

Councilmembers

Position No.

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



**Mayor Joshua Penner,
Chair**

Orting City Council

Regular Business Meeting Agenda
Orting Multi-Purpose Center
202 Washington Ave. S,
Orting, WA
May 29, 2019
7 p.m.

1. CALL MEETING TO ORDER, PLEDGE OF ALLEGIANCE, AND ROLL CALL. REQUEST FOR ADDITIONS OR CORRECTIONS TO THE AGENDA.

2. **PUBLIC COMMENTS:** *Persons wishing to address the City Council regarding items that are not on the agenda are encouraged to do so at this time. In the case of a question, the chair will refer the matter to the appropriate administrative staff member or committee.*

3. HEARINGS

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*

Open the Hearing and Announce the Title, Read the Rules. Briefing by Staff, Public Comments Taken, Council Comments or Questions, Close Hearing. Consider a Motion.

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.*

B. AB19-31-Shoreline Master Program Update.

- *Talia Tittelfitz/ Emily Terrell*

Open the Hearing and Announce the Title, Read the Rules. Briefing by Staff, Public Comments Taken, Council Comments or Questions, Close Hearing. Consider a Motion.

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.*

C. AB19-33- Closed Record Hearing- Copper Ridge/Meadows 4 Preliminary Plat and Variance (PP-2018-1)

- *Emily Terrell*

Open the Hearing and Announce the Title, Admit exhibits into the Record, Swear in those who may give testimony, Read the Rules. Briefing by Staff, Applicant may make any testimony, anyone with standing may testify, Council Comments or Questions from any party with standing, Close Hearing. Consider a Motion.

Motion: *To approve the recommendation made by the Hearing Examiner dated April 30th, 2019, to approve the preliminary plat and variance for Copper Ridge/Meadows 4.*



**City of Orting
Council Agenda Summary Sheet**

Subject: Hearing- 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 were accepted at the 5.15.19 study session and Council moved this forward for a hearing and vote on the proposed Ordinance.</p>				
RECOMMENDED ACTION: 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

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 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

Filed with the City Clerk: 1.21.19
Passed by the City Council: 5.29.19
Date of Publication: 5.31.19
Effective Date: 6.5.19

**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;

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 motorist's ingress or egress 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 attention 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;

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.

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.

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.

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

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

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-

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13-7-8 TEMPORARY SIGNS:

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

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 30 feet between each sign pertaining to the same noncommercial topic, organization, entity or person.

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
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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.

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.



**City Of Orting
Council Agenda Summary Sheet**

Subject: Hearing- Adopt amendments to the Orting Shoreline Master Program by Ordinance No. 2019-1045		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:	_ \$			
Amount Budgeted:	_ \$			
Unexpended Balance:	_ \$			
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, Exhibit A, Attachments 1, 2, 3 and DT5.5 Comments				
<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>				
<p>RECOMMENDED ACTION: 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.</p>				

**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,

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).

**ADOPTED 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, 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: 5.29.19
Ordinance No.: 2019-1045
Date of Publication: 5.31.19
Effective Date: (see section 7)



CITY OF ORTING SHORELINE MASTER PROGRAM



Adopted April, 2009
Amended Septmber, 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	

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(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.

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.

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.

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."

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
	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	

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.

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

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.

- 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.

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.

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**.

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.

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.

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.

4.5 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.

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

- 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,

- 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.

The City of Orting Environmentally Critical Areas regulations as codified in Title 11 of the Orting Municipal Code (Ordinance 806, 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)

- 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"

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

- 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).

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.

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.

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.

- 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.

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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.

- 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

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.

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.

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.

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
		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.

<i>Row</i>	<i>Summary of change</i>	<i>Review</i>	<i>Action</i>
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

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.

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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



**City Of Orting
Council Agenda Summary Sheet**

Subject: Closed Record Hearing-Copper Ridge/Meadows 4, Preliminary Plat and Variance.		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. Sound built 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>Council reviewed the hearing examiners report and were briefed by staff at their study session on May 15th, 2019. By consensus Council moved the request forward for a closed record hearing and vote. This hearing only allows for the Council to hear testimony from citizens who gave recorded testimony before the Hearing Official. The Council cannot entertain new information from those giving testimony.</p>				
<p>RECOMMENDED ACTION: MOTION: To accept the recommendation made by the Hearing Examiner dated April 30th, 2019; to approve the preliminary plat and variance for Copper Ridge/Meadows 4.</p>				

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 City Planner JC Hungerford, PE City Engineer

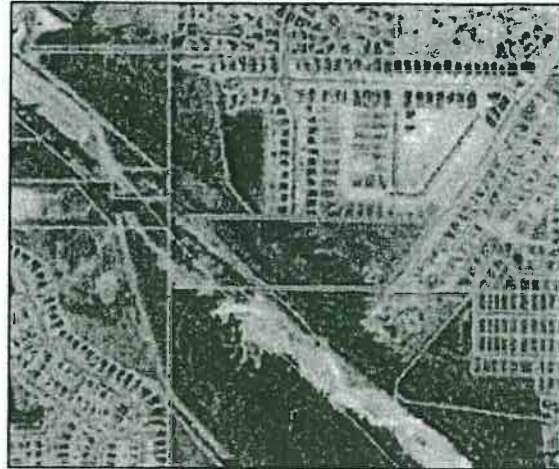
Requested Approvals: Preliminary Plat Subdivision Approval & SEPA Environmental Review

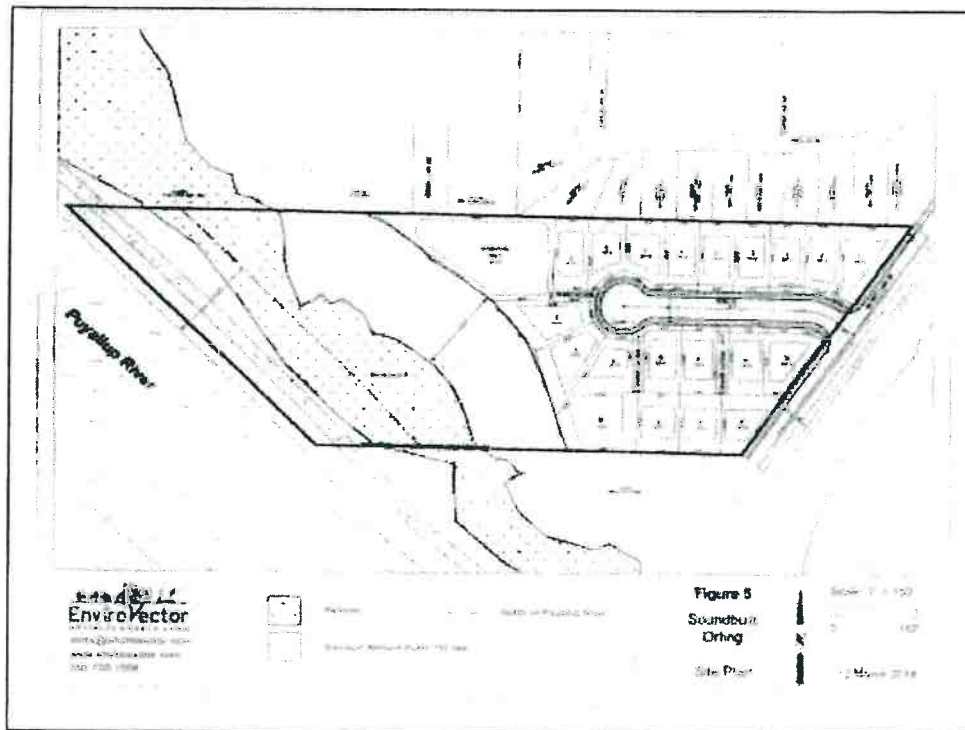
Staff Recommendation: Approval Subject to Conditions

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





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

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 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)).

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.

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.

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 italic 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.

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.

- 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:

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

- 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 exiting 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

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
Regular Business Meeting Minutes
Orting Multi-Purpose Center
202 Washington Ave. S, Orting, WA
May 8th, 2019
7 p.m.

Mayor Joshua Penner, Chair

1. CALL MEETING TO ORDER, PLEDGE OF ALLEGIANCE, AND ROLL CALL.

Mayor Penner called the meeting to order at 7:00pm. Councilmember McDonald led the pledge of allegiance.

Councilmembers Present: Deputy Mayor Greg Hogan, Councilmembers Tod Gunther, John Kelly, Michelle Gehring, Scott Drennen, Nicola McDonald, and Joachim Pestinger.

Staff Present: Mark Bethune, City Administrator, Jane Montgomery, City Clerk, Scott Larson, Treasurer, JC Hungerford, Engineer.

REQUEST FOR ADDITIONS OR CORRECTIONS TO THE AGENDA.

No Requests.

2. PUBLIC COMMENTS

None made.

3. CONSENT AGENDA

1. Study Session Minutes of April 17th, 2019
2. Joint Workshop Minutes of April 20th, 2019
3. Regular Meeting Minutes of April 24th, 2019
4. Payroll and Claims Warrants

Councilmember Pestinger made a motion to approve Consent Agenda as prepared. Second by Councilmember Gunther. Motion passed (7-0).

4. COMMISSION REPORTS

No report.

5. EXECUTIVE SESSION

The Clerk announced that there would be an Executive session per RCW 42.30.110(i)(2): (ii) Litigation that the agency reasonably believes may be commenced by or against the agency, the governing body, or a member acting in an official capacity, They will recess for 10 minutes and action will be taken after they return to open session.

Mayor Penner recessed to Executive Session at 7:05 pm for 10 minutes

7:05pm for 10 minutes.

7:15pm- extended for 5 minutes

7:20pm extended for 1 minute

7:21pm- Session over

Mayor Penner called the meeting back to order at 7:21 pm.

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 Minutes
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.

Deputy Mayor Hogan called the meeting to order at 6:00pm. Councilmember Drennen led the pledge of allegiance.

Councilmembers Present: Deputy Mayor Greg Hogan, Councilmembers Tod Gunther, John Kelly, Michelle Gehring, Joachim Pestinger, Nicola McDonald, Scott Drennen.

Staff Present: Mark Bethune, City Administrator, Jane Montgomery, City Clerk, Scott Larson, Treasurer, Chris Gard, Chief of Police, Emily Terrell, City Planner, Greg Reed, PW Director.

2. COMMITTEE REPORTS

Public Works

Councilmember Drennen briefed on the following topics:

- Chip Seal out for bid soon;
- SR 162 Bridge Crossing;
- AD HOC Committee for the Bridge for Kids group.

Public Safety

Councilmember Kelly briefed on the following topic:
The School Lahar Drill.

Councilmember Gunther stated he would like to get a report on drug house closures.

Community and Government Affairs

CM McDonald briefed on the following topics:

- Sign Ordinance;
- Sponsorship of Summerfest;
- Guidelines for Grants;
- Deputy Mayor process was not moved forward;
- Committee Goals.

Councilmember Gunther asked to have the Deputy Mayor process added to the next study session. The mayor asked that CGA look at his proposal for Council appointments at the next CGA meeting.

3. STAFF REPORTS

Mark Bethune

Administrator Bethune briefed on the following;

- WSDOT given up on the idea of a roundabout at 128th;
- Pierce County came out against the roundabout;
- Pierce County believe WSDOT modeling was deficient;
- Only one bid on City Hall project and it was \$1.1 Million over budget;

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. Councilmembers were provided a table that showed what the increase would look like for Orting rate payers and compared those with Sumner and Milton. Discussion followed. Josh Metcalf answered questions posed by Councilmembers.

Action: Councilmember Gehring, and Deputy Mayor Hogan formed an AD HOC committee to research the matter and will come back with a recommendation at the next study session.

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.

Mark Bethune briefed that after approximately five years of work, at the January 7, 2019 regular meeting, the Planning Commission voted unanimously to recommend approval of the proposed Sign Code Update. City Council reviewed the code recommended by the Planning Commission and sent 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. This proposal takes human signs out. Everything else was agreed to by Council. CGA recommends approval.

Action: Move forward to the next meeting for hearing and vote.

B. AB19-31-Shoreline Master Program Update and Hearing.

Talia Tittelfitz briefed that 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. Emily Terrell discussed adding a table later on, but recommended approval of this portion for now.

Action: Move forward to the next meeting for a hearing and vote.

C. AB19-32- Sponsorship Application- Summerfest.

Councilmember McDonald briefed on the sponsorship application. 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. The CGA Committee recommended approval of the application from Orting Summerfest for City sponsorship.

Action: Move forward to the next meeting on the Consent Agenda.

D. AB19-33- Copper Ridge/Meadows 4, Preliminary Plat and Variance.

Mark Bethune briefed that Sound built Homes has proposed the development of 20 residential building lots now called Meadows 4. The Hearing Official reviewed the pre-plat documents, the staff report by the City Planner, and the variance request and recommended approval of the preliminary-plat.

Action: Move forward for a closed record hearing and vote at the next meeting.

E. AB19-34- RFP- Utility Rate Study

Scott Larson briefed that one of the 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 the City does not have to adopt utility rates every year. Bakertilly is substantially cheaper than the other submissions – more than \$42,955 less than the next most qualified firm, and appear just as qualified. The Treasurer will check to see if he can ask that they meet more often.

followed regarding the pros and cons of such a decision. The Mayor expressed concerns about sending staff to two meetings rather than one due to associated cost of that move. There was also discussion about the current public safety committee agendas and posting of minutes and agendas. The decision was made by Deputy Mayor Hogan to leave things as they are for now.

5. ADJOURNMENT

Deputy Mayor Hogan adjourned the meeting at 9:11 pm.

ATTEST:

Jane Montgomery, City Clerk, CMC

Joshua Penner, Mayor

VOUCHER/WARRANT REGISTER
FOR MAY 29, 2019 COUNCIL

CLAIMS/PAYROLL VOUCHER APPROVAL

CITY OF ORTING

WE, THE UNDERSIGNED, DO HEREBY CERTIFY UNDER PENALTY OF PERJURY THAT THE MATERIALS HAVE BEEN FURNISHED, THE SERVICES RENDERED OR THE LABOR PERFORMED AS DESCRIBED HEREIN AND THAT THE CLAIM IS A JUST, DUE AND UNPAID OBLIGATION AGAINST THE CITY OF ORTING, AND THAT WE ARE AUTHORIZED TO AUTHENTICATE AND CERTIFY TO SAID CLAIM.

CLAIMS WARRANTS #47273 THRU #47335
IN THE AMOUNT OF \$ 589,213.69
EFT MATERCARD \$ 11,349.90

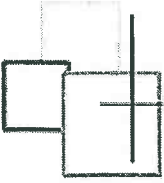
PAYROLL WARRANTS # 23527 THRU #23529= \$18,162.75
EFT \$ 105,853.39
IN THE AMOUNT OF \$ 148,413.94

ARE APPROVED FOR PAYMENT ON MAY 29, 2019

COUNCILPERSON _____

COUNCILPERSON _____

CITY CLERK _____



Fund Transaction Summary

Transaction Type: Invoice
Fiscal: 2019 - MAY 2019 - 2nd Council

Fund Number	Description	Amount
001	Current Expense	\$51,572.98
101	City Streets	\$10,366.66
104	Cemetery	\$315.15
105	Parks Department	\$10,748.59
304	City Hall Construction	\$25,223.87
401	Water	\$18,120.79
408	Wastewater	\$24,368.99
410	Stormwater	\$38,325.98
412	Utility Land Acquisition	\$410,170.68
	Count: 9	\$589,213.69

Number	Name	Print Date	Clearing Date	Amount
47304	Wells Fargo Financial Leasing	5/21/2019		\$92.91
47305	Western Equipment	5/21/2019		\$51,005.66
47306	Whitworth Pest Solutions, INC	5/21/2019		\$300.63
47307	SwiftComply US Opco, INC	5/23/2019		\$515.92
47308	Abc Forms	5/29/2019		\$276.58
47309	Core & Main	5/29/2019		\$425.36
47310	Dept of Transportation	5/29/2019		\$98.53
47311	Dynamic Language	5/29/2019		\$451.34
47312	Enumclaw, City of	5/29/2019		\$2,049.49
47313	Fessler Nursery	5/29/2019		\$1,380.00
47314	Galls LLC	5/29/2019		\$2,275.87
47315	Helix Design Group	5/29/2019		\$25,223.87
47316	Hotel Information Services INC	5/29/2019		\$1,250.00
47317	Inslee, Best, Doezie & Ryder, P>S	5/29/2019		\$10,496.50
47318	Law Offices of Matthew J Rusnak	5/29/2019		\$1,833.33
47319	LN Curtis & Son	5/29/2019		\$803.25
47320	Mitel Leasing	5/29/2019		\$549.36
47321	Orca Pacific, Inc	5/29/2019		\$650.51
47322	P.c. Budget & Finance	5/29/2019		\$574.20
47323	Pitney Bowes Purchase Power	5/29/2019		\$978.75
47324	Puget Sound Energy	5/29/2019		\$15,745.33
47325	Rescue Technician Specialties and Consulting INC	5/29/2019		\$600.00
47326	SCORE	5/29/2019		\$2,520.00
47327	SHRED-IT USA	5/29/2019		\$173.59
47328	Staples Advantage	5/29/2019		\$90.39
47329	Summer Lawn'n Saw	5/29/2019		\$312.60
47330	Tacoma News INC	5/29/2019		\$359.46
47331	Tacoma Pierce County Health Dept	5/29/2019		\$1,390.00
47332	Utilities Underground Location Center	5/29/2019		\$124.74
47333	Verizon Wireless	5/29/2019		\$4,108.52
47334	Washington Patriot Construction LLC	5/29/2019		\$408,317.71
47335	Wex Bank	5/29/2019		\$3,004.82
	Total		Check	\$577,863.79
	Total		2000073	\$577,863.79
	Grand Total			\$589,213.69

Vendor	Number	Invoice	Account Number	Notes	Amount
Brisco Inc.	47280	MAY2019-401	410-531-38-32-02	Fuel Storm	\$64.43
			410-531-38-32-02	Fuel Storm	\$67.26
			410-531-38-32-02	Fuel Storm	\$300.00
				Total	\$618.88
BSN Sports INC	47281	905002986-905077729-905097049-905127255-905127254-905164464	001-571-20-31-25	Baseball-Uniforms	\$3,625.68
				Total	\$3,625.68
Business Solutions Center	47282	106452	001-514-23-31-02	Envelopes	\$120.23
			001-558-60-31-00	Envelopes	\$120.23
		106563	001-521-20-31-03	Business Card-3 Part Forms	\$133.88
				Total	\$374.34
Comcast	47283	0005839-May 2019	001-514-23-42-00	City Hall-Cable	\$7.03
			401-534-10-42-01	City Hall-Cable	\$7.03
			408-535-10-42-01	City Hall-Cable	\$7.04
				Total	\$21.10
Cope's Orting Pharmacy (C)	47284	15420	001-513-10-31-03	Birthday Cards	\$16.36
				Total	\$16.36
Core & Main	47309	K474333	412-594-38-62-01	Valve Box-Sewer Marker-Valve Box Riser-New PW Shop	\$282.49
			101-542-30-31-00	Yellow Caution Tape	\$142.87
			Total	\$425.36	
Crystal & Sierra Springs	47285	16789927 0472719	001-514-23-31-02	Water for City Hall	\$65.16
				Total	\$65.16
Culligan Seattle WA	47286	0476975	001-521-20-31-03	Water for PD	\$34.31
				Total	\$34.31
Dept of Transportation	47310	RE-313-ATB90318079	401-594-34-63-30	Utility Permit-Water Line Replacement	\$98.53
				Total	\$98.53
DM Disposal Co., Inc	47287	8451613	408-535-60-47-00	WWTP-Garbage Service	\$1,205.41
				Total	\$1,205.41
Dynamic Language	47311	405892	001-513-10-31-04	City Lahar Brochure-to Spanish	\$225.67
			001-525-60-30-01	City Lahar Brochure-to Spanish	\$225.67
				Total	\$451.34

Vendor	Number	Invoice	Account Number	Notes	Amount	
Helix Design Group 47315	A18-021.02	0000003	304-594-18-60-01	New City Hall Facilities	\$8,285.58	
			304-594-31-60-01	New City Hall Facilities	\$1,242.84	
			304-594-34-60-01	New City Hall Facilities	\$1,242.84	
			304-594-35-60-01	New City Hall Facilities	\$2,485.67	
			304-594-44-60-01	New City Hall Facilities	\$276.19	
			304-594-76-60-01	New City Hall Facilities	\$276.18	
	A18-021.09	0000001	304-594-18-60-01	New City Hall Facilities	\$2,672.70	
			304-594-31-60-01	New City Hall Facilities	\$400.90	
			304-594-34-60-01	New City Hall Facilities	\$400.91	
			304-594-35-60-01	New City Hall Facilities	\$801.81	
			304-594-44-60-01	New City Hall Facilities	\$89.09	
			304-594-76-60-01	New City Hall Facilities	\$89.09	
	A18-021.13	0000003	304-594-18-60-01	New City Hall Facilities	\$421.08	
			304-594-31-60-01	New City Hall Facilities	\$63.16	
			304-594-34-60-01	New City Hall Facilities	\$63.17	
			304-594-35-60-01	New City Hall Facilities	\$126.32	
			304-594-44-60-01	New City Hall Facilities	\$14.04	
			304-594-76-60-01	New City Hall Facilities	\$14.03	
	A18-021.15	0000003	304-594-18-60-01	New City Hall Facilities	\$1,432.20	
			304-594-31-60-01	New City Hall Facilities	\$214.83	
			304-594-34-60-01	New City Hall Facilities	\$214.83	
			304-594-35-60-01	New City Hall Facilities	\$429.66	
			304-594-44-60-01	New City Hall Facilities	\$47.74	
			304-594-76-60-01	New City Hall Facilities	\$47.74	
					Total	\$25,223.87
	Hotel Information Services INC 47316	53642		410-531-38-48-00	Beaver Removal from City Riparian	\$1,250.00
Inslee, Best, Doezie & Ryder, P>S 47317	246222		001-515-41-41-01	City Attorney Retainer	\$2,500.00	
			001-515-41-41-02	City Attorney Services-Parks	\$415.70	
			001-515-41-41-02	City Attorney Services-Records Request	\$1,610.85	
			001-515-41-41-02	City Attorney Services	\$2,488.44	
			001-515-41-41-05	City Attorney Services-HRT	\$1,818.70	

Vendor	Number	Invoice	Account Number	Notes	Amount
Keybank- MasterCard	EFT-April MasterCard	5423-Public Works-April 2019	105-576-80-48-02	Windshield Replacement-2013 F150 FA1064	\$118.86
			401-534-10-31-00	Toll Fee for Training	\$6.00
			401-534-10-31-00	Ladder	\$10.91
			401-534-10-31-00	Prime Membership	\$14.20
			401-534-10-31-00	Protectctor Cover- Case for Surface Pro	\$65.55
			401-534-10-31-04	Boots for Bingham	\$150.00
			401-534-50-35-00	Rugby 620 Laser- Battery Pack-Rod Eye	\$535.09
			401-534-50-48-02	Water Meter Parts	\$29.48
			401-534-50-48-02	Compressor- Supplies	\$197.85
			401-534-50-48-02	Paint Sprayer & Supplies Well 1	\$219.82
			401-534-50-48-06	Windshield Replacement-2013 F150 FA1064	\$118.86
			401-534-90-49-00	AWWA-Pump Station-Workshop	\$85.00
			408-535-10-31-00	Protectctor Cover- Case for Surface Pro	\$65.55
			408-535-10-31-05	Boots for Bingham	\$150.00
			408-535-50-35-00	Rugby 620 Laser- Battery Pack-Rod Eye	\$535.08
			408-535-50-48-08	Windshield Replacement-2013 F150 FA1064	\$118.85
			408-535-90-49-00	AWWA-Pump Station-Workshop	\$85.00
			408-535-90-49-00	Sanitary Surveys Workshop	\$420.00
			410-531-38-31-00	Protectctor Cover- Case for Surface Pro	\$65.55
			412-594-38-62-01	Knox Box for New PW Biulding	\$386.85
		5725-Bethune-April 2019	001-513-10-31-00	Snack Items- Special Planning Meeting	\$36.67
			001-525-60-41-01	Items for Daffodil City Booth	\$3.94
			001-525-60-41-01	Items for Daffodil City Booth	\$13.86
			410-531-38-31-01	Items for Daffodil City Booth	\$3.93
			410-531-38-31-01	Items for Daffodil City Booth	\$13.86
		6182-Meek-April 2019	001-571-20-31-23	Soccer Balls-Pop up Goal	\$559.95
			001-571-20-31-25	Equipment Bags	\$107.40
			001-571-20-31-25	Baseballs	\$573.00
			001-571-20-31-25	Home Plates-Bats- Helmets	\$794.44
			001-575-50-49-02	Annual Parks & Rec Conference	\$670.50
		7599-Police-April 2019	001-521-20-31-01	Supplies for Taylors Traing-Chemical Munitions	\$248.07

