

## Commissioners

Kelly Cochran, Chair  
Jeff Craig, Co-Chair  
Chris Rule  
Erika Bartholomew  
Dan Swanson  
Joe Pestinger  
Jeff Sproul



## City of Orting Planning Commission Agenda

Monday, November 6<sup>th</sup>, 2023  
7:00pm  
City Hall Council Chambers

If joining virtually:

Phone Dial-in - Charges may apply  
+1.253.215.8782

To join the meeting on a computer or mobile phone:

<https://us06web.zoom.us/j/87646651363?pwd=fKOswZmEHgXYOv5atKazyx9Bnyj9Hj.1>

Meeting ID: 876 4665 1363  
Password: 903441

---

### 1. **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.

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

### 2. **AGENDA APPROVAL**

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

### 3. **PUBLIC COMMENTS**

Comments may be sent to the Planning Commission Secretary Danielle Charchenko at [clerk@cityoforting.org](mailto:clerk@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.

### 4. **APPROVAL OF MINUTES**

A. Are the minutes of the October 2<sup>nd</sup>, 2023 meeting correct and accurate?

### 5. **ARCHITECTURAL DESIGN REVIEW**

None.

### 6. **NEW BUSINESS**

A. SEPA Amendment – Discussion

### 7. **OLD BUSINESS**

- A. Dumpster Violations.
- B. Sign Code Violations.

### 8. **GOOD OF THE ORDER**

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

### 9. **ADJOURN**

**NEXT PLANNING COMMISSION MEETING: Monday, December 4<sup>th</sup>, 2023**

## **Commissioners**

Kelly Cochran, Chair  
Jeff Craig, Co-Chair  
Chris Rule  
Erika Bartholomew  
Dan Swanson  
Joe Pestinger  
Jeff Sproul



**ORTING PLANNING COMMISSION**  
Planning Commission Meeting Minutes  
104 Bridge Street S, Orting, WA  
Zoom – Virtual  
October 2, 2023  
7:00 p.m.

### **1. CALL MEETING TO ORDER, PLEDGE OF ALLEGIANCE, AND ROLL CALL.**

Chair Kelly Cochran called the meeting to order at 7:00pm. Co-Chair Craig led the pledge of allegiance.

**Commissioners present:** Chair Kelly Cochran, Co-Chair Jeff Craig, Commissioners Chris Rule, Erika Bartholomew, Dan Swanson, Joe Pestinger, and Jeff Sproul.

**Staff present:** City Administrator Scott Larson, Planning Commission Secretary Danielle Charchenko, City Planner Josh Kubitz, AHBL.

**Virtual:** City Planner MillieAnne VanDevender, AHBL, Craig Deaver, C.E.S NW, Evan Mann, C.E.S NW.

### **2. AGENDA APPROVAL.**

*Co-Chair Craig made a motion to adopt the agenda as prepared. Seconded by Commissioner Pestinger.*

*Motion passed (6-0).*

### **3. PUBLIC COMMENTS.**

No public comments were made.

### **4. PUBLIC HEARING**

Chair Cochran laid out the rule for the public hearing.

Chair Cochran opened the public hearing at 7:02pm.

#### **A. Public Hearing – Rainier Meadows Division 2 – Preliminary Plat and Planned Unit Development.**

City Planner MillieAnne VanDevender gave a presentation on the application materials for Rainier Meadows Division 2, submitted by Craig Deaver, C.E.S NW Inc. City Planner MillieAnne VanDevender started the presentation by briefing the review and approval process for a Planned Unit Development (PUD). She stated the Planning Commission's role is to make a recommendation to City Council based on the findings and conclusions. City Planner MillieAnne VanDevender gave an overview of the proposal stating the site is located at 303 Meadow Lane SE, the parcel size is 10.8 acres, and the applicant is proposing 41 lots. She stated there will also be 206,430 square foot tract for open space and critical area protection. The project has gone through a SEPA Environmental review and the City issued a Determination of Non-Significance (DNS). City Planner MillieAnne VanDevender briefed the comments received for the project and provided a response matrix to the Planning Commission. She then gave a critical area review briefing wetland buffers and averaging on the parcel. She stated the applicants are not proposing development in the floodplain or in the shoreline management jurisdiction. City Planner MillieAnne VanDevender briefed the PUD proposed standards and proposed amenities stating the applicants are requesting a reduced lot size for 34 of the 41 lots resulting in an average lot size of 5,068sqft. She stated the proposed setbacks for interior lots is a 5ft side setbacks, 10ft front

*Next Planning Commission Meeting: Monday, November 6<sup>th</sup>, 2023 7:00pm*

setbacks for corner lots, with a 10ft rear setback. In return the applicant is proposing to reroute a portion of the foothills trail and to add improvements within charter park by adding a public parking lot, a pickleball court, and a stormwater detention pond. City Planner MillieAnne VanDevender stated City Staff is recommending conditional approval of the PUD. She briefed that the proposal meets all of the findings of fact requirements per OMC 13-6-4. She stated staff is also recommending conditional approval of the preliminary plat which meets all the finding of facts requirements per OMC 12-5-3.

Planning Commission discussion followed.

Chair Cochran closed the public hearing at 8:15pm.

***Co-Chair Craig made a motion to forward a recommendation of conditional approval based on the findings of fact and conclusions, subject to the recommended conditions of approval (as listed on page 18-20 of the staff report) with the addition of "No Parking" signs added as condition number 28. Seconded by Commissioner Rule.***

***Motion passed (6-0).***

***Co-Chair Craig made a motion, per OMC 8-12-1C, to recommend that Road A continues as Brown Way SE and Road B is named after the Stevenson family. Seconded by Commissioner Rule.***

***Motion passed (6-0).***

## **5. APPROVAL OF MINUTES**

***Co-Chair Craig made a motion to approve the September 7<sup>th</sup>, 2023 minutes with the following corrections:***

- Change "buses" to "bushes" on bottom of second page.***

***Seconded by Commissioner Pestinger.***

***Motion passed (6-0).***

## **6. ARCHITECTURAL DESIGN REVIEW**

None.

## **7. NEW BUSINESS.**

None.

## **8. OLD BUSINESS.**

### **1. Dumpster Violations**

City Administrator Scott Larson stated the Code Enforcement Officer has been out of the office the last few weeks and no progress has been made on dumpster violations.

### **2. Sign Code Violations**

City Administrator Scott Larson stated he spoke with the owner of Shell Station who said when the manlift was delivered to install the sign they determined the sign was cut incorrectly. The sign is being re-cut and is expected to be complete in the next two weeks. Planning Commission Secretary Danielle Charchenko gave a brief update on the status of Tugboat Willy's stating he reached out after receiving a nonconforming letter from the City and information is being gathered to create an updated staff report. Co-Chair Craig asked if there is an update to the status of the two sandwich board signs at Journeyman Grappling. City Administrator Scott Larson stated the information was passed on to the Code Enforcement Officer and there is no update yet. City Administrator Scott Larson stated he has looked into the Better Properties signage and confirmed their window signs are located on the outside of the

***Next Planning Commission Meeting: Monday, November 6<sup>th</sup>, 2023 7:00pm***

window. He stated he is going to do a code review to determine the basis of providing notice. Commissioner Swanson stated the Fire House has taken down their temporary signs and replaced them with new ones. Co-Chair Craig mentioned the speed cycle on the LED lights at Los Pinos are a distraction for the intersection. City Administrator Scott Larson will look in to the structure lighting code to address the lights at Los Pinos.

***Co-Chair Craig made a motion to extend the meeting to 8:45pm. Seconded by Commissioner Bartholomew.***

***Motion passed (6-0).***

## **9. GOOD OF THE ORDER.**

### **1. Planned Absences.**

None.

### **2. Report on Council Meetings.**

City Administrator Scott Larson gave a general update for the September Council meetings. He stated Council has approved a contract for sidewalk abatement for sidewalks that are beyond repair. He stated Council approved City Hall to close from 12pm-1pm for lunch to help manage lunches and break times. City Administrator Scott Larson stated there are City sponsored events coming up, Red Hat Days on October 7<sup>th</sup> and Orting Pumpkin Fest on October 14<sup>th</sup>. The City has applied for an RCO Grant for deferred parks maintenance and there is about \$100,000 available per jurisdiction. He stated the City has received a grant from the Puget Sound Regional Council (PSRC) for multi-modal funding for the design and construction for the realignment of the trail in the main park. He stated Murrey's is having Fall Cleanup Days on October 27<sup>th</sup> and 28<sup>th</sup> for extra garbage, yard waste, and disposal of one appliance. City Administrator Scott Larson informed the Planning Commission that there are four terms expiring on December 31<sup>st</sup>, 2023, applications will need to be submitted by mid-November for review.

Chair Cochran asked for an update on the 222 Washington Ave N project. City Administrator Scott Larson stated there is no update for the project, the applicants need to address right-of-way issues and intersection concerns.

### **3. Agenda Setting.**

The Planning Commission requested to leave dumpsters and sign code violations under Old Business.

## **10. ADJOURNMENT.**

***Co-Chair Craig made a motion to adjourn. Seconded by Commissioner Rule.***

***Motion passed (6-0).***

Chair Cochran adjourned the meeting at 8:40pm.

## **ATTEST:**

---

Kelly Cochran, Commission Chair

---

Danielle Charchenko, Planning Commission Secretary

***Next Planning Commission Meeting: Monday, November 6<sup>th</sup>, 2023 7:00pm***



**City of Orting  
Council Agenda Summary Sheet**

	<b>Agenda Bill #</b>	<b>Recommending Committee</b>	<b>Study Session Dates</b>	<b>Regular Meeting Dates</b>
<b>Subject: SEPA Exemption</b>	<b>AB23-XX</b>	<b>PW</b>		
		<b>9.6.23</b>		
	<b>Department:</b>	Planning		
	<b>Date Submitted:</b>	8.24.23		
<b>Cost of Item:</b>	N/A			
<b>Amount Budgeted:</b>	N/A			
<b>Unexpended Balance:</b>	N/A			
<b>Bars #:</b>	N/A			
<b>Timeline:</b>	None			
<b>Submitted By:</b>	Scott Larson/MillieAnne VanDevender			
<b>Fiscal Note:</b> None				
<b>Attachments:</b> Memorandum				
<b>SUMMARY STATEMENT:</b>				
<p>The city has received inquiries over the past few years regarding our code’s SEPA exemption for various types of development. The attached memorandum outlines SEPA exemptions for cities, and provides information on several other neighboring jurisdictions. Staff are recommending that the exemptions be increased in the following way:</p> <ol style="list-style-type: none"> <li>1. Increase dwelling use exemption from 4 to 9 units;</li> <li>2. Increase commercial building exemption from 4,000 sq ft to 12,000 sq ft;</li> <li>3. Increase parking lots from 20 to 40 spaces; and</li> <li>4. Increase landfills and excavations from 500 cubic yards to 1,000 cubic yards.</li> </ol> <p>If this is something that council would like to move forward with amending, the request will be sent to the planning commission for additional fact finding and public hearing before coming back to the council with a recommendation.</p>				
<b>RECOMMENDED ACTION:</b> Discussion				
<b>FUTURE MOTION:</b> None				




---

<b>TO:</b>	Public Works Committee	<b>DATE:</b>	September 7, 2023
<b>FROM:</b>	MillieAnne VanDevender, AICP Josh Kubitza, AICP Contract City Planners	<b>PROJECT TYPE:</b>	Municipal Code
		<b>SUBJECT:</b>	Potential Amendments to OMC 15-4-3, SEPA Exemptions

---

Some applicants for development projects in Orting have raised concerns about the city’s SEPA environmental review categorical exemption thresholds found in OMC 15-4-3. There is sentiment that the current thresholds for requiring SEPA review are too low, which can unnecessarily add time and expense to the development process for smaller projects. Washington State law allows each community the opportunity to raise the SEPA environmental review exemption levels, which Orting has not revised since 2003. Therefore, staff is seeking direction from the Committee and Council on whether there is a desire to increase the types of minor new construction projects that qualify for a categorical exemption from SEPA.

### Background

The State established which proposed actions (projects) are categorically exempt from threshold determination and EIS requirements (WAC 197-11-800), as well as minimum and maximum exemption levels. Currently, the City’s exempt levels match the minimum State levels, except Orting has a higher threshold for filling land and excavations. The table below shows a comparison of Orting’s thresholds and the minimum and maximum exemption levels allowed by the State.

	Orting	WAC 197-11-800 minimum	WAC 197-11-800 maximum
<b># of residential units exempt from SEPA review</b>	• 4 dwelling units	• 4 single family • 4 multi-family	• 30 single family • 100 single family less than 1,500 sf in size • 200 multifamily
<b>Agricultural Structures</b>	10,000 sf	10,000 sf	40,000 sf
<b>Office, School, Commercial, recreational, service, or storage</b>	4,000 sf and 20 parking spaces	4,000 sf and 20 parking spaces	30,000 sf and 90 parking spaces
<b>Parking Lots</b>	20 parking spaces	20 parking spaces	30,000 sf and 90 parking spaces
<b>Landfills and Excavations</b>	500 cumulative cubic yards	100 cubic yards or when associated with an exempt project	1,000 cubic yards

We compared the exemption levels in Orting to nearby jurisdictions to gain a better understanding of the SEPA categorical exemption levels in the surrounding communities that may compete for development. The table below shows the SEPA Threshold for Categorical Exemption by project type for Orting, three cities in the area, and Pierce County.

	Orting	Puyallup	Bonney Lake	Buckley	Pierce County
<b># of Residential Units exempt from SEPA review</b>	4 dwelling units	<ul style="list-style-type: none"> <li>• 4 single family</li> <li>• 4 multi-family</li> </ul>	<ul style="list-style-type: none"> <li>• 30 single family</li> <li>• 100 single family less than 1,500 sf</li> <li>• 200 multifamily</li> </ul>	<ul style="list-style-type: none"> <li>• 4 single family</li> <li>• 4 multi-family</li> </ul>	20 dwelling units
<b>Agricultural Structures</b>	10,000 sf	10,000 sf	40,000 sf	10,000 sf	30,000 sf
<b>Office, School, Commercial, recreational, service, or storage</b>	4,000 sf and 20 parking spaces	4,000 sf and 20 parking spaces	30,000 sf and 90 parking spaces	4,000 sf and 20 parking spaces	12,000 sf and 40 parking spaces
<b>Parking Lots</b>	20 parking spaces	40 parking spaces	30,000 sf and 90 parking spaces	20 parking spaces	40 parking spaces
<b>Landfills and Excavations</b>	500 cumulative cubic yards	500 cubic yards	1,000 cubic yards	100 cubic yards	500 cubic yards

The City of Bonney Lake has adopted the highest exemption levels in this comparison, which is significantly higher than the other communities. However, Bonney Lake’s exemption levels match the maximum exemption levels the State allows.

### Process

A community has the option to increase the categorical exemption levels by following a specific process outlined in WAC 197-11-800(1)(c). Through that process, a community may adopt the maximum level or a level between the minimum and maximum level, depending on the desired outcome and on existing regulations.

All development proposals, whether they are exempt from SEPA review or not, are subject to the requirements for environmental analysis, protection, and mitigation for impacts to the elements of the environment listed in WAC 197-11-444. The listed elements include many aspects of the environment such as water, land, air quality, light and glare, the use of emergency services, and many others. If the City decides to increase the exemption levels, we must show that exempt projects would still meet the requirements for analysis, protection, and mitigation by some other established means such as adopted development regulations or through specific mitigation. A full analysis of Orting’s regulations has not been done at this point, but the City currently has development regulations for protecting the environment and mitigating impacts. These regulations include the following:

- Environmentally critical areas regulations,
- Regulations for property in flood prone areas, and
- Impact fees for schools and transportation.

The City would also be required to document how specific adopted development regulations and applicable state and federal laws provide adequate protections for cultural and historic resources when exemption levels are raised.

Additionally, the City would be required to demonstrate that there are established requirements and practices for providing notice and comment opportunities for the public, affected tribes, and agencies regarding permitting of development projects included in these increased exemption levels. Along these same lines, the City would be required to provide a minimum 60-day notice of proposed exemption levels to affected tribes, agencies with expertise, affected jurisdictions, the department of ecology, and the public and provide an opportunity for comment.

### Suggested Amendments

Staff is seeking input to determine the appropriate categorical exemption levels for SEPA. City leaders may have specific reasons for determining that the current levels are sufficient, and no change is necessary. Or this may be an opportunity to increase the levels to reduce perceived or actual obstacles to development. As described above, there is a specific process the City would undertake to increase the levels, and the time required for the research and analysis may be seen as a deterrent or disadvantage. On the other hand, the benefits to raising the levels could be an increase in infill development as well as housing and development in general, which may provide added opportunities for affordable housing while ensuring necessary and required environmental reviews and protections are in place.

If the City decides to work on increasing the exemptions levels, we suggest the residential levels be raised to nine dwelling units because that is the number of lots allowed through the short plat process. This would ensure that each preliminary plat goes through the SEPA process while allowing a smaller subdivision to avoid this review. We would also suggest increasing the Office, School, Commercial, recreational, service, or storage and parking exemption levels to 12,000 sf and 40 parking spaces, like Pierce County. There are numerous regulations for commercial structures such as Architectural Design Review and there are specific lighting and landscaping requirements for parking lots. Additionally, we would recommend increasing the landfill and excavation exemption level to 1,000 cubic yards because of the various existing regulations pertaining to stormwater.

The code section that would be changing is copied below with suggested threshold levels shown underlined and in blue and the existing levels shown with the strikethrough feature and in red.

#### **OMC 15-14-3-2: FLEXIBLE THRESHOLDS FOR CATEGORICAL EXEMPTIONS:**

A. The city establishes the following exempt levels for minor new construction under WAC 197-11-800(1)(c) based on local conditions:

1. For residential dwelling units in WAC 197-11-800(1)(b)(i): Up to ~~four (4)~~ nine (9) dwelling units, cumulative.
2. For agricultural structures in WAC 197-11-800(1)(b)(ii): Up to ten thousand (10,000) square feet, cumulative.



3. For office, school, commercial, recreational, service or storage buildings in WAC 197-11-800(1)(b)(iii): Up to ~~four thousand (4,000)~~ twelve thousand 12,000 square feet and up to ~~twenty (20)~~ forty (40) parking spaces, cumulative.

4. For parking lots in WAC 197-11-800(1)(b)(iv): Up to ~~twenty (20)~~ forty (40) parking spaces, cumulative.

5. For landfills and excavations in WAC 197-11-800(1)(c)(v): Up to ~~five hundred (500)~~ one thousand (1,000) cumulative cubic yards.

B. Whenever the city establishes new exempt levels under this section, it shall send them to the department of ecology, headquarters office, Olympia, WA 98504, under WAC 197-11-800(1)(c). (Ord. 778, 10-30-2003, eff. 11-11-2003)

c: Scott Larson, City Administrator - City of Orting  
Wayne Carlson, Principal – AHBL, Inc.

\\ahbl.com\data\projects\2019\2190800\30\_PLN\Working\_Files\36 Code\SEPA\Staff memo - SEPA Update.docx