

Ordinance No. _____

AN ORDINANCE OF THE CITY OF OLYMPIA, WASHINGTON, RELATING TO INFRASTRUCTURE AND AMENDING CHAPTERS 12.20, 17.48, 18.38 AND SECTIONS 12.02.020, 13.20.040, 13.20.120, 15.20.060, 17.52.020, 18.75.020, AND 18.82.120 OF THE OLYMPIA MUNICIPAL CODE AND ADOPTING THE 2017 ENGINEERING DESIGN AND DEVELOPMENT STANDARDS.

WHEREAS, the *Olympia Engineering Design and Development Standards* (EDDS) are periodically updated; and

WHEREAS, on December 12, 2017, a public hearing was held to consider and approve amendments to the EDDS; and

WHEREAS, this Ordinance is supported by the staff report and attachments associated with the Ordinance along with documents on file with the City of Olympia; and

WHEREAS, this Ordinance is also supported by the professional judgment and experience of the City staff who have worked on this proposal; and

WHEREAS, City Staff are known to the City Council, and staff's curriculum vitae shall be part of the record in support of this Ordinance; and

WHEREAS, this Ordinance is consistent with the comprehensive plan; and

WHEREAS, the Department of Commerce received a copy pursuant to RCW 36.70A.106 on October 3, 2017; and

WHEREAS, a State Environmental Policy Act DNS was issued on November 21, 2017; and

WHEREAS, the amendments contained in this Ordinance are adopted pursuant to Article 11, Section 11, of the Washington State Constitution and any other legal applicable authority;

NOW, THEREFORE, THE OLYMPIA CITY COUNCIL ORDAINS AS FOLLOWS:

Section 1. Amendment of OMC Chapter 12.20. Olympia Municipal Code Chapter 12.20 is hereby amended to read as follows:

Chapter 12.20
STREET EXCAVATIONS

12.20.000 Chapter Contents

Sections:

12.20.010 Definitions.

12.20.020 Disturbance of public property--Permit required--Emergency excavation.

- 12.20.030 Permit--Application filing requirements.
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12.20.010 Definitions

The following definitions are provided for the sole purpose of proper interpretation and administration of this chapter:

- A. "City engineer" means the city engineer or his duly authorized representative of the city engineer.

- B. "Construction" or "construct" means constructing, laying, maintaining, testing, operating, extending, renewing, removing, replacing, repairing and using any utility system or portion thereof.
- C. "Distribution system and/or lines" used either in the singular or plural means and includes pipes, conduits, poles and wires, sewer, stormwater and water pipe lines, mains, laterals, feeders, regulators, meters, fixtures, connections and all attachments, appurtenances and appliances necessary and incidental thereto, or in any way appertaining to utilities.
- D. "Maintenance," "maintaining" and/or "maintained" means and includes the relaying, repairing, replacing, examining, testing, inspecting, removing, digging, excavating and restoring operations incidental thereto.
- E. "Permittee" means any person, company, partnership or corporation or its successors and assigns who has applied for or holds a permit from the city to construct, lay, maintain and operate over, across, upon, along and under the present and future streets, alleys, sidewalks, curbs, roads, highways, thoroughfares, parkways, bridges, viaducts, public property, public improvements and other places in the city, a system of pipes, pipelines, water mains, power conduits, underground or overhead wiring, gas mains, laterals, conduits, feeders, regulators, meters, fixtures, connections and attachments, appurtenances and appliances incidental thereto or in any way appertaining thereto.
- F. "Person" means any person, firm, association or corporation.
- G. "Public property" means and includes public right-of-way, streets, alleys, sidewalks, curbs, roads, highways, avenues, thoroughfares, parkways, bridges, viaducts, public grounds, public improvements and other public places within the present and/or future corporate limits of the city.
- H. "Roadway" means a paved, improved street or proper driving portion of a public rights-of-way designed or ordinarily used for vehicular travel.
- I. "Standard Specifications" means the current edition of the Washington State Department of Transportation's Standard Specifications for Road, Bridge and Municipal Construction, including all supplements, appendices, and all subsequent additions.
- IJ. "Utility" or "utility system" means any gas, oil, water, sewer, stormwater, light, power, telephone, telecommunications, television, steam, burglar alarm, distribution system, pipes or pipelines, conduits, poles and wires or other facilities necessary or appertaining thereto, and railroads, both public and private, and whether operating under a franchise or not.

12.20.020 Disturbance of public property –Permit required –Emergency excavation

It is unlawful for any person to place any poles or wires upon or above, or any ducts, conduits or wires below the surface of any public properties, to dig up, break, excavate, tunnel, undermine, cut or in any way obstruct or disturb any public properties in the city, or to fill in, place or leave or deposit in or upon any public

properties any earth, refuse, gravel, rock or other material or thing tending to obstruct, disturb or interfere with the free use of the same for the installation and/or maintenance of a utility system, or portion thereof, or for the purpose of making a utility connection with any premises without having first obtained a permit, or without complying with the provisions of this chapter, or at variance to the terms of any such permit; provided, however, that in case of an emergency arising out of office hours, when an immediate excavation may be necessary for the protection of public or private property, the same shall be reported to the police department, and the necessary excavation may be made upon the express condition that an application be made in the manner provided in this chapter on or before noon of the next following business day.

12.20.030 Permit –Application filing requirements

An application for permit shall be filed in duplicate in the office of the city engineer on such forms as are specified by the city engineer and shall be accompanied by a detailed plan, specifications and profiles of such size and such scale as may be prescribed by the city engineer of pipes or mains and fixtures to be laid or installed underneath public properties, which shall show the centerline of the street or alley, and in relation thereto the position, location and depth of the distribution system, the height of the proposed work, the pipes or mains intended to be laid, the size of the pipes or mains, the location of the manholes leading to the pipes or mains, if any, and the depth of the pipes or mains from the surface, and such other information as he may require. The permittee, its successors and assigns, shall amend the plans, specifications and profiles in accordance with the orders of the city engineer, before the city issues the permit and before the permittee commences construction or the laying of any pipes or mains, or the construction of any overhead utility service. The permittee shall advise the city engineer in writing of the plan of the excavation, obstruction or other thing desired to be done or constructed, the size thereof, the purpose therefor, the public property to be so excavated and/or obstructed, together with a full description of the nature of such work, the name of the person, firm or corporation for whom or which the work is being done. Whenever additional improvements or extensions are made, additional plans, specifications and profiles shall be filed with the city in the same manner as required above. The application shall contain an agreement that the applicant will comply with all ordinances and laws relating to the work to be done and that no openings shall be made or obstruction erected until necessary fittings and materials are available and on hand to complete the work.

Each application for a permit shall state the length of time it is estimated will elapse from the commencement of the work until the restoration of the surface of the ground or until the refill is made ready for the surface to be put on by the city if the city restores such surface. It is unlawful to fail to comply with this time limitation unless permission for an extension of time is granted by the city engineer. If an extension of time is needed to complete the work beyond the time originally prescribed, a new application for a permit must be filed, and when the application therefor is signed by the city engineer, it shall constitute the permit, provided the bond and insurance is extended for the period of the extension granted.

12.20.040 Permit –Conditions of issuance –Contents

If, after examining such application and map, plans and specifications, the city engineer approves the same and the bond and a workmen's compensation insurance certificate, if required, are filed, ~~he may issue a permit~~

may be issued therefor. Such permit shall specify the name and location of the public properties in front of, through, over, under or near which such acts are to be performed or done, together with a description of the proposed work or acts to be done under such permit, and the length of time allowed for the completion thereof. The permit shall require the repairing and restoring to as good or better condition and in compliance with the conditions and specifications of this chapter, of whatever portion of the public properties and/or private properties ~~which-that~~ may be obstructed, disturbed or affected in any way within a specified time. The acts and work authorized and/or required under such permit shall at all times be under the supervision and control of the city engineer, or persons acting under ~~his-the city engineer's~~ direction, but at the expense of the person procuring such permit.

The city engineer may ~~in his discretion~~ defer the granting of the permit provided for above until such time as ~~he deems deemed~~ proper in all cases in which the public properties where the work desired to be done are occupied or about to be occupied in any work by the city or by some other person having a right to use the same in such manner as to render it seriously inconvenient to the public to permit any further obstruction thereof at such time. ~~He-The city engineer~~ may in granting such permit so regulate the manner of doing such work as shall cause the least inconvenience to the public in the use of such public properties, and in all cases any work of the city or its contractors or employees shall have precedence over all work of every kind.

12.20.050 Fees for permits

A. Fees for such permits shall be as set forth in Title 4 of this code. The fees as set forth in Title 4 of this code shall apply to excavations made by all private utility companies for utility projects, including natural gas, telephone, power, light and ~~telecable~~telecommunications.

12.20.060 Bond may be required –Insurance requirements –Compliance with the state law

A. Before the issuance of any permit, ~~the city may require the~~ permittee to shall furnish to the city a bond to insure performance of the permittee's obligations under this chapter. The amount of such bond may be varied from time to time in accordance with the size of the project, or may be entirely excused in case of excavations of a minor nature. Such bond shall be in a form to be approved by the city attorney, and with a surety approved, conditioned that the permittee will comply with all the provisions of this chapter, and that ~~he-the~~ permittee will keep and save harmless the city from any and all claims, liabilities, judgments, costs, casualties, accidents or damages and expenses arising from any negligence of such permittee on account of any act which ~~he-the~~ permittee may do or suffer to be done, or omission of the permittee in the performance of the work under the permit, or which may be done by any of ~~his-the city engineer's~~ agents, servants or employees, or which may arise from any ~~his-of the city engineer's~~ agents, servants or employees, or which may arise from any negligence of ~~himself, his agent, servants or employees~~the aforementioned, or in any event in obstructing or in any way disturbing any private or public properties, or by reason of the violation of any of the provisions of this chapter; provided, that the bond shall be required of electric and telephone utilities only when they place wire underground. The permittee shall also indemnify and save harmless the city from all suits and actions of every description brought against the city for or on account of any injuries or damages received or sustained by any person by reason of failure to erect and maintain the required guards, barricades or signals;

provided further, that in case the act or acts permitted under such permit necessitate for any purpose the cutting into or under any public properties in the city, the bond shall be conditioned that the person, firm or corporation applying for and acting under the permit shall replace the portion thereof affected thereby, and shall restore the same at its expense to as good or better condition within the time specified by the city engineer; and further conditioned that the permittee will maintain such public properties so restored for a period of two years from and after such restoration. Settlement within the two-year period mentioned in this section shall be considered conclusive evidence of defective backfilling by the permittee. Acceptance of the work and the release of the same shall not prevent the city from making claim against the permittee for any uncompleted or defective work, if the same is discovered within two years from the date of such release. The fact that an inspector was present during the progress of any construction shall not relieve the permittee from responsibility for defects discovered after completion of the work.

B. The permittee shall also maintain in full force and effect, with an insurance company satisfactory to the city, the following: public liability and property damage insurance meeting the requirements and minimum dollar limits listed in Section 1-07.18 of the Standard Specifications and RCW 48.05.

1. ~~Bodily injury liability insurance with limits of one hundred thousand dollars for each person injured by reason of the work for which the permit was issued, and two hundred thousand dollars for each occurrence;~~

2. ~~Property damage liability insurance with limits of fifty thousand dollars for each accident.~~

C. ~~The permittee shall also comply with all of the workmen's compensation and safety laws of the state as the same now exist or may be hereafter amended, and shall file a workmen's compensation insurance certificate with the city engineer when the permit is issued; provided, however, if the permittee hires no personnel, such requirement may be waived.~~

12.20.070 Notice of commencement –Notice for inspection

A. ~~The permit shall be issued in duplicate, and the city engineer shall notify the fire department, police department, the city clerk-treasurer, the traffic engineer, the water superintendent, the building superintendent and the street superintendent that such permit is on file in the city engineer's office.~~

B. ~~The permittee shall give a minimum twenty-four hour ~~written~~ notice to the city engineer, requesting an inspection of the permitted work using the City's permit management software, before it makes any opening in public properties for installations in excess of one hundred feet and two hours' notice of any other openings in public property. Before it commences to backfill any opening of public properties, it shall give two-hour notice to the city engineer and obtain his approval.~~

C. ~~The permittee shall give written notice of the opening and backfilling of public properties to any corporation whose pipes, poles, mains or conduits are laid in the street, if it knows of their existence, and that they will be disturbed by such excavation at least twenty-four hours before commencing the same, and shall at~~

his expense replace and pack the earth wherever the same shall have been removed, loosened or disturbed under or around them, so that they will be well and substantially supported.

D.—When any work done under a permit issued by the public works director is completed and ready for inspection, the person to whom the permit has been issued shall, within twenty-four hours after completion of the work, notify the public works director in writing that the same has been completed and is ready for inspection, and the public works director shall cause the work to be inspected within a reasonable time thereafter. Any delay in giving written notice to the officials as required herein shall render the permittee liable to a penalty as set forth in Title 4 of this code, and he ~~the~~ permittee shall also be liable for all damages done or suffered by the city or any person, firm or corporation caused by such delay, and the bond provided for in this chapter shall stand as security for such penalty and damages.

12.20.080 Devices for warning public

In case any public property shall be dug up, excavated, undermined, cut, disturbed, or obstructed, or any obstruction placed thereon, the persons, firm, or corporation causing the same shall erect, and so long as the condition exists, and any danger may continue, maintain around such portion of the public properties a good and sufficient barrier, watchman, guards, barricades, signals, signing, such as Construction, No Parking, Street Closed, and Detour, lighting, and such other safeguards as may be required, at all unsafe places on the work at his own expense to protect persons and property from injury, all of which shall be approved by the city engineer. He shall also cause to be maintained securely and conspicuously posted, during every night from sunset to daylight, around and at each end of such obstruction, a lighted lantern or lamp wherever necessary showing a red light or approved red flasher light, flares, or flare pots at his own expense. If the excavation is ten feet or less long, one such light or flare shall be so maintained; if it is over ten feet long but less than fifty feet long, three such light or flares shall be so maintained, with one at each end of it; and for excavations longer than fifty feet, such lights or flares shall be maintained on every twenty-five feet or part thereof for longitudinal cuts, but such lights or flares shall be maintained at six-foot intervals for transverse cuts; provided, that during the nighttime or during the daytime when, due to climatic or other causes, the visibility is less than one hundred fifty feet on twenty-five mile per hour streets and three hundred feet on thirty-five mile per hour streets, the permittee shall maintain sufficient red lights to warn of the barricaded excavation. The permittee shall provide adequate warning signs and devices in a position of maximum effectiveness. The minimum requirement for warning signs when necessary shall be a set of advance warning signs placed on all primary approaches to the work, at a minimum distance of four hundred feet, but as required by best visibility; sufficient signs and markers in the immediate vicinity of the job shall also be maintained.

Red flags shall be placed around at each end of obstructions at intervals of not more than sixty feet along the entire course of the excavation. Special care shall be exercised to prevent vehicles, pedestrians, and livestock from falling into open trenches or being otherwise harmed as a result of the work. Wherever in the course of the work temporary fences are required either for the protection of livestock or any other reason, it shall be the permittee's responsibility to provide the material and construct such fences in a manner satisfactory to the city engineer. Upon completion of the work, fences so constructed shall be removed by the permittee.

~~Whenever public properties are to be closed to traffic for a definite length of time or for a period of time as directed by the city engineer, the permittee shall completely barricade each of the public properties leading to the improvement with barriers. It is unlawful for any person to tamper with lawfully erected barricades, signs, signals, lights, flares, or flare pots where they are erected as required by this chapter. adhere to all the requirements set forth in Section 1-10, Temporary Traffic Control, of the Standard Specifications.~~

12.20.090 Safety provisions to be observed

Precaution shall be exercised at all times for the protection of persons (including employees) and property. All safety provisions of applicable state laws, standards, and rules and regulations and city ordinances, including building and construction codes as hereafter revised and/or amended shall be observed.

12.20.100 State safety standards and regulations adopted –Interpretation in case of conflict

The following are adopted by reference: The Safety Standards and Rules and Regulations of the State Department of Labor and Industries, as existing as of the date of the ordinance codified in this chapter; provided, however, that in the event any of the provisions of this chapter conflict with any other provisions of this chapter, with any other ordinances of the city, with the standards embodied in state and federal laws and rules and regulations, the provisions containing the highest standards shall be observed.

12.20.120 Pedestrian and vehicular crossings

~~A.—The permittee shall construct and maintain adequate and safe crossings over excavations and across public properties under improvement to accommodate vehicular and pedestrian traffic at all street intersections and wherever a trench crosses a roadway.~~

~~B.—Vehicular crossings shall be constructed and maintained of plank, timbers, and blocking of adequate size to accommodate vehicular traffic safely. Decking shall be not less than four inches thick and shall be securely fastened together with heavy wire and staples. The top surface of such decking shall not be above the level of the adjacent roadway.~~

~~C.—Pedestrian crossings shall consist of planking three inches thick, twelve inches wide and of length required, together with necessary blocking. The walk shall be not less than four feet in width and shall be provided with a railing, if required by the city engineer. To address pedestrian, vehicle and bicycle safety to, through and adjacent to the work zone, the permittee shall adhere to all the requirements set forth in Section 1-10 of the Standard Specifications.~~

12.20.130 Interference with utilities –Protection of apparatus

A. The permittee shall not interfere with any existing utility without the consent of the city engineer and the utility involved. If it becomes necessary to move an existing utility, this shall be done by the utility charged with the operation of the same, at the expense of the permittee. Whenever the permittee's existing utility, occupying space in the street, interferes with the actual construction of any public improvement, such utility

shall be moved by the permittee; provided, that no utility, either publicly or privately owned, shall be moved to accommodate the permittee unless the cost of such work is borne by the permittee.

B. The permittee shall, at its expense, sustain, secure, support, and protect ~~by timbers or otherwise,~~ all pipes, mains, conduits, poles, wires, or other apparatus from injury which may be in any way affected by the work, and do everything necessary to support, sustain, and protect the same, under, over, along, or across the work. In case any of the pipes, conduits, poles, wires, or apparatus should be damaged, they shall be repaired by the authorities having control of the same, and the expense of such repairs shall be charged to the permittee and its bond shall be liable therefor.

C. The permittee shall be responsible for any damage done to any public or private property by reason of the breaking of any water pipe, sewer, gas pipe, electric conduit, or other utility and its bond shall be liable therefor.

D. The permittee shall inform itself as to the existence and location of any underground utilities and protect the same against damage.

12.20.140 ~~Protection of other property—Excavations, trees and foliage, sod, topsoil~~Vacant

~~A.—The permittee shall erect and maintain suitable timber bulkheads to confine earth from trenches or other excavations in order to encroach upon public properties as little as possible. The permittee shall, at its own expense, shore up and protect all buildings, walls, fences, or other property likely to be damaged during the progress of the work, and shall be held responsible for all damage to public or private property, streets, or improvements resulting from its neglect to exercise proper protection in the prosecution of the work.~~

~~B.—It is unlawful for any person other than a duly authorized officer or employee of the city, or a person holding a permit from the city engineer, to dig up, or in any manner injure or destroy any tree, flower, foliage, flowering plant, foliage plant, or shrubbery, in any public properties.~~

~~C.—Whenever it may be necessary for the permittee to trench through any lawn area, the sod shall be carefully cut and rolled and replaced after ditches have been backfilled as provided in this chapter. All construction and maintenance work shall be done in a manner calculated to leave the lawn area clean of earth and debris and in a condition as near as possible to that which existed before work began.~~

~~D.—The permittee shall not remove, even temporarily, any trees or shrubs which exist in parking strip areas or easements across private property without first having notified the property owners, or, in the case of public properties, the authorities maintaining the same.~~

~~E.—When required by the city engineer, existing topsoil shall be carefully removed to the depth ordered by the city engineer and shall be piled in such a place and in such a manner that it will not become mixed with other soil, and upon completion of the remainder of the backfilling shall be replaced in its original position in a manner satisfactory to the city engineer. In the event an embankment resulting from required pipe covering~~

~~should be constructed through the area, such embankment shall be covered with top soil the same as the rest of the area.~~

12.20.150 Maintenance of postal service

Postal service shall be maintained in accordance with the instructions of the United States ~~Post Office~~ Department Postal Service. The permittee shall be responsible for moving mail boxes to temporary locations designated by the ~~Post Office Department~~ Postal Service, and upon completion of the work he shall replace them as directed. The permittee shall contact the United States ~~Post Office Department~~ Postal Service to determine its requirements with respect to the maintenance of postal service and shall comply with these requirements.

12.20.160 Monuments not to be disturbed without authorization

The permittee shall ~~not disturb~~ protect any survey monuments or hubs found ~~on the line of the improvements until authorized to do so by the city engineer. An additional penalty of twenty five dollars shall be imposed for any monument or hub disturbed without such authorization~~ within or adjacent to the work zone. If a monument must be moved or otherwise disturbed during the course of the permitted work, the permittee shall follow the procedures detailed in Chapter 4 of the Engineering Design and Development Standards.

12.20.170 Damage to existing improvements

All damage done to existing improvements during the progress of such work shall be repaired by the permittee. Materials for such repair shall conform to the requirements of applicable ordinances. If, upon being ordered, the permittee fails to furnish the necessary labor and materials for such repairs, the city engineer may cause the necessary labor and materials to be furnished by other parties, and the cost thereof shall be charged against the permittee, which shall be liable on its bond therefor.

12.20.180 Property lines and easement limits

Property lines and limits of easements shall be indicated on the plans, and it shall be the permittee's responsibility to confine its construction activities within these limits. Any damage resulting from trespassing beyond these limits shall be the sole responsibility of the permittee.

12.20.190 Excavated soil

~~In all trenches four feet or more in depth, all material excavated therefrom and piled adjacent to the trench, or in public properties shall be piled and maintained in such a manner that the toe of the slope of the excavated material is at least eighteen inches from the edge of the trench. It shall also be piled so that as little inconvenience as possible is caused to public travel and shall be placed so as not to interfere with the flow of water as provided for in this chapter. When the confines of the area through which pipes are to be laid are too narrow to permit the piling of excavated material beside the trench, such as might be the case in an alley, the permittee may be required to haul excavated material to a storage site and then rehaul it to the trench site at the time of backfilling. It shall be the permittee's responsibility to secure the necessary permission and make~~

~~all necessary arrangements for all storage and disposal sites required. Any excavated soil in the right of way or work zone, if not immediately removed from the site, shall be stored in a manner consistent with the requirements in the City's Drainage Design and Erosion Control Manual.~~

12.20.200 Fire apparatus to be unimpeded

The work shall be conducted so as not to interfere with access to fire stations, fire hydrants, and water ~~gates~~system valves. Material or obstructions shall not be placed within fifteen feet of fire plugs. Passageways leading to fire escapes or firefighting equipment shall be kept free of material piles or other obstructions.

12.20.210 ~~Provision for water flow~~Vacant

~~The permittee shall provide for the flow of all watercourses, sewers, or drains, intercepted during the progress of the work, and shall replace the same in as good condition as it found them or shall make such final provisions for them as the city engineer may direct. The permittee shall not obstruct the gutter of any street, but shall use all proper measures to provide for the free passage of surface water. The permittee shall make provision to take care of all surplus water, mud, silt, slickings, or other runoff pumped from excavations or resulting from sluicing or other operations, and shall be responsible for any damage resulting from his failure so to provide.~~

12.20.220 Cleaning area after construction

As the construction or maintenance work progresses, all public properties, and private property shall be thoroughly cleaned of all rubbish, excess earth, rock, and other debris resulting from the work of construction. Cleaning up the location of such properties or property shall be accomplished at the expense of the permittee and shall be completed to the satisfaction of the city engineer before final acceptance of the work. From time to time, as may be ordered by the city engineer, and in any event immediately after completion of the work, the permittee shall, at its own expense, clean up and remove all refuse and unused materials of any kind resulting from the work, and upon failure to do so within twenty-four hours after having been notified to do so by the city engineer, the work may be done by the city and the cost thereof charged to the permittee, and the permittee's bond shall be liable for the cost thereof.

12.20.230 Snow and ice removal

The permittee must also remove, within twenty-four hours, all snow and ice that may fall or form within the barricade, or, in case there is no barricade, the permittee shall remove all snow and ice upon the street within five feet upon either side of the opening, and keep such space free from snow and ice until the opening is properly refilled, unless otherwise directed by the city engineer.

12.20.240 Sanitary facilities

The permittee shall provide and maintain the work site in a neat and sanitary condition ~~such accommodations for the use of his employees as may be necessary to comply with the requirements and regulations of the city,~~

county, or district health department as the case might be. It shall permit no public nuisance, per Section 1-07 of the Standard Specifications.

12.20.250 Pipe trenches

A. ~~In all cases, trenches must be of sufficient width to permit the proper jointing of the pipe. The trenches shall be at least six inches wider on each side, or a total width of twelve inches more than the exterior diameter of the pipe, except where pipes are of four inches in diameter or under. If rock is excavated, it shall be removed to a depth of six inches below the bottom so the trench can be refilled with sand or noncorrosive soil and well tamped. Excavation for manholes and other structures shall be sufficient to leave at least twelve inches between their outer surfaces and the sides of the excavation.~~

B. ~~Except by special permission from the city engineer, no trench shall be excavated more than three hundred feet in advance of pipe laying, nor left unfilled for more than seven hundred feet where pipe has been laid. The length of the trench that may be opened at any one time shall not be greater than the length of pipe and the necessary accessories which are available to the side ready to put in place. The completed trench shall be kept not less than thirty feet ahead of the pipe layers.~~

C. ~~Trenches over four feet deep shall be braced and sheathed according to the standards and rules and regulations of the State Department of Labor and Industries, and as hereafter amended, to protect the workmen and the general public, as well as public and/or private property. No timber bracing, lagging, sheathing, or other lumber shall be left in any trench. All pipe installation shall meet the requirements stated in Section 7-08, General Pipe Installation Requirements, of the Standard Specifications.~~

12.20.260 Removal of water from trenches

~~The permittee shall pump, bail, or otherwise remove any water which accumulates in the trenches. It shall perform all work necessary to keep the trenches clear of water while the foundations and the masonry are being constructed or the pipe laid. Unless otherwise specifically permitted by the city engineer, water, either from surface or subsurface origin, will not be permitted in the trenches at any time during construction and until backfilling over the top of the pipe has been completed; nor will the groundwater level in the trench be permitted to rise above an elevation of six inches below the pipe. Dewatering trenches, when required or necessary to complete the work, may shall be accomplished in any a manner the permittee desires, provided the chosen method has the approval of approved by the city engineer. Disposal of water removed from the trench may require a pretreatment permit, as outlined in Chapter 13.20 OMC. Any damage resulting from the failure of the chosen method to operate properly, however, shall be the responsibility of the permittee, and shall be repaired in a manner satisfactory to the city engineer at the permittee's expense.~~

12.20.270 Excavations through pavement – New pavement cut prohibition – Pavement restoration fee

~~Whenever it is necessary to break through existing pavement for the purpose of constructing service facilities, and where trenches are to be four feet or over in depth, the pavement and the base shall be removed to at~~

~~least six inches beyond the outer limits of the subgrade that is to be disturbed in order to prevent settlement, and a six-inch shoulder of undisturbed material shall be provided on each side of the excavated trench. The face of the remaining pavement shall be approximately vertical. A power-driven concrete saw shall be used to cut a kerf sufficient to permit complete breakage of pavement or base without ragged edges. Asphalt paving shall be scored or otherwise cut. No pile driver may be used in breaking up the pavement.~~

A. Whenever it is necessary to break through existing pavement, the pavement shall be restored in accordance with Chapter 4 of the Engineering Design and Development Standards.

B. Excavations, including but not limited to potholing, windows for borings, trench cuts, etc., are not permitted in New Pavement, except as approved by the Public Works Director or his/her designee as required in the Engineering Design and Development Standards under Pavement Restoration. New Pavement is defined as pavement that was constructed or rehabilitated – including asphalt overlays, concrete overlays, and chip sealing, but excluding crack sealing – within the previous five-year period. The five-year period is determined using the date of drawing acceptance by the City Surveyor.

C. When a pavement cut into New Pavement is approved by the Public Works Director or his/her designee, or occurs without such required approval, a pavement restoration fee, in addition to the fees prescribed in this chapter, shall apply. This additional pavement restoration fee shall be assessed per square foot or portion thereof required to restore the pavement pursuant to Chapter 4 of the Engineering Design and Development Standards.

12.20.280 Tunnels under pavement –Pipe casings

Tunnels under pavement shall not be permitted except by permission of the city engineer, and, if permitted, shall be adequately supported by timbering and backfilling under the direction of the city engineer. Where possible, the pipe shall be driven through, or bored under, a roadway, except sidewalks, in a casing of sufficient strength, which casing shall be left in place with the ends closed around the pipe.

12.20.290 Compacting of backfill

~~Backfilling in all public streets and improved areas, both public and private, shall be compacted to a degree equivalent to that of the undisturbed ground in which the trench was dug. Compacting shall be done by mechanical tampers or vibrators, by rolling in layers, or by water settling, as required by the soil in question. The decision as to whether a trench shall be water settled or not shall be made by the city engineer. When water is taken from a fire hydrant, the permittee shall assign one man to operate the hydrant and shall make certain that such man has been instructed by the water department in the operation of the hydrant. The water department shall likewise be notified at both the beginning and end of the job so that the condition of the fire hydrants can be checked on both occasions. Any damage done to the hydrants during the operation shall be the responsibility of the permittee. Water shall be paid for by the permittee on the terms agreed upon with the water department in a manner consistent with Section 7-08 of the Standard Specifications.~~

A.—When backfilling is done by water settling, excavations above utility installations shall be deposited uniformly in layers of not more than five feet in thickness and shall be thoroughly flooded. During the flooding, the water shall be allowed to flow slowly to the trench from high points and shall be worked down to the full depth of the layer of backfill with bars or pipe nozzles. All bars or pipe nozzles used shall be such as to obtain full penetration of each backfill layer, and shall be forced down through the loose backfill material. As the bars or pipe nozzles are withdrawn, the water shall be allowed to flow downward. The channel or hole formed shall be kept open and the water kept running into it until the fill has settled. Sufficient hose shall be provided in order to apply water to the trench at intervals of not to exceed one hundred feet. All work shall be done in such a manner as to obtain a relative compaction throughout the entire depth of the backfill of not less than that which exists adjacent to the excavation.

B.—Backfilling up to the first eighteen inches above the top of utility pipes or similar installations shall be done with thin layers; each is to be tamped by manual or mechanical means. Layers that are hand-tamped shall not exceed four inches in thickness; layers that are power-tamped shall not exceed six inches in thickness. These same requirements shall apply to the remainder of the backfilling if tamping is the method used for backfilling. Backfilling of all pipes of over twenty-four inches in diameter shall be carried up to the spring line of the pipe in three-inch layers, with each layer moistened and thoroughly tamped with suitable mechanical equipment. The backfill around all pipes twenty-four inches or less in diameter shall be flooded or tamped as specified above to a depth of eighteen inches above the top of the pipe, before any additional backfilling is placed thereon.

C.—Wherever excavation is made through rock, pipe shall be laid six inches above the rock bottom of trench and the space under, around, and six inches above the pipe, and, in the case of gas, pipe shall be backfilled with clean river sand, noncorrosive soil, or gravel meeting the following grading requirement:

- 1.—Passing one-half inch square opening, one hundred percent;
- 2.—Passing one-fourth inch square opening, fifty percent

With respect to other than gas utilities, backfill material shall be of such quality as is approved by the city engineer. Broken pavement, large stones, roots, and other debris shall not be used in the backfill.

D.—Backfilling shall be completed by placing the material well up over the top of the trench or, in the case of concurrent street construction, to the grade of bottom of ballast, and for dry backfilling, by rolling with a roller of an approved type or with the rear of a truck carrying at least five tons, until the surface is unyielding. The surface shall then be graded as required. When a pipeline is laid at an elevation below the groundwater level, extreme care shall be exercised, upon completion of the line, not to allow the groundwater to rise in the trench for settlement or other purposes until sufficient backfill has been placed over the pipe to prevent the pipe from floating.

E.—Any excess material resulting from trench excavation shall be disposed of by the permittee at his own expense in a manner satisfactory to the city engineer. Such excess material shall be deposited on private

property abutting the portion of the public properties from which it was excavated, if so requested by the abutting property owner involved.

12.20.300 Restoration of roadway surfaces – Temporary and Permanent

The permittee shall restore the surface of all roadways to their original condition in accordance with the specifications of the city engineer, streets as specified in Chapter 4 of the Engineering Design and Development Standards. This includes temporary restoration using hot mix asphalt, cold asphalt patching material or steel plates.

The permittee may be required to place a temporary surface over openings made in paved traffic lanes. Except when the pavement is to be replaced before the opening of the cut to traffic, the fill above the bottom on the paving slab shall be made with suitable material well tamped into place. This gravel shall be topped with a minimum of at least one inch of bituminous mixture which is suitable to maintain the opening in good condition until permanent restoration can be made. The crown of the temporary restoration shall not exceed one inch above the adjoining surface. The permittee must exercise special care in making temporary restorations and must maintain such restorations in safe travelable condition until such time as permanent restorations are made. The asphalt which is used in the bituminous mixture for pavement herein required, shall be in accordance with the specifications of the city engineer.

12.20.310 Restoration by city engineer upon default

If the permittee has failed in a timely manner to properly install pipe and/or other structures, and/or restore the surface of the public properties to their original and proper condition upon the expiration of the time fixed by such permit or upon the completion of the work allowed to be done under such permits required in the Standard Specifications and Engineering Design and Development Standards, the city engineer shall, if he deems it advisable, have the right to do all work and things necessary to do so. The permittee shall be liable for the expense thereof upon the bond filed at the time of granting the permit, and the city shall have a cause of action for all fees, expenses, and amounts paid out upon such work; provided, that in any case, it shall be the duty of the permittee to guarantee and maintain the area disturbed for two years after returning it to its original condition; provided further, that if in the judgment of the city engineer it is not expedient to relay the pavement over any cut or excavation made in any public properties upon the completion of the work allowed under such permit, by reason of the looseness of the earth or weather conditions, he may direct the permittee to lay a temporary pavement of wood or other suitable material designated by him over such cut or excavation, to remain until such time as the repair of the original pavement may be properly made, and in case of the failure of the permittee to commence in good faith the relaying of such temporary pavement within five days after the date of such notice, the city engineer may lay such temporary pavement himself and collect the cost thereof from the permittee in the manner provided for in this chapter.

12.20.320 Plans of use of subsurface street space

Users of subsurface street space shall maintain accurate drawings, plans, and profiles showing the location and character of all underground structures, including abandoned installations. Corrected maps shall be filed with the city engineer periodically, but at least every ninety days after new installations are made.

12.20.330 Location of utilities

All utilities shall be located in accordance with the ~~city ordinance applicable thereto, or if there is no such ordinance, at locations as directed by the city engineer~~ City Engineering Design and Development Standards.

12.20.340 Nuisances designated –Abatement

If any person erects a structure upon, makes excavations in, or places material upon, public properties, or allows or permits any earth, rock, stones, trees, logs, stumps, or other substances to cave, fall, crumble, slide, accumulate, or be otherwise deposited, or having been so deposited, to be or remain upon any public properties, without a permit therefor having been first obtained, as provided for in this chapter, shall be deemed to have created a public nuisance. In addition to the penalties provided for violation of this chapter, such a nuisance shall be abated with, or without, action, and such other proceedings shall be taken with respect thereto as are authorized by law and the ordinances of the city for the prevention, abatement, and punishment of nuisances; and it shall be no defense to any prosecution or proceeding under this section that the person violating the same has a franchise to use or occupy such public properties.

12.20.350 Applicability of chapter to ~~public-private~~ utilities

With respect to ~~public-private~~ utilities operating under franchise, master permit, right of way use authorization, or lease agreement from the city, this chapter shall apply only to those activities which involve the disturbance of the surface of, or the doing of any underground work in public property.

12.20.365 Violations -- Misdemeanor -- Gross Misdemeanor -- Civil Infraction

A. Any person, firm, or corporation who knowingly violates or fails to comply with any term or provision of this chapter shall be deemed to have committed a misdemeanor, and if found guilty, shall be subject to a fine not to exceed One Thousand Dollars (\$1,000), and/or to imprisonment not to exceed ninety (90) days or to both such fine and imprisonment. Each day shall be a separate offense. In the event of a continuing violation or failure to comply, the second and subsequent days shall constitute a gross misdemeanor punishable by a fine not to exceed Five Thousand Dollars (\$5,000) and/or imprisonment not to exceed three hundred and sixty-five (365) days or both such time and imprisonment. Continuing violation shall mean the same type of violation which is committed within a year of the initial violation.

B. As an additional concurrent penalty, it shall be a civil infraction for a person, firm, or corporation to violate or fail to comply with any term or provision of this chapter. Each day shall be a separate infraction. A person, firm, or corporation found to have committed a civil infraction shall be assessed a monetary penalty as follows:stated in OMC Chapter 4.50, Civil Infractions.

1. ~~First offense: Class 3 (\$50), not including statutory assessments.~~
2. ~~Second offense arising out of the same facts as the first offense: Class 2 (\$125), not including statutory assessments.~~
3. ~~Third offense arising out of the same facts as the first offense: Class 1 (\$250), not including statutory assessments.~~

See also OMC Chapter 4.44, Uniform Code Enforcement.

Section 2. Amendment of OMC Chapter 17.48. Olympia Municipal Code Chapter 17.48 is hereby amended to read as follows:

Chapter 17.48 DESIGN STANDARDS

17.48.000 Chapter Contents

Sections:

- 17.48.010 Compliance with standards required.
- 17.48.020 Streets.
- 17.48.030 Stormwater drainage.
- 17.48.040 Trees.

17.48.010 Compliance with standards required

The public use and interest shall be deemed to require compliance with the standards of this chapter as a minimum, unless a variance is specifically approved by the hearing examiner and/or the council during the preliminary plat, short plat or large lot plat approval process.

17.48.020 Streets

A. Access to Streets. All developments shall be served by an opened, constructed and maintained street to which the street system within the development must connect.

B. Street Standards. All streets shall be designed and constructed in conformance with the most currently adopted "Development Standards for the City of Olympia Engineering Design and Development Standards", Chapter 12.02, in effect as of the date of filing and be approved by the Public Works Department.

C. Sidewalk Standards. Sidewalks and/or walkways shall be provided in accordance with the adopted "Development Standards for the City of Olympia Engineering Design and Development Standards" in effect as of the date of filing and be approved by the Public Works Department.

D. Street Signs. Street signs shall be specified by the Public Works Department.

E. Landscaping Within Street Rights-of-Way. A developer proposing landscaped areas within city rights-of-way shall submit a landscape design plat-plan to the Public Works Department for approval. Further, the landscape design plan shall also be reviewed by the Fire Department to insure that fire apparatus access is not impeded by planned landscaping within city rights-of-way. If approved, the final plat or plan for such development shall contain a covenant that such areas shall be maintained by the developer and his successor and may be reduced or eliminated if deemed necessary for or detrimental to city street purposes and/or fire apparatus access.

F. Street Lighting. Street lighting shall be provided in accordance with the adopted "~~Development Standards for the City of Olympia~~Engineering Design and Development Standards."

17.48.030 Stormwater drainage

The subdivider-development shall provide for the storage, treatment, and/or disposal of surface drainage through a stormwater drainage-system approved by the department of public works. The stormwater drainage system shall comply with requirements of the latest edition of the Drainage Design and Erosion Control Manual for Olympia.

17.48.040 Trees

No trees shall be removed in the development of the subdivision except as provided in an approved tree protection and replacement plan. All trees on individual building lots shall be retained until such time as plans are submitted for a building permit and approved as to specific location of building pads, drives and other aspects of land development. An exception to this regulation can be made if the applicant submits and the city approves a tree protection and replacement plan pursuant to Chapter 16.60 of this code.

Section 3. Amendment of OMC Chapter 18.38. Olympia Municipal Code Chapter 18.38 is hereby amended to read as follows:

Chapter 18.38 PARKING AND LOADING

18.38.000 Chapter Contents

Sections:

- 18.38.020 Purpose.
- 18.38.040 Applicability.
- 18.38.060 Parking and loading general regulations.
- 18.38.080 Administrative modifications.
- 18.38.100 Vehicular and bicycle parking standards.
- 18.38.120 Handicapped parking requirements.
- 18.38.140 Loading berths required.
- 18.38.160 Specific zone district requirements.

- 18.38.180 Shared parking facility.
- 18.38.200 Parking facility location.
- 18.38.220 Design standards-General.
- 18.38.240 District design standards.

18.38.020 Purpose

The objectives of this chapter are:

- A. To provide accessible, attractive, well-maintained and screened off-street parking facilities;
- B. To reduce traffic congestion and hazards;
- C. To protect neighborhoods from the unwanted effects of vehicular traffic generated by adjacent non-residential land use districts;
- D. To assure the maneuverability of emergency vehicles;
- E. To provide aesthetically pleasing parking facilities in proportion to individual land use needs;
- F. To implement comprehensive plan transportation demand management policies, thereby lowering single occupancy vehicle trip;
- G. To reduce impervious parking surface through shared parking and median parking ratios;
- H. To define median parking ratios and to allow a reduction or increase in parking ratios using an administrative variance;
- I. To allow for more intense commercial development within predefined areas.

18.38.040 Applicability

Unless specifically exempted, every land use shall have permanently maintained off-street parking facilities pursuant to the following regulations.

18.38.060 Parking and loading general regulations

- A. Off-street parking and loading spaces shall be provided in accordance with the provisions of this chapter when any of the following actions occur. These provisions apply to all uses and structures in all land use districts unless otherwise specified.
 - 1. When a main or accessory building is erected.
 - 2. When a main or accessory building is relocated or expanded.

3. When a use is changed to one requiring more or less parking or loading spaces. This also includes all occupied accessory structures.

4. When the number of stalls in an existing parking lot is decreased or increased by twenty-five (25) percent or 6 stalls, whichever is less. Only those stalls and areas proposed to be added or removed shall be subject to the provisions of this Chapter. (Note: proposed expansions of existing parking lots not subject to the minimum parking requirements of this Chapter).

B. Required Plans. Building permits shall not be approved unless there is a building plan and plot plan identifying parking, pedestrian routes, and loading facilities in accordance with this chapter. No permit or city license shall be issued unless there is proof that required parking, pedestrian routes, and loading facilities have been or are currently provided in accordance with the provisions of this chapter.

C. Unlawful Removal. It is unlawful to discontinue prior approved parking facilities without establishing alternate facilities that meet the requirements of this chapter. Parking and loading facilities which are adequate to meet the requirements contained in this chapter shall be provided and maintained as long as the use they serve is in existence. These facilities shall not be reduced in total unless a shared parking agreement is canceled, a change in occupancy or use of a premises has occurred which results in a reduction of required parking.

D. Use of Facility. Necessary precautions shall be taken by the property owner to ensure parking and loading facilities are only used by tenants, employees, social/business visitors or other persons for which the facilities are provided, to include shared parking.

E. Off-site Parking. Parking lots may be established as a separate and primary land use, provided the proposed parking lot exclusively serves a specific use, building or development, and shared parking. These parking lots require a conditional use permit in the Arterial Commercial district. (See 18.38.200, Parking Facility Location, for maximum off-site separation requirements.)

F. For Landscape Requirements refer to Chapter 18.36

G. Off-Street Parking--Schedule of Spaces. Off-street parking spaces shall be provided to the extent allowed by this Chapter.

H. Unlisted Uses. Any use clearly similar to any of the below-mentioned uses shall meet such use requirements. If a similarity of use is not apparent or no specific requirement is listed below, the Director may require a parking demand study and shall determine the standards that should be applied to the use in question.

I. Shared Parking. The Director may require an applicant to provide proof that shared parking is infeasible when adjacent land uses or business hours of operation are different. Adjoining property owners will submit a

joint letter explaining why an agreement can or cannot be reached. (See Section 18.38.180, Shared and Combined Parking Facilities.)

J. On-Street Credit – Non-Residential. Upon the applicant’s request, non-residential uses located adjacent to a public right-of-way where on-street parking is permitted shall receive credit for one off-street parking space for each twenty (20) linear feet of abutting right-of-way, exclusive only of curb cuts and regardless of the actual and particular on-street parking provisions.

K. Rounding of Fractions. When the number of required parking spaces for a particular use or building results in a fractional space, any fraction less than one-half (1/2) shall be disregarded and any fraction of one-half (1/2) or over shall be counted as one (1) space.

18.38.080 Administrative modifications

A. Project applicants may request an administrative modification to increase or decrease the number of parking spaces for motor vehicles, bicycles and loading otherwise required by this chapter. No modification is required to increase or decrease the number of required spaces by up to ten percent. Modifications greater than forty percent may only be granted by the Hearing Examiner and only pursuant to the criteria of OMC Chapter 18.66.

B. Administrative Modifications. A modification to increase or decrease the number of required parking spaces within the range of ten percent to forty percent shall be considered by the Director at the request of the project applicant. The project applicant shall present any modification request including application fee, and any evidence and reports, prior to any final, discretionary approvals, such as land use approval, environmental review, or construction permits.

1. The general criteria for an administrative modification request are:
 - a. Modification requests may be granted based on the effectiveness of proposed transportation demand management strategies, significance and magnitude of the proposed modification, and compliance with this chapter.
 - b. Modification requests may be denied or altered if the Director has reason to believe based on experience and existing development practices that the proposed modification may lead to excessive or inadequate parking or may inhibit or prevent regular and intended functions of either the proposed or existing use, or adjacent uses.
2. Submittal Requirements. A report shall be submitted by the applicant providing the basis for more or less parking and must include the following:
 - a. For modification requests of up to twenty percent:

- i. Describe site and use characteristics, specifically:
 - (A) Site accessibility and proximity to transit infrastructure and transit times;
 - (B) Site accessibility and proximity to bicycle and pedestrian infrastructure;
 - (C) Shared and combined parking opportunities; and
 - (D) Employee or customer density and transportation usage and patterns.
 - ii. Describe and demonstrate alternative transportation strategies such as carpooling, flexible work schedules, telecommuting, or parking fees, if used;
 - iii. Demonstrate compliance with commute trip reduction measures as required by state law, if applicable;
 - iv. Identify possible negative effects on adjacent uses and mitigation strategies, if applicable; and
- b. For modification requests greater than twenty percent and up to forty percent:
- i. Provide the contents of a twenty percent or less request;
 - ii. If increasing, provide a parking demand study prepared by a transportation engineer licensed in the state of Washington, which supports the need for more parking; or
 - iii. If decreasing, show that the site is or within six months of occupancy will be within a one-quarter-mile walk to transit service verified by Intercity Transit, and that the site is more than 300 feet from a single-family residential zone.

3. To mitigate the need for motor vehicle parking or to minimize hard surfaces, the Director may require measures, such as more efficient parking geometrics and enhanced bicycle parking and pedestrian amenities. As a condition of approval of any increase in motor vehicle parking, at minimum the Director shall require the compliance with the provisions below. Any exceptions shall be based on site and project constraints identified and described in the approval.

- a. Double the amount of required interior landscaping for that area of additional parking. This additional area may be dispersed throughout the parking area. Fifty (50) percent of this requirement may be in the form of parking spaces surfaced with a driveable planted pervious surface, such as 'grasscrete' or 'turfblock.'

b. Without unduly compromising other objectives of this Chapter, ninety (90) percent of the parking area shall be located behind a building. Any parking area along a flanking street shall have added landscaping and a superior design to strengthen pedestrian qualities, such as low walls, arcades, seating areas, and public art.

c. Any preferential parking shall be located near primary building entrances for employees who ride-share.

d. In locations where bus service is provided, the applicant shall install a transit shelter meeting Intercity Transit standards if none is available within six hundred (600) feet of the middle of the property abutting the right-of-way. Alternative improvements may be accepted if supported by Intercity Transit's Director.

