

Commissioners

Kelly Cochran, Chair
Jeff Craig, Co-Chair
Karen Wilson
Chris Rule
Erika Bartholomew
Jennifer McKinney
Vacant Position



City of Orting Planning Commission Agenda

August 3, 2020

7:00pm

Virtual Meeting

Phone Dial-in

+1.408.419.1715 (United States (San Jose))

+1.408.915.6290 (United States (San Jose))

<https://bluejeans.com>

Meeting ID: 280 746 544

A. CALL MEETING TO ORDER, PLEDGE OF ALLEGIANCE (waived), ROLL CALL

"The Planning Commission is utilizing remote attendance for Commissioners and Staff. Please note: OPMA rules regarding provision for the public in a space have been suspended by proclamation of the Governor. The meeting is however, available for the public to hear by a call in."

1. Is there a motion to excuse Commissioner(s) from this meeting?

B. AGENDA APPROVAL

1. Does the agenda require an addition or removal of a topic?

C. PUBLIC COMMENTS

"Comments may be sent to the Planning Commission Secretary moharra@cityoforting.org by 1:00pm on August 3, 2020 and will be read in to the record at the meeting. In the case of a question, the chair will refer the matter to the appropriate administrative staff member. Comments that come in after the deadline will be read into the record at the next Planning Commission meeting."

D. APPROVAL OF MINUTES

1. Are the minutes of the July 6, 2020 correct and accurate?

E. ARCHITECTURAL DESIGN REVIEW

F. NEW BUSINESS

1. Staff Update: Housing Grant Code Amendment – Planner Emily Adams
2. Code Amendment Discussion: Electronic Reader Boards – Administrator Mark Bethune

G. OLD BUSINESS

1. Staff Report: Lot Coverage Amendment Revision – Planner Emily Adams
2. RV Park Update: Planner Emily Adams
3. Comprehensive Plan Amendment & Rezone Cycle Update: Planner Emily Adams
4. Update on noncompliant signage

H. GOOD OF THE ORDER

1. Planned Absences:
2. Report on March - July Council meetings: Mark Bethune
3. Agenda setting:

I. ADJOURN

NEXT PLANNING COMMISSION MEETING: Thursday – September 10, 2020

City Council Meeting: 2nd & last Wednesday of each month at MPC, 7:00pm

City Council Study Session: 3rd Wednesday of each month at MPC, 6:00pm

Planning Commission: 1st Monday of each month at Public Safety Bldg., 7:00pm

City of Orting
PLANNING COMMISSION MINUTES
Virtual Meeting
July 6, 2020

Chair Kelly Cochran called the meeting to order with the flag salute at 7:00 pm at the Public Safety Building. Roll call found Commissioners Jeff Craig, Karen Wilson, Tyler Daniels, Chris Rule, Erika Bartholomew and Jennifer McKinney in attendance; a quorum was present.

ATTENDANCE:

| | |
|------------------------------|--|
| City | City Administrator Mark Bethune, City Treasurer/Assistant City Administrator Scott Larson, Commission Secretary Margaret O'Harra Buttz |
| Professional Representatives | City Planner Emily Adams |
| Guests (Virtual Log-in) | Mike Thomas (Valley Sign), Briana Nasman (Orting Manor), Shane Fairbanks (Scoop Ice Cream), Mary Masoner, Cheryl White, Bill Raybell, Cindy & Herb Wells, Susan Taylor, Darrell Jenkinson, Rich Allison, Gary Shilling, Linda Robinette, Donna Burnette, Darrell Jenkinson, Dana Johnson |

AGENDA APPROVAL:

| | |
|-----------------|--|
| Agenda Approval | Commissioner Craig moved to approve the agenda as presented. Commissioner Rule seconded the motion and it carried. |
|-----------------|--|

AUDIENCE PARTICIPATION: None

MINUTES:

| | |
|--------------------------|--|
| Minutes of March 2, 2020 | Commissioner Craig moved to approve the minutes as corrected. <ul style="list-style-type: none">• Commercial Banner: Change to <i>Hwy 162</i>• Fencing Signage (NOTE): Change <i>with</i> to <i>within</i>• Flutter Flags: 2nd sentence, change <i>with</i> to <i>will</i>• L&M Firehouse: 1st sentence, change <i>customer</i> to <i>applicant</i> Commissioner Rule seconded the motion and it carried. |
| Minutes of May 14,2020 | Commissioner Craig moved to approve the minutes as corrected. <ul style="list-style-type: none">• Add attendees: Scott Larson (City) and Jeff Ryan (Architect) Commissioner Rule seconded the motion and it carried. |

ARCHITECTURAL DESIGN REVIEW:

| | |
|-------------------------------------|--|
| ADR 2020-04 Scoop Ice Cream Signage | Owner Shane Fairbanks submitted a change to his signage request, providing new photo for the ice cream cone, awning and hanging sign. Commissioner Craig moved to approve updated ADR 2020-04 with the following conditions: <ul style="list-style-type: none">• The Scoop sign will hang perpendicular under the awning – size will be no larger than 12"x 24"• The ice cream cone signage will be no larger than 18"x36" |
|-------------------------------------|--|

- The staff entry door will be painted the same pink color as the signage and awning

Commissioner rule seconded the motion and it carried.

ADR 2020-05 Little J's
Java Signage

Commissioner Craig moved to approves ADR 2020-05 as presented.
Commissioner Rule seconded the motion and it carried.

ADR 2020-06 Orting Manor
Signage

Commissioner Craig moved to table ADR 2020-06 until the August meeting, to allow the owner time to re-evaluate the mounting/framing of the metal sign.
Commissioner Rule seconded the motion and it carried.

ADR 2020-07 Orting Manor
Exterior Paint

Commissioner Craig moved to approve ADR 2020-07 as presented.
Commissioner Rule seconded the motion and it carried.

ADR 2020-08 Parkside
Perk Signage

Commissioner Craig moved to approve AADR 2020-08 with the following conditions:

- There were two (2) different font designs displayed on the design page – The commission stipulated the design on the top of the design page is the signage they are approving.
- The placement of the small road sign must meet the approval of the Public Works Director and the Building Official to ensure line of sight for traffic and safety.

Commissioner Rule seconded the motion and it carried.

ADR 2020-09 Carbon
River Builders Signage

Commissioner Craig moved to Approve ADR 2020-09 as presented.
Commissioner Rule seconded the motion and it carried.

City of Orting – Public
Works Signage

For informational purposes only, Secretary Buttz explained that the monument signage for the Public Works Building was the mirrored image of the previously approved signage. The original signage will be installed above the entrance door.

NEW BUSINESS:

Code Amendment: Lot
Coverage – Discussion &
Public Hearing

City Planner Emily Adams reviewed and discussed the code amendment with Commissioners. The Planner had received two (2) written comments from Sharon Tegge and Darrell Jenkinson; these comments were read into the record, both in support of the code amendment proposed.

Commission Chair Cochran opened that Public Hearing at 8:39pm. See Testimony Record for public comments; all testimony received were in support of the Lot Coverage code amendment. Commission Chair Cochran closed the hearing at 8:59pm.

Commissioner Craig moved to recommend approval of the ordinance to the City Council. Commissioner Rule seconded the motion and it carried. (The ordinance number had not been assigned at the time of this meeting.)

Code Amendment:
Electronic reader Board

Due to the length of the meeting, this discussion will be tabled to the August 3, 2020 meeting.

Non-Compliant Signage
Update

Secretary Buttz reported that Commissioner Craig and herself did complete a survey of signage around the city. They had found many non-compliant issues, but at this time the Code Enforcement Officer is working as a Patrol Officer. A few non-signage issues were reported to the Code Enforcement Officer that require more immediate action. The Secretary will update the Commission at the August meeting regarding the signage.



Date: July 6, 2020

Planning Commission Public Hearing

Lot Coverage Amendment

Testimony Record

8:39pm – 8:59pm

Testimony given by: Name & Physical Address

Mary Masoner: 324 Willow St SE - SUPPORT

Cheryl White: 103 Hickory Ave SW – SUPPORT

Bill Raybell: 101 Walnut Ave SW – SUPPORT

Cindy & Herb Wells: 114 Hickory Ave SE – SUPPORT

Susan Taylor: 904 Maple Ln SW – SUPPORT

Rich Allison: 122 Hickory Ave SW - SUPPORT

Darrell Jenkinson: 403 Oak St SW (letter & verbal) – SUPPORT

Sharon Tegge: 407 Oak Ave SW (letter) – SUPPORT

Summary of Testimony:

Majority of the testimony was regarding patios and decks that residents wanted to build. Many stated that prior to January 1, 2020 the plans that they had to add a patio or deck were stopped due to a code change at that time.

Public testimony heard consisted of more questions than comments, thus a role-call inquiry of the above residents occurred asking whether they were in Support of the amendment or if they were Not in Support.

OLD BUSINESS:

- RV Park Update City Planner Adams reported that the process is waiting for applicant responses.

- Comprehensive Plan
Amendment & Rezone
Cycle Update Update to occur after the City Council has made their recommendations at the next Council meeting.

- Extension of Meeting (1) Commissioner Craig, at 8:28pm, moved to extend meeting to 9:00pm.
Commissioner Rule seconded the motion and it carried.

- Extension of Meeting (2) Commissioner Craig, at 8:58pm, moved to extend meeting to 9:30pm.
Commissioner Rule seconded the motion and it carried.

GOOD OF THE ORDER

- Planned Absences None at this time.

- Report on March-June
Council meetings: Due to the length of the meeting, this report will be given at the August 3, 2020 meeting.

- Agenda Setting for August
meeting RV Update – City Planner Adams
Council action on the Comprehensive Plan Zoning requests

- Commissioner Resignation Commissioner Tyler Daniels announced his resignation from the Commission due to his relocation to Arizona. He reported that this July 6, 2020 meeting would be his last meeting he will attend.

ADJOURNMENT:

- Meeting Adjournment Commissioner Craig moved to adjourn the meeting at 9:15pm. Commissioner Rule seconded the motion and it carried.

ATTEST:

Kelly Cochran, Commission Chair

Margaret O'Harra Buttz, Commission Secretary



Planning Commission Staff Report

| | |
|-------------------------------|---|
| Project Name: | Lot Coverage Code Amendments |
| Applicant: | City of Orting |
| Date of Staff Report: | July 21, 2020 |
| Staff Recommendation: | Approval |
| City Staff Contact: | Emily Adams, City Planner |
| Public Comment Period: | June 5 – June 19 following SEPA DNS and June 25 – July 6 following notice of public hearing. |
| Public Notice: | Type 5 applications do not require notice of application per OMC 15-4-1. Notice of a public hearing was published and posted 10 days prior to the hearing per OMC 15-7-3. |

Exhibits:

1. Staff Report
2. Posted notice of Planning Commission public hearing
3. Published notice of Planning Commission public hearing
4. SEPA environmental checklist
5. SEPA determination of nonsignificance
6. Published notice of SEPA DNS issuance
7. Proposed ordinance for Council approval
8. Submitted written comments for July 6, 2020 public hearing

Findings of Fact

On January 8, 2020, City Council adopted Ordinance 2019-1057 to update City standards and adopt low impact development (LID) requirements within the City of Orting Municipal Code. The Washington State Department of Ecology's Phase II NPDES Municipal Stormwater Permit required that the City review its development regulations and make amendments, if necessary, to make low impact development practices the preferred and commonly used stormwater management technique in the City. Other goals of said amendments were to minimize impervious surface coverage and native vegetation loss.

To address the goal of minimizing impervious surface coverage, Ordinance 2019-1057 included an amendment to the definition of "coverage." Prior to January 2020, coverage was defined in the OMC as *"the total ground coverage of all buildings or structures on a site measured from the outside of external walls or supporting members."* The LID amendments amended the definition of coverage to include *"the total ground coverage of all impervious surfaces, such as buildings, structures, canopies, overhangs,*

slabs, or hard surfaces, on a site measured from the outside of edges, external walls, supporting members or roof edges. See the definition of hard surface and impervious surface in OMC 9-5A-4 for additional surfaces that are considered coverage” (OMC 13-2-4-C).

The definitions referenced in OMC 9-5A-4 include:

Hard Surface: An impervious surface, a permeable pavement, or a vegetated roof.

Impervious surface: A non-vegetated surface area which either prevents or retards the entry of water into the soil mantle as under natural conditions prior to development. A non-vegetated surface area which causes water to run off the surface in greater quantities or at an increased rate of flow from the flow present under natural conditions prior to development. Common impervious surfaces include, but are not limited to, rooftops, canopies, building overhangs, structures, walkways, patios, driveways, parking lots or storage areas, concrete or asphalt paving, gravel roads, packed earthen materials, and oiled, macadam or other surfaces which similarly impede the natural infiltration of stormwater. Open, uncovered retention/detention facilities shall not be considered as impervious surfaces for the purposes of determining whether the thresholds for application of minimum requirements are exceeded. Open, uncovered retention/detention facilities shall be considered impervious surfaces for purposes of runoff modeling

The update of the coverage definition and corresponding hard surface and impervious surface definitions has unwittingly created issues for citizens regarding the maximum coverage allowed in zones. For instance, in the Residential Urban (RU) zone the maximum coverage allowed is 30%. Prior to the January code update, this meant structures on site (house, shed, etc.) could cover 30% of the lot and no other surfaces (such as driveways or decks) were included in that calculation. The definition today means that all impervious and hard surfaces are counted towards the maximum coverage of 30%. I have received multiple calls and emails from citizens who desire to build a deck or shed on their property and are unable to as the maximum lot coverage has already been reached through the structures and other impervious surfaces such as driveways.

Consistency with Development Code

The proposed amendments separate the maximums for building coverage and hard surfaces. The maximum percentage for building coverage is reflective of the “coverage” percentages prior to January 2020. The 10% increase seen in the proposed amendments is due to roof overhangs and eaves being included in the proposed “building coverage” definition. The addition of new maximum standards for hard surface coverage creates consistency with the adopted LID standards.

Consistency with Comprehensive Plan

The proposed regulation amendments are consistent with the comprehensive plan by ensuring citizens are not unduly limited in how they wish to develop their land. The regulation of the impervious and hard surfaces ensure Orting’s natural character is preserved while being high enough to continue to allow for a variety of housing types.

Goal LU 5 - Residential development shall be of high-quality design and shall be consistent with the character of Orting.

Pol. H 2.1 - Ensure that development regulations provide opportunity for a variety of housing densities and types, including mixed use in the downtown.

Pol. CF 8.5 - Development should be designed to minimize disruption and/or degradation of natural drainage systems, both during and after construction. Development design which minimizes impermeable surface coverage by limiting site coverage and maximizing the exposure of natural surfaces should be encouraged.

SEPA Determination

After review of the environmental checklist a SEPA Determination of Nonsignificance was issued June 5, 2020 with a 14-day comment period ending on 5:00 pm June 19, 2020. The notice of determination was published in the Tacoma News Tribune. No comments were received.

Public Hearing

A public hearing was held by the Planning Commission on July 6, 2020. Multiple citizens commented. All were in favor of increasing the coverage maximums.

Staff Recommendation

Staff's proposal is to distinguish and have separate numeric standards for the maximum coverage for buildings and hard surfaces, rather than a single coverage maximum. The two terms will have new definitions within the development regulations to specifically define what is included within the term.

Staff recommends approval of the ordinance and amendments as proposed.

Appeal

Recommendations of the planning commission may be appealed, by applicants or parties of record, from the planning commission hearing, to the city council per OMC 15-10-2.

NOTICE OF ORTING PLANNING COMMISSION PUBLIC HEARING

Monday, July 6th, 2020 – 7:00 pm

NOTICE IS HEREBY GIVEN the Orting Planning Commission will be holding a Public Hearing. The purpose of this hearing is to receive public testimony regarding a proposal to amend the lot coverage standards in the City of Orting's zoning code. Prior to January 2020, coverage was defined in the OMC as "the total ground coverage of all buildings or structures on a site measured from the outside of external walls or supporting members." An amendment to the definition of coverage was made to include buildings / structures as well as impervious surfaces, and hard surfaces - increasing the surfaces that counted towards each zone's maximum coverage allowed. This has created difficulties in development for items such as patios or decks. Therefore, the lot coverage code is proposed to be amended to create separate maximums for building coverage, impervious surfaces, and hard surfaces.

The hearing will be held at a virtual regular Planning Commission Meeting on July 6th, 2020 at 7:00pm. The City is utilizing remote attendance for the hearing. Comments made be made by the public by a log in or call in number and then entering the Meeting ID. To join the meeting/hearing on a computer or mobile phone:

<https://bluejeans.com/221797658>

Phone Dial-in: +1.408.419.1715 (United States(San Jose)) or +1.408.915.6290 (United States(San Jose)). Then enter meeting ID: 221 797 658

If you are unable to join the hearing written comments may be submitted to City Planner Emily Adams electronically, no later than 1:00pm on July 6th, 2020 at EAdams@cityoforting.org or by mail to the Planning Commission secretary at 110 Train St. SE, PO Box 489, Orting, WA, 98360.

Written comments will be sent to the Commission prior to the hearing and will become part of the public record. Further information may be obtained by emailing Emily Adams at the email above or by phone at 253-284-0263.



Product

TAC-upsell.thenewstribune.com

Placement

0300 - Legals Classified

Times Run

1

Run Schedule Invoice Text

NOTICE IS HEREBY GIVEN the Orting Planni

Position

0301 - Legals & Public Notices

Run Dates06/25/2020

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SEPA Environmental Checklist

(Integrated SEPA/GMA Process)

Purpose of checklist:

Governmental agencies use this checklist to help determine whether the environmental impacts of your proposal are significant. This information is also helpful to determine if available avoidance, minimization or compensatory mitigation measures will address the probable significant impacts or if an environmental impact statement will be prepared to further analyze the proposal.

Instructions for applicants:

This environmental checklist asks you to describe some basic information about your proposal. Please answer each question accurately and carefully, to the best of your knowledge. You may need to consult with an agency specialist or private consultant for some questions. You may use "not applicable" or "does not apply" only when you can explain why it does not apply and not when the answer is unknown. You may also attach or incorporate by reference additional studies reports. Complete and accurate answers to these questions often avoid delays with the SEPA process as well as later in the decision-making process.

The checklist questions apply to all parts of your proposal, even if you plan to do them over a period of time or on different parcels of land. Attach any additional information that will help describe your proposal or its environmental effects. The agency to which you submit this checklist may ask you to explain your answers or provide additional information reasonably related to determining if there may be significant adverse impact.

Instructions for Lead Agencies:

Please adjust the format of this template as needed. Additional information may be necessary to evaluate the existing environment, all interrelated aspects of the proposal and an analysis of adverse impacts. The checklist is considered the first but not necessarily the only source of information needed to make an adequate threshold determination. Once a threshold determination is made, the lead agency is responsible for the completeness and accuracy of the checklist and other supporting documents.

Use of checklist for nonproject proposals:

For nonproject proposals (such as ordinances, regulations, plans and programs), complete the applicable parts of sections A and B plus the [SUPPLEMENTAL SHEET FOR NONPROJECT ACTIONS \(part D\)](#). Please completely answer all questions that apply and note that the words "project," "applicant," and "property or site" should be read as "proposal," "proponent," and "affected geographic area," respectively. The lead agency may exclude (for non-projects) questions in Part B - Environmental Elements –that do not contribute meaningfully to the analysis of the proposal.

A. Background [\[HELP\]](#)

1. Name of proposed project, if applicable:

Lot Coverage Code Amendments

2. Name of applicant:

**Emily Adams, City Planner
City of Orting**

3. Address and phone number of applicant and contact person:

**Mailing Address: PO Box 489, Orting, WA 98360
Phone: 253-284-0263**

4. Date checklist prepared:

May 22, 2020

5. Agency requesting checklist:

City of Orting

6. Proposed timing or schedule (including phasing, if applicable):

The Lot Coverage Amendments are a nonproject action undergoing public review. Amendments are anticipated to be adopted by August 2020.

7. Do you have any plans for future additions, expansion, or further activity related to or connected with this proposal? If yes, explain.

The Lot Coverage Amendments would be subject to review as needed in the future. Any new amendments will require separate environmental review.

8. List any environmental information you know about that has been prepared, or will be prepared, directly related to this proposal.

Not applicable

9. Do you know whether applications are pending for governmental approvals of other proposals directly affecting the property covered by your proposal? If yes, explain.

The City of Orting currently has projects in the various stages of development review prior to issuance of preliminary and final plat.

10. List any government approvals or permits that will be needed for your proposal, if known.

The proposed amendments would require approval by the Orting City Council and the Washington State Department of Commerce.

11. Give brief, complete description of your proposal, including the proposed uses and the size of the project and site. There are several questions later in this checklist that ask you to describe certain aspects of your proposal. You do not need to repeat those answers on this page. (Lead agencies may modify this form to include additional specific information on project description.)

In January 2020, City Council passed Ordinance 2019-1057 to update City standards and adopt low impact development (LID) requirements within the City of Orting Municipal Code. The Washington State Department of Ecology’s Phase II NPDES Municipal Stormwater Permit required that the City review its development regulations and make amendments, if necessary, to make low impact development practices the preferred and commonly used method of stormwater management technique in the City.

Ordinance 2019-1057 amended the definition of coverage. Prior to January 2020, coverage was defined in the OMC as “the total ground coverage of all buildings or structures on a site measured from the outside of external walls or supporting members.” The LID amendments amended the definition of coverage to include buildings / structures as well as impervious surfaces, and hard surfaces – increasing the surfaces that counted towards each zone’s maximum coverage allowed. This has created difficulties in development for items such as patios or decks. Therefore, the lot coverage code is proposed to be amended to create separate maximums for building coverage, impervious surfaces, and hard surfaces. This will create consistency with the building coverage maximums from the previous iteration of the code and add new maximum standards for impervious and hard surface coverage.

12. Location of the proposal. Give sufficient information for a person to understand the precise location of your proposed project, including a street address, if any, and section, township, and range, if known. If a proposal would occur over a range of area, provide the range or boundaries of the site(s). Provide a legal description, site plan, vicinity map, and topographic map, if reasonably available. While you should submit any plans required by the agency, you are not required to duplicate maps or detailed plans submitted with any permit applications related to this checklist.


The City of Orting is located between the Puyallup and Carbon Rivers in Pierce County, generally within Township 18N and 19N, Range 5E. This is a non-project action that would affect multiple parcels in the City of Orting.

B. Environmental Elements [\[HELP\]](#)

No discussion of the individual Environmental Elements is required for GMA actions per WAC 197-11-235.3.b.

C. Signature [\[HELP\]](#)

The above answers are true and complete to the best of my knowledge. I understand that the lead agency is relying on them to make its decision.

Signature: 

Name of Signee: Emily Adams, AICP Candidate

Position and Agency/Organization: City Planner, City of Orting

Date Submitted: June 5, 2020

D. Supplemental sheet for nonproject actions [\[HELP\]](#)

(IT IS NOT NECESSARY to use this sheet for project actions)

Because these questions are very general, it may be helpful to read them in conjunction with the list of the elements of the environment.

When answering these questions, be aware of the extent the proposal, or the types of activities likely to result from the proposal, would affect the item at a greater intensity or at a faster rate than if the proposal were not implemented. Respond briefly and in general terms.

1. How would the proposal be likely to increase discharge to water; emissions to air; production, storage, or release of toxic or hazardous substances; or production of noise?

The proposed regulation amendments could increase discharge to water as the impervious and hard surface limits in multiple zones are increasing, and therefore potentially increasing run off and discharge to water. For example, in the Residential Urban zone the current coverage is 30% (including all building, impervious and hard surfaces) the amendment would retain the 30% for structure coverage only and have a slightly higher maximum for impervious surface of 45% as it would encapsulate structures and other impervious surfaces as defined in code such as canopies, building overhang, driveways, patios gravel roads etc. The maximum coverage for hard surfaces is proposed to be 55% as it would encapsulate structures, impervious surfaces, and hard surfaces including permeable pavement, decking with 3/16" minimum board spacing and vegetated roofs.

The proposal is not expected to have any impact on air emissions, the production, storage, or release of toxic or hazardous substances or noise.

Proposed measures to avoid or reduce such increases are:

Any future development will be subject to the City of Orting requirements for drainage; air emissions; production, storage, or release of toxic or hazardous substances; and noise. This specifically includes the 2019 City of Orting Stormwater Management Manual, the 2012

Stormwater Management Manual for Western Washington, as amended in 2014. The 2012 Low Impact Development Technical Guidance Manual for the Puget Sound; and the 2013 Rain Garden Handbook for Western Washington as measures to help avoid increases in discharge to water. The proposed regulations are amended in within the context of the recent LID code amendments which continue to support the use of strategies such as bioretention, rain gardens, permeable pavements, roof downspout controls, water re-use and vegetated roofs. Due to the separation of building coverage, impervious surface coverage and hard surface coverage some of these techniques (such as vegetated roofs and permeable pavements) have more opportunity to be used as the hard surface maximum increases.

2. How would the proposal be likely to affect plants, animals, fish, or marine life?

The City of Orting Municipal Code Title 11 governs the protection and uses allowed within critical areas and their buffers. These standards include management practices deemed by the Washington State Department of Ecology and the Washington State Department of Commerce to incorporate best available science. The protection of critical areas will not diminish or change with an increase in allowable lot coverage.

The City's Critical Areas Code (Title 11) requires applicants proposing to develop sites containing or adjacent to critical areas have a qualified professional submit a critical areas special study for City review and approval.

Proposed measures to protect or conserve plants, animals, fish, or marine life are:

Development proposals will be required to comply with the standards found in Title 11 – Critical Areas, Title 14 – Flood Control, and Title 13-5-2-C – Preservation of Significant Trees and Vegetation, in order to protect or conserve plants, animals, and fish. The City will require landscape plans (including significant trees) and critical areas reports for project-level SEPA environmental review for proposals as required under OMC 11-2-1 and OMC 13-5-2, respectively.

3. How would the proposal be likely to deplete energy or natural resources?

The proposal would not result in the depletion of energy. The increased lot coverage allowance could result in the depletion of on-site natural resources such as vegetation and trees due to expanding the area that can be covered in impervious and hard surfaces.

Proposed measures to protect or conserve energy and natural resources are:

The retention of native vegetation and significant trees is a required stormwater management technique within the City of Orting which aids in the conservation of natural resources. The City of Orting has also adopted a suite of building codes adopted by the Washington State Building Code Council WAC Title 15 to aid in the conservation of energy and resources. These include:

1. The international building code, published by the International Code Council, Inc.;
2. The international residential code, published by the International Code Council, Inc.;
3. The international mechanical code, published by the International Code Council, Inc., including the international fuel gas code and the national fuel gas code, published by the International Code Council, Inc., except that the standards for liquified petroleum gas installations shall be NFPA 58 (storage and handling of liquified petroleum gases) and ANSI Z223.1/NFPA 54 (national fuel gas code);

4. The international fire code, published by the International Code Council, Inc., including those standards of the National Fire Protection Association specifically referenced in the international fire code; provided that, notwithstanding any wording in this code, participants in religious ceremonies shall not be precluded from carrying hand held candles;
5. Except as provided in Revised Code Of Washington 19.27.170, the uniform plumbing code and uniform plumbing code standards, published by the International Association Of Plumbing And Mechanical Officials; provided that, any provisions of the uniform plumbing code and uniform plumbing code standards affecting sewers or fuel gas piping are not adopted; and
6. The rules adopted by the council establishing standards for making buildings and facilities accessible to and usable by the physically disabled or elderly persons as provided in Revised Code of Washington 70.92.100 through 70.92.160, as now or hereafter amended.

4. How would the proposal be likely to use or affect environmentally sensitive areas or areas designated (or eligible or under study) for governmental protection; such as parks, wilderness, wild and scenic rivers, threatened or endangered species habitat, historic or cultural sites, wetlands, floodplains, or prime farmlands?

The proposal would not directly affect environmentally sensitive areas or areas designated (or eligible or under study) for government protection. The City's Critical Areas Code (Title 11) has the purpose of limiting development and alteration of critical areas and requires applicants proposed to develop sites containing or adjacent to critical areas have a qualified professional submit a critical areas special study for City review and approval.

Proposed measures to protect such resources or to avoid or reduce impacts are:

As the proposal is not expected to negatively affect environmentally sensitive areas or areas designated for governmental protection no specific measures are proposed beyond development proposals being required to comply with the standards found in Title 11 – Critical Areas, Title 14 – Flood Control, and Title 13-5-2-C – Preservation of Significant Trees and Vegetation, in order to protect or conserve plants, animals, floodplains, and critical areas.

5. How would the proposal be likely to affect land and shoreline use, including whether it would allow or encourage land or shoreline uses incompatible with existing plans?

The proposal will affect land and shoreline use by amending lot coverage requirements for parcels of land throughout the city. This will have impact on how land is developed during future site-specific development but will not allow or encourage land or shoreline use incompatible with existing plans. No zoning or land use designations in the City will change under this proposal ensuring the compatible land use designations will remain as they are today.

Proposed measures to avoid or reduce shoreline and land use impacts are:

The City's lot coverage code amendments are intended to harmonize with other plans and regulations of the City and not unnecessarily prevent development or redevelopment of homes as expected under City regulations. Prior to the January LID code updates lot coverage was defined as structures and buildings. These code amendments bring the code back in line with the coverage intention of that code while providing new provisions to better regulate impervious and hard surfaces in line with the recent City of Orting Municipal code

amendments and the requirements of the City of Orting's Phase II NPDES Municipal Stormwater Permit

6. How would the proposal be likely to increase demands on transportation or public services and utilities?

The proposed amendments would not increase the demand on transportation or public services and utilities because it does not change land use patterns or allow increased development density.

Proposed measures to reduce or respond to such demand(s) are:

Not applicable.

7. Identify, if possible, whether the proposal may conflict with local, state, or federal laws or requirements for the protection of the environment.

Future project specific development applications will be subject to SEPA environmental review and code requirements in place at the time of application. The proposed amendments to the City's municipal code are not known to conflict with any local, state or federal laws relating to the protection of the environment.



CITY OF ORTING

110 TRAIN ST SE, PO BOX 489, ORTING WA 98360

Phone: (360) 893-2219 FAX: (360) 893-6809

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SEPA Determination of Non-Significance (DNS)

Name of Proposal: Lot Coverage Code Amendments

Proponent: City of Orting

Description: The proposal is to amend the lot coverage code. Prior to January 2020, coverage was defined in the OMC as “the total ground coverage of all buildings or structures on a site measured from the outside of external walls or supporting members.” The LID amendments amended the definition of coverage to include buildings/ structures as well as impervious surfaces, and hard surfaces – increasing the surfaces that counted towards each zone’s maximum coverage allowed. This has created difficulties in development for items such as patios or decks. Therefore, the lot coverage code is proposed to be amended to create separate maximums for building coverage, impervious surfaces, and hard surfaces. This will create consistency with the building coverage maximums from the previous iteration of the code and add new maximum standards for impervious and hard surface coverage.

Location: The City of Orting is located between the Puyallup and Carbon Rivers in Pierce County, generally within Township 18N and 19N, Range 5E. This is a non-project action that would affect multiple parcels in the City of Orting.


Lead Agency: City of Orting.

The lead agency for this proposal has determined that it does not have a probable significant adverse impact on the environment. An environmental impact statement (EIS) is not required under RCW 43.21C.030. This decision was made after review of a completed environmental checklist and other information on file with the lead agency. The information is available to the public on request.

Responsible Official: City Administrator or his/her authorized designee
Mark Bethune, City Administrator
City of Orting
Orting City Hall, 110 Train St SE, Orting, WA 98360

Please submit written comments to Mark Bethune at the address above, or by email to Emily Adams, City Planner at eadams@cityoforting.org

This Determination of Nonsignificance (DNS) is issued under WAC 197-11-340(2). The Lead Agency will not act on this proposal for 14 days from the issue date (issue date: June 5, 2020. Comments must be submitted by 5:00 pm on June 19, 2020.)



Mark Bethune, City Administrator



Date

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SEPA Determination of Non-Significance (

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SEPA Determination of Non-Significance (DNS)**Name of Proposal:** Lot Coverage Code Amendments**Proponent:** City of Orting**Description:** The proposal is to amend the lot coverage standards in the City of Orting's zoning code. Prior to January 2020, coverage was defined in the OMC as "the total ground coverage of all buildings or structures on a site measured from the outside of external walls or supporting members." The UD amendments amended the definition of coverage to include buildings / structures as well as impervious surfaces, and hard surfaces - increasing the surfaces that counted towards each zone's maximum coverage allowed. This has created difficulties in development for items such as patios or decks. Therefore, the lot coverage code is proposed to be amended to create separate maximums for building coverage, impervious surfaces, and hard surfaces. This will create consistency with the building coverage maximums from the previous iteration of the code and add new maximum standards for impervious and hard surface coverage.**Location:** The City of Orting is located between the Puyallup and Carbon Rivers in Pierce County, generally within Township 18N and 19N, Range 5E. This is a non-project action that would affect multiple parcels in the City of Orting.**Lead Agency:** City of Orting. The lead agency for this proposal has determined that it does not have a probable significant adverse impact on the environment. An environmental impact statement (EIS) is not required under RCW 43.21C.030. This decision was made after review of a completed environmental checklist and other information on file with the lead agency. The information is available to the public on request.**Responsible Official:** Mark Bethune, City Administrator, City of Orting, 110 Train St SE, Orting, WA 98360 / Please submit written comments to Mark Bethune at the address above, or by email to Emily Adams, City Planner at eadams@cityoforting.org.

This Determination of Nonsignificance (DNS) is issued under WAC 197-11-340(2). The Lead Agency will not act on this proposal for 14 days from the issue date (issue date: June 5, 2020. Comments must be submitted by 5:00 pm on June 19, 2020 to the email or address above listed.)

**CITY OF ORTING
WASHINGTON
ORDINANCE NO. 2020-XX**

**AN ORDINANCE OF THE CITY OF ORTING,
WASHINGTON, RELATING TO LOT COVERAGE
REQUIREMENTS; AMENDING ORTING MUNICIPAL
CODE SECTIONS 9-5A-4, 13-5-1, AND 13-2; PROVIDING
FOR SEVERABILITY; AND ESTABLISHING AN
EFFECTIVE DATE**

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

WHEREAS, the City desires to update its lot coverage maximums to respond to citizen needs; and

WHEREAS, the current development code has one lot coverage maximum and the City desires to separate coverage into three categories to provide consistency with previously adopted regulations pertaining to Low Impact Development; and

WHEREAS, in accordance with the requirement set forth in RCW 36.70A.106, the City provided the Washington State Department of Commerce notice of the City's intent to adopt the proposed ordinance on June 4 for its expediated review and comment period; and

WHEREAS, the City's Planning Commission held a public hearing on the proposed amendments on July 6, 2020 and proposed a recommendation, the recommendation was reconsidered and amended on August 3, 2020 and forwarded to the City Council to adopt the proposed OMC amendments; and

WHEREAS, the City Council held a public hearing on the proposed OMC amendments on August 12, 2020, considered the proposed code amendments and the entire record, including recommendations from the Planning Commission; and

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

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

Section 1. Recitals. The Recitals set forth above are hereby adopted and incorporated as Findings of Fact and/or Conclusion of Law of the City Council. The City Council bases its findings and conclusions on the entire record of testimony and exhibits, including all written and oral testimony before the Planning Commission and the City Council.

Section 2. OMC Section 9-5A-4, Amended. Orting Municipal Code Section 9-5A-4 is hereby amended as follows:

HARD SURFACE: An impervious surface as defined in OMC 9-5A-4, a permeable pavement, decking that has a minimum 3/16” board spacing, or a vegetated roof.

Section 3. OMC Section 13-5-1, Amended. Orting Municipal Code Section 13-5-1 is hereby amended as follows:

Table 1 – Development Standards:

| Zones | Minimum Lot Requirements | | | Setbacks | | | Maximum Heights | Maximum Building Coverage | Maximum Hard Surface Coverage | Maximum Density |
|--------|--------------------------|-------|---|--------------------|--------------------|--------------------|--|---------------------------|-------------------------------|-----------------|
| | Width | Depth | Area | Front | Rear | Side | | | | |
| RC | | | 2 acres | 25' ² | 25' | 8' | 35' | 20% | 40% | 1 DU/2A |
| RU | | | 7,260 sq. ft. | 25' ² | 25' | 8' | 35' | 30 40% | 55% | 6 DU/A |
| RMF | 40' | 100' | 5,450 sq. ft. ⁴ 7,000 sq. ft. ⁵ 4,000 plus 2,000 sq. ft. ⁶ None (nonresidential) ⁷ | 25' ² | 25' | 8' | 35' | 40 <u>50%</u> | <u>65%</u> | 8 DU/A |
| MUTC | None | None | None | None | None | None | 45' ¹⁴ | 100% | <u>100%</u> | None |
| MUTC N | None | None | None ⁹ | None ¹⁰ | None ¹⁰ | None ¹⁰ | 35' ¹¹ 50' ¹² | 100% ¹³ | <u>100%</u> | n/a |
| LM | None | None | None | None | None | None | 35' | 100% | <u>100%</u> | n/a |
| OS | None | None | None | None | None | None | 25' | None | <u>None</u> | n/a |
| PF | None | None | None | 8 | 8 | 8 | 8 | None | <u>None</u> | n/a |

OMC 13-5-1-F: RU Zone Pipestem (Flag) Lot Development Standards:

2.c. ~~Impervious~~ Hard surface coverage of the lot shall not be greater than ~~twenty-five~~ forty-five percent (~~25~~ 45%), not including the driveway portion in the stem section of the lot. ~~Applicants may receive up to fifty percent (50%) credit for pervious driveways and sidewalks in the residential "building area" section of the lot. The credit can be applied to the building impervious surface area (i.e., a 400 square foot driveway with pervious materials could provide a credit of up to 200 square feet that could be added to the building impervious surface area)~~

Section 4. OMC Chapter 13-2, Amended. Orting Municipal Code Section 13-2, Subsection 2 and 10 is hereby amended to read as follows:

~~COVERAGE: The total ground coverage of all impervious surfaces, such as buildings, structures, canopies, overhangs, slabs, or hard surfaces, on a site measured from the outside of edges, external walls, supporting members or roof edges. See the definition of hard surface and impervious surface in OMC 9-5A-4 for additional surfaces that are considered coverage.~~

BUILDING COVERAGE: The total ground coverage of all buildings, structures, roof overhangs, and eaves measured from the outside edges, external walls, supporting members or roof edges.

HARD SURFACE: See OMC 9-5A-4 for hard surface definition.

~~IMPERVIOUS SURFACE: Paved or compacted surfaces, including roofs, that prevent or retard the percolation of water into the underlying soil. See OMC 9-5A-4 for impervious surface definition.~~

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

Section 6. Codification. The City Council authorizes the City Clerk to correct any non-substantive errors herein, codify the above, and publish the amended code.

Section 7. 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 ____, 2020.

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:
Passed by the City Council:
Date of Publication:
Effective Date:

Re: Lot Coverage Public Hearing Notice

WENDY JENKINSON <thebeans@comcast.net>

Thu 6/25/2020 8:22 PM

To: Emily Adams <EAdams@cityoforting.org>;

Hi Emily,

Thank you for advising me about the upcoming meeting that will be addressing the lot coverage issue in our city. Since I am unavailable for this upcoming meeting, I'd appreciate you adding my commentary (below) for public input and I understand that it will become part of the public record. If you have any questions, please feel free to contact me.

Thank you,
Darrell Jenkinson

~~~~~

**To: The members of the Orting Planning Commission and City Council;**

**I am writing to you regarding the recent change in the water-permeable rule prohibiting the building of decks where I live in Orting. I have been in contact with Ron Anderson who is on the ACC (Architectural Control Committee) here at Majestic View Estates and he encouraged me to reach out to the city council and speak to the latest changes to the permeability rules.**

**I am a resident of Majestic View Estates, off Beckett. My wife and I purchased this home in the newer developed area a year ago. During the past year we were made aware of the permeable space regulations from our HOA. Although the restrictions from additional building on these lots makes sense from a flooding mitigation perspective, the recent restrictions on building decks eludes common sense.**

**Decks are by nature permeable by design because there is spacing between the decking, allowing water runoff between the gaps. I was told last summer by our ACC that decks were allowed as long as there was 3/16" spacing between the decking boards which would allow for normal permeability with water / rain runoff to the ground below the deck. When dealing with decks, the gaps between the decking boards naturally allow for water to move through the structure and fall to the ground within inches of where the raindrops would have hit, in absence of a deck being built in that spot. Permeability is maintained by adhering to this spacing rule and all parties are satisfied. Unfortunately, now it seems that the city is legislating common sense by saying that decks---even with the formerly prescribed 3/16" spacing---are no longer permeable and therefore, not permitted to be built any longer.**

**There have been many decks built in the newer section of Majestic View Estates up until the newer restrictions were implemented. I was about to submit my deck building plans to the HOA for approval when I was told that the new rules had already kicked in. If I had known there was a chance the rules were going to change, I would have built my deck last year!! It's unjustifiable that the city can tell my neighbor across the street that it was fine for him to build a deck but I can't and absolutely no part of the permeability issue has changed between one side of the**



**street to the other. At the very minimum, these restrictions should take affect for any future development and grandfather in the already built homes at Majestic View Estates to allow for decks to be built as long as there is 3/16 spacing between decking boards as allowed under the previous rules.**

**I've had several conversations with Tim Lincoln, your building official. He mentioned that any changes to the new rules would have to be presented and approved by the city council. I implore you to review this new regulation and make the necessary changes that will allow your citizens to enjoy having a deck in their own backyard while they still honor the need for ground permeability.**

**Thank you for your time.**

**Darrell Jenkinson**

**403 Oak St. SW**

**Orting, WA**

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# Re: Our back yard...

SHARON TEGGE <cstegge@comcast.net>

Thu 7/2/2020 7:57 PM

To: Emily Adams <EAdams@cityoforting.org>;

We do want to extend our patio by 8 ft. We moved in last summer and were so busy with the move, we planned to do work in the back yard this spring. Then we got info from Majestic View that no hardscape would be possible without permission from Orting City Council. So very disappointing, since we really like to enjoy our back yard for cook-outs and family gathering. We see this in our neighbors homes and its a bitter pill that Orting is that restrictive to us. We take good care of our yards and it would nice be to be rewarded for it. Due to drainage concerns, we had planned to do a 12x12 paver followed by a 12x12 picce of sod in a checkerboard pattern for the extended 8 ft. Please share our comments with whoever needs the info.

Thanks!

Sharon Tegge

On 07/02/2020 . :56 AM Emily AdaWms <eadams@cityoforting.org> wrote:

Good morning Sharon.

I'm looking for a little clarification on your email - are you asking if it is possible to extend your patio on your property, or is this a comment regarding the lot coverage amendments for the Planning Commission public hearing?

Thank you,

Emily Adams

*City Planner | City of Orting*

[eadams@cityoforting.org](mailto:eadams@cityoforting.org) | 253.284.0263 | [www.cityoforting.org](http://www.cityoforting.org)

**From:** SHARON TEGGE <cstegge@comcast.net>

**Sent:** Wednesday, July 1, 2020 1:09:26 PM

**To:** Emily Adams

**Subject:** Our back yard...

We want to extend our patio to by 8 feet using pavers and grass or gravel. This would allow us to enjoy our back yard, which is one huge expanse of grass with nothing else!

Our neighbors have much nicer designs and then there's the new project with 20 houses going in across the road. It's really hard to see the logic in any of this.

Sharon Tegge

[407 Oak St. SW](#)

[Orting, WA 98360](#)

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