

**Commissioners**

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



**City of Orting  
Planning Commission Agenda**

Monday, August 5<sup>th</sup>, 2024  
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/82788029670?pwd=fu7INcJzvlzj2zN9f8rarXQgNLU6tB.1>

Meeting ID: 827 8802 9670  
Password: 378865

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**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 July 1<sup>st</sup>, 2024 meeting correct and accurate?

**5. ARCHITECTURAL DESIGN REVIEW**

None.

**6. NEW BUSINESS**

- A. Comprehensive Plan Updates.
- B. OMC Update – Senate Bill 5290.
- C. RV Code Amendments – Workshop.
- D. Safe Parking.

**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, September 5<sup>th</sup>, 2024**

## **Commissioners**

Kelly Cochran, Chair  
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Tom Bush



**ORTING PLANNING COMMISSION**  
Planning Commission Meeting Minutes  
104 Bridge Street S, Orting, WA  
Zoom – Virtual  
July 1<sup>st</sup>, 2024  
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. Commissioner Swanson led the pledge of allegiance.

**Commissioners present:** Chair Kelly Cochran, Commissioners Dan Swanson, Erika Bartholomew, and Tom Bush.

**Absent:** Co-Chair Craig, Commissioner Rule, Commissioner Pestinger.

*Commissioner Swanson made a motion to excuse Co-Chair Craig and Commissioner Pestinger. Seconded by Commissioner Bush.*

*Motion passed (4-0).*

**Staff present:** City Administrator Scott Larson, Planning Commission Secretary Danielle Charchenko, Community Development Director Kim Mahoney, AHBL Planner Wayne Carlson.

**Virtual:** AHBL Planner MillieAnne VanDevender.

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

*Commissioner Swanson made a motion to approve the agenda as prepared. Seconded by Commissioner Bush.*

*Motion passed (4-0).*

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

A written public comment, received from Marlene Bartram in favor of Safe Parking, was included in the agenda packet.

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

*Commissioner Swanson made a motion to approve the June 3<sup>rd</sup>, 2024 minutes. Seconded by Commissioner Bush.*

*Motion passed (4-0).*

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

None.

*Next Planning Commission Meeting: Monday, August 5<sup>th</sup>, 7:00pm*

## **6. NEW BUSINESS.**

None.

## **7. OLD BUSINESS.**

### **A. Comprehensive Plan Updates**

Community Development Director Kim Mahoney provided and briefed a Comprehensive Plan Update schedule to meet the end of year deadline.

AHBL Planner Wayne Carlson reviewed the changes of chapters one through four, suggested by the Planning Commission during the previous meeting.

#### **i. Public Open House August 9<sup>th</sup> at Touch a Truck and Farmer's Market.**

City Administrator Scott Larson stated there will be public outreach during the Touch a Truck event on August 9<sup>th</sup>. He stated the Planning Commissioners are encouraged to attend the event.

#### **ii. Discuss additional Planning Commission meeting on November 18<sup>th</sup>.**

Community Development Director Kim Mahoney requested that the Planning Commission schedule a special meeting for November 18<sup>th</sup> to adopt the 2024 Comprehensive Plan Update. She stated during this meeting SEPA, Department of Commerce, and Public Outreach feedback will be provided with the complete copy of the Comprehensive Plan draft.

*Commissioner Swanson made a motion to hold a special meeting on November 18<sup>th</sup>, 2024. Seconded by Commissioner Bartholomew.*

*Motion passed (4-0).*

### **B. RV Code Amendments – Workshop**

AHBL Planner MillieAnne VanDevender briefed the redlined revisions to the proposed amendments that were suggested during the May Planning Commission meeting. She stated that regulations pertaining to RVs in the right-of-way should be located in the right-of-way code and not in the building/zoning code and the current location does not address an appeal process. AHBL Planner MillieAnne VanDevender requested that the Planning Commission revise OMC 10-5-3: A.1 pertaining to RV storage in front yards. She stated the code currently precludes the ability to store/park RVs in front yards, though it is unclear and confusingly written.

Planning Commission discussion followed.

Staff will prepare suggested language for OMC 10-5-3: A.1 for the Planning Commission to review and discuss at the August Planning Commission meeting.

### **C. Dumpster Violations**

City Administrator Scott Larson stated there are no updates for dumpster violations.

### **D. Sign Code Violations**

City Administrator Scott Larson stated there has been active engagement with unapproved banners and temporary signs around the City.

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

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

None.

*Next Planning Commission Meeting: Monday, August 5<sup>th</sup>, 7:00pm*

**2. Report on Council Meetings.**

City Administrator Scott Larson briefed the following highlights from the June Council Meetings:

- SR 162 Pedestrian Bridge construction will begin in August. The ground-breaking ceremony is planned for mid-September.

**3. Agenda Setting.**

The Planning Commission will review the first draft of Safe Parking and requested to bring back Comprehensive Plan Updates, RV code amendments workshop, dumpsters violations, and sign code violations under Old Business.

**10. ADJOURNMENT.**

*Commissioner Bush made a motion to adjourn. Seconded by Commissioner Swanson.*

*Motion passed (4-0).*

Chair Cochran adjourned the meeting at 8:32pm.

**ATTEST:**

\_\_\_\_\_  
Kelly Cochran, Commission Chair

\_\_\_\_\_  
Danielle Charchenko, Planning Commission Secretary

# PROJECT MEMO



**TO:** Kim Mahoney  
**FROM:** Nicole Stickney  
Tacoma - (253) 383-2422  
**DATE:** July 30, 2024  
**PROJECT NO.:** 2230242.30  
**PROJECT NAME:** Orting Comprehensive Plan Update  
**SUBJECT:** Comprehensive Plan Drafts for Planning Commission Review: Capital Facilities & Utilities Element

As a part of Task 3: Draft Comprehensive Plan Update, the consultant team (AHBL and Parametrix) has worked to produce draft updates for the Capital Facilities and Utilities Elements of the Orting Comprehensive Plan<sup>1</sup> following guidance and requirements from the Growth Management Act, the Department of Commerce, and the Puget Sound Regional Council. We have also considered the City's circumstances, goals, recent projects, and recommendations.

In addition, we are using feedback gained from various public meetings from the City's survey to generate suggested changes.

In this memo, we highlight the key changes and improvements, to serve as a staff report for the Planning Commission and other reviewers, and to accompany the comments and edits displayed in the draft.

## CAPITAL FACILITIES AND UTILITIES

- We have *combined* the Capital Facilities and Utilities Elements to streamline the document and improve understanding of these systems for unfamiliar readers (after all, a person who is new to these topics may not even know what Element to read if they remained separate, causing frustration).
- We have updated language throughout the Element to expand on analysis and discussion, and to help with clarity and flow, including some grammar and spelling edits.
- We eliminated the former Appendixes and instead integrated information directly into the element itself. This provides the opportunity to provide a more cohesive discussion on the topics and improves the way that the related goals and policies are presented and understood (within the proper context).
  - For further details on water systems, the sewer system, and so forth readers can consult the cited plans for the individual systems.
- We updated the list of Financing Source (which begins on page CFU-22) expanded that section to include some sources that were not previously listed.
- For this document, we only show the “tracked changes” for the Goals and Policies section, because there are so many edits and updates to this item (many factual changes). There are a few newly added sections that we want to be certain that you and other reviewers including the Planning Commission and City Council are aware of:
  - On the second page there is a short paragraph below the heading “Siting Essential Public Facilities.” This is a GMA requirement. In this case, we have specified that this topic is addressed in a county document (therefore, it is not necessary to have any additional local policies).
  - We included a “feature box” that mentions the Water Resource Recovery Facility and the planned production of biosolids for use as fertilizer (page CFU-7).

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<sup>1</sup> The current plan (as adopted November 24, 2020) is called the “2020 Comprehensive Plan”



- On page CFU-13 we list out some of the climate goals that Puget Sound Energy has provided, as suggestions. This sets the groundwork for future additional collaboration on this topic which will culminate in a new “Climate Element” which is required by the year 2029.

The City has not included maps depicting the sewer and water systems in previous versions of its Comprehensive Plan. These systems are continually expanding as additional development occurs. The City provides this information to the public via its Geographic Information Systems (GIS)-based Interactive Map which is available at: <https://www.cityoforting.org/government/gis-data-viewer>

NS/ns

c: Scott Larson – City of Orting  
Wayne Carlson, Anisa Thaci - AHBL

# CAPITAL FACILITIES AND UTILITIES ELEMENT



## Purpose

The Growth Management Act (GMA) requires cities to prepare a **Capital Facilities Element** consisting of:

1. An inventory of current capital facilities owned by public entities (including green infrastructure), showing the locations and capacities of the public facilities;
2. A forecast of the future needs for such capital facilities;
3. The proposed locations and capacities of expanded or new capital facilities;
4. At least a six-year plan that will finance capital facilities within projected funding capacities and clearly identifies sources of public money for such purposes, and;
5. A requirement to reassess the land use element if probable funding falls short of meeting existing needs and to ensure that the land use element, capital facilities plan element, and financing plan within the capital facilities plan element are coordinated and consistent.

Park and Recreation facilities shall also be included in the Capital Facilities Element.

Similarly the GMA requires comprehensive plans to include a **Utilities Element**. Specifically, this element must address electrical power, natural gas, and telecommunications in the following manner:

1. Inventory the general location of existing utilities.
2. Establish the proposed location of proposed utilities.
3. Examine the capacity of existing and proposed utilities.

Capital Facilities and Utilities Elements may be combined into one inclusive Comprehensive Plan Element. The GMA's overall goal for public facilities and services is to ensure that the provided services are adequate to serve the projected development and use without decreasing current service levels below locally established minimum standards.

## Organization and Regulatory Context

The Capital Facilities and Utilities Element establishes the level of service standards the City is obligated to provide, along with strategies for maintaining those standards. The Element is based on the goals and policies of the other elements, and incorporates the facilities needs and standards identified in the Transportation Element. The following discussion provides detailed information on the inventory of facilities and projected future needs that the Plan must anticipate over the next 20 years, and incorporates capital facilities plans for the Orting School District and for the Pierce County Library.

## Major Issues

Major utility issues involve continued resolution of the sewer collection system inflow and infiltration problems as financial resources permit. Transportation issues are described in the Transportation

**Commented [NS1]:** The phrase in parenthesis is new and reflects a change to the GMA since the last Orting Comp Plan was adopted.

**Commented [NS2]:** We understand that this is something the city should continue work on but substantial progress has been made. We have seen noticeable improvements within the system. There are no current permit triggers.

Element. Other capital facilities issues revolve around the need to maintain effective concurrency management to ensure that utility capacity is available to match the demands of growth and development.

### Siting Essential Public Facilities

The GMA requires that city and county development regulations identify a process to review the siting of “essential public facilities”. These are large scale land uses that provide regional benefits and include airports, state educational facilities, state or regional transportation facilities, state and local correction facilities, solid waste handling facilities, and inpatient facilities (e.g., substance abuse, mental health, group home, and secure community transition facilities). The Pierce County Countywide Planning Policies (CPPs) address this topic.

## Water

The City’s Public Works Department operates the Water System and the Comprehensive Water System Plan provides long-term planning for the system.



*The Comprehensive Water System Plan (2009 or as updated) is adopted into this Comprehensive Plan by reference.*

**Commented [NS3]:** There is a franchise agreement with Pierce County because some of the system is located within their ROW and outside city limits. However, we did not include this detail.

**Commented [NS4]:** There is a new plan that is in draft form and will likely be adopted in 2025

### Service Area

Orting’s water system is a small “Group A” system with four sub-service areas: Harman and Wingate Springs, Central Business District, Northend, and west of the Puyallup River along the Orting Kapowsin Highway.

### Water Demand

#### Current Water Demand

As of January 2024, there were 3,276 metered connections in the City’s water system. For water demand calculations, the metered connections are converted to Equivalent Residential Units (ERUs) to account for non-residential services. The 3,276 connections are equivalent to 2,955 ERUs. In addition to the metered connections, unaccounted water in Orting’s system is estimated to be 745 ERUs. One ERU is equivalent to 200 gallons per day per connection for average use and 472 gallons per day per connection during peak day events.

Community water usage exceeds 1,800,000 gallons per day during peak events. The City has adequate water (and pressure) for fire flow city-wide.

#### Projected Water Demand

Future water demands are calculated by multiplying projected population estimates from the land use element by system ERUs for average and peak day demands. Because the types and extent of anticipated land uses do not differ substantially from the existing types of land uses, it is assumed that future water use patterns will not differ substantially from existing demands. **Table CFU-1** presents projections of future water demand.



**Table CFU-1: Projection of Future Water Demands**

Year	Projected Households (Equivalent Residential Unit) <sup>1</sup>	Average Daily Water Demand (gallons per day) <sup>2</sup>	Maximum Daily Demand (gallons per day)
2030	3,950	790,000	1,896,000
3035	4,113	822,700	1,974,500
2040	4,285	857,000	2,056,800
2044	4,428	885,700	2,125,700

<sup>1</sup> Population based on County-wide allocation, and on a 2.5-person household size.

<sup>2</sup> Average and Maximum Daily Water Demands do not include Water Use Efficiency (WUE) Efforts

## Water Supply

**Table CFU-2** describes the proposed improvements to water sources for each service area. Based on the allowable capacity of the sources (the lesser of physical source capacity or water rights), the City’s sources are currently capable of delivering instantaneous flow of up to 1,850 gpm and annual flow of up to 2,274.3 acre-feet. The current system allowable capacity is adequate for the current and projected population through the year 2045.

Year 2044 demand projections anticipate an instantaneous flow rate of 1,426 gpm and an annual flow of 1,045 acre-feet, both of which are far below the source capacity. **Table CFU-3** illustrates the water rights, physical capacities, and allowable use capacity of the City’s water sources.



**Table CFU-2 Inventory of Water Sources**

Service Area	Source	Proposed Improvements	Distribution System
Wingate & Harman Springs	Wingate & Harman Springs	Replace wrapped steel and asbestos-cement distribution mains. Wingate booster pump station upgrades.	6-12" wrapped steel, ductile iron, and asbestos-cement pipe
Central Business District	Wells #1, #3, and #4  Wingate & Harman Springs	Replace asbestos-cement distribution mains. Well 2 improvements; iron and manganese filtration, well rehabilitation, new building.	2-12" wrapped steel, ductile iron, and asbestos-cement pipe
Northend	Wells #1, #3, and #4  Wingate & Harman Springs		6-12" ductile iron and PVC pipe
West of Puyallup River	Wells #1 and #3  Wingate & Harman Springs	8" ductile iron connecting Whitehawk to Calistoga E	8"-12" ductile iron, 9" PVC

**Table CFU-3 Capacities of Water Sources**

Source	Production Rate (GPM)
Well #1	500
Well #2	0 (Currently disconnected from distribution system)
Harman Springs	90
Wingate Spring	136
Well #3	650
Well #4	1,185
<b>Total</b>	<b>2,561</b>

## Water Storage and Transmission

The total existing water storage capacity of the Orting water system is 1,958,600 gallons. Each of the two spring sites is equipped with a concrete reservoir storage tank with capacities as follows: Lower Harman (190,000), and Wingate (125,900). The lower Harman reservoir was replaced in 2003 with a 190,000-gallon tank to account for storage losses at the Boatman facility. Boatman Springs, which was once a source of supply for the City, has been disconnected from the distribution system. Well #1 has a 550,000 gallon concrete reservoir, and Well #4 has a 1-million gallon concrete reservoir.

Storage analysis indicates the City's existing storage facilities are sufficient. The addition of the 1-million-gallon North End Reservoir at Well #4 to the water system currently provides an excess storage capacity of over 500,000 gallons. At build-out conditions, the system will have an excess storage capacity of approximately TBD gallons. No storage improvements are needed to accommodate forecasted growth in the City; however, should storage improvements later be needed, the City would explore the potential to add capacity to Well #2.

One of the most serious problems with the water system is the leaking of primary transmission pipes. These pipes carry municipal water from the wells and spring sites to the city's customers. The unaccounted water (the difference between quantities of water read at the source meters and consumers' meters) requires considerable city crew time to repair leaks and represents lost revenue potential for future connections. Prior to 2018 it was known that a majority of the water loss occurred in the upper zone of the system. In January 2018, the new Orville Road water main came online and distribution system leakage has largely decreased since.

The City is aware that a majority of this water loss occurring in the system is due to aging asbestos concrete (AC)<sup>1</sup> and wrapped steel pipe in the distribution systems. Annually, the City surveys all the existing AC and wrapped steel water lines running to spring sources and the downtown area for leaks. Additionally, the City has an annual leak detection program in an effort to reduce the quantity of unaccounted water.

## Water Quality

The water supply is chlorinated at all of the sources and is carefully monitored in accordance with State Department of Health and US Environmental Protection Agency standards. The Orting water supply was analyzed on the basis of available storage and the ability of the system to supply fire flows as well as providing domestic needs.

Existing water rights will be adequate for supplying water for the demands of projected populations. The City has completed a number of water right change applications to create a well field so the newly constructed Well #4 can withdraw water utilizing the City's existing water rights. The system is capable of supplying fire flow requirements for single occurrence residential and commercial fires.

The Capital Facilities Program (Table CFU-7) contains specific water system improvements that have been identified in the water utility master plan. In addition, the plan identifies the need for additional operation and maintenance staffing. The 2022-2028 capital improvement projects include:

- On-Site Chlorination System
- WSDOT Water Line Replacement
- Well 1 Cleaning and Liner
- Water Meter Upgrades and Replacement
- Central Metering Technology

<sup>1</sup> Asbestos concrete was a water main material used in the 1920's to 1970's and is very brittle so it easily cracks. It's completely safe for drinking water but many cities are replacing due to leaks.

**Commented [N55]:** The consultant team is working to get this number.

# Wastewater

The City's Public Works Department operates the wastewater (sanitary sewer) system and the General Sewer Plan provides long-term planning for the system.



*The General Sewer Plan (2001 with a 2010 addendum, or as updated) is adopted into this Comprehensive Plan by reference.*

**Commented [NS6]:** There is a new plan that is in draft form and will likely be adopted in 2025

## Existing Collection Systems

Orting's collection system ranges in age from the 1943 "old town" lines to new lines installed in recent subdivisions. The sewer system serves virtually all of the commercial and residential property in the city. As of September 2017, the City's sewer system had 2,897 physical connections which is equivalent to approximately 3,317 ERUs based upon consumptive meter readings. The system service area covers about 1,250 acres including the High Cedars golf course community located outside the City limits<sup>2</sup>. At the present time there are no industrial users of the system.

**Commented [NS7]:** This information to be updated (the city staff is checking on this).

**Commented [NS8]:** This is as estimated from a GIS measurement. Not all lands within the city limits have sewer service. We measured from the outer limits of all service areas (basically, draw a circle around the outer perimeter and measure what is inside that circle).

The general slope of the Orting planning area is from the southeast to the northwest, towards the treatment plant. The northern and western portions of the area slope away from the existing treatment plant, creating a need for the pumping of sewage.

The city has five pumping stations. One is located at the intersection of Calistoga Street W and the Puyallup River serving the Soldiers' Home and the portion of service area south of the Puyallup River. The Soldier's Home, housing approximately 192 residents, is the major commercial user in the area.

The second pumping station serves the High Cedars Village and Golf Course and discharges to the city sewer system through a 3,100 foot 6-inch diameter forcemain. The system is designed to handle 300 connections in the High Cedars development. In 2008, the pump station had a total of 180 hookups. The Village Green, Village Crest, and Rainier Meadows pumping stations respectively serve those three developments.

**Commented [NS9]:** This information to be updated (the city staff is checking on this to confirm this is still the current configuration following a replacement in 2018).

## Wastewater Treatment

The wastewater treatment plant serves all property within the City including the High Cedars golf course development and the Soldier's Home.

## Existing Deficiencies

The existing gravity collection system has a serious inflow and infiltration problem due to the aging infrastructure. Inflow is defined as surface water and storm sewer water entering the sanitary sewer system through leaks. The state Department of Ecology has directed the city to correct this problem. Immediate complete correction of infiltration and inflow is not financially feasible, making gradual replacement and rehabilitation of the existing sewers the only economic alternative. Replacement and rehabilitation of the existing sewers will take place systematically by removing areas of the system with the greatest inflow and infiltration problems first. In 2008, the City performed a survey of the entire sanitary sewer collection system, which included videotaping and smoke testing. Through

**Commented [NS10]:** This information to be updated (the city staff is checking on this to determine the most recent video taping of the entire system).

<sup>2</sup> An agreement between the City and the County ensures that payments (user fees) are provided to the city for the use.

this survey, areas of high infiltration and inflow were identified and ranked based on severity. In 2011, the City completed sanitary sewer rehabilitation on Deeded Lane and Whitesell Street, two highly ranked locations identified by the sanitary survey. In 2017 the City constructed the Eldredge Avenue NW sanitary sewer rehabilitation project. The City continues working to reduce inflow and infiltration and plans to spend approximately \$300,000 each year on inflow and infiltration projects.

Effluent from the wastewater treatment plant currently discharges into the Carbon River just north of the plant through an outfall pipe located 8 feet above the river bottom. Due to concerns over river bar formation in the vicinity of the exposed outfall which prohibit the development of a submerged outfall, this side bank discharge will be maintained for all phases of future expansion. Solids from the treatment process are stored in a lagoon facility at the treatment plant site.

The City is currently designing a solids upgrade facility which will produce Class A biosolids, known as a “**Water Resource Recovery Facility.**” The project would include the construction of a new 6,600 sq. ft. biosolids building and replacement of the lagoon operation (which is in need of substantial upgrades) with new technology that will produce a dry/stable Class A fertilizer.

These biosolids will be made available to the public as a fertilizer, high in nutrients. Initial market sounding has shown that the public, the agriculture community, and the Orting School District are interested in using the product as a soil amendment.

### Future Wastewater Flows

To project future wastewater flows for Orting, existing treatment plant flows and loadings as well as future collection systems have been evaluated. Total wastewater flows are the sum of residential, commercial and industrial wastewater plus infiltration and inflow. The existing sewer flows are mainly a function of residential flows and infiltration and inflow; industrial and commercial flows are minimal, as described earlier. The City of Orting General Sewer Plan/Engineering Report Amendment (Parametrix, Inc., 2001) details the methodology for projecting service area population equivalents within the City’s urban growth area. **Table CFU-4** shows the current population, the wastewater treatment plant design population and the projected build out population.

**Table CFU-4: Sanitary Sewer Service Area Population Equivalents\***

Region	Population Equivalents		
	Current	Phase 1	Build Out
<b>Residential</b>	3,723	4,312	<b>8,025</b>
<b>Commercial</b>	107	370	<b>915</b>
<b>High Cedars</b>	110	229	<b>475</b>
<b>Total</b>	<b>3,940</b>	<b>4,911</b>	<b>9,415</b>

\* Population Equivalent = one individual contributing a typical per capita flow and waste load to the treatment plant.  
 \* Residential: 2.5 population equivalents per dwelling unit  
 \* Commercial 1,000 population equivalents per 7 acres; 2,000 gallons per acre per day; and 130 gallons per capita per day per population equivalent  
 \* High Cedars: 110 existing dwelling units; 190 dwelling units at build out, for planning purposes only. Actual service is not anticipated.

Source: Parametrix, Inc.

The General Sewer Plan provides more information on the WWTP influent design flows and the rated capacity. The influent design flows are based on the build out condition of 9,415 population equivalents.

To further understand the effect of inflow and infiltration on plant capacity, the City of Orting completed an Infiltration and Inflow Report Update (Parametrix) in 2011. Inflow and infiltration appears to be consistent since the Deeded Lane and Whitesell Street sewer rehabilitation project completed in 2011. Continued sanitary sewer rehabilitation and replacement projects should further decrease and stabilize inflow and infiltration in the system.

### Water Reuse

Irrigation of nonfood crops is the least costly and most prevalent potential use of reclaimed water. Irrigation demand could be greater than the dry season maximum month effluent flow of the Orting wastewater treatment plant. Feasible irrigation uses of reclaimed water include the Orting Middle School, Ptarmigan Ridge Elementary, Gratzer Park, Village Green and Whitehawk Parks, and the Foothills Trail. These uses are estimated to generate ultimate demand for 574 gpm on average and 1,150 gpm for the peak period. Water reuse facilities at the treatment plant and in the Orting Valley may be constructed by the City Sewer Utility. All facilities will be owned and operated by the City. Gratzer Park and the Orting Middle School were constructed with purple pipe irrigation systems, ready to receive reclaimed water.

The Capital Improvements Program (**Table CFU-8**) lists planned improvements to the wastewater and water reuse system that are planned for the next 14 years. These improvements include providing solids handling facilities at the treatment plant and development of an extensive water reuse treatment and distribution system. Storage of the solids in the on-site lagoon will end as soon as the solids treatment facility is complete.

## Storm Water



*The Stormwater Comprehensive Plan (2009 or as updated) is adopted into this Comprehensive Plan by reference.*

**Commented [NS11]:** The city and consultant are kicking off the project to update the plan now, with planned adoption in 2025.

The City's storm water utility collects fees based on storm water runoff created by impervious surfaces on each parcel within the city. These funds are used to construct needed storm water collection, detention, and treatment facilities. The City has also adopted ECY's Stormwater Management Manual for Western Washington, 2019 edition, as part of the Orting Municipal Code. All new and redevelopment must comply with the requirements and recommendations in the manual.

The Pierce County Comprehensive Flood Control Management Plan (2023) refers to Orting as one of the "hot spots" in the study area which has experienced chronic flooding problems and is not adequately protected from the 100 year floods. If a flood on either the Puyallup or Carbon Rivers were to cause levee failure or change their course, they would usually flood and possibly erode adjacent high quality agricultural lands. Potential damage to urbanized areas in Orting is also high if the levees protecting these areas were to fail.

The Puyallup River Basin Comprehensive Flood Control Management Plan identifies the types of

~~potential damage which could occur along the Puyallup River, including the inundation of residential and agricultural lands south of Orting; the inundation of over 100 single family residences plus a power substation in Orting; closure of Calistoga St W, a major arterial in Orting; inundation of River Glen Campground, High Cedars Golf Course and agricultural lands northwest of Orting; and overtopping and possible closure of SR 162 between Orting and McMillin. Specific areas of potential damage along the Carbon River include minor inundation of vacant and agricultural land in Orting.~~

In 2008, Pierce County completed their Levee Setback Feasibility Study between River Miles 2.6 and 23.3 on the Puyallup River. Information from Pierce County’s Setback Levee Feasibility Study was used by the City as the first step in identifying a setback levee project location. Pierce County evaluated setback levee sites using three main goals: 1) Increase floodplain connectivity and flood storage, 2) Re-establish short and long-term geomorphic processes and function, and 3) Maximize aquatic habitat and diversity use. Out of 32 potential setback levee sites, the proposed site in Orting ranked as the second best location for a levee setback on the Puyallup River.

To prevent flooding from the Puyallup River, the City used this feasibility study to move forward with the Calistoga Setback Levee project. Between 2008 and 2013, the City worked to acquire property, coordinate with stakeholders, secure grant funding, and design and permit the 1.5-mile long Calistoga Setback Levee. The new levee was designed to be at least 3-feet above the 100-year base flood elevation to protect the City during large storm events. The project also provides habitat benefits to the River system. Removal of the existing levee reconnected approximately 46 acres of floodplain to the middle Puyallup River, in addition to 55 acres of reconnected side stream/backwater habitat. The project was completed in 2015.

**Commented [NS12]:** This text (shown in strikethrough) refers to a much earlier plan. A new plan was approved in 2023 and Parametrix will provide new text for this part, which will highlight the key information for Orting from that plan.

## Electrical System

Puget Sound Energy (PSE) is an investor-owned utility providing electrical and natural gas service to approximately 1,000,000 residential, commercial, and industrial customers in ten counties in western Washington. To provide reliable service, PSE builds, operates, and maintains an extensive electrical system consisting of generating plants, transmission lines, substations, and distribution systems. PSE is regulated by the Washington Utilities and Transportation Commission (WUTC) and is obligated to serve its customers subject to WUTC rates and tariffs.

### Existing System

~~There are two main access points for receiving power in Pierce County: White River 230/115 kilovolt (kV) Transmission Station located north of Orting; and at PSE’s Frederickson Generation station located in Frederickson Industrial area of Pierce County. A third and fourth access point from St. Clair transmission substation near the Thurston/Pierce County line and Tono near Thurston/Lewis county line provide a major tie between Pierce and Thurston Counties. The existing electrical system serving the Orting area consists of the following:~~



**Commented [NS13]:** The consultant team has worked on new text but is still working with PSE for confirmation.

#### Transmission Substations:

- ~~• The White River Transmission Station (immediately east of Sumner, north of Orting)~~
- ~~• Alderton Transmission Station (in Alderton).~~

- Electron Heights Switching Station
- Frederickson Generation Station

**Distribution Substations:**

- Orting
- Rhodes Lake
- Kapowsin
- Gardella
- Knoble

**Transmission Lines (115kV):**

- Alderton — Electron Heights
- White River — Alderton # 2
- Blumaer — Electron Heights

An existing 38-mile transmission line had previously only tied together three substations in the area, lacking the redundancy needed to reliably serve customers and increasing the possibility of outages in the area.

To strengthen the system and improve electric service reliability for our customers, we constructed three new 115 kilovolt transmission lines from points along the existing transmission system to the Alderton substation in Puyallup. The lines will be constructed in two phases:

- Phase 1: Constructed one 115 kV transmission line along four miles of an existing water main corridor. The line runs from an interconnection point on an existing 115 kV line approximately 1,000 feet west of our existing Rhodes Lake substation in Bonney Lake to the Alderton substation.
- Phase 2: Constructed two 115 kV transmission lines along 3.2 miles of an existing regional utility corridor. The two parallel lines run from the Alderton substation to an interconnection point on an existing 115 kV line at Myers Rd E near Highway 410.

By constructing the new lines, we segmented the existing system into three smaller, more reliable systems that can back up each other in the event of an outage on one of the lines. This project added redundancy which limits the number of affected customers during an outage and eliminating electric capacity constraints on the existing system – ultimately keeping the lights on for our customers.

This work is related to our Pierce County 230 kV project, which constructed approximately eight miles of new 230 kV transmission line from the White River substation in Bonney Lake to the Alderton substation in Puyallup. The Pierce 230 kV project was completed in late 2017. These projects work together to strengthen the overall electric grid and increase electric reliability for our customers in Sumner, Bonney Lake, Orting and central Pierce County.

**Commented [N514]:** This is information from PSE's website and may be incorporated in a future draft

PSE | Central Pierce-Alderton 115 kV transmission reliability improvement project

<https://www.pse.com/en/pages/pse-projects/central-pierce-alderton-115kv>



## Capacity

The power utilization factor of all distribution substations serving the City of Orting and surrounding area is at 72-percent. The utilization factor is a comparison of current peak system load (during the winter heating season), divided by the design capacity of the substations in the area. The following table illustrates the capacity versus peak winter loads for the Orting distribution substations.

**Table CFU-1: Electrical Utilities: Existing Capacity in MVA\***

Distribution Substations	Capacity	Winter Load (Feb 6, 2014)
Orting	25	23.2
Rhodes Lake	25	22.4
Kapowsin	20	12.7
Gardella	25	19.2
Knoble	25	8.9
<b>Total</b>	<b>120</b>	<b>86.4</b>

\*MVA = Mega Volt Amperes

The electrical system can be expanded as the area load develops. The timing of future construction is largely dependent on the development growth of an area, and the associated increase electric demand (load), as well as facility maintenance requirements, reliability related improvements, or system replacement needs.

## Projected Need

PSE's future Electrical Facilities Plans are developed for all of Pierce County to support the projected load level in the county including the city of Orting and surrounding areas.

The population and employment forecasts are based on a regional economic and demographic model and then allocated into each of the counties within the service territory. The regional forecasts account for the latest assumption about the national economy and reflect the historical structure of employment and population within each county as well as their recent growth patterns. The historical population data by county is based on the state's Office of Financial Management data, while the employment data is based on the state's Employment Security Department's monthly reports. The projection of these inputs together with the company's projections of conservation, retail rates and any known short term large load additions or deletions from the company's forecast of energy and peak loads.

## Proposed System

Puget Sound Energy has identified system and transmission improvements required to serve the forecasted load growth in Pierce County. Many improvements are in progress or planned for the future; others have been identified as future improvements to meet the growth demand. These improvements are intended to meet the growth and reliability demands for the City of Orting and the surrounding area, as well as other portions of Pierce County.

## System Improvements in Progress

PSE has identified the need for a new bulk power delivery point for Pierce County at the Alderton Transmission Station, located approximately 5 miles north of Orting City limits. Existing transmission lines are planned to be upgraded to provide a 230 kV tie between the White River Transmission Station and the Alderton Transmission Station. Future improvements are as follows:

- **Alderton 230 kV Development** – Pierce County will need a major upgrade of bulk power delivery system in the near future. The Alderton Transmission Station has been identified as a future 230 kV transformation station. The project will involve upgrade of existing transmission lines north of Orting and installation of a 230 – 115 kV transformer at the Alderton transmission substation.
- **Blumaer** – Electron Heights 115 kV Transmission rebuild: This project is to rebuild the 42-mile transmission line in stages, rebuilding mostly low-capacity conductors with 115 kV high-capacity conductors.

### Future Transmission Improvements:

- **Woodland** – St. Clair Phase II – This project will involve upgrade of Woodland substation (in southwest Puyallup) to a switching station and rebuilding of existing lines between Lakewood and Woodland. When completed, the project will increase transmission backup capacity between Pierce and Thurston counties and improve reliability in central Pierce County.
- **Alderton** – Electron Heights Transmission Re-configuration: This is a long range plan to Re-configure the 115 kV transmission network south of Alderton towards Electron Heights to increase transmission reliability in Orting valley and surrounding areas. This project may include a new transmission line between Frederickson and Electron Heights via Graham.

### Completed Distribution Improvements

- **New 25MVA transformer bank installed at Orting substation in 2014** – The new transformer bank added 5 MVA of capacity to Orting substation.
- **White River** – Electron Heights transmission loop into Alderton – These improvements provided a transmission route from the Bonney Lake area into the Alderton Transmission Station and from the Rhodes Lake Area also into Alderton Transmission Station. Phase one of this project was completed in 2014; with the 2nd phase completed in 2017.

### Future Distribution Improvements

- **New 12kV distribution circuit out of Orting substation** – This project will build up existing infrastructure and add new infrastructure to relieve load from the most heavily loaded and unreliable circuit at Orting substation. When completed, this project will help improve reliability for customers on both the existing circuit and the new circuit.

Additionally, PSE replaces aging underground electric cables across their service area. PSE initiated the Cable Remediation Program (CRP) initiated in response to increasing numbers of underground cable failures in residential areas, causing customer outages. For example, in 2024 approximately 1,235 linear feet of underground cable will be replaced along Grinnell Ave SW from Kansas Street and Belear Street SW, together with segments on Kansas Street, Fairlane Street and Belear Streets.

## Climate

Climate change is one of the biggest existential threats facing our planet today. The City, in partnership with PSE, is on the path to meet current and future needs of customers and deliver on

the requirements to decarbonize operations and serve customers and communities equitably. Potential efforts to support PSE programs and meet future Climate Resilience goals of the City could include:

- Promoting financial assistance and discounted billing programs for income qualified residents to ensure that the most vulnerable are not disproportionately impacted by the State's clean energy transition.
- Supporting EV charging infrastructure throughout the community in order to support the decarbonization of the transportation sector.
- Promoting energy efficiency programs and initiatives and expedite permitting processes related to energy efficiency upgrades.
- Promoting local investments and customer enrollment in clean energy projects and programs to achieve clean energy goals
- Promoting and supporting programs designed to decrease load on the grid during peak use.
- Effectively meeting rapidly increasing electrical demand as the City and region work to achieve a Clean Energy Transition by adopting codes that support existing and new technologies.
- Expediting local permitting and approval processes to maintain grid capacity and reliability.
- Promoting and supporting the growth of customer owned distribution energy resources.
- Supporting ongoing vegetation management to maintain system reliability.
- Pursuing public-private partnership to seek funding sources to accelerate clean energy projects.
- Supporting PSE's wildfire mitigation efforts including electric system upgrades, year-round vegetation management, and fire weather operational procedures. Work closely with utilities and local fire departments to lessen the risk and impact of wildfires.

## Natural Gas

PSE operates the state's largest natural gas distribution system serving more than 900,000 gas customers in six counties. PSE manages a strategically diversified gas supply portfolio. About half the gas is obtained from producers and marketers in British Columbia and Alberta and the rest comes from Rocky Mountains states. All the gas PSE acquires is transported into its service area through large interstate pipelines owned and operated by another company. Once PSE takes possession of the gas, it is distributed to customers through more than 26,000 miles of PSE-owned gas mains and service lines.

PSE provides natural gas to certain locations in the city. Gas service is generally extended to new development upon evaluations of requests based on an economic feasibility study. Currently the natural gas supply system meets the existing demand.

### Existing Distribution System

Natural gas comes from gas wells in the Rocky Mountains and in Canada and is transported through interstate pipelines by Williams Northwest Pipeline to Puget Sound Energy's gate stations. Supply mains then transport the gas from the gate stations to district regulators where the pressure is reduced to less than 60 psig. The supply mains are made of welded steel pipe that has been coated and is cathodically protected to prevent corrosion. They range in size from 4" to 20".

Distribution mains are fed from the district regulators. They range in size from 1- 1/4" to 8" and the pipe material typically is polyethylene (PE) or wrapped steel (STW). Individual residential service lines are fed by the distribution mains and are typically 5/8" or 1-1/8" in diameter. Individual commercial and industrial service lines are typically 1-1/4", 2" or 4" in diameter.

## Future Facility Construction

PSE does not have any major projects planned in Orting at this time, but new projects can be developed in the future at any time due to:

- New or replacement of existing facilities to increased capacity requirements due to new building construction and conversion from alternate fuels.
- Main replacement to facilitate improved maintenance of facilities.
- Replacement or relocation of facilities due to municipal and state projects.

## Telecommunications

Telecommunications services include switched and dedicated voice, data, video, and other communication services delivered over the telephone and cable network.

Regulated or non-regulated companies may provide these services. Cable service includes communication, information and entertainment services delivered over the cable system whether those services are provided in video, voice or data form.

There are no shortages in the existing or future capacity of the telecommunication services for Orting. The existing network of phone and cable television lines has sufficient capacity to accommodate increases in development or subscription. The limitation in providing services would stem from lack of a direct hook-up from a specific residence to the television or telephone line. This linkage can be installed when service is desired.

## Communication Services

Multiple companies offer communication services in Orting, including integrated voice and data. CenturyLink (d.b.a. CenturyTel), the Incumbent Local Exchange Carrier (ILEC), provides local telephone and a mix of copper and fiber based internet services.

Since the Washington Utilities Trade Commission (WUTC) regulations require CenturyLink to provide adequate public switched telephone network (PTSN) telecommunications service on demand, there are no limits to future capacity, although demand for land lines is declining.

Orting is now served by most wireless telephone providers and several internet providers.

## Cable and Satellite

Cable television and cable internet service is provided in Orting by Xfinity, Dish, and DirecTV. The Orting area is handled through the TCI Cable of Auburn Office.

## Solid Waste Management

Under state law governing solid waste management (RCW 70.95.090) local governments are required to provide collection of source separated recyclable materials from single and multi-family residences; drop-off or alternative systems for rural residents; yard waste collection; educational and public outreach programs; programs to monitor the collection of recyclables from commercial sources; in-house recycling and procurement programs; and any other programs the municipalities

determine are necessary to achieve state and local waste reduction and recycling goals.

The Tacoma-Pierce County Solid Waste Management Plan (2021-2040) guides all aspects of solid waste handling in Pierce County and each city and town wholly within Pierce County. The most recent plan was adopted by Orting City Council in September 2022 (Ordinance 2022-23). It is the primary tool implementing the law cited above. The Washington State Department of Ecology adopted the State Solid and Hazardous Waste Plan – Moving Washington Beyond Waste and Toxics Plan in December 2021, which provides direction for local governments on their individual waste management plans.

Except for collection contracting authority, which it retains through an Interlocal Agreement, Orting has designated Pierce County as the entity responsible for managing waste reduction, recycling, composting, disposal, and household hazardous waste programs, including associated public information, outreach, and engagement. Under County direction, waste generated within the City of Orting is disposed in the LRI Landfill in unincorporated Pierce County and yard waste is composted at facilities owned by Pierce County or operated under contract with Pierce County.

Orting contracts with Murrey's Disposal for the collection of household and commercial garbage, recyclables and yard waste. Residents and businesses can self-haul special wastes and recyclables (e.g., household hazardous waste, tires, batteries, and oil) to fixed facilities located throughout the County.

## Public Schools

Orting is within the Orting School District. The GMA authorizes cities to impose impact fees for school facilities upon the adoption of a capital facilities plan element and enabling ordinance. These criteria have been met and the Orting School District collects impact fees for residential development.

The Orting School District Capital Facilities Plan is a six-year plan intended to be revised each year for the succeeding six years. The plan is intended to guide the District in providing new capital facilities to serve the projected increase in student enrollment as well as new developments emerging within the District boundaries. The plan is reviewed on an annual basis and updated based on current and future enrollment and projected financing.

Also included in the plan are major capital repairs and improvements needed to maintain the District's existing facilities.

### School Facilities **Inventory**

Facilities include Orting High School, Orting Middle School, Orting Elementary School, Ptarmigan Ridge Elementary School, Central Administration Building, and the old Administration Building that houses the Transportation Department and Facilities Department (to include custodial, grounds, and maintenance).

The District recently acquired two separate parcels totaling 65 acres within the City of Orting boundaries. The District also owns 22.9 acres of undeveloped land south of Orting (known as the Orville Road property). County ordinances make the Orville Road property unsuitable for a school

**Commented [NS15]:** We removed a lot of text from this section and the following (compared to the Current Comp Plan) because the school district has its own CFP and the Orting Plan does not need to provide such detailed information.

facility due to Pierce County zoning regulations prohibiting construction of school buildings in the Mount Rainier Lahar Designated Zone and wetlands area.

### Forecast of Future Needs

To better understand the degree of the enrollment changes taking place in the Orting School District, the District's student enrollment history and enrollment projections are reviewed.

The School District reviews historical demographic trends and actual enrollments to determine projections for future enrollment. The District predicts growth in addition to the usual expected trends, due to the current plans for additional housing and planned developments within the District borders.

Student enrollment at the elementary level has experienced significant increases in recent years, with an exception for recent years due to Covid-19. This growth, combined with the current class size reduction initiatives by the Legislature, have created a high need for elementary school classrooms and support spaces. Ongoing growth without accompanying permanent capacity projects has created the need for additional temporary classrooms ("portables"). The Board approved a plan to purchase an eight-classroom portable at Ptarmigan Ridge Elementary School which was completed at the beginning of the 2019-2020 school year.

The District is anticipating significant growth from four major housing developments outside of Orting city limits; Tehaleh, Uplands, Daybreak, and South Sunrise. Tehaleh is expected to add 462 students over the next 6 years. Uplands is expected to add 376, Daybreak 221, and South Sunrise 203. Detailed projections by year, and total buildout projections, can be found in the Orting School District's Capital Facilities Plan.

The Orting School district acquired 65.08 additional acres of land in the City of Orting, and rezoned this land to Public Facilities from MUTCN. The preliminary goal for this site is a K-5 elementary school that may serve 600-700 students, and associated improvements. The Orting School District has been unsuccessful to bond for the construction on this new facility.

The District will need to determine how to proceed with the Board's February 2024 bond planning and CFAC recommendation to determine construction and modernization. These funds will be derived from the sale of general obligation bonds and impact fees on new housing developments as they are built. The District will consider the use of state matching funds in the overall recommendation.

### Mitigation / Impact Fees

Pursuant to RCW 82.02.050, Impact Fees "(a) Shall only be imposed for system improvements that are reasonably related to the new development; (b) Shall not exceed a proportionate share of the costs of system improvements that are reasonably related to the new development; and (c) Shall be used for system improvements that will reasonably benefit the new development."

Impact fees can be calculated on the basis of "unhoused student need" as based on "the maintenance of a district's level of service" related to students expected from new residential development. A determination of insufficient existing permanent and/or portable school space, combined with expected growth from new development over the six-year planning period, allows a district to seek imposition of impact fees on a new residential dwelling unit. The amounts to be charged are calculated based on the costs for providing the space to serve the average projected

**Commented [NS16]:** We have updated this section but it is optional if the city wants to keep it

number of students who will reside within a residential unit. Credits are provided for anticipated SCAP funds that will be applied to the planned growth-related capacity project as well as taxes that a new homeowner will pay toward the school bond that will fund the capacity project. A district's school board must first approve a Capital Facilities Plan with a recommended school impact fee and the District's Capital Facilities Plan must be adopted by reference as a part of the assessing jurisdiction's Comprehensive Plan, with the jurisdiction also adopting the impact fee amount based upon the District's recommendation. Developers may contribute properties which will have value to a district. In such cases, the developer is entitled to a credit for the actual cost of the provided property. This credit can reduce or eliminate the impact fee that would otherwise be assessed on units within the development.

The code provisions for school impact fees in both Pierce County and the City of Orting contain a "maximum fee obligation" that is set at a rate significantly lower than the District's calculated impact per dwelling unit.

## Library

Public libraries offer education, information, and recreational services to the community, as well as community gathering space. Orting's public library at 202 Washington Ave S. is a branch of the Pierce County Library System, housed in the Multi-purpose Center (the facility is jointly used by the library and the city's Recreation department and the City owns the building). The Multi-purpose Center was constructed in 1981, and the library occupies 2,700 square feet of it and shares the restrooms and entry. The site area is 10,560 square feet and includes parking and an entry plaza.

The Orting Pierce County Library is a full-service public library. It provides residents with an on-site collection of over 20,000 books, movies, music, magazines, audio books, newspapers and reference resources, as well as access to the Library System's collection of over 1.1 million books, movies and other materials. Public computers and printers are provided and free Wi-Fi is available to mobile computer users in the library as well as in the surrounding neighborhood.

The Library System's 24/7 online branch also provides Orting residents free access to over 500,000 downloadable books, audiobooks, movies and other materials. Mobile services reach schools, adult care facilities, persons who are homebound and are present at community events. Pierce County Library has reciprocal borrowing agreements that provide Orting residents with free use of other Washington libraries including the nearby King County Library System and Timberland Regional Library, Tacoma Public Library and the Puyallup Public Library.

As part of the Pierce County Library system, use of the facility and its services is not limited to Orting residents. The Orting Library's current service area population is estimated at 12,700, and includes residents from surrounding communities such as Graham, South Prairie, Bonney Lake and Sumner.

## Future Needs

The Pierce County Library system is updating their library facility plan and so future plans for the library are in the process of evaluation. However, in a previous facilities master plan that was prepared in 2010 called "Pierce County Library 2030," it was noted that the Orting library branch is a HUD-built building that is undersized for the communities needs and has complex ownership and maintenance agreement challenges. A recommendation to relocate and expand the Orting library was listed as a preferred facility recommendation, and between 10,400 to 12,100 square feet of space was listed as the probable space need. Amenities such as meeting rooms, group study

spaces were listed, in addition to expanding the library’s collection and computers at the site. A size that has minimal dangers from potential flooding or lahar impacts is preferred. The project cost was listed at \$8.3 Million (2010 dollars).

## Parks and Recreation

The City’s close proximity to Mt. Rainier National Park, the Gifford Pinchot National Forest and mountain wilderness areas offer Orting residents numerous recreation opportunities. The Foothills Trail is a regional attraction, and an important recreational asset within the community.

There are a little more than 170 acres of public parks and natural resource areas, and over two miles of trails within the City of Orting. Several local residential developments also maintain private parks. Descriptions and a full inventory, are provided in the Parks, Trails, and Open Space (PTOS) Plan.

A parks plan certified by the state Recreation and Conservation Office (RCO) is required to be eligible for RCO grant funding, and an update is required every six years. The PTOS is certified by the RCO and identifies current resources and needs, forecasts future demand, and identifies strategies for meeting future need. Level of Service standards for park, facilities, trails and natural resource areas are set in the Capital Facilities Element by Policy CF 3.3.



***The City of Orting Parks, Trails, and Open Space (PTOS) Plan and Appendix, as approved by Orting City Council pursuant to Resolution 2022-03, are hereby adopted by this reference.***

The City of Orting PTOS Plan covers a six-year planning period and may be amended or replaced at the end of that period, and subsequent six-year periods. This comprehensive plan references the most current version of the PTOS Plan.

There are a total of 19 parks within the City (including public and private) and ten of these are owned by the City. The City also contains three trails, multiple natural areas, and open space/playfields at school facilities. Additionally, the City has a Multi-Purpose Center which shares a building with the Orting Pierce County Library and offers rentable event space with a kitchen area. The Multi-Purpose Center is also used for many of the recreational programs offered within the City, including various fitness and craft classes. The City of Orting has a Park Advisory Board, which is a five-member board that provides recommendations on park creation, improvements, and maintenance to the Orting City Council. City parks are maintained and operated by the Parks Department, within the Public Works Department.

## Police Protection

The Orting Police Department is a full-service organization dedicated to excelling in all aspects of law enforcement, protecting people's rights, lives, and property, and collaborating with the community to solve problems, decrease crime, foster a safer atmosphere, and enhance quality of life. The Department’s Mission is “*Through a partnership with our community, working to protect our citizens with integrity, compassion & respect.*”



The Police Department is based out of the Orting Public Safety building which is adjacent to City Hall and also houses the Orting Municipal Court and the Orting Valley Fire and Rescue (OVFR).

The Orting Police Department operates with one chief, one Lieutenant, one Community Services Officer, a clerk, and six officers, one of which is also a School Resource Officer. Currently, the department has achieved a ratio of about 1 officer per 1,000 resident population, which is below the national average of 2.4 officers per 1,000 population. The Department's service area is limited to Orting city limits, but officers will respond to an incident outside of the city, as necessary to assist other agencies. The department strives to maintain an unofficial response time of three to four minutes.

Police facilities are currently located in the Orting City Hall at 104 Bridge St South, in downtown Orting. The Department has fourteen police vehicles, which allows for Reserve Officers & a backup vehicle for primary vehicles, when occasional maintenance takes them out of service. Orting is dispatched by South Sound 911 county wide dispatch service.

Alternate text to consider:

The Orting Department has an authorized staff of thirteen full-time personnel, comprised of one civilian employee and commissioned Officers. Full time personnel work ten hour days four days a week to provide the best patrol coverage during peak hours. Currently, the department has a ratio of about 1.2 officers per 1,000 resident population, which is below the national average of 2.7 officers per 1,000 population. The Department's service area is limited to Orting city limits, but officers will respond to an incident outside of the city, as necessary to assist other agencies when necessary. Additionally, the department participates in numerous regional multi-jurisdiction investigative teams with surrounding law enforcement agencies to pool resources when needed to handle large-scale incidents.

The Department strives to maintain an unofficial response time of three to four minutes.

Police facilities are currently located in the new Orting City Hall at 104 Bridge Street. The Department has fourteen police vehicles, which allows for adequate assignment to Officers plus additional to act as backup vehicles, when occasional maintenance takes them out of service. Orting is dispatched by South Sound 911 county wide dispatch service.

## Fire and Emergency Medical Services

The City receives contracted services from Pierce County Fire District 18 also known as Orting Valley Fire and Rescue (OVFR), to provide fire protection and emergency medical services to Orting and the Orting Valley. Private properties within Orting pay a fire benefit charge on property taxes, and the charge varies depending on size of the structure and use of the property, in order to receive fire services. The Orting fire station is located in the Public Safety Building (southeast side of the building) at 401 Washington Ave S. OVFR has an additional fire station located on Patterson Road. The Fire Department is comprised of 32 response staff, including the Battalion Chief, Lieutenants, and firefighters, several of which double as paramedics. Additionally, OVFR employs the Fire Chief, three administrative staff, and a chaplain.



Orting has a Fire Insurance Rating classification of four on a scale that ranges from one to ten, with a rating of one being the highest.

## City Administration

Orting City Hall is located at 104 Bridge Street S. (at the corner of Washington Avenue and Bridge Street), and houses the City's municipal services. This building was constructed in 2019 and is approximately 11,800 square feet. The new City Hall building helps the City provide appropriate services for Orting residents.

Additionally, in 2019 the City completed construction of a new Public Works and Maintenance Facility. This facility includes nearly 2,500 square feet of offices, meeting space, working area, locker rooms and conference rooms. The attached garage space includes 500 square feet of secure storage space, 3,600 square feet of heated garage space, 2,700 square feet of unheated enclosed garage space and an additional 3,600 square feet of open covered garage space. The building sits on a 1.5-acre site which includes public parking, and gated storage.

The City also has a cemetery overseen by a board of appointed managers.

## Orting Emergency Evacuation Bridge System

Due to the City's location along the Puyallup and Carbon Rivers, which flow from Mt. Rainier, Orting is at risk in the event of a lahar flow. The Natural Environment element of this plan covers hazard mitigation in further detail. Construction for Phase 1 of a pedestrian bridge across the Carbon River with a grade-separated SR 162 crossing and pedestrian trail linkages is underway; this project is also known as Orting Emergency Evacuation Bridge System. This project is intended to provide an emergency evacuation route for children from the Orting schools, as well as other locations. Phase 1 consists of the above grade crossing of SR 162 at Rocky Road.

Phase 2, Preliminary/conceptual design for a pedestrian bridge across the Carbon River is complete. This project is intended to provide an emergency evacuation route for children from the Orting schools, as well as other locations. Efforts are underway to raise additional grant funding from state and federal sources for final design and construction of Phase 2.



### Concurrency

The Capital Facilities Element is intended to establish an inventory of existing capital facilities, forecast future needs for such facilities based upon the projected growth in the community, and discuss how such facilities may be financed. Future needs should also be based not only upon the projected growth of the community, but also maintaining a locally determined level of service to be provided by those facilities. This concept of maintaining level of service standards throughout the planning time frame is a key goal of the Growth Management Act. Goal 12 of the Act states that those public facilities and services necessary to support development shall be adequate to serve the development at the same time the development is available for occupancy and use without decreasing current service levels below locally established minimum standards. This concept is known as "concurrency," and it applies to transportation facilities and to a locally defined list of additional capital facilities.

Locally established standards are referred to as "level of service standards (LOS)," and are a method of measuring the quality or quantity of service provided by a facility. Policy CF 3.3 of the Capital Facilities Element establishes the City's adopted LOS. The Orting Municipal Code requires concurrency review for certain permitting processes. New development is required to be adequately served by public facilities and services within a reasonable time after development occurs, and the adopted LOS must be maintained.

# Capital Facilities Financing

The City's six-year capital facilities plan includes improvements that the comprehensive plan elements indicate are necessary, along with potential funding sources. In order to identify these potential funding sources, it is important to review how capital improvements have been financed in Orting in the past.

Orting does not typically allocate general fund revenues for large capital projects. Rather, these projects are funded through bond issues, state and federal grants, and revenues from enterprise funds, such as water, sewer and solid waste fee revenues. Over the past three years capital projects have been financed primarily through federal and state grants, and revenues from the Motor Vehicle Tax.



*The City of Orting Capital Improvement Plan (CIP) for 2024-2030 or as amended is adopted into this Comprehensive Plan by reference.*

## Financing Sources

The funding sources identified below are potential long-term choices that may be available to the City for major capital improvement projects. The sources will depend on the status of the City's existing financial commitments, capital required, cash flow requirements, source availability, and whether the source is acceptable to the customers. Any package selected must provide sufficient revenue to construct system improvements as well as satisfying any debt services. The following section will describe the several funding sources available to the City without reference to any specific project.

### Revenue Bonds

The most common source of funds for construction of major capital improvements is the sale of revenue bonds. The tax-free bonds are issued by the City. The major source of funds for debt service on these bonds is from user charges to the individual utility customers. The major advantage of revenue bonds is that they protect the general obligation debt capacity for other projects.

The City is capable of issuing tax exempt bonds up to a 20-year term without public vote. In order to qualify to sell revenue bonds, the City must show that its net operating income (gross income less expenses from the utility) is equal to or greater than 1.4 times the annual principal and interest payments due for all outstanding bonded indebtedness. This 1.4 factor is commonly referred to as the coverage factor and is applicable to revenue bonds sold on the commercial market. As a comparison, the FmHA loan program only requires a coverage factor of approximately 1.1.

The major disadvantages to revenue bonds when compared to general obligation bonds are:

- Issuance costs tend to be higher.
- Interest rates tend to be higher because of lower security with the lack of a general obligation bond.
- Revenue bonds may require that all of the project's net revenues first be applied to either reducing outstanding debt or creating reserve funds for the same purpose.

### General Obligation Bonds

The City, by special election, may issue general obligation bonds to finance almost any project of general benefit to the City. The bonds are paid off by assessments levied annually against all

privately-owned properties within the City. This includes vacant property which otherwise would not contribute to the cost of such general improvements. This type of bond issue is usually reserved for municipal improvements that are of general benefit to the public, such as arterial streets, bridges, lighting, municipal buildings, firefighting equipment, and parks. In as much as the money is raised by assessment levied on property values, the business community also provides a fair share of the funds to pay off such bonds.

General obligation bonds have the best market value and carry the lowest rate of interest of all types of bonds available to the City because they are backed by the good faith of all the entire city's assets. Disadvantages of general obligation bonds include the following:

- Voter approval is required which may be time-consuming, with no guarantee of successful approval of the bond.
- The City would have a practical or legal limit for the total amount of general obligation debt. Financing large capital improvements through general obligation debt severely dilutes the ability of the city to issue future debt.
- Extensive use of general obligation debt may endanger the City's credit rating.

### **Utility Local Improvement Districts**

Another potential source of funds for improvements comes through the formation of Utility Local Improvement Districts (ULID's) involving a lien against the property collected through assessment made on properties benefited by the improvements. ULID bonds are further guaranteed by revenues and are financed by issuance of revenue bonds.

ULID financing is frequently applied to water or sewer system extensions into previously unserved areas. Typically, ULID's are formed by the City at the written request (by petition) of the property owners within a specified area of the City. Upon receipt of a sufficient number of signatures on petitions, the local improvement area is defined, and a system is designed for that particular area in accordance with the City's general comprehensive plan. Each separate property in the ULID is assessed with the special benefits the property receives from the system improvements. A City-wide ULID could form part of a financing package for large-scale capital projects such as water supply or storage improvements which benefit all residents in the service area. The City-wide ULID would be formed by a majority vote of the City Council.

There are several benefits to the City in selecting ULID financing. The assessment places a lien on the property and must be paid in full upon sale of the property. Further, a substantial number of property owners can be expected to pay the assessment immediately upon receipt.

Therefore, the City avoids the need to pay interest cost for a portion of the costs financed by the ULID. The advantages of ULID financing, as opposed to rate financing, to the property- owner include:

- The ability to avoid interest costs by early payment of assessments.
- If the ULID assessment is paid off in installments, it may be eligible to be deducted from federal income taxes.
- Low-income senior citizens may be able to defer assessment payments until the property is sold.
- Some Community Block Grant funds are available to property owners with incomes near or below the poverty level. Funds are available only to reduce assessments.

The major disadvantage to the City-wide ULID process is that it may be politically difficult to approve formation. The ULID process may be stopped if owners of 40-percent of the property within the ULID boundary protest its formation.

### **Drinking Water State Revolving Fund**

State low interest loans and loan guarantees administered by the Environmental Protection Agency. The Clean Water State Revolving Fund aims to help communities meet the goals of the Clean Water Act by improving water quality, achieving and maintaining compliance with environmental laws, protecting aquatic wildlife, protecting and restoring drinking water sources, and preserving waters for recreational use. Applicants must show a water quality need, have a facilities plan for treatment works, and show the ability to pay back the loan through a dedicated source of funding. Funds must be used for construction of water pollution control facilities (wastewater treatment plants, stormwater treatment facilities, etc.).

### **Department of Health Water Grants and Loans**

State grants available for upgrading existing water systems, ensuring effective management, and achieving maximum conservation of safe drinking water. Grant funds can be used for technical assistance for upgrading current water systems. The Drinking Water State Revolving Fund provides low-interest construction loans to drinking water systems to finance infrastructure improvements.

### **Conservation Futures**

Pierce County provides grant funds to purchase conservation easements or property for the purposes of habitat and resource protection and active recreation.

### **Housing and Urban Development Block Grant**

The city may qualify for Federal Department of Housing and Urban Development (HUD) Block Grants depending on its needs and the ability to compete with other communities. To qualify for a block grant, the applicant must show that the project benefits low- and moderate-income persons or households.

### **State Public Works Board**

The Public Works Board (PWB) is authorized to grant and loan money to jurisdictions in Washington State. The PWB offers construction, pre-construction, and emergency loans for public works development projects. These loans cover expenses related to repair, replacement, and construction of facilities, ROW acquisition, design and engineering work, permits, environmental and cultural review, value planning, and public notification.

### **Developer Financing**

Developers may fund the construction of extensions to the water system to property within new plats. The Developer extensions are turned over to the City for operation and maintenance when completed. It may be necessary, in some cases, to require the developer to construct more facilities than those required by the development in order to provide either extensions beyond the plat and/or larger pipelines for the ultimate development of the sewer system. The City may, by policy, reimburse the developer through either direct outlay, latecomer charges, or reimbursement agreements for the additional cost of facilities, including increased size of pipelines over those required to serve the property under development. Compensation for oversizing is usually considered when it is necessary to construct a pipe larger than eight inches in diameter in residential areas to comply with the intent of the Comprehensive Plan. Construction of any pipe in commercial or industrial areas that is larger than the size required to service the development should also be considered as an oversized line

possibly eligible for compensation. Developer reimbursement (latecomer) agreements provide up to 10 years or more for developers to receive payment from other connections made to the developer-financed improvements. The developer may collect up to 75% of the cost of the original improvement through latecomer reimbursement.

### **System Development Charges**

The City may adopt a system development charge to finance improvements of general benefit to the total system which are required to meet future growth. System development charges (general facilities charges) are generally established as one-time charges assessed against developers or new customers as a way to recover a part or all of the cost of additional system capacity constructed for their use.

The system development charge or fee is deposited in a construction fund to construct such facilities. The intent is that all new system customers will pay an equitable share of the cost of the system improvements needed to accommodate growth. Typical items of construction financed by the system development charge are water treatment facilities, pump stations, transmission lines, and other general improvements that benefit the entire system. This system development charge is quite effective in a fast growing community, but of little value in areas with slow growth because too much time is required to accumulate sufficient funds.

The system development charge is applicable to those lots within plat developments that install a complete water system in their plat to include all lines and appurtenances. The system development charge then help finance the development of transmission lines, pump stations and water treatment facilities to increase the system capacity to meet the new demands.

There are two basic methods for determining system development charges. One is the system buy-in method, and the other is the incremental-cost pricing method. The first method recognizes capital contributions of existing customers towards financing existing facilities. New customers are required to pay an amount equivalent to that paid by existing customers towards invested capital funds under this method. Under the incremental-cost pricing method, new customers are responsible for their share of the last increment of the cost of system facilities. The goal of the incremental-cost pricing method is to eliminate or minimize future service rate increases due to growth by an up-front charge for new capacity.

**CERB (Community Economic Revitalization Board):** CERB provides funding to local governments and federally-recognized tribes for public infrastructure which supports private business growth and expansion. Eligible projects include domestic and industrial water, storm water, wastewater, public buildings, telecommunications, and port facilities.

**Department of Ecology Grants:** The Washington State Department of Ecology offers grants on an annual basis for projects that improve and protect water quality, including stormwater facilities and activities. Grants are awarded based on funding availability.

**Other Federal Grants:** Congressional transportation funding appropriations and other federal grant sources may be available to the city; future grant funding is highly volatile and dependent upon actions taken by Congress.

**RCO (Recreation and Conservation Office):** The State Recreation and Conservation Office (RCO) manages a number of different grants for recreation projects, such as the Aquatic Land Enhancement Account (ALEA), Washington Wildlife Recreation Program (WWRP), Recreational Trails

Program (RTP), and Youth Athletic Facilities (YAF).

**SRF (State Revolving Fund):** The Drinking Water State Revolving Fund (DWSRF) makes funds available to drinking water systems to pay for infrastructure improvements. This loan program is funded through federal and state money and subject to state laws and additional federal regulations.

**STP (Surface Transportation Program):** This is a program of the Federal Highway Administration, and one of several federal funding sources created by the Intermodal Surface Transportation Efficiency Act to finance transportation projects. STP funds are the most “flexible” funding source since they may be used on transit projects, bicycle and pedestrian, safety, traffic monitoring and management, planning, and the development of management systems, as well as more traditional road or bridge projects. A local match of 13.5 percent is required. For pedestrian and bike facilities, a 20 percent local match is required.

- STP-E: Surface Transportation program – Enhancement
- STP-U: Surface Transportation program –Urban
- STP-UL: Surface Transportation program – Urban, Large Area

**TIB (Transportation Improvement Board):** The Washington State Transportation Improvement Board (TIB) funds high priority transportation projects in communities throughout Washington to enhance the movement of people, goods, and services. TIB is an independent state agency, created by the Legislature, which distributes and manages street construction and maintenance grants. Funding for TIB's grant programs comes from revenue generated by three cents of the statewide gas tax.

- **UAP (Urban Arterial Program):** The Washington State Transportation Improvement Board manages UAP grants. The purpose of the UAP Program is to provide financial assistance to local agencies to improve the state's arterial street system by increasing capacity, reducing accident rates, correcting structural deficiencies, and providing adequate widths. The UAP receives eight percent of the gas tax revenue. Funded projects must be listed in the City's six-year Capital Improvement Plan.

**Interlocal Agreements and Partnerships:** Partnerships and interlocal agreements are important to the City of Orting. Partnering with other local jurisdictions and local agencies (with and without financial agreements or components) ensure that projects and programs can take place.

**Impact Fees:** Impact fees are one-time charges assessed by local governments against a new development project to help pay for new or expanded public facilities that will directly address the increased demand created by that development. Impact fees may only be used for capital facilities that are reasonably related to the new development, will directly benefit the new development, and will also serve the community at large (in other words, impact fees may not be used to pay for private facilities that solely benefit the development).

**LIDs (Local Improvement Districts):** LIDs are special assessment districts in which improvements will specially benefit primarily the property owners in the district. They are created under the sponsorship of a municipal government and are not self-governing special purpose districts. To the extent and in the manner noted in the enabling statutes, they must be approved by both the local government and benefitted property owners.

**Real Estate Excise Tax Funds (REET):** The real estate excise tax is levied on all sales of real estate, measured by the full selling price, including the amount of any liens, mortgages, and other debts given to secure the purchase. The state levies this tax at a rate between 1.1% and 3% based upon



sales price. Orting has added the locally imposed tax of .50 for a total of 1.78-percent.

- The City must spend the first .25-percent up to \$100,000 of the real estate excise tax receipts solely on capital projects that are listed in the capital facilities plan element of the comprehensive plan. “Capital projects” funded by the first quarter percent of the REET are “public works projects of a local government for planning, acquisition, construction, reconstruction, repair, replacement, rehabilitation, or improvement of streets; roads; highways; sidewalks; street and road lighting systems; traffic signals; bridges; domestic water systems; storm and sanitary sewer systems; parks; recreational facilities; law enforcement facilities; fire protection facilities; trails; libraries; administrative and judicial facilities”. The state law requires that the “legislative authority” (Council) shall identify in the adopted budget the capital projects funded in whole or in part from the proceeds of the tax authorized in this section, and shall indicate that such tax is intended to be in addition to other funds that may be reasonably available for such capital projects. These funds may also be used to make loan and debt service payments on projects that are permitted uses.
- The second .25-percent of the REET, may be used to fund capital projects listed above, except that acquisition of land for parks is not permitted. Payments of loan and debt service for these projects are also authorized for the use of these funds.

**Revenue Bonds:** Revenue bonds may be issued to finance projects for any enterprise that is self-supporting. Revenue bonds are generally used to finance water and wastewater projects, airports, and stormwater systems. Payment for debt service on revenue bonds comes from user fees generated by the capital facility that is being built. The local entity is then responsible for establishing and collecting sufficient revenue (through rates) to retire the debt.

## Six Year Capital Facilities Plan

The six-year capital facilities plan, based on the capital facility needs identified in this plan and related functional plans, is adopted annually by ordinance. Since the comprehensive planning process is a continuing, evolving process, this six-year plan will be continually reviewed and updated. Any plan is a tool to aid in decision making. This plan is no exception. By outlining how the needed capital facilities of the future can be successfully provided, it will assist annual budget decisions which need to incrementally provide the funding for those facilities. The plan is not intended as a substitute for those budget decisions, only to provide a tool for them.

Capital facility is a widely used term that can be used in a variety of ways. In accounting, it may mean any asset that is capable of being capitalized. As such it would include vehicles, furniture, equipment, and similar assets, as well as much longer-term fixed assets. The use of the term here, however, is intended to be much more limited, referring instead to long term fixed assets that have a significant (at least three year) life, and a substantial cost (at least \$20,000). As such, these facilities would require a policy for financing on a longer-term basis than that which can be readily afforded by the annual budget cycle of the City.

In addition to the six-year plan, the Comprehensive Plan also anticipates other capital facilities needs throughout the 20-year life of the Plan.

## 20-Year Capital Facilities Needs

**Table CFU-7** lists the anticipated capital facilities needs, estimated costs, and potential funding sources for projects that the City is considering to accommodate growth between 2015 and 2035.

(Transportation Facility Needs are identified in **Table T-XX** in the Transportation Appendix)

**Table CFU-7 Twenty-Year Capital Facilities Needs**

WATER PROJECTS	YEAR(S)	ESTIMATED COST
Well #2 Rehab Design and Construction (Treatment & Well)	2025-2026	TBD
Well #1 and Wingate Roof Coating	2025	\$100,000
SCADA System Upgrades	2025	\$175,000
Security Upgrades – Video/Control Access	2028-2029	TBD
WSDOT Water Line Replacement per Franchise (lowering water lines)	2025-2029	\$300,000
Water System Plan – Addendums	2025	\$200,000
Downtown Main Replacement Program	2025-2029	\$1,250,000
Tacoma Intertie Design and Construction	2026-2027	TBD
Kansas Street Water Lines	2025	TBD
Backup Power for Wingate, Well #1, #3, and #4	TBD	TBD
Wingate Reservoir & Pump Station Upgrade	2028-2029	TBD
Wingate Water Line Replacement – Design	2025	TBD
Wingate Water Line Replacement – Construction	2025-2026	TBD
Capital Equipment	TBD	TBD
Water Meter Upgrades and Replacement	2025-2029	\$70,000
Central Metering Technology	2025	\$100,000
Chlorination System – Well #4 Upgrade	TBD	TBD
WSDOT Franchise	2025	TBD
Water Line Relocation: WSDOT/Fish Passage Upgrade	2025	TBD
Water Line Relocation: Orville and SR162 (Rouche/Card Creek Crossing) Design and Construction	2025-2026	TBD

**Commented [NS17]:** This is a draft version as of 7/30/2024. This list is consistent with information brought to a council committee for review earlier this summer, with some subsequent small adjustments. Further refinement may be needed.

SEWER PROJECTS	YEAR(S)	ESTIMATED COST
System Plan	2025	TBD
SCADA Sewer	2025	\$175,000
WRRF/WWTP Upgrades Construction	2025-2026	\$18,500,000
Process Design	2026	TBD
Membrane Filtration Design	2026-2027	TBD
Membrane Filtration Upgrade	2028	TBD
Lagoon Dredge	2025	\$850,000
Manhole Upgrades	2025-2029	TBD
I&I Improvements Design	2026-2029	\$120,000
I&I Improvements Construction	2026-2029	\$1,200,000
STORMWATER PROJECTS	YEAR(S)	ESTIMATED COST
Village Green Outfall ROW and construction	2025-2030	\$700,000
Calistoga St W Storm/Kansas St SW Outfall Construction	TBD	\$1,400,000
Kansas Street Stormwater Improvement	2027	\$1,600,000
Program: NPDES Stormwater Mgmt. Plan Updates	2025-2030	\$30,000
Equipment: Vactor Truck	2025	\$180,000
Equipment: Street Sweeper	2026	\$200,000
Equipment: Lift Truck	2027	\$160,000
PARKS AND RECREATION PROJECTS	YEAR(S)	ESTIMATED COST
Parks Master Plan Design and Construction	2024	TBD
Realignment of Trail Design	2024	\$175,000
Realignment of Trail Construction	2025	\$1,260,000

Calistoga/Whitehawk Master Plan	TBD	TBD
Whitehawk/Gratzer Park Complex Master Plan	TBD	TBD
Charter Park Court Complex Design	2025	\$50,000
Charter Park Court Complex Construction	2026	\$800,000
Play Structure Ground Cover	TBD	TBD
<b>MUNICIPAL FACILITIES PROJECTS</b>	<b>YEAR(S)</b>	<b>ESTIMATED COST</b>
Develop Plan to Dispose of Old Facilities	2025-2030	TBD
MPC/Library Window Replacement	TBD	TBD
Old City Hall Building Roof	TBD	TBD

# Goals and Policies for Capital Facilities

*Goal CF 1 Assure that capital improvements necessary to carry out the comprehensive plan are provided when they are needed.*

CF 1.1 The City ~~shall~~will coordinate its land use and public works planning activities with an ongoing program of long-range financial planning, in order to identify fiscal resources necessary to implement the capital facilities plan.

CF 1.2 Management of capital facilities should emphasize the following concepts:  
a. Providing preventative maintenance and cost-effective replacement of aging elements;  
b. Planning for the orderly extension and upgrading of capital systems while recognizing that system extensions associated with new development should be the responsibility of those desiring service;  
c. Inspecting systems to ensure conformance with design standards; and, ~~ed.~~ Reducing the potential for drastic rate increases through effective fiscal management and rate structures that reflect the LOS and CIP's.

CF 1.3 Determine which services are most cost-effectively delivered by the city and which services should be contracted out to be delivered by other jurisdictions or service providers. Where appropriate, joint facilities with adjacent service purveyors should be used to provide the most efficient and cost-effective service to customers.

*Goal CF 2 Ensure that the continued development and implementation of the Capital Improvement Program (CIP) reflects the policy priorities of the City Council.*

CF 2.1 ~~High priority of funding shall be accorded to~~ Projects which are consistent with the adopted goals and policies of the City Council will be given priority.

CF 2.2 Projects ~~shall~~should be funded only when incorporated into the City budget, as adopted by the City Council, unless an emergency warrants funding.

~~CF 2.3 Capital projects that are not included in the six-year Capital Facilities Plan and which are potentially inconsistent with the comprehensive plan shall be evaluated by means of the comprehensive planning process prior to their inclusion into the City's annual budget.~~

CF 2.3 The six-year Capital Facilities Plan ~~shall~~should be updated annually prior to the City budget process.

CF 2.4 All City departments shall review changes to the CIP and ~~shall~~should participate in the annual review.

*Goal CF 3 ~~Manage growth and the related development of city facilities and services to direct and control land use patterns and intensities. Ensure that all new development can be adequately served by capital facilities, utilities, and municipal services.~~*

CF 3.1 The City ~~shall~~will continue upgrading the sanitary sewer system as needs emerge to

ensure adequate capacity for future growth and development.

CF 3.2

The following level of service guidelines ~~shall~~ will be used to evaluate whether existing public facilities are adequate to accommodate the demands of new development:

Water (Source Capacity and Reliability) LOS: Maintain the existing source capacity of approximately 1.73 MGD for adequate household use and fire protection. The minimum fire flow requirements are based on Pierce County's Ordinance No. 17C.60:

Development Classification	Minimum Fire Flow Requirement
Residential	750 gpm for 45 minutes
Commercial & Multi-Family	1,500 gpm for 60 minutes
Industrial	2,000 gpm for 120 minutes

Water Quality LOS: The water system quality ~~shall~~ standard will be in compliance with Washington Administrative Code requirements for water quality.

Sewer LOS: Maximum month average daily flows for the City's wastewater gravity collection system and wastewater treatment facility shall not exceed the Washington Department of Ecology's MGD limit.

Stormwater LOS: Stormwater management ~~shall~~ will comply with the Washington Department of Ecology's requirements.

Fire LOS: Design – Coordinate land use planning, development review and fire protection facility planning to ensure that: a) adequate fire protection and emergency medical service can be provided; and b) project designs minimize the potential for fire hazard.

Fire LOS: Rating – Orting Valley Fire and Rescue (Pierce County Fire District 18) ~~shall~~ should maintain and make efforts to improve its current insurance rating of "7".

Police LOS: Design – Coordinate land use planning, development review, and police protection facility planning to ensure that: a) adequate police protection can be provided; and b) project designs discourage criminal activity.

Police LOS: Response Time – The Orting Police Department ~~shall~~ will have as a goal to maintain a 3 to 4 minute response time for emergency calls.

Parks, Trails and Open Space LOS: ~~The following level of service standards shall apply to land and facilities:~~ The Parks, Trails, and Open Space (PTOS) LOS is established by the PTOS Plan, adopted here by reference.

Type of Facility	LOS (facilities/population)
Baseball/Softball Field	1/2,000 (softball) 1/2 <sup>1</sup> / <sub>2</sub> ,000 (baseball)
Multi-Use Rectangular Field (e.g. soccer, football, lacrosse)	1/3,500

Basketball Courts ( <del>Two half courts are equivalent to one court</del> )	<del>1/3,500</del>
Tennis/ Pickle/ Racquetball Courts	<del>1/4,000</del>
Playground/ Big Toy	<del>1/1,000</del>
Special Facilities (e.g. skate park, splash park, BMX park)	<del>1/5,000</del>
Trails	<del>.25 miles/1,000</del>
Natural Resource Areas/ Open Space	<del>14 acres/ 1,000</del>
Parkland	<del>8 acres/1,000</del>

Transportation LOS: Transportation and land use planning should be coordinated so that adequate transportation facilities can be built concurrent with growth. The following level of service standards should be used to evaluate whether existing transportation facilities are adequate to accommodate the demands of new development: The transportation system ~~shall~~should function at a service level of at least D.

- CF 3.3 A development ~~shall~~should not be approved if it causes the level of service on a capital facility to decline below the standards set forth in CF Policy 3.~~23 and 3.4~~, unless capital improvements or a strategy to accommodate the impacts are made concurrent with the development for the purposes of this policy. In this context, “concurrent with the development” ~~shall mean~~means that improvements or strategy are in place at the time of the development or that a financial commitment is in place to complete the improvements or strategies within six years.
- CF 3.4 If adequate facilities are currently unavailable and public funds are not committed to provide such facilities, developers must provide such facilities at their own expense, or pay impact fees in order to develop. If the probable funding falls short of meeting the capital facility needs of the anticipated future land uses and population, the type and extent of land uses planned for the City must be reassessed.
- CF 3.5 Require that development proposals are reviewed by the various providers of services, such as school districts, sewer, water, and fire departments, for available capacity to accommodate development and needed system improvements.
- CF 3.6 New or expanded capital facilities should be compatible with surrounding land uses; such facilities should have a minimal impact on the natural or built environment.
- CF 3.7 Maintain the water quality of the Carbon and Puyallup Rivers by complying with Washington Department of Ecology guidelines.

**Goal CF 4** *Ensure that financing for the city’s needed capital facilities is as economical, efficient, and equitable as possible.*

- CF 4.1 The burden for financing capital facility improvements should be borne by the primary beneficiaries of the facility.
- CF 4.2 General Fund revenues should be used only to fund projects that provide a benefit to the entire community or to accommodate unmet facility needs beyond those created by new growth.



- CF 4.3 Long-term borrowing for capital facilities should be considered as an appropriate method of financing large facilities that benefit more than one generation of users.
- CF 4.4 Where possible, special assessment, revenue and other self-supporting bonds and grants will be used instead of tax supported general obligation bonds.

**Goal CF 5** *Provide the most cost-effective and efficient water, stormwater and sewer service to residents within Orting and its service area.*

- CF 5.1 Expansion of sewer service ~~shall~~ will be coordinated among Orting, the Washington State Department of Ecology, and Pierce County, and ~~shall give~~ priority will be given to infill within the city limits and existing urbanized unincorporated areas within the urban growth service area.

~~CF 5.2 Phasing of sewer expansion shall follow the city's urban growth area established in the comprehensive plan, unless sewer service will remedy groundwater contamination and other health problems or the city arranges to provide services to other urban growth areas established by the Pierce County Comprehensive Plan~~

- CF 5.2 New industrial development ~~shall~~ will not be allowed to utilize on-site sewage systems. ~~New industrial development, and shall~~ must be served by the City's treatment facilities.

- CF 5.3 Require sewage gravity collection system connections for all new development including single-family subdivisions unless otherwise approved by the Council and consistent with the Pierce County Countywide policies.

- CF 5.4 Identify, prioritize, and gradually replace existing sewer lines in poor condition to reduce inflow and infiltration to increase the capacity of the sewage treatment system.

- CF 5.5 Provide an adequate water supply and distribution system for all domestic use, fire flow and fire protection at all times. Fire flow capabilities can be increased, and Fire Insurance Rating Classifications improved by upgrading water pipeline sizes, creating additional pipe networks, and increasing water storage capacities. Require transfer of private water rights to the city as part of all development permit approvals.

**Goal CF 6** *Develop a system of parks and recreation facilities that is attractive, safe, and available to all segments of the population.*

- CF 6.1 Mitigate impacts on parks, trails, and the recreation system from new growth based on impact fees, land dedication, and/or facility donations based on the level of service standards.

- CF 6.2 Cooperate and coordinate with the school district, other public agencies and private groups through the use of interlocal agreements and contracts to meet the recreation needs of the City.

- CF 6.3 Support continued development of the Foothills Trail and related links and parks for bicycles, pedestrians and equestrians, running through Pierce County to Mount Rainier National Park.

- CF 6.4 Develop a network of parks, open space and trails throughout the city for pedestrians, bicycles and equestrians, with priorities on:

**Commented [NS18]:** This should be deleted because the city does not have a UGA beyond city limits.

a. The dedication and development of lands which would link with the Foothills Trail, the downtown parks, the Puyallup and Carbon River waterfront corridors and a linkage across the Carbon River to the Cascadia trail system.

b. Maintaining and improving the accessibility, usability, and safety of Orting's parks and trails, and

c. Sustaining community-wide efforts to improve public access to the Carbon and Puyallup Rivers at those points along the banks which best fulfill the criteria for education, accessibility and restoration as outlined in the City's Shoreline Master Program.

CF 6.5 Future park plans or remodels should prioritize barrier-free equipment additions, such as wheelchair swings, adaptive spinners, or the like where none currently exist.

CF 6.6 Create, periodically review, and update the Main Parks Master Plan to provide for cohesive development of the park and connectivity with the downtown core. Continue progress toward the finalization and construction of the Main Parks Master Plan.

CF 6.7 Work with Pierce County and applicable agencies to identify and help mitigate impacts to Calistoga Park.

~~Pol. CF 6.1 — Mitigate impacts on parks, trails, and the recreation system from new growth based on impact fees, land dedication, and/or facility donations based on the level of service standards.~~

~~Pol. CF 6.2 — Cooperate and coordinate with the school district, other public agencies and private groups through the use of interlocal agreements and contracts to meet the recreation needs of the City.~~

~~Pol. CF 6.3 — Support Pierce County development of the Foothills Trail, and related links and parks, for bicycles, pedestrians and equestrians, running through Pierce County to Mount Rainier National Park.~~

~~Pol. CF 6.4 — Improve the network of parks, open space and trails throughout the city for pedestrians, bicycles and equestrians, with priority on:~~

~~The dedication and development of lands which would link with the Foothills Trail, the downtown parks, the Puyallup and Carbon River waterfront corridors and a linkage across the Carbon River to the Cascadia trail system;~~

~~Maintaining and improving the accessibility, usability, and safety of Orting's sidewalks, parks and trails, and~~

~~Sustaining community wide efforts to improve public access to the Carbon and Puyallup Rivers at those points along the banks which best fulfill the criteria for education, accessibility and restoration as outlined in the 2009 Shoreline Master Program.~~

~~Pol. CF 6.5 — Future park plans or remodels should prioritize barrier free equipment additions, such as wheelchair swings, adaptive spinners, or the like — where none currently exist.~~

~~Pol. CF 6.6 — Create and periodically review and update a Master Plan for City Park to provide for cohesive development of the park that serves the community.~~

~~Pol. CF 6.7 — Work with Pierce County and applicable agencies to identify and help mitigate impacts to Calistoga Park.~~

### **Goal CF 7 Cooperate in the siting of essential public facilities in Orting.**

CF 7.1 The site selection process for essential public facilities on the list maintained by the Office of Finance and Management ~~shall~~should include the following components:  
a. The state must provide a justifiable need for the public facility and its location

in Orting based upon forecasted needs and a logical service area;  
b. The state must establish a public process by which residents of Orting have an opportunity to meaningfully participate in the site selection process.

- CF 7.2 Public facilities ~~shall~~should not be located in designated resource lands, critical areas, or other areas where the siting of such facilities would be incompatible.
- CF 7.3 Multiple use of corridors for major utilities, trails, and transportation rights-of-way is encouraged.
- CF 7.4 Siting of public facilities ~~shall~~will be based upon criteria including, but not limited to:  
a. Specific facility requirements (acreage, transportation access, etc.);  
b. Land use compatibility;  
c. Potential environmental impacts;  
d. Potential traffic impacts;  
e. Fair distribution of such public facilities throughout the County;  
f. Consistency with state law and regulations.
- CF 7.5 City plans and development regulations should identify and allow for the siting of essential public facilities. Design standards ~~shall be~~are required to ensure compatibility with adjacent land uses and mitigate any adverse impacts. The City's siting process may include requirements that facilities provide amenities or incentives to the neighborhood as a condition of approval. At least one public hearing ~~shall~~will be required to ensure adequate public participation.
- CF 7.6 Cooperatively work with surrounding municipalities including Pierce County during the siting and development of facilities of regional significance. The City ~~shall~~will seek an agreement with neighboring jurisdictions, state or county agencies to mitigate any disproportionate financial and other burdens which may fall on the City due to the siting.
- CF 7.7 Essential public facilities that are county-wide or state-wide in nature (e.g., solid waste and/or hazardous waste facilities), must meet existing state law and regulations requiring specific siting and permitting requirements.

*Goal CF 8 Manage stormwater runoff in such a manner as to: Protect property from flooding and erosion; protect streams and shorelines from erosion and sedimentation to avoid the degradation of environmental quality and natural system aesthetics; protect the quality of groundwater and surface water, and; provide recharge of groundwater where appropriate.*

- CF 8.1 Manage the stormwater utility to:  
a. Identify existing and potential problems at the drainage basin level;  
b. Propose solutions to those problems;  
c. Recognize the importance of natural systems and receiving waters and their preservation and protection;  
d. Set design and development guidelines; and  
e. Provide a strategy for implementation and funding.
- CF 8.2 Encourage either regional or low impact development approaches to managing stormwater ~~to~~ provide improved performance, maintenance, and cost efficiency. Wherever possible, regional facilities should be considered as a multi-functional

community resource which provides other public benefits such as recreational, habitat, cultural, educational, open space, and aesthetic opportunities.

- CF 8.3 The City should require new development to provide onsite storm drainage and all off-site improvements necessary to avoid adverse downstream impacts.
- CF 8.4 Where appropriate and feasible, infiltration of stormwater is preferred over surface discharge to downstream system. The return of precipitation to the soil at natural rates near where it falls should be encouraged through the use of detention ponds, grassy swales, and infiltration.
- CF 8.5 Development should be designed to minimize disruption and/or degradation of natural drainage systems, both during and after construction. Development design which minimizes impermeable surface coverage ~~by limiting site coverage~~ and ~~maximizing maximizes~~ the exposure of natural surfaces should be encouraged.
- CF 8.6 Industries and businesses should use best management practices to prevent erosion and sedimentation from occurring, and to prevent pollutants from entering ground or surface waters.
- CF 8.7 Sites that have been cleared, graded, or filled in violation of current or prior standards should be fully restored before construction permits are issued.

~~Goal CF 9 — Ensure that those public facilities and services necessary to support development shall be adequate to serve the development without decreasing current service levels below adopted level of service standards.~~

~~Pol. CF 9.1 — Coordinate new development with the provision of an adequate level of services and facilities, such as schools, water, transportation and parks, as established in the capital facilities element.~~

~~Pol. CF 9.2 — Ensure that new development does not outpace the City's ability to provide and maintain adequate public facilities and services, by allowing new development to occur only when and where adequate facilities exist or will be provided.~~

~~Pol. CF 9.3 — The City will coordinate concurrency review. Developers shall provide information relating to impacts that the proposed development will have on public facilities and services. The City shall evaluate the impact analysis and determine whether the development will be served by adequate public facilities.~~

~~Pol. CF 9.4 — The City shall permit the development of essential public facilities in accordance with the provisions of the County Wide Planning Policies.~~

*Goal CF 9 Ensure that all public facilities and services are sited and provided in an equitable and sustainable manner.*

- CF 9.1 Consider the potential impacts of climate change on public facilities and support the necessary investments to move to low-carbon energy sources and other green initiatives for public infrastructure and services.
- CF 9.2 Promote affordable and equitable access to public services, including drinking water and telecommunication infrastructure, to provide access to all communities, especially underserved communities.
- CF 9.3 Locate community facilities and services, including civic places like parks, schools, and other public spaces, in centers and near transit (or near probable future locations for transit), with consideration for climate change, economic, social and health impacts.

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# Goals and Policies for Utilities

**Goal U 1** *Assure that the energy and communication facilities and services to support current and future development are available as needed.*

U 1.1 The City does not provide natural gas, electrical or communication services. These facilities and services are currently provided by private companies. To facilitate the coordination of these services, the City should discuss and exchange population forecasts, development plans and technical data with the agencies identified in this plan.

U 1.2 New development ~~shall~~should be allowed only when and where all public utilities are adequate, and only when and where such development can be adequately served without reducing level of service elsewhere.

U 1.3 Coordinate City actions with the appropriate activities of the ~~service providers such as~~ Bonneville Power Administration, Puget Sound Energy, CenturyLink, ~~AT&T, MCI, Sprint, and Comcast~~ and so forth. These coordination efforts should ensure that these providers of services and utilities rely upon the Land Use Element of this Plan to plan future facilities.

U 1.4 The City of Orting adopts the following level of service guidelines:

- a. Collection service for solid waste ~~shall~~will be available and required for all properties within the City.
- b. Coordinate land use and facility planning with Puget Sound Energy to allow for siting and construction of electrical transmission and distribution facilities that provide sufficient amounts of power with minimal periods of service interruption.
- c. Promote the extension of natural gas distribution lines within the City. Coordinate land use and facility planning to allow for construction and replacement of natural gas distribution conduits along roadways which are undergoing reconstruction.
- e. For telecommunications, including telephone, internet, cellular telephone and cable television, advocate the development and maintenance of facilities necessary to provide services as needed to accommodate population growth and advancements in technology. For cellular telephone service, work with providers to enhance the range of the regional service area.

**Goal U 2** *Seek to minimize impacts associated with the siting, development, and operation of utility services and facilities on adjacent properties and the natural environment.*

U 2.1 Electric power substations and recycling drop-off boxes should be sited, designed, and buffered (through extensive screening and/or landscaping) to fit in harmoniously with their surroundings. When sited within or adjacent to residential areas, special attention should be given to minimizing noise, light and glare impacts. Visual and land use impacts resulting from electrical system upgrades ~~shall~~must also be mitigated.

U 2.2 The City ~~shall~~should encourage or require implementation of resource conservation practices and best management practices according to the U.S.D.A. Soil Conservation Service during the construction, operation, and maintenance of utility

structures and improvements.

- U 2.3 The City ~~shall~~ **should** establish a process for identifying and siting essential public facilities, such as solid waste or recycling handling facilities and cooperatively work with surrounding municipalities and Pierce County during the siting and development of facilities of regional significance.
- U 2.4 Protect and enhance the environment and public health and safety when providing services and facilities.

**Goal U 3** *Maintain an adequate and effective solid waste and recycling program which maintains public health, environmental and land use quality.*

- U 3.1 Continue work with Pierce County and solid waste haulers to reduce the solid waste stream and maintain or surpass the 50-percent recycling goal.
- U 3.2 Continue existing recycling activities and work with Pierce County and solid waste haulers to expand the local recycling program, including collection of materials not currently collected.
- U 3.3 Support Pierce County in maintaining an information management program which will aid in tracking and evaluating the waste stream and recycling program impacts in the City.
- U 3.4 Encourage private and public sector involvement in recycling programs and in the use of recycled products.

# TITLE 12 SUBDIVISION REGULATIONS

## CHAPTER 1 INTRODUCTION

### 12-1-1: TITLE:

This title shall be known as the ZONING SUBDIVISION CODE.

### 12-1-2: PURPOSE:

The general purposes of this title are:

- A. To regulate the subdivision of land;
- B. To promote the public health, safety, and general welfare in accordance with standards established by the state including the growth management act <sup>1</sup> and boundaries and plats<sup>2</sup>;
- C. To promote effective use of land;
- D. To facilitate adequate provision for water, [seweragesewage](#), utilities, drainage, parks and recreation areas, sites for schools and school grounds and other public requirements;
- E. To provide for proper ingress and egress;
- F. To provide for the expeditious review and approval of proposed subdivisions which conform to zoning standards and local plans, minimum development standards and policies;
- G. ~~To require uniform monumenting of land subdivisions and conveying by accurate legal description.~~ [To require that land subdivisions are uniformly monumented and are conveyed by accurate legal description.](#)

### Notes

- 1. RCW 36.70A et seq.
- 2. RCW 58.[17 et seq.](#)

### 12-1-3: AUTHORITY:

The city council delegates the responsibility for making final determinations on boundary line adjustments and short plats to the administrator. The city council shall have the authority to make final decisions on preliminary plats, final plats, preliminary planned



unit developments (PUDs), binding site plans, and final PUDs. The planning commission shall conduct public hearings and submit recommendations for approval or denial of preliminary plats, binding site plans, and PUDs to the city council for final decisions and shall make final decisions on final plat vacations and alterations. Further description of the land subdivision permit authorities is in title 15, chapter 4 of this code.

**12-1-4: SCOPE:**

Any division, redivision, platting, ~~or subdivision,~~ or any division of land containing a dedication of any part thereof to any public purpose (such as a public street or a highway), shall comply with the provisions of this title.

**12-1-5: EXEMPTIONS:**

This ~~chapter Title~~ shall not apply to divisions and activities described ~~in chapter 4 of this title or~~ in Revised Code of Washington 58.17.040; provided, that in order to determine whether a boundary line adjustment meets the requirements for an exempt action, approval must be received as set forth in section 12-3-3 of this title.

**12-1-6: EFFECT OF FILING COMPLETED APPLICATION:**

A. Ordinances In Effect: A proposed division or subdivision of land, as defined in chapter 2 of this title, shall be considered under the subdivision code; and zoning or other land use control ordinances in effect at the time ~~that~~ a fully completed application for preliminary plat approval or short plat approval of the subdivision has been submitted.

B. Restrictive Conditions Imposed: The limitations imposed by this section shall not restrict conditions imposed under the state environmental policy act ("SEPA"), Revised Code of Washington chapter 43.21C, and the city's SEPA regulations ~~set forth in~~ title 15, chapter 14 of this code.

**12-1-7: ~~REPEALED. PLANNED UNIT DEVELOPMENTS:~~**

~~Title 13, zoning, provides for the concurrent processing of subdivisions and PUDs when applications are made submitted for the same site. Timing of permit review and approval of such proposals shall be dictated by the PUD procedures. See subsection 13-6-4 of this code.~~

## CHAPTER 2 DEFINITIONS

### 12-2-1: GENERAL PROVISIONS:

As used in this title, unless ~~the context or subject matter clearly requires~~ otherwise specifically stated, the words or phrases defined in this chapter shall have the meanings indicated ~~below~~meanings.

### 12-2-2: A:

ADMINISTRATOR: The city administrator, chief supervisory staff person or his/her designee.

ALLEY: A minor public right of way used primarily for vehicular service access to the rear or side of properties.

APPLICANT: A person, party, firm, corporation, or other legal entity seeking development approval from the city by submitting an application for any of the activities covered by these regulations.

ARTERIAL: A street or highway of great continuity which serves or is intended to provide capacity for fast or heavy traffic.

### 12-2-3: B:

BINDING SITE PLAN: An alternative method of land division for the sale or lease of commercial or industrial properties, condominiums and manufactured home parks that is more flexible than traditional subdivision procedures.

BLOCK: A group of lots, tracts, or parcels within well defined and fixed boundaries.

BOUNDARY LINE ADJUSTMENT: The adjustment of a boundary line between existing lots which results in no more lots than existed before the adjustment.

~~BUFFER: A linear landscaped area with sufficient planting density to provide effective sight obscuring between incompatible land uses.~~

BUILDING: A structure having a roof for the shelter of persons or property.

BUILDING AREA, BUILDING SITE: An area within a lot upon which a building to accommodate the principal use of the lot could be practicably built, bound by the setbacks.

BUILDING COVERAGE: The total ground coverage of all buildings, structures, roof overhangs, and eaves measured from the outside edges, external walls, supporting members or roof edges.

BUILDING SETBACK LINE: The line indicating the minimum horizontal distance between the property line and the building.

**Commented [A1]:** The only use of the term buffer in this subdivision code is in the context of critical area buffers. AHBL suggests moving this definition to Title 13 where landscape requirements are located and landscape buffers are required.

**Commented [A2]:** Adding this here (same definition as in Title 13) because this term will be used for unit lot subdivisions).

**12-2-4: C:**

CITY: The city of Orting.

CITY COUNCIL: The city council ~~of the city~~ of Orting.

~~CLOSED RECORD APPEAL: An appeal to the city council based on the existing record.~~

**Commented [A3]:** AHBL suggests removing from this chapter since the term is not used in the Subdivision code. The term is also defined in Title 13.

COMMUNITY DEVELOPMENT DIRECTOR: The Director of the City of Orting's Department of Community Development.

CLOSED RECORD HEARING: A hearing, conducted by a single hearing body or officer authorized by the local government to conduct such hearings, that creates the local government's record through testimony and submission of evidence and information, under procedures prescribed by the local government by ordinance or resolution. A closed record hearing may be held prior to a local government's decision on a project permit to be known as a "closed record predecision hearing." A closed record hearing may be held on an appeal, to be known as a "closed record appeal hearing," if no closed record predecision hearing has been held on the project permit.

COMPREHENSIVE PLAN: The Orting comprehensive plan adopted in 1996, as amended.

CRITICAL AREAS: Areas of environmental sensitivity, which include the following areas and ecosystems: a) wetlands; b) areas with a critical recharging effect on aquifers used for potable water; c) fish and wildlife habitat conservation areas; d) frequently flooded areas; and e) "geologically hazardous areas", as defined by title 11 of this code.

CROSSWALK: A public right of way, ten feet (10') or more in width between property lines, which provides pedestrian access to adjacent properties.

CUL-DE-SAC: A short street intersecting with another street at one end and terminated by a vehicular turnaround at the other end.

**12-2-5: D:**

DEDICATION: The deliberate appropriation of land or rights in land by its owner for any general and public use, reserving to himself or herself no other rights than such as are compatible with the full exercise and enjoyment of the public use to which the property has been devoted. The intention to dedicate shall be evidenced by the owner by the presentment for filing of a final plat or short plat showing the dedication thereon; and the acceptance by the public shall be evidenced by the approval of such plat for filing by the city.

DESIGN STANDARDS: Dimensional and other quantitative standards, including, but not limited to, lot sizes and dimensions, setbacks, building placement and design requirements for improvements such as streets, sidewalks, storm drainage facilities and other standards used by the city to control physical development.

DEVELOPER: See definition of Applicant in this chapter.

DEVELOPMENT: Any land use permit or action regulated by this title and titles 13 and 15 of this code, including, but not limited to, subdivisions, planned unit developments, binding site plans, rezones, conditional use permits, or variances.

DEVELOPMENT CODE: Orting municipal code, this title and titles 13 and 15.

DWELLING, ATTACHED MULTIFAMILY: A dwelling unit constructed in a group of two or more units attached by common walls or walls in which each unit extends from foundation to roof.

DWELLING UNIT: A building or portion thereof providing complete housekeeping facilities for one family household. Dwelling unit does not include recreation vehicles or mobile homes.

**Commented [A4]:** This definition provides clarity that in *Chapters 4-4-4 and 12-5-4A regarding Unit lot subdivisions* the codes apply to attached multifamily units (townhouses) and not stacked multifamily units.

**12-2-6: E:**

EASEMENT: A grant by the owner of land, to others, of the use of a portion of the land for specific purposes.

EFFECTIVE DATE: The date a final decision becomes effective.

**Commented [A5]:** This specific term is not used in this Title. Consider removing.

**12-2-7: F:**

FINAL DECISION: The final action by the administrator, city boardplanning commission, hearing examiner, or city council.

FINAL PLAT: See definition of Plat, Final in this chapter.

**12-2-8: G:**

**12-2-9: H:**

HEARING EXAMINER: The official appointed by the mayor to adjudicate land use decisions as set forth in this code.

**12-2-10: I:**

IMPROVEMENTS, PUBLIC: Any sanitary sewer, storm sewer, drainage ditch, permanent best management practice (BMP) for stormwater treatment or control, water main, roadway, parkway strip, sidewalk, planting strip, crosswalk, off street parking area, or other facility for which the city may ultimately assume the responsibility for ownership, maintenance, and operation.

**12-2-11: J:**

**12-2-12: K:**

**12-2-13: L:**

LOT: A fractional part of divided lands having fixed boundaries, being of sufficient area and dimension to meet minimum zoning requirements for width and area. The term shall include tracts or parcels.

LOT, CORNER: A lot situated at the junction of and bordered by two (2) intersecting city streets, alleys and driveways are not considered public streets for the purposes of determining corner lots.

LOT DEPTH: The mean horizontal distance between the front and rear lot lines, measured in the general direction of the side lot line(s).

LOT, FLAG OR PIPESTEM: A large lot not meeting minimum street frontage requirements where access to the street is provided by a narrow, private driveway. Development on flag lot created after November 1, 2005, shall be subject to review and approval standards.

LOT, INTERIOR: A lot located within a group of lots other than on intersecting streets having only one street frontage.

LOT LINE ADJUSTMENT: See definition of Boundary Line Adjustment in this chapter.

LOT LINE, FRONT: The line separating any lot or parcel of land from a street right of way. On a through lot, the line abutting the street providing primary access to the lot. In the case of a corner lot, the front line shall be considered to be along both street lot lines.

LOT LINE, REAR: The lot line opposite and most distant from the front lot line, and in the case of a triangular, irregular or other odd shaped lot, the line bordering the lot, generally parallel to, and at the maximum distance from the front lot line.

LOT LINE, SIDE: Any lot line not a front lot line or a rear lot line.

LOT LINES OR PROPERTY LINES: The boundary lines of a parcel of land.

LOT OF RECORD: An area or parcel of land as shown on an officially recorded plat or subdivision, or an area or parcel of land to which a deed or contract is officially recorded as a unit of property, or which is described by metes and bounds or as a fraction of a section.

[LOT, PARENT: Legal lot which establishes the exterior boundary of a unit lot subdivision.](#)

LOT, THROUGH: A lot fronting on two (2) streets that is not a corner lot.

[LOT, UNIT: Portion of a parent parcel, the fee of which may be independently transferred upon recording of a unit lot subdivision.](#)

[LOT WIDTH: ~~The mean horizontal distance separating side lot lines of an individual lot~~ The distance between the side lot lines measured at right angles to the line establishing](#)

the lot depth at a point midway between the front lot line and the rear lot line. Any area used as an access easement shall be excluded from the computation of the lot width.

**Commented [A6]:** This is intended to provide a definitive way to measure lot width for odd shaped lots, such as Pie shaped lots on a cul-de-sac. This can be very helpful to developers that may wonder "how will the city assess lot width standards?" and are seeking clarity, consistency.

LOT, ZERO LINE: The common property line separating two (2) lots upon which the dwelling on one of the lots may be located without a setback providing a proper firewall rating is utilized. All other aspects are the same as in conventional development. When lots are proposed for this type of development, site plan approval shall be required as part of a subdivision approval.

**12-2-14: M:**

MITIGATION CONTRIBUTION: A cash donation or other valuable consideration offered by the applicant in lieu of: a) a required dedication of land for public park, recreation, open space, public facilities, or schools; or b) road improvements needed to maintain adopted levels of service or to ameliorate identified impacts and accepted on the public's behalf as a condition of approval of a subdivision, plat or binding site plan. Voluntary contributions may be accepted by the city.

**Commented [A7]:** This specific term is not used in this title.

**12-2-15: N:**

NONCONFORMING LOT: A lawfully established lot which does not conform to the current provisions of the development code.

**12-2-16: O:**

**12-2-17: P:**

PARTY OF RECORD: Any person who has testified at a hearing or has submitted a written statement related to a development action and who provides the city with a complete address.

PERSON: Any person, firm, business, corporation, partnership or other association or organization, marital community, municipal corporation, or governmental agency.

PLAN, FINAL: The final drawing of a subdivision and dedication, containing all elements and requirements set forth in this title for approval by the city and recording by the county auditor.

PLANNING COMMISSION: The Orting city planning commission as appointed by the city council.

PLAT: A scale drawing of a subdivision showing lots, blocks, streets or tracts or other divisions or dedications of land to be subdivided.

PLAT, FINAL: A precise drawing of a subdivision and dedications which conforms to the approved preliminary plat, meets all the conditions of preliminary approval and meets the requirements of the Pierce County auditor for recording.

PLAT, FINAL SHORT: A precise drawing of a short subdivision and dedications which conforms to the approved preliminary short plat, meets all the conditions of approval and meets the requirements of the Pierce County auditor for recording.

PLAT, PRELIMINARY: A neat and approximate scale drawing of a proposed subdivision, showing the existing conditions and the proposed layout of streets, lots, blocks and other information needed to properly review the proposal.

PLAT, PRELIMINARY SHORT: A neat and approximate scale drawing of a proposed short subdivision, showing the existing conditions and the proposed layout of streets, lots, blocks and other information needed to properly review the proposal.

PLAT, SHORT: The plat of a short subdivision.

PRIVATE DRIVEWAY: A paved or graveled surface a minimum of 15 feet in width that provides access to a lot from a public or private right-of-way.

**Commented [A8]:** This proposed definition we have provided here is similar to what is being used in another small Pierce County city. This additional definition is needed as we identified the need to: "Update the definition and add to the definition section of Title 13 as well, where it is regulated. Include a definition of a private driveway if that description is kept and what the minimum street frontage is. Update regulations for development on existing flag lots. There is no minimum street frontage listed anywhere which is what creates the "flag lot" \*\* We are checking with JC at Parametrix to see if he agrees to the 15 foot minimum.

PUBLIC FACILITIES AND UTILITIES: Land or structures owned or operated for the benefit of the public use and necessity, including, but not limited to, public facilities defined in Revised Code of Washington 36.70A.030, as amended.

PUBLIC HEARING, OPEN RECORD: An open ~~or closed~~ record hearing at which evidence is presented and testimony is taken.

PUBLIC OPEN SPACE: Any publicly owned land, including, but not limited to, parks, playgrounds, waterways, and trails.

PUBLIC WORKS STANDARDS: Those specifications and standard design details, as adopted and amended by the City Department of Public Works, that are intended to regulate the construction of public works, or improvements that will be dedicated to the public, that are associated with public and private development within the City.

**12-2-18: Q:**

**12-2-19: R:**

ROADWAY: The portion of a street available for vehicular traffic; where curbs are laid, the portion between curbs; where no curbs are laid, that portion between the edges of the shoulder.

ROADWAY BUFFER/CUTTING PRESERVE: A greenbelt lying outside and adjacent to the right-of-way line of collector and arterial roadways. Roadway buffers/cutting preserves shall be separate, designated tracts and depicted on the face of a plat or binding site plan as required by the City as a condition of approval.

**Commented [A9]:** This definition is currently provided in Title 13 however the term is not used anywhere in the code. Suggest defining here and adding to the approval criteria for subdivisions.  
NOTE: According to OMC 13-2-19, the term has not been altered since 2004 and may be antiquated and unnecessary.

**12-2-20: S:**

SHORT PLAT: See definition of Subdivision, Short in this chapter.

SIDEWALK: The portion of a street or crosswalk, paved or otherwise surfaced, intended for pedestrian use only.

**Commented [A10R9]:** Added to chapter 9 and 11 for criteria for approval for BSP and subdivisions.

**SITE PLAN:** A scale drawing which shows the areas and locations of all buildings, streets, roads, improvements, easements, utilities, open spaces and other principal development features for a specific parcel of property.

**SITE PLAN, BINDING:** A site plan reviewed and approved pursuant to title 13 of this code, containing the inscriptions or attachments setting forth the limitations and conditions of use for a specific parcel of property and meeting the requirements of the Pierce County auditor for recording.

**STREET, COMMUNITY ARTERIAL:** A street used to collect and distribute traffic from higher capacity arterials to local access streets.

**STREET, LOCAL COMMERCIAL ACCESS:** A street used to provide access to properties in commercial or industrial areas.

**STREET, LOCAL RESIDENTIAL ACCESS:** A street used to provide access to residential property.

**STREET, NEIGHBORHOOD COLLECTOR:** A street used to collect and distribute traffic from residential access streets within residential neighborhoods.

**STREET, PRIMARY ARTERIAL:** A street or highway used to expedite through traffic between communities.

**SUBDIVISION:** The division or redivision of land into ten (10) or more lots, tracts, parcels, sites or divisions for the purpose of sale, lease, or transfer of ownership, including resubdivision of previously subdivided land, except as provided in this title.

**SUBDIVISION, SHORT:** The division or redivision of land into nine (9) or fewer lots, tracts, parcels, sites or divisions for the purpose of sale, lease, or transfer of ownership, except as provided in this title.

**12-2-21: T:**

**TRACT OR PARCEL:** A portion of a subdivision having fixed boundaries, not including a lot.

**12-2-22: U:**

[UNIT LOT SUBDIVISION: The division of a parent parcel \(the initial parcel from which unit lots are subdivided\) into several unit lots \(one of the individual divisions created from the subdivision of a parent lot\). Sites developed or proposed to be developed with single family, townhouses, rowhouses, and cottage housing may be subdivided into individual unit lots to allow the separate ownership of each residential unit \(together with the land below it\), as permitted in the applicable zones.](#)

**12-2-23: V:**

**12-2-24: W:**

**12-2-25: X:**



**12-2-26: Y:**

YARD: The lot area between lot lines and the building area.

YARD, FRONT: The area between the front lot line and the building line extending the full width of the lot. On a through lot, the front yard shall be the area between the front lot line from which primary access is taken and the building setback line. On a corner lot there shall be two (2) front yards.

YARD, REAR: The area between the rear lot line and the building area extending the full width of the lot. ~~The rear setback area.~~

YARD, SIDE: The side setback area between the side lot lines and the building area, extending the full length of the building area. On corner lots the side yard is that which is opposite from the front yard, except when a corner lot is also a through lot, then the side yard shall be the area along the interior side lot line.

**12-2-27: Z:**

ZONE, ZONE DISTRICT: A defined area of the city within which the use of land is regulated and certain uses are permitted and other uses are excluded as set forth in title 13 of this code.

## CHAPTER 3 BOUNDARY LINE ADJUSTMENTS

### 12-3-1: REQUIREMENTS FOR COMPLETE APPLICATION:

An applicant for a boundary line adjustment shall submit the following:

A. Map; Scale: ~~Five (5) paper copies of a~~ map at a scale of not less than one inch equal to ~~one hundred fifty~~ feet (1" = ~~400'50'~~), which depicts the existing property configuration, including all lot line dimensions. ~~Applicants are also encouraged to provide one digital copy on a CD. Digitally submitted plans shall be in a CAD program compatible with AutoCad or ArcView, a digital portable document file (PDF).~~

~~B. Mylar Map: A Mylar map which depicts the proposed property configuration, including all lot line dimensions and existing improvements.~~

~~CG.~~ Legal Description: ~~Five (5) paper copies of a~~ legal description of the existing property configuration and proposed property configuration, prepared by a licensed professional land surveyor.

~~CD.~~ Application: ~~Five (5) paper copies of a~~ completed application form, as described in title 15 of this code.

### 12-3-2: TYPE OF APPLICATION:

A boundary line adjustment is an administrative decision, made by the administrator. The application shall be processed as set forth in title 15, chapter 9 of this code.

### 12-3-3: CRITERIA FOR APPROVAL:

The administrator shall approve an application for a boundary line adjustment if it is determined that:

A. Additional Lot Or Division: No additional lot, tract, parcel, site or division ~~will~~ shall be created by the proposed adjustment;

B. Insufficient Area And Dimensions: No lot is ~~created or~~ modified which contains insufficient area and dimensions to meet the minimum requirements of the zone in which the affected lots are situated;

C. Drainage; Utilities: No lot is created or modified which does not have adequate drainage, water supply and sanitary sewage disposal, and access for vehicles, utilities and fire protection, and no existing easement in favor of the public is rendered impractical to serve its purpose;

D. Consistent With Zoning Regulations: The boundary line adjustment is consistent with the applicable provisions of title 13 of this code;

E. Straight Line: The adjusted boundary line shall run in a straight line over its entire length except when natural boundaries, existing structures, or existing rights of way preclude such a straight line.

**Commented [A11]:** Unnecessary language - lots can't be created through a BLA

**12-3-4: RECORDING:**

The applicant shall be responsible for recording the boundary line adjustment with the Pierce County auditor.

## CHAPTER 4 SHORT SUBDIVISIONS (PLATS)

### 12-4-1: REQUIREMENTS FOR COMPLETE APPLICATION:

A. ~~Number Of Copies~~ Short Plat drawing: ~~One original Mylar and three (3) copies.~~ Standard drawing size is eighteen inches by ~~twenty~~ twenty four inches (18" x 24"). Digitally submitted plans shall ~~Applicants are also encouraged to provide one digital copy in a CAD program compatible with AutoCad or ArcView be a portable document file (PDF).~~

B. Pertinent Data: A proposed short plat must include pertinent survey data compiled as a result of a survey made by or under the supervision of a professional land surveyor registered in the state and engaged in land surveying.

C. Application Contents: In addition to the requirements for a completed application set forth in Title 15 of this code, an applicant for a short plat shall submit the following:

1. A sketch or map using a scale of not less than one inch equal to one hundred ~~fifty~~ feet ~~to one inch (100' = 1" = 50')~~ or larger of the entire contiguous tract owned by the applicant which shall show:

a. The owners of adjacent land and the names of any adjacent parcels or subdivisions;

b. Lines marking the boundaries of the proposed lots;

c. Approximate locations of existing streets and ways or easements for such streets and ways within and adjacent to the tract and other improvements on and adjacent to the subject parcel;

d. Legal description of the tract and legal descriptions of any proposed lots;

e. Name and address of the owner(s) of the parcels and/or tracts ~~tract~~;

2. A certificate giving full and complete description of the lands divided as they appear on the short plat, including a statement that the short subdivision has been made with free consent and in accordance with the desires of the owner(s). If the short plat includes a dedication, the certificate shall also contain the dedication of any streets and other areas to the public, and individual(s), religious society or societies or to any corporation, public or private, as shown on the short plat and 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 the road. The certificate shall be signed and acknowledged before a notary public by all parties having any interest in the lands subdivided.

3. All short plats ~~containing a dedication~~ must be accompanied by a title report confirming that the title of the lands as described and shown on the plat is in the name of the owner signing the certificate. Roads not dedicated to the public must be clearly marked on the face of the plat. Any dedication, donation, or grant as shown on the face

of the plat shall be considered to all intents and purposes as a quitclaim deed to the donee(s), grantee(s) for his, her or their use for the purpose intended by the donors or grantors as aforesaid.

**12-4-2: TYPE OF APPLICATION:**

A short plat is a Type 2 (Administrator) decision, with the final decision being made by the administrator. The application shall be processed with procedures for such applications as set forth in Title 15, Chapter 9 of this code.

**12-4-3: CRITERIA FOR APPROVAL:**

The administrator shall only approve the short subdivision and short plat after making a determination of:

- A. Compliance: Whether the application complies with Chapter 8 of this Title and Title 15 of this code;
- B. Specific Provisions: If appropriate provisions are made for, but not limited to, the public health, safety and general welfare, for 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 shall consider all other relevant facts, including sidewalks and other planning features that assure safe walking conditions for students who walk to and from school;
- C. Extension Agreement: A developer extension agreement, in accordance with Title 9, Chapter 4 of this code, has been executed;
- D. Public Interest: Whether the public interest will be served by the subdivision and dedication; and
- E. Development Agreement: As part of the approval, the city and the applicant may enter into a development agreement in accordance with Title 15, Chapter 15 of this code.

**12-4-4: ~~[RESERVED]~~ SPECIAL REQUIREMENTS FOR UNIT LOT SUBDIVISION**

- A. Purpose. This subsection complies with RCW 58.17.060 as amended by the state legislature in 2023 and sets out procedures for unit lot short subdivisions. These procedures allow the division of a parent lot into nine (9) or fewer separately owned unit lots. Portions of the parent lot not subdivided for individual unit lots shall be owned in common by the owners of the individual unit lots, or by a homeowners' association comprised of the owners of the individual unit lots. A unit lot short subdivision provides for fee-simple ownership of lots of which dwellings are placed which can advance affordable housing opportunities and increase housing options.
- B. Applicability. The process for a unit lot short subdivision can be used for existing development including duplexes, cottage developments, multifamily attached

dwellings such as townhouse developments, or a combination thereof. The provisions of this section apply exclusively to the unit lot short subdivision of land proposed to be developed with dwellings in which the proposed building type and use is permitted. In all instances, unit lot short subdivisions shall apply to the division or redivision of land into nine (9) or fewer lots, tracts, parcels, sites or divisions for the purpose of sale, lease, or transfer of ownership.

#### C. General Requirements.

1. Unit lots shall be subject to all applicable requirements of the Titles 11 and 13 of this code, except as otherwise modified by this section.
2. Development on individual unit lots within the unit lot subdivision need not conform to the minimum lot area, minimum density, or dimensional requirements, provided, however, that any structure located upon a unit lot shall comply with the maximum building height requirements; provided further that unit lot short subdivisions shall comply with the dimensional standards set forth in OMC 12-4-4(D)(2). The overall development of the parent parcel shall meet the development and design standards of the underlying Land Use District.
3. Setbacks or buffers shall be required from any critical area or shoreline features per Title 11 of this code.
4. Within the parent parcel, required parking for an attached multifamily dwelling unit may be provided on a different unit lot than the lot with the dwelling unit if the right to use that parking is formalized by an easement or covenant recorded with the Pierce County auditor.
5. A unit lot subdivision shall make adequate provisions through easements for ingress, egress, emergency services, and utilities access to and from each unit lot created by reserving such common areas or other areas over, under, and across the parent parcel as necessary to comply with all applicable development standards. Such easements shall be recorded with the Pierce County auditor.
6. Access easements, joint use agreements, covenants, and maintenance agreements identifying the rights and responsibilities of property owners and any homeowners association shall be established for the use and maintenance of common garage, parking, and vehicle access areas, landscaping, underground utilities, common open space, exterior building facades and roofs, any portions of the parent parcel not subdivided for individual unit lots, and other similar features, and shall be recorded with the Pierce County auditor.

#### D. Requirements and limitations for Unit Lot Short Subdivision Plats.

1. Notes shall be included on the short plat recorded with the Pierce County auditor as follows:

- a. The short plat shall be clearly labeled with the phrase “Unit Lot Short Subdivision.”
  - b. The individual unit lots are not separate buildable sites. Additional development of the individual unit lots may be limited per the development standards applicable to the parent parcel.
  - c. Approval of the design and layout of the development was granted through review of the development of the parent parcel.
  - d. Subsequent platting, additions, or modifications to buildings or appurtenant structures and uses may not create a nonconformity of the parent parcel.
2. A unit lot short subdivision shall comply with the following:
- a. The parent parcel of a unit lot short subdivision shall comply with all applicable standards of the underlying zoning district.
  - b. All duplexes shall comply with OMC 13-5-1(H).
  - c. All cottage housing development shall comply with OMC 13-6-5.
  - d. Maximum impervious area of all combined buildings and other hard surfaces located on the parent parcel shall not exceed the maximum building coverage and maximum hard surface coverage permitted by the underlying zone.
  - e. Structures abutting the perimeter lot lines of the parent parcel are subject to the setback requirements of OMC 13-5-1 Table 1 as measured from the parent parcel lot line.
  - f. Setbacks between structures on the parent parcel shall meet building code separation requirements.
- E. Type of Approval. Unit lot short subdivisions shall be administered following the same process as short plats or short subdivisions, set forth as a Type 2 process in Title 15 of this code.

**12-4-5: CONSTRUCTION OF IMPROVEMENTS:**

An approved short plat shall not be filed for record until the applicant has constructed or bonded for all improvements required by the city in the final decision on the short plat.

**12-4-6: PROHIBITION ON FURTHER DIVISION:**

Property in short subdivisions may not be further divided in any manner within a period of five (5) years without the filing of a final subdivision, except that when the short plat contains less than nine (9) parcels, nothing in this section shall prevent the owner who filed the short plat from filing an alteration within the five (5) year period to create up to a total of nine (9) lots within the original short plat boundaries. This requirement shall be stated on the face of the short plat.

**12-4-7: TIME FRAME FOR APPROVAL:**

The administrator shall make a decision on approval or denial of a short plat application within thirty (30) days of the determination that the application is complete unless the applicant consents to an extension of time. This thirty (30) day period excludes time required to comply with Chapter 43.21C RCW and Title 15, Chapter 14 of this code.

**12-4-8: RECORDING:**

Upon final approval of the short plat, which shall be shown by affixing the signatures of the ~~chair of the administrator~~community development director, the city engineer and fire chief, the ~~Mylar~~ drawing shall be recorded with the clerk of Pierce County at the expense of the applicant.



## CHAPTER 5 PRELIMINARY PLATS

### 12-5-1: REQUIREMENTS FOR COMPLETED APPLICATION:

A. ~~Number Of Copies Preliminary Plats: One original Mylar and twenty (20) copies.~~ Standard drawing sheet size is ~~twenty-two~~ twenty-four inches by thirty six inches (24" x 36"). ~~Digitally submitted plans shall be a portable document file (PDF). Applicants are also encouraged to provide one digital copy on a CD in a CAD program compatible with AutoCad or ArcView.~~

B. Application Contents: In addition to the requirements for a completed application as set forth in title 15 of this code, an applicant for a preliminary plat shall submit the following:

1. Map; Scale: A map or sketch using a scale ~~of not less than one inch to fifty feet~~ one hundred feet to one inch (100' = 1" = 50') or larger, showing:

a. Topographical and other data depicting:

(1) Boundary lines, including bearing and distance;

(2) Easements, including location, width and purpose;

(3) Streets on and adjacent to the tract, including name and right of way width and location; type, width and elevation of surfacing, walks, curbs, gutters, culverts, etc.;

(4) Ground elevations on the tract, based on a datum plane approved by the city engineer; for land that slopes less than approximately two percent (2%), show spot elevations at all breaks in grade, along all drainage channels or swales, and all selected points not more than one hundred feet (100') apart in all directions; for land that slopes more than approximately two percent (2%), either show contours with an interval of not more than five feet (5') if ground slope is regular and such information is sufficient for planning purposes, or show contours with an interval of not more than two feet (2') if necessary because of irregular land or need for more detailed data for preparing plans and construction drawings;

(5) Other conditions on adjacent land, including approximate direction and gradient of ground slope, including any embankments or retaining walls; character and location of buildings, railroads, power lines, towers, and other nonresidential land uses or platted land within three hundred feet (300') of the subject property. Refer to subdivision plat by name, recording date, volume and page number, and show lot size, and dwelling units;

b. Utilities on and adjacent to the ~~tract~~ parcel, including location and size of sanitary, storm and combined sewers; location and size of water mains; location of gas lines, fire hydrants, electric and telephone poles, and streetlights. If water mains and sewers are not on or adjacent to the ~~tract~~ parcel, indicate the direction and distance to, and size of nearest ones;

- c. Other conditions on the [tract-parcel](#) including watercourses, marshes, rock outcrop and critical areas;
  - d. Zoning district designations, on and adjacent to the [tractparcel](#);
  - e. Proposed public improvements, including highways or other major improvements planned by public authorities for future construction on or near the [tractparcel](#);
  - f. Vicinity [map](#) showing location of the [tractparcel](#);
  - g. Sites, if any, to be reserved or dedicated for parks, playgrounds, or other public uses;
  - h. Sites, if any, for multi-family dwellings, shopping centers, churches, industry or other proposed uses exclusive of single-family dwellings;
  - i. Minimum building setback lines;
  - j. Site data, including number of residential lots, typical lot size, and acres in parks, etc.;
  - k. Plat name, scale, north arrow and date;
  - l. Typical cross sections of the proposed grading, roadway and sidewalk;
  - m. Proposed sanitary, storm water and water systems plan with points of connection and sizes indicated;
2. Title And Certificates: Title and certificates, including a legal description according to official records in the office of the [county-Pierce County](#) auditor; pertinent survey data compiled as a result of a survey made by or under the supervision of a land surveyor registered in the state and engaged in land surveying which contains notation stating acreage, scale, north arrow, datum, bench marks, certification of registered civil engineer or surveyor, date of survey;
3. Covenants: Draft of proposed covenants, if any.
4. [SEPA environmental checklist.](#)

**12-5-2: TYPE OF APPROVAL:**

A preliminary plat is approved, [approved with conditions, or denied](#) by the city council based on the recommendation of the planning commission.

**12-5-3: CRITERIA FOR APPROVAL:**

The planning commission shall make an inquiry into the public use and interest proposed to be served by the establishment of the subdivision and/or dedication, shall hold an open record public hearing, and shall consider:

A. Conformity: Whether the preliminary plat conforms to chapter 8 of this title and with title 15 of this code;

B. Specific Provisions: If appropriate provisions are made for, but not limited to, the public health, safety and general welfare, for 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 shall consider all relevant facts, including sidewalks and other planning features that assure safe walking conditions for students who walk to and from school; and

C. Public Interest: Whether the public interest will be served by the subdivision and dedication.

#### **12-5-4A: SPECIAL REQUIREMENTS FOR UNIT LOT SUBDIVISION**

A. Purpose. This subsection sets out procedures for unit lot subdivisions. These procedures allow the division of a parent lot into ten (10) or more separately owned unit lots. Portions of the parent lot not subdivided for individual unit lots shall be owned in common by the owners of the individual unit lots, or by a homeowners' association comprised of the owners of the individual unit lots. A unit lot subdivision provides for fee-simple ownership of lots of which dwellings are place which can advance affordable housing opportunities and increase housing options.

B. Applicability. The process for a unit lot subdivision can be used for existing development including duplexes, cottage developments, multifamily attached dwellings such as townhouse developments, or a combination thereof. The provisions of this section apply exclusively to the unit lot short subdivision of land proposed to be developed with dwellings in which the proposed building type and use is permitted. In all instances, unit short subdivisions shall apply to the division or redivision of land into ten (10) or more lots, tracts, parcels, sites or divisions for the purpose of sale, lease, or transfer of ownership.

#### C. General Requirements.

1. Unit lots shall be subject to all applicable requirements of the Titles 11 and 13 of this code, except as otherwise modified by this section.
2. Development on individual unit lots within the unit lot subdivision need not conform to the minimum lot area, minimum density, or dimensional requirements, provided, however, that any structure located upon a unit lot shall comply with the maximum building height requirements; provided further that unit lot ~~short~~ subdivisions shall comply with the dimensional standards set forth in OMC 12-54-4A(D)(2). The overall development of the parent parcel shall meet the development and design standards of the underlying Land Use District.
3. Setbacks or buffers shall be required from any critical area or shoreline features per Title 11 of this code.

4. Within the parent parcel, required parking for an attached multifamily dwelling unit may be provided on a different unit lot than the lot with the dwelling unit if the right to use that parking is formalized by an easement or covenant recorded with the Pierce County auditor.
5. A unit lot subdivision shall make adequate provisions through easements for ingress, egress, emergency services, and utilities access to and from each unit lot created by reserving such common areas or other areas over, under, and across the parent parcel as necessary to comply with all applicable development standards. Such easements shall be recorded with the Pierce County auditor.
6. Access easements, joint use agreements, covenants, and maintenance agreements identifying the rights and responsibilities of property owners and any homeowners association shall be established for the use and maintenance of common garage, parking, and vehicle access areas, landscaping, underground utilities, common open space, exterior building facades and roofs, any portions of the parent parcel not subdivided for individual unit lots, and other similar features, and shall be recorded with the Pierce County auditor.

D. Requirements and limitations for Unit Lot Subdivision Plats.

1. Notes shall be included on the ~~short~~ plat recorded with the Pierce County auditor as follows:
  - a. The ~~short~~ plat shall be clearly labeled with the phrase "Unit Lot ~~Short~~ Subdivision."
  - b. The individual unit lots are not separate buildable sites. Additional development of the individual unit lots may be limited per the development standards applicable to the parent parcel.
  - c. Approval of the design and layout of the development was granted through review of the development of the parent parcel.
  - d. Subsequent platting, additions, or modifications to buildings or appurtenant structures and uses may not create a nonconformity of the parent parcel.
2. A unit lot ~~short~~ subdivision shall comply with the following:
  - a. The parent parcel of a unit lot ~~short~~ subdivision shall comply with all applicable standards of the underlying zoning district.
  - b. All duplexes shall comply with OMC 13-5-1(H).
  - c. All cottage housing development shall comply with OMC 13-6-5.
  - d. Maximum impervious area of all combined buildings and other hard surfaces located on the parent parcel shall not exceed the

maximum building coverage and maximum hard surface coverage permitted by the underlying zone.

e. Structures abutting the perimeter lot lines of the parent parcel are subject to the setback requirements of OMC 13-5-1 Table 1 as measured from the parent parcel lot line.

f. Setbacks between structures on the parent parcel shall meet building code separation requirements.

E. Type of Approval. Unit lot ~~short~~ subdivisions shall be administered following the same process as ~~short~~ plats or ~~short~~ subdivisions, set forth as a Type ~~24~~ process in Title 15 of this code.

**Commented [OU12]:** If Planning Commission recommends changing this to a Type 2 process, we'll need to change this back. For now though, it's a Type 4.

#### **12-5-4: FINDINGS AND CONCLUSIONS:**

The city council shall conduct a closed record hearing to review the planning commission recommendation and ~~then shall~~ approve, approve with conditions, or deny the preliminary plat with written findings showing that:

A. Conformity: The preliminary plat conforms to chapter 8 of this title and title 15 of this code;

B. Specific Provisions: 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 wastessanitary sewage disposal~~, 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;

C. Extension Agreement: A developer extension agreement, in accordance with title 9, chapter 4 of this code, has been executed;

D. Public Interest: The public use and interest will be served by the platting of such subdivision and dedication; and

E. Development Agreement: As part of the approval, the city and the applicant may enter into a development agreement in accordance with title 15, chapter 15 of this code.

F. Option to remand: The city council may also elect to return the application to the planning commission for additional review and recommendations if, during the closed record hearing, the council finds that the record is incomplete or does not provide sufficient basis for approval or denial.

#### **12-5-5: TIME FRAME FOR APPROVAL:**

The city shall make a decision on approval or denial of a preliminary plat application within ninety (90) days of the determination that the application is complete, except when the subdivision proposal is combined with a preliminary planned unit

development, [or in cases when the applicant consents to an extension of time. This ninety \(90\) day period excludes time required to comply with Chapter 43.21C RCW and Title 15, Chapter 14 of this code.](#)

## CHAPTER 6 FINAL PLATS

### 12-6-1: REQUIREMENTS FOR COMPLETED APPLICATION:

- A. Construction Drawings: ~~Five (5) copies of Submittal of~~ as built construction drawings. Digitally submitted plans shall be digital portable file document (PDF). Applicants are also encouraged to provide one digital copy on a CD in a CAD program compatible with AutoCad or ArcView.
- B. Certification Of City Work: Certification of work done by city in connection with the checking, computing and correcting of the plat, and for plan checking, inspecting, and testing of plat improvements, including water lines, sanitary sewer lines, stormwater retention and drainage systems, streets, curbs, gutters and sidewalks.
- C. Application Contents: In addition to the requirements for a completed application set forth in title 15 of this code, the applicant shall submit the following:
1. Final plat on ~~reproducible mylar or equivalent~~, ~~twenty-two~~four inches wide by ~~thirty-thirty~~six inches long (24" x 36"), scale of ~~one hundred feet to one inch~~ to fifty feet (400' = 1" = 50') or larger (~~preferred scale 50 feet to 1 inch~~). Digitally submitted plans shall be a portable file document (PDF). Applicants are also encouraged to provide one digital copy on a CD in a CAD program compatible with AutoCad or ArcView. The plat must contain:
    - a. Primary control points, approved by the city engineer, or descriptions and "ties" to such control points, to which all dimensions, angles, bearings, and similar data on the plat shall be referred;
    - b. ~~Tract-Parcel~~ boundary lines, right of way lines of streets, easements and other rights of way, and property lines of residential lots and other sitetracts, with accurate dimensions, bearings, and radii, arcs, central angles of all curved arcs;
    - c. Name and right of way width of each street or other right of way;
    - d. Location, dimensions and purpose of any easement or tract;
    - e. Parcel or Tract-tract number to identify each lot or sitetract;
    - f. Purpose for which sitetracts, other than residential lots, are dedicated or reserved;
    - g. Minimum building setback line on all lots and other sitetracts;
    - h. Location and description of monuments by symbol. Unless otherwise approved, monuments shall be placed at street intersections, centers of cul-de-sacs, and points of curve and tangency in curvilinear streets;
    - i. Reference to plats of adjoining land by their recorded name, date, volume and page number;

j. Certification by licensed land surveyor or licensed professional civil engineer substantially giving a full and correct description of the lands divided as they appear on the plat, including a statement that the subdivision has been made with the free consent and in accordance with the desires of the owner(s). If the plat contains a dedication, the certificate shall also contain the dedication of all streets and other areas to the public, and individual(s), religious society or societies or to any corporation, public or private, as shown on the plat and 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 the road. The certificate shall be signed and acknowledged before a notary public by all parties having any interest in the lands subdivided.

2. Every plat containing a dedication filed for record must be accompanied by a title report confirming that the title of the lands as described and shown on the plat is in the name of the owners signing the certificate.

3. An offer of dedication may include a waiver of right of direct access to any street from any property, and if the dedication is accepted, any such waiver is effective. Such waiver may be required by the city as a condition of approval. Roads not dedicated to the public must be clearly marked on the face of the plat. Any dedication, donation, or grant as shown on the face of the plat shall be considered to all intents and purposes as a quitclaim deed to the recipient or recipients, grantee or grantees for his, her, or their use for the purpose intended by the donors or grantors as aforesaid.

4. Plat name, scale, north arrow, date and legend of symbols.

5. Plans and profiles of all utilities and street improvements showing approval of the design by the city engineer.

6. Certificate of completion of one of the following alternatives, as directed by the city, shall accompany the final plat:

a. All improvements have been installed in accord with the requirements of these regulations and accepted by the city upon the recommendation of the city engineer as certified by the city clerk;

b. Approved plans are on file with the city engineer for all required utilities and street improvements and a cash or surety bond as required in section 12-8-1 of this title has been posted with the City Clerk and deposited with the City Clerk.

7. Signatures as applicable of the County Treasurer, City Clerk, City Engineer, Community Development Director, Planning Commission Chair, and Mayor.

#### **12-6-2: TYPE OF APPLICATION:**

A final plat is a decision made by the City Council as specified by title 15 of this Code.

#### **12-6-3: TIME FRAME FOR SUBMISSION OF FINAL PLAT:**

A final plat meeting all requirements of this chapter shall be submitted to the City for approval within ~~seven (7) years of the date of preliminary plat approval if the date of~~

**Commented [A13]:** Does the planning commission support changing this? The process has changed in Washington. All final plats were previously required to go to a legislative body. However, the state now specifies that a City Council may delegate that authority to "an established planning commission or agency, or to such other administrative personnel in accordance with state law or local charter" by ordinance (RCW 58.17.100).

Per MSRC: *The final plat approval is in the nature of a ministerial, non-discretionary process; that is, if the applicant meets the terms of preliminary approval and the plan conforms with state law and local ordinances, final approval must be granted (RCW 58.17.170). There is no public hearing for a final plat approval.*

City staff suggests the process be amended to a Type 2 (administrative) process.



~~preliminary plat approval is on or before December 31, 2014, and within five (5) years of the date of preliminary plat approval if the date of this preliminary plat approval is on or after January 1, 2015. A final development plan meeting all requirements of this chapter shall be submitted to the City for approval within ten (10) years of the date of preliminary plat approval if the project is not subject to requirements adopted under chapter 90.58 Revised Code of Washington and the date of preliminary plat approval is on or before December 31, 2007.~~ Portions of the preliminary plat may be submitted for final approval after the expiration of said ~~seven (7) year~~time period provided that the original preliminary plat was proposed as a phased development with specific divisions identified and, after administrative review, it has been found that significant progress has taken place on the plat and that the requirements of section 12-6-9 of this chapter have been met.

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 City 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~~plat has not been filed for approval, the preliminary ~~planned unit developments~~plat approval shall expire ~~and the applicant shall be required to resubmit an application for preliminary approval to reinstate the project.~~

#### **12-6-4: RECOMMENDATIONS AS PREREQUISITES FOR FINAL PLAT APPROVAL:**

Each preliminary plat submitted for final approval shall be accompanied by the following recommendations:

- A. ~~Planning Commission's~~City Administrator's recommendation as to compliance with the terms of preliminary approval of the proposed plat or subdivision;
- B. City Engineer.

**Commented [A14]:** Being that this is a ministerial process it is unnecessary to bring a final plat to the planning Commission. It should be reviewed by the City Administrator (typically via the CD director as staff to the administrator).

~~Except as provided in Revised Code of Washington 58.17.140, an agency or person issuing a recommendation for subsequent approval under subsections A and B of this section shall not modify the terms of its recommendations without the consent of the applicant.~~

#### **12-6-5: CRITERIA FOR APPROVAL:**

A final plat application shall be approved if ~~it~~the subdivision proposed for approval:

- A. Meets Plat Approval Requirements: Meets all general requirements for plat approval as set forth in chapter 8 of this title;
- B. Conforms To Preliminary Plat Approval: Conforms to all terms of the preliminary plat approval; and
- C. Meets Other Applicable Requirements: Meets the requirements of Revised Code of Washington chapter 58.17, other applicable State laws, this title, title 9, chapter 4 of

this Code, and any other applicable City ordinances which were in effect at the time of preliminary plat approval.

D. Approval And Inscription: The ~~City Council~~[City Administrator](#) shall make written findings of fact relating to its decision on the final plat, and if approved, shall suitably inscribe and execute its written approval on the face of the plat.

**12-6-6: EFFECT OF FINAL PLAT APPROVAL:**

Any lots in a final plat filed for record shall be a valid land use, notwithstanding any change in zoning laws for a period of five (5) years from the date of filing. A subdivision shall be governed by the terms of approval of the final plat, and the statutes, ordinances and regulations in effect at the time of approval under Revised Code of Washington 58.17.150(1) and (3) for a period of five (5) years after final plat approval unless the City Council finds that a change in conditions creates a serious threat to the public health or safety in the subdivision.

**12-6-7: TIME FRAME FOR APPROVAL:**

The final plat, or portion thereof, shall be approved, ~~disapproved~~[approved with conditions, denied](#), or returned to [the](#) applicant by the City within thirty (30) days from the date of the application.

**12-6-8: RECORDING:**

The final plat, in the form specified in this chapter, shall be recorded with the County Clerk by the applicant. If the final plat is not recorded within twelve (12) months of the date of the ~~City Council~~[city](#) approval, said approval shall be null and void.

**12-6-9: PHASED DEVELOPMENT:**

A. Portions of an approved preliminary plat may be processed for approval and recording in phased divisions, provided that the divisions were identified in the approved preliminary plat, or an amendment thereto, and that approval and recording of the divisions is consistent with the conditions of the preliminary plat approval and will substantially meet all of the requirements for final approval even if the subsequent divisions are not finished. Prior to the final approval of a division of a preliminary plat, the City may require additional conditions such as a bond for the construction of a required improvement in a subsequent division, if it finds that such improvement is necessary to ensure that the division being approved meets all the conditions of the preliminary plat even though subsequent divisions are never finished.

B. Any phase of a preliminary plat that has not been completed and accepted by the City within five (5) years of [the](#) date of its preliminary approval may be subject to the most current development codes. The doctrine of vested rights shall not apply to said plat phases.

## CHAPTER 7 PLAT VACATION AND ALTERATION

### **12-7-1: REQUIREMENTS FOR COMPLETE PLAT VACATION APPLICATION:**

A. Application Contents: In addition to the requirements for a completed application as set forth in title 15 of this code, an applicant for a plat vacation shall submit the following:

1. The reasons for the proposed vacation;
2. Signatures of all parties having an ownership interest in that portion of the subdivision proposed to be vacated;
3. If the subdivision is subject to restrictive covenants which were filed at the time of the approval of the subdivision, and the application for vacation would result in the violation of a covenant, the application shall contain an agreement signed by all parties subject to the covenants providing that the parties agree to terminate or alter the relevant covenants to accomplish the purpose of the vacation of the subdivision or portion thereof;
4. A copy of the approved plat sought to be vacated, together with all plat amendments recorded since the date of the original approval.

### **12-7-2: TYPE OF APPROVAL AND CRITERIA FOR APPROVAL OF PLAT VACATION:**

- A. Type Of Approval: A plat vacation is a planning commission decision.
- B. Criteria For Approval: The plat vacation may be approved or denied after a written determination is made whether the public use and interest will be served by the vacation of the subdivision. If any portion of the land contained in the subdivision was dedicated to the public for public use or benefit, such land, if not deeded to the city, shall be deeded to the city unless the city shall set forth findings that the public use would not be served in retaining title to those lands.
- C. Vacation Of Streets: When the vacation application is specifically for a city street vacation, the city's street vacation procedures shall be utilized. When the application is for the vacation of a plat together with the streets, the procedure for vacation in this section shall be used, but vacations of streets may not be made that are prohibited under Revised Code of Washington chapter 35.70 or the city's street vacation ordinance.
- D. Easements: Easements established by a dedication are property rights that cannot be extinguished or altered without the approval of the easement owner or owners, unless the plat or other document creating the dedicated easement provides for an alternative method or methods to extinguish or alter the easement.

**12-7-3: REQUIREMENTS FOR COMPLETE PLAT ALTERATION APPLICATION:**

A. Application Contents: In addition to the requirements for a completed application as set forth in title 15 of this code, an applicant for a plat alteration shall submit the following:

1. Signatures of the majority of those persons having an ownership interest of lots, tracts, parcels, sites or divisions in the subject subdivision or portion to be altered;
2. If the subdivision is subject to restrictive covenants which were filed at the time of the approval of the subdivision, and the application for alteration would result in the violation of a covenant, the application shall contain an agreement signed by all parties subject to the covenants providing that the parties agree to terminate or alter the relevant covenants to accomplish the purpose of the alteration of the subdivision or portion thereof.
3. A copy of the approved plat sought to be vacated, together with all plat amendments recorded.

**12-7-4: TYPE OF AND CRITERIA FOR APPROVAL OF PLAT ALTERATION:**

- A. Type Of Approval: A plat alteration is a planning commission decision.
- B. Criteria For Approval: The plat alteration may be approved, [approved with conditions](#), or denied after a written determination is made whether the public use will be served by the alteration of the subdivision. If any land within the alteration is part of an assessment district, any outstanding assessments shall be equitably divided and levied against the remaining lots, parcels, or tracts, or be levied equitably on the lots resulting from the alteration. If any land within the alteration contains a dedication to the general use of persons residing within the subdivision, such land may be altered and divided equitably between the adjacent properties. A plat alteration must also be consistent with subsection 12-7-2D of this chapter.
- C. Revised Plat: After approval of the alteration, the city council shall order the applicant to produce a revised drawing of the approved alteration of the final plat or short plat, which after signature of the mayor, shall be filed with the county auditor to become the lawful plat of the property.

## CHAPTER 8 GENERAL REQUIREMENTS FOR SUBDIVISION APPROVAL

### 12-8-1: GENERAL REQUIREMENTS FOR APPROVAL OF SUBDIVISION:

In addition to the criteria for approval applicable to an individual application, all subdivisions must meet the following general requirements in order to be approved:

A. Land Use Controls: No subdivision may be approved unless written findings of fact are made that the proposed subdivision or short subdivision is in conformity with any applicable zoning ordinance, comprehensive plan or other existing land use controls.

1. Flag (Pipestem) Lots: Generally, flag lots are discouraged. In cases where there are no alternatives, flag lots may be allowed under the following conditions:

a. The driveway portion of the lot shall be wide enough to meet city access and public safety standards;

b. The area of the driveway portion of the lot shall not be used to meet the minimum required lot size per zoning;

c. All utilities serving the flag lot shall be underground;

d. All property lines of the flag lot abutting adjoining lots shall be screened with fencing or landscaping;

e. Where multiple adjacent flag lots are proposed, shared driveways shall be required.

2. Flag Lots In The RU Zone: In addition to the provisions of subsection A1 of this section, the creation of new flag lots in the RU zone shall meet the following criteria:

a. The size and configuration of the flag lot shall meet the density and dimension standards of the zone as provided in section 13-5-1 of this code.

b. The siting and design of all buildings on the flag lot shall be subject to site plan review and approval as provided in title 15, chapter 4 of this code.

B. Dedications; Generally:

1. An offer of dedication may include a waiver of right of direct access to any street from any property, and if the dedication is accepted, any such waiver is effective. The city may require such waiver as a condition of approval.

2. Roads not dedicated to the public must be clearly marked "private" on the face of the plat.

3. Any dedication, donation or grant as shown on the face of the plat shall be considered to all intents and purposes, as a quitclaim deed to the said donee(s) or grantee(s) for his/her/their use for the purpose intended by the donor(s) or grantor(s).

4. If the plat or short plat is subject to a dedication, the certificate or a separate written instrument shall contain the dedication of all streets and other areas to the public, and individual(s), religious society(ies) or to any corporation, public or private, as shown on the plat or short plat, and 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. Said certificate or instrument of dedication shall be signed and acknowledged before a notary public by all parties having any ownership interest in the lands subdivided and recorded as part of the final plat.

5. Every plat and short plat containing a dedication filed for record must be accompanied by a title report confirming that the title of the lands as described and shown on said plat is in the name of the owners signing the certificate or instrument of dedication.

6. Dedication of land to any public body, provision of public improvements to serve the subdivision, and/or impact fees imposed under Revised Code of Washington 82.02.050 through 82.02.090 shall be required as a condition of subdivision approval. No dedication, provision of public improvements or impact fees imposed under Revised Code of Washington 82.02.050 through 82.02.090 shall be allowed that constitutes an unconstitutional taking of private property.

C. Dedication Of Public Park: The planning commission shall recommend naming of streets and parks within proposed subdivisions. If preliminary plats include dedication of land for public parks with areas greater than required for subdivision approval and the proponents request commemorative names, the planning commission shall consider such requests. The city council shall adopt the names as part of final plat approval.

D. Release From Damages: The city shall not as a condition to the approval of any subdivision require a release from damages to be procured from other property owners.

E. Flood, Inundation Or Swamp Conditions: A proposed subdivision may be disapproved because of flood, inundation, or swamp conditions. Construction of protective improvements may be required as a condition of approval, and such improvements shall be noted on the final plat. ~~No plat shall be approved covering any land situated in a floodway as provided in Revised Code of Washington chapter 86.16 without the prior written approval of the state department of ecology.~~

**Commented [A15]:** RCW 86.16 was amended and no longer requires that Ecology give prior written approval (likely due to the use of Critical Area Ordinances which cover floodplain review). They can provide technical assistance as needed.

F. Bonds: In lieu of ~~the completion of completing~~ the actual construction of any required improvements prior to the approval of a short or final plat, the planning commission or city council may accept a bond, approved as to form by the city attorney, in an amount and with surety and conditions satisfactory to it, or other secure method, ~~providing for and securing to the city the provided that~~ actual construction and installation of such improvements ~~will be completed~~ within a period specified by the city and ~~is~~ expressed in the bonds. In addition, the city may require the posting of a bond securing to the city the successful operation of improvements for up to two (2) years after final approval. All bonded improvements shall be designed and certified by or under the supervision of a registered civil engineer prior to the acceptance of such improvements.

G. Roadway buffers/cutting preserves shall be separate, designated tracts and depicted on the face of a plat or binding site plan as required by the City as a condition of approval.

**Commented [A16]:** This definition is currently provided in Title 13 however the term is not used anywhere in the code. Suggest defining here and adding to the approval criteria for subdivisions.

**NOTE:** According to OMC 13-2-19, the term has not been altered since 2004 and may be antiquated and unnecessary.

#### **12-8-2: CERTIFICATE TO ACCOMPANY FINAL PLAT OR SHORT PLAT:**

Every final plat or short plat of a subdivision or a short subdivision filed for record must contain a certificate giving a full and correct description of the lands divided as they appear on the plat or short plat, including a statement that the subdivision or short subdivision has been made with the free consent and in accordance with the desires of the owner(s).

#### **12-8-3: GENERAL REQUIREMENTS FOR FILING PLAT OF RECORD:**

Each and every plat or replat of any property filed for record shall:

A. Statement Of Approval: Contain a statement of approval from the city engineer as to the layout of streets, alleys and other rights of way, design of bridges, sewage and water systems, and other structures;

B. Survey: Be accompanied by a complete survey of the section or sections in which the plat or replat is located, made to surveying standards adopted by the division of engineering services of the department of natural resources pursuant to Revised Code of Washington 58.24.040. The surveyor shall certify on the plat that it is a true and correct representation of the lands actually surveyed;

C. Acknowledgement: Be acknowledged by the person filing the plat before the auditor of the county in which the land is located, or any other officer who is authorized by law to take acknowledgement of deeds, and a certificate of said acknowledgement shall be enclosed or annexed to such plat and recorded therewith;

D. Certificate Of Paid Taxes: Contain a certification from the proper officer or officers in charge of tax collections that all taxes and delinquent assessments for which the property may be liable as of the date of certification have been duly paid, satisfied or discharged;

E. Description Of Lands: Contain a certificate giving a full and correct description of the lands divided as they appear on the plat or short plat, including a statement that the subdivision or short subdivision has been made with the free consent and in accordance with the desires of the owner(s) or owners;

F. Monuments: Show the permanent control monuments established at each and every controlling corner on the boundaries of the parcel of land being subdivided. The city shall determine the number and location of permanent control monuments within the plat, if any;

G. Lot Numbers, House Addresses: Show the lot numbers and house addresses on the short subdivisions and subdivisions at the time of approval;

H. Fees And Charges; Responsibility: All plat recording fees and charges shall be the responsibility of the applicant.

**12-8-4: COMPLIANCE WITH PUBLIC WORKS STANDARDS:**

Construction of improvements in all applications shall comply with the city's adopted public works special provisions and details.



## CHAPTER 9 ENFORCEMENT AND APPEALS

### **12-9-1: ISSUANCE OF PERMIT ON ILLEGALLY DIVIDED LAND:**

No building permit, septic tank permit, or other development permit shall be issued for any lot, tract or parcel of land divided in violation of Revised Code of Washington chapter 58.17 or this title, unless the authority authorized to issue such permit finds that the public interest will not be adversely affected thereby. The prohibition contained in this section shall not apply to an innocent purchaser for value without actual notice.

### **12-9-2: VIOLATIONS:**

Violations of this title shall be enforced as set forth in title 15 of this code.

### **12-9-3: APPEALS:**

Any decision approving or disapproving any plat may be appealed as set forth in title 15 of this code.

## CHAPTER 10 BINDING SITE PLANS

### 12-10-1: PURPOSE:

- A. Specify the criteria used by the city of Orting to review and approve binding site plans.
- B. Provide an alternative method of land division for the sale or lease of commercial or industrial zoned properties, condominiums and manufactured home parks as provided for in Revised Code Of Washington 58.17.035 that is more flexible than traditional subdivision procedures.
- C. Provide for the site planning and regulation of nonresidential site development not requiring land division.

### 12-10-2: APPLICABILITY:

The binding site plan process may be used for:

- A. The division of land for the purpose of sale or lease of lots for commercial or industrial purposes.
- B. The division of land for the purpose of developing residential condominiums or manufactured home parks.

### 12-10-3: APPLICATION SUBMITTAL:

~~Each application for binding site plan approval shall contain five (5) copies of all complete application forms, plans and reports.~~ A complete application [for a binding site plan](#) must include:

- A. Fees. The applicant shall pay the required fees as set forth in the city's fee schedule or other applicable resolutions or ordinances when submitting a binding site plan;
- B. Application form and declaration of ownership;
- C. Title report (dated within the last 30 days);
- D. Vicinity map of the area where the site is located;
- E. [SEPA](#) Environmental checklist;
- F. Landscape plan to reflect landscaping requirements related to site plans and landscaping associated with permanent [best management practices \(BMPs\) for stormwater treatment and control](#);
- G. A preliminary site plan to a scale of thirty feet to one inch (30' = 1"), stamped and signed by a registered engineer, architect or land surveyor illustrating the proposed development of the property and including, but not limited to, the following:

1. Name or title of the proposed binding site plan;
2. Date, scale and north arrow;
3. Boundary lines and dimensions including any platted lot lines within the property;
4. Total acreage;
5. Property legal description;
6. Existing zoning;
7. Location and dimensions of all existing and proposed:
  - a. Buildings, including height in stories and feet and including total square feet of ground area coverage;
  - b. Parking stalls, access aisles, and total area of lot coverage of all parking areas;
  - c. Off street loading area(s);
  - d. Driveways and entrances; ~~and~~
  - e. Common open spaces, yards, permanent [best management practices \(BMPs\) for stormwater treatment and control](#), and other areas intended for the use of all owners; and
  - f. [Major manmade or natural features, i.e., streams, creeks, drainage ditches, railroad tracks, utility lines, etc.](#)
8. Proposed building setbacks in feet;
9. Location of any regulated sensitive areas such as wetlands, steep slopes, wildlife habitat or floodplain and required buffers;
10. Location and height of fences, walls (including retaining walls), and the type or kind of building materials or planting proposed to be used;
11. Location of any proposed monument signs;
12. Proposed [best management practices \(BMPs\) for stormwater treatment and control](#);
13. Location of all easements and uses indicated;
14. Location of existing and proposed utility service;
15. Existing and proposed grades shown in five foot (5') interval topographic contour lines;
16. Fire hydrant location; and

H. Any other information as required by the city shall be furnished, including, but not limited to, traffic studies, wetland reports, stormwater site plans, elevations, profiles, and perspectives, to determine that the application is in compliance with this code.

~~Digitally submitted plans shall be in a portable document format (PDF). Applicants are also encouraged to provide one digital copy on a CD in a CAD program compatible with AutoCAD or ArcView.~~

The city may waive selected requirements for certain site plan features listed in subsection G of this section upon review and approval of a written request by the applicant. The determination that such a waiver is justified will be made if the strict application of the requirements would create a hardship for the applicant; and if the proposed site design is consistent with the intent of the comprehensive plan.

#### **12-10-4: TYPE OF APPROVAL:**

A binding site plan is ~~approved by the city council based on a recommendation from the planning commission following a public hearing a Type H2 action.~~

#### **12-10-5: CRITERIA FOR APPROVAL:**

A. Standards For Review Of A Binding Site Plan: The city shall review the proposed binding site plan to determine whether it meets the following criteria:

1. Conformance with the comprehensive plan.
2. Conformance with all applicable performance standards and zoning regulations.
3. Design sensitivity to the topography, drainage, vegetation, soils and any other relevant physical elements of the site.
4. Availability of public services and utilities.
5. Conformance with SEPA requirements.

6. Conformance with roadway buffers/cutting preserves. Roadway buffers/cutting preserves shall be separate, designated tracts and depicted on the face of a plat or binding site plan as required by the City as a condition of approval.

B. Condominium Standards: Development of condominiums including residential units or structures shall meet either the standards set out in subsection B1 or B2 of this section:

1. All lots and developments shall meet the minimum requirements of this code. Phase or lot lines shall be used as lot lines for setback purposes under the zoning code.
2. Condominiums may be developed in phases where ownership of the property is unitary but some structures are to be completed at different times or with different lenders financing separate structures or areas of the property. The following conditions shall apply to phased condominiums:

- a. By a joint obligation to maintain any and all accessways. The city shall have no obligation to maintain such accessways.
- b. The city shall require easements for access to the property to allow for emergency services and utility inspections as defined in the development agreement.
- c. Reciprocal easements for parking shall be provided to all tenants and owners.
- d. The applicant must submit a binding site plan schedule for completion of all phases.
- e. Phase lines must be treated as lot lines for setback purposes under the zoning code unless the property owner will place a covenant on the BSP that the setback areas for built phases, contained in all unbuilt phases, shall become common areas and owned by the owners of existing units in the built portions of the condominium upon the expiration of the completion schedule.
- f. All public improvements shall be guaranteed by bond or other security satisfactory to the city.
- g. All built phases in a condominium BSP shall have a joint and ~~several-separate~~ obligations to maintain landscaping through covenants ~~and/or~~ easements ~~or both~~ to assure that the responsibility is shared among the various owners.

**12-10-6: BINDING SITE PLAN COMPONENTS:**

- A. A binding site plan means a record of survey and a development agreement, if required.
- B. The development agreement shall incorporate the conditions of approval for the binding site plan.

**12-10-7: RECORDING REQUIREMENTS:**

When the proposed binding site plan receives final approval, the applicant shall record the binding site plan and development agreement, if required, with the Pierce County auditor. The applicant shall furnish the city with three (3) copies and a digital copy of the recorded binding site plan within five (5) working days of recording, and the Pierce County assessor shall be furnished one paper copy.

**12-10-8: DEVELOPMENT REQUIREMENTS:**

~~Said lots~~ All lots included in the binding site plan shall not be sold or transferred unless the binding site plan and a record of survey map, which is prepared in compliance with Revised Code Of Washington 58.09 and which includes a legal description of each lot being created, is approved by the city and filed for record in the Pierce County auditor's office. The binding site plan and ~~all of its~~ all associated requirements shall be legally enforceable on the purchaser or other person acquiring ownership of the lot, parcel, or tract.

All development must be in conformance with the recorded binding site plan. Any development, use or density which fails to substantially conform to the site plan as approved constitutes a violation of this chapter.

**12-10-9: AMENDMENT, MODIFICATION AND VACATION:**

Amendment, modification and vacation of a binding site plan [shall follow the same procedures and satisfy](#) ~~shall be accomplished by following the same procedure and satisfying~~ the same laws, rules and conditions as required for a new binding site plan application, as set forth in this chapter. The vacated portion shall constitute one lot unless the property is subsequently divided by an approved subdivision or short [plat](#) division.



# PROJECT MEMO

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<b>TO:</b>	Kimberly Mahoney	<b>DATE:</b>	July 30, 2024
<b>FROM:</b>	Nicole Stickney Tri-Cities - (509) 380-5883	<b>PROJECT NO.:</b>	2230242.30
		<b>PROJECT NAME:</b>	Orting Comprehensive Plan Periodic Update
<b>SUBJECT:</b>	Land Capacity Review and Housing Needs Assessment - <i>Revised</i>		

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## INTRODUCTION

This memo updates the *Land Capacity Analysis* section written by AHBL for the draft Land Use Element (dated June 25, 2024) and supplies additional detail and analysis that can be integrated, as needed, into that Element and the draft Housing Element.

## BACKGROUND

The **Buildable Lands Program** is a continuous review and monitoring initiative mandated by the **Growth Management Act** (GMA) in RCW 36.70A.215. Pierce County is responsible for establishing and overseeing this program, ensuring coordination among Orting and the county’s other 22 cities and towns. In collaboration with its cities and towns, the County annually collects development data and uses the information to produce a report on observed development and future capacity within the urban growth area (UGA). Pierce County issued the 2021 Buildable Lands Report (Fourth Edition, Updated Version, Published 11/11/2022) to fulfill their ongoing reporting requirements.

The data that was assembled and analyzed for the buildable lands program can now be used as a baseline for assessing the city’s future land use map / zoning map in the context of the Comprehensive Plan Update, and for evaluating the city’s capacity to accommodate housing needs among various income levels.

## PART ONE: LAND CAPACITY CHECK

As noted in the draft Land Use Element prepared for the Comprehensive Plan Periodic Update project (AHBL, June 25, 2024), Orting’s population is targeted to grow to 9,590 persons and 3,167 housing units by the year 2044. Likewise, the City must plan for a target of 1,473 jobs by that year. Using the data from the 2021 Buildable Lands Report, we evaluated the city’s capacity to meet the projections.

As of April 1, 2024 the state Office of Financial Management (OFM) estimates the city’s population to be 9,125 residents which are housed in 3,035 housing units. *This means we need to ensure that there are sufficient lands to accommodate 465 additional people and 135 new housing units in the next 20 years.*

We have reproduced Table 14-8 from the Buildable Lands Report, with corrections, which is labeled as **Table 1**. The data is from January 2020.

**Table 1: City of Orting 2020-2044 Housing Capacity (Dwelling Units)**

<b>Zone:</b>	<b>Vacant</b>	<b>Under - utilized</b>	<b>Vacant - Single Unit</b>	<b>Pipeline</b>	<b>Total</b>
LM	0	0	0	0	0
MUTC	26	9	0	0	35
MUTCN	166	0	0	4	170
PF	0	0	1	0	1
RC	0	1	2	0	3
RMF	10	5	0	0	15
RU <sup>(1)</sup>	28	12	30	52	122
<b>Total</b>	<b>230</b>	<b>27</b>	<b>33</b>	<b>56</b>	<b>346</b>

(1) Typos are corrected per AHBL Correspondence from 11/22/2023 for RU Vacant Single Unit and Pipeline (the values in the “total” row and column were correct)

The table shows the city’s estimated net capacity for new housing units among parcels that were classified among four categories, as *vacant*, *underutilized*, *vacant – single unit*, or *pipeline* to arrive at estimates for capacity on a per unit basis according to zoning district (*built out* and *undevelopable* counts are not shown).

- These “net” figures account for deductions to land capacity made for probable market factors, critical area protections, and other factors. (*See the Buildable Lands Report for further information on methodology and for definitions*).

However, more than half of the total residential capacity that was reported in the buildable lands report is now no longer available. This is because the report’s analysis was based on a previous Land Use map for the city which featured a large area of land with the Mixed-Use Town Center North (MUTCN) zoning designation – a location where residential units are permitted to be built.

- In January of 2023 the City Council adopted amendments to the Comprehensive Plan changing the land use and zoning designation of approximately 65 acres from the MUTCN designation to Public Facilities (PF). The change was made to grant the request by the school district because the district bought the property for planned capital projects.
- While residential units were permitted in the MUTCN designation, they are not permitted in the PF zoning district resulting in reduced capacity.

To reconcile and update the data, we obtained the GIS shapefile prepared by the County for the buildable lands analysis and assembled permit data for the time period of 2020-2024 to create an updated table according to all known changes that have occurred since 2020, and additionally consulted with you for your input. As a result of this step, we have made the following adjustments, listed by zoning district and detailed in **Table 2: Adjustment Matrix**.



**Light Manufacturing (LM) Zone:** *No changes*

**Mixed Use – Town Center (MUTC) Zone:**

- Elimination of 1 unit from the vacant category due to parcel consolidation at 222 Washington Ave N
- Added 1 unit to the vacant category due to land that was apparently missed (parcel 6565000773 on Bridge Street)
- There is no net change

**Mixed Use – Town Center North (MUTCN) Zone:**

- Elimination of 166 units from the “Vacant, MUTCN” and elimination 4 units from the “Pipeline, MUTCN” group due to the Comprehensive Plan map change detailed above

**Public Facilities (PF) Zone:**

- Elimination of 1 unit in “PF, Vacant, single unit” for the city hall site

**Residential – Conservation (RC) Zone:** *No changes*

**Residential – Multifamily (RMF) Zone:**

- Addition of 33 units to “Pipeline, RMF” for the Bridgewater plat (note: there is no offset as the land was previously identified as “unbuildable”)

**Residential – Urban (RU) Zone:**

- We have accounted for 53 new units due to recent construction, all in the RU zone that were previously counted as “pipeline:”
  - a. 19 units for the Meadows at Orting South development (all removed from “pipeline”)
  - b. 32 units for the Tahoma Valley Estates development (removed 30 from “pipeline”)
  - c. 2 units removed from “pipeline” for homes at 604 and 606 Harmon Way S.
- We have accounted for 10 additional new units due to recent construction, all in the RU zone that were previously counted as “vacant” (removed from “vacant” using our best guess / assumption)
  - a. 10 units of additional “infill” type development not occurring in a long plat subdivision (removed from “vacant” using our best guess/ assumption)
- Following that we have the following additional adjustments:
  - a. Removal of 11 units from “Underutilized, RU” and addition of 41 units to “Pipeline” for the Rainier Meadows Division 2 development (parent parcel no. 0519321001)
  - b. Addition of 8 units (per feasibility check) as “vacant” for the land at parcels 7930000-102 and -103 which are currently for sale (there is no offset as the land was previously identified as “unbuildable”)
  - c. Addition of 6 units as parcels 0519293096 and 2585000114 have not been developed and have plenty of net acreage for development but were previously identified as either constructed or “unbuildable” (thus no offset)
  - d. Addition of 10 units at parcel 0519311700 which was listed as “unbuildable” due to critical areas; there are ROW improvements for the site but it can likely also accommodate some modest housing development

**Table 2: Adjustments Matrix**

<b>Zone:</b>	<b>Vacant</b>	<b>Under - utilized</b>	<b>Vacant - Single Unit</b>	<b>Pipeline</b>
LM				
MUTC	0			
MUTCN	-166			-4
PF			-1	
RC				
RMF				+33
	-10			
	+8			
	+6			-53
RU	+10	-11		+41
<b>Total</b>	<b>-152</b>	<b>-11</b>	<b>-1</b>	<b>-17</b>

With these documented adjustments, the resulting table provides our best estimate of land capacity from 2024-2044, aligning the information to be consistent with current population counts.

The resulting table shows an updated total capacity for 193 units, 75 of which are now in the current “pipeline”:

**Table 3: City of Orting 2024-2044 Housing Capacity (Dwelling Units)**

<b>Zone:</b>	<b>Vacant</b>	<b>Under - utilized</b>	<b>Vacant - Single Unit</b>	<b>Pipeline</b>	<b>Updated Total Capacity</b>
LM	0	0	0	0	0
MUTC	26	9	0	0	35
MUTCN	0	0	0	0	0
PF	0	0	0	0	0
RC	0	1	2	0	3
RMF	10	5	0	33	48
RU	34	1	30	42	107
<b>Total</b>	<b>70</b>	<b>16</b>	<b>32</b>	<b>75</b>	<b>193</b>

In conclusion, we have documented that Orting has sufficient land for planned population growth (population and housing targets).

## **PART TWO: ACCOMMODATING HOUSING NEEDS**

The Growth Management Act (GMA) requires comprehensive plans to include a Housing Element identifying “sufficient capacity of land” to accommodate all projected housing needs during the 20-year planning period (RCW 36.70A.070(2)(c)). With recent state law changes, the state now additionally requires municipalities to

specifically review their ability to accommodate needs for *moderate, low, very low* and *extremely low*-income households, as defined in RCW 36.70A.030.

The income level is relative to “median household income adjusted for household size, for the county where the household is located, as reported by the United States department of housing and urban development.” The Department of Housing and Urban Development (HUD) publishes Area Median Income (AMI) for each county (or market area which may include several counties) on an annual basis. The AMI in 2024 is \$136,600.00

Through Pierce County Ordinance No. 2023-22s, the County set out the specific housing unit requirements for Orting according to income band, which is further detailed in the draft Housing Element prepared for the Comprehensive Plan Periodic Update project (AHBL, June 25, 2024).

In order to evaluate land capacity by income level, we utilized the 6-step process as outlined by Commerce<sup>1</sup>.

## Step 1: Summarize Land Capacity by Zone

Table 3, “City of Orting 2024-2044 Housing Capacity (Dwelling Units)” provides this information.

The Buildable Lands Report does not take the addition of ADUs into account but there is some latent capacity that could be realized. Orting must make code amendments to allow two ADUs per lot, on lots that allow single family homes, per HB 1337. Orting already adopted code changes pursuant to HB 1923 that increased the opportunity for ADUs. As of April 1, 2024 there are 2,711 single family residential homes in Orting per OFM. Assuming that ADUs will be added to 3 percent of all those lots within the coming 20 years, we can estimate that 81 ADUs could be added in the time period from now to 2044 throughout the city in all zones, which is probably a conservative estimate (4 per year).

## Step 2: Categorize Zones

In Table 4, we document what the code allows for, and what assigned zoning category corresponds to each zoning district.

**Table 4: Orting Zoning Districts and Allowed Housing Types / Density Level**

Zone	Housing types allowed	Max density level allowed	Assigned zone category
MUTC	Duplex, Multifamily, townhouse	None	Low rise multifamily
MUTCN	Duplex, Multifamily, cottage, townhouse	N/A	Low rise multifamily
RC	Detached single family, Cottage, duplex,	0.5 DUA	Low density
RU	Detached single family, townhouse, duplex, cottage	6 DUA	Low density
RMF	Cottage, duplex, multifamily, townhouse	8 DUA	Moderate density

<sup>1</sup> “Guidance for Updating Your Housing Element”

## Step 3: Relate Zone Categories to Potential Income Levels & Housing Types Served

The following table is from Commerce’s “Guidance for Updating Your Housing Element.” It is important to note how ADU’s are classified, as well as how subsidies and other marketplace interventions are assumed to be needed for the attainment of housing for certain income levels.

**Table 5: Zone categories and potential income levels served**

Zone category	Housing types allowed	Lowest Potential income level served		Assumed affordability level for capacity analysis
		Market Rate	With subsidies and/or incentives	
Low Density		Higher income (>120% AMI)	Not typically feasible at scale	Higher income (>120% AMI)
Moderate Density		Moderate income (>80-120% AMI)	Not typically feasible at scale	Moderate income (>80-120% AMI)
Low-Rise Multifamily		Low income (>50-80% AMI)	Extremely low and Very low income (0-50% AMI)	Low income (0-80% AMI) and Permanent Supportive Housing (PSH)
ADUs (All zones)	Accessory dwelling Units on developed residential lots	Low income (>50-80% AMI)	N/A	Low income (> 50-80% AMI)

## Step 4: Summarize Capacity by Zone Category

We estimate there is a capacity for 110 units in the low-density category, 35 units in the low-rise multifamily category and 48 units in the moderate density category in addition to capacity for 81 ADUs as show in Table 6:

**Table 6: Orting Building Capacity Summarized by Zone Category**

Zone:	Unit Capacity (from Table 3)	Unit Capacity for ADUs	Assigned zone category
MUTC	35		Low Rise Multifamily
RC	3		Low Density
RMF	48		Moderate Density
RU	107		Low Density
ALL		81	N/A

## Step 5: Compare projected housing needs by capacity

For Step 5 we populated Table 7 to show the housing need as allocated by Pierce County for the years 2020-2044, but also adjusted to reflect that development of 63+ units which has occurred since the year 2000 to satisfy (and likely exceed) the housing need at the income bands at or above 100% of AMI. As a result, we have labeled the table for the years 2024-2044 and set the housing need for the bands from 100-120% to 4 and for the band at or above 120% of AMI to 0. We also adjusted down the projected housing need for 0-30% PSH by a reduction of 35 units to account for the 35 units of permanent supportive housing that was constructed in 2021 at the Orting Veteran’s Village.

**Table 7: Orting Projected Housing Needs compared to Available Capacity (2024-2044)**

Income Level (% AMI)	Projected housing need (*Denotes Adjusted for 2024-2044)	Zone categories serving these needs	Aggregated housing needs	Total capacity (from Step 4)	Capacity: surplus or deficit
0-30% PSH	4*	Low-rise multifamily  Plus all zones, with ADUs	107	116	+9
0-30% Other	29				
>30-50%	41				
>50-80%	33				
>80-100%	14	Moderate density	18	48	+30
>100-120%	4*	Low density	0	107	+107
>120%	0*				

PSH = Permanent Supportive Housing

The results of our evaluation show that Orting has no deficit in housing capacity for any of the income bands.

## Step 6: Implement actions to increase capacity for one or more housing needs. Then reassess capacity (Step 1) based on actions.

This step does not apply, there is sufficient capacity.

Cc: Scott Larson, City of Orting  
Wayne Carlson, Helen Stanton, Emily Weimer and Anisa Thaci, AHBL

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<b>TO:</b>	Planning Commission	<b>DATE:</b>	August 5, 2024
<b>FROM:</b>	Kim Mahoney, Community Development Director	<b>PROJECT TYPE:</b>	Municipal Code Amendment
		<b>SUBJECT:</b>	SB 5290 – Planning Commission Workshop

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In April 2023, the Washington state legislature passed Senate Bill (SB) 5290 requiring Washington municipalities to adopt new regulations via ordinance or resolution by the end of 2024; these regulations are largely related to improving permit processes to issue decisions on applications more expeditiously.

### Goals

1. Provide an update on the mandates of SB 5290 and their impact on Orting.
2. Share draft amendments to the Orting Municipal Code (OMC) intended to incorporate the requirements of SB 5290 and maintain compliance with state legislature.

### Summary of SB 5290

Washington’s Municipal Research and Services Center (MRSC) has prepared the following summary of SB 5290:

SB 5290 amends the Local Project Review Act, Chapter 36.70B RCW, with the intent to increase the timeliness and predictability of local project review. The bill also establishes grant and technical assistance programs, which will be administered by the Washington State Department of Commerce (Commerce), to assist local governments in obtaining the capacity needed for timely permit processing.

The project review provisions in the Local Project Review Act apply to local governments planning under the Growth Management Act (GMA) pursuant to RCW 36.70A.040; However, non-GMA planning jurisdictions may choose to incorporate these provisions into their local procedures (see RCW 36.70B.150).

Amendments to Chapter 36.70B are several and include updated local permit review timelines, clarifications regarding the determination of completeness process, a new exemption from site plan review for certain interior projects that contain no exterior alterations, updated annual reporting requirements related to permit issuance, and provisions requiring partial permit fee refunds for failure to timely process permit applications, among other things. (A reminder that MRSC blogs on new legislation are summaries and we highly recommend consulting with your agency’s attorney for a full review and agency-specific interpretation.)

## Applicable State Regulations

Predominately, SB 5290 amended portions of Chapter 36.70B RCW, Local Project Review, specific to the final decision timelines for project permit applications that local jurisdictions are required to adhere to. Because SB 5290 largely adopts new laws related to the administration of land use permits, proposed edits in the OMC to implement the revised statute are mostly within OMC Title 15, Development Code Administration. Below is a succinct discussion of the amended provisions of Chapter 36.70B RCW that are applicable in Orting and will require amendments to the OMC:

### Permit Review Processing

As is typical throughout Washington cities, Orting currently allows up to 120 days to issue a final decision on project permit applications (different timelines apply for plats, short plats, and legislative decisions). SB 5290 has adopted the following timelines that now apply to Washington local jurisdictions:

- 65 days – final decision issued for projects that do not require Notice of Application (NOA)
- 100 days – final decision issued for projects that require NOA
- 170 days – final decision issued for projects that require NOA and a public hearing

Orting's structure for permit application review and decision making does not include an instance where a project's application would be noticed and would not go to a public hearing for decision; therefore, edits have only been proposed in the OMC that would adopt the new 65-day and 170-day standards. Exemptions to these timelines have also been proposed in OMC Title 15 that incorporate allowed exemptions granted by statute.

Because permit review timelines are determined based on the noticing requirements of the permit, an edit has also been proposed to remove the footnote in Table 15-4-1, as Orting's recent expansion of short plats including up to nine (9) dwelling units to be exempt from SEPA means that short plat applications no longer require an NOA and therefore must have final decisions issued within 65 days.

### Definitions

Terms and their definitions germane to the amended portions of Chapter 36.70B RCW have been proposed in OMC Titles 13 and 15. These terms include: day; closed record appeal; open record hearing; project permit; project permit application, and; public meeting.

### Complete Application

Specificity around "procedurally complete applications" was adopted by statute, adding context around what materials constitute an application being "procedurally" complete, how that information needs to be conveyed to applicants, and how soon an applicant must respond to a determination of incompleteness for the new permit processing timelines to apply to the project. Related edits have been made to land use permit application forms and templates, and to OMC Title 15.

### Code Cleanup

Detail was added to OMC Title 15's discussion of NOAs to incorporate additions made via statute; similar edits were made to the City's NOA template. Additional OMC "cleanup" was included in staff's proposed OMC amendments to relay consistency and accuracy throughout the OMC, and between the OMC and RCW; examples of such edits include deferring appeals of Hearing Examiner decisions to Pierce County

superior court and referring to the term “decision maker” as a holistic group of governing bodies who can issue decisions that are subject to appeal.

### Inapplicable State Regulations

SB 5290 also establishes new statute requiring certain local jurisdictions to prepare an annual performance report documenting the jurisdiction’s compliance with the new project permit timelines and provide that report to the Department of Commerce. This requirement applies only to cities with a population of 20,000 or more and is therefore inapplicable to the City of Orting.

The SB also sets forth a requirement for cities to issue partial refunds to applicants if the newly adopted permit review timelines are exceeded. However, this requirement is inapplicable to cities who have adopted into their practice three (3) of the additional measures outlined in RCW 36.70B.160(1)(a) through (j); the City has implemented three (3) of the aforementioned additional measures, as follows:

- (B): Imposing reasonable fees, consistent with RCW 82.02.020, on applicants for permits or other governmental approvals to cover the cost to the city, town, county, or other municipal corporation of processing applications, inspecting and reviewing plans, or preparing detailed statements required by chapter 43.21C RCW. The fees imposed may not include a fee for the cost of processing administrative appeals.
  - The City imposes fees in a manner consistent with the limitations established in RCW 36.70B.160(1)(b).
- (C): Entering into an interlocal agreement with another jurisdiction to share permitting staff and resources
  - The City maintains an interlocal agreement with the City of Buckley for Building Official services.
- (D): Maintaining and budgeting for on-call permitting assistance for when permit volumes or staffing levels change rapidly
  - The City maintains and budgets for on-call permitting assistance with AHBL.

Therefore, the City is not required to refund any portion of a permit application’s fees to the applicant in the event that the new permit timeframes are exceeded.

### Staff Recommendations

Staff recommends the Planning Commission hold a public hearing at their September 5<sup>th</sup> meeting for the potential adoption of the OMC edits prepared by Staff which are intent on implementing changes to law adopted via the passing of SB 5290.



# TITLE 15 DEVELOPMENT CODE ADMINISTRATION

## CHAPTER 1 INTRODUCTION

### 15-1-1: INTENT:

The purpose of this title is to combine and consolidate the application, review, and approval procedures for land development within the city to ensure that procedures are clear and concise ~~in the city so that these procedures are clear, concise, and understandable~~. It is further intended to comply with state guidelines for combining and expediting development review and integrating environmental review and land use development plans. ~~Final decision on development proposals shall be made within one hundred twenty (120) days of the date of the letter of completeness, except as provided in section 15-9-8 of this title.~~

### 15-1-2: RULES OF INTERPRETATION:

A. For the purposes of the development code, all words used in ~~the~~this code shall have their normal and customary meanings, unless specifically defined otherwise in this code.

- B. Words used in the present tense include the future.
- C. The plural includes the singular and vice versa.
- D. The words "will" and "shall" are mandatory.
- E. The word "may" indicates that discretion is allowed.
- F. The word "used" includes designed, intended, or arranged to be used.

~~G. The masculine gender includes the feminine and vice versa.~~

GH. Distances shall be measured horizontally unless otherwise specified.

H. The word "building" includes a portion of a building or a portion of the lot on which it stands.

**Commented [NS1]:** This can be deleted since it doesn't speak to intent. Timeline for final decision issuance is governed by OMC 15-9-8.

## CHAPTER 2 DEFINITIONS

### 15-2-1: GENERAL PROVISIONS:

The following definitions shall apply to this title and titles 12 and 13 of this code; other definitions may be found in individual titles.

### 15-2-2: A:

ADMINISTRATOR: The city administrator, chief supervisory staff person or his/her designee.

APPLICANT: A person, [party, firm, corporation, or other legal entity](#) seeking development approval from the city.

ARCHITECTURAL DESIGN REVIEW: Review and approval conducted pursuant to section 13-6-7 of this code.

### 15-2-3: B:

BINDING SITE PLAN: An alternative method of land division for the sale or lease of commercial or industrial properties, condominiums and manufactured home parks that is more flexible than traditional subdivision procedures.

BUILDING: A structure having a roof for the shelter of persons or property.

BUILDING AREA, BUILDING SITE: An area within a lot upon which a building to accommodate the principal use of the lot could be practicably built, bound by the setbacks.

### 15-2-4: C:

CITY: The city of Orting.

CITY ADMINISTRATOR: The city administrator of the city of Orting or his [or her](#) designee.

CITY COUNCIL: The city council of the city of Orting.

CLOSED RECORD APPEAL: [An administrative appeal on the record to a local government body or officer, including the legislative body, following an open record hearing on a project permit application when the appeal is on the record with no or limited new evidence or information allowed to be submitted and only appeal argument allowed.](#) ~~An appeal to the city council based on the existing record.~~

[COMMUNITY DEVELOPMENT DIRECTOR: The Director of the City of Orting's Department of Community Development.](#)

Commented [NS2]: From RCW 36.70B.020

COMPREHENSIVE PLAN: The Orting comprehensive plan adopted in 1996, as amended.

COMPREHENSIVE PLAN AMENDMENT: An amendment or change to the text or maps of the comprehensive plan.

COMPREHENSIVE PLAN AMENDMENT, EMERGENCY: An amendment or change to the text or maps of the comprehensive plan made when an emergency exists or to resolve an appeal of a comprehensive plan filed with the growth management hearings board or with the court, in accordance with RCW 36.70A.130(2)(b).

CONDITIONAL USE: A use allowed in one or more zones as defined by the zoning title, but which because of characteristics peculiar to such use, the size, technological processes or equipment, or because of the exact location with reference to surroundings, streets, and existing improvements or demands upon public facilities, requires a special permit in order to provide a particular degree of control to make such uses consistent and compatible with other existing or permissible uses in the same zone and mitigate adverse impacts of the use.

CRITICAL AREAS: Areas of environmental sensitivity, which include the following areas and ecosystems: a) wetlands; b) areas with a critical recharging effect on aquifers used for potable water; c) fish and wildlife habitat conservation areas; d) frequently flooded areas; and e) geologically hazardous areas as defined by title 11 of this code.

**15-2-5: D:**

DATE OF DECISION: The date on which final action occurs and from which the appeal period is calculated.

DAY: A 24-hour period commonly referred to as "calendar day" and not "work day."

DESIGN STANDARDS: Dimensional and other quantitative standards, including, but not limited to, lot sizes and dimensions, setbacks, building placement and design requirements for improvements such as streets, sidewalks, storm drainage facilities and other standards used by the city to control physical development.

DEVELOPER: Any person who proposes an action or seeks a permit regulated by this title and titles 10, 12 and 13 of this code, inclusive.

DEVELOPMENT: Any land use permit or action regulated by this title and titles 12 and 13 of this code, including, but not limited to, subdivisions, planned unit developments, binding site plans, rezones, conditional use permits, or variances.

DEVELOPMENT CODE: Orting Municipal Code, this title and titles 12 and 13 ~~of this code~~.

DWELLING UNIT: A building or portion thereof providing complete housekeeping facilities for one family or household unit. Dwelling unit does not include recreational vehicles or mobile homes.

**15-2-6: E:**

**Commented [NS3]:** This definition works for counting "days" for purposes of the SB 5290 decision time limit

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EFFECTIVE DATE: The final decision of the decision maker shall be effective on the date stated in the decision, motion, resolution, or ordinance; provided, that the date from which appeal periods shall be calculated shall be the date of the written decision of the decision maker. ~~The date a final decision becomes effective.~~

**15-2-7: F:**

FINAL DECISION: The final action by the administrator, city board, planning commission, hearing examiner, or city council.

**15-2-8: G:**

**15-2-9: H:**

HEARING, OPEN RECORD: A hearing, conducted by a single hearing body or officer authorized by the local government to conduct such hearings, that creates the local government's record through testimony and submission of evidence and information, under procedures prescribed by the local government by ordinance or resolution. An open record hearing may be held prior to a local government's decision on a project permit to be known as a "open record predecision hearing." An open record hearing may be held on an appeal, to be known as an "open record appeal hearing," if no open record predecision hearing had been held on the project permit.

Commented [NS4]: From RCW 36.70B.020

HEARING, CLOSED RECORD: Also known as "Closed Record Appeal." A hearing, conducted by a single hearing body or officer authorized by the local government to conduct such hearings, that review the local government's record of testimony and evidence and information. A closed record hearing or "closed record appeal" follows an open record hearing on a project permit application when the appeal is on the record with no or limited new evidence or information allowed to be submitted and only appeal argument allowed.

HEARING EXAMINER: The official appointed by the mayor to adjudicate land use decisions as set forth in this title.

**15-2-10: I:**

**15-2-11: J:**

**15-2-12: K:**

**15-2-13: L:**

LOT: A fractional part of divided lands having fixed boundaries, being of sufficient area and dimension to meet minimum zoning requirements for width and area. The term shall include tracts or parcels.

LOT LINE ADJUSTMENT: The adjustment of a boundary line between existing lots which results in no more lots than existed before the adjustment.

LOT OF RECORD: An area or parcel of land as shown on an officially recorded plat or subdivision, or an area or parcel of land to which a deed or contract is officially recorded

as a unit of property, or which is described by metes and bounds or as a fraction of a section.

**15-2-14: M:**

~~MITIGATION CONTRIBUTION: A cash donation or other valuable consideration offered by the applicant in lieu of: a) a required dedication of land for public park, recreation, open space, public facilities, or schools; or b) road improvements needed to maintain adopted levels of service or to ameliorate identified impacts and accepted on the public's behalf as a condition of approval of a subdivision, plat or binding site plan. Voluntary contributions may be accepted by the city.~~

**Commented [NS5]:** This term can be deleted from this Title. The term is only used in Title 14 and is defined there.

**15-2-15: N:**

NONCONFORMING LOT: A lawfully established lot which does not conform to the provisions of the development code.

NONCONFORMING STRUCTURE: A lawfully erected structure which does not conform to the provisions of the development code.

NONCONFORMING USE: A lawfully established use which does not conform to the provisions of the development code.

**15-2-16: O:**

**15-2-17: P:**

PARTY OF RECORD: Any person who has testified at a hearing or has submitted a written statement related to a development action and who provides the city with a complete address [and/or email address](#).

PERSON: Any person, firm, business, corporation, partnership or other associations or organization, marital community, municipal corporation, or governmental agency.

PLANNED ACTION: A significant development proposal as defined in Revised Code of Washington 43.21C.031, as amended.

PLAT: A scale drawing of a subdivision showing lots, blocks, streets or tracts or other divisions or dedications of land to be subdivided.

PLAT, FINAL: A precise drawing of a subdivision and dedications which conforms to the approved preliminary plat, meets all the conditions of preliminary approval and meets the requirements of the Pierce County auditor for recording.

PLAT, FINAL SHORT: A precise drawing of a short subdivision and dedications which conforms to the approved preliminary short plat, meets all the conditions of approval and meets the requirements of the Pierce County auditor for recording.

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PLAT, PRELIMINARY: A neat and approximate scale drawing of a proposed subdivision, showing the existing conditions and the proposed layout of streets, lots, blocks and other information needed to properly review the proposal.

PLAT, PRELIMINARY SHORT: A neat and approximate scale drawing of a proposed short subdivision, showing the existing conditions and the proposed layout of streets, lots, blocks and other information needed to properly review the proposal.

PLAT, SHORT: The plat of a short subdivision.

PRIMARY OR PRINCIPAL USE: The predominant use of the land or building to which all other uses are secondary.

PROJECT: A proposal for development.

PROJECT PERMIT or PROJECT PERMIT APPLICATION: Any land use or environmental permit or license required from a local government for a project action, including but not limited to subdivisions, binding site plans, planned unit developments, conditional uses, shoreline substantial development permits, site plan review, permits or approvals required by critical area ordinances, site-specific rezones which do not require a comprehensive plan amendment, but excluding the adoption or amendment of a comprehensive plan, subarea plan, or development regulations except as otherwise specifically included in this subsection.

Commented [NS6]: From RCW 36.70B.020

PUBLIC FACILITIES AND UTILITIES: Land or structures owned by or operated for the benefit of the public use and necessity, including, but not limited to, public facilities defined in Revised Code of Washington 36.70A.030, as amended.

PUBLIC HEARING: An open record hearing at which evidence is presented and testimony is taken or a closed record hearing conducted to review the record and render a final decision.

PUBLIC MEETING: An informal meeting, hearing, workshop, or other public gathering of people to obtain comments from the public or other agencies on a proposed project permit prior to the local government's decision. A public meeting may include, but is not limited to, a design review or architectural control board meeting, a special review district or community council meeting, or a scoping meeting on a draft environmental impact statement. A public meeting does not include an open record hearing. The proceedings at a public meeting may be recorded and a report or recommendation may be included in the local government's project permit application file.

Commented [NS7]: From RCW 36.70B.020

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PUBLIC IMPROVEMENT: Any structure, utility, roadway or sidewalk for use by the public, required as a condition of development approval.

PUBLIC OPEN SPACE: Any publicly owned land, including, but not limited to, parks, playgrounds, waterways, and trails.

**15-2-18: Q:**

**15-2-19: R:**

REZONE: A change in classification from one zoning district to another.

**15-2-20: S:**

SIGN: A structure or graphic display designed to inform or attract the attention of persons not on the premises on which the sign is located.

SITE PLAN: A scale drawing which shows the areas and locations of all buildings, streets, roads, improvements, easements, utilities, open spaces and other principal development features for a specific parcel of property.

SITE PLAN, BINDING: A site plan reviewed and approved pursuant to title 13 of this code, containing the inscriptions or attachments setting forth the limitations and conditions of use for a specific parcel of property and meeting the requirements of the Pierce County auditor for recording.

STREET: A public or private right of way or easement which provides vehicle access to more than three (3) lots or potential lots.

STRUCTURE: A combination of materials constructed and erected permanently in or on the ground or attached to something having a permanent location on the ground, not including utility poles and related ground or pad mounted equipment, residential fences less than six feet (6') high, retaining walls, rockeries and other similar improvements of a minor character less than three feet (3') high.

SUBDIVISION: A division of land into ten (10) or more lots, tracts, parcels, sites or divisions for the purpose of sale, lease, or transfer of ownership, including resubdivision of previously subdivided land, except as provided in this title.

SUBDIVISION CODE: Title 12 of this code.

SUBDIVISION, SHORT: A division of land into nine (9) or fewer lots, tracts, parcels, sites or divisions for the purpose of sale, lease, or ~~transfer~~[transfer](#) of ownership, except as provided in this title.

**15-2-21: T:**

TRACT OR PARCEL: A portion of a subdivision having fixed boundaries.

**15-2-22: U:**

USE: The purpose which lands or structures serve or for which they are occupied, maintained, arranged, designed or intended.

**15-2-23: V:**

VARIANCE: A permissible modification of the application of title 13 of this code, to a particular property, subject to approval of the board of adjustment.

**15-2-24: W:**

**15-2-25: X:**

**15-2-26: Y:**

YARD: The lot area between lot lines and the building area.

**15-2-27: Z:**

ZONE, ZONE DISTRICT: A defined area of the city within which the use of land is regulated and certain uses permitted and other uses excluded as set forth in title 13 of this code.

ZONING CODE: Title 13 of this code.



## CHAPTER 3 ADMINISTRATION

### 15-3-1: ROLES AND RESPONSIBILITIES:

A. Regulation Of Land Development: The regulation of land development is a cooperative ~~activity-process~~ involving different elected and appointed boards and city staff. The specific responsibilities of these bodies are set forth below.

B. Developers: A developer is expected to read and understand the city development code and be prepared to fulfill the obligations placed on the developer by this title and titles 12 and 13 of this code.

### 15-3-2: CITY ADMINISTRATOR:

The administrator shall review and act on the following:

A. Authority: The administrator is responsible for the administration of this title and titles 12 and 13 of this code.

B. Administrative Interpretation: Upon request or as determined necessary, the administrator shall interpret the meaning or application of the provisions of said titles and issue a written administrative interpretation within thirty (30) days. Requests for interpretation shall be written and shall concisely identify the issue and desired interpretation.

C. Administrative Approvals: Administrative approvals are set forth in chapter 4 of this title.

D. Permit Procedures: The administrator shall determine the proper procedure for all development applications. (See section 15-4-2 of this title.)

### 15-3-3: CITY COUNCIL:

In addition to its legislative responsibility, the city council shall review and act on the following subjects:

A. Recommendations of the planning commission;

B. Appeals of planning commission recommendations and decisions, with the exception of decisions of the planning commission pursuant to section 13-6-7, "Architectural Design Review", and title 13, chapter 7, "Sign Regulations", of this code that are subject to appeal to the hearing examiner, in which case the city council shall review and act on the recommendation of the hearing examiner on appeal; ~~and~~

C. Appeals of determinations of significance under chapter 14 of this title; ~~and~~

~~D. Final plats and mobile/manufactured home parks or subdivisions.~~

The review criteria for ~~certain of these~~ the above actions are contained in chapter 9 of this title.

**Commented [A8]:** We recommend that the City Council no longer review final plats or Binding Site Plats as those are ministerial or administrative in nature; changes to this effect are incorporated throughout.

#### 15-3-4: PLANNING COMMISSION:

The planning commission shall review and render decisions on ~~approve~~ architectural design review applications, sign permits, sign code hardship variances, plat vacation and alterations, site plans and major amendments thereto, and shall review and make recommendations on the following applications and subjects:

- A. Amendments to the comprehensive plan.
- ~~B. Amendments to the building code, title 10 of this code.~~
- BC. Amendments to the environmentally critical areas code, title 11 of this code.
- CD. Amendments to the subdivision title, title 12 of this code.
- DE. Amendments to the zoning title, title 13 of this code, or the official map.
- EF. Applications for preliminary plats, plat alterations, and planned unit developments, ~~and binding site plans.~~
- FG. Other legislative actions as requested by the city council.

The review criteria for the above ~~certain of the~~ actions are contained in chapter 9 of this title.

#### 15-3-5: HEARING EXAMINER:

The hearing examiner shall serve at the pleasure of the mayor. The hearing examiner shall interpret, review and implement land use regulations as provided by ordinance and may perform other quasi-judicial functions as are delegated by ordinance. Unless otherwise specified, the term "hearing examiner" shall also mean deputy examiners and examiners pro tem. Hearing examiners shall be appointed based on their qualifications for the duties of the office including education and experience.

A. Influence And Conflict Of Interest: No person, including city officials, elected or appointed, shall attempt to influence the hearing examiner in any matter pending before him/her, except at a public hearing duly called for such purpose, or to interfere with the hearing examiner in the performance of his/her duties in any way; provided, that this section shall not prohibit the city attorney from rendering legal service to the hearing examiner upon request. The hearing examiner shall be subject to same code of ethics as set forth in Revised Code Of Washington 35A.63.170 and 42.23.

B. Rules: The hearing examiner shall have the power to prescribe rules for the scheduling and conduct of hearings and other procedural matters related to his/her duties.

C. Powers: The hearing examiner shall have the authority to:

1. Review and decide the following land use permit matters pursuant to Revised Code Of Washington 35A.63.170:

- a. Conditional use permits.

**Commented [NS9]:** This should be deleted; most building code updates these days are as directed by state or Building Code Council directives. It is unnecessary and burdensome to take to the PC.

- b. Variances.
  - c. Appeals of administrative decisions or determinations.
  - d. Appeals of administrative decisions or determinations pursuant to Revised Code Of Washington 43.21C.
  - e. Amortization periods for nonconforming signs.
  - f. Nonconforming use permits.
  - g. Appeals of SEPA determinations of the underlying land use action.
2. Review and decide civil violations in conjunction with enforcement actions of the city as described in chapter 11, "Enforcement", of this title.
- D. Procedures: The hearing examiner shall:
- 1. Receive and examine available information;
  - 2. Conduct public hearings in accordance with the provisions of this title, Revised Code Of Washington 42.32 and all other applicable law, and prepare a record thereof;
  - 3. Administer oaths and affirmations;
  - 4. Issue subpoenas and examine witnesses; provided that no person shall be compelled to divulge information which he/she could not be compelled to divulge in a court of law;
  - 5. Regulate the course of the hearing;
  - 6. Make and enter findings of fact and conclusions to support his/her decisions;
  - 7. Conduct conferences for the settlement or simplification of the issues;
  - 8. Conduct discovery;
  - 9. Dispose of procedural requests or similar matters;
  - 10. Take official notice of matters of law or material facts;
  - 11. Issue summary orders in supplementary proceedings; and
  - 12. Take any other action authorized by or necessary to carry out this chapter.

The above authority may be exercised on all matters for which jurisdiction is assigned to [the](#) hearing examiner by city ordinance, code or other legal action of the city council. The nature of the hearing examiner's decision shall be as specified in this chapter and in each ordinance or code which grants jurisdiction to the hearing examiner.

## CHAPTER 4 TYPES OF PERMIT ACTIONS

### 15-4-1: PROCEDURES FOR PROCESSING PERMIT APPLICATIONS:

All development permit applications shall be classified as one of the following: type 1, type 2, type 2a, type 3, type 3a or type 4. Legislative decisions are type 5 actions. Exclusions from the requirements of permit applications procedures are included at section 15-4-3 of this chapter. Table 15-4-1 of this section describes the city's permit processing procedures.

**TABLE 15-4-1**

	Procedure For Permit Applications						Legislative
	Type 1	Type 2	Type 2a	Type 3	Type 3a	Type 4	Type 5
Recommendation by	n/a	n/a	Administrator	n/a	n/a	Planning commission	Planning commission
Final decision by	Administrator	Administrator	Planning commission	Hearing examiner	Planning commission	City council	City council
Notice of application	No	No <sup>4</sup>	No	Yes	Yes	Yes	No
Open record public hearing or open record appeal of final decision	<a href="#">Only if appealed.</a> <a href="#">Open record hearing with hearing examiner</a> <del>No</del>	Only if appealed. Open record hearing with hearing examiner	Only if appealed. Open record hearing with hearing examiner; recommendation made by hearing examiner to the city council	Yes, before hearing examiner	Yes, before planning commission	Yes, before planning commission	Yes, before planning commission
Closed record appeal/final decision	<a href="#">No, unless appealed to council</a> <del>No</del>	No, unless appealed to council	City council	No, unless <a href="#">judicially appealed to council</a>	No, unless appealed to council	Yes, before council	Yes, or council may hold another public hearing

	Procedure For Permit Applications						Legislative
	Type 1	Type 2	Type 2a	Type 3	Type 3a	Type 4	Type 5
Judicial appeal	Yes	Yes	Yes	Yes	Yes	Yes	Yes ( <a href="#">or appeal to the Growth Management Hearings Board, as applicable</a> )

**Note:**

~~1. Notice of application is required for short plats of five (5) or more lots.~~

**Commented [NS10]:** This footnote is deleted since RCW prohibits requiring an NOA for SEPA exempt projects (and the recently exempted short plats of 9 or less lots from SEPA any how)

Table 15-4-2 of this section describes the types of decisions rendered in each permit procedure category.

**TABLE 15-4-2  
DECISIONS**

Type 1 (Administrator)	Type 2 (Administrator)	Type 2a (Planning Commission)	Type 3 (Examiner)	Type 3a (Planning Commission)	Type 4 (Council)	Type 5 (Council)
Permitted uses; boundary line adjustments; cottage development; home occupations; minor amendments to subdivisions and PUD; nonconforming use permit; temporary construction trailer; <u>minor amendments to site plans; final plats; mobile/ manufactured home parks or subdivisions; binding site plans</u>	Short plats; land clearing and grading; shoreline permits; administrative variances; administrative interpretations; landscape plan modifications; <u>alternative landscape plans; site plans and major amendments thereto<sup>2</sup></u>	Architectural design review; sign permits	Conditional use permits <sup>1</sup> ; general variances; sign permit variances; certain appeals	Sign code hardship variances; plat vacations and alterations; <del>site plans and major amendments thereto</del> ; major amendments to PUDs	Preliminary plats; preliminary PUDs; <del>final plats</del> ; final PUDs; certain appeals; <del>mobile/ manufactured home parks or subdivisions; binding site plans</del>	Comprehensive plan amendments; development regulations; shoreline master program <u>amendments</u> ; zoning text amendments; zoning map amendments; annexations; development agreements

**Commented [A11]:** Flagging:  
By 6/30/2025 the City of Orting is required to comply with RCW 36.70A.630. The city may determine that Architectural Design Review of some or all types will need to be changed to a Type 2 Administrator.  
  
This is a key question we want to ask the Planning Commission to weigh in on at their August meeting.

**Commented [A12]:** From SB 5290 which amended the Local Project Review Act

Notes:

1. All applications for conditional use permit approval shall be accompanied by a site plan.
2. In accordance with RCW 35.70B.140(3) projects with only interior alterations are exempted from site plan review provided no new sleeping quarters or bedrooms are added and certain other thresholds are not exceeded.

#### **15-4-2: DETERMINATION OF PROCEDURE TYPE:**

A. The administrator shall determine the proper procedure for all development applications. Questions concerning an appropriate procedure for a specific project shall be resolved by using the higher numbered procedure.

B. An application that involves two (2) or more procedures may be processed collectively under the highest numbered procedure [that is](#) required for any part of the application.

#### **15-4-3: EXEMPTIONS:**

A. The following permits or approvals are specifically excluded from the provisions of this title:

1. Landmark designations;
2. Street vacations;
3. Street use permits;
4. Impact fee decisions; and
5. Concurrency determinations.

B. Pursuant to Revised Code Of Washington 36.70B.140(2), building permits, boundary line adjustments, or other construction permits, or similar administrative approvals categorically exempt from environmental review under SEPA [1](#) -or permits and approvals for which environmental review has been completed in conjunction with other permit procedures, are excluded from the following:

1. Notice of application unless an open public hearing is required;
2. Consolidated permit review processing except as provided in Revised Code Of Washington 36.70B.140;
3. Joint public hearings;
4. Single report stating all of the decisions and recommendations made as of the date of the report do not require an open public record hearing; and
5. Notice of decision.

#### **Notes**

1. RCW 43.21C. See chapter 14 of this title.

## CHAPTER 5 APPLICATION PROCESS

### 15-5-1: APPLICATION:

A. Consolidation: To the extent possible, the city shall ~~integrate consolidated~~consolidate development applications and reviews ~~in order to and~~ coordinate the development permit and environmental review process, ~~while avoiding to avoid~~ duplication of the review processes.

B. Submittal: All applications for development permits, design review approvals, variances and other city approvals under the development code shall be submitted on forms provided by the city ~~and notarized~~. All applications shall be signed by the property owner, lessee, contract purchaser, or a city agency, or by an authorized agent thereof, or by a person otherwise authorized by the owner to make application for a development permit.

### 15-5-2: PREAPPLICATION MEETINGS:

A. Informal: Applicants for development are encouraged to contact the city prior to scheduling a preapplication meeting to discuss the proposed development, city design standards, design alternatives, and required permits and application and approval procedures.

B. Formal: Every person proposing a development in the city, including sign permits, with the exception of building permits, shall attend a preapplication meeting unless waived by the City Administrator. The purpose of the meeting is to discuss the nature of the proposed development, application and permit requirements, fees, review process and schedule, applicable plans, policies and regulations. In order to expedite development review, the city may invite all affected jurisdictions, agencies and/or special districts to the preapplication meeting.

**Commented [A13]:** There are instances where a pre-app meeting could not be necessary and so it's good to offer some flexibility

1. A description of the requirements for a complete application; a general summary of the permit review procedures; references to the relevant code provisions or development standards that may apply to the proposal; and any other relevant information that the city may deem pertinent to the proposal may be provided by the city at the meeting or immediately following the meeting at the request of the applicant.

2. It is impossible for the meeting to be an exhaustive review of all potential issues. The discussions at the meeting or the materials cited in subsection B1 of this section shall not bind the city or prohibit the city's future application or enforcement of all applicable law.

3. The fee associated with a formal preapplication meeting shall be the fee set forth in the adopted fee schedule.

**Commented [NS14]:** Flagging as a reminder to update the fee schedule

### 15-5-3: CONTENTS OF APPLICATIONS:

A. Specified Information: All applications for approval under this title and titles 12, ~~and 13~~ and 14 of this code shall include the information specified in the applicable title.



The administrator may require ~~such~~ additional information as reasonably necessary to fully and properly evaluate the proposal.

B. Permits: The applicant shall apply for all permits required by the city as identified in the preapplication meeting. It is the applicant's responsibility to determine if additional ~~Other~~ permits are required by other jurisdictions. ~~are the applicant's responsibility to determine.~~

#### **15-5-4: LETTER OF COMPLETENESS:**

A. Time Limit: Within twenty eight (28) days of receiving a date stamped application, the city shall review the application and, as set forth below, provide applicants with a written determination that the application is complete or incomplete (except as described in subsection D of this section).

B. Complete Application; Materials Required: A project permit application shall be declared complete only when it contains all of the following materials:

1. A fully completed, signed, and acknowledged development application and all applicable review fees.
2. A fully completed, signed, and acknowledged environmental checklist for projects subject to review under the state environmental policy act (SEPA), if applicable.
3. ~~The information~~ Information addressing the approval criteria associated with the application(s) for the desired project specified for the desired project in the appropriate chapters of this code and as identified in section 15-5-3 of this chapter.
4. Any supplemental information or special studies identified during the preapplication meeting.

C. Incomplete Applications; Determination: For applications determined to be procedurally incomplete, the city shall identify, in writing, the specific requirements or information necessary to constitute a procedurally complete application. Upon submittal of the additional information, the city shall, within fourteen (14) days, issue a letter of completeness or identify what additional information is required. The city's determination of completeness shall not preclude the city from requesting additional information or studies either at the time of notice of completeness or at ~~some a~~ later time, if new information is required or where there are substantial changes in the proposal.

1. If the applicant receives a determination from the city that an application is procedurally incomplete, the applicant shall have ninety (90) days to submit the additional required information. Within fourteen (14) days after submittal of the additional material, the city shall make a determination as described in this section.
2. If the applicant either refuses in writing to submit the additional material or fails to meet the deadline for resubmittal, the application shall lapse.
3. In those situations where the application has lapsed because the applicant has failed to submit the required material within the necessary time period, or the applicant has elected to withdraw the application, the applicant may request a refund of the

application fee unrelated to the city's determination of completeness. The amount of the refund shall be determined by the city based on its expenditures associated with the administration of the application.

D. Complete Application: A ~~development proposal project permit~~ application shall be deemed procedurally complete under this section on the 29<sup>th</sup> day after receiving the application, if the city does not provide a written determination to the applicant that the application is procedurally incomplete as provided in subsection C of this section within 28 days of the application. The determination of completeness shall be made when the application is sufficiently and procedurally complete for review even though additional information may be required or project modifications may be undertaken subsequently. The determination of completeness, or the city's failure to provide a written determination of completeness, shall not preclude the city's ability to request additional information or studies whenever new information is required, or when substantial changes have been made to the proposal.

Formatted: Superscript

E. Other Agencies: To the extent known by the city, other agencies with jurisdiction over the application shall be identified in the city's determination of completeness.

#### **15-5-5: TECHNICAL REVIEW COMMITTEE:**

A. Meeting; Notification: Immediately following the issuance of a letter of completeness, the city shall schedule a meeting of the technical review committee (TRC) and notify the applicant of the meeting. The TRC may be composed of representatives of all affected city departments, utility districts, the fire department, and any other entities or agencies with jurisdiction. The TRC shall be chaired either by the administrator, city engineer, or building inspector.

B. Review: The TRC shall review the development application for compliance with city plans and regulations, coordinate necessary permit reviews, and identify the development's environmental impacts.

#### **15-5-6: ENVIRONMENTAL REVIEW:**

A. Policies And Procedures: Developments and planned actions subject to the provisions of the state environmental policy act (SEPA), Revised Code Of Washington chapter 43.21C shall be reviewed in accordance with the policies and procedures contained in chapter 14 of this title.

B. Exemptions: Environmental review shall be conducted concurrently with development project review. The following are exempt from concurrent review:

1. Projects categorically exempt from SEPA.
2. Components of previously completed planned actions, to the extent permitted by law and consistent with the EIS for the planned action.

## CHAPTER 6 IMPACT FEES

*Note: This chapter, from 2003 and as amended in 2005, 2007, 2010, 2021 and 2022(Ord 778, Ord. 808, Ord. 845, Ord 2021-107, Ord. 2022-1092), is only being reviewed to a limited extent at this time and only minor grammatical changes are proposed.*

### **15-6-1: AUTHORITY AND PURPOSE:**

A. This chapter is enacted pursuant to the city's police powers, Revised Code of Washington 82.02, 58.17, and 43.21C. The purpose of this chapter is to:

1. Maintain a program for financing school, park, and transportation capital improvements necessitated in whole or in part by development within the city consistent with the goals and policies of the comprehensive plan;
2. Ensure adequate levels of service within the city;
3. Establish means to charge and collect impact fees to ensure that all new development bears its proportionate share of the capital costs of off site facilities reasonably necessary to accommodate the growth and maintain adopted level of service standards;
4. Ensure that the city pays its fair share of the capital cost of facilities necessitated by public uses unrelated to new growth; and
5. Ensure fair collection and administration of impact fees.

B. The provisions of this chapter shall be liberally construed to effectively carry out its purpose in the interests of public health, safety and welfare.

### **15-6-2: APPLICABILITY:**

A. The requirements of this chapter shall apply to all development regulated by this title and titles 12 and 13 of this code unless otherwise exempted.

B. Mitigation of impacts on schools, parks and transportation facilities located in jurisdictions outside the city will be required when:

1. The other affected jurisdiction has reviewed the development's impact(s) under its adopted impact fee regulations and has recommended to the city that there be a requirement to mitigate the impact; and
2. There is an interlocal agreement between the city and the affected jurisdiction specifically addressing impact analysis and mitigation.

C. The following are exempted from impact fees:

1. Alteration, expansion, reconstruction, or replacement of existing single-family or multi-family dwelling units that does not result in additional dwelling units.

2. As for school impact fees only, any new dwelling unit subject to restrictions that may be legally enforced by a private party or governmental entity limiting occupants to a minimum adult age or to populations that do not include children under the age of eighteen (18), including nursing homes and retirement centers; provided that this exclusion ceases if the exempted dwelling unit(s) is later converted to permanent use as a dwelling not subject to the restrictions.

3. As for school impact fees only, hotels, motels, and other transient accommodations provided that this exclusion ceases if the exempted development is later converted to permanent use as a dwelling not subject to these restrictions.

4. Accessory dwelling units (exemption applies to school and park impact fees only).

5. Development which has impact mitigation provided through environmental review under the state environmental policy act [addressing the impact](#).

6. Development for which school facility impacts or park impacts have been mitigated by the payment of, or promise or obligation to pay fees, dedicate land, or construct or improve school facilities as part of a permit approval process granted prior to the effective date of this chapter unless the terms of the agreement expressly provide otherwise.

[7. Development that meets the requirements for exemption per section 15-8-17 of this chapter.](#)

#### **15-6-3: GEOGRAPHIC SCOPE:**

~~The boundaries within which~~ Impact fees shall be charged and collected ~~are the same as the for development within the~~ corporate city limits. All unincorporated areas annexed to the city on and after the effective date hereof shall be subject to the provisions of this chapter. After the adoption of interlocal agreements with other local, regional or state jurisdictions, the geographic boundaries may be expanded accordingly.

#### **15-6-4: IMPOSITION OF IMPACT FEES:**

A. Impact fees may be required pursuant to the fee schedule adopted through the process described herein, or mitigation may be provided through other means such as the purchase, installation and/or improvement of facilities; or the dedication of land.

B. Impact fees shall:

1. Only be imposed for school, park, and transportation facilities needs that are reasonably related to the impacts of development;

2. Not exceed the proportionate share of the costs of school, park, and transportation facilities that will reasonably benefit the new development;

3. Be used for school, park and transportation facilities that will reasonably benefit the new development;

**Commented [A15]:** Adding this clause as a qualifier because otherwise I think this could be misconstrued.

4. Not be used to correct existing deficiencies;
5. Not be imposed to mitigate impacts or meet facility needs that are being addressed through other laws or programs;
6. Not be collected for improvements to other jurisdictions' facilities unless the city and the other affected ~~other~~ jurisdiction have an interlocal agreement;
7. Not be collected for projects vested prior to the adoption date hereof unless changes or modifications to the development proposal require an amendment to the previous city approval and result in greater impacts than previously addressed by the vested approval;
8. Be collected only once for each development, unless changes or modifications to the development proposal require an amendment to the previous city approval and result in greater impacts than previously addressed by the vested approval;
9. Be collected for system improvement costs previously incurred by the city, to the extent that said improvements are intended to serve new development and that additional fees shall not be collected for system deficiencies; and
10. Be only collected on residential developments for school and park impact mitigation.

**15-6-5: APPROVAL OF DEVELOPMENT:**

Approvals and permits granted by the city shall include findings and conclusions pertaining to impact mitigation fees consistent with this chapter.

**15-6-6: FEE SCHEDULES AND ESTABLISHMENT OF SERVICE AREA:**

- A. Impact fees shall be established by city council resolution ~~no more frequently than annually.~~
- B. The boundaries of the service area are the same as the corporate city limits. ~~The entire city within the corporate limits is the service area.~~

**15-6-7: CALCULATION OF IMPACT FEES:**

A. School impact fees are based on planned school facility development provided by the Orting School District and included in the comprehensive plan and in Pierce County code 4A.30.

1. The impact fee schedule is calculated based upon the formula set forth in table 15-6-1 of this section. The formula in table 15-6-1 of this section is the city's determination of the appropriate proportionate share of the costs of public school capital facilities needed to serve new growth and development to be funded by school impact fees.
2. The impact fee schedule, as enacted, includes a maximum fee obligation. The actual fee obligation is the lesser of the fee calculation or the maximum fee obligation.

**Commented [A16]:** The calculation of impact fees may to be updated per commerce checklist:  
 " f. The schedule of impact fees reflects the proportionate impact of new housing units, including multifamily and condominium units, based on the square footage, number of bedrooms, or trips generated, in the housing unit in order to produce a proportionally lower impact fee for smaller housing units. RCW 82.02.060 amended in 2023 by SB 5258"

3. Separate fees shall be calculated for single-family and multi-family types of dwelling units, because of their different impact on school facilities. Separate student generation rates (student factor) must be determined by the district for each type of dwelling unit. For purposes of this title, mobile homes shall be subject to the single-family dwelling unit fee and duplexes and zero lot line homes shall be subject to the multi-family dwelling units fee.

4. The fee calculations shall be made on a districtwide basis to assure maximum utilization of all school facilities in the district currently used for instructional purposes.

5. The formula in table 15-6-1 of this section also provides for a credit for school sites or facilities actually provided by a fee payer which are included in a school district capital facilities plan and that are required by the city as a condition of development approval.

6. Effective February 13, 2007, the maximum fees for single-family dwelling units shall be two thousand seven hundred eighty dollars (\$2,780.00) and for multi-family dwelling units shall be one thousand four hundred sixty five dollars (\$1,465.00). The maximum fee obligation in this chapter continues until adjusted by ordinance.

**SCHOOL IMPACT FEE SCHEDULE, TABLE 15-6-1**

Given the following variables:

- A = Full cost fee for site acquisition costs = A1+A2+A3
- A1 = Elementary school site cost per student x the student factor
- A2 = Middle school site cost per student x the student factor
- A3 = High school site cost per student x the student factor
- B = Full cost fee for school construction = B1+B2+B3
- B1 = Elementary school construction cost per student x the student factor
- B2 = Middle school construction cost per student x the student factor
- B3 = High school construction cost per student x the student factor
- C = Full cost fee for temporary facilities construction = C1+C2+C3
- C1 = Elementary school temporary facility cost per student x the student factor
- C2 = Middle school temporary facility cost per student x the student factor
- C3 = High school temporary facility cost per student x the student factor
- D = State match credit = D1+D2+D3
- D1 = Cost index x SPI square footage per student for elementary school x state match % x student factor
- D2 = Cost index x SPI square footage per student for middle school x state match % x student factor
- D3 = Cost index x SPI square footage per student for high school x state match % x student factor
- TC = Tax payment credit = the net present value of the average assessed value for the dwelling unit type in the school district,  

$$\frac{<(1+l)^n>-1}{l(1+l)^n}$$
  - l=the current school district capital property tax levy rate, l(1+l)<sup>n</sup>, where
  - l=the current interest rate for outstanding bond issues
  - n=the number of years left before the bond or capital levy is retired, up to a maximum of 10 years.
- FC = Facilities credit = the per dwelling unit value of any site or facilities provided directly by the development  

$$FC = \frac{\text{value of fee payer's contribution}}{\text{number of dwelling units in the development}}$$

Then the unfunded need (UN):

$$UN = A+B+C-D-TC-FC$$

The fee obligation:

Total unfunded need x 50% = fee calculation

Fee obligation is the lesser of the fee calculation or the maximum fee obligation as set by resolution of the city council.

Where:

"Capacity" means the number of students a school district's facilities can accommodate districtwide at each grade span, based on the district's adopted level of service.

"Classrooms" means educational facilities of the district required to house students for its basic educational program. The classrooms are those facilities the district determines are necessary to serve its student population. Specialized facilities identified by the district, including, but not limited to, gymnasiums, cafeterias, libraries, administrative offices, special education classrooms not suitable for general use because of design or equipment needs, and child daycare centers, shall not be counted as classrooms.

"Construction Cost Per Student" means the estimated cost of construction of a permanent school facility in the district for the grade span of school to be provided, as a function of the district's design standard per grade span and taking into account the requirements of students with special needs. A district shall establish construction costs based upon the district's experience with comparable projects, adjusted for inflation, or the cost of similar projects in other districts.

"Cost Index" means the area allowance for school construction determined under WAC 180-27-060.

"Facilities Credit" means the value of any site, school facilities, or monetary compensation the district has agreed to accept as an offset against a school impact fee from a fee payer regarding the development activity.

"Grade Span" means the categories into which a district groups its grades of students; i.e., elementary, middle or junior high school, and high school.

"Level Of Service (For Schools)" means the standard adopted by each district that identifies the program year, the class size by grade span, and taking into account the requirements of students with special needs, the number of classrooms presently available of facilities the district believes will best serve its student population, the student population for new school facilities per grade span, and other factors as identified by the school district. Unless a district adopts by board resolution, a standard of service that specifically deems all or any portion of its relocatable facilities to be permanent facilities, a district's standard of service shall not include any classrooms or other educational facilities housed in relocatable facilities or in transitional facilities. Except as otherwise defined by the school board pursuant to a board resolution, transitional facilities shall mean those facilities, including relocatable facilities or leased space, that are used to cover the time required for the construction of permanent facilities called for in the capital facilities plan.

"Permanent Facilities" means facilities of the district with a fixed foundation that are not relocatable facilities.

"Relocatable Or Temporary Facilities" means any factory built structure, transportable in one or more sections that is designed to be used as an education space and is needed to prevent the overbuilding of school facilities, to meet the needs of service areas within a district, or to cover the gap between the time that families move into new residential



developments and the date that construction is completed on permanent school facilities.

"Relocatable Or Temporary Facilities Cost Per Student" means the estimated cost of purchasing and siting a relocatable facility in the district for the grade span of school to be provided, as a function of the district's design standard per grade span and taking into account the requirements of students with special needs.

"Site Cost Per Student" means the estimated cost of a site in the district for the grade span of school to be provided as a function of the district's design standard per grade span and taking into account the requirements of students with special needs. A district shall determine site costs based on past experience or the acquisition costs for similar sites in comparable school districts.

"SPI Square Footage Per Student" means the space allocations per grade span determined by WAC 180-27-035. State board of education.

"State Matching Credit" means the calculation set forth in attachment A of the district's Boeckh index times SPI square footage per student per grade span times state match percentage times applicable student factor.

"State Match Percentage" means the percentage of school construction costs for which a district is eligible to receive state funding pursuant to Revised Code of Washington 28A.525.166 and the rules applicable thereto.

"Student Factor" means the number derived by a school district to describe how many students of each grade span are expected to be generated by development activity. Student factors shall be based on district records of average actual student generated rates for new developments constructed over a period of not more than five (5) years prior to the date of the fee calculation; provided that, if such information is not available in the district or if there are no developments in the district similar to that being proposed, the district may use data from districts with similar demographics, or, if no other data sources are reasonably available, countywide averages. Student factors shall be separately determined for single-family dwelling units and dwelling units within multi-family residences. For purposes of this chapter, mobile homes shall be considered single-family residences.

"Tax Payment Credit Or 'TC'" means the calculation set forth in attachment A of the district's average real property tax determined value for single-family dwelling units or multi-family dwelling units times the district's capital property tax rate as adjusted by the current interest rate for any bonds being retired by a capital tax and the number of years each capital levy tax shall be imposed, up to ten (10) years. The district's capital tax rate consists of authorized tax levies to retire bonded indebtedness incurred for school district capital purposes under chapter 28A.530 Revised Code of Washington and school facility levies for construction, remodeling, and modernization under Revised Code of Washington 84.52.053.

B. Park impact fees are based on the level of service standards for parks and trails established in the comprehensive plan.

1. It is the city's intent to maintain the ratio of park land to population established in the comprehensive plan land use element. Dedication of land for public parks and recreation facilities is the preferred method for mitigating impacts on such facilities caused by the development of new households.

2. When creation of a new household (in the form of a subdivision, short plat, planned unit development, manufactured housing park, or residential building permit on a lot for which a parks impact fee has not been collected) is proposed, the city shall require dedication of land necessary to meet the park land to population ratio [established in the comprehensive plan land use element](#). In the event that land dedication is determined by the city to be unfeasible, a mitigation fee in accordance with table 15-6-3 of this section shall be assessed. The amount of land to be dedicated for each dwelling unit shall be as shown in table 15-6-2 of this section:

**PARKS LAND DEDICATION FORMULA, TABLE 15-6-2**

Park land area per household:  $8 \times 43,560 / 322.58 = 1,080$  square feet/ household (rounded)

Given the following variables:

a) Comprehensive plan park land-to-population ratio = eight (8) acres per thousand (1,000)

b) Average household size = three and one-tenth (3.1) persons per household

c) Households per thousand (1,000) =  $1,000 / 3.1 = 322.58$

3. The fee value of land to be dedicated may be determined by either of the following methods:

a. The applicant may provide a fair market appraisal of the improved property value. The appraisal shall be prepared by a member of the Appraisal Institute (MAI).

b. The city may calculate the average improved land value using Pierce County assessor's data for all new dwelling units constructed in the previous calendar year.

4. Park impact fee (PIF) assessments in lieu of land dedication shall be collected based on table 15-6-3 of this section and specified by city council resolution:

**Commented [NS17]:** AHBL checked the most recently adopted Parks Plan and confirmed that the stated LOS remains 8 acres per 1,000 residents and also checked to see if any changes needed to be made to the persons per household figure, and confirmed that remains consistent with census data

**TABLE 15-6-3  
PARKS IMPACT FEE FORMULA**

Given the following variables:

A	=	Adjustment in accordance with Revised Code of Washington 82.02.050 and 060 to provide a balance between impact fees and other sources of public funds to meet capital facilities needs. For park improvements this adjustment is fifty (50) percent, so that A = 0.5.
HS	=	Average household size of three and one-tenth (3.1) persons.
PLOS	=	Adopted park land level of service standard of eight (8) acres per thousand (1,000) population.
PLR	=	Proportionate land requirement per new household of two-one-hundredths (0.0248) acre calculated as $PLOS \div 1,000 \times HS$ .
PV	=	Park land value of fifteen thousand dollars (\$15,000) per acre and park improvement value of one hundred and four thousand dollars (\$104,000).
TLOS	=	Adopted trails level of service standard of one-fourth mile per thousand (1,000) population.
TV	=	Trails land and improvement value of thousand dollars (\$44,000) per mile.
PTR	=	Proportionate trail requirement per new household of 0.000775 calculated as $TLOS \div 1,000 \times HS$ .
		$PIF = A \times [PLR \times PV + PTR \times TV]$
Therefore:		$PIF = 0.5 \times [0.0248 \times \$119,000 + 0.000775 \times \$44,000] = \$1,492$ per new household (unless amended by city council resolution)

**15-6-8: IMPACT FEE ACCOUNT FUNDS ESTABLISHED:**

A. Park Impact Fee Fund: There is hereby created and established a special purpose park and recreation facilities impact fee fund to receive park impact fees. All park impact fees and investment income received pursuant to this title shall be deposited into the park impact fee fund. Procedures for administration of the funds shall be established by the administrator. Expenditures from these funds shall be made in accordance with the city's normal budget procedures. Annually, the city shall prepare a report on each impact fee account showing the source and amount of all monies collected, interest earned, and capital or system improvements that were financed in whole or in part by impact fees.

B. School Impact Fee Fund: The Orting school district shall maintain a school impact fee suspense fund into which all school impact fees shall be deposited. Annually, in accordance with the interlocal agreement, the school district shall prepare and submit to the city a report on school impact fees and the school impact fee account, showing the source and amount of all monies collected, earned, or received, and the public improvements that were financed in whole or in part by the impact fees.

C. Transportation Impact Fee Fund: There is hereby created and established a special purpose transportation facilities impact fee fund to receive transportation impact fees. All transportation impact fees and investment income received pursuant to this title

shall be deposited into the transportation impact fee fund. Procedures for administration of the funds shall be established by the administrator. Expenditures from these funds shall be made in accordance with the city's normal budget procedures. Annually, the city shall prepare a report on each impact fee account showing the source and amount of all monies collected, interest earned, and capital or system improvements that were financed in whole or in part by impact fees.

**15-6-9: USE OF FUNDS:**

A. Impact fees shall be used for public facility improvements that will reasonably benefit the new development; shall not be imposed to make up for deficiencies in the facilities serving existing developments; and shall not be used for maintenance or operation.

B. Impact fees may be spent for improvements, including, but not limited to, facility planning, land acquisition, site improvements, necessary off site improvements, construction, engineering, architectural, permitting, financing, grant matching funds and administrative expenses, applicable impact fees or mitigation costs, capital equipment pertaining to public facilities, and any other expenses which can be capitalized and are consistent with the comprehensive plan.

C. Impact fees may also be used to recoup public facility improvement costs previously incurred to the extent that new growth and development will be served by the previously constructed improvements or incurred costs.

D. In the event that bonds or similar debt instruments are or have been issued for the construction of public facility or system improvements for which impact fees may be expended, impact fees may be used to pay debt service on such bonds or similar debt instruments to the extent that the facilities or improvements provided are consistent with the requirements of this section and are used to serve the new development. Capital facilities plans using impact fees for the purpose of assisting in the provision of capital facilities or facility systems must clearly differentiate between funds used for new improvement and those funds used to correct existing deficiencies.

**15-6-10: ASSESSMENT AND COLLECTION:**

A. Fee Determination: For all development activity subject to this chapter, the city shall determine the total impact fee at the time of application for a building permit or for installation of a mobile/manufactured home, based on the capital facilities plan element of the Orting comprehensive plan and the resulting fee schedule in effect at the time of application.

B. Collection Time: Collection shall occur prior to the time of building permit issuance unless the fee payer requests a deferral as outlined below and provides the city with proof that a voluntary impact fee lien in the form provided for in subsection C of this section has been executed by all legal owners of the property upon which the development activity allowed by the building permit is to occur, and the form has been recorded in the office of the Pierce County auditor. If a voluntary impact fee lien has been recorded, then the following collection shall occur:

1. Pursuant to Revised Code Of Washington 82.02.050, applicants for single-family attached or single-family detached residential building permits may request to defer payment, for no more than eighteen (18) months from the date of building permit issuance, of required impact fees until final inspection, which request shall be granted so long as the requirements of this chapter are satisfied. If a deferral request is granted under this section, the city may withhold certification of final inspection until the impact fees have been paid in full.

a. A request for impact fee deferral shall be made in writing on a form provided by the city, and submitted contemporaneously with the associated building permit application. Any request for impact fee deferral must be accompanied by an administrative fee in an amount determined by resolution of the city council.

b. The deferral entitlements allowed under this chapter shall be limited to the first twenty (20) single-family residential construction building permits per applicant, as identified by contractor registration number or other unique identification number, per year.

2. For dwelling units other than single-family, prior to the issuance of the certificate of occupancy. The applicant must provide evidence to the county that the fee has been paid.

3. If development activity originally excluded from the scope of this chapter is converted to a residential use creating an impact on schools and/or parks, the appropriate fee shall be immediately determined and become due for payment.

C. Title Notification: The owner of any property for which a school impact fee is not paid prior to issuance of a building permit shall record a voluntary impact fee lien with the Pierce County auditor in the applicable form set forth below:

***VOLUNTARY IMPACT FEE LIEN***

*Parcel Number:*

*Address:*

*Legal Description:*

*Present Owner:*

*Notice: The site was the subject of a development proposal for building permit application number (# ) filed on (date).*

*A (school) (park) (transportation) impact fee in the amount established in 15-6-6 is due to the City of Orting upon the earlier of: transfer of title, refinancing, or 18 months from the date of issuance of the building permit. The fees are a lien on the property. In the event the fee is not paid when due, Orting shall foreclose it in the same manner as an assessment. This lien shall earn interest at the applicable statutory rate from the date of default. The owner shall also pay the City's reasonable attorney's fees and costs incurred in the foreclosure process. Notwithstanding the foregoing, the City shall not commence foreclosure proceedings less than 30 calendar days prior to providing written*

*notification to the then present owner of the property via certified mail with return receipt requested advising of its intent to commence foreclosure proceedings. If the present owner cures the default within the 30-day cure period, no attorney's fees and/or costs will be owed.*

*Signature of Owner(s)*

D. Collection Of Fee Or Record Of Lien: The city shall not issue a building permit for any development activity until applicable school and parks impact fees are paid or the fee payer has provided the city with satisfactory evidence that the applicable voluntary impact fee lien has been recorded against the property for which the building permit is issued. Notwithstanding the recording of a voluntary impact fee lien, the city may collect the fee when it becomes due from either the person or entity: 1) whose development activity creates the demand for additional public facilities which requires approval, 2) who applies for issuance of the building permit, or 3) the owner of the real property subject to the lien; provided the city shall not collect from any one or all of the above referenced persons and/or entities an amount that exceeds the fee, if any, due for the dwelling unit(s), including interest, attorney fees and costs authorized by the lien. If the fee is collected from a person or entity who is or which is not the current owner of the real property subject to the lien, the city shall assign its interest in the lien to the person or entity who or which paid the fee.

E. Record Satisfaction Of Lien: Unless the city has assigned its interest in the lien as provided for in subsection D of this section, upon payment of any voluntary impact fee lien, the city shall promptly record a satisfaction of lien.

**15-6-11: ADJUSTMENTS, INDEPENDENT CALCULATIONS:**

A. A fee payer may request an adjustment to the impact fees set forth in this title by preparing and submitting to the city and Orting school district (for school impact fees) an independent fee calculation for the development activity for which a building permit is sought. The documentation submitted shall show the basis upon which the independent fee calculation was made.

1. If the city agrees with the independent fee calculation, a written agreement shall be transmitted to the fee payer for recording.

2. If the city does not agree with the independent fee proposal, the fee payer may request a third party review. The third party reviewer will be selected by the city.

a. The fee payer shall pay the third party reviewer for services and the city for analysis of the independent fee calculation.

b. While there is a presumption that the calculations set forth in the capital facilities plan element of the comprehensive plan are valid, the third party reviewer shall consider the documentation submitted by a fee payer and the analysis prepared by the city.

c. The third party reviewer may result in the city acceptance, rejection, or revision of the independent fee calculation after consideration of documentation submitted in

support of or in opposition to the independent fee calculation, the specific characteristics of the development, principles of fairness, and/or other relevant information. The fees or alternative fees and the calculations shall be set forth in writing and shall be mailed to the fee payer, and the school district (for school impact fees).

B. Determinations made pursuant to this section may be appealed to the hearing examiner subject to the procedures set forth in this title.

**15-6-12: CREDITS:**

A. The fee payer shall be entitled to a credit against the applicable impact fee component for the value of any dedication of land for, improvement to, or new construction of any system improvements provided by the fee payer, to facilities that are identified in the capital facilities plan and that are required by the city as a condition of [approving approval for](#) the development activity.

B. The amount of the credit shall be the higher of either the value of the land or improvements established in the adopted comprehensive plan capital facilities element or by an appraisal conducted by an independent professional appraiser mutually agreeable to the city and the fee payer. Either the fee payer or the city may request an appraisal, in which event the cost of the appraisal shall be borne by the requesting party. Determinations made pursuant to this section may be appealed to the examiner subject to the procedures set forth in this title.

C. After the effective date of this chapter, [the developer shall be entitled to a credit for the value of the land or actual costs of capital facility construction against the fee that would be chargeable under the formula provided by this chapter, whenever a development is granted approval subject to the following condition\(s\):](#) ~~whenever a development is granted approval subject to a condition~~ that the developer actually provide school sites, school facilities, or improvements to school facilities that are identified in the comprehensive plan capital facilities element, or whenever the developer has agreed, pursuant to the terms of a voluntary agreement with the school district, to provide land, provide school facilities, or make improvements to existing facilities, ~~the developer shall be entitled to a credit for the value of the land or actual costs of capital facility construction against the fee that would be chargeable under the formula provided by this chapter.~~ The land value or costs of construction shall be determined pursuant to subsection B of this section.

D. After the effective date of this chapter, [the developer shall be entitled to a credit for the value of the land or actual costs of capital facility construction against the fee that would be chargeable under the formula provided by this chapter, whenever a development is granted approval subject to](#) ~~a the following condition(s): condition~~ that the developer park, open space, or linear trail park facilities that are identified in the capital facilities element, or whenever the developer has agreed, pursuant to the terms of a voluntary agreement with the city, to provide land for parks, open space, or linear trails that are identified in the capital facilities element, or make improvements to existing facilities, ~~the developer shall be entitled to a credit for the value of the land or actual costs of capital facility construction against the fee that would be chargeable~~

~~under the formula provided by this chapter.~~ The land value or costs of construction shall be determined pursuant to subsection B of this section.

E. When a subdivision or other type of development is conditioned upon the dedication of land, or purchase, installation or improvement of school, park, or transportation facilities, a final plat, final PUD, or short plat shall not be recorded, nor a building permit issued until:

1. The city has determined in writing that any land to be dedicated is shown on the face of the final plat, final PUD, or short plat, or a deed conveying the land to the city or school district, as appropriate, has been recorded with the Pierce County auditor; and

2. The city has determined in writing, after consultation with the designated public owner responsible for permanent, continuing maintenance and operation of the facilities, that the developer has satisfactorily undertaken, or guaranteed to undertake in a manner acceptable to the city, any required purchase, installation or improvement of the required school, park, or transportation facilities.

#### **15-6-13: REFUNDS:**

A. The current owner of property on which impact fees have been paid may receive a refund of such fees if the impact fees have not been expended or encumbered within six (6) years of their receipt. In determining whether impact fees have been encumbered, impact fees shall be considered encumbered on a first in, first out basis.

B. (For school impact fees) the city shall, through the interlocal agreement with the Orting School District, provide for the district to refund fees according to the requirements of this chapter.

1. The district shall notify potential claimants by first class mail deposited with the United States postal service addressed to the owner of the property as shown in the county tax records.

2. An owner's request for a refund must be submitted to the Orting School District superintendent in writing within one year of the date the right to claim the refund arises or the date that notice is given, whichever date is later.

C. Any impact fees that are not expended or encumbered within these time limitations, and for which no application for a refund has been made within this one year period, shall be retained and expended consistent with the provisions of this section.

D. Refunds of impact fees shall include any interest earned on the impact fees.

E. Should the city seek to terminate any or all impact fee requirements, all unexpended or unencumbered funds, including interest earned, shall be refunded to the current owner of the property for which an impact fee was paid. Upon the finding that any or all fee requirements are to be terminated, the city shall place notice of such termination and the availability of refunds in a newspaper of general circulation at least two (2) times and shall notify all potential claimants by first class mail addressed to the owner of the property as shown in the county tax records. All funds available for refund



shall be retained for a period of one year. At the end of one year, any remaining funds shall be retained by the city, but must be expended for the original purposes, consistent with the provisions of this section. The notice requirement set forth above shall not apply if there are no unexpended or unencumbered balances within the account or accounts being terminated.

F. An owner/applicant may request and shall receive a refund, including interest earned on the impact fees, when:

1. The owner/applicant does not proceed to finalize the development activity as required by statute ~~or~~ city code, or the uniform building code; and

2. The district or the city has not expended or encumbered the impact fees in good faith prior to the application for a refund. In the event that the district or the city has expended or encumbered the fees in good faith, no refund shall be forthcoming. However, if within a period of three (3) years, the same or subsequent owner of the property proceeds with the same or substantially similar development activity, the owner shall be eligible for a credit. The owner must petition the city in writing and provide receipts of impact fees paid by the owner for a development of the same or substantially similar nature on the same property or some portion thereof. The city shall determine whether to grant a credit, and such determinations may be appealed by following the procedures set forth in this title.

G. The amount to be refunded shall include the interest earned by this portion of the account from the date that it was deposited into the impact fee fund.

#### **15-6-14: APPEALS AND PAYMENTS UNDER PROTEST:**

A. An appeal of the decision of the city, the third party reviewer, or the hearing examiner with regard to the imposition of an impact fee or fee amounts may be filed by the fee payer or by the school district (for school impact fees) ~~by~~. Any appeal shall follow the appeal process for the underlying permit and shall not be subject to a separate appeal process.

B. Any fee payer may pay the impact fees imposed by this title under protest in order to obtain a building permit. No appeal shall be permitted until the impact fees at issue have been provided.

C. Further appeals of a decision under this title shall be considered by the city according to procedures in this title.

D. The examiner is authorized to make findings of fact regarding the applicability of the impact fees to a given development activity, the availability or amount of credit, or the accuracy or applicability of an independent fee calculation.

#### **15-6-15: COUNCIL REVIEW:**

A. Computation And Schedules: The fee schedules set forth in this chapter shall be reviewed by the city council as it deems necessary and appropriate in conjunction with the annual update of the capital facilities element of the comprehensive plan.

#### 15-6-16: ADMINISTRATIVE FEES:

The cost of administering the impact fee system for school, park, and transportation impact fees shall be a one time charge established by the city. This fee, in addition to the actual impact fees, shall be paid by the developer to the city at the time of building permit issuance.

#### 15-6-17: EXEMPTION OR REDUCTIONS:

A. Public housing agencies or private nonprofit housing developers participating in publicly sponsored or subsidized housing programs or constructing emergency housing, may apply for exemptions or reductions from the requirements of this chapter. Private ~~for-profit~~for-profit developers may apply for exemptions or reductions from the requirements of this chapter for when all or a portion of the project is designed to accommodate low income residents or special populations that will result in lower impacts on schools, parks, or transportation facilities. The determination of the amount of any requested exemptions or reductions shall be based on the procedures of section 15-6-11 of this chapter.

B. The amount of impact fees exempted or reduced for low income subsidized units shall be replaced by other public funds.

C. Dwelling units qualifying for impact fee exemptions or reductions shall be occupied by low income or special population residents for a minimum of fifteen (15) years.

D. An applicant constructing early learning facilities may apply for exemptions or reductions from the requirements of this chapter if a covenant is recorded to ensure that at least 25 percent of the families using the facility qualify for state-subsidized childcare.

E. Exemptions for early learning facilities, low income housing, and emergency housing shall comply with the standards set forth in RCW 82.02.060.

**Commented [A18]:** Per RCW 82.02.060 amended in 2021 and RCW 82.02/090(1)(b amended in 2018 (definition)

#### 15-6-18: RELATIONSHIP TO ENVIRONMENTAL IMPACT MITIGATION:

A. As provided by Revised Code of Washington 82.02.100, development required to mitigate environmental impacts pursuant to Revised Code of Washington 43.21C.060 shall not be required to pay impact fees under this chapter for the same system improvements.

B. Nothing in this chapter shall be construed to limit the city's authority to deny development permit applications when a proposal would result in significant adverse environmental impacts identified in environmental review under SEPA where reasonable mitigation measures are insufficient to address the identified impact.

#### 15-6-19: SEVERABILITY:

If any provision of this title or its application to any person or circumstance is held invalid, the remainder of this regulation or the application of the provision to other persons or circumstances shall not be affected.

**Commented [A19]:** Per RCW 82.02.060 as amended in 2021

## **ARTICLE A. TRAFFIC IMPACT FEES**

### **15-6A-1: AUTHORITY AND PURPOSE:**

A. This article is enacted pursuant to the city's police powers, the growth management act as codified in chapter 36.70A Revised Code Of Washington, the enabling authority in chapter 82.02 Revised Code Of Washington, chapter 58.17 Revised Code Of Washington relating to platting and subdivisions, and the state environmental policy act (SEPA), chapter 42.21C Revised Code Of Washington.

B. The purpose of this article is to:

1. Maintain a transportation impact fee program consistent with the Orting comprehensive plan and the six (6) year transportation improvements necessitated in whole or in part by development in the city;
2. Ensure adequate levels of transportation and traffic service within the city consistent with the comprehensive plan;
3. Create a mechanism to charge and collect fees to ensure that all new development bears its proportionate share of the capital costs of off site transportation facilities directly necessitated by new development, in order to provide an adequate level of transportation service consistent with the comprehensive plan;
4. Ensure that the city pays its fair share of the capital costs of transportation facilities necessitated by public use of the transportation system; and
5. Ensure fair collection and administration of such impact fees.

C. The provisions of this article shall be liberally construed to effectively carry out its purpose in the interests of the public health, safety and welfare.

### **15-6A-2: DEFINITIONS:**

The following are definitions provided for administering the transportation impact fee and supplement those definitions already set forth in chapter 2 of this title. The city shall have the authority to resolve questions of interpretation or conflicts between definitions.

**ADEQUATE LEVEL OF TRANSPORTATION SERVICE:** A system of transportation facilities, which has the capacity to serve development without decreasing levels of service below the city's minimum established in the city of Orting transportation plan.

**ATTACHMENT A:** The "attachment A - transportation impact fee methodology" included in the city of Orting 2030 transportation plan technical appendices and future amendments or modifications thereof.

**CAPACITY:** The maximum sustainable flow rate at which vehicles or persons can be expected to traverse a point or uniform segment of a lane or roadway during a specified time period, usually expressed as vehicles per hour, passengers per hour, or persons per hour.

**CITY CLERK:** The city clerk of the city of Orting or his/her designee.

**CITY TREASURER:** The city treasurer of the city of Orting or his/her designee.

**DEVELOPER:** Any person who proposes an action or seeks a permit regulated by this title or title 10, 12, or 13 of this code.

**DEVELOPMENT ACTIVITY:** Any construction or expansion of a building, or structure, or use, or any changes in the use of land, that creates additional demand and need for public facilities.

**DIRECTOR:** The director of the department of public works of the city of Orting or his/her designee.

**IMPACT FEE OR TRANSPORTATION IMPACT FEE:** A payment of money imposed upon development approval to pay for public streets and roads needed to serve new growth and development, and that is reasonably related to the new development that creates additional demand and need for public streets and roads, that is a proportionate share of the cost of the public streets and roads, and that is used for public streets and roads that reasonably benefit the new development. "Impact fee" does not include a reasonable permit or application fee otherwise established by city council resolution.

**JURISDICTION:** The authority of the city of Orting to regulate development within its limits.

**OFF SITE TRANSPORTATION ROAD IMPROVEMENT:** Improvement, except a frontage improvement, to an existing or proposed city road or street outside the boundaries of a development, which improvement is required or recommended in accordance with this title.

**OWNER:** The person(s) with legal right of possession or lawful title.

**PROJECT IMPROVEMENTS:** Site improvements and facilities that are planned and designed to provide service for a particular development project that are necessary for the use and convenience of the occupants or users of the project, and are not system improvements. No improvement or facility included in the capital facilities element or the six (6) year plan approved by the city council shall be considered a project improvement.

**SERVICE AREA:** A geographic area defined by ordinance or intergovernmental agreement in which a defined set of public streets and roads provides service to the development within the area.

**SIX YEAR TRANSPORTATION IMPROVEMENT PROGRAM (TIP):** A subset of projects contained in the city's capital improvement element. The TIP is a set of comprehensive street programs/projects which after a public hearing is annually adopted by the city council for the purpose of advancing plans for not less than six (6) years as a guide for carrying out the coordinated transportation/street construction program. The six (6) year TIP shall contain a small group of capacity projects, which will be considered reasonably funded for determining transportation concurrency and impact fees. The adoption of the six (6) year TIP will obligate the city to actively pursue

funds to implement the capacity component of the transportation improvement program as best as is possible with the available resources.

**SYSTEM IMPROVEMENTS:** Public facilities that are included in the capital facilities plan and are designed to provide service areas within the community at large, in contrast to project improvements.

**15-6A-3: APPLICABILITY:**

A. The requirements for this article apply to all development activity in the city of Orting.

B. Mitigation of impacts on transportation facilities located in jurisdictions outside the city will be required when:

1. The other affected jurisdiction has reviewed the development's impact under its adopted impact fee/mitigation regulations and has recommended to the city that the city impose a requirement to mitigate the impacts; and

2. There is an interlocal agreement between the city and the affected jurisdiction specifically addressing transportation impact identification and mitigation.

**15-6A-4: GEOGRAPHIC SCOPE:**

The boundaries within which impact fees shall be charged and collected are coextensive with the corporate city limits, and shall include all unincorporated areas annexed to the city on and after the effective date hereof. After the adoption of interlocal agreements with other local and regional governments, geographic boundaries may be expanded consistent therewith.

**15-6A-5: IMPOSITION OF TRANSPORTATION IMPACT FEES:**

A. The city is hereby authorized to impose transportation impact fees on new development according to the provisions of this article.

B. Transportation impact fees:

1. Shall only be imposed for system improvements that are reasonably related to the new development;

2. Shall not exceed a proportionate share of the costs of system improvements that are reasonably related to the new development;

3. Shall be used for system improvements that will reasonably benefit the new development;

4. Shall be collected and spent only for system improvements which are addressed by the six (6) year transportation improvement program, based on the city of Orting's capital facilities element, identifying:

a. Deficiencies in public facilities serving existing development and the means to eliminate them within a reasonable period of time;

b. Additional demands placed on existing public facilities by new developments;  
and

c. Additional public facility improvements required to serve new development;

5. Shall not be imposed to mitigate the same off site transportation facility impacts that are mitigated pursuant to any other law;

6. Shall not be collected for improvements to state transportation facilities outside the city boundaries unless the state requests such improvements and an agreement to collect such fees has been executed between the state/county and the city;

7. Shall not be collected for improvements to transportation facilities in other jurisdictions unless the affected jurisdiction requests such improvement and an interlocal agreement has been executed between the city and the affected jurisdiction for the collection of such fees;

8. Shall be collected only once for each building permit, unless changes or modifications to the building permit are proposed which result in greater direct impacts on transportation facilities than were considered when the building permit was first approved; and

9. Shall not be collected from any new or expanded city facilities, post offices, libraries and schools.

**15-6A-6: FEE SCHEDULES AND ESTABLISHMENT OF SERVICE AREA:**

A. The impact fee methodology setting forth the amount of the transportation impact fees to be paid by a development is set out in attachment A as referenced in section 15-6A-2 of this article and incorporated herein by this reference.

B. The impact fee schedule of costs, as set out in attachment A as referenced in section 15-6A-2 of this article, shall be updated periodically at the discretion of the city of Orting as the project list changes or to update project costs.

C. For the purpose of this article, the entire city shall be considered one service area.

**15-6A-7: CALCULATION OF IMPACT FEES:**

A. The city shall calculate the transportation impact fees as set forth in attachment A as referenced in section 15-6A-2 of this article subject to the provisions of this article.

B. In determining the proportionate share, the method of calculating impact fees shall use trip generation methodology consistent with the latest edition of the Institute of Transportation Engineers Trip Generation Manual. Accessory dwelling units shall be calculated using ITE Use Number 220, apartment customer type. The calculation shall incorporate, among other things, the following:

1. The cost of public streets and roads necessitated by new development;

2. An adjustment to the cost of the public streets and roadways for past or future payments made or reasonably anticipated to be made by new development to pay for

particular system improvements in the form of user fees, debt service payments, taxes, or other payments earmarked for or proratable to the particular system improvement;

3. The availability of other means of funding public street and roadway improvements;
4. The cost of existing public street and roadway improvements; and
5. The methods by which public street and roadway improvements were financed.

C. A credit, not to exceed the impact fee otherwise payable, shall be provided for the value of any dedication of land for, improvement to, or new construction of any system improvements provided by the developer, to facilities that are identified in the transportation impact fee project list and that are required by the city as a condition of approving the development permit. The determination of "value" shall be consistent with the assumptions and methodology used by the city in estimating the capital improvements costs.

D. The director may adjust the standard impact fee at the time the fee is imposed to consider unusual circumstances in specific cases to ensure that impact fees are imposed fairly.

E. The amount of fee to be imposed on a particular development may be adjusted by the director giving consideration to studies and other data available to the director or submitted by the developer demonstrating to the satisfaction of the director that an adjustment should be made in order to carry out the purposes of this chapter.

F. The impact fee shall provide for system improvement costs previously incurred by the city to the extent that new growth and development will be served by the previously constructed improvements; provided, that such fees shall not be imposed to make up for any system improvement deficiencies.

#### **15-6A-8: PAYMENT OF FEES:**

A. All developers shall pay an impact fee in accordance with the provisions of this article at the time that the applicable building permit is ready for issuance. The fee paid shall be the amount in effect as of the date of the building permit being deemed completed.

B. All developers shall pay an impact administrative fee at the time of issuance of a building permit as set forth in section 15-6-16 of this chapter.

C. If the development is modified or conditioned in such a way as to alter the trip generation rate for the development after building permit issuance, the impact fee will be recalculated accordingly.

D. No building permit shall be issued until the transportation impact fee is paid.

E. Impact fees may be paid under protest in order to obtain a permit or other approval of development activity.

**15-6A-9: PROJECT LIST:**

A. The director shall recommend annual updates to city's comprehensive plan, capital facilities element, the six (6) year TIP, and the projects in attachment A as referenced in section 15-6A-2 of this article and shall:

1. Identify proportion of each project that is growth related;
2. Forecast the total funding available from taxes and other public sources for transportation improvements necessary in the next six (6) years;
3. Calculate the amount of impact fees associated with those projects that have already been paid.

B. The director may use this information to prepare an annual draft amendment to attachment A as referenced in section 15-6A-2 of this article, which shall comprise:

1. The projects on the comprehensive plan that are growth related and that should be funded with forecast public monies and the impact fees already paid;
2. The projects already built or funded pursuant to this article whose performance capacity has not been fully utilized; and
3. An update of the estimated costs of the projects listed.

C. The council, at the same time that it adopts the annual budget and appropriates funds for capital improvement projects, shall by separate ordinance establish the annual attachment A as referenced in section 15-6A-2 of this article by adopting, with or without modification, the director's draft list.

D. Once a project is placed on attachment A as referenced in section 15-6A-2 of this article, a fee shall be imposed on every development that impacts the project until the project is removed from the list by one of the following means:

1. The council by ordinance removes the project from attachment A as referenced in section 15-6A-2 of this article, in which case the fees already collected will be refunded if necessary to ensure that impact fees remain reasonably related to the traffic impacts of development that have paid an impact fee; provided, that a refund shall not be necessary if the council transfers the fees to the budget of another project that the council determines will mitigate essentially the same traffic impacts; or
2. The impact fee share of the project has been fully funded, in which case the director shall administratively remove the project from the project list.

**15-6A-10: FUNDING OF PROJECTS:**

For funding of projects, see the provisions contained in this chapter.

**15-6A-11: REFUNDS:**

See section 15-6-13 of this chapter.



**15-6A-12: APPEALS:**

A developer may appeal the amount of an impact fee determined by the director as provided in section 15-6-14 of this chapter. The developer shall bear the burden of proving:

- A. That the director committed material and substantial error in calculating the developer's proportionate share, as determined by an individual fee calculation or, if relevant, as set forth in the fee schedule, or in granting credit for the benefit factors; or
- B. That the director's decision was based on data that was materially and substantially incorrect and which, therefore, necessarily resulted in an erroneous decision.

**15-6A-13: RELATIONSHIP TO SEPA:**

- A. All development shall be subject to environmental review pursuant to SEPA and other applicable city ordinances and regulations. The need for a traffic impact analysis (TIA) and requirements for a TIA are established in the city of Orting 2030 transportation plan technical appendices "Traffic Impact Analysis Guidelines".
- B. Payment of the impact fee shall constitute satisfactory mitigation of those traffic impacts related to the specific improvements identified on the project list. (See attachment A as referenced in section 15-6A-2 of this article.)
- C. Further mitigation in addition to the impact fee shall be required for identified adverse impacts appropriate for mitigation pursuant to SEPA that are not mitigated by an impact fee.
- D. Nothing in this article shall be construed to limit the city's authority to deny building permits when a proposal would result in significant adverse traffic impacts identified in an environmental impact statement and reasonable mitigation measures are insufficient to mitigate the identified impact.

**15-6A-14: RELATIONSHIP TO CONCURRENCY:**

Neither compliance with this article or the payment of any fee hereunder shall constitute a determination of concurrency under section 15-8-4 of this title.

## CHAPTER 7 PUBLIC NOTICE REQUIREMENTS

### 15-7-1: ~~DEVELOPMENT NOTICE OF APPLICATION:~~

A. Included Information: Within fourteen (14) days of issuing a letter of completeness under chapter 5 of this title, the city shall issue a notice of ~~development~~ application. The notice shall include, but not be limited to, the following:

1. The name of the applicant.
2. Date of application.
3. ~~The~~ Date of the letter of completeness.

4. Date of Notice of application.

~~5~~4. The location of the project, including street address and legal description.

~~6~~5. A project description.

~~7~~6. The requested approvals, actions, and/or required approvals, actions or studies.

~~8~~7. A statement of the public comment period which shall be not less than fourteen (14) days nor more than thirty (30) days following the date of the notice of application, and a statement of the right of any person to comment on the application, receive notice of and participate in any hearings, request a copy of the decision once made, and any appeal rights. Also, a statement that comments on the notice are due by five o'clock (5:00) P.M. on the last day of the comment period, or, on the first working day following the last day if the last day falls on a weekend or holiday.

~~9~~8. Identification and location of existing environmental documents and the location where the application and any studies can be reviewed.

~~10~~9. A city staff contact and phone number.

~~11~~10. The date, time, and place of a public hearing if one has been scheduled.

~~12~~11. Preliminary determination, if made, of SEPA threshold and/or development regulations that will be used for project impact mitigation.

~~12. A statement that the decision on the application will be made within statutory limits.~~

13. The identification of other permits not included in the application to the extent known by the local government.

B. Posting; Publication: The notice of development application shall be posted on the subject property and notification shall be published once in a local newspaper ~~ef-for~~ general circulation, and on the City's website.

C. Issuance: The notice of development application shall be issued prior to required notice of a public hearing and is not a substitute for [the notice of a public hearing](#)~~that notice~~.

D. ~~Exemptions~~**Exceptions**: A notice of application is not required for the following actions, when the referenced actions are categorically exempt from SEPA or environmental review has been completed:

1. Application for building permits;
2. Application for lot line adjustments;
3. Application for administrative approvals; and
4. Application for architectural design review.

#### **15-7-2: ADMINISTRATIVE APPROVAL:**

A. Type 1 administrative approvals do not require notice.

B. Notice of type 2 administrative approvals shall be made as follows:

1. Notification Of Preliminary Approval: The administrator shall notify the adjacent property owners of his [or her](#) intent to grant approval at least fourteen (14) days prior to the effective date of the approval. Notification shall be made by mail and posted on the [cCity's website](#). The notice shall include:

a. A description of the preliminary approval granted, including any conditions of approval.

b. A place where further information may be obtained.

c. A statement that final approval will be granted unless an appeal requesting a public hearing is filed with the city clerk within fifteen (15) days of the date of the notice.

#### **15-7-3: PUBLIC HEARING:**

Notice of a public hearing for all ~~development project permit~~ applications [that require a hearing](#) and all open record appeals shall be given as follows:

A. Time Of Notices: Except as otherwise required, public notification of meetings, hearings, and pending actions under this title and titles 12 and 13 of this code shall be made by:

1. Publication at least ten (10) days before the date of a public meeting, hearing, or pending action in the official newspaper if one has been designated or a newspaper of general circulation in the city;

2. Mailing at least ten (10) days before the date of a public meeting, hearing, or pending action to all property owners as shown on the records of the county assessor and to all street addresses of properties within five hundred feet (500'), not including street rights of way, of the boundaries of the property which is the subject of the meeting

or pending action. Addressed labels and prestamped envelopes shall be provided by the applicant; and

3. Posting at least ten (10) days before the meeting, hearing, or pending action at city hall, on the City's website, ~~and~~ other public posting places, and at least one notice on the subject property.

B. Content Of Notice: The public notice shall include a general description of the proposed project, action to be taken, a nonlegal description of the property or a vicinity map or sketch, the time, date and place of the public hearing, and ~~the place~~ details for where further information may be obtained.

C. Continuations: If for any reason, a meeting or hearing on a pending action cannot be completed on the date set in the public notice, the meeting or hearing may be continued to a date certain and no further notice under this section is required.

D. Shoreline Master Program Permits: Notice for SMP permits shall be given as provided by title 11, chapter 6 of this code in accordance with Revised Code Of Washington 90.58.

#### **15-7-4: APPEAL HEARING:**

In addition to the posting and publication requirements of section 15-7-3 of this chapter, notice of appeal hearings shall be as follows:

A. Administrative Approvals: For appeals of administrative approvals, notice shall be mailed to adjacent property owners.

B. Planning Commission Appeals: For appeals of planning commission recommendations, notice shall be mailed to parties of record from the planning commission hearing.

#### **15-7-5: DECISION:**

A written notice for all final decisions shall be sent to the applicant and all parties of record. For development applications requiring planning commission review and city council approval, the notice shall be the signed ordinance or resolution.

## CHAPTER 8 CONCURRENCY AND ADEQUACY

*Note: This chapter, from 2003 and 2010 (Ord 778 and Ord 887), is not being reviewed at this time and no changes are proposed.*

## CHAPTER 9 REVIEW AND APPROVAL PROCESS

### **15-9-1: ADMINISTRATIVE APPROVALS WITHOUT NOTICE:**

A. Specified: The administrator may approve, approve with conditions, or deny the following:

1. Type 1 and 2 permits as described in section 15-4-1 of this title.
2. Extension of time for approval.

3. Minor amendments or modifications to approved developments or permits. Minor amendments are those which may affect the precise dimensions or location of buildings, accessory structures and driveways, but do not affect: a) overall project character; b) increase the number of lots, dwelling units, or density; or c) decrease the quality or amount of open space.

Administrator's decisions under this section shall be final on the date issued unless appealed.

### **15-9-2: PLANNING COMMISSION REVIEW AND RECOMMENDATION:**

Planning commission decision and action authority is defined in chapter 4 of this title.

A. Staff Report: The administrator shall prepare a staff report on the proposed development or action summarizing the comments and recommendations of city departments, affected agencies and special districts, and evaluating the development's consistency with the comprehensive plan, development code, and other adopted plans and regulations. The staff report shall include findings, conclusions and proposed recommendations for disposition of the development application.

B. Hearing: The planning commission shall conduct an open public hearing on development proposals requiring type 3a approvals except for architectural design reviews. The purpose of public hearings is for taking testimony, hearing evidence, considering the facts germane to the proposal, and evaluating the proposal for consistency with the city's comprehensive plan, development code, appropriate decision criteria and other adopted plans and regulations. Notice of the planning commission hearing shall be in accordance with chapter 7 of this title.

C. Required Findings: The planning commission shall not approve or recommend approval of a proposed development unless it first makes the findings and conclusions consistent with the criteria set forth in titles 11,12 and 13 of this code for the specific permit involved.

D. Recommendation: Upon completion of its review of a development proposal, the planning commission shall prepare and adopt a resolution setting forth the planning commission's findings, conclusions and recommendations and promptly forward it to the city council for consideration. The recommendation may be for approval, approval with conditions, or denial based on the findings and conclusions of subsection C of this

section. Findings and conclusions pertaining to architectural design review shall become part of the decision record for planning commission approval, approval with conditions, or denial.

**15-9-3: CITY COUNCIL ACTION:**

A. Actions: Upon receiving a recommendation from the planning commission or notice of any other matter requiring the city council's attention, the city council shall perform the following actions as appropriate:

1. Make a decision on a planning commission recommendation.
2. At the city council's discretion, hold a closed record hearing and make a decision on the following matters:
  - a. Appeal of administrative interpretations.
  - b. Appeal of administrative approvals.
  - c. Appeal of determinations of significance.
  - d. Appeal of a planning commission recommendation.
  - e. Other matters not prohibited by law.

B. Decisions: The city council shall make its decision by motion, resolution, or ordinance as appropriate.

1. A city council decision on a planning commission recommendation shall include one of the following actions:
  - a. Approve as recommended.
  - b. Approve with additional conditions.
  - c. Modify, with or without the applicant's concurrence, provided that the modifications do not:
    - (1) Enlarge the area or scope of the project.
    - (2) Increase the density or proposed building size.
    - (3) Significantly increase adverse environmental impacts as determined by the responsible official.
    - (4) Deny (reapplication or resubmittal is permitted).
    - (5) Deny with prejudice (reapplication or resubmittal is not allowed for 1 year).
    - (6) Remand for further proceedings and/or evidentiary hearing in accordance with section 15-9-7 of this chapter.

#### **15-9-4: PROCEDURES FOR OPEN RECORD PUBLIC HEARINGS:**

Open record public hearings shall be conducted in accordance with the hearing body's rules of procedure and shall serve to create or supplement an evidentiary record upon which the body will base its decision. The chair shall open the public hearing and, in general, observe the following sequence of events:

A. Staff Presentation: Staff presentation, including submittal of any administrative reports. Members of the hearing body may ask questions of the staff.

B. Applicant Presentation: Applicant presentation, including submittal of any materials. Members of the hearing body may ask questions of the applicant.

C. Public Testimony Or Comments: Testimony or comments by the public germane to the matter. Questions directed to the staff or the applicant shall be posed by the chair at its discretion.

D. Rebuttal, Response Or Clarifying Statements: Rebuttal, response or clarifying statements by the staff and the applicant.

E. Deliberation: The ~~hearing body shall close the~~ evidentiary portion of the public hearing ~~shall be closed and the hearing body and~~ shall deliberate on the matter before it.

#### **15-9-5: PROCEDURES FOR CLOSED RECORD APPEALS:**

Closed record appeals shall be conducted in accordance with the hearing body's rules of procedure and shall serve to provide argument and guidance for the hearing body's decision. Closed record appeals shall be conducted generally as provided for public hearings. Except as provided in section 15-9-7 of this chapter, no new evidence or testimony shall be given or received. The parties to the appeal may submit timely written statements or arguments.

#### **15-9-6: RECONSIDERATION:**

A party to a public hearing or closed record appeal 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 subsection 15-10-4B of this title. The city council or hearing body shall consider the request at its next regularly scheduled meeting, without public comment or argument by the party filing the request. If the request is denied, the previous action shall become final. If the request is granted, the city council or hearing body may immediately revise and reissue its decision or may call for argument in accordance with the procedures for closed record appeals. Reconsideration should be granted only when an obvious legal error has occurred or a material factual issue has been overlooked that would change the previous decision.

#### **15-9-7: REMAND:**

In the event the city council determines that the public hearing record or record on appeal is insufficient or otherwise flawed, the city council may, if the applicant waives



the prohibition of one open public record hearing, remand the matter back to the hearing body to correct the deficiencies. The city council shall specify the items or issues to be considered and the time frame for completing the additional work. The city council may hold a public hearing on a closed record appeal only for the limited purposes identified in Revised Code Of Washington 34.05.562(1).

#### 15-9-8: FINAL DECISION:

A. Time: The final decision on a ~~development proposal~~project permit application shall be ~~made issued within one hundred twenty (120) days from the date of the letter of completeness~~the following timeframes based on the permit application type assigned in OMC Table 15-4-1:

1. For Type 1, Type 2, and Type 2a permit application types, the final decision shall be issued within 65 days from the date of the determination of completeness.
2. For Type 3, Type 3a, Type 4, and Type 5 permit application types, the final decision shall be issued within 170 days from the date of the determination of completeness.

~~B. Exceptions to this include~~Time Calculation and Exclusions: The number of days that an application is in review with the city shall be calculated from the day completeness is determined to the date a final decision is issued. The number of days required under paragraph A above shall be calculated by counting every calendar day and excluding the following time periods:

1. Any time required to correct plans, perform studies or provide additional information, provided that within fourteen (14) days of receiving the requested additional information, the administrator shall determine whether the information is adequate to resume the project period between the day that the city has notified the applicant, in writing, that additional information is required to further process the project permit application and the day when responsive information is resubmitted by the applicant.

2. Any period after an applicant informs the city, in writing, that they would like to temporarily suspend review of the project permit application until the time that the applicant notifies the city, in writing, that they would like to resume the application~~Substantial project revisions made or requested by an applicant, in which case the one hundred twenty (120) days will be calculated from the time that the city determines the revised application to be complete.~~

3. Any period after an administrative appeal is filed until the administrative appeal is resolved and any additional time period provided by the administrative appeal has expired. All time required for the preparation and review of an environmental impact statement.

4. All time required for the preparation and review of an environmental impact statement.

5. Projects involving the siting of an essential public facility.

**Commented [NS20]:** Flagging for Kim - Reminder to include information noted by you and attorney in adopting ordinance regarding this and below listed items.

~~5. An extension of time mutually agreed upon by the city and the applicant.~~

6. Subdivisions.

~~7. Any remand to the hearing body.~~

7. All time required for the administrative appeal of a [SEPA](#) determination of significance.

8. All time required to determine landmark designations.

9. All time required to complete street vacations.

10. All time required to approve street use permits.

11. All time required to approve architectural design review.

12. All scheduled extensions resulting from a request by the applicant for a joint public hearing as defined under subsection 15-9-9B of this chapter.

13. The time periods for the city to process a permit shall start over if an applicant proposes a change in use that adds or removes commercial or residential elements from the original application that would make the application fail to meet the determination of procedural completeness for the new use.

14. If, at any time, an applicant informs the city, in writing, that the applicant would like to temporarily suspend the review of the project for more than 60 days, or if an applicant is not responsive for more than 60 consecutive days after the city has notified the applicant, in writing, that additional information is required to further process the application, an additional 30 days may be added to the time periods for the city to issue a final decision for the project permit application. Any written notice from the city to the applicant that additional information is required to further process the application must include a notice that nonresponsiveness for 60 consecutive days may result in 30 days being added to the time for review.

15. Annual amendments to the comprehensive plan are not subject to the requirements of this section.

~~B. Effective Date: The final decision of the city council or hearing body shall be effective on the date stated in the decision, motion, resolution, or ordinance; provided, that the date from which appeal periods shall be calculated shall be the date of the written decision of the city council or hearing body.~~

#### **15-9-9: JOINT PUBLIC HEARINGS:**

A. Administrator's Decision To Hold A Joint Hearing: The administrator may combine any public hearing on a development proposal with any hearing that may be held by another local, state, regional, federal, or other agency as long as: 1) the hearing is held within the city limits; and 2) the requirements of subsection C of this section are met.

B. Applicant's Request For Joint Hearing: The applicant may request that the public hearing on a development proposal be combined as long as the joint hearing can be

held within the time periods set forth in this title. In the alternative, the applicant may agree to a particular schedule if that additional time is needed in order to complete the hearings.

C. Prerequisites To Joint Public Hearings: A joint public hearing may be held with another local, state, regional, federal, or other agency and the city as long as:

1. The other agency is not expressly prohibited by statute from doing so;
2. Sufficient notice of the hearing is given to each of the agencies' adopted notice requirements as set forth in statute, ordinance, or rule; and
3. The agency has received the necessary information about the proposed project from the applicant in enough time to hold its hearing at the same time as the local government hearing.

## CHAPTER 10 APPEALS

### 15-10-1: APPEAL OF ADMINISTRATIVE INTERPRETATIONS AND APPROVALS:

Type 2 administrative approvals may be appealed, by applicants or parties of record, to the hearing examiner.

### 15-10-2: APPEAL OF PLANNING COMMISSION RECOMMENDATIONS:

Recommendations of the planning commission may be appealed, by applicants or parties of record, ~~from~~ who participated in the planning commission hearing, to the city council.

### 15-10-3: APPEAL OF HEARING EXAMINER DECISIONS:

Decisions of the hearing examiner may be appealed to Pierce County superior court as a land use petition, by parties of record with standing to file. The appeal must be filed within 21 days after issuance of the decision, as provided for or as amended in Chapter 36.70C RCW, ~~by applicants or parties of record, from the public hearing to the city council.~~

### 15-10-4: FILING OF APPEALS:

A. Filing: Every appeal to the city council or hearing examiner shall be filed with the administrator within ten (10) days after the date of the recommendation or decision of the matter being appealed.

B. Contents: The notice of appeal shall contain a concise statement identifying:

1. The decision being appealed.
2. The name and address of the appellant and his or her interest(s) in the matter.
3. The specific reasons why the appellant believes the decision to be wrong. The appellant shall bear the burden of proving the decision was wrong.
4. The desired outcome or requested changes to the decision.
5. The appeals fee.

### 15-10-5: STANDING:

Appeals to decisions made by the administrator, hearing examiner, planning commission, and city council as set forth in this title can only be made by parties of record, including, but not limited to:

- A. Applicants and property owners to which a land use decision is directed;
- B. Another person aggrieved or adversely affected by the land use decision, or who would be aggrieved or adversely affected by a reversal or modification of the land use

decision. A person is aggrieved or adversely affected within the meaning of this section only when all of the following conditions are present:

1. The land use decision has prejudiced or is likely to prejudice that person;
  2. That person's asserted interests are among those that the local jurisdiction was required to consider when it made the land use decision;
  3. A judgment in favor of that person would substantially eliminate or redress the prejudice to that person caused or likely to be caused by the land use decision; and
  4. The petitioner has exhausted his or her administrative remedies to the extent required by law.~~Persons who provided written or oral testimony during the open record public hearing;~~
- ~~—C. Persons who commented on the notice of application or SEPA determination;~~
- ~~—D. Residents within the site proposed for development.~~

#### **15-10-6: JUDICIAL APPEAL:**

A. Authority; Time Limit: Appeals from the final decision of the city council, ~~board of appeals~~hearing examiner, or other city board or body involving this title or titles 12 and 13 of this code and for which all other appeals specifically authorized have been timely exhausted, shall be made to Pierce County superior court within twenty one (21) days of the date the decision or action became final, unless another time period is established by state law or local ordinance.

B. Notice: Notice of the appeal and any other pleadings required to be filed with the court shall be served on the city clerk, administrator, and city attorney within the applicable time period. This requirement is jurisdictional.

C. Costs: The cost of transcribing and preparing all records ordered certified by the court or desired by the appellant for such appeal shall be borne by the appellant. The appellant shall post an advance fee deposit with the city clerk prior to the preparation of any records ~~an advance fee deposit in~~ the fee deposit amount shall be specified by the city clerk. Any overage will be promptly returned to the appellant.

## CHAPTER 11 ENFORCEMENT

### 15-11-1: ENFORCING OFFICIAL; AUTHORITY:

The administrator shall be [the](#) code enforcement officer responsible for enforcing this title and titles 12 and 13 of this code and may adopt administrative rules to meet that responsibility. The administrator may designate or appoint other department heads, the building inspector, fire chief, chief of police or other employees or agents of the city, as appropriate, as code enforcement officers authorized to enforce this title and titles 12 and 13 of this code.

### 15-11-2: GENERAL PENALTY:

A. Compliance Mandatory: Compliance with the requirements of this title and titles 12 and 13 of this code, any provision of a rule or regulation adopted pursuant thereto, and any civil regulatory order, project permit or approval granted or issued under authority of this title, title 12 or 13 of this code, shall be mandatory.

B. Violation; Civil Violation; Civil Infraction: Any act or omission by a person responsible for compliance with any of the provisions of this title, title 12 or 13 of this code, any provision of a rule or regulation adopted pursuant thereto, a civil regulatory order issued pursuant to this title, title 12 or 13 of this code, or any provision or condition of a project permit or approval issued or granted pursuant to this title, title 12 or 13 of this code shall constitute a violation and shall be subject to enforcement as a civil infraction or civil violation pursuant to title 1, chapters 13, "Code Enforcement", and 4, "Penalties", of this code. Any act or omission by a person responsible for compliance that constitutes a failure to obtain a project permit or approval required pursuant to this title, title 12 or 13 of this code shall constitute a violation and shall be subject to enforcement as a civil infraction or civil violation pursuant to title 1, chapters 13, "Code Enforcement", and 4, "Penalties", of this code.

C. Violation; Misdemeanor: It shall be unlawful to [willfully willfully](#) fail to comply with any provision of this title, title 12 or 13 of this code, [willfully willfully](#) fail to comply with any provision of a rule or regulation adopted pursuant thereto, [willfully willfully](#) fail to comply with a civil regulatory order issued pursuant to this title, title 12 or 13 of this code, [willfully willfully](#) fail to obtain a project permit or approval required by this title, title 12 or 13 of this code, or [willfully willfully](#) fail to comply with a provision of a project permit or approval issued under authority of this title, title 12 or 13 of this code. Such [willful willful](#) failure shall constitute a misdemeanor.

D. Remedies Not Exclusive: The enforcement actions authorized under this chapter shall be supplemental to those general penalties and remedies and enforcement actions that may be available at law or in equity.

### 15-11-3: VIOLATIONS SUBJECT TO ENFORCEMENT:

Violations of the development code are subject to enforcement pursuant to the provisions of title 1, chapter 13, "Code Enforcement", of this code.

#### **15-11-4: CIVIL REGULATORY ORDER:**

A. Authority: A civil regulatory order may be issued by the administrator and served upon a person responsible for compliance with the development code in accordance with title 1, chapter 13, "Code Enforcement", of this code.

B. Remedial Action: The administrator may require any lawful action reasonably calculated to avoid, abate or mitigate the violation, including, but not limited to, replacement, repair, supplementation, revegetation, rehabilitation, removal, or restoration.

#### **15-11-5: REVIEW OF APPROVED PERMITS:**

A. Review: Any activity subject to an approval or project permit granted or issued under the authority of the development code may be reviewed for compliance with the requirements of the development code, or the project permit or approval, or to determine if the action is creating a nuisance or hazard, has been abandoned, or the approval or project permit was obtained by fraud or deception.

B. Initiation Of Review: The review of activity described in subsection A of this section may be initiated by the administrator, other designated code enforcement officer, or mayor, or by petition to the administrator by three (3) owners of property located in whole or in part within the jurisdictional boundaries of the city, or three (3) residents of separate dwelling units within the jurisdictional boundaries of the city~~in the city~~, stating their knowledge and belief as to the noncompliance, nuisance or hazard of the activity.

C. Administrator's Investigation: Upon receipt of information indicating the need for review, the administrator shall notify the person responsible for compliance, investigate the matter and, if there is found to be reasonable cause to take enforcement action, take one or more of the following actions:

1. Take enforcement action pursuant to title 1, chapters 13, "Code Enforcement", and 4, "Penalties", of this code; and/or

2. Refer the matter to the city attorney or city prosecutor for review and possible enforcement action.

## CHAPTER 12 AMENDMENTS

### 15-12-1: PURPOSE:

The purpose of this chapter is to define types of amendments to the development regulations, comprehensive plan, and other official controls and to identify procedures for those actions. Amendments to the comprehensive plan and development regulations are legislative functions separate from any permit process otherwise set forth in this chapter.

### 15-12-2: MINOR AMENDMENT STANDARDS:

The following provisions include methods for approving minor amendments to approved permits:

A. Requests for minor amendments shall be in writing from the property owner or the owner's authorized agent.

B. Minor amendment applications may be circulated to any city department or agency with jurisdiction at the discretion of the administrator.

C. Minor amendments may be approved or modified with conditions of approval by the administrator, provided all of the following requirements are met:

1. Any proposal that results in a change of use must be permitted outright in the current zone classification.

2. A change to a condition of approval does not modify the intent of the original condition.

3. The perimeter boundaries of the original site shall not be extended by more than five percent (5%) of the original lot area.

4. The proposal does not add more than ten percent (10%) gross square footage of structures on the site.

5. The proposal does not increase the overall impervious surface on the site by more than ten percent (10%).

6. Any additions or expansions approved through minor amendments that cumulatively exceed the requirements of this section shall be reviewed as a major amendment.

D. Minor amendment decisions shall be in writing and attached to the official file.

E. Copies of the decision shall be mailed to all parties of record.



### **15-12-3: MAJOR AMENDMENTS:**

All major amendments resulting from proposed changes to a permitted project shall require resubmittal and be subjected to review and approval procedures according to the provisions of this title.

### **15-12-4: DEVELOPMENT REGULATIONS AND OTHER OFFICIAL CONTROLS:**

This section is intended to provide the method for adopting amendments to the text and official map of the city's development regulations and other official controls. Requests to change a regulatory zone affecting a parcel of land, or portion of a lot, are processed under section 15-12-5 of this chapter.

A. Initiation Of Amendment: An amendment to the zoning title or other official controls may be initiated by:

1. The city council requesting the planning commission to set the matter for hearing and recommendations.
2. The planning commission with the concurrence of the administrator.
3. One or more property owners directly affected by a proposal through a petition to the city.
4. Citizen advisory committees or organizations through a petition to the city.

B. Application Required: Application for a change to the official map or regulatory changes specific to a parcel of land or portion of a lot shall be made in writing to the administrator. Applications shall include:

1. Property owners' and agents' names, addresses, and other contact information;
2. Parcel identification number and address of the parcel or parcels;
3. Reason for the requested change; and
4. Other relevant information regarding the proposal.

C. Fees: As may be established by resolution of the city council.

D. Staff Report: The administrator shall prepare a written report on each amendment pending before the planning commission. The report shall be transmitted to the planning commission and to the applicant before the public hearing. Each report shall contain:

1. Any factual findings pertaining to the amendment.
2. Any comments from city departments or other agencies with jurisdiction.
3. The environmental assessment, SEPA determination and/or final environmental impact statement.

4. The staff's recommendation.

E. Public Hearing By Planning Commission: The city shall give notice and the planning commission shall hold the a public hearing prior to the recommendation for adoption or amendment of any official control to the city council. See section 15-9-4 of this title for hearing procedures and rules.

F. Adoption By City Council: Amendments to the development regulations or other official controls shall be adopted by the city council by ordinance after a public hearing on the planning commission's recommendation.

**15-12-5: COMPREHENSIVE PLAN:**

This section is intended to provide the method for adopting amendments to the text and official map of the city's comprehensive plan. Comprehensive plan amendments may include, but are not limited to, policy changes; land use designation changes; level of service standard changes; addition of new analyses; addition of new elements; or other changes that are mandated by state law or determined to be in the interest of the city. Chapter 13 of this title describes the adopted comprehensive plan.

A. Initiation Of Amendment: An amendment to the comprehensive plan may be initiated by:

1. The city council requesting the planning commission to set the matter for hearing and recommendations.
2. The planning commission.
3. One or more property owners or residents by petition to the city.
4. Citizen advisory committees or organizations through a petition to the city.

B. Docketing Process: The comprehensive plan shall be amended no more frequently than annually, except that subarea plans may be adopted as amendments at any time [and emergency comprehensive plan amendments may occur after appropriate public participation whenever an emergency exists or to resolve an appeal of a comprehensive plan filed with the growth management hearings board or with the court.](#) Amendment proposals shall be processed as follows:

1. The city shall advertise the comprehensive plan amendment docketing process, inviting the public to propose amendments. Docketing proposals shall be in the form of a letter ~~simply~~ stating the proposed changes. The notice shall specify the deadline for submitting proposals. ~~The notice and~~ shall ~~also~~ state that the city council shall decide which proposed amendments will be carried forward during the current cycle.
2. At the close of the proposal period, the submittals shall be reviewed by staff and sent to the city council. This list will include proposals submitted by city departments, ~~and~~ boards and commissions, ~~and as well as~~ private parties.

3. The city council shall adopt a resolution directing the administrator to proceed with the selected amendments for the current cycle. Proposed amendments that are eliminated from further consideration may be resubmitted in the next cycle.

C. Fees: As may be established by resolution of the city council.

D. Staff Report: The administrator or his or her designee shall prepare a written report on each amendment pending before the planning commission. The report shall be transmitted to the planning commission and to the applicant before the public hearing. Each report shall contain:

1. Any factual findings pertaining to the amendment.
2. Any comments from city departments or other agencies with jurisdiction.
3. The environmental assessment, SEPA determination and/or final environmental impact statement.
4. The staff's recommendation.

E. Public Hearing By Planning Commission: The planning commission shall hold a public hearing prior to the recommendation for adoption or amendment of any comprehensive plan amendment to the city council. See chapter 9 of this title for hearing procedures and rules.

F. Adoption By City Council: Amendments to the comprehensive plan shall be adopted by the city council by ordinance after a public hearing on the planning commission's recommendation.

## CHAPTER 13 COMPREHENSIVE PLAN

### 15-13-1: COMPREHENSIVE PLAN ADOPTED:

A. Official Document: The Orting comprehensive plan as amended, including land use designation maps, is approved in its entirety as the official land use classification and development guidance document for the city.

B. Copy Available For Inspection: The adopted Orting comprehensive plan as amended, shall be filed with the city clerk and shall be available for public inspection upon its effective date.

C. Filed With State: The city clerk shall transmit a copy of the comprehensive plan as adopted to the state department of ~~community trade and economic development~~commerce within ten (10) days of the effective date of its adoption, and to such other offices and agencies as may be required by law.

D. Compliance With Plan, Revisions: The planning commission shall be responsible for recommending amendments to the city development regulations to be consistent with the Orting comprehensive plan.

E. City Planning Boundary: The planning area designated in the 1996 Orting comprehensive plan as approved shall serve as the city's planning boundary until such time as it is amended by the city council.

**CHAPTER 14**  
**ENVIRONMENTAL REVIEW**

*Note: This chapter was recently amended via Ord. No. 2024-1126 (pending codification) and no further changes are proposed at this time.*

**Commented [A21]:** Note to staff: Please be aware that projects which are "Clean Energy Projects of Statewide Significance (CEPSS)" are exempt. House Bill 1216, Clean Energy Siting, has more info on this.

**CHAPTER 15**  
**DEVELOPMENT AGREEMENTS**

*Note: This chapter, from 2003 and amended in 2020 (Ord 778 and Ord. 2019-1057), is not being reviewed at this time and no changes are proposed.*




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<b>TO:</b>	Orting Planning Commission	<b>DATE:</b>	August 5, 2024
<b>FROM:</b>	Kim Mahoney – Community Development Director and MillieAnne VanDevender, AICP - Contract Planner	<b>PROJECT TYPE:</b>	Municipal Code Amendment
		<b>SUBJECT:</b>	Potential Amendments to OMC 10-14, 13-2-18, 13-4-2, and 13-5-3

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### Summary of proposed updates to code sections related to RVs:

- The City Council asked the Planning Commission to consider updates to various Municipal code sections related to recreational vehicles (RVs) in the city because there are conflicting regulations within various sections of the Orting Municipal Code.
- Council also asked for revisions to the codes to allow short-term occupancy of RVs in residential zoning districts.
- On May 6, 2024, the Planning Commission discussed the potential updates in a study session and offered several recommendations to staff for further revisions and updates. Many of the recommendations pertain to the length of time an RV is allowed to be parked in residential zones, both occupied and unoccupied. The Commissioners asked staff to draft revisions to the codes as suggested and prepare to discuss again at the next meeting.
- Staff attended the Commission’s meeting on June 3, 2024, however, a copy of the proposed codes in tracked changes format was inadvertently left out of the Commissioners’ packets and the Planning Commission directed staff to return in July.
- Staff incorporated many of the recommended revisions proposed at the May meeting and further refined the proposed revisions before briefing the Planning Commission on the proposed changes at a workshop held on July 1, 2024, during the regularly scheduled meeting.
- At the workshop on July 1, 2024, the Planning Commission directed staff to further edit the proposed changes regarding the storage of RVs and boats in front yards (OMC 13-5-3: K.1.A).
- Staff further revised OMC 13-5-3: K.1.A as directed and made two additional minor edits to other sections of the code. The proposed minor edits are listed below.
  1. Added the word “temporary” to the proposed OMC 10-14-3:C to be very clear that RVs are only allowed to be occupied on a temporary basis.
  2. Revised OMC 13-4-2:D.3 to refer to the code section that regulates the permitted locations for RVs and boats.
- The materials provided with this summary include one copy of the proposed codes with all proposed edits shown in “tracked changes” to clearly show what changes are proposed for the various codes. We are including a second version of the proposed codes that only shows the most recent proposed changes in “tracked changes” to clearly illustrate what has been further revised since the previous discussion with the Planning Commission.

# CITY OF ORTING

WASHINGTON

ORDINANCE NO. 2024-X

**AN ORDINANCE OF THE CITY OF ORTING, WASHINGTON, RELATING TO THE DEFINITION OF RECREATIONAL VEHICLES, ADOPTING REGULATIONS FOR THE PARKING AND TEMPORARY OCCUPATION OF RECREATIONAL VEHICLES WITHIN THE CITY OF ORTING, ADOPTING AMENDMENTS TO ORTING MUNICIPAL CODE TITLE 10, CHAPTER 14; TITLE 13 CHAPTERS 2 AND 4; 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**, in 1973 the City of Orting adopted regulations prohibiting the parking and occupation of a mobile home, or factory-built homes anywhere in the city outside of an approved mobile home park; and

**WHEREAS**, the City of Orting amended sections of Titles 10, 13, and 14 of the Orting Municipal Code (OMC) relevant to the parking and occupation of recreational vehicles (RVs) through Ordinance 2019-1053; and

**WHEREAS**, there are conflicting regulations within various code sections of the Orting Municipal Code regarding temporary occupation and parking of RVs; and

**WHEREAS**, the City of Orting desires to clarify the regulations pertaining to the occupation and parking of RVs; and

**WHEREAS**, the City Council intends by this ordinance to allow very short-term occupancy of RVs on lots in the residential zoning districts; and

**WHEREAS**, the Planning Commission held a public hearing and considered this Ordinance on September X, 2024; and

**WHEREAS**, a 60-day notice of intent to adopt the proposed amendments in this Ordinance was provided to Department of Commerce on August X, 2024; and



**WHEREAS**, on **Month X, 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 (OMC) Chapter 10-14, OMC 13-2-19, OMC 13-4-2, and OMC 13-5-3 and are hereby amended as set forth in **Attachment A**, 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 XX DAY OF Month, 2024.**

CITY OF ORTING

\_\_\_\_\_  
Joshua Penner, Mayor

ATTEST/AUTHENTICATED:

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Kim Agfalvi, City Clerk

Approved as to form:

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Charlotte A. Archer  
Inslee Best  
City Attorney

Filed with the City Clerk:  
Passed by the City Council:  
Ordinance No.  
Date of Publication:  
Effective Date:

DRAFT

# Attachment A

## TITLE 10 BUILDING AND CONSTRUCTION

### CHAPTER 14 PARKING AND OCCUPYING RECREATIONAL VEHICLES

#### 10-14-1 : UNLAWFUL PARKING OR OCCUPATION OF RECREATIONAL VEHICLES:

- A. Prohibition: It is unlawful, within the City limits, for any person to park or occupy any recreational vehicle within the City except as provided in this Chapter.
- B. Exception: This Section shall not apply to manufactured homes as defined in OMC 13-2-14. (1973 Code § 14.40.010; amd. Ord. 2019-1053, 11-25-2019)

#### 10-14-2 : EMERGENCY OR TEMPORARY STOPPING OR PARKING:

Emergency or temporary stopping or parking of a recreational vehicle is permitted on any street, alley or highway for a period of no longer than twenty-four (24) hours in a 180- day period, and subject to any other regulation or ordinance prohibiting or restricting parking. (1973 Code § 14.40.020; amd. Ord. 2019-1053, 11-25-2019)

#### 10-14-3 PERMISSIBLE PARKING OF RECREATIONAL VEHICLES:

No person shall park or occupy a recreational vehicle within the City outside of an approved manufactured home park, or recreational vehicle park/campground, except:

A. Within A Building: That the parking of one unoccupied recreational vehicle in a private garage building is permitted, provided no living quarters shall be maintained or any business practiced in said recreational vehicle;

B. Selling or Renting: That the parking of an unoccupied recreational vehicle in a lot devoted for the purpose of selling, renting or otherwise disposing of recreation vehicles is permitted provided each recreation vehicle is ten feet (10') or more from any other recreation vehicle, building or structure;

C. Temporary Parking for a Recreational Vehicle:

Recreational Vehicles on Private Property: A recreational vehicle may stand or be parked and used or occupied on private property with the permission of the lawful owner of the lot upon which it will be placed, for a period not to exceed one hundred eighty (180) days within a twelve (12)- month period. The [temporary](#) occupation of the recreational vehicle shall be accessory to an active building or remodel permit that has been issued for construction located on the same lot where the recreational vehicle is placed and is subject to the following:

1. The lawful occupant of the recreational vehicle shall register with the Code Enforcement Officer

prior to occupying the recreational vehicle on the premises, and pay required permit fees as established by resolution of the City Council;

2. The recreational vehicle shall be inspected by the City if connected to sewer or to a Tacoma-Pierce County health department approved septic system;

3. The recreational vehicle shall be located on a lot in a residential zoning district in accordance with the provisions of OMC Title 13, Chapter 5;

4. Such use or occupancy shall not create a public health hazard or nuisance, as determined by the City;

5. The recreational vehicle shall not be parked on or overhanging a public right of way (street or sidewalk); and

6. The recreational vehicle shall not leak or cause illicit discharges to stormwater drainage systems, surface water or groundwater in accordance with OMC 9-5A-9:H; sites are subject to inspection for illicit discharges in accordance with OMC 9-5B-10.

7. Once a recreational vehicle is registered for occupation on private property for a period of one hundred eighty (180) days, the one hundred eighty (180) day period may be extended by the Code Enforcement Officer, upon written request setting forth the need of extending the time, but such extension shall not exceed one hundred eighty (180) additional days.

D. Outdoor Storage Of Recreational Vehicles: The outdoor storage of unoccupied recreational vehicles in the residential zones is permitted without a permit, pursuant to OMC 13-5-3.

**10-14-4 : PENALTY:**

A. Any person violating any of the provisions of this Chapter is guilty of a civil infraction with penalties, plus statutory assessments, as follows:

1. The maximum penalty and the default amount for a first offense within a one year period, designated as a Class 4 civil infraction, shall be sixty dollars (\$60), not including statutory assessments;

2. The maximum penalty and the default amount for a second offense within a one year period, designated as a Class 3 civil infraction, shall be one hundred twenty dollars (\$120), not including statutory assessments;

3. The maximum penalty and the default amount for a third offense within a one year period, designated as a Class 2 civil infraction, shall be three hundred dollars (\$300), not including statutory assessments;

4. The maximum penalty and the default amount for a fourth offense and each additional offense within a one year period, designated as a Class 1 civil infraction, shall be six hundred dollars (\$600), not including statutory assessments.

B. Joint and Several Responsibility And Liability: Responsibility for violations subject to enforcement under this chapter is joint and several, and the city is not prohibited from taking action against a party

where other persons may also be potentially responsible for a violation, nor is the city required to take action against all persons potentially responsible for compliance. (1973 Code § 14.40.080; amd. Ord. 2019-1053, 11- 25-2019)

**10-14-5 : REPEAL**

**10-14-6 : VIOLATION:**

Any person violating any of the provisions of this Chapter is guilty of a misdemeanor and, upon conviction thereof, shall be punished as provided in Section 1-4-1 of this Code. (1973 Code § 14.40.080)

**TITLE 13 - CHAPTER 2 (partial)**

**13-2-18: RECREATIONAL VEHICLE:** A recreational vehicle is a factory built vehicular structure designed only for recreational use and not as a primary residence or for permanent occupancy, built and certified in accordance with NFPA 1192–15 or ANSI A119.5–09 consensus standards for recreational vehicles and not certified as a manufactured home. It is designed to be self-propelled or permanently towable and shall include, but not be limited to, travel trailers, campers, motor homes, and camping trailers.

**TITLE 13 - CHAPTER 4**

**TEMPORARY USES/TEMPORARY HOUSING UNITS**

**13-4-1 : PURPOSE:**

The purpose of this chapter is to establish allowed temporary uses and structures and provide standards and conditions for regulating such uses and structures. (Ord. 792, 7-29-2004)

**13-4-2 STANDARDS**

A. Temporary Construction Buildings: Temporary structure for the storage of tools and equipment or containing supervisory offices in connection with major construction projects, may be established and maintained during the progress of such construction on such projects, and shall be abated within thirty (30) days after completion of the project or thirty (30) days after cessation of work or for a period not to exceed the duration of the building permit, whichever is greater.

B. Temporary Real Estate Office: One temporary real estate sales office may be located on any new subdivision in any zone, provided the activities of such office shall pertain only to the selling of lots within the subdivision upon which the office is located; and provided further, that the temporary real estate office shall be removed at the end of a twelve (12) month period, measured from the date of the recording of the map of the subdivision upon which such office is located or at the time specified by the city council.

C. Temporary Classrooms: Portable, modular, or mobile structures that provide classrooms or other school related space are allowed as part of K-12 school facilities and are subject to the provisions of the underlying permit.

D. Temporary Housing Unit: A factory-built structure may be placed in any zone to provide on-site security and surveillance for public facilities, or a recreational vehicle may be placed in any residential zone for occupancy during the construction or renovation of a permanent dwelling on the same lot or tract, or to provide for residential occupancy when permanent homes have been destroyed or damaged

by a disaster, provided:

1. The unit meets all applicable codes and regulations including OMC 10-14-3. A recreational vehicle may remain on site unoccupied as long as it meets all applicable development standards in Title 13 OMC;

2. The mobility gear is not removed from the unit and the unit is not permanently affixed to the site on which it is located;

3. The ~~unit-recreational vehicle~~ is located on private property in a manner consistent with OMC 13-5-3~~not located in any required front or side yard, where a rear yard is reasonably accessible, or a side yard is of sufficient size to accommodate the recreational vehicle;~~

4. A temporary permit is issued by the building department prior to occupancy of the unit on the site;

5. Prior to the issuance of a temporary permit for a unit allowed per this section, the site shall be reviewed by the Pierce County health department to determine additional requirements for water supply and/or septic waste disposal or adequacy of existing utilities. The recreational vehicle may be inspected by the City if connected to sewer or to a Tacoma-Pierce County health department approved septic system;

6. In the event the site contains trees or other natural vegetation of a type and quantity to make it possible to partially or totally provide screening on one or more sides of the unit, the city may require the unit be located so as to take advantage of the natural growing material available to screen said unit from adjacent properties;

7. Prior to the issuance of a temporary housing permit, the city shall review the application and may require installation of such fire protection/detection equipment as may be deemed necessary as a condition to the issuance of the temporary housing permit; and

8. The unit shall not be placed in critical areas or their associated buffers.

9. Recreational vehicles located within an approved recreational vehicle park are not subject to the standards set forth in this Section.

E. A recreational vehicle may be occupied for up to 14 (fourteen) days in a six (6) month period, with one potential extension of 14 (fourteen) additional days, per year, with a temporary use permit when located on a parcel in the RC, RU, or RMF zoning districts, provided:

1. The recreational vehicle shall not be parked on or overhanging a public right of way (street or sidewalk), and

2. The recreational vehicle shall not be connected to sewer or water systems.

**The following code sections are included only to demonstrate that the numbering/lettering of sections would change with the proposed changes above. No other updates to the following sections are proposed at this time.**

F. Cargo Containers; When Allowed: Except pursuant to subsections A, "Temporary Construction Buildings", and G, "Temporary Portable Storage", of this section, cargo containers are only allowed in the LM and PF zones pursuant to a type 1 permit as an accessory use and in the RU zone pursuant to a type 3 permit as a conditional accessory use, subject to the following limitations as determined by the city administrator:

1. Only two (2) cargo containers will be allowed per lot with a maximum length of forty feet (40') per cargo container.

2. The cargo container must be located to minimize the visual impact to adjacent properties, parks, trails and rights of way. Property located across a public right of way is not regarded as adjacent property.

3. The cargo container must be sufficiently screened from adjacent properties, parks, trails and rights of way, as determined by the city administrator. Screening may be a combination of solid fencing, landscaping, or the placement of the cargo containers behind, between or within buildings. If a cargo container is located on a lot adjacent to a residential zone, the cargo container shall be no greater in size than ten by twenty feet (10 x 20'), and shall have a stick built structure, with a peaked roof, constructed to completely enclose the container. No stick built structure shall be required if the cargo container is totally screened from adjacent residential properties as determined by the city administrator.

4. If located adjacent to a building, the outdoor cargo container must be painted to match the building's color.

5. Cargo containers may not occupy any required off street parking spaces.

6. Cargo containers may not be used as an accessory dwelling unit.

7. Cargo containers shall meet all setback requirements for the zone.

8. Outdoor cargo containers may not be refrigerated.

9. Outdoor cargo containers may not be stacked.

10. Outdoor cargo containers must comply with all applicable requirements of title 11, "Critical Areas And Shoreline Management", of this code, as now or hereafter amended.

11. Cargo containers shall be prohibited from having windows, heating and cooling, plumbing, or multiple entrances. Cargo containers are allowed to have electric, ventilation, and drainage systems installed that would be necessary to meet the minimum codes and standards for lighting, circulation, and drainage.

12. No signage shall be allowed on any cargo container unless approved in accordance with section 13-7-1 of this title, as now or hereafter amended.

13. Cargo containers shall not be visible from any site designated or identified as a local or national historic landmark or natural area. This includes significant vegetative features, stream and creek corridors, buildings, sites, structures and/or identified viewsheds of historic and/or cultural significance.

14. Cargo containers shall be safe, structurally sound, stable, and in good repair.

15. The location of the cargo container shall not block or impede fire or emergency access and shall not be located within or upon the public right of way except as may be permitted by the governing body managing or controlling the public right of way.

16. Conditional use permit for placement in the RU zone requires that the property be at least five (5) acres or more in size.

G. Temporary Portable Storage:

1. When Allowed: Cargo containers used for temporary portable storage may be located on property in all residential zones subject to the following:

a. Such cargo containers may be located on property within the city for a period not exceeding fourteen (14) consecutive days in duration from and including the date of delivery to the date of

removal, without registering the property upon which such cargo container is located as provided at subsection G.2. of this section;

b. No more than one such cargo container may be located on a specific property within the city at one time and each such cargo container shall be individually limited in duration to the time period established herein;

c. Such cargo container may not be removed and relocated on a specific property more than two (2) times in any given thirty (30) calendar day period;

d. Such cargo container shall be located, if feasible, no closer than five feet (5') to the property line;

e. Such cargo container shall be placed on an existing impervious surface; provided that, in the event that it is unfeasible to place the cargo container on an existing impervious surface, the cargo container may be placed anywhere on the property that is otherwise in compliance with this subsection G.1.;

f. It shall be the obligation of the owner or user of such cargo container to secure it in a manner that does not endanger the safety of persons or property in the vicinity of the cargo container. In the event of high winds or other weather conditions in which such structure may become a physical danger to persons or property, the appropriate law enforcement officers may require the immediate removal of such temporary structure;

g. No such cargo container shall be located in a manner that blocks access to a fire hydrant or obstructs the view of street intersections;

h. No such cargo container shall contain toxic or hazardous materials;

i. No such cargo container shall be located in the public right of way; and

j. No such cargo container shall be used to store solid waste, construction debris, demolition debris, recyclable materials, business inventory, or commercial goods (i.e., used for retail sales), or personal property not from the residential property where the cargo container is located.

k. "Temporary portable storage" shall mean an unoccupied cargo container that is used on a temporary basis for the transient storage of personal property of any kind and which is located for such purposes outside an enclosed building.

2. Registration Required: The owner or occupant of the residential property upon which a cargo container is located pursuant to this subsection G, shall not cause or allow such cargo container to remain on such property beyond the duration specified in subsection G.1.a. of this section, unless the property upon which such cargo container has been located is registered with the city administrator and the ten dollar (\$10.00) nonrefundable registration fee has been paid. The registration application shall contain the name of the applicant, whether the person owns, rents, occupies, or controls the property, the street address at which the cargo container has been placed (and assessor's tax parcel number if available), the delivery date, removal date, and a description of the cargo container and its location on the registered property. The effective date of the registration shall be the date of approval of the registration application and the registration shall be conspicuously posted on the cargo container. A cargo container may be located upon the registered property for a period not to exceed sixty (60) days from the date of approval. No property may be registered more than one time in any one hundred eighty (180) day period.

3. Revocation: A violation of any of the provisions of this subsection shall, in addition to any other penalties provided herein, subject the registration approval to revocation by the city administrator.

4. Removal: The owner or occupant of the residential property is responsible for removing the cargo container from the property at the expiration of the registration approval or sooner if the registration is revoked by the city administrator.



5. Penalties: A violation of any of the provisions of this subsection shall be and constitute a class IV civil infraction for each day that such violation continues, and any person found to have committed such a violation shall be subject to a maximum fine of twenty five dollars (\$25.00) for each such violation. Imposition of such penalties shall not preclude the city from exercising any other rights or remedies it may have to require or seek removal of a cargo container located in violation of this subsection E. (Ord. 889, 9-8-2010)

## TITLE 13 – CHAPTER 5 (partial) DEVELOPMENT STANDARDS

### 13-5-3: LOADING AREA AND OFF-STREET PARKING REQUIREMENTS

K. Commercial Vehicles, Recreational Vehicles, And Boats: The following special requirements and performance standards shall apply to private properties located in the Residential-Urban, Residential-Multi-Family, and Residential-Conservation Zones, except as otherwise authorized by the City through a conditional use permit:

1. Outdoor Storage Of Vehicles: The outdoor storage of commercial vehicles, recreational vehicles, boats, and vehicle accessories is permitted in the residential zones, provided the following standards are met. For purposes of this section, "storage" means the keeping of such vehicles and accessories on any portion of any parcel of property for a period of seventy two (72) continuous hours or longer.

A. Recreational Vehicles And Boats: ~~Where a rear yard is reasonably accessible or a side yard is of sufficient size to accommodate the recreational vehicle, said r~~ A recreational vehicle or boat shall not be stored in the front yard of a lot, unless said recreational vehicle or boat is stored on an improved, durable, dustless surface and where primary access is taken to and from the lot. In no instance shall a recreational vehicle or boat be stored such that any portion of the vehicle encroaches upon a site distance area that would create a traffic hazard; nor shall a recreational vehicle or boat be stored on or overhang a public right-of-way. A maximum of one recreational vehicle and one boat may be located in the front yard of a lot; it is also permissible to store two boats in the front yard of a lot when stored in conformance with Titles 8, 10, and 13 of the OMC. It is prohibited to store two recreational vehicles in the front yard of any lot. If located within a required ~~front or street~~ side yard that fronts a street, the storage area for a recreational vehicle or boat shall be improved with a durable and dustless surface and screened from views from adjacent properties.

# Attachment A (with all tracked changes)

## TITLE 10 BUILDING AND CONSTRUCTION

### CHAPTER 14 PARKING AND OCCUPYING ~~MOBILE HOMES~~ RECREATIONAL VEHICLES

#### 10-14-1 : UNLAWFUL PARKING OR OCCUPATION OF ~~MOBILE HOME OR~~ RECREATIONAL VEHICLES:

- A. Prohibition: It is unlawful, within the City limits, for any person to park or occupy any ~~mobile home~~ ~~or~~ recreational vehicle within the City except as provided in this Chapter.
- B. Exception: This Section shall not apply to manufactured homes as defined in OMC 13-2-14. (1973 Code § 14.40.010; amd. Ord. 2019-1053, 11-25-2019)

#### 10-14-2 : EMERGENCY OR TEMPORARY STOPPING OR PARKING:

Emergency or temporary stopping or parking of ~~a mobile home or a~~ recreational vehicle is permitted on any street, alley or highway for a period of no longer than twenty-four (24) hours in a 180-day period, and subject to any other regulation or ordinance prohibiting or restricting parking. (1973 Code § 14.40.020; amd. Ord. 2019- 1053, 11-25-2019)

#### 10-14-3 PERMISSIBLE PARKING OF ~~MOBILE HOMES AND~~ RECREATIONAL VEHICLES:

No person shall park or occupy a ~~mobile home or~~ recreational vehicle within the City outside of an approved manufactured home park, or recreational vehicle park/campground, except:

- A. Within A Building: That the parking of one unoccupied ~~mobile home or~~ recreational vehicle in a private garage building is permitted, provided no living quarters shall be maintained or any business practiced in said ~~mobile home or~~ recreational vehicle;
- B. Selling or Renting: That the parking of an unoccupied ~~mobile home or~~ recreational vehicle in a lot devoted for the purpose of selling, renting or otherwise disposing of ~~mobile homes~~ recreation vehicles is permitted provided ~~the mobile home~~ each recreation vehicle is ten feet (10') or more from any other ~~mobile home~~ recreation vehicle, building or structure;
- C. Temporary Parking for a Mobile Home or Recreational Vehicle:

~~1. Mobile Homes: That a mobile home may be parked for a period not to exceed one hundred eighty (180) days on private property, provided the person desiring to so park and occupy the same shall first apply and obtain from the Code Enforcement Officer, a permit to do so, which application shall~~

~~state the location at which the mobile home is to be parked, the motor vehicle license number and a general description of the mobile home for which permission is requested, and shall pay a permit fee in an amount set by Resolution of the City Council; provided, further, that such occupancy shall at all times comply with all regulations relating to health and sanitation, and shall also comply with electrical requirements of applicable ordinances. The permit to park and occupy the mobile home may be extended by the Code Enforcement Officer upon written request setting forth the need of extending the time, but such extension shall not exceed one hundred eighty (180) additional days. Parking and occupancy of recreational vehicles and mobile homes shall continue to be subject to restrictions set forth in OMC 13-5-3(k)(1)(a).~~

~~12.— Recreational Vehicles On Public Property: No recreational vehicle shall stand or be parked on any street, right-of-way, alley or public place in the City for a period exceeding seventytwo (72) hours in a one week period, provided that the Recreational Vehicle is parked in compliance with all provisions of the OMC, including but not limited to Title 7, and state law, including but not limited to WAC 308-330 et seq. No recreational vehicle shall stand or be parked for any period of time between sunset and sunrise in any City park or upon any other City owned property, excluding a street or right-of-way, unless that area is posted granting permission to so use or as specified in this code.~~

~~3.— Recreational Vehicles on Private Property: A recreational vehicle may stand or be parked and used or occupied on private property with the permission of the lawful occupant thereof owner of the lot upon which it will be placed, for a period not to exceed one hundred eighty (180) days within a twelve (12)-month period; provided, that: The temporary occupation of the recreational vehicle shall be accessory to an active building or remodel permit that has been issued for construction located on the same lot where the recreational vehicle is placed and is subject to the following:~~

~~1.a. The lawful occupant of the premises recreational vehicle shall register with the Code Enforcement Officer prior to occupying the recreational vehicle on the premises, and pay required permit fees as established by resolution of the City Council; and~~

~~2b. The recreational vehicle shall be inspected by the City if connected to sewer or to a Tacoma-Pierce County health department approved septic system.;~~

~~3e. The recreational vehicle shall be located on ~~the premises~~ a lot in a residential zoning district in accordance with the provisions of OMC Title 13, Chapter 5; and~~

~~4d. Such use or occupancy shall not create a public health hazard or nuisance, as determined by the City;:-~~

~~5e. The recreational vehicle shall shall not be parked on or overhanging a public right of way (street or sidewalk);. and~~

~~6f. The recreational vehicle shall not leak or cause illicit discharges to stormwater drainage systems, surface water or groundwater in accordance with OMC 9-5A-9:H; sites are subject to inspection for illicit discharges in accordance with OMC 9-5B-10.~~

7. Once a recreational vehicle is registered for occupation on private property for a period of one hundred eighty (180) days, the one hundred eighty (180) day period may be extended by the Code Enforcement Officer, upon written request setting forth the need of extending the time, but such extension shall not exceed one hundred eighty (180) additional days.

D. Outdoor Storage Of Recreational Vehicles: The outdoor storage of unoccupied recreational vehicles in the residential zones is permitted without a permit, pursuant to OMC 13-5-3.

**10-14-4 : ~~FACTORY-BUILT HOUSING~~ PENALTY:**

A. Any person violating any of the provisions of this Chapter is guilty of a civil infraction with penalties, plus statutory assessments, as follows:

1. The maximum penalty and the default amount for a first offense within a one year period, designated as a Class 4 civil infraction, shall be sixty dollars (\$60), not including statutory assessments;

2. The maximum penalty and the default amount for a second offense within a one year period, designated as a Class 3 civil infraction, shall be one hundred twenty dollars (\$120), not including statutory assessments;

3. The maximum penalty and the default amount for a third offense within a one year period, designated as a Class 2 civil infraction, shall be three hundred dollars (\$300), not including statutory assessments;

4. The maximum penalty and the default amount for a fourth offense and each additional offense within a one year period, designated as a Class 1 civil infraction, shall be six hundred dollars (\$600), not including statutory assessments.

B. Joint and Several Responsibility And Liability: Responsibility for violations subject to enforcement under this chapter is joint and several, and the city is not prohibited from taking action against a party where other persons may also be potentially responsible for a violation, nor is the city required to take action against all persons potentially responsible for compliance. (1973 Code § 14.40.080; amd. Ord. 2019-1053, 11- 25-2019)

**10-14-5 : ~~PERMIT TO PARK ON PRIVATE LAND; FEES~~ REPEAL**

~~Permits for parking on private land shall cost such sum as provided by resolution of the Mayor and City Council for each trailer. (1973 Code § 14.40.060; 1996 Code)~~

**10-14-6 : ~~VIOLATION~~; PENALTY:**

Any person violating any of the provisions of this Chapter is guilty of a misdemeanor and, upon conviction thereof, shall be punished as provided in Section 1-4-1 of this Code. (1973 Code § 14.40.080)

**TITLE 13 - CHAPTER 2 (partial)**

**OMC 13-2-18: RECREATIONAL VEHICLE:** A recreational vehicle is a factory built vehicular structure designed only for recreational use and not as a primary residence or for permanent occupancy, built and certified in accordance with NFPA 1192–15 or ANSI A119.5–09 consensus standards for recreational vehicles and not certified as a manufactured home. It is designed to be self-propelled or permanently towable and shall include, but not be limited to, travel trailers, campers, motor homes, and camping trailers.

## **TITLE 13 - CHAPTER 4 TEMPORARY USES/TEMPORARY HOUSING UNITS**

### **13-4-1 : PURPOSE:**

The purpose of this chapter is to establish allowed temporary uses and structures and provide standards and conditions for regulating such uses and structures. (Ord. 792, 7-29-2004)

### **13-4-2 STANDARDS**

A. Temporary Construction Buildings: Temporary structure for the storage of tools and equipment or containing supervisory offices in connection with major construction projects, may be established and maintained during the progress of such construction on such projects, and shall be abated within thirty (30) days after completion of the project or thirty (30) days after cessation of work or for a period not to exceed the duration of the building permit, whichever is greater.

B. Temporary Real Estate Office: One temporary real estate sales office may be located on any new subdivision in any zone, provided the activities of such office shall pertain only to the selling of lots within the subdivision upon which the office is located; and provided further, that the temporary real estate office shall be removed at the end of a twelve (12) month period, measured from the date of the recording of the map of the subdivision upon which such office is located or at the time specified by the city council.

C. Temporary Classrooms: Portable, modular, or mobile structures that provide classrooms or other school related space are allowed as part of K-12 school facilities and are subject to the provisions of the underlying permit.

D. Temporary Housing Unit: ~~Singlewide mobile homes or manufactured homes~~ A factory built structure may be placed in any zone to provide on-site security and surveillance for public facilities, or a recreational vehicle may be placed in any residential zone for occupancy during the ~~period of time necessary to construct~~ construction or renovation of a permanent dwelling on the same lot or tract, ~~to provide on-site security and surveillance for public facilities, to provide classrooms or other school related space for public schools,~~ or to provide for residential occupancy when permanent homes have been destroyed or damaged by a disaster, provided:

1. The unit meets all applicable codes and regulations including OMC 10-14-3. ~~is removed from the site within thirty (30) days after final inspection of the project, or within one year from the date the~~

~~unit is first moved to the site, whichever may occur sooner.~~ A recreational vehicle may remain on site unoccupied as long as it meets all applicable development standards in Title 13 OMC;

2. The mobility gear is not removed from the unit and the unit is not permanently affixed to the site on which it is located.;

3. The ~~unit recreational vehicle~~ is located on private property in a manner consistent with OMC 13-5-3; ~~not located in any required front or side yard, where a rear yard is reasonably accessible, or a side yard is of sufficient size to accommodate the recreational vehicle;~~

4. A temporary permit is issued by the building department prior to occupancy of the unit on the ~~construction~~ site.;

5. Prior to the issuance of a temporary permit for a unit allowed per this section, the site shall be reviewed by the Pierce County health department to determine additional requirements for water supply and/or septic waste disposal or adequacy of existing utilities. The recreational vehicle may be inspected by the City if connected to sewer or to a Tacoma-Pierce County health department approved septic system;

6. In the event the site contains trees or other natural vegetation of a type and quantity to make it possible to partially or totally provide screening on one or more sides of the ~~security~~ unit, the city may require the unit be located so as to take advantage of the natural growing material available to screen said unit from adjacent properties.;

7. Prior to the issuance of a temporary housing permit, the city shall review the application and may require installation of such fire protection/detection equipment as may be deemed necessary as a condition to the issuance of the temporary housing permit. ; and

8. The unit shall not be placed in critical areas or their associated buffers.

9. Recreational vehicles located within an approved recreational vehicle park are not subject to the standards set forth in this Section.

E. A recreational vehicle may be occupied for up to 14 (fourteen) days in a six (6) month period, with one potential extension of 14 (fourteen) additional days, per year, with a temporary use permit when located on a parcel in the RC, RU, or RMF zoning districts, provided:

1. The recreational vehicle shall not be parked on or overhanging a public right of way (street or sidewalk), and

2. The recreational vehicle shall not be connected to sewer or water systems~~except as approved by the City after review of the temporary use permit.~~

**The following code sections are included only to demonstrate that the numbering/lettering of sections would change with the proposed changes above. No other updates to the following sections are proposed at this time.**

**FD.** Cargo Containers; When Allowed: Except pursuant to subsections A, "Temporary Construction LM and PF zones pursuant to a type 1 permit as an accessory use and in the RU zone pursuant to a type 3 permit as a conditional accessory use, subject to the following limitations as determined by the city administrator:

1. Only two (2) cargo containers will be allowed per lot with a maximum length of forty feet (40') per cargo container.

2. The cargo container must be located to minimize the visual impact to adjacent properties, parks, trails and rights of way. Property located across a public right of way is not regarded as adjacent property.

3. The cargo container must be sufficiently screened from adjacent properties, parks, trails and rights of way, as determined by the city administrator. Screening may be a combination of solid fencing, landscaping, or the placement of the cargo containers behind, between or within buildings. If a cargo container is located on a lot adjacent to a residential zone, the cargo container shall be no greater in size than ten by twenty feet (10 x 20'), and shall have a stick built structure, with a peaked roof, constructed to completely enclose the container. No stick built structure shall be required if the cargo container is totally screened from adjacent residential properties as determined by the city administrator.

4. If located adjacent to a building, the outdoor cargo container must be painted to match the building's color.

5. Cargo containers may not occupy any required off street parking spaces.

6. Cargo containers may not be used as an accessory dwelling unit.

7. Cargo containers shall meet all setback requirements for the zone.

8. Outdoor cargo containers may not be refrigerated.

9. Outdoor cargo containers may not be stacked.

10. Outdoor cargo containers must comply with all applicable requirements of title 11, "Critical Areas And Shoreline Management", of this code, as now or hereafter amended.

11. Cargo containers shall be prohibited from having windows, heating and cooling, plumbing, or multiple entrances. Cargo containers are allowed to have electric, ventilation, and drainage systems installed that would be necessary to meet the minimum codes and standards for lighting, circulation, and drainage.

12. No signage shall be allowed on any cargo container unless approved in accordance with section 13-7-1 of this title, as now or hereafter amended.

13. Cargo containers shall not be visible from any site designated or identified as a local or national historic landmark or natural area. This includes significant vegetative features, stream and creek corridors, buildings, sites, structures and/or identified viewsheds of historic and/or cultural significance.

14. Cargo containers shall be safe, structurally sound, stable, and in good repair.

15. The location of the cargo container shall not block or impede fire or emergency access and shall not be located within or upon the public right of way except as may be permitted by the governing body managing or controlling the public right of way.

16. Conditional use permit for placement in the RU zone requires that the property be at least five (5) acres or more in size.

**GE.** Temporary Portable Storage:

1. When Allowed: Cargo containers used for temporary portable storage may be located on property in all residential zones subject to the following:

a. Such cargo containers may be located on property within the city for a period not exceeding fourteen (14) consecutive days in duration from and including the date of delivery to the date of

removal, without registering the property upon which such cargo container is located as provided at subsection ~~E2~~G.2. of this section;

b. No more than one such cargo container may be located on a specific property within the city at one time and each such cargo container shall be individually limited in duration to the time period established herein;

c. Such cargo container may not be removed and relocated on a specific property more than two (2) times in any given thirty (30) calendar day period;

d. Such cargo container shall be located, if feasible, no closer than five feet (5') to the property line;

e. Such cargo container shall be placed on an existing impervious surface; provided that, in the event that it is unfeasible to place the cargo container on an existing impervious surface, the cargo container may be placed anywhere on the property that is otherwise in compliance with this subsection ~~E1~~G.1.;

f. It shall be the obligation of the owner or user of such cargo container to secure it in a manner that does not endanger the safety of persons or property in the vicinity of the cargo container. In the event of high winds or other weather conditions in which such structure may become a physical danger to persons or property, the appropriate law enforcement officers may require the immediate removal of such temporary structure;

g. No such cargo container shall be located in a manner that blocks access to a fire hydrant or obstructs the view of street intersections;

h. No such cargo container shall contain toxic or hazardous materials;

i. No such cargo container shall be located in the public right of way; and

j. No such cargo container shall be used to store solid waste, construction debris, demolition debris, recyclable materials, business inventory, or commercial goods (i.e., used for retail sales), or personal property not from the residential property where the cargo container is located.

k. "Temporary portable storage" shall mean an unoccupied cargo container that is used on a temporary basis for the transient storage of personal property of any kind and which is located for such purposes outside an enclosed building.

2. Registration Required: The owner or occupant of the residential property upon which a cargo container is located pursuant to this subsection ~~E~~G, shall not cause or allow such cargo container to remain on such property beyond the duration specified in subsection ~~E1a~~G.1.a. of this section, unless the property upon which such cargo container has been located is registered with the city administrator and the ten dollar (\$10.00) nonrefundable registration fee has been paid. The registration application shall contain the name of the applicant, whether the person owns, rents, occupies, or controls the property, the street address at which the cargo container has been placed (and assessor's tax parcel number if available), the delivery date, removal date, and a description of the cargo container and its location on the registered property. The effective date of the registration shall be the date of approval of the registration application and the registration shall be conspicuously posted on the cargo container. A cargo container may be located upon the registered property for a period not to exceed sixty (60) days from the date of approval. No property may be registered more than one time in any one hundred eighty (180) day period.

3. Revocation: A violation of any of the provisions of this subsection ~~E~~ shall, in addition to any other penalties provided herein, subject the registration approval to revocation by the city administrator.

4. Removal: The owner or occupant of the residential property is responsible for removing the cargo container from the property at the expiration of the registration approval or sooner if the registration is revoked by the city administrator.



5. Penalties: A violation of any of the provisions of this subsection shall be and constitute a class IV civil infraction for each day that such violation continues, and any person found to have committed such a violation shall be subject to a maximum fine of twenty five dollars (\$25.00) for each such violation. Imposition of such penalties shall not preclude the city from exercising any other rights or remedies it may have to require or seek removal of a cargo container located in violation of this subsection E. (Ord. 889, 9-8-2010)

## TITLE 13 – CHAPTER 5 (partial) DEVELOPMENT STANDARDS

### 13-5-3: LOADING AREA AND OFF STREET PARKING REQUIREMENTS

K. Commercial Vehicles, Recreational Vehicles, And Boats: The following special requirements and performance standards shall apply to private properties located in the Residential-Urban, Residential-Multi-Family, and Residential-Conservation Zones, except as otherwise authorized by the City through a conditional use permit:

1. Outdoor Storage Of Vehicles: The outdoor storage of commercial vehicles, recreational vehicles, boats, and vehicle accessories is permitted in the residential zones, provided the following standards are met. For purposes of this section, "storage" means the keeping of such vehicles and accessories on any portion of any parcel of property for a period of seventy two (72) continuous hours or longer.

A. Recreational Vehicles And Boats: ~~Where a rear yard is reasonably accessible or a side yard is of sufficient size to accommodate the recreational vehicle, said r~~ A recreational vehicle or boat shall not be stored in the front yard of a lot, unless said recreational vehicle or boat is stored on an improved, durable, dustless surface and where primary access is taken to and from the lot. In no instance shall a recreational vehicle or boat be stored such that any portion of the vehicle encroaches upon a site distance area that would create a traffic hazard; nor shall a recreational vehicle or boat be stored on or overhang a public right-of-way. A maximum of one recreational vehicle and one boat may be located in the front yard of a lot; it is also permissible to store two boats in the front yard of a lot when stored in conformance with Titles 8, 10, and 13 of the OMC. It is prohibited to store two recreational vehicles in the front yard of any lot. If located within a required ~~front or street~~ side yard that fronts a street, the storage area for a recreational vehicle or boat shall be improved with a durable and dustless surface and screened from views from adjacent properties.




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<b>TO:</b>	Planning Commission	<b>DATE:</b>	August 5, 2024
<b>FROM:</b>	Kim Mahoney, Community Development Director MillieAnne VanDevender, AICP and Wayne Carlson, FAICP Contract City Planners	<b>PROJECT TYPE:</b>	Municipal Code Amendment
		<b>SUBJECT:</b>	Safe Parking – Planning Commission Workshop

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At the City Council Government Affairs Committee meeting on January 7, 2024, councilmembers discussed a proposal from the *Recovery Café of Orting Valley* to designate a few on-site parking spaces as a transitional/ emergency Safe Parking facility for people experiencing homelessness. Although the *Recovery Café of Orting Valley* may be the only community organization that is currently seeking to create Safe Parking, the City must consider the possibility that future requests may occur. Council discussed the topic at subsequent committee meetings and study sessions since January and concluded that the City should work on adopting ordinances to allow and regulate Safe Parking by both religious and non-religious Safe Parking providers. The Council asked the Planning Commission to evaluate Safe Parking, or the overnight, temporary occupation of vehicles in the city; Washington State rules regarding Safe Parking; and how to manage these activities. This memo provides goals for the Planning Commission’s workshop discussion, background information on Safe Parking, and questions for the Commission to contemplate and provide guidance for staff in drafting code language to regulate Safe Parking.

### Workshop Goals

1. Gain an understanding of Safe Parking and the state regulations that apply to Safe Parking.
2. Provide direction to staff on the rules that should apply to religious organizations hosting Safe Parking.
3. Provide direction to staff on whether the rules applicable to religious organizations should extend to non-religious organizations, and if not, what rules should apply to non-religious organizations.

### Background

The Orting Municipal Code (OMC) does not address overnight parking and occupancy of vehicles by those who are experiencing homelessness and using a vehicle as their primary residence. The State refers to this use as “Vehicle Resident Safe Parking” and other communities may call it simply, “Safe Parking.” For instance, Pierce County has adopted extensive regulations pertaining to Safe Parking, including definitions of relevant terms and an entire chapter of county code dedicated to the matter.

The following definitions are included in the Pierce County Code (PCC) 18.25.030 and are helpful for understanding this issue. The City of Orting may choose to adopt similar definitions but has no obligation to do so.

*“Safe parking” means an off-street parking lot that is legally established, not including off-street parking areas and driveways for single-family or duplex dwellings, which offers, without charge, parking spaces*

*in a safe and secure place for people experiencing homelessness who are living in passenger or recreational vehicles. Access to health and social services may also be provided.*

*"Safe parking host organization" means a non-profit, religious, or governmental organization that hosts safe parking for unhoused people in an existing parking lot.*

These definitions were chosen as examples for two reasons: they provide context on how the county is regulating the uses and they provide examples of the complexity of the issue and the decisions that must be considered. For instance, per the definitions, Pierce County allows RVs to be occupied for Safe Parking purposes and the Orting City Council does not wish to allow the same.

## State Regulations

The City must allow a religious organization to host Safe Parking in an on-site parking lot per RCW 35A.21.360<sup>1</sup> and city codes should reflect this allowance but must not impose conditions other than those necessary to protect public health and safety and as stipulated in the RCWs. As it relates to Safe Parking, the State defines "Religious organization" in RCW 35A.21.360(6)(c) as the following:

*"Religious organization" means the federally protected practice of a recognized religious assembly, school, or institution that owns or controls real property.*

The City Council discussed whether non-religious organizations should be regulated similarly and recommended that the regulations pertaining to religious and non-religious host organizations be mirrored as close as possible in the city codes if in fact the City elects to allow non-religious institutions to host Safe Parking. There are, however, State rules that apply to religious organizations that may or may not be appropriate to apply to non-religious organizations such as the following:

- The City must not require a religious organization to obtain insurance pertaining to the liability of a municipality with respect to homeless persons housed on property owned by a religious organization or otherwise requires the religious organization to indemnify the municipality against such liability (RCW 35A.21.360(2)(b)).

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<sup>1</sup> RCW 35A.21.360 (1) *A religious organization may host the homeless on property owned or controlled by the religious organization whether within buildings located on the property or elsewhere on the property outside of buildings.*

RCW 35A.21.360 (2) *Except as provided in subsection (7) of this section, a code city may not enact an ordinance or regulation or take any other action that:*

RCW 35A.21.360 (2)(g) *Limits a religious organization's availability to host safe parking efforts at its on-site parking lot, including limitations on any other congregationally sponsored uses and the parking available to support such uses during the hosting, except for limitations that are in accord with the following criteria that would govern if enacted by local ordinance or memorandum of understanding between the host religious organization and the jurisdiction:*

*(i) No less than one space may be devoted to safe parking per ten on-site parking spaces;*

*(ii) Restroom access must be provided either within the buildings on the property or through use of portable facilities, with the provision for proper disposal of waste if recreational vehicles are hosted; and*

*(iii) Religious organizations providing spaces for safe parking must continue to abide by any existing on-site parking minimum requirement so that the provision of safe parking spaces does not reduce the total number of available parking spaces below the minimum number of spaces required by the code city, but a code city may enter into a memorandum of understanding with a religious organization that reduces the minimum number of on-site parking spaces required.*

***Should the City require non-religious organizations to obtain insurance for these purposes?***

- According to RCW 35A.21.360, Safe Parking shall not be prohibited at sites owned or controlled by religious organizations. Religious organizations and churches are not defined in the Orting Municipal code but the use table in OMC 13-3-3 lists churches as a use in the city. For the purposes of this discussion, we will assume that all religious organizations would fall under the “churches” category in the OMC. Churches are currently allowed with a conditional use permit in the residential zones (RC, RU, and RMF) and are permitted in the mixed use (MUTC and MUTCN) zones. Therefore, Safe Parking could occur in those zones, when affiliated with a permitted church. If the Planning Commission recommends that the City Council allow non-religious organizations to host Safe Parking, then staff is seeking direction on determining in which zones non-religious organizations will be allowed to host Safe Parking.

***In what zoning districts should Safe Parking affiliated with non-religious organizations be allowed?***

- RCW 35A.21.360(4) says that if the City requires a host religious organization to ensure that the City or local law enforcement agency has completed sex offender checks of all adult residents and guests, then the host religious organization retains the authority to allow such offenders to remain on the property.

***Should the City require sex offender checks of all adult Safe Parking residents and guests of religious and non-religious organizations?***

**Council and Staff Recommendations**

- The City Council Community and Government Affairs (CGA) Committee expressed concern for the use of the word *Secular*<sup>2</sup> and asked for a definition to explain if the term would include nonprofit social services. Staff’s use of the term secular was intended to refer to all organizations that are not affiliated with a religious entity. To avoid confusion, staff recommends using “non-religious,” as well as a similar term to what Pierce County (and other communities) use such as “Safe Parking host organization.”
- The City Council recommends that a public meeting be held if an organization applies to host safe parking and there should be guidelines for that hearing that also reference the RCW on how to publicize the meeting. RCW 35A.21.360(10) provides requirements for public notice of a meeting to discuss Safe Parking however, OMC 15-7 provides public notice requirements for development applications and public hearings that go above and beyond those required in the RCW. Staff recommends applying the existing public notice requirements set forth in the OMC, given that it provides more adequate time for interested neighboring property owners and the public to plan on attending public meetings or prepare public comments for the consideration of the decision maker.

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<sup>2</sup> Staff used the term “Secular” to describe non-religious entities in previous memos and reports to the City Council.

Staff recommends that a Conditional Use Permit (CUP) be the appropriate permit vehicle for processing the review and approval of Safe Parking organized at any location (religious or otherwise). This permit type satisfies the desire for a public meeting which meets the criteria provided in RCW 35A.21.360(10). A CUP involves a public hearing before the Hearing Examiner and is required to be publicly noticed. Additionally, staff suggests regulations pertaining to Safe Parking should be added to Title 13 Development Regulations, Chapter 4 Temporary Uses / Temporary Housing Units.

- The City Council CGA Committee recommends a requirement for fencing at least six feet tall to protect the Safe Parking area. They acknowledged that fencing could be temporary or permanent with privacy slats or wooden fencing to ensure the area is secure and privacy is being safe guarded. Per OMC 13-5-1, the height of fences in front setbacks is limited to three to four feet, depending on fencing materials, and fences are limited elsewhere on a site to a maximum of six feet. Staff recommends that the height of required fencing for Safe Parking should not be greater than the maximums established by OMC 13-5-1. If the Planning Commission recommends fencing at least six feet tall to screen Safe Parking when located anywhere on a site, including within a front setback, then provisions of OMC 13-5-1 will need to be revised or the Hearing Examiner must expressly be granted the authority to modify fence heights through the granting of a CUP.
- The Council CGA Committee suggested a requirement to review the performance of a Safe Parking site after the first year in operation, a second review after the second year, and then two-year extensions after that. The Orting Municipal Code does not currently have an established practice or code language for requiring additional review of permits that have been given final approval or conditional approval although the Hearing Examiner could require annual reporting as a condition of approval. Such a review may only be applicable to non-religious Safe Parking providers. Staff would recommend that the City's regulations for Safe Parking should include measurable metrics pertaining to public health and safety. This will provide the community with the reassurance that a Safe Parking facility remains compliant with local codes.
- The RCW sets the following rules on how a city may or may not require parking spaces for Safe Parking:
  - \* A city may not limit the number of parking spaces to less than 10 percent of the on-site parking spaces of a religious entity.
  - \* A city may make a rule that religious organizations must provide the minimum number of required parking spaces for the use in addition to the Safe Parking spaces.
  - \* The City may reduce the minimum number of required on-site parking spaces by entering into a memorandum of understanding (MOU) with the religious organization.

The Council recommends the maximum Safe Parking spaces be limited to 10 percent of on-site spaces, and indicated there should be a mechanism for allowing flexibility to reduce the number of parking spaces required by OMC 13-5-3 as well as situations where the applicant demonstrates a need to exceed the 10 percent maximum requirement. The MOU seems to be a

viable mechanism for allowing the flexibility the Council desires and details of a potential MOU are described in this memo below.

Taking the State requirements and Council recommendations into consideration, **does the Planning Commission concur with allowing up to 10 percent of on-site parking spaces be used for Safe Parking by approved religious and non-religious organizations, regardless of the site's current state of compliance with off-street parking requirements to serve its primary use?**

- The RCW supports regulations requiring restrooms and says a city can make a rule that access must be provided to either restrooms within buildings on the property or using portable facilities. This is an item included in the list of suggested terms of an MOU below but could be separated out and made a stand-alone requirement.
- RCW 35A.21.360(3)(a) allows a city to require a religious organization hosting Safe Parking to enter into a Memorandum of Understanding (MOU) to protect the public health and safety of both the residents of Safe Parking and the residents of the City. RCW 35A.21.360(3)(b) specifies the minimum requirements an MOU should contain. The Council recommends the City should adopt a rule that the Safe Parking host and the City of Orting enter into an MOU that includes the minimum requirements. They recommend that the MOU should include at least the following items:
  - a) The right of a resident of the facility to seek public health and safety assistance.
  - b) How the residents will be able to access social services on-site.
  - c) Ensure the residents can directly interact with the host organization, including how residents can express concerns regarding the managing agency.
  - d) A written code of conduct agreed to by the managing agency (if applicable), the religious organization, and all volunteers or staff working with the residents of the facility.
  - e) If the managing agency is publicly funded, then the host/religious organization can interact with residents of the facility using a release of information.
  - f) A requirement that the host/religious organization or its managing agency inform vehicle residents of how to comply with laws regarding the legal status of vehicles and drivers and provide relevant requirements in the code of conduct consistent with area standards.
  - g) A requirement to work with the local agencies administering the homeless client management information system as provided for in RCW 43.185C.180, if the host/religious organization works with a publicly funded managing agency or, if the host/religious organization does not work with a publicly funded managing agency, an encouragement to work with the local agencies administering the homeless client management information system.  
(This is not a requirement or recommendation for temporary overnight extreme weather shelters operated out of religious organization buildings.)
  - h) That the host/religious organization and managing agency (if applicable) will not refuse to host any resident or prospective resident because of age, sex, marital status, sexual orientation, race, creed, color, national origin, honorably discharged veteran or military status, or the presence of any sensory, mental, or physical disability or the use of a trained dog guide or service animal by a person with a disability, as those terms are defined in RCW

49.60.040, if the host/religious organization and/or managing agency receive funding from any government agency.

- i) A site plan of the Safe Parking facility, including, but not limited to, ingress and egress, emergency access, location of sanitary facilities and number of facilities, location of utilities, temporary fencing locations, the layout of all existing parking that meets the minimum parking requirements of the OMC, and the locations of the individual parking spaces to be used for Safe parking as well as any other Safe Parking facilities and services.

## Questions to Consider

We have compiled all of the questions asked throughout this memo into one list and request that the Planning Commission consider each question and prepare to discuss at the scheduled workshop in order to provide Staff with guidance for drafting code language.

1. **Should the City apply the same rules to religious and non-religious organizations?**
  - a. **Should there be a distinction between the two, or should proposed codes use a blanket term such as “Safe Parking host organization?”**
  - b. **Should the City require non-religious organizations to obtain insurance for liability purposes?**
  - c. **In what Zoning districts should Safe Parking affiliated with non-religious organizations be allowed?**
  - d. **Should the City require sex offender checks of all adult Safe Parking residents and guests? If so, should there be different stipulations for religious and non-religious host organizations?**
  - e. **Should there be regulations specifying which non-religious organizations may provide this use by requiring the organizations to have a demonstrated ability to offer comprehensive supportive services to support the vehicle residents?**
2. **Should the Conditional Use Permit process be required to ensure an opportunity for a public meeting when an organization applies to host safe parking, and to ensure staff has an appropriate method for recommending conditions of the project’s approval that consider the protection of public health and safety? If not a CUP, what permit process would be more appropriate?**
3. **Should there be a requirement for staff to review the performance of a Safe Parking site after the first year in operation, a second review after the second year, and then two-year extensions after that? If so, should there be a time limit of two years on a CUP issued for these purposes?**
4. **Should there be a requirement for six-foot-tall fencing around Safe Parking sites or any other requirements for screening?**
5. **Should religious and non-religious organizations be allowed to designate 10 percent, or more of their on-site parking spaces as Safe Parking spaces?**

6. **Should the City require religious organizations (and non-religious) to provide the minimum number of required parking spaces for the use in addition to the Safe Parking spaces?**
  - a. **If an organization (religious or non-religious) is currently non-conforming and does not meet its minimum parking requirements, should they be allowed to host Safe Parking on 10 percent of the existing parking spaces?**
7. **Should there be specific regulations pertaining to restrooms?**
8. **Should a Memorandum of Understanding be required?**