

CITY OF ORTING WASHINGTON

ORDINANCE NO. 2024-1126

**AN ORDINANCE OF THE CITY OF ORTING,
WASHINGTON, RELATING TO THE STATE
ENVIRONMENTAL POLICY ACT (SEPA);
ADOPTING AMENDMENTS TO ORTING
MUNICIPAL CODE CHAPTER 15.14; PROVIDING
FOR SEVERABILITY; AND ESTABLISHING AN
EFFECTIVE DATE**

WHEREAS, the City of Orting, Washington is fully planning under the state Growth Management Act (GMA); and

WHEREAS, the Washington State Environmental Policy Act (SEPA), chapter 43.21C RCW, was adopted in 1971, and provides a way to identify and mitigate possible adverse environmental impacts that may result from approval of proposals; and

WHEREAS, the City of Orting last amended Orting Municipal Code (OMC) Chapter 15.14, “Environmental Review” via Ordinance 778 in 2003 and now finds that it is in the public interest to update the code; and

WHEREAS, the State Legislature and the Department of Ecology have adopted changes to chapter 43.21C RCW and to WAC 197-11, the implementing regulations, including amendments to the SEPA rules set forth in WAC 197-11-800 including provisions allowing local governments to adopt increases to the thresholds for categorically exempt actions; and

WHEREAS, the State Legislature passed HB 1923 in the 2019 regular legislative session and E2SHB 1110 in the 2023 legislative session, which encourage cities planning under the GMA to increase housing affordability and encourages cities to adopt increases in categorical exemptions pursuant to the infill development provisions of SEPA for single-family and multifamily development; and

WHEREAS, applicable federal and state regulations, and city development regulations provide adequate protections for cultural and historic resources for exempted development in accordance with WAC 197-11-800 (1)(c)(iv); and

WHEREAS, OMC Title 11 contains the city’s critical areas regulations, which addresses impacts to critical areas for exempted development; and

WHEREAS, access to state highways is regulated through a process that is separate from SEPA as described the Washington State Department of Transportation Design Manual, Division 5; and

WHEREAS, OMC 15-4-1 contains permit processing procedures and OMC 15-7 contains public noticing procedures which addresses public comment opportunities for exempted development; and

WHEREAS, the table shown in **Attachment A** to this Ordinance documents those environmental elements included under SEPA, and details the current codes (local, state, etc.) and adopted plans that protect such elements or provide for mitigation of adverse environmental impacts; and

WHEREAS, the Planning Commission held a public hearing and considered this Ordinance on February 5, 2024; and

WHEREAS, a 60-day comment period notice for the proposed amendments in this Ordinance was provided to the Washington State Department of Ecology, the Department of Commerce, affected tribes, agencies with expertise, and the public, pursuant to WAC 197-11-800 (1)(c)(iii) and the comment period closed on January 29, 2024, with one set of comments received; and

WHEREAS, on April 10, 2024 the City Council held a public hearing on the proposed code amendments in this Ordinance; and

WHEREAS, the City Council has determined that the proposed code amendments in this Ordinance are consistent with the goals and policies of the City's comprehensive plan, and will serve the public health, safety and general welfare;

NOW, THEREFORE, the City Council of the City of Orting, Washington, do ordain as follows:

Section 1. Amendment: Orting Municipal Code Chapter 15-14 is hereby amended as set forth in **Attachment B**, attached hereto.

Section 2. Corrections by City Clerk or Code Reviser. Upon approval of the City Attorney, the City Clerk and the code reviser are authorized to make necessary corrections to this Ordinance, including the correction of clerical errors; references to other local, state or federal laws, codes, rules, or regulations; or ordinance numbering and section/subsection numbering.

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. Transmittal to State. Pursuant to RCW 36.70A.106, a complete and accurate copy of this Ordinance shall be transmitted to the Department of Commerce within ten (10) days of adoption.

Section 5. Effective Date. This Ordinance shall take effect and be in force five (5) days after its approval, passage and publication as required by law.

**ADOPTED BY THE CITY COUNCIL AT A REGULAR MEETING THEREOF
ON THE 10th DAY OF APRIL, 2024.**

CITY OF ORTING

Joshua Penner
Joshua Penner (Apr 15, 2024 15:37 PDT)
Joshua Penner, Mayor

ATTEST/AUTHENTICATED:

Kim Agfalvi
Kim Agfalvi, CMC, City Clerk

Approved as to form:

Charlotte A. Archer
Charlotte A. Archer
Inslee Best
City Attorney

Filed with the City Clerk: 2.29.2024
Passed by the City Council: 4.10.2024
Date of Publication: 4.12.2024
Effective Date: 4.17.2024










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Final Audit Report

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