

**CITY OF ORTING
WASHINGTON
ORDINANCE NO. 2023-1118**

**AN ORDINANCE OF THE CITY OF ORTING,
WASHINGTON, APPROVING, WITH CONDITIONS, THE
PRELIMINARY PLAT AND PLANNED UNIT
DEVELOPMENT (PUD) FOR RAINIER MEADOWS,
DIVISION 2.**

WHEREAS, on December 8, 2022, applicant Craig Deaver, C.E.S. NW, Inc, submitted an application to the City for a preliminary plat and planned unit development (PUD), Rainier Meadows, Division 2, to be located at 303 Meadow Lane, Orting, County of Pierce, State of Washington; and

WHEREAS the applicant proposes to subdivide an approximately 10.8-acre parcel into 41 new lots, an approximately 206,430 square foot tract for open space and critical area protection (Tract A), and necessary site development improvements, such as grading, utilities, and roadway improvements; and

WHEREAS the applicant proposes to perform all of the necessary site preparation, infrastructure installation, and construction of off-site amenities within Charter Park located on the adjacent parcel (Parcel 0519321017) to the west to provide a stormwater facility, a public parking lot, landscaping, a sport court, and any necessary rerouting of the existing Foothills Trail through the park; and

WHEREAS the applicant submitted an Environmental Checklist, and the City issued a Determination of Nonsignificance (DNS) in fulfillment of environmental review requirements of the State Environmental Policy Act (SEPA) which includes five mitigation measures; and

WHEREAS the application was circulated among City staff for review and a Notice of Application was issued on December 15, 2022; and

WHEREAS the application for preliminary plat and PUD has been reviewed pursuant to the criteria for subdivision review in Orting Municipal Code (OMC) Title 12 and for PUD review in OMC Title 13, Chapter 6, Section 4, and staff have found the criteria of approval have been satisfied; and

WHEREAS the applicant/ Homeowner's Association (HOA) shall be responsible for ownership and maintenance of the proposed storm pond and all vegetation maintenance within the fence and/or boundaries of the storm pond and the City will mow the grass outside of the storm pond fence/boundary. All easements for maintenance and access must be recorded with the Pierce County Auditor prior to final plat; and

WHEREAS in accordance with OMC 15-4-1 the Orting Planning Commission held an open record public hearing on October 2, 2023, and recommended conditional approval of the preliminary plat and PUD based on the findings of fact and conclusions in the staff report, subject to the recommended conditions of approval as listed on pages 18-20 of the staff report, with the addition of a condition related to no parking signs for fire lanes; and

WHEREAS in accordance with OMC 8-12-1:C, the Orting Planning Commission held an open record public hearing on October 2, 2023, and recommended that Road A (as shown on the face of the plat) continue as Brown Way SE and Road B (as shown on the face of the plat) is named after the Stevenson family; and

WHEREAS Orting City Council held a closed record hearing at a regular meeting on October 25, 2023, and reviewed the application;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF ORTING, WASHINGTON, DO ORDAIN AS FOLLOWS:

Section 1. Findings. The City Council hereby finds that the preliminary plat and PUD of Rainier Meadows, Division 2, shall be approved subject to the following Findings, Conclusions, and Conditions:

FINDINGS AND CONCLUSIONS:

1. The preliminary plat, as conditioned, conforms to Chapter 8 and Title 15 of the Orting Municipal Code;
2. As conditioned, appropriate provisions are made for the public health, safety and general welfare and for such open spaces, drainageways, streets or roads, alleys, other public ways, transit stops, potable water supplies, sanitary wastes, parks and recreation, playgrounds, schools and school grounds and all other relevant facts, including sidewalks and other planning features that assure safe walking conditions for students who walk to and from school;
3. Adequate provisions for water, sewer, and storm will be satisfied through the execution of an extension agreement to extend water and sewer mains as well as storm drainage facilities;
4. The public use and interest will be served by the platting of such subdivision and dedication;
5. A development agreement is not required;
6. The proposed development, as conditioned, is in substantial conformance with the comprehensive plan, the intent of the underlying zoning, and applicable City design standards;
7. Exceptions from the standards of the underlying district are warranted by the design and amenities incorporated in the proposed PUD development plan and program;
8. As conditioned, the proposal does not adversely impact the surrounding area or its potential future use;

9. The system of ownership and means of developing, preserving, and maintaining common open space is consistent with the size, design and scale of the project;
10. The conditional approval will result in a beneficial effect upon the area which could not be achieved under other zoning districts;
11. The proposed development or units thereof will be pursued and completed in a conscientious and diligent manner; and
12. As conditioned, the proposed development will not preclude the use of LID BMPs if LID BMPs are feasible for existing site conditions or existing site characteristics.

CONDITIONS:

1. The SEPA Determination of Nonsignificance mitigation measures shall be adhered with.
2. On-site facilities shall be designed in accordance with City of Orting Development Standards: Special provisions and Standard Details, Orting Municipal Code, Ecology's Stormwater Management Manual for Western Washington, and approved plans for this project.
3. The dedication of all streets and other areas to the public must be established by noting the dedication on the face of plat and the dedication must include a waiver of all claims for damages against any governmental authority which may be occasioned to the adjacent land by the established construction, drainage, and maintenance of said road to be dedicated (OMC 12-8-1: B).
4. The private roadway shall be designed in accordance with the City of Orting Development Standards: Special provisions and Standard Details.
5. An extension agreement shall be executed in compliance with OMC Title 9 - Chapter 4.
6. All applicable impact fees shall be paid at the time of application for a building permit.
7. Prior to any permit issuance, utility upgrades, proposed improvements, and stormwater design plans must be reviewed and approved by the City. The City allows improvements to be bonded.
8. Prior to recording the plat, the rear setback lines as shown on the preliminary plat for Lots 19 and 20 must be revised to be in compliance with OMC 13-5-1:C.10.
9. All landscaping provided for perimeter areas must be at least the depth of the required yard setback per OMC 13-5-2: E.1. In addition to the perimeter landscaping shown on the landscape plans, lawns and/or grasses may be used to meet this requirement.
10. Per OMC 13-5-2:E.5, root barriers are required for all trees to be planted adjacent to right-of-way, and as required by the Public Works Director.

11. Per OMC 13-5-2:H.1., landscaping required pursuant to an approved site plan shall be installed prior to the issuance of certificate of occupancy or final inspection, unless the applicant submits a performance assurance equal to not less than 110 percent of the construction cost and commits to complete the landscaping within one year.
12. Place a note on the plat stating that the Homeowner's Association (HOA) is responsible for the maintenance of each of the proposed street trees.
13. The applicant/HOA shall be responsible for ownership and maintenance of the proposed storm pond and all vegetation maintenance within the fence and/or boundaries of the storm pond. The City will mow the grass outside of the storm pond fence/boundary. All easements for maintenance and access must be recorded with the Pierce County Auditor prior to final plat.
14. Homeowner's association covenants shall be submitted for City review prior to final subdivision approval.
15. The final recorded subdivision plat must include a notice that part of the property is in the Special Flood Hazard Area (SFHA), riparian habitat zone and/or channel migration area, as appropriate.
16. No ground disturbing activities, no vegetation removal, and no development may occur within shoreline jurisdiction areas including wetlands and their (adjusted) buffers.
17. The Critical Areas Report must show updated information for Wetlands A and B for question D3.3 to indicate "yes" as well as updated Rating Summary scores and the respective section.
18. The applicant shall install permanent split rail fencing along the edge of the wetland buffer adjacent to the proposed development.
19. The applicant shall install permanent signs along the boundary of the wetland buffer.
20. The applicant shall post a performance bond to assure that the wetland buffer fence and signs are maintained.
21. Note the existing and relocated Foothills Trail, its width, tie-in points, and detour information on all plans.
22. The applicant shall provide mailboxes or receptacles as specified by the Orting branch of the U.S. Post Office prior to final plat approval.
23. Confirm and note on the plans that the storm line running from CB#20 to CB#21 to existing SDMH in Brown Street SE is intended to replace the existing storm line. Provide measure down information on the existing SD structure downstream from CB#20 to confirm the drainage path since it appears on the survey that the storm drainage easement may continue to the NE instead of turning E, out of existing Lot 18, located north of the development.

24. The Lift Station Pump Capacity Calculations must include a capacity analysis that defines the number of existing lots and proposed lots and provides any existing flow data to support the assumed flow rates of 220 gallon/day/unit.
25. An Emergency Vehicle Access Gate with Opticon technology is required to be placed at the west end of the parking lot and new bollards must be placed along the Foothills Trail, north and south of the entrance to the parking lot to limit vehicular access to the trail.
26. All dwelling units must be equipped throughout with an approved automatic sprinkler system, in accordance with Section 903.3.1.1, 903.3.1.2 or 903.3.1.3 (see D107.1 of the IFC) unless a secondary access point is provided and approved by Central Pierce Fire and Rescue.
27. A final development plan meeting all requirements of OMC 13-6-4 must be submitted to the City for approval within five years of the date of preliminary plat approval (OMC 13-6-4: L). Nothing contained in this section shall act to prevent the City from adopting by ordinance procedures which would allow extensions of time that may or may not contain additional or altered conditions and requirements. When deemed reasonable and appropriate, the Administrator may grant an extension of one year for such submittal. If at the date of expiration of the time period provided herein, a final development plan has not been filed for approval, the preliminary PUD approval shall expire, and the applicant shall be required to resubmit an application for preliminary approval to reinstate the project.
28. Due to the widths of Road A and B, Fire Lane (No Parking) signs shall be posted on one side of each road, as specified in D103.6.2 of the 2018 IFC and due to the width of Tract B, Fire Lane (No Parking) signs shall be posted on both sides of the shared access, as specified in D103.6.1 of the 2018 IFC.

Section 2. Authorization. The preliminary plat and PUD for Rainier Meadows, Division 2, is approved as conditioned.

Section 3. Corrections. The City Clerk is authorized to make necessary corrections to this Ordinance including, but not limited to, the correction of scrivener's/clerical errors, references, Ordinance numbering, section/subsection numbers and any references thereto.

Section 4. 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 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.

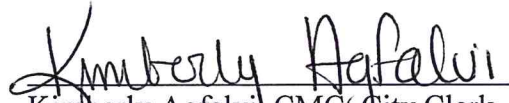
ADOPTED BY THE CITY COUNCIL AT A REGULAR MEETING THEREOF ON THE 25th DAY OF OCTOBER 2023.

CITY OF ORTING



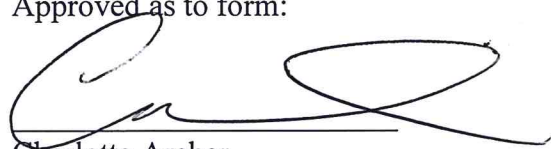
Joshua Penner, Mayor

ATTEST/AUTHENTICATED:



Kimberly Agfalvi, CMC, City Clerk

Approved as to form:



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

Filed with the City Clerk:
Passed by the City Council:
Date of Publication:
Effective Date: