, this site could be easily improved by adding parking and improving the trail. The property easement rights would have to be acquired.

- *Restoration and Public Access Prescription*
Remove the overgrown vegetation that limits pedestrian access along the levee to the south and prohibits access to the north.
- *Implementation and Timing*
The City is looking for grant funding to acquire property easement rights and for trail improvements at this location.

Beckett Lane (Site A7) Rank: Moderate Priority

There is an existing road that could be used for future public access opportunities. This location offers moderate access to the river over a section of privately owned property.

- *Restoration and Public Access Prescription*
Improve the existing pedestrian path that leads to the levee, which can be accessed in either direction. This is privately owned property and an easement would have to be obtained.
- *Implementation and Timing*
In 2006, the city continues to seek grant funding to acquire property easement rights within the shoreline areas to allow for public access to the river frontage.

Soldiers Home Setback Levee (Site A8) Rank: Very High Priority

This is publicly-owned land that contains riparian wetlands and river floodplain next to the Puyallup River.

- *Restoration and Public Access Prescription*
The Soldiers Home Setback Levee Project is designed to restore the Puyallup River to more historic naturally functioning conditions for fish and wildlife. The historic loss of floodplains, due to the levee construction and channelization of the Puyallup River, dramatically reduced the productivity of the river. Pierce County set back 6,376 linear feet of new levee behind the former levee on the Puyallup River.

The setback area reconnects 67 acres of riparian-forested wetlands and floodplain to the river. This reconnection will substantially increase off channel spawning, rearing, refuge and forage habitat for chinook, coho, bull trout, chum salmon, searun cutthroat trout, steelhead, and pink salmon in a highly channelized river.

Construction activities consisted of the removal of the existing levee on the left river bank, concurrent construction of a new levee away from the existing levee footprint, breaching of the existing levee in two places to facilitate the river reconnection, and the addition of riprap to both the left and right bank levees above, adjacent to and below the

project site to strengthen the remaining levee segments against altered flow patterns.

Albert Bell Road (Site A9) Rank: Moderate Priority

This site provides available access via a locked Pierce County gate. It is surrounded by private property to the south. Access to the river is approximately 400 yards. Areas to the south of this site are outside of the city limits.

- *Restoration and Public Access Prescription*
The access to the levees could be redefined and formalized. A parking area is needed.
- *Implementation and Timing*
The city may apply for grant funding for improvements to this site.

200th Street (Site A10) Rank: Moderate Priority

The City identified this site as a frequently flooded reach of the river. Several recent revetment and stabilization projects have been completed by Pierce County here as a result of continued flooding.

- *Restoration and Public Access Prescription*
Acquire significant amount of private property for levee setback. The river is approximately 0.5 miles from a locked gate.
- *Implementation and Timing*
The City may collaborate with Pierce County to plan improvements.

River's Edge (Site B1) Rank: Moderate Priority

This site has excellent potential for future public pedestrian access to the river within the north end of the development.

- *Restoration and Public Access Prescription*
The restoration and public access prescription for this portion of River's Edge are to strengthen the pedestrian access through signage and native plant landscaping either directly to the levee or to the shoreline buffer area.
- *Implementation and Timing*
The City may seek funding for this project in 2007-2020. (2013 Amendment)

River's Edge (Site B2) Rank: Moderate Priority

River's Edge offers excellent potential for public pedestrian access to the river within the north central portion of the development.

- *Restoration and Public Access Prescription*
Create access to the river via the north central portion of River's Edge. Currently, the plan is to have access that will connect up with the sewer main access road behind the development that runs north to south intersecting with Rocky Road. Pierce County access to the levee may also be involved, but it is not known how this access road will connect up with the levee.
- *Implementation and Timing*
Similar to Site B1, the city may seek funding for this project in 2007-2020. (2013 Amendment)

Carbon River Landing (Site B3) Rank: Moderate Priority

This site has the potential for future pedestrian and service vehicle access to the river.

- *Restoration and Public Access Prescription*
Create access to the river via the south central portion of Carbon River Landing. Access may be adjacent to the stormwater pond and will intersect with the sewer main road. Pierce County vehicular access to the levee may also be allowed, but any roads will be gated and limited to pedestrians.
- *Implementation and Timing*
The City may seek funding for this project in 2007-2020. (2013 Amendment)

Carbon River Landing (Site B4) Rank: Moderate Priority

This site has the potential for future pedestrian access to the river. There is currently river access from this location south to Rocky Road.

- *Restoration and Public Access Prescription*
Create access to the river via the southern portion of Carbon River Landing.
- *Implementation and Timing*
The City may seek funding for this project in 2007-2020. (2013 Amendment)

Orting Wastewater Treatment Plant (Site B5) Rank: Very High Priority

This site has public parking opportunities. The upgrade of the existing roadway and site design layout may allow for additional parking.

- *Restoration and Public Access Prescription*
Upgrade Rocky Road by paving the access road to the levee and create a parking area adjacent to the trailhead.

Implement improvements to the trailhead and pedestrian trail. Remove invasive vegetation and plant native plant species.
- *Implementation and Timing*
The City will consider improvements in conjunction with work on the wastewater treatment plant.

Engfer's Property (Site B6) Rank: Moderate Priority

An existing road ends at private property. Easement through private property will be necessary.

- *Restoration and Public Access Prescription*
Obtain easement and make improvements to the pedestrian trail to the levee at the end of this road.
- *Implementation and Timing*
The City may seek funding to purchase this easement and make improvements to the pedestrian trail in 2008-2020. (2013 Amendment)

Orting High School (Site B7) Rank: Moderate Priority

This site has the potential for future pedestrian access to a wooded area next to the levee.

- *Restoration and Public Access Prescription*
Restore and preserve the shoreline buffer behind the high school. Remove invasive vegetation and re-plant with native species. Protect the area from use by vehicular traffic and the dumping of yard waste.
- *Implementation and Timing*
The City may seek funding for this project in 2007-2020. (2013 Amendment)

River Avenue (Site B8) Rank: Very High Priority

River Avenue dead ends a short distance from the levee. This site has the potential for future parking on publicly-owned property.

- *Restoration and Public Access Prescription*
Plan for future parking areas along River Avenue. No public access is available. The distance from a vehicle to the shoreline is relatively short, however it is located on private property.
- *Implementation and Timing*
The City may seek funding for this project in 2007-2020. (2013 Amendment)

Bridge Street (Site B9) Rank: High Priority

This location offers access to the river via Bridge Street and a gated Pierce County access road. The gate is approximately one-quarter mile from the levee. Private property borders the access road to the north and south.

- *Restoration and Public Access Prescription*
Create parking area adjacent to the trailhead. Implement improvements to the trailhead and pedestrian trail. Remove invasive vegetation and re-plant with native species.
- *Implementation and Timing*
The City may seek grants to fund this project in 2008-2020. (2013 Amendment)

9.2.5 Existing and Ongoing Projects

Existing and ongoing outreach organizations have been identified for potential involvement with Orting shoreline projects. These groups are currently involved in shoreline issues and are stakeholders in the City of Orting's Shoreline Master Program (SMP). These organizations could be used as resources for shoreline restoration and for the creation of increased public access to the shoreline. Some of these groups have previously been involved in other related projects or may have resources to assist the City in furthering the goals and policies of the Orting SMP.

The City could also benefit from a community education program and incentives to identify and develop restoration opportunities on private property. This could be done through school education and class projects, and by informing residents affected by the Orting SMP.

9.2.6 Outreach Organizations

The following table outlines outreach organizations for the City of Orting.

Table 3: Outreach Organizations - 2006

Organization	Name	Phone Number	Email or Website
Puyallup Tribe of Indians	Vernetta Miller	253-593-0232	vmiller@ptgc.org
Pierce County SMP	Mike Erkinen	253-798-2705	merkkin@co.pierce.wa.us
Puyallup River Watershed Council		253-891-3318	www.prwc.org/
Pierce County BioDiversity Planning	Katherine Brooks	253-798-3181	kbrooks@co.pierce.wa.us
Pierce Conservation District	Monty Mahan	253-845-9770	info@piercecountycd.org
Adopt-a-Stream NW Office in Everett	Tom Noland	425-316-8592	www.streamkeeper.org
Dept. of Fish and Wildlife, Regional Contact	Sue Patnude	360-249-4628	www.wdfw.wa.gov/reg/region6.htm
Habitat Bank	Steve Sego	206-321-0995	www.habitatbank.com
Pierce County Conservation District	Leslie Beck		lbeck@americanrivers.org
Orting High School Science Class	Science Teacher	360-893-2246	anderson.J@orting.wednet.edu
Trout Unlimited (Tacoma Chapter)	Nancy Nelson	800-834-2419	nnelson@tu.org
US Army Corps of Engineers	Andrea Takash	206-766-6447	Andrea.M.Takash@usace.army.mil
Cascade Land Conservancy		253-350-1560	info@cascadeland.org
Shared Strategy for Puget Sound		206-447-3336	www.sharedsalmonstrategy.org
WDFW – Region 6	Sue Patnude	360-249-4628	wdfw.wa.gov/reg/region6.htm
NOAA Restoration Center	Jennifer Steger		jennifer.steger@noaa.gov

9.2.7 Funding Groups

Below is a table identifying potential funding groups for Orting Shoreline restoration and public access. The second column identifies funding categories for each group and the last column identifies the opportunity type for each funding group. The groups in this table can be matched up with the opportunities listed in the table above.

Table 4: Funding Opportunities - 2006

Funding Group	Funding Category	Eligibility	Opportunity Type
Pierce County Conservation Futures Fund	Land preservation program for protection of threatened areas of open space, timber lands, wetland, habitat areas, agricultural and farm lands	Local governments, WA State	
The Interagency for Outdoor Recreation (IAC)	Land acquisition, habitat conservation, parks and trail development	Local governments, WA State	Habitat, Wetlands, Vegetation
Statewide Transportation Enhancement (TE) grants	Pedestrian and Bicycle Facilities	Cities	Flooding, Habitat
The Pioneers in Conservation grants program	Intended to help farmers protect and restore salmon habitat	All private agricultural lands in the Puget Sound Basin.	Habitat
National Fish and Wildlife Foundation	Conserve fish, wildlife, plant habitats	Local governments, WA State	Habitat
Water Quality – DOE	Water quality, wastewater treatment source, wetland habitat preservation funding, public education	Local governments, recognized tribes	Wetlands
Flood Control – DOE	Fish habitat protection, enhancement	Cities	Flooding
Habitat National Fire Plan	Reduce fuels on lands at risk	Cities	Vegetation
F&W Species of Concern	Land acquisition, habitat conservation, to conserve threatened and endangered species		Habitat
Cooperative Endangered Species Fund	Conserve threatened or endangered species, protect lands for habitat conservation	Not for habitat restoration or enhancement	Vegetation
National Resource Conservation Service	Wetlands easements and restoration	Landowners, tribes	Wetlands
Assessment and Watershed Protection Grants – EPA	Division Regional Fisheries Enhancement Groups - Washington State Department of Fish and Wildlife	Erosion and sediment control management	Local governments, WA State
Aquatic Lands Enhancement Account - DNR			Floodplain, Flooding
Bring Back the Natives – National Fish and Wildlife Foundation			Habitat
Landowner incentive program - Washington State Department of Fish and Wildlife, Lands Salmon Recovery Funding Board - Interagency Committee for Outdoor Recreation			Habitat
Wetland Protection, Restoration, and Stewardship Discretionary Funding - Environmental Protection Agency			
NOAA Restoration Center		Local governments, WA State	Habitat

9.2.8 Strategies for Implementation

This section discusses programmatic measures for the City of Orting designed to foster enhanced public access, shoreline restoration and to achieve a net improvement in shoreline ecological processes, functions, and habitats. With projected budget and staff limitations, the City of Orting does not anticipate leading most restoration projects or public access programs. However, the city's SMP represents an important vehicle for facilitating and encouraging restoration projects and public access programs that could be led by local private and non-profit

entities. The discussion of restoration and public access mechanisms and strategies below highlights programmatic measures that the city could implement, as well as parallel activities that would be led by other governmental and non-governmental organizations.

Substantial publicly-owned properties are located within the shorelines where development is prohibited or severely restricted. Most of the parcels located along the Puyallup and Carbon Rivers within the city limits are zoned for public facilities or single family development.

The city should continue to work with outside agencies, property owners, and developers to allow for public access to the shoreline areas and for the creation of shoreline restoration activities that further enhance these areas.

Volunteer Coordination

Another way the city could accomplish public access and restoration projects is by using community volunteers. Volunteers may be recruited for project implementation and monitoring and the city would provide equipment and expertise. The city would also need to fund a volunteer coordinator to organize projects, solicit various environmental groups and individual volunteers to complete the projects and partner or coordinate with other government entities on projects. This would be a good opportunity for the Orting High School science class listed in the outreach section.

Capital Facilities Program

The city could develop shoreline public access and restoration as a new section of the city's Capital Facilities Program, even if not immediately funded, to ensure that they are considered during the city's budget process.

Resource Directory

Develop a resource list for property owners that want to be involved in shoreline public access and restoration. Two examples of grant programs that could be included are below, others are included in the funding groups table above.

Landowner Incentive Program (LIP) – This is a competitive grant process to provide financial assistance to private individual landowners for the protection, enhancement, or restoration of habitat to benefit species-at-risk on privately owned lands. The LIP website should be checked after mid-August for information about the next application cycle that will be open September through November 2006. Questions should be directed to Ginna Correa at corregcc@dfw.wa.gov.

Salmon Recovery Funding Board (SRFB) Grant Programs – SRFB administers two grant programs for protection and/or restoration of salmon habitat. Eligible applicants can include municipal subdivisions (cities, City s, and counties, or conservation districts, utility, park and recreation, and school districts), Tribal governments, state agencies, nonprofit organizations, and private landowners. All projects require lead entity approval. Applications for funding are due to the SRFB on September 30, 2006.

The Pierce County Biodiversity Alliance (PCBA)

The Pierce County Biodiversity Alliance (PCBA) is comprised of a stakeholders group that represents governmental, academic and non-profit agencies, who are interested in preserving the long-term biodiversity of Pierce County. Alliance members include Pierce County

government; University of Washington - Cooperative Fish and Wildlife Unit and Nature Mapping Program; Washington Department of Fish and Wildlife; Metro Parks Tacoma; Tahoma Audubon Society; Friends of Pierce County; Pierce County Conservation District; Point Defiance Zoological Society; and USGS National GAP Program.

The main emphasis of the PCBA is non-regulatory in nature and instead focuses on public outreach to property owners within this network, providing education on how to maintain the habitats and biological diversity. The PCBA goal is to establish biological surveys and monitoring programs and facilitate the development of habitat conservation plans that will provide detailed information on habitat quality and species presence/viability, restoration opportunities, and priorities for conservation and land acquisition for each BMA. The PCBA is now conducting the first pilot project for this process in the Gig Harbor BMA.

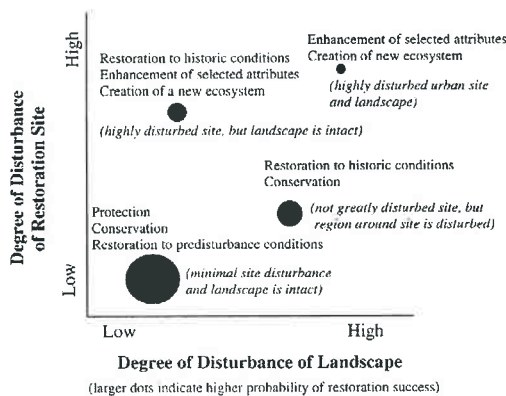
This endeavor advocates responsible land use and success will be achieved when each BMA and connecting corridor retains ecological function given the community's land-use objectives.

Backyard Sanctuary Program

The Washington Department of Fish and Wildlife (WDFW) has created a backyard sanctuary program. This could be implemented as a Shoreline Tax Incentives when a property owner chooses to participate in the program. Since the city recognizes that there are important opportunities to improve shoreline ecological conditions and functions through non-regulatory, volunteer actions by shoreline residents and property owners it might examine the potential for property tax breaks for shoreline property owners who are actively manage their property for habitat protection or enhancement. To encourage volunteer actions that better shoreline ecological functions and values, shoreline property owners actively participating in the WDFW backyard sanctuary program or some similar program could receive a credit on their city property taxes.

Evaluation Criteria

When a project is proposed for implementation by the city, other agency or by a private party, the restoration potential should be evaluated to ensure that the project's objectives are consistent with this Orting Restoration and Public Access Plan and, if applicable, that the project warrants implementation above other candidate projects. (It is recognized that, due to funding sources or other constraints, the range of any individual project may be narrow.)



It is also **expected** that the list of potential **projects** may **change** over time, that new projects may be identified and existing opportunities may become less relevant as restoration occurs and as other environmental conditions, or our knowledge of them, change.

When evaluating potential projects, priority should be given to projects that meet the most of the following criteria:

- Restoration meets the goals for shoreline restoration.
- Restoration of processes is generally of greater importance than restoration of functions.
- Restoration avoids residual impacts to other functions or processes.
- Projects address a known degraded condition.
- Conditions that are progressively worsening are of greater priority.
- Restoration has a high benefit to cost ratio.
- Restoration is feasible, such as being located on and accessed by public property or private property that is cooperatively available for restoration. Restoration should avoid conflicts with adjacent property owners.
- There is public support for the project.
- Avoids property conflicts.

The city should consider developing a project "score card" as a tool to evaluate projects consistent with these criteria.

Project Monitoring

In addition to project monitoring required for individual restoration and mitigation projects, the city should conduct system-wide monitoring, to the degree practical, recognizing that individual project monitoring does not provide an assessment of overall shoreline ecological health. The following three-pronged approach is suggested:

1. Track information using the city's GIS system as activities occur (both restoration and mitigation), such as:
 - Removal of fill
 - Vegetation
 - Levee maintenance and construction

The city may require project proponents to monitor as part of project mitigation, which may be incorporated into this process.

2. Periodically review the regional ongoing monitoring programs, such as:
 - Pierce County BioDiversity Planning
3. Re-review status of environmental processes and functions at the time of periodic SMP updates.

As monitoring occurs, the city should periodically reassess environmental conditions and restoration objectives. Those ecological process and functions that are found to be worsening may need to become elevated in priority to prevent loss of critical resources. Alternatively, successful restoration may reduce the importance of some restoration objectives in the future.

Conclusions

The City of Orting ~~has chosen to adopted~~ the city's ~~2016~~ Critical Areas Ordinance (CAO) ~~by reference~~ in the Orting Shoreline Master Program. continued efforts to protect the environment, including critical areas located within the shoreline jurisdiction.

This restoration plan looks at the baseline (the levees) minus development (any new development, such as single family residential and any uses that fall into the SMP's Urban Conservancy shoreline environment designation) plus restoration activities (both ongoing and future) to reach a conclusion. Given this information, it can be reasonably concluded that there will be much less or fewer impacts on the shoreline habitat than there were in the past prior to the implementation of these environmental restoration activities.

(This page is intentionally left blank)

Bibliography

Cowardin, L.M., Carter, V., Golet, F.C. and LaRoe, E.T. 1979. Classification of wetlands and deepwater habitats of the United States. US Fish and Wildlife Service, Office of Biological Services. FWS/OBS-79/31.

"Draft Puget Sound Salmon Recovery Plan," Shared Strategy for Puget Sound, December, 2005, <http://sharedsalmonstrategy.org/plan/index.htm>

Federal Emergency Management Agency (FEMA). 1983. Flood Insurance Rate Maps for the City of Tacoma, Pierce County, Washington. ID#53014800.

"Guiding Restoration Principles," Technical Report 2004-03, Puget Sound Nearshore Partnership, December 2004.

Habitat Limiting Factors, Washington State Conservation Commission, <http://salmon.scc.wa.gov>

Palmer, S. P., Perkins, W. J., and Grant, W.P. 2003. Liquefaction Susceptibility of the Greater Tacoma Urban area, Pierce and King Counties, Washington. Washington Department of Natural Resources Geologic Map-51 http://www.dnr.wa.gov/geology/pdf/gm51_env.pdf

Pierce Conservation District. 2003. Salmonid Habitat Limiting Factors Analysis, Chambers-Clover Creek Watershed, WRIA 12.

"Protecting Aquatic Resources: A Guide for Puget Sound Planners to Understand Watershed Processes," Ecology. Publication #05-06027, 2005.

"Stream Habitat Restoration Guidelines, Final Draft," Washington State Aquatic Habitat Guidelines Program, 2004.

Troost, K.G. 2001. Geologic Map of the Tacoma South 7.5-minute quadrangle, Washington. U.S. Geological Survey Open-File Report. Scale 1:24,000.

United States Army Corps of Engineers (COE), USEPA, USFWS, and NOAA. 1993. Commencement Bay Cumulative Impact Study, Vol. II Restoration Options.

United States Environmental Protection Agency (USEPA). 1987. Puget Sound Environmental Atlas, Volumes 1 and 2.

United States Fish and Wildlife Service (USFWS). 1987. National Wetlands Inventory (NWI) Map. <http://www.nwi.fws.gov/>

USFWS and NOAA. 1996. Commencement Bay Programmatic Environmental Impact Statement Volume I: Draft Environmental Impact Statement (EIS).

Washington Administrative Code (WAC). 2000. Title 173 Chapter 26, State Master Program Approval/Amendment Procedures and Shoreline Master Program Guidelines.

Washington Conservation Commission. 1999. Salmon Habitat Limiting Factors, Puyallup River Basin, WRIA 10.

Washington Department of Ecology (Ecology). 1992. Shoreline Aerial Photos
<http://apps.ecy.wa.gov/shorephotos/>

Washington Department of Fish and Wildlife (WDFW). 1975. A catalog of Washington streams and salmon utilization: Volume 1 - Puget Sound.

Washington Department of Fish and Wildlife (WDFW). 1999. Priority habitats and species list. Aquatic Habitat Program <http://www.wa.gov/wdfw/hab/phslist.htm>

Washington Department of Fish and Wildlife (WDFW). 2001. Aquatic Habitat Guidelines: An Integrated approach to Marine, Freshwater, and Riparian Habitat Protection and Restoration.

Washington Department of Fish and Wildlife (WDFW). 2002. Species of Concern Lists. <http://www.wa.gov/wdfw/wlm/diversity/soc/concern.htm>

Washington Department of Fish and Wildlife (WDFW). 2003a. Maps and Digital Information. <http://www.wa.gov/wdfw/hab/release.htm>

Washington Department of Natural Resources (WDNR). Updated annually. Washington Natural Heritage Program GIS Data Set.

Washington Natural Heritage Information System. 1997. Endangered, Threatened, and Sensitive Plants of Washington.

Washington Natural Heritage Information System. 2003. List of Known Occurrences of Rare Plants in Pierce County, Washington. <http://www.dnr.wa.gov/nhp/refdesk/lists/plantsxco/pierce.html>

Washington State Department of Ecology (Ecology). 1997. Washington State Wetlands Identification and Delineation Manual," Publication #96-94.

Washington State Department of Ecology (Ecology). 2004. Washington State Wetland Rating System for Western Washington, Revised, Publication #04-06-025.

Washington State Department of Ecology (Ecology). 2005. "Wetlands in Washington State, Volume 1: A Synthesis of the Science," Publication #05-06-006.

Washington State Department of Ecology (Ecology). 2005. "Wetlands in Washington State, Volume 2: Guidance for Protecting and Managing Wetlands," Publication #05-06-008.

Washington Department of Ecology (Ecology). 2003. State Master Program Approval/Amendment Procedures and Master Program Guidelines.

Water Quality Assessments – 303(d) & 305(b) Report, 2005.

□□
□□

□
□
□
□
□
□
□



APPENDIX A

State Agency Contacts

Department of Agriculture

<http://agr.wa.gov/>
P.O. Box 42560
Olympia, WA 98504-2560
Ph: 360-902-1800

- **Food Safety and Consumer Services Division**
Ph: 360-902-1880
- **Pesticide Management Division**
Ph: 1-877-301-4555
- **Licensing of Applicators**
Ph: 1-877-301-4555
E: license@agr.wa.gov
- **Pesticide Compliance**
Ph: 360-902-2040
E: compliance@agr.wa.gov
- **Registration for Fertilizers**
Ph: 360-902-2025
E: fertreg@agr.wa.gov
- **Registration for Pesticides**
Ph: 360-902-2030
E: pestreg@agr.wa.gov
- **Plant Services Program**
Ph: 360-902-1922
E: plantservices@agr.wa.gov

Community Trade and Economic Development

<http://www.cted.wa.gov>
P.O. Box 42525
Olympia, WA 98504-2525
Ph: 360-725-4000

Department of Health

<http://www.doh.wa.gov>

- **Drinking Water Operating Permit Northwest Region**
Ph: 253-395-6750
- **Waterworks Operator Certification**

Department of Archaeology and Historical Preservation

<http://www.dahp.wa.gov/>
P.O. Box 48343
Olympia, WA 98504-8343
Ph: 360-586-3065
Fx: 360-586-3067

Department of Ecology

<http://www.ecy.wa.gov>

- **Headquarters Office**
P.O. Box 47600
Olympia, WA 98504-7600
Ph: 360-407-6000
Fx: 360-407-6989
- **Southwest Regional Office**
(Includes Pierce County)

P.O. Box 47775
Olympia, WA 98504-7775
Ph: 360-407-6300
Fx: 360-407-6305

Department of Fish and Wildlife

<http://wdfw.wa.gov/>

- **Coastal – Region 6**
(Includes Pierce County)

48 Devonshire Road
Montesano, WA 98563
Ph: 360-249-4628
Fx: 360-249-1229
E: teammontesano@dfw.wa.gov

Department of Natural Resources

<http://www.wa.gov/dnr>

- P.O. Box 47000
Olympia, WA 98504-7000
Ph: 360-902-1000
- **South Puget Sound Region**
(Includes Pierce County)

950 Farman Ave N

Ph: 1-877-780-2444

- **Northwest Drinking Water Operations**

(Includes Pierce County)

20425 72nd Ave S, Suite 310
Kent, WA 98032-2358

Ph: 253-395-6750

Fx: 253-395-6760

Enumclaw, WA 98022-9282

Ph: 360 825-1631

Fx: 360-825-1672

E: southpuget.region@dnr.wa.gov

- **Shoreline Aquatic District**
(Includes Pierce County)

950 Farman Ave N

Enumclaw, WA 98022-9282

Ph: 360 825-1631

Fx: 360-825-1672

E: aquaticleasing.shoreline@dnr.wa.gov

- **Forest Practices Division**

1111 Washington Street SE

P.O. Box 47012

Olympia, WA 98504-7012

Ph: 360-902-1400

Fx: 360-902-1428

E: fpd@dnr.wa.gov

Tribal Contacts

Muckleshoot Indian Tribe

<http://www.muckleshoot.nsn.us/>

39015 172nd Ave SE

Auburn, WA 98092

Ph: 253-939-3311

Fx: 253-939-5311

E: webmaster@muckleshoot.nsn.us

Puyallup Indian Tribe

<http://www.puyallup-tribe.com/>

- **Puyallup Tribal Council**

3009 E. Portland Ave.

Tacoma, WA 98404

Ph: 253-680-5992

Fx: 253-680-5996

- **Puyallup Fisheries**

6824 Pioneer Way W

Puyallup, WA 98371

Ph: 253-845-9225

Fx: 253-593-0103

Air Quality Contacts

Puget Sound Clean Air Agency

<http://www.pscleanair.org>

1904 3rd Ave, Suite 105
Seattle, WA 98101
Ph: 206-343-8800
Fx: 206-343-7522

- **Air Pollution Control Officer**
Ph: 206-343-8800
Ph: 1-800-552-3565

Department of Ecology

<http://www.ecy.wa.gov>

- **Air Quality Program**
P.O. Box 47600
Olympia, WA 98504-7600
Ph: 360-407-6800

Environmental Protection Agency

- **EPA Region 10 (Pacific NW)**
<http://www.epa.gov/region10>
1200 6th Avenue, Suite 900
Seattle, WA 98101
Ph: 206-553-1200
Ph: 1-800-424-4372



CITY OF
ORTIG
SHORELINE
MASTER
PROGRAM



*City Council
Study Session
Draft, May 2019*



**City Of Orting
Council Agenda Summary Sheet**

Subject: Sponsorship Application-Summerfest, by Resolution No. 2019-12		Committee	Study Session	Council
	Agenda Item #		AB19-32	
	For Agenda of:	CGA 5.7.19	5.15.19	5.29.19
	Department:	Administration		
	Date Submitted:	5.8.19		
Cost of Item:	<u>\$</u>			
Amount Budgeted:	<u>\$</u>			
Unexpended Balance:	<u>\$</u>			
Bars #:				
Timeline:	8.3.19 Event Date			
Submitted By:	CGA/Clerk			
Fiscal Note:				
Attachments: Application and Resolution No. 2019-12				
SUMMARY STATEMENT:				
<p>Orting Summerfest submitted their application for City sponsorship to the Community and Government Affairs Committee (CGA) on May 7th, 2019. The Committee reviewed the application and found it to be in compliance with City Policy.</p> <p>The CGA Committee recommends approval of the application from Orting Summerfest for City sponsorship.</p>				
RECOMMENDED ACTION: Move Forward To The Next Council Meeting.				
FUTURE MOTION: To Approve Resolution No. 2019-12, Sponsorship Application for Summerfest.				

**CITY OF ORTING
WASHINGTON
RESOLUTION NO. 2019-12**

**A RESOLUTION OF THE CITY OF ORTING,
WASHINGTON, DECLARING A PUBLIC PURPOSE AND
AUTHORIZING CITY SPONSORSHIP OF THE ORTING
SUMMERFEST.**

WHEREAS, the City of Orting has adopted a Special Event Sponsorship Policy (the “Policy”) to extend City-sponsorship to events that the City Council determines serve valid municipal purposes; and

WHEREAS, in accordance with the Policy, sponsorship is extended to events upon application, on a case-by-case basis and at various levels of support depending on the value the event has for the community; and

WHEREAS, upon a declaration by the City Council that a particular event qualifies for sponsorship, the event may be entitled to use of city facilities and services without charge; and

WHEREAS, the City received an application for sponsorship from the Orting Summerfest; and

WHEREAS, the City Council’s Community & Government Affairs Committee reviewed the application on May 7th, 2019, and recommended approval of the application; and

WHEREAS, The City Council reviewed the application at a study session on May 15th, 2019, and recommended approval of the application; and

WHEREAS, the City Council finds that the Orting Summerfest has been an institution of public service for 20 years, is open to the public, and serves the valid municipal purposes of providing an opportunity for strengthening the City’s sense of community and celebrating the value of family participation in healthy activities that are fundamental to the City; and

WHEREAS, the City Council finds that the Orting Summerfest application meets the requirements of the City’s Policy, and qualifies for City-sponsorship as an event serving valid municipal purposes; and

NOW, THEREFORE, the City Council of the City of Orting, Washington, do resolve as follows:

Section 1. Declaration of Public Purpose. The City Council declares that the Orting Summerfest is an event open to the public, which serves the valid municipal purposes described herein.

Section 2. Authorization for Sponsorship of Event. The City Council authorizes the City's sponsorship of the Orting Summerfest, pursuant to the City's Policy, at the Tier # 2 level. This authorization extends to each event identified on the Orting Summerfest's application for sponsorship. The Mayor is authorized to enter into a contract with the Orting Summerfest to memorialize the City's sponsorship described herein.

Section 3. Effective Date. This Resolution shall take effect and be in full force immediately upon its passage.

PASSED BY THE CITY COUNCIL AT A REGULAR MEETING THEREOF ON THE 29th DAY OF MAY, 2019.

CITY OF ORTING

Joshua Penner, Mayor

ATTEST/AUTHENTICATED:

Jane Montgomery, City Clerk

Approved as to form:

Charlotte A. Archer
Inslee, Best, Doezie & Ryder, P.S.
City Attorney



PO Box 489 * Orting, WA 98360
 360.893.2219 Ext. 120
 Website: www.cityoforting.org
 Email: recreation@cityoforting.org

APPLICATION FOR SPECIAL EVENT PERMIT AND CITY SPONSORSHIP FOR SPECIAL EVENT

SECTION I: INSTRUCTIONS TO APPLICANT: A Special Event Permit issued by the City of Orting is required for any Special Event that occurs within the City of Orting, and meets the following definition of "Special Event":

A Special Event is an activity which occurs upon public or private property that will affect the standard and ordinary use of public streets, rights-of-way, or sidewalks, and/or which requires extraordinary levels of City services. This includes, but not limited to; fairs, festivals, carnivals, circus, sporting events, foot runs, bike-a-thon, block parties, event street closures, markets, parades, exhibitions, auctions, dances, riding galleries, theatrical or musical entertainments and motion picture filming.

Special Event Permit: To qualify for a Special Event Permit, the Applicant shall submit the following to the City sixty (60) days prior to the event: (1) a completed Special Event Permit Application; (2) a Certificate of Insurance, naming the City of Orting as an additional insured for this event in the amount of \$1,000,000.00; and (3) a map that shows the area in which the event will take place and affected areas of the City. Applicants are encouraged to submit their requests as far in advance as possible (60 days minimum) for events that may require more significant City services in order to ensure the best coordination with City personnel, such as events that involve blocking roads or traffic revisions or events which may block emergency access to areas.

Permit Application Rates: For Rates see Resolution 2011-12

Special Event City Sponsorship: All Special Events require a Permit; some Special Events may qualify for City Sponsorship, according to the City's Special Event Sponsorship Policy (Policy). To qualify for City Sponsorship the event must abide by all requirements of the Policy, including: (1) hosted by a Non-Profit Organization registered with the Washington Secretary of State; (2) be open to all Orting residents; and (3) serve a valid municipal purpose, such as strengthening the City's sense of community or celebrating the City's History. Applicants seeking City Sponsorship must meet these baseline criteria, and shall submit to the City Clerk the following at least 60 days prior to the month in which the Event is scheduled to occur: (1) all items required for a Special Event Permit (described above); (2) a brief letter defining the purpose of the event and the tier of sponsorship requested (see Section III of this Application for more information); and (3) proof of liability insurance that complies with the terms of Section IV of the City Special Event Sponsorship Policy. All requests for City Sponsorship are reviewed by the City Council's Community and Government Affairs (CGA) Committee, and Applicants will be required to have a representative attend a CGA Committee meeting in order to answer any questions regarding the request. Applicants are advised to review the City's Policy before requesting City Sponsorship for a Special Event. All City Sponsored Events shall comply with all applicable local, state and federal regulations.

SECTION II: SPECIAL EVENT PERMIT APPLICATION [TO BE COMPLETED BY APPLICANT]

NAME OF EVENT: Orting Summerfest DATE OF EVENT: 8/3/2019

TIMES EVENT: Set Up 7:30 AM PM Start of Event 10:00 AM End of Event 5:00 PM End Time 6:30 AM PM

TYPE OF EVENT (CIRCLE ALL THAT APPLY):

- Festival
- Walk Procession/Organized Rally
- Demonstration
- Parade
- March
- Other (Please Describe: _____)
- Run/Race
- Block Party

CONTACT PERSON FOR EVENT (day of): Karie Franks PHONE: (253) 722-6148

PHONE OF CONTACT PERSON: 253-722-6148

SPONSORING ORGANIZATION (Non-Profit): Abundant Life Community Church / Orting Summerfest

SPONSORING ORGANIZATION UBI# (Given by Secretary of State): 602-434-892

NAME AND TITLE OF PERSON APPLYING ON BEHALF OF SPONSORING ORGANIZATION:

Karie Franks, Executive Pastor

APPLICANT'S MAILING ADDRESS: PO Box 826 Orting, WA 98360

CITY/STATE/ZIP: Orting / WA / 98360
PHONE: (253) 722-6148 EMAIL ADDRESS: OrtingSummerfest@gmail.com
ca

Certificate of Insurance showing the City of Orting as an Additional Insured (please attach).

- Name of Insurance Company: Farmer's Insurance
- Policy Number: 605913783

A City Map that shows the area in which the event will take place (please attach). Please show on the map the streets that will be closed, the location of barricades/signs, where you will be using electricity, where police services or any other staffing by the City of Orting will be necessary, where garbage receptacles will be placed, where restroom facilities are provided, and indicate other streets that may be affected by event as well as the flow of traffic will be routed.

What arrangements have been made to provide for additional garbage service and where is the plan for placement (Show on Map)?

City Provided - No additional needed

What arrangements have been made to provide adequate restroom facilities and where (Show on Map)?

Park Restrooms and 2 Portables Provided by the City

Will there be any open flame, cooking facilities, or gas cylinders (Show on Map)?

BBQ and Snack vendors

Will there be any vendors? (Circle one) YES / NO If YES, vendors are required to purchase a City of Orting Business License prior to the event (City Code 4-1-1).

Blanket License for Applicant?

Will City services be requested?

◇ Barricades: How Many/Where (Show on Map) YES / NO

20 Barricades

+ Cones for turn plane

◇ Signage: What Signs/Where (Show on Map) YES / NO

Summerfest w/ Date + Time

◇ Police Officers: YES NO How Many/For what service/What Hours (must arrange with the police department)

◇ City Crew: YES / NO How Many/For what service/What Hours (must arrange with the utility department)

The one that the city provides is sufficient

◇ Street Sweeper: YES / NO Date of Request N/A

◇ Electricity: YES / NO Basic Electrical Outlets/Spider Boxes (Show on Map)

◇ Other:

N/A

Will the event interfere with access to emergency services or cause undue hardship or excessive noise levels to adjacent businesses and/or residents? NO

What methods do you propose for notifying adjacent homeowners/businesses?

Advertising Orting Summerfest, getting Sponsors + vendors in which most local businesses are involved

Additional Comments that the City of Orting needs to know about your event?

SECTION III: ADDITIONAL INFORMATION FOR CITY SPONSORSHIP

Applicants for City Sponsorship for a Special Event shall comply with the City's Special Event Sponsorship Policy. There is no additional fee to apply for City Sponsorship, and Applicants may request sponsorship for a specific "tier." The City offers two "tiers" of sponsorship, with differing levels of support offered by the City depending upon the City's determination of the value added by the event to the community.

TIER REQUEST (CIRCLE ONE): TIER #1 or TIER #2

Tier #1:

The following are examples of Tier #1 type events and available locations, and any special requirements therefor:

Gazebo or BBQ Area or North Park – Open to nonprofit organizations registered Active with Secretary of State, and must comply with City's insurance and indemnification requirements.
North Park- For Event more than 1 day usage, open to nonprofit organizations registered Active with Secretary of State, and must comply with City's insurance and indemnification requirements. Organization must also purchase a City Business License Blanket Permit.

Tier #1~Sponsorship May Include:

- City Logo on Event (all City-Sponsored Events shall place the City Logo on all materials advertising the Event)
- City Has a Booth at No Charge
- Reader Board
- Website
- Facility Usage at No Fee
- City to display banner over Washington Avenue at no fee.

Tier #2:

The following are examples of Tier #2 type events and available locations, and any special requirements therefor:

Block Train Street/Calistoga/Parking Lots with MPC/Gazebo/North Park- Open to nonprofit organizations registered Active with Secretary of State, and must comply with City's insurance and indemnification requirements. Must purchase a City Business License Blanket Permit.

Block Train Street/Calistoga/Washington/Parking Lots with MPC/ Gazebo/North Park-Open to nonprofit organizations registered Active with Secretary of State, and must comply with City's insurance and indemnification. Must purchase a City Business License Blanket Permit.

Tier #2~Sponsorship May Include:

- City Logo on Event
- City Has a Booth at No Charge
- Reader Board
- Website

- Facility Usage at No Fee
- Spider Box Usage
- 1 Maintenance Staff 8 hours
- Police Staff for set up/take down of Barricades, Cones, Traffic Signs & Directing Traffic or Police to set up/take down Barricades/Traffic Signs/Cones but not stay for event
- 2 Port-A-Potties
- 1 Dumpster
- Barricades/Cones/Traffic Signs
- City to display banner over Washington Avenue at no fee

If City Sponsorship is authorized by the City Council, the Sponsored Organization will be required to execute an Agreement with the City, acknowledging and agreeing to terms including but not limited to such issues as insurance and indemnification.

SECTION IV: SIGNATURE OF APPLICANT FOR SPECIAL EVENT PERMIT

THE UNDERSIGNED APPLICANT HEREBY warrants that he/she is the authorized representative of the Sponsoring Organization identified in Section II of this Application, and further AGREES to defend, indemnify and hold harmless the City, its officers, officials, employees and volunteers from and against any and all claims, suits, actions, or liabilities for injury or death of any person, or for loss or damage to property, which arises out of the use of City's property or from any activity, work or thing done, permitted, or suffered by APPLICANT or public in or about the City's property as a result of the APPLICANT'S use of the City's property.

I declare under penalty of perjury (under the laws of the United States of America) that the foregoing is true and correct.

APPLICANT SIGNATURE: [Signature] Date: 4/23/2019
 PRINTED NAME: Katie Franks
 TITLE/ROLE IN SPONSORING ORGANIZATION: Executive Pastor of AllC
Director of Orting Summerfest

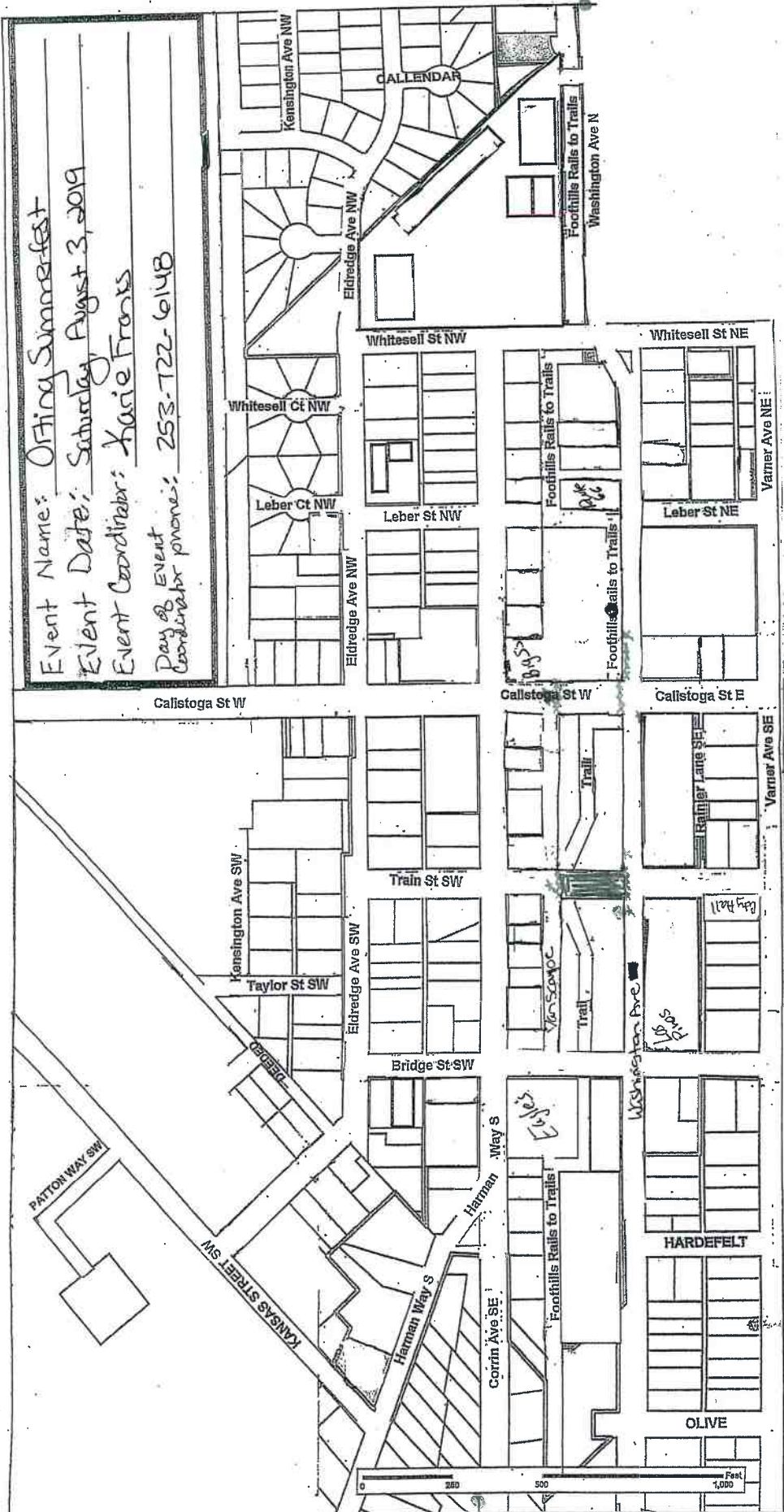
You can either mail or bring in the application and fee to:

<u>Mail to:</u>	Or	<u>Stop by:</u>
City of Orting		City Hall
Attention: Event Permit		110 Train St SE
PO Box 489		Orting, WA 98360
Orting, WA 98360		

If you have questions regarding the application please call (360) 893-2219 ext. 120
 A receipt by the City is NOT approval of the event

<small>For Office Use Only</small>			
Detailed Map Enclosed:	YES / NO	Tier #1	Tier #2
Sponsorship Requested:	YES / NO	_____	_____
Fee Paid \$	_____	Check / Cash / Debit / Credit	Receipt # _____

Event Name: Ofing Summer-fest
 Event Date: Saturday August 3, 2019
 Event Coordinator: Marie Frantz
 Day of Event: _____
 Coordinator phone: 253-722-6148



- Food/Coating Facilities
- Street Signs
- ▲ Street Closure
- turning lane on Washington Ave going into Callistoga

- Close Callistoga
- Close Trash
- Barriers
- Cones for turning lane
- NO TURN NO U-TURN Signs
- * Detour Signs

April 23, 2019



Greetings Business Owner,

My name is Karie Franks and I am the Director and Sponsorship Coordinator for the annual Orting Summerfest. This year's event will be held on Saturday, August 3rd from 10am-5pm. As always the festival entertainment and activities are free family fun for those who attend. We partner with local non-profits to enhance the festival.

One of the things that make Summerfest so special is that there is NO entry fee, NO ticket sales and NO hidden sales pitch. It's just a bunch of local non-profit groups bringing small town family fun for all ages to Orting.

Because the festival offers so much at NO COST (Free Hot Dogs again this year) we look to our local businesses to get involved by sponsoring various activities. In return when marketing the event we will also advertise the sponsoring businesses and their services leading up to and on the day of the event with flyers, postcards, posters signs, social media and banners throughout Orting.

You are invited to be a 2019 Summerfest Sponsor. If you choose to sponsor an area or booth your company's sign, you provide, will be posted letting families know that you made the activity possible and affordable. We also submit an article to the Orting News after the festival to once again thank them publicly for their support. Lastly we publicly post and thank the sponsors on our Facebook page that has over 1000 followers and growing every day.

Enclosed you will find the sponsorship levels to consider. Please take just a few moments to glance over it and sponsor an activity! If you choose to be a sponsor please email at ortingsummerfest@gmail.com or call me at 253-722-6148.

Thank you for joining with us to support the community of Orting.

Gratefully

A handwritten signature in black ink, appearing to read "Karie Franks", with a long horizontal flourish extending to the right.

Karie Franks
Director
Orting Summerfest 2019



**City Of Orting
Council Agenda Summary Sheet**

Subject: Closed Record Hearing-Copper Ridge/Meadows 4, Preliminary Plat and Variance Approval.		Committee	Study Session	Council
	Agenda Item #:	N/A	AB19-33	AB19-33
	For Agenda of:		5.15.19	5.29.19
	Department:	Planning		
Date Submitted:	5/9/19			
Cost of Item:	<u>\$ NA</u>			
Amount Budgeted:	<u>\$ NA</u>			
Unexpended Balance:	<u>\$ NA</u>			
Bars #:				
Timeline:				
Submitted By:	Mark Bethune			
Fiscal Note:				
Attachments: Staff report, Hearing Official's recommendation				
<p>SUMMARY STATEMENT: See staff report. Soundbuilt Homes has proposed the development of 20 residential building lots now called Meadows 4. The Hearing Official has reviewed the pre-plat documents, the staff report by the City Planner, and the variance request and recommends to the Council approval of the preliminary-plat.</p> <p>The Council will hold a closed record hearing at its meeting of May 29th meeting to discuss the recommendation of the preliminary plat and variance. The Council can hear testimony only from citizens who gave recorded testimony before the Hearing Official. The Council cannot entertain new information from those giving testimony.</p>				
RECOMMENDED ACTION: Move to the meeting of May 29 th , 2019 for a hearing and a vote.				
MOTION: To approve the recommendation made by the Hearing Examiner dated April 30 th , 2019, to approve the preliminary plat and Variance for Copper Ridge/Meadows 4.				

OFFICE OF THE HEARING EXAMINER

CITY OF ORTING

REPORT TO THE CITY COUNCIL

PROJECT Copper Ridge/Meadows 4 Preliminary Plat and Variance (PP-2018-1)

APPLICANT: Craig Deaver CES NW Inc.

LOCATION OF PROPOSAL: 403 Becket Lane SW, Orting

SUMMARY OF REQUEST

The applicant requested two items: first, preliminary plat approval of a parcel into 20 single family residential lots including a new public road (Road A), three access tracts. (Tracts A, B, and C), a storm tract (Tract D) and a wetland with buffer (Tract E) and second, two related variances. The first is a setback variance for Lot 18, reducing the 25' front setback to 8' along Beckett Lane SW and the second would be to allow the perimeter landscaping on this lot to fit within the requested reduced setback. The applicant has proposed a fence on the inside of the perimeter landscaping to enhance screening. A more detailed analysis of the request is provided in the City of Orting Staff report and recommendation dated March 26, 2019, attached as Exhibit 1.

PUBLIC HEARING

A public hearing was held on April 11, 2019. The public comment period ended on August 1, 2018. During that period, comment was received and reviewed from residents from a nearby development, the Puyallup Tribe, Pierce County, the Department of Ecology and the Department of Fish and Wildlife. Issues of traffic congestion and water accumulation were raised and addressed by the city representatives and the developer.

The hearing convened at the City of Orting Multi-Purpose Center located at 202 Washington Avenue South, Orting, Washington, on April 11, 2019. Present were the applicant, City of Orting staff and three members of the public.

Testimony was taken at the hearing from the applicant, the city staff and members of the public and Vicky Bishop, who described the scope of the anticipated residence.

PRELIMINARY PLAT APPROVAL

1. OMC section 12-5-3 describes the review criteria for the approval of a preliminary plat. In most instances, the City Planning Commission would

review the application and make a recommendation to the City Council. However, because this hearing also includes an application for a variance, which is within the provenance of the City Hearing Examiner, the recommendation on both issues will be made by the Hearing Examiner.

2. The issues to be considered when reviewing a preliminary plat application are:

- A Whether the proposed plat conforms with State and Municipal law.
- B Whether provisions have been made for public health, safety, general welfare, open spaces, drainageways, streets, alleys or other public ways, transit stops, water supplies, sanitary waste disposal, parks and recreation, playgrounds, schools, sidewalks and other items to assure safe walking conditions for students.
- C Whether the general public interest will be served by the plat.
- D Whether the plat is in conformity with zoning ordinances, the existing comprehensive plan or other land use controls.
- E Whether roads are properly dedicated, with appropriate deeds and title reports or marked private
- F That there be appropriate provision for public improvements or impact fees.
- G That in lieu of completion of any required component, an appropriate performance bond may substituted.

3 The City Staff report has addressed each of these issues.

- A That the proposal is in conformity with all applicable zoning requirements, the comprehensive plan and any other existing land use requirements or controls.
- B That a new public road will be constructed to city standards and will be dedicated to the city and properly documented, that all lots will be appropriately accessed, that an appropriate waiver of damage claims will be obtained.
- C That the applicant will pay appropriate impact fees for streets.
- D That in lieu of a park, the applicant will pay appropriate park impact fees.
- E That the applicant is posting a bond for maintenance of perimeter landscaping, wetland delineation and fencing.
- F That appropriate provisions have been made to address items described in Section 2 A-C above.

VARIANCE

The following criteria are to be examined before a variance is granted:

- 1 That there are special circumstances applicable to the subject property that do not apply generally to other properties in the same vicinity or zone.
- 2 That the variance is necessary for the preservation and enjoyment of a substantial property right or use enjoyed by other properties in the same vicinity or zone which, because of special circumstances, this property does not enjoy.
- 3 That granting the variance will not be materially detrimental to the public welfare or injurious to other properties in the area.
- 4 That the comprehensive plan will not be adversely affected.

The City Staff has addressed each of these items.

- 1 There are special circumstances. The developer is placing a fewer number of homes on this site than might otherwise occur, occasioned by the existing wetlands and buffer area. Without this variance, the developer would lose one additional lot for a home site. Without the variance, which reduces setback, the effective area of the lot will make building a home unfeasible.
- 2 The applicant has a substantial property right in the ability to develop the property to its maximum potential. The applicant has already suffered a significant loss of building potential because of the wetland and buffers and it is appropriate to minimize further property right loss.
- 3 As mitigated, the variance will not be detrimental to public welfare. Appropriate requirements for perimeter landscaping and fencing will minimize any detrimental effects caused by a new development in the city.
- 4 Nothing in the proposal adversely affects the comprehensive plan in place for the city.

City Staff has recommended the approval of both the Preliminary Plat and the variances.

RECOMMENDATION TO THE COUNCIL

After reviewing all of the application material, conducting a site visit and conducting a public hearing, the Hearing Examiner adopts the recommendations of city Staff as detailed on Exhibit 1, and recommends to the council that the Preliminary Plat be approved and the variances be granted. I am cognizant of concerns raised about traffic congestion and area flooding and believe that the city has addressed those issues, both in the requirements set forth for this plat as well as other aspects of city planning in such a way that those concerns are mitigated appropriately. I am also cognizant that other residents in the area may feel that some of their territorial views will be affected, but there is no view easement or other requirement in place for the city to address those issues. By definition, areas of Urban Residential Zoning have neighboring homes affecting views and in my opinion, the city staff recommendations as

well as the plan of the developer do as much as is practical to address or minimize any negative effects. I do not believe that the project will be detrimental to the public or detrimental to other properties in the area.

Dated this 30th day of April, 2019.



ANTONI H. FROEHLING
Hearing Examiner

Staff Recommendation

Project Name: Copper Ridge/Meadows 4 Preliminary Plat and Variance (PP-2018-01)

Applicant: Mr. Craig Deaver
Principal CES NW Inc

Puyallup, WA 98373

Project Address: 403 Beckett Lane SW
Orting, WA 98360

Site Legal Description: APN 0519323054

Date of application: June 13, 2018

Date of Notice of Complete Application: July 10, 2018

Date of Staff Report: March 26, 2019

Date of Public Hearing: April 11, 2019

City Staff Contacts: Emily Terrell, AICP JC Hungerford, PE
City Planner City Engineer

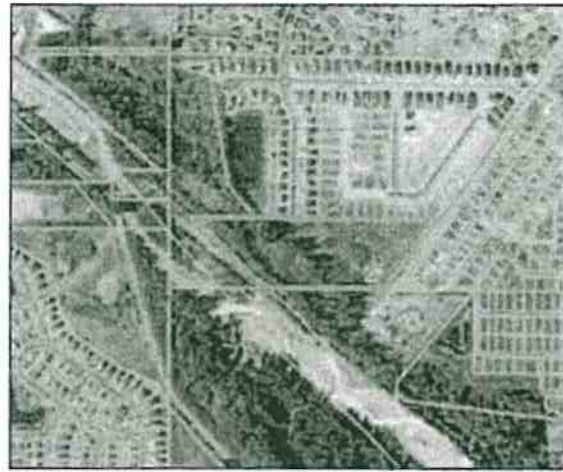
Requested Approvals: Preliminary Plat Subdivision Approval & SEPA Environmental Review

Staff Recommendation: **Approval Subject to Conditions**

Public Comment Period: The public comment period ended August 1, 2018 at 5:00 pm. Public comment was received from Smith (Ex. 14), the Residents of Meadows in Orting (Ex. 15), and Lisa Coville via phone. Public comment was also received from the Puyallup Tribe, Pierce County, the Department of Ecology and the Department of Fish and Wildlife.

SEPA Determination: The SEPA Responsible Official issued a Determination of Non-Significant Impact – Mitigated was published on January 9, 2019. The Appeal period ended January 30, 2019. No appeal was filed.

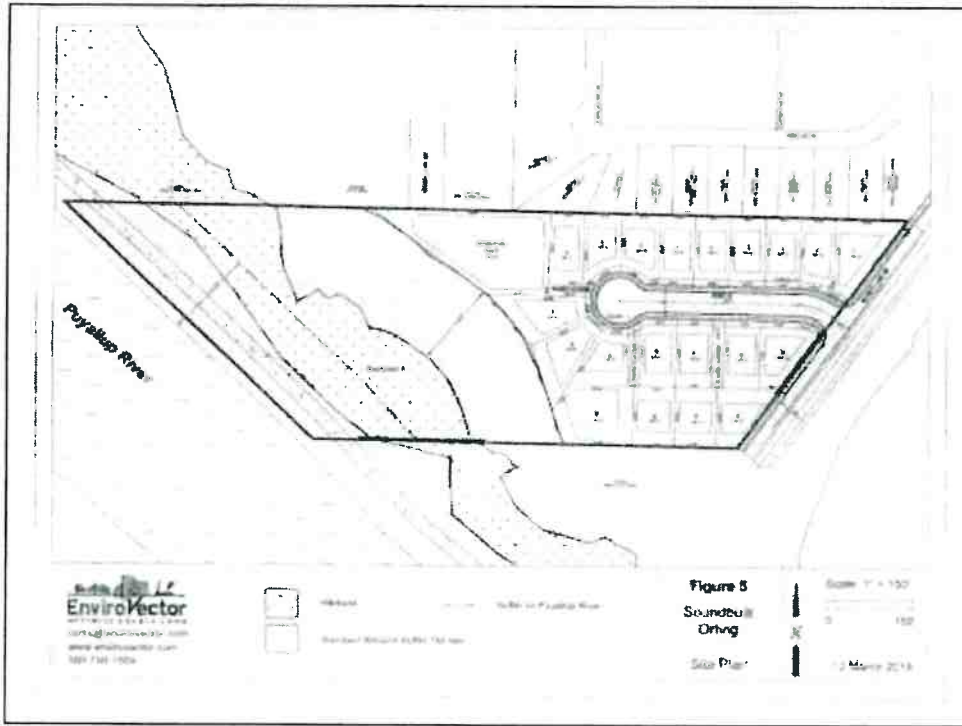
Public Notice: Notice of the Land Use Application and Notice of the Hearing were separately mailed to property owners within 500 feet of the property, posted on site



and at City Hall, and published in the newspaper of record for a minimum of 14 days each.

Exhibits:

1. Staff Report
2. Project Narrative by C.E.S. NW Inc (March 14, 2018)
3. City of Orting Development Permit Application (June 13, 2018)
4. Legal Descriptions for APN 0519323054
5. Title Report for APN 0519323054 (January 23, 2018)
6. Response to Reviewer's Comments (April 20, 2018)
7. Lot Closure Calculations by C.E.S. NW Inc.
8. SEPA Checklist (March 14, 2018, revised May 31, 2018)
9. Geotechnical Engineering Study by Earth Solutions NW (February 5, 2018, revised April 24, 2018)
10. Critical Areas Report by EnviroVector (March 14, 2018, revised June 8, 2018, revised February 19, 2019)
11. Preliminary Storm Drainage Report by C.E.S. NW Inc (March 2018, revised April 2018)
12. Topographic Survey by C.E.S. NW Inc (January 30, 2018, revised May 2, 2018)
13. Preliminary Plat Site Plat by C.E.S. NW Inc (March 1, 2018, revised April 25, 2018)
14. Comment Letter by Brittnee and Chris Smith (August 2, 2018)
15. Comment Letter by the Residents of Meadows in Orting (July 29, 2018)
16. Traffic Report by Heath and Associates (November 2018)
17. Landscape Plan by Bradley Design Group (December 2018)
18. SEPA MDNS (January 9, 2019)
19. Email from Elizabeth Bockstiegel of WA DFW (February 5, 2019)
20. Comment letter from the Department of Ecology (February 8, 2019)
21. Comment letter from Pierce County (January 30, 2019)



Findings of Fact

1. Project Description:

The applicant has requested preliminary plat approval of the above referenced parcel into 20 single-family residential lots, a new public road (Road A), three access tracts (Tracts A, B and C), a storm tract (Tract D) and a wetland/buffer Tract (Tract E). The applicant has further requested two related variances. The applicant has requested a setback variance for Lot 18 from the required 25-foot front yard setback along Beckett Lane SW to an 8-foot (OMC 13-5-1-C Table 1 and OMC 13-5-1-C-1). Lot 18 is a through lot pursuant to OMC 13-5-1-C-4, which without the requested variance would require a 25-foot landscaped perimeter and right of way setback. The applicant has requested a further variance to OMC 13-5-2-E-1 to allow the perimeter landscaping on this lot to fit within the requested reduced setback. The applicant has proposed a fence on the inside of the perimeter landscaping to enhance screening.

The subject property is 10.02 acres. The project is located partially within the Residential – Urban (RU) zoning district and partially within the Residential Conservation (RC) zoning district. The zoning districts match the Comprehensive Plan Land Use Designations. The proposed single family lots range from 7,260sf to 12,884sf with a proposed net density of 5.53 dwelling units per acre. The existing single-family residence and all associated structures will be removed. The proposed lots will be served by a new road (Road A) which will access Beckett Lane SW. Lots 13-14, and 17-19 will be

accessed by two access tracts (Tracts A and B), respectively. The stormwater pond will be accessed via Tract C. No development is proposed for the portion of the subject property zoned RC.

The western portion of the site is adjacent to the Puyallup River and its associated wetlands. Significant portions of the site lie within areas of Special Flood Hazard. On September 25, 2018 FEMA issued a determination on the applicant's requested Letter of Map Amendment which removed the proposed development portions of the parcels from the mapped floodplain.

The project site is surrounded on the north and east by single-family residential subdivisions. To the west is the Puyallup River. To the south is a large lot single-family residence. The property to the north of the subject is zoned RU. The property to the west, south and northwest is zoned RC. The property to the east is zoned Residential – Urban Low.

2. Adequacy of Infrastructure/Public Services. The project will be served by adequate infrastructure and public services as follows:

A. Water & Sewer Service

The City of Orting will provide water and sewer services. City of Orting Public Works staff indicate there are adequate facilities to serve the proposed development. The proposal has been designed in accordance with the City of Orting Development Standards Special Provisions and Standard Details (Revised July 2013).

The proposed sanitary sewer service will be via an 8-inch main that will gravity feed down to the existing main located at the southern end of Grinnell Avenue Southwest. Each proposed sewer stub for every lot will gravity feed to the main located within Road A. The applicant has proposed the installation of six sanitary sewer manholes (3 within Road A, one at the western end of access Tract C and one at the northeastern corner of the storm pond within Tract D and one within the property boundaries adjacent to the terminus of Grinnell Lane SW. The proposal conforms with the City of Orting Development Standards, Drawings No. S-1A through S-9, as required.

The applicant is proposing to extend the existing 8-inch water main along the entire project frontage of Beckett Lane SW. Thrust blocking will be installed at the southern extent of this water main. An intersecting 8-inch water main with thrust blocking will be installed along the length of Road A. Water valves will be installed for each lot at the corner markers between each adjacent lot and 1 ½-inch or 2-inch lines will be extended down each Access Tract (Tracts A, B and C). The proposal conforms with City of Orting Development Standards, Drawing Nos. W-1A, 1B, W-3, W-6 to W-18B, as required. A SEPA Mitigation measure will require the 8-inch watermain to be looped with the existing system, likely extending to Grinnell Ave SW.

The applicant will offset impacts to the City's sewer and water system through payment of General Facility Charges and Facility Enhancement Fees.

These fees are due at the time of building permit issuance. The current water General Facility Charge is \$4,267.97 per Equivalent Residential Unit (ERU). The current 1% Water Facility Enhancement Surcharge is \$42.65 per ERU. The current Sewer General Facility Charge is \$ \$9,198.73 per ERU with a 1% Wastewater Facility Enhancement Charge of \$91.69 ERU.

B. Police & Fire Protection

Police staff did not respond to the request for review. City staff assume there is adequate police services to serve the development. The Orting Valley Regional Fire Department indicated there are adequate fire and emergency services to serve the development. The applicant is proposing a cul-de-sac along Road A to allow for a fire truck turn around. The cul-de-sac, as proposed, does not meet the City's requirements. Therefore, a SEPA mitigation measure will require the applicant to redesign the proposed cul-de-sac to meet City of Orting Standard Details T-8A, T-8B, and T-8C. None of the access tracts is longer than 150' and therefore do not require hammerhead turn arounds (City of Orting Development Standards, Drawing Nos. T-7 and T-8B). A fire hydrant will be installed to City standards on the north side of Road A (City of Orting Development Standards, Drawing No. W-4A, 4B, 4C, W-5 and W-19, as required).

C. Drainage

Lisa Colville expressed concern about drainage from the development. The applicant provided a preliminary storm drainage report prepared by CES NW (Ex. 11). As proposed, the project will provide adequate storm drainage facilities and comply with Department of *Ecology Stormwater Management Manual for Western Washington*, Volumes I-V. The applicant is proposing installation of a storm drainage line extending from a storm drain catch basin within Beckett Lane SW from the southern project boundary to meet with another catch basin located at the intersection with Road A. From there, the storm drain line will extend along the northern boundary of Road A with three catch basins located in Road A. The storm drain line will then extend to a storm drain manhole located at the edge of the stormwater pond adjacent to the western terminus of Tract C. The storm drainage will be routed to a 30,275sf storm pond (Tract D) before being discharged via another storm line and storm drain manhole located at the northwestern corner of the storm pond. All storm drainage will ultimately flow into the wetlands adjacent to the Puyallup River along the western boundary of the subject parcel. The storm drainage facilities are designed to conform to City of Orting Development Standards, Drawing Nos. D-1A to D-6, as required.

A SEPA Mitigation Condition will require the project to conform to the erosion and sediment control standards, construction access and silt fencing requirements of City of Orting Development Standards, Drawings No. X-1 through X-3.

A SEPA Mitigation Condition will require the applicant to provide a six-foot-tall fence surrounding the storm pond.

The applicant will offset impacts to the City's Drainage System through the payment of General Facility Charges and a Stormwater Surcharge. These fees are due at the time of building permit issuance. The current Storm General Facility Charge is \$1,022.56 per ERU. The current 1% Stormwater Surcharge is \$10.23 per ERU.

D. Parks/Open Space

Several residents expressed a desire to see a park in the development. The first three phases of the Meadows at Orting do not include any park space, whereas other subdivisions in the city do have parks (Ex. 15). Residents expressed an interest in seeing a park in this phase of the development. The City of Orting requires developers to either provide park land at the rate of 980 sf/household or pay a Park Impact Fee. No land for park dedication is proposed in the development. The applicant will offset the increase in usage for public parks through the payment of a Parks Impact Fee per OMC 13-6-7(B) Table 15-6-2. The impact fee is due at the time of building permits. The Park Impact fee is currently \$830 per dwelling unit.

The subject parcel is partially within the Residential Conservation zone. It is encumbered with wetlands and is within the Shoreline Master Program shoreline jurisdiction. The gross site area is 436,071sf (10.01 acres). The wetland and buffer (Tract E) will be 211,367sf (4.85 acres) or 48% of the gross land area. Therefore, significant open space will be provided.

E. Streets

The Smiths and the Residents at Orting Meadows all expressed concern about the traffic into and out of Orting (Ex. 14 & 15). Traffic delays on SR 162 are a daily issue with an ever-increasing amount of traffic. Some of this traffic is bound for Orting. Other traffic is through traffic to neighboring towns and to developments built in the County. Traffic outside of the Orting City limits is not subject to concurrency. State routes are exempted from local concurrency. Therefore, the issue of regional traffic is not a subject of this application.

The applicant provided a Traffic Report prepared by Heath and Associates (November 2018) (Ex, 16). The applicant will offset impacts by paying the City's Traffic Impact Fee and providing half street improvements along Beckett Lane SW.

Beckett Lane SW is a northeasterly-southwesterly, two-lane road with a posted speed limit of 25 mph. The cross section of the road is 44-wide travel lanes with sidewalks, curbs and gutter. Parking is allowed on the south side of the street near the project.

The new Road A will intersect at an approximate 90-degree angle with Beckett Lane SW. It would be desirable to have Road A connect to Grinnell Avenue SW at its present southern terminus. This would create looped roads and allow for additional access points for the subdivision phase to the north. However, there is insufficient space within the lot to allow for the connection without impacting the onsite wetlands or buffers.

The project is creating a net new 19 units and replacing an existing unit. Health and Associates estimates the development will result in 19 new PM Peak Hour Trips and a total Average Daily Trips of 179 trips. The applicant will offset impacts to the City's transportation system through payment of a Transportation Impact Fee. This fee is due at the time of building permit issuance. The current Transportation Impact Fee is \$2,149 per PM peak hour trip.

F. Access

The proposed lots will be served by a new public road (Road A) which will access Beckett Lane SW. Lots 13-14, and 17-19 will be accessed by two private access tracts (Tracts A and B), respectively. The stormwater pond will be accessed via Tract C. The half street improvements along Beckett Lane SW, Road A and the three Access Tracts will be designed to comply with City of Orting Development Standards, Drawing Nos. T-1A through T-2B, T-5A through T-5B, and T-8B, T-8D, T-9-T-10, and T-12, as required.

G. Sidewalks

Sidewalks and landscape strips will be provided along the project frontage at Beckett Lane SW as well as both sides of Road A. No sidewalks will be provided for the Access Tracts. The sidewalks along Beckett Lane SW will connect to existing sidewalks at the north property boundary. Sidewalks and planter strips will be designed to conform to City of Orting Development Standards, Drawing Nos. T-3B through T-4C.

H. Transit

There are no transit services available in the City of Orting. None are proposed by the development. Given the lack of transit services, no provisions for transit access are required.

I. Landscaping

The applicant submitted a Landscape Plan prepared by the Bradley Design Group (December 2018) (Ex. 17). The plan demonstrates a mix of trees, shrubs and ground covers and corresponding irrigation as required by OMC 13-5-2(C).

The Orting Municipal Code requires a perimeter buffer around all new subdivisions. This buffer must retain significant trees (OMC 13-5-2-(D)). The applicant does not intent to retain any of the existing trees on site within the development area. The applicant is providing a wetlands buffer that will retain all existing vegetation from the development area west to the Puyallup River.

Pursuant to OMC 13-5-2(E), the applicant has provided perimeter landscaping with a mix of evergreen trees and shrubs. The applicant has also proposed a six-foot solid fence on the portions of the plat proposed for residential development. Given the full plat contains wetlands, buffers and shoreline areas that are greater in width than the development portions, the fence will be less than 50% of the total width of the plat (OMC 13-5-2(E)(2)(c)).

The landscape plan relies on the adjacent homeowners to irrigate and maintain the perimeter landscaping along both Road A and the Beckett Lane SW right of way. Therefore, a SEPA Mitigating Condition will require the applicant to post a maintenance bond pursuant to OMC 13-5-2(H) and (I). A further SEPA Mitigating Condition will require applicant to create a homeowners association with the responsibility of ensuring the long term survival and upkeep of all perimeter landscaping and street trees as planted and to replace any dying or dead plant material in kind, the upkeep of all subdivision signage, and the upkeep of the wetland perimeter fencing and signage.

J. Parking

All residential dwellings are required to have two off-street parking spaces per unit. These spaces must be at least 160sf in area exclusive of access drives or aisles. The width may not be less than 8 feet. Each space must have adequate provision for ingress and egress. The application does not include building footprints. There is adequate area on each lot to meet the parking requirement. The City will require the applicant to demonstrate adequate off-street parking for each lot at the time of building permit review.

K. Schools

The Smiths and the Residents at Orting Meadows (Ex. 14 & 15) each expressed concerns about the impacts to the Orting School District. District schools are already overcrowded. However, the last two levy measures failed. The City of Orting is a pass-through entity for the District's school impact fees. The proposed development will add 19 new single-family homes. These homes will be serviced by the Orting School District. Impacts to the school district will be offset by payment of school impact fees based on the Fee Schedule in OMC 15-6-7 Table 16-6-1. Effective February 13, 2007, the maximum fees for single-family dwelling units is \$2,780 per unit.

3. Adverse Impacts. As conditioned and mitigated, no adverse impacts are anticipated resulting from the proposed project. Specific issues are addressed below.

A. Shoreline

The project site abuts the Puyallup River. Portions of the site lie within the Urban Conservancy area of the Orting Shoreline Master Program. Shoreline development is proposed within 300 feet of a shoreline jurisdictional wetland (SMP 5.07.A.03.C). Therefore, the applicant provided a wetlands analysis prepared by EnviroVector (Ex. 10). No development is proposed within the wetlands or buffers (SMP 5.07.A.03.D). The wetlands and buffers are proposed to be maintained within their natural condition (SMP 5.07.A.03.G).

The development will be farther than 150 feet from the Ordinary High Water Mark of the Puyallup River and should not impact anadromous fish habitat (SMP 5.07.B.03.C). No parking facilities are proposed within the shoreline jurisdiction (SMC 5.08).

Though public access is required by the Orting Shoreline Master Program, providing public access in this location is infeasible given the entire frontage

to the shoreline area is impacted by wetlands and buffers. Therefore, the staff recommend the applicant not be required to provide public access pursuant to SMP 5.09.03.B.1 and J.

As noted in the Drainage section above (Finding of Fact 2C), the development will comply with the City's adopted stormwater standards (SMP 5.12.03.A). No development will occur within the floodplain. As noted in Finding of Fact No. 1, on September 25, 2018 FEMA issued a determination on the applicant's requested Letter of Map Amendment which removed the proposed development portions of the parcels from the mapped floodplain. No shoreline protection measures or bulkheading will be required to create the new residential lots (SMP 6.07.04.B). As noted above, the staff is recommending the commission exempt the application from the requirements for providing shoreline access due to the presence of extensive wetlands and buffers between the development and the shoreline (SMP 6.07.04.C). All setbacks have been shown on the plat (SMP 6.07.04.D and E). No development is proposed in wetlands, floodways, geologically hazardous areas or over water (SMP 6.07.04.F).

A SEPA Mitigating Condition will require the applicant to install permanent signs along the boundary of the wetland buffer pursuant to SMP 5.07.A.03.M and N. An additional SEPA Mitigating Condition will require the applicant to install permanent split rail fencing along the edge of the wetland buffer adjacent to the proposed development (SMP 5.07.A.03.O). Finally, a SEPA Mitigating Condition will require the applicant to post a performance bond to assure that the fence is maintained (SMP 5.07.A.03.P).

A SEPA Mitigating Condition will prevent the applicant from developing the lots with more than 30% impervious surfaces based on the gross area of the full plat. No development will occur within 150 feet of the OHWM. The underlying zoning restricts the height of any building to 35 feet (SMP 6.07.05).

The new roads and utilities will not extend into the shoreline environment (SMP 6.09.03 and 6.10.03).

B. Wetlands

As proposed, no impacts to wetlands are anticipated. The applicant provided a critical areas report prepared by EnviroVector (Ex. 10). There is one jurisdictional wetland located on the western portion of the subject property. This wetland connects to the Puyallup River hydrologically through a channel on the southern portion of the subject property. The wetland is physically separated from the river by a levy and road. Wetland A is a total of 12.69 acres. Of this 77,220sf (1.77 acres) is on the subject site. Wetland A is a Category II wetland with a required buffer of 150 feet. No development is proposed in the wetland or within the required buffer. Several recommended conditions of approval relate to the buffer protection as noted above in Finding of Fact No. 3A.

C. Views

A chief concern of all the public commenters was views. The residents of Buell Street SW paid a premium fee for their lots because they had unobstructed views of Mount Rainier and the farmland to the south. They were told there would be no further phases for the Meadows and that the land to the south would remain open space. The subject property has two parcels. One is zoned Residential Conservation (RC). This zone has a lot size of two acres. Additionally, this area is predominately within the Shoreline Master Program jurisdiction and is completely encumbered by wetlands and their buffers. This portion of the subject parcel will not be developed. The other parcel is zoned Residential Urban with a density of 6 du/acre. This area is proposed for a total of 20 homes including the demolition and replacement of an existing home.

The City of Orting does not have any specific requirements for preservation of views. The development is in conformance with the requirements of the Residential Urban zone and will meet with the height and density requirements of that zone. There are no further actions the City can require with respect to the concerns expressed by the public with respect to views. The City was not party to any sales of the prior phases and will not be party to the sales within this phase and therefore cannot comment on the issues raised by the public with respect to premium lots or the value of the adjacent housing. The development, as mitigated, is in conformance with the Orting Municipal Code and, as noted in Finding of Fact No. 4, is consistent with the Orting Comprehensive Plan.

D. Compatibility

Two issues brought up by adjacent homeowners (Ex. 14 & 15) were privacy and compatibility. With respect to privacy, neighbors noted they had purchased lots they thought would not have adjacent homes. As noted in Finding of Fact No. 3C, the development, as proposed, will conform to the Orting Municipal Code and the Orting Comprehensive Plan. The development will be consistent in use, intensity, appearance and density to adjacent residential development. As the zoning implements the Comprehensive Plan and the development as mitigated will conform to the zoning code, the development will be compatible with surrounding uses. With respect to privacy, each lot will conform to the appropriate front, rear and side yard setbacks. The applicant has proposed perimeter landscaping and fencing next to adjacent residential uses as described in Finding of Fact 2I.

E. Hazards

There are no discernable hazards presented by the proposal. The applicant will be required to provide a temporary erosion and sediment control plan as well as best management practices for construction spills. Ms. Smith noted that traffic is such that evacuation in the event of a lahar will be difficult. She suggested this is a justification for limiting development. The City of Orting is working on plans for a lahar evacuation bridge. As noted in Finding of Fact 2E, the City cannot control or influence traffic on state routes. We are required by the Growth Management Act to permit development that is in conformance with our zoning codes and Comprehensive Plan. As noted

above in Finding of Fact No. 3C, this proposed development, as mitigated, meets these criteria.

4. Consistency with Comprehensive Plan. The project is consistent with the following policies of the Orting Comprehensive Plan.

- Pol. LU 5.2** The Residential Urban (RU) land use category is intended for areas that are suitable for residential development with the provision of full services. It includes existing exclusively residential subdivisions that have been platted at an average density of six units per acre. The maximum density of development in the RU district shall be six units per acre except that one additional unit may be allowed on a lot that is at least 150% larger than the minimum lot area.
- Pol. LU 5.6** Ensure that the City's development regulations require new development to be in the best interest of the surrounding property, the neighborhood, or the City as a whole, and generally in harmony with the surrounding area.
- Pol. LU 5.7** Planning Commission review of residential developments should be focused on the height of structures, noise and lighting impacts and providing adequate open space.
- Pol. LU 11.1** All development activities shall be located, designed, constructed and managed to avoid disturbance of and minimize adverse impacts to fish and wildlife resources, including spawning, nesting, rearing and habitat areas and migratory routes.
- Pol. LU 11.2** Prohibit the unnecessary disturbance of natural vegetation in new development, in accordance with the Critical Areas Ordinance.
- Pol. LU 11.4** Seek to retain as open space wetlands, river and stream banks, ravines, and any other areas that provide essential habitat for endangered or threatened plant or wildlife species.
- Pol. LU 11.5** Protect wetlands to enable them to fulfill their natural functions as recipients of floodwaters and as habitat for wildlife through the critical areas ordinance.
- Pol. LU 11.8** The City shall consider the impacts of new development on water quality as part of its review process and require any appropriate mitigating measures. Impacts on fish resources shall be a priority concern in such reviews.
- Pol. LU 11.9** The City Shoreline Master Program shall govern the development of all designated Shorelines of the State within Orting. Lands adjacent to these areas shall be managed in a manner consistent with that program.
- Pol. LU 13.1** Coordinate new development with the provision of an adequate level of services and facilities, such as schools, water, transportation and parks, as established in the capital facilities element.
- Pol. LU 13.2** Ensure that new development does not outpace the City's ability to provide and maintain adequate public facilities and services, by allowing new development to occur only when and where adequate facilities exist or will be provided.

- Pol. LU 13.3** The City will coordinate concurrency review. Developers shall provide information relating to impacts that the proposed development will have on public facilities and services. The City shall evaluate the impact analysis and determine whether the development will be served by adequate public facilities.
- Pol. H 1.7** Accommodate Orting's fair share of the County's housing needs through the designation of adequate residential land for development and the achievement of the city's housing policies.
- Pol. T 15** Require safe, attractive sidewalks on all new streets. Implement a program to improve pedestrian and bicycle use of existing streets.
- Pol. T 30** Maintain and apply standardized transportation impact mitigation procedures and strategies.
- Pol. CF 3.1** Development shall be allowed only when and where all public facilities are adequate and only when and where such development can be adequately served by essential public services without reducing levels of service elsewhere.
- Pol. CF 3.5** A development shall not be approved if it causes the level of service on a capital facility to decline below the standards set forth in CF Policy 3.3 and 3.4, unless capital improvements or a strategy to accommodate the impacts are made concurrent with the development for the purposes of this policy. "Concurrent with the development" shall mean that improvements or strategy are in place at the time of the development or that a financial commitment is in place to complete the improvements or strategies within six years.
- Pol. CF 3.7** Require that development proposals are reviewed by the various providers of services, such as school districts, sewer, water, and fire departments, for available capacity to accommodate development and needed system improvements.
- Pol. CF 3.8** New or expanded capital facilities should be compatible with surrounding land uses; such facilities should have a minimal impact on the natural or built environment.
- Pol. CF 8.3** The City should require new development to provide onsite storm drainage and all off-site improvements necessary to avoid adverse downstream impacts.

Conclusions of Law

1. Authority

Pursuant to OMC 15-4-1, Tables 15-4-1 and 15-4-2, Preliminary Plats are Type IV land use decisions determined by the City Council after an open record hearing. Variances are Type III decisions by the Hearing Examiner. Generally, the Planning Commission holds an open record hearing on a preliminary plat and makes a recommendation to the City Council. However, in this case, the jurisdiction is the Hearing Examiner because of the Type III Variance request (OMC 15-4-2-B). Therefore, the Examiner will make a recommendation to the City Council. The City Council will hold a closed record hearing before issuing

a final decision. The final decision of the City Council may be appealed to the Pierce County Superior Court (OMC 15-10-6).

2. Review Criteria

OMC 12-5-3 governs the review criteria for approval of preliminary plats. OMC 13-6-3-C governs the review criteria for Variances. The review criteria are quoted below in *italics* and applied through the corresponding conclusions of law.

A. Preliminary Plat Approval Criteria

OMC 12-5-3: Criteria for Approval:

The planning commission shall make an inquiry into the public use and interest proposed to be served by the establishment of the subdivision and/or dedication, shall hold an open record public hearing, and shall consider:

A. Conformity: Whether the preliminary plat conforms to chapter 8 of this title and with title 15 of this code;

B. Specific Provisions: If appropriate provisions are made for, but not limited to, the public health, safety and general welfare, for open spaces, drainageways, streets or roads, alleys, other public ways, transit stops, potable water supplies, sanitary wastes, parks and recreation, playgrounds, schools and school grounds, and shall consider all relevant facts, including sidewalks and other planning features that assure safe walking conditions for students who walk to and from school; and

C. Public Interest: Whether the public interest will be served by the subdivision and dedication.

OMC 12-8-1: General Requirements for Approval of Subdivision:

In addition to the criteria for approval applicable to an individual application, all subdivisions must meet the following general requirements in order to be approved:

A. Land Use Controls: No subdivision may be approved unless written findings of fact are made that the proposed subdivision or short subdivision is in conformity with any applicable zoning ordinance, comprehensive plan or other existing land use controls.

B. Dedications; Generally:

1. An offer of dedication may include a waiver of right of direct access to any street from any property, and if the dedication is accepted, any such waiver is effective. The city may require such waiver as a condition of approval.

2. Roads not dedicated to the public must be clearly marked "private" on the face of the plat.

3. Any dedication, donation or grant as shown on the face of the plat shall be considered to all intents and purposes, as a quitclaim deed to the said donee(s) or grantee(s) for his/her/their use for the purpose intended by the donor(s) or grantor(s).

4. If the plat or short plat is subject to a dedication, the certificate or a separate written instrument shall contain the dedication of all streets and other areas to the public, and individual(s), religious society(ies) or to any corporation, public or private, as shown on the plat or short plat, and a waiver of all claims for damages against any governmental authority which may be occasioned to the adjacent land by the established construction, drainage and maintenance of said road. Said certificate or instrument of dedication shall be signed and acknowledged before a notary public by all parties having any ownership interest in the lands subdivided and recorded as part of the final plat.

5. Every plat and short plat containing a dedication filed for record must be accompanied by a title report confirming that the title of the lands as described and shown on said plat is in the name of the owners signing the certificate or instrument of dedication.

6. Dedication of land to any public body, provision of public improvements to serve the subdivision, and/or impact fees imposed under Revised Code of Washington 82.02.050 through 82.02.090 shall be required as a condition of subdivision approval. No dedication, provision of public improvements or impact fees imposed under Revised Code of Washington 82.02.050 through 82.02.090 shall be allowed that constitutes an unconstitutional taking of private property.

C. *Dedication Of Public Park:* The planning commission shall recommend naming of streets and parks within proposed subdivisions. If preliminary plats include dedication of land for public parks with areas greater than required for subdivision approval and the proponents request commemorative names, the planning commission shall consider such requests. The city council shall adopt the names as part of final plat approval.

D. *Release From Damages:* The city shall not as a condition to the approval of any subdivision require a release from damages to be procured from other property owners.

E. *Flood, Inundation Or Swamp Conditions:* A proposed subdivision may be disapproved because of flood, inundation, or swamp conditions. Construction of protective improvements may be required as a condition of approval, and such improvements shall be noted on the final plat. No plat shall be approved covering any land situated in a floodway as provided in Revised Code of Washington chapter 86.16 without the prior written approval of the state department of ecology.

F. Bonds: In lieu of the completion of the actual construction of any required improvements prior to the approval of a short or final plat, the planning commission or city council may accept a bond, approved as to form by the city attorney, in an amount and with surety and conditions satisfactory to it, or other secure method, providing for and securing to the city the actual construction and installation of such improvements within a period specified by the city and expressed in the bonds. In addition, the city may require the posting of a bond securing to the city the successful operation of improvements for up to two (2) years after final approval. All bonded improvements shall be designed and certified by or under the supervision of a registered civil engineer prior to the acceptance of such improvements.

B. Staff Response

B.i. Conformity – Land Use Controls As described in Finding of Fact No. 1-3, as mitigated and as conditioned, the proposed subdivision is in conformity with all applicable zoning requirements, the Orting Comprehensive Plan and other existing land use controls.

B.ii. Conformity – Dedication of Roads As noted in Finding of Fact No. 2F, the proposal will create a new public road built to City standards. The roadway will be dedicated to the City. Access to Lots 13-14, and 17-19 will be accessed by two private access tracts (Tracts A and B), respectively. The stormwater pond will be private and accessed via Tract C. All lots and Tracts will be directly accessible from the new private road. A recommended condition of approval will require the applicant to record a certificate or a separate written instrument containing the dedication of all streets and other areas to the public, and a waiver of all claims for damages against any governmental authority which may be occasioned to the adjacent land by the established construction, drainage and maintenance of said road. This condition of approval shall be met prior to final plat approval.

The applicant provided a title report demonstrating ownership of the property. The plat will contain the signatures of all those with ownership interest in the property.

As noted in Finding of Fact No. 2D, the applicant will pay impact fees for streets in accordance with the City's adopted transportation improvement program, the City's Comprehensive Plan, and OMC Title 15 Chapter 6.

B.iii. Conformity – Dedication of Parks As noted in Finding of Fact No. 2D, the applicant will pay park impact fees pursuant to OMC Title 15-6-7(B). The proposal does not include a public or private park dedication.

B.iv. Conformity – Release from Damages No release from damages from other property owners was required or will be required as a condition of approval.

- B.v. Conformity – Flood, Inundation or Swamp Conditions** As noted in Finding of Fact No. 1 and 3A, portions of the project site are located within the floodplain. However, all of the developable portion of the site is outside of the floodplain and not subject to Title 14 OMC Flood Control.
- B.vi. Conformity – Bonds** SEPA Mitigation Measures (Ex. 18) required the applicant to post bonds for maintenance of the perimeter landscaping and the wetland delineation fence. The City and applicant may agree to further bond conditions prior to final plat approval. Final plat approval will not be given until all required infrastructure is in place, inspected and approved or the applicant has posted an appropriate bond.
- B.vii. Specific Provisions** As noted in Finding of Fact No. 2, appropriate provisions have been made the public health, safety and general welfare (FOF No. 2B), for open spaces (FOF No. 2D), drainageways (FOF No. 2C), streets or roads, alleys, other public ways (FOF No. 2E-F), transit stops (FOF No. 2H), potable water supplies, sanitary wastes (FOF No. 2A), parks and recreation, playgrounds (FOF No. 2D), schools and school grounds (FOF No. 2K), and shall consider all relevant facts, including sidewalks and other planning features that assure safe walking conditions for students who walk to and from school (FOF No. 2G).
- B.viii. Public Interest** As noted in Finding of Fact No. 4, the proposal implements the Comprehensive Plan for this zone which, therefore, serves the public interest.
- C. Variance Approval Criteria** **OMC 13-6-3-C Criteria for Approval:**
- Decision Criteria: Before any variance may be granted, it shall be shown:*
- 1. That there are special circumstances applicable to the subject property or to the intended use such as shape, topography, location, or surroundings that do not apply generally to the other property or class of use in the same vicinity and zone;*
 - 2. That such variance is necessary for the preservation and enjoyment of a substantial property right or use possessed by other property in the same vicinity and zone but which because of special circumstances is denied to the property in question;*
 - 3. That the granting of such variance will not be materially detrimental to the public welfare or injurious to the property or improvement in such vicinity and zone in which the subject property is located;*
 - 4. That the granting of such variance will not adversely affect the comprehensive plan.*

D. Staff Response

- D.i. Special Circumstances** There are special circumstances related to this subject property that do not generally apply to other properties in the same vicinity or zone. As noted in Finding of Fact No. 3A-B, the property is encumbered by both shoreline areas and shoreline wetlands. The shorelines and wetlands plus their associated buffers encumber 4.85 acres of the 10.01-acre total property. The applicant has proposed a development density of 4 du/ac in a 6 du/ac zone. If the wetlands and shoreline did not encumber the property, the applicant would be able to develop the site with significantly more homes. The applicant has requested a variance from the right of way setback requirement on Lot 18 and the associated perimeter landscaping buffer width. Without the variances, the applicant would not be able to develop Lot 18 and would lose that lot, further reducing the site's development potential.
- D.ii. Substantial Property Right** The variances are necessary to preserve the applicant's substantial property right to develop the lot to the maximum permissible density given the restriction of the zone and the requirements for critical areas and shoreline preservation. Other properties within the zone, including the adjacent property to the north, have been able to develop to the full development density in the Residential Urban zone. The critical areas prevent development of this site to the minimum residential density required by the zone. The variances, if approved, will allow the applicant to develop 20 lots instead of 19 on a property that if unencumbered might develop up to a maximum of 60 lots.
- D.iii. Public Welfare** As mitigated and with the recommended conditions of approval, granting the variances will not be materially detrimental to the public welfare or injurious to the surrounding property. The January 4, 2019 SEPA MDNS required the applicant to maintain perimeter landscaping along the public right of way through posting of appropriate bonds (SEPA MDNS Mitigation Measure #2) and to create a homeowners association charged with maintaining the perimeter landscaping (SEPA MDNS Mitigation Measure #3). A recommended condition of approval will require the applicant to construct a six-foot tall solid wood fence between the perimeter landscaping and the development envelope of Lot 18. This will provide screening for the public as viewed from the right of way while also providing privacy for the homeowner of Lot 18.
- D.iv. Comprehensive Plan** As noted in Finding of Fact No. 4, the project as mitigated and conditioned is consistent with the Orting Comprehensive Plan. Approval of the variances will not adversely affect the Comprehensive Plan.

Recommendation

Based on the Findings of Fact and Conclusions of Law stated above, the Staff recommends the Hearing Examiner recommend approval of the proposed preliminary plat and the right of way and perimeter landscaping width variances to the City Council, subject to the following recommended conditions of approval:

1. The project shall conform to SEPA Mitigating Conditions as listed in the January 4, 2019 SEPA MDNS (Ex. 18).
2. The applicant shall record a certificate or a separate written instrument containing the dedication of all streets and other areas to the public, and a waiver of all claims for damages against any governmental authority which may be occasioned to the adjacent land by the established construction, drainage and maintenance of said road. This condition of approval shall be met prior to final plat approval.
3. The applicant shall provide a six-foot, solid wood fence between the perimeter landscaping and the building envelope for Lot 18. The perimeter landscaping shall be open to the Beckett Lane SW right of way.



NOTICE OF SEPA DETERMINATION AND PUBLIC HEARING

Project Name:	Copper Ridge/Meadows 4 Preliminary Plat
Applicant:	Mr. Craig Deaver Principal CES NW Inc P.O. Box 73790 Puyallup, WA 98373
Date of application:	June 13, 2018
Date of Notice of Complete Application:	July 10, 2018
Project Address:	403 Beckett Lane SW Orting, WA 98360
Site Legal Description:	APN 0519323054
Project description:	Application for a proposed preliminary subdivision of the above referenced parcel into 20 single-family residential lots, a new road (Road A), three access tracts (Tracts A, B and C), a storm tract (Tract D) and a wetland/buffer Tract (Tract E).
Requested approvals:	Preliminary Plat Subdivision Approval, Variances & SEPA environmental review
SEPA Comment Period:	The City's SEPA Responsible Official issued a SEPA Mitigated Determination of Non-Significant Impact on January 9, 2019. The public is invited to comment. The public comment period for the SEPA ends Wednesday, January 30, 2019 at 5:00 pm. Any person with standing may appeal the SEPA Determination within 10 days after the end of the comment period, or by 8:00 am, Monday February 11, 2019.
Application Materials:	<ol style="list-style-type: none">1. Transmittal documents2. Project Narrative by C.E.S. NW Inc (March 14, 2018)3. City of Orting Development Permit Application (June 13, 2018)4. Legal Descriptions for APN 05193230545. Title Report for APN 0519323054 (January 23, 2018)6. Response to Reviewer's Comments (April 20, 2018)7. Lot Closure Calculations by C.E.S. NW Inc.

8. SEPA Checklist (March 14, 2018, revised May 31, 2018)
9. Geotechnical Engineering Study by Earth Solutions NW (February 5, 2018, revised April 24, 2018)
10. Critical Areas Report by EnviroVector (March 14, 2018, revised June 8, 2018)
11. Preliminary Storm Drainage Report by C.E.S. NW Inc (March 2018, revised April 2018)
12. Topographic Survey by C.E.S. NW Inc (January 30, 2018, revised May 2, 2018)
13. Preliminary Plat Site Plat by C.E.S. NW Inc (March 1, 2018, revised April 25, 2018)
14. Comment Letter by Brittnee and Chris Smith (August 2, 2018)
15. Comment Letter by the Residents of Meadows in Orting (July 29, 2018)
16. Traffic Report by Heath and Associates (November 2018)
17. Landscape Plan by Bradley Design Group (December 2018)
- 18 SEPA MDNS (January 9, 2019_

All application materials are public record and may be requested for viewing by any member of the public by appointment.

City staff contact:

Emily Terrell, AICP
 City Planner
ETerrell@cityvoforting.org
 253.709.6044

Date, time, and place of a public hearing:

The Open Public Hearing before the Hearing Examiner will be held Thursday, February 21, 2019 at 3 pm in the Orting Public Safety Building located at 401 Washington Avenue, Orting, WA. Any member of the public is invited to attend the hearing and provide testimony. Staff will also take comment prior to the hearing.



CITY OF ORTING NOTICE OF SEPA MDNS AND PUBLIC HEARING

NOTICE IS HEREBY GIVEN that Copper Ridge LLC and CES NW Inc. have applied for a Preliminary Plat Subdivision, a Right of Way Variance, a Perimeter Landscaping width Variance, and SEPA environmental review towards a proposed subdivision located at 403 Beckett Lane SW, Orting, WA 98360. The proposal is for development of 20 single-family residential lots, a new road (Road A), three access tracts (Tracts A, B and C), a storm tract (Tract D) and a wetland/buffer Tract (Tract E).

SEPA DETERMINATION: The City's SEPA Responsible Official issued a SEPA Mitigated Determination of Non-Significant Impact on January 9, 2019. The public is invited to comment. **The public comment period for the SEPA ends Wednesday, January 30, 2019 at 5:00 pm.** Any person with standing may appeal the SEPA Determination within 10 days after the end of the comment period, or by 8:00 am, Monday February 11, 2019.

PUBLIC HEARING BEFORE THE HEARING EXAMINER: The Open Public Hearing before the Hearing Examiner will be held Thursday, February 21, 2019 at 3 pm in the Orting Public Safety Building located at 401 Washington Avenue, Orting, WA. Any member of the public is invited to attend the hearing and provide testimony. Staff will also take comment prior to the hearing.

Any person may comment on the project application or SEPA MDNS and participate in any hearings. Any person may request a copy of the Staff Report, SEPA determination, Hearing Examiner Recommendation or City Council decision once made. All application materials are public record and may be requested for viewing by any member of the public by appointment.

QUESTIONS: The complete documents may be viewed at the Orting City Hall at 110 Train Street SE. Request for information and/or written comments may be directed to Emily Terrell, City Planner, at (253) 709-6044 or ETerrell@cityoforting.org.



**City Of Orting
Council Agenda Summary Sheet**

Subject: Utility Rate Study		Committee	Study Session	Council
	Agenda Item #:	N/A	AB19-34	AB19-34
	For Agenda of:	5.1.19	5.15.19	5.29.19
	Department:	Finance/Public Works		
Date Submitted:	5.8.19			
Cost of Item:	<u>TBD</u>			
Amount Budgeted:	<u>\$60,000</u>			
Unexpended Balance:	<u>TBD</u>			
Bars #:	Multiple Funds			
Timeline:	Early June			
Submitted By:	Scott Larson/Greg Reed			
Fiscal Note: N/A				
Attachments: Utility Rate Study RFP				
<p>SUMMARY STATEMENT:</p> <p>One of our 2019 goals is to complete a utility rate study to allow a third party expert to review our utility funding. This study will include rate structure and rate equity. Another component of this study is to determine if our rates are sufficient to meet the capital goals laid out in our CIP's for the respective utility funds. The final goal is to adopt five years' worth of rates at the end of this exercise so that we do not have to adopt utility rates on an annual basis – only review them to make sure they are still in line with our goals for the utility funds.</p> <p>The City published an RFP for this service in April and we received four proposals. The Public Works Committee members are reviewing the proposals, and we will be supplementing this agenda bill with additional information at the study session on May 15, 2019.</p>				
RECOMMENDED ACTION: Move to the consent agenda of 5.29.19				
FUTURE MOTION: TBD				



City of Orting

Utility Rate Study – Request for Proposal

The City of Orting (City) operates three utilities including a water system, wastewater system, and a stormwater system. As part of our long range budgeting and rate setting strategy, the city is soliciting bids from qualified firms who can assist us in the following tasks:

1. Revenue Requirement Analysis - Evaluate total revenue needs for the utilities over the next ten years and identify a rate adjustment strategy to recover total financial obligations for each utility.
2. Cost of Service Analysis - The cost of service analysis provides a defensible basis for assigning "cost shares" and establishing "equity" for utility customers based on their unique demands placed on the systems. Detailed customer billing analyses and cost allocations will be performed for the water and sewer utilities.
3. Rate Structure Evaluation - Review and analyze the current utility rate structures. Recommend rate structure modifications reflective of cost-of-service findings and policy objectives for rate stability, customer equity, efficiency of use, and administrative practicality. Evaluate and demonstrate the ability of the resulting rates to generate the projected and required revenues by testing rates against composite system customer demands. Identify revenues to be generated from the fixed and volume-based components of the rate structure to provide for revenue stability. Prepare sample water/sewer/stormwater bills under existing and proposed rates.
4. Develop capital funding strategies to fund identified water, sewer, and stormwater capital needs over the next ten year period. Consider funding sources from current revenue streams (e.g., rates, connection charges, and capital cash reserves) and potential feasible revenue resources such as system reinvestment funding from rates, grants/contributions, low-interest loans, and/or revenue bonds. Working from the capital projects lists, incorporate annual capital projects and associated costs for the study period. Forecast future costs using inflationary factors.

Assist the City in developing alternative capital funding strategies based on varying levels of CIP and/or alternative approaches to funding capital needs.

5. Marketing – Work with City staff to development marketing material that helps explain any major changes in rates and/or policy to the council and public.

Proposal

Qualified firms will be able to demonstrate a track record of at least five years of working with small semi-rural municipal utilities that look similar to Orting. Please submit a written proposal fully describing the services being offered along with your fee for delivering the services. The proposal should include the following sections:

1. Cover letter
2. Approach – please outline your approach to the five tasks above
3. Qualifications and experience delivering results to similar entities
4. Project team and staffing
5. Cost information

Proposals shall not exceed ten pages in total. Proposals must be submitted by 4pm on Friday April 26, 2019.

Please direct proposals to:

City of Orting
Attn: Utility Rate Study
PO Box 489
Orting, WA 98360

Contact

Any questions or clarifications about the project should be directed to:

Scott Larson
City Treasurer
slarson@cityoforting.org
(360) 893-2219 x111

Greg Reed
Public Works Director
greed@cityoforting.org
(360) 893-2219 x138

The City reserves the right to reject any and all Bids, to waive any and all informalities or irregularities within Bids, and to disregard all non-conforming, non-responsive, irregular, and/or conditional Bids. In addition, the City reserves the right to reject the Bids of any and all Bidders if the City believes that it would not be in the best interest of the City to make an award, whether because the Bid is non-responsive, because the Bidder is not found to be responsible, or the Bid or Bidder fails to meet any other pertinent standard or criterion established by the City, or whether it is otherwise not in the best interest of the City.



**City Of Orting
Council Agenda Summary Sheet**

Subject: City Hall Property, 110 Train St. SE.-Task 1, Data Gap Assessment and Ecology Consultation.		Committee	Study Session	Council
	Agenda Item #:	N/A	AB19-35	AB19-35
	For Agenda of:		5.15.19	5.29.19
	Department:	Administration		
	Date Submitted:	5/9/19		
Cost of Item:	<u>\$ 6,000</u>			
Amount Budgeted:	<u>\$0</u>			
Unexpended Balance:	<u>\$</u>			
Bars #:				
Timeline:				
Submitted By:	Mark Bethune			
Fiscal Note:				
Attachments:	Scope of Work, Parametrix			
<p>SUMMARY STATEMENT: The Council is considering the sale of the current city hall when the new facility is built. Currently there is a brownfield of gasoline contamination under the building and under Train St. SE. Administration is requesting efforts to achieve a “no further action” (NFA) from the department of Ecology. If successful this will greatly enhance our ability to sell the property. The first task is to gather all the data and work with Department of Ecology to determine current status and what might need to occur next; if anything.</p>				
<p>RECOMMENDED ACTION: Move forward to the consent agenda for the 5.29.19 Meeting.</p>				
<p>FUTURE MOTION: To authorize Parametrix to complete Task #1, Data Gap Assessment and Department of Ecology Consultation, For City Hall Property at 110 Train St. SE, not to exceed \$6,000.</p>				

April 16, 2019
Parametrix No. 216-1711-020

Mr. Mark Bethune
City Administrator
City of Orting
PO Box 489
110 Train St SE
Orting, WA 98360

Re: Scope of Work for Site Closure
City of Orting Cleanup Site #8130
Orting, Washington

Dear Mr. Bethune:

As requested by the City of Orting, Parametrix has prepared this scope of work (SOW) and cost estimate to pursue closure of the leaking underground storage tank (LUST) cleanup site (Cleanup Site ID #8130) located at 110 Train Street SE in Orting, Washington. It is our understanding that the property is owned by the City of Orting and has undergone UST removal, cleanup, and groundwater monitoring since the early 1990s. The City of Orting has requested Parametrix to provide technical services and support to achieve site closure (i.e., No Further Action Determination[NFA]) through the Washington Department of Ecology (Ecology) program.

SCOPE OF WORK

Task 1 – Data Gap Assessment and Ecology Consultation

Parametrix will obtain all available files for the site to complete a data gap assessment and support the evaluation of potential further actions to achieve site closure. It does not appear that site files are present on the Ecology website; therefore, available files may be reviewed at Ecology offices and/or City of Orting files. All existing soil samples and groundwater monitoring data, as well as information from the UST removal and past remedial actions, will be compiled and compared to current Ecology cleanup levels and closure requirements.

As part of the evaluation process, Parametrix will consult with an Ecology project manager on the regulatory status of the site, current conditions, and the completeness of the data set. The information will be evaluated to ensure that the proposed approach will meet all regulatory requirements for a NFA determination.

Task 2 – Closure Work Plan

Based on the file review and Ecology consultation, Parametrix will develop a Work Plan for review and approval by the City of Orting and Ecology. It is expected that the Work Plan will be developed to outline the regulatory path to closure and data gap investigation methods and procedures. If applicable, the data gap investigation may include

additional groundwater monitoring events or confirmation soil sampling. The Work Plan will include additional sampling rationale and locations, field methodology, laboratory methods and analytes, schedule, and reporting expectations.

ESTIMATED COST/SCHEDULE

The estimated cost to complete the scope of work is \$6,000. This cost estimate does not include the implementation of the Closure Work Plan. However, upon approval of the Work Plan by Ecology, Parametrix will provide the City of Orting with a cost estimate to complete all field work and pursuit of site closure.

Sincerely,

PARAMETRIX



JC Hungerford

JC:bjt

Enclosure: Cost Estimate

cc: Project File

					Sr Engineer-16	Scientist/Biologist IV-14	Sr Project Control Specialist-12	Publications Supervisor-12	GIS Analyst-10	
					Rates:	\$170.00	\$135.00	\$120.00	\$115.00	\$95.00
Task	SubTask	Description	Labor Dollars							
1006		Closure Plan - Cleanup Site #8130	\$5,890.00	6	28	4	2	4		
	01	File Review & Data Gap Assessment	\$2,200.00	2	12	2				
	02	Closure Work Plan	\$3,690.00	4	16	2	2	4		
		Labor Totals:	\$5,890.00	6	28	4	2	4		
		Totals:	\$5,890.00	\$1,020.00	\$3,780.00	\$480.00	\$230.00	\$380.00		
		Other Direct Expenses								
		Other Direct Costs	\$110.00							
		Other Direct Expenses Total:	\$110.00							
		Project Total	\$6,000.00							

inspired people. inspired solutions. making a difference.



**City Of Orting
Council Agenda Summary Sheet**

Subject: Amendment to the City's franchise agreement with DM Disposal		Committee	Study Session	Council
	Agenda Item #:		AB19-36	AB19-36
	For Agenda of:		4.17.19 5.15.19	5.29.19
	Department:	Public Works Committee		
	Date Submitted:	5/9/19		
Cost of Item:	<u>\$ 8.3% increase in garbage rates</u>			
Amount Budgeted:	<u>\$</u>			
Unexpended Balance:	<u>\$</u>			
Bars #:				
Timeline:				
Submitted By:	Mark Bethune			
Fiscal Note:				
Attachments:	Comparison Table			
<p>SUMMARY STATEMENT: DM Disposal presented the Public Works Committee a request to increase garbage rates 8.3% based on their increased recycling expense. The City Franchise agreement has language in 8.3 that includes the ability of the franchisee to come to the city for an amendment in prices when market conditions have changed. Approximately 2 years ago DM received about \$40/ton for recyclables. Market conditions changed so that there are now fewer companies willing to purchase the recyclables and they have raised prices. At present DM is not receiving any revenue but is paying \$108/ton to dispose of the recyclables. Several cities have given the requested increase including Sumner and Milton. The attached tables show what the increase would look like for Orting rate payers and compares those with Sumner and Milton.</p>				
<p>RECOMMENDED ACTION: Move forward to the meeting on May 29th, 2019.</p>				
<p>FUTURE MOTION: To approve of an 8.3% rate increase for DM Disposal garbage rates effective _____.</p>				

DM Disposal Request for increased rates

City	Orting Current Rate	Rate with increase	Sumner new rate	Milton New Rate
Micro Can	\$14.43	\$15.63	\$17.15	\$10.47
20 gallon	\$19.60	\$21.23	\$23.40	\$20.42
32 Gallon	\$24.09	\$26.09	\$29.14	\$26.95
64 gallon	\$38.04	\$41.20	\$40.46	\$41.16
96 gallon	\$51.93	\$56.24	\$53.15	\$57.64



**City Of Orting
Council Agenda Summary Sheet**

Subject: Sanitary Sewer CIPP Rehabilitation		Committee	Study Session	Council
	Agenda Item #:	PW	AB19-37	
	For Agenda of:	5.1.19	5.15.19	
	Department:	Public Works		
	Date Submitted:	5/10/19		
Cost of Item:	<u>\$169,372.20</u>			
Amount Budgeted:	<u>\$ 250,000</u>			
Unexpended Balance:	<u>\$ 80,627.80</u>			
Bars #:	408-594-35-63-16			
Timeline:				
Submitted By:	JC Hungerford, PE			
Fiscal Note:				
Attachments:	Certified Bid Tab			
SUMMARY STATEMENT:				
<p>Each year, the City budgets to address infiltration and inflow in the wastewater collection system. This year, the City is repairing mains on River Ave SE, Whitesell ST NE, Varner St NW, and Mill Ave SE, totaling 1582 linear feet.</p> <p>Insta-Pipe, Inc. was deemed to be the most responsive and lowest bidder in response to the original contract documents and associated addendums.</p>				
RECOMMENDED ACTION: Move to the consent agenda for the May 29 th , 2019 meeting.				
FUTURE MOTION: To Approve the award for the Sanitary Sewer CIPP Rehabilitation to Insta-Pipe, Inc. in the amount of \$1.00				

BID TABULATION

Project No: 215-171-020 (02/01)
 Project Name: City of Ony Sewer System GIPP Rehabilitation
 Location: Ony, Washington State
 Owner: City of Ony
 Estimated By: John Beazley
 Date: April 2015

APPARENT LOW BIDDER

ITEM #	SPEC. #	UNIT	DESCRIPTION OF ITEM	Engineer's Estimate		Allied Trenchless		Insta-Pipe, Inc.		Insituform Technologies, LLC		Iron Horse, LLC	
				UNIT PRICE	TOTAL PRICE	UNIT PRICE	TOTAL PRICE	UNIT PRICE	TOTAL PRICE	UNIT PRICE	TOTAL PRICE	UNIT PRICE	TOTAL PRICE
GIPP Lining Sch A													
A1	1-04	EA	MINOR CHANGE	\$ 10,000.00	\$ 10,000.00	\$ 10,000.00	\$ 10,000.00	\$ 10,000.00	\$ 10,000.00	\$ 10,000.00	\$ 10,000.00	\$ 10,000.00	\$ 10,000.00
A2	1-05	LS	RECORD DRAWINGS (MIN END 3/05)	\$ 500.00	\$ 500.00	\$ 500.00	\$ 500.00	\$ 500.00	\$ 500.00	\$ 500.00	\$ 500.00	\$ 500.00	\$ 500.00
A3	1-07	LS	SPCC PLAN	\$ 750.00	\$ 750.00	\$ 750.00	\$ 750.00	\$ 750.00	\$ 750.00	\$ 750.00	\$ 750.00	\$ 750.00	\$ 750.00
A4	1-09	LS	MOBILIZATION	\$ 9,500.00	\$ 9,500.00	\$ 9,500.00	\$ 9,500.00	\$ 9,500.00	\$ 9,500.00	\$ 9,500.00	\$ 9,500.00	\$ 9,500.00	\$ 9,500.00
A5	1-10	LS	PROJECT TEMPORARY TRAFFIC CONTROL	\$ 2,200.00	\$ 2,200.00	\$ 2,200.00	\$ 2,200.00	\$ 2,200.00	\$ 2,200.00	\$ 2,200.00	\$ 2,200.00	\$ 2,200.00	\$ 2,200.00
A6	1-11	LS	TRAFFIC CONTROL SUPERVISOR	\$ 3,300.00	\$ 3,300.00	\$ 3,300.00	\$ 3,300.00	\$ 3,300.00	\$ 3,300.00	\$ 3,300.00	\$ 3,300.00	\$ 3,300.00	\$ 3,300.00
A7	1-10	HR	FLAGGERS	\$ 25,700.00	\$ 25,700.00	\$ 25,700.00	\$ 25,700.00	\$ 25,700.00	\$ 25,700.00	\$ 25,700.00	\$ 25,700.00	\$ 25,700.00	\$ 25,700.00
A8	7-20	LS	SANITARY SEWER BYPASS PUMPING	\$ 20,000.00	\$ 20,000.00	\$ 20,000.00	\$ 20,000.00	\$ 20,000.00	\$ 20,000.00	\$ 20,000.00	\$ 20,000.00	\$ 20,000.00	\$ 20,000.00
A9	7-20	LS	SANITARY SEWER CLEANING AND INTERNAL INSPECTION (CCTV) - PRE REHABILITATION	\$ 14,700.00	\$ 14,700.00	\$ 14,700.00	\$ 14,700.00	\$ 14,700.00	\$ 14,700.00	\$ 14,700.00	\$ 14,700.00	\$ 14,700.00	\$ 14,700.00
A10	7-20	EA	SEWER MAIN CLEANING AND INTERNAL INSPECTION (CCTV) - POST REHABILITATION	\$ 45,000.00	\$ 45,000.00	\$ 45,000.00	\$ 45,000.00	\$ 45,000.00	\$ 45,000.00	\$ 45,000.00	\$ 45,000.00	\$ 45,000.00	\$ 45,000.00
A11	7-20	EA	CURBED IN PLACE SEWER PIPE 3 IN. D.I.A.M.	\$ 30.00	\$ 30.00	\$ 30.00	\$ 30.00	\$ 30.00	\$ 30.00	\$ 30.00	\$ 30.00	\$ 30.00	\$ 30.00
A12	8-01	EA	INLET PROTECTION	\$ 1.00	\$ 1.00	\$ 1.00	\$ 1.00	\$ 1.00	\$ 1.00	\$ 1.00	\$ 1.00	\$ 1.00	\$ 1.00
Subtotal Bid Schedule				\$ 211,167	\$ 211,167	\$ 211,167	\$ 211,167	\$ 211,167	\$ 211,167	\$ 211,167	\$ 211,167	\$ 211,167	\$ 211,167
9.3% Sales Tax				\$ 19,639	\$ 19,639	\$ 19,639	\$ 19,639	\$ 19,639	\$ 19,639	\$ 19,639	\$ 19,639	\$ 19,639	\$ 19,639
Total Bid Schedule (subtotal w/ sales tax)				\$ 230,806	\$ 230,806	\$ 230,806	\$ 230,806	\$ 230,806	\$ 230,806	\$ 230,806	\$ 230,806	\$ 230,806	\$ 230,806
GIPP Lining Sch B													
B1	7-20	LS	SANITARY SEWER BYPASS PUMPING	\$ 9,000.00	\$ 9,000.00	\$ 9,000.00	\$ 9,000.00	\$ 9,000.00	\$ 9,000.00	\$ 9,000.00	\$ 9,000.00	\$ 9,000.00	\$ 9,000.00
B2	7-20	LF	SEWER MAIN CLEANING AND INTERNAL INSPECTION (CCTV) - PRE REHABILITATION	\$ 33,300.00	\$ 33,300.00	\$ 33,300.00	\$ 33,300.00	\$ 33,300.00	\$ 33,300.00	\$ 33,300.00	\$ 33,300.00	\$ 33,300.00	\$ 33,300.00
B3	7-20	EA	SEWER MAIN CLEANING AND INTERNAL INSPECTION (CCTV) - POST REHABILITATION	\$ 1,200.00	\$ 1,200.00	\$ 1,200.00	\$ 1,200.00	\$ 1,200.00	\$ 1,200.00	\$ 1,200.00	\$ 1,200.00	\$ 1,200.00	\$ 1,200.00
B4	7-20	EA	CURBED IN PLACE SEWER PIPE 3 IN. D.I.A.M.	\$ 55.00	\$ 55.00	\$ 55.00	\$ 55.00	\$ 55.00	\$ 55.00	\$ 55.00	\$ 55.00	\$ 55.00	\$ 55.00
Subtotal Bid Schedule				\$ 13,440	\$ 13,440	\$ 13,440	\$ 13,440	\$ 13,440	\$ 13,440	\$ 13,440	\$ 13,440	\$ 13,440	\$ 13,440
9.3% Sales Tax				\$ 1,246	\$ 1,246	\$ 1,246	\$ 1,246	\$ 1,246	\$ 1,246	\$ 1,246	\$ 1,246	\$ 1,246	\$ 1,246
Total Bid Schedule (subtotal w/ sales tax)				\$ 14,686	\$ 14,686	\$ 14,686	\$ 14,686	\$ 14,686	\$ 14,686	\$ 14,686	\$ 14,686	\$ 14,686	\$ 14,686
BID SUMMARY													
TOTAL SCHEDULE A+B				\$ 245,492	\$ 245,492	\$ 245,492	\$ 245,492	\$ 245,492	\$ 245,492	\$ 245,492	\$ 245,492	\$ 245,492	\$ 245,492
TOTAL SCHEDULE A+B				\$ 169,372.26	\$ 169,372.26	\$ 169,372.26	\$ 169,372.26	\$ 169,372.26	\$ 169,372.26	\$ 169,372.26	\$ 169,372.26	\$ 169,372.26	\$ 169,372.26
TOTAL SCHEDULE A+B				\$ 265,513.56	\$ 265,513.56	\$ 265,513.56	\$ 265,513.56	\$ 265,513.56	\$ 265,513.56	\$ 265,513.56	\$ 265,513.56	\$ 265,513.56	\$ 265,513.56





**City Of Orting
Council Agenda Summary Sheet**

Subject: Fiber Optics-Proposed Amended Purchasing Policy By Resolution No. 2019-13		Committee	Study Session	Council
	Agenda Item #:	N/A	AB19-38	AB19-38
	For Agenda of:		5.15.19	5.29.19
	Department:	Administration		
Date Submitted:	5.9.19			
Cost of Item:	<u>\$ Unknown</u>			
Amount Budgeted:	<u>\$ \$20,000</u>			
Unexpended Balance:	<u>\$</u>			
Bars #:				
Timeline:				
Submitted By:	Mark Bethune			
Fiscal Note:				
Attachments: Proposed Amended Purchasing Policy				
SUMMARY STATEMENT: The City is studying connecting to fiber optic cable in the new city hall. Benefits include increased data capacity faster downloads and uploads as well as greater resiliency in severe weather. The current purchasing policy does not allow for state approved direct negotiations for telecommunications. Attached is a city attorney recommended amendment to the purchasing policy.				
RECOMMENDED ACTION: Move to the Consent Agenda of the 5.29.19 Meeting				
FUTURE MOTION: To Approve Resolution No. 2019-13, Adopting amendments to the Purchasing Policy as presented.				

**CITY OF ORTING
WASHINGTON
RESOLUTION NO. 2019-13**

**A RESOLUTION OF THE CITY OF ORTING,
WASHINGTON, ADOPTING AMENDED PURCHASING
POLICY; AND ESTABLISHING AN EFFECTIVE DATE**

WHEREAS, the City of Orting finds the adoption of written policies for purchasing and contracting are in the best interest of the City to provide sufficient guidance to the staff and provide a framework for future Council actions on decisions with financial consequence; and

WHEREAS, the City Council adopted a Purchasing Policy by motion at its regular meeting of July 25, 2018; and

WHEREAS, the City Council finds that an amendment to the Purchasing Policy to authorize staff to utilize the alternative purchasing method set out in RCW 39.04.270 for purchases of electronic data processing and telecommunications systems; and

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF ORTING,
WASHINGTON, DOES RESOLVE AS FOLLOWS:**

Section 1. Adoption of Purchasing Policy, as Amended. The City of Orting hereby adopts the “Purchasing Policy” as attached hereto as Exhibit A, hereby incorporated in full by this reference.

Section 2. Severability. If any section, clause or phrase of this resolution should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this resolution.

Section 3. Corrections Authorized. The City Clerk is authorized to make necessary corrections to this resolution, including but not limited to correction of clerical errors.

Section 4. Effective Date. The fee schedule adopted by this resolution shall be effective upon its passage. Any act consistent with the authority and prior to the effective date of this resolution is hereby ratified and affirmed.

**RESOLVED BY THE CITY COUNCIL AT A REGULAR MEETING THEREOF
ON THE _____ DAY OF _____, 2019.**

CITY OF ORTING

Joshua Penner, Mayor

ATTEST/AUTHENTICATED:

Jane Montgomery, City Clerk, CMC

Approved as to form:

Charlotte A. Archer
Inslee, Best, Doezie & Ryder, P.S.
City Attorney



City Council of the City of Orting, Washington

Policy No. 2017-05

Purchasing Policy

Approved by Council: May 29th, 2019

- **Amended via Resolution No. 2019-13, on May 29th, 2019.**

Contents

Part I: Purpose.....	3
Part II: Code of Ethics.....	3
Part III: Conflict of Interest.....	3
Part IV: Definitions	3
Part V: Washington State Department of Enterprise Services Master Use Contracts.....	5
Section 1: Overview.....	5
Section 2: Use of State Master Use Contracts Permitted	6
Section 3: Best Use Practices	6
Part VI: Purchases	6
Section 1. Purchase of supplies, equipment, and materials (unconnected with a Public Works Project) 6	
Section 2. Purchases of \$1,000 or less	6
Section 3. Purchases between \$1,000 and \$5,000	6
Section 4. Purchases between \$5,000 and \$15,000	6
Section 5. Purchases over \$15,000	7
Part VII: Public Works.....	7
Section 1. Public Works – Informal Bid, \$30,000 or less.....	8
Section 2. Public Works – Small works roster, \$100,000 or less.....	8
Section 3. Public Works – Formal bidding, \$100,000 or more.....	9
Part IIX: Service Contracts.....	9
Part IX: Architect and Engineer Services (A&E).....	10
Part X: Purchase of Electronic Data Processing and Telecommunications Systems	10
Part XI: Waivers and Exemptions.....	10
Section 1 Emergency Purchases.....	10
Section 2 Sole Source Supply	10
Part XII: Purchasing Authority.....	11
Section 1. Authorities for Budgeted Items:.....	11
Section 2. Authorities for non-Budgeted Items:	11
Section 3. Emergency Authority.....	11
Part XIII: Credit Cards.....	11
Section 1. Credit Limits	11

Part I: Purpose

By adopting these procedures, the City Council intends to ensure that the city conduct all purchasing and public works contracting activities in full compliance with Washington law and locally adopted procedures. The intent of this chapter is to provide maximum assurances to the public and to all contractors, consultants and vendors, that Orting's purchasing and contracting practices provide maximum fairness and value in the expenditure of public funds.

These procedures are adopted to:

- Implement the requirements of state laws, local ordinances and administrative procedures thereby assuring the legality of the purchasing process;
- Ensure buying competitively and wisely to obtain maximum value for the public dollars spent.
- Commit that procurement will be impartial and provide the City with the best quality for the best value; and
- Ensure that purchases will be within budget limits and meet goals and objectives approved in the City's Operating and Capital budget.

Part II: Code of Ethics

Code of Ethics (RCW 42.23) "Public employment is a public trust." The public must have confidence in the integrity of its government. The purpose of this Code of Ethics is to give guidance to all employees and elected officials so that they may conduct themselves in a manner which will be compatible with the best interest of themselves and the City of Poulsbo. It is essential that those doing business with the City observe the following guiding ethical standards:

1. Actions of City employees shall be impartial and fair.
2. The City will not accept donations of materials or services in return for a commitment to continue to initiate a purchasing relationship.
3. City employees may not solicit, accept, or agree to accept any gratuity for themselves, their families or others that would or could result in personal gain. Purchasing decisions must be made impartially. The following are examples of items not considered gratuities: Discounts or concessions realistically available to the general population; Items received that do not result in personal gain; Samples to the City used for general City use.

Part III: Conflict of Interest

No City staff or council member may undertake consulting, professional practice or other assignments which would result in a conflict of interest. Any employee of the City who recommends or approves a purchase and who has any financial interest in the firm involved in the purchase shall disclose his or her interest in the firm prior to recommending or approving the purchase.

Part IV: Definitions

Unless the context requires otherwise, the terms as used in this Policy shall have the following meaning:

"Adequate appropriation balance" means sufficient fund balance existing in the appropriation item against which the purchase order is to be charged.

“Bid” means an offer, submitted by a bidder to furnish supplies, materials, equipment and other property in conformity with the specifications, delivery terms and conditions, and other requirements included in the invitation for bids or otherwise required by the city.

“Bidding” means a procedure used to solicit quotations on price and delivery from various prospective suppliers of supplies, materials, equipment, and other city property.

“Capital equipment” means any equipment of the city having an initial value of \$1,000 or more and an estimated useful life of three or more years.

“City administrator” means the City of Orting City Administrator or his/her duly appointed designee. The City Administrator is authorized to delegate any functions and responsibilities set forth in this chapter to administrative staff.

“Contractual services” means professional and nonprofessional service contracts including but not limited to engineering, animal control, janitorial and other contracts entered into for the accomplishments of a particular project or limited period of time.

“Department Heads” means the Mayor, City Administrator, City Treasurer, City Clerk, Police Chief, Court Administrator, Building Official, Public Works Director, and the Parks and Recreation Director.

“Emergency” means, for the purpose of enabling the city to suspend compliance with public bidding and purchasing policies and requirements, an event or set of circumstances which demands immediate action to preserve public health, protect life, protect public property, or to provide relief to the community overtaken by such occurrences.

“Life cycle cost” means the total cost of an item to the city over its estimated useful life, including cost of selection, acquisition, operation, maintenance, and where applicable, disposal, as far as these costs can reasonably be determined, minus the salvage value at the end of its estimated useful life.

“Local bidder” means a firm or individual who regularly maintains a place of business and transacts business in, or maintains an inventory of merchandise for sale in, and is licensed by the city of Orting.

“Phone bids” means a non-written quotation for a product, or service as outlined in Part VII.

“Public property” means any item of real or personal property owned by the city.

“Public work” shall have the meaning set forth in RCW 39.04.010, as now adopted and hereafter amended.

“Purchase order” means an official document used in authorizing the encumbrance of city funds toward the purchase of supplies, materials, equipment and other property.

“Purchasing agent” means the City Administrator or city employee designated by the City Administrator to serve as a purchasing agent. For routine departmental purchases of supplies, in accordance with the City Administrator’s administrative policy, each department director may designate one or more departmental purchasing agent(s).

“Request for Proposal” (RFP) is a method of soliciting competitive bid proposals for a defined scope of work. The proposals would normally include factors to measure qualifications, delivery, and service reputation as well as price. Stated another way, an RFP is a formal invitation from the city to a company to submit an offer. The offer is to provide a solution (or proposal) to a problem or need the city has

identified. An RFP is a solicitation process whereby the judgment of the supplier's experience, qualifications, and solution may take precedence over their cost proposal to the City. The elements of an RFP are:

1. Project Background and Scope of Service
2. Definitions
3. Minimum Qualifications
4. Technical Requirements (if any)
5. Schedule
6. Cost Proposal
7. Submittal Requirements
8. Evaluation Process and Criteria
9. Insurance Requirements
10. Funding Sources (if applicable)

"Request for Qualifications" (RFQ) is a method of soliciting competitive proposals that considers and evaluates companies on the basis of demonstrated competency and qualifications rather than price. This process is typically used for architecture and engineering services where price is not a consideration. An RFQ will generally result in negotiations. The elements of an RFQ are:

1. Project Background and Scope of Services
2. Project Budget and Source of Funding
3. Schedule
4. Minimum Qualifications
5. Submittal Requirements
6. Selection Process/Evaluation Criteria

"Requisition" means a standard form providing detailed information as to quantity, description, estimated price, possible vendors, fund account, signature and other information necessary to make purchasing decisions.

"Responsible bidder" means a bidder who has proven by experience or information furnished to the satisfaction of the City Administrator that current financial resources, production or service facilities, service reputation and experience are adequate to make satisfactory delivery of supplies of acceptable quality, equipment, or contractual services on which he/she bids. A "responsible bidder" has not violated or attempted to violate any provisions of this chapter.

"Responsive bidder" means a bidder who has complied with all requirements contained in the invitation to bid, including the bid packet and specifications, and who has submitted all required documentation, information and bid bond by the deadline for acceptance of bids.

Part V: Washington State Department of Enterprise Services Master Use Contracts

Section 1: Overview

Per the prior authorization of the City Council and per Ch. 39.26 RCW and Ch. 43.19 RCW, the City of Orting is authorized to use the existing contracts for goods and services available through the Washington Department

of Enterprise Services. State Master Use Contracts leverage the state's collective buying power and are established for most frequently purchased products, making for the best use of resources for all types of Washington agencies. As a Washington state municipal government, the city is able and encouraged to purchase items off the master contracts to save staff time and cost in the bidding process. These master contracts were procured by the State in accordance with the applicable bidding laws and regulations.

Section 2: Use of State Master Use Contracts Permitted

Staff is permitted to use the State Master Use Contracts to complete approved purchases, subject to the requirements of the Washington Department of Enterprise Services. Staff shall review the State contract website for the applicable vendor(s), contact the selected vendor(s) to confirm the vendor(s) will honor the state contracting pricing and terms, and prepare contract. All contracts shall be awarded in accordance with Part XI of this Policy.

Section 3: Best Use Practices

For Public Works purchases or projects, the use of State Master Use Contracts shall be limited to purchases and projects with a maximum price of \$50,000. For Public Works purchases and projects above \$50,000, staff are encouraged to follow the applicable bidding sections of this Policy. This limitation shall not apply to purchases unconnected with a Public Works project.

Part VI: Purchases

Section 1. Purchase of supplies, equipment, and materials (unconnected with a Public Works Project)

Items under this category include furniture, computer hardware, office equipment, and operating and maintenance supplies.

Purchases by the city of supplies, equipment, and materials shall be made as provided herein; provided nothing herein shall be construed to prohibit City participation in cooperative purchasing agreements with other municipalities. Department heads are encouraged to obtain on-call and long term service contracts for up to three years for services that are regularly used.

Section 2. Purchases of \$1,000 or less

Supplies, materials, and equipment with a reasonably expected cost of \$1,000 or less may be purchased without formal or informal bidding; provided that City staff will strive to obtain the lowest practical price for such goods or services.

Section 3. Purchases between \$1,000 and \$5,000

Supplies, materials, and equipment with a reasonably expected cost of between \$1,000 and \$5,000 may be purchased without formal bidding but staff are required to get at least three soft "phone bids" before moving forward with the purchase.

Section 4. Purchases between \$5,000 and \$15,000

Informal Bidding. Supplies, materials, and equipment with a reasonably expected to cost more than \$5,000 but less than \$15,000, may be purchased without a formal call for bids as provided in this subsection.

1. The city partners with the Municipal Research Service Center (MRSC) that forms vendor lists for the award of contracts for the purchase of materials, equipment, and supplies with an estimated cost of more than \$5,000 and less than \$15,000.
2. The department director or their designee shall secure written quotations from at least three different vendors whenever possible. The purchase contracts shall be awarded to the lowest responsible bidder.
3. Immediately after the award of the purchase contract is made, the bid quotations obtained shall be recorded and open to public inspection and shall be available by telephone inquiry.
4. The City Administrator or his / her designee, shall post at city hall a list of the contracts awarded using the MRSC at least once a year. The list shall contain the names of vendors awarded contracts, the amount of the contracts, a brief description of the items purchased under the contracts, the dates that the contracts were awarded, and the location where the bid quotations for the contracts are available for public inspection.

Section 5. Purchases over \$15,000

Supplies, material, equipment, or services with a reasonably expected to cost more than \$15,000.00 shall be purchased through a formal call for bids as follows:

1. Staff will prepare bid specifications for the goods or services to be purchased, which shall include an invitation to bid notice, instructions to bidders, general conditions, special bid conditions (if any), terms and conditions, and a bid proposal form indicating the type of response desired from a bidder.
2. A call for sealed bids ("Call for Bid") or request for proposals will be published in a newspaper of general circulation throughout the city not less than one week prior to the date fixed for opening.
3. The Call for Bid or request for proposals will be posted in the same manner as ordinances. The notice shall include a description of the goods or services desired.
4. Bid proposals will be opened on the date and time, and at the place as specified in the specifications or public notices.
5. Staff will prepare tabulation sheets based on the criteria laid out in the Call for Bid and either recommend an award to the lowest responsible bidder, who meets the terms of the specifications, conditions and qualifications or recommend the rejection of any or all bids.
6. The city council shall review the bid proposals, related materials and the recommendation of the staff, and shall award the contract to the lowest responsible bidder.
7. The city administrator may upon review of the materials and recommendations of staff reject any or all bids and make a further call for bids.
8. If bids are not received on the first call, the city may choose either to make a second call for bids or to negotiate directly with any prospective service or supply provider, per RCW 35.23.352(1).

Part VII: Public Works

Contracts for public works as defined in RCW 39.04.010 shall be awarded by competitive bid unless, in appropriate cases, the city elects to proceed according to either the informal bid or small works roster processes provided for herein.

In determining the cost of a public works project, all amounts paid for materials, supplies, equipment, and labor, as well as retail sales and use tax (where required by law) on the construction of that project must be included.

Section 1. Public Works – Informal Bid, \$30,000 or less

1. The city may construct public works by contract, without calling for bids, whenever the estimated cost of the work or improvement, including cost of materials, supplies and equipment will not exceed the sum of: (1) \$30,000 if more than one craft or trade is involved with the public works, or (2) \$20,000 if a single craft or trade is involved with the public works. The term "public works project" means a complete project. Division of the project into units of work or classes of work to avoid the restriction on work that may be performed by day labor on a single project is not permitted.
2. A contract shall be awarded under this section according to the following procedure:
 - A. Staff shall obtain from three or more contractors written quotations of the estimated cost of the public works and maintain those quotes in the records, together with specifications or plans.
 - B. If less than three quotes are obtained because of factors beyond the control of the city, an explanation of those factors, the quotes and the specifications and/or plans for public works shall be maintained in city records.
 - C. Quotes shall be presented to the Public Works Committee for evaluation and determination of the lowest responsible bidder.
 - D. After evaluation and recommendation by the Public Works Committee, the city council may accept the bid submitted by the lowest responsible bidder.
 - E. In addition, the city may use its own public works force to complete the public works necessary without the necessity of informal bidding.

Section 2. Public Works – Small works roster, \$100,000 or less

1. The city contracts with MRSC for maintenance of a small works roster, consisting of all responsible, licensed contractors requesting to be included for award of public works contracts not to exceed \$100,000.
2. The city may award a contract for \$100,000 or less off of the small works roster using the following procedure:
 - A. The director of public services shall obtain written quotations, from the small works roster. Whenever possible, the city shall invite at least five contractors to submit quotations, including, whenever possible, at least one otherwise qualified woman or minority contractor. The city may invite all appropriate contractors on the roster to submit quotations. Once a contractor has been afforded an opportunity to submit a quotation, that contractor shall not be offered another opportunity until all other appropriate contractors on the roster have been afforded an opportunity to submit a quotation on a contract.
 - B. The city's invitation for quotations shall include an estimate of the scope and nature of the work to be performed, and the materials and equipment to be furnished.
 - C. The city shall award the contract to the lowest responsible bidder.

- D. Immediately after awarding a contract, the director of public services shall record the bid quotations obtained for the contract. The bid quotations shall be open to public inspection.

Section 3. Public Works – Formal bidding, \$100,000 or more

Public works with a reasonably expected cost of \$100,000 or more shall be let by formal bid as provided herein:

1. Formal bidding procedure:
 - A. Staff will prepare bid specifications for completion of the public works project upon prior authorization by the city council.
 - B. A call for sealed bids (“Call for Bids”) will be published in the official newspaper, or a newspaper of general circulation most likely to bring responsive bids, once a week for two consecutive weeks prior to the date fixed for the opening of bids.
 - C. The Call for Bids will be posted in the same manner as ordinances.
 - D. The Call for Bids shall contain the following:
 1. Description of the nature of work;
 2. State where the plans and specifications are on file;
 3. State that the bids must be sealed and filed with the city before a specific date;
 4. State what criteria will be used to score the bids
 5. State that bids must be accompanied by bid proposal deposit which will be at least five percent of the bid in the form of a cashier's check or postal money order or surety bond made out to the city and specify that no bids will be considered without this deposit.
2. Bids will be opened on the date and time and at the place as specified in the bid specifications, requests for proposals, advertisements and public notices.
3. Staff will prepare bid tabulation sheets based on the criteria laid out in the Call for Bids, and either recommend an award to the lowest responsible bidder who meets the terms of the specifications, conditions and qualifications, or recommend the rejection of all bids received.
4. The City Council shall review the bids, specifications and related materials and the recommendations of staff and shall award the contract to the lowest responsible bidder.
5. The city council may, upon review of the materials and recommendations of staff, reject all bids if it is determined that a bidder is non-responsive or not-responsible, and may make a further call for bids.
6. If bids are not received on the first call, the city may choose either to make a second call for bids or to negotiate directly with any prospective public works contractor.

Part IIX: Service Contracts

Contracts for services that are not for: (1) public works or (2) a qualifying professional service set out in RCW 39.80.020, do not require a competitive bidding process, per state law. However, the city would like to utilize a competitive process to ensure that taxpayer dollars are being put to their highest and best use. To that end, this city will follow the following processes:

1. For service contracts estimated to be less than \$5,000 no competitive process is required but staff should be able to show that the price is reasonable and the provider is qualified.
2. For service contracts estimated to be more than \$5,000 but less than \$20,000 staff should obtain three written quotes from qualified providers, or alternatively they may use a more formal RFP/RFQ process as described herein.
3. For service contracts estimated to be more than \$20,000 staff should use a formally advertised RFP/RFQ process as described herein.

Part IX: Architect and Engineer Services (A&E)

The City must follow chapter 39.80 RCW for procuring A&E professional services, as defined at RCW 39.80.020. Architectural and Engineering consultants are initially selected based upon their qualifications through a Request for Qualifications (RFQ) process, rather than price (see RCW 39.80.050). After selecting a consultant of this type via the RFQ process, the city will negotiate a contract with the most qualified firm at a price which the City determines fair and reasonable. In so negotiating, the city shall take into account the estimated value of the services to be rendered as well as the scope, complexity, and professional nature. If the city is unable to negotiate a satisfactory contract with the firm selected at a price the city determines to be fair and reasonable, negotiations shall be terminated and the city shall begin negotiations with the next highly qualified firm.

Part X: Purchase of Electronic Data Processing and Telecommunications Systems

The City may follow the alternative procedure set out in RCW 39.04.270 for the acquisition of electronic data processing or telecommunication equipment, software or services, as those terms are defined by state law.

Part XI: Waivers and Exemptions

Section 1 Emergency Purchases

It is the intent as adopted by the City Council of Orting that the Mayor, or his designee, be authorized to waive the requirements of competitive bidding in the event of an emergency as defined by RCW 39.04.280. The Mayor or his designee shall comply with all portions of RCW 39.04.280 in the event of an emergency. The City Council through resolution may also waive competitive bidding requirements in circumstances defined within RCW 39.04.280. In any waiver of competitive bidding requirements, public disclosure and review shall be produced per the requirements as defined in RCW 39.04.280.

Section 2 Sole Source Supply

These requirements for purchasing or public works also may be waived by resolution of the City Council declaring that the purchase or public work is either clearly and legitimately limited to a single source or supply, or the materials, supplies, equipment, or services are subject to special market conditions, and recites why this situation exists.

Part XII: Purchasing Authority

Purchasing authority as described below is based on a complete contract price. Contracts that last multiple years shall have each years' cost aggregated to determine the entire contract value. Purchasing authority is also project-limited. If the project requires purchases from multiple vendors, costs from each vendor shall be aggregated to determine how a purchase is approved.

Section 1. Authorities for Budgeted Items:

1. Purchases of \$3,000 or less may be approved by Department Directors
2. Purchases between \$3,001 and \$10,000 may be approved by the City Administrator
3. Purchases between \$10,001 and \$25,000 may be approved by the Mayor
4. Purchases above \$25,001 are required to be approved by the City Council

Section 2. Authorities for non-Budgeted Items:

1. Purchases of \$1,000 or less may be approved by Department Directors
2. Purchases between \$1,001 and \$2,500 may be approved by the City Administrator
3. Purchases between \$2,501 and \$10,000 may be approved by the Mayor
4. Purchases above \$10,001 are required to be approved by the City Council

Section 3. Emergency Authority

This section applies only when the mayor has declared an emergency and must comply with part 4.1 above.

1. The Incident commander and the mayor, their designee or successor as defined by the Continuity of Operations plan, in the event of a declared emergency are authorized to spend or commit any needed resources to preserve life and property.

Section 4. Purchase of Electronic Data Processing and Telecommunications Systems

The City may follow the alternative procedure set out in RCW 39.04.270 for the acquisition of electronic data processing or telecommunication equipment, software or services, as those terms are defined by state law.

Part XIII: Credit Cards

The City shall provide the Mayor and department heads (or their designees, as approved by the Finance Committee) with a City credit card for traveling or purchasing budgeted items. It is the policy of the City that purchases on credit cards be minimized as much as possible. It is the responsibility of each card holder to save their receipts and provide them to the accounts payable clerk. The finance director may require a reconciliation from the card holder if they have more than ten transactions per month.

Section 1. Credit Limits

The following limits shall apply:

1. The Mayor, the City Administrator, and the City Treasurer shall have full access to the city's credit limit.
2. The Police Chief shall have a limit of \$15,000.
3. The Public Works Director shall have a limit of \$5,000.

4. All other directors shall have a limit of \$1,500.
5. The Public Works Administrative Assistant shall have a limit of \$3,000.
6. All others who have credit cards shall have limits of \$500.
7. In the case of a declared emergency, the Incident commander and all city directors shall have full access to the credit limit of the City.