

**CITY OF ORTING
WASHINGTON
ORDINANCE NO. 2021-1079**

**AN ORDINANCE OF THE CITY OF ORTING, WASHINGTON,
RELATING TO PUBLIC NOTICING; AMENDING ORTING
MUNICIPAL CODE SECTIONS 15-7; 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 public noticing code to add a notice method to ensure applications and hearings are widely noticed; and

WHEREAS, the current code does not require notices be published on the City website; and

WHEREAS, the City website is in the process of being updated and will more easily allow for public noticing on a separate page on the website; 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 April 21, 2021 for its 60-day review and comment period; and

WHEREAS, the City's Planning Commission held a public hearing on the proposed amendments on May 3, 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 June 30, 2021, 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 Chapter 15-7 is hereby amended as follows:

15-7-1: DEVELOPMENT APPLICATION:

- A. Included Information: Within fourteen (14) days of issuing a letter of completeness under chapter 5 of this title, the city shall issue a notice of development application. The notice shall include, but not be limited to, the following:
1. The name of the applicant.
 2. Date of application.
 3. The date of the letter of completeness.
 4. The location of the project, including street address and legal description.
 5. A project description.
 6. The requested approvals, actions, and/or required approvals, actions or studies.
 7. A statement of the public comment period which shall be not less than fourteen (14) nor more than thirty (30) days following the date of the notice of application, and a statement of the right of any person to comment on the application, receive notice of and participate in any hearings, request a copy of the decision once made, and any appeal rights. Also, a statement that comments on the notice are due by five o'clock (5:00) P.M. on the last day of the comment period, or, on the first working day following the last day if the last day falls on a weekend or holiday.
 8. Identification and location of existing environmental documents.
 9. A city staff contact and phone number.
 10. The date, time, and place of a public hearing if one has been scheduled.
 11. Preliminary determination, if made, of SEPA threshold and/or development regulations that will be used for project impact mitigation.
 12. A statement that the decision on the application will be made within statutory limits.
- B. Posting; Publication: The notice of development application shall be posted on the subject property and notification shall be published once in a local newspaper of general circulation, and on the City's website.
- C. Issuance: The notice of development application shall be issued prior to required notice of a public hearing and is not a substitute for that notice.
- D. Exemptions: A notice of application is not required for the following actions, when the referenced actions are categorically exempt from SEPA or environmental review has been completed:
1. Application for building permits;
 2. Application for lot line adjustments;
 3. Application for administrative approvals; and
 4. Application for architectural design review.

15-7-2: ADMINISTRATIVE APPROVAL:

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

- A. Type 1 administrative approvals do not require notice.
- B. Notice of Type 2 administrative approvals shall be made as follows:
 - 1. 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~~ and posted on the City's website. The notice shall include:
 - a. A description of the preliminary approval granted, including any conditions of approval.
 - b. A place where further information may be obtained.
 - c. 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.

15-7-3: PUBLIC HEARING:

Notice of a public hearing for all development applications and all open record appeals shall be given as follows:

- A. Time Of Notices: Except as otherwise required, public notification of meetings, hearings, and pending actions under this title and titles 12 and 13 of this code shall be made by:
 - 1. Publication at least ten (10) days before the date of a public meeting, hearing, or pending action in the official newspaper if one has been designated or a newspaper of general circulation in the city;
 - 2. Mailing at least ten (10) days before the date of a public meeting, hearing, or pending action to all property owners as shown on the records of the county assessor and to all street addresses of properties within five hundred feet (500'), not including street rights of way, of the boundaries of the property which is the subject of the meeting or pending action. Addressed labels and prestamped envelopes shall be provided by the applicant; and
 - 3. Posting at least ten (10) days before the meeting, hearing, or pending action at city hall, on the City's website, and other public posting places and at least one notice on the subject property.
- B. Content Of Notice: The public notice shall include a general description of the proposed project, action to be taken, a nonlegal description of the property or a vicinity map or sketch, the time, date and place of the public hearing and the place where further information may be obtained.
- C. Continuations: If for any reason, a meeting or hearing on a pending action cannot be completed on the date set in the public notice, the meeting or hearing may be continued to a date certain and no further notice under this section is required.
- D. Shoreline Master Program Permits: Notice for SMP permits shall be given as provided by title 11, chapter 6 of this code in accordance with Revised Code Of Washington 90.58.

Section 3. Severability. Should any section, paragraph, sentence, clause or phrase of this Ordinance, or its application to any person or circumstance, be declared unconstitutional or otherwise invalid for any reason, or should any portion of this Ordinance be pre-empted by state or federal law or regulation, such

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

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

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

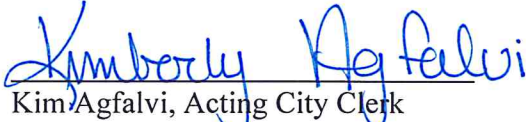
ADOPTED BY THE CITY COUNCIL AT A REGULAR MEETING THEREOF ON THE 30 DAY OF June, 2021.

CITY OF ORTING



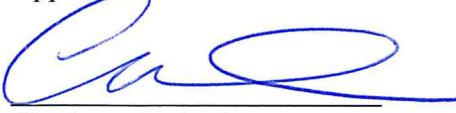
Joshua Penner, Mayor

ATTEST/AUTHENTICATED:



Kim Agfalvi, Acting City Clerk

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: