

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 Agenda
 Orting Multi-Purpose Center
 202 Washington Ave. S,
 Orting, WA
 September 25th, 2019
 7 p.m.

Mayor Joshua Penner, Chair

- 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. **PUBLIC HEARING**
- A. **AB19-62- Ordinance 2019-1049, Adopting A Zoning Ordinance To Add Chapter 13-9 To The Orting Municipal Code, Entitled "Wireless Communications Services Facilities."**
 🗳️ **Mark Bethune/Charlotte Archer**

Open the Hearing/ 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. 2019-1049, A Zoning Ordinance to Add Chapter 13-9 To The Orting Municipal Code, Entitled "Wireless Communications Services Facilities".

Request For Consent Agenda Items To Be Pulled For Discussion.

- 4. **CONSENT AGENDA**
- A. Regular Meeting Minutes of September 11th, 2019.
- B. Payroll and Claims Warrants.
- C. **AB19-60-**To Adopt Resolution No. 2019-25, Authorizing a contingency in the amount of \$250,000, and authorizing the Mayor and/or his designee to execute change orders not to exceed \$15,000 per change order, up to the total contingency amount of \$250,000.
- D. **AB19-61-**To Adopt Ordinance No. 2019-1050, An Ordinance of the City of Orting, WA, Amending Ordinance No. 2018-1037 And Ordinance 2019-1048, Adopting The City Of Orting 2019 Budget; Providing For Appropriation And Expenditure Of Funds Received In Excess Of Estimated Revenues.
- E. **AB19-63-** To approve Resolution No. 2019-17, declaring property as surplus and authorizing disposal.
- F. **AB19-66-** To approve the - Design and Engineering Scope and Budget from Parametrix, for the Whitehawk Extension for \$668,517.81.

Motion: To approve Consent Agenda as prepared. OR
Motion: To approve Consent Agenda with the exception of agenda item(s) # _____.

Consent Agenda Items Pulled For Discussion

5. OLD BUSINESS

A. AB19-67 – Ordinance No. 2019-1051, an Ordinance of the City Of Orting, Washington, Relating To Land Use and Zoning; Amending Orting Municipal Code Title 13 Pertaining To the Mixed Use Town Center North Zone. (First Reading)

 Mark Bethune

6. EXECUTIVE SESSION

RCW 42.30.110 (i) (3)

7. CLOSED SESSION

RCW 42.30.140 (4) (b)

8. ADJOURNMENT

Motion: Move to Adjourn.



**City of Orting
Council Agenda Summary Sheet**

Subject: Ordinance 2019-1049 Adopting A Zoning Ordinance To Add Chapter 13-9 To The Orting Municipal Code, Entitled "Wireless Communications Services Facilities."		Committee	Study Session	Council
	Agenda Item #:	N/A	AB19-62	AB19-62
	For Agenda of:		9.18.19	9.25.19
	Department:	Planning/Administration		
	Date Submitted:	04/01/19; 9/12/19		
Cost of Item:	N/A			
Amount Budgeted:	N/A			
Unexpended Balance:	N/A			
Bars #:	N/A			
Timeline:	Has to be passed in September, the interim Ordinance sunsets prior to the October meeting.			
Submitted By:	Planner			
Fiscal Note:				
Attachments: Ordinance No. 2019-1049				
<p>SUMMARY STATEMENT: The City adopted new Telecommunications Master Use Permit requirements in 2018 last year (Title 8, Chapter 8 OMC, Ord 2018-1031). This code allows for telecommunications facilities but does not provide any development standards. The City Council, following the Planning Commission's recommendations, adopted interim wireless communication facility development standards, Ord. 2019-1044.</p> <p>The FCC recently passed a rule that no new development standards would be accepted from local jurisdictions if they were not in place by April 14, 2019.</p> <p>Staff drafted a permanent wireless communication facility development standards ordinance, after feedback from staff, public and stakeholders.</p> <p>After a public hearing, the Planning Commission recommended approval of the ordinance on Sept. 9, 2019. The City Council reviewed this proposed ordinance on 9.18.19 at their study session. Council moved this forward for a hearing on the 25th of September.</p>				
<p>RECOMMENDED ACTION: FUTURE MOTION: To Adopt Ordinance No. 2019-1049, A Zoning Ordinance To Add Chapter 13-9 To The Orting Municipal Code, Entitled "Wireless Communications Services Facilities."</p>				



Date: September 9, 2019

Planning Commission Public Hearing

Wireless Communication Facilities (WCF)

Testimony Record

7:25pm – 7:26pm

Testimony given by: Name & Physical Address

None Public Comment Given

Summary of Testimony:

Questions:

**CITY OF ORTING
WASHINGTON**

ORDINANCE NO. 2019-1049

AN ORDINANCE OF THE CITY OF ORTING, WASHINGTON, ADOPTING A ZONING ORDINANCE TO ADD CHAPTER 13-9 TO THE ORTING MUNICIPAL CODE, ENTITLED “WIRELESS COMMUNICATIONS SERVICES FACILITIES.”

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, in the Telecommunications Act of 1996 (the 1996 Act), Congress enacted sweeping new provisions intended to facilitate the deployment of telecommunications infrastructure; and

WHEREAS, several provisions of the 1996 Act speak directly to Congress’s determination that certain state and local regulations are unlawful; and

WHEREAS, Section 253(a) provides that “no State or local statute or regulation, or other State or local legal requirement, may prohibit or have the effect of prohibiting the ability of any entity to provide any interstate or intrastate telecommunications service;” and

WHEREAS, Congress specified in Section 332(c)(7) that “the regulation of the placement, construction, and modification of personal wireless service facilities by any State or local government or instrumentality thereof—(I) shall not unreasonably discriminate among providers of functionally equivalent services; and (II) shall not prohibit or have the effect of prohibiting the provision of personal wireless services;” and

WHEREAS, Section 332(c)(7) generally preserves state and local authority over the “placement, construction, and modification of personal wireless service facilities” but with certain limitations; and

WHEREAS, the Federal Communications Commission (FCC) has authority to interpret Sections 253 and 332 of the 1996 Act to further elucidate what types of state and local legal requirements run afoul of the statutory parameters Congress has established; and

WHEREAS, America is preparing to transition to the next generation of wireless services, known as 5G; and

WHEREAS, in preparing for that transition, and to improve existing deficits in their 4G networks, wireless providers have been increasingly looking to densify their networks with new small cell deployments that have antennas often no larger than a small backpack; and

WHEREAS, the challenge for the City’s policymakers is that the deployment of these small cell networks will look different than the 3G and 4G deployments of the past, which often involved the construction of large cell towers; and

WHEREAS, to support advanced 4G or 5G offerings, wireless providers must build out small cells at a faster pace and at a far greater density of deployment than before; and

WHEREAS, to meet rapidly increasing demand for wireless services and prepare our national infrastructure for 5G, wireless providers must deploy infrastructure at significantly more locations using these new, small cell facilities; and

WHEREAS, on September 27, 2018, in the context of the forthcoming small cell deployment, the FCC found it necessary and appropriate to exercise its authority to interpret the 1996 Act and clarify the preemptive scope that Congress intended by issuing its Declaratory Ruling and Third Report and Order (“FCC Order”); and

WHEREAS, the FCC asserts that its Order is part of a national strategy to promote the timely buildout of this new infrastructure across the country by eliminating regulatory impediments that unnecessarily add delays and costs to bringing advanced wireless services to the public; and

WHEREAS, the FCC Order still recognizes that certain reasonable aesthetic considerations do not run afoul of Sections 253 and 332; and

WHEREAS, the regulations contained herein are intended to, among other things, (1) ensure that the design, appearance, and other features of wireless facilities are compatible with nearby land uses; (2) manage the public right-of-way so as to ensure traffic safety and coordinate various uses; and (3) protect the integrity of the City’s historic, cultural, and scenic resources and the quality of life of Orting’s citizens; and

WHEREAS, the FCC Order states that “aesthetics requirements are not preempted if they are (1) reasonable, (2) no more burdensome than those applied to other types of infrastructure deployments, and (3) objective and published in advance; and

WHEREAS, the FCC Order states that “aesthetic requirements that are reasonable in that they are technically feasible and reasonably directed to avoiding or remedying the intangible public harm of unsightly or out-of-character deployments are also permissible;” and

WHEREAS, the FCC has given cities until April 14, 2019 to have adopted and published its aesthetic regulations; and

WHEREAS, the City Council finds that these regulations promote the small cell deployment in a manner that also balances the needs of the community while mitigating the potential negative impacts of that deployment; and

WHEREAS, the City Council acknowledges that the growing use of smart phones and other personal devices have created a substantial need for wireless data transmission; and

WHEREAS, the City Council is the steward of the public right-of-way which will probably host some of the forthcoming small cell facilities; and

WHEREAS, the City of Orting recently adopted new wireless communications services facilities franchise agreements and telecommunication master use permit requirements (City Ordinance 2018-1031); and

WHEREAS, as steward of the public right-of-way, the City Council must consider the various competing uses of the public right-of-way; and

WHEREAS, the City Council recognizes that not all utilities are similarly situated: some (like water and sewer) can only function below ground; some (like wireless antennas) can only function above ground; some (like wireline utilities) require the kind of continuity that can only be provided if they are located in the public right-of-way; and some (like wireless facilities), because they transit radio frequencies, are less reliant than wireline utilities on the continuity provided by the public right-of-way; and

WHEREAS, in light of the different needs of the various utilities, and in light of the limited available space in the right-of-way, the City Council intends to prioritize and preserve the right-of-way for those utilities that most need it; and

WHEREAS, the City Council deems it to be in the public interest to incorporate the FCC guidelines and provide for the streamlined review of applications and greater flexibility in siting wireless communications services facilities, including small cell facilities, within the City, and at the same time to further the protection of the public environment through the adoption of small cell design standards, concealment techniques and dispersion requirements; and

WHEREAS, over the next many years, the deployment of small cell facilities in the numbers contemplated by the FCC is likely to have a cumulative negative visual impact upon the City, which threatens to lower the quality of life of Orting citizens; and

WHEREAS, the City of Orting has adopted architectural design guidelines; all development in the Mixed-Use Town Center and Mixed-Use Town Center North zones and all commercial and public developments are subject to Architectural Design Review to ensure consistency with the adopted Orting theme of "Turn of the Century Western and Victorian," a style of building, architecture, and exterior lighting used in Orting and the area from Statehood in 1889 through World War I. This includes new construction or major renovation and alteration or other modifications to buildings, accessory structures, signs, street furniture, and other public property as described in Section 13.6.6 OMC. Under the architectural design guidelines, evaluation of a

project is based on quality of its design and its relationship to the natural setting of the valley and mountain settings; and

WHEREAS, the aesthetic regulations and dispersion requirements contained in this Ordinance are intended to mitigate some of that negative visual impact of wireless communications services facilities; and

WHEREAS, the dispersion requirement is intended to ensure that the negative visual impact is spread evenly throughout the City, and, in so doing, make it less noticeable than it would be if it was concentrated in certain small cell hot spots containing multiple wireless facilities in close proximity; and

WHEREAS, it is common for cities to adopt interim regulations when amending their codes to address new technology; and

WHEREAS, RCW 35A.63.220 and RCW. 36.70A.390 authorize the City to adopt interim regulations while new plans or regulations are considered and prepared; and

WHEREAS, the City Planning Commission reviewed the proposed interim regulations on April 1, 2019 and recommended adoption of the interim regulations to the City Council; and

WHEREAS, pursuant to RCW 36.70A.390, an interim ordinance may be adopted on an emergency basis without first holding a public hearing; and

WHEREAS, notwithstanding that authority, the City Council held a public hearing on April 10, 2019 for the interim ordinance (2019-1044), and adopted it; and

WHEREAS, the City has continued to refine its wireless regulations in response to public comment, including consultation with the wireless industry and new information since the interim ordinance was adopted; and

WHEREAS, the City Council does not find these regulations to be any more burdensome than those applied to other types of infrastructure deployments; and

WHEREAS, the Planning Commission held a duly noticed public hearing on September 9, 2019, and provided a final recommendation for wireless communications services facilities to the City Council at that meeting; and

WHEREAS, non-project SEPA review was conducted and a Determination of Nonsignificance (DNS) was issued for the development regulations on July 30, 2019; and

WHEREAS, the Growth Management Act requires proposed development regulations be sent to the WA State Department of Commerce Growth Management Services for review and comment 60 days prior to the final City Council adoption, unless expedited review is requested, and the City has complied with GMA noticing requirements; and

WHEREAS, the City Council held another public hearing for the proposed development regulations on September 25, 2019; and

WHEREAS, having considered, among other things, public testimony and the Planning Commission’s recommendations, the City Council finds that the proposed amendments herein are consistent with and would serve to further implement the planning goals of the adopted Comprehensive Plan and the Growth Management Act, bear a substantial relation to the public health, safety or welfare, and promote the best long term interests of the Orting community;

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

Section 1. New OMC Chapter 13-9, “Wireless Communications Services Facilities,” added.

Chapter 13-9 of the Orting Municipal Code, entitled “Wireless Communications Services Facilities,” is hereby adopted to read as set forth in **Attachment A** hereto, which is incorporated herein as if set forth in full.

Section 2. Repeal of Interim Ordinance. The interim ordinance 2019-1044 is hereby repealed upon adoption of this ordinance.

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

Section 4. Effective Date. This ordinance, being an exercise of a power specifically delegated to the City legislative body, is not subject to referendum. This Ordinance shall be published in the official newspaper of the City, and shall take effect and be in full force five (5) days after the date of publication.

Section 5. Adoption of Findings. The City Council hereby adopts as findings of fact in support of the adoption of this Ordinance, the “whereas” clauses above.

ADOPTED BY THE CITY COUNCIL AT A REGULAR MEETING THEREOF ON THE 25th DAY OF SEPTEMBER, 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: 9.12.19
Passed by the City Council:9.25.19
Ordinance No.2019-1049
Date of Publication:9.27.19
Effective Date:10.01.19

Ordinance 2019-1049- Attachment A
Title 13 - Development Regulations
Chapter 9 - Wireless Communications Services Facilities

Sections:

- 13-9-1 Purpose.
- 13-9-2 Applicability.
- 13-9-3 Exemptions.
- 13-9-4 Prohibitions.
- 13-9-5 General macro facility siting criteria and design considerations.
- 13-9-6 Permits and shot clocks.
- 13-9-7 Application requirements.
- 13-9-8 Eligible facilities requests.
- 13-9-9 New building-mounted macro wireless communications services facilities standards.
- 13-9-10 New structure-mounted macro wireless communications services facilities standards.
- 13-9-11 New monopole-mounted macro wireless communications services facilities standards.
- 13-9-12 Temporary facilities.
- 13-9-13 Small wireless communications services facilities standards (small cell).
- 13-9-14 Abandonment or discontinuation of use.
- 13-9-15 Maintenance.
- 13-9-16 Definitions.

13-9-1 Purpose.

A. The purpose of this chapter is to regulate the placement, construction, modification and appearance of wireless communications services facilities, in order to protect the health, safety and welfare of the public, while not unreasonably interfering with the deployment of competitive wireless communications services facilities throughout the City. The purpose of this chapter may be achieved through adherence to the following objectives:

1. Protect residential areas and land uses from potential adverse impacts that wireless communications services facilities might create, including but not limited to negative impacts on aesthetics, environmentally sensitive areas, historically significant locations, and health and safety of persons and property;
2. Establishment of clear and nondiscriminatory local regulations concerning wireless communications services facilities and services that are consistent with federal and state laws and regulations;
3. Encourage providers of wireless communications services facilities to locate facilities, to the extent feasible, in areas where the adverse impact on the public health,

safety and welfare is minimal;

4. For macro facilities, encourage the location of those facilities in nonresidential areas and allow macro facilities in residential areas only when necessary to meet functional requirements of the communications industry as defined by the Federal Communications Commission;

5. Minimize the total number of macro facilities in residential areas;

6. Encourage and, where legally permissible, require cooperation between competitors and, as a primary option, joint use of new and existing towers, tower sites and suitable structures to the greatest extent possible, where doing so would significantly reduce or eliminate additional negative impact on the City;

7. Ensure wireless communications services facilities are configured in a way that minimizes the adverse visual impact of the facilities, as viewed from different vantage points, through careful design, landscape screening, minimal impact siting options and camouflaging techniques, dispersion of unscreened features to lessen the visual impact upon any one location, and through assessment of current location options, siting, future available locations, and innovative siting techniques;

8. Enable wireless communication companies to enter into lease agreements with the City to use city property for the placement of wireless facilities, where consistent with other public needs, as a means to generate revenue for the City;

9. Balance the City's intent to minimize the adverse impacts of wireless communications services facilities with the ability of the providers of communications services to deploy such services to the community quickly, effectively and efficiently;

10. Provide for the prompt removal of wireless communications services facilities that are abandoned or no longer inspected for safety concerns and building code compliance, and provide a mechanism for the City to cause these abandoned wireless communications services facilities to be removed as necessary to protect the citizens from imminent harm and danger;

11. Avoid potential damage to people and adjacent properties from tower failure and falling equipment, through strict compliance with state building and electrical codes; and

12. Disperse the adverse impacts of small cell facilities as evenly as possible throughout the community, especially when joint use does not minimize additional visual impact.

B. In furtherance of these objectives, the City shall give due consideration to the zoning code, existing land uses, and environmentally sensitive areas when approving sites for the location of wireless communications services facilities.

C. These objectives were developed to protect the public health, safety and welfare, to protect property values, and to minimize and disperse visual impact, while furthering the development of enhanced communications services in the City. These objectives were designed to comply with the Telecommunications Act of 1996 and its implementing regulations. The provisions of this chapter are not intended to, and any ambiguities herein shall not be interpreted in such a manner that would materially inhibit the deployment of wireless communications services facilities. This chapter shall not be applied in such a manner as to unreasonably discriminate

between providers of functionally equivalent wireless facilities.

D. To the extent that any provision of this chapter conflicts with any other city ordinance, this chapter shall control. Otherwise, this chapter shall be construed consistently with the other provisions and regulations of the City.

E. In reviewing any application to place, construct or modify wireless communications services facilities, the City shall act within federally required time periods. Any decision to deny an application shall be in writing, supported by substantial evidence contained in a written record. The City shall approve, approve with conditions, or deny the application in accordance with this title, this chapter, the adopted Orting comprehensive plan, and other applicable ordinances and regulations.

F. **Alternative Methods of Compliance.** The City Administrator or designee in consultation with other City staff, as applicable, may accept alternative methods of complying with the development regulations of this chapter, provided it can be demonstrated that the alternative method is at least equivalent to such standards in terms of implementing the general purpose of this chapter. The City Administrator or designee shall not accept alternative methods of compliance that are inconsistent with the City Comprehensive Plan or with conditions of approval imposed through a land use action. Decisions on Alternative Methods of Compliance need to be documented in the project file and can be appealable in the same manner as an Administrative Interpretation. The City Administrator or designee shall periodically forward decisions on Alternative Methods of Compliance to the Planning Commission for its information.

13-9-2 Applicability.

A. Except as provided herein, all wireless communications services facilities shall comply with the provisions of this chapter. The standards and process requirements of this chapter supersede all other review process, setback, height or landscaping requirements of the Orting Municipal Code (OMC).

B. **Environmental.** All proposed installations are subject to a threshold determination under the State Environmental Policy Act (SEPA) according to Chapter 15-14 OMC unless categorically exempt pursuant to WAC 197-11-800. All proposals are subject to the critical area requirements and the shoreline master program (Title 11 OMC).

C. **Master Permit Agreement Needed.**

1. Consistent with RCW chapter 35.99 and Chapter 8-8 OMC, any person, corporation or entity that proposes to locate any portion of a wireless communications services facilities within the City right-of-way must have a valid fully executed master permit with the City before submitting applications for right-of-way construction permits.

2. Wireless providers interested in obtaining a master permit must apply according to the procedures of Chapter 8-8 OMC as well as supplying the following, in order to have a complete application:

a. submit three valid fully executed master permits that the provider has with other cities in Washington state, PROVIDED THAT, this requirement shall be excused to the extent that the provider does not have sufficient valid master permits in other jurisdictions to meet that requirement;

D. Right-of-Way Construction Permit. A right-of-way construction permit is required prior to performing any work within the City right-of-way pursuant to OMC Title 8.

13-9-3 Exemptions.

The following are exemptions from the provisions of this chapter:

- A. Routine maintenance or repair of wireless communication facilities.
- B. Radar systems for military and civilian communication and navigation.
- C. Handheld, mobile, marine and portable radio transmitters and/or receivers.
- D. Satellite antennas, including direct to home satellite services.
- E. Licensed amateur (ham) radio stations and citizen band stations.
- F. Earth station antenna(s) one meter or less in diameter and located in any zone.
- G. Earth station antenna(s) two meters or less in diameter and located in the business and commercial zones.
- H. A temporary wireless communications facility or COW installed for providing coverage of a special event such as news coverage or sporting event, subject to approval by the City. The wireless facility shall be exempt from the provisions of this chapter for up to two weeks before and after the duration of the special event.
- I. A temporary wireless communication facility or COW installed for a period of up to 180 days, subject to renewals at the City's discretion, to provide service during repair, replacement, or relocation of an existing facility or construction of a new facility.
- J. Subject to compliance with all other applicable standards of this chapter, in the event of an emergency, the emergency provisions of Chapter 8-8 OMC shall be followed.

13-9-4 Prohibitions.

- A. The following wireless communications services facilities are prohibited in Orting:
 - 1. Guyed towers.
 - 2. Lattice towers.
- B. Monopoles are prohibited in the following locations:
 - 1. All residential zones;
 - 2. MUTC Mixed Use-Town Center Zone;
 - 3. ~~MUTCN Mixed Use-Town Center North Zone;~~
 - 4. OS Open Space and Recreation Zone;
 - 5. ~~PF Public Facilities Zone;~~ and
 - 6. Within the City rights-of-way.

13-9-5 General macro facility siting criteria and design considerations.

- A. The City of Orting encourages wireless communication providers to use existing sites or

more frequent, less noticeable sites instead of attempting to provide coverage through use of taller towers. To that end, applicants shall consider the following priority of preferred locations for wireless communications services facilities:

1. Co-location, without an increase in the height of the building, pole or structure upon which the facility would be located;
 2. Co-location, where additional height is necessary above existing building, pole, or structure;
 3. A replacement pole or structure for an existing one;
 4. A new pole or structure altogether.
- B. Co-location shall be encouraged for all wireless communications services facilities applications and is implemented through less complex permit procedures.
1. To the greatest extent technically feasible, applicants for new monopole facilities shall be required to build mounts capable of accommodating at least one other carrier.
 2. New macro wireless communications services facilities that are not co-located will require a conditional use permit (C) under the provisions of OMC 13-6-2 and shall be processed in accordance with OMC Title 15 for a Type III permit. Separation requirements will be a condition of approval.
- C. Noise. Any facility that requires a generator or other device which will create noise audible beyond the boundaries of the site must demonstrate compliance with Chapter 5-8 OMC, Noise Control. A noise report, prepared by an acoustical engineer, shall be submitted with any application to construct and operate a wireless communications services facility that will have a generator or similar device. The City may require that the report be reviewed by a third-party expert at the expense of the applicant.
- D. Business License Requirement. Any person, corporation or entity that operates a wireless communications services facility within the City shall have a valid business license issued annually by the City. Any person, corporation or other business entity which owns a monopole also is required to obtain a business license on an annual basis.
- E. Signage. Only safety signs or those mandated by a government entity with jurisdiction may be located on wireless communications services facilities. No other types of signs are permitted on wireless communications services facilities.
- F. Any application must demonstrate that there is sufficient space for temporary parking for regular maintenance of the proposed facility.
- G. Finish. A monopole may be constructed of laminated wood, fiberglass, steel, or similar material. The pole shall be a neutral color so as to reduce its visual obtrusiveness, subject to any applicable standards of the FAA or FCC.
- H. Design. The design of all buildings and ancillary structures shall use materials, colors, textures, screening and landscaping that will blend the facilities with the natural setting and built environment. All macro towers must be approved by the Architectural Design Board.
- I. Color. All antennas and ancillary facilities located on buildings or structures other than

monopoles shall be of a neutral color that is identical to or closely compatible with the color of the supporting structure so as to make the antenna and ancillary facilities as visually unobtrusive as possible.

J. Lighting. Monopoles shall not be artificially lighted unless required by the FAA, FCC or other government entity with jurisdiction. If lighting is required and alternative lighting options are permitted, the City shall review the lighting alternatives and approve the design that would cause the least disturbance to the surrounding area. No strobe lighting of any type is permitted on any monopole, unless required by the FAA.

K. Advertising. No advertising is permitted at wireless communications services facilities sites or on any ancillary structure or facilities equipment enclosure.

L. Equipment Enclosure. Each applicant shall use the smallest equipment enclosure practical to contain the required equipment and a reserve for required co-location.

M. Radio Frequency Emissions Compliance. The applicant shall demonstrate that the project will not result in levels of radio frequency emissions that exceed FCC standards, including FCC Office of Engineering Technology (OET) Bulletin 65, Evaluating Compliance with FCC Guidelines for Human Exposure to Radio Frequency Electromagnetic Fields, as amended.

N. Landscaping and Screening.

1. The visual impacts of wireless communications services facilities should be mitigated and softened through landscaping or other screening materials at the base of a monopole, facility equipment compound, equipment enclosures and ancillary structures. If the antenna is mounted flush on an existing building or camouflaged as part of the building and other equipment is housed inside an existing structure, no landscaping is required. The City may reduce or waive the standards for those sides of the wireless communications services facilities that are not in public view, when a combination of existing vegetation, topography, walls, decorative fences or other features achieve the same degree of screening as the required landscaping; in locations where the visual impact of the facility would be minimal; and in those locations where large wooded lots not capable of subdivision and natural growth around the property perimeter provide a sufficient buffer.

2. Landscaping shall be installed on the outside of fences. Existing vegetation shall be preserved to the maximum extent practicable and may be used as a substitute for or as a supplement to landscaping or screening requirements. The following requirements apply:

a. A solid screen of evergreen trees or shrubs shall be placed around the perimeter of the equipment cabinet enclosure, except that a maximum 10-foot portion of the fence may remain without landscaping in order to provide access to the enclosure.

b. Landscaping area shall be a minimum of five feet in width around the perimeter of the enclosure.

c. Vegetation selected should be native and drought tolerant.

d. Landscaping shall be located so as not to create sight distance hazards or conflicts with other surrounding utilities.

3. When landscaping is used, the applicant shall submit a performance assurance

pursuant to OMC 13-5-2 (H).

4. The use of chain link, plastic, or wire fencing is prohibited. Ornamental metal, stone, wood, or vinyl fencing materials are preferred.

13-9-6 Permits and Shot Clocks.

A. No person may place, construct, reconstruct, modify or operate a wireless communications services facility, subject to this chapter, without first having in place a master permit agreement for right-of-way locations with a subsequent right-of-way permit and/or a building permit, as applicable, issued in accordance with this chapter. Except as otherwise provided herein, the requirements of this chapter are in addition to the applicable requirements of this title and OMC Title 8 (Public Ways and Property) and Title 11 (Critical Areas and Shoreline Management).

B. Applications will be reviewed based on the type of wireless communications services facilities requested to be permitted. Each wireless communications services facility requires the appropriate type of project permit review, as shown in Table A. In the event of uncertainty on the type of a wireless facility, the City Administrator or designee shall have the authority to determine what permits are required for the proposed facility.

Table A				
Request	Location	Building Permit Required	Right-of-Way (ROW) Permit Required	FCC Shot Clocks for Permit Review
Eligible facilities request	Existing tower or base station	Yes, if any elements on private property	Yes, if any elements in the ROW	60 days
New macro facility	Co-location	Yes, if any elements on private property	Yes, if any elements in the ROW	90 days
New macro facility	New structure or monopole (see 13-9-4 prohibited locations & 13-9-5 (B)(2) above for C Permit)	Yes, if any elements on private property	Yes, if any elements in the ROW	150 days
Small wireless facility (small cell node)	Co-location	Yes, if any elements on private property	Yes, if any elements in the ROW	60 days
Small wireless facility (small cell node)	New structure or freestanding small cell pole	Yes, if any elements on private property	Yes, if any elements in the ROW	90 days
Temporary facility	Varies	Yes, if applicable	Yes, if any elements in the ROW	Standard permit quotes

C. Timelines.

1. Macro cell.

The application review period begins when all required application materials have been received and fees paid. If the City determines that the application is incomplete and provides notice to the applicant within thirty (30) calendar days of the date of application, the clock stops. The clock restarts when the City receives the applicant's supplemental submission in response to the City's notice of incompleteness. For subsequent determinations of incompleteness, the clock tolls (pauses) if the City provides written notice within ten (10) days that a supplemental submission did not provide the requested information. For new structures or monopoles, see OMC 13-9-5 (B)(2) above for C Permit requirement.

2. Small wireless facility (small cell node).

The application review period begins when all required application materials have been received and fees paid. If the City determines that the application is incomplete and provides notice to the applicant within ten (10) calendar days of the date of application, the clock stops. The clock resets to zero (0) when the City receives the applicant's supplemental submission in response to the City's notice of incompleteness. For subsequent determinations of incompleteness, the clock tolls (pauses) if the City provides written notice within ten (10) days that a supplemental submission did not provide the requested information.

D. Batched small wireless facility (small cell node) applications.

If an applicant is applying for a small wireless network in a contiguous service area, multiple small wireless facilities may be batched into one application, PROVIDED THAT the application fee shall still be calculated as if the applications were submitted separately. The City may approve, deny or conditionally approve all or any portion of the small wireless facilities proposed in the application. The denial of one or more small wireless facility locations within one submission shall not be the sole basis for a denial of other locations or the entire batched application for small wireless facilities. Should an applicant file a single application for a batch that includes both collocated and new structures for small wireless facilities, the longer 90-day shot clock shall apply to ensure the City has adequate time to review the new construction sites.

E. Any application submitted pursuant to this chapter for projects located on public or private property shall be reviewed and evaluated by the City as described in this chapter. The Public Works Director or his/her designee shall review all proposed wireless communications services facilities that are located partially or fully within the City rights-of-way. All applications will be reviewed and evaluated pursuant to the provisions of this chapter.

F. All applications for wireless communications services facilities shall be reviewed for compliance with the applicable design standards. Permits for all macro towers must be approved by the Architectural Design Board.

G. The applicant is responsible for obtaining all other permits and approvals from any other appropriate governing body or agency with jurisdiction (i.e., Washington State Department of Labor and Industries, Federal Aviation Administration, Puget Sound Energy, etc.).

H. No provision of this chapter shall be interpreted to allow the installation of a wireless communications services facilities which minimizes parking, landscaping, or other site development standards established by the OMC.

I. Wireless communications services facilities that are governed under this chapter shall not be eligible for variances under OMC Chapter 13-6-3. Any request to deviate from this chapter shall be based solely on the exceptions set forth in this chapter, including Alternative Methods of Compliance under OMC 13-9-1 (F).

J. Third-party Review. Applicants may use various methodologies and analyses, including geographically based computer software, to determine the specific technical parameters of the services to be provided utilizing the proposed wireless communications services facilities, such as expected coverage area, antenna configuration, capacity, and topographic constraints that affect signal paths. In certain instances, a third-party expert may be needed to review the engineering and technical data submitted by an applicant for a permit. The City may at its discretion require third-party engineering and technical review as part of a permitting process. The costs of the technical third-party review shall be borne by the applicant.

1. The selection of the third-party expert is at the discretion of the City. The third-party expert review is intended to address interference and public safety issues and be a site-specific review of engineering and technical aspects of the proposed wireless communications services facilities and/or a review of the applicants' methodology and equipment used, and is not intended to be a subjective review of the site which was selected by an applicant. Based on the results of the expert review, the City may require changes to the proposal. The third-party review shall address the following:

- a. The accuracy and completeness of submissions;
- b. The applicability of analysis techniques and methodologies;
- c. The validity of conclusions reached;
- d. The viability of other site or sites in the City for the use intended by the applicant; and
- e. Any specific engineering or technical issues designated by the City.

K. Notwithstanding other remedies that may be available under federal law, failure of the City to issue permits within or otherwise comply with the FCC shot clock requirements does not provide a "deemed" grant of approval for macro or small wireless facilities, as it does for an Eligible Facilities Request. No work may occur until the permit issues.

13-9-7 Application requirements.

The following information must be submitted as part of a complete application for a wireless communications services facility permit in the City of Orting:

- A. Project description including a design narrative and co-location analysis indicating the alternative locations considered;
- B. Site information on scaled plans, including:
 1. Site plan;
 2. Elevation drawings;
 3. Utility plan showing existing utilities, proposed facility location, and undergrounding;

- 4. Screening, camouflaging, or landscaping plan and cost estimate, as appropriate;
- C. Photos and photo simulations showing the existing appearance of the site and appearance of the proposed installation from nearby public viewpoints;
- D. Noise report, if applicable;
- E. Radio Frequency (RF) emissions standards. The applicant shall provide the certification of an RF engineer with knowledge of the proposed development that the wireless communications services facilities will comply with RF standards adopted by the Federal Communications Commission (FCC). The City recognizes that the Federal Telecommunications Act of 1996 gives the FCC sole jurisdiction in the field of regulation of RF emissions and wireless facilities that meet FCC standards shall not be conditioned or denied on the basis of RF impacts.
- F. Application for Architectural Design Review.
- G. Any other documentation deemed necessary by the City in order to issue a decision.

13-9-8 Eligible facilities requests.

This section implements section 6409 of the Spectrum Act (codified at 47 U.S.C. 1455), which requires the City of Orting to approve any eligible facilities request for a modification of an existing tower or base station that does not substantially change the physical dimensions of such tower or base station.

A. Definitions. The following definitions only apply to eligible facilities requests as described in this section and do not apply throughout this chapter.

1. Base Station is a structure or equipment at a fixed location that enables FCC-licensed or authorized wireless communications between user equipment and a communications network. The term does not encompass a tower as defined herein nor any equipment associated with a tower. Base station includes, without limitation:

- a. Equipment associated with wireless communications services as well as unlicensed wireless services and fixed wireless services such as microwave backhaul.
- b. Radio transceivers, antennas, coaxial or fiber-optic cable, regular and back-up power supplies, and comparable equipment, regardless of technological configuration (including distributed antenna systems (“DAS”) and small cell networks).
- c. Any structure other than a tower that, at the time the relevant application is filed (with jurisdiction) under this section, supports or houses equipment described in subsections (A)(1)(a) and (b) of this section that has been reviewed and approved under the applicable zoning or siting process, or under another State or local regulatory review process, even if the structure was not built for the sole or primary purpose of providing that support.

The term does not include any structure that, at the time the relevant application is filed with the City under this section, does not support or house equipment described in subsections (A)(1)(a) and (b) of this section.

2. Collocation. The mounting or installation of transmission equipment on an eligible

support structure for the purpose of transmitting and/or receiving radio frequency signals for communication purposes.

3. Eligible Facilities Request. Any request for modification of an existing tower or base station that does not substantially increase the physical dimensions of such tower or base station, involving:

- a. Collocation of new transmission equipment;
- b. Removal of transmission equipment; or
- c. Replacement of transmission equipment.

4. Eligible Support Structure. Any tower or base station as defined in this section; provided, that it is existing at the time the relevant application is filed with the City.

5. Existing. A constructed tower or base station is existing if it has been reviewed and approved under the applicable zoning or siting process, or under another State or local regulatory review process; provided, that a tower that has not been reviewed and approved because it was not in a zoned area when it was built, but was lawfully constructed, is existing for purposes of this definition.

6. Site. For towers other than towers in the public rights-of-way, the current boundaries of the leased or owned property surrounding the tower and any access or utility easements currently related to the site, and, for other eligible support structures, further restricted to that area in proximity to the structure and to other transmission equipment already deployed on the ground.

7. Substantial Change. A modification substantially changes the physical dimensions of an eligible support structure if it meets any of the following criteria:

- a. For towers other than towers in the public rights-of-way, it increases the height of the tower by more than ten (10) percent or by the height of one (1) additional antenna array with separation from the nearest existing antenna, not to exceed twenty (20) feet, whichever is greater; for other eligible support structures, it increases the height of the structure by more than ten (10) percent or more than ten (10) feet, whichever is greater.

- 1) Changes in height should be measured from the original support structure in cases where deployments are or will be separated horizontally, such as on buildings' rooftops; in other circumstances, changes in height should be measured from the dimensions of the tower or base station, inclusive of originally approved appurtenances and any modifications that were approved prior to the passage of the Spectrum Act;

- b. For towers other than towers in the public rights-of-way, it involves adding an appurtenance to the body of the tower that would protrude from the edge of the tower more than ten (10) feet, or more than the width of the tower structure at the level of the appurtenance, whichever is greater; for other eligible support structures, it involves adding an appurtenance to the body of the structure that would protrude from the edge of the structure by more than six (6) feet;

- c. For any eligible support structure, it involves installation of more than the standard number of new equipment cabinets for the technology involved, but not to exceed four cabinets; or, for towers in the public streets and base stations, it involves installation of any new equipment cabinets on the ground if there are no preexisting ground cabinets associated with the structure, or else involves installation of ground cabinets that are more than ten (10) percent larger in height or overall volume than any other ground cabinets associated with the structure;
- d. It entails any excavation or deployment outside the current site;
- e. It would defeat the concealment elements of the eligible support structure; or
- f. It does not comply with conditions associated with the siting approval of the construction or modification of the eligible support structure or base station equipment; provided, however, that this limitation does not apply to any modification that is noncompliant only in a manner that would not exceed the thresholds identified above.

B. Qualification as an Eligible Facilities Request. Upon receipt of an application for an eligible facilities request, the City will review the application to determine whether it qualifies as an eligible facilities request.

C. Time Frame for Review. Within sixty (60) days of the date on which a network provider submits an eligible facilities request application, the City must approve the application unless it determines that the application is not covered by this section.

D. Tolling of the Time Frame for Review. The sixty (60) day review period begins to run when the application is submitted, and may be tolled only by mutual agreement by the City and the applicant or in cases where the City determines that the application is incomplete. The time frame for review of an eligible facilities request is not tolled by a moratorium on the review of applications.

1. To toll the time frame for incompleteness, the City must provide written notice to the applicant within thirty (30) days of receipt of the application, clearly and specifically delineating all missing documents or information required in the application.

2. The time frame for review begins running again when the applicant makes a supplemental submission in response to the City's notice of incompleteness.

3. Following a supplemental submission, the City will notify the applicant within ten (10) days that the supplemental submission did not provide the information identified in the original notice delineating missing information. The time frame is tolled in the case of second or subsequent notices pursuant to the procedures identified in this subsection. Second or subsequent notice of incompleteness may not specify missing documents or information that was not delineated in the original notice of incompleteness.

E. Determination That Application Is Not an Eligible Facilities Request. If the City determines that the applicant's request does not qualify as an eligible facilities request, the City must deny the application.

F. Failure to Act. In the event the City fails to approve or deny a request for an eligible facilities request within the time frame for review (accounting for any tolling), the request is

deemed granted. The deemed grant does not become effective until the applicant notifies the City in writing after the review period has expired (accounting for any tolling) that the application has been deemed granted.

G. To the extent feasible, additional antennas and equipment shall maintain the appearance intended by the original facility, including, but not limited to, color, screening, landscaping, camouflage, concealment techniques, mounting configuration, or architectural treatment.

13-9-9 New building-mounted macro wireless communications services facilities standards.

A. Generally. Wireless communications services facilities located on the roof or on the side of the building shall be grouped together, integrated to the maximum possible degree with the building design, placed toward the center of the roof and/or thoroughly screened from residential building views and from public views using radio frequency-transparent panels. Building-mounted wireless communications services facilities shall be painted with nonreflective colors to match the existing surface where the antennas are mounted.

B. Height. The following requirements shall apply:

1. Mixed-Use Town Center and Mixed-Use Town Center North zones. For buildings at, or which exceed, the height limit of the underlying zone, antennas shall be flush-mounted, and no portion of the antenna may extend above the building on which it is mounted. For buildings below the height limit, antennas may be built to the maximum height of the zone provided they are screened consistent with the existing building in terms of color, architectural style and material. Flush-mounted antennas may encroach into a required setback or into the City right-of-way if a right-of-way use agreement is established with the City. Antennas shall not project into the right-of-way by more than two feet and shall provide a minimum clearance height of 20 feet over any pedestrian or vehicular right-of-way.

2. Outside the Mixed-Use Town Center and Mixed-Use Town Center North zones. The maximum height of building-mounted facilities and equipment shall not exceed ten (10) feet above the top of the roof on which the facility is located. This standard applies to all buildings regardless of whether they are at or above the maximum height of the underlying zone. Such antennas must be well integrated with the existing structure or designed to look like common rooftop structures such as chimneys, vents and stovepipes.

C. Equipment Enclosure. Equipment enclosures for building-mounted wireless communications services facilities shall first be located within the building on which the facility is located. If an equipment enclosure within the building is reasonably unavailable, then an equipment enclosure may be incorporated into the roof design provided the enclosure meets the height requirement for the zone. If the equipment can be screened by placing the equipment below existing parapet walls, no additional screening is required. If screening is required, then the screening must be consistent with the existing building in terms of color, architectural style and material. Finally, if there is no other choice but to locate the equipment enclosure on the ground, the equipment must be enclosed within an accessory structure which meets the setbacks of the underlying zone and be screened in accordance this chapter.

D. Feed Lines and Coaxial Cables. Feed lines and cables should be located below the parapet of the rooftop, if present. If the feed lines and cables are visible from a public right-of-way or

adjacent property, they must be painted to match the color scheme of the building.



Acceptable Building-Mounted Macro Example



Unacceptable Building-Mounted Macro Example

13-9-10 New structure-mounted macro wireless communications services facilities standards.

A. Generally. Wireless communications services facilities located on structures other than buildings, such as utility poles, light poles, flag poles, transformers, and/or tanks, shall be designed to blend with these structures and be mounted on them in an inconspicuous manner. Installation of wireless communications services facilities on utility poles, light poles, transformers, etc. shall comply with the requirements of Puget Sound Energy, as applicable.

1. Wireless communications services facilities located on structures within city rights-of-way adjacent to any residential zone shall satisfy the following requirement:

a. No metal pole or tower shall be used within the right-of-way adjacent to a residentially zoned neighborhood unless required in order to comply with the provisions of the State Electrical Code. Wooden poles of height and type generally in use in the surrounding residential neighborhood shall be used unless prohibited by the State Electrical Code.

2. Wireless communications services facilities located on structures shall be painted with nonreflective colors in a scheme that blends with the underlying structure.

B. Height.

1. The maximum height of structure-mounted wireless communications services facilities shall not exceed the maximum height specified for each structure or zoning district; provided the wireless communications services facilities may extend up to six feet above the top of the structure on which the wireless communications services facilities is installed. Antennas and related equipment shall be mounted as close as practicable to the structure.

2. Only one extension is permitted per structure.

3. If installed on an electrical transmission or distribution pole, a maximum 15-foot vertical separation is required from the height of the existing power lines at the site (prior to any pole replacement) to the bottom of the antenna. This vertical separation is intended to allow wireless carriers to comply with the electrical utility's requirements for separation between their transmission lines and the carrier's antennas.

C. Equipment Enclosure. If the equipment enclosure is within the right-of-way, the enclosure shall be underground. It is preferred that equipment enclosures on private property be underground; however, if there is no other feasible option but to locate the equipment enclosure above ground on private property, the equipment must be enclosed within an accessory structure which meets the setbacks of the underlying zone and be screened in accordance this chapter.

D. Feed Lines and Coaxial Cable. Feed lines and cables must be painted to closely match the color scheme of the structure which supports the antennas.

E. Only wireless communication providers with a valid master permit shall be eligible to apply for a right-of-way construction permit, which shall be required prior to installation of facilities within the City right-of-way and be in addition to other permits specified in this chapter.



Acceptable Structure-Mounted Macro Example



Unacceptable Structure-Mounted Macro Example

13-9-11 New monopole (macro wireless communications services facilities) standards.

A. To the greatest extent technically feasible, applicants for new monopole facilities must build mounts capable of accommodating at least one additional carrier.

B. No part of a monopole, antennas or antenna equipment may exceed the maximum height of the zone where the facility is located.

C. Monopoles must be completely shrouded. All antennas, equipment and cables must be concealed.

D. All monopole facilities must conform to the following site development standards:

1. To the greatest extent possible, monopole facilities shall be located where existing trees, existing structures and other existing site features camouflage these facilities and/or stealth technology is utilized. Stealth technology will be reviewed by the Architectural Design Board for compliance with Architectural Design Review (ADR) Guidelines.

2. Existing mature vegetation should be retained to the greatest possible degree in order to help conceal the facility.

3. It is preferred that equipment enclosures on private property be underground; however, if there is no other feasible option but to locate the equipment enclosure above ground on private property, the equipment must be enclosed within an accessory structure which meets the setbacks of the underlying zone and be screened in accordance with this chapter. See OMC 13-9-4 for monopole prohibited locations.



Acceptable Monopole Macro Examples



Unacceptable Monopole Macro Example

13-9-12 Temporary facilities.

- A. The installation of a “cell-on-wheels” or COWs and the installation site shall comply with all applicable laws, statutes, requirements, rules, regulations, and codes, including, but not limited to, the adopted Building, Fire, and Electrical Codes.
- B. All COWs and related appurtenances sited for emergencies, shall be completely removed from the installation site within 30 days of the date of the end of the emergency as determined by the City Administrator or designee.

13-9-13 Small wireless communications services facilities standards (small cell).

Unlike macro facilities which are intended to provide wireless coverage over large areas, the goal of a small wireless deployment is to provide additional capacity in localized areas, including residential neighborhoods, using smaller antennas and equipment. The intent of this section is to describe the City’s location options for small cell deployments and provide appropriate design standards to ensure that the negative visual impacts of wireless facilities are minimized, and the City’s long-term goal of utility undergrounding is not frustrated.

- A. Permitted locations.
 - 1. Small cell attachments to buildings are permitted in any zone and are not subject to the dispersion requirement below.
 - 2. Dispersion Requirement: No two small wireless facilities shall be located within 300 lineal feet of each other as measured along the right-of-way line.
 - 3. Installations in the Mixed-Use Town Center and Mixed-Use Town Center North zones shall be limited to building attachments or through the replacement or new installation of a street light designed to contain a small wireless facility that complies with the adopted architectural design review guidelines.

B. Location options.

Wireless providers shall attempt to site their small wireless communications services facilities pursuant to the following siting preferences (in descending order starting with the most preferred):

- 1. Outside the Right-of-Way / Private Property:
 - a. Roof-mounted on an existing building.
 - 1) Small cell facilities may be built to the maximum height of the

underlying zone provided they are screened consistent with the existing building in terms of color, architectural style and materials.

2) Such facilities must be concealed and well-integrated with the existing structure or designed and located to look like common rooftop elements such as chimneys, elevator penthouses or screened HVAC equipment.

3) Height exception. Antennas may be located on buildings that are nonconforming for height provided that, they are constructed to be no taller than the adjacent façade or an existing parapet. Equipment may be located on a roof behind a parapet that is nonconforming for height.

b. Façade-mounted on an existing building.

1) Small cell antennas may be mounted to the side of a building if they do not interrupt and are integrated with the building's architectural theme.

2) To the extent technically feasible, new architectural features such as columns, pilasters, corbels, or similar ornamentation that conceals the antennas should be used if it complements the architecture of the existing building.

3) If concealment is not feasible, the antennas must be camouflaged. The smallest feasible mounting brackets must be used, and the antennas must be painted and textured to match the adjacent building surfaces, to the extent technically feasible.

4) Façade-mounted antennas may encroach into a required setback. Antennas may not project into the right-of-way more than twelve (12) inches and shall provide a minimum clearance height of 20 feet over any pedestrian or vehicular right-of-way.

5) To the extent technically feasible, all other equipment must be located within the building,



screened by an existing parapet, or completely concealed and well-integrated with the existing structure or designed and located to look like common rooftop elements such as chimneys, elevator penthouses or screened HVAC equipment. Exposed cabling/wiring is prohibited.

6) Height exception. Antennas may be located on buildings that are nonconforming for height provided that, they are constructed to be no taller than the adjacent façade or an existing parapet. Equipment may be located on a roof behind a parapet that is nonconforming for height.

c. Freestanding small cell on private property

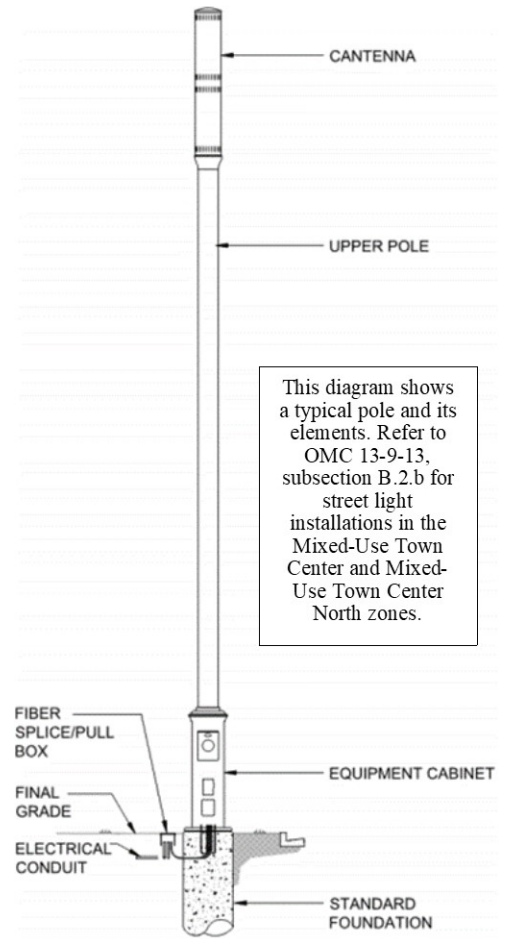
1) Dimensional requirements

a) A freestanding small cell may not exceed 50 feet in height measured from the top of the foundation to the top of the cantenna/antenna.

b) The cantenna/antenna must have a maximum outer diameter of 16 inches, to the extent technically feasible, and be tapered to transition from the upper pole.

2) Appearance requirements

- a) All small cell carrier equipment must be housed internal to the equipment cabinet or hidden within the cantenna/antenna. The cantenna/antenna, upper pole and equipment cabinet must be the same color, unless otherwise approved by the City.
- b) All hardware connections shall be hidden from view.
- c) To the extent technically feasible, no equipment may be attached to the outside of the pole.
- d) The freestanding small cell pole must be served by underground power and fiber, if fiber is to be connected.
- e) May provide space for future collocation by another provider inside the same freestanding small cell pole facilities.



3) Placement requirements. Freestanding small cells shall be located as follows, to the extent technically feasible:

- a) Located such that they in no way impede, obstruct, or hinder the usual pedestrian or vehicular travel, or violate applicable law.
- b) Outside the Residential Zones, Mixed-Use Town Center, and Mixed-Use Town Center North zones.
- c) Not to be located along the frontage of a Historic building, deemed historic on a federal, state, or local level.
- d) Not to significantly create a new obstruction to property sight lines.
- e) In alignment with existing trees, utility poles, and streetlights.
- f) With appropriate safety clearance from existing utilities.
- g) On the same side of the street as existing power lines, regardless of whether power is underground or overhead;
- h) No two freestanding small cell poles may be located within 300 lineal

feet of each other as measured along the right-of-way line.

2. Within the right-of-way - existing/replaced hollow street light pole or utility pole:

a. Installation of small wireless communications services facilities on street lights and utility poles shall comply with the requirements of Puget Sound Energy, as applicable.

b. Combination small cell and streetlight pole should be located where an existing streetlight pole can be utilized or removed and replaced with a pole that allows for small wireless facility installation in the same location.

c. Pole design shall match or be compatible with the aesthetics of existing streetlights installed adjacent to the pole. In the Mixed-Use Town Center and Mixed-Use Town Center North zones, poles designed to contain a small wireless facility shall comply with the adopted architectural design review guidelines.

d. A decorative transition shall be installed over the equipment cabinet upper bolts, or a decorative base cover shall be installed to match the equipment cabinet size.

e. An internal divider shall separate electrical wiring and fiber, per the pole owner.

f. Weatherproof grommets shall be integrated in the pole design to allow cable to exit the pole, for external shrouds, without water seeping into the pole.

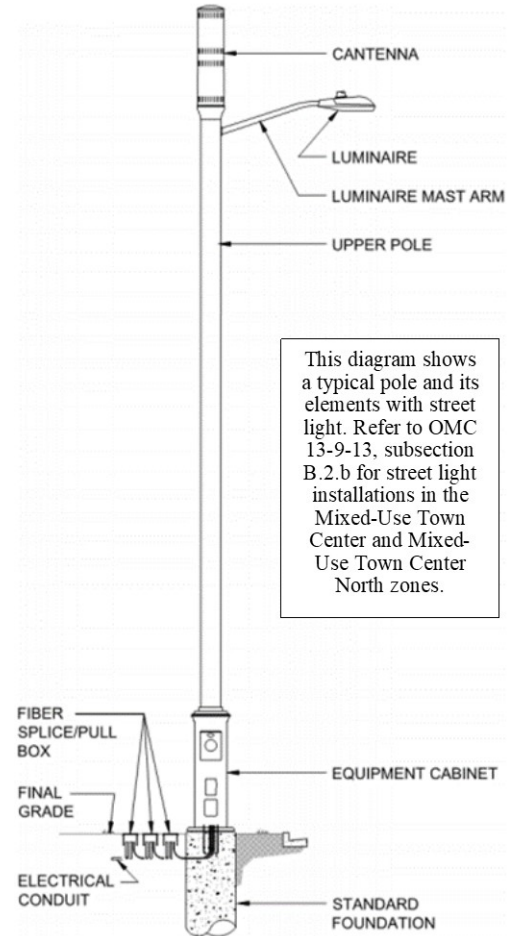
g. For installations on existing street lights, the antenna shall either be fully concealed within the pole or placed on top of the pole. A cantenna/antenna on top of a pole shall be integrated into the pole design so that it appears as a continuation of the original pole, including colored or painted to match or be compatible with the pole. All cabling and mounting hardware/brackets from the bottom of the



antenna to the top of the pole shall be fully concealed and integrated with the pole, to the extent technically feasible.

h. Street light pole shall be located as follows, to the extent technically feasible:

- 1) In a manner that does not impede, obstruct, or hinder pedestrian or vehicular travel.
 - a) In alignment with existing trees, utility poles, and streetlights.
 - b) Within the street amenity zone wherever possible.
 - c) Equal distance between trees when possible, with a minimum of 15-foot separation such that no proposed disturbance shall occur within the critical root zone of any tree.
 - d) With appropriate clearance from existing utilities.
 - e) Outside the clear sight triangle, as determined by the City, at intersection corners.
 - f) 10-feet away from the intersection of an alley with a street.
- 2) All conduit, cables, wires and fiber must be routed internally in the light pole.



3. Within the right-of-way - existing single-phase power pole (installation on top of pole):

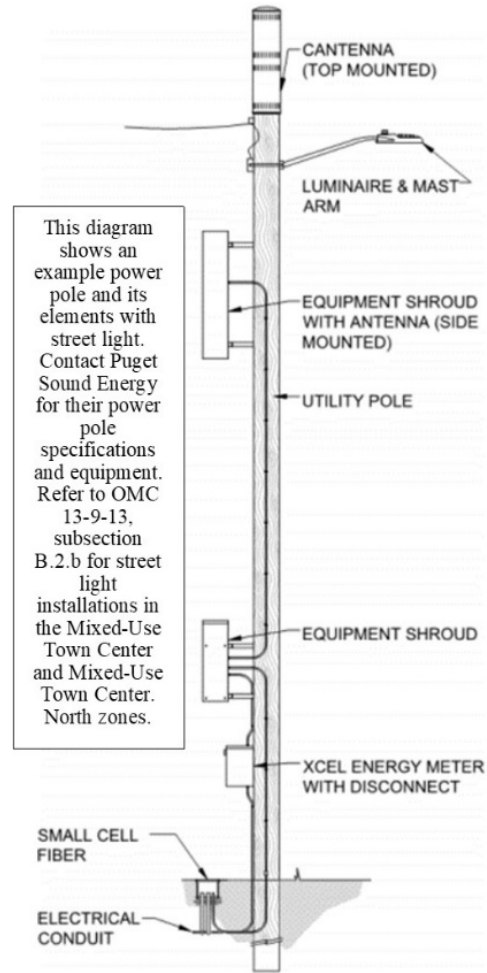
a. Installation of small wireless communications services facilities on existing single-phase power poles shall comply with the requirements of Puget Sound Energy.

b. A cantenna/antenna on top of a pole shall be integrated into the pole design so that it appears as a continuation of the original pole, including colored or painted to match or be compatible with the pole. All cabling and mounting hardware/brackets from the bottom of the antenna to the top of the pole shall be fully concealed and integrated with the pole, to the extent technically feasible.

c. Equipment enclosures and all ancillary equipment and boxes shall be colored or painted to match the color of the surface of the pole in which they are attached. All related equipment shall not be mounted more than five (5) inches from the surface of the pole, unless a further distance is technically required, and is confirmed in writing by the pole owner.

d. All cables and wires shall be routed through conduit along the outside of the pole. The outside conduit shall be colored or painted to match or be compatible with the color of the surface of the pole. The number of conduit shall be minimized to the number technically necessary to accommodate a small wireless facility.

e. An existing power pole in a proposed location may be replaced with a taller pole for the purpose of accommodating a small wireless facility; provided, that the height of any replacement pole may not exceed fifty (50) feet to the top of the antenna(s), or the maximum height allowed by the definition of “small wireless facility”, whichever is greater.



f. The replacement pole shall comply with the City's sidewalk clearance requirements and ADA requirements.

4. Within the right-of-way - freestanding small cell pole or new street light

a. Refer to OMC 13-9-13, subsections (B)(1)(c) for dimensional and appearance standards. Installation of small wireless communications services facilities on street lights shall comply with the requirements of Puget Sound Energy, as applicable.

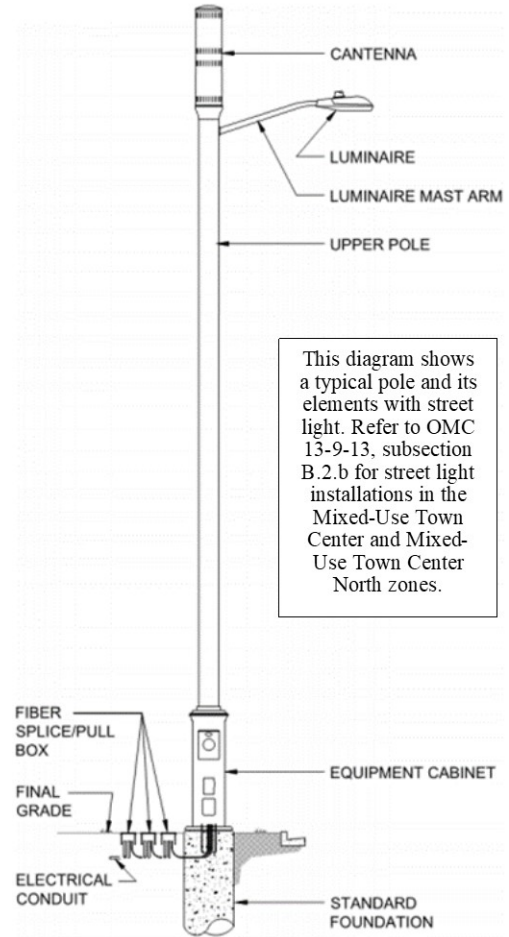
b. New street light. The replacement street light pole requirements are also applicable to the new street light option, except that a street light would be incorporated into the design of the facility. In addition, the following applies, to the extent technically feasible:

- 1) A street light shall not be installed unless it has been identified by the Public Works Director or designee that a street light is necessary at the location in which the small cell facility is proposed. A street light may be required to be installed instead of a freestanding pole.

2) In the Mixed-Use Town Center and Mixed-Use Town Center North zones, poles designed to contain a small wireless facility shall comply with the adopted architectural design review guidelines.

c. Placement requirements for freestanding small cell poles. Freestanding small cell poles shall be located in compliance with the following, to the extent technically feasible:

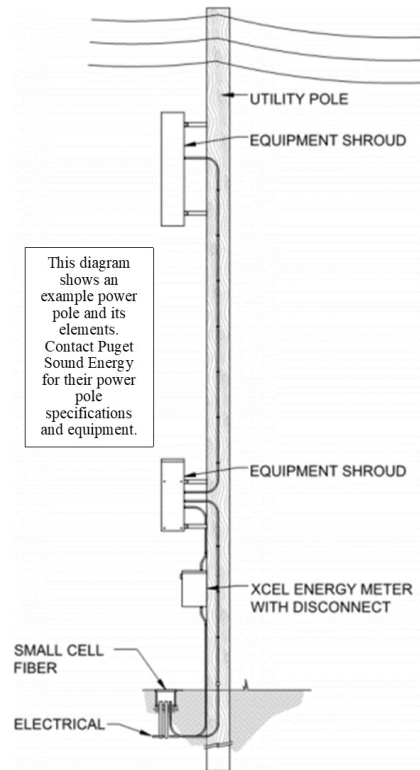
- 1) Located such that they in no way impede, obstruct, or hinder the usual pedestrian or vehicular travel, obstruct the legal access to or use of the public ROW, violate applicable law, violate or fail to substantially comply with public ROW design standards, specifications, or design district requirements, violate the Federal Americans with Disabilities Act of 1990, or in any way create a risk to public health, safety, or welfare.



- 2) Outside the Mixed-Use Town Center and Mixed-Use Town Center North zones.
- 3) Not to be located along the frontage of a Historic building, deemed historic on a federal, state, or local level.
- 4) Not to significantly create a new obstruction to property sight lines.
- 5) In alignment with existing trees, utility poles, and streetlights.
- 6) Within the street amenity zone wherever possible.
- 7) Equal distance between trees when possible, with a minimum of 15-foot separation such that no proposed disturbance shall occur within the critical root zone of any tree.
- 8) With appropriate clearance from existing utilities.
- 9) Outside the clear sight triangle, as determined by the City, at intersection corners.
- 10) 10-feet away from the intersection of an alley with a street.
- 11) On the same side of the street as existing power lines, regardless of whether power is underground or overhead;
- 12) No two freestanding small cell poles may be located within 300 lineal feet of each other as measured along the right-of-way line.

5. Within the right-of-way - existing power pole (installation below top of pole):

- a. Installation of small wireless communications services facilities on existing power poles shall comply with the requirements of Puget Sound Energy.
- b. Antennas should be placed in an effort to minimize visual clutter and obtrusiveness.
- c. The inside edge of a side mounted canister antenna/equipment shroud shall be no more than twelve (12) inches from the surface of the pole.
- d. Antennas and equipment located within a unified enclosure shall not exceed twenty eight (28) cubic feet. To the extent possible, the unified enclosure shall be placed so as to appear as an integrated part of the pole or behind banners or signs.
- e. The unified enclosure may not be placed more than six (6) inches from the surface of the pole, unless a further



distance is technically required and confirmed in writing by the pole owner.

f. Equipment enclosures and all ancillary equipment and boxes shall be colored or painted to match the color of the surface of the pole in which they are attached. All related equipment shall not be mounted more than six (6) inches from the surface of the pole, unless a further distance is technically required, and is confirmed in writing by the pole owner.

g. All cables and wires shall be routed through conduit along the outside of the pole. The outside conduit shall be colored or painted to match the color of the surface of the pole. The number of conduit shall be minimized to the number technically necessary to accommodate a small wireless facility.

h. An existing power pole in a proposed location may be replaced with a taller pole for the purpose of accommodating a small wireless facility; provided, that the height of any replacement pole may not extend more than ten (10) feet above the height of the existing pole, or the maximum height allowed by the definition of "small wireless facility," whichever is greater, unless a further height increase is required and confirmed in writing by the pole owner and that such height increase is the minimum extension possible to provide sufficient separation and/or clearance from electrical and wireline facilities.

i. The replacement pole shall comply with the City's sidewalk clearance requirements and ADA requirements.

6. Within the right-of-way – strand-mounted

a. Installation of small wireless communications services facilities mounted on cables strung between existing utility poles shall comply with the requirements of Puget Sound Energy.

b. Each strand mounted antenna shall not exceed three (3) cubic feet in volume.

c. Only two strand mounted facilities are permitted between any two existing poles.

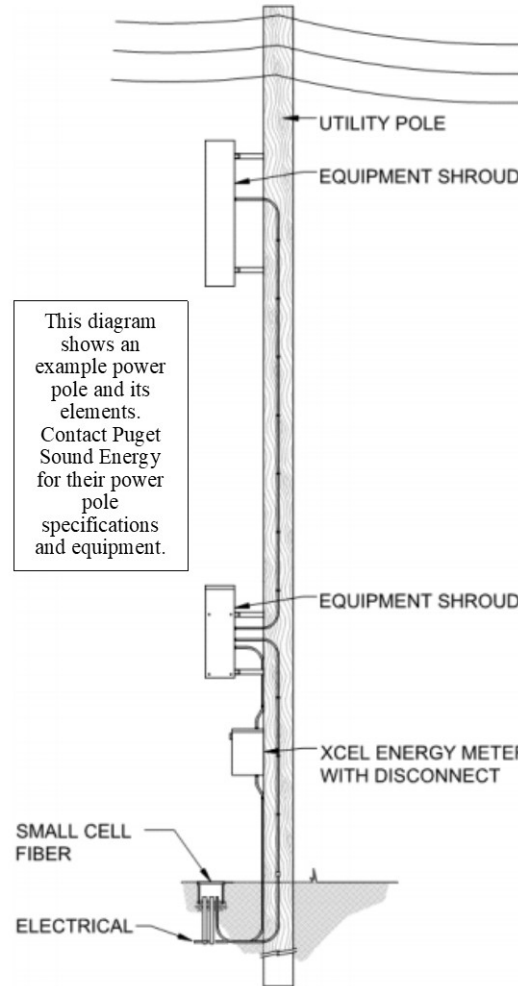
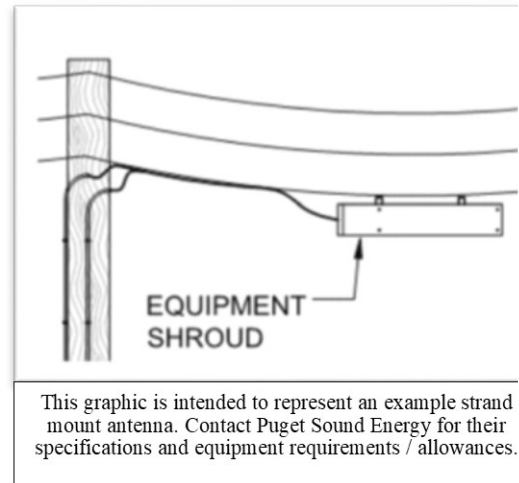
d. The strand mounted devices shall be placed as close as possible to the nearest utility pole, in no event more than five (5) feet from the pole unless a greater distance is technically necessary or required for safety clearance and confirmed in writing by the pole owner.

e. No strand mounted device shall be located in or above the portion of the roadway open to vehicular traffic.

f. Ground mounted equipment to accommodate such strand mounted facilities is not permitted, except when placed in pre-existing equipment cabinets, underground or on zoned property or when required by another party, such as an electrical meter.

g. Pole mounted equipment enclosures and all ancillary equipment and boxes shall be colored or painted to match the color of the surface of the pole in which they are attached. All related equipment shall not be mounted more than six (6) inches from the surface of the pole, unless a further distance is technically required, and is confirmed in writing by the pole owner.

- 1) All cables and wires shall be routed through conduit along the outside of the pole. The outside conduit shall be colored or painted to match the color of the surface of the pole. The number of conduit shall be minimized to the number



technically necessary to
accommodate a small cell wireless
facility

h. Such strand mounted devices must be installed with the minimum excess exterior cabling or wires (other than the original strand) necessary to meet the technological needs of the facility.

C. Location preference criteria.

A proposed small wireless facility location shall only be allowed in a lower ranking location as provided in the location hierarchy in subsection B above, if the applicant can demonstrate that all higher-ranking locations are not technically feasible to locate the particular small wireless facility.

D. Small wireless facility general standards.

1. Ground mounted equipment in the rights-of-way is prohibited, unless such facilities are placed underground, or the applicant can demonstrate that pole mounted or undergrounded equipment is technically infeasible. If ground mounted equipment is necessary, then the applicant must submit a plan of how the equipment will be concealed that is consistent with these standards. Generators located in the rights-of-way are prohibited.

2. No equipment shall be operated to produce noise in violation of Chapter 5-8 OMC.

3. Replacement poles, new poles, and all equipment shall comply with the Americans with Disabilities Act (“ADA”), city construction and sidewalk clearance standards, and state and federal regulations in order to provide a clear and safe passage within the rights-of-way.

4. Replacement poles shall be located as near as possible to the existing pole with the requirement to remove the abandoned pole.

5. The design criteria as applicable to small wireless facilities described herein shall be considered concealment elements and such small cell facilities may only be expanded upon through an eligible facilities request described in Section 13-9-8 OMC, when the modification does not defeat the concealment elements of the facility.

6. No signage, message, or identification other than the manufacturer’s identification or identification required by governing law is allowed to be portrayed on any antenna, and any such signage on equipment enclosures shall be of the minimum amount possible to achieve the intended purpose; provided, that signs are permitted as concealment techniques where appropriate.

7. Antennas and related equipment may not be illuminated except for security reasons, required by a federal or state authority, or unless approved as part of a concealment element plan.

8. Side arm mounts for antennas or equipment are prohibited.

13-9-14 Abandonment or discontinuation of use.

- A. At such time that a licensed carrier plans to abandon or discontinue operation of a wireless communications services facility, such carrier will notify the City by certified U.S. Mail of the proposed date of abandonment or discontinuation of operations. Such notice shall be given no less than 30 days prior to abandonment or discontinuation of operations.
- B. In the event that a licensed carrier fails to give such notice, the wireless communications services facilities shall be considered abandoned upon the discovery of such discontinuation of operations.
- C. Within 90 days from the date of abandonment or discontinuation of use, the carrier shall physically remove the wireless communications services facilities. "Physically remove" shall include, but not be limited to:
 - 1. Removal of antennas, mounts or racks, the equipment enclosure, screening, cabling and the like from the subject property.
 - 2. Transportation of the materials removed to a repository outside of the City.
 - 3. Restoration of the wireless communications services facilities site to its pre-permit condition, as determined by the City, and that any landscaping provided by the wireless communications services facilities operator may remain in place.
 - 4. If a carrier fails to remove a wireless communications services facility in accordance with this section, the City shall have the authority to enter the subject property and physically remove the facility. Costs for removal of the wireless communications services facility shall be charged to the wireless communications services facilities owner or operator in the event the City removes the facility.

13-9-15 Maintenance.

- A. The applicant shall maintain the wireless communications services facility to standards that may be imposed by the City by ordinance or through a permit condition. Such maintenance shall include, but not be limited to, repair of damaged shrouds or enclosures, painting, structural integrity, and landscaping.
- B. In the event the applicant fails to maintain the facility, the City of Orting may undertake enforcement action as allowed by existing codes and regulations.

13-9-16 Definitions.

- A. Antenna(s). Any apparatus designed for the purpose of emitting radiofrequency (RF) radiation, to be operated or operating from a fixed location pursuant to Commission authorization, for the provision of personal wireless service and any commingled information services.
- B. "Cell-on-wheels (COW)" are used to provide temporary service, usually for special events, before the installation of a permanent wireless site, or in emergencies.
- C. "Co-location" means the mounting or installation of an antenna on an existing tower, building or structure for the purpose of transmitting and/or receiving radio frequency signals for communications purposes, whether or not there is an existing antenna on the structure.

- D. Concealed facility. A wireless communications services facility where: (A) the antennas, mounting apparatus, and any associated equipment are fully recessed/concealed from all sides with a structure that achieves total integration with the existing building or structure; and (B) all cable is routed internally or completely screened from view; and (C) the associated equipment is completely within the building or structure, placed in an underground vault, or is within another element such as a bench, mail box or kiosk.
- E. “Distributed antenna system (DAS)” is a network of spatially separated antenna sites connected to a common source that provides wireless service within a discrete geographic area or structure.
- F. Equipment. Any equipment, switches, wiring, cabling, power sources, shelters or cabinets associated with an antenna, located at the same fixed location as the antenna, and, when collocated on a structure, is mounted or installed at the same time as such antenna.
- G. “Freestanding small cell pole” is a freestanding structure which consists of a single vertical pole, fixed into the ground and/or attached to a foundation built for the sole purpose of supporting small wireless antennas and associated equipment.
- H. “Guyed tower” means a monopole or lattice tower that is tied to the ground or other surface by diagonal cables.
- I. “Lattice tower” is a wireless communication support structure which consists of metal crossed strips or bars to support antennas and related equipment.
- J. “Licensed carrier” is a company authorized by the Federal Communications Commission to build and operate a commercial mobile radio services system.
- K. Macro cell facility (macro facility). A large wireless communications services facility that provides radio frequency coverage served by a high-power cellular system. Generally, macro cell antennas are mounted on ground-based towers, rooftops and other existing structures, at a height that provides a clear view over the surrounding buildings and terrain. Macro cell facilities typically contain antennas that are greater than three (3) cubic feet per antenna and typically cover large geographic areas with relatively high capacity and are capable of hosting multiple wireless service providers.
- L. “Monopole” means a freestanding structure which consists of a single vertical pole, fixed into the ground and/or attached to a foundation with no guy wires built for the sole or primary purpose of supporting macro antennas and their associated equipment.
- M. Poles. Utility poles, light poles or other types of poles, used primarily to support electrical wires, telephone wires, television cable, lighting, or guide posts; or are constructed for the sole purpose of supporting wireless communications services facilities.
- N. “Satellite earth station antenna” includes any antenna in any zoning district that:
1. Is designed to receive direct broadcast satellite service, including direct-to-home satellite services, and that is one meter or less in diameter;
 2. Is two meters or less in diameter in areas where commercial or industrial uses are generally permitted;
 3. Is designed to receive programming services by means of multi-point distribution

services, instructional television fixed services, and local multi-point distribution services, that is one meter or less in diameter or diagonal measurement; and

4. Is designed to receive television broadcast signals.

O. Small wireless facility (or small cell node / small cell facility). A wireless facility that meets each of the following conditions:

1. The facilities:

a. Are mounted on structures 50 feet or less in height including their antennas, or

b. Are mounted on structures no more than 10 percent taller than other adjacent structures, or

c. Do not extend existing structures on which they are located to a height of more than 50 feet or by more than 10 percent, whichever is greater;

2. Each antenna associated with the deployment, excluding antenna equipment, is not more than three cubic feet in volume;

3. All other wireless equipment associated with the structure, including the wireless equipment associated with the antenna and any pre-existing associated equipment on the structure, is no more than 28 cubic feet in volume;

4. The facilities do not require antenna structure registration under FCC rule;

5. The facilities do not result in human exposure to radiofrequency radiation in excess of the applicable safety standards specified by FCC rule.

P. “Unlicensed wireless services” means the offering of communications services using duly authorized devices which do not require individual licenses but does not mean the provision of direct- to-home satellite services.

O. Wireless communications services facilities / wireless communications facility (WCF) means an unstaffed facility for the transmission and reception of radio or microwave signals used for commercial communications. A WCF provides services which include cellular phone, personal communication services, other mobile radio services, and any other service provided by wireless common carriers licensed by the Federal Communications Commission (FCC). WCFs are composed of two or more of the following components:

- Antenna;
- Mount;
- Equipment enclosure;
- Security barrier.

R. Wireless communications services facilities / wireless communications facility (WCF), “building-mounted” means a wireless communications services facility mounted to the roof, wall or chimney of a building.

S. Wireless communications services facilities / wireless communications facility (WCF), “camouflaged” means a wireless communications services facility that is disguised, hidden, or integrated with an existing structure that is not a monopole, guyed or lattice tower, or placed

within an existing or proposed structure.

T. Wireless communications services facilities / wireless communications facility (WCF), “equipment enclosure” means a small structure, shelter, cabinet, or vault used to house and protect the electronic equipment necessary for processing wireless communication signals. Associated equipment may include air conditioning and emergency generators.

U. Wireless communications services facilities / wireless communications facility (WCF), “related equipment” is all equipment ancillary to a wireless communications services facilities such as coaxial cable, GPS receivers, conduit and connectors.

V. Wireless communications services facilities / wireless communications facility (WCF), “structure-mounted” means a wireless communications services facility located on structures other than buildings, such as light poles, utility poles, flag poles, transformers, and/or tanks.

W. “Wireless communication services” means any personal wireless services as defined in the Federal Telecommunications Act of 1996, including federally licensed wireless communications services consisting of cellular services, personal communications services (PCS), specialized mobile radio services (SMR), enhanced specialized mobile radio services (ESMR), paging, and similar services that currently exist or that may be developed in the future.

Ordinance 2019-1049- Attachment A
Title 13 - Development Regulations
Chapter 9 - Wireless Communications Services Facilities

Sections:

- 13-9-1 Purpose.
- 13-9-2 Applicability.
- 13-9-3 Exemptions.
- 13-9-4 Prohibitions.
- 13-9-5 General macro facility siting criteria and design considerations.
- 13-9-6 Permits and shot clocks.
- 13-9-7 Application requirements.
- 13-9-8 Eligible facilities requests.
- 13-9-9 New building-mounted macro wireless communications services facilities standards.
- 13-9-10 New structure-mounted macro wireless communications services facilities standards.
- 13-9-11 New monopole-mounted macro wireless communications services facilities standards.
- 13-9-12 Temporary facilities.
- 13-9-13 Small wireless communications services facilities standards (small cell).
- 13-9-14 Abandonment or discontinuation of use.
- 13-9-15 Maintenance.
- 13-9-16 Definitions.

13-9-1 Purpose.

A. The purpose of this chapter is to regulate the placement, construction, modification and appearance of wireless communications services facilities, in order to protect the health, safety and welfare of the public, while not unreasonably interfering with the deployment of competitive wireless communications services facilities throughout the City. The purpose of this chapter may be achieved through adherence to the following objectives:

1. Protect residential areas and land uses from potential adverse impacts that wireless communications services facilities might create, including but not limited to negative impacts on aesthetics, environmentally sensitive areas, historically significant locations, and health and safety of persons and property;
2. Establishment of clear and nondiscriminatory local regulations concerning wireless communications services facilities and services that are consistent with federal and state laws and regulations;
3. Encourage providers of wireless communications services facilities to locate facilities, to the extent feasible, in areas where the adverse impact on the public health, safety and welfare is minimal;

4. For macro facilities, encourage the location of those facilities in nonresidential areas and allow macro facilities in residential areas only when necessary to meet functional requirements of the communications industry as defined by the Federal Communications Commission;
5. Minimize the total number of macro facilities in residential areas;
6. Encourage and, where legally permissible, require cooperation between competitors and, as a primary option, joint use of new and existing towers, tower sites and suitable structures to the greatest extent possible, where doing so would significantly reduce or eliminate additional negative impact on the City;
7. Ensure wireless communications services facilities are configured in a way that minimizes the adverse visual impact of the facilities, as viewed from different vantage points, through careful design, landscape screening, minimal impact siting options and camouflaging techniques, dispersion of unscreened features to lessen the visual impact upon any one location, and through assessment of current location options, siting, future available locations, and innovative siting techniques;
8. Enable wireless communication companies to enter into lease agreements with the City to use city property for the placement of wireless facilities, where consistent with other public needs, as a means to generate revenue for the City;
9. Balance the City's intent to minimize the adverse impacts of wireless communications services facilities with the ability of the providers of communications services to deploy such services to the community quickly, effectively and efficiently;
10. Provide for the prompt removal of wireless communications services facilities that are abandoned or no longer inspected for safety concerns and building code compliance, and provide a mechanism for the City to cause these abandoned wireless communications services facilities to be removed as necessary to protect the citizens from imminent harm and danger;
11. Avoid potential damage to people and adjacent properties from tower failure and falling equipment, through strict compliance with state building and electrical codes; and
12. Disperse the adverse impacts of small cell facilities as evenly as possible throughout the community, especially when joint use does not minimize additional visual impact.

B. In furtherance of these objectives, the City shall give due consideration to the zoning code, existing land uses, and environmentally sensitive areas when approving sites for the location of wireless communications services facilities.

C. These objectives were developed to protect the public health, safety and welfare, to protect property values, and to minimize and disperse visual impact, while furthering the development of enhanced communications services in the City. These objectives were designed to comply with the Telecommunications Act of 1996 and its implementing regulations. The provisions of this chapter are not intended to, and any ambiguities herein shall not be interpreted in such a manner that would materially inhibit the deployment of wireless communications services facilities. This chapter shall not be applied in such a manner as to unreasonably discriminate between providers of functionally equivalent wireless facilities.

D. To the extent that any provision of this chapter conflicts with any other city ordinance, this chapter shall control. Otherwise, this chapter shall be construed consistently with the other provisions and regulations of the City.

E. In reviewing any application to place, construct or modify wireless communications services facilities, the City shall act within federally required time periods. Any decision to deny an application shall be in writing, supported by substantial evidence contained in a written record. The City shall approve, approve with conditions, or deny the application in accordance with this title, this chapter, the adopted Orting comprehensive plan, and other applicable ordinances and regulations.

F. Alternative Methods of Compliance. The City Administrator or designee in consultation with other City staff, as applicable, may accept alternative methods of complying with the development regulations of this chapter, provided it can be demonstrated that the alternative method is at least equivalent to such standards in terms of implementing the general purpose of this chapter. The City Administrator or designee shall not accept alternative methods of compliance that are inconsistent with the City Comprehensive Plan or with conditions of approval imposed through a land use action. Decisions on Alternative Methods of Compliance need to be documented in the project file and can be appealable in the same manner as an Administrative Interpretation. The City Administrator or designee shall periodically forward decisions on Alternative Methods of Compliance to the Planning Commission for its information.

13-9-2 Applicability.

A. Except as provided herein, all wireless communications services facilities shall comply with the provisions of this chapter. The standards and process requirements of this chapter supersede all other review process, setback, height or landscaping requirements of the Orting Municipal Code (OMC).

B. Environmental. All proposed installations are subject to a threshold determination under the State Environmental Policy Act (SEPA) according to Chapter 15-14 OMC unless categorically exempt pursuant to WAC 197-11-800. All proposals are subject to the critical area requirements and the shoreline master program (Title 11 OMC).

C. Master Permit Agreement Needed.

1. Consistent with RCW chapter 35.99 and Chapter 8-8 OMC, any person, corporation or entity that proposes to locate any portion of a wireless communications services facilities within the City right-of-way must have a valid fully executed master permit with the City before submitting applications for right-of-way construction permits.

2. Wireless providers interested in obtaining a master permit must apply according to the procedures of Chapter 8-8 OMC as well as supplying the following, in order to have a complete application:

a. submit three valid fully executed master permits that the provider has with other cities in Washington state, PROVIDED THAT, this requirement shall be excused to the extent that the provider does not have sufficient valid master permits in other jurisdictions to meet that requirement;

D. Right-of-Way Construction Permit. A right-of-way construction permit is required prior to

performing any work within the City right-of-way pursuant to OMC Title 8.

13-9-3 Exemptions.

The following are exemptions from the provisions of this chapter:

- A. Routine maintenance or repair of wireless communication facilities.
- B. Radar systems for military and civilian communication and navigation.
- C. Handheld, mobile, marine and portable radio transmitters and/or receivers.
- D. Satellite antennas, including direct to home satellite services.
- E. Licensed amateur (ham) radio stations and citizen band stations.
- F. Earth station antenna(s) one meter or less in diameter and located in any zone.
- G. Earth station antenna(s) two meters or less in diameter and located in the business and commercial zones.
- H. A temporary wireless communications facility or COW installed for providing coverage of a special event such as news coverage or sporting event, subject to approval by the City. The wireless facility shall be exempt from the provisions of this chapter for up to two weeks before and after the duration of the special event.
- I. A temporary wireless communication facility or COW installed for a period of up to 180 days, subject to renewals at the City’s discretion, to provide service during repair, replacement, or relocation of an existing facility or construction of a new facility.
- J. Subject to compliance with all other applicable standards of this chapter, in the event of an emergency, the emergency provisions of Chapter 8-8 OMC shall be followed.

13-9-4 Prohibitions.

- A. The following wireless communications services facilities are prohibited in Orting:
 - 1. Guyed towers.
 - 2. Lattice towers.
- B. Monopoles are prohibited in the following locations:
 - 1. All residential zones;
 - 2. MUTC Mixed Use-Town Center Zone;
 - 3. ~~MUTCN Mixed Use Town Center North Zone;~~
 - 4. OS Open Space and Recreation Zone;
 - 5. ~~PF Public Facilities Zone;~~ and
 - 6. Within the City rights-of-way.

13-9-5 General macro facility siting criteria and design considerations.

- A. The City of Orting encourages wireless communication providers to use existing sites or more frequent, less noticeable sites instead of attempting to provide coverage through use of

taller towers. To that end, applicants shall consider the following priority of preferred locations for wireless communications services facilities:

1. Co-location, without an increase in the height of the building, pole or structure upon which the facility would be located;
2. Co-location, where additional height is necessary above existing building, pole, or structure;
3. A replacement pole or structure for an existing one;
4. A new pole or structure altogether.

B. Co-location shall be encouraged for all wireless communications services facilities applications and is implemented through less complex permit procedures.

1. To the greatest extent technically feasible, applicants for new monopole facilities shall be required to build mounts capable of accommodating at least one other carrier.
2. New macro wireless communications services facilities that are not co-located will require a conditional use permit (C) under the provisions of OMC 13-6-2 and shall be processed in accordance with OMC Title 15 for a Type III permit. Separation requirements will be a condition of approval.

C. Noise. Any facility that requires a generator or other device which will create noise audible beyond the boundaries of the site must demonstrate compliance with Chapter 5-8 OMC, Noise Control. A noise report, prepared by an acoustical engineer, shall be submitted with any application to construct and operate a wireless communications services facility that will have a generator or similar device. The City may require that the report be reviewed by a third-party expert at the expense of the applicant.

D. Business License Requirement. Any person, corporation or entity that operates a wireless communications services facility within the City shall have a valid business license issued annually by the City. Any person, corporation or other business entity which owns a monopole also is required to obtain a business license on an annual basis.

E. Signage. Only safety signs or those mandated by a government entity with jurisdiction may be located on wireless communications services facilities. No other types of signs are permitted on wireless communications services facilities.

F. Any application must demonstrate that there is sufficient space for temporary parking for regular maintenance of the proposed facility.

G. Finish. A monopole may be constructed of laminated wood, fiberglass, steel, or similar material. The pole shall be a neutral color so as to reduce its visual obtrusiveness, subject to any applicable standards of the FAA or FCC.

H. Design. The design of all buildings and ancillary structures shall use materials, colors, textures, screening and landscaping that will blend the facilities with the natural setting and built environment. [All macro towers must be approved by the Architectural Design Board.](#)

I. Color. All antennas and ancillary facilities located on buildings or structures other than monopoles shall be of a neutral color that is identical to or closely compatible with the color of

the supporting structure so as to make the antenna and ancillary facilities as visually unobtrusive as possible.

J. Lighting. Monopoles shall not be artificially lighted unless required by the FAA, FCC or other government entity with jurisdiction. If lighting is required and alternative lighting options are permitted, the City shall review the lighting alternatives and approve the design that would cause the least disturbance to the surrounding area. No strobe lighting of any type is permitted on any monopole, unless required by the FAA.

K. Advertising. No advertising is permitted at wireless communications services facilities sites or on any ancillary structure or facilities equipment enclosure.

L. Equipment Enclosure. Each applicant shall use the smallest equipment enclosure practical to contain the required equipment and a reserve for required co-location.

M. Radio Frequency Emissions Compliance. The applicant shall demonstrate that the project will not result in levels of radio frequency emissions that exceed FCC standards, including FCC Office of Engineering Technology (OET) Bulletin 65, Evaluating Compliance with FCC Guidelines for Human Exposure to Radio Frequency Electromagnetic Fields, as amended.

N. Landscaping and Screening.

1. The visual impacts of wireless communications services facilities should be mitigated and softened through landscaping or other screening materials at the base of a monopole, facility equipment compound, equipment enclosures and ancillary structures. If the antenna is mounted flush on an existing building or camouflaged as part of the building and other equipment is housed inside an existing structure, no landscaping is required. The City may reduce or waive the standards for those sides of the wireless communications services facilities that are not in public view, when a combination of existing vegetation, topography, walls, decorative fences or other features achieve the same degree of screening as the required landscaping; in locations where the visual impact of the facility would be minimal; and in those locations where large wooded lots not capable of subdivision and natural growth around the property perimeter provide a sufficient buffer.

2. Landscaping shall be installed on the outside of fences. Existing vegetation shall be preserved to the maximum extent practicable and may be used as a substitute for or as a supplement to landscaping or screening requirements. The following requirements apply:

a. A solid screen of evergreen trees or shrubs shall be placed around the perimeter of the equipment cabinet enclosure, except that a maximum 10-foot portion of the fence may remain without landscaping in order to provide access to the enclosure.

b. Landscaping area shall be a minimum of five feet in width around the perimeter of the enclosure.

c. Vegetation selected should be native and drought tolerant.

d. Landscaping shall be located so as not to create sight distance hazards or conflicts with other surrounding utilities.

3. When landscaping is used, the applicant shall submit a performance assurance pursuant to OMC 13-5-2 (H).

4. The use of chain link, plastic, or wire fencing is prohibited. Ornamental metal, stone, wood, or vinyl fencing materials are preferred.

13-9-6 Permits and Shot Clocks.

A. No person may place, construct, reconstruct, modify or operate a wireless communications services facility, subject to this chapter, without first having in place a master permit agreement for right-of-way locations with a subsequent right-of-way permit and/or a building permit, as applicable, issued in accordance with this chapter. Except as otherwise provided herein, the requirements of this chapter are in addition to the applicable requirements of this title and OMC Title 8 (Public Ways and Property) and Title 11 (Critical Areas and Shoreline Management).

B. Applications will be reviewed based on the type of wireless communications services facilities requested to be permitted. Each wireless communications services facility requires the appropriate type of project permit review, as shown in Table A. In the event of uncertainty on the type of a wireless facility, the City Administrator or designee shall have the authority to determine what permits are required for the proposed facility.

Table A				
Request	Location	Building Permit Required	Right-of-Way (ROW) Permit Required	FCC Shot Clocks for Permit Review
Eligible facilities request	Existing tower or base station	Yes, if any elements on private property	Yes, if any elements in the ROW	60 days
New macro facility	Co-location	Yes, if any elements on private property	Yes, if any elements in the ROW	90 days
New macro facility	New structure or monopole (see 13-9-4 prohibited locations & 13-9-5 (B)(2) above for C Permit)	Yes, if any elements on private property	Yes, if any elements in the ROW	150 days
Small wireless facility (small cell node)	Co-location	Yes, if any elements on private property	Yes, if any elements in the ROW	60 days
Small wireless facility (small cell node)	New structure or freestanding small cell pole	Yes, if any elements on private property	Yes, if any elements in the ROW	90 days
Temporary facility	Varies	Yes, if applicable	Yes, if any elements in the ROW	Standard permit quotes

C. Timelines.

1. Macro cell.

The application review period begins when all required application materials have been received and fees paid. If the City determines that the application is incomplete and

provides notice to the applicant within thirty (30) calendar days of the date of application, the clock stops. The clock restarts when the City receives the applicant's supplemental submission in response to the City's notice of incompleteness. For subsequent determinations of incompleteness, the clock tolls (pauses) if the City provides written notice within ten (10) days that a supplemental submission did not provide the requested information. For new structures or monopoles, see OMC 13-9-5 (B)(2) above for C Permit requirement.

2. Small wireless facility (small cell node).

The application review period begins when all required application materials have been received and fees paid. If the City determines that the application is incomplete and provides notice to the applicant within ten (10) calendar days of the date of application, the clock stops. The clock resets to zero (0) when the City receives the applicant's supplemental submission in response to the City's notice of incompleteness. For subsequent determinations of incompleteness, the clock tolls (pauses) if the City provides written notice within ten (10) days that a supplemental submission did not provide the requested information.

D. Batched small wireless facility (small cell node) applications.

If an applicant is applying for a small wireless network in a contiguous service area, multiple small wireless facilities may be batched into one application, PROVIDED THAT the application fee shall still be calculated as if the applications were submitted separately. The City may approve, deny or conditionally approve all or any portion of the small wireless facilities proposed in the application. The denial of one or more small wireless facility locations within one submission shall not be the sole basis for a denial of other locations or the entire batched application for small wireless facilities. Should an applicant file a single application for a batch that includes both collocated and new structures for small wireless facilities, the longer 90-day shot clock shall apply to ensure the City has adequate time to review the new construction sites.

E. Any application submitted pursuant to this chapter for projects located on public or private property shall be reviewed and evaluated by the City as described in this chapter. The Public Works Director or his/her designee shall review all proposed wireless communications services facilities that are located partially or fully within the City rights-of-way. All applications will be reviewed and evaluated pursuant to the provisions of this chapter.

F. All applications for wireless communications services facilities shall be reviewed for compliance with the applicable design standards. [Permits for all macro towers must be approved by the Architectural Design Board.](#)

G. The applicant is responsible for obtaining all other permits and approvals from any other appropriate governing body or agency with jurisdiction (i.e., Washington State Department of Labor and Industries, Federal Aviation Administration, Puget Sound Energy, etc.).

H. No provision of this chapter shall be interpreted to allow the installation of a wireless communications services facilities which minimizes parking, landscaping, or other site development standards established by the OMC.

I. Wireless communications services facilities that are governed under this chapter shall not be eligible for variances under OMC Chapter 13-6-3. Any request to deviate from this chapter

shall be based solely on the exceptions set forth in this chapter, including Alternative Methods of Compliance under OMC 13-9-1 (F).

J. Third-party Review. Applicants may use various methodologies and analyses, including geographically based computer software, to determine the specific technical parameters of the services to be provided utilizing the proposed wireless communications services facilities, such as expected coverage area, antenna configuration, capacity, and topographic constraints that affect signal paths. In certain instances, a third-party expert may be needed to review the engineering and technical data submitted by an applicant for a permit. The City may at its discretion require third-party engineering and technical review as part of a permitting process. The costs of the technical third-party review shall be borne by the applicant.

1. The selection of the third-party expert is at the discretion of the City. The third-party expert review is intended to address interference and public safety issues and be a site-specific review of engineering and technical aspects of the proposed wireless communications services facilities and/or a review of the applicants' methodology and equipment used, and is not intended to be a subjective review of the site which was selected by an applicant. Based on the results of the expert review, the City may require changes to the proposal. The third-party review shall address the following:

- a. The accuracy and completeness of submissions;
- b. The applicability of analysis techniques and methodologies;
- c. The validity of conclusions reached;
- d. The viability of other site or sites in the City for the use intended by the applicant; and
- e. Any specific engineering or technical issues designated by the City.

K. Notwithstanding other remedies that may be available under federal law, failure of the City to issue permits within or otherwise comply with the FCC shot clock requirements does not provide a "deemed" grant of approval for macro or small wireless facilities, as it does for an Eligible Facilities Request. No work may occur until the permit issues.

13-9-7 Application requirements.

The following information must be submitted as part of a complete application for a wireless communications services facility permit in the City of Orting:

- A. Project description including a design narrative and co-location analysis indicating the alternative locations considered;
- B. Site information on scaled plans, including:
 1. Site plan;
 2. Elevation drawings;
 3. Utility plan showing existing utilities, proposed facility location, and undergrounding;
 4. Screening, camouflaging, or landscaping plan and cost estimate, as appropriate;

- C. Photos and photo simulations showing the existing appearance of the site and appearance of the proposed installation from nearby public viewpoints;
- D. Noise report, if applicable;
- E. Radio Frequency (RF) emissions standards. The applicant shall provide the certification of an RF engineer with knowledge of the proposed development that the wireless communications services facilities will comply with RF standards adopted by the Federal Communications Commission (FCC). The City recognizes that the Federal Telecommunications Act of 1996 gives the FCC sole jurisdiction in the field of regulation of RF emissions and wireless facilities that meet FCC standards shall not be conditioned or denied on the basis of RF impacts.
- F. Application for Architectural Design Review.
- G. Any other documentation deemed necessary by the City in order to issue a decision.

13-9-8 Eligible facilities requests.

This section implements section 6409 of the Spectrum Act (codified at 47 U.S.C. 1455), which requires the City of Orting to approve any eligible facilities request for a modification of an existing tower or base station that does not substantially change the physical dimensions of such tower or base station.

A. Definitions. The following definitions only apply to eligible facilities requests as described in this section and do not apply throughout this chapter.

1. Base Station is a structure or equipment at a fixed location that enables FCC-licensed or authorized wireless communications between user equipment and a communications network. The term does not encompass a tower as defined herein nor any equipment associated with a tower. Base station includes, without limitation:

- a. Equipment associated with wireless communications services as well as unlicensed wireless services and fixed wireless services such as microwave backhaul.
- b. Radio transceivers, antennas, coaxial or fiber-optic cable, regular and back-up power supplies, and comparable equipment, regardless of technological configuration (including distributed antenna systems (“DAS”) and small cell networks).
- c. Any structure other than a tower that, at the time the relevant application is filed (with jurisdiction) under this section, supports or houses equipment described in subsections (A)(1)(a) and (b) of this section that has been reviewed and approved under the applicable zoning or siting process, or under another State or local regulatory review process, even if the structure was not built for the sole or primary purpose of providing that support.

The term does not include any structure that, at the time the relevant application is filed with the City under this section, does not support or house equipment described in subsections (A)(1)(a) and (b) of this section.

2. Collocation. The mounting or installation of transmission equipment on an eligible support structure for the purpose of transmitting and/or receiving radio frequency signals for communication purposes.

3. Eligible Facilities Request. Any request for modification of an existing tower or base station that does not substantially increase the physical dimensions of such tower or base station, involving:

- a. Collocation of new transmission equipment;
- b. Removal of transmission equipment; or
- c. Replacement of transmission equipment.

4. Eligible Support Structure. Any tower or base station as defined in this section; provided, that it is existing at the time the relevant application is filed with the City.

5. Existing. A constructed tower or base station is existing if it has been reviewed and approved under the applicable zoning or siting process, or under another State or local regulatory review process; provided, that a tower that has not been reviewed and approved because it was not in a zoned area when it was built, but was lawfully constructed, is existing for purposes of this definition.

6. Site. For towers other than towers in the public rights-of-way, the current boundaries of the leased or owned property surrounding the tower and any access or utility easements currently related to the site, and, for other eligible support structures, further restricted to that area in proximity to the structure and to other transmission equipment already deployed on the ground.

7. Substantial Change. A modification substantially changes the physical dimensions of an eligible support structure if it meets any of the following criteria:

- a. For towers other than towers in the public rights-of-way, it increases the height of the tower by more than ten (10) percent or by the height of one (1) additional antenna array with separation from the nearest existing antenna, not to exceed twenty (20) feet, whichever is greater; for other eligible support structures, it increases the height of the structure by more than ten (10) percent or more than ten (10) feet, whichever is greater.

- 1) Changes in height should be measured from the original support structure in cases where deployments are or will be separated horizontally, such as on buildings' rooftops; in other circumstances, changes in height should be measured from the dimensions of the tower or base station, inclusive of originally approved appurtenances and any modifications that were approved prior to the passage of the Spectrum Act;

- b. For towers other than towers in the public rights-of-way, it involves adding an appurtenance to the body of the tower that would protrude from the edge of the tower more than ten (10) feet, or more than the width of the tower structure at the level of the appurtenance, whichever is greater; for other eligible support structures, it involves adding an appurtenance to the body of the structure that would protrude from the edge of the structure by more than six (6) feet;

- c. For any eligible support structure, it involves installation of more than the standard number of new equipment cabinets for the technology involved, but not to

exceed four cabinets; or, for towers in the public streets and base stations, it involves installation of any new equipment cabinets on the ground if there are no preexisting ground cabinets associated with the structure, or else involves installation of ground cabinets that are more than ten (10) percent larger in height or overall volume than any other ground cabinets associated with the structure;

d. It entails any excavation or deployment outside the current site;

e. It would defeat the concealment elements of the eligible support structure; or

f. It does not comply with conditions associated with the siting approval of the construction or modification of the eligible support structure or base station equipment; provided, however, that this limitation does not apply to any modification that is noncompliant only in a manner that would not exceed the thresholds identified above.

B. **Qualification as an Eligible Facilities Request.** Upon receipt of an application for an eligible facilities request, the City will review the application to determine whether it qualifies as an eligible facilities request.

C. **Time Frame for Review.** Within sixty (60) days of the date on which a network provider submits an eligible facilities request application, the City must approve the application unless it determines that the application is not covered by this section.

D. **Tolling of the Time Frame for Review.** The sixty (60) day review period begins to run when the application is submitted, and may be tolled only by mutual agreement by the City and the applicant or in cases where the City determines that the application is incomplete. The time frame for review of an eligible facilities request is not tolled by a moratorium on the review of applications.

1. To toll the time frame for incompleteness, the City must provide written notice to the applicant within thirty (30) days of receipt of the application, clearly and specifically delineating all missing documents or information required in the application.

2. The time frame for review begins running again when the applicant makes a supplemental submission in response to the City's notice of incompleteness.

3. Following a supplemental submission, the City will notify the applicant within ten (10) days that the supplemental submission did not provide the information identified in the original notice delineating missing information. The time frame is tolled in the case of second or subsequent notices pursuant to the procedures identified in this subsection. Second or subsequent notice of incompleteness may not specify missing documents or information that was not delineated in the original notice of incompleteness.

E. **Determination That Application Is Not an Eligible Facilities Request.** If the City determines that the applicant's request does not qualify as an eligible facilities request, the City must deny the application.

F. **Failure to Act.** In the event the City fails to approve or deny a request for an eligible facilities request within the time frame for review (accounting for any tolling), the request is deemed granted. The deemed grant does not become effective until the applicant notifies the City in writing after the review period has expired (accounting for any tolling) that the application has

been deemed granted.

G. To the extent feasible, additional antennas and equipment shall maintain the appearance intended by the original facility, including, but not limited to, color, screening, landscaping, camouflage, concealment techniques, mounting configuration, or architectural treatment.

13-9-9 New building-mounted macro wireless communications services facilities standards.

A. Generally. Wireless communications services facilities located on the roof or on the side of the building shall be grouped together, integrated to the maximum possible degree with the building design, placed toward the center of the roof and/or thoroughly screened from residential building views and from public views using radio frequency-transparent panels. Building-mounted wireless communications services facilities shall be painted with nonreflective colors to match the existing surface where the antennas are mounted.

B. Height. The following requirements shall apply:

1. Mixed-Use Town Center and Mixed-Use Town Center North zones. For buildings at, or which exceed, the height limit of the underlying zone, antennas shall be flush-mounted, and no portion of the antenna may extend above the building on which it is mounted. For buildings below the height limit, antennas may be built to the maximum height of the zone provided they are screened consistent with the existing building in terms of color, architectural style and material. Flush-mounted antennas may encroach into a required setback or into the City right-of-way if a right-of-way use agreement is established with the City. Antennas shall not project into the right-of-way by more than two feet and shall provide a minimum clearance height of 20 feet over any pedestrian or vehicular right-of-way.

2. Outside the Mixed-Use Town Center and Mixed-Use Town Center North zones. The maximum height of building-mounted facilities and equipment shall not exceed ten (10) feet above the top of the roof on which the facility is located. This standard applies to all buildings regardless of whether they are at or above the maximum height of the underlying zone. Such antennas must be well integrated with the existing structure or designed to look like common rooftop structures such as chimneys, vents and stovepipes.

C. Equipment Enclosure. Equipment enclosures for building-mounted wireless communications services facilities shall first be located within the building on which the facility is located. If an equipment enclosure within the building is reasonably unavailable, then an equipment enclosure may be incorporated into the roof design provided the enclosure meets the height requirement for the zone. If the equipment can be screened by placing the equipment below existing parapet walls, no additional screening is required. If screening is required, then the screening must be consistent with the existing building in terms of color, architectural style and material. Finally, if there is no other choice but to locate the equipment enclosure on the ground, the equipment must be enclosed within an accessory structure which meets the setbacks of the underlying zone and be screened in accordance this chapter.

D. Feed Lines and Coaxial Cables. Feed lines and cables should be located below the parapet of the rooftop, if present. If the feed lines and cables are visible from a public right-of-way or adjacent property, they must be painted to match the color scheme of the building.



Acceptable Building-Mounted Macro Example



Unacceptable Building-Mounted Macro Example

13-9-10 New structure-mounted macro wireless communications services facilities standards.

A. Generally. Wireless communications services facilities located on structures other than buildings, such as utility poles, light poles, flag poles, transformers, and/or tanks, shall be designed to blend with these structures and be mounted on them in an inconspicuous manner. Installation of wireless communications services facilities on utility poles, light poles, transformers, etc. shall comply with the requirements of Puget Sound Energy, as applicable.

1. Wireless communications services facilities located on structures within city rights-of-way adjacent to any residential zone shall satisfy the following requirement:
 - a. No metal pole or tower shall be used within the right-of-way adjacent to a residentially zoned neighborhood unless required in order to comply with the provisions of the State Electrical Code. Wooden poles of height and type generally in use in the surrounding residential neighborhood shall be used unless prohibited by the State Electrical Code.
2. Wireless communications services facilities located on structures shall be painted with nonreflective colors in a scheme that blends with the underlying structure.

B. Height.

1. The maximum height of structure-mounted wireless communications services facilities shall not exceed the maximum height specified for each structure or zoning district; provided the wireless communications services facilities may extend up to six feet above the top of the structure on which the wireless communications services facilities is installed. Antennas and related equipment shall be mounted as close as practicable to the structure.
2. Only one extension is permitted per structure.
3. If installed on an electrical transmission or distribution pole, a maximum 15-foot vertical separation is required from the height of the existing power lines at the site (prior to any pole replacement) to the bottom of the antenna. This vertical separation is intended to allow wireless carriers to comply with the electrical utility's requirements for separation between their transmission lines and the carrier's antennas.

C. Equipment Enclosure. If the equipment enclosure is within the right-of-way, the enclosure

shall be underground. It is preferred that equipment enclosures on private property be underground; however, if there is no other feasible option but to locate the equipment enclosure above ground on private property, the equipment must be enclosed within an accessory structure which meets the setbacks of the underlying zone and be screened in accordance this chapter.

D. Feed Lines and Coaxial Cable. Feed lines and cables must be painted to closely match the color scheme of the structure which supports the antennas.

E. Only wireless communication providers with a valid master permit shall be eligible to apply for a right-of-way construction permit, which shall be required prior to installation of facilities within the City right-of-way and be in addition to other permits specified in this chapter.



Acceptable Structure-Mounted Macro Example



Unacceptable Structure-Mounted Macro Example

13-9-11 New monopole (macro wireless communications services facilities) standards.

A. To the greatest extent technically feasible, applicants for new monopole facilities must build mounts capable of accommodating at least one additional carrier.

B. No part of a monopole, antennas or antenna equipment may exceed the maximum height of the zone where the facility is located.

C. Monopoles must be completely shrouded. All antennas, equipment and cables must be concealed.

D. All monopole facilities must conform to the following site development standards:

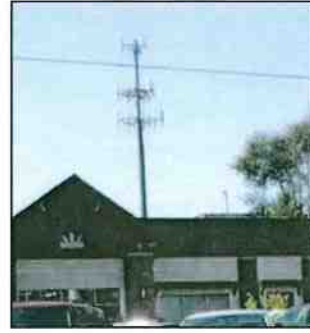
1. To the greatest extent possible, monopole facilities shall be located where existing trees, existing structures and other existing site features camouflage these facilities and/or stealth technology is utilized. [Stealth technology will be reviewed by the Architectural Design Board for compliance with Architectural Design Review \(ADR\) Guidelines.](#)

2. Existing mature vegetation should be retained to the greatest possible degree in order to help conceal the facility.

3. It is preferred that equipment enclosures on private property be underground; however, if there is no other feasible option but to locate the equipment enclosure above ground on private property, the equipment must be enclosed within an accessory structure which meets the setbacks of the underlying zone and be screened in accordance with this chapter. See OMC 13-9-4 for monopole prohibited locations.



Acceptable Monopole Macro Examples



Unacceptable Monopole Macro Example

13-9-12 Temporary facilities.

- A. The installation of a “cell-on-wheels” or COWs and the installation site shall comply with all applicable laws, statutes, requirements, rules, regulations, and codes, including, but not limited to, the adopted Building, Fire, and Electrical Codes.
- B. All COWs and related appurtenances sited for emergencies, shall be completely removed from the installation site within 30 days of the date of the end of the emergency as determined by the City Administrator or designee.

13-9-13 Small wireless communications services facilities standards (small cell).

Unlike macro facilities which are intended to provide wireless coverage over large areas, the goal of a small wireless deployment is to provide additional capacity in localized areas, including residential neighborhoods, using smaller antennas and equipment. The intent of this section is to describe the City’s location options for small cell deployments and provide appropriate design standards to ensure that the negative visual impacts of wireless facilities are minimized, and the City’s long-term goal of utility undergrounding is not frustrated.

- A. Permitted locations.
 - 1. Small cell attachments to buildings are permitted in any zone and are not subject to the dispersion requirement below.
 - 2. Dispersion Requirement: No two small wireless facilities shall be located within 300 lineal feet of each other as measured along the right-of-way line.
 - 3. Installations in the Mixed-Use Town Center and Mixed-Use Town Center North zones shall be limited to building attachments or through the replacement or new installation of a street light designed to contain a small wireless facility that complies with the adopted architectural design review guidelines.
- B. Location options.

Wireless providers shall attempt to site their small wireless communications services facilities pursuant to the following siting preferences (in descending order starting with the most preferred):

- 1. Outside the Right-of-Way / Private Property:
 - a. Roof-mounted on an existing building.
 - 1) Small cell facilities may be built to the maximum height of the

underlying zone provided they are screened consistent with the existing building in terms of color, architectural style and materials.

2) Such facilities must be concealed and well-integrated with the existing structure or designed and located to look like common rooftop elements such as chimneys, elevator penthouses or screened HVAC equipment.

3) Height exception. Antennas may be located on buildings that are nonconforming for height provided that, they are constructed to be no taller than the adjacent façade or an existing parapet. Equipment may be located on a roof behind a parapet that is nonconforming for height.

b. Façade-mounted on an existing building.

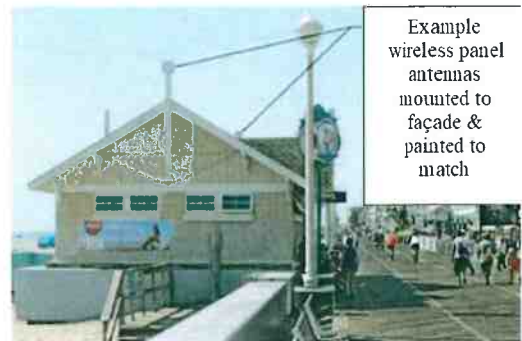
1) Small cell antennas may be mounted to the side of a building if they do not interrupt and are integrated with the building's architectural theme.

2) To the extent technically feasible, new architectural features such as columns, pilasters, corbels, or similar ornamentation that conceals the antennas should be used if it complements the architecture of the existing building.

3) If concealment is not feasible, the antennas must be camouflaged. The smallest feasible mounting brackets must be used, and the antennas must be painted and textured to match the adjacent building surfaces, to the extent technically feasible.

4) Façade-mounted antennas may encroach into a required setback. Antennas may not project into the right-of-way more than twelve (12) inches and shall provide a minimum clearance height of 20 feet over any pedestrian or vehicular right-of-way.

5) To the extent technically feasible, all other equipment must be located within the building,



screened by an existing parapet, or completely concealed and well-integrated with the existing structure or designed and located to look like common rooftop elements such as chimneys, elevator penthouses or screened HVAC equipment. Exposed cabling/wiring is prohibited.

6) Height exception. Antennas may be located on buildings that are nonconforming for height provided that, they are constructed to be no taller than the adjacent façade or an existing parapet. Equipment may be located on a roof behind a parapet that is nonconforming for height.

c. Freestanding small cell on private property

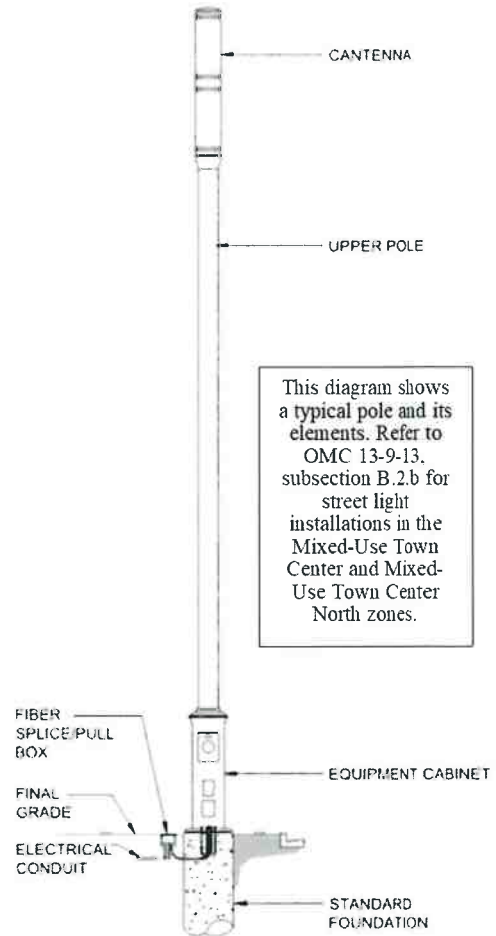
1) Dimensional requirements

a) A freestanding small cell may not exceed 50 feet in height measured from the top of the foundation to the top of the cantenna/antenna.

b) The cantenna/antenna must have a maximum outer diameter of 16 inches, to the extent technically feasible, and be tapered to transition from the upper pole.

2) Appearance requirements

- a) All small cell carrier equipment must be housed internal to the equipment cabinet or hidden within the cantenna/antenna. The cantenna/antenna, upper pole and equipment cabinet must be the same color, unless otherwise approved by the City.
- b) All hardware connections shall be hidden from view.
- c) To the extent technically feasible, no equipment may be attached to the outside of the pole.
- d) The freestanding small cell pole must be served by underground power and fiber, if fiber is to be connected.
- e) May provide space for future collocation by another provider inside the same freestanding small cell pole facilities.



3) Placement requirements. Freestanding small cells shall be located as follows, to the extent technically feasible:

- a) Located such that they in no way impede, obstruct, or hinder the usual pedestrian or vehicular travel, or violate applicable law.
- b) Outside the Residential Zones, Mixed-Use Town Center, and Mixed-Use Town Center North zones.
- c) Not to be located along the frontage of a Historic building, deemed historic on a federal, state, or local level.
- d) Not to significantly create a new obstruction to property sight lines.
- e) In alignment with existing trees, utility poles, and streetlights.
- f) With appropriate safety clearance from existing utilities.
- g) On the same side of the street as existing power lines, regardless of whether power is underground or overhead;
- h) No two freestanding small cell poles may be located within 300 lineal

feet of each other as measured along the right-of-way line.

2. Within the right-of-way - existing/replaced hollow street light pole or utility pole:

a. Installation of small wireless communications services facilities on street lights and utility poles shall comply with the requirements of Puget Sound Energy, as applicable.

b. Combination small cell and streetlight pole should be located where an existing streetlight pole can be utilized or removed and replaced with a pole that allows for small wireless facility installation in the same location.

c. Pole design shall match or be compatible with the aesthetics of existing streetlights installed adjacent to the pole. In the Mixed-Use Town Center and Mixed-Use Town Center North zones, poles designed to contain a small wireless facility shall comply with the adopted architectural design review guidelines.

d. A decorative transition shall be installed over the equipment cabinet upper bolts, or a decorative base cover shall be installed to match the equipment cabinet size.

e. An internal divider shall separate electrical wiring and fiber, per the pole owner.

f. Weatherproof grommets shall be integrated in the pole design to allow cable to exit the pole, for external shrouds, without water seeping into the pole.

g. For installations on existing street lights, the antenna shall either be fully concealed within the pole or placed on top of the pole. A cantenna/antenna on top of a pole shall be integrated into the pole design so that it appears as a continuation of the original pole, including colored or painted to match or be compatible with the pole. All cabling and mounting hardware/brackets from the bottom of the



antenna to the top of the pole shall be fully concealed and integrated with the pole, to the extent technically feasible.

h. Street light pole shall be located as follows, to the extent technically feasible:

1) In a manner that does not impede, obstruct, or hinder pedestrian or vehicular travel.

a) In alignment with existing trees, utility poles, and streetlights.

b) Within the street amenity zone wherever possible.

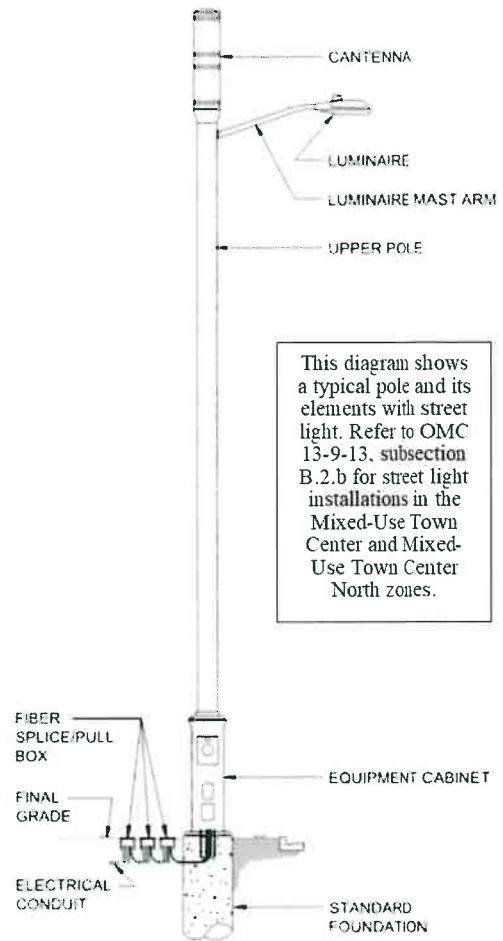
c) Equal distance between trees when possible, with a minimum of 15-foot separation such that no proposed disturbance shall occur within the critical root zone of any tree.

d) With appropriate clearance from existing utilities.

e) Outside the clear sight triangle, as determined by the City, at intersection corners.

f) 10-feet away from the intersection of an alley with a street.

2) All conduit, cables, wires and fiber must be routed internally in the light pole.



3. Within the right-of-way - existing single-phase power pole (installation on top of pole):

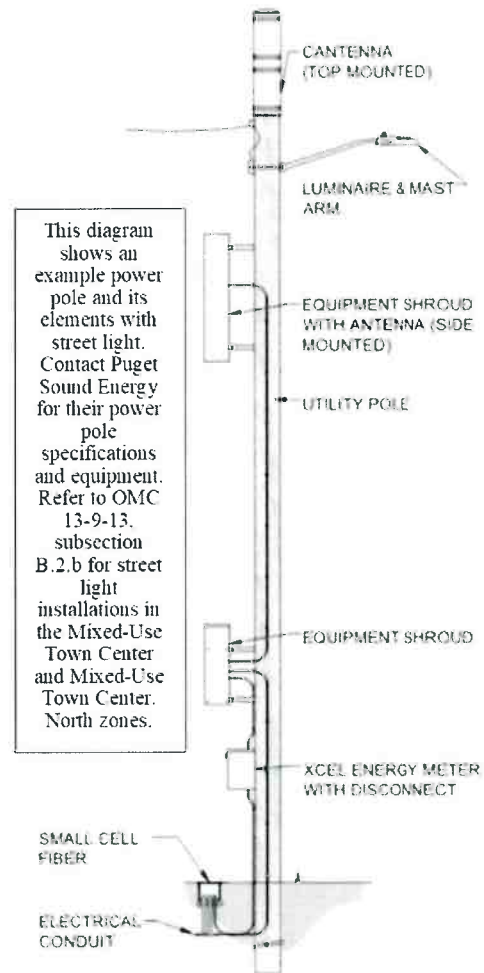
a. Installation of small wireless communications services facilities on existing single-phase power poles shall comply with the requirements of Puget Sound Energy.

b. A cantenna/antenna on top of a pole shall be integrated into the pole design so that it appears as a continuation of the original pole, including colored or painted to match or be compatible with the pole. All cabling and mounting hardware/brackets from the bottom of the antenna to the top of the pole shall be fully concealed and integrated with the pole, to the extent technically feasible.

c. Equipment enclosures and all ancillary equipment and boxes shall be colored or painted to match the color of the surface of the pole in which they are attached. All related equipment shall not be mounted more than five (5) inches from the surface of the pole, unless a further distance is technically required, and is confirmed in writing by the pole owner.

d. All cables and wires shall be routed through conduit along the outside of the pole. The outside conduit shall be colored or painted to match or be compatible with the color of the surface of the pole. The number of conduit shall be minimized to the number technically necessary to accommodate a small wireless facility.

e. An existing power pole in a proposed location may be replaced with a taller pole for the purpose of accommodating a small wireless facility; provided, that the height of any replacement pole may not exceed fifty (50) feet to the top of the antenna(s), or the maximum height allowed by the definition of “small wireless facility”, whichever is greater.



f. The replacement pole shall comply with the City's sidewalk clearance requirements and ADA requirements.

4. Within the right-of-way - freestanding small cell pole or new street light

a. Refer to OMC 13-9-13, subsections (B)(1)(c) for dimensional and appearance standards. Installation of small wireless communications services facilities on street lights shall comply with the requirements of Puget Sound Energy, as applicable.

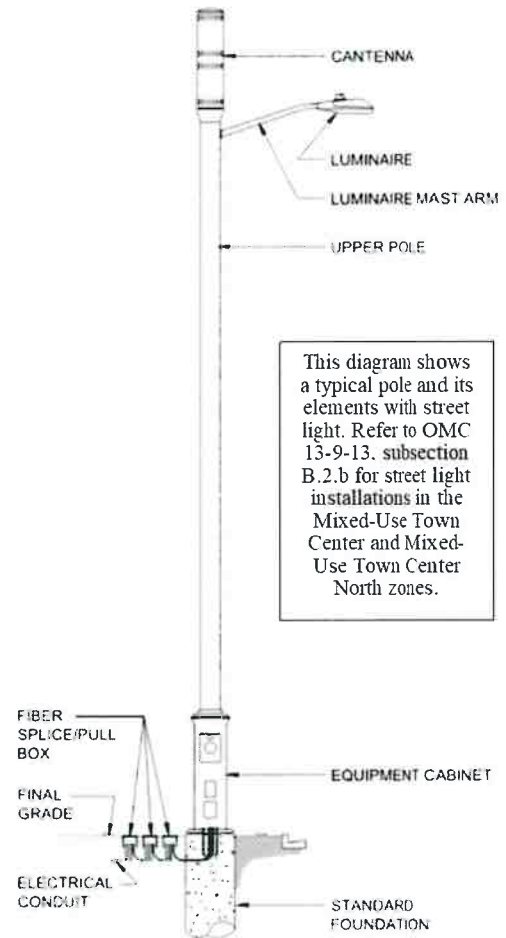
b. New street light. The replacement street light pole requirements are also applicable to the new street light option, except that a street light would be incorporated into the design of the facility. In addition, the following applies, to the extent technically feasible:

1) A street light shall not be installed unless it has been identified by the Public Works Director or designee that a street light is necessary at the location in which the small cell facility is proposed. A street light may be required to be installed instead of a freestanding pole.

2) In the Mixed-Use Town Center and Mixed-Use Town Center North zones, poles designed to contain a small wireless facility shall comply with the adopted architectural design review guidelines.

c. Placement requirements for freestanding small cell poles. Freestanding small cell poles shall be located in compliance with the following, to the extent technically feasible:

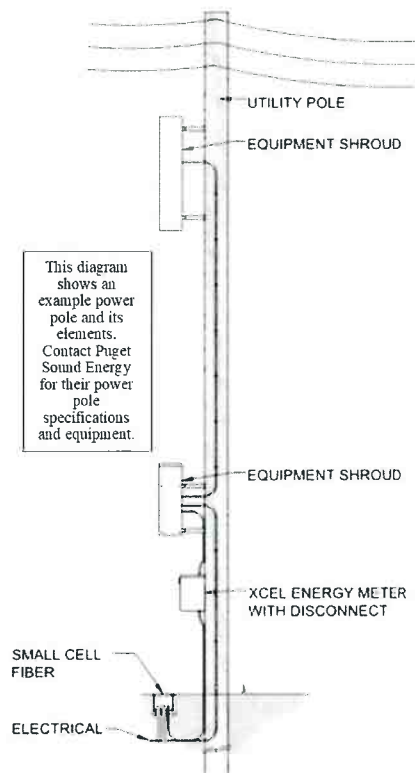
1) Located such that they in no way impede, obstruct, or hinder the usual pedestrian or vehicular travel, obstruct the legal access to or use of the public ROW, violate applicable law, violate or fail to substantially comply with public ROW design standards, specifications, or design district requirements, violate the Federal Americans with Disabilities Act of 1990, or in any way create a risk to public health, safety, or welfare.



- 2) Outside the Mixed-Use Town Center and Mixed-Use Town Center North zones.
- 3) Not to be located along the frontage of a Historic building, deemed historic on a federal, state, or local level.
- 4) Not to significantly create a new obstruction to property sight lines.
- 5) In alignment with existing trees, utility poles, and streetlights.
- 6) Within the street amenity zone wherever possible.
- 7) Equal distance between trees when possible, with a minimum of 15-foot separation such that no proposed disturbance shall occur within the critical root zone of any tree.
- 8) With appropriate clearance from existing utilities.
- 9) Outside the clear sight triangle, as determined by the City, at intersection corners.
- 10) 10-feet away from the intersection of an alley with a street.
- 11) On the same side of the street as existing power lines, regardless of whether power is underground or overhead;
- 12) No two freestanding small cell poles may be located within 300 lineal feet of each other as measured along the right-of-way line.

5. Within the right-of-way - existing power pole (installation below top of pole):

- a. Installation of small wireless communications services facilities on existing power poles shall comply with the requirements of Puget Sound Energy.
- b. Antennas should be placed in an effort to minimize visual clutter and obtrusiveness.
- c. The inside edge of a side mounted canister antenna/equipment shroud shall be no more than twelve (12) inches from the surface of the pole.
- d. Antennas and equipment located within a unified enclosure shall not exceed twenty eight (28) cubic feet. To the extent possible, the unified enclosure shall be placed so as to appear as an integrated part of the pole or behind banners or signs.
- e. The unified enclosure may not be placed more than six (6) inches from the surface of the pole, unless a further



distance is technically required and confirmed in writing by the pole owner.

f. Equipment enclosures and all ancillary equipment and boxes shall be colored or painted to match the color of the surface of the pole in which they are attached. All related equipment shall not be mounted more than six (6) inches from the surface of the pole, unless a further distance is technically required, and is confirmed in writing by the pole owner.

g. All cables and wires shall be routed through conduit along the outside of the pole. The outside conduit shall be colored or painted to match the color of the surface of the pole. The number of conduit shall be minimized to the number technically necessary to accommodate a small wireless facility.

h. An existing power pole in a proposed location may be replaced with a taller pole for the purpose of accommodating a small wireless facility; provided, that the height of any replacement pole may not extend more than ten (10) feet above the height of the existing pole, or the maximum height allowed by the definition of "small wireless facility," whichever is greater, unless a further height increase is required and confirmed in writing by the pole owner and that such height increase is the minimum extension possible to provide sufficient separation and/or clearance from electrical and wireline facilities.

i. The replacement pole shall comply with the City's sidewalk clearance requirements and ADA requirements.

6. Within the right-of-way – strand-mounted

a. Installation of small wireless communications services facilities mounted on cables strung between existing utility poles shall comply with the requirements of Puget Sound Energy.

b. Each strand mounted antenna shall not exceed three (3) cubic feet in volume.

c. Only two strand mounted facilities are permitted between any two existing poles.

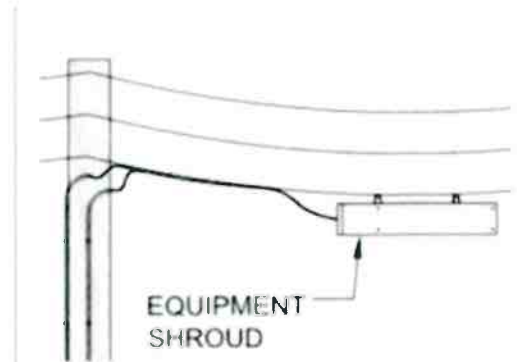
d. The strand mounted devices shall be placed as close as possible to the nearest utility pole, in no event more than five (5) feet from the pole unless a greater distance is technically necessary or required for safety clearance and confirmed in writing by the pole owner.

e. No strand mounted device shall be located in or above the portion of the roadway open to vehicular traffic.

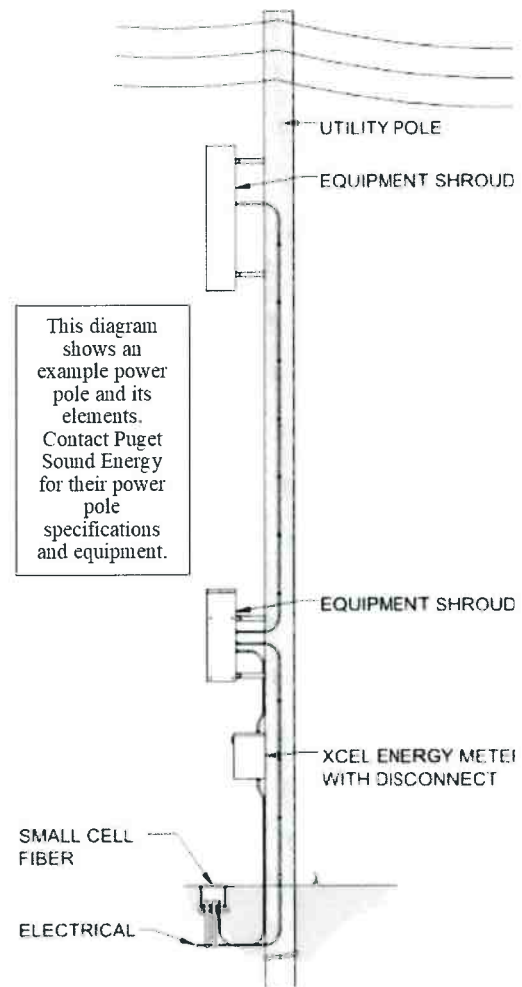
f. Ground mounted equipment to accommodate such strand mounted facilities is not permitted, except when placed in pre-existing equipment cabinets, underground or on zoned property or when required by another party, such as an electrical meter.

g. Pole mounted equipment enclosures and all ancillary equipment and boxes shall be colored or painted to match the color of the surface of the pole in which they are attached. All related equipment shall not be mounted more than six (6) inches from the surface of the pole, unless a further distance is technically required, and is confirmed in writing by the pole owner.

1) All cables and wires shall be routed through conduit along the outside of the pole. The outside conduit shall be colored or painted to match the color of the surface of the pole. The number of conduit shall be minimized to the number



This graphic is intended to represent an example strand mount antenna. Contact Puget Sound Energy for their specifications and equipment requirements / allowances.



This diagram shows an example power pole and its elements. Contact Puget Sound Energy for their power pole specifications and equipment.

technically necessary to
accommodate a small cell wireless
facility

h. Such strand mounted devices must be installed with the minimum excess exterior cabling or wires (other than the original strand) necessary to meet the technological needs of the facility.

C. Location preference criteria.

A proposed small wireless facility location shall only be allowed in a lower ranking location as provided in the location hierarchy in subsection B above, if the applicant can demonstrate that all higher-ranking locations are not technically feasible to locate the particular small wireless facility.

D. Small wireless facility general standards.

1. Ground mounted equipment in the rights-of-way is prohibited, unless such facilities are placed underground, or the applicant can demonstrate that pole mounted or undergrounded equipment is technically infeasible. If ground mounted equipment is necessary, then the applicant must submit a plan of how the equipment will be concealed that is consistent with these standards. Generators located in the rights-of-way are prohibited.

2. No equipment shall be operated to produce noise in violation of Chapter 5-8 OMC.

3. Replacement poles, new poles, and all equipment shall comply with the Americans with Disabilities Act (“ADA”), city construction and sidewalk clearance standards, and state and federal regulations in order to provide a clear and safe passage within the rights-of-way.

4. Replacement poles shall be located as near as possible to the existing pole with the requirement to remove the abandoned pole.

5. The design criteria as applicable to small wireless facilities described herein shall be considered concealment elements and such small cell facilities may only be expanded upon through an eligible facilities request described in Section 13-9-8 OMC, when the modification does not defeat the concealment elements of the facility.

6. No signage, message, or identification other than the manufacturer’s identification or identification required by governing law is allowed to be portrayed on any antenna, and any such signage on equipment enclosures shall be of the minimum amount possible to achieve the intended purpose; provided, that signs are permitted as concealment techniques where appropriate.

7. Antennas and related equipment may not be illuminated except for security reasons, required by a federal or state authority, or unless approved as part of a concealment element plan.

8. Side arm mounts for antennas or equipment are prohibited.

13-9-14 Abandonment or discontinuation of use.

- A. At such time that a licensed carrier plans to abandon or discontinue operation of a wireless communications services facility, such carrier will notify the City by certified U.S. Mail of the proposed date of abandonment or discontinuation of operations. Such notice shall be given no less than 30 days prior to abandonment or discontinuation of operations.
- B. In the event that a licensed carrier fails to give such notice, the wireless communications services facilities shall be considered abandoned upon the discovery of such discontinuation of operations.
- C. Within 90 days from the date of abandonment or discontinuation of use, the carrier shall physically remove the wireless communications services facilities. “Physically remove” shall include, but not be limited to:
 - 1. Removal of antennas, mounts or racks, the equipment enclosure, screening, cabling and the like from the subject property.
 - 2. Transportation of the materials removed to a repository outside of the City.
 - 3. Restoration of the wireless communications services facilities site to its pre-permit condition, as determined by the City, and that any landscaping provided by the wireless communications services facilities operator may remain in place.
 - 4. If a carrier fails to remove a wireless communications services facility in accordance with this section, the City shall have the authority to enter the subject property and physically remove the facility. Costs for removal of the wireless communications services facility shall be charged to the wireless communications services facilities owner or operator in the event the City removes the facility.

13-9-15 Maintenance.

- A. The applicant shall maintain the wireless communications services facility to standards that may be imposed by the City by ordinance or through a permit condition. Such maintenance shall include, but not be limited to, repair of damaged shrouds or enclosures, painting, structural integrity, and landscaping.
- B. In the event the applicant fails to maintain the facility, the City of Orting may undertake enforcement action as allowed by existing codes and regulations.

13-9-16 Definitions.

- A. Antenna(s). Any apparatus designed for the purpose of emitting radiofrequency (RF) radiation, to be operated or operating from a fixed location pursuant to Commission authorization, for the provision of personal wireless service and any commingled information services.
- B. “Cell-on-wheels (COW)” are used to provide temporary service, usually for special events, before the installation of a permanent wireless site, or in emergencies.
- C. “Co-location” means the mounting or installation of an antenna on an existing tower, building or structure for the purpose of transmitting and/or receiving radio frequency signals for communications purposes, whether or not there is an existing antenna on the structure.

D. Concealed facility. A wireless communications services facility where: (A) the antennas, mounting apparatus, and any associated equipment are fully recessed/concealed from all sides with a structure that achieves total integration with the existing building or structure; and (B) all cable is routed internally or completely screened from view; and (C) the associated equipment is completely within the building or structure, placed in an underground vault, or is within another element such as a bench, mail box or kiosk.

E. “Distributed antenna system (DAS)” is a network of spatially separated antenna sites connected to a common source that provides wireless service within a discrete geographic area or structure.

F. Equipment. Any equipment, switches, wiring, cabling, power sources, shelters or cabinets associated with an antenna, located at the same fixed location as the antenna, and, when collocated on a structure, is mounted or installed at the same time as such antenna.

G. “Freestanding small cell pole” is a freestanding structure which consists of a single vertical pole, fixed into the ground and/or attached to a foundation built for the sole purpose of supporting small wireless antennas and associated equipment.

H. “Guyed tower” means a monopole or lattice tower that is tied to the ground or other surface by diagonal cables.

I. “Lattice tower” is a wireless communication support structure which consists of metal crossed strips or bars to support antennas and related equipment.

J. “Licensed carrier” is a company authorized by the Federal Communications Commission to build and operate a commercial mobile radio services system.

K. Macro cell facility (macro facility). A large wireless communications services facility that provides radio frequency coverage served by a high-power cellular system. Generally, macro cell antennas are mounted on ground-based towers, rooftops and other existing structures, at a height that provides a clear view over the surrounding buildings and terrain. Macro cell facilities typically contain antennas that are greater than three (3) cubic feet per antenna and typically cover large geographic areas with relatively high capacity and are capable of hosting multiple wireless service providers.

L. “Monopole” means a freestanding structure which consists of a single vertical pole, fixed into the ground and/or attached to a foundation with no guy wires built for the sole or primary purpose of supporting macro antennas and their associated equipment.

M. Poles. Utility poles, light poles or other types of poles, used primarily to support electrical wires, telephone wires, television cable, lighting, or guide posts; or are constructed for the sole purpose of supporting wireless communications services facilities.

N. “Satellite earth station antenna” includes any antenna in any zoning district that:

1. Is designed to receive direct broadcast satellite service, including direct-to-home satellite services, and that is one meter or less in diameter;
2. Is two meters or less in diameter in areas where commercial or industrial uses are generally permitted;
3. Is designed to receive programming services by means of multi-point distribution

services, instructional television fixed services, and local multi-point distribution services, that is one meter or less in diameter or diagonal measurement; and

4. Is designed to receive television broadcast signals.

O. Small wireless facility (or small cell node / small cell facility). A wireless facility that meets each of the following conditions:

1. The facilities:

a. Are mounted on structures 50 feet or less in height including their antennas, or

b. Are mounted on structures no more than 10 percent taller than other adjacent structures, or

c. Do not extend existing structures on which they are located to a height of more than 50 feet or by more than 10 percent, whichever is greater;

2. Each antenna associated with the deployment, excluding antenna equipment, is not more than three cubic feet in volume;

3. All other wireless equipment associated with the structure, including the wireless equipment associated with the antenna and any pre-existing associated equipment on the structure, is no more than 28 cubic feet in volume;

4. The facilities do not require antenna structure registration under FCC rule;

5. The facilities do not result in human exposure to radiofrequency radiation in excess of the applicable safety standards specified by FCC rule.

P. “Unlicensed wireless services” means the offering of communications services using duly authorized devices which do not require individual licenses but does not mean the provision of direct- to-home satellite services.

O. Wireless communications services facilities / wireless communications facility (WCF) means an unstaffed facility for the transmission and reception of radio or microwave signals used for commercial communications. A WCF provides services which include cellular phone, personal communication services, other mobile radio services, and any other service provided by wireless common carriers licensed by the Federal Communications Commission (FCC). WCFs are composed of two or more of the following components:

- Antenna;
- Mount;
- Equipment enclosure;
- Security barrier.

R. Wireless communications services facilities / wireless communications facility (WCF), “building-mounted” means a wireless communications services facility mounted to the roof, wall or chimney of a building.

S. Wireless communications services facilities / wireless communications facility (WCF), “camouflaged” means a wireless communications services facility that is disguised, hidden, or integrated with an existing structure that is not a monopole, guyed or lattice tower, or placed

within an existing or proposed structure.

T. Wireless communications services facilities / wireless communications facility (WCF), “equipment enclosure” means a small structure, shelter, cabinet, or vault used to house and protect the electronic equipment necessary for processing wireless communication signals. Associated equipment may include air conditioning and emergency generators.

U. Wireless communications services facilities / wireless communications facility (WCF), “related equipment” is all equipment ancillary to a wireless communications services facilities such as coaxial cable, GPS receivers, conduit and connectors.

V. Wireless communications services facilities / wireless communications facility (WCF), “structure-mounted” means a wireless communications services facility located on structures other than buildings, such as light poles, utility poles, flag poles, transformers, and/or tanks.

W. “Wireless communication services” means any personal wireless services as defined in the Federal Telecommunications Act of 1996, including federally licensed wireless communications services consisting of cellular services, personal communications services (PCS), specialized mobile radio services (SMR), enhanced specialized mobile radio services (ESMR), paging, and similar services that currently exist or that may be developed in the future.



City of Orting
PO Box 489
Orting, WA 98360
Website: www.cityoforting.org

STATE ENVIRONMENTAL POLICY ACT - WAC 197-11-970

Determination of Non-Significance (DNS)

DESCRIPTION OF PROPOSAL:	The proposal is a non-project, City of Orting Wireless Communications Services Facilities (WCF) Ordinance		
AGENCY FILE NUMBER:			
PROPONENT:	City of Orting, WA		
LOCATION OF PROPOSAL:	Applicable within the City of Orting municipal boundaries		
LEAD AGENCY:	City of Orting		
<p>The lead agency has determined that the requirements for environmental analysis and protection have been adequately addressed in the development regulations and comprehensive plan and in other applicable local, state, or federal laws or rules, as provided by RCW 43.21C.240 and WAC 197-11-158 and or mitigating measures have been applied that ensure no significant adverse impacts will be created.</p> <p>An environmental impact statement is not required under RCW 43.21C.030(2)(c). This decision was made after review of a completed environmental checklist and other information on file with the lead agency. This information is available to the public on request.</p>			
AGENCY CONTACT:	Emily Terrell, AICP Sound Municipal Consultants 906 Wood Avenue, Sumner, WA 98390 Email: Emily@soundmunicipal.com , Phone: 253-709-6044		
APPLICANT/ PROPONENT:	City of Orting, WA		
<p>This DNS is issued under WAC 197-11-340(2) and the comment period will end 14 days after issuance of this DNS. Comment Deadline: <u>August 16, 2019</u></p> <p><input type="checkbox"/> There is no comment period for this DNS.</p> <p>All procedural and substantive SEPA appeals shall be filed pursuant to OMC 15-14-7-5: SEPA APPEALS.</p>			
RESPONSIBLE OFFICIAL:	City Administrator or his/her authorized designee Mark Bethune City of Orting City Administrator Orting City Hall, 110 Train St SE, Orting, WA 98360 Email: MBethune@cityoforting.org , Phone: (360) 893-2219 ext. 115		
DNS ISSUANCE DATE:	7/30/19	SIGNATURE:	Mark Bethune

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
September 11th, 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. Deputy Mayor Hogan led the pledge of allegiance.

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

Absent: Councilmember Kelly.

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

Councilmember Pestinger made a motion to excuse Councilmember Kelly. Second by Councilmember McDonald. Motion passed (6-0).

REQUEST FOR ADDITIONS OR CORRECTIONS TO THE AGENDA.

None

2. PUBLIC COMMENTS

Jim Bradley:

Mr. Bradley an Orting resident of 50 years, explained that he has a fish hatchery and the water has been so low that the salmon are dying before they reach their destination. He asked the City if they could release some water so that the salmon can lay their eggs. They need 4 inches of water to survive. This is the first time in 30 years this has happened. He would like the water released for the next 2-3 weeks.

3. PUBLIC HEARING

A. AB19-46- Ordinance No. 2019-1040, an Ordinance of the City Of Orting, Washington, Relating To Land Use and Zoning; Adopting Amendments to the Comprehensive Plan.

- **Mark Bethune**

Mayor Penner opened the hearing at 7:08pm. The Mayor announced the title and read the rules for the public hearing. Roger Waggoner, Planner briefed on the items prepared for consideration which were the amendments to the City's Comprehensive Plan and related amendments to the zoning code, OMC Title 13.

Proposed Ordinance No. 2019-1040, and its attachments addressed the following:

- (1) Transportation Improvement Program Update by Parametrix;
- (2) Updated Land Use and Zoning Map to re-designate the RU-L zone to RU;
- (3) Amendments to Comprehensive Plan text; and
- (4) Amendments to OMC Title 13, zoning code.

The purpose of the hearing was to take public testimony. The Planning Commission and staff are in agreement as to 1, 2, and 3, but differ on the text of item 4.

Public Comments

(Council meetings are taped and verbatim comments are on the City's website).

Bonnie Walkup- (For the Wang's)

Ms. Walkup read a letter from Mr. Wang. Mr. Wang which addressed the Southwest Connector-Whitehawk bypass as part of the Orting Transportation plan. They requested that the City use an alternate route which runs along the levee exiting Calistoga at Skinner Way.

Bonnie Walkup

Is opposed to the Southwest connector-Whitehawk bypass which is in the transportation plan that will impact the Wang property.

Joyce Rosen

Ms. Rosen is opposed to apartments going in north of the high school. She wants roads to go in first.

Vicki Williams

Ms. Williams stated that the City does not need additional retail. She prefers light industrial. Wants the City and the citizen and the schools to all work together on this. Wants to take more time to evaluate.

John Williams

Mr. Williams asked Council to consider dropping the proposed amendments for now. He asked the City to think outside the box. He is in favor of more light industrial and commercial which bring jobs and money.

John Goodman

Mr. Goodman advocated for light industrial, and commercial space. He is also opposed to the Southwest Connector-Whitehawk bypass due to the impact to the Wang's property.

Danica Benning

Would like to see something being developed that will provide jobs. Feels that her safety will be compromised with the development. Concerned that fire will not be able to get thru the City in a timely manner due to increased vehicle traffic. She also feels that the Police can't stretch enough to meet the demand of more people. She also is in favor of 5 acres of contiguous park space.

Richard Mordini

Mr. Mordini stated he wanted the Council to take comments of citizens into account. Wants Council to consider happiness of its citizens. He read an article related to happier communities. He stated quality of life is impacted by development which brings with it additional traffic, and overcrowding of schools.

Sunny Jo Fritz

She is opposed to future development which may bring with it additional apartments. She stated the City's infrastructure cannot support multi-tenant housing. She wants the City to stop increased growth. She would like the Council to work on the Planning Commission's recommendation.

JoAnn Spacey

Ms. Spacey is a teacher at the Orting School District and is also a resident. She is opposed to development, and does not want apartments going in. She stated that additional apartments in Fife have had a negative impact on that community.

Lisa Leonard

Ms. Leonard is opposed to new development, apartments, and more people coming to Orting. She is concerned about additional children being able to escape should a Lahar take place.

Jennifer Bradley

Ms. Bradley spoke about all the change in Orting. Wants everyone to look in to the Real Estate Agencies who have been getting paid. She stated the people who built past housing and killed people may be the same ones who want to build apartments.

Laura Fischer

Ms. Fischer stated she is a 30 year resident and begged for no apartments to go in. She stated that the school is in crisis and cannot take any more kids. She is also concerned about the Lahar and the safety of children.

Dale Reed

Mr. Reed stated that 100% of the people are against new development.

Greg Slaughter

Mr. Slaughter told the Council that they were elected by the citizens to do what the citizens wanted, and their opinions did not matter. He asked them to listen and do what the people elected them to do.

Lisa Johnson

Ms. Johnson’s letter was read in to the record.

Desiree Albrecht

Ms. Albrecht’s letter was read into the record.

Jeff Wuestenhoefer

Mr. Wuestenhoefer’s letter was read into record.

Council comments/questions followed.

Mayor Penner closed the hearing at 8:08pm.

4. REPORTS FROM 2019 GRANT RECIPIENTS

Representatives from the following agencies gave a report to the Council on the past year and their requests for 2020.

- Chamber of Commerce- Daffodil Float
- Food Bank
- Farmers Market
- Historical Society
- Opportunity Center/Haven
- Recovery Café
- Senior Center

Requests for Consent Agenda Items to Be Pulled For Discussion

None

5. CONSENT AGENDA

- A. Study Session Meeting Minutes of August 21st, 2019.
- B. Regular Meeting Minutes of August 28th, 2019.
- C. Payroll and Claims Warrants.
- D. AB19-57- To Approve Resolution No. 2019-24, a Resolution of the City Of Orting, Washington, Declaring a Public Purpose and Authorizing City Sponsorship of Orting Red Hat Days.

Councilmember Pestinger made a motion to approve Consent Agenda as prepared. Second by Deputy Mayor Hogan. Motion passed (6-0).

6. COMMISSION REPORTS

- Planning Commission
No report.

7. EXECUTIVE SESSION

No Executive Session.

9. ADJOURNMENT

Councilmember Gunther made a motion to Adjourn. Second by Deputy Mayor Hogan. Motion passed (6-0).

Mayor Penner adjourned the meeting at 8:36pm.

ATTEST:

Jane Montgomery, City Clerk, CMC

Joshua Penner, Mayor

VOUCHER/WARRANT REGISTER
FOR SEPTEMBER 25, 2019, 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 #47725 THRU #47781
IN THE AMOUNT OF \$ 357,625.60
EFT \$21,980.77

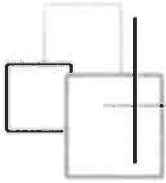
PAYROLL WARRANTS # 23571 THRU #23573 = \$ 18,218.54
EFT \$ 99,428.00
IN THE AMOUNT OF \$ 140,815.98
Carry Over \$ 23,169.44

ARE APPROVED FOR PAYMENT ON SEPTEMBER 25, 2019

COUNCILPERSON _____

COUNCILPERSON _____

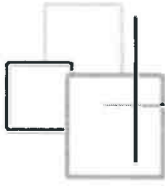
CITY CLERK _____



Fund Transaction Summary

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

Fund Number	Description	Amount
001	Current Expense	\$69,558.03
101	City Streets	\$8,618.50
104	Cemetery	\$1,065.27
105	Parks Department	\$772.59
304	City Hall Construction	\$784.19
401	Water	\$233,082.47
408	Wastewater	\$25,195.70
410	Stormwater	\$8,409.24
412	Utility Land Acquisition	\$10,139.61
	Count: 9	\$357,625.60

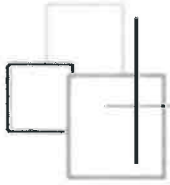


Register

Fiscal: 2019
 Deposit Period: 2019 - SEPTEMBER 2019
 Check Period: 2019 - SEPTEMBER 2019 - 2nd Council

Number	Name	Print Date	Clearing Date	Amount
Key Bank Check EFT-Aug 2019 MasterCard	0032707010 Keybank-MasterCard	9/11/2019	9/12/2019	\$21,980.77
		Total	Check	\$21,980.77
		Total	0032707010	\$21,980.77
Key Bank Check	2000073			
<u>47725</u>	Bhc Consultants	9/12/2019		\$754.06
<u>47726</u>	BlueTarp Credit Services	9/12/2019	9/16/2019	\$1,083.36
<u>47727</u>	Brisco Inc.	9/12/2019		\$452.56
<u>47728</u>	Canonica, Steven	9/12/2019		\$122.13
<u>47729</u>	Culligan Seattle WA	9/12/2019	9/16/2019	\$27.72
<u>47730</u>	Department of Enterprise Services-Financial Office	9/12/2019		\$109.30
<u>47731</u>	Department of Health-Office of Drinking Water	9/12/2019		\$223,806.78
<u>47732</u>	Ford Motor Credit Company LLC	9/12/2019	9/16/2019	\$2,981.03
<u>47733</u>	Hernandez, Johnny	9/12/2019		\$1,295.59
<u>47734</u>	Konica Minolta Business-Usa Inc	9/12/2019		\$187.41
<u>47735</u>	Korum Automotive Group	9/12/2019		\$767.66
<u>47736</u>	Larsen Sign Co	9/12/2019		\$1,055.04
<u>47737</u>	Nisqually Indian Tribe	9/12/2019		\$402.50
<u>47738</u>	Office Depot	9/12/2019		\$178.13
<u>47739</u>	Popular Networks, Llc	9/12/2019	9/16/2019	\$4,915.77
<u>47740</u>	Puget Sound Energy	9/12/2019		\$5,119.79
<u>47741</u>	Tacoma News INC	9/12/2019		\$890.74
<u>47742</u>	The Rusty Rack Guy's	9/12/2019	9/16/2019	\$2,648.59
<u>47743</u>	The Walls Law Firm	9/12/2019		\$1,875.00
<u>47744</u>	Utilities Underground Location Center	9/12/2019		\$86.24
<u>47745</u>	ACRnet CBS Branch	9/25/2019		\$63.00
<u>47746</u>	Aqua-Aerobic Systems, Inc	9/25/2019		\$3,640.00
<u>47747</u>	Automatic Wilbert Vault	9/25/2019		\$392.39
<u>47748</u>	Big J'S Outdoor Store	9/25/2019		\$1,519.69
<u>47749</u>	Business Solutions Center	9/25/2019		\$38.24
<u>47750</u>	Cassatt, Mike	9/25/2019		\$22.07
<u>47751</u>	Cintas Corporation #461	9/25/2019		\$220.08
<u>47752</u>	Combs Testing Serivcie	9/25/2019		\$163.95
<u>47753</u>	Comcast	9/25/2019		\$21.10

Number	Name	Print Date	Clearing Date	Amount
<u>47754</u>	Cope's Orting Pharmacy (C	9/25/2019		\$10.48
<u>47755</u>	Cornerstone Electric, Inc	9/25/2019		\$2,027.52
<u>47756</u>	Crystal & Sierra Springs	9/25/2019		\$101.54
<u>47757</u>	Deffit, Luis	9/25/2019		\$183.51
<u>47758</u>	DM Disposal Co., Inc	9/25/2019		\$1,788.22
<u>47759</u>	Drain-Pro INC	9/25/2019		\$1,029.53
<u>47760</u>	Enumclaw, City of	9/25/2019		\$2,340.00
<u>47761</u>	Environmental Systems Research Institute INC	9/25/2019		\$3,825.50
<u>47762</u>	Ewing, Pete	9/25/2019		\$149.84
<u>47763</u>	Federal Eastern International	9/25/2019		\$2,100.64
<u>47764</u>	Ford Motor Credit Company LLC	9/25/2019		\$1,103.78
<u>47765</u>	Galls LLC	9/25/2019		\$772.79
<u>47766</u>	LN Curtis & Son	9/25/2019		\$3,937.54
<u>47767</u>	Montgomery, Jane	9/25/2019		\$49.33
<u>47768</u>	Orting Chamber of Commerce	9/25/2019		\$200.00
<u>47769</u>	Pitney Bowes Purchase Power	9/25/2019		\$980.80
<u>47770</u>	Popular Networks, Llc	9/25/2019		\$4,921.24
<u>47771</u>	Puget Sound Energy	9/25/2019		\$14,918.93
<u>47772</u>	Sarco Supply	9/25/2019		\$108.78
<u>47773</u>	Saybr Contractors INC	9/25/2019		\$31,290.00
<u>47774</u>	Schwab, Erica	9/25/2019		\$260.31
<u>47775</u>	Scientific Supply & Equip	9/25/2019		\$343.10
<u>47776</u>	Sound Uniform Solutions	9/25/2019		\$69.98
<u>47777</u>	Tacoma News INC	9/25/2019		\$1,257.79
<u>47778</u>	Vermeer Northwest	9/25/2019		\$189.58
<u>47779</u>	Vision Forms LLC	9/25/2019		\$2,315.62
<u>47780</u>	Wa. State Dept. of Ecolog	9/25/2019		\$3,490.56
<u>47781</u>	Main Street Realty & Management Inc	9/20/2019		\$1,038.00
		Total	Check	\$335,644.83
		Total	2000073	\$335,644.83
		Grand Total		\$357,625.60



Custom Council Report

Vendor	Number	Invoice	Account Number	Notes	Amount
ACRnet CBS Branch	47745	11685-Sept 2019	001-518-10-41-01	Backgorund Check-Spears	\$63.00
				Total	\$63.00
Aqua-Aerobic Systems, Inc	47746	1021417	408-535-50-48-02	EPDM Membrane Sleeve-WWTP	\$3,640.00
				Total	\$3,640.00
Automatic Wilbert Vault	47747	62130	104-536-20-34-00	Grave Liner-Curry Services	\$392.39
				Total	\$392.39
Bhc Consultants	47725	0011182	001-558-60-41-05	Planning Consultants-Shoreling Plan Update	\$537.08
		0011336	001-558-60-41-02	Planning Consultants	\$216.98
				Total	\$754.06
Big J'S Outdoor Store	47748	SEPT2019-407	001-521-20-31-06	Ammunition	\$109.15
			001-521-20-31-06	Ammunition	\$140.95
			001-521-20-31-06	Ammunition	\$371.60
			001-521-50-48-04	Govtec Rails	\$41.29
			001-521-50-48-04	Rails Riffle	\$43.26
			001-594-21-64-49	SIG 9MM	\$491.84
			408-535-10-31-05	Rain Gear-Huffman	\$112.12
			408-535-10-31-05	Rain Gear-Elder	\$124.91
			410-531-38-31-00	Pants for-Nale	\$84.57
				Total	\$1,519.69
BlueTarp Credit Services	47726	F92909/3	412-594-38-62-01	Hoses & Sprinkler	\$142.04
		F94386/3	410-531-38-35-00	1691985 - Lease Payment #11 - 3-2018 Ford Interceptor-8487901	\$587.71
		F94419/3	401-534-50-48-03	Supplies for New PW Shop	\$15.06
			408-535-50-48-03	Supplies for New PW Shop	\$15.06
		F94421/3	410-531-38-35-00	Sledge Hammer	\$41.52
		F96904/3	001-514-21-48-01	New Toilet for City Hall	\$281.97
				Total	\$1,083.36
Brisco Inc.	47727	SEPT2019-301	001-524-20-32-01	Fuel Buiding	\$48.00

Vendor	Number	Invoice	Account Number	Notes	Amount
Brisco Inc.	47727	SEPT2019-301	401-534-80-32-00	Fuel Water	\$45.00
			401-534-80-32-00	Fuel Water	\$300.00
			401-534-80-32-01	Fuel Sewer	\$59.56
				Total	\$452.56
Business Solutions Center	47749	107265	001-513-10-31-00	Business Cards-Emily Adams-City Planner	\$38.24
				Total	\$38.24
Canonica, Steven	47728	2609	401-534-90-49-00	Meals-Mileage-Parking & Toll Fee-Evergreen Rurual Water Training	\$61.06
			408-535-90-49-00	Meals-Mileage-Parking & Toll Fee-Evergreen Rurual Water Training	\$61.07
			Total	\$122.13	
Cassatt, Mike	47750	4560-Parking	001-521-21-31-01	Parking Fee for Background Check	\$22.07
				Total	\$22.07
Cintas Corporation #461	47751	4030282966	408-535-60-48-04	Cleaning of City Park Restrooms	\$220.08
				Total	\$220.08
Combs Testing Serivcie	47752	506-401 Washington	401-534-50-48-02	401	\$163.95
				Total	\$163.95
Comcast	47753	5839-Sept2019	001-514-23-42-00	City Hall Cable	\$5.28
			001-524-20-31-00	City Hall Cable	\$5.27
			401-534-10-42-01	City Hall Cable	\$5.28
			408-535-10-42-01	City Hall Cable	\$5.27
			Total	\$21.10	
Cope's Orting Pharmacy (C	47754	Sept2019-400	401-534-10-31-00		\$10.48
				Total	\$10.48
Cornerstone Electric, Inc	47755	Sept2019-402	408-535-50-48-04	Rainier Meadows-Pump Motor 1 Seal Fail Sensor	\$273.25
		Sept2019-403	401-534-50-48-03	New LED Light & Pole-PW Shop & WWTP	\$584.76
			408-535-50-48-03	New LED Light & Pole-PW Shop & WWTP	\$584.75
			410-531-38-48-00	New LED Light & Pole-PW Shop & WWTP	\$584.76
		Total	\$2,027.52		
Crystal & Sierra Springs	47756	5225720 091419	401-534-10-31-00	Water for Public Works	\$57.05

Vendor	Number	Invoice	Account Number	Notes	Amount
Crystal & Sierra Springs	47756	5225720 091419	408-535-10-31-00	Water for Public Works	\$44.49
				Total	\$101.54
Culligan Seattle WA47729		0501458	001-524-20-31-00	Water for PD	\$27.72
				Total	\$27.72
Deffit, Luis	47757	6812	001-521-20-31-01	Boots for Officer Deffit	\$163.95
		6812-2	001-521-50-48-04	Bike Tube & Repair Kit	\$19.56
		Total	\$183.51		
Department of Enterprise Services-Financial Office	47730	15118754	001-514-23-31-02	2-Moblie Smartboards	\$54.67
			401-534-10-31-00	2-Moblie Smartboards	\$18.21
			408-535-10-31-00	2-Moblie Smartboards	\$18.21
			410-531-38-31-00	2-Moblie Smartboards	\$18.21
			Total	\$109.30	
Department of Health-Office of Drinking Water	47731	00-652120-018/1135	401-591-34-78-01	DWSRF Harman/Wingate-00-652120-018/1135	\$30,655.23
			401-592-34-83-01	DWSRF Harman/Wingate-00-652120-018/1135	\$2,299.14
		DM09-952-022/1360	401-591-34-78-02	DWSRF North Reservoir-DM09-952-022/1360	\$163,821.81
		401-592-34-83-02	DWSRF North Reservoir-DM09-952-022/1360	\$27,030.60	
		Total	\$223,806.78		
DM Disposal Co., Inc	47758	8671091	408-535-60-47-00	WWTP-Garbage Service	\$1,205.41
		8695066	408-535-60-47-00	PW Shop-Garbage Service	\$582.81
		Total	\$1,788.22		
Drain-Pro INC	47759	59695	408-535-60-48-04	Honey Bucket Rental-Gratzer Park	\$155.00
		59696	408-535-60-48-04	Honey Bucket Service -Cemetery	\$85.24
		59697	408-535-60-48-04	Honey Bucket Service & Rental	\$97.82
		59698	408-535-60-48-04	Honey Bucket Service-Main Park	\$195.65
		59699	408-535-60-48-04	Honey Bucket Service- Calisotga & Skinner	\$97.82

Vendor	Number	Invoice	Account Number	Notes	Amount
Drain-Pro INC	47759	59700	408-535-60-48-04	Honey Bucket Rental-Washington-Fishing	\$99.50
		59701	408-535-60-48-04	Honey Bucket Rental-Rocky RD-Fishing	\$99.50
		59702	408-535-60-48-04	Honey Bucket Rental-Big J's Area	\$99.50
		59703	408-535-60-48-04	Honey Bucket Rental-River NE - Fishing	\$99.50
		Total			
Enumclaw, City of	47760	05722	001-523-60-41-00	Jail Fees-August 2019	\$2,340.00
				Total	
Environmental Systems Research Institute INC	47761	93664568	101-542-30-41-15	ARCGIS Online Level 1 & 2	\$956.37
			401-534-10-41-37	ARCGIS Online Level 1 & 2	\$956.39
			408-535-10-41-39	ARCGIS Online Level 1 & 2	\$956.37
			410-531-38-41-08	ARCGIS Online Level 1 & 2	\$956.37
			Total		
Ewing, Pete	47762	2313	401-534-90-49-00	Mileage & Parking Fee-Water Trainint	\$149.84
				Total	
Federal Eastern International	47763	510774	001-521-20-31-01	Uniform Items	\$344.20
		510902	001-521-20-31-01	Police Clothing Items	\$503.85
		511094-B	001-521-20-31-01	Tax on Uniform Item for Police Vest	\$3.09
		511272	001-521-20-31-01	Police Vest	\$1,249.50
		Total			
Ford Motor Credit Company LLC	47732	1691985 - Lease Payment #11 - 3-2018 Ford Interceptor-8487901	001-591-21-70-03	Lease Payment #11 - 3-2018 Ford Interceptor-P 8487901	\$2,352.16
			001-592-21-80-02	Lease Payment #11 - 3-2018 Ford Interceptor-I 8487901	\$628.87
	47764	1693897-Lease Payment #11 - 2018 Ford F-150- 8487902	001-591-21-70-03	1693897-Lease Payment #11 - 2018 Ford F-150-P 8487902	\$853.06
			001-592-21-80-02	1693897-Lease Payment #11 - 2018 Ford F-150-I 8487902	\$250.72
	Total				\$4,084.81
Galls LLC	47765	013305480	001-521-20-31-01	Pocket Added to Jumpsuit-Turner	\$42.01

Vendor	Number	Invoice	Account Number	Notes	Amount
Galls LLC	47765	013585198	001-521-20-31-01	Uniform Items for Officer Taylor	\$730.78
				Total	\$772.79
Hernandez, Johnny	47733	SEPT2019-300	001-521-23-41-01	Property Evidence 5/17-/8/23/2019	\$1,295.59
				Total	\$1,295.59
Keybank-MasterCard	EFT-Aug 2019 MasterCard	1181-Lincoln Aug 2019	001-524-20-41-05	WACE Training-2019	\$305.00
		1513-Kainoa Aug 2019	001-512-50-31-00	Pens-Mouse	\$123.84
			001-521-50-48-06	Support-Receipt Paper-Calculator	\$56.64
		1668-Finance Aug 2019	001-511-60-31-01	Cleaning Supplis	\$75.36
			001-513-10-31-04	Supplies-Paper	\$225.67
				City Lahar Brochure Translation to Spanish	
			001-514-23-31-02	Credit on Suplies	(\$8.74)
			001-514-23-31-02	Chair for Finance-Bingham	\$45.86
			001-514-23-31-02	Supplies-Paper	\$65.95
			001-525-60-30-01	City Lahar Brochure Translation to Spanish	\$225.67
			401-534-10-31-00	Supplies-Paper	\$18.84
			401-534-10-31-00	Chair for Finance-Bingham	\$45.85
			408-535-10-31-00	Supplies-Paper	\$18.84
			408-535-10-31-00	Chair for Finance-Bingham	\$45.86
			410-531-38-31-00	Supplies-Paper	\$18.85
			410-531-38-31-00	Chair for Finance-Bingham	\$45.85
		1731-Reed Aug 2019	401-534-90-49-00	Hotel for WEWOW Training-Jones	\$80.19
			401-534-90-49-00	Hotel for IACC Conference-Reed	\$179.31
			401-534-90-49-00	Evergreen Rural Water Training-Jones & Canoncia & Huffman	\$225.00
			401-534-90-49-00	Hotel for WEWOW Training-Jones	\$258.25
			401-534-90-49-00	Hotel for WEWOW Training-Canoncia	\$258.26
			408-535-50-51-01	Lab Accreditation Fee	\$625.20
			408-535-90-49-00	Hotel for WEWOW Training-Jones	\$80.19
			408-535-90-49-00	Hotel for IACC Conference-Reed	\$179.32
			408-535-90-49-00	Evergreen Rural Water Training-Jones & Canoncia & Huffman	\$225.00
			408-535-90-49-00	Hotel for WEWOW Training-Canoncia	\$258.25
			408-535-90-49-00	Hotel for WEWOW Training-Jones	\$258.26
			412-594-38-62-01	Anitque Stain New PW Shop	\$34.92

Vendor	Number	Invoice	Account Number	Notes	Amount
Keybank- MasterCard	EFT-Aug 2019	1731-Reed Aug 2019	412-594-38-62-01	Chair Mats for New PW Shop	\$152.98
			412-594-38-62-01	Chair for New PW Shop	\$349.74
	1823-Larson Aug 2019	001-511-60-31-01	8GB USB Flash Drive	\$153.04	
		001-514-23-31-02	Binders	\$39.12	
		001-594-14-60-02	Display Port Cable	\$23.45	
		001-594-14-60-02	Surface Dock	\$37.20	
		001-594-14-60-02	Computers	\$638.11	
		101-594-44-61-11	Computers	\$211.33	
		105-576-80-31-05	Computers	\$211.33	
		401-594-34-64-58	Surface Dock	\$37.20	
		401-594-34-64-58	Computers	\$935.33	
		408-594-35-64-30	Surface Dock	\$37.20	
		408-594-35-64-30	Computers	\$1,199.49	
		410-594-31-64-44	Surface Dock	\$37.20	
		410-594-31-64-44	Computers	\$908.91	
		4050-Police-2 Aug 2019	001-594-21-64-49	Streamlight 69284-Sidearm Accessory	\$115.95
			001-594-21-64-49	Axis Slim Shock Cord/Clasp Sidearm Accessories	\$161.97
		5423-Public Works Aug 2019	101-542-30-48-02	Dura Fill-Crack Filler	\$473.86
			101-542-30-48-02	Dura Fill-Crack Filler-Replacement Blade	\$488.19
	105-576-80-41-14		Arborist Training	\$48.47	
	401-534-50-48-02		Latches for Clorine Lids	\$249.91	
	401-534-50-48-02		Crushed Rock	\$774.54	
	401-534-90-49-00		IACC Conference-Greg Reed	\$61.67	
	408-535-10-31-00		Dog Waste Bags	\$135.29	
	408-535-90-49-00		IACC Conference-Greg Reed	\$61.66	
	410-531-31-20-06		Arborist Training	\$48.48	
	410-531-31-20-06		IACC Conference-Greg Reed	\$61.67	
	410-531-38-31-00		Tablet Case-Batteries	\$49.06	
	410-531-38-31-00		Dog Waste Bags	\$135.29	
	412-594-38-62-01		Vertical Filling System-New PW Shop	\$13.00	
	412-594-38-62-01		Garbage Can New PW Shop	\$66.66	
	412-594-38-62-01		Leather Chair New PW Shop	\$76.50	
	412-594-38-62-01		3 Tier Storage Cart New PW Shop	\$226.26	
	412-594-38-62-01		22" Rolling Bin Organizer-New PW Shop	\$273.24	
	412-594-38-62-01		Cleaning Supplies-Boot Scrapers New PW Shop	\$351.58	
	412-594-38-62-01	Chairs & Office Supplies-New PW Shop	\$939.85		

Vendor	Number	Invoice	Account Number	Notes	Amount		
Keybank- MasterCard	EFT-Aug 2019 MasterCard	5423-Public Works Aug 2019	412-594-38-62-01	Desk & Chair Mats- New PW Shop	\$1,147.53		
			412-594-38-62-01	Capital Locker Single Tier New PW Shop	\$1,186.76		
			412-594-38-62-01	4 Tier Binder Carousel New PW Shop	\$1,244.93		
					412-594-38-62-01	Chairs & Toner- New PW Shop	\$1,285.03
				5725-Bethune Aug 2019	001-513-10-31-00	Summer Fest	\$19.98
					001-525-60-41-00	Lunch for Hazard Mitigation	\$12.56
				6182-Meek Aug 2019	001-514-23-31-02	Office Supplies	\$35.32
					001-521-20-31-04	Hotel for Civil Service Conference- Schwab	\$219.18
					001-575-50-48-01	Storage Rack	\$518.04
					105-576-80-31-00	File Folders	\$48.06
					105-576-80-31-00	Pocket File Folders	\$62.15
					105-576-80-31-01	File Folders	\$30.08
				7599-PD Aug 2019	001-521-20-31-03	Monthly Amazon Prime	\$14.20
					001-521-20-31-03	Office Supplies	\$123.21
					001-521-30-49-00	Supplies for October Fest	\$955.99
					001-521-40-49-00	Meals for Officer Boone SRO Training-Rad Training	\$13.98
					001-521-40-49-00	Meals for Officer Boone SRO Training	\$15.90
					001-521-40-49-00	Meals for Officer Boone SRO Training-Rad Training	\$18.28
					001-521-40-49-00	Meals for Officer Boone SRO Training	\$35.00
					001-521-40-49-00	Meals for Officer Boone SRO Training	\$49.00
					001-521-40-49-00	WACE 2019 Conference for Code Enforment- Scott	\$257.00
					001-521-40-49-00	Hotel for Officer Boone SRO Training	\$478.44
					001-521-50-48-02	Bio Hazard Cleaning of Police Car	\$275.25
				7765-Montgomery Aug 2019	001-511-60-31-01	Water for Council	\$6.54
					001-513-10-31-00	HDMI Cable	\$10.03
					001-513-10-31-00	Drop Box	\$13.18
					001-513-10-31-00	Wireless Mouse	\$17.19
					001-513-10-31-00	Wa Pro	\$25.00
					001-513-10-31-00	Office Supplies	\$90.36
				8794-Woods Aug 2019	001-512-50-31-00	Acobe Acro Pro	\$16.38
						Total	\$21,980.77

Vendor	Number	Invoice	Account Number	Notes	Amount
Konica Minolta Business-Usa Inc	47734	260946514	001-521-10-40-06	Copier Lease PD	\$187.41
				Total	\$187.41
Korum Automotive Group	47735	6686731	104-536-50-48-01	Oil Change-2016 Super Duty FA1069	\$23.41
			105-576-80-48-02	Oil Change-2016 Super Duty FA1069	\$8.78
			401-534-50-48-06	Oil Change-2016 Super Duty FA1069	\$2.92
			408-535-50-48-06	Oil Change-2016 Super Duty FA1069	\$2.92
			410-531-38-48-01		\$20.51
		6686771	101-542-30-48-04	Oil Change-2017 Super Duty FA1088	\$14.63
			105-576-80-48-02	Oil Change-2017 Super Duty FA1088	\$20.48
			401-534-50-48-06	Oil Change-2017 Super Duty FA1088	\$11.70
			408-535-50-48-08	Oil Change-2017 Super Duty FA1088	\$8.78
			410-531-38-48-01	Oil Change-2017 Super Duty FA1088	\$2.95
		6686828	001-521-50-48-02	Oil Change-2008 Ford Escape 44739D	\$33.55
			401-534-50-48-06	Oil Change-2008 Ford Escape 44739D	\$6.28
			408-535-50-48-08	Oil Change-2008 Ford Escape 44739D	\$6.28
			410-531-38-48-01	Oil Change-2008 Ford Escape 44739D	\$6.28
		6687039	001-521-50-48-02	Brake Repair on 07 Tahoe 90423	\$598.19
				Total	\$767.66
Larsen Sign Co	47736	25818	001-521-50-48-02	SRO Vehicle Graphics-Tahoe	\$1,055.04
				Total	\$1,055.04
LN Curtis & Son	47766	INV317063 INV317369	001-594-21-64-49 001-521-20-31-01	5-9MM P320 Pistols Handcuff Pouch- Cassatt	\$3,877.42 \$60.12
				Total	\$3,937.54
Main Street Realty & Management Inc	47781	106567	101-542-90-40-04	Expenses for 703 Kansas St SW-New Hot Water Tank	\$1,038.00
				Total	\$1,038.00
Montgomery, Jane	47767	SEPT2019-406	001-513-10-31-00	Town Hall Meeting- Supplies	\$49.33
				Total	\$49.33

Vendor	Number	Invoice	Account Number	Notes	Amount
Nisqually Indian Tribe	47737	18892	001-523-60-41-00	Jail Services-Aug 2019	\$402.50
				Total	\$402.50
Office Depot	47738	367667272001	001-512-50-31-00	Desk Pad-Toner-Paper	\$178.13
				Total	\$178.13
Orting Chamber of Commerce	47768	Membership Dues Oct- Aug	001-511-20-49-03	Membership dues October 1 2019-August 31 2020	\$200.00
				Total	\$200.00
Pitney Bowes Purchase Power	47769	8000-9090-0050-3685 Sept2019	001-512-50-31-01	Monthly Postage	\$94.65
			001-513-10-31-01	Monthly Postage	\$23.00
			001-514-23-31-01	Monthly Postage	\$589.95
			001-521-20-31-07	Monthly Postage	\$1.45
			001-521-20-31-07	Monthly Postage	\$22.90
			001-524-20-31-02	Monthly Postage	\$1.50
			001-575-50-31-02	Monthly Postage	\$4.00
			001-575-50-31-02	Monthly Postage	\$21.35
			401-534-10-42-00	Monthly Postage	\$9.00
			401-534-10-42-00	Monthly Postage	\$60.83
			408-535-10-42-00	Monthly Postage	\$30.50
			408-535-10-42-00	Monthly Postage	\$60.84
			410-531-38-42-00	Monthly Postage	\$60.83
				Total	\$980.80
Popular Networks, Llc	47739	21728	001-513-23-41-01	Computer Maintenance	\$16.55
			001-514-23-41-04	Computer Maintenance	\$297.96
			001-524-20-41-01	Computer Maintenance	\$165.54
			001-525-60-41-03	Disaster Recovery Backup-Server	\$980.97
			001-575-50-41-03	Computer Maintenance	\$148.98
			101-542-30-41-04	Computer Maintenance	\$82.77
			104-536-20-41-01	Computer Maintenance	\$33.11
			401-534-10-41-05	Computer Maintenance	\$347.62
			408-535-10-41-05	Computer Maintenance	\$347.62
			410-531-38-41-04	Computer Maintenance	\$215.20
		21735	001-512-50-41-01	Computer Maintenance	\$202.04
			001-521-50-41-01	Computer Maintenance-PD	\$1,477.90
			001-525-60-41-03	PSB Disaster Recovery Backup-Server	\$599.51

Vendor	Number	Invoice	Account Number	Notes	Amount				
Popular Networks, Llc	47770	21769	001-513-23-41-01	Computer Maintenance- Disaster Recovery Backup Server	\$16.55				
			001-514-23-41-04	Computer Maintenance	\$297.96				
			001-524-20-41-01	Computer Maintenance	\$165.54				
			001-525-60-41-03	Disaster Recovery Backup-Server	\$984.25				
			001-575-50-41-03	Computer Maintenance	\$148.98				
			101-542-30-41-04	Computer Maintenance	\$82.77				
			104-536-20-41-01	Computer Maintenance	\$33.11				
			401-534-10-41-05	Computer Maintenance	\$347.62				
			408-535-10-41-05	Computer Maintenance	\$347.62				
			410-531-38-41-04	Computer Maintenance	\$215.20				
			21776	001-512-50-41-01	Computer Maintenance	\$202.04			
				001-521-50-41-01	Computer Maintenance-PD PSB	\$1,477.90			
				001-525-60-41-03	Disaster Recovery Backup-Server	\$601.70			
				Total				\$9,837.01	
			Puget Sound Energy	47771	200001247663- SEPT2019	408-535-50-47-07	VC Lift Station	\$183.74	
						200001247812- SEPT2019	101-542-63-47-03	SR162 Signal	\$28.29
						200001248190- SEPT2019	105-576-80-47-01	North Park	\$10.91
200001248372-SEPT2019	408-535-50-47-05	Well 3				\$2,398.50			
200001248539- SEPT2019	001-525-50-47-01	Lahar Siren				\$10.51			
200003766280- SEPT2019	001-514-21-32-01	City Hall-City Shop				\$13.50			
	001-514-21-47-01	City Hall-City Shop				\$100.14			
	001-524-20-32-05	City Hall-City Shop				\$13.50			
	401-534-50-47-01	City Hall-City Shop				\$100.14			
	401-534-50-47-09	City Hall-City Shop				\$13.49			
	408-535-50-47-01	City Hall-City Shop				\$100.14			
	408-535-50-47-08	City Hall-City Shop				\$13.49			
	200009717931- SEP2019	401-534-50-47-04				Well 2	\$65.00		
	200010396543- SEPT2019	105-576-80-47-01				North Park	\$81.65		
	200010396733- SEPT2019	401-534-50-47-01				Well 4 & Pump Station	\$1,876.20		
200010629349- SEPT2019	101-542-63-47-01	City Shop				\$12.04			
	104-536-50-47-01	City Shop				\$9.63			
	401-534-50-47-01	City Shop				\$12.04			
	408-535-50-47-01	City Shop				\$14.45			
	200014994137- SEPT2019	408-535-50-47-05				VG Lift Station	\$40.86		
20001532189- SEPT2019	105-576-80-47-02	Main Park				\$168.85			
	105-576-80-47-03	Bell Tower				\$72.36			
200019613294-SEPT2019	104-536-50-47-02	Cemetery Shop				\$573.62			
47740	200019646914-AUG2019	101-542-63-47-03				Street Lights	\$48.25		
47771	200021421298 - SEPT2019	408-535-50-47-06				Rainier Meadows	\$30.29		
	200022934653-SEPT2019	001-575-50-47-01				MPC	\$487.30		
	200024404523- SEPT2019	408-535-50-47-02				Lift Station 1	\$89.39		
	20013874264-SEPT2019	408-535-50-47-04	WWTP	\$8,187.99					

Vendor	Number	Invoice	Account Number	Notes	Amount
Puget Sound Energy	47771	220011476581- SEPT2019	408-535-50-47-03	High Cedars Lift Station	\$109.95
		220015220399- SEPT2019	101-542-63-47-03	Street Lights	\$50.66
		220015548930- SEPT2019	101-542-63-47-03	Street Lights	\$50.30
	47740	300000002406-AUG2019	101-542-63-47-03	Street Lights	\$5,071.54
	Total				\$20,038.72
Sarco Supply	47772	1124195	001-512-50-31-00	Court-Bathroom & Cleaning Supplies	\$43.51
			001-513-10-31-00	Council-Bathroom & Cleaning Supplies	\$21.76
			001-521-20-31-03	Police-Bathroom & Cleaning Supplies	\$43.51
			Total		
Saybr Contractors INC	47773	Pay Request #1 -MPC HVAC	001-594-75-64-14	New HVAC System Installed MPC	\$31,290.00
Total				\$31,290.00	
Schwab, Erica	47774	SEPT2019-404	001-521-20-31-03	Civil Service Mileage-Yakima	\$217.60
		SEPT2019-405	001-521-20-31-02	Supplies for Civil Service Board	\$42.71
		Total			
Scientific Supply & Equip	47775	31440675	408-535-10-31-00	Lab Supplies	\$343.10
Total				\$343.10	
Sound Uniform Solutions	47776	201905SU250	001-521-20-31-01	Adding Bars to Chief Gard Uniform	\$4.41
		201906SU288	001-521-20-31-01	Tactical Gear	\$19.29
		201908SU317	001-521-20-31-01	Uniform Items	\$46.28
		Total			
Tacoma News INC	47777	257635 SEPT 2019	001-511-60-49-03	ORD 2019-1047	\$114.35
			001-511-60-49-03	Revenue Sources 2020	\$129.63
			001-511-60-49-03	RFQ Survery Services	\$140.35
			001-511-60-49-03	RED 2019-1048	\$145.90
			001-511-60-49-03	Amending Budget	\$161.79
			001-511-60-49-03	RFP Consultant- Investigation or Insurance	\$199.31
			001-558-60-31-03	2019 Comp Plan	\$167.15
			001-558-60-31-03	Hearing Planning	\$199.31
			001-511-60-49-03	Commission-ORD 2019-1049	\$106.55
			001-511-60-49-03	Publication of ORD 2019-1046	\$106.55
			304-594-18-60-01	Bid New City Hall Construction	\$470.51
			304-594-31-60-01	Bid New City Hall Construction	\$70.58
	304-594-34-60-01	Bid New City Hall Construction	\$70.58		

Vendor	Number	Invoice	Account Number	Notes	Amount	
Tacoma News INC	47741	257635-Aug 2019	304-594-35-60-01	Bid New City Hall Construction	\$141.15	
			304-594-44-60-01	Bid New City Hall Construction	\$15.68	
			304-594-76-60-01	Bid New City Hall Construction	\$15.69	
			Total		\$2,148.53	
The Rusty Rack Guy's	47742	45892	412-594-38-62-01	Shelving for Parts @ New PW Shop	\$2,648.59	
				Total	\$2,648.59	
The Walls Law Firm	47743	3-Aug 2019	001-515-41-41-03	Prosecuting Attorney-Aug 2019	\$1,875.00	
				Total	\$1,875.00	
Utilities Underground Location Center	47744	9080209	401-534-60-41-00	Locates - August	\$43.12	
			408-535-60-41-00	Locates - August	\$43.12	
			Total		\$86.24	
Vermeer Northwest	47778	S63907	101-542-30-48-04	Repair Kit for Nozzle Vactor Trailer-FA1078	\$9.50	
			105-576-80-48-01	Repair Kit for Nozzle Vactor Trailer-FA1078	\$9.47	
			401-534-50-48-04	Repair Kit for Nozzle Vactor Trailer-FA1078	\$56.87	
			408-535-50-48-04	Repair Kit for Nozzle Vactor Trailer-FA1078	\$66.35	
			410-531-38-48-01	Repair Kit for Nozzle Vactor Trailer-FA1078	\$47.39	
			Total		\$189.58	
Vision Forms LLC	47779	5551	401-534-10-31-00	Utility Bill Processing & Mailing	\$223.54	
			401-534-10-42-00	Utility Bill Processing & Mailing	\$424.81	
			408-535-10-31-00	Utility Bill Processing & Mailing	\$223.54	
			408-535-10-42-00	Utility Bill Processing & Mailing	\$424.82	
			410-531-38-31-00	Utility Bill Processing & Mailing	\$223.54	
			410-531-38-42-00	Utility Bill Processing & Mailing	\$424.81	
			5570	401-534-10-31-00	Utility Bill Processing & Mailing	\$41.82
				401-534-10-42-00	Utility Bill Processing & Mailing	\$81.70

Vendor	Number	Invoice	Account Number	Notes	Amount
Vision Forms LLC	47779	5570	408-535-10-31-00	Utility Bill Processing & Mailing	\$41.81
			408-535-10-42-00	Utility Bill Processing & Mailing	\$81.71
			410-531-38-31-00	Utility Bill Processing & Mailing	\$41.82
			410-531-38-42-00	Utility Bill Processing & Mailing	\$81.70
				Total	\$2,315.62
Wa. State Dept. of Ecolog	47780	2020-WA0020303	410-531-30-51-00	Stormwater Discharge Permit-July 2019-June 2020	\$3,490.56
				Total	\$3,490.56
				Grand Total	\$357,625.60



**City Of Orting
Council Agenda Summary Sheet**

Subject: Resolution No 2019-25, Amending The Contract With Pease Construction To Authorize A Contingency; Authorizing The Mayor /And Or His Designee To Execute Change Orders	Committee		Study Session	Council
	Agenda Item #:		AB19-60	AB19-60
	For Agenda of:		9/18/19	9.25.19
	Department:	City Administrator/Planner		
	Date Submitted:	9/13/19		
Cost of Item:	\$250,000			
Amount Budgeted:	<u>None</u>			
Unexpended Balance:				
Bars #:				
Timeline:				
Submitted By:	City Administrator/Planner			
Fiscal Note:				
Attachments: Resolution No. 2019-25				
<p>SUMMARY STATEMENT: The City awarded the contract for construction of the City Hall Building to the lowest responsive and responsible bidder, Pease Construction. That award did not include the recommended contingency amount of \$250,000.</p> <p>By this Resolution, the City Council would authorize a contingency in an amount of \$250,000, and to authorize the Mayor and/or his designee to execute change orders on behalf of the City with Pease for the project in an amount of \$15,000 per change order.</p> <p>City Council reviewed this at their SS meeting on 9.18.19 and modified the requested maximum amount of change order from \$25,000 to \$15,000. With the change it was moved forward to the consent agenda.</p>				
<p>RECOMMENDED ACTION: MOTION: To Adopt Resolution No. 2019-25, Authorizing a contingency in the amount of \$250,000, and authorizing the Mayor and/or his designee to execute change orders in the amount of \$15,000.</p>				

**CITY OF ORTING
WASHINGTON**

RESOLUTION NO. 2019-25

**A RESOLUTION OF THE CITY OF ORTING,
WASHINGTON; AUTHORIZING THE MAYOR TO
EXECUTE CHANGE ORDERS PURSUANT TO THE
CONTRACT UP TO A TOTAL CONTINGENCY OF
\$250,000; PROVIDING FOR SEVERABILITY; PROVIDING
AN EFFECTIVE DATE**

WHEREAS, in accordance with state laws for public works projects, the City of Orting solicited bids for the construction of a new City Hall building (the "Project"); and

WHEREAS, at its regular meeting on August 14, 2019, the City Council of the City of Orting awarded the contract for the Project to the lowest responsive and responsible bidder, Pease Construction, in the amount of \$5,443,750; and

WHEREAS, the Mayor and Pease Construction executed a contract pursuant to the City Council's authorization; and

WHEREAS, the award did not include a contingency, and staff recommends the authorization of a contingency for this project in accordance with the City's estimate for the project's costs; and

WHEREAS, in order to ensure timely performance of the contract, the City Council desires to authorize the Mayor and/or his designee to execute change orders on behalf of the City up to a certain amount; and

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ORTING AS FOLLOWS:

Section 1. Authorization. The City Council hereby authorizes \$250,000 as the owner's contingency for this Project. This amount is in addition to the line item for minor changes stated in the contract.

Section 2. Authorization. The Mayor and/or his designee are hereby authorized to execute change orders to the aforementioned contract with Pease Construction for the Project, in an amount not to exceed \$15,000 per change order, up to the total contingency amount of \$250,000.

Section 3. Severability. If any section, sentence, clause or phrase of this resolution shall 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.

Section 4. Corrections. The City Clerk and the codifiers of this resolution are authorized to make necessary clerical corrections to this resolution including, but not limited to, the correction of scrivener's errors, references, numbering, section/subsection numbers and any references thereto.

Section 4. Effective date. This Resolution shall become effective immediately upon adoption and signature as provided by law.

**RESOLVED BY THE CITY COUNCIL AT A REGULAR MEETING THEREOF
ON THE 25th DAY OF SEPTEMBER, 2019.**

CITY OF ORTING

Joshua Penner, Mayor

ATTEST/AUTHENTICATED:

Jane Montgomery, City Clerk, CMC

Approved as to form:

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



City Of Orting Council Agenda Summary Sheet

Subject: Ordinance No. 2019-1050, Amending Ordinance No. 2018-1037 And Ordinance 2019-1048, Adopting The City Of Orting 2019 Budget; Providing For Appropriation And Expenditure Of Funds Received In Excess Of Estimated Revenues.		Committee	Study Session	Council
	Agenda Item #:	N/A	AB19-61	AB19-61
	For Agenda of:		9.18.19	9.25.19
	Department:	Finance		
	Date Submitted:	9/13/19		
	Cost of Item:	_ \$400,000		
Amount Budgeted:	N/A			
Unexpended Balance:	N/A			
Bars #:	TBD			
Timeline:	ASAP			
Submitted By:	Scott Larson			
Fiscal Note: This amount will be offset by a \$588,000 grant the City received from the State.				
Attachments: Ordinance No. 2019-1050				
<p>SUMMARY STATEMENT:</p> <p>The City budgeted \$5.3 million in the 2019 budget to pay for construction of a new City Hall facility. In August the Council awarded the construction contract to Pease Construction. In addition to the amount approved for construction, the City needs to appropriate additional funds for both contingency (change order) items and items that are not part of the contract including a standby generator, electronic equipment for the council chambers, furniture, and other items to outfit the office space. In 2018 the City won a \$588,000 grant from the State for funds to help with construction of the new City Hall facilities, so the impact of these additional funds on the budget will be neutral.</p> <p>City Council reviewed this at the study session on 9.18.19 and moved it forward to the consent agenda for 9.25.19</p>				
<p>RECOMMENDED ACTION: MOTION: To Adopt Ordinance No. 2019-1050, An Ordinance of the City of Orting, WA, Amending Ordinance No. 2018-1037 And Ordinance 2019-1048, Adopting The City Of Orting 2019 Budget; Providing For Appropriation And Expenditure Of Funds Received In Excess Of Estimated Revenues.</p>				

CITY OF ORTING
WASHINGTON
ORDINANCE NO. 2019-1050

AN ORDINANCE OF THE CITY OF ORTING, WASHINGTON, AMENDING ORDINANCE NO. 2018-1037 AND ORDINANCE 2019-1048, ADOPTING THE CITY OF ORTING 2019 BUDGET; PROVIDING FOR APPROPRIATION AND EXPENDITURE OF FUNDS RECEIVED IN EXCESS OF ESTIMATED REVENUES; PROVIDING FOR SEVERABILITY; AND ESTABLISHING AN EFFECTIVE DATE

WHEREAS, Washington State law, Chapter 35A.34 RCW provides for the biennial adoption of the City's budget and provides procedures for filing of the proposed budget, deliberations, public hearings, final fixing, and any subsequent adjustments to the budget; and

WHEREAS, the City Council adopted the 2019 budget pursuant to Ordinance No. 2018-1037 and amended the 2019 budget with Ordinance No. 2019-1048; and

WHEREAS, the expenditures as classified and itemized in the adopted budget constitute the City's appropriations for the ensuing fiscal year provided that the budget Ordinance may be amended by ordinance to provide for appropriation and expenditure of funds received in excess of the estimated revenues during the calendar year; and

WHEREAS, the City has received funds that are in excess of the estimated revenues for the 2019 budget year and desires to amend the 2019 budget to provide for the appropriation and expenditure of said funds; and

WHEREAS, City Staff has determined that additional funds are needed for the completion of the New City Hall construction project; and

WHEREAS, the 2019 budget includes a summary of expenditures, which needs to be amended to reflect the expenses that the city intends to incur; and

WHEREAS, this amendment to the 2019 budget could not have been reasonably foreseen during budget development; and

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

Section 1. Amending Ordinance No. 2018-1037 (2019 Budget Ordinance), Section 3, Summary of Revenues and Appropriations. Ordinance No. 2019-1037, adopting the 2019

budget, at Section 3, Summary of Revenues and Appropriations, Exhibit A, shall be and is hereby amended as set forth in Exhibit A.

Section 3. Corrections. The City Clerk is authorized to make necessary corrections to this Ordinance including, but not limited to, the correction of scrivener's/clerical errors, references, Ordinance numbering, section/subsection numbers and any references thereto.

Section 4. Severability. Should any section, paragraph, sentence, clause or phrase of this Ordinance, or its application to any person or circumstance, be declared unconstitutional or otherwise invalid for any reason, or should any portion of this Ordinance be pre-empted by state or federal law or regulation, such decision or pre-emption shall not affect the validity of the remaining portions of this Ordinance or its application to other persons or circumstances.

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

**ADOPTED BY THE CITY COUNCIL AT A REGULAR MEETING THEREOF
ON THE 25th DAY OF SEPTEMBER, 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: 9.13.19
Passed by the City Council: 9.25.19
Ordinance No.: 2019-1050
Date of Publication: 9.27.19
Effective Date: 10.01.19

2019 Budget, Exhibit A
Summary of Expenses

<u>Fund</u>	<u>2019 Budget</u>	<u>Additional Expenses</u>	<u>2019 Amended Budget</u>
General Fund	\$6,954,414.70	\$400,000.00	\$7,354,414.70
City Streets	\$1,036,948.04	\$0.00	\$1,036,948.04
Cemetery	\$35,898.03	\$0.00	\$35,898.03
Parks Department	\$1,206,311.85	\$0.00	\$1,206,311.85
Tourism Fund	\$5,720.00	\$0.00	\$5,720.00
TBD	\$199,200.00	\$0.00	\$199,200.00
Police Department Drug	\$3,829.60	\$0.00	\$3,829.60
LOCAL Vehicle Purchase 2016	\$101,046.05	\$0.00	\$101,046.05
LOCAL Backhoe Purchase 2017	\$23,355.00	\$0.00	\$23,355.00
Emergency Evacuation Bridge	\$790,720.20	\$0.00	\$790,720.20
Transportation Impact	\$450,000.00	\$0.00	\$450,000.00
Water	\$2,601,833.20	\$0.00	\$2,601,833.20
Wastewater	\$5,411,326.74	\$0.00	\$5,411,326.74
Stormwater	\$2,795,300.27	\$0.00	\$2,795,300.27
Utility Land Acquisition	\$1,200,000.00	\$0.00	\$1,200,000.00
Cemetery Perpetual Fund	\$0.00	\$0.00	\$0.00
<u>Skinner Estate Fund</u>	<u>\$2,000.00</u>	<u>\$0.00</u>	<u>\$2,000.00</u>
Total Appropriations	\$22,817,903.68	\$400,000.00	\$23,217,903.68



**City Of Orting
Council Agenda Summary Sheet**

Subject: Resolution No. 2019-17, Declaring property as surplus and authorizing disposal.		Committee	Study Session	Council
	Agenda Item #:	CGA	AB19-63	AB19-63
	For Agenda of:	9.5.19	9.18.19	9.25.19
	Department:	Parks and Recreation		
	Date Submitted:	8.27.19		
Cost of Item:	N/A			
Amount Budgeted:	N/A			
Unexpended Balance:	N/A			
Bars #:	N/A			
Timeline:				
Submitted By:	Beckie Meek			
Fiscal Note:	N/A			
Attachments:	Resolution No 2019-17			
SUMMARY STATEMENT:				
<p>Orting Parks and Recreation no longer hosts Youth Tackle Football or Youth Basketball. Therefore we are no longer in need of the items listed in Exhibit A of the Resolution for surplus.</p> <p>Community and Government affairs committee reviewed this at their meeting on September 5th and recommended approval. City Council reviewed the recommendation and moved this forward to the consent agenda for the 9.25.19 meeting.</p>				
RECOMMENDED ACTION: MOTION: To Approve Resolution No. 2019-17, A Resolution Of The City Of Orting, Washington, Declaring The Property Described In Exhibit "A" As Surplus Property And Authorizing Disposal.				

**CITY OF ORTING
WASHINGTON
RESOLUTION NO. 2019-17**

A RESOLUTION OF THE CITY OF ORTING, WASHINGTON, DECLARING THE PROPERTY DESCRIBED IN EXHIBIT "A" AS SURPLUS PROPERTY AND AUTHORIZING DISPOSAL

WHEREAS, it has been determined that the City has no further use of certain item(s) listed in attached Exhibit "A"; and

WHEREAS, the City Council may determine that these items are surplus property; and

WHEREAS, the fair market value, if any, is determined for the surplus property and its disposal will be for the common benefit; and

WHEREAS, at time of sale of surplus item(s), moneys, if any, will be allocated back to the appropriate department; and

WHEREAS, the City Administrator will oversee the sale of these item(s), or other method of disposal, including destruction, in the event the City Administrator determines that the property has no fair market value;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF ORTING, WASHINGTON, DOES RESOLVE AS FOLLOWS:

Section 1. The items described in Exhibit "A" attached hereto and incorporated herein by this reference are surplus to the needs of the City and the City Administrator is hereby authorized to dispose of such items at auction or a public sale that complies with applicable law; provided that, those items that have been determined to have no market value or the value of which will exceed the cost of disposal may be donated for charitable purposes or otherwise lawfully disposed of.

PASSED BY THE CITY COUNCIL AT A REGULAR MEETING THEREOF ON THE 25TH DAY OF SEPTEMBER, 2019.

CITY OF ORTING

Joshua Penner, Mayor

ATTEST/AUTHENTICATED:

Jane Montgomery, City Clerk, CMC

Approved as to form:

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

EXHIBIT A

Surplus:

GEAR/EQUIPMENT	DESCRIPTION	QTY	VALUE	TOTAL VALUE
Helmets	Riddell w/Mask & Chin Strap ~ Variety of Sizes (Manufactured 2011)	38	\$10.00	\$380.00
Helmets	Riddell w/Mask & Chin Strap ~ Variety of Sizes (Manufactured 2012)	39	\$10.00	\$390.00
Accessory Kit	Revolution Accessory Kit ~ Kit of Helmet Parts	3	\$30.00	\$90.00
Chin Straps	Adams Unopened Hard Chin Straps	18	\$5.00	\$90.00
Chin Straps	Adams Soft Chin Straps	30	\$3.00	\$90.00
Shoulder Pads	Riddell/Schutt/Adams Pads ~ Variety of Sizes	110	\$15.00	\$1650.00
Pants	Practice Pants Black ~ Variety of Sizes (Pads Inserted)	80	\$2.00	\$160.00
Pants	Game Pants Black with Red at Bottom ~ Variety of Sizes (Pads Inserted)	125	\$3.00	\$375.00
Jerseys	Black with Red Side ~ Variety of Sizes (Game Jerseys)	52	\$0	No Value have "Orting" on Front
Jerseys	Red with Black Side ~ Variety of Sizes (Game Jerseys)	30	\$0	No Value have "Orting" on front
Jerseys	Red with # on back only ~ Variety of Sizes (Practice Jersey)	12	\$0	No Value Old & Worn
Jerseys	Black with Player Name on back~ Variety of Sizes (Game Jersey)	3	\$0	No Value has past player name on back
Jerseys	Black with Orting/# ~ Variety of Sizes (Practice Jersey)	12	\$0	No Value has "Orting" & Number
Jerseys	Red with Orting/# ~ Variety of Sizes (Practice Jersey)	11	\$0	No Value has "Orting" & Number
Jerseys	Red with # ~ Variety of Sizes (Practice Jersey)	4	\$0	No Value Old & Worn
Jerseys	Black Mesh With # & some with Orting on front~ Variety of Sizes (Practice Jersey)	13	\$0	No Value Old & Worn

Tackle Dummies	Red Holding ~ Body Shield	17	\$25.00	\$425.00
Tackle Dummies	Red Half Round ~ Stand Up	20	\$30.00	\$600.00
Tackle Dummies	Black Half ~ Stand Up	5	\$40.00	\$200.00
Tackle Dummies	Black Round ~ Stand Up	16	\$50.00	\$800.00
Helmets	Riddell w/Mask & Chin Strap Variety of Sizes (Manufactured 2008/2009)	15	\$0	No Value past its 10 years (will be destroyed)
Basketballs	Variety of Sizes & Colors	140	\$3.00	\$420.00



**City Of Orting
Council Agenda Summary Sheet**

Subject: Whitehawk Extension Design and Engineering Scope and budget		Committee	Study Session	Council
	Agenda Item #:	N/A	AB19-66	AB19-66
	For Agenda of:		9.18.19	9.25.19
	Department:	streets		
Date Submitted:	9/12/19			
Cost of Item:	<u>\$668,517.81</u>			
Amount Budgeted:	<u>\$450,000</u>			
Unexpended Balance:	<u>\$ (218,517.81)</u>			
Bars #:				
Timeline:				
Submitted By:	Bethune			
Fiscal Note:				
Attachments: Scope and Budget				
<p>SUMMARY STATEMENT: The City Council selected Parametrix through the RFQ process in 2019 to complete Design and Engineering for the Whitehawk Blvd Extension (AKA Southwest Connector). The City received a federal grant for \$400,000 to complete this task with a \$50K match from the city. The project has become more expensive due primarily expanded wetlands and the increased DOE and Corp of Engineers mandates. The additional funds will come from the Traffic Impact Fees Fund in 2020.</p> <p>Council reviewed the request at their study session on 9.18.19 and moved this forward to the consent agenda for the 9.25.19 meeting.</p>				
<p>RECOMMENDED ACTION: MOTION: To approve the scope and budget from Parametrix to complete the design and Engineering for the Whitehawk Blvd Extension, and authorize the expenditure of <u>\$668,517.81</u>.</p>				

SCOPE OF WORK

City of Orting Whitehawk Boulevard Extension

This Scope of Work and Budget covers the anticipated effort to complete a final design of the SW Connector as described below.

PROJECT LIMITS

The project limits are Whitehawk Boulevard from SR 162 to Calistoga Street West. The alignment of Whitehawk Boulevard will be located between the existing terminus at Orting Ave NW and extend to the intersection of Kansas Street and Calistoga Street West.

ROADWAY IMPROVEMENTS

Whitehawk Boulevard

- Whitehawk Boulevard will be extended to Calistoga Street West. The connection to Calistoga Street West will be at the Kansas Street intersection.
- Improvements will include a two or three-lane section with a travel lane in each direction and a median or center turn lane, curb, gutter, sidewalk, bike lanes, and/or combined-use trail, drainage, utility adjustments, illumination, channelization, and signing and landscaping. The sidewalk widths will be determined based on the WSDOT Shared Use Path design criteria.
- A new intersection control method (signal or roundabout) will be designed at the intersection with SR 162.
- A new intersection control method (signal or roundabout) will be designed at the intersection with Calistoga Street West.
- Whitehawk Boulevard will be re-channelized as necessary between SR 162 and the current terminus.

STORM DRAINAGE

Stormwater runoff from the extension of Whitehawk Boulevard will be collected and conveyed to a project specific stormwater facility. The facility may be designed as a Low Impact Development (LID) type BMP such as a bioretention area or porous asphalt for the shared use path. Improvements may be coordinated with anticipated adjacent projects such as the new ballpark facilities.

ILLUMINATION

An illumination system will be installed with this project consistent with adjacent City projects and standards.

INTERSECTIONS

A new traffic control method will be installed at the SR 162/Whitehawk Boulevard and Whitehawk Boulevard/Calistoga intersections.

WATER MAIN

An existing 8-inch-diameter water main will be extended to Calistoga and tied into the existing system to complete a loop.

SANITARY SEWER

The gravity sanitary sewer main will be extended to the extent practicable within the extension of Whitehawk Boulevard.

LANDSCAPING

Planter strips and possibly street trees will be installed at selected locations; an irrigation system will not be included.

WSDOT REVIEW AND APPROVAL

We will prepare channelization and intersection plans for approval by WSDOT. An intersection Control Evaluation (ICE) will be prepared and submitted to WSDOT for review and approval. The Scope of Work will include coordination with appropriate WSDOT staff to obtain the necessary plan approvals prior to advertisement.

ENVIRONMENTAL DOCUMENTATION AND PERMITTING

- We will obtain environmental approvals for the project consistent with SEPA and NEPA.
- We will identify and delineate the boundaries of wetlands and/or streams within the potential roadway prism.
- We will complete analyses required for NEPA/SEPA documentation such as a noise analysis, hazardous waste assessment, Section 4(f) evaluation, and cultural resource assessment.
- Finally, we will provide for updates to permits and the NEPA documentation, if needed, should project funding or other aspects of the project result in delays of construction.

Below is a detailed breakdown of the work effort required to complete final design of the above described Scope of Work.

TASK 1 – FINAL DESIGN

Subtask 1 – Project Management and QA/QC

Work under this task includes time to administer and coordinate the various project elements and will be ongoing throughout all phases of the project. Work includes the following:

- Coordination, correspondence, and review meetings with City of Orting staff.
- Coordination with private utilities regarding the proposed locations of utility poles that require relocation.

SCOPE OF WORK (continued)

- In-house project administration, scheduling, and direction of project staff.
- Preparation of monthly progress reports.

Product(s)

- Monthly invoices and progress reports.
- Miscellaneous correspondence and letters.
- In-house monthly project meetings.

Assumption(s)

- This phase will last 18 months.

Subtask 2 – Mapping

The goal of this task will be to provide a base map with current right-of-way and topographical information to be used in final design.

Limits

- Whitehawk Extension – Mapping will be performed within the right-of-way limits of the intersection of Whitehawk Boulevard and Orting Court NW for a distance of 100 feet northerly along Whitehawk Boulevard and 100 feet easterly along Orting Court NW. Mapping will continue southerly from the intersection along an 80-foot-wide corridor centered on the southerly extension of Whitehawk Boulevard and lying within Tax Parcels 051931-4-035 and 051931-1-114. Mapping will continue along the described corridor through Tax Parcel 051931-1-074 to the approximate 200-foot Shoreline Management Setback Line; thence easterly to intersect Calistoga Street East. Mapping will continue along the right-of-way limits of Calistoga Street East for 150 feet in each direction from the intersection.
- Wetland Flag Locations – Wetland flags, data points, and test pits will be located as delineated by a wetland biologist. Exact locations are not available at this time; however, aerial mapping indicates a large wetland located south of the proposed ball fields and a smaller wetland near the easterly levee of the Puyallup River at the intersection of the above-described corridor.
- Proposed Storm Drainage Facilities – Mapping will include those areas defined by the Engineer for use in the retention/detention of stormwater.
- Existing conditions and improvements will be located during the mapping process. In general, the features will include sidewalks, curbs, fence line, utilities, pavement marking, wetland information, and significant trees 12 inches and larger. Ground conditions such as tops, toes, and grade breaks will be gathered at sufficient intervals to create 1-foot contours. An underground utility locate firm will be contracted through Parametrix to electronically identify and paint on the surface all metallic utilities which lie within the above-described limits. Parametrix will then map the paint marks and identify the utility on the drawing.
- From existing public records and field located monuments, Parametrix will calculate and graphically show on the above-described base map the location of public road rights-of-way and parcel lines along the proposed alignment.

Product(s)

- Base map in AutoCAD format.

Assumption(s)

- Right-of-entry will be granted to Parametrix surveyors to enter private property for mapping purposes.
- The ordering of title reports and underground utility location services will be the responsibility of Parametrix.
- The setting of property corners or the recording of a Record of Survey is not a part of this scope, nor is it anticipated to be needed.

Subtask 3 – Right-of-Way Plans

The goal of this task will be to prepare right-of-way (ROW) plans that show the proposed alignment and its relationship with public rights-of-way, private property, and buffer areas associated with wetlands and shoreline setbacks. The following tasks will be performed:

- Right-of-way plans will be prepared showing alignments and impacts to private property.
- Area calculations will be performed and shown on the plans for acquisition of underlying fee and fee simple parcels.
- Legal descriptions will be prepared for the proposed acquisition and will be accompanied by an exhibit map.
- A title company will be contacted to provide title reports on all parcels encumbered by the proposed alignment.

Product(s)

- ROW plans.
- Legal descriptions with exhibit maps.

Assumption(s)

- Right-of-entry will be granted to Parametrix surveyors to enter private property for mapping purposes.
- The ordering of title reports and underground utility location services will be the responsibility of Parametrix.
- The setting of property corners or the recording of a Record of Survey is not a part of this scope, nor is it anticipated to be needed.
- Property acquisition coordination with property owners and preparation of purchase agreements will be completed by the City.

Subtask 4 -- Stormwater Report

This task will provide for the preparation of a stormwater report and stormwater pollution prevention plan in accordance with the WSDOE (Washington State Department of Ecology) 2014 *Stormwater Management Manual for Western Washington*. The following tasks will be performed:

- The stormwater facility will be a project specific facility for treatment and detention of runoff from the Whitehawk Boulevard Project.
- The facility may be a multiple-use facility and/or a bio-retention facility.
- Stormwater runoff will be discharged following detention and water quality treatment to an existing City-owned system into the Puyallup River.

Product(s)

- Stormwater Report in PDF format.
- Stormwater Pollution Prevention Plan in PDF format.

Assumption(s)

- The reports will be prepared in accordance with the 2014 *Stormwater Management Manual for Western Washington* (Department of Ecology).
- Stormwater conveyance sizing calculations will be provided based on the City Standards.

Subtask 5 -- Preliminary Design

The information obtained from field investigations and the Corridor Study will be incorporated into a 30 percent design. This design will show the configurations of lane widths, sidewalk, planter strips, signal layout, and stormwater facilities. An initial review of the preliminary design will take place with City staff and the design team. Modifications to the preliminary design will be made based on the initial review, and a construction cost estimate will be prepared. The revised design can then be presented to all affected stakeholders at a Street Committee meeting or workshop. This meeting will focus on the major design elements and construction cost. Feedback from this meeting will be used to further refine the design and then be routed back to the City for final approval of the major design components. Upon approval of the major design components, the channelization and intersection plan will be submitted to WSDOT for approval.

The preliminary design plan and profile will include the following elements:

1. Roadway horizontal and vertical alignment.
2. Roadway and sidewalk widths.
3. Planter locations.
4. Utility extensions.
5. Anticipated roadside safety elements.
6. Retaining wall type, size, and locations.
7. Preliminary signal layout.
8. Channelization improvements.
9. Stormwater Mitigation Plan.

SCOPE OF WORK (continued)

Product(s)

- Initial design review meeting with the City.
- Preliminary design plan and profile, 20-scale color roll plot.
- Construction cost estimate.
- Review meeting with the City on preliminary design.
- Revised preliminary design plan and profile, 20-scale color roll plot.
- Revised construction cost estimate.
- Channelization and intersection plans for approval will be delivered to WSDOT for review and comment.

Assumption(s):

- Two meetings will be required to finalize the preliminary design.
- The City will invite stakeholders to design review meetings.
- Channelization plans will only be provided to WSDOT for review for the SR 162/Whitehawk Boulevard intersection.

Subtask 6 – Final Design

The purpose of this task will be to develop final plans and specifications necessary for bidding and construction. All materials and installation procedures will be in conformance with the City of Orting Standards and WSDOT Standards, except as modified to address specific project needs. All plans will be completed using AutoCAD Civil 3D 2018. Plan format, layout, and presentation will follow the format of past projects completed for the City by Parametrix. The following Final Plan Sheet Index is anticipated:

Final Plan Sheet Index

Plan Sheet	Number of Sheets
Cover Sheet	1
Legend/Typical Sections	1
Demolition and Utility Relocation Plan (20 scale plan)	3
Roadway Plan and Profile (20 scale plan)	9
Stormwater Mitigation Plan and Details	3
Water/Sewer Plan and Profile (20 scale plan)	9
Channelization, Signage, and Illumination Plan (20 scale plan)	5
Signal Plans and Details (20 scale plan)	6
Illumination Plans and Details	6
Signal Interconnect Plans	2
Restoration/Mitigation Plans	2
Miscellaneous Details/Landscaping	4
Approved Channelization Plans (WSDOT)	3
Total Estimated Sheet Count	54

Product(s)

- Opinion of probable construction cost.
- One full-size (22 by 34) and five half-size (11 by 17) sets of camera-ready reproducible plans.
- One set of contract specifications (hard copy).

Assumption(s)

- The Scope of Work and Budget for final design assumes that the decisions made during preliminary design, will not change. Changes to items such as sidewalk location, stormwater treatment type and location, and vertical and horizontal alignment of the roadway will be considered extra work and may require a budget amendment.
- The Scope of Work and Budget for final design assumes that the channelization and intersection plans at the Whitehawk/SR 162 intersection will be approved by WSDOT within two review cycles following the initial submittal. Additional review requests by WSDOT may be considered extra work.

Subtask 7 – Geotechnical Report

HWA Geosciences will complete subsurface explorations to characterize subsurface soil and groundwater conditions to support design of the project elements. Their findings, conclusions, and geotechnical engineering recommendations will be summarized in a report. A separate scope has been prepared by HWA Geosciences to support their effort.

Product(s)

- Draft and Final Geotechnical Report summarizing the results of the geotechnical field explorations and geotechnical engineering conclusions and recommendations for design of the project. The report will include a site plan showing approximate exploration locations, descriptive logs of subsurface explorations, results of field and laboratory tests, and a description of soil and groundwater conditions encountered in the explorations.

Assumption(s)

- Any required City permits will be provided at no charge.
- If necessary, the City or Parametrix will arrange for right-of-entry onto private property to complete the borings.
- The locations and elevations of all borings will not be surveyed. A drawing showing the approximate locations of the borings will be given to Parametrix so that Parametrix survey crews may pick up the locations.
- Exploration borings located in the right-of-way will be patched with concrete.
- Field exploration will be performed during the daylight hours.
- Soil samples will be disposed of 90 days after the date of the final report.
- Piezometers will be installed in accordance with WAC 160-360. Abandonment of piezometers is not included in the Scope of Work. Abandonment of piezometers should be made part of the construction requirements.

SCOPE OF WORK (continued)

- All traffic control costs are incidental to the geotechnical exploration and design.
- All utility locate costs are incidental to the geotechnical exploration and design.
- Parametrix and the City of Orting will provide a single, conformed set of review comments for the Draft document, and will not raise new review issues after issuing the Draft comments.
- This Scope of Work does not include environmental sampling and testing in the event that contaminated soils are encountered.

Subtask 8 – Document Production and Bidding Services

This task will cover services related to producing necessary bidding documents. Tasks to be performed include:

- Reproduction of plans and routing one full-size (22 by 34) and five half-size (11 by 17) sets to the City of Orting.
- Creating and placing Advertisement of Bids.
- Addressing Bidders' questions.
- One contract addendum.
- Distributing plans and plan holders list.
- Attending bid opening and reviewing bids.
- Preparing recommendation of award letter.

TASK 2 – ENVIRONMENTAL DOCUMENTATION AND PERMITTING

Subtask 1 – NEPA Documentation

Parametrix will prepare a WSDOT Categorical Exclusion (CE) Documentation Form in support of a NEPA Documented Categorical Exclusion. Parametrix shall submit the draft CE Form for approval by the City for review prior to submission to WSDOT.

It is assumed that the following supporting technical materials will be prepared to accompany the CE Form:

- Traffic analysis (Prepared by PH Consulting),
- No Effect Document,
- Wetland delineation report,
- Noise analysis,
- Section 4(f) de minimus documentation, and
- Cultural Resources Study.

Product(s):

- Draft and Final CE (Categorical Exclusion) Form including above-listed supporting technical materials.
- PDF versions of all draft and final documents will be provided in addition to up to six printed hard copies.

SCOPE OF WORK (continued)

Assumption(s):

- Up to one in-person meeting by a Parametrix Senior Engineer and Senior Planner with WSDOT Local Programs staff persons to discuss proposed NEPA approach.
- It is anticipated that a Documented Categorical Exclusion will be acceptable for this project for WSDOT and FHWA approval.
 - No federally-listed threatened or endangered species or critical habitat will be impacted by the project. A No Effect Document will be sufficient to address potential project impacts. If it is determined that the project requires a Biological Assessment, additional scope and budget will be required.
- No air quality analysis will be required.
- A cultural resources study will be necessary. Parametrix will coordinate with WSDOT Local Programs to determine the APE (Area of Potential Effect) prior to investigation.
- Parametrix will prepare Section 4(f) documentation for a de minimus impact to Gratzner Park and/or Whitehawk Park, if required. A full Section 4(f) analysis (e.g., analysis of feasible and prudent avoidance alternatives) will not be required.
- WSDOT and FHWA comments on draft deliverables will be submitted to Parametrix in a consolidated Excel spreadsheet comment form.
- Preparation of the SEPA checklist will not be required, and the City will adopt the DCE under SEPA.

Subtask 2 -- Wetland Delineation Field Work

Parametrix will identify and delineate the boundaries of wetlands and/or streams within the project area, including the portions of parcel numbers 0519311113, 0519311114, 0519311700, and 0519311093 that are located east of the Calistoga Setback Levee. After conducting in-office background research, wetlands will be delineated in accordance with the U.S. Army Corps of Engineers (Corps) Wetland Delineation Manual (Corps Technical Report Y-87-1) and Regional Supplement to the Corps' Wetland Delineation Manual: Western Mountains, Valleys, and Coast Region (ERDC/EL TR 10-3). Wetlands will be rated according to the Washington State Wetland Rating System for Western Washington (Hruby 2014). Streams, if present, will be delineated in accordance with the Washington State Department of Ecology Ordinary High Water Mark delineation manual (Anderson, et al., 2016). The wetland and stream delineation will inform the CE Form and will also be used for federal, state and local permitting (see Subtask 7 and 9).

Product(s):

- Wetland background information, and data and rating forms to be incorporated into a Critical Area Report compliance with Orting Municipal Code—see Subtask 9.

Assumption(s):

- Wetland flags will be instrument surveyed. Surveyors to provide wetland map in CADD format to project biologists.
- The delineation work can be completed by up to 3 Parametrix biologists, for up to 5 days (10 hours/day).

SCOPE OF WORK (continued)

- Wetlands on the eastern half of parcel number 0519304037 were previously delineated by Parametrix staff in March 2019, in support of the Gratzner Park-Phase 2 project. This existing delineation will be incorporated into the Critical Areas Report for the Project.
- The City will obtain written right of entry for private property where needed.

Subtask 3 – Noise Analysis

The noise subconsultant will perform a traffic noise analysis for widening, extension, and improvements to Whitehawk Boulevard NW to the project match point at Kansas Street SW at Calistoga Street SW. A detailed description of work to be performed is outlined below, including the required data for the analysis.

The sub-consultant will conduct a reconnaissance of the project study area to identify all the land uses and locate noise sensitive properties within 500 feet of the project as described in 23 CFR Part 772. Physical and terrain features that affect noise propagation and features that may be altered during construction shall be identified.

Noise measurements and traffic counts will be conducted at sites as needed to calibrate the traffic noise model and to ensure complete description of existing noise levels that are representative of the land uses along the proposed alignments. An estimate of 8 noise monitoring sites will be needed for this project. The task will include:

- A reconnaissance of the project study area to identify all of the land uses and locate noise sensitive properties within 500 feet of the project as described in 23 CFR Part 772. Physical and terrain features that affect noise propagation and features that may be altered during construction shall be identified.
- Conduct noise measurements and traffic count at sites as needed to calibrate the traffic noise model and to ensure complete description of existing noise levels that are representative of the land uses along the proposed alignments. An estimate of 8 noise monitoring sites will be needed for this project. Conduct measurements near existing active roadways for a 15-minute sampling period during daytime off-peak hours (10 AM to 4 PM) when traffic is moving freely. Traffic counts and classifications will be conducted concurrently with the noise measurements. All noise sources will be noted and those that may interfere with future determination of noise abatement will be identified. Due to the new roadway connection between Whitehawk Boulevard NW and Kansas Street SW, thirty (30) minute background measurements will be taken at sites along Groff Avenue NW, Orting Avenue NW, and Burnett Court NW. Measurements in these areas will be used for comparison with the 10 dB substantial increase criteria. The measured data and traffic counts will be used to help establish the existing noise levels in those areas with no existing roadways or minimal existing traffic.
- Predict traffic noise levels at each validation measurement site using the FHWA Traffic Noise Model (TNM, version 2.5) using the existing roadway configurations and the traffic counts from the noise measurement survey. The sound level predictions will be compared with the measured sound levels to reach close agreement of +/- 2 dB.
- Locate representative noise modeling sites throughout the project study area based on site visits, review of aerial mapping, and land use inspection. Frequently, one modeling location will be used to represent several nearby locations expected to have noise levels that are the same, or slightly less, than the modeling location. The number of modeling sites will be sufficient to accurately predict existing (2019), future (year 2040) No-Build and future Build traffic noise levels, identify all potential traffic noise impacts, and evaluate traffic noise abatement measures. It is estimated that 20 to 25 noise modeling sites may be needed to provide representative noise levels along the project corridor. Using the validated model, existing peak hour traffic volumes from project Traffic Engineers will be used with posted speed limit

speeds to calculate existing peak hour noise levels at each of the modeling sites from above. In locations where there are no existing roadways or very low existing traffic volumes, noise measurements, along with supporting noise levels from the noise model (where possible), will be used to represent the existing noise levels. Traffic noise levels projections will also be performed for the same sites using the future No-Build traffic volumes. These predicted noise level will be used for comparison with the future Build noise levels and to aid in the understanding of the potential change in project area noise levels.

- Model future Build noise levels during peak hour at the selected noise sensitive sites with the proposed new and improved roadways and ancillary facilities included. The future Build traffic noise levels will be compared to the approach or exceed and allowable increase noise criteria using the WSDOT policy. For residences, noise impacts occur if future traffic noise levels approach or exceed 66 dBA Leq during peak hours. The connection of Whitehawk Boulevard NW and Kansas Street SW could result in impacts under the WSDOT Substantial Increase Criteria of 10 dB or more over the existing traffic noise levels.
- Consider noise abatement measures at locations along the alignments where traffic noise impacts are predicted in accordance with FHWA and WSDOT requirements. Due to limited right-of-way, it is assumed that noise abatement measures considered will be limited to noise walls, as there is not sufficient right-of-way to consider berms in most sections of the corridor. If noise walls are necessary, the subconsultant shall provide location, length, height, profile, estimated cost (using WSDOT Policy) and number of benefiting noise sensitive properties for each proposed barrier. This information will be used to show compliance with WSDOT criteria for reasonable and feasible noise abatement for any recommended noise barriers. For those areas with noise impacts and no recommended noise abatement measures, the analysis will provide a discussion for these impacts and specifically note reasons for not including any noise abatement.
- Qualitatively assess construction activities that may cause annoyance at nearby noise sensitive land uses in accordance with WSDOT's procedures. The subconsultant will discuss local laws applying to construction noise.
- The contractor shall prepare a noise technical report summarizing the finding of the noise study. The contents will include an introduction to acoustics, land use, methodology, existing noise levels, future No-Build and Build noise levels, noise impacts, and recommended mitigation. The noise report will follow the WSDOT policy for a traffic noise technical analysis. The report will include maps of existing and proposed alignments on vicinity scale maps. Impacts, monitoring locations and sensitive receivers will be shown on area maps at an appropriate scale. Tables, with comparisons, will be prepared to aid in the understanding of project impacts and mitigation. A discussion of potential impacts to future land uses in the context of existing and planned land uses will be provided. Construction noise impacts and local regulations, as described above, will be discussed. The initial report will be submitted in MS Word for review and comments from the City, project shareholders and WSDOT. After revisions based on the comments are completed, a final report will be produced in PDF electronic format.

Product(s):

- Noise Analysis Technical Report (draft and final)
- Noise monitoring sheets and details
- Noise wall locations and heights (where applicable)
- TNM Files

Assumption(s):

- Work will be performed by Michael Minor and Associates, Inc., as a subconsultant to Parametrix. Noise analysis will be conducted from the proposed new signal at SR 162 to the project terminus at Calistoga St W and Kansas St W.
- The study will be based on the current Federal Aid Policy Guide, Sub-chapter H, Part 772 Procedures for Abatement of Highway Traffic Noise and Construction Noise, Federal Highway Administration (FHWA) and the 2011 Traffic Noise Policy and Procedures, Washington State Department of Transportation (WSDOT), October 2012. FHWA's Traffic Noise Model (TNM) 2.5 will be used.
- The future with project conditions will consist of one build alternative.
- One future year (design year) will be analyzed.
- No quantitative noise modeling will be done for construction noise effects.
- The Traffic Noise Analysis Report will not require more than two review cycles.
- WSDOT comments on draft deliverables will be submitted to Parametrix in a consolidated Excel spreadsheet comment form

Subtask 4 -- Section 4(f) Evaluation

Parametrix will develop draft and final Section 4(f) de minimus documentation for WSDOT and FHWA approval if impacts to either Gratzner Park or Whitehawk Park are unavoidable. Parametrix will obtain approval from City of Orting Parks and Recreation and aid them with documentation and public notice requirements, as needed.

Product(s):

- Letter or similar for submission and presentation in City of Orting Parks and Recreation meeting.
- Draft and Final Section 4(f) de minimus use form (per WSDOT Local Programs CE guidebook and 23 CFR 774).

Assumption(s):

- The project will not result in significant impacts to Section 4(f) properties and a full Section 4(f) evaluation will not be necessary.

Subtask 5 -- Cultural Resources Assessment

This task will identify cultural and historical resources potentially occurring or documented in the area in order to satisfy requirements of Section 106 of the National Historic Preservation Act and related regulations. Parametrix will provide a draft APE (Area of Potential Effect) to WSDOT Local Programs for DAHP approval. Subsequent to APE approval, a cultural resources subconsultant will complete the cultural resources field investigation and compile a report for submission to WSDOT for consultation with DAHP.

Product(s):

- Cultural and Historical Resources Memorandum.

Assumption(s):

- The cultural and historical resources study and memorandum will update any prior investigations conducted within the APE and include new areas not previously surveyed.
- Work will be performed by Cultural Resources Consultants, as a subconsultant to Parametrix.

Subtask 6 – Environmental Permits and Approvals

Under this task, Parametrix will prepare permit application materials needed to obtain necessary permits and approvals subsequent to NEPA approval by WSDOT and FHWA. It is anticipated that the following environmental permits will be needed.

- Individual Section 404 Permit from the US Army Corps of Engineers (Corps) and Individual 401 Water Quality Certification from the Washington Department of Ecology (Ecology)
- Critical Area Permit for City of Orting for impacts to wetlands and floodplains

Subtask 7 – Section 404 Permit and Section 401 Water Quality Certification

A Joint Aquatic Resources Permit Application (JARPA) at 30% design level will be prepared for submission to the Corps and to Ecology.

This task also includes ongoing coordination and support for the City during the preliminary design and environmental permitting phase. The City is anticipated to submit for the permits and review identified above using preliminary design information; therefore, Parametrix anticipates that ongoing coordination will be required to provide the City and regulatory agencies additional project information to support the permit application process, including the alternative analysis, as the design is advanced.

Product(s):

- Draft and Final Joint Aquatics Resources Permit Application (JARPA) for Section 404 permit and Section 401 water quality certification.
- Corps pre-application meeting materials package and meeting minutes

Assumption(s):

- The estimate includes preparing and submitting a JARPA for a Section 404 Permit and a Section 401 Water Quality Certification. The cost estimate does not include fees that may be required to obtain these permits.
- It is assumed that an HPA from WDFW will not be required.
- This task assumes preparation and attendance for a formal Corps/Ecology Section 404/401 preapplication meeting.
- This task includes preparation and attendance for a Corps Jurisdiction Determination (JD) field meeting at the project site.
- This task assumes up to 80 hours of coordination time with the City, Corps, and WSDOT and other applicable agencies.

Sub-task 8 – 404(b)(1) Alternatives Analysis

Based on initial research of the project site, it is anticipated that the project will not be able to be constructed without permanently impacting more than 0.5 acre of wetlands/waters of the US, which is typically the threshold between a Section 404 Nationwide Permit (NWP) and a Section 404 Individual Permit (IP). This will be confirmed with the wetland delineation. If more than 0.5 acre of wetlands/waters of the US will be impacted by the project, an IP will be required by the Corps, which also requires the completion of a 404(b)(1) Alternatives Analysis. In addition, an IP will also require an Individual 401 Water Quality Certification, typically performed by Ecology.

If an IP is required, Parametrix will prepare a 404(b)(1) Alternatives Analysis that will meet federal 404(b)(1) applicable provisions as set out in 40 CFR Part 230 in the context of the purpose and need of the project. Projects involving fill in waters of the U.S. that do not qualify for a general Nationwide Permit are required to evaluate "practicable alternatives" that would have less impact on the aquatic ecosystem. Parametrix will evaluate the Project following the Alternatives Analysis Guidelines developed by the Corps (2003).

The alternatives analysis will document the constraints that limited the project to the proposed design and evaluate how the on-site project alternative minimizes wetland impacts while still achieving the project purpose and need. Therefore, the alternatives analysis must be approved by the agencies prior to approval of the mitigation plan.

The draft alternatives analysis will rely heavily on pre-existing documents prepared for design and regulatory compliance, including, but not limited to, the JARPA, SEPA/NEPA documents, traffic study, and the critical areas report.

To complete a comprehensive analysis up to 3 alternatives (including the preferred alternative) will be evaluated for wetland impacts. This evaluation will be conducted primarily by a CADD designer, and the result will be documented numerically and as a graphic for the alternatives analysis. It is presumed that the proposed project will have less adverse impacts to aquatic resources, and as such is the least environmentally damaging practicable (e.g., available and capable of being done considering cost, technology, and logistics) alternative.

Following submittal of the draft alternative analysis, Parametrix will meet with the primary agencies (Corps and Ecology) to discuss the draft analysis and solicit comments. Parametrix will then review the comments and respond to them in the final alternative analysis, as appropriate.

Product(s):

- Draft and Final 404 (b)(1) alternatives analysis for Corps Section 404 Individual Permit
- Corps pre-application meeting materials package and meeting minutes

Sub-task 9 – Critical Area Report and Conceptual Mitigation Plan

Parametrix will prepare a Critical Areas Report (CAR) based on the wetland and stream delineation and previous studies, as applicable. The CAR will include wetland data sheets, categorization (according to Washington State Department of Ecology and City of Orting requirements), classification, buffers, functional assessment, and impact

SCOPE OF WORK (continued)

analysis for the project. The CAR will include a description of mapped floodplain in the project area. The CAR will also include a conceptual wetlands mitigation plan.

- Mitigation Sequencing will follow the 404(b)(1) alternatives analysis.
- Developing a conceptual mitigation strategy for impacts associated with the preferred alignment.
- Coordinating and managing this task.

Product(s):

- Draft and Final Critical Areas Report, including conceptual mitigation plan (including electronic copy in PDF format).
- PDF versions of all draft and final documents will be provided in addition to up to six printed hard copies.

Assumption(s):

- The project alignment will be located and designed to minimize impacts to wetlands, streams, and buffers to the extent possible.
- The impacts analysis portion of the Critical Areas Report will be based on impacts identified per final design and location of the proposed alignment.
- The Critical Areas Report will address wetlands, streams (if present) and frequently flooded areas (floodplains). Geologic hazards will be addressed separately in the geotechnical report.
- The conceptual mitigation plan will consist of a chapter or section in the Critical Areas Report and will not include or consist of a separate document or construction documents.
- Any required mitigation will occur onsite or within close proximity to the project area. If a mitigation site is not easily identifiable, additional scope and budget may be needed to assist the City in finding a suitable site. A final mitigation plan will be created as a separate document or as part of the final engineering design construction documents.
- No onsite meetings with agencies will be required under this task.

Subtask 10 – Final Wetland Mitigation Plan

Parametrix will prepare a Final Wetland Mitigation Plan, based upon the conceptual mitigation plan. The mitigation plan will comply with Part 332 of the Federal Rule on Compensatory Mitigation for Losses of Aquatic Resources (33CFR Part 332, 2008) and the Washington State Wetland Mitigation Guidance (2006). The Final Wetland Mitigation Plan will include both landscape and grading drawings for the wetland mitigation site. The landscape plan drawings will include approximate planting areas with a hatch pattern that denotes a particular type of site preparation and planting regime. Notes and details will be included on plan sets showing typical plant size, spacing, layout, grading etc. The location of each individual plant will not be shown on the planting plans. Grading plans will be developed for excavated wetland areas.

After agency review, a Final Wetland Mitigation Plan will be prepared that incorporates agency comments.

Product(s):

- Draft and final Wetland Mitigation Plan

Assumption(s):

- All mitigation for the Project can be accomplished at the site identified in the conceptual mitigation plan.
- All mitigation for the project can be accomplished within an area up to 5 acres. If additional mitigation is needed, additional scope and budget may be needed to design the site.
- No additional studies will be required beyond those already specified in this scope of work.
- The Mitigation Design will comply with Part 332 of the Federal Rule on Compensatory Mitigation for Losses of Aquatic Resources (33 CFR Part 332, 2008) to address the impacts to wetlands anticipated from project construction.

PHASE 3 – CONSTRUCTION SERVICES

Future Subtasks – Construction Services

Construction services have not been included as part of this Scope of Work and Budget. Upon completion of final design, a contract amendment will be prepared to cover this effort for your review.



City of Orting Council Agenda Summary Sheet

Subject: Ordinance No. 2019-1051, Relating To Land Use And Zoning; Amending Orting Municipal Code Title 13 Pertaining To The Mixed Use Town Center North Zone		Committee	Study Session	Council
	Agenda Item #:	N/A	AB19-46	AB19-46
	For Agenda of:		7.17.19	9.25.19
	Department:	Planning/Administration		
	Date Submitted:	07/02/2019 [Revision submitted 9/6/19, and 9/20/19]		
Cost of Item:	N/A			
Amount Budgeted:	N/A			
Unexpended Balance:	N/A			
Bars #:	N/A			
Timeline:	N/A			
Submitted By:	Mark Bethune, City Administrator; Roger Wagoner, Interim City Planner; Charlotte A. Archer, City Attorney			
Fiscal Note:				
Attachments: <ul style="list-style-type: none"> • Ord. No. 2019-1051, and Exhibit A thereto; • Staff’s Comparison Chart (comparing the existing OMC Title 13 provisions, the Planning Commission’s Recommended Amendments to OMC Title 13, and Staff’s Recommended Amendments to OMC Title 13). 				
<p>SUMMARY STATEMENT: Before the City Council for consideration are proposed amendments to the City’s zoning code, OMC Title 13. The Planning Commission made recommendations for amendments to OMC 13-3-2 and 13-3-3, development regulations for the Mixed Use Town Center North Zone. The Council and staff have worked in open session to review and consider the Planning Commission’s recommendations; the results of that work are attached as Exhibit A to Ordinance No. 2019-1051.</p>				
<p>Background: In late 2018 and early 2019, the City received a request from DR Horton for amendments to the City’s Comprehensive Plan provisions governing the Mixed Use Town Center North zone. Those requested amendments implicated the City’s zoning code, codified at OMC 13-3-2 and 13-3-3. Staff initially combined the proposed amendments to the City’s Comprehensive Plan with the proposed amendments to the Orting Municipal Code. Staff recommended bifurcating those amendments, per state law (one subject rule). This Ordinance contains the proposed zoning code amendments that have been discussed at the Planning Commission, Council and at multiple public hearings before both bodies.</p>				
<p>The City has undertaken a public involvement process and provided for early and continuous public participation opportunities on the proposed amendments, including multiple Planning Commission workshops from December 2018 to July 2019 including public meetings on the Comprehensive Plan amendments on December 3, 2018, January 7, 2019, January 22, 2019, February 14, 2019, March 4, 2019, March 21, 2019, April 1, 2019 and May 6, 2019, and June 3, 2019; July 1, 2019; a public open house on April 26, 2019; a joint meeting with the Orting City Council on April 20, 2019 and a public hearing on June 18, 2019 before the Planning Commission. An environmental review of the proposed Comprehensive Plan amendments has been conducted in accordance with the requirements of the State Environmental Policy Act (“SEPA”), and a SEPA threshold determination of non-significance was issued on July 1, 2019. In accordance with WAC 365-196-630, a notice of intent to adopt the</p>				

proposed Comprehensive Plan amendments was sent to the State of Washington Department of Commerce and to other state agencies with acknowledgement by the Department on July 2, 2019, to allow for a 60-day review and comment period.

Planning Commission's Recommendations:

The Planning Commission approved, with conditions, the request from DR Horton, and recommended amendments to OMC 13-3-2 and 13-3-3, the zoning code for the MUTCN zone.

Staff Recommendations:

Based on input from the Council at the previous regular meetings and study sessions where the proposed amendments have been discussed, Staff proposes modifications the Planning Commission's recommendations. Staff's recommendations are attached to Ordinance No. 2019-1051 as Exhibit A thereto.

RECOMMENDED ACTION: Conduct a first reading of Ordinance 2019-1051, and move it forward for a public hearing and second reading on October 9, 2019.

FUTURE MOTION: To Adopt Ordinance 2019-1051, An Ordinance Of The City Of Orting, Washington, Amending Orting Municipal Code Title 13 Pertaining To The Mixed Use Town Center North Zone.

CITY OF ORTING
WASHINGTON
ORDINANCE NO. 2019-1051

**AN ORDINANCE OF THE CITY OF ORTING,
WASHINGTON, RELATING TO LAND USE AND ZONING;
AMENDING ORTING MUNICIPAL CODE TITLE 13
PERTAINING TO THE MIXED USE TOWN CENTER
NORTH ZONE; PROVIDING FOR SEVERABILITY; AND
ESTABLISHING AN EFFECTIVE DATE**

WHEREAS, as required by the Growth Management Act (Chapter 36.70A RCW), the City adopted a comprehensive plan for the community on November 29, 2004, (the “Comprehensive Plan”), which is updated frequently; and

WHEREAS, in accordance with RCW 36.70A.130, an adopted Comprehensive Plan shall be subject to continuing evaluation and review, and amendments to the Comprehensive Plan shall be considered no more frequently than once every year; and

WHEREAS, the City Council on December 13, 2017, adopted Ordinance No.2017-1019 including amendments to the Comprehensive Plan and development regulations pursuant to state of Washington periodic review requirements; and

WHEREAS, in December 2018, the City initiated a review of the Comprehensive Plan to address plan elements that require updating, and requested amendment proposals from citizens; and

WHEREAS, the docket for plan amendments for 2019 included a request to amend both the Comprehensive Plan at the Land Use Element, as well as amendments to Orting Municipal Code Title 13 (the “Orting Zoning Code”) for the Mixed Use Town Center North zone; and

WHEREAS, on July 1, 2019 the Planning Commission, after considering the public comments received and other information presented at the aforementioned public hearings and public meetings, voted to recommend the adoption of the proposed amendments to the Orting Zoning Code for the Mixed Use Town Center North zone; and

WHEREAS, prior to making said recommendations, the Orting Planning Commission, following notice thereof as required by RCW 35A.63.100, held multiple public hearings on the amendment proposals and considered the comments received at said hearings; and

WHEREAS, on July 1st, 2019, the City's SEPA Responsible Official complied with the State Environmental Policy Act (SEPA) by issuing a Determination of Nonsignificance (DNS), complying with SEPA's procedural requirements; and

WHEREAS, the City Council received written recommendations from the Orting Planning Commission to amend certain sections of the text of the Orting Zoning Code pertaining to the Mixed Use Town Center North zone; and

WHEREAS, on September 11th, 2019, the City Council held a second public hearing to take public testimony regarding the proposed amendments to the Orting Zoning Code; and

WHEREAS, on June 18th, 2019, the proposed amendments contained herein were transmitted to the State Department of Commerce as required by law and on July 2nd, 2019, the Department of Commerce granted expedited review of the proposed code amendments; and

WHEREAS, having considered, among other things, the public testimony, the minutes of the Planning Commission meetings, the preliminary and final staff reports, and the Planning Commission recommendations, the City Council finds that the proposed amendments to the Orting Zoning Code are consistent with and would serve to further implement the planning goals of the adopted Comprehensive Plan and the Growth Management Act, bear a substantial relation to the public health, safety or welfare, and promote the best long term interests of the Orting community;

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

Section 1. Incorporation of Recitals. The above stated recitals are incorporated as though fully set forth herein.

Section 2. Adoption of Amendments to the Orting Zoning Code (OMC 13-3-2 and OMC 13-3-3). The City Council adopts the proposed amendments to the Orting Zoning Code (OMC 13-3-2 and 13-3-3), attached hereto as "Exhibit A", which is incorporated by reference herein.

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

Section 4. Corrections and Codification. The City Council authorizes the City Clerk to correct any non-substantive errors herein, codify the above, and publish the amended code.

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

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

CITY OF ORTING

Joshua Penner, Mayor

ATTEST/AUTHENTICATED:

Jane Montgomery, City Clerk

Approved as to form:

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

Filed with the City Clerk: 9.13.19

Passed by the City Council:

Ordinance No.2019-1050

Date of Publication:

Effective Date:

**EXHIBIT A
TO ORDINANCE 2019-1051**

13-3-2: ZONE CLASSIFICATIONS:

E. MUTCN Mixed Use-Town Center North Zone:

1. Purpose And Intent: The intent of the MUTCN Zone is to benefit the citizens of Orting with the desirable opportunities presented to the City of the large lots and land area between Orting High School and Rocky Road for the development of new economic opportunities including a mix of residential, non-residential, open space and recreational uses that support a sustainable community by providing jobs and increasing the tax base. Pedestrian amenities, public transportation, and architectural design review will be considerations throughout master planning and development approvals for projects in this zone. (Ord. 2018-1026, 4-25-2018)

2. Master Development Plan Required: Development in the MUTCN (Mixed Use Town Center North) requires approval of a master development plan that shall include a planned unit development and an approved development agreement with site specific design guidelines, and a parcel map if future phases are anticipated. The development agreement shall set forth the conditions for development, public improvements, and phasing, if applicable. The master development plan approval process is a Type 4 permit per section [15-4-1](#) of this Code. All development and uses shall be in accordance with the adopted master development plan. Provisions for allowed and conditional uses, site specific locations of public streets, parks and open spaces, and design standards described in this section shall be interpreted and modified as appropriate during the master plan review and planned unit development approval process based on evidence provided by the applicant.

3. Master Plan Elements: The master development plan shall contain, at a minimum, the following:

a. A master site plan showing the location of:

- (1) Buildings;
- (2) Streets, alleys, and major driveways;
- (3) Off street parking areas;
- (4) Open spaces (plazas, squares, courtyards, and other spaces intended for public enjoyment) based on the proposed uses and whether they are intended to serve the public;
- (5) Critical areas and buffers;
- (6) Shorelines;
- (7) Floodplains;
- (8) Pedestrian walks and paths;
- (9) Landscaping;
- (10) Proposed Phases; and
- (11) Other site features;

b. A unified parking management plan showing potential shared parking areas;

c. Subdivision or Binding Site Plan proposals per [title 12](#) of this Code, if applicable; and

EXHIBIT A
TO ORDINANCE 2019-1051

- d. Other materials as required for planned development or binding site plan approval and architectural design review per this title.
4. Principal Uses: Section 13-3-3, Table 1, of this chapter, shows the allowed principal and conditional uses in the MUTCN Zone, ~~and summarizes those uses in the sectors within the zone.~~ ~~The maximum number of residences allowed in MUTCN is based on a maximum gross density of ten (10) dwelling units per acre. Project proponents may be allowed to transfer residential development rights between these areas subject to master plan review.~~ Uses not listed are prohibited. All development within the MUTCN is subject to Architectural Design Review.
5. Bulk and Dimensional Requirements: The following bulk and dimensional requirements apply to the MUTCN district:
- a. Non-Residential Space: A minimum of 15 acres of dedicated non-residential space (Commercial, Light Industrial and Light Manufacturing, Cultural and/or Public Uses per OMC 13-3-3, Table 1) located primarily along Washington Avenue N/SR 162 but may also be located adjacent to Rocky Road, the Orting Wastewater Treatment Plant or the Orting School District property. Prior to certificates of occupancy for every 100 residential dwellings, a minimum of 3,500 square feet of retail office space along SR162 and a minimum of 1,500 square feet of Light Industrial or Light Manufacturing commercial space shall be constructed as commercial shells ready for tenant improvement and occupancy. Retail development fronting on SR162 should begin at the Whitehawk Blvd/SR162 intersection and then move north.
- b. Public Open Space: In addition to the required commercial plazas and courtyards and the community open space required in this title, the district shall contain a minimum of 5 acres of useable open community park space that is not part of a critical areas buffer or shoreline buffer, required landscaping or perimeter buffering, part of a required easement, or part of a stormwater facility. These 5 acres of open community park space may not be subdivided into more than two smaller tracts and subject to the proportional size of the tax parcels. Public access to park space shall be compliant with the American Disabilities Act (ADA), 42 U.S.C. 12101, et seq., including wheel chair accessibility. Park equipment shall have ADA accessible features including wheel chair accessibility. An ADA accessible pathway shall be provided for access to the Carbon River levy. Development of this park space shall be dedicated to the City for public access and use and may be provided by the applicant, or may be financed by park impact fees paid by the applicant.
- c. Residential Density: The minimum residential density is six (6) dwelling units per gross buildable acre. The maximum residential density for any residential development parcel is twelve (12) dwelling units per buildable acre. Buildable acreage does not include critical areas or flood plain acreage.

Senior housing minimum density is six (6) dwelling units per gross buildable acre and a maximum of twenty (20) units per gross buildable acre. Residential uses over retail uses

EXHIBIT A
TO ORDINANCE 2019-1051

in the same structure have no maximum density restrictions and do not count toward the density total.

- d. Each of the above totals shall be proportionate in acreage to the parcel size for each lot of record existing as of the date of adoption of this code. This provision shall run with the land and be in effect whether the parcels remain in their existing configuration or are subsequently divided.
- e. Height is restricted to 35-feet for commercial and residential construction fronting SR162 and Rocky Road. Height is restricted to 45-feet east of commercial construction fronting SR 162 and south of construction fronting on Rocky Rd. No commercial or residential building may be more than 3 stories (3 occupied floors). Development shall not be permitted that raises the height of the ground above the site plan elevations as approved by the City.

6. Project Design: The design, layout and distribution of uses such as buildings, landscaping, parking areas, signs, open spaces, public areas, and streetscapes shall comply with the approved master development and guidelines. Proposed design features shall be reviewed by the Planning Commission in accordance with section [13-6-7](#) of this title and the MUTCN design guidelines. The following design features shall be addressed during the review of all project proposals:

- a. Architectural character illustrated by building elevations and renderings showing design features, building orientations, and relationships to parking, pedestrian areas, and open spaces;
- b. Public plazas and open spaces;
- c. Relationships to adjacent properties, uses, and buildings;
- d. Pedestrian walkways and paths;
- e. Construction materials and colors;
- f. Coordinated signage and lighting;
- g. Streetscape design for improvements in public rights-of-way including sidewalk finishes, street trees, lighting, and street furniture;
- h. Landscaping of parking areas, open spaces, and project perimeters; and
- i. Use of low impact design techniques for stormwater management.

~~When the permitted use is light manufacturing, these features in subsections E5b, E5d, and E5g of this section are not required in sector 3, but are encouraged to benefit employees and visitors.~~

EXHIBIT A
TO ORDINANCE 2019-1051

7. MUTCN Design Guidelines (~~Sector 1~~): The following guidelines are for ~~development in sector 1 and are~~ supplementary to other adopted design standards and guidelines:

a. Pedestrian Oriented Street Frontage: Buildings shall provide pedestrian entries along streets. Sidewalks along SR 162/Washington Avenue North, one side of Daffodil Avenue NE, and one side of Rocky Road and in the non-residential shall be a minimum of eight feet (8') in width with greater widths at entries. Sidewalks along all other roadways must be a minimum of five feet (5') in width. All streets shall have street trees spaced no more than thirty feet (30') apart. All streets shall be public streets built to the City of Orting Public Works standards. Buildings on public street frontages shall provide at least two (2) of the following pedestrian amenities:

- (1) Window displays along at least seventy five percent (75%) of the frontage;
- (2) Pedestrian weather protection;
- (3) Street furniture such as benches, drinking fountains, trash receptacles, public art, or site maps;
- (4) Open spaces including cafe seating, plazas, play structures, fountains, or gardens;
- (5) Perimeter landscaping; and/or
- (6) Sidewalk "bulb-outs" at street intersections may be allowed depending upon traffic study findings.

b. Off Street Parking Access: Off street parking between streets and buildings shall be minimized. Curb cuts providing driveways to off street parking lots shall be minimized. The building street frontage facade shall not be broken by parking lots for more than sixty-five feet (65') at any location. No more than 50% of the total frontage along SR162 may be occupied by parking areas. Those parking lots may not be deeper than 65' and must be screened with landscaping.

c. Off Street Parking Management: Absolute compliance with parking requirements may be waived if a parking demand analysis demonstrates that shared parking can be accomplished through the following:

- (1) Parking lots/areas are connected by driveways and pedestrian walkways.
- (2) Multiple projects are treated collectively in the master development plan
- (3) Daytime and nighttime parking demand can be balanced.

EXHIBIT A
TO ORDINANCE 2019-1051

(4) Parking areas in adjacent or nearby projects (within 500 feet) are dedicated to serving demand.

(5) Employee parking demand is addressed through car pooling and/or remote parking areas.

d. Service Areas: Loading areas, outdoor storage, waste facilities, and other services shall be located and screened from public views and adjacent properties with a combination of location, landscaping and solid fencing.

e. Building Design: All buildings shall be designed in compliance with the architectural design review (ADR) standards set forth in section 13-6-7 of this title. ~~Further, all buildings more than three (3) stories in height or larger than ten thousand (10,000) square feet of footprint area shall provide at least two (2) of the following features to reduce their visual bulk as viewed from public streets:~~

~~(1) Upper story setbacks;~~

~~(2) Horizontal modulation in the form of setbacks or projections. The maximum facade length without modulation shall be one hundred feet (100'). The minimum depth of setbacks or projections shall be six feet (6');~~

~~(3) Roofline modulations in the form of fascias, parapets, gables, hips, or shed forms with a minimum pitch of three to twelve (3:12); and/or~~

~~(4) Facade articulation in the form of windows, bays, porches, entries, material changes, lighting, trellises, landscaping and other features.~~

f. Signage: The master development plan shall include a signage plan including a unifying theme, and details for all typical signs such as monument signs, major building signs, projecting signs, storefront signs, lighting, and directional signs.

g. Plazas and Courtyards: Plazas and courtyards are required in all non-residential areas, except for light industrial use areas. Plazas are major open space features intended to provide significant opportunities for public use and enjoyment including special events. Courtyards are smaller open space features intended to provide quiet spaces for resting and relaxing. For each ten thousand (10,000) square feet of building area, a combination of plazas and/or courtyards totaling one thousand (1,000) square feet is required. The minimum area of a courtyard is two hundred fifty (250) square feet. The minimum area of plaza is one thousand (1,000) square feet. At least twenty five percent (25%) of all plazas and courtyards shall be landscaped with trees, shrubs, and ground cover at grade or in planters. At least twenty five percent (25%) shall be paved with decorative materials. Seating (1 linear foot of seating area for each 60 square feet of plaza or courtyard area), trash receptacles, public art, water features, and other furnishings shall be provided.

EXHIBIT A
TO ORDINANCE 2019-1051

- h. Residential Open Space: Small scale, usable open space is required in all residential areas. All residential open space areas must be relatively level; located on useable space that is not part of a critical areas or shoreline buffer and must provide access and inclusive uses for all persons, including those with mobility issues and other disabilities. Areas required for perimeter buffering, landscaping, screening, utilities or storm water facilities may not be counted as residential open space. For every 50 dwelling units, a combination of open space areas including tot lots, pedestrian amenities, picnic areas, etc. totaling two thousand (2,000) square feet is required. The minimum area of an individual open space is one thousand (1,000) square feet. No side dimension of the open space may be less than 30 feet. At least 50% of all residential open space shall be landscaped with trees, shrubs, and ground cover at grade or in planters. At least twenty five percent (25%) shall be improved with play structures, unless the development is predominantly senior housing. Seating (1 linear foot of seating area for each 60 square feet of residential open space), trash receptacles, public art, water features, and other furnishings shall be provided.
 - i. Low Impact Design: In conjunction with standard stormwater management practices, site design for stormwater conveyance, detention, and treatment shall include measures such as biofiltration, irrigation reuse, and other techniques integrated with the overall landscape design to minimize high volumes of discharge and pollution, where reasonably practicable.
 - j. Mt. Rainier Site lines: The Master Development Plan proposal shall ensure views of Mt. Rainier are protected along the SR162 corridor and from the internal community parks.
 - k. Commercial setbacks fronting SR162: A minimum of 50% of retail development along SR162 shall have a minimum setback of 25' from the sidewalk with pedestrian entry in the front.
- ~~8. MUTCN Design Guidelines (Sectors 2 And 3): The following guidelines are for development in sectors 2 and 3 and are supplementary to other adopted design standards and guidelines:~~
- ~~a. Service Areas: Loading areas, outdoor storage, waste facilities, and other services shall be located and screened from public views and adjacent properties with appropriate design features, including, but not limited to, fencing or landscaping.~~
 - ~~b. Building Design: All buildings shall be designed in compliance with the architectural design review (ADR) standards set forth in section 13-6-7 of this title. Further, all buildings more than three (3) stories or forty feet (40') in height or larger than ten thousand (10,000) square feet of footprint area shall provide at least two (2) of the following features to reduce their visual bulk as viewed from public streets:~~

~~(1) Upper story setbacks;~~

EXHIBIT A
TO ORDINANCE 2019-1051

~~(2) Horizontal modulation in the form of setbacks or projections. The maximum facade length without modulation shall be one hundred feet (100'). The minimum depth of setbacks or projections shall be six feet (6');~~

~~(3) Roofline modulations in the form of fascias, parapets, gables, hips, or shed forms with a minimum pitch of three to twelve (3:12); and/or~~

~~(4) Facade articulation in the form of windows, bays, porches, entries, material changes, lighting, trellises, landscaping and other features.~~

~~e. Signage: The master development plan shall include a signage plan including a unifying theme, and details for all typical signs such as monument signs, major building signs, projecting signs, storefront signs, lighting, and directional signs.~~

~~d. Low Impact Design: Site design for stormwater conveyance, detention, and treatment shall include measures such as biofiltration, irrigation reuse, and other techniques integrated with the overall landscape design to minimize high volumes of discharge and pollution.~~

~~e. LEED Certification: All new construction shall be certified as LEED certified or higher by the leadership in energy and environmental design (LEED) U.S. Green Building Council rating system. (Ord. 889, 9-8-2010; amd. Ord. 2018-1026, 4-25-2018)~~

**EXHIBIT A
TO ORDINANCE 2019-1051**

13-3-3: USES:

TABLE 1 CITY OF ORTING LAND USE

RC: Residential-Conservation Zone	MUTC: Mixed Use-Town Center Zone	OS: Open Space and Recreation Zone
RU: Residential-Urban Zone	MUTCN: Mixed Use-Town Center North Zone	PF: Public Facilities Zone
RMF: Residential-Multi-Family Zone	LM: Light Manufacturing Zone	

	Zones							
	RC	RU	RMF	MUTC	MUTCN ²	LM	OS	PF
Residential uses ¹ :								
Cottage	P	P	P		<u>P</u>			
Cottage development		p ^{3,4}	p ^{3,4}		<u>P</u>			
Duplex		p ¹⁰	P	P	<u>p²⁵</u>			
Group residences:		C	C ³	C ³				C ²²
Adult family homes	P	P	P	P	<u>P</u>			
Attached ground related residences					<u>P</u>			
Single room occupancy sleeping units								C

**EXHIBIT A
TO ORDINANCE 2019-1051**

	Other ⁶		C	P	C	<u>P</u>			
	Manufactured home park	C	C	C					
	Mobile/manufactured home	P ⁷	P ⁷	P ⁷					
	Multiple-family			P	P ³	<u>P</u>			
	Single-family detached	P	P	P		<u>P²⁵</u>			
	Temporary lodging:								
	Bed and breakfast	C	C	C	P ³				
	Hotel/motel				P ³	<u>P</u>			
	Rooming house			C	C ³				
	Townhouse		P ¹⁰	P	P ³	<u>P²³</u>			
	Commercial uses:								
	Adult businesses				C ³				
	Arcades				P ³				
	Clubs and lodges			C ³	P ³				
	Communication facilities					<u>C</u>			
	Communication services				P ³	<u>C</u>			
	Daycare facilities:								

**EXHIBIT A
TO ORDINANCE 2019-1051**

	Centers - commercial		C	C	C	<u>P</u>			
	Provider home facility	P	P	P	C ³				
	Eating and drinking places			C ³	P ³	<u>P</u>		C ³	
	Health services			P ³	P ³	<u>P</u>			
	Home occupations ¹²	C ¹³	C	C	C ³	<u>P</u>			
	Liquor stores				P ³	<u>P</u>			
	Offices			C ³	P ³	<u>P</u>	C ³		
	Personal services				P ³	<u>P</u>			
	Retail fuel sales				C ³	<u>P</u>	P ³		
	Retail sales			C ^{3,14}	P ³	<u>P</u>	C ³	C ³	
	Theaters				P ³	<u>P</u>			
	Veterinary clinics					<u>P</u>			
	Veterinary facilities				P ³	<u>P</u>	P ³		
	Industrial uses:								
	Manufacturing ¹⁸ :								
	Assembly/fabrication					<u>C²⁴</u>	P		
	Food processing					<u>C²⁴</u>	P		

**EXHIBIT A
TO ORDINANCE 2019-1051**

	Light manufacturing					<u>C²⁴</u>	P		
	Petroleum products						P		
	Wineries and breweries				P	<u>P</u>	P		
	Wood products						P		
	Storage and shipping:								
	Construction business					<u>C²⁴</u>	P		
	Equipment rental					<u>C²⁴</u>	P		
	Freight facilities warehousing						P		
	Outdoor storage					<u>C²⁴</u>	C		
	Self-service storage					<u>C²⁴</u>	P		
	Wholesale trade					<u>C²⁴</u>	P		
	Cultural and recreational uses:								
	Cultural:								
	Art galleries				P ³	<u>P</u>			
	Churches	C ³	C ³	C ³	P ³	<u>P</u>			
	Community centers				P ³	<u>C</u>			

**EXHIBIT A
TO ORDINANCE 2019-1051**

	Community facilities					<u>C</u>			
	Libraries				P ³	<u>P</u>			
	Museums				P ³	<u>P</u>			
	Outdoor theaters				P ³	<u>C</u>			
	Recreation:								
	Athletic fields	C ²⁰	C ²⁰	C ²⁰		<u>C</u>		P	P
	Campgrounds	C ²⁰	C ²⁰	C ²⁰				P	P
	Golf facilities	C ²⁰	C ²⁰	C ²⁰				P	P
	Parks	C ²⁰	C ²⁰	C ²⁰	C ²⁰	<u>P</u>	C ²⁰	P	P
	Parks, plazas, courts					<u>P</u>			
	RV parks	C ²⁰	C ²⁰	C ²⁰				C	C
	Resorts (including lodging)			C	C	<u>C</u>			
	Shooting ranges	C					C	C	C
	Spas and health clubs					<u>P</u>			
	Stables/riding clubs	C ²⁰						C	P
	Trails	C ²⁰	C ²⁰	C ²⁰	C ²⁰	<u>P</u>	C ²⁰	P	P
	Public uses:								
	Animal shelters					<u>C²⁴</u>	P		P

**EXHIBIT A
TO ORDINANCE 2019-1051**

Colleges and universities			C	C	<u>C</u>	C		P
Correctional facilities						C		C
Emergency services		C	C	C	<u>C</u>	P		P
Government offices			P	P	<u>P</u>	P		P
Hazardous materials						C		C
Hospitals	C ³	C ³	C ³	C	<u>C</u>	C		P
Justice facilities								P
K - 12 schools	C	C	C	P	<u>C</u>			P
Landfills		C				C		C
Public safety facilities		C	C	C	<u>C</u>	P		P
School support facilities					<u>C</u>	P		P
Shared off street parking				C	<u>P</u>			
Solid waste facilities						C		P
Transit facilities	C	C	C	C	<u>C</u>	C	C	P
Utility facilities	C	C	C	C	<u>C</u>	P	C	P
Vocational schools			C	C	<u>C</u>	C		P
Wastewater treatment								P

**EXHIBIT A
TO ORDINANCE 2019-1051**

Water supply facilities	C	C	C	C	<u>C</u>	C	C	P
Resource uses:								
Agricultural:								
Agricultural research, testing and training	C				<u>C</u>	P		C
Growing crops	P				<u>C</u>			
Livestock and small animals	p ²¹				<u>C</u>			
Fish and wildlife management:								
Aquaculture	C						C	C
Wildlife shelters	C						C	C
Forestry:							C	
Growing trees	P							
Mills						P		
Research and testing	C					P		C
Mineral:								
Batch plants						P		
Extraction and processing	C	C	C			P		C

Notes:

EXHIBIT A
TO ORDINANCE 2019-1051

1. Residential planned unit developments (PUD) may allow increases in underlying density except in the MUTCN.
2. All development subject to Master Development Plan and MUTCN Bulk and Dimensional Requirements. See sections 13-3-2-E-2 and E-5 of this code.
3. Subject to architectural design review.
4. As a binding site plan.
5. Not located along retail street frontages.
6. Housing more than 12 unrelated individuals.
7. On a legal lot with permanent foundation.
8. On upper floors above ground floor commercial only.
9. On upper floors above ground floor commercial, or in freestanding residential buildings.
10. Duplexes and townhouses are not allowed on flag lots in the RU zone.
11. In planned retail centers when building area is less than 10,000 square feet.
12. See section [13-5-4](#) of this title.
13. On site sales of agricultural products allowed.
14. Food stores only.
15. On upper floors above ground floor retail.
16. Including outdoor display or sales yards.
17. Not including overnight kennels or treatment facilities.
18. Machine shops, incinerators, wrecking yards, and feedlots may be permitted subject to appropriate mitigation of impacts on surrounding nonindustrial areas. Significant adverse noise, air quality, or other impacts caused by manufacturing processes shall be contained within buildings.
19. When entirely located in a building, not producing adverse noise or air quality impacts, and not located along retail street frontage. Ground floor area limited to 10,000 square feet maximum.
20. Private facilities.
21. Subject to all other City regulations regarding livestock.
22. Redevelopment of the Orting Soldiers' Home subject to site plan and architectural design review approval.
23. Three or more units per building.
24. May not have frontage along SR 162/Washington Avenue N. Must be screened from all adjacent residences with sight obscuring landscaping. 6-foot tall solid fencing.
25. For Senior Housing (aged 55+) only.

	Existing Regulations (pre-amendment process)	Planning Commission's Recommendations	Staff's Recommendations	Council positions (conveyed at Study Session and Open Meetings)
Limitation on Residential Use	Sectors 2 & 3 - "Residential may be multifamily units on upper floors of buildings with ground floor commercial uses, single purpose multifamily buildings, or attached ground-related units."	20 acres maximum for residential	Same	ok
Residential Density	10 dwelling units per acre	Density of 4-9 dwelling units per acre for non-senior housing density, multi family, cottage housing, no duplexes	18 units per acre	4-12 for non senior housing density. Ok with types of housing but recognize that cottage housing allows for 12 units per acre.
Senior Housing Density	No requirements	Senior Housing – No density limit Can be single family, multifamily		Senior housing maximum density of 20 units per acre.
Residential above commercial	See above (permitted in Sector	Residences above retail are not counted in the density.	ok	ok
Limitation on Commercial Use	Sector 1 – Pedestrian oriented retail and other commercial uses Sector 2 & 3 – light manufacturing, urban agriculture, or office uses	Commercial to be 15 acres minimum and 7.5 acres to be developed	Developing 7.5 acres would create about 90,000 square feet of ghost town retail. Consider 4,000 to 5,000 square feet of retail to be developed concurrently with up to 100 residential units	1. Minimum 10 acres for commercial and maximum of 15 acres. 2. Minimum 15 acres for commercial 3. Build retail concurrently with residential. Consider 4,000 square feet per up to 100 residential units and 1,000 square feet of light industry for 100 residential units 4. Overall build out 12,000 to 20,000 square feet of retail commercial

				All commercial buildings on Washington Ave must be retail, office space.
Building Height	40' in height (see OMC 13-3-2(E)(7)).	Maximum building height of 35'	35' along Washington corridor	45' max, 3 stories max, 35' along Washington and Rocky Rd.
Site Line Protections	No protections	Site lines – protect views		Protect view of mountain along Washington Ave especially at Rock Rd. Protect view of mountain from contiguous parks
Open Space/Parks	Sector 1 - For each ten thousand (10,000) square feet of building area, a combination of plazas and/or courtyards totaling one thousand (1,000) square feet is required Sector 2&3 – Standard park requirements for residential subdivisions (if any)	5 acres of contiguous “active Park space” not in critical areas or shoreline Create walkable year round path for river access	Consider breaking up contiguous park space between properties	Consider 3 acres of active park space on Engfer and 2 acres on Gratzner Create river access
Frontage/Roadway Improvements		Develop Rocky Road, Daffodil to the school, Whitehawk, Chief Emmons Wy with 8' sidewalks on SR162		Increase sidewalk width along Daffodil and Rocky Rd to 8' for pedestrian evacuation
Design Details		Stores on Washington Ave must be set up to front on sidewalk for pedestrian friendly downtown feel		Have a minimum 25' setback on SR162 with landscaping buffer between sidewalk and plaza/parking. Allows for open space requirement and to develop outdoor dining, etc

				Allow 50% of the frontage on Washington to have up to 65' deep parking lots in front of stores. Retail on Washington Ave should be aggregated initially at intersections.
	All new construction shall be certified as LEED certified or higher by the leadership in energy and environmental design (LEED) U.S. Green Building Council rating system.			Consider dropping LEED construction requirement given high per square foot cost of leases and the need to keep prices down and encourage retail to come to town