

ORIGINAL

CITY OF ORTING
WASHINGTON
ORDINANCE NO. 2021-1074

**AN ORDINANCE OF THE CITY OF ORTING,
WASHINGTON, RELATING TO HOME OCCUPATION
AND ADMINISTRATIVE DECISION NOTICING
REQUIREMENTS; AMENDING ORTING MUNICIPAL
CODE SECTIONS 13-5-4, 15-4-1 AND 15-7-2; 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 revise its home occupation code to respond to citizen needs; and

WHEREAS, the City desires to revise its Type 1 and Type 2 permit noticing code to clarify procedures; and

WHEREAS, the current development code does not allow home occupations in the MUTC zone or in duplexes; and

WHEREAS, the current development code does not distinguish between Type 1 and Type 2 noticing procedures; 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 December 16 for its 60-day review and comment period; and

WHEREAS, the City's Planning Commission held a public hearing on the proposed amendments on January 4, 2021 and proposed a recommendation which was 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 March 10, 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 13-5-4, Amended. Orting Municipal Code Section 13-5-4 is hereby amended as follows:

- A. Purpose: The purpose of this section is to provide standards which allow a resident of a single-family dwelling or duplex to operate a limited activity from their principal residence or permitted accessory structure while achieving the goals of retaining residential character, maintaining property values and preserving environmental quality.
- B. Applicability: Home occupations are only permitted in compliance with the below performance standards and as conditional uses in conjunction with a detached single-family dwelling or duplex in the MUTC, RC, RU, and RMF Zones.
- D. Performance Standards:
 - 2. General Provisions: The following general provisions shall apply to all home occupation activities:
 - a. The activity is clearly incidental and secondary to the use of the property for residential purposes and shall not change the residential character of the dwelling or neighborhood;
 - b. External alteration inconsistent with the residential character of the structure is prohibited;
 - c. Use of hazardous materials or equipment must comply with the requirements of the Building Code and the Fire Code;
 - d. The activity does not create noticeable glare, noise, odor, vibration, smoke, dust or heat at or beyond the property lines;
 - e. Use of electrical or mechanical equipment which creates visible or audible interference in radio or television receivers or fluctuations in line voltage at or beyond the property line is prohibited;
 - f. Manufacturing shall be limited to the small scale assembly of already manufactured parts but does not preclude production of small, individually handcrafted items, furniture or other wood items as long as the activity meets the other standards of this chapter;
 - g. Customers/clients are prohibited on the premises prior to six o'clock (6:00) A.M. and after nine o'clock (9:00) P.M.;
 - h. Sales in connection with the activity are limited to merchandise handcrafted on site or items accessory to a service (i.e., haircare products for beauty salon);
 - i. In addition to the single-family or duplex parking requirements, off street parking associated with the activity shall include one additional space in accordance with standards set forth in section 13-5-3 of this chapter;

Section 3. OMC Section 15-4-1, Amended. Orting Municipal Code Section 15-4-1, Table 15-4-2, is hereby amended as follows:

Type 1 (Administrator)	Type 2 (Administrator)
Permitted uses; boundary line adjustments; cottage development ; home occupations ; minor amendments to subdivisions and PUD; special-use permits nonconforming use permit ; temporary construction trailer	Short plats; land clearing and grading; shoreline permits; administrative variances; administrative interpretations; home occupations ; landscape plan modifications

Section 4. OMC Chapter 15-7-2, Amended. Orting Municipal Code Section 15-7-2 is hereby amended to read as follows:

A. Type 1 administrative approvals do not require notice.

B. Notice of Type 2 administrative approvals ~~subject to notice under section 15-7-1 of this chapter~~ shall be made as follows:

1. A. Notification Of Preliminary Approval: The administrator shall notify the adjacent property owners of his intent to grant approval at least fourteen (14) days prior to the effective date of the approval. Notification shall be made by mail only. The notice shall include:

- a. 1. A description of the preliminary approval granted, including any conditions of approval.
- b. 2. A place where further information may be obtained.
- c. 3. A statement that final approval will be granted unless an appeal requesting a public hearing is filed with the city clerk within fifteen (15) days of the date of the notice.

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.

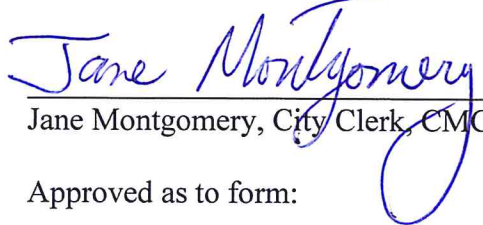
**ADOPTED BY THE CITY COUNCIL AT A REGULAR MEETING THEREOF ON
THE 10TH DAY OF MARCH, 2021.**

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: 2.11.21
Passed by the City Council: 3.10.21
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