

ORIGINAL

**CITY OF ORTING**  
**WASHINGTON**  
**ORDINANCE NO. 2019-1039**

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**AN ORDINANCE OF THE CITY OF ORTING, WASHINGTON, RELATING TO LAND USE AND ZONING; RENEWING INTERIM DEVELOPMENT REGULATIONS REGARDING THE RESIDENTIAL URBAN LOW ZONE AS AUTHORIZED BY THE GROWTH MANAGEMENT ACT FOR SIX MONTHS; PROVIDING FOR SEVERABILITY; AND DECLARING AN EMERGENCY; AND ESTABLISHING AN EFFECTIVE DATE**

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**WHEREAS**, within the express terms of the Growth Management Act, the Washington State Legislature has specifically conferred upon the governing bodies of Washington cities the right to establish and adopt interim development regulations;

**WHEREAS**, to promote public health, safety, aesthetics, and welfare, the City of Orting (“City”) provides development regulations for the design and construction of real property; and

**WHEREAS**, in July 2018, the City determined that development regulations for currently codified in Orting Municipal Code (“OMC”) Section 13-3-2 do not adequately implement the Orting Comprehensive Plan regarding the intent and uses of the residential urban zones; and

**WHEREAS**, the City determined that amendments to the aforementioned OMC Chapter are necessary to provide development standards for the Residential Urban Low zoning designation, as set forth in Figure LU-1 of the 2015 Orting Comprehensive Plan, adopted July 2015 and amended January 2018; and

**WHEREAS**, the City determined that interim development regulations adopted under the provisions of RCW 36.70A.390 are necessary to allow adequate time for the City to effectively analyze and determine development regulations sufficient to provide for appropriate regulation of the design and construction within the residential urban zones City; and

**WHEREAS**, by Ordinance No. 2018-1033, the City adopted interim development regulations in accordance with the aforementioned findings; and

**WHEREAS**, Revised Code of Washington (RCW) 36.70A.390 authorizes the City to extend the duration of the adopted interim development regulations for one or more six-month periods; and

**WHEREAS**, the City has determined that an additional six-months is necessary to allow adequate time to develop and implement a long-term solution to the aforementioned issues; and

WHEREAS, in accordance with RCW 36.70A.390, the City Council held a public hearing on the proposed extension of the duration for the interim development regulations adopted in Ordinance No. 2018-1033 at its regular meeting on January 7, 2019;

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

**Section 1. Findings of Fact.** The recitals set forth above are hereby adopted as the City Council's initial findings of fact in support of the renewal of the interim development regulations adopted in Ordinance No. 2018-1033. The City Council may, in its discretion, adopt additional findings after the public hearing referenced in Section 4 of this Ordinance.

**Section 2. Extension of Duration for Adopted Interim Zoning Regulations.** The City Council hereby extends the duration of the interim development regulations adopted in Ordinance No. 2018-1033, attached hereto as Attachment A and incorporated by reference.

**Section 3. Effective Duration of Interim Development Regulations.** The interim development regulations set forth in Ordinance No. 2018-1033 shall be in effect for a period of six (6) months from the effective date of this Ordinance and shall automatically expire at the conclusion of that six-month period unless sooner repealed.

**Section 4. Public Hearing.** The City Council held a public hearing at the City Council's regular meeting beginning at 7:00 p.m. on January 7, 2019, and took public testimony.

**Section 5. Referral to the City Administrator.** The City Council requests that the City Administrator and his staff work diligently with the City Council to formulate and adopt permanent regulations.

**Section 6. Severability.** Should any section, paragraph, sentence, clause or phrase of this Ordinance, or its application to any person or circumstance, be declared unconstitutional or otherwise invalid for any reason, or should any portion of this Ordinance be pre-empted by state or federal law or regulation, such decision or pre-emption shall not affect the validity of the remaining portions of this Ordinance or its application to other persons or circumstances.


**Section 7. Effective Date.** This Ordinance, as a public emergency ordinance necessary for the protection of the public health, public safety, public property, and public peace, shall take effect and be in full force immediately upon its adoption. Pursuant to Matson v. Clark County Board of Commissioners, 79 Wn. App. 641, 904 P.2d 317 (1995), non-exhaustive underlying facts necessary to support this emergency declaration are included in the "WHEREAS" clauses, above, all of which are adopted by reference as findings of fact as if fully set forth herein.

ADOPTED BY THE CITY COUNCIL AT A REGULAR MEETING THEREOF ON THE 9<sup>th</sup> DAY OF JANUARY, 2019.


CITY OF ORTING

  
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Joshua Penner, Mayor

ATTEST/AUTHENTICATED:

  
Jane Montgomery, City Clerk, CMC

APPROVED AS TO FORM:

  
Alexandra Kenyon, City Attorney

Filed with the City Clerk: 12.19.18  
Passed by the City Council: 01.09.19  
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