4. Public Notification and Appeals. Property owners within three hundred (300) feet of a site shall be notified by mail of modification within 14 days of receipt of any request to increase or decrease parking by twenty-one (21) to forty (40) percent. Written notice of the Director's decision shall be provided to the applicant and all interested parties of record. Administrative modification decisions may be appealed pursuant to OMC Chapter 18.75.

18.38.100 Vehicular and bicycle parking standards

A. Required Vehicular and Bicycle Parking. A minimum number of bicycle parking spaces are required as set forth in Table 38-01 below. The specific number of motor vehicle parking spaces set forth in Table 38-01 +/- ten percent (10%) shall be provided, unless varied pursuant to OMC 18.38.080 or other provision of this code. Any change in use which requires more parking shall install vehicular and bicycle facilities pursuant to Table 38.01 and consistent with the location standards of OMC 18.38.220.

B. Building Area. All vehicle parking standards are based on the gross square feet of building area, unless otherwise noted.

C. Residential Exceptions.

1. New residential land uses in the Downtown Exempt Parking Area do not require motor vehicle parking. See OMC 18.38.160.

2. Residential land uses in the CSH, RMH, RMU, and UR Districts require only one (1) vehicle parking space per unit.

3. Table 38.01 notwithstanding, senior (age 55 or 62 and over) multi-family housing requires three (3) motor vehicle parking spaces per four (4) units. This exception is at the discretion of the applicant and only applicable if an appropriate age-restriction covenant is recorded.

D. Reserved Area for Bicycle Spaces. Where specified in Table 38.01 below, an area shall be designated for possible conversion to bicycle parking. Such reserve areas must meet the location requirements of short-term parking and may not be areas where pervious surfaces or landscaping is required. A cover is not required for such areas.

TABLE 38.01

Use	Required Motor Vehicle Parking Spaces	Minimum Required Long-Term Bicycle Spaces	Minimum Required Short-Term Bicycle Spaces
COMMERCIAL			
Carpet and Furniture Showrooms	One and one-quarter (1.25) space per one thousand (1000) sq. ft. of gross showroom floor area. Each store shall have a minimum of four (4) spaces.	One per sixteen thousand (16,000) square feet of showroom floor area. Minimum of two (2).	One per eight thousand (8,000) square feet of showroom floor area. Minimum of two (2).
Child and Adult Day Care	One (1) space for each staff member plus 1 space for each ten (10) children/adults if adequate drop-off facilities are provided. Adequate drop-off facilities must allow a continuous flow of vehicles which can safely load and unload children/adults. Compliance with this requirement shall be determined by the review authority.		
Hotel and Motel	One (1) space for each room or suite and one (1) space per manager s unit. Hotel/motel banquet and meeting rooms shall provide six (6) spaces for each thousand (1000) square feet of seating area. Restaurants are figured separately.	One (1) per ten (10) rooms. Minimum of two (2).	One (1) per thousand (1,000) square feet of banquet and meeting room space. Minimum of two (2).
Markets, Shopping Centers and Large	Less than 15,000 sq. ft = 3.5 spaces for each 1000 sq. ft. of	One per six thousand (6,000) square feet.	One per three thousand (3,000) square feet.

TABLE 38.01

Use	Required Motor Vehicle Parking Spaces	Minimum Required Long-Term Bicycle Spaces	Minimum Required Short-Term Bicycle Spaces
Retail/Wholesale Outlets	gross floor areas. 15,001 to 400,000 sq. ft = 4 spaces for each 1000 sq. ft. of gross floor area. More than 400,001 sq. ft. = 4.5 spaces per 1000 sq. ft. of gross floor area.	Maximum of five (5); minimum of one (1).	Maximum of ten (10) per tenant; minimum of two (2) within fifty (50) feet of each customer entrance.
Medical and Dental Clinics	Four (4) spaces per 1000 sq. ft. of gross floor area.	One (1) per 10,000 square feet. Minimum of two (2).	One (1) per 10,000 square feet, minimum of two (2) within fifty (50) feet of each customer entrance; plus an equal reserved area for adding spaces.
Use	Required Motor Vehicle Parking Spaces	Minimum Required Long-Term Bicycle Spaces	Minimum Required Short-Term Bicycle Spaces
COMMERCIAL			
Ministorage	Three (3) spaces minimum or (1) space for every one hundred (100) storage units, and two (2) spaces for permanent on-site managers.	None	None
Mixed Uses	Shared parking standards shall be used to calculate needed parking. This calculation is based upon the gross leasable area (GLA) for each shop or business and does not include atriums, foyers, hallways, courts, maintenance areas, etc. See shared parking 18.38.180.	See individual use standards.	See individual use standards

TABLE 38.01

Use	Required Motor Vehicle Parking Spaces	Minimum Required Long-Term Bicycle Spaces	Minimum Required Short-Term Bicycle Spaces
Mortuaries and Funeral Parlors	One (1) space per seventy-five (75) square feet of assembly area or thirteen (13) stalls per 1000 sq. ft.	One (1)	Two (2)
Offices, General	Gross floor area up to 2000 sq. ft = One (1) space for each 250 sq. ft. Gross floor area between 2001 to 7500 sq. ft. = One (1) space for each 300 sq. ft. Gross floor area between 7501 to 40,000 sq. ft. = One (1) space for each 350 sq. ft. Gross floor area of 40001 and greater = One (1) space for each 400 sq. ft.	One (1) per ten thousand (10,000) square feet. Minimum of two (2).	One (1) per ten thousand (10,000) square feet; plus an equal reserved area for adding spaces. Minimum of two (2).
Offices, Government	3.5 spaces per one thousand (1000) sq. ft.	One (1) per five thousand (5,000) square feet. Minimum of two (2).	One (1) per five thousand (5,000) square feet; minimum of two (2); plus an equal reserved area for adding spaces.
Retail Uses	Three and a half (3.5) spaces per one thousand (1000) sq. ft.	One per six thousand (6,000) square feet. Maximum of five (5); minimum of one (1).	One per three thousand (3,000) square feet. Maximum of ten (10) per tenant; minimum of two (2) within fifty (50) feet of each customer entrance.
Service Station (mini-marts are retail uses)	Three and a half (3.5) spaces per one thousand (1000) sq. ft. g.f.a. or 1 space per 300 sq. ft.	None.	None

TABLE 38.01

Use	Required Motor Vehicle Parking Spaces	Minimum Required Long-Term Bicycle Spaces	Minimum Required Short-Term Bicycle Spaces
Warehouse, Distribution	1 space for each thousand (1000) sq. ft. or 1 space for each employee.	One (1) per forty thousand (40,000) square feet or one (1) per forty (40) employees. Minimum of one (1).	None.
Warehouse Storage	Gross Floor area of 0-10,000 sq. ft. = One (1) space for each one thousand (1000) sq. ft. Gross floor area between 10,001 – 20,000 sq. ft. = ten (10) spaces plus .75 space for each additional one thousand (1000) sq. ft. beyond ten thousand (10,000) sq. ft. Over 20,000 sq. ft. = eighteen (18) spaces plus .50 for each additional 1000 sq. ft. beyond 20,000 sq. ft., or 1 space for each employee.	One (1) plus one (1) for each eighty thousand (80,000) square feet above sixty-four thousand (64,000) square feet; or one (1) per forty (40) employees. Minimum of one (1).	None
INDUSTRIAL			
Manufacturing	One (1) for each two (2) employees on the largest shift, with a minimum of two (2) spaces.	One (1) for each thirty (30) employees on largest shift. Minimum of two (2).	One (1) for each thirty (30) employees on largest shift. Minimum of two (2).
INSTITUTIONAL			
Beauty Salons/ Barber Shops, Laundromats/Dry Cleaners, and Personal Services		One per six thousand (6,000) square feet. Minimum of one (1).	One per three thousand (3,000) square feet. Minimum of two (2).
Educational Facilities		One (1) per five (5)	One (1) per five (5)

TABLE 38.01

Use	Required Motor Vehicle Parking Spaces	Minimum Required Long-Term Bicycle Spaces	Minimum Required Short-Term Bicycle Spaces
(to include business, vocational, universities, and other school facilities).		auto spaces. Minimum of two (2)	auto spaces. Minimum of four (4).
Elementary and Middle School	One (1) stall per twelve (12) students of design capacity.	One (1) per classroom.	Three (3) per classroom.
Farmers Market		None	One (1) per ten (10) auto stalls. Minimum of ten (10).
High School	One (1) space per classroom and office, plus one (1) space for each four (4) students that are normally enrolled and are of legal driving age. Public assembly areas, such as auditoriums, stadiums, etc. that are primary uses may be considered a separate use.	One per five (5) classrooms, plus one (1) for each forty (40) students (may also require one (1) per four thousand five hundred (4,500) assembly seats). Minimum of two (2).	One per five (5) classrooms, plus one (1) for each forty (40) students (may also require one (1) per four thousand five hundred (4,500) assembly seats). Minimum of four (4).
Hospitals, Sanitariums, Nursing Homes, Congregate Care, Rest Homes, Hospice Care Home and Mental Health Facilities.	One (1) for each two (2) regular beds, plus one (1) stall for every two (2) regular employees on the largest shift.	One (1) per thirty (30) beds, plus one (1) per thirty (30) employees on largest shift. Minimum of two (2).	One (1) per thirty (30) beds, plus one (1) per thirty (30) employees on largest shift. Minimum of two (2).
Libraries and Museums	One (1) space per three hundred (300) square feet of public floor area or 3.3 spaces per thousand (1000) sq. ft. Six (6) stalls either on-site or on-street directly adjacent to the property. The Director may allow pervious-type	One (1) per six thousand (6,000) square feet of public floor area. Minimum of two (2).	One (1) per one thousand five hundred (1,500) square feet of public floor area. Minimum of four (4).

TABLE 38.01

Use	Required Motor Vehicle Parking Spaces	Minimum Required Long-Term Bicycle Spaces	Minimum Required Short-Term Bicycle Spaces
	parking surfaces.		
Marinas		Minimum of four (4).	One (1) per ten (10) auto stalls. Minimum of four (4).
Other Facilities Not Listed		None	One (1) per twenty-five (25) auto stalls. Minimum of two (2).
Park-N-Ride Lots and Public (Parking) Garages		One (1) per fifteen (15) auto stalls Minimum of four (4)	Two (2).
Parks		None	One (1) per five (5) auto stalls. Minimum of four (4).
Transit Centers		Ten (10).	Ten (10).
PLACES OF ASSEMBLY			
Passenger Terminal Facilities	One (1) space for each one hundred (100) square feet of public floor area or ten (10) spaces per thousand (1000) sq. ft.	Minimum of ten (10)	Minimum of ten (10)
Place of Worship	One (1) space per four (4) seats. When individual seats are not provided, one (1) space for each six (6) feet of bench or other seating. The Director may use a ratio of six (6) stalls/1000 sq. ft. of assembly area where seats or pews are not provided or when circumstances warrant increased parking; e.g., large regional congregations which attract a	One (1) per 10,000 square feet of gross floor area.	One (1) per 160 seats or 240 lineal feet of bench or other seating, and one (1) per 6,000 square feet of assembly area without fixed seats. Minimum of four (4).

TABLE 38.01

Use	Required Motor Vehicle Parking Spaces	Minimum Required Long-Term Bicycle Spaces	Minimum Required Short-Term Bicycle Spaces
	large congregation or one which has multiple functions. See shared parking. 18.38.180		
Private Clubs or Lodges (does not include health clubs or retail warehouse)	Six (6) spaces per thousand (1000) sq. ft.	One (1) per 6,000 square feet. Minimum of one (1).	One (1) per 6,000 square feet. Minimum of two (2).
Theater and Auditorium	One (1) space for each four and a half (4.5) fixed seats. If the theater or auditorium is a component of a larger commercial development the above parking standard may be modified to account for shared parking as provided in Section 18.38.180 of this Code	One (1) per 450 fixed seats. Minimum of one (1).	One (1) per 110 fixed seats. Minimum of four (4).
Theater and Auditorium without fixed seats	One (1) space for each three (3) permitted occupants. Maximum building occupancy is determined by the Fire Marshal.	One (1) per 300 permitted occupants. Minimum of one (1).	One (1) per 75 permitted occupants. Minimum of four (4).
RECREATION/AMUSEMENT			
Bowling Alleys	Five (5) spaces for each alley.	One (1) per twelve (12) alleys. Minimum of one (1).	One (1) per four (4) alleys. Minimum of four (4).
Health Club	Four (4) spaces for each thousand (1000) sq. ft.	One (1) per 5,000 square feet. Minimum of one (1).	One (1) per 2,500 square feet. Minimum of four (4).
Skating Rinks and Other Commercial Recreation	Five (5) spaces per thousand (1000) sq. ft.	One (1) per 8,000 square feet. Minimum of one (1).	One (1) per 4,000 square feet. Minimum of four (4).

TABLE 38.01

Use	Required Motor Vehicle Parking Spaces	Minimum Required Long-Term Bicycle Spaces	Minimum Required Short-Term Bicycle Spaces
RESIDENTIAL			
Accessory Dwelling Unit	One (1) space per unit	None	None
Bed and Breakfast	One (1) space in addition to space(s) required for the residential unit.	One (1) per ten (10) rooms. Minimum of one (1).	None
Community Club Houses		None	One (1) per ten (10) auto stalls. Minimum of two (2).
Cottage Housing	One (1) space per unit or 1.5 space per unit if on-street parking is not available along street frontage (One (1) space per twenty (20) linear feet).	One per five (5) units, or one (1) per three (3) units if no on-street parking. Minimum of two (2).	One per ten (10) units, or one (1) per six (6) units if no on-street parking. Minimum of two (2).
Elder Care Home	One (1) space in addition to space(s) required for the residential unit.	Minimum of two (2).	Minimum of two (2).
Fraternities, Sororities and Dormitories	One (1) space for every three (3) beds, plus one (1) space for the manager.	One per fourteen (14) beds. Minimum of two (2).	Ten (10) per dormitory, fraternity or sorority building.
Group Home	One (1) space for each staff member plus one (1) space for every five (5) residents. Additionally, one (1) space shall be provided for each vehicle used in connection with the facility.	One (1) per ten (10) staff members plus one (1) per thirty (30) residents. Minimum of one (1). Additional spaces may be required for conditional uses.	None
Home Occupations	None, except as specifically provided in this table.	None	None
Mobile Home Park	Two (2) spaces per lot or unit, whichever is greater. If	None	None

TABLE 38.01

Use	Required Motor Vehicle Parking Spaces	Minimum Required Long-Term Bicycle Spaces	Minimum Required Short-Term Bicycle Spaces
Multifamily Dwellings	<p>recreation facilities are provided, one (1) space per ten (10) units or lots.</p> <p>Three or more units shall provide one and one-half (1.5) off-street parking spaces per dwelling unit. Multifamily dwelling units located on HDC-4 properties, where the new project provides for the development of replacement dwelling units in a development agreement, and the project site is all or part of an area of 40 acres or more that was in contiguous ownership in 2009, are exempt from the parking requirements of this section. If parking is voluntarily provided by the property owner, then the Director shall permit such parking to be shared with parking provided for non-residential development on the property.</p>	One (1) storage space per unit that is large enough for a bicycle.	One (1) per ten (10) units. Minimum of two (2) per building.
Single Family to include Duplex and Townhouse.	Two (2) spaces per unit. Note: parking spaces may be placed in tandem (behind the other). DB, CSH and RMH zone districts require one (1) space/unit.	None	None
Studio Apartments.	Apartments with one (1) room enclosing all activities shall provide one (1) off-street parking space per dwelling unit	None	One (1) per ten (10) units. Minimum of two (2) per building.

TABLE 38.01

Use	Required Motor Vehicle Parking Spaces	Minimum Required Long-Term Bicycle Spaces	Minimum Required Short-Term Bicycle Spaces
RESTAURANT			
Cafes, Bars and other drinking and eating establishments.	Ten (10) spaces per thousand (1000) sq. ft.	One per 2,000 square feet; minimum of one (1).	One per 1,000 square feet; minimum of one (1).
Car Hop	One (1) for each fifteen (15) square feet of gross floor area.	One per 300 square feet; minimum of one (1).	One per 150 square feet; minimum of one (1).
Fast Food	Ten (10) spaces per thousand (1000) square feet plus one (1) lane for each drive-up window with stacking space for six (6) vehicles before the menu board.	One per 2,000 square feet; minimum of one (1).	One per 1,000 square feet; minimum of one (1).

18.38.120 Handicapped parking requirements

Handicapped parking requirements shall be provided as established by the 1991 Washington State Building Code. The parking standards contained within this Section represent those established by the 1991 Washington State Building Code. Any change in the State’s handicapped parking requirements shall preempt the affected requirements of this Section.

A. ACCESSIBLE PARKING REQUIRED.

Refer to the table below and WAC 51-30, Parking Facilities, for required accessible parking spaces. Refer to Chapter 11 of the Uniform Building Code for building occupancy definitions.

NUMBER OF ACCESSIBLE PARKING SPACES

Total Parking Spaces in Lot or Garage	Minimum Required Number of Accessible Spaces
1-25	1
26-50	2
51-75	3

NUMBER OF ACCESSIBLE PARKING SPACES

Total Parking Spaces in Lot or Garage	Minimum Required Number of Accessible Spaces
76-100	4
101-150	5
151-200	6
201-300	7
301-400	8
401-500	9
501-1,000	2% of total spaces
Over 1,000	20 spaces plus 1 space every 100 spaces, or fraction thereof, over 1,000

One (1) of every eight (8) spaces or fraction thereof shall be designed to be accessible to wheelchair side loading vans.

EXCEPTIONS:

1. Inpatient Medical Care Facilities. Twenty (20) percent of parking spaces provided shall be accessible.
2. Outpatient Medical Care Facilities. Ten (10) percent of parking spaces provided shall be accessible.
3. Apartment Buildings. One (1) accessible parking space for each fully accessible parking unit shall be provided. When total parking provided on-site exceeds one (1) parking space per apartment, two (2) percent of the additional parking shall be accessible.

B. DESIGN AND CONSTRUCTION.

1. Location. Accessible parking spaces shall be located on the shortest possible accessible route of travel to an accessible building entry. In facilities with multiple accessible building entries with adjacent parking, accessible parking spaces shall be dispersed and located near the accessible entrances. Wherever practical, the accessible route of travel shall not cross lanes of vehicular traffic. Where crossing traffic lanes is necessary, the route of travel shall be designated and marked as a crosswalk.
2. Size. Parking spaces shall be no less than eight (8) feet in width and shall have an adjacent access aisle no less than five (5) feet in width. Where two adjacent spaces are provided, the access aisle may

be shared between the two spaces. Access aisles shall be marked so that the aisles will not be used as parking space. Van accessible parking spaces shall have an adjacent access aisle no less than eight (8) feet in width or a total of sixteen (16) feet including parking space.

3. Vertical Clearance. Where accessible parking spaces are required for vans, the vertical clearance shall be no less than nine and a half (9.5) feet.
4. Slope. Accessible parking spaces and access aisles shall be located on a surface with a slope not to exceed one (1) vertical in forty-eight (48) horizontal.
5. Surface. Parking spaces and access aisles shall be firm, stable, smooth and slip resistant.
6. Signs. Every parking space required by this section shall be identified by a sign, centered between three (3) and five (5) feet above the parking surface, at the head of the parking space. The sign shall include the International Symbol of Access and the phrase "State Disabled Parking Permit Required."

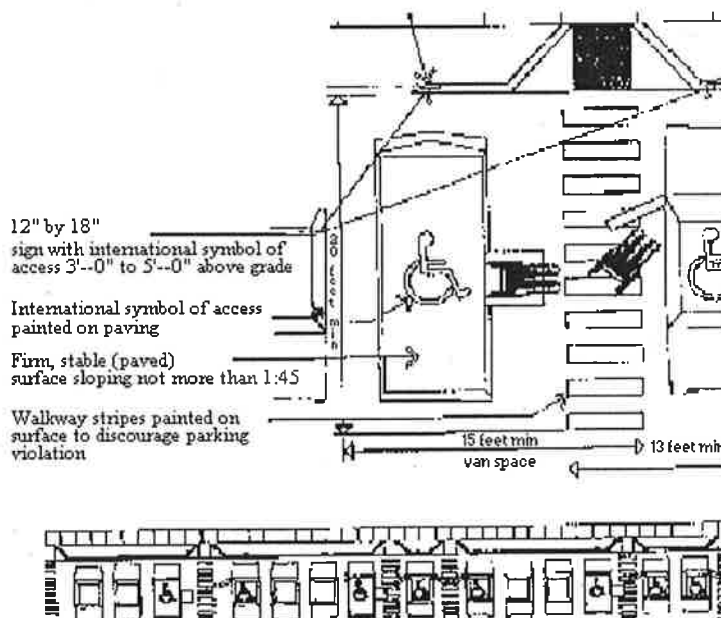
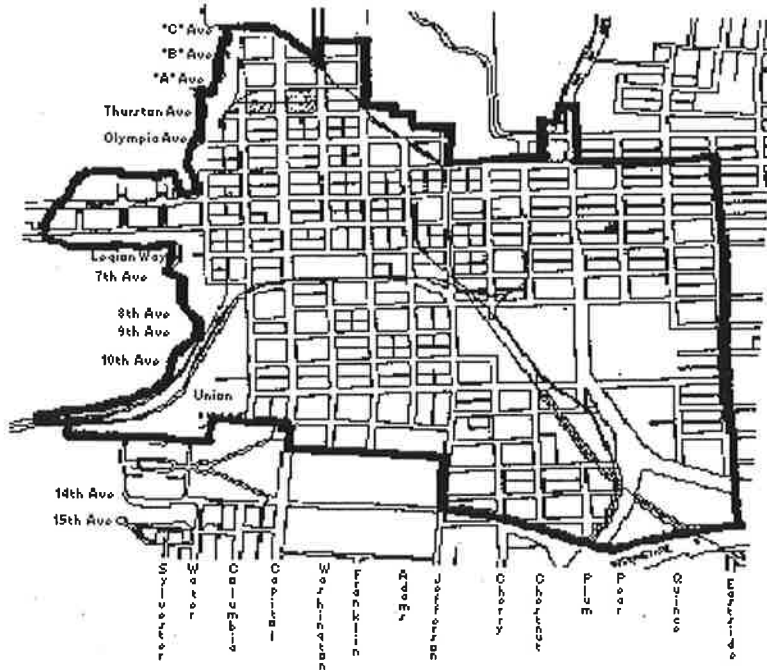


FIGURE 38-1



Downtown Area Exempt From Loading Berth Requirements

FIGURE 38-1.5

18.38.140 Loading berths required

[NOTE: Loading berths are not required in Downtown Olympia (see Figure 38-1.5). (See Section 18.36.180(C)(2)(b) for landscape requirement.)]

A. RETAIL, WHOLESALE AND MANUFACTURING USES.

Any building being or intended to be used for retail, wholesale, warehouse, freight, hospital, industrial and manufacturing uses shall be provided with off-street loading berths according to this schedule.

1. For buildings under five thousand (5,000) square feet, an off-street loading space, having access to a public thoroughfare, shall be required adjacent to each business building, hereafter erected or enlarged; and such loading space shall be of adequate size to accommodate the maximum number and size of vehicles simultaneously loaded or unloaded in connection with the business conducted in such building.
2. One (1) berth shall be required for each building containing five thousand (5,000) to twenty thousand (20,000) square feet of floor area.
3. Two (2) berths shall be required for each building containing twenty thousand (20,000) to fifty thousand (50,000) square feet of floor area.

4. Three (3) berths shall be required for each building containing fifty thousand (50,000) to one hundred thousand (100,000) square feet of floor area.

5. One (1) additional berth shall be required for each fifty thousand (50,000) square feet of floor area in excess of one hundred thousand (100,000) square feet.

B. OFFICE AND HOTEL USES.

Any building intended to be used for offices, hotel, restaurant, assembly area or other similar use shall be provided with off-street loading berths according to this schedule.

1. One (1) berth for each building containing twenty thousand (20,000) to fifty thousand (50,000) square feet of floor area.

2. Two (2) berths for each building containing fifty thousand (50,000) to one hundred thousand (100,000) square feet of floor area.

3. One (1) additional berth for each one hundred thousand (100,000) square feet of floor area in excess of one hundred thousand (100,000) square feet.

C. LOADING BERTH DESIGN STANDARDS.

Off-street loading facilities shall be designed and maintained in accordance with the standards hereunder.

1. Each loading berth shall be at least ten (10) feet wide, forty-five (45) feet long and fourteen (14) feet high.

2. Loading berths and spaces may be located in any required yard providing such berth is not roofed and is not within a required landscape area.

3. Loading berths and spaces shall be located entirely on the property they are intended to serve and designed in such a way that a street is not used as a maneuvering area.

4. Access to loading berths shall be from an alley when such exists.

5. Two (2) or more separate occupancies or buildings having a common wall may locate their required loading berths in one (1) location; provided, the number of berths is not less than the sum of required berths for all buildings concerned; and there shall be interior access from each building to the loading berth.

6. Loading areas shall be designed that traffic congestion and interference is avoided and the highest possible of safety is maintained.

18.38.160 Specific zone district requirements

A. Ten (10) Percent Reduction in Parking Requirements.

The median motor vehicle parking requirements contained in Section 18.38.100 shall be reduced by ten (10) percent for uses in the High Density Corridor 1, 2, 3, and 4 Districts (see High Density Corridor Map), Neighborhood and Urban Villages, and within the Downtown (see Figure 38-2). This shall not be used in combination with an administrative parking variance or other reductions unless approved by the Director.

B. Urban Residential (UR), High Rise Multifamily (RM-H) Residential Mixed Use (RMU) and Commercial Services - High Density (CS-H) Zones.

Residential uses shall be provided with one (1) motor vehicle parking space per unit unless otherwise exempted below.

C. Downtown Exempt Parking Area (See Figure 38-2).

1. Existing buildings constructed prior to January 1, 2002, which are located within the Downtown Exempt Parking Area (See Figure 38-2), shall be exempt from the vehicle parking standards. However, a change of use within such existing structures shall comply with the long-term and short-term bicycle parking standards pursuant to Title 38.01;

2. All new residential buildings and uses located within the Downtown Exempt Parking Area (See Figure 38-2) shall be exempt from vehicle parking standards. However, if any new residential parking is constructed, the parking facility shall meet the Parking Design, Pedestrian Street and Design Review Criteria (OMC 18.38.180 through 18.38.240 and applicable OMC 18.04 or 18.06, 18.16 and 18.20). All new residential buildings and uses shall comply with the long-term and short-term bicycle parking standards pursuant to Table 38.01; and

3. All new commercial buildings or expansions totaling over 3,000 square feet of gross leaseable area, constructed after January 1, 2002, which are located within the Downtown Exempt Parking Area (See Figure 38-2) shall be required to meet vehicle parking and bicycle standards (OMC 18.38.020 through 18.38.240).

4. Bicycle parking is not required for those buildings and uses located within the Downtown Exempt Parking Area (see Figure 38-2) that do not provide on-site motor vehicle parking.

D. High Density Corridor 1 and 2, and Urban Residential (UR).

1. Townhouse units shall provide one and one-half (1.5) parking spaces per unit;

2. Multifamily units shall provide one (1) parking space per unit;

3. Small restaurants (up to 750 square feet of service area) shall provide two (2) parking spaces/1,000 square feet; and
4. Small retail including food stores and laundries (up to 3,000 square feet) shall provide two (2) parking spaces per 1,000 square feet. (The first 350 square feet are exempt from parking requirements.) Small retail may provide additional parking up to three and one-half (3.5) parking spaces per 1,000 square feet.

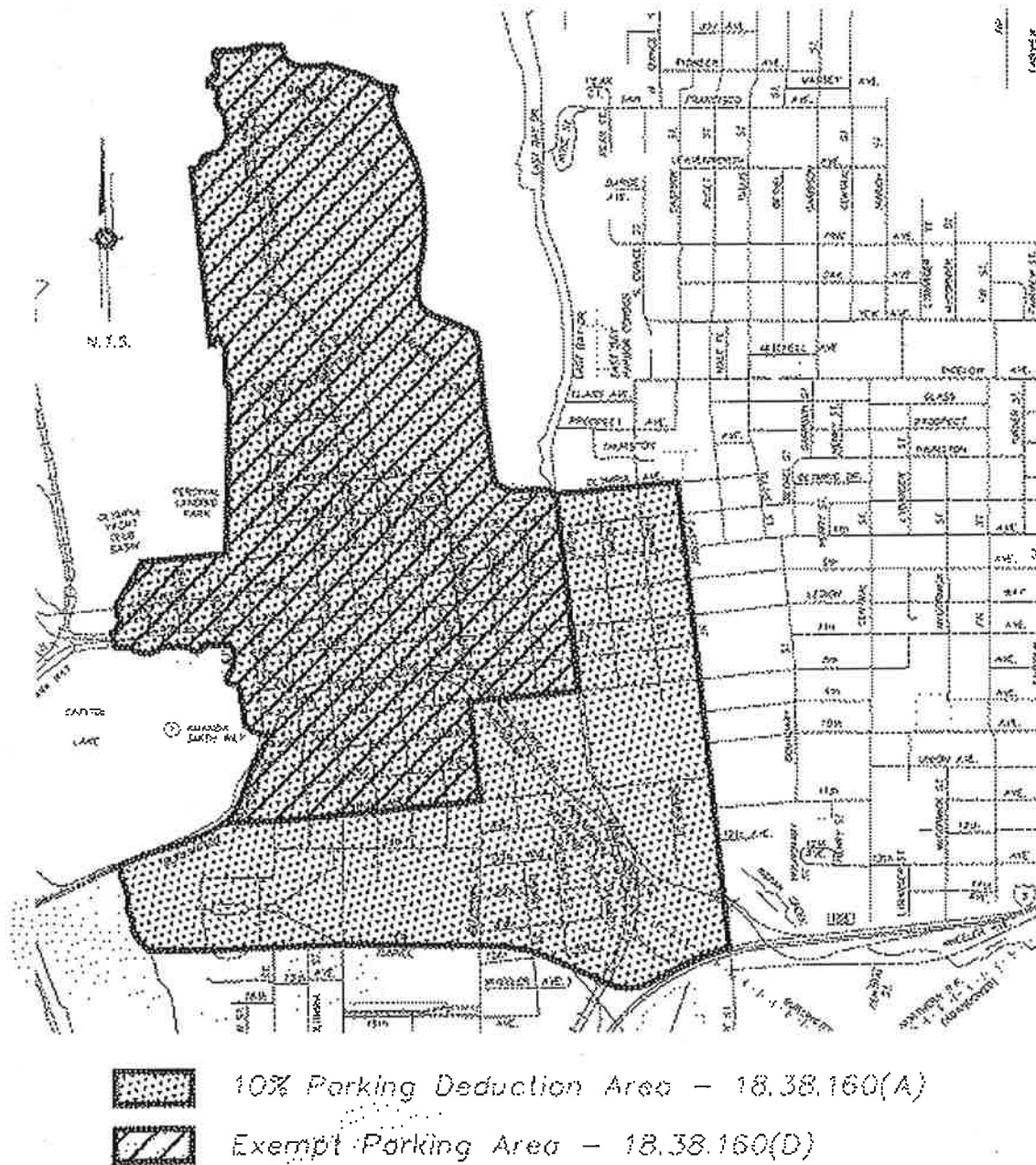


FIGURE 38-2

18.38.180 Shared Parking Facility

A. General.

The Director shall require an applicant to provide proof that shared parking is feasible when adjacent land uses have different hours of operation. Mixed use and shopping center developments with similar operating hours may also be required to submit a parking demand study to determine if parking can be combined.

1. Authority. In order to eliminate multiple entrances and exits, reduce traffic hazards, to conserve space and to promote orderly development, the Director and Hearing Examiner are each hereby authorized to plan and group cooperative parking facilities for a number of parking generators in such a manner as to obtain the maximum efficiency in parking and vehicular circulation.

2. Allocation.

a. Shared parking.

i. When two (2) or more land uses, or uses within a building, have distinctly different hours of operation (e.g., office and church), such uses may qualify for a shared parking credit. Required parking shall be based on the use that demands the greatest amount of parking.

ii. If two (2) or more land uses, or uses within a building, have different daytime hours of operation (e.g., bowling alley and auto part store), such uses may qualify for a total parking reduction of no more than fifty (50) percent.

b. Combined parking.

Two (2) or more uses which have similar hours of operation and combine parking facilities may qualify to decrease the number of parking stalls as follows. The Director may require a parking demand study to ensure sufficient parking is provided.

Two (2) uses:	Five (5) percent reduction
Three (3) uses:	Ten (10) percent reduction
Four (4) or more uses:	Fifteen (15) percent reduction

3. Location. Parking spaces provided for one use shall not be considered parking space for another use. Uses may be defined as singular, combined, or share parking.

a. Shared parking. In case there are uses in close proximity of each other that operate or are used at entirely different times of the day or week, the Director may allow shared parking facilities

to satisfy the parking requirements of such uses if the parking facilities are within seven hundred (700) feet of all parking generators being served by such facilities; and

b. Combined parking. Two (2) or more uses may satisfy their parking requirements by permanently allocating the requisite number of spaces for each use in a common parking facility, cooperatively established or operated; provided, the total number of spaces conforms to the requirements in item 4 below.

4. Agreement. An agreement, lease, deed, contract or easement establishing shared use of a parking area, approved by the City Attorney, shall be submitted to the Director and recorded with the County Auditor's Office. For new buildings which share parking under this provision, such agreements shall run with the land for both and all properties with shared parking. Such agreement requires Director approval for any change or termination. A parking agreement may be attached to a lease if additional parking is required due to a change in occupancy. This only applies in circumstances where there is existing parking and the change in use creates a deficiency.

5. Termination of Shared or Combined Use.

a. In the event that a shared or combined parking agreement is terminated, those businesses or other uses with less than the required parking shall notify the Director within ten (10) days and take one of the following actions:

i. Provide at least fifty (50) percent of the required parking within ninety (90) days, and provide the remaining required parking within three hundred and sixty-five (365) days following the termination of the shared use; or

ii. Demonstrate, based upon a study deemed reliable by the Director, that the available parking is sufficient to accommodate the use's peak parking demand.

iii. Apply for and receive administrative parking variance.

b. If sufficient parking is not provided, the use, or that portion of the use out of compliance with this chapter, shall be terminated upon the expiration of the time period specified in (5)(a)(i) above. This requirement shall be established as a condition of the occupancy permit for uses relying on shared parking.

18.38.200 Parking facility location

A. Parking facilities may be provided either on the same premises with the parking generator or in any parking facility, the property line of which is located within seven hundred (700) feet of the parking generator. Parking facilities may be provided further than seven hundred (700) feet from the parking generator or building if:

1. Regular shuttle service is provided;
2. A shared parking agreement is approved by the City; or
3. The parking generator is in the Downtown Business or Urban Waterfront zone and the parking facility is within 1,400 feet.

B. Where possible, surface parking lots shall be located behind a building. Where it is not possible to provide parking behind a building, parking lots may be located along the side of a building, provided that it comprises no more than fifty (50) percent of the site's street frontage. This provision does not apply to commercial parking lots which comprise the only use of a site. In the R-4, R 4-8 and R 6-12 districts;

1. Surface parking lots for co-housing projects (not including garages) within forty (40) feet of perimeter or through streets shall not extend more than seventy-five (75) feet along the street frontage in a continuous segment (i.e., uninterrupted by a landscaped open space, garden or orchard with no dimension less than forty (40) feet; a dwelling; or common structure).

2. The Hearing Examiner may approve the location of surface parking lots in the front and/or along the side of buildings, pursuant to Conditional Use Permit Hearing Examiner Approval (OMC 18.48.020(A)), when all of the following are met:

- a. The building is over 5,000 square feet; located in a residential zone; requires Design Review and a Conditional Use Permit; and

- b. The site is bounded on two or more street frontages; and

- c. The building is oriented to have the least impact on the neighborhood; and

- d. Parking lot landscape and screening clearly exceed the provisions set out in OMC 18.36.180 to effectively screen it from the street (See also Alternative Landscape Plans OMC 18.36.100(A) & (B)); and

- e. Bicycle/pedestrian facilities provide safety, convenience, security and clear connections for pedestrians and bicycles between all rights-of-way adjoining the parking area and the front door; and

- f. Outdoor lighting is designed with regard to placement, intensity, shielding, timing and color to avoid offsite spillover; and

- g. Site design provides landscape or other features to screen vehicular headlights from residences.

The approval authority may waive these requirements if the applicant demonstrates that these parking restrictions would not allow reasonable use of the site due to its configuration (e.g., if the site has multiple street frontages and it is impractical to meet this requirement along all frontages due to the amount or relationship of the proposed development) or other physical site constraints, or it would significantly interfere with pedestrian circulation. Where permitted in commercial districts (listed in OMC 16.06), parking areas in front of buildings should be located between buildings or adjacent to an existing parking area to enable shared parking (see Shared Parking Facilities, Section 18.38.180. Also see Landscape Standards, Section 18.36.180).

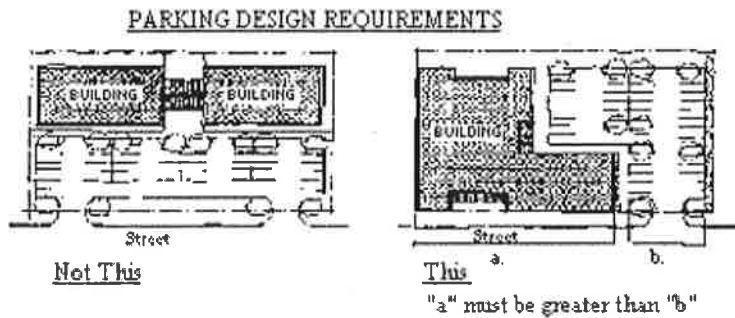


FIGURE 38-3

C. High Occupancy Vehicles - Stall Location. All employers required to operate high occupancy vehicles (HOV) shall mark the closest parking spaces to the building entrance Reserved for HOV. These spaces shall not displace required handicap parking.

D. Arterial Commercial District. Employee and tenant parking in this district may be located up to one thousand (1,000) feet from the parking generator if people are required to walk between the lot and use, or up to three (3) miles if shuttle service is provided at the beginning and end of the work shift.

18.38.220 Design standards-General

Off-street parking facilities shall be designed and maintained in accordance with the standards hereunder, provided that up to 30% of parking stalls may be small spaces as described in section B. In the alternative, an applicant may propose and, if providing equal or better function, the Director may approve alternative parking geometrics consistent with the most recent specific standards promulgated by the Institute of Transportation Engineers or the National Parking Association.

A. General Requirements. Also see the specific zone district design standards of OMC 18.38.240.

1	2 SW	3 WP	4 VPW	5 VPi	6 AW	7 W2	8 W4
Parking Class	Basic Stall Width (ft)	Stall Width Parallel to Aisle (ft)	Stall Depth to Wall (ft)	Stall Depth to Interlock (ft)	Aisle Width (ft)	Modules Wall-to-Wall (ft)	Modules Interlock to Interlock (ft)

1	2 SW	3 WP	4 VPW	5 VPi	6 AW	7 W2	8 W4
Parking Class	Basic Stall Width (ft)	Stall Width Parallel to Aisle (ft)	Stall Depth to Wall (ft)	Stall Depth to Interlock (ft)	Aisle Width (ft)	Modules Wall-to-Wall (ft)	Modules Interlock to Interlock (ft)
A	2-Way Aisle-90° 9.00	9.00	17.5	17.5	24	59	59
A	2-Way Aisle-60° 9.00	10.4	18.0	16.5	24	60	57
A	1-Way Aisle-75° 9.00	9.3	18.5	17.5	20	57	55
A	1-Way Aisle-60° 9.00	10.4	18.0	16.5	16	52	49
A	1-Way Aisle-45° 9.00	16.5	16.5	14.5	13	46	42

STANDARD PARKING DIMENSIONS

FIGURE 38-4

Figure 7-1. Dimensional elements of parking layouts.
 SOURCE: Adapted from B. A. Woan, "Parking Garage Planning and Operation," Fig. 20, Eno Foundation for Transportation, Inc., 1978

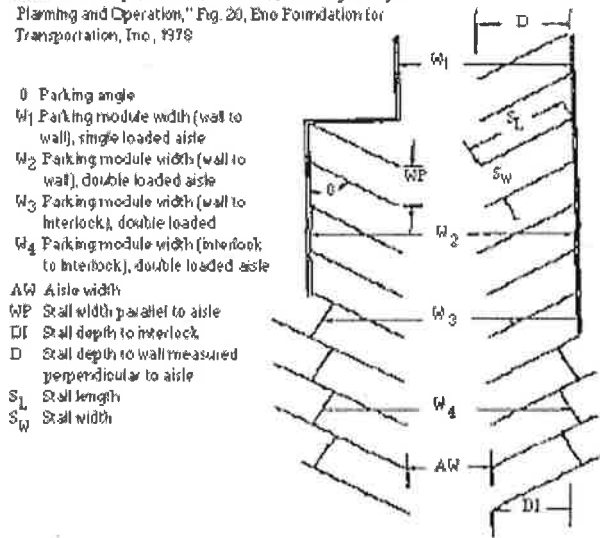


FIGURE 38-5

1. Driveways Approaches. Driveways approaches and curb cuts within public rights-of-way shall be located and designed in accordance with the Olympia-City's current Engineering Design and Development Standards.

2. Ingress/Egress Requirements.

a. The Director, or designee, and after appropriate traffic study, including consideration of total parcel size, frontage on thoroughfares, uses proposed and other vicinity characteristics, shall have the authority to fix the location, width and manner of approach of a vehicular ingress and egress from a building or parking area to a public street and to alter existing ingress or egress as may be required to control street traffic in the interest of public safety and general welfare.

b. Generally, but not in all cases, the internal circulation system and the ingress and egress to commercial or multifamily developments from an access street shall be so designed that the principal point of automobile cross-traffic on the street occurs at only one point--a point capable of being channelized for turning movements. Access shall be shared with adjoining parcels by placing ingress/egress points on shared lot lines, wherever safe and practical. Where parcels are bounded by more than a single street, generally, but not in all cases, access shall be provided only from the street having the lowest classification in the hierarchy of streets as established by the Public Works Director in the Engineering Design and Development Standards.

3. Maneuvering Areas.

- a. All maneuvering areas, ramps, access drives, etc. shall be provided on the property on which the parking facility is located; however, if such facility adjoins an alley, such alley may be used as a maneuvering area. A garage or carport entered perpendicular to an alley must be located a minimum of ten (10) feet from the property line. A garage or carport entered parallel to an alley may be placed on the rear property line; provided sight distances are maintained.
 - b. Maneuvering areas shall be provided so that no vehicle is obliged to back out of a parking stall onto the street, except into neighborhood collector and local access streets within the R-1/5, RLI, R-4, R 4-8, and R 6-12 use districts, or where approved by the City Engineer.
4. **Parking Surface.** All parking lots must be paved and designed to meet drainage requirements. Pervious surfaces and other approved dust free surfaces may be used. A maintenance agreement may be required to ensure such surface is properly maintained.
 5. **Landscaping.** Parking areas shall be landscaped according to the requirements of Chapter 18.36.
 6. **Wheel Stop, Overhang.** Appropriate wheel and bumper guards shall be provided to protect landscaped areas, to define parking spaces and to clearly separate the parking area from any abutting street rights-of-way and property lines. Vehicles may overhang landscaped areas up to two (2) feet when wheel stops or curbing is provided.

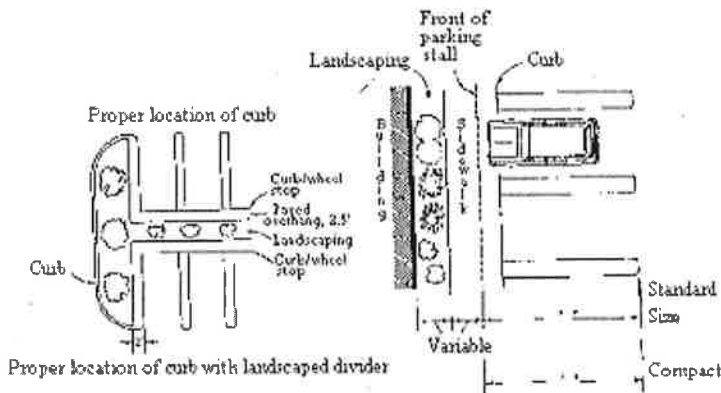


FIGURE 38-6

7. Contiguous parking lots shall not exceed one (1) acre in size. Parking lots exceeding one (1) acre in size shall be separated by a minimum ten (10) foot wide landscaped strip. This strip is in addition to interior and perimeter landscaping and may be used for stormwater management or pedestrian access.
8. **Structured Parking Dimensions.** Structured parking facilities may be designed to the general design standards found in Figures 38-4 and 38-5 above, Figure 38-7 below, or to the following structured

parking design standard. Within parking structures, small spaces shall not exceed 30% of spaces within each structure.

	Small Space Dimension	Standard Dimensions
Standard Stall Width	8-foot	9-foot
Standard Stall Depth	16-foot	16-foot
Standard Aisle Width	24-foot	24-foot
Standard Wall-to-Wall	57-foot	57-foot

B. Compact Car Dimensions, Layout and Circulation.

1. Parking Dimensions. No more than thirty (30) percent of spaces shall be smaller than the standard sizes. (See Compact Parking Dimensions Table below.)

1	2 SW	3 WP	4 VPW	5 VPi	6 AW	7 W2	8 W4
Parking Class	Basic Stall Width	Stall Width Parallel to Aisle (ft)	Stall Depth to Wall (ft)	Stall Depth to Interlock (ft)	Aisle Width (ft)	Modules Wall-to-Wall (ft)	Modules Interlock to Interlock (ft)
2-Way Aisle-90° A	8.00	8.00	15.0	15.0	21.0	51.0	51.0
2-Way Aisle -60° A	8.00	9.3	15.4	14.0	21.0	52.0	50.0
1-Way Aisle-75° A	8.00	8.3	16.0	15.1	17.0	49.0	47.0
1-Way Aisle-60° A	8.00	9.3	15.4	14.0	15.0	46.0	43.0
1-Way Aisle-45° A	8.00	11.3	14.2	12.3	13.0	42.0	38.0

Source: Guidelines for Parking Facility Location and Design ITE Committee 5D-8, May 1990.

FIGURE 38-7

C. Bicycle Parking Design Standards.

1. A long-term bicycle parking facility shall provide for secure extended and short-term use and shall protect the entire bicycle and its components and accessories from theft and weather. Acceptable

examples include, in preferred order: bike lockers; bike check-in systems; in-building parking; and limited-access fenced areas with weather protection.

To discourage improper use a bike locker door should include a see-through window or view hole. For in-building bike parking and limited access fenced areas, fixed structures for locking individual bikes, such as racks, must be provided within the facility. If such an area exceeds five (5) parking spaces, lockable clothing/gear storage lockers must also be provided within the facility. However, facilities such as factories and schools that provide personal lockers are not required to provide additional locker space for bicycle clothing/gear storage.

Exception: For retail uses under five thousand (5,000) square feet, long-term parking facilities exclusively for bicycles must only be provided only upon request of one or more employees. However, if permanent dedicated space is not provided, a sign must be posted at the primary employee entry reading "Secure Bicycle Parking Provided Upon Request - Olympia Municipal Code 18.32."

2. A short-term bicycle parking facility shall provide convenient parking with some security and weather protection. Short-term bicycle parking facilities shall include a covered stationary rack. These facilities may be shared among adjoining establishments.

Short-term bicycle parking facilities shall be located either: no further from a public entry than the nearest non-handicapped parking stall; or visible from and within one hundred (100) feet of the public entry; or within fifty (50) feet of the public entry to the building. A directional sign shall be provided if the selected location is not clearly visible from the primary entrance.

3. Each bicycle parking area shall be separated from motor vehicle parking and maneuvering areas by a barrier, post, or bollard, or by at least five (5) feet of open space. Bicycle parking spaces shall be two (2) feet by six (6) feet each, with no less than a seven (7) foot overhead clearance. A five (5) foot maneuvering aisle shall separate rows of bicycle parking spaces. Bicycle parking facilities shall not be solely accessible by stairs.

4. Bicycle racks shall be covered in such a manner as to protect the entire bicycle from rain and installed to provide adequate maneuvering space and ensure that the requisite number of bicycle parking spaces remain accessible. The rack shall be permanently affixed to the ground and support the bicycle at two (2) or more points, including at least one (1) point on the frame higher than two (2) feet from the ground. The user shall be able to lock the bicycle with a U-shaped lock or cable lock. Bicycle racks which only support a bicycle front or rear wheel are not permitted.

5. Long-term bicycle parking facilities may be substituted for short-term bicycle facilities only if the design is consistent with the purpose of short-term facilities.

D. Pedestrian Routes. Notwithstanding pedestrian accessible route requirements addressed in the International Building Code, a pedestrian access plan shall be prepared for sites with more than 30 parking spaces, or where block sizing requirements are triggered. The plan shall examine where people will walk into, out of, and through the development. The development shall provide clear pedestrian pathways, in a manner that minimizes potential conflicts between moving vehicles and pedestrians. A pedestrian pathway, whether it be a required sidewalk or additional asphalt with a distinct line separating vehicles, shall be located in areas likely to be used by a pedestrian, instead of the driveway or street.

Unless exempted by the City, the plan shall be prepared by a transportation engineer hired by the developer, and the report shall be subject to the review and approval of the City Engineer or designee as well as the Director or designee. The report shall consider the pedestrian and bicycle use of the development and adjacent offsite parcel(s), in light of future growth and build out, and consistent with the goals and purposes of the Comprehensive Plan to mitigate long-term impacts of the development on multi-modal travel. Such pedestrian pathways should connect with other public pathways on property adjacent to the site.

18.38.240 District design standards

In addition to the parking design standards for various zone districts found below, also refer to Design Review, Chapter 18.100.

A. URBAN WATERFRONT ZONE (UW).

1. Structured Parking Design Requirements. All structured parking must meet the Parking Structure Design Requirements in the Pedestrian Streets Overlay District Chapter, Section 18.16.080(J).

B. DOWNTOWN BUSINESS ZONE (DB).

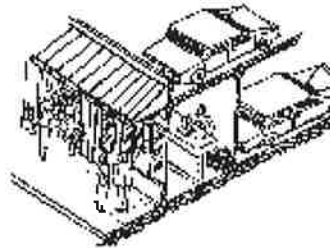
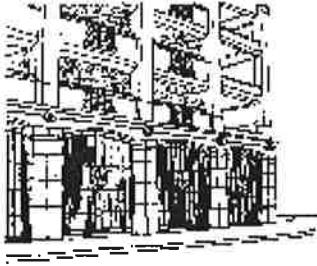
1. Structured Parking Design Requirements. All structured parking must meet the Parking Structure Design Requirements in the Pedestrian Streets Overlay District Chapter, Section 18.16.080(J).

C. RESIDENTIAL MIXED USE (RMU), RESIDENTIAL HIGH-RISE MULTIFAMILY (RMH) DISTRICT, URBAN RESIDENTIAL (UR).

1. Structured Parking Design Requirements. All structured parking must meet the Parking Structure Design Requirements in the Pedestrian Streets Overlay District Chapter, Section 18.16.080(J).

D. URBAN WATERFRONT - HOUSING (UW-H).

1. Structured Parking Design Requirements. All structured parking must meet the Parking Structure Design Requirements in the Pedestrian Streets Overlay District Chapter, Section 18.16.080(J).



Parking Garage facade treated with decorative grill work.

FIGURE 38-8

Section 4. Amendment of OMC 12.02.020. Olympia Municipal Code 12.02.020 is hereby amended to read as follows:

12.02.020 Engineering design and development standards

There is hereby adopted by reference "~~2016-2017~~ Engineering Design and Development Standards," one (1) copy of which shall be kept on file in the office of the City Clerk and the Olympia Public Works Department. These standards shall be considered a part of this ordinance as though fully set forth herein.

Section 5. Amendment of OMC 13.20.040. Olympia Municipal Code 13.20.040 is hereby amended to read as follows:

13.20.040 Definitions

Unless a provision explicitly states otherwise, the following terms and phrases, as used in this Ordinance, shall have the meanings hereinafter designated.

- A. Act or "the Act." The Federal Water Pollution Control Act, also known as the Clean Water Act, as amended, 33 U.S.C. Section 1251 et seq.
- B. Approval Authority. The Washington State Department of Ecology, Water Quality Program Manager.
- C. Authorized or Duly Authorized Representative of the User.

- 1. If the User is a corporation:

a. The president, secretary, treasurer, or a vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision-making functions for the corporation; or

b. The manager of one or more manufacturing, production, or operating facilities, provided the manager is authorized to make management decisions which govern the operation of the regulated facility including having the explicit or implicit duty of making major capital investment recommendations, and initiate and direct other comprehensive measures to assure long-term environmental compliance with environmental laws and regulations; can ensure that the necessary systems are established or actions taken to gather complete and accurate information for control mechanism requirements; and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.

2. If the User is a partnership or sole proprietorship: a general partner or proprietor, respectively.

3. If the User is a Federal, State, or local governmental facility: a director or highest official appointed or designated to oversee the operation and performance of the activities of the government facility, or their designee.

4. The individuals described in Section 13.20.040(C)(1-3), above, may designate another authorized representative if the authorization is in writing, the authorization specifies the individual or position responsible for the overall operation of the facility from which the discharge originates, or having overall responsibility for environmental matters for the company, and the written authorization is submitted to the City.

D. Biochemical Oxygen Demand or BOD. The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedures for five (5) days at 20 degrees centigrade, usually expressed as a concentration (e.g., mg/l).

E. Best Management Practices or BMPs. Schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to implement the prohibitions listed in Section 13.20.050 and 40 CFR Part 403.5(a)(1) and (b). BMPs also include treatment requirements, operating procedures, and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw materials storage.

F. Categorical Pretreatment Standard or Categorical Standard. Any regulation containing pollutant discharge limits promulgated by USEPA in accordance with Sections 307(b) and (c) of the Act (33 U.S.C. Section 1317) which apply to a specific category of Users and which appear in 40 CFR Chapter I, Subchapter N, Parts 405-471.

G. Categorical Industrial User. An Industrial User subject to a Categorical Pretreatment Standard or Categorical Standard.

H. City. The City of Olympia, Washington, a municipal corporation organized and existing under and by virtue of the laws of the State of Washington.

I. Composite Sample. A composite of several samples taken throughout the period of a day when a regulated discharge is occurring. Several brands of electric samplers, some with a refrigerated sample collection area, may be used. Approvable composite samplers may either use a flow paced or time paced algorithm. For example, collecting a same size aliquot every 1,000 gallons (flow paced), or a variable sized aliquot every hour (time paced). In both cases, they must interface with a device which senses the effluent flow volume to collect a representative sample unless the Executive Director has determined that a flow proportionate sample is not required.

J. Daily Limit or Daily Maximum Limit. The maximum allowable discharge of a pollutant over a calendar day or equivalent representative 24-hour period. Where daily maximum limits are expressed in units of mass, and the daily discharge is calculated by multiplying the daily average concentration and total flow volumes in the same 24-hour period by a conversion factor to get the desired units. Where daily limits are expressed in terms of a concentration, the daily discharge is the composite sample value, or flow weighted average if more than one discrete sample was collected. Where flow weighting is infeasible, the daily average is the arithmetic average of all samples if analyzed separately, or the sample value if samples are composited prior to analysis.

K. Domestic User (Residential User) shall mean any person who contributes, causes, or allows the contribution of wastewater into the POTW that is of a similar volume and/or chemical make-up as that of a residential dwelling unit. Discharges from a residential dwelling unit include up to 900 cu. ft. of flow per month, with a concentration up to 300 mg/l of Biochemical Oxygen Demand, 300 mg/l of Total Suspended Solids, and 60 mg/L Total Ammonia.

L. Environmental Protection Agency (EPA). The U.S. Environmental Protection Agency or, where appropriate, the Regional Water Management Division Director, the Regional Administrator, or other duly authorized official.

M. Executive Director. The executive director of the LOTT Alliance and shall be considered LOTT Alliance personnel or the LOTT Alliance's agent for purposes of Article VII of the Interlocal Cooperation Act Agreement for Wastewater Management by the LOTT Wastewater Alliance. The term also means a duly authorized representative of the Executive Director.

N. Existing Source. Any source of discharge subject to Categorical Standards that does not meet the definition of a "New Source" per Section 13.20.040(Y).

O. Exterior Grease Storage Area. Containers such as barrels, cans and drums of new or used fats, oils and/or greases (FOG) that are stored outside of food establishments, or businesses preparing food that store such containers. These grease storage containers and their lids shall be sealed and secured within a secondary containment area (see Section 13.20.120 below) with a minimum storage capacity equal to the volume of the

storage container(s), and so they cannot be unintentionally tipped over or spilled. The secondary containment area shall also be designed to prevent rainfall entering and thus reducing the capacity of the containment area.

ØP. Grab Sample. A sample which is taken from a wastestream without regard to the flow in the wastestream and over a period of time not to exceed fifteen (15) minutes.

PQ. Indirect Discharge or Discharge. The introduction of pollutants into the POTW from any non-domestic source regulated under 307(b), (c), or (d) of the Act.

QR. Instantaneous Maximum Discharge Limit or Instantaneous Limit. The maximum concentration of a pollutant allowed to be discharged at any time, determined from the analysis of a discrete sample. Where a User is required to take a grab sample for purposes of determining compliance with Local Limits, this standard is the same as the Daily Maximum standard. For pollutants for which Users are required to take composite samples, (or for metals if no permit has been issued) the Instantaneous Limit shall be twice the Daily Limit.

RS. Interference. A discharge which causes (either by itself or in combination with other discharges) a violation of LOTT's NPDES permit or prevents the intended sewage sludge use or disposal by inhibiting or disrupting the POTW, including its collection systems, pump stations, and wastewater and sludge treatment processes. For example, a discharge from a User which causes a blockage resulting in a discharge at a point not authorized under LOTT's NPDES permit.

SI. Local Limits. Effluent limitation developed for Users by the Executive Director to specifically protect the POTW from the potential of Pass Through, Interference, vapor toxicity, explosions, sewer corrosion, and intended biosolids uses. Such limits shall be based on the POTW's site-specific flow and loading capacities, receiving water considerations, and reasonable treatment expectations for non-domestic wastewater. See Section 13.20.080 for a full list of Local Limits.

ÏU. LOTT Alliance or LOTT. A State of Washington nonprofit corporation created by Interlocal Agreement that operates as a public agency under State of Washington law, providing wastewater management and reclaimed water production services for the urbanized area of north Thurston County, Washington.

ÛV. Minor Industrial User or MIU. Any Industrial User which does not otherwise qualify as a Significant Industrial User of the POTW, identified by the Executive Director as having the potential to spill or discharge chemicals or slugs of wastewater to the POTW, or the potential to discharge a waste stream that, when taken into account with the waste streams of other industrial Users, may have a significant impact on the POTW.

¼W. Medical Waste. Isolation wastes, infectious agents, human blood and blood products, pathological wastes, sharps, body parts, contaminated bedding, surgical wastes, potentially contaminated laboratory wastes, and dialysis wastes.

~~WX~~. Monthly Average. The arithmetic mean of the effluent samples collected during a calendar month or specified 30-day period. Where the Control Authority has taken a sample during the period, it must be included in the monthly average if provided in time. However, where composite samples are required, grab samples taken for process control or by the Control Authority are not to be included in a monthly average.

~~XY~~. Monthly Average Limit. The limit to be applied to the Monthly Average to determine compliance with the requirements of this Ordinance (see Section 13.20.080 for listing).

~~YZ~~. New Source.

1. Any building, structure, facility, or installation from which there is (or may be) a discharge of pollutants, the construction of which commenced after the publication of proposed pretreatment standards under Section 307(c) of the Act which will be applicable to such source if such standards are thereafter promulgated in accordance with that Section, provided that:

a. The building, structure, facility, or installation is constructed at a site at which no other source is located; or

b. The building, structure, facility, or installation totally replaces the process or production equipment that causes the discharge of pollutants at an existing source; or

c. The production or wastewater generating processes of the building, structure, facility, or installation are substantially independent of an existing source at the same site. In determining whether these are substantially independent, factors such as the extent to which the new facility is integrated with the existing plant, and the extent to which the new facility is engaged in the same general type of activity as the existing source, should be considered.

2. Construction on a site at which an existing source is located results in a modification rather than a new source if the construction does not create a new building, structure, facility, or installation meeting the criteria of (b) or (c) above but otherwise alters, replaces, or adds to existing process or production equipment.

3. Construction of a new source as defined under this paragraph has commenced if the owner or operator has:

a. Begun, or caused to begin, as part of a continuous onsite construction program,

(i) any placement, assembly, or installation of facilities or equipment; or

(ii) significant site preparation work including clearing, excavation, or removal of existing buildings, structures, or facilities that is necessary for the placement, assembly, or installation of new source facilities or equipment; or

b. Entered into a binding contractual obligation for the purchase of facilities or equipment which are intended to be used in its operation within a reasonable time. Options to purchase or contracts which can be terminated or modified without substantial loss, and contracts for feasibility, engineering, and design studies do not constitute a contractual obligation under this paragraph.

ZAA. Non-contact Cooling Water. Water used for cooling which does not come into direct contact with any raw material, intermediate product, waste product, or finished product.

AABB. Pass Through. A discharge which exits the POTW into waters of the United States in quantities or concentrations which, alone or in conjunction with a discharge or discharges from other sources, is a cause of a violation of any requirement of LOTT's NPDES permit, including an increase in the magnitude or duration of a violation.

BBCC. Person. Any individual, partnership, co-partnership, firm, company, corporation, association, joint stock company, trust, estate, governmental entity, or any other legal entity; or their legal representatives, agents, or assigns. This definition includes all Federal, State, and local governmental entities.

CCDD. pH. A measure of the acidity or alkalinity of a solution, expressed in standard units.

DD EE. Pollutant. Dredged spoil, solid waste, incinerator residue, filter backwash, sewage, garbage, sewage sludge, munitions, medical wastes, chemical wastes, biological materials, radioactive materials, heat, wrecked or discarded equipment, rock, sand, cellar dirt, municipal, agricultural and industrial wastes, and certain characteristics of wastewater (e.g., pH, temperature, TSS, turbidity, color, BOD, Carbonaceous Oxygen Demand, toxicity, or odor).

EEFF. Pretreatment. The reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in wastewater prior to, or in lieu of, introducing such pollutants into the POTW. This reduction or alteration can be obtained by physical, chemical, or biological processes; by process changes; or by other means, except by diluting the concentration of the pollutants unless allowed by an applicable pretreatment standard.

FFGG. Pretreatment Requirements. Any substantive or procedural requirement related to pretreatment imposed on a User, other than a pretreatment standard.

GGHH. Pretreatment Standards or Standards. Pretreatment standards shall mean discharge prohibitions (Section 13.20.050), categorical pretreatment standards (Section 13.20.060), state pretreatment standards (Section 13.20.070) and local limits (Section 13.20.080)

HHII. Publicly Owned Treatment Works or POTW. A treatment works, as defined by Section 212 of the Act (33 U.S.C. Section 1292), which is owned by LOTT and/or the [City or County] and more fully described in the

"Interlocal Cooperation Act Agreement for Wastewater Management by the LOTT Wastewater Alliance by and among City of Lacey, City of Olympia, City of Tumwater, and Thurston County, dated November 5, 1999." This definition includes any devices or systems used in the collection, storage, treatment, recycling, and reclamation of sewage or industrial wastes of a liquid nature and any conveyances, including sanitary sewer and storm sewer collection systems, which convey wastewater to a treatment plant.

HHJ. Septic Tank Waste. Sewage and typically associated solids from domestic activities pumped from a septic tank serving one or more private residences. The Executive Director may also consider wastes from other holding tanks such as boat blackwater, bilge water, cesspools, and treatment lagoons to be Septic Tank Waste so long as they are absent chemicals which might inhibit biological activity.

JKK. Sewage. Human excrement and gray water (from household showers, toilets, kitchens, clothes and dish washing, and related domestic activities).

KKL. Significant Industrial User or SIU. Except as provided in paragraphs (3) and (4) of this Section, a Significant Industrial User is:

1. A User subject to categorical pretreatment standards; or
2. A User that:
 - a. Discharges an average of twenty-five thousand (25,000) gpd or more of process wastewater to the POTW (excluding sanitary, noncontact cooling, and boiler blowdown wastewater); or
 - b. Contributes a process wastestream that makes up five (5) percent or more of the average dry weather hydraulic or organic capacity of the POTW treatment plant; or
 - c. Is designated as such by the City on the basis that it has a reasonable potential for adversely affecting the POTW's operation or for violating any pretreatment standard or requirement.
3. The Executive Director may determine that a User subject to categorical pretreatment standards is a Non-Significant Categorical Industrial User rather than a Significant Industrial User on a finding that the User never discharges more than one-hundred (100) gpd of total categorical wastewater (excluding sanitary, non-contact cooling and boiler blowdown wastewater, unless specifically included in the Pretreatment Standard) and the following conditions are met:
 - a. the User, prior to Executive Director's finding, has consistently complied with all applicable categorical Pretreatment Standards and Requirements;

b. the User annually submits the certification statement required in Section 13.20.430(B) and 40 CFR Part 403.12(q), together with any additional information necessary to support the certification statement; and

c. the User never discharges any untreated concentrated wastewater.

4. Upon a finding that a User meeting the criteria in Section 13.20.040(KK)(2) has no reasonable potential for adversely affecting the POTW's operation or for violating any pretreatment standard or requirement, the Executive Director may at any time, on its own initiative or in response to a petition received from a User, and in accordance with procedures in 40 CFR Part 403.8(f) (6), determine that such User should not be considered a Significant Industrial User.

~~LLMM~~. Slug Load or Slug Discharge. Any Discharge of a non-routine, episodic nature, including but not limited to an accidental spill or a non-customary batch Discharge, which has a reasonable potential to cause Interference or Pass Through, or in any other way violate the POTW's regulations, local limits or Permit conditions. This includes discharges at a flow rate or concentration which could cause a violation of the prohibited discharge standards of Section 13.20.050 of this Ordinance.

~~MMNN~~. Storm Water. Any flow occurring during or following any form of natural precipitation, and resulting from such precipitation, including snowmelt.

~~NNOO~~. Total Suspended Solids. The total suspended matter that floats on the surface of, or is suspended in, water, wastewater, or other liquid, and which is removable by laboratory filtering.

~~OOPP~~. User or Industrial User. Any Person with a source of discharge which does not qualify that person as a Domestic User who discharges an effluent into the POTW by means of pipes, conduits, pumping stations, force mains, tank trucks, constructed drainage ditches, intercepting ditches, and all constructed devices and appliances appurtenant thereto.

~~PPQQ~~. Wastewater. Liquid and water-carried industrial wastes and sewage from residential dwellings, commercial buildings, industrial and manufacturing facilities, and institutions, whether treated or untreated, which are contributed to the POTW.

~~QQRR~~. Wastewater Treatment Plant or Treatment Plant. That portion of the POTW which is designed to provide treatment of municipal sewage and industrial waste.

Section 6. Amendment of OMC 13.20.120. Olympia Municipal Code 13.20.120 is hereby amended to read as follows:

13.20.120 Additional Pretreatment Measures

A. The Executive Director may immediately and effectively halt or prevent any discharge of pollutants to the POTW which reasonably appear to present an imminent endangerment to the health or welfare of persons. In

such cases, the Executive Director will provide the User advance notice if possible, but shall not delay a response to imminent endangerment.

B. The Executive Director may halt or prevent any discharge to the POTW which presents or may present an endangerment to the environment or which threatens to interfere with the operation of the POTW (including the collection system and pump stations). In such cases, the Executive Director shall attempt to provide not only notice to the affected User(s), but the opportunity to respond.

C. Any User causing the Executive Director to exercise the emergency authorities provided for under Sections 13.20.120(A) and (B) shall be responsible for reimbursement of all related costs to the Executive Director and the City.

D. The Executive Director may require Users to reduce or curtail certain discharges to the sewer, designate that certain wastewater be discharged only into specific sewers, relocate and/or consolidate points of discharge, separate sewage wastestreams from industrial wastestreams, and take all other measures to protect the POTW and determine the User's compliance with the requirements of this Ordinance.

E. The Executive Director and the City, based on the determination that such devices are necessary for implementation of pretreatment requirements, may require any User to install and maintain, on their property and at their expense the following devices:

1. A sample taking facility accessible to the Executive Director
2. A suitable storage and/or flow equalization tank
3. Grease, oil, and/or grit interceptors
4. An approved combustible gas detection meter

5. A secondary containment area for the exterior storage of containers of fats, oils and grease. The secondary containment area shall have a minimum storage capacity equal to the volume of the storage container(s), and be designed to prevent rainfall entering and thus reducing the capacity of the containment area. Containers in these areas shall be stored such that they cannot be unintentionally tipped over or spilled.

F. Users installing any of the above devices shall ensure they are of the type and capacity approved by the City, meet applicable building and plumbing codes, and conform to any separate requirements established by the City and the Executive Director. Users shall locate units in areas easily accessible for cleaning and inspection by representatives of the City or Executive Director. Users shall be responsible for all periodic inspection, cleaning, and repair of such devices.

Section 7. Amendment of OMC 15.20.060. Olympia Municipal Code 15.20.060 is hereby amended to read as follows:

15.20.060 Exemptions from the concurrency test

A. Exemption from the concurrency test is not an exemption from the remaining requirements of OMC Title 15. The following applications for a building permit shall be exempt from the concurrency test:

1. Any proposed development that creates no additional impacts on any transportation facility;
2. Any project that is a component of another proposed development and that was included in a prior application for a finding of concurrency;
3. Any renewal of a previously issued but unexpired permit;
4. Any application for a residential building permit if the dwelling unit is a part of a subdivision or short plat that submitted an application after 1990 and that has undergone the analysis mandated by the State Subdivision Act, RCW 58.17.060 or .110 and
5. Any application that is exempt from OMC Title 14.

B. Unless otherwise exempted by the Director or Environmental Review Officer, A building permit application must be accompanied by a Traffic Impact Analysis (TIA) provided by the applicant in accordance with the City of Olympia Traffic Impact Analysis Guidelines for New Development dated November 3, 2006 (TIA Guidelines) in Chapter 4 of the current Engineering Design and Development Standards, or as hereafter amended by resolution of the City Council. Applications that do not meet the minimum requirements to conduct a TIA under Section B 'When Required' of the TIA Guidelines are exempt.

Section 8. Amendment of OMC 17.52.020. Olympia Municipal Code 17.52.020 is hereby amended to read as follows:

17.52.020 Applicability

A variance to any requirements of Chapter 17.48 may be requested. Variances to other provisions of this title may not be applied for or granted; provided, that the ~~director of the public works department~~ city engineer may approve a deviation from the requirements of Sections 17.16.030, 17.24.020, 17.32.100, 17.32.150, 17.36.070 and 17.36.120 without a variance, if said deviation is justified on the basis of topography or other special or unique conditions attending the development site, consistent with Chapter 1 of the Engineering Design and Development Standards.

Section 9. Amendment of OMC 18.75.020. Olympia Municipal Code 18.75.020 is hereby amended to read as follows:

18.75.020 Specific appeal procedures

A. Administrative Decision. Administrative decisions regarding the approval or denial of the following applications or determinations/interpretations may be appealed to the Hearing Examiner within fourteen (14) days, or twenty-one (21) days if issued with a SEPA threshold determination including a comment period, of the final staff decision using procedures outlined below and in OMC Chapter 18.82, Hearing Examiner (Refer to 18.72.080 for other appeal authorities).

1. All Administrative Interpretations/Determinations
2. Boundary Line Adjustments
3. Home Occupation Permits
4. Preliminary Short Plats
5. Preliminary SEPA Threshold Determination (EIS required)
6. Shoreline Exemptions and staff-level substantial development permits
7. Sign Permits
8. Variances, Administrative
9. Building permits
10. Engineering permits
11. Application or interpretations of the Building Code
12. Application or interpretations of the Housing Code
13. Application or interpretations of the Uniform Fire Code
14. Application or interpretations of the Uniform Code for the Abatement of Dangerous Buildings
15. Application and interpretations of the Uniform Code for Building Conservation
16. Land Use (Director) decisions

17. Administrative decisions on impact fees
18. A recommendation to Thurston County to deny a permit to repair or replace existing, failing on-site septic systems that meet the criteria set forth in OMC 13.08.020(2), as required by RCW 35.21.940
19. Appeals of Drainage Manual Administrator decisions
20. Appeals of the requirements of the Engineering Design and Development Standards, including appeals to deviation request decisions made under Chapter 1 of such Standards.

B. SEPA.

1. The City establishes the following administrative appeal procedures under RCW 43.21C.075 and WAC 197-11-680:

a. Any agency or person may appeal the City's conditioning, lack of conditioning or denial of an action pursuant to WAC Chapter 197-11. All such appeals shall be made to the Hearing Examiner and must be filed within seven (7) days after the comment period before the threshold decision has expired. This appeal and any other appeal of a land use action shall be considered together.

b. The following threshold decisions or actions are subject to timely appeal.

i. Determination of Significance. Appeal of a determination of significance (DS) or a claim of error for failure to issue a DS may only be appealed to the Hearing Examiner within that fourteen (14) day period immediately following issuance of such initial determination.

ii. Determination of Nonsignificance or Mitigated Determination of Nonsignificance. Conditions of approval and the lack of specific conditions may be appealed to the Hearing Examiner within seven (7) calendar days after the SEPA comment period expires.

iii. Environmental Impact Statement. A challenge to a determination of adequacy of a Final EIS may be heard by the Hearing Examiner in conjunction with any appeal or hearing regarding the associated project permit. Where no hearing is associated with the proposed action, an appeal of the determination of adequacy must be filed within fourteen (14) days after the thirty (30) day comment period has expired.

iv. Denial of a proposal. Any denial of a project or non-project action using SEPA policies and rules may be appealed to the Hearing Examiner within seven (7) days following the final administrative decision.

c. For any appeal under this subsection the City shall keep a record of the appeal proceedings, which shall consist of the following:

- i. Findings and conclusions; and
- ii. Testimony under oath; and
- iii. A taped or written transcript.

d. Any procedural determination by the City's responsible official shall carry substantial weight in any appeal proceeding.

2. The City shall give official notice under WAC 197-11-680(5) whenever it issues a permit or approval for which a statute or ordinance establishes a time limit for commencing judicial appeal. See Chapter 18.78, Public Notification.

C. Land Use Approval.

1. The Director's decisions may be appealed to the Hearing Examiner by any aggrieved or affected parties. All appeals shall be filed in writing with the Department within fourteen (14) days of the date of the decision being appealed. Where combined with an environmental threshold determination, such appeal period shall be extended to twenty-one (21) days.

2. The Department shall send written notification of receipt of the appeal to the applicant and to all appropriate city departments prior to the date the Hearing Examiner will consider the matter.

3. Any action taken by the Hearing Examiner which upholds, modifies or reverses a decision by the Director shall be final.

D. Building and Fire Permits Appeals. For building or fire code appeals, the Hearing Examiner is authorized to appoint a master, an individual with appropriate professional experience and technical expertise, to hear such appeals and to prepare findings and conclusions for issuance by the Hearing Examiner.

E. Takings and Substantive Due Process Review and Modifications.

1. The Hearing Examiner is hereby authorized to hear, by way of appeal or upon review of a project permit application, all assertions of project-specific taking of property for public use without just compensation and/or the denial of substantive due process of law, and all challenges to imposition of conditions on a project of a similar nature such as any assertion that an open space dedication is not reasonably necessary as a direct result of a proposed development whether based on constitutional, statutory or common law. Failure to raise a specific challenge to such condition or exaction shall constitute a waiver of such issue and a failure to exhaust an administrative remedy.

2. In deciding and resolving any such issue, the Examiner may consider all law applicable to the City. Should the Examiner determine that, but for a taking without just compensation or a violation of

substantive due process of law, imposition of any such condition would be required by standard, regulation, or ordinance the Examiner shall so state in the decision and so report to the Olympia City Council. In lieu of failing to impose such condition, the Examiner shall first provide the City with due opportunity to provide just compensation. The Examiner shall specify a time period in which the Council shall elect to or not to provide just compensation. Upon notice of the election of the City Council not to provide such compensation, the Examiner is authorized to and shall, within fourteen (14) days, issue a decision modifying to whatever degree necessary such condition to eliminate the taking or violation of substantive due process.

Section 10. Amendment of OMC 18.82.120. Olympia Municipal Code 18.82.120 is hereby amended to read as follows:

18.82.120 Authority

The following cases shall be within the jurisdiction of the Hearing Examiner under the terms and procedures of this Chapter.

- A. Short plat modification, variance requests or appeals.
- B. Shoreline development permits and permit rescissions.
- C. Shoreline development variances.
- D. Preliminary plat applications.
- E. Preliminary plat approval extension requests.
- F. Rezone and Master Planned Development applications.
- G. Preliminary plat modification requests.
- H. Planned residential developments.
- I. Conditional use permits.
- J. Zoning variances.
- K. Appeals of zoning interpretations.
- L. Administrative appeals.
- M. Public Works—Development Standards variances. Appeals of the requirements of the Engineering Design and Development Standards, including deviation request decisions made under Chapter 1 of such Standards

- N. Applications for density bonuses.
- O. Removal of density bonus conditions.
- P. Critical area reasonable use exception.
- Q. Site plan and home occupation application referred by staff.
- R. Preliminary short plat or binding site plan applications referred by staff.
- S. Concept design review.
- T. Detailed design review.
- U. Building and grading permits.
- V. Engineering and other construction permits.
- W. Permits and other matters associated with and consolidated with applications for the above project approvals.
- X. Appeals of Community Planning and Development Director's denial or cancellation of a multi-family housing final certificate of tax exemption.
- Y. Subdivision improvement deferral agreement.
- Z. County homeless encampments.

AA. Appeals of Drainage Manual Administrator decisions.

Section 11. Corrections. The City Clerk and codifiers of this Ordinance are authorized to make necessary corrections to this Ordinance, including the correction of scrivener/clerical errors, references, ordinance numbering, section/subsection numbers and any references thereto.

Section 12. Severability. If any provision of this Ordinance or its application to any person or circumstance is held invalid, the remainder of the Ordinance or application of the provisions to other persons or circumstances shall remain unaffected.

Section 13. Ratification. Any act consistent with the authority and prior to the effective date of this Ordinance is hereby ratified and affirmed.

Section 14. Effective Date. This Ordinance shall take effect five (5) days after publication, as provided by law.

MAYOR

ATTEST:

CITY CLERK

APPROVED AS TO FORM:

Darren Niehaber

DEPUTY CITY ATTORNEY

PASSED:

APPROVED:

PUBLISHED: