

PROJECT MEMO



TO: Kim Mahoney
FROM: Nicole Stickney
Tacoma - (253) 383-2422
DATE: August 27, 2024
PROJECT NO.: 2230242.30
PROJECT NAME: Orting Comprehensive Plan Update
SUBJECT: Drafts Revisions to Title 13 for Planning Commission Review

We have prepared the attached set of suggested edits to Title 13 (Development Regulations) for review by your Planning Commission, relating to the City's Periodic Update of the Comprehensive Plan.

The edits are based on various factors and requirements such as:

1. Required updates to conform with new state laws passed by the Legislature amending the Washington State Growth Management Act
2. General changes to improve readability, better organize the information and modernize the code
3. Feedback previously provided by the Planning Commission and questions that have come up with recent permits among various applicants
4. Staff direction

In this memo we outline some of the key changes to provide the Planning Commission and other reviewers a guide to make it easier to understand the changes and the purpose.

It is important for everyone to understand that we are proposing many changes to the regulations. Still, there may be many other topics that we haven't addressed that also need to be changed. We have endeavored to provide the city with a set of proposed changes that meet the requirements, use the present opportunity to make improvements that are going to be helpful but aren't strictly "necessary" like updates to definitions, while working within the limits of our current scope. That being said, I'm certain that many involved will have ideas about future changes the city can contemplate for Title 13 and we can encourage the Planning Commission to develop a workplan to address additional topics as time and resources permit.

1. DEFINITIONS

The following definitions are proposed to be stricken because they are not used in the Title:

- *Animal clinic* (the code does use and defines "Veterinary Facilities")
- *Boundary Structure*
- *Festoon*
- *Floor Area*
- *Lot Line Adjustment*
- *Mitigation Contribution*
- *Property Buffer*
- *Roadway Buffer/ Cutting Preserve*

In addition, the definition for *City Administrator* is proposed to be stricken because it is the same term (same usage) as *Administrator*, which is already defined.

Next, we have added many definitions to address about 50 terms that appear in the code but were not previously defined. The majority of the terms are based on codes from neighboring localities that we consulted, and then we made some adjustments or refinements where needed to customize the definition for Orting. In addition, the following list of terms are specifically written to align with state statutes or administrative code:

- Open Record Hearing is from RCW 36.70B.020
- Solid Waste Facility is from WAC 173-350-100
- Transit Facility is from RCW 9.91.025
- Campground is from WAC 332-52-010

It is important to keep in mind that there are additional sets of definitions elsewhere in the Title, and we have not proposed any changes to (nor conducted any review of) those sections:



- Definitions in OMC 13-7-2 apply directly to Chapter 7 “Sign Regulations”
- Definitions in OMC 13-8-2 apply directly to Chapter 8 “Medical Cannabis”
- Definitions in OMC 13-9-16 apply directly to Chapter 9 “Wireless Communication Services Facilities”

Finally, some changes that may be of interest:

- In accordance with SB 5235 the city may not impose arbitrary limits on housing by regulating the number of persons occupying a housing unit beyond that which is in the building code or necessary for health / safety reasons. For that reason, we have shown that the definition of “Dwelling Unit” can be broadened to not just mention “families” and additionally have shown the definition of “Family” to also be broadened (removing references to the number of people and a requirement for relation via marriage / genetics, etc.)

2. ZONING AND PERMITTED USES

The following is a list of key changes we have prepared for consideration to modify *Table 1 – CITY OF ORTING PERMITTED LAND USES BY ZONING DESIGNATION* (OMC Section 13-3-3). This Table is a central component of the City’s zoning regulations as it sets out what types of uses are permitted (either outright or with a conditional use permit) in the City’s various zoning districts.

- We renamed the Table to be more descriptive
- We added ADUs to the Table under “Residential Uses” and removed them from Table 2 (Accessory Uses) to more appropriately address the use, as they really aren’t “accessory uses” in the same sense as the other items listed in Table 2.
- We cleaned up the table to remove footnotes that were no longer in use (or are proposed to be removed) and renumbered all footnotes. In addition, we relocated footnotes that apply to an entire row from the individual “P” or “C” within each column and instead put them into a footnote marker next to the land use category name in the first column to make the final table easier to read.
- We corrected “Multiple-family” to instead say “Multi-family”
- Arcades (as in, game arcades with vending machines and Pac-Man) is removed as a use, as it is outdated / antiquated.
- We added “wireless communication services facilities” to the “Commercial uses” section. The use was already defined in this Title, but not listed in the use table.
- Veterinary clinics was removed as it is synonymous with veterinary facilities for these purposes
- Changes are shown for Home Occupations (we propose removing the requirement for a conditional use permit and instead making them “permitted” in certain zones while referencing OMC 13-5-4 provisions).
- We have shown that “Equipment rental” should be added as a permitted use in the MUTC zone (provided that there is no outdoor storage).
- We are proposing to strike “landfills” as a conditional use in the RU zone (so that they would not be allowed).
- We are proposing to add “spas and health clubs” to the MUTC zone as a permitted use (subject to architectural design review).



Next, here is a list of Key Changes made to Table 2 – PERMITTED ACCESSORY USES BY ZONING DESIGNATION:

- We renamed the Table to be more descriptive
- We propose that “accessory structures such as garages, carports, and sheds” be changed from being permitted in “All residential zones” to instead be permitted in “All zones”
- For *barns and agricultural structures* we have proposed that the PF zone be added as a zone where those uses and structures are allowed (for example, barns could be needed for 4-H programs at schools or another example is that agricultural structures at the Orting Veteran’s Home would fit under this category).

3. OTHER PROPOSED CHANGES

- We updated the “Brief User’s Guide” at OMC 13-1-5 to add additional language and include references to Chapters 7, 8 and 9.
- Section 13-4-2 sets out standards for temporary uses and temporary housing units. There has been separate work conducted on this section which is not incorporated into this work product (the work is centered around provisions for RVs and those changes will instead be subject to separate review and adoption). However, we are proposing new standards and an approval process for “model homes” in the Temporary Uses / Temporary Housing chapter at OMC 13-4-2 (E) which is modeled after a nearby municipality’s regulations and is fairly straight-forward.

Section 13-5-3 shows some text with grey “highlighting.” A few years ago Ordinance 2019-1043¹ was adopted and the ordinance effectively changed some loading area and off-site parking requirements in this section. However, the changes made by ordinance were never incorporated into the online code document and staff have been unable to determine why that occurred. We have indicated what the code *should* say and with adoption of an ordinance to adopt changes to Title 13 these previous changes should be incorporated into what the online code says. There are additional proposed changes which are indicated in “tracked changes.” *(NOTE: In the near term the City will probably need to work on additional, future edits to this portion of the code, but for the time being an incremental approach suits the current timeline and requirements.)*

- An additional subsection (N) for an Administrative Parking Waiver is proposed for Section 13-5-3 to provide a permanent solution to ease parking regulations in the downtown core. The Waiver would waive the number of off-street parking stalls required in the downtown core and would be administered and reviewed on a case by case basis. The Waiver would require a parking study that considers the use, availability of nearby parking, and the totality of the request and its impact on the community’s access to parking and general public enjoyment in the downtown core.
- Section 13-5-4 covers Home Occupations. Subsection (h) and (i) were updated to codify changes made in an Administrative Interpretation on September 21, 2022 regarding sales in connection with the activity and parking quantity requirements.
- Section 13-5-6 covers Accessory Dwelling Units. With the passage of House Bill 1337, the state legislature has set out that by June 30, 2025 the Orting development regulations must be updated to allow up to two ADUs per lots in all zones allowing single family residential structures to be built, among other changes (this

¹ The ordinance is at the link: <https://www.cityoforting.org/home/showpublisheddocument/721/637427276455730000>



is codified at **RCW 36.70A.681**). We have incorporated changes to that section and to Table 1 in Section 13-3-3 so that the OMC can be in conformance.

- Section 13-4-2 covers temporary Uses. We propose updating this section to include standards for temporary school uses, such as temporary barns or pens located on a school site to be used for 4-H programs associated with the school. Additionally, we propose including standards for temporary Christmas tree lots.

4. KEY QUESTIONS FOR THE PLANNING COMMISSION

- Would the Planning Commission support codifying an Administrative Parking Waiver as set forth in the proposed addition Section 13-5-3-N?
- Does the Planning Commission support ADUs being allowed on nonconforming sized lots (as permitted per Commerce Guidance)? If so, how many ADUs shall be allowed? What standards should the ADUs be held against?
- Would the Planning Commission support the consideration of allowing tiny houses as ADUs? Tiny Houses are not currently mentioned in code, and the only prohibited ADUs currently listed in OMC 13-5-6-C-3(c) are “recreational vehicles” and “mobile homes”. The City could consider allowing Tiny Homes as ADUs if the appropriate connections and tie-downs are provided.

5. FUTURE CHANGES

The City will need to make additional, future code amendments in the near term as listed above, plus update the city’s Master Fee schedule: There are two places in Title 13 where fees are set out and it will be important to add these to the city’s list of fees the next time that document is updated / adopted: OMC Section 13-4-2, Subsection D5 and OMC Section 13-5-6, Subsection B3.

NS/ns

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