Vendor	Number	Invoice	Account Number	Notes	Amount
Korum Automotive Group	47294	187238	410-531-38-48-01	Tire Rotation-Oil Change-FA1068	\$58.54
				Total	\$2,321.11
Law Offices of Matthew J Rusnak	47318	230	001-512-50-49-01	Court Appointed Attorney-May 2019	\$1,833.33
				Total	\$1,833.33
LN Curtis & Son	47319	INV275602	001-521-20-31-01	Uniform Items for Det. Cassatt	\$368.85
		INV279628	001-521-20-31-01	Uniform Items for Det. Cassatt	\$60.77
		INV280417	001-521-20-31-01	Uniform Items for SRO Boone	\$373.63
				Total	\$803.25
Mitel Leasing	47320	901938990	001-594-14-41-03	City Hall Phone Lease	\$74.55
			001-594-24-41-02	City Hall Phone Lease	\$14.91
			001-594-76-41-02	City Hall Phone Lease	\$14.91
			101-594-42-41-02	City Hall Phone Lease	\$14.91
			401-594-34-42-03	City Hall Phone Lease	\$83.50
			408-594-35-64-55	City Hall Phone Lease	\$80.51
			410-594-31-41-42	City Hall Phone Lease	\$14.91
		901938991	001-594-12-41-02	PSB Phone Lease	\$23.17
			001-594-21-41-03	PSB Phone Lease	\$227.99
				Total	\$549.36
O'Reilly Auto Parts	47295	1265583-MAY2019	001-521-20-31-03	USB Adaptor	\$32.77
			001-521-50-48-04		\$7.14
			001-521-50-48-04	Hose Tee & Clamp	\$14.59
			001-521-50-48-04	Foam Rubber	\$30.59
			001-521-50-48-04	Capsule	\$75.79
			105-576-80-48-00	Headlights-F150 PD	
			105-576-80-48-02	Wash Pad	\$6.55
			105-576-80-48-02	Car Wash	\$7.09
			105-576-80-48-02	Glass Cleaner & Rags	\$21.84
			401-534-50-48-04	Coupling Wingate	\$3.49
			401-534-50-48-04	Oil-Well 4	\$24.04
			401-534-50-48-04	Oil-FA1034	\$30.58
			408-535-50-48-08	Fuel Cap	\$13.65
			410-531-38-48-01	Grease Gun-Grease FA1033	\$31.13
				Total	\$299.25
Orca Pacific, Inc	47321	38451	401-534-10-31-01	Sodium Hypochlorite	\$650.51
				Total	\$650.51
P.c. Budget & Finance	47296	CI-266591 C-104188	001-538-40-47-00	Peg Fees-1st QRT	\$1,297.96

Vendor	Number	Invoice	Account Number	Notes	Amount	
Puget Sound Energy	47324	200021119249-May2019	401-534-50-47-02	Chlorinator	\$34.02	
		200021421298-May2019	408-535-50-47-06	Rainier Meadows	\$27.53	
		200022934653-May2019	001-575-50-47-01	MPC	\$501.45	
		200024404523-May2019	408-535-50-47-02	Lift Station 1	\$130.03	
		220011476581-May2019	408-535-50-47-03	High Cedars Lift Station	\$101.61	
		220015220399-May2019	101-542-63-47-03	Street Lights	\$51.10	
		220015548930-May2019	101-542-63-47-03	Street Lights	\$54.63	
		47298	300000002406-May2019	101-542-63-47-03	Street Lights	\$5,126.74
		47324	400002290148-May2019	412-594-38-62-01	Power Install for New Public Works Shop	\$751.72
					Total	\$20,921.06
Rescue Technician Specialties and Consulting INC	47325	MAY2019-410	001-521-40-49-00	Swiftwater/Flood Rescue Awareness Level Training	\$600.00	
				Total	\$600.00	
SCORE	47326	3781	001-523-60-41-00	Jail Fees-April 2019	\$2,520.00	
				Total	\$2,520.00	
SHRED-IT USA	47327	8127287411	001-521-20-31-03	PD Shredding	\$91.36	
		8127287456	001-514-23-31-02	City Hall Shredding	\$82.23	
				Total	\$173.59	
Staples Advantage	47328	3412708912	001-513-10-31-00	Office Supplies	\$90.39	
				Total	\$90.39	
Sumner Lawn'n Saw	47329	28179	104-536-50-35-00	Edger Blade-Cemetery	\$30.22	
		28602	104-536-50-35-00	Hand Pruner & Saw-Cemetery	\$117.54	
		28644	104-536-50-35-00	Pole Pruner Sew	\$82.42	
			105-576-80-35-00	Pole Pruner Sew	\$82.42	
		Total	\$312.60			
SwiftComply US Opco, INC	47307	2520-2019 Maintenance - Support	401-534-60-48-04	Backflow-Cross Connection Software & Grease Trap	\$350.00	
			408-535-60-47-01	Backflow-Cross Connection Software & Grease Trap	\$165.92	
			Total	\$515.92		
Tacoma News INC	47330	257635-MAY2019	001-524-60-31-00	Publications	\$144.07	
			001-524-60-31-00	Publications	\$215.39	
			Total	\$359.46		
Tacoma Pierce County Health Dept	47331	16387283	101-542-30-48-05	UST Removal-Site ID SD0000549	\$463.34	
			401-534-50-48-05	UST Removal-Site ID SD0000549	\$463.33	

Vendor	Number	Invoice	Account Number	Notes	Amount
Washington Rock Quarries,	47301	99100	408-535-50-51-06	Concrete Dump Fee	\$54.27
				Total	\$162.79
Washington Tractor	47302	1804189	105-594-76-64-36	Stihl Weedeater-Line Trimmer-FA1144	\$139.87
			410-594-31-64-02	Stihl Weedeater-Line Trimmer-FA1144	\$279.75
		1804196	105-594-76-64-36	KM131 Weedeater-Brush Attachment-Line Trimmer	\$279.75
			410-594-31-64-02	KM131 Weedeater-Brush Attachment-Line Trimmer	\$559.50
				Total	\$1,258.87
Water Management Lab Inc.	47303	175309	401-534-10-41-03	Lab Testing	\$219.00
				Total	\$219.00
Wells Fargo Financial Leasing	47304	5006220049	105-576-80-31-00	Public Works Copier	\$13.94
			401-534-10-31-00	Public Works Copier	\$46.46
			408-535-10-31-00	Public Works Copier	\$18.58
			410-531-38-31-00	Public Works Copier	\$13.93
				Total	\$92.91
Western Equipment	47305	8051369-00	101-594-42-64-35		\$2,550.28
			401-594-34-63-56	New Hillside Mower-FA1158	\$7,650.85
			408-594-35-63-38	New Hillside Mower-FA1158	\$7,650.85
			410-594-31-63-03	New Hillside Mower-FA1158	\$33,153.68
				Total	\$51,005.66
Wex Bank	47335	59300967	001-521-20-32-00	Fuel-PD	\$3,004.82
				Total	\$3,004.82
Whitworth Pest Solutions, INC	47306	446918-446919	001-514-21-48-01	Pest Control-City Hall	\$109.30
			001-575-50-48-00	Pest Control-MPC	\$191.33
				Total	\$300.63
				Grand Total	\$589,213.69



**City Of Orting
Council Agenda Summary Sheet**

Subject: Sponsorship Application-Summerfest, by Resolution No. 2019-12		Committee	Study Session	Council
	Agenda Item #		AB19-32	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:	_ \$			
Amount Budgeted:	_ \$			
Unexpended Balance:	_ \$			
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. Council reviewed the application at the study session on May 15th, 2019, and by Consensus moved this forward to consent agenda for the May 29th, 2019 meeting.</p>				
RECOMMENDED ACTION: 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.

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 be "Karie Franks", written over a long horizontal line.

Karie Franks
Director
Orting Summerfest 2019

CITY/STATE/ZIP: Orting / WA / 98360
PHONE: (253) 722-6148 EMAIL ADDRESS: OrtingSummerfest@gmail.com
ca1

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 turnpike
- ◇ 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

- 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: Karie Franks
 TITLE/ROLE IN SPONSORING ORGANIZATION: Executive Pastor Of ALCC
Director of Orting Summerfest

You can either mail or bring in the application and fee to:

Mail to:
 City of Orting
 Attention: Event Permit
 PO Box 489
 Orting, WA 98360

Or

Stop by:
 City Hall
 110 Train St SE
 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 # _____



**City Of Orting
Council Agenda Summary Sheet**

Subject: Sanitary Sewer CIPP Rehabilitation		Committee	Study Session	Council
	Agenda Item #:	PW	AB19-37	AB19-37
	For Agenda of:	5.1.19	5.15.19	5.29.19
	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:

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.

Insta-Pipe, Inc. was deemed to be the most responsive and lowest bidder in response to the original contract documents and associated addendums.

Council reviewed this at the study session on May 15th, 2019 and by consensus moved it forward to the consent agenda of the May 29th, 2019 meeting.

RECOMMENDED ACTION: MOTION: To award Insta-Pipe, Inc. as the low bidder and winner for the Sanitary Sewer CIPP Rehabilitation Project in the amount of \$169,372.20.

BID TABULATION

Project No. 216-1711-020 (02/01)
 Project Name City of Orling Sanitary Sewer CIPP Rehabilitation
 Location Orling, Washington State
 Owner City of Orling
 Estimated By: John Betzrog
 Date: April 2019

APPARENT LOW BIDDER

ITEM #	SPEC. #	UNIT	DESCRIPTION OF ITEM	TOTAL QTY	Engineer's Estimate			Allied Trenchless			Insta-Pipe, Inc.			Instaform Technologies, LLC			Iron Horse, LLC		
					UNIT PRICE	TOTAL PRICE	TOTAL PRICE	UNIT PRICE	TOTAL PRICE	UNIT PRICE	TOTAL PRICE	UNIT PRICE	TOTAL PRICE	UNIT PRICE	TOTAL PRICE	UNIT PRICE	TOTAL PRICE	UNIT PRICE	TOTAL PRICE
CIPP Lining Part A																			
A1	1-04	FA	MINOR CHANGE	1	\$ 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	\$ 10,000.00	\$ 10,000.00	\$ 10,000.00	\$ 10,000.00	
A2	1-05	LS	RECORD DRAWINGS (MIN BID \$500)	1	\$ 500.00	\$ 500.00	\$ 500.00	\$ 500.00	\$ 500.00	\$ 500.00	\$ 500.00	\$ 500.00	\$ 500.00	\$ 500.00	\$ 500.00	\$ 500.00	\$ 500.00	\$ 500.00	
A3	1-07	LS	SPOC PLAN	1	\$ 1,500.00	\$ 1,500.00	\$ 1,500.00	\$ 1,500.00	\$ 1,500.00	\$ 1,500.00	\$ 1,500.00	\$ 1,500.00	\$ 1,500.00	\$ 1,500.00	\$ 1,500.00	\$ 1,500.00	\$ 1,500.00	\$ 1,500.00	
A4	1-09	LS	MOBILIZATION	1	\$ 19,197.00	\$ 19,197.00	\$ 19,197.00	\$ 19,197.00	\$ 19,197.00	\$ 19,197.00	\$ 19,197.00	\$ 19,197.00	\$ 19,197.00	\$ 19,197.00	\$ 19,197.00	\$ 19,197.00	\$ 19,197.00	\$ 19,197.00	
A5	1-10	LS	PROJECT TEMPORARY TRAFFIC CONTROL	1	\$ 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	\$ 20,000.00	\$ 20,000.00	\$ 20,000.00	\$ 20,000.00	
A6	1-10	LS	TRAFFIC CONTROL SUPERVISOR	1	\$ 5,000.00	\$ 5,000.00	\$ 5,000.00	\$ 5,000.00	\$ 5,000.00	\$ 5,000.00	\$ 5,000.00	\$ 5,000.00	\$ 5,000.00	\$ 5,000.00	\$ 5,000.00	\$ 5,000.00	\$ 5,000.00	\$ 5,000.00	
A7	1-10	HR	FLAGGERS	432	\$ 55.00	\$ 23,760.00	\$ 23,760.00	\$ 23,760.00	\$ 23,760.00	\$ 23,760.00	\$ 23,760.00	\$ 23,760.00	\$ 23,760.00	\$ 23,760.00	\$ 23,760.00	\$ 23,760.00	\$ 23,760.00	\$ 23,760.00	
A8	7-20	LS	SANITARY SEWER BYPASS PUMPING	1	\$ 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	\$ 20,000.00	\$ 20,000.00	\$ 20,000.00	\$ 20,000.00	
A9	7-20	LF	SEWER MAIN CLEANING AND INTERNAL INSPECTION (CCTV) - PRE-REHABILITATION	1,470	\$ 10.00	\$ 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	\$ 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	1,470	\$ 1.00	\$ 1,470.00	\$ 1,470.00	\$ 1,470.00	\$ 1,470.00	\$ 1,470.00	\$ 1,470.00	\$ 1,470.00	\$ 1,470.00	\$ 1,470.00	\$ 1,470.00	\$ 1,470.00	\$ 1,470.00	\$ 1,470.00	
A11	7-20	LF	CURED-IN-PLACE SEWER PIPE 8 IN. DIAM.	1,470	\$ 85.00	\$ 125,025.00	\$ 125,025.00	\$ 125,025.00	\$ 125,025.00	\$ 125,025.00	\$ 125,025.00	\$ 125,025.00	\$ 125,025.00	\$ 125,025.00	\$ 125,025.00	\$ 125,025.00	\$ 125,025.00	\$ 125,025.00	
A12	8-01	EA	INLET PROTECTION	12	\$ 80.00	\$ 960.00	\$ 960.00	\$ 960.00	\$ 960.00	\$ 960.00	\$ 960.00	\$ 960.00	\$ 960.00	\$ 960.00	\$ 960.00	\$ 960.00	\$ 960.00	\$ 960.00	
						\$ 211,187.00	\$ 211,187.00	\$ 211,187.00	\$ 211,187.00	\$ 211,187.00	\$ 211,187.00	\$ 211,187.00	\$ 211,187.00	\$ 211,187.00	\$ 211,187.00	\$ 211,187.00	\$ 211,187.00	\$ 211,187.00	
						\$ 19,639.00	\$ 19,639.00	\$ 19,639.00	\$ 19,639.00	\$ 19,639.00	\$ 19,639.00	\$ 19,639.00	\$ 19,639.00	\$ 19,639.00	\$ 19,639.00	\$ 19,639.00	\$ 19,639.00	\$ 19,639.00	
						\$ 13,488.74	\$ 13,488.74	\$ 13,488.74	\$ 13,488.74	\$ 13,488.74	\$ 13,488.74	\$ 13,488.74	\$ 13,488.74	\$ 13,488.74	\$ 13,488.74	\$ 13,488.74	\$ 13,488.74	\$ 13,488.74	
						\$ 100,007.36	\$ 100,007.36	\$ 100,007.36	\$ 100,007.36	\$ 100,007.36	\$ 100,007.36	\$ 100,007.36	\$ 100,007.36	\$ 100,007.36	\$ 100,007.36	\$ 100,007.36	\$ 100,007.36	\$ 100,007.36	
						\$ 230,806.00	\$ 230,806.00	\$ 230,806.00	\$ 230,806.00	\$ 230,806.00	\$ 230,806.00	\$ 230,806.00	\$ 230,806.00	\$ 230,806.00	\$ 230,806.00	\$ 230,806.00	\$ 230,806.00	\$ 230,806.00	
CIPP Lining Part B																			
B4	7-20	LS	SANITARY SEWER BYPASS PUMPING	1	\$ 5,000.00	\$ 5,000.00	\$ 5,000.00	\$ 5,000.00	\$ 5,000.00	\$ 5,000.00	\$ 5,000.00	\$ 5,000.00	\$ 5,000.00	\$ 5,000.00	\$ 5,000.00	\$ 5,000.00	\$ 5,000.00	\$ 5,000.00	
B5	7-20	LF	SEWER MAIN CLEANING AND INTERNAL INSPECTION (CCTV) - PRE-REHABILITATION	112	\$ 10.00	\$ 1,120.00	\$ 1,120.00	\$ 1,120.00	\$ 1,120.00	\$ 1,120.00	\$ 1,120.00	\$ 1,120.00	\$ 1,120.00	\$ 1,120.00	\$ 1,120.00	\$ 1,120.00	\$ 1,120.00	\$ 1,120.00	
B6	7-20	EA	SEWER MAIN CLEANING AND INTERNAL INSPECTION (CCTV) - POST-REHABILITATION	112	\$ 1.00	\$ 1,120.00	\$ 1,120.00	\$ 1,120.00	\$ 1,120.00	\$ 1,120.00	\$ 1,120.00	\$ 1,120.00	\$ 1,120.00	\$ 1,120.00	\$ 1,120.00	\$ 1,120.00	\$ 1,120.00	\$ 1,120.00	
B7	7-05	LF	CURED-IN-PLACE SEWER PIPE 8 IN. DIAM.	112	\$ 55.00	\$ 6,160.00	\$ 6,160.00	\$ 6,160.00	\$ 6,160.00	\$ 6,160.00	\$ 6,160.00	\$ 6,160.00	\$ 6,160.00	\$ 6,160.00	\$ 6,160.00	\$ 6,160.00	\$ 6,160.00	\$ 6,160.00	
						\$ 13,400.00	\$ 13,400.00	\$ 13,400.00	\$ 13,400.00	\$ 13,400.00	\$ 13,400.00	\$ 13,400.00	\$ 13,400.00	\$ 13,400.00	\$ 13,400.00	\$ 13,400.00	\$ 13,400.00	\$ 13,400.00	
						\$ 1,248.00	\$ 1,248.00	\$ 1,248.00	\$ 1,248.00	\$ 1,248.00	\$ 1,248.00	\$ 1,248.00	\$ 1,248.00	\$ 1,248.00	\$ 1,248.00	\$ 1,248.00	\$ 1,248.00	\$ 1,248.00	
						\$ 14,946.00	\$ 14,946.00	\$ 14,946.00	\$ 14,946.00	\$ 14,946.00	\$ 14,946.00	\$ 14,946.00	\$ 14,946.00	\$ 14,946.00	\$ 14,946.00	\$ 14,946.00	\$ 14,946.00	\$ 14,946.00	
						\$ 11,820.78	\$ 11,820.78	\$ 11,820.78	\$ 11,820.78	\$ 11,820.78	\$ 11,820.78	\$ 11,820.78	\$ 11,820.78	\$ 11,820.78	\$ 11,820.78	\$ 11,820.78	\$ 11,820.78	\$ 11,820.78	
						\$ 988.78	\$ 988.78	\$ 988.78	\$ 988.78	\$ 988.78	\$ 988.78	\$ 988.78	\$ 988.78	\$ 988.78	\$ 988.78	\$ 988.78	\$ 988.78	\$ 988.78	
						\$ 821.00	\$ 821.00	\$ 821.00	\$ 821.00	\$ 821.00	\$ 821.00	\$ 821.00	\$ 821.00	\$ 821.00	\$ 821.00	\$ 821.00	\$ 821.00	\$ 821.00	
						\$ 8,376.00	\$ 8,376.00	\$ 8,376.00	\$ 8,376.00	\$ 8,376.00	\$ 8,376.00	\$ 8,376.00	\$ 8,376.00	\$ 8,376.00	\$ 8,376.00	\$ 8,376.00	\$ 8,376.00	\$ 8,376.00	
						\$ 11,820.78	\$ 11,820.78	\$ 11,820.78	\$ 11,820.78	\$ 11,820.78	\$ 11,820.78	\$ 11,820.78	\$ 11,820.78	\$ 11,820.78	\$ 11,820.78	\$ 11,820.78	\$ 11,820.78	\$ 11,820.78	
						\$ 9,649.00	\$ 9,649.00	\$ 9,649.00	\$ 9,649.00	\$ 9,649.00	\$ 9,649.00	\$ 9,649.00	\$ 9,649.00	\$ 9,649.00	\$ 9,649.00	\$ 9,649.00	\$ 9,649.00	\$ 9,649.00	
						\$ 1,400.00	\$ 1,400.00	\$ 1,400.00	\$ 1,400.00	\$ 1,400.00	\$ 1,400.00	\$ 1,400.00	\$ 1,400.00	\$ 1,400.00	\$ 1,400.00	\$ 1,400.00	\$ 1,400.00	\$ 1,400.00	
						\$ 784.00	\$ 784.00	\$ 784.00	\$ 784.00	\$ 784.00	\$ 784.00	\$ 784.00	\$ 784.00	\$ 784.00	\$ 784.00	\$ 784.00	\$ 784.00	\$ 784.00	
						\$ 448.00	\$ 448.00	\$ 448.00	\$ 448.00	\$ 448.00	\$ 448.00	\$ 448.00	\$ 448.00	\$ 448.00	\$ 448.00	\$ 448.00	\$ 448.00	\$ 448.00	
						\$ 8,736.00	\$ 8,736.00	\$ 8,736.00	\$ 8,736.00	\$ 8,736.00	\$ 8,736.00	\$ 8,736.00	\$ 8,736.00	\$ 8,736.00	\$ 8,736.00	\$ 8,736.00	\$ 8,736.00	\$ 8,736.00	
						\$ 11,368.00	\$ 11,368.00	\$ 11,368.00	\$ 11,368.00	\$ 11,368.00	\$ 11,368.00	\$ 11,368.00	\$ 11,368.00	\$ 11,368.00	\$ 11,368.00	\$ 11,368.00	\$ 11,368.00	\$ 11,368.00	
						\$ 17,401.72	\$ 17,401.72	\$ 17,401.72	\$ 17,401.72	\$ 17,401.72	\$ 17,401.72	\$ 17,401.72	\$ 17,401.72	\$ 17,401.72	\$ 17,401.72	\$ 17,401.72	\$ 17,401.72	\$ 17,401.72	
						\$ 250,000.00	\$ 250,000.00	\$ 250,000.00	\$ 250,000.00	\$ 250,000.00	\$ 250,000.00	\$ 250,000.00	\$ 250,000.00	\$ 250,000.00	\$ 250,000.00	\$ 250,000.00	\$ 250,000.00	\$ 250,000.00	
						\$ 340,572.88	\$ 340,572.88	\$ 340,572.88	\$ 340,572.88	\$ 340,572.88	\$ 340,572.88	\$ 340,572.88	\$ 340,572.88	\$ 340,572.88	\$ 340,572.88	\$ 340,572.88	\$ 340,572.88	\$ 340,572.88	
TOTAL SCHEDULE A+B																			
						\$ 245,452.00	\$ 245,452.00	\$ 245,452.00	\$ 245,452.00	\$ 245,452.00	\$ 245,452.00	\$ 245,452.00	\$ 245,452.00	\$ 245,452.00	\$ 245,452.00	\$ 245,452.00	\$ 245,452.00	\$ 245,452.00	
						\$ 160,372.20	\$ 160,372.20	\$ 160,372.20	\$ 160,372.20	\$ 160,372.20	\$ 160,372.20	\$ 160,372.20	\$ 160,372.20	\$ 160,372.20	\$ 160,372.20	\$ 160,372.20	\$ 160,372.20	\$ 160,372.20	
						\$ 263,513.56	\$ 263,513.56	\$ 263,513.56	\$ 263,513.56	\$ 263,513.56	\$ 263,513.56	\$ 263,513.56	\$ 263,513.56	\$ 263,513.56	\$ 263,513.56	\$ 263,513.56	\$ 263,513.56	\$ 263,513.56	
TOTAL SCHEDULE A+B																			
						\$ 188,577.33	\$ 188,577.33	\$ 188,577.33	\$ 188,577.33	\$ 188,577.33	\$ 188,577.33	\$ 188,577.33	\$ 188,577.33	\$ 188,577.33	\$ 188,577.33	\$ 188,577.33	\$ 188,577.33	\$ 188,577.33	
						\$ 283,001.08	\$ 283,001.08	\$ 283,001.08	\$ 283,001.08	\$ 283,001.08	\$ 283,001.08	\$ 283,001.08	\$ 283,001.08	\$ 283,001.08	\$ 283,001.08	\$ 283,001.08	\$ 283,001.08	\$ 283,001.08	



S-1-Zola



**City Of Orting
Council Agenda Summary Sheet**

Subject: Fiber Optics-Proposed Amended Purchasing Policy By Resolution No. 2019-13, Optic Cable		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:	_ \$ Unknown			
Amount Budgeted:	_ \$ \$20,000			
Unexpended Balance:	_ \$			
Bars #:				
Timeline:				
Submitted By:	Mark Bethune			
Fiscal Note:				
Attachments:	Proposed Amended Purchasing Policy			
<p>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.</p> <p>Council reviewed this at their study session on May15th, 2019 and moved it forward to the consent agenda of the May 29th, meeting.</p>				
<p>RECOMMENDED ACTION: MOTION: To Approve Resolution No. 2019-13, Adopting amendments to the Purchasing Policy as presented.</p>				

**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 29th DAY OF MAY, 2019.**

CITY OF ORTING



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.**

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.

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

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.

- 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:

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.



**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>\$25,000</u>		
Amount Budgeted:		<u>\$60,000</u>		
Unexpended Balance:		<u>\$35,000</u>		
Bars #:		Multiple Funds		
Timeline:		Early June		
Submitted By:		Scott Larson/Greg Reed		
Fiscal Note: N/A				
Attachments: Utility Rate Study RFP, Score Breakout of RFP's, Bakertilly Proposal				
SUMMARY STATEMENT:				
<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>After reviewing the submissions, the firm that staff is recommending to complete the study is Bakertilly. They appear to be well qualified and have extensive experience producing the type of studies that we are looking for. As a secondary note, Bakertilly is substantially cheaper than the other submissions – more than \$42,955 less than the next most qualified firm.</p>				
RECOMMENDED ACTION: Motion: To authorize the Mayor to negotiate a contract with Bakertilly for a utility rate study for an amount not to exceed \$25,000.				

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

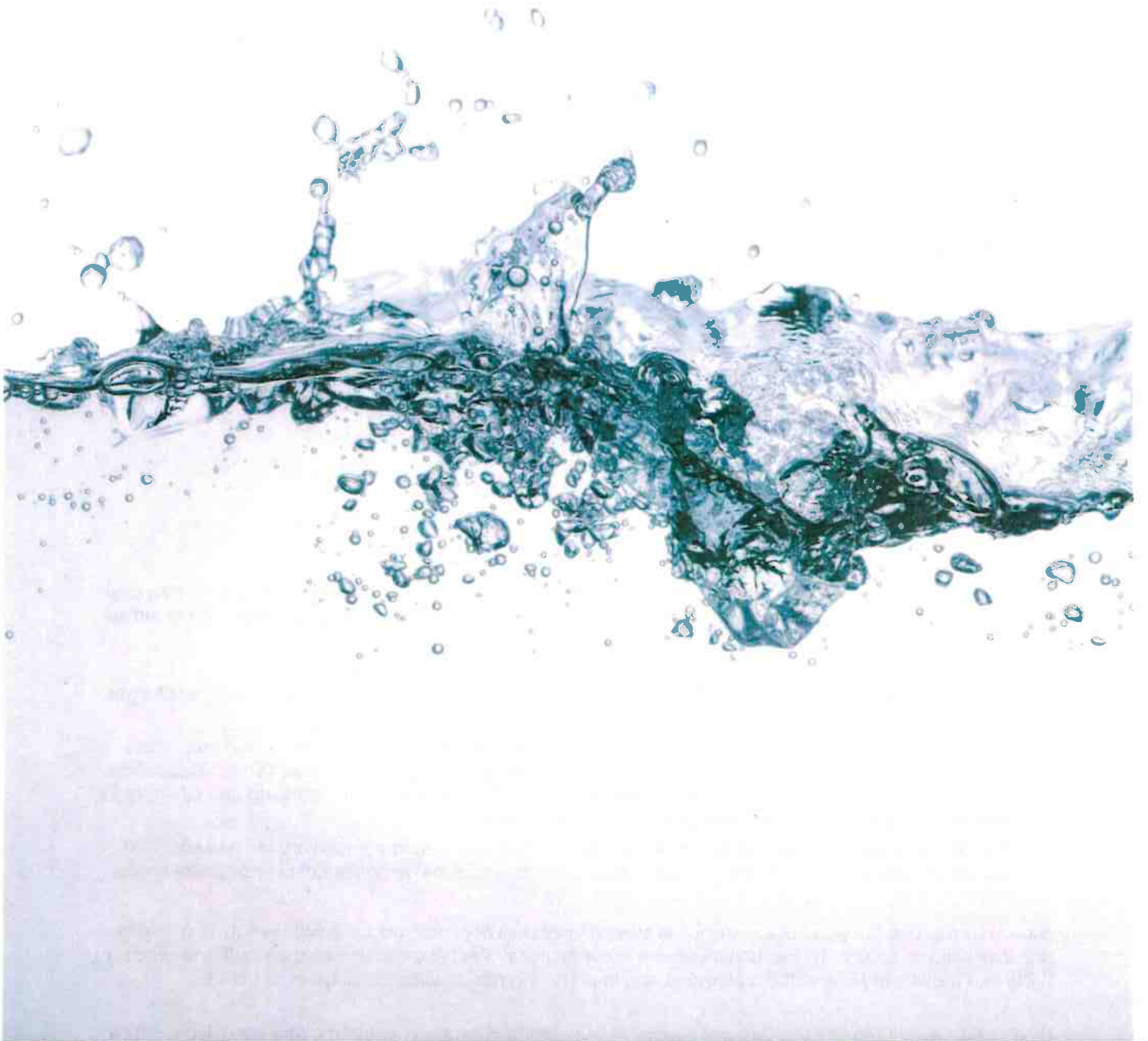
Contact

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.



bakertilly

MUNICIPAL ADVISORS

now joined with
Springsted and Umbaugh

City of Orting, WA

Utility Rate Study

April 26, 2019

2. Approach

The purpose of this study is to perform a comprehensive cost of services and rate design study for the City of Orting's Water, Wastewater and Stormwater Utilities. The tasks to be completed are outlined below.

Baker Tilly's approach would be to review and analyze the City's Water, Wastewater and Stormwater Utilities to gain an understanding of the current rate classes, rate structures, fees and other charges, as well as the basis for each. Our analysis would enable the City to determine the appropriate rate structures, fees and other charges needed for these operations over a ten-year planning period. The rate structure established for the Water, Wastewater and Stormwater utilities will provide sufficient revenue to cover anticipated operating and maintenance expenses; debt service including principal and interest; utility extensions and improvements; plant replacement; provide adequate cash flow to pay for current expenditures; and an adequate level of cash reserves.

The ultimate goal of our work will be to assure the City that rates recommended are fair and equitable and will provide adequate funding of the utility's operating and maintenance costs and capital needs. The City's rate study will include at a minimum:

1. Data collection/validation;
2. Revenue requirements;
3. Cost of service analysis including an analysis of customer classes and revenue requirement allocations;
4. Rate design;
5. Capital funding strategies; and
6. Assistance in preparing marketing materials.

Baker Tilly will recommend rate structures that consider and make provisions for the following factors:

1. Current and future cost of providing utility service in accordance with established and anticipated standards and regulations
2. Projected demands
3. Needed capital improvements
4. Age and condition of systems
5. Funding requirements for all current long-term liabilities and debt obligations (bonds and loans)

The total revenue collected will reflect not only recent cost experience, but also will recognize anticipated future costs during the period that rates are established. We would identify the relative responsibility of each rate classification for the recovery of the costs of service that provides equity to the users. Equity to the users will be evaluated based on the ability to allocate the cost of service to each customer class in proportion to the benefit received. Our approach is outlined below.

Task 1 – Administration/Coordination/Meeting

- Project kick-off meeting
 - Introduce project team
 - Review project approach and revise as required
 - Discuss and confirm the study objectives, scope and approach presented in this proposal

will be made using an income statement approach and will include a yearly cash flow analysis. The model will incorporate features necessary to permit continuing, user-friendly, "in-house" application by utility staff

- Review baseline scenario and preliminary rate model with City staff. Based on our discussion and review of the preliminary rate model, Baker Tilly will make modifications or changes, incorporating the City staff's comments into preliminary rate model, as appropriate

Task 5 – Conduct Rate Study

- Develop a financial projection for each Utility that integrates all anticipated revenue sources, anticipated operating expenditures including existing and projected new depreciation, anticipated capital expenditures, existing and projected debt service and changes in the customer base over the planning period:
 - Develop recommendations for the financing of the anticipated capital improvements
 - Develop recommendations for cash reserve balances
 - Develop a preliminary rate structure that provides revenue recovery at levels necessary to support the Utility's operation as defined above for a ten-year period. Rates developed will include fixed and variable user fees, system fees, and other fees and charges that provide sources of revenue to each utility. Our recommended fee/rate structure will result in no decrease in the stability of revenue streams for the Combined Utility, as compared to the current rate structures. Rate structure will take into consideration the following:
 - Current and future cost of providing utility services in accordance with established and anticipated standards and regulations
 - Projected demand
 - The need to fund both long-term capital improvements and replacements and annual capital reinvestment
 - Funding requirements for all current and anticipated long-term liabilities and debt obligations (bonds and loans)
 - Impact of current and future environmental regulations
 - Maintenance of existing utility assets and infrastructure
 - Direct identification of revenues appropriate to fund utility operating activities and infrastructure
 - Base rates to cover fixed costs and consumption rates to cover variable costs
 - The City's utility billing system
 - Justification of any special classes of customers
 - Ease of administration and understanding
 - Weigh the benefits of any proposed charges in rate structures against the financial impacts on ratepayers including affordability
 - Perform a sensitivity analysis to illustrate the impacts of adverse assumption changes (e.g. future customer growth, water sales, seasonable aberrations, operating costs, capital costs)
 - Compare the proposed fees and charges to the current rates, fees and charges and demonstrate the effect of proposed rates on typical utility customers
 - Evaluate and compare the proposed fee structure to the utility's current fee structure and to the fee structure of at least five neighboring local government utilities
 - Make recommendations for reasonable operational or policy level strategies (i.e. refinancing, combining or paying off outstanding bond issues, deferring or accelerating capital investment, privatizing the operation and maintenance of the utility, etc.) which the City may reasonably consider for mitigating the impact of any proposed/required rate increases
- Review the rate study and Rate Model with City staff. Based on this review, we will modify or change the rate study incorporating the City staffs' comments as appropriate

Task 6 – Develop Capital Funding Strategies

- Review the current funding sources of funding streams (reserves and connection charges included) and identify potential feasible revenue sources

to cover the range of service requirements; 3) It provides a continuity of service and institutional knowledge to achieve future objectives; and 4) It represents the commitment to take personal and professional responsibility for the services and outcomes for the City. The team members assigned to this project include Patty Kettles, Nick Dragsich and Mark Winson.

A list of rate studies we have performed in the past 5 years is shown below.

List of Relevant Projects: 2014 – Present				
Year	Client	State	Project	Population
Current	Coffeyville	KS	Water and Sewer Utility Rate Study	9,539
Current	Stillwater	MN	Sewer Rate Study	19,142
2019	Stacy	MN	Water and Sewer Rate Study	1,426
2018	Hibbing	MN	Sewer Rate Study	16,093
2018	New Prague	MN	Utility Rate Updates	7,502
2018	Stacy	MN	Financial Assistance	1,426
2018	Virginia	MN	Rate Study	8,594
2018	Baldwin City	KS	Utility Rate Study	4,540
2018	Saint Paul	MN	Auto Fire Service Fee Study	304,442
2018	Cochran	GA	Long-Range Water & Sewer Plan	4,906
2018	Blaine	MN	Water Rate Study	61,210
2018	Stacy	MN	Sewer Rate Study Update	1,426
2018	Excelsior	MN	Water Rate Study	2,245
2018	Marshall	MN	Wastewater Rate Study	13,483
2018	Missoula	MT	Review of Phantom Hills Water Company	69,122
2018	Northfield	MN	Water, Sewer, Storm, Garbage Rate Study	20,581
2018	Peculiar MO	MO	Water and Sewer Rate Study	4,979
2018	Saint Paul	MN	Sewer Rate Study	294,873
2018	Willmar	MN	Utility Rate Study	19,680
2018	Wyoming	MN	Utility Rate Study	7,750
2017	Lawrenceville	GA	Storm Water Rate Study	30,782
2017	Mankato	MN	Wastewater Utility Financial Analysis	40,641
2017	Metropolitan Council	MN	Wastewater Reuse Study	
2017	Minnetonka	MN	Water & Sewer Rate Update	51,368
2017	New Prague	MN	Utility Rate Updates	7,502
2017	Virginia	MN	Sewer Rate Study	8,661
2017	Waseca	MN	Water and Sewer Rate Review	9,345
2016	Bloomington	MN	Review and Update of Existing Stormwater Utility	86,319
2016	Carlton	MN	Water & Sewer Rate Study	859
2016	Cologne	MN	Water Rate Study Update	1,564
2016	El Dorado	KS	Readiness-to-Serve Water/Sewer Rates	12,852
2016	Fort Madison	IA	SRF Loan Pro Forma	11,043
2016	Grain Valley	MO	Water/Sewer Rate Study Update	13,125
2016	New Prague	MN	Cedar Lake Litigation	7,502
2016	New Prague	MN	Utility Rate Updates	7,502
2016	North Branch	MN	City/Utility Consolidation	10,087
2016	Proctor	MN	Water, Sewer, Electric Rate Study	3,072
2016	Rochester	MN	Storm Water Study Update	110,742
2016	Savage	MN	Debt Analysis & Rate Study Updates	28,639
2016	Stacy	MN	Financial Assistance	1,426
2016	Waukesha Water Utility	WI	Financial Model Update	71,016

Nicholas R. “Nick” Dragisich, PE

Firm Director



Nick is team leader for Baker Tilly’s management consulting services team. He has more than 30 years of management experience, including service as a city administrator, assistant city manager, and city engineer. As the Assistant City Manager – Operations for Spokane, Washington, his departments included Capital Programs Planning/G.I.S., Engineering Services, Real Estate, Building Codes, Environmental Programs, General Services, Planning, Solid Waste Collection and Recycling, Transportation, Wastewater and Stormwater Management, and Water and Hydroelectricity. He joined Baker Tilly as a Management Consultant in 2000 and became the team leader for Management Consulting Services in 2003. Nick has been directly responsible for or involved in numerous organizational management studies, staffing analyses, utility expense and cost analysis studies, fiscal impact studies, as well as in the development of Excel®-based computer models for clients in California, Iowa, Kansas, Maryland, Minnesota, Montana, Missouri, Nebraska, New York, North Carolina, North Dakota, Virginia, Washington, and Wisconsin. Nick holds a master’s degree in business administration, a bachelor’s degree in civil engineering and is a licensed professional engineer in Minnesota and Washington. He is also a Municipal Advisor Representative.

Mark Winson

Senior Manager



Mark recently joined Baker Tilly as a consultant in our Organizational Management and Operational Finance teams. Mark has over thirty years of management experience including service as a Public Works Director, City Engineer, City Administrator and Director of Public Utilities. Cities he served include Duluth, Columbia Heights and Mankato, Minnesota; and Las Cruces, New Mexico. In addition, he served as the Vice President of Finance and Administration for a college. Mark has a bachelor’s degree in Civil Engineering and a master’s degree in Strategic Leadership. He is a registered professional engineer in Colorado.

5. Cost information

Baker Tilly will perform all tasks delineated in our Proposal for a professional fee not to exceed \$25,000. This fee includes one on-site meeting. It is anticipated that all other meetings can be held using video conferencing or conference calls.