

**CITY OF ORTING  
WASHINGTON  
ORDINANCE NO. 2021-1087**

---

**AN ORDINANCE OF THE CITY OF ORTING,  
WASHINGTON, RELATING TO LANDSCAPING AND  
STREET TREES; AMENDING ORTING MUNICIPAL CODE  
SECTION 13-5-2; 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 landscaping and screening code to regulate allowed types of trees; and

**WHEREAS**, the current development code does not have any regulations regarding what types of trees can be planted; 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 November 10, 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 13-5-2, Amended.** Orting Municipal Code Section 13-5-2 is hereby amended as follows:

### 13-5-2: LANDSCAPING AND SCREENING:

\*\*\*

- A. Purpose: The purpose of this section is to establish standards for landscaping and screening, to maintain or replace existing vegetation, provide physical and visual buffers between differing land uses, lessen environmental and improve aesthetic impacts of development and to enhance the overall appearance of the city. ~~Notwithstanding any other provision of this chapter, trees and shrubs planted pursuant to the provisions of this chapter shall be types and ultimate sizes at maturity that will not impair scenic vistas.~~ Street trees shall be selected from the approved list of trees, on file with the City of Orting.

\*\*\*

- A. Landscape Plan: A plan of the proposed landscaping and screening of projects subject to this section shall be provided as part of the application and shall contain the following:
1. Identification of existing trees and tree canopies;
  2. Significant trees and vegetation to remain;
  3. New landscaping: location, species, diameter or size of materials using both botanical and common names. Drawings shall reflect the ultimate size of plant materials;
  4. Identification of tree protection techniques;

\*\*\*

#### E. Requirements for Residential Uses:

1. Perimeter Areas: Notwithstanding other regulations found in this chapter, perimeter areas not covered with buildings, driveways and parking and loading areas shall be landscaped. The required width of perimeter areas to be landscaped shall be at least the depth of the required yard or setback area. Areas to be landscaped shall be covered with live plant materials which will ultimately cover seventy five percent (75%) of the ground area within three (3) years. One deciduous tree a minimum of two inch (2") caliper or one 6-foot evergreen or three (3) shrubs which should attain a height of three and one-half feet (3<sup>1</sup>/<sub>2</sub>') within three (3) years shall be provided for every five hundred (500) square feet of the area to be landscaped.
2. Buffer Areas: All residential subdivisions or planned developments shall have a buffer consisting of a vegetated screen, that is opaque to a height of six feet (6') minimum, along the perimeter of the plat. The screening may be achieved through any one or a combination of the following methods:
  - a. Evergreen trees or shrubs; or

- b. Trees and shrubs planted on an earthen berm as approved by the Public Works Director; or
  - c. A combination of trees or shrubs and fencing. If fencing is utilized vegetation screening is required along 50% of the fencing on each lot line. If fencing and vegetation is selected, for a lot line abutting a right-of-way vegetation must be planted on the exterior of the fence; or
  - d. Use of existing native vegetation that already provides a vegetative screen.
3. New subdivisions or planned developments that abut arterial streets or nonresidential uses shall be screened with a minimum twenty-five-foot (25') buffer. Subdivisions or planned developments that abut areas with the same underlying zoning shall be screened with nominal landscaping that provides variety and enhances the visual character of the area.
4. The vegetation requirements of this section may be waived through a variance process for new subdivisions or planned developments where native vegetation retention, native vegetation revegetation or dispersion LID BMPs are proposed in accordance with the Stormwater Management Manual and LID Manual. Buffer area widths shall not be reduced. The type of vegetation within buffer areas shall be determined through the variance process identified in this code.
5. Root barriers are required for all trees to be planted adjacent to right-of-way, and as required by the Public Works Director.

\*\*\*

#### F. Requirements For Commercial Uses:

1. Perimeter Areas: See subsection E1 of this section.
2. Buffer Areas: Where a development subject to these standards is contiguous to a residential zoning district or areas of residential development, then the required perimeter area shall be landscaped the full width of the setback areas as follows:
  - a. A solid screen of evergreen trees or shrubs; or
  - b. A solid screen of evergreen trees and shrubs planted on an earthen berm an average of three feet (3') high as approved by the Public Works Director; or
  - c. A combination of trees or shrubs and fencing If fencing is utilized vegetation screening is required along 50% of the fencing on each lot line. If fencing and vegetation is selected, for a lot line abutting a right-of-way vegetation must be planted on the exterior of the fence.
3. Areas Without Setbacks:
  - a. In areas where there is no required setback or where buildings are built to the property line, development subject to this chapter shall

provide a street tree at an interval of one every twenty feet (20') or planter boxes at the same interval or some combination of trees and boxes, or an alternative.

- b. Street trees shall be a minimum caliper of two inches (2") and be a species approved by the city and installed to city standards. Planter boxes shall be maintained by the property owners and shall be of a type approved by the city.
4. The vegetation requirements of this section may be waived through a variance process for new subdivisions or planned developments where native vegetation retention, native vegetation revegetation or dispersion LID BMPs are proposed in accordance with the Stormwater Management Manual and LID Manual. Buffer area widths shall not be reduced. The type of vegetation within buffer areas shall be determined through the variance process identified in this code.
5. Root barriers are required for all trees to be planted adjacent to hardscape, and/or as required by the Public Works Director.

\*\*\*

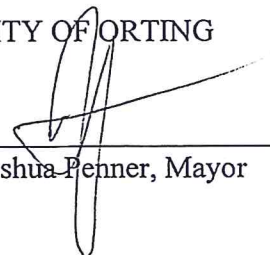
**Section 3. Severability.** Should any section, paragraph, sentence, clause or phrase of this Ordinance, or its application to any person or circumstance, be declared unconstitutional or otherwise invalid for any reason, or should any portion of this Ordinance be pre-empted by state or federal law or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

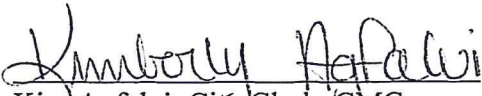
**Section 5. Effective Date.** This Ordinance shall be published in the official newspaper of the City and shall take effect and be in full force five (5) days after the date of publication.

**ADOPTED BY THE CITY COUNCIL AT A REGULAR MEETING THEREOF ON THE 17 DAY OF Nov, 2021.**

CITY OF PORTING

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

ATTEST/AUTHENTICATED:

  
\_\_\_\_\_  
Kim Agfalvi, City Clerk, CMC

Approved as to form:

DocuSigned by:

*Charlotte Archer*

203701F25520457...

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: