

**CITY OF ORTING  
WASHINGTON  
ORDINANCE NO. 2021-1086**

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**AN ORDINANCE OF THE CITY OF ORTING,  
WASHINGTON, RELATING TO DAYCARES; AMENDING  
ORTING MUNICIPAL CODE SECTIONS 13-2, 13-3-3, 13-5-  
3, AND 13-5-5; PROVIDING FOR SEVERABILITY; AND  
ESTABLISHING AN EFFECTIVE DATE**

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**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 definitions associated with daycares to provide for consistency throughout the code; and

**WHEREAS**, the City desires to revise its daycare regulations to be consistent with state law and provide for multiple types and locations of daycares throughout the City; 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 September 22, 2021 for its review and comment period; and

**WHEREAS**, the City's Planning Commission held a public hearing on the proposed amendments on October 4, 2021 and proposed a recommendation which was forwarded to the City Council to adopt the proposed OMC amendments; and

**WHEREAS**, the City Council considered the proposed code amendments and the entire record, including recommendations from the Planning Commission on October 27, 2021; 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 13-2, Amended.** Orting Municipal Code Section 13-2 is hereby amended as follows:

**13-2: DEFINITIONS:**

13-2-5: D

DAYCARE CENTER: An establishment licensed by the state, used to provide adult or child care services during part of the twenty four (24) hour day in a facility ~~that is not the primary residence of the operator(s)~~. See also definition of Family Daycare in this chapter.

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13-2-7: F

FAMILY DAYCARE: A facility licensed by the state of Washington located in ~~the a dwelling and operated by the owner of the residence family abode of a person or persons~~ for regularly scheduled care of twelve (12) ~~six (6)~~ or fewer adults or children, for periods less than twenty four (24) hours.

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

**13-3-3: USES:**

**TABLE 1  
CITY OF ORTING LAND USE**

	Zone							
	RC	RU	RMF	MUTC	MUTCN	LM	OS	PF
Daycare Facilities								
<del>Centers—commercial Daycare Center</del>		C	C	C	P			
<del>Provider home facility Family Daycare</del>	P	P	P	C <sup>3</sup>				

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**Section 4. OMC Section 13-5-3, Amended.** Orting Municipal Code Section 13-5-3.I is hereby amended as follows:

**13-5-3: LOADING AREA AND OFF STREET PARKING REQUIREMENTS:**

I. Parking Spaces Required For Particular Uses:

Use	Parking Spaces Required
1. All dwellings (RC, RU, RMF, MUTC)	2 off street spaces per unit <sup>1</sup>

2. <del>Family Daycare-centers; home-based</del>	1 for each employee, plus 1 additional, not including required residential spaces
<del>Non-residential-Daycare Center</del>	1 for each employee, plus 1 for every 10 children or adults

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

**13-5-5: DAYCARE FACILITIES:**

- A. Purpose: The purpose of this section is to provide operating criteria to meet the need for quality, affordable, and safe daycare facilities for adults and children. There are two (2) types of daycare facilities: home based daycare facilities and daycare centers.
- B. Family Daycare Facilities: Family daycare facilities operate from a residence by the resident(s). ~~There are two (2) types of family daycare facilities: those providing services to adults and those providing services to children. and To be permitted outright per state law, these facilities~~ are restricted to a maximum of twelve (12) children or adults including residents of the abode. ~~There are two (2) types of family daycare facilities: those providing services to adults and those providing services to children.~~
  - 1. Criteria For Family Daycare Facilities:
    - a. Minimum Fencing/Screening Required: Outdoor recreation areas must be enclosed by a six foot (6') high fence.
    - b. Outdoor Play Equipment: Play equipment shall not be located in any required front or side yard setback area.
- C. Daycare Centers: Daycare centers are facilities ~~which operate in places other than a residence~~ with no limited ~~on the~~ number of clients. There are two (2) types of daycare centers: adult daycare center and child daycare center.
  - 1. Criteria For Daycare Centers:
    - a. Minimum Fencing/Screening Required: Outdoor recreation areas must be enclosed by a six foot (6') high fence.
    - b. Loading: There shall be an off street area for loading and unloading children or adults (clearly marked). Adequate vehicle turnaround shall be provided on site for parking and loading so as to preclude the necessity of backing out onto the street.
    - c. Signs: One sign will be permitted at a size to be determined by the zone classification where the facility is located as provided in chapter 7 of this title.

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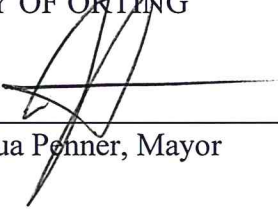
**Section 6. Severability.** Should any section, paragraph, sentence, clause or phrase of this Ordinance, or its application to any person or circumstance, be declared unconstitutional or otherwise invalid for any reason, or should any portion of this Ordinance be pre-empted by state or federal law or 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 7. Codification.** The City Council authorizes the City Clerk to correct any non-substantive errors herein, codify the above, and publish the amended code.

**Section 8. 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 27th DAY OF October, 2021.**

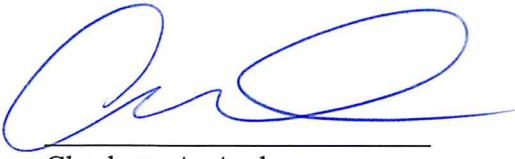
CITY OF ORTING

  
\_\_\_\_\_  
Joshua Penner, Mayor

ATTEST/AUTHENTICATED:

  
\_\_\_\_\_  
Kimberly Agfalvi, City Clerk

Approved as to form:

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

Filed with the City Clerk: 10.21.2021

Passed by the City Council:

Date of Publication:

Effective Date: