

Commissioners

Kelly Cochran, Chair
Jeff Craig, Co-Chair
Karen Wilson
Chris Rule
Erika Bartholomew
Jennifer McKinney
Vacant



**City of Orting
Planning Commission Agenda**

Monday, April 4, 2022
7:00pm
City Hall Council Chambers

City Representation

Scott Larson, City Administrator
Kim Agfalvi, City Clerk
Emily Adams, Planner
Maryanne Zukowski, Engineer
Alison Williams, Secretary

If joining virtually:

Phone Dial-in - Charges may apply
+1.253.215.8782

To join the meeting on a computer or mobile phone:

<https://zoom.us/j/93631955146?pwd=bmFheDJlWEkcnJyL3RxRUdnZktVdz09>

Meeting ID: 936 3195 5146
Password: 496743

A. CALL MEETING TO ORDER, PLEDGE OF ALLEGIANCE, ROLL CALL

The public may attend this meeting virtually via the platform Zoom by clicking the link above or by telephone, or in person at City Hall.

1. Is there a motion to excuse Commissioner(s) from this meeting?

B. AGENDA APPROVAL

1. Does the agenda require an addition or removal of a topic?

C. PUBLIC COMMENTS

Comments may be sent to the Planning Commission Secretary awilliams@cityoforting.org by 1:00pm on the day of the meeting and will be read into the record at the meeting. In the case of a question, the chair will refer the matter to the appropriate administrative staff member. Comments that come in after the deadline will be read into the record at the next Planning Commission meeting.

D. APPROVAL OF MINUTES

1. Are the minutes of the March 7, 2022 meeting correct and accurate?

E. ARCHITECTURAL DESIGN REVIEW

F. NEW BUSINESS

1. Public Hearing -- Supportive and Transitional Housing Code Amendments (E2SHB 1220): Review, Public Hearing, Deliberations

G. OLD BUSINESS

H. GOOD OF THE ORDER

1. Planned Absences:
2. Report on Council Meetings:
3. Agenda setting:

I. ADJOURN

NEXT PLANNING COMMISSION MEETING: Monday, May 2, 2022

City Council Meeting: 2nd & last Wednesday of each month at 7:00pm

City Council Study Session: 3rd Wednesday of each month at 6:00pm

Planning Commission: 1st Monday of each month at 7:00pm

City of Orting
PLANNING COMMISSION MINUTES
March 7, 2022

Chair Kelly Cochran called the meeting to order at 7:02 pm. Roll call found Commissioners Jeff Craig, Karen Wilson, Chris Rule, Erika Bartholomew, and Jennifer McKinney in attendance. There is one (1) Commissioner position that remains vacant. A quorum was present.

ATTENDANCE:

City	City Administrator Scott Larson, Commission Secretary Alison Williams
Professional Representatives	City Planner Emily Adams
Guests (including Virtual Log-in)	James Smith, Dan Swanson

AGENDA APPROVAL:

Agenda Approval	Commissioner Craig moved to approve the agenda as written. Commissioner Rule seconded the motion and it carried.
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AUDIENCE PARTICIPATION: None

MINUTES:

Approval of Minutes for February 7, 2022	Commissioner Craig moved to approve the February 7, 2022 minutes as written. Commissioner Rule seconded the motion and it carried.
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ARCHITECTURAL DESIGN REVIEW: None

NEW BUSINESS:

Supportive and Transitional Housing Code Amendments (E2SHB 1220)	Planner Adams presented the proposed permanent Amendments, highlighting the differences from the interim Amendments currently in place. The Commission extensively discussed possible revisions, including: <ul style="list-style-type: none">• Removing “within 500 feet of the facility” from Note 27 in Section 3• Disallowing hotels and motels within the City limits• Limiting the number of occupants of emergency housing facilities based on the population of the City• Revising “continuously operating” in Note 27 in Section 3 for clarity• Defining a time limit for the term “emergency”. Planner Adams will research the feasibility of the Commission’s suggestions and bring the revised Amendments to the April meeting for a Public Hearing.
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OLD BUSINESS: None

GOOD OF THE ORDER:

Meeting Extension	None
Planned Absences	None
Report on Council Meetings	City Administrator Larson gave a brief report: There has been progress on the Calistoga Stormwater Project. The Council adopted a sidewalk maintenance ordinance. The City

hired two engineering firms. The Council approved the Parks Plan. Planner Adams briefed the Council on updates to the code regarding manufactured homes.

Dumpster Code Violations The Commissioners discussed the continuing presence of visible Dumpsters in several locations around the City. Secretary Williams will contact the City's Code Enforcement Officer to determine what to do next to resolve the situation.

Flutter Flag Violations The Commissioners discussed the presence of several flutter flags around the City which may not be permitted. Secretary Williams will investigate and report the issue to the Code Enforcement Officer if the flags are not permitted.

Agenda Setting The Commission will have a Public Hearing on the Supportive and Transitional Housing Code Amendments at the April meeting. Planner Adams will have regulations regarding mobile and manufactured homes for the Commission to review at the April meeting. The Council will be considering two Comprehensive Plan Amendments in April which, if the Council decides to move them forward, will come before the Commission in June.

ADJOURNMENT:

Meeting Adjournment Commissioner Craig moved to adjourn the meeting at 8:28pm. Commissioner Rule seconded the motion and it carried.

ATTEST:

Kelly Cochran, Commission Chair

Alison Williams, Commission Secretary



Planning Commission Staff Report

Project Name:	Supportive and Transitional Housing Code Amendments (E2SHB 1220)
Applicant:	City of Orting
Date of Staff Report:	March 11, 2022
Date of Meeting:	April 4, 2022
Staff Recommendation:	Approval
City Staff Contact:	Emily Adams, AICP Contract City Planner
Public Comment Period:	March 25 – April 4, 2022 following notice of public hearing for the permanent regulations.
Public Notice:	Type 5 applications do not require notice of application per OMC 15-4-1. Notice of a public hearing was published in the newspaper and on the City's website on March 25, 2022 in accordance with OMC 15-7-3.

Exhibits:

1. Staff Report
2. Proposed Ordinance

Findings of Fact

E2SHB 1220 was signed into law in May 2021. Its purpose is to encourage cities to take active steps to accommodate transitional housing, emergency shelters, and similar homelessness-related facilities through local planning and changes to local development regulations. This signed bill contains new requirements related to:

- Comprehensive plan housing element updates;
- Adoption of moratoria or interim zoning controls; and
- Zoning and development regulations regarding indoor shelters, permanent supportive housing, and transitional housing.

The bill states: "A city shall not prohibit transitional housing or permanent supportive housing in any zones in which residential dwelling units or hotels are allowed" and "a city shall not prohibit indoor emergency shelters and indoor emergency housing in any zones in which hotels are allowed." The bill does allow for reasonable occupancy, spacing and intensity of use requirements to be imposed on the uses.

When the bill was signed, the City's current code had no regulations related to the development and operation of transitional housing or permanent supportive housing or shelters; and hotels/motels were

permitted in the MUTC and MUTCN zones. Without changes under the new law, emergency shelters, emergency housing, transitional housing, and permanent supportive housing would have been required to be permitted in the MUTC and MTUCN zones.

Interim Regulations

Interim regulations, which expire after 6 months, addressing the new law were adopted on September 29, 2021 and were extended another six months on March 30, 2022. Interim regulations were done as city staff did not had sufficient time to evaluate the needs to transitional housing or permanent supportive housing and develop regulations between the time that E2SHB 1220 was signed by the Governor and became law. The interim regulations were extended for another six months, to give staff time to work further on the permanent regulations and go through the appropriate process with the Planning Commission and City Council. These regulations adopted definitions for emergency shelters, emergency housing, transitional housing, and permanent supportive housing. Transitional housing and permanent supportive housing were added to the use table as conditional uses with the stipulations that the number of units allowed on any given property shall be no more than the number of standard dwelling units that would be allowed under the zoning of the property and that neither may be located within half a mile of another property than contains permanent supportive housing or transitional housing. Hotel and motel were removed as a permitted use as part of the interim regulations to give staff time to research and create permanent regulations for each of the uses.

Proposed Permanent Regulations

For clarity purposes the attached ordinance indicates amendments to the code passed as part of the interim regulations in blue, and new proposed amendments in red. This will be revised to just show the new amendments prior to adoption.

The main change from the interim regulations to the proposed permanent regulation is the permitting of emergency shelters and emergency housing. In order to allow hotels and motels within the City, as they were prior to the interim regulations, emergency shelters and emergency housing must be allowed in any zone that hotels and motels are.

Emergency shelters and emergency housing facilities are therefore proposed to be permitted as conditional uses, which means they must go through the conditional use permit process. Further stipulations attached to the list require that they be indoors, that only one of each use can be operating in the City at a time except in the case of disasters/emergencies (such as natural disaster, heating/cooling centers), must be at least 0.5 miles apart and 0.25 miles from a school, and that an operations plan must be submitted for the use. The limit on the number of people is based on Pierce County's point in-time count of homeless individuals in the County in January 2021 which counted 1,005 homeless individuals in the County and three homeless individuals in Orting. According to the 2020 decennial Census Pierce County has a population of 921,130 and Orting has a population of 9,041 accounting for approximately 1% (rounded up) of the County's population. 1% of the County's homeless would be 10 individuals. The proposal therefore is to permit 10 individuals in an emergency shelter and 10 in emergency housing. This ensures that Orting's homeless population is provided for no matter which emergency facility is established.

Public Hearing(s)

A public hearing was held by the Planning Commission on September 9, 2021 on the interim regulations. No comments were received.

A public hearing on the permanent regulations will be held at the April 4, 2022 Planning Commission meeting.

Staff Recommendation

The ordinance and amendments as proposed meet the state requirements and include the revisions requested by the Planning Commission at its March 7, 2022 meeting.

Staff recommends approval of the amendments as proposed with one revision. Staff recommends removing the distance requirement from parks and schools. The park requirement effectively prohibits transitional and supportive housing in the MUTC and RMF zones, which may be a desired place for these uses to locate. The school buffer, as proposed, increase the distance between these facilities and schools. This may unwittingly impact families without cars who would be placed further from schools.

Reconsideration and Appeal

A party to a public hearing may seek reconsideration only of a final decision by filing a written request for reconsideration with the administrator within five (5) days of the oral announcement of the final decision. The request shall comply with OMC 15-10-4B.

**CITY OF ORTING
WASHINGTON
ORDINANCE NO. 2022-XXX**

**AN ORDINANCE OF THE CITY OF ORTING,
WASHINGTON, RELATING TO ZONING CONTROLS
PERTAINING TO PERMANENT SUPPORTIVE HOUSING
AND TRANSITIONAL HOUSING IN RESPONSE TO E2SHB
1220; AMENDING ORTING MUNICIPAL CODE SECTIONS
13-2, 13-3-3 and 13-5-3; PROVIDING FOR SEVERABILITY;
AND ESTABLISHING AN EFFECTIVE DATE**

WHEREAS, in 2021 the state legislature enacted Engrossed Second Substitute House Bill (E2SHB) 1220 signed by Governor Inslee on May 12, 2021, became Chapter 254, Laws of 2021 and will take effect on partially on July 25, 2021 and partially on September 30, 2021; and

WHEREAS, Section 3 of E2SHB 1220 contains the following preemption of local zoning authority:

A code city shall not prohibit transitional housing or permanent supportive housing in any zones in which residential dwelling units or hotels are allowed. Effective September 30, 2021, a code city shall not prohibit indoor emergency shelters and indoor emergency housing in any zones in which hotels are allowed, except in such cities that have adopted an ordinance authorizing indoor emergency shelters and indoor emergency housing in a majority of zones within a one-mile proximity to transit.; and

WHEREAS, the City of Orting had no regulations related to the development and operation of transitional housing or permanent supportive housing needed to protect the community and residents of these units; and

WHEREAS, the City had not had sufficient time to evaluate the needs associated with transitional housing or permanent supportive housing and develop regulations between the time that E2SHB 1220 was signed by the Governor and became law and enacted interim regulations; and

WHEREAS, Pierce County conducted an annual point in-time count of homeless individuals in the County in January 2021; and

WHEREAS, the homeless census counted 1,005 homeless individuals in the County; and

WHEREAS, the homeless census counted three homeless individuals in Orting; and

WHEREAS, according to the 2020 decennial Census Pierce County has a population of 921,130 and Orting has a population of 9,041 accounting for approximately 1% of the County's population; and

WHEREAS, the City of Orting is planning to accommodate its share of the homeless population which is calculated at 10 individuals; 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 for its 60-day review and comment period on March 8, 2022; and

WHEREAS, the City's Planning Commission considered the amendments on March 8, 2022 and held a public hearing on the proposed amendments on April 4, 2022 and forwarded a recommendation to the City Council to adopt the proposed OMC amendments; and

WHEREAS, the City Council, on May 11, 2022, considered the proposed code amendments and the entire record, including recommendations from the Planning Commission and had a closed record final decision; and

WHEREAS, in response to E2SHB 1220 the Orting City Council would like to make certain changes to its development regulations;

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

13-2-6: E

EMERGENCY HOUSING: Temporary indoor accommodations for individuals or families who are homeless or at imminent risk of becoming homeless that is intended to address the basic health, food, clothing, and personal hygiene needs of individuals or families. Emergency housing may or may not require occupants to enter into a lease or an occupancy agreement.

EMERGENCY SHELTER: a facility that provides a temporary shelter for individuals or families who are currently homeless. Emergency shelter may not require occupants to enter

into a lease or an occupancy agreement. Emergency shelter facilities may include day and warming centers that do not provide overnight accommodations.

13-2-17: P

PERMANENT SUPPORTIVE HOUSING: One or more subsidized, leased dwelling units with no limit on length of stay that prioritizes people who need comprehensive support services to retain tenancy and utilizes admissions practices designed to use lower barriers to entry than would be typical for other subsidized or unsubsidized rental housing, especially related to rental history, criminal history, and personal behaviors. Permanent supportive housing is paired with on-site or off-site voluntary services designed to support a person living with a complex and disabling behavioral health or physical health condition who was experiencing homelessness or was at imminent risk of homelessness prior to moving into housing to retain their housing and be a successful tenant in a housing arrangement, improve the resident's health status, and connect the resident of the housing with community-based health care, treatment, or employment services. Permanent supportive housing is subject to all of the rights and responsibilities defined in the Residential Landlord Tenant Act, chapter 59.18 RCW.

13-2-21: T

TRANSITIONAL HOUSING: A facility that is owner, operated, or managed by a nonprofit organization or governmental entity that provides housing and supportive services to homeless individuals or families for up to two (2) years and whose primary purpose is to enable homeless individuals or families to move into independent living and permanent housing.

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

13-3-3: USES

**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		P ¹⁰	P	P	P ²⁵			
Group residences:		C	C ³	C ³				C ²²
Adult family homes	P	P	P	P	P			
Attached ground related residences					P			

Emergency Housing				C ²⁷	C ²⁷			
Emergency Shelter				C ²⁷	C ²⁷			
Permanent Supportive Housing	C ²⁶	C ²⁶	C ²⁶	C ^{3,26}	C ^{3,26}			
Single room occupancy sleeping units								C
Transitional Housing	C ²⁶	C ²⁶	C ²⁶	C ^{3,26}	C ^{3,26}			
Other ⁶		C	P	C				
Manufactured home park	C	C	C					
Mobile/ manufactured home	P ⁷	P ⁷	P ⁷					
Multiple-family			P	P ³	P			
Single-family detached	P	P	P		p ²⁵			
Temporary Lodging								
Bed and breakfast	C	C	C	P ³				
Hotel/motel				P P ³	P P			
Rooming house			C	C ³				

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.
5. Not located along retail street frontages.
6. Housing more than 12 unrelated individuals.
7. On a legal lot with permanent foundation.
8. On upper floors above ground floor commercial only.
9. On upper floors above ground floor commercial, or in freestanding residential buildings.
10. Duplexes and townhouses are not allowed on flag lots in the RU zone.
11. In planned retail centers when building area is less than 10,000 square feet.
12. See section 13-5-4 of this title.
13. On site sales of agricultural products allowed.
14. Food stores only.
15. On upper floors above ground floor retail.
16. Including outdoor display or sales yards.
17. Not including overnight kennels or treatment facilities.
18. Machine shops, incinerators, wrecking yards, and feedlots may be permitted subject to appropriate mitigation of impacts on surrounding nonindustrial areas. Significant adverse noise, air quality, or other impacts caused by manufacturing processes shall be contained within buildings.
19. When entirely located in a building, not producing adverse noise or air quality impacts, and not located along retail street frontage. Ground floor area limited to 10,000 square feet maximum.
20. Private facilities.
21. Subject to all other City regulations regarding livestock.

22. Redevelopment of the Orting Soldiers' Home subject to site plan and architectural design review approval.
23. Three or more units per building.
24. May not have frontage along SR 162/Washington Avenue N. Must be screened from all adjacent residences with sight obscuring landscaping, 6-foot tall solid fencing.
25. For Senior Housing (aged 55+) only.
26. The number of permanent supportive housing units and transitional housing units allowed on any given property shall be no more than the number of standard dwelling units that would be allowed under the applicable zoning of the property. No permanent supportive housing or transitional housing may be located within one (1) mile of another property than contains permanent supportive housing or transitional housing or a quarter (0.25) mile of any school or park.
27. Emergency housing and emergency shelters are required to be indoors. There shall be no more than one emergency shelter and one emergency housing facility in the city. This does not include indoor emergency shelter facilities that are needed to respond temporarily to a natural disaster or other similarly acute emergency (ex: heating and cooling centers). No permitted indoor emergency shelter may be located within a half (0.5) mile of a permitted indoor emergency housing facility or a quarter (0.25) mile of any school. An operations and security plan shall be required that addresses site management and neighborhood impacts. Each facility shall be limited to a total of 10 individuals.

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

H. Uses Not Specified: In the case of a use not specifically mentioned in subsection I of this section, the requirements for off street parking facilities shall be determined by the Administrator. Such determination shall be based upon the requirements for the most comparable use specified in subsection I of this section and/or through a parking study as required by the Administrator or their designee.

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 ___ DAY OF ____, 2022.

CITY OF ORTING

Joshua Penner, Mayor

ATTEST/AUTHENTICATED:

Kimberly Agfalvi, City Clerk, CMC

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: