

**CITY OF ORTING
WASHINGTON
ORDINANCE NO. 2022-1095**

**AN ORDINANCE OF THE CITY OF ORTING,
WASHINGTON, RELATING TO ZONING CONTROLS
PERTAINING TO PERMANENT SUPPORTIVE HOUSING,
TRANSITIONAL HOUSING, EMERGENCY HOUSING AND
EMERGENCY SHELTERS 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, the City of Orting wishes to implement E2SHB1220 with restrictions that fit the small-town context of the City, which has no public transit and limited resources; 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

	Zones							
	RC	RU	RMF	MUTC	MUTCN ²	LM	OS	PF
Adult family homes	P	P	P	P	P			
Attached ground related residences					P			
Emergency Housing				C ²⁷⁻³²	C ²⁷⁻³²			
Emergency Shelter				C ²⁷⁻³²	C ²⁷⁻³²			
Permanent Supportive Housing	C ^{26,30-33}	C ^{26,30-33}	C ^{26,30-33}	C ^{3,26,30-33}	C ^{3,26,30-33}			
Single room occupancy sleeping units								C
Transitional Housing	C ²⁶⁻³³	C ²⁶⁻³³	C ²⁶⁻³³	C ^{3,26-33}	C ^{3,26-33}			
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 ³ 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.
27. The total combined capacity of all emergency shelter beds, emergency housing beds, and transitional housing units in the City shall not exceed 0.4% of the City's population, as estimated annually by the Washington Office of Financial Management.
28. Emergency housing and emergency shelters are required to be indoors. 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.
29. Emergency housing, emergency shelter, and transitional housing uses shall not be located on any parcel that abuts or is directly across a public right-of-way from a parcel with an existing school or park use, or on any parcel within the main street area of Orting, defined as the area bounded by Whitsell Street, Bridge Street, Corrin Avenue Northwest, and Rainier Lane Northeast. 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).
30. No person convicted of a felony assault, arson, illegal drug manufacturing, burglary, or kidnapping charge within the past three (3) years, or otherwise under court supervision or sex offender registration requirements can receive services from a provider, unless providing such services is consistent with the laws, regulations, and/or supervisory requirements related to such persons. To ensure compliance, providers of transitional housing and permanent supportive housing shall order and review background checks prior to resident entry. Providers of emergency housing and emergency shelter shall order and review background checks within three days of intake.
31. All providers of emergency shelter, emergency housing, transitional housing, and permanent supportive housing shall, after the initial two years of operation of any such facility, provide the City with a report that demonstrates ongoing compliance with the terms of the Conditional Use Permit as defined at the time of approval. Such providers are also required to maintain a valid City of Orting business license and liability insurance. These service providers should prioritize individuals living in the Orting valley. Upon intake, providers shall record each individual's most recent city or other place of residence and shall provide a report on such data to the City every year. Providers shall also record the number of individuals seeking services who are turned away due to lack of capacity and their most recent place of residence.
32. In reviewing Conditional Use Permit applications for emergency shelter, emergency housing, transitional housing, and permanent supportive housing, the Hearing Examiner shall not treat adversely or discriminate against people experiencing homelessness.

~~32.33.~~ No more than two persons per bedroom shall inhabit a permanent supportive housing or transitional housing facility.

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 10th of August, 2022.

CITY OF ORTING

Joshua Penner

Joshua Penner (Aug 12, 2022 13:43 PDT)

Joshua Penner, Mayor

ATTEST/AUTHENTICATED:

Kim Agfalvi

Kim Agfalvi (Aug 12, 2022 13:44 PDT)

Kimberly Agfalvi, City Clerk

Approved as to form:



Charlotte A. Archer

Inslee, Best, Doezie & Ryder, P.S.

City Attorney

Filed with the City Clerk: 6.9.2022
Passed by the City Council: 8.10.2022
Date of Publication: 8.16.2022
Effective Date: 8.21.2022











Supportive and Transitional Housing Permanent Regulations


Final Audit Report

2022-08-12


Created:	2022-08-12
By:	City Clerk (clerk@cityoforting.org)
Status:	Signed
Transaction ID:	CBJCHBCAABAAADv_cTjC_ToilKnC3EVMWbZ4wc5VSrcD

"Supportive and Transitional Housing Permanent Regulations" History

-  Document created by City Clerk (clerk@cityoforting.org)
2022-08-12 - 8:34:17 PM GMT
-  Document emailed to penner@cityoforting.org for signature
2022-08-12 - 8:35:01 PM GMT
-  Email viewed by penner@cityoforting.org
2022-08-12 - 8:43:22 PM GMT
-  Signer penner@cityoforting.org entered name at signing as Joshua penner
2022-08-12 - 8:43:36 PM GMT
-  Document e-signed by Joshua penner (penner@cityoforting.org)
Signature Date: 2022-08-12 - 8:43:38 PM GMT - Time Source: server
-  Document emailed to Kim Agfalvi (kagfalvi@cityoforting.org) for signature
2022-08-12 - 8:43:39 PM GMT
-  Email viewed by Kim Agfalvi (kagfalvi@cityoforting.org)
2022-08-12 - 8:44:35 PM GMT
-  Document e-signed by Kim Agfalvi (kagfalvi@cityoforting.org)
Signature Date: 2022-08-12 - 8:44:43 PM GMT - Time Source: server
-  Document emailed to Charli Archer (carcher@insleebest.com) for signature
2022-08-12 - 8:44:45 PM GMT
-  Email viewed by Charli Archer (carcher@insleebest.com)
2022-08-12 - 8:47:13 PM GMT

 Document e-signed by Charli Archer (carcher@insleebest.com)

Signature Date: 2022-08-12 - 8:47:29 PM GMT - Time Source: server

 Agreement completed.

2022-08-12 - 8:47:29 PM GMT