

**CITY OF ORTING
WASHINGTON**

ORIGINAL

ORDINANCE NO. 2021-1073

AN ORDINANCE OF THE CITY OF ORTING, WASHINGTON, RELATING TO HOUSING AND REGULATORY STREAMLINING; AMENDING ORTING MUNICIPAL CODE SECTIONS 12-2, 12-4, 13-2, 13-3, 13-5, 15-2, 15-4 AND 15-6; PROVIDING FOR SEVERABILITY; AND ESTABLISHING AN EFFECTIVE DATE

WHEREAS, grants of up to \$50,000 were available for cities with a population of less than 20,000 that are fully planning under the Growth Management Act through the 2020 round of HB 1923 funding; and

WHEREAS, the City Council desired to pursue Washington State Department of Commerce grant funding authorized under the HB 1923; and

WHEREAS, on May 5, 2020 the contract was executed between the City of Orting and the Washington State Department of Commerce for the selected actions under the E2SHB 1923 Grant Program; and

WHEREAS, on July 22, 2020 and October 8, 2020 city staff held virtual public meetings to inform the public about the grant and its purpose and to solicit public feedback on the proposed code amendments; and

WHEREAS, the City's Planning Commission held a public hearing on the proposed amendments on December 7, 2020 and proposed a recommendation of approval with conditions of the amendments and forwarded the recommendation to the City Council; and

WHEREAS, the proposed code amendments were sent to the Department of Commerce on December 8, 2020 for the 60-day intent to adopt review; and

WHEREAS, the City Council held a public hearing on the proposed OMC amendments on March 10, 2021, considered the proposed code amendments and the entire record, including recommendations from the Planning Commission; and

WHEREAS, the City Council held a meeting on March 10, 2021 and made a final decision on the proposed amendments; and

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 12-2, Amended. Orting Municipal Code Section 12-2 is hereby amended as follows:

12-2-13: L:

LOT, CORNER: A lot situated at the junction of and bordered by two (2) intersecting city streets, alleys and driveways are not considered public streets for the purposes of determining corner lots.

LOT LINE, FRONT: The line separating any lot or parcel of land from a street right of way~~The lot line adjacent to any public street.~~ On a through lot, the line abutting the street providing primary access to the lot. In the case of a corner lot, the front line shall be considered to be along both street lot lines.

12-2-20: S:

SHORT PLAT: See definition of ~~Plat~~Subdivision, Short in this chapter.

SUBDIVISION: The division or redivision of land into ~~five-ten~~ (510) or more lots, tracts, parcels, sites or divisions for the purpose of sale, lease, or transfer of ownership, including resubdivision of previously subdivided land, except as provided in this title.

SUBDIVISION, SHORT: The division or redivision of land into ~~nine-four~~ (49) or fewer lots, tracts, parcels, sites or divisions for the purpose of sale, lease, or transfer of ownership, except as provided in this title.

Section 3. OMC Section 12-4, Amended. Orting Municipal Code Section 12-4 is hereby amended as follows:

- A. Number Of Copies: One original Mylar and ~~three (3)~~fifteen (15) copies. Standard drawing size is eighteen inches by twenty four inches (18" x 24"). Applicants are also encouraged to provide one digital copy ~~on a CD~~ in a CAD program compatible with AutoCad or ArcView.
- B. Pertinent Data: A proposed short plat must include pertinent survey data compiled as a result of a survey made by or under the supervision of a land surveyor registered in the state and engaged in land surveying.
- C. Application Contents: In addition to the requirements for a completed application set forth in ~~title~~ Title 15 of this code, an applicant for a short plat shall submit the following:

12-4-2: TYPE OF APPLICATION:

A short plat is a Type 2 (Administrator) ~~an administrative~~ decision, with the final decision being made by the administrator. The application shall be processed with procedures for such applications as set forth in ~~title~~ Title 15, ~~chapter~~ Chapter 9 of this code.

12-4-3: CRITERIA FOR APPROVAL:

The administrator shall approve the short subdivision and short plat after making a determination of:

- A. Compliance: Whether the application complies with ~~chapter~~Chapter 8 of this ~~title~~Title and Title 15 of this code;
- B. Specific Provisions: If appropriate provisions are made for, but not limited to, the public health, safety and general welfare, for open spaces, drainageways, streets or roads, alleys, other public ways, transit stops, potable water supplies, sanitary wastes, parks and recreation, playgrounds, schools and school grounds, and shall consider all other relevant facts, including sidewalks and other planning features that assure safe walking conditions for students who walk to and from school;
- C. Extension Agreement: A developer extension agreement, in accordance with ~~title~~Title 9, ~~chapter~~Chapter 4 of this code, has been executed; and
- D. Public Interest: Whether the public interest will be served by the subdivision and dedication.
- E. Development Agreement: As part of the approval, the city and the applicant may enter into a development agreement in accordance with Title 15, Chapter 15 of this code.

~~12-4-4: FINDINGS AND CONCLUSIONS:~~

~~The city shall not approve a short plat and short subdivision unless written findings are made that:~~

- ~~A. Compliance: The application complies with chapter 8 of this title and title 15 of this code;~~
- ~~B. Specific Provisions: Appropriate provisions are made for the public health, safety and general welfare and for such open spaces, drainageways, streets or roads, alleys, other public ways, transit stops, potable water supplies, sanitary wastes, parks and recreation, playgrounds, schools and school grounds and all other relevant facts, including sidewalks and other planning features that assure safe walking conditions for those who walk to and from school;~~
- ~~C. Public Use And Interest: The public use and interest will be served by the platting of such subdivision and dedication; and~~
- ~~D. Development Agreement: As part of the approval, the city and the applicant may enter into a development agreement in accordance with title 15, chapter 15 of this code. (Ord. 792, 7-29-2004)~~

12-4-6: PROHIBITION ON FURTHER DIVISION:

Property in short subdivisions may not be further divided in any manner within a period of five (5) years without the filing of a final subdivision, except that when the short plat contains less than ~~four-nine~~ (94) parcels, nothing in this section shall prevent the owner who filed the short plat from filing an alteration within the five (5) year period to create up to a total of ~~four-nine~~ (94) lots within the original short plat boundaries. This requirement shall be stated on the face of the short plat.

Section 4. OMC Section 13-2, Amended. Orting Municipal Code Section 13-2 is hereby amended as follows:

13-2-2: A:

ACCESSORY DWELLING UNIT (ADU): A separate, subordinate, complete-self-contained dwelling unit attached to or contained within ~~the structure of the primary~~ a single-family dwelling; or contained within a separate structure that is accessory to the primary dwelling unit on the premises.

ACCESSORY STRUCTURE: A building or other structure that is subordinate to the principal building and is incidental to the use of the principal building on the same lot. Accessory dwelling units are not included in this definition.

13-2-5: D:

DUPLEX: A building with two (2) attached dwelling units with a common separation wall or floor, joining the units, neither of which overlaps the other vertically.

13-2-13: L:

LOT, CORNER: A lot situated at the junction of and bordered by two (2) intersecting city streets, alleys and driveways are not considered public streets for the purposes of determining corner lots. A lot which has frontage on two (2) or more streets where the streets meet.

LOT LINE, FRONT: The line separating any lot or parcel of land from a street right of way. On a through lot, the line abutting the street providing primary access to the lot. In the case of a corner lot, the front line shall be considered to be along both street lot lines.

LOT LINE, REAR: The lot line opposite and most distant from the front lot line, and in the case of a triangular, irregular or other odd shaped lot, the line bordering the lot, generally parallel to, and at the maximum distance from the front lot line. A lot line or lines which are opposite and most distant from the front lot line.

LOT SIZE AVERAGING: Lot size averaging is an approach to dividing land that allows a parcel to be divided such that some of the resulting lots are smaller than the minimum lot size required in the applicable zone, in order to preserve critical areas or other topographical adversities and provide greater flexibility, provided that the average lot size in the development as a whole meets that minimum lot size.

13-2-20: S:

SUBDIVISION: A division of land into ~~five ten~~ (510) or more lots, tracts, parcels, sites or divisions for the purpose of sale, lease, or transfer of ownership, including resubdivision of previously subdivided land, except as provided in this title. ~~or other divisions. Subdivision includes resubdivisions of previously subdivided land.~~

SUBDIVISION, SHORT: A division of land into ~~nine four~~ (94) or fewer lots, tracts, parcels, sites or divisions for the purpose of sale, lease, or transfer of ownership, except as provided in this title.

13-2-26: Y:

YARD, FRONT: The area between the front lot line and the building line extending the full width of the lot. The front yard shall be the area between the front line which primary access is taken and the building setback line. On a corner lot there shall be two (2) front yards.

Section 5. OMC Section 13-3-2, Amended. Orting Municipal Code Section 13-3-2 is hereby amended as follows:

- A. RC Residential-Conservation Zone:

1. Purpose And Intent: The Residential-Conservation Zone is intended to provide for low density single-family residential and duplex uses along the Puyallup and Carbon Rivers where there are critical areas such as frequently flooded areas, wetlands, and fish and wildlife habitat ~~preclude urban-scale development.~~

B: RU Residential-Urban Zone:

1. Purpose And Intent: The Residential-Urban Zone is intended to provide for high density urban single-family, townhouse, cottage, and duplex residential uses which benefit from the full array of services and amenities available in the Town core.
- ~~2. Residential Urban Low Zoning Designation On Figure LU-1 In The Orting Municipal Comprehensive Plan: For the purposes of this title, the Residential Urban Low Zone is subject to the regulations for Residential Urban Zone.~~

Section 6. OMC Section 13-3-3, Amended. Orting Municipal Code Section 13-3-3 is hereby amended as follows:

**TABLE 1
CITY OF ORTING LAND USE**

	Zones							
	RC	RU	RMF	MUTC	MUTCN ²	LM	OS	PF
Residential Uses ¹								
Cottage	P	P	P		P			
Cottage Development		p ^{3,4}	p ^{3,4}		P			
Duplex	<u>P</u>	p ¹⁰	P	P	p ²⁵			
Group Residences:		C	C ³	C ³				C ²²

Notes:

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 E2 and E5 of this code.
3. Subject to architectural design review.
4. As a binding site plan.
- ...
10. ~~Duplexes and T~~ownhouses are not allowed on flag lots (pipestem) in the RU zone.
- ...
22. Redevelopment of the Orting Soldiers' Home subject to site plan and architectural design review approval.
- ...
25. For Senior Housing (aged 55+) only.

TABLE 2 ACCESSORY USES

To view Table 2: Accessory Use in PDF, click [HERE](#)

		Zones
Conditional accessory uses:		
	Cargo container	RU (CUP)
Permitted accessory uses:		
	Accessory buildings <u>structures</u> such as garages, carports, and sheds	All residential zones
	Accessory dwellings <u>units</u> ¹	All residential zones
	Barns and agricultural structures	RC
	Caretaker residences	LM, OS
	Cargo container	LM, PF
	Collective gardens ²	All residential zones
	Maintenance and storage facilities and yards	OS
	Off street parking for 1 commercial truck or van used for commuting	All residential zones
	Parking lots	OS
	Private outdoor storage of small noncommercial trucks, boats and recreational vehicles in required setbacks	All residential zones
	Recreation facilities in conjunction with planned residential developments	All residential zones
	Required automobile parking for permitted principal and conditional uses	All zones
	Required truck loading facilities	All zones
	Restrooms and bathing facilities	OS
	Retail sales associated with the principal manufacturing or processing use and not occupying more than 10 percent of the site area	LM
	Stationary food vending	MUTC
	Uses customarily incidental to the principal uses ³	MUTC
	Utility installations except solid waste disposal facilities	All zones

Notes:

1. Accessory dwelling units are subject to section 13-5-6 of this title.
2. Collective gardens must conform to chapter 8 of this title.
3. Such as seasonal displays, sidewalk sales, etc.

Section 7. 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 ²
	Width	Depth	Area ³	Front	Rear	Side				
RC			2 acres	25' ²	25'	8'	35'	20%	50%	1 DU/2A
RU			7,260 sq. ft.	25' ²	25'	8'	35'	40%	65%	6 DU/A
RMF	40'	100'	5,450 sq. ft. ⁴⁵ 7,000 sq. ft. ⁵⁶ 4,000 plus 2,000 sq. ft. ⁶⁷ None (nonresidential) ⁷⁸	25' ²	25'	8'	35'	50%	75%	8 DU/A
MUTC	None	None	None	None	None	None	45' ¹⁴¹⁵	100%	100%	None
MUTC N	None	None	None ¹⁰⁹	None ¹¹⁰	None ¹¹⁰	None ¹¹⁰	35' ¹⁴¹² 50' ¹⁴¹³	100% ¹³¹⁴	100%	n/a
LM	None	None	None	None	None	None	35'	100%	100%	n/a
OS	None	None	None	None	None	None	25'	None	None	n/a
PF	None	None	None	⁸⁹	⁸⁹	⁸⁹	⁸⁹	None	None	n/a

Notes:

1. Heights specified are for principal structures; maximum height for accessory structures in all zones is 20 feet. [Maximum height for accessory dwelling units is specified in 13-5-6.](#)
2. ~~Minimum setback for the nonfront yard of a corner lot is 20 feet.~~ [Duplex density may be increased in accordance with the minimum lot area found in 13-5-1-H of this title.](#)
3. [Lot size averaging is permitted pursuant to 13-5-1-I of this title.](#)
4. Except as modified in this chapter.
5. Minimum lot area for single-family detached dwellings.
6. Minimum lot area for ~~duplexes and~~ townhouses.
7. Minimum lot area for multi-family dwellings: 4,000 square feet for the first unit and 2,000 for each additional unit.
8. No minimum lot area for nonresidential uses.
9. Minimum setbacks and building heights consistent with the most intensive adjacent zone.
10. Minimum area for master plans is 5 acres.
11. Setbacks to be determined during site plan review.
12. In sectors 1 and 3.
13. In sector 2.
14. Minimum open space requirement is 1,000 square feet for every 10,000 square feet of building area.
15. Or 3 stories subject to architectural design review. Height limit applies to those portions of the MUTC Zone shown in figure A of this section.

FIGURE A

Building Heights



1. Setback Measurement: A setback is measured from the edge of a street right of way, access easement or private road. Where there is no street right of way, access easement or private road, a setback is measured from the property line.
2. Designation Of Required Setbacks: All lots except pipestem lots must contain at least one front yard setback. A front yard setback shall be required abutting each right of way on corner lots and through lots. All lots must contain one rear yard setback except for corner, through, and pipestem lots. All other setbacks will be considered interior-side yard setbacks.
~~Corner Lots: If a lot abuts the intersection of two (2) or more street rights of way, a front yard setback is required abutting one right of way as described in table 1 of this section~~
3. Through Lots: In the case of a through lot, a front yard setback is required abutting each street right of way.
4. Front Yard Setback Averaging: Averaging may be used to reduce a front yard setback requirement when a principal building has been established on an adjacent lot within the required yard. This provision shall not apply if the adjacent lot has received a reduced setback based upon a discretionary land use approval. This exception shall be calculated as follows:
 - a. Averaging shall be calculated by adding the existing front yard setbacks of the adjacent lots together and dividing that figure by two (2).
 - b. When an adjacent lot is vacant, averaging shall be calculated by adding the front yard setback of the adjacent developed lot with the minimum front yard setback of the zone in which the construction is proposed and dividing that figure by two (2).
5. Slopes: If the topography of a lot is such that the minimum front yard setback line is eight feet (8') or more above the street grade, and there is no reasonable way to construct a driveway up to the

dwelling unit level, a garage/carport may be built into the bank and set at least five feet (5') back from the right of way.

6. Accessory Structures, Interior Yard Exception: Detached one-story accessory structures may occupy twenty five percent (25%) of the total area of a side yard and shall maintain a minimum five (5) foot setback, except in the MUTC zone. ~~(that portion of the yard exclusive of required setbacks)~~ This does not apply to Accessory Dwelling Units.
7. Accessory Structures, Rear Yard Exception: Detached one-story accessory structures may occupy fifty percent (50%) of the total area of a rear yard and shall maintain a minimum ~~three-foot (3')~~ five (5) feet setback, except in the MUTC zone. This does not apply to Accessory Dwelling Units.

...

A. Heights Standards:

...

B. General Development Standards:

...

C. RU Zone Pipestem (Flag) Lot Development Standards

...

D. Cottage Housing Development Standards

...

E. Duplex Development Standards

1. Duplexes shall be designed to blend in with the single-family character of the neighborhood.
2. If located on a corner lot, each unit of the duplex shall face onto an adjacent street, and no two units' front doors and garages are permitted to face the same street frontage.
3. Lot size requirements for duplexes in residential zones are as follows:
 - i. Residential Conservation (RC):
 1. Duplex minimum lot size: Two (2) acres
 - ii. Residential Urban (RU):
 1. Duplex minimum lot size: 9,075 square feet
 - iii. Residential Multi-Family (RMF):
 1. Duplex minimum lot size: 7,000 square feet

F. LOT SIZE AVERAGING

1. Purpose: To allow flexibility in the creation of new subdivisions to accommodate development barriers including, but not limited to, shorelines, wetlands, and critical areas, provided that the average lot size in the development as a whole meets the district's minimum lot size and the density as a whole does not exceed the districts maximum density standards.
2. Applicability: Lot size averaging provisions of this chapter apply to and may be used by developers of land who are dividing land in conformance with the provisions of this title, and in which the land is located in the following zones:
 - i. RC Residential-Conservation Zone (OMC 13-3-2-A)
 - ii. RU Residential-Urban Zone (OMC 13-3-2-B)
 - iii. RMF Residential-Multi-Family Zone (OMC 13-3-2-C)
3. Standards

- i. Lot size averaging cannot result in a parcel being divided into a greater number of lots than would result from development at the normal minimum lot size required in the applicable zone.
- ii. In approved short plats and subdivisions, the individual lots shall be considered in compliance with minimum area requirements if the average of the areas of all the lots in the short plat or subdivision meets the minimum requirement for the zone in which the short plat or subdivision is located.
- iii. Lot size averaging only applies to creation of lots for detached single-family residences.
- iv. Lot size averaging shall not be used to create lots for duplexes or multifamily dwellings as defined by OMC 13-2-14.
- v. No individual single-family lot shall be reduced more than 25% from the district minimum required area.
- vi. No single-family lot shall be reduced in width to less than 40 feet (regardless of lot depth).
- vii. No single-family lot shall be reduced in depth to less than 70 feet (regardless of lot width).
- viii. All of the following are to be subtracted from the net square footage of a lot for the purpose of determining the area of a lot proposed for lot averaging:
 - 1. Public right-of-way;
 - 2. Private roads, private primary access easement; and
 - 3. Minor portion (pipestem) of pipestem lots.
- ix. The area of easements other than that of the primary access (public right-of-way or private easement) shall not be subtracted from the net square footage of a lot.
- x. Surface detention/retention facilities may count toward calculations for lot size averaging only if the detention/retention facility:
 - 1. is designed so as to appear as a natural wetland system, or
 - 2. provides active or passive recreational benefits in a natural landscaped setting.
- xi. Developments utilizing lot size averaging shall not receive preliminary or final approval as phased developments unless each phase meets the lot size averaging standards for the total land area included in that phase.

Section 8. OMC Section 13-5-3, Amended. Orting Municipal Code Section 13-5-3 is hereby amended as follows:

I. Parking Spaces Required For Particular Uses: The minimum number of off street parking spaces required for nonresidential uses shall be as set forth in the following: (Ord. 943, 5-14-2014)

	Use	Parking Spaces Required
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1.	All dwellings (RC, RU, RMF, MUTC)	2 off street spaces per unit ¹
2.	Daycare centers; home based	1 for each employee, plus 1 additional, not including required residential spaces
	Nonresidential	1 for each employee, plus 1 for every 10 children or adults
3.	Banks, savings and loan associations, business or professional offices	1 for each 400 square feet of gross floor area
4.	Bowling alleys	4 for each alley
5.	Churches	1 for each 5 seats in the principal place of assembly for worship, including balconies and choir loft
6.	Dance halls, skating rinks, youth cabarets	1 for each 25 square feet of skating or dancing area, plus 1 per 40 square feet of all other building area
7.	Establishments for the sale and consumption on the premises of food and beverages, including fraternal and social clubs ^{1,2}	1 for each 200 square feet of gross floor area
8.	Fraternity, sorority or group student house	1 for each 3 sleeping rooms or 1 for each 6 beds, whichever is greater
9.	Hospitals	2 for each bed
10.	Large group home, institution	1 for each 2 beds
11.	Libraries and museums	1 for each 250 square feet of floor area open to the public
12.	Lodging and rooming house	1 for each sleeping room
13.	Manufacturing uses, research and testing laboratories, creameries, bottling establishments, bakeries, canneries, printing and engraving shops	1 for each employee on a maximum shift
14.	Medical or dental clinics	5 for each physician or dentist
15.	Motels, hotels	1 for each unit
16.	Motor vehicle or machinery sales, wholesale stores, furniture stores	1 for each 400 square feet of gross floor area
17.	Retail stores	1 for each 300 square feet
18.	Schools; high schools	1 for each 8 students, plus 1 for each faculty member (exclusive of loading and unloading area)
	Elementary and junior high	1 for each faculty member
19.	Stadiums, auditoriums, community clubs, community centers, and other places of assembly	1 for each 4 seats
20.	Theaters	1 for each 3 seats

21.	Warehouses and storage buildings	1 for each 2,000 square feet of gross floor area, except that office space shall provide parking as required for offices
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Notes:

1. See 13-5-6 for accessory dwelling unit off street parking requirements.

~~12.~~ Stationary vendor units used to provide food vending services are exempt from off street parking requirements; provided that, the principal use meets the established parking requirements for such principal use

Section 9. OMC Section 13-5-6, Amended. Orting Municipal Code Section 13-5-6 is hereby amended as follows:

- A. Purpose: Accessory dwelling units (ADUs) are intended to increase the supply of affordable and independent housing for a variety of households, ~~increase home and personal security~~, provide supplemental earnings for people with limited incomes, and increase residential densities with minimal cost and disruption to existing neighborhoods. This should occur by utilizing the existing infrastructure and community resources while protecting the existing character of single-family neighborhoods.
- B. Procedures: Any owner/occupant seeking to establish an ADU shall apply for approval in accordance with the following:
 - 1. Application: The owner/occupant shall apply for a building permit for an ADU. A complete application form must demonstrate that all size thresholds and design standards are met.
 - ~~2. Affidavit: An affidavit affirming that the owner will occupy the principal dwelling or the ADU and agreeing to all the general requirements as provided in this title is required.~~
 - ~~a. An ADU shall be converted to another permitted use or shall be removed if one of the two (2) dwelling units is not owner occupied.~~
 - 2. Notice Of Title: Prior to occupancy of the ADU, the owner shall record a notice on the property title acknowledging the existence of the ADU with the Pierce County auditor. Such notice shall be in a form as specified by the city and shall include as a minimum:
 - a. The legal description of the property which has been approved for an ADU;
 - b. The applicability of the restrictions and limitations contained in this section;
 - c. A copy of the city approved floor/site plan; and
 - d. The property owner's signature on the notice. The signature shall be notarized prior to recording the notice.
- C. General Requirements: The creation of an ADU shall be subject to the following general requirements:
 - 1. Number: A maximum of ~~one~~ (1) ADU shall be allowed per lot of record as an accessory use in conjunction with any detached single-family ~~structured~~dwelling.
 - 2. Lot Standards:
 - a. An attached ADU shall be permitted on all parcels containing single-family homes where the lot is at least three thousand two hundred (3,200) square feet in size.

- b. Both attached and detached ADUs shall be permitted on all parcels containing single-family homes, provided lots are at least four thousand three hundred fifty-six (4,356) square feet in size.
- 3. Type Of Unit:
 - a. An ADU shall be permitted as a second, subordinate dwelling unit attached to, or detached from the principal dwelling.
 - b. A detached ADU may be any dwelling permitted in the applicable land use classification.
- 4. Size: An ADU shall be no greater than one thousand, two hundred (1,000200) square feet.
- 5. Parking: One (1) off-street parking space is required for an ADU up to 700 square feet in size. For ADUs greater than 700 square feet in size two (2) off-street parking spaces are required.
- 6. Design: An ADU shall be designed to maintain the appearance of the principal dwelling as a single-family residence.
 - a. The entrance to an attached ADU shall not be directed towards any front yard unless utilizing an existing doorway.
 - b. Detached ADUs shall be no closer to the front lot line than the front face of the principal dwelling. This provision shall not apply to waterfront lots regulated pursuant to the city shoreline management program.
 - c. New construction of a detached ADU or conversion of an existing detached structure to an ADU shall not be permitted within the required front, side or rear yard setback as outlined in OMC 13-5-1.C, table 1. An exception to the required rear yard setback may be allowed if the rear yard abuts an alley.
 - d. If an ADU is created by constructing a new detached structure, the building height of the ADU shall not be greater than the principal dwelling's building height or 12 feet measured from the ground to the top plate, whichever is less. The roof pitch may not exceed that of the principal dwelling.
 - e. If an ADU is created by adding on to or converting an existing detached structure, the height shall not exceed the principal dwelling's building height.
 - f. An ADU shall have similar facade, roof pitch and siding to the principal dwelling unit.

Section 10. OMC Section 15-2-20, Amended. Orting Municipal Code Section 15-2-20 is hereby amended as follows:

SUBDIVISION: A division of land into ~~five~~ten (105) or more lots, tracts, parcels, sites or divisions for the purpose of sale, lease, or transfer of ownership, including resubdivision of previously subdivided land, except as provided in this title. ~~or other divisions. Subdivision includes resubdivisions of previously subdivided land.~~

SUBDIVISION, SHORT: A division of land into ~~four~~nine (49) or fewer lots, ~~or~~ tracts, parcels, sites or divisions for the purpose of sale, lease, or transfer of ownership, except as provided in this title.

Section 10. OMC Section 15-4, Amended. Orting Municipal Code Section 15-4 is hereby amended as follows:

TABLE 15-4-1

	Procedure For Permit Applications					Legislative	
	Type 1	Type 2	Type 2a	Type 3	Type 3a	Type 4	Type 5
Recommendation by	n/a	n/a	Administrator	n/a	n/a	Planning commission	Planning commission
Final decision by	Administrator	Administrator	Planning commission	Hearing examiner	Planning commission	City council	City council
Notice of application	No	No ¹	No	Yes	Yes	Yes	No
Open record public hearing or open record appeal of final decision	No	Only if appealed. Open record hearing with hearing examiner	Only if appealed. Open record hearing with hearing examiner; recommendation made by hearing examiner to the city council	Yes, before hearing examiner	Yes, before planning commission	Yes, before planning commission	Yes, before planning commission
Closed record appeal/final decision	No	No, unless appealed to council	City council	No, unless appealed to council	No, unless appealed to council	Yes, before council	Yes, or council may hold another public hearing
Judicial appeal	Yes	Yes	Yes	Yes	Yes	Yes	Yes

Note:

1. Notice of application is required for short plats of five (5) or more lots.

Section 10. OMC Section 15-6-2, Amended. Orting Municipal Code Section 15-6-2 is hereby amended as follows:

15-6-2: APPLICABILITY:

C. The following are exempted from impact fees:

1. Alteration, expansion, reconstruction, or replacement of existing single-family or multi-family dwelling units that does not result in additional dwelling units.
2. As for school impact fees only, any new dwelling unit subject to restrictions that may be legally enforced by a private party or governmental entity limiting occupants to a minimum adult age or to populations that do not include children under the age of eighteen (18), including nursing homes and retirement centers; provided that this

exclusion ceases if the exempted dwelling unit(s) is later converted to permanent use as a dwelling not subject to the restrictions.

3. As for school impact fees only, hotels, motels, and other transient accommodations provided that this exclusion ceases if the exempted development is later converted to permanent use as a dwelling not subject to these restrictions.
4. Accessory dwelling units ([exemption applies to school and park impact fees only](#)).
5. Development which has impact mitigation provided through environmental review under the state environmental policy act.

Section 11. OMC Section 15-6A-7, Amended. Orting Municipal Code Section 15-6A-8 is hereby amended as follows:

15-6A-7: CALCULATION OF IMPACT FEES:

- A. The city shall calculate the transportation impact fees as set forth in attachment A as referenced in section 15-6A-2 of this article subject to the provisions of this article.
- B. In determining the proportionate share, the method of calculating impact fees [shall use trip generation methodology consistent with the latest edition of the Institute of Transportation Engineers Trip Generation Manual. Accessory dwelling units shall be calculated using ITE Use Number 220, Apartment customer type. The calculation](#) shall incorporate, among other things, the following:

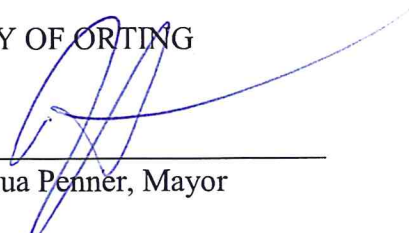
Section 12. Severability. Should any section, paragraph, sentence, clause or phrase of this Ordinance, or its application to any person or circumstance, be declared unconstitutional or otherwise invalid for any reason, or should any portion of this Ordinance be pre-empted by state or federal law or regulation, 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 13. Codification. The City Council authorizes the City Clerk to correct any non-substantive errors herein, codify the above, and publish the amended code.

Section 14. 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 10TH DAY OF MARCH, 2021.

CITY OF ORTING



Joshua Penner, Mayor

ATTEST/AUTHENTICATED:

Jane Montgomery
Jane Montgomery, City Clerk, CMC

Approved as to form:

CA

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

Filed with the City Clerk: 2.9.21
Passed by the City Council: 3.10.21
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