

# ORTING COMPREHENSIVE PLAN

DRAFT COPY -FOR SEPA ENVIRONMENTAL REVIEW

## COMPREHENSIVE PLAN UPDATE



**2024**

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# INTRODUCTION

## Purpose and Intent

This Comprehensive Plan (Plan) for the City of Orting is the long-term vision and plan for managing the city's natural and built environment. This Plan was developed pursuant to provisions of the State of Washington Growth Management Act (Revised Code of Washington Chapter 36.70A). The plan includes policy direction for community and economic development, housing, protection of environmentally sensitive areas, public services, growth, physical design elements, and community character. Serving as the “blueprint” for the next twenty years, this replaces the previous versions of the City's Comprehensive Plan.

The city is required to update its plan periodically to address changing conditions; this plan is the product of the periodic update completed in 2024 and the next periodic update is expected by 2034. Until then, the document may be amended on a yearly basis, but not more than once per year.

## Structure

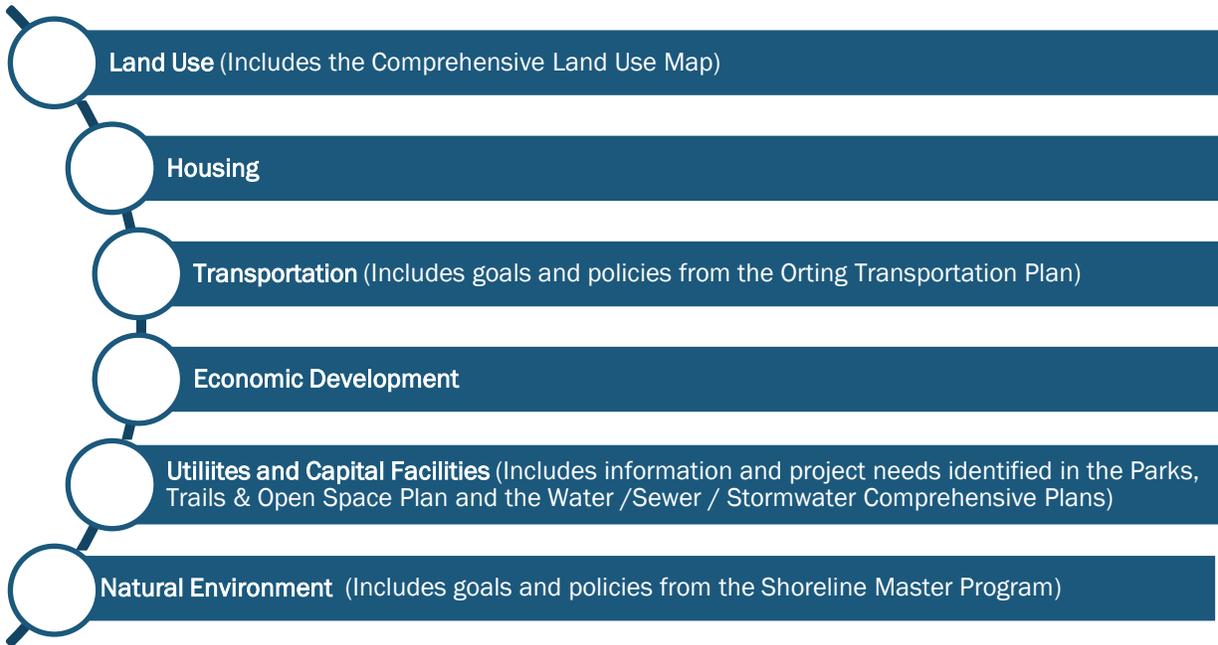
The Orting Comprehensive Plan (Plan) is composed of three basic parts:

1. Introduction, including implementation and amendment policies and procedures;
2. Comprehensive Plan Elements, including goals and policies; and
3. Appendices for each of the Comprehensive Plan elements.



This Introduction section includes a description of the requirements of the Growth Management Act (GMA) and the framework the Act established for planning in the State and Pierce County, [together with regional planning requirements as overseen by the Puget Sound Regional Council \(PSRC\)](#). The Implementation and Amendments section describes how the City is to implement and amend existing policies contained in the Comprehensive Plan, and it also describes the requirements of the [Land use Regulatory Reform Act \(ESHB 1724 Chapter 36.70B RCW\)](#). This section also provides some important GMA language regarding concurrency.

The **Elements** provide goals and policies for the following:



Each element begins with a general discussion of ~~its~~ [the purpose of the element](#), [provides context with respect relationship](#) to the GMA, and [a summary of the issues identified through public involvement](#). [The discussions also include current and forecast data, needs assessments or analyses and conclusions, and as appropriate, references to other source materials or policy documents](#). Goals and policies that address those issues follow.

~~The Comprehensive Land Use and Zoning Map gives geographic form to the Comprehensive Plan's land use policies by designating appropriate land use categories for the various areas within the city. on for assumptions in all other elements. The Comprehensive Land Use and Zoning Map gives geographic form to the Comprehensive Plan's land use policies by designating appropriate land use categories for the various areas within the City.~~

~~The Plan Element Appendices include current and forecast data, needs assessments or analyses, and conclusions and as appropriate, references to other source materials or policy documents.~~

## What is a Comprehensive Plan?

In 1990, the Washington State Legislature adopted the Growth Management Act (GMA) to provide a basis for local, regional, and state solutions to growth pressures. Since 1990, the GMA has been

amended several times, [with many substantial changes occurring in 2021, 2022, and 2023 with myriad changes resulting from legislative work in Olympia](#). ~~Orting is required to review its Plan and update for consistency with the GMA every eight years. More frequent annual reviews are allowed.~~

[The GMA requires cities to develop Comprehensive Plans expressing A Comprehensive Plan](#) ~~indicates~~ how the community envisions the city's future, and ~~sets~~ [setting](#) forth strategies for achieving the desired vision. A plan has three characteristics.

1. It is **comprehensive**: the plan encompasses all the geographic and functional elements that have a bearing on the community's physical development.
2. It is **general**: The plan summarizes the major policies and proposals of the City, but does not usually indicate specific locations or establish detailed regulations.
3. It is **long range**: the plan looks beyond the current pressing issues confronting the community, to the community's future. Although the planning time frame for this plan is twenty years, many of its policies and actions will affect the City of Orting well beyond that horizon.

## Why is a Comprehensive Plan Needed?

Many of the day-to-day decisions made by City officials can have a significant impact on how the community develops and functions. A comprehensive plan coordinates and guides individual decisions in a manner that moves the community towards its overall goals.

[RCW 36.70A.020](#) outlines the GMA goals with which this plan must comply [which are](#). ~~They are as follows:~~

1. **Urban growth.** Encourage development in urban areas where adequate public facilities and services exist or can be provided in an efficient manner.
2. **Reduce sprawl.** Reduce the inappropriate conversion of undeveloped land into sprawling, low-density development.
3. **Transportation.** Encourage efficient multi-modal transportation systems that [will reduce greenhouse gas emissions and per capita vehicle miles traveled and](#) are based on regional priorities and coordinated with county and city comprehensive plans.
4. **Housing.** Encourage the availability of affordable housing to all economic segments of the population of this state, promote a variety of residential densities and housing types, and encourage preservation of existing housing stock.
5. **Economic development** Encourage economic development throughout the state that is consistent with adopted comprehensive plans, promote economic opportunity for all citizens of this state, especially for unemployed and for disadvantaged persons, and encourage growth in areas experiencing insufficient economic growth, all within the capacities of the state's natural resources, public services, and public facilities.
6. **Property rights.** Private property shall not be taken for public use without just compensation having been made. The property rights of landowners shall be protected from arbitrary and discriminatory actions.
7. **Permits.** Applications for both state and local government permits should be processed in a timely and fair manner to ensure predictability.
8. **Natural resource industries.** Maintain and enhance natural resource-based industries, including productive timber, agricultural, and fisheries industries. Encourage the

conservation of productive forest lands and productive agricultural [lands and](#) discourage incompatible uses.

9. **Open space and recreation.** Retain open space [and green space](#), enhance recreational opportunities, ~~conserve~~ [enhance](#) fish and wildlife habitat, increase access to natural resource lands and water, and develop parks and recreation facilities.
10. **Environment.** Protect [and enhance](#) the environment and enhance the state's high quality of life, including air and water quality, and the availability of water.
11. **Citizen participation and coordination.** Encourage the involvement of citizens in the planning process, [including the participation of vulnerable populations and overburdened communities](#), and ensure coordination between communities and jurisdictions to reconcile conflicts.
12. **Public facilities and services.** Ensure that those public facilities and services necessary to support development shall be adequate to serve the development at the time of occupancy and use without decreasing current service levels below locally established minimum standards.
13. **Historic preservation.** Identify and encourage the preservation of lands, sites, and structures that have historical or archaeological significance.
14. **Climate change and resiliency<sup>1</sup>.** [Ensure that comprehensive plans, development regulations, and regional policies, plans, and strategies under RCW 36.70A.210 and chapter 47.80 RCW adapt to and mitigate the effects of a changing climate; support reductions in greenhouse gas emissions and per capita vehicle miles traveled; prepare for climate impact scenarios; foster resiliency to climate impacts and natural hazards; protect and enhance environmental, economic, and human health and safety; and advance environmental justice.](#)
15. **Shorelines of the state.** [For shorelines of the state, the goals and policies of the shoreline management act as set forth in RCW 90.58.020 shall be considered an element of the county's or city's Comprehensive Plan.](#)

~~In addition to the state goals, the~~ The Comprehensive Plan must also be consistent with [regional planning policies as established by the Puget Sound Regional Council \(PSRC\) and with the Pierce County County-wide Planning Policies \(CPPs\)<sup>2</sup>](#), ~~another GMA mandate~~. The CPPs provide the regional framework for population forecasting and allocation; maintaining an inventory of buildable lands; coordinating level of service standards; and considering how urban growth areas are sized, located, and developed.

## Functions of a Comprehensive Plan

A Comprehensive Plan serves many purposes, including policy determination, policy implementation, and communication and education.

**Policy Determination** - First, the Comprehensive Plan encourages City officials to look at the big picture and to step away from current pressing needs to develop ~~overriding~~ [broad](#) policy goals for ~~their~~ [the](#) community. Second, it ~~creates an environment~~ [provides a setting](#) for the City Council to

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<sup>1</sup> [Orting must add an additional element, addressing climate change and comprised of a Climate Resilience sub-element and a Greenhouse Gas Reduction sub-element before a deadline in 2029.](#)

<sup>2</sup> [Pierce County Ordinance Nos. 2022-46s and 2023-22s](#)

guide its decision-making openly and democratically. The plan serves to focus, direct, and coordinate the efforts of ~~the departments within City government~~ various city departments by providing a general comprehensive statement of the City's goals and policies.

**Policy Implementation** -- The adoption of a Comprehensive Plan (and the process leading up to it) provides a pathway for a ~~A community can move more effectively toward its to agree to and formalize a set of goals and implement its policies after they have been agreed to and formalized through the adoption of a Comprehensive Plan. After adoption occurs, the~~ The Comprehensive Plan serves is a basic source of as a reference for officials as they consider the enactment of ordinances or regulations affecting the community's physical development (such as a zoning ordinance or a particular rezone), and when they make decisions pertaining to public facility investments (such as capital improvement programming or construction of a specific public facility). This ensures that the community's overall goals and policies are accomplished by those decisions. The Plan also provides a practical guide to City officials as they administer City codes, ordinances, and programs. This ensures that the day-to-day decisions of City staff are consistent with the overall policy direction established by the Council.

**Communication and Education** – Because the ~~The~~ Comprehensive Plan is a tool for communicating the City Council's policies, communicates to the public and to City staff the policy of the City Council. ~~This allows~~ the staff, the public, private developers, business people, financial institutions, and other interested parties ~~to~~ can better anticipate what the decisions of the City Council are likely to be ~~on any particular issue~~. As such, the Plan provides predictability. Everyone is better able to plan activities knowing the probable response to their proposals and to protect investments made on the basis of policy. In addition, the Comprehensive Plan ~~can~~ serves to educate ~~the public, the business community, the City staff, and the City Council itself~~ those groups on the workings, conditions, and issues within their City, stimulating. ~~This can stimulate~~ interest about the community affairs and potentially increasing ~~increase the~~ citizen participation ~~in government~~.

## Orting's Setting and Location

Orting is a vibrant and welcoming small city located near the geographic center of Pierce County, and on the southeast edge of the populated portion of the County, about 20 miles from Tacoma.

Orting was officially incorporated in 1889, the same year that Washington became a state. The original extent of the city was approximately less than a square mile, and annexations occurred in the years 1959 (to the south), 1977, 1988, 1990 and 1991 as shown in Figure I-1. The city is now approximately 2.71 square miles<sup>3</sup> (about 1,730 acres) in land area.

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<sup>3</sup> Source: Washington State Office of Financial Management (OFM); land area excluding lakes and other water areas, based on the 2020 TIGER/Line Shapefiles places (cities) layer with adjustments made over time using OFM's boundary change submissions to the Census Bureau's Boundary and Annexation Survey program

The city is nestled between the Carbon and Puyallup Rivers, in a fertile valley with stunning views of Mt. Rainier. Washington State Route 162 runs through and connects Orting to its neighbors including the cities of Puyallup and Sumner. Orting is on the outskirts of the Puget Sound region, and benefits from its close proximity to the larger urban area but also lies outside of the hustle and bustle of the larger cities, delighting residents who value the community's size and unique geographic location.

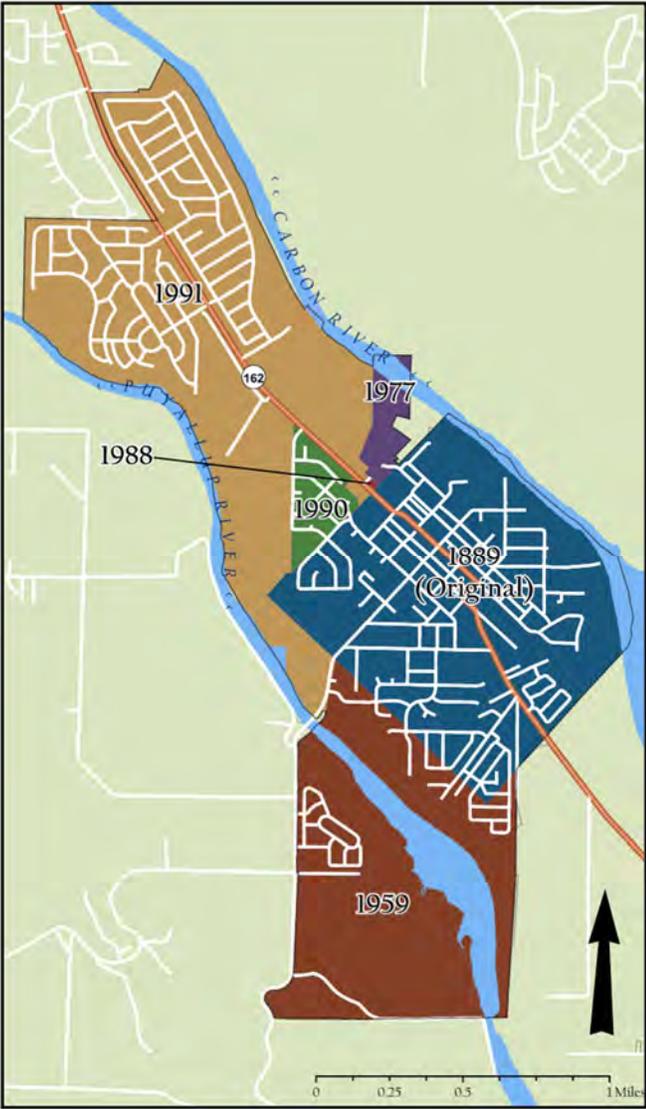


Figure I-1: Annexation History

## Is Orting “rural”?

Previous Comprehensive Plans for the City<sup>4</sup> frequently used the term “rural” to describe the character and feel of Orting. While “rural” can mean different things to different people, the term has a specific meaning under the GMA, and cities are not rural in that context, and so use of that term is now generally avoided.

Instead of using the term “rural” to describe the City of Orting, this plan substitutes other words or emotions that can invoke the community character that was traditionally known as “rural” including:

- Close-knit
- Not rushed or busy; friendly
- Self-Reliant
- Close to Nature
- Not intensively developed
- Rustic or traditional
- Having to do with the Countryside (gardening / farming)

## Public Process and Visioning

Orting began planning under the GMA in 1990, one year after celebrating the city’s Centennial. The early process included a community workshop and survey that resulted in a vision statement. Then, as technical analyses were completed, the Planning Commission worked on goals and policies and incorporated implementation actions and strategies that came together in the Comprehensive Plan that was adopted January 11, 1996.

~~The~~ Later, the first ~~comprehensive~~ GMA-mandated update was completed in 2004, the process of which included open houses and workshops to solicit public outreach and foster communication. Since then, annual updates have occurred in many years, and additional plans have been adopted and/or updated which relate to the Comprehensive Plan including ~~in addition to the creation of a Downtown Orting Vision Plan, an update of the Parks, Trails and Open Space Plan and an updates~~ to the Shoreline Master Program (SMP). The planning process behind each plan involved extensive public outreach.

The Downtown Orting Vision Plan is another plan that involved public outreach and relates to the Comprehensive Plan. In 2008, the community engaged in a downtown visioning process to create specific goals for increasing economic development opportunities and amenities. This was also intended to define public investment strategies for a new library, a new city hall, and a community center. In 2016, the City put these goals to work and formed a citizen committee that collaborated with staff to plan for a new multi-purpose city hall. The new facility was completed in 2020 without any debt and is located in Orting’s downtown.

In 2015, another periodic update process further built upon this existing foundation of public engagement with open houses and a public opinion survey. The City began the comprehensive plan update process (for the 2015-2035 plan) by creating an online public opinion survey to check in with the community on local issues, values, and strategies. Over 120 community members participated, and 86% found the existing vision statement was still relevant. While 63% of participants rated Orting’s quality of life as “excellent” or “above average”, participants shed light on local issues

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<sup>4</sup> Such as but not limited to: 2017 Orting Comprehensive Plan (Ord. No. 2017-1019 and as amended via Ord. No. 2019-1040); 2020 Orting Comprehensive Plan (Ord. No. 2020-1067 and as amended via Ord. No. 2023-1104). These plans additionally contained reference to agricultural activities and farming, including urban agriculture.

requiring attention, such as public safety, education, smart growth, and traffic. Strategies to mitigate these issues informed the 2015-2035 Plan update which included revisions to goals and policies.

Likewise, the [2024 update process continued this tradition of public engagement through a public workshop, “community conversation” booths at local events, and an online survey. The public feedback received during the most recent update consistently raised questions and concerns relating to two key growth constraints: transportation \(mobility\) problems and the looming lahar hazard.](#)

### The Orting Vision

[Orting’s original vision statement was formulated with public input in 1990. The following Vision statement, which is modified from its original form for the 2024-2044 update, describes what Orting will be at the end of the planning period:](#)

~~Orting is a cohesive rural community nestled in the Orting valley. Its distinctive natural features include two river corridors and a spectacular view of Mount Rainier. Orting’s downtown is its historic center. It should be enhanced as a vital center where all residents come to transact daily commerce and to meet for social activities. Orting should expand its employment base so that young people can choose to live and work in the community. Orting should preserve its pastoral heritage which is rooted in its open spaces, undisturbed ridges, and small scale agricultural establishments. It should preserve the distinctive qualities of its natural amenities, which should be linked through scenic corridors of green along its rivers. Foremost, Orting should preserve its small town character. It should remain a place that is free of urban pressures; where people know their neighbors, take time to tend a garden, and have mutual respect for their fellow citizens.~~

[Orting is a cohesive, small community nestled in the Orting valley featuring two river corridors and a spectacular view of Mount Rainier. Orting’s downtown is the historic center, which is enhanced as a thriving location that is popular for meeting daily commerce needs and serves as a gathering point for social activities. Over the years the city has grown its economic base so that young people can choose to live and work in the community. The pastoral heritage, which is rooted in its open spaces, undisturbed ridges, and small-scale agricultural establishments is preserved. Orting should preserve the distinctive qualities of its natural amenities, which should be linked through scenic corridors of green along its rivers. Foremost, Orting embraces the benefits of a small city and has remained a place where people know their neighbors, enjoy the natural scenery and open spaces, and have mutual respect for their fellow community members.](#)

**Commented [A1]:** Some suggested edits are made. For example, we changed this to not say "employment base"  
**Employment base = people (workers)**  
Economic base is broader, and can mean more businesses and working opportunities  
Also we try to remove the word "citizens" where possible as citizenship can be a loaded term

### Vision Goals

The vision statement is amplified with the following over-arching goals that direct the more specific goals and policies of the plan elements.

- PRESERVE ~~SIGNIFICANT OPEN SPACE AND THE CHARACTER OF THE RURAL LANDSCAPE~~
- PRESERVE CRITICAL ENVIRONMENTAL RESOURCES
- PRESERVE ~~IMPORTANT AGRICULTURAL LANDS~~ [FARMING PRACTICES \(WASHINGTON STATE SOLDIERS HOME’S ORTING VETERANS FARM\)](#)

**Commented [A2]:** This wording change is important because preservation of agricultural lands generally runs counter to the roles of cities per the GMA; ag lands are supposed to be in Counties (unincorporated lands)

- ENCOURAGE THE RETENTION & ESTABLISHMENT OF VITAL BUSINESSES WITHIN THE DOWNTOWN
- PROVIDE A VARIETY OF HOUSING CHOICES FOR NEW RESIDENTS
- FOSTER A FINANCIALLY SOUND DEVELOPMENT PATTERN
- PRESERVE A REASONABLE USE OF THE LAND FOR ALL LANDOWNERS
- REDUCE RELIANCE ON THE AUTO & ENCOURAGE ESTABLISHMENT OF PEDESTRIAN AND BICYCLE-ORIENTED DEVELOPMENT
- PROVIDE AFFORDABLE HOUSING
- PROVIDE A PLACE WHERE CITIZENS COMMUNITY MEMBERS CAN BOTH LIVE, AND WORK AND RECREATE

**Commented [A3]:** This is rather challenging for many communities like Orting. However, this has been listed in previous versions of the Comprehensive Plan and should be retained as it aligns with regional and state objectives/mandates.

**Commented [A4]:** This is rather challenging for many communities like Orting. However, this has been listed in previous versions of the Comprehensive Plan and should be retained as it aligns with regional and state objectives.

~~In 2008, the community engaged in a downtown visioning process to create more specific goals for increasing economic development opportunities and amenities. This was also intended to define public investment strategies for a new library, and possibly a new city hall and a community center. The vision also addresses future street improvements and other amenities that will help to make the downtown a destination. Goals include:~~

- ~~• Develop a downtown center with public facilities, gathering places, and private retail attractions~~
- ~~• Locate new downtown parking facilities to support public and business uses~~
- ~~• Increase safe, attractive pedestrian ways linked to the Foothills Trail and parks~~
- ~~• Facilitate the development of new housing in mixed use projects~~
- ~~• Leverage Orting’s historic character and tourism attractions to create opportunities for business~~

~~In the fall of 2013, the City began the 2015 GMA update process (by creating an online public opinion survey to check in with the community on local issues, values, and strategies. Just over 120 community members participated, and 86 percent found the existing vision statement was still relevant. While 63 percent of participants would rate Orting’s quality of life as “excellent” or “above average”, participants shed light on local issues requiring attention, such as public safety, education, smart growth, and traffic. Strategies to mitigate these issues have informed the current update, and the revision of goals and policies.~~

## Plan Summary

The Comprehensive Plan is informed by the following ~~major findings~~ fundamental issues or facts:

- ~~The Plan is intended to guide Orting’s growth between 2015–2024 and 2035–2044, although the Plan references a 2030 planning horizon. This is due to the fact that Pierce Countywide Planning Policies established population and employment targets for all jurisdictions for 2030.~~ The analyses and conclusions regarding land use, transportation and capital facilities capacities are consistent with the City’s view, particularly since it is likely that Orting will achieve substantial build out much earlier. As subsequent annual updates are prepared, more consistency will be provided with the evolving 20-year view.
- [City residents have voiced concerns over the existential threat posed by the potential eruption of Mt. Rainier, because Orting is located on the floor of a valley that could be inundated with material that would wash downstream; in the event of a volcanic event there would be a limited period of time to evacuate the community.](#)
- Orting residents want the City to retain ~~its~~ a small ~~rural~~-town [atmosphere](#) and “rural” character as it grows. Residential development should remain predominantly single-family, with some multi-family development in the mixed-use town center and in close proximity to services.
- The Plan establishes the following development pattern: a central core of mixed-use development in the downtown commercial area of Orting, surrounded by ~~single family~~-residential development at moderate densities. Other commercial uses and light industrial development may be allowed or encouraged along major arterials ~~(or and~~ in future urban growth areas, [if any are designated for Orting](#)).
- The mix of land uses in the town center includes small scale retail, restaurants, offices, community facilities and housing in a pedestrian-friendly environment.
- Community health is very important to the City. The City employed the Tacoma-Pierce County’s Healthy Community Planning tools during the 2015 periodic update to increase the Plan’s focus on community health, particularly goals and policies related to physical activity and healthy food. [These efforts have been carried forward in the 2024 update.](#)
- The Plan calls for a system of recreational trails and parks. A non-motorized system of trails is recommended which link the Foothills Trail in the center portion of the City with more local trails throughout town and along the Carbon and Puyallup Rivers.
- The Plan promotes the benefits of ~~urban agriculture, including maintaining~~ open spaces, [fostering the availability of locally-sourced food, providing a source of local food,](#) building social connections, providing recreation opportunities, establishing ~~rural~~-small-town character, preserving view corridors, and providing employment opportunities for the residents of Orting.
- Transportation needs in Orting ~~range from center around three central themes: (1) adequately accommodating current and~~ potential future traffic volumes on the existing roadways, ~~(2) to the properly configuring~~ the future roadway system, ~~and (3) exploring to~~ the feasibility of [future transit services in the Orting area.](#) The Transportation Element addresses transportation issues and links them into a cohesive assessment of Orting’s transportation options and future.
- ~~To maintain the City’s existing small town character, the~~ [The](#) Plan adopts a level of service standard C/D for its roadway facilities and services.
- The Plan promotes a ~~diversity~~-variety of housing options within the community, including single-family homes, mixed use housing, [duplexes, and](#) manufactured homes, ~~moderate to~~

~~high priced homes~~ [at a variety of price levels](#). This ~~diversity range~~ of housing types is intended to meet Orting's affordable housing needs, [as well as needs of different individuals \(such as people living alone or in small households, aging-in-place, etc.\)](#).

- The Plan recommends level of service standards for transportation, water, stormwater, sewer facilities, and parks, trails and open space. The Plan also recommends service goals for police and fire protection. New development must be served by adequate public facilities and cannot cause the level of service to be degraded below these adopted standards.
- The Plan directs growth for the next twenty years to areas within the City limits, to encourage the provision of adequate public facilities and services concurrent with development.
- The Plan is intended to work consistently with the City's critical areas ordinance [for protection of environmentally sensitive areas](#). If a conflict should arise, the most restrictive provisions ~~shall prevail~~ [will apply](#).

## Plan Elements

### Land Use Element



[The Land Use Element contains demographic information for the City and includes the Land Use map.](#)

The future land use policies establish the pattern of development in Orting for years to come. The City's overall planning goals provide guidance for the development of these policies. Specifically, the goals highlight preservation of open space and the character of the ~~rural~~ landscape, promotion of urban agriculture as a community resource, retention and expansion of the City's employment base, and protection of vital environmental resources.

~~By 2030, the City is projected to grow to 7,570. The Plan seeks to preserve the small town character of the City, while fostering the town center. In the areas within or adjacent to the town center, the Element promotes pedestrian-oriented, mixed use mixed use development that allows for a diversity of land uses including housing, small scale shopping, civic facilities, recreation, and employment.~~

~~Surrounding the town center, the Plan designates neighborhoods that allow for a mix of less intense uses and accommodate a range of housing types and densities. They are predominantly composed of single family single family homes of mixed densities, and designate a small portion of the City in proximity to commercial services and transportation facilities for multi-family development.~~

~~Expanding opportunities for residents to work and live in the community is another principle of the Land Use Element.~~

~~The Plan encourages Planned Unit Developments (PUDs), which use flexible lot sizes and development standards to encourage creativity and avoid cookie-cutter subdivisions that do not fit within the character of the landscape. With flexible lot sizes, common greens, community gardens and active recreation areas could be set aside for the benefit of the residents of the development.~~

## Natural Environment Element



The Natural Environment element contains the discussion, goals, and policies related to shorelines, critical areas, environmental protection, and natural hazard mitigation. Given the position of the Puyallup and Carbon Rivers, issues affecting shorelines, wetlands, flood areas, and water quality are crucial to consider when planning in Orting.

~~The City has plans and programs in place to address future impacts of potential natural hazards. The City is a participant in the Pierce County Forum's development of the Region 5 All-Hazard Mitigation Plan process. That plan contains an extensive City-specific mitigation strategy for avoiding and/or addressing impacts of natural hazards including floods, lahars, storms and other events. The City has implemented some of these strategies through the completion of setback levees, and the on-going planning for the Carbon River Evacuation Bridge (Bridge for Kids). In addition, the City manages public education and involvement activities related to the strategies.~~

~~Maps showing areas subject to natural hazards are included in the Appendix.~~

## Housing Element



~~As growth occurs within and around Orting, there will be an~~ There is an ever-increasing need for more housing that is affordable, desirable, and appropriate for a variety of residents. Remaining developable land within the City is slated for residential, mixed use, or public facilities development. The City's challenge will be to ensure that the pattern of development provides a diversity variety of housing options and economic development opportunities ~~while maintaining the desired character of the community.~~ that meet the needs and desires of all Orting residents.

## Transportation Element



The Transportation Element uses a detailed assessment of current conditions, forecasts of future growth, and local and state standards to form a framework of policies and a determination of project needs. This complex picture includes facilities for which the City is responsible as well as county and state facilities. The analyses consider capacity, safety, and multi-modal performance as well as pedestrian, non-motorized, and public transportation. Orting's dependency upon SR 162 for regional connections is an over-riding problem that can only be solved by a coordinated partnership of the City, Pierce County and the state.

~~The Element seeks to maintain level of service (LOS) D. The community is accustomed to high-service standards, but the travel forecasts indicate that service levels could drop significantly, depending on how the growth patterns and the transportation facilities are developed. With a standard ranging from LOS-C to LOS-D, the City has flexibility in meeting the high standards that the community's expectations while changing from a rural community to a suburban community.~~

## Economic Development Element



An economic "baseline" study prepared in 2014 (summarized in the Economic Development Appendix) assessed Orting's strengths, weaknesses, opportunities, and threats. Strengths include the recent strong population growth; Orting's physical setting; availability of underdeveloped land and utility capacity; and the established downtown. Weaknesses include Orting's isolation; and limited accessibility.

Opportunities include increasing the mix of local-serving business to recapture retail sales “leakage”; increasing leverage of tourism; and increase in demand for shopping and services as the surrounding area grows. Threats include strong retail competition from Bonney Lake and Puyallup’s South Hill as well as eventual economic development in Tehaleh that could weaken Orting’s ability to attract employers.

The Element contains goals and policies that provide a foundation for action to diminish the weaknesses and threats and take advantage of the strengths and opportunities.

### **Shoreline Element**

~~In response to state Department of Ecology changes to the Shoreline Master Program (SMP) guidelines, and GMA direction to coordinate comprehensive plans and shoreline plans, the City conducted a comprehensive update of the SMP in 2007. The update included a significant inventory and characterization of the shoreline conditions along the Carbon and Puyallup Rivers. In particular, “opportunity sites” for potential shoreline restoration and increased public access were identified. A minor update of the SMP was adopted in 2013, and again in 2019.~~

~~The Shoreline Element includes the goals and policies of the SMP. There is no Shoreline Appendix, as the detailed analysis is found in the SMP. Shoreline development regulations are also included in the SMP. All of the shorelines within the City have been designated Urban Conservancy. No development except for limited public facilities is allowed within the first 150 feet of the shoreline jurisdiction along the Rivers.~~

### **Capital Facilities & Utilities Elements**



The two major issues addressed in the Capital Facilities and Utilities Elements are the implementation of the "concurrency" requirement and the status of the City's water, [stormwater](#), and sewer facilities. In compliance with state law, the Orting Plan requires that adequate public facilities be in place concurrent with the impacts of new development. This concurrency requirement means that improvements or strategies must be in place at the time of the development or that a financial commitment must be in place to complete the improvements or strategies within six years.

In order to determine whether or not public services are adequate to serve the forecasted population growth for the City, the Capital Facilities Element establishes level of service standards for water, sewer, stormwater, police, fire, parks, trails and open space, and transportation. New development must demonstrate that its impact will not degrade these facilities below the level of service standards adopted in the plan.

## **Implementation of the Comprehensive Plan**

### **Purpose & Relationship to the GMA**

A Comprehensive Plan is implemented through the goals and policies it identifies to guide and coordinate local decision making. The plan's policies shape the course of action taken by the community as ~~it begins to implement the plan~~ [implementing development regulations are adopted \(through revisions to the City’s zoning code, for example\) and decisions are made \(such as budgetary](#)

[approvals and capital project authorizations](#)). The GMA encourages innovative implementation methods that are both regulatory and non-regulatory. Regulatory actions may include the adoption of a zoning ordinance or other land use regulations, while non-regulatory actions include implementation of the capital facilities plan, [pursuit of](#) economic development strategies, and [the](#) promotion of affordable housing development. Some actions may involve a complicated series of related steps which themselves may need to be carefully planned (for example, improvements made to a major utility system). This section will describe these actions, plans, and measures necessary to implement this Plan.

### Regulatory Measures

The GMA requires that local governments enact land development regulations that are consistent with and implement the Comprehensive Plan. In order to accomplish this, the development regulations ([comprised of the zoning code, the subdivision code, etc.](#)) should be regularly reviewed to ensure consistency with the comprehensive plan in order to identify the need for amendments.

In particular, the zoning code and zoning map must be consistent with the future land use map and policies established in the plan. The future land use map and land use policies in the Comprehensive Plan establish the use, density, and intensity of future development within the City.

~~As part of the update of the land use regulations, Orting is also obligated by ESHB 1724 adopted by the 1995 Legislature to combine project permitting and environmental reviews; consolidate appeals processes; and clarify the timing of the development of the review process.~~

### Concurrency Management

~~Comprehensive plan policies also meet the GMA requirements for concurrency by establishing level of service (LOS) standards for capital facilities. The concurrency management system sets forth the procedures to be used to determine whether public facilities have adequate capacity to accommodate a proposed development. And, the concurrency management system also identifies the responses to be made by the City when it is determined that the proposal will exceed the level of service established, and therefore exceed the defined capacity, failing to maintain concurrency. The includes the criteria the City uses to determine whether development proposals are served by adequate public facilities, and establishes monitoring procedures to enable periodic updates of public facilities and services capacities.~~

~~Under the GMA, concurrency management must be established for transportation and capital facilities; however, jurisdictions may establish concurrency for any public facilities for which they have established level of service standards in their comprehensive plan. Level of service standards may be established for fire and emergency facilities, police, schools, sewer and water, transportation, and parks and recreational facilities and services.~~

### Six-Year Capital Improvement Plan

Another major implementation tool of the Plan is the six-year schedule of capital improvements. The Capital Improvements Plan, or CIP, sets out the capital projects that the City must undertake within the next six years in order to implement the Plan. ~~The six year schedule is updated annually, with the first year of the schedule acting as the capital budget for the fiscal year. During the annual updating~~

~~of the six year schedule, the cost estimates and funding sources listed are updated and revised to reflect any additional information that the City has received. The CIP schedule is also be revised to include any additional capital projects that are needed to maintain the City's adopted level of service standards.~~

## Coordination with Pierce County

Through the County-wide Planning Policies (CPPs), the City ~~is a partner~~[partners](#) with Pierce County and the other cities in shaping regional policies and actions. This includes updating the CPPs; discussing methods for maintaining the record of buildable lands; and evaluating ~~UGA issues~~[Urban Growth Areas \(UGAs\) which are areas around cities that are eligible for annexation \(however, Orting does not have a UGA that extends beyond the City limits\)](#). ~~More specifically, Orting and the County have a discrete set of common interests including future land use controls in the rural portions of the Orting Valley; transportation; shoreline management; hazard mitigation and the provision of services. Orting's lack of annexation area and environmental growth constraints will limit the City's abilities to be a significant participant in county wide plans for accommodating future residential growth and low income housing.~~

[The City of Orting is situated near the Alderton-McMillin community, an unincorporated area in Pierce County. The Pierce County Comprehensive Plan includes a "community plan" for the Alderton-McMillin area \(Appendix A of the Piece County Comprehensive Plan\). That document is quite detailed and contains useful information about many planning aspects that may also apply to Orting to some extent, such as local area history and agricultural practices as well as detailed information about the natural environment. The document sets out specific goals and policies that pertain to the unincorporated area, and additionally describes the process which cities adjacent to the area \(including Orting\) could follow to expand their UGAs.](#)

## Administrative Actions

~~The Plan includes a number of policies that should be carried out through administrative actions, such as interlocal agreements, revised development and review procedures, and public involvement programs. Development and review procedures must be revised to implement concurrency and to ensure that new development complies with the performance standards established.~~

## Public Involvement

~~In order for the Plan to remain alive, the citizens of the community must remain in touch with its implementation. As the Plan is tested by development, there will be the need for ongoing amendments to respond to changing conditions. As the community matures, the vision of the future will change and new needs and priorities will emerge. The City is obligated to coordinate many aspects of the Plan with adjacent jurisdictions, which will also generate changes. Continued public involvement and communication is crucial to keeping the process fresh and engaging so that the planning "wheel" does not have to be reinvented every few years.~~[In order for the Plan to remain relevant and be useful, community members must have an opportunity to remain in touch with its implementation. As the Plan is implemented with future development, there will be the need for ongoing amendments to respond to changing conditions. As the community matures and external factors shift \(such as economic trends, new technologies emerge, and so forth\) the vision of the](#)

future may change, and new needs and priorities may emerge. Continued public involvement and communication is crucial to keeping the process fresh and engaging so that the planning "wheel" does not have to be reinvented every few years.

## Amending the Comprehensive Plan

### Purpose and Relationship to the GMA

For the Plan to function as an effective decision-making document, it must be flexible enough to accommodate changes in public attitudes, developmental technologies, economic forces, and legislative policy, yet focused enough to ensure consistent application of development principles. The Growth Management Act requires that the City establish a public participation program that identifies the procedures and schedules to be used to update or amend the Comprehensive Plan.

### Type of Amendments

~~Other than the 7-year review and update process,~~ The GMA limits Comprehensive Plan amendment cycles to no more frequently than annually. In addition, ~~proposed amendments must be reviewed relative to the plans of adjacent jurisdictions, and all~~ proposed amendments ~~proposed in any one-year~~ must be considered concurrently so that the cumulative effect of the various proposals can be determined. Under certain circumstances, the following types of amendments may be considered more frequently than once per year:

- The initial adoption of a subarea plan;
- The adoption or amendment of a shoreline master program;
- The amendment of the Capital Facilities Element of the plan that occurs concurrently with the adoption or amendment of the city budget; and
- To resolve an appeal of a comprehensive plan filed with a Growth Management Hearings Board or with the court.

### ~~Annual Review Amendment~~

~~This process addresses site specific requests and minor policy changes. In some cases, amendments to the Plan may be necessitated by amendments to the GMA or Countywide Planning Policies or changes in federal or state legislation. These types of plan amendments or development regulations may be undertaken once a year, and may be recommended by the City Council, Planning Commission, City Staff, or any citizen.~~

~~The City requests that Comprehensive Plan amendment proponents provide the following information in their application for amendment:~~

~~A statement of what is proposed to be changed and why;~~

~~A statement of the anticipated impacts of the change, including geographic area affected and issues presented; and~~

~~A description of any changes to development regulations, modifications to capital improvement programs, subarea, neighborhood, and functional plans required for implementation so that regulations will be consistent with the Plan.~~

## Review and Amendment Process

The annual review and plan amendment process provides an opportunity to refine and update the Comprehensive Plan and to monitor and evaluate the progress of the implementation strategies and policies incorporated therein. During the review and amendment process, the Planning Commission and City Council shall consider current development trends to determine the City's progress in achieving the economic, land use, and housing goals established in the Plan.

Information to be considered may include vacant land absorption, residential versus economic development, amounts and values of non-residential construction, number and types of housing units authorized by building permit, the effect of changes to adopted functional plans in the community, as well as activity levels in such processes as subdivision approvals, annexations, and building permits. Other information that may be relevant to consider includes the current capacity status of major infrastructure systems for which levels of service have been adopted in the Plan (transportation, and parks and trails) and the levels of police and fire services being provided by the City.

The process may also include monitoring of overall population growth and relative comparison with the forecast growth projections contained in the Plan (and the inclusion of updated projections where appropriate).

The annual review and amendment process requires public participation, both through community meetings to familiarize the public with the amendment proposals, as well as a formal public hearing before the City Council. Proposed plan amendments must be submitted to the State Department of Commerce for review at least 60 days prior to final City Council adoption.

## Policies

The following policies guide the annual plan review and amendment process:

Policy I 1      [Except for years in which the city is processing a periodic update](#), the City shall schedule an annual review of the Comprehensive Plan, to consider the need for amendments. At that time, both City—initiated, and private party or developer-initiated amendment requests will be considered.

Policy I 2      All Comprehensive Plan amendments shall be processed together with any necessary zoning, subdivision or other ordinance amendment, to ensure consistency.

Policy I 3      Amendment procedures ~~shall be fully~~ [are](#) outlined in the City's land development regulations ([OMC 15-12-5](#)).

## Annual Plan Review and Amendment Schedule

The plan amendment process is designated to be flexible to accommodate unique conditions such as the nature, complexity, or amount of plan amendment requests in a single year. The annual “window” of plan amendment submittals from the public will be open throughout the year (that is, the public can submit requests for amendments at any time). However, they will only be “processed” in accordance with the adopted regulations. The timing of the annual update process is represented by the following ~~generalized~~ [general](#) schedule:



All amendment proposals shall be considered concurrently by the Planning Commission and the City Council so that their cumulative impacts can be determined.

**Emergency Plan Amendment Consideration**

The Comprehensive Plan may be amended outside the normal schedule if findings are adopted (by City Council resolution) to show that the amendment was necessary, due to an emergency of a neighborhood or citywide significance [in accordance with RCW 36.70A.130\(2\)\(b\)](#). Plan and zoning amendments related to annexations may be considered during the normal annexation process and need not necessarily be coordinated with the annual plan amendment schedule. The nature of the emergency shall be explained to the City Council, which shall decide whether or not to allow the proposal to proceed ahead of the normal amendment schedule.



# LAND USE ELEMENT

## Purpose

This Land Use Element contains the goals and policies necessary to support the City's responsibility for managing land resources and guiding development. Maintained in accordance with the Growth Management Act (RCW 36.70A.070), this portion of the Comprehensive Plan is written to direct land use decisions in Orting over the next 20 years.

Considered the central component of the City's Comprehensive Plan, this element guides decisions that must be made for future growth and investments in the community in connection with the city's vision.



This element is organized into several sections and begins with a review of the population trends (historic growth) and assessment of the projected population that the city must plan for. Next the Land Use inventory is provided with an assessment of how the city's objectives and responsibilities can be balanced. Finally, the goals and policies are identified which set out the foundation for Orting's future.

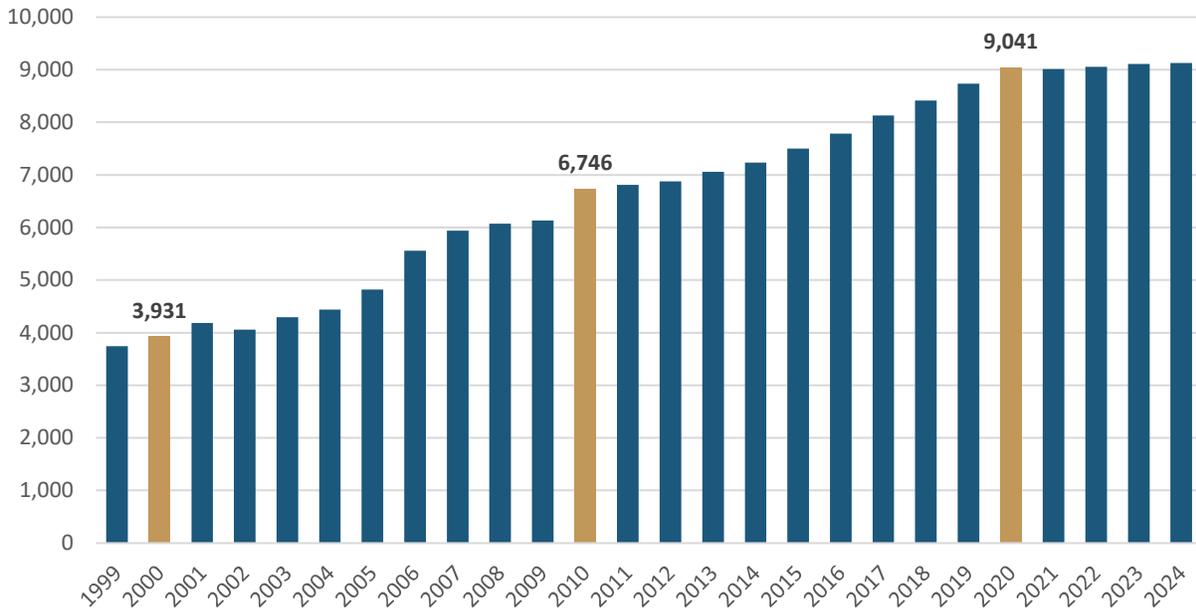
## Population Trends

Between 1999 and ~~2023~~ 2024 the population of the City of Orting more than doubled in size, increasing from 3,742 to ~~9,110~~ 9,125 people<sup>1</sup>. (See Figure LU-1). The average annual growth rate for the same period was ~~3.7~~ 3.6 percent.

The rapid expansion of the city has transformed the physical layout of the city, while the central core of the community largely retains its unique appeal and function. Recently developed neighborhoods have various sizes and layouts and have replaced some lands that were previously farmed (such as the land southeast of the High Cedars Golf club). Prior to 2000 only a few homes were scattered in the area lying between SR-162 and the Carbon River and north of the school complex; now that area of the city is fully developed with residences and parks. Similarly, neighborhoods have been developed in the southern portion of the city toward the edge of the city limits.

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<sup>1</sup> The most recent annexation occurred in 1991; none of the growth since then is attributable to annexation.



**Figure LU-1: Orting Population (1999-2024)**

Source: Washington State Office of Financial Management

## Population & Employment Targets

Pierce County and the City of Orting work together to determine the projected 20-year population and employment growth targets for the city. The growth targets are documented in the County-Wide Planning Policies (Pierce County Ordinance No. 2022-46s and No. 2023-22s) which established the 2044 population and employment targets for each jurisdiction, including Orting. The ordinance details how the figures are generated; in general, the state’s Office of Financial Management frequently provides population forecasts within three different ranges (high, medium and low) for each County throughout the state, and then the County and its cities and towns divide up the projected growth to specific areas.

In advance of the County’s work the Puget Sound Regional Council (PSRC), an organization that provides a wide range of services to jurisdictions within a five-county region, also publishes population forecasts for jurisdictions in the region. Through the VISION 2050 Plan, the PSRC provided a basis for which target growth allocations were made. In general, VISION 2050 is intended to support job growth throughout the region and concentrate population and job growth in centers (and near transit) through its Regional Growth Strategy (RGS). The RGS describes a preferred method for urban growth to advance social equity, promote affordable housing choices, support economic prosperity, improve mobility, and make the best, most efficient use of new and existing infrastructure all while protecting a healthy environment.

This Comprehensive Plan covers a 20-year period from 2024 through 2044 and at the end of that time period, Orting’s population is targeted to grow to 9,590 persons (and 3,167 housing units<sup>2</sup>). Likewise, employment (which is estimated to account for 1,473 jobs in 2044) targeted to grow to

<sup>2</sup> Exhibit A to Ord. No. 2023-22s shows that the 2020 estimated housing supply in Orting is 2,998 units and the growth allocation is 223 units, to arrive at 3,221 total housing units targeted by 2044. Those figures are based on Commerce’s Housing for All Planning Tool (HAPT) which was formal guidance given following the passage of HB 1220.

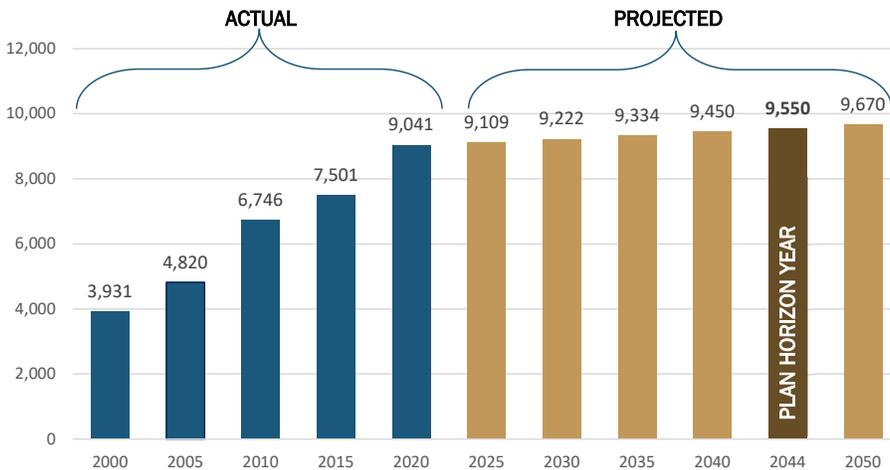
1,669 jobs by 2044. The projection figures for Orting are shown in Table LU-1, shown in 5-year increments.

**Table LU-1: City of Orting Population and Household Projections (2025 through 2050)**

	2025	2030	2035	2040	2044	2050
Population	9,109	9,222	9,334	9,450	9,550	9,679
Households	2,986	3,055	3,124	3,194	3,250	3,333

Source: VISION 2050 City Summaries (2023 LUV-It Model)

Figure LU-2 shows Orting’s actual growth (estimated population) at five-year intervals as well as the projected growth for the future. The City of Orting is expected to grow in population; however, that growth is projected to occur at a much slower rate than the growth that has occurred over the past two decades. Orting has recently experienced rapid growth that should ideally be slowed in the years ahead, given the city’s constraints to accommodate additional expansion (such as the geographic location and transportation access challenges) as discussed throughout this Plan.



**Figure LU-1: Population Projections (2025 through 2050)**

Source: Washington State Office of Financial Management; VISION 2050 City Summaries (2023 LUV-it model)

The 2017 housing data shows 2,684 units including single family, multifamily, and manufactured housing. The housing data for 2021 was an estimated 2,927 units for a net gain of 243 units. The average household size now is about 3 persons.

- Growth in Orting has well exceeded what was previously planned for.

**Commented [N51]: June 25, 2024 note:**  
 We have updated the table to show the total forecasted population counts which includes the population residing in Group Quarters (previously we had inadvertently only listed the population residing in households which is slightly lower) and we also updated the table heading to show the year 2044 (the target year) not 2045.

- An ordinance passed by the Pierce County Council in the year 2011 "allocated growth" to the City of Orting for planning purposes and set out that the city's population would grow to 8,000 people by the year 2030<sup>3</sup>. Later, the Pierce County council re-visited the topic, as these numbers are meant to be periodically reviewed and revised, and maintained Orting's population target was set to be 8,000 by the year 2030<sup>4</sup>. Instead, that figure was surpassed by the year 2017.
- The Pierce County Council took legislative action<sup>5</sup> in 2022 to set the 2044 population target for Orting at 9,590. (This value is slightly different from the 2044 population target of 9,550 as listed by PSRC in the VISION 2050 plan).
- It should be recognized that these figures aren't meant to be "hard numbers" and instead they are targets for policy-making decisions and reporting purposes. The purposes of the growth allocations are to align communities with the regional growth strategies and to concentrate growth where infrastructure systems exist and away from rural areas, while preventing "sprawl."

## Existing Land Use Inventory

Most of the city's land designated for residential uses has been largely built out or entitled (which means there is a time-limited approval given for development via a preliminary subdivision approval), however, development at "infill sites" is attainable in some locations and the City is fulfilling designated population goals.

Figure LU-~~4~~3 shows a representation of Orting's Built Environment (building footprints and parcel lines are depicted, together with the road network).

Examination and tabulation of the assessor's parcel records<sup>6</sup> reveals that less than 2% of the city's land by area is currently in various commercial or industrial uses which includes retail services, restaurants, medical services, merchandise, and so forth. The most prevalent use of land in the City is residential (approximately 43%), while the distribution of land given to school is also quite significant (the value is 12% which, for this calculation, includes all land owned by the school district or other educational providers, even if vacant or unused).

Next, there are lands owned and managed by Pierce County Public Works Storm Water Management division used for flood hazard management and storm drainage, along the Puyallup River and in the southern part of the City, accounting for around 120 acres in total (and corresponding to a share of around 8% of the land within the city and measured in parcels as described earlier). Measures to reduce pollution from storm-water runoff is discussed in the Natural Environment element of this Plan.

Around 80 acres (or 5% of all the land within the city and measured in parcels) of land is for government or public purposes and not counting schools or parks. The remaining lands are in use for parks, open space or other less-intensive uses.

<sup>3</sup> Pierce County Ord. No. 2011-36s

<sup>4</sup> Pierce County Ord. No. 2017-24s

<sup>5</sup> Pierce County Ord. No. 2022-46s

<sup>6</sup> This assessor's records used do not reflect the assigned zoning but rather what type of activity is observed to be primarily conducted on site. In addition, almost all public right-of-way was excluded from the land use total when arriving at percentages given.

The Land Use inventory in Orting does not include any urban or community forests. Several decades ago, Orting's fertile valley floor was cultivated in various crops and used for agricultural production. [Today, farming chiefly occurs outside of the city limits, with the exception of the Orting Veterans Farm which is situated at the State Department of Veterans Affairs' Soldiers Home campus, at the southern part of the City.](#)

**Commented [A2]:** This information is now required per RCW 36.70A.070 (1) as amended in 2023



Figure LU-3: Representation of Orting's Built Environment

## Land Capacity Analysis

The Pierce County 2021 Buildable Lands Report (Fourth Edition, Revised Version, published in 2022) provided an assessment of Orting's progress toward meeting the population and employment targets previously set by the County. The report showed that housing production in Orting between 2010 and 2020 was within the target ranges to support future population needs, indicating that the data supports the conclusion in the report that the city is on pace to meet the number of housing units needed by 2030. The report also reveals that during the same time period, only three new multi-family housing units were added to the housing inventory, compared to 621 single-family housing units, clearly indicating that single-family housing construction is far outpacing multi-family housing development. The report also details that between 2013 and 2020 approximately 106 acres were platted (subdivided) in the city, resulting in 417 new residential lots.

The Buildable Lands Report is retrospective, but also looks to the future and accounts for anticipated future capacity. The report indicated that there appears to be sufficient land capacity for up to 346 new residential units to potentially be built between 2020 and 2044, based on zoning designations while adjusting for certain factors (i.e., land reductions for critical areas, reductions for public facilities, adjustments for market factors, etc.).

However, these figures must now be reassessed for the purposes of this Comprehensive Plan. ~~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. However, in January of 2023 (subsequent to the Buildable Lands Report publication), the City Council adopted amendments to the Comprehensive Plan<sup>7</sup> 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 had acquired the property for planned capital projects. While residential units were permitted in the MUTCN designation, they are not permitted in the PF zoning district. Therefore, if the land capacity analysis for residential units is adjusted to account for these changes, it appears that must be adjusted to account for only about 176 housing units to potentially be added between 2000 and 2044.~~

~~While 176 units (capacity) is lower than the target increase of 223 units, the difference is small considering the time frame of 20 years. The city will continue to participate in the County's buildable lands program which provides the opportunity to periodically assess and monitor capacity. A land capacity analysis at Appendix I provides this assessment. The analysis shows that Therefore, it appears that the City of Orting does not have any barriers in achieving the housing capacity targets. Further analysis of the city's ability to and the city is able to accommodate housing according to specific household income brackets (as required by state law) is provided in the Housing Element.~~

## Orting's Downtown Core

Orting's downtown serves as a focal point for the community, embodying its historical roots, cultural vibrancy, and economic vitality.

Downtown Orting is characterized by its compact layout, with streets lined by a mix of historic buildings and modern structures. Washington Avenue S. serves as the central artery and the primary commercial thoroughfare. Corrin Avenue and Van Scoyoc Avenue both run parallel to Washington

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<sup>7</sup>~~Orting Ordinance No. 2023-1104~~

Ave and together the three streets form a central core along a traditional “village green,” featuring a varied array of shops, restaurants, and services. These tree-lined corridors are flanked by one- or two-story buildings exhibiting a blend of architectural styles, including buildings which reflect Western or Victorian styles from the turn of the century era (1889 through World War I).

Green spaces such as parks and tree-lined streets are enhanced with monuments, public art and amenities reminiscent of times gone by, offering residents and visitors opportunities for recreation and relaxation. Mt. Rainier majestically provides an impressive backdrop to the area, enhancing the natural charm of the area while providing scenic vistas and recreational amenities from which Orting is the perfect spot to launch an adventure from.

The Downtown often serves as a hub of social interaction and community engagement. Local events, such as farmers' markets, festivals, and parades, draw residents from across the town and surrounding areas, fostering a sense of belonging and camaraderie. The presence of the City Hall, a Pierce County library, and other civic institutions further strengthens social cohesion, providing spaces for gatherings, meetings, and cultural activities.

Anchored by a mix of small businesses, ranging from boutique shops and family-owned eateries to professional services and artisanal studios, local enterprises form the backbone of the town's economy, providing employment opportunities and contributing to its unique identity and character.

However, challenges such as retail vacancies and competition from nearby commercial centers warrant attention and strategic interventions to ensure the long-term viability and vitality of the downtown area. Initiatives aimed at promoting entrepreneurship, enhancing infrastructure, and fostering partnerships between public and private stakeholders can help stimulate economic growth and revitalization.

Despite its many strengths, downtown Orting faces several challenges that require thoughtful planning and proactive solutions. These include issues related to transportation, affordable housing, and sustainability. Addressing these challenges presents an opportunity to reimagine the downtown area as a more accessible, livable, and resilient urban environment.

Strategic investments in transportation infrastructure, such as improved pedestrian and cycling facilities and enhanced streetscape amenities can enhance mobility and connectivity within the downtown area and beyond. Moreover, initiatives aimed at promoting mixed-use development, affordable housing, and green building practices can foster a more equitable and sustainable urban landscape and ensure the downtown area remains a thriving community center.



# Goals & Policies

## General

**Goal LU 1** *Be true to the vision for Orting by encouraging the expansion of its economic base while ~~preserving~~ retaining elements of its agricultural heritage ~~and enhancing its future potential for urban farming.~~*

- LU 1.1 Encourage higher residential density and more intensive commercial development and human activity within Orting's downtown core to create a vibrant city center, reduce reliance on the automobile, and to provide opportunities for ~~affordable~~ housing ~~priced for individuals across various earning levels.~~
- LU 1.2 Provide ~~for~~ adequate land for commercial and light manufacturing uses to meet the ~~employment and services / commerce~~ needs of the City of Orting.
- LU 1.3 Protect local historic, archeological, and cultural sites and structures through designation and incentives for the preservation of such properties.
- LU 1.4 The Future Land Use Map adopted in this plan (see **Figure LU-4**) ~~shall establish~~ establishes the future distribution, extent, and location of generalized land uses based on the intent of the goals and policies of this plan.

Discussion: The Land Use map is a central and vital component of the City's Land Use policies.

- LU 1.5 Strive to assure that basic community values and aspirations are reflected in the City, while recognizing the rights of individuals to use and develop private property in a manner that is consistent with City regulations. Private property shall not be taken for public use without just compensation having been made.
- LU 1.6 Establish and maintain a ~~vision strategy~~ that effectively attracts ~~enterprises and~~ economic activities which best meet the needs and desires of the community.
- LU 1.7 The Orting Downtown Vision Map (adopted ~~by reference~~ in this plan) (see **Figure LU-5**) ~~shall establish~~ establishes the primary elements of the 2008 Vision Plan ~~to~~ maximize the potential of the downtown core as the Orting Valley Town Center.
- LU 1.8 ~~Designate the~~ The Center of Local Importance (COLI) feature of the Future Land Use Map designates including the downtown area, school campus, and Gratzer Park as Orting's core for future major transportation improvements.

~~LU 1.9 Recognize and promote the benefits of agricultural land, for maintaining open space, establishing rural character, preserving view corridors, enhancing wildlife habitat, and providing employment opportunities for residents of Orting.~~

LU 1.9 Review proposed commercial and public developments (including new construction or major renovation and alteration) according to the Architectural Design Review process to ensure consistency with the adopted Orting theme of "Turn of the Century

**Commented [NS3]:** June 25, 2024 note: Figure LU-4 will be the updated Land Use / Zoning map and is still under development (there is a placeholder in this document showing the currently approved map)

**Commented [A4]:** AHBL suggests adjusting this because the word "vision" doesn't quite fit here and could be confused with the city's vision statement which this is not referring to

**Commented [NS5]:** While there are gardens and some growing activities in Orting this policy should be removed as there are no "agricultural lands" within city limits

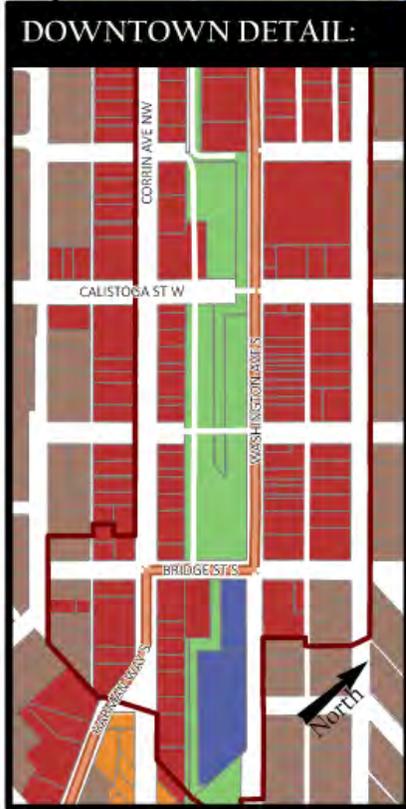
**Commented [A6]:** Its important to consider having have this included in the Comp Plan to form as a basis for the regulations or requirements for development. FYI, The state legislature passed HB 1293 in 2023 which limits how cities can do these things. Compliance with RCW 36.70A.630: Local design review—Requirements and restrictions. (wa.gov) is required in Orting by June 30, 2025.

Western and Victorian," a style of building, architecture, and exterior lighting used in Orting and the area from statehood in 1889 through World War I. Evaluation of a project will be based on the quality of its design and its relationship to the natural setting of the valley and mountain settings.

Comprehensive Plan  
 Land Use and Zoning Map  
 Figure LU-1  
 Adopted January 25, 2023  
 Per Ord. 2023-1104  
 Corrected 6/25/2024



- Orting City Limits
- Center of Local Importance (COLI)
- Light Manufacturing
- Mixed Use - Town Center
- Mixed Use - Town Center North
- Open Space & Recreation
- Public Facilities
- Residential - Multi-family
- Residential - Urban
- Residential - Conservation



Zoning data supplied by the City. Parcel data supplied by Pierce County, and may not reflect actual or current conditions. This map is a geographic representation based on information available. It does not represent survey data. No warranty is made concerning the accuracy, currency, or completeness of data depicted on this map. 1/8/2024



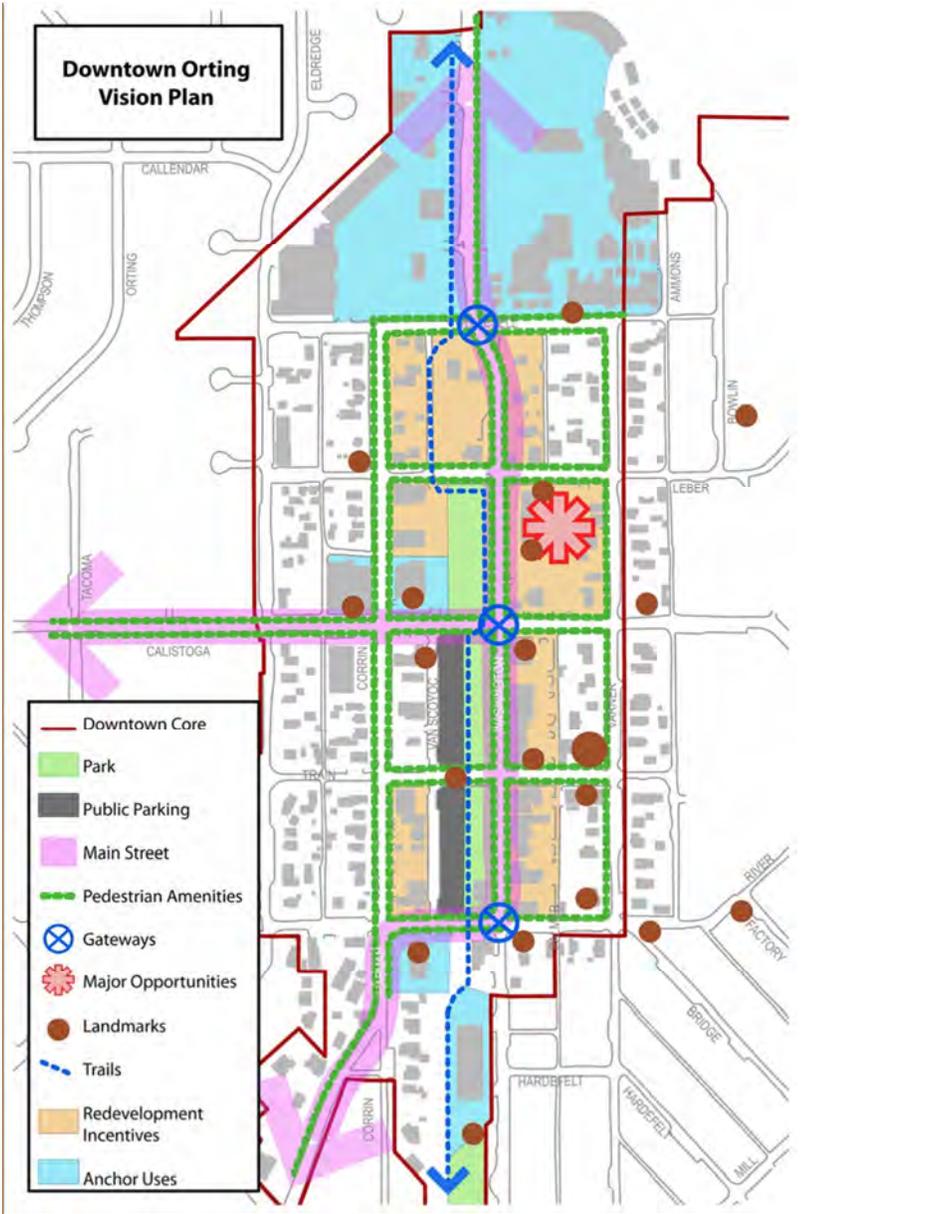


FIGURE LU-52

**Commented [A8]:** Scott. Please confirm that this should be retained? It seems bit dated.

**Commented [AT9R8]:** From Scott - this should be updated to incorporate Orting's Main Park Master Plan. [Main Parks Master Plan | City of Orting \(govaccess.org\)](http://govaccess.org)



FIGURE LU-6

**Goal LU 2** *Preserve and enhance the small-town ~~rural~~ service center function and character of Orting.*

- LU 2.1 Require new development to be sited so as to ~~have the least~~ avoid negative visual and environmental impact on the landscape.
- LU 2.2 Support inter-jurisdictional programs to address problems or issues that affect the City and larger geographic areas.
- LU 2.3 Promote the siting of higher-intensity development in areas with existing higher densities, and reduce impacts on low-intensity development areas. ~~Protect single-family neighborhoods from intrusion of incompatible land uses.~~
- LU 2.4 ~~Provide incentives for land uses that promote~~ Support agricultural uses occurring outside the city and promote food security by encouraging locally-based food and other farm products, allowing home and community gardens within the City, allowing farmers' or public markets or other small-scale collaborative initiatives including adding value to farm products.

**Goal LU 3** *Promote equity and community health in land use decisions and development patterns.*

- LU 3.1 Support and create processes for inclusive planning and public participation efforts and utilize inclusive public engagement to ensure land use decisions do not negatively impact historically marginalized communities.
- LU 3.2 Reduce disparities in access to opportunity and encourage development that expands a variety of employment opportunities. Promote strategies and policies that

**Commented [A10]:** This goal and the following four policies are proposed to be added per the PSRC requirements (as listed on their checklist)

expand access to opportunity and remove barriers for economically disconnected communities.

LU 3.3 Evaluate future redevelopment efforts for potential residential and commercial displacement and use a range of strategies to mitigate displacement impacts.

LU 3.4 Prioritize services and access to opportunity for people of color, people with low incomes, and historically underserved communities to ensure all people can attain the resources and opportunities to improve quality of life and address past inequities.

LU 3.5 Consider impacts to community health when reviewing land use decisions and development proposals.

LU 3.6 Coordinate with other agencies, such as service providers and school districts, to promote development patterns, amenities, and services that promote the health of the community.

**Commented [A11]:** Proposed policy LU 3.5 and LU 3.6 are proposed to be added per the Pierce County CPPs

## Urban Growth Area

*Goal LU 4 Encourage urban growth in areas that can be served by adequate public facilities and services ~~and protect~~ while protecting natural resources and critical (environmentally sensitive) lands, ~~within the urban growth area.~~*

LU 4.1 Monitor growth in conjunction with adopted Pierce County and PSRC population projections and cooperative planning with Pierce County to anticipate future urban growth area needs.

LU 4.2 Coordinate with Pierce County to consider future Urban Growth Area expansion based on the Pierce County Countywide policies. However, any residential expansion should only be considered ~~but only after highway congestion conditions (in travel to and from Orting) significantly improve and consider the traffic impacts as a key factor in any analysis.~~

LU 4.3 Urban growth areas must be of sufficient size to accommodate the urban growth projected to occur over the succeeding 20-year planning period taking into account critical (environmentally sensitive) areas; agricultural land; opportunities to pursue economic development objectives (i.e. expansion for commercial or industrial purposes); open space; fully contained communities; existing proposed development; existing land use patterns and development character; traffic impacts; and existing parcel boundaries.

LU 4.4 Encourage infill development within the city limits ~~and existing urbanized unincorporated areas.~~

LU 4.5 ~~Development shall take place only if it does not cause the public facility level of service to degrade below the City's adopted level of service standards. Orting shall~~ Encourage the following techniques to achieve community goals for growth.

development and /or preservation of open space and protection of environmentally critical areas, within the context of the GMA:

- Conservation Easements;
- Transfer of Development Rights;
- Purchase of Development Rights; and
- Cluster Development

- LU 4.6 The boundary of the urban growth area (UGA) shall-should be evaluated during periodic updates (as required by the mandated-GMA updates) and in conjunction with coordinated planning with Pierce County based on the following criteria:
- Expansion of the service area or demand for municipal facilities and services;
  - Maintaining land supply sufficient to allow market forces to operate; and precluding the possibility of a land monopoly, but no more than is essential to achieve this purpose;
  - Accommodation of essential public facilities or unique opportunities for economic development;
  - Designation of the UGA expansion as a receiving area for development rights transfer from agricultural resource lands in the Orting Valley.

## Residential Land Use

*Goal LU 5 Provide a variety of housing choices for new residents.*

- LU 5.1 Promote residential areas that offer a variety of housing densities, types, sizes, costs, and locations to meet future demand.
- LU 5.2 Encourage development that provides affordable housing through incentives.
- LU 5.3 Conserve the City's existing housing stock through code enforcement, appropriate zoning, and participation in rehabilitation programs.

*Goal LU 6 Residential development shall-should be of high-quality design and shall-should be consistent with the character of Orting.*

**Discussion:** The land use plan establishes a variety of residential land use categories to accommodate growth within the urban growth area. The **Residential Multi-Family (RMF)** land use category is intended to provide for moderate to high density residential development which may include a mix of office and governmental uses. The **Residential-Urban (RU)** category is intended to provide for vital residential neighborhoods in a moderate to low-density single-family setting. The **Residential-Conservation (RC)** land use category is intended for areas that are suited for low-density residential development that is compatible with critical area constraints along the Puyallup and Carbon River shorelands.

- LU 6.1 Residential development within the **Residential Multi-Family (RMF)** land use district shall-should be served by community improvements and facilities normally associated with urban area development. The maximum density of development in the RMF district shall be is eight units per acre.

LU 6.2 The **Residential-Urban (RU)** land use category is intended for areas that are suitable for residential development ~~with the provision of full services and that benefit from the variety of services provided in the town center, including a grocery store and restaurants, commercial uses, fuel stations, etc.-~~ It includes existing exclusively residential subdivisions that have been platted ~~at an average density of six units per acre.~~ The maximum density of development in the RU district shall be is six units per acre except that one additional unit may be allowed on a lot that is at least 150% larger than the minimum lot area, and accessory dwelling units (ADUs) may be added in accordance with state legal requirements.

LU 6.3 The **Residential-Conservation (RC)** district is located in areas that are within the Carbon and Puyallup Rivers' shoreline management jurisdictions. Within the RC district, the maximum gross density shall not exceed one dwelling unit per 2 acres (except that ADUs may be added in accordance with state legal requirements). Development should be clustered outside the floodway and above the 100-year floodplain, if possible.

LU 6.4 Planned Unit Development (PUD) is encouraged in areas conducive to densities greater than otherwise provided for if those units are ~~properly~~ planned, designed, serviced, and reviewed in a public forum.

**Discussion:** The PUD approach provides the City with an alternative form of residential development which would promote flexibility and creativity in the layout and design of new residential development.

LU 6.5 Approved PUDs should implement features that reflect the goals of the Comprehensive Plan, including open space, natural features, excellent site design, and pedestrian-oriented elements. As with any other type of development, PUDs should assure the provision of appropriate public amenities and compatibility with surrounding development.

~~result in:~~

~~Adequate active open space;~~

~~Protection of natural features and sensitive areas;~~

~~Appropriate site design including, relative placement of structures, circulation systems, landscaping, and utilities that minimize land alteration or degradation; provisions for a variety of dwelling unit types, including multi-family; scale and design to reduce the bulk of structures; and innovation in design including, features such as clustering and zero lot line;~~

~~Pedestrian orientation;~~

~~Adequate provision of public facilities and amenities;~~

~~Compatibility with surrounding uses.~~

LU 6.6 Ensure that the City's development regulations require new development to be in the best interest of the surrounding property, the neighborhood, or the ~~City~~ city as a whole, and generally in harmony with the surrounding area.

LU 6.7 Planning Commission review of residential developments should be focused on the height of structures, noise and lighting impacts, and providing the provision of adequate open space.

Mixed Use

Goal LU 7 Provide attractive, conveniently located economic development that creates employment, retail, and service ~~business opportunities~~ and higher density residential ~~opportunities~~ development options within the city.

LU 7.1 New commercial and office development ~~shall be~~ is limited to the mixed-use land use districts, except that home occupations may be located in all residential land use districts, in accordance with the ~~Orting Zoning Ordinance~~ Orting Municipal Code.

LU 7.2 Orient nonresidential uses toward the pedestrian. Encourage retail uses on the ground floor to prevent blank walls with little visual interest for the pedestrian. Locate parking lots behind retail uses to allow for pedestrian window shopping. Encourage offices and/or residential units above ground floor retail.

Goal LU 8 The Mixed Use-Town Center Land Use ~~Categories~~ Category (MUTC and MUTCN) ~~are~~ is intended to foster vibrant, pedestrian-oriented centers for Orting's commercial and high-density residential activity.

~~Discussion: Two MUTC areas are established: MUTC, and MUTC North.~~

LU 8.1 The **Mixed Use-Town Center (MUTC)** land use category is intended for areas that are suitable for pedestrian-oriented development. In recognition of the growing need for a downtown that provides goods and services for the community; serves tourists and travelers; and maintains a strong sense of history, the City is committed to promoting development and re-development through partnerships with the business community that will leverage existing public and private assets into an active center featuring public facilities and spaces and ~~more intensive~~ vibrant private development.

~~LU 8.2 The **Mixed Use Town Center (MUTC)** land use district includes a diversity of housing types, shopping, civic facilities, recreation, and employment. A variety of land uses are allowed, including:~~

- ~~Residential~~
- ~~Office~~
- ~~Retail and food sales~~
- ~~Personal, Professional and Business Services~~
- ~~Bed and breakfast establishments~~
- ~~Cultural facilities~~
- ~~Park~~
- ~~Churches~~
- ~~Schools~~
- ~~Restaurants~~
- ~~Shared parking~~
- ~~Day care facilities~~

LU 8.2 To ensure the visual appeal and pedestrian-orientation of the land uses, the land development regulations will include performance standards for:

1. Signage
2. Open space
3. Land coverage
4. Building placement
5. Setback or build-to lines
6. Landscaping
7. Building height and bulk
8. Impact on adjacent properties
9. Streetscape improvements
10. Placement of parking to the rear or side of buildings, or on lots developed or improved to provide shared parking for all downtown uses.

LU 8.3 Development strategies and generalized locations for improvements within the MUTC zone are included in the Downtown Vision Plan map, addressing the following elements:

1. Principal routes through town
2. Streets for pedestrian amenities
3. Gateway locations and ideas
4. Redevelopment opportunities
5. Existing trails & landmarks
6. Existing anchor uses

~~Goal LU 8 — Mixed Use — Town Center North is intended to take advantage of the large lots and land area between Orting High School and Rocky Road NE for development of new economic, residential, and recreational opportunities that support a sustainable community by providing jobs and increasing the tax base.~~

~~Discussion: — The MUTCN is a 65.6 acre area located east of Washington Ave N, south of Rocky Road NE, west of the Carbon River, and north of the Orting High School property. Development in this area is expected to include a mix of commercial, residential, light industrial, and recreational uses.~~

~~LU 8.1 Development in the MUTCN shall be planned according to the following principles: Access should be consistent with adopted City policies and strategies. Access from SR 162/Washington Ave North should be limited to locations where intersections can be designed to handle increased traffic and turning movements.~~

~~Internal vehicular and pedestrian circulation throughout the area should be organized by a street grid that connects with the highway intersections and the residential neighborhood to the north, and also enables connections between different development projects and phases. This will also provide corridors for utilities. Development project approvals will include dedication of new public street rights of way in the MUTCN.~~

~~Blocks created by the street grid can simplify planning and permitting for development, particularly when phasing is anticipated.~~

~~Park areas within the MUTCN shall provide for community uses consistent with the Orting Parks, Trails, and Open Space Plan.~~

~~Pedestrian amenities can be located and designed within the blocks and coordinated throughout the area as development plans are drafted.~~

~~LU 8.2 All development in the MUTCN shall be approved through a Master Development Plan per Policy LU 5.6, and Titles 12, 13, and 15 OMC and shall be subject to Architectural Design Review.~~

## Manufacturing

**Goal LU 9** ~~The Light Manufacturing (LM) land use district is intended to~~ Provide for an area where low impact manufacturing and industrial activities can be concentrated and where traffic congestion, visual, and other impacts on the surrounding neighborhood can be minimized, in the Light Manufacturing (LM) land use district.

LU 9.1 The **Light Manufacturing (LM)** district is for areas devoted exclusively to light industrial development, including non-objectionable manufacturing, processing or storage of products including manufacturing, processing, canning or bottling of food or beverages; production of goods from materials that are already refined or from raw materials that do not need refining; and other uses that do not involve the use of materials, processes or machinery likely to cause undesirable noise, air quality or other impacts on nearby residential or commercial property.

LU 9.2 **Light Manufacturing (LM)** uses ~~shall must provide~~ include a vegetated buffer to screen the development from adjacent non-industrial properties and from adjacent roadways and include features and measures per the land development regulations containing performance standards for industrial uses such as lighting, signage and curb cuts.

~~LU 9.3 The land development regulations will include performance standards for industrial uses. Lighting from light manufacturing uses will not interfere or conflict with adjacent properties. Signage shall be controlled and limited to informational types. Curb cuts should be minimized and sharing of access encouraged.~~

**Commented [AT12]:** Scott comment - is this still feasible?

**Commented [AT13R12]:** Note for Nicole: suggest an alternative.

**Commented [A14]:** This specific language typically belongs in the codes, not the Comp Plan.

## Open Space and Recreation

**Goal LU 10** ~~The Recreation/Open Space Land Use Category is intended to~~ Acknowledge and protect the City's public parks and open spaces through public and private initiatives including incentives, transfer of development rights, public land acquisition, greenways, conservation easements, and other techniques. Such lands may be designated with the Recreation / Open Space Land Use Category.

**Discussion:** The adopted Parks, Trails, and Open Space Plan provides direction for the establishment of strategies, standards, and actions to ensure that adequate recreation space and facilities are available to the citizens of Orting in concert with growth.

LU 10.1 The Recreation/Open Space district is for areas devoted to public recreational facilities such as parks and trails and areas that have been preserved as open spaces ~~through a variety of open space programs.~~

LU 10.2 Recognize the important recreational and transportation roles played by regional bicycle trail systems, and support efforts to develop a coordinated system of greenway trails throughout the region.

~~LU 10.3 Promote the use of property tax reductions as an incentive to preserve desirable lands as a public benefit and encourage and support the participation of community-based non-profit organizations offering options and alternatives to development in the interest of preserving desirable lands as a public benefit.~~

### Critical Areas

Goal LU 11 Protect the City's critical areas.

~~LU 11.1 All development activities shall be located, designed, constructed and managed to avoid disturbance of and minimize adverse impacts to fish and wildlife resources, including spawning, nesting, rearing and habitat areas and migratory routes.~~

~~LU 11.2 Prohibit the unnecessary disturbance of natural vegetation in new development, in accordance with the Critical Areas Ordinance.~~

~~LU 11.3 Where there is a high probability of erosion, grading should be kept to a minimum and disturbed vegetation should be restored as soon as feasible. In all cases, appropriate measures to control erosion and sedimentation shall be required.~~

~~LU 11.4 Seek to retain as open space wetlands, river and stream banks, ravines, and any other areas that provide essential habitat for endangered or threatened plant or wildlife species.~~

~~LU 11.5 Protect wetlands to enable them to fulfill their natural functions as recipients of floodwaters and as habitat for wildlife through the critical areas ordinance.~~

~~LU 11.6 Alternative domestic waste systems are discouraged, and must meet Pierce County Department of Health standards for soil suitability and location.~~

~~LU 11.7 Agricultural land uses within the Carbon and Puyallup River floodplains shall use Best Management Practices as recommended by the U.S.D.A. Soil Conservation Service to minimize the use of chemicals that may later be released into surface waters and to minimize erosion of soil into surface waters.~~

~~LU 11.8 The City shall consider the impacts of new development on water quality as part of its review process and require any appropriate mitigating measures. Impacts on fish resources shall be a priority concern in such reviews.~~

~~LU 11.9 The City Shoreline Master Program shall govern the development of all designated Shorelines of the State within Orting. Lands adjacent to these areas shall be managed in a manner consistent with that program.~~

~~Permit existing small scale farming, horticulture and other agricultural uses to continue when appropriate critical area protections are employed. Maps showing Critical Areas including flood-prone and lahar areas are included in the Land Use Appendix.~~

Commented [A15]: Moved to Natural Environment Element

## Public Facilities and Services

**Goal LU 11** ~~The Public Facility Land Use Category is intended to acknowledge Areas devoted to public uses may be designated with the Public Facility Land Use category.~~

LU 11.1 The Public Facility district is for areas devoted to public facilities such as schools, water and wastewater facilities, city buildings, state and federal properties, city-owned parking lots and to acknowledge and reserve sites that have been planned for public purposes ~~(however these uses may also be allowed in other areas per the city's municipal code and therefore the district designation is not mandatory.)~~.

~~Goal LU 13 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.~~

**Commented [A16]:** Moved this (and following items) to Capital Facilities Element

~~LU 13.1 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.~~

~~LU 13.2 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.~~

~~LU 13.3 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.~~

~~LU 13.4 The City shall permit the development of essential public facilities in accordance with the provisions of the County Wide Planning Policies.~~

## Urban Agriculture

**Goal LU 12** ~~Preserve prime agricultural land and Promote farming and related agricultural activities that support the local food industry and tourism, such as increasing access to healthy foods and food products.~~

**Commented [A17]:** "Prime agricultural land" is a "loaded term" with specific meaning under the GMA. In short, this term should not be used as only lands outside cities can be so designated.

~~LU 12.1 Work with Pierce County to engage in joint planning for future UGA expansions that include farms and agricultural activities.~~

In addition we have removed this section which does not address activities that are occurring within the city limits.

~~LU 12.2 Work with surrounding property owners to engage in planning that supports economic benefits to both parties including increasing merchandising farm products, promoting value added production of food and nursery items, and home businesses that are located on farms.~~

Please note that revisions to LU 2.4 are included to capture ways to support local ag production.

— LU 12.3 — Seek federal, state, and foundation grant funding that can support the formation of farm cooperative organizations, community based marketing programs, and local educational and tourism activities.



# HOUSING ELEMENT



## Purpose

This Housing Element provides the policy basis for neighborhood preservation and directing the development of new housing that is compatible with the character of the City of Orting.

The Growth Management Act states that the Housing Element of the Comprehensive Plan must recognize "the vitality and character of established neighborhoods" and must:

1. Include an inventory and analysis of existing and projected housing needs.
2. Include a statement of Orting housing goals, and policies for the preservation, improvement, and development of housing.
3. Identify sufficient land for housing, including, but not limited to government-assisted housing, housing for low-income families, manufactured housing, multifamily housing, and group homes and foster care facilities.
4. Make adequate provisions for existing and projected needs of all economic segments of the community.

## New Requirements

In 2021, the State Legislature amended the Growth Management Act through the passage of House Bill 1220 (HB 1220). The GMA now requires Housing Elements to include consideration of capacity to meet housing needs for extremely-low to moderately low-income households<sup>1</sup>, permanent supportive housing (PSH), emergency housing and shelters, and duplexes, triplexes and townhomes. In doing so cities must also address displacement risk, racially disparate impacts, and programs for affordable housing.

## Meeting the Needs

The City of Orting is not directly responsible for the development of housing and there are countless forces involved in the housing market. Nonetheless it is helpful to ensure the right policies and systems are in place locally to facilitate positive outcomes. Additionally, it is also useful to acknowledge the important work of partners in the region that provide direct or indirect support meeting the housing needs of people in Orting.

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<sup>1</sup> [See the Land Capacity Analysis in Appendix I for this information.](#)

As Orting grows, and new residents arrive, new neighborhoods are created and existing neighborhoods change. This results in different expectations for the character of the city. In addition, the demand and supply of housing types and styles broadens as the market adapts to the demographics of the population. In order to address these factors, the Comprehensive Plan provides the basis for monitoring development trends and assessing the city's capacity to accommodate future growth.

The supply of vacant land that is suitable for residential development within the City is limited. Critical areas such as the floodways, wetlands and the shoreline areas inhibit development capacity along the rivers. Development of the remaining vacant land and former farmland inside the city will provide needed housing for residents. Some future growth within the city will depend upon infill development and redevelopment of parcels that are not built to their full capacities. This type of development usually results in higher residential densities.



## Major Issues

A fundamental human need is access to adequate, safe, and reasonably priced housing. Ensuring Orting residents (current and in the future), have many options and choices is an important part of planning for the future. Having broad housing choices and alternatives also impact the city's economic growth potential and job creation capabilities because many firms look to hire and retain workers in areas where housing options aren't prohibitively expensive.

Professionals who are essential to the community but may have comparatively lower incomes or household budgets for housing are important to consider. Examples of these professionals include teachers, police officers, firefighters, other municipal employees, and service employees (such as restaurant workers). Too often people may be forced to commute out of a location where they work in order to reside elsewhere where they can afford the kind of housing they seek.

Moreover, in many localities across the United States, some populations have been historically underserved and have not had equal access to housing options, particularly before adoption of the Fair Housing Act and Community Reinvestment Act (which ended redlining). Historical patterns of racial and ethnic segregation leave a legacy of disparate impacts both in homeownership rates and housing values<sup>2</sup>.

**Commented [A1]:** This text relates to Pierce County County-Wide Planning Policy (CPP) AH-3

("AH" denotes affordable housing)

In formulating the Housing Element, the following major issues have been considered:

1. Balancing the local character and community vision with the satellite town center role (a relatively small municipality within proximity to a larger municipality).
2. Providing a balanced range of housing types, styles, and affordability.
3. Providing housing opportunities for residents with special needs.
4. Addressing the conservation of existing housing and preventing displacement.

<sup>2</sup> For more information see "Understanding Racial Restrictive Covenants and their Legacy" by James Gregory at <https://depts.washington.edu/covenants/segregation.shtml>

5. Compliance with state and regional mandates to address various topics and plan for housing to accomplish state and regional policy measures.

The PSRC VISION 2050 document is a regional plan which sets out a Regional Growth Strategy, focusing growth in “centers” and near transit, and addresses how jurisdictions should work together to increase housing choices and affordability on a regional level. VISION 2050 stresses that strategies and actions to promote distributional equity, cross-generational equity, process equity and reparative policies are needed to equitably meet housing needs.

## Data Limitations

This Housing Element is distinct from earlier versions adopted by the City. One of the chief differences is that much more information must now be compiled and analyzed, addressing housing affordability and statistics per the state law and regional mandates.

However, compiling and presenting this data presents significant difficulties. First, as a consequence of the City's small size, there are few or no data sources available. For instance, RCW 36.70A.610 directs the Washington Center for Real Estate Research (WCRER) to furnish data resources to jurisdictions for addressing housing issues; however, the majority of that data collection and compilation is restricted to cities with a population of 10,000 or more, meaning Orting is excluded. Similarly, when certain characteristics of very small population group are to be taken into account, in order to serve as indicators (for example, *to what extent do the rates of severely cost-burdened households differ according to race?*) we often find that the lesser percentages or (small share of percentages) are not statistically significant.

## Implementation Challenges

Orting lacks transit services and proximity to some amenities and programs (both commercial- and government-based) which can help low-income populations. Likewise, the development and infrastructure capacity in Orting is somewhat constrained and a sudden surge in development that isn't properly planned or timed for could cause increased transportation challenges, school crowding, etc. Further, the City is not located in a job center. Nonetheless, as the city changes and as additional employment, services, and transportation choices become available, the community can continue to position itself to best make accommodations for people who are in need.

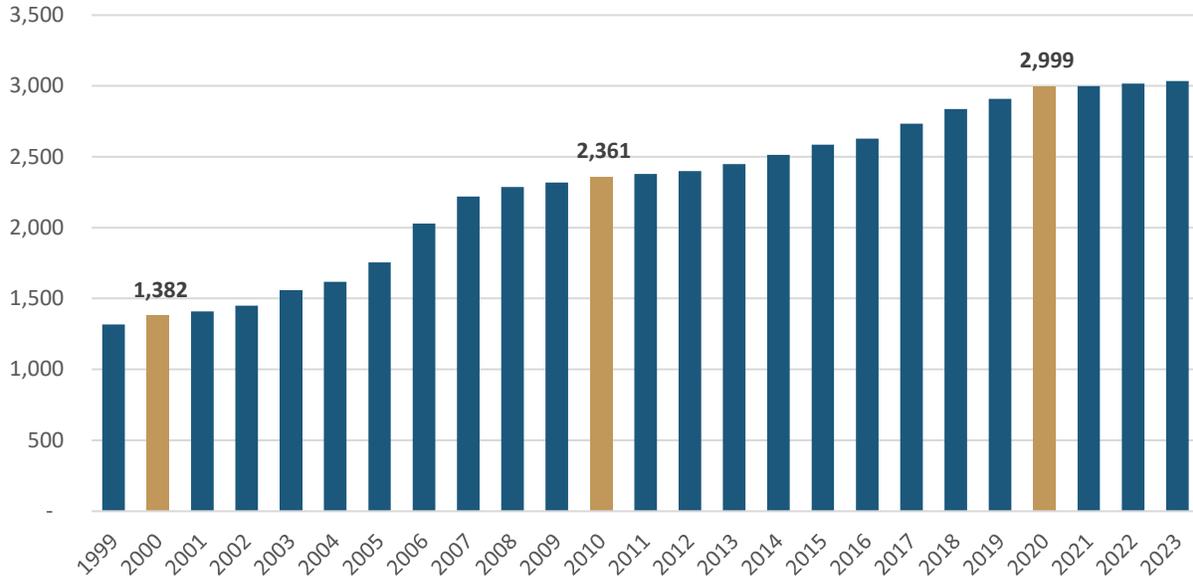
## Existing Housing Characteristics

The existing housing stock in Orting consists primarily of single-family detached homes; in 2023 89.4% of all the housing stock was this type. Mobile/ manufactured homes comprise 6% of the city's housing stock and duplexes, other housing types, and apartments make up the balance.

The 2010 Census reported a total of 2,361 units, an increase of 979 units ( or 71%) over 2000. A decade later, the US Census determined there were just under 3,000 units in the city corresponding to a 27% increase over the ten-year period from 2000 to 2010. Housing production has leveled off in the past several years. Figure H-1 shows the number of Housing Units in Orting between the years 1999 and 2023 and, not surprisingly, the figures trend similarly to the city's population growth.

## Homeownership in Orting

The homeownership rate is relatively high in Orting. The US Census data shows that the owner-occupied housing rate in Orting was 79.2% for the time period of 2018-2022 which is much higher than the rate of 64.6% throughout Pierce County and of 63.8% state-wide for the same time period.



**Figure H-1: Orting Housing Units (1999-2023)**

Source: Washington State Office of Financial Management

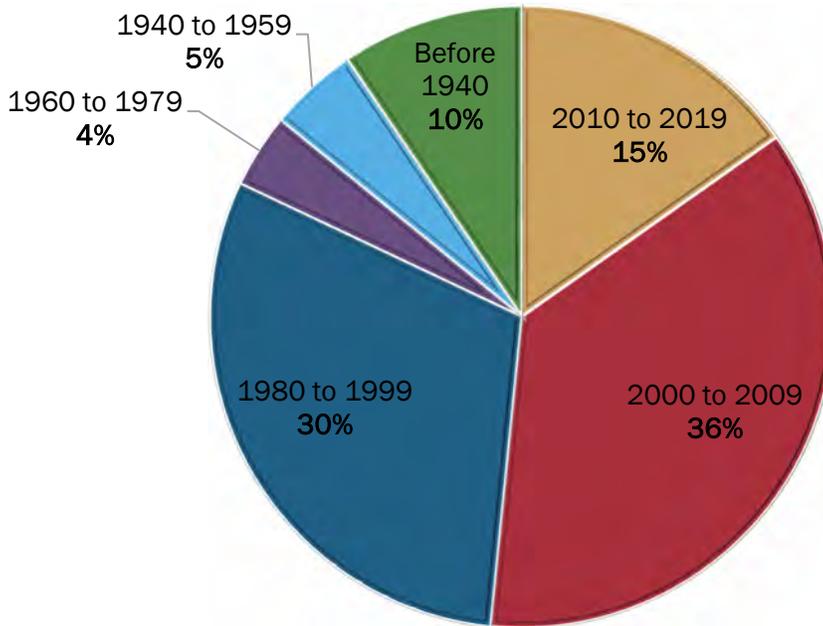
## Housing Stock

The age of the housing stock impacts characteristics like housing size, quality, and value. Considering the housing stock age also helps to understand the development patterns and timelines in a community. In Orting, 82% of housing units were constructed after 1980 (see Figure H-2). That is an advantage for locals since older homes may be of lower quality because of wear (if not routinely upgraded), they could contain contaminants or hazards (i.e., lead-based paints, volatile organic compounds like asbestos, mold caused by leaking windows), and may feature outdated building materials assembled with outdated construction practices. Further, newer homes typically are more energy efficient and are often built with more modern methods.



There are always exceptions to these broad characterizations, but in general the housing stock in Orting can be considered quite healthy and efficient.

As for the older homes in the community, particularly those in the downtown core, they help shape the unique historic character of the City.



**Figure H-2: Housing Stock by Year Built**

Source: US Census American Community Survey

**Table H-1 Housing Units by Tenure, 2010, 2015 and 2021**

Total Units			Owner Occupied			Renter Occupied			Vacant		
2010	2015	2021	2010	2015	2021	2010	2015	2021	2010	2015	2021
2,361	2,492	2,927	73.6%	72.0%	75.7%	18.9%	20.5%	21.3%	7.5%	7.5%	2.9%

Source: U.S. Bureau of the Census, 2010, American Community Survey, 2015 and 2021

**Figure H-2** shows the composition of housing types in Orting, based on the US Census and American Community Survey (ACS) figures.

In 2017, single-family homes accounted for approximately 88% of the housing in the city and the surrounding area. Mobile/manufactured homes made up approximately 7% of the city housing stock and 15% of the surrounding areas, and multi-family housing accounted for approximately 6% of the city inventory.

### Age Restricted Neighborhoods

Orting has two age-restricted neighborhoods:

- Majestic View Estates features 171 single-family detached homes which comprise a community for residents aged 55 and older. The homes in the gated community range in size from about 1,200 to 2,600 square feet with two or three bedrooms and attached two-car garages. There is an outdoor community pool and a multi-purpose room in a clubhouse.
- The Mountain View Estates community is a manufactured home park at 836 Harmon Way S. over about 20 acres. There are no permanent structures, and the age-restricted community (for 55 and older) has 96 sites.

**Washington Soldier’s Home - Orting**

According to the state Office of Financial Management, the population of persons housed in “group quarters” in the city typically ranged between 100 and 130 people between the years 2010 and 2020. This figure corresponds to the population domiciled at the Washington Soldiers’ Home on the Orting-Kapowsin Highway, which was established in 1891 and built specifically for Washington state veterans, originally for veterans of the Civil War.

**Orting Veteran’s Village**

The Orting Veteran’s Village, established in 2021, is a tiny home community offering 35 units (six of which are ADA-accessible cottages) for homeless veterans in Pierce County. At the site, Permanent Supportive Housing is provided and each home is approximately 176 square feet, built to be economically and environmentally efficient, with individual lawns and porches. This village is located on the Washington State Department of Veteran’s Affairs Soldiers Home campus, yet the housing is not provided by the DVA as the DVA’s role is to lease the land. Quixote Communities is a non-profit organization that operates the site. There is a central community center that residents use to gather and share communal space.

**Group Homes**

The zoning code in the city allows for licensed adult family homes to locate in all residential and mixed-use zoning districts. These are homes where personal care plus room and board is provided to up to six adults not related to the person providing the services.

The code does not contain any development regulations treating a residential structure occupied by persons with handicaps differently than a similar residential structure occupied by a family or other unrelated individuals.

Orting’s zoning code also allows group residences to locate in the Residential Urban (RU), Residential Multi-family (RMF), and Mixed Use Town Center (MUTC) zoning districts with an approved conditional use permit (and subject to architectural design review) and also in the Public Facilities (PF) zoning district (subject to site plan and architectural design review approval). Orting’s code further allows other group housing that provides housing to more than 12 unrelated individuals in the Residential Multi-family (RMF) zoning district and with a conditional use permit in the Residential Urban (RU) zone and Mixed Use Town Center (MUTC).



*As of March 2024, the Washington State Department of Social and Health Services database showed there were five licensed family homes with Orting addresses, supplying 24 beds*

Pierce County’s Countywide Planning Policies document recorded the estimated supply of housing units in Orting according to various income levels, shown in **Table H-2**. Washington State (through the GMA) and Pierce County (in the Countywide Planning Policies) require cities to study housing demand for certain household groups earning less than the Area Median Income<sup>3</sup> (AMI).

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<sup>3</sup> Area Median Income (AMI): This refers to HUD Area Median Family Household Income. Orting is part of HUD’s Seattle-Tacoma-Bellevue Metro Area, which includes all of Pierce County. AMI changes every year and varies by household size.

**Table H-2 Housing Unit Estimated Supply (2020) by Income Level according to Area Median Income (AMI)**

Income Level	0-30% AMI (Non-PSH)	0-30% AMI (PSH)*	30-50% AMI	50-80% AMI	80-100% AMI	100-120% AMI	>120% AMI	Total
Number of Units	41	0	232	965	937	345	478	<b>2,998</b> Plus 40 beds (Emergency Housing)

Source: Pierce County Ordinance No. 2023-22s Exhibit B

\*PSH = Permanent Supportive Housing

Permanent Supportive Housing and Emergency Housing must also be addressed<sup>4</sup>:

- Permanent Supportive Housing (PSH) is subsidized, leased housing with no limit on length of stay that prioritizes people who need comprehensive support services to retain tenancy and utilizes admissions practices designed to use lower barriers to entry than would be typical for other subsidized or unsubsidized rental housing. Permanent supportive housing is paired with on-site or off-site voluntary services.
- Emergency Housing is temporary indoor accommodations for individuals or families who are homeless or at imminent risk of becoming homeless.

## Housing Values and Costs

Housing costs have risen dramatically. In 2000, nearly 60% of the owner-occupied homes in Orting were valued between \$100,000 and \$149,999 (1999 dollars, 2010 Census). In 2015, only 8% of the owner-occupied homes were valued in that range, dropping further to 1.9% in 2021 and dropping to 0% in 2022 (2015, 2021, 2022 5-Year American Community Survey).

Approximately 1.9% of owner-occupied homes in Orting were valued below \$100,000 in 2022. The largest value bracket was the \$300,000 to \$499,999 range, with approximately 64% of homes valued in this range. The second highest bracket was the \$500,000 to \$999,999 range, making up 18% of homes. The median 2022 value of owner-occupied homes in Orting was \$413,400, a substantial increase from \$199,000 in 2015.

Next, the median monthly 2015 gross rent in Orting was \$1,438, and this figure increased in 2022 to \$2,156.

**Commented [NS2]:** Perhaps leave this out? I don't think describing "brackets" and the percentages of homes lying within each is particularly useful.

## Household Characteristics

The 2022 census reports 2,869 households in Orting, an increase from 2,038 in 2010. The average number people per household in 2010 was 3.04 persons but increased to 3.05 persons by

<sup>4</sup> HB 1220

2022. Recent nationwide trends have demonstrated slowed population growth and shrinking household sizes, however Orting’s average household size has remained the same. Still, multigenerational living (where multiple generations of adults live together) is also becoming more commonplace. These nationwide trends may be related to housing affordability and cost of living issues, and they may suggest an even greater need for more affordable and attainable housing options. However, Orting’s average household size has remained the same which may be attributed to the large number of households that include children under 18 years old and the high composition of household types that are made up of a family household (see Table H-3 below).

The following data presented in **Table H-3** help to explain the characteristics of households in the City. According to the US Census Bureau the Median Household Income of Orting was \$114,458 in 2022.

**Table H-3 Orting and Pierce County Household Attributes (2022 Estimates)**

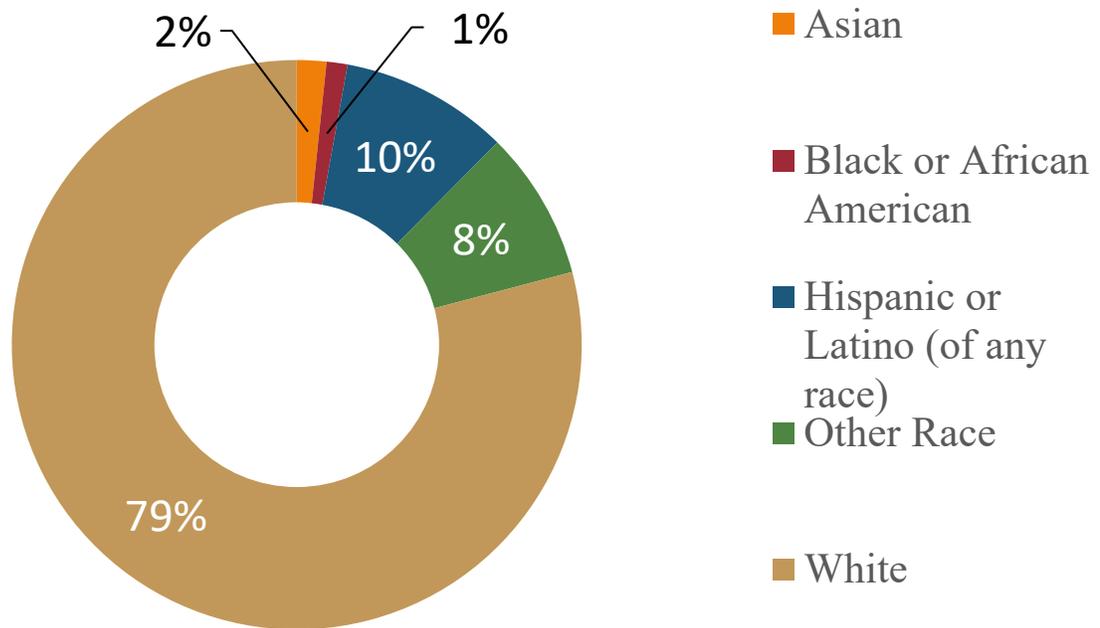
		Orting	Pierce County
<b>Household Income</b>	Median	\$114,458	\$91,486
	Mean	\$126,201	\$116,431
<b>Household Size</b>	One-Person	13.8%	24.2%
	Two-Person	25.7%	35.8%
	Three-person	26.1%	16.4%
	Four or more person	34.4%	23.7%
<b>Household types</b>	Family households (one or more related or married persons)	80.5%	67.6%
	Multiple person households with no children	5.7%	8.3%
	Single-person households	13.8%	24.2%
<b>Presence of children in households</b>	No related children under 18 years of age	55.3%	68.0%
	With related children under 18 years of age	44.7%	32.0%

Source: U.S. Census Bureau, 2018-2022 American Community Survey 5-Year Estimates

Orting has a high proportion of children, with 25.5% of the total population aged under eighteen years old (compared with 77.3% in Pierce County). The median age is 34.1 years of age (compared with 37.0 in Pierce County). Orting therefore has more families living in the community rather than single or individual households, as compared to Pierce County averages. The census data also reveals:



- Approximately **10.4%** of Orting residents aged over 18 are veterans
- Approximately **3.19%** of Orting residents are foreign born
- Approximately **13.7%** of Orting residents have a disability



**Figure H-2: Orting Population by Race and Hispanic or Latino Ethnicity, 2020**

Source: US Census Bureau, 2011-2015 and 2016-2020 American Community Survey 5-Year Estimates (Table DP05); Washington Department of Commerce, 2023

Orting’s population is less diverse by race and ethnicity when compared to that of Pierce County. In 2020, 79% of the population was White, 11% of the population was Persons of Color, and 10% was Hispanic or Latino (of any race), This compares to 66% of the population of the Pierce County population being White, 11% being Hispanic or Latino (of any race), and 23% being Persons of Color.

## Future Housing Needs

As noted in the Land Use Element, the 2044 population target for Orting is 9,590, signaling that the rapid growth and expansion that has occurred in Orting will subside. Still, this modest increase will impact the city in several ways, including future housing demand to accommodate growth and associated demand for services, community facilities, and other features necessary to sustain the community.

Population growth and housing development are functions of the demographics of the community (household size and age and economic status), as well as the marketability of the area. The population projections give a general indication of the number of new dwelling units needed to accommodate the target population. While this factor may change in the future, for the next 5-10 years it represents a reasonable basis for calculating housing demand.



The projected 2044 housing need is 3,221 units, indicating that 223 additional units need to be constructed by that year to meet the population forecast

Recently approved subdivisions and expected future development at “infill” sites should be sufficient to accommodate the projected population forecast. There is very little additional opportunity for new housing to be developed in the current city limits. With this in mind, Orting has adopted provisions for cottage housing, accessory dwelling units, and increased density in planned unit developments.

Increased flexibility in new housing types will help Orting to provide the appropriate number of new housing units for each level of household income, as prescribed by Pierce County in **Table H-4**.

**Table H-4: Orting New Housing Unit Needs by 2044 by Income Level according to Area Median Income (AMI)**

Income Level	0-30% AMI (Non-PSH)	0-30% AMI (PSH)*	30-50% AMI	50-80% AMI	80-100% AMI	100-120% AMI	>120% AMI	Total
Units	29	39	41	33	14	13	54	<b>223</b>
								Plus 14 beds (Emergency Housing)

Source: Pierce County Ordinance No. 2023-22s Exhibit B

\*PSH = Permanent Supportive Housing

Nevertheless, any forecasted new growth could be slowed or halted if market or economic pressures prevent the process of land development. For example, financial or other obstacles to the construction of new homes could include economic recession, rising mortgage and lending rates, changes to lending guidelines, or high costs of building supplies and/ or construction workers to build homes.

Expanding Orting’s affordable housing stock will likely be the most challenging in introducing new housing for households having incomes below 80% of AMI. Consequently, the City should prioritize steps taken to foster and encourage low-income housing fulfilling those needs. Subsidies or other programs will be likely required to provide housing at those deepest levels of affordability and a range of housing types will need to be produced to fit the broad spectrum of needs.

## Affordable Housing

The Growth Management Act requires each county and city to identify sufficient land for housing, including but not limited to, government-assisted housing, housing for low-income families, manufactured housing, multifamily housing, group homes, and foster care facilities. These types of housing are often grouped under the term "affordable housing."

Pierce County and the municipalities must collectively accommodate the housing demand for all economic segments of the population.

In addition, every Comprehensive Plan, in its Housing Element, must address the following or accomplish the following while ensuring there are adequate provisions made for all economic segments of the population:

- Incorporating consideration for low, very low, extremely low, and moderate-income households;
- Documenting programs and actions needed to achieve housing availability including gaps in local funding, barriers such as development regulations, and other limitations;
- Consideration of housing locations in relation to employment location; and
- Consideration of the role of accessory dwelling units in meeting housing needs;
- Identifies local policies and regulations that result in racially disparate impacts, displacement, and exclusion in housing, including: zoning that may have a discriminatory effect; disinvestment; and infrastructure availability;
- Identifies and implements policies and regulations to address and begin to undo racially disparate impacts, displacement, and exclusion in housing caused by local policies, plans, and actions;
- Identifies areas that may be at higher risk of displacement from market forces that occur with changes to zoning development regulations and capital investments; and
- Establishes anti-displacement policies, with consideration given to the preservation of historical and cultural communities as well as investments in low, very low, extremely low, and moderate income housing; equitable development initiatives; inclusionary zoning; community planning requirements; tenant protections; land disposition policies; and consideration of land that may be used for affordable housing.

The private housing market does not typically meet affordable housing needs across all income spectrums. As a result, the Pierce County County-Wide Planning Policies state that “All jurisdictions should explore the expansion of existing non-profit partnerships, increased coordination with local public housing authorities, a county-wide land trust, as well as future involvement of larger County employers, in the provision of housing assistance for their workers.”

**Definitions**

The term Affordable Housing is often interchanged with the term “Low-income housing” (referred to as “subsidized housing in this element”) but should not be confused. Below are definitions:

- **Affordable housing:** Housing is typically considered to be affordable if total housing costs (rent, mortgage payments, utilities, etc.) do not exceed 30% of a household’s gross income.
- **Cost-burdened household:** A household that spends more than 30% of their gross income on housing costs. (A household that spends more than 50% of their gross income on housing costs is called “Severely cost-burdened.”)
- **Subsidized housing:** Public housing, rental assistance vouchers like Section 8, and developments that use Low-Income Housing Tax Credits are examples of subsidized housing. Subsidized housing lowers overall housing costs for people who live in it.

The percentage of income paid by moderate-, low-, and very low-income earners toward their monthly housing expenses is a measure of housing affordability. According to the US Department of Housing and Urban Development (HUD), “families who pay more than 30% of their income for housing [including utilities] are considered cost burdened and may have difficulty affording necessities such as food, clothing, transportation, and medical care.”

**Commented [N53]:** Although the existing Comprehensive Plan doesn't have anything specific to racially disparate impacts the following policies are already in the plan:

Policy H1.5 - Maintain non-discriminatory zoning regulations for group homes, consistent with the Federal Fair Housing Act.

Policy H2.4, 2.6, 2.7 - affordable housing, assistance programs, avoiding inequitable housing cost increases.

Estimates regarding households experiencing cost-burden use the following terms:

- Households paying less than 30% of their household income on housing costs are not considered *non cost-burdened*.
- **Cost-burdened (30-50%)** includes households paying between 30% and 50% of their household income on housing.
- **Severely cost-burdened (>50%)** includes households paying more than 50% of their income on housing costs.

The following data is sourced from the American Communities Survey unless otherwise noted.

The median 2021 household income in Orting was \$97,614. Households earning 80% of this median earned \$78,091. About 80% of Orting’s owner-occupied housing units and 55% of the renter-occupied units were affordable for the residents, with monthly housing costs less than 30% of household income. Many young families have recently chosen Orting as an alternative to higher-priced communities that are closer to major employment centers. Approximately 638 housing units would be considered affordable to households making 50% of the median household income in Orting. Three-hundred and seventy-eight of these units (about 60%) are occupied by owners without a mortgage. Housing values have increased substantially in recent years. The median home value in Orting as of 2022 is estimated to be \$416,400, while in 2015, it was \$207,300. The median income for owner-occupied housing in 2022 was \$119,716. An estimated 5.7% of the population was living below the poverty line as of 2022.

An Orting household with an income of \$73,000 could afford housing valued in the range of \$200,000-\$250,000. “Low Income” households would be limited to housing priced under \$150,000 and “Very Low Income” households would be limited to housing priced under \$100,000. For these two latter income categories, rental housing is likely to be all they can afford. Rents would have to be in the \$700-1,100 range. Orting has a small inventory of rental housing.

Per Pierce County’s GMA housing targets, Orting will need 109 new housing units that will be affordable to those making less than 50% of the median household income. Of these units, 29 will need to be permanent supportive housing. (See **Table H-3**).

**Table H-5: Orting households by housing cost burden, 2019**

	Owner Households		Renter Households	
Not Cost Burdened	1,539	78.0%	309	52.5%
Cost-Burdened (30-50%)	265	13.4%	205	34.8%
Severely Cost-Burdened (>50%)	169	8.6%	75	12.7%
<b>Total</b>	<b>1,973</b>	<b>100%</b>	<b>589</b>	<b>100%</b>

Source: US HUD, 2015-2019 Comprehensive Housing Affordability Strategy (CHAS) (Table 9); Washington Department of Commerce, 2023

## Accessory Dwelling Units

There are a number of other ways that Orting could encourage the development of affordable housing that do not directly involve public financing for the development of housing. These options include apartments above commercial businesses, especially in the downtown area. Accessory apartments within existing single-family homes or as separate structures on existing single-family lots, known as Accessory Dwelling Units or ADUs, provide another alternative. This not only provides an affordable place to live, but it offers additional income to homeowners.

## Group Care Homes & Foster Care Facilities

The Growth Management Act requires that the housing element of the plan address special housing needs, such as group care homes and foster care facilities. Group homes and foster care facilities are permitted in all Orting residential zones subject to the provisions of the Public Facilities Permit for publicly sponsored projects and Conditional Use Permits for privately sponsored projects.

## Expanded Housing Options

In 2019 the Washington Legislature passed house bill 1923 (HB 1923) to provide funds to Washington communities to support a housing action plan or code amendments related to residential building capacity, production of a greater variety of housing types, and/or increase regulatory streamlining.

In 2020 the City of Orting applied for and received a grant from the Department of Commerce through the Washington State Legislature. Through this grant, code amendments were developed for the Orting Municipal Code related to:

- Authorizing at least one duplex on each parcel in one zoning district
- Authorizing lot size averaging in all zoning districts that permit single-family residences
- Authorizing attached accessory dwelling units (ADUs) in compliance with HB 1923 requirements found in RCW 36.70A.600
- Authorizing a duplex on each corner lot within all zoning districts that permit single-family residences
- Allowing for the division or redivision of land into the maximum number of lots through the short subdivision process provided in chapter 58.17 RCW

Council took action in Spring 2021. The code changes could result in duplexes being developed on lots that previously would have only permitted single family homes, and the construction of additional ADUs being built<sup>5</sup>.

The new codes are not expected to increase density rapidly or excessively but will aid the city in its ability to accommodate the anticipated population growth in the next 20 years. The increase in housing will result in an associated increase in demands on transportation and public services. This increase in demands on services is anticipated to occur in incremental increases over the long-term in conjunction with population increases. Impacts associated with the traffic impacts will be mitigated at the time of development through the payment of traffic impact fees. In addition to traffic

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<sup>5</sup> Pierce County CPP AH-2.1 states jurisdictions “*should* consider adopting reasonable measures and innovative techniques (e.g., moderate density housing, clustering, accessory dwelling units, cottage housing, small lots, planned urban developments, and mixed use) to stimulate new higher- density affordable and moderate-income housing stock on residentially zoned vacant and underutilized parcels” which has already been completed by Orting. [emphasis added]

impact fees, proposals would not be permitted to develop if transportation infrastructure is not provided concurrent with development. Other public services and utilities such as water and sewer are considered adequate to accommodate the planned housing that would be created as a result of the amendments.

Due to its size and location, the City of Orting is not subject to the requirements of HB 1110<sup>6</sup> which was passed in 2023 requiring many jurisdictions across the state to adopt development regulations allowing for “middle housing” (buildings that are compatible in scale, form, and character with single-family houses and contain two or more attached, stacked, or clustered homes including duplexes, triplexes, fourplexes, fiveplexes, sixplexes, townhouses, stacked flats, courtyard apartments, and cottage housing). Nonetheless, there are development regulations in place that can support future middle housing options in the city to some extent.

### Emergency Housing, Shelters, and Transitional Housing

In 2022 the city adopted code amendments to comply with HB 1220 which directed that “a city shall not prohibit transitional housing or permanent supportive housing in any zones in which residential dwelling units or hotels are allowed” as well as “a code city shall not prohibit indoor emergency shelters and indoor emergency housing in any zones in which hotels are allowed.” Through the code amendments the city adopted definitions for emergency shelters, emergency housing, transitional housing, and permanent supportive housing and identified zoning districts where the various uses would be allowed.

### Displacement Risk

The City must assess and identify areas that may be at higher risk of displacement from market forces that occur with changes to zoning development regulations and capital investments. Fortunately, tools provided by both the PSRC and by Commerce (Risk of Displacement maps<sup>7</sup>) show Orting in an area of low displacement risk. Nonetheless, this concern should be monitored over time as market conditions and other factors change.

### Programs for Affordable Housing

There are a number of local, state, and federal grant and loan programs that are aimed at fulfilling basic housing needs and expanding homeownership opportunities for low- and moderate-income citizens. The city will support initiatives of project sponsors to gain access to these resources and broaden the housing opportunities consistent with the goals and policies of the Comprehensive Plan and the development regulations.

The City of Orting is not eligible to directly receive Community Development Block Grant (CDBG) funds from HUD as it is not an “entitlement community” (which would require a population count of 50,000 persons). As a result, the city and the Pierce County Community Development Corporation (CDC) can collaborate on CDBG and programs through the “Urban County Consortium” that deal with housing, emergency repair, or rehabilitation for citizens who meet certain income requirements.

HUD’s Section 8 program, locally run by the Pierce County Housing Authority, may be available to supply Housing Choice Vouchers to very low-income families, the disabled, and the elderly in Orting who meet the requirements. Participants in the program are free to select any housing that satisfies

<sup>6</sup> E2SHB 1110, Chapter 332, Laws of 2023: Growth Management Act – Minimum Development Densities in Residential Zones

<sup>7</sup> Displacement Map tool by the Washington State Department of Commerce at [https://experience.arcgis.com/experience/d26f4383cab3411cb45f39ddfc666b74/?data\\_id=83713d4b3ea34743bed49d3d61be4fb3-187dd75e9f2-layer-27-187dcfb6357-layer-4%3A4A99](https://experience.arcgis.com/experience/d26f4383cab3411cb45f39ddfc666b74/?data_id=83713d4b3ea34743bed49d3d61be4fb3-187dd75e9f2-layer-27-187dcfb6357-layer-4%3A4A99) [Accessed March 5, 2024]

**Commented [NS4]:** FYI: The city could, if desired, create a zoning district with multiple units required per parcel or also do a “minimum density” regulation.

program standards and a housing subsidy is paid directly to the property owner. There is often a long waiting list associated with the program.

The United States Department of Agriculture (USDA) funds rural housing programs. Like Section 8 programs, there are income guidelines; however, it is a separate federal funding source and only utilized in designated rural areas. The USDA offers loan programs for both single family and multi-family housing (under the “Guaranteed Rental Housing” program) and also provides rental assistance to those citizens which meet its income guidelines (similar to the Section 8 program). This assistance may be utilized while living in a USDA housing facility. Alternatively, HUD Section 8 rental assistance may also be accepted by USDA housing facilities.



*The Orting Senior facility at 307 Harmon Way offers 20 apartments available to disabled people or persons aged 62 and older who qualify.*

Another USDA program that could be of interest locally is the Housing Preservation Grant (HPG) program which provides grants to sponsoring organizations for the repair or rehabilitation of housing for low and very low incomes households who are homeowners.

Orting could incentivize affordable housing through a multifamily tax exemption (MFTE), which is a waiver of property taxes to encourage affordable housing production and redevelopment in “residential targeted areas” designated by cities as authorized by the State of Washington. These programs can be used to address a financial feasibility gap for desired development types in a target areas, specifically to develop sufficient available, desirable, and convenient residential housing to meet the needs of the public.

**Commented [N55]:** FYI - the city could specify areas for this type of focus through zoning and other controls

The Washington State Department of Revenue offers programs for property tax exemptions or deferrals for qualified low-income households, senior citizens, and disabled persons. The City should also continue focusing outreach efforts within these groups to connect those who may qualify for assistance, particularly in an effort to alleviate economic pressures on longtime homeowners facing escalating costs and in danger of displacement pressures. The City currently offers assistance for residents such as reduced costs for utilities. Additionally, Pierce County offers a Property Tax Exemption Program for people with disabilities and low-income senior citizens. In addition, the Pierce County Human Services Department partners with the Pierce County Community Development Corporation to provide financing for the development and preservation of affordable rental housing and the development of homeownership opportunities all to benefit low-income households in Pierce County. The following activities are supported: acquisition of rental and for-sale housing; new Construction of rental and for-sale housing; rehabilitation & preservation of rental and for-sale housing; ongoing operations and maintenance of rental housing; and support for developers and buyers of for-sale housing. Funding is allocated at least once per year through a competitive Notice of Funding Availability (NOFA).

#### **Additional Programs**

Many of these programs and other lesser-known options are outlined in the Pierce County Community Services Department – Housing Division publication<sup>8</sup>, “Strategies for Housing

<sup>8</sup> Available online at <https://www.piercecountywa.gov/DocumentCenter/View/5331/Strategies-for-Housing-Affordability>

Affordability in Pierce County Washington: A Toolkit Developed for Pierce County Stakeholders.” Another helpful resource is the “Pierce County Affordable Housing Regulation Recommendations” which was prepared by AHBL and ECONorthwest as a part of the Buildable Lands Report process<sup>9</sup>.

## Goals & Policies

*Goal H 1      Ensure adequate housing for all current and future residents of Orting by achieving and maintaining high quality housing and neighborhoods.*

- H 1.1      Provide for a variety of housing types and densities in appropriate areas.
- H 1.2      Conserve the existing housing stock through code enforcement, appropriate zoning, participation in rehabilitation programs, and protection of neighborhood integrity.
- H 1.3      Ensure appropriate levels of service for public facilities in areas that are designated for higher densities.
- H 1.4      Support private sector efforts to fund, plan and develop housing for the elderly and other citizens with special needs.
- H 1.5      Maintain non-discriminatory zoning regulations ~~to allow for~~ group homes ~~for persons with disabilities~~, consistent with the Federal Fair Housing Act.
- H 1.6      Encourage the protection of historically significant housing sites, neighborhoods, and structures, including those that represent the design themes important to Orting’s history.
- H 1.7      Accommodate Orting’s ~~fair share~~ assigned values of the County’s housing needs through the designation of adequate residential land for development and the achievement of the city’s housing policies.

H 1.8      To the extent feasible, consider identifying potential physical, economic, and cultural displacement of low-income households and marginalized populations that may result from planning, public investments, private redevelopment, and market pressure, and use a range of strategies to prevent and minimize, the cultural and physical displacement and mitigate its impacts.

*Goal H 2      Encourage the availability of a wide range of affordable housing to meet the needs of households with varying economic status.*

- H 2.1      Ensure that development regulations provide opportunity for a variety of housing densities and types, including mixed use in the downtown.
- H 2.2      Encourage creative design and development of denser, ~~urban~~ housing in and near the downtown.

<sup>9</sup> Available online at <https://www.piercecountywa.gov/DocumentCenter/View/103169/AHBL-Affordable-Housing-Report-2019>

**Commented [A6]:** This is from AH-8, we moved the phrase "to the extent feasible" to the first part (from the last) and added "consider"

This is a "SHOULD" item

- H 2.3 ~~Guide sensitive~~ Continue to allow development of accessory dwelling units in all residential zoning classifications.
- H 2.4 Provide information to assist both low- and moderate-income families in finding adequate housing and to assist non-profit developers in locating suitable sites for affordable housing.
- H 2.5 Encourage public agencies, private and non-profit associations, and joint public-private partnerships to provide low- and moderate-income housing .
- H 2.6 Encourage project proponents' participation in housing assistance programs that provide home ownership opportunities to low- and moderate-income families and recognize historic inequities in access to homeownership opportunities for communities of color.
- H 2.7 Continue to monitor the progress in implementing the Housing Element and evaluate new ways of providing affordable housing to support the City's jobs-housing balance
- H 2.8 Ensure permitting and utility facility charges are equitable.
- ~~H 2.7 Maintain development standards and regulations, permit processing procedures, and concurrency management that do not result in inequitable housing cost increases.~~
- ~~H 2.8 Monitor housing demand and the achievement of these housing policies in conjunction with the Pierce County buildable lands program.~~
- H 2.9 Increase housing supply, diversity, and densities to meet the City's current and projected needs for all income levels and demographic groups, consistent with the VISION 2050 Regional Growth Strategy.
- H 2.10 Take reasonable action within the City's power to reduce barriers to developing the types of housing that could meet growth targets, such as considering the adoption of a Multifamily Tax Exemption (MFTE) program and considering the creation of an affordable housing incentive program.
- Goal H 3 Support the development of affordable housing partnerships, programs, and regional policies.
- H3.1 Seek to participate in regional solutions for housing affordability issues that may be challenging for the City alone to address due to geographic constraints or other barriers.
- H 3.2 Work with other Pierce County jurisdictions to jointly explore opportunities to develop a countywide funding mechanism and the potential for both voter-approved measures (bond or levy), and nonvoter approved sources of revenue to support the development of housing affordable to all economic segments.

**Commented [A7]:** Added per AH-7

**Commented [A8]:** Moved here from the ED element, with some edits (was Goal ED 7 and Policy ED 7.1)

**Commented [A9]:** Moved here from the ED element (was Policy ED 7.2)

**Commented [A10]:** This supports AH-2.1 in the Pierce County CWPPs

**Commented [A11]:** This section supports AH4 items in Pierce County CWPPs plus AH5.1

- H3.2 Consider working with other Pierce County jurisdictions to jointly pursue state legislative changes to give local jurisdictions the authority to provide tax relief to developers of affordable housing.
- H3.3 Explore opportunities to dedicate revenues from sales of publicly-owned properties, including tax title sales, to affordable housing projects.
- H3.4 Explore the expansion of existing non-profit partnerships, increased coordination with local public housing authorities, a county-wide land trust, as well as future involvement of larger County employers, in the provision of housing assistance for their workers.
- H3.5 Investigate the feasibility of inclusionary or incentive zoning measures which could be introduced as a condition of major rezones and development.

Goal H 4 *Maintain excellent governmental performance and accountability.*

- H4.1 Review and streamline development standards and regulations to advance their public benefit, provide flexibility, and minimize costs to housing.
- H4.2 Monitor housing demand and the achievement of these housing policies in conjunction with the Pierce County buildable lands program Provide permitting data to state and local agencies to monitor progress in meeting housing demand and GMA mandates.
- H4.3 Maintain development standards and regulations, permit processing procedures, and concurrency management that do not result in inequitable housing cost increases.

**Commented [A12]:** PC CWPP AH 5.2

**Commented [A13]:** Relocated here (former policy H2.8)

**Commented [A14]:** This covers AH-6

**Commented [A15]:** Relocated here (former policy H2.7)

# TRANSPORTATION ELEMENT



## Purpose

~~The This~~ Orting ~~2040-2044~~ Transportation ~~Plan Element~~ defines the existing and future transportation vision for Orting ~~and will replace the 2015 Transportation Element and Appendix from the Orting Comprehensive Plan published in June 2015~~. This ~~transportation plan Element~~ contains a description of existing transportation conditions, travel forecasts, service standards and analysis, and transportation recommendations. ~~The following analysis and conclusions will inform the City of Orting 2040-2044 Comprehensive Plan provide an important basis for Goals, Policies and for strategies to fund and complete specific projects.~~

The City of Orting has a unique configuration with respect to transportation. The community lies in the Orting Valley between the Carbon and Puyallup Rivers. State Route (SR) 162 runs between the two rivers and links Orting with Sumner and Buckley. Orting is a small community of just ~~under 8,000~~ over 9,100 residents—more than twice the population from 20 years ago. Many of the local city streets are quiet, tree lined, with low traffic volumes. The older portion of the City is laid out on a traditional grid system and some recent developments feature a curvilinear circulation pattern.

## Existing Conditions

This section summarizes the existing ~~(2017)~~ transportation system for all modes of travel in Orting. This information supports the city’s comprehensive planning process, which must, among other things, contain travel forecasts, a level of service standard, be regionally coordinated, and meet concurrency requirements. ~~The This~~ transportation element for the City of Orting must meet the requirements of the GMA and will be certified by the Puget Sound Regional Council. The element will contain a description of existing transportation conditions, travel forecasts, service standards and analysis, and transportation recommendations, all of which will be coordinated with the county and the state.

## Transportation Network Overview

The roadway network in Orting consists of corridors serving different travel needs. The main thoroughfare is SR 162, which runs northwest/southeast through the center of Orting. Calistoga Street W is the other significant arterial in the city that provides an east/west link across the Puyallup River and to the Orting-Kapowsin Highway. There are minimal east/west regional connections into and out of Orting.

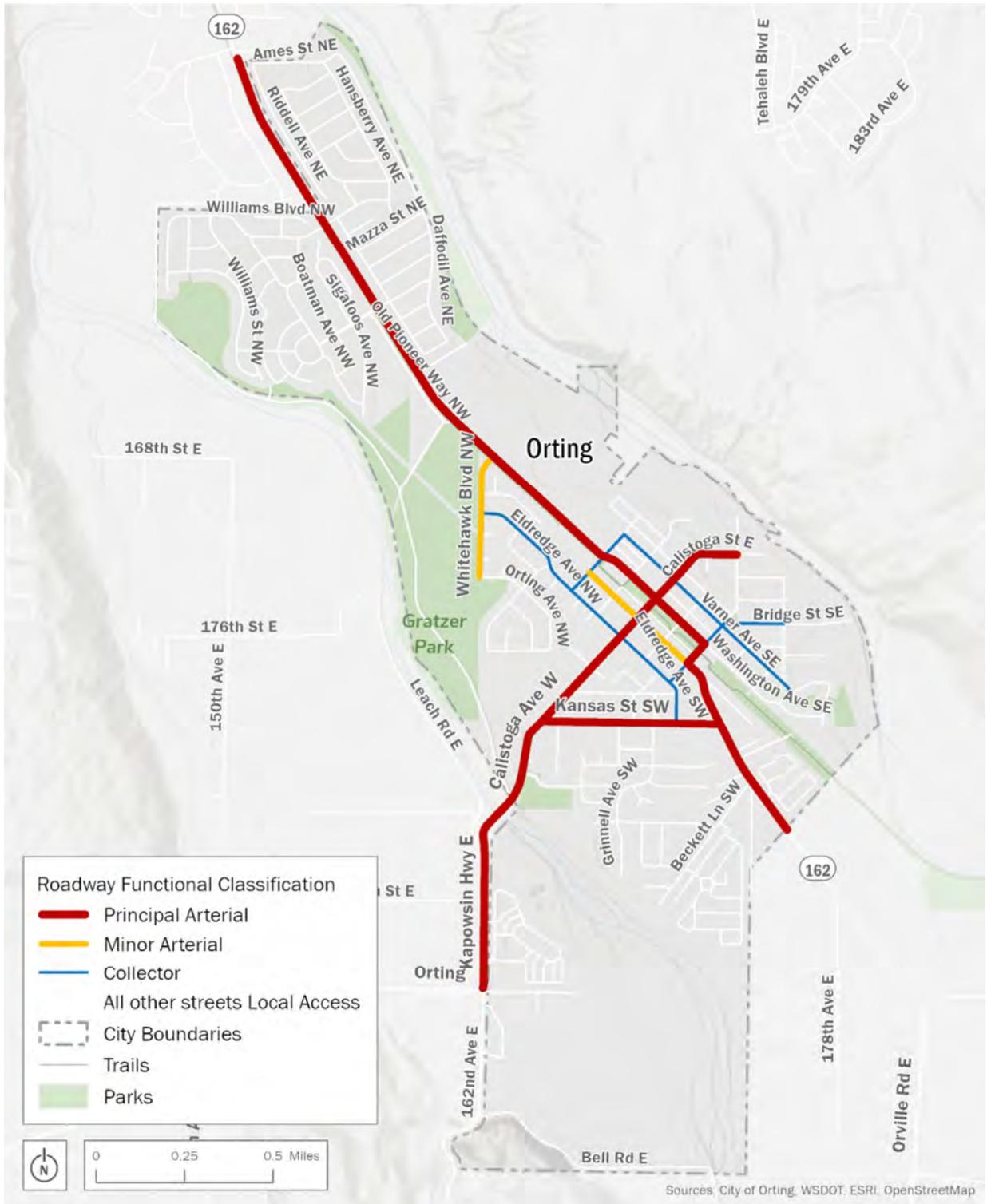
## Roadway Functional Classification

As Orting continues to grow, the internal street network will continue to be developed. City streets are classified into different categories to guide development and define the degree to which they provide through movement and land access functions. Roadway classification is based upon guidelines prepared by the Federal Highway Administration (FHWA) and administered by the Washington State Department of Transportation (WSDOT). City streets in Orting are classified into four functional classifications that are accompanied by different land use policies and street standards. The four classifications are:

- **Principal Arterials**, which are streets and highways that carry the greatest portion of through or long-distance traffic. Such facilities serve the high- volume travel corridors that connect major generators of traffic. The selected routes provide an integrated system for complete circulation of traffic, including ties to the major rural highways entering urban areas.
- **Minor Arterials**, which are streets and highways that connect with remaining arterial and collector roads that extend into the urban area. Minor arterial streets and highways serve less concentrated traffic-generating areas, serve as boundaries to neighborhoods, and collect traffic from collector streets. Although the predominant function of minor streets is the movement of through traffic, they also provide for considerable local traffic that originates or is destined for points along the corridor.
- **Collectors**, which are streets that provide direct services to residential areas, local parks, churches, and areas with similar land uses. To preserve the amenities of neighborhoods, they are usually spaced at about 0.5-mile intervals in order to collect traffic from local access streets and convey it to major and minor arterial streets and highways. Collector streets are typically 1 to 2 miles in length. Direct access to abutting land is essential.
- **Local Access Streets**, which are the remaining streets that allow access to individual homes, shops, and similar destinations. They provide direct access to abutting land and to the higher classification of roadways. Through traffic is discouraged.

Figure T-1 shows the functional classification of the roadways within the City.





**Figure T-1. Orting Roadway Functional Classification**

### **State-owned Transportation Facilities & Highways of Statewide Significance**

In 1998, the Washington State Legislature enacted the “Level of Service Bill” (House Bill 1487) that amended the GMA requires cities to identify the “Level of Service” to include additional detail regarding state-owned transportation facilities in the transportation element of comprehensive plans. PSRC, in 2003, adopted The Puget Sound Regional Council (PSRC) additionally sets level of service standards for regionally significant state highways. Regionally significant state highways are state transportation facilities that are not designated as highways of statewide significance. Within Orting, no roadways have been designated as a Highway of Statewide Significance in WSDOT’s Highway System Plan. SR 162, which links Orting with Sumner and Buckley, is the only state-owned facility within the planning area and is designated as a Regionally Significant State Highway. WSDOT completed a study of SR 162 in June 2017 to identify strategies to increase mobility and improve safety in the corridor. Although the scope of the study was outside of the Orting City limits, potential improvement options could improve traffic flow and safety for vehicles exiting and entering Orting. These improvements include consideration of Intelligent Transportation System Improvements (ITS) at intersections, access management, and Commute Trip Reduction strategies such as park and ride and a Sound Transit extension to 136th Street. Locally within Orting, Corridor Sketch recommends the Orting Southwest Connector (Whitehawk Blvd Extension), and the Orting Pedestrian Bridge for Kids.

Improvement strategies identified in the study will be incorporated in WSDOT’s Corridor Sketch Phase II for SR 162 and prioritized for funding on a statewide basis.

## **Roadway Network**

The primary roadway network in Orting comprises the following:

- **State Routes** - SR 162 runs northwest/southeast through Orting, providing the primary connection to SR 512 and Interstate 5. Outside of the city limits, SR 162 is a two-lane principal arterial with limited shoulders and a posted speed limit of 50 miles per hour (mph). Within the city limits, the roadway is known as Washington Avenue N and is a two-lane principal arterial with a narrow painted median and paved shoulders and has parking on both sides of the road in the downtown core. The posted speed limit is 35 mph and reduces to 25 mph near Orting High School.
- **Pierce County Roadways** - Orting-Kapowsin Highway is a two-lane major arterial, with a posted speed limit of 35 mph along most of its length. Shoulders have a gravel surface, with a walking path along the east side of the road in some areas. It runs adjacent to the city limit line for a short distance south of the Puyallup River before turning into Calistoga Street W.
- **Local Transportation System** - Calistoga Street W is the primary local street that provides east/west travel. Calistoga Street W is a two-lane roadway with intermittently paved or graveled shoulders and sidewalks on the north side. Other local streets in the city provide access to the downtown area of Orting, and commercial and residential areas.

**Table T-1** provides an existing conditions inventory of many of the roadways in the area, including functional classification, shoulder type, parking, sidewalks, bicycle lanes, and posted speed limits.

**Table T-1. Roadway Inventory – Existing Conditions**

ROADWAY	FUNCTIONAL CLASSIFICATION	SHOULDER	PARKING	SIDEWALKS	BICYCLE LANE	SPEED LIMIT (MPH)
SR-162/ Pioneer Way	Principal arterial	Paved	No	Interrupted	No	50/35/25
Washington Avenue N	Principal arterial	Paved	Yes	Both	No	25
Orting-Kapowsin Highway	Principal arterial	Gravel	No	No	No	35
Varner Avenue NE	Collector	Gravel/grass	Yes	Both	No	Not posted
Calistoga Street W	Principal arterial	Paved/gravel	Yes	Both	No	25
Whitehawk Boulevard	Collector	Paved	Yes	Both	No	25
Eldredge Avenue	Collector	Gravel/grass	Yes	Whitesell north – both sides; Safeway south – one side	No	Not posted
Whitesell Street	Collector	None	No	One side	No	Not posted
Corrin Avenue	Minor arterial	Paved	Yes (angle parking downtown)	Both	No	Not posted
Bridge Street	Collector	Gravel/grass	Yes	Both	No	Not posted
Kansas Street SW	Principal arterial	Paved	Yes	Both	No	Not posted
Harman Way	Principal arterial	Paved	Yes	Yes	No	Not posted

**General Purpose Traffic**

General purpose traffic volumes during the PM peak hour were collected at 19 intersections throughout Orting in April 2017 [as follows](#)<sup>1</sup>:

- Intersection A: Washington Avenue N and Williams Boulevard NW
- Intersection B: Washington Avenue N and Lane Boulevard NW
- Intersection C: Washington Avenue N and Rocky Road NE
- Intersection D: Washington Avenue N and Old Pioneer Way NW
- Intersection E: Washington Avenue N and Whitehawk Boulevard NW
- Intersection F: Washington Avenue N and Ammons Lane NE
- Intersection G: Washington Avenue N and Cardinal Lane
- Intersection H: Washington Avenue N and Whitesell Street S
- Intersection I: Washington Avenue S and Calistoga Avenue W
- Intersection J: Washington Avenue S and Train Avenue S
- Intersection K: Washington Avenue SE and Bridge Street S
- Intersection L: Bridge Street S and Harman Way S and Corrin Avenue E
- Intersection M: Harman Way S and Kansas Street SW
- Intersection N: Calistoga Avenue W and Corrin Avenue SW
- Intersection O: Calistoga Avenue W and Eldredge Avenue SW
- Intersection P: Calistoga Street W and Kansas Street SW
- Intersection Q: Train Street SW and Van Scoyoc Avenue East

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<sup>1</sup> [Recent publicly available traffic counts were evaluated and while a slight increase was identified at select intersections, it had negligible effects on the existing and future demand models.](#)

- Intersection R: River Avenue SE and Varner Avenue SE and Bridge Street SE
- Intersection S: Eldredge Avenue NW and Whitesell Street S

**Figure T-2** summarizes the intersection counts. Traffic volumes during the PM peak hour represent the highest hourly volume of vehicles passing through an intersection during the 4:00 to 6:00 PM peak period. Because the PM peak hour volumes represent the highest volumes of the average day, these traffic volumes were used for the base year operations analysis, and as the basis for future year traffic volume projections.

**Intersection Level of Service**

Intersection level of service (LOS) is a term used to describe the operating conditions and amount of delay a driver will experience while traveling through an intersection or along a roadway. LOS ranges from A (very little delay) to F (long delays and congestion). Table T-2 summarizes the amount of delay in seconds associated with each LOS designation. The LOS/delay criteria for stop-sign-controlled intersections are different than for signalized intersections because driver expectation is that a signalized intersection is designed to carry higher traffic volumes and experience greater delay. For signalized intersections, the LOS ranges from A with a delay of ~~less~~ fewer than 10 seconds to F with a delay of more than 80 seconds. For stop-sign- controlled intersections, LOS A also has a delay of ~~less~~ fewer than 10 seconds, while LOS F has a delay of more than 50 seconds.

**Table T-2: Vehicle Level of Service and Delay**

Level of Service	Description	Signalized Intersection Delay (sec/veh)	Unsignalized Intersection Delay (sec/veh)
A	Free flowing	<10	<10
B	Little delay	>10 and ≤20	>10 and ≤15
C	Some delay	>20 and ≤35	>15 and ≤25
D	Some driver frustration; moderate delay	>35 and ≤55	>25 and ≤35
E	High level of frustration; high levels of delay	>55 and ≤80	>35 and ≤50
F	Severe congestion; excessive delays	>80	>50

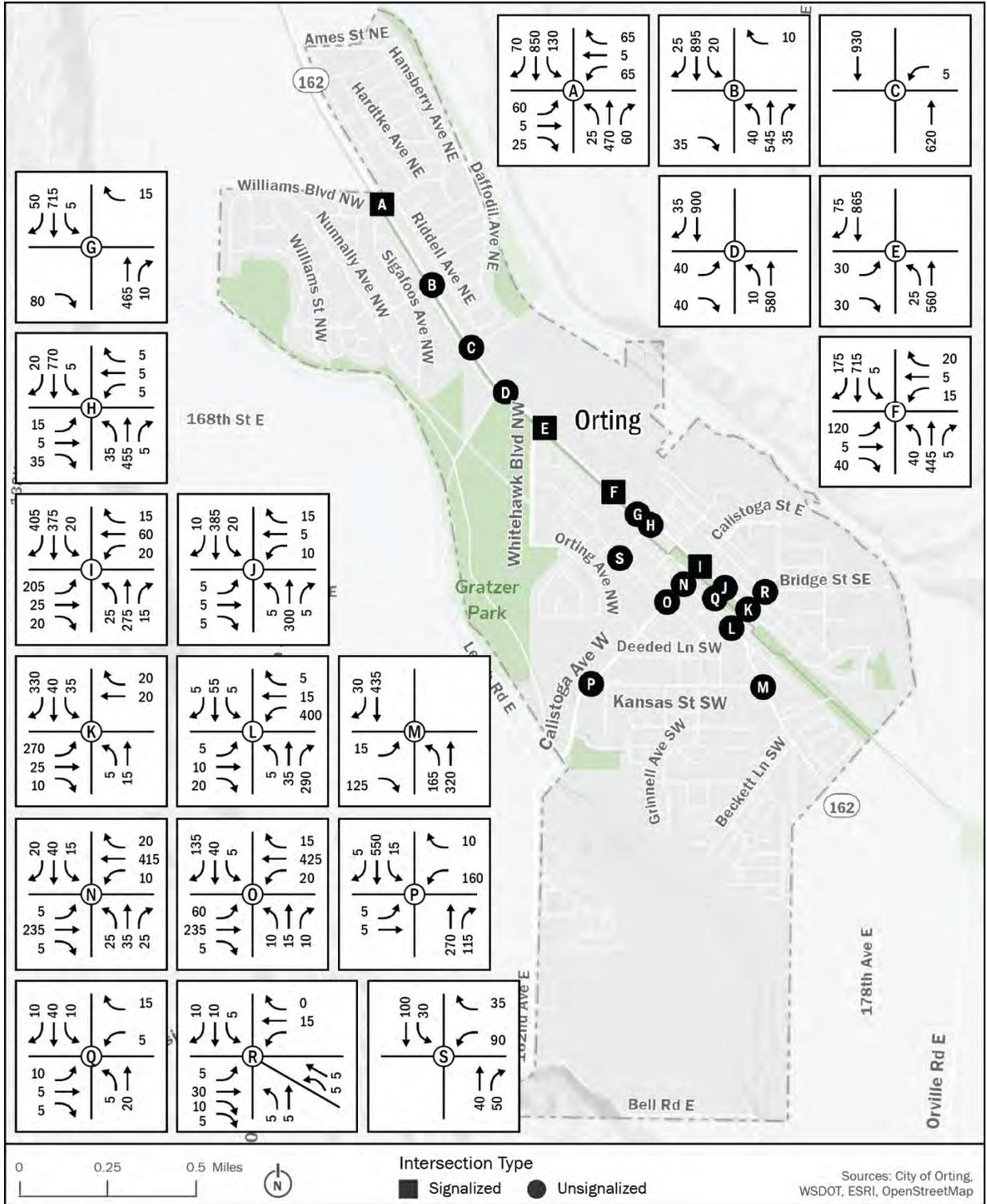


Figure T-2. Existing (2017) PM Peak Hour Intersection Traffic Counts

For unsignalized intersections, delay is reported for the worst-operating approach (typically, the minor street left turn). For signalized intersections, the average delay is reported for all vehicles. LOS D is the concurrency standard adopted by the City of Orting. **Figure T-3** shows the overall existing intersection LOS at the study intersections in Orting during the PM peak hour. For the purpose of this update, 2017 data was utilized as traffic counts were collected in that year. Most of the intersections in the City meet the concurrency standard adopted by the City of Orting. However, Washington Avenue N and Rocky Road NE (intersection C) and Calistoga Street W and Kansas Street SW (intersection P) exceed the threshold and operate at LOS E. At Washington Avenue N and Rocky Road NE (intersection C), the delay is experienced by very few vehicles, approximately five vehicles during the PM peak hour as summarized in **Figure T-2**. The Washington Avenue N and Whitehawk Boulevard NW intersection (intersection E) operates acceptably but at the City’s concurrency threshold of LOS D.



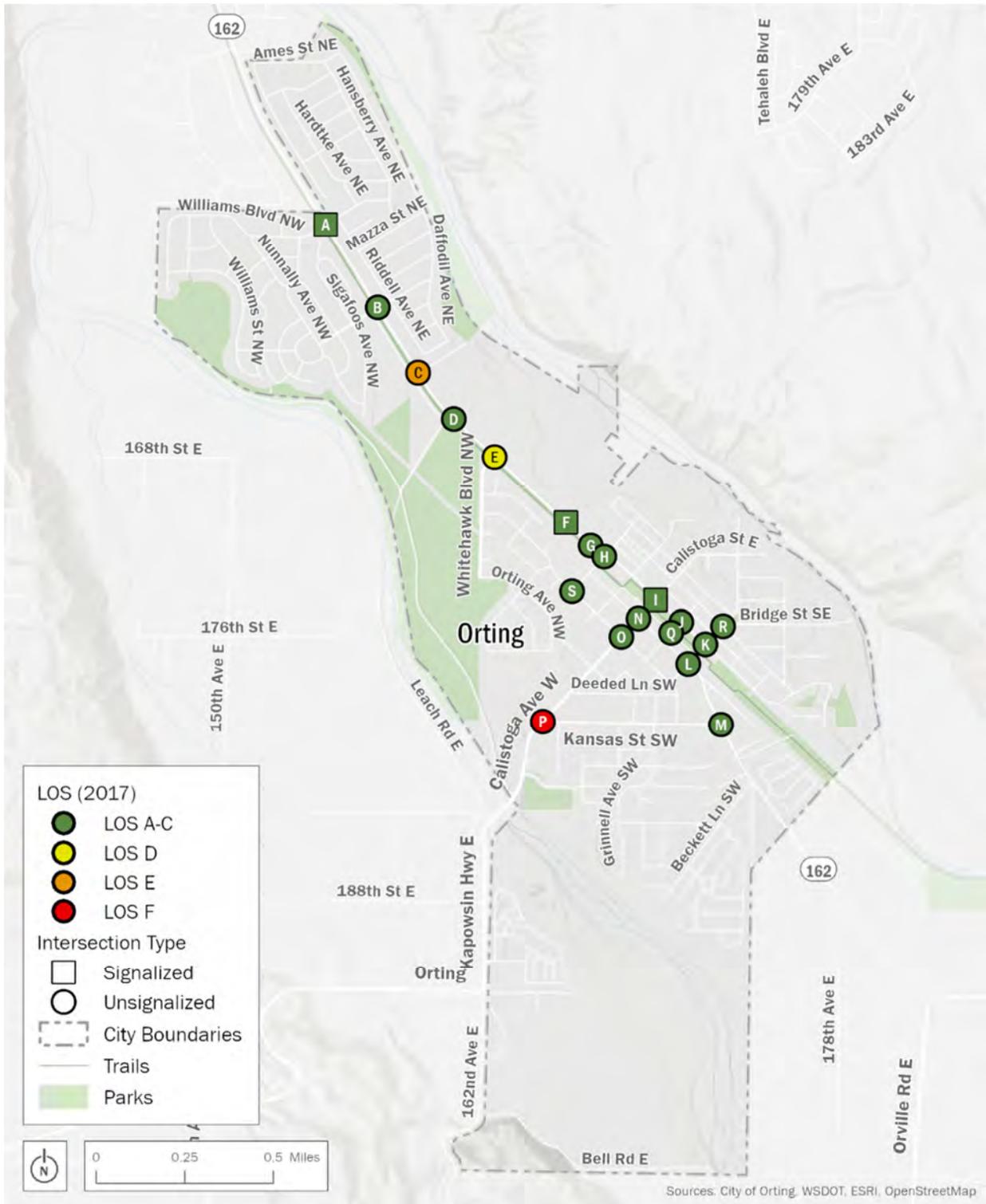


Figure T-3. Existing (2017) PM Peak Hour Intersection Operations

## Collison History

WSDOT provided a history of reported collisions that occurred within the city limits of Orting for the period of January 1, 2012, through December 31, 2016. **Figure T-4** summarizes the locations where the collisions occurred in Orting. Total accidents averaged approximately 37 per year with a total of 186 over the 5-year collision period. Nearly 70 percent of collisions were property damage only. There were no fatal collisions and only three collisions were serious injury collisions. Five collisions involved non-motorized users. Most accidents (approximately 60 percent) were at intersections or driveways.

**Table T-3** summarizes collisions by severity in the entire street network. As shown, most of the collisions along the roadways resulted in property damage only (135 of 186 total collisions). The remaining 51 collisions resulted in an injury.

**Table T-3. Summary of Collisions by Severity for Entire Street Network**  
(January 2012 to December 2016)

LOCATION	COLLISION SEVERITY			
	FATALITY	INJURIES	PROPERTY DAMAGE ONLY	TOTAL
SR 162 (Washington Avenue N)	0	34	58	92
SR 162 (Bridge Street S and Harman Way S)	0	4	17	21
Calistoga Street W	0	5	22	27
Kansas Street SW	0	1	1	2
Other (minor, collector, local access streets)	0	7	37	44
<b>Total</b>	<b>0</b>	<b>51</b>	<b>135</b>	<b>186</b>

Source: WSDOT Transportation Data and GIS Office

In addition to summarizing the collision data by severity, the 51 injury collisions were summarized by type in **Table T-4**. For the entire roadway network, the majority of the injury collisions were rear end. Rear-end collisions often occur in congested locations. The other collision types along the entire network were entering at angle, fixed object, pedestrian and/or cyclist involvement, sideswipe, and turning (opposite direction) and none of these had more than five collisions over the 5-year period.

*The following disclaimer applies to Tables T-3 through T-6: Under 23 U.S. Code § 409, safety data, reports, surveys, schedules, lists compiled or collected for the purpose of identifying, evaluating, or planning the safety enhancement of potential crash sites, hazardous roadway conditions, or railway-highway crossings are not subject to discovery or admitted into evidence in a Federal or State court proceeding or considered for other purposes in any action for damages arising from any occurrence at a location mentioned or addressed in such reports, surveys, schedules, lists, or data.*

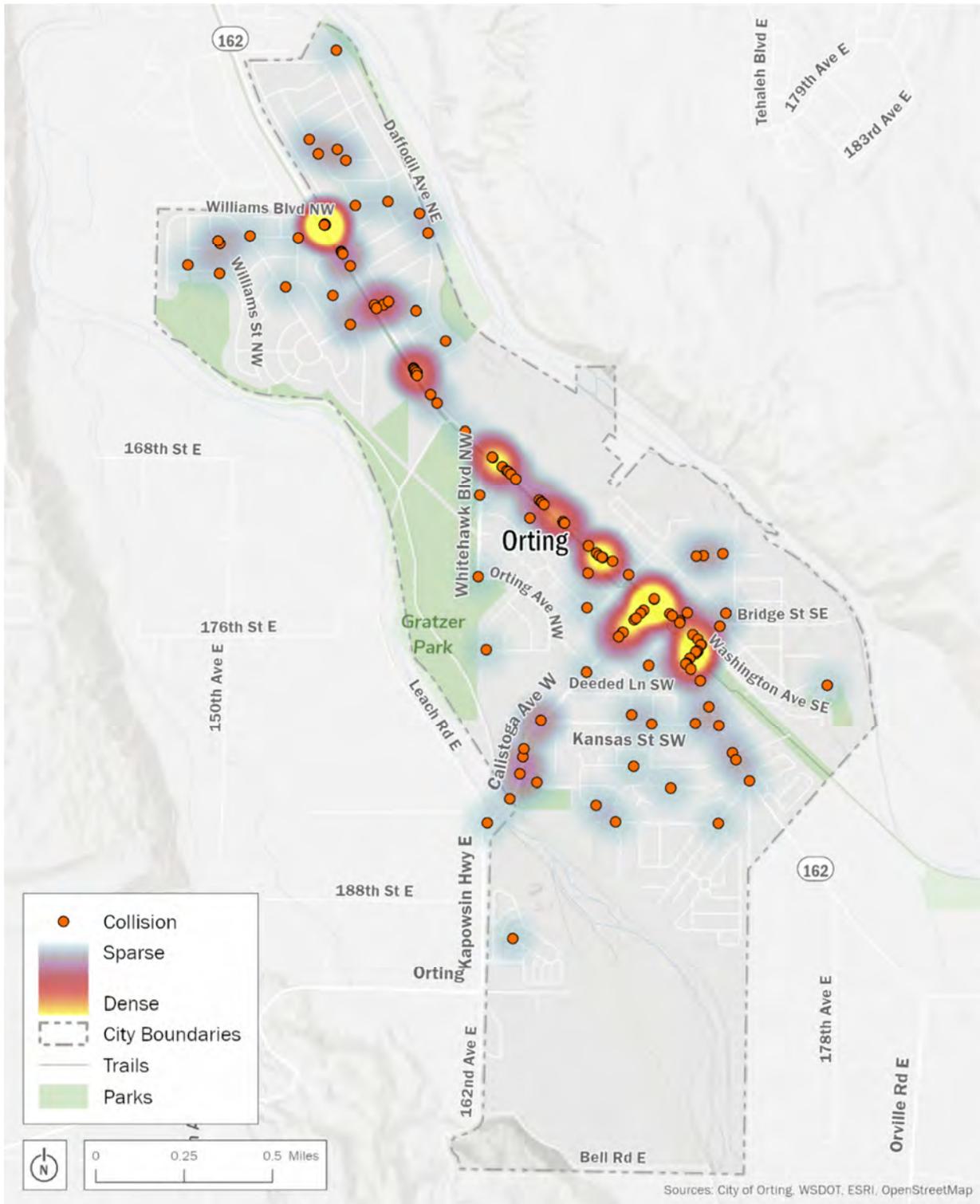


Figure T-4. All Collisions in the City of Orting (January 2012 to December 2016)

**Table T-4. Summary of Injury Collisions by Type for Entire Street Network (January 2012 to December 2016)**

LOCATION	COLLISION TYPE									
	Entering at Angle	Fixed Object	Other	Parking	Pedestrian/Cyclist Involved	Rear End	Sideswipe	Turning (Opposite Direction)	Vehicle Overturned	Total
<b>SR 162</b> (Washington Avenue N)	3	3	2	1	2	20	2	1	0	<b>34</b>
<b>SR 162</b> (Bridge Street S and Harman Way S)	0	0	1	0	1	2	0	0	0	<b>4</b>
<b>Calistoga Street W</b>	1	0	0	0	1	1	1	1	0	<b>5</b>
<b>Kansas Street SW</b>	0	1	0	0	0	0	0	0	0	<b>1</b>
<b>Other</b> (minor, collector, local access streets)	1	0	0	2	1	1	1	0	1	<b>7</b>
<b>Total</b>	<b>5</b>	<b>4</b>	<b>3</b>	<b>3</b>	<b>5</b>	<b>24</b>	<b>4</b>	<b>2</b>	<b>1</b>	<b>51</b>

Source: WSDOT Transportation Data and GIS Office

Additionally, the collision history was reviewed for the study area intersections by severity and type. **Table T-5** summarizes the study area intersection collisions by severity. As shown, most of the collisions at the study intersections resulted in property damage only (75 of 107 total collisions). The remaining 32 collisions at study area intersections resulted in an injury.

**Table T-5. Summary of Collisions by Severity at Study Intersections (January 2012 to December 2016)**

LOCATION	COLLISION SEVERITY			
	Fatality	Injuries	Property Damage Only	Total
<b>A</b> Washington Avenue N and Williams Boulevard NW	0	6	12	18
<b>B</b> Washington Avenue N and Lane Boulevard NW	0	0	5	5
<b>C</b> Washington Avenue N and Rocky Road NE	0	3	5	8
<b>D</b> Washington Avenue N and Old Pioneer Way NW	0	0	0	0
<b>E</b> Washington Avenue N and Whitehawk Boulevard NW	0	3	5	8
<b>F</b> Washington Avenue N and Ammons Lane NE/Driveway	0	5	2	7
<b>G</b> Washington Avenue N and Cardinal Lane	0	0	1	1
<b>H</b> Washington Avenue N and Whitesell Street S	0	3	7	10
<b>I</b> Washington Avenue S and Calistoga Avenue W	0	3	10	13
<b>J</b> Washington Avenue S and Train Avenue S	0	1	2	3
<b>K</b> Washington Avenue SE and Bridge Street S	0	3	4	7
<b>L</b> Bridge Street S and Harman Way S and Corrin Avenue E	0	2	4	6
<b>M</b> Harman Way S and Kansas Street SW	0	0	1	1
<b>N</b> Calistoga Avenue W and Corrin Avenue SW	0	2	4	6
<b>O</b> Calistoga Avenue W and Eldredge Avenue SW	0	1	5	6
<b>P</b> Calistoga Street W and Kansas Street SW	0	0	6	<b>6</b>
<b>Q</b> Train Street SW/Train Avenue S and Van Scoyoc E	0	0	0	<b>0</b>
<b>R</b> River Avenue SE/Verner Avenue SE and Bridge Street SE	0	0	2	<b>2</b>
<b>S</b> Eldredge Avenue NW and Whitesell Street S	0	0	0	<b>0</b>
<b>Total</b>	<b>0</b>	<b>32</b>	<b>75</b>	<b>107</b>

Source: WSDOT Transportation Data and GIS Office

The 32 injury collisions that occurred at study intersections were summarized by type in **Table T-6**. The majority of the injury collisions were rear end, specifically on the main arterial, Washington Avenue N/Bridge Street/Harman Way (SR 162). Rear-end collisions often occur at congested locations. The other collision types at study intersections were entering at angle, fixed object, pedestrian and/or cyclist involvement, sideswipe, and turning (opposite direction). Other than rear-end collisions, there were no more than five collisions of any type over the 5-year period.

**Table T-6. Summary of Injury Collisions by Type at Study Intersections**  
(January 2012 to December 2016)

LOCATION		COLLISION TYPE									
		Entering at Angle	Fixed Object	Other	Parking	Pedestrian/ Cyclist Involved	Rear End	Sideswipe	Turning (Opposite Direction)	Vehicle Overturned	Total
<b>A</b>	Washington Avenue N and Williams Boulevard NW	0	1	1	0	1	2	0	1	0	6
<b>B</b>	Washington Avenue N and Lane Boulevard NW	0	0	0	0	0	0	0	0	0	0
<b>C</b>	Washington Avenue N and Rocky Road NE	0	0	0	0	1	2	0	0	0	3
<b>D</b>	Washington Avenue N and Old Pioneer Way NW	0	0	0	0	0	0	0	0	0	0
<b>E</b>	Washington Avenue N and Whitehawk Boulevard NW	2	0	0	0	0	0	1	0	0	3
<b>F</b>	Washington Avenue N/Ammons Lane NE and Driveway	0	0	0	0	0	5	0	0	0	5
<b>G</b>	Washington Avenue N/ Cardinal Lane	0	0	0	0	0	0	0	0	0	0
<b>H</b>	Washington Avenue N and Whitesell Street S	0	1	0	0	0	2	0	0	0	3
<b>I</b>	Washington Avenue S and Calistoga Avenue W	0	1	0	0	0	2	0	0	0	3
<b>J</b>	Washington Avenue S and Train Avenue S	1	0	0	0	0	0	0	0	0	1
<b>K</b>	Washington Avenue SE and Bridge Street S	0	0	0	0	0	3	0	0	0	3
<b>L</b>	Bridge Street S/Harman Way S and Corrin Avenue E	0	0	1	0	1	0	0	0	0	2
<b>M</b>	Harman Way S and Kansas Street W	0	0	0	0	0	0	0	0	0	0
<b>N</b>	Calistoga Avenue W and Corrin Avenue SW	0	0	0	0	0	1	1	0	0	2
<b>O</b>	Calistoga Avenue W and Eldredge Avenue SW	0	0	0	0	0	0	0	1	0	1
<b>P</b>	Calistoga Street W and Kansas Street SW	0	0	0	0	0	0	0	0	0	0
<b>Q</b>	Train Street SW/Train Avenue S and Van Scoyoc E	0	0	0	0	0	0	0	0	0	0
<b>R</b>	River Avenue SE/Verner Avenue SE and Bridge Street SE	0	0	0	0	0	0	0	0	0	0
<b>S</b>	Eldredge Avenue NW and Whitesell Street S	0	0	0	0	0	0	0	0	0	0
<b>TOTAL:</b>		<b>3</b>	<b>3</b>	<b>2</b>	<b>0</b>	<b>3</b>	<b>17</b>	<b>2</b>	<b>2</b>	<b>0</b>	<b>32</b>

Source: WSDOT Transportation Data and GIS Office

## Freight Traffic and Network

Providing freight access to and through Orting is important in supporting economic activity and providing goods to residents. In Orting, the primary freight routes are along SR 162 and Calistoga Street to the Orting-Kapowsin Highway. WSDOT uses the County Road Freight and Goods Transportation System (FGTS) to classify state highways, county roads, and city streets according to the tons of freight that are carried on them each year. SR 162, between the northern city limits and Calistoga Street, is classified as a T-2 Route, carrying 4 million to 10 million tons per year. To the southeast of Calistoga Street, SR 162 is a T-3 Route, carrying 300,000 to 4 million tons per year. Calistoga Street W and the Orting-Kapowsin Highway are classified as T-3 Routes.

## Non-Motorized Travel

In June 2017, the City of Orting adopted the Non-Motorized Transportation Plan (NMTP), which includes detailed information on non-motorized facilities, volumes, and policies for the City of Orting. For additional information on non-motorized travel in Orting, please see the NMTP.

## Transit

There is no public fixed-route transit service in Orting. Pierce County Transit does provide vanpool services that serve groups traveling to and from work, whose trip origin or destination is within Pierce County. Sound Transit Sounder commuter rail service is provided nearby in Puyallup and Sumner with service south to Lakewood and north to Seattle and Everett. Fixed-route bus transit is also provided in nearby Sumner and Puyallup to other destinations.

## Air and Rail Service

There are no public or private airports or rail lines within the city of Orting. The Meeker Southern Railroad, which is a Class III, private rail line, travels near Orting between Puyallup and McMillan.

# Planned Transportation Improvements

This section summarizes the planned transportation improvements that would affect travel in Orting.

## Pierce County Six-Year Transportation Improvement Program

The prioritization process for transportation projects in unincorporated Pierce County is implemented through the Pierce County Transportation Improvement Program (TIP). The [County's 2017-2022 2024-2029](#) TIP does not include projects within Orting. However, the following projects are included in the TIP and are located near the city of Orting<sup>2</sup>:

- ~~176th Street E Extension: Construct a new roadway and roadway improvements between Calistoga Avenue E and Sunrise Boulevard E.~~
- Orting-Kapowsin Highway E/200th Street E Intersection: Construct a traffic signal and provide turn lanes (Engineering in 2024; Right-of-Way acquisition and Construction is TBD).
- ~~112th Street S/112th Street E: Widen roadway to provide turn lanes, pedestrian facilities, and illumination.~~
- Tehaleh Blvd Extension: McCutcheon Rd E. to Falling Water Blvd E. Public/private partnership to construct a new arterial roadway.
- Falling Water Blvd. E (Tehaleh Blvd E to 181 Ave E) Public/private partnership to

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<sup>2</sup> There are additionally some projects for fish passage improvements / culvert replacements which are not included here.

- construct a new arterial roadway.
- Military Road E / 122 ST E (Shaw Rd E to SR-162): Widen and reconstruct roadway to provide additional lane(s). Alternative alignments will be evaluated.
- 128th Street E (SR 162 to Puyallup River Bridge) Public/private partnership to widen and connect to a new arterial roadway.

## Orting Six-Year Transportation Improvement Program

The City of Orting's Six-Year Transportation Improvement Program ~~2016-2022~~ 2022-2028-2025-2030 includes regrading, paving, parking, curb/gutter, sidewalks, and water, sewer, and storm improvements in the city of Orting<sup>3</sup>. The following projects, listed in order of priority, are included in the ~~Orting 2016-2022~~ TIP:

- ~~SR 162 (Washington Avenue) Two-Way Left Turn Lane: Provide a two-way left turn lane and complete minor widening on SR 162 between Cardinal Lane and Leber Street beginning in 2017.~~
- Kansas Street SW Regrade/Reconstruction: Complete regrading, and storm, sewer, and sidewalk improvements (with curb and gutter) plus lighting upgrades on Kansas Street between Coe Lane SW and Harman Way S and Calistoga Street W beginning in 2019 beginning construction in 2025.
- Calistoga Street W: Complete regrading, curb and gutter, parking, and sewer, storm, and water improvements, and provide sidewalks and planter strips between Corrin Avenue NW and the Puyallup River Bridge. Date TBD, beginning in 2020.
- ~~Eldredge Avenue NW Regrade: Complete regrading, paving, parking, storm, sewer, and sidewalk improvements between Whitesell Street NW and Calistoga Street W beginning January 2019.~~
- Whitehawk Boulevard/SR 162 Intersection Improvement: Signalize intersection with existing lane configurations beginning in 2020. Conduct a roundabout study to improve intersection safety beginning in 2026.
- ~~Bridge Street Regrade: Complete regrading, paving, parking, and curb and gutter improvements; provide sidewalks; and replace water main between Washington Avenue S and the River Avenue SE curve beginning in 2022.~~
- ~~River Avenue SE Regrade: Complete regrading, paving, parking, sewer, and storm improvements; provide sidewalks; and replace the water main beginning in 2023.~~
- Orting Emergency Evacuation Bridge System at Gratzner Avenue NW: Construct pedestrian bridge over SR 162/Washington Avenue beginning in 20202024.
- Whitehawk Boulevard Extension: Construct two- to three-lane arterial from Orting Avenue NW to Calistoga Street at Kansas Street SW including water, sewer, storm, curb and gutter, and sidewalks beginning in 2028.
- Annual Pavement Preservation Program: The remaining projects included in the TIP are chip seal projects on various streets in Orting
- ADA Compliance Program: This program is to assess ADA deficiencies identified in the 2023 Self-Evaluation and ADA Program Access Plan (SCJ Alliance)

<sup>3</sup> Res. No. 2024-13 passed June 26, 2024; The TIP (and as amended) is adopted into the Comprehensive Plan by reference.

## Statewide Transportation Improvement Program

The following projects in or near Orting are included in WSDOT's Statewide Transportation Improvement Program (STIP) during the ~~2018-2024~~ 2024-2030 planning timeframe:

- Whitehawk Boulevard Extension: This project will construct a new connector roadway, extending ~~extend~~ Whitehawk Boulevard NW between Orting Avenue NW to the intersection of Calistoga Street W and Kansas Street SW. The roadway will be one lane in each direction with a median in some locations and turning lanes at each end. A sidewalk or trail will also be provided along the length of the corridor and a signal roundabout will be installed at the intersection with SR 162 and Calistoga Street W. This project is scheduled to begin preliminary engineering in 2019. Engineering of this project is currently underway. This is the same project that is included in the City's TIP.
- ~~1. Orting Kapowsin Highway E: This project includes resurfacing and restoring approximately 3.4 miles of the Orting Kapowsin Highway E from Orville Road E to 246th Street E. The project is scheduled to start preliminary engineering in 2018 and construction in 2020.~~
- Kansas Street Reconstruction: This project will completely reconstruct Kansas Street between Coe Lane SW and Harman Way S. Improvements will include new subgrade, roadway, curb and gutter, stormwater improvements, sidewalks, and lighting upgrades. This is the same project that is included in the City's TIP.
- Orting Foothills Trail Realignment and Safety Enhancement: The goal of this project is to realign trail from west to east side of the park in downtown Orting, install traffic control measures, enhanced wayfinding system that includes signage and maps, and improve landscaping. This is not yet incorporated into the City's TIP as grant funds were secured after adoption.
- Orting Pedestrian Bridge: This is a City of Orting lead project to construct a Non-Motorized Bridge Crossing SR 162. Project scope is for Final design, environmental, right of way acquisition, permitting, and construction includes: A new elevated bridge structure crossing SR 162 for non-motorized access by stairs and ramps that are ADA compliant, realignment and paving of Rocky Road Rd NE intersection with SR 162, utility relocations, illumination upgrades, stormwater mitigation, remove and replace signage, remove pavements markings, landscape repair, and tie in access to and from the Orting Foot Hills Trail. Construction will be starting in 2024 through State funds. This project is also identified in the City's TIP above.

## Rhodes Lake Road East

The Rhodes Lake Road East project would widen 128th Street East from SR 162, north of Orting, and would construct a new arterial roadway from the Puyallup River to Falling Water Boulevard East. A roundabout will be constructed at the intersection of 128<sup>th</sup> Street East and SR162. The purpose of the project is to improve east-west mobility in the plateau area of Bonney Lake and east of the Puyallup River. The new roadway will accommodate travel to and from the planned community called the Cascadia Employment-Based Planned Community, which calls for nearly 10,000 jobs and over 6,000 homes. It is possible that some of the traffic traveling to and from the Bonney Lake Plateau will also travel through Orting. It is anticipated that the project will be complete in 2030.

## Orting Emergency Evacuation Bridge System

Founded in 2002, the Bridge for Kids non-profit organization was awarded grant money from the State and Federal Government of nearly \$2.4 million to do a feasibility study and eventually design a more effective evacuation route off the valley floor. Pierce County Public Works administered the design process and funds. The engineering firm, Berger Abam was contracted to design the evacuation route and structures needed to meet ADA compliance and the 40-minute criteria.

2023, Parametrix finalized the design of Phase 1, the pedestrian overcrossing of SR 162 at Rocky Road.

Phase 1 of the proposed three-component Emergency Evacuation Bridge System as presented in October, 2014, was adopted by the City Council. The project is now identified as the “Orting Emergency Evacuation Bridge System.” It consists of a bridge over the state highway at Rocky Road NE, an evacuation designation of Rocky Road NE, and an ADA-compliant Bridge over the Carbon River. Through a stewardship agreement with the Federal Highway Administration (FHWA), the Washington State Department of Transportation (WSDOT) retained the approval authority for the final Bridge for Kids Alternative Analysis Report, which the Bridge for Kids Committee played a central role in developing. WSDOT determined that Pierce County had delivered a product meeting the intent of the federal grant funds. project is currently under construction with an anticipated completion date of mid 2025 and a cost of \$9 million. The project is funded by State grant funds allocated through the Department of Commerce and administered by WSDOT.

Phase 2 of the project consists of a pedestrian overcrossing of the Carbon River near the City Water Resource Recovery Facility (WRRF). Detailed design is not funded and has not started.

#### NEXT STEPS

The Bridge for Kids Alternative Analysis Report is the first report of a total of three consultant based efforts to successfully bring this project to 30-percent design, meeting the functional, aesthetic, and environmental requirements. The next project steps will be to proceed towards final design and construction. The City will assume the lead agency role working in joint collaboration with State, County and Federal agencies, seeking out sources of funding to proceed towards the successful completion of the project including: environmental documentation, finalizing design, preparing right of way plans, right of way estimates, and construction of the Bridge System.

## Concurrency

The City of Orting requires that the capacity of public facilities and services is equal to or greater than the capacity required to maintain the LOS standards established by the City. The test for concurrency is not passed and a proposed project may be denied if the capacity of the public services or facilities is below the capacity required to maintain the adopted LOS D standards after the impacts associated with the requested permit are added to the existing capacity utilization. The City will prohibit approval of any development that causes the level of service to fall below adopted standards, unless necessary improvements are made concurrently with the development. This concurrency requirement means that improvements or strategies must be in place at the time of the development or that a financial commitment must be in place to complete the improvements or strategies within 6 years. Methods for the City to monitor these commitments include:

- Annual monitoring of transportation facilities within updates to the Six-Year TIP
- Assessing level of service
- Reviewing the comprehensive transportation plan and other related studies for necessary improvements
- Making appropriate revisions to the Six-Year TIP

# Future Transportation Conditions

This section summarizes the future year (~~2040~~2044) transportation system for all modes of travel in Orting.

## General Purpose Traffic

Traffic forecasting is a means of estimating future traffic volumes based on the expected growth in population and employment within an area. To estimate future traffic volumes resulting from growth, forecasts were prepared using ~~current existing~~ traffic counts and review of publicly available updated counts, regional traffic growth ~~described in the 2015 Orting Comprehensive Plan provided by PSRC's LUV-it model~~, and estimates of population and employment developed for the City's Comprehensive Land Use Plan. Future transportation conditions were evaluated for the year ~~2040~~2044. The projected ~~2040-2044~~ PM peak hour traffic volumes are provided on **Figure T-5**.

## Intersection Level of Service

Most intersections within the city are unsignalized (controlled by a stop sign). As traffic increases in Orting, turning onto the major streets from a side street will become increasingly difficult. As described earlier, the LOS criteria for stop- controlled intersections is typically determined by the minor street left-turn movement.

The LOS results for the study intersections are provided for the year ~~2040~~2044. Similar to existing conditions, LOS is described for the worst approach for unsignalized intersections. For signalized intersections, the average delay for all vehicles is reported.

**Figure T-6** shows the ~~2040-2044~~ PM peak hour traffic operations for the study intersections in Orting. Three intersections are projected to exceed the threshold in 2044. Two of these intersections, which already surpass the threshold under existing conditions, are also expected to do so in 2044. The intersections are Washington Avenue N and Rocky Road NE (Intersection C), Calistoga Ave W & Eldredge Ave SW (Intersection O), and Calistoga Street W and Kansas Street SW (Intersection P), all of which are forecasted to operate at Level of Service E and F by 2044. ~~The same two study intersections that surpass the threshold under existing conditions are forecast to exceed the threshold in 2040. Washington Avenue N and Rocky Road NE (intersection C) and Calistoga Street W and Kansas Street SW (intersection P) are forecast to operate at LOS F in 2040.~~ Similar to existing conditions, the side street delay at Washington Avenue N and Rocky Road NE (intersection C) would be experienced by very few vehicles as summarized in **Figure T-5**. Four other study intersections (D, H, M, and ~~ON~~) are expected to operate acceptably but at the LOS threshold in ~~2040~~2044. It should also be noted that traffic operations at Washington Avenue N and Whitehawk Boulevard NW (intersection E) would improve because of the planned signal (see Section 4.3).

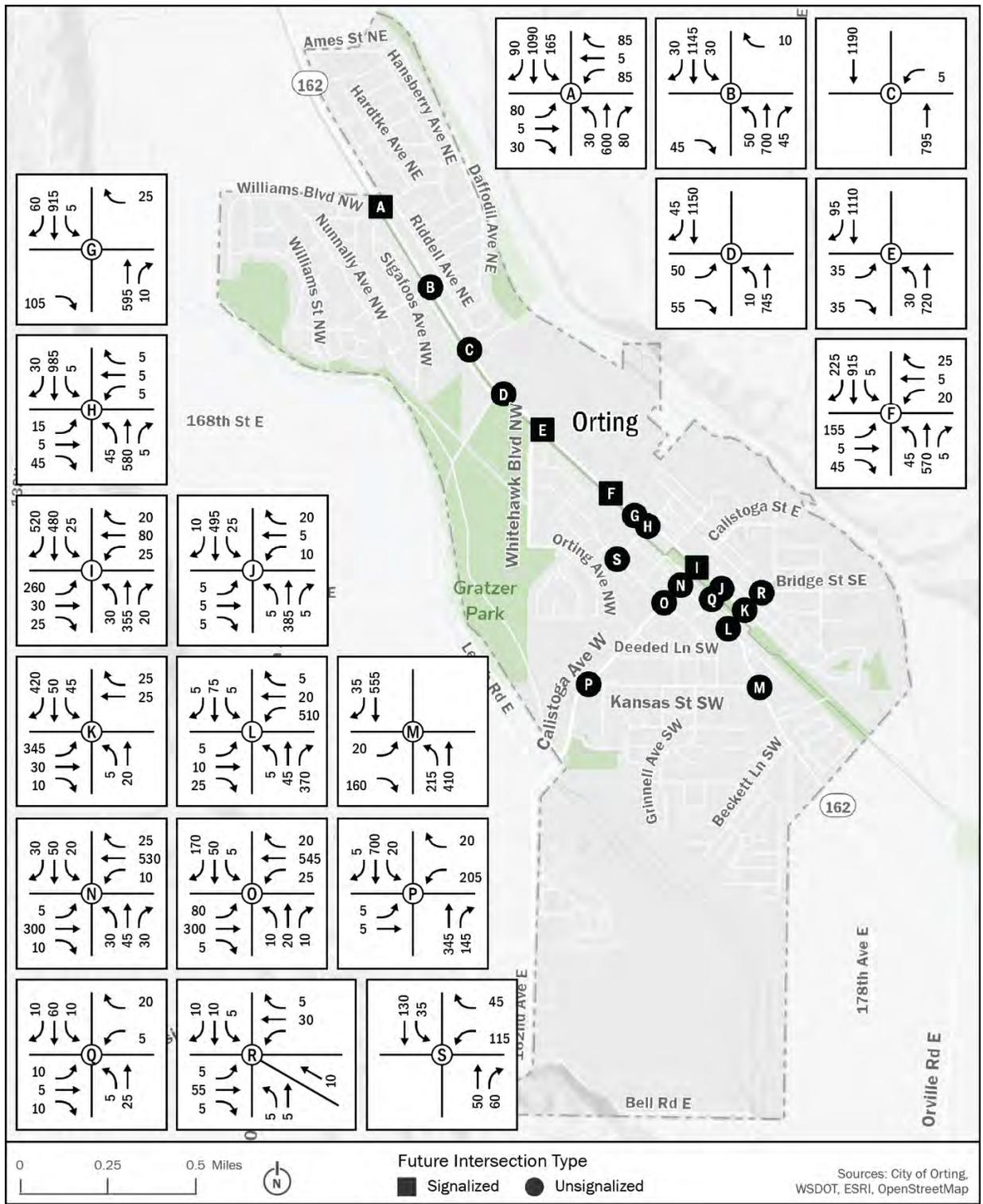


Figure T-5. 2040-2044 PM Peak Hour Intersection Traffic Volumes

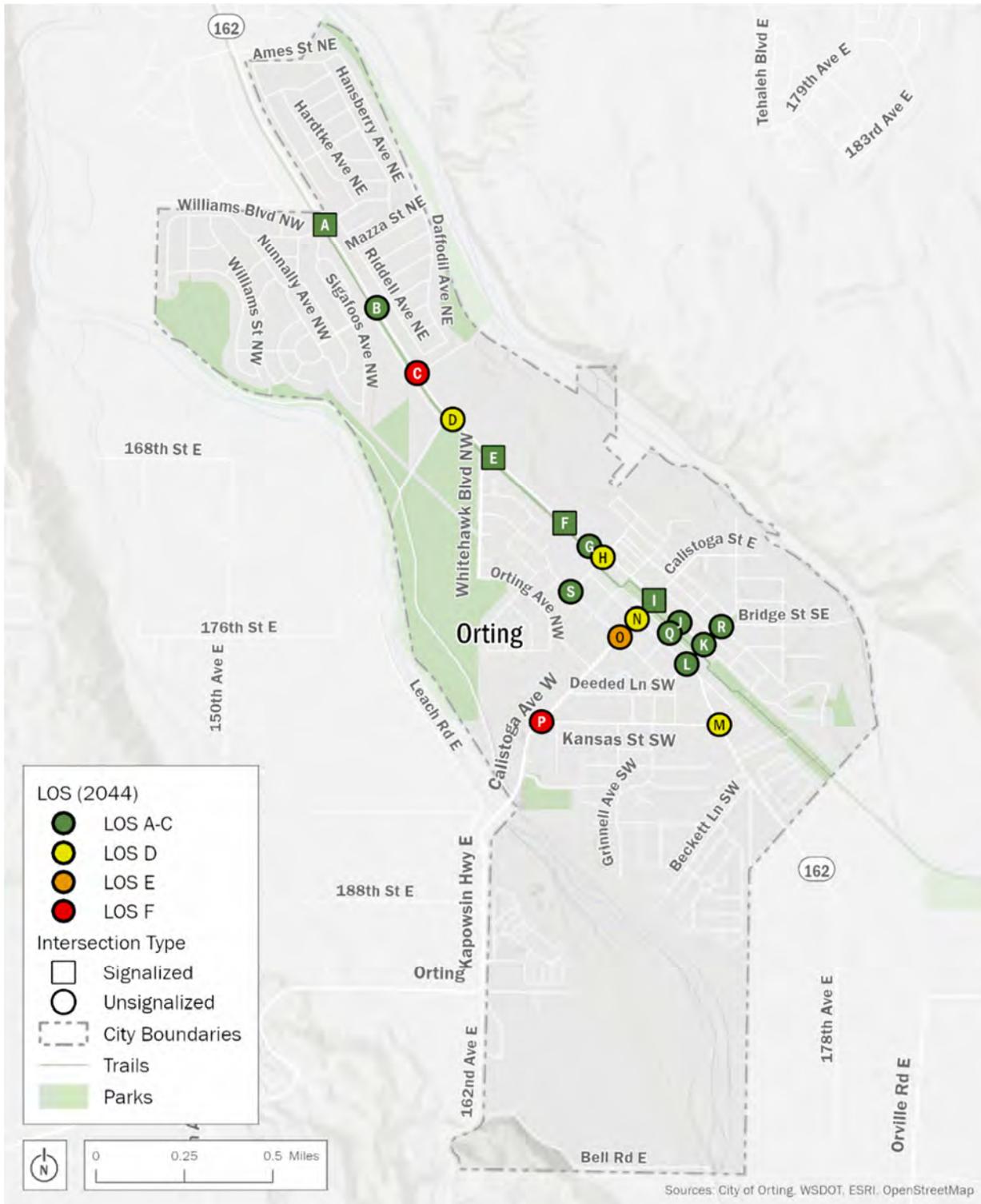


Figure T-6. ~~2040~~ 2044 PM Peak Hour Intersection LOS

## Freight

Freight travel corridors would be expected to remain similar in ~~2040-2044 compared to existing conditions~~. SR 162 and Calistoga Avenue W ~~would be~~ are expected to carry most freight traffic through Orting. Intersection operations in ~~2040-2044~~ along both major freight routes would operate at LOS D or better except for Calistoga Street W and Kansas Street SW (intersection P). Although the intersection at Washington Avenue N and Rocky Road (intersection C) is located along a freight corridor and is expected to operate at LOS F, the delay would not be experienced by freight traffic traveling on SR 162/Washington Avenue N.

## Non-Motorized Travel

The future non-motorized transportation network is described in the 2017 Non-Motorized Transportation Plan (NMTP). It is anticipated that non-motorized facilities would be similar to existing conditions except in locations where there are planned improvements to the sidewalk system, as identified in Section 4.3 and the NMTP.

## Transit

Transit is expected to be similar in Orting in ~~2040~~2044. No public fixed-route transit service would likely be provided within Orting. Vanpool services would continue to be provided by Pierce Transit.

Pierce Transit and Sound Transit would continue to provide nearby transit service, including higher frequency transit to Puyallup and Sumner. Both agencies have developed long-range plans that describe future transit growth in Pierce County, which could include additional service for fixed-route bus service as well as commuter rail in nearby communities, such as Sumner and Puyallup.

## Air and Rail Service

There would continue to be no public or private airports or rail lines within the city of Orting. The Meeker Southern Railroad would continue to operate near Orting between Puyallup and McMillan.

Sound Transit is currently examining a potential commuter rail connection between Orting and the Sounder south line service in Sumner. The study is a future investment study and any potential commuter rail connections between Orting and Sumner are not included in the current funding package.

# Future Transportation Vision

To address the identified deficiencies in ~~2040~~2044, a list of potential improvements has been identified. Improvements are summarized by transportation mode.

## General Purpose Traffic

Deficiencies for general purpose traffic were identified at intersections that would fail to meet the City of Orting's level of service goal of LOS D. Constructing a traffic signal is a common method for improving the LOS at a stop-controlled intersection. However, traffic signals should not be constructed unless certain factors are present, such as sufficient traffic volumes over long periods of the day, high levels of pedestrian traffic, or preventable accident history.

As summarized in Section 6.2, Washington Avenue N and Rocky Road NE (intersection C), Calistoga Ave W & Eldredge Ave SW (intersection O), and Calistoga Street W and Kansas Street SW (intersection P) are forecast to exceed LOS D in ~~2040~~2044. No improvements are recommended for Washington Avenue N and Rocky Road NE (intersection C), or at Calistoga Ave W & Eldredge Ave SW

(Intersection O) because this delay would be experienced by very few vehicles (approximately five, and 40 respectively) on the stop approach.

At Calistoga Street W and Kansas Street SW (intersection P), a roundabout intersection control is recommended and should be considered during design will be incorporated into the design of the Whitehawk Blvd Extension Project. The roundabout would improve traffic operations from LOS F to LOS A in 2040-2044 conditions. Calistoga Street W and Kansas Street SW (intersection P) will also become the eastern terminus of the Whitehawk Boulevard Extension. It is estimated that a roundabout at Calistoga Street W and Kansas Street SW (intersection P) would be approximately \$1.72 million to construct.

Although Harman Way S and Kansas Street SW (intersection M) is forecast to operate acceptably at the City's LOS D threshold, it is recommended that an eastbound left-turn lane be constructed on Kansas Street SW to improve intersection operations on the stop-controlled approach. This improvement would improve intersection operations from LOS D to LOS C in 2040-2044 conditions. This improvement would cost approximately \$450-800 thousand to construct.

The school district has also indicated that Ammons Lane NE and Washington Avenue N (intersection F), the entrance to the Orting High School and Orting Primary School, gets congested during pick up and drop off times. Congestion in the school property can create traffic queues on SR 162/Washington Avenue N for vehicles attempting to turn right and left into the school property. To address this issue, the City could convert Ammons Lane NE (intersection F) to an exit only. Vehicles entering the school property could use Whitesell Street S or other neighborhood streets to then access the schools. This improvement would reduce queuing onto SR 162/Washington Avenue N and potentially improve safety along SR 162/Washington Avenue N. This improvement would cost approximately \$530-925 thousand to construct and likely would be funded primarily by Orting School District.

**Figure T-7** shows the LOS at study intersections following these proposed improvements to the study intersections.

## Freight Traffic

Deficiencies for freight traffic were identified at intersections along freight corridors that would fail to meet the City of Orting's level of service goal of LOS D. The improvements described in Section 7.1 would improve operations for freight traffic traveling through Orting.

## Non-Motorized Travel

Deficiencies in the non-motorized transportation system have been identified using Pedestrian Level of Stress (PLOS)<sup>4</sup> and Bicycle Level of Stress (BLOS)<sup>5</sup>. Future improvements to the non-motorized network in Orting to address deficiencies are described in more detail in the NMTP.

As described in the NMTP, the City will work to address areas with high PLOS (scores 4 to 5) by completing gaps in the sidewalk and trail system. Pedestrian improvements would be prioritized in

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<sup>4</sup> Pedestrian Level of Stress is a measure used to evaluate how well a transportation system accommodates pedestrian travel. Facilities are evaluated based on a number of different criteria, such as sidewalk width, curb presence, and vehicle speed, and assigned a score from 1 to 5 with 1 being low level of stress to 5 being high level of stress.

<sup>5</sup> Bicycle Level of Stress is a measure used to evaluate how well a transportation system accommodates bicycle travel (also called Level of Traffic Stress, or LTS). Similar to Pedestrian Level of Stress, facilities are evaluated based on different criteria, such as street width, presence of on-street parking, and number of lanes, and assigned a score from 1 to 5 with 1 being low level of stress to 5 being high level of stress.

areas where pedestrian activity is higher and where pedestrian-oriented land use and destinations are located. Other pedestrian improvements include:

- Widen evacuation route along Calistoga Street W towards Soldiers home
- Widen the sidewalks on Calistoga Bridge
- Improve City's crosswalk safety
- Pursue opportunities to work with Pierce County to provide Americans with Disabilities Act (ADA) access to the levee system
- Complete the Orting Emergency Evacuation Bridge System
- Also described in the NMTP, BLOS is low for most facilities in Orting. Improvements to the bicycle network would include the following:
  - Improve connectivity to the Foothills Trail at Calistoga Street W
  - Improve connectivity to the Foothills Trail at Kansas Street SW
  - Construct bicycle lanes on Calistoga Street W and Kansas Street SW
  - ~~Restripe trail with 'fast' and 'slow' lanes for bicycle and foot traffic~~
- Relocate intersection crossings with the Foothills Trail to be in front of the stop bar at intersections

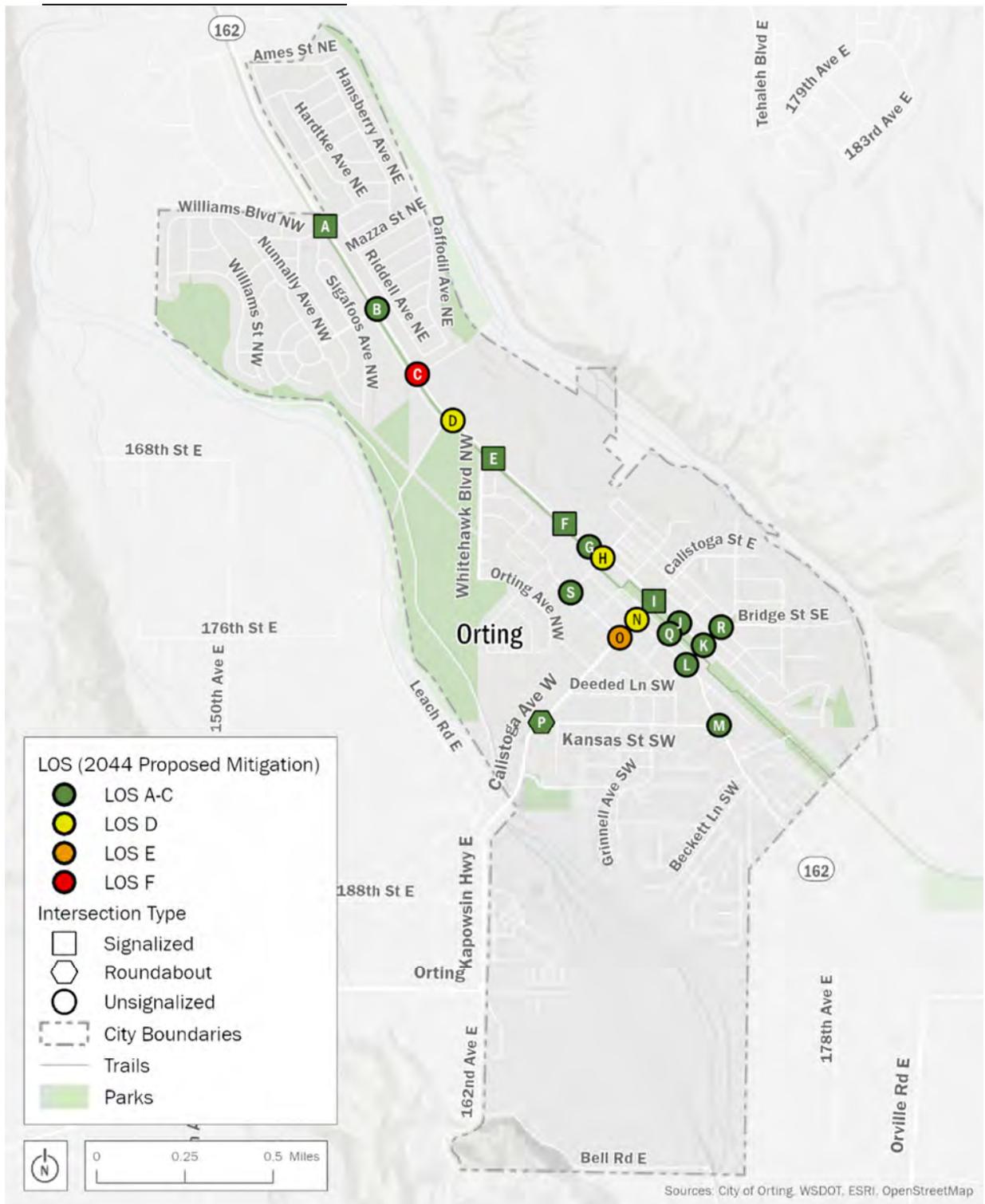


Figure T-7. ~~2040-2044~~ Transportation ~~Vision~~ PM Peak Hour Traffic Operations

## Transit

There are no recommended improvements for transit service.

## Air and Rail Service

There are no recommended improvements for air and rail service.

## Other Strategies and Programs

Other strategies and programs can be used to help improve travel in Orting include Transportation Demand Management.

## Transportation Demand Management

Transportation Demand Management (TDM) strategies can be implemented to decrease the amount of drive-alone vehicle trips, which can help to reduce congestion and delay. Viable travel alternatives help to mitigate impacts of growth in vehicular traffic and provide feasible options for more people. TDM strategies include:

- Improving land use accessibility by promoting mixed-use zoning with housing, shopping, schools, and employment within localized areas to encourage short vehicle trips and/or use of other travel modes, such as bicycling and walking.
- Encouraging ridesharing and vanpooling to reduce drive-alone vehicle trips.
- Working with the Orting School District to implement School Trip Management; School Trip Management includes promoting and implementing strategies to encourage non-vehicle travel to and from school.
- Encouraging bicycle and pedestrian travel by providing inviting, safe, convenient, and connected routes; education and incentive programs; and support services such as bicycle racks, showers, and lockers.
- Maintaining and improving a network of highways, streets, and roads that moves people, goods, and services safely and efficiently; minimizes social and environmental impacts; and supports various modes of travel.
- Providing adequate connections and access among all transportation modes, especially non-motorized and transit.
- Limiting the number of access points and driveways on major streets in Orting.

# Funding the Transportation Vision

The GMA requires that a jurisdiction's transportation plan contain a funding analysis of the transportation projects it recommends. The analysis should cover funding needs and funding resources, and it should include a multi-year financing plan. The purpose of this requirement is to ensure that each jurisdiction's transportation plan is affordable or achievable. If a funding analysis reveals that a plan is not affordable or achievable, the plan must discuss how additional funds will be raised, or how land use assumptions will be reassessed.

**Table T-7** summarizes the proposed ~~2040-2044~~ Improvement Program as ~~was~~ described ~~in Chapter 7 and Chapter 4~~above.

Table T-7. ~~2040-2044~~ Improvement Program

ROADWAY	IMPROVEMENT		COST ESTIMATE (\$1,000)	FUNDING SOURCE
	TYPE	DESCRIPTION		
Calistoga Street W/Kansas SW Roundabout	Capacity	Construct roundabout	<del>\$2,380</del> <u>\$2,000</u>	City / Grants
Harman Way S/Kansas Street SW Left-turn lane	Safety and Circulation	Construct left-turn lane on Kansas Street SW	<del>\$715</del> <u>\$800</u>	City / Grants
Ammons Lane NE/Washington Avenue N Exit Only	Safety and Circulation	Convert Ammons Lane NE to exit only	<del>\$635</del> <u>\$925</u>	City/ WSDOT / Orting School Dist.
Whitehawk Boulevard Extension	Safety and Circulation	Extend Whitehawk Boulevard to Calistoga Street W	\$5,400	City / Grants

Other City of Orting transportation improvement projects are adopted on an annual basis in the City of Orting Six-Year Transportation Improvement Program.

### Federal Funding

~~Federal funding for transportation projects includes FHWA's Surface Transportation Block Grant Program funded through the Fixing America's Surface Transportation (FAST) Act. Many types of projects are eligible, including bicycle/pedestrian, safety, traffic monitoring/management, and planning projects along with more traditional road and bridge projects. These funds are distributed by PSRC through a competitive grant application process.~~

~~The PSRC also~~ distributes Surface Transportation Program funds through the Rural Town Centers and Corridors (RTCC) program. The RTCC program was established to recognize and support the needs of the region's rural areas. Funds are distributed through a competitive grant process that includes two stages: a Countywide stage and a Regional stage.

Orting relies heavily on these funding sources to complete transportation projects. Should grant funds not be secured and capital projects will likely be delayed, and preservation and maintenance will be prioritized.

# Goals & Policies

This Transportation Element contains goals and policies which are presented in a distinct way as compared to this Plan's other elements.

First, the goals do not have policies listed under them. This means there is not necessarily a "one-to-one" relationship between them; rather, there may be "many-to-one" relationships which means that many listed policies may support more than one goal.

Next, the policies are organized into four broad categories and are numbered according to the category.

## Goals

- Goal T 1 Maintain a transportation system that accommodates the separation of through and local traffic, provides adequate internal circulation, and interconnects effectively to the regional highway, non-motorized, and public transportation systems is responsive to the mobility needs of City businesses and neighborhoods, and guides future developments.
- Goal T 2 Coordinate with local, regional, state, and federal agencies in the development and operation of the transportation system. In particular, support City, County, and state implementation of comprehensive solutions to capacity, safety, and circulation problems with SR 162.
- Goal T 3 Establish a safe and convenient pedestrian and bicycle circulation system linking residential communities with key destinations.
- Goal T 4 Provide "Complete Streets Infrastructure" into existing public streets as feasible.
- Goal T 5 Fund transportation facility improvements with federal, state, and local public and private sources.
- Goal T 6 Realize the vision for Washington Ave N/S as Orting's main street, providing high quality aesthetic design in conjunction with multi-modal mobility, pedestrian safety, and infill economic development.
- Goal T 7 Meet federal and state air quality requirements and work with state, regional and other local agencies to develop transportation control measures and/or mobile source emission reduction programs that may be warranted to attain or maintain air quality requirements.
- Goal T 8 Ensure preparedness and flexibility in the transportation network for changes in transportation technologies and mobility patterns.
- Goal T 9 Identify racial and social equity as a core objective when planning and implementing transportation improvements, programs, and services.

## Part I. Vehicular Transportation Policies

### *Street Network*

- T 1.1 Periodically update traffic forecasts and levels of service analysis on all arterials in the City.
- T 1.2 Provide adequate, system-wide capacity on arterial streets to avoid diversion of excess traffic from congested arterials to neighborhood streets.
- T 1.3 Maintain truck routes on Principal Arterials and enforce truck use accordingly.
- T 1.4 Develop the local street system to encourage connectivity between adjacent developments where feasible and provide connections to arterials from neighborhood collectors.
- T 1.5 Existing non-through (dead-end) streets shall be linked together whenever practical.
- T 1.6 Minimize the use of cul-de-sacs, dead-end streets and other designs that reduce connectivity between neighborhoods.
- T 1.7 Protect street rights-of-way from encroachment by structures, fences, retaining walls, landscaping, or other obstructions to preserve the public's use of the right-of-way, and to ensure safety and mobility.
- T 1.8 Maintain and improve the network of highways, streets, and roads that moves people, goods, and services safely and efficiently; minimizes social and environmental impacts; and supports various modes of travel.

### *Street Classification*

- T 1.9 Maintain a consistent classification of streets as Principal-, Minor-, and Collector Arterials, Neighborhood Collector Streets and Local Streets according to function, based on federal, state, and regional guidelines so that needed traffic capacity may be preserved and planned street improvements will be consistent with those functions.
- T 1.10 Limit the number of residences that can be served by a dead end/ cul- de-sac street.

### *Street Design Standards*

- T 1.11 Maintain a comprehensive street improvement plan for city streets that implements the desired streetscape for each functional classification. Arterial street standards shall provide guidance on the width of lanes, driveway access, right-of-way width, sidewalks median treatments, setbacks, lighting, pedestrian facilities, landscaping, or other improvements.
- T 1.12 Design street improvements to fit the character of areas they serve.
- T 1.13 Maximize and maintain the capacity of arterial streets through the provision of turn lanes and other auxiliary lanes rather than street widening solutions.

- T 1.14 Encourage shared use of driveways served by arterials.
- T 1.15 Use street design standards to minimize pavement widths while accommodating on-street parking, and allowing cars to pass, thereby slowing the speed of vehicles on local streets, improving pedestrian safety and allowing for landscaping.
- T 1.16 Require safe, attractive sidewalks on all new streets.
- T 1.17 Provide comprehensive street lighting, including lights for pedestrians on sidewalks and trails, using such factors as adjacent land uses, hazardous street crossings, transit routes, schools, and parks.
- T1.18 Develop Complete Streets design criteria based on the latest relevant editions of the America Association of State Highway Officials (AASHTO), the National Association of City Transportation Officials (NACTO), and the Institute of Transportation of Transportation Engineers (ITE) manuals.
- T 1.19 Monitor and adopt transportation technology as appropriate to improve mobility throughout the complete transportation network.
- T 1.20 Identify racial and social equity as a core objective when planning and implementing transportation improvements, programs, and services.

*Traffic Safety*

- T 1.21 Monitor traffic accidents, citizen input/complaints, traffic violations, and traffic growth to identify and prioritize locations for safety improvements.
- T 1.22 Ensure mobility choices for people with special needs and consider the use of devices that increase safety of pedestrian crossings such as flags, in-pavement lights, raised crosswalks, colored and textured pavements.

*Neighborhood Traffic Control*

- T 1.23 Consider design options for application of neighborhood traffic calming devices such as median barriers, speed humps, speed tables, raised crosswalks, raised intersections, traffic circles, roundabouts, chicanes, chokers, neckdowns, and textured pavements on local streets where traffic and pedestrian safety is of concern. Neighborhood Collectors shall receive the first priority followed by other local streets. Installation of neighborhood traffic control devices shall be avoided on arterials.

*Property Access*

- T 1.24 Minimize local property access on Principal and Minor arterials.
- T 1.25 Consolidate existing access driveways on arterials when street improvements are implemented, or redevelopment proposals are made.

*Environmental*

- T 1.26 Participate in regional efforts to improve air quality by promoting alternatives to the single occupant vehicles; use of cleaner fuels; implementing transportation demand

management goals and policies and maintaining or improving the operating efficiency of the transportation system.

- T 1.27 Mitigate noise impacts when designing future roadway improvements.
- T 1.28 Reduce the amount of impervious surfaces (e.g., streets, driveways) to the extent practicable.
- T 1.29 Minimize harmful pollutants generated by transportation-related construction, operations, and maintenance activities from entering surface and groundwater resources.

### *Level of Service*

- T 1.30 Maintain intersection level of service (LOS) according to the following standards: LOS E on arterial intersections in the Mixed-Use Town Center; LOS D on all other arterial intersections.
- T 1.31 Transportation improvement projects, strategies and actions needed to serve new developments shall be in place at the time new development occurs or be financially committed and scheduled for completion within six years of permit approvals.

### *Land Use / Transportation*

- T 1.32 Consider the effect of the City's growth and transportation improvement programs on other adjacent jurisdictions through coordination with county, state, and regional agencies.

T1.33 Designate the Center of Local Importance (COLI) including the downtown area, school campus, and Gratzner Park as Orting's core for future major transportation improvements.

### *Development Impact Mitigation*

- T 1.34 Maintain and apply standardized transportation impact mitigation procedures and strategies, including payment of traffic impact fees.
- T 1.35 Require dedication of right-of-way as a condition of development approval when the need for such right-of-way is determined in the permit approval process.
- T 1.36 Maintain a right-of-way use permit process to minimize environmental and traffic impacts during construction.

## Part 2. Pedestrian and Bicycle Policies

- T 2.1 Promote pedestrian and bicycle networks that safely access commercial areas, schools, transit routes, parks, and other destinations within Orting and connect to adjacent communities, regional destinations and routes.
- T 2.2 Require new development to ensure safety, comfort and convenience of pedestrians and bicyclists.

- T 2.3 Designate and construct segregated internal pedestrian circulation systems in new or redeveloping commercial-retail districts. Provide connectivity to nearby transit stops using sidewalks, landscaping, covered walkways, or other treatments.
- T 2.4 Promote a comprehensive and interconnected network of pedestrian and bike routes within and between neighborhoods.
- T 2.5 Require trail routes and/or sidewalks where appropriate in PUD, plat and short plat approvals.
- T 2.6 Work progressively to provide and maintain sidewalks in established neighborhoods. Priority shall be given to all public facilities such as transit routes, schools and parks, and multi-family housing, commercial areas, and gaps in the existing sidewalk system.
- T 2.7 Provide striped, on-street bicycle facilities on arterial streets on paved shoulders or within wide curb lanes to ensure safety for bicyclists.
- T 2.8 Ensure that sidewalks meet requirements of the Americans with Disabilities Act.
- T 2.9 Identify non-motorized facility improvements on school walk routes to increase pedestrian safety.
- T 2.10 Require secure (racks and lighting) bicycle parking at commercial and institutional facilities along with automobile parking.
- T 2.11 As feasible, incorporate “Complete Streets Infrastructure” into existing public streets to create a comprehensive, integrated, connected transportation network.

### Part 3. Regional and Local Coordination Policies

- T 3.1 Ensure coordination and consistency with state, regional and local transportation plans.
- T 3.2 Coordinate the Six-Year Transportation Improvement Program with adjacent jurisdictions’ where City projects have regional implications.
- T 3.3 Participate in regional transportation planning to ensure that the City’s interests are reflected appropriately.
- T 3.4 Promote the design of transportation facilities that support local and regional growth centers and high-capacity transit station areas and fit the community in which they are located.

### Part 4. Funding and Implementation Policies

#### *Funding*

- T 4.1 Maintain a street utility for the purpose of supporting preservation and ongoing maintenance and operations of its transportation systems pursuant to RCW 82.80.
- T 4.2 Maximize outside funding from regional, County, State, or Federal sources.

- T 4.3 Emphasize multimodal enhancements to the transportation system in funding transportation programs.
- T 4.4 Ensure the adopted impact fee rate schedule reflects the current land use and transportation forecasts and needs.
- T 4.5 Update the six-year Transportation Improvement Program (TIP) annually to implement the Long-Range Capital Facility Plan.

T 4.6 During review and update of the six-year Transportation Improvement Program (TIP), capital funding shall be reviewed and prioritized. Should a funding shortfall be identified, capital projects may be delayed, and preservation and maintenance of existing facilities will be prioritized.

### *Implementation*

- T 4.7 Maintain and monitor a scheduled street maintenance program including regular street sweeping to ensure that all arterial and neighborhood collector streets shoulders and/or designated bike lanes and trails are clear of sand, glass, and debris.

## 5. System Air Quality Policies

- T 5.1 The City's transportation system shall conform to federal and state Clean Air Acts by maintaining conformity with the Metropolitan Transportation Plan of the Puget Sound Regional Council and by following the requirements of Chapter 173-420 of the Washington Administrative Code.
- T 5.2 Travel in modes other than single-occupant vehicles shall be encouraged. Transportation demand management strategies will be employed to discourage the use of single-occupant vehicles and to encourage non-motorized transportation.
- T 5.3 Consider air quality effects of future development when considering annexations, amendments to the Comprehensive Plan and development regulations, and during project review processes.
- T 5.4 Establish standards for the control of particulate matter on paved public roads.



# ECONOMIC DEVELOPMENT

## Purpose and Intent

This Economic Development Element outlines the policies for economic development that would improve the tax base and create local jobs that support city goals and are compatible with the character of the city. The **Economic Baseline Analysis (Appendix II)** provides further information which provides the basis for these policies, describing the city's profile and the city's competitive position, including its retail, office, and industrial market potential.

The City of Orting is including this Element as part of the current comprehensive plan update process, following Goal 5 of the Washington Growth Management Act to:

*“Encourage economic development throughout the state that is consistent with adopted comprehensive plans, promote economic opportunity for all citizens of this state, especially for unemployed and for disadvantaged persons, promote the retention and expansion of existing businesses and recruitment of new businesses, recognize regional differences impacting economic development opportunities, and encourage growth in areas experiencing insufficient economic growth, all within the capacities of the state's natural resources, public services, and public facilities.” (RCW.36.70A.070(7))<sup>1</sup>*

This Economic Development Element provides a roadmap for enhancing the economic vitality of Orting, aiming to bolster both economic stability and quality of life. This Element addresses how the community can encourage the growth of new businesses; balance and diversify commercial and residential activities; and promote the revitalization and sustainability of existing businesses. Through collaborative efforts and strategic goals and policies, the city can attract and retain residents and businesses thereby, promoting economic development and a high quality of life focused on shared prosperity. This Element details various goals and policies designed to ensure vibrant economic future for Orting, supporting the cultivation of a robust and



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<sup>1</sup> Washington State laws set limits on the actions cities can take to support economic development, impacting the content of an economic development comprehensive plan element. Typically, cities are prohibited from directly using public funds to incentivize private development. Instead, they target policies that facilitate economic growth through land use regulations, infrastructure improvements, tourism initiatives, marketing campaigns, and partnerships with nonprofit community-based organizations. RCW 35.21.703 does allow cities to contract with nonprofit corporations to advance economic development. Article 8, Section 7 of the state constitution specifies that “No county, city, town or other municipal corporation shall hereafter give any money, property, or loan its money, or credit to or in aid of any individual, association, company or corporation, except for the necessary support of the poor and infirm.”

diverse local economy across multiple sectors, and fostering citywide economic growth across the city and in the Downtown.

This Element includes:

- a) A profile of the local economy such as population, employment, payroll, sectors, businesses, sales, and other data;
- b) An assessment of the strengths and weaknesses of the local economy defined as the commercial and industrial sectors and supporting factors such as land use, transportation, utilities, education, work force, housing, and natural/cultural resources; and
- c) Identification of policies, programs, and projects to foster economic growth and development and to address future needs.

## Competitive Position

Local economic development strategies typically work to build on strengths, address weaknesses and threats, and pursue opportunities. The City’s competitive position is summarized according to these themes in **Table ED-1**. In short, the City’s competitive position is that of a small community offering an alternative to urban settings with scarce land, higher prices, and limited natural amenities.



**Table ED-1 Strengths, Weaknesses, Opportunities and Threats (SWOT) Matrix**

STRENGTHS	WEAKNESSES
<ul style="list-style-type: none"> <li>• Attractive physical setting and nearby farms appeal to agritourism.</li> <li>• Utility service capacity can serve some new development.</li> <li>• Underdeveloped land can accommodate residential or commercial/industrial growth targets, capacity for residential and commercial growth.</li> <li>• Established Downtown with a clear town center.</li> <li>• Strategic investments in transportation infrastructure.</li> <li>• Pedestrian scale shopping districts support communities with established downtowns.</li> <li>• High quality of life with many amenities, including outdoor activities, recreation, and community events.</li> </ul>	<ul style="list-style-type: none"> <li>• Natural barriers that serve to isolate the City, specifically rivers and plateaus.</li> <li>• Transportation access and capacity is limited to a two-lane arterial road through the center of the City, and a two-lane arterial road serving the area to the west. Long commute times and traffic back-ups negatively affect the City.</li> <li>• Few publicized destinations to attract visitors to the City. The City has a wonderful view of Mt. Rainier, but is not located on any of the main routes to Mt. Rainier National Park entrances. Additionally, there are no agritourism attractions located within City limits.</li> <li>• Shortage of higher-paying jobs.</li> <li>• Market not big enough to support larger-scale retail.</li> <li>• Low office vacancy rates limit opportunities for new businesses to establish themselves.</li> </ul>
OPPORTUNITIES	THREATS
<ul style="list-style-type: none"> <li>• City supports select gaps in its mix of businesses, especially to recapture lost retail sales.</li> <li>• City can enhance its stature as a visitor destination, as small towns tend to attract visitors from urban areas.</li> <li>• Future development will strengthen the city’s tax base and ability to fund desired public services and facilities.</li> <li>• Tehaleh, the master planned community on the plateau to the east, will gain increasing attention, and provide a higher profile for Orting.</li> <li>• The development of additional commercial uses will be needed to support future residential growth. These uses may co-locate in mixed use developments, providing attractive pedestrian-oriented settings.</li> <li>• Capitalize on existing strengths of Downtown to balance availability of commercial space, create a more diverse mix of businesses, and support vibrancy.</li> </ul>	<ul style="list-style-type: none"> <li>• Established retail centers in Bonney Lake, Puyallup, and South Hill will continue to attract spending activity outside of the City.</li> <li>• Tehaleh may attract some of the employers that might otherwise consider Orting.</li> <li>• Small tax base of the city limits the ability to fund desired public services and facilities.</li> <li>• Lahar hazard threat may discourage investment.</li> <li>• Increasingly scarce funding poses challenges to necessary infrastructure improvements.</li> </ul>

# Goals & Policies

*Goal ED 1 Support economic growth through core business retention, expansion, and formation consistent with the Comprehensive Plan vision and the other Elements.*

- ED 1.1 Every two years, the city will update the assessment of Orting’s business strengths, weaknesses, opportunities, and threats (SWOT) provided as a part of the 2024 Comprehensive Plan update and use the findings to inform the implementation of Economic Development strategies.
- ED 1.2 Coordinate City investment in capital facilities projects with related business, employment, and economic development opportunities.
- ED 1.3 Promote local shopping with a particular focus on ways to foster the prosperity of business startups, small businesses, and women- and minority-owned businesses.
- ED 1.4 Coordinate with state, county and adjoining local government bodies to promote economic development. Support high-quality training programs and education systems throughout the region to build and maintain a competitive edge in the regional and global economy.

*Goal ED 2 Promote the creation of family-wage jobs that will serve the residents of Orting.*

- ED 2.1 Promote the retention, expansion, redevelopment, and infill development of moderate business structures that compel the “small-town” feel of Orting, particularly those providing living-wage jobs to Orting residents.<sup>2</sup> Prioritize the creative reuse and vertical expansion of commercially zoned properties to create more space for businesses and family-wage jobs in Orting.
- ED 2.2 Encourage continued light industrial uses for their increase in capital of goods or energy management, while ensuring their scale and proliferation is compatible with adjacent uses.

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<sup>2</sup> A living-wage job is one that pays an income sufficient to cover basic living expenses without financial hardship, allowing an individual or family to afford essential needs such as housing, food, healthcare, transportation, childcare, and other necessities without relying on public assistance. For Orting, a living-wage for a family of four would (with one parent working) would be approximately \$45.19 an hour or \$93,995 annually (in 2024). A living-wage for a family of four (with two parents working) would be about \$29.87 an hour or \$62,129 annually for both parents (in 2024). Massachusetts Institute of Technology (MIT, 2024). MIT Living wage calculation for Pierce County, Washington. Retrieved from <https://livingwage.mit.edu/counties/53053>

~~Goal ED 3 — Promote the installation of telecommunications and power capacity technology throughout the City in order to provide universal access to citizens, businesses, and institutions that is secure, reliable, and affordable.~~

- ~~ED 3.1 — Participate in seeking grant funding for improvement of infrastructure to support economic development.~~
- ~~ED 3.2 — Identify long term infrastructure needs that support economic sustainability.~~
- ~~ED 3.3 — Ensure providers of telecommunication and power are aware of City commercial needs and have plans to meet that need.~~

**Goal ED 3** *Create public-private partnerships that will nurture entrepreneurship, innovation, and business growth.*

- ED 3.1 Encourage economic sectors that:
  - a. Pay higher-than-average wages;
  - b. Bring new capital into the local economy;
  - c. Can be sustained in the City;
  - d. Maintain sound environmental practices;
  - e. Diversify the economic base; and
  - f. Encourage new business models.
- ED 3.2 Ensure that City licensing and permitting practices and procedures are coherent, fair and expeditious. Where specialized industry requirements call for the inspection by government agencies, coordinate with those agencies to streamline review.
- ED 3.3 Promote the infill and redevelopment of the Downtown to enhance the sense of community, encourage pedestrian/bicycle mobility, and reduce the number and length of motorized shopping trips by working with property and business owners to market Orting, and provide parking solutions.
- ED 3.4 Create anchor projects that include public gathering places (such as the Main Park Master Plan) and support mixed use retail, office and residential development projects.
- ED 3.5 Coordinate with local, state, and federal agencies to identify underused lands such as surplus public lands or environmentally contaminated lands and:
  - Promote infill or redevelopment in growth centers and existing neighborhoods in a manner that supports the Regional Growth Strategy.
  - Develop strategies for cleaning up brownfield and contaminated sites when necessary.
- ED 3.6 Support regional economic competitive interests by promoting local trade and commerce and by promoting regional partnerships toward infrastructural improvements that serve the efficient movement of trade goods.

ED 3.7 Promote innovation, including among businesses that promote environmental sustainability through emerging technologies, industry practices, professional services, and climate resilience.

*Goal ED 4 Encourage diverse job options and entrepreneurial opportunities for people interested in full-time and part-time employment or desiring to own their own business.*

ED 4.1 Accommodate and/or encourage home-based businesses that are compatible with the character of adjoining properties and neighborhoods.

ED 4.2 Address and prevent potential physical, economic, and cultural displacement of existing businesses that may result from redevelopment and market pressure.

*Goal ED 5 Promote business practices that protect the City's natural beauty and environmental health.*

ED 5.1 Encourage the use of green materials and techniques in all types of construction and encourage the retrofitting of existing buildings to enhance sustainability.

ED 5.2 Encourage public sector solid waste reduction and recycling, such as through continued participation in the Pierce County Solid Waste Plan.

*Goal ED 6 Promote regional tourism focused on eco-tourism and agritourism.*

ED 6.1 Promote the Foothills Trail as an opportunity for multiple forms of recreation, including biking, running, walking, and overall healthy living.

ED 6.2 Promote road related scenic tours that include routes through Orting.

ED 6.3 Promote Orting as the gateway to camping, hiking and rock climbing through the Carbon River entrance to Mt. Rainier. Further promote Orting as a destination for fishing and a gateway for hunting.

ED 6.4 Coordinate with other cities and communities in east Pierce County to identify opportunities for increasing tourism and strategies for promotion of these efforts.

ED 6.5 Evaluate tourism infrastructure (e.g., accommodations, food establishments, recreational facilities, eco-tourism businesses) and work with partners, to enhance tourism and wayfinding in Orting.

**Goal ED 7** *Promote and support agriculture in Pierce County.*

ED 7.1 Support the establishment of a public market, where locally-produced food and agricultural products can be purchased by local and/or small vendors in City limits to promote agricultural tourism in the Orting Valley.

ED 7.2 Support the local farmer’s market through strategic infrastructure and maintenance investments and continue to support local events that support farming.

**Goal ED 8** *Create a vibrant and stable downtown that hosts a variety of businesses that support both Orting residents and visitors.*

ED 8.1 Prepare and administer a vision for Orting’s Downtown Revitalization and Economic Development.

ED 8.2 Explore a broad array of solutions the City can adopt to relieve the burden of off-street parking requirements on developments or changes of use within the downtown core.

# 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

# ORTING COMPREHENSIVE PLAN UPDATE: PROPOSED CODE AMENDMENTS

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## COMPREHENSIVE PLAN UPDATE

2024

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# TITLE 12 SUBDIVISION REGULATIONS

## CHAPTER 1 INTRODUCTION

### 12-1-1: TITLE:

This title shall be known as the ORTING 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, ~~sewerage~~sewage, 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 I 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.~~

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.

**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.

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 board~~ planning 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.

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.

**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 [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.

**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.

**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~~ A map at a scale of not less than one inch equal to ~~one hundred fifty~~ feet (1" = ~~100'50'~~), 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.~~

BC. Legal Description: ~~Five (5) paper copies of a~~ 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~~ 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 place 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~~ 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 provided one digital copy on a CD in a CAD program compatible with AutoCad or AreView.~~

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 ~~tract~~ [parcel](#);
  - e. Proposed public improvements, including highways or other major improvements planned by public authorities for future construction on or near the ~~tract~~ [parcel](#);
  - f. Vicinity [map](#) showing location of the ~~tract~~ [parcel](#);
  - 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 (1) 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 12-4-4(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 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.

#### **12-5-4: 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 wastes~~ sanitary 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~~ twenty-four inches wide by ~~thirty~~ thirty-six inches long (24" x 36"), scale of ~~one hundred feet to one inch~~ to fifty feet (~~100' = 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. ~~Traet~~ Parcel boundary lines, right of way lines of streets, easements and other rights of way, and property lines of residential lots and other ~~sites~~ tracts, 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 Traet tract number to identify each lot or ~~site~~ tract;

f. Purpose for which ~~sites~~ tracts, other than residential lots, are dedicated or reserved;

g. Minimum building setback line on all lots and other ~~sites~~ tracts;

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 [A12]:** 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 [A13]:** 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.~~

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.

**Commented [A14]:** 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.

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 [A15]:** 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 II 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.

# TITLE 13 DEVELOPMENT REGULATIONS

## CHAPTER 1 INTRODUCTION

### **13-1-1: TITLE:**

This title shall be known as the ORTING DEVELOPMENT CODE.

### **13-1-2: PURPOSE:**

The general purposes of the development code are:

- A. Implement Comprehensive Plan: To implement the comprehensive plan in accordance with Revised Code of Washington 36.70 et seq. (planning enabling act) and 36.70A et seq. (growth management act);
- B. Promote Health And Safety: To promote public health, safety, and general welfare through regulation of physical development of the city;
- C. Orderly Development: To plan for future development of the city in an orderly and predictable fashion;
- D. Adequate Public Facilities: To provide for adequate public facilities and services to support land development;
- E. Promote Well Being: To promote social and economic well being through integration of aesthetic, environmental, and economic values;
- F. Protect Property Rights: To protect property rights;
- G. Protect Resources: To encourage protection of environmentally critical or historically significant resources;
- H. Ensure Adequate Space: To ensure provision of adequate space for commercial, industrial, residential, and other activities necessary for public welfare;
- I. Administration Of Regulations: To provide for efficient and effective administration and enforcement of the regulations;
- J. Provide Light And Access: To provide adequate light, air, privacy, and convenience of access to property;

K. Elimination Of Nonconforming Uses: To provide for the gradual elimination of those uses of land, buildings and structures which do not conform to the standards of the district in which they are located and are adversely affecting the development and taxable value of property in the district.

### **13-1-3: INTERPRETATION AND APPLICATION; GENERAL:**

A. Minimum Requirements: In interpreting and applying the provisions of this title, they shall be held to be minimum requirements, adopted for the promotion of the public health, safety, and general welfare. It is not intended by this title to interfere with or revoke or invalidate any easement, covenant, or other agreement between parties.

B. Greater Restrictions: When the provisions of this title impose greater restrictions than are imposed by other applicable city, Pierce County, state, and federal regulations, the provisions of this title shall control.

C. Ambiguities Or Differences: In case of any ambiguity or difference of meaning or inconsistencies between the text and any illustrations or other graphics, the text throughout this title shall control.

D. Construction Of Words: Unless the context clearly indicates otherwise, words in the present tense can include the future tense, and words in the singular can include the plural, or vice versa. Except for words and terms defined in the beginning of each chapter of this title and in chapter 2 of this title, all words and terms used in this title shall have their customary meanings.

E. Shall, Should, May: The words "shall" and "should" are always mandatory and not discretionary. The word "may" is discretionary.

### **13-1-4: SEVERABILITY:**

If any section, subsection, clause, or phrase of this title is for any reason held to be unconstitutional or invalid, such unconstitutionality or invalidity shall not affect the validity or constitutionality of the remaining portions of this title.

### **13-1-5: BRIEF USER'S GUIDE:**

A. Chapters: The development code, this title, contains ~~six~~ nine (69) chapters:

1. Introduction: Establishes the purpose, title and basic rules for using the city development code.

2. Definitions: Provides definitions for words used throughout the title. Words or terms used only in one chapter may be defined in that chapter.

3. Zone Classifications: Lists and describes the zoning classifications, allowed uses for each zone, and categorization of uses. [Table 1 “City of Orting Permitted Land Uses by Zoning Designations” is included in this chapter.](#)

4. Temporary Uses/Temporary Housing Units: Allows temporary uses and structures and provides standards and conditions for regulating such uses and structures.

5. Development Standards: Provides development standards, such as density, setbacks, height, lot width, landscaping, buffering, parking, access, and other standards to cover general and specific uses; also covers home occupations, accessory dwelling units, adult entertainment, transfer of development rights, and sign standards.

6. Special Use Permits: Establishes the permit processes and criteria for permits provided by this title, e.g., nonconforming use permits, conditional use permits, planned unit development permits, and variances.

[7. Sign Regulations: Establishes the permit processes for various sign types and provides regulations for the installation, alteration, relocation, maintenance, use, and removal of signs, including permitted and prohibited sign types; number, size, and height limitations; and architectural details.](#)

[8. Medical Cannabis: Provides regulations for medical cannabis use including personal use and collective gardens and sets forth penalties for noncompliance.](#)

[9. Wireless Communications Services Facilities: Defines various types of wireless communication services facilities including general macro facilities, temporary facilities, and small facilities and provides regulations for each including standards for locations, monopoles, height, screening, etc. This chapter also establishes the permit process and timelines.](#)

B. Numbering Scheme: The numbering scheme used in this title operates as shown below:

13 5 1 A.1.a.(1)(A)

Title Chapter Section subsections

C. Format: Each chapter begins with a listing of the sections and a purpose statement for the chapter. General definitions are contained in chapter 2 of this title; specialized definitions may be found at the beginning of the chapter where those definitions are used. Cross references to other chapters and sections of this title can be found throughout the title.

## CHAPTER 2 DEFINITIONS

### 13-2-1: GENERAL PROVISIONS:

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

#### 13-2-2: A:

ACCESSORY DWELLING UNIT ([ADU](#)): A separate, subordinate, self contained dwelling unit attached to or contained within a single- family dwelling; or contained within a separate structure that is ~~accessory~~ [generally subordinate in size](#) to the primary dwelling unit on the premises.

ACCESSORY STRUCTURE: A building or other structure that is subordinate to the principal building and is incidental to the use of the principal building on the same lot ([such as sheds or barns associated with a single-family residence](#)). Accessory dwelling units are not included in this definition.

ACCESSORY USE: A use that is clearly incidental and subordinate to the principal use on the same lot.

ADMINISTRATOR: The city administrator, chief supervisory staff person or his/her designee. [Uses of the term "City Administrator" shall mean the same as "Administrator."](#)

ADULT BUSINESS: Any business which sells, rents, displays, or provides adult stock in trade depicting, describing or relating to specified sexual activities or specified anatomical areas, or engages in or permits specified sexual activities on the premises, and which excludes any person by virtue of age from all or part of the premises. Adult businesses include, but are not limited to:

- A. Adult bathhouse.
- B. Adult bookstore in which ten percent (10%) or more of the stock in trade is adult stock in trade.
- C. Adult cabaret which presents go-go dancers, strippers, male or female impersonators or similar entertainment.
- D. Adult massage parlor in which massage or touching of the human body is provided for a fee. [This does not include a licensed spa or health club / medical clinic.](#)
- E. Adult retail store in which ten percent (10%) or more of the stock in trade is adult stock in trade.

F. Adult sauna parlor.

G. Adult theater, including a building, portion of a building, enclosure or drive-in theater which displays adult stock in trade.

H. Adult video store in which ten percent (10%) or more of the stock in trade is adult stock in trade.

**ADULT FAMILY HOME:** A residence licensed by the state of Washington where personal care, room and board are provided for more than one but not more than six (6) adults who are not related by blood or a marriage to the person or persons providing the services.

**ADULT STOCK IN TRADE:** All books, pictures or other printed materials, products or equipment, prerecorded videotapes, disks, or similar material distinguished or characterized by an emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas where such material is generally available for rental, purchase, viewing, or use by patrons of the establishment, excluding material located in any storeroom or other portion of the premises not regularly open to patrons.

[AGRICULTURAL RESEARCH, TESTING, AND TRAINING: The study of the actions associated with the cultivation of crops and/or livestock.](#)

**ALLEY:** A public thoroughfare for motor vehicles, providing secondary access to abutting property.

**ALTERATION:** A change or rearrangement of the structural parts of existing facilities or an enlargement by extending the side or increasing the height or depth or moving from one location to another. In buildings for businesses, commercial, industrial or similar uses, the installation or rearrangement of partitions affecting more than one-third (1/3) of a single floor area shall be considered an alteration.

~~**ANIMAL CLINIC:** An establishment that is under the direction of a veterinarian licensed by the state of Washington medical services to small pet animals not including poisonous reptiles or farm animals and not requiring confinement or supervised care on the premises.~~

[ANIMAL SHELTER: Any facility operated by the city of Orting or its authorized agents, for the purpose of impounding or caring for animals held under the authority of this article or of state law.](#)

**ANTENNA:** A wire or system of wires, rods, poles, or similar devices; or satellite dishes used for the transmission or reception of electromagnetic waves, external to or attached to the exterior of any building.

**APARTMENT:** Any portion of a multi-family or mixed use building that is designed, built, rented, leased or offered to be occupied as an independent living unit with self-contained cooking facilities.

**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.

**ARCHITECTURAL DESIGN REVIEW:** Review and approval conducted in accordance with section 13-6-7 of this title.

**ART GALLERY:** A space with public access and which is located within a building for the interior exhibition or display of artworks which may or may not be offered for sale to the public.

**ASSEMBLY/FABRICATION:** See “Manufacturing, Light.”

**ATTACHED ~~GROUP RELATED~~ RESIDENCES:** Two or more physically attached dwelling units (sharing a wall), where each unit has separate access to a yard, court, or street.

**AQUACULTURE:** Raising aquatic plants and animals in controlled or selected aquatic environments for the sale of aquatic plants, animals, or their products.

13-2-3: B:

**BED AND BREAKFAST:** A single-family residence that provides overnight lodging and limited meal service for guests and which is limited to five (5) guestrooms.

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

**BOARDING HOUSE:** A rooming house with no more than five (5) guestrooms operated for compensation in which meals (with or without lodging) are provided.

**~~BOUNDARY STRUCTURE:~~** ~~Landscape features such as masonry walls, rockeries, picket fences, rail fences and other low structures used to visually define yard areas.~~

**BREWERY:** See definition of Winery / Brewery.

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

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

**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 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, PRINCIPAL OR MAIN:** The building which accommodates the principal use of a site or lot.

13-2-4: C:

CAMPGROUND: A developed area consisting of more than one campsite used for the purposes of recreational camping.

CANOPY: A portion of a building which extends beyond the building line and fully or partially covers a sidewalk, entry, or other access.

CARETAKER RESIDENCE: An attached or detached dwelling unit of permanent type construction used exclusively for a caretaker to live on the same site as the use.

CARGO CONTAINER: A standardized, reusable vessel that was:

- A. Originally, specifically or formerly designed for or used in the packing, shipping, movement, storage or transportation of freight, articles, goods, commodities, or personal property, and
- B. Designed for or capable of being mounted or moved on a railcar, or
- C. Designed for or capable of being mounted on a chassis or bogie for movement by truck trailer or loaded on a ship.

CHURCH: An establishment, the principal purpose of which is religious worship and for which the principal building or other structure contains the sanctuary or principal place of worship. This term, as used in this Title, is interchangeable with mosque, temple or other religious facilities / places of worship.

CITY: The city of Orting, Washington.

~~CITY ADMINISTRATOR: The city administrator of the city of Orting or his/her designee.~~

CITY COUNCIL: The city council of Orting.

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

CLUBS AND LODGES: Non-commercial groups and organizations, which may be centered around an activity, a hobby, or philanthropy.

COLLEGE OR UNIVERSITY: A post-secondary institution for higher learning that grants associate or bachelor degrees and may also have research facilities and/or professional schools that grant master and doctoral degrees. This may also include community colleges that grant associate or bachelor degrees or certificates of completion in business or technical fields (such as trade schools).

COMMERCIAL: Any activity carried on for financial gain, including cooperative or nonprofit businesses offering merchandise or services for a fee or price, or any

organization serving a public purpose of community service such as churches, noncommercial clubs, lodges, theater groups, recreational and neighborhood associations and cultural associations.

COMMUNICATION SERVICES: Broadcasting, recording, and other communication services accomplished through electronic or telephonic mechanisms, but excluding major utilities. This classification includes radio, television, or recording studios; telephone switching centers; and telegraph offices. This classification does not include wireless communication facilities.

COMMUNITY CENTER: Public buildings, meeting halls, and/or recreational spaces where members of a community can gather for events, recreational opportunities, support services, or public information. These uses may be publicly or privately operated.

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

CONDITIONAL USE: A use allowed in one or more zones as defined by this zoning title, but which has peculiar characteristics such as the size, technological processes or equipment, location with reference to surroundings, streets, and existing improvements or demands upon public facilities and therefore, requires a special permit in order to assure proper control to make the use consistent and compatible with other existing or permissible uses in the same zone and mitigate adverse impacts of the use. Typical conditional uses are listed in this title. Others may be established by the city upon application.

CONDOMINIUM: A type of real property ownership in projects composed of two (2) or more dwelling units, offices, or other establishments that are individually owned and within which common building areas or land areas of the project are owned cooperatively in fixed percentages by the owners of the individual dwelling units or establishments. This type of development requires the preparation of a plat under the provisions of the state horizontal property regime act<sup>1</sup> and the formation of a legal homeowners' association to guide the financial and maintenance arrangements for the units within the development.

CONGREGATE CARE FACILITY/RETIREMENT CENTER: A residential facility designed for and occupied by at least one person per unit who is able to live independently and without ~~twenty four~~twenty-four (24) hour supervision; and providing centralized services for the residents including meals, recreation, housekeeping, laundry and transportation.

CONSTRUCTION BUSINESS: A commercial establishment offering the construction, repair, and/or remodel of structures, performed by a licensed contractor. These

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<sup>1</sup> RCW 64.32

businesses may include office space, and indoor or outdoor storage of construction vehicles, equipment, and materials.

COPY: The written or graphic content of a sign.

CORRECTIONAL FACILITIES: Jails, prisons, and other detention facilities, used to house people who have been charged with or convicted of a crime.

COTTAGE: A small, detached dwelling unit, not larger than one thousand (1,000) square feet in total floor area that is developed at a density greater than the underlying zone. More than one cottage may occupy a single lot.

COTTAGE HOUSING DEVELOPMENT: A single-family housing cluster of dwelling units around a central open space with the following characteristics:

- A. Each unit is of a size and function suitable for a single person or very small family;
- B. Each unit has the construction characteristics of a single-family house;
- C. Units may be located on platted lots or as units in a condominium and may share use of common facilities such as a party room, toolshed, garden orchard, workshop or parking areas;
- D. The site is designed with a coherent concept in mind, including shared functional open space, off street parking, access within the site and from the site, and consistent landscaping.

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 in title 11 of this code.

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

13-2-5: 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."

DAYCARE CENTER: An establishment licensed by the state, used to provide adult or child care services during part of the twenty-four (24) hour day in a facility. See also definition of Family Daycare in this chapter.

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.

DENSITY: The number of permitted dwelling units allowed on each acre of land or fraction thereof.

DESIGN STANDARDS: Dimensional and other quantitative standards, including, but not limited to, lot sizes and dimensions, setbacks, building placement and other standards used by the city to control physical development.

DETACHED: A type of building or dwelling unit surrounded on all sides by open space and not connected to other buildings or structures except for permitted accessory structures.

DEVELOPER: See definition of Applicant in this chapter.

DEVELOPMENT CODE: [Orting municipal code](#)~~This code~~, this title and titles 12 and 15 of this code.

DEVELOPMENT STANDARDS: Shall mean and refer to those standards for development of real property as set forth in the development code.

DRIVE-IN/[DRIVE-THRU](#) RESTAURANT: A food and beverage establishment that contains an outside service window and/or provision for food service to occupants of automobiles parked on the premises.

DRIVING SURFACE: That portion of a street intended for vehicular travel or parking.

DUPLEX: A building with two (2) attached dwelling units with a common separation wall or floor.

DWELLING UNIT: A building or portion thereof providing complete housekeeping facilities for [a person, one family, or group of individuals](#). Dwelling unit does not include recreation vehicles or mobile homes. (See also definitions of Multi-Family Dwelling and Family in this chapter.)

13-2-6: E:

EASEMENT, ACCESS: A private right of way no less than twenty feet (20') wide which provides vehicular access to a street from no more than three (3) existing or potential lots.

[EATING AND DRINKING PLACES: Any establishment that offers food and drink, including alcoholic beverages, for sale and consumption on the premises.](#)

EMERGENCY HOUSING: Temporary indoor accommodations for individuals or families who are homeless or at imminent risk of becoming homeless that is intended to address the basic health, food, clothing, and personal hygiene needs of individuals or families. Emergency housing may or may not require occupants to enter into a lease or an occupancy agreement.

EMERGENCY SERVICES: Facilities for agencies or organizations that respond to emergencies when they occur, such as ambulance, medical, and firefighting agencies.

EMERGENCY SHELTER: a facility that provides a temporary shelter for individuals or families who are currently homeless. Emergency shelter may not require occupants to enter into a lease or an occupancy agreement. Emergency shelter facilities may include day and warming centers that do not provide overnight accommodations.

EQUIPMENT RENTAL: A business which offers any specialized equipment for consumer rental.

ERECT: To build, construct, alter, repair, display, relocate, attach, hang, place, suspend, affix or maintain buildings, signs, lighting, or other architectural features.

EXTRACTION AND PROCESSING: The removal of natural resource materials from the earth, and/or the conversion of those raw materials into a commercially or industrially usable product.

13-2-7: F:

FACADE: The entire building front or street wall face of a building.

FAMILY: Persons, either related or unrelated, occupying a dwelling unit and living together as a single housekeeping unit. ~~An individual or two (2) or more persons related by genetics, adoption or marriage, or a group of five (5) or fewer persons who are not related by genetics, adoption or marriage and none of whom are wards of the court.~~

FAMILY DAYCARE: A facility licensed by the state of Washington located in a dwelling and operated by the owner of the residence for regularly scheduled care of twelve (12) or fewer adults or children, for periods less than ~~twenty-four~~ twenty-four (24) hours.

~~FESTOON (GARLAND): A string of lights or other decorations.~~

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

~~FLOOR AREA: The sum of the gross horizontal area of the floor or floors of all the buildings on a building site, measured from the exterior faces of the exterior walls, including elevator shafts and stairwells on each floor and all areas having a ceiling height of seven feet (7') or more; but excluding all parking and loading spaces inside the building, unroofed areas, roofed areas open on two (2) or more sides, areas having a~~

~~ceiling height of less than seven feet (7'), and basements used exclusively for storage or housing of fixed mechanical equipment or central heating or cooling equipment.~~

FLOOR AREA RATIO: The ratio of building floor area to the area of the lot upon which the building is located.

FOOD: Has its usual and ordinary meaning and includes all items designed for human consumption, including, but not limited to, candy, coffee, gum, popcorn, hot dogs, sandwiches, peanuts, soft drinks and dairy products.

FOOD PROCESSING: The commercial or industrial processing of raw agricultural materials or ingredients into food for sale or consumption, not including standard on-site kitchens for food vendors or eating and drinking places.

FOOD VENDING OR FOOD VENDING SERVICES: Engaging in the business of selling food of any kind or description.

FOSTER HOME: A home licensed and regulated by the state and classified by the state as a foster home, providing care and guidance for not more than three (3) unrelated juveniles.

FREIGHT FACILITIES WAREHOUSING: A facility for the storage and distribution of products, supplies, and equipment. This use excludes outdoor storage and self-service storage.

FRONTAGE: The side of a lot or parcel along a street.

13-2-8: G:

GARAGE, PARKING OR COMMERCIAL: A building used for storage, repair or servicing of motor vehicles as a commercial use.

GARAGE, PRIVATE: An accessory building or space within the principal building used for storage of vehicles.

GASOLINE SERVICE STATION: An establishment that sells motor vehicle fuels, lubricants, and auto accessories, and may include vehicle washing and servicing, not including painting, bodywork or major engine repair.

GOLF FACILITIES: A commercial or recreational establishment or facility offering space to play or practice golf.

GOVERNMENT OFFICES: Administrative, clerical, or public contact offices of a government agency, including postal facilities, together with incidental storage and maintenance of vehicles.

GRADE: The surface of the ground.

GREENBELT: An area of vegetation, either native stock or replanted, in public or private ownership lying outside and adjacent to the right of way line of streets or along real property lines. Greenbelts are intended to visually and physically screen and separate land uses or activities from each other.

GROUND COVER: Small plants that grow close to the ground.

GROSS FLOOR AREA: The sum of the gross horizontal area of the floor or floors of all the buildings on a building site, measured from the exterior faces of the exterior walls covering all areas having a ceiling height of seven feet (7') or more; but excluding elevator shafts and stairwells, all parking and loading spaces inside the building, unroofed areas, roofed areas open on two (2) or more sides, areas having a ceiling height of less than seven feet (7'), areas used exclusively to house fixed mechanical or electrical equipment, and basements used exclusively for storage or housing of fixed mechanical equipment or central heating or cooling equipment.

13-2-9: H:

HARD SURFACE: See Section 9-5A-4 for hard surface definition.

HAZARDOUS MATERIALS: Any liquid, solid, gas, or sludge, including any material, substance, product, commodity, or waste, regardless of quantity, that exhibits any of the characteristics or criteria of hazardous waste as described in Revised Code of Washington 70A.300.010(10), or its successor.

HAZARDOUS WASTE: All dangerous and extremely hazardous waste as defined in Revised Code Of Washington 70A.300.010(11)~~70.105.010(15)~~, or its successor, except for moderate risk waste as set forth in Revised Code Of Washington 70A.300.010(13)~~70.105.010(17)~~, or its successor.

HAZARDOUS WASTE STORAGE: The holding of hazardous waste for a temporary period as regulated by the state dangerous waste regulations, Washington administrative code chapter 173-303, or its successor.

HAZARDOUS WASTE TREATMENT: The physical, chemical, or biological processing of hazardous waste for the purpose of rendering these wastes nondangerous or less dangerous, safer for transport, amenable for storage, or reduced in volume, as regulated by the state dangerous waste regulations, Washington administrative code chapter 173-303, or its successor.

HAZARDOUS WASTE TREATMENT AND STORAGE FACILITY ON SITE: Storage and treatment facilities which treat and store hazardous wastes generated on the same property.

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

HEALTH SERVICES: A business or organization providing professional healthcare to clients. Hospitals are defined separately and not included in this definition.

HEDGE: A fence or boundary formed by a dense row of shrubs or low trees.

HEIGHT, BUILDING: The vertical distance from the average of the lowest and highest point exposed by the finished ground level to the highest point of the building, excluding chimneys.

HOME OCCUPATION: An economic enterprise to make a product or perform a service that is conducted or operated within a residential dwelling unit, or building accessory to a residential dwelling unit, by the resident occupant or owner, and which use shall be clearly incidental and secondary to the residential use of the dwelling unit, including the use of the dwelling unit as a business address in a directory or as a business mailing address.

HOSPITAL: A public or private institution providing medical treatment, surgical intervention, and nursing care to sick or injured people.

~~HOTEL or MOTEL: Any building containing six (6) or more guestrooms where lodging, with or without meals, is provided for compensation, where no provisions are made for cooking in any individual room or suite.~~ A facility with six (6) or more guestrooms that offers transient lodging accommodations on a daily or weekly rate to the general public, which complies with WAC 246-360, and which may provide additional services, such as restaurants, meeting rooms, and recreation facilities. Accommodations for recreational vehicles are not included.

13-2-10: I:

IMPERVIOUS SURFACE: See Section 9-5A-4 for impervious surface definition.

IRREGULAR LOT: A lot which is shaped so that application of setback requirements is difficult. Examples include a lot with a shape which is not close to rectangular, or a lot with no readily identifiable rear lot line.

ITINERANT VENDOR: Any person, whether as owner, agent, consignee, or employee, whether a resident of the city or not, who engages in the business of providing vending services and who conducts such a business either in or about a stationary vendor unit, or from a mobile vendor unit by traveling from place to place, or customer to customer. A person, firm or corporation so engaged shall not be relieved from complying with the provisions of title 3, chapter 2 of this code merely by reason of associating temporarily with any local dealer, trader, merchant or auctioneer, or by conducting such temporary business in connection with, as part of, or in the name of any local dealer, trader, merchant or auctioneer.

13-2-11: J:

~~Reserved.~~

JUSTICE FACILITIES: Any site, structure, or facility used in the provision of law enforcement and criminal justice.

13-2-12: K:

KENNEL: A structure or lot on which four (4) or more domestic animals at least four (4) months of age are kept.

K-12 SCHOOLS: Public or private institutions providing education to school-age children from kindergarten through 12<sup>th</sup> grade.

13-2-13: L:

LANDFILL: A disposal facility or part of a facility at which solid waste is placed in or on land and which is not a land treatment facility, or as defined and regulated in Title 5 Public Health and Safety.

LANDSCAPE: Site or development area characterized by plantings, screens, buffers, and other features intended to provide aesthetic or functional relief.

LIBRARY: An establishment, or part of an establishment, which offers books, periodicals, other printed materials, and/or films and music for borrowing. Libraries may also offer public computer access, information, and events.

LIGHTING: The illumination of structures and/or buildings and signs.

LIQUOR STORE: An establishment specializing in selling alcoholic beverages, not for consumption on the premises.

LIVESTOCK AND SMALL ANIMALS: cattle, sheep, goats, or animals of the Bovidae family; all horses, mules, other hoof animals, or animals of the Equidae family; all pigs, swine, or animals of the Suidae family; llamas; and ostriches, rhea, and emu.

LOADING SPACE / LOADING FACILITY: An off-street space on the same lot with a structure or use, or contiguous to a group of structures or uses, for the temporary parking of a vehicle while loading or unloading persons, merchandise, or materials, and which abuts a street, alley or other appropriate means of access and egress.

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 AREA: The total horizontal area within the boundary lines of a lot, excluding any street right of way or access easement.

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

LOT DEPTH: ~~The length of the lot measured on a line approximately perpendicular to the fronting street and midway between the side lot lines of the lot.~~ 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.

LOT LINE OR PROPERTY LINE: Any boundary line enclosing the lot area.

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

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 that is not a ~~street~~front or rear lot line.

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 SIZE AVERAGING: Lot size averaging is an approach to dividing land that allows a parcel to be divided such that some of the resulting lots are smaller than the minimum lot size required in the applicable zone, in order to preserve critical areas or other topographical adversities and provide greater flexibility, provided that the average lot size in the development as a whole meets the minimum lot size.

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

LOT WIDTH: 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.

13-2-14: M:

MANUFACTURING, LIGHT: Manufacturing activities that are typically smaller in scale and do not require heavy, specialized, industrial equipment. Typical activities may include, but are not limited to, materials testing, printing, and small-scale assembly. Light manufacturing excludes machine shops, incinerators, wrecking yards, feedlots and other uses where significant adverse noise, air quality, or other impacts caused by manufacturing processes can not be contained within buildings.

MANUFACTURED HOME: A dwelling unit manufactured off site in a factory, transported to the site and placed on a permanent foundation and bearing an insignia by a state or federal regulatory agency indicating that the building complies with all applicable construction standards of the U.S. department of housing and urban development's definition of a manufactured home.

MANUFACTURED HOME PARK: A residential development in which the land is owned, operated, and maintained as a commercial business and the individual manufactured homes or recreational vehicles (RVs) are either leased or are located on leased sites.

~~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.~~

MILL: A structure and/or piece of machinery used in materials processing to break down raw materials into finer or smaller pieces, usually by grinding or cutting.

MOBILE HOME: A vehicle bearing the "mobile home" insignia of the Washington state department of labor and industries.

MOBILE VENDOR: An itinerant vendor providing vending services from a mobile vending unit.

MOBILE VENDOR UNIT: A vehicle, cart or other conveyance capable of moving or being moved and being used, or intended for use, by a person or persons to provide vending services while located within or upon the public rights of way.

MODULAR HOMES: A detached dwelling that is designed for human habitation, is either entirely or substantially prefabricated at a place other than a building site, and is constructed or installed on the site in accordance with the UBC and bearing the appropriate insignia indicating such compliance. Modular homes are also commonly referred to as "prefabricated," "panelized," or "factory-built" units.

MONUMENT: A permanent freestanding structure designed to commemorate a person or event.

~~MOTEL: A building containing units which are used as individual sleeping units having their own private toilet facilities and sometimes their own kitchen facilities, designed primarily for the accommodation of transient automobile travelers. Accommodations for recreational vehicles are not included. See definition of Hotel or Motel in this chapter.~~

MULTI-FAMILY DWELLING: A building containing two (2) or more dwelling units.

MUSEUM: Facilities open to the public where works of art, scientific specimens, or other objects of permanent value are kept and displayed.

13-2-15: 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.

NONPROFIT ORGANIZATION: An organization incorporated under provisions of the federal tax code 501(c)(3).

NURSING OR CONVALESCENT HOME: An establishment which provides full time care for three (3) or more chronically ill or infirm persons. Such care shall not include surgical, obstetrical or acute illness services.

13-2-16: O:

OFFICE: A building or separately defined space within a building used for business. The use of an office does not include on premises sales or manufacture of goods.

OPEN 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. An open record hearing may be held prior to a local government's decision on a project permit to be known as an "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 has been held on the project permit.

OPEN SPACE: Any part of a lot unobstructed by structures from the ground upward.

OUTDOOR STORAGE: All or part of a lot or business which is used for the keeping of materials, vehicles, or products in an open, uncovered yard or in an unwallled building. Such materials may include tractors, backhoes, heavy equipment, construction materials, bulk products, and other similar items.

OUTDOOR THEATER: An outdoor stage, amphitheater, or similar gathering space, where the public may view live musical or dramatic performances, film screenings, and other forms of entertainment.

13-2-17: P:

PARAPET: A false front or wall extension projecting above a roof.

PARCEL: 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 lots.

PARKING FACILITIES: A land area or building used for the storage of four (4) or more vehicles excluding parking areas for single-family residences.

PARKING SPACE: An area accessible to vehicles and used exclusively or principally for vehicle storage.

PARKS: Recreational areas which primarily are owned or operated by public or nonprofit entities for the use and enjoyment of the general public. In some cases, such areas and facilities may be incidental to private development, such as open space set-asides necessary for environmental mitigation and children's play areas within a subdivision; are intended to be principally used by a finite group; and may constitute private property. This can also include plaza and courts, typically a pedestrian space that is available for public use and is clearly visible and accessible from the adjacent right-of-way. Typical features may include special paving, landscaping, lighting, seating areas, water features, and art.

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.

PERMANENT SUPPORTIVE HOUSING: One or more subsidized, leased dwelling units with no limit on length of stay that prioritizes people who need comprehensive support services to retain tenancy and utilizes admissions practices designed to use lower barriers to entry than would be typical for other subsidized or unsubsidized rental housing, especially related to rental history, criminal history, and personal behaviors. Permanent supportive housing is paired with on-site or off-site voluntary services designed to support a person living with a complex and disabling behavioral health or physical health condition who was experiencing homelessness or was at imminent risk of homelessness prior to moving into housing to retain their housing and be a successful tenant in a housing arrangement, improve the resident's health status, and connect the resident of the housing with community-based health care, treatment, or employment services. Permanent supportive housing is subject to all of the rights and responsibilities defined in the Residential Landlord Tenant Act, chapter 59.18 RCW.

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

PERSONAL SERVICE: Businesses engaged in providing ~~care services of the corporeal person or his appare~~l to meet individual's needs, not including healthcare. These services include, but are not limited to, barber shops, travel agencies, instructional facilities such as dance studios, coin-operated laundries, and fitness studios.

PERVIOUS SURFACE: Any surface that enables full or partial absorption of stormwater into the ground and that is not considered impervious surface as that term is defined in title 9, chapter 5, article A of this code.

PETROLEUM PRODUCTS: Crude oil, petroleum products and byproducts, and gaseous hydrocarbons and byproducts.

PLANNED ACTION: A significant development proposal as defined in Revised Code Of Washington 43.21C.031, as amended.

PLANNED UNIT DEVELOPMENT: A flexible method of land development which accomplishes the purposes of chapter 6 of this title.

PRIMARY OR PRINCIPAL USE: The predominant use of the land or building to which all other uses are secondary.

PRIVATE DRIVEWAY: A paved or graveled surface that provides access to a lot from a public or private right-of-way and is dimensionally consistent with current adopted Orting Development Standards.

PRIVATE PARKING: Parking facilities for the noncommercial use of the occupant and guests of the occupant.

PROJECT: A proposal for development.

~~PROPERTY BUFFER: A greenbelt of varying width located on private property intended to serve as a tree preservation area and/or to separate contiguous developments. The property buffer may be a separate tract or an easement across property and shall be clearly depicted on the face of a plat or binding site plan.~~

PROPERTY LINE: See definition of Lot Line.~~A portion of the boundary of a parcel of land dividing it from other abutting parcels.~~

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, and private utilities serving the public.

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

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.

[PUBLIC SAFETY FACILITIES: Any site, structure, or facility used in the provision of public safety services, especially police and fire.](#)

PUBLIC WORKS STANDARDS: Shall mean and refer to those specifications and standard design details, as adopted and amended from time to time 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. [The Public Works Standards shall mean the same as the Orting Development Standards.](#)

13-2-18: Q:

Reserved.

13-2-19: R:

RECREATIONAL FACILITIES: Facilities for recreational use such as swimming pools, athletic clubs, tennis courts, ball fields, play fields, and the like.

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.

RECREATIONAL VEHICLE PARK/CAMPGROUND: A recreational vehicle park/campground refers to any tract of land divided into lots or spaces, under the ownership or management of one person, firm or corporation for the purpose of locating three or more recreational vehicles for nightly or short-term use. Said park/campground shall have an on-site caretaker.

REMODEL, EXTERIOR: Any renovation, upgrading, or otherwise changing the exterior of a building, including repainting, except when using previously approved colors.

[RESORT: An establishment, often including lodging, where people may go for recreation, rest, personal care, sport, or another similar purpose.](#)

[RETAIL FUEL SALES: Businesses selling fuel for motor vehicles, including gasoline and diesel.](#)

RETAIL SALES: Any business offering goods for sale. If a specific type of retail business is otherwise defined in this section, that definition shall prevail.

REZONE: A change in classification from one zoning district to another.

~~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.~~

ROOMING HOUSE: A building other than a hotel, motel or lodge which advertises as a boarding, lodging, or rooming house, or is a licensed place of business with rooms available for rent. This does not include short-term rentals offered in residences.

13-2-20: S:

SCHOOL SUPPORT FACILITIES: A building, complex, or installation that facilitates an action or process associated with school uses including facilities such as administrative buildings and bus barns.

SCREEN, SCREENING: A continuous fence, hedge or combination of both which obscures vision through eighty percent (80%) or more of the screen area, not including drives or walkways.

SECONDARY USE: A use, subordinate to the primary use, which may exist only when a primary use is existing on the same lot. The floor area of a secondary use must be less than that devoted to the primary use.

SELF-SERVICE STORAGE: A facility consisting of separate storage units which are rented to customers having exclusive and independent access to their respective units for storage of residential or commercial oriented goods.

~~SETBACK: The minimum distance required by this title for buildings to be set back from the street side or rear lot lines.~~ The required minimum horizontal distance between the building line and the related front, side, or rear property line, rights-of-way, or access easements.

SETBACK AREA: The lot area between the lot lines and the setback lines.

SETBACK LINE: A line which is parallel to a lot line or access easement located at the distance required by the setback.

SHARED OFF-STREET PARKING: Off-street areas designed, used, required, or intended to be used for the parking of motor vehicles in which two (2) or more uses which are within close proximity may share parking facilities to fulfill their individual parking requirements because their prime operational hours do not overlap.

**SHED:** An accessory structure, with or without a permanent foundation, without plumbing, used for storage ~~and located in area or side yard~~, generally less than ~~one~~ two hundred (2~~4~~00) square feet in area.

**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.

**SIGN, ABANDONED:** A sign which no longer identifies or advertises a person, business, product or activity conducted or available for more than one hundred eighty (180) consecutive days on the premises where the sign is located, or a damaged or vandalized sign which has not been repaired within sixty (60) days of the event.

**SIGN AREA:** The area of the smallest rectangle that can be drawn around all parts of the sign from the viewpoint exposing the largest surface area, excluding simple support structures. Sign supporting structures which are part of the sign display shall be included in the area of the rectangle.

**SIGN, ATTACHED:** A sign permanently attached to or mounted on a building, including signs painted on a building wall.

**SIGN, BANNER:** Any temporary sign intended to be hung, with or without framing, and possessing characters, letters, illustrations, or ornamentation applied to fabric or similar material. Flags, insignias, canopy signs, and posters shall not be considered banner signs.

**SIGN, BILLBOARD:** A sign which directs attention to a business, profession, product, activity or service that is not conducted, sold, or offered on the premises where the sign is located.

**SIGN, CANOPY:** A sign that is part of or attached to a canopy.

**SIGN, CONSTRUCTION:** A sign used to advertise or provide information about physical construction activity occurring under a valid building permit.

**SIGN, DIRECTIONAL:** A sign intended to provide wayfinding information.

**SIGN, DIRECTORY:** A sign on which the names and locations of occupants or the use or uses of a building are given. This includes signs for office buildings, church directories, and multiple signs for malls, arcades and similar commercial buildings using standard format business signs.

**SIGN FACE:** Any side of a sign which contains advertising or graphic display which is visible to the public.

**SIGN, FREESTANDING:** Any sign not attached to a building.

**SIGN, ILLUMINATED:** Any sign internally illuminated in any manner by an artificial light source. Indirectly illuminated signs are not included in this definition.

**SIGN, INTERNALLY ILLUMINATED:** A sign with an internal light source shining through the face of the sign. Exposed neon signs are internally illuminated.

**SIGN, MONUMENT:** A freestanding structure with signage for multiple establishments collocated on a property.

**SIGN, NONCONFORMING:** Any sign which does not conform to the provisions of this Code, but which conforms to all applicable laws in effect on the date the sign was originally erected.

**SIGN, OFF SITE:** A permanent sign not located on the same lot as the business or use it is intended to serve.

**SIGN, PERMANENT:** A sign nailed, glued, screwed or similarly fastened to foundation systems capable of holding it in position under an imposed wind load of ~~twenty~~ five~~twenty-five~~ (25) pounds per square foot or the design requirements of chapter 23 of the Building Code.

**SIGN, PORTABLE:** Any mobile, movable sign, sign on a vehicle or structure, including a sandwich board sign, which is not securely attached to the ground or any other structure.

**SIGN, PROJECTING:** Any sign affixed to a building or wall, the leading edge of which extends beyond such building or wall.

**SIGN, READER BOARD:** A sign that is designed to allow message changes either by manual or electronic means.

**SIGN, ROOF:** Any sign erected or constructed wholly upon or over the roof of a building and supported by the roof structure.

**SIGN, TEMPORARY:** A sign or advertising display intended to be displayed for a limited period of time or for a fixed event and not permanently affixed to a structure or the ground, including real estate signs used to offer for sale, lease, or rent, the property upon which the sign is placed.

**SIGN, WINDOW:** Any sign placed upon the interior or exterior surface of a window or placed inside the window within six feet (6') of the window surface, facing the outside and intended to be seen from the exterior.

**SINGLE-FAMILY DWELLING:** A building containing only one dwelling unit.

**SINGLE ROOM OCCUPANCY SLEEPING UNIT:** A housing type consisting of single sleeping units, with shared cooking facilities and with shared bathroom facilities. See also subsection 10-2-1F of this Code.

**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 this title, 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.

SOLID WASTE FACILITIES: A facility providing services related to the management, storage, collection, transportation, treatment, use, processing or final disposal of solid wastes, including the recovery and recycling of materials from solid wastes, the recovery of energy resources from wastes or the conversion of the energy in wastes to more useful forms or combinations thereof.

SPAS AND HEALTH CLUBS: Businesses or organizations offering health and beauty treatments, wellness services, exercise equipment, and/or classes.

SPECIFIED ANATOMICAL AREAS: Less than completely or opaquely covered human genitals, pubic region, buttock, or female breast below a point immediately above the top of the areola; or human male genitals in a discernibly turgid state, even if completely or opaquely covered.

SPECIFIED SEXUAL ACTIVITIES: Acts of human masturbation, sexual intercourse or sodomy; fondling or other erotic touching of human genitals, pubic region, buttock or female breast; or human genitals in a state of sexual stimulation or arousal.

STABLE: ~~An accessory~~<sup>A</sup> building used to board animals owned by the owner and/or others.

STATIONARY FOOD VENDOR: An itinerant vendor who provides food vending services from a stationary vendor unit.

STATIONARY FOOD VENDOR UNIT: A stationary vendor unit used, or intended to be used, to provide food vending services.

STATIONARY VENDOR: An itinerant vendor who provides vending services from a stationary vendor unit.

STATIONARY VENDOR UNIT:

- A. A vehicle, cart or other conveyance capable of moving or being moved, or
- B. A structure that is not permanently affixed to real property, and which is used, or intended to be used, at a fixed location to provide vending services.

STOCK IN TRADE: Any item or goods that: a) is produced, purchased, processed, finished or fabricated as part of a home occupation; or b) is incorporated into any such item; or c) is used to make, manufacture, produce, process, finish or fabricate any such item; or d) is intended for resale on site; provided, that it does not include samples.

STREET: A public or private right-of-way or easement which provides vehicle access to more than three (3) lots or potential lots.

STREET LOT LINE: The lot line or lines along the edge of a street.

STREET SETBACK: The minimum distance required for buildings to be set back from the street lot line.

STRUCTURE: Any combination or arrangement of material that is artificially built up or composed of parts joined together, for use, occupancy, or ornamentation, that is installed, built, constructed, or erected on, above, or below the surface of land or water, whether or not affixed permanently or attached to something having a permanent location.

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 of ownership, except as provided in this title.

13-2-21: T:

TEMPORARY BUILDING OR STRUCTURE: A building or structure not having or requiring permanent attachment to the ground or to other structures which have no required attachment to the ground.

[THEATER: A building or part of a building devoted primarily to the showing of motion pictures or for dramatic, dance, musical, or other live performances.](#)

TOWNHOUSE: A multiple dwelling unit meeting the following criteria: a) no dwelling unit overlapping another vertically; b) common side walls joining units; and c) not more than six (6) dwelling units in one structure.

~~TRACT OR PARCEL: A portion of a subdivision having fixed boundaries, not including lot~~ [A fractional part of divided lands having fixed boundaries.](#)

[TRANSIT FACILITY: All passenger facilities, structures, stops, shelters, bus zones, properties, and rights-of-way of all kinds that are owned, leased, held, or used by a transit authority for the purpose of providing public transportation services.](#)

TRANSITIONAL HOUSING: A facility that is owner-, operated-, or managed by a nonprofit organization or governmental entity that provides housing and supportive services to homeless individuals or families for up to two years and whose primary purpose is to enable homeless individuals or families to move into independent living and permanent housing.

13-2-22: U:

USE: The purpose which lands or structures serve or for which they are occupied, maintained, arranged, designed or intended.

UTILITY FACILITY: A small-scale facility serving primarily local distribution needs within the city, including underground power lines, water distribution lines, sewer lift stations, and stormwater conveyance pipes, fiber optic cable, pump stations and hydrants, switching boxes, and other structures normally found in a street right-of-way to serve adjacent properties.

13-2-23: V:

VARIANCE: A permissible modification of the application of this title to a particular property, subject to City approval.

VEGETATIVE SCREEN: A planted buffer that is opaque to a height of six feet (6') minimum, accomplished through any combination of solid row(s) of evergreen trees or shrubs; the same on an earthen berm; and/or fencing. Ground surfaces of the planting area are to be seventy-five percent (75%) covered with ground cover plants within three (3) years of installation.

VEHICLE: A device capable of being moved upon a public highway and in, upon, or by which any persons or property is or may be transported or drawn upon a public highway, including mopeds, excepting devices moved by human or animal power or used exclusively upon stationary rails or tracks.

VENDING OR VENDING SERVICES: Exhibiting goods or services for sale for the purpose of selling, bartering, trading, exchanging, or advertising such goods or services.

VETERINARY FACILITIES: Any facility, structure, or equipment used in the operation of an

VOCATIONAL SCHOOLS: Institutions providing technical and professional training, usually with the goal of employment in a craft or trade.

13-2-24: W:

WALKWAY: A hard surfaced portion of a street, right-of- way, trail or easement intended for pedestrian use.

WASTEWATER TREATMENT: Establishments primarily engaged in providing waste management services including waste treatment and disposal, remediation, operation of materials recovery facilities, septic tank pumping, and related services.

WATER SUPPLY FACILITY: A facility that obtains, treats, and distributes water to customers.

**WATERCOURSE:** The course or route followed by waters draining from the land, formed by nature or man and consisting of a bed, banks, sides and associated wetlands and headwaters. A watercourse shall receive surface and subsurface drainage waters and shall flow with some regularity, but not necessarily continuously, naturally and normally, in draining from higher to lower lands. The watercourse shall terminate at the point of discharge into a larger receiving body such as a lake. Watercourses shall include sloughs, streams, creeks and associated wetlands.

**WETLAND OR WETLANDS:**

A. Areas that are inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas.

B. Wetlands do not include those artificial wetlands intentionally created from nonwetland sites, including, but not limited to, irrigation and drainage ditches, grass lined swales, canals, detention facilities, wastewater treatment facilities, farm ponds, and landscape amenities. However, wetlands include those artificial wetlands intentionally created to mitigate conversion of wetlands.

[WHOLESALE TRADE: Establishments primarily engaged in selling merchandise to retailers; industrial, commercial, institutional, or professional business users; or other wholesalers; or acting as agents or brokers and buying for or selling merchandise to such individuals or companies; and professional and commercial equipment suppliers.](#)

[WILDLIFE SHELTER: A facility which is used to house or contain wildlife and which is owned, operated or maintained by a public body, an established humane society, animal welfare society, society for the prevention of cruelty to animals or other nonprofit organizations or persons devoted to the welfare, protection and humane treatment of animals. This does not include domestic animals.](#)

**WINERY / BREWERY:** An establishment which manufactures beer, wine, and or cider beverages on site and may sell products manufactured on site for on-premises and off-premises consumption.

**WIRELESS COMMUNICATION FACILITY:** ~~See OMC 13-9-16. Any unstaffed facility for the transmission and/or reception of radio frequency signals through electromagnetic energy, usually consisting of an equipment shelter or cabinet and a support tower or other structure used to attach transmission and reception devices.~~

13-2-25: X:

Reserved.

13-2-26: 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. The front yard shall be the area between the front line 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.

13-2-27: 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 this title.

ZONING CODE: This title.

## CHAPTER 3 ZONE CLASSIFICATIONS

### 13-3-1: PURPOSE:

The purpose of this chapter is to list and describe the zone classifications and their purposes; provide interpretations of uses allowed in each zone classification; and classify uses according to a limited number of categories on the basis of common functional, product, or compatibility characteristics.

### 13-3-2: ZONE CLASSIFICATIONS:

Zone classifications are grouped into residential classifications; mixed use classifications; industrial classification; and public classifications as follows:

#### A. RC Residential-Conservation Zone:

1. Purpose And Intent: The Residential-Conservation Zone is intended to provide for low density single-family residential and duplex uses along the Puyallup and Carbon Rivers where there are critical areas such as frequently flooded areas, wetlands, and fish and wildlife habitat.

#### B. RU Residential-Urban Zone:

1. Purpose And Intent: The Residential-Urban Zone is intended to provide for high density urban single-family, townhouse, cottage, and duplex residential uses which benefit from the full array of services and amenities available in the Town core.

#### C. RMF Residential-Multi-Family Zone:

1. Purpose And Intent: The intent of the Multi-Family Residential Zone is to provide for the highest residential density, including cottage housing, professional office uses and government service uses in the Town core.

#### D. MUTC Mixed Use-Town Center Zone:

1. Purpose And Intent: The intent of the MUTC Zone is to provide an attractive mix of commercial retail, office, residential and service development in the Town core. Pedestrian amenities, public transportation, and architectural design review will be considerations in development approvals for projects in this zone.

#### E. MUTCN Mixed Use-Town Center North Zone:

1. Purpose And Intent: The intent of the MUTCN Zone is to benefit the citizens of Orting with the desirable opportunities presented to the City of the large lots and land area between Orting High School and Rocky Road for the development of new

economic opportunities including a mix of residential, non-residential, open space and recreational uses that support a sustainable community by providing jobs and increasing the tax base. Pedestrian amenities, public transportation, and architectural design review will be considerations throughout master planning and development approvals for projects in this zone.

2. Master Development Plan Required: Development in the MUTCN (Mixed Use Town Center North) requires approval of a master development plan that shall include a planned unit development and an approved development agreement with site specific design guidelines, and a parcel map if future phases are anticipated. The development agreement shall set forth the conditions for development, public improvements, and phasing, if applicable. The master development plan approval process is a Type 4 permit per section 15-4-1 of this Code. All development and uses shall be in accordance with the adopted master development plan. Provisions for allowed and conditional uses, site specific locations of public streets, parks and open spaces, and design standards described in this section shall be interpreted and modified as appropriate during the master plan review and planned unit development approval process based on evidence provided by the applicant.

3. Master Plan Elements: The master development plan shall contain, at a minimum, the following:

- a. A master site plan showing the location of:
  - (1) Buildings;
  - (2) Streets, alleys, and major driveways;
  - (3) Off street parking areas;
  - (4) Open spaces (plazas, squares, courtyards, permanent BMPs, and other spaces intended for public enjoyment) based on the proposed uses and whether they are intended to serve the public;
  - (5) Critical areas and buffers;
  - (6) Shorelines;
  - (7) Floodplains;
  - (8) Pedestrian walks and paths;
  - (9) Landscaping to reflect landscaping requirements related to site plans and landscaping associated with permanent BMPs;
  - (10) Proposed Phases; and
  - (11) Other site features;
- b. A unified parking management plan showing potential shared parking areas;

c. Subdivision or Binding Site Plan proposals per title 12 of this Code, if applicable; and

d. Other materials as required for planned development or binding site plan approval and architectural design review per this title.

4. Principal Uses: Section 13-3-3, Table 1, of this chapter, shows the allowed principal and conditional uses in the MUTCN Zone. Uses not listed are prohibited. All development within the MUTCN is subject to Architectural Design Review.

5. Bulk And Dimensional Requirements: The following bulk and dimensional requirements apply to the MUTCN district:

a. Non-Residential Space: A minimum of fifteen (15) acres of non-residential uses (Commercial, Light Industrial and Light Manufacturing, with associated streets, sidewalks, parking, and Cultural and/or Public Uses per OMC 13-3-3, Table 1) shall be located primarily along Washington Avenue N/SR 162, and/or adjacent to Rocky Road, the Orting Wastewater Treatment Plant and/or the Orting School District property per the adopted site master plan. Prior to certificates of occupancy for up to every one hundred (100) residential dwellings, a minimum of three thousand five hundred (3,500) square feet of retail and/or office space along SR162 and a minimum of one thousand five hundred (1,500) square feet of Light Industrial or Light Manufacturing commercial uses shall be developed for commercial uses ready for tenant improvement and occupancy. Retail development fronting on SR162 may be phased. Initial commercial development shall start at the White Hawk Blvd/SR162 intersection and then move north and south.

b. Public Open Space: In addition to the required commercial plazas and courtyards and the community open space required in this title, the district shall contain a minimum of five (5) acres of useable open community park space that is not part of a critical areas buffer or shoreline buffer, required landscaping or perimeter buffering, part of a required easement, or part of a stormwater facility. These five (5) acres of open community park space may not be subdivided into more than two smaller tracts and subject to the proportional size of the tax parcels. Public access to park space shall be compliant with the American Disabilities Act (ADA), 42 U.S.C. 12101, et seq., including ~~wheel chair~~[wheelchair](#) accessibility. Park equipment shall have ADA accessible features including ~~wheel chair~~[wheelchair](#) accessibility. An ADA accessible pathway shall be provided for access to the Carbon River levy. Development of this park space with improvements shall be dedicated to the City for public access and use and may be provided by the applicant, or may be financed by park impact fees paid by the applicant. Exceptions to this provision may be granted when circumstances make compliance infeasible or when a park impact fee is proposed, pursuant to section 15-6-7(B) of this code.

c. Residential Density: There shall be a maximum of twenty (20) buildable acres allowed for residential construction including streets, sidewalks and neighborhood parks and open space. The minimum residential density is six (6) dwelling units per gross

buildable acre. The maximum residential density for any non-senior residential development parcel is twelve (12) dwelling units per buildable acre. Buildable acreage does not include critical areas or flood plain acreage. There shall be a mix of housing including detached, attached, and multi-family units within the residential acreage and avoidance of a segregation of housing types into specific areas. Detached single family residences in the non-senior housing can only be Cottage Housing per sections 13-2-4, 13-3-3, 13-5-1g of this code. Attached housing in non-senior housing must be three (3) or more units.

Senior housing minimum density is six (6) dwelling units per gross buildable acre and a maximum of twenty (20) units per gross buildable acre. Senior housing shall include a mix of housing including detached single family residences, attached housing, and multifamily units. Residential uses over retail uses in the same structure have no maximum density restrictions and do not count toward the density total.

d. Each of the above totals shall be proportionate in acreage to the parcel size for each lot of record existing as of the date of adoption of this code. This provision shall run with the land and be in effect whether the parcels remain in their existing configuration or are subsequently divided.

e. Height is restricted to a maximum of ~~thirty five~~thirty-five feet (35') for commercial and residential construction fronting SR162 and Rocky Road. Height is restricted to a maximum of ~~forty five~~forty-five feet (45') east of commercial construction fronting SR 162 and south of construction fronting on Rocky Rd. No commercial or residential building may be more than three (3) stories (3 occupied floors). Development shall not be permitted that raises the height of the ground above the site plan elevations as approved by the City.

6. Project Design: The design, layout and distribution of uses such as buildings, landscaping, parking areas, signs, open spaces, public areas, and streetscapes shall comply with the approved master development and guidelines. Proposed design features shall be reviewed by the Planning Commission in accordance with section 13-6-7 of this title and the MUTCN design guidelines. The following design features shall be addressed during the review of all project proposals:

- a. Architectural character illustrated by building elevations and renderings showing design features, building orientations, and relationships to parking, pedestrian areas, and open spaces;
- b. Public plazas and open spaces;
- c. Relationships to adjacent properties, uses, and buildings;
- d. Pedestrian walkways and paths;
- e. Construction materials and colors;
- f. Coordinated signage and lighting;

- g. Streetscape design for improvements in public rights-of-way including sidewalk finishes, street trees, lighting, and street furniture;
- h. Landscaping of parking areas, open spaces, and project perimeters; and
- i. Use of low impact design techniques for stormwater management.

7. MUTCN Design Guidelines : The following guidelines are supplementary to other adopted design standards and guidelines:

a. Pedestrian Oriented Street Frontage: Buildings shall provide pedestrian entries along streets. Sidewalks along SR 162/Washington Avenue North, one side of Daffodil Avenue NE, and one side of Rocky Road and in the non-residential shall be a minimum of eight feet (8') in width with greater widths at entries. Sidewalks along all other roadways must be a minimum of five feet (5') in width. All streets shall have street trees spaced no more than thirty feet (30') apart. All streets shall be public streets built to the City of Orting Public Works standards. Buildings on public street frontages shall provide at least two (2) of the following pedestrian amenities:

- (1) Window displays along at least ~~seventy~~-five percent (75%) of the frontage;
- (2) Pedestrian weather protection;
- (3) Street furniture such as benches, drinking fountains, trash receptacles, public art, or site maps;
- (4) Open spaces including cafe seating, plazas, play structures, fountains, or gardens;
- (5) Perimeter landscaping; and/or
- (6) Sidewalk "bulb-outs" at street intersections may be allowed depending upon traffic study findings.

b. Off Street Parking Access: Off street parking between streets and buildings shall be minimized. Curb cuts providing driveways to off street parking lots shall be minimized. The building street frontage facade shall not be broken by parking lots for more than sixty-five feet (65') at any location. No more than fifty percent (50%) of the total frontage along SR162 may be occupied by parking areas. Those parking lots may not be deeper than ~~seventy-five~~seventy-five feet (75') including planter strips and must be screened with landscaping.

c. Off Street Parking Management: Absolute compliance with parking requirements may be waived if a parking demand analysis demonstrates that shared parking can be accomplished through the following:

- (1) Parking lots/areas are connected by driveways and pedestrian walkways.
- (2) Multiple projects are treated collectively in the master development plan.

(3) Daytime and nighttime parking demand can be balanced.

(4) Parking areas in adjacent or nearby projects (within five hundred feet (500')) are dedicated to serving demand.

(5) Employee parking demand is addressed through carpooling and/or remote parking areas.

d. Service Areas: Loading areas, outdoor storage, waste facilities, and other services shall be located and screened from public views and adjacent properties with a combination of location, landscaping and solid fencing.

e. Building Design: All buildings shall be designed in compliance with the architectural design review (ADR) standards set forth in section 13-6-7 of this title.

f. Signage: The master development plan shall include a signage plan including a unifying theme, and details for all typical signs such as monument signs, major building signs, projecting signs, storefront signs, lighting, and directional signs.

g. Plazas And Courtyards: Plazas and courtyards are required in all non-residential areas, except for light industrial use areas. Plazas are major open space features intended to provide significant opportunities for public use and enjoyment including special events. Courtyards are smaller open space features intended to provide quiet spaces for resting and relaxing. For each ten thousand (10,000) square feet of building area, a combination of plazas and/or courtyards totaling one thousand (1,000) square feet is required. The minimum area of a courtyard is two hundred fifty (250) square feet. The minimum area of plaza is one thousand (1,000) square feet. At least twenty-five percent (25%) of all plazas and courtyards shall be landscaped with trees, shrubs, and ground cover at grade or in planters. At least twenty-five percent (25%) shall be paved with decorative materials. Seating (1 linear foot of seating area for each sixty (60) square feet of plaza or courtyard area), trash receptacles, public art, water features, and other furnishings shall be provided.

h. Residential Open Space: Small scale, usable open space is required in all residential areas. All residential open space areas must be relatively level; located on useable space that is not part of a critical areas or shoreline buffer and must provide access and inclusive uses for all persons, including those with mobility issues and other disabilities. Areas needed for perimeter buffering, landscaping, screening, utilities or storm water facilities may not be counted as residential open space. For every fifty (50) dwelling units, a combination of open space areas including tot lots, pedestrian amenities, picnic areas, etc. totaling two thousand (2,000) square feet is required. The minimum area of an individual open space is one thousand (1,000) square feet. No side dimension of the open space may be less than thirty feet (30'). At least fifty percent (50%) of all residential open space shall be landscaped with trees, shrubs, and ground cover at grade or in planters. At least twenty-five percent (25%) shall be improved with play structures, unless the development is predominantly senior housing. Seating (one (1) linear foot of seating area for each sixty (60) square feet of residential open space), trash receptacles, public art, water features, and other furnishings shall be provided.

i. Low Impact Design: In conjunction with standard stormwater management practices, site design for stormwater conveyance, detention, and treatment shall include measures such as biofiltration, irrigation reuse, and other techniques integrated with the overall landscape design to minimize high volumes of discharge and pollution, where reasonably practicable.

j. Mt. Rainier Site lines: It is preferable that the Master Development Plan proposal protect views of Mt. Rainier along the SR162 corridor and from the internal community parks.

k. Commercial setbacks fronting SR162: A minimum of fifty percent (50%) of retail development along SR162 shall have a minimum setback of ~~twenty-five~~ twenty-five feet (25') from the street curb with pedestrian entry in the front. See Sections 5 and 7 of this chapter.

F. LM Light Manufacturing Zone:

1. Purpose And Intent: The intent of the Light Manufacturing Zone is to provide for development of low impact manufacturing and warehousing employment centers that can be concentrated where traffic congestion, visual and other impacts on the surrounding areas can be minimized. Light manufacturing includes, but is not limited to: canning or bottling of food or beverages using an assembly line; production, assembly, finishing, or packaging of articles from parts made at another location; and production of finished household and office goods from materials that are already refined or from raw materials that do not need refining.

G. OS Open Space And Recreation Zone:

1. Purpose And Intent: The intent of the Open Space and Recreation Zone is to provide for parks, trails, open spaces, and recreational areas for the use of the public.

H. PF Public Facilities Zone:

1. Purpose And Intent: The intent of the Public Facilities Zone is to be applied to major parcels of land serving the cultural, educational, recreational and public service needs of the community, such as, but not limited to schools, water and wastewater facilities, City buildings, City parking lots, and other City owned uses. This zone shall only apply to lands owned by governmental agencies.

**13-3-3: USES:**

A. General: The uses of property are defined by the activity for which the building or lot is intended, designed, arranged, occupied, or maintained. Each lot or parcel in single-family or related zones shall contain one principal use as set forth in table 1 of this section. Multi-family, commercial and industrial zones may contain up to three (3) principal uses. Other uses on a lot or parcel may be permitted accessory or conditional uses.

B. Use Tables: Table 1 of this section sets forth allowed principal (P) and conditional (C) uses for each zone. The table lists the zones in the vertical columns and the land use activities in the horizontal rows. If no symbol appears in the box at the intersection of a row and column, the use is not allowed and is prohibited unless otherwise noted. In general, prohibited uses shall be as follows:

1. Any use or structure that is not of a character similar to the stated principal, conditional or accessory uses for the zone; or
2. Any use which causes or may be expected to cause an excessive disturbance not in keeping with the character and stated intent of the zone. "Excessive" is defined for these purposes as a degree exceeding that generated by the uses permitted in the zone in their customary manner of operation or to a degree injurious to the public safety, health, welfare or convenience.

If the letter "P" appears in the box, the use is permitted outright subject to the provisions of this title. If the letter "C" appears in the box, the use is conditional, subject to review and approval including site plan approval. If the box contains a number, the corresponding footnote further specifies the conditions applicable to the use in the zone.

**TABLE 1**  
**CITY OF ORTING PERMITTED LAND USES BY ZONING DESIGNATION**

RC: Residential-Conservation Zone	MUTC: Mixed Use-Town Center Zone	OS: Open Space and Recreation Zone
RU: Residential-Urban Zone	MUTCN: Mixed Use-Town Center North Zone	PF: Public Facilities Zone
RMF: Residential-Multi-Family Zone	LM: Light Manufacturing Zone	

	Zones							
	RC	RU	RMF	MUTC	MUTCN <sup>2</sup>	LM	OS	PF
Residential uses <sup>1</sup> :								
<a href="#">Accessory Dwelling Units (ADU), subject to OMC 13-5-6</a>	<u>P</u>	<u>P</u>	<u>P</u>					
Cottage	P	P	P		A			
Cottage development		P <sup>3,4</sup>	P <sup>3,4</sup>		P			
Duplex	P	P	P	P	P <sup>25</sup>			
Group residences:		C	C <sup>3</sup>	C <sup>3</sup>				C <sup>22,12</sup>
Adult family homes	P	P	P	P	P			
<del>Attached ground-related residences</del>			<u>P<sup>2</sup></u>		<u>P</u>			
Emergency housing <sup>16, 17, 18, 19, 20, 21</sup>				C <sup>27-32</sup>	C <sup>27-32</sup>			
Emergency shelter <sup>16, 17, 18, 19, 20, 21</sup>				C <sup>27-32</sup>	C <sup>27-32</sup>			
Permanent supportive housing <sup>15, 19, 20, 21, 22</sup>	C <sup>26, 30-33</sup>	C <sup>26, 30-33</sup>	C <sup>26, 30-33</sup>	C <sup>3, 26, 30-33</sup>	C <sup>3, 26, 30-33</sup>			
Single room occupancy sleeping units								C
Transitional housing <sup>15, 16, 17, 18, 19, 20, 21, 22</sup>	C <sup>26-33</sup>	C <sup>26-33</sup>	C <sup>26-33</sup>	C <sup>3, 26-33</sup>	C <sup>3, 26-33</sup>			
Other <sup>6, 5</sup>		C	P	C				
Manufactured home park	C	C	C					
Mobile/manufactured home <sup>6</sup>	P <sup>7</sup>	P <sup>7</sup>	P <sup>7</sup>		<u>P</u>			
<del>Multiple family</del> Multi-family			P	P <sup>3</sup>	P			
Single-family detached	P	P	P		P <sup>25</sup>			
Temporary lodging:								
Bed and breakfast	C	C	C	P <sup>3</sup>				
Hotel/motel				P <sup>3</sup>	P			

	Zones							
	RC	RU	RMF	MUTC	MUTCN <sup>2</sup>	LM	OS	PF
Rooming house			C	C <sup>3</sup>				
Townhouse		P <sup>40,7</sup>	P	P <sup>3</sup>	P <sup>23,13</sup>			
<b>Commercial uses:</b>								
Adult businesses				C <sup>3</sup>				
<del>Arcades</del>				<del>P<sup>3</sup></del>				
Clubs and lodges			C <sup>3</sup>	P <sup>3</sup>				
<b>Communication facilities:</b>								
___ Communication services				P <sup>3</sup>	C			
___ Wireless communication services facilities, subject to OMC 13-9				<u>P<sup>3</sup></u>		<u>P</u>		
<b>Daycare facilities:</b>								
Daycare center		C	C	C	P			
Family daycare	P	P	P	C <sup>3</sup>	<u>P</u>			
Eating and drinking places			C <sup>3</sup>	P <sup>3</sup>	P		C <sup>3</sup>	
Health services			P <sup>3</sup>	P <sup>3</sup>	P			
Home occupations <sup>12,8</sup>	<del>EP<sup>13</sup></del>	<del>EP</del>	<del>EP</del>	<del>PE<sup>3</sup></del>	P			
Liquor stores				P <sup>3</sup>	P			
Offices			C <sup>3</sup>	P <sup>3</sup>	P	C <sup>3</sup>		
Personal services				P <sup>3</sup>	P			
Retail fuel sales				C <sup>3</sup>	P	P <sup>3</sup>		
Retail sales			C <sup>3,14,9</sup>	P <sup>3</sup>	P	C <sup>3</sup>	C <sup>3</sup>	
Theaters				P <sup>3</sup>	P			
<del>Veterinary clinics</del>					<del>P</del>			
Veterinary facilities				P <sup>3</sup>	P	P <sup>3</sup>		
<b>Industrial uses:</b>								
<b>Manufacturing<sup>18</sup>:</b>								
Assembly/fabrication					C <sup>24,14</sup>	P		
Food processing					C <sup>24,14</sup>	P		
Light manufacturing					C <sup>24,14</sup>	P		
Petroleum products						P		
Wineries and breweries				P	P	P		
Wood products						P		
<b>Storage and shipping:</b>								
Construction business					C <sup>24,14</sup>	P		
Equipment rental				<u>P<sup>24</sup></u>	C <sup>24,14</sup>	P		

	Zones							
	RC	RU	RMF	MUTC	MUTCN <sup>2</sup>	LM	OS	PF
Freight facilities warehousing						P		
Outdoor storage					C <sup>24_14</sup>	C		
Self-service storage					C <sup>24_14</sup>	P		
Wholesale trade					C <sup>24_14</sup>	P		
<b>Cultural and recreational uses:</b>								
<i>Cultural:</i>								
Art galleries				P <sup>3</sup>	P			
Churches	C <sup>3</sup>	C <sup>3</sup>	C <sup>3</sup>	P <sup>3</sup>	P			
Community centers				P <sup>3</sup>	C			
<del>Community facilities</del>					<del>C</del>			
Libraries				P <sup>3</sup>	P			
Museums				P <sup>3</sup>	P			
Outdoor theaters				P <sup>3</sup>	C			
<i>Recreation:</i>								
Athletic fields	C <sup>20_10</sup>	C <sup>20_10</sup>	C <sup>20_10</sup>		C		P	P
Campgrounds	C <sup>20_10</sup>	C <sup>20_10</sup>	C <sup>20_10</sup>				P	P
Golf facilities	C <sup>20_10</sup>	C <sup>20_10</sup>	C <sup>20_10</sup>				P	P
Parks	C <sup>20_10</sup>	C <sup>20_10</sup>	C <sup>20_10</sup>	C <sup>20_10</sup>	P	C <sup>20_10</sup>	P	P
<del>Parks, plazas, courts</del>					<del>P</del>			
RV parks	C <sup>20_10</sup>	C <sup>20_10</sup>	C <sup>20_10</sup>				C	C
Resorts (including lodging)			C	C	C			
Shooting ranges	C					C	C	C
Spas and health clubs				P <sup>3</sup>	P			
Stables/riding clubs	C <sup>20_10</sup>						C	P
Trails	C <sup>20_10</sup>	C <sup>20_10</sup>	C <sup>20_10</sup>	C <sup>20_10</sup>	P	C <sup>20_10</sup>	P	P
<b>Public uses:</b>								
Animal shelters					C <sup>24_14</sup>	P		P
Colleges and universities			C	C	C	C		P
Correctional facilities						C		C
Emergency services		C	C	C	C	P		P
Government offices			P	P	P	P		P
Hazardous materials						C		C
Hospitals	C <sup>3</sup>	C <sup>3</sup>	C	C	C	C		P
Justice facilities								P
K - 12 schools	C	C	C	P	C			P

	Zones							
	RC	RU	RMF	MUTC	MUTCN <sup>2</sup>	LM	OS	PF
Landfills		⊖				C		C
Public safety facilities		C	C	C	C	P		P
School support facilities					C	P		P
Shared off street parking				C	P			
Solid waste facilities						C		P
Transit facilities	C	C	C	C	C	C	C	P
Utility facilities	C	C	C	C	P	C		P
Vocational schools		C	C	C	C	P	C	P
Wastewater treatment								P
Water supply facilities	C	C	C	C	C	C	C	P
<b>Resource uses:</b>								
<i>Agricultural:</i>								
Agricultural research, testing and training	C				C	P		C
Growing crops	P				C			
Livestock and small animals	<a href="#">P<sup>2+11</sup></a>				C			
<i>Fish and wildlife management:</i>								
Aquaculture	C						C	C
Wildlife shelters	C						C	C
<i>Forestry:</i>								
Growing trees	P							
Mills						P		
Research and testing	C					P		C
<i>Mineral:</i>								
Batch plants						P		
Extraction and processing	C	C	C			P		C

Notes:

1. Residential planned unit developments (PUD) may allow increases in underlying density except in the MUTCN.
2. All development subject to Master Development Plan and MUTCN Bulk and Dimensional Requirements. See sections 13-3-2 E2 and E5 of this code.
3. Subject to architectural design review.
4. As a binding site plan.

~~5. Not located along retail street frontages.~~

~~56. Housing more than 12 unrelated individuals. Occupancy limit may only be regulated in accordance with RCW 35.21.682 or its successor.~~

~~67. On a legal lot with permanent foundation and no older than three years old on the date the home is placed on the lot.~~

~~8. On upper floors above ground floor commercial only.~~

~~9. On upper floors above ground floor commercial, or in freestanding residential buildings.~~

~~7.10. Duplexes and townhouses~~ Townhouses are not allowed on flag lots (pipestem) in the RU zone.

~~11. In planned retail centers when building area is less than 10,000 square feet.~~

~~8.12. See Subject to~~ section 13-5-4 of this title.

~~13. On site sales of agricultural products allowed.~~

~~9.14. Food stores only.~~

~~15. On upper floors above ground floor retail.~~

~~16. Including outdoor display or sales yards.~~

~~17. Not including overnight kennels or treatment facilities.~~

~~18. Machine shops, incinerators, wrecking yards, and feedlots may be permitted subject to appropriate mitigation of impacts on surrounding nonindustrial areas. Significant adverse noise, air quality, or other impacts caused by manufacturing processes shall be contained within buildings.~~

~~19. When entirely located in a building, not producing adverse noise or air quality impacts, and not located along retail street frontage. Ground floor area limited to 10,000 square feet maximum.~~

~~1020. Private facilities.~~

~~11.24. Subject to all other City regulations regarding livestock.~~

~~12.22. Redevelopment of the Orting Soldiers' Home subject to site plan and architectural design review approval.~~

~~13.23. Three or more units per building.~~

~~14.24. May not have frontage along SR 162/Washington Avenue N. Must be screened from all adjacent residences with sight obscuring landscaping, 6-foot tall solid fencing.~~

~~25. For Senior Housing (aged 55+) only.~~

~~15.26. The number of permanent supportive housing units and transitional housing units allowed on any given property shall be no more than the number of standard dwelling units that would be allowed under the applicable zoning of the property.~~

~~16.27. The total combined capacity of all emergency shelter beds, emergency housing beds, and transitional housing units in the City shall not exceed 0.4% of the City's population, as estimated annually by the Washington Office of Financial Management.~~

~~17.28. Emergency housing and emergency shelters are required to be indoors. An operations and security plan shall be required that addresses site management and neighborhood impacts. Each facility shall be limited to a total of 10 individuals.~~

~~18.29. Emergency housing, emergency shelter, and transitional housing uses shall not be located on any parcel that abuts or is directly across a public right-of-way from a parcel with an existing school or park use, or on any parcel within the main street area of Orting, defined as the area bounded by Whitsell Street, Bridge Street, Corrin Avenue Northwest, and Rainier Lane Northeast. This does not include indoor emergency shelter facilities that are needed to respond temporarily to a natural disaster or other similarly acute emergency (ex: heating and cooling centers).~~

~~19.30. No person convicted of a felony assault, arson, illegal drug manufacturing, burglary, or kidnapping charge within the past three (3) years, or otherwise under court supervision or sex offender registration requirements can receive services from a provider, unless providing such services is consistent with the laws, regulations, and/or supervisory requirements related to such persons. To ensure compliance, providers of transitional housing and permanent supportive housing shall order and review background checks prior to resident entry. Providers of emergency housing and emergency shelter shall order and review background checks within three days of intake.~~

[20](#) ~~31~~. All providers of emergency shelter, emergency housing, transitional housing, and permanent supportive housing shall, after the initial two years of operation of any such facility, provide the City with a report that demonstrates ongoing compliance with the terms of the Conditional Use Permit as defined at the time of approval. Such providers are also required to maintain a valid City of Orting business license and liability insurance. These service providers should prioritize individuals living in the Orting valley. Upon intake, providers shall record each individual's most recent city or other place of residence and shall provide a report on such data to the City every year. Providers shall also record the number of individuals seeking services who are turned away due to lack of capacity and their most recent place of residence.

[21](#) ~~32~~. In reviewing Conditional Use Permit applications for emergency shelter, emergency housing, transitional housing, and permanent supportive housing, the Hearing Examiner shall not treat adversely or discriminate against people experiencing homelessness.

[22](#) ~~33~~. No more than two persons per bedroom shall inhabit a permanent supportive housing or transitional housing facility.

[234](#). No outdoor storage.

**TABLE 2**  
**PERMITTED ACCESSORY USES BY ZONING DESIGNATION**

		Zones
Conditional accessory uses:		
	Cargo container	RU (CUP)
Permitted accessory uses:		
	Accessory structures such as garages, carports, and sheds	All <del>residential</del> zones
-	Accessory dwelling units <sup>1</sup>	All residential zones
	Barns and agricultural structures	RC, <u>PF</u>
	Caretaker residences	LM, OS
	Cargo container	LM, PF
	Collective gardens <sup>2</sup>	All residential zones
	Maintenance and storage facilities and yards	OS
	Off street parking for 1 commercial truck or van used for commuting	All residential zones
	Parking lots	OS
	Private outdoor storage of small noncommercial trucks, boats	All residential zones

	and recreational vehicles in required setbacks	
	Recreation facilities in conjunction with planned residential developments	All residential zones
	Required automobile parking for permitted principal and conditional uses	All zones
	Required truck loading facilities	All zones
	Restrooms and bathing facilities	OS
	Retail sales associated with the principal manufacturing or processing use and not occupying more than 10 percent of the site area	LM
	Stationary food vending	MUTC
	Uses customarily incidental to the principal uses <sup>3</sup>	MUTC

	Utility installations except solid waste disposal facilities	All zones
--	--	-----------

Notes:

1. ~~Repealed. Accessory dwelling units are subject to section 13-5-6 of this title.~~
2. Collective gardens must conform to chapter 8 of this title.
3. Such as seasonal displays, sidewalk sales, etc.

**13-3-4: ZONING MAP:**

A. Map Established: The official zoning map used as the basis for this zoning regulation is the same as the adopted Comprehensive Plan Future Land Use Map and shall be maintained by the City. Each property in the City is classified under this title and is subject to the requirements of this title. Zoning classifications on the official zoning map shall use the symbols shown in this chapter.

B. Urban Growth [Area](#) boundary: The official zoning map shall include the designation of the comprehensive plan urban growth area boundary for the City. Any reference to the urban growth [area](#) boundary in this title shall mean that mapped designation.

C. Interpretation Of Boundaries: When uncertainty regarding zone classification boundaries arises, the following rules shall apply:

1. Where zoning or urban growth [area](#) boundaries are indicated as following the centerline of streets, alleys or highways; the right-of-way centerline shall be the boundary.

2. Where zoning or urban growth [area](#) boundaries are indicated as following lot or tract lines, the lot or tract lines shall be the boundaries.

3. Unmapped shore lands shall be considered to be within the same zoning classification or urban growth area designation as the adjacent upland.

4. Where a public street or alley is officially vacated or abandoned, the zone classification applicable to the property abutting the vacated portion shall apply to the vacated or abandoned street or alley.

5. Where zoning or urban growth [area](#) boundaries divide a parcel created prior to January 11, 1996, the entire parcel shall be considered to be within the classification of the majority of the parcel, i.e., the portion which is greater than fifty percent (50%) of the area. The property owner(s) may petition the City for relief from this provision based on hardship created by unique or special circumstances, such as natural features. If the City finds that such hardship exists, the boundary line may be moved within the lot area to a location which provides relief from said hardship so long as the action does not create hardships upon adjacent properties or conflict with other provisions of this Code.

6. Where these rules (subsections C1 through C5 of this section) do not clarify a boundary issue, the Administrator shall make the determination based on an analysis of the specific parcel(s) with written findings and conclusions. The Administrator's determination in these matters may be appealed according to title 15, chapter 10 of this Code.

**13-3-5: INTERPRETATION OF USES:**

A. Typical Uses Within Use Types: The descriptions of use types in this chapter may contain examples of usual and customary uses. These uses are intended to be typical and are not intended to represent all permissible uses.

B. Interpretation By Administrator: Where there is a question regarding the inclusion or exclusion of a particular proposed use within a particular use category or use type, the Administrator shall have the authority to make the final determination based on an analysis of the specific question with written findings and conclusions. The Administrator's determination in these instances may be appealed according to title 15, chapter 10 of this Code.

### **13-3-6: EXEMPTED USES:**

A. Applicability To Other Chapters: Unless otherwise stated, the uses exempted in this section are also exempted from chapters 5 and 6 of this title and title 15, "Development Code Administration", of this Code.

B. Uses Exempted: The provisions of this chapter shall not apply to the following uses:

1. On site and community septic systems;
2. Stormwater conveyance systems which includes features such as gutters, pipelines, culverts, manholes, weirs, manmade and natural channels, water quality filtration systems and dry wells;
3. Electrical distribution lines and poles (55 kilovolts and under);
4. Sewerage and water conveyance systems which include underground or flush with the ground features, including, but not limited to, pipes and manholes;
5. Water, oil, and petroleum gas distribution pipelines;
6. Natural gas distribution lines (not transmission lines), and necessary appurtenant facilities and hookups;
7. Cable, fiber optic, or telephone transmission and distribution lines, poles and appurtenances (not including antennas or cellular transmission towers);
8. Public streets and linear trails when located in existing rights-of-way;
9. Cargo containers when authorized pursuant to subsection 13-4-2A of this title as a temporary construction building or pursuant to subsection 13-4-2E of this title when being used as a portable storage unit.

[10. The establishment of vaccination centers, medical testing operations, cooling / heating centers, severe weather shelters and other community gathering places where emergency services and aid is provided during the daytime hours when an Emergency](#)

proclamation or declaration of Disaster is be made by any of the following: Pierce County Executive, Pierce County Council, Orting City Council, Washington State Governor, or the President of the United States.

C. Repair And Maintenance: The provisions of this chapter shall not be construed to regulate the maintenance and repair of any use or facility exempted or permitted in this chapter.

## 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.

### 13-4-2: STANDARDS:

A. ~~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 Christmas Tree Lots: A temporary Christmas tree lot for the purpose of selling Christmas trees may be located on a property in the MUTC, MUTCN, and Industrial zones for a maximum of 45 days within any twelve (12) month period. A temporary tree lot shall not be subject to the off-street parking requirements set forth in OMC 13-5-3.

A.C. Temporary School Uses: A temporary use associated with a school for the purpose of educational needs, including but not limited to agricultural programming, may be located on a school property for a maximum of XX days within a calendar school year. Temporary agricultural uses are also subject to all applicable regulations of OMC Chapter 6, Article B - Livestock, Other Animals. Temporary structures associated with a temporary school use may be subject to building permit requirements.

B.D. 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.E. Temporary Housing Unit: Singlewide mobile homes or manufactured homes may be placed in any zone for occupancy during the period of time necessary to construct 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:

**Commented [AT1]:** Any zone limitations? We could say PF since the High School is located in PF.

**Commented [AT2]:** The temp uses could vary widely - do we want to put a maximum date?

**Commented [AT3]:** This may need to be reworded but should we mention something about building permits?

1. The unit 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.

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 is not located in any required front or side yard.

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, 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.

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.

**DE.** Cargo Containers; When Allowed: Except pursuant to subsections A, "Temporary Construction Buildings", and E, "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.

**EG.** 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 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;

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, shall not cause or allow such cargo container to remain on such property beyond the duration specified in subsection E1a 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 E 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~~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.

EF. Model homes.

1. When allowed: Any applicant who has received preliminary plat approval may apply for building permits for model homes, up to the number authorized under subsection 3 of this section.

2. Criteria: Prior to the issuance of model home permit(s), the applicant must demonstrate that the following criteria are met:

a. The applicant has submitted and received all required permits and approvals required of the preliminary plat approval; and

b. All required retention and detention facilities necessary for the areas of the subdivision serving the model homes are in place and functional, and in accordance with the civil permit approved by the city of Orting; and

c. All critical areas upon or immediately adjacent to the areas of the subdivision serving the model home(s) have been protected or mitigated, in accordance with adopted critical areas regulations and preliminary plat approval; and

d. The model home(s) shall meet the access and fire protection requirements of OMC Title 10; and

e. All areas of the subdivision serving the model home(s) have installed frontage improvements including, but not limited to, curb, gutter and sidewalk, street illumination, and landscaping as required by the preliminary plat approval or this code; and

f. All proposed streets serving the model homes shall be adequately marked with street signs conforming to the current Manual of Uniform Traffic Control Device (MUTCD) standards; and

g. Water and sewer conveyance systems are installed and functional to each lot proposed for model homes, in accordance with the approved civil permit; and

h. Lot property corners of all lots proposed to be used for the model home complex have been set by a licensed, professional land surveyor in accordance with the preliminary plat lot configuration; and

i. All impact fees for model homes shall be paid prior to issuance of a building permit for the model homes; and

j. Fire protection features including access, hydrants, and fire flow must be provided in accordance with OMC Title 10 and the approved civil plans prior to any combustible construction on any lot within the development. Such fire protection may be installed in a phased manner; provided, that they are in place and approved as prescribed by code for each individual parcel within the plat prior to issuance of a building permit for said parcel; and

k. Any model home utilized as an office space shall meet all applicable requirements for such use as provided for in OMC Title 10.

3. Application process: In addition to the application requirements for a building permit, the following additional information for a model home shall be included:

a. The applicant shall have written authorization from the property owner permitting the model home(s) if the applicant is other than the owner of the approved preliminary plat; and

b. Title report current within the last 30 days; and

c. Name of approved preliminary plat as well as the proposed name of the final plat (if different); and

d. Date of preliminary plat approval; and

e. Date of preliminary plat expiration; and

f. Copy of City Council decision approving the preliminary plat; and

g. Overall site plan showing the preliminary plat, including phases (if applicable) and the location of all proposed model homes; and

h. Individual site plan showing the location of the model home(s) in relation to the property lines and setbacks consistent with the preliminary plat approval; and

i. A statement from the applicant in which the applicant acknowledges that construction of any model home is at applicant's own risk and agrees to indemnify and

hold harmless the city, its elected and appointed officials, employees, agents, and representatives from any and all claims related to the model homes, including but not limited to any costs of removal of such buildings and portions not in compliance with the final plat approval.

4. Number of model homes per plat: The number of allowed model homes varies per plat. Approved preliminary plats are allowed to have model homes as follows:

a. Plats with five through 19 lots may have one model home;

b. Plats with 20 or more lots may have up to 10 percent of the lots be model homes. If the number of model homes yielded from this calculation is a fractional number, the result shall be rounded down to the nearest whole number.

5. Occupancy: Certificate of occupancy shall not be granted for any of the model homes until the final plat has been recorded. However, the applicant shall request final inspection and temporary occupancy for model homes prior to final plat recording, provided:

a. The owner and homebuilder have complied with applicable state law with regard to any agreements to transfer, sell or lease property within the preliminary plat prior to final plat recording; and

b. All building and fire safety requirements have been met to the satisfaction of the city's building official and fire marshal; and

c. Driveway approaches for each model home requesting occupancy have been installed; and

d. Repairs to the roadway improvements have been completed as necessary due to damage as a result of model home construction, if any; and

e. Miscellaneous utility work as necessary to minimize potential for damage to vehicles or tripping hazards has been completed; and

f. Miscellaneous work to provide access for maintenance or operation of underground utilities has been completed; and

g. No model home shall be occupied for residential use prior to recording of the final plat. No model home shall be sold, leased, rented or otherwise transferred in ownership until the final plat is recorded, unless the property interest is transferred in conjunction with a transfer in interest of the plat as a whole; and

h. The hours of operation for the model home(s) can only be between the hours of 6:00 a.m. to 9:00 p.m.; and

i. The city's building/fire safety department and public works department have verified all water and sewer connections are connected and installed in accordance with the approved civil permit.



## CHAPTER 5 DEVELOPMENT STANDARDS

### 13-5-1: DENSITY AND DIMENSION:

A. Purpose: The purpose of this section is to establish dimensional standards for development. These standards are established to provide flexibility in project design and promote high quality development within the City.

B. Density Standards: All residential density provisions are herein expressed in terms of minimum lot size based on the density standards adopted in the comprehensive plan.

1. Density bonuses and shifting in accordance with planned unit developments and clustering shall be authorized in approvals as described in section 13-6-4 of this title.

C. Lot size, Setback, Height, Area and Coverage Standards: Table 1 of this section sets forth the required development standards for the zones.

**TABLE 1  
DEVELOPMENT STANDARDS**

Zones	Minimum Lot Requirements			Setbacks			Maximum Heights/Height <sup>1</sup>	Maximum Building Coverage	Maximum Hard Surface Coverage	Maximum Density <sup>2</sup>
	Width	Depth	Area <sup>3</sup>	Front	Rear	Side				
RC	<a href="#">None</a>	<a href="#">None</a>	2 acres	25'	25'	8'	35'	20%	50%	1 DU/2A
RU	<a href="#">None</a>	<a href="#">None</a>	7,260 sq. ft.	25'	25'	8'	35'	40%	65%	6 DU/A
RMF	40'	100'	5,450 sq. ft. <sup>5</sup> 7,000 sq. ft. <sup>6</sup> 4,000 plus 2,000 sq. ft. <sup>7</sup> None(nonresidential) <sup>8</sup>	25'	25'	8'	35'	50%	75%	8 DU/A <sup>116</sup>
MUTC	None	None	None	None	None	None	<del>45'</del> <sup>15</sup> <a href="#">45'</a> <sup>16</sup>	100%	100%	None
MUTCN	None	None	None <sup>10</sup>	None <sup>11</sup>	None <sup>11</sup>	None <sup>11</sup>	35' <sup>12</sup> 50' <sup>13</sup>	100% <sup>14</sup>	100%	n/a
LM	None	None	None	None	None	None	35'	100%	100%	n/a
OS	None	None	None	None	None	None	25'	None	None	n/a
PF	None	None	None	9	9	9	9	None	None	n/a

Notes:

1. Heights specified are for principal structures; maximum height for accessory structures in all zones is 20 feet. Maximum height for accessory dwelling units is specified in section 13-5-6.
2. [The regulation is expressed by the number of principal dwelling units \(DU\) per Acre \(A\) and does not include ADUs.](#) Duplex density may be increased in accordance with the minimum lot area found in subsection 13-5-1H of this title.
3. Lot size averaging is permitted pursuant to subsection 13-5-1I of this title.
4. ~~Repealed. Except as modified in this chapter.~~
5. Minimum lot area for single-family detached dwellings.
6. Minimum lot area for townhouses.
7. Minimum lot area for multi-family dwellings: 4,000 square feet for the first unit and 2,000 for each additional unit.
8. No minimum lot area for nonresidential uses.

9. Minimum setbacks and building heights consistent with the most intensive adjacent zone.
10. Minimum area for master plans is 5 acres.
11. Setbacks to be determined during site plan review.
12. In sectors 1 and 3.
13. In sector 2.
14. Minimum open space requirement is 1,000 square feet for every 10,000 square feet of building area.
15. Or 3 stories subject to architectural design review. Height limit applies to those portions of the MUTC Zone shown in figure A of this section.
- [16. Under RCW 36.70B \(as amended by ESHB 1042 in 2023: Chapter 285, Laws of 2023\) a density bonus of 50% may be granted for new residential units added within an existing multifamily or commercial building.](#)



3. Through Lots: In the case of a through lot, a front yard setback is required abutting each street right of way.

4. Front Yard Setback Averaging: Averaging may be used to reduce a front yard setback requirement when a principal building has been established on an adjacent lot within the required yard. This provision shall not apply if the adjacent lot has received a reduced setback based upon a discretionary land use approval. This exception shall be calculated as follows:

a. Averaging shall be calculated by adding the existing front yard setbacks of the adjacent lots together and dividing that figure by two (2).

b. When an adjacent lot is vacant, averaging shall be calculated by adding the front yard setback of the adjacent developed lot with the minimum front yard setback of the zone in which the construction is proposed and dividing that figure by two (2).

5. Slopes: If the topography of a lot is such that the minimum front yard setback line is eight feet (8') or more above the street grade, and there is no reasonable way to construct a driveway up to the dwelling unit level, a garage/carport may be built into the bank and set at least five feet (5') back from the right of way.

6. Accessory Structures, Interior Yard and Rear Yard Exceptions: Detached one-story accessory structures ~~may occupy twenty five percent (25%) of the total area of a side yard and~~ shall maintain a minimum ~~five foot~~five-foot (5') setback, except in the MUTC zone. This does not apply to accessory dwelling units.

7. ~~Accessory Structures, Rear Yard Exception: Detached one-story accessory structures may occupy fifty percent (50%) of the total area of a rear yard and shall maintain a minimum five foot~~five-foot (5') setback, except in the MUTC zone. This does not apply to accessory dwelling units.Repealed

8. Bus Shelters: Bus shelters for school district or transit authority purposes may be located within a front yard setback when located on private property if they do not exceed fifty (50) square feet of floor area and one story in height, provided all applicable site distance requirements are met.

9. Projection Exception:

a. Fireplace structures, bay or garden windows, enclosed stair landings, ornamental features, or similar structures may project into any setback, provided such projections are:

(1) Limited to two (2) per required yard.

(2) Not wider than ten feet (10').

(3) Not more than eighteen inches (18") into a side yard setback or two feet (2') into a rear yard setback.

(4) Not more than three feet (3') into a front yard setback.

b. Uncovered porches and decks which do not exceed thirty inches (30") from finished lot grade may project into any setback, provided such projections do not extend more than six feet (6') into a front yard setback or no closer than five feet (5') to the side lot line.

c. Wheelchair ramps may project into any required setback.

10. Rear Yards, Exception: In the case of triangular or otherwise irregularly shaped lots, a line ten feet (10') in length entirely within the lot, parallel to and at a maximum distance from the front lot line may be considered the "rear lot line" at the owner's discretion. If the owner does not select such a line, the city may do so.

D. Height Standards: (See figure 13.35-1 set forth in subsection D3 of this section for measuring building heights.)

1. Measurement: The height of a fence located on a rockery, retaining wall, or berm shall be measured from the top of the fence to the ground on the high side of the rockery, retaining wall, or berm.

a. Walls, fences, and berms up to three feet (3') in height may be located on any part of a lot. Open fences may be up to four feet (4') in height.

b. Walls, fences and berms up to six feet (6') in height may be located to the rear of the front wall line of the principal residence unless otherwise determined to provide a site distance hazard by the building inspector.

c. The provisions of this section shall not apply to fences required by state law to surround public utility installations, or to fences enclosing school grounds and public playgrounds. A building permit shall be required for construction of any wall or fence located within the city.

2. Exceptions: Height standards shall not apply to the following:

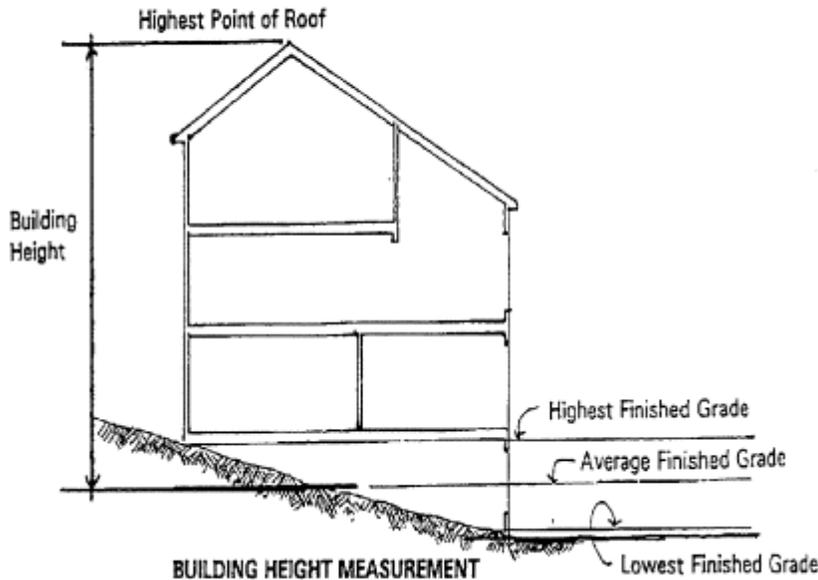
a. Church spires, belfries, domes, chimneys, antennas, satellite dishes, ventilation stacks, or similar structures, provided the structure is set back from all property lines a distance equal to the height of the structure.

b. Rooftop mechanical equipment. All rooftop mechanical equipment may extend ten feet (10') above the height limit of the zone, provided all equipment is set back ten feet (10') from the edge of the roof.

c. Utility towers and poles subject to review of site location.

3. Figure:

Figure 13.35-1



E. General Development Standards:

1. Existing Lot; Single-Family Dwelling Permitted: In any zone that permits a single-family dwelling unit, a single-family dwelling unit and permitted accessory structures may be constructed or enlarged on one lot which cannot satisfy the density requirements of the zone where the lot was legally created prior to the effective date of this regulation. This section shall not waive the requirements for setbacks and height of the zone in which the lot is located.

2. Combining Lots; Interior Yard Setback Exception: Where two (2) or more lots are used as a building site and where principal buildings cross lot lines, interior yard setbacks shall not be required from those lot lines crossed by the principal building.

3. Legally Created Lots; Development Permitted Proof:

a. Development shall be permitted only on legally created lots.

b. To establish that a lot has been legally created, the applicant must provide one of the following:

(1) A copy of formal plat, short plat, or large lot subdivision approved by Pierce County separately describing the lot.

(2) A copy of the boundary line adjustment or lot combination separately describing the lot.

(3) Documentation that the creation of the lot was exempt from the provisions of the subdivision title.

(4) A deed, contract of sale, mortgage, recorded survey, or tax segregation that separately describes the lot.

4. Pipestem (Flag) Lots: Pipestem (flag) lots in all residential zones are discouraged. In the RC and RMF Zones, pipestem (flag) lots may be approved subject to the criteria provided in subsection 12-8-1A of this Code, general approval requirements. Development on pipestem (flag) lots in the RU Zone shall be subject to the design standards provided in subsection F of this section. The Planning Commission shall conduct a site plan review of the proposal as a type 3a permitting action to determine if the proposal complies with the standards in subsection F of this section.

5. Bulkheads And Retaining Walls: Any structure constructed and erected between lands of different elevations used to resist the lateral displacement of any material, control erosion, or protect structures may be placed within required setbacks to a maximum height of six feet (6'), provided all applicable site distance requirements are met.

F. RU Zone Pipestem (Flag) Lot Development Standards: (See figures 13-5-1A and 13-5-1B of this section.) [Road and access standards \(including private roads, public roads, and driveways\) are per the City's adopted development standards for public works.](#)

1. Configuration Of New Pipestem (Flag) Lots: The area of new pipestem (flag) lots in the RU Zone, exclusive of the area of the driveway portion, shall be ten thousand (10,000) square feet minimum. The shape of any new pipestem (flag) lot in the RU Zone shall be such that a minimum ~~forty-foot~~[forty-foot](#) (40') diameter building circle can be sited within the required setbacks of the zone. The driveway portion of any new pipestem (flag) lot in the RU Zone shall be no longer than one hundred feet (100') and at least twenty feet (20') wide. [In all other zones the minimum street frontage for a flag lot shall be fifteen \(15\) feet unless a building will be sited 150 feet or further from the curb line in which there must be fire access provided with a minimum width of twenty \(20\) feet.](#)

FIGURE 13-5-1A  
BASIC PIPESTEM (FLAG) LOT CHARACTERISTICS

FIGURE 13-5-1A  
 BASIC PIPESTEM (FLAG)  
 LOT CHARACTERISTICS

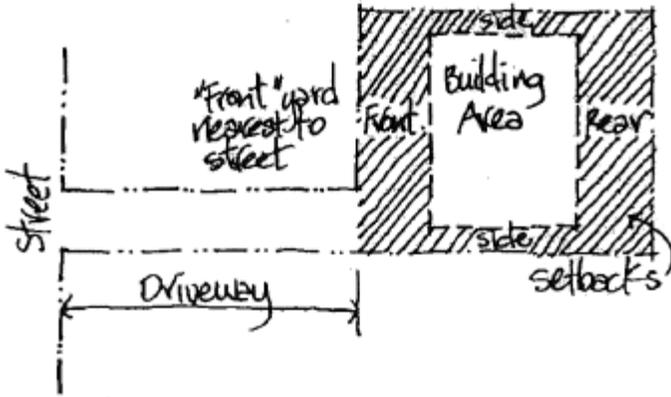
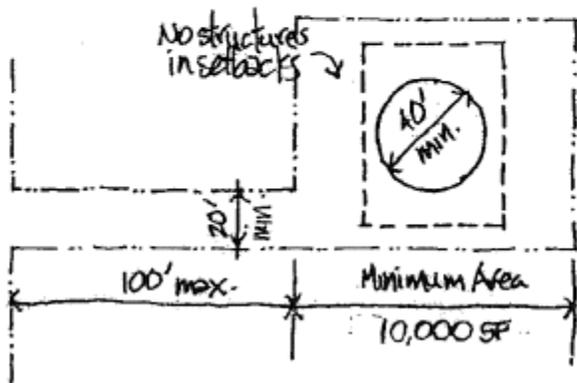


FIGURE 13-5-1B  
 RU ZONE FLAG LOT CONFIGURATION

FIGURE 13-5-1B  
 RU ZONE FLAG LOT  
 CONFIGURATION



2. Development Standards For All Pipestem (Flag) Lots In The RU Zone: All pipestem (flag) lots in the RU Zone, irrespective of when platted, shall meet the following standards, subject to site plan review:

- a. All development of principal residences, accessory dwellings, garages, sheds, and other structures shall be built within the required setbacks.

b. The "building area" within the setbacks shall be large enough to accommodate a ~~forty-foot~~forty-foot (40') diameter building circle to ensure that the shape of the lot is adequate to support development that results in attractive, usable open spaces.

c. Hard surface coverage of the lot shall not be greater than forty-five percent (45%), not including the driveway portion in the stem section of the lot.

d. The maximum height of any structure shall not be greater than twenty-feet (20').

e. The perimeter treatment of the lot including the driveway portion may include fencing or landscaping to screen the development from adjacent properties.

G. Cottage Housing Development Standards, Except As Modified During Binding Site Plan Review or Unit Lot Subdivision approval:

1. Minimum site area: Two thousand two hundred fifty (2,250) square feet of gross site area per dwelling unit.

2. Project size: Four (4) units minimum and twelve (12) units maximum.

3. Minimum common open space: Four hundred (400) square feet per unit.

4. Perimeter setbacks per underlying zoning.

5. Minimum building separation: Ten feet (10').

6. Maximum building height: Eighteen feet (18'), twenty five feet (25') to roof peak.

7. Maximum building coverage: Forty percent (40%).

8. Maximum total site impervious coverage: Sixty percent (60%).

9. Maximum floor area: One thousand (1,000) square feet total, six hundred fifty (650) square feet ground floor.

10. Accessory dwellings: Four hundred (400) square feet maximum, attached or detached.

11. Minimum street frontage: Twenty feet (20').

H. Duplex Development Standards:

1. Duplexes shall be designed to blend in with the single-family character of the neighborhood.

2. If located on a corner lot, each unit of the duplex shall face onto an adjacent street, and no two (2) units' front doors and garages are permitted to face the same street frontage.

3. Lot size requirements for duplexes in residential zones are as follows:

- a. Residential Conservation (RC):
  - (1) Duplex minimum lot size: Two (2) acres.
- b. Residential Urban (RU):
  - (1) Duplex minimum lot size: 9,075 square feet.
- c. Residential Multi- Family (RMF):
  - (1) Duplex minimum lot size: 7,000 square feet.

I. Lot Size Averaging:

1. Purpose: To allow flexibility in the creation of new subdivisions to accommodate development barriers including, but not limited to, shorelines, wetlands, and critical areas, provided that the average lot size in the development as a whole meets the district's minimum lot size and the density as a whole does not exceed the districts maximum density standards.

2. Applicability: Lot size averaging provisions of this chapter apply to and may be used by developers of land who are dividing land in conformance with the provisions of this title, and in which the land is located in the following zones:

- a. RC Residential-Conservation Zone (subsection 13-3-2A).
- b. RU Residential-Urban Zone (subsection 13-3-2B).
- c. RMF Residential-Multi-Family Zone (subsection 13-3-2C).

3. Standards:

a. Lot size averaging cannot result in a parcel being divided into a greater number of lots than would result from development at the normal minimum lot size required in the applicable zone.

b. In approved short plats and subdivisions, the individual lots shall be considered in compliance with minimum area requirements if the average of the areas of all the lots in the short plat or subdivision meets the minimum requirement for the zone in which the short plat or subdivision is located.

c. Lot size averaging only applies to creation of lots for detached single-family residences.

d. Lot size averaging shall not be used to create lots for duplexes or multi-family dwellings as defined by section 13-2-14.

e. No individual single-family lot shall be reduced more than twenty five percent (25%) from the district minimum required area.

f. No single-family lot shall be reduced in width to less than forty feet (40') (regardless of lot depth).

g. No single-family lot shall be reduced in depth to less than seventy feet (70') (regardless of lot width).

h. All of the following are to be subtracted from the net square footage of a lot for the purpose of determining the area of a lot proposed for lot averaging:

- (1) Public right-of-way;
- (2) Private roads, private primary access easement; and
- (3) Minor portion (pipestem) of pipestem lots.

i. The area of easements other than that of the primary access (public right-of-way or private easement) shall not be subtracted from the net square footage of a lot.

j. Surface detention/retention facilities may count toward calculations for lot size averaging only if the detention/retention facility:

- (1) Is designed so as to appear as a natural wetland system; or
- (2) Provides active or passive recreational benefits in a natural landscaped setting.

k. Developments utilizing lot size averaging shall not receive preliminary or final approval as phased developments unless each phase meets the lot size averaging standards for the total land area included in that phase.

### **13-5-2: LANDSCAPING AND SCREENING:**

A. Purpose: The purpose of this section is to establish standards for landscaping and screening, to maintain or replace existing vegetation, provide physical and visual buffers between differing land uses, lessen environmental and improve aesthetic impacts of development and to enhance the overall appearance of the city. Street trees shall be selected from the approved list of trees, on file with the City of Orting.

B. Applicability: The standards set forth in this section shall apply to all uses of land which are subject to site plan or architectural design review, to the construction or location of any multi-family structure of three (3) or more attached dwelling units, to any new subdivision, and to projects implementing native vegetation retention, native vegetation revegetation, and dispersion [low impact development \(LID\) best management practices \(BMPs\)](#) for permanent on-site stormwater management.

C. Landscape Plan: A plan of the proposed landscaping and screening of projects subject to this section shall be provided as part of the application and shall contain the following:

1. Identification of existing trees and tree canopies;
2. Significant trees and vegetation to remain;
3. New landscaping: location, species, diameter or size of materials using both botanical and common names. Drawings shall reflect the ultimate size of plant materials;
4. Identification of tree protection techniques;
5. Alternative landscaping plans: The ~~city may~~Administrator or designee may approve, as a Type 2 administrative decision, ~~authorize~~ modification of the landscape requirements when alternative plans comply with the intent of this chapter and:
  - a. The proposed landscaping represents a superior result than that which would be achieved by strictly following requirements of this section; or
  - b. The alternative plan incorporates the increased retention of significant trees and naturally occurring undergrowth; or
  - c. The alternative plan incorporates unique, historic or architectural features such as plazas, courts, fountains, trellises, or sculptures.
6. Areas of native vegetation retention, native vegetation restoration, and dispersion LID BMPs used for permanent on-site stormwater management.

The landscape plan shall be prepared by a professional landscape architect licensed by the state of Washington. The administrator may allow the landscape plan to be prepared by another party if the applicant can demonstrate that the size and/or complexity of the project is such that the landscape design solution may be very simple, involving a limited palette of plant materials and applications.

D. Preservation Of Significant Trees And Vegetation:

1. All significant trees in required perimeter buffers shall be retained.

Retention of significant trees on the remaining portions of the site is encouraged. Retention of significant trees on the remaining portions of the site is required where such tree retention is proposed to meet the requirements of LID BMPs for permanent on-site stormwater management.

2. Significant trees are those which possess one or more of the following characteristics:
  - a. Trees identified in table 13-5-2 D2 of this code;
  - b. Contribute to the character of the area and do not constitute a safety hazard;
  - c. Form a continuous canopy or dense vegetated screen; or

d. Trees identified as being significant due to their age, scarcity, habitat value, community identifying characteristics, historical, cultural, or biological significance.

Table 13-5-2 D 2, Significant Trees

Tree Species	Size
Garry (Oregon White) Oak	8" diameter at breast height ("d.b.h.") or greater
Pacific Yew	5" d.b.h. or greater
Pacific Madrone	10" d.b.h. or greater
Ponderosa Pine, Grand Fir, Big Leaf Maple, Western Hemlock, Western Red Cedar	15" d.b.h. or greater
Douglas Fir, Sitka Spruce	24" d.b.h. or greater
Tree of any species	40" d.b.h. or greater

3. If the grade level adjoining a tree to be retained is altered such that the tree might be endangered, then a dry rock wall or rock well shall be constructed around the tree. The diameter of this wall or well must be capable of protecting the tree.

4. Impervious or compactible surfaces within the area defined by the drip line of any tree to be retained may be permitted if a qualified arborist certifies that such activities will not endanger the tree or trees.

5. Retention of other existing vegetation that is equal to or better than available nursery stock is strongly encouraged.

6. Areas of native vegetation designated as landscape or buffer areas shall be protected by a ten foot (10') wide no construction zone during construction. Cleaning, grading or contour alteration is not permitted within this no construction zone unless a qualified arborist certifies that proposed construction activity within the zone will not harm existing vegetation.

7. Tree retention to meet the requirements of LID BMPs for permanent on-site stormwater management shall be in accordance with the adopted Stormwater Management Manual and LID Manual.

E. Requirements For Residential Uses:

1. Perimeter Areas: Notwithstanding other regulations found in this chapter, perimeter areas not covered with buildings, driveways and parking and loading areas shall be landscaped. The required width of perimeter areas to be landscaped shall be at least the depth of the required yard or setback area. Areas to be landscaped shall be covered with live plant materials which will ultimately cover seventy-five percent (75%)

of the ground area within three (3) years. One deciduous tree a minimum of ~~two~~ two-inch (2") caliper or one 6-foot evergreen or three (3) shrubs which should attain a height of three and one-half feet (3 1/2') within three (3) years shall be provided for every five hundred (500) square feet of the area to be landscaped.

2. Buffer Areas: All residential subdivisions or planned developments shall have a buffer consisting of a vegetated screen, that is opaque to a height of six feet (6') minimum, along the perimeter of the plat. The screening may be achieved through any one or a combination of the following methods:

- a. Evergreen trees or shrubs; or
- b. Trees and shrubs planted on an earthen berm as approved by the Public Works Director; or
- c. A combination of trees or shrubs and fencing. If fencing is utilized, vegetation screening is required along fifty percent (50%) of the fencing on each lot line. If fencing and vegetation is selected, for a lot line abutting a right-of- way, vegetation must be planted on the exterior of the fence; or
- d. Use of existing native vegetation that already provides a vegetative screen.

3. New subdivisions or planned developments that abut arterial streets or nonresidential uses shall be screened with a minimum ~~twenty-five~~ twenty-five foot (25') buffer. Subdivisions or planned developments that abut areas with the same underlying zoning shall be screened with nominal landscaping that provides variety and enhances the visual character of the area.

4. The vegetation requirements of this section may be waived through a variance process for new subdivisions or planned developments where native vegetation retention, native vegetation revegetation or dispersion LID BMPs are proposed in accordance with the Stormwater Management Manual and LID Manual. Buffer area widths shall not be reduced. The type of vegetation within buffer areas shall be determined through the variance process identified in this code.

5. Root barriers are required for all trees to be planted adjacent to right-of- way, and as required by the Public Works Director.

#### F. Requirements For Commercial Uses:

1. Perimeter Areas: See subsection E1 of this section.
2. Buffer Areas: Where a development subject to these standards is contiguous to a residential zoning district or areas of residential development, then the required perimeter area shall be landscaped the full width of the setback areas as follows:
  - a. A solid screen of evergreen trees or shrubs; or
  - b. A solid screen of evergreen trees and shrubs planted on an earthen berm an average of three feet (3') high as approved by the Public Works Director; or

c. A combination of trees or shrubs and fencing. If fencing is utilized, vegetation screening is required along fifty percent (50%) of the fencing on each lot line. If fencing and vegetation is selected, for a lot line abutting a right-of-way, vegetation must be planted on the exterior of the fence.

3. Areas Without Setbacks:

a. In areas where there is no required setback or where buildings are built to the property line, development subject to this chapter shall provide a street tree at an interval of one every twenty feet (20') or planter boxes at the same interval or some combination of trees and boxes, or an alternative.

b. Street trees shall be a minimum caliper of two inches (2") and be a species approved by the city and installed to city standards. Planter boxes shall be maintained by the property owners and shall be of a type approved by the city.

4. The vegetation requirements of this section may be waived through a variance process for new subdivisions or planned developments where native vegetation retention, native vegetation revegetation or dispersion LID BMPs are proposed in accordance with the Stormwater Management Manual and LID Manual. Buffer area widths shall not be reduced. The type of vegetation within buffer areas shall be determined through the variance process identified in this code.

5. Root barriers are required for all trees to be planted adjacent to hardscape and/or as required by the Public Works Director.

G. Parking Lot Landscaping And Screening: The standards of this section shall apply to public and private commercial parking lots and residential parking areas providing spaces for more than ten (10) cars.

1. Perimeter Landscaping: In order to soften the visual effects or separate one parking area from another or from other uses, the following standards apply:

a. Adjacent to a street or road, the minimum width shall be equal to the required yard for the underlying land use or a strip ten feet (10') wide, whichever is greater. On all other perimeters the depth shall be a minimum of five feet (5'). Where parking areas are bordered by more than one street, the landscape strip shall only apply to the longest side. All other sides shall be screened with a wall, fence, vegetative buffer or combination of these elements at a minimum height of three and one-half feet (3 1/2').

b. Visual screening through one or any combination of the following methods is required:

(1) Planting of living ground cover as well as shrubs or small trees which will form a solid vegetative screen at least three feet (3') in height; or

(2) A fence or wall at least three feet (3') high combined with low planting or wall clinging plant materials. Materials should be complementary to building design; or

(3) Earth mounding or berms having a minimum height of three feet (3') and planted with shrubs and trees.

c. In order to protect vision clearances, areas around driveways and other access points are not required to comply with the full screening height standards. The specific horizontal distance exempt from this standard shall be as established in the public works standards.

d. Trees are required at a ratio of at least one per ~~sixty-four~~sixty-four (64) square feet of landscaped area or fraction thereof. They shall have a clear trunk to a height of at least five feet (5') above the ground at maturity. Trees shall be planted no closer than four feet (4') from pavement edges where vehicles overhang planted areas.

2. Interior Small Parking Lot Landscaping: All parking lots that contain fewer than twenty (20) parking spaces or are smaller than six thousand (6,000) square feet shall contain trees a minimum of ~~two-inch~~two-inch (2") caliper at intervals no greater than thirty feet (30') in planting beds a minimum of ~~sixty-four~~sixty-four (64) square feet in area.

3. Interior Large Parking Lot Landscaping: All parking lots that contain twenty (20) or more parking spaces or are larger than six thousand (6,000) square feet in area shall have interior lot landscaping as follows:

a. Landscaped Area: A minimum of five (5) square feet of landscaped area per one hundred (100) square feet of vehicle use area, or fraction thereof. Parking lots larger than thirty thousand (30,000) square feet shall have a minimum of seven (7) square feet of landscaped area per one hundred (100) square feet of vehicle use area or fraction thereof. Vehicle use area shall include driveways.

b. Minimum Area: The minimum size of individual planting areas shall be ~~sixty-four~~sixty-four (64) square feet in order to provide a proper plant environment.

c. Trees Required: Trees are required at a ratio of at least one per ~~sixty-four~~sixty-four (64) square feet of landscaped area or fraction thereof. Trees shall have a clear trunk to a height of at least five feet (5') above the ground. Trees shall be planted no closer than four feet (4') from pavement edges where vehicles overhang planted areas.

d. Shrubs And Ground Cover: Required landscaped areas remaining after tree planting shall be planted in shrubs and/or ground cover. The distribution of plants shall be adequate to ultimately achieve ~~seventy-five~~seventy-five percent (75%) ground coverage within three (3) years after planting.

e. Vehicle Overhang: Parked vehicles may overhang landscaped areas up to two feet (2') by wheel stops or curbing.

4. The vegetation requirements of this section may be waived through a variance process for new subdivisions or planned developments where native vegetation retention, native vegetation revegetation or dispersion LID BMPs are proposed in accordance with the Stormwater Management Manual and LID Manual. Buffer area

widths shall not be reduced. The type of vegetation within buffer areas shall be determined through the variance process identified in this code.

H. Performance Assurance:

1. Landscaping required pursuant to an approved site plan shall be installed prior to the issuance of certificate of occupancy or final inspection, unless the applicant submits a performance assurance equal to not less than one hundred ten percent (110%) of the construction cost and commits to complete the landscaping within one year.

2. Performance assurance devices shall take the form of one of the following:

a. A surety bond executed by a surety company authorized to transact business in the state in a form approved by the city attorney;

b. Cash;

c. A letter of credit approved by the city attorney from a financial institution stating that the money is held for the purpose of development of the landscaping;

d. Assigned savings pursuant to an agreement approved by the city attorney.

3. If a performance assurance device is employed, the applicant shall provide the city with a nonrevocable notarized agreement granting the city and its agents the right to enter the property and perform any required work remaining undone at the expiration of the assurance device.

4. If the applicant fails to carry out provisions of the agreement and the city has incurred costs or expenses resulting from such failure, the city shall call on the bond or cash deposit for reimbursement. If the amount of the bond or cash deposit is less than the cost and expense incurred by the city, the applicant shall be liable to the city for the difference. If the amount of the bond or cash deposit exceeds the cost and expense incurred by the city, the remainder shall be released.

5. Native vegetation retention areas, areas to be revegetated with native vegetation, or dispersion areas proposed for LID BMPs to meet the requirements of the adopted Stormwater Management Manual and LID Manual shall be preserved through permanent protections. A permanent protective mechanism shall be legally established to ensure that the required native vegetation area is preserved and protected in perpetuity in a form that is acceptable to both the applicant and the City and filed with the County Auditor's office. Restrictions on the future use of the native vegetation area shall also be recorded on the face of the plat for subdivision applications. A permanent native vegetation area shall be established using one of the following mechanisms.

a. Placement in a separate non-building tract owned in common by all lots within the subdivision;

b. Covered by a protective easement or public or private land trust dedication;

c. Preserved through an appropriate permanent protective mechanism that provides the same level of permanent protection of this section as determined by the approval authority.

d. To ensure compliance with the requirements of this Chapter, all development activity subject to the provisions of this Chapter shall include the submittal of a vegetation management plan as specified below;

e. Applications for subdivision, short subdivision, large lot division, planned development district, or binding site plan approval;

f. Site development permit applications;

g. Use permit and commercial building permit applications.

6. To ensure compliance with the requirements of this Chapter, all development activity subject to the provisions of this Chapter shall include the submittal of a vegetation management plan as specified below:

a. Applications for subdivision, short subdivision, large lot division, planned development district, or binding site plan approval;

b. Site development permit applications;

c. Use permit and commercial building permit applications

d. Development agreements.

7. The vegetation management plan shall comply with the minimum requirements specified below:

a. The vegetation management plan shall be prepared by a licensed landscape architect or qualified professional forester.

b. Provisions for tree conservation and protection on the site shall be in conformance with the requirements of this section.

c. A vegetation management plan shall be submitted either as part of the preliminary plat or other appropriate plan, or as a separate drawing, and shall include the following information:

(1) Vegetation Protection Plan: Drawn to scale; designating vegetation to be preserved. It shall include the following information:

(A) Locations of ~~peri-meters~~perimeters of individual and strands of trees to be preserved. The tree protection area for trees to be preserved shall be shown on the plan.

(B) Size, species, and health of trees to be preserved.

(C) General locations of trees proposed for removal.

(D) Limits of construction and existing and proposed grade changes on site.

(E) Narrative description and graphic detail of tree protection and tree maintenance measures required for the trees to be preserved.

(F) Timeline for clearing, grading, and installation of tree protection measures.

(2) Planting Plan: Drawn to scale on the site plan. It shall include the following information:

(A) Location, size, species, and number of trees to be planted.

(B) Narrative description and detail showing any site preparation, installation, and maintenance measures necessary for the long-term survival and health of the vegetation.

(C) Timeline for site preparation, installation, and maintenance of vegetation.

(D) Cost estimate for the purchase, installation and five (5) years' maintenance of vegetation.

(3) Tree Density Calculation: The following information shall be included on the site plan:

(A) Acreage of on-site critical areas, excluding critical area buffer.

(B) Acreage of on-site public and private roads.

(C) Calculation of trees per acre for existing trees proposed for preservation.

(D) Calculation of trees per acre for new trees to be planted.

(4) A watering plan is required for the establishment phase of new plantings. The plan must provide for adequate watering of the newly installed trees for a minimum of three (3) years.

8. Vegetation management plans will be reviewed by the city administrator. Upon completion of its review, the City will take one of the following actions:

a. Approve the vegetation management plan, with or without conditions; or

b. Disapprove the vegetation management plan, indicating deficiencies to the applicant. If the vegetation management plan is determined to be deficient, the applicant will be notified in writing of the deficiency and will be provided the opportunity to modify the plan as necessary to comply with the provisions of this Chapter.

c. Vegetation management plans will be reviewed by the city administrator prior to the approval of the associated underlying permit or application. The underlying permit may not be approved until such time as the city administrator has approved the plan.

d. Vegetation management plans shall be incorporated by reference in any approval issued for the underlying permit or application. Compliance with the plans shall be a condition of such approval.

9. The city administrator may allow or approve minor modifications to an approved vegetation management plan during the site development construction process to account for unforeseen site conditions and circumstances. The submittal of an amended vegetation management plan meeting the requirements of this Chapter shall be required.

I. Maintenance:

1. Whenever landscaping is required under the provisions of this chapter, shrubs and trees in the landscaping and planting areas shall be maintained in a healthy growing condition during the first three (3) years after installation. Planting beds shall not be located over impervious surfaces. All landscaped areas shall be provided with sprinkler systems or hose bibs within ~~seventy five~~seventy-five feet (75') of plantings. Dead or dying trees or shrubs shall be replaced immediately, and the planting area shall be maintained free of noxious weeds and trash on a regular basis.

2. Native vegetation retention areas, areas to be revegetated with native vegetation, or dispersion areas proposed for LID BMPs to meet the requirements of the adopted Stormwater Management Manual and LID Manual shall be maintained in accordance with the adopted Stormwater Management Manual and LID Manual.

### **13-5-3: LOADING AREA AND OFF STREET PARKING REQUIREMENTS:**

A. Purpose: The purpose of this section is to regulate parking and loading in order to lessen traffic congestion and contribute to public safety by providing sufficient on site and off-site areas for the maneuvering and parking of motor vehicles.

B. Required Automobile Parking Spaces: Off street parking spaces shall be provided as an accessory use in accordance with the requirements of this section at the time any building or structure is erected, enlarged, or expanded.

C. Size And Access: Each off street parking space shall have an area of not less than one hundred sixty (160) square feet, exclusive of access drives or aisles and a width of not less than eight feet (8'). There shall be adequate provision for ingress and egress from each parking space.

D. Location: Off street parking facilities shall be located as hereinafter specified; where a distance is specified, such distance shall be the walking distance measured from the nearest point of the parking facilities to the nearest point of the building that such facility is required to serve. [Parking is required to be on the subject parcel unless the City approves a proposal utilizing the Off-site Parking provision of OMC 13-5-3-L and/or the Shared Parking provisions of OMC 13-5-3-M.](#)

1. For a single-family dwelling or multi-family dwelling, the parking facilities shall be located on the same lot or building site as the building they are required to serve.

2. For churches, hospitals, large group homes, institutions, rooming and lodging houses, nursing and convalescent homes, community clubs, and clubrooms, parking facilities shall be located not farther than one hundred fifty feet (150') from the facility.

3. For uses other than those specified, [including governmental facilities](#), parking facilities shall be located not farther than three hundred feet (300') from the facility.

[4. ADA accessible parking shall be located on the shortest possible route to the entrance of the building or facility.](#)

E. Unit Of Measurement: In stadiums, sports arenas, churches, [government buildings containing public assembly space](#) and other places of assembly in which patrons or spectators occupy benches, pews, or other similar seating facilities, each eighteen inches (18") of width or eighty (80) square feet of open area of such seating facilities should be counted as one seat for the purpose of determining requirements of off street parking facilities under this title.

F. Expansions Or Enlargements: Where any structure is enlarged or expanded, off street parking spaces shall be provided for said expansion or enlargement in accordance with the requirements of subsection I of this section. Nothing in this title shall be construed to require off street parking spaces for the portion of said building or structure existing at the effective date of this title. A change in use in an existing structure shall require additional off street parking spaces as set forth in subsection I of this section.

G. Mixed Occupancies: In the case of two (2) or more uses in the same building, , [including governmental office space and public assembly space](#) the total requirements for off street parking facilities shall be the sum of the requirements for the several uses computed separately. Off street parking facilities for one use shall not be considered as providing required parking facilities for any other use, except as hereafter specified in subsection I of this section for joint use.

H. Uses Not Specified: In the case of a use not specifically mentioned in subsection I of this section, the requirements for off street parking facilities shall be determined by the Administrator. Such determination shall be based upon the requirements for the most comparable use specified in subsection I of this section and/or through a parking study as required by the Administrator or their designee.

I. Parking Spaces Required For Particular Uses: The minimum number of off street parking spaces required for nonresidential uses shall be as set forth in the following:

Use	Parking Spaces Required
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1.	All dwellings (RC, RU, RMF, MUTC)	2 off street spaces per unit <sup>1</sup>
2.	Family daycare	1 for each employee, plus 1 additional, not including required residential spaces
	Daycare center	1 for each employee, plus 1 for every 10 children or adults
3.	Banks, savings and loan associations, business or professional offices	1 for each 400 square feet of gross floor area
4.	Bowling alleys	4 for each alley
5.	Churches <a href="#">and similar places of worship</a>	1 for each 5 seats in the principal place of assembly for worship, including balconies and choir loft
6.	Dance halls, skating rinks, youth cabarets	1 for each 25 square feet of skating or dancing area, plus 1 per 40 square feet of all other building area
7.	Establishments for the sale and consumption on the premises of food and beverages, including fraternal and social clubs <sup>2</sup>	1 for each 200 square feet of gross floor area <sup>2</sup>
8.	Fraternity, sorority or group student house	1 for each 3 sleeping rooms or 1 for each 6 beds, whichever is greater
9.	<a href="#">Government Facilities</a>	<a href="#">The maximum of the following:</a> <a href="#">1 for each 400 square feet of gross floor area or</a> <a href="#">1 for each 4 seats in each public assembly space pursuant to OMC 13-3-5-E above.</a>

10.	Hospitals	2 for each bed
11.	Large group home, institution	1 for each 2 beds
12.	Libraries and museums	1 for each 250 square feet of floor area open to the public
13.	Lodging and rooming house	1 for each sleeping room
14.	Manufacturing uses, research and testing laboratories, creameries, bottling establishments, bakeries, canneries, printing and engraving shops	1 for each employee on a maximum shift
15.	Medical or dental clinics	5 for each physician or dentist
16.	Motels, hotels	1 for each unit
17.	Motor vehicle or machinery sales, wholesale stores, furniture stores	1 for each 400 square feet of gross floor area
<a href="#">18.</a>	<a href="#">Personal services</a>	<a href="#">1 for each 300 square feet</a>
19.	Retail stores	1 for each 300 square feet
20.	Schools; high schools	1 for each 8 students, plus 1 for each faculty member (exclusive of loading and unloading area)
21.	Elementary and junior high	1 for each faculty member <a href="#">(plus parking required for stadiums, auditoriums and other assembly areas which is calculated separately)</a>
22.	<a href="#">Spas and health clubs</a>	<a href="#">1 for each 300 square feet</a>

23.	Stadiums, auditoriums, community clubs, community centers, and other places of assembly	1 for each 4 seats
24.	Theaters	1 for each 3 seats
25.	Warehouses and storage buildings	1 for each 2,000 square feet of gross floor area, except that office space shall provide parking as required for offices

Notes:

1. See section 13-5-6 for accessory dwelling unit off street parking requirements.
2. Stationary vendor units used to provide food vending services are exempt from off street parking requirements; provided that, the principal use meets the established parking requirements for such principal use.

J. Required Loading Areas:

1. In any commercial and manufacturing zones, and for any institutional use in whatever zone it may be located, every building or portion of building hereafter erected or structurally altered to provide additional floor space shall be provided with a minimum of one off street or off alley loading space for each ten thousand (10,000) square feet of usable floor space within the building, which usable floor space is intended to be used for or is used for merchandising, manufacturing, warehousing, or processing purposes. If the building contains less than ten thousand (10,000) square feet of usable floor space, the requirement for an off street or off alley loading space may be waived by the building inspector.
2. If the building contains more than twenty four thousand (24,000) square feet of floor space so used, then there shall be one additional loading space provided for each additional twenty four thousand (24,000) square feet of floor space.
3. Each loading space shall measure not less than thirty feet by twelve feet (30' x 12'), and shall have an unobstructed height of fourteen feet (14'), and shall be made permanently available for such purpose, and shall be surfaced, improved, and maintained. Such facilities shall be so located that trucks using the same shall not encroach upon or interfere with areas reserved for off street parking nor project into any public right-of-way and shall be adjacent to the building to be served thereby. If the site upon which such loading space or spaces is to be located abuts upon an alley, such loading space or spaces shall be off alley. If the loading space is incorporated within a building then, as to location, the requirements of this section shall not apply.

4. Any floor area provided by additions to or structural alterations to a building shall be provided with loading space or spaces as set forth herein whether or not loading spaces have been provided for the original floor space.

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~~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 recreational vehicle shall not be stored in the front yard of a 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. If located within a required front or street side yard, 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.

b. Inoperable Vehicles And Motor Vehicle Accessories: No more than two (2) inoperable vehicles may be stored on a lot. The outdoor storage of inoperable vehicles, or parts thereof, and vehicle accessories such as camper shells and equipment trailers shall be screened from neighboring properties and public rights-of-way and prohibited from required front and street side yards.

c. Storage Of Commercial Use Vehicles: No vehicle having more than two (2) axles or exceeding eighty four inches (84") in width, and intended for commercial use including, but not limited to, truck tractors, truck trailers or other large trucks shall be stored on property in an RU, RMF, or RC Zone unless such vehicle is stored within a building or is otherwise screened so as not to be visible from another property or from any public right-of-way.

L. ~~Off-Site Parking~~Exceptions:

1. Guest parking associated with single family and attached dwellings in the RMF zone is permitted to be provided off site provided it meets the following criteria:

~~1. When Permitted:~~

~~a. If sufficient parking is not available on the premises of the use, a private parking area may be provided off-site, except for single and two (2) family dwellings in the RU and RC zones.~~

~~b. Guest parking associated with single family and attached dwellings in the RMF zone is also permitted to be provided off site provided it meets the following criteria:~~

- a. Parking is located on the neighborhood streets or in a parking court accessed by a public roadway, but not located more than one hundred sixty feet (160') from the home it is intended to serve.
- b. Parking is not located in a limited residential access lane right-of-way, except for perpendicular parking associated with private driveways or alleyways.
- c. Parking may be accommodated in a tandem driveway space, provided it is not accessed by a private alleyway.

2. If sufficient parking is not available on the premises of a use within the MUTC zone, a private parking area may be provided off-site, except for single and two (2) family dwellings in the RU and RC zones if it meets the following criteria:

- a. Agreement Required: A parking agreement ensuring that off-site parking is available for the duration of the use shall be approved by the City Administrator, following review by the City Attorney.
- b. ~~Additional Information Required:~~ Letter of Justification” The following shall be reviewed as part of the permit process:

i. A letter of justification addressing the need for off-site parking and compatibility with the surrounding neighborhood.

ii. A site plan showing all dimensions of parking spaces, aisles, landscaping areas, abutting street improvements, curb cuts, and on-site and abutting uses and buildings.

c. Fees: No charge for use of such parking area shall be made in any residential zone or open space and recreation zone except on a weekly or monthly basis.

d. Maximum Distance to Off-Site Parking Area:

i. Within the MUTC Zone: No distance requirements apply when both the use and off-site parking are located within the MUTC Zone. However, OMC 13-5-3-D-4 applies.

ii. Maximum distances to off-site parking do not apply if there is a shuttle in place between the off-site parking and the sponsoring use.

iii. All Other Zones: All provisions of OMC 13-5-3-D apply.

2.3. ~~Transportation Management Plan Exception:~~ The City Administrator may approve a ~~modify~~ proposal to modify the ~~maximum distance requirements~~ to off-site

[parking](#) or allow ~~up to 20%~~ of the required parking to be provided on-street if a Transportation Management Plan or other acceptable transportation system will adequately provide for the parking needs of the use and the conditions below are met.

a. Decision Criteria: Whenever there are practical difficulties involved in carrying out the provisions of this Title, the Department Administrator may grant modifications for individual cases provided he/she shall first find that a specific reason makes the strict letter of this Code impractical, that the intent and purpose of the governing land use designation of the Comprehensive Plan is met and that the modification is in conformity with the intent and purpose of this Code, and that such modification:

- i. Substantially implements the policy direction of the policies and objectives of the Comprehensive Plan Land Use Element and the Architectural Design Guidelines and the proposed modification is the minimum adjustment necessary to implement these policies and objectives;
- ii. Will meet the objectives and safety, function, appearance, environmental protection and maintainability intended by the Code requirements, based upon sound engineering judgment;
- iii. Will not be injurious to other property(ies) in the vicinity;
- iv. Conforms to the intent and purpose of the Code;
- v. Can be shown to be justified and required for the use and situation intended; and
- vi. Will not create adverse impacts to other property(ies) in the vicinity.

M. Joint Use Parking Facilities:

1. When Permitted: Joint use of parking facilities may be authorized for those uses that have dissimilar peak-hour demands or when it can be demonstrated that the parking facilities to be shared are underutilized.
2. Agreement Required: A parking agreement ensuring that joint use parking is available for the duration of the uses shall be approved by the Community and Economic Development Administrator, following review by the City Attorney. Notice of termination of the agreement shall be provided to the Administrator and additional parking must be provided if the agreement is terminated, consistent with subsection I of this Section.
3. Maximum Distance to Joint Use Parking:
  - a. Within the MUTC, MUTCN and Public Facilities Zones: No distance requirements apply when both the use and joint use parking are located within the MUTC, MUTCN or Public Facilities zones. However, OMC 13- 5-3-D-4 applies.

b. ~~All~~ Other Zones: ~~All~~ provisions of OMC 13-5-3-D apply.

4. Special Provisions for Subdivision of Shopping Center: Parking areas in shopping centers may operate as common parking for all uses. If a shopping center is subdivided, easements and/or restrictive covenants must grant use and provide for maintenance of common parking and access areas.

N. Administrative Parking Waiver:

The Administrator may issue a waiver from the number of off-street parking stalls required by this chapter for uses in the downtown core in response to a requested waiver by the property owner. The requested waiver shall only be considered by the Administrator upon showing of a good faith effort by the applicant that attempts have been made to enter into joint use parking agreements as governed by OMC 13-5-3:M. The waiver request shall include a statement of justification for the request and shall document the number of off-street parking stalls for which the applicant is requesting relief. The Administrator may require a parking study be prepared and provided by the applicant that considers the use of the site subject to the request, the availability of parking proximal to the site, and the totality of approved parking waivers and its impact on the entire community's access to parking and public enjoyment of the downtown core. In no instance may a parking waiver grant relief from the dimensional standards of parking stalls, nor overwhelm dimensional standards governed by the Orting Development Standards regulating the space needed for safe maneuverability of a parking lot, nor approve relief from the number of off-street parking stalls that has otherwise been denied by the City's Hearing Examiner after considering a variance application from the standards set forth in this chapter, not waive required accessible parking stalls as governed by the International Building Code or Title 10 of the OMC.

**Commented [NS4]:** The Planning Commission was asked to provide feedback on this during their 9/5/2024 meeting and further review and discussion is anticipated.

**13-5-4: HOME OCCUPATIONS:**

A. Purpose: The purpose of this section is to provide standards which allow a resident of a single-family dwelling or duplex to operate a limited activity from their principal residence or permitted accessory structure while achieving the goals of retaining residential character, maintaining property values and preserving environmental quality.

B. Applicability: Home occupations are only permitted in compliance with the below performance standards and in conjunction with a detached single-family dwelling or duplex in the MUTC, RC, RU, and RMF Zones.

C. Exemptions:

1. Home based daycare provisions are stated in section 13-5-5 of this chapter.

2. Temporary lodging facilities (lodging house), including bed and breakfast inns and boarding/rooming homes, are exempt from the regulations of this section.

3. Collective gardens conforming to the requirements of chapter 8 of this title are a permitted home occupation in the RC, RU, and RMF Zones.

D. Performance Standards:

1. Intent: It is the intent of this subsection to provide performance standards for home occupation activities, not to create a specific list of every type of possible home based business activity. The following performance standards prescribe the conditions under which home occupation activities may be conducted when incidental to a residential use. Activities which exceed these performance standards should refer to chapter 3 of this title to determine the appropriate commercial, industrial, civic, or office use category which applies to the activity.

2. General Provisions: The following general provisions shall apply to all home occupation activities:

a. The activity is clearly incidental and secondary to the use of the property for residential purposes and shall not change the residential character of the dwelling or neighborhood;

b. External alteration inconsistent with the residential character of the structure is prohibited;

c. Use of hazardous materials or equipment must comply with the requirements of the Building Code and the Fire Code;

d. The activity does not create noticeable glare, noise, odor, vibration, smoke, dust or heat at or beyond the property lines;

e. Use of electrical or mechanical equipment which creates visible or audible interference in radio or television receivers or fluctuations in line voltage at or beyond the property line is prohibited;

f. Manufacturing shall be limited to the small scale assembly of already manufactured parts but does not preclude production of small, individually handcrafted items, furniture or other wood items as long as the activity meets the other standards of this chapter;

g. Customers/clients are prohibited on the premises prior to six o'clock (6:00) A.M. and after nine o'clock (9:00) P.M.;

h. Sales in connection with the activity are limited to merchandise handcrafted on site or items accessory to a service (i.e., haircare products for beauty salon), and shall include online retail businesses;

i. In addition to the single-family or duplex parking requirements, for home occupations that involve customers visiting the premises, off street parking associated

with the activity shall include one additional space [for customers](#) in accordance with standards set forth in section 13-5-3 of this chapter;

j. Only the resident can perform the activity; nonresident employees are prohibited;

k. The activity shall be limited to an area less than five hundred (500) square feet or a size equivalent to fifty percent (50%) of total floor area of the living space within the residence, whichever is less;

l. One vehicle, up to ten thousand (10,000) gross vehicle weight, is permitted in connection with the activity;

m. The activity shall be performed completely inside the residence, an accessory structure or a combination of the two;

n. There shall be no outside display or storage of materials, merchandise, or equipment.

### **13-5-5: DAYCARE FACILITIES:**

A. Purpose: The purpose of this section is to provide operating criteria to meet the need for quality, affordable, and safe daycare facilities for adults and children. There are two (2) types of daycare facilities: home based daycare facilities and daycare centers.

B. Family Daycare Facilities: Family daycare facilities operate from a residence by the resident(s). There are two (2) types of family daycare facilities; those providing services to adults and those providing services to children. To be permitted outright per state law, these facilities are restricted to a maximum of twelve (12) children or adults including residents of the abode.

#### 1. Criteria For Family Daycare Facilities:

a. Minimum Fencing/Screening Required: Outdoor recreation areas must be enclosed by a six foot (6') high fence.

b. Outdoor Play Equipment: Play equipment shall not be located in any required front or side yard setback area.

C. Daycare Centers: Daycare centers are facilities with no limit on the number of clients. There are two (2) types of daycare centers: adult daycare center and child daycare center.

#### 1. Criteria For Daycare Centers:

a. Minimum Fencing/Screening Required: Outdoor recreation areas must be enclosed by a six foot (6') high fence.

b. Loading: There shall be an off street area for loading and unloading children or adults (clearly marked). Adequate vehicle turnaround shall be provided on site for parking and loading so as to preclude the necessity of backing out onto the street.

c. Signs: One sign will be permitted at a size to be determined by the zone classification where the facility is located as provided in chapter 7 of this title.

**13-5-6: ACCESSORY DWELLING UNITS:**

A. Purpose: Accessory dwelling units (ADUs) are intended to increase the supply of affordable and independent housing for a variety of households, provide supplemental earnings for people with limited incomes, and increase residential densities with minimal cost and disruption to existing neighborhoods. This should occur by utilizing the existing infrastructure and community resources while providing a housing type that protecting the existing character of single-family blends in well with existing neighborhoods including low density residential neighborhoods. The provisions of this chapter do not apply to lots designated with critical areas or their buffers as designated by Title 11, OMC, or by Orting's Shoreline Master Program.

B. Procedures: Any owner/occupant seeking to establish an ADU shall apply for approval in accordance with the following:

1. Application: The owner/occupant shall apply for a building permit for an ADU. A complete application form must demonstrate that all size thresholds and design standards are met.

2. Occupancy and use: Occupancy of ADUs shall be reserved for residential uses only. Occupancy of ADUs shall be used for long-term residential purposes and may not be used for transient occupancy or short-term/vacation rental purposes. Persons residing in ADUs shall live in such residences for longer than 180 days each calendar year.

~~2. Notice Of Title: Prior to occupancy of the ADU, the owner shall record a notice on the property title acknowledging the existence of the ADU with the Pierce County auditor. Such notice shall be in a form as specified by the city and shall include as a minimum:~~

- ~~a. The legal description of the property which has been approved for an ADU;~~
- ~~b. The applicability of the restrictions and limitations contained in this section;~~
- ~~c. A copy of the city approved floor/site plan; and~~

~~d. The property owner's signature on the notice. The signature shall be notarized prior to recording the notice.~~

3. Impact Fees. Impact fees are set forth in the fee schedule in a manner consistent with RCW 36.70A.681(1)(a): The city may not assess impact fees on the

**Commented [N55]:** Proposed edits to this section are still under review. Changes are needed so the city can comply with HB 1337. The Planning Commission was asked to provide feedback on this during their 9/5/2024 meeting and further review and discussion is anticipated:

- Should ADUs be allowed on nonconforming sized lots?
- If so, how many ADUs?
- What standards should the ADUs be held against?

construction of accessory dwelling units that are greater than 50 percent of the impact fees that would be imposed on the principal unit.

C. General Requirements: The creation of an ADU shall be subject to the following general requirements:

1. Number: A maximum of ~~one~~two ADUs (either attached, detached, or a combination of the two) shall be allowed per lot of record ~~as an accessory use~~in conjunction with any detached single-family dwelling, subject to building and impervious surface coverage maximums on the lot of record as per Table 1 in OMC 13-5-1. ADUs are exempt from the residential density standards of this code.

2. Lot Standards:

~~a. An attached ADU shall be permitted on all parcels containing single-family homes where the lot is at least three thousand two hundred (3,200) square feet in size.~~

~~b. Both attached and detached ADUs shall be permitted on all parcels containing single-family homes, provided lots are at least four thousand three hundred fifty six (4,356) square feet in size~~ the lot meets the minimum size for the principal unit.

3. Type Of Unit:

a. An ADU shall be permitted as a ~~second~~, subordinate dwelling unit attached ~~to,~~ to or detached from the principal dwelling.

b. A detached ADU may be any dwelling permitted in the applicable land use classification.

c. A recreational vehicle, tiny house with wheels as defined in RCW 35.21.686, manufactured home, or mobile home shall be not used as an ADU. However, modular homes which are manufactured off site may be allowed.

4. Size: An ADU shall be no greater than one thousand two hundred (1,200) square feet. Spaces in the ADU that are not conditioned habitable, such as for enclosed parking, will not be included in the square footage for the purposes of this section.

5. Parking: One (1) off-street parking space is required for ~~an~~each ADU up to seven hundred (700) square feet in size. For ADUs greater than seven hundred (700) square feet in size two (2) off-street parking spaces are required unless the lot is less than 6,000 square feet in size and then one (1) off-street parking space is required per ADU. Off-street parking spaces for ADUs shall be in addition to that which is required for the primary dwelling unit.

6. Design: An ADU shall be designed to maintain the appearance of the principal dwelling as a single-family residence.

a. ~~The entrance to an attached ADU shall not be directed towards any front yard unless utilizing an existing doorway.~~ The primary entrance to an attached ADU shall be

**Commented [NS6]:** he Planning Commission was asked to provide feedback on this during their 9/5/2024 meeting and further review and discussion is anticipated:

**•Would the Planning Commission support allowing ADU's in required setbacks?**

**Commented [NS7]:** Should the City consider allowing tiny houses as ADUs?

located in such a manner as to be clearly secondary to the main entrance to the principal unit.

b. Detached ADUs shall be no closer to the front lot line than the front face of the principal dwelling. This provision shall not apply to waterfront lots regulated pursuant to the city shoreline management program.

c. New construction of a detached ADU or conversion of an existing detached structure to an ADU shall not be permitted within the required front, side or rear yard setback as ~~outline~~provided in section 13-5-1, ~~table~~Table 1. An exception to the required rear yard setback may be allowed if the rear yard abuts an alley in which case a detached ADU may be adjacent to the lot line abutting the public alley.

d. If an ADU is created by constructing a new detached structure, the building height of the ADU shall not be greater than the principal dwelling's building height or ~~twelve feet (12')~~twenty-four feet (24') measured from the ground to the top plate, whichever is less. The roof pitch may not exceed that of the principal dwelling.

e. ~~If an is~~ An ADU may be created by adding on to or converting an existing detached structure, even if the existing structure is non-conforming to required setbacks or lot coverage as long as other applicable codes and requirements are met, such as for fire and safety, and as long as any existing non-conforming components of the existing structure are not expanded upon. ~~the~~The height of the ADU shall not exceed the principal dwelling's building height or twenty-four feet (24'), whichever is greater.

f. An ADU shall have similar facade, roof pitch and siding to the principal dwelling unit.

g. Right-of-way improvements shall not be required as a condition of approval of a permit for an ADU.

### **13-5-7: ADULT BUSINESSES:**

A. Purpose: The intent of this section is to establish regulations for activities or uses which, because of their adult orientation, are recognized as having objectionable characteristics and need to be distanced from other uses such as residential, schools, parks and community centers. Special regulations for these uses are necessary to:

1. Prevent inappropriate exposure of such businesses to the public;
2. Ensure that adverse effects of these uses will not contribute to the blighting or downgrading of surrounding neighborhoods; and
3. Protect property values and quality of life from potential adverse impacts.

B. Location Standards: Adult businesses shall be subject to the provisions of this section.

**Commented [NS8]:** The Planning Commission was asked to provide feedback on this during their 9/5/2024 meeting and further review and discussion is anticipated.

1. Separation Requirements I: Adult businesses are prohibited from locating within six hundred feet (600') of any other adult business or any of the following:

- a. Areas zoned RC, RS, and RU;
- b. Community and cultural facilities, including, but not limited to, post offices, government offices and courthouses;
- c. Residential day treatment or workshop facilities primarily oriented to the physically or mentally disabled; or
- d. Senior citizens' service centers or residential facilities with the primary emphasis oriented to senior citizens.

2. Separation Requirements II: Adult businesses are prohibited from locating within two thousand feet (2,000') of the following uses:

- a. Public or private schools from kindergarten to twelfth grade and their grounds;
- b. Daycare centers, preschools, nurseries or other childcare facilities;
- c. Youth cabarets, public parks, playgrounds, libraries or any other area where large numbers of minors regularly travel or congregate; or
- d. Churches, convents, monasteries, synagogues, temples, chapels or other places of religious worship.

3. Legal Use Status: Adult businesses shall not become nonconforming if a new use as listed under subsection B1 of this section is located closer than six hundred feet (600') from the adult business or if a new use as listed under subsection B2 of this section is located closer than two thousand feet (2,000') of the adult business.

4. Distance Measurement: The distance requirements for this section shall be measured in a straight line from the nearest point of the lot upon which the proposed adult business use is to be located to the nearest point of any lot owned or leased for any of the uses listed in this subsection B.

C. Signage For Adult Businesses: No descriptive art or displays depicting, describing or relating to any "specified sexual activities" or "specified anatomical areas" shall be allowed on any exterior portion of the building or as window displays visible to the public; otherwise, signage for adult businesses shall comply with the provisions of applicable city ordinances.

### **13-5-8: MANUFACTURED HOME PARKS:**

*Repealed.*

**13-5-9: NONCONFORMING USES AND STRUCTURES:**

A. Purpose: The purpose of this section is to provide standards and conditions to regulate lots, structures and uses which were legally established prior to the adoption, revision or amendment of this title and which remain legal, but have become nonconforming as a result of this title's application, or by acquisition of land in public interest. This section provides reasonable alternatives to property owners for the limited expansion and continuance of nonconformities. The provisions of this section shall not be applicable to any discretionary land use action specifically authorized prior to or after the adoption of this title. Discretionary land uses shall comply with conditions and restrictions set forth in the approval through which it was authorized.

B. Basic Standards: The basic standards apply to all nonconforming uses, structures, developments and lots. These standards provide for actions that are allowed outright. Limited exceptions to the standards in this section are allowed through a nonconforming use permit in section 13-6-6 of this title.

1. Expansion Of Nonconforming Uses And Structures: Nonconforming uses and structures shall not be enlarged, expanded, extended, replaced or altered except as expressly permitted in this section.

2. Expansion Beyond Original Parcel: Nothing in this section shall be construed to permit expanding or extending a nonconforming use or structure beyond the confines of the lot or parcel of land upon which it was located on the date the use or structure became nonconforming.

3. Continuation Of Use: A nonconforming use may be continued by successive owners or tenants where the use continues unabandoned (see subsection I of this section).

4. Normal Upkeep, Repairs And Maintenance: Normal upkeep, repairs, maintenance, strengthening or restoration to a safe condition of any nonconforming building or structure or part thereof shall be permitted subject to the provisions of this section.

5. Compliance With Development Regulations: Any additions or expansions of nonconforming uses or nonconforming structures shall comply with the development standards in this chapter for the zone classification in which the nonconformity is located; provided, that portions of nonconformities that legally existed prior to adoption of this section shall not be subject to this provision.

6. Nonconforming Use Within Structure: A nonconforming use, within an existing structure, which is nonconforming by reason of zone classification may be extended throughout such structure.

7. Structures And Uses Accessory To Residential: Structures and uses accessory to an existing nonconforming residential use shall be allowed as provided in chapter 3 of this title.

C. Expansion Standards For Nonconforming Uses: Expansion of nonconforming uses or replacement of structures occupied by nonconforming uses shall be subject to the following provisions, provided the basic standards of this section are satisfied:

1. Where a nonconforming use of a structure exists, that structure can be replaced, provided the original footprint is not relocated or altered, except as provided in the expansion standards below.

2. An expansion of existing nonconforming uses shall be allowed under one of the following provisions:

a. The proposed expansion of the nonconforming use or the nonconforming use of a structure does not exceed ten percent (10%) of the floor area of the total existing use or structures, nor create more than ten percent (10%) additional pad sites for manufactured home parks and RV parks; or

b. The proposed expansion of the nonconforming use or the nonconforming use of a structure does not create impervious cover exceeding twenty five percent (25%) of the existing impervious area of the lot or parcel, nor exceed twenty five percent (25%) of the developed area for manufactured home parks and RV parks. Expansion of impervious cover shall meet the stormwater mitigation requirements of Title 9 Chapter 5 of this code. Expansion of impervious cover beyond the limits allowed in this paragraph may be allowed provided that such impervious cover meets the criteria for on-site stormwater management LID BMPs or infiltration facilities so that the effective impervious area expansion does not exceed the limits allowed in this paragraph.

D. Change Of Use Standards: A nonconforming use may change outright to a conforming use allowed within the zone classification in which the use is located. A nonconforming use may change to another use within another nonconforming use only after review and approval using the criteria in section 13-6-6 of this title; or

E. Nonconforming Structure Standards: A nonconforming structure may be enlarged, altered or replaced, provided the basic standards of this section are satisfied, and provided:

1. When a nonconforming structure is occupied by a nonconforming use it shall comply with the expansion standards of this section;

2. A structure which is nonconforming due to height or yard requirements may be structurally altered, enlarged or replaced, provided the degree of nonconformity is not extended or increased; and

3. The nonconforming portion of the structure shall not be expanded or the footprint of that portion altered, except as specifically authorized through a variance (see section 13-6-3 of this title).

F. Nonconforming Lot Standards: Any permitted uses or structures, including any accessory uses or structures permitted in conjunction with a principal use, shall be

allowed to be built or expanded on a nonconforming lot. Applicable development standards in this chapter shall be complied with.

G. Nonconforming Development Standards: Existing uses or structures may be expanded or new uses and structures added, provided the nonconforming development is brought into conformance with the development standards of this chapter for the lot or parcel on which it is located.

H. Restoration Standards For Damaged Or Destroyed Nonconforming Structures And Uses: Any nonconforming structure damaged or destroyed by fire, explosion, wind, flood, earthquake or other calamity may be completely restored or reconstructed. Damaged or destroyed nonconforming structures must be restored under the following provisions:

1. Restoration or reconstruction shall not serve to extend or increase the nonconformance of the original structure or use, except as provided by nonconforming structures standards.

2. To the extent reasonably possible, restoration should retain the same general architectural style as the destroyed structure.

3. Permits shall be applied for within one year of damage. Restoration or reconstruction must be substantially completed within eighteen (18) months of permit issuance. When deemed reasonable and necessary, the city may grant a time extension.

I. Discontinuance Standards: Should a nonconforming use of a property or structure be discontinued for more than one year, the use of the property and structure shall be deemed abandoned and shall conform to a use permitted in the zone classification in which it is located. If the intended discontinued use of a property or structure is temporary in nature as opposed to abandonment, then the applicant may apply for a nonconforming use permit to reestablish the nonconforming use.

J. Cargo Containers; Loss Of Nonconforming Status: Cargo containers that have been legally located on property in any zone of the city prior to the adoption of subsection 13-4-2D of this title shall be a legal nonconforming use of the property. Notwithstanding any provision of subsections A through I of this section to the contrary, cargo containers shall lose legal nonconforming status under the circumstances set forth as follows:

1. If the legal nonconforming cargo container is moved to a different location on the property.

2. If a legal nonconforming cargo container is removed from a property, any subsequent cargo containers placed on the property shall comply with the requirements of subsection 13-4-2D of this title.

3. If a legal nonconforming cargo container is moved off of a residential zoned property, no new cargo container may be moved onto the property.

4. All nonconforming cargo containers shall be made to conform to the requirements of subsection 13-4-2D of this title or removed from the property by ninety (90) days after approval of this section.

## CHAPTER 6 SPECIAL USE PERMITS

### 13-6-1: GENERAL:

All special use permits shall be processed in accordance with the provisions of title 15, "Development Code Administration", of this code.

### 13-6-2: CONDITIONAL USE PERMIT:

#### A. Purpose:

1. The purpose of this section is to establish decision criteria and procedures for special uses, called conditional uses, which possess unique characteristics. Conditional uses are deemed unique due to factors such as size, technological processes, equipment, or location with respect to surroundings, streets, existing improvements, or demands upon public facilities. These uses require a special degree of control to assure compatibility with the comprehensive plan, adjacent uses, and the character of the vicinity.

2. Conditional uses will be subject to review by the city and the issuance of a conditional use permit. This process allows the city to:

a. Determine that the location of these uses will not be incompatible with uses permitted in the surrounding areas; and

b. Make further stipulations and conditions that may reasonably assure that the basic intent of this title will be served.

B. Decision Criteria: The city shall review conditional use permits in accordance with the provisions of this section and may approve, approve with conditions, modify, modify with conditions, or deny the conditional use permit. The city may modify bulk requirements, off street parking requirements, and use design standards to lessen impacts, as a condition of the granting of the conditional use permit.

1. Required Findings: The city may use design standards and other elements in this title to modify the proposal. A conditional use permit may be approved only if all of the following findings can be made regarding the proposal and are supported by the record:

a. The granting of the proposed conditional use permit will not:

(1) Be detrimental to the public health, safety, and general welfare;

- (2) Adversely affect the established character of the surrounding vicinity; nor
- (3) Be injurious to the uses, property, or improvements adjacent to, and in the vicinity of, the site upon which the proposed use is to be located.

b. The granting of the proposed conditional use permit is consistent and compatible with the intent of the goals, objectives and policies of the comprehensive plan and any implementing regulation.

c. All conditions necessary to lessen any impacts of the proposed use are conditions that can be monitored and enforced.

d. The proposed use will not introduce hazardous conditions at the site that cannot be mitigated to protect adjacent properties, the vicinity, and the public health, safety and welfare of the community from such hazard.

e. The conditional use will be supported by, and not adversely affect, adequate public facilities and services; or that conditions can be imposed to lessen any adverse impacts on such facilities and services.

f. The level of service standards for public facilities and services are met in accordance with the concurrency management requirements. See title 15, chapter 8 of this code.

g. Will not preclude the use of LID BMPs if LID BMPs are feasible for existing site conditions or existing site characteristics.

2. Burden Of Proof: The applicant has the burden of proving that the proposed conditional use meets all of the criteria in subsection B1 of this section.

C. Application: Submittal of an application for a conditional use permit shall include:

1. A completed application form.
2. A base map showing property boundary lines, existing lots, tracts, utility or access easements and streets, topography, existing development features, water bodies, wetlands and buffers, and flood prone areas.
3. A legal description and vicinity map of the property.
4. A site plan showing the location and ground elevation of any proposed structures, parking areas, common use areas, landscaping, utilities, grading and drainage, mitigation for critical area impacts, fences and other proposed features. (If easements or covenants are proposed, their location and design must be shown.)
5. Mailing labels of all property owners as provided in title 15, chapter 7 of this code.

6. A written statement addressing the decision criteria (see subsection B of this section) and any other information required by the city at the preapplication meeting.

### **13-6-3: VARIANCES:**

A. Purpose: The purpose of this section is to provide a means of altering the requirements of this title in specific instances where the strict application of those requirements would deprive a property of privileges enjoyed by other properties within the identical regulatory zone because of special features or constraints unique to the property involved.

B. Granting Of Variances: The city shall have the authority to grant a variance from the provisions of this title, when, in the judgment of the hearing examiner, the conditions as set forth in subsection C of this section have been found to exist. In such cases a variance may be granted which is in harmony with the general purpose and intent of this title so that the spirit of this title shall be observed, public safety and welfare secured, and substantial justice done.

C. Decision Criteria: Before any variance may be granted, it shall be shown:

1. That there are special circumstances applicable to the subject property or to the intended use such as shape, topography, location, or surroundings that do not apply generally to the other property or class of use in the same vicinity and zone;

2. That such variance is necessary for the preservation and enjoyment of a substantial property right or use possessed by other property in the same vicinity and zone but which because of special circumstances is denied to the property in question;

3. That the granting of such variance will not be materially detrimental to the public welfare or injurious to the property or improvement in such vicinity and zone in which the subject property is located;

4. That the granting of such variance will not adversely affect the comprehensive plan.

5. That the granting of such variance will not preclude the use of LID BMPs if LID BMPs are feasible for existing site conditions or existing site characteristics.

D. Conditions On Variances: When granting a variance, the hearing examiner shall determine that the circumstances do exist as required by subsection C of this section, and attach specific conditions to the variance which will serve to accomplish the standards, criteria, and policies established by this title.

E. Application: Submittal of an application for a variance shall include:

1. A completed application form.

2. A site plan showing all information relevant to the request including, but not limited to: location of existing and proposed structures, roads, property lines, parking areas, landscaping and buffers.

3. Mailing labels of all property owners as provided in title 15, chapter 7 of this code.

4. A written statement addressing the decision criteria (see subsection C of this section) and any other information required by the city at the preapplication meeting.

#### **13-6-4: PLANNED UNIT DEVELOPMENTS:**

A. Purpose: A PUD is a flexible zoning concept that results in as good or better use of land than that produced through the standards of the regular zone classifications. The uses within the PUD depend on the uses in the underlying zone. The residential densities and bulk and scale of the development within the PUD may vary to provide more flexibility and creativity in addressing the site and project aesthetics, natural areas, and open space planning. An approved PUD is an overlay zone, enacted as part of the final approval action which may also include subdivision, binding site plan, or master plan approval.

B. Classifications Of Planned Unit Development Districts: Planned developments may be either residential or nonresidential in character. A "residential PUD" means that the principal purpose of the PUD is to provide one or more types of housing at densities of dwellings the same as densities permitted by the underlying zone and where all other uses shall be considered accessory, supportive, or adjunct to housing. A "nonresidential PUD" means a development where the majority of uses are intended for purposes other than housing such as: retail, service, industrial and manufacturing, and where residential uses as are allowed by the underlying zone secondary in purpose to intended use of the project.

C. Minimum Area Required:

1. Residential PUD: One acre.

2. Nonresidential PUD: None.

D. Staging: The applicant may elect, or the city may require that the development of a PUD be accomplished or constructed in stages; provided, that when a residential PUD is developed in stages, the cumulative density of all phases shall not exceed the approved overall density of the entire PUD.

E. Redevelopment; Street Vacations: When the city determines that the location, configuration and/or condition of existing structures on site may threaten the public health, safety or welfare, it may require the removal of all or portions of existing structures. It is the further purpose of this section to encourage development of a PUD

upon contiguous land and property. When deemed appropriate and necessary, the city may require the vacation of all or portions of existing streets within the PUD project area. The city may, as an alternative to vacation of streets, permit the inclusion of existing rights of way within a PUD, when it can be shown that the existing rights of way serve a functional purpose for the PUD and do not act to separate or divide a PUD into noncontiguous units. Rights of way within the context of this section shall not include freeways, limited access highways or major arterials.

F. Uses Permitted In PUD:

1. Residential: Housing concepts of all types limited only by the density commensurate with the underlying zone upon land either subdivided into two (2) or more ownerships or held in common, unified, or single ownership. Examples include the following:

- a. Condominiums, apartments and townhouses.
- b. Customary accessory uses and structures common to individual or group dwellings.
- c. Group residence.
- d. Manufactured home parks and subdivisions.
- e. Nonresidential uses such as schools, churches, libraries or other conditional uses allowed in residential zones.

2. Nonresidential: Uses permitted by the underlying zone.

3. Unclassified And Conditional Uses: Unclassified uses and conditional uses, if permitted in the underlying zone and as specifically authorized by the final development plan.

G. Procedure For Approval: The approval of a PUD shall be considered an amendment to the official maps and, except as provided in this section, shall be processed as is any other amendment with respect to notice, hearings, and appeals pursuant to this title. A two (2) step procedure shall be followed in the approval of a PUD as follows:

1. The approval of a preliminary development plan after public notice and hearing.
2. The final PUD approval shall not become final and effective until the date the final development plan is approved and overlay zone is adopted. The final development plan may be approved and adopted by stages. The final development plan shall be approved when the City determines that the development conforms with the approved conditions established in the preliminary development approval.

H. Decision Criteria: The action by the City to approve a preliminary development plan for a proposed PUD with or without modifications shall be in writing based upon the following findings:

1. The proposed development is in substantial conformance with the comprehensive plan, the intent of the underlying zoning, and applicable City design standards.
2. Exceptions from the standards of the underlying district are warranted by the design and amenities incorporated in the development plan and program.
3. The proposal does not adversely impact the surrounding area or its potential future use.
4. The system of ownership and means of developing, preserving, and maintaining common open space is consistent with the size, design and scale of the project.
5. The approval will result in a beneficial effect upon the area which could not be achieved under other zoning districts.
6. The proposed development or units thereof will be pursued and completed in a conscientious and diligent manner.
7. The proposed development will not preclude the use of LID BMPs if LID BMPs are feasible for existing site conditions or existing site characteristics.

I. Project Limitation: The City, in order to protect the public health, safety, welfare, and general interest may limit or restrict development in a PUD or any portion thereof in relationship to the size of the area being developed or redeveloped with the nature of uses intended, lot coverage, parking and loading requirements, provisions for open space, adequacy of roads and utility systems to accommodate the use as well as to minimize the impact the development will have on the existing or intended development of adjacent lands and the general neighborhood.

J. Permissive Variation From Standard Requirements: In considering a proposed development plan, the approval may involve modifications in the regulations, requirements, and standards of the underlying zone in which the project is located so as to appropriately accomplish the purpose of this section. In making such modifications as are deemed appropriate, the following guidelines shall apply:

1. Off Street Parking And Loading: The total required off street parking facilities should not be less than the sum of the required parking facilities for the various uses computed separately.

2. Common Walls: In projects receiving final approval where units intended for individual ownership will have common walls, the City may issue building permits for construction of those units prior to approval of a final PUD, although occupancy of said units will not be allowed until the final approval.

3. Height Of Buildings: The height of buildings and structures within a PUD should be limited to the height permitted by the underlying zone, or as required as a special limitation. The height of buildings and structures may be increased in relationship to provisions for greater open space and separation between buildings on the same or adjoining property and when adequate provision is made for light, air, and safety.

4. Lot Area Coverage: The maximum lot coverage within a PUD or any portion thereof shall be determined at the time of consideration of a preliminary development plan.

5. Yards: The requirement for yards in a PUD should be same as required by the underlying zone for those yards abutting the exterior boundary of the PUD. Yard requirements for any yard not abutting or adjoining the exterior boundary of the PUD shall be as authorized in the preliminary development plan.

K. Subdivisions: When it is the intention of an applicant to subdivide or resubdivide all or portions of property within a proposed PUD, a preliminary subdivision approval shall be considered concurrently with an application for approval of a preliminary development plan. The minimum lot provisions specified in the underlying zone district may be qualified if the design of the subdivision is in accordance with the intent and purpose of this section and the resulting overall density of the project is consistent with the underlying zoning.

L. Final Development Plan; Time Limitation: A final development plan 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 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 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. Nothing contained in this section shall act to prevent the City from adopting by ordinance procedures which would allow extensions of time that may or may not contain additional or altered conditions and requirements. When deemed reasonable and appropriate, the Administrator may grant an extension of one year for such submittal. If at the date of expiration of the time period provided herein, a final development plan has not been filed for approval, the preliminary PUD approval shall expire and the applicant shall be required to resubmit an application for preliminary approval to reinstate the project. [In instances when a planned unit development is requested concurrent with an application for subdivision, short subdivision, or binding site plan, the final plat, final short plat, or final binding site plan shall satisfy the final development plan required by this chapter.](#)

M. Application: Submittal of an application for preliminary PUD approval shall include:

1. A completed application form;

2. A preliminary PUD development plan including:
  - a. Topographical and other site 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, right-of-way width, location, and type, width, and elevation of surfacing, walks, curbs, gutters, culverts, etc.;
    - (4) Number of residential lots and typical lot size;
    - (5) Lot layout with lot line dimensions, the area in square feet contained in each lot and minimum building setback lines;
    - (6) The location and use of all existing buildings within the proposed project indicating which buildings are to remain and which are to be removed;
    - (7) Ground elevations on the tract, based on a datum plane approved by the City Engineer;
    - (8) Other conditions on adjacent land, including:
      - (A) Approximate direction and gradient of ground slope, including any embankments or retaining walls;
      - (B) Character and location of buildings, railroads, power lines, towers, and other nonresidential land uses or platted lands within three hundred feet (300') of the subject property (subdivision plats should be referred to by name, recording date, volume and page number, with lot size and dwelling units shown);
  - b. Utilities on and adjacent to the tract, including:
    - (1) Location, size and invert elevation of sanitary, storm and combined sewers;
    - (2) Location and size of water mains;
    - (3) Location of gas lines, fire hydrants, electric and telephone poles, and streetlights;
    - (4) If water mains and sewers are not adjacent to the tract, indicate the direction and distance to, and size of, the nearest ones, showing invert elevation of sewers;
  - c. Proposed sanitary, stormwater and water systems plan with points of connection, grades and sizes indicated;
  - d. Proposed public improvements, including highways or other major improvements planned by public authorities for future construction on or near the tract;

e. Typical cross sections of proposed grading, roadways and sidewalks within the proposal;

f. Profiles of all proposed streets within the proposal showing the grade to which the streets will be built and the existing ground line of the proposed streets including probable future extensions of any stub (dead end) streets for a maximum distance of one hundred fifty feet (150') beyond the boundaries of the project (or, as an alternative, the site plan may show topography, certified by a registered engineer or surveyor, in 2 foot contours within 50 feet of each side of the centerline of all probable extensions of any stub [dead end] streets for a distance of 150 feet beyond the boundaries of the proposed subdivision);

g. Sites, if any, to be reserved or dedicated for parks, playgrounds, or other common or public uses;

h. Site plans for multi-family dwellings, shopping centers, churches, industry or other nonpublic uses exclusive of single-family dwellings;

i. Zoning district designations, on and adjacent to the tract;

j. Other conditions on the tract including:

(1) Rock outcroppings;

(2) Location and disposition of any wells, creeks, drainage courses, drainageways, 100-year floodplain boundary and easement in or within two hundred feet (200') of the proposal;

(3) The location of all trees more than six inches (6") in diameter at a height of four feet (4') above grade within the proposal, and for one hundred fifty feet (150') beyond the terminus of all dead end streets allowing that:

(A) Individual trees in a stand of five (5) trees or more need not be shown, but the area covered by the stand (the drip line) shall be shown;

(B) For trees outside of the subdivision boundaries, the location of said trees may be based on aerial photographs or other methods acceptable to the City Administrator;

(4) The location of identified hazards or development limitation areas identified by the city of Orting sensitive area map;

(5) The location of any state shorelines and associated wetlands as defined by state law and the city of Orting shoreline master program;

3. A vicinity map extending at least eight hundred feet (800') in each direction from the proposed project, or further if necessary to assist in locating the site. The vicinity map shall be drawn to scale of one inch equals eight hundred feet (1" = 800'). The vicinity map shall show the following:

- a. Street layout;
  - b. Existing and tentatively approved street layout within eight hundred feet (800');
  - c. Zoning designations within and adjacent to the site;
  - d. All property lines within eight hundred feet (800') of the site;
  - e. Streams or watercourses and public facilities, such as schools and parks;
  - f. All 100-year floodplain and designated shoreline boundaries in and within eight hundred feet (800') of the proposed subdivision;
  - g. Any other pertinent information that will assist in locating the proposed project;
4. Drawings and text illustrating and describing the scale, bulk and architectural character of proposed structures;
  5. A written statement addressing the decision criteria (subsection H of this section) and any other information required by the city at the preapplication meeting;
  6. Draft conditions, covenants, and restrictions pertaining to the operation and maintenance of the development, including all common areas, private streets (if any) and recreational facilities; and
  7. Mailing labels of all property owners as provided in title 15, chapter 7 of this code.
- N. Manufactured Home Parks: Manufactured home parks operated as commercial enterprises leasing sites and/or homes without platting shall be subject to the following:
1. Density shall not exceed the densities established in section 13-5-1 of this title.
  2. Only one manufactured home or recreational vehicle shall occupy any space in the park, subject to the following.
    - a. A recreational vehicle may stand or be parked for an indefinite period in a manufactured home park, provided the recreational vehicle is connected to sewer or a Tacoma-Pierce County health department approved septic system, water, and electricity, and the recreational vehicle contains at least one internal toilet and at least one internal shower; provided, that if this requirement is not met, a manufactured home park must provide toilets and showers in lieu of having the facilities within the recreational vehicle.
  3. Setbacks shall conform to the underlying zoning and building code.
  4. Storage areas comprising not more than ten percent (10%) of the total manufactured home park site for recreational vehicles, boats, and trailers shall be provided. Such areas shall be paved or surfaced with crushed rock and enclosed by a sight obscuring fence, wall or landscape visual buffer.
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### **13-6-5: COTTAGE DEVELOPMENTS:**

#### **A. Purpose:**

1. The purpose of this section is to establish decision criteria and procedures for cottage developments which possess unique characteristics due to factors such as size, residential density, ownership, and location with respect to their surroundings. These uses require a special degree of control to assure compatibility with the comprehensive plan, adjacent uses, and the character of the vicinity.

2. Cottage developments are subject to review by the city and the issuance of a binding site plan ([or approval of a unit lot subdivision](#)) and architectural design review approval. This process allows the city to:

a. Determine that the location of these uses will not be incompatible with uses permitted in the surrounding areas; and

b. Make further stipulations and conditions that may reasonably assure that the basic intent of this title will be served.

B. Decision Criteria: The city shall review cottage development permit applications in accordance with the provisions of this section and may approve, approve with conditions, modify, modify with conditions, or deny the binding site plan approval. The city may modify bulk requirements, off street parking requirements, and use design standards to lessen impacts, as a condition of the granting of the binding site plan approval.

1. Required Findings: The city shall use design standards and other elements in this title to modify the proposal. A cottage development binding site plan shall be approved only if all of the following findings regarding the proposal can be made and are supported by the record:

a. The granting of the proposed binding site plan will not:

(1) Be detrimental to the public health, safety, and general welfare;

(2) Adversely affect the established character of the surrounding vicinity; nor

(3) Be injurious to the uses, property, or improvements adjacent to, and in the vicinity of, the site upon which the proposed use is to be located.

b. The granting of the proposal is consistent and compatible with the intent of the goals, objectives, and policies of the comprehensive plan and any implementing regulation.

c. All conditions necessary to lessen any impacts of the proposal are conditions that can be monitored and enforced.

d. The proposal will not introduce hazardous conditions at the site that cannot be mitigated to protect adjacent properties, the vicinity, and the public health, safety and welfare of the community from such hazard.

e. The cottage development will be supported by, and not adversely affect, adequate public facilities and services; or that conditions can be imposed to lessen any adverse impacts on such facilities and services.

f. The level of service standards for public facilities and services are met in accordance with the concurrency management requirements (see title 15, chapter 8 of this code).

2. Burden Of Proof: The applicant has the burden of proving that the proposed cottage development meets all of the criteria in subsection B1 of this section.

C. Application: Cottage development proposals shall be subjected to a two (2) step process. No more than two (2) cottage developments shall be approved in a calendar year. Preliminary applications shall be accepted at any time, but the first two (2) submitted after January 1 shall be allowed to proceed through the full application review and approval process if they meet the criteria stated in subsection C1 of this section. If one or both of the first two (2) applications in any year drop out, the next in line will be notified that the city will accept a full application for review.

1. Step one preliminary application:

a. Each applicant should schedule a meeting with the city administrator to discuss the location, size, and features of the proposal. No written application is required at this point. The administrator will advise the applicant of any known issues with respect to the location, parcel(s) to be developed, or city facilities necessary to serve a cottage development.

b. The administrator will schedule a briefing for the planning commission. The administrator will introduce the applicant and summarize the discussion at the initial meeting. The applicant shall have the opportunity to describe the proposal, using conceptual plans or drawings. The planning commission may offer informal comments.

c. The applicant will schedule a community meeting and notify all residents and property owners within five hundred feet (500') of the site by mail. The applicant shall provide the mailing address list and proof of the mailing to the city. The meeting shall be held in Orting on a weeknight. The applicant shall be responsible for conducting the meeting and providing an attendance list and printed transcript, and copy of a tape recording of the meeting to the city administrator.

d. Upon receipt of the community meeting tape and transcript, the administrator shall advise the applicant of any additional application requirements beyond those specified below.

2. Step two full application: Submittal of an application for a cottage development binding site plan and ADR approval shall be in accordance with section 12-10-3 of this code and subsection 13-6-7E of this chapter. Review of the application shall be conducted as a type 4 permit as described in section 15-4-1 of this code. The community meeting transcript shall become part of the application record for use by the city in reviewing the application.

### **13-6-6: NONCONFORMING USE PERMIT:**

A. Purpose: The purpose of this section is to establish decision criteria and procedures to allow reasonable limited expansion and continuance of "nonconformities" as defined in section 13-5-9 of this title. Nonconformities require a special degree of control to ensure compliance with applicable regulations and compatibility with the comprehensive plan, adjacent uses and the character of the surrounding areas. Limited exceptions, expansions or changes of use are allowed after approval of a nonconforming use permit by the city or after approval of an administrative nonconforming use permit.

B. Nonconforming Use Permit: Exceptions to the nonconforming standards, section 13-5-9 of this title, are allowed after city approval of a nonconforming use permit. Any application for a building permit or land use permit affecting an existing nonconformity shall require a nonconforming use permit. The city may impose such conditions as deemed necessary to ensure proposals conform to the intent of the comprehensive plan and this title.

1. Required Findings For Nonconforming Use Permit: The city shall grant a nonconforming use permit if documentary evidence is provided by the applicant to support the administrator's findings that:

a. Granting a nonconforming use permit is necessary to adapt the nonconforming use and associated structures to changes in technology, merchandising, or other generally recognized trends which affect the utility of structures or the applicant's ability to compete;

b. Granting a nonconforming use permit will not introduce any (additional) hazards or interfere with the potential development of nearby properties in accordance with present zoning regulations;

c. The nonconforming use and associated structures will comply with the requirements of subsection 13-5-9B5 of this title;

d. The applicant's proposal will result in improvements in functionality or safety, or in exterior appearance, screening, access and other features which will make the use or structure more compatible with allowed uses; and

e. Granting a nonconforming use permit will not detract from the intent of the comprehensive plan and any implementing regulation.

2. Abandonment: An exception to the discontinuance standards in subsection 13-5-9I of this title may be granted by the city. Documentary evidence shall be provided by the applicant to show that the discontinuance was beyond the control of the applicant. If the city is satisfied by evidence that the discontinuance was beyond the control of the applicant, nonconforming rights shall be continued for the property or structure. The city may consider circumstances such as, but not limited to, the following:

a. The property or structure has been involved in litigation.

b. Attempt to lease the site is ongoing due to:

(1) Length of time involved for marketing of premises;

(2) The structure is a specialized type of building requiring a specialized type of use due to equipment, processes or configuration; or

(3) There is a uniqueness to the property giving the use special operating characteristics such as its location in relationship to transportation facilities, open spaces needed for operations or its proximity to other critical activities such as mineral extraction.

C. Approval: A nonconforming use permit may be approved, approved with additional requirements above those specified in this title, or approved with modification of the proposal to ensure that surrounding land uses or the character of the area are not adversely impacted.

D. Denial: A nonconforming use permit may be denied if the use is incapable of complying with specific standards set forth in this title and if any of the above required findings are not supported by evidence in record.

E. Application: Submittal requirements for a nonconforming use permit shall be the same as those for a variance. (See section 13-6-3 of this chapter.)

### **13-6-7: ARCHITECTURAL DESIGN REVIEW:**

A. Purpose: These regulations are intended to implement and further the comprehensive plan of the city by ensuring that all development in the mixed use-town center and all commercial and public development within the city limits, is designed to be consistent with the adopted theme of "turn of century: western or Victorian". All new installation, replacement, construction, renovation, remodel or alteration of, or other modifications to, buildings, miscellaneous structures and street furniture located on private property, public ways and other public property in the mixed use-town center; all buildings, miscellaneous structures and street furniture located on private property, public ways and other public property used for commercial business or public facilities

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within the city limits; all multi-family buildings and cottage developments within the city limits; all stationary vendor units; and, all signs made subject to the requirements of this section pursuant to chapter 7 of this title, are subject to architectural design review and approval as described in this section. These regulations are adopted for the following purposes:

1. To promote the public welfare and to provide for the enhancement of the city and its development in keeping with its historical heritage;
2. To attract visitors to the city;
3. To improve the visual quality of site development and architecture of private and public buildings, recognizing the interdependence of land values, aesthetics and good site planning;
4. To minimize discordant and unsightly development, to avoid inappropriate and poor quality building designs, to enhance the beauty and balance of the community, which are proper and necessary concerns of city government;
5. To promote economic and environmental well being through the distinctive character and natural attractiveness of the city; and
6. To recognize environmental and aesthetic design as an integral part of the planning and development process.

B. Turn Of Century: Western Or Victorian: A style of building, architecture and exterior lighting used in the city and the area from statehood in 1889, through World War I, adopted as the architectural theme for all buildings in the mixed use- town center zone and all commercial buildings in all other zones. Examples of such architectural style may be found in the following publications:

1. "The History Of The Town Of Orting", Alice Rushton, Warren's Printing And Graphic Arts Center, Olympia, Washington.
2. "Historic Preservation Of Tacoma", city of Tacoma, department of community development, Tacoma, Washington, 1979.
3. "Ghost Towns Of The West", William Carter, Sunset Publishing Corporation, Menlo Park, California, 1992.
4. "A Victorian Housebuilders Guide", George E. Woodward and Edward G. Thompson, Dover Publications, Inc., 31 E. 2nd St., Mineola, NY 11501, 1988.

Copies of said publications, exterior color charts and similar related reference works shall be available at the Orting city hall for review by the public.

C. Architectural Design Review And Approval: Any building, structure, development, sign or other property subject to architectural design review and approval pursuant to this section shall conform in exterior design to the turn of century: western or Victorian

theme according to the design standards adopted by the city. No building or sign permit shall be issued for any installation, replacement, construction, renovation, alteration or remodel of, or other modifications to, any building, structure, development or sign subject to architectural design review and approval pursuant to this section, without first obtaining architectural design approval pursuant to the requirements of this section.

1. Architectural design review shall be conducted by city staff and the planning commission. Applications shall be processed in accordance with the procedures set forth in this section and section 15-5-1 of this code. The applicant shall be consulted during the review process. The planning commission shall, during a public meeting, review and consider the final submittal for design review and approval, the staff report, any comments or submittals from the public or applicant, the provisions of this section and other applicable provisions of this code, the city of Orting comprehensive plan, and any other applicable laws, rules, regulations and design standards. The planning commission, based on the record, shall either approve, approve with conditions, or deny the submittal with written findings. Approvals may be conditioned by the planning commission to resolve any inconsistencies between the proposal and the design standards. The decision of the planning commission may be appealed by the applicant only to the hearing examiner pursuant to title 15, chapter 10 of this code.

D. Architectural Design Review Standards: The following standards shall be employed in determining whether the application is consistent with turn of century: western or Victorian design theme:

1. Relationship To Building Site:

a. The site shall be planned to accomplish a desirable transition with the streetscape and to facilitate pedestrian movement;

b. Parking areas shall be located behind buildings when deemed feasible by the planning commission. Service areas shall be located, designed and screened from public view; and

c. The height and scale of each building shall be compatible with its site and adjoining buildings.

2. Relationship Of Building And Site To Adjoining Area:

a. Harmony in development with adjoining areas in texture, lines, and masses is encouraged; and

b. Attractive landscape transitions to adjoining properties will be provided.

3. Landscape And Site Treatment: The following standards may be used by the planning commission to interpret and apply the provisions of section 13-5-2 of this title to site specific conditions:

- a. Where existing topographic patterns contribute to beauty and utility of a development, they shall be preserved and developed;
- b. Grades of walks, parking spaces, terraces, other paved areas and large expanse of walls shall provide an inviting and stable appearance;
- c. Landscape treatment shall enhance architectural features, strengthen vistas and provide shade;
- d. Where building sites limit planting, the placement of trees or shrubs in parkways or paved areas is encouraged;
- e. Screening of service yards, and other places which tend to be unsightly, shall be accomplished by use of walls, fencing, planting, or combinations of these. Screening shall be effective in winter and summer; and
- f. Exterior lighting shall enhance the building design and adjoining landscape. Lighting standards and fixtures shall be of a design and size compatible with the building and adjacent areas. Early 1900s exterior lighting styles are encouraged (i.e., carriage lamp fixtures, gaslights of wrought iron and glass). Excessive brightness and brilliant colors shall be avoided.

4. Building Design: The architectural theme is "turn of century: western or Victorian". Evaluation of a project will be based on the quality of its design and its relationship to the natural setting of the valley and mountain surroundings.

- a. Western architecture of the 1800s and early 1900s usually involved wooden false front effects and wooden post supported canopies. Building styles also included exteriors of masonry, brick, and stone. Dimensional lumber or rough sawn unplugged plywood with wooden batts, spaced not more than eighteen inches (18") on center, can be used as an exterior building material, as well as masonry, brick, and stone. Metal, T1-11, particleboard, chipboard, and other similar wood product sidings will not be allowed.
- b. On site construction is the preferred building method for the commercial use zone. The use of factory built structures, mobile homes, and trailers is discouraged (except as provided at subsection D6 of this section for stationary vendor units) because of the difficulty in modifying them to meet the requirements of this chapter. Construction trailers are permitted for the express purpose of on site construction; they are considered temporary and must conform to the provisions of this code.
- c. The front facade of the building shall exhibit height, width and depth of surface, utilizing shade, shadow, light, choice of materials and color to develop a well proportioned and interesting, three-dimensional (spatial) quality.
- d. All facades of the building shall be compatible with the front facade.

e. Roofs may be gabled or flat. Flat roofs will have false front facades, giving the street view a square building impression.

f. Canopies, awnings or marquees can be pitched and covered with shake shingles or other period material. Flat canopies/porches enclosed by an ornate wooden banister and top rail are allowed.

g. Window shapes during this period were square, arched, or rectangular and frequently were large enough to extend from floor to ceiling. These styles are acceptable. A simple wood design window frame with mullions would be appropriate.

h. Colors shall be harmonious with adjacent buildings and characteristic of colors used in the early 1900s.

i. Monotony of design in single or multiple building projects shall be avoided. Variety of detail, form, and siting should be used to provide visual interest.

5. Signs: The following standards may be used by the planning commission to interpret and apply the provisions of section 13-7-4 of this title to site specific conditions:

a. Signs are part of the architectural theme. Size, materials, color, lettering, location, number, and arrangement shall be characteristic of the early 1900s;

b. The number and size of signs shall be minimized to avoid visual clutter;

c. All exterior signs subject to architectural design review shall comply with the provisions of this section and chapter 7 of this title. The following signs shall be exempt:

(1) Flags, insignias; the United States flag is exempt;

(2) Commemorative plaques with engraved lettering less than one inch (1") in height;

(3) Window signs;

(4) Political signs; provided that they shall not exceed four (4) square feet in size and shall be removed no later than ten (10) days after the election;

(5) Real estate signs; provided, that there is only one such sign per street frontage and that the area of the sign shall not exceed twelve (12) square feet in area; and

(6) Temporary signs, provided they are used for only a period of less than thirty (30) days, and provided further that, political signs and real estate signs exceeding the requirements of subsections D5c(4) and D5c(5) of this section, and sandwich boards, are not exempt from architectural design review and approval;

d. Illuminated exterior signs are not characteristic of early 1900s design and shall not be allowed as the primary business sign; and

e. Signs are preferred to be illuminated by indirect lighting which shall be lighted in such a manner that glare from the light source is not visible to pedestrian or vehicle traffic.

6. Stationary Food Vendor Units: The following standards may be used by the planning commission to interpret and apply the provisions of this section to site specific conditions for stationary food vendor units:

a. Stationary food vendor units may meet architectural design review (ADR) standards of this section through use and installation of skirting, fencing, gable wooden canopy, and other general screening/facades that give the stationary food vendor unit and its site location the appearance of the "turn of the century western/Victorian" theme.

b. The site of the stationary food vendor unit may have outside seating for no more than six (6) persons.

c. Any exterior signage shall conform to the requirements of section 13-7-4 of this title.

E. Applications: Applications for architectural design review shall be submitted to the city and processed in accordance with the preapplication meeting instructions and forms provided, this section, and title 15, chapter 5 of this code; provided that, architectural design review and approval is not subject to the one open record hearing requirement or consolidated permit review processing. Applications shall provide information defining the design proposal for installation, replacement, construction, changes, renovation, alterations, remodeling, or other modifications proposed by the applicant including:

1. Site plans showing buildings, parking areas, landscaping signs, and other architectural features of the existing site conditions and proposal;

2. Building elevations showing all features of the proposal including, but not limited to, doors, windows, signs, canopies, parapets, and finish materials;

3. Detail drawings showing moldings, light fixtures, sign lettering, and other features;

4. Color selections consistent with the design review standards;

5. Any other written or graphic information describing and illustrating the proposal;

6. A completed application form; and

7. Data to be obtained to address feasibility of incorporating LID BMPs.

All application material shall become the property of the city after it is submitted for review.

Applications that are only for the painting of a structure wherein the proposed colors match those denoted on the exterior color charts on file at city hall shall not be subject

to architectural design review. (The city administrator or designee shall determine if proposed colors match those on file.)

F. Architectural Design Review: The following type 2a procedures shall apply to architectural design review and approval:

1. The notice of a completed application for architectural design review shall be published in standard city notices of planning commission meetings. The city shall provide public notice, in standard city notices of planning commission meetings, of all public meetings during which the planning commission will consider and review a preliminary or final application for architectural design review. Notices shall be published at least ten (10) calendar days prior to the meeting;

2. The planning commission may conduct public meetings to obtain comments from the public prior to making its decision, but shall not hold an open record hearing, unless otherwise required to by law;

3. The planning commission may, during a noticed public meeting, consider the completed preliminary design review application. The commission may identify additional submittal items required for the final design review and approval. All materials pertaining to the final proposal for design review and approval shall be submitted a minimum of twenty one (21) calendar days prior to the planning commission final architectural design review and approval meeting date;

4. The final staff report shall be available to the public at least seven (7) calendar days prior to the public meeting for final design review and approval;

5. The planning commission findings and record of decision shall be in writing and published within two (2) weeks of the decision;

6. The record of decision shall be placed in the permit file;

7. Minor amendments to the approved design shall be approved by administrative approval pursuant to section 15-12-2 of this code; and

8. Major amendments to the approved design shall be approved by the planning commission through a new design review pursuant to section 15-12-3 of this code.

G. Preapplication Review: Applicants for architectural design review and approval are encouraged to submit plans in preliminary or sketch form, so that comments and advice of city staff may be incorporated into the final plans submitted for application. This shall be done through the regular preapplication process set forth at title 15, chapter 5 of this code. This meeting will allow city staff to acquaint the applicant with the design standards, submittal requirements, and the application procedures and provide early input on the proposed project prior to submission of the application. Such preliminary plans and application for architectural design review and approval may also be submitted to the planning commission for preliminary consideration, review, and comment.

H. Financial Security: The city may require a reasonable bond, letter of credit, assignment of funds or similar financial instrument, to secure the installation of required improvements that are a condition of design review approval.

I. Time Limit: Unless the owner submits a fully completed building or sign permit application necessary to bring about the approved installation, replacement, construction, renovation, alteration, remodel, or other modifications, or if no building or sign permit application is required, substantially commences the uses allowed, within eighteen (18) months from the date of approval, such approval shall expire and be null and void. For the purposes of this section, the date of approval shall be the date on which the final written decision of the planning commission as adopted is mailed to the applicant. In the event of appeal, the date of approval shall be the date on which a final decision is entered by the city council or court of competent jurisdiction. A request for extension may be granted as a minor amendment in accordance with section 15-12-2 of this code; provided that, a written request is submitted at least thirty (30) calendar days prior to the expiration date, the extension is for no longer than twelve (12) months, and good cause is shown for the extension. The applicant is responsible for knowledge of the expiration date.



## CHAPTER 7 SIGN REGULATIONS

*No edits proposed*

*Available online at:*

[https://codelibrary.amlegal.com/codes/ortingwa/latest/orting\\_wa/0-0-0-8052](https://codelibrary.amlegal.com/codes/ortingwa/latest/orting_wa/0-0-0-8052)

## CHAPTER 8 MEDICAL CANNABIS

*No edits proposed*

*Available online at:*

[https://codelibrary.amlegal.com/codes/ortingwa/latest/orting\\_wa/0-0-0-8211](https://codelibrary.amlegal.com/codes/ortingwa/latest/orting_wa/0-0-0-8211)

## CHAPTER 9 WIRELESS COMMUNICATIONS SERVICES FACILITIES

*No edits proposed*

*Available online at:*

[https://codelibrary.amlegal.com/codes/ortingwa/latest/orting\\_wa/0-0-0-8357](https://codelibrary.amlegal.com/codes/ortingwa/latest/orting_wa/0-0-0-8357)

# 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 [A1]:** 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 [A2]: 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."](#)

**Commented [A3]:** This definition works for counting "days" for purposes of the SB 5290 decision time limit

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:**

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 [A4]: 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 [A5]:** 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 of 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.

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 [A6]: 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 [A7]: From RCW 36.70B.020

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]:** AHBL recommends 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 [A9]:** 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>+</sup>	No	Yes	Yes	Yes	No
Open record public hearing or open record appeal of final decision	<a href="#">Only if appealed. 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 appealed to council	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 [A10]:** 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; <a href="#">minor amendments to site plans; final plats; mobile/manufactured home parks or subdivisions; binding site plans</a>	Short plats; land clearing and grading; shoreline permits; administrative variances; administrative interpretations; landscape plan modifications; <a href="#">alternative landscape plans; site plans and major amendments thereto<sup>2</sup></a>	<del>Architectural design review;</del> 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 <a href="#">amendments</a> ; 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.

**Commented [A13]:** Flagging for Kim - Reminder to include information noted by you and attorney in adopting ordinance.

## CHAPTER 5 APPLICATION PROCESS

### 15-5-1: APPLICATION:

A. Consolidation: To the extent possible, the city shall ~~integrate~~ ~~revised/consolidate~~ development application~~s~~ and reviews ~~in order to and~~ 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 notetized~~. 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 [A14]:** 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 [A15]:** 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.

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.](#)

**Commented [A16]:** Adding this clause as a qualifier because otherwise I think this could be misconstrued.

**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;

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~~ are 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 [A17]:** 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, $\frac{I(1+I)^n - 1}{I(1+I)^n}$ x the current school district capital property tax levy rate, I(1+I) <sup>n</sup> , where I=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.

"SFI 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 SFI 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 [A18]:** 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 $TLOS \div 1,000 \times HS$ .
Therefore:		$PIF = A \times [PLR \times PV + PTR \times TV]$ $PIF = 0.5 \times [0.0248 \times \$119,000 + 0.000775 \times \$44,000] = \$1,492$ 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.

**Commented [A19]:** Per RCW 82.02.060 amended in 2021 and RCW 82.02/090(1)(b amended in 2018 (definition)

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 [A20]:** Per RCW 82.02.060 as amended in 2021

**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.

## **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.

54. The location of the project, including street address and legal description.

65. A project description.

76. The requested approvals, actions, and/or required approvals, actions or studies.

87. 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.

98. Identification and location of existing environmental documents and the location where the application and any studies can be reviewed.

109. A city staff contact and phone number.

1140. The date, time, and place of a public hearing if one has been scheduled.

1244. 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 ~~of~~ 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 [City'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.
- ~~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.
16. All time following any notice of public hearing for the subject application.
- ~~—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 T~~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 ~~wilfully~~willfully fail to comply with any provision of this title, title 12 or 13 of this code, ~~wilfully~~willfully fail to comply with any provision of a rule or regulation adopted pursuant thereto, ~~wilfully~~willfully fail to comply with a civil regulatory order issued pursuant to this title, title 12 or 13 of this code, ~~wilfully~~willfully fail to obtain a project permit or approval required by this title, title 12 or 13 of this code, or ~~wilfully~~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 ~~wilful~~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.*

## 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